A DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES.

EDITED BY WILLIAM SMITH, Ph.D.

AND ILLUSTRATED BY NUMEROUS ENGRAVINGS ON WOOD.


AND

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

BY

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NEW YORK:

HARPER & BROTHERS, PUBLISHERS,

FRANKLIN SQUARE.

1884.
Entered, according to Act of Congress, in the year one thousand eight hundred and forty-three, by
CHARLES ANTHON.
in the Clerk's Office of the District Court of the Southern District of New York.
WILLIAM B. ASTOR, ESQ.,

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

This Work is Inscribed,

BY

HIS FRIEND AND WELL-WISHER,

C. A
PREFACE
TO THE AMERICAN EDITION

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

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

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

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

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

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

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

TO THE LONDON EDITION.

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

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

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

It was supposed that this work might fall into the hands of two different classes of readers, and it was therefore considered proper to provide for the probable wants of each, as far as was possible. It has been intended not only for schools, but also for the use of students at universities, and of other persons, who may wish to obtain more extensive information on the subject than an elementary work can supply. Accordingly, numerous references have been given, not only to the classical authors but also to the best modern writers, which will point out the sources of information on each subject, and enable the reader to extend his inquiries farther if he wishes.
At the same time, it must be observed, that it has been impossible to give at the end of each article the whole of the literature which belongs to it. Such a list of works as a full account of the literature would require would have swelled the work much beyond the limits of a single volume, and it has therefore only been possible to refer to the principal modern authorities. This has been more particularly the case with such articles as treat of the Roman constitution and law, on which the modern writers are almost innumerable.

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

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

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

The subjects of the woodcuts have been chosen by the writers of the articles which they illustrate, and the drawings have been made under their superintendence. Many of these have been taken from originals in the British Museum, and others from the different works which contain representations of works of ancient art, as the Museo Borbonico, Museo Capitolino, Millin’s Peintures de Vases Antiques, Tischbein’s and D’Hancarville’s engravings from Sir William Hamilton’s Vases, and other similar works. Hitherto little use has been made in this country of existing works of art for the purpose of illustrating antiquity. In many cases, however, the representation of an object gives a far better idea of the purposes for which it was intended and
the way in which it was used, than any explanation in words only can convey. Besides which, some acquaintance with the remains of ancient art is almost essential to a proper perception of the spirit of antiquity, and would tend to refine and elevate the taste, and lead to a just appreciation of works of art in general.

Considerable care has been taken in drawing up the list of articles, but it is feared that there may still be a few omissions. Some subjects, however, which do not occur in the alphabetical list, are treated of in other articles; and it will be found by reference to the Index, that many subjects are not omitted which appear to be so.

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

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

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

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

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

WILLIAM SMITH.

London, 1842
ABACUS.

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

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

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

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

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

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

III. ABACUS was also employed in architecture to denote a panel, coffer, or square compartment in the wall or ceiling of a chamber. As panels are intended for variety and ornament, they were enriched with painting.

Pliny, in describing the progress of luxury with respect to the decoration of apartments, says that the Romans were now no longer satisfied with panels, and were beginning even to paint upon marble.

IV. Abacos or abaculi were sometimes represented as a wooden tray, i.e., a square board surrounded by a raised border. This may have been the article intended by Cato, when, in his enumeration of the things necessary in furnishing a farm (cultetum), he mentions "one abacus."

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

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

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

It appears that the same purpose was answered by having a similar tray with perpendicular wood-

divisions, the space on the right hand being intended for units, the next space for tens, the next for hundreds, and so on. Thus was constructed "the abacus on which they calculate,"* i.e., reckon by the use of stones." The figure following is designed to represent the probable form and appearance of such an abacus.

The reader will observe, that stone after stone might be put into the right-hand partition until they amounted to 10, when it would be necessary to take them all out as represented in the figure, and instead of them to put one stone into the next partition. The stones in this division might in like manner amount to 10, thus representing 10×10=100, when it would be necessary to take out the 10, and instead of them to put one stone into the third partition, and so on. On this principle, the stones in the abacus, as delineated in the figure, would be equivalent to 359,910.

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

That the spaces of the abacus actually denoted different values, may be inferred from the following comparison in Polybius: 1 All men are subject to be elevated and again depressed by the most fleeting events; but this is particularly the case with those who frequent the palaces of kings. They are like the stones upon abacii(2) which, according to the pleasure of the calculator, are at one time the value of a small copper coin, and immediately afterward are worth a talent of gold. Thus courtiers at the monarch's nod may suddenly become either happy or miserable.

VII. By another variation the abacus was adapted for playing with dice or counters. The Greeks and a tradition ascribing this contrivance to Palamedes; hence they called it "the abacus of Palamides. 14 It probably bore a considerable resemblance to the modern backgammon-board, dice being thrown for the moves, and the "men" placed according to the numbers thrown on the successive lines or spaces of the board.

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

"Non per multiplices abaco splendenter cavernas
Argenti nigri polula defodiam." 15

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

We are informed that luxuries of this description were first introduced at Rome from Asia Minor after the victories of Cn. Manlius Vulso, A.U.C. 557.

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

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

"Lector erat Proco Praetoria minor, uriscoe sic
Ornamentum abaci, noemn et parvulus infra
Careherus," 16

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

IX. Lastly, a part of the theatre was called abacii. 17 It seems to have been on or near the stage; farther than this its position cannot be at present determined. We may, however, infer that the general idea, characteristic of abaci in every other sense, viz., that of a square tablet, was applicable in this case also.

ABALIENA'TIO. (Vid. Mancipium; Mancipia; Patentia.)

ABDICAT'IIO. (Vid. Magistratus, Aposcrys-

*ABIES, the "Fir," a genus of trees of the coniferous tribe, well known for the valuable timber which is produced by many of the species. The origin of the Latin name is unknown; that of the English appellation is the Saxan fur-komb, "firwood."
The Abies Picea, or "Silver Fir," is the kind styled by Virgil pulcherrima ("most beautiful"), and richly merits the name. Antiquarians have lost themselves in vain attempts to reconcile the declaration of Caesar (6, 12), that he found in Britain all the trees of the genus, with the well-known fact that fir-wood is abundant in the ancient English mosaics, and has been met with even beneath the foundations of Roman roads. What Caesar meant was, no doubt, that he did not meet with the silver fir in Britain; of the pine he says nothing, and therefore it is to be presumed that he found it. The common Elytra of the Greeks must have been either the Pinus abies or the Pinus Orientalis (Tournafort). There is some difficulty in distinguishing the male and female species of Theophrastus. Stockhouse holds the former to be the Pinos abies, or common "Fir-tree," and the latter to be the Pinos sylvestris ("Spruce").

*ABIGA, the herb "ground-pine," called also "St. John's wort." The Latin name is derived from this plant's having been used to produce abortion. 8 The Abiga is the same with the Chamaepitys (Xaumari-

The three species of the latter described by Dioscorides have been the subject of much diversity of opinion. The 1st would seem to have been the Agiela Chamaepitys; the 2d the Agiela teae (according to Bauhin and Sprengel); while the 3d, according to the latter, is either the Teuvium supinum or monilatum. 6 These plants, rich in essential oil, are tonic and aromatic. All that we find in Dioscorides and in Pliny (who copies him), which does not refer to these properties, is merely hypothetical, and does not merit reflection.

ABLE'C'TI. (Vid. Extraordinarii.)

ABLEGMINA. (abalgynon) were the parts of the victim which were offered to the gods in sacrifice. The word is derived from allegere, in imitati-
the Greek ἀκάλυτος, which is used in a similar manner. These parts were also called Porritia, Prospigina, Proscole. (Vid. SACCARIS.)

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

ACANTHA.

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ACANTHA.

The word was in use before the Augustan age; for it occurs in a passage cited by Nonius Marcel-"lus from one of the sates of Varro. Nonius Mar-"cellus quotes the passage to show that this garment was worn by soldiers (vestis militaris), and thus op-"posed to the toga. There can be no doubt that it was more especially the dress of soldiers, because the toga, which was used instead of it in the time of peace, though of a similar form and application, was much too large, and wrapped in too many folds about the body to be convenient in time of war. But it is also clear, from many passages in ancient authors, that the abolla was by no means confined in its use to military occasions.1

Juvenal, speaking of a person who heard unexpectedly that it was necessary for him to attend upon the emperor, says, "He took up his cloak in a great hurry."2 This action suited the use of a garment, made simply to be thrown over the shoulders and fastened with a fibula. The same poet calls a very cruel and base action facinus majoris abollis, literally "a crime of a larger cloak." The expression has been explained as meaning "a crime of a deeper dye," and "a crime committed by a philos-"opher of a graver character." Probably it meant a "crime so enormous as to require a larger cloak to hide it. This is supported by the authority of the ancient scholar on Juvenal, who explains majoris abollis as equivalent to majoris pallii. (Vid. Palli-

The Periplus of the Erythraean Sea mentions aboll-"ale among the articles imported into the kingdom of the Axumites in Abyssinia; and the expression μαριών ἀβολλαί, used by the writer, is an additional proof that the abolla was a kind of μαριών, i.e. a square or rectangular piece of woollen cloth, a cloak, or pall.

*ABRAMIS* (Ἀβραμίς), the name of a fish mentioned by Oppian2 and Athenœus. According to Coray, it is the Bream, namely, the *Cyprius Brama, L.* or *Abramis Vulgaris* (Cuvier)." Rondelet, however, with whom Geenier is disposed to concur, supposes it to be a species or variety of the *Ophius* (Thrisia).3

1. (Sueton., Calig., c. 35.—Martial, l. 133; iv., 48.)—2. "Reptis properabat abolla." (Iv., 75.)—3 (Hali., 344.)—4 (Vit. H. 2, b.)—5 (Adams, Append., s. v.)

ABROGATIO. (Vid. Lex.)

*ABROTONUM (ἀβροτώνος), a plant, of which two species are described by Dioscorides, the male and female forms of these, by the almost general agreement of the commentators and botanical authorities, is referred to the *Artemisia abrotanum, L.* or *Southernwood.* About the other species there is great diversity of opinion. Fuch-"sinus makes it the *Artemisia Pontica;* Dodonæus, the *A. abrotanum,* and Matthiolus, the *Alicia symphytum*; or common Lavender Cotton... Adams decides in favour of the last. Galen recognises the two species described by Dioscorides; but Nicander, Paulus Aegineta, and most of the other writers on the Materia Medica, notice only one species, which he calls *Abrotanum lyco-"roides.*

*ABSENTHIIUM (ἀβσενθίων), a plant, of which Dioscorides describes three species. The first of these is pretty generally acknowledged to be the *Artemisia absinthium,* or common wormwood; but Sprengel hesitates whether he should not also com-"prehend the *A. Pontica* under it, which latter, indeed, Baulin held to be the true Roman wormwood. The second species is the *Artemisia marinum.* The third is held by Sprengel to be the *A. palmaris,* L., which, it appears, is indigenous in Sontonge. The *A. santonicum,* L., being confined to Tartary and the northern parts of Persia, it is not likely that the ancients were acquainted with it.4

ABSOLUTIO. (Vid. JUDICIA.)

ABSTINENTI DI BENEFICIAM. (Vid. HERES.)

*ACA'CALIS, or ACA'LLIS (ἀκαλλικός, ἀκαλλίδος), a plant; according to Sprengel, the *Tamarix ornata,* called *Tamaria articulata* by Vahl.5

*ACA'RIA (ἀκρία), a plant, which, according to Sprengel, and most of the authorities, is the *Acacia Vera,* Wild.; but, according to Dierbach, it is the *Acacia Senegal.* Hill remarks, that the tree which produces the *sucus acacia* is the same as that which yields the gum arabic. The acacia gets the English name of the Egyptian thorn.6

AICA'EΝΙΑ (ἀκαίνια), a measure of length, equiv-"alent to ten Greek feet.

*ACALE'PHΕ (ἀκαλέφη, or κυλόδρο) I. A kind of shellfish, belonging to the genus *Urtica* ("Sea-net-"tle"), of which there are several species. Linnæus places the *Urtica* among Zeophyta, but it belongs more properly to the class *Mollusca.* Sprengel rec-"ognises, that the *Urtica marinum* of the ancients is the *Actinia semila*. Coray gives its French name as *Ortie de mer.* Pennant says, the ancients divided their *κυλόδρο* into two classes, those which adhere to rocks (the *Actinia of Linnæus*), and those that wan-"der through the waves (the *A. semila*). The latter are called by late writers *Urtica voule*; by Linnæus, *Medusa*; by the common people, "Sea jellies," or "Sea bluff-"ers."—II. A species of plant, the "nettle." Dios-"corides describes two species, which Sprengel holds to be the *Urtica dioica* ("great nettle") and the *Urtica marina.*

*ACANTH'A (ἀκανθά), the Thorn. Eight spe-"cies are described by Theophrastus, none of which are satisfactorily determined by Stockhouse and Schneider. There is great diversity of opinion respecting the two species described by Dioscorides. Sprengel, upon the whole, inclines to the opinion of Silloth, that the *Acaena leucop* is the *Corium Arvens, Corn,* and the *Acantha Arabia* the *Onopordum Arable.* Botanists even yet find great difficulty in distinguishing the different species and genera of Thorns and Thistles, and the nomen-"clature of this tribe of plants is very unsettled.7

*ACANTH'IAS GALEOS (ἀκανθίας γάλακτος, a 1. (Mat. Med., i., 56.)—2. (Adams, Append., s. v.)—3 (Adams, Append., s. v. abro.)—4. (Adams, Append., s. v. abrot.)—5 (Adams, Append., s. v. abrot.)—6. (Dioscor., iv., 72.—Adams, Append., s. v.)—7 (Hali., 11.)—10 (Adams, Append., s. v.)

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species of fish, the *Squalus Acantinus*, L., or *Squalus Acantinus* of later authors; in English, the "Finked Dog" or "Hound Fish." It is common on the shores of England and in the Mediterranean. Pennant also says that it swarms on the Scottish coast. It weighs about 30 lbs. This is the species of shark often taken between Edinburgh and Aberdeen.1

1. *Acantthus* (ωκάνθος), so called by Aristotle, is probably derived from the names of Aristocles, the *Acantophanes*, and the *Acanthophylla* of Hesychius. It is the Acanthus of Pliny and Virgil. Gesner, with great probability, refers it to the "Siskin," namely, *Fringilla spinus*, L., or *Carduelis spinus*, Cuvier. Professor Remey says it is called "Aberdevine" near London.2

2. *AcANTHUS* (ωκανθίς), I. the name by which the broad raffled leaf used in the enrichment of the Corinthian capital is known. It is thus called because of its general resemblance to the leaves of a species of the Acanthus plant. (Vid. Columna.)

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

3. *AcANTHyllIs* (ωκανθύλλις). As has been stated under Acanthis, the *ωκανθύλλις* of Hesychius is most probably the "Siskin;" but that of Aristotle is certainly different, being *Pisces varius* and a shrub.4

4. *Acapna LIGNA* (a priv., and κανβον), called also *coca*, were logs of wood dried with great care in order to prevent smoke. Pliny says that wood soaked with the lees of oil (amudra) burned without smoke.5

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

6. *Acation* (ωκανθών, a diminutive of *ωκάνθος*, a small vessel), a small vessel or boat, which appears to have been the same as the Roman *scapha*; since *Acation* is the name of the small vessel sent from Alexandria, says that he jumped into the *scapha*, which Plutarch, in narrating the same events, calls an *ακανθίον*. Thucydides speaks of *ακάνθιον άμφόσιον*, which is explained by the scholiast, Πολύαιμον [καταφέρων ερωσίριου, εν θάλασσώ τού ηλεκτρυν των κυκλιαρ περιττά.7

7. The *Ακάνθια* were also sails, which, according to the description of Phoien, were adapted for fast sailing. They are opposed by him to the μεγάλα λίθα.8

ACERRA.

The acerra was also, according to Festus, a small alabaster placed before the dead, on which perfumes were burned. 

ACETABERUM.

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

As the vinegar-cup was always small, and probably varied little in size, it came to be used as a measure. Thus we read of an acetabulum of honey or of salt, which is agreeable to our practice of measuring by teacups, wine-glasses, or table-spoons. We are informed that, as a measure, the διψαμαν, or acetabulum, was a cyathus and a half, or the fourth part of a κολίνα, or hemina. The use of these cups by jugglers is distinctly mentioned. They put stones or other objects under certain cups, and then by sleight of hand abstracted them without being observed, so that the spectators, to their great amusement and surprise, found the stones under different cups from those which they expected. Those persons, who were called in Latin acetabulares, because they played with acetabulae, were in Greek called ψευδομαστοί, because they played with stones (ζηνίδοι); and under this name the same description of performers is mentioned by Sextus Empiricus.

In the Epistles of Aleiphon, a countryman who had brought to the city an ass laden with figs, and had been taken to the theatre, describes his speechless astonishment at the following spectacle: "A man came into the midst of us and set down a three-legged table (τρίποδος). He placed upon it three cups, and under these he concealed some
floor spar, containing, as it sometimes does, disseminated particles of iron pyrites. The agate was said to be called in Greek αξιωτικός.  

*AHERDUS (Αθερόδος), the wild pea-tree, also a kind of thorn of which heiles wined crawl. Sprengel suggests that it is the Cretan Aetheuros.*  

*AHERUSIS (Αθεροσία), the milk vetch.*  

*AHERUSIS (Αθεροσία), according to Hesychius, is the Cicer; but this is clearly either a mistake or an error of the text, as there can be no doubt that it is merely an ekphon applied to the larger species of Cicera, as signifying "vocal."* (Vid. Cicada.)  

*ACHILLES (Αχιλλης), a plant, failed to have been discovered by the Hilles, and with which the flowers of the genus of Telepus.* The commentators on Pliny make it merely the *Sideritis heraclea.* It is difficult, however, to decide the question from the text of the Roman writer merely. On recurring to that of Dioscorides, we may, perhaps, conclude as follows: the Achilleos with the golden flower is the *Pulmonaria tormentosa seu Albotramosella;* the kind with the purple flower is the *A. tanacetifolia;* and the one with white flowers, the *A. nobilis seu magnus.*  

*ACIES (Vid. Army).*  

*ACOLIA LEX. (Vid. REPETUNDE).*  

*ACOLIA CALPURNIA LEX. (Vid. Ambros.)*  

*ACINACES (άχινας), a poniard.* This word, as well as the weapon which it denotes, is Persian. Herodotus says* that when Xerxes was preparing to cross the Hellespont with his army, he threw it into, together with some other things, "a Persian sword, which they call an acines." As the root αχινος, denoting sharpness, an edge or a point, is common to the Persian, together with the Greek and Latin, and the rest of the Indo-European languages, we may ascribe to this word the same general origin with *αχινος, αχινος, acou, acis,* and many other Greek and Latin words allied to these in signification. Horace* calls the weapon in which the Medes to allure to the wars of Augustus and the Romans against Parthia.  

Acinaces is usually translated *a cimeter, a falchion,* a *sabre,* and is supposed to have been curved; but this assumption is unsupported by any evidence. It appears that the acinaces was short and straight. Justin* tells us that the Persian daggers were called *acinaces;* and of which the Romans call *dagger,* and from which well-known murderers are called *sercati.* *The curvature of the daggers here described was probably intended to allow them to fit closer to the body, and thus to be concealed with greater ease under the garments. Thus we see that the Persian acinaces differed from the Roman *sica* in this, that the former was straight, the latter curved.*  

Another peculiarity of the acinaces was, that it was made to be worn on the right side of the body, whereas the Greeks and Romans usually had their swords suspended on the left side. Hence Valerius Flaccus speaks of Myraces, a Parthian, as *In dignis mancipi, insignis acinace dexter.*  

*The same fact is illustrated by the account given by Ammianus Marcellinus of the death of Cambyses, king of Persia, which was occasioned by an accidental wound from his own acinaces: *Si ommet psogme, quem ope...* 

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ACIPENSER. *Acorus* (De Pliny, 294.)—Leoch., is also called *çokkakos* by Durio in Athenaeus. ACLIS; a kind of dart.

Virgil attributes this weapon to the Osci, one of the ancient nations of Italy: *Verses simi alicies illis terrae sed hic lento mortis agrella.*

From this account it appears that the peculiarity of the acis consisted in having a leathern thong attached to it; and the design of this contrivance probably was, that, after it had been thrown at a distance, it might be drawn back again. The acis was certainly not a Roman weapon. It is described in as many different ways by ancient writers, and distinguishing them from Greeks and Romans.

ACNA, AC'NUA. (Vid. *Acorus*.)

A golden acinis was frequently worn by the Persian nobility. It was also often given to individuals by the kings of Persia as a mark of honour. After the defeat of the Persian army at the battle of Plataea, the Greeks found golden poniards on the bodies of the slain. That of Mardomus, the Persian general, was long kept as a trophy in the temple of Athena Parthenos, on the acropolis of Athens.

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

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

*ACIPENSER* (Αχίπενσερ), the Sturgeon, or *Acipepsus Sturio*. L. Ludovicus Nonnus holds, that the Sturis of Acipepsus is the sturgeon, but this opinion is very questionable. The *Deo* and the

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on the summit of a pediment. According to some writers, the word only means a piece of which the ornaments are placed. 11. It signifies also the wine-cap, or βατραχον of a ship, which were usually taken from a conquered vessel as a mark of victory. 11. It was also applied to the extremities of a statue, wings, feet, hands, &c. 12. 

ACROTHION (ἀκρόθιον), generally used in the plural, means properly the top of the heap (ἀκρος ὁ πῖς), and is thence applied to those parts of the ships of the same sort in war, which were offered to the gods. In the Phoenissae of Euripides, the chorus call themselves βατραχον ἀκρόθιον.

ACTA DIURNIA (proceedings of the day) was a kind of gazette published daily at Rome under the authority of the government. It contained an account of the proceedings of the public assembly, of the punishment of offenders, and a list of births, marriages, deaths, &c. The proceedings of the senate and the law courts were obtained by means of reporters (actuarii). The proceedings of the senate (acta senatus) were not published till the time of Julius Caesar, and this custom was continued by Augustus. An account of the proceedings of the senate was still preserved, though not published, and some senator seems to have been chosen by the emperor to compile the account. 11. The acta diurna were also called acta populi, acta publica, acta urbana, and usually by the simple name of acta. These acta were frequently quoted to later authors and are enumerated in the Acta Senatus.

ACTIA (άκτια) was a festival celebrated every three years at Actium in Epirus, with wrestling, horse-racing, and sea-fights, in honour of Apollo. There was a celebrated temple of Apollo at Actium, which is mentioned by Thucydides and Strabo. After the defeat of Antiochus of Actium, Actium was relinquished, and the festival was celebrated every five years in commemoration of his victory.

ACTIO is defined by Celsus 14 to be the right of pursuing by judicial means what is a man's due.

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

The old actions of the Roman law were called leges actions, or legitima, either because they were governed by a different set of laws by the laws of the Twelve Tables, or because they were strictly adapted to the words of the laws, and therefore could not be varied. In like manner, the old writs in this country contained the matter or claim of the plaintiff expressed according to the legal form. 14

The five modes of proceeding by legal action, as a med and described by Gaius, were SACRAMENTO, PER JUDICIUM POSTULATIONEM, PER CONDITIONEM, PER MANUS INJECTIONEM, PER FICINORIS CAUTIONEM. But these forms of action gradually drifted into disuse, in consequence of the excessive nicety required, and the failure consequent on the slightest error in the pleadings; of which there is a notable example given by Gaius, in which a plaintiff who complained of his vines (vines) being cut down, and was told that his action was bad, inasmuch as he ought to have used the term trees (arboreis), and not vines; because the law of the Twelve Tables, which gave him the action for damage to his vines, contained the subsequent expression: "tremendis loricis, moribus, statuis, legalibus, sinistris, basilicae, ab uxoribus discantibus, ab adversis adversis, in decem cohortem frater, in quattuor cohortem uxor, in tres cohortes turbae." The Lex Ebulia and another Lex Julia abolished the old legitimate actions, except in the case of damnum infecundum (Vid. Damnum Infecundum), and in matters which fell under the cognizance of the Centumviri. (Vid. CENTUMVIRI.)

In the old Roman constitution, the knowledge of the law was most closely connected with the institutes and ceremonial of religion, and was accordingly in the hands of the patricians alone, whose aid their clients were obliged to ask in all their legal disputes. Appius Claudius Cæsus, perhaps one of the earliest writers on law, drew up the various legal forms in such a manner, and ordere and that of his friends: the manuscript was stolen n by a scriba Cæs. Flavius, who made it public; and thus, according to the story, the plebeians became acquainted with those legal forms which hitherto had been the exclusive property of the patricians.

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

The division of actions in the Roman law is somewhat complicated, and some of the divisions must be considered rather as emanating from the schools of the rhetoricians than from any other source. But this division, though complicated, may be somewhat simplified, by at least, rendered more intelligible, if we consider that an action is a claim or demand made by one person against another, and that, in order to be a valid legal claim (actio utilis), it must be founded on a legal right. The main division of actions must therefore have a reference to the object of the right in question, and, for every system of law the form of the action must be the expression of the legal right. Now the general division of rights in the Roman law is into rights of dominion or ownership, which are rights against the whole world, and into rights arising from contract, and quasi contract, and delict. The actio in rem implies a complainant, who claims a certain right against every person who may dispute it, and the object and end of the action is to compel an acknowledgment of the right by the particular person who disputes it. By this action the plaintiff maintains his property in or to a thing, or his rights to the benefit of a thing (seruums). Thus the actio in rem is not so called on account of the subject-matter of the action, but the term is a technical phrase to express an action which is in no way founded on contract, and therefore has no determinate individual as the other necessary party to the action, and from which the action is derived, but from which the right, becomes, by such act of disputing, a party liable to such action. The actio in rem does not assert the complainant's right, and from the nature of the action the complainant's right cannot be ascertained by it, for it is a right against all the world; but the action determines that the defendant has or has not a claim which is valid against the plaintiff's claim. The actio in personam implies a determined person or persons against whom the action lies, the right of the plaintiff being founded on the acts of the defendant or defendants; it is therefore in respect of something which has been agreed to be done, or in respect of some injury for which the defendant is liable. The form of the action, "actio minuta of Justinian's legislation" was so called from its being supposed to partake of the nature of the actio in rem and the actio in personam. Such was the action among co-heirs as to the division of the inheritance, and the action for the purpose of settling the property of minors.

Rights, and the modes of enforcing them, may also be viewed with reference to the sources from which they flow. Thus the rights of Roman citizens flowed in part from the sovereign power, in part from those to whom power was delegated. That body of law which was founded, and flowed from, the edicts of the patrons and curule aediles, was called jus honorarium, as opposed to the jus civilis, in its narrower sense, which comprehend the legal, plebitica, senatus consulta, &c. The jus honorarium introduced new rights and modified existing rights; it also provided remedies suitable to the change of condition of men. The Romans, being a law-dwelling people, and this was effected by the actions which the patrons and aediles allowed. On this jurisdiction of the actions fell the distinction of actions to civiles and honorariae, or, as they are some times called, pretorius, from the greater importance of the pretor's jurisdiction.

There were several other divisions of actions, all of which had reference to the forms of procedure. A division of actions was sometimes made with reference to the object which the plaintiff had in view. If the object was to obtain a thing, the action was causa, if the object was to obtain damages (paeae) for an injury, as in the case of a thing stolen, the action was paelonialis for the thing itself could be claimed both by the vindicatio and the condicio. If the object was to obtain both the thing and damages, it was probably sometimes called action mixta, a term which had, however, another signification also, as already observed. The division of actions into directa or vulgares, and utiles, must be traced historically to the actions fictitia or ficticia, by which the rights of action were enlarged and extended. The origin of this division was such that a person was not free to grant an action in special cases where no action could legally be brought, and in which an action, if brought, would have been inanis or inutilis. After the decline of the pretor's power, the actions utiles were still extended by the contrivances of the juris prudentes and the rescripts of the emperors. Whenever an actio utilis was granted, it was framed on some analogy to a legally recognised right of action. Thus, in the examples given by Gaius, he who obtained the honorum possessio by the pretor's edict, succeeded to the deceased by the pretorian, and not the civil law: he had, therefore, no direct action (directa actio) in respect of the rights of the deceased, and could only bring his action on the fiction of his being what he was not, namely, heres.

Actions were also divided into ordinaria and extraordinaria. The ordinaria were those which were prosecuted in the usual way, first before the pretor, and then by the judge, and if the pretor and the pretor's judge agreed that the whole matter was settled before or by the pretor in a summary way, the name extraordinaria was applicable to such action. (Vid. INTERRICTA.)

The foundation of the division of actions into actiones directae jurid., bona fide, and arbitrarie, is not quite clear. In the actiones directae jurid., it appears
The formula of the praetor expressed in precise and strict terms the matter submitted to the judex, whose authority was thus confined within limits. In the actio bona fide, or ex fide bona, more latitude was permitted; but the praetor's action was implied in the kind of action, such as the action ex emplio, vendita, locato, &c., and the special circumstances of the case were to be taken into consideration by the judex. The actio arbitrariva were so called from the judex in such case being called an arbiter, probably, as Festus says, because the actio arbiterius was dispensed with his judgment; and he could decide according to the justice and equity of the case, without being fettered by the praetor's formula. It should be observed, also, that the judex properly could only condemn in a sum of money; but the arbiter might declare that any party was guilty of what he pleased to name, the party which was called his arbitratum, and was followed by the condictio if it was not obeyed.

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

The division of actions into actio in jus and in factum is properly no division of actions, but has merely reference to the nature of the formula. In the formula in factum concepta, the praetor might direct the judex barely to inquire as to the fact which was the only matter in issue; and on finding the fact, to make the proper condemnation; as in the case of a freedman bringing an action against his patronus. In the formula in jus the fact was not in issue, but the legal consequences of the fact were submitted to the discretion of the judex. The formula in factum commenced with the technical expression, Si perit, &c., "If it should appear," &c.; the formula in jus commenced, Quod A. A., &c., "Whereas A. A. did so and so." 1

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

The actions called niscoles were where a filius familiae (a son in the power of his father), or a slave, committed a theft, or did any injury to another. In either case the father or owner might give up the wrong-doer to the person injured, or else he must pay competent damages. These actions, it appears, take their name either from the judgment of the jury or from the pecuniary compensation of the injured person. Some of these actions were of legal origin, as that of theft, which was given by the Twelve Tables; that of damnunm injuria, which was given by the Aquila Lex; and that of injuriwm et ut bonorum raptorum, which was given by the praetor's action, &c. The plaintiff was liable to be given up to punishment (peneas). The defendant who had brought a suit to recover for damages, &c., was said to claim the action of niscoles; unless the matter in dispute was settled at once.

The defendant, on finding a surety, was said vades dare, 2 vaditionum promittere or facere; the surety, was, was said spondere; the plaintiff, when satisfied with the surety, was said vadari reum, to take him on his sureties, or to have sureties from him. When a praetor proceeded to vada in jus vocatio on the day naturale, without giving any surety, this was called vaditionum porum. In some cases recuperatorum (vid. JUDEX) were named, who, in case

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

1. (Dig. 2, tit. 4.)—2. (Hor., Serm. 1, ix., 75., seqq.—Plautus, Currell, v. 2.)—3. (Cic. Top., 2.—Gaius, iv, 46.)—4. (v. 25.—It is not easy to state correctly the changes in procedure which have taken place.—Compare Gaius, 25, 46.)—5. (Dig. 2, tit. 13.)—6. (Cic. Pro Ros. Contr., 6. 7. 6.)—7. (Cic. De Offic. 1, 36.)—8. (Gaius, iv, 26, seqq.)—9. (Hor., Serm., i, 1, 13.)
ACTIO.

If the defendant answered the replicatio, his answer was called duplicatio; and the parties might go on to the triplicatio and quadruplicatio, and even farther, if the matters in question were such that they could not otherwise be tried by suit. But if the plaintiff's answer was such that he could not get money, the defendant had to try to prove that he was solvent, or that a sum of money already due; but, in order to avoid making his demand for the future payments not yet due, it was necessary to use a prescription of the following form: *Ea res agatur cujus rei dies fuerit.*

A person might maintain or defend an action by his cognitor or procurator, or, as we should say, by his attorney. The plaintiff and defendant used a certain form of words in appointing a cognitor, and it would appear that the appointment was made in the presence of both parties. The cognitor needed not to be present, and his appointment was complete when he was sworn in as his attorney.

No form of words was necessary for appointing a procurator, and he might be appointed without the knowledge of the opposite party.

In many cases both plaintiff and defendant might be required to give security (sallabatur); for instance, if the plaintiff had a right in some possession which was in possession was required to give security, in order that, if he lost his cause and did not restore the thing, nor pay its estimated value, the plaintiff might have an action against him or his sureties.

When the *actio in rem* was prosecuted by the *formula publicatoria,* that stipulation was made which was called *judicium solvi.* As to its prosecution by the sponso, see *Sponsio et Centrumvir.* If the plaintiff sued in his own name, he gave no security; nor was any security required if a cognitor sued for him, either from the cognitor or the plaintiff himself, for the cognitor actually represented the plaintiff; and was personally liable. But if a procurator acted for him, he was obliged to give security that the plaintiff would adopt his acts; for the plaintiff was not prevented from bringing another action when a procurator acted for him. Tutors and curators generally gave security, like procurators, to the plaintiff or defendant, the same rules applied to the plaintiff as in the *actio in rem.* If the defendant appeared by a cognitor, the defendant had to give security; if by a procurator, the procurator had to give security.

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

The following is an example of a formula taken from Gaius: *Judex esto. Si parat Aulium Agerium apud Numerium Negidium mensam argentinam depoendo, quam dolo mali Numerii Aulio Agerio reddat non canente ea res erit tantum pecuniam judex Numerium Negidium Aulio Agerio condemnare si non parat, absolveto.*

The nature of the formula, however, will be better understood from the following analysis of it by Gaius: It consisted of four parts, the demonstratio, i.e., the facts, inaditatio, or adhesion; conseque, condemnation. The demonstratio must consist of facts that are certain and without exception, the subject-matter of the action is. For instance, if the subject-matter be a slave sold, the demonstratio would run thus: *Quod Aulus Agerius Numerio Negidio hom.
The intentio contains the claim or demand of the plaintiff: Si parét hominem ex iure Quaestum Aulum Aegeri esse. The adjudicatio is that part of the formula which gives the judge authority to adjudicate the thing which is the subject of dispute to one or other of the litigant parties. If the action be among partners for dividing that which belongs to them all, the adjudication would run thus: Quantum adjudicaturi opertel judex Titiljus adjudicatio. The condemnatio is that part of the formula which gives the judge authority to condemn the defendant in a sum of money, or to acquit him: for example, Judex Numerius Negitidus Aulo Aegeri scortinum milia condemnat: si non parat, abovoke. Sometimes the intentio alone was requisite, as in the formulæ called prejudiciales (which some modern writers make a class of actions), in which the matter for inquiry was, whether a certain person was a freedman, what was the amount of a debt, and other similar questions, when a fact solely was the thing to be ascertained.

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

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

The following are the principal actions which we read of in the Roman writers, and which are briefly described under their several heads: Actio—Aqua pluviae arcœna; Bonorum vi reptatorum; Certi et Incerti; Commodii; Communi dividendo; Confessoria; Damni injuria data; Dejves vel effusi; Depesti; De non male Emi et venditi; Eecoretur; Actio regulamentaria; Itinerarum; Itinerarioatis; Judicatio; Judicat; Quod iusui; Legis Aquiliae; Locati et conduci; Mandati mutus; Negotiorum gestorum; Nocals; De pauperi; De peculi; Pignoriaque or Pignositi; Publicianam; Quinti minoris; Ratiemplus disratioendis; De recepta; Redhibitoria; Regis u woriae or Dolis; Restitutoria et Rescissoria; Ruttiliana; Serviana; Pro coe; Tributaria; Tutele.

ACTOR signified generally a plaintiff. In a civil or private action, the plaintiff was often called actor; in a public action (consortium action) he was called acumulator. The defendant was called reus, both in public and private causes: this term, however, according to Cicero, might signify either party, as indeed we might conclude from the word itself. In a private action the defendant was often called adversarius, but either party might be called adversarius, according to the distinct sense. No person who was not sui juris could maintain an action; a filius familias, therefore, and a slave, could not maintain an action; but in course of time certain actions were allowed to a filius familias in the absence of his parent or his procurator, and also in case the parent was incompetent to act from madness. This custom is still in force in the judgment of elections by their guardian or tutor: and in case they wished to bring an action against their tutor, the preator named a tutor for the purpose. Foreigners or aliens, originally brought their actions through their patrons; but afterwards in their own name, by a fiction of law, that they were Roman citizens. A Roman citizen might also generally bring his action by means of a cognitor or procurator. (Vid. Actio.) A universitas, or corporate body, sued and was sued by their act or synaxis.

Actor has also the sense of a defendant or manager of another's business generally. The actor publicus was an officer who had the superintendency or care of slaves and property belonging to the state. (Vid. Actor.)

ACTUS, a Roman measure of length. "Actus vocabatur, in quo hucus agerentur: cum aratrum, uno impetum. Hic erat cxx pedum; duplicabasque in longitudinem judicis, faciatis." This actus is called by Coloma: Actus quadratus; he says, "Actus quadratus venitque fictum pedibus cxx. Hic duplicatim facit judicium, et ab eo, quod erat junftum, judicis nemini usurpavit; sed hunc actum provincia Betica rustici actuam (or actum) vocat." Varro says, "Actus quadratus qui et latus est pedes cxx, et longus tekdam, est modus acusia Lathane appellation." The actus quadratus was therefore equal to half a jugerum, or 14,400 square Roman feet. The actus minimus or simplex, was 120 feet long and four broad, and therefore equal to 480 square Roman feet.

ACTUS, (Vid. Servitutes).

ACUS, dvn. ACICULA (βελονυ, βελονη, βοτις), a needle, a pin.

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

The annexed figures of needles and pins, chiefly taken from originals in bronze, vary in length from an inch and a half to about eight inches.
This fashion has been continued to our own times by the females of Italy. Martial alludes to it in the following epigram, in which he supposes the hair to be anointed with perfumes and decorated with ribbons:

"Terenia ne mataliss violent bombuestra crines,
Fugax acuta tor Hod substinentem come.

The acure was employed as an instrument of torture, bein inserted under the nails. Honesty was enjoined upon children by telling them that it was wrong even to steal a pin.

"ADAMAS (άδαμας), a name given by the ancients to several hard substances, and among the rest, probably to the Diamond. Psellus describes the gem adamas as follows: "χρῡσιν μεν ἔχει ἐλευθερηστην καὶ στειρηστην, its colour resembles crystal, and its Bpiolusid." It is probable, observes Dr. Moore, "that Pliny, when speaking of the gem called adamas, had in view, among other things, the diamond; but it is plain, from the fables he relates of it, that this substance 'of highest value, not only among gems, but all human things, and for a long time known to kings only, and to very few of the rest, was unknown to him. He has evidently confounded in his description several widely different minerals; to which, from their hardness, or their, in some respect or other, indistinguishable nature, the Greeks gave the name adamas, that stone. Thus steel was very frequently called adamas, and those grains of native gold, which, when the gangue containing them was reduced to powder in a mortar, resisted the pestle and could not be comminuted by it, were called adamas. Something of this sort Pollux meant by that 'flower of gold;' or choicest gold, which he calls adamas and Plato, too, by 'the branch or knot of gold,' which, from its density, very hard and deep coloured, was called adamas. It was, no doubt, this native gold that was spoken of in the authors from whom Pliny drew, when he wrote that adamas is found in gold mines: that it accompanies gold; that it seems to occur nowhere but in gold, that it is not larger than a cucumber seed, nor unlike to it in colour. Of the six kinds he mentions, that described as occurring in India, in not gold, but bearing some resemblance to crystal, may have been the diamond; though even here it is probable that adamas was also used to designate such crystals as adamas. The description given is precisely that of a crystal of quartz, in which the prism has entirely disappeared, leaving a double six-sided figure upon a common base. In the manner in which Dioscorides characterizes adamas may lead us to suspect that he also spoke of crystals of quartz; for the diamond in its unpolished state, as known to the ancients, would hardly have been styled 'all-represented,' and afterward 'brilliant.' The locally, too, in the former case, being Scythia. The variety of adamas which Pliny calls siderites, was magnetic iron ore; and the Cyprian was probably emery, or some similar substance used in engraving gems.

*ADARKES (άδαρκης). Matthioli admits his ignorance of what this substance is, and Matthias Fabris was pleased to refer it to the Lapis Spongites. From the description of it given by Dioscorides and Paulus Eginita, it was evidently nothing but the efflorescence which gathers about reeds in certain salt lakes.

ADDIC'TI. (Vid. nexi.)

ADDIXI. ADDIXIS (άδηχι, άδεχι), a Greek measure, according to Hesychius equal to four χωίγκες.

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

ADEMP'TIO. (Vid. Logatum.)

ADONAT'IO. (Vid. Heres; Tentamentum.)

ADONAT'IO. (Vid. Cononata.)

AD'ANTIION. A plant. There can be no doubt that it is the Adiantum Capillus, or "Maiden-hair." Both Nicander and Theophrastus say of it, that it derives its name from the circumstance of its not being wet by rain (τι, neg., and ἄνω, "to wet"). Apuleius mentions Callithricum, Polythricum, and Asphales as synonyms of it.

'ΑΔΙΚΙΑΣ προς τον θόνον γραφώ, καὶ ύπατογερος το θόνον γραφώ, were actions brought in the Athenian courts against persons who were considered to have misled the people, the courts of justice, or the senate of Five Hundred, by misrepresentations or false promises, into acts of injustice, or into measures injurious to the interests of Athens. If an individual was found guilty, he was punished with death. The law relating to these offences is preserved by Demosthenes.

ADIT'IO HEREDITAT'IS. (Vid. Hereditas.)

AUDID'ICAT'IO. (Vid. Actio.)

ADLEC'TI were those persons who were admitted to the privileges and honours of the praetorship, quareship, edileship, and other public offices, without having any duties to perform. In inscriptions we constantly find adlectores inter tribunos, inter quaestores, inter praetores, &c. The name also was applied, according to Festus, to those who were chosen from the equites on account of the small number of senators; but it appears more probable that the adlectes were the same as the conscript. Livy says, Conspectus in novum stratum appellaretur.

ADLECT'OR, a collector of taxes in the provinces in the time of the Roman emperors.


ADOPITION.

ADMISSIONALES were chamberlains at
the imperial court, who introduced persons to the
presence of the emperor.1 They were divided into
four classes; the chief officer of each class was
called proxucus admissionum; and the proximi were
under the master admissionum.2 The admission-
als were usually freedmen.3

Friends appear to have been called amis admissi-
ationum, at least in the later ages.4 Accord-
ing to some writers, they were so called in conse-
cquence of the order in which they were adopted; accord-
ing to others, because the atrium was divided into
different parts, separated from one another by hang-
gings, into which persons were admitted according to
different degrees of favour in which they were held.6

ADONIA (ἀδωνία), a festival celebrated in hon-
our of Aphrodite and Adonis in most of the Grecian
cities. It lasted two days, and was celebrated by
women exclusively. On the first day they brought
into the streets statues of Adonis, which were laid
outside, and then observed all the rites cus-
tomary at funerals, beating themselves and uttering
lamentations.7 The second day was spent in mer-
riment and feasting, because Adonis was allowed to
return to life, and spend half of the year with
Aphrodite.8

ADONIS (ἀδωνις, or ἀδώνις), the Flying-fish,
or Acroterion volitans. 1, 9

ADOPITION (GREEK). Adoption was called
by the Athenians εἰσποίσις, or sometimes simply
ποίσις or θέσις. The adoptive father was said
ποιέωσις, εἰσποίσις, or sometimes ποιεῖν; and
the father or mother (for a mother after the death
of her husband could consent to her son being
adopted) was said to have εἰσποίσις, to have a
εἰσποίσας, with reference to the family which he left,
and εἰσποίσιας with reference to the family into
which he was received. The son, when adopted,
was called πατερός, εἰσποίσιος, or ἤτος; in opposi-
tion to the legitimate son born of the body of the
father, who was called γενειακός.

A man might adopt a son either in his lifetime or
by his testament; provided he had no male offspring
and was of sound mind. He might also, by testa-
ment, name a person to take his property, in case
his son or sons should die under age.10 If he had
male offspring, he could not dispose of his property.
This rule of law was closely connected with the
rule requiring the illegal birth of a child, on the
condition that when he had male children, such son
would have shared his property with the rest of his male
children, and to that extent the father would have
exercised a power of disposition which the law de-
nied him.

Only Athenian citizens could be adopted; but fe-
cmales could be adopted (by testament at least) as
well as males.11 The adopted child was transferred
from his own family and demus into those of the
adopitive father; he inherited his property, and main-
tained the sacra of his adoptive father. It was not
necessary for him to take his new father's name,
his name being the same as that of his own adoptive
son might return to his former family, in case he left
a child to represent the family of his adoptive father:
unless he so returned, he lost all right which he
might have had on his father's side if he had not
been adopted; but he retained all rights which he
might have on his mother's side, for the act of adop-
tion had no effect so far as concerned the mother of
the adopted person; she still continued his auctrix
after the act of adoption.

The next of kin of an Athenian citizen were en-
titled to his property if he made no disposition of it
by will, or made no valid adoption during his life-
time; they were, therefore, interested in preventing
fraudulent adoptions. The whole community were
also interested in preventing the next of kin from
being adopted as the new adopted father might not be
an Athenian citizen. To protect the rights of the next of
kin against unjust claims by persons who alleged them-
seves to be adopted sons, it was required that the
father should enter his son, whether born of his
body or adopted, in the register of his phratry
(προταιρίῳ γραμματείῳ) at a certain time, the Ther-
masia, according to this custom (γενεαίοι λόγοι).
Subsequently to this, it was necessary to enter him in
the register of the adoptive father's demus (λαβορίων γραμματείων),
without which registration it appears that he did not possess
the full rights of citizenship as a member of his new
demus.

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

The rules as to adoption among the Athenians
are not quite free from difficulty, and it is not easy:
 avoids all error in stating them. The general
doctrines may be mainly deduced from the oon
of Isaeus, and those of Demosthenes against Macar-
taurus and Leochares.

ADOPITION (ROMAN). The Roman ele-
ation of parent and child arose either from a lawful
marriage or from adoption. Adoption was the
general name which comprehended the two species,
demus adagoreo, and as the adopted person passed
from the authority of his father to that of his adoptive
father, adopting, adoptio caused a caesis eliminatio,
and the lowest of the three kinds. Adoption, in its specific
sense, was the ceremony by which a person who,
was in the power of his parent (in postestate paren-
tium), whether a child or grandchild, male or fe-
male, was transferred to the power of the person
adopting him. It was affected under the authority
of a magistrate (magistratus), the praetor, for in-
stance, at Rome, or a governor (praeses) in the
provinces. The person to be adopted was emanci-
pated (sed. Mancipatio) by his natural father before
the competent authority, and surrendered to the
adopting father by the legal form called in jur'a
cessio.

When a person was sui juris, i.e. not in the
power of his parent, the ceremony of adoption was
called adagoreio. Originally it could only be effect-
ed at Rome, and only by a vote of the popular
populi auctoritate in the comitia curiata (lege curt-
aria). When a person was not yet of age, the
statutes of a Roman citizen could not be affected
by the laws of the Twelve Tables, be excepted
affected by a vote of the populus in the comitia curiata.
Codium, the enemy of Cicero, was adopted as a
plebeian family in order to qualify himself to be
elected a tribune of the plebs.4 Females could not be

1. (Lamprid. Sever. c. 4. — Officium admissionum.) Suet.,
Vesp. c. 14. — (Ammian. xxii. 7.) — (Ammian. xxv. 9. —
Vop. Aurel. c. 12. — (Oed. Theod., vi. 10. 2; 19. 9; 19. 3;
et Cypria verte. 19. 3. — (Aristot. Pol. 412, — Schol. in loco.)
— (Plutarch. Alex. c. 18. — Nic. c. 13.1.9. (For a fuller account, consult An-
H. N. ix. 10.) — (Demost. card, Sententia AVG. 13.) —
1. (Euseb. p rp erg. 4. (Ὑπό κύριον ἀνθρώποι.)

2. (Ammian, p rp γ αἰγ. λαβορίῳ κλῆρον. 5. 5.) — (Demost.
περὶ ἀδοσίαν καὶ θεωρεῖ, c. 10. — Sat. Amm. c. 63.)

3. (Cic. de At. iii. 7; 10. — Pro Dr. ii.)
ADORTIO.

ADULTERIUM.

adopted by the adrogatio. Under the emperors it became the practice to effect the adrogatio by an imperial rescript (principis auditoriae, ex rescripto principii); but this practice had not become established in the time of Gaius, or, if it appears, of Ulpian. It would seem, however, from a passage in the Commentaries of Ulpian that the adrogatio was adopted by another person, both himself and his children became in the power of the adoptive father. All the property of the adopted son became at once the property of the adoptive father. A person could not legally be adopted by the adrogatio till he had made out a satisfactory case (judicatura, causa) to the pontificates, who had the right of insisting on certain preliminary conditions. This power of the pontificates was probably founded on their right to preserve the due observance of the sacra of each genus.4 It would, accordingly, have been a good ground of refusing their consent to an adoption, if the pontificates had not in practice allowed his gens, for the sacra would in such case be lost. It was required that the adoptive father also had no children, and no reasonable hopes of any; and, as a consequence of this condition, that he should be older than the person to be adopted.

A person thus adopted, for even her own children were not in her power. Finally, all adoption was effected by the imperial rescript. The effect of adoption was to create the legal relation of father and son, just as if the adopted son were born of the blood of the adoptive father in lawful marriage. The adopted child was entitled to the name and sacra privata of the adopting parent, and it appears that the preservation of the sacra privata, which by the laws of the Twelve Tables were made perpetual, was frequently one of the reasons for the childless person adopting a son. In case of incest, the adopted child might be the heres of his adoptive father. He became the brother of his adoptive father's daughter, and therefore could not marry her; but he did not become the son of the adoptive father's wife, for adoption only gave the name and sacra privata and not the natural ties of the name. The phrase of "adoption by testament" seems to be rather a misapplication of the term; for, though a man or woman might by testament name a heres, and impose the condition of the heres taking the name of the testator or testamentarix, this so-called adoption could not produce the effects of proper adoption. It could give to the person so said to be adopted the name or property of the testator or testamentarix, but nothing more. A person on passing from one gens into another, and taking the name of his new family, generally retained the name of his adoptive family. If, however, the adoption was in imitation annis. Thus C. Octavius, afterward the Emperor Augustus, upon being adopted by the testament of his uncle the dictator, assumed the name of Caius Julius Caesar Octavianus; but he caused the adoption to be confirmed by the curiae.5

ADORATIO (προσευχή) was paid to the gods in the hour of the birth of the adoptive father. The person stretched out his right hand to the statue of the god whom he wished to honour, then kissed his hand and waved it to the statue. Hence we have in Apuleius, "Nulli Deo devocum supplicat; nullum templum fre-

47eruntem; si fames aliquid pretreat, neeis habe adoravitne gratia manuum labris adorem." The adoration differed from the oratio or prayers, supplications, which were offered with the hands extended and the palms turned upward.6 The adoration paid to the Roman emperors was borrowed from the eastern empire, and consisted in protrusion on the ground, and kissing the feet and knees of the emperor.7

ADROGATIO. (Vid. Adoption.)

ADSCRIPTIVI. (Vid. Accensi.)

ADSTIPULATIO. (Vid. Sypricula.)

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

In the time of Augustus a lex was enacted (probably about B.C. 17) entitled Lex Julia de adulteriis coerendis, the first chapter of which repealed some prior enactments on the same subject, with the provisions of which prior enactments we are, however, restricted to the thirty-sixth and thirty-seventh years of the emperor. If adultery and stuprum are used indifferently; but, strictly speaking, these two terms differed as above stated. The chief provisions of this law may be collected from the Digest and from Paulus.

It seems not unlikely that the enactments repealed by this lex were of a similar nature to the civil or personal penal provisions against adultery; and it is also improbable that, by the old law or custom, if the adulterer was caught in the fact, he was at the mercy of the injured husband, and that the husband might punish with death his adulterous wife.8 If adultery and stuprum were treated as crimes, a conviction of either of these crimes in half of her dowry and a part of her property (bona); and banished, (relegated) to some miserable island, such as "Seriphos, for instance." The adulterer was mulcted in half his property, and banished in like manner. This law did not inflict the punishment of death on either party; and in those instances under the emperors in which death was inflicted, it must be considered as an extraordinary punishment, and beyond the provisions of the Julian law.9 But, by a constitution of Constantine (if it is genuine), the offense in the adulterer was made capital. 10 By this conversion of the law, the legal character of the offence of this nature was probably only confirmed; but the adulterer was put into a convent, after being first whipped. If her husband did not take her out in two years, she was compelled to assume the habit, and to spend the rest of her life in the convent.

The Julian law permitted the father (both adoptive and natural) to adopt and adulterous in certain cases, as to which there were several disjunctions established by the law. If the

euce over buying and selling, and, as a consequence, the supervision of the markets, of things exposed to sale, such as slaves, and of weights and measures; from this part of their duty is derived the name under which the ediles are to decency, and the inspection of the baths and houses of entertainment, of brothels, and of prostitutes, who, it appears, were registered by the ediles. The ediles had various officers under them, as praecores, scribae, and viatores.

**Arr. Curules, who were also two in number, were originally chosen only from the patricians, afterward alternately from the patricians and the plebes, and at last indifferently from both.**

The office of curule ediles was instituted B.C. 365, and, according to Livy, on the occasion of the plebeian ediles retiring the curule ediles, who were called ordinarii, for the space of four days instead of three; upon which a senatorial consultum was passed, by which two ediles were to be chosen from the patricians.**From this time four ediles, two plebeian and two curule, were annually elected.**

The office of an edile was one of the most important in the state, and the title of the soldiary was bestowed on him.**The name Aurelius, the title seviri, and the sella curulis, from whence their title is derived, the toga praetexta, precedence in speaking in the seans, and the jus imaginum.**

The curule ediles not only had the jus ediciendi, or the right of promulgating edicts; but the rules comprised in their edicta served for the guidance of the ediles. The ediles of the curule ediles were founded on their authority as superintendents of the markets, and of buying and selling in general. Accordingly, their edicta had mainly, or perhaps solely, reference to the rules of buying and selling, and contracts for bargain and sale. They were the foundation of the actio redhibitorum and quanti minoris.**A great part of the provisions of the ediles' edict relate to the buying and selling of slaves. The persons both of the plebeian and curule ediles were sacrosancti.**

After the battle of Actium, the plebeian ediles were voted by the plebeians, who were remunerated for their expenses, and the function of the curule ediles, the functions formerly exercised by the plebeian ediles were exercised, with some few exceptions, by all the ediles indifferently. Within five days after being elected or entering on office, they were required to determine by lot, or by agreement among themselves, what parts of the city each should take under his superintendence; and each edile alone had the care of looking after the paying and cleansing of the streets, and other matters; it may be presumed, of the same local character within his district. The other duties of the office seem to have been exercised by themself.**The celebration of the ludi magni or Romani, of the ludi scenici or dramatic representations, and the ludi Magnae, were performed especially to the curule ediles, and it was on such occasions that they often incurred a prodigious expense, with the view of pleasing the people and securing their votes in future elections.**This extravagant expenditure of the ediles arose after the close of the second Punic war, when the nobles, and the wealthy individuals had of enriching themselves after the Roman arms were carried into Greece, Africa, and Spain.**Even the prodigality of the emperors hardly surpassed that of individual curule ediles under the Republic; such as C. J. Cesar the dictator, P. C. Laelius, and also the pontifex maximus; Aemilius Scamurus, whose expenditure was not limited to rare shows, but comprehended objects of public utility, as the reparation of walls, dockyards, ports, and aqueducts.**An instance is mentioned by Dion Cassius8 of the ludi Megalésii being supervised by the plebeian ediles; it was done pursuant to a senatorial consultum, and thus the particular exception confirms the general rule.**

In B.C. 45, J. Cesar caused two curule ediles and four plebeian ediles to be elected; and thenceforward, at least so long as the office of edile was of any importance, six ediles were annually elected by the people in unison to exercise the functions of the city, and their duty was to look after the supply of corn. Though their office may not have been of any great importance after the institution of a prefectus annonae by Augustus, there is no doubt that it existed for several centuries, and at least as late as the time of Tacitus.**The ediles belonged to the class of the minoris magistratus. The plebeian ediles were originally chosen at the comitia centuriata, but afterward at the comitia tributa, in which comitia the curule ediles also were chosen. It appears that, until the lex annalis was passed, a Roman citizen might be a candidate for any office after completing his twenty-seventh year. This lex annalis, which was passed at the instance of the tribune L. V. Tappulus, B.C. 180, fixed the age at which each office might be enjoyed.**The passage of Livy does not mention what were the ages fixed by this law, but it is collected, from various passages of Roman writers, that the age fixed for the adileship was thirty-six. This, at least, was the age at which a man could be a candidate for the curule adileship, and it does not appear that there was a different rule for the plebeian adileship.**The ediles existed under the emperors; but their powers were gradually diminished, and their functions exercised by new officers created by the emperors. After the battle of Actium, Augustus appointed a prefectus urbs, who exercised the general administration of the city with much success. He had been one of the ediles of the plebeian adiles. Augustus also took from the ediles, or exercised himself, the office of superintending the religious rites, and the hinting from the city of all foreign ceremonial; he also assumed the superintendence of the temples, and thus may be said to have turned the adileship by depriving it of its old and original functions. He well deserves to be explained the curious fact mentioned by Dion Cassius, that no one was willing to hold so contemptible an office, and Augustus therefore reduced to the necessity of compelling persons to take it: persons were accordingly chosen by lot, out of those who had served the office of questor or tribune; and this was done more than once. The last recorded instance of the splendor of the adileship is the administration of Agrippa, who volunteered to take the office, and repaired all the public buildings and all the roads at his own expense, without drawing anything from the treasury.**The adileship had, however, lost its true character before this time. Agrippa had a
The consul before he accepted the office of aedile, and his munificent expenditure in this nominal office was the close of the splendour of the aedileship. Augustus appointed the aediles specially to the office of putting out fires, and placed a body of 600 slaves at their command; but the pretreat vigilum afterwards performed this duty. In like manner, the curatores viarum were appointed by him to superintend the roads near the city, and the quattuorviri to superintend those within Rome. The curatores viarum, or curatores aediles, also appointed by Augustus, stripped the aediles of the remaining few duties that might be called honourable. They lost also the superintendence of wells or springs, and of the aqueducts. They retained, under the early emperors, a kind of police, for the purpose of repressing open licentiousness and disorder: thus the baths, eating-houses, and brothels were still subject to their inspection, and the registration of prostitutes was still within their duties. We read of the aediles under Augustus making search after libellous books, in order that they might be burned.

The colonia, and the municipia of the later period, had also their aediles, whose numbers and functions varied in different places. They seem, however, as to their powers and duties, to have resembled the aediles of Rome. They were elected annually.

The history, powers, and duties of the aediles are stated with great minuteness and accuracy by Schnatter, De Romanorum Aedibus, lib. iv., Reprint, 1828.

ÆGIS. AEgis, AEtit, AEtitum, AEtiti (called by the Greeks τούγαντα, θύελα, and θυελακτορας), were persons who took care of the temples, attended to the cleaning of them, &c. They appear to have lived in the temples, or near them, and to have acted as ciceronii to those persons who wished to see them. In ancient times, the ædisæ were citizens, but under the virtutes trecenti. 7

ÆDON (ἀειδών) was the name doubtless of the Mactellum, L. aed. Laetacensia (Latham), or the Nightingale. We sometimes read aedών, or ἀειδώς in Doric. The nightingale is also called φίλονδα and πρόδων by the poets. That it is the male bird only which sings, was well understood by the ancients. Virgil, however, has on one occasion given the power of song to the female bird. From some papers in the Classical Journal, it would appear that the nightingale sings by day as well as by night. 8

ÆGIS is a Greek word (ἀείς, -δος), signifying literally, a goatskin, and formed on the same analogy with velvis, a fawnskin. 9

According to ancient mythology, the ægis worn by Jupiter was the hide of the goat Amalthea, which had suckled him in his infancy. Hyginus relates 10 that, when he was preparing to resist the Titans, he was directed, if he wished to conquer, to wear a goatskin with the head of the Gorgon. To this particular goatskin the term ægis was afterwards confined. Homer always represents it as part of the armour of Jupiter, whom, on this account, he distinguishes by the epithet ægis-bearing (αἰγιοχος). He, however, asserts that it was borrowed on different occasions both by Apollo 12 and by Minerva. 13

The skins of various quadrupeds having been used by the most ancient inhabitants of Greece for clothing and defence, we cannot wonder that the goatskin was employed in the same manner; and the particular application of it which we have now to consider will be understood from the fact that the shields of the ancient Greeks were in part spport ed by a belt or strap (τεκέλατον, θυελατόν) passing over the right shoulder, and, when not elevated with the shield, descending transversely to the left hip. In order that a goatskin might serve this purpose, two of its legs would probably be tied over the right shoulder of the wearer, the other extremity being fastened to the inside of the shield. In combat, the left arm would be passed under the hide, and would raise it together with the shield, as is shown in a marble statue of Minerva, preserved in the museum at Naples, which, from its style or art, may be reckoned among the most ancient in existence.

Other statues of Minerva, also of very high antiquity, and derived, no doubt, from some still more ancient type, represent her in a state of repose, and with the goatskin falling obliquely from its loose fastening over her right shoulder, so as to pass round the body under the left arm. The annexed figure is taken from a colossal statue of Minerva at Dresden. The softness and flexibility of the goatskin are here expressed by the folds produced by the girdle with which it is encircled.


Another mode of wearing this garment, also in peaceful expression, is seen in a statue of Minerva at Dresden, of still higher antiquity than that last referred to, and in the very ancient image of the same goddess from the Temple of Jupiter at Egïna. In both of these the ægis covers the right as
AEGIS.

well as the left shoulder, the breast, and the back, falling behind so as almost to reach the feet. Schoen considers this as the original form of the aegis.

By a figure of speech, Homer uses the term aegis to denote not only the goatskin, which it properly signifies, but, together with it, the shield to which it belonged. By thus understanding the word, it is easy to comprehend both why Minerva is said to throw her father's aegis around her shoulders, and why, on one occasion, Apollo is said to hold it in his hand, and to shake it so as to terrify and confound his enemies with the shock of the dark body of Hector, in order to protect itself from insult. In these passages we must suppose the aegis to mean the shield, together with the large expanded skin or belt by which it was suspended from the right shoulder.

As the Greeks prided themselves greatly on the rich and splendid ornaments of their shields, they supposed the aegis to be adorned in a style corresponding to the might and majesty of the father of the gods. In the middle of it was fixed the appalling Gorgon's head, and its border was surrounded with golden tassels (diadema), each of which was worth a heart's blood. In the figures above exhibited, the serpents of the Gorgon's head are transferred to the border of the skin.

By the later poets and artist, the original conception of the aegis appears to have been forgotten or disregarded. They represent it as a breastplate covered with metal in the form of scales, not used to support the shield, but extending on both sides from shoulder to shoulder, as in the annexed figure, taken from a statue at Florence.

With this appearance the descriptions of the aegis by the Latin poets generally correspond. It is remarkable that, although the aegis properly belonged to Jupiter, and was only borrowed from him by his daughter, and although she is commonly exhibited either with the aegis itself, or with some emblem of it; yet we seldom find it as an attribute of Jupiter in works of art. There is, however, in the museum at Leyden a marble statue of Jupiter, found at Utica, in which the aegis hangs over his left shoulder. It has the Gorgon's head, serpents on the border, and a hole for the left arm to pass through. The annexed figure is taken from a cameo engraved by the Italians, a Greek artist. Jupiter is here represented with the aegis wrapped round the fore part of his left arm. The shield is placed under it, at his feet. In his right hand he holds a thunderbolt.

The Roman emperors also assumed the aegis, extending thereby to exhibit themselves in the character of Jupiter. Of this the armed statue of Hadrian in the British Museum presents an example. In these cases the more recent Roman conception of the aegis is of course followed, coinciding with the remark of Servius, that this breast-armor was called aegis when worn by a god; loricà, when worn by a man.

Hence Martial, in an epigram on the breastplate of Domitian, says,

"Dum vacat haec, Caesar, poterit loricà vocari. Pectora cum sacro sedeter, aegis crîbrà." 7

In these lines he in fact addresses the emperor as a divinity.

ÆGYPTILÀ, a name common to several species of agate. It was, perhaps, the ancient denomination of what is still called Egyptian pebble; a striped Jasper, the quarto agate oryx of Haly. 2

ÆLIZON (ælizón), a plant, of which Dioscorides describes three species: the first, or á, to μύσα, being the Semperwinni arborum, according to Sibthorp and Sprengel; the second, or á, to μύσαν, the Stærum erectre or reflexum (Rock or Yellow Stonecrop); and the third, the Stærum stellatum, according to Columella and Sprengel. "The aelizum or Theo-

phrasingus is the same as the first species of Diocori- des, the characters of which, notwithstanding the high authority of Sibthorp and Sprengel, who are of a different opinion, Dr. Adams thinks he is justified in identifying with those of the Semperwinni tectorum, or Houseleek. 6

AEISITOL. (Vid. Pytanion).

ÆLIA SENTIA LEX. This law, which was passed in the time of Augustus (about A.D. 3), contained various provisions. By one clause it was provided that manumitted slaves, who, during their servitude, had undergone certain punishments for offences, should not become either Roman citizens or Latins, but should belong to the class of peregrini dediticii. (Vid. Dedittii.) The law also contained various provisions as to the manumission of slaves, and as to the mode in which a manumitted slave, who had only obtained the privileges of a Latinus, might become a Roman citizen. The law also made void all manumission of slaves effected for the purpose of defrauding a creditor or a patron, whether such manumission was effected in the life-


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

ENKATORES (akmatōres) were those who blew upon wind instruments in the Roman army; namely, the bucinatoribus, cornicines, and tubiiotibus. Theae were also employed in the public games. A collegia ancanorum is mentioned in this connexion.

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

ÆQUITAS. (Vid. Just.)  

ÆRA, a point of time from which subsequent or preceding years may be counted. The Greeks had no common era till a comparatively late period. The Athenians reckoned their years by the name of the chief archon of each year; whereas he was called the king from the beginning of the Leonids by the Argives, and the Argives by the chief priestess of Juno, who held her office for life. The following eras were adopted in later times: 1. The æra of the Trojan war, B.C. 1184, which was first made use of by Eratosthenes. 2. The Olympic æra, which began B.C. 776, and was first made use of by Thucydides of Sicily, and was adopted by Polybius, Diodorus, Dionysius of Halicarnassus, and Pausianias. (Vid. Olym. æra.) 3. The Philippic or Alexandrian æra, which began B.C. 332. 4. The æra of the Seleucids, which began in the autumn of B.C. 312. 5. The æra of Antioch, of which there were several, the most common used began in November, B.C. 49.

The Romans reckoned their years from the foundation of the city (ab urbe condita) in the time of Augustus and subsequently, but in earlier times the years were reckoned by the names of the consuls. We also find traces of an æra from the banishment of the kings, and of another from the taking of the city by the Gauls. The date of the foundation of Rome is given differently by different authors. That which is most commonly followed is the one given by Varro, which corresponds to B.C. 753, or 754, in which case that, as the æarist were protected by the state without being bound to military service, they naturally had to pay the æas militares, which was thus originally a charge on them, in the same way as the sums for knights' horses were levied on the estates of rich widows and orphans. (Vid. æas Hordeariurn.) The persons who constituted the æarist was either the heads of the public magistrates of the town, or was a hereditary office.
or example, 'the efflorescence upon stones which contained copper,' and what was 'scrapped from the stone out of which copper was melted.' Various modes of making verdigris are described by Theophrastus and Pliny, who agree in principle, and some of them even as to their details, with the processes now employed. Among the various adulterations of it, that which was made with the sulphate of iron (\textit{aetrumenium \textit{subtorium}}) was, as we learn from Pliny, the one best calculated to deceive; and its distinctiveness, as well as its proportion, was sufficiently noticeable. It was to rub the counterfeit arguro on pappus steeped with gallnut, which immediately thereon turned black.

\textit{Æruscatores} were vagrants who obtained their living by fortune-telling and begging. They were called by the Greeks \textit{pharsanai}. (\textit{Vid. Agurtal.}) Persius explains \textit{aruscatares} by \textit{arv indique collaerere}.

\textit{Æs (\textit{χαλέκος})}, a composition of metals, in which copper is the predominant ingredient. Its etymology is not known. The Italians and French often use the words \textit{rame} and \textit{ellone}, and \textit{airavi}, to translate the word \textit{æs}; but, like the English term \textit{brass}, which is also employed in a general way to denominate the same composition, all are incorrect, and are calculated to mislead. Brass, to confine ourselves to our own language, is a combination of \textit{copper and zinc}, while all the specimens of ancient objects formed of the material called \textit{æs}, are found upon and near the earth, and, for the most part, are seen and not exceptions, to be composed entirely of \textit{copper and tin}.

To this mixture the term \textit{bronze} is now exclusively applied by artists and founders; and it is desirable that, being now generally received, it should always be used, in order to prevent misconception, and to distinguish it from the two compositions.

The word \textit{bronze} is of Italian origin, and of comparatively modern date, and derived in all probability from the brown colour (\textit{bruno}) which the artists of the period of the revival (as it is called) of the Arts, and those who followed them, gave their metal works; various fine specimens of such productions of the \textit{cinquecento} age are still preserved in the Museum of Florence and in other collections; and when the surface of the cast has not been injured by accident or by exposure to the weather, the rich brown tint originally imparted to it is seen upon it in its pristine state.

The natural colour of bronze, \textit{when first cast}, is a reddish brown; the different tints which are seen on works of sculpture of this class being almost always given by artificial means: that which modern taste prefers, and which is now usually seen on bronze, was obtained by the experiment of Varro, but may, however, be considered natural to it, as it is simply the effect of oxidation, from exposure to the influence of the atmosphere. Sometimes the operations of time and weather are anticipated by the skilful application of an acid over the surface of the metal. The effects of age upon works of antiquity are remarkable for the colour of this patina, as it is called by antiquaries.

The employment of \textit{æs (bronze)} was very general among the ancients; money, vases, and utensils of all sorts, whether for domestic or sacrificial purposes, ornaments, arms offensive and defensive, furniture, tablets for inscription, musical instruments, and, indeed, every object to which it could be applied, being made of it. The proportions in which the component parts were mixed seem to have been much studied; and the peculiarities and excellence of the different sorts of bronze were marked by the use of it, as the \textit{æs Deliciae}, \textit{æs Staedes}, \textit{æs Dellicinum}, \textit{æs Egothnicum}, \textit{æs Haphtion}, and others; but of which, it must be confessed, we know little or nothing beyond the titles, except that we collect from some of the writers of antiquity, that, with the view of producing effects of colour or variety of texture, the artists sometimes mixed small proportions of gold, silver, lead, and even iron, in the composition of which bronze was good for some accident of nature than to design. For further particulars on the composition of bronze, and the practice of the ancients in different processes of metal-working, the reader is referred to the article on bronze.

\textit{Æs (\textit{monetae argenti or æreis}). Since the most ancient coins in Rome and the old Italian states were made of \textit{æs}, this name was given to money in general, so that Ulpius says, \textit{Biuram aureos nummos æ destinum.} For the same reason we have \textit{æs cædiwm}, meaning debt, and \textit{ære} in the plural, pay to the soldiers. The Romans had no coined money until the time of Sulla, about A.U.C. 456 (B.C. 269), five years before the first Punic war, when silver was first coined; gold was not coined till sixty-two years after silver. For this reason, Asquinius, in the Italian mythology, was made the son of \textit{Æsculapius.}

The term \textit{æs} was applied to little cast, not struck. In the collection of coins at the British Museum there are four ases joined together, as they were taken from the mould, in which many were cast at once. In most ases the edge shows where they were severed from each other. The first coinage of \textit{æs} was adopted by the Romans under S Marcus Titius, who is said to have stamped the money with the image of cattle \textit{(pecus)}, whence it was called \textit{pecunia.}

According to some accounts, it was coined from the commencement of the city, and according to others, the first coinage was attributed to Janus or Saturn. We know that the old Italian states possessed a bronze or copper coinage from the earliest times.

The first coinage was the \textit{as (vid. As)}, which originally was a pound weight; but as, in course of time, the weight of the as was reduced not only in Rome, but in all Italy, a new standard was adopted. The weight in weight was not uniform in the different states, it became usual in all bargains to pay the asses according to their weight, and not according to their nominal value. The \textit{æs grave*} was not, as has been supposed by some, the old heavy coins as distinguished from the latter modern; but, as Niebuhr has remarked, it signified any number of copper coins reckoned according to the old style, by weight. There was, therefore, no occasion for the state to suppress the circulation of the old copper coins, since in all bargains the axes were not reckoned by as in the old style. Then, the weight of an axe was applied as a common measure for the national money, and for that of the different states of Italy; and, accordingly, a hundred pounds, whether of the old or modern money, were of the same value. The name of \textit{æs grave} was also applied to the uncoined metal.

Under the Roman empire, the right of coinage of silver and gold belonged only to the emperors; but the copper coinage was left to the senator, which was under the jurisdiction of the senate.
by the Greeks for money in early times. Silver was originally the universal currency, and copper appears to have been seldom coined till after the time of Alexander the Great. At Athens a copper coin was established as early as B.C. 406, in the archonship of Callias; 1 but it seems to have consisted of larger pieces of money, and not merely of the χαλκός, which appears to have been used previously on account of the difficulty of coining silver in such minute pieces. The χαλκός in later times was divided into δύοτα, of which, according to Suidas (s. v. Τυλεον and Οδολικόν), it contained seven. There was another copper coin current in Greece, called πυθόλαγον, of which the value is not known. Pollux 2 also mentions κόλπνδοσ as a copper coin of an early age; but, as Mr. Hussey has remarked, this may have been a common name for small money; and χαλκόδοσ signifies generally "changing money," and πουλλακτις "a money-changer." In later times, the Romans coined copper as well as silver. As truly as B.C. 165, we find tinels paid in copper by Ptolemy Epiphanes. 3

ÆS CIRCUMFORA NEUM, money borrowed from the Roman bankers (argentarii), who had shops in porticos round the forum.

ÆS EQUESTRE, the sum of money given by the Roman state for the purchase of the knight's horse (ex poeninis, quae exopus emendus erat). This sum, according to Livy, 4 amounted to 10,000 asses.

ÆS HOREARIUM, or HORDIARIUM, the sum of money paid yearly for the keep of a knight's horse; in other words, a knight's pay. This is paid in silver and sometimes in copper. In the time of Agricola, horse was charged upon the rich widows and orphans, on the principle that, in a military state, the women and children ought to contribute largely for those who fought to behalf of them and the commonwealth. 5

The knights had a right to disdain for this money, if it was not paid, in the same manner as they had the right to disdain for the æs equestre, and the soldiers for the æs militare. 6 It has been remarked by Niebuhr, 7 that a knight's monthly pay, if his yearly pension of 3000 asses be divided by twelve, does not come to anything like an even sum; besides, if we have recourse to a year of ten months, which is the year of the Samnites, Cicero says, Rome in very remote times, a knight's monthly pay will be 200 asses, which was just double the pay of a foot soldier.

ÆS MILITARIE. (Vid. ÆARAIN)

ÆS MANUA'RIUM was the money won in playing with dice, manibus collectum. Manus was the throw in the game. All who threw certain numbers were obliged to put down a piece of money; and whoever threw the Venus (the highest throw) won the whole sum, which was called the æmancipatio. 8

ÆS TIRO. (Vid. MARRIAGE)

*ÆSCULUS, a species of tree commonly ranked in the family of oaks. Martyn 9 is inclined to make it what with what is called, in some parts of England, the bay-oak, and corresponds to the Quercus laitifolia, mas, quae brevis pediculus est, as described by Bauhin. 10 Fée, however, 11 condemns this opinion, on the ground that Virgil, in the passage on which Martyn is commenting, places the Æsculapium in oak wood, and Euclid states it to be in another, as distinct kinds of trees. Martyn therefore is wrong, according to this writer, in making the Æsculus identical with the Quercus laitifolia of Bauhin, since this last is only a variety of, and very little distinct from, the Quercus arbor. 12 If it were certain that the Æsculus of Virgil was the oak of Martyn, it would not be difficult whatever in determining its botanical character; for the Æsculus of Pliny is well known being the φυκος of Theophrastus, 13 or our Quercus Æsculus. Pliny’s Fagus is our beech, and not an oak; and the description which he gives of the tree shows this very clearly. On the other hand, Theophrastus ranks his φυκος among the trees; and this, thus places his Æsculus among the quercus, the robin, the ilex, and the suhcr. Everything then agrees; and, besides, the etymology of Æsculus from esca ("food"), like that of φυκος from φαγει ("to eat"), is not unreasonable. But the Æsculus of Pliny does not correspond to the Æsculus of Virgil. The former is one of the smallest kind, but the later is mentioned by the proper "maxima," and in figurative language as touching the skies with its top, and reaching to Tartarus with its roots. Pliny, too, considers the Æsculus as rare in Italy, whereas Horace speaks of wide groves of the Æsculus in Daunia. This poet, therefore, like Virgil, takes the Æsculus as a symbol of the Æsculapium. In order to relieve the question from the embarrassment in which it is thus left, some botanists have imagined that Virgil means the chestnut, a bold but not very reasonable idea.

ÆSTIMA'TΙΟ LI'I'TIS. (Vid. JExEDES)

ÆSTYNE'NES, AE'NEMUSNES (Vid. AM'ANE'TES)

Æ'TI'TES (p. 465), the Eagles. It is the same with the ετος τικτων of Theophrastus, or the Prolific stone, of which the ancient gives such wonderful accounts, making it famous for assisting in delivery, preventing abortions, and discovering thieves. Pliny says of it, "Est autem lapis usque praecox usque quodam, also reluit in ursi somno," and Dioscorides remarks, àriettis, Æ'tiaus, λευκος ὡς ἀκραπ ἐγκυμόνων λίθων ὕπαρχον. Sir John Hill says, that custom has given the name of Ætites to every stone having a loose nucleus in it. Cleave- land observes, that the ancient gave it the name of Eagle-stone (Ætros, "an eagle"), from an opinion that this bird transports them to its nest to facilitate the hatching of its eggs. It is an argillaceous oxide of iron.

Æ'TOS (Ætros). I. The Eagle. (Vid. AQUILA)

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

Æ'FINES, AE'FINITES, OR AE'FINITAS, AE'FINITAS. Affines are the children of the husband and wife; and the relationship called affinitas can only be the result of a lawful marriage. There are no degrees of affinitas corresponding to those of cognatio, though there are terms to express the various kinds of affinitas. The father of a husband is the socer of the husband's wife, and the father of a wife is the socer of the wife's husband; the testis and socrus expresses the same affinity with respect to the husband's and wife's mothers. A son's wife is nurus or daughter-in-law to the son's parents; a wife's husband is generis or son-in-law to the wife's parents.

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

become by the marriage respectively the sower magnus, proserius, or soror magnus—soror, soror—of the husband, who becomes with respect to them severally progener and gener. In like manner, the corresponding ancestors of the husband respectively assume the same, names with respect to the son's with whom he becomes. The husband's brother becomes lector in respect to with respect to them progener and nurus. The son and daughter of a husband or wife born of a prior marriage are called privus and privignus with respect to their stepfather or stepmother; and, with respect to such children, the stepfather and stepmother are severally called major and minor. The husband's brother becomes lector in respect to with respect to the wife, and his sister becomes glos (the Greek γελος). Marriage was unlawful among persons who had become such affines as above mentioned. A person who had sustained such a capitis dimissio as to lose both his freedom and the civitas, lost also all his affines.

A GALL OCHON (γαλλοχόν), the Ligerus Agalclomus, of Alyxylon Agallacorn, Lour. Such, at least, is the opinion of the commentators on Mesale, of Celsus, Bergius, Matthiolius, Lamarck and Sprengel. Avicenna and Abul I Fadlī describe several species, or, more properly, varieties of it.

A GATHY PAPER (αγαθος γαρος). (Vid. Man- riate.)

*AGAR'IKON (αγαρικον), the Beletus igniarius, called in English Torchwood or Sprud, a luminous excrescence, which grows on the trunk of the oak and other trees. Dioscorides, Paulus Egineta, and others, ascribed to it the mention of a black or poisonous Agaric, which may be decided to have been the Agaricus Muscarious. Dr. Christi- son confirms the ancient statements of its poisonous nature.

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

*AGASS'ES (αγασης), a species of dog described by Oppian. It may be conjectured to have been either the Harrier or the Beagle. Pennant is in favour of the latter.

AGATHERO'GIOI (αγαθοργοι). In time of war, the kings of Sparta had a body-guard of three hundred of the noblest of the Spartan youths (ιπτέρες), of whom the five eldest retired every year, and were employed for one year, under the name of στρατιώτης. 

AGRE 'ΕΝI (αγρενι), an assembly of young men in Crete, who became together from their eighteenth year till the time of their marriage. An αγελος consisted of the sons of the most noble citizens, who were usually under the jurisdiction of the father of the youth who had been the means of collecting the αγελος. It was the duty of this person, called αγελεντης, to superintend the military and gymnastic exercises of the youths (who were called αγελενται), to accompany them to the chase, and to punish them when disobedient. He was accountable, however, in the state, which supported the αγελος at the public expense. All the members of an αγελος were obliged to marry at the same time.

AGEMAG (αγημαγ) from γεμαγ, the name of a chosen body of troops in the Macedonian army, which usually consisted of horsemen. The agema seems to have varied in number; sometimes it consisted of 150 men, at other times of 300, and in later times it contained as many as 1000 or 2000 men.

*AGEDATION (αγηδαγον), a plant, which Mathi- olus speaks of as having been seen by Achilleus ageratum. Donuromus and Sprengel, however, are undecided about it. It would appear to be the Eu- porium of the translator of Mesale.

*AGETTI'PIAOI ΔΙΚΗ (αγηττιπιαοι δικη), an au- tion which might be brought in the Athenian courts by a landlord against the farmer who had injured his land by neglect, or an improper mode of cultivation.

*AGER AEC'ENIUS. (Vid. AGERIMENTI.)

AGER DECUM'ANIUS. (Vid. AGERILEGUS.)

AGER LIMITA'TUS. (Vid. AGERILEGUS.)

AGER RELIGIO'SUS. (Vid. AGERILEGUS.)

AGER SACER. (Vid. AGERILEGUS.)

AGER SANCTUS (τιτευωκος). *Ti τευωκος originally signified a piece of ground, appropriated for the support of some particular hero or hero. In the Ho- meric times, the kings of the Greek states seem to have had a piece of ground specially reserved to them, or the progeny of these chiefs. The word was afterward applied to land dedicated to a divinity. In Attica, there appears to have been a considerable quantity of such sacred lands (τευωκον), which were let out by the state to farm; and the income arising from them was applied to the support of the temples and the maintenance of public worship.

According to Dionysius, land was set apart at Rome as early as the time of Romulus, for the support of the temples. The property belonging to the temples increased considerably in later times, es- pecially under the Emperors.

Lands dedicated to the gods were also called Agri consecrati. Houses, also, were consecrated; as, for instance, Cicero's, by Clodius. By the provisions of the Lex Papia, no land or houses could be dedi- cated to the gods without the consent of the plebs.

The time when this law was passed is uncertain; but it was probably brought forward about B.C. 305, if Livy alludes to the same law.

A'ER VECTIGALI'GIS. (Vid. AGERILEGUS.)

AG. TORIA (αγητορια). (Vid. CARNEIA.)

AGGER (αγγερ), from ad and ger, was used in general for any elevated ground, or a mound, and more particularly applied to a mound, usually composed of earth, which was raised round a besieged town, and was gradually increased in breadth and height till it equalled or overtopped the walls. At the siege of Avaricum, Caesar raised in 25 days an agger 300 feet broad US, 80 feet high. The agger was sometimes made not only of earth, but of wood, hurdles, &c.; whence we read of the ager temp set on fire. The agger was also applied to the earthen wall surrounding a Roman encampment, composed of the earth dug from the ditch (fosso), which usually 9 feet broad and 7 feet deep; but, if any attack was impending, was increased to 12 feet or 12 feet, and the breadth to 13 feet. Sharp stakes, &c., were usually fixed upon the agger, which was then called valgium. When both words are used (as in Caesar, agger ac valgium), the ager means the mound of earth, and the valgium the sharp stakes, &c., which were fixed upon the agger.

AGITA'TORES. (Vid. CIRCRES.)

1. (Dug. Sec., xix., 10, 4.)—2. (Dios. lyr., i. 21; Adams, Append., no. 1.)—3. (Dios. lyr., ii., 1; Adams, Append., no. 2.)—4. (Livy, xliii., 5.;—5. (Phin, xxx., 11.—Curt., viii., b.—Hor., Serv., v., 7.—Tertull., de Carne et. Sangu., 1.)—6. (Gymn., vii., 43;—7. (Herodot., i., 7.—8. (Rabula, 1. in. 13.)—9. (The times, 1. 5. 6. 7.—11. (Bell., vii., 24.)—12. (Livy, xxv., 23.—Cam., Bell, Gall., vii., 24.—13. (Bell, Liv., ii., 14, seq.)—14. (Bell, Gall., vii., 72.)
AGMEN (agmen prope dictum, cum exercitus iter facit, ab agendo, id est, vendo vocabulis), the marching order of the Roman army. According to Polybius, in the Roman armies commonly marched in his time in the following manner: in the van are usually placed the rear; for ourselves (tribus, extraordinarii); and after these the right and left wings of the army, which is followed by the baggage of both these bodies. Next to these marches the first of the Roman legions, with its baggage also behind it. The second legion follows, having behind it, likewise, both its own baggage and the baggage of the allies, who are in the rear; for all the marching order, and with the left wing of the allies. The cavalry marches sometimes in the rear of the respective bodies to which it belongs, and sometimes on the flank of the beasts that are loaded with the baggage, keeping them together in due order, and covering them from insult. When an army is expected to be made upon the rear, the extraordinaries of the allies, instead of leading the van, are posted in the rear; in all the other parts the disposition remains the same. Of the two legions, and the two wings of the allies, those that are on one day foremost in the march, on the following day are placed in the rear; and by this means every day altered. All the troops may obtain the same advantage in their turn of arriving first at water and at forage. There is also another disposition which is used when any immediate danger threatens, and the march is made through an open country. At some distance from the enemy, the order of the army is ranged in three parallel lines, each behind the other, with the baggage of the last in the front. The baggage is placed the baggage of the pedites, who are followed likewise by that of the triarii; so that the baggage of the several bodies is placed in alternate order. The marching thus disposed, the troops in the rear attack the enemy, turning either to the left or to the right, advance forward from the baggage towards that side upon which the enemy appears; and thus, in a moment of time, and by one single movement, the whole army is formed at once in order of battle, except only that the hastati are perhaps obliged to make an evolution; and the beasts of burden, also, with all those that attend upon the baggage, being now thrown into the rear of all the troops, are covered by them from danger.—(Hampton's translation.) An account of the marching order of a Roman army is also given by Caesar, Josephus, and Vegetius.

The form of the army on march differed, however, according to circumstances, and the nature of the ground. An agmen planum was an army in close array, quod sine jumentis incutis, sed uter se dexter ed, quia facilius per remota loca transmittatur. The agmen quadratum was the army arranged in a form of a square, with the baggage in the middle. The form of the Grecian army on march in the time of Xenophon is described in the Anabasis. It was thus formed when marching a day distance in the daytime, either the cavalry in the front, the allies, or the hastati, were placed behind the van, according to the nature of the ground; but that in the nighttime the strongest troops always marched first, by which plan the army was less likely to be separated, and the soldiers had fewer opportunities of leaving the ranks which are the following:

AGNA'TI. (Vid. Cognati.)

AGNOMEN. (Vid. Cognomens.)

AGNUM (ânum âgene) All are agreed, as Schneider remarks, that this is the Vetus agnum caesus, i. e. Chaste-tree. Galen makes it to be the same as the Chaste-tree. The latter occurs in the Odyssey of Homer, and also in the Iliad, and may there mean any flexible twig.

AGONIA, AGONIAE, AGONIOUM, a Roman festival, instituted by Numæ Pomponius in honour of Janus, and celebrated on the 9th of January, the 20th of May, and the 10th of December. The morning of these festivals, or, at least, the morning of the 10th of December, was considered a dies nefastus. The etymology of this name was differently explained by the ancients; some derived it from Agonius, a surname of Janus; some from the word agone, because the attendant, whose duty it was to sacrifice the victim, could not do so till he had asked the rex sacrificius, Agonius? and others from agone, because the origin of it was from the augeo, to augur. The Circus Agonialus, built by the Emperor Alexander, is supposed by some writers to have been erected on the spot where the victims were sacrificed during the agonalia.

AGNUNES 1tâgmati kai tâgmatoi. All causes in the Athenian courts were distinguished by classes as: tâgmati, i. e. not to be assessed, in which the fine or other penalty was determined by the laws; and âgones tâgmati, swis to be assessed, in which the penalty had to be fixed by the judges. When the judges had given their votes in favour of the plaintiff, they next had to determine, provided that the suit was an âgones tâgmati, what fine or compensation was to be derived from the defendant. The Cirrus Agonas, says Polybius, and other writers who have been erected on the spot where the victims were sacrificed during the agonalia.

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AGRARΙE LEGES.

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

AGORANOMI (ἀγορανόμοι) were public functionaries in most of the Grecian states, whose duties corresponded in many respects to those of the Roman aediles. At Athens their number was ten, five for the city and five for the Piraeus, and not twenty, as Meier erroneously states, misled by a false report preserved by Thucydides. They had the inspection of goods which were sold in the market, with the exception of corn, which was subject to the jurisdiction of the ἀυτώμικος. They regulated the price and quantity of all things which were brought into the market, and punished all persons convicted of cheating, especially by false weights and measures. They, in general, the power of punishing all infraction of the laws and regulations relating to the market, by inflicting a fine upon the citizens, and personal chastisement upon foreigners and slaves, for which purpose they usually carried a whip. They had also the care of the market-place, and received the tax (τέμνου τέλος) which foreigners and aliens were obliged to pay for the privilege of exposing their goods for sale in the market. The public prostitutes were also subject to their regulations.

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

ΑΡΑΦΑ'ΟΤΙΟΥ ΓΡΑΦΗ (ἀράφαφος γράφη). The names of all persons at Athens who owed any sum of money to the state (ὁ τῶν δημοσίων δηλούτερ) were registered by the practores (πράξατορες) upon tablets kept for that purpose in the Temple of Minerva, on the Acropolis; and hence the expression of being registered on the Acropolis (ἀγεγραμμένος ἐν ἀκρόπολις) always means indebted to the state. If the name of an individual was improperly erased, he was subject to the action for non-registration (ἀραφαφόν γραφῆ), which was under the jurisdiction of the sixty tribes. If the name of an individual was not registered, he could only be proceeded against by ἐνδείξεως, and was not liable to the ἀράφαφον γραφῆ.

Hesychius, whose account has been followed by Hensterhys and Wesseling, appears to have been mistaken in saying that the ἀράφαφον γραφῆ could be instituted against debtors who had not been registered.

ΑΓΡΑ'ΦΟΙ ΝΟΜΟΛ (Vid. NOMOL).

ΑΡΑΦΑ'ΟΤΙΟΥ ΜΕΤΑΛΛΟΥ ΓΡΑΦΗ (ἀράφαφος μετάλλον γραφῆ) was an action brought before the thesometheς at Athens, against an individual who worked a mine without having previously registered the mine.

Among the Athenians, the proper name for the assembly of the people was ἐκκλησία, and among the foreigners the term ἐκκλήσια was used. The first time at Athens to the assemblies of the phyllum and deme. In Crete the original name ἀγώρα continued to be applied to the popular assemblies till a late period.

The name ἀγώρα was early transferred from the assembly itself to the place in which the assembly was used to meet. It alone was used to mark the meeting-place, where goods of all descriptions were bought and sold. The expression ἀγώρα πλῆθος, (πλῆθος ἀγώρα)
all; as, for instance, that by which the domain of the kings was parcelled out among the commonalty, in which case the communal lands were planted. Even in the narrower sense of a law whereby the state exercised its ownership in removing the old possessors from a part of its domain, and making over its right of property therein, such a law existed among those of Servius Tullius.1

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

Gaius,2 who probably wrote under the Antonines, made two chief divisions of Roman land; that which was divini juris, and that which was humani juris. Land which was divini juris was either sacrum or religiosum.3 Land which was sacrum was consecrated to the Dio Superi; land which was religiosum belonged to the Dio Manes. Land was made sacrum by a lex or senatus consultum; and, as the context shows, such land was land which belonged to the gods or to religion. An individual could make a portion of his own land religious by the interment in it of one of his family: but it was the better opinion that land in the provinces could not thus be made religious; and the reason given is, that the ownership or property in provincial lands is either in the state (pop. Rom.) or in the Caesar, and that individuals had only the possession and enjoyment of it (possessio et usus fructus). Provincial lands were either stipendiaria or tributaria: the stipendiaria were in those provinces which were considered to belong to the Roman state; the tributaria were in those provinces which were subject to no municipal laws, and were governed by the Caesar. Land which was humani juris was divided into public and private: the former belonged to the state, the latter to individuals.

It would seem to follow, from the legal form observed in making land sacrum, that it thereby ceased to be publicus; for if it still continued publicus, it has no meaning. The commentator Niebuhr has stated that "all Roman land was either the property of the state (common land, domain) or private property—aut publicus aut privatus," and he adds that "the landed property of the state was either consecrated to the gods (sacrum), or allotted to men to reap its fruits (publicum et religiosum)." It is evident that the view of Gaius of the latter makes the latter the primary division; but he relies on the authority of Frontinus, supported by Livy, as evidence of the correctness of his own division, in which he breaks as in a passage in Frontinus (De Re Agraria, xi., xiii.), that Niebuhr has mistaken the meaning of the writer, who clearly intends it to be inferred that the sacred land was not public land. Besides, if the meaning of Frontinus was what Niebuhr has supposed it to be, his authority is not sufficient to prove it, inasmuch as it clearly belongs to the province of the jurist, and is foreign to that of the agrimensor. The passage of Livy, also, certainly does not prove Niebuhr's assertion. The form of dedication in Livy may be easily explained.

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

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

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

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

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

3. The word possessio, which originally signified the right of the possessor, was in time used to signify the object of the right. Thus agrar signified a piece of land, viewed as an object of Quiritarian ownership; possessio, a piece of land, in which a man had an agrar right. But, for instance, Italic land not transferred by mancipatio, or land which from its nature could not be the subject of Quiritarian ownership, as provincial lands and the old agrar publicus. Possessio accordingly implies possidere, agrar implies proprietas or ownership. Thus when it is said that a person is from a jurist of the imperial times, quoted by Savigny; but its value for the purpose of the present inquiry is not on that account the less. The agrar publicus, and all the old notions attached to it, as already observed, hardly occur in the extant Roman jurists; but the possessio, as applied to private land, and the legal notions attached to it, are of frequent occurrence. The form of the interdict

uter possidetis — as it appears in the Digest, is this: uti eas aedes... possidetis... vln fieri veto. But the original form of the interdict was: uti nunc possidetis sum fundum, &c. (Fustus in Possessio); the word fundus, for which aedes was afterward substituted, appears to indicate an original connection between the interdict and the agrar publicus.

We know nothing of the origin of the Roman public lands. It is generally supposed that it was acquired by conquest, and when the conquered lands, what we should call now the state, is to the publicus, as the name publicus (populici) imports. We may suppose that in the early periods of the Roman state, the conquered lands being the property of the publicus, might be used by those who may be called the rulers of that body, in any way that the body might determine. But it is not quite clear how these conquered lands were originally occupied. The following passage from Appian appears to give a probable account of the matter, and which is not inconsistent with such facts as are otherwise known. The Romans, he says, "...used, not to possess any part of the conquered lands, and either build cities in them, or sent Roman colonists to settle in the cities which already existed. Such cities were considered as garrison places. As to the land thus acquired from time to time, they either divided the cultivated part among the colonists, or sold it, or let it to tenants." As to the land which had fallen out of cultivation in consequence of war, for which, indeed, was the agrar part, having no time to allot it, they gave public notice that any one who chose might in the mean time cultivate this land, on payment of one-tenth of the produce. The same privilege was extended to arable land, and a fifth of the produce of oliveyards and vineyards. A rate was also fixed to be paid by those who pastured cattle on this undivided land, both for the larger and smaller animals. The rich occupied the greater part of this undivided land, and at length, feeling confident that they should never be deprived of it, and getting hold of such portions as bordered on their shares, and also of the smaller portions in the possession of the public, they became cultivators of extensive districts instead of mere farms. And, in order that their cultivators and shepherds might be free from military service, they employed slaves instead of free men; and they derived great profit from their rapid increase, which was favored by the immense amount of the slaves from military service. In this way the land became very rich, and slaves were numerous all through the country. But this system reduced the numbers of the Italians, who were grown down by poverty, taxes, and military service; and whenever they had a respite from these evils, they had nothing to do, the land being occupied by the rich, who also employed slaves instead of freemen.

This passage, though it appears to contain much historical truth, leaves the difficulty as to the original mode of occupation unsettled; for we can scarcely suppose that there were not some rules respecting the grants of land, and the terms on which land more precise than such a permission or invitation for a general scramble. It must, indeed, have happened occasionally, particularly in the later times of the Republic, that public land was occupied, or squatted on (to use a North American phrase), by soldiers, who had been discharged.

But, whatever was the mode in which these lands were occupied, the possessor, when once in possession, was, as we have seen, protected by the praeator's interdict. The patron who permitted his client to occupy any part of his possessions as tenant at will (interdictum de precario; for the client did but obtain a possession by such permission of his patron). The patron would, of course, have the same remedy against a trespasser. But any individual, however humble, who had a possession, was also protected in it against the aggression of the rich; and it was "one of the grievances bitterly complained of by the Gracchi, and all the pa. s of their age, that while a soldier was serving against the enemy, his powerful neighbour, who coveted his small estate, ejected his wife and children."—Nicolson.

Nico:son.

The public lands were divided into districts, called possessed, or the possession of its public land, but could sell it, and thus convert public into private land. A remarkable passage in Orosius shows that public lands, which had been given to certain religious corporations to possess, were sold in order to raise money for the repaire of the state. The possession of that land which was possessed, and the circumstance of the possession having been a {grant or public act, are both contained in this passage.

The public lands which were occupied by possessors were sometimes called, with reference to the "possession," agrar publicus, the same lands were called state, concess. Public land which became private by sale was called questeatorius; that is often spoken of as assigned (assignatus) was marked out and divided (limitatus) among all the plebeians in equal lots, and given to them in absolute ownership, or it was transferred to the persons who were sent out as a colony. Whether the land to be granted to the colony should become Roman or not, depended on the nature of the colony. The name aeger publicus was given to public lands which were acquired even after the plebs had become one of the estates in the Roman Constitution, though the name publicus, for it had never fallen. So no longer be strictly applicable to such public lands. It should be observed, that after the establishment of the plebs, the possession of public land was the peculiar privi-

1. (Jardineus Dig. 50, tit. 16, s. 115, 1—9. (Boll) Civ., l. 7.)
2. (Savigny, p. 176, note.)
lege of the patricians, as before the establishment of the plebs it seems to have been the only way in which public lands were enjoyed by the populii: the assignment, that is, the grant by the state of the ownership of public land in fixed shares, was the privilege of the plebs. In the early ages, when the populi was the state, it does not appear that there was any assignment of public lands among them, though occasionally some of them might be sold; the mode of enjoyment of public land was that of possession, subject, as already observed, to an annual payment to the state. It may be conjectured that this ancient possessio, which we cannot consider as having its origin in anything else than the consent of the public at large, was disregarded as a good mode of tenure of the land, as long as the annual payments were made. At any rate, the plebs had no claim upon such ancient possessions. But with the introduction of the plebs as a separate estate, and the constant acquisition of new lands by conquest, it would seem that the plebs had as good a title to a share of the newly-conquered lands, as the patricians to the exclusive enjoyment of those lands which had been acquired by conquest before the plebs had become an estate. The determination of what part of newly-conquered lands (arable and vineyards) should remain public, and what part should be assigned to the plebs, as the plebs, says, would be observed, was done after the completion of every conquest, 1ought to have been an efectual way of settling all disputes between the patricians and plebs as to the possession of the former; for such an appropriation, if it were actually made, could have no other meaning than that the patricians were to have as good title to possess their share as the plebs to the ownership of their assigned portions. The plebs, at least, could never fairly claim an assignment of public land, appropriated to remain such, at the time when they received the share of the conquered lands to which they were entitled. But the fact is, that we have no evidence at all as to such division between lands appropriated to remain public and lands assigned in ownership, as Niebuhr assumes. All that we do know is, that the patricians possessed large tracts of public land, and that the plebs from time to time claimed to possess a certain portion of part of them. In such a condition of affairs, many difficult questions might arise; and it is quite as possible to conceive that the claims of the plebs might in some cases be as unjust and ill-founded as the conduct of the patricians was alleged to be rapacious in extending their possessions. It is impossible to fix in either case the exact title of the possession, owing to sales of possessions, family settlements, and other causes, boundaries had often become so confused that the equitable adjustment of rights under an agrarian law was impossible; and this is a difficulty which Appian particularly mentions.

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

The property of the Roman people consisted of many things besides land. The conquest of a territory, unless special terms were granted to the conquered, seems to have implied the acquisition by the Roman state of the conquered territory and all that it contained. Thus no; only would land be acquired, which was available for corn, vineyards, and pasture, but mines, roads, rivers, harbours, and, as a consequence, tolls and duties. If a Roman colony was sent out to occupy a conquered territory or town, it might be divided among the colonists in complete ownership. (Vid. Colonia.) The remainder, it appears, was left or restored to the inhabitants. Not that we are to understand that they had the property in the land as they had before; but it appears that they were subject to a tax, the produce of which belonged to the Roman people. Niebuhr seems to suppose that the Roman state might at any time resume such restored lands; and, no doubt, the right ofquisition was involved in the tenure by which such lands were held. But it was doubted if the resumption of such lands was ever resorted to except in extraordinary cases, and except as to conquered lands which were the public lands of the conquered state.

Private persons, who were permitted to retain their lands subject to the payment of a tax, were not the possessors to whom the agrarian law was applied. In many cases of land were absolutely privatized, their owners having perished in battle or been driven away, and extensive districts, either not cultivated at all or very imperfectly cultivated, became the property of the state. Such lands as were unoccupied could become the subject of possession, and the possession would in all cases, and in whatever manner be obtained the land, be liable to a payment to the state, as above mentioned in the extract from Appian. This possesso was a real interest, for it was the subject of sale: it was the usufruct of the land; but it was not the aeger or property. The possession strictly could not pass by testament, with the exception of at least not by the scission. 2 It is not easy, therefore, to imagine any mode by which the possession of the heirs was protected, unless there was a legal form, such as Savigny has assumed to exist for the general protection of possessiones in the public lands.

The possessor of public land never acquired the ownership by virtue of this possession; it was not subject to usucaption. The ownership of the land which belonged to the state could only be acquired by the grant of the ownership, or by purchase from the state. The state could at any time, according to strict right, sell that land which was only possessed, or assign it to another person. The possession was, in fact, with respect to the state, a precarious; and we may suppose that the lands so held would at first receive few permanent improvements. In course of time, and particularly when the possessors had been undisturbed for many years, possession would appear, in an equitable way, to be fully and fairly owned by the person who had in fact the enjoyment of the land. It is true, the possession is merely right and title; and the hardship of removing the possessors by an agrarian law would appear the greater, after the state had long acquiesced in their use and occupation of the public land.

In order to form a correct judgment of some of these enactments which were most frequently called agrarian laws, it must be borne in mind that the possessors of public lands owed a yearly tenth, or fifth, as the case might be, to the state. Indeed, it is clear, from several passages, 3 that, under the Republic at least, the receipt of anything by the state from the occupier of land was a legal proof that the land was public; and conversely, public land always owed this annual payment. These annual payments were, it seems, often withheld by the possessors, and thus the state was deprived of a fund for the expenses of war.

The object of the agrarian law of Sp. Cassius is supposed by Niebuhr to have been that the portion of the public in the public lands should be set apart; that the rest should be divided among the plebeians; that the title should again be levied, and applied to paying the army. 4 The agrarian law of Licinius Sesto limited each individual’s possession of public land to 500 jugera, and imposed some other restrictions; but the possessor had no better title than an usucaption which the law left him than he formerly had to what the law took from him. The surplus land, according to the provisions of the law, was to be formed among the plebeians.
The Lictorian law not effecting its object, T. S. Gracchus revived the measure for limiting the possessions of cultivators on 500,000 acres to ten, the argument of the possessors against this measure, as they are stated by Appian, 1 are such as might reasonably be urged; but he adds that Gracchus proposed to give to each possessor, by way of compensation for improvements made on the public land, the full ownership of 600 jugera, and he assigns the quantity to each of them, if he had any. If it is true, as Appian states, that the law of Gracchus forbade the rich from purchasing any of the lands which might be allotted to the plebeians by his agrarian law, this part of the measure was as unjust as it was impolitic. The lands which the Roman people, and, indeed, the public good, could lose, the conquest were greatly reduced in amount by the laws of Gracchus and by sale. Confiscations in the civil wars, and conquests abroad, were indeed continually increasing the public lands; but these lands were allotted to the soldiers and the numerous colonists to whom the state was continually giving lands (see the list in Frontinus, De Colomia Italiae). The system of colonization which prevailed during the Republic was continued under the emperors, and considerable tracts of Italian land were disposed of in this manner by Augustus and his successors. Such tracts of land were paid for by the pay of his soldiers, and grants of Italian lands are mentioned by subsequent emperors, though we may infer that, at the close of the second century of our era, there was little public land left in the peninsula. Vespasian sold part of the public lands called subscusa, a term which expressed such parts as had not been assigned, when the other parts of the same district had been measured and distributed. Domitian, according to Aggenus, gave the remainder of such lands all through Italy to the possessors. The conquests beyond the limits of Italy furnished the emperor with revenue by the taxation of the conquered territories, by grants of land; and in this way the institutions of Rome were planted on a foreign soil. But, according to Gaius, property in the land was not acquired by such grant; the ownership was still in the state, and the provincial landholder had only the possession, or the power of disposition, of the land. The first measure of the Caesar, his interest in the land was one that might be resumed at any time, according to the strict rules of law, though it is easily conceived that such foreign possessions would daily acquire strength, and could not safely be dealt with as possessors. The question is consequently put in the way by the special laws which had convulsed the Roman state. This assertion of the right of the populus Romanus and of the emperor might be no wrong "inflicted on provincial land-owners by the Roman jurisprudence," as Niebuhr affirms. This same writer also observes, that Frontinus speaks of the "area publica in the provinces, in contradistinction to the agri privati there;" but this he does not. This contradistinction is made by his commentator Aggenus, who, as he himself says, only conceives the meaning of Frontinus; and, as we think, he has not distinguished true publica and privata at a paid for the holders of ager privatus in the province was the only thing which distinguished the beneficial interest in such land from Italian land, and might be, in legal effect, a recognition of the ownership according to Roman law. And this was Saviug's earlier opinion with respect to the tax paid by provincial lands; he considered such property as belonging to the person possessing temporary or ultimate owner of the lands. His later opinion, as expressed in the Zeitschrift für Geschichtliche Rechtswissenschaft, is, that under the Caesars a uniform system of direct taxation was established in the provinces, to which all provincial land was subject; but land in Italy was free from this tax, and a provincial town could only acquire the title freedom by receiving the privilege expressed by the term municipia. The completion of this question here under discussion could only be effected by ascertaining the origin and real nature of this provincial land-tax; and as it may be difficult, if not impossible, to ascertain such facts, we must endeavour to give a probable solution. Now it is consistent with Roman notions that all conquered land should be the property of the Roman state; and it is certain that such land, though assigned to individuals, did not by that circumstance alone become invested with all the characters of Roman land which was private property. It had not the privilege of the jus italicum, and, in short, could not be the property of the privatian ownership, with its incidents of mancipatio, &c. All land in the provinces, including even that of the liberae civitates, and the ager publicus so called, could only become an object of Quiritarian ownership by having conferred upon it the privilege of Italian land, by which it was also released from the payment of the tax. It is clear that there might be and was ager privatus, or private property, in provincial land; but this land had not the privileges of Italian land, unless such privilege was expressly given to it; and, accordingly, it may be asserted that there were in all countries seem to suppose a complete ownership residing in some person, and as the provincial landowner, whose lands had not the privilege of the jus italicum, had not that kind of ownership which, according to the notions of Roman law, was complete ownership, it is difficult to conceive that the ultimate ownership of provincial lands (with the exception of those of the liberae civitates) could reside anywhere else than in the populus Romanus, and, after the establishment of the imperial power, in the populus Romanus or the Cesar. This question, however, one of some difficulty, and which deserves farther examination. It may be doubted, however, if Gaius means to say that there could be no Quiritarian ownership of private land in the provinces; at least this would not be the case in those districts to which the jus italicum was extended. As to the laws of landed property, the passage is quoted by Niebuhr; 2 may be explained. The land here spoken of was land in Sicily. One object of the measure of Rullus was to exact certain extraordinary payments (rectigum) from the public lands, that is, from the possessors of them; but he was not content with this mode of extending the operation of his measure. If this is private land, Cicero argues, the exception is unnecessary. The argument, of course, assumes that there was or might be private land in Sicily; that is, there was or might be land which would not be affected by this part of the measure of Rullus. Now the opposition of public and private land in this passage certainly proves, what can easily be proved without it, that individuals in the provinces owned land as individuals did in Italy; and such land might with propriety be called privatus, as contrasted with that called publicus in the provinces: in fact, it would not be easy to have found another name for it. But we know that ager privatvs in the provinces, unless it had received the jus italicum, was not the same thing as ager privatvs in Italy, though both were private property. Such a passage, then, leads to no necessary conclusion that the ultimate ownership of land in those districts was in the Roman people. It may be as well here to remark farther, that any conclusions as to Roman law, derived solely from the orations of Cicero, are to be received with caution; first, because on several occasions (in the Pro Caelio for instance) he states that to be law which was not, for the purpose

1. (Bell. Civ., i., 10.)—2. (Frontinus, de Re Agraria.)—3. (Hel.
p. 954.)
maintaining his argument; and, secondly, because it was a subject on which his knowledge was probably not very exact.

He briefly notices the condition of the public land with respect to the fructus, or vesti-

gal, which belonged to the state. This, as already observed, was generally a tenth, and hence the ager publicus was sometimes called decumanus; it was also sometimes called ager vectigal. The tithe was generally farmed by the publicani, who paid their rent in produce, not in money.

The letting was managed by the census, and the lease was for five years. The form, however, of

leasing the tenth was that of a sale, mercatissimo. In course of time, the word locatio was applied to these leases. The phrase used by the Roman writers was onerum fructus, which was the proper expression; but we find the phrase ager vectigal locare also used in the same sense, an expression which might appear somewhat ambiguous; and even ager locare, which might mean the leasing of the public lands, and not of the tenth due from the possessors of them. It is, however, made clear by Niebuhr, that in some instances, at least, the phrase ager locare does mean the leasing of the tenths; whether this was always the meaning of the phrase, it is not possible to affirm.

Though the term ager vectigal is originally expressed the public land, of which the tithe was levied, as was the custom in Italy, to signify lands which were leased by the state or by different corporations. This latter description would comprehend even the ager publicus; but this kind of public property was gradually reduced to a small amount; and we find the term ager vectigal, in the latter period, applied to the lands of towns which were so leased that the lessee, or who those derived their tithe from him, could not be ejected so long as they paid the vectigal. This is the ager vectigal of the Digest, on the model of which was formed the emphyteusis, or ager emphyteuticus. (Vid. Emph.)

The rights of the lessee of the ager vectigal were different from those of a possessor of the old ager publicus, though the ager vectigal was derived from, and was only a new form of, the ager publicus. Though he had only a jus in re, and though he is distinguished from the owner (dominus), yet he was considered as having the possession of the land, and was subject to suit in the town, if he was ejected from his land, provided he had always paid his aigongal

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

Agraulos was also honoured with a festival in Cyprus, in the time of Agrippidus, at which human sacrifices were offered.

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

AGRIA'NIA (άγριανια) was, according to Hec.

yclus, a festival celebrated at Argos, in memory of a deceased man, and was, probably, the same as the festival called AGRANIA. The Agrinia was also celebrated at Thebes, with solemn sports.

AGRIMENSO'RES, or "land-surveyors," a col-

lege established under the Roman emperors. Like the jurisconsults, they had regular schools, and were paid handsome salaries for their labours. Their functions consisted in measuring unassigned lands for the state, and ordinary lands for the proprietors, and to fix and maintain boundaries. Their writings on the subject of art were very numerous; and we have still scientific treatises on the law of boundaries, such as those by Frontinus and Hyg.

They were sometimes called spectacoles and clarissimi in the time of Theodosius and Valentinian. As part-

itioners of land, the agrimensores were the successors of the augurs, and the mode of their limitatio was derived from the old augural method of forming the termphum. The word termphum, like the Greek rets, signifies the circle or arc application to signify the vault of the heavens was due to the fact that the directions were always ascertained according to the true cardinal points. At the inauguration of a king or consul, the augur looked towards the east, and the person to be inaugurated was conformity with the sun and the direction in which he looked was the main direction. Thus we find that in the case of land-surveying the augur looked towards the south, for the gods were supposed to be in the north, and the augur was considered as looking in the same manner in which the gods looked upon the earth. Hence the main line land-surveying was drawn from north to south, and was called cardo, as corresponding to the axis of the world; the line which cut it was termed decumanus, because it made the figure of c, like the numeral X. These two lines were produced to the extremity of the ground which was to be laid out, and parallel to these were drawn other lines, according to the size of the quadrangle required. The limits of these divisions were inci-

cated by barks, called limites, which were left as high roads, the ground for them being dedicated from the land to be divided. As every sixth was wider than the others, the square bordering upon this would lose pro loco. The opposition of via and times in this rectangular division of property has not been sufficiently attended to by scholars. It appears that, if the line from north to south was called unes, that from east to west was called unes, and vice versa. Virgil was, as is well known, very fond of words and figures which entirely depend on inferences drawn from his language. First, he uses times in its stricter sense as a term of land-surveying: "Ante Jovem nulli subjacentur aera coloni, Nespigni violidem, aut partiri limites campum Fasc rat." Again, in speaking of planting vines in regular rows, he says: "Omnis in auguram Arboribus gesitis secta via limite quadratr." i. e., "let every via be exactly perpendicular to the times which it cuts." He says quadratr, for the term via might be used in speaking of a line which cut another obliquely, as it is used in the description of the eclipsc, in Virgil:

"Via secta per ambar, Obstips qua se signorum vertetur ordo." These passages are sufficient to prove that via and times are used in opposition to one another. The following authorities will shew that via means the principal or south road, and times means the cross road, where roads are spoken of. In the first place, the Twelve Tables laid down that the via should be eight feet wide when straight, but twelve

1. (Livy., iv., 18.)—2. (Diony., ii., 2.)—3. (Varro, ap. Fra-

tinum, p. 515.)—4. (Feastus, s. v., Sinistro.)—5. (George., i., 156.)

6. (Georg., ii., 278.)—7. (George., i., 228.)

1. (Livy., i., 18.)—2. (Diony., ii., 5.)—3. (Varro, ap. Fras-


feet at the turning; and it is expressly distinguished by Festus from the tier of two feet wide, and the actus of four feet wide. Secondly, in Livy we have "extra vas (portae) extusque lata sunt vidit, et cachina (pl.) extusque lata sunt vidit; and in the same author," "transieritis limitibus in viam Laetamnam est egressum" and Tacitus says, "Por limia viae sparguntur solutae consortae victores." When land was not divided, it was called areasinus, or areasialis; the aeger publicus belonged to this class.

The reader will find two very valuable articles on the Limitatio and the Agrimensorum in the Appendices to Niehbr's Roman History, vol. ii.

- **AGRIMONIA**, the herb Agrimony, called also Empatorum (Sorbus aucuparia), from its having been discovered by Mithradates Empator. 

- **AGRIO-NIA** (アグリオーニア), a festival which was celebrated by the women and priestesses of Dionysus, surnamed Αγριωνός. It appears from Plutarch that this festival was solemnized only by women and priests of Dionysus. It consisted of a kind of game, in which the women for a long time acted as if seeking Dionysus, and at last called out "one another that he had escaped to the Muses, and had concealed himself with them. After this they prepared a repast; and having enjoyed it, amused themselves with solving riddles. This festival was remarkable for a feature which proves its great antiquity. Some virgins, who were descended from the Muses, were occasionally used to assemble around the temple on the occasion, fled, and were followed by the priest armed with a sword, who was allowed to kill the one whom he first caught. This sacrifice of a human being, though originally it must have formed a regular part of the festival, seems to have been avoided in later times. One instance, however, occurred in the days of Plutarch. But, as the priest who had killed the woman was afterward attacked by disease, and several extraordinary accidents occurred to the Minyans, the priest and his family were deprived of their offices, power. The festival is said to have been derived from the daughters of Minyas, who, after having for a long time resisted the Baccanalian fury, were at length seized by an invincible desire of eating human flesh. They therefore cast lots on their own children, and as Hippasus, son of Lapicippus, the eldest, was killed and offered him, whereas the belonging to that race were at the time of Plutarch still called the destroyers (κλέος or αιόλαια), and the men mourners (φυλόκτητοι). 

- **AGRIOPHYLLON** (αγριοφύλλον), a plant, the same with the Poecileum (Ποεκίθευμα), our "Hogs-fennel," or "Fennel," or "Foxtail." 

- **AGRONOMI** (αγρόνομοι) are described by Aristotle as the country police, whose duties corresponded in most respects to those of the astynomi in the city. They appear to have performed nearly the same duties as the hylotri (θυλοτρί). Aristotle does not inform us in what state they existed; but, from the time at which the sons of them by their children. It appears probable that they belonged to Attica.

- **AGROSTIS** (αγρωστικός), a plant. Schneider and Sprangel remark, that nearly all the commentators agree in referring it to the Tritium repens, L., or Cichorium grass. Stackhouse, however, is content with simply marking the Δίωμος of Theophrastus as Αγρωστία of Galen. The brief description of the Δίωμος by το Παρασκευά, given by Dioscorides, would seem to point to the Parnassia palustris, or "Grass of Parnassus."

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AIIKAS DIKE

•AIGITHALOS (αιγιθάλος), a species of bird. Aristotle applies this term to the genus Parus, of which there are a great number of species. It is a genus of small passerine birds, and includes the following species: 1. The **Parus major**, the Great Titmouse or Ox-eye. 2. The **Parus caudatus**, L., or Long-tailed Titmouse. 3. The **Parus cristatus**, which answers to the **Parus carolinus**, L., or Blue Titmouse.

•AIGIPYROS (αιγιπυρός), a plant about which there has been much difference of opinion. Robert Sipman and most of the older commentators contend that it is the **Avena sterilis**, or Polie avamite of the French. Matthioli rejects this opinion, and holds it to be an herb called *Cyniodite* in French, which grows in fields of barley. Dodonaeus, Sibthorp, Stackhouse, and Sprengel agree in referring it to the genus *Avena*. It is generally supposed that the name of the *Avena* is the same as the *Oenanthe* of Classical authors, or the *Quercus* of the Otho. This, however, is merely conjectural.

•AIGOTHELAS (αιγοθήλας), the Goat-sucker, a bird of the genus *Caprimulgus*. It applies more especially to the species called *Fenn-owl* in England, to which Professor Rennie gives the scientific name of *A. s. Fenni*.

•AIGIOPLOS (αιγιοπλός). *Albin* describes it as being a bird intermediate between the Eagle and the Vulture. Gezer decides that it is the same as the *vulturio* and the *Vultur niger* of Pliny; and Schneider suggests that it probably was the *Vultur perornatus*, or Alpine eagle. (Vid. Gryph.)

•AILEA (αίλεα), a woman of the rapacious tribe, briefly noticed by Aristotle. It is rendered *Uly* by Gaea, but cannot satisfactorily determined. (Vid. Glaux.)

•AIKIAS DIIKH (αικίας δίκη), an action brought at Athens before the court of the Forty (οι τετραάκουσαι), against any individual who had stricken a citizen. Any citizen who had thus been insulted might proceed in two ways against the offending party, either by the aikias dikē, which was a private action, or by the *equivos graiotes*, which was looked upon in the light of a public prosecution, since the state was considered to be wronged in any injury done to any citizen. It appears to have been one of the special cases of the *bôngos* or the *politeia* which was given to persons who had been injured more than the amount of the obligation.

It was necessary to prove in two facts in bringing the aikias dikē before the Forty. First, That the defendant had struck the plaintiff with the intention of insulting him (*eis ἐπόρος*), which, however, was always presumed to have been the intention, unless the defendant could prove that he only struck the plaintiff in joke. Thus Ariston, after proving that he had been struck by Conon, tells the judges that Conon will attempt to show that he had only struck him in play. Secondly, It was necessary to prove that the defendant struck the plaintiff first, and did not merely return the blows which had been given by the plaintiff (*ἀρχέται χειρὸς ἄδικον*, or merely *ἄδικον ἄρχεται*). In this action, the sum of money to be paid by the defendant as damages was not fixed by "the laws; but the plaintiff assessed the amount according to the injury which he thought he had received, and the judges determined on the justice of the measure.

AIKLON (αἰκλόν, αἰκλών, or ἀἰκλῶν), is said by Polemo to be a Doric word; its derivatives *ἐπικλέα* and *μεικλία* were used only by the Dorians. Modern writers differ greatly respecting its meaning; but, from an examination of the passages in which it occurs, it appears to be a term employed in the senses: 1. A meal in general. Thus Alcman uses σμείναι of a meal. II. The chief dish or course in a meal. The dessert or after-course was called ἐπικλέα. The *ἐπικλέα* among the Spartans was composed of the contributions which every one who came to the public banquets (*σφαῖρα*) was bound to bring, and consisted chiefly of pork and black broth, or blood-broth (*μέλος ἄφως, ἀφρός *); the additional contributions of other persons were received merely as a sacrifice, and were eaten by the guests. But, if their flavour was not approved, they were made up afresh into a savoury mess called a μαστίγι. Boys were allowed an *ἐπικλέα* consisting of barley meal kneaded with oil, and baked in laurel leaves.

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

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

AIX (αἴξ). I. (Vid. *Tragos*). —II. The name of a bird briefly noticed by Aristotle. Below conjectures that it was the *Lapwing*, namely, the *Palaicus Cristatus*.

AIIKIAS PROS (αἰκιαρός), the Felis Catus, or Wild Cat. Some apply the name κατηγός to the Domestic Cat. —(Vid. Felis.)

AIMA'I'THIE (αἰμαίτης), the well-known stone called Bloodstone. (Vid. HEMATITE.)

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

A B. 405, 6. 1, 2. 3. 4. 5. Used by artists and antiquaries to that variety of marble which mineralogists call gypsum. Alabaster is sometimes described as of two kinds; but this is an error, as one of the substances so called is a carbonate of lime, and therefore not alabaster in the common acceptance of the term, while the other, the real alabaster or gypsum, is a sulphate of lime. Alabaster (gypsum) is translucent or semi-transparent, and is usually of a white—a yellowish white—and greenish colour, though sometimes strong brown tints and spots appear in it. When the varieties of colour occur in the same stone, and are disposed by us or horizontal strata, it is often called onyx alabaster; and when dispersed irregularly, as if in clouds, it is in like manner distinguished as agate alabaster. These varieties in the colour are alluded to by Pliny: "Candore interstincto variis coloribus."

Their [the Athenian women's] other ornaments, and on that account ill adapted for sculpture on a large scale, it is capable of being worked to a very fine surface, and of receiving a polish.

Alabaster has been supposed to derive its name originally from Alabaster, a town of Egypt, where there was a manufactury of vessels made of a stone which was found not only in the immediate vicinity of the town of Alabaster; but Pliny speaks of alabstraries, using that term for the various kinds of this marble, as well as onyx, probably from the texture being somewhat different from that of the Greek, Sicilian, and Italian marbles, which he was more accustomed to see, and which were much used for sculpture. A very few specimens of what he thus desired to distinguish it. He observes that it was chiefly procured in his time from Alabstron and Damascus.

Alabaster, both in its form of carbonate of lime and gypsum (for, from the confusion that exists in the description of some ornaments of antiquity, it becomes necessary to advert to both varieties under that denomination), was employed very extensively by the ancients. It was much used by the Egyptians for different sorts of vases, rilievi, ornaments, covers of sarcophagi, canopies, and sculpture in general. The term "alabaster" has remained in use in this sense. If we examine the remains of sculpture in that material, it may be assumed that alabaster (gypsum) was little, if ever, used by the artists of ancient Greece and Italy for statues, rilievi, or busts. Vessels or pots used for containing perfumes, or, rather, ointments, were often called by the ancient alabstron or alabaster. It appears, from the account of Pliny, that these pots were usually made of the onyx alabaster, which was considered to be better adapted than any other stone for the preservation of perfumes. Martial says "comps redolent alabastros," and Horace appears to refer to it as one of the "perfusorios:" "alabaster." Virgil.

The term seems to have been employed to denote vessels appropriated to these uses, even when they were not made of the material from which it is supposed they originally received their name. Theocritus thus speaks of golden alabaster (αλαβαστρων χρυσος). These vessels were of a tapering shape, and very often had a large mouth, which was sealed; so that when Mary, the sister of Lazarus, is said by St. Mark to break the alabaster-box of ointment for the purposes of anointing our Saviour, it appears probable that she only broke the extremity of the neck, which was thus

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ALEC.

used. The alabaster mentioned by the Evangelists was, according to Ephraemi, a measure, which contained $\frac{1}{2}$ ετρικόν, or one κοτιλία (16 47 cubic inches, or 48 pints).

ALABASTRISTES. (Vid. Alabaster.)

ALAJA (Δαία) is the name of the games which were annually celebrated at the festival of Minerva, summoned Alea, near Tegea, in the neighbourhood of which was the temple of the goddess.

ALARII were the troops of the allies in the Roman army, and were so called because they were usually stationed in the wings (Alar).

The alarri consisted both of horse and foot soldiers, and were commanded by praefecti, in the same manner as the auxilia were commanded by tribuni. The cavalry of the alarri was light, equipped to distinguish them from the cavalry of the legions (equites legionares); and the infantry was called alarri alae, in order to distinguish them from the cohortes legionaries.

*ALANA (αλανα) of the Romans, and is clearly the species alluded to by Aristophanes in his Ayes.

ALBUM is defined to be a tablet of any material on which the poet's edicts, and the rules relating to adding deer to the lists of victors, were put up in a public place, in order that all the world might have notice of its contents. According to some authorities, the album was so called, because it was either a white material or a material whitened, and of course, the writing would be a different colour. According to other authorities, it was so called because the writing was in white letters. If any person wilfully altered or erased (corruptit) anything in the album, he was liable to an action alii corruptit, and to a heavy penalty.

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

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

ALCATHOIA (άλκαθοια) is the name of games celebrated at Megara, in commemoration of the hero Alcathous, son of Pelops, who had killed a lion which had destroyed Epilus, son of King Megareus.

ALCABRA or ALCEA (in Greek Άλκεα), the name of an animal described by Caesar and other ancient writers, and the same with the modern Elk or Moose Deer. *It was the opinion of Buffon, that the Euro-

pean Elk was not known to the Greeks, but it appear to have been noticed by Aristotle. That it was, however, the *Άλκεα of Panathiana, the Aige of Caesar and Pliny, the Elch of the Celts, and the *Elig or Elgin of the northern Europeans, there can be little doubt. Panathiana describes it as being "between a stag and a camel," and though the accounts are not always consistent, and they are mingled with fable, and though the former states that his Aige is "wältile corinthus" (which might arise from the accounts of those who had seen the animal at the period when the horns had exfoliated), the general description and the localities given by both are almost conclusive as to the animal meant to be designated. The "laurum superius praegrande," a "slightly upper lip," of Pliny is very expressive, and the extraordinary development of this part might well recall to a casual observer the general traits of the head of a camel. Whether it was the *ιπποθαλαι (hippopathus) of Aristotle, it is a question which will admit of much discussion. (Vid. EUPHRAEUS.)

The movements of the Elk are rather heavy, and, the shoulders being higher than the crown, it can never gallop, but shuffles or amblest along, its joints cracking at every step, with a sound heard a some distance. Increasing its speed, the hind foot straddles to avoid treading on its fore heels, and it tosses the head and shoves its horns forward to make a jump, and then returns to gallop. It does not leap, but steps without effort over a fallen tree, a gate, or a split fence. During its progress, it holds the nose up, so as to lay the horns horizontally back. This attitude prevents its seeing the ground distinctly; and, as the weight is carried very high upon the elevated legs, it is said sometimes to trip by treading on its fore heels, or otherwise, and occasionally to give itself a heavy fall. It is probably owing to this occurrence that the Elk was believed by the ancients to have frequent attacks of epilepsy, and to be obliged to smell its hoof before it could recover; hence the Teutonic names Elk, ("miserable"), and the reputation especial, of the loves of the specific against the disease.

ALCEA (άλκεα or άλκαια), most probably the Malus alceae, or Vervain Mallow.

ALCIEC: (Vid. MALAY.)

ALCIBIIDUM (άλκιβιδιον), a species of Anchusa.

ALCYONE. (Vid. MALAY.)

ALEA, gaming, or playing at a game of chance of any kind. Hence aleo, aleator, a gamester, a gambler. Playing with tall, or tessera, was generally understood, because this was far the most common game of chance among the Romans.

Gaming or playing at a game of chance by dice or cards, was legal, and was practised both during the times of the Republic and under the emperors. Hence Horace, alluding to the progress of effeminate and licentious manners, says that boys of rank, instead of riding and hunting, now showed their skill in playing the hoop, or even games of chance. Although they were illegal (sacra legis), Cicero recommends them, if contracted by public opinion. "In his gregibus," says Cicero, "omnes aleatores, omnes adulatori, omnes impudique versatuli." To detect and punish excesses of this description belonged to the office of the legates.

Games of chance were, however, tolerated in the month of December at the Saturnalia, which was a period of general relaxation; and among the Greeks, as well as the Romans, old men were allowed to amuse themselves in this manner. The following line of Publius Syrus shows that...
ALIMENTA'RII, or AL'LIOMO TRÔFH (άλιμον, or ἀλίμων, τρόφης), (from α, negative, and ἀλίμων, "hunger"), a refreshment used by Epimenides, Pythagoras, and other philosophers. Plato states, in his Dialogue on Laws, that the ἀλίμων of Epimenides was made of marine waters, which were boiled and seasoned, and from which the chief ingredient in the φρυγίνα ἐξωτερικά, and was thought to promote long life. Hesychius interprets σφόδρος by ἀλίμων. Pliny says that some that alimon was called aphodites by Hesiod, who thinks an error; but that the ἀλίμων was supplied to some of the poorer in the form of white, lucent, and honey, the leaves of which resembled those of the olive, but were softer, and were used for food; and by others to a pith by which the sea, "whence," says Pliny, "its name," confounding ἀλίμων, from α and ἀλίμων, with τρόφης, "food," or "nourishment," it signifies a medicinal preparation of light equal weights of several herbs, ground and made into a paste with honey. A similar preparation for quenching thirst (ἀβδόν τρόφος) was used by Pythagoras.

ALIMENTA'RII FUERI ET PUELLE. In the Roman republic, the poorer citizens were assisted by public distributions of corn, oil, and money, which were called congiaria. These distributions were not made at stated periods, nor to any but grown-up inhabitants of Rome. The Emperor Nero was the first who extended them to children, and Trajan was the first who bequeathed them to the very young, both to orphans and to the children of poor parents. These children were called pueri et puellœ alimentarii, and also (from the emperor) pueri pueriliae Ulpianæ ; and the officers who administered the institution were called quaestores pecuniae alimentariae, quaestores alimentarium, procuratores alimentarium, or praefecti alimentarium.

The fragments of an interesting record of an institution of this kind by Trajan have been found at Velleia, near Piacentia, from which we learn the sums which were thus distributed. The money was raised by striking a loan at four per cent in interest, at five per cent, from the towns, on the security of lands and houses. A similar institution was founded by the younger Pliny at Comum. Trajan's benevolent plans were carried on upon a larger scale by Hadrian and the Antonines. Under Commode and Pertinax the distribution ceased; but, in the reign of Caracalla, we again meet with alimentarii pueri and puellæ, who were called Mammei, in honour of the emperor's mother. We learn, from a decree of Hadrian's, that boys enjoyed the benefits of this institution up to their eighteenth, and girls up to their...
ALOE.

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Theophrastus, among the Greeks, was

the first to close the pores of the body, in order to prevent much perspiration, and thereby enabling them to stand the heat longer. In this object, the oil was not simply spread over the surface of the body, but also well rubbed into the skin. The oil was mixed with fine African sand, several jars full of which were found in the baths of Titus, and one of these is now in the British Museum. This preparatory anointing was called ἡ ἄλοιπου ἱδρυσία. After the callaneous anointing after the contest, in order to restore the tone of the strained muscles: this anointing was called ἡ ἀνδρόπεπτια. He then bathed, and had the cust, sweat, and oil scraped off by means of an instrument similar to the strigil of the Romans, and called ὀξεβιγγ, and afterward ὄφτρα. The alptra took advantage of the knowledge they necessarily acquired of the state of the muscles of the athlete, and their general strength or weakness of body, to advise them as to their exercises and mode of life. They were thus a kind of medical trainers, ἀπολαύτερα. Sometimes they even super-

vised their exercises, as in the case of Mile-

sias.

Among the Romans, the alptra were slaves, who scrubbed and anointed their masters in the baths. They, too, like the Greek ἀλλατία, appear to have attended to their masters' constitution and mode of life. They were also called uncaters. They used in their operations a kind of scraper called straight, towels (λατέα), a cruise of oil (μεταξός), which was usu-

ally of ἠτία, a bottle (v.S. ἀμπυλα), and a small vessel called ἄμμος. (Vid. BATHS.)
The apartment in the Greek palastra where the anointing was performed was called ἀλλατιστήριον; that in the Roman baths was called ἀναμανεριακις.

*ALIS'MA, an aquatic herb, supposed to be the same with the Water Plantain. Pliny speaks of it as an antitode against certain venomous creatures, and also against the bite of a rabid dog. For this he is not so much to be blamed, since even some modern practitioners have recommended it as antii-

venomous. (Sauatru.)

Pliny speaks the A. Parnassifolium; this species, however, has never been found in Greece. Stithobor is more correct in designating the A. plantago. *ALLIUM (οιποδωβ), Garlic. There seems to be no reason to doubt that the ὁιποδωβ of Theophras-

mus and Dioscorides is the Allium sativum, manured Garlic, although Stockhouse prefers the A. scor-

agrarum. R. Stephens suggests that the wild Gar-

lic should be called σκοραγραυ, and not σκοροδωνοβ. Pliny informs us that garlic was much used among the Italian rustics as a medicine. Galen also speaks of it as such.

Among the Athenians it was considered an article of food, and seems to have been sold at the same price with bread and wine. Fighting-cocks were also fed upon it, to make them more pugnacious. Great prophylactic virtues were formerly ascribed to this plant, and, among other active properties, that, in particular, of neutralizing the venom of serpents.1


adras, Ant. Pr., 8.—Id., M. Aen., 20.—Id., Part. 9.—Spart.

ius, vi., 38.—Plin. N. H., iv. 15.—Aesop, f. 435.)

*ALOE, a plant, the dried juice of which yields a gum that is employed in varnish and Staining Stucco. 2. (Pithard, de Tenda Sanid.)


i. 17.—Celsus, i., 42)—5. (Icto, Ep, Fam., i., 9. 3.—Seneck, Ep., 6.—Juvenal, Sat.

sì, vi., 76; vi., 222.)—7. (Plin. N. H., xxv., 10.—Feo, in Plin., l.


Mitth. in Aristoph., Acharn., 150 (174).—11. (Aristoph.,

Eup., 435.) (Lam. Mai., as cited by Feo.)

So diversified, indeed, were its charms, verisimilitude, that no need exist to surmise that it adorned on the one hand, along with the other species of allium, by the people of Egypt, and banishment on the other from the tables of the delicate at Rome. Horace assigns it as fit food only for reapers; it was, however, a great favourite also with the Roman soldiers and sail-

ors. The inhabitants of the Northern parts of Europe, in the need of exciting the digestive powers of the stomach, hold garlic in much higher estimation, on this account, than those of more northern regions. Theophrastus makes the Allium cyprium the largest in size of the several species of this plant. 3

*ALOE V. (The) "That," says Gaius, "appears to be added to the word alluvio, which a river adds to our land (ager) so gradually that we cannot esti-

mate how much is added in each moment of time; or, as it is commonly expressed, it is which is added so gradually as to escape observation. But if a river (at once) takes away a part of your land, and brings it to mine, this part still remains our property." There is the same definition by Gaius in his Res Civitates, with this addition: "If the part thus suddenly taken away should adhere for a considerable time to my land, and the trees on such part should drive their roots into my land, from that time such part appears to belong to my land." The dictio of alluvio was by the Roman jurists to be the juss genitum, in the Roman sense of that term.

According to a constitution of the Emperor Antoninus Pius, there was no juss alluvionis in the case of agri limitati. *Circumvallio differs from alluvio in this, that the whole of the land in ques-

tion is surrounded by water, and subject to li-

action. Cicero enumerates the iura alluvionis and circumvallionum as matters included under the head of causa centumvariae.

The doctrine of alluvio, as stated by Bracton in the chapter De aquiriendo Rurum Dominia, is taken from the Digest, and is in several passages a copy of the words of Gaius, as cited in the Digest.

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

*ALOE, the Aloe, or Aloe-tree. Neither Hippocrates nor Theophrastus notices this plant, but Dioscorides, and others who described it, speaks of two kinds of it. He says it is mostly brought from India, but that the plant grows in Arabia and the maritime parts of Asia. The story related by some writers, that Aristotle recommended the aloe to Alexander as one of the most valuable products of Socotra, appears to be worthy of belief, and yet it probably was the Socotrine, or the same plant, which, in several descriptions, bears most familiar. Feo thinks that the African aloe was unknown to the Greeks and Romans, but that

1. (Epod. iii., 4.)—2. (Plutt., Pom., v., 5, 54.—Aristoph.


i., 181.15. 4. (Aristoph., Acharn., 150.)—5. (Digg, 40.


Theophrast., H. P., i., 4. iii.—H. O., v., 84.—11. (Digg.


(x., 100.)—15. (Met., i., 210.)—16. (fol., 22.)
AMARUNTHIA.

but, being c.)—

The harvest was not from the Arabic alloe. Pliny mentions a mineral substance called aloe, which is the same with the bitumen of Judæa, and which was employed in Egypt in embalming bodies. 4

ALOA (αλωα or αλοε), an Attic festival, but celebrated principally at Eleusis, in honour of Demeter and the Grækai, or protectors of the fruits of the earth. It took place every year after the harvest was over, and only fruits were offered on this occasion, partly as a grateful acknowledgment for the benefits the husbandman had received, and partly that the next harvest might be plentiful. We learn from Dönhoff 8 that it was unlawful to offer any bloody sacrifice on this day, and that the priests alone had the privilege to offer the fruits. The festival was also called ὀλίνθος, or οὐγκομομοπατη.

ALOTYOT ΓΡΑΘ (ἀλοτριον γραθ), an action which might be brought before the logistæ (λογισται), at Athens, against all ambassadors who neglected to pass their accounts when their term of office expired. 9

ALOPECIA, a species of fish, called by Pliny the sea-fish (Vulpes marina), and the same, probably, with the Faus-chark, or modern naturalists. The name comes from the Greek ἀλοπεχα, "a fox." 10

ALOPECUS (ἀλοπεκους), a plant, which sprouted in the way of the Siculis, Syracusia, and Stockhouse the Plienum cristatum, Pl. v., or Hairy Cat's-tail grass. Its spike is described by Theophrastus as being "soft, downy, thick, and like the tails of foxes." 11 This agrees well with the spike of the Alpecucus, L., or Flooktail grass. 12 The same name comes from ἀλοπεχα, "a fox," and ὁπετρα, "a tail." 13

ALOPEX. (Vid. Vulpes.)

AL'INE (ἀλινη), an herb, which Sprengel, in his History of Botany, recognises as the Stellaria nemorum, or Wood Stitchwort; but, in his notes to Dioscorides, he expresses himself doubtfully concerning its genus. Schneider is undecided whether the ἀλινη of Theophrastus be the same as that of Dioscorides. 14

ALTARE. (Vid. Ara.)

ALTÆR'CUM, the Arabian (!) name, according to Pliny, of the Hyoscyamus. 15

ALUT, a plant. (Vid. Symphylton.)

ALUM. (Vid. Stryperia.)

ALYPON (ἀλυπων), an herb, supposed to be the same with that which produced Turbit. Sprengel and Sibthorp mark it as the Globularia abjuxta. 16

ALYSSON (ἀλυσων), a plant. The Glysson of Galen and Paulus Ægineta is the Mnemonobium abyssum, as well as the Moderno. That of Dioscorides is a very different plant, and cannot be very satisfactorily determined. Sprengel hesitates whether to refer it to, with Dodonæus, to the Parasitæ abyssa, or, with Columba, to the Veronica arvensis, or montana, L., our Speedwell. 17

AMARA, (vid. Calceus.)

AMUTAI (ἀμυται), persons whose business it was to keep order in the public games. They received their orders from an ἀλτάριχς, who was himself under the direction of the ἀγονοθέτης, or hollomadex. They are only found at Olympia; in other places, the same office was discharged by the μεσοχρός. 18

ALPHESTES (ἀλφηστες), a species of fish, the same with the Cynosurus of Pliny. It is the Labros cynosurus, L., in French Camade. According to Rowlet, it is about a foot long, and its flesh is easy of digestion. In the Dict. of Nat. Hist., the Alphest is described as being a small fish, having a purple back and belly, with yellow sides. 19

AMANUENSIS, or AD MANUM SERVUS, a slave or freedman, whose office it was to write letters and other things under his master's direction. The amanuensis must not be confounded with another sort of slaves, also called ad manum servos, who were always kept ready to be employed in any business. 20

AMARACUS (ἀμαρακος), a plant. Dioscorides and the scholiast on Nicander state that the Amaracus is the same as the Sampneas (σαμπνηας); and yet Galen and Paulus Ægineta treat of them separately. It seems more probable that it is the common Marrorum, but the late commentators are much at variance about it. Thus Sprengel, in the first edition of his R. H., marks it as the Organum marrornides, but in the second, according to Schneider, he is disposed to refer to the ἀλαύραχας of Thaéophrastus to the Hyacinthis Comosa. Stockhouse prefers the Organum Argentiacum, and Dierbach the Tussulcum Marron, or Mastich. Upon reference to the Commentary of Matthiolus on the μαρακος of Dioscorides, it will be seen that this last opinion had been formerly adopted, and it would appear to be a very plausible one. 21

AMARANTHUS (ἀμαρανθος), the Amaranth, or Never-fading, as its name indicates, from αμαρωσαι, and μαρωσαι, "to neither." According to Pliny, the amaranth appears in the month of August, and lasts until autumn. That of Alexandria was the most common. With the same writer, however, it states, that the flowers of the amaranth bloom anew on being plunged into water, is not very exact. As the flowers are of a very dry kind, they have not much humidity to lose, and therefore may be preserved almost for a long time. The description which Pliny gives fits the 30th day of the month and the 1st of the fourth month. That of Theophrastus, points at once to the Coluria cristata, a plant originally from Asia, but cultivated in Italy a long time before Pliny's day. B flavour believes that this plant is to be found in Theophrastus under the name of κυών, which Theodore Gozzi translates by flame. The άμαρανθος of Dioscorides is another plant, probably the Gynachium Stachys of Linnaeus. The ancient, far less advanced than the moderns in the art of manufacturing stuffs, were unable, as Pliny informs us, to imitate the softness of the amaranth. The moderns, however, have succeeded in imitating and have even surpassed, in the fabrication of their velvet, the beautiful glossy surface of this flower. The common name of the plant, therefore, passe-velours, given to it when the art of manufacturing stuffs was yet in its infancy, suits no longer, and the Italian appellation, fiore di velato ('veil flower') is much more practicable. 22

ARUSTHIA or ARAM/SIA (Ἀμαρουσία or ἀμαρουσία), a festival of Artemis Amartynthia, or Amariysa, celebrated, as it seems, originally at Alma-
AMBITUS.

rythus, in Euboia, with extra ordinary splendour; but it was also solemnized in several places in Attic, with the assemuments of the people, which was a festival, as Pausanias says, in honour of the same goddes, in no way less brilliant than that in Euboia. The festival in Euboia was distinguished for its splendid processions; and Strabo himself seems to have seen, in the temple of Artemis Amarynthia, a column on which was recorded the splendour with which the festival was performed at that time. The festival. The inscription stated that the procession was formed of three thousand heavy-armed men, six hundred horsemen, and sixty chariots.

AMBIVALENIA. (Vid. Avelae Fratres.)

AMBER. (Vid. Electrum.)

AMBIVOSUS-TRIVOSUS. (Vid. Lutrum.)

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

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

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

That ambitus was the object of several penal enactments, taken as a general term, comprehended the two species, ambitus and longitiones (bribery). Libellatoribus and benignitores are opposed by Cicero, as things allowable, to ambitus and longitio, as things illegal. Money was paid for votes; and in order to ensure secrecy and secure the elector, presentees were used, who were acquainted with the bargain, sequentes to hold the money till it was to be paid, and destines to distribute it. The offence of ambitus was a matter which belonged to theromba publica, and the enactments against it were numerous. One of the earliest, though not the earliest of all, the Lex Eumilia Babia (B.C. 180), was specially directed against longitiones. The Lex Cornelia Fulvia (B.C. 169) punished the offence with exile. The Lex Aemilia (B.C. 171) imposed the penalty of losing his office, from the senate and all public offices. The Lex Tullia (B.C. 63), passed in the consulship of Cicero, in addition to the penalty of the Aemilian law, inflicted ten years' exile on the offender; and, among other things, forbade a person to exhibit gladiatorial shows (gladiatores dare) within the city, unless he was required to do so, on a fixed day, by a testator's will. Two years afterward, the Lex Aemilia was passed, by which, among other things, it was provided that, if a candidate promised (promunere) money to a tribe, and did not pay it, he should be unpunishable; if he did pay the money, he should farther pay to each tribe (annually?) 3000 sestertes as long as he lived. This enactment occasioned the witticism of Cicero, who said that Clodius observed this law by anticipation, for he promised, but did not pay. The Lex Licia (B.C. 58) was specially directed against the offence of sindalium, or the wholesale bribery to which the people of Rome was subjected. Another act, passed (B.C. 52) when Pompey was sole consul, had for its object the establishment of a speedier course of proceeding on trials for ambitus. All these enactments failed in completely accomplishing their object. That which no law could suppress, so long as the old popular forms retained any of their pristine vigour, was accomplished by the imperal usurpation. Julius Caesar, when dictator, nominated half the candidates for public offices, except the candidates for the consulship, and notified his pleasure to the tribes by a civil circular; the populus chose the other half. The Lex Julia de Ambitus was passed in the time of Augustus; but the office of ambitus, in its proper sense, soon disappeared, in consequence of all elections being transferred from the comitia to the senate, which Tacitus, in speaking of Tiberius, briefly expresses thus: "The comitia were transferred from the camps to the patrician houses." While the choice of candidates was thus partly in the hands of the senate, bribery and corruption still influenced the elections, though the name of ambitus was, strictly speaking, no longer applicable. But in a short time, the appointment to public offices was entirely in the power of the emperors; and the magistrates of the state should not depend on the pleasure of the populus; but if the magistracy should offend against this law in canvassing for a sacerdotal or magistrates, he is punished, according to a senator consul, with infamy, and subjected to a penalty of 100 aurei." The trials for ambitus were numerous in the time of the Antonines. The oration of Cicero in defence of L. Murenus, who was charged with ambitus, that in defence of Cn. Planeus, who was charged with that offence specially called sindalium, are both extant.

AMBIVS. (Vid. Avelae Fratres.)


**AMEN THUS.**

"Insertit amanto dignus, nec phusa locutus
In juvemem torsit jasicum."\(^4\)

In the annexed figure, taken from Sir W. Hamilton's Etruscan Vases,\(^3\) the amethyst seems to be attached to the spear at the centre of gravity, a little above the middle.

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1. (Meier, Att. Process, p. 310.)—2. (Pro Cluent. c. 11.)—3. (Dig. 47, tit. ii., s. 4; 48, tit. 8, s. 5; tit. 19, s. 9.)—4. (Dig. 49, tit. 10, s. 53, Vellum, p. 4; D. v. 206.)—5. (Ovid, v. 93, xii., 63, 7, (I, iv. 170.)—6. (i., viii.)—7. (Diocor.), ill., 118.)—10. (Ovius, De Prisc., c. 43, April, Metamorph., iii., 94, April, Leson, p. 4. Ptolemy, loc.)—11. (In Vitruvius, De loc., 5, 63, 11.)—12. (Anc. c., 20, 30.)—13. (Virgil, xii., 8, 605.)—14. (Senea, Hippiol., l., 15. (Clas., De Orat., l., 37.)

\(^1\) (Ovid, Att. xii., 231.)—2. (Ovid, p. 53.)—3. (Fen. in Phil. xxxvii., 9.)—4. (Moore's Anc. Mineral. n. 168.—Do Lacs: de Gemm., 1, 5.)

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

AMPHICYTONS.

*AM1/A, a fish of the tunny species, the same with the *Scomber aumia, in Italian, Leccia. Schweig- hauses 1 says its French name is botalet. Rondollet mentions that he had seen individuals which measured three and a half feet in length. Its head was the most esteemed by the *ton vivants of Greece and Rome. The etymologist remarks that it is gregarious, and hence its name, from  *amia, "to go to" or "to go", the name of a tribe to go to, as the *Tripode of *Eleia, and the *Thaikos of Aristotle, *Eppian, and Athenaeus, and the *Gioscous of Ovid and others. *

*AMIANTHUS ( *amirrōr), a variety of Asbes, called in French *Adum de Plume. It consists principally, according to Cheveaux, of silex, magnesia, and *micar, "denied", because, being indestructible in any ordinary fire, it was restored to its original purity and whiteness simply by casting it into the flames. Where amianthis occurs, it does so in many countries, with fibres sufficiently long and flexible for that purpose, it is often now, as anciently it was, spun and woven into cloth; and in modern times has been successfully manufactured into paper, gloves, purses, ribands, girdles, and many other things. The natives of Greenland even use it for the wicks of lamps, as the ancients also did. *

AMIC-TUS, dim. AMIC-UUM.

The verb amicitia is commonly opposed to *indure, the former being applied to the putting on of the outer garment, the pallium, *lanam, or toga ( *μακρόν, *φάρος); the latter, to the putting on of the inner garment, the tunic ( *χιτών). *Graco pallio amicitia. *Vice amicitia, *non togis. 1 In consequence of this distinction, the verbal nouns amicitias and *induvisus, even the verb itself in any further denomination of the dress being added, indicate respectively the outer and the inner clothing. The *Aes says, in Apuleius, 2 Deam, *Srico *contrad amiculo, *mihi *gerendam ipsumment, meaning, "They place on me the goddess, covered with a small silken scarf." The same author says that the priests of the Egyptians used linen induvisetem *et tunicam; i. e., both for their inner and outer clothing. In Greek, amicitia is expressed by *μικαίνονθαι, *μικέντις θνατ, *καταβάλλεσθαι, *περιβάλλεσθαι: and *induvisus by *νίθον. Hence came *μυκκένθω, *ἐνθόλαμα and *πτόλαμον, *περιθάλαμα and *πέταλα, an outer garment, a sheet, a shawl; and *ἴθων, an inner garment, a tunic, a shirt. When Socrates was about to die, his friend *Apolodoros brought him both the inner and the outer garment, each being of great excellence and value, in order that he might put them on before drinking the hemlock: *παρέχετον ἀντιστά τον χίτωνα, καὶ θυμίων περιβάλλεσθαι, τό ἐπί μικρῶν ὁμοιότητα. *AMMI (Adum), Greek measure of length, equal to forty *πῆχυς (cubits), or sixty *ρόδες (feet); that is, twenty yards 9½ inches English. It was used in measuring land. 1

*AMMI, a plant, the same, according to Sprengel, with the *Adum Copinum. Matholius and Dodones, who give drawings of it, seem to refer it to the same plant, namely, Bishop's-weed. It must not be confused, however, with the plant called Bishop's weed in Scotland, which is *Aegopodium podagraria. 1

*AMMODYTE ( *αμμοδέντος), a species of serpent, which *Aetius describes as being a cubit in length, and of a sand colour, with black spots. *Mattiolius, in his comments on *Dioscorides, de terminis libri 14, says that they have been a species of viper. It was most probably, then, only a variety of the *lyx, or *Coluber ammodontis. This is the serpent known by the name of the Horned viper of Illyricum; in venom is active. In the Latin translation of Avicenna it is called *Amnidae and *Calliara, which are corrected names of *Ammodote and *Amnidae of Aristotle. 3

*AMMONIACUM ( *αμμονιακός), Gum Ammonia. Even at the present day it is not well ascertained what species of *Fen from it which produces this gum. *Dioscorides gives it the name of a variant of the *fæm, *The *αμμονιακός of the moderns, which is *Hydrochlorus Ammonia. 4

*AMPELITIS ( *μελιτής γά), a Bituminous Earth, found near Seleucia in Syria. It was black, and resembled small pine charcoal; it was used to polish and to spread a little oil poured upon it. Its name was derived from its being used to anoint the *μυκτρα, and preserve it from the attack of worms. 5

*AMPELO PRA'SUSM ( *μυτέρτασσα), the Allium Ampeloprasum, or Dog-leek, called in French *Portè de corme. 6

*AMPELOS. (Vid. Vith.)

AMPHION. (Vid. *MON, page 55.)

AMPHIARA'UM ( *μικράδα), games celebrated in honour of the ancient hero Amphiarus, in the neighbourhood of *Oropus, where he had a temple with a celebrated oracle. 7

AMPHICYTONS Institutions called Amphicytonic appear to have existed in Greece from time immemorial. Of their nature and object history gives us only a general idea; but we may safely believe them to have been associations of originally neighbouring tribes, formed for the regulation of mutual intercourse and the protection of a common interest. This explains the many confederacies of the different members met, both to transact business, and celebrate religious rites and games. This identity of religion, coupled with near neighbourhood, and that, too, in ages of remote antiquity, implies, in all probability, a certain degree of political and national unity, which might of itself suffice to bind the tribes together and confederacies among tribes so situated, regarding each other as members of the same great family. They would thus preserve among themselves, and transmit to their children, a spirit of nationality and brotherhood; nor could any better means be devised than the bond of a common religious worship, to counteract the hostile interests which, sooner or later, spring up in all large societies. The causes and motives from which we might expect such institutions to arise existed in every neighbourhood; and, accordingly, we find many Amphicytonies of various degrees of importance, though our information respecting them is very deficient.

Thus we learn from Strabo that there was one of some celebrity, whose place of meeting was a sanctuary of Poseidon, 8 at *Calataura, an ancient settlement of the Ionians in the Saronic Gulf. The

original members were Epaminondas, Hermocrates, Nauplius, Prasias in Locarno, Eagnia, Athens, and the Boeotian Orkomenoi,1 whose remoteness from each other makes it difficult to conceive what could have been the method for forming the confederation, more especially as religious causes seem precluded, by the fact that Trazen, though so near to Calauria, and though Poseidon was its tutelary god, was not a member. In later times, Argos and Sparta took the place of Nauplia and Prasias, and relations with the latter were not so intimate as before the meetings of the association. There also seems to have been another in Argolis,2 distinct from that of Calauria, and that of congress being the 'Halaeon, or temple of Hira. Delos,3 too, was the centre of an Amphictyony — the religious metropolis, or ισόγραιον of the neighboring Cyclades, where deputies and embassies (Δημόφυλι) met to celebrate religious solemnities in honour of the Dorian Apollo, and apparently without any reference to political objects.

Nor was the system confined to the mother-country; for the federal unions of the Doriens, Ionians, and Andrians, living on the west coast of Asia Minor, seem to have been Amphictyonic in spirit, although modified by exigences of situation. Their main essence consisted in keeping periodical festivals in honour of the acknowledged gods of their respective natives. Thus the Dorians3 held a sacred territory, the sanctuary of Delphi, in which tribes met with the hieromnemones, Triopium, uniting with the worship of their national god Apollo that of the more ancient and Pelasgic Demeter. The Ionians met for similar purposes, in honour of the Heliconian Poseidon at Mysela; their place of assembly being called the Panionion, and their festival Panionia. (Possession was the god of the Ionians, as Apollo of the Dorians.) The twelve towns of the Aiolians assembled at Gryneum, in honour of Apollo. That these confederacies were not merely for offensive and defensive purposes, may be inferred from their existence after the subjugation of these colonies by Croesus; and we know that Halicarnassus was excluded from the union, merely because one of its citizens had not made the usual offering to Apollo of the prize he had won in the Triopic contests. A confederation somewhat similar, but more political than the former, existed in Lydia: it was called the "Lyceian system," and was composed of twenty-three cities.

But, besides these and others, there was one Amphictyony of greater celebrity than the rest, and much more lasting in its duration. This was, by way of being a sort of Continental or European Amphictyony, and by tracing its sphere of action, its acknowledged duties, and its discharge of them, we shall obtain more precise notions of such bodies in general. This, however, differed from the other associations in having two places of meeting, the sanctuaries of two divinities, which were the temple of Apollo at Delphi, and the Panhellenic sanctuary of the Heraeum, called the Thespian copies,3 where the deputies met in autumn, and that of Apollo at Delphi, where they assembled in spring. The connexion of this Amphictyony with the latter not only contributed to its dignity, but also to its permanence. With respect to its early history, Strabo4 says, that even in those days it was impossible to learn its origin. We know, however, that it was originally composed of twelve tribes (not cities or states, it must be observed), each of which tribes contained various independent cities or states.

We learn from Εσχίσσες,5 a most competent authority (R.C. 298), that eleven of these tribes were as follow: the Thessalians, Boeotians (not Thelians only), Dorians, Ionians, Peribabians, Magnesians, Locrians, ΕΤεεαν or Θεσπιστικοί, Phthians or Aegeans of Phthia, Malertians, and Phocaeans; other lists leave us in doubt whether the remaining tribes were the Dolopes or Thessalians. Again, the Dolopes could hardly be called a distinct tribe, their nobles appearing to have been Dolopes, it seems probable that the Dolopes were originally members, and afterward supplanted by the Delphians.6 The proponent of the Thessalians tribes proves the antiquity of their confederance. One of the Thessalians, standing on an equality with such tribes as the Malertians, shows that it must have existed before the Dorian conquest, which originated several states more powerful, and, therefore, more likely to have sent their respective deputies, than the tribes mentioned.

We also learn from Εσχίσσες that these tribes had two votes in congress, and that deputies from such towns as (Dorians and?) Cythinum had equal power with the Lacedaemonians, and that Eretia and Priene, Ionian colonies, were on a par with Athens (ινόμισμα τω Αθηναιοι). It seems, therefore, to follow, either that each Amphictyonic tribe had a cycle, according to which its component states returned deputies, or that the vote of the tribe was determined by a majority of votes of the different states of that tribe. The latter supposition might explain the fact of their being a larger and smaller assembly — a βασιλική and εἰκληρια — at some periods of the year; the inconvenience of the one circumstance that there was an annual election of deputies at Athens, unless this city usurped functions not properly its own.

The council itself was composed of two classes of representatives, one called pylagores, the other hieromnemones. Of the former, three were annually elected at Athens to act with one hieromnemon appointed by lot.7 That his office was highly honourable we may infer from the oath of the Hellasists,8 in which he is mentioned with the nine archons. On one occasion we find that the president of the council was a hieromnemon, and that he was chosen general of the Amphictyonic forces, to act against the Amphictyonians.9 Hence it has been conjectured, that the hieromnemones, also called ιπογραφαρικοί, were superior in rank to the pylagores. Εσχίσσες also contrasts the two in such a way as to warn: the one to be formed for a temporary purpose, the other permanent of the two. Thus he says,9 "When Dionysus was hieromnemon, ye chose me and two others pylagores." He then contrasts the "hieromnemon of the Athenians with the pylagores for the time being." Again, we find inscriptions9 containing the names of the pylagores, as if they formed an executive; and that the council concluded their proceedings on one occasion10 by resolving that there should be an extraordinary meeting previously to the next regular assembly, to which the hieromnemones should come with a decree to suit the emergency, just as if they had been a standing committee. The pylagores were more direct representatives of the states to which they belonged, but the hieromnemones had supposed powers; only a matter of conjecture; probably they did not.

The εκκλησία, or general assembly, included not only the classes mentioned, but also those who had joined in the sacrifices, and were consulting the god. It was convened on extraordinary occasions by the chairman of the council (Ο θεος τος έκκλησιον επιστολής,).11 Of the duties of this latter body, this will give us a clearer view than the oracles taken and the de-
AMPHICTYONS.

crees made. The oath was as follows: "They would destroy no city of the Amphictyons, nor cut off their streams in war or peace; and if any should do so, they would march against him and destroy his city; and should any pilage the property of the city and plunder the houses of the Amphictyon,

In the second case was, that as the Amphici-

city were kept, it was beclouded, Philip of Macedonia should be requested to help Apollo and the Amphictyons, and was thereby constituted absolute general of the Amphictyons. He accepted the office, and soon reduced the offending city to sub-

The pathway of the Phocians. The council declared war against them, as guilty of a wrong against the god. The war lasted ten years, till, at the suggestion of Solon, the waters of the Pleistus were turned off, then poisoned, and turned again into the city. The besieged drank their fill, and Crissa was soon razed to the ground; and thus, if it were an Amphictyonic city, was a solemn oath doubly violated. Its territory—the rich Cirrhian plain—was consecrated to the god, and curses imprecat upon whomsoever should till or dwell in it. Thus ended the First Sacred War (B.C. 585), in which the Amphictyons were visited by the divine exaltation of the Delphian god, they descend to the regula-

tion of the minutest troubles. History, moreover, teaches, that if the council produced any palpable effects, it was from their interest in Delphi; and though it kept up a standing record of what ought to be done, their members, when collision with the international law of Greece, as sometimes acquiesced in, and at other times was a party to, the most insidious and criminal acts. Of this the case of Crissa is an instance. This town lay on the Gulf of Corinth, near Delphi, and was much frequented by pilgrims from the West. The

Crissa was taken and burned by the Delphi, with the decretal exactions from these strangers. The council declared war against them, as guilty of a wrong against the god. The war lasted ten years, till, at the suggestion of Solon, the waters of the Pleistus were turned off, then poisoned, and turned again into the city. The besieged drank their fill, and Crissa was soon razed to the ground; and thus, if it were an Amphictyonic city, was a solemn oath doubly violated. Its territory—the rich Cirrhian plain—was consecrated to the god, and curses imprecat upon whomsoever should till or dwell in it. Thus ended the First Sacred War (B.C. 585), in which the Amphictyons were visited by the divine exaltation of the Delphian god, they descend to the regula-

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AMPHIDROMIA.

AMPHITHEATRUM.

became important enough for the meetings of such a boy as the Amphitryon; nor, if Delphi had been of old the only place of meeting, is it easy to account for what must have been a loss of its ancient dignity.

But, whatever was the case, we have still the fact that there were two places of congress; to account for which the supposition is made here, that there were originally two confederations, afterward united by the growing power of Delphi, as connected with the Dorians, but still retaining the old places of meeting. We must, however, admit that it is a matter of mere conjecture whether this was the case or not, there being strong reasons in support of the opinion that the two confederations, or what afterward combined the worship of the Hellenic Apollo with that of the Pelasgian Demeter, as celebrated by the Amphictyons of Thessaly. Equally doubtful is the question respecting the influence of Acritus, king of Argos, and how far it is true that he first brought the confederacy into order, and determined other points connected with the institution.

AMFYPTEIAON DEIAUS (6£v<i>etv°'dov de-\n\n\ns), a drinking- vessel, often mentioned by Homer. Its form has been the subject of various conjectures; but the name seems to indicate well enough what it really was. It is found both as in composition, and is evidently a diminutive formed from the root signifying a h<om<on>, which we have in the Greek k<o7<ov, and the dialectic form k^v<oa; Lat. cupa; German, kaffe, k<ubel; French, c<asse, c<oppe; and English, cup; it means, therefore, a small goblet or cup. Am<i>v<k>etv°'dov, therefore, according to the analogy of 6f;i<i>etv°'dov, 6v<i>etv°'dov, &c., is that which has a ke<pp>vol at both sides or both ends; and 6v<i>etv°'dov is a drinking-vessel, having a cup at both ends. That this was the form of the vessel is shown by a passage in Aristotle, where he is describing the cells of bees as having two ranges divided by a floor "like the amphiv- 

Pella." 1

AMPHIDROMIA, or APOMIAMB'HION HMAP (6v<i>edvmov, or deev<r>dmov mpos), a family festival of the Athenians, at which the newly-born child was introduced into the family and received its name. No particular day was fixed for this solemnity; but it did not take place very soon after the birth of the child, for it was believed that most children died before the seventh day, and the solemnity was, therefore, generally deferred till after that period, that there might be, at least, some probability of the child remaining alive. But, according to Suidas, the child at this time was brought by the women who had lent their assistance at the birth washed their hands. This purification, however, preceded the real solemnity: The friends and relatives of the parents were invited to the festival of the amphidromia, which was held in the evening; and they generally appeared with presents, among which are mentioned the cuttlefish and the marine polyp. 2 The house was decorated on the outside with olive-branches when the child was a boy, or with garlands of wood when the child was a girl; and a feast was prepared, at which, if we may judge from what is stated by Ephippus in Athenaeus, the guests must have been rather merry. The child was then carried round the fire by the nurse, and thus, as it were, presented to the gods of the house and to the family; and at the same time re-

ceived its name, to which the guests were witnesses.

The carrying of the child round the hearth was the principal part of the solemnity, from which its name was derived. But the scholiast on Aristophanes 3 derives the name from the fact that the guests, while the name was given to the child, walked or danced around it. This festival is sometimes called from the fact that it was to take place on the seventh day, it is called d<ov<ov>as or d<ov<ov>as; if on the tenth day, d<ov<ov>as, &c. 4

APMHIOR'KIA or AMPHOMOS'TIA (6v<i>etv°'dov or 6v<i>etv°'dov) is the oath which was taken, both by the plaintiff and defendant, before the trial of a cause in the Athenian courts, that they would speak the truth. 5

The oaths were composed of two parts, that of the plaintiff and that of the judge. The plaintiff gave the oath that he would not speak the truth, and the judge also included the oath which the judges took, that they would decide according to the laws; or, in case there was no express law on the subject in dispute, that they would decide according to the principles of justice.

AMPHIPPOI. (Vid. Deur. Cort.)

AMPHIPTMON'OI PHIES (6v<i>etv°'dov 6v<i>etv°'dov), also called AMPHIPPOI, ships in which the poop and the prow were so much alike as to be applicable to the same use. A ship of this construction might be considered as having either two prows or two prows,

which was often seen convenient in circumstances where the head of the ship could not be turned about with sufficient celerity. 6

*APMHISSBE'TNA (6v<i>etv°'dov), sometimes called the Double-headed Serpent. Buffon says of it, that it can move along with either the head or the tail foremost, whence it had been thought to have two heads. Avicenna says, that it is of equal thickness from head to tail, and that from this appearance it had been supposed to have two heads. Schneider states, that Linnaeus 7 describes a serpent which agrees very well with the ancient accounts of the Double-headed Serpent; its tail is obuse, and as thick as its body, and it is supposed either to turn aside toward; but, according to Dr. Trail, it is an American species. The amphibesa was probably a variety of the Anguis fragilis, L., or Blind Worm. The American serpent of Pennant, of which mention is made in Linnaeus's correspondence with Dr. David Skene of Aberdeen, is a variety of the Anguis fragilis. Linnaeus denies that the amphibesa is venomous, but many authors, even of modern times, are of a contrary opinion. 8

AMPHITHEA TRUM was a place for the exhibition of combatants and wild beasts, entirely surrounded by the seats of the spectators; whereas, in those for dramatic performances, the seats were arranged in a semicircle facing the stage. It is, therefore, frequently described as a double theatre, consisting of two such semicircles, or halves, joined together, the spaces allotted to their orchestras becoming the inner enclosure or area, termed the arena. The form, however, of the ancient amphitheatres was not a circle, but invariably an ellipse, although the circular form appears best adapted for the convenience of the spectators. The semi amphitheatre appears to have been that of M. Caius, of which a description has been given by Pliny. 9 It consisted of two wooden theatres made to revolve on pivots, in such a manner that they could, by means of windlasses and machinery, be turned round face to face, so as to form one building.

Gladiatorial shows were first exhibited in the forum, and combats of wild beasts in the circus; and it appears that the ancient custom was still preserved till the dictatorship of Julius Caesar, who

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

The first stone amphitheatre was built by Statilius Taurus, at the scene of Augustus. 4 This build-
ing, which stood in the Campus Martius, near the circus called Agonale, was destroyed by fire in the reign of Nero; 5 and it has, therefore, been supposed that only the external walls were of stone, and that the seats and other parts of the interior were of
timber. 6 A second amphitheatre was commenced by Caligula; but except by conjecture all was the Flavian amphitheatre, afterward called the Coliseum, which was begun by Vespasian, and finished by his son Titus, who dedicated it A.D. 80, on which occasion, according to Eutropius, 5000, and according to Dion, 9000, beasts were destroyed.

It is not improbable that this amphitheatre, comparatively entire, was capable of containing about 87,000 spectators, and originally stood nearly in the centre of the city, on the spot previously occupied by the lake or large pond attached to Nero's palace, 7 and at no very great distance from the Baths of Titus. It is first of all let down on the ground; and the transverse, or longer diameter of the external ellipse, is 615 feet, and the conjugate, or shorter one, 510; while those of the interior ellipse, or arena, are 281 and 170 feet respectively. Where it is perfect, the exterior is 100 feet high, and consists of four orders, viz., Doric, Ionic, and Corinthian, in attached three-quarter columns (that is, columns one fourth of whose circumference appears to be buried in the wall behind them), and an upper order of Corinthian pilasters. With the exception of the last, each of these tiers consists of eighty columns, and as many arches between them, forming open galleries throughout the whole circumference of the building; but the fourth has windows instead of large arches, and those are placed only in the alternate inter-columns, conse-
quently, are only forty in number; and this upper portion of the elevation has, both on that account and on account of the smaller area left free for the apertures themselves, an expression of greater solidity than that below. The arches formed open external galleries, with others behind them; besides which, there were several other galleries and passa-
ages, extending beneath the seats for the spectators, and, together with staircases, affording access to the latter. At present, the seats do not rise higher than the level of the third order of the exter-
or, or about half its entire height; therefore, the upper part of the edifice appears to have contributed very little, if at all, to its actual capacity for ac-
commodating spectators. Still, though it has never before been conjectured, it is possible that there were upper tiers of seats and galleries (although no
remains of them now exist), we must suppose that there existed some very sufficient reason for incurring
such enormous expense, and such prodigious waste of material and labour beyond what utility seems to have demanded. This excess of height, so far as it would have been necessary to have been in some measure, with the view that, when the building was covered in with a temporary roofing or awning (velarium), as a defence against the sun or rain, it should seem well proportioned as to

1. [Statilius Taurus.]
2. (Sueton., vest., 23.)
3. (Suet., Ner., c. 12.)
4. (Tact., Ann., xiii., 21.)
5. (Tact., Ann., iv., 62.)
6. (Suet., Tib., c. 40.)
7. (Suet., Octavius, c. 39.)
8. (Dion., lxxx., vii.)
9. (Eutrop., viii., 21.)
10. (Suet., Ner., c. 12.)
11. (I. i., lxxxv., 7.)
12. (Martial, xiv., 26.)
surrounded by a wall about eighteen feet high, measuring from the ground to the top of the parapet; a height considered necessary, in order to render the spectators perfectly secure from the attacks of the wild beasts. There were four principal entrances leading into the arena; the ends of each axis or diameter of it, to which as many passages led directly from the exterior of the building; besides secondary ones, intervening between them, and communicating with the corridors beneath the seats on the podium.

The wall or enclosure of the arena is supposed to have been faced with marble more or less sumptuous; besides which, there appears to have been, in some instances at least, a sort of network affixed to the top of the podium, consisting of railing, or, rather, open trellis-work of metal. From the mention made of this network by ancient writers, nothing can now be gathered respecting it than that, in the time of Nero, such netting, or whatever it might have been, was adorned with gilding and amber; a circumstance that favours the idea of its having been gilt metal-work, with bosses and ornaments of the other material. As a farther defence, dilapidated, called *estuit,* sometimes surrounded the arena.¹

The term *podium* was also applied to the terrace, or gallery itself, immediately above the lower enclosure, and which was no wider than to be capable of containing two, or, at the most, three ranges of movable seats, as being the situation for distinctly viewing the sports in the arena, and also more commodiously accessible than the seats higher up, was the place set apart for senators and other persons of distinction, such as the ambas- sadors of foreign parts; and it was here, also, that the emperor himself used to sit, in an elevated place called *suggestions* or *cubiculum,* and likewise the person who exhibited the games, on a place elevated like a pulpit or tribunal (*editoris tribunal*). The vestal virgins also appear to have had a place allotted to them in the podium.²

Above the podium were the *gradus,* or seats of the other spectators, which were divided into *mamiana,* or stories. The first *mamianum,* consisting of fourteen rows of stone or marble seats, was appropriated to the equestrian order. The seats appropriated to the senators and equites were covered with cushions or *pallium,* which were first used in the time of Caligula.³ Then, after an interval or space, termed *pseudion,* and forming a continued landing-place from the several staircases in it, succeeded the second *mamianum,* where were the seats called *populana,* for the third class of spectators, or the *populii.* Behind this was the second precinctorium, bounded by a rather high wall, above which was the third *mamianum,* where there were only wooden benches for the *pullati,* or common people.⁴ The next and last division, namely, that in the highest part of the building, consisted of a colonnade or gallery, where females were allowed to witness the sports of the amphitheatre,⁵ some parts of which were also occupied by the pullati. At the very summit was the narrow platform for the man who had to attend to the velarium, and to expand or withdraw the awnings, as there might be occasion. Each *mamianum* was not only divided from the other by the *precinctio,* but was intersected at intervals by spaces for passages left between the seats, called *salina* or *salaria,* and the portion between two such passages was called a *cuneus,* because this space gradually widened, like a wedge, from the podium to the top of the building.⁶ The entrances to the seats from the outer porticoes were called *vomitoria,* because, says Macrobius,⁷ *Hominem gleimeralim ingre- dientes in sedilia se fundant.*

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

There were in the amphitheatres concealed tubes, from which scented liquids were scattered over the audience, which sometimes issued from statues placed in different parts of the building.⁸

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

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


² [Fig. 1, 3, 4. —2. (Lucan, ix., 608.)]
The amphora was also used for keeping oil, wine, and molten gold. A remarkable discovery, made at Salona in 1835, proves that amphora were used as coffins. They were divided in half, in the direction of the length, in order to receive the remains, and the two halves were put together again, and buried in the ground; they were found containing skeletons.

There is in the British Museum (room VI), a vessel resembling an amphora, and containing the fine African sand which was mixed with the oil with which the athlete rubbed their bodies. It was found, with seventy others, in the baths of Titus, in the year 1772. The amphora occurs on the coins of Chios, and on some silver coins of Athens. The Greek amphorēs and the Roman amphora were also names of fixed measures. The amphorē, which was also called μετρήταις and κάδος, was equal to 3 Roman urnae = 8 gallons 7-385 pints, imperial measure. The Roman amphora was two thirds of the amphorē, and was equal to 2 urnae = 8 congi = 6 gallons 7-577 pints; its solid content was exactly a Roman cubic foot. A model amphora was kept in the Capitol, and dedicated to Jupiter. The size of a ship was estimated by amphora; and the produce of a vineyard was reckoned sometimes by the number of amphorae it yielded, and sometimes by the culens of twenty amphorae.

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As bottles were round and swollen like a bladder Horace metaphorically describes empty and murrain language by the same name:

"Profligat amputæ et sesquiædalia verba."

An tragicæ deservit et ampullatur in arte?"
AMULETUM.

The following passages may exemplify the use of amulets in ancient times. Pliny¹ says, that any plant gathered from the bank of a brook or river before sunrise, provided that no one sees the person who gathers it, is considered as a remedy for tertian ague when led (solidigutus) to the left arm, the patient having put it on. It is; also, that a person may be immediately cured of the headache by the application of any plant which has grown on the head of a staice, provided it be folded in the shred of a garment, and tied to the part affected with a red string. Q. Serenus Sammonicus, in his poem on the art of healing, describes the following charm, which was long celebrated as of the highest importance for the cure of various diseases: Write abracadabra on a slip of parchment, and repeat the word on other slips, with the omission of the last letter of each preceding slip, until the initial A alone remains. The line so written will assume the form of an equilateral triangle. Tie them together, and suspend them from the neck of the patient by means of linen thread.

According to the scholiast on Juvenal,² athletes used amulets to ensure victory (necvidia phykleriad), and wore them suspended from the neck; and we learn from Pliny's third book of境as that the emblems of this art have been extended beyond the classes of living creatures, since selenite was not only worn by women, but was also tied to trees, for the purpose of making them fruitful.

Consistently with these opinions, an acquaintance of the author has observed that the use of amulets was considered as one of the chief qualifications of nurses. If, for example, an attempt was made to poison a child, it was in danger of destruction from the evil eye, or exposed to any other calamity, it was the duty of the nurse to protect it by the use of such amulets as were suited to the circumstances.³

From things hung or tied to the body, the term amulet was extended to charms of other kinds. Pliny⁴ having observed that the clamamen was cultivated in houses as a protection against poison, adds the remark, Amuletum vacant. The following epitaph by Lucilius contains a joke against an unfortunate physician, one of whose patients, having seen him in a dream, "awoke no more, even though he wore an amulet:"

'Ερεμουγή τον λαυράν λένο Δίαφραγμον ἐν ὑπνώοις
Οὐκ ἔτι ἀγγίξθη, καὶ πείραμα φέρων.

*AMYGDALUS (μαγγυδαλο), the Almond-tree, or *Amygdalus communis. The Almond-tree is a native of Barbary, whence it had not been transferred into Europe down to the time of Cato. It has, however, been so long cultivated all over the shores of Europe, and the naturalized parts of Asia, as to have become, as it were, naturalized in the whole of the Old World from Madrid to Canton. For some remarks on the Amygdalus pericar, or Peach, *Prunus, see *Prunus.

*AMOMON (αμωμον), a plant, and perfume, with regard to which both commentators and botanical writers are very much divided in opinion. Scaliger and Cordus make it the Rose of Jericho (Rosa Hierichonica of Bauhin; Anostasia hierichonica of Linnaeus; Bunsias Syriaca of Gartner); Gesner takes it in his works to be either of the gardens (the Solanum backdrop; Tournefort); Casparius is inclined to the Paeonia Cribuloid; and Plukener and Sprengel, with others, of the Cissus vituperia. The most probable opinion is that advanced by Fée, who makes the plant in question the same with our Amonum racemosum. The Romans obtained their *amomum from Syria, and it formed the ordinary emolument by the country for tribute to the Romans from India.⁵ It is said to have been used by the Eastern nations for embalming; and from this word

¹. (B. H. xxiv., 19.)—2. (iii., 68.)—3. (Ljth., 8.)—4. (Hymn. in Cer., 227.)—5. (Dioscor., i., 176.)—6. (Fée, Flore de Virgile, p. 10.)

². Hesychii, s. v. Αμωμον. An amulet was called a μαγγυδαλο. The Almond-tree is a native of Barbary, whence it had not been transferred into Europe down to the time of Cato. It has, however, been cultivated all over the shores of Europe, and the naturalized parts of Asia, as to have become, as it were, naturalized in the whole of the Old World from Madrid to Canton. For some remarks on the Almond-tree, see Prunus.

³. (B. H. xxiv., 19.)—2. (iii., 68.)—3. (Ljth., 8.)—4. (Hymn. in Cer., 227.)—5. (Dioscor., i., 176.)—6. (Fée, Flore de Virgile, p. 10.)
some have derived, though by no means correctly, the term "ankei'son." The taste of the grains of ankei'son is represented by Charras as tart, fragrant, very aromatic, and remaining a good while in the mouth.1 The name ankei'son is supposed to come from the Arabic khanäma, the ancient Arabians having been the first to make this aromatic known to the Greeks. The root of the Arabic term refers to the warm taste peculiar to spices. The cardamoms, grains of Paradise, and mellagetta pepper of the shops, a class of highly aromatic pungent seeds, are produced by different species of ankei'son, as botanists now employ the term.2

As the Greeks were accustomd to mount upon horseback by means of a slave, who was termed ἄναβολος (from ἀναβαλλέω). This name was also given, according to some writers, to a peg or pin fastened on the spear, which might serve as a resting-place to the foot in mounting the horse.3

ANAKALUPTERIA. (Vid. Marriages.)

ANAKEIA or ANAKEION (ἀνακείσων or ἀνάκεισον), a festival of the Dioscuri, or 'Arakes, as they were called, at Athens. Athenaeus4 mentions a temple of the Dioscuri, called 'Ἀνάκεισον, at Athens; he also informs us5 that the Athenians, probably on this festival, offered sacrifices for these heroes in the Prytaneum a meal consisting of cheese, a barley-cake, ripe figs, olives, and garlic, in remembrance of the ancient mode of living. These heroes, however, received the most distinguished honours in the Dorian and Achæan states, where it may be supposed that every town concerning them was celebrated in their honour, though not under the name of 'Ἀνάκεισων. Pausanias6 mentions a festival held at Amphiass, called that of the ἄνακεισων παιδῶν; but adds that it was disputed whether they were the Dioscuri, the Curetes, or the Cabiri. (See Dioscuria.)

ANAKLAROMA. (Vid. Donaria.)

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

ANAKOMIDÉ (ἀνακομίδη). When an individual had died in a foreign country, it was not unusual for his fellow-citizens or relatives to remove his ashes or body to his own country, which was called ἀνακομίδη. Thus the dead body of Theseus was removed from Scyros to Athens, and that of Aristolochus from Naxos to Miletus.

ANACRISIS (ἀνάκρισις), the pleadings preparatory to a trial at Athens, the object of which was to determine, generally, if the action would lie (ἐξετάζομαι δὲ καὶ ἐπί τινα εὐθύνηνν). The magistrates were said ἀνακρίνεται τὴν δίκην, or τὸν ἦντολον; and the parties ἀνακρίνεται. The process consisted in the production of proofs, of which the trial of theseus9 was the most celebrated. Large documents, the production of which, by the opposite party, might be compelled by a δίκη εἰς ἑπεφαγμένον κατίστησον; 3. testimonies of witnesses present (μαρτυριγαρία), or affidavits of absent witnesses (ἐκτυρπαρία); 4. depositions of slaves extorted by the rack; 5. the oath of the partes.10 All these proofs were committed to writing, and placed in a box secured by a seal (ἐγκλειστος) till they were produced at the trial. The name ἀνάκρισις is given to the pleadings, considered expressly as a written document, in isaeus.11 If the evidence proved that the accused was guilty, the magistrate was to decide that there could not remain any doubt, the magistrate could decide the question without sending the cause to be tried before the dicasts: this was called διαμαρτυρία. In this case, the only remedy for the person against whom the decision was given, was to bring an action of perjury against the witnesses (ϕανερωμένα νόμα δίκης), and the pleaders were liable to vexatious delays on the part of the litigants, except in the case of actions concerning merchandise, benefit societies, mines, and dowries, which were necessarily tried within a month from the commencement of the suit, and were therefore called ἑκατον δικαία. The word ἀνακρίσις is sometimes used of a trial in general (μιᾶς ἐξ ἑπεφαγμένων δικαίων). The archons were the proper officers for the δικαίως: they are represented by Minerva, in the Eumenides of Eschylus, where there is a poetical sketch of the process in the law courts.6 (Vid. Antigraphe, Antomosia.) For an account of the ἀνακρίσις, that is, the examination which each archon underwent previously to entering on office, see the account of the Acrospomeni.

ANADIKIA (Vid. Appellatio.)

"""ANAGALLIS (ἀναγάλλις), a plant, of which Dioscorides and Galen describe two species, the male and the female, as distinguished by their flowers, the former having a red flower, and the latter a blue. The former named by the ancients Arvensis Arvensis and Carnosif, the Scarlet and Blue Pinpermels.12

ANAGNOSTES. (Vid. Acnaoma.)

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

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

"""ANAGYRIS (ἀναγύρις), a shrub, which Nicander10 calls the "acrid Ongynys." It is the Anagyris fetida, L., or Petid Bean-trefol. Harding says its French name is Bois puent. According to Laurus, it is a small shrub, having the port of a Cytisus, and rising to the height of five or seven feet.11

The ancient name was well acquainted with many species of Duck; but, from the brevity of the names they have given of them, we have now great difficulty in recognizing these.* The book, therefore, is described by Aristotle, as being like the wild duck, but a little smaller; it may therefore be supposed a mere variety of the Anas Boscii, or Wild Duck. 2. The Querquedula of Varro is referred to Turner the species of duck called Tel in England, namely, Anas crecca, L. 3. The πτερόν, which is ascribed by Aristotle to the smaller species of coot, seems probably a duck, as Gesner suggests. It may therefore be referred to the Anas Penelope, L., or Widgeon. (In modern works on Natural History it is incorrectly written Penelope.) 4. The θυρεός of Aristotle and Eilian, and θυρεός of Philo, although ranked with ducks by Aristotle and Pliny, was probably the Anser Brentii, or Brent Goose. 5. The χαράλωπες of Aristotle and of Eilian is held to be the Anas Bimucrona, or Bernicle Goose, by Elliot. Schneider and Pennant, however, prefer the Anas Tadorna, or Sheldrake. 6. The Sacred Goose of Egypt was a particular species, the Anas Rüppellii, akin to the Bernicle, but distinguished by brighter plumage, and by small spurs on its wings.*

ANATHEMATA. (Vid. DonaHIA.)

ANATOMICUS. (Vid.1. Interest on Money.)

ANATMAXIOT ΤΡΑΣΗ (ανατμαξιοτρασι) was an imprest officer of the trierarch who had kept aloof from action while the rest of the fleet was engaged. From the personal nature of the offence, and the punishment, it is obvious that this action could only have been directed against the actual commander of the ship, whether he was the sole person appointed to the office, or the active partner of the perhaps many συντέκτων, or mere contractor (ο μιτροσώμονος). In a cause of this kind, the strategy would be the natural and official judges. The punishment prescribed by law for this offence was a modified atonim, by which the criminal and his descendants were deprived of their political franchise, but, as we learn from Andocide, were allowed to retain possession of their property.*

ANAXAGOREA (Αναξαγορεία), a day of recreation for all the youths at Lampascus, which took place once every year, in compliance, it was said, with a wish expressed by Anaxagoras, who, after observing that these constituted the remainder of his life. This continued to be observed even in the time of Diogenes Laertius.*

ANAXURIS, a species of Duck; the Rumex Assetarius according to Sprengel.*

ANCHUSA (ἀνχύσα), the herb Alkanet. Four kinds of Alkanet are described by Klossovides and Galen.* With regard to the first, Sprengel hesitates between the Anchusa tinctoria and Lithospermum tincturium; the second is the Echium Italicum, Sibthorp; the third, or Alcibiades, the Echium diffusum; and the fourth, or Lycopers, the Lithospermum fruticosum. This is a plausible account of the variety of Dioscorides, who, according to him, was not uninterested in difficulties. That of Theophrastus seems indisputably to be the Anchusa tinctoria. The Anchusa tenuiflora does not seem to be described by any ancient author.*

ANCYLE, the sacred shield carried by the Salii. It was of Plutarch,* Dionysius of Halicarnassus,* and Festus,* it was made of bronze, and its form was oval, but with the two sides receding inward with an even curvature, and so as to make it broader at the ends than in the middle. It is exhibited in the following woodcut.

The original ancle was found, according to tradition,* in the palace of Numa; and, as no human hand had brought it there, it was concluded that it had been sent from heaven, and was an ὄλπαν διατέτει. At the same time, the haruspices declared that the Roman state would endure so long as this shield remained in Rome. To secure its preservation in the city, Numa ordered eleven other shields, exactly like it, to be made by the armorers Mammurius Venturius and Titus Lucius, and they were appointed under the denomination of Salii, whose office it was to preserve the twelve ancles. They were kept in the temple of that divinity on the Palatine Mount, and were taken from it only once a year, on the calends of March. The Feast of the god was then observed during three days, when the Salii carried their shields about the city, singing songs in praise of Mars, Numa, and Mammurius Venturius, and at the same time performing a dance, which probably, in some degree, resembled our morris-dances, and in which they struck the shields with rods, so as to keep time with their voices and with the movements of their horses. The accompanying figure shows one of these rods, as represented on the tomb of a Pontifices Salii, or chief of the Salii.* Its form, as here exhibited, both illustrates the manner of using it, and shows the reason why different authors call it by different names, as Δυτικούδον, λόχης, βάδος, ἱργα.

Besides these different names of the rod, which was held in the right hand, we observe a similar likeness as to the mode of holding the shield. Virgil, describing the attire of Pius, a mythical king of Latium, says he held the ancle in his left hand (tavagae ancle geraeá). Other authors represent the Salii as bearing the anclea on their necks or on their shoulders.* These accounts may be reconciled on the supposition advanced in the article Ξενος, that the shield was suspended by a leathern band (lorum*) proceeding from the right shoulder, and passing round the neck. That the weight of the ancle was considerable, and that the use of it in the sacred dance required no small exertion, is apparent from Juvenal’s expression, "sudavit cllys

*whole text of document is...
ANCORA.

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

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

ANCORA (ἀνκώρα), an anchor.

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

The anchor, as here represented and as commonly used, was called bidēs, ἀβλής, ἀφρόλοκος, or ἀμφίσπορος, because it had two teeth or flukes. Sometimes it had only one, and then had the epitex ἐπιστόρημα.

The following expressions were used for the three principal processes in managing the anchor:

Ancoram solvere, ἀγόραν χαλῶν, to loose the anchor.
Ancoram jacere, βάλλων, βίβτων, to cast anchor.
Ancoram tollere, ἀφεῖν, ἀνασκίτω, ἀνασκίπατο, to weigh anchor.

Hence ἀφεῖν by itself meant to set sail, ἀγόραν being understood.

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

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

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

"Oberint pelago proros; tum dente tenaci
Ancora fundatam naves, et litora curvau
Praeventum puppae." 1

And "Ancora de prora jactur, stant litora puppes." 2

The prow being turned towards the deep sea (pe-lo) and the stern towards the land, the latter extremity is fixed upon the shore (stas litore), so that the collected ships, with their aplustria, adorn it, as if they were, with a fringe or border (pretexta).

This prow remains in the deeper water, and therefore the anchor is thrown out to attach it to the ground (fundare).

When a ship was driving before the wind, and in danger of foundering upon shoals, its course would be checked by casting anchor from the stern. This was done when Paul was shipwrecked at Melite. 3 Four anchors were dropped on that occasion. Athen.

The largest and strongest anchor, the "last hope" of the ship, was called iōntes: and, as it was only used in the extremity of danger, the phrase "sacram anchoram solvere" was applied to all persons similarly circumstances.

To indicate the place where the anchor lay, a bundle of cork floated over it, on the surface of the water, 4 being attached, probably, to the ring which, in the preceding figure, is seen fixed to the bottom of the shank; and we may conjecture that the rope tied to that ring was also used in drawing the fluke out of the ground previously to weighing anchor.

In the heroic times of Greece, it appears that anchors were not yet invented: large stones, called στέιον (sleepers), were used in their stead. 5 Even in later times, bags of sand, and baskets filled with stones, were used in cases of necessity. According to Pliny, 6 the anchor was first invented by Empalimus, and afterward improved by Anacharsis. And the anchor was used, (336 B.C.), an herb, the same with our Atriplex hortensis, according to Sprengel, Stackhouse, and Dierbach, who agree in this with the earlier commentators.

All the ancient authorities, from Dioscorides to Macer, give it the character of an excellent pot-herb. It is still cultivated in some gardens as a culinary herb; its English name is Orach. 7

ANDRACHOS, P. lusulare, or Portulae oleacea, L. 8

ANCAPPODIS' ΜΟΥ or ANCAPPID'ΕΣΕΩΣ ΓΡΑΠΗ (ἀναπποδίσμονικον ἀν ἀναπποδίσμοις γραφή) was an action brought before the court of the eleven (οι ἑνάκα) against all persons who carried off slaves from their masters, or reduced free men to a state of slavery. The grammarians mention an oration of Antiphon on this subject, which has not come down to us. 9

ANCAPPOD'ΟΝ ΔΙΚΗ (ἀναπποδίδων δίκη) was the peculiar title of the diakiesis when a property in slaves was the subject of contending claims. The cause belonged to the class of δικαία πρὸς τινα, and was one of the private suits that came under the jurisdiction of the themotheteus. It is recorded to have been a subject of a lost speech of Dinarchus, 10 and is clearly referred to in one still extant of Demosthenes. 11

ANDREIA. (Fid. Syssitia.)

*ANDRODAMAS, one of Pliny's varieties of haematite. (Fid. AIMAΣΙΤΗΣ). It was of a black colour, of remarkable weight and hardness, and attracted silver, copper, and iron. When divested of its fabulous properties, it appears to have been magnetic oxide of iron. 12

ANDROMACHIA (Ἀνδρομαχία), a festival with games, held every year in the Ceramicus at Athens, in honour of the hero Androgeus, son of Minos, who had overcome all his adversaries in the festive

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ANNUITIES

AimALES (Liv., zoon-but 5.)—the Pliny, (Vid. In This Or. (Bion, styled, differently cluster contain by this appellation legends may nassus. This third in which rose. This appellation occurs in the Materia Medica of Dioscorides, Galen, Oris- bastus, and Paulus Aegineta.4

*ANDROS'ACES (andropousos), a species of St. John's-wort, but not the Hyssopus aureuscomo of modern botanists. Such, at least, is the opinion of Sibthorp, who refers it to the H. caerulis, Lam. Stephens and Matthioli give it the French name of hyssopus.5

*ANDROSACES (andropousos). Sprengel justly pronounces this the "crux exgetarum!" His History of Botany he inclines to the opinion of Gal- nanes, that it is the Madagascar acazeleurom, a zoophye; a most improbable conjecture. But, in his other works, he referring he plants the name Oliva androsaceae, Bracc.</p>

*ANEMONE (anemos), the Anemone or Wind- rose. Dioscorides describes three species: the first, which he calls anemos, or cultivated, is, according to Sprengel, a plant called Anemone nemorosa, or Wood Anemone. The cultivated kind was very variable in the colour of its flowers, these being either blue, violet, purple, or white, whereas the wild kind has merely a flower of purple hue. This may serve to explain the discrepancy in the poetic legends respecting the origin of the anemone. According to one account, it sprung from the tears shed by Venus for the loss of Adonis when slain by the wild boar; according to another, from the blood of Adonis who, during his life as a god, escaped, to the one case, to the white flower of the wind-rose; in the other, to that of purple hue. The anemone has its name from the Greek term anemos, "wind." This is the cause of this name's having been given is dis- ferently stated. Pliny says that the flower was so styled, because it never opens except when the wind blows; Hesychius, because its leaves are quickly scattered by the wind. The best explanation, however, is the following: the blossoms of the anemone contain no distinct calyx, and are succeeded by a cluster of grains, each terminated by a long, slender, feathery, somewhat scarious awn. When grown in open plains, or in high, exposed situations, their feathery grains produce a singular shining appearance when waved by the breeze, and hence, no doubt, the name of the flower has originated, for it means, literally, "Wind-flower," and this is the appellation actually bestowed upon it by the Eng- lish. Sibthorp found the anemone on Mount Pan- nassus.

*ANETHUM (anethos), the herb Anise or Dill. Sprengel makes the anethos of Dioscorides and The- phraustus the Anethum graveolens; but, according to Stockhouse, the anethos of Theophrastus is the A. hortensis, or Garden Dill.1

*ANGOTHERIE (angoverion). (Vid. Incitega.)

*ANGUIILLA (anguillur), the Murana anguilla, L., or Eel. (Vid. Concor and Mercura.) Vol- lum. 1. The elapsus occurs in the following reproduction on the part of eels. Aristotle believed that they sprang from the mud; Pliny, from fragments which they separated from their bodies by rubbing them against the rocks; others of the ancient writers supposed that they came from the carcasses of animals. The truth is, that eels after the manner of serpents; that they form eggs, which, for the most part, disclose in their belly; and that in this case they are viviparous, after the manner of vipers.

*ANGUSIUS (angis), the Snake. (Vid. Aspis, Dra- go.)

*ANGUSTICLAVIA. (Vid. Clavus.)

*ANISUM (anisou) the Pimpinella anison, or Anise. It is described by Theophrastus, Dioscori- des, Galen, and the other writers on the Materia Medica.

ANNUITIES (i. e., annuities libri, year-books) were recorded in the events of each year, which were kept by the chief pontiff (pontifex maximus) at Rome, from the commencement of the state to the time of the chief pontiff Publius Marcus Scavola (consul in 631 A.U.C., 135 B.C.). They were written on a white board (album), which the chief pontiff used in the public places for paragraphe read by the people might have the opportunity of reading them. They were called annales maximi, or annales pontificum maximorum; and the commentarii pontificium mentioned by Livy are in all probability the same. These documents appear to have been very minute, recording chiefly eclipses, prodigies, and the state of the markets; but they were the only historical records which the Romans possessed before the time of Fabius Pictor. The great part of these books when written before the burning of Rome by the Gauls, perished on that occasion; but some fragments seem to have escaped destruction. This circumstance is a chief cause of the uncertainty of the early history of Rome.7

In process of time, individuals undertook to write portions of the Roman history, in imitation of the pontifical annals. The first of these was Quintus Fabius, Cunctore, who during the Carthaginian War, and wrote the history of Rome from its foundation down to his own time.8 Contemporary with him was Lucius Cincius Allmenus, whose annals embraced the same period.9 Dionysius states that both Fabius and Cincius wrote in Greek; but it would seem that Fabius wrote in Latin also.10 Marcus Forcius Cato, consul in 550 A.U.C., and afterward censor, wrote an historical work in seven books, which was called "Origines."11 Anus Postuminus Albinus, consul in 603 A.U.C. wrote annals of the Roman history in Greek;12 Lucius Calpurnius Piso Frugi, consul in 631 A.U.C., and afterward censor, wrote annals.13 Quintus Vauric- us Antias (about 679 A.U.C.) is frequently cited by Livy, and, from his history with him was Caius Iulus Macer.14 The Roman annalists were Lucius Cassius Homina (A.U.C. 608), Quintus Fabius
ANONIS.

Maximus Servilicus (612), Caius Fannius (618), Caius Sempronius Tuditanus (635), Lucius Ceilius Antipater (631), Caius Sempronius Asellio (630), and, about the end of the same century, Publius Rusticus. Lysias, young, 

and Qnemis Claudius Quadragarius. Further information concerning these writers will be found in Clinton's Fasti Hellenici, vol. iii.

The precise difference between the terms annales and historia is still a matter of discussion. Cicero mentions the annales, but there is only one, written by an unknown compiler. The term was used to denote the annals written in imitation of the annales aevi et temporum, and mere written memorials of the times, to men, of places, and of events, without any commentary; and, provided that their meaning was intelligible, thought the only excellence of style was brevity; but that, in history, ornament is studied and style. Descriptions of countries and battles are often introduced, speeches and harangues are reported, and a flowing style is aimed at. Elsewhere he mentions history as one of the highest kinds of oratory, and as one which was as yet neither known to, nor neglected by, his countrymen. Aulus Gellius, which has been the influence between annals and history, is, that the former observe the order of years, narrating under each year the events that happened during that year. Servius* says that history (hstoria) is the events which have happened during the writer's life, so that he has, or might have, seen them; but annals are events which have taken place in former times. The true distinction seems to be that which regards the annalist as adhering to the succession of time, while the historian regards more the succession of events; and, moreover, that the former relates bare facts in a simple, straightforward style, while the latter arranges his materials with the art of an orator, and traces the causes and results of the events which he records. (See a paper by Niebuhr in the Rathsamischen Museum, ii., p. 283, translated by Mr. Thirlwall in the Philosophical Magazine, vol. ii., p. 661.)

ANONIS (from annus, like pomerius from pomo) is used, 1. for the produce of the year in corn, fruit, wine, &c., and hence, 2. for provisions in general, especially for the corn, in the latter years of the Republic, was collected in the storehouses of the state, and sold to the poor at a cheap rate in times of scarcity; and which, under the empire, was distributed gratuitously, or given as pay and rewards. 3. For the price of provisions. 4. For a soldier's allowance of provisions for a certain time. It is used also in the plural for yearly or monthly distributions of pay in corn, &c. Similar distributions in money were called annua. (Curt. X., 40.) In the plural it also signifies provisions given as the wages of labour. Ammon was anointed as a worshipper of the goddess whom the city's prosperity. She was represented on an altar in the Capitol, with the inscription, Annus sanctus. Aulus Vitalio, &c., 4. as a female figure, holding an arrow in her left hand, and the rest of the body clothed, bow on her shoulder, and the cornucopia in her left hand.

ANALIS LEX. (Vid. Aulus, p. 15.)

AN Nil. (Vid. Rom.)

ANUS. (Vid. Year.)

ANTHOI (anthous); a plant. Stephens says its popular name is the 'Red-tarrow.' Modern botanists have accordingly given the name of Anthemis anthos to the Red-tarrow of English herbals.

The popular name is derived from the circumstance of this plant's stopping the plough, or harrow, in its progress, by its stringy roots.


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

Virg. 34. describes the temple in aunts (væcla pæquitor) to be one of the simplest kind. It had, as he says, in front, a temple attached to the walls which enclosed the cela; and in the middle, between the antæ, two columns supporting the architrave. According to him, the aunts ought to be of the same thickness as the columns. The three spaces (intercolumnia) into which the front of the


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ANTEAMBULONES.

The term anteambulones was divided by the two columns, were sometimes occupied by marble balustrades, or by some kind of rails, with doors or gates. The ruins of temples, corresponding to the description of Vitruvius, are found in Greece and Asia Minor; and we here exhibit as a specimen a restoration of the front of the temple of Artemis Propylea at Eleusis, together with a plan of the pronaos:

ANTEFIXA.

When Neoptolemus is attacked by Orestes in the vestibule of the temple at Delphi, he seizes the arms which were suspended by means of nails or pins from one of the antae (εσχάτος ξύλου), takes his station upon the altar, and addresses the people in his own defence. In two other passages, Euripides uses the term by metonymy, to denote either the pronaos of a temple or the vestibule of a palace; i.e., in each case the portico, or space enclosed between the antae.

From porastas came the adjective parastaticus, and hence we find parastatica employed as the term for a pilaster, which may be considered as the section of a square pillar attached to the wall of a building. The beams of a ceiling were laid upon three kinds of supports, viz., columns, antae, and parastaticae or pilasters.

ANTACEUS (᾽αντακέας), a variety of the Aesculapius Hison, or Isinglass Fish. This would appear to be the fish of whose name a poet in Athenaeus complains that it was inadmissible into heroic verse.

ANTEAMBULONOS were slaves who were accustomed to go before their masters, in order to make way for them through the crowd. They usually called date locum dominó meó and if this were not sufficient to clear the way, they used their hands and elbows for that purpose. Piny relates an amusing tale of an individual who was roughly handled by a Roman knight, because his slave had presumed to touch the latter in order to make way for his master.

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

ANTECEMNA. (Vid. Cimento.)

ANTEFIXA, terra-cottas, which exhibited various ornamental designs, and were used in architecture to cover the frieze (zophoria) of the entablature. These terra-cottas do not appear to have been used among the Greeks, but were probably Etruscan in their origin, and were thence taken for the decoration of Roman buildings. Festus describes them in the following terms: Antefixa quae ex opere figurato teatis ad gubernatur sub stiltico.

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

The two imperfect antefixa here represented were among those found at Velletri, and described by Caroli (Rome, 1785).

The first of them must have formed part of the upper border of the frieze, or, rather, of the cornice. It contains a panther's head, designed to serve as a spout for the rain-water to pass through in descending from the roof. Similar antefixa, but with comic masks instead of animals' heads, adorned the Temple of Isis at Pompeii. The second of the above specimens represents two men who have a dispute, and who come before the sceptre-bearing kings or judges to have their cause decided. The style of this bas-relief indicates its high antiquity, and, at the same time,
proves that the Volsci had attained to considerable taste in their architecture. Their antefixae are remarkable for being painted; the ground of that here represented is blue; the hair of the six men is black or brown; their flesh red; their garments yellow, and red; the chairs are white. The two holes may be observed by which this slab was fixed upon the building.

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

ANTHENICUS.

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

ANTENAPAGENTA, doorposts, the jambs of a door.

The inscription quoted in the article Ante contains also a direction to make jambs of silver (anteplagmata aitnegrai). Cato, speaking of the construction of a farmhouse, mentions stone lintels and jambs (jugmenta et antepagmata ex liope). Vitruvius gives minute instructions respecting the form and proportions of the antepagmata in the doors of temples; and these are found, in general, to correspond with the examples preserved among the remains of Grecian architecture. The common term for a doorpost is postis.

ANTESIGNA'NI appear to have been a body of troops, selected for the defence of the standard (signum), before which they were stationed.*

ANTESTAR'I. (Vid. Accro, p. 18.)

*ANTH'EMIS (adveidou), a species of plant. (Vid. Chamaelone.)

*ANTHEMUM (adveidou, -eii, -ai), a species of plants, when some uncertainty prevails. Ad- damis is in favour of its being the genus Matricaria, or Wild Chamomile. Sprengel, however, refers the several species of this plant noticed by Theophrastus to the Anthemis Cotta. Stockhouse also is very unsatisfactory in his views on this subject. *

*ANTHERICUS (adveidou), a plant. Sprengel, in the edition of R. H. F., compares the Anterioricus Graminum with it, but in his second the Asphodelus fabulosus. Thiebaut makes it to be the Ornithogalum Pyrenaeicum, and Stockhouse the Asphodelus fabulosus. Thiebaut makes it to be the Ornithogalum Pyrenaeicum, and Stockhouse the Asphodelus fabulosus.
ANTIDOSIS.

ANTIDOSIS. (Αντίδοσις), a flower-festival, principally celebrated in Sicily in honour of Demeter and Persephone, in commemoration of the latter, who, thrice called Anthophora, since it was derived from Sicily. It consisted in gathering flowers and wining garlands, because Persephone had been carried off by Pluto while engaged in this occupation. 

Strabo relates that at Hippionium the women celebrated a similar festival in honour of Demeter, which was, thrice called Anthophora, since it was derived from Sicily. The women themselves gathered the flowers for the garlands which they wore on the occasion, and it would have been a disgrace to buy the flowers for that purpose. Anthophora were also solemnized in honour of other deities, especially of the honor of June, sung to Aristea, at Argos, where maidens, carrying baskets filled with flowers, went in procession, while a tune called λεπακών was played on the flute. Aphrodite, too, was worshipped at Cronus, under the name Αριθέα, and has therefore been compared with Flora, the Roman deity, as the anthophora have been with Venus.

ANTHESTRIA. (Vid. Dion. Haliea.)

ANTHESTERION. (Vid. Calendar, Greek.)

ANTHIA (ανθια), a species of fish, the same with the Labrus anitha, L., or Serranus anitius of Cuvier. Its French name is Bourrier. The ancients describe several species of this fish, one of which is the καλλαχθς. Cuvier describes this as a most beautiful fish, of a fine ruby red, changing to gold and silver, with yellow hands on the cheek.

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

ANTHRAX (ανθραξ), the Carbuncle. (Vid. Carbunculus.)

ANTHRATERION, a species of carbuncle, found, according to Theophrastus, in the island of Cotis. Beeckmann19 thinks that Theophrastus means the well-known black marble of that island, which is also called Anthraterion, and was esteemed of such a quality. it was designated ανθραξων (from ανθρας, "a coal"), just as the ruby took its name from one buming. He supposes, moreover, that of this marble were made the mirrors mentioned by Theophrastus; and that Pliny misinterprets him in stating that they were in the ανθραξων of Orchomenus.

ANTHRENE (ανθρήνη), the Hornet, or Vesper Crabro. L. It's next is called ανθρήνων by Suidas.

ANTHYLLIS (ανθύλλης), a species of plant. Sprengel agrees with Prosper Alpinus, that the first species of Dioscorides is the Cressa Cretica; and with Clusius, that the second is the Aegio lana. Linnaeus gives the name Cressa to the first genus, this opinion in regard to the first species, by giving it the name of Cressa Anthyllis in his Gen. Plant.

ANTHYPOSTOMIA. (Vid. Hypomoria.)

ANTIDOSIS (αντίδοσις), in its literal and general meaning, "an exchange," was, in the language of the Attic courts, particularly applied to proceedings under a law which is said to have originated with Solon.1 By this, a citizen nominated to perform a leiturgia, such as a trierarchy or chororgy, or to rank among the property-tax pavers in a class disproportioned to his means, was empowered to call upon any qualified person not so charged to take the office in his stead, or submit to a complete exchange of property; the charge in question, or could the office of the first party, or the exchange be finally effected. For these proceedings the courts were opened at a stated time every year by the magistrates that had official cognizance of the particular subject, such as the strategy in cases of trierarchy and ranking to the property-taxes, and the choral associations in Greek. And perhaps, by such an officer it was the first step of the challenger to summon his opponent. It may be presumed that he then formally repeated his proposal, and that the other party stated his objections, which, if obviously sufficient in law, might perhaps authorize the magistrate to dismiss the case; if otherwise, the legal resistance, and preparations for bringing the cause before the dike, would naturally begin here. In the latter case, or if the exchange were accepted, the law directed the challenger to repair to the houses and lands of his antagonist, and secure himself, by an agreement, or by the acts of the exchange, to be transferred, from fraudulent encroachments of the real property, by observing what mortgage placards (ξπολυ), if any, were fixed upon it, and against clandestine removal of the other effects, by sealing up the chambers that contained them, and, if he pleased, by putting bailiffs in the premises. His opponent was at the same time informed that he was at liberty to deal in like manner with the estate of the challenger, and received notice to attend the proper tribunal on a fixed day to take the usual oath. The entries here described seem, in contempt of law, to have been taken in an as fast as the challege, and were not to be completed for the new, and it does not appear that primarily there was any legal necessity for a farther ratification by the dike; but, in practice, this must always have been required by the conflict of interests between the parties. The next proceeding was the oath, which was taken by both parties, and purported that they would faithfully discover all their property, except shares held in the silver mines at Laurion; for these were not rated to leiturigia or property taxes, nor, consequently, liable to the exchange. In pursuance of this agreement, the law enjoined the opponent to pay, in addition to the cost of his respective assets (αντοφαρεις) within three days; but, in practice, the time might be extended by the consent of the challenger. After this, if the matter were still uncompromised, it would assume the shape and follow the course of an ordinary lawsuit (Υδ. Δέμος), under the conduct of the magistrate within whose jurisdiction it had originally come. The verdict of the dike, when adverse to the challenged, seems merely to have rendered imperative the first demand of his antagonist, viz., that he should submit to the exchange, or undertake the same upon condition; and as the alternative was open to the former, and the conduct of the exchange, should the latter at any stage of the proceedings, we may infer that the exchange was rarely, if ever, finally accomplished. The irksomeness, however, of the sequestration, during which the litigant was precluded from the use of his own property, and dis- eases attendant upon uncompromised parties for the like against others (for his prospective reimbursement was reckoned a part of the sequestrated estate), would invariably cause a speedy—perhaps,

ANTIGRAPHE.

ANTILIA.

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

ANTIGRAPHE (ἀντιγραφή) originally signified
be writing put in by the defendant, in all cases,
whether public or private, in answer to the
indictment. But in the early times in which the
action was applied, by an easy transition, to the
substance as well as the form of the reply, both of
which are also indicated by ἀντωνομα, which means
primarily the oath corroborating the statement of
the accused. Harpocrate has remarked that anti-
graphē ought denote, as amnonias does in its
more extended signification, the bill and affidavit of either
party; and this remark seems to be justified by a
passage of Plato. Schömann, however, main-
tains that antigraph was only used in this signifi-
cation in the case of persons who laid claim to an
unassigned inheritance. Here neither the first nor
any other claimant could appear in the character of
a prosecutor: that is, no ἄγγινος ἀντιγραφή could
be strictly said to be directed by one competitor against
another, when all came forward voluntarily to the
tribunal to defend their several titles. This circum-
stance Schömann has suggested as a reason why
the documents of each claimant were denoted by the
word antigraphē.

Perhaps the word "plea," though by no means a
coincident term, may be allowed to be a tolerably
proximate rendering of antigraphē. Of pleas there
may be only two kinds, the dilatory, and those to
the action. The former, in Attic law, comprehends all
such allegations by asserting the incompetency
of the court, the disability of the plaintiff, or privi-
lege of the defendant and the like, would have a
tendency to show that the cause in its present state
could not be brought into court (ὑπὲρ εἰσαγωγῶν
eίνα τὴν δικαίωσιν): the latter, everything that
would be adduced by way of denial, excuse, justification,
and refutation of the evidence as well as the
Greek, kept in mind, that the process called "special plead-
ing" was at Athens supplied by the magistrate hold-
ing the anarchies, at which both parties produced
their allegations, with the evidence to substantiate
them; and what the object of this part of the pro-
ceedings was, under the directions and with the as-
istance of the magistrate, to prepare and enucleate
the question for the dicasts. The following is an
instance of the simplest form of indictment and plea:
"Apollo, son of Pasion of Acharnus, against Stephanus, son of Menechus of Acharnæ, for
perjury. The penalty rated, a talent. Stephanus,
son of Menechus, was accused of having sundered
evidence the matters in the tablet. Stephanus, son
of Menechus of Acharnæ. I witnessed truly when
I gave in evidence the things in the tablet." The
pleadings might be altered during the anarchies;
but, once consigned to the echinus, they, as well as
all the other accompanying documents, were
protected by the official seal from any change by the
litigants. On the day of trial, and in the presence
of the dicasts, the echinus was opened, and the plea
was then read by the clerk of the court, together
with its antagonist bill. Whether it was preserved
afterward as a public record, from which we know to have
been the case with respect to the γραφή in
some causes, we are not informed.

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

2. (Deim. in Steph., i., 1115.)—4. (Diog. Laert., ill., c. 5, s. 19.)

action might be instituted, and carried on separately,
the ug phr simultaneously with the original
suit. Cases, also, would sometimes occur, in which
the defendant, from considering the claim to be
an unmeritorious replication, or, perhaps, one best
attacked by appeal, would be tempted to retalia-
tion upon some delinquency of his opponent, utterly
unconnected with the cause in hand, and to this he
would be, in most cases, able to resort. An in-
stance of each kind will be briefly given by citing
the common papyrographē as a case of a cross-
action upon a primary action for the same; and a δικαι-
ωνας, or "judicial examination of the life or mor-
als" of an orator upon an impeachment for miscon-
duct in an embassy (παραπομπησθαι). All causes of
this secondary nature (and there was hardly one
of any kind cognizable by the Attic courts that
might not occasionally rank among some) were
viewed in their relation with the primary action,
comprehended by the enlarged signification of anti-
graphē; or, in other words, this term, inexpressive
of form or substance, is indicative of a repellant
or rehatitive quality, that might be incidental to a
great variety of causes. The distinction, however, that
in this sense is analogous, and not substantial; for we are told, in order to pre
vent frivolous suits on the one hand, and unfair
election upon the other, the loser in a paragraphe, or
cross-action upon a private suit, was condemned
by a special law to pay the ἐπιστήμα (vid. Eras.
i-a), liable upon the valuation of the cause
for the expenses of the former, if he be guilty of
wiving or fraud in the actions of the jury, and certain court fees (παραπομπης, not
original incident to the suit. That there was a simi-
lar provision in public causes we may presume
from analogy, though we have no authority to deter
mine the matter.

ANTIPATHES (ἀντιπάθες) were public
clerks at Athens, of whom there were two kinds.
The first belonged to the βοιλα: his duty was to
give an account to the people of all the moneys paid
to the state. (Ος καθ ἐκκλησίαν προπαναίαν ἀπελο-
γισε τῶς προσόδους τὸ δίμος). In the time of
Atticins, the ἀντιπάθες τῆς βοιλας was χειρο-
τορίσις, but in later times he was chosen by lot.
The second belonged to the βιβλιαἷς, and his duty
was to check the accounts of the public officers,
such as the treasurers of the sacred moneys, of the
war taxes, &c. (Διεύθυνε τοὺς ἀντιπάθες, ὃς τῆς
δικαστάκτου, ὃς τῆς βιβλιαίας?)

ANTIOEIA (Ἀντιόηης), annual festivals and
quinquennial games, which the Roman emperor
Hadrian, being a favourite Antiochus, after he was
drowned in the Nile, or, according to others, had sacrificed himself for his sovereignty,
in a fit of religious fanaticism. The festivals were
celebrated in Bithynia and at Mantinea, in which,
in a week was worshipped as a god.

ANTIPATHES, the sort of Coral called
Ἀντιθάπθος, is the Attic

ANTIPHER'NA. (Vid. Dom.)

ANTIQUAIRII. (Vid. Libraria.)

ANTIRRHNION (ἀντιρρηνίων or ἀντιρρηνίων) a
plant, which Sprengel makes the same with the
Antirrhinum Ornthium. Hardon calls it by its
French name of Misle de tour, or Calf's Smuts, but
Stephens and A. Mather by that of Meconopsis.
It is not very long since it was agreed that its
ordinary name in English is Snapdragon.

ANT'ILIA (ἀντιλια), any machine for raising wa-
ter; a pump.
The annexed figure shows a machine which is still used on the river Eissach, in the Tyrol, the ancient Aenus. As the current puts the wheel in motion, the jaws on its margin are successively immersed and filled with water. When they reach the top, the centrifugal force, conjoined with their oblique position, sends the water sideways into a trough, from which it is conveyed to a distance, and chiefly used for irrigation. Thus, by the incessant action of the current itself, a portion of it is every instant rising to an elevation nearly equal to the diameter of the wheel.

Lucæius mentions a machine constructed on this principle: "Ut fluvius versaret rotae atque haustura videns." The line is quoted by Nonius Marcellus, who observes that the jaws or pots of such wheels (roterum cadit) are properly called "haustura ab haumiendo," as in Greek they are called ἀντλία. In situations where the water was at rest, as in a pond or a well, or where the current was too slow and feeble to put the machine in motion, it was so constructed as to be wrought by animal force, and slaves or criminals were commonly employed for the purpose. Five such machines are described by Vitruvius, in addition to that which has been already explained, and which, as he observes, was turned sine operum calculatu, ipsius fluminis impulso.

These five were: 1. the tympanum; a tread-wheel, wrought hominibus calcantibus: 2. a wheel resembling that in the preceding figure, but having, instead of pots, wooden boxes or buckets (modesti quadrati), so arranged as to form steps for those who trod the wheel; 3. the chain-pump: 4. the cochlea, or Archimedes’s screw; and, 5. the cisticia machine, or forcing-pump. Suætonius mentions the case of a man of equestrian rank condemned to the antlia. The nature of the punishment may be conceived from the words of Artemidorus. He knew a person who dreamed that he was constantly walking, though his body did not move; and another who dreamed that water was flowing from his feet. It was the lot of each to be condemned to the antlia (εἰς ἀντλίαν καταδίωκετο), and thus to fulfil his dream.

On the other hand, the antlia with which Martial watered his garden was probably the pole and bucket universally employed in Italy, Greece, and Egypt. The pole is curved, as shown in the annexed figure; because it is the stem of a fir, or some other tapering tree. The bucket, being attached to the top of the tree, bends by its weight, and the thickness of the other extremity serves as a counter poise. The great antiquity of this method of raising water is proved by representations of it in Egyptian paintings.

ANTYX (ἀντύξ), a part of the ἀνίκματος, or preliminary pleadings in an Athenian lawsuit. The term was used of an oath taken by both parties; by the plaintiff, that his complaint was well-founded, and that he was actuated by no improper motives; and by the defendant, that his defence was true. It was also called ἀνεύδωσις. The oath might contain either the direct affirmative or negative, in which case it was called ἐκδίωκε; or amount to a demurrer or παραγγέλσις. The ἀντύξασθα of the two parties correspond to our oaths or declarations on the one side, and to the replies, replications, or rejoinders on the other. (Vit. Antigraphe.)

ANTYX (ἀντύξ), probably allied etymologically to ANTYX (ἀντύξ), the rim or border of anything, especially of a shield or chariot. The rim of the large round shield of the ancient Greeks was thinner than the part which it enclosed. Thus the ornamental border of the shield of Achilles, fabricated by Vulcan, was only threefold, the shield itself being sevenfold. In another part of the Iliad, Achilles sends his spear against Aeneas, and strikes his shield ἄντυξ απὸ πολτήρον, i.e., "on the outermost border," where (it is added) the bronze was thinnest, and the thinnest part of the ox-hide was stretched over it. In consequence of the great size of this round shield, the extreme border (ἀντύξ πύμαρα) touched the neck of the wearer above, and the lower part of his legs below. In the woodcut, in the article Antepeia, we see the ἄντυξ on one side of Minerva’s shield.

On the other hand, the ἄντυξ of a chariot must have been thicker than the body to which it was attached, and to which it gave both form and strength. For the same reason, it was often made double, as in the chariot of Juno (Δούλω περίδομοι ἄντυξις ελατ’). In early times, it consisted of the twigs or flexible stem of a tree (δροσές), which were polished and shaped for the purpose. Afterward, a splendid rim of metal formed the summit of the chariot, especially when it belonged to a person of wealth and rank.

In front of the chariot, the ἄντυξ was often raised above the body, into the form of a curvature, which served the purpose of a hook to hang the reins upon when the charioteer had occasion to leave his vehicle. Hence Ericlides says of Hippolytus, who had just ascended his chariot, Μάρτυρει τῆς ἕρατι γίγνεται ἄντυξα. On Etruscan and Greek vases, we often see the chariot painted with this appendage to the rim much elevated. The accompanying woodcut shows it in a simpler form, and as it appears in Antepeia, engraved in the work of Calloni, which has been already referred to.

By Syncelnodes, ἄντυξ is sometimes used for a chariot, the part being put for the whole. It is

APAGOE.

plaint was said ἀπάγογε τῆς ἀπάγογος; the magician, when they allowed it, παρεδόθη τῷ ἀπάγογε.

APARINE ἀπαρίνη, a species of plant, the same with the Lappa of the Romans, and now called Clementina or Goose-grass. Sprengel, in the first edition of his R. H. H., holds it to be the Arcitum Lappa, or Burdock; a mistake which lie silently corrects in his edition of Dioscorides. According to Galen, it is the βιλιόσιον and βιλιατέριον of Hippocrates.

APATIS (ἐπάτης), the name of a plant occurring in Theophrastus. Great diversity of opinion prevails, however, with respect to the proper reading; some making it ἀπάτης, and others οὐφάκης. Sprengel refers it to the Leonotodon Taraxacum, or Dandelion; but Stockhouse hesitates between the Taraxacum and the Hieracium of Harkaway.

ἈΠΑΤΕΩΣ ἐκ τῶν δήμων γραφῆς. (Vid. ΔΑΙΚΙΑΣ 

APATURIA (Ἀπατοῦρα) was a political festival which the Athenians had in common with all the Greeks of the Ionian name, with the exception of those of Colophon and Ephesus. It was celebrated in the month of Pyanepis, and lasted for three days. The origin of this festival is mentioned by Xenophon, and following the year 1100 B.C., the Athenians were carrying on a war against the Boeotians, concerning the district of Cisera, or, according to others, respecting the little town of Κήνος. The Boeotian Xanthius or Xanthus challenged Thymoetes, king of Attic, to single combat; and when Melanthus, prefect of the Mendesian exiles of the house of the Neldis, offered himself to fight for Thymoetes, on condition that, if victorious, he should be the successor to Thymoetes. The offer was accepted; and when Xanthius and Melanthus began the engagement, there appeared behind Xanthius a man in the γυρίζειν, the skin of a black goat. Melanthus recognized this as violating the laws of single combat by having a companion, and while Xanthius looked around, Melanthus slew the decoyed Xanthus. From that time the Athenians celebrated two festivals, the Apaturia, and that of Dionysus Melanogis, who was celebrated in the same month. In the former case, the complained ran the risk of forfeiting 100 drachmas if his charge was ill-founded. The cases in which the apagoge was most generally allowed were those of theft, murder, ill-usage of parents, &c. The punishment in these cases was generally fixed by law; and if the accused confessed, or was proved guilty, the magistrate could execute the sentence at once, without appealing to any of the jury-courts; otherwise it was necessary that the case should be referred to a higher tribunal. The magistrates who presided over the apagoge were generally the Eleven (οἱ ἐνδεκάες); sometimes the chief archon, or on the thermaeum. The most important passage with regard to the apagoge is 14: unfortunately corrupt and unintelligible. The com-

the cup-bearers (ποίηστας) were not idle on this occasion, may be seen from Pictius.1

The second day was called Ἀφράκτης (Ἀφράκτης), from the sacrifice offered on this day to Zeus, summoned " Aphractus," and to Athens, and sometimes to Dionysus Melanæus. This was a state sacrifice, in which the priests took a prominent part. The day was chiefly devoted to the gods, and to it, perhaps, can be confounded what Harpocrate2 mentions, from the Athic of Istrus, that the Athenians at the apaturia used to dress splendidly, kind torches on the altar of Hephaistos, and sacrifice and sing in honour of him. In addition to the sacrifice, the monumen
ties, calls the first day of the Apaturia Ἀφράκτης, and the second δορπία, which is, perhaps, nothing more than a slip of his pen.

On the third day, called κομφώτης (κομφώτης), children born in that year, in the families of the phratria, or such as were not yet registered, were taken by their fathers, or, in their absence, by their representatives (κτέρια), before the assembled members of the phratria. For every child, a sheep or goat was sacrificed. The victim was called μελός, and he who sacrificed it μεγαλυγός, μεγαλυγείτης. It is said that the victim was not allowed to be below,3 or, according to Pollux,4 above a certain weight. Whenever any one thought he had reason to oppose the reception of the child into the phratria, he stated the case, and, at the same time, led away the victim from the altar.5 If members of the phratria found the objections to the reception of the child to be sufficient, the victim was removed; when no objections were raised, the father, or he who supplied his place, was obliged to establish by oath that the child was the offspring of free-born parents and citizens of Athens.6 After the victim was sacrificed, the phratriae gave their votes, which they took from the altar of Jupiter Phratrius. When the majority voted against the reception, the cause might be tried before one of the courts of Athens; and if the claims of the child were found unobjectionable, its name, as well as that of the father, was entered in the register of the phratria, and those who had wished to effect the exclusion of the child were punished.7

On this day, also, illegitimate children, on whose heads the lot of the citizens was to be bestowed, as well as children adopted by citizens, and newly-created citizens, were introduced; but the last, it appears, could only be received into a phratria when they had previously been adopted by a citizen; and their children, when born by a mother who was a citizen, had a legitimate claim to be inscribed in the phratria of their grandfather, on their mother's side.8 In later times, however, the difficulties of being admitted into a phratria seem to have been greatly diminished.

Some writers have added a fourth day to this festival, under the name of τετέλεσα;9 but this is no particular day of the festival; for τετέλεσα signifies nothing else but a day subsequent to any festival.10

APELEUTHEROI. (Vid. Liben.)

APER. (Vid. Kapros.)

APERTA NAYIS. (Vid. Aphractus.)

APEX, a cap worn by the flaminies and salii at (come). The use of it was very ancient, being reckoned among the primitive institutions of Numas.

"Hinc ancilia, ab hoc apices, capilasque repertos." The essence, part of the apex, to which alone the name properly belonged, was a pointed piece of olive-wood, the base of which was surrounded with a lock of wool. This was worn on the top of the head, and was held there either by fillets only, or, as was more commonly the case, by the aid of a cap, which fitted the head, and was also fastened by means of two strings or bands (amenta, lorra). These bands had, it appears, a kind of knot or button, called ofodontis or ofodonticum.11

The flaminies were forbidden by law to go into public, or even into the open air, without the apex.12 Sulpius was deprived of the priesthood only because the apex fell from his head while he was sacrificing.13

Dionysus of Halicarnassus describes the cap as being of a conical form.14 On ancient monuments we see it round as well as conical. From its various forms, as shown on bas-reliefs and on coins of the Roman emperors, who, as priests, were entitled to wear it, we have selected six for the annexed woodcut. The middle figure is from a bas-relief, showing one of the salii with the rod in his right-hand. (Vid. Anglice.)

From apex was formed the epithet apicatus, applied to the flamen dialis by Ovid.15

*APHARCE (ἄφαρκα), a kind of pulse or vetch. Puchius and Matthiiphus refer it to the Victa secum; Dalechamp to the Victa angustifolia; Dono- nens and Stockhouse to the Lathyrus ophace. To this last Sprengel refers it in the first edition of his R. H. II., but in his edition of Dioscorides he hesitates as to whether it was the Victa Bithynica, the P. betae, or the V. hybrida.16

*APHARCE (ἄφαρκα), a plant mentioned by Theophrastus,17 which Stockhouse suggests may be the Rhamnus alaternus, or Evergreen Privet.18 Sprengel, however, is in favour of the Philyrea angustifolia. Schneider remarks, that some of the characters given by Theophrastus are wanting in the Philyrea.19

APTE&I TOI NMEPAI (άφεται ἡμέρας) were the days, usually festivals, on which the θησεί did not meet at Athens.20

*APHIA (άφια), a plant mentioned by Theophrastus, but of which nothing can be made satisfactorily, in consequence of the short notice given by him. Stockhouse suspects that it may be a false reading for ἀφία. In another place he suggests that it may be the Caltha palustris, or Marsh Marigold.21

APHRODISIA.

APHASTON. (Vid. Aplistre.)

APHRODISIAINE (άφροδισίαίνε) was the action brought against a banker or money-lender (τραπεζίτης) to recover funds advanced for the purpose of being employed as banking capital. Though such monies were often transferred from one depositor to another, or deposi
tories, to distinguish them from the private capital of the banker (έδα άφροδίς), there is an essential dif
tinction between the actions āφροδίσιας and παρακάτω
θήκης, as the latter implied that the defendant had refused to return a deposit intrusted to him, not upon the condition of his paying a stated interest for its use, as in the former case, but merely that it might be safe in his keeping till the affairs of the plaintiff should enable him to resume its possession in security.

The former action was of the class πρός τίνα, and came under the jurisdiction of the themonthemus. The speech of Demosthenes in be
half of Pharnes was made in a παραγωγή against an action of this kind.

APHRACTUS (ἀπράκτος μοῖρας), called also navis specula, a ship which had no deck, but was merely covered with planks in the front and hinder part, as is represented in the following cut, taken from a coin of Corecyra.

The ships which had decks were called κατά
θέτοντα or strata e strata. At the time of the Trojan war, the Greek ships had no decks, but were only covered in the prow and stern, which covering Homer calls the λιβάνη μοῖρας. Thus Ulysses, when preparing for combat with Scylla, says, Εἰς λιβάνη μοῖρας θηλών ἔφησε. Even in the time of the Persian war, the Athenian ships ap
pear to have been built in the same manner, since Thucydides expressly says that these ships were not yet entirely adopted.

APHRODISIÁ (Ἀφροδισία), festivals celebrated in honour of Aphrodite in a great number of towns in Greece, but particularly in the island of Cyprus. Her most ancient temple was at Paphos, which was built by Athis or Cinyras, in whose family the priestly dignity was hereditary. No bloody sacrifices were allowed to be offered to her, but only pure fire, flowers, and incense; and, therefore, when Tacitus' speaks of victims, we must either suppose, with Ernesti, that they were killed merely that the priests might inspect their intestines, or for the purpose of affording a feast to the persons present at the festival. At all events, however, the altar of the goddess was not allowed to be polluted with the blood of the victims, which were mostly beasts. Mysteries were also celebrated at Paphos in honour of Aphrodite; and those who were initiated offered to the goddess a piece of money, and received in return a measure of salt and a phallos in the natural text
**APLUSTRE.**

"water." The French term *aëre* comes from *aëkès*, in the same language, signifying "a brook."

APLUSTRE (ἅπλοστρον), an ornament of wooden planks, which constituted the highest part of the poop of a ship.

The position of the aplustre is shown in the representations of ancient vessels in the articles *Anchora* and *Antenna*. The forms there exhibited show a correspondence in the general appearance and effect between the aplustre which terminated the stern, and the ἀρκεστάς which advanced towards it, proceeding from the prow. *(Vid. Anchora.)* At the junction of the aplustre with the stern, on which it was based, we commonly observe an ornament resembling a circular shield: this was called ἀσπίδειον or ἀσπίδας. *It is seen on the two aplustra here represented.*

In the history of the Argonautic expedition, a bird is described, which perches on the aplustre of the ship Argo, and delivers oracular counsel.¹ Afterward, the extremities of this appendage to the stern are smashed by the collision of the Syracusian, while the bodies of the vessel narrowly escapes on its passage between those islands.

In the battle at the ships related by Homer,² as they had their poop landward, and nearest to the Trojans, Hector takes a firm hold of one by its aplustre, while he incites his followers to burn fire and burn them. After the battle of Marathon, some similar incidents are mentioned by Herodotus,³ especially the distinguished bravery of Cynægirus, brother of the poet Eschylus, who, having seized the aplustre of a Persian ship, had his hand cut off by a hatchet. In these cases we must suppose the aplustre to have been directed, not towards the centre of the vessel, but in the opposite direction.

The aplustre rose immediately behind the governor, who held the rudder and guided the ship, and it served in some degree to protect him from the wind and rain. The figure introduced in the article Anchora shows that a pole, spear, or standard (σταῖκα, σταῖκῆς) was sometimes erected beside the aplustre, to which a fillet or pennon (γαταία) was attached. This served both to distinguish and adorn the vessel, and also to show the direction of the wind. In the figure of a ship, sculptured on the column of L'Enfant, we see a lantern suspended from the aplustre so as to hang over the deck below the governor. In like manner, when we read in Virgil,⁴ "Puppibus et laetae nautæ improvere coronas," we must suppose the garlands, dedicated to the domest-

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¹ (Apollon. Rhod. i. 1069.—2. (Apollon., i., 9, 22.—Apoll. Rhod., ii., 601.—Val. Flacc. iv.—5. (II., xv., 716.—4. (vi., 114)—5. (Georg., i., 304.—Nis., iv., 418.)

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**APOCYNON.**

In the celebrated Apotheosis of Homer, now in the British Museum, the female who personates the Odyssey exhibits the same emblem in reference to the voyages of Ulysses.

APÔB'ATE (ἀπὸ βάτης). *(Vid. Desultores.)*

APOKER-ΤΙΧΙΣ (ἀποκερίσις) implies the method by which a father could at Athens dissolve the legal connexion between himself and his son. According to the author of the declaration on the subject (Ἀποκεριστόμενος), which has generally been attributed to Lucian, substantial reasons were required to ensure the ratification of such extraordinary severity. Those suggested in the treatise referred to are, deficiency in filial attention, riotous living, and profanity generally. A subsequent act of pardon might annul this solemn rejection; but if it were not so avoided, the son was denied by his father while alive, and disinherited afterward. It does not, however, appear that his privileges as to his tribe or the state underwent any alteration. The court of the archon must have been that in which cases of this kind were brought forward, and the rejection would be completed and declared by the voice of the herald. It is probable that an adoptive father also might resort to this remedy against the ingratitude of a son.⁵

APOCHEIROT'ONEIN (ἀποχειροτονεῖν). *(Vid. Archairesias.)*

⁵ *AP'OCYNON (ἐπικέννον), a species of plant, which Matthiolus informs us he long despaired of discovering; but that, at last, he was presented with a specimen of a plant which he was satisfied was it. He refers to the Cynæminus eresus, L. Dodoensis confounds it with the Periploca, to which, as Miller remarks, it bears a striking resemblance. Stephens describes it as being frequent in Burgundy, having an ivy leaf, white flower, and fruit like a bean.
APODECTE (αποδεκτής) were public officers at Athens, who were introduced by Kleisthenes in the place of the ancient colaeae (κολακεία). They were ten in number, one for each tribe, and their duty was to collect all the ordinary taxes, and distribute them to the separate branches of the administration which claimants referred to them. They had the power to decide causes connected with the subjects under their management; though, if the matters in dispute were of importance, they were obliged to bring them for decision into the ordinary courts.

The APODECTE (αποδεκτής) is, literally, a "list or register," but, in the language of the Attic courts, the terms ἀπογραφήν and ἀπογραφόθην have three separate applications: 1. ἀπογραφή was used in reference to an accusation in public matters, more particularly when there were several defendants; the denunciation, the bill of indictment, and enumeration of the accused, would in this case be termed ἀπογραφής, and differ but little, if at all, from the ordinary græphā. 2. It implied the making of a solemn protest or assertion before a magistrate, to the intent that it might be preserved by him till it was required to be given in evidence. 3. It was a specification of property, said to belong to the state, but in such a manner as to leave the evidence of possession, which specification was made with a view to the confiscation of such property to the state.

The last case only requires a more extended illustration. There would be two occasions upon which it would occur: first, when a person held public property without purchase, as an intruder; and, secondly, when the substance of an individual was liable to confiscation in consequence of a judicial award, as in the case of a declared state debtor. If no opposition were offered, the ἀπογραφή would attain its object, under the care of the magistrate to whose office it was brought; otherwise a petition arose, which is also designated by the same title.

In a cause of the first kind, which is said in some cases to have also borne the name πόλεν ἔχει τὰ χρήστες ταῦτα τῆς ἐν τῷ νόμῳ, the claimant against the state had merely to prove his title to the property; and with this the case might end, if it was a question of the ἀπογραφή, whereby the substance of another was, or was proposed to be, confiscated, on the ground that he had a loan by way of mortgage or other recognised security upon a portion of it; or that the part in question did not in any way belong to the state debtor, or person so mulcted. This kind of opposition to the ἀπογραφή is illustrated in the speech of Demosthenes against Nicostratus, in which we learn that Apollodorus had instituted a ἀπογραφή against Aristeus, for non-payment of a penalty incurred in a former action. Upon this, Nicostratus attacks the description of the property, and maintains that three slaves were specified, whereas there were only two. The case it is as belonging to Arethusa, for they were, in fact, his own.

In the second case, the defence could, of course, only proceed upon the alleged illegality of the former penalty; and of this we have an instance in the speech of Lysias for the soldier. There Polyarchus had been condemned by the generals to pay a fine for a breach of discipline; and, as he did not pay it within the appointed time, an ἀπογραφή to the amount of the fine was directed against him, which he opposes, on the ground that the fine was illegal. The ἀπογραφή might be instituted by an Athenian citizen; but if there were no private prosecutor, it became the duty of the demarchi to proceed with it officially. Sometimes, however, extra-

ordinary commissioners, as the συλλόγες and κρίται, were appointed for the purpose. The suite instituted against the ἀπογραφή belonged to the jurisdiction of the Eleven, and, for a while, to that of the Syndics. The former course of the case was, if he lost his cause (συλλόγιστοι), in all, he would probably be obliged to pay the costs or court fees (προσακρατοῦ) upon the same contingency:

A private citizen, who prosecuted an individual, by means of ἀπογραφή, forfeited a thousand drachmas if he failed to obtain the votes of one fifth of the diacasts, and reimbursed the defendant his protest upon acquittal. In the former case, too, he would probably incur a modified atima, i.e., a restriction from bringing such actions for the future.

APOLLO (Apollo) was, (ἀπόλλος ὄς ἁγιός), the laws of Athens permitted either the husband or the wife to call for and effect a separation. If it originated with the wife, she was said to leave her husband; if it proceeded from the husband, he was dismissed from it (ἀποσπομένειν). The disposal of the wife seems to have required little, if any, formality; but, as in one instance we find that the husband called in witnesses to attest it, we may infer that their presence upon such an occasion was customary, if not necessary. If, however, it was the wife who first moved in the matter, the other proceedings prescribed by a law of Solon; and the case of a virtuous matron like Hipparette, driven, by the insulting profligacy of her husband Alcibiaides, to appear before the archon sitting in his court, and there relate her wrongs and dictate their enactment, must have formed the model for the statute whereby a woman was permitted to speak for her upon this occasion for, until the separation was completed, her husband was her legal protector, and her husband was now her opponent. Whether the divorce was voluntary or otherwise, the wife resorted to the male relative, with whom she would have remained if she had never come to this state of affairs. The reason of his duty to receive or recover from her late husband all the property that she had brought to him in acknowledged dower upon their marriage. If, upon this, both parties were satisfied, the divorce was complete and final; if otherwise, an action ἀπολέγησις or ἀποστείφεις would be instituted, as the case might be, by the party opposed to the separation. In this the wife would appear by her representative, as above mentioned; but of the forms of the trial and its results we have no information.

APOLLO/IA (Ἀπολλο/ία) is the name of a propitiatory festival solemnized at Sicyon in honour of Apollo and Artemis, of which Pausanias gives the following account: Apollo and Artemis, after the destruction of the Python, had wished to be purified at Sicyon (Ἐγκαθάληκας); but, being driven away by a phantom (whence, in aftertimes, a certain spot in the town was called φόβος), they proceeded to Carmanos in Crete. Upon this, the inhabitants of Sicyon were attacked by a pestilence, and the scent ordered to be extinguished. However, the place where the sacrifice was offered, and the same number of girls were ordered to go to: the river Sythas, and bathe in its waters; then to carry the statues of the two deities into the Temple of Peitho, and thence back to that of Apollo. Similar rites, says Pausanias, still continue to be observed; for, at the festival of Apollo, the boys go to the river Sythas, and carry the two deities into


2. (Πρὸς τὸν ἐνδύκαν ἀπογραφήν ἀποδημοῦ Λυράς, quo
ted by Harpocratis.)—2. (Lysias in Alth., 514 L.7) —3. (Phile
in Alc.)—4. (th., 7, 7, 7, 7.}
the Temple of Peitho, and thence back to that of Apollo.

Although festivals under the name of Apollo, in honour of Apollo, are mentioned in no other place, yet we are not unable to believe that they existed under the same name in other towns of Greece.

APOMOS'IÀ (apomeiasia) denoted the avowal of the litigant who impugned the allegations upon which the other party grounded his petition for postponement of the trial. (Vid. H'Ypomôsia.) If it was not contested, the trial would come to a decision of the question of delay by the court before which the petition was preferred.1

APÔIÔNE'MEUS ÆÌKH. (Vid. Apôleásieis ÆÌKH.)

APÔPHAN'SIS or APOP'HASIS (apofanias or ap'hasia) was used in several significations in the Attic courts. 1. It signified the proclamation of the decision which the majority of the judges came to at the end of a trial. This proclamation appears to have been made by a herald.2 2. It was used to signify the day on which the trial took place.3 III. It was employed to indicate the accusations of a person’s property, which was obliged to be given when an avóides was demanded. (Vid. Antíñosis.)

APÔPHORA (apophora), which properly means “produce or profit” of any kind, was used at Athens to signify the profit which accrued to masters from their slaves.4 It thus signified the sum which slaves were engaged to obtain the slaveholder on their own account, and the sum which masters received when they let out their slaves on hire, either for the mines or any other kind of labour, and also the money which was paid by the state for the use of the slaves who served in the fleet.5 The term Úpórophora was also applied to the money which was paid by the allied states to Sparta, for the purpose of carrying on the war against the Persians. When Athens acquired the supremacy, these moneys were called Òphorai.

APÔPHORÉTA (apophoréta) were presents, which were given to friends at the end of an entertainment to take home with them. These presents appear to have been usually given on festival days, especially during the Saturnalia.6

APÔPHRAEES H'ßMEPEAI (apofráides hýmeros) were unlucky or unfortunate days, on which no public business, nor any important affairs of any kind, were transacted. They were so called from the fact that these days but one of every month, and the twenty-fifth day of the month Tharchéion, on which the plúnteria were celebrated.7

APÔRRAIßDES (aporrháides), a species of sea-animal noticed by Aristotle, belonging to the genus Murex according to Roodaet and Gesner. Linneas calls it Cockle aporrházis.

APÔRRHE'TA (aporrhéta), literally “things forbidden,” has two peculiar but widely different acceptions in the Attic dialect. In one of these it implies contraband goods, an enumeration of which, at the time of the different periods of Athenian history, is given by Böck.8 In the other it denotes certain contumacious epithets, from the application of which both the living and the dead were protected by special laws.9 Among these, àpórfhónoi, parrakolai, and µptrólooi are certainly to be reckoned; and other words, as býpæthoi, though not forbidden nominative

by the law, seem to have been equity actionable. The penalty for using these words was a fine of 500 dracmae,10 recoverable in an action for abusive language. (Vid. Kátegoria.) It is surmised that this was done at Athens only, and certainly the only instance mentioned in the treatise is the occasion mentioned by Demosthenes.8

APÔSTASSI'ÔTO ÆÌKH (apostassian Æìkh). This is the only private suit which came, as far as we know, under the exclusive jurisdiction of the polemarch.4 It could be brought against none but a freedman (apólestror), and the only prosecutor permitted to appear was his master. To who he had been indebted for his liberty, unless this privilege was transmitted to the sons of such former master. The tenour of the accusation was, that there had been a default in duty to the prosecutor; but what attentions might be claimed from the freedman, we are not informed. It is said, however, that the greatest delict of this kind was the selection of a patron (prostatás) other than the former master. If convicted, the defendant was publicly sold; but if acquitted, the unprosperous connexion ceased forever, and the freedman was at liberty to select any citizen whom he chose. In this connexion, compounders were punished for their actions.11

APÓSTOLEIS (apostoleis), were ten public officers at Athens, whose duty was to see that the ships were properly equipped and provided by those who had delivered them to the government. The intention was to prevent the profiteering of the tricerarchs, who neglected to furnish the ships properly; and they appear to have constituted a board in conjunction with the inspectors of the docks (oi tôn nevouw témpelag) for the prosecution of all matters relating to the equipment of the ships.12

APÔTHÈCA (apothéka) was a place in the upper part of the house, in which the Romans frequently placed the earthen amphore in which their wines were deposited. This place, which was quite different from the evinaearia, was above the fumarium, since it was thought that the passage of the smoke through the room tended greatly to increase the savour of the wine.13

APÔTHEO'SIS (apothèosis), the enrolment of a mortal among the gods. The mythology of Greece contains numerous instances of the deification of a mortal hero. From the republican times of Greece we find few examples of such deification. The inhabitants of Amphipolis, however, offered sacrifices to Brasidas after his death;14 and the people of Egeste built a heron to Philippus, and also offered sacrifices to him on account of his personal beauty.15 In the Greek mythology, which arose in the East on the dismemberment of the empire of Alexander, it does not appear to have been uncommon for the successor or to the throne to have offered divine honours to the former sovereign. Such an apotheosis of Ptolemy, king of Egypt, is described by Theocritus in his 17th Idyll.16

The term apotheosis, among the Romans, properly signified the elevation of a deceased emperor to divine honours. This practice, which was common upon the death of almost all the emperors, appears to have arisen from the opinion, which was generally entertained among the Romans, that the souls of their ancestors were beyond the pleasures and, as it was common for children to worship the relics of their fathers, so it was natural for divine
APOTHEOSIS.

honours to be publicly paid to a deceased emperor, who was regarded as the parent of his country. The ceremony of apotheosis, the Consecratio, was called consecratio; and the emperor who received the honour of an apotheosis was usually said in deum numem referri, or consecrari. Romulus is said to have been admitted to divine honours under the name of Quirinus.1

None of the other Roman kings appears to have received this honour; and also in the republican times we read of no instance of an apotheosis. Julius Caesar was deified after his death, and games were instituted to his honour by Augustus.2 The ceremonies observed on the occasion of an apotheosis have been minutely described by Herodan in the following passage: It is the custom of the Romans to deify those of their emperors who die leaving successors, and this rite they call apotheosis. On this occasion a solemn procession, combined with festival and religious observances, is visible throughout the city. The body of the dead they honour after human fashion, with a splendid funeral; and, making waxen images in all respects resembling him, they expose it to view in the vestibule of the palace, on a lofty ivory couch of great size, spread with cloth of gold. The figure is made paddic, like a sick man. During most of the day senators sit round the bed on the left side, clothed in black, and noble women on the right, clothed in plain white garments, like mourners, wearing no gold or necklaces. These ceremonies continue for seven days; and the physicians severally approach the couch, and, looking on the sick man, say that he grows worse and worse. And when they have made believe that he is dead, the nobility of the equestrian and chosen youths of the senatorial orders take up the couch, and bear it along the Via Sacra, and expose it in the old forum. Platforms, like steps, are built upon each side, on one of which stands a chorus of nobles youths, and on the opposite a chorus of women of high rank, who sing hymns and songs of praise to the deceased, modulated in a solemn and mournful strain. Afterward they bear the couch through the city to the Campus Martius, in the broadest part of which a square pile is constructed entirely of logs of timber of the largest size, in the shape of a chamber, filled with fragrant aromatics and hangings interwoven with gold, and ivory images, and pictures. Upon this a similar but smaller chamber is built, with open doors and windows, and above it a third and fourth, still diminishing to the top, so that one might compare it to the lighthouses which are called Pharos. In the second story they place a bed, and collect all sorts of aromatics and incense, and every sort of fragrant fruit, or herb, or juice; for all cities, and nations, and persons of eminence emulate each other in contributing these last gifts in honour of the emperor. And when a vast heap of aromatics is collected, there is a procession of horsemen and chariots with the emperors, who, in their diurns clothed in robes of office, and wearing masks made to resemble the most distinguished Roman generals and emperors. When all this is done, the others set fire to it on every side, which easily catches hold of the fagots and aromatics; and from the highest and smallest story, as from a pinnacle, an eagle of gold is thrown to the sky as the fire ascends, which is believed by the Romans to carry the soul of the emperor from earth to heaven, and from that time he is worshipped with the other gods.2

In conformity with this account, it is common to see on medals struck in honour of an apotheosis an eagle with fire to it, and an eagle, the bird of Jupiter, taking flight in the air. To these medals alone, trace the names of sixty individuals who received the honours of an apotheosis, from the time of Julius Caesar to that of Constantine the Greek. On most of them the word CONSECRAATIO occurs, and on some Greek coins the word ΑΦΙΕΡΩΣΩΣ. The following woodcut is from these medals alone, trace the names of sixty individuals who received the honours of an apotheosis, from the time of Julius Caesar to that of Constantine the Greek. On most of them the word CONSECRAATIO occurs, and on some Greek coins the word ΑΦΙΕΡΩΣΩΣ. The following woodcut is

APPALLATIO (GREEK), (θησις or αύλωσις). Owing to the constitution of the Athenian tribunals, each of which was generally appropriated to its


2. (Plut., Rom., 27, 28.—Liv., 1, 8.—Cic., De Rep., ii., 10.)

3. (App., ca. 80; cf. Cic, Fami., xvi., 59, ad Qu. Pr., 1, 1, 43. —5. (Lamar., Scy. c. 52.)
Appellatio

particular subjects of cognizance, and, therefore, could not be considered as homogeneous with, or subordinate to, any other, there was little opportunity for bringing appeals, properly so called. It is to be observed that in this general cause was finally and irrevocably decided by the verdict of the dicasts (δικαί αὐτοτελή). There were, however, some exceptions, in which appeals and new trials might be resorted to.

A new trial to annul the previous award might be obtained, if the plaintiff should prove that it was not unjust, as negligence that judgment had gone by default, or that the dicasts had been deceived by false witnesses. (Compare EPHRMS ΔΙΚΗ, KA-

KOTEXINIΩΝ, and ἙΤΕΔΟΜΑΡΤΡΥΡΙΩΝ ΔΙΚΑΙ.) And upon the expulsion of the thirty tyrants, a special law annulled all the judgments that had been given during the usurpation. (1) The peculiar title of the above-mentioned causes was ἀνάκλιν δίκαι, which was also applied to all causes of which the subject-matter was by any means again submitted to the decision of a court.

An appeal from a verdict of the heliarchs was allowed, provided one of the parties was a citizen of a foreign state, between which and Athens an agreement existed as to the method of settling disputes between individuals of the respective countries (δίκαι ἀπὸ συμβάσεως). If such a foreigner lost his cause at Athens, he was permitted to appeal to the proper court in another state, which (ἐκηκτάριον) Bäck, Schömann, and Hudtwalcker suppose to have been the native country of the litigant. Platner, on the other hand, arguing from the intention of the regulation, viz., to protect both parties from the partiality of each other's fellow-citizens, contends that some disinterested state would probably be selected for this purpose. The technical words employed upon this occasion are ἐκακτηριά, ἐκακαλείσθαι, and ἐκηκτάριον, the last used as a substantive, probably by the later writers only, for ἐρήμη. (2) As well as the other cases of appeal, are noticed by Pollux in the following words:

ἐρήμης is when one transfers a cause from the arbitrators (δικαιοριστῶν), or archons, or men of the town (δήμων), to the dicasts, or from the senate to the assembly of the people, or from the assembly to a court (δικαιοσύνης), or from the dicasts to a foreign tribunal; and the cause was then termed ἐρημητικόν. Those suits were also called ἐκηκτηριακόν. The depository staked in appeals, which we now call a court or a tribunal, is called ἄριστομον. The appeals from the diatiete are generally mentioned by Demosthenes; (3) and Hudtwalcker supposes that they were allowable in all cases except when the ὑπὸ ὀφθαλμίς δίκαις was resorted to. (Vid. Dike.)

It is not easy to determine upon what occasions an appeal from the archons could be preferred; for, after the time of Solon, their power of deciding causes had degenerated into the mere presidency of a court (Greek) δικαιοσύνης, and the conduct of the previous examination of causes (κατάδεικτικά). It has been also remarked, (4) that upon the plaintiff's application, he was entitled to a general examination as such to be brought before a court, he would most probably proceed against the archon in the assembly of the people for denial of justice, or would wait till the expiration of his year of office, and attack him when he came to render the account of his conduct in the magistrate (ἐλάφον). An appeal from the archon, therefore, was made to other officers, very often, when they imposed a fine of their own authority, and without the sarcast of a court; and it might also take place when the king archon had by his sole voice made an award of dues and privileges (γέφα) contested by two priesthoods or sacral duties.

The appeal the slavery of the defendant could seek when a person, hitherto deemed one of their members, had been declared by them to be an intruder, and no genuine citizen. If the appeal were made, the demotes appeared by their advocate as plaintiff, and the result was the restitution of the franchise, or the return of the person to his former status. (5) It will have been observed, that in the last three cases, the appeal was made from few, or single, or local judges to the heliarchs, who were considered the representatives of the people or country. With respect to the proceedings, no new documents seem to have been added to the causes of the earlier law; but the anarchy would be confined merely to an examination, as far as was necessary, to those documents which had been already put in by the litigants.

There is some obscurity respecting the two next kinds of appeal that are noticed by Pollux. It is conjectured by Schömann (6) that the appeal from the senate to the people refers to cases which the former were, for various reasons, disinclined to decide, and by Platner, (7) that it occurred when the senate was accused of having exceeded its powers.

Upon the appeal from the assembly to court, there is also confusion between the terminologies of the last-mentioned critics, Schömann maintaining that the words of Pollux are to be applied to a voluntary reference of a case by the assembly to the dicasts, and Platner suggesting the possible case of one that incurred a prejudicium of the assembly against him (προσήλωσις, κατακείμενον) calling upon a court (δικαιοσύνη) to give him the opportunity of vindicating himself from a charge that his antagonist declined to follow up. Platner also supposes the case of a magistrate summarily deposed by the assembly, and demanding to prove his innocence before the higher court.

Appellatio (Roman). This word, and the corresponding verb appellare, are used in the early Roman writers to express the application of an individual to a magistrate, and particularly to a tribunal, in order to protect himself from some wrong inflicted, or threatened, or to be indemnified. The word provocatio, which in the early writers is used to signify an appeal to the populace in a matter affecting life, it would seem that the provocatio was an ancient right of the Roman citizens. The surviving Horatius, who murdered his sister, appealed from his misfortune to the courts of the city, and upon appeal, was avenged without the provocation; but it was restored by a lex consularius provocation, and it was at the same time enacted that in future no magistrate should be made from whom there should be no appeal. On this Livy remarks, that the plebes were now protected by the provocatio and the tribune omnis et excubitorum, a later term applied to the appellatio, properly so called. Appius (8) applied (appellavit) to the tribunes; and when this produced no effect, and he was arrested by a viator, he appealed (provocavit). Cicero (9) appears to allude to the re-establishment of the provocatio, which is mentioned by Livy. (10) The complete phrase to express the provocatio is provocare ad populam; and the phrase which expresses the appellatio is appellare ad, &c. It appears that a person might appellare from one magistrate to another of equal rank; and, of course, from an inferior to a superior magistrate, if the appeal were made from one of the former to another of the latter kind.

When the supreme power became vested in the emperors, the terms provocatio and appellatio lost their original signification. In the Digest, (11) provo


AQVÆ DUCTUS.

caelo and appellate are used indiscriminately; to express what we call an appeal in civil matters; but provocation seems so far to have retained its original meaning as to be the only term used for an appeal in criminal matters. The emperor centred in himself both the power of the populace and the veHS of the tribunes; but the appeal to him was properly in the last resort. Appellatio among the Roman jurists, then, signifies an application for relief from the decision of an inferior to a superior, on the ground of wrong decision, or other sufficient ground. According to Ulpian, appeals were common among the Romans, "on account of the injustice of the inferior court, who had declared (judicavit), though sometimes an appeal alters a proper decision, as it is not a necessary consequence that he who gives the last gives also the best decision." This remark must be taken in connexion with the Roman system of procedure, by which such matters were referred to a judge for his decision, after the pleadings had brought the matter in dispute to an issue. From the emperor himself there was, of course, no appeal; and, by a constitution of Hadrian, there was no appeal from the senate to the emperor. The emperor, in appointing a judge, might exclude all appeal, and make the decision of the judge final. But in some cases, or under some circumstances, he showed who was the appellant, against whom the appeal was, and what was the judgment appealed from.

Appellatio also means to summon a party before a judge, or to call upon him to perform something that he has undertaken to do. The debtor who was summoned (appellatus) by his creditor, and obeyed the summons, was said to respondere.

APPLICATIONIS JUS. (Vid. Bannishment.)

APPULAEIA LEX. (Vid. Majestas.)

APRILIS. (Vid. Calendar, Roman.)

APPROXIMATVQ TECAH (ἀπροστάτων γραφή), an action brought against those meteors, or resident aliens, who had neglected to provide themselves with a patron (προστάτης), or exercised the rights of full citizens, or did not pay the metoeci, a tax of twelve drachmas exacted from resident aliens. Persons convicted under this indictment forfeited the protection of the state, and were sold as slaves.

Aquæ Ductus usually signifies an artificial channel or water-course, by which a supply of water is brought from a considerable distance upon an inclined plane raised on arches, and carried across valleys and uneven country, and occasionally underground, where hills or rocks intervene.

As nearly all the ancient aqueducts now remaining are of Roman construction, it has been generally unnecessary to refer to them here, as they are described with some degree of detail in nearly every known work on the subject. Those which were largely unknown to the Greeks. This, however, is an error, since some are mentioned by Pausanias and others, though too briefly to enable us to judge of their particular construction; whether they consisted chiefly of subterraneous channels bored through hills, or more commonly, as is usually the case, across valleys, since the use of the arch, which is said to have been unknown to the Greeks, was indispensable for such a purpose. Probably those which have been recorded—such as that built by Pisistratus at Athens, that at Megara, and the celebrated one of Polykrates at Samos—were ratheradventures of engineers, and in no way equal with those of the latter, few were constructed in the times of the Roman Republic. We are informed from

1. (Dig. 40, tit. 1.—2.) (Gic., ad Att., i. 8.) (Pho., p. 475, Pers.—Bekker, Anecdot. Orc., p. 201, 434, 445.) (Aristot., H. A., ix. 21.) (Brish Zoology, p. 531.—6, (Herald., i. 80.)

tinus that it was not until about B.C. 313 that any were erected. The inhabitants supplying themselves, as well as by water from the Tiber, or making use of cisterns and springs. The first aqueduct was begun by Appius Claudius the Censor, and was named, after him, the Appia. It is supposed that the water was brought from the distance of between seven and eight miles from the city, almost entirely under ground, since, out of 11,190 passus, its entire extent, the water was above ground only 60 passus before it reached the Porta Capena, and then was only partly carried on arches. Remains of this work no longer remain.

For the Anio Vetus (B.C. 273) a second aqueduct was begun by M. Curions Dentatus, by which the water was brought from the river Anio, 36 miles above Tibur (now Tivoli), making an extent of 43,000 passus, of which only 705 were above ground and upon arches. This was the one afterward known by the name of Anio Vetus. The river Anio is one hundred miles long, and is composed of two large streams, one above the other; the lower course was lined with a thick coating of cement.

In B.C. 179, the censors M. Emilius Lepidus and M. Flaccus Nobilius proposed that another aqueduct should be built; but the scheme was defeated, in consequence of Lcinius Crassus refusing to let it be carried through his lands.

A more abundant supply of water being found indispenhable, particularly as that furnished by the Anio Vetus was of such bad quality as to be unfit for drinking, the senate commissioned Quintus Marcilius Rex, the praetor, who had superintended the repairs of the two aqueducts already built, to undertake a third, which was called, after him, the Aqua Marcia. This was brought from Sublaccaum (Subiaco) along an extent of 61,710 passus; viz, 54,367 under ground, and 7443 above ground, and chiefly on arches; and was of such elevation that water could be supplied from it to the loftiest part of the Campus Martius. Of the arches of this aqueduct a considerable number are still standing. Of these, otherwise, called the Aqua Tepula (B.C. 127), and the Aqua Julia (B.C. 35), which are next in point of date, remaines are still existing; and in the vicinity of the city, these two aqueducts and the Marcia were all united in one line of structure, forming three separate water-courses, one above the other, the lowermost of which formed the channel of the Aqua Marcia, and the uppermost that of the Aqua Julia, and they discharged themselves into one reservoir in common. The Aqua Julia was erected by M. Agrippa during his marriage, who, besides repairing both the Anio Vetus and the Aqua Marcia, added to the number of the Marcia's hundred wells (lacus), one hundred and fifty springs or fountains and one hundred and thirty reservoirs.

Besides repairing and enlarging the Aqua Marcia, and, by turning a new stream into it, increasing its supply to double what it formerly had been, Augustus built the aqueduct called Agrippiana, sometimes called Agrippine after its builder. The water furnished by it was brought from the Lake of Albisius, and was of such bad quality as to be scarcely fit for drinking; on which account it has been supposed that Augustus intended it chiefly for filling his nascaim. This required more water than could be obtained from the Marcia and its adjuncts, its basin being 1800 feet in length and 1200 in breadth. It was in the reign, too, of this emperor that M. Agrippa built the aqueduct called the Aqua Virgo, which
name it is said to have obtained because the spring which supplied it was first pointed out by a girl to some soldiers who were in search of water. Pliny, however, gives a different origin to the name. 1 Its length was 14,165 passus, of which 12,865 were under ground, and some part of it being above ground, it was decorated with columns and statues. This aqueduct still exists, having been re-stored by Nicholas V., although not completely until the pontificate of Pius IV., 1568, and it still bears the name of Aqua Vergina. A few years later, a second aqueduct was built by Augustus, for the purpose of supplying the Aqua Marcia in times of drought.

The two gigantic works of the Emperor Claudius, vix., the Aqua Claudia and Anio Novus, doubled the former supply of water; and although none of the later aqueducts rivaled the Marcia in the vastness and solidity of its constructions, they were of considerably greater extent. The Claudia had been begun by Caligula in the year A.D. 38, but was completed by his successor; and was, although less copious in its supply, not at all inferior to the Marcia in the excellence of its water. The other was, if possible, more magnificent. Many points of interest, remarkable for the quantity which it conveyed to the city, it being in that respect the most copious of them all. Besides which, it was by far the grandest in point of architectural effect, inasmuch as it presented, for about the extent of six miles before it reached the city, a continuous range of exceedingly lofty structure, the arches being in some places 109 feet high. It was much more elevated than any of the other aqueducts, and in one part of its course was carried over the Claudia. Nero afterward made additions to this vast work, by continuing it as far as Mount Custius, where was a temple erected to Claudius.

The Aqua Trajana, which was the work of the emperor whose name it bears, and was completed A.D. 111, was not so much an entirely new and distinct aqueduct as a branch of the Anio Novus brought from Sublaquemum, where it was supplied by a spring of purer water than that of the Anio. It was in the time of this emperor, and of his predecessor Nerva, that the superintendence of all the aqueducts was held by Sextus Julius Frontinus, whose treatise De Aquaeductibus has supplied us with the fullest and most trustworthy account which can be obtained relative to their history and construction.

In addition to the aqueducts which have been already mentioned, there were others of later date: namely, the Antoniana, A.D. 121; the Alexandrina, A.D. 230; and the Jovia, A.D. 300; but these seem to have been of comparatively little note, nor have we any particular account of them.

The magnificence displayed by the Romans in their public works of this class was by no means confined to the capital; for aqueducts more or less stupendous were constructed by them in various parts of Italy, as at Aquileia, Alba Longa, Arezzo, Aquileia, Ephesus, Smyrna, Alexandria, Syracuse, Metz, Nisami (the Font du Gard), Lyons, Evora, Merida, and Segovia. That at Evora, which was built by Quintus Sertorius, is still in good preservation; and at its termination in the city it has a very elegant castellum in two stories, the lower one of which was filled from the top of the aqueduct. The site of Augusta Emerita of the Romans, who established a colony there in the time of Augustus, has among its other antiquities the remains of two aqueducts, one of which, thirty-seven piers are standing, with three tiers of arches; while of the other there are only two arches from the point of the construction. The rest being modern. But that of Segovia, for which some Spanish writers have claimed an antiquity anterior to the sway of the Romans in Spain, is one of the most perfect and magnificent works of the kind anywhere remaining. It is entirely of stone, and of great solidity, the pier being eight feet wide and eleven in depth; and where it traverses a part of the city, the height is upward of a hundred feet, and it has two tiers of arches, the lower ones being twenty-five feet high.

After this historical notice of some of the principal aqueducts both at Rome and in the provinces, we now proceed to give some general account of their construction. Before the mouth or opening into the aqueduct was, where requisite, a large bauble, or collection of stones, which, in order to prevent the water from running in on the sides, was made to slope away from the opening, in order that it might first deposit its impurities; and similar reservoirs were formed at intervals along its course. The spouts, or water-channel, was formed either of stone or brick coated with cement, and was arched over at top, in order to exclude the sun, on which account, these were apertures or vent-holes at certain distances; or where two or more such channels were carried one above the other, the vent-holes of the lower ones were formed in their sides. The water, however, besides flowing through the spouts, passed also through pipes either of lead or burned earth (terre-cotta), a material which was very much used for greater cheapness, but as less prejudicial to the freshness and salubrity of the water. As far as was practicable, aqueducts were carried in a direct line; yet they frequently made considerable turns and windings in their course, either to avoid boring through hills, where that would have been attended with too much expense, or else to avoid, not only very deep valleys, but soft and marshy ground.

In every aqueduct, the castella or reservoirs were very important parts of the construction; and besides the principal ones—that at its mouth and that at its termination—their number was increased by intermediate ones at certain distances along its course, both in order that the water might deposit in them any remaining sediment, and that the whole might be more easily superintended and kept in repair, a defect between any two such points being readily detected. Besides which, these castella were serviceable, inasmuch as they furnished water for the irrigation of fields and gardens, &c. The principal castellum or reservoir was that in which the aqueduct terminated, and whence the water was conveyed by different branches and pipes to various parts of the city, either in open channels or covered ones, not in magnitude alone, but in solidity of construction and grandeur of architecture. The remains of a work of this kind still exist in what are called the Neve Sale, on the Esquiline Hill at Rome; while the Piscina Mirabilis, near Cume, is still more interesting and remarkable, being a stupendous construction about 300 feet in length by 130 in breadth, whose vaulted roof rests upon forty-eight immense pillars, disposed in four rows, so as to form five aisles within the edifice, and sixty arches.

Besides the principal castellum belonging to each aqueduct, there were two or three smaller reservoirs (which was conveyed at once to the baths), there were a number of smaller ones—altogether, it has been computed, 247—in the different regions of the city, as reservoirs for their respective neighbourhoods.

The declivity of an aqueduct (libramentum aqua) was at least the fourth of an inch in every 100 feet; 1 or, in other words, 1 in 500. 2 During the times of the Republic, the censors and aediles had the superintendency of the aqueducts; but under the emperors particular officers were appointed for that purpose, under the title of curatores, or prefects aquarum. These officers were first created by Augustus, and at first invested with considerable authority. They were attended outside the city by two lictors, three public slaves, a secretary, and other attendants.

In the time of Nerva and Trajan, about seven

1. (Plin. H. N. xxi. 31.)—2. (viii. 7.)—3. (Suet. Aug. 35.)
AQUARIUM

Architects and owners were constantly examined, under the orders of the curators aquarium, in attending to the aqueducts. The officers who had charge of these works were, 1. The villani, whose duty it was to attend to the aqueducts in their course to the city. 2. The castellari, who had the superintendence of all the castella both within and without the city. 3. The circutore, so called because they had to go from post to post, to examine into the state of the works, and also to keep watch over the labourers employed upon them. 4. The silicarii, or to attend to the buildings of rain-changers. All these officers appear to have been included under the general term of aquarii.

AQUAE DUCTUS. (Vid. Servitites.)

AQUAE ET IGNIS INTERDICTION (Vid. Punishment.)

AQUAE HAUSTUS. (Vid. Servitites.)

AQUA PLUVIAE ARCADICA ACTIO. That water was called aqua pluvia which fell from the clouds, and the prevention of injury to land from such water was the object of this action. The action aqua pluvia was allowed between the owners of adjoining land, and might be maintained either by the owner of the lower land, or the owner of the higher land, if the latter, by anything done to his land, prevented the water from flowing naturally from the higher to the lower land, or by the owner of the lower land against the owner of the higher land, in case the latter did anything to his land by which the water flowed from it into the lower land in a different way from what it naturally would. In the absence of any special custom or law to the contrary, the lower land was subject to receive the water which flowed naturally from the upper land; and this rule of law was thus expressed: aqua vasa in superius serviet. The hereditary materials carried down to the lower land were considered as an ample compensation for any damage which it might sustain from the water. Many difficult questions occurred in the application to practice of the general rules of law as to aqua pluvia; and, among others, this question: What things done by the owners of the land were to be considered as preventing or altering the natural flow of the waters? The conclusion of Ulpian is, that acts done to the land for the purposes of cultivation were not to be considered as acts interfering with the natural flow of the waters. Water which increased from the fall of rains, and in consequence of a change in its or, and water which, when coming on his land, if such marsh received any increase from rain-water, and so injured the land of a neighbour, the person would be compelled by this action to remove the obstacle which he had created to the free passage of the water.

This action was allowed for the special protection of fields which the water injured a town or a building, the case then belonged to flumina and stillcidic. The action was only allowed to prevent damage, and, therefore, a person could not have this remedy against his neighbour, who did anything to his own land by which he stopped the water which would have otherwise passed over it to the land of another, and made it injurious to it. The title in the Digest contains many curious cases, and the whole is worth perusal.

AQUARII were slaves who carried water for buildings, &c., into the female apartments. The aquarisi were also public officers who attended to the aqueducts. (Vid. Aqua Ductus.)

AQUILA. 1. A Roman military standard. (Vid. Signa Militaria.) 2. The Eagle. The ancient naturalists have described several species. Aristotle divided the Faltonida into 3 quarters (kites), with many subdivisions. M. Vigors is of opinion, that the division 'hieros (Hierax) of Aristotle comprises all the Falconids of Vigors which belong to the stipes or subfamilies of Hawk, Falcon, and Buzzard. Pliny separates the group into Aquila (Eagles) and Accipites, a general term comprising all the rest of the families. The subdivisions of both Aristotle and Pliny do not differ much from those of some of the modern zoologists.—We will now proceed to particulars. 1. The Macrurus, called also pluvius or niphon by Aristotle, would appear to be that species of Falco which bears the English names of Bald Buzzard and Osprey, niphon being derived from the Greek word meaning, that which the late authorities on Ornithology hold to be only a variety of the Golden Eagle, or Aquila Chrysaetos. It is deserving of remark, however, that the learned Gesner seems disposed to refer the Melanopere to the Erne, or Aquila Albicilla of late ornithologists. 2. The tropaeus of Aristotle is undoubtedly the Osprey, or the Aquila Chrysaetos, L., or Pandion Haliaetus, Savigny. 3. The Aquila Albanica of Aristotle would appear to be the Osprey. This bird is the "Ninus" of Virgil and Ovid. Naturalists have recently adopted the opinion that the Osprey is the same as the Sea-eagle. Its scientific name is Pandion Haliaetus, Savigny. 4. The Melanopterus of Aristotle, called also aquarius by him, is referred by Harleoun to the Aquila Articulata. 5. The Aquila Falconides which the late authorities on Ornithology hold to be only a variety of the Golden Eagle, or Aquila Chrysaetos. It is deserving of remark, however, that the learned Gesner seems disposed to refer the Melanopterus to the Erne, or Aquila Albicilla of late ornithologists. 6. The tropaeus of Aristotle is undoubtedly the Osprey, or the Aquila Chrysaetos, L., or Pandion Haliaetus, Savigny; for the ring-tail is now held to be a variety of the Erne. The term tropaeus signifies "of the Tiber." 7. The Astrild of Aristotle is probably Aquila vegetarian by Aristotle is confidently referred by Harleoun to the Golden Eagle, which, as Buffon remarks, is the noblest and largest of the genus. It is the Aquila Chrysaetos, Vigors.

AQUILLIA LEX. (Vid. Darnum.)

ARA (Arae, Arietis), an altar. Ara was a general term denoting any structure elevated above the ground, and used to receive upon its offerings made to the gods. Altar, probably contracted from alta ara, was properly restricted to the larger, higher, and more expensive structures. Hence Menalcas, proposing to erect four altars, &c., to Daphnis and two which were to be high altars, to Apollo, says, "En quattuor Arae: Ecce duas tibi, Daphni; duas, altaris, Phabre." Servius, in his commentary on the passage, observes, that altaras were erected only in honour of the superior divinities, whereas ares were consecrated not only to them, but also to the inferior, to heroes, and to deities. On the other hand, sacrifices were offered to the infernal gods, not upon altars, but in cisterns (scrobos, arietis, sedes, lactea) dug in the ground. Agreeably to this distinction, we find that in some cases an altar was erected upon an ara, or even several altars upon one of inferior elevation.

1. (Cl. at Fam. vii.), 6.—Cod. xii., 43 or 45, 1612.—2. Or. 23, did something to exc. 16, which was 9 from coming on his land, if such marsh received any increase in rain-water, and so injured the land of a neighbour, the person would be compelled by this action to remove the obstacle which he had created to the free passage of the water.

2. AQUARIUS were slaves who carried water for buildings, &c., into the female apartments. The aquarisi were also public officers who attended to the aqueducts.
represents an altar, which was found, with three others, at Antium. It bears the inscription ARA VENTORVM. On it is sculptured the rostrum of a ship, and beneath this is a figure emblematic of the wind. He floats in free space, blows a shell, and wears a chlamys, which is uplifted by the breeze. In the second altar the Æsculapius is distinguished by being hollow. Indeed altars, such as that on the left hand, were rather designed for sacrifices of fruits, or other gifts which were offered without fire, and lands sculptured upon the marble, being.

When the altars were prepared for sacrifice, they were commonly decorated with garlands or festoons. The leaves, flowers, and fruits of which these were composed were of certain kinds, which were considered as consecrated to such uses, and were called verduras.

Theocritus enumerates: 'Ce three following, viz., the oak, the ivy, and the asphodel, as having been used on a particular occasion for this purpose. The altar represented in the next woodcut shows the manner in which the festoon of verdure was suspended. Other ancient sculptures prove that festoons were not suspended, but were laid round the marble, being designed to imitate the recent and real decorations.

Besides the imitation of these ornaments, the art of the sculptor was also exercised in representing on the sides of altars the implements of sacrifice, the animals which were offered, or which were regarded as the emblems of various attributes and emblems of those deities. We see, for example, on altars dedicated to Jupiter, the eagle and the thunderbolt; to Apollo, the stag, the raven, the laurel, the lyre or cithara; to Bacchus, the panther, the thysius, the ivy, Silenus, bacechanis; to Venus, the dove, the myrtle; to Hercules, the poplar, the club, the labours of Hercules; to Sylvinus, the hog, the lamb, the cypress. Strabo says that the principal altar of the Temple of Diana at Ephesus was almost covered with the works of Praxiteles. Some of the altars which still remain are wrought with admirable taste and elegance. We give, as a specimen of the elaborate style, the outline of an Etruscan altar, in contrast with the unadorned altar in our first woodcut.

Besides symbohal and decorative sculptures in bas-relief, ancient altars frequently present inscriptions, mentioning the gods to whom, and the worshippers by whom, they were erected and dedicated. For example, an altar in Montefiascone, dedicated with an eagle which grasps the thunderbolt, and with a club, encircled with a fillet, at each of the four corners, bears the following inscription, included within a wreath of leaves:

OPT. MAX.
ET HERCVLI
IN VICTO
C. TVTICANVS
CALLIAT.
EXTRORO

We select this example, because illustrates the fact that the same altar was often erected in honour

The altar is about half as high as the pedestal of the statue, placed immediately in front of it, and adorned with a wreath of laurel. One of the two stands in an area, or a grove of laurel. Of the two, the Emperor Trajan, appears to be taking an oath, which he expresses by lifting up his right hand and touching the altar with his spear. This sculpture also shows the appearance of the tripod, which were frequently used instead of altars, and which are explained under the article Τίταροι.

We have already had occasion to advert, in several instances, to the practice of building altars in the open air wherever the occasion might require, as on the side of a mountain, on the shore of the sea, or in a sacred grove. But those altars which were intended to be permanent, and which were, consequently, associated with a greater expense of labour and of skill, belonged to temples; and they were erected either before the temple, as shown in the woodcut in the article ΑΡΧΩΝ, and beautifully exemplified in the remains of temples at Pompeii or within the cella of the temple, and principally before the statue of the divinity to which it was dedicated.

When altars in the open air before the temple were common, many of them were of a very simple form, the only ornament being a wreath of laurel or of palm, or an inscription, or a picture of a sacrifice (θυσίαν δεινα), which was a mark of consecration of the spot where an animal sacrifice (θυσίαν, θυρέα, λειτα) was presented: only incense was burned, or cakes and bloodless sacrifices (θυμόμονα, θια) offered on the altars within the building.

Altars were also placed before the doors of private houses. In Theocritus, Terence, a woman is said to ask the verdict of an altar so situated, in order to lay a child upon them before the door of the house. A large altar to Zeus the Protector stood in the open court before the door of Priam's palace in Ilium. Hither, according to the poets, Priam, Hecuba, and their daughers fled before the besieging Trojans; they were dragged with impious violence by Neoptolemus, the son of Achilles, and some of them put to death. All altar places were of refuge. The suppliants were considered as placing themselves under the protection of the deities to whom the altars were consecrated; and violence to the unfortunate, even to slaves and criminals, in such circumstances, was regarded as violence towards the deities themselves.

As in the instance already produced, in which the gods conspired against the Titans, men likewise were accustomed to make solemn treaties and covenants, by taking oaths at altars. Thus Virgil represents the infernal Parnassus entering into a league, before its altar of Jupiter, by immolating a sow, while they hold the pateras for libation in their hands. The story of Hannibal's oath at the altar, when a boy, is well known.

Another practice, often alluded to, was that of touching altars in the act of prayer. Marriages also were solemnized at the altars; and, indeed, for the obvious reason, that religious acts were almost universally accompanied by sacrifice as an essential part of them, all engagements which could be made more binding by sacred considerations were often formed between the parties before an altar.

*ARABICHE, (μεσογνή), is spoken of by Dioscorides as a Galen, and was probably a fine white marble.

*ARACHNE, Αράχνη (οικίς or γη), the Spider, or genus Aranea, L. Several species are mentioned by Aristotle, but so briefly that they cannot be satisfactorily ascertained. Dioscorides describes two species by the names of ηλώς and ηλὼς. The former of these, according to Sprengel, is the Aranea velatissima, and the

We see here Apollo with some of his attributes, viz., the stag, the tripod, the cithara, and plectrum.

tatter the *Aranea domestica*. Sprengel is farther of opinion that no ancient author has noticed the *Aranea Tetrandra*. But vid. Phalanion.†

*ARACHIDNA* (αράχιδνα), a species of Pea, the same, according to Scaucus and Sprengel, with the *Lathyrus ambiglumulus*. Scaucus housekeepers to read αράχιδνα in the text of Theophrastus.‡

*AK'ACUS* (ακακος), a plant, which Sprengel, in the first edition of his R. H. H., marks as the *Lathyrus tuberosus*; but in his second, he confines to the *Phax arvense*. Housekeepers hesitate about acknowledging it as the *Victoria cracca*, or Tufed Vetch.§

*ARANEA*. (Fid. Arachne.)

**ARA'TEIA** (αρατεία), two sacrifices offered every year at Sicyon in honour of Aratus, the great general of the Achaeans, who, after his death, was honoured by his countrymen as a hero, in consequence of the command of an oracle.¶ The full account of the two festive days is preserved in Plutarch's Life of Aratus.¶

The Sicyonians, says he, offer to Aratus two sacrifices every year, the one on the day on which he delivered his native town from tyranny, which is the fifth of the month of Daisius, the same which the Athenians call Anthesterion; and this sacrifice they call *sauris*. The other they celebrate in the month in which they believe that he was born. On the first, the priest of Zeus offered the sacrifices; on the second, that of Aratus bearing a white riband with purple spots in the centre, songs being sung to the guitar by the actors of the stage. The public teacher (γυμνασιαστήρ) led his boys and youths in procession, probably to the heroon of Aratus, followed by the senators adorned with garlands, after whom came those citizens who wished to join the procession. The Sicyonians still observe, he adds, some parts of the solemnity, but the principal honours have been abolished by time and other circumstances.¶

**ARA'TUM** (αρατούμ), a plough.

The Greek word *ara* to appear to have had, from the earliest times, diversities in the fashion of their ploughs. Hesiod advises the farmer to have always two ploughs, so that if one broke, the other might be ready for use; and they were to be of two kinds, the one called *arbróvos*, because in it the plough-tail (γεγομένη, *bara*), was of the same thickness with the share-beam (*skeuia*, *dens*, *dental*), and the pole (*hypus,  ἑκοβετές, *temo*); and the other called *pipérós, *i. e.*, compacted, because in it the three above-mentioned parts, which were, moreover, to be of three different kinds of timber, were adjusted to one another, and fastened together by means of wedges (*pyktóta*).

The method of forming a plough of the former kind was by taking a young tree with two branches proceeding from its trunk in opposite directions, so that while in ploughing the trunk was made to serve for the pole, one of the two branches stood upward and became the tail, and the other penetrated the ground, and was covered with strips of timber; the share-beam, which, besides, had a riband of bronze or iron, fulfilled the purpose of a share. This form is exhibited in the uppermost figure of the annexed woodcut, taken from a metal. The next figure shows the plough still used in Myasis, as described and delineated by a late traveller in that country. Mr. Fellows observes that it is a little smaller than the first plough, inasmuch as it consists of two pieces of timber instead of one, a handle (*kýrtis, *slivis*) being inserted into the larger piece at one side of it. Mr. Fellows observes that each portion of this instrument is still called by its ancient Greek name, and adds that it seems suited only to the light soil prevailing where he observed it; that is


ARATUM.

held by one hand only; that the form of the share (βοῦς) varies; and that the plough is frequently used without any share. "It is drawn by two oxe, yoked from the pole, and guided by a long reed or thin stick (καρτίνος), which has a spud or scraper at the end for cleaning the share." See the lowest figure in the woodcut.

Another recent traveller in Greece gives the following account of the plough which he saw in that country, a description approaching still nearer to the *πίτθων ἄρτινος* of Homer and Hesiod. "It is composed," says he, "of two curved pieces of wood, one longer than the other. The long piece forms the pole, and one end of it being joined to the other part about a foot from the bottom, divides it into a share, which is cased with iron, and a handle. The share is, besides, attached to the pole by a short crossbar of wood. Two oxen, with no other harness than yokes, are joined to the pole, and driven by the ploughman, who holds the handle in his left hand, and the goad in his right." A beautiful view of the plain of Elis, representing this plough in use, is given by Mr. S. Stanhope in his *Olympia.*

The yoke and pole used ancently in ploughing did not differ from those employed for draught in general. Consequently, they do not here require any farther description. (Fid. Jocosa.)

To the bottom of the pole, in the compacted plough, was attached the plough-tail, which, according to Hesiod, might be made of any piece of a tree (especially the *πίπος, i. e.* the iex, or holm-oak), the natural curvature of which fitted it to this use. But in the time and country of Virgil, pains were taken to force a tree into that form which was most exactly adapted to the purpose.

"Continuo in silvis magna vi fexa domatum
In burinum, et curso formam accepit unlaw aravit."

The upper end of the buris being held by the ploughman, the lower part, below its junction with the pole, was used to hold the share-beam, which was either sheathed with metal, or driven bare into the ground, according to circumstances.

To these three continuous and most essential parts, the two following are added in the description of the plough by Virgil:

1. The earth-boards or mould-boards, rising on each side, bending outwardly in such a manner as to throw on either hand the soil which had been previously loosened and raised by the share, and adjusted to the share-beam, which was made double for the purpose of receiving them: "Bina aures, duplicit aplicant dentalia dorsi." According to Palladius, it was desirable to have ploughs both with earth-boards (aurites) and without them (simplicia).

2. The handle, which is seen in Mr. Fellows's woodcut, and likewise in the following representation of an ancient Italian plough. Virgil considers

1. (Hobbse, Journey through Albania, &c. vol. i. p 149.)
2. (Georg. i. 109, 170.) — 4. (i. 43.)
this part as used to turn the plough at the end of the furrow: "Silvaeque, qua curvat a longo locutum hanc." Servius, however, in his note on this line, explains it to mean "the handle by which the plough is directed." It is probable that, as the denella, i.e., the two share-beams, which Virgil supposed, were in the form of the Greek letter Α, which he describes by duplci dorso, the buris was fastened to the left share-beam, and the stiva to the right; so that, instead of the simple plough of the Greeks, described by Servius, Mantua poet, and used, no doubt, in his country (see the following woodcut), was more like the modern Lancashire plough, which is commonly held behind with both hands. Sometimes, however, the stiva (ξηρόν) was used alone and instead of the tail, as in the Mстыan plough above represented. To a plough so constructed, the language of Columella was especially applicable: "Arato sitva pane rectus inmittitur," and the expressions of Ovid, "Silvaeque inrīcis arator," and "Inde premens sitovam designat mamma sulco." In place of "sitva," Ovid also uses the less appropriate term "celpulums." "Fae manae capulums praecisi moderatavus arath." When the plough was thus held either by the stiva alone, or by the buris alone, a piece of wood (manicula) was fixed across the summit, and on this the labourer pressed with both hands. Besides guiding the plough in a straight line, his duty was to force the share to a sufficient depth into the soil. Virgil alludes to this in the lines: "Depresso aratro ..."

The crossbar, which is seen in Mr. Fellows' drawing, and mentioned in Sir J. C. Hobhouse's description, and which passes from the pole to the share for the purpose of giving additional strength, was called σαββυ, in Latin fulcrum.

The coulter (cullæ) was used by the Romans as it is with us. It was inserted into the pole so as to depend vertically before the share, cutting through the roots which came in its way, and thus preparing for the more complete loosening and overturning of the soil by the share.

About the time of Pliny, two small wheels (rotae, subulae) were added to the plough in Rhaeta; and Servius mentions the use of them in the country of Virgil. The annexed woodcut shows the form of a wheel-plough, as represented on a piece of engraved jasper, of Roman workmanship. It also shows distinctly the coulter, the share-beam, the plough-tail, and the handle or stiva. The plough corresponds in all essential particulars with that now used about Mantua and Venice, of which Martin has given an engraving in his edition of Virgil's Georgics.


The Greeks and Romans usually ploughed their three times for each crop. The first ploughing was called procisendae, or noarea (procisēus, velōeus); the second, offringere, or iterare; and the third, iterare, or tertiare. 11 The field which under-went the "procisendo" was called verucuum or verum (verum), and in this process the coulter was employed, because the front surface was entangled with the weeds roots, which required a division before the soil could be turned up by the share. The term "offringere," from off and fringere, was applied to the second ploughing, because the long parallel cols already turned up were broken and cut across, by drawing the plough across its right angles to its former direction. 2 The field which underwent this process was called ager iteratus—ditocola. After the second ploughing, the sower cast his seed. Also the cols were often, though not always, broken still farther by a wooden mallet, or by harrowing (scarin). The Roman ploughman then, for the first time, attached the harrow to his plough. 3 The effect of this adjustment was to divide the level surface of the "ager iteratus" into ridges. These were called porca, and also kera, whence came the verb lēvare, to make ridges, and also delevare, to decline from the straight line. 4 The earth-boards, by throwing the earth from the side of the furrow, which was already flattened, both covered the newly-scattered seed, and formed between the ridges furrows (adiakês, sulic) for carrying off the water. In this state the field was called seges and triplola. The use of this last term by Homer and Æsop proves that the triple ploughing was practised as early as their age. 5 When the Romans ploughed three times only, it was done in the spring, summer, and autumn of the same year. But, in order to obtain a still heavier crop, both the Greeks and the Romans ploughed four times, the prosisendo being performed in the latter part of the preceding year, so that between one crop and another two whole years intervened. 6 A field so managed was called acred or acra. When the ploughman had finished his day's labour, he turned the instrument upside down, and the oxen went home dragging its tail and handle over the surface of the ground—a scene exhibited to us in the following lines:

"Videre fessos comarem interiusso boves
Colo trihentes languido" 7

The Greeks and Romans commonly employed oxen in ploughing; but they also used asses for light work. In this country we use both an ox and an ass, which was expressly forbidden by the law of Moses,18 is made the ground of a ludicrous comparison by Plautus. 19 Ulysses, when he feigned madness in order to avoid going on the Trojan expedition, ploughed with an ox and a horse together. 12

A line has been already quoted from Ovid's Fasti, which mentions the use of the plough by Romulus for marking the site of Rome. 'On this occasion a white bull and a white cow were yoked together: "Alba jugum nīvō cum bove cava lūtī." Beside this ceremony at the foundation of cities or colonies, it was usual to draw the walls when they were conquered by the Romans. 20

ARBITER. (Vid.aped.)

ARBITRATOR ACTIO. (Vid. Actio, p. 17.)

ARBUTUM (μαύλακανον και κούρανον), the fruit of the Wild Strawberry-tree, or Arbutus. It has very much the appearance of our strawberry, except that it has a longer stem, and hangs outside of the pulp, like that fruit. The arbuteo-tree grows plentifully in Italy, and the poets have supposed that the early race of men lived on acorns and the fruit of this tree before the discovery and
ARCHAICAESTAI (άρχαιαται) were the assemblies of the people which were held for the election of the magistrates at Athens who were not chosen by lot. The principal public officers were all chosen by lot (κλαρότω), and the lots were drawn annually in the temple of Theseus by the thesmotheta. Of these magistrates chosen by the general assembly of the people (χειροτονηστών), the most important were the strategi, taxiarchoi, lichiprarchi, and phylarchi. These magistrates were the kings (katoikoi), and the officers connected with the collection of the tribute, all ambassadors, commissioners of works, &c., were appointed in the same manner.

The people always met in the Pryx for the election of these magistrates, even in later times, when they (as became usual) to meet for other purposes in the Temple of Theseus. It is not known at what time of the year they met for this purpose, nor who presided over the assembly, but most probably the archons. The candidates for these offices, especially for that of strategus, had recourse to bribery and corruption to a great extent, although the laws were awarded capital punishment to that offence, which was called by the Athenians διαβολος. The canvassing of the electors and the solicitation of their votes was called ιεραρχείαν. The magistrates who presided over the assembly mentioned the names of the candidates (προδόλελεσθαι), and the people declared their acceptance or rejection of each candidate. The people appeared to have voted by ballot on these occasions.

Those who were elected could decline the office, alleging upon oath some sufficient reason why they were unable to discharge its duties, such as labouring under a disease, &c.; the expression for this was ἀργυρον καθαρθηκαν. If, however, an individual accepted the office to which he was chosen, he could not enter upon the discharge of his duties till he had passed his examination (διακατασχώσεις) before the thesmotheta. If he failed in passing his examination (ἀποδοκιμασθήθαι), he incurred a modified species of αἷμα. All public officers, however, were subject to the ἀρχαιοτεκτονα or confirmation of their appointment by each successive prytany at the commencement of its period of office, when any magistrate might be deprived of his office (ἀρχαιοτεκτονεῖσθαι). In the Attic oaths we are not infrequently read of individuals being the deprived of their offices. (Vid. Archaiaestai.)

ARCHAETER. (άρχαιτερ, compounded of ἀρχαῖος or ἀρχαῖον, a chief, principal, a physician), a medical title under the Roman emperors, the exact signification of which has been the subject of much discussion; for while some persons interpret it "the chief of the physicians" (γαῖας ἀρχαῖας τῶν ἱατρῶν), others explain it to mean "the physician to the prince" (γαῖας ἀρχαῖας ἱατρῶν). Upon the whole, the question may more truly be said, the true form is the "chief of the physicians," and for these reasons: 1. From its etymology it cannot

possibly have any other sense, and of all the words similarly formed (οἰχητάων, οἰχητίλιαω, οἰχη-
τικόνωσι, &c.) there is not one that has any refer-
ence to the sphere applied to physicians who lived at Edessa, Alexandria, &c.,
where no king was at that time reigning. 3. Gal-
en speaks of Andromachus being appointed "to
rule over" the physicians (αὐχεμών, i. e., in fact, to be
"archiater"). 4. Augustine applies the word to
Eusebius, and St. Jerome (metaphorically, of course,
though the title, it would seem, was often inter-
preted in a more restricted sense) to the Emp-
peror, being evidently "the chief physician." 5. It is
apparently synonymous with prodomedicus, sugra medi-
cus, dominus medicorum, and superpustilis medicorum,
all which expressions occur in inscriptions, &c. 6.
We find the names of several persons who were
physicians to the emperor mentioned without the
addition of the title archiater. 7. The archiaters
were divided into A. sancti palatii, who attended
on the emperor, and A. populares, who attended on
the people; so that it is certain that all those who
bore this title were not "physicians to the prince.
"The chief argument in favour of the contrary opin-
ion is found, it would seem, in the fact that of all those
who are known to have held the office of A., the
greater part certainly were physicians to the em-
peror as well; but this is only what might, a priori,
be expected, viz., that those who had attained the
highest rank in their profession would be chosen to
attend on the emperor. The same may very well as in England, the
President of the College of Physicians is ex-officio
physician to the sovereign.

The first person whom we find bearing this title is
Andromachus, physician to Nero, and inventor of the Theriac": (Vid. Theriac.) But it is not
known whether he had at the same time any sort of
authority over the rest of the profession, for
in fact, the history of the title is as obscure as its
meaning, and it is chiefly by means of the laws
respecting the medical profession that we learn the
laws and duties attached to it. In after times (as
was stated above) the order appears to have been
divided, and we find two distinct classes of archi-
atri, viz., those of the palace and those of the people.

The A. sancti palatii were persons of high rank,
who not only exercised their profession, but were
judges on occasion of any disputes that might oc-
cur among the physicians of the place. They
had certain privileges granted to them, e. g., they were
exempt from the attendance of any of their own
children also; were not obliged to lodge soldiers or
others in the provinces; could not be put in prison,
&c.; for, though these privileges seem at first to
have been common to all physicians, yet after-
ward they were confined to the A. of the palace
and to those of Rome. When they obtained their
dismission from attendance on the emperor, either
from old age or any other cause, they retained the
title ex-archiatar or ex-archiathor. The A. populares
were established for the relief of the poor, and each
city was to be provided with five, seven, or ten, ac-
cording to the resources of the people. They were
beside one for the vestal virgins, and one for the blind.
They were paid by the government, and were therefore obliged to attend their poor patients grat-
uitous, but were allowed to receive fees from the rich.

The A. populares were not appointed by the gov-
ernor of the provinces, but were elected by the people
of the city. The office was not considered to be
more lucrative than that of A. palatii, though less
honourable. In later times, we find in Cassio-
dorus the title "comes archiathororum," and in the
archiathir, together with an account of his duties
by which it appears that he was the archiater and
judge of disputes and difficulties, and ranked
among the officers of the Empire as a viricus or dux.

ARCHIMIUS. (Vid. Mimius.)

ARCHITECTURA. (Vid. Amphitheatrum, Aque Ductus, Arcus, Basilica, Bath, Hecate,
Temple, &c.)

ARCHTHEOS. (Vid. Teoria.)

ARCHON. (αὐχέων) The government of Athens
appears to have gone through the cycle of changes,
which history records as the lot of many other
states. It began with monarchy; and, after pass-
ing through a democracy and aristocracy, ended
in democracy. (By dynasty is here meant that Emperor, though not monarchical, was con-
fined to one family.) Of the kings of Athens, con-
considered as the capital of Attica, Theseus may be
said to have been the first; for to him, whether as a
real individual or a representative of a certain period,
is attributed the union of the different and
independent states of Attica under one head. The
acknowledgement of whose patriotism in meeting death for his country, the Athenians are said to have determined that no one
should succeed him with the title of βασιλεύς, or
king. It seems, however, equally probable, that it
was the nobles who availed themselves of this op-
nportunity to serve their own ends by constituting
the another, the possessors of which they called αὐχεμών, or rulers. These for some time continued to be, like the kings of the house of Codrus, appointed for life: still an im-
portant point was gained by the nobles, the office
being made μέτριον, or accountable, which, of
necessity, implies that the nobles, who first held
it over the people, like the barons of the feudal ages,
exercised the power of deposition.

This state of things lasted for twelve reigns of
archons. The next step was to limit the continu-
oance of the office to ten years, still continuing it to
the Medonid, or house of Codrus, so as to estab-
lishment what the Greeks called a democracy, till the
archiship of Eryxias, the last archon of that family
elected as such. At the end of his ten years (B.C.
694), a much greater change took place: the archi-
ship was made annual, and its various duties
were divided among a college of nine, chosen by suffrage
(ευποροικεία) from the Eupatries, or Patricians, and
not as a rule from the Hetairoi, or commoners. This
arrangement continued till the temposcy
established by Solon, who made the qualification
for office depend not on birth, but property, still retain-
ing the election by suffrage, and, according to Plat-
tarch, so far impairing the authority of the archons
and other magistrates as to legalize an appeal from
them to the courts of justice instituted by himself.
The election by lot is believed to have been intro-
duced by Cleisthenes (B.C. 508); for we find this prac-
tice existing shortly after his time; and Aristotle ex-
pressly states that Solon made no alteration in the
ἄρτας, or mode of election, but only in the qualifica-
tion. And now, however, there be no interpretation
in the oath of the Heliacon, and the conclusion is that the election by lot was as old as the
same time of the archon; but the authority of Aristotle and other evi-
dence strongly incline us to some such supposition,
or, rather, leave no doubt of its necessity. The last
change is supposed to have been made by Aristel-
des, who, after the battle of Platea (B.C. 479).

1. (Vid. Le Clerc, and Sprenger, Hist. de la Med.–2. (Vid. Sienese, s. v.)
2. (Vid. Tert. de Adu., c. 13.)—2. (De Civ. Deli., iii., 17.)—
Hippocr., &c.)—5. (Cod. Theod., i., 10.)—6. (Cod. Theod.,
Præf., &c.)—7. (Cod. Cal., c. ii., xxv., 253, 299, 9.)—8. (Cod.
Theol., i. c. 19.)—11. (Dig. 50, tit. 9, c. 11.)—12. (Vid. Melbourn,
Comment in Car. Formul. Archit. Helmut, 1068.)
abolished the property qualification, throwing open the archonship and other magistracies to all the citizens, that is, to the Thetes as well as the other classes, the former of whom were not allowed by Solon’s laws to hold any magistracy at all; in conformity with which, we find that, even in the time of Aristides, the archons were chosen by lot from the wealthiest class of citizens.

Still, after the removal of the old restrictions, some security was left to ensure respectability; for, previously to an archon entering on office, he underwent an examination, called the ἀνακρίσις, as to his being a legitimate and a good citizen, a good suffrage, and in some other respects of a sacred character. Yet, even after passing a satisfactory ἀνακρίσις, each of the archons, in common with other magistrates, was liable to be deposed, on complaint of mis-conduct made before the people, at the first regular assembly in each prytaneion. On such an occasion, the ἄρχονταρχον, as it was called, took place; and we read that, in one case, the whole college of archons was deprived of office (ἀνακρίσιμος ἀρχοντος) for the misbehaviour of one of their body: they were, however, reinstated, in promise of better conduct for the future. (Vid. Archonial.)

With regard to the later ages of Athenian history, we learn from Strabo that even in his day (πέρι τοῦ) the Romans allowed the freedom of Athens; and we may conclude that the Athenians would fondly cling to a name and office associated with some of their most cherished remembrances. The archonship, however, in every respect, was merely honorary, we might expect from the analogy of the consulate at Rome; and, indeed, we learn that it was sometimes filled by strangers, as Hadrian and Plutarch. Such, moreover, was the democratical tendency of the assembly, both for the form and its constitution; and we are told, that even in earlier times, the archons had lost the great political power which they at one time possessed; and that, too, after the division of their functions among nine. They became, in fact, not, as of old, directors of the government, but merely municipal magistrates, exercising functions and having duties, not unlike those of the praefectus urbis.

It has been already stated that the duties of the single archon were shared by a college of nine. The first, or president of this body, was called ἀρχιμακροχρόνιος, by way of pre-eminence; or ἄρχων ἐπάνω, from the year being distinguished by and registered in his name. The second was styled ἀρχιμακροχρόνιος, or κύριος ἀρχοντικός, to become distinguished by oath and declared to be the commander-in-chief; the remaining six, ἐπεξερευναντες, or legislators. As regards the duties of the archons, it is sometimes difficult to distinguish what belonged to them individually and what collectively. It seems, however, that a considerable portion of the judicial functions of the ancient kings devolved upon the ἄρχων ἐπάνω, who was also constituted a sort of special interlocutor of the court who was unable to defend themselves. Thus he was to superintend orphans, heiresses, families losing their representatives, (οἰκος οἱ ἐπαταμοῦιοι), widows left pregnant, and to see that they were not wronged in any way. Should any one do so, he was empowered to inflict a fine of a certain amount, or, in extreme cases, to bring the parties to trial. Heiresses, indeed, seem to have been under his peculiar care; for we read that he could compel the next of kin, either to marry a poor heiress himself, even though she were of a lower class, or to portion her in marriage to another. Again, we find, that, in cases of inheritance, if orphans or heiresses adjudged to others, he summoned the party in possession, before the archon eponym, who brought the case into court, and made arrangements for trying the suit. We must, however, bear in mind that this authority was only exercised in cases where the parties were citizens, the polemarch having corresponding duties when he was a citizen. He was an alien. It must also be understood, that, except in very few cases, the archons did not decide themselves, but merely brought the causes into court, and cast lots for the dicasts who were to try the issue. Another duty of the archons was to register and superintend all the orphans and alien orphans, who had wronged heiresses, children who had maltreated their parents, guardians who had neglected or defrauded their wards. Informations of another kind, the ἑπεξερεύνηται, and ὁμονομακορύφοι, were also laid before the eponymous, though Demosthenes assigned the former to the themonarch. The last office of the archons which we shall mention was of a sacred character; we allude to his superintendence of the greater Dionysia and the Thargelion, the latter celebrated in honour of Apollo and Artemis.

The functions of the ἄρχων ἐπάνω were almost all connected with religion: his distinguishing title denoting that he was considered the representative of the old kings in their capacity of high-priest, as the Regis Sacrum was at Rome. Thus he presided at the Lenaea, or older Dionysia; superintended the mysteries and the games called λαυραδηφορίαι, and had to offer up sacrifices and prayers in the Eleusinian wooden temple of Demeter, and to overlook the minutes of the judges of the Dionysiac games. He tried for perjury, and condemned for impiety, and controversies about the priesthood, were laid before him; and, in cases of murder, he brought the trial into the court of the avεις, and voted with its members. His wife, also, who was called Βασίλεισσα, had to offer certain sac red oblations. For his office he required, to the credit of an citizen of pure blood, without stain or blemish. His court was held in what was called η τοῦ βασιλεύτος στόλος.

The polemarch was originally, as his name denotes, the commander-in-chief; and we find him discharging military duties as late as the battle of Plataea, in which Macartor was killed. Moreover, he there took, like the kings of old, the command of the right wing of the army. This, however, seems to be the last occasion on record of this magistrate, appointed by lot, being invested with such important functions; and in after ages we find that his duties ceased to be military, having been in a great measure transferred to the commanders-in-chief and superintendence of the resident aliens, so that he resembled in many respects the praetor peregrinus at Rome. In fact, we learn from Aristotle, in his

2. (Demosth. Macr. p. 1002.)
3. (Id. p. 1005 — Phili. viii. 89.)
4. (Demosth. ti Soph. 2. 9. 1163.)
5. (Izok. 3. 3. 48.)
6. (Demosth. Thuc. 7. 107.)
7. (Schism. 174. .)
8. (Demosth. Laec. 90. 4. 601.)
9. (Nearch. 170. 174.)
10. (3. 1. 110.)
11. (Schism. 174. 7. 40.)
12. (Thucyd. 1. 126.)
13. (Phili. viii. 89.)
14. (Herod. 90. 109.)
15. (Phili. viii. 89.)
ARCTOS.

"Constitution of Athens," that the polemarch stood in the same relation to foreigners as the archon to citizens.1 Tun, all actions affecting aliens, the isoles and proem, were brought before him provided he was: on duty, for instance, when the dikan apotatōs against a foreigner for living in Athens without a patron; so was also the dikē apotatōs against a slave who failed in his duty to the master who had freed him. Moreover, it was the polemarch's duty to offer the yearly sacrifice to Artemis, in commemoration of the vow made by Callimachus at Marathon, and to give an equal sum for entertainment of the dympna on the day when the archon rode against a foreigner for living in Athens without a patron; so was also the dikē  

people deposed, if an action or indictment were the consequence of it. Moreover, they allotted the discons or jurymen, and probably pre-identified at the annual election of the strategi and other military officers.

In concluding this enumeration of the duties of the archons, we may remark that it is necessary to be cautious in our interpretation of the words ἀρχον and ἀρχηγός: the fact is, that in the Attic orators they have a double meaning, sometimes referring to the archons peculiarly, and as a sort of special magistrate, to any other magistrate, or to a court of justice. Thus, in Isaeus,2 we might, on a cursory perusal, infer, that when a testator left his property away from his heir-at-law, by what was technically called a δόσις,2 the archon took the original will into custody, and was required to be present at the making of any addition or codicil to it. A more accurate observation proves that by δόσις ἀρχηγού is meant one of the ἀρχηγοί, or archons, who formed a magistracy (ἀρχηγός) as well as the nine archons.

A few words will suffice for the privileges and honours of the archons.3 The greatest of the farmer was the exemption from the trierarchies; a boon not allowed even to the successors of Harmodius and Aristogiton, or any of the successors of the archon who were a chaplet or crown of myrtle; and if any one struck or abused one of the thermosthe or the archon, when wearing this badge of office, he became ὁμή, or infamous in the fullest extent, thereby losing his civic rights. The archons, at the close of their year of service, were admitted among the members of the choral group (Ἑρμιάτες). The principal authority on the subject of the archon and their duties is Julius Pollux, in a work called Οἰκονομικών: he was a professor of rhetoric at Athens in the time of the Emperor Commodus, A.D. 190, to whom he inscribed his work, and is considered to have been the first to give an account of the office from a lost treatise of Aristotle on the "Constitution of Athens." It is, however, necessary to consult the Attic orators, as will be seen from the reference which are given in the course of this article. Among the modern writers, Bekk and Schamann are occasionally useful, though they give no regular account of the archon.  

ARCHEONES (ἀρχηγοί). The taxes at Athens were let out to contractors, and were frequently farmed by a company under the direction of an ἀρχηγός, or chief farmer, who was the person responsible to the state.4

ARKTON (ἀρχός, ARKTON, ARKION). There is great confusion of names and uncertainty in respect to these plants. Alston remarks that Dioscorides' description of the ἀρχός agrees better with the character of the Arctium Lappa, or Burdock, than his description of the ἀρχαίος. Spruce, accordingly, holds the former to be the true Arctium, and suggests that the latter may be the Verbascum farragutum.5

ARKTONS (ἀρχοντες). 1. The common Beau, or Ursus Arctos, L. The Greeks and Romans could scarcely be acquainted with the U. maritimus. The ἀρχοντες of Aristotle is the ordinary Brown Bear, and the habits of the animal are well described by him.6 The bear," observes this writer, "is an omnivorous animal, and, by the sure and compact nature of his body, climbs trees, and eats the fruits, and also legumes. It also devours honey, having first, broken up the hives; crabs, too, and ants it eats, and also preys upon flesh." Aristotle then describes how the animal attacks the stag, the boar, and even the bull.7
ARCUS.

II. A crustaceous fish, described by Aristotle. Most probably the Cancer Arcus, or Broad Lobster of Peiranç. 

ARCUS (also Formica and Squama), an arch suspended over the head of an aperture, or carried from one side of a wall to another, and serving as the roof or ceiling to the space below. An arch is formed of a series of wedge-like stones or of bricks, supporting each other, and all bound firmly together by the pressure of the centre one upon them, which latter is therefore distinguished by the name of keystone.

It would seem that the arch, as thus defined, and as used by the Romans, was not known to the Greeks in the early periods of their history, otherwise a language so copious as theirs, and of such ready application, would not have wanted a name properly Greek by which to distinguish it. The use of both arches and vaults appears, however, to have existed in Greece previously to the Roman conquest, though not to have been in general practice. But the constructive principle by which an arch is made to hold together, and to afford a solid resistance against the pressure of the superincumbence, was known to them even previously to the Trojan war, and its use is exemplified in two of the earliest buildings now remaining: the chamber built at Orchomenus by Minyas, king of Bocotia, described by Pausanias, and the treasury of Atreus at Mycenae. Both these works are constructed under ground, and each of them consists of a circular chamber formed by regular courses of stones laid horizontally over each other, each course projecting towards the interior, and beyond the one below it, till they meet in an apex over the centre, which was capped by a large stone, and thus resembled the inside of a dome. Each of the horizontal courses of stones formed a perfect circle, or two semicircular arches joined together, as the subjoined plan of one of these courses will render evident.

It will be observed that the innermost end of each stone is bevelled off into the shape of a wedge, the apex of which, if continued, would meet in the centre of the circle, as is done in forming an arch; while the outer ends against the earth are left rough, and their interstices filled up with small irregular-shaped stones, the immense size of the principal stones rendering it unnecessary to continue the sectional cutting throughout their whole length. Indeed, if these chambers had been constructed upon any other principle, it is clear that the pressure of the earth all round them would have caused them to collapse. The method of construction here described was communicated to the writer of the present article by the late Sir William Gell. Thus it seems that the Greeks did understand the constructive principle upon which arches are formed.

Even in the earliest times; although it did not occur to them to divide the circle by a diameter, and set the half of it upright to bear a superincumbent weight. But they made use of a contrivance, even before the Trojan war, by which they were enabled to gain all the advantages of our archway in making corridors, or hollow galleries, and which, in appearance, resembled the pointed arch, such as is now termed Gothic. This was effected by cutting away the superincumbent stones in the manner already described, at an angle of about 45° with the horizon. The mode of construction and appearance of the arches are represented in the annexed drawing of the walls of Tiryns, copied from Sir William Gell's Argolis. The gate of Signia (Σηγία) in Latium exhibits a similar example.

Of the different forms and curves of arches now in use, the only one adopted by the Romans was the semicircle; and the use of this constitutes one leading distinction between Greek and Roman architecture, for by its application the Romans were enabled to execute works of far bolder construction than those of the Greeks: to erect circuses and aqueducts, and the most durable and massive structures of brick. 

(On the antiquity of the Arch among the Egyptians, Mr. Wilkinson has the following remarks: "There is reason to believe that some of the chambers in the pavilion of Remeses III., at Medinet Habou, were arched with stone, since the devices on the upper part of their walls show that the fallen roofs had this form. At Sagâra, a stone arch still exists of the time of the second Psammiteus, and, consequently, erected 600 years before our era; nor can any one, who sees the style of its construction, for one moment doubt that the Egyptians had been long accustomed to the erection of stone vaults. It is highly probable that the small quantity of wood in Egypt, and the consequent expense of this kind of roofing, led to the invention of the arch. It was evidently used in their tombs as early as the commencement of the eighteenth dynasty, or about the year 1540 B.C.; and, judging from some of the drawings at Beni Hassan, it seems to have been known in the time of the first Ostræsen, whom I suppose to have been contemporary with Joseph."—Manners and Customs of the Anc. Egyptians, vol. ii. p. 116. 117. 1st series.)

ARCUS TRIUMPHALIS (a triumphal arch), an entire structure, forming a passage-way, and erected in honour of an individual, or in commemoration of a conquest. Triumphal arches were built across the principal streets of the city, and, according to the space of their respective localities, consisted of a single archway, or a central one for carriages, and two smaller ones on each side for vehicles.
of passengers, which sometimes have side communications with the centre. Those actually made use of on the occasion of a triumphal entry and procession were merely temporary and hastily erected, and, having served their purpose, were taken down again, and sometimes replaced by others of more durable materials.

Scipio is the first upon record who erected anything of the kind. He built an arch in the Forum Boarium, about B.C. 196, and another in the Circus Maximus, each of which was surmounted by gilt statues.\(^1\) Six years afterward, Scipio Africanus built another on the Clivus Capitolinus, on which he placed seven gilt statues and two figures of horses\(^4\) and a statue of Carthage, and in 36 B.C. Lucullus built a fourth in the Via Sacra, which is called by Cicero\(^3\) the Fornix Fabianus. None of these remain, the Arch of Augustus at Rimini being one of the earliest among those still standing.

There are twenty-one arches recorded by different writers as having been erected in the city of Rome, of which now remain: 1. Arcus Drusti, which was erected to the honour of Claudius Drusus on the Appian Way.\(^4\) 2. Arcus Titi, at the foot of the Palatine, which was erected to the honour of Titus, after his conquest of Judea, but does not appear to have been finished till after his death; since in the inscription upon it he is called Divus, and he is also represented as being carried up to heaven upon an eagle. The bas-reliefs of this arch represent the spoils from the Temple of Jerusalem carried in triumphal procession. This arch has only a single opening, with two columns of the Roman or Composite order on each side of it. 3. Arcus Septimii Severi, which was erected by the senate (A.D. 307) at the end of the Via Sacra, in honour of that emperor and his two sons, Caracalla and Geta, on account of his conquest of the Parthians and Arabians.

4. Arcus Gallieni, erected to the honour of Gallienus by a private individual, M. Aurelius Victor. 5. Arcus Constantini, which is larger and more profusely ornamented than the Arch of Titus. It has three arches in each front, with columns similarly disposed, and statues on the entablatures over them, which, with the other sculptured ornaments, originally decorated the Arch of Trajan.

ARCUS (Ἄρξ, Ἱξ追溯), the bow used for shooting arrows. The bow is one of the most ancient of all weapons, and has been, from time immemorial, in genera \(3 \times \sqrt{7/6}\) : the globe, both among civilized and \(3 \times \sqrt{7/6}\) nations. Hence the Greeks and Romans ascribed to it a mythical origin, some saying that it was the invention of Apollo, who taught the arts of war to the Cretians,\(^4\) the discovery either to Scythia the son of Jupiter, or to Perses the son of Perses.\(^6\) These several fables indicate nothing more than the very superior skill and celebrity of the Cretans, the Scythians, and the Persians in archery. The use of the bow is, however, characteristic of Asia rather than of Europe. In the Roman armies it was scarcely ever employed except by auxiliaries; and these auxiliaries, called sagittarii, were chiefly Cretans and Arabians.\(^7\)

Likewise in the Greek armies, archers acted only a subordinate though important part. Their position was in the rear; and, by taking advantage of the protection afforded by the heavy-armed soldiers, who occupied the front ranks, their skill was rendered very effective in the destruction of the enemy. Thus Homer\(^8\) gives a long list of names in the Trojan army of men slain by the arrows of Teucer, the son of Telamon, who accomplished this object by shootting himself under the ample shield of his brother Ajax.

Among the Scythians and Asiatics, archery was universally practised, and became the principal method of attack. In the description given by Herodotus\(^9\) of the accoutrements of the numerous and vast nations which composed the army of Xerxes, we observe that not only Armenians, Medes, Parthians, Scythians, and Persians, but nearly all the other troops without exception, used the bow, although there were differences characteristic of the several countries in respect to its size, its form, and the materials of which it was made. Thus the Indians and some other haid bows, as well as arrows, made of a cane \(2(\text{καλάμως})\), which was perhaps the bamboo. Herodotus also alludes to the peculiar form of the Scythian bow. Various authorities conspire to show that it corresponded with the upper of the two figures here exhibited, which is taken from one of Εἴν

W. Hamilton's fictile vases. It shows the Scythian or Parthian bow unstrung, and agrees with the form of that now used by the Tartars, the modern representatives of the ancient Scythians. In conformity with this delineation, an unlettered archer, who had seen the name of Theseus (ΘΗΣΕΥΣ), says that the third letter was like a Scythian bow.\(^2\) On the other hand, the Grecian bow, the usual form of which is shown in the lower of the preceding figures, has a double curvature, consisting of two circular portions united by the handle. The fabrication and use of bows of this kind are described by Homer in the following manner: Pandaros, the Lycean archer, having obtained the long horns of a species of wild goat, had them smoothed and polished by a bowman (καρπαυστὸς τίκτων), fitted to one another at the base, and fastened together by means of a ring of gold (καρπαυστὸς τίκτων). Preparing to shoot, he lowers his body (ποτὶ γαῦς ἄγοντες. Compare the next woodcut). His companions cover him with their shields. Having fitted the arrow, he draws the string towards his breast (μενοὶ καρπαυστος ἄγοντες). The bow (δίκτης, as opposed to νερόν) twangs, the string resounds, and the arrow flies to reach its mark. We see this action exhibited in the following outline of a statue belonging to the group of the Εἴν γαρικ, and perhaps early as R.C. 1.

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old as the age of Homer himself. The bow, placed in the hands of this statue, was probably of bronze, and has been lost.

It is evident that a bow, made and handled in the manner here described, could not be longer than three or four feet, and must have been far less powerful than the Scythian bow. On account of the material, it is often called by the classical authors a /horn (κέρας, κυρνα)\.

This difference of size and form caused a difference also in the mode of drawing the bow. The Greek with a group of archers drew his right hand with the string towards his breast, as represented in the Egyptian statue, in Homer's account of Pandarus, and in Virgil's description of Camilla; the Scythian, on the contrary, advancing boldly towards the enemy, and often on horseback, obliged by the length of his bow, which he held vertically, to avoid stooping and to elevate his left hand, drew the other up to his right ear, as is practised by our archers in the present day. The Oriental arrow was long and heavy in proportion to the bow, and was sent, as Procopius observes, with such force that the Greeks and Persians could resist it.

The bow was sometimes adorned with gold (wherein areus aneros). The golden ring, or handle, has been already mentioned. Apollo is called by Homer “the god of the silver bow” (ἀργυροτόξος).

The bowstring was twisted, and was made either of sinews or of horsehair (τετεσφαγμένοι), or of the hide, or perhaps the intestines, of the horse (νευρος εσωματος).

When not used, the bow was put into a case (τοξοθήκη, γωνιόθηκη, Gorytus), which was made of leather (καστελλαίαν), and sometimes ornamented (φασινειαν). The bowcase is often repeated and very conspicuous in the sculptured borders of Persæpolis. Thus encased, the bow was either hung upon a perch or carried on the shoulders.

Among the Greek and Roman divinities, the use of the bow is attributed to Apollo, Diana, Cupid, and Hercules; and they are often represented armed with it in ancient works of art.

ARIAEON (Αριάιον or Αριάων), also called δαστράκων from the materials of which it was made, was a vessel of water, which stood before the door of a house in which there was a dead body, in order that those who had been with the corpse might purify themselves by sprinkling the water on their persons.\(^8\)

ARDEA (Αρδεά), the Heron. Aristophanes\(^9\) describes three species: 1. The ἱερὸς πελεκα, the Ardea cinerea cristata, L., or common Heron. 2. The Λεκάδος, the Ardea alba, or Great Egret. 3. The Ardea cinerea, the Ardea stellaria, or European Bittern. This last is remarkable for flying very high, and hence its name (ardea stellaria), as if it flew up to the very stars. Its attitude also, when at rest, is very singular, the beak being raised up to the heavens.\(^9\) Virgil's description of the soaring flight of this bird is admirably true to nature:

\[\text{Notasque paludis Descripsit, aequo altum supra volavit ardea rubens.} \]

There is a small species of heron which Gessner supposed may have been the Father of Opian. Some late authors, however, would rather refer the θλισσος to the Coot, or Pelica astra. L.\(^9\)

AREA (Αρέα ή Άραμ), the threshing-floor, was a raised place in the field, open on all sides to the wind. Great pains were taken to make this piece of land smooth and hard; it was sometimes paved with flint stones, but more usually covered with clay and smoothed with a great roller. It was also customary to cover it with layers of oil, which prevented insects injuring it, or grass growing upon it. Thus, some of the grain were beaten out by the hoofs of cattle treading upon it, or by flails (fusiles).

AREIOPAGUS (Αρείος πάγος, or hill of Ares), at Athens, was a rocky eminence, lying to the west of, and not far from, the Acropolis. To account for the name, various stories were told. Thus, some said that it was so called from the Amazons, the daughters of Ares, having encamped there when they attacked Athens; others again, as Aeschylus, from the sacrifices there offered to that god; while the more received opinion connected the name with the legend of Ares having been received as a god there by Poseidon, for the murder of his son Helethrius.\(^8\) To none, however, of these legends did the place owe its fame, but rather to the council (H έπι Αρείου πάγου βολή) which held its sittings there, and was sometimes called Τεώρα βολή, to disdain the name of Ares, and Αριστεράς, by which it was sometimes called in the Ceramicus within the city. That it was a body of very remote antiquity, acting as a criminal tribunal, was evidently evidenced by the Athenians themselves. In proof of this, we may refer to the expression assertions of the orators, and the legend of the toga being the only by which the existence of the body, but also that it had already obtained considerable reputation for equity in its decisions; a reputation which it must have taken some time to establish.

There is sufficient proof, then, that the Areiopagus existed before the time of Solon, though he is admitted to have so far modified its constitution and sphere of duty that he might almost be called its founder. That what original constitution was must in some degree be left to conjecture, though there is good reason to suppose that it was aristocratic, the members being taken, like the Ephors, from the noble patrician families (ἀριστογένες). We may remark that, after the time of Solon the Ephete, fifty-one in number, sat collectively; four different courts, and were charged with the hearing of such cases of accidental or justifiable homicide as admitted of or required expiation. Some of the civil and religious rights he had lost: a resumption impossible in cases of wilful murder, the capital punishment for which could only be escaped by banishment for life, so that no expiation was required of a giver.\(^8\) Now the Ephete formerly administered justice in these courts, and on other reasons it has been conjectured that they and the Areiopagus then formed one court, which decided in all cases of murder, whether wilful or accidental. In support of this view, it has been urged that the separation of functions was rendered necessary by that change of Solon which made the Areiopagus no longer an aristocratic body, while the Ephete remained so, and, as such, were competent to administer the rites of expiation, forming, as they did, a part of the sacred law of Athens, and therefore left in the hands of the old patricians, even after the loss of their political privileges. On this point we may remark, that the connection insisted on (Colum., i., 6.—2. (Verg. Geor., i., 178).—3. (Colum. De Re Rust., 91, 125).—4. (Colum. ii., 21) —5. (Domingo, Acta, p. 649, etc.)—6. (Colum. iv., iv., 5, 1—Thirlwall, Hist. Greece, vol. p. 945).—7. (Müller, Eumen., 68.— Pollux, Quot., viii., 122.)
It is probable that public opinion supported them in none of this kind, without the aid of which they must have been powerless for any such objects. In connexion with this point, we may add that, when heinous crimes had notoriously been committed, but the guilty parties were not known, or no accuser appeared, the Areopagis inquired into the subject, and reported (areopates, to report or deliberation) a case called ἄροπας. This was a duty which they sometimes undertook on their own responsibility, and in the exercise of an old-established right, and sometimes on the order of the demus. Nay, to such an extent did this carry its power, that on one occasion they apprehended an individual (Ἀπτίφονος) who had been accused by the general information of his guilt, and again brought him to a trial, which ended in his condemnation and death. Again we find them revoking an appointment whereby ἀρχιντιασις was made the advocate of Athens before the Amphictyonic council, and substituting Hypereides in his room. In these two cases, also, they were most probably supported by public opinion, or by a strong party in the state.

They also had duties connected with religion, one of which was to superintend the sacred olive growing about Athens, and try those who were charged with destroying them. We read, too, that in the discharge of their duty as religious censors, in some instances, they might have had the subject of the wife of the king archon, was, as required by law, an Athenian; and finding she was not, imposed a fine upon her husband. We learn from the same passage that it was their office generally to punish the impious and irreligious. Again we are told, though rather in a rhetorical way, that they relieved the wife of a needy family, who was the chief of the demus, of the burden that the little boy of her son, under the support of the rich, controlled the studies and education of the young, and interfered with and punished public characters as such.

Independent, then, of its jurisdiction as a criminal court in cases of wilful murder, which Solon continued to the Areopagus, its influence must have been sufficiently great to have isolated the capable to the aggudiment to the democracy at the expense of the other parties in the state. In fact, Plutarch expressly states that Solon had this object in view in its reconstruction; and, accordingly, we find that Pericles, who never had been archon or Areopagite, and who was certain to be less amenable to the despotism for many reasons, resolved to diminish its power and circumscribe its sphere of action. His coadjutor in this work was Ephialtes, a statesman of inflexible integrity, and also a military commander. They experienced much opposition in their attempts, not only in the assembly, but also through the courts of justice, and the process of the Eumeneides, the object of which was to impress upon the Athenians the dignity, the sacredness, and constitutional worth of the institution which Pericles and Ephialtes wished to reform. He reminds the Athenians that it was a tribal tribunal of the authority of its patron goddess Athena, and put into their mouth a populous large array against innovations, and admonishing them to leave the Areopagis in possession of its old and well-grounded rights, that under its watchful guardianship they might sleep in security. Still the opposition failed: a decree was carried, by which, as Aristophanes says, "the Areopagis was deprived of some of its authority, and many of its hereditary rights abolished." Circe, who in one place speaks of the council as governing Athens, observes in another, that from that time all authority was vested in the ecclesia.
AREIOPAGUS.

and the state robbed of its ornament and honour. Plutarch tells us that the people deprived the Areiopagus of nearly all its judicial authority (τῆς κρίσις πλὴν ἄλλων ἀναπήδης), and making themselves supreme judges, put the Areiopagus then no longer as it had formerly been a superior tribunal. But we infer from another passage that the council lost considerable authority in matters of state; for we learn that Athens then entered upon a career of conquest and aggrandizement to which she had previously been a stranger; that, like a rampant horse, she would no longer have anything to fear from her enemies, and would lead the up to the neighbouring islands. These accounts in themselves, and as compared with others, are sufficiently vague and inconsistent to perplex and embarrass; accordingly, there has been much discussion as to the precise nature of the alterations which Pericles effected; some, among whom we may mention Miller, are of opinion that he deprived the Areiopagus of their old jurisdiction in cases of wilful murder; and one of his chief arguments is, that it was evidently the design of Ἐσχήλιος to support them in this prerogative, which therefore must have been lost. For, if we come to this, we would refer our readers to Mr. Thirlwall's remarks, merely stating, in addition, that Demosthenes expressly affirms, that neither tyrant nor democracy had ever dared to take away from them this jurisdiction. In addition to which, it may be added, that the extension of the franchise to the innovation do not seem to us to indicate that the Areiopagus lost its authority as a criminal tribunal, but that it was debarred of its power as superintending the morals and conduct of the citizens, both in civil and religious matters, and as exercising some control over their legislation. Now an authority of the former kind seems far removed from any political influence, and the popular belief as to its origin would have made it a dangerous object of attack, to say nothing of the general satisfaction the verdicts had always given. We may observe, too, that one of the chief features of a democracy is to make all the officers of the state responsible; and that it is not improbable that one of the changes introduced by Ephialtes was to make the Areiopagus, like other functionaries, accountable to the demos for their administration, as, indeed, we know they afterward were. This simple regulation would evidently have made them subservient, as they seem to have been, to public opinion; whereas no such subserviency is recorded in criminal matters, their tribunal, on the contrary, being always spoken of as most just and holy; so much so, that Demosthenes says that not even the condemned whispered an insinuation against the righteousness of their verdicts. Indeed, the proceedings before the Areiopagus, in cases of murder, were, by their solemnity and fairness, well calculated to ensure just decisions. The process was as follows: The king archon, desiring to bring a charge against the accused, went to the council, the judges, who were assembled in the open air, probably to guard against any contamination from the criminal. The accused, who was said to be Ἀρείον πάγων ἐπικατέφυτες, first came forward to make a solemn oath (βασιλεύει) that his accusation was true, standing over the slaughtered victims, and in presence of the whole council and all the citizens. Then he and his whole family were not so. The accused then denied the charge with the same solemnity and form of oath. Each party then stated his case with all possible plainness, keeping strictly to the subject, and not being allowed to appeal in any way to the feelings or passions of the judges. After the first speech, a criminal accused of murder might remove from Athens, and thus avoid the capital punishment; but, if he could not remove, he was then adjudged guilty and his case was handed over to the jury. They were composed of two hundred men, and they were to come from a list of four hundred citizens who were selected by lot; and for this reason it was said that the Areiopagus was a list taken at random against those who had thus left their country.

The reputation of the Areiopagus as a criminal court was of long continuance, as we may learn from an anecdot of Aulus Gellius, who tells us that C. Cestius, procuor of the Roman province of Asia, referred a case which perplexed himself and his council to the Areiopagus (ut ad jueces graviores exercerat se), they ingeniously settled the matter by ordering the parties to appear that day 100 years (centesimo anno adeo). They existed in name, indeed, till a very late period. Thus Plutarch says that Demetrius Phalereus, who was exiled, under the Emperors Gratian and Theodosius (A.D. 380), "Ρωμαίος Φιλόσος is called proconsul of Greece, and an Areiopagite." Of the respectability and moral worth of the council, and the respect that was paid to it, we have the testimony of the orators where, indeed, it would be difficult to find it mentioned except in terms of praise. Thus Lysias speaks of it as most righteous and venerable, and so great was the respect paid to its members, that it was considered rude in the demus laughing at one's presence, while it was considered almost as a duty to make an address to the assembly on a subject they had been deputed to investigate. This respect might, of course, facilitate the resumption of some of their lost power, more especially as they were sometimes intrusted with inquiries on behalf of the state, on the occasion to which we have just alluded, when they were made a sort of commissioners to inquire into the state of the buildings about the Pnyx, and decide upon the adoption or rejection of some proposed alterations. Isocrates, indeed, even in his time, when the previous inquiry of ὑποστάσεως had failed, makes the Areiopagus, in the presence of the judges, pass sentence with grave and solemn influence; but, shortly after the age of Demetrius Phalereus, a change had taken place; they had lost much of their respectability, and were but ill fitted to enforce a conduct in others which they did not observe themselves.

The case of St. Paul is generally quoted as an instance of their authority in religious matters; but the words of the sacred historian do not necessarily imply that he was brought before the council. It may, however, be remarked, that they certainly took cognisance of the introduction of new and uncleanness in it. The Areiopagus, of course, would be resorted to; and there was a tradition that Plato was debarred from mentioning the name of Moses as a teacher of the unity of the Godhead, by his fear of the Areiopagus.

With respect to the number of the Areiopagus, its original number is at least no more of no great moment; there are various accounts; but it is plain that there could have been no fixed number when the archons became members of this body at the expiration of

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1. (Cimons.)—2. (Eun. 381.)—3. (Hist. Greece, vol. ii., p. 84.)
2. (Pind. h. 8., 66, 128.)—3. (Appunt. de Cod. Herod. p. 130, 30.—Demosth., c. Arch. t. c.—Pollos, Oeum., viii. 9, § 901.—1. (Antiphon, De D. R. G.)
ARGEMONE.

ARGENTARI, bankers or money-changers at Rome. The public bankers, or mensa'ri, are to be distinguished from the argentarii. The highest class of mensari, the mensari quiuequeviri or triumviri, were a sort of extraordinary magistrates, the office being generally filled by persons of high rank; their business was to regulate the debts of the citizens, and to provide an honest medium of exchange for other mensari, who stood lower than these, and whose office approximated to that of the argentarii; and still lower stood the nummularii, though these were also public functionaries. The argentarii, on the contrary, were private bankers, who did all kinds of dealing, commission, and agency business for their clients. They also delivered money to depositors in public buildings, and were agents for exercising argentarii, domicilius, resellers; negotiatoris stipis argentariae.

Their private character is clear, from what Ulpian says:

"Tuberaria (i.e., argentariae) publica sunt, quorum usu ad privatos pertinent." Almost all money transactions were carried on through their intervention, and they kept the account-books of their customers. Hence all terms respecting the relation between debtor and creditor were borrowed from banking business: thus, rationem accepti scribere ("to put down on the debtor's side in the banker's book") means "to borrow money;" rescribere, "to pay it back again;" nomen (an item in the account) "is the amount that remains in the treasury," as when Cicero says, "Ego meus rebus gestis hoc sum assecurus ut bonum nomen existimer." On these books of account, which have given rise to the modern Italian system of book-keeping by double entry, see Pliny, Hist. Nat., ii., 7.

The functions of the argentarii, besides their original occupation of money-changing (permutatio argenti), were as follows: 1. Attending public sales, as agents for purchasers, in which case they were called interpretes. 2. Assaying and proving money (probatio monorum). 3. Receiving deposits, or keeping a bank in the modern sense of the word. If the deposites was not to bear interest, it was called depositum, or vacus pecunia; if it was to bear interest, it was called creditum. The argentarii were said not only recepere, but also constituere, so that an action constitute pecunia would lie against them.

The shops of the bankers were in the choicest rooms of the city; the name argentarius is often synonymous with that of a shopkeeper. The argentarius was not necessarily a freeman.

ARGENTUM. According to Herodotus,1 the Lydians were the first people who put a stamp upon silver; but, according to the testimony of most ancient writers, silver money was first coined at Eginia, by order of Pheidon, about B.C. 809.2 The silver coins of Greece may be divided into three kinds, which differ in appearance according to the money which they were to represent. The most ancient are those of Eginia, which are entirely devoid of image, and of rude workmanship. These pieces, which are of Eginia usually bear on the upper side the figure of a turtle or a tortoise, and on the under an indented mark, as if the coin at the time of striking the metal had been placed upon a die, and the punch received a mark from the weight of the blow. The argentum appear to belong in the age of Pericles and Xenophon, and


ARGIUM.

ARGHIUM GRAPHIE.

Silver was not coined at Rome till B.C. 269, five years before the first Punic war; but the Roman coinage of silver never appears to have been so fine from baser metal as the best Athenian coinage. Under the Empire, vast quantities of silver were much debased that it contained \( \frac{1}{2} \) silver and \( \frac{1}{2} \) alloy. In the time of the Republic, the impression on silver coins was usually, on the obverse, the head of Rome with a helmet, the Dioscuri, or the head of Jupiter and on the reverse, carriages drawn by two or four horses, and, in the days of Augustus, respectively bigats and quadrigati, &c., nummi. (Vid. Bigats.) The principal silver coins among the Greeks and Romans were respectively the drachma and denarius. (Vid. Drachmi, Denarius.)

The Athenians obtained their silver from the silver mines at Laurion (Apostrophe region), and, as such, as the chief source of the wealth of Athens. We learn from Xenophon that these mines had been worked in remote antiquity; and Xenophon speaks of them as if he considered them inexhaustible. In the time of Demosthenes, however, the profit arising from them was considerably less. Between the second century of the Christian era they were no longer worked. The ore from which the silver was obtained was called silic erth (\( \lambda \gamma \omega \gamma \rho \iota \sigma \rho \varsigma \) \( \gamma \rho \iota \sigma \nu \iota \varsigma \)), or simply \( \lambda \gamma \omega \gamma \rho \iota \varsigma \nu \iota \varsigma \). The same term (terra) was also applied to the ore by the Romans, who obtained most of their silver from Spain.

The Athenians and silver differed considerably at different periods in Greek and Roman history. Herodotus mentions it \( ^{4} \) as 1 to 13; Plato \( ^{3} \) as 1 to 12; Menander \( ^{4} \) as 1 to 10; and Livy \( ^{5} \) as 1 to 10, about B.C. 189. According to Suetonius, \(^{6}\) Julius Caesar, on one occasion, exchanged 80,000 of these money for a yoke of oxen. But the most usual proportion under the early Roman emperors was about 1 to 12; and from Constantine to Justinian about 1 to 14, or 1 to 15.

ARGENTUM VIVUM, Quicksilver or Mercury. It is first spoken of by Aristotle and Theophrastus under the name of fluid silver (\( \lambda \gamma \omega \gamma \rho \iota \varsigma \sigma \tau \) vi- \( \tau \rho \varsigma \varsigma \varsigma \)), and the mode of obtaining it is thus described by the latter: "This is procured when a portion of cinnabar is rubbed with vinegar in a brass mortar and with a brass pestle." All the modern processes, on the other hand, that are adopted for separating them from gold are founded upon the volatility of the metal, its conversion into vapour in distilling vessels or retorts, and its condensation by cold. The nature of this mineral, however, does not seem to have been much understood even four centuries later; for Pliny distinguishes between "the general Mercury," or quicksilver procured by processes which he describes from minim, or native cinnabar. This quicksilver he supposes to be a spurious imitation of quicksilver, and fraudulent substitute for it in various uses to which it was applied. Dioscorides, however, who had the testimony of those who had written about the same time with Pliny, means, according to Hill, by \( \psi \rho \alpha \chi \rho \rho \iota \gamma \sigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigma \varsigm
Ariadneia.

Ariadneia, the site for the first conviction, and a loss of civic rights (arousa) if the same person was convicted three times of idleness. According to Julius Pollux, it did not impose a severe punishment than arousa, and Solon did not punish it at all till the third offence.  

*ARGILLA, Potters' Clay, included frequently by the Latin writers under the general name of Creta. Thus Palladius says, "Creta, quam argillum dicimus" and Columella, "Creta, quidam standardis frugibus, quamque nonnulla argillin exuvae." These writers speak repeatedly of "creta figuralis" and "creta qui sunt anchor".Cerus, too, speaks of "creta figuralis," and Vitruvius of "cres ex creta factum, non coelum." By the term Creta, therefore, it was generally meant some whitish clay, such as potters' clay, or even, white grape, and are remarkable for their permanence.  

APTVYPIOT AIKH (arpvptov diwv) was a civil suit of the class pro tos tena, and within the jurisdiction of the thesmothetae, to compel the defendant to pay moneys in his possession, or for which he was liable, to the plaintiff. This action is casually alluded to in the speeches of Demosthenes, and is treated of at large in the speech against Callippos.  

*ARGYRITIS (arpvptivc), a name given to the ore from which silver was obtained. (Vid. Argentum.)  

ARGUROKOE'ION (arpvrdocovmv), the place where money was coined, the mint. That at Athens appears to have been in or adjoining to the chapel (arps) of a hero named Sthepanoreus. In it were kept the standard weights for the coins.  

ARGYRIS'PIDES (arpvrdocvds), a division of the Macedonian army, who were so called because they carried shields covered with silver plates. They were held in high honour by Alexander the Great, after whose death they went over to Antigonus. Livy mentions them as the royal cohort in the army of Antigonus. The Emperor Alexander Severus had in his army a body of men who were called argyroaspides.  

*ARIES (Apollo's), a species of plant. Bauhin held it to be a kind of pear-tree, and Miller makes it to be that kind which gets the English name of White Beam-tree, namely, the Pyrus Arias of Hooker. But Schneider, upon the authority of Sibthorp, holds it to be a variety of the Quercus Fisci.  

ARIADNEIA (Arianthos), festivals solemnized in the island of Naxos in honour of Ariadne, who, according to one tradition, had died here a natural death, and was honoured with sacrifices, accompanied by rejoicings and merriment. Another festival of the same name was celebrated in honour of Ariadne in Cyprus, which was said to have been instituted in commemoration of her death in the month of Gorpheus. The Amathusians called the grove in which the grave of Ariadne was shown, that of Aphrodite-Ariadne. This is the account given by Plutarch from Peon, an Athenian writer.  

ARTES (Artes), the battering-rams, was used to shake, perforate, and batter down the walls of besieged cities. It consisted of a large beam, meant of the trunk of a tree, especially of a fir or an ash. To one end was fastened a mass of bronze or iron (koperla, koperla, proton), which resembled in its form the head of a ram; and it is evident that this shape of the extremity of the engine, as well as its name, was given to it on account of its mode of action to that of a ram butting with its forehead. The upper figure in the annexed woodcut is taken from the bas-reliefs on the column of Trajan at Rome. It shows the array in its simplest state, and as it was borne and impelled by human hands, without other assistance. Even when the art of war was much advanced the ram must have been frequently used in this manner, both whenever time was wanting for more complicated arrangements, and wherever the inequality of the ground rendered such arrangements impracticable. This sculpture shows the ram directed against the angle of a wall, which must have been more vulnerable than the perpendicular parts ("arguruum turrim insus, (pavlit aries violentus)."

In an improved form, the ram was surrounded with iron bands, to which rings were attached, for the purpose of suspending it by ropes or chains from a beam fixed transversely over it. See the lower figure in the woodcut. By this contrivance the soldiers were relieved from the necessity of supporting the weight of the ram, and they could with ease give it a rapid and forcible motion backward and forward, so as to put the opposite wall into a state of vibration, and thus to shatter it into fragments. The use of this machine was farther aided by placing the frame in which it was suspended upon wheels, and also by constructing over it a wooden roof, so as to form a "testudo" (xelofta krepoforos), which protected the besieging party from the defensive assaults of the besieged. Josephus informs us that there was not a tower so strong, no wall so thick as to resist the force of this machine, if its blow were continued long enough.  

The beam of the aries was of great length, c. e., 60, 100, or even 150 feet. The design of the limb was both to act across an intervening ditch, and to enable those who worked the machine to receive in a position of comparative security. A hundred men, or even a greater number, were sometimes employed to strike with the beam. The besieged had recourse to various contrivances in order to defend their walls and towers from the attacks of the aries. 1. They attempted, by throwing burning materials upon it, to set fire to it; and, to prevent this from being effected, it was covered with sackcloth (dpfis, cisticum) or with hides

ARISTOCLEIA, in Greek, means "flowering plant" or "emergent leaf." It is a genus of flowering plants in the family Aristolochiaceae, which are native to the Americas. The flowers of these plants are often large and showy, with distinctive shapes and colors. The fruit is a capsule containing many seeds. ARMA, on the other hand, is a Latin word that means "arm," referring to the weapons and armor used by soldiers. It is interesting to note the connection between nature and warfare, as both require a certain degree of strength and preparedness. However, the description of the properties of the plants in the genus ARISTOCLEIA seems to be related to the use of the skin of a lion, which was mentioned in the text as being used for its strength and durability in warfare. This suggests that the ancient Greeks may have valued the natural world for its resources and attributes, which they could apply to various aspects of their lives, including military conflicts and personal adornment.
passed over the right shoulder; fourthly, the large round shield (ὄσις, ὀσις, κύπες, scutum), supported in the same manner; fifthly, his helmet (ἀφάλος, αφάλος, κάσσας galata); sixthly and lastly, he took his spear (βεγγας, ἄγγας, ἄγας) or, in many cases, two spears (δύο ἄγας). Virgil represents the outfit of a warrior as consisting of the same six portions, when he describes the armour made by Vulcan for Αἴας and brought to him by his brother. The form and use of these portions are described in separate articles under their Latin names. The annexed woodcut exhibits them all in the form of a Greek warrior attired for battle, as shown in Hope's Costumes of the Ancients (i., 70).

Those who were defended in the manner which has now been represented, are called by Homer ἀριστερινά, from their great shield (ἰσις); also ἄγγας, μαχαίρα, because they fought hand to hand with their adversaries; but much more commonly πράγμαχοι, because they occupied the front of the army: and it is to be observed that these terms, especially the last, were honourable titles, the expense of a complete suit of armour (παπολίπι) being of itself sufficient to prove the wealth and rank of the wearer, while his place on the field was no less indicative of strength and bravery. In later times, the heavy-armed soldiers were called ὀσιλατοι, because the term ὀσελ more especially denoted the defensive armour, the shield and thorax. By wearing these they were distinguished from the light-armed, whom Herodotus, for the reason just mentioned, calls άπολειμμα, and who are also denominating χαλλός and γαλεά, γαλεάς τι μυστική. Instead of being defended by the shield and thorax, their bodies had a much slighter covering, sometimes consisting of skins, as in the above-mentioned instance of the Arrabians, and sometimes of leather or cloth; and, instead of the sword and lance, they commonly fought with darts, stones, bows and arrows, or slings. Though greatly inferior in rank and prowess to the heavy-armed sol- diers, it is probable that they often surpassed them in numbers; and by their agility, by their rapid movements from place to place, and by embracing every opportunity of assailing the enemy, coming towards the front under the protection of the heavy-

armed, and again retreating for safety in the rear, they rendered important service to their employers. We are justified in using the term "employers," because the light-armed were commonly attached in a subordinate capacity to individuals of the heavy-armed soldiery. In this manner the Helots were compelled to serve in the Spartan army. At the battle of Platea, each Spartan had an appointment of no less than seven Helots to carry his arms, protect him in danger, to assist him in conquering his opponent, and also to perform every menial ser-
v.1 On the same occasion, as we are informed by Herodotus, the other divisions of the Greek army had only one light-armed to one heavy-armed soldier. In after times, also, the Athenian hoplite had usually one attendant, and received as wages for both himself and his servant two drachmas per day.3

Besides the heavy and light armed soldiers, the ὀσιλατοι and χαλλος, who, in general, bore towards one another one the intimate relation now explained, another description of men, the πεντασταλινες, were extremely often of the Greek army, though we do not hear of them in early times. Instead of the large round shield, they carried a smaller one called the πενταξα, and in other respects their armuour, though heavier and more effective than that of the χαλλος, was much lighter than that of the hoplites. The weapon on which they principally depended was the spear.

The cities of Euboea agreed to go to battle only as hoplites, discarding the use of light armour, de- pending on the sword and lance, and handling the latter as a pike.4 The Euboeans were probably induced to form this agreement in consequence of the richness of their island in the ores of copper and iron. On the other hand, those nations which had neither mines, nor any considerable wealth of other kinds, could scarcely send any but light-armed sol-
diers, who commonly served as mercenaries.

The Romans legion consisted, as the Greek in- fantry for the most part did, of heavy and light armed troops (gravis et levis armature). But they were not formed upon the same system of attaching individuals to one another, in the relation of the master or employer and his servant. At all events, this system did not prevail among the Romans to any extent; and when Virgil, in the Aeneid, mentions the armour-bearer or squire (armiger), we must understand him to allude to the Grecian or Oriental practice, of which attendance and suite to kings and generals only.

When a legion was drawn up in order of battle, the heavy-armed were posted in front in three di-
visions, viz., the principes, the hastati, and the triarii, and behind them were placed the light-armed in two divisions, called the velites and the accessi or exules, the weight and strength of the arms decreasing gradually in these five divisions, until the rear con- the weight and strength of the arms decreasing gradually in these five divisions, until the rear con- sisted only of archers, slingers, and other troops, who might leave their place whenever occasion re- quired, and make swift excursions for the purpose of attacking and annoying the enemy. Especially in coming to engagement, the light-armed troops advanced to the front, stove to put the enemy to flight, and, if successful, pursued them. If, on the other hand, they were worsted, they retreated again in a body behind the heavy troops, on whom, as the main stay of the army, depended the decision of the conflict. If the heavy-armed were victorious, again, the same was the matter, only the breaking the ranks of the enemy, and the pursuit was left to them and to the cavalry, while the prin-
cipes, hastati, and triarii maintained their original position.

1. (Herod., ii., 10, 29. — Manoe, Sparta, l., i, p. 196, 157.)
2. (Herod., i., 60. — (ix) 62, 63.)
3. (Veget., De Be Milit., i., 15, 17.)

1. (Herod., ii., 10, 29. — Manoe, Sparta, l., i, p. 196, 157.)
2. (Herod., i., 60. — (ix) 62, 63.)
ARMILLA.

The annexed figure is taken from the arch of Septimius Severus at Rome. On comparing it with that of the Greek hoplite in the last woodcut, we perceive that, while the national character is displayed by a wide difference in the attitude and expression, the several parts of the armour correspond, excepting only that the Roman soldier wears a dagger (πακέτον, πακέτον) on his right side instead of a sword on his left, and, instead of greaves upon his legs, has femorals and caligae. All the essential parts of the Roman heavy armour (lorica, ensis, clipeus, galea, haste) are mentioned together in an epitome of Martial, and all except the spear in a well-known passage of St. Paul, whose enumeration exactly coincides with the figures on the arch of Severus, and who makes mention, not of greaves, but of shoes or sandals for the feet.

ARMILLA.

The soft or flexible parts of the heavy armour were made of cloth or leather. The metal principally used in their formation was that of copper and tin, which we call bronze, or, more properly, bell-metal. (Vid. Es.) Hence the names for this metal (χαλκός, ας) are often used to mean armour, and the light reflected from the arms of a warrior is called αὐλή χάλκεια by Homer, and ἱερὰ αἰμα by Virgil.* Instead of copper, iron afterward came to be very extensively used in the manufacture of arms, although articles made of it are much more rarely discovered, because iron is, by exposure to air and moisture, exceedingly liable to corrosion and decay. Gold and silver, and tin mixed with copper, were also used, more especially to enrich and adorn the armament. When the Cyclopes, under the direction of Vulcan, made the suit for Achilles, as already mentioned, they employ these various metals:

"Pluit as vivis, aureisque metallis:
Vulmineque chalybis vasta formae liceant."

It cannot be supposed that the Roman soldiers could have acquired their high renown as conquerors without being regularly instructed in the use of arms. Vegecius, accordingly, in his first book, devotes several chapters to an account of the exercises devised for this purpose. The recruits were provided with shields, spears, and other weapons of usual size and weight, and in other respects expressly adapted for the discipline of the drill. The masters at arms were called armüdoctores and campdoctores (οπλοδιδαταί, ὀπλοδιδακταὶ). The armory or arsenal, in which arms of all kinds were kept, was called armamentarium (ὀπλοθήκη, ὀπλοφόρωμα). The military arsenal at the Piraeus, built by the architect Philo, was the glory of the Athenians.†

In rude states of society, when the spirit of violence rendered life and property insecure, both Oriental and barbarian nations around, whom they called barbarians, constantly carried arms for their defence.‡ In the time of Thucydides the Athenians had discontinued this practice, because the necessity for being always armed existed no longer; but they all bore spears and shields in the public processions.

ARMA RIVUM, originally a place for keeping arms, afterward a cupboard, in which were kept, not only arms, but also clothes, books, money, ornaments, images, pictures, and other articles of value. The armarium was generally placed in the atrium of the house. The divisions of a library were called armoria.‡ We find armarius discussed as mentioned as a kind of sepulchre in an inscription in Gruter.†

ARMAMENTARIO. (Vid. Arma, p. 95.)

1. ARMENIACA MALA (μῆλον ᾿Αρμένικα), a fruit, which Dioscorides makes the same with the pruccioce with all Rubeans, and other weapons of un

2. ARMENIUM (Ἀρμενίου), a blue pigment called after the country whence it came. The kind which by Dioscorides is esteemed the best, appears to have been an earth; for he requires it to be smooth, triable, and free from stone. Adams makes it to have been an impure carbonat of copper, like the Lapis Lazuli. Hill, however, maintains that it was a yellow earth or ochre of copper. The Armenium must not be confounded with the Lapis Armenius (Λίθος ᾿Αρμενίου), or Armenian stone, first noticed by Paulus Egmont, and which is called Λίθος Αρμένως by Myrepsus. Jameson says the Armenian stone of the ancients was a limestone impregnated with earthy azure copper, and in which copper and iron pyrites were sometimes disseminated.

3. ARMILLA (ἄρμιλλα, ὄρμυλλα, ὄρμυλλον, χρύλλον, φόντης), a bracelet or armlet.

4. ARMILLAE of antiquity, the Medes and Persians appear to have displayed the greatest taste for ornaments of this class. They wore not only armillae on their wrists, and on the arm a little below the shoulder, but also earrings, collars or necklaces, and splendid turbans. These portions of their dress often consisted of strings of variously formed pearls, or were enriched with jewels. They were intended to indicate the rank, power, and wealth of the wearer, and this use of them has continued through successive generations down to the present day. 10

5. In Europe, golden armillae were worn by the Gauls both on their arms and on their wrists. The Sabines also wore ponderous golden armillae on the left arm, about the keep, was the glory of the foundation of Rome. 11

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2. (Vitruv., V., 14.)
These spiral wires were sometimes engraved so as to exhibit the form of a serpent, and bracelets of this description were called *scape*. As in regard to the frONTAL (*vid. Amphyx*), so also in respect of armilla, the Greeks conceived the attire of a goddess to resemble that of a lady of superior state and beauty. Hence they attributed these decorations to Aphrodite, and traces of a metallic armlet are seen upon the celebrated marble statue of that divinity preserved at Florence. In the British Museum is an inscription, found among the ruins of the Parthenon at Athens, which makes distinct mention of the *armilla* upon both the arms of a golden Victory preserved in that temple.


Among the Romans we most commonly read of armilla as conferred upon soldiers for deeds of extraordinary merit. (See the next woodcut.) An instance of this occurs in Livy, where, after a victory, one of the consuls bestowed golden crowns and bracelets upon two officers, four centurions, and a manipulus of hastati, and gives silver horns and bracelets to others, who were either foreigners, or younger and of inferior rank. Pliny says that crowns and bracelets of gold were given to citizens, and not to foreigners. These military honours are enumerated in the inscriptions upon various ancient monuments raised to the memory of Roman officers and soldiers, stating that the emperor had presented them *torquemis, armillos, phaleras, &c.*, and often recording the exact number of these several decorations. The following form of words used in conferring them is preserved by Valerius Maximus:

*Armilla donata.*

The Roman females wore bracelets partly for use and partly for ornament. The use of them was to hold amulets. (*Vid. Amuletum.*) Pliny gives a variety of directions respecting the remedies to be effected by inserting particular things in bracelets (armillas, brachiales), and wearing them constantly upon the arm. On the same principle, the Emperor Nero, in compliance with the wishes of his mother, sometimes wore on his right arm the exuviae of a serpent, enclosed in a golden armilla.

As ornaments, armilla were worn at Rome chiefly by women of considerable rank. The metallic band was, for this purpose, frequently enriched with precious stones and other beautiful objects. The presents of amber, *succina granatia*, mentioned by Juvenal, as sent to a lady on her birthday, were probably bracelets set with amber. In the following woodcut, the first figure represents a gold bracelet discovered at Rome, on the Palatin Mount. The rosette in the middle is composed of distinct and very delicate leaves. The two staves (*crescents*) on each side have been repeated where the holes for securing them are still visible. The second figure represents a gold bracelet found in Britain, and preserved in the British Museum. It appears to be

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made of two gold wires twisted together, and the mode of fastening it upon the arm by a clasp, is worthy of observation. It has evidently been a lady's ornament. Besides objects finely wrought in gold, and the more beautiful patterns and latticed necklaces and bracelets were also formed to display other exquisitely works of art. Bottiger says 1 "it can scarcely be doubted that the most splendid gems, with figures cut in relief, were designed to be worn in bracelets by the empresses, and other women of high rank in Rome." The same author observes, that the large bracelets, made with three or four combs, were intended as rewards for the soldiers, 9 and that it would be ridiculous to suppose such massive ornaments to have been designed for women. A specimen of these ponderous and highly valuable armillae is represented in the third of the preceding figures. The original, of pure gold, is more than twice the length of the figure, and was found in Cheshire 3.

If bracelets were worn by a Caligula, 4 it was regarded as a sign of extravagance and effeminacy, being quite opposed to Roman ideas and customs.

In general, the epheser armillata denoted a servile or hireling's weapon.

The terms armilla and ψέλλον are used for ornaments of the same kind as those already explained, which were worn upon the ankles, very commonly by Africans and Asians, rarely by Europeans. 4 A dog-collar is also called armilla (armillatos canes), and a collar for the neck, armilus or armillatus.

ARMILUS TRIUM, a Roman festival for the purification of arms. It was celebrated every year on the 14th before the calends of November (Oct. 19), when the citizens assembled in arms, and offered sacrifical sacrifices in the place called Armilustrum, or Vicus Armilistrini, in the 13th region of the city. 5

ARMORACIA (Bdovas), Horseradish. (Vis.

HIPHANIR.)

ARMY (GREEK). In the petty states of Greece, down to a period long subsequent to their establishment, a traveller, when beyond the walls of a town, was in constant danger of being surprised by an enemy, and often the labours of husbandry were carried on by men with arms in their hands. 10 This insecurity of liberty and life must have tended powerfully to have infused a martial spirit among the Greeks; and, though they may have borrowed the first art of war from the East, it was among them that the organization of a military force, and the tactics of the field, were brought nearly to as high a degree of perfection as was consistent with the nature of the arms in use before the invention of gunpowder.

1. Homer, Iliad, x., 800; Thucydes and the war of Troy are the earliest instances in the Greek history of military actions performed on a considerable scale; and on the latter occasion (probably about B.C. 1184), an army of 100,000 men is supposed to have been assembled. It would seem that the troops of the different states engaged in this war were at first independent of each other, for, in the second book of the Iliad, Nestor is represented as advising Agamemnon to divide the army into several bodies, according to the nations or tribes of which it was composed, and to place each division under its own prince. It is scarcely conceivable, however, that such a distribution did not also subsist when nations combined together for one object; and, as the ships of the several states appear to have been drawn up separately, probably the mixture of the troops was only an accidental circumstance, arising from the inactivity in which the army had for some time previously remained. It may be imagined, therefore, that the advice of Nestor was only intended as a regular notice for re-forming the army preparatory to inspection, and previously to a return to the field; and as it may, the practice was afterward general, as well in the East as in the Greek states of Europe.

In the fourth book of the Iliad, the arrangement of the army previously to an engagement is distinctly described. A line of war-chariots, in which the chief fought, formed the front; the heavy-armed foot were in the rear; and the middle space was occupied by archers or light-armed men, on whom less reliance could be placed. The warriors were protected by cuirasses, greaves, and helmets, all of bronze; they carried strong bucklers, and their offensive arms were javelins or pikes, and swords. The battle began by darts being thrown from the chariots as the latter advanced to break the ranks of the enemy: the chariots probably then fell into the intervals between the divisions of the troops who fought on foot; for the latter are said to have moved up in close order and engaged, shield to shield, javelin to javelin. The light-armed troops, now in the rear of all, or behind the chariots, discharged their arrows and stones over the heads of the combatants in front. The precept of Nestor, that the warriors should keep their ranks in action, according to the manner of their ancestors, was, in general, observed, for as the rigor of discipline had long before been observed in the march of armies, or in the collisions of hostile troops.

On contemplating the account given by Homer, it must appear evident that the practice of war in his age differed from that which was followed by the Asiatics, Egyptians, and Greeks of a much later period, chiefly in the absence of cavalry: a circumstance which seems to prove that the art of horsemanship, though not wholly unknown, since Diomed rides on one of the horses which had been taken from the car of Rhesus, 5 must have been then very imperfect. The dense array in which the Greeks are represented as formed, in the fourth and thirteenth books of the Iliad, corresponds to that of the body of troops subsequently denominated a phalanx; and these are the first occasions on which great bodies of men are said to have been so drawn up. But, at the same time, it is evident that the ancients did not, in every matter, in which the Greeks seem in some passages to consider the compact arrangement of troops as a matter of great importance; yet the issue of the battle is almost always decided by the personal prowess of individual chieftains, who are able to put to flight whole troops of ordinary soldiers.

From a passage in the last book of the Iliad, 8 it appears that during the heroic ages, as they are called, every family in a state was obliged to furnish one man, or more, who were chosen by lot, when a chieftain intended to set out on a military expedition. While absent from home, the troops subsisted by supplies from other nations, those who were raised in that of the enemy. In the manner last mentioned, and by the plunder obtained in piratical excursions to the neighbouring coasts, the Greek army supported itself during the ten years of the Trojan war. When in war on land, the states of Greece had acquired some stability, the great lawgivers of Sparta and Athens, while forming constitutions for their several people, are said to have made regulations for the military service. To the free citizens only was it thought proper to grant the honour of bearing arms, and the wear of complete armour; and we learn from Herodotus that slaves were made to act as light-armed troops. In the action at Platea against Mardonius, the right wing of the Greek army was composed of 10,000 Light

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Xenodochiopolis, of whom half were Spartans, and each of these was accompanied by seven Helots; the remaining 5000, who were furnished by the other towns of Laconia, were each accompanied by one Helot.\(^1\) The employment of slaves in the ancient armies was, however, always considered as a dangerous measure; and it was apprehended, with reason, that they might turn against their masters, or desert in case of need. The organization of the Lacedaemonian army was more perfect than that of any other in Greece. It was based upon a graduated system of subordination, which gave to almost every individual a degree of authority, rendering the whole military force a perfect machine, and giving command to the cavalry signal given by the king ran in an instant through the whole army.\(^2\) The foundation of this system is attributed to Lycurgus, who is said to have formed the Lacedaemonian forces into six divisions (μῆδα). Each μῆδα was commanded by a στρατηγὸς, under whom were four λέχοι, eight πεντηκοσίοι, sixteen ἑξακόσιοι, \(^3\) consequently, the two τριώματα formed a πεντηκοσίον, two of those a λέχος, and four λέχοι made a μῆδα. The regular complement of the enomotia appears to have been twenty-four men besides its captain. The lochos, then, consisted ordinarily of 100, and the mora of 400 men. The front row of the enomotia appears to have consisted of three men, and the depth of the line of eight men. The number of men in each enomotia was, however, not uniformly increased. Thus, a. the battle of Mantinea, another file was added; so that the front row consisted of four men, and each enomotia consequently contained thirty-two men.\(^4\) At the battle of Leuctra, on the contrary, the usual number of files was retained, but the depth of its ranks was increased from eight to twelve men, so that each enomotia contained thirty-six men.\(^5\) In the time of Xenophon, the mora appears to have consisted usually of 600 men.\(^6\) The numbers seem, however, to have fluctuated considerably, according to the greater or less increase in the number of the enomotia. Ephorus makes the mora to consist of 500 men, and Polibius of 900.

At the battle of Mantinea there were seven lochii, and the strength of the lochos was doubled by being made to consist of four persons instead of one enomotia.\(^7\) Upon this account Dr. Arnold remarks: \(^8\) "A question here arises why Thucydides makes no mention of the mora, which, according to Xenophon, was the largest division of the Lacedaemonian army, and consisted of four lochii; the whole Spartan army consisting of sixty lochii, was thus divided into three Richter's, or three thousand lochii. 512 men, are thus much larger than the regular mora, which contained only 400, and approach more nearly to the enlarged mora of 600 men, such as it usually was in active service in the time of Agesilaus. Was it that, among the many innovations introduced into Sparta after the triumphant close of the Peloponnesian war, the term lochii was henceforward used in the sense in which the other Greeks commonly used it, that is, as a mere military division, consisting properly of about 100 men; and that, to avoid confusion, the greater divisions, formerly called lochii, and whose number, as being connected with old traditions and political divisions, was not variable, were for the future called by the less equivocal name of mora?\(^9\)"

To each mora of heavy-armed infantry there belonged a body of cavalry bearing the same name, consisting of at least 1000 men, and commanded by a ‘ισημαχός. The cavalry is said, by Plutarch, to have been divided in the time of Lycurgus into oulami (οὐλαμα) of fifty men each,\(^10\) but this portion of the Lacedaemonian army was unimportant, and served only to cover the wings of the infantry. The three hundred knights forming the king's guard were not to be confounded with the cavalry. They were the choicest of the Spartan youths, and fought either on horseback or on foot, as occasion required.

Solon divided the Athenian people into four classes, of which the first two comprehended those persons whose estates were respectively estimated at the value of 500 and 300 of the Attic measures called medimni. These were not obliged to serve in the infantry or on board ship, except in some command; but they were bound to keep a horse for the public, and to serve in the cavalry at their own expense. The third class, whose estates were equivalent to 200 such measures, were oblige to keep a heavy-armed horse and bring their own armor, and both of them were allowed to provide themselves with complete armor, served either among the light-armed troops or in the navy. The ministers of religion, and persons who danced in the festival of Dionysus, were exempt from serving in the army; the same privilege was also accorded to those who farmed the revenues of the state. There is no doubt that, among the Athenians, the divisions of the army differed from those which, as above stated, had been appointed by the Spartan legislator; but the nature of the divisions is unknown, and it cannot only be supposed that the decision was not hint at in the Cyropæia. In that work, Xenophon, who, being an Athenian, may be supposed to have in view the military institutions of his own country, speaking of the advantages attending the subdivisions of large bodies of men, with respect to the power of re-forming those bodies when they happen to be broken, says: \(^11\) "The division of the army was, in historic times, into ten sections of 100 men, and the λόγος of twenty-four men (exclusive of their officer); and in another passage he mentions the δεκάς, or section of ten, and the πυτσιάς, or section of five men. The τέτεις seems to have been the principal element in the division of troops in the Athenian army, and to have corresponded to the Peloponnesian ἐνομοτίαι. The army was commanded by ten strategi (Vid. Strabo,) and ten taxarchs, and the cavalry by two hipparchs and ten phylarchs. These officers were chosen annually, and they appear to have appointed the subordinate officers of each τέτεις or λόγος."

The mountainous character of Attica and the Peloponnesus were opposed to the formation of numerous cavalry. Hence, when the Persian invasion of Greece, the number of horse-soldiers belonging to the Athenians was but ninety-six, each of the forty-eight nauparites (ναυπαρίται), into which the state was divided, furnishing two persons; but soon afterward the body was augmented to 1900 nauparites, or heavy-armed horsemen, and there was, besides, an equal number of ἄσπες, archers, who fought on horseback. The horses belonging to the former class were covered with bronze or other metal, and they were ornamented with bells and embroidered clothing. Before being allowed to serve, both men and horses were subject to an examination before the hipparch, to ascertain if they were strong and courageous persons who should enter without the requisite qualifications.
cations. It was also the duty of the hipparchos to train the cavalry in time of peace.1 Every free citizen of the Greek states was, according to Xenophon and Plutarch, enrolled for military service from the age of 18 or 20, to 50 or 60, as the case might be. In the democracies, the citizens were to be in constant readiness for service; in the oligarchies, the citizens were to be in constant readiness for service, whenever the oligarchs thought fit. Xenophon (Thu. 72.)—discipline, action and (Xen., and: dier use the arm of Xenophon's gymnasium, or school. The times appointed for performing the exercises, as well in the gymnasium as in the camp, were early in the morning, and in the evening before going to rest. The first employment of the young soldiers was to guard the city; and in this duty they were associated with such veterans as, on account of their age, had been discharged from playing the part of soldiers at 30 years of age. The Athenian recruit could be sent on foreign expeditions; but, among the Spartans, this was seldom done till the soldier was 30 years old. No man beyond the legal age could be compelled to serve out of his country, except in times of public danger. 2 The impecunious, the soldiers, were placed in the rear of the army during an action, and charged with the care of the baggage.3 While the Athenians were engaged in an expedition against Aegina, the Peloponnesians sent a detachment of troops towards Megara, in expectation of surprising the place; but the young and the aged men who remained to guard Athens marched, under Myronides, against the enemy, and prevented the success of the enterprise. An attention to military duties, when the troops were encamped, was strictly enforced in all the Greek armies; but a considerable difference prevailed in those of the two principal states with respect to the recreations of the soldiers. The men of Athens were allowed to witness theatrical performances, and to have in the camp companies of singers and dancers. In the Lacedaemonian army, on the contrary, all these were forbidden; the constant practice of temperance, and the observance of a rigid discipline, being prescribed to the Spartan youth, in order that they might excel in war (which among them was considered as the proper occupation of freemen); and main exercises alone were permitted. When they were encamped, the young men were encouraged to use perfumes, and to wear costly armour, though the adornment of their persons at home would have subjected them to the reproach of effeminacy. On going into action, they crowned themselves with garlands, and marched with a regulated pace, a copy of that of Castor.4 The military service was not always voluntarily embraced by the Greek people, since it was found necessary to decree punishments against such as evaded the conscriptions. These consisted in a deprivation of the privileges of citizenship, or in being branded in the hand. Deserters from the army were punished with death; and at home, when a man deserted himself from the ranks, he was made to sit three days in a public place in women's apparel. It was held to be highly disgraceful in a soldier if, after an action, he was without his buckler; probably because it is supposed that he, who ought to have maintained his post till the last moment, had made a precipitate retreat; a coward would throw away his buckler in order that he might run faster.5

In the infancy of the Greek republics, while the theatre of war was almost at the gates of the cities, the citizens carried their own sword, being, in that case, considered as members of the army.6 Both at Athens and Sparta the inriei, or horsemen, consisted of persons possessing considerable estates and vigour of body; each man furnished and maintained his own horse, and he was, besides, bound to provide at least one foot-soldier as an attendant. In the infancy of the Athenian constitution, the number of citizens who composed the tribe of the original institution had greatly declined; not only was the citizen allowed to commute his personal services for those of a horseman hired in his stead, but the purchase and maintenance of the horses, which were imposed as a tax on the wealthy, were ill executed; the men, also, when well armed, and provided with a horse, and least desirous of distinguishing themselves, were admitted into the ranks of the cavalry.

The distress occasioned by the long continuance of the Peloponnesian war having put it out of the power of the poorer citizens of Athens to serve the country at their own expense, Pericles introduced a system of civic service, in which the privations of the three classes of citizens was commuted for thirty days, and what was more reasonable, that the figures of the three classes should pay, daily, one drachma (of Aegina) for each horseman, and three oboli for a foot-soldier, whether heavy-armed, light-armed, or archer.7 At Athens, by the laws of Solon, if a man lost a limb in war, one obolus was allowed him daily for the rest of his life; if he died at the public expense, the parents and children of such an individual were also provided for by the state.8

With the acquisition of wealth, the love of fame prevailed over that of glory; and the principal states of Greece, in order to supply the places of such citizens as claimed the privilege of exemption from military service, were obliged to take in pay bodies of troops which were raised among their poorer neighbours. The Arcadians, like the modern, Swiss, were most generally retained as auxiliaries in the armies of the other Greek states. In earlier times, to engage as a mercenary in the service of the king was considered more honourable; and the natives of the Carians, who are said to have been the first to do so, became on that account a term of reproach. The strength of a Grecian army consisted chiefly in its foot-soldiers; and of these there were at first but two classes: the sarkai, who wore heavy arms and a stouter shield, than the light-armed, and carried swords and long spears; and the zeloi, who were light-armed, having frequently only helmets and small bucklers, with neither cuirasses nor greaves, and who were employed chiefly as skirmishers in discharging arrows, darts, or stones. An intermediate class of troops, however, was employed by Iphicrates; after the Peloponnesian war, they were armed nearly in the same manner as the sarkai, but their cuirasses were of linen instead of bronze or iron; their spears were short, and they carried small round bucklers (sarkai). These troops, uniting in some measure the stability of the phalanx with the lightness and rapidity of the line, found to be highly efficient; and from the time of their adoption, they were extensively employed in the Greek armies. A band of club-men is mentioned by Xenophon among the Theban troops at the battle of Leuctra.

Scarlet or crimson appears to have been the general colour of the Greek uniform, at least in the

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1. (Thucyd., iii. 17.—2. (Xen., Anab., viii. 6, 41.)—3 (Thucyd., v. 72.—4. (Plutarch, Lycurg.)

2. (Thucyd., iii. 17.—2. (Xen., Anab., viii. 6, 41.)—3 (Thucyd., v. 47.—4. (Xen., Helian., iv. 5, 10-15.)
days of Xenophon; for he observed that the army of Agesilaus appeared all bronze and scarlet (σιδερωτάτων, ἱππατα καὶ φόντα φαίνεται).

The oldest existing works which treat expressly of the constitution and tactics of the Grecian armies are the treatises of Xenophon and Arrian, which were written in the time of Hadrian, when the art of war had changed its character, and when many details relating to the ancient military organizations were forgotten. Yet the systems of these tacticians, speaking generally, appear to belong to the age of Philip or Alexander; and, consequently, they may be considered as having succeeded those which have been indicated above.

Xenophon makes the lowest subdivision of the army to consist of the ιξός, δορικός, or ἕβορικός, which he says were then supposed to have been respectively files of 16, 12, or 8 men; and he recommends the latter. The numbers in the superior divisions proceeded in a geometrical progression by doubles, and the principal bodies were formed and denominated as follow: Four ὄρχος constituted a τεταρτάς (the τετράτας, if the army consisted of 16 men). The latter doubled, was called a σεντετάς or ἕβεττας (=256 men), to which division it appears that five supernumeraries were attached; these were the crier, the ensign, the trumpeter, a servant, and an officer, called ἑποφγωνός, who brought up the rear. Four of the last-mentioned divisions formed a στρατός, and 16 of these 64 were united into a τίλας, and quadrupled, formed the body which was denominated a φάλαξ. This corps would therefore appear to have consisted of 4096 men; but, in fact, divisions of very different strengths were at different times designated by that name. Xenophon, in the Cyropedia, applies the term phalanx to the army of Cyrus, and in the Books of Crassus, and in the Anabasis to the bodies of Grecian troops in the battle of Cunaxa, as well as upon many other occasions. It is evident, therefore, that before the time of Philip of Macedon, phalanx was a general expression for any large body of troops in the Grecian armies. That prince, however, united under this name 6000 of his most efficient heavy-armed men, whom he called his companions; he subjected them to judicious regulations, and improved their arms and discipline; and from that time the name of his country was constantly applied to bodies of troops which were similarly organized.

The numerical strength of the phalanx was probably the greatest in the days of Philip and Alexander; and, if the tactics of Xenophon may be considered applicable to the age of those monarchs, it would appear that the corps, when complete, consisted of about 10,000 heavy-armed men. It was divided into four parts, each consisting of 4000 men, who were drawn up in files generally 16 men deep. The whole front, properly speaking, consisted of two grand divisions; but each of these was divided into two sections, and the two middle sections of the whole constituted the centre, or ἡμιφάλαι. The others were designated κεφαλή, or ἔφεξ, and in these the best troops seem to have been placed. The evolutions were performed upon the enemy, or single file, whether it were required to extend or to deepen the line; and there was an interval between every two sections for the convenience of maneuvering.

The smallest division of the phalanx, or light troops, according to the treatise of Xenophon, was the λόγος, which in this class consisted of eight men only; and four of these are said to have formed a στρατός. The sections afterward increased by doubling the numbers in the preceding divisions up to the τεταρτάς, which consisted of 8192 men; and this was the whole number of the ψηφιοὶ who were attached to a phalanx of heavy-armed troops.

The Greek cavalry, according to Xenophon, was divided into bodies, of which the smallest was called ὅνος: it is said to have consisted of 64 men, though the term was used in earlier times; for a party of horse of any number. A troop called κατιγαρία contained two or three horses, and the καταχράσια (from Terentum in Italy) was double the former. Each of the succeeding divisions was double that which proceeded it; and one, consisting of 2048 men, was called τελωνία; finally, the τυχαγάρα was equal to two τένων, and contained 4096 men. The troops of the division or class, called by Xenophon Tarentines, are supposed to have been similar to those which also bore the names of ψαλάχια and ὑπαπαται, and which corresponded to the present dragoons, since they engaged either on horseback or on foot, being attended by persons who took care of the horses when the riders fought dismounted. Their armour was heavier than that of the common horsemen, but lighter than that of the ἐριγαμία; and their first essential point of difference is ascribed to Alexander. It does not appear that war-chariots were used in Greece after the heroic ages; indeed, the mountainous nature of the country must have been unfavourable for their evolutions. In the East, however, the armies frequently coming to action in vast plains, not only did the host of horsemen exceed the host of footmen, but they continued to be employed till the conquest of Syria and Egypt by the Romans. Numerous chariots formed the front of the Persian line when Alexander overthrew the empire of Darius. Divisions of chariots were placed at intervals before the army of Molon, when he attacked Antiochus. Justin relates that there were 600 in the army which Mithradates (Emperor) drew up against that of Ariarathes. In the engagements with Darius and Porus, the troops of Alexander were opposed to elephants; and subsequently to the reign of that prince, these animals were generally employed in the Greek armies in Asia. They were arranged in line in front of the troops, and carried on their backs wooden turrets, in which were placed from 10 to 30 men, for the purpose of annoying the enemy with darts and arrows. They were also trained to act against each other: rushing together, they intertwined their trunks, and the strongest one overpowered the other, flung him with his tusks; the men, in the meantime, fighting with their spears. Thus, at the battle of Raphia, between Antiochus and Polymy, one wing of the Egyptian army was defeated in consequence of the African elephants being inferior in strength to those of India. Elephants were also employed in the wars of the Greeks, Romans, and Carthaginians with each other.

The four chief officers of a phalanx were disposed in the following manner: The first with respect to merit was placed at the extremity of the right wing; the second, at the extremity of the left; the third was placed on the right of the left wing, and the fourth on the left of the right wing; and a like order was observed in placing the officers of the several subdivisions of the phalanx. The reason given by Xenophon for this fanciful arrangement is, that thus the whole front of the line will be equally well commanded; since, as he observes, in every (artificial) phalanx, the term ἐριγαμία is equal to that of the mean terms: whatever may be the value of this reason, it must have been a difficult task to determine the relative merit of the officers with the precision necessary for assigning them their proper places in the series. Experienced soldiers were also placed in the rear of the

1. (Xen., Anab., 4, 2; 10 -- 2. (Polyb. v. 5.) 3 (xenoph. 1).--4. (Polyb. 5.)
phalanx; and Xenophon, in the Cyropædia, compares a body of troops thus officered to a house having a good foundation and roof.

Each soldier in the phalanx was allowed, when in open order, a space equal to four cubits (5½ or 6 feet) each way; when a space was to be made, the space was reduced to two cubits each way, and this order was called πακώνως. On some occasions only one cubit was allowed, and then the order was called ἐναισσατικοῦ, because the bucklers touched each other.

When receiving or giving an attack, when each man occupied about three feet in depth, and the Macedonian spear, or ψαρίσσα, which was 18 or 20 feet long, was held in a horizontal position, the point of that which was in the hands of a front-rank man might project about 14 feet from the line; the extent of that which was in the hands of a sex or rear-rank man might project about 11 feet, and so on. Therefore, of the sixteen ranks, which was the ordinary depth of the phalanx, those in rear of the fifth could not evidently contribute by their pikes to the annoyance of the enemy: they consequently kept their pikes in an inclined position, rear-rank men, that of the third rank in their front; and thus they were enabled to arrest the enemy's missiles, which, after flying over the front ranks, might otherwise fall on those in the rear. The ranks beyond the fifth pressing with all their force against the men who were in their front, while they prevented them from falling back, increased the effect of the charge, or the resistance opposed to that of the enemy, and from a disposition similar to that which is here supposed in the Spartan troops at the battle of Plataea, the Persian infantry, ill armed, and unskilled in close action, are said to have perished in vast numbers in the vain attempt to penetrate the dense masses of the Greeks.

In action, it was one duty of the officers to prevent the whole body of the men from inclining towards the right hand; to this there was always a great tendency, theキャン on the right being the chief resort of action, some particular word or sentence, συνδυάσε, was given out by the commanders to the soldiers, who were enabled, on demanding it, to distinguish each other from the enemy.

The Greek tactics appear to have been simple, and the evolutions of the troops such as could be easily executed: the general figure of the phalanx was an oblong rectangle, and this could, when required, be thrown into the form of a solid or hollow square, a rhombus or lozenge, a triangle, or a portion of a circle. On a march it was capable of contracting its front, according to the breadth of the road on which it was placed, or, when necessary, it could be extended. If the phalanx was drawn up so that its front exceeded its depth, it had the name of παλαιώνθεν; on the other hand, when it advanced in column, or on a front narrower than its depth, it was called περαγός. Usually, the opposing armies were drawn up in two parallel lines; but there was also an oblique order of battle in the Phocian manner, and the other being kept retired; and this disposition was used when it was desired to indicate the enemy to break his line. It is supposed to have been frequently adopted by the Thebans; and, at the battle of Delium, the Boeotians thus defeated the army of the Graecians, as Alexander, following, it is said, the practice of Ephesians.


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did not attack at once the whole army of the enemy, but threw himself with condensed forces against the centre only of the Persian line.

Occasionally, the phalanx was formed in two divisions, each facing outward, for the purpose of engaging at a distance: the footmen were thus at the front and rear, or on both flanks; these orders were called respectively ἀμφίτοοος and ἀναστικοῦ. When the phalanx was in danger of being surrounded, it could be formed in four divisions, which faced in opposite directions. At the battle of Arbela, the two divisions of Alexander's army formed a phalanx with two fronts, and here the attack was directed against the right wing only of the Persians.

The manoeuvres necessary for changing the front of the phalanx were generally performed by counter-marching the files, because it was of importance that the officers or file leaders should be in the line. When a phalanx was to be formed into two parallel lines, the leaders commonly placed themselves on the exterior front of each line, with the ψαρίσσα, or rear-rank men, who were almost always veteran soldiers, in the interior; the contrary disposition, however, sometimes adopted.

The phalanx, in order to make the form of a lozenge, or wedge, when it was intended to pierce the line of an enemy. At the battle of Leuctra, the Lacedæmonians, attempting to extend their line to the right in order to outflank the Thebans, Ephesians, or, rather, Peloponnesians, attacked them while they were about to form a phalanx—and in this instance, the Boeotian troops were drawn up in the form of a hollow wedge, which was made by two divisions of a double phalanx being joined together at one end.

It is a matter of importance to note that, from the disposition of the troops in the Greek armies, the success of an action depended in general on a single effort, since there was no second line of troops to support the first in the event of any disaster. The dense order of the phalanx was only proper for a combat on a perfectly level plain; and even then the victory depended rather on the prowess of the soldier than on the skill of the commander, who was commonly distinguished from the men only by fighting at their head. But, when the field of battle was commanded by heights, and intersected by streams or defiles, and the army was compelled to engage, the footmen, by its simple orders of action, a certain line of action, a certain line of action, was even the least possible to be made in the front, the soldiers were more frequently employed in the rear, or in the intervals between the divisions.

An engagement sometimes consisted merely in the charges which the opposing cavalry made on each other, as in the battle between the Lacedæmonians and Olynthians.

The simple battering-ram for demolishing the walls of fortresses is supposed to have been an invention of the earliest times: we learn from Thucydides' that it was employed by the Peloponnesians at the siege of Plataea; and, according to Vitruvius, the ram, covered with a roof of hides or wood for the protection of the men, was invented by Cetras of Chalcis, who lived before the age of Philip and Alexander. (Vid. Aug.) But we have little knowledge of what may be called the field-artillery of the Greeks at any period of their history. Didorus Siculus mentions the καταπηδής, or machine for throwing arrows, invented or improved at Syracuse in the time of Dionysius; but whether it was used in the attack of the Greeks against troops in the field, does not appear; and it is not till about a century after the death of Alexander that we have any distinct intimation of such

The armies of the Roman Republic were composed of legions, which were the primary military units. According to Polybius, there were ten legions in the case of the army that was sent against the Gauls in the Second Punic War. Each legion was composed of four maniples, or units of 600 men each. The legions were organized in a phalanx-like formation, with the maniples placed in three lines, the front line being the closest to the enemy. The front line consisted of the third and second maniples, while the rear line was composed of the first and fourth maniples. TheManiples were commanded by tribunes, who were responsible for the discharge of their men and the organization of the battle formation.

Polybius states that the legions were led by consuls and praetors, who were elected by the Senate. The consuls were the chief magistrates of the Republic, and were responsible for the指挥 of the army. The praetors were assistants to the consuls, and were responsible for the administration of justice and the collection of taxes.

The legions were organized into three lines, with the first and second lines being composed of the third and fourth maniples, respectively. The third and second lines were composed of the first and fourth maniples, respectively. Each maniple was composed of 600 men, and was commanded by a tribune. The tribunes were responsible for the discharge of their men and the organization of the battle formation.

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The number of legions in the service of Rome went on increasing with the extent of its territory; and, after the Punic wars, when the state had acquired wealth by its conquests in the East, the military force became very considerable. Notwithstanding the loss sustained at the battle of Cannus, we find that, immediately afterward, the Romans raised in the city four legions of infantry, with 1000 horsemen, besides arming 8000 slaves; the cities of Latium sent an equal force; and, supposing 10,000 men to have escaped from Cannae, the whole number of the soldiers of the legions of the year before the battle, the Republic had on foot 18 legions; and in the fourth year, 23 legions. 1 In the interview of Octavius with Antony and Lepidus, it was agreed that the former should prosecute the war against Brutus and Cassius, each at the head of 20 legions, and that the other should be left with these forces to guard the city. 2 Philippi, Antony and Cassius had, in all, 19 legions, which are said to have been complete in number, and increased by supernumerary troops; and, therefore, their force must have amounted to at least 100,000 infantry. On the other hand, Brutus and Cassius had also an army of 19 legions to oppose them, with 20,000 cavalry from the eastern provinces. According to Appian, Octavius, after the death of Lepidus, found himself master of all the western provinces, and at the head of 45 legions, together with 25,000 horse and 37,000 light-armed troops; and there were, moreover, the legions serving under Antony. 3 Under Tiberius there were 25 legions even in time of peace, besides the troops in Italy. 4 Besides being designated by numbers, the legions bore particular names. In a letter from Galba to Cicero, 5 mention is made of the Marti legion as being one of the veteran bodies engaged in an action between Antony and Pansa in the north of Italy. 6 And while Caesar was carrying on the war in Gaul, he gave the freedom of the city to a number of the natives of that country, whom he disciplined in the Roman manner, and imbodied in a legion which he designated ala; because the men wore on their helmets a crest of feathers, like those on the heads of certain birds. 7 The legions were also distinguished by the name of the place where they were stationed or whither they had been sent, as Italica, Britannica, Parthica, or by that of the emperor who raised them.

Tacitus, in the Annals and elsewhere, makes mention of bodies of troops called vexillarii; and, as no precise account is given of them, the place where they held in the Roman armies can only be known by conjecture. It appears, however, most probable that they formed part of the cohortes of the Agricola of Tacitus, 8 that the vexillarii were those veterans who, after the time of Augustus, were released from their military oath, but were retained, till their complete discharge, under a flag (vexillum) by themselves, free from all military duties, to render their assistance in the more severe battles, gaged to the emperor, and to keep in exact execution provisions that had been repeatedly renewed. 9 There were a certain number of vexillarii attached to each legion; and, from a passage in Tacitus, 10 it would appear that they amounted to 500. They were sometimes detached from the legion, and sometimes those belonging to several legions seem to have been united in one body (fratres vexillariorum milites). 11 The subignation military of Tacitus may be looked upon as the same with the vexillarii. 12 In Livy the triarii are said to be sub signis, 13 where we perceive a close analogy between the old triarius and the vexillarii or subignarii of the age of Tacitus, although we must not suppose that the vexillarii were the same as the triarii.

After the selection of the men who were to compose the legion, the military oath was administered: on this occasion, one person was appointed to pronounce the words of the oath, and the rest of the soldiers were to say that they were ready to serve under the same commander. 14 Under the emperors, fidelity to the sovereign was required of the legions, and in the establishment of Christianity, the engagement was made in the name of the Trinity and the majesty of the emperor. 15 Livy says 16 that this military oath was first legally exacted in the time of the second Punic war, B.C. 216, and that, previously to that time, each decuria of cavalry and centuria of foot had only been accustomed to swear, voluntarily among themselves, that they would act like good soldiers.

The whole infantry of the legion was drawn up in three lines, each consisting of a separate class of troops. In the first were the hastati, so called from the hasta, or long spear which each man carried, but which was afterward disused; these were the youngest of the soldiers. The second line was formed of the principes, or grown men of mature age, and from their name it would appear that they were placed in the front line. 17 In the third line were the triarii, so called from their position; and these were veteran soldiers, each of whom carried two pilum, or strong javelins, whence they were sometimes called pilaeae, and the hastati and principes, who stood before them, antepilae.

When vacancies occurred on service, the men who had long been in the ranks of the first, or inferior of these three classes, were advanced to those of the second; and again, after a time, they were received among the triarii, or veteran troops. According to Appian, 18 in a battle in which the hastati was 1300; that of the principes was the same; but the triarius amounted to 600 only: if the strength of the legion exceeded 4000 men, that of the several bodies was increased proportionally, the number of the last class alone remaining the same.

The usual depth of each of the three bodies, or lines of troops in a legion, was ten men; an interval of an elliptical figure of horse was left between every two of these divisions in the first and second lines, and rather greater intervals between those in the third line. Every infantry soldier of the legion was allowed, besides the ground on which he stood, a space equal to three feet, both in length of front and in the depth of the files, because we perceive a close analogy between the old triarius and the hastati. He might have room for shifting the position of his buckler according to the action of his opponent, for throwing his javelin, or for using his sword with advantage. 19 The divisions of the second line were in general placed opposite the intervals of the first, and, in like manner, the divisions of the third were opposite the intervals in the second. At the battle

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n Zama, however, the divisions of troops in the several lines were exactly opposite each other; but this was a deviation from the usual disposition, in order that the elephants of the Carthaginians might pass quite through to the rear. In an action, if the hastati were overpowered, they retired slowly tow-ard the principes; and, falling into the interval before mentioned, the two classes in succession continued the combat. In the mean time, the triarii, keeping one knee on the ground, covered themselves with the bucklers from the darts of the enemy; and, in the event of the first and second lines falling back, they united with them in making a powerful effort to obtain the victory.

The light-armed troops, bearing the name of velites and ferociarii or voravarii, did not form a part of the legion, but fought in scattered parties, wherever they were required. They carried a strong circular buckler three feet in diameter; the staff of their javelin was two cubits long, and about the thickness of a finger; and the iron was formed with a fine point, in order that it might be bent on the f. It discharged, and, consequently, rendered useless to the enemy.

The cavalry of the legion was divided into ten turmae, each containing 30 men, and each turma into three decuriae, or bodies of 10 men. Each horseman was allowed a space equal to five feet in length in the direction of the line. Each turma had three decuriones, or commanders of ten; but he who was first elected commanded the turma, and was prob-ably called turmarius.

In the time of the Republic, the six tribunes who were placed over a legion commanded by turns. (Vid. Tribuni Militum.) To every 100 men were appointed two centurions, the first of whom was properly so called; and the other, called signifer, uragal, or subcenturio, acted as a lieutenant, being chosen for the purpose of doing the duty in the event of the death or absence of the former. The signifer appears to have been originally chosen by the tribune, but afterward by the centurion. (Vid. Centurio.) The centurio also chose the standard-bearer, or ensign of his century (signifer or vexillarius). Each century was also divided into bodies of ten, each of which was commanded by a decurio or decanus. The first century of the triarius was called the primipila, the centurion of which had commanded the whole legion under the tribunes. The light-armed troops were also formed into bands or centuries, each of which was commanded by a centurio.

To Marius or Cesar is ascribed the practice of drawing up the Roman army in lines by cohorts, which gradually led to the abandonment of the ancient division of the legion into manipuli (Vid. Manipuli), and of the distinctions of hastati, principes, and triarii. Each legion was then divided into ten cohorts, each cohort into three maniples, and each maniple into two centuries, so that there were thirty maniples and sixty centuries in a legion. (Cohors or chora, the Greek χώρα, originally signified an enclosure to shelter the poultry, and was afterward used to designate the number of men which could stand within such an enclosure.) From a passage in Livy, *it appears that very anciently the allies or auxiliaries of Rome were arranged by co- horts: a disposition which is again referred to in the 23d and 28th books of his history, and in other places, whence it may be concluded that among those troops ait was ordinarily adopted. But, in the Commentaries of Cesar, the divisions of all the legions, whether Roman or allied, are alike designa- ted cohorts, and the term is also applied to the body of men (prætoria cohors) which was particularly ap- pointed to attend on the person of the manditor-prætor, which had objected to march against Ariovistus, that if the other troops should refuse to follow him, he would advance with the tenth legion alone, and would make that legion his prætorian cohort.

It has been supposed that Marius, who in order to recruit the forces of the Republic, was compelled to admit men of all classes indiscriminately into the ranks, did not intend to divide the three lines of troops in which the Roman armies had been previously drawn up for action; but, if such were the fact, the regulation could not have long remained in force, since Cesar usually, as in the battle with the Helvetians, formed his army in three lines: and at Pharsalia he appears to have had a reserve, which constituted a fourth, or additional line. It may be added that the name of only at last served these three classes of legionary troops continued to be applied till near the end of the Republic; for, in the first book of the Civil War, Cesar, mentioning the loss of Q. Fulginus in an action against Afranius, designates him the first centurion of the hastati in the 14th legion.

The allied troops were raised and officered nearly in the same manner as those of the Roman legion, but probably there was not among them a division of the heavy-army infantry into three classes. They were commanded by prefects (see page 102), who received their orders from the Roman consuls or tribunes. The troops sent by foreign states were the service of Rome were designated auxiliaries; and they usually, but not invariably, received their pay and clothing from the Republic.

According to Livy, the Roman soldiers at first received no pay (stipendium) from the state. It was first granted to the foot A. U. C. 347, in the war with the Volsci, and, three years afterward, to the horse, during the siege of Veii. Niebuhr, however, brings forward sufficient reasons for believing that the troops received pay at a much earlier period, and that the servarii (vid. Basi) had always been obliged to have pay also for the single women and minors who did to the knights; and he supposes that the change alluded to by Livy con- sisted in this, that every soldier now became entitled to pay, whereas previously the number of pensions had been limited by that of the persons liable to be charged with them. Polibius states the daily pay of a legionary soldier to have been two obols, which were equal to 93 asses, and in thirty days would amount to 100 asses. A knight's yearly pay amounted to 2000 asses; and, since the Romab year originally consisted of only ten months, his monthly pay amounted to 200 asses, which was double the pay of a foot-soldier. Polibius informs us that a knight's pay was three times as much as that of a foot-soldier; but this was not introduced until A. U. C. 354, and, if true, as Niebuhr has remarked, as a compensation for the service performed with their own horses, which were originally sup- plied by the state. (Compare Æs Hordarium. A centurion received double the pay of a legio- nary.) The pay of the soldiers was doubled by Julius Cesar. In the time of Augustus, the pay of a legio- nary was 10 asses a day, which was increased still more by Domitian (addidit quinaria stipendium)

This peculiar was the general, and, Sict, Dom., and, armed there supplies. whether make that discipline, of and Ibrm pilus, drawn Cannae,clusively Bcrib'". them. there were equally but only the Roman army given under the article ADMESS.

No one order of battle appears to have been ex-clusively adhered to by the Romans during the time of the Republic, though, in general, their armies were drawn up in three extended lines of heavy-armed troops (triplex acies); the cavalry being on order to draw the line to straighten them, formed there a sort of phalanx, whose edge succeeded so well that the enemy's line was broken; but, pressing forward too far, the wings of the latter closed upon the disordered troops, and nearly surrounded them. In the engagement with Labienus, the army of Caesar, being attacked both in front and rear, was divided into two lines, which were engaged opposite directions; and, in the action with the Par-thians, Crassus drew up the Roman army in one square body, having twelve cohorts on each of the four sides, with a division of cavalry between every two cohorts in each face.

The word of command was at first given aloud at the head of the army; but Eumlius Paulus changed this custom, and caused the tribune of the nearest legion to give it in a low voice to his primi-pilus, who transmitted it to the next centurion, and so on. It appears also that, anciently, the men on guard were at their posts during the whole day, and that, in consequence, they sometimes fell asleep leaving on their shields. Eumlius Paulus, in order to give the soldiers more time of their sleeping, appointed that they should be relieved every six hours, and that they should go on guard without their shields. (Vid. Castra.)

The legion, during the continuance of the ancient discipline, was found to be more than equal to the phalanx of the Greeks for general service, and Po-llybius has sufficiently accounted for the fact. This writer observes that, while the phalanx retained its form and power of action, no force was able to make any impression upon it, or support the violence of its attack; but he adds that the phalanx required that the field of battle should be a nearly level plain; even then the enemy might avoid it; and, by manoeuvring on its flanks and rear, might cut off its line of retreat to the number, and the charge of the eagle and the standard of the emperor. Its strength was 1105 foot-soldiers, and 132 cuirassiers on horseback, and its post was on the right of the first line. The remaining legions contained 555 infantry and 66 cavalry, and the five cohorts of the second line contained each the same number of infantry and cavalry. Thus the whole legion was composed of 6100 foot-soldiers and 726 horse-men, not including either the triarii or the light troops.

After the establishment of the imperial authority, the sovereign appointed some person of consular dignity to command each legion in the provinces; and this officer, as the emperor's lieutenant, had

1. (Liv. xlv. 41.)—2. (Polyb. xii. ex 3.)—3. (Liv. Bks. lvf.)—4. (vi. 16.)—5. (Veget., ii. 6, 15.)—6. (viii. 8.)
the title of prefectus, or legatus legionis.1 The first appointment of this kind appears to have taken place in the reign of Augustus, and Tacitus mentions the existence of the office in the reign of Tiberius. The authority of the legatus was superior to that of the tribunes, who before were responsible only to the consul. In speaking of the officers of a legion, Vegetius2 mentions two tribunes (probably meaning two classes of tribunes), of which the first, called tribunus major, received his commission from the censor; the other, called tribunus minor, rose to that rank by merit or length of service. Subordinate to the tribunes were, in each cohort, the several centurions, who bore the general name of ordinarii.3 To these hundred men there were probably, at one time, only the centurio, whose post was in front of the division, and the optio, who remained in the rear, but it appears that Augustus and Vespasian increased the number of officers of this class; for Vegetius observes that those whom these two emperors added to the ordinarii were called Augus-
tales and Flaviales.4 The decurions or decani were, as formerly, the leaders of files. According to Dio Cassius, seven cohorts of troops were instituted by Augustus for the defence of the city, and those bore the name of sigiles. It appears, however, that in the time of Tiberius they ceased to be considered as soldiers; for that writer takes no notice of them when, in enumerating the guards of Rome, he mentions three uran and nine praeptorini cohors.5 In a fragment of Arrian (the author of the work on the tactics of the Greeks) we have a brief notice of the constitution of a Roman army during the reign of Hadrian, and the description will probably serve for any age between that time and the dissolution of the Empire. It was so regulated that, when drawn up in order of battle, the legions should be in one line in the centre, and no division is made of any division of the troops into hastati, princples, and triarii. The first four ranks were armed with the pilum, and the others with slender pikes or javelins. The men in the front rank were to present their pila at the level of the enemy's horses' breasts, and those in the second, third, and fourth ranks were to stand ready to throw theirs. A ninth rank was appointed for the purpose of driving away the catapultari for projecting darts and arrows, and balistae for throwing stones, over the heads of the men in front. The cavalry were directed to be in the rear of the legions, probably in the event of being obliged to quit their stations on the wings. On the enemy making a charge, the second and third ranks were to close up to the first, and all these were to present their pila; the men in the fourth rank were to throw their weapons directly forward, and those in the rear were to discharge theirs over the heads of the others. The march of the army was made in one column. First came the Roman artillery, in two ranks; these were followed by archers on horseback and by the allied cavalry; then came the Armenian archers on foot, and half of the allied infan-
ty. A third rank consisted of the cavalry of Achaia. The elites of the Roman cavalry marched at the head of the central division; after them came the ordinarv cavalry, then the cataphractae and the light troops attached to the legions, followed by the legions themselves, in cohorts four men deep. At the head of the legion marched the praefect, his legate, the tribunes, and the centurions of the first cohort. The rear division consisted of the other half of the allied infantry and the baggage; and the whole was closed by the cavalry of the Gete.

After the settlement of the Empire, Augustus united with the troops which, under the name of the praetorian cohort, had attended him as his guard two legions of infantry which had been raised in Italy, and placed the whole in garrison in the chief towns of that country, but never allowed more than three cohorts to be in one city.1 Tiberius afterward assembled to this body of Praetorians in one at Rome,2 but outside the walls of the city; and there, during 300 years, they were at times the guards and the masters of the sovereign. In the time of Tiberius there were nine praeptorini co-
horts,3 but their number was increased to sixteen under Vitellius, four of whom guarded the city.4 When Severus had got possession of the Empire, he was subsequently to this body of Praetorians by these praetorians the Emperor the latter, and banished them from Rome; but such an institution was to be convenient to be neglected by the despotic monarch of a vast empire, and he immediately drew from the legions of the frontiers the men most remarkable for their strength and courage.5 With these he assembled an army of 25,000 men, to whom he gave pay and privileges superior to those of the other troops; and their commander, the praetorian pre-
fect, was made both the head of all the military force and the chief minister of the Empire. By the arrangements of Diocletian, a praetorian prefect was appointed, with both a military and a civil jur-
isdiction, in each of the four great provinces, Italy, Gaul, Illyria, and the East, into which the Empire was then divided; but a large body of guards, under the name of the praetorian guard of Rome, was continued to form the garrison of the city. Engaged in the cause of Maxentius, these troops, almost alone, withstood for a time the shock of Constantine's Gallic army, and most of them are said to have covered with their dead bodies the ground which they occupied when in line; but, after the death of the former, the forti
camp of the praetorians was destroyed and the garrison of Rome was disbanded.

The command of all the armies of the Empire was then committed by Constantine to two officers, who had the title of magistri militum; one of these was placed over the cavalry, and the other over the infantry, yet both commanded indifferently the troops of both classes in any one army.6 On the death of Constantine the Empire their number was doubled, and in the reign of Constantius it was increased to eight. According to Vegetius,7 the magister militi
tum was a man of distinguished birth; but this writer observes that the troops were actually com-
manded by the praefectus legionis, who held an in-
termediate rank between the magister militum and the tribunes, who were placed over the cohorts.

The hope of preventing those acts of insubordi-
nation which had occurred among the lega
tional troops, appears to have induced Constantine, or his immediate successors, to diminish the strength of these bodies; and, from a computation founded on the number of the troops which garrisoned Amide when it was besieged by Sapor, it appears that a Roman legion could not then have consisted of more than 1,500 men. Of these comparatively small bodies there were about 122 in the whole Empire; they were, however, not only without the discipline which characterized the Roman line of battle in former times, but the progress of luxury had so far enervated the class of free citizens that a sufficient number could not be found to fill the ranks of the army. Slaves were admitted into every corps except the superior class of cavalry; and the boldest of the Franks and Goths were al-


1. Of Augustus. 2. Of Marcellus. 3. Of Constantine.
ARQUEATUS

ned, for the sake of their services, to attain the highest military posts. In this age appear the first indications of the feudal tenures; for the lands bestowed on the veterans, as the reward of valour, were granted on condition that the sons of those who would, like their fathers, serve the state in the wars. 1

The reputation of the Roman arms was upheld for a time in the West by the troops under Aetius, and in the East by the martial virtues of Belisarius; and the last notice we have of an engagement sustained in the spirit of the ancient battles, is that given in an agreement which was arrived at between the two parties in the war, 2 when, describing an action on the Exophrates between the troops of that nation and those of Justinian, he says the latter presented a front which opposed to the assaults of the enemy's cavalry an impenetrable line of pikes, while the bucklers of the men protected them from the flights of arrows with which they would have otherwise overthrown and destroyed. Aetius, a Roman army began to assimilate to that of an Asiatic people; its strength consisting in its cavalry, which was armed with cuirass, helmet, and greaves, and which had acquired dexterity in the use of the javelin and bow; while the infantry, formed of men taken from the lowest rank in society, ill-armed and disciplined, served only as a support to the horsemen, or attackers on the horsemen, and in action only engaged with an infantry like themselves.

"ARNABO (άρναβο), a medicinal substance noticed by Asinus 3 and Paulus Egineta. 4 It would appear that it is not noticed by the other medical authors, whether Greek, Roman, or Arabis, unless we except the only work of Pliny, major and et condensata. Adams states, with reason to doubt that these are the two species noticed by Dioscorides. Since, although Sprengel hesitatingly refers them to the P. Asiatica and maritima; and Sibthorp marks the άρναβον μυκράν as being the P. lagoopus. Stackhouse reasons the ά. of Theophrastus as being the ά. of Dioscorides. ARON (άρτον) a plant about which great uncertainty prevails. Woodville holds it to be the Arum maculatum, L., or the Wake-robot; but Alston says "the Wake-robot is not the άρον, but the άρι- 

ARHEPHORIA (άρχηφορία), a festival which, according to the various ways in which the name is written (for we find πρωρία and ιρηφορία), is attributed to different deities. The first form is derived from ιφρη, and thus would indicate a festival at which mysterious things were carried out. The other name would point to Erse or Herse, who was believed to be a daughter of Cecrops, and whose worship was intimately connected with that of Athena. But since no written account of the latter, which have sufficient ground for believing that the festival was solemnized, in some good humour, in honour of Athena. 8 It was held at Athens, in the month of


2. (Archeatus, cupro, regus morbus) derives its name from the yellow tint diffused over the body, imitating in a manner the colours of the rainbow. 1 It is sometimes spelled arevus, but less correctly, as (according to Nonius) areus signifies any arrow, but aerus only the Iris, or rainbow, as Lucretius, "he of no color in nigritis existit nubilus argi."

"ARRA, ARRABO, or ARRA, ARRHHABO, is defined by Gaus 4 to be the "proof of a contract of buying and selling;" but it also has a more general signification. That thing was called arfa which the contracting parties gave to one another, whether a silver coin or money itself, in order to be witness of the evidence of the contract being made; it was no essential part of the contract of buying and selling, but only evidence of agreement as to price. 5 If the arfa was given as evidence of a contract absolutely made, it was called arfa pacto perfecto data; if it was given as evidence of a contract to be made at a future time, it was called arfa pacto imperfecto data.

In the latter case, the party who refused to complete the contract lost the arfa which he had given; and when he had received an arfa, but given none, he was obliged to restore double the amount of the arfa. Yet the bare restitution of the arfa was sufficient, if both parties consented to put an end to the contract, or if performance of the contract was impossible on either side. In the former case, the contract was not completely performed, the arfa was restored, and the party who was in fault lost the arfa which he had given. But when the contract was completely performed, in all cases where the arfa was money, it was restored, or taken as part of the price, unless special customs determined otherwise, it was called arfa imperatae data.

The recovery of the arfa was in all cases by a personal action.

The arfa in some respects resembles the deposit of money which a purchaser of land in England generally pays, according to the conditions of sale, on opening the contract.

The term arfa, in its general sense of an evidence of agreement, was also used on other occasions, as in the case of betrothment ( sponsellies, 9. (Vul. Marriage). Some time the word arfa is used as synonymous with pignus, but this is not the legal meaning of the term. 10. (Arrhephoria)
Skitophorion. Four girls, of between seven and eleven years, were selected every year from the mistresses and mistresses families, two of whom were to intend the weaving of the sacred robe—the Athenians, which was begun on the last day of Pyanepos; the other two had to carry the mysterious and sacred vessels of the goddess. These latter remained a whole year on the Acropolis, either in the Parthenon or some adjoining building; and, when the festival commenced, the priestess of the goddess placed vessels upon their heads, the contents of which, 118, 117, 24—Afterward, with these they descended to a natural grove within the district of Aphrodis, in the gardens. Here they deposited the sacred vessels, and carried back something else, which was covered, and likewise unknown to them. After this the girls were dismissed, and others were chosen to supply their place in the Acropolis. The girls wore white robes adorned with gold, which were left for the goddess; and in all circumstances of kind cakes were baked for them. To cover the expenses of the festival, a peculiar lighting was established, called ἀπόφησις. All other details concerning this festival are unknown.

ARROGATIO. (Vid. Aburito.)

ARSENICON (ἀρσενίκον) does not mean which is a common name, but the σεμιχτος
phare of arsenic, or orpiment. Celsus clearly indicates what it was when he says "Arsipagium, quod ἀρσενίκον a Gravis nominatur." In a word, it is yellow orpiment, and this latter name itself is merely a corruption from arsipagium, or "paint of gold." "It was called," observes Dr. Moore, "Arsipagium, perhaps, not merely from its golden colour and the use to which it was applied, but because the ancients thought it really contained that metal. Pliny mentions, among other modes of obtaining gold, that of making it from orpiment; and says that Caligula ordered a great quantity of that substance to be reduced, and obtained excellent gold, but in such small proportion as to lose by an experiment which was not afterward repeated. Although no great reliance can be placed on this account, we are not of necessity, to regard it as a fable; for the mass experimented on may have contained, as it is said this mineral sometimes does, a small portion of gold." The arsenic of the ancients, then, was considerably different from our oxide of arsenic, which is a factitious substance procured from coal by sublimation. The Arabian authors mention a substance derived from the earth by the same process; subliming arsenic; and Avicenna makes mention of white arsenic, by which he no doubt meant sublimed arsenic, or the Arsenicum album of modern chemists. According to the analysis of Klaproth, yellow orpiment consists of 62 parts of arsenic and 38 of sulphur. The Greek name ἀρσενίκον (masculine) is said by some to have been given to it because the substance was employed by the Ancients in some of their religious ceremonies; others that it was got from the earth by sublimation; others, that it was obtained from sapropelic earth. Whatever name is given to it, there is no doubt that it was employed as an additional ingredient, and a means of giving character to the artaba, which, on account of its bluish tinge, was called "artaba." The name was also applied to the trachea by Hippocrates and his contemporaries, by whom the vessels now called arteries were distinguished from the veins by the addition of the word ὁδός. By later writers it is used to signify sometimes the trachea, and in this sense the epithet ἄφριξα, aspera, is occasionally added; sometimes the tricuspid artery, in which sense the epithet λατευς, is sometimes added, to distinguish it from the trachea; and sometimes, in the plural number, the bronchi.
ARVALES FRATRES.

Notwithstanding the opinion of many of the ancients, that the arteries contained only air, it is certain that the more intelligent among them knew perfectly well, 1. That they contain blood, and even that this is of a different nature from that which is in the veins. 2. Galen, from whom the last idea is obtained, calls the pulmonary artery ἄερος ἄνθρωπου, because it conveys venous blood, although it has the form and structure of an artery.

3. That the section of an artery is much more dangerous and more difficult to heal than that of a vein.

4. That there is a pulsation in the arteries which does not exist in the veins, and of which the variations are of great value, both as assisting to form a correct diagnosis, and also as an indication of treatment.

ARTOP'TA. (Vid. Pistor.)

ARU'RA ( Ipsum, a Greek measure of surface, which, according to Suidas, was the fourth part of the στάθμος as a measure of length, contained 100 Greek feet; its square, therefore, =10,000, and therefore the arrara =6500 Greek square feet.

Herodotus mentions a measure of the same name, but apparently of a different size. He says that it is a hundred Egyptian cubits in every direction. Now the Egyptian cubit contained nearly 17 inches; and so, the square of the same size is 2711/2 inches, i.e., 142.1 feet, gives the number of square feet in the arrara, viz., 21,904.

ARUS'PEX. (Vid. Haruspek.)

ARVALES FRATRES. The fraters arvalis formed a college or company of twelve in number, and were so called, according to Varro, from offering the victims with the feet upon the altar. (secra publica factam poptertca, ut fruges ferant aere.) That they were of extreme antiquity is proved by the legend which refers their institution to Romulus, of whom it is said, that when his nurse Acca Laurentia lost one of her twelve sons, he allowed himself to be adopted by her in his place, and called himself Frater Arvalis. The legend of the maternal grandfather of the frater Arvalis."

We also find a college called the Societas Ttiei, and as the latter were confessedly of Sabine origin, and instituted for the purpose of keeping up the Sabine religious rites, there is some reason for the supposed of Nieuwberg, 17 that these colleges corresponded one to the other; the Fratres Arvalis being connected with the Latin, and the Societas Ttiei with the Latin, the Roman colleges contented with just as there were two colleges of the Luperci, namely, the Pabii and the Quinetiti, the former of whom seem to have belonged to the Sabines.

The office of the fraters arvalis was for life, and was not taken away even from an exile or captive. They wore, as a badge of office, a chaplet of ears of corn (epices cornes) fastened on their heads with a white band. 12 The number given by inscriptions varies, but it is never more than nine; though, according to the legend and general belief, it amounted to twelve.

One of their annual duties was to celebrate a three days' festival in honour of Dea Dia, supposed to be Ceres, sometimes held on the xvi., xiv., and xiii., sometimes on the vii., vi., and iv. Eski Jov., sometimes on the 17th, the 27th, 29th, and 30th of May. Of this the master of the college, appointed annually, gave public notice (indicebat) from the Temple of Concord on the Capitol. On the first and last of these days, the college met at the house of their president, to make offerings to the Dea Dia; on the second they assembled in the grove of the same goddess, about five miles south of Rome, and there offered sacrifices for the fertility of the earth. An account of the different ceremonies of this festival is preserved in an inscription, which was written in the first year of the Emperor Elagabalus (A.D. 218), who was elected a member of the college under the name of M. Aurelius Antonius Pius Felix. 13 The same inscription contains the following song or hymn, which appears to have been sung at this festival several hundred years before.

"E nos. Lare, invote,
Nave lucem, Marym, sine iunctore in pleon
Satur furare, Mars, lumen, salis, sta herber
Semnus alternei adop secret conertos.
E nos, Marmor, uvato:
Triumpe, triumpe, triumpe, triumpe, triumpe,"

Klausen, in his work on this subject, 14 gives the following translation of the above:

"Age nos, Lare, juwate.
Novo luce, Mars, sine incertore in pleure:
Satur furere, Mars, pate pulsa lumen, sta verbere
Semnus alternei adop secret conertos.
Age nos, Maret, juwate:
Triumpe, &c,"

But, besides this festival of the Dea Dia, the fraters arvalis were required, on various occasions under the emperors, to make vows and offer up thank-givings, an enumeration of which is given in Faciolati. 15 Strabo, indeed, 16 informs us that, in the reign of Tiberius, these priests (lupovnwnwes) performed sacrifices called the ambarvalia at various places in the province of the city or original territory of Rome; 17 and among others, at Festi, a place between five and six miles from the city, in the direction of Alba. There is no boldness in supposing that this was a custom handed down from time immemorial, and, moreover, that it was a duty of this priesthood to invoke a blessing on the whole territory of Rome. It is proved by inscriptions that this college existed till the reign of the Emperor Gordion, or A.D. 325, and it is probable that it was not abolished till A.D. 400, together with the other colleges of the pagan priesthoods.

The private ambarvalia were certainly of a different nature from those mentioned by Strabo, and were called from the town at which that was done on the occasion, being led three times round the cornfields before the sickle was put to the corn. This victim was accompanied by a crowd of merry-makers (chori e socii), the reapers and farm-servants dancing and singing, as they marched along, the praises of Ceres, and praying for her favour and presence, while they offered her the libations of milk, honey, and wine. 18 This ceremony was also called a iustratio, 19 or purification; and for a beautiful description of the holyday, and the prayers and vows made on the occasion, the reader is referred to Tibullus, lib. ii., eleg. i. It is, perhaps, worth while to remark that Polybius uses language almost applicable to the Roman ambarvalia in speaking of the Mantinians, who, he says repeatedly, made a purification, and carried victims round the city, and all the country: his words are, Οἱ Μαντίνιοι καθαροὺς ἐπισώσσοντο, καὶ σφίγγα περιφέροντο τῆς πόλεως κύκλῳ καὶ τῆς χώρας πάσης.

There is, however, a still greater resemblance to

Indeed, the history of Roman coinage is a fascinating story of changes and developments. The weight of a pound was originally 12 ounces, and the weight of a Roman denarius was 1/36 of a pound. The Roman denarius was divided into smaller units such as the sextans, semis, quinarius, triens, quadrans, and as. The value of these coins varied over time, and their weight was subject to fluctuations.

The Roman denarius was the standard unit of currency for the first Punic war (B.C. 264-241), and in order to meet the expenses of the state, the weight of a pound was diminished, and asses were struck of the same weight as the sextans (that is, two ounces, or one-sixth of the ancient weight); and that thus the Republic paid off its debts, gaining five parts in six: that afterward, in the second Punic war, in the dictatorship of Q. Fabius Maximus (about B.C. 217), asses of one ounce were made, and the denarius was decreed to be equal to sixteen asses, the Republic thus gaining one half; but that, in military pay, the denarius was always given for ten asses: and that, soon after, by the Papirian law (about B.C. 191), asses of half an ounce were made. Festus, also, mentions the reduction of the ass to two ounces at the time of the first Punic war. There seem to have been other reductions besides those mentioned by Pliny, for there exist asses, and parts of asses, which show that this coin was made of 11, 10, 9, 8, 3, 1, 1/4 ounces; and there are copper coins of the Terentian family.

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which show that it was depressed to 1/4 and 1/2 of its original weight. Several modern writers have contended, chiefly from the fact of asses being found of so many different weights, that Pliny's account of the reductions of the coin is incorrect, and that these reductions took place gradually, in the lapse of successive centuries. But Boeck has shown that there is no trace in early times of a distinction between the as grave and lighter money; that the Twelve Tables know of no such distinction; that, even after the introduction of lighter money, fines and rewards were reckoned in as grave; and that the style of the true Roman coins which still remain by no means proves that the heavier pieces are much older than those of two ounces, but we have the contrary. His conclusion is, that all the reductions of the weight of the as, from a pound down to two ounces, took place during the first Punic war. Indeed, if the reduction had been very gradual, it is impossible that the Republic could have made by it that gain which Pliny states to have been the motive for the step.

The value of the as, of course, varied with its weight. Some writers, indeed, suppose that a rise took place in the value of copper, which compensated for the reduction in the weight of the as; so that, in fact, the as libralis of Servius Tullius was not of much greater value than the lighter money of later times. But this supposition is directly contradicted by Pliny's account of the reduction in the weight of the as, and it would appear that the value of copper had rather fallen than risen at the time when the reduction took place.

Before the reduction to two ounces, ten asses were equal to the denarius = about 81 pence English. (Vid. Dexiarus.) Therefore the as = 3 4 farthings. By the reduction the denarius was made equal to 16 asses; therefore the as = 24 farthings.

The as was divided into parts, which were named according to the number of ounces they contained. They were the denus, sextans, dodrans, bes, septunx, semis, quinarius, triens, quadrans, or teruncius, sextans, septunx, or sesquuncia, and uncia, consisting respectively of 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, and 1 ounces. Of these divisions the following were represented by coins; namely, the semis, quinarius, triens, quadrans, sextans, and uncia. There is a solitary instance of the existence of the dodrans, in a coin of the Cassian family, bearing an S and three balls. We have no precise information as to the time when these divisions were first introduced, but it was probably nearly as early as the first coinage of copper money.

The semis, semissis, or semi-as, half the as, or six ounces, is always marked with an S to represent its value, and very commonly with heads of Jupiter; Juno, and Pallas, accompanied by strigils.

The quinarius, or piece of five ounces, is very rare. There is no specimen of it in the British Museum. It is distinguished by five small balls to represent its value.

The triens, the third part of the as, or piece of four ounces, is marked with four balls. In the annexed specimen from the British Museum, the ball...
ASCALABOTES.

The ascus, one ounce piece, or twelfth of the as, is marked by a single ball. There appear on this coin heads of Pallas, of Roma, and of Diana, ships, frogs, and ears of barley.

The sextans, the sixth part of the as, or piece of two ounces, bears two balls. In the annexed speciemen from the British Museum, there is a caduceus and strigil on one side, and a cockle-shell on the other. Its weight is 777 grains.

The vasia, one ounce piece, or twelfth of the as, is marked by a single ball. In the annexed specimen from the British Museum, there is a caduceus and strigil on one side, and a cockle-shell on the other. Its weight is 717 grains.

The word as was used also for any whole which was to be divided into equal parts; and those parts were called uncias. Thus these words were applied not only to weight and money, but to measures of length, surface, and capacity, to inheritances, interests, houses, farms, and many other things. Hence the modern use of the terms: hares ex dextrane, the heir to the ninth part, etc.

Pliny even uses the phrases semisiem Africa, and dodecans et semicunctos horae.

The as was also called, in ancient times, assarius (sc. nummus), and in Greek τὸ δησαυρίου. According to Polybius, the assarius was equal to half the obolus.

The coins of Chios we find δησαυρίου, δησαυρίου βύσμα, δησαυρίου δβά, δησαυρίου τόλα.

*ASARIUM* (ἀσαρίον), a plant. There can be no doubt, observes Adams, that it is the Aserium Euro- paenum, or common Assarabaca. Dodonaeus mentions that it had got the trivial name of Buccac in France, and hence supposed Assarabaca was a compound of the two terms. He denies, however, that it is the same as Assaraca of the ancients. But Strabo advocates this opinion, and mentions in confirmation of it, upon the authority of the Flora Vernemenis, that the Assarabaca is called bacchera and bac- cera by the inhabitants of the district around Veron-za.

According to Sibthorp, it still grows in what was once the Laconian territory, and in the country around Constancia. The word as

ASBESTOS or AMANTIUMUS (ἀσβιτρως, ἀμανι- τως). This mineral, which is generally white, and has sometimes a greenish hue, and which consists of soft flexible fibres, was obtained by the ancients from India, from the vicinity of Carpusus in Cyprus and from Carystus in Euboea. In consequence of being found in the two latter localities, it was some times called "the flax of Carpusus" (Αἰγινος Καρπο- σίου), and also "the Carystian stone" (Κήλος Καρπο- σίου). It was well adapted for making the wicks of lamps, because it is indestructible by fire; and hence the Greeks, who used it for this purpose, gave it the name "φωτιστήρ" (φωτιστήρ), which means not distinguish- able. Passanis2 mentions that the golden lamp which burned day and night in the temple of Athena Polias, at Athens, had a wick of this substance.

It was also spun and woven into cloth. Thus manufactured, it was used for napkins (εὑραμενη- γες, εὑραμενακτος), which were never washed, but cleaned in a much more effective manner, whenever they required it, by being thrown into the fire.

Another use to which asbestos cloth was applied, was to preserve the remains of dead bodies burned in the funeral pyle. The corpse, having been wrapped in a cloth of this substance, was consumed with the exception of the bones, which were thus kept together, and the charred remains were buried with the ashes of the wood. But the expense of this kind of cloth was so great, that it could only be used at the obsequies of persons of the most exalted rank. The testimony of Pliny, who alone has transmitted to us the knowledge of this species of posthumous luxury, has been corroborated by the discovery of a piece of this same material, manufactured by the ancient Romans, in an Egyptian sepulchre. The most remarkable specimen of this kind was found at Rome, A.D. 1705, in a marble sarcophagus. The skull and bones of the deceased were wrapped up in it. Its dimensions were about five feet by six and a half. Since its discovery, it has been carefully preserved in the Vatican Library; and Sir J. E. Smith, who saw it there, made the following note, which we copy:—

"This specimen of cloth, which was once used in the manufacture of a kainos, or cloth made of flax, has been found in a sepulchre of the ancient Romans. It is of the purest white, and consists of two threads: it is coarsely spun, but as soft and pliant as silk. Our guide set fire to one corner of it, and the very same part burned repeatedly with great rapidity and brightness without being at all injured."

Although asbestos is still found naturally assi- cated with rocks of serpentine in Cornwall, and in many other parts of the world, it is chiefly used in the manufacture of this material, which we call asbestos, for certain philosophical purposes, and, if made into cloth, it is only in very small quantities, and as a matter of curiosity.—II. The Greek medical writers use the term ἄσβεστος in a very different sense from the preceding. With them it indicates Calx vera, or Quilkime (τιρώνας being understood). By Dioscorides it is exclusively applied to the horn or bones of sea-shells. "I am not aware," observes Adams, "that any Greek author uses the term ἄσβεστος in the sense in which it is employed by the Latin writers and by modern naturalists."

*ASCALABOTES* (ἀσκαλάβοτης), a species of Lizard. Its Greek name are ἄσκαλαβον, ἄσκαλα- βος, ἄσκαλαβη, and κόλλαβη, all of which appellations are given in the following passages. We have no doubt that the Spotted Lizard, the Stellio of the Latin writers, and the Lacerta gecko of Linnaeus. The Stellio lived in walls, and was accustomed to run along these and on the roofs of houses. It was considered the en- emy of man, venomous and cunning. Hence the term stellatimatus, denoting all kinds of fraud in bar- gain, and the English word "stelmatist" or "Fraud in the contract." The Stellio is the Tarentolo, or Gecko turbulentus of the south of Europe. It must not be confounded with the Lacerta stella, L.,

or the Stelio of the Levant. This misapprehension of the term was first made by Belon. The *Lacerta stellio* is of an olive colour, shaded with black, and is very common throughout the Levant, and particularly in Egypt. The *Lacerta* on the other hand, is a spotted lizard, and some of the species, the Platydactylus for instance, are painted with the most lively colours. The melancholy and heavy air of the Gecko, superadded to a certain resemblance which it bears to the salamander and the toad, have rendered it an object of hatred, and caused it to be considered as venomous, but of this there is no real proof.

ASCARIS (ascaris), the small intestinal worm formed in children and in adults afflicted with certain diseases. It is the *Ascaris normcularis,* L. 2

ASCIA, dim. ASCIOLEA (ascarppn, escarppn), in adze.

Murato 4 has published numerous representations of the adze, as it is exhibited on ancient monuments. We select the three following, two of which show the instrument itself, with a slight variety of form, while the third represents a ship-builder holding it in his right hand, and using it to shape the rib of a vessel. The blade of the adze was frequently curved, as we see it in all these figures, in order that it might be employed to hollow out pieces of wood, so as to construct vessels either for holding water or for floating upon it. Calypso, in the Odyssey, 1 furnishes Ulysses both with an *axe* (πέτρων) and with a *well-polished adze,* as the most necessary instruments for cutting down trees and constructing a ship.

In other cases the curvature of the blade was much less considerable, the adze being used merely to cut off all inequalities, so as to make a rough piece of timber smooth (asciar, dolare), and, as far as possible, to polish it (polire). Cicero 5 quotes from the Twelve Tables the following law, designed to restrain the expenses of funerals: *Rogum ascia ne exilio.*

In using the adze, the shipwright or carpenter was always in danger of inflicting severe blows upon his own feet if he made a false stroke. Hence arose the proverb applied to those who were their own ene-


νemy. 


ASCIOLEA.

to ιασκορπόν κέρατον, and denoted a rock in its natural state.

Both the substantive *ascia,* and the verb *asciare,* derived from it, retain the same signification in modern Italian which they had in Latin, as above explained.

Vitruvius and Palladius 4 give directions for using the ascia in chopping lime and mixing it so as to make mortar or plaster. For this purpose we must suppose it to have had a blunt, unpolished blade, and a long handle. In fact, it would then resemble the modern hoe, as used either by ploughmen and plowmen, as the use just specified, or by gardeners or agriculturists for breaking the surface of the ground and eradicating weeds. Accordingly, Palladius,' in his enumeration of the implements necessary for tillimg the ground, mentions hoes with rakes fixed at the back, *ascias in averse parte referentes rastris.*

Together with the three representations of the ascia, we have introduced into the preceding woodcut the figure of another instrument, taken from a coin of the Valerian family. 4 This instrument was called *Aesculus.* It was chiefly used by masons, whence, in the ancient glossaries, *Aesculeius* is translated λατιός, a stone-cutter. The acisculus, or pick, as shown in the above figure, was a little curved, and it terminated in a point in one direction and was flattened out like a hammer in the other. Here it was inserted so that it might be used with the same kind of action as the adze. Also, as the substantive *ascia* gave origin to the verb *exasciare,* meaning to hew a smooth piece of wood out of a rough piece by means of the adze, *so asciaulus gave origin to exasciare,* meaning to hew anything out of stone by the use of the pick. Various monumental inscriptions, published by Muratori, 7 warn persons against opening or destroying tombs by this process.

A'SKION (ascon), a species or variety of *Truffla,* mentioned by Theophrastus. 4

ASCLEPIAS (a'sklepia), a plant, which Alston, Woodville, Billerbeck, and Sprengel agree in identifying with the *Asclepias vinealeus, L.,* or official Swallow-wort. Stackhouse, however, prefers the *Thapsia Aesclepiun.* It was used in cases of dropsy, 7 and took its name from Aesclepiades, who first recommended its use.

ASCLEPIESA (a'sklepia) is the name of fes-

vivals which were probably celebrated in all places where temples of *Asclepius* (Asculapius) existed. The most celebrated, however, was that of Epidaurus, which took place every five years, and was solemnized with contests of racists and musicians, and with solemn processions and games. *A'sklepia* are also mentioned at Athens, 7 which were, probably, like those of Epidaurus, solemnized with musical contests. They took place on the eighth day of the month of Elaphbolion.

ASCYRON (as'kron), a plant. Dioscorides puts it beyond a doubt that the *as'kron* is a species of *Helleborus,* or St. John's-wort; but which species it is cannot be satisfactorily determined. Sprengel, in the first edition of his R. H. H., preter the *Hypericum Androsanum,* or Tutan; but in his edition of Dioscorides he hesitates between the *H. perforatum* and the *H. montanum.* Dodonaeus is for the former, and Matthiolus for the latter. Adams thinks that the description of Dioscorides is more applicable to the *Androsanum* than to the *perforatum.*

The name "asiarchum (ασιαρχόμενος)" was given to this plant, because the black exudation with the nai, exudes a blood-red colour (κόκκινος αίμα, "human blood"). A species of balsamic oil was extracted from this plant. According to Sibthorp, the Ascyron is called at the present day Βάλλαυνοι by the monks of Mount Athos; λειψανοφόροι in Zante, where it grows in the hedges; and σσθάνοι in Labrador.

ASCRO/LIA (ασκόλλια) (the leaping upon the leather bag) was one of the many kinds of amusements in which the Athenians indulged during the Anthestheria and other festivals in honour of Dionysus. The Athenians sacrificed a he-goat to the god, made a bag out of the skin, smeared it with oil, and then tried to dance upon it. The various accidents attending this contest, forcibly gave impetus to the spectators. He who succeeded was victor, and received the skin as a reward. The scholar, however, erroneously calls the ascollia a festival; for, in reality, it only formed a part of one.

ΑΣΙΑΡΧΕΙΑΝ ΓΡΑΦΗ (ασιαρχικό γράμμα) was one of the many forms prescribed by the law for the avoidance of the imprecation of impiety. From the various tenour or the accusations still extant, it may be gathered that this crime was as ill-defined at Athens, and, therefore, as liable to be made the pretext for persecution, as it has been in all other countries in which the civil power has attempted to reach offences so much beyond the natural limits of its jurisdiction. The occasions on which the Athenian accuser professed to come forward, may be classed as, first, breaches of the ceremonial law of public worship; and, secondly, indications of that, which in analogous cases of modern times would be called heterodoxy or heresy. The former comprehended emasculation upon consecrated grounds, the sacrifice of slaves, the consumption of sacrileges and festials, the mutilation of statues of the gods, the introduction of deities not acknowledged by the state, and various other transgressions peculiarly defined by the laws of the Aται sacra, such as a private celebration of the Eleusinian mysteries and their publication, the planting of sacred olive-trees, or placing a suppliant bough (ιευρότιο) on a particular altar at an improper time. The heretical delinquencies may be exemplified by the expulsion of Protagoras4 for writing that "he could not learn whether the gods existed or not," in the persecution of Anaxagoras,5 like that of Galilee in analogous cases, for this ignoring the positive opinions about the same, and the condemnation of which others for not holding the objects of the public worship to be gods.6 The variety of these examples will have shown that it is impossible to enumerate all the cases to which this sweeping accusation might be extended; and, as it is not upon record that religious Athens7 was scandalized at the profane jests of others, it may be inferred that the gods were indifferent to human actions, it is difficult to ascertain the limits at which jests and sarcasm ended, and penal impiety began.

With respect to the trial, any citizen that pleaded διαλογίζομενος—which, however, in this, as in all other public actions, must be understood of those only who did not labor under an incapacitating distrust of the proceedings (περικοπή) seems to have been a competent accuser; but, as the nine archons and the septemagites were the proper guardians of the sacred


ASPILLA

The epistle Philip is called, high-priest (λειτουργός), which appears to show that he must have been chief asarch of the province.

ASPILLA (ασπίλλα) was a wooden pole or yoke, held by a man either on his two shoulders, or more commonly on one shoulder only, and used for carrying burdens.

The paintings in the ancient tombs of Egypt prove the general use of this implement in that country, especially for carrying bricks, water-pails to irrigate the gardens, and baskets with all kinds of provisions for the market. Mr. Burton found at Thebes a wooden yoke of this kind, with one of the leather straps belonging to it. The yoke (which is now in the British Museum) is about 3½ feet long, and the strap about 16 inches.

We also find this instrument displayed in works of Grecian art. A small bronze lamp found at Stabiae (see the annexed woodcut) represents a boy carrying two baskets suspended from a pole which rests upon his right shoulder. The two other representations here introduced, though of a fanciful or ludicrous character, show by that very circumstance how familiar the ancients must have been with the use of this piece of furniture. The first is from a beautiful sarcophagus in the Florentine museum: it represents a grasshopper carrying two baskets, suspended each by three cords from the extremity of the yoke, and skilfully imitates the action of a man who is proceeding on a journey. The other is from a Greek painted vase, and, under the disguise of a satyr, shows the mode in which lambs

and other viands were sometimes carried in preparing for a sacrifice to Bacchus. In the collection of antique gems at Berlin there are no less than four representations of men carrying burdens in this manner.

Aristotle has preserved an epigram of Simonides, which was probably inscribed upon the base of a statue erected at Olympia to the individual whom it celebrates. It begins thus:

Προσέκεν μὲν ἀμβούς ἐγὼν τριχέα χειλέαν,

Ἰθέων ἐκ Αργοῦ εἰς Τεγέαν ἐφορον.

This poor man, who had formerly obtained his living by bearing "a rough yoke" upon his shoulders, to carry fish all the way from Argos to Tegea, at length immortalized himself by a victory at the Olympic games.


ASPALATHUS

Aristophanes calls this implement ἀνφόρας: it introduces upon the stage a slave carrying a heavy load by means of it; and he describes the act of transferring it from one shoulder to another by the phrase μεταφέρειν, or ἀνφόρας λαμβάνειν.

*ASPILLOS, a species of Goddy or Horsefly, accustomed to sting cattle. Virgil makes it the same with the οἶνοστρῶς of the Greeks, and Varro gives it the name of Tabanus. Flins should also be able to transfer it from one shoulder to another by the phrase μεταφέρειν, or ἀνφόρας λαμβάνειν.

As in Latin, so in Greek there are two names, οἴνοστρος and μελάφυ. Boechari and Aldrovandi have provided it very satisfactorily, that by the word poets and writers on Belles Lettres these two terms were used indiscriminately, but that Aristotle and other writers on matters of science apply the former (οἴνοστρος) to a species of gadfly, meaning, very probably, the Cestrus hounis or Breeze, and the latter to a species of horsefly, the Tabanus bovinus. This Adams considers the most satisfactory account of the matter: he deems it right, however, to mention, that Schneider, treating of the μελάφυ of Ælian, professes himself unable to determine whether it was a species of Cestrus, Tabanus, or Hypolobos, and in another place he offers it as a conjecture, that the οἴνοστρος of Aristotle was a species of Culex, or gnat. It seems agreed that the Asilus of Virgil was the Breeze.7 Martyr gives a description of the Asilla, which he tells us to be the same with the Asilus, from an Italian author. He represents it as a shape somewhat resembling a wasp or wild bee. It has two membranous wings, with which it makes a loud whizzing. The belly is terminated by three long rings, one less than the other, from the last of which proceeds a formidable sting. This sting is composed of a tube, through which the egg is emitted, and of two augers, which make way for the stinger into the skin of the animal. These augers are armed with little knives, which prick with their points and sting with their edges, causing intolerable pain to the animal that is wounded by them. But this pain is not all; for at the end of the sting, as at the end of a viper's tooth, and of the sting of wasps, bees, and hornets, issues forth a venomous liquor, which irritates and inflames the parts of the wounded nerves, and causes the wound to become fistulous. This fistula seems to be kept open by the egg, after the manner of an issue. The egg is hatched within the fistula, and the worm continues there till it is ready to turn to a chrysalis, receiving its nourishment from the juice which flows from the wounded fibres. These worms remain for nine or ten months under the skin, and are then, being arrived almost to perfection, they come out of their own accord, and creep into some hole or under some stone, and there enter into the state of a chrysalis, in which condition they lie quiet for some time, and at last come forth in the form of the parent fly.

*ASINGAS. (Vid. Osos.)

ASPALATHUS (ἀσπαλάθος), a species of thorny shrub, which bears thorns by which some call the Rose of Jerusalem, or Lady's Rose. Much uncertainty, however, exists on this point. "The Asaltus," says Charissis, "is the wood of a thorn-tree or bush, in virtues, taste, smell, and figure much resembling Lignum aloeus." Matthis is at great pains to prove that it is not the Santalum rubrum. Sprangel, in his first edition of his 'H. H., holds it to be the same as aspalathoides, but in his edition of Dioscorides he inclines to the Cyrtus laniger.

1. (Ram, 8—Eccles. 828—Schol. in loco.).—2. (Georg. ii. 146).—3. (De Re Rust. ii. 5).—4. (H. N. xii. 25).—5. (Hier. ib. iv. col. 546).—6. (De Insect. lib. iii.).—7. (Adami, Append. v. 9—小吃, N. A. M. 37).—8. (In Virg. Georg. iii. 148).—9. (Royal Pharmacop. 5 v.)
In the works of the Arabian writers on Husbandry, it is said that the Asparagus has a purple flower and an acidic taste, and has no fruit. According to Marie Anticista, the Attics used adserere, or the Arabic "asparagus," but is well-known that a.c. in 1., or common Mole; but it is deserving of remark, that Olivier, in his Travels, has described a species or variety of mole found in Asia Minor, which, Dr. Trail of Edinburgh thinks, answers better to Aristotle's description than the common mole. Aristotle was aware that the Mole is not blind, although it has very small eyes. 1.

*ASPARAGUS* (ισπαράγος or σπαράγος), the Asparagus, a well-known vegetable. Theophrastus remarks that Asparagus has thorns in place of leaves, so that it is easy to perceive he means the Asparagus equihis, L. The wild Asparagus, called απειροχόρνος by the Greeks and carduto by the Romans, was more used in medicine. The Greeks learned to cultivate the Asparagus from the Romans, which they increased by seed, by stumps shooting up for the production of fruit or seed. 2.—The Attics wrote ισπαράγος with the aspirated letter, as the grammarians and also Galen inform us. 3. The common name at present in Greece is σπαρτίγι or σπαρτίγια.

*ASPHALTUS.* (Vid. Spunen.)

In the present day, the assessor, or adseror, is the name of a plant, called by Apuleius *Hastula regia,* and hence its English name, "King's Spear." 4. According to Sprengel, the *σπαρτίδος* of Galen is the *Ornithogalum jactitans,* but by that Theophrastus and Dioscorides the Asphodelus ramusus. L. This is the famous herb which Homer represents as growing in the meadows of Elam. 5. It is not often planted in the neighborhood of sepulchres. The common name of the Ornithogalum is the Star of Bethlehem.—The Asphodelus was used as a poison in the time of Hesiod. 6. According to Sibthorp, the common name for this plant at the present day is *σπαρτίδολο.* In Laconia it is termed *σπαρτίδικελα, in* Attica, *σπαρτίδζασ.*

*ASPIS* (ασπίς), i. the Asp, a species of venomous serpent often mentioned by both Greek and Roman writers; and from the discrepancies which are observable in the accounts given by different authors, it would seem that several different species of poisonous serpents were known to the ancients under this common name. Galen, in fact, and the other medical authorities, describe three varieties of the Asp, namely, the Ptasus, Chersaia, and Celthidonia. 7. Eelam, however, affirms that the Egyptians distinguished sixteen varieties of it. 8. From various circumstances, and particularly from the description of Pliny, it is evident that the most common and celebrated of the Asp species was that to which Pliny alludes, giving a species of *Asp viridis*; the *Houia,* or *Yoa Naeche.* This animal measures from three to five feet in length; it is of a dark green colour, marked obliquely with bands of brown; the scales of the neck, back, and upper surface of the tail are slightly carinated, and the tail is about one fourth part the length of the whole body. The *haye* is closely allied to the *sabia capella,* or spectacled snake of India, the chief apparent difference being its want of the singular yellow mark on the back of the neck, from which the latter species derives its name. In other respects these two serpents are so nearly of the same kind, that they both have the power of swelling out the neck when irritated, and raising themselves upright upon their tails, to dart by a single bound upon their enemies. The poison of the Asp is of the most deadly nature. The habit which this serpent has of erecting itself when approached, made the ancient Egyptians and asses to maintain it guarded the place which it inhabited. They made it the emblem of the divinity whom they supposed to protect the world; and, accordingly, they have represented it on their temples, sculptured on each side of a globe. 9.—Il. (Vid. Cirtus.)

*ASPLENIUM* (ασπελόνιον), a plant, which Sprengel follows Trapez in referring to the Asparagus ceterach, or, as he proposes to call its English ceterach, our Spleenwort or Milkwort. He admits that he could not ascertain the origin of the term ceterach. Miller, however, says "the word ceterach is Arabic." 10. The Asplegium took its name from its supposed utility in disorders of the spleen.

ASSASUS NUMMUS. (Vid. As.)

*ASSETER* or *ADSESSOR* contains the same root as the verb adserere, which, when coupled with the word *manus,* signifies to lay hold of a thing, to draw it towards one. Hence the phrase adserere in libertatem, or liberali manus, applies to him who lays his hand on a person reputed to be a slave, and adserere or adseror signifies the person who thus maintained the freedom of a reputed slave was called adseror; 11. and by the laws of the Twelve Tables, it was enacted in favour of liberty, that such adseror should not be called on to give security in the sacrament actio to more than the amount of the *asses.* The person whose freedom was thus claimed was said to be adseror. The expressions liberalis causa and liberalis manus, which occur in classical authors in connexion with the verb adserere, will easily be understood from what has been said. 12. Sometimes the word adserere alone was used as equivalent to adseror in libertatem.

The expression asserere in servitutem, to claim a person as a slave, is also found in the same manner.

*ASSESSOR,* or *ADSESSOR,* literally one who sits by the side of another. The duties of an assessor, as described by Paulus, related to "cognitones, postulationes, libelli, edicta, decreta, epistola;" from which it appears that they were employed in and about the administration of law. The consuls, praetors, governors of provinces, and the judges, were often associated with the law and the forms of procedure, and it was necessary that they should have the aid of those who had made the law their study. The prefects prætorii and prefects urbii, and other civil and military functionaries, had their assessors. An instance is mentioned by Tacitus of the Emperor Tiberius as treating an assessor with a certain degree of severity, and taking his seat at the corner of the tribunal; but this passage cannot be interpreted to mean, as some persons interpret it, that the emperor sat there in the character of an assessor, properly so called; the remark of Tacitus shows that, though the emperor might have taken his seat under the name of assessor, he could be considered in no other light than as a head of the state.

ASTRAGALUS.

The Emperor Alexander Severus gave the assessores a regular salary. 1 Freedmen might be assessores. In the later writers the assessores are mentioned under the various names of conciliarii, juris studiosi, comites, &c. The studiosi juris, mentioned by Gellius 2 as assistant to the judges (quaesitores in consilio judicis), were the assessores. Sabinus, as it appears from Ulpian, 3 wrote a book on the duties of assessors. The assessors sat on the tribunal with the magistrate. Their advice or aid was given during the proceedings as well as at other times, but they never pronounced a judicial sentence. As the old forms of procedure gradually declined, the assessores, according to the conjecture of Savigny, 4 took the place of the judices.

*ASSIUS LAPIS (Ασσιος λίθος), a kind of stone, deriving its name from Assos, a city in the Trond. Such, at least, is the account of Pliny. 5 Diocorides, 6 however, calls it 'Ασιος λίθος and Celsius? Lapsa Assoi, the Asian Stone; the last-mentioned author appearing to derive its name from Asia generally. All these writers agree in classing it with the stones which, from their consuming the bodies of the dead enclosed within them, were called sarcophagi (σαρκοφάγοι). The Asian stone was characterized by a laminated structure, a saline efflorescence of a sharp taste, and its styptic properties. 8 Galen, in describing this stone, says that it is of a spongy substance, light and friable; that it is covered with an outer and a central portion, and called a flower. The flower of the Asian stone; that the molecules of this flower are very penetrating; that they consume flesh; and that the stone has a similar property, but in a less degree. This efflorescence had, moreover, a saline taste. Galen adds, that it was of a yellow or whitish colour, and that, when mixed with resin of turpentine or with tar, it removed tubercles. Pliny, who gives it its same appellation, adds that, 'no plant in the world is esteemed like the lapis assius, as it bestows its beauty to the eye, and balm to the body.'

*ASTACUS (αστάκος), a sea animal, described by Aristotle, Galen, Oppian, Zelian, and others. It belongs to the class Crustacea, and is called Grammaro by the Italians, Homar by the French, and Craw-fish by the English. It is the Astacus fluviatilis. L. Cuvier has shown that it is the Elephantes of Pliny.

*ASTER (αστήρ). I. A species of bird, most probably the Fringilla rubra, or Smaller Redpoll. — II. The genus Stellae, or Star-fish. It has been variously classed under Zoophyta, Mollusca, and Crustacea, by both ancient and modern naturalists. — III. One of the varieties of the Samian earth was also called by this name. (Vid. SAMIA TERRA.

*ASTERIS CUS (αστήρις), a plant. According to Apuleius, the Asterion, Asteriscus, Aster Atticus, and Ingenualis, are synonymous. Stackhouse and Schneider further identify the asterioiokos of Theophrastus with it. Martin is at great pains to prove that the "Amellus" of Virgil is the Aster Atticus. Botanists accordingly give to the Italian blue-starwort the name of Aster amellus. The flower of the Aster has its leaves radiating like a star, whence its name (aster, "a star"). This plant was employed in swellings of the groin, whence the names of Ingenualis and Bubonium that were sometimes applied to it. Another ancient appellation, Allellus, was derived from that of the river (the Melis, in Cisalpine Gaul) on the banks of which this plant grew very abundantly. The root of the Aster, cooked in old Roman wine, is mentioned by Columella as a good remedy for sickness among bees. The Aster grows in the valleys and on the hills of Italy and Sicily, frequently in a wild state. Sibthorp found it also near Athens. 6 It used to grow abundantly in Attica.

*ASTERIA, a gem, mentioned by Pliny, which came from India and from Carmania. It derived its name from its star-like lustre when exposed to the rays of the sun. Minersologists make it to have been that variety of opal which is called girasole from its reflecting a reddish light when turned towards the sun. Pliny describes it as difficult to engrave; "the difficulty," observes Dr. Moore, "arising probably, not from its hardness, but from the numerous minute fissures which traverse opal in all directions, and to which it is supposed to owe the playful variation of its colours." 7

*ASTRIOUS, a gem mentioned by Pliny, and which occurred in India and on the shores of Pal- lene, but of the best quality in Carmania. The Roman writer describes it as shining "from a point within it like a star, with the brightness of the full moon." Dr. Moore considers Werner's opinion the most probable, that it is the same with the moon-stone of Ceylon.

ASTRAGALUS, an astragal, one of the mouldings in architecture, more especially characteristic of the Ionic order.

The astragal is always found as the lowest member of the Ionic capital, forming the division between it and the fluted shaft of the column. Of this we have a beautiful example in the remains of the Temple of Bacchus at Teos, which, as we are informed by Vitruvius, 8 was built by Hormogenes of Abalaba, one of the most celebrated of the ancient architects, and of which he wrote a full description. One of the capitals of this temple is shown in the annexed woodcut. Above the astragal we see the echinus, and on each side of it the echinos, which is added on account of the ornamentation of the splastre of a ship. (Vid. APPLUSTRE.

The astragal was used with a beautiful effect not only in Ionia, but also in Corinthian buildings; to border or divide the three faces of the architrave; and it was admitted under an echinus to enrich the cornice. The lower figure in the woodcut shows a small portion of the astragal forming the upper edge of an architrave, which Armow in the British Museum, and which was part of the Temple of Erch- theus at Athens. It is drawn of the same size as the marble itself. The term asteragalus, employed by Vitruvius, 9 was no doubt borrowed from Hemo-


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ASYLUM

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ANTIIANAE FABULAE.

emperor were considered to inflict disgrace on their master, as it was reasonably supposed that no slave would take such a step unless he had received very bad usage from his master. If it could be proved that any individual had instigated the slave of another to flee to the statue of an emperor, he was liable to an action corrupti servum. The right of asylum seems to have been generally, but not entirely, confined to slaves.

The term 

nulla was also applied to the security from plunder (avolía καὶ κατὰ γῆν καὶ κατὰ δίκαιο-

ναχ) which was sometimes granted by one state to another, or even to single individuals.

ATLLA 

immunity from public burdens, was enjoyed at Athens by the archons for the term

(1) without any personal qualifications.

persons, on whom it had been conferred as a reward for great services, as in the case of Harmodius and Aristogeiton; and by the inhabitants of certain foreign states. It was of several kinds: it might be a general immunity (ateliea ἡμών), or a more special exemption, as from custom-duties, from the liturgies, or from providing sacrifices (ateliea ἀρτιες). The exemption from military service was also called ateliea.

ATLNANAE FABULAE. The Atellane plays were a species of farce or comedy, so called from Atella, a town of the Osci, in Campania. From this circumstance, and from being written in the Oscan dialect, they were also called Ludii Osci. According to Valerius Romanus, and other authorities, this doctrine is false; for it is not unreasonable to suppose that they were at first, and in their native country, rude improvisatory farces, without dramatic connexion, but full of raillery and wit, suggested by the contemporary events of the neighbourhood. However this may be, the "Atellane fabulae" at Rome had a peculiar and dramatic character, as well as a particular style, and the less elegant imitations of the Romans: the latter, he says, were acted in the Roman language, not the Oscan; they consisted of only one act, whereas the Atellane and other plays had five, with laughable exodua or interludes; lastly, as he thought, they had not the accompaniment of the flute-player, nor of singing, nor gesticulation (mota ov πυθον). One of them seems to have been a history, that, instead of the satyrs and similar characters of the Greek satyr-drama, which they in some respects resembled, they had Oscan characters drawn from real life, speaking their language, and personating some peculiar class of people in a particular locality. Such, indeed, are the Harlequin and Pulcinello of the modern Italian stage, called mascherone or masks, and supposed to be descended from the old Oscan characters of the Atellane. Thus, even now, zanni is one of the Harlequin's names, as sannio in the Latin farces was the name of a buffoon, who had his head shorn, and wore a dress of gay patchwork; and the very figure of Pulcinello is said to have been found in the stucco painting of Pompeii, at the old tabernaria of the Atellane. On this subject Lady Morgan speaks as follows: "The Pulcinello of Italy is not like the Pulchinel of Paris, or the Punch of England; but a particular character of low comedy peculiar to Naples, as Pantalone of Venice, II Dottore of Bologna. Their name of Maschere comes from their wearing masks on the upper part of their faces. They are the remains of the Greek and Latin theatres, and are devoted to the depicting of national, or rather provincial absurdities and peculiarities." Again, at Cologne in Köln, famous for its connexion with the Romans, there still exists a puppet theatre (Puppentheater), where dull farces are performed by dolls, and the dialogue, spoken in the patois or dialect of the country, and full of satirical local allusions, is carried on by persons concealing.

These Atellane plays were not protetenate, i. e., comedies in which magistrates and persons of rank were introduced; not tabernaria, the characters in which were taken from low life: "they rather seem to have been a union of high comedy and its parody." They were also distinguished from the mimés by the absence of low buffoonery and ribaldry, being more serious in tone, such as could be understood and appreciated by educated people. Thus Cicero reproaches one of his correspondents for a coarseness in his joking, more like the ribaldry of the mimés than the humour of the Atellane fabulae, which in former times were the after-piece in dramatic representations (secundum Ædouam Actum, non ut idem soliæ Atellaneum, sed ut nunc faciam,intromissionem). This statement of Cicero agrees with a remark of Valerius Maximus, that these plays were tempered with an Italian severity of taste; and Donatus also says of them, that they were remarkable for their antique elegance, i. e., not of language, but of style and character. This suggests an explanation of the fact that Atellane were not performed by regular actors (histriones), but by some body of nobile birth, who were engaged so that account subjected to any degradation, but retained their rights as citizens, and might serve in the army. This was not the case with other actors, so that the profession was confined to foreigners or freedmen. Niebuhr, however, is of opinion, that all the three kinds of the Roman national drama, and not the Atellane only, might be represented by this body of Romans, without the risk of their franchise.

The Oscan or Opician language, in which these plays were written, was spread over all the south of Italy; and as some inscriptions in it are intelligible to us, we cannot wonder that plays written in Oscan were understood by the more educated Romans. One peculiarity of it was the use of "p for "f:

However, in one part of these plays, called the canticum, the Latin language, and sometimes the Greek, was used. Thus we are told that one of these canticas opened with the words Veni to simus a villa, "The haboon is come from his country house;" and as Gaia was entering Rome at the time, the players caught up the burden of the song, joining in chorus. It might be thought that this is true only of the time of the emperors; but we find that, even before then, the Latin language was used, as in the instances given below, and that, too, in other parts besides the canticum. In connexion with this, it may be remarked, that, like everything else at Rome, the Atellane degenerated under the emperors, so as to become more like the mimés, till they were at last acted by common players.

They were written in verse, chiefly iambic, with many triasyllabic feet. Lucius Sulla, the dictator, is believed to have written plays of this sort from a statement in Athenaeus, that he wrote satirical comedies in his native, i. e., the Campanian dialect. Quintus Novius, who flourished about fifty years after

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chus in Exile;" Gallinaria, or the "Poultei:Jr
Vindemialores, " the Vintagers ;" Surdus, the "Deafman ;" I'arcus, the "Thrifty-man ;" from this play
has been preserved the line, " Quod magnopere quasivcrunt idfrunisci nort queunt, Qui non parsit, apud
frunitus est." Fruniscor is the same as fruor.'
Lucius Pomponius, of Bononia, who lived about
H.C. 90, wrote Macchus Miles, the Pseudo-Agamemnon, the Bucco Adoptatus, the Mdilumus or Sacristan, &c.
In the last the following verse occurred
"" Qui
postquam iibi appareo, atque (EdiLumor in tcmplo
tuo." Appareo here means " to attend upon." The
Macchus was a common character in these plays,
probably a sort of clown the Bucco or Babbler was
another." These plays subsequently fell into neglect, but wej-e revived by a certain Mummius, mentioned by Macrobius, who does not, however, state
the time of the revival.
Subjoined is a specimen of Oscan, part of an inscription found at IBantia, in Lucania, with the Latin
interpretation written underneath
" In svae pis ionc fortis meddis moltaum herest
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Et si quis eum fortis magislralus multare Dolet,
Ampert mistreis alteis eituas moltas moltaum

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Una cum magistris

allis

cemriimulta multare

licilo."

Herest is supposed to be connected with ;(;aip^ffEi,
meddis with ftiduv, ampert with a^<pfrrEpi.
For additional specimens of Oscan, the reader is
referred to Grotefend's Rudimenta lAngua Osea,
from which is taken the example given above, and
aUo the interpretation of it. The fragments of Pomponius have been collected and edited by Munk.
ATHEN.^'t)M, a school (,ludus) founded by the
Kmperpr Hadrian at Rome, for the promotion of
tterary and scientific studies [ingenuarum arlium'),
and called Athenajum from the town of Athens,
which was still regarded as the seat of intellectual
refinement.* The Athenaeum appears to have been
situated in the Capitol.' It was a kind of universiand a staff of professors, for the various branchty
Under Theoes of study, was regularly engaged.
dosius II., for example, there were three orators,
i

ten grammarians, five sophists, one philosopher, two
lawyers or jurisconsults.* Besides the instruction
given by these magistri, poets, orators, and critics
were accustomed to recite their compositions there,
and these prelections were sometimes honoured
with the presence of the emperors themselves.'
There were other places where such recitations
were made, as the Library of Trajan (vid. Biblidtheoa) sometimes, also, a room was hired, and
made into an auditorium, seats erected, &c. ( Vid.
AuniTORiDM.) The Athenaeum seems to have con;

tinued in high repute till the fifth century. Little is
known of the details of study or discipline in the
Athenaium, but in a constitution of the year 370,"
there are si me regulations respecting students in
it would appear that it must have
been a very extensive and important institution.
And thisjs confirmed by other statements contained
in some of the Fathers and other ancient authors,
from which we learn that young men from all parts,

Rome, from which

and college studies
or province, used to resort to
Rome, as a sort of higher university, for the purpose of completing their education.
\&6eplvri), a species of small fish,
.supposed to be the Athcrina Hepsetus, L., but uncerafter finishing their usual school
in their

own town

ATHERI'NA

Pennant says it is common on the ccasl ot
Southampton, where it is called a smelt. It is aboul
four inches long.
The Atherina is mertioued by
Aristotle and Oppian.'
ATHLE'T^ (dS/lijTai, aBlririipeg) were persons
who contended in the public games of the Greeks
and Romans for the prizes (ud'Aa, whence the name
of iiBy^riTai), which were given to those who con
quered in contests of agility and strength. Thie
name was, in the later period of Grecian history
and among the Romans, properly confined to .those
lain.

persons who entirely devoted themselves to a course
of training which might fit them to excel in such
contests, and who, in fact, made athletic exercises
their profession.
The athletae differed, therefore,
from the agonistae (liyuviaTai), who only pursued

gymnastic exercises for the sake of improving their
health and bodily strength, and who, though they
sometimes contended for the prizes in the public
games, did not devote their whole lives, like the
preparing for these contests. In early
times there does not appear to have been any disbetween the athletae and agonistae since
we find that many individuals, who obtained prizes
at the great national games of the Greeks, were
persons of considerable political importance, who
were never considered to pursue athletic exercises
as a profession.
Thus we read that Phayllus of
Grotona, who had thrice conquered in the Pythian
games, commanded a vessel at the battle of Salamis;" and that Dorieus of Rhodes, who had obtained the prize in all of the four great festivals, was
celebrated in Greece for his opposition to the Athenians.'
But as the individuals who obtained the
prizes in these games received great honours and
rewards, not only from their fellow-citizens, but also
from foreign states, those persons who intended to
contend for the prizes made extraordinary efl^orts to
prepare themselves for the contest
and it was
soon found that, unless they subjected themselves
to a severer course of training than was afforded by
the ordinary exercises of the gymnasia, they would
not have any chance of gaining the victory. Thus
arose a class of individuals, to whom the term athletae was appropriated, and who became, in course
of time, the only persons who contended in the pul>athleta;, to

tinction

819, E.)—5. (Cod. xi.,
7 (Laniprid., Alex., c.

18.)—6. (Dion, Ixxiiiv, p..83S, E.)—
35.)—8w (Cod. Theodos., xiv„ p. 9, « 1.)

tit.

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lic

games.

Athletae were first introduced at Rome B.C. 186.
in the games exhibited by Marcus Fulvius, on the
conclusion of the jEtolian war.* PauUus .iEmilius
after the conquest of Perseus, B.C. 167, is said to
have exhibited games at Amphipolis, in which ath.

A

contended.*
certamen athletarum' was also
exhibited by Scaurus in B.C. 59; and, among the
various games with which Julius Caesar gratified
the people, we read of a contest of athletaj vi'hich
lasted for three days, and which was exhibited in a
temporary stadium in the Campus Martius.' Under the Roman emperors, and especially under
Nero, who was passionately fond of the Grecian
games,' the number of athletae increased greatly in
Italy, Greece,' and Asia Minor; and many inscriptions respecting them have come down to us, which
show that professional athletae were very numerous, and that they enjoyed several privileges. They
formed at Rome a kind of corporation, and possessed a tabularium and a common hall curia athletarum,^ in which they were accustomed to deliberate
on all matters which had a reference to the interests of the body.
find that they were called
Herculanei, and also xystici, because they were acletiE

We

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ix., 2.
Oppian, Hal., i. Adams
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Paus., x., 9, ^ 1.)
viii., 47.
i.)—i. (Liv., xxxix., 22.)— 6. (I.iy., ilv., 3Sl
^.(,Val...Max., ii., 4, « 7.)—7. (Suet., Jul, 39.)—S. (Tacit

t.

1. (Aulas Gellius, xvii., 2.)—2, (Facciolati, s. v. Bucco and

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3

(AriBtot., II. A., vj., 17

Append.,

b.

v.J^2. (Herod.,

(Paus., vi., 7,

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eustoned to exercise, in winter, in a covered place called xystus; and that they had a president, who was called syzyarchos, and also archon.

Those athletes who conquered in any of the great national festivals of the Greeks were called hieronika (ἱερονικαί) (p. 119) and, received, as has been already remarked, the greatest honours and rewards. Such a conqueror was considered to confer honour upon the state to which he belonged; he entered his native city in triumph, through a breach made in the walls for his reception, to intimate, says Plutarch, that the state which possessed such a citizen had no occasion for walls. 1 He usually passed through the walls in a chariot drawn by four white horses, and went along the principal street of the city to the temple of the guardian deity of the state, where hymns of victory were sung. Those games, which gave the conquerors the right of such an entrance into the city, were called seisaistici (σείσαιστικοί). This term was originally confined to the four great Greek festivals, the Olympic, Isthmian, Nemean, and Pythian; but was afterward applied to other public games, as, for instance, to those instituted in Asia Minor. 2 In the Greek states, the victors in these games not only obtained the greatest glory and respect, but also substantial rewards. They were generally relieved from the payment of taxes, and also enjoyed the first seat (προσθήκη) in all public games and spectacles. The exercise of the gymnastic contests was not only of national, but of international, interest, as all the states, in the most frequent part of the city, as the market-place, the gymnasia, and the neighborhood of the temples. 3 At Athens, according to a law of Solon, the conquerors in the Olympic games were rewarded with a prize of 500 drachmae; and the conquerors in the Pythian, Nemean, and Isthmian games in the same manner, as is intimated by Juvenal, 4 that they had the privilege of fighting near the person of the king. 5 The privileges of the athletes were preserved and increased by Augustus; 6 and the following emperors appear to have always treated them with considerable favour. Those who conquered in the games called seisaistici received, in the time of Trajan, a sum from the state, termed opoma (οπομα, perhaps from opōma, opōma), which became a special reward. The athletic games were celebrated only by those athletes who had obtained in the sacred games (ςωρὶς κάρτερμινις, by which is probably meant the seisaistici iudici not less than three crowns, and had not bribed their antagonists to give them the victory, enjoyed immunity from all taxes. 7

The term athlete, though sometimes applied metaphorically to other combatants, was properly limited to those who took part in the games, and engaged in the following contests: 1. Running (ὁρμός, cursus), which was divided into four different contests, namely, the σταδιορομός, in which the race was the length of the stadium; the διανυκτορομός, in which the stadium was traversed twice; the διοικτιορομός, which consisted of several lengths of the stadium, but the number of which is uncertain; and the ἐπίστατος, in which the race was run in armor. 2. Wrestling (πάλη, lucta). 3. Boxing (νυμμή, pukulatia). 4. The pentadixium (πένταδίκσιον, or, as the Romans called it, quingvertum). 5. The pancratium (πανκράτιον). Of all these an account is given in separate articles. These contests were divided into two kinds: the severe (βαρεά, βαρόστρες) and the light (σεβαστά, σεβώντρες). Under the former were included wrestling, boxing, the running of the CDs of the pentad) and the pancratium, which consisted of wrestling and boxing combined, and was also called pammachon. 8

Great attention was paid to the training of the athlete. They were generally trained in the πολιτικήν, which, in the Grecian states, were distinctly places from the gymnasia, to which they may have been frequently confined. 9 Plutarch informs us, 10 that near the gymnasion at Olympia there were palestra for the athletes; and Plutarch expressly says 11 that the place in which the athlete exercissa is called a palæstra. 2 Their exercises were supervised by the gymnasiarch (γυμνασιάρχης), and their diet was regulated by the alipites (ἄλιπτης). (Vid. Διατρ.) According to Plutarch, the athletes did not eat meat, but principally lived upon fresh cheese, 12 and Diogenes Laërtius 13 informs us that their original diet consisted of dried figs, 14 moist or new cheese, 15 and wheat. 16 The eating of meat by the athletes is said, according to some writers, 17 to have been first introduced by Dromeus of Symplythus, in Arcadia; and, according to others, by the philosopher Pythagoras, or by an alipites of that name. 18 According to Galen, 19 the athlete, who practised the severe exercises, 20 ate pork and a particular kind of bread; and from a remark of Diogenes the Cynic, 21 it would appear that in his time beef and pork formed the ordinary diet of the athlete. Beef is also mentioned by Plato, 22 as the food of the athlete; and a writer quoted by Athenaeus 23 relates, that the Athenians gave to their athletes, not only great food, but strong wine, that he was enabled to overcome all the athletes of his time. At the end of the exercises of each day, the athletes were obliged to take a certain quantity of food, which was usually called ἀνάκορανοφία and ἀνάκορυφωρία, 24 οἵς βασιλεύας; 25 after which, they were accustomed to take a long sleep. The quantity of animal food which some 26 of the celebrated athletes ate is described in the games given in the twenty-third book of the Iliad; 27 the combatants are said to have worn a girdle about their loins; and the same practice, as we learn from Thucydidcs, 28 anciently prevailed at the Olympic games, but was discontinued afterward.

For further information on the athlete, the reader is referred to the articles Isthmian, Nemean, Olympic, Pythian Games; and to Krause's Thūgen, oder wissenschaftliche Darstellung der Gymnastik, Agonistik, und Festspiele der Hellenen (Halle, 1835); and Olympia, oder Darstellung der grossen Olympischen Spiele (Vienna, 1838).

ATHLIDTEAE. (Vid. Aaononoth, Hellenodice.)

ATLIA LEX. (Vid. Tutor.)

ATLIA (ἄτλια), or the Fortnite of a man's civil rights. It was either total or partial. A man was totally deprived of his rights, both for himself and for his descendants, 29 when he was convicted of murder, theft, false witness, partiality as arbiter, violence offered to a magistrate, and so forth. This highest degree of atilía excluded the person affected by it from the forum, and from all public assem-
ATRAMENTUM.

ATRAMENTUM, a term applicable to any black colouring substance, for whatever purpose it may be used, like the μέλαν of the Greeks. There were, however, three principal kinds of atrimentum: one called librarium or scriptorium (in Greč., γραφαίον μέλαν), another called sutorium, the third pictorium. Atrimentum librarium was what we call writing-ink. Atrimentum sutorium was used by shoemakers for dying leather. This atrimentum: sutorium contained some poisonous ingredient, such as oil of vitriol; whence a person is said to die of atrimentum sutorium, that is, of poison, as in Cicero. Atrimentum pictorium or pictorium was used for the inking of pages for some purposes, apparently as a sort of varnish. The scholiast of Aristophanes says that the courts of justice, or δικαιστήρια, in Athens were called each after some letter of the alphabet: one alpha, another beta, a third gamma, and so on, and that against the doors of each δικαιστήριον, the letter which belonged to it was written ἱστός βυζαντινός, in red ink. This red ink, or red写字, was the occasion of a famous case. The inscrip- tions of the pages are often written in red ink. Ink among the Romans is first found mentioned in the passages of Cicero and Plautus above referred to. Pliny informs us how it was made. He says, "It was made of soot in various ways, with burned resin or pitch: and for this purpose," he adds, "they have built furnaces, which do not allow the smoke to escape. The kind most commonly used is made in this way from pine-wood: It is mixed with soot from the furnaces or baths (that is, the hypocausts of the baths: οικία), and this they used ad volumina scribendi. Some also make a kind of ink by boiling and straining the lees of wine," &c. With this account the statements of Vitruvius in the main agree. The black matter eminently used by the cuttlefish (sepia), and hence itself called sepia, was also used for atrimentum. Aristotle, however, in treating of the cuttlefish, does not refer to the use of the matter (ϑόλος) which it emits, as ink. Pliny observes14 that an infusion of worm-wood with ink preserves a manuscript from mice.15


A representation of these figures is given in the preceding woodcut, copied from the tegularium in the baths at Pompeii. They are placed round the sides of the chamber, and support a cornice, upon which the vaulting of the roof rests, thus dividing the whole extent of the walls into a number of small compartments, the uses of which are explained in the description of tegularium in the article Baths.

A representation of a species of atrimentum, called by some the Distaff-Thistle, from its resen-

blance to a distaff (ὁπάρσα), for which its stam-

was often employed. It is not improbable, as Au-

tamsa thinks, that it was applied to several sorts of

thistles, a tribe still very difficult to classify and
distinguish. Euellius and Hermolaus make it out
to be the Ononis sylvestris, but this opinion is

rejected by Matthiolus, and that of Fuchsus, who
held it to be the Carduus Bnecdicius does not seem

less objectionable. Speangel, in the first edition of

his R. H. H., inclines to the Carchinus Canatus,

and in the second to the C. Cricicus; but in his

edition of Dioscorides he proposes the Carchina lan-
alata, L. Stackhouse hesitates about the Atractylis

gummifera. The modern name in u. among the

Greeks is Aristocarya or xypoxitly. Sibthorp found

it in Southern Greece.

VITRUVUS LEX. (Vid. Usurcaei.)

ATLANTES ('ἄτλαντες), also called Tedamones.

These both words are used, in a general sense, to

signify anything which supports a burden, whether

a man, an animal, or an inanimate object; but in

architectural language they were specifically ap-
dplied to designate those μασσευ γιγιγις which are

sometimes fancifully used instead of modifications
to support the cornices, or upper member of a cornice:

"Nositas Tedamones, Graeci vero hos Atlantes vocant,"
says Vitruvius. The fable of Atlas, who bore the
globe upon his shoulders, and of whom Homer says,

"Εγένετε τον κοσμον αόηνς μακροζ, αλα γαθον ται και ουραιαν ύπον ιχθυαν," supplied an historical derivation for the name. They were distinguished from Caryatides, which are al-

ways represented as female figures in an erect po-
tion.

They were also applied as ornaments to the sides

of a vessel, having the appearance of supporting the

oars; as in the ship of Hiero, described by

Atheneus,* in which instance he represents them

as being six cubits in height, and sustaining the
tripods and cornices.

Here, too, the term came to be used in ivory

(σκήριον), to ridicule a person of very diminu-
tive or deformed stature.

1. (De Myst., c. 73, 76, p. 33.)—2. (Vitr., vi., 10.)—3. (Od., l., 52.—4. (v., 45.)—5. (Juv, Sat., vili., 32.)
On the whole, perhaps, it may be said that the inks of the ancients were more durable than our own; that they were thicker and more incoherent, in substance and durability more resembling the ink now used by printers. An inksand was discovered at Herculeanum, called human ink as thick as oil, and still usable for writing.\(^1\)

It would appear, also, that this gummy character of the ink, preventing it from running to the point of the pen, was as much complained of by the ancient Romans as it is by ourselves. Persius\(^2\) represents a foppish writer sitting down to compose; but, as the ideas do not run freely,

\[Tuo queritur, esseasula quod pendet humor; Nicula quaed infusa vanescat sopia lympha.\]

They also added water, as we do sometimes, to thin it. Mr. Lane\(^3\) remarks that the ink of the modern Egyptians is “very thick and gummy.”

From a phrase used by Demosthenes, it would appear if the colouring ingredient was obtained by rubbing from some solid substance, perhaps much as we rub Indian ink. Demosthenes is reproaching Eschines with his low origin, and says that,

“when a youth, he was in a state of great want, assisted his father in his school, rubbed the ink (prepared the ink by rubbing, τοις μελαν τριθοιον), washed down the forms, and swept the schoolroom,” etc. It is probable that there were many ways of colouring ink, especially of different colors. Red ink was often used for writing the titles and beginnings of books,\(^4\) so also was ink made of rubrica, “red ochre”; and because the headings of laws were written with rubrica, the word rubric came to be used for the civil law.\(^5\) So album, a white or whitened table, on which the prators’ edicts were written, was used in a similar way. A person devoting himself to poetry and rhetoric was said to “rub himself to the law.”

(Vul. Ateum.) There was also a very expensive red-coloured ink, with which the emperor used to write his signature, but which any one else was by an edict forbidden to use, excepting the sons or near relatives of the emperor, to whom the privilege was expressly granted. But if the emperor was under, Livy says, a great illness, and writing his will, he used white ink. On the basements of Crassus there were purple letters, φωναις γρυψαμετα.\(^6\) On pillars and monuments, letters of gold and silver, or letters covered with gilt and silver, were sometimes used, as appears from Cicero\(^7\) and Suetonius.\(^8\) In writing, also, this was done at a later period. Suetonius\(^9\) says, that of the poems which Nero recited at Rome, one part was written in gold (or gilt) letters (aurae litterae), and consecrated to Jupiter Capitolinus.\(^10\)

This kind of illuminated writing was more practised afterward in religious compositions, which were considered as worthy to be written in letters of gold (as we say even now), and therefore, were actually written so. Something like what we call sympathetic ink, which is invisible till heat, or some preparation be applied, appears to have been not uncommon. So Ovid\(^11\) advises writing love-letters with fresh milk, which would be unreadable until the letters were sprinkled with coal-dust:

“Tutaoque est, fallitique ocules e lacte recenti Littera: carbonis pulpere tangis: leges.” Ausonius\(^12\) gives the same direction (“Lacte in aide notas; wrescens charta tenetis Semper inadscipias; pro-

tended to contain both black and red ink, mucen in the modern fashion. They were also of various shapes, as, for example, round or hexagonal. They had covers to keep the dust from the ink. The preceding cuts represent inksands found at Pompeii.

ARIUM, called aedii by the Greeks and by Virgil,\(^13\) and also μεσαύλιον, περιστύλων, περίστρων.

Two derivations of this word are given by the ancient writers. Festus and Varro refer it to the same origin: Ab Atria popoli, a quibus ariarium exempla desumpta fuerant \(^14\) but Servius, on the contrary,\(^15\) derives the term ab atrario, fiamnum qui esse solebat in atris; a remark which explains the allusion of Juvenal,\(^16\) Fumosum equium cum dictatoribus magistratos, since it was customary among the Romans to preserve the statues of their ancestors in the atrium, which were blackened by the smoke of the fires kept there for the use of the household.

Atrium is used in a distinctive as well as collective sense, to designate a particular part in the private houses of the Romans (vid. House), and also a class of public buildings, so called from their general resemblance in construction to the atrium of a private house. There is likewise a distinction between atrium and area; the former being an open area surrounded by a colonnade, while the latter had no such ornament attached to it. The atrium, moreover, was sometimes a building by itself, resembling, in some respects, the open basilica (vid. Basilica), but consisting of three sides. Such was the Atrium Publicum in the Capitol, which Livy informs us was struck with lightning B.C. 216.\(^17\) It was at other times attached to some temple or other edifice, and in such case consisted of an open area and surrounding portico in front of the structure, like that before the Church of St. Peter in the Vatican.

Several of these buildings are mentioned by the ancient historians, two of which were dedicated to the same goddess, Libertas; and hence a difficulty is sometimes felt in deciding which of the two is meant when the atrium Libertatis is spoken of. The most celebrated, as well as the most ancient, was situated upon the Avenue Mount. Of this there is no doubt; for it is enumerated by Victor, in his catalogue of the buildings contained in the xii. Regio, which comprises the Mons Aventinus, on which there was an aedes Libertatis built and dedicated by the father of Gracchus,\(^18\) to which the atrium was attached either at the same time or shortly afterward; for Livy also states\(^19\) that the hostages from Tarentum were confined in astra Libertatis, which must refer to the atrium on the Aven-
Astrinus, "Pausanias, quoted and lay foster [Ap., Tac., Rom., humorously order reddish (ix., but [lcmoin, Another strong and a (Av., and, —10. M.) mention out ris mentioned &remus I'aulli ally, considered also this evident in this has torture, in Atria was be Cicero in 1, 22.)— It meant. which quce Cicero 26.— the preservation to spot was this the place, This seems to have been used because Attica was also called Attica/'Athens, for a species of Gnat, but referred by Stackhouse to the genus Atteles, I., a class of insects that attack the leaves and most tender parts of plants.

ATTHIS (artbic), a name given to any composition which treated of the history of Attica. This name seems to have been used because Attica was also called Athens. The first book 'Artic svyypa9, because it treats chiefly of Athen and Athens. The Attides appear to have been not strictly historical; but also geographical, topographical, mythological, and archeological. By preserving the local history, legends, traditions, and antiquities, and thus drawing attention to the ancient standing and renown of the country, and connecting with the present, it was meant to foster a strong national feeling. From what Dionysius says it would appear that other districts had their local histories as well as Attica.11 The nature of the 'Artides we know only from a few fragments and incidental notices. The most ancient writer of these compositions would appear, according to Pausanias,12 to have been Citodemus—Kleidodromos or Kleidodromos (άπος το 'Αθρών ϣ επίχωρα γαρφέων, δ θρώστοντος). His 'Artis was published about B.C. 378.13 Probably Pausanias means that Citodemus was the first native Athenian who wrote an 'Arthis, as Clinton observes, and not the first person; for Helenius, a native of Lesbos, had written one before him. Another writer of this class was Andron ('Ανδρών, a native of Halicarnassus, as appears from Plutarch;14 also Androtion—'Ανδρότιον,15 and Philochorus, who held the office of ierocóptos at Athens, B.C. 306.16 His 'Arthis is quoted by the scholar on Aristophanes17 and Euripides.18 Phanodemos, Demon, and later

Atrium

ATHIS.

ATTHIS.

ATTHIS.

Although the name of its founder is broken off, yet the open peristyles, without any surrounding wall, demonstrate that it was in the nature of a basilica. The passage of Cicero will be satisfactorily explained.

In order to lay open the magnificent Basilica of Paulus to the Forum of Caesar, he proposed to buy and pull down some buildings which obstructed the view, which would extend the small forum of Caes ar suis et lib. atrium, by doing which he intended to erect the forum of Caesar, upon whose good will he prides himself so much in the epistle.

The dotted lines represent a crack in the marble.

were also writers of "Arēdes." Their date is uncertain; but it appears that Demon was nearly contemporary with Philochoros, and that Ister flourished B.C. 240—221, in the reign of Ptolemaus Euergetes, and was, as Suidas asserts, a pupil of Callimachus. The fragments of Philochoros and Androtion have been edited by C. G. Siebelis (Leipsig, 1811); and those of Phanodemus, Demon, Chotode mus, and Ister also (Leipsig, 1812).

Atticurges (tò Ἀττικοῦργης), in the Attic style. Vitruvius, when treating of the different constructions of doorways to sacred edifices, enumerates three, the Doric, Ionic, and Attic (Atticurges). He first gives an account of the Doric, then the Ionic, and, lastly, states that the Attic follows generally the same rules as the Doric; and then, having instanced the points of difference between these two orders, he concludes by saying that he has laid down all the rules necessary for the construction of the Doric, Ionic, and Corinthian orders (Doric, Ionic, Corinthiacque operibus), which would certainly seem to identify the Attic with the Corinthian. Pliny, however, designates as Attic columns (columnas Atticas) those which have four angles and equal sides, i. e., a square pilaster, such as the order of columns in the upper story of the Coliseum, which have Corinthian capitals; but the projection of their sides is not equal to the front. There is much difficulty in using this consideration; for if the people of Attica had an order of their own, distinct from the Doric, which they commonly adopted, as the Tuscan, Ionians, and Corinthians had, it is singular that we should not have any account of its distinctive properties, and that Vitruvius himself should not have described it as exactly as he has the other three. The only way to remove the difficulty is to adopt the explanation of Pliny, and to conclude that the Athenians had no distinct order of their own, with a peculiar character in all its component parts; but that they adopted a column expressly Attic, i. e., a square one, with a Corinthian capital and an Attic base, to the other parts and proportions of the Doric order. Thus Vitruvius may be reconciled with himself; for he says in one place that he adopt ed the doorways, where the square or Attic columns of Pliny would be admirably fitted for the upright jambs, which might be ornamented with a Corinthian capital and an Attic base, the proportions and component parts of which are enumerated by Vitruvius.

The lowest he terms πινθος; the one above that, τος υπερινος; the next three divisions, αυτος ευμ αυτος και τος ηπερινος; and the highest, the τους συντομος. The sale was sometimes conducted by an argentarius, or by a magister auctionis; and the time, place, and conditions of sale were announced either by a public notice (τέκλα, άλαμβος, &c.) or by a crier (πρωκος).

An entry was made in the books of the argentarius of the sale and the money due, and credit was given in the same books to the purchaser when he paid the money (expensae pecunia lata, accipiet relata). Thus the book of the argentarius might be used as evidence for the purchaser, both of his having made a purchase, and having paid for the thing purchased. If the money was not paid according to the conditions of sale, the argentarius could sue for it.

The præco or crier seemed to have acted the part of the agent for the seller; so far as calling out the biddings and amusing the company. Slaves, when sold by auction, were placed on a stone or other elevated thing, and hence the phrase homon de lapide emitus. It was usual to put up a spear, haste, in auctions, a symbol derived, it is said, from the ancient practice of selling under a spear the booty acquired in war. By the auction, the Quiritanian owners, and others in possession, were permitted to make a bid for the purchaser. (Vid. Bonnerus Exprivto, Scaccto.)

Auctor, a word which contains the same element as aegco, and signifies generally one who enlarges, confirms, or gives to a thing its completeness and efficient form. The numerous technical significations of the word are derived from this general notion. As he who gives to a thing that which is necessary for its completeness, may in this sense be viewed as the chief actor or doer, the word auctor is also used in the sense of one who originates or proposes a thing; but this cannot be viewed as its primary meaning. Accordingly, the word auctor, when used in connexion with lex or senator consultum, often means he who originates and proposes, as appears from numerous passages. When a measure was approved by the senate, the name of auctor was confirmed by the votes of the people, the senate were said auctores fieri, and this preliminary approval was called senatus auctoritas.

In the passage of Livy, there is an ambiguity in the use of the word, arising from the statement of the practice in Livy's time, and the circumstances of the peculiar case of the election of a king. The effect of what Livy states is as to the election of Numa: Numa "made a reservation of a veto: "Si dignum creabitis, patres auctores fient." The meaning, however, of the whole passage is clearly this: the patres gave permission to elect, and if the person elected should be approved by them, that was to be considered equivalent to their nomination.

In the imperial time, auctor is often said of the emperor (præ consilii) who recommended anything to the senate, and on which recommendation that body passed a senators consultum.

When the word auctor is applied to him who recommends, but does not originate a legislative
meant, it is equivalent to *uctor.* Sometimes both auctor and suasor are used in the same sentence, and the meaning of each is kept distinct. 4

With reference to dealings between individuals, auctor has the sense of owner, and is defined thus: 4

* Auctorem * _a quo jus in me transit._ In this sense auctor is the seller (vendedor), as opposed to the buyer (emtor): the person who joined the seller in a warranty, or as security, was called auctorum manus, as opposed to the seller, or auctor primus. The phrase *mala auctore emerit, auctore laudari? will thus be intelligible. The testator, with respect to his heir, might be called auctor.

Consistently with the meanings of auctor as already explained, the notion of consenting, approving, and giving validity to a measure affecting a person, *auctoritas* clearly appears in the following passage.

Auctor is also used generally to express any person under whose authority any legal act is done. In this sense, it means a tutor who is appointed to aid or advise a woman on account of the infirmity of her sex. 4 It is also applied to a tutor whose husband, for similar or other reasons, has departed or become unworthy to beahalf of a ward (pupillus).

The term auctores is equivalent to jurisperiti; and the law writers, or leaders of particular schools of law, were called *schola auctores.* It is unnecessary to trace the other significations of this word.

**AUCTORITAS.** The technical meanings of this word correlate with those of auctor.

The auctoritas senatus was not a senatus consultum; it was a measure, incomplete in itself, which received its completion by some other authority. Auctoritas, as applied to property, is equivalent to legal ownership, being a corollary of auctor. It is derived from *aucturus,* a present participle, that there could be no usucapion of a stolen thing, which is thus expressed by Gellius in speaking of the Athenian law: 5 " *Quod subreptum erit ejus rei atena auctoritas esto;" the ownership of the thing stolen was still in the original owner.

Auctoritas sometimes signifies a warranty or collateral securities given in support of some personal promise. Sometimes, of course, it might denote the act of giving such security. The word auctoritas actio means the action of eviction. 6 The instrumenta auctoritatia are the proofs or evidences of title.

The auctoritas of the praetor is sometimes used to signify the judicial sanction of the praetor, or his order, by which a person, a tutor for instance, might be compelled to do some legal act or in other words, "auctor fieri." The tutor, with respect to his wards, both male and female (pupilli, pupillae), was said *negotium gerere, and auctorialiter interponere: the former phrase is applicable where the tutor does the act himself; the latter, where he gives his approbation and confirmation to the act of his ward. Though an infant had not a capacity to do any act, his tutor was considered to have such capacity to receive or assent to anything which was for his benefit, and in such case the auctoritas of the tutor was not necessary.

The authority of decided cases was called *similis judicatorum auctoritas.* The other meanings of auctoritas may be easily derived from the primary meaning of the word, and from the explanations here given.

AUCTORIUM is a place where poets, orators, and critics were heard recite their compositions. There were places used expressly for this purpose, as the Athenaeum. (Vid. Athenaeum.) Sometimes, also, a room was hired and converted to this object, by the erection of seats, and by other arrangements. The form auditorium was also applied to a court, and, when the inference has been drawn that this kind of auditorium was the emperor's audience-chamber.

* AVELLANA NUX, the Filbert, the fruit of the Corylus Avellana, or Hazelnut-tree. It is the kappov Ποικιλον or Ποικιλορρομον of Dioscorides. According to Pliny, the earlier form of the Latin name was *Abellana max,* an appellation coming very probably, and hence the inference has been drawn that this species of nut is said to have abounded, or else from the Campanian city of Abellia. Servius is in favour of the latter. Pliny says the filbert came first from Pontus into Lower Asia and Greece, and hence one of its Greek names, as given above, καπνον Ποικιλον. Macrobius styles it also *max rara* (Plin. N.H. xii. 8, 5). The names were afterwards applied to the Corylus Avellana and Prunus. Theophrastus 8 speaks of two varieties of this kind of nut, the one round, the other oblong; the latter is referred by Sprengel to the Corylus tubulosa, Wild.

* AUGITUS (euraytic), a species of gem deriving its name from its brilliancy (euraytis). Pliny says it was thought by many to be different from the Catulus, and hence the inference has been drawn that it was generally the same with the latter, which was probably turquoise. 

AUGUR meant a diviner by birds, but was sometimes applied in a more extended sense. The word seems to be connected with *augeo, auguro,* in the same manner as *fulgur with fulgeo and fulgurio.* This word is explained by Varron thus: "Augur is a man who, according to an obscure and vague custom, which it may have been at first restricted. 10 The idea of a second derivation from *axis,* confirmed by the analogy of *auspec (avispec), may perhaps have limited the signification of augur. It is not improbable that this last etymology may be the true one; but if so, it is impossible to explain the second element. We have, however, *aviturio* (Varr. de rari, de virt. 160, 27), which is *divinio, gardium grattalae, gardinum,* says Salmacius.

The institution of augurs is lost in the origin of the Roman state. According to that view of the constitution which makes it come entire from the hands of the first king, a college of three was appointed by Romulus, answering to the number of the three great orders of Roman society, which he added two; 12, yet, at the passing of the Ougulan law (B.C. 300), the augurs were but four in number: whether, as Livy supposes, the deficiency was accidental, is uncertain. Niebuhr supposes that there were four augurs at the passing of the Ougulan law, two aipece for the Thranes and Titiles. But it seems incredible that the third tribe should have an augur, who is, however, the inferno Augur, as it does appear how it ever obtained the privilege, as the additional augurs were elected from the plebs. By the law just mentioned, their number became nine, five ofwhom were chosen from the plebs. The dictator Sulla further increased them to fifteen, a multiple of their original number, which probably had a reference to the early tribes. This continued until the time of Augustus, who, during


other extraordinary powers, had the right conferred on him of electing augurs at his pleasure, whether there was a vacancy or not, B.C. 29, so that from this time the number of the college was unlimited.

According to Dionysius, the augurs, like the other priests, were originally elected by the comitia curiata, or assembly of the patricians, in their curia. As no election was complete without the sanction of augury, the college virtually possessed a veto on the election of all its members. They very soon obtained the privilege of self-election (jus cooptatio), which, with one interruption, viz., at the election of the first plebeian augurs, they retained until B.C. 103, the year of the Domitian law. By this law it was enacted that vacancies in the priestly colleges should be filled up by the votes of a majority of the tribes, i.e., seventeen out of thirty-five, chosen by lot. The Domitian law was repealed by Sulla, but again restored B.C. 63, during the consulsiput of Cicero, by the tribune T. Annius Labienus, with the support of Caesar. It was a second time abrogated by Antonia; whether again restored by Hirtius and Pansa, in their general annulment of the acts of Antony, seems uncertain. The emperors, as mentioned above, possessed the right of electing augurs at pleasure.

The augurship is described by Cicero, himself an augur, as the highest dignity in the state, having an authority which could prevent the comitia from voting otherwise, if the augurs had not been duly performed. The words altum die from a single augur might put a stop to all business, and a decree of the college had several times rescinded laws. Such exorbitant powers, as Cicero must have seen, depended for their continuance on the moderation of those who exercised the office.

The augurs were elected for life, and, even if capriciously elected, never lost their sacred character. They were to be free from any taint of disease while performing their sacred functions, which Plutarch thought was designed to show that purity of mind was required in the service of the gods. When a vacancy occurred, the candidate was nominated by tribune of the people, and the augurs were sworn, and the new member took an oath of secrecy before his inauguration. The only distinction among them was one of age, the eldest augur being styled magister collegii. Among other privileges, they enjoyed that of wearing the purple praetexta, or, according to some, the trabea. On ancient coins they are represented wearing a long robe, which reached to the head and reached down to the feet, thrown back over the left shoulder. They held in the right hand a litus or curved wand, hooked at the end like a crook, and sometimes have the capis, or earthen water vessel, by their side. On solemn occasions they appear to have worn a garland on the head. Although many of the augurs were senators, their office gave them no place in the Senate; and the manner of taking the auspices is described under auspicii.

The chief duties of the augurs were to observe and report supernatural signs. They were also the repositories of the ceremonial law, and had to advise on the expiation of prodigies, and other matters of religious observance. The sources of their art were threefold: first, the formulas and traditions of the college were in ancient times met on the nones of every month; secondly, the augures habere, which were extant even in Scipicun's time,13 thirdly, the


commentarii augurum, such as those of Messala and of Appius Claudius Pulcher, which seem to have been distinguished from the former as the treatises or learned men from received sacred writings. Other duties of the augurs were to assist magistrates, to assist the magistrates in taking the auspices. At the passing of the lex curiata, three were required to be present, a number probably designed to represent the three ancient tribes.

One of the difficulties connected with this subject is to distinguish between the religious duties of the augurs and of the higher magistrates. Under the latter were included consuls, augurs, and censors, the augurs, as appears from Varro, being obliged to apply for the auspices to his superior. A single magistrate had the power of proroguing the comitia by the formula sed de facto servare. (Vid. Auspicum.)

The law obliged him to give notice beforehand, so that it can only have been a religious way of exercising a constitutional right. The spectio, as it was termed, was a voluntary duty on the part of the magistrate, and no actual observation was required.

On the other hand, the augurs were employed by virtue of their office: they declared the auspices from immediate observation, without giving any notice:

they had the right of nonnullatio, not of spectio, at least in the comitia; in other words, they were to report "signs where they did, not to invent there where they did not exist."

The name of augurs possessed far greater power in the earlier than in the later period of Roman history. The old legends delighted to tell of the triumphs of religion: its first kings were augurs, and Romulus was believed to have founded the empire by a divin- graduation from heaven. It seems natural that augury should have sprung up amid the simple habits of a rude people, and hence to have struck a deeper root in the Etruscan than in the Sabine. That a learned system should be ingrafted on a more simple one, such as that of the ancient Sabines, seems surely far more probable than the reverse. Yet the prevalence of Etruscan influence, during the second and third centuries of Roman history, must have greatly modified the primitive belief. It might almost appear that the augurs have been borrowed from the Etruscan region was hinted at in the story of Attus Navius, especially when we remember that Tarquiniius, whether of Latin or Etruscan origin, is undoubtedly the representative of an Etruscan period. The Romans themselves, as Müller admits, distinguished between their own rites of augury and Etruscan divination. The separate origin of the Roman religion is implied in the tradition that the name of augur was of Sabine birth, not to mention that many of the names used by the augurs (such as Sangmals avus, from the Sabine god Sancius, Titiae avus, Sabinius cultus) bear traces of a Sabine origin. Such a view is not inconsistent with the incorporation of many parts of the Etruscan system, as the constitution of the college of augurs, or the divisions of the heavens.

Augurie was the name given to the men who were safeguards which the wisdom of an oligarchic party was opposed to the freedom of the plebs.4 Of the three comitia—curiata, centurial, and tributa—the two former were subject to the auspices. As the favourable signs were known to the augurs alone, their scruples were a pretext for the government to put off an inconvenient assembly. Yet in early times the augurs were without the most of the government, but formed by themselves. In this last may be seen the oligarchy, an important portion of the Roman state. The terrors of religion, which the senate and patricians used against the plebs, must often

1. (Ling. Lat. iv. 9.) 2. (Cic. Phil. iv. 48.) 3. (Cic. Div. i. 2.) 4. (Livy. vi. 41.)
have been turned against themselves, especially during the period when the college enjoyed an absolute control over the election of its own members. Under the kings, the story of Attus Nevius seems to testify the independence of the augurs. During many centuries their power was supported by the voice of public opinion. Livy tells us that the first military tribunes abdicated in consequence of a decree of the augurs; and, on another occasion, the members of the college, actuated by the death of Marcellus, to be irrevocably created. It was urged by the patricians, and half believed by the plebeians themselves, that the auspices would be profaned by the admission of the plebs to the rights of intermarriage or the higher magistracies. With the consulship the plebeians must have obtained the higher augurate, but the augurs, without a legal measure, dependant on the augurs, the plebs would not be, in this respect, on a level with the patricians until the passing of the Oulian law. During the civil wars, the augurs were employed by both parties as political tools. Cicero4 laments the neglect and decline of the art in his day. The college of augurs was finally abolished by the Emperor Tiberius.2 We find, in the middle of the Christian era, that, even in the fourteenth century, a Christian bishop found it necessary to issue an edict against it.6

For a view of the Roman augurs, which derives them from Etruria, see Müller's Etrusk. ill., v. 5.

1. AUGUSTALES. (Strat. 4, 5.)—Augustales were properly called Augustali or Augustales, and in Latin, (Sueton., Suet., and other authors, in Scotch, and in Greek inscriptions, Αὐγούστος, Σεβαστά, Άγοντωνιά, Εὐπροσόντων is) were games celebrated in honour of Augustus at Rome and in other parts of the Roman Empire. After the battle of Actium, a quinquennial festival (πανηγύριος πεντετρεῖος) was instituted, and the birthday (γενέθλια) of Augustus, as well as that on which the victory was announced at Rome or other provinces, were regarded as the days for the celebration of these games. In the provinces, also, in addition to temples and altars, quinquennial games were instituted in almost every town.6 On his return from Rome to Greece, in B.C. 19, after being absent from Italy for two years, the day on which he returned was made a festival, and called Augustalia.7 The Roman equites were accustomed to wear the costume of the Augustales on the birthday of Augustus in every alternate year,8 and the priests, before any decree had been passed for the purpose, were also in the habit of exhibiting games every year in honour of Augustus. According to Dion Cassius, it was not until B.C. 11 that the Augustalia were established by a decree of the senate; by which Augustalia he appears, from the connexion of the passage, to mean the festival celebrated on the birthday of Augustus. This account seems, however, to be at variance with the statement of Tacitus, who speaks of the augustales as first commenced in the reign of Tiberius (ludus Augustalis tum primum capito turbantius discordiae), to reconcile which passage with the one quoted from Dion Cassius, Lipsius supposed the phrase, declamavit, as used by Tacitus, to have been caused by a play on words, declamavit (the declamatio) in the games was made at the beginning of the reign of Tiberius,11 and thus speaks of them as first established at that time. They were exhibited annually in the circus, at first by the tribunes of the plebes, at the commencement of the reign of Tiberius, but afterward by the praetors, perpetually.12

These games continued in the time of Dion Cassius, that is, about A.D. 230.13

The Augustales or Augustalia at Neapolis (Naples) were celebrated with great splendour. They were instituted in the lifetime of Augustus,1 and were celebrated every five years. According to Strabo, who speaks of these games without mentioning their name, they rivalled the most magnificent of the Grecian festivals. They consisted of gymnastic and musical contests, and lasted for several days.4 At these games the Emperor Claudius put forward a Greek comedy, and received the prize.6

Augustalia (Σεβάστοι) were also celebrated at Alexandria, as appears from an inscription in Gruter;5 and in this city there was a magnificent temple to Augustus (Σεβαστόν, Augustale). We find mention of Augustalia in numerous other places, as Perge, Cyparissus, Heliopolis, and Cyrene.

2. AUGUSTALES were an order of priests in the municipia, who were appointed by Augustus, and selected from the libertini, whose duty it was to attend to the religious rites connected with the worship of the Lares and Penates, which Augustus put in places where two or more ways met (in comparit). The name of this order of priests occurs as early as Tacitus, often along with other benefactions of Augustus. The Augustales were not the only religious corporation which Augustus founded, in most municipia, a kind of corporation, of which the first six in importance had the title of serviri, and the remainder that of comparitae Larum Aug.8 It has been maintained by some modern writers that these augustales were civil magistrates; but there is good reason for viewing them after the manner of a religious corporation. The office, which was called Augustale, was looked upon as honourable, and was much sought after by the more wealthy libertini; and it appears that the decuriones in the municipia were accustomed to sell the dignity, since we find it recorded in an inscription that the office had been conferred gratuitously upon an individual on account of the benefits which he had conferred upon the town (ordo decurionum ob merita ejus honorem Augustalitis gratium decrevit). The number of Augustales in each municipium does not appear to have had any limitation; and it seems that, in course of time, almost all the respectable libertini in every municipium belonged to the order, which title for a time was supposed to be a sort of mark of distinction, like the equestrian order at Rome. We find in the inscriptions of many municipia that the decuriones, seviri or augustales, and plebes, are mentioned together, as if they were the three principal classes into which the community was divided.9

The augustales of whom we have been speaking should be carefully distinguished from the sodales Augustales, who were an order of priests instituted by Tiberius to attend to the worship of Augustus.10 They were chosen by lot from among the principal persons of Rome, and were twenty-one in number, to which were added Tiberius, Drusus, Claudius, and Germanicus.11 They were also called sacerdotes augustales, and Augustali.14

It appears that similar priests were appointed to attend to the worship of other emperors after their decease; and we accordingly find, in inscriptions, mention made of the sodales Flavii, Hadrianus, Eliani, Antonini, &c.14

It appears that the flamines Augustales ought to be distinguished from the sodales Augustales. We find that flamines and sacerdotes were appointed—


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in the lifetime of Augustus to attend to his worship; but we have the express statements of Suetonius and Dion Cassius that this worship was confined to the provinces, and was not practised in Rome, or in any part of Italy, during the lifetime of Augustus. Women even were appointed priestesses of Augustus, as appears from an inscription in Gruter: this practice probably took its origin from the appointment of Livia, by a decree of the senate, to be priestess to her deceased husband. It seems probable that the sodales Augustales were intrusted with the management of the worship, but that the flamines Augustales were the persons who actually offered the sacrifices and performed the other ceremonies. A member of the sodales Augustales was sometimes a flamen also (Neronis Caesaris, flamine Augustalii, sodali Augustalii); and it is not improbable that the flamines were appointed by the sodales.

Augustus. (Vid. Calendar, Roman.)

Augusteum. (Vid. Sapiarium, Tapes, Velum.)

Aulopolis (aulopolis), a large fish, of which Ælian gives an interesting account. Rundale refers it to the genus Labrus, or Wrasse, but Adams thinks it much more probable that it was a species of Squalus, or Shark.

Aulos (aulos), a wind instrument played with the fingers. It consisted of several parts: χαλώτης or χαλάττα, the mouthpiece, which was taken off when not used, and kept in a case (χαλωτήρ). The bell was a piece of bone, and often put for the mouthpiece itself; Ἁλός, pieces of wood or bone inserted in the ἱστικήματα or openings, and pushed aside, or up and down, so as to narrow or extend the compass of the scale at pleasure; ὕπθαλαμον, similar to Ἁλος, but inserted in the mouthpiece so as to lessen the power of the instrument when required, and often covered by ἁλαρίας, which is said to have been of the same kind (ἀλος). The Ἁργυρόφατος was not a part of the ἀλός, but a strap fastened at the back of the head, with a hole in front fitting to the mouthpiece. (Vid. Phormion.) For an account of the different sorts of ἀλός, see Thuc.; and for the character of flute music, and its adaptation to the different modes, see Music.

Aureus. (Vid. Aurum.)

Auriga. (Vid. Circus.)

Aurifigamentum. (Vid. Arsenicum.)

Aurum (œron), Gold. It is stated under Arsenium, that as late as the commencement of the Peloponnesian war the Athenians had no gold coinage. It would appear from a passage in the Augustalii; that in the time of Sophocles gold was rare at Athens. Indeed, throughout the whole of Greece, though gold was by no means unknown, it appears to have been obtained chiefly through the Greek cities of Asia Minor and the adjacent islands, which possessed it in abundance. The Homeric poems speak constantly of gold being laid up in treasuries, and gold being utilized for the purpose of ornament; but this is sufficiently accounted for by the fact that Homer was an Asiatic Greek. The chief places from which the Greeks procured their gold were India, Arabia, Armenia, Colchis, and Tyrrhenia. It was found mixed with the sands of the Factolus and other rivers.

Greek Gold Money.

The time when gold was issued as coin is very uncertain. Aristophanes speaks in the Frogs (406 B.C.) of τοῦ καινοῦ χρυσοῦ, "the new gold money," which he immediately afterwards calls ποντία χρύση. The scho-
was not coined at Athens in the period between Pericles and Alexander the Great, if we except the solitary issue of debased gold in the year 407. A question similar to that just discussed arises with respect to other Greek states, which we know to have had a silver currency, but of which a few gold coins are found. This is the case with Æginæ, Thebes, Argos, Carystus in Euboea, Acarnania, and Ætolia. But of these coins, all except two bear evident marks, in their weight or workmanship, of belonging to a period not earlier than Alexander the Great. There is great reason, therefore, to believe that no gold coinage existed in Greece previous to the time of that monarch. But from a very early period the Asiatic nations, and the Greek cities of Asia Minor and the adjacent islands, as well as Sicily and Cyrene, possessed a gold coinage, which was more or less current in Greece. Herodotus 1 says that the Lydians were the first who coined gold, and the state of Creæs appears to have been the earliest gold coin known to them. In the 5th and 6th centuries A.D. the Phœnician, Staters of Cyzicus and Phœcea had a considerable currency in Greece. There was a gold coinage in Samos as early as the time of Polycrates. 2 The islands of Siphnus and Thasos, which possessed gold mines, appear to have had a gold coinage at an early period. In most of the coins of the Greek cities of Asia Minor, the metal is very scarce, and the Macedonian gold coinage came into circulation in Greece in the time of Philip, and continued in use till the subsidence of the Roman Empire. (Vid. Darius, Stater.)

Romæa Gold Money.—The standard gold coin of Rome was the aureus nummus, or denarius aureus, which, according to Pliny, 3 was first coined 62 years after thehappy coinage. 4 The standard or silver coinage (aequitas, which is, in the year 207 B.C. The lowest denomination was the scrupulum, which was made equal to 50 sestertii. The weight of the scrupulum, as determined by Mr. Hussey, 4 was 18.06 grs. In the British Museum there are gold coins of one, two, three, and four scrupula, the weights of which are 17 grs. 51, 38, and 25 grs. respectively. These bear a head of Mars on one side, and on the other an eagle standing on a thunderbolt, and beneath the inscription "Roma." The first has the mark XX (20 sestertii); the second, XXX (30 sestertii); the third, XX (50 sestertii). Of the last we subjoin an engraving:

Pliny adds, that afterward aurei were coined of 40 to the pound, which weight was diminished, till, under Nero (the reading of this word is doubtful), they reached 45 to the pound. This change is supposed, from an examination of extant specimens, to have been made in the time of Julius Caesar. The estimated full weight of the aurei of 40 to the pound is 130.1 grains; of those of 45 to the pound, 1166 grains. No specimens exist which come up to the 130.1 grains; the heaviest known is one of Pompey, which weighs 128.2 grains. The average of the gold coins of Julius Caesar is fixed by Létorme at 126-66 grains, those of Nero, 115.39 grains. Though the weight of the aureus was diminished, its proportion to the weight of the denarius remained about the same, namely, as 2:1 (or rather, perhaps, as 2:1:1). Therefore, since the standard weight of the denarius, under the

early emperors, was 60 grains, that of the aureus should be 120. The average weight of the aurei of Augustus, in the British Museum, is 121.20 grains; and as the weight was afterward diminished, we may take the average at 120 grains. The aureus proved to have been no intentional alloy in the Roman gold coins, but they generally contained a small portion of native silver. The average alloy is $\frac{1}{3}$. The aureus of the Roman emperors, therefore, contained $\frac{1}{3}$ of a grain of alloy, and, therefore, 119.6 grains of pure gold. Now a sovereign contains 115.12 grains of pure gold. Therefore the ratio of the value of the aureus in terms of the sovereign is 1.016.6, or 1.02 coins. A denarius being $\frac{1}{2}$ of a halfpenny. This is its value according to the present worth of gold; but its current value in Rome was different from this, on account of the difference in the weight of the metal. The aureus passed for 25 denarii; therefore, the denarius being $\frac{1}{2}$d., it was worth 17s. 8d. The ratio of the value of gold to that of silver is given in the article Augustus.

The following cut represents an aureus of Augustus in the British Museum, which weighs 121 grains:

Alexander Severus coined pieces of one half and one third of the aureus, called semissis and tremisses, 1 after which time the aureus was called solidus. Constantine the Great coined ætius of 72 to the pound, at which standard the coin remained to the end of the Empire. 2

AURUM CORONARIUM. When a general in a Roman province had obtained a victory, it was the custom for the cities in his own provinces, and for those from the neighbouring states, to send golden crowns to him, which were carried before him in his triumph at Rome. 3 This practice appears to have been borrowed from the Greeks; for Chares relates, in his history of Alexander, 4 that after the conquest of Persia, crowns were sent to Alexander which amounted to the weight of 10,500 talents. The number of crowns which were sent to a Roman general was sometimes very great. Cn. Manlius had 200 crowns carried before him in the triumph which he obtained on account of his conquest of the Gauls in Asia. 5 In the time of Cicero, it appears to have been usual for the cities of the provinces, instead of sending crowns on occasion of a victory, to pay money, which was called aurum coronarium. 6 This offering, which was at first voluntary, came to be regarded as a regular tribute, and seems to have been sometimes exacted by the governors of the provinces even when no victory had been gained. By a law of Julius Cæsar, 7 it was provided that the aurum coronarium should be given, unless a triumph was decreed; but under the emperors it was exacted on many other occasions, as, for instance, on the adoption of Antoninus Pius. 8 It continued to be collected, apparently as a part of the revenue, in the time of Valentinian and Theodosius. 9

1. (Lamprid., Alex. Soter., c. 29),—2. (Cod. xiv, tit. 79, a. 5—
Montem. Ancyr.)—7. (Cic. in Pm., c. 37.)—8. (Capitol., Antonius Pius, c. 4, 9.—
Cod. xiv, tit. 74.)

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AUSPICICUM.

Servius says that aurum coronarium was a sum of money exacted from conquered nations, in consideration of the lives of the citizens being spared; but this statement does not appear to be correct.

AURUM LUSTRALE was a tax imposed by Constantine, according to Zosimus, upon all merchants and traders, which was payable at every lustrum, or every four years, and not at every five, as might have been expected from the original length of the lustrum. This tax was also called aurii et argentii colliatio or præstatio, and, thus, in Greek, ἡ αὐροτέλεια ἢ τῶ χρυσάργιον. It appears from an inscription in Gruter that there was a distinct officer appointed to collect this tax (aurii lacrator coeptor).

AUSPICICUM originally meant a sign from birds. The word is derived from avis, and the root spec. As the Roman religion was gradually extended by additions from Greece and Ethiopia, the meaning of the word was widened, so as to include any supernatural sign. The chief difference between auspiciis and augurium seems to have been, that the latter term is never applied to the specio of the magistrate. (Vid. Augur.)

Whoever has thought on this part of the Roman religion cannot but feel astonished at its exceeding simplicity. The rudest observations on the instinct of birds, such as the country people make in all ages, and the rudest belief. The system outlined the age for which it was adapted, and in which it arose. Its duration may be attributed to its convenience as a political instrument: at length, as learning and civilization increased, it ceased to be regarded in any other light.

Yet, simple as the system appears, of its innumerable details only a faint outline can be given. Birds were divided into those which gave omen and augur; the former gave omens by singing, the latter by their flight and the motion of their wings. Every motion of every bird had a different meaning, according to the different circumstances or times of the year when it was observed. Many signs were supposed to be so obvious, that any, not blinded by fate, might understand them; and much was understood of any new sign, the meaning of which could only be detected by the discrimination of augurs.

Another division of birds was into dextra and sinistra, about the meaning of which some difficulty has arisen, from a confusion of Greek and Roman notions in the writings of the classics. The Greeks and Romans ascribed to the praedium quod orientem, the sun, by which any sign came from the east; but as the Greek priest turned his face to the north, the east was on his right hand; the Roman augur, with his face to the south, had the east on his left. The confusion was rather increased by the euphemisms common to both nations; and the rule itself was not universal, at least with the Romans: the day when it appeared on the sun, and the side on the right, being thought to give good omens.

The auspices were taken before a marriage, before entering on an expedition, before the passing of laws or election of magistrates, or any other important occasion, whether public or private. Candidates for public offices used to sleep without the walls on the night before the election, that they might take the auspices before daylight. In early times such was the importance attached to them, that a soldier was released from the military oath if the auspices had not been duly performed.

The commander-in-chief of an army received the auspices, together with the imperium, and a war was therefore said to be carried on with the auspices, as the general of the army; and, thus, if the legates gained a victory in the absence of his commander, the latter, and not his deputy, was honoured by a triumph.

The ordinary manner of taking the auspices was as follows: The augur went out before the dawn of day, and, sitting in an open place, with his head veiled, marked out with a white line, litus, the divisions of the heavens, even if he were declared, in a solemn form of words, the limits assigned, making shrubs or trees, called tenqua, his boundary on earth correspondent to that in the sky. The temple augurale, which appears to have included both, was divided into four parts: those to the east and west were termed sinistra and dextra; to the north and south, anticas and postica. (Vid. Aurance.)

If a breath of air disturbed the calmness of the heavens (as silentiurn non casus), the auspices could not be taken, and, according to Plutarch, it was for this reason the augurs carried lanterns open to the wind. After sacrificing, the augur offered a prayer for the desired signs to appear, repeating, after an inferior minister, a set form: unless the first appearances were confirmed by subsequent ones, they were insufficient. If, in the augur's following stream, the Augur could not be satisfied, he again repeated a prayer, and purified himself in its waters; otherwise the auspices were held to be null.

Another method of taking the auspices, usual on military expeditions, was from the feeding of birds confined in a cage, and committed to the care of the pullarius. An ancient decree of the college of augurs allowed the auspices to be taken from any bird. When all around seemed favourable (silentiurn facto, h. e. quod omni viso caret), either at dawn or in the evening, the pullarius opened the cage, and threw to the chickens pulse, or a kind of soft cake. If they refused to come out, or to eat, or uttered a cry (occirenter), or beat their wings, or flew away, the signs were considered unfavorable, and the engagement was declared off. On the contrary, if they ate greedily, so that something fell and struck the earth (tripudium solstitium, tripudium quasi terrapannum, solstitium, from sol, the latter part of the word probably from the root of simul), it was held a favourable sign. Two other kinds of tripudia are mentioned by Festus, the tripudium ossarium, from the cry of birds, and sonarium, from the sound of the pulse on the ground.

The place where the auspices were taken, called auxuraculum, augurerale, or auguratorium, was open to the heavens: one of the most ancient of these was on the Palantine Hill, the regular station for the observations of augurs. Sometimes the auspices were taken in the Capitol, or in the pomerium. In the camp, a place was set apart to the right of the general's tent, or at his head. Some of the auspices were taken without the walls, the augur pitched a tent after a solemn form: if he repassed without taking the auspices, it was necessary that the tent should be taken down and dedicated anew.

The lex Aelia and Fufia provided that no assemblies of the people should be held, nisi prurs de aurescere esset. It appears to have confirmed the augur's decisions in matters of war, or of imposing a veto. (Vid. Augur.)

Auspicia were said to be elivia, prohibitory, imper.


BACCAR.

 Babylonicum, a Babylonian shawl. The splendid productions of the Babylonian looms, which appear, even as early as the days of Joshua, have excited universal admiration, were, like the shawls of modern Persia, adorned both with gold and with variously coloured figures. HencePublius Syrus' comments on a main to be figured Babylonicum, enriched with gold (plamato aureo Babylonico). Lucretius and Martial celebrate the magnificence of these textures, and Pliny mentions the enormous prices of some which were intended to serve as furniture for triclinia (triclinia Babylonica). Nevertheless, Plutarch informs us, in his life of the elder Catilo, that one of these precious shawls (enim hogmra tov tôn pillan Babyloniouou) was bequeathed to him, he immediately gave it away. (Vid. Palium, Peristroma, Straulium.)

BACCA. (Vid. Inabris, Monile.)

• BACCAR or BACCARI (Bâxâgâ, Bâxâr), a plant. "Even in ancient times," remarks Adams, "it was a matter of dispute what this was. Galen says that a root of Baccar had been employed by the ancients of Matti- tus, in like manner, and Baunih, point to the Comp. squarrosa, L.: which I think the most probable conjecture that has been formed respecting it, though it does not satisfie Sprengel. Dierbach, however, contends for its being the Gnaphalus sangui-neminum, or Bloody Cudweed. Sprengel taakes the 'Baccar' of Virgil to have been the Valeriana officinalis, a species of the Baccarin. A root of this plant, if irregular or ungent, was made out of the root of the Baccar, called bâxâgâvón mívôn.

BACCHANALIA. (Vid. Dionysia.)

BACCHARUS, diyin. BACILLUS, BACILLUM (bâk-

tron, skâp'tron), a staff, a walking-stick.

The aid afforded by the âktrôns to the steps of
the aged is recognised in the celebrated enigma of
the Sphinx, which was solved by Cédipus. 1 In his
old age, Cédipus himself is represented asking his
daughter for the same support: Bâktra próspore, ó
popëian. 2 When, in Ovid’s Metamorphoses, certain
of the gods (viz., Minerva 3 and Vertumnus 4 )
assume the garb of old women, they take the baculus
to lean upon. On the other hand, an old man in
Juvenal, 4 describing himself as still hale and vigo-
rous, says that he walked without a stick (nullo
dextero). 5

If the loss of sight was added to infirmity, the
staff was requisite for direction as well as for sup-
port. To the blind seer Tiresias one was given,
which served him instead of eyes (méga âktrôn, 
skâp'treó). Homer represents him as carrying it
even in Eôrus. 6

A dutiful and affectionate daughter is figuratively
called the staff of her aged parents. Thus Hécuba

describes Polyxena (Bâktra 7), and the same beau-
tiful metaphor is applied to Antigone and Ismene,
the daughters of Cédipus (skâp’tro). 8

The staff and wallet were frequently borne by
philosophers, and were more especially characteris-
tic of the Cynics. (Vid. Pera.)

The shepherds also used a straight staff as well
as a crook. The annexed woodcut, taken from a
gem in the Florentine cabinet, shows the attire of
a Roman shepherd in the character of Faustulus,
who is contemplating the she-wolf with Romulus
and Remus. It illustrates what Ovid 9 says of himself
in his ode:

3; yel celtin baculo pascerre nivus mo! 10

Among the gods, Ésculapius, 12 Tanus, 13 and occa-

sionally Sonnus, 14 were represented as old men

leaning on a staff.

It appears that the kings of Sparta carried a tran-
chon (bâktria) as the ensign of their authority. 13
On the occasion of one of them lifting it up in
a threatening attitude, Thucydides returned the
celebrated answer, “Strike, but hear.” In reference
to this custom, the tranchon (baculus) was carried
in the hand by actors on the Roman stage. 14
The dicasts at Athens received, at the time of their
appointment, a bâktria and sýmâbol as a mark of
their authority. 15

Crooked sticks were carried by men of fashion at
Athens (bâktria tòv sômalov ënekeleusov 16). As
baculus was a general term, its application in
various specific senses is farther explained under
Lettus, Pedum, Sceptrum, Virga.

BAKTERIA (bâktria). (Vid. Bacilus.)

BÆBIA AEMLIA LEX. (Vid. Ambitus.)

*BALENA (pâlâvna), the Whale. After
the conquest of Britain by the Romans, it is not im-
probable that they may have acquired some knowl-
edge of the Bâleâna mysticus, 15 i.e., Great Green
whale, or Bâleâna of Britain to which Juvenal 11 alludes.
The ancients were also acquainted with the Bâleâna
Physalus, the Gibbar or fin-fish. (Vid. Physalus.)

There can be no doubt, however, that the pâlâvna
of Aristotle and Ælian, as well as of Xenocrates and Galen,
was the Phýsēter micros, L., the Cachalot or spermastci whale.

*BALANUS (bâlànus). 1. A crustaceous fish
described by Aristotles and Xenocrates, and which,
according to Coray, is the Lepas Bâlânus, L., called
in English the Barnacle.

II. (bâlànus moúropûs), the Nut-Ben, from which
a perfume was obtained by the ancients. 16

Dioecides says, “It is the fruit of a tree resembling
the Myrica, like what is called the Punic bean, the
inner part of which, when pressed, like bitter almonds,
emits a liquid that is used for preparing many cur-
rents.” Moses Charras says of it, “The Nut-Ben,
called by the Greeks Bâlânus Myrepísca, by the
Romans Óiâno Unguentaria, affords its oil by pressing
in the same manner as other fruits.” The tree
which furnishes the Nut-Ben has got the name of
Heptândera moringa, Vahl., in English, the Smooth
Bouc-de-tre. It is worthy of remark, that the Nut-Ben,
called by the ancients Bâlânus, is the same term by the Greeks
and Romans, a term which is important to note,
that the reader should not confound with the Myrobalans
of the Arabsians and of the moderns. These are all
stone-fruits got from the East. The only Greek
authors who make mention of the latter are Actu-
arios, Zosimus Panopolita, and Myrepis. 18

BALATRO, a professional jester, buffoon, or para-
site. 19 In Horace, 7 Balatro is used as a proper
name—Servilius Balatro. 29 An old seal in, in
commenting on this word, derives the common
word from the proper names; buffoons being called
calatrones, because Servilius Balatro was a buffon:
but this is opposed to the national inference from the
former passage, and was said to get rid of a diffi-
culty. Festus derives the word from bletae, and
supposes buffoons to have been called calatrones,
because they were dirty fellows, and were covet, in
spots of mud (bleatea), with which they got
spattered in walking; but this is opposed to sound
eymology and common sense. Another writer has
derived it from barathrum, and supposes buffoons
to have been called calatrones, because they, so to
speak, carried their jesting to market, even into the
very dwellings of the shambles (barathrum maccellum).

According to some the etymologists, Luceretius
has barathro in a similar sense to balatro. Perhaps
balatro may be connected with bala-re (to beat like a
sheep, and hence) to speak silli. It is probably
connected with biatero, a busy-body. 20

Baleatrones were paid for their jests, and the tables
of the wealthy were generally open to them for the sake
of the amusement they afforded the company.

BALLEUS (bâlônus), a fish of the Carp species.
Artedi supposes it a species of Cyprinus, called in
French Borderedie, and in German Bîck. 21

BALLISTA, BOLLIS TA. (Vid. Termentum.)

*BALLOTTE (bâlô'te), a plant. Pliny 22 calls it
“portum mirtum,” confusing, apparently, pâlôs
with pâlôs. In another place he describes it as

1. (Apôllonîor., iii., 5.—Schol. in Erat. Phain., 50.)—2. (Er-

at. Phain., 1742.—Compara 1590.—3. (vi., 27.)—4. (civ.,
(180; Schol. Col., 844, 1105.)—11. (De Pau, 1.)—12.
(Ovid., Met., x., 655.)—13. (Past., i., 177.)—14. (Bac-Relief in
Villa Albani.)—15. (Theod., viii., 55.—Dover in loc.)—16.
(Suet., Ner., 24.)—17. (Demost., De Cor., p. 505.—Tayler in
loc.)—18. (Theo. Præf., Chr., 5.)

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In the Homeric times the Greeks also used a belt to support the shield, which, as well as the sword, was worn by them on the left side; and this second belt lay over the other, and was larger and broader than it (τελαμώνιον ὁπίσθεν, πλάτος τελαμώνιον, μίας εἰς ἑν τολμήματος). Vid. Eöös, p. 26. The two belts upon the breast of Ajax, the son of Telamon, who carried a remarkably heavy shield, are mentioned in the Iliad. But, although he was saved by this double belt, according to Homer, the shield by Hector's spear, yet the language of Homer clearly implies that the practice alluded to was on the field of battle productive of great heat and annoyance; and this circumstance probably led to the diocese of the oppressive shield-belt, and to the invention of the Carian οἶκος by which it was superseded. (Vid. 139, 140.) The belt must also have occasioned some inconvenience in putting on the armour. The circumstance to which some of the Alexandria critics objected, that Homer makes his heroes assume the shield before the helmet, may be explained from the impossibility of throwing the shield-belt over the lofty crest of the helmet, supposing the helmet to have been put on first; whereas the third shield-belt, which, if large and ponderous, might have been more difficult in putting on his helmet. The very early diuse of the shield-belt accounts for the fact, that, except in the case of the Δησις, which was retained on account of its mythological importance, this part of the ancient armour is never exhibited in paintings or sculptures. Even the author of the Shield of Hercules supposes it to be omitted.

A third use of the balteus was to suspend the quiver, and sometimes, together with it, the bow. Hence Nemesianus, describing the dress of Diana, when she attires herself for the chase, says,

"Corticeque sinus gemmatus balteus ariet."

And a similar expression (balteus et revocet volubus in pectori sinus) is used by Livi'vs Andronicus,

because the belt, besides fulfilling the purpose for which it was intended, of supporting the quiver, also confined the garments, and prevented them from being flung over the shield by the wind. The belt passed over the right shoulder and under the left arm, in the same manner with the others.

According to Theocritus, Amphionyx used a sword-belt made of cloth, linen being probably intended (νεκλόλαιο τελαμώνιον). More commonly the belt, whether employed to support the sword, the shield, or the quiver, was made of leather and differed in the case of the ήπιος κυνήγους (τελαμώνιον). It was ornamented (φασάει) Insignis balteus auro). That which Agamemnon wore with his shield was plated with silver, and on it was also displayed a serpent (δράκων) wrought in blue steel. The three heads of the serpent (κεφαλαί τρεις ἀμφοτερεῖς) were turned back, so as to form hooks for fastening the two ends of the belt together. And this fact lends the clue to the myth that Hercules armed with his bow and arrows (vid. Aesch.) he wears on his breast a golden belt for suspending his quiver (δόρφη χρυσῆς τελαμώνιον), on which are embossed both the animals of the chase and exhibitions of the slaughter of men. In a passage already quoted, Diana's belt is described as enriched with jewels. In like manner, Eneas gives as a prize in the games at his father's tomb a quiver full of arrows, with the belt belonging to it, which was covered with gold, and had a buckle, or rath-

BALTEUS.

A sword-belt enriched with gold, on which a celebrated sculptor had produced a representation of the Danaids murdering their husbands on the bridal night, gives occasion to the concluding incident of the Æneid.

That taste for richly-decorated sword-belts, the prevalence of which, in the Augustan age, may be inferred from the mention of them in the Æneid, did not decline under the succeeding emperors. It is, indeed, mentioned as an instance of the self-de
denial and moderation of Hadrian, that he had no gold on his belt.

But Pliny seems to have partaken in the common practice, in his time, of covering this part of the soldier's dress with laminae of the precious metals; and of the great intrinsic value and elaborate orna
tment of those which were worn by persons attached
to the court, we may form some judgment from the circumstance that the baltearius, or master of the belts, was a distinct officer in the imperial household.

Spon, who has published an inscription from the family tomb of one of these officers, remarks, that their business must have been to provide, prepare, and preserve all the belts in the ar
manentarium.

This office will appear still more considerable from the fact that belts (balteoli) were occasionally given as military rewards, together with swords and armaments.

In a general sense, "balteus" was applied not only to the simple belt, or the more splendid balteus which passed over the shoulder, but also to the girdle (cingulum) which encompassed the waist (Coza mumicatu uraque). Hence the girdle of Orion, called ζώγ by Aratus, is rather incorrectly denominated balteus in the translations of that author by Strabo and Avienus. The oblique ar
rangement of the balteus, in the proper sense of that term, is alluded to by Quintilian in his advice re
specting the mode of wearing the toga: oblique du
citum, velut balteum.

Vitruvius applies the term "balteus" to the bands surrounding the volute on each side of an Ionic capital. Other writers apply it to the large steps, presenting the appearance of an array of parallel walls, by which an amphitheatre was divided into stories for the accommodation of different classes of spectators.


Vitruvius calls these divisions prciausaliones. (Via Amphitheatrum.) In the amphitheatre at Verona the baltei are found by measurement to be 22 feet high, the steps which they enclose being one foot two inches a step.

1. (De Arch., v., 3, 8.)—2. (II., xxii., 88.)—3. (Hom., Od., x., 275.)—4. (Tucit., Gern., 31.)—5. (Hi., i., 60.)—6. (Paus., v., 372-373, an account for willful murder, or po

BANISHMENT.

The word "banishment" among the Greek states seldom, if ever, appears as a punishment appointed by law for particular offences. We might, indeed, expect this; for the division of Greece into a number of independent states would neither admit of the establishment of penal colonies, as among us, nor of the various kinds of exile which we read of under the Roman emperors. The general term ψῆφι (flight) was, for the most part, applied in the case of those who, in order to avoid some punishment or danger, removed from their own country to another. Proof of this is found in the records of the heroic ages, and chiefly where homicide had been committed, whether with or without malice aforethought. Thus Patroclus appears as a fugitive for life, in consequence of manslaughter (πανομκτησία) committed by him when a boy, and in anger. In the same manner, Theoclymenus is represented as a fugitive and wanderer over the world, in fine for the murder of Heitor, by the four of vengeance from the numerous kin
men of the man whom he had slain. The duty of taking vengeance was in cases of this kind consid-
ered sacred, though the penalty of exile was sometimes remitted, and the homicide allowed to remain in his country on payment of a τούθρος, the price of blood, or wehrugel of the Germans, which was paid to the relatives of the murdered man, in the place of the blood of the slain. We even read of princes in the heroic age, being compelled to leave their country after the commission of homicide on any of their subjects, and even though there were no relatives to aecocur the slain man, still deference to public opinion im
posed on the homicide a temporary absence, until he had obtained expiation at the hands of another who seems to have been called the ευμετρήτης, or puri
fier. For an illustration of this, the reader is re
ferred to the story of Aegisthus and Creusas.

In the later times of Athenian history, ψῆφι, or banishment, partook of the same nature, and was practised nearly in the same cases as in the heroic ages, with this difference, that the laws more strict
ly defined its limits, its legal consequences, and d
termination. The word was retained in Greece, and brought before the Areiopagus, and for manslaughter before the court of the Ephetae. The accused might, in either case, withdraw himself (ψυνείπ) before sentence was passed; but when a criminal evaded the punishment to which an act of murder would have exposed him had he remained in his own land, he was then banished forever (ψευνείπ de
gnwnod) and never supposed to return home. And when other exiles were restored or received a general amnesty, since, on such occasions, a special expec
tion was made against criminals banished by the Areiopagus (οἱ τῇ Ἐρείᾳ πάγων φαντόγρατοι). A con
victed murderer, if found within the limits of the state, might be seized and put to death, and who
ever harboured or entertained (υπελδέητου) any one who had fled from his country (τὸν ψευνείπνυντον) to avoid a capital punishment, was liable to the same penalties as the fugitive himself.

1. (De Arch., iii., 3.)
BANISHMENT

Demosthenes suggests that the word "φυγή" was properly applied to the exile of those who committed murder with malice aforethought, whereas the term "μεθία-ασθεία" was used when the act was not intentional. The property, also, was confiscated in the former case, but not in the latter.

When a verdict of manslaughter was returned, it was usual for the convicted party to leave (επιβάλεται) his country by a certain day, and to remain in exile till he induced one of the relatives of the slain man to take compassion on him (τω δι' αλλοτροπού τῶν ἐν γενεάς τοῖς περιπάτοις). During his absence, his possessions were κτίσμα, that is, not confiscated; but if he remained at home, or returned before the requirements of the law were satisfied, he was driven out of the country by force. It sometimes happened that a fugitive for manslaughter was charged with murder; in that case he pleaded on board ship, before a court which sat at Phrearotin, in the Peisaius.

We are not informed what were the consequencess if the relatives of the slain man refused to make a requisition: but that exiles from banishment, it is reasonable to conclude that the exile was allowed to return after a fixed time. In cases of manslaughter, but not of murder, this seems to have been usual in other parts of Greece as well as Athens. Plato, who is believed to have copied many of his laws from the constitution of Athens, fixes the term of banishment for murder at one year, and the word "παρτιστάρως," explained to mean a year's exile for the commission of homicide (τοις φιόνοι δράσεσ), seems to imply that the custom was pretty general. We have, indeed, the authority of Xenophon to prove that at Sparta banishment was the consequence of involuntary homicide, though to a lesser extent.

Moreover, not only was it an actual murder punished with banishment and confiscation, but also a "τραγιμα ηνινολογα", or wounding with intent to kill, though death might not ensue. The same punishment was inflicted on persons who ventured to use the sacred olive at Athens, and by the laws of Soinn every one was liable to it who remained unrepentant during the period of exile.

Under ψυγη, or banishment, as a general term, is comprehended ostracism: the difference between the two is correctly stated by Suidas, and the scholiast on Aristophanes, if we are to understand by the former "ψυγηναία, or banishment for life. "Ψυγη" (say they) differs from ostracism, inasmuch as those who were banished lost their liberty by confiscation, whereas the ostracized did not; the former, also, have no fixed place of abode, no time of return assigned, but the latter have." This ostracism is supposed by some to have been instituted by Cleisthenes after the expulsion of the Peisistratides; its nature and object are thus explained by Aristotle. "But we have no information as to what time those who appeared to be pre-eminent above their fellow-citizens, by reason of their wealth, the number of their friends, or any other means of influence," it is well known, and implied in the quotation just given, that ostracism was not a punishment for any crime, but rather a precautionary remonstration of those who possessed sufficient power in the state to excite either envy or fear. Thus Plutarch says it was a good-natured way of allaying envy (φθόνοι παραμαθείᾳ φιλόνομοι) by the humiliation of superior dignity and power. The manner of effecting it was as follows: A space in the ἄγορα was enclosed by barriers, with ten entrances for the ten tribes. By these the tribemen entered, each with his ὁστρακος, or piece of tile, on which was written the name of the individual whom he wished to be ostracized. In the presence of the senate, i.e., the presidents of that body, superintended the proceedings, and the party who had the greatest number of votes against him, supposing that this number amounted to 6000, was obliged to withdraw (μετασχάλα) from the city within ten days; if the number of votes did not amount to 6000, nothing was done. Ostracism differs from other forms in stating that, if the candidate were once thus expelled, it was not necessary that the votes given against any individual should amount to 6000, but only that the sum total should not be less than that number. All, however, agree, that the party thus expelled (ὁ ὁστρακοφης) was not deprived of his property. The ostracism was also called "κορεία, κορεία" or earthenware scourge, from the material of the ὁστρακον of which the names were written.

Some of the most distinguished men at Athens were removed by ostracism, but recalled when the city found their services indispensable. Among these were Themistocles, Aristides, Cimon, and Alcibiades; of the first of whom Thucydides states that his usefulness to Athens was confined to Athens, though he was not confined to that city, but visited other parts of Peloponnese. The last person against whom it was used at Athens was Hyperbolus, a demagogue of low birth and character; but the Athenians thought their own dignity compromised, and ostracism degraded by such an application of it, and accordingly discontinued the practice.

Ostracism prevailed in other democratical states as well as Athens; namely, Argos, Miletus, and Megara: it was by some, indeed, considered to be a necessary, or, at any rate, a useful precaution for ensuring equality among the citizens of a state. But the Athenians, who were more convinced of the wisdom of their remarks, "Men did not look to the interests of the community, but used ostracisms for party purposes" (στατισχικώς).

From the ostracism of Athens was copied the petalism (πεταλομέρος) of the Syracusans, so called from the πέταλα, or leaves of the vine, on which his name was written the name of the person whom they wished to remove from the city. The removal, however, was only for five years; a sufficient time, as they thought, to humble the pride and hopes of the exile. But petalism did not last long; for the fear of this "humbling" deterred the best qualified among the citizens from taking any part in public affairs, and the degeneracy and bad government which followed soon led to a repeal of the law, B.C. 452.

In connexion with petalism, it may be remarked, that if any one were falsely registered in a demus or ward at Athens, his expulsion was called "ευροφια, from the votes being given by leaves.

The reader of Greek history will remember that, besides those exiled by law, or ostracized, there was frequently a great number of political exiles in Greece; men who, having distinguished themselves as the leaders of one party, were expelled, or obliged...
is applied by Cicero¹ to the case of Titus Manlius, who had been compelled by his father to live in solitude in the country.

Deportatio in insulam, or deportatio simply, was introduced under the emperors in place of the aqua et ignis interdict⁵; the governor of a province (praeses) had not the power of pronouncing the sentence of deportatio; but this power was given to the prefectus urbi by a rescript of the Emperor Severus⁶. The consequence of deportatio was loss of property and citizenship, but not of freedom. Though the deportatus ceased to be a Roman citizen, he had the capacity to buy and sell, and do other acts which might be done according to the jus gentium. Deportatio differed from relegatio, as already shown, and also in being always for an indefinite time. The relegatus went into banishment; the deportatus was conducted to his place of banishment, sometimes in chains.

As the exsilium in the special sense, and the deportatio took away a person's citizenship, it follows that, if he was a father, his children ceased to be in his power; and if he was a son, he ceased to be in his father's power; for the relationship expressed by the terms patria potestas could not exist when either party had ceased to be a Roman citizen. Relegatio of a father or of a son, of course, had not this effect. But the interdict and the deportatio did not dissolve marriage.² When a parent or child, was condemned to the mines or to fight with wild beasts, the relation of the patria potestas was dissolved. This, though not reckoned a species of exsilium, resembled deportatio in its consequences.

It remains to examine the meaning of the term exsilium in the republican period, and to ascend, so far as we can, to its origin. Cicero³ affirms that the deportatio of Gaius, when he was first accused of treason, was in truth a violation of freedom by a lex. In the oration Pro Domō⁵ he makes the same assertion, but in a qualified way; he says that no special lex, that is, no privilege, could be passed against the caput of a Roman citizen unless he was first condemned in a judicium. It was, according to Cicero, a fundamental principle of Roman law,⁴⁵ that no Roman citizen could lose his freedom and his citizenship without his own permission.⁶ Cicero adds, that Roman citizens who went out as Latin colonists could not become Latin unless they went voluntarily and registered their names: those who were condemned of capital crimes did not lose their citizenship till they were admitted as citizens of another state; and this was effected, not by depriving them of their civitates (adempit civitate), but by the interdict or tecti, aqua et ignis. The same thing is stated in the oration Pro Cæcina⁴ with the addition, that a Roman citizen, when he was received into another state, lost his citizenship at Rome, because by the Roman law a man could not become a citizen of two states. This reason, however, would be equally good for showing that a Roman citizen could not become a citizen of another community. In the oration Pro Balba⁶ the proposition is put rather in this form: that a Roman who became a citizen of another state thereby ceased to be a Roman citizen. It must not be forgotten, that in the oration Pro Cæcina, it is one of Cicero's objects to prove that his client had the rights of a Roman citizen; and in the oration Pro Domō, to prove that he himself had not been an exsilus, though he was interdicted (from fire and water) within 400 miles of Rome.¹⁶

¹ [Maurice's, Att. Lect., v. 18.—Wachsmuth, Hell. Alterth., l. 65; ii. 79 and 98.—Maser and Schönherr, Att. Process, p. 741.—Cic. Off. i. 16.—Plato, Resp. xii. 335.—Cic. de Fin. i. 30.—Tertull., Lex Plat. 109, 120, trans.—Suet., Aug. ii. 16.—Condulm., Tit. i. 14.—Dionysius, ib. 66.—(Opp. Omn., i. 58.—Suet., Aug., ii. 16.—Cic. de Fin. i. 30.—Tertull., Lex Plat. 109, 120, trans.—Suet., Aug. ii. 16.—Condulm., Tit. i. 14.—Dionysius, ib. 66.)

² [Cicero, Off. iii. 31.—2. (Ulpian, Digr. 49, tit. 13, s. 3; tit. 19, s. 2.—3. (Gaius, i. 196.—4. (Cod. 5, tit. 16, s. 24; tit. 17, s. 1.—5. (Opp. Omn., i. 58.—(Opp. Ulpian, Digr. 49, tit. 22, s. 9.—9. (Cic. de Fin. i. 30.—10. (Tertull., Lex Plat. 117, 118, 135, which states, as the historian remarks, was a new kind of relegatio.)

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⁶ [Cicero, Off. iii. 31.—2. (Ulpian, Digr. 49, tit. 13, s. 3; tit. 19, s. 2.—3. (Gaius, i. 196.—4. (Cod. 5, tit. 16, s. 24; tit. 17, s. 1.—5. (Opp. Omn., i. 58.—(Opp. Ulpian, Digr. 49, tit. 22, s. 9.—9. (Cic. de Fin. i. 30.—10. (Tertull., Lex Plat. 117, 118, 135, which states, as the historian remarks, was a new kind of relegatio.)

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as Cicero had been interdicted from fire and water, and he evaded the penalty, to use his own words, by going beyond the limits, he could only escape the consequences, namely, exilium, either by relying on the fact of his not being received as a citizen into another state, or by alleging the illegality of the proceedings against him. But the latter is the ground on which he seems to maintain his case in the Pro Domō: he alleges that he was made the subject of an illegal sentence, and has been freely condemned in a judicium.

In the earlier republican period, a Roman citizen might have a right to go into exile to another state, or a citizen of another state might have a right to go into exile at Rome, by virtue of certain isopolitical relations existing between such state and Rome. (Vid. Memor. civ. 2.) This right was a personal one, with reference to the state to which the person came; with respect to his own state, which he left, he was exsul, and his condition was exilium: with respect to the state which he entered, he was dignus; and at Rome he might attach himself (applicare se) to a quasi-patronus, a relationship which gave rise to questions involving the person of the citizen. But Cicero, by pursuing his suit, and by its termination in qua, to denote a person who was one of a class, like the word libertinus. The prefix in appears to be the correlative of ex in exsul, and the remaining part quid is probably related to col, in incula and colonus.

The sentence of aquæ et ignis, to which Cicero adds, seems to point to the deprivations resulting from the deprivation of the chief necessary of life, and its effect was to incapacitate a person from exercising the rights of a citizen within the limits which the sentence comprised. Supposing it to be true, that no Roman citizen could, in direct terms, be deprived of his civitas, it requires but little knowledge of the history of Roman jurisprudence to perceive that a way would readily be found of doing that which indirectly could not be done directly: and such, in fact, was the aquæ et ignis interdicto. The meaning of the sentence of aquæ et ignis interdicto is clear when we consider the symbolic meaning of the aquæ et ignis. The bride, on the day of her marriage, was received by her husband with aquæ et ignis, the water and the fire, and these, with taking her under his protection and sustentation. Varro5 gives a different explanation of the symbolic meaning of aquæ et ignis in the marriage ceremony: Aquæ et ignis (according to the expression of Festus) sunt duo elementa quo humanam vitam maxime continent. The sentence of interdict was either pronounced in a judicium, or it was the subject of a lex. The punishment was inflicted for various crimes, as his publica, peculias, veneficium, &c. The Lex Julia de vi publica et privata applied, among other cases, to any person qui recuperet, celatra, tenuerit, the interdicted person,4 and there was a clause to this effect in the lex of Clodius, by which Cicero was also convicted. The essence of the interdict, which in the time of the Antonines was accompanied with the loss of citizenship, could hardly have had any other effect in the time of Cicero. It may be true that exilium, that is, the change of solum or ground, was not in direct terms included in the sentence of aquæ et ignis interdicto: the person might stay if he liked, and submit to the penalty of being an outcast, and being incapacitated from doing any legal act. Indeed, it is not easy to conceive that banishment can exist in any state, except such state has distant possessions of its own to which the offender can be sent. Thus banishment, as a penalty, did not exist in the old English law. When isopolitical relations existed between Rome and another state, exilium might be the privilege of an offender. Cicero might then truly say that exilium was not a punishment, but a mode of evading punishment; and this is quite consistent with the interdict being a punishment, and having for its object the exilium.

According to Niebuhr, the interdict was intended to prevent public proceedings against Cicero without having been returning to Rome and resuming his citizenship; and the interdict was taken off when an exsilium was recalled: an opinion in direct contradiction to all the testimony of antiquity. Farther, Niebuhr asserts that they who settled in an unprivileged place (one that was not in an isopolitical connexion with Rome) needed a decree of the people, declaring that their settlement should operate as a legal exilium. And this assertion is supported by a single passage in Livy,6 from which it appears that it was declared by a plebisicium, that C. Fabius, by going into exile (exsilium) to Tarquinii, which was a municipium,6 was legally in exile.

Niebuhr asserts that Cicero had not lost his franchise, and the interdict was a mere punishment, and not a sentence, which is analogous to the processus, and it also shows that the consequence of such an interdict was the loss of caput. And the ground on which he mainly attempted to support his case was, that the lex by which he was interdicted was in fact no lex; but a proceeding altogether irregular. Farther, the interdict did pass against Cicero, but was not taken off as appears that there were persons called cepiones, through the reader too much against adopting implicitly anything that is stated in the orations Pro Cæcino, Pro Balbo, and Pro Domo: and, indeed, anywhere else, when Cicero has a case to support.

BAPHIUM (baphi, bapho), an establishment for dyeing cloth, a dyehouse. An apparatus for weaving cloth, and adapting it to the various purposes that a part of every Greek and Roman household, it was a matter of necessity that the Roman government should have its own institutions for similar uses; and the immense quantity of cloth required, both for the army and for all the officers of the court, made it indispensable that these institutions should be conducted on a large scale, giving rise to manufactures for the dyestuffs not only for the army, but for the whole empire, according to the previous habits of the people employed and the facilities for carrying on their operations. Tarentum, having been celebrated during many centuries for the fineness and beauty of its woollen manufactures, was selected as one of the most suitable places for an imperial baphium.6 Traces of this establishment are still apparent in a vast accumulation near Taranto, called "Monte Testaceo," and consisting of the shells of the Murex, the animal which afforded the purple dye.

A passage in Ælius Lampridius4 shows that these great dyehouses must have existed as early as the second century. 

1. (Pro Cæcino, c. 34.)—2. (c. 17.)—3. (Pro Domo, c. 30.)—4. (Dig., tit. 1, l. 6, § 17.)—5. (De Leg. Lat., l. 4, § 16.)—6. (Paulus, Sent. Recpt., ad Schch Ewing.)

1. (Pro Cæcino, c. 3.)—2. (xxvii., c. 3.)—3. (Pro Cæcino, c. 4.)—4 (Compare Horst, Ep. II., ii., 207, with Servius in Virg. Georg. iv., 335.)—5. (Alex. Serv., c. 40.)
BARBA.

The phrase πάγωμος σοφός, which is applied to letting the beard grow, implies a positive culture. Generally speaking, a thick beard, πάγωμα βαθός or δαίμον, was considered as a mark of manliness. The Greek philosophers were distinguished by their long beards as a sort of badge, and hence the term which Porphyry applies to Socrates, magistros barbatus, was a sort of hereditary mark; as Agamemnon, Ajax, Menelaus, Ulysses. According to Chrysippus, cited by Athenaeus, the Greeks wore the beard till the time of Alexander the Great, and he adds that the first man who was shaven was called after κόρανας, "shaven" (from κόρανας). Plutarch says that the reason for the shaving was that they might not be betrayed by the beard, and that the custom of shaving the beard continued among the Greeks till the time of Justinian, and during that period even the statues of the philosophers were without the beard. The philosophers, however, generally continued the old badge of their profession, and their ostentation in so doing gave rise to the saying that a long beard does not make a philosopher (παρουσίαμα φιλόσοφος). But wisdom stopped with his beard was called ἐκ πάγωμος σοφός. So Aulus Gellius says, "Video barbam et pallium, philosophum nundum video." Horace speaks of "teeding the philosophic beard." The Romans, in early times, wore the beard as usual, we learn from the insculpt offered by the Gaul to Marcus Papirius, and from Ciceron, and, according to Varro and Pliny, the beards of the Romans were shaved till B.C. 300, when P. Ticianus Mena brought over a barber from Sicily; and Pliny adds, that the first Roman who was shaved (rausus) every day was Scipio Africanus. His custom, however, was soon followed, and shaving became a regular thing. The lower orders, then as now, were not always able to do the same, and hence the greater part of the barbarians of the British Isles, there were many who shaved the beard only partially, and trimmed it so as to give it an ornamental form; to them the terms bene barbae and barbatae are applied. When in mourning, all the higher as well as the lower orders let their beards grow.

In the general way in Rome at this time, a long beard (barba promissa) was considered a mark of slovenliness and equalor. The censors Lucius Vettius and P. Licinius compelled Marcus Livius, who had been convicted on a charge of restoration to the city, to shave his beard, and to lay aside his dirty appearance (corti et equalorem degeneris), and then, but not till then, to come into the senate, &c. The first time of shaving was regarded as the beginning of manhood, and the day on which this took place was celebrated as a festival. There was no particular time fixed for this to be done. Usually, however, it was done when the young Roman assumed the toga virilis; and Augustus did it in his 24th year, Caligula in his 20th. The hair cut off on such occasions was consecrated to some god. Thus Nero put his up in a gold box, set with pearls, and dedicated it to Jupiter Capitolinus. So Statius mentions a person who sent his hair as an offering to Asclepius Pergamenus, and requested Statius to write some devotional verses on the occasion. He sent the hair with a box set with precious stones (cum gemmala pyxide) and a mirror.

With the Emperor Hadrian the beard began to revive. Plutarch says that the emperor wore it to hide some scars on his face. The practice afterwards became common, and till the time of Constantine the Great the emperors appear in busts and coins with beards. The Romans let their beards grow in time of mourning; so Augustus, in the time when he had shaved off he made a season of festivity. The Greeks, on the other hand, on such occasions, shaved the beard close. Strabo says that the beards of the inhabitants of the Caspierides were like those of goats. Tacitus says that the Catti let their hair and beard grow, and would not have them cut till they had slain an enemy.

BARBERS. The Greek name for a barber was κουφετής, and the Latin tonsor. The term employed in modern European languages is derived from the low Latin barbatarius, which is found in Petronius. The barber of the ancients was a far more important personage than his modern representative. Men had not often the necessary implements for the various operations of the toilet: combs, razors, perfumes, and tools for clipping, cutting, shaving, &c. Accordingly, the whole process had to be performed at the barber's, and hence the great concourse of people who daily gossiped at the tonstrina, or barber shop. Besides the duties of a barber and hairdresser, strictly so called, the ancient tonsor discharged other offices. He was also a barber, and a hairdresser, and even a physician. He was, in fact, much what the English barber was when he extracted teeth, as well as cut and dressed hair. People who kept the necessary instruments for all the different operations, generally had also slaves expressly for the purpose of performing them. The business of the barber was threefold. First, there was the cutting of hair: hence the barber's question, πός εἰς κεφάλα; For this purpose, he used various knives of different sizes and shapes. He had a sharp razor, a broad razor, and a broad knife. Hence Lucian, in enumerating the apparatus of a barber's shop, mentions πλέθος μαχαιρών (μάχαιρα, μαχαῖρας κατέχονται) are used also, in Latin text; but scissors, ψαλίς, διπλή ψαλίς (in Latin forfex, axia), were used too. Mǎχαιρα was the usual word. (Böttiger, however, says that two knives were merely used, forming a kind of scissors. The
terms it, found in Ethiopia, of the colour and hardness of iron, whence its name, from an Oriental term basalt, signifying "iron." To what Eastern language this word belongs is not known; we may compare with it, however, the Hebrew basal. Pliny speaks of fine works of art in Egyptian basalt, and of these some have found their way to Rome, as the lions at the base of the ascent to the Capitol, and the Sphinx of the Villa Borghese.1 Winckelmann distinguishes two kinds of this stone: the black, which is the more common sort, is the material of the figures just mentioned; the other variety has a greenish hue and must be carefully noted to confirm the inventions of the ancients upon this modern basalt. The former was merely a species of syenite, commonly called basaltoid syenite, black Egyptian basalt, and "basaltique antique." The basalt of the moderns is a hard, dark-coloured rock, of igneous origin.2

BASANISTAI. (Vid. Basan.)

BASANUS. BASANUS is LAPIS (lapis libycus), called also Basanov and Lapis Lydius, the Touchstone. Its Greek and English names both refer to its office of trying metals by the touch. The appellation of "Lydian Stone" was derived from the circumstance of Lydia having been one of its principal localities. It was also obtained in Egypt, and, besides the use just mentioned, was wrought into various curi-

BASANOS (Basawo), the general term among the Athenians for the application of torture. By a decree of Scamandrius, it was ordained that no free Athenian could be put to the torture; and this appears to have been the general practice, notwithstanding the assertion of Cicero to the contrary ([de institutis Atheniensium, Rhetoriam—apud quos liberis civibus conditi sunt]). The only two apparent exceptions to this practice are mentioned by Antiphon9 and Lysias. But, in the case mentioned by Antiphon, Bœch4 has shown that the torture was not applied at Athens, but in a foreign country; and in Lysias, as it is a Platean boy that is spoken of, we have no occasion to conclude that he was an Athenian citizen, since we learn from Demosthenes1 that there were several hundred thousand Athenian citizens. It must, however, be observed, that the decree of Scamandrius does not appear to have interdicted the use of torture as a means of exuc

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judges that they had put Antiphon to death by the rack (στρατάςκοντος).  

The evidence of slaves was, however, always taken with torture, and their testimony was not otherwise received. From this circumstance their testimony appears to have been considered of more value than that of freemen. Thus Isaeus says,  

"When slaves and freemen are at hand, you do not make law of the testimony of freemen; but, putting slaves to the torture, they themselves fall into the trap of their own device. Before the truth of what has been done."  

Numerous passages of a similar nature might easily be produced from the orators. Any person might offer his own slave to be examined by torture, or demand that of his adversary, and the offer or demand was equally called προφήκτης εἰς βασανον. If the opponent refused to give up his slave to be thus examined, such a refusal was looked upon as a strong presumption against him. The προφήκτης appears to have been generally made in writing, and to have been delivered to the opponent in the presence of witnesses in the most frequent part of the Agora, and as there were several modes of torture, the particular one to be employed was usually specified. Sometimes, when a person offered his slave for torture, he was not the opponent of the liberty of adopting any mode of torture which the latter pleased. The parties interested either superintended the torture themselves, or chose certain persons for this purpose, hence called βασιλευτα, who took the evidence of the slaves. In some cases, however, we find a public slave attached to the court, who administered the torture, but this appears only to have taken place when the slave was administered in the court, in presence of the judges. This public mode of administering the torture was, however, certainly contrary to the usual practice. The general practice was to read at the trial the deposition of the slaves, which were called βασιλευτα, and to confirm them by the testimony of those who were present at the administration of the torture. 

BASCANIA. (Vid. Scascina.)

BASCANIA, a British basket. This term, which remains with very little variation in the Welsh "basgawd" and the English "basket," was conveyed to Rome together with the articles denoted by it. We find it used by Juvenal14 and by Martial15 in conjunctions which imply that these articles were held in much esteem by the luxurious Roman nobility. The magistrates and their courts excelled so as to obtain for their productions a similar distinction. In what consisted the curiosity and the value of these baskets, we are not informed; but they seem to be classed among vessels capable of holding water.

BASILEIA (Βασιλεία) was the name of a festival celebrated at Lebadeia, in Boeotia, in honour of the Trophonius, who had the surname of Basileias. This festival was also called Trophonia—Τροφώνα; and it was first observed under the latter name as a general festival of the Boeotians after the battle of Leuctra. 

BASILICUS (Βασιλικύ), ANAX (Αναξ), titles originally given to any persons in a public service, and applied in the first instance indiscriminately, without any accurate distinction. In the government of Phæacia, which was a mixed constitution, consisting of one supreme magistrate, twelve poers or councillors, and the assembly of the people, each of the twelve who shared, as well as the one who nominally possessed the supreme power, is designated by the word basileis, which title became afterwards applied to the Roman Emperor; but ἀναξ continued long to have a much wider signification. In the Empire of the Taurinius, the title ἀναξ is applied to Apollo, to Tiresias, to Creon and Oedipus, and to the Chorus. Isocrate1 uses basileis in the sense of king, and ἀναξ as exactly synonymous with prince, calling the king's sons ἄναξες, and his daughters ἄναξας. The title of basileus was applied to magistrates in some republics, who possessed no regal power, but who generally attended to whatever was connected with the religion of the state and public worship. Thus the second archon at Athens had the title of basileus (vid. Archon), and we find magistrates with the same title in the republican states of Delphi, Siphnos, Chalcedon, Cyrene, &c.

After the introduction of the republican form of government into the Greek communities, another term (τρόπος, τυράννος) came into use, in contradistinction to the other two, and was used to designate any citizen who had acquired and retained for life the supreme authority in a state which had previously enjoyed the republican form of government. The term tyrant, therefore, among the Greeks, had a different signification from its usual acceptance in modern language; and when used reproachfully, it is only in a political, and not a moral sense; for, many of the Greek tyrants conferred great benefits upon their country.

BASILICA (sc. edes, aula, porticus—basileas, also regia16), a building which served as a court of law and an exchange, or place of meeting for merchants and men of business. The term is derived, according to Philander, from basileis, a king, in reference to early times, when the chief magistrate administered the laws he made; but it is more immediately adopted from the Greeks of Athens, whose second archon was styled ἄναξ βασιλεις, and the tribunal where he adjudicated σταὶ βασιλεις, the substantive aula or porticus in Latin being omitted for convenience, and the distinctive epithet basileas, τυράννος, and regia being substituted. Among the Latin writers, who speak of the Roman basilica, they sometimes sayo basileia, and sometimes merely σταὶ.

The first edifice of this description was not erected until B.C. 182,17 for it is expressly stated by the historian that there were no basilicas at the time of the fire, which destroyed so many buildings in the Forum, and that the new basilica was constructed by Titus Sempronius, B.C. 171,18 and that it was said to have been between the vicus Tuscus and the Velabrum. 2 Basilica Opima, which was added to the Comitium. 3 Basilica Pauli Emili, or Basilica

ca Aemilia, called also Regina Pauli by Statius. Cicero mentions two basilicas of this name, of which one was built, and the other only restored, by Paulus Aemilius. Both these edifices were in the Forum, and one was celebrated for its open peristyle of Phrygian columns, which Plutarch (Cae.) states was erected by L. Aemilius Paulus during his consulship, at an expense of 1500 talents, sent to him by Caesar from Gaul, as a bribe to gain him over from the aristocratical party. A representation of this is given below. 4. Basilica Pompei, called also regia, near the theatre of Pompey. 5. Basilica Constantini, erected by the Emperor Constantine, supposed to be the ruin now remaining in the Via Sacra, near the Temple of Rome and Venus, and commonly called the Temple of Peace. Of all these magnificent edifices, nothing now remains beyond the ground plan, and the bases and some portion of the columns and superstructure of the last two. The basilica at Pompeii is in better preservation than the exterior walls, ranges of columns, and tribunal of the judges being still tolerably perfect on the ground floor. The Forum, or, where there was more than one, the one which was in the most frequented and central part of the city, was always selected for the site of a basilica; and hence it is that the classic writers not unfrequently use the term basilica, and basilicae synonymously, as in the passage of Claudian—De sedulique singit Regius curulis for a fascibus Ulpia lictor, where the Forum is not meant, but the basilica which was in it, and which was surrounded by the lictors who stood in the Forum.

Vitruvius directs that the most sheltered part of the Forum should be selected for the site of a basilica, in order that the public might suffer as little as possible from exposure to bad weather, while going to, or returning from, their place of business; he might also have added, for their greater convenience whilst engaged within, since many of these edifices, and all of the more ancient ones, were entirely open to the external air, being surrounded and protected solely by the open peristyle of columns, the annexed representation of the Basilica Aemilia, from a medal of Lepidus, with the inscription, clearly shows:

When, however, the Romans became wealthy and refined, and, consequently, more effeminate, a wall was substituted for the external peristyle, and the columns were confined to the interior; or, if used externally, it was only in decorating the propeca, or vestibule of entrance. This was the only change which took place in the form of these buildings from the time of their first institution until they were converted into Christian churches. The ground plan of all of them is rectangular, and their width not more than half, nor less than one third of the length; but if the area on which the edifice was to be raised was not proportionally long, small chambers (chalcides) were set off from one of the ends, which served as oratories for the judges or merchants. This area was divided into three naves, consisting of a centre (media porticus) and two side aisles, separated from the centre one by each a single row of columns: a mode of construction particularly adapted to buildings intended for the reception of a large concourse of people. At one end of the centre aisle was the tribunal of the judge, in form either rectangular or circular, and sometimes cut off from the length of the grand nave (as is seen in the annexed plan of the basilica at Pompeii, which also affords an example of the chambers of the judges or chalcides above mentioned), or otherwise thrown out from the posterior wall of the building, like the tribune of some of the most ancient churches in Rome, and then called the hemicycle: an instance of which is afforded in the Basilica Trajani, of which the plan is given below. It will be observed that this was a most sumptuous edifice, possessing a double tribune, and double row of columns on each side of the centre aisle, dividing the whole into five naves.

The internal tribune was probably the original construction, when the basilica was simply used as a court of justice; but when those spacious halls were erected for the convenience of traders as well as loungers, then the semicircular and external tribune was adopted, in order that the noise and confusion in the basilica might not interrupt the proceedings of the magistrates. In the centre of this tribune was placed the curule chair of the praetor, and seats for judges, who sometimes amount


1. (Vitruv., l. c.—2. (Vitruv., l. c.)—3. (Vitruv., l. c.)
BASILICA.

on the number of 180, and the advocates; and round the sides of the hemicycle, called the wings (cornua), were seats for persons of distinction, as well as the parties engaged in the proceedings. It was in the wing of the tribunal that Tiberian sat to overawe the judgment at the trial of Granius Maccellus. The two side aisles, as has been said, were separated from the central one by a parapet wall or balustrade (parastata), which supported the flooring of an upper portico, similar to the gallery of a modern church. The upper gallery was in like manner decorated with columns, of lower dimensions than those below; and these served to support the roof, and were connected with one another by a parapet wall or balustrade (parastata), which served as a defence against the danger of falling over, and screened the crowd of loiterers above (subbasilicam) from the people of business in the area below. This gallery reached entirely round the inside of the building, and was frequented by women as well as men, the women on one side, and the men on the other, who went to hear and see. The gallery led to the upper portico which lay on the outside, as is seen in the plan of the Basilica of Pompeii. It is similarly situated in the Basilica of Constantine. The whole area of these magnificent structures was covered with three separate ceilings, of the kind called testudinatum, like a tortoise-shell; in technical language now denominated coenobium, an expression used to distinguish a ceiling which has the general appearance of a vault, the central part of which is, however, flat, while the margins incline by a cylindrical shell from each of the four sides of the central square to the side walls; in which form the ancient imagined a resemblance to the shell of a tortoise.

From the description which has been given, it will be evident how much these edifices were adapted, in their general form and construction, to the uses of a Christian church; to which purpose some of them were, in fact, converted, as may be inferred from a passage in Ausonius, addressed to the Emperor Gratianus: Basilica olim negotiis plena, nunc votis pro tua salute suscepit. Hence the later writers of the Empire apply the term basilica to all churches, whether Christian or heathen; and such were the earliest edifices dedicated to Christian worship, which, with their original designation, continue to this day, being still called at Rome basiliches.

A Christian basilica consisted of four principal parts: 1. Πρόναος, the vestibule of entrance. 2. Ναός, nave, and sometimes gremium, the nave or centre aisle, which was divided from the two side ones by a row of columns on each of its sides. Here the people assembled for the purposes of worship. 3. Ἀψίδων (from ἀπάθαινον, to ascend), χώρα (the choir), and συγγεύσια, a part of the lower extremity of the nave raised above the general level of the floor by a flight of steps. 4. Ἰεράπετρον, λεπόν βύσμα, sanctuary, which answered to the tribunal of the ancient basilica. In the centre of this sanctuary was placed the high altar, covered with a tabernacle, or canopy, such as still remains in the Basilica of St. John of Lateran at Rome, at which the priest officiated with his face turned towards the people. Around this altar, and in the wings of the sanctuary, were seats for the assistant clergy, with an elevated chair for the bishop at the bottom of the circle in each of the sides. 

BASTERNIA, a kind of litter (lectica) in which women were carried in the time of the Roman emperors.

BASILICA (Basilikai Διατάξεις). About A.D. 876, the Greek emperor Basilus, the Macedonian, commenced this work, which was completed by his son Leo, the philosopher. Before the reign of Basilius, there had been several Greek translations of the Pentateuch, the Psalms, and the Institutes; but there was none of the Old Testament, or of the New, authorized Greek version of them. The numerous Constitutions of Justinian's successors, and the contradictory interpretations of the jurists, were a farther reason for publishing a revised Greek text under the imperial authority. This great work was called Basilia, or Basilicae Διατάξεις; it was revised by the order of Constantine Porphyrogynus. The Basilica comprised the Institutes, Pentateuch, Code, the Novellae, and the Imperial Constitutions subsequent to the time of Justinian, in a Greek translation, in sixty books, which are subdivided into titles. The publication of the authorized body of law in the Greek language led to the gradual disuse of the original compilation of Justinian in the East.

The arrangement of the matter in the Basilica is as follows: All the matter relating to a given subject is selected from the Corpus Juris; the extracts from the Pentateuch are placed first under each title, then the constitutions of the Code, and next in order the provisions contained in the Institutes and the Novellae, which confirm or complete the provisions of the Pentateuch. The Basilica does not contain all that the Roman jurists have written on the subject; it contains the chief fragments of the opinions of ancient jurists, and of imperial Constitutions, which are not in the Corpus Juris.

The Basilica was published, with a Latin version, by Fabrot, Paris, 1647, seven vols. fol. Fabrot published only thirty-six books complete, and six others incomplete: the other books were made up from an extract from the Basilica and the codices. Four of the deficient books were afterward found in MS., and published by Gerhard Meerman, with a translation by M. Otto Reitz, in the fifth volume of his Thesaurus Juris Civilis et Canonici; and they were also published separately in London in 1785, folio, as a supplement to Fabrot's edition. A new critical edition, by the brothers Heimbach, was commenced in 1853, and is now in progress.

The Basilica is divided into books, each book subdivided into paragraphs; and each of these paragraphs is sub-divided into sections. The paragraphs under which the several decisions are placed are numbered, which is useful in reading ancient authors.

There; (Salmis., (i.v., bath, 143 (ad Varro,* (CSc, and (Olymp., 18x53 (Varro, 18x41 yond age, cent
private could Aulus nesius'.) baths ca, stead

in the written in the earlier and better authors they are used with a nice discrimination. Balneum or balneum, which is derived from the Greek βαλνεῠν, signifies, in its primary sense, a bath or bathing-vessel, such as most persons of any consequence among the Romans possessed in their own houses; in which sense it is used by Cicero in balnearia, and from that it came to signify the chamber which contained the bath (labrum sī in balineo non est), which is also the proper translation of the word balnearium. The diminutive balneolum is adopted by Seneca4 to designate the bath-room of Scipio, in the villa at Lertum; and is expressly used to characterize the sumptuous apparatus of the Roman nobility, as, compared with the luxury of his own times. But when the baths of private individuals became more sumptuous, and comprised many rooms instead of the one small chamber described by Seneca, the plural balnea or balines was adopted, which still, in correct language, had reference only to the baths of private people. Thus Cicero terms the baths at the villa of his brother Quintus'* balnearum. Balnea and balines, which, according to Varro,* have no singular number, were the public baths. (Balnea is, however, used in the singular, to designate a private bath, in an inscription quoted by Renessius.) Thus Cicero4 speaks of balneas Senias, balneas publicas, and in vestibulo balnearum,1 and Author. The accuracy of diction is neglected by many of the subsequent writers, and particularly by the poets, among whom balnea is not uncommonly used in the plural number to signify the public baths, since the word balnea could not be introduced in an hexameter verse. Pliny also, in the same sentence, makes use of the neuter form, balneas, for 'bathing-vessels for private bath.'13 Thesma (from θέρμη, warmth) mean, properly, warm springs or baths of warm water, but came afterward to be applied to the structures in which the baths were placed, and which were both hot and cold. There was, however, a material distinction between the balnea and theemas, inasmuch as the latter was the term used under the Republik, and referred to the public establishments of that age, which contained no appliances for luxury beyond the mere convenience of hot and cold baths, whereas the latter name was given to those magnificent edifices which grew up under the Empire, and which comprised within their range of buildings all the appendances belonging to the Greek gymnasium, and as a regular establishment appropriated for bathing; which distinction is noticed by Juvenc.

14 "Dom petit aut thermas, aut Phabi balnea."

Subsequent writers, however, use these terms without distinction. Thus the baths erected by Claudianus Etruscus, the freedman of the Emperor Claudian, are styled by Status5 balines, and by Martial6 Brutus thermalis. In an epitram, also, by Mai,7 balnearium hotum, the verbs are applied to the whole building, but to two different chambers in the same edifice.

Bathing was a practice familiar to the Greeks of both sexes from the earliest times, both in fresh water and salt, and in the natural warm springs as well as vessels artificially heated. Thus Nausicus, daughter of Akinous, king of Phaeacia, goes out with her maid, dons her clothes, and, after the task is done, she bathes herself in the river. Ulysses, who is conducted to the same spot, strips and takes a bath, while she and her servants stand aside.8 Europa also bathes in the river Anararus, and Helen and her companions in the Euratas.9 Warm springs were also resorted to for the purpose of bathing. The Πρακτελεια λουτρα shown by Vul- can or Minerva to Hercules are celebrated by the poets. Findar speaks of the hot bath of the nymphs —θερμα Νηωνοι λουτρα,8 and Homo9 celebrates one of the streams of the Scamander for its warm temperature. The artificial warm bath was taken in a vessel called ἀναδύως by Hom.,10 because it diminished the uncleanness of the skin, and ἐξαλάτη by Heliodorus, because it was used in the washing of the bath administered to Ulysses in the palace of Circe, that this vessel did not contain water itself, but was only used for the bather to sit in while the warm water was poured over him, which was heated in a large caldron or tripod, under which the fire was placed, and, when sufficiently warmed, was taken out of the vessels, and administered to the head and shoulders of the person who sat in the ἀναδύως.11 Where cleanliness merely was the object sought, cold bathing was adopted, which was considered as most bracing to the nerves;12 but, after violent bodily fatigue or exertion, warm water was made use of, in order to refresh the body and relax the over-tension of the muscles.13 Thus the ἀναδύως is proposed by Euphorion to Pericles, and Athenaeus makes the palace of Menelaus,14 and is resorted to by Ulysses and Diomed, when they return with the captured horses of Rhesus,15

'Εσ' ἀπαντιδε στη θεά τιμίας λούσανον.

From which passage we also learn that the vessel was of polished marble, like the basins (labra) which have been discovered in the Roman baths. Aromachnea, in the 22d book of the Iliad, prepares a hot bath for Hector against his return from battle;16 and Nestor, in the 14th, orders Hecamecne to make ready the warm bath (θερμα λουτρα;) and Pope tells us that the Phoenicians are represented as being addicted to the vanities of dress, warm baths, and sexual indulgence.17

Επιαρα τ' εςλατη, λουτρα τε θερμα, καί ειναι.

It was also customary for the Greeks to take two baths in succession, first cold and afterward warm; thus, in the passage of the Iliad just referred to, Ulysses and Diomed both bathe in the sea, and afterward refresh themselves with a warm bath (ἀναδύως) upon returning to their tents. The custom of plunging into cold water after the warm bath mentioned by Athenaeus, and which we wrote in the 2nd century, does not refer to the Greeks of this early age, but to those who lived after the subjugation of their country by the Romans, from whom the habit was most probably borrowed.

After bathing, both sexes anointed themselves.
BATHS.

the women as well as men, in order that the skin might not be left harsh and rough, especially after warm water. Oil (ἐλαίον) is the only ointment mentioned by Homer as used for this purpose, and Pilny 2 says that the Greeks had no better ointment at the time of the Trojan war than oil perfumed with herbs. In all the passages quoted above, the bathers anointed themselves with clear pure oil (κρίνειν ἔλαιον); but in the 23d book of the Iliad, 3 Venus anoints the body of Hector with oil scented with roses (κρίνον ἔλαιον); and, in the 14th book of the same poem, Juno anoints herself with oil "ambo- 

sia, sweet, and odoriferous" (ἀμβόσιον, ἱδαίον, ἑθο-

μοῖον); and elsewhere the oil is termed ἔλαιον, sweet-smelling, upon which epithet the commenta-

tories are acquainted with the use of more precious ointments, but calls them oil with an epithet to distinguish them from common oil. The ancient heroes, however, never used precious unguents (μύρα).

Among the Greeks as well as Romans, bathing was always a preliminary to the hour of meals. In-

deed, the process of eating seems to have followed as a matter of course upon that of bathing: even Nausicaa and her companions, in the passage referred to above, immediately after they had bathed and anointed themselves, sat down to eat by the river's side while waiting for the clothes to dry.

The Lacedemonians, who considered warm wa-

ter as enervating and effeminate, used two kinds of baths, namely, the cold daily bath in the Eurotas, which was possessed by each of them independently, in a chamber heated with warm air by means of a stove; and from them the chamber used by the Romans for a similar purpose was termed Lacon-

icum. 10

Thus it seems clear that the Greeks were familiar with the use of the bath, both as a source of health and pleasure, long before it came into gener-

a practice among the Romans, although they had "public establishments expressly devoted to the purpose of the same magnificence as the Romans had; in which sense the words of Artemidorus 11 may be understood, when he says, "They were unacquainted with the use of baths" (βαλνας οὐκ ἱδαίον); for it appears that the Athenians, at least, had public baths (λαυρώνες) attached to the gym-

nasia, which were used by the common people than by the great and wealthy, who had private baths in their own houses. 12

The Romans, as well as Greeks, resorted to the rivers, in the earlier periods of their history, from motives of health or cleanliness, and not of luxury; for, as the use of linen was little known in those ages, 13 health as well as comfort rendered frequent ablutions necessary. This we learn from Seneca 14 that the ancient Romans washed their legs and arms daily, and bathed their whole body once a week.

It is not recorded at what precise period the use of the warm bath was first introduced among the Romans; but we learn from Seneca 14 that Scipio had a warm bath in his villa at Liternum, which, however, was of the simplest kind, consisting of a simple chamber, just sufficient for the necessary purposes, and without any pretension to luxury. It was "small and dark," he says, "after the manner of the ancients." This was a bath of warm water; but the practice of heating an apartment with warm air by flues placed immediately under it, as to produce a vapour bath, is stated by Valerius Maximus 2 and by Pliny 3 to have been invented by Sergius Orata, who lived in the age of Crassus, before the Marsei war. The expression used by Valerius Maximus is balnea penalis, and by Pliny balnea penitentialia, which is differently explained by different commentators: but a single glance at the inscriptions inserted below will be sufficient in the following of whether the chambers was suspended over the hollow cells of the hypocaust, called by Vitruvius suspensura cal-
darium, 2 so as to leave no doubt as to the precise meaning of the invention, which is more fully ex-

emplified in the following passage of Ausonius:"Quod (memoram) qua paulo substructa crepitantium

balnea, ferrenti cum Mulicius haustus opero, Volvili anhelatas tectoria per cava flaves,

Inclusum glomerans asti expirante vaporem." 4

Thus by the time of Cicero, the use of baths, both public and private, of warm water and hot air, had obtained very generally, and with a considerable degree of luxury, if not of splendour, as may be collected from a letter to his brother, 5 in which he informs him that he had given directions for the setting up of the vapour bath (αὐραίον) in the opposite angle of the undressing-room (αποδύτεριον), on account of the flue being placed in an injudicious situation; and we learn from the same author that there were baths at Rome in his time—balnea Senesis 4—which were open to the public upon payment of a small fee.

In the earlier ages of Roman history, a much greater delicacy was observed with respect to pro-
miscuous bathing, even among the men, than was usual among the Greeks: for, according to Vale-
ius Maximus, 6 it was deemed indecent for a father to bathe in company with his own son after he had attained the age of puberty, or a son in-law with his father-in-law: the same respectful reserve being shewn to blood and affinity as was paid to the temples of the gods, towards whom it was considered as an act of religion even to appear naked in any of the places consecrated to their worship. 9 But virtue passed away as wealth increased; and, when the thermes came into use, not only did the men bathe together in numbers, but even men and women stripped and bathed promiscuously in the same bath. It is true, however, that the public establishments often contained separate baths for both sexes; and it can be shown that such baths had been also the case at the baths of Pompelii. Aulus Gel-

lius 11 relates a story of a consul's wife who took a whim to bathe at Teneum (Teano), a small provin-
cial town of Campania, in the men's baths (balnea virilis); probably because, in a small town, the female department, like that at Pompelii, was more confined and less convenient than that assigned to the men. The prince was ordered to go to the quaster, M. Marius, to turn the men out. But whether the men and women were allowed to use each other's chambers indiscriminately, or that some of the public establishments had only one common set of baths for both, the custom prevailed under the Empire of men and women bathing indis- criminatingly together. 12 This custom was forbidden by the Emperor Flavius Vespasianus 13 and by Emperor Tiberius. 14

But Alexander Severus prohibited any bath common to both sexes (balnea mixta), from being opened in Rome. 14

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When the public baths (balneae) were first instituted, they were duly for the lower orders, who alone in the public baths; the people of wealth, as well as those who formed the equestrian and senatorial orders, using private baths in their own houses. But this monopoly was not long enjoyed; for, as early as the time of Julius Caesar, we find no less a personage than the mother of Augustus making use of the public establishments, which were probably, at that time, separate from the age of Cicero. The baths were opened before a day (ante auroram), and were shut before sunset (ante vesperum); and Juvenal includes in his catalogue of female immoralities, that of taking the bath at night (balnea nocte subit), which may, however, refer to private baths.

The price of a bath was a quindecim, the smallest gold piece, which was paid to the keeper of the bath (balneator); and hence it is termed by Cicero, in the oration just cited, quadrantria permutatio, and by Seneca, res quadrantraria. Children below a certain age were admitted free.

"Neque pueri creditur, nisi quidiam arce laevatur." Strangers also, and foreigners, were admitted to some of the baths, if not to all without payment, as we learn from an inscription found at Rome, and quoted by Pitschius.

\[1\]

\[\text{OCTAV. L. P. CAM.}^{1} \text{ RUFO. THIB. MILL.} \]

\[\text{QUI LAVATIONEM GRATUAM MUNICIPIUM, INCOLIS HOSPITIBUS ET ADVENTORIIS.}^{1}\]

The baths were closed when any misfortune happened to the Republic, and Suetonius says that the Emperor Caligula, who made it a capital offence to indulge in the luxury of bathing upon any religious holyday. They were originally placed under the superintendence of the aediles, whose business it was to keep them also in repair, and to see that they were kept clean and of a proper temperature.

In the provinces, the same duty seems to have devolved upon the questors, as may be inferred from the passage already quoted from Aulus Gellius.

The time usually assigned by the Romans for taking the bath was the eighth hour, or shortly after.

"Octavam potissim servare; lavabimus ina.
Seis, quam siin Stephani balnea juncta miri.

Before that time none but invalids were allowed to bathe in public. Vitruvius reckons the best hours for bathing to be from midnight until about sunrise. Pliny took his bath at the ninth hour in summer, and at the eighth in winter; and Martia speaks of taking a bath, when fatigued and weary, at the tenth hour, and even later.

When all was prepared, notice was given by the sound of a bell—as the narum. One of these bells, with the inscription \text{FIRMI BALNEATORIS}, was found in the thermal Dionysians, in the year 1548, and came into the possession of the learned Fulvius Ursinus.

While the bath was used for health merely or cleanliness, the one was considered sufficient at a time, and that only when requisite. But the luxuries of the Empire knew no such bounds, and the daily bath was sometimes repeated as many as seven and eight times in succession—the number which the Emperor Commodus indulged himself with. Gordian bathed seven times a day in summer, and twice in winter; the Emperor Gallienus six or seven times in summer, and twice or thrice in winter. Commodus also took his meals in the bath; a custom which was not confined to a dissolute emperor alone, for Martial attacks a certain \text{Aemilius} for the same practice, which passage, however, is differently interpreted by some commentators.

It was the usual and constant habit of the Romans to take the bath after exercise, and previously to their principal meal (comen); but the debauchees of the Empire bathed also after eating, as well as before, in order to promote digestion, so as to acquire a new appetite for fresh delicacies. Nero is related to have indulged in this practice, which is also alluded to by Martial.

Upon quitting the bath, it was usual for the Romans, as well as Greeks, to be anointed with oil; to which custom both Pompey and Brutus are represented by Plutarch as adhering. But a particular habit of body, or tendency to certain complaints, sometimes required this order to be reversed; for which reason, when those who suffered from certain disorders, was accustomed to anoint himself before bathing, and a similar practice was adopted by Alexander Severus. The most usual practice, however, seems to have been to take some gentle exercise (exercitio) in the first instance, and then, after bathing, to be anointed either in the sun, or in the temple or thermal chamber, and finally to take their food.

The Romans did not content themselves with a single bath of hot or cold water, but they went through a course of baths in succession, in which the agency of air as well as water was applied. It is difficult to ascertain the precise order in which the course was usually taken, if, indeed, there was any general or at least a habitual order of the variety of baths, the composition of which varies, and the various parts of the body, were successively anointed with different waters, introduced to the bath at first without water, and poured over the head, or by pouring cold water over the head, or by plunging at once into the piscina, or into a river, as the Russians still do, and as the Romans sometimes did, as we learn from Ausonius.

"Vidi ego defessos multo sudare lavacri Fasciolae lacos, et frigora piscinarum, Ut vivia frumentorum aqua; max anime refertos Pluvium gelidum, flumen populissiae naus.

\[\text{Musa, the physician of Augustus, is said to have}^{1}\]

introduced this practice, which became quite the fashion, in consequence of the benefit which the emperor derived from it, though Dion accuses him of having artfully caused the death of Marcellus by an improper application of the same treatment. In other cases it was considered conducive to health to pour warm water over the head before the vapour bath, and cold water immediately after it, and other times a success of warm, tepid, and cold water was resorted to.

The two physicians, Galen and Celsus, differ in some respects as to the order in which the baths should be taken; the former recommending first the hot air of the Laconicum (ἀείθριον, θερμού) next the bath of warm water (θυμάμαρα καὶ χυτάριον), afterward the cold, and, finally, to be well rubbed, while the latter recommends the patients first to sweat for a short time in the tepid chamber (tēpiadairiōn) without undressing; then to proceed into the thermal chamber (calidarium), and, after having gone through a regular course of perspiration there, not to descend into the warm bath (soloium), but to pour a quantity of warm water over the head, then tepid, and finally cold; afterward to be scraped with the strigil (perstricati), and finally rubbed dry and anointed. Such, in all probability, was the usual habit of the Romans when the bath was resorted to as a daily source of pleasure, and not for any particular medical treatment; the more so, as it resembles, in many respects, the system of bathing still in practice among the Orientals, who, as Sir W. Gell remarks, "succeeded by conquest to the luxuries of the enervated Greeks and Romans." 18

In the passage quoted above from Galen, it is plain that the word λοτσρν is used for a warm bath, in which sense it also occurs in the same author. Vitruvius, on the contrary, says, that the Greeks used the same word to signify a cold bath (frigida lavatio, quae Graeci lotsovo vocant). The contradiction between the two authors is here pointed out, for the purpose of showing the impossibility, as well as improvidence, of attempting to fix precise meaning to each of the different terms made use of by the ancient writers in reference to their bathing establishments.

Having thus detailed from classical authorities the general habits of the Romans in connexion with their system of bathing, it now remains to examine and explain the internal arrangements of the structures which contained their baths, which will serve as a practical commentary upon all that has been said. Indeed, there are more ample and better materials for acquiring a thorough insight into Roman manners in this one particular, than for any other of the usages connected with their domestic habits. Lucian, in the treatise which is inscribed Ἱππίας, has given a minute and interesting description of a set of baths erected by an architect of that name, which it is to be regretted is much too long for insertion in this place, but which is well worthy perusal; and an excavation made at Pompeii between the years 1824, 25, laid open a complete set of public baths (balneum), with many of the chambers, even to the ceilings, in good preservation, and constructed in all their important parts upon rules very similar to those laid down by Vitruvius.

In order to render the subjoined remarks more easily intelligible, the preceding woodcut is inserted, which is taken from a fresco painting upon the walls of the thermae of Titus at Rome.

The woodcut on the following page represents the ground-plan of the baths of Pompeii, which are nearly surrounded on three sides by houses and shops, thus forming what the Romans termed an insula.

The whole building, which comprises a double set of baths, has six different entrances from the street, one of which, A, gives admission to the smaller set only, which were appropriated to the women, and five others to the male department; of which two, B and C, communicate directly with the furnaces, and the other three, D, E, F, with the bathing apartments, of which F, the nearest to the Forum, was the principal one; the other two, D and E, being on opposite sides of the building, served for the convenience of those who lived on the north and east sides of the city. To have a variety of entrances (αὐτοίς συλλαμβάνεται) is one of the qualities enumerated by Lucian necessary to a well-constructed set of baths. Passing through the principal entrance F, which is removed from the street by a narrow footway surrounding the insula (the outer curb of which is marked upon the plan by the thin line drawn round it), and after descending three steps, the bather finds upon his left hand a small chamber 11, which contained a convenience (latrina2), and proceeds into a covered portico (2), which ran round three sides of an open court (atrium (3), and these together formed the vestibule of the baths—vestibulum balnearum, in which the servants belonging to the establishment, as well as some of the slaves and attendants of the great and wealthy whose services were not required in the interior, waited. There are seats for their accommodation placed underneath the portico (a, b) This compartment answers exactly to the first, which is described by Lucian. 4

1. (Plin., H. N., xxv., 28.)—2. (Latrina was also used, previously by the time of Varro, for the bathing-room, quae latrinae.—Vatko De Lign, lat., ix., 65, ed. Müller.— contain Luci, ap. Non c. 3 n. 124.)—3. (Cic., Pro. Colum., 28.—1. (c. 3.)
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the keeper of the baths (balneator), who exacted the quadrans paid by each visitor, was also stationed; and, accordingly, it was found for the box for the porico might have been appropriated to him; or, if not, it might have been an aedes or exedra, for the convenience of the better classes while awaiting the return of their acquaintances from the interior, in which case it will correspond with the chambers mentioned by Lucian,1 adjoining to the servants' waiting-place (by ὀπτωμας δε των χων μεταφρασαν ουκ ενεπηκοινωνον). In this court likewise, as being the most public place, advertisements for the theatre, or other announcements of general interest, were posted up, one of which, announcing a gladiatorial show, still remains. (5) Is the corridor which conducts from the entrance E into the same vestibule. (6) A small cell of similar use as the corresponding one in the opposite corridor (1). (7) A passage of communication which leads into the chamber (8), the frigidarium, which also served as an apodyterium or spoliateum, a room for undressing; and which is also accessible from the street by the door D, through the corridor (9), in which a small niche is observable, which probably served for the station of another balneator, who collected the money from those entering from the north street. Here, then, is the centre in which all the persons must have met before entering into the interior of the baths; and its locality, as well as other characteristic features in its fittings up, leave no room to doubt that it served as an undressing-room to the balnea Pompeiana. It does not appear that any general rule of construction was followed by the architects of antiquity with regard to the locality and temperature best adapted for an apodyterium. The word is not mentioned by Vitruvius, nor expressly by Lucian; but he says enough for us to infer that it belonged to the frigidarium in the baths of Hippias.8 After quitting the last apartment, there is a sufficient number of chambers for the bathers to undress, in the centre of which is an aedes, containing three baths of cold water.9 Pliny 

1. (Cic., Pro Coel., 35.).—2. (Carus., xxxii., 1.)—3. (Il., xxxvii.).—4. (Vitruv., v., 16.)

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en in Sir W. Gell's *Pompeii*. There are no less than six doors to this chamber; one led to the entrance E, another to the entrance D, a third to the small room (11), a fourth to the furnaces, a fifth to the tepid apartment, and the sixth opened upon the cold bath (10), named indifferently by the ancient authors, natatio, natatorium, piscina, baptismarium, puteus, λυστρον. The word *baptisterium* is not a bath sufficiently large to immerse the whole body, but a vessel or *labora*, containing cold water for pouring over the head. The bath, which is coated with white marble, is 15 feet 10 inches in diameter, and about three feet deep, and has two marble steps to facilitate the descent into it, and a seat surrounding it at the depth of 10 inches from the bottom, for the purpose of enabling the bathers to sit down and wash themselves. The ample size of this basin explains to us what Cicero meant when he wrote, "*Laticium piscinam voluisset, ubi jactata brachia non offenduerent.*" It is probable that many persons contented themselves with the cold bath only, instead of going through the severe course of perspiration in the hot apartments; and as the *frigidarium*, alone could have had no effect in baths like these, where it merely served as an *apodyterium*, the *natatio* must be referred to when it is said that at one period cold baths were in such request that scarcely any others were used. There is a platform or ambulatory (*schola*) round the bath, also of marble, and four niches of the same material disposed at regular intervals round the walls, with pedestals, for statues probably, placed in them; according to Sir W. Gell, with seats, which he interprets *schola*, for the accommodation of persons waiting an opportunity to bathe; but a passage of Vitruvius, hereafter quoted, seems to contradict this use of the term: and seats were placed in the *frigidarium* adjoining, for the express purpose of accommodating those who were obliged to wait for their turn. The ceiling is vaulted, and the chamber lighted by a window in the centre. The annexed woodcut represents a *frigidarium*, with its cold bath at one extremity, supposed to have formed a part of the Formian villa of Cicero, to whose age the style of construction, and the use of the simple Doric order, undoubtedly belong. The bath itself, into which the water still continues to flow from a neighbouring spring, is placed under the alcove, and the two doors on each side opened into small chambers, which probably served as *apodyteria*. It is still to be seen in the gardens of the Villa Caposelli, at Mola di Gaeta, the site of the ancient Formiae.

1. (Plin., Ep., v. 6.)—2. (Compare also Plin., Ep. xvii, 3.)

2. (Gell's *Pompeii*, l. c.)—4. (Vitr., v. 10.)—5. (l. c.).

In the cold bath of Pompeii the water ran into the basin through a spout of bronze, and was carried off again through a conduit on the opposite side. It was also furnished with a waste-pipe under the margin to prevent it from running over. No. 11 is a small chamber on the side opposite to the *frigidarium*, which might have served for shaving (καταρασμα), or for keeping unguefants or stigiles; and from the centre of the side of the *frigidarium*, the bather, who intended to go through the process of warm bathing and sudation, entered into (12) the tepidarium.

This chamber did not contain water either at Pompeii or at the baths of Hippias, but was merely heated with warm air of an agreeable temperature, in order to prepare the body for the great heat of the vapour and warm baths; and, upon returning, to obviate the danger of a too sudden transition to the open air. In this respect it resembles exactly the tepid chamber described by Lucian, which he says was of a moderate and not oppressive heat, adjoining to which he places a room for anointing (*ολιγος δελφισμα προσωπων παρακριμενος*).

In the baths at Pompeii this chamber served likewise as an *apodyterium* for those who took the warm bath; for which purpose the fittings up are evidently adapted, the walls being divided into a number of separate compartments or recesses for receiving the garments when taken off, by a series of figures of the kind called *Atlantes* or *Telamones*, which project from the walls, and support a rich cornice above them. One of these divisions, with the *Telamones*, is represented in the article *Atlantes*. Two bronze benches were also found in the room, which was heated as well by its contiguous to the hypocaust of the adjoining chamber, as by a brazier of bronze (*foculus*), in which the charcoal ashes were still remaining when the excavation was made. A representation of it is given in the annexed woodcut. Its whole length was seven feet, and its breadth two feet six inches.

In addition to this service, there can be little doubt that this apartment was also used as a depository for unguefants and a room for anointing (*ultramarum, uncatrum, elaothamum*), the proper place for which is represented by Lucian as adjoining to the tepidarium, and by Pliny as adjoining to the hypocaust; and for which purpose some of the niches between the *Telamones* seem to be peculiarly adapted. In the larger establishments, a separate chamber was allotted to these purposes, as may be seen by referring to the annexed plan from the *Tritoma* of Titus; but, as there is no other spot within the circuit of the Pompeian baths which could be applied in the same manner, we may safely conclude that the inhabitants of this city were anointed in the tepidarium, which service was performed by slaves called *unctores* and *alitato*. (Vid. *Aliptes,*). For this purpose the common people used oil simply of some quality, and scented; but the more wealthy classes indulged in the greatest extravagance with regard to their perfumes and unguefants. These they either procured from the *elaothamum* of the baths, or brought with them in small glass bottles (*amphullae olearum*), hundreds of which have been discovered in different excavations made in various parts of
ITALY. (Vid. Ampulla.) The fifth book of Atticneus contains an ample treatise upon the numerous kinds of ointments used by the Romans; which subject is also fully treated by Pliny.1

Caligula is mentioned by Suetonius2 as having invented a new luxury in the use of the bath, by perfuming the water, whether hot or cold, by an infusion of precious odours. The length of the foot,3 by annotating the walls with valuable unguents; a practice, he adds, which was adopted by one of the slaves of Nero, that the luxury should not be confined to royalty (ne principale videatur hoc bonum).

From this apartment, a door, which closed by its own weight, to prevent the admission of cold air, open by allowing to pass the light of the adjacent room, led to the Laconicum or Laconiana, which is the form of a room with four windows, and a floor of the same kind as that of the cella.37

The object in leaving so much space between the warm bath and the Laconicum was to give room for the gymnastic exercises of the persons within the chamber, who were accustomed to promote a full flow of perspiration by rapid movements of the arms and legs; or by lifting weights; which practice is alluded to by Juvenal.7

"Magnus gaudet sudare tumulus,
Quum laxata gravi eccidenter brachia massa."4

In larger establishments, the conveniences contained in this apartment occupied two separate cells, one of which was appropriated to the warm bath, which apartment was then termed calidarium, cella calidaria, or balneum, and the other which comprised the Laconicum and sudatory—Laconicum sudatorius,4 which part alone was then designated under the name of concamerata sudatio. This distribution is represented in the painting on the walls of the Thermes of Titus; in which there is also another peculiarity to be observed, viz., the passage of communication (intercapedo) between the two chambers, the flooring of which is suspended over the hypocaust. Lucian informs us of the use for which this compartment was intended, where he mentions as one of the characteristic conveniences in the baths of Hippas, that the bathers need not retire thence while the water was warm, by which they had entered, but might return from the thermam chamber by a shorter circuit through a room of gentle temperature (δυσθέσιον ἐξὸν ἤκτρησαν), which communicated immediately with the frigidarium.

The cold water-bath, which is termed calda latatio by Vitruvius,4 balineum by Cicero,1 piscina or calda piscina by Pliny1 and Suetonius,1 as well as labrum2 and solium by Cicero,4 appears to have been a capacious marble vessel, sometimes standing upon the floor, like that in the picture from the Thermes of Titus; and sometimes either partly elevated above the floor, as it was at Pompeii, or entirely sunk into it, as directed by Vitruvius. The term labrum is also generally used of a bath containing warm water, and piscina of one which contains cold; but the real distinction seems to be that the latter was larger than the former, as in the words of Cicero already quoted, "latiore piscinam solutis..." Pliny4 uses the term piscina for a pona or tank in the open air (which was probably the accurate and genuine sense of the word); which, from being exposed to the heat of the sun, possessed a higher temperature than the cold bath, which last he distinguishes in the same sentence by the word puteus, a well, which probably refers to that represented in the drawing from the baths at Mola.4

Maeenias is said, by Dion,2 to have been the first person who made use of a piscina of warm water, called by Dion καλυμμαθής.4—The words of Vitruvius,4 in speaking of the warm-water bath, are as follows: "The bath (labrum) should be placed under the window, in such a position that the persons who stand around may not cast their shadows upon it. The platform which surrounds the bath (schola labrorum) must be sufficiently spacious to allow the surrounding observers, who are waiting for their turn, to stand there without crowding each other. The width of the passage or channel (alveus), which lies between the parapet (pluteus) and the wall, should not be less than six feet, so that the space occupied by the seat and its step below (pulsum et gradus inferior) may take off just two feet from the whole width." The subjoined plans, given by Marini, will explain his meaning.

A. labrum; B. bath; C. solium; D. alveus, passage between the pluteus and wall; F. pulsum, or seat; and E. the lower step (gradus inferior), which together take up two feet.

The warm bath at Pompeii is a square basin of marble, and is ascended from the outside by two steps raised from the floor, which answered to the parapet or pluteus of Vitruvius. Around ran a narrow platform (schola); but which, in consequence of the limited extent of the building, would not admit of a seat (pulsum) all round it. On the interior, another step, dividing equally the whole length of the cistern, allowed the bathers to sit down and wash themselves. The annexed section will render this easily intelligible.

1. (Epp., vi., 6.)—2. ("Si natura laribus aut tepidis, velis, in area piscina est, in pumeo puteus, ex quo possint manus adstringi ad reminiscentia terornia")—3. (lib. iv.)—4. (τους τι πολλαπλασιης θεραματος ὑπό της πόλεως κατακρίνει.)—5. (v., 10.)—6. (v. in Pleon., 27.)

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to express a vessel for containing liquids. But the explanation given above is much more satisfactory, and is also supported by a number of passages in which it is used. It is adopted by Fulv. Ursinus, who represents the solium, in a drawing copied from Mercureius, as a portable bench or seat, placed sometimes within and sometimes by the side of the bath. Augustus is represented as making use of a wooden solium (quod ipse Hispanico verbo durelum vocavit); in which passage it is evident that a seat was meant, upon which he sat to have warm water poured over him. In the women's baths of the opulent and luxurious capital, the solium were sometimes made of silver.

We now turn to the opposite extremity of the chamber which contains the Laconicum or vapour bath, so called because it was the custom of the Laconians to strip and anoint themselves without using warm water after the perspiration produced by their athletic exercises; to which origin of the term Martial also alludes:

"Ritus si placet tibi Laconum, Contentus potes arido vapore
Cruda Virgine Martiaue mergi."

By the terms Virgine and Martia the poet refers to the Aqua Virgo and the Aqua Martia, two streams brought to Rome by the aqueducts. (Vid. Aqua.-

rectus.) It is termed assa by Cicero, from ἀσά, to dry; because it produced perspiration by means of a dry, hot atmosphere; which Celsius consequently terms sudationes assas, "dry sweating," which, he afterward adds, was produced by dry warmth (calore sicco). It was called by the Greeks πυράστριον, from the fire of the hypocaust, which was extended under it; and hence by Alexander Aphrodis., ἑρμον θόδω, "a dry vaulted chamber."

Vitruvius says that its width should be equal to its height, reckoning from the flooring (suspensura) to the bottom of the thole (imam curvatum hemi-

spharii), over which centre of which an orifice is left, from which a bronze shield (cilpeus) was suspended. This regulated the temperature of the apartment, being raised or lowered by means of chains to which it was attached. The form of the well was required to be circular, in order that the warm air from the hypocaust might encircle it with greater facility. In accordance with these rules is the Laconicum at Pompeii, a section of which is given below, the cli-

pens only being added in order to make the drawing more clear.

A, The suspended pavement, suspensura; B, the junction of the hemisphaeric with the side walls, imia curvatura hemispharii; C, the shield, cilpeus; E and F, the chains by which it is raised and lowered; D, a labrum, or flat marble vase, like those called tazze by the Italians, into which a supply of water was introduced by a single pipe running through the stem. Its use is not exactly ascertained in this place, nor whether the water it contained was hot or cold.

It would not be proper to dismiss this account of the Laconicum without alluding to an opinion adopted by some writers, among whom are Galiano and

Cameron, that the Laconicum was merely a small cupola, with a metal shield over it, rising above the flooring (suspensura) of the chamber, in the manner represented by the drawing from the Thermes of Titus, which drawing has, doubtless, given rise to the opinion. But it will be observed that the design in question is little more than a section, and that the artist may have resorted to the expedient in order to show the apparatus belonging to one end of the chamber, as is frequently done in similar plans, where any part which required to be represented upon a larger scale is inserted in full development within the general section; for in none of the numerous baths which have been discovered in Italy or elsewhere, even where the pavements were in a perfect state, has any such contrivance been observed. Besides which, it is manifest that the cilpeus could not be raised or lowered in the design alluded to, seeing that the chains for that purpose could not be reached in the situation represented, or, if attained, could not be handled, as they must be re-

hot from the heat of the hypocaust, into which they were inserted. In addition to which, the remains discovered tally exactly with the directions of Vitruvius, which this does not.

After having gone through the regular course of perspiration, the Romans made use of instruments called strigiles (or strigiles) to scrape off the perspiration, much in the same way as we are accustomed to scrape the sweat off a horse with a piece of iron hoop after he has run a heat, or comes in from violent exercise. These instruments, some specimens of which are represented in the following woodcut, and many of which have been discov-

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The poorer classes were obliged to scrape themselves, but the more wealthy took their slaves to the baths for the purpose; a fact which is elucidated by a curious story related by Spartan. The emperor, while bathing one day, observing an old soldier, whom he had formerly known among the legions, rubbing his back, as the cattle do, against the marble walls of the chamber, asked him why he converted the wall into a strigil; and learning that he was too poor to keep a slave, he gave him one, and money for his maintenance.

On the following day, upon his return to the bath, he found the old man lying on the floor, of old men rubbing themselves in the same manner against the wall, in the hope of experiencing the same good fortune from the prince’s liberality; but, instead of taking the hint, he had them all called up, and told them to scrub one another.

The strigil was by no means a blunt instrument; consequently, its edge was softened by the application of oil, which was dropped upon it from a small vessel called guttus (called also ampulla, lámpykos, μαπωθία, ἐλαζομέρας). Vid. AMPULLA. This had a narrow neck, so as to discharge its contents drop by drop, from whence the name is taken. A representation of a guttus is given in the preceding woodcut. The guttus was related to have suffered from an over-vigorous use of this instrument. Invalids and persons of a delicate habit made use of sponges, which Pliny says answered for towels as well as strigs. They were finally dried with tovils (lintes), and anointed.

The common people were supplied with these necessaries in the baths, but the men of wealth carried their own with them, as we infer from Persius.

‘I, puer, et strigiles Crispini ad baenea defer.’

Lucan adds also soap and towels to the list.

After the operation of scraping and rubbing dry, they retired into, or remained in, the tepidarium until they thought it prudent to encounter the open air. But it does not appear to have been customary to bathe in the water, when there was any, which was not the case at Pompeii, nor in the baths of Hippasus, either of the tepidarium or frigidarium; the tepidarium of the present day, and the wall beneath the two chambers being of consequence to break the sudden change from the extreme of hot to cold.

Returning now back into the frigidarium (8), which, according to the directions of Vitruvius, has a passage (14) communicating with the mouth of the furnace (c), which is also seen in the next woodcut under the boilers, called praefurnium, propigniegum, *αποφυγεγον* (from ἀπό, before, and νύξνας, a furnace), and passing down that passage, we reach the chamber (15) into which the praefurnium projects, and which has also an entrance from the street at B. It was appropriated to the use of those who had charge of the fires (fornacitores). There are two staircases in it; one of which leads to the roof of the bath, and the other to the copper which contained the water. Of these there were three: one of which contained the hot water — callidarium (sc. vas or aenueum) ; the second the tepid- tepidarium; and the last the cold — frigidarium. The warm water was introduced into the warm bath by means of a conduit pipe, marked on the plan, and conducted through the whole. Underneath the calidarium was placed the furnace (furnus), which served to heat the water, and give outlet streams of warm air into the hollow cells of the hypocaustum (from υπόκαστρον, under, atK. kaios, to burn). It passed from the furnace under the first and last of the calidors by two flues, which are marked upon the plan. These copper were constructed in the same manner as is represented in the engraving from the Thorvaldsen of Titus; the one containing hot water being fixed immediately over the furnace, and as the water was drawn out from thence, it was supplied from the next, the tepidarium, which was already considerably heated, from its contiguity to the furnace and the hypocaust below it, so that it supplied the deficiency of the former without materially diminishing its temperature; and the vacuum in this last was again filled up from the farthest removed, which contained the cold water received directly from the square reservoir seen behind them; a principle which has at length been introduced into the modern bathing establishments, where its efficacy, both in saving time and expense, is fully acknowledged.

The boilers themselves no longer remain, but the impressions which they have left in the mortar in which they were imbedded are clearly visible, and enable us to ascertain their respective positions and dimensions, the first of which, the calidarium is represented in the annexed cut.

We now proceed to the adjoining set of baths which were assigned to the women. The entrance is by the door A, which conducts into a small vestibule (19), and thence into the apodyterium (19), which, like the one in the men’s baths, has a seat (pulvinus et gradus) on either side built up against the wall. This opens upon a cold bath (20), answering to the natatio of the other set, but of much smaller dimension, and probably similar to the one denominated by Pliny puteus. There are four steps on the inside to descend into it. Opposite to the door of entrance into the apodyterium is another doorway which leads to the tepidarium (21), which also communicates with the thermal chamber (22), on one side of which is a warm bath in a square recess, and at the farther extremity the Laconium with its tab蚯. The floor of this chamber is suspended, and its walls perforated for flues, like the corresponding one in the men’s baths.

The comparative smallness and inferiority of the fittings-up in this suite of baths has induced some Italian antiquaries to throw a doubt upon the fact of their being assigned to the women; and among these the Court, as long as they were in the possession of the Emperor, they were an old set of baths, to which the larger ones were subsequently added when they became too small for the increasing wealth and population of the city. But the story, already quoted, of the


1. (I. c.—2. (Plan of Pompeii.)
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in the wife who turned the men out of their baths at Teanum for her convenience, seems sufficiently to negative such a supposition, and to prove that the inhabitants of ancient Italy, if not more selfish, were certainly less galling than their successors. In addition to this, Vitruvius expressly enlists the baths of the men and women, though separate, should be contiguous to each other, in order that they might be supplied from the same boilers and hypocaust; directions which are here fulfilled to the letter, as a glance at the plan will demonstrate.

It does not enter within the scope of this article to investigate the source from whence the various systems of baths, in which the water was supplied to the baths of Pompeii. But it may be remarked that the suggestion of Mazeris, who wrote just after the excavation was commenced, and which has been copied from him by the editor of the volumes on Pompeii published by the Society for the Diffusion of Useful Knowledge, was not confirmed by the excavation; and those who are interested in the matter may consult the fourth appendix to the Plan de Pompei, by the Abbate Iorio.

Notwithstanding the ample account which has been given of the plans and usages respecting baths in general, something yet remains to be said about that particular class denominated Thermes; of which establishments the baths, in fact, constituted the surface of the ground. These thermae were, it is true, a Roman adaptation of the Greek gymnasium, or palestra (vid. Palæstra), as described by Vitruvius; both of which contained a system of baths in conjunction with conveniences for athletic games and youthful sports, exedrae in which the rhetoricians declaimed, poets recited, and philosophers lectured, as well as porticoes and vestasicles for the literary and poetical meetings. They were ornamented with the finest objects of art, both in painting and sculpture, covered with precious marbles, and adorned with fountains and shaded walks and plantations, like the groves of the Academy. It may be said that they began and ended with the Empire, for it was not until the time of Augustus that these magnificent structures were commenced. Many, in fact, were already in existence when Augustus ascended the throne, and were, perhaps, without any other object in view than that of making his countrymen, by bequeathing to them the thermæ and gardens which he had erected in the Campus Mariscus. The Pantheon, now existing at Rome, served originally as a vestibule to these baths; and, as it was considered too magnificent for the purpose, it is supposed that Agrippa added the portico and consecrated it as a temple, for which use it still serves. It appears from a passage in Sidonius Apollinaris, that the whole of these buildings, together with the adjacent Thermæ Neronomiae, remained entire in the year A.D. 466. Little is now left but a few fragments of ruins, and the Pantheon. The example set by Agrippa was followed by Nero, and afterward by Titus; the ruins of the latter are, however, very extensive, partly under ground and partly above the Esquiline Hill. Thermæ were also erected by Trajan, Caracalla, and Diocletian, of the last two of which ample remains still exist; and even as late as Constantine, besides several which were constructed by private individuals, P. Victor enumerates sixteen, and Panvinius has added four more. Previous to these establishments for the use of the population, it was customary for those who sought the favour of the people to give them a day's bathing free of expense. Thus, according to Dion Cassius, Faustus, the son of Sulla, furnished warm baths and oil gratis to the people for one day; and Augustus, on one occasion, furnished warm baths and bars of the precious metals for the same period free of expense, and at another time for a whole year to the women as well as men. From thence it is fair to infer that the quadrant paid for admission into the baths was not exacted at the thermæ, which, as being the works of the emperors, would naturally be opened with imperial generosity to all, and without any charge, otherwise the whole city would have thronged to the establishment benefited. At the same time, and in spite of this opinion, it may be remarked that, the old establishments, which were probably erected by private enterprise, were termed meritória. Most, if not all, of the other regulations previously detailed as relating to the economy of the baths, apply equally to the thermæ: but it is to these establishments especially that the dissolute conduct of the emperors, and other indulgences of the people in general, detailed in the compositions of the satirists and later writers, must be considered to refer.

Although considerable remains of the Roman thermæ are still visible, yet, from the very ruinous state in which they are found, we are far from being able to arrive at the same accurate knowledge of their component parts, and the usages to which they have been applied. They are, however, of great interest as compared to the baths; or, indeed, to discover a satisfactory mode of reconciling their constructive details with the description which Vitruvius has left of the baths appertaining to a Greek palestra, or the description given by Lucian of the baths of Hippias. All, indeed, is doubt and guess-work; each of the learned men who have pretended to give an account of their remains, has differed in almost all the essential particulars from one another. And yet the great similarity in the ground-plan of the three which still remain cannot fail to strike even a superficial observer; so great, indeed, that it is impossible not to perceive at once that they were all constructed upon a similar plan. Not, however, to dismiss the subject without enabling our readers to form something like a general idea of these enormous edifices, which, from their extent and magnificence, have been likened to provinces (in modum provinciarum exstructa), a ground-plan of the Thermæ of Caracalla is annexed, which are the best preserved among those remaining, and which were, perhaps, more splendid than all the rest. Those apartments, of which the use is ascertained with the appearance of certainty, are marked and explained. The dark parts represent the remains still visible, the open lines are restorations.

A, Portico fronting the street made by Caracalla when he constructed his thermæ. B, Separate heating-rooms, either for the use of the common people, or, perhaps, for any persons who did not wish to bathe in public. C, Apodyterium attached to them. D, Drawers for the members of the public, which were seats for the philosophers to hold their conversations. G, Hypæthra, passages open to the air: Hypæthra ambulatoria quae Graeci ἐξωποδίαν, nostri xystos appellant. H, H, Stadia in the palestra—quadra rive oblonga. I, I, Possibly schools or academies where public lectures were delivered. J, J, and K, K, Rooms appropriated to the use of the women of the baths. L, L, some of the chambers are armouries for ascending to the principal reservoir. M, Space occupied by walks and shrubberies—ambulatoria inter platanos. The area or stadium in which the youth performed their exer-

BATHS.

BATHS.

exercise, with seats for the spectators, called the *theatridium*. N, N, Reservoirs, with upper stories, sectional elevations of which are given in the two subsequent woodcuts. O, Aqueduct which supplied the baths. P, The cistern or piscina. This external range of buildings occupies one mile in circuit.

We now come to the arrangement of the interior, for which it is very difficult to assign satisfactory destinations. Q represents the principal entrances, of which there were eight. R, the *nataeio, piscina*, or cold-water bath, to which the direct entrance from the portico is by a vestibule on either side marked S, and which is surrounded by a set of chambers which served most probably as rooms for undressing (*apodyteria*), anointing (*unctuaria*), and stations for the *capsae*. Those nearest to the peristyle were, perhaps, the *conisteria*, where the powder was kept which the wrestlers used in order to obtain a firmer grasp upon their adversaries:

"Itae caris hausto spargarit me pulvere potis,
Inque vicem fulus tacta flavescit arenae."1

The inferior quality of the ornaments which these apartments have had, and the staircases in two of them, afford evidence that they were occupied by menials. T is considered to be the *tegeliarium*, with four warm baths (τ, υ, υ, υ) taken out of its four angles, and two *labra* on its two flanks. There are steps for descending into the baths, in one of which traces of the conduit are still manifest. Thus it would appear that the centre part of this apartment served as *tegeliarium*, having a balneum or *calda locutio in fou* (*i* its corners. The centre part, like that also of the preceding apartment, is supported by eight immense columns.

The apartments beyond this, which are too much dilapidated to be restored with any degree of certainty, contained, of course, the *laconicum* and *sudatories*, for which the round chamber W, and its appurtenances, seem to be adapted, and which are also contiguous to the reservoirs, Z, Z.

C, c probably comprised the *ephebias*, or places where the youth were taught their exercises, with the appurtenances belonging to them, such as the *sphairistarium* and *corpusceum*. The first of these takes its name from the game at ball, so much in favour with the Romans, at which Martial's friend was playing when the bell sounded to announce that the water was ready.2 The latter is derived from *kólpucos*, a sack, which was filled with bran and olive husks for the young, and sand for the more robust, and then suspended at a certain height, and swung backward and forward by the players.3

The chambers also on the other side, which are not marked, probably served for the exercises of the *palaestra* in bad weather.4

These baths contained an upper story, of which nothing remains beyond what is just sufficient to indicate the fact. They have been mentioned and eulogized by several of the Latin authors.5

in the thumus, or that the women were excluded altogether from these establishments, and only admitted to the baths.

It remains to explain the manner in which the immense body of water required for the supply of a set of baths in the thumus was heated, which has been performed very satisfactorily by Piranesi and Camerone, as may be seen by a reference to the two subjoined sections of the castellum aquaductus and piscina belonging to the Therman of Caracalla.

A, arches of the aqueduct which conveyed the water into the piscina B, from whence it flowed into the upper range of cells through the aperture at C, and thence again descended into the lower ones by the aperture at D, which were placed immediately over the hypocaust E, the preparium of which is seen in the transverse section at F, in the lower cut. There were thirty-two of these cells arranged in two rows over the hypocaust, sixteen on each side, and all communicating with each other; and over these a similar number similarly arranged, which communicated with those below by the aperture at D. The parting walls between these cells were likewise perforated with flues, which served to disseminate the heat all round the whole body of water. When the water was sufficiently warm, it was turned on to the baths through pipes conducted likewise through flues in order to prevent the loss of temperature during the passage, and the vacuum was supplied by tepid water from the range above, which was replenished from the piscina; exactly upon the principle represented in the drawing from the Thermen of Titus, ingenuously applied upon a much larger scale.

**BATILLUS (βατιλίος), a shovel. Pliny mentions the use of iron shovels, when heated, in testing silver and verdigris.** Horace ridicules the vain pomposity of a municipal officer in the small town of Fundi, who had a shovel of red-hot charcoal carried before him in public for the purpose of burning it on frankincense and other odours (pruna batillis).

Varro points out the use of the shovel in the poultry-yard (sum latitio circumire, ac stercus tollere). The same instrument was employed, together with the spade, for making roads and for various agricultural operations (γαλάξ). "Hama" are also mentioned as utensils for extinguishing fires. These may have been wooden shovels, used for throwing water, as we now see them employed in some countries which abound in pools and canals.

**BATIS (βάτιος), a species of fish. It is the Rana batia, L., called in French Coiart, in English the Rana batia.**

**BATOS (βάτος), a plant or shrub, the species of which, as described by Theophrastus, is thus arranged by Stackhouse: The first, or ὁδόνως, is the Rubus fruticosus, or Common Bramble. The second, or χαλαβάτος, is the R. chamamenus, or Cloud-berry (called in Scotland the Aarrow). The third, or κονιόβατος, is the K. idean.** Sprengel agrees with almost all the authorities, that the βάτος, properly speaking, of Dioscorides and Galen, is the Rubus fruticosus; and the ἰδαία, the Rubus idean. It may be proper to remark, that by the poets, βάτος is often applied to any thorny shrub. Thus, in the following epigram, it is applied to the stem of the rose:

"Τοί βάδοι ἕκαστα μοι χρόνον, ὧν με κατεβάζει ἄτοχοι εὔροις οὐ βότων ἀλλά βάτων."**

**BATRACHITUM (βατράχιον), a plant of which Apuleius says, "Nascitur sive in Sardinia."** Hence Schulze, who is otherwise undecided respecting it, holds it to be identical with the "Sordoa herbata" of Virgil and others, namely, a species of the Rana culus, or Crow-foot. Sprengel refers the first species of Dioscorides to the Ranunculus Aotites, the second to the R. lanuginosus; the third to the R. muricatua; and the fourth to the R. aquatilis, upon the authority of Sibthorp.**

**BATRACHUS (βατραχός). I. The Frog, called in Latin Rana. The name was applied to several species of the genus Rana. "The common frogs of Greece," observes Dodwell, "have a note totally different from that of the frogs of the northern climates, and there cannot be a more perfect imitation of it than the Brekkekekes koos koos of Aristophanes." The Rana arbores, according to the same traveller, is of a most beautiful light-green color, and forms nearly resemble the common frog, but is of a smaller size; it has also longer claws, and a glutinous matter at its feet, with which it attaches itself with great facility to any substance that comes to its way. It lives chiefly on trees, and jumps with surprising agility from branch to branch. Its colour is so nearly identified with that of the leaves, that it is very difficult to see one from the other. Its eyes are of a most beautiful vivacity, and it is so extremely cold that, when held in the hand, it produces a chilly sensation like a piece of ice. Its song is surprisingly loud and shrill, and in hot days almost as incessant and tiresome as that of the betix. These animals are more common in Lucania than in other parts of Greece.**

II. A species of fish, called in English the Toad-fish, Frog-fish, and Sea-devil. It is the Lophius piscatorius, L.; in French, Bandrike; in Italian, Martino piscator. Aristotle calls it the βατράχος ἀλας, Ελληνικ the β. ἀλας. By Ovid it is termed Rana; by Pliny, Rana, and also Rana piscator; and by Cicer, Rana marina. Schneider, in his commentary on Aristotle, states that the βατράχιος of Opian would appear to be the Lophius barbarus, and that of Ελληνικ the L. piscatorius.

**BAXA or BAXEA, a sandal made of vegetable leaves, twigs, or fibres. According to Iasidore, this kind of sandal was worn on the stage by comediennes, while the cothurnus was appropriate to tragical actors. When, therefore, one of the characters in

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1. (Plin., II. viii., xxiii., 44: xxxvii., 26.)—2. (Sat. i., v., 26.)
2. (De Re Rust., ii., 6.)—3. (Xen., Cyrop., vi., 2.—Brack, Anal., ii., p., 58.—Geoponica, ii., 28.)—4. (Juv., xiv., 205.)
5. (Orig., xix., 33.)
It appears that these vegetable sandals were sometimes ornamented, so as to become expensive and fashionable; for Tertullian says, "Socius et baza quotidie deaneantur."* The making of them, in all their variety, was the business of a class of men called baseari; and these, with the solareti, who made other kinds of sandals, constituted a corporation or college at Rome.8

* _BDELLiUM_ (βδέλλιον), commonly called a gum, but in reality a gum-resin, the origin of which is a subject of doubt. It would appear that there are two, if not more, kinds of bdellium, the source of one of which seems to be ascertained; the others are matters of controversy. The _BDellium_ of the ancients came from India, Arabia, Babylonia, and Bactria; the last is the best. It still comes, though not exclusively, from Asia. Adamont states that he saw in Africa the substance exude from a thorny species of Amyris, called by the natives Nisoutout. From its resemblance to myrrh, the analogy is in favour of its being obtained from an Amyris or _Balsamodendron_. The opinion of its being obtained from a palm-tree instead of the _Bdellium domestica_ (Gaertn.) or the _Borassus flabeliformis_ is very improbable. The Sicilian bdellium is produced by the _Drucus Hispanicus_ (Decand.), which grows on the islands and shores of the Mediterranean. The Egyptian bdellium is conjectured to be produced by the _Borassus flabeliformis_ already alluded to. Dioscorides and Galen describe two kinds of bdellium, the second of which is _Benzaxa_, according to Hardouin and Sprengel.

II. A substance mentioned in the second chapter of Genesis, and which has given rise to a great diversity of opinion. The Hebrew name is _bedolah_, which the Septuagint renders by _δεβόας_, "carbon- ele;" the Syriac version, "beryll" (reading _ber-__alia_); the Arabic version recommend _Bdellium_ and _Symmachus_, "Bdellium;" while some are in favour of "crystal," an opinion which Reland, among others, maintains.4 There is nothing, however, of so much value in _bdellium_ as to warrant the mention of this in the account of a particular region; it is more than probable, on the contrary, that pearls are meant, as expressed by the Arabic version. Several instances are on record of the purchase of pearls by many of the Jewish rabbins, and, among others, by Benjamin of Tudela. Bochart also advocates it with great learning; and it derives great support from another passage in the Sacred Writings, where Manna is compared with _Bdellium_. As the Manna is said to have been white and round, these two substances may be conjectured to be identical, or at least resemble each other.5

BEBAIOSEON DIKE (βεβαιωσός δίκη), an action to compel the vendor to make a good title, was had recourse to when the right or possession of the purchaser was impugned or disturbed by a third person. A claimant under these circumstances, unless the goods were warranted by the vendor, might easily bring himself (_αυτοφαγείο_), was referred to the vendor as the proper defendant in the cause (εἰς πρα- τήρα ανώτερον). If the vendor were then unwilling to appear, the action in question was the legal remedy against him, and might be resorted to by the purchaser even when the earnest only had been paid.6 From the passages in the oration of Demosthenes against Antiphanes, it appears that, in order to assert his own title, it is concluded by Heralds* that the liability to be so called upon was inherent in the character of a vendor, and, therefore, not the subject of specific warranty or covenants for title. The same critic also concludes, from the glosses of Hebrunch and Suidas, that this action might in like manner be brought against, or a claimant might avoid, a defendant if the claimant had established his right, and been, by the decision of the diacs, in legal possession of the property, whether movable or otherwise, as appears from the case in the speech against Panutencus, the ejected purchaser was entitled to sue for reinstatement.
BERYLUS.

BENEFICIUM.

BENEFICIUM, BERYLLUS. 

called beneficiarii: this practice was common, as we see from inscriptions in Gruter;1 in some of which the beneficiarius is represented by the two letters B. F. In this sense we must understand the passage of Caesar2 when he speaks of the magnum beneficia et the magnae clientelae of Pompey in Citerior Spain. Beneficiarius is also used by Caesar4 to express the person who had received a beneficium. It does not, however, appear from these passages what the beneficium actually was. It must be conceived of as a kind of honour, or special exemption from service.4

Beneficiarius is opposed by Festus5 to munificus, in the sense of one who is released from military service, as opposed to one who is bound to do military service.

It appears that grants of land and other things made by the Roman emperors were called beneficia, and were recorded in a book called Liber Beneficiarum.6 The secretary or clerk who kept this book was called a commentarius beneficiarii, as appears from an inscription in Gruter.7

BEN/BERI (besepos), according to Rondelot, the Oechea margaritifera, or Mother of Pearl, meaning, as Adams supposes, the Aicula margaritifera of later naturalists.8 Eustathius makes it an Indian name. It appears to be connected in some way with the common names of the Eastern region, or seascape-termed Barbaria.9

BERNIKOKOA (boπικοικα), a synonym of the Malum Armeniacum, or Apricot.

BERYLLUS (bpdplov), the Beryl, a precious stone, forming a sub-species of emerald. The Romans would appear to have been in the habit of studding their cups with beryls, and hence Juvenal says, "omnes margaritum radiis phoeniceus." The affinity between the beryl and the emerald was not unknown to the ancients, and hence Pliny remarks, "Beryls appear to many of the same, at least, a like nature with emeralds."10 According to this writer, they came from India, and were rarely found in other countries. At the present day, however, the finest beryls are obtained from Dauria, on the borders of China. They occur also, in the Urals, where the nature of the emerald, more or less modified; the pointing, however, is not always complete.11 Pliny seems to regard this crystalline form of the stone as the result of the degenerate condition of the parent pearl. Moreover, that some suppose the Beryl to be naturally of that shape, the same writer enumerates eight different kinds: "The best were those of a pure sea-green, our aqua marina, or, as the French term it, Beryl aigue-marine. The next in estate were called Chrysoberyls, and are somewhat vaguely described as "paulino pelidiores, sed in aurem calcem exeunte fulgere." This stone was also called the green emerald, such as occurs in Auvergne, or in the Haddes; indeed, the name of this kind was called Chrysoprase, and would seem to have been, in fact, as Pliny says some consider it, a mineral proprii geminis, different from the Beryl. It resembled in colour the juice of the leak, but with somewhat of a golden tinge, and hence its name. Although we are uncertain as to the mineral here described, yet it is not improbable that it was the same now called Chrysopraese, and to which Le


BETONICA.

BIBASIS.

man was the first in modern times who gave the ancient name. The fourth variety of Beryl was of a colour approaching the hyacinth; the fifth were termed aërideī; the sixth were of a wax, the seventh of an olive colour. The last variety spoken of by Piny resembled crystal, but contained hairy threads and impurities. These were probably in the crystals of quartz as are often found, rendered partly opaque by chlorite, or penetrated by capillary crystals of epidote, actinolite, or other minerals. Piny observes that the Indians stained rock-crystal in such a way as to counterfeit other gems, and especially the Bery. The bestiarii (ὄφημάκος) were persons who fought with wild beasts in the games of the circus. They were either persons who fought for the sake of pay (αὐτοκομματόν), and who were allowed arms, or they were criminals, who were usually permitted to have no means of defence against the wild beasts. The bestiarii, who fought with the beasts for the sake of pay, and of whom there were great numbers in Athens, are described by the Athenian historian that it was the same with and under the Empire, are always spoken of as distinct from the gladiators, who fought with one another.

It appears that there were schools in Rome, in which persons were trained to fight with wild beasts (σχολά beiaiarum or beiaiariorum).

BETA (ϛεῖδος, -ον, -ιον, -ις, οίς, και -κενδος), the Botony, was a Pindus, a species of plant, commonly called the "Botony." It is almost incredible," observes Adams, "how much of confusion and mistake has arisen about these terms. With regard to the Botony of Paul of Egin, the most probable opinion is that he meant the Boronia officinalis, common male Speedwell, or the V. serysulifolia, or smooth Speedwell. In Miller's Gardener's Dictionary, the former of these, and in the Northern Flora of Dr. Murray, the latter, gets the additional name of 'Paul's Botony.' The Boronia, which was merely a synonyme of the Scrophularia, was allowed either the Boronia officinalis, or, as Speedell rather thinks, the B. alcpectoradus. We now come to the Boronia of Dioscorides. This he describes as resembling wild Dock (κατίκα άφτερο), but having a larger and rougher leaf. He ascribes to it also, a styptic power, which rendered it well adapted for afections of the mouth and fauces. Paul of Egin, in like manner, compares its juice to the Dock. It supplies it for the cure of mortifications of the mouth, by which he no doubt means Scoury. This is the plant upon the uses of which a small work was written by Antonius Musa, physician to Augustus. This Libellus was published at Zurich, A.D. 1537, with notes by Humelineburgius. It is a tract, however, which is not of much scientific point of view; and, indeed, there is much that remains to doubt the genuineness of the work which we possess. Munting, in a very learned work, 'De Vera Antiqurum Herba Britannica,' gives an interesting exposition of the opinions entertained by modern authorities on Botany respecting this herb. He shows that it has been referred to the Cochlearia, Anagallia, Consolida, Veronica, Prussella, &c. The most probable opinion, however, he thinks, is that it was some species of Dock or Rumex. Sprengel, too, inclines to the same opinion, that it was either the Rumex hydrolepis or Oxalis. In confirmation of this view of the matter, it may be proper to mention that the Britannica is noticed under the name of the black Dock by Aetius. Another form of the ancient name is Vettomna, derived, according to Piny, from the circumstance of the Vettones in Spain having discovered this herb. Its uses are most probably those of a medicine, so that a proverb has arisen among the Italians respecting it: "aver pie virtu che la bottonica," "to possess more virtue than the bottonica."

BHYXION (βύξιον), a plant, which Woodville, Sprengel, Dierich, and nearly all the commentators agree is the Tussilago farfara, or Colt's-foot. Galen says it derived its name from its being bequeathed by a Telphus (τελφυς) to the Collegium, the difficulty of breathing (βύξις, γεγος, being the Greek term for a cough). A patent medicine, prepared from the Colt's-foot, is, according to Adams, much cried up in England at the present day as a cure for coughs.

BIASIN AIKH (βιασιν δίκη). This action might be brought between a rape of free persons, or the illegal and forcible seizure of property of any kind, were the subject of accusation; and we learn from Demosthenes that it came under the jurisdiction of the Curty. According to Plutarch, the law prescribed that ravishers should pay a fine of 100 drachmae; but other accounts merely state generally that the convict was mulcted in a sum equal to twice that of a slave, and which is supposed to be the word ολοκλείς; and the plaintiff in such case received one half of the fine, and the state, as a party merely injured, the other. To reconcile these accounts, Meier? supposes the rape to have been estimated by law at 100 drachmae, and that the plaintiff fixed the damages in reference to other injuries suffered by the plaintiff, and the perpetration of the main offence. With respect to aggressions upon property, the action Biavon is to be distinguished from ξειδος, in that the former implies the employment of actual violence, the latter merely such detention of property as amounted to violence in the contemplation of law, as, for instance, the refusal to deliver damages; and the like, to the successful litigant after an award in his favour by a court of justice.

BIBASIS (βιβασις) was a kind of gymnastic dance, much practised among the Spartans, by both men and women. The dance consisted in springing rapidly from the ground, and striking the feet behind; a feat of which a Spartan woman in Aris- totle's time was celebrated. In the epistles of the female was counted, and the most skilful received prizes. We are told by a verse which has been preserved by Pollux, that a Lacanian girl had danced the bibasis a thousand times, which was more than had ever been done before. The bibasis appears to have been nearly the same as the ῥαβδασις, which Pollux explains by σπανή ἀλυσίν, "to dance on a stick, on the meaning of which see Hesychius."
BIBLIOTHECA.

BIBLIOPOLiA, a bookseller,1 βιβλιοπωλης,2 also called librairus,3 in Greek also βιβλιων κατάλογος,4 or βιβλιοκατάλογος. The shop was called αρχαθεία (arkathēia), or taberna librariorum,6 or merely libraría.6 The Romans had their Paternoster Row; for the bibliopoli or librarīi lived mostly in one street, called Argiletum, to which Martial alludes7 when addressing his book on the prospect of the criticism it would meet with:

"Argiletanae mania habitare tabernas,
Quom tibi, parvis liber, serinu nostra vacant."

Another favourite quarter of the booksellers was the Vicus Sandalarius.9 There seems also to have been a sort of bookstalls by the temples of Vertumnus and Janus, as we gather from Horace's address to his book of Epistles:10

"Vertumnum Janumque, liber, spectare videris."

Again, Horace11 prides himself on his books not being to be seen at the common shops and stalls, to be thumbed over by every passer-by:

"Nulla taberna meae habeat, neque pila libellis;
Quae manu tuae solvatur, Hermodemenique Vigilis."

Booksellers were not found at Rome only, though they were, of course, rare in smaller cities. Pliny11 says he had not supposed that there were any booksellers at Lugdunum, but finds that there were, and that they even had works on sale. Martial, in an amusing epigram,12 tells a person called Quintus, who had asked him by a broad hint to give him a copy of his works, that he could get one at Tryphon's, the bookseller:

"Exigit ut donem nostras tibi, Quinte, libellos,
Non habeas, sed habet bibliopola Tryphon."

The booksellers not only sold books; they transcribed and sold copies and original specimens of the manuscripts and codices for the purpose; but they did not consider themselves answerable always for the correctness of the copy.13 Sometimes the author revised it to oblige a friend who might have bought it.14

On the shop-door or the pillar, as the case might be, there was a title of the list of books on sale; for MS. is made to this by Martial15 and by Horace.16

The remuneration of authors must have been very small, if we are to judge from the allusions of Martial, who says, for example, that a nice copy of his first book of Epigrams might be had for five denarii.17 Pliny the elder, however, when in Spain, was offered as much as four hundred thousand sesterces for his Commentarii Electionium.18

Bards and comedians, too, received their money in this way into other shops besides book-shops, as waste paper; and schoolboys had frequently to go, for example, to the fishmonger's to see if he had the book they wanted.19 Mice, moths, beetles, and so forth, found plenty of food in musty unused books.20

BIBLIOTHECA (βιβλιοθήκη, or ἀποθήκη βιβλίων), primarily, the place where a collection of books was kept; and, by extension, the books themselves.21 Little as the states of antiquity dealt with the instruction of the people, public collections of books appear to have been very ancient. That of Pisis-tratus was intended for public use;22 it was subsequently removed to Persia by Xerxes. About the same time, Polygastes, tyrant of Samos, is said to have founded a library. In the best days of Athens, even private persons had large collections of books; and it was not important of which we know anything belonged to Euclid, Euripides, and Aristotle.23 Strabo says that Aristotle was the first who, to his knowledge, made a collection of books, and taught the Egyptian kings the arrangement of a library. The most important and splendid public library of antiquity was that founded by the Ptolemies at Alexandria, begun under Ptolemy I, and increased and completed in an orderly and systematic manner by Ptolemy Philadelphus, who also appointed a fixed librarian, and otherwise provided for the usefulness of the institution. The library of the Ptolemies contained, according to Aulus Gellius,3 700,000 volumes; according to Josephus, 500,000; and according to Seneca, 400,000. The different reckoning of different authors may be due to some measure, perhaps, recouraged by supposing that they give the number of books only in a part of the library; for it consisted of two parts, one in the quarter of the city called Brucheion, the other in the quarter called Sarapeion. Ptolemy Philadelphus bought Aristotle's collection to add to the library, and Ptolemy Euergetes continued to add to the stock. A great part of this splendid library was burned down by the Pisans, and the Ptolemies at Alexandria, by Julius Caesar; some writers say that the whole was burned; but the discrepancy in the numbers stated above seems to confirm the opinion that the fire did not extend so far. At any rate, the library was soon restored, and continued in a flourishing condition till it was destroyed by the Arabs A.D. 640.24 Connected with the greater division of the library, in the quarter of Alexander the Great, there was a sort of college, to which the name of Mousieon (or Museum) was given. Here many favoured literati pursued their studies, transcribed books, and so forth; lectures also were delivered. (Vid. Auctore A.) The Ptolemies were not long without a rival in zeal. Emennes, king of Pergamus, became a patron of literature and the sciences, and established a library, which, in spite of the prohibition against exporting papyri issued by Ptolemy, who was jealous of his success, became very extensive, and perhaps not in importance to the library of Alexandria. It remained; and probably continued to increase, till Antoninus made it a present to Cleopatra.25

The first public library in Rome was 'that founded by Asinus Pollio, and was in the atrium Lictorum. (Sulp. Post.) The theatre of Marcellus. There also were libraries on the Capitol,26 in the Temple of Peace,27 in the palace of Tiberius,28 besides the Ulpiian library, which was the most famous, founded by Trajan,29 called Ulpiian from his own name, Ulpius. This library was attached by Dioecletian as an ornament to his theatre.30

Private collections of books were made at Rome seen after the second Punic war. The zeal of Cicero, mentioned above, in increasing the number of his libraries is well known.17 It became, in fact, the fashion

1. (Martial, Ep. iv., 71; xiii., 3.)—2. (Pollux, Onom., xiii., 35.)—3. (Cic., De Leg., ii., 20.)—4. (Lucan, adv. Amat., 34.)—5. (Cic., Phil. ii., 9.)—6. (Asul. Gell., v., 4.)—7. (Ep., i., 4.)—8. (Asul. Gell., viii., 4.)—9. (Cic., De Lib. Lat., iv., p. 561.)—9. (Cic., De Leg., ii., 20.)—10. (Marci., ii., 13.)—11. (Marci., ii., 16.)—12. (Cic., Phil., ii., 9.)—13. (Marci., ii., 13.)—14. (Marci., viii., 11.)—15. (I., 118.)—16. (Ep. ad Fin., 737.—Sat., iv., 71.)—17. (Compare 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.)—18. (Vid. Juv., Sat., iii., 307.—Mart., iii., 2; xiii., 21.—Feastus, n. v.)—22. (Asul. Gell., viii., 7.—Athenæus, i., p. 3.)—19. 700,000 volumes; according to Josephus, 500,000; and according to Seneca, 400,000. The different reckoning of different authors may be due to some measure, perhaps, recouraged by supposing that they give the number of books only in a part of the library; for it consisted of two parts, one in the quarter of the city called Brucheion, the other in the quarter called Sarapeion. Ptolemy Philadelphus bought Aristotle's collection to add to the library, and Ptolemy Euergetes continued to add to the stock. A great part of this splendid library was burned down by the Pisans, and the Ptolemies at Alexandria, by Julius Caesar; some writers say that the whole was burned; but the discrepancy in the numbers stated above seems to confirm the opinion that the fire did not extend so far. At any rate, the library was soon restored, and continued in a flourishing condition till it was destroyed by the Arabs A.D. 640. Connected with the greater division of the library, in the quarter of Alexander the Great, there was a sort of college, to which the name of Mousieon (or Museum) was given. Here many favoured literati pursued their studies, transcribed books, and so forth; lectures also were delivered. (Vid. Auctore A.) The Ptolemies were not long without a rival in zeal. Emennes, king of Pergamus, became a patron of literature and the sciences, and established a library, which, in spite of the prohibition against exporting papyri issued by Ptolemy, who was jealous of his success, became very extensive, and perhaps not in importance to the library of Alexandria. It remained; and probably continued to increase, till Antoninus made it a present to Cleopatra. The first public library in Rome was that founded by Asinus Pollio, and was in the atrium Lictorum. (Sulp. Post.) The theatre of Marcellus. There also were libraries on the Capitol, in the Temple of Peace, in the palace of Tiberius, besides the Ulpiian library, which was the most famous, founded by Trajan, called Ulpiian from his own name, Ulpius. This library was attached by Dioecletian as an ornament to his theatre. Private collections of books were made at Rome seen after the second Punic war. The zeal of Cicero, mentioned above, in increasing the number of his libraries is well known. It became, in fact, the fashion

BIPALIUM. BIDENAL.


BIPALIUM. BIDENAL.

BIPENNIS. (Vid. Securit.)

BIREMIS was used in two significations. 1. It signified a ship with two banks of oars, as an explanation of the construction of which is given in the article NA. 2. Such ships were called διπόλα by the Greeks, which term is also used by Cicero (Ipsa Domitius doma plane habet decora) and Hirtius (Capitix ex prato penteram unam, tricenus duas, dicratas octa). 2. It signified a boat rowed by two oars, and this sense it must be used by Horace when he says:

"Tunc me, biremis pravisio scapha,
Tutum per Aegros tumulus
Aurum ferat, geminisque Pollux." 14

HIRRHUS (βίρρος, βίρρος), a cape or hood, which was worn out of doors over the shoulders, and was sometimes elevated so as to cover the head. On the former account it is classed by an ancient grammarian with the lacera, and on the latter with the cowl, or cucullus. 8 It had a long nap (amphibalis, i.e., amphidas, silicrata), which was commonly of sheep's wool, more rarely of beaver's wool (birtius castoreus). In consequence of its thickness, it was also rather stiff (lyrarium rigitens). According to the materials of which it was made, it might be either dear, or so cheap as to be purchased by the common people.

These garments, as well as lacerae, were worn at Caesar, and occasionally by their name (βιρρα, i.e., πυρός) was derived from the red color of the wool for which that district was celebrated. They were also made in different parts of Gaul, especially among the Atrebates. Soon after they came into general use, so that the bicornus is mentioned in the edict of Diocletian, published A.D. 303, for the purpose of fixing a maximum price of all the different sorts of wool most commonly used throughout the Roman empire.

*BISON (βίσων), the name of a sub-genus of the genus bos ('ox'), containing two living species, one of them the European, now become very scarce, and verging towards extinction; the other the American, and, notwithstanding the advances of man, still multitudinous. A good deal of conflicting opinion has been expressed concerning the species that have been assigned. Peninn, in his 'British Zoology,' after stating his belief that the ancient wild cattle of Britain were the Bisontes jubati of Pliny, thus continues: 'The Ursus of the Hercynian forest, described by Caesar, was of this kind, the same which is called by the modern Germans Aurochs, i.e., Bos rufescens.' This opinion is not correct. Though there are parts of Caesar's description applicable to the European Bison, there is one striking characteristic which forbids us to conclude that Caesar's Ursus was identical with it. A glance at the European Bison will convince us that it could never have afforded the horns whose amplitude Caesar celebrates. In the Archæologia (vol. iii., p. 15) it is stated, that the Bisons of Atrebates were supposed to have belonged to the bison or buffalo. That it might be possible to a buffalo is not impossible; but that it did not belong to a bison is sufficiently clear, from the following description: 'It is two feet four inches long on the convex bend, and twenty three inches on the concave. The inside at the large end is three inches diameter, being perforated so as to leave the thickness of only half an inch for about three inches deep; but farther on it is thicker, being not so much or so naaly perforated.' Such a horn might indeed have crowned the head of Caesar's Ursus, a species which Cuvier believes to be extinct. Caesar's Ursus, then, was not, as it would appear, the European Bison. There can be little doubt that the Bisont jubatus of Pliny, 9 which he seems to distinguish from the Ursus, was the European Bison, or Aurochs; and, though, in the fifteenth chapter of the eighth book, he mentions the tradition of the British Bisons, he calls them Bovasus after he has dismissed his Bisontes jubatus, and with every appearance of a conclusion on his part that the Bonasus and Bison were not identical, his own description, when compared with that of Aristotle, will leave little doubt, that the Bison jubatus and Bonasus of Pliny and others, the Bos arvensis or Bosanu of Aristotle (for the word is written both ways), and the Bovis et Oppian, were no other than the European Bisons, the Aurochs (Aurochs) of the Prussians, the Zubr of the Poles, the Taurus Paonius, &c., of Jonston and others, l'Aurochs and le Bonasus of Buffon, Bos Ursus of Bodder, and Bos Bonasus of Linnaeus. Cuvier considers it as certain, that the European Bison, the largest, or, at least, the most massive of all existing quadrupeds after the rhinoceros, an animal still inhabited in parts of the Low Countries, and, though not numerous, still easy to be killed, and perhaps in those of Moldavia, Wallachia, and the neighbourhood of the Caucasus, is a distinct species, which man has never subdued. Following out this subject with his usual industry and ability, that great naturalist goes on to state, that if Europe possessed a Ursus, a Thur of the Poles, different from the Bison or the Aurochs of the Germans, it is only in its remains that the species can be traced; such remains are found, in the skulls of a species of ox, different from the Aurochs, in the superficial heads of certain districts. This, Cuvier thinks, must be the Ursus of the ancients, the original of our domestic Ox; the stock, perhaps, whence our wild cattle descended; while the Aurochs of the present day is nothing more than the Bison or Bonasus of the ancients, a species which has never been brought under the yoke. — The elevated ridge of the spine on the shoulders, long legs, a woolly fur, and the residence in mountain forests, cause the Bison to approach nearer the Damaline and Catobeline genera than the Buffalos. 13 For some remarks on the knowledge possessed by the ancients of the latter consult article BULLAIS.

BISSEXTEUS. (Vid. Calendar, Roman.)

BISSEXTILIS ANNUUS. (Vid. Calendar, Roman.)

*BITUMEN, a Latin word used by Tacitus, Pliny, and other Roman writers, to indicate a species of mineral pitch or oil. The term appears to have some analogy with the Greek πίτα, πίτα, "pitch," its earlier form having probably been "pi men." The corresponding Greek word is ἁπείρον (in modern Latin asphaltum) from Ἀρμενία, the kind of asphaltum &c. Thus the bricks of which the walls of Babylon were constructed were cemented by a bitumen, which was found abundantly in that vicinity on springs, or floating on the river 1s, which fell into the Euphrates. Asphaltum or Maltha, either pure or mixed with a liquid extracted from the cedar was employed by the Egyptians in embalming dead

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BCLNUS (βλέννος), called by Pliny *Blennius* the Blenny or Butter-fish (Blennius scutariar, L.); it is about seven inches long, and has a slimy mucous smeared over the skin, to which it owes its name, from the Greek βλέννος, "mucus," "slime." Athanasius says it resembles the Gudgeon. Several of the Blenny kind are viviparous.

BLETON, or BLITON (βλητος, βλητον, βλητον), the herb Blute or Blutes, a kind of heet. Stockhouse and Dierbach agree with the older commentators, that it is the Amarathus Bitum; and Sprengel inclines to this opinion in his notes to Dioscorides, although in his History of Medicine he had set it down as the Bitum capitatum. The insipidity of the Bitum gave rise to an adage directed against the feeble intellect, or the tame and spiritless in disposition.

BOA. (Vid. Draco)

BOEDROMIA (Βοεδρομία, and τοι), a festival celebrated at Athens on the seventh day of the month of Boedromion, in honour of Apollo Boedromius. The name Boedromius, by which Apollo was called in Boeotia and many other parts of Greece, seems to indicate that by this festival he was honoured as a martial god, who, either by his actual presence or by his oracles, afforded assistance in the dangers of war. The origin of the festival is, however, traced by different authors to different events in Greek story. Plutarch says that Theseus, in his war against the Amazons, did not give battle till after he had offered a sacrifice to Phobos; and that, in commemoration of the successful battle which took place in the month of Boedromion, the Athenians, down to his own time, continued to celebrate the festival of the Boedromia. According to Suidas, the Eymol, Magn., and Euriptides, the festival derived its name and origin from the cure of Theseus. As further the cure of Theseus, the Athenians were attacked by Eumolpus, Kuthus or (according to Philochorus in Harpocrates, s. v.) his son Ion came to their assistance, and procured them the victory. Respecting the particulars of this festival, nothing is known except that sacrifices were offered to Artemis.

BOEOTIA. (Vid. Bocotia,Greek.)

BOETHE'TICAN. (Vid. Boetica.)

BOEOTARCH (Βοετάρχης or Βοεταρχής). The Boeotians in ancient times occupied Arne in Thessaly. Sixty years after the taking of Troy they were expelled by the Thessalians, and settled in the country then called Cadmeia, but afterward Boeotia. The division of the Boeotia into three states, or districts, was consequence of the conquest of the country, it was divided into several states, containing a principal city, with its ξυνεκτικος εξευεμοσ (inhabitants of the same μοιχ or district) living around it. Of these greater states, with dependent territories, there seem to have been in former times fourteen, a number which frequently occurs in Boeotian legends. The names are differently given by different writers. But it has been determined by certain, that they formed a conspiracy called the Boeotian league, with Thebes at its head, the dependencies of which city formed about a third part of the whole of Boeotia. These dependant towns or districts were not immediately connected with the national confederacy, but with the neighbouring chief city, as Cynocephalea was with Thebes. In fact they were obliged to furnish troops and money, to make up the contingent furnished by the state to which they belonged, to the general confederacy. Of the independent states, Thyucidides says


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Mentions seven by name; and gives us reasons for concluding that, in the time of the Peloponnesian War, Boeotarchs were the chief. Platea had withdrawn from them, and placed itself under the protection of Athens as early as B.C. 519; and in B.C. 374, Thebais, another member of the league, was destroyed by the Thebans.

Each of the principal towns of Boeotia seems to have had its δήμος and βουλή. The βουλή was probably an archaic institution, and possessed some privileges over the ordinary forms of the old kings, but possessed little, if any, executive authority. The polarchains, who, in treaties and agreements, are mentioned next to the archon, had some executive authority, but did not command forces; e.g., they could imprison, and they directed the levies of troops. But, besides the archon of each separate state, there was an archon of the confederacy—ἄρχων τοῦ κοινοῦ Βοιοτῶν, most probably always a Theban. His name was affixed to all alliances and compacts which concerned the whole confederacy, and he was president of what Thucydides calls the four councils, who directed the affairs of the league (ἅπας τὸ κοίνος ἑγών). On important questions they seem to have been united; for the same day and the same hour are mentioned, and informs us that the determinations of the Boeotarchs required the ratification of this body before they were valid. We will now explain which these Boeotarchs were. They were properly the military heads of the confederacy, chosen by the different states; but we also find them discharging the functions of an executive in various matters. In fact, they are represented by Thucydides as forming an alliance with foreign states; as receiving ambassadors on their return home; as negotiating with envoys from other countries; and acting as the representatives of the whole league, though the βουλή refused to sanction the measures they had resolved on in the particular case to which we are now alluding. Another instance in which the Boeotarchs appear as executive is their interference with Argosians, on his embarking from Aulis for Asia (B.C. 396), when they prevented him offering sacrifice as he wished. Still the principal duty of the Boeotarchs was of a military nature: thus they led into the field the troops of their respective states; and when at home, they took whatever measures were requisite to carry on the military operations of the league or of their own state; for example, we read of one of the Theban Boeotarchs ordering the Thebans to come in arms to the ecclesia for the purpose of being ready to attack Platea. Each state of the confederacy elected one Boeotarch, the Boeotarchs two; although on one occasion, i.e., after the return of the exiles with Pelopidas (B.C. 379), we read of there being three at Thebes. The total number from the whole confederacy varied with the number of the independent states. Mention is made of the Boeotarchs by Thucydides, in connexion with the battle of Delium (B.C. 424). There is, however, a difference of opinion with respect to his meaning: some understand him to speak of eleven, some of twelve, and others of thirteen Boeotarchs. Dr. Arnot believes there were thirteen. In the last number, and we think the context is in favour of the idea that there were then thirteen Boeotarchs, so that the number of free states was twelve. At the time of the battle of Locri (B.C. 371), we find seven Boeotarchs mentioned.1 On another occasion, when Greece was invaded by the Gauls (B.C. 379), we are ourselves that there were twelve, but, before the time (B.C. 171) to which his statement refers, Platea had been reunited to the league. Still the number mentioned in any case is no test of the actual number, inasmuch as we are not sure that all the Boeotarchs were sent out by their respective states on every expedition or to every battle.

The Boeotarchs, when engaged in military service, formed a council of war, the decisions of which were determined on by a majority of votes, the president being one of the two Theban Boeotarchs who commanded alternately.2 Their period of service was a year, beginning about the winter solstice; and whoever continued in office longer than his time, was punishable with death both at Thebes and in other cities.3 Epaminondas and Pelopidas did so on their invasion of Laconia (B.C. 369), but their eminent services saved them; in fact, the judges did not even come to a vote respecting the former (οὐδὲ ἄρχων περὶ αὐτοῦ θεσαυρίαν εὔφρον). At the expiration of the year, a Boeotarch was eligible to office a second time, and Pelopidas was repeatedly chosen.4 From the case of Epaminondas and Pelopidas, who were sent out by the Boeotarchs (δικασταὶ) for transgression of the law which limited the time of office, we may conclude that each Boeotarch was responsible to his own state alone, and not to the general body of the four counsels.

Mention is made of an election of Boeotarchs by Livy.5 He farther informs us that the league (concordia) was broken by the Romans B.C. 171.6 Still it must have been partially revived, as we are told of a second breaking up by the Romans after the destruction of Corinth, B.C. 146.7

*BOCA or BOCE (βόκα, Aristot. : βόζ, Oppian: βοής, Atheneus), a small fish not exceeding a palm in length; but, according to Willughby, its flesh is wholesome and pleasant. Oppian makes mention of two species. Rendel remarks that the second was a species of Moxa, meaning, as Adams supposes, the Sparus Menes.

*BOITOS (βοῖτος), a species of fish, mentioned by Aristotle.8 It is supposed to be the Cotus Gelo, the Bull-head, or Miller's thumb. According to Arctob, an old MS. in the Vatican reads κοῖνος.9

*BOEL (βοηλ), a general name for bulbous roots, as the Cichorieum; so also the βόηλος τοῦ θάλασσας. Adams remarks as follows in his Commentary on the Psalter of Aegina: "It is not well ascertained what the excretory bulb of the ancients were. Hardouin conjectures that they were a delicious kind of onions. Matthioli and Nonnus are wholly undecided. Sprangel inclines, with Dalechamp and Sibthorp, in thinking that they were a species of Muscaria, or Cichorieum; the account of them given by Serapion, who calls them χειλεῖα, appears better with the conjecture of Hardouin. Enestahius also says that the Bulbus was a wild onion."10 The βοηλὸς ἀντίκοις is referred by Matthioli to the Muscaria moschatum; by Donatus to the Narcissus jonquilla; by Lonicer to the Scilla bifolia; by Sibthorp to the Ornithogalum moschatum; and by Celsrarius to the Narcissus poeticus. Sprengel rather inclines to the opinion of Donatus. Debernard holds the βοηλὸς of Hippocrates to be the Hyacinth.
...
BONA CADUCA

By the help of fictitious grants, gave to persons the beneficial interest to whom he could not give the ownership. When the grantor gave the goods of the death to the legatee, the creditor said in possession reserum, or bona debitoris miti. (Vid. Bonorum Emto, Bonorum Possessio.)

As to things nec mancipi, the ownership might be transferred by bare tradition or delivery, and such ownership was Quiritian, inasmuch as the Roman law required no special form to be observed in the transfer of the ownership of res nec mancipi. Such transfer was made according to the jus genkum (in the Roman law). 4

On this subject the reader may consult a long essay by Zimmern, Uber das Wesen des sogenannten bonitarien Eigenthums.

BONA CADU'CA. Caducum literally signifies that which falls: thus glans caduca, according to Gaius, 5 is the mast which falls from a tree. Caducum, in its general sense, might be anything with or an owner, or what the person entitled to neglect to take; but the strict legal sense of caducum and bona caduca is that stated by Ulpian, 6 which is as follows:

If a thing is left by testament to a person who has then a capacity to take it by the jus civile, but from some cause does not take it, that thing is called caducum: for instance, if a legacy was left to a minor, or a per son, d. and the unmarried person did not, within a hundred days, obey the law by marrying, or if, within the same time, the Latinus did not obtain the jus Quiritium, the legacy was caducum. Or if a heres ex parte, or a legatee, died after the death of the testator, and before the opening of the will, the thing was called caducum.

The law above alluded to is the Lex Julia et Papi Poppea, which is sometimes simply called Julia, or Papi Poppea. This law, which was passed in the time of Augustus (B.C. 9), had the double object of encouraging marriages and enfranchising the treasury.—ararium, 7 and contained, with reference to these two objects, a great number of provisions. Martial 8 alludes to a person who married in order to comply with the law.

That which was caducum, came, in the first place, to those among the heredes who had children, and among those of the legatees who had children. The law gave the jus accrescendi, that is, the right to the caducum as far as the three degree of consanguinity, both ascending and descending; to those who were made heredes by the will. Under the provisions of the law, the caducum, in case there was no prior claimant, belonged to the ararium; or, as the case might be, the person was entitled to the hereditas caducaria, or the person was entitled to the heredum possessori, or if a person was entitled, but did not assert his right, the bona became public property (populo deferentur), according to the Lex Julia caducaria; but by a constitution of the Emperor Antoninus Caracalla, it was appropriated to the fiscus: the jus accrescendi above mentioned was, however, still retained. The lawyers, however (sp. probidentium), by various devices, such as substitutions, often enacted in making the law of no effect.

He who took the portion of a heres, which he came caduca, took it by universal succession: in the case of a legacy, the caducum was a singuliacaducum, and the testator took it with the bequests of freedom, of legacies, and fidei commissia with which it was burdened: if the legata and fidei commissia became caduca, all charges with which they were burdened became caduca also. In the time of Constantine, both the castells and the orus, or childless person (who was under a limited incapacity), obtained the full legal succession. But in the case of the Soldi or the Doni Caducum, and caducum. 1

On this last-mentioned title (De Caducia tollen- dia) it is stated both that the name and the thing (omen et materia caducum) had their origin in the civil wars, that many-provisions of the law were evaded, and many had become absolute. 2 As to the Doe caduca, see D.S.

BONA FIDES. This term frequently occurs in the Latin writers, and particularly in the Roman jurists. It can only be defined with reference to things opposed to it, namely, mala fides, and dolus malus, both of which terms, and especially the latter, are frequently used in a technical sense. (Vid. DOLUS MALUS.)

Generally speaking, bona fides implies the absence of all a fraud or unfair dealing or acting. In this sense, bona fides, that is, the absence of all fraud, whether the fraud consists in simulation or dissimulation, is a necessary ingredient in all contracts.

Bona fide possidere applies to him who has acquired the possession of a thing under a good title, as he supposes. He who possessed a thing bona fide, had a capacity of acquiring the ownership by successio, and had the protection of the actio Publicians. The person who received a thing either mancipi or nec mancipi, not from the owner, but from a person whom he believed to be the owner, could acquire the ownership by succession. 4 A thing which was furtivum or vis possessor, or the 3rd mancipi of a female who was in the tutela of her agnati, unless it was delivered by her under the auctoritas of her tutor, was not subject to succession, and therefore, in the case of the acquisition of such bona fides was immaterial. 5 A person who bought from a pa- pilium without the auctoritas of his tutor, or with the auctoritas of a person whom he knew not to be the tutor, did not purchase bona fide; that is, he was guilty of a legal fraud. A sole tutor could not purchase a thing bona fide from his pupilis; and if he purchased it from another, to whom a bona fide sale had been made, the transaction was null.

A bona fide possessor was also protected as to property acquired for him by another person. 7

In various actions arising out of mutual dealings, such as buying and selling, lending and hiring, partnership, and others, bona fides is equivalent to asqnum and justum; and such actions were sometimes called bona fide actions. The formula of the claim is "bona fide atque usque ad actum auctoris," or "bona fide actum auctoris." It has empowered him in such cases to inquire and determine ex bona fide, that is, according to the real merits of the case. 8

BONA RAPTA. The actio vi bonorum rapatur was granted by the prator against those who had by force carried off a man's property. The offense was, in fact, a species of furtum. If the person in- jured brought his action within one year after the

time when he was first able to bring his action, he might recover for one. If, in the latter year, he only recovered the value of the goods. If a slave was the offender, he would recover the proceeds of the process of the cession bonorum more simply, by making it a procedure extra jus, and giving farther privileges to the insolvent. Like several other Julian laws, it appears to have consolidated and extended the provisions of previous enactments.

BONORUM COLLATIO. By the strict rules of the civil law, an emancipated son had no right to the inheritance of his father, whether he died testate or intestate. But, in course of time, the practice of an heir for making a will at the time of his death, and the equal succession with those who remained in the power of the father at the time of his death; and this grant might be either contra tabulas or ad intestato. But this favor was granted to emancipated children only on condition that they should bring into one common stock with their father's property, and for the purpose of an equal division among all the fathers children, whatever property they had at the time of the father's death, and which would have been acquired for the father in case they had still remained in his power. This was called bonorum collatio. It resembles the old English hutch-pot, upon the principle of which is framed the provision in the statute 22 and 23 Charles II., c. 10, s 6, as to the proceeds of personal estrates.

BONORUM EMERGO ET EMATOR. The ex presion bonorum emerto applies to a sale of the property either of a living or of a dead person. It was in effect, as to a living debtor, an execution. In the case of a living person, his goods were liable to be sold if he concealed himself for the purpose of defrauding his creditors, and was not defended in his absence. Where the bonorum cessa to give up his property to his creditors. The debtor might declare his willingness to give up his property by letter or by a verbal message. The debtor thus avoided the infamia consequent on the bonorum emito, which was involuntary, and he was free from all personal execution. He was also allowed to retain a certain portion of his property. An old gloss describes the bonorum cesso thus: 'Cedere bonis est ab universitate rerum suam recedere.'

The property thus given up was sold, and the proceeds distributed among the creditors. The purchaser, of course, did not obtain the Quiritarian ownership of the property by the act of purchase. If the bonorum cessa to give up his property to his creditors, he was also liable to the payment of his old debts, with some limitations, if they were not already fully satisfied.

The benefit of the lex Julia was extended by the imperial constitutions to the provinces. The history of the bonorum cesso does not seem quite clear. The lex Julia, however, was not the oldest enactment which relieved the person of the debtor from being taken in execution. The lex Petelia Papiria (B.C. 327) exempted the person of the debtor (nisi qui nonem merisset), and only made his property (bona) liable for his debts. It does not appear from the passage in Livy whether this was a bonorum cesso in the sense of the bonorum cesso of the lex Julia, or only a bonorum cessa, with the privilege of freedom from arrest. The Tablet of Heraclia speaks of those qui in jure bonam cognomini jurabant; a phrase which appears to be equivalent to the bonorum cesso, and was a declaration on oath in jure, that is, before the praetor, by the debtor that his property was sufficient to pay his debts. But this was still accompanied with intent to deprive Livy, no such declaration of solvency was required from the debtor by the Petelia lex. The Julian law rendered 1.

1. (Gaius, ii., 909.—Dig. 7, tit. 3. 20a. (Marzari, Lehrbuch des Röm. Rechts, p. 336.—Manzocchi, p 423.)
Inheritance may or thing which belonged to another at the time of his death." The strict laws of the Twelve Tables as to inheritance were gradually relaxed by the praetor's edict, and a new kind of succession was introduced, by which a person might have a bonorum possessio which he could have no hereditas or legal inheritance.

The bonorum possessio was given by the edict both contra tabulas, secundum tabulas, and intestatil. An emancipated son had no legal claim on the inheritance of his father; but if he was omitted in his father's will, or not expressly ex heredated, the praetor's edict relieved him. He might have a bonorum possessio, on condition that he would bring into hotchpot (bonorum collatio) with his brethren who continued in the parent's power, whatever property he had at the time of the parent's death. The bonorum possessio was given both to children of the blood (naturaes) and to adopted children, provided the former were not adopted into any other family, and the latter were in the adoptive parent's power at the time of his death. If a freedman made a will without leaving his patron as much as one half of his property, the patron obtained the bonorum possessio of one half, unless the freedman appointed a son of his own blood as his successor.

The bonorum possessio secundum tabulas was that possession which the praetor gave, conformably to the law, if the will were wanting, and it was admitted in the claim as heredes, when there was no person entitled to make a claim against the will, or none who chose to make such a claim. It was also given secundum tabulas in cases where all the requisite legal formalities had not been observed, provided there were seven proper witnesses to the will.

In the case of a married woman (intestatil), there were seven degrees of persons who might claim the bonorum possessio, each in his order, upon there being no claim of a prior degree. The first three classes were children, legitiem heredes and proximae cognati. Emancipated children could claim as well as those who were not emancipated, and adoptive as well as children of the blood; but not children who had been adopted into another family. If a freedman died intestate, legitime, or adoptively, (heredum manu) or an adoptive son, the patron was entitled to the bonorum possessio of one half of his property.

The bonorum possessio was given either cum re or sine re. It was given cum re when the person to whom it was given thereby obtained the property or inheritance. It was given sine re when another person could assert his claim to the inheritance, under the jus civile: as, if a man died intestate, leaving a sine re, the grant of the bonorum possessio would have no effect; for the heirs could maintain his legal right to the inheritance. Or, if a person who was named heres in a valid will was satisfied with his title according to the jus civile, and did not choose to ask for the bonorum possessio (which he could have if he possessed it), those who would have been heredes in case of intestacy might claim the bonorum possessio, which, however, would be unavailing against the legal title of the testamentary heres, a., since, sine re.

Parents and children might claim the bonorum possessio within a year from the time of their being able to make the claim; others were required to make their claim within a hundred days. On the failure of such party to make his claim within the proper time, the right to claim the bonorum possessio devolved on those next in order, through the seven degrees of succession.

He who received the bonorum possessio was not merely heres, but was placed heredes loci; for the praetor could not make a heres. The property of which the possessio was thus given was only in bonis, until, by usucaption, the possessio was converted into Quitterian ownership (dominium). All the claims and obligations of the deceased person were transferred with the bonorum possessio to the possessor or praetorian heres: and he was protected in his possessio by the interdictum quorum bonorum. The benefit of this interdict was limited to cases of bonorum possessio, and this was the reason why a person who could claim the inheritance in case of intestacy by the civil law, sometimes chose to ask for the bonorum possessio also. The praetorian heres could only sue and be sued in respect of the property by a legal fiction. He was not able to sustain a directa actio; but, in order to give him this capacity, he was, by a fiction of law, supposed to be what he was not, heres; and he was said facto se herede agere, or intendere. The actions which he could sustain or defend were actio suasoria.

A good general view of the bonorum possessio is given by Marezoll, "Lehrbuch der Institutionen des Röm. Rechts, § 174."

*BONASSUS (Bonaesso), a quadruped, the same with the Bisen. (Vid. Bison.)

*BOSCAS (Bosco), the Wild Duck. (Vid. Bosca.)

*BOSTRICHITES (Bosatrichites), a stone resembling a look of female hair. It is supposed to have been made of flax.

*BOS (boar), a generic term, applied to several varieties of the ox and cow, namely, of the Bos taurus. L. "The immense advantages derived from the domestication of ox in the beginning of human civilization," observes Lieut. Col. Smith, "may be gathered from the conspicuous part its and attributes perform in the early history of mankind."

We find the Bull among the signs of the Zoology; it typifies the father, the cow and calf being the species of mythology; it was personally worshipped among the Egyptians, and is still venerated in India. The Cow is repeatedly a mystical type of the earth in the mystical systems of ancient Greece, or a form of Bhavani with the Hindu. The Vedas consider it the primordial animal, the first created by the three kinds of gods who were directed by the Supreme Lord to furnish the earth with animal beings. The Ox first enabling man to till the ground, was a direct cause of private territorial property, and of its consequences, wealth, commerce, leisure, and learning; he was no less the means of abstracting mankind from the necessity of shedding blood, and thus he became the emblem of justice, the vehicle of Siva. This merited considerations we see dexterously used by ancient legislators, to soften the brutality of human manners, either by forbidding the flesh as food in those countries where his acknowledged utility was counteracted by ob stacles in the increase, or by commanding the frequent use of sacrifices by a proper slaughter, and where fire and salt should be employed to check a horrid species of massacre and practice of devour ing the flesh of one's enemies.

Toor, Tier, Deer, Stier, Steer, in the northern dialects of Europe, in their early and in their latest acceptances, are direct names of well-known ruminants; but in proportion as we pursue the root towards its origin in Central Asia, we find that the parent language of the Gothic and Schavonian, as well as those of the Hellenic and other tongues, unite in fixing it upon a larger bovine animal, perfectly applicable to have given birth in Caesar's Commentaries by the name of Urus, implying, as some think, primavoy, ancient, sylvan, fierce, mysterious; still retained in the Teutonic ur and its numerous ab
large fish, the *Raia oxyrhyncha*, L., called in English the Sharp-nosed Ray. The French name is *Alevin*.

The *leptocephalus* of Aristotle is a variety of it.

**BOONAI** (*Bos ovina*) were persons in Athens who purchased oxen for the public sacrifices and feasts. They are spoken of by Demosthenes in conjunction with the *teosouli* and those who presided over the mysteries, and are ranked by Libanius with the *tithomeis* and *boulii*; in these offices, as well as others, they were spoken of as honourable by Harpocrates, but Poli-

*BOARESMOI or BOARESMOS* (*Boreas or Boreasmus*), a festival celebrated by the Athenians in honour of *Boreas*, which, as Herodotus seems to think, originated in the *tomacula* or sacrifice of a bull, and was held on the day when the Athenians, being commanded by an oracle to invoke their *γαμόφωνος ἐπισκοπός*, prayed to *Boreas*. The fleet of *Xerxes* was soon after destroyed by a north wind, near Cape Sepias, and the grateful Athenians erected to his honour a temple on the banks of the *Ilistus*. But, considering that *Boreas* was intimately connected with the early history of Asia, we are not surprised to hear that he had married Erechtheus, and that he was familiar to them under the name of *brother-in-

The character of domestic oxen is absolutely the same as the fossil, and the wild breeds differ only in the flexures of the hams and in external appearance, occasioned by the variations of climate, food, and treatment. The humped races of Africa may be regarded as introduced with the *Bullae*. After the Hegira for the period of the *Dinahou* into that country, domestic cattle did not only fewer, but far from deserving the commendations bestowed upon them by the ancients.**

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**BOTANOMANTEIA.** (*Vid. Divinitatine*)

**BOTEULUS** (*alluas; *δοφυς*), a sausage, was a very ancient and favourite food, and the word *tomaculum* was also a species of sausage, but not the same as the *botulis*, for Petronius speaks of *tomaculum cum hotulis*. The sausages of the ancients, like our own, were usually made of pork, and were cooked on a gridiron or frying-pan, and eaten warm (*færent et tomaculum supra eraticulum argenteum fer-

Sausages were also made with the blood of animals, like our black-puddings, and Tartar*ian* in forms as that, among the trials to which the healths exposed Christians, one was to offer them such sausages (*botuli erusere distinctos*), well knowing that the act by which they thus tempted their transgressions was forbidden by the Christian laws.

**BOUA.** (*Vid. Agele*)


**BOS MARINUS** (*Bos salvaticus*), a species of...
BOYALH (θῶν κεραυνών). In the heroic ages, represented to us by Homer, the boylai is simply an aristocratical council of the elders among the nobles, sitting under their king as president, who, however, did not possess authority higher than the other members, except what position gave him. The nobles, thus assembled, decided on public business and judicial matters, frequently in connection with, but apparently not subject to, nor of necessity controlled by, an ágyora, or meeting of the Freeman of the state. This form of government, though it existed for some time in the Ionian, Æolian, and Achæan states, was wholly abolished. Among the Dorian, however, especially with the Spartans, this was not the case; for it is well known that they retained the kingly power of the Heracleides, in conjunction with the yevrovia (vid. Gekousia), or assembly of elders, of which the kings were members. At Athens, on the contrary, the boylai was a representative, and in most respects a popular body (depatridio), the origin, nature, and duties of which we proceed to describe.

Its first institution is generally attributed to Solon. There are, however, strong reasons for supposing that, as in the case of the areopagus, he merely modified the constitution of a body which he found already existing. In the first place, it is improbable, and, in fact, almost inconsistent with the existence of a whole body of magistrates, except a small, single, absolute monarchy, to suppose that there was no such council. Besides this Herodotus tells us that in the time of Cylon (B.C. 620), Athens was under the direction of the presidents of the Naucraries (vavkorapias), the number of which was forty-eight, twelve out of each of the four tribes. Moreover, we read of the case of the Alonemus being referred to an aristocratical council. It only amounted to 300 persons, and was led by the leader of the aristocratic party at Athens, endeavoured to suppress the council, or boylai, which Cleisthenes had raised to 600 in number, and to vest the government in the hands of 300 of his own party. This, as Mr. Thirlwall remarks, can hardly have been a chance coincidence; and he also suggests that there may have been two councils, and that the council of 300 was like the Spartan, and the other a general assembly of the eunapists; thus corresponding, one to the senators, the other to the comitia curiata, or assembly of the burghers at Rome. But, be this as it may, it is admitted that Solon made the number of his boylai 400, taking the members from the first three classes, 100 from each of the four tribes. On the tribes being remodelled by Cleisthenes (B.C. 510), and raised to ten in number, the council also was increased to 500, fifty being taken from each of the ten tribes. It is doubtful whether the boylai, or councillors, were at first appointed by lot, as they were afterward; but as it is stated to have been Solon’s wish to make the boylai a restraint upon the people, and as he, moreover, said to have chosen (μελέτεται)100 members from each of the tribes, it seems reasonable to suppose that they were elected, more especially when there is no evidence to the contrary. It is, at any rate, certain that an election, where the cunapists might have used influence, would have been more favourable to Solon’s views than an appointment by lot. But, whatever was the practice originally, it is well known that the appointment was in after times made by lot, as is indicated by the title of the government, except boylai, suggested by the use of beans in drawing the lots.2


Boule.

This senate of 500 was divided into ten sections of fifty each, the members of which were called proedres (πρωτόταις), and were all of the same tribe; they acted as presidents both of the council and the assemblies during 35 or 36 days, as the case might be, so as to complete the lunar year of 354 days (12 X 29'). Each tribe exercised these functions in turn, and the period of office was called a pyrrhine (πυρρηκτεία). The turn of each tribe was determined by lot, and the four supernumerary days were given to the tribes which came last in order. Moreover, to obviate the difficulty of having too many in office at once, every fifty was subdivided into five bodies of ten each; its pyrrhine also being portioned out into five periods of seven days each; so that only ten senators presided for five days, and the remaining forty-three spoke. Again, out of these proedres an επιστάτης was chosen for every day in the week, to preside as a chairman in the senate and the assembly of the people; during his day of office he kept the public records and seal.

The pyrrhines had the right of convening the council and the assembly (εὐκλησία). The duty of the proedri and their president was to propose subjects for discussion, and to take the votes both of the councillors and the people; for neglect of their duty they were liable to a fine. Moreover, whenever a meeting, either of the council or the assembly, was convened, the chairman of the prooeidi selected by lot nine others, one from each of the ten presiding tribes; these also were called proedri, and possessed a chairman of their own, likewise appointed by lot among themselves. On their functions, and the probable object of their appointment, some remarks are made in the latter part of this article.

We now proceed to speak of the duties of the senate as a body. It is observed under ἀρχοντας that the chief object of Solon in forming the senate and the areopagus was to control the democratical powers of the state; for this reason Solon ordained that the senate should discuss and vote upon all matters before they were submitted to the assembly, so that nothing could be laid before the people on which the senate had not come to a previous decision. This decision or bill was called προβολείμα, and if the assembly had been obliged either to acquiesce in any such proposition, or to gain the consent of the senate to their modification, either of it, the assembly would have had equal powers in the state, and nearly related to each other, as our two houses of Parliament. But, besides the option of adopting or rejecting a προβολέμα, or ψηφίσμα as it was sometimes called, the people possessed and exercised the power of coming to a decision completely different from the will of the senate, as expressed in the προβολείμα. Thus, in matters relating to peace and war and national statecrafts, it was the duty of the senators to watch over the interests of the state.

and they could initiate whatever measures, and come to whatever resolutions they might think necessary; but on a discussion before the people it was competent for any individual to move a different or even contrary proposition. To take an example: In the Euboian war (B.C. 350), in which the Thebans were opposed to the Athenians, the senate voted that all the cavalry in the city should be sent out to assist the forces then besieged at Ta-

kle, perceiving this to be a different effect was proposed to the people, but they decided that the cavalry were not wanted, and the expedition was not underta-

ken. Other instances of this kind occur in Xeno-

phon. In addition to the hills which it was the duty of the senate to propose of their own accord, there were others of a different character, viz., such as any private individual might wish to have submitted to the people. To accomplish this, it was first necessary for the party to obtain, by petition, the privilege of access to the senate (πρόσδοθειανικόν έται), and leave to propose his motion; and if the measure met with their approbation, he could then submit it to the assembly. Proposals of this kind, which had the sanction of the senate, were also sometimes opposed by one of the people, the conferring of some particular honour or privilege upon an individual. Thus the proposal of Ctesi-

phon for crowning Democtenes is so styled, as also that of Aristocrates for conferring extraordin-

ary privileges on Charidemes, an Athenian com-

mander in Thrace. Any measure of this sort, which was opposed by the senate, was then sub-

mitted to the people, and by them simply adopted or rejected; and it is in these and similar cases that the statement of the grammarians is true, that no law or measure could be presented for ratifica-

tion by the people without the previous approbation of the senate, by which it assumed the form of a decree passing by the body. In the assembly the bill of the senate was first read, perhaps by the orator, after the introductory ceremonies were over; and then the proedri put the question to the people, whether they approved of it, or wished to give the subject further deliberation. The people declared their will by a show of hands (προχαρισμον). Sometimes, however, the bill was also opposed by a private individual—either the original ap-

licant for leave to bring forward the measure, or a senator distinguished for oratorical power. Ex-

amples of this are given by Schömann. If the pro-

δολεμα of the senate were rejected by the people, it was, of course, null void. If it happened that it was neither confirmed nor rejected, it was (επτεκνει) that is, only remained in force during the year the senate was in office. If it was confirmed it became a φεριμα, or decree of the people, bind-

ing upon all classes. The form for drawing up such decrees varied in different ages. Before the archon-

ship of Eucleides (B.C. 403), they were generally headed by the formula, 'Εδοκε τη βολη και τω δημω, Λαμων ς αποστησεν, Κλησεν δε επιρρο-

ματεν, Βοσκεν εισεπιτευτεν, τατ δεμερασις τοιογενε-

ων.' From the archonship of Eucleides till about B.C. 325, the decrees commence with the name of the archon; then come the day of the month, the tribe in office, and lastly, the name of the proposer. The motive for passing the decree is next stated, and then follows the decree itself, prefixed with the formula δεδομενα τη βολη και τω δημω. The reader is referred to Demosthenes, De Corone, for examples. After B.C. 325, another form was used, which continued unaltered till the latest times. We will here briefly state the difference between the νομιμου and προειρεσια. It is as follows: The former was a constitutional law; the latter, decrees of the peo-

ple on particular occasions. Mention has just been made of the γραμματου, whose name was affixed to the προειρεσια, as in the example given above: it may be as well to explain that this functionary was a clerk chosen by lot by the senate in every Prytany, for the purpose of keeping the records, and resolutions passed during that period; he was called the clerk according to the Prytany (δ κατα προειρεσιας), and the name of the clerk of the first Prytany was sometimes used to designate the year. With respect to the power of the senate, it must be clearly understood that, except in cases of small importance, they had only the right of originating measures. This, however, was the right which they wished to conserve for themselves; and whenever, however, the senators were convened by the prytanes every day, except on festivals or σημερινος μη-

ρας, it is obvious that they would be fit recipient of any intelligence affecting the interests of the state, and it is admitted that they had the right of proposing any measure to meet the emergency; for example, we find Demosthenes in the omnibus account of the conduct of Echeneis and himself, when sent out as ambassadors to Philip, in conse-

quence of which they propose a bill to the people. Again, when Philip seized on Elis [De C. 338], the senate was immediately called together by the prytanes to determine what was best to be done. But, besides passing the initiatory power of which we have spoken, the senate was sometimes delegated by the people to determine absolutely about par-

ticular matters, without reference to the assembly. Thus we are told that the people gave the senate power to decide about sending ambassadors to Philip, and Andocides informs us that the senate was invested with absolute authority to investigate the conduct of the generals, and to censure or reward them previously to the sailing of the Sicilian expedition. Sometimes, also, the senate was empowered to act in conjunction with the nomothetes (συνομο-

θητερας), as on the revision of the laws after the ex-

pulsion of the Thirty by Thrasybulus and his party, B.C. 403. Moreover, it was the province of the senate to receive ελεγχαδες, or informations of ex-

traordinary crimes committed against the state, and for which there was no special law provided. The senate in such cases either decided themselves, or referred the case to one of the courts of the helia, especially if they thought it required a higher pen-

alty than it was competent for them to impose, viz., 500 drachmae. It was also their duty to decide on the qualification of magistrates, and the character of members of their own body. (Vid. D. H. H. M.) But, besides the duties we have enumerated, the senate discharged important functions in cases of finance. All legislative authority, indeed, in such matters rested with the people, the amount of ex-

penditure and the sources of revenue being deter-

mined by the decrees which they passed; but the administration was intrusted to the senate, as the
executive power of the state, and responsible (οἰσχύνων) to the people. Thus Xenophon\(^1\) tells us that the senate was occupied with providing money, with receiving the tribute, and with the management of naval affairs and the temples; and Lysias\(^2\) indicates the following remark: 'When the senate has sufficient money for the administration of affairs, it does nothing wrong; but when it is in want of funds, it receives informations, and confiscates the property of the citizens.' The letting of the duties (τελώνεια) was also under its superintendence, and those who were in possession of any sacred or public moneys (εἰρέα καὶ δόσια) were bound to pay them into the senate-house; and in default of payment, the state, as a matter of course, retained the moneys, in conformity with the laws for the furnishing of the duties (οἱ τελώνικοι νόμος).

The accounts of the moneys that had been received, and of those still remaining due, were delivered to the senate by the aριστοκρατικοί, or public treasurers. (Vid. Αριστοκρατικό.)

'"The senate arranged, also, the application of the public money, even in trifling matters, such as the salary of the poets, the superintendence of the calamities already maintained by the state, and the examination of the infring (ἀδιάβαινος) supported by the state, are particularly mentioned among its duties; the public debts were also paid under its direction. From this enumeration we are justified in inferring that all questions of finance were confided to its supreme regulation.\(^3\) Another very important duty of the senators was to take care, in the carrying on of public affairs, that none of them was built every year, for which purpose they were supplied with money by the state; in default of doing so, they were not allowed to claim the honour of wearing a crown or chaplet (στέφανος) at the expiration of their year of office.\(^4\)

It has been already stated that there were two classes of proedri in the senate, one of which, amounting to ten in number, belonged to the presiding tribe; the other consisted of nine, chosen by lot by the chairman of the presiding proedri from the nine non-presiding tribes, one from each, as often as either the senate or the people were convened. It must be remembered that they were not elected as the other proedri, for seven days, but only for the sessions as the session of the senate, or meeting of the people, lasted. Now it has been a question what were the respective duties of these two classes: but we have no hesitation in stating our conviction that it was the proedri of the presiding tribe who proposed to the people in assembly the subjects for discussion; recited, or caused to be recited, the previous bill (προσδήλαμα) of the senate; officiated as presidents in conjunction with their proedri, or chairman, and discharged, in fact, all the functions implied by the words χρηστοίσιν πόρον τὸν δήμον. For ample arguments in support of this opinion, the reader is referred to Schömann.\(^5\) It does indeed appear, from decrees punished by inscriptions and other authorities, that in later times the proedri of the nine tribes exercised various functions which the orations of Demosthenes and his contemporaries justify us in assigning to the proedri of the presiding tribe. It must, however, be remarked, that all such decrees were passed after B.C. 308, when there were twelve tribes; and that we cannot, from the practice of those days, arrive at any conclusions relative to the customs of former ages.

If it is asked what, then, were the duties of these proedri in earlier times, the answer must be in a great measure conjectural; but the opinions of Schömann on this point seems very plausible. He ob-

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2. serves that the prytanes had extensive and important duties intrusted to them; that they were all of one tribe, and therefore closely connected; that they officiated for thirty-five days as presidents of the representatives of the other tribes; and that they had ample opportunities of combing for the benefit of their own tribe at the expense of the community. To prevent this, and watch their conduct whenever any business was brought before the senate and assembly, may have been the reason for ap pointing, by lot, nine other quasi-presidents, representatives of the non-presiding tribes, who would protest and interfere, or approve and sanction, as they might think fit. Supposing this to have been the case, it is easy to see how they might at least have been united with the proper proedri in the performance of duties originally appropriated to the latter.

In connexion with the proedri, we will explain what is meant by the phrase προτεροδοτεύοντας φίλους. Our information on this subject is derived from the speech of Ἐσχινης against Timarchus, who informs us that, in consequence of the uncertain conduct of Timarchus on one occasion before the assembly, a new law was passed, in virtue of which a tribe was chosen by lot to keep order, and sit as presidents under the βήμα, or platform on which the orators stood. No remark is made on the subject to warrant us in supposing that senators only were elected to this office; it seems more probable that a credibl power was chosen from the tribe on which the lot had fallen, and occasionally to sit along with the prytanes and the proedri, and that they assisted in keeping order. We may here remark, that if any of the spekters (ὑπόπερος) misconducted themselves either in the senate in the assembly, or were guilty of any act of violence to the ἐπιστάμενος, after the breaking up of tumult, the proedri had the power to draw up a summary fine, or bring the matter before the senate and assembly; the next meeting, if they thought the case required it.

The meetings of the senate were, as we learn from various passages of the Attic orators, open to strangers; thus Demosthenes\(^6\) says that the senate-house was, on a particular occasion, full of strangers (στραγγαλοι); in Ἐσχινης we read of a motion "that strangers do not withdraw (μεταστραγγάμενοι τοις ἑστατοις)." Nay, private individuals were sometimes, by a special decree, authorized to come forward and give advice to the senate.\(^7\) The senate-house was called τὸ βουλεύ-

3. τήρημα, and contained two chapels, one of ᾽Ενετος βουλακίων, another of ὁθώρα ταυρινία, in which it was customary for the senators to offer up certain prayers before proceeding to business.\(^8\) The prytanes also had a building to hold their meetings in, where they were entertained at the public expense during their prytany. This was the προτεροδοτίαν, and was used for a variety of purposes. (Vid. ΠΡΟΤΕΡΟΔΟΤΙΑΝ.) Thucydides,\(^9\) indeed, tells us that, before the time of Thucydides, every city of Attica had its βουλευτήριον and προτεροδοτίαν; a statement which gives additional support to the opinion that Solon did not originate the senate at Athens.

The number of tribes at Athens was not always ten; an alteration took place in B.C. 306, when Demetrius Poliorcetes had liberated the city from the usurpation of Cassander. Two were then added, and called Demetrius and Antigonus, in honor of Demetrius and his father.\(^1\) It is evident that


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2. (De Buc. Theb., 1, 243, 3).
that the consequent addition of 100 members to the senate, must have varied the order and length of the pyrtanes. The tribes just mentioned were afterward called Ptolemais and Atalai; and in the time of Hadrian, who beautified and improved Athens, a tristcheenth was added, called from him Hadrianis. An edict of this emperor has been preserved, which proves that even in his time the Athenians kept up the show of their former magnificence.

BOULÈTÆUS GREGÁN (Boulètésous gráphi), an impeachment for conspiracy. Bouleutéus, being in this case the abbreviated form of epístóleus, is the name of two widely different actions at Attic law. The first was the accusation of conspiracy against life, and might be instituted by the person thereby attacked, if competent to bring an action; otherwise, by his or her legal patron. In case of the plot having succeeded, the deceased might be represented in the prosecution by near kinsmen (ói kynés anépísitos), or, if they were incompetent, by the kínetes, as above mentioned. The criminality of the accused was independent of the result of the conspiracy, and the penalty, upon conviction, derived from the conspiracy. 

The presidency of the court, upon a trial of this kind, as in most tókoi faináke, belonged to the king archon, and the court itself was composed of the ephetae, sitting at the Palladion, according to Issæus and Aristotele, as cited by Hapscis, who, however, also mentions that the Athenians were succeeded by Dimarchus to have been the proper tribunal.

The other action, bouleútésus, was available upon a person finding himself wrongfully inscribed as a state debtor in the registers or rolls, which were kept by the different financial officers. Meier, however, suggests that a magistrate that had so offended would probably be proceeded against at the order of kathêkouríterous, or after an accusation to which the public conduct of magistrates was examined, so that, generally, the defendant in this action would be a private citizen, that had directed such an assertion at his own peril. From the passage in Demosthenes, it seems doubtful whether the disfranchisement (dramia) of the plaintiff as a state debtor was a penalty comparable to the actual murderers. The presidency of the court, upon a trial of this kind, as in most tókoi faináke, belonged to the king archon, and the court itself was composed of the ephetae, sitting at the Palladion, according to Issæus and Aristotele, as cited by Hapscis, who, however, also mentions that the Athenians were succeeded by Dimarchus to have been the proper tribunal.

There is no very obvious distinction laid down between this action and θεσμογραφία; but it has been conjectured by Suidas, from a passage in Lycurgus, that the latter was adopted when the defendant was a debtor to the state, but found his debt wrongly set down, and that bronceínas was the remedy of a discharged debtor again registered for the debt already paid. If the defendant lost his cause, his name was substituted for that of the plaintiff. The cause was one of the prápsis lýan that came under the jurisdiction of the thesmothéca.

BOULEUTERON. (Vid. BOULÉ.)

The process of BRACÉ or BRACCE (λαύριδες), trousers, pantaloons.

These, as well as various other articles of armour and of dress (vid. ACOINAS, ARBUS, ARILLMA), were common to all the nations which encircled the Greek and Roman population, extending from the Indian to the Atlantic Ocean. Hence Aristogoras, king of Miletus, in his interview with Cleomenes, described the attire of a large portion of them in these terms: "They carry bows and a short spear, and go to battle in trousers and with hats upon their heads." Hence, also, the phrase Bracca militis στριφτος, signifying that those who wore trousers were in general armed with the bow. In particular, we are informed of the use of trousers or pantaloons among the following nations:


The Gallic term "brakes," which Diodorus Siculus has preserved in the last-cited passage, also remains in the Scottish "breacks" and the English "breaks." Corresponding terms are used in all the northern languages. 14. The Cononius and Persian trousers of the present day differ in no material respect from those which were anciently worn in the same countries.

In conformity with the preceding list of testimonies, the monuments of every kind which contain representations of the nations included in it, exhibit them in trousers, thus clearly distinguishing them from Greeks and Romans. An example is seen in the annexed group of Sarmatians, taken from the column of Trajan.

The proper bracca of the eastern and western nations were loose (κεραλαστήσσαντες), and they are therefore very aptly, though ludicrously, described in Empirides as "variegated bags" (τοὺς δυλίκους τοὺς ποτίκοις). To the Greeks they must have appeared highly ridiculous, although Ovid mentions the adoption of them by the descendants of some of the Greek colonists on the Euxine.

Trousers were principally worn by, but Agathisan states that in Europe they were also made of linen and of leather; probably the Asiatics made them of cotton and of silk. Sometimes they were striped (vīgala), ornamented with a woof of various colors.

BREVIARIUM.

BRACHIALE. (Vid. Armilla.)

BRASIDEA (Brasida), a festival celebrated at Sparta in honour of their great general Brasidas, who, after his death, received the honours of a hero. It was held every year with orations and tقصests, in which none but Spartans were allowed to partake.

Brasidae were also celebrated at Amphipolis, which, though a colony of Athens, transferred the honour of κιστος from Hagnon to Brasidas, and paid him heroic honours by an annual festival with sacrifices and contests.

*BRASSICA (καπιθών), the Cabbage. Some varieties of this plant have been cultivated from the very earliest times of which we have any record. But the migrations and changes of the best sorts have not been traced; neither is it at all probable that the varieties which the ancients enjoyed have descended to us unaltered. Three kinds of cabbage were known to the Romans in the time of Caesar: the first had a large stalk, and leaves also of considerable size; the second had crisp leaves; the third, which was the largest, had small, soft leaves, and a bitterish taste. According to Columella, the brassica or cabbage was a favourite edible with the Romans, and in sufficient plenty to be even an article of food for slaves. It was sown and cut all the year round; the best time, however, for planting it was after the autumnal equinox.

When it had been once cut after this, it put forth young and tender shoots during the ensuing spring. Appius Claudius the Consul of Rome in the time of Tiberius employed these, and inspired the young prince Drusus with the same dislike towards them, for which, according to Pliny, he was reproved by his father Tiberius. This same writer mentions various kinds, of which the most esteemed was that of Ariea, with numerous and very thick leaves. Cato's second kind, the Olus Apium (more correctly APLICON), is the brassica vulgaris crispa of modern botany. The Olus Aricium is the Brassica oleracea gongylodes, L.; the Brassica Halmymida is thought to have been the Crambe maritima; some, however, are in favour of the Convolvulus soldanella. 'It is uncertain,' observes Bevemann, 'whether we still possess that kind of cabbage which the ancients, to prevent intoxication, ate raw like salad.'

Of red cabbage, according to a late author, the ancient Germans, and, in fact, all the northern nations of Europe, cultivated the cabbage from very remote times. The Saxons name for February is sprout-kale, and that is the season when the sprouts from the old stalks begin to be fit for use. The Saxons must of course, therefore, have been familiar with the culture of cabbage as it is now known. We have no evidence of cabbage cultivation amongst the English until after their settlement in Britain. We nowhere find among the Greeks and Romans any traces of that excellent preparation of cabbage called by the Germans suor-kraut, though the ancients were acquainted with the art of preparing turnips in the same manner.

Whether suor-kraut be a German invention appears somewhat doubtful, if the statement of Helon be correct, who informs us that the Turks in his time were accustomed to pickle cabbage for winter food.

*BRAVITUS (Bravies), the Savine, or Juniperus & bina. According to Pliny, there were two kinds, the one resembling the tamarisk, the other the cypress; and hence some called the latter the Cretan cypress. The two species described by Dioscrides are hence supposed by Sprengel to be Tamarica and Cypresia.

BRAVARIA (Bravaronia), a festival celebrated in Libya of Artemis Brauronia, in the Attic town of Brauron, where, according to Aesopus, two oracles and Iphigenia, on their return from Tauria, were supposed by the Athenians to have landed, and left the statue of the Taurian goddess. It was held every fifth year, under the superintendence of ten epitoi; and the chief solemnity consisted in the circumstance that the Attic girls between the ages of five and ten years, dressed in crocus-colored garments, went in solemn procession to the sanctuary, where they were consecrated to the goddess.

During this act the epitoi sacrificed a goat, and the girls performed a propitiatory rite in which they imitated bears. This rite may have simply arisen from the circumstance that the bear was sacred to Artemis, especially in Arcadia; but a tradition preserved in Suidas relates its origin as follows: In the Attic town of Phenchis a bear was kept, which was so tame that it was allowed to go about quite freely, and received its food from and among men. One day a girl ventured to play with it, and, on treating the animal rather harshly, it turned round and tore her to pieces. Her brothers, enraged at this, went out and killed the bear. The Athenians now were visited by a plague; and when they consulted the oracle, the answer given was that the statue of the goddess had been evil which had befallen them if they would compel some of their citizens to make their daughters propitiate Artemis by a rite called ἀργυρείνειν. For the crime committed against the animal sacred to the goddess, the command was more than obeyed; for the Athenians decreed that from thenceforth all women, before they could marry, should have once taken part in this festival, and have been consecrated to the goddess. Hence the girls themselves were called ἀργυροί, the consecration ἀργυρείνειν, the act of consecrating ἀργυρείται, and to celebrate the festival ἀργυρεῖα. But as the girls, when they celebrated this festival, were nearly ten years old, the verb βαρανίας was sometimes used instead of ἀργυρείειν. According to Hesychius, whose statement, however, is not supported by any other ancient authority, the lidon was reducted on this occasion by pharaohs.

There was also a quinquennial festival called Brauronia, which was celebrated by men and Bdoouine women, at Brauron, in honour of Dionysus. Whether its celebration took place at the same time as that of Artemis Brauronia (as has been supposed by Dr. Meyer, who has, howeyer, omitted it in the English translation), or at a different time, remains uncertain, although the very different characters of the two festivals incline us rather to believe that they were not celebrated at the same time.

BREVIARIUM or BREVIARIUM AL ARI- CANUM. Alaric the Second, king of the Vagritos, who reigned from A.D. 494 to A.D. 507, in the

BRIDGE.

The Xen., for but the Greece and 1. (Hcsych., The (Herod., people 22.) drawbridge, this right opposed composed for the use of his Roman subjects. The code, when made, was confirmed by the bishops and nobility; and a copy, signed by Anianus, the referendarii of Alaric, was sent to each city, with an order to use no other law or legal form in his court (ut in foro tuo nulla alia lex neque juris formula proferri vel recti pravsmatur). The signature of Anianus was for the purpose of giving authenticity to the official copies of the code; a circumstance which has been so far misunderstood that he has sometimes been considered as the compiler of the code. This code has been called Lex Romana, and, at a later period, frequently Lex Theodosii, from the title of the first and most important part of its contents. The name Brevarium, or Brevarium Alarianum, does not appear before the sixteenth century.

The following are the contents of the Brevarium, with their order in the code: 1. Codex Theodosianus, xvi. books. 2. Novellae of Theodosius II., Val- entian III., Marcian, Majorian, Severus. 3. The Institutions of Gaius. 4. Pauli Receptam Sementiae, v. books. 5. Codex Gregorianus, 13 titles. 6. Codex Hermogenianus, 2 titles. 7. Papinianus, lib. i. Respensorum. The code was thus composed of two kinds of ma- terial, imperial constitutions, which, both in the code itself, and the commentorium or notice prefixed to it, are called Leges; and the writings of Ro- man jurists, which are called Jus. Both the Codex Gregorianus and Hermogenianus, being compila- tions made without any legal authority, are included under the head of Jus. The selections are extracts, with occasional additions, from four different sources, except in the case of the Institutions of Gaius; as a general rule, the text, so far as it was adopted, was not altered. The Institutions of Gaius, however, are abridged or epitomized, and such alterations as were considered necessary for the time are intro- duced into the text: this part of the work required no interpretation, and, accordingly, it has few notes. The code contains a small part of the history of Roman law, as it contains several sources of the Roman law which otherwise are unknown, espe- cially Paulus and the first five books of the Theo- dosian Code. Since the discovery of the Institu- tions of Gaius, that part of this code is of less value. The author of the Epitome of Gaius in the Bre- varium paid little attention to retaining the words of the original, and a comparison of the Epitome and the MS. of Gaius is therefore of little advan- tage in this point of view. The Epitome is, how- ever, still useful in showing what subjects were dis- cussed in Gaius, and thus filling up (so far as the material contents are concerned) some of the lacu- nas of the Verona MS. The edition of this code was undertaken by Siehard, in his Codex Theodosianism, Basileia, 1538, small folio. The whole is contained in the edition of the Theodosian Code by Cujacius, Lugd., 1666, folio. The Theodosian Code and the Novellae alone are contained in the editions of Marvile and Ritter; the remainder is contained in Schulting. Jurisdictiona Vitae Ante-Justinianae, Lugd. Bud., 1717. The whole, together with the fragments of Ulpin and other things, is contained in the Jus Ci- vile Antejustinianum, Berlin, 1815.

BRIDGE (γέφυρα, ponte). The most ancient bridge upon record, of which the construction has been described, is the one erected by Nitooris over the Euphrates at Babylon. It was in the nature of a drawbridge, and consisted merely of stone piers without arches, but connected with one an- other by a framework of plankng, which was re- moved at night to prevent the inhabitants from pass- ing over from the different sides of the river to com- mit mutual depredations. The stones were fast- ened together by iron cramps, which united, and the piers were built while the bed of the river was free from water, its course having been divert- ed into a large lake, which was again restored to the usual channel when the work had been com- pleted. See the description given by Dido- rus Sicinus, who ascribes the work to Semiramis.

Temporary bridges constructed upon boats, called ctenoem, 6046 were frequently made use of in the country. The word ctenoem, 6047 is the genitive singular of cteno, 6048 which becomes cteno in all its forms except the dative plural, where ctenes arises. The word signifies a net, the Romans being familiar with the word from their knowledge of the fish- ermen's nets. Some of the names of the bridge were First bridge which was con- structed at this spot was washed away by a storm almost immediately after it was completed, and of this no details are given. The subsequent one was executed under the directions of a different set of men, and the style of building them was par- taken of the nature of suspension bridges, the platform which formed the passage-way being se- cured upon enormous cables formed by ropes of flax (αἰενόκαλυμ) and papyrus (σιδηλώμ) twisted together, and then stretched tight by means of wind- lasses (hōyō) on each side. The bridge of which mention cannot be strictly denominated Greek, although the architects by whom the last two were constructed were natives of the Greek islands. But the frequent mention of the word in Homer proves that they were not un- common in Greece, or, at least, in the western part of Asia Minor, during his time. The Greek term for a permanent bridge is γέφυρα (γέφυρα, γέφυρα), and the eponymous Boeotian bridge is the Gephyraeia (Γεφυραία), a people whom Herodotus states have been Phoenicians, though they pretended to have come from Eretria; and the etymologists accord- ingly tell us that the first bridge in Greece was built by this people across the Cephissus; but such an explanation is opposed to sound etymology and common usage. At the rivers of Greece were small, and the use of the arch known to them only to a limited extent (vid. Acacus), it is probable that their bridges were built entirely of wood, or, at best, were nothing more than a wooden platform supported upon stone piers at each extremity, like that of Ni- tooris described above. Pliny mentions a bridge over the Acheron 1000 feet in length, and also says that in the region of the river Cephissus, the first people who dwelt there, erected an arch over a ravine by a bridge; but it is probable that both these works were executed after the Roman conquest.

In Greece also, as well as in Italy, the term bridge was used to signify a roadway raised upon piers or arches to connect the opposite sides of a ravine, even where no water flowed through it.

The Romans were the first people who applied the arch to the construction of bridges, by which they were enabled to erect structures of great beauty and solidity, as well as utility; for by

BRIDGE.

this means the openings between the piers for the convenience of navigation, which in the bridges of Babylon and Greece must have been very narrow, could be extended to any necessary span.

The width of the passage-way in a Roman bridge was commonly narrow, as compared with modern structures of the same kind, and corresponded with the road (via) leading to and from it. It was divided into three parts. The centre one, for horses and carriages, was designated agger or the raised footpaths on each side (decursae), which were enclosed by parapet walls similar in use and appearance to the pilaeae in the basilica. (Vid. BASILICA, p. 142.)

Eight bridges across the Tiber are enumerated by P. Victor as belonging to the city of Rome. Of these, the most celebrated, as well as the most ancient, was the Pons Sublicius, so called, because it was built of wood; similae, in the language of the Formian, meaning wooden beams. It was built by Ancus Marcius, when he united the Janiculum to the city, and became renowned from the well-known feat of Horatius Cocles in the war with Porsonna. In consequence of the delay and difficulty then experienced in breaking it down, it was reconstructed without nails, in such a manner that each beam could be removed and replaced at pleasure. It was so rebuilt by the pontifices, from which fact, according to Varro, they derived their name; and it was afterward considered so sacred, that no repairs could be made in it without previous sacrifice conducted by the pontifex in person.

In the age of Augustus it was still a wooden bridge, as is manifest from the epithet used by Ovid. 4

"Tunc quoque priscorum Virgo simulacra vivorum
Milites roboreae scripsa ponte soles;" 4

in which state it appears to have remained at the time of Otho, when it was carried away by an inundation of the Tiber. In later ages it was also called Pons Emilius, probably from the name of the person by whom it was rebuilt; but who this Emilius was is uncertain. It may have been Emilius Lepidus the triumvir, or probably the Emilius Lepidus who was censor with Mutilus Plancus, under Augustus, ten years after the Pons Sublicius fell down, as related by Dion Cassius. 13 We learn from P. Victor, in his description of the Regio xi., that these two bridges were one and the same: "Emil-

A representation of this bridge is given in the following woodcut, taken from a medal still extant. It affords a specimen of the style employed at the period when the fine arts are considered to have been at their greatest perfection at Rome.

VIII. Pons Miltius, on the Via Flaminia, now confirmed by the fact that he afterward put to death the architect, Artemidorus, under whose directions it was constructed.

The Romans also denominated by the name of pontes the causeways which in modern language are termed "viaducts." Of these, the Pons ad Nonam, now called Ponte Nono, near the ninth mile from Rome, on the Via Flaminia, is a fine specimen.

Among the bridges of temporary use, which were

Ponte Mollo, was built by Emilius Seaurus the censor, and is mentioned by Cicero about 45 years after its formation. Its vicinity was a favourite place of resort for pleasure and debauchery in the licentious reign of Nero. Upon this bridge the ambassadors of the Alliobroges were arrested by Cicero’s retainers during the conspiracy of Catiline. Catilus and Pompy encamped here against Lepidus when he attempted to annul the acts of Sulla. And, finally, it was at this spot that the battle between Maxentius and Constantine, which decided the fate of the Roman Empire, took place (A.D. 312). The Roman bridges without the city were far too many to be enumerated here. They formed one of the chief embellishments in all the public roads; and their frequent and stupendous remains, still existing in Italy, Portugal, and Spain, attest, even to the present day, the scale of grandeur with which their works of national utility were always carried on. Subjoined is a representation of the bridge at Ariminum (Rimini), which remains entire, and was commenced by Augustus and terminated by Tiberius, as we learn from the inscription, which is still extant. It is introduced in order to give the reader an idea of the style of art during the age of Vitruvius, that peculiar period of transition between the austere simplicity of the Republic and the profuse magnificence of the Empire.

The bridge: thrown across the Bay of Baiae by Caligula, the useless undertaking of a prodigal prince, does not require any farther notice; but the bridge which Trajan built across the Danube, which is one of the greatest efforts of human ingenuity, must not pass unmentioned. A full account of its construction is given by Dion Cassius,1 and it is also mentioned by Pliny.2 The form of it is given in the following woodcut, from a representation of it on the column of Trajan at Rome, which has given rise to much controversy, as it does not agree in many respects with the description of Dion Cassius. The inscription, supposed to have belonged to this bridge, is quoted by Leucanius3 and by Gruter.4

Sub jucum ecce rapit et Danuvius.

purposes of sculpture. It was destroyed by Hadrían, under the pretense that it would facilitate the incursions of the barbarians into the Roman territories, but in reality, it is said, from jealousy and despair of being able himself to accomplish any equally great undertaking, which is supposed to be 1. (Spart., Hadri., c. 19.—Dion, Ixix., 707, E.)—2 (Aux. Vict., De Viris Illustribus, c. 27, § 6)—3 (in Cat., iii., 2).—4. (Taeut., Ann., xii., 47).—5. (Cic. in Cat., iii., 2).—6. (Florus, ii., 23).—7. (Dion, i., 659, E.—Suet., Calig., 19).—8. (Lex., 776, B.).—9. (Eut., vii., 4.—Compare Prosperus, De Edificiis, 10. in 1041 §§ 11.—12. (Duen., I c.)
When the Comitia were held, the voters, in order to reach the Rolloumla called Dupium and ovale, passed over a wooden platform, elevated above the ground, which was called Pons Saffragiorum, in order that they might be able to give their votes without confusion or collision. Pons is also used to signify the platform (εροτοιδ, αριστοδία) used for embarking in, or disembarking from, a ship.

"Inter caeca sensos de pappibus alius Pontibus exponit."

The method of using these ponics is represented in the annexed woodcut, taken from a very curious intaglio, representing the history of the Trojan war, discovered at Bonnale towards the latter end of the 17th century, which is given by Fabreiti, Syntaxma de Column. Trajanii, p. 315.

*BRONOS* (βρόνος or βρόνον), a plant, which Derrich makes to be the Avena sativa, "Oats." Stackhouse, however, is in favour of the Secale Cereale, and Sprengel of the Avena futa, "or wild Oats."

BRONZE (γαλακτικ, as), a compound of copper and tin. Other metals are sometimes combined with the above; but the most ancient bronzes, properly so called, are found to consist of those two ingredients. In the article on ἔξος, some farther particulars are supplied respecting the different compositions of bronze and brass. The distinctive terms should always be observed in speaking of these substances, as the indiscriminate use of them has led to great error and confusion in describing works of art.

There can be no question as to the remote antiquity of metallurgy; though at what precise period the various metals were known, in what order they were discovered, and by what processes extracted—either simply, or by reducing their ores when they were found, or when they were not found, or by no satisfactory means of judging. In the twenty-eighth chapter of the book of Job we read, "Surely there is a vein for the silver, and a place for gold where they find it. Iron is taken out of the earth, and brass (copper) is molten out of the stone." This passage, taken as a whole, and supported as it is by various intimations throughout the Pentateuch, shows that at this early period greater advances had been made in mining and the metallurgical arts than is usually supposed. There is the same dearth of exact information on the practice of the metal-founders and workers of the archaic ages, even after the different substances were known, and objects of imitative art had been executed in them.

The most ancient Greek bronzes extant are composed simply of copper and tin; and it is remarkable that the very ancient proportions of the metals agree in all the specimens that have been analyzed. Some bronze nails from the ruins of the Treasury of Atreus at Mycenae; some ancient coins of Corinth; a very ancient Greek helmet, on which is a houstrophedon inscription, now in the British Museum; portions of the breastplates of a piece of armour called the Bronzes of Siris, also preserved in our national collection; and an antique swor found in France, produced in 100 parts, 87-43 and 88 copper 12-53 and 12 tin 99-96 100

At a later period than that to which some of the above works may be referred, the composition of bronze seems to have been a subject to which the greatest attention was paid; and the addition of a variety of metals seems to have been made to the original (if it is a natural combination) of copper and tin. The few writers on art whose evidence has reached our times, make particular mention of certain of these bronzes, which, notwithstanding the changes they underwent by the introduction of novel elements, were still ranked under the words γαλακτικ and ασ. That which appears to have held the first place in the estimation of the ancients was the παρυονῖν bronzium, which some pretended was an alloy made accidentally, in the first instance, by the melting and running together of various metals (especially gold and bronze), at the burning of Corinth by Lucius Mummius, about 168 B.C. This account is obviously incorrect, as some of the artists whose productions are mentioned as composed of this highly valued metal lived long before the event alluded to. Piny particularizes three branches of the Corinthian, which the first, he says, was white (κενθιανό), the greatest proportion of silver that was employed in its composition giving it a light colour. In the second sort or quality gold was introduced, in sufficient quantity to impart to the mixture a strong yellow or gold tint. The third was composed of equal proportions of the different metals. The next bronze of note among the ancient Greek sculptures is distinguished by the title of hepatizon, which it seems it acquired from its colour, which bore some resemblance

1. (De Bell. Gall., iv, 17.)—8. (iii. 7).—3. (viii, 4, 5).—4. (viii, 5. 4).—5. (i. c.)—6. (Florus, iii, 5).—7. (Virg., Æn., x, 391.)
The accounts that have been brought down to us are to be credited, to have existed in very early times. This is not the place to discuss the genuineness of the passage in Homer in which mention r made of the shield of Achilles. It is only necessary here to state, that in one of its compartments, oxen, sheep, and various other objects were represented, and that they were distinguished by variety of colour.

Pliny* says that the artist Aristonidas made a statue of Ahasvus, in which he proposed to himself the difficult and almost impossible task of producing a mixed plating, by using a mixture of iron with the bronze in which the work was executed (Es ferrumagus miscuit, ut rubigine eis per nilores oris relucere exprimatur vercundia rubor). Plutarch tells us that a statuary called Silanos or Silanion made statue of Jocasta dying, and so composed his metals that a salid appearance or complexion was produced. This, it is inferred, was effected by the introduction of silver. Callistratus speaks of a statue of Cupid by Praxiteles, and another of occasion (Kairos), represented under the form of a youth; also one of Bacchus by Praxiteles; all of which were remarkable for the colour of the bronze imitating the appearance of nature. A bronze relieve of the head of the Minotaur was also referred to for its truth of effect, produced by the blending of colours, and which rendered it worthy to be compared with the finest pictures.

With the very limited data we possess, it is impossible to offer much conjecture upon these state means, or to say how much or how little they are correct. They must be relied upon merely as probably inventions of the fancy; some of them may be founded on facts greatly overcharged, the effects described being produced by overlaying the metal with colour, or, in some cases, perhaps, by what is now called plating. A slight acquaintance with the nature of metal, and the processes of founding, will be sufficient to convince any one of the improbability (at least by melting the materials together, and producing variety of tints) what it is pretended was done in some of the instances referred to.

The earliest mode of working in metal among the Greeks seems to have been with the hammer; by beating out lumps of the metal into the form produced, as in the case of the temples of Minerva, tended to designate the combination of the two metals alluded to. Reference to the passage in Pliny will make this clear to the reader. He says distinctly it was not found in his time, the mines which produced it being exhausted.

Although, strictly speaking, it does not belong to our subject, a mixture, which was employed and much esteemed by the ancients, may be mentioned in this place. It was called electrum, and was composed of gold and silver in certain proportions. It was, in all probability, only used for extraordinary purposes. Thus Helen is said to have dedicated, in the Temple of Minerva at Lindus, a cup made of electrum, of the exact size and form of one of her Phaethonts, or Pythagoras, were in the zenith of their glory. This taste was carried into metal-works, and seems, if

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** Pliny. H. N., xxxii., 22. 2.
The subject is a small head of Osiris and the wood is still remaining within the metal. It is probable that the terms *holophryon* and *sphyrra* were intended to designate the two modes of hammer-work; the first on a solid mass, and the other hammering out plates.

It is extremely difficult to determine at what date the casting of metal was introduced. That it was known at a very early period there can be no doubt, although it may not have been exercised by statuaries in European Greece till a comparatively late date. The art of founding may be divided into three classes or stages. The first is the simple melting of metals; the second, casting the fused metals into prepared forms or moulds; and the third, casting into a mould, with a core or internal nucleus, by which the metal may be preserved of a determined thickness. The first stage must have been known at a period of which we have no record beyond that intimation especially alluded to in Job, which establishes the fact that some of the processes of metallurgy were well known when that book was composed. The earliest works of art described as of hammer-work were probably executed in lumps of metal that had already undergone this simple preparation. The casting of metal into moulds must also have been practised very early. There is very little known about the preparation of the mould, or exposure the forms or moulds were made, but in all probability clay (dried, and then perhaps baked) was employed for the purpose. The circumstance of a spot where clay abounded having been chosen for the foundling of the bronze works for the Temple of Solomon supports this supposition. Of course, all the earliest works produced in this manner of the best known have not been solid. The third process, that of casting into a mould with a core, was an important step in the statuary's art. Unfortunately, there is no record of the time, nor of the mode in which this was effected by the ancients, unless we consider the statements of Pausanias of sufficient authority for the date of the various discoveries among the Greeks. His account would make one of the bronze heads not have been solid. Before the time of Theodorus of Samos, who probably lived between eight and seven hundred years before our era, Herodotus, Plisty, and Pausanias make honourable mention of Rhaeus and Theodorus. Pausanias says that they first invented casting in bronze (δυναμως χαλλας και άγρωτες εκχωναισην), Pliny, who seems to have written down whatever he heard, says, "In Samo primos omnium \(\text{πλατις}^\) invenisse Rhaecum et Theodorum," but he proves the incorrectness of this statement by recording an instance of the proficiency of Theodorus in his art, when he says "He cast a bronze statue of himself, holding in one hand a file (a illusion, probably, to his profession), and in the other a quadriga of such small dimensions that a fly might cover it with its wings." An example of practical skill that at once places him in a much more advanced rank in his art than the inventor of its first and most simple process could have attained.

The ancients used something answering the purpose of a solder for fastening the different pieces of metal together; but it is difficult to determine whether the term *κάλλας* means a solder or only a metal that might be mixed with a different material to give it something different from nails or cramps, and gives us the name of its inventor, Glauclus of Chios. He is speaking of a vase of iron, which he says was the work of Glauclus (του Χίου, σιδήρου κάλλας ἀνέρη τευχώτος). The art of raising the 1. (Plut., iv., 12, § 3) — 6. pl. 51; iii., 41, 60, 3. (H. N., xevii, 43, &c.) — 4 (viii., 14, § 5) — 5 (1, c.) 178.
examples of bronze works that have reached us exhibit signs of having been gilt, and the writers of antiquity refer occasionally to the practice. It does not seem to have been employed till taste had much deteriorated; probably when the value and richness of the material were more highly estimated than the excellence of the workmanship. Nero commanded a statue of Alexander, the work of Ly- sippus, to be gilt; but Pliny tells us it was found to injure the beauty and effect of the work, and the gold was removed. The great works of destruction, at one time, of ancient works of art is supposed to have occurred at the taking of Constantiople, in the beginning of the thirteenth century. The collection of statues was made with great care, and their number had accumulated to a amount which seems quite surprising when it is considered how long a time had elapsed since art had been encouraged or protected. At the period alluded to are told that some of the finest works of the ancient masters were purposely destroyed; either in mere wantonness, or with the view of turning the material into money, or for sale to the metal founders for the value of the bronze. Among the few works saved from this devastation are the celebrated bronze horses which were originally the property of St. Mark's Church at Venice. They have been ascribed, but without sufficient authority, to Lysippus.

Before taking leave of the subject of metal-working, it may be right to add a few words upon *toreutis* or *toreutica* art (τορευτική). From the difference of opinion that exists among antiquaries and scholars, it is easier to say what it is not than what it is. Some believe it to be equivalent to the *calatura* of the Latins, which seems to mean chasing. Others suppose it means the art of turning, from τόρος: and others think it applies to works in relievo, from τό- ρος, clear, distinct. Some believe it is the art of uniting two or more metals; and others, that it is the casting in the former or other materials. Millicent, who is one of the best authorities on such subjects, says, "The art of working the precious metals either separately, or uniting them with other substances, was called *toreutica*. It was known at a very early epoch, as may be inferred from the shield of Achilles, the ark of Cypselus, and other productions of the kind." There is an ancient casting of a bird above the name of a writer, in the British Museum. It is not cast, but consists of very thin laminated plates of silver, beaten or punched out, and chased. The relief is bold, and the accessories are of sheet gold, overlaid.

*BRUCUS* or *BRUCHUS* (βρύγος, *brýgos*), a very formidable species of locust, described by *Theophrastos* as the most terrible of their kind. The term, however, does not appear to have been very well defined by the Greek writers. The *Bruchus* in the Linnean system is an insect that commits great ravages on the different grains of the majority of leguminous plants, and of some kernel fruits, and particularly on beans, lentils, vetches, and peas. The *brýgos* of the ancients appears to have been the same with the *Cossus* of Pliny and Festus.

*BRYON* (βρύος), a term used in a variety of senses: 1. As applied to the germ of a flower by *Theophrastos* as the most terrible of their kind. The term, however, does not appear to have been very well defined by the Greek writers. The *Bruchus* in the Linnean system is an insect that commits great ravages on the different grains of the majority of leguminous plants, and of some kernel fruits, and particularly on beans, lentils, vetches, and peas. The *brýgos* of the ancients appears to have been the same with the *Cossus* of Pliny and Festus.

*BRYONIA* (βρυώνια), a species of wild vine, *Bryony*. The name *bryonia* was applied to two kinds of vine, the ἄρισχος λευκή, or white vine (the *Bryonia alba* of Pliny), and the ἄρισχος μελανά, or black vine (*Bryonia nigra*). The term, however, is more probably referred to the *Bryonia alba* of Pliny, which seems the same with the *Tamus Communis*, L.

*BU'BALIS* or *BUBALUS* (βοβάλας or -οί), first names applied by Aristophanes and his successors to a species of Antelope, most probably the Stag-like Antelope. "How these writers," observes Lienzian-colonel Smith, "came to designate such an animal by an appellation which is symphoric with that of the *Buffalo* in all the dialects of Northern and Central Asia, cannot be explained but by the supposition that Aristotle gave that name in consequence of some imperfect information which he may have obtained on this subject through the Macedonian invaders of Eastern Persia. It is worthy of remark, however, that in the case of those animals of the *Bubalus* genus, which are the more exclusively characterized with the antelope, the more equivocal characteristic approximates them to the Bovine nearly as much as to the Caprine nature. Hence the naturalists of the present day have found it necessary to interpose a new genus, the characters of which should embrace the evanescent distinctions of Antelope, Capra, and Ovis, together with the incipient characters of the *Bubalus* genus. This is the *Genus Damalis*. The native names of the animals thus generally separated, import that they are considered distinct from the Antelope in their own countries; and although no great stress should usually be laid upon local names, yet it would be treating the knowledge and experience of the residents in that country with gross indifferency, if, upon inquiry, it should be found that, from the earliest antiquity to the present time, every people who have intimate knowledge of the animals under consideration should agree in bestowing one general designation upon them, and yet that such designation should be rejected by systematic writers, for only being applied to the case with the groups of animals before us, which, whether they be Indian or African, have in their local names either something that shows their separation from Antelope, or, what is more common, a generic indication, which proves them to be regarded as more nearly allied to Bos than to Capra. Where the Persian, Arabo-Indoe, and Eastern and Western Arabic are agreed, it appears that all the species we are about to enumerate will be found designated by the generic word Ghaou, 'ox' or 'cow,' Bakr, 'oxen,' Qows, in the Arabic, or Bakrah in the Persian. The appellation given by Aristotle may, after these remarks, be easily traced to its source.

II. The *Buffalo*. "The name *Bubalis* is asserted to have been transferred from the Antelope Bubalis of authors (Genus Damalis) to the animals of the Buffalo group, during the sixth century of the Roman Empire. It is true, but Buffon maintains, that Aristotle, Pliny, and Oppian did not know the Buffalo by the name of *Bubalis*, but it cannot be denied, that in the age of Martial, this name was vaguely applied even to the Ursus, and, consequent-

The musical instrument *buccina* nearly resembles in shape the shell *buccinum*, and, like it, might as most be described from the above lines (in the language of conchologists) as spiral and gibbous. The two drawings in the annexed woodcut agree with this account. In the first, taken from a frieze, the *buccina* is curved for the convenience of the performer, with a very wide mouth, to diffuse and increase the sound. In the next, a copy of an ancient sculpture taken from Bianchini's work, still retains the original form of the shell.

Hyginus, the *buccina* was invented by Tyrrhenus, a son of Hercules, which, if the tradition were of any value, would refer this, as well as many other musical instruments in use among the Romans, to an Etruscan origin. Propertius testifies to its being a very ancient instrument. Athenaeus mentions a kind of shell called *skine* (according to Casaubon, the shell of the murex), probably from its sonorous qualities.

The inscriptions quoted by Bartholin seem to prove that the *buccina* was distinct from the *cornu*; but it is often confounded with it. The *buccina* seems to have been chiefly distinguished by the twisted form of the shell, from which it was originally made. In later times it was carved from horn, and perhaps from wood or metal, so as to imitate the shell.

The *buccina* was chiefly used to proclaim the watches of the day and of the night, hence called *buccina prima, seconda, &c.* It was also blown at funerals, and at festive entertainments both before and after sitting down to table and after. Macrobium tells us that tritons holding *buccinae* were fixed on the roof of the temple of Saturn.

According to Festus, *buccina* is derived from the Greek *buklavos*, a word not found in the lexicon, or, as others say, from the Hebrew *buk*, a trumpet. Varro considers it as formed by Onomatopoeia from *hoo*, in allusion to its sound. It is more probably derived from *bucina*, the name of a shellfish.

The sound of the *buccina* was called *bucinum*, and the musician who played it *bucinatar* (in Greek *beucinatar*).

**BUCERAS** (bouropax), the herb Fenugreek, *Trigonella fenum Gramum*. The name is derived from *bois*, "an ox," and *stropes*, "a horn," the seed resembling the horn of an ox. Other appellations for this same plant, as given by Dioscorides and Pliny are *teiza*, carpos, *acropes*, *ceratitis*, *lotus*, and *fluna*.

The Roman writer gives a long account of its several uses in the healing art, especially in female complaints.

**BUFO**, the Toad. (Vid. PHYLUM.)

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1. (Smith in Griffith's Cuvier, vol. iv., p. 378, seqq.)—2. (Mel., 335.)

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17. That the vulgar were already familiarized with it as early as the time of the Flavian line. Now the Bubali of Aristotle must have been a rare animal, which certainly bore no such Greek name in its native regions, and therefore the word itself originated and became common in some other way. The learned among the ancients were as liable to misapply appellations of strange animals as the moderns, and the Arachosian oxen of Aristotle may have been known to the Greek soldiers of Alexander by another name, namely, by the name which it appears the Buffalo bore among the northern nations of Central Asia from the earliest periods; a name which, although it has the sound of a Greek compound, is nevertheless of genuine Turanian origin. It is composed of the syllable *Bu*, 'ox,' joined to a distinctive epithet. Taking the Tartaric to be the root, we find that nearly all the dialects of ancient Turan, Cheen, and the posterior Scelavonic, designate both the Buffalo and the Bull by the words *Bukan, Bukah, Buzum, Buka, Buku, Buga, Bujan*. *Buwoi* is the modern Russian, *Bwavoi* the Polish, *Buwavel* Bohemian, and *Bvial* Hungarian. In most of the countries where the above dialects are spoken, the Buffalo is nearly as common as the domestic ox, and, moreover, some of these dialects were spoken by the very nation who introduced the animal into Western Asia, Africa, and Europe. From a careful consideration of the whole subject, the presumption will be found to be fairly established, that the nations who invaded the Roman and Byzantine empires brought with them the very animal whose name had reached Europe, perhaps by means of the Greek followers of the Selucid dynasty, and that the word *Bubalis* is the true name of the Buffalo, as clearly as Usus and Bison are derived from the Teutonic *Aurochs* (*Uroks*) and *Wiesend*. Aristotle and others evidently knew the Buffalo (*bois ignoris in Aithérois, Bois Indicus, or Arachosian Ox*). It is described as differing from the Ox as the Wild Boar does from the Hog; to be black, poterful, with the nose turned up, and the horns bent outward. In that period, the species was not found farther west than Northeastern Persia. Paul Warnefried, surnamed Diconesus, fixes the appearance of Buffaloes in Italy in the reign of Aigulf, or the close of the sixth century, that is, in the year 596. But we may reasonably look for their appearance in the east of Europe to an earlier date. The warlike force of Attila's forces drawn out of Eastern and Central Asia, were supported by droves of cattle bearing grain (buck-weed), as is still done with buffaloes in common trade, and by the nomad equestrian nations, who lead or follow these animals in their native regions, there is no reason for us to conclude that the Arachosian Buffalo was not in their herds; or if it could be proved that the power of the Huns did not extend into the northern provinces of Persia or Chorassania, the Avars and Bulgarians may be regarded as the conductors of that species to the valley of the Danube, Thrace, and Illyricum. This was probably during the reign of Marcian, or about 453, and the subsequent introduction of the animals into Italy might result from causes not connected with the migrations of the barbarians.

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**BUFO, the Horned Owl. (Vid. GLAUX.)**

**BUCCINCA (bdxavos), a kind of horn-trumpet, apparently made out of a shell. It is thus happily described by Ovid:

> Cosa buccinca summim illis
> Tortitis, in latum qua turbine crescit ab imo:
> Buccina, qua in medio concepit ut aere pondo,
> Littor a voca replet sub utroque jacentia Phathon.**

19. (Smith in Griffith's Cuvier, vol. iv., p. 378, seqq.)—2. (Mel., 335.)

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**BUFO.**
BULLA.

*BUGLOSSA* and BUGLOSSOS (**bov'lywulos** or **bov'lywulos**), the herb Bugloss or Ox-tongue, deriving its name from the likeness its leaf bears to the tongue of the ox (**bov**, "an ox," and **lywlos**, "the tongue"). Owing to the natural resemblance which runs through the genera of *Anchusa*, *Borrage*, and *Lycopus*, there is some difficulty in deciding exactly to what genus and species the *bov'lywulos* of the ancients should be referred. Still, Thor and Sprengel prefer the *Anchusa Italic* or Italian Alkanet.1—2

**BULLA**, a circular plate or boss of metal, so called from its resemblance in form to a bubble floating upon water. Bright studs of this description were used to adorn the sword-belt (*aurea bullis circula*; *bullis aper belli*). Amongst them was in the Roman fashion, the part of which was fastened together by brass-headed, or *cynu* by gold-headed nails. The magnificent *truze* doors of the Pantheon at Rome are enriched with highly-ornamented bosses, some of which are here shown.

The golden bosses on the doors of the Temple of Minerva at Syracuse were remarkable both for their number and their weight.

We most frequently read, however, of bullas as ornaments worn by children suspended from the neck, and especially by the sons of the noble and wealthy. Such a one is called *haires bullus* by Juvenal.4 His bulla was made of thin plates of gold. Its design is shown in the annexed woodcut, which represents a fine bulla preserved in the British Museum, and is of the size of the original.

The bulla was worn by children of both sexes for ornament, "as a token of paternal affection and a sign of high birth," and, as it was given to infants, it sometimes served, like other ornaments or playing things (cymen), to recognise a lost child. Probably also, it contained amulets.

Instead of the bulla of gold, boys of inferior rank, including the children of freemen, wore only a piece of leather (**torum**; *nodus tantonet et signum de paupere lori; libertinis scortae*).

BUSTUM.

On arriving at adolescence, the bulla was laid aside, together with the praetexta, and it was often consecrated, on this occasion, to the Lares, or to some divinity.1

Valerius Maximus9 mentions a *status bullata*, and examples of boys represented with the bulla are not infrequent in statues, on tombs, and in other works of art.5

*BUMAMA*, a kind of large grass, so called because formed and swelling out like an adder or teat (from *bov*, an intensive particle, and *mamma*, "a dung" or "breast"). The Greek form of the name is *Bumastus, bov'catoor, from *bov, and *muwor, *a breach" or *dung*. Varro6 and Macrobius7 employ *Bumamma*; Virgil8 and Pliny,9 *Bumastus.

*BU'MIAS* (**bov'nia**), a species of plant, the wild Narew. "The term Bumias," remarks Adams, "occurs first in Nicander, and that it is synonymous with the Gongylis is declared by Galen and Paulus Egineta; and, farther, that it was the *Brassica Napolobrassica*, L., or wild Narew, is admitted by all the late authorities on classical botany, with the exception of Dierbach, who most unaccountably contends that it is the *Brassica Oleracea, or Sea-cabbage."9

*BU'NION* (**bov'nia**), a plant of the family of the Umbellifera. The preponderance of authority is in favour of its being the *Bunium bulbocastanum*, or Earth-nut, a plant having a bulbous root, round and good to eat. *Bunium* is frequent in the medical works of Alexander Trallianus. The *Bun'ium* was taken for the *Barbara vulgaris* by Dodonaeus and Bauhin; but Sprengel contends that these authorities were in error, and holds it to be the *Pimpinella tenus*, Sieb.9

*BUPRESTIS* (**bov'niaros**), an insect treated of by all the ancients on *Entomology*. It is often fatal to cattle when eaten among pasturage, giving a burning sensation, whence it derives its name (*bov*, "an ox" or "cow," and *pi'rho, *to inflame"). Belon mentions that he found in Greece a species of *Cantharis*, which corresponded with the ancient description of the Buprestis. "In fact," says Adams, "there is every reason to identify it with the *Molinae interrupta*, found in the medical works of Alexander Trallianus. The Buprestis of the ancients must not be confounded with the Buprestis of Linnaeus.10

BURIS. (Vid. ARATRUM, p. 79.)

BUSTUARI. (Vid. BUSTUM.)

BUSTUM. It was customary among the Romans to burn the bodies of the dead before burying them. When the spot appointed for that purpose adjacent the place of sepulture,11 it was termed bustum,12 and hence that word is said by Cicero13 to be synonymous with *vyuop*: when it was separate from it, it was called *uwirnina*.

There was a Bustum at Rome, in the centre of the Campus Martius, connected with the mausoleum of Augustus, where the remains of that emperor and many of his family were buried and buried. It is described by Strabo,14 who says that it was of white stone surrounded by an iron railing, and planted on the inside with poplars.15 In the year 1777, several blocks of *travertine* stone (**kh65 loooxel**) were discovered in the space before the Church of San Carlo al Corso, upon which were inscribed the names of several members of the family of Au-


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gustus, with the words hic Crenatus est, which identifies that locality with the bustum of Augustus. The busts are now preserved at the Vatican.

From this word three others derive their signification:

I. **BUSTARI,** gladiators, who were hired to fight round the burning pyre of the deceased, in consequence of the belief that the Manes were gratified by blood.

II. **BUSTARIE, women of abandoned character, including the term ac monumenta prostantes.**

III. **BUSTARI,** persons suffering the extreme of poverty; so called because they satisfied their cravings by snatching from the flames of the funeral pyre the bread and other castaways which the superstition of the living dedicated to the dead. 

**Bustum** is also used for the hollow space on the top of an altar in which the fire was kindled.

**BUTYRUM**, **(boeotropus)**. **Butter.** 

"This substance," observes Beckmann, "though commonly used at present in the greater part of Europe, was known very imperfectly to the ancients; to some, indeed, it was not known at all. The translators of the Hebrew writings seem to have thought that they found it mentioned in Scripture," but those best acquainted with Biblical criticism unanimously agree that the word chamse signifies milk or cream, or may mean both; and that, as we have said, it does not mean butter. The word plainly alludes to something liquid, as it appears that chamse was used for washing the feet, that it was drunk, and that it had the power of intoxicating; and we know that mare's milk, when sour, will produce the like effect. We can imagine streams of milk, but not streams of butter. This error has been occasioned by the unwary interpreters, who translate the Hebrew word by the term butyron (boeotropus)." These translators, who lived two hundred years after Hippocrates, might, as Michaelis remarks, have been acquainted with butter, or have heard of it; but it is highly probable that they meant cream, and not our usual butter.

The oldest mention of butter, though dubious and obscure, is in the account given by the Scythians by Herodotus. According to the historian, they poured the milk of mares into wooden vessels, caused it to be violently stirred or shaken by their blind slaves, and thus separated the part that arose to the surface, which they considered more valuable and more delicious than that which was collected. These vessels hence evidently speaks of the richest part of the milk being separated from the rest by shaking; and that what he alludes to here was actually butter, would plainly appear from comparing with what he says the much clearer account of his contemporary Hippocrates. The Scythians, remarks this latter writer, 'pour the milk of their mares into wooden vessels, and shake it with a stick; this causes it to foam, and the fat part, which is light, rising to the surface becomes what is called butter (δ βοιτρων καλοβα).'

Mention of butter occurs several times, in fact, in the writings of Hippocrates, and he prescribes it externally as a medicine; he gives it, however, another name, *pikerion* (πικεριον), which seems to have been in use among the Greeks earlier than the former, and to have been afterward neglected. That word

signified butter, and was no longer employed in the time of Galen, appears from his translating it, in his explanations of obscure passages, by the term bustum, by the word butyron (boeotropus). It was even before that period, explained in the same manner by Erothin, in his Dictionary of the words used by that Greek physician; and he remarks from an ancient writer, that the Phrygians called butter τη πεσο (pikerion), and that the Greeks seem to have borrowed the word from that people. The poet Anaxandrides, who lived soon after Hippocrates, describing the wedding of Iphicrates, who married the daughter of Cotys, king of Thrace, and the Thracian entertainment given on that occasion, says that the Thracians ate butter, which the Greeks at that time considered a wonderful kind of food. It is very remarkable, that the word butter does not occur in Aristotle, and that he even scarcely alludes to that substance, though we find in his works some very proper information respecting milk and cheese, which seems to imply careful observation. At first he gives only two compounds, the watery and caseous; but he remarks afterward, for the first time, in a passage where one little expects it, that in milk there is also a fat substance, which, under certain circumstances, is like oil. In Strabo there are three passages that refer to this subject, but in none of these can it be obtained. This author says that the Lusi- tanians used butter instead of oil; he mentions the same circumstance respecting the Ethiopians; and he relates in another place, that elephants, when wounded, drank this substance in order to make the darts fall from their bodies. The use of butter by the Ethiopians or Abyssinians is confirmed by Ludolfus. Elian also states that the Indians anointed the wounds of their elephants with butter. Aristotle, however, makes the wounded elephants drink oil, and not butter; but the difficulty may easily be obviated by supposing the butter spoken of by Strabo to have been in a liquid state.—We are told by Plutarch that a Spartan lady paid a visit to Beroe, the wife of Deiotarus, and that the one smelled so much of sweet ointment, and the other of butter, that neither of them could endure the other. Was it customary, therefore, at that period, for people to perfume themselves with butter?*

"The remarks of Dioscorides and Galen on the present subject are of much more importance. The former says that good butter was prepared from the fattest milk, such as that of sheep or goats, by adding to it the milk of the cows; To this butter he ascribes the same effects, when used externally, as those produced by our butter at present. He adds also, and he is the first writer that makes the observation, that fresh butter might be melted, and poured over pulse and vegetables instead of oil, and that it might be employed in many of the room of other fat substances." Galen, who wrote in a more modern period, the healing virtues of butter expressly remarks that cow's milk produces the fattest butter; that butter made from sheep's or goat's milk's is less rich; and that asso milk yields the poorest. He expresses his astonishment, therefore, that Dioscorides should say that butter was made from the milk of sheep and goats. He assures us that he had seen milk from a cow's milk, and he believed it to have thence acquired its name.**

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BUXUS.


delicious box (Caput exerectum buxus); 14

BUXUS (ερυθρα), the Box-tree, or Buxus sempervirens, L. The Box loves cold and mountainous situations; the places most famed for its growth are mentioned in the beginning of the previous article. 12

it cuts better than any other wood; and, when an edge is made of the ends of the fibres, it stands better than lead or tin, nay, almost as well as brass. Like holly, the Box is very retentive of its sap, and warps when not properly dried; though, when sufficiently dried, it is very truly stated (by some) that its wood is as close (δαλαυρος τελεωτικος), which Rosellini and many modern writers maintain to be cotton. The only decisive test, however, as to the material of mummy-cloth, is the microscope; and from the numerous examinations which have been made, it is quite certain that the mummy-cloth was made of flax, and not of cotton, and, therefore, whenever the ancient writers apply the term byssus to the mummy-cloth, we must understand it to mean linen. 8

The word byssus appears to come from the Hebrew buzit (בזית), and the Greeks probably got it through the Phenicians. 2 Pausanias 3 says that the district of Elis was well adapted for growing byssus, and remarks that the byssus of Elis is not inferior to that of the Hebrews in fineness, but is not so yellow (ευθυδε). The women in Patras gained their living by making and selling the wool and woolens, and weaving cloth, from the byssus grown in Elis. 4

Among later writers, the word byssus may, perhaps, be used to indicate either cotton or linen cloth. Böttiger 5 supposes that the byssus was a kind of muslin, which was employed in making the decorated Coptic garments. It is mentioned in the Gospel of St. Luke 6 as part of the dress of a rich man: Ειδοθήκετον μαριονειαν και Ρηςον. 7 It was sometimes dyed of a purple or crimson colour (δεσποντω τοπομον). 9 Piny 10 speaks of it as a species of flax (linum), and says that it served medullum maxime deliclus. Follux, 11 also, says that it was a kind of linen grown in India; but he appears to include cotton under this term.

BUXUS.

CABEIRIA.

's 'cheese,' 'engaled milk,' was a favourite with the Greek and Roman writers, but is altogether erroneous. The term is of foreign origin, and the reader may see some curious speculations on this subject in the numerous books and treatises on intoxication. It is connected with the name of the mythology of Bouphakes, and with the general civilization introduced into the West by the sacerdotal colonies from India. 1

From what has thus far been said, it would appear that butter must have been very little known to, or used by, the Greeks and Romans, till the time of the great invasions and wars of the Middle Ages. It appears, also, that when they had learned the art of making it, they employed it only as an ointment in their baths, and particularly in medicine. Pliny recommends it, mixed with honey, to be rubbed over children's gums, in order to ease the pain of teething, and also for ulcers in the mouth. 2 The Romans, in general, seem to have used butter for anointing the bodies of their children, to render them pliable; 3 and we are told that the ancient Burgundians smeared their hair with it. 4 If we except the passage of Dioscorides already referred to, we find no proof whatever that it was used by the Greeks or Romans in cookery, or the preparation of food. No notice is taken of it by Apicius; nor do we find it mentioned in any other ancient cook-books. Hence, for what we know of the wooden part of the finer tools, for everything that requires strength, beauty, and polish in timber, there is nothing equal to it. This will explain why so many different articles among the ancients were made of this wood. (Vid. Buxum.) There is one purpose for which box, and box-wood, is properly adapted, and that is the process of xylography, or engraving on wood. 5

BYTHELUS (βυθελος), the plant from which the Egyptians formed paper, the Cyperus Papyrus. (Vid. Papyrus.)

BYSSUS (βυσσος). It has been a subject of some dispute whether the byssus of the ancients was cotton or linen. Herodotus 6 says that the mummy-cloth was made up in this way, (δαλαυρος τελεωτικος), which Rosellini and many modern writers maintain to be cotton. The only decisive test, however, as to the material of mummy-cloth, is the microscope; and from the numerous examinations which have been made, it is quite certain that the mummy-cloth was made of flax, and not of cotton, and, therefore, whenever the ancient writers apply the term byssus to the mummy-cloth, we must understand it to mean linen. 8

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CABEIRIA (Καβειρία), mysteries, festivals and orgies solemnized in all places in which the Pelasgian Cabiri, the most mysterious and perplexing deities of Greek mythology, were worshipped, but especially in Samothrace, Imbros, Lemnos, Thesebe, Anthedon, Pergamus, and Berytos. 12


The is known respecting the rites observed in these mysteries, as no one was allowed to divulge them. Diogoras is said to have provoked the highest indignation of the Athenians by his having made these and other mysteries public. 5. The most celebrated were those of the island of Samothrace, which, if we may judge from those of Lemnos, were solemnized every year, and lasted for nine days. The admission was not confined to men, for we find instances of women and boys being initiated. 6. Persons on their admission seem to have undergone a sort of examination respecting the life they had led hitherto, and were then purified of all their crimes, even if they had committed murder. 7. The priest who undertook the purification of murderers bore the name of koic. The persons who were initiated received a purple riband, which was worn around their bodies as an amulet to preserve them against all dangers and storms of the sea. 8. Respecting the Lemnian Cabiria, we know that their annual celebration took place at night, 9. and lasted for nine days, during which all the fires of the island which were thought to be impure were extinguished, sacrifices were offered to the dead, and a sacred vessel was sent out to fetch new fire from Delos. During these sacrifices the Cabiri were thought to be absent with the sacred vessel; after the return of which the pure fire was distributed, and a new life began, probably with banquets. 10. The Etruscan Cabiria was said to have obscured and thrown into oblivion those of Lemnos, from which Pythagoras is said to have derived a part of his wisdom. Concerning the celebration of the Cabiria in other places, nothing is known, and they seem to have fallen into decay at a very early period.

1. MACALIA (macalia), a plant mentioned by Dioscorides, in Book I., p. 1, and also by Sprengel to be the Mercurialis tomentosa. Sibthorp and Fee, however, are undecided, though the latter inclines somewhat to the Cabiria petasites sive albi-frons. 2. KAIKOPRIS DKK (κακοπριος δήκ) was an action for abusive language in the Attic courts, called, in one passage of Demosthenes, κακοπριας και τοποφθαλμίας. These actions are referred to in the dialogue of Plato, 3. KAIKOIS AKTOIS DKK (καικοτηνιων δ κκ) corresponds in some degree with an action for suborning of perjury. It might be instituted against a party to a previous suit, whose witnesses had already been convicted of falsehood in an action Tuckeriaphia. 4. It has also been surmised that this proceeding was available against the same party when persons had subscribed themselves falsely as summoners in the declaration or indictment in a previous suit; and if Plato's authority with respect to the terms of Attic law can be considered conclusive, other cases of conspiracy and contrivance may have borne this title. With respect to the court into which these causes were brought, and the advantages obtained by the successful party, we have no information.

1. KAKOSIS (κακωσις), in the language of the Attic law, does not signify every kind of ill-treatment, but 2. The ill-treatment of parents by their children (κακωσις γονών). 2. Of women by their husbands (κακωσις γυναικών). 3. Of heireesses (κακωσις τῶν ἵππηραν κακοπριας). 4. All the actions against guardians or any other persons (κακωσις τῶν ὥρων καὶ χειροτονικῶν γυναικῶν). 5. A κακωσις γονών was committed by those who struck their parents, or applied abusive epithets to them, or refused them the means of support when they were able to afford it, or did not bury them after their death, and pay them proper honours. 6. A κακωσις τῶν ὥρων, which was committed by their parents, had treated them badly. If, however, they were illegitimate, or had not received a proper education from their parents, they could not be prosecuted for κακωσις. 7. A κακωσις γυναικών was committed by husbands who ill-treated their wives in any manner, or had intercourse with other women, 8. or denied them the maintenance, or brought against a heireess her parents had treated them badly. If, however, they were illegitimate, or had not received a proper education from their parents, they could not be prosecuted for κακωσις. 9. A κακωσις τῶν ὥρων καὶ χειροτονικῶν γυναικῶν was committed by the nearest relatives of poor heireesses, who neither married themselves, nor gave them a dowry in order to marry them to persons of their own rank in life; or, if they married them themselves, did not perform the marriage duties.
The caduceus was committed by those who injured in any way either orphans or widows, both of whom were considered to be in an especial manner under the protection of the state. The speech of Iseus on the Inheritance of Hagnias, is a defence against an ἡπτημία κακώσεως of this kind. It was adjudged to belong to the jurisdiction of the chief archon (ἀρχέων ἐπίσημων). If a person wronged in any way orphans, heiresses, or widows, the archon could inflict a fine upon them himself; or, if he considered the person deserving of greater punishment, could bring him before the helia. Any private individual could also accuse parties guilty of κακώσεως by means of laying an information (κακώσματα) before the helia. This, however, though sometimes the accuser proceeded by means of a regular indictment (γραφέος), with an ἀνόκρυος before the archon. Those who accused persons guilty of κακώσεως incurred no danger, as was usually the case, if the defendant was acquitted, and they did not obtain the fifth part of the votes of the dicasts.

The punishment does not appear to have been fixed for the different cases of κακώσεως, but it was generally severe. Those found guilty of κακώσεως γίνοντεs lost their civil rights (ἀτύχεσα), but were allowed to retain their property (ὅπως ἀτύχεσα τὰ ἀτύχεσα ἐγένετο); but if the κακώσεως was a great one, then the parties who had not voted would also be punished.

*CACTUS (κάκος), a species of plant. Sprengel inclines to the opinion that it was the kind of artichoke called Cardoon, namely, the Cima cardunculus. Stackhouse suggests that it was the Cactus opuntia, or Indian Fig. The locality of the κάκος of Theophrastus does not suit well with either Cactus or Cardoon, and Sprengel's Cactus renunciat. Sprengel's opinion is, perhaps, after all, the more correct one, and is advocated by Fée. Pliny describes the Cactus as growing only in Sicily.

CADÁVER. (Vid. Fossa.)

CADISKOI or CADOIL also ADDISKOI (καδιακός, καδωκός, καδακός), were small vessels or urns, in which the counters or pebbles of the dicasts were put, when they gave their votes on a trial. There were, in fact, usually two καδιακά: one, that in which the voting pebble was put; this was made of copper, the other, that in which the other pebble, which had not been used, was put; the καδιακά from both of these was put into the table, which was called the κάρνω καδιακός, while the other was called κώρος καδιακός. After all had voted, the presiding officer emptied the counters or pebbles from the metal urn, the κώρος καδιακός, and counted them on a table, and judgment was then given accordingly. The pebbles were distinguished from one another by powder marks. For one or another had been used; and the dicasts kept the counter which they did not use. This vessel was called ἀμφεφέος. Sometimes, also, the dicasts had only one counter each, and there were two καδιακά, one for acquiring, the other for condemning.

When there were several contesting parties, there were several καδιακά, according to the number of the parties; as in Demosthenes. In the dicasts then had either one pebble, which they put into the καδιακός of the party in whose favour they meant to vote; or they had as many pebbles as there were καδιακά (but only one favourable one among them), which they put in according to their opinion. The pebble was dropped into the urn through a long tube, which was called κανος. The noise which the pebble made in striking against the bottom of the καδιακός was represented by the syllable μίξης. *CADMEIA or CADMIA (Κάδμεια or -μια), a species of earth, as the ancients termed it, more correctly, however, Calamine, or an ore of zinc. Geoffroy says, 'The dealers in metals call by the name of metal zinc, a material which is thrown out in making copper into brass.' Dr. Kidd calls it a native oxide of zinc. According to Dr. Hill, the Cadomia factitia of the ancients was a recrystallization of copper, produced in the furnaces where that metal was separated from its ore. According to Sprengel, the kind called barpoír,ts, or clustered Cadmium, is strong. This earth, which is full of a diathermic proportion of copper. The καντίτς, or Smoky Cadmium, according to Dr. Hill, was a fine powder collected at the mouths of the furnaces. The καντίτς, or Cazn-like Cadmia, was the coarsest and heaviest of all. *‘With Cadmia (or an ore of zinc),' observes Dr. Moore, ‘the ancients were not acquainted, though they are commonly supposed not to have known the metal, excepting that it was mixed with copper in the form of brass. But a passage in Strabo authorizes the belief that they also knew this metal in its separate state. The geographer says, that near Andeira, a town of Trasos, is found a stone, which, being burned, becomes iron, and distils false silver (ἀποστιεύει ψεύδοργος) when calcined. The ancient inscriptions show that they knew this metal, which, receiving the addition of copper, forms the alloy that some call brass (δρέκοναλον). He adds respecting this false silver, which was probably our zinc, that it occurs also near Trasos. Stephanus states the same thing in somewhat clearer words, and refers to both Theopompos and Strabo as authorities. This earth, which is full of a diathermic proportion of copper, was called its name, Cadmia, from Cadmus, son of Aegon, who first introduced at Thebes the making of brass, is spoken of by Aristotle, who informs us that the Mosynaeans had anciently prepared a brass of a pale colour and superior lustre, mixing it not with tin, but with a certain earth found among them. This earth, which Theopompos also describes, is also brass. Pliny repeatedly speaks of Cadmia, but it is evident that he does not always mean one and the same thing. Cadmia seems to have signified with him not only our Calamine, but a copper ore which contained zinc; and the same name was extended to what the Germans call ofenbronch, furnace-calamine, which, in melting ores containing both, will separate itself in zinc, or in making brass, falls to the bottom of the furnace, and contains more or less of calcined zinc. CADUCEUS (καπτέιον, καπρόκον, καπρήνιον) was the staff or mace carried by heralds and am bassadors in time of war. This name is also given to the staff with which Hermes or Mercury is usually represented, as is shown in the following figure, and taken from an ancient vase, which is given in Millin's Peintures de Vases antiques.

with the στρωματας, which were afterward formed into snakes. Later mythologists ventured tales about these snakes. Hyginus tells us that Mercury once found two snakes fighting, and divided them with his wand; from which circumstance they were used as an emblem of peace. 6

From caduceus was formed the word caduceator, which signified a person sent to treat of peace. 7 Thus Anius Gellius 8 tells us that Q. Fabius sent to the Carthaginians a spear and a caduceus as the emblems of war or peace (hasiam et caduceum, signa duo belli aut pacis). The persons of the caduceators were considered sacred. 9

It would appear, however, that the Roman ambassadors did not usually carry the caduceus, since Macrobius informs us that the Roman ambassadors carried veravinum (seginma) that no one might injure them, in the same manner as the Greek ambassadors carried the cerycia (σεχρυσα). 10

CADUSUM (Vid. Bona Caduca.)
CADUS (καδος, καδος), a large earthen vessel, which was used for several purposes among the ancients. Wine was frequently kept in it; and we learn from an author quoted by Pollux, that the amphora was also called cadus. 11 The vessel used in drawing water from wells was called cadus, 12 or χυδης. 13 The name of cadus was sometimes given to the vessel or urn in which the counters or pebbles of the dice was put when they gave their vote on a trial, but the diminutive καδονας was more commonly used in this signification. (Vid. Canthos.)

"CADUCUM VINUM, a name given to a wine which was at one time the best growth of the Fa- lernian vineyards. " Formerly," says Pliny, 14 "the Caecean wine, which came from the poplar marshes of Anycole, was most esteemed of all the Campanian wines; but it has now lost its repute, partly from the negligence of the growers, and partly from the limited extent of the vineyard, which has been nearly destroyed by the navigable canal that was begun by Nero from Avernus to Ostia." The Caecean is described by Galen 15 as a generous, durable wine, but apt to affect the head, and ripening only after a long term of years. In another place 16 he remarks that the Bithynian white wine, when very old, passed with the Romans for Caecean but that, in this state, it was generally bitter and unfit for drinking. From this analogy we may conclude that, when new, it belonged to the class of rough, sweet wines. It appears to have been one of Horace's favorite wines, which he mentioned in general, as having been reserved for important festivals. After the breaking up of the principal vineyards which supplied it, this wine would necessarily become very scarce and valuable. 17

CABATUR / (Vid. Bronze, p. 179.)
*CEPA or CEPE (καπονος), the Onion, or Al- lium Cepa, L. The Greeks had numerous kinds, or, rather, varieties of this vegetable, which are mentioned by Pliny. The Romans, on the other hand, had two principal kinds, the Pallacana and the Condimentarium, the latter of which was subdivided into many species. The Pallacana (cep) had hardly any head, and consisted principally of a long stem: it admitted of being often cut. The Condimentarium (cepe), so called because it could be potted and kept for use, was likewise termed Cepa. 18 From its exuberant head—"Though the history of the onion can be but imperfectly traced in Europe, there is no doubt as to its great antiquity in Africa, since there is evidence to show that this bulb was known and much esteemed in Egypt 2000 years before Christ. Juvenal, 19 indeed, says that the Egyptians were forbidden to eat the onion, this vegetable having been defiled by them. The probability of this, seems to have extended to the priests, who, according to Plutarch, 20 'abstained from most kinds of pulse;' and the abhorrence felt for onions, according to the same author, was confined to the members of the sacerdotal order. That onions were cultivated in Egypt, is proved, 21 continues Wilkinson, "from the authority of many writers, as well as from the sculpture; that quantity was denominated in ancient times, and has been equally so in modern times; and the Israelites, when they left the country, regretted the 'onions,' as well as the cucumbers, the melons, the leeks, the garlic, and the meats they 'did eat' in Egypt. Among the offerings presented to the gods, both in the tombs and temples, onions are introduced, and a priest is frequently seen holding them in his hand, or covering an altar with a bundle of the green shoots. Nor is it known that they were introduced at private as well as public festivals, and brought to table with gourds, cucumbers, and other vegetables; and if there is any truth in the notion of their being forbidden, we may conclude that this was entirely confined to the priestly order. The onions of Egypt were mild and of an excellent flavour, a character enjoyed by them at the present day; and they were quite crude as well as cooked, by persons both of the higher and lower classes. It is difficult, however, to say if they introduced them to table like the cabbage, as a hors d'oeuvre to stimulate the appetite which Socrates recommends in the Banquet of Xenophon. On this occasion, some curious reasons for their use are brought forward by different members of the party. Callias affirms that they inspire courage in the hour of battle; and Charmides suggests their utility in deceiving a jealous wife, who, finding her husband return with his breath smelling of onions, would be induced to believe he had not solated any one while from home." 22

CEPHALUS (Vid. Phaethon.)
*The inhabitants of Care obtained from the Romans, in early times, the Ro-
man franchise, but without the suffragium.¹ Some ancient writers thought that the Cretans originally had the full franchise, and were afterward deprived of the suffragium.² The names of the citizens of Ciero were kept at Rome in lists called tabula Cæri- tum, in which the names of all other citizens who had not the suffragium appear to have been entered in later times. All citizens who were degraded by the censors to the rank of serarians were classed among the Cretans; and hence we find the expressions of araurus faceræ³ and in tabulae Cærium re- ferri³ used as synonymous. (Vid. Exarab.)

"CALAMINTHE (καλαμίνθη), a shrub, which Spengel, in the first edition of his work, is disposed to refer the Melissa Cretica; but in his second, the Thymus nepeta, or Catmint. In his edition of Dioscorides he calls the first species the Melissa Cretica; the second, the Thymus nepeta, Scop.; and the third, the Melissa altissima."⁴

CALAMISTRUM, an instrument made of iron, and hollow like a reed (calamus), used for curling the hair. For this purpose it was heated, the person who performed the office of heating it in woodashes (cinus) being called cinoio or cineria.⁵ This use of heated iron was adopted very early among the Romans,⁶ and became as common among them as it has been in modern times.⁷ In the age of Cicero, who frequently alludes to it, the Roman youths, as well as the matrons, often appeared with their hair curled in this manner (calamistrati). We see the result in many antique statues and busts.

CALAMUS (καλάμος⁸), a sort of reed which the ancients used as a pen for writing.⁹ The best sorts were got from Egypt and Cnide.¹⁰ So Martial,¹¹ "Dat chartis habiles calamos Memphita tellus." When the reed became blunt, it was sharpened with a knife, sculpturn librarium;¹² and to a reed so sharpened the epithet temperatus, used by Cicero, probably refers.¹³ "calamo et atrotemo temperato res agere." One of the inkstands given under the artifice ATRAMENTUM has a calamus upon it. The calamus was split like our pens, and hence Ausonius¹⁴ calls it fissipes, or cloven-footed.

"ΚΑΛΑΜΟΣ ἀφρωτικὸς. Sprengel feels little hesitation in deciding that this is the Acorus Cala- mus, or Sweet Flag. Schneider states that Stockhouse, in the second edition of his work, is disposed to refer the κάλαμος ἐνασος of Theophrastus to the same. The term ἐνασος also occurs in Theophras- tus. (Vid. Saccharum.)"¹⁵

"ΚΑΛΑΜΟΣ φρωτικὸς." All agree that this is the Arundo phragmites, L., or common Reed. Sprengel refers the κάλαμος χαράξας of Theophrastus to the same.¹⁶

"ΚΑΛΑΜΟΣ αἰθητικὸς, the same as the δώροφ, and, consequently, the Arundo donax."¹⁷ (Vid. Donax.)

"ΚΑΛΑΜΟΣ ἀνοσίως." The early commentators on Dioscorides have settled the identity of this with the φυτὸς of Theophrastus; and Sprengel refers it very properly, as Adams thinks, to the Arundo are- naria, or sea-side Reed.¹⁸

"ΚΑΛΑΜΟΣ ῬΩμαίος, most probably the Bamboo Cane, or Bamboo Arundinacea. Mention of the Bamboo Cane is made by Herodotus, and also by

The persons who made these nets were called κεκραφελλόπουλα, and also σκοκυφνατα, according to Pollux, who explains the word by πελεκύττας της γυναικείας κεκραφέλλου. These nets appear to have been sometimes made of gold threads, and at other times of silk, or the Elean byssus, and probably of other materials which are not mentioned by ancient writers.

The head-dress of close materials must be distinguished from the κεκράφελλος or reticulum. The former was called mira or calantica, which words are said to be synonymous,¹⁹ though in a passage in the Digest²⁰ they are mentioned together as if they were distinct. Such head-dresses frequently occur in paintings on vases. Their forms are very various, as the two following woodcuts, taken from Millin, Peintures de Vases Antiques,²¹ will show.

The first is an exact copy of the painting on the vase, and represents a man and a woman reclining on a couch, with a small figure standing by the woman's side, the meaning of which is not quite clear.

The next woodcut only contains a part of the
CALATHUS.

original painting, which consists of many other female figures, engaged in the celebration of certain mysteries.

The mitra was originally the name of an eastern head-dress, and is sometimes spoken of as characteristic of the Phrygians. 1 Pliny 2 says that Polycrates was the first who painted Greek women "mitris sericioloribus."

It appears from a passage in Martin 3 (fortior in-tortus verbalia vestis capillos) that a bladder was sometimes used as a kind of covering for the hair.

CALATHUS, dim. CALATHIS/CUS (καλάθος, καλαθίσσω), also called ΤΑΛΑΡΟΣ, usually signified the basket in which women placed their work, and especially the materials for spinning. Thus Pollux 4 speaks of both τάλαρος and κάλαθος as τῆς γυναικείαςντόσιος σκεπας; and in another passage he names them in connexion with spinning, and says that τάλαρος and καλαθίσσω were the same. These baskets were made of osiers or reeds; whence we read in Pollux 5 πλέκει τάλαρος καὶ καλαθίσσω, and in Calathus, 6

"Ante pedes autem candidens molia lana
Villera virgatius custodiant calathis."

They appear, however, to have been made in earlier times of more valuable materials, since we read in Homer 7 of a silver τάλαρος. They frequently occur in paintings on vases, and often indicate, as Büttger 8 has remarked, that the scene represented takes place in the gynaeconitis, or women's apartments. In the following woodcut, taken from a painting on a vase, 9 a slave, belonging to the class called quasillaria, is presenting her mistress with the calathus, in which the wool was kept for embroidery, &c.

Baskets of this kind were also used for other purposes, 10 such as for carrying fruits, flowers, &c.


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CALCEUS.

The name of calathus was also given to cups for holding wine. 1

CALCEUS was properly a Greek word, though used by the Latin writers. The Latin word corresponding to it was qualites, 2 or quasillaria. 3 From quasillaria came quasillarius, the name of the slave who spun, and who was considered as meanest of the female slaves (Convocat annes quasillarium, familiare sor-dissimam partem). 4

CALCAR, a spur, that is, a goad attached to the heel (calx) in riding on horseback, and used to urge on the horse to greater swiftness. 5

The early adoption of this contrivance by the Romans appears from the mention of it in Plautus 6 and Lucretius. 7 It is afterward often alluded to by Cicero, 8 Ovid, 9 Virgil, 10 and subsequent Roman authors. On the other hand, we do not find that the Greeks used spurs, and this may account for the fact that they are seldom, if ever, seen on antique statues.

The spurs of a cock are called calaelara: 11 CALCEUS (dim. CALCEOLUS), CALCEA-MEN, CALCEAMENTUM (σπάθινα, πτέλινα), a shoe or boot, anything adapted to cover and preserve the feet in walking.

The use of shoes was by no means universal among the Greeks and Romans. The Homeric heroes are represented without shoes when armed for battle. (Vid. ARM, BALTEUS.) According to the institutions of Lycurgus, the young Spartans were brought up without wearing shoes (ἀνυντορχία), in order that they might have the full use of their feet in running, leaping, and climbing. Socrates, Phocion, and Cato frequently went barefoot (ἀνυντορχία), pedes nudi, 12 The Roman slaves had no shoes (pavo talo), their naked feet being marked with chalk or gumpsin. The covering of the feet was removed before reclining at meals. (Vid. CENA.) To go barefoot also indicated haste, grief, distraction of mind, or any violent emotion, as when the chorus of Oceanides hasten to the fettered Prometheus (ἰκτίλος); when Venus goes in quest of Adonis (διδακλός); and when the vestals flee from Rome with the apparatus of sacred utensils. 13 For similar reasons, sorceresses go with naked feet when intent upon the exercise of magical arts (nuda pedem, 20 pedibus nūtis), although sometimes one foot only was unsheathed (unum exuto pedem vincit), and is so painted on fictile vases. That it was a very rare thing at Rome to see a respectable female out of doors without shoes, is clear from the astonish-

1. (Virg., Eo., v. 21.)—2. (Hor., Carm., iii. xii. 4.)—3. (Petron., v. 132.)—4. (Clas. &c.)—5. (Ibid.)—6. (Virg., vii. 172.)—7. (Hor., iv. 124.)—8. (Virg., iv. 44.)—9. (Mullin, Pointers de Vases Antiques, vol. i. pl. 4.)

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CALCEUS.

The foot was sometimes bare in attendance on funerals. Thus the remains of Augustus were collected from the pyra by noblemen of the first rank with naked feet. A picture found at Herculanenum exhibits persons with naked feet engaged in the worship of Isis; and this practice was observed at Rome in honour of Cybele. In case of drought, a procession and ceremonies, called Nymphalia, were performed with a view to propitiate the gods by the same token of grief and humiliation.

The idea of the defilement arising from contact with anything that had died, led to the entire disuse of skin or leather by the priests of Egypt. Their shoes were made of vegetable materials (calceus ex papyre). (Vid. Bac.)

Those of the Greeks and Romans who wore shoes, including generally all persons except youths, slaves, and ascetics, consulted their convenience, and indulged their fancy, by inventing the greatest possible variety in the forms, colours, and materials of their shoes. Hence we find a multitude of names, the exact meaning of which it is impossible to ascertain, but which were often derived either from the persons who were supposed to have brought certain kinds of shoes into fashion, or from the places where they were procured. We read, for example, of "shoes of Alcibiades;" of "Sicyonian," and "Persian," which were ladies' shoes; of "Laconian," which were men's shoes; and of "Cretan," "Milesian," and "Athenian" shoes.

The distinctions depending upon form may be generally divided into those in which the mere sole of a shoe was attached to the sole of the foot by tics or bands, or by a covering for the toes or the instep (sid. SOLA, CREPDA, SOCCUS); and those which ascended higher and higher, according as they covered the ankle, the calf, or the whole of the leg. To calceamenta of the latter kind, i. e., to shoes and boots as distinguished from sandals and slippers, the term "calceus" was applied in its proper and restricted sense.

Besides the difference in the intervals to which the calceus extended from the sole upward to the knee, other varieties arose from its adaptation to particular professions or modes of life. Thus the calceus was principally worn by soldiers; the VERO by labourers and rustics; and the CATHENUS by tragedians, hunters, and horsemen.

Understanding "calceus" in its more confined application, it included all those more complete coverings for the feet which were used in walking out of doors or in travelling. As most commonly worn, these probably did not much differ from our shoes, and are exemplified in a painting at Herculanenum, which represents a female wearing bracelets, a wreath of ivy, and a panther's skin, while she is in the attitude of dancing and playing on the cymbals. Her shoes are yellow, illustrating that they were worn of various colours, especially by females. (Vid. preceding woodcut.) The shoe-ties (corrigia) are likewise yellow. These shoes appear light and thin, corresponding to the dress and attitude of the wearer. On the other hand, a marble foot in the British Museum exhibits the form of a man's shoe. Both the sole and the upper leather are thick and strong. The toes are uncovered, and a thong passes between the great and the second toe, as in a sandal.

For an example of calcei reaching to the middle of the leg, see the figure of Orcstes in Aeneid (p. 47). In the Panathenaic frieze of the Parthenon, boots much like his, but reaching still higher, are worn by many of the Athenian horsemen. They are fastened tightly below the knee, and fit closely in every part, showing how completely the sculptor avoided the reproach of making the foot "float" in the shoe (nature, t aoiv bva ia\ei\os). In many statues the flaps are produced by turning down the head and claws of the quadruped out of whose hide the boot was made. We often see it laced in front. (Vid. Coturnicus.)

Upon no part of their dress did the ancients bestow greater attention than upon this. Theophrastus considers it as a proof of rusticity to wear shoes larger than the foot. If, on the one hand, Ovid advises the lover, "Nec vagus in late po\e pelle matre," we find Quintilian, on the other hand, laying down similar maxims for the statesman and the orator. Over剋istically produced the inconvenience of pinching shoes, especially when they were pointed at the toes and turned upward (unciati). Besides the various and splendid colours of the leather, the patterns still existing on marble statues show that it was cut in a very elaborate manner. When Lucullus triumphed after his victories in Asia, he displayed fine shoes from Syria, painted with spots in imitation of jewels. Real gems and gold were added by some of the emperors, especially Heliogabalus, who wore beautiful cameos on his boots and shoes, but with the natural effect of exciting ridicule rather than admiration.

The form and colour of the calceus were also

among the insignia of rank and office. Those who were elevated to the senate wore high shoes like bukshis, fastened in front with four black thongs (nigiris pilitas), and adorned with a small crescent. 4 Hence Cicero, speaking of the assumption of the senatorial dignity by Asinius, says mutatis caleos. Another man, in similar circumstances, was told that his nobility was in his heels. 4 Among the Attic months, the 10th, 11th, and 12th, called the months of sowing, from their resemblance to the scales of the red mullet, were particularly admired; as well as others called alute, because the leather was softened by the use of alum.

CALCULATOR (Λογιστής) signifies a keeper of accounts in general, but was also used in the signification of a teacher of arithmetic; whence Martull! classes him with the notarius, or writing-master. The name was derived from calculi, which were commonly used in teaching arithmetic, and also in reckoning in general. (Vid. Abacus, No. VI.) Among the Greeks the logiștēs and γραμματιστής appear to have been usually the same person.

In Roman families importance there was a calculator or account-keeper, who is, however, more frequently called by the name of dispensator or procurator, and the kind of steward. 5

CALCULI were little stones or pebbles, used for various purposes; such, for example, as the Athenians used in voting (mil. Cadiros), or such as Demosthenes put in his mouth when declaiming, in order to muffle his pronunciation. 14 Calculi were used in playing a sort of draughts. (Vid. Lathruitur.) Subsequently, instead of pebbles, ivory, or ivory, or gold, or other men as we call them, were used, but still called calculi. The calculi were bi—
colores. 11 Calculi were also used in reckoning, and hence the phrases calkulerum ponere, 12 calkulerum subdu—
tere. 13 (Vid. Abacus, No VI.)

CALDA. (Vid. Calda.)

CALDARIUM. (Vid. Baths, p. 149.)

CALENDAR (GREEK). The Greek year was divided into twelve lunar months, depending on the actual changes of the moon. The first day of the month (υομισία) was not the day of the conjunction, but the day on the evening of which the new moon first appeared; consequently full moon was the middle of the month, and is called δισμής, or "the divider of the month." 15 The lunar month consists of 29 days and about 13 hours; accordingly the moon passed through 30 cycles in one year, and rather more of them at thirty days. The latter were called full months (πλήρες), the former hollow months (κολατοι). As the twelve lunar months fell short of the solar year, they were obliged every other year to interpose an intercalary month (μήνιον ἐξολοκλήματος) of 30 or 29 days. The ordinary year consisted of 354 days, and the intercalated year, therefore, of 384 or 385. This intercalated year (τάηηατικας) was seven days and a half too long; and, to correct the error, the intercalary month was from time to time omitted. The Attic year began with the summer solstice: the following is the sequence of the Attic months, and the number of days in each:

Hecatombion (30), Metageitnor (29), Boe
dromion (30), Phaneporon (29), Mæsoncerion (30), Poseidonion (30), Elaphobolion (30), Munychion (29), Thargelion (29), Scirophorion (29).

The intercalary month was a second Poseidon inserted in the middle of the year. Every Athenian month was divided into three decades. The days of the first decade were designated as λαταμίνον or ἀρχομένον μήνα, and were counted on regularly from 1 to 10; thus δευτέρα ἀρχομένον or λαταμίνον is "the second day of the month." The days of the second decade were designated as τρίται, or ἐκάστος, and were counted from the 11th to the 20th day, which was called έκατος.

There were two ways of counting the days of the last decade: they were either reckoned onward from the 20th (thus πρώτην ἐκάτος was the 21st), or backward from the last day, with the addition φθιάνοντος, πανομένου, ἐκάστος, or ἀπάντος; thus the 21st day of a hollow month was ἐφτάνον φθιάνον—of a full month, ἐπαναφθιάνον. The last day of the month was called ηήμην και νέα, "the old and new," because, as the lunar month really consisted of more than 29 and less than 30 days, the last day might be considered as belonging equally to the old and new month.

The first calendars of the Greeks were founded on rude observations of the rising and setting of certain fixed stars; as Orion, the Pleiades, Arcturus, &c. The earliest scientific calendar, which superseded the earlier artificial system, is thought to have been invented by Meton. He observed that 325 lunar months correspond very nearly to 19 solar years. Accordingly, he introduced a circle of 19 years, or 6940 days, distributed into months, so that they corresponded to the changes of the moon throughout the whole period. This cycle was called the year of Meton (Μέτωνος ἡμιαος), and the calendar based upon it was published at Athens in B.C. 4. The calendar commenced with the month Scirophorion (16th July, B.C. 432). This cycle of 19 years was an ex—
tension of the octaeteris of Cleodorus, which contained 8 years, or 99 months, or 2925 days. Three of the months in the octaeteris were intercalary, occurring in the third, fifth, and eighth years of the cycle. If Meton had reckoned every month full, his cycle would have contained 7650 days, or 7650 —6940—110 days too much; consequently, it was necessary to take 110 hollow months in each cycle. Dividing 7650 by 110 we get the quotient 64, which denotes the interval between every two successive days to be rejected (παραβολαῖοι). Meton's canon begins with two full months, and then we have hollow and full months alternately; but, after the seven epochs of 12 years, we have two full months come together, because there must be 17 full months in every 32. The Metonic cycle was corrected in Ol. 110, by Callippus of Cyzicus. Meton had made the solar year 365 days; Callipppus accordingly assumed a 4 x 19 =76 years' cycle omitting one day, or 2775 days. The epoch of this cycle is 28th June, B.C. 330, Ol. 112, 3. A farther correction of the Metonic cycle was introduced by Timaeus of Taurumon, about Ol. 130. As this clumsy method of reckoning was still found in books, it will be right to give the rules for converting Olympiacos into the year B.C., and vice versa.

CALENDAR.

1. To find the year B.C., given the 4th year of Ol. p. take the formula \(781-(4 \times 365)\). If the event happened in the second half of the Attic year, this must be further reduced by 1; for the Attic year, as mentioned above, commenced with the summer solstice. Thus Socrates was put to death in Thrasylum of Ol. 95, 1. Therefore in B.C. \((781-(4 \times 365))-1=399\). Therefore, to take the Olympic, given the year a B.C., take the formula \(781-n\). The quotient is the Ol., and the remainder the current year of it; if there is no remainder, the current year is the 4th of the Olympiad. If the event happened in the second half of the given year, it must be increased by 1. Thus, to take the event just mentioned, Socrates was put to death in Ol. 95, 1.

2. Demonsthenes was born in the summer of 392, therefore \(781-392=399\). On the Greek calendar in general, the reader may consult Ideler's *Handbuch der Mathematischen und Technischen Chronologie*, Th. i., p. 229-317.

CALENDAR. (Vid. Calendar, Romans.)

The Roman year.—The name of Romulus is commonly attached to the year which is said to have prevailed in the earliest times of Rome; but tradition is not consistent with regard to the form of it. The historians Licinius Macer and Festensta- liu maintained that the oldest year consisted of twelve months, and that it was already in those days an annus serions, that is, a year which coincided directly with the course of the years. Consen- nius, however, in whose work this statement occurs, goes on to say that more credit is due to Graccu- nius, Fulvius (Nobilior), Varro, and others, according to whom the Romans, in the earliest times, like the people of Alba from whom they sprung, allotted to the year but ten months. This opinion is sup- ported by Ovid in several passages of his *Fasti*, by Gallius, Macrobius, Solinus, and Servius. Lastly, an old Latin year of ten months is implied in the fact, that at Laurentum a sacrifice was or- dered to Juno Calendarius on the first of every month except February and January. These ten months were called Martius, Aprilis, Maius, June, Quintilis, Sextilis, September, October, November, and December. That March was the first month in the year is implied in the last six names; and even Plu- tarch, who ascribes twelve months to the Romulian year, places Januarius and Februarius at the end. The fact is also confirmed by the ceremony of re- kindling the sacred fire in the Temple of Vesta on the first day of March, by the practice of placing fresh laurel in public buildings on that day, and by many other customs recorded by Macrobius. With regard to the length of the months, Consen- nius, Macrobius, and Solinus agree in ascribing thirty- one days to four of them, called *pleni mensae*; thirty to the rest, called *cavi mensae*. The four longer months were Martius, Maius, Quintilis, and October. These, as Macrobius says, are distinguished in the latest form of the Roman cal- endar by having their nones two days later than any of the other months. The symmetry of this ar- rangement will appear by placing the numbers in succession: 31; 30; 31; 30; 31; 30; 31; 30; 30. Ovid, indeed, appears to speak of the months as coinciding with the lunar period.

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1. (On Dio Natalisi, c. 39.—Compare also the beginning of c. 145.—2, (ii, 37, 43; iii, 93, 132, 151)—3, (Noot. Att., iii, 16, 4).—4, (Saturni, 1, 12, 5, (Polyb, l, 6, (in Virgil, Georg, 1, 19).—5, (Mu., 15, 8, (Numa, c. 15)—9, (i, 12.)

2. *Annum est decidium cum luna reverterat annum,* but the language of a poet must not be pressed too closely. On the other hand, Plutarch, in the pas- sage already referred to, while he assigns to the old year twelve months and 365 days, gives the months as varying without system between the limits of twenty and thirty-five days. Such an irregularity is not incredible, as we find that even when Censorinus wrote (A.D. 238), the Alban calendar gave 36 days to March, 22 to May, 18 to Sextilis, and 16 to September; while at Tusculum Quinctilis had 34 days, and Augustus 36. Nevertheless, the same month, October, had no less than 39.1 The Romulian year, if we follow the majority of authors, contained but 304 days; a period differing so widely from the real length of the sun's course, that the months would rapidly revolve through all the seasons of the year. This inconvenience was remedied, says Macrobius, by the addition of the proper number of days at the end of the year; but these days, he goes on to say, did not re- ceive any name as a month. Servius speaks of the intercalated period as consisting of two months, which at first had no name, but were eventually called after Janus and Februns. That some system of intercalation was employed in the Romulian year was as early as the time of Censorinus and Macer. This appears to be all that is handed down with regard to the earliest years of the Romans.

As a year of ten months, i.e., 304 days, at once falls greatly short of the solar year, and contains no exact number of lunations, some have gone so far as to dispute the truth of the tradition in whole or part, and to attempt to reconcile it with the megarian account for the adoption of so anomalous a year. Puteanus, calling to mind that the old Roman or Etruscan week contained eight days, every eighth day being specially devoted to religious and other public purposes, under the name of *nona* or *nonils*, was the first to point out that the number 304 is a precise multiple of eight. To this observa- tion, in itself of little moment, Nicomachus added some weight, by farther noticing that the 38 non- dies in a year of 304 days tally exactly with the number of *dies fasti* afterward retained in the Julian calendar. Another writer, Pontederia, observ- ed that 304 bore to 365 days nearly the ratio of 5 to 6; of the six Romulian years containing 1524, five of them had 304 days. Sulpicius Severus,2 who is a warm advocate of the ten-month year, has made much use of this consideration. He thus explains the origin of the well-known quinquennal period called the lustrum, which Censorinus express- ly calls an annus magnus, that is, in the modern language of chronology, a cycle. Moreover, the year of ten months, says the same writer, was the term for mourning, for paying portions left by will, for credit on the sale of yearly profits; most probably for all loans; and it was the measure for the most ancient rate of interest. (Vid. Interest or Money.) Lastly, he finds in the existence of this short year the solution of certain historical difficulties. A peace or, rather, truce with Veii was concluded in the year 407 before Rome obtained 40 years. In 316, Fidenae revolted and joined Veii, which implies that Veii was already at war with Rome; yet the Veientines are not accused of hav- ing broken their oaths.3 Again, a twenty years' truce, made in 359, is said by Livy to have expired in 947.4 These facts are explained by supposing the years in question to have been those of ten months; for 40 of these are equal to 33 3/1 ordinary

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1. (Censorinus, c. 29.—2, c. 13.—3, (Macrobius, c. 15.—4, (Dion Natalini in Graecia's Theor, vol vii, 8, (Rat., Hist., vol. i, p. 271.—6, (c. 15, 7, (p. 379.—7, (Livy, iv, 17, 9, (iv, 58.)

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June is referred by the latter writer to the fact that the months originally began with the moon, and that June and Luna are the same goddess; and the poet likewise points at the same connexion in his explanation of June's epithet Luscia. Moreover, at Laurentum, Juno was worshipped as Juno Kalendars. Even so late as 448 B.C., strictly lunar months were still in use; for Dionysius* says that Appius, in that year, received the consular authority on the idea of May, being the day of full moon; for at that time, he adds, the Romans regulated their months by the moon. In fact, so completely was the day of the month which they called their Natale conscriba of priestly importance, that some derived the word dano roth etrusc, quod so die plenam speciem luna demonstrat.† Quietly to insert the word of plenam, when the Greek word signifies merely speciem, is in accordance with those loose notions which prevailed in all ancient attempts at etymology. But, though the derivation is of course groundless, it is of historical value, as showing how far connected with the term idea.

For the same reason, probably, the ides of March were selected for the sacrifice to the goddess Anna Perenna, in whose name we have nothing more than the feminine form of the word annus, which, whether written with one n or two, whether in its simple form annus or diminutive annus, still always means a year. The feminine form was easily adopted to denote the period of the sun's course, so the feminine, in like manner, might well be employed to signify, first, the moon's revolution, and then the moon herself. The tendency among the Romans to have the same word repeatedly, first, as a male, and then as a female deity, has been noticed by Niebuhr; and there occurs a complete parallel in Isis and Diana, after the days, for the god of dies, or light, the sun; Diana, afterward, Diana, for the goddess of light, the moon, to say anything of the words Jupiter and Juno. That the month of March should have been selected arose from its being the first of the year, and a sacrifice to the moon might well take place on the day when her power is fully displayed under the moon. The epithet Perenna itself means no more than ever-circling. Nay, Macrobius himself connects the two words with annus, when he states the object of the sacrifice to be, ut annare perennareque commodae licet.

Another argument in favour of the lunar origin of the Roman month is the deductable from the practice of counting the days backward from the kalends, nones, and ides; for the phrases will then amount to saying, "It wants so many days to the new moon, to the first quarter, to full moon." It would be difficult, on any other hypothesis, to account for the adoption of a mode of calculation, which, to our notions, at least, is so inconvenient; and, indeed, it is of late years, that the Roman month has been restored from Greece, under which term the Athenians probably are meant; and by these we know that a strictly lunar year was employed down to a late period.‡ But perhaps the most decisive proof of all lies in the simple statement of Livy, that Numa so regulated his lunar year of twelve months by the insertion of intercalary months, that at the end of every nineteen year it again coincided with the same point in the sun's course from which it started. His words are, "Quem (annum) intercalibus mensibus interponendis vix dispensavit ut vicesimo anno ad metum tandem solis under orsi sunt, pleni annorum mun.


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because editors, n support of a theory, have taken the liberty of altering it by the insertion of the word quarto, forgetting, too, that the words quarta et vicevima anna signify, not every twenty-fourth year, which their theory requires, but every twenty-third, according to that peculiar error of the Romans which led them to count both the extremes in defining the interval from one point to another, and which still survives in the medical phrases tertian and quartan ague, as well as in the French expressions huit jours for a week, and quinze jours for a fortnight. Accordingly, it is not doing violence to words, but giving the strict and necessary meaning to them, to reduce the words of Livy, which passage in Livy, we express vicevima anno by every nineteenth year.

Now 19 years, it is well known, constitute a most convenient cycle for the conjunction of a lunar and solar year. A mean lunation, or synodic month, according to modern astronomy, is 29d., 12h., 44° 3′, and a mean tropical year 365d., 6h., 48° 48′. Hence we believe that 235 lunations amount to 6999d. 16h., 31′ 45″, while 19 tropical years give 6999d. 14h., 27′ 12″, so that the difference is only 2h., 4′ 33″. Although it was only in the second century B.C. that Hipparchus gave to astronomical observations a nice which they could proceed to deal with (a valuation of the synodic month was 19 d.) at an attempt, therefore, to reconcile the length of the month of Rome, the Greek towns in the south of Italy must already have possessed astronomers, from whom the inhabitants of Latium could have borrowed such a rough practical knowledge of both the mean and the sun's period was as sufficient to show that at the end of 19 solar years the moon's age would be nearly what it was on the first day of the month; and it is reasonable to think that the name of Numa which is often connected by tradition with the learning of Magna Graecia. At any rate, a cycle of 19 years was introduced by Meton, at Athens, in the year 432 B.C.; and the knowledge of it among the learned may probably have preceded, by a long period, its introduction into popular use, the more so as religious festivals are generally connected with the various divisions of time, and superstition, therefore, would be most certainly opposed to innovations of this nature. How the Romans may have intercalated in their 19 lunar years the seven additional months which are requisite to make up the whole number of 355 (=12×19+4) lunations, is a subject on which we have seen, however, that From a union of these various considerations, it must be deemed highly probable that the Romans at one period possessed a division of time dependent upon the moon's course.

Year of the Decemviri (so called by Ideler).—The motives which induced the Romans to abandon the lunar year are nowhere recorded, nor, indeed, the most important, the date of the law of the Twelve Tribes, is brought down from Greece, under which term the Athenians probably are meant; and by these we know that a strictly lunar year was employed down to a late period. But perhaps the most decisive proof of all lies in the simple statement of Livy, that Numa so regulated his lunar year of twelve months by the insertion of intercalary months, that at the end of every nineteen year it again coincided with the same point in the sun's course from which it started. His words are, "Quem (annum) intercalibus mensibus interponendis vix dispensavit ut vicesimo anno ad metum tandem solis under orsi sunt, pleni annorum mun. spatis, dies congruentes. We quote the text. But perhaps the most decisive proof of all lies in the simple statement of Livy, that Numa so regulated his lunar year of twelve months by the insertion of intercalary months, that at the end of every nineteen year it again coincided with the same point in the sun's course from which it started. His words are, "Quem (annum) intercalibus mensibus interponendis vix dispensavit ut vicesimo anno ad metum tandem solis under orsi sunt, pleni annorum mun. spatis, dies congruentes. We quote the text.

2. (Philol., Altnac., iv., 2.)—9. (Macrobi., c. 13.)
Latin from the text of Macrobius, because their import is doubtful. If we are right in interpreting them thus, "the date upon which is expressed by a month called intercalary," all that is meant may be one of the intercalary lunations, which must have existed even in the old lunar year. At the period of the decennial legislation there was probably instituted that form of the year of 554 days, which was corrected by the short intercalary month called Macrodonitis or Macrodonis; but so corrected as to deprive the year and month of all connexion with the moon's course. The length of the several ordinary months was probably that which Censorinus has erroneously allotted to the months of Numa's lunar year, viz.: Martius 31 days. Aprilis 30 " 22 March 31 " Maius 31 " June 29 " Quintilis 31 " Sextilis 29 " Such, at any rate, was the number of days in each month immediately prior to the Julian correction; for both Censorinus and Macrobius say that Caesar added two days to Januarius, Sextilis, and December, and in place of them inserted two to September, and November. Hence Niebuhr appears to have made an error when he asserts 3 that July acquired two more days at the reformation of the calendar, and founds thereon a charge of carelessness against Livy. That November had but 29 days prior to the correction—in other words, that the XVII. Kal. Dec. immediately followed the Idus Nov., appears likewise, from a comparison of Cicero's letters to Tiro, for he reaches Corcyra a. d. V. Id. Nov., and on the XV. Kal. Dec. complains, "Septemnum jam diem enabumur." The seven days in question would be IV. Id. III. Id., Prid. Id., Id. Nov., XVII. Kal. Dec., XVI. Kal. Dec., XV. Kal. Dec. That the place of the nones and ides was in each month the same before the Julian correction as afterward, is asserted by Macrobius. The main difficulty is with regard to the mode of intercalation. Plutarch, we have already observed, speaks of an intercalation, by him referred to Numa, of 22 days in alternate years in the month of February. Censorinus, with more precision, says that the number of days in each intercalation was either 22 or 23, and Macrobius agrees with him in substance. When the intercalary month was inserted, the accounts are these: Varro says the twelfth month was February; and when intercalations take place, the last five days of this month are removed. Censorinus agrees herewith, when he places the intercalation generally (potissimum) in the month of February, between the Terminalia and the Regifugium, that is, immediately after the day called by the Romans a. d. VI. Kal. Mar., or by us the 23d of February. This, again, is confirmed by Macrobius. The setting aside of the last five days agrees with the practice which Herodotus ascribes to the Egyptians, of considering the five days over the 360 as scarcely belonging to the year, and not placing them in any month. So completely were these five days considered after the Festival of the Nones, that it would be something extraneous, that the soldier appears to have received them only for 360 days. For in the time of Augustus the soldier received dcnii asses per day, i. e., ½ of a denarius; but Domitian added quadrum stipendium aureos at the same terms. Thus, as 25 denarii made an aureus, the annual pay prior to Domitian was 360 x 10 = 3600 aurei, or 16 x 225 aurei = 9 aurei; and thus the addition of three aurei was precisely a fourth more. Lastly, the festival Terminalia, as its name implies, marked the end of the year; and this, by-the-way, again proves that March was originally the first month.

The intercalary month was called Mepaidwos. We give it in Greek characters, because it happened so strangely that not only an author has mentioned the name, the term memnis interkalaris or interkalarius supplying its place. Thus, in the year of intercalation, the day after the idea of February was called, not, as usual, a. d. XVI. Kalendas Martius, but a. d. XI. Kalendas interkalares. So, also, there were the Nona intercalares and Iulii intercalares, and after this last came either a. d. XV. or XVI. Kal. Mart, according as that month had 22 or 23 days; or, rather, if we add the five remaining days struck off from February, 27 or 28 days. In either case the Reginfugium retained its ordinary designation a. d. VI. Kal. Mart. 2 When Cicero writes to Atticus, "Accept tuas litteras a. d. V. Terminalia" (i. e., Feb. 19), he uses this strange mode of defining a date, because, being then in Cilicia, he was not aware whether any intercalation had been inserted that year. Indeed, he says, in another part of the same letter, "En sic observa quasi interkalatum non sit."

Besides the intercalary month, mention is occasionally made of an intercalary day. The object of this was solely to prevent the first day of the year, and perhaps also the nones, from coinciding with the nundinae, of which mention has been already made. Hence, in Livy, 4 "Intercalatum ex aenea postridie Terminalia intercalares fuerunt." This would not have been said had the day of intercalation been invariably the same; and, again, Livy, "Hoc anno intercalatum est. Tertio die post Terminalia Calendae intercalares fuerint," i. e., two days after the Terminalia, so that the dies intercalares was on this occasion inserted, as well as the month so called. Nay, even after the reformation of the calendar, the same superstitious practice remained. Thus, in the year 40 B.C., a day was inserted for this purpose, and afterward an omission of a day took place, that the calendar might not be disturbed. 4

The system of intercalating in alternate years 25 or 26 days, that is, of ninety days in eight years, was approved, we are told by Macrobius, from the Greeks; and the assertion is probable enough, first, because from the Greeks the Romans generally derived all scientific assistance; and, secondly, because the decennial legislation was avowedly deduced from that quarter. Moreover, at the very period in question, a cycle of eight years appears to have been in use at Athens, for the Metonic period of 19 years is often adopted before 492 B.C. The Romans, however, seem to have been guilty of some clumsiness in applying the science they derived from Greece. The addition of ninety days in a cycle of eight years to a lunar year of 354 days would, in substance, have amounted to the addition of 111 (= 90 + 8) days to each year, so that the Romans would virtually have possessed the Julian calendar. As it was, they added the intercalation to a year of 355 days, and consequently, every year exceeded its proper length by a day, if we neglect the inaccuracies of the Julian calendar. Accordingly, we find that the civil and solar years were greatly at variance in the year 564 A.U.C. On the 11th of Quintilis in that year, a remarkable
At the festivals of the Romans were for the most part dependant upon the calendar, the regulation of the latter was intrusted to the college of pontifices, who in early times were chosen exclusively from the body of patricians. It was, therefore, in the power of the college to add to their own means of oppressing the plebeians, by keeping to themselves the calendar, all would of course be dependent upon their favor. The passage which has induced the editors of Livy to insert the word *quarto* in the text already quoted, as

"... the three months which from the first possessed that number are still distinguished by the constellation of Lyra..."

appears to have been incorrectly quoted. It appears, however, from the last passage, that Atticus doubted the truth of the story. In either case, the other privilege of regulating the year by the insertion of an intercalary month gave them the power, which they were not backward to employ. Everything connected with the matter of intercalation was left, says Censorinus,4 to the unrestrained pleasure of the pontifices; and the majority of these, on personal grounds, added or took from the year by capricious intercalations, so as to lengthen or shorten the calendar. These months were long occupied, and seriously to benefit or injure the farmer of the public revenue. Similar to this was the language employed by Macrobius,4 Ammianus,5 Solinus,6 Plutarch,7 and their assertions are confirmed by the letters of Cicero, written during his proconsulate in Cilicia, the constant burden of which is that the pontiffs will not submit to his year of government by intercalation. In consequence of this license, says Suetonius,8 neither the festivals of the harvest coincided with the summer, nor those of the vintage with the autumn. But we cannot desire a better proof of the confusion than a comparison of three short passages, the first of which is taken from Macrobius, the second from Cicero, the third from Suetonius: 

"... from the new Januarsia navis solis, famque hieme adpropinquabat, multijam menses transirent et hiems jam praepativerat..."

Year of Julius Caesar.—In the year 46 B.C., Caesar, now master of the Roman world, crowned his other great services to his country by employing his authority, as pontifex maximus, in the correction of this serious evil. For this purpose he availed himself of the services of Sosigenes the peripatetic, and a scribe named M. Flavius, though he himself too, we are told, was well acquainted with astronomy, and, indeed, was the author of a work of some merit upon the subject, which was still extant in the time of Pliny. The chief authorities upon the subject of the Julian reformation are Phurtag,1 Dio Cassius,2 Appian,3 Ovid,4 Suetonius,5 Pliny,6 Censorinus,7 Macrobius,8 Ammianus Marcellinus,9 Silius,10 et alii.11 Of these, Censorinus is the most precise:

"... The calendar was for the first time reformed so far, that C. Caesar, the pontifex maximus, in his third consulate, with Lepidus for his colleague, inserted between November and December two intercalary months of 67 days, the month of February having already received an intercalation of 23 days, and thus made the whole year to consist of 445 days. At the same time, he provided against the repetition of similar errors by casting aside the intercalary month, and adapting the year to the sun's course. Accordingly, to the 355 days of the previously existing year, he added ten days, which he so distributed between the seven months having 29 days, that January, Sextillius, and December received each two each, the others but one; and these additional months, being called because they occur in the backward months, no doubt with the wish not to remove the various festivals from those positions in the several months which they had so long occupied. Hence, in the present calendar, although there are seven months of 31 days, yet the four months which from the first possessed that number are still distinguished by the constellation of Lyra, were inserted, having them on the fifth of the month. Lastly, in consideration of the quarter of a day, which he considered as completing the true year, he established the rule, that at the end of every four years a single day should be intercalated where the month had been hitherto inserted, that is, immediately after the Terminalia; which day is now called the Bisextilis..."

This year of 445 days is commonly called by theologists the year of confusion; but by Macrobius, more fitly, the last year of confusion. The kalends of January, of the year 708 A.U.C., fell on the 13th of October, 47 B.C. of the Julian calendar; the kalends of March, 708 A.U.C., on the 1st of January, 45 B.C. of the same. The second of the two intercalary months inserted in this year after November, mention is made in Cicero's letters.11

It was probably the original intention of Caesar to commence the year with the shortest day. The winter solstice at Rome, in the year 46 B.C., occurred on the 24th of December of the Julian calendar. His motive for delaying the commencement for seven days longer, instead of taking the following day, was probably the desire to gratify the superstition of the Romans, by causing the first year of the reformed calendar to fall on the day of the new moon, which is held to be the shortest day. The new moon occurred at Rome on the 1st of January, 45 B.C., at 6h. 16' P.M. In this way alone can be explained the phrase used by Macrobius: "*Amnum civilim Caesar, habitus ad lunam dimensionibus constitutum, edicto palam proposito publicis.*" This edict is also mentioned by Plutarch where he gives the anecdote of Cicero, who, on being told by some one that the constellation Lyra would rise the next morning, "Yes, no doubt, in obedience to the edict."

The mode of denoting the days of the month will

1 (Livy, xxvii. 4. 2—xxviii. 37. 3. (Macrobi. c. 18. 4.) [ib. 46.—Cic. Pro Mur. c. 11.—Plin. H. N. xxvii. 1. Val. Mar. 5.—A. Spil. vi. 9.—Macrobi. 1. 15.—Pomponius. De Origine Jan. in Digesta. I. 11. 2.—Cicero ad Att. vi. 1.—c. 35.)—f. (xxvii. 7. 12.—c. 59.—9. (Jul. 50.—) (Jul. 40.)—11. (c. 51.—12. (c. 53.)
2 (De Bell. Civ. c. 60.—a. xii. 26.—3. (De Bell. Civ. c. 61.—a. exx. 1.—f. (Hist. iii. 155.—f. (Jul. 40.)—6. (Hist. iv. 76.—7. (c. 50.)—8. (Sat. i. 14.—g. (xxvii. 10.—h. 45.—i. (Ad Fam. vi. 14.—j. 195
cause no difficulty, if it be recollected that the kalends always denote the first of the month, that the nones occur on the seventh of the four months March, May, Quintilis or July, and October, and on the fifth of the other months; that the ides always fall eight days later than the nones; and, lastly, that the intermediate days are in all cases reckoned backward, upon the Roman principle already explained of counting both extremes.

For the month of January the notation will be as follows:


The letters a. d. are often, through error, written together, and so confounded with the prepositional ad, which would have a different meaning, for ad kalendas would signify by, i. e., on or before the kalends. The letters are in fact an abridgment of ante diem, and the full phrase for “on the second of January” would be ante diem quantum nonas Januarii. The word ante in this expression seems really to belong in sense to nonas, and to be the cause why nonas is an accusative. Hence occur such phrases as in ante diem quantum Kal. Decemb. distulit, “he put it off to the fourth day before the kalends of December,” Is dies erat ante diem V. Kal. Apr., and ante quem diem iturus sit, for quo die. The same confusion exists in the phrase post paucis diebus, which means “a few days after,” and is equivalent to post quatuor diebus. Whether the phrase Kalenda Januarii was ever used by the best writers is doubtful. The words are commonly abbreviated; and those passages where Aprilis, Decemberis, &c., occur, are of no avail, as they are probably inaccuracies. The ante may be omitted, in which case the phrase will be die quarto nononum.

In the leap year (to use a modern phrase), the last days of February were called:

Feb. 23. a. d. VII. Kal. Mart.
Feb. 25. a. d. VI. Kal. Mart. priorem.
Feb. 27. a. d. IV. Kal. Mart.
Feb. 28. a. d. III. Kal. Mart.

In which the words prior and posterior are used in reference to the retrograde direction of the reckoning. Such, at least, is the opinion of Ideler, who refers to Celsus in theDigests.4

From the fact that the intercalated year has two days called ante diem sextum, the name of bissextile has been applied to it. The term annus bissextialis, however, does not occur in any writer prior to Beda, but, in the place of it, the phrase annum bissecutum.

It was the intention of Caesar that the bissextile should be inserted peracto quadraniis circuitu, as Censorinus says, or quinto quinto inceptor anno, to use the words of Macrobius. The phrase, however, which Caesar used seems to have been quarto quarto anno, which was interpreted by the priests to mean every third year. The consequence was, that in the year 8 B.C., the Emperor Augustus, finding that three more intercalations had been made than was the intention of the law, gave directions that for the next twelve years there should be no bissextile.

The services which Caesar and Augustus had conferred upon their country by the reformation of the year seems to have been the immediate cause of the compliment paid to them by the insertion of their names in the Kalendas. Julius was substituted for Quintilis, the month in which Caesar was born, in the second Julian year, that is, the year of the dictator’s death; for the first Julian year was the first year of the corrected Julian calendar, that is, 45 B.C. The name Augustus, in place of Sextilis, was introduced by the emperor himself, at the time when he rectified the error in the mode of intercalating; anno Augustano xx. The first year of the Augustan era was 27 B.C., viz., that in which he first took the name of Augustus, se v. c. M. Vipsania Agrippa Gruter's.

It has been in September, but gave the preference to the preceding month, for reasons stated in the senatus consultum, preserved by Macrobius.4 Whereas the Emperor Augustus Caesar, in the month of Sextilis, was first admitted to the consulate, and the state entered 1590, in the first month the legions from the Janiculum placed themselves under his auspices, and in the same month Egypt was brought under the authority of the Roman people, and in the same month an end was put to the civil war; and whereas, for these reasons, the said month is, and has been, most fortunate to this empire, it is hereby decreed by the senate that the said month shall be called Augustus. A plebiscitum to the same effect was passed on the motion of Sextus Parvus, tribune of the plebs.

The month of September in like manner received the name of Germanicus from the general so called, and the appellation appears to have existed even in the time of Macrobius. Domitian, too, conferred his name upon October, but the old word was restored upon the death of the tyrant.

The Fasti of Caesar have not come down to us in their entire form. Such fragments as exist may be seen in Gruter’s Inscriptiones, or more completely in Poggini’s, Fastorum Anni Romani...religiae. See also some papers by Ideler in the Berlin Transactions for 1822 and 1833.

The Gregorian Year.—The Julian calendar supposed to have been in use from 45 B.C. to A.D. 1582. But this, as we have already seen, exceeds the real amount by 11’ 12”, the accumulation of which, year after year, caused, at last, considerable inconvenience. Accordingly, in the year 1582, Pope Gregory the XIIIth., assisted by Aloysius, Lilius, Christoph Clavius, Petrus Ciacconius, and others, again reformed the calendar. The ten days by which the year had been unfairly retarded were struck out by regulation that the ten days after the Kalends of October in that year should be called the fifteenth; and it was ordered that, whereas hitherto an intercalary day had been inserted every four years, for the future three such intercalations in the course of four hundred years should be omitted, viz., in those years which are divisible without remainder by 100, but not by 400. Thus, according to the Julian calendar, in years 1700, 1800, 1900, etc., the Kalends of January should be on the 1st, 2d, 3d; but by the regulation of Gregory, the years 1700, 1800, and 1900, were to receive no intercalation, while the years 1600 and 2000 were to be bissextile as before. The bull which effected this change was issued Feb. 24, 1582. The fullest account of this correction is to be found in the work of Clavius, entitled Roman

1. (Cic.) Phil., iii., 8.—2. (Cass.) Bell. Gall., i., 6.—3. (Cass.) Bell. Civ., i., 11—4. (Sth., Hist. 16, s. 98.)
CALENDAR.

Calendaria a Gregorio XIII. P. M. restituti Explication. As the Calendarian calendar has only 97 leap-years in a period of 400 years, the mean Gregorian year is \( \frac{365 \times 365 + 97 \times 366}{400} \), which is, 365.2425 days, or 24" more than the mean tropical year. This difference, in sixty years, would amount to 24", and in 60 times 60, or 3600 years, to 24 hours, a day. Hence the French astronomer, Delambre, has proposed that the years 3600, 7200, 10,800, and all multiples of 3600, should not be leap-years. The Gregorian calendar was introduced into the greater part of Italy, as well as in Spain and Portugal, on the day named in the bull. Into France, two months after, by an edict of Henry III., the 9th of December was followed by the 20th. The Catholic parts of Switzerland, Germany, and the Low Countries adopted the correction in 1550, Poland in 1556, Hungary in 1557. The Protestant parts of Europe resisted what they called a papis- tical invention for more than a century. At last, in 1700, Protestant Germany, as well as Denmark and Holland, allowed reason to prevail over prejudice, and the Protestant cantons of Switzerland copied their example the following year.

In England, the Gregorian calendar was first adopted in 1752, and in Sweden in 1753. In Russia, and those countries which belong to the Greek Church, the Julian year, or old style as it is called, still prevails.

In this article free use has been made of Ideler's work Lehrbuch der Chronologie. For other in- formation connected with the Roman measurement of time, see Clepsydra, Dies, Hora, Horologia, Lostrum, Nundinae, Sacrarium, Sidere.

The following Calendar, which gives the rising and setting of the stars, the Roman festivals, &c., is taken from an article on the Roman Calendar in Pauly's Recht-Encyclopedia der Alterthumswissenschaft. It has been principally compiled from Ovid's Fasti, Columella, and Pliny's Natural History. The letter O signifies Ovid, C. Columella, P. Pliny; but when C. is placed immediately after the date, it signifies a day on which the Comitia were held.

**JANUARIUS.**

| A. 1 Jan. Kal. | F. 22 XI. C. Fidicula vesperi occidit, dies phliuvis. C. |
| B. 2 IV. F. | G. 23 X. Lync occidit. O. |
| C. 3 III. C. Cancer occidit. | H. 24 IX. C. Leonis, que est in pectore, clara stella occidit. O. Ex occasu pristini sideris significat temporatem; inter dum etiam tempesatas. C. |
| E. 5 Non. F. Lyrae oritur. O. et P. tempesatae significat. O. Attiane et finitionis regionibus aquila vesperi occidit. |
| F. 6 VIII. F. | B. 26 VII. C. |
| G. 7 VII. C. | C. 27 VI. C. Leonis, que est in pectore, clara stella occidit, nonnullaque significatibus bi dampartin. C. |
| H. 8 VI. C. Delphinii vespertinae occasus continuo dies hiemant Italiae. Pl. | D. 28 V. C. Auster, aut africis, hiematis pluvios dies. C. |
| A. 9 V. A. Agon. Delphinus oritur. O. | E. 29 IV. F. |
| B. 10 IV. C. Media hiematis. O. | F. 30 III. N. Delphini incipit occidere, item Fidicula occidit. C. |
| D. 12 Prid. C. | **FEbruARIUS.** |
| F. 14 XVI. N. Corvus, Crater, et Anguis orienta. O. | A. 2 IV. N. Lyra et medius leo occidunt. O. |
| G. 15 XV. N. Delphini occidit. O. Fidis tota et Leo medius occidit. Corus aut septentrio, nonnullaque favonius. C. |
| H. 16 XIV. N. A. Prid. C. Aquilae oritur. O. |
| B. 17 XIII. C. | D. 12 Prid. C. |
| D. 20 XIII. C. | F. 14 XVI. N. Corvus, Crater, et Anguis orienta. O. Vesperi Crater oritur. venti mutatio. C. |
| F. 21 XII. C. | G. 16 XIV. En. Venti per sex dies vehementiam fluit. Sol in Piscibus. O. |
| H. 23 X. Lync occidit. O. | A. 18 XII. C. |
| I. 22 XI. C. | B. 19 XI. C. |
| J. 21 X. C. Leo desinit occidere; venti ac tentrationales, qui dicuntur ornithiae, per dies trigintaesse solent; tum et hirundo advenit. |
| K. 20 IX. C. Leo desinit occidere; tentrationales, qui dicuntur ornithiae, per dies trigintaesse solent; tum et hirundo advenit. |
| L. 19 VIII. C. Sol in Aquario. O. et P. Cancer desinit occidere; hiematis. C. |
| M. 18 XVII. C. Sol in Aquario. O. Leo Incipit occidere; africus, interdum auster cum pluvia. C. |
| N. 17 XVI. C. Sol in Aquario. O. et P. Cancer desinit occidere: hiematis. C. |
| O. 16 XV. C. Aquarissae incipit oriri, ventus africis tempesstatis significat. C. |
| P. 15 XIV. C. Aquarissae incipit oriri, ventus africis tempesstatis significat. C. |
| Q. 14 XIII. C. | E. 22 VIII. C. Sagitta crepuscula incipit oriri; ventus australis; haloezone dies vacuantur. C. |
| S. 12 XI. C. | G. 24 VI. Regali N. |
| T. 11 X. C. | H. 25 V. C. |
| U. 10 IX. C. | A. 26 IV. En |
CALENDAR.

C. 28 Prid. C.

MARTIUS.
E. 2 VI. F.
F. 3 V. C. Alter e Piscibus occidit. O.
G. 4 IV. C.
H. 5 III. C. Aretophylax occidit. Vindemiator oritur. O. Cancer oritur Cassari. P.
B. 7 Non. P. Pegasus oritur. O.
C. 8 VIII. N. Corona oritur. O. Piscis aquilinius oritur. P.
D. 9 VII. C. Orion oritur. In Attica Milvis apparece servatur. P.
E. 10 VI. C.
F. 11 V. C.
G. 12 IV. C.
H. 13 III. En.
C. 16 XVII. F. Scorpio medius occidit. O. Nepa occidit, hie mat. C.
E. 18 XV. N. Sol in Aretie. O. Italia Milvis ostenditur. P.
F. 19 XIV. Quin. N.
G. 20 XIII. C.
H. 21 XII. C. Equus occidit mane. C. P. sepentarionales venti. C.
A. 22 XI. N.
C 24 IX. Q. Rex C. F. Hoc et sequenti die æquinocium umrum tempus eventum significat. C.
D. 25 VIII. C. æquinocium umrum. O. P.
E. 26 VII. C.
G. 28 V. C.
H. 29 IV. C.
A. 30 III. C.
B. 31 Prid. C.

APRILIS.
C. 1 Apr. Kal. N. Scorpio occidit. O. Nepa occidit mane, tempus eventum significat. C.
D. 2 IV. C. Pleiades occidunt. C.
E. 3 III. C. In Attica Vergilius vesperi occiduntur. C.
G. 5 Non. Ludi. Favonius aut auster cum granicie. C. Cassari et Chaldies Vergilius occidatur vesperi. Ægypto Orion et Gaidius ejus incepti abscendi. P.
A. 7 VII. N. Ludi. Hoc die et duibus sequentibus australi et afridi, tempus eventum significat. C.
B. 8 VI. N. Ludi. Significatur imber Librae occassu. P.
C. 9 V. N. Ludi.
D. 10 IV. N. Ludi in Cir.
E. 11 III. N. Ludi.

F. 13 Prid. N. Ludi Ceres. Suculce celaturn hie mat. C.
G. 13 Id. Np. Libra occidit: hie mat. C.
H. 14 XVII. N. Ludi. Ventosa tempestas et imbres, nec hie constantur. C.
B. 16 XVI. N. Ludi. Suicole occident vesperi Attice. P.
D. 18 XIV. N. Ludi. Suicole se vesperi celant: plurimam significat. C. Ægypto suiculae occidatur vesperi. P.
E. 19. XIII. C. N. Ludi in Cir. Sol in tauro.
O. 20 XII. N. Assyriae Suiculae vesperi oritur. C.
F. 21 XI. Par. Np. Ver bipartitur, pluvia et nonnumquam grandio. C.
G. 22 X. N. Vergilius cum Sole orientur. Aries vel auster: dies humidad. C.
B. 24 VIII. C. Palladium sidus oritur Cassari. P.
D. 26 VI. Boeotiae et Atticae Canis vesperi occidatur. Fidicula mane oritur. P.
E. 27 V. C. Assyriae Orion totus absconditur. P.
F. 28 IV. Np. Ludi flor. Auster fere cum pluvia. C.
G. 29 III. C. Ludi. Mane Capra exoritur, australius dies, interdum pluvia. O. Assyriae totus Canis absconditur. P.

MAIUS.
A. 1 Mai. Kal. N. Capella oritur. C.
C. 3 V. C. Centaurus oritur. O. Centaurus totus appareat, tempus eventum significat. C.
D. 4 IV. C.
E. 5 III. C. Lyra oritur. O. Centaurus pluviam significat. C.
F. 6 Prid. C. Scorrleo medius occidit. O. Nepa medius occidit, tempus eventum significat. C.
G. 7 Non. N. Vergilius exoritur mane; in volvium. C.
H. 8 VIII. F. Capella pluvialis orientur Cassari Ægypto vero eodem die Canis exoritur. P.
A. 9 VII. Lemb. N. Æstatis inimi, favonius aut corus, interdum etiam pluvia. C.
B. 10 VI. C. Vergilius tota apparent; favonius aut corus: interdum et pluvia C. Vergiliarum exoritus. C.
C. 11 V. Lemb. N. Orion occidit. O. Arectus occidit matitudo Cassari tempus eventum significat. P.
D. 12 IV. Np. Ludi Mart. in Cir.
E. 13 III. Lemb. N. Pleiades orientur. Æstatis initium. O. Fidis mane oritur
CALENDAR.

r. 14 Prid. C. Taurus oritur. O.
G. 15 Id. Np. Fidius mane exercitabat. aut eurynotus interdum. dies humidas. C.
H. 16 XVII. P. A. 17 XVI. C. Hoc et sequenti die eurynotus vel auster cum pluvia. C.
B. 18 XV. C.
C. 19 XIV. C. Sol in Gemini. O. et C.
D. 20 XIII. C.
F. 22 XI. N. Hoc et sequenti die Arcturus mane occidit; tempestatatem significat. C. Orionis Gladius occidit inercit. P.
H. 24 IX. Q. Ros. C. F.
A. 25 VIII. C. Aquila oritur. O. Hoc die et bido sequenti Capra mane exercitabat, septentrionales venti. C.
B. 26 VII. C. Arctophylax occidit. O.
C. 27 VI. C. Hyades orinantur.
D. 28 V. C.
E. 29 IV. C.
F. 30 III. C.
G 31 Prid. C.

JUNIUS.

B. 3 III. C. Cassari et Assyrie Aquila vesperis oritur. P.
C. 4 Prid. C.
D. 5 Non.
E. 6 VI. N. Arcturus matutino occidit. P.
F. 7 VII. N. Arctophylax occidit. O. Arcturus occidit, favonius aut corus. C.
G. 8 VI. N. Menti. in capite Delphinus vesperis exercitabat. P.
H. 9 I. Vest. N. Per.
A. 10 IV. N. Delphinus vesperi oritur. O. et C. et P. Favonius, interdum rotat. C.
B. II III. Mat. N.
C. 12 Prid. N.
D. 18 Id. N. Calor incipit. C.
E. 14 XVIII. N.
F. 15 XVII. Q. St. D. F. Hyades orientabat. O. Gladius Orionis exercitabat. P.
G. 16 XVI. C. Zephyrus mat. Orion oritur. O.
H. 17 XV. C. Delphinus totus apparat. O.
A 18 XIV. C.
C. 20 XII. C. Summano ad Circ. Max. Ophiuchus oritur. O.
D. 2 XI. C. Anguisfer, qui a Graecia dictus 'Ophiophagus', mane occidit, tempestatatem significat. O.
E. 22 X. C.
F. 23 IX. C.
G. 24 VIII. C. Hoc et bido sequenti solstitium, favonius et calor. C. Longissima dies totius anni et non brevissima solstitium conficiunt. T.

H. 25 VII. C.
A. 26 VI. C. Orionis Zona oritur: solstitium. O. Orion exercitabat Cassari. P.
B. 27 V. C.
C. 28 IV. C.
D. 29 III. C. Ventosa tempestatem. C.
E. 30 Prid. P.

JULIUS.

F. 1 Jul. Kal. N. Favonius vel auster et calor. O.
G. 2 VI. N.
H. 3 V. N.
B. 5 III. Pop. N. Chaldaic Corona occidit matutino. Atticae Orion die ex oritur.
C. 6 Prid. N. Ludi Apollin. Cancer medius occidit, calor. C.
D. 7 Non. N. Ludi.
E. 8 VIII. N. Ludi. Capricornus medius occidet.
F. 9 VII. N. Cepheus vesperis exercitabat, tempestatatem significat. C.
H. 11 V. C. Ludi.
A. 12 IV. Np. Ludi.
B. 13 III. C. Ludi in Circ.
C. 14 Prid. I. Merk. Egyptiis Orient desinit exercitiori. P.
D. 15 Id. Np. Merk. Procyon exercitabat, tempestatatem significant. C.
E. 16 XVII. P. Merk.
F. 17 XVI. C. Assyriæ Procyon exercitabat. P.
G. 17 XV. C. Merk.
B. 21 XII. C. Lucar. Ludi.
C. 22 XI. C. Ludi.
D. 23 X. Nept. Ludi. Prodromi in Italia sen- tirur. P.
E. 24 IX. N. Ludi. Leonis in pectore clara stella exercitabat, interdum tempestatatem significat. C.
G. 26 VII. C. Ludi. Canicula apparebat; caligo clarae insubisci. C.
H. 27 VI. C. In Circ. Aquila exercitabat. C.
A. 28 V. C. In Circ.
B. 29 IV. C. In Circ. Leonis in pectore claræ stellae exercitabat, interdum tempestatatem significat. C.
C. 30 III. C. In Circ. Aquila occidit, signifi- cat tempestatatem. C.
D. 31 Prid. C.

AUGUSTUS.

E. 1 Aug. Kal. N. Etesiae. C.
F. 2 IV. C. Fer.
G. 3 III. C.
H. 4 Prid. C. Leo medius exercitabat; tampestatatem significant. C.
A. 5 Non. F.
B. 6 VIII. F. Arcturus medius occidit. P.
C. 7 VII. C. Aquarius occidit medius. Nebulosus estus. C.
D. 8 VI. C. Vera ratione autumni initium Fidecule occasus. P.
E. 9 V. Np.
F. 10 IV. C.
CALENDAR.

G. 11 III. C. Fidicula occasus suo autumnum inchoat Caesaris. P.
H. 12 Prid. C. Fidis occidit mane et autumnus incepta. C. Attice Equus oriens tempestatem significat et vesperi Egipto et Caesaris Delphinus occasus.
A. 13 Id. Np. Delphini occasus tempestatem significat. C.
B 14 XIX. F. Delphini matutinus occasus tempestatem significat. C.
C 15 XVIII. C. D. 16 XVII. C.
C. 31 Prid. C. Andromeda vesperi oritur, interdum hiemat. C.

SEPTEMBER.

tice Arcturus matutino exoritur et Sagitta occidit mane. P.
A. 6 VIII. F. Ludi. B. 7 VII. C. Ludi. Ficac aquilinus desinit incidere et Capra exoritur, tempestatem significat. C.
C. 8 VI. C. Ludi. D. 9 V. C. Caesaris Capella oritur ves- peri. P.
G. 12 Prid. N. Ludi. Arcturus oritur medius vehementissimo significato terra marique per dies quinque. P.
H. 13 Id. Np. Ex pristino sidere nonnunquam tempestatem significat. C.
A. 14 XVIII. F. Equirr. Prob. B. 15 XVII. N. Ludi Rom. in Circ. C. 16 XVI. In Circ. Egipto Spicia, quam tenet Virgo, exoritur matutino Ete-
sieque desinent. P.
D. 17 XV. C. In Circ. Arcturus exoritur, fa-
vonius aut africus, interdum eurus. C.
E. 18 XIV. C. In Circ. Spica Virginis exoritur, favorius aut eurus. C. Spica Ca-seari oritur. P.

CALENDAR.

F. 19 XIII. C. In Circ. Sol in Librarn tran-
situm facit. Crater matutino tem-
pore appareat. C.
an. Item Aries occidere incepti, fav-
ionius aut eurus interdum auster cum imbris. C. Caesari commissura Piscium occidit. P.
A. 22 X. C. Merk. Argo navis occidit, tem-
pesatem significat, interdum etiam pluviam. C.
B. 23 IX. Np. Merk. H. D. Augusti natalia. Ludi Circ. Centaurus incepti mane oriri, tempestatem significat, inter-
dum et pluviam. C.
C. 24 VIII. C. Equo nocturnum autumnale hora die et biduo sequenti notat Columella, Plinius hoc die.
D. 25 VII. C. E. 27 VI. C. F. 27 Hoedi exorinuntur, favonius, nonnun-
quam auster cum pluvia. C.
G. 28 IV. Virgo desinit oriri, tempestatem sig-
ificat. C. Capella matutina ex-
oritur, vestigialis, quod est in genu, Philippus, Calippo, Dicto, Parmenisco, Conone, Crito, De-
mocto, Euadoxo, Ione. P.
H. 29 III. F. Hoedi orinuntur itisdem consent-
etibus. P.
A. 30 Prid. C.

OCTOBER.

C. 2 VI. F.
D. 3 V. C.
E. 4 IV. C. Auriga occidit mane. Virgo de-
sinit incidere: significat nonnun-
quam tempestatem. C.
F. 5 III. C. Corona incepti exoriri, significat tempestatem. C.
G. 6 Prid. C. Hoedi orinuntur vesperi. Aries medius occidit: aquilo C.
H. 7 Non. F.
A. 8 VIII. F. Corona clara stella exoritur. C.
C. Caesaris fulgens in Corona stella oritur. P.
B. 9 VII. F.
C. 10 VI. C. Vergilii exorinuntur vesperi; fa-
vonius et interdum africus cum plu-
via. C.
D. 11 V. Meditr.
F. 13 III. Pont. Np. Hoc et sequenti die Co-
rona tota mane exoritur, auster hi-
bernus et nonnunquam pluvia. C. 
Vergilii vesperi orinuntur. P.
G. 14 Prid. En.
H. 15 Id. Np. Hoc die et sequenti biduo inter-
dum tempestas, nonnunquam cat-
C. Corona tota oritur. P.
A. 16 XVII. F.
B. 17 XVI. C.
C. 18 XV. C.
D. 19 XIV. Arm. Np. Sol in Scorpionem trans-
itus in Libran facit. C.
E. 20 XIII. C. Hoc et sequenti die Solis exor-
Vergilii incepti incidere, tem-
pesatem significat. C.
F. 21 XII. C.
G. 22 XI. C.
H. 23 X. C.
A. 24 IX. C.
B. 25 VIII. C.
CALIGA.

middle of the vessel there is a small cylindrical
burse, in which the wood or charcoal was kept for
heating the water; and at the bottom of this burse
there are four small holes for the ashes to fall
through. On the right-hand side of the vessel there
is a kind of cup, communicating with the part sur-
rounding the burse, by which the vessel might be
filled without taking off the lid; and on the left-hand
side there is, in about the middle, a tube with a cock
for drawing off the liquid. Beneath the conical
cover, and on a level with the rim of the vessel,
there is a movable flat cover, with a hole in the
middle, which closes the whole urn except the
mouth of the small burse.

Though there can be no doubt that this vessel
was used for the purpose which has been men-
tioned, it is difficult to determine its Latin name; but
it was probably called authemia. (Vid. Authemph.)
Pollex mentions several names which were applied
to the vessels used for heating water, of which the
πυθολέβη, which also occurs in Lucian, appears to
answer best to the vessel which has been described
above.

*CALIDRIS (καλίδρης), the name of a bird men-
tioned by Aristotle. Belon conjectures that it was
a bird called Cheedar by the French. The term
Calidris is now applied to the Red-sshank.

CALIGA, a strong and heavy sandal worn by the
Roman soldiers.

Although the use of this species of calceamentum
extended to the centurions, it was not worn by the
superior officers. Hence the common soldiers, in-
cluding centurions, were distinguished by the name

I. (Plint., Curs., ii., iii.,—Trin., iv., iii.,—Rudn., vi.,
65.—2. (Darr., tr. 6.)—3 (vol. ii., p. 62.)—4 (x., 62.)—5
(Lexiph., v.)—6. (Widiger, Sabina, i., p. 86.—Rockers, Gallus,
vol. i., p. 175)
CALOUPUS, CALOPODITUM. (Vid. Forma.)

CALUMNIA. "Calumniiarii is defined by Marcian as "persona qui crimina intenderet," a definition which, as there given, was only intended to comprehend criminal matters. The definition of Paulus 1, applies to matters both criminal and civil: "Calumnianus est qui sciens praesumusque per fraudem negatum aliqui eum comparat." Cicero 2 speaks of "calumnia," and of the "nimes calida et malitious juris interpretation," as things related. Gains says, "Calumnia in adesta causae abesse est; sed criminale verum unius ad singulas victimas a quo usque ad socia to the soldiers: since, however, they probably furnished them with provisions and necessaries, to the soldiers, it seems not unlikely that their application may have some allusion to this circumstance. 3

CALOUPUS, CALOPODITUM. (Vid. Forma.)

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According to Marcian, as above quoted, the punishment for calumnium was fixed by the lex Remnia, or, as it is sometimes, perhaps incorrectly, named the lex Remnia. But when this lex was passed, nor what were its penalties. It appears from Cicero 3 that the false accuser might be branded on the forehead with the letter K, the initial of Kalumnia; and it has been conjectured, though it is a mere conjecture, that this punishment was inflicted by the lex Remnia.

The punishment for calumnium was also exsul, relegation in insula, or loss of rank (ordinem asexisio); but probably only in criminal cases, or in matters relating to status. 4

In the case of actions, the calumnia of the accuser, was checked by the calumniae judicium, the judicium contrarium, the jusjurandum calumniae, and the restitutio, which are particularly described by Gaius. 5 The defendant might in all cases avail himself of the calumniae judicium, by which the plaintiff, if he were found to be guilty of calumnia, was mulcted to the defendant in the value of the object-matter of the suit. But the actor was not mulcted in this action, unless it was shown that he brought his suit without foundation, knowingly and designedly. In the contrarium judicium, of which the defendant could only avail himself in certain cases, the rectitude of the plaintiff's purpose did not save him from the penalty. Instead of being mulcted, the defendant in the value of the object-matter of the suit, or the defendant might put the plaintiff to the oath of calumnia, which was to the effect, "Se non calumnia causa agere." In some cases the defendant also was required by the praetor to swear that he did not dispute the plaintiff's claim. calumnia causa. Generally speaking, if the plaintiff put the defendant to his oath of calumnia, and the defendant might put the plaintiff to his oath of calumnia. In some actions, the oath of calumnia on the part of the plaintiff was a necessary preliminary to the action. In all judicia publica, it seems that the oath of calumnia was required from the accuser.

If the restitutio poena was required from the actor, the defendant could not have the benefit of the calumniae judicium, or of the oath of calumnia; and the judicium contrarium was not applicable to such cases.

Persons who for money either did or neglected to do certain things, calumniae causa, were liable to certain actions.

OCA (.pointer, lance) or CAMEREA is used in two different senses:

I. It signifies a particular kind of arched ceiling in use among the Romans, and, most probably, common also to the Greeks, to whose language the word belongs. It was formed by semicircular bands or beams of wood, arranged at small lateral distances, over the walls, and by means of them the whole, and the whole covered in by a roof, resembling in construction the hipped awnings in use among us, or like the segment of a cart-wheel, from which the expression rotatio camarae is derived. Subsequently to the age of Augustus, it became the fashion to line the camarae with plates of glass; and they are called camarae vetustae. II. Small boxes used in early times by the people who inhabited the shores of the Palus Matucus, capable of containing from twenty-five to thirty men, were termed καιδας by the Greeks. They were made to work fore and aft, like the fast-sailing pros of the Indian seas, and continued in use until the age of Tacitus, by whom they are still named kamarae veteres, by whom their construction and uses are described.

*CAMEL JPsardais (καμελοπαρδαίς), the Camelopard or Giraffe, the Giraffa Camelopardalis, L. "The name Giraffa," observes Lt. Col. Smith, "is derived from the Arabic zuwarphala, which is itself corruputed from Amharir zirakula; and the Romans, who have seen this animal in several times exhibited from the period when Julius Caesar first described one to the people, described it under the name of Camelopardalis, on account of its similarity to the Camel in form, and to the Panther or


CAMELUS. CAMPUS MARTIUS.

اردinis in spots. This beautiful animal is noticed by Oppian,1 Diodorus Siculus,2 Horace,3 Strabo,4 and Pliny;5 but the first satisfactory description is found in the *Ethiopica* of Heliodorus.6 Schneider follows Pallas in referring the *nāpadwas* of Aristotle7 to this same animal. Modern naturalists have known the Giraffe only since Mr. Patterson, of Gordon, and M. le Vaillont found it in South Africa; but as the Romans were acquainted with the animal, it must have existed to the north of the equinoctial line. It would appear, moreover, that a variety or second species is found in Central Africa; for Park, in describing his escape from captivity among the Moors, noticed an animal of a gray color, which he refers to the word *Camelus,* or the same animal as the wild Camel of the mountains, the existence of which has been attested by several negroes brought from the interior, and in the Prenestine Mosaics, where two spotted Camelopardales are seen together; a larger animal is likewise represented, with short horns, but without spots, and the name TABOUC written over. In a drawing of the same mosaic, the word *Camelus* is seen, and apparently, this animal has been PA-

ΦΟUC. It is remarkable, that while the spotted figures are without a name, the animal in question, occupying that part of the picture which designates the Cataracts of the Nile, should be called by the Ethiopian appellation of the Camelopard, which, according to Pliny, was Nābas, resembling the Hotentot Naip; or, by the second reading, be like the Arabian, or, as one says—like the Giraffe from Europe for three centuries and a half naturally induced a belief that the descriptions of this animal were fabulous, or nearly so, and that a creature of such extraordinary height and apparent disproportions was not to be found among the actual works of nature. This skepticism was first shaken by Le Vaillant, the traveller, and is now completely removed.8

*CAMELUS* (καμηλος), the Camel. As Buffon remarks, Aristotle has correctly described the two species of Camel, which he calls the Bactrian and the Arabian, the former being the *Camelus Bactri-

anuS,* L., or the Camel with two hunches, one on the shoulders, and the other on the croup; and the latter the *Camelus Græcus,* or the Camels, with only one hunch, and of which the Dromedary, properly so called, is a breed. The Dromedary of the Greeks is the Mahairy, and is the most celebrated for speed. "The name by which these animals are generally known in Europe is evidently derived from an Eastern root, namely, *Djemel* of the Arabs, *Gomai* or *Gimal* of the Hebrews, and points out the quarter where they have been domesticated from a period anterior to all historical documents. Although the Greek and Roman writers take universally as little notice of the Camel as an inhabitant of North Western Africa or Egypt, as they speak repeatedly of him in Syria, Arabia, and the rest of Western Asia, we may easily infer, from a consideration of the peculiar structure of this animal, that the primitive habitat of the genus was on the sandy deserts of the Sahara, as well as the plains of Arabia, Persia, the Indies, and Southern Tartary. The silence of profane writers, however, is compensated by the Sacred Writings. In Genesis, the King of Egypt is mentioned as having bestowed Camels upon Abram; consequently, their presence in the valley of the Nile is established before the era of the earliest Greek or Roman writers. And yet it is a singular fact, that the Camel is not rep-

resented in the hieroglyphics, either in domestic scenes or in subjects relating to religion. In all obvious cases, the intelligence of man may be considered as acting in unison with the intentions of Nature; now, as this sagacity to appreciate his own interest is a most important part of the warlike spirit, the Camel over India, China, and Middle Russia, it is certainly rather surprising that the Romans, in their frequent wars in Northern Africa, should not have found them of sufficient importance to be mentioned, till Procopius first notices camel-riding Moors in arms against Solomon, the lieutenant of Belisarius: from that period, and most particularly during the progress of the sword of the Koran in Morocco, the Camel is the most striking, and considered the most useful animal in the country. It is probable that this animal increased in proportion as agriculture diminished; at least the two facts are coeval. With the Koran, also, the Camel first crossed the Bosphorus, and spread with the Turks over their present dominions in Europe.9

*CAMMARUS* (καμμαρος or -ος), a variety of the Caro, or Scimitar, as it is called. It is the common Lobster, the *Carus marinus* of Pliny, and the *Cancer Carenus* of Linnaeus. Aristotle, in the second chapter of the fourth book of his "History of Animals," gives a most faithful and elaborate account of this species, which is still an inhabitant of the Mediterranean.9

CAMELUS. (Val. Haus.)

CAMPUS MARDUS (καμπους αρδινος) was a kind of guide absent, which the Roman youths were wont their loins when they exercised naked in the Campus Martius.9 The campstret was sometimes worn in warm weather in place of the tunic under the toga (campstret sub toga cinctus).10

CAMPIDOCTORES were persons who taught soldiers their exercises.2

In the times of the Republic, this duty was discharged by a centurion, a veteran soldier of merit and distinction (Excenen-

turnibus nostris non veteranorum aliquis, cui decus

muralis aut civica, sed Graecus magister assisit).11

CAMPUS MARTIUS. The term *campus* belongs to the language of Sicily, in which it signified a hippodrome or race-course (ευκρινως, ἐπιθηκος 2καταλόγισα).12 But among the Romans it was used to signify an open plain, covered with herbage, and set out with various species of exercise. Eight of these plains are enumerated by P. Vici as appertaining to the city of Rome; among which the most celebrated was the Campus Martius, so called because it was consecrated to the god Mars.1 Some difference exists between Livy and Dionysius Halicarnassus respecting the period at which this consecration took place. The former states that, upon the expulsion of the Tarquins, the people took possession of their property (et Tarquinius), situate between the city and the Tiber, and assigned it to the god of war, by whose name it was sub-

sequently distinguished; whereas the latter says that the ager Tarquinius had been usurped from that divinity, in whom it belonged of old, and appropriated by the Tarquins, so that it was only re-

stored to its original service upon their expulsion, which gains confirmation from the exact date, quoted by Festus,12 "Secunda spolia in Martis aera in campo Soliturnivilia ultra volueret cadit."13

From the greater extent and importance of this plain beyond all the others, it was often spoken of as the plain, και τη ξενοφυ, without any epithet to dis-

1. (Griffith's Cuvier, vol. iv., p. 37.—Smith's Supplement.—

9. (Adams, Apped., s. v.—Augustin, De Civ. Dei, ch. 17, 


4. (vol. v., 12. (Compare Liv., i., 64.)

1704.)—11. (s. v. Opima.—12. Compare Liv., i., 64.)

(Orelli.—

Sculpt.)—7. (Cans.)—8. (Smith's Farmer vol. iv., 13.—Smith's Supplement.)

276.)—9. (Cans.)—10. (Smith's Farmer vol. iv., 13.—Smith's Supplement.)
CAMPUS SCCELERATUS

C. NATHRON

unuish it, as in the passage of Festus just cited;¹ and, therefore, whenever the word is so used, it is the Campus Martius which is to be understood as always referred to.

The general designation Campus Martius comprised two plains, which, though generally spoken of collectively, are sometimes distinguished.² The former of these was called the Campus Martius and Tarquinianum, to which Juvenal³ refers, in De Superbi Totum regia agrum; the other was given to the Roman people by the vestal virgin Caia Taratia or Sufletia,⁴ and is sometimes called Campus Tiberinus,⁵ and sometimes Campus Minor.⁶

It is difficult to determine the precise limits of the Campus Martius, but in general terms it may be described as that area in the Via Latina and Via Flaminia on the north, the Via Recta on the south; as bounded by the Tiber on the west, and the Pantheon and gardens of Agrippa towards the east; and the Campus Minor, or Tiberinus, occupied the lower portion of the circuit towards the Via Recta, from the Pons Ælius to the Pons Neronianus.⁷

That the Campus Martius was originally without the city is apparent, first, from the passages of Livy and Dionysius above referred to; secondly, from the custom of holding the Comitia Centuriata there, which could not be held within the Pomerium;⁸ hence the word campus is put for the comitia, which also explains the expression of Cicero, fora domus,⁹ and of Lucan,¹⁰ sanae campus, which means "a corrupt voter," thrirdly, because the generals who demanded a triumph, not being allowed to enter the city, remained with their armies in the Campus Martius; and, finally, because it was not lawful to bury within the city, whereas the monuments of the illustrious dead were among the most sacred to the Romans, with which it was consecrated (Vid. Bustinus.) But it was included in the city by Aurelian when he enlarged the walls.¹¹

The principal edifices which adorned this famous plain are described by Strabo,¹² and are amply treated of by Nardini.¹³ It was covered with perpetual verdure,¹⁴ and was a favourite resort for air, exercise, and games. But when the labours of the day were over,¹⁵ its ample area was occupied by the young, who there initiated themselves in all warlike and athletic exercises, and in the games usual to the palestra; for which purpose the contiguous Tiber rendered it peculiarly appropriate in early times, before public baths were established.¹⁶ Hence campus Martius was called "a field" for any exercise, mental or bodily.¹⁷ Wooden horses were also kept in the Campus Martius, under porticoes in winter, and in the open plain during summer, in order to give expediency in mounting and dismounting; a necessary practice when stirrups were not in use.¹⁸ Horse-races (epuria) also took place here, unless when the campus was overflowed, upon which occasions the games were removed to the Campus Martialis on the Caelian.

CAMPUS SCCELERATUS was a spot within the walls, and close to the Porta Collina, where those of the vestal virgins who had transgressed their vows were entombed alive, from which circum-

stance it takes its name.¹⁹ As it was infutut to bury within the city, or to slay a vestal, whose person, even when polluted by the crime alluded to, was held sacred, this expedient was resorted to in order to elude the superstition against taking away a consecrated life, or giving burial within the city.²⁰ CANABOS or CINABROS (καναβός oκ κιναβας) was the name of the ditch round which the clay or plaster was laid in forming models. Figures of a similar kind, formed to display the muscles and veins, were studied by painters in order to acquire some knowledge of anatomy.²¹

CANALIS, which means properly a pipe or gutter for conveying water, is also used in three specific modifications:

1. To designate a particular part of the Forum Romanum.

"In foro infimo honi domus atque dites ambulant; in medio proper canalem, ibi ostentatores meri."

The immediate spot so designated is not precisely known; but we can make an approximation which cannot be far from the truth. Before the Cloaca were made, there was a marbys spot in the Forum called the Locus Curtius;²² and as the Cloaca Maxima was constructed for the purpose of draining off the waters which flowed down from the Palatine hill into the Forum, it must have had a mouth in it, which was called the prætorium.²³ The"kennel," therefore, which conducted the waters to this embouchure, was termed Canalis in Foro; and because the idle and indigent among the lower classes were in the habit of frequenting this spot, they were named Canaliculii.²⁴ The canals appear to have had gratings (cancelli) before it, to which Cicero²⁵ refers when he says, that after the tribune P. Sextus had arrived at the Colosseum, he tore out ex omnibus specularibus uisque a Capitolle, tantus ex fori cancellis planus excussit;²⁶ by which he means all classes, both high and low: the upper, who sat between the Columna Menia and the Capitol; and the lower, who were stationed near the cancelli of the canals. In the modern city of Rome, the foul waters emptied themselves into the sewers through an archway nearly six feet high, the mouth of which is closed by an iron grating called cancello, so that the passer-by is annoyed by the effluvia exhalmg from them; which, we learn from a passage in Tertullian,²⁷ was also the case in the ancient city.

II. CANALIS is used by Vitruvius²⁸ to signify the channels of the aqueducts. The words meant the capital, above the cymatium or echinus, which may be understood by referring to the representation of an Ionic capital given in the article ASTRAGALUS.

III. In reference to aqueducts, CANALIS is used by Frontinus²⁹ for a conduit of water running parallel to the main course (specus), though detached from it. Accurately speaking, it therefore means a pipe or conduit of water from some source to the aqueduct, which brought a stream of water from the same source, but for some specific use, and not for general distribution; though the word is sometimes used for a watercourse of any kind.

CANA THRON (καναθρόν), a carriage, the upper part of which was made of basket-work, or, more properly, a basket itself, which was fixed in the carriage.³⁰ Homer calls this kind of basket πέταλος.³¹

¹. (Properiti., 15, 34.—Orat. Past., 27.—Livy, vi., 43.)
The candelabrum was originally used as a candlestick, but was afterward used to support lamps (λυχνῳδές), in which signification it most commonly occurs. The candelabra of this kind were usually made to stand upon the ground, and were of a considerable height. The most common kind were made of wood, but those which have been found in Herculaneum and Pompeii are mostly of bronze. Sometimes they were made of the more precious metals, and even of jewels, as was the one, which Antiochus intended to dedicate to Jupiter Capitolinus. In the temples of the gods and palaces there were frequently large candelabra made of marble, and fastened to the ground.

There is a great resemblance in the general plan and appearance of most of the candelabra which have been found. They usually consist of three parts: 1. the foot (στήνας); 2. the shaft or stem (στύλος); 3. the plinth or tray (ἄσθρον), large enough for a lamp to stand on, or with a socket to receive a wax candle. The foot usually consists of three lions' or griffins' feet, ornamented with leaves; and the shaft, which is either plain or fluted, generally ends in a kind of capital, on which the tray rests for supporting the lamp. Sometimes we find a figure between the capital and the tray, as is seen in the candelabrum on the right hand. In this annexed woodcut, which is taken from the Museo Borbonico, and represents a candelabrum found in Pompeii, The...
CANDYS (κάνδυς), a gown worn by the Modes and Persians over their trousers and other garments. It had wide sleeves, and was made of woolen cloth, which was either purple or of some other splendid colour. In the Persepolitan sculptures, nearly all the principal personages are clothed in it. The three here shown are taken from Sir T. K. Porter's Travels.2

We observe that the persons represented in these sculptures commonly put their hands through the sleeves (διακρότες τῶν χειρῶν διὰ τῶν κανδύων); but sometimes keep them out of the sleeves (ἐκ τῶν χειρῶν); a distinction noticed by Xenophon.4 The Persian candys, which Strabo6 describes as a "flowered tunic with sleeves," corresponded to the woolen tunic worn by the Babylonians over their linen shirt (ἐρυθέων κεφαλῶν ἐπενδυόμενος; ἐπενδυόμενος λειβός). A gown of the same kind is still worn by the Armenians, Turks, and other Orientals, and by both sexes.

CANE'PHOROS (κανεφόρος). When a sacrifice was to be offered, the round cake (τροχία θάλας; πλάνθος; δίψη, μοία σάλας), the chaplet of flowers, the knife used to slay the victim, and sometimes the frankincense, were deposited in a flat circular basket (κάνεων, canisium), and this was frequently carried by a virgin on her head to the altar. The practice was observed more especially at Athens. When a private man sacrificed, either his daughter or some unmarried female of his family officiated as his canesphoros; but in the Panathenaea, the Dionysia, and other public festivals, two virgins of the first Athenian families were appointed for the purpose. Their function is described by Ovid in the following lines:

"Ilià forte die casta de more puellae
Vertice supposito festas in Palladis arcus
Pura coronis portabant sacra consilia."

That the office was accounted highly honourable appears from the fact that the resentment of Harmodius, which instigated him to kill Hipparchus, arose from the insult offered by the latter to the forbids

She slightly raises her tunic with the other. This attitude was much admired by ancient artists. Pliny mentions a marble canesphoros, and Cicero7 describes a candelabrum in bronze, which were the exquisite work of Polydectes. (Vid. Caryatidas.)

*CANCAMUM (κάνκαμος), a substance mentioned by Dioscorides,9 and which Paul of Aegina10 describes as the gum of an Arabian tree, resembling myrrh, and used in perfumes. Avicenna calls it a gum of a horrid taste. Alston remarks that "some have taken this word to be a corruption of the Greek word, but it seems to have been unknown to the ancient Greeks." Upon the whole, Sprengel inclines to the supposition that it may have been a species of the Amysis Katac.;11

CANIC'ULA. (Vid. CANALS.)

CANI'COLA.5 (Vid. SIROS.)

CANS (κάνις) the Dog.4 "The parent-stock of this faithful friend of man must always remain uncertain. Some zoologists are of opinion that the breed is derived from the wolf; others, that it is a familiarized jackal: all agree that no trace of it is to be found in a primitive state of nature. That there were dogs, or, rather, animals of the canine family, is evident from the remains; and that there are wild dogs we also know. India, for example, affords many of them, living in a state of complete independence, and without any indication of a wish to approach the dwellings of man. These dogs, however, though they have been accurately noticed by competent observers, do not draw much light upon the question. The most probable opinion is that advanced by Bell, in his History of British Quadrupeds.12 This author thus sums up: 'Upon the whole, the argument in favour of the view which I have taken, that the wolf is probably the original of all the canine races, may be stated as follows: the structure of the animal is identical, or so nearly so as to render any other species impossible; the domestication of the wolf is a proof of its favour. The Dog must have been derived from an animal susceptible of the highest degree of domestication, and capable of great affection for mankind, which has been abundantly proved of the wolf. Dogs having returned to a wild state, and continued in that condition through many generations, exhibit a similarity approaching more or less to that of the wolf, in proportion as the influence of domestication ceases to act. The two animals, moreover, will breed together, and produce fertile young; and the period of gestation is the same. The period at which the domestication of the Dog first took place is wholly lost in the mist of antiquity. The earliest mention of it in the

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Scriptures occurs during the sojourn of the Israelites in Egypt: 'But against Israel shall not a dog move his tongue.' It is again mentioned in the Mosaic law in a manner which would seem to show that dogs were the common scavengers of the Israeliish camp, as they still are in many cities of the East: 'Neither shall ye eat any flesh that is torn of beasts in the field; ye shall cast it to the dogs.' A similar office seems to be repeatedly alluded to in the course of the Jewish history. The Dog was considered by the Jews as eminently an unclean animal, and was the figure selected for the most contemptuous insults. It is impossible not to be struck with the similarity which exists in the feelings of many Oriental nations at the present day, among whom the very phraseology of the Scriptures is, with little modification, applied to a similar purpose. The Dog was held in great estimation in many parts of Egypt, particularly at the city of Cynopolis, where it was treated with divine honours. According to Plutarch, however, the animal lost this high rank by reason of its eating the flesh of Apis, after Canybeses had slain the latter and thrown it out on, which occasion no other animal would taste or even come near it. But considerable doubt has been thrown on this story, and the remarks, with the group of the god Mithras, where the dog is represented feeding on the blood of the slaughtered ox, that there is reason to believe the story derived its origin from the Persian idol. The Egyptians, as appears from the monuments, had several breeds of dogs: some solely used for the chase; others admitted into the parlour, or selected as the companions of their walks; and some, as at the present day, chosen on account of their peculiar ugliness. The most common kinds were a sort of fox-dog and a hound; they had also a short-legged dog, not unlike our terrier, which was a great favourite in the house. The fox-dog appears to have been the parent-stock of the modern red wild dog of Egypt, which is so common at Cairo and other towns of the lower country. The Albatian Dog has been noticed by historians, naturalists, and poets, ever since Europe first began to be raised into consequence and importance. A supernatural origin and infallible powers have been attributed to it. Diana is said to have presented Procris with a dog which was always sure of its prey, and to this animal the canine genealogists of antiquity attributed the origin of the celebrated race of the southeast of Europe, particularly of Messius and Sparta. The very fine breed of dogs now found very plentifully in this corner of Europe, particularly in Albania, accords with the descriptions existing of its progenitors, indigenous in the same countries, and do not seem to have degenerated. The Mastiff (Canis Angelicus, L.) is another fine and powerful species. This breed was assiduously fostered by the Romans while they had possession of Britain, and many of them were exported to Rome, to combat wild animals in the amphitheatres. The canis Melitcera were a small species, or a kind of lap-dog. The modern Maltese dog is a small species of the Spaniel, and so, perhaps, was its ancient.

II. CANTHRUS was also the name of a man, which Elian calls κυνάρος θαλάσσιος. It is the Sparus canthusus, L. Its flesh is like that of the Gilt-head in taste and other qualities.

III. CANTHRUS, the Beetle. (Vid. SCARRABUS.)

CANTICUM. In the Roman theatre, between the first and second acts, flute music appears to have been introduced, which was accompanied by a kind of recitative, performed by a single actor, or, if there were two, the second was not allowed to speak with the first. Thus Diomedes says, 'In cantica una cantans debet esse persona, aut si duo forint, ita debent certi, ut ex oculos una audiatur, vel loquatur, sed secum, si opus fuerit, verba faciat.' In


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the caudium, as violent gesticulation was required. It appears to have been the custom, from the time of Livia's Andronicus, for the actor to confine himself to the gesticulation, while another person sang the recitative. The caudium always formed a part of a Roman comedy. Diomedes observes that a Roman comedy consists of two parts, dialogue and caudium (Latinus comediae duobus tantum membri constant, diviserio et cantico). Wolf* ended the caudium with various come- dy situations and an ode, and the Antellane fable. There can be no doubt that they did in the latter; they were usually composed in the Latin, and sometimes in the Greek language, whereas the other parts of the Antellane plays were written in Oscan. (Vid. Antellane Fabule.)

CAPELEFON. (Vid. CARPON.)

CAPET (CAPET, and, contri-

nientum membrum, or, and, the Antellane fable. There can be no doubt that they did in the latter; they were usually composed in the Latin, and sometimes in the Greek language, whereas the other parts of the Antellane plays were written in Oscan. (Vid. Antellane Fabule.)

CAPER (τρίγυγος), the he-Goat. Capra is the same for the female, to which αλς corresponds in Greek. The generic appellation in the Linnaean system is Capra hircus. The ancients were likewise acquainted with the wild Goat, or Cepora ibex; it is supposed to be the Ako or Akko of Deuteronom-
y, and the ἄρισκες of the Septuagint and of Diodorus. The wild Goat was regarded as the emblem of the generative principle, and was held sacred in some parts of the land. The Ιβex, or wild goat of the Desert, however, was not sacred. It occurs sometimes in astronomical subjects, and is frequently represented among the animals slaughtered for the table and the altar; both in the Thebaid and in Lower Egypt. It was kept in the Egyptian temple of the crystal. Col. Smith, "that, as far as geological observations have extended over fossil organic remains, among the multitude of extinct and existing genera, and species of mammiferous animals, which the exercised eye of comparative anatomists has detected, no portions of Caprine or Ovine races have yet been satisfactorily authenticated; yet, in a wild state, the first are found in three quarters of the globe, and perhaps in the fourth; and the second most certainly exists in every great portion of the earth, New-Hol-

land, perhaps, excepted. It would almost seem as if this class of animals were added by Providence to the stock of other creatures for the express purpose of making the instruments which should lead man to industry and peace; at least such an effect may, in a great measure, be ascribed to them; and, if not the first companion, the Goat may nevertheless be regarded as the earliest passive means by which mankind entered upon an improving state of existence. The skins of these animals were prob-

ably among the first materials employed for clothing. Afterward the long hair of the goat was mixed

up with the short and soft fur of other animals, and, united with the gum of trees or animal glue, manufactured into that coarse but solid felt known in Northern Asia from the earliest ages, and noticed by historians and poets. It was probably of this material that the black war-tunics of the Cimbri were made, in their conflicts with Marius; and we know when the winter dress of the auxiliary aux-

iliaries, and even of the Roman legions in Britain, at least to the period of Constantine. But, long before this era, the gradual advance of art was felt, even in the depth of Northern Europe; the distaff had reached the Scandinavian nations; and the thread, at first platted into ribbons, afterward enlarged, and wrought like matting into a kind of thrum, was at

last, of all, into broad pieces of cloth. In the riband plat (i.e., plaid) we see the origin of the check dresses common to most nations of northern latitudes during their incipient state of civilization; for these were made by plat-
ing the ribbons into broader and warmer pieces. The stripes, almost universal in the South, were the same plats sewed together. That goat's hair was the chief ingredient among the Scandavians, is proved by their divinities being dressed in Geia Kurtuls. The domestic goat in the north and west of the Old World preceded sheep for many ages, and predominated while the country was chiefly covered with forests; nor is there evidence of wool-bearing animals crossing the Rhine or the Upper Danube till towards the subversion of the Roman Empire."

*CAPHURA (καφυρά), the Camphor-tree. SY-

meon Callus is the first Greek who makes mention of the Camphor-tree, or Lauraus Camphora, L. He describes it as a very large tree, growing in India, the wood of which is light and ferulaceous. Cam-

phor was first introduced into medical practice by the Arabians. CAPILLUS. (Vid. COMA.)

CAPISTRUM (καπιστρον), a halter, a tie for horses, asses, or other stock animals, placed round the head or neck, and made of osiers or other fibrous materials. It was used in holding the head of a quadruped which required any healing operation, in retaining animals at the yoke, or in fastening them to the yoke, as shown in the woodcut ARAUTUM (p. 79). In representations of Bacchanaclian processions, the tigers or feras are attached to the capi-

stra made of vine-branches. Thus we read of the vite capitstara tigris of Ariadne, and they are seen on the bas-relief of a sarcophagus in the Vati-

can representing her nuptial procession. See the

annexed woodcut.

In ploughing fields which were planted with vines or other trees, the halter had a small basket at-

tached to it, enclosing the mouth, so as to prevent the ox from cropping the tender shoots (fuscellis ca-

pistatis!). Also, when goatherds wished to obtain milk for making cheese, they fastened a muzzle or capistroma, or yoke, with iron points, about the mouth of the kid, to prevent it from sucking.

Bands of similar materials were used to tie vines to the poles (pali) or transverse rails (yuga) of a trellis.

The term φοιλίεσι was also applied to a contrivance used by pipers (αδιστήλιοι) and trumpeters to compress their mouths and cheeks, and thus to add to their voice (Vid. Caput). This was said to be the invention of Marsyas.

CAPITA/LIS. (Vid. CAPUT.)

CAPITE CENSI. (Vid. CAPUT.)

1. (Griffith's Cuvier, vol. iv., p. 294, seqq.)—2. (Colmerella, vi., 19, 20.—3. (Varro, De Rustis, iii., 6) 4. (Cicero, Epist., 1o,


CAPITOLIUM.

CAPITOLIUM. (Vid. CAPUT.)

This word is used in different significations by the Latin writers, the principal of which are the following:

I. Capitolium, a small temple (saeculum), supposed to have been built by Numa, and dedicated to Jupiter, Juno, and Minerva, situated in the Regio ix. on the Esquiline, near to the spot which was afterward the Circus of Flora. It was a small and humble structure, suited to the simplicity of the age in which it was erected, and was not termed capitolium until after the foundation of the one mentioned below, from which it was then distinguished as the Capitolium vulus. ² ³ ⁴ ⁵ ⁶

II. Capitolium, the Temple of Jupiter Optimus Maximus, in the Regio viii. on the Mons Tarpeian, so called from a human head being discovered in digging the foundations. ⁷ ⁸

The Capitolium contained three temples within the same peristyle, or three cells parallel to each other, the partition walls of which were common, and all under the same roof. ⁹

In the centre was the seat of Jupiter Optimus Maximus, called cella Jovis, and hence he is described by Ovid as "media qui sedet aed. Deus. That of Minerva was the third cella, and perhaps the allusion of Horace, to Proximos illi tamen occupavit Pacificae veneris, and that of Juno upon the left, but compare Livy. ³ ⁷ "Jupiter Optimus Maximus, Juno Regina, et Minerva," and Ovid, ⁸ which passages are considered by some writers to give Juno the precedence over Minerva. The representation of the Capitolium in the next woodcut is taken from a medal.

The exact position occupied by this temple has been the subject of much dispute. Some writers consider it to have been upon the north, and some upon the south point of the Mons Capitolini; some, that it stood upon a different summit from the arx, or fortress, with the intermontium between them; others, that it was within the arx, which is again referred by some to that side of the mount which overhangs the Tiber, and by others to the opposite acclivity. The reader will find the subject fully discussed in the following works: Marliani, Urb. Rom. Topogr., i., 1, 5.—Donati, De Urb. Rom.—Lucio Mauro, Antiqu. Roma.—Andreas Fulvio, Id.—Johannes Boneis, &c.—Nardini, Roma Antica, v., 14.—Bunsen and Plattner, Beschreibung Rom.—Nebihr, Hist. Rom., v., i., p. 502, trans.

III. Capitolium is sometimes put for the whole mount, including both summits, as well as the intermontium, which was originally called Mons Saturnius, ¹ and afterward Mons Tarpeian, ² from the virgin Tarpeia, who was killed and buried there by the Sabines ; and, finally, Mons Capitolinus, for the reason already stated; and, when this last term became usual, the name of Tarpeia was confined to the immediate spot which was the scene of her destruction, viz., the rock from which criminals were cast down. This distinction, pointed out by Varro, is material; because the epithet Tarpeian, so often applied by the poets to Jupiter, has been brought forward as a proof that the temple stood upon the rock, whereas it only proves that it stood upon the Tarpeian or Capitoline Mount. At other times capitolium is used to designate one only of the summits, and that one apparently distinct from the arx, ³ which obscurity is farther increased, because, on the other hand, arx is sometimes put for the whole mount, ⁴ and at others for one of the summits only. ⁵

The approach to the Forum from the Capitoline Mount is as follows: from the Forum to the Mons Capitolinus. The first was by a flight of 100 steps (centum gradus), which led directly to the side of the Tarpeian Rock. The other two were the circus Capitolinus and circus Asyli, ⁶ one of which entered on the north, and the other on the south side of the intermontium, the former by the side of the Cerecenis Tulliani, the latter from the foot of the Via Sacra, in the direction of theodium, which stood on one side of the Palazzo de' Consulato; but which of these was the circus Capitolinus and which the circus Asyli, will depend upon the disputed situation of the arx and Temple of Jupiter Optimus Maximus.

The epithets aurata ⁷ and fulgens ⁸ are illustrative of the materials with which the Temple of Jupiter O.M. was adorned: its bronze gates, ⁹ and gilt ceilings and tiles. ¹⁰ The gilding of the latter alone costs 12,000 talents. ¹¹

IV. Capitolium is also used to distinguish the chief temples in other cities besides Rome. ¹²

CAPNIOS.

*CAPNIOS or CAPNOS (κάτωσις or κατόπτης), a plant which all the authorities agree in referring to the Fumaria officinalis, or common Fumitory. It is the one exception, which in the following Glossa, is called a fumaria, Linn. It is the Fum. terae of Seribonius Largus. ¹³ The juice of this plant was used, according to Pliny, in the cure of ophthalmitis. ¹⁴ It derives its name from its juice, when spread over the eyes, af

CAPPARIS, a plant which Sprengel, Stackhouse, and Schneider agree in referring to the Capparis Spinosa, L., or Thorny Caper-bush. Sibthorpe, however, in favour of a variety of the C. Spinosa, to which he gives the name of Capparis natali. Disscords mentions several kinds from different countries, all differing in their qualities. The best came from Caria, the next in the order of merit from Phrygia. •

2. •CAPRA, the she-Goat, the aeg of the Greeks. (Vid. Cap'er.)

3. •CAPREA, a wild she-Goat, or, rather, a species of wild goat generally. Pliny* speaks of it as being possessed of a very keen sight, which, maybe, perhaps, identify it with the Dorcas, or Gazelle. Cuvier, however, renders it necessary to refer the same to the Cervus Capricus, L., or Roe-buck. (Vid. Dorsac.*).

4. •CAPRICICATIO, the process of capricration, or a ripening of figs on the domestic tree by means of insects found on the wild fig. The process is described briefly by Eustathius, and more at large by Pliny. The former, speaking of the wild fig trees, states that the insects which inhabit the fruit of these, being driven in by the heat of the sun, cause the fruit to fall from their branches and leaves.

5. •CAPSULA, the same flower, * CAPSULA, as the Ficus Carica, L. (Vid. Sysc, and Caprificatio.)

6. •CAPRIMULUS, (Vid. Algo'te'slas.)

7. •CAPROS (kaptrep), I. the wild Boar, called by the Romans Aper. (Vid. Sus.) The flesh of this animal was highly esteemed by that people, and it was customary to serve up whole ones at table. Hence the boar was termed caprurus, or, as we would say, the head dish, hence, also, the language of Juvenal in speaking of the wild boar, animal prop'ter convivis natus, an animal born for the sake of banquets.'

8. •CAPSA (napr, nap6), the wild fig-tree, the Ficus Carica, L. (Vid. Sysc, and Caprificatio.)

9. •CAPSULUS. (Vid. Caste.)

There does not appear to have been any difference between the capsula and the scirnium, except that the latter word was usually applied to those boxes which held a considerable number of rolls (scirnium da magna). Boxes used for preserving other things besides books were also called capsula, while in the scirnium nothing appears to have been kept but books, letters, and other writings.

The slaves who had the charge of these book-cases were called capsarri, and also custodes scirinorum; and the slaves who carried, in a capsula behind their young masters, the books, &c., of the sons of respectable Romans, when they went to school, were also called capsarri (Quem sequitur custos angustae sorariae capsae). We accordingly find them mentioned together with the pedagogi (con stat quadam cum pedagogis et capsarvis una prandio necato). When the capsula contained books of importance, it was sealed or kept under lock and key; whence Horace* says to his work, "Odiati clases, et grata sigilla pudico."•

10. •CAPSA'RII, the name of three different classes of slaves:

1. Of those who took care of the clothes of persons while bathing in the public baths. (Vid. Baths, p. 147.) In later times they were subject to the jurisdiction of the praefectus vigilium. 2. Of those who had the care of the capsula, in which books and letters were kept. (Vid. Capsa.) 3. Of those who carried the books, &c., of boys to school. (Vid. Capsa.)

CAPSULA. (Vid. Caste.)

CAPULUS (kapul, lava), the hilt of a sword. This was commonly made of wood or horn, but sometimes of ivory or of silver, which was either embossed or adorned with gems (capsula radicatiis enaes). Philistats describes the hilt of a Persian axines, which was made of gold set with beryls, so as to resemble a branch with its buds. These valuable swords descended from father to son. When Theseus for the first time appears at Athens before his father Egeus, he is known by the carving upon the ivory hilt of his sword, and if


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The term caputius is likewise applied to the handle of a plough by Ovid, as quoted in 

CAPUT, the head. The term "head" is often used by the Roman writers as equivalent to "person" or "human being." Through an easy transition, it was used to signify "life:" thus, capite damnari, plecei, &c., are equivalent to capital punishment.

Caput is also used to express a man's status, or civil condition; and the persons who were registered in the tables of the census are spoken of as capita, sometimes with the addition of the word civium, and sometimes not. Thus to be registered in the census was the same thing as caput habere: and a slave and a filius familiae, in this sense of the word, were said to have no caput. The sixth class of Servius Tullius comprised the proletarii and the capite censi, of whom the latter, having little or no property, were rarely rated as so many heads of citizens.

He who lost or changed his status was said to be capite minuto, deminutius, or capitis minor. The phrase se capite deminuere was also applicable in case of a voluntary change of status.

Capitis minuto is defined by Gaius to be status permutato. A Roman citizen possessed libertas, civitas, and familia; the loss of all three, or of libertas and civitas (for civitas included familia), constituted the maxima capita deminutio. This capitis deminutio was sustained by those who refused to be registered at the census, or neglected the registration, and were thence called incensi. The incensus was liable to be sold, and so to lose his liberty; but this being a matter which concerned citizenship and freedom, such penalty could not be inflicted directly, and the object was only effected by the fiction of the citizen having himself abjured his freedom. (Vid. Banishment, p. 136.) Those who refused to perform military service might also be sold.10 A Roman citizen who was taken prisoner by the enemy lost his civil rights, together with his liberty, but he might recover them on returning to his country. (Vid. Posteliminium.) Persons convicted of ignominious punishments, as to the mines, sustained the maxima capita deminutio. A free woman who cohabited with a slave, after notice given to her by the owner of the slave, became an amella, by a senatus consultum passed in the time of Claudius, to be loved of cives only, as when a man was iterated from fire and water, was the media capita deminutio. (Vid. Banishment.)

The change of familia by adoption, and by the in manum conventio, was the minima capita deminutio. A father who was adrogated suffered the minima capita deminutio, for he and his children were transferred into the power of the adoptive father. A son who was emancipated by his father also sustained the minima capita deminutio; the cause of which could not be the circumstance of his being freed from the patria potestas, for that made the son a liberum caput; but the cause was, or was considered to be, the form of sale by which the emancipation was effected.

A judicium capitale, or pena capitalis, was one which affected a citizen's caput.

CAPUT. (Vid. Interest or Money.)

CAPUT EXTORUM. The Roman soothsayers (haruspices) pretended to a knowledge of coming events from the inspection of the entrails of victims slain for that purpose. The part to which they especially directed their attention was the liver, the convex upper portion of which seems to have been called the caput extorum. Any disease or deficiency in this organ was considered an unfavourable omen; whereas, if healthy and perfect, it was believed to indicate good fortune. The haruspices divided it into two parts, one called familiaris, the other hostilia: from the former they foretold the fate of friends, from the latter that of enemies.

Thus we read that the head of the liver was mutilated by the knife of the operator on the "familiar" part (caput jecinoris a familiaris parte caseum), which was always a bad sign. But the word "caput" here seems of doubtful application; for it may designate either the convex upper part of the liver, or one of the prominences of the various lobes which form its lower and irregularly convege part.

It is, more obvious and natural to understand by it the upper part, which is formed of two prominences, called the great and small, or right and left. When the liver was found, it was a bad sign (nihil triarius accidere potuit: if well defined, or double, it was a lucky omen.

*CARA, a plant. (Vid. Careum.)

*CARABUS (Carpococchi), a crustaceous animal, of which there is frequent mention in the classics. It is the Locusta of Pliny, in French langouste. There is some difficulty, remarks Adams, in determining to what species of Cancer it applies. Schneider thinks it is more certainly not the Cancer harmsii; and he is not quite satisfied that it was the C. elephas.

CARACALLA was an outer garment used in Gaul, and not unlike the Roman lacerum. (Vid. Lacer.) It was first introduced at Rome by the Emperor Aurelius Antoninus Bassianus, who commanded all the people that came to court to wear it; in order to distinguish the name of Caracalla.

This garment, as worn by Gal. Bassianus, appears to have reached lower than the knee, but Caracalla lengthened it so as to reach the ankle. It after ward became common among the Romans; and garrs of this kind were called caracalla Antonianum.

CARCHAR.

CARCHARIAS.

to distinguish them from the Gallic caracalla.¹ It usually had a hood to it, and came to be worn by the clergy. Jerome² speaks of "pallium mirae pulchritudinis in modum caesarum sed cecipe cujuslibet coelum."³

CARBATINA. (Vid. Perg.)•CARBUNCULUS (άνθραξ), the Carbuncle, a precious stone, deriving its name, both in Greek and Latin, from its resemblance to a small ignited coal. The ancient called by these two names all the red transparent gems, which have since been classed among the Garnet species, &c., all of which they regarded merely as species of the Carbuncle. Theophrastus and Strabo enumerate the Carchaginian and Garamantian carbunculi among those most in repute. "Those carbuncles," observes Dr. Moore, "which Pliny calls Alabandic, because they are cut and polished at Alabaum, were precious garnets, still called by some mineralogists Alabandic or Alabamades. What he afterward says of Alabandic carbuncles, which were darker coloured and rougher than others, may be explained by supposing that near Alabaum both precious and common garnets were obtained."⁴ The term Carbunculus was also applied to a species of black marble, on account of its likeness to the Carbuncle. And out of which mirrors were sometimes made.⁵

CARCI'R. Carcer (κεκρ., Ger., χορήγα, Greek) is connected with ἐρός and εὐγένεια, the natural being interlaced with the aspire. Thus also Varro,⁶ "Caæter at corcecento quo prohibentur exire." Carcer (Greek). Imprisonment was seldom used among the Greeks as a legal punishment. The innocent, they preferred banishment to the expense of keeping prisoners in confinement. We do, indeed, find some cases in which it was sanctioned by law; but these are not altogether instances of its being used as a punishment. Thus the farmers of the duties, and their bondsmen, were liable to imprisonment if the duties were not paid by a specified time; but the object of this was to prevent the escape of defaulters, and to ensure regularity of payment.⁷ Again, persons who had been mulcted in penalties might be confined till they had paid them.⁸ The άγων also, if they exercised the rights of citizenship, were subject to the same consequences. They were liable to the penalty of a δεσφός for theft; but this was a προσπίμα or a petitum penalty, the infliction of which was at the option of the court which tried the case; and the δεσφός itself was not an imprisonment, but a public exposure in the ποιδία, or stocks, for five days and nights—the τέων ἐξ ἔξω δελθοντῶν. We may observe, that in most cases of theft the Athenians proceeded by "civil action," and that, if the accused were against the defendant (εἰ τίς διὰν ἄνεικνυ λιπά τοι), he had to pay, by way of reparation, twice the value of the stolen property: this was required by law. The προσπίμα was at the discretion of the court. Still the idea of imprisonment per se, as a punishment, was not strange to the Athenians. Thus we find that the law allows to the states to have three prisons: one of these was to be a προσπίμα, or petitum prison; and another a place of punishment—a sort of penal settlement away from the city.

The prisons in different countries were called by different names: thus there was the Αναγκαστόν in Benoeia; the Κέδρος, at Sparta; the Κέραμος at Cyprus; the Κόρος at Corinth; and among the Ionians, the γορόφυρα, as at Samos.¹ The prison at Athens was in former times called δεσμοτηρίον, and afterward, by a sort of euphemism, δέσφιμα. It was chiefly a place of imprisonment, or prison: and, in ancient times, it was under the charge of two double officers called the αρκατούς or the κόκκινος. One gate in the prison, through which the condemned were led to execution, was called τοῦ Χαρακτέρου.² The Attic expression for imprisonment was δεσφιμός. Thus, in the oath of the βουλευταί, or senators, occurs the phrase οὗτος δεσφημοίων αὐθηνών. Hence Sallust speaks of the δεσφήμια and δεσφημία, "liberty of the Romans, signifying that a party was under strict surveillance and guard, though not confined within a prison.

CARCAR (Roman). A carcer or prison was first built at Rome by Ancus Marcus, overhauling the Forum.² This was enlarged by Servius Tullius, who added to it a souterrain or dungeon, called from him the Tullianum. Sallust¹ describes this as being twelve feet under ground, walled on each side, and arched over with stonework. For a long time this was the only prison at Rome, being, in fact, the "Tower," or state prison of the city, which was sometimes doubly guarded in times of alarm, and was the chief object of attack in many conspiracies.³ Varro describes it as being built in the "Lautumian," from some quarries in the neighbourhood; or, as others think, in allusion to the "Lautumian" of Syracuse, a prison cut out of the solid rock. In later times the whole building was called the "Marmentine." Close to it were the Scala Gene- nomiae, or steps, down which the bodies of those we have the phrase δικαστήριον: "In robore et tenebris expurgratur." ⁴ "Robur et saxum (sc. Tar- peium) ministrat."⁵ So also we read of the "catena et Italum robur."⁶

CARCERES. (Vul. Circus.)•CARCHARITAS (καρχαρίτας), a species of fish, called in English the White Shark, and in French Requin. The scientific name is Squalus carcharias, L., or, in modern usage, Carcharias. The Carcharias is as the same with the Lamia of Aristotle,¹¹ Galen, and Pliny;² the λίμυον of Oppian; the κνίον of Thalassius (<Ep., xliii., 17—18. (H. A. v., 5)>. It has also been called by some


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The same term was used to designate the tops of a ship, that is, the structure surrounding the mast immediately above the yard (vid. Ant. N.). In which the mariners ascended in order to manage the sail, to obtain a distant view, or to discharge missiles (applied carchesium, carche-sia mali). This was probably called "carchesium" on account of its resemblance in form to the cup of that name. The oar or other oar may have been fastened to its lateral projections, which corresponded to the handles of the cup (summita mali, per quam funes tractaret & foramina, quae summo mali funes recipiant). Pindar calls the yard of a ship "the yoke of its carchesium," an expression well suited to the relative position of the parts.

The carchesium of the three-masted ship built for Hiero II. by Archimedes were of bronze. Three men were placed in the largest, two in the next, and one man in the smallest. Breastworks (strophia) were fixed to these structures, so as to supply the place of defensive armour; and palisades (prooxy- mata, trochlea) for hoisting up the vessels. This part of an ancient vessel was sometimes made to produce a gay and imposing effect when seen from a distance (lacuda qua splendent summis carchesiae mali). The carchesium was sometimes made to turn, upon its axis (cercastil), so that by means of its apparatus of pulleys it served the purposes of a crane.

*CARCINUM (carkivus), according to Pennant, a species of scolifish, the same with the Cancer bernardus, Lim. I., or Hermit-crab. It is more correct, however, to say that the Greeks applied the same name Carcinium generically to the crustacean which lodge themselves in the empty shells of the mollusca, and which the Latins designated by the synonymous appellation of Cancell. Albrovandus, Geisser, Rondelet, Swammerdam, and other modern naturalists, preserve this last denomination; but Plinius has bestowed that of Pagurus upon this genus, a name by which the ancients designated a sort of crab, or one of the bouchyrous crustacea. Aristotle mentions the fact, now so well established, that the shell serving as an habitation to the Cancer or Pagurus was not of its own formation; that it had possessed itself of it after the death of the molluscan animal which had formed it; and that its body was not adherent to it. The common Paguran was made of a cussatecum in the writings of Pliny, Dioscorides, Nicander, and others. It is the Granio or Garanz of the Italians. It was believed that the ashes of this species were useful, from their desiccative qualities, to those who had been bitten by a mad dog, either by employing those ashes alone, or mixed with incense and gum. According to Otho, the fresh-water crabs, as well as the tortoises and crocodiles, foresaw the inundations of the Nile, and, about a month previously to that event, resorted to the most elevated situations in the neighbourhood. The kind of crustacea termed by modern naturalists Ocypridae is probably the same of which Pliny makes mention, and which the Greeks, by reason of the celerity of its movements, designated as the Hippus (Gpressão), or Horseman.

With regard to the Cancer Pagurus, or small Crab, vid. Pinnowych.

*CARDAMOMUM, according to Pliny, a species of aromatic shrub, producing a seed or grain of the same name. The grain, or caryod, is used in unguments. The Roman writers mention four kinds of this seed: the first, which was the best, was of a very bright green, and hard to break up; the second was of a whitish-red colour; the third, smaller, and of a darker hue; the fourth and worst, of different colours, having little odour, and very friable. The Cardamumum had a fragrance resembling that of Costus, or Spikenard. The Cardamumum of the shops at the present day appears to be the same with that of the ancients, and is the fruit or seed of the Amomum Cardamumum. It comes, not from Arabia, as Pliny says the ancient kinds did, but from India; and, indeed, it was in this way the Greeks and Romans actually obtained theirs, by the Red Sea, and the overland trade through Arabia. Only three kinds are known at the present day, the large, medium, and small seed. M. Bory de St. Vincent observes that cardamum means "a medicine in husks," or "husk-anomum" (amomum virgulae, the Egyptian term karth meaning, as he says, "a husk." Other etymologists, however, make the term in question come from kapha, "a heart" and wosvov, and consider it to mean "strengthening, exhilarating, or cardiac anomum."
CARDUUMS

CARDO

*CARD'AMUM (κάρδάμων), a species of plant. Schneider remarks that Sprengel holds it to be the *Lepidium sativum*, or cultivated Pepper-wort; Stackhouse, however, is for the *Sisymbrium nasturtium*, or Water-cress; while Corey thinks it is either the *Lepidium perfoliatum*, or *Oriental*, Turnefort.

There can be little doubt," observes Adams, 4 that it was a sort of Cress, but the species cannot be determined with any degree of certainty. 5

CARDO (κάρδιος, στροφείος, στροφίς, γόγγυμος), a hinge, a pivot.

The first figure in the annexed woodcut is designed to show the general form of a door, as we find it with a pivot at the top and bottom (a, b) in ancient remains of stone, marble, wood, and bronze.

The second figure represents a bronze hinge in the Eg. W. Mus. (2083), on which the pivot (b) is exactly cylindrical. Under these is drawn the threshold of a temple, or other large edifice, with the plan of the folding-doors. The pivots move in holes fitted to receive them (b, b), each of which is in an angle behind the antepagmentum (marmore aratus strienis in timine cardo). This representation illustrates the following account of the breaking down of doors: "Jamina cedulis funditus cardinibus promiscuit." 6 When Hector forces the gate of the Grecian camp, he does it by breaking both the hinges (φυσίφορος θαμαρος), i.e., as explained by the scholiast, the pivots (στροφήγας) as explained by the top and bottom. (Vid. Catacysa.)

According to the ancient lexicons, "cardo" denoted not only the pivot, but sometimes the socket (foramen) in which it turned. On this assumption we may vindicate the accuracy of such expressions as Posites a cardine volit, and Emoti procumbent cardina postes; 7 θαμαρως ξεμφρανες. 8 In these instances, "postis" appears to have meant the upright pillar (a, b) in the frame of the door. The whole of this "post," including the pivots, appears to be called στροφείος and "cardo" by Theophrastus and Pliny, who say that it was best made of elm, because elm does not warp, and because the whole door will preserve its proper form, if this part remains unaltered. 7

To prevent the grating or creaking noise (atrior, strephitus) made by opening a door, lovers and others who had an object in silence (cardine tacito) poured water into the hole in which the pivot moved. 9

The Greeks and Romans also used hinges exactly like those now in common use. Four Roman hinges of bronze, preserved in the British Museum, are shown in the following woodcut.

The proper Greek name for this kind of hinge was γόγγυμος; whence Aristotle 10 applies it to the


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CARMENTALIA.

edible thistle, and, according to Sithorp, is the same with the Scolytus Hispanicus: Schneider, however, is of opinion that it is the Cardunculus, or Cardon Artichoke.1 (Vid. Acanthill.)

*CAREUM (kápos), the plant called Curreony, the Careum carui, L. It took its name from the country of Caria, where the best grow, and the name is, in fact, an adjective, there being an vegetable carunus; for the Careum is, in truth, the Careum cycneostre. Billerbeck thinks2 that the Chara or Care which the soldiers of Caesar eat with milk, and which they also made up into bread during the scarcity of provisions which prevailed in the camp of the latter at Dyrhachium, was no other than the root of the Careum. Cuvier,3 however, with more appearance of reason, declares for a species of wild cabbage (une espece de chou sauvage), of which Jacquin has given a description under the title of Crume Tartaria. The Chara of modern botanists is quite different from this, being a small aquatic herb.

*CAREX, a species of Rush. The Carex is mentioned by Virgil4 with the epithet acuta, and Martyn5 remarks of it as follows: "This plant has so little said of it, that it is hard to ascertain what species we are to understand by the name. It is called 'sharp' by Virgil, as if it meant the end of the stalk, is no more than what Ovid has said of the Carex carica, which is a fruit. We find also in another passage of Virgil,6 itu post carecta latebas,7 from which we can gather nothing more than that these plants grew close enough together for a person to conceal himself behind them. Catullus mentions the Carex together with Fern, and tells what season is best to destroy them. Since, therefore, it is difficult to determine what the Carex is from ancient authorities, we must depend upon the account of Anguilla, who assures us that, about Padua and Vincenza, they call a sort of rush Carex, which seems to be the old word Carex modernized. Caspar Buhain says it is that sort of rush which he has called Juncus acutus panicula sparsa. It is, therefore, our common hard rush, which grows in pastures and by waysides in a moist soil. It is more solid, hard, and prickly at the point than our common soft rush, which seems to be what the ancients called Juncus.19"

*CARIS (karpis), a sea-animal of the class Cusastea. According to Adams, it is the Squilla of Cicero and Pliny,8 a term that has been retained in the Linnaean nomenclature. It is the Cancer squilla, L. The larger kind of Squilla, he adds, is called We. The Latin name is from the word Carex, and the smaller, Prawn. The caris knyp of Aristotle is a variety of the Cancer squilla, called in French Crevette. In the systems of Latreille and Fleming, the term Carides is applied to a subdivision of the Crustacea. In these systems, the Prawn gets the scientific name of Palinus serratus, the common Shrimp of Crustaceae vulgaris.10

CARMENTALIA. (Vid. NAVIS.)

CARMENTALIA. Carmenta, also called Carmentas, is famed to have been the mother of Evander, who came from Pallantium in Arcadia and settled in Latium; he was said to have brought with him a knowledge of the arts, and the Latin alphabetical characters as distinguished from the Etruscan.12 In honour of this Carmenta, who was supposed to marry a human,13 were celebrated the Carmentalia,14 earl in the time of Annus Julii, to which we may believe the authority of Pausanias.15 These were nine Statia, i. e., annually held on the 11th of January. The old calendar2 assigns to them the four following days besides; of this, however, there is no confirmation in Ovid.3 A temple was erected to the same goddess at the foot of the Capitoline Hill, near the Porta Carmentalis, afterward called Sculcuta.4 The name Carmenta is said to have been given to her from her prophetic character, carmen or carmentis being synonymous with vates. The word is, of course, connected with carmen, and prophetic prophecies were generally delivered in verse. Her Greek title was Thémis.5 Plutarch6 tells us that some supposed Carmenta to be one of the Fates who presided over the birth of men: we know, moreover, that other divinities were called by the same name; as, for instance, the Carmenta Postvera and Carmenta Prorsa were invoked in cases of childbirth, for further information with respect to whom, see Ann. Gell., vi., 6; Ovid, Fast., i., 634.

CARNEIA (Karpovia), a great national festival, celebrated by the Spartans in honour of Apollo Carneios, which, according to Sosibius,7 was instituted Olymp. 25, although Apollo, under the name of Carneios, was worshipped in various places of Peloponnesus, particularly at Amyclae, at a very early period. But it was not, however, until Wachsmuth,8 referring to the passage of Athenaeus above quoted, thinks that the Carneia had long before been celebrated; and that when, in Olymp. 26, Therapond gained the victory, musical contests were only added to the other solemnities of the festival. But the words of Athenæus, who is the only authority to which Wachsmuth refers, do not allow of such an interpretation; for no distinction is there made between earlier and later solemnities of the festival, and Athenaeus simply says the institution of the Carneia took place Olymp. 26 ('ψυγνό νή ψαλίδας τῶν Καρνείων κατὰ τὴν ἕκτην καὶ εἰκοστὴν Ὀλυμπιάδαν, ὡς Σωβάδων φυλών, ἐν τῷ περὶ χρόνων). The festival began on the seventh day of the month of Carneios=Metageitnion of the Athenians, and lasted for nine days,9 it was, as far as we know, a warlike festival, similar to the Attic Boedromia. During the time of its celebration, nine tents were pitched near the city, in each of which nine men lived in the manner of a military camp, obeying in everything the commands of a herald. Müller also supposes that a boat was carried round, and upon it a statue of the Carneian Apollo of the Attic type. (Ἀρόμας ἐπιγραφᾶς, both adorned with illustrations, symbols, or legends, connected in allusion to the passage of the Dorians from Naupactus to Peloponnesus.11 The priest conducting the sacrifices at the Carneia was called Α'γρήθη, whose festival was sometimes designated by the name Α'γγίρωνοτ ή Α'γγίρονος;12 and from each of the Spartan tribes five men (Κρονετάτα) were chosen as his ministers, whose office lasted four years, during which time they were not to serve in the army.13 Some of them bore the name of Σχραλόνταρος.14 Therapond was the first who gained the prize in the musical contests of the Carneia, and the musicians of his school were long distinguished competitors for the prize at this festival,15 and the last of this school who engaged in the contest was Pericleas.16 We read in Herodotus and Thucydides

Carpentum, a cart; also a rectangular two-wheeled carriage, enclosed, and with an arched or sloping cover overhead.

The cart was used to convey the Roman matrons in the public festal processions; and, as this was a high distinction, the privilege of riding in a cart on such occasions was allowed to particular females by special grant of the senate. This was done on behalf of Agrippina (q.v. carpentum) in 217 C.E. (Plut., "Caesar," 22, 4), who availed herself of the privilege so far as even to enter the Capitol in her carriage. A medal was struck (see woodcut) to commemorate this decree of the senate in her favour. When Claudius celebrated his triumph at Rome, he was followed by his empress Messalina in her carpentum. This carriage contained seats for two, and sometimes for three persons, besides the coachman. It was commonly drawn by a pair of mules (carpentum mulare), but more rarely by oxen or horses, and sometimes by four horses like a quadriga. For grand occasions it was very richly adorned. Agrippina's carriage, as above represented, shows painting or carving on the panels, and the head is supported by Caryatides at the four corners.

The convenience and statefulness of the carpentum were also assumed by magistrates, and by men of luxurious habits, or those who had a passion for driving. When Caligula instituted games and other solemnities in honour of his deceased mother Agrippina, her carpentum went in the procession. This practice, so similar to ours of sending carriages to a funeral, is evidently alluded to in the alto-relievo here represented, which is preserved in the British Museum. It has been taken from a sarcophagus, and exhibits a close carpentum drawn by four horses. Mercury, the conductor of ghosts to Hades, appears on the front, and Castor and Pollux, with their horses, on the side panel.

The coins of Ephesus show a carpentum, proving that it was used to add to the splendour of the processions in honour of Diana. It probably carried a statue of the goddess, or some of the symbols of her attributes and worship.

Carpentum, or covered carts, were much used by our ancestors the Britons, and by the Gauls, the Cimbri, the Allobrogues, and other northern nations. These, together with the carts in the carto-carrus form, including baggage-wagons, appear to have been comprehended under the term carri or carrus, which is the Celtic name with a Latin termination. The Gauls and Helvetii took a great multitude of them on their military expeditions; and, when they were encamped, arranged them in close order, so as to form extensive lines of circumvallation.

The ancient writers use "carpentum" to denote either a common cart or a cart-load, e. g., xxiv. stercoris carpentum.

Carpesium (karpısion), an aromatic some times used in place of Cassia. Galen describes it as resembling Valerian. Some of the earlier commentators, and, as it would appear, the Arabic physicians, confused it with carpesium. This confusion is rebutted by Matthioli and C. Bauhin. Dr. Hill says of it, "If the Arabsians were acquainted with our Cubes at all, it appears that, not knowing what the Carpesium and Ruscus were, they ignorantly attributed the virtues ascribed by the Greeks to their medicines to the Cubes."

Carpinus, a species of Maple, called also the Hornbeam, or Yoke-elm. It is a tree that loves the mountains, and is described by Pliny as having its wood of a red colour and easy to cleave, and covered with a livid and rugged bark. It was called Zygia (zygia) by the Greeks, because often used to make yokes (zygia) for oxen. The scientific name is Carpinus betulae. 1

Karpfou, a species of Melk (karpfou), a civil action under the jurisdiction of the thesmothete, might be instituted against a farmer for default in payment of rent. 1 It was also adopted to enforce a judicial award when the unsuccessful litigant refused to surrender the land to his opponent, and might be used to determine the right to land, 2 as the judgment would determine whether the plaintiff could claim rent of the defendant. 1

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1. (Suet., Calig., 15, 2. (Flurens., 1., 18. iii., 3., 4.)
3. (Diss. peri, 1.)
4. (Lamp. lat. 2., 1.)
5. (Lamp. lat. 2., 1.)
6. (Lamp. lat. 2., 1.)
7. (Lamp. lat. 2., 1.)
8. (Lamp. lat. 2., 1.)
9. (Lamp. lat. 2., 1.)
10. (Lamp. lat. 2., 1.)
CARRAGO, a kind of fortification, consisting of a great number of wagons placed round an army, and so employed by barbarous nations, as, for instance, the Scythians. 1 Gauls (vid. CARPENTUM), and Goths. 2

Carrago also signifies sometimes the baggage of an army. 3

CARRUCA was a carriage, the name of which only occurs under the emperors. It appears to have been a species of rheda (vid. RHEDA), whence Marcial, in one epigram, 4 uses the words as synonymous. It had four wheels, and was used in travelling. Nero is said never to have travelled with less than 1000 curraces. 5 These curraces were sometimes used in Rome by persons of distinction, like the carpenta (vid. CARPENTUM), in which case they appear to have been covered with plates of bronze, silver, and even gold, which were sometimes ornamented with embroidered work. Alexander Severus allowed senators at Rome to use curraces and rheda plated with silver; 6 one Martial 7 speaks of an aura curracea which cost the value of a farm. We have no representations of curraces in ancient works of art which can be safely said to be curraces, but we have several delineations of curraces ornamented with plates of metal. 8 Curraces were also used for carrying women, and were then, as well perhaps, as in other cases, drawn by mules, 9 whence Lupani 10 speaks of mula curracia.

CARRUS. (Vid. CARPENTUM.)

CARYA or CARYA-TIS (Καρυά or Καραύατις), a festival held at Carye, in Laconia, in honour of Artemis Caryatis. It was celebrated every year by Laconian maidens (Καραύατιδες) with national dances of a very lively kind, 11 and with solemn hymns.

CARYATIS (καριατίς), pl. CARYATIDES. From the notices and testimonies of ancient authors, we may gather the following account: That Carye was a city (civitas) in Arcadia, near the Laconian border; that its inhabitants joined the Persians after the battle of Thermopylae; 12 that on the defeat of the Persians the allied Greeks destroyed the town, slew the men, and led the women into captivity; and that as male figures representing Persians were afterward employed with an historical reference instead of columns in architecture (vid. ARALANTES, PERSE), so Praxiteles and other Athenian artists employed female figures for the same purpose, intending them to express the garb, and to commemorate the disgrace of the Caryatides, or women of Carye. 13 This account is illustrated by a bas-relief with a Greek inscription, recording the conquest of the Caryeatis, which is preserved at Naples, and copied in the following woodcut.

In allusion to the uplifted arm of these marble statues, a celebrated parasite, when he was visiting in a ruinous house, observed, "Here we must dine with our left hand placed under the roof, like Caryatides." (Vid. CARPENTUM.) The Caryatides existed by the orders of Athens, and placed in the Pantheon at Rome, above the sixteen columns which surrounded the interior, may have resembled those which are represented in a similar position in one of the paintings on the walls of the baths of Titus. 14 It is proper to observe that Lessing, and various writers after him, treat the preceding account as fabulous.

After the subjugation of the Caryates, their territory became part of Laconia. The fortress (τερ-ποι) had been consecrated to Artemis, 2 which image was in the open air, and at whose annual festival (Καριάτις κορής) the Laconian virgins continued, as before, to perform a dance of a peculiar kind, the execution of which was called κοραυατίς. Bloomfield thinks that the Caryatides in architecture were so called from these figures resembling the statue of Αργεύς Καραύατις, or the Laconian virgin who celebrated their annual dance in her temple. 3

CAR-ΟΥΝ (κάρον), the Walnut. "By itself," observes Adams, 4 "the κάρον is undoubtedly to be generally taken for the Juglans regia, or common Walnut. I am farther disposed to agree with Stockhouse in holding the κάρον Εβδοκίας, Περσικα, and Βασίλικα as mere varieties of the same. The κάρον Ποίοντον or λεπτο-κάρον, of Dioscorides and Galen, is as certainly the Nuc. Aciлина, or Füllert, being the fruit of the Caryatae, or Haret nut." (Vid. AVELLANE NUCES.)

CARYOPHYLL’ON (κάροφύλλον), Clovers, ő the flower-buds of the Caryophyllus aromatics (Σεγρεια Caryophylliata of the London Dispensary); They are first noticed by Paul of Ελεγία. 5 Symeon Seth 6 likewise gives a short account of cloves. That is no mention of the clove in the works of Dioscorides, Galen, Orphisias, or Achilles, but it is regularly noticed in the Materia Medica of all the Arabians.

CASSIA or ΚΑΣΣΙΑ (κασσία, κασσίας), Cassia. Moses Charras says of it, "The tree called Cassia is almost like that which bears the Cinnamon. These two bucks, though borne by different trees, are boiled and dried after the same manner, and their taste and scent are almost alike." 7 "I can see no difficulty," observes Adams, "about recognising it as the Λαυριος Κασσία." Stockhouse, however, prefers the Laurus gracilis, but upon what authority he does not explain. The Κασσία εύροφα and γελοκατάκα are thus explained by Alston: "The Cassia lignea of the ancients was the larger branch of the cinnamon-tree cut off with their bark, and sent together to the druggists; their Cassia futilis, or Syringa vulgaris, was the smaller leafy branch, as we now have it stripped from the tree, and rolled up into a kind of Fistula, or pipe." The Greeks then were unacquainted with our Cassia futilis, which was first introduced into medical practice by the Arabians. 8

CASSITEROΣ. (Vid. PLUMB.)

CÁSTANA (καστάνεα, καστάνια, or κώστι), the Chestnut-tree, or Fagus Castanea, L. Its fruit was called by the Latin writers Castanes max, and

1. (Steph. Pisc.)—2. (Dana Caryatids—Serv. in Virg. Ægœ, 37, 211, 211. 23).—4. (Max Gent., vol. iv. p. 409, note 85; ib. 10, 8; iv. 10, 5. 5.—Polio, Æcon, iv. 10, 16.—(Hered, viii. 25,—Vitr., i. 5, 1).—2. (Plin. H. N., 35, 41).—3. (Pict. H. N., 35, 41, 42).—4. (Dess. dites de Bains de Titus, pl. 10.—Wolf and Buttmann’s Mus-1, tab. 3, fig. 3).
CASTELLUM AQUÆ

also simply Castanea. Among the Greeks, on the other hand, chestnuts had various names. They are called ἄεις βάλλανοι by Theophrastus;¹ Σκαλίωνι βάλλανοι by Dioscorides and Galen; λίπεις κά-
pαυα by Nicander;² and κάρπα simply by Xenophon,³ who mentions that the nation of the Mosynoei lived entirely on them.⁴ The Chestnut-tree is generally considered to be a native of Asia, in many parts of which it is to be found in situations where it is most likely to have been planted. Tradition says that it was brought from Asia Minor, and soon spread over all the warmer parts of Europe. In the southern parts of the latter continent, chestnuts grow so abundantly as to form a very large portion of the food of the common people, who, besides eating them both raw and roasted, form them into puddings, and cakes, and even bread. The name Castanea is derived from Vossius from that of the town of Castanea in Thessaly, where this tree grew very abundantly. This etymology, however, is more than doubtful.

CASSIA LEX. (Vid. Tabellaria.)

CASSIS. (Vid. GALE, RETE.)

CASTELLUM AQUÆ, a reservoir, or building constructed for the purpose of containing an aqueduct, when it reached the city walls,⁵ for the purpose of forming a head of water, so that its measure might be taken, and thence distributed through the city in the allotted quantities. The more ancient name in use, when the aqueducts were first constructed, was dividellum.⁶

The castella were of three kinds, public, private, and domestic.

1. CASTELLA PUBLICA. Those which received the waters from a public duct to be distributed through the city for public purposes: 1. Castra, the pretorian camps. 2. The fountains and pools in the city (iacus). 3. Manera, under which head are comprised the places where the public shows and amusements were given, such as the circus, amphitheatres, saunachiae, &c. 4. Opera publica, under which were comprised the baths, and the service of certain trades—the fullers, dyers, and tanners—which, though conducted by private individuals, were looked upon as public works, being necessary to the comfort and wants of the whole community. 5. Acquaeducti. The aqueducts were given, such as the circus, the fountains, the public baths, and the like, to individuals, or to the public, for the purpose of facilitating the distribution of the water, or of placing a supply of it near public places. When a private person obtained a license to build a public duct, it was called modulature acceptoria, the letus erogatorius. To distribute the water was termed erogare; the distribution, erogatio; the size of the tube, fastula, or modulorum capacities, or lumen. The smaller pipes, which led from the main to the houses of private persons, were called punctae; those inserted by fraud into the duct itself, or into the main after it had left the castellum, fastula illicita. The erogatio was regulated by a tube called •.x, of the diameter required, attached to the extremity of each pipe where it entered the castellum; it was probably of lead in the time of Vitruvius, though it was not mentioned by him; but was made of bronze (anexa) when Frontinus wrote, in order to check the robery of the aquarii, who were able to increase or diminish the flow of water from the reservoir by compressing or extending the tube. Pipes which did not require any calix were termed soluta.

The subjoined plans and elevations represent a ruin still remaining at Rome, commonly called the "Trophies of Marins," which is generally consid-
ered to have been the castellum of an aqueduct. It is now much dilapidated, but was sufficiently entire about the middle of the sixteenth century, as may be seen by the drawing published by Guinacci,¹ from which this restoration is made. The trophies,

then remaining in their places, from which the monument derives its modern appellation, are now placed on the Capitol. The ground-plans are given

1. (Front. § 94.)—2. (Front. § 111.)—3. (Front. § 107.)—4. (Front. § 78.)—5. (Antichità di Roma, vol. p. 100.)

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CASTRA.

from an excavation made some years since by the students of the French Academy; they explain part of the internal construction, and show the arrangement adopted for disposing of the superfluous water. 1. The second hypothesis, that this structure was made to contribute to the embellishment and comforts of the city. The general stream of water is first divided by the round projecting buttress into two courses, which subdivide themselves into five minor streams, and finally fall into a reservoir in the manner directed by Vitruvius, 2 “immissarium ad recipiendum aquam castello conjunctum.” Thus the structure affords also an example of that class of fountains designated by the Romans emissaria.

*CASTOR (κάστορ), the Beaver, or Castor Führer. It is also called κύων πατάγως. The κάστορος φρύς, or καστρίων, is Castor, but this substance is not the testicles of the animal, as was generally supposed by the ancients, but a peculiar gland, placed in the groin of the beaver of both sexes. The ancients had a story prevalent among them, that the Beaver, when closely pursued, bit off its testicles, and, leaving these to the hunters, managed in this way to escape. 3

*CASTORIUM. (Vid. CASTOR.)

CASTRA. The system of encampment among the Romans, during the later ages of the Republic, was one of singular regularity and order; but any attempt to describe it accurately at this stage by us, who have reached this excellence, would be an unprofitable task, in which we shall not engage. We may, however, observe, that in the earlier wars of Rome with the neighbouring petty states, the want of a regular camp would seldom be felt, and that the later form of encampment, which was based upon the constitution of the legion, would not have been applicable to the Roman army under the kings and in the first ages of the Republic, when it was arranged as a phalanx. We read, indeed, of statio castra, or stationary camps, in the wars with the Αἰγι and Βόλτη, and of winter-quarters being constructed for the first time at the siege of Veii (B.C. 404-395), and it is not improbable that the great Samnite war (B.C. 343-290) led to some regular system of encampment. This was followed by the campaigns against Pyrrhus (B.C. 280-277), whose superior tactics and arrangement of his forces were not likely to be lost upon the Romans. The epoch of the first Punic war (B.C. 264-241), in which Rome had to contend against various mercenary forces, was succeeded by the struggle against the Cisalpine Ga. 4, and in both these contests the Romans found ample opportunities for improving themselves in the art of war. After the fall of Carthage, and Punic war followed (B.C. 218-211), in which Hannibal was their adversary and 1 teacher. After its conclusion, their military operations were no longer confined to Italy, but directed against various distant enemies, the Macedonian and Syrian kings (B.C. 200-192). These, of course, squire a longer absence from home, and often exposed them to enemies of superior forces, so that it became necessary to protect themselves, both in the field and in the camp, by superintendence in discipline and skill. Shortly after these times flourished Polybius, the historian of Megalopolis (a friend and companion of Scipio Africanus the younger), who expresses his admiration of the Roman system of encampment, and tells his readers that it is well worthy of their attention and study. 5 His description of the Roman camp of his day is remarkably clear, and we proceed to give it with the accompanying plan.

1. (Compare Plin., H. N., xxxvi., 24, 3—2. (viii., 7.—3. (Arunt., ii., viii. 5. (i., vii. 3—2. (vi., xvi. 3—, ni. 3—, 2. (vii.) 6. (H. St., 24, ed. Gron.))

A. praetorium. B. tents of the tribunes. C. tents of the prefect or sociorium. D. street 100 feet wide E, F, G. and their streets were 50 feet wide. L. select foot and horse volunteers. M. extra-ordinary horse of the allies. N. extra-ordinary foot of the allies. O. reserved for occasional auxiliaries. Q. the street called Quintana, 50 feet wide. V., V., Via Principalis, 100 feet wide.

N.B. The position assigned to the prefect or sociorium is doubtful.

The arrangements for a proper situation for the camp (castro militari) devolved upon one of the tribunes and a number of centurions who were specially appointed for that purpose, and sent in advance whenever the army was about to encamp; they were called metatores, from their office. After fixing on a proper locality, they then chose and distinguished with a white flag a place for the praetorium (A) or general's tent—the prepossession of the old name of the consul. 1 This was fixed, if possible, on an elevation, so as to secure an extensive prospect, and afford every convenience for giving orders. About it was measured out a square, each side of which was 100 feet distant from the white flag, and therefore 200 feet in length, so that the whole area amounted to four plethra, or 40,000 square feet. (Vid. Arura.) The two legions of the consular army were arranged on the right side of the praetorium; the former a sort of market-place, the latter appropriated to the quastor and the camp stores under his superintendence.

On the sides of, and facing the forum and quartorium, were stationed select bodies of horse (k), taken from the extraordinaries (επιστευοι των αν-

lεκτων), with mounted volunteers, who served out of respect to the consul, and were stationed near him, not only in the camp, but also on the line of march and elsewhere, so that they were always ready to do any service for him as well as the quaestor.

Behind, and parallel to these, but facing the sides of the camp, were posted similar bodies of foot-soldiers (L). Again, parallel with the line of the tribunes' tents, and stretching behind the praetorium, the line of the forum and the quastorium ran across the via (D), 100 feet broad, from one side of the camp to the other. Along the upper side of this street was ranged the main body of the "extraordinary" horse (M), parallel to and facing the line of the tribunes' tents: they were separated into two equal parts by a street fifty feet broad (E), perpendicular to that front, and leading from the praetorium to the higher or back gate of the camp, the Porta Decumanu.

At the back of this body of horse was a similar body of infantry (N), selected from the allies, and facing the opposite way, i. e., towards the ram-
part of the camp. The vacant spaces (O) on each side of the troops were reserved for "foreigners" (deditilia) and occasional auxiliaries.

The upper part of the camp, which we have just described, formed about a third of the whole, the remaining two thirds being appropriated to the main body of the forces, both legionary and allied, whose arrangement we now proceed to explain. The lower part of the camp was divided from the upper by a street, called the Via Principalis (V. P.), 100 feet broad, running parallel to and in front of the tribunes' tents: this was cut at right angles by another road (F), 50 feet broad, parallel to the length of the camp, and dividing the lower part into two equal spaces. On each side of this street (F) were ranged the horse of the two legions, the ten turmae of each being on different sides, and facing each other; the turma consisted of 30 men, and occupied a square whose side was 100 feet long. At the back of these turmae, and facing the contrary way, namely, towards the sides of the camp, stood the triarii; each maniple corresponding to a turma, and occupying a rectangle 100 feet in length by 50 in width. These dimensions would, of course, vary according to the component parts of the legion. Opposite to the two lines of triarii, but separated from them by a wide street (G), also 50 feet wide, stood the principes; they were double the triarii in number, and had a square, whose side was 100 feet, appropriated to each maniple. Behind these again, and in close contact with them, stood the ten maniples of the hastati, with their backs turned the opposite way, having the same space for each maniple as the principes. As the whole legion was divided into thirty maniples of foot, ten of each class, the whole arrangement was therefore perfectly symmetrical, the fifty-feet roads of which we have spoken commencing from the Via Principalis, and terminating in the open space by the ramparts. The whole legionary army thus formed a square, on each side of which were encamped the allies at a distance of 50 feet from the hastati, and presenting a front parallel to theirs. The allied infantry was equal in number to that of the legions, the cavalry twice as great: a portion of each (a third part) of the latter and about a fifth of the former was posted as "extraordinaries" in the upper part of the camp; so that, to make the line of the allies coterminous with that of the legion, it was necessary to give the former a greater depth of encampment. The cavalry of the allies faced the hastati, and the infantry at their back fronted the ramparts. The several front lines of the legioaries and allies were bisected by a road parallel to the Via Principalis, and called the Quintana (Q), from its dividing the ten maniples into two sets of five each; it was 50 feet in breadth.

Between the ramparts and the tents was left a vacant space of 200 feet on every side, which was useful for many purposes: thus it served for the reception of any booty that was taken, and facilitated the entrance and exit of the army. Besides this, it was a security against firebrands or missiles that might be thrown into the camp, as it placed the tents and the soldiers out of their reach.

From the description we have given, the reader will perceive that the camp was a square in form, divided into two parts by the Via Principalis, the
We may now observe, that every morning at daybreak the centurions and horsemen presented themselves to the tribunes. The latter then went to the consul and received his orders, which were conveyed through the former to the soldiers. The watchword for the night, marked on a four-cornered piece of wood, and therefore called tessera, was given out in the following way: A soldier in every tenth maniple, posted farthest from the tribune's tent, went up to the guard of duty, and presented himself at sunset before the tribune, from whom he received the tessera; he returned with it to his own tent, and, in the presence of witnesses, gave it to the centurion of number nine; it was passed on to him by the centurion of number eight, and so on, till it came back to the tribune. Besides the guards (executio) of the tribunes, &c., which we have already mentioned, there were also several night-watches (vigiliae); thus there were generally three about theuestorium, and two for each of the legi
ti; each division (tégimentum) also set a watch for itself. The velites were stationed by the walls of the rampart, and supplied the posts or pikets at the gates (stations a'te partes agilandi).

We will now describe the arrangements for the inspection of the night-watches, first observing that the soldiers were divided into twelve night-watch companies, or those whose duty it was to see that the army was kept in order, and to guard against surprise. Each of these companies was divided into three watch-companies, or 

unites, of the tribunes, remaining nothing of the officers Romans, tribunes that the Porta was the praetorium, was assigned was the Porta Principalis Dextra and the Porta Principalis Sinistra. The whole camp was surrounded by a twelve foot high wall, and a rampart (vallum) made of the earth that was thrown up (agger), with stakes (vallum) fixed at the top of it. The labour of this work was so divided that the allies completed the two sides of the camp along which they were stationed, and the two Roman legions the rest; the centurions and tribunes performed the work of the Romans, the prefects of the allies seem to have done for them.

We will now speak of the discipline of the camp. After choosing the ground (loca capere), the proper officers marked, by flags and other signals, the principal points and quarters; so that, as Polibius observes, the soldiers, on arriving at the place, proceeded to their respective stations like troops entering a well-known city, and passing through the streets to their several quarters. The tribunes then met, and administered to all, Freeman as well as slaves, an oath to the effect "that they would steal nothing from the camp, and bring whatever they might find to the tribunes." After this, two maniple were chosen from the princes and hastati of each legion, to keep clean and in good order the Via Principalis, a piece of ground of the same width and length; the arrangements were as follows: The soldiers of the watch-companies, supplied by the different maniples who were to furnish the guards during the first watch of the night, received from the tribune a number of small tablets (vexillia) with certain marks upon them, and then went to their respective posts. The duty of visiting these posts and making the nightly rounds of inspection, devolved upon the horsemen. Four of these, who were selected for this duty every day, according to a regular cycle, received from the tribune written instructions as to the time when they were to visit each post, and the number of posts to be visited; they were called circutores (περιτοιός), and, in the time of Vegetius, circutores. After receiving their orders, they went and posted themselves by the first maniple of the triarii, the centurion of which was required to see that the hours of the watch were properly given by the sound of the trumpet: then, when the time came, the circutor of the first watch proceeded on his rounds to all the posts; if he found the guards awake and on duty, he took their tablets; if he found them asleep, or any one absent from his post, he called upon the friends who accompanied him to witness the fact, and so passed on to the next post. The same was done by the circutores of the other watches. The next morning, all the inspectors appeared before the tribunes, and presented the tablets they had received; any guard whose tablet was not produced, was required to account for it. If the fault lay with the circutor, he was liable to a stoning, which was generally fatal. A regular system of rewards and punishments was also established in the time of Vegetius describing which, Polibius gives the following comparison between the methods of encampment among the Romans and Greeks.

The latter, he says, endeavoured to avail themselves of the natural advantages afforded by any ground they could seize upon, thus avoiding the trouble of intrenchment, and securing, as they thought, greater safety than any artificial defence would have given them. The consequence of this was, that they had no regular form of camp, and the different divisions of an army had no fixed place to occupy.

In describing the Roman camp and its internal arrangements, we have confined ourselves to the information given by Polibius, which, of course, is as accurate as the earliest of the classical writers, that he may be considered as the founder of a school of military science which has been followed by all his successors.
CAPIRATER.

CATAPLOS.

plies only to his age, and to armies constituted like those he witnessed. When the practice of drawing up the army according to cohorts, ascribed to Marius or Caesar (vid. Army, p. 104), had superseded the ancient division into maniples, and the distinction of triarii, &c., the internal arrangements of the camp must have been changed accordingly. So also, was the outward form for we learn from Vegetius, who lived in the reign of the Emperor Valentinian (A.D. 385), that camps were made square, round, or triangular, to suit the nature of the ground, and that the most approved form was the oblong, with the length one third greater than the breadth. He also distinguishes between camps made only for the night or for a march, and those which were made for a more stationary or built strongly for a stationary encampment. Another author also 8 alludes to places in the camp which Polybius does not mention, e.g., the valetudinarium, or infirmary; the veterinarium, or farriery; the fabrica, or forge; the tabulurn, or record-office. Besides this, we read of a great variety of troops under the emperors who did not exist under the Republic, and, of course, had their respective states as assigned them in the camp.

In closing this article, we will mention some points, a previous notice of which would have interrupted the order of description.

We learn from Tacitus 8 that a part of the praetorian guard was always stationed near the emperor, the auguries being there taken by the general.

The questorium, in former times, seems to have been near the back gate, or Porta Decumana, hence called questorium. 8 The same author 4 tells us that the tribunes formerly inspected (circuitum) the night-watches. In the principia, or its immediate neighbourhood, was erected the tribunal of the general, or of the emperors when they dwelt there. The tribunes administered justice there. The principal standards, the altars of the gods, and the images of the emperors, were also placed there.

From the stationary camps, or castra stativa, arose many towns in Europe, 8 in England, especially those whose names end in cester or chest. Some of these are to be traced in the present day as are Ardoch and Strathearn, in Scotland. Their form is generally oblong.

The castella of the Romans in England were places of very great strength, built for fixed stations. Burgh Castle in Suffolk, the ancient Caronunciun, and Richborough Castle, the Rutupiae of the Romans, were both erected in the first century, and they seem to have been built nearly on the model of the castra. For information on the Roman stations in this country, the reader is referred to General Roy's Military Antiquities in Great Britain.

CATAPGRAPHA. (vid. Pictura.)

CATALOGIA. (vid. Anologia.)

CATALOGON (vid. Apona.)

CATALTUXX. (vid. Galata.)

CATALOGOS, the catalogue of those persons in Athens who were liable to regular military service. At Athens, those persons alone who possessed a certain amount of property were allowed to serve in the regular infantry, while the lower class, the thetes, had not this privilege. (vid. Census.) Thus the word thetes, and the created class called the istheutai, and the latter of ëte tou kataleuon. Those who were exempted by their military service are called by Demosthenes òi òpò tou kataleuon. It appears to have been the duty of the generals

(τράτηγας) to make out the list of persona liable to service (vid. Αστράτειας Γραφῆς), in which duty they were probably assisted by the demarchi, and sometimes by the βουλευταὶ. 1

ΚΑΤΑΛΣΕΩΣ ΤΟΥ ΔΗΜΟΥ ΓΡΑΦΗ (Κατά-
λάθως του δήμου γραφή) was an action brought against those persons who had altered, or attempted to alter, the democratical form of government at Athens. A person was also liable to this action who held any public office in the state after the democracy had been subverted. 2 This action is closely connected with the προδοσία γραφή (ἐπὶ προδοσία τῆς πόλεωςε ἐπὶ καταλάθως τοῦ δήμου), with which it appears in some cases to have been almost identical. The form of proceeding was the same in both cases, namely, by εἰσαγγελία. In the case of καταλάθως τοῦ δήμου, the punishment was death; the property of the offender was confiscated to the state, and a tenth part dedicated to Athena. 3

CATALUSIS. (vid. Cactuva.)

*CATANANKE (κατανάγκη). There are few plants in the Ματέρα Μεδίκα of the ancients, 4 observed which have served with advantage as an argument to support a particular theory. There is, however, no want of opinion. It will be sufficient to mention that Sprengel, upon the whole, inclines to the opinion that the first species is the Ortholopus compressus, and the other the Astragalus magniflorus, Hort. 5

CATAPHRACTA. (vid. Litorea.)

CATAPHRACA (καταφρακτα.) This word was used in two different significations:

1. It was the name of the heavy-armed cavalry, the horses of which were also covered with defensive armour, 6 whence they are called by Polylus πεπορφορημένοι. The armour of the horses consisted either of scale armour, or of plates of metal, which had different names, according to their form, and whether they were fastened together, or were distinct. Polylus speaks of the προμετεύσων, παραστίων, παραστρεπτών, παραμετευσών, παραμετρεπτών, παρακατωσών. Among many of the Eastern nations, who placed their chief dependence upon their cavalry, we find horses protected in this manner; but among the Romans we do not read of any troops of this description, and we may remark that the form of the light cavalry, the discipline of the legions was destroyed, and the chief dependence began to be placed on the cavalry. When Postumus leaves Rome for the Eastern wars, Gallus prays,

"Ne ve tua Moda latecute caede sagittae, Ferrus armato nec ete eataphracta equo." 7

This species of troops was common among the Persians from the earliest times, from whom it was adopted by their Macedonian conquerors. 8 In the army of Cyrus, Xenophon says 9 that the horses were protected by coverings for the forehead and chest (προκαταπράξιν καὶ προσκαταπράξιν); and the same must have been the case with those which he fought with his younger brother. 10 Troops of this description were called elibanarii by the Persians (καταφρακτα eqwtes, gus elibanarios diétant Perusai). 11 We first read of cataphracti in the Roman army in the time of Constantine. 12

II. The term CATAPHRACCI was applied to ships which had decks, in opposition to apariata. (vid. Aparia.)

CATAPRATER (καταπρατηρία, βολίς), the lead used in sounding, or fathoming the depth of water in navigation.

The mode of employing this instrument appears to have undergone no change for more than two thousand years, and is described with exactness in the account of St. Paul's voyage and shipwreck at Miletus. A cylindrical piece of lead was attached to a long line, so as to admit of being thrown into the water in advance of the vessel, and to sink rapidly to the bottom, the line being knotted at both extremities to measure the depth. By smearing the bottom of the lead with tallow (μεστον), specimens of the ground were brought up, showing whether it was clay, gravel, or hard rock.

CATAULITICA. (Vid. TORMENTUM.)

CATAULACTA (καταυλάκτης), a portcullis, so called, because it fell with great force and a loud noise.

According to Vettius, it was an additional defence, suspended by iron rings and ropes before the gates of a city, in such a manner that, when the enemy had come up to the gates, the portcullis might be let down so as to shut them in, and to enable the besiegers to assail them from above. In accompanying plan of the principal entrance to Pompeii, there are two sideways for foot-passengers, and a road between them, fourteen feet wide, for carriages. The gates were placed at A, A, turning on pivots (σθαρολε), as is proved by the holes in the pavement, which still remain. This end of the road is nearest to the town; in the opposite direction, the road led into the country. The portcullis was at B, B, and was made to slide in grooves cut in the walls. The sideways, secured with smaller gates, were roofed in, whereas the portion of the main road between the gates (A, A) and the portcullis (B, B) was open to the sky. When, therefore, an attack was made, the assailants were either excluded by the portcullis, or, if they forced their way into the barbican, and attempted to break down the gates, the citizens, surrounding and attacking them from above, had the greatest possible facilities for impeding and destroying them. Vettius speaks of the "cataulacta" as an ancient contrivance; and it appears to have been employed by the Jews at Jerusalem as early as the time of David.

CATENA.

A sluice constructed in a watercourse, and made to rise and fall like a portcullis, was called by its name (cataulacta aqua cursum temperare). Rutilla* mentions the use of such sluices in salt-works. (Vid. Saline.)

The term "cataulacta" was also applied to those natural channels which were obstructed by rocky barriers, producing a rapid and violent descent of the water, as in the celebrated "cataulactas" of the Nile.

*CATARACTES (καταράκτης), the name given to a bird mentioned by Aristotle. Schneider (who reads καταράκτης) pronounces it, upon the authority of Edmann, to be the Pelicanus hasanus, L. or the Gannet. In Scotland it is known by the name of the Solan Goose.

KATAKFOYNEI (κατακοφυνέων) τταφή (κατακοφυνες γραφα), an action brought against spies at Athens ("Αν μία ώρα πεποι ζε φρενάρη μεμονωμένη Σπείρας τυγχάνων τότων ὡς κατακοφυνέων") If a spy was discovered, he was put to the rack in order to obtain information from him, and afterward put to death. It appears that foreigners only were liable to this action, since citizens who were guilty of this crime were liable to the προβολία γραφή.

CATENYAN (κατενυγαφ). (Vid. Enye.)

CATEGORIA (κατεγορία). (Vid. Gra.)

CATICA, a missile used in war by the Germans, Gauls, and some of the Italian nations, supposed to resemble the Aulis. It probably had its name from cutting; and, if so, the Welsh terms catai, a weapon, caitia, to cut or mangle, and catus, to fight, are nearly allied to it.

CATELLA. (Vid. Catena.)

CATENA, dim. CATELLA (ἄλυος, dim. ἄλυσιος, αἵλυσιον), a chain.

Thusdies informs us that the Plateans made use of "long iron chains" to suspend the beams which they let fall upon the battering-rams of their assailants. (Vid. Aries.) Under the Romans, prisoners were chained in the following manner: the soldier who was appointed to guard a particular captive had the chain fastened to the wrist of his left hand, the right remaining at liberty. The prisoner on the contrary, had the chain fastened to the wrist of his right hand. Hence dextrae insertare catena means to submit to captivity: ieviorem in sinistra catenam. The prisoner and the soldier who had the care of him (custos) were said to be tied to one another (alligati, latro et colligatius). Sometimes, for greater security, the prisoner was chained to two soldiers, one on each side of him (ἄλυοι δυομενοι). If he was found guiltless, they broke or cut the chain thrown by his chains (ἄλυοι τὴν ἄλυσιν). Instead of the common materials, iron or bronze, Antony, having got into his power Artavasdes, king of the Armenians, paid him the pretended compliment of having him bound with chains of gold.

Chains which were of superior value, either on account of the material or the workmanship, are commonly called catella (ἄλυεια), the diminutive expressions (ἄλυοι, αἵλυοι, αἵλυεια, etc.) being used of their fineness and delicacy as well as their minuteness. The specimens of ancient chains which we have in bronze lamps, in scales (vid. Libra), and in ornaments for the person, especially necklaces (vid. Monile), show a great variety of elegant and ingenious patterns. Besides a plain dir-

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GATOBLEPAΣ

These valuable chains were sometimes given as rewards to the soldiers; but they were commonly worn by ladies, either on the neck (περι τον τραγη-λον ὀλλισιον), or round the waist, and were used to suspend pearls, or jewels set in gold, keys, locks, and other trinkets.

CATERVA RHI. (Vid. GLADIATORES.)

CATHEDRA, a seat; but the term was more particularly applied to the soft seats used by women, whereas sella signified a seat common to both sexes (inter feminas cathedras). The cathedrae were, no doubt, of various forms and sizes; but they usually appear to have had backs to them, as is the case in the one represented in the annexed woodcut, which is taken from Sir William Hamilton's work on Greek vases. On the cathedra is seated a bride, who is being fanned by a female slave with a fan made of peacock's feathers.

Women were also accustomed to be carried abroad in these cathedrae instead of in lecteum, which practice was sometimes adopted by effeminate persons of the other sex (sexit cerise feratur cathedra). The word cathedra was also applied to the chair or pulpit from which lectures were read.

CATO'BLEPAΣ (κατοβλέπας or το κατοβλέ-παν) is an animal dwelling in Æthiopia, near the sources of the Nile. Pliny describes it as of moderate size in every respect except the head, which is so heavy that the creature bears it with difficulty. Hence it holds the head always towards the ground; and from the circumstance of its thus always looking downward, it gets the name of Catoblepas (κατα, "downward," and βλεπα, "to look"). It is well for the human race, it seems, that the animal has this downcast look, since otherwise it would annihilate them all; for no one, says Philo, can catch its eye without expiring on the spot. The eyes of the Catoblepas are a bull, but with a more fierce and terrible aspect. Its eyes, according to him, are red with blood, but are smaller than those of an ox, and surmounted by large and elevated eyebrows. Its mane rises on the summit of the head, descends on the forehead, and covers the face, giving an additional terror to its aspect. It feeds, the same authority informs us, on deadly herbs, which render its breath so poisonous that all animals which inhale it, even men themselves, instantly perish. Modern naturalists have formed the genus Catoblepas, in one of the species of which they place the Gnau, an animal that may possibly have given rise to some of these marvelous tales. Indeed, no other creature but the Gnau could well give rise to so many singular ideas. There is none that has an air so extraordinary, and, at the same time, so mournful, by reason, principally, of its long white eyebrows, and the hair, or, rather, mane on its snout, a characteristic not found in any other species of Antelope. *CATOCH'TIS (κατοχθ' τις), a species of gem or stone found in Corsica, and adhering to the hand like gum. It is thought to have been either amber, or some variety of bitumen.

CAT'RINOS (κατρινος) is a genuine Greek word, with an exact and distinct signification, although it is found in no Greek ancient or modern. It only in two authors, viz., Mr. Charles Fellows, as quoted in Aristox., p. 79, who gives the figure of the agriculture implement which it denoted, with the name written over the implement, from a very ancient MS. of Hesiod's Works and Days. It is doubtful whether the κατρινος had a Latin name; for Pliny describes it by a periphrasis: 'PERGUM vomerem subinde stimulam cuspidae protractam.' But his remark proves that it was used in Italy as well as in Greece, and coincides with the accompanying representation, from a very ancient bronze of an Etruscan ploughman driving his yoke of oxen with the κατρινος in his hand.

It cannot be doubted that, if the traveller were to visit the remote valleys of Greece and Asia Minor and take time to study the language and habits of the people, he would find many other curious and instructive remains of classical antiquity, which are preserved in no other way.

CAUCALIN.

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1. (Livy, xxxiv. 31.)—2. (Menander, p. 92. ed. Meim.)—3. (Plin., H. N., xxvii. 183.)—4. (Mart. iii. 69.)—5. (Hor., Sat., i. x, 91.—Propert., iv. v, 37.)—6. (Juv., Sat., i. 95.—Compare ix. 31.)—7. (De Re Rust., De Re V., &c.)—8. (Ruperti, ut quae, i. 65. &c.)—9. (Sabin., Sabins, i. p. 33. &c.)—10. (Herodot., c. iii. 4.—Ruperti, ut quae, i. 65. &c.)—11. (H. C. v. 31.)—12. (v. 21.)
CAUSIA

1. It signified an inn, where travellers obtained food and lodging; in which sense it answered to the Greek words πανδοκείον and κατάλυον.

2. It signified a shop where wine and ready-dressed meat were sold, and thus corresponded to the Greek κατάλυον.

The person who kept a caupon was called caupo.

It has been maintained by many writers that the Greeks and Romans had no inns for the accommodation of persons of any respectability, and that their caupones and πανδοκεία were mere houses of shelter for the lowest classes. That such, however, was not the case, the ancient writers, especially classical authors, will sufficiently show; though it is, at the same time, very evident that their houses of public entertainment did not correspond, either in size or convenience, to similar places in modern times.

Among the Romans, the want of such houses of public entertainment would be less felt than among the Greeks; because, during the latter days of the Republic and under the emperors, most Romans of respectability had friends or connexions in the principal cities of Europe and Asia, who could accommodate them in their own houses. They were, however, frequently obliged to have recourse to the public inns.

An inn was not only called caupon, but also taberna and taberna diversoria, or simply diversorium or diversorium.

It has already been remarked that caupones also supplied inns, where wine and ready-dressed provisions were sold, thus corresponding to the Greek κατάλυον. In Greek κάτφιλεν signifies, in general, a retail trader, who sold goods in small quantities, whence he is sometimes called παλιγκατεψίς, and his business παλιγκατεπτέλεων.

The word κάτφιλος, however, is more particularly applied to a person who sold ready-dressed provisions, and especially wine, by small quantities, as plainly appears from a passage in Plato.

When a retail dealer in other commodities is spoken of, the name of his trade is usually prefixed; thus we read of προδοκατάφιλος, ὑπελεγκατάφιλος, ὑπεστίων κάτφιλος, βιβλιοκάτφιλος, &c. In these caupones only persons of the very lowest class were accustomed to eat and drink (ἐν καύπονι δὲ γαφτὶ ἡπίων ὀδὸν ὀδὸν ἐν ὑκράτει ἕνακτι τοῦτο).

There were, no doubt, inns to accommodate strangers, but these were probably only frequented by the lower classes, since all person in respectable society could easily find accommodation in the houses of their friends. There were, however, in all parts of the city, numerous houses where wine and ready-dressed provisions were sold. The houses where persons were allowed to eat and drink were usually called popinae, and not caupones. The passage in Martial calls these places sellariolas popinae. This circumstance is illustrated by a painting found at Pompeii in a wine-shop, representing a drinking-scene.

There are four persons sitting on stools round a tripod table. The dress of two of the figures is remarkable for the hoods, which resemble those of the capocollo the Italian sailors and traders of the present day. They use cupa made of bone instead of glasses, and, from their whole appearance, evidently belong to the lower orders. Above them are different sorts of eatables hung upon a row of pegs.

The thermopodia, which are spoken of in the article CALDA, appear to have been the same as the popinae. Many of these popinae seem to have been little better than the luperaria or brothels; whence Horace calls them immundas popinae. The wine-shop at Pompeii, where the painting described above was found, seems to have been a house of this description; for behind the shop there is an inner chamber painted with very species of indecency.

The gansea, which are sometimes mentioned in connexion with the popinae, were brothels, whence they are often classed with the love. Under the emperors many attempts were made to regulate the popinae, but apparently with little success. Tiburtius forbade all cooked provisions to be sold in these shops; and Claudius commanded them to be shut up altogether. They appear, however, to have been opened again, if they were ever closed; for Nero commanded that nothing should be sold in them but different kinds of cooked pulse or vegetables, and an edict to the same effect was also published by Vespasian.

All persons who kept inns, or houses of public entertainment of any kind, were held in low estimation, both among the Greeks and Romans. They appeared to have been generally the usual haunts to which they possessed; for they were accustomed to cheat their customers by false weights and measures, and by all the means in their power, whether Horace calls them perfidiae and maliagiae.
Cautio.

CAUTION.

knocks. Its form is seen in the annexed figures, which are taken from a sicile vase, and from a

medal of Alexander I. of Macedon. The Romans adopted it from the Macedonians, and more especially the Emperor Caracalla, who used to imitate Alexander the Great in his costume.

CAU'TIO, CAU'RE. These words are of frequent occurrence in the Roman classical writers and jurists, and have a great variety of significations, according to the matter to which they refer. Their general significations are that of security given by one person to another, or security which one person obtains by the advice or assistance of another. The general term (cautio) is distributed into its species according to the particular kind of the security, which may be by satisfaction, by a fidejus- sio, and in various other ways. The general sense of the word cautio is accordingly modified by its adjuncts, as cautio fidejussoria, pigneratica, or hypothesaria, and so on. Cautio is used to express both the security which a magistratus or a judex may require one party to give to another, which applies to cases where there is a matter in dispute of which a court has already cognizance; and also the security which is a matter of contract between parties, in which the word cautio is more particularly used in the latter sense.

If a thing is made a security from one person to another, the cautio becomes a matter of pignus or of hypothecas; if the cautio is the engagement of a surety on behalf of a principal, it is a cautio fidejussoria.

The cautio was most frequently a writing, which expressed the object of the parties to it; accordingly, the word cautio came to signify both the instrument (chirographum or instrumentum) and the object which it was the purpose of the instrument to secure. Cicero uses the expression cautio chirographi me as the phrase cautiare aliquid aliis express the object of one according to the security to another as to some particular thing or act. 1

Ulpian 2 divides the prioris stipulations into three species, judiciales, cantionale, communes; and he defines the cantionales to be those which are equivalent to an action, and are a good ground for a new action, as the stipulationes de legatis, cutelas, ratam rem habere, and damnum infectum. Cautiones then, which were a branch of stipula- tions, were such contracts as would be ground of actions. The following examples will explain the passage of Ulpian.

In many cases a heres could not safely pay legacies, unless the legatee gave security (cautio) to re- find in case the will under which he claimed should turn out to be bad. The Cautio Maciana was the engagement by which the heres bound himself to fulfil the conditions of his testator’s will, or to give up the inheritance. The heres was also, in some cases, bound to give security for the payment of legacies, or the legatee was entitled to the Bonu- rum Possesso. Tutors and curators were required to give security (satisdare) for the due ad- ministration of the property intrusted to them, unless the tutor was appointed by testament, or unless the curator was a curatur legate. 3 A procurato- tor who sued in the name of an absent party might be required to give security that the absent party would be contented by the act of the procurator; 2 this security was a species of stipula- tions, included under the genus cautio. 4 In the case of damnum infectum, the owner of the land or property threatened with the mischief might call for security on the person threatening the mischief. 5

If a vendor sold a thing, it was usual for him to declare that he had a good title to it, and that, if any person recovered it from the purchaser by a better title, he would make it good to the purchaser; and in some cases the cautio was for double the value of the thing. 6 This was, in fact, a warranty.

The word cautio was also applied to the release which a debtor obtained from his creditor on satisfying his demand: in this sense cautio is equiva- lent to a modern receipt; it is the debtor’s security regained for his satisfaction, and so it was often termed secun- titiae. 7 Thus cauerre ab aliquo significis to obtain this kind of security. A person to whom the usual fructus of a thing was given might be required to give security that he would enjoy and use it properly, and not waste it. 8

Cauvere is also applied to express the professional advice which a lawyer gives to his client for his conduct in any legal matter. 9

The word cauerre and its derivatives are also used to express the provisions of a law by which anything is forbidden or ordered, as in the phrase ‘cautio est legi, principibus constitutionibus,’ &c. It is also used to express the words in a will by which the testator declares his wish that certain things should be done after his death. 'The prepar- ation of the instruments of cautio was, of course, the business of a lawyer.

It is unnecessary to particularize farther the species of cautio, as they belong to their several heads in the law.

CEDIS OR CAIADAS (καίκια or καίκια) was a deep cavern or chasm, like the βαδηπτής του Αθήνας, into which the Spartans were accustomed to thrust persons condemned to death. 9

*CEBLE'PYRS (κεβλέπυρος), a species of bird, mentioned by Aristophanes. It is probably, accord- ing to Adams, the Red-pole, or Fringilla Linaria.

CEDIT DIES. (Vid. LEGATUM.)

*CEDRUS (κέδρος and κέδρος), the Cedar, as we commonly translate it. According to the best bot-anical writers, however, the κέδρος of the Greeks and CEDRUS of the Romans was a species of Juni- per. The Cedar of Lebanon seems to have been but little known to the Greek and Roman writers. Theophrastus, according to Martyr, appears to speak of the 60th chapter of the fifth book of his History of Plants, where he says that the cedar grow to a great size in Syria, so large, in fact, that three men cannot encompass them. These large Syrian trees are probably the Cedars of Lebanon, which Martyr believes Theophrastus had only heard of, and which he took to be the same with the Syrian cedar, only larger; for in the twelfth chapter of the third book, where he de-

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1. (Gaius, l., 192.)—2. (Id., iv., 99., 2.)— (Dig. 46, tit. 8, s. 3, 13, 18, dec. 4.)— (Cic. Top., 4-Gaius, iv., 3.)— (Dig. 43, tit. 5, s. 9, 14.)— (Cic., Brut., 2-Dig. 46, tit. 3, s. 89, 94.)—7. (Dig. 7, tit. 9. 3.)— (Cic. Ep. ad Fam., iii., 1, vi., 5.—Pro Munron, c. 10.)—9. (Thucyd., l., 134.—Strat. vi., p. 307.—Paul., iv., 16, 4.—Suidas, s. v. Βαδηπτής, Καύλος, Κέβλος, Μακρός, 9.)—10. (Arist., Aves, 301.—Adams, Append., s. v.)
CENOTAPHIUM.

Olearia, in honeycomb bei-us. Vinaria, Called hence (Niebuhr, Plin.), their (i., bring Pine, and the hence. 

The described body-guar of Juniperus, is, for Pine, and the hence.

The modern Juniperus, is, for Pine, and the hence. Juniperus, is, for Pine, and the hence. Juniperus, is, for Pine, and the hence. Juniperus, is, for Pine, and the hence.

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A female occupied one to herself, over which her name was inscribed; hence cella inscripta means a brothel.

The interior of a temple, that is, the part included within the outside shell, σενώς (see the lower wooden in Ante), was also called cella. There was sometimes more than one cella within the same peristyle or under the same roof; in which case they were either turned back to back, as in the Temple of Venus and Vespasian, built by Hadrian on the Via Sacra, the remains of which are still visible, or parallel to each other, as in the Temple of Jupiter Optimus Maximus in the Campus. In such instances, each cell took the name of the deity whose statute it contained, as Cella Jovis, Cella Junonis, Cella Minerva. (Vid. CAPITOLIUM.)

CELLARIUS. (Vid. CELL.)

CÉNCHROS (κένχρος), a species of Hawk, answering to the modern Kestrel, or Falco tinnunculus. (Vid. HIRAX.)

CÉNCHROS (κένχρος). I. A species of Graín, the same, according to the best authorities, with Panicum miticantum, or Millet. II. Called also CÉNCHROS (κένχρος), a species of Serpent, which some confound with the ἀκροίμα, but which Gesner regards as a different kind. "It is more probable, however," says Adams, "that both were merely varieties of the Coluber burus, or Viper. I make no objection here, moreover, that the C. burus and the C. prester are the only venomous serpents which we have in Great Britain, and that many naturalists hold them to be varieties of the same species." (EN.)

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CENSORS

Cenctaphia were considered as religious, and therefore divi juris, till a rescript of the emperors Antoninus and Verus, the divi frates, pronounced them no such. But Censores, two magistrates of high rank in the Roman Republic. They were first created B.C. 445, and were a remarkable feature in the constitution then established. They were elected by the curie and confirmed by the centuries; and thus were not merely elected from, but also by the patricians. At first they held their office for five years, but in Marmecius Rutilus, the dictator, passed in B.C. 433, by which the duration of the office was limited to 18 months, the election still taking place, as before, at intervals of five years, so that the office was vacant for three years and a half at a time. The censors were always patricians of consular rank till B.C. 350, when a plebeian, C. Marcus Rutilius, who had also been the first plebeian dictator, was elected censor. Subsequently, the censors might be, both of them, plebeians, and even persons who had not filled the consulship or pretorship might be elected to this magistracy; but this was very uncommon, and was put a stop to after the second Punic war. The censorship was merged in the imperial rank. The duties of the censors were to hold a register of the patrician senators, equites, members of tribes, and equestrians, and as their lists were the sole evidence of a man's position in the state, it of course rested with them to decide all questions relative to a man's political rank. And thus we find that, in effect, they could, if they saw just cause, strike a senator off the list, deprive an eques of his horse, or debar a citizen to the rank of the equites. The offences which rendered a man liable to these degradations were, ill treatment of his family, extravagance, following a degrading profession, or not properly attending to his own, or having incurred a judicium turpe. The power of the censors even extended to a man's property, which was the basis of the Roman aristocracy. The censors a minute and detailed account of his property, which was taken down in writing by the notaries, so that, as Niebuhr says, there must have been an enormous quantity of such documents and reports in the register-office. But the censors had unlimited power in estimating the value or fixing the taxable capital: thus cases are known in which they rated the taxable value of some articles of property, as high-priced slaves, at ten times the purchase-money. And they not only did that, but even fixed the rate to be levied upon it. The censors also managed the farming of the vectigalia or standing revenues, including the state monopoly on salt, the price of which was fixed by them. They were therefore the resource of the state in the case of deficits in the state revenue, and were therefore in frequent employment in cases of public exigencies. The care of the temples, &c., devolved on the praetor urbana when there was no censor; but there does not appear to be any reason for concluding, with Niebuhr, that the offices of praetor and censor were ever combined. The censor had all the insignia of consular dignity except the fibulae, and wore the entire costume of a consular deputy, as we learn from the Roman coins, but upon which Niebuhr, Ant. Rom., ii., 1.—2. (Niebuhr, Hist. Rom., iii., p. 345.)—3. (Niebuhr, Hist. Rom., ii., p. 350.)—4. (Cic. Pro Cluent., 42.—Damas., iv., § 182.)—5. (Hist. Rom., iii., p. 390.)—6. (Liv. xxxv. 44. 4.—Liv. xxix. 27, 8.)—8. (Hist. Rom., iii., p. 350.)—9. (Polyb. iv., 53.)

not replaced, and his colleague resigned. 4. A censor's funeral was always very magnificent. 5. Further details with regard to the censors, see Niebuhr, Hist. Rom., ii., p. 354, &c., and Arnold, Hist. Rom., i., p. 346, &c.

CENSUS, or register of persons and property, constituted a man's actual claim to the rights of citizenship both in Greece and at Rome.

1. The Census at Athens seems to date from the constitution of Solon. This legislator made four classes (συγκρατη, &c.), and divided each into ten groups, or centuries, consisting of 500 males, dry or liquid, from their lands. 2. Knights, who had an income of 300 measures. 3. Zeugites, whose income was 150 measures. 4. Thetes, or capite censi. The word τετράκειμα, as used in the orators, means the valuation of the property; i.e., not the capital itself, but the taxable capital. Now if the valuation of the income was that given in the distribution of the classes just mentioned, it is not difficult to get at the valuation of the capital implied. Solon reckon-

dried dry measure, or medimnus, at a drachma. 5. Now it is probable that the income was reckoned at a twelfth part of the value of the land, on the same principle which originated the uncetariam farm, or 81 per cent. at Rome; if so, the land property of a knight was reckoned at 12, or 15×500=6000 drachmas; of a knight's: at 12×300=3600 dr.; and that of a zeugites at 12×1800=1800 drachmas. In the first class the whole estate was considered as taxable capital; but in the second only 5ths, or 3000 drachmas; and in the third, 7ths, or 1000 drachmas; to which Pulilux alludes when he says, in his blundering way, that the first class of citizens, or one-twelfth part of the whole, had an estate, the second, 30 minas; the third, 10 minas; and the thetes, nothing. In order to settle in what class a man should be entered on the register (πίσταγαθίον), he returned a valuation of his property, subject, perhaps, to the check of a counter-valuation (πλουσιαγαθίον). The valuation was made very frequently; in some states, every year; in others, every two or four years. The censors, who kept the register at Athens, were probably at first the naucrari, but afterward the demarchs performed the office of censor. Although this institution of Solon's seems particularly calculated for the imposition of the property-tax (συγκρατη), Thucydides, speaking of the time of the Peloponnesian war, says that the Athenians first raised a property-tax of 200 talents. It seems, however, that the amount of the tax constituted its singularity; for certainly property-taxes were common not only in Athens, but in the rest of Greece, before the Peloponnesian war, and Anti-

pho expressly says that he contributed to many of them. In the archonship of Nausinicus (Olym. 100, 3; 13 O. 379) a new valuation of property took place, and classes (συγκρατη) were introduced expressly for the property-taxes. The nature of these classes, our knowledge of which principally depends on a note of Ulpian, is involved in considerable obscurity. Thus much, however, may be stated, that they consisted of 1200 individuals, 120 from each of the ten tribes, who, on account of their property, advanced the money for others liable to the tax, and got it to them by the ordinary legal processes. In a similar manner classes were subsequently formed for the discharge of another and more serious liturgy, the trierarchi; and the stratēgai, who nominated the trierarchi, had also to form
of the property taxes. 1 What we have here said of the census at Athens renders it unnecessary to speak of the similar registrations in other parts of Greece. When the constitution essentially depended on this distribution according to property, it was called a timocracy, or aristocracy of property (τιμοκρατία, ἀπὸ τιμωμένων πολιτών).

II. The Census at Rome took place every five years, and was attended by a general purification, whence this period of time got the name of a lustrum. The census was performed in the Campus, where the censors sat in their curule chairs, and where the people of the city came to be registered by them, and give an account of their property. When the census was finished, one of the censors offered an expiatory sacrifice (lustrum conditum) of swine, sheep, and bullocks (hence called suovetaurilia), by which the city was supposed to be purified. The census originated, like that of Athens, in a distribution of the citizens into classes at the comitia centuriata, which distribution is attributed to Servius Tullius. (Vid. Comitia.) But this old constitution was never completely established, was very soon overthrown, and only gradually and partially restored. There was a considerable difference between the modes of valuation at Rome and Athens. In the latter city, as we have seen, the whole property was valued; but the taxable capital selfdom amounted to more than a third of what it was much smaller in the case of the poorer classes. Whereas at Rome only res mancipi were taken into the account, estates in the public domain not being returned to the censors, and some sorts of property were rated at many times their value; nor was any favour shown to the poorer classes when their property, however small, came within the limits of taxation. The names of persons included in the censuses which have come down to us were not the names of the Roman citizens, but also all the persons connected with Rome in the relation of isopoli; they refer, however, only to those of man's estate, or able to bear arms. 3

*Centaurea or -EUM (κενταύριον and -εύμ), the herb Centauria, so called from the Centaur Chiron who was said to have been thereby cured of a wound accidentally received from Hercules. 4 It was also, from this circumstance, styled Chironia and Χελεπος ριζας. 5 There are two kinds of Centauria, the greater and the less, which have no other similitude than in the bitterness of their taste. The less is also called *εσπερα, 6 from its loving moist grounds. "It grows wild in England," says Martyn, "in many places, and is the best kind."

The κενταύριον μυσσα is referred by Sprengel and Matthioli to the Centaurea Centaurium, L., and κ. amropov to the Erythraea Centaurium, Pers. Stackhouse makes the κ. of Theophrastus to be the Centaurea Centauria. 7 The less is called in Greece, θεομηχανός. Sibthorpe found it everywhere in Greece in the level country. 8

*CENTRIFO (κεντηρία), a species of fish mentioned by Theophrastus. According to Willughby, it was a species of Casterosterus, called in English Stickleback or Barnacle-stickle. 9

CENTRITE (κεντηρίτης), a species of fish mentioned by Athenaeus and Oppian. It is the *Squalus Centria, in Italian *Pesce porco. Rondelet says it has some resemblance to a sow, and delights in filth. 10

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CENTRUARI VIRI. 1

The foregoing notice is founded on Hollweg in his essay; his opinions on some points, however, are hardly established by authorities. Those who desire to investigate this exceedingly obscure matter may compare the two essays cited at the head of this article.

CENTURIA. (Vid. CENTURIO, C O M I T U M.)

CENTURIO, the commander of a company of infantry, varying in number with the legion. 

Festus may be trusted, the earlier form was centurio, like decurio, decuriorum. Quintilian tells us that the form centurio was found on ancient inscriptions, even in his own times.

The century was a military division, corresponding to the civil centuria; the centurio of the one answered to the curio of the other. From analogy, we are led to conclude that the century originally consisted of thirty men, and Niebuhr thinks that the influence of this favoured number may be traced in the ancient array of the Roman army. In later times the legion (not including the velites) was composed of thirty maniples or sixty centuries. The exactions on this plea were one cause of the sedition in the army of Blesus, mentioned by Tacitus. The vittis was the badge of office with which the century punished his men. The short tunic, as Quintilian seems to imply, was another mark of distinction. He was also known by letters on the crest of the helmet. The following woodcut, taken from a bas-relief at Rome, represents a centurio with the vittis in one of his hands.

The centurions were usually elected by the military tribes, subject, probably, to the confirmation of the consul. There was a time, according to Polybius, when desert was the only path to military rank; but, under the emperors, centurionships were given away almost entirely by interest or personal friendship. The father in Juvenal wakes his son with Vitem posse libello, "petition for the rank of centurion;" and Pliny tells us that he had made a similar request for a friend of his own, "Huic ego ordinis imperaveram." Dio Cassius, when he makes Maceinas advise Augustus to fill up the senate, in tivo isti urbi, seems to imply that some were appointed to this

CERASUS

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CUvier, however, admits several species, placing the M. Cephalus, or common Mullet, at the head.

"The genus Mugil," observes Griffith, "is supposed to derive its name from the contraction of the Latin words significating "very small sailor" (colaegulus)."

The species of this common Mullet is very well known, as has been noticed by Aristotle. It appears to be a stupid character, a fact which was known in the time of Pliny, since that author tells us that there is something ludicrous in the disposition of the mullets, for if they are afraid they conceal their heads, and thus imagine that they are entirely withdrawn from the observation of their enemies.

The ancients had the flesh of the Mullet in great request, and the practice of it is still very constant in all the countries of Europe. According to Athenaeus, these mullets were formerly in very high esteem which were taken in the neighbourhood of Sinope and Abdera; while, as Paulus Jovius informs us, those were very little prized which had lived in the salt marsh of Orbitello, in Tuscany, in the lagoon of Ferrara and Venice, in those of Pselion and Redalia, or Lezzi, and others such as came from the neighbourhood of Comacchio and Ravenna.

All these places, in fact, are marshy, and the streams by which they are watered are brackish, and communicative to the fish which they support the odour and the fluid of the mud."

The ancients believed the Mullet to be a very salacious kind of fish, which circumstance may, perhaps, have given rise to the custom alluded to by Juvenal.

CEPHALUS (képálos), the Mullet. Linnaeus and several of his successors have condemned all the European mullets under a single specific, namely, MUGIL Cephalus. According to this view of the subject, the χέλλον, φωτείς, μόδινος, and φάκονιος of Athenaeus must have been merely varieties of it.

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CEPHERUS (képóros), a species of Bird. Erasmus and others take it for the Gull or Sea-mew; but, as Adams remarks, Aristotle distinguishes between it and the lapis. It may, however, as the latter thinks, have been the species of Gull called Dung-hunter, or Larus pariasicus, etc. It makes the Cataracte cephalus."

CERACHANTHES (kérapántés), an agate of the colour of wax (kérnos), mentioned by Pliny. (Vid. ACHANTHES.)

CERASTES (kérrastés), the Horned Serpent, so-called, according to Isidore, because it has horns on its head like those of a ram. Dr. Harris thinks that it was a serpent of the viper kind. It is the Shephephon of the Hebrews. "Sprengel," remarks Adams, "holds it to be the same as the Hemorrhao, referring both to the Coluber Cerasotes, L.; and, from the resemblance of the effects produced by the sting of the Hemorrhao, and of the Cerasotes, as described by Aristotle, Aetius, and Paulus Aegineta, I am disposed to adopt this opinion, although unsupported by the other authorities." (Vid. A. MORRUSB.)

CERASUS (kérasos), the Cherry-tree, or Prunus Cerasus, L. According to some authorities, it derived its name from the city of Cerasus in Pontus, where it grew very abundantly; while others make the city to have been called after the tree. Lucullus, the Roman commander, is said to have planted an orchard of these trees in his garden at Rome, near the Esquiline hill.
CEREPITHCUS.

CEREVISIA.

To have first brought the Cherry-tree into Italy, and hence the terms cerasus and cerasum (the latter signifying the fruit) were introduced into the Roman tongue. Servius, indeed, says that cherries were known before this in Italy that they were of an inferior quality, and were called corna; and that, subsequently, this name was changed into cera-cerasus. Pliny, on the other hand, expressly denies that cherries were known in Italy before the time of Ceres. According to Gesner, however, they were known at a much earlier period, having been described by Theophrastus and the Sibylline Diaphylus. This latter writer, who is quoted by Athenaeus, speaks of cherries as being stomachic, though not very nutritive. He makes the very red kind, and another called the Milesean, to have been the better, and to thrive better in the Argolic country than in the Peloponnesus. The best kind of all, however, was the cherry-tree of the Phrygians as esteemed by the Phrygians. This cherry-tree could never have acclimated in Egypt. According to modern travellers, the hills near the site of ancient Cerasus are still covered with cherry-trees, growing wild.

* CERATIA (κεράτια), the Carob-tree, or Cerato-nia siligia. Horace,1 observes Adams, speaks of the Carobs as being an inferior kind of food, and so also Juvenal and Persius. It has been conjectured that it was upon Carobs, and not upon Locusts, that John the Baptist fed in the wilderness. This point is discussed with great learning by Olaus Celsius, in his Historiobotanica. To me it appears that the generally received opinion is the more probable.

* CEREAUIII (κεραυνών), a variety of the Treluld, or Tubor Cibarium.

* CERCIS (κερκός), according to Stackhouse, the Judas-tree, or Cercis silicicursum. Schneider, however, rather inclines to the Aspen-tree, or Populus tremula.

CERCOPITHECUS (κέρκοπιθήκος), a species of Monkey, with a long tail, from which circumstance the Greek name has originated (κέρκος, "a tail," and πίθηκος, "a monkey"). Pliny describes the animal as having a black head, a hairy covering resembling that of an ass, and a cry different from that of other apes. Harcbin refers it to the Mar- moth, but this is very improbable. Counts, indeed, that among the monkeys in India there are some with long tails, grayish hair, and the face black; as, for example, the Simia entellus and the Simia fau- nus. None, however, are found, according to him, in this same country with grayish hair, and the whole head black.1 On the other hand, Wilkin- son2 states that Pliny's description of the Cercopitéhus, with a tail, is not to be found in any other species of monkeys still found in Ethiopia. The Cercopitéhus was worshipped, according to Juvenal, in Thebes, the old Egyptian capital, and, as Wilkinson states, would seem to have been embalmed, not only in that city, but also in other places in Egypt. It was frequently represented as an ornament in necklaces, in common with other animal figures, and fanciful devices; and the neck of a bot-}

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CERUSI.

Smyrna in Cestus plant, species v., {Vid. (Ano. (De Adams, J. Dr. Adairi, Gesner, K7ipwOoc, White Lead, or Plumbi sub-carbonas. The ancient Cerase, like the modern, was prepared by exposingLead to a flame. The term vepz is minutely described by Theophrastus: "Lead is placed in earthen vessels over sharp vinegar, and after it has acquired a sort of rust of some thickness, which it commonly does in ten days, they open the vessels, and scrape from it a kind of mould. They then place the lead over the vinegar again, repeating again and again the same method of scraping it till it is wholly gone at the bottom. What has been scraped off they then heat to powder and boil for a long time; and what at last subsides to the bottom of the vessel is the ceruse." Similar processes are described by Dioscorides and Vitruvius. "The substance spoken of by Pliny," remarks Dr. Moore, "as a native cerese, found at Smyrna on the farm of Theodotus, appears to have been that greenish earth mentioned by Vitruvius as occurring in many places, but the best was flown at Smyrna and called by the Greeks Theodotov, from the name of the person, Theodotus, upon whose farm it was first discovered. From the fact that this green earth was regarded as a sort of ceruse, we might infer that the cerese of the ancients was not always of a very pure white."  

*CERYLUS (cereuloc), a species of Bird; the same, according to Suidas and Tzetzes 1 with the male kind, and by Sanian and Moschus, however, as Adam's remarks, appear to consider it a different bird. Gesner and Schneider are undecided.  

CERYX (cereus). (Vid. Caduceus, Petialis.)  

*CERYX (cereus), "A genus of Trestase, now placed," remarks Adams, "in the Molsusca by naturalists. It is the Murex of the older authorities. The two principal species are the Bouceminum and Purpura, which Sprengel refers to the Buccasnum harp., L., and B. lapicida, Dr. Coray remarks, that the Greek writers often make no distinction between the kóros and the ηορφια, but modern naturalists distinguish between the Murex and the Purpura." (Vid. Merue.)  

CER'SIO BONO'RUM. (Vid. Bonorum CER'SIO IN JUKE. (Vid. In Jure CERSSIO.)  

CER'SIO (cereus). (Vid. Bireclus,) p. 17.)  

*CESTRUM (késterop), I. a species of Betony. Sprengel, in his R. H., was inclined to make it the Betonica officinalis; but in his edition of Dioscorides he adopts the opinion of Dalechamp, who proposed the Betonica alopecurus. Dioscorides describes it as growing in very cold places, and Stiborth accordingly found the B. alopecurus growing plentifully on Parnassus, one of the coldest regions of Lydia. (Vid. Pictura.)  

CESTUS was used in two significations:  

I. Cestus signified the thongs or bands of leather which were tied round the hands of boxers in order to render their blows more powerful. These bands of leather, which were called ηηυξις, or ηυξις γυνακιον, in Greek, were also frequently tied round the arm as high as the elbow, as is shown in the following statue of a boxer, the original of which is in the Louvre at Paris.  


prepare themselves for boxing, they put on their bands thongs made of ox-hide (μαυτος ευπροσ Δδης ργαθυμων); but it should be recollected that the cestus, in heroic times, appears to have consisted merely of thongs of leather, and differed materially from the frightful weapons, loaded with lead and iron, which were used in later times. The different kinds of cestus were called by the Greeks in later times μελιάζες, πτέραι βωσίς, σφαιρίς, and μύρμηκας: of which the μελιάζες gave the softest blows, and the μύρμηκας the most severe. The μελιάζες, which were the most ancient, are described by Pausanias\(^1\) as made of raw ox-hide cut into thin pieces, and joined in an ancient manner: they were tied under the hollow or palm of the hand, leaving the fingers uncovered. The athlete in the palaestra at Olympia used the μελιάζες in practising for the public games (πληθυς των μαλακέτων); but in the games themselves they used those which gave the severest blows.

The cestus used in later times in the public games was, as has been already remarked, a most formidable weapon. It was frequently covered with knots and nails, and loaded with lead and iron; whence Virgil,\(^2\) in speaking of it, says,

\[\text{Ingenia sepient.}\]

\[\text{Terga bouno plumbmo insuto ferroque vigileant.}\]

Statius\(^3\) also speaks of \textit{nigrantias plumbm tegmna}. Such weapons, in the hands of a trained boxer, must have frequently occasioned death. The μύρμηκας were, in fact, sometimes called γνωστός, or "limb-breakers." Lucilius\(^4\) speaks of a boxer whose head had been so battered by the μύρμηκας as to resemble a sieve.

Figures with the cestus frequently occur in ancient monuments. They appear to have been of various forms, as appears by the following specimens, taken from ancient monuments, of which drawings are given by Fabretti.\(^5\)

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II. Cestus also signified a band or tie of any kind;\(^6\) but the term was more particularly applied to the zone or girdle of Venus, on which was represented everything that could awaken love.\(^7\) When Juno wished to win the affections of Jupiter, she borrowed this cestus from Venus;\(^8\) and Venus herself employed it to captivate Mars.\(^9\)

The scholiast on Statius\(^4\) says that the cestus was also the name of the marriage-girdle, which was given by the newly-married wife to her husband; whence unlawful marriages were called \textit{incesta}. This statement is confirmed by an inscription quoted by Plutarch,\(^10\) in which a \textit{matrona} dedicates her cestus to Venus.

\[\text{CETRA} \] or \[\text{E.CETRA} \] (σατρής), a target, i.e., a small round shield, made of the hide of a quadruped.\(^11\) It formed part of the defensive armour of the Oscii.\(^12\) (Vid. \textit{Actis}). It was also worn by the people of Spain and Mauritania.\(^13\) By the latter people it was sometimes made from the skin of the elephant.\(^14\) From these accounts, and from the distinct assertion of Tacitus\(^15\) that it was used by the Britons, we may with confidence identify the cestra with the target of the Scottish Highlanders, of which many specimens of considerable antiquity are still in existence. It is seen covering the left arms\(^16\) of the two accompanying figures, which are copied from a MS. of Prudentius, probably written in this country, and as early as the ninth century.\(^17\)

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It does not appear that the Romans ever wore the cestra. But Livy compares it to the \textit{pelts} of the Greeks and Macedonians, which was also a small light shield (cestratos, quos pellastos vocavat).\(^18\)

CHALCIDICUM. CHALCI- 

"CHALK'ANE (χαλκαίνη) appears to have been the well-known Greek resin, which exudes from the Chel ten Galbanum. Pliny, in describing it, says, "Quod maxime laudant, cartilaginum, parum, ad similitudinem Hymeniaci." In the Edinburgh Dispensary it is said that "Galbanum agrees in virtue with gum Ammoniacum." Hence Adams concludes that the Galbanum was identical with the modern. 

CHALCHANTHUS (χαλκάνθος), according to Pliny, the same with the "Atramentum sutoriorum" of the Romans, so called because used to blacken leather. The account of the Roman writer is as follows: "Graci cognitionem aris nomine fecerunt et a tramento sutorio, appellant enim Chalchanthum. Color est caruleus perquam spectabilis nitore, vitruminque esse creditur." From this language of Pliny there can be no doubt that Hardouin was correct in making it to be Copperas, or Blue Vitriol (chalcanthus, i. e. flos aris). "Yet," continues Adams, "both Sprengel, in his edition of Dioscordes, and Dr. Milligan, in his Annotations on Celsus, call it a natural solution of sulphate of copper in water. The quotation from Pliny proves that it was a vitriol, the word vitriol being, in fact, formed from vitrum. And, farther, Dioscordes' description of its formation agrees very well with Jameson's account of the origin of copperas. The ancients, however, as Dr. Hill states, were acquainted with a fictitious vitriol, which they called Pseudum and Epithymum, obtained by boiling some of the vitriolic ores in water."

CHALKEIA (χαλκεία), a very ancient festival celebrated at Athens, which at different times seems to have had a different character, for at first it was solemnised in honour of Athene, or been a festival of the people of Athens, whence it was called "Αριστή or Πανόθος. At a later period, however, it was celebrated only by artisans, especially smiths, and in honour of Hephaestus, whence its name was changed into Xalkeia. It was held on the 30th day of the month of Pyaneposion. Meander had written a comedy called Xalkeia, a fragment of which is preserved in Athenaeus. 

CHALCIDICA (χαλκιδίκα). A variety of meaning seems to have been attached to this word, which is not of unfrequent occurrence in inscriptions, and in the Greek and Latin writers. 

The meager epitome of Festus informs us merely that it was a sort of edifice (genius edificii), so called from the city of Chalce, but what sort is not explained; neither do the inscriptions or passages cited below give any description from which a conclusion respecting the form, use, and locality of such buildings can be positively affirmed. 

"CHALCIDEIA were certainly appurtenances to some basilica, in reference to which the following attempts at identification have been suggested: 1. A mint attached to the basilica, from χαλκίς and δέκα, which, though an ingenious conjecture, is not supported by sufficient classical authority. 2. That part of the Basilica which was annexed to the front of the tribune, corresponding to a nave in the modern church, of which it was the original, where the lawyers stood, and thence termed τάξις κατακοιλίας. 

In the upper gallery, in the form of a balcony. Internal chambers on each side of the tribune for the convenience of the judges, as in the basilica of Pompeii. (Vid. Basilica, p. 141) 5. The vestibule of a basilica, either in front or rear; which interpretation is founded upon an inscription discovered at Pompeii, in the building appropriated to the fillers of cloth (fullonicae): 

Eumachia. L. F. Sacerd. Pub. * * * 

CHALCIDIUM, CRYSTAL PORTION 

* * * SEA. PERN. PRIT. RAMESQUE. DE DIBIT. 

By comparing the plan of the building with this inscription, it is clear that the chalcidicum mentioned can only refer to the vestibule. Its decorations likewise corresponded in richness and character with the vestibule of a basilica described by Procopius, which is twice designated by the term χαλκίς. The vestibule of the basilica at Pon. pei is shown upon the plan on page 141. 

In another sense the word is used as a synonyme with cavaeula. "Scibitur Di vestit in triclinio calestibus atque in chalcidicis urcis caretare." These words, compared with Homer, 

Τρήηθε δε εὶς ἑνδέκατο καρκαλίσσω, and the translation of οὔπωρον by Auseonius, 

"Chalcidicum grexus maxis superabant ani", 

together with the known locality of the ancient cavaeula, seem fully to authorize the interpretation given. 

Finally, the word seems also to have been in the same sense as manionum, a balcony. 

CHALCIOCIA (χαλκιοκλία), an annual festival, with sacrifices, held at Sparta in honour of Athene, surnamed Xalkeiokeia, i. e., the goddess of the linen-house. Young men marched on the occasion in full armour to the temple of the goddess, and the ephors, although not entering the temple, but remaining within its sacred precincts, were obliged to take part in the sacrifice. 

"CHALCIS (χαλκίς), I. A species of Bird, described as inhabiting mountains, rarely seen, and of a copper colour (from which the name, or else from its shrill cry). It was probably one of the Falcon tribe, and is considered by some authors to be the same bird, but it must be carefully determined what kind of bird it really was. An other name for this bird is κυμοφόρος, in Homer and Ionic authors. Both names occur in the 14th book of the Iliad, where it is noted that χαλκίς is the older name. The cry of the bird is represented by κικαιβάδ. 

II. A species of Lizard, so called from having copper-coloured streaks on the back. It is termed in Greek, not only χαλκίς, but also καρποχρόνιον. Some of the ancient authorities call it εἰφό, and the French naturalists describe it under the name of Le Seph, but, according to Buffon, improperly. It is the Chalces Vittatus, L. Cuvier thinks it very probable that the ancients designated by this name the Seph with three toes of Italy and Greece. The name Chalces has the same signification as the Greek χαλκίς. It is probable that the word "Chalce" called Chalcedon by Lamartine was but a variety of the Seph." Buffon remarks, "It appears to bestow a strong affinity to the viper, and, like that animal its bite may be dangerous." Dr. Brookes, 139. 

CHALCOS.

"The Seps, or the Chalcidian Lily of Aldrovandus, is rather a serpent than a lizard, though it has four small legs, and paws divided into 4. Dr. Hill, in the 1st account of the Flos aris, given by Kidd, is inaccurate, and we give it merely to caution the reader not to be misled even by such a high authority: "In the spontaneous formation of sulphate of copper, the pyrites first loses its splendour, then swells and separates into numerous tassels. After this, its surface is partially coated with a white efflorescing powder, which is the Flos aris of Pliny.

"CHALCOPHONOS (χαλκόφωνος), a dark kind of stone, sounding, when struck, like brass. Traugelians were recommended to carry one. It was probably a species of cink-stone."

"CHALCOSMARAGDUS (χαλκόσμαραγδός), according to Pliny, a species of Emerald, with veins of a coppery hue. It is supposed to have been Diplotace (Archirute) in its gang of copper pyrites."

CHALYBS (χαλύβος), Steel, so called, because obtained of an excellent quality from the country of the Chalybes. "The Indian Steel, mentioned by the author of the Peruus, was probably," observes Dr. Moore, "of the kind still brought from India under the name of wootz; and the ferrum candidum, putrified with the same, is described as resembling the Chalybidic, indispensable to the steel-smiths of this country, as the Iceland spar to the astronomer."

These kinds were the Chalybidic, the Sicopic, the Lydian, and the Lacedemonian. The Chalybidic was best for carpenters' tools; the Lacedemonian for files, and drills, and gravers, and stone-chisels; the Lydian, also, was suited for files, and for knives, and razors, and rasps." According to Tychsen, nothing occurs in the Hebrew text of the Scriptures relative to the hardening of iron, and the quenching of it in water. Iron (barzeh) often occurs, and in some passages, indeed, Steel may, he thinks, be understood under this name. For example, in Ezekiel, ferrum fabrefactum, or, according to Michaelis and others, subale blades from Usal (Sanaa in Yemen). A pretty clear indication of steal is given in Job xxviii. 10, 11, where the Hebrew word is described as the hardest. It appears that the Hebrews had no particular name for Steel, which they perhaps comprehended, as the same writer conjectures, under the term barzeh, or distinguished it only by the epithet "Northern." Among the Greeks, Steel was used as early as the time of Homer, and, besides Chalybes, it is only commonly called asirrma (στελμα), which, however, did not so much denote Steel itself as the steeled part of the instrument. Adams, also, was frequently used to indicate Steel. (Vid. Adamas.) "The Romans," observes Beckmann, "borrowed from the Greeks the word chalybs; and, in consequence of a passage in Pliny, many believe that they gave also to Steel the name of acies, from which the Italians took their acciaio, and the French their acier. The word acier, however, denoted properly the steeled or cutting part only of an instrument. From this, in later times, was formed aciaria, for the Steel which gave the instrument its sharpness, and also actarre, to steel." The preparation by fusion, as practised by the Chalybes, has been twice described
CHARISIA.

The Steel of the ancients, however, in consequence of not being cemented, suffered itself to be hammered, and was not nearly so brittle as the hardest steel with which we are acquainted at present. On the other hand, the singular method of hardening steel by immersing it suddenly into red-hot water, is very old; Homer says, that when Ulysses bored out the eye of Polyphemus with a burning stake, it hissed in the same manner as water, when the smith immerses in it a piece of red-hot iron in order to harden it. Sophocles uses the comparison of being hardened like immersed iron; and Salmacius quotes a work of the Greek chemist, who treats of the method of hardening iron in India. It is also a very ancient opinion, that the hardening depends chiefly on the nature of the water. Many rivers and wells were therefore in great repute, so that steel-works were often erected near them, though at a considerable distance from the mines. The more delicate articles of iron were not quenched in water, but in oil.

CHALKOUS. (Vid. Aes.)

CHARLES CT (χαρακτήρ), the Dwarf-welder. (Vid. Acte.)

CHARLES DRYX (χαράδρυς), the Wall German, or Terecinium Chamaedrys. Apuleius makes the Chamaedrys a synonome of the Terecinium.

CHARLES ERSUS (χαρακτέρας), supposed by Sprengel to be the Lily of the Valley, or Convallaria majalis.

CHARLES LEON (χαρακτέλων), I. a species of plant, so called from the changeable colour of its leaves. Gesner and Humbertius, according to Adams, can only refer it in general terms to the Thistle tribe. Stephens, Schoultz, and Stackhouse hold that the χαρακτέλων λεον is the Carthia occa-

II. The Chameleons, or Chameleo Egyptiani. The ancient naturalists describe this species of lizard accurately, and mention, in particular, its remarkable property of changing colour. These colours, in fact, change with equal frequency and rapidity; but it is by no means true, as stated by Suidas and Philo, that the animal can assimilate its hue to that of any object it approaches. Neither is it true, as asserted by Ovid* and Theophrastus, that it lives upon air and dew, for it eats flies. In the Latin translation of Avicenna it is called Alchabe.

"It was believed, in the time of Pliny, that no animal was so timid as the Chameleon; and, in fact, not having any means of defence supplied by nature, and being unable to secure its safety by flight, it must frequently experience internal tears and agitations more or less considerable. Its epidermis is transparent; its skin is yellow, and its blood of a lively violet blue. From this it results, that when any passion or impression causes a greater quantity of blood to flow into the heart to the surface of the skin, and to the extremities, the mixture of blue, violet, and yellow produces, more or less, a number of different shades. Accordingly, in its natural state, when it is free and experiences no disquietude, its colour is a fine green, with the exception of some parts, which present a shade of reddish brown or grayish white. When in anger its colour passes to a deep blue green, to a yellow green, and to a gray or less blackish; and if maggot, its colour becomes yellowish gray, or that sort of yellow which we see in dead leaves. Such is the colour of almost all the Chameleons which are brought into cold countries, and all of which speedily die. In general, the colours of the Chameleons are much the more lively and variable as the weather is warmer, and as the sun shines with greater brilliancy. All these colours grow weaker during the night.*

CHARLES LEONON (χαρακτέλων), the herb Chamelemon. The Greek name means "ground apple," from the peculiar apple-like perfume of the flowers. The term comprehends the Anthemis nobilis, and probably some other species of ChamaemUlum. In modern Cyprus this plant is called πατομίτος. It is frequently met with in the islands, and flowers early in the spring, according to Sibthorp.†

CHARIS'TIA. (χαρίστια), the herb Ground pine. (Vid. Aegita.)

* CHARLES LEON (χαρακτέλον). "Doussieux states correctly," observes Adams, * that Scrapiio and Avicenna confounded both the Chamelea and Chameleon together, under the name of Maizerion; and it must be admitted, that the learned commentators on the Arabian medical authors have not been able to clear this difficulty. According to Sibthorp, the Daphne odorata is the species which has the best claim to be identified with the ancient Chamelea. Mattheiwiis, and the writer of the article on Botany in the Encyclopedic Methodique, refer it to the Cneorum tricoccon. 11.

* CHARADRIUS (χαράδρος), the name of a sea bird described by Aristotele and Eilian. It is supposed to have been the Dalvyle, or Ring Plover. The full name of this bird was made by Plato, Aristophanes, and Plutarch. The scholiast on Plato says that the sight of it was believed to cure the jaundice. 7

* CHELIDONIUM (χελίδωνιον), a plant of which two kinds are mentioned, the Chelidonium majus, or Greater Celandine, and the C. minor, or Romanu- lus flavia, the Figwort, popularly called the Lesser Celandine, under whose name, says Adams, it has been celebrated by the muse of Wordsworth.†

* CHELI'SON (χελίδων), I. the Swallow. (Vid. Hirundo.) II. The Flying-fish, or Trigla volitans. L.*

* CHELONE (χελόνη), the Tortoise. (Vid. Testudo.)

CHARISTIA. The charista from χαρίστια, to grant a favour or present, to be solicitous; to which none but relatives and members of the family were invited, in order that any quarrel or disagreement which had arisen among them might be made up, and a reconciliation effected. The day of celebration was the viii. Cal. Mart., or the 19th of February, and is thus spoken of by Ovid:

CHEIMEL.  

CHEIRONOMIA (χείρονομια), a mimetic movement of the hands, which formed a part of the art of dancing among the Greeks and Romans. The word is also used in a wider sense, both for the art of dancing in general, and for any signs made with the hands in order to convey any desire. In gymnastics it was applied to a certain kind of pugilistic combat.

CHEIROROTINEIN CHEIROROTONIA (χειροροτινειν, χειροροτινα). In the Athenian assemblies two modes of voting were practised, the one by pebbles (τυχ. Παραπτυχια), the other by a show of hands (χειρονομεν). The latter was employed in the election of those magistrates who were chosen in the public lot (τυχεστοις), for these were the names which were hence called χειρονομενοι, in voting upon laws, and in some kinds of trials on matters which concerned the people, as upon προσβολαι and διασωλεια. We frequently find, however, the word ψηφισειθα used where the votes were really given by show of hands.

The manner of voting by a show of hands is said by Strabo to have been as follows: "The herald said, "Whoever thinks that Midias is guilty, let him lift up his hand." Then those who thought so stretched forth their hands. Then the herald said again, "Whoever thinks that Midias is not guilty, let him lift up his hand;" and those who were of this opinion stretched forth their hands. The number of hands was counted each time by the herald; and the president, upon the herald's report, declared on which side the majority voted (διανογενος τας χειρονομες).

It is important to understand clearly the compounds of this word. A vote condemning an accused person is καταχειρονομια; one acquitting him, υποχειρονομια; επιχειρονομεν is to confirm by a majority of votes; επιχειρονομια τω νομιο was a revision of the laws, which took place at the beginning of every year; επιχειρονομια τω λαοι was a vote taken in the first assembly of each Prytanion on the conduct of the magistrates; in these cases, those who voted for the confirmation of the law, or for the continuance in office of the magistrate, were said επιχειρονομεν, those on the other side, υποχειρονομεν. Διαχειρονομια is a vote for one of two alternatives, and was made in opposition to a proposition. The compounds of ψηφισειθηναι have similar meanings.

CHEIROROTONETOI. (Vid. Arcahseial.)

CHELIDONIA (χελίδονια), a custom observed in the island of Rhodos in the month of Boëdromion, the time when the swallows returned. During that season, boys, called χελιδωνιστα, went from house to house collecting little gifts, ostensibly for the returning swallows (χελιδωνιστα), and singing a song which is still extant. It is said to have been introduced by Cleobulus of Lindus at some period when the town was in great distress. The chelidonia, which have sometimes been called a festival, seem to have been nothing but a peculiar mode of begging, which, on the occasion of the return of the swallow, was carried on by boys in the manner stated above. Many analogies may still be observed in various countries at the various seasons of the year.

CHEME (χημη), a Greek liquid measure, the capa-

city of which (as is the case with most of the smaller measures) is differently stated by different authorities. There was a small cheme, which contained two eicchelaria or two drachmes, and was the seventy-second part of the cotele, =0068 of a pint English. The large cheme was to the small in the proportion of 3 to 2. Other sizes of the cheme are mentioned, but they differ so much that we cannot tell with certainty what they really were.

*CHENALÒPEX (χενάλοπεξ), a species of aquatic fowl. (Vid. Anas.)

CHENISCUS (χενισκος) was a name sometimes given to the οηκροτολον of a ship, because it was made in the form of the head and neck of a goose (κητειος) or other aquatic bird. This ornament was probably adopted as suitable to a vessel which was intended to pursue its course, like such an animal, over the surface of the water. We are informed that a ship was sometimes named "The Swan" (κητειος), having a swan carved upon the prow.

Though commonly fixed to the prow, the cheniscus sometimes adorned the stern of a ship. It was often gilt. A cheniscus of bronze is preserved in the Royal Library at Paris. Not unfrequently we find the cheniscus represented in the paintings found at Herculanum, and on antique gems. Examples are seen in the annexed woodcut, and in that at p. 62.

*CHENOPODIUM (χενοποδος) and CHENO PUS (χενοπος), a species of plant, commonly called the Goosefoot. Dioscorides and Pliny mention two kinds, the wild goosefoot (αιδετεατε and Καλλονεια), the former of which is the same with the ατριπλας or ατριπλας, the latter the Atriplice kertensis, or Orach (the χρυσαλοχανον of Theophrastus). The modern Greeks use the Chenopodium as a good remedy for wounds, and call it πανακα. The Chenopodium botryis has a balmy perfume, and yields an essential oil, which renders it tonic and antiseptic. Shibarop found it between Smyrna and Bousra, on the banks of the streams. The seed resembles a cluster of grapes, and has a vinous smell, whence the name botryis (βοτρυς, a "cluster"). The most important property possessed by the Goosefoot tribe is the production of soda, which some of them yield in immense quantities.

CHERNICHERNIBON CHERNIBON (χερνιβον, χερνιβον), from χερνιβον and νιτα, signifies the water used for ablution and purification, or the vessel which was contained in it. A marble vase containing lustral water was placed at the door of both Greek and Roman temples, which was applied to several purposes. The priest stood at the door with a branch of laurel or olive

CHIROGRAPHUM.

The form of which is frequently met with upon medals and bas-reliefs.

Another Greek rite was performed by the priest taking a burning torch from the altar, which he dipped into the lustral water (χειροποσφίαν) and then sprinkled it over the by-standers. Water was also sprinkled over the head of the victim as an initiation to the sacrifice; hence the expression χειρωποσφίαν, "to perform a sacrifice," and χειροποσφία, the lustral rite.

The vessel which the Romans used was of the kind called labrum, resembling those still employed for a somewhat similar purpose in the Roman churches, one of which is shown in the Lacoicum at Pompeii. (Vir. Cat., i., p. 156.)

But the word, as its etymology indicates, is of a more domestic origin: and, in reference to the custom, common to both nations, of washing their hands before meals, is used with the same double meaning above mentioned. In the first passage cited from Homer, χειροσφία is put for the water itself; in the second, χειροποσφία is used for the vessel which receives it. In both instances the water is poured out of a jug (πόσσον), and the two together correspond with our terms basin and ewer.

*CHERNITES (χερνίτις), a species of Stone, which Pliny, after Theophrastus, says was very like ivory, and in a coffin of which the body of Darius lay. The French commentators on Pliny make it and the porus, mentioned by the same writers as resembling in colour and hardness Parian marble, to have been varieties of calcareous tufa (carbonate de chaux sedimentaire, on crista grossiers et compacte, chloriteuse, renfermant des silex blonds et des glyptistes).

CHEROSTAII. (Vid. Herbs.)

*CHERSYDRUS (χερσυδρός), a species of Snake, lying, as the name imports, both on land and in the water (χερσυδρός, "land, ὕδωρ, "water"). A good description of its form and nature is given by Virgil.

According to the poet, it was marked with large spots on the belly. Under the head of Chersydrus, at the present day, Cuvier ranks the Oulardimpfe (Acrochordus Fasciatus, Sh.), a very venomous serpent which inhabits the bottoms of the rivers of Java.

*CHIE TERRA (Xia yi), a species of Earth obtained from the island of Chios. The ancients used it internally as an astringent; but its chief use was as a cosmetic, it being highly valued for cleansing the skin and removing wrinkles. Galen says it was an earth of a white colour, but not a bright, clear white, and that it was brought in flat pieces; and Dioscorides says it was whitish, but tending to ash colour. "Like the Selinasian and Phigidic earths," observes Almus, "it is an argil more or less pressed down, and considered as the earth of the small animal (χειραμαξιον, from χείρ and ἄλοξ, a sort of easy-chair or "go-cart," used for invalids and children. It differed from the sella graetatoria, which answers to our sedan-chair, in which the person was carried by his slaves or servants, since it went upon wheels, though moved by men instead of animals. Doubts are entertained whether this small vessel was drawn or propelled, as it is observed that men draw from the neck and shoulders, and push with their hands, which latter method is clearly the one intended by Aurelian, "vehiculum manibus actum."

CHIRIDOTIA (χειρίδοτια, from χείρ, manus, manica), a tunic with sleeves. The tunic of the Egyptians, Greeks, and Romans was originally without sleeves (vid. Exomis), or they only came a little way down the arm. On the other hand, the Asiatic and Celtic nations wore long sleeves sewed to their tunics, together with transversals as the clothing of their lower extremities, so that these parts of attire are often mentioned together. (Woodcuts, pages 15, 171.) The Greeks also allowed tunics with sleeves to females (woodcut, p. 188), although it was considered by the Latins indecorous when they were worn by men. Cicero mentions it as a great reproach to Catiline and his associates that they wore long shirts with sleeves (manicatis et talarius tunice). Catigula, nevertheless, wore sleeves, together with other feminine ornaments (manicae).

Sleeves were worn on the stage by tragic actors (χειρίδοτια?); and they were used by shepherds and labourers, who had no upper garment, as a protection against the severities of the weather (pellibus manicatis). (Vid. Woodcuts, p. 112, 132.)

All the woodcuts already referred to show the sleeves of the tunic coming down to the wrist. We now insert from an Etruscan vase the figure of a woman, whose sleeves reach only to the elbow, and who wears the copisium to assist her in blowing the tibias pater.* (Vid. Manica, Tunica.)

CHIROGRAPHUM (χειρογραφον) meant first, as its derivation implies, a handwriting or autograph. In this its simple sense, χείρ in Greek and manus in Latin are often substituted for it.

Like similar words in all languages, it acquired several technical senses. From its first meaning it was easily derived that of a signature to a will or other instrument, especially a note of hand given by a debtor to his creditor. In this latter case it did not constitute the legal obligation (for the debt might be proved in some other way); it was only a proof of the obligation.

According to Asconius,10 chirographum, in the sense of a note of hand, was distinguished from syngrapha; the former was always given for money actually lent, the latter might be a mere sham agreement (something like a bill of accommodation,

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though with a different object) to pay a debt which had never been actually incurred. The *chirurgium* was kept by the creditor, and had only the debtor's signature; the *syngrapha*, on the contrary, was signed and kept by both parties.

In the Latin of the middle ages, *chirurgium* was used to signify tribute collected under the signature of a person in authority, similar to the briefs and benedictions of former times in our own country. It was also used, till very lately, in the English law for an indenture. Duplicates of deeds were written on one piece of parchment, with the word *chirurgium* between them, which was cut in two in a straight or wavy line, and the parts given to the care of the persons concerned. By the Canonists, and the Romans, *chirurgia* was employed in the same way, and hence gave its name to these kinds of writing.

**CHIRURGIA.** The practice of surgery was for a long time conserved by the ancients to be merely a part of a physician's duty; but, as it is now almost universally allowed to be a separate branch of the profession, it will perhaps be more convenient, till we come to speak of the subdivision of it in modern times, not to allow it to be necessary to touch upon the disputed questions, which is the more ancient, or which is the more honourable branch of the profession; nor even to try to give such a definition of the word *chirurgia* as would be likely to satisfy both the physicians and surgeons of the present day; it will be sufficient in this place to call the art of healing by the instruments representing upon the body, as was used by the ancients; and then, adhering closely to that meaning, to give an account of this division of the science and art of medicine, as practised among the Greeks and Romans. Referring to the article *Medicina* for farther particulars.

The word *chirurgia* is derived from χείρα, the hand, ἐπίγονος, the son, and ὄγος, mouth, thus *chirurgus* means to make that part of medicine which man was curat, "which cures diseases by means of the hand;" in *Diogenes Laertius* it is said to cures διὸ τῶν ρέουσαν καὶ καλεῖν, "of cutting and burning;" nor (as far as the writer is aware) is it ever used by ancient authors in any other sense. Omitting the fabulous and mythological personages, Apollo, Ἀσκληπιός, Chiron, and others, who are mentioned by medical writers as having invented the art of surgery before the establishment of the republics of Greece, and even until the time of the Peloponnesian war, are to be found in the Iliad and Odyssey. There it appears that surgery was almost entirely confined to the treatment of wounds; and the imaginary power of enchantment was joined with the art in healing the sick. The Greeks received surgery, together with the other branches of medicine, from the Egyptians; and, from some observations made by the men of science who accompanied the French expedition to Egypt in 1798, it appears that there are documents fully proving that in very remote times this extraordinary people had made a degree of progress of which the present medicine has not the smallest notion upon the ceilings and walls of the temples at Ten-tyra, Karnak, Luxur, &c., basso-relieves are seen, representing limbs that have been cut off with instruments very analogous to those which are employed at the present day for amputations: The same instruments are again observed in the mummy of the pharaohs, and vestiges of other surgical operations may be traced, which afford convincing proofs of the skill of the ancient Egyptians in this branch of medical science.

The earliest remaining surgical writings are those of Hippocrates, who was born, according to Clinton, *De Hoc leans Medicus*; 2. *Petri Aemiliii, De Fracturis*; 3. *Petri et Aemiliii, De Articulis*; 4. *M. Vogli, De Visceris;* 5. *Petri Aemiliii, De Vesiculis*; 6. *Petri Aemiliii, De Fracturis*; 7. *Petri Alaminii, De Hemorrhoidibus*; 8. *Petri et al., in De Therap. De arteriis*; and, 10. *Petri Aemiliii, De Corporum Reseccione.* Of these it should be remarked, that only the eighth is considered undoubtedly genuine; though the first, second, third, and fourth, if not written by Hippocrates himself, appear to belong to very early age. 2 Hippocrates far surpassed all his predecessors (and, indeed, most of his successors) in the boldness and success of his operations; and, though the scanty knowledge of anatomy possessed in those times prevented his attaining any very great perfection, still we should rather admire his genius, which enabled him to do so much, than blame him because, with his deficient information, he attempted more than his skill permitted. He is said to have reduced fractures and luxations displayed in his works, *De Fracturis, De Articulis,* excites the admiration of Haller, and he was probably the inventor of the amputation, an old surgical machine for dislocations of the shoulder, which, though now fallen into disuse, for a long time enjoyed a great reputation. He is also said to have reduced fractures and luxations displayed in his works, *De Fracturis, De Articulis,* excites the admiration of Haller, and he was probably the inventor of the amputation, an old surgical machine for dislocations of the shoulder, which, though now fallen into disuse, for a long time enjoyed a great reputation. He is also said to have reduced fractures and luxations displayed in his works, *De Fracturis, De Articulis,* excites the admiration of Haller, and he was probably the inventor of the amputation, an old surgical machine for dislocations of the shoulder, which, though now fallen into disuse, for a long time enjoyed a great reputation. He is also said to have reduced fractures and luxations displayed in his works, *De Fracturis, De Articulis,* excites the admiration of Haller, and he was probably the inventor of the amputation, an old surgical machine for dislocations of the shoulder, which, though now fallen into disuse, for a long time enjoyed a great reputation.
operation of bronchotomy, though he himself never performed it; and Ammonius of Alexandria, sur-
named Αμώνιος, who is supposed to have lived rather later, is celebrated in the annals of surgery
for having been the first to propose and to perform
the operation of Lithotritia, or breaking a calculus in
the stone by means of a heavy instrument, for its
extraction. Celsus has minutely described his
mode of operating, which very much resembles
that lately introduced by Civiale and Heurteloup,
and which proves that, however much credit they
may deserve for bringing it again out of oblivion
into public notice, the praise of having originally
thought of it belongs to the ancients. A book,
such as this, is to be read with care, so as to judge
how the stone as to resist and prevent its recoiling into
the bladder, even when struck; then an iron instru-
ment is used, of moderate thickness, flattened to-
towards the end, thin, but blunt; which, being placed
against the stone, and struck on the farther end,
cleaves it; great care being taken, at the same
time, that neither the bladder itself be injured by the
instruments, nor the fragments of the stone fall back
into it.
Celsus describes this mode of getting rid of a calculus, though he does not
describe the operation so minutely as Celsus. The
next surgical writer after Hippocrates, whose works
are still extant, is Celsus, who lived at the begin-
ing of the first century A.D., and who has given
up the last four books of his work, De Medicina,
as well as the seventh and eighth, entirely to sur-
gey. He says, "Medicine is a secondary treatise
of the art of healing." Celsus, that, since the time of Hippocrates, surgery
had made very great progress, and had, indeed,
reached a high degree of perfection. He is the first
author who gives directions for the operation of
lithotomy, and the method described by him (called the apparatus minor, or Celsus's method) continued to
be practised till the commencement of the sixteenth
century. It was performed at Paris, Bordeaux, and
other places in France, upon patients of all ages,
even as late as a hundred and fifty years ago; and
a modern author recommends it always to be pre-
ferred on boys under fourteen. He describes the
operation of Invidiaulato, which was so commonly
performed by the ancients upon singers, &c., and is
often alluded to in classical authors. He also de-
scribes the operation alluded to by St. Paul* as
"tēτματος της ἐκκλήσις: μὴ ἔνσωποιτά." Compare
Paulus Ἱησινή, who transcribes from Antyllus a
second method of performing the operation. See
also Parkhurst's Lexicon, and the references there
given.

The following description, given by Celsus, of the
necessary qualifications of a surgeon, deserves to be quoted: "A surgeon," says he, "ought to
be young, or, at any rate, not very old; his hand
should be firm and steady, and never shake; he
should be able to use his left hand with as much
dexterity as his right; his eyesight should be acute
and clear; his mind intrepid, and so far subject to
pity as to make him desirous of the recovery of his
patient, but not so far as to suffer himself to be
moved by his cries; he should neither hurry the
operation more than the case requires, nor cut less
than is necessary, but do everything just as if the
other's screams made no impression upon him."*

The reading of Targa's edition, miniscors, has been
followed in this passage of Celsus, though minisc
cribros will also admit of a very good sense; for
as Richerand has observed, Celsus did not mean
by it that a surgeon ought to be quite insensible to
pity; but that, during the performance of an opera-
tion, this emotion ought not so to overcome him, as all
emotion would then be weakness.

Perhaps the only surgical remark worth quoting
from Aretaeus, who lived in the first century A.D.
is, that he condemns the operation of bronchotomy,
and thinks "that the wound would endanger an in-
flammation, cough, and strangling; and that, if the
danger of being choked could be avoided by this
method, yet the parts would not heal, as being car-
tilized;"—two points he is not very right in.

Omitting Scribonius Largus, Moschion, and Er-
ratus, the next author of importance is Celsus Au-
rolanus, who is supposed to have lived about the
beginning of the second century A.D., and in whose
works there is a good deal relating to surgery,
though nothing that can be called original. He
re-
jected as absurd the operation of bronchotomy. He
mentions a case of that operation performed by
paracentesis, and also a person who recovered af-
ter being shut through the lungs by an arrow.

Galen, the most voluminous, and, at the same
time, the most valuable medical writer of antiquity,
is less celebrated as a surgeon than as an anato-
mist and physician. He appears to have practised
surgery at Pergamus; but, upon his removal to
Rome (A.D. 165), he refuted himself entirely to
medicine, and wrote in the following, as he says himself, the treatise on
the bones of the place. This would seem also to have
been the custom among the Arabsians, as Avenza-
s says that a physician ought to be able to perform
operations, but should not do so except in cases of
necessity. Galen's writings prove, however, that
he did not entirely abandon surgery. His Commen-
taries on the Treatise of Hippocrates, De Officis
Medici, and his treatise De Socia patefens, De
Pascics, show that he was well versed even in the
minor details of the art. He appears also to have
been a skilful operator, though no great surgical
inventions are attributed to him. His other surgical
writings consist of Commentaries on Hippocrates.

De Practicis and De Articulis; besides a good
deal of the matter of his larger works, De Methodis
medicinae, De Socia patefens, De Socia patefens,

Antyllus, who lived some time between Galen and
Oribasius, is the earliest writer whose directions for
performing bronchotomy are still extant, though
the operation (as was stated above) was proposed
by Asclepiades about three hundred years before

Only a few fragments of the writings of Antyllus
remain, and among them the following passage
is preserved by Paulus Zyginita. Our best sur-
geons have described this operation, Antyllus par-
	
	— We think this practice useless,
	and not to be attempted where all the arteries
	and the lungs are affected (by the word ὀργωνία here,

t means the bronchia, or ramifications of the trachea.

Vid. Arteria); but when the inflammation
lies chiefly about the throat, the chin, and the
tissues which cover the top of the windpipe, the cal
very, when the artery is unaffected, this opera-
tion is impracticable, to prevent the danger of suffocation.

When we proceed to perform it, we must cut through
some part of the windpipe, below the larynx, about
the third or fourth ring; for to cut quite through would
be dangerous. This place is the most commo-
dious, because it is not covered with any flesh, and
because it has no vessels near it. T.13refere, bendi
CHIRURGIA.

The natural text is a page from a book discussing surgical instruments and their usage. It mentions the work of various medieval and Renaissance physicians and surgeons, including Oribasius, Paulus Aegineta, and Savenko, and describes the types of instruments used in surgery, such as scalpels, curettes, and forceps. The text also refers to the publication of surgical instruments in engravings and their role in the medical field.

1. [Abu'l-Hasan, Hist. Dynast., p. 181, ed. Podesta.] 2. De chirurg., Boccaccio, Abhuii. 3. De bes jongs, dell. 4. Chirurg., Vol. 1, nos. 26, 57. 5. The plate containing these instruments is wanting in the copy of the Reuss Medicale in the library of the College of Surgeons, so that the accompanying figures are copied from the German work, in which some of them appear to be drawn very badly. Their authenticity was at first doubted by Kühn, who thought they were the same that had been described by Bayard in his Catal. Antich. Monument. Herculan. ed. Nap., 1754, fol., n. 256-294; when, however, his dissertation was afterward republished, he acknowledged himself to be completely satisfied on this point, and has, given in the tract referred to, a learned and in genrous description of the instruments and their supposed uses, from which the following account is chiefly abridged. It will, however, be seen at once that the form of most of them is so simple, and their uses so obvious, that very little explanation is necessary.
CHIAMYS.

of which it is susceptible rendered it peculiarly proper. The Chian marble would appear to have been of the Obsidian kind, and it is, in fact, sometimes called "Lapis Obsidianus Antonorum." The name Obsidianus would seem to have been a corruption from Opisthion (ὁπίσθιον, ἀπὸ τῆς ὀπισθᾶς).†

†CHIUM VINUM (Xioς οἶνος), Chian Wine, a Greek wine made in the island of Chios (the modern Scio). It is described by some writers as a thick, luscious wine; and that which grew on the craggily heights of Arianthus, extending three hundred statute miles along the coast, is extolled by Strabo as the best of all Greek wines. From Athenaeus we learn that the produce of the Arianthus vineyards was usually divided into three distinct species: a dry wine, a sweetish wine, and a third sort of a peculiar quality, thence termed 

CHALAINA (χαλάινα). (Vid. LANA.)

CHALMYS (χάλμυς, dim. χαλμύδιον), a saw. This term, being Greek, denoted an article of the amictus, or outer raiment, which was, in general characteristic of the Greeks, and of the Orient's races, with which they were connected. The name, both in its form and in its application it approached very much to the lacerna and paludemum of the Romans, and was itself, to some extent, adopted by the Romans under the emperors. It was the most part woolen; and it differed from the blanket (θάλαντος), the usual amictus of the male sex, in these respects, that it was much smaller; also face, thin, more variegated in colour, and more susceptible of ornament. It moreover differed in being oblong instead of square, its length being generally about twice its breadth. To the regular oblong, a, b, c, d (see woodcut), gores were added, either in the form of a right-angled triangle, $\tau$, $\rho$, producing the modification $a$, $g$, $d$, which is exemplified in the annexed figure of Mercury, or of an obtuse-angled triangle, $a$, $e$, $b$, producing the modification $a$, $b$, $h$, $g$, $d$, which is exemplified in the figure of a youth from the Panathenaic frieze in the British Museum. These gores were called στερέγες, wings, and the scarf with these additions was distinguished by the epithet of Thessalian or Macedonian. Hence the ancient geographers compared the form of the inhabited earth (τῆς οἰκουμένης) to that of a chlamys.

The scarf does not appear to have been much worn by children, although one was given, with its brooch, to Tiberius Cesar in his infancy. It was generally assumed on reaching adolescence, and was worn by the ephelai from about seventeen to twenty.
CHLAMYDS.

Clamydes, a kilt or short skirt, is the usual name given by antiquaries to a garment which was worn in ancient times as a riding or traveling dress, or as a part of the armor of soldiers. It was usually made of a strong material, such as linen or wool, and was fastened at the waist with a belt or girdle. The height of the wearer was determined by the length of the clamydes, which was usually about two or three yards long. The clamydes was worn over a tunic or other undergarment, and was often ornamented with belts, embroidery, or other decorative elements.

CHLOREUS.

Chlamydemus, u. p. sed. apee, Coloc. ut librus, totumque apparat aum.

The Chloreus was a type of garment worn by soldiers and was usually made of a heavy material, such as leather or chain mail. It was fastened at the shoulders and was often ornamented with metallic studs or other decorative elements. The Chloreus was worn over a tunic or other undergarment and was often used as a form of armor. It was particularly associated with the Roman military, and was used by soldiers during the time of the Republic and the Empire.

The Chloreus was considered to be a symbol of military strength and courage, and was often worn as a badge of honor by soldiers who had distinguished themselves in battle. It was also considered to be a symbol of the Roman Empire, and was often depicted on coins and other forms of Roman art. The Chloreus was eventually replaced by other types of armor, such as the Scale Mail and the Breastplate, but it remained an important symbol of Roman military tradition and identity. The Chloreus is still worn today as a symbol of the Roman Empire and of the ancient Roman military.
CHORAGUS.

CHORUS.

CII JOKIS (χορικός) the name of a Bird described by Aristotle. Gesner, upon the authority of Turner, holds it to be the Greenfinch, or Fringilla chloris, Temminck. 1

CHOES (Χόης). (Vid. Dionysia.)

CHENIX (χοινός), a Greek measure of capacity, the size of which is differently given; it was probably the measure of several states. Pollux, 2 Suidas, Cleopatra, and the fragments of Galen, make it equal to three coticyle (=1-48966 pints English); another fragment of Galen 4 and other authorities 5 make it equal to four coticyle (=1-9821 pints English); Rhemnus Fannius 8 and another fragment of Galen 7 make it eight coticyle (=8-9641 pints English).

CHIRONIX (χιρωνίκαι), a species of Fish, probably the Rattle, or Perna cornua, L. It is a small fish, of good flavour; rather olive, and spotted with brown. 9

CHORAGUS, a person who had to bear the expenses of the chorus, one of the regularly-recurring state burdons (ήγκυκλία λειτουργία) at Athens. Originally (as is shown in the article CHORUS) the chorus consisted of all the inhabitants in the state. With the decline of the arts of music and dancing, the distinction of spectators and performers arose; it became more a matter of art to sing and dance in the chorus; paid performers were employed; and at last the duties of this branch of worship devolved upon one person, selected by the state to be their representative, who defrayed all the expenses which were incurred on the different occasions. This person was the chorus (χοραγός) or chorus-leader (χοραγός). This was the duty of the managers of a tribe (τεμπελαία φύλος) to which a chorus had come round, to provide a person to perform the duties of it; and the person appointed by them to meet the expenses of the chorus in all plays, tragic or comic (τραγῳδίαις, κωμῳδίαις), and satirical; and of the lyric choruses of men and boys, the pyrrhichias, clycian dancers, and flute-players (μεγάλαι ἄρτας, οὔκερδα χοροί, πατιδελφοὶ χοροί, πιθήκης χορός, αὐληται ἄρτας), &c. He had first to collect his chorus, and then to procure a teacher (χοροδιδακτός), whom he paid for instructing the choir. The choragi drew lots for the first choice of teachers; for as their credit depended upon the success of their choruses in the dramatic or lyric contests, it was essential to provide such assistance as they secured. 10 When the chorus was composed of boys, the chorus was occasionally allowed to press children for it, in case their parents were refractory. 11 The chorus generally maintained, during the period of their instruction, at the expense of the chorus, and he had also to provide such meat and drink as would contribute to strengthen the voice of the singers (Οἱ ἐκ τῆς χορωτικής ἱερευναῖς ἱγκελαὶ καὶ θριάκια καὶ σκελλίδας καὶ μελημένωσι παραστάσεις, εὐάχρων ἐπὶ πολυν χρόον, φωνακωρισμάνους καὶ τορναίοις). 12 The expenses of the different choruses are given by Lysias 13 as follows: Choruses of men, 20 minae; with the triphd, 50 mina; pyrrhich choruses, 8 mina; pyrrhich choruses of boys, 7 mina; tragic chorus, 30 mina; comic, 16 mina; clycian chorus, 300 mina. According to Demosthenes, the chorus was given to the person placing the greatest price more than the prize a chorus would have received, as a prize a trio, which he had the expense of consecrating, and sometimes he had also to build the monument on which it was placed. There was a whole street at Athens formed by the line of these tripod-temples, and called "The Street of the Tripods. The laws of Solon prescribed at as the proper age for the chorus, but this law was not in force. 14

On the subject of the chorus, see Böckh's "Isth. Econ. of Athens," i, p. 207, &c.

CHOREGIA (χορεγία). (Vid. CHORAGUS.)

ΧΥΡΙΟΤΙΟΙ ΑΙΚΗ (χωρίων δήμων), a suit to recover land, was a diadecasia within the jurisdiction of the thesmothetae. The parties to a suit of this kind were necessarily either Athenian citizens, or such favoured aliens as had had some interest in their regulation (καὶ ἵκαις ἑγγευτεῖς) bestowed upon them by special grant of the people. Of the speeches of Isaeus and Lysias in causes of this kind, the names are all that survive.

CHORUS (χορός), a band of singers and dancers, engaged in the public worship of some divinity. This is, however, only the secondary meaning of the Greek word. The word χορός, which is connected with the verb χόροω, χορεύω, "to dance," is generally used in a market-place, where the chorus met. Thus Homer calls the dancing-place the χοροί; λένεναι δὲ χορῷ πέταλον χοροῦ θεόν ποίαν; 15 οὐθεὶς 'της Ποιημένης οἰκίας καὶ χοροῖς εἰσένθη. 16 Εὐνοία δὲ ἔστω Νυμφών καὶ χορὸς ἅγιον θυσίαν; 17 Now the dancing-place for the public chorus in a Greek town would naturally be the largest space which they had, it.e., the marketplace, which was called by the more general name of τὸ μέσον τῆς πόλεως or "the space" (χώρα). Thus the χοροί at Sparta was called the χοροί, 18 and εὐνοία is a common epithet of a large city; thus Sparta and Athens are both called εὐνοίας which either meant "having a wide chorus or market," or, generally, "extensive" (εὐνοίας), as when it is applied as an epithet to Αἰείδει in Findik. 19 Thus also, the king says to the chorus, in the Iliad 10, 463-476, Εὔνοιαν ποιῆσαι εὐνοίαν. 20 This explanation of the word χορός is important, from its connexion with the idea of a primitive chorus. In the oldest times the chorus consisted of the whole population of the city, who met in the public place to offer up thanksgivings to their country's god, by singing hymns and performing corresponding dances. The hymn, however, was not sung by the chorus, but some poet or musician sang or played the hymn, and the men or women who formed the chorus, only allowed their movements to be guided by the poem or the tune. The poet, therefore, was said to "lead off the dance" (ἐξάρχων μολιστης), and this was said not merely of the poet: 21 but also of the principal dancers; 22 and even the leader of a game at ball is said ἔρχεσθαι μολίσθης. From this it will be seen that the words μελόρχησαν and μελότρικα were used in writing in the old chorus, to imply the regular, graceful movements of the dancers; 23 and the εὐνοίαποιηθείης were not singers of hymns, but dancers in the chorus of Demeter and Dionysia. This old chorus, or the chorus proper, was always accompanied by the ἐσθαρα, the lyre, or the phorminx; and these were different kinds of stringed instruments; when the accomplishment was the flute, it was not the chorus, but an ἔλευθρον or a κύκλος, a much more riotous chorus, which was used, not more by the nature of a procession than of a dance, and in which there was often no σχαράξα, but one joined into the song or cry of joy at his pleasure. 24


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CHORUS

chorus was the hymnean or bridal procession, though this seems to have been a mixture of the chorus and the *comus*, for the harp and a chorus of damseis are mentioned in the descriptions of it by Homer and Hesiod. The former merely says, 1 "A loud *kumene* arose; young men skinned in the dance *moun* [or *moin*]; and among them flutes and harps resounded" (κυμένη, φΰρριγες τε). Hesiod’s description is much more elaborate. 2 The inhabitants of the fortified city which he describes were enjoying themselves with festivities and dances (αὐγάλω τε χοροφι τε): the men, (i.e., the *kumones*) were conducting the bride to her husband on the well-wheel’d mule-car; and a loud *kumene* arose; from afar was seen the gleam of burning torches carried in the band of slaves; the damseis (i.e., the *choroi*) were moving forward in all joy and festivity (ψυλας χειλαλας); and they were both attended by sporting choruses. The one chorus, consisting of men (the *kumones*), were singing with youthful voices to the shrill sound of the pipe (ι. e., ζύριγες); the other, consisting of the damseis (the *choroi*), were leading up the cheerful choruses (i.e., were dancing) to the notes of the harp (φυρρια). This account of the immediate preparation for the exaction of the comus proper, i.e., a riotous procession after a banquet. 4 On another side, some young men were moving on in the *comus* (κυκλωματος) to the sound of the flute; some were amusing themselves with singing and dancing; others moved on in groups, and sung the chief songs, and festivity (θαλια τε χορον τε ψυλασσε). The chorus received its first full development in the Doric states, and in them it was particularly connected with their military organization. The Doric chorus was composed of the same persons who formed their battle-array: the best dancers and the principal *chori* were of same name, called (μουλλες); the back rows in each were called "un-equipped" (ψυλετς); and the figures of the dance were called by the same name as the evolutions of the army. 5 The Doric deity was Apollo; consequently, we find the Doric chorus, which was properly accompanied by the lyre, and of which the lyric poet was himself a part, was immediately connected with the worship of Apollo, the inventor of the lyre. The three principal Doric choruses were the *pyrrhos*, the *gymnopedie*, and the *hysperchymaic*. These were afterward transferred to the worship of Bacchus, and appear as the three varieties of the dramatic chorus, which celebrated the worship of that divinity: the *emmelita* or tragic dance, the *gymnopedie*, the comic dance to the *hysperchymaic*, and the *satyric* to the *pyrrhos*. All these dances were much cultivated and improved by Thaletas, who introduced a combination of the song and dance for the whole chorus, of which Lucian speaks when he says, by way of contrast to the pantomimic dancers of more modern times, that "the chorus was of circular form, and that, older times the same performers both sang and danced." This extension of the song of the *exarchos* to the whole chorus seems to have given rise almost naturally to the division of the chorus into strophes and antistrophes, which Steichorus farther improved by the addition of an epode, thus breaking through the monopoly of composition of strophe and antistrophe by the insertion of a stanza of a different measure. This improvement is referred to in the proverbi, Οδος ε τρα τη Στραφων χικλωσας. The choruses of Steichorus consisted of combinations of rows of eight daedalean, and, from his partiality to the number 8, we have another proverb, the *πατρα βοτα* of the grammarians.

The most important event in the history of Greek choral poetry was the adaptation of the dithyramb, or old Bacchic song, to the system of Doric chorus; for it was to this that we owe the Attic drama. The dithyramb was originally of the nature of a *kumene*; it was sung by a band of revellers to the accompaniment; and in the time of Archilochus had its leader, for that poet says that "he knows how to lead off the dithyramb, the beautiful song of Dionysus, when his mind is inflamed with wine." 6

Ος Διονυσος κατακόττα πατρα του θεος, ουδεν διδαξαμεν ουν της συγγραμμενης φρονος.

Arius, the celebrated player on the cithara, was the first to practise a regular chorus in the dithyramb, and to adapt it to the cithara. This he did at Chius, in a Doric city; and therefore we may suppose some alteration of the chorus, which agrees with the system of Doric choral poetry. The dithyramb was danc’d round a blazing altar by a chorus of 50 men or boys; hence it was called a circular *chorus* (κυκλωμα χοροδ). The dithyramb poet was called κυκλωμαθεις, and Arius is said to have been the son of *Cyclops*. 7

Aristotle tells us that tragedy arose from the recitations of the leaders of the dithyramb (πατρα του ταραχηματον των διδακτων); and from what Suidas has said that Arion was the inventor of the tragic style (τραγοκο τροπος ευρηστιν). This latter statement seems to refer to the fact that Arion introduced satyrs into the dithyramb: for the satyrs were also called *trages*, so that *tragesia* is the song of the satyrs. And hence the satyr chorus in the *tragedia*; the tragic or satyric drama arose from the leaders of the dithyrambic choruses, as arranged by Arion. If we examine the use made of this dithyrambic chorus by *Aeschylus*, we shall easily see what is the meaning of Aristotle’s statement. In the tragic trilogies of *Aeschylus* we find a chorus and two actors. As tragedy arose from the leaders of the dithyramb, the first beginning would be when the poet Thespis, as leader of his dithyrambic chorus, either made long Epic or narrative speeches, or conversed with his chorus. The improvement of *Aeschylus*, then, was to introduce a dialogue between two of the *exarchoi*, who would thus become actors. It should be observed that at the time of *Aeschylus* the dithyrambic chorus of 50 would be succeeded by a tragic chorus of 48, and two actors. And this we find to be the case. If we examine the extant trilogy—the *Orestes*—we find that the *Agamemnon* has a chorus of 12 old men; the *Choephorae*, a chorus of either 12 or 15 women; and the *Eumenides*, a chorus of 15 furies; if this would leave 9 or 6 for the chorus of tragedy, that the drama appended to the tragedy, according to what we take the smaller or greater number for the chorus in the *Choephorae*. It seems more probable that we should take the larger number; for it is probable that, in most cases, *Aeschylus* would divide the main chorus of 48 into four subchoruses of 12, to which the the dramatic alternations, and comedies were acted in single plays, it is not unlikely that they would assign to a comic poet double the chorus used by the tragedian in his single plays, or half his whole chorus. If so, the satyric drama might, as less important, be contented with half the ordinary tragic chorus, when the exigencies of the piece rendered it desirable to increase the chorus from 12 to 15 in one or more of the individual plays.

Besides, if the chorus of Stesichorus, which was antistrophic, and therefore quadrangular, consisted of 48, as it is improbable, and this chorus of 48 was divided into rows of eight (as in πίνακα δεσταων), six would be an element of the regular chorus, and, therefore, a diphthong to represent the six least important parts.

See on this subject Müller,1 from whose view the account here given differs in some particulars.

The tragic chorus, though quadrangular, still mustered around the thymele, or altar of Bacchus in the theatre, thereby showing some last traces of its dihyrrhabic origin; and though the lyric was its general accompaniment, it did not by any means replace the chorus as the highest accord of the dihyrrhab. When the chorus consisted of 15, it entered the orchestra either in ranks three abreast, or in files five abreast; in the former case it was said to be divided κατά γωνία, in the latter κατά στοιχεία. No doubt a similar distinction was made in the case of the chorus of 12.

The expense of the chorus, as it is stated in the article Chorous, was defrayed by the choragos, who was assigned to the poet by the archon. In the case of a dramatic chorus, the poet, if he intended to represent at the Lenaia, applied to the king archon; if at the great Dionysia, to the chief archon, who "gave him a chorus" if his play was thought to deserve it; hence χορον δοομαι signifies "to praise or approve a poet."19 The successful poet was said to "receive the chorus." The commendation was not at first thought worthy of a public chorus, but the chorus in that species of drama was at first performed by amateurs (θηλωνωτα), as was also the case with the dihyrrhab in later times.

CHOUS or CHOEUS (χοις, or χοιες), a Greek measure of liquids, which is stated by all the authorities to be equal to the Roman congus, and to contain about 0.833 gallon, or 1.235 liters.20 Suidas alone makes a distinction between the χοις and the χοιες, making the former equal to two sextarii, and the latter equal to six. Now when we remember that the χοις was commonly used as a drinking vessel at Athenian entertainments—that, on the day of the χοις (συν διονυσία), a prize was given to the person who first drank off his χοις; and that the χοιες was said to represent its least import—viz. χοις of wine at a draught,21 it is incredible that, in these cases, the large χοις mentioned above could be meant. It seems, therefore, probable that there was also a smaller measure of the same name, containing, as Suidas states, two sextarii,—=9823 pints English. At first it was most likely the common name for a drinking vessel. According to Crates,22 the χοις had originally a similar form to the Panathenian amphora, and was also called πέλεκας.

ΧΡΥΣΩΤΙΣ ΔΙΚΗ (χρυσάοτις δίκαιος), a simple action for debt, was, like most of the other cases arising upon an alleged breach of contract, referred to the jurisdiction of the thesmotheta as the sum in question amounted to more than ten drachmas. If otherwise, it fell under the cognizance of those in querent, where the sum originally thirty in number, and styled, accordingly, οἱ τριάκοντα; but afterward, in consequence of the odium attached to this name, which had also served to designate the oligarchic tyrants, received an accession of ten colleagues and a corresponding change of title.14 If the cause could be classed among the ἑμμονία δίκαια, as, for instance, when the debt arose upon a mere cattle transaction, the thesmothetē would still have jurisdiction in it, though one of the parties to the suit were an alien; otherwise it seems that when such a person was the defendant, it was brought into the court of the polemarch.15 If the cause were treated as a δίκη ἕμμονια, as above mentioned, the plaintiff would forfeit a sixth part of the sum contested upon failing to obtain one fifth of the votes of the decaites;26 but we are not informed whether this regulation was applicable, under similar circumstances, in all cases for prosecutions for debt. The speech of Demosthenes against Timotheus was made in a cause of this kind.

*CHRYSIS or CHREMPS (χρυσissent, χρυσίης, οι χρυμένων), a species of Fish, the same with the Sparus Chronis, L., and called in French Moron. Random says it is a small fish, and little esteemed. According to Cuvier, it is a chestnut-brown fish, taken by thousands in the Mediterranean. The fishermen on the coast of Genoa call it Cassidrago, on account of its chestnut colour. The Chrysias Nitica, on the other hand, is of an agreeable flavour, and is considered the best fish in the Nile.27

*CHRYSALIS or CHRYSSLALLIS, a name applied to the first apparent change of the coccus, or maggot, of any species of insect. In a special sense, it denotes the "tomb of the caterpillar and the cradle of the butterfly." The name has reference to the golden colour (χρυσής, "gold") which the coccus assumes as an essential attribute.

*CHRYSANTHEMUM (χρυσάνθεμον), the Corn Marygold, or Chrysanthemum coronarium. The Greek name has reference to its golden-hued flowers. Another appellation is θεοβιθολόγων, though this in strictness belongs to the Ox-eyed Daisy, or Chrysanthemum leucanthemum. Fee thinks that Virgil means the C. coronarium by the Chrysanthes of the Aen. vi. 259, which was called a "chrysargyrous," and that he calls this plant Τυργυρίδον, and in the Archipelago, * Μαρτενία. Sibthorp found it among the villages, and by the margins of roads.

*CHRYSERECTRUM (χρυσοέλεκτρον), a variety of Amber. Fourcroy calls it "transparent amber of a golden yellow colour."

*CHRYSERECTUS (χρυσόελεκτρος), a name applied to the Indian Ceylon Electrum (Yellow Sapphire, or Oriental Topaz), having a foil of brass laid under them, and hence approaching in their colour to amber, or electrum.

CHRYSENDETA, costly dishes used by the Romans at their entertainments. They are mentioned several times by Martial,28 and, from the epithet flavus which he applies to them, as well as from the analogy of the same name, they appear to have been of silver, with golden ornaments. Cicero29 mentions vessels of this kind. He calls their golden ornaments in general sigilla, but again distinguishes them as crusta and emblema;30 the former were probably embossed figures or chasings fixed on to the silver, and the latter inlaid or wrought into it.31 The embossed works appear to be referred to by Paulinus (sympha argentea crusitis iligatura),32 and the inlaid ornaments by Seneca (argyrum, in quod solidi auric calatoria descenderit).33

CHRYSTITES (χρυσίτης), another name for the Basanite lapis, or Touchstone, from its use in testing gold.34
CHRYSOPHYS

*CHRYSTIIS (χρυσοιτις), supposed to have been the yellow oxide of lead, used as a pigment by the ancients, and forming one of the three varieties of litharge (λιθάργυρος) described by Dioscorides\(^2\) and Pliny.\(^3\) Its name, was, in all likelihood, derived from its yellow and shining colour, resembling that of gold.\(^4\)

*CHRYSSOCOLLA (χρυσοκόλλα). — "The ancients," remarks Adams, "applied this term to two distinct substances: First, to a mineral called Chryssocola by Aiken, Malachite by Kidd, and Copper Green by Jameson and Cleaveland. It consists almost entirely of oxide of copper and silica — Second, to a fictitious substance prepared from copper oxide and copper silicate, now prepared and not to be Pliny.\(^5\) It is often confounded with the Borax, or Soda Boras of the moderns, from its being used like Boras in soldering gold. There is much misapprehension in the descriptions of the ancient Chryssocolla given by Matthiolus, Agricola, Milligan, and most of the modern commentators, which it is proper to caution the student to some extent, and to state that the Ancients, as he thinks, were preferred the Indian, which may have been the yellow sulphar, or Oriental topaz. The best were set open. Underneath others a foil of brass was laid. These were called chryseleuthri, whose colour approached to that of amber (electrum). Those of Pontus might be distinguished by their lights of ancient coins, and besides, the Bohemian topaz; or yellow fluor spar, the false topaz, whose specific gravities are to that of the Oriental topaz as three and four respectively to five. The Chrysolite obtained in Spain, from the same locality with rock-cystal, we may suppose was yellow quartz. Such as had a white vein running through them, were stiled Chrysolite; because the protection of agate; yellow quartz with a vein of chalcedony; and the capsia we may translate smoke-topaz. Some resembled a glass of yellow saffron colour; and those made of glass could not be distinguished by the sight, but might be detected by the touch (of the tongue, no doubt), as being warmer.\(^6\)

*CHRYSSOPRASTUS (χρυσοπραστός), according to Billerbeck, the sweet Orange, and not a species of Quince, as it is sometimes styled. It is a variety of the Citrus Aurantium.\(^7\)

*CHRYSPIS (χρυσός), a species of Precious Stone, having, according to Pliny, the appearance of gold. Dalecampa takes it for Hyacinth.\(^8\)

*CHRYSPHYRIS (χρυσόφυρης), a large species of Flowers, called Gift Hortus or Gift Poll, the Sparsus auratus.\(^9\) The Greek name, which means "golden eyebrow," was given to it on account of its crescent-shaped band of a golden hue extending from one eye to the other. Du Hamel says its flesh is delicate, but rather dry; according to Xenocrates, it is firm and nutritious. With the exception of the bright band between the eyes, we can find nothing in the Chrysophyris of the ancients," observes Griffith, "that is absolutely characteristic of the modern fish of the same name; though, at the same time, we find nothing which can give rise to exclusion. According to Aristotle, the chrysophryi have two pairs of fins; its pyloric appendages are few in number; it remains close to the coast, and in salt marshes or pools; it spawns in summer; and deposits its eggs at the mouths of rivers; the great heats oblige it to conceal itself; the cold also causes it to suffer; it is carnivorous, and the fishermen take it by striking it with a trident while asleep. Zelian tells us that it is the most timid of fishes, and that a stick will stop it, and that the Ancients say, it is crossed by a reef during a reflex, so terrified the chrysophyris which were brought back by the flood, that on the succeeding reflex they did not dare to move, and suffered themselves to be taken by the hand. That the Aurata of the Latins was the same fish as the Chrysophyris of the Greeks, is evident from a passage in Pliny, which was first taken from Aristotle, and where the first word is put as a transposition of the second. Colomella tells us that the Aurata was of the number of those fishes which the Romans brought up in their vinaria; and even the inventor of vinaria, Sergius Orata, appears to have derived from this fish the surname which he bore, and which he left to his branch of the family. It was, above all, the Aurata of the Lucerne lake that the Romans esteemed; and Sergius, who obtained nearly entire possession of that lake, in all probability introduced the species there."\(^10\)

*CHYSPRAS'US LAPIIS (χρυσοπράσων), the Chrysoprase, a precious stone, resembling in colour the juice of the leaf (τριαντα), but with somewhat earthy turbulence of a character which we can describe by the name given it. The name is now called Chrysopraso, however, by Jameson and Aiken, could hardly, as Adams thinks, have been known to the ancients, since it is found only in Lower Silicea. It is composed almost entirely of silica, with a small admixture of nickel, to which it owes its colour. The Chrysoprase has a smooth, always polished, yellowish-brown, was most probably a variety of the Prasus.\(^11\)

CHTHONIA (Χθόνια), a festival celebrated at Hermione in honour of Demeter, surnamed Chthonia: The following is the description of it given by Pausanias: \(^12\) "The inhabitants of Hermione celebrate the Chthonia every year, in summer, in this manner: Four oxen with a large yoke, and guarded by priests and magistrates of the year, are followed by men and women. Even for children it is customary to pay homage to the goddess by joining the procession. They wear white garments, and on their heads they have chaplets of flowers, which they call κοσμοστάδια, which, however, from their size and colour, as such as from the letters inscribed on them, are not properly chaplets, but to me seem to be lycanthia. Behind the procession there follow persons leading by strings an untamed heifer, just taken from the herd, and drag it into the temple, where four old women perform the sacrifice, one of them cutting the animal’s throat with a scythe. The doors of the temple, which during this ceremony has been opened, are closed, and persons especially appointed for the purpose lead in a second heifer, then a third and a fourth, all of which are sacrificed by the matrons in the manner described. A curious circumstance in this solemnity is, that all the heifers must fall on the side on which the first fell." The splendid and rich offerings of this festival are also mentioned.
CICADA

by Aelian, who, however, makes no mention of the matrons of whom Pausanias speaks, but says that the sacrifice of the heifers was performed by the priestess of Demeter.

The Laecanemonians adopted the worship of Demeter Chthonia from the Hermioneans, some of whose kinsmen had settled in Messene; 2 hence we may infer that they celebrated either the same festival as that of the Hermioneans, or one similar to it.

CHYTRA (χθυρά), an earthen vessel for common use, especially for cooking. It was commonly left unpainted, and hence all unprofitable labour was described by the proverb χθύραν ποικίλλειν. 3

*CICADA (τήττετ), a species of Insect, frequently mentioned by the classical writers. According to Dodwell, 4 it formed like a large fly, with long transparent wings, a dark brown back, and a yellow belly. It is originally a caterpillar, then a chrysalis, and is converted into a fly late in the spring. Its song is much louder and shriller than that of the grasshopper, as Dodwell terms the latter. This writer says that nothing is so piercing as their note; nothing, at the same time, so tiresome and inharmonious; and yet the ancient writers, and especially Plutarch, 5 says the sweetness of their song, and Plutarch 6 says they were sacred to the Muses. According to Aelian, 7 only the male Cicada sings, and that in the hottest weather. This is confirmed by the discoveries of modern naturalists. The Cicada is extremely common in the south of Italy. It is found also in the United States, being called in some parts the Harvest-fly, and in others, very curiously, the Locust. 8 The Cicada has a suckler instead of a mouth, by which it lives entirely on liquids, such as dew and the juices of plants. The song of the Cicada, as it has been called, is made by the males for the purpose of calling to their females in the season of reproduction, and it is made by the action of certain muscles upon two membranes, turned in the form of a kettle-drum, lodged in the cavity of the belly. Several species of Cicada are described by Aristotle, 9 Suidas, and Aelian, 10 but more especially two, namely, οἱ μεγάλοι τῆτινες, οἱ φάντατες, called also ἄγαντα, 11 and οἱ μικροί, called also τεττυγία. The former would appear to be the Cicada plebeia, the latter the Cicada ornata. This insect is called Cicale in Italian, and Cigale in French. "The Tettix," observes Kirby, "seems to have been the favourite of ancient poets, and Cicero, Pliny, and Theophrastus. Supposed to be perfectly harmless, and to live only on the dew, they were addressed by the most esteeming epithets, and were regarded as all but divine. So attached, indeed, were the Athenians to these insects, that they were accustomed to fasten golden images of them in their hair, implying, at the same time, a boast, that they therefore possessed the Cicada plebeia, and that "εἰς τὸν ζῆσιν, or children of the earth." 12 Anderson, in one of his ode's, 13 says of the Tettix, that old age wastes it not away. In this he has reference to the fable of Thitonus, the favourite of Aura, who, having wished for immortality, without having asked, at the same time, for perpetual youth, became so decrepit, that Aura, out of compassion, could not bear to see the attraction of the ancient beauty, hid aside its skin every summer, and thus renewed its youth. The truth is, the Tettix or Cicada, like all the other species of the Gryllus, though existing but for a single season since it dies at the close of the summer, casts its skin in the same manner as the caterpillar, and deposits in the fields a membrane so accurately true to its entire shape, that it is often mistaken, at first sight, for the Tettix itself. The belief that this insect was indigenous, or, in other words, sprung from the very earth, appears to have arisen from the circumstance of large numbers being seen immediately after showers, though not visible previously.

*CICEK. (Vid. Erebinthus.)

*CICHORIUM. (Vid. Intybus.)

*CICI (κίκι), a plant, the same as the Pisonia Christi or Ricinus communis. "This plant," observes Woodville, speaking of the Pains Christi, "appears to be the κίκι, or κάκιον of De'corridore, and I may add that the seeds are powerfully potheratic: it is also mentioned by Aelian, Paulus Aegineta, and Pliny." 14

*CICONIA, the Stork. (Vid. Pelargus.)

*CICUTA, Hamlock. (Vid. Conium.)

*CITARIS. (Vid. Tiera.)

*CILI CIUM (χίλιοιος), a Haircloth. The material of which the Greeks and Romans almost universally made this kind of cloth, was the hair of goats. The Asiatics made it of camel's-hair. Goats were bred for this purpose in the greatest abundance, and with the longest hair, in Cilicia; and from this country the Latin name of such cloth was derived. Lycia, Phrygia, Spain, and Libya also produced the same article. The cloth obtained by spining and weaving goat's-hair was nearly black, and was used for the coarse habits which sailors and fishermens wore, as it was the least subject to be destroyed by being wet; also for horse-cloths, tents, sacs, and bags to hold workmen's tools (fabrilia nasus), and for the purpose of covering military engines, and the walls and towers of besieged cities, so as to render the force of the ram (vid. Aries), and to preserve the woodwork from being set on fire. 15

Among the Orientals, sackcloth, which was with them always haircloth, was worn to express mortification and grief. After the decline of the Roman power, it passed from its other uses to be so employed in Europe also. Monks and anchorites almost universally adopted the ciliation as fit to be worn for the sake of humiliation, and they supposed their end to be more completely attained if this part of their raiment was never washed. Hence Jerome 16 describes the life of the monk Hadrian, says of his hair shirt, "Sacrum, quod semper fuerat indutus, manumquam lavatum, et superfusionem sedicis, munditiae in cilio quarto." 17

*CIXEMEX (κικώρη), the Bug, under which many names are included by the ancients, which modern naturalists have distinguished from one another. Aristotle makes the κικώρη to be engendered from the wings of the female of the insect mentioned as a remedy against the bite of serpents and especially of asps: "fugitivis cum antihygrostatis inascessus causas leeches to loose their hold; and if any of them afterwards go astray, I have heard that the cicomexes, taken internally, served as a cure. They were good for weak eyes when mixed with salt and the milk of a female, and for complaints of the ear.


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CINCI LEX

when mingled with honey and oil of roses. Numerous other medical virtues were ascribed to them, which, like the preceding, were purely fabulous, although Guettard, in modern times, recommends them in hysterical cases.

*CIMOLIA TERRA (Κιμολία τῆς), Cimolian Earth, so called from the island Cimulus, one of the Cyclades, whence it was principally obtained, although found also in other of the adjacent islands, particularly Siphnos. It was used by the ancients in cleaning their clothes, pretty much in the same way as fuller's earth is now employed. The ancients named it a good substitute for fuller's earth; it got its specific name, Cinara, from the god in St. Anthony's fire; and Dioscorides highly commends it, mixed with vinegar, in swellings, inflammations, and many other external affections.

The ancient writers mention two kinds of Cimolian Earth, a white and a purplish. Galen says that the white kind was dry, and the purple fattish, and that the purple was preferred to the better of the two. Dioscorides says that the purple kind was cold to the touch, a particular very observable in staphytae.

"Many authors," remarks Sir John Hill, "have ranked Cinolian Earth among the clays, and Tournefort makes it a chalk; but it appears to me to have been neither of these, but properly and distinctly a marl. Many have imagined our fuller's earth to have been derived from it; it is certainly a marl, but erroneously; the substance which comes nearest it of all the now known fossils, is the staphyte of the soap rock of Cornwall." 1

*CINARA (κινάρα), the Ash-Tree. The Cinara scolyceum, our common ash-artochrome, is described in distinct terms in Columella, and he is the only ancient and modern author who makes this plant a subject of any particular regard.

CINCI LEX, or MUNERAI'LIS. This lex was a plebiscitum passed in the time of the tribune M. Cincius Alimentus (B.C. 204), and entitled De Donis et Munribus. 2 One provision of this law, which forbade a person to take anything for his pains in pleading a cause, is recorded by Tacitus. 3 "Ne gratia ob causam orandum pecuniam donumse accipiat." In the time of Augustus, the lex Cinca was confirmed by a senatus consultum, and a penalty of four times the sum received was imposed on the advocate. This fact of confirmation will explain a passage in Lucan. 4 The law was so far modified in the time of Claudius, that an advocate was allowed to receive his fees in scriba; if he took any sum beyond that, he was liable to be prosecuted. 5 "Repetundarum tenebatur." (Vid. Repetund. o.m.) It appears that this permission was so far restricted in Trajan's time, that the fee could not be paid till the work was done. 6

So far the Cinca law presents no difficulty; but it appears that the provisions of the law were not limited to the case already stated. They applied, also, to gifts in general; or, at least, there were enactments which did limit the amount of what a person could give, and also required gifts to be accompanied with certain formalities; and it does not seem possible to refer these enactments to any other than the Cinca law. The numerous complications and difficulties which perplex this subject are perhaps not so great, as is generally supposed, and are removed by the following conjecture of Savigny: 7 "Gifts which exceeded a certain amount were only valid when made by mancipatio, in jure cesso, or by tradition: small gifts, consequently, were left to the person's free choice, as before; but large gifts (except in the case of near relatives) were to be accompanied with certain formalities." The object of the law, according to Savigny, was to prevent foolish and hasty gifts to a large amount, and, consequently, was intended, among other things, to prevent fraud. This was effected by declaring that certain forms were necessary to make the gift valid, such as mancipatio and in jure cesso, both of which required some time and ceremony, and so allowed the giver opportunity to reflect on what he was doing. These forms, also, could not be observed, except in the presence of other persons, which was an essential requirement in a case of this kind. The advantage of this law was not secured by the law in the case of the most valuable of things, nec mancipi, namely, money, for the transferring of which bare tradition was sufficient; but, on the other hand, a gift of a large sum of ready money is one that people of all gifts are least likely to make. The lex, however, was a complete protection against simple fraud, was to be of place where, with or without an actual completion of the promise at the time.

Savigny concludes, and principally from a passage in Pliny's letters, 8 that the Cinca law originally contained no exception in favour of relatives, but that all gifts above a certain amount required the formalities already mentioned. The Emperor Augustus, however, removed the prohibition of gifts to children, and also of collateral kinsmen. It appears that this exception was subsequently abolished, 9 but was restored by Constantine (A.D. 319) so far as it was in favour of parents and children; and so it continued as long as the provisions of the Cinca law were in force.

And we find, in which law this forbade a gift to be made, except in conformity to its provisions, see Savigny, Zeitschrift, &c., iv., p. 36.

The matter of the lex Cinca is also discussed in an elaborate essay by Hesse, 10 which, together with the essay of Savigny, will furnish the reader with all the necessary references and materials for investigating this obscure subject. Anything farther on the matter would be out of place here.

In every system of jurisprudence, some provisions seem necessary on the subject of gifts. In our own system gifts are valid as against the giver; and though the general rule be that an agreement to give cannot be enforced, this rule is subject to exceptions in the case of persons standing in a certain relation to the giver, such as parents, and others designated by the law.

It might be conjectured that one object of the Cinca law was to prevent debtors from cheating their creditors by gifts of their property, or by pretended gifts; but perhaps it would be difficult to establish this point satisfactorily in the present state of our knowledge on this subject.

CINCIUS TABBANUS. (Vid. TOGA.)

C'INGULUM. (Vid. ZONA.)

CINERARIUS. (Vid. CALAMISTRUM.)

CINERES. (Vid. FUNUS.)

CINIFLO. (Vid. CALAMISTRUM.)

*CINNABARIS. (κιναρίας, or -ιας), Cinnabar.

Martyn writes thus concerning it: "Minium is the native Cinnabar, or ore out of which the quicksilver is derived to the value of which is called superfine, and is designated red lead; but we learn from Pliny that the Minium of the Romans was the Millos or Cinnabari of the Greeks." Woodville says of it, "the Cinnabaris and Sanguis Draconis seem to have signified the same thing with the Greeks." Adams thinks that the ancients had three kinds of Cinnabar: 1st, the red, or sanguis draconis being the resin of the tree called Dracaena Draco; 2d, the Nat-

cive Cinnabar, or Sulphur of Quicksilver; and 3d,

CIRCUS

who died at the age of eighteen years, one month, and twenty-four days. Below the tablet, a festoon of fruits and flowers is suspended from two rams' heads at the corners; and at the lower corners are two sphinxes, with a head of Pan in the area between them.

On several cippi we find the letters S. T. L., that is, Sit tibi terra levis, whence Persius, in the passage already referred to, says, "Non leior cippos numer imperit ossa."

It was also usual to place at one corner of the burying-ground a cippus, on which the extent of the burying-ground was marked, towards the road (in front), and backward to the fields (in agrum).

CIRCUS (dabus), a Compass. The compass used by staturists, architects, masters, and carpenters, is often represented on the tombs of such artists, together with the other instruments of their profession or trade. The annexed woodcut is copied from a tomb found at Rome. It exhibits two kinds of compasses, viz., the common kind used for drawing circles and measuring distances, and one with curved legs, probably intended to measure the thickness of columns, cylindrical pieces of wood, or similar objects. The common kind is described by the author in the epigrams of Ovid, who compares its form to that of the letter A. The mythologists supposed this instrument to have been invented by Perdix, who was the nephew of Deadasus, and, through envy, thrown by him over the precipice of the Athenian acropolis.

Compasses of various forms were discovered in a statuary house at Pompeii.

CIRCULITIO. (Vid. Castra, p. 222.)

CIRCULITIO-VIO. (Vid. Alludv.)

CIRCUITORES. (Vid. Castra, p. 222.)

CIRCUS. When Tarquinius Priscus had taken the town of Apolis from the Latins, as related in the early Roman legends, he commemorated his success by an exhibition of races and pugilistic contests in the Murcian valley, between the Palatine and Aventine Hills; around which a number of temporary platforms were erected by the patricians and equites, called spectacula, fori, or forulii, from their resemblance to the deck of a ship; each one raising a stage for himself, upon which he stood to view the games. This course, with its surrounding scaffolding, was termed circus; either because the spectators stood round to see the shows, or because the procession and races went round in a circus. Previously, however, to the death of Tarquin, a permanent building was constructed for the purpose, with regular tiers of seats, in the form of a theatre. To this the name of Circus Maximus was subsequently given, as a distinction from the Flaminian and other similar buildings, which it surpassed in extent and splendour; and hence, 'the Campus Martius, it is often spoken of as the Circus, without any distinguishing epithet.

Of the Circus Maximus scarcely vestige now

Viria Primitiva, the wife of Lucius Virius Helius,


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CIPPUS.

the Sil Atticum, or Factitius Cinnabar, which was very different from ours, being a preparation of a shining arenaceous substance.

CINNAMOMUM (κινηματομ), the Cinnamon-tree, and also Cinnamon itself. It is supposed by many that the κινηματομ of the ancients was the Laurus Cinnamomum. The only objector to this opinion, as Adams remarks, is, that the latter is a native of Ceylon (the ancient Taprobane), and that it is scarcely to be believed that they could have been so familiar with a production of that island, as it appears they were with their own Cinnamon. Yet, notwithstanding this, many of the authorities, as, for example, Sprengel and Dierbach, hold it to be the Laurus Cinnamomum. It is probable, however, that the Laurus Cassa was often confounded with it. Various kinds of cinnamon were described by ancient writers, such as the μελανος, which was the best, of a dark wine colour, sometimes of a dark gray, the dark smooth, the branches small and slender, and having many knots; pungent in taste, and, when warmed, somewhat saltish: the δρέσης, or mountain Cinnamon; the μέλανος, or "black:" the λευκός, or "white:" the υδαθής, or "yellowish," to which some add the xyro-cinnamomum and the pseudo-cinnamomum. The main difference between the κινηματομ and κασσα appears to have been, that the former far surpassed the latter in odor and taste; and, in fact, Galen remarks that the highest kind of cassia did not differ much from the lowest kind of cinnamon. The best cinnamon was obtained from the nest of a species of thrush (Turdus Zelomitus), which always built with it, and hence was called κινηματομος, or "cinnamon-collector" (Vid. Cassia.)

CIPPUS was a low column, sometimes round, but more frequently rectangular. Cippi were used for various purposes; the decrees of the senate were sometimes inscribed upon them; and, with distances engraved upon them, they also served as milestones. They were, however, more frequently employed as sepulchral monuments. Several of such cippi are in the Townley collection in the British Museum, one of which is given in the woodcut annexed. The inscription is to the memory of

remains beyond the palpable evidence of the site it occupied, and a few masses of rubble-work in a circular form, which may be seen under the walls of some houses in the Via de' Cerchi, and which retain traces of having supported the stone seats\(^1\) for the spectators. This loss is, fortunately, supplied by the remains of a small circus on the Via Appia, commonly called the Circus of Caracalla, the

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**Figure:**

A diagram illustrating the layout of the Circus, with annotations explaining the structure, including the seats, stands, and central area.

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\(1\). \(1\) (Dionys., l.c.)—2 (Ov.) Met., x, 106.—Compare Plin., H N., xvi., 162.2.

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\(2\). The most remarkable object upon the spina were two columns (F) supporting seven conical halls, which, from their resemblance to eggs, were called *ova.* These are seen in the woodcut representing the spina. Their use was to enable the spectators to count the number of rounds which had been run; for which purpose they are said to have been first introduced by Agrrippa, though Livy speaks of them long before. They are, therefore, seven in number, such being the number of the circuits made in each race; and, as each round was run, one of the *ova* was put up or taken down, according to Varro.* An egg was adopted for this purpose in honour of Castor and Pollux.\(^4\) At the other extremity of the spina were two similar columns (G), represented also in the woodcut over the second chariot, sustaining seven dolphins, termed *delphine,* or *delphinarum columnae,* which do not appear to have been intended to be removed, but only placed there as corresponding ornaments to the *ova*; and the figure of the dolphin was selected in honour of Neptune.\(^5\) In the Lyons mosaic, subsequently to be noticed, the *delphines* are represented as fountains spouting

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\(3\). The ground-plan of which, together with most of the superstructure, remains in a state of considerable preservation. The ground-plan of the circus in question is represented in the annexed woodcut; and may be safely taken as a model of all others, since it agrees in every main feature, both of general outline and individual parts, with the description of the Circus Maximus given by Dinnysius.\(^6\)
CIRCUS.

In the mosaic of Lyons the man is represented apparently in the act of letting go the rope (οππόδωρον), in the manner described by Dionysius. The vii below in the 'Circus Maximus,' represents a set of four carceres, with their Hermae and cancelli open, as left after the chariots had started, in which the gates are made to open inward.

The preceding account and woodcuts will be sufficient to explain the meaning of the various words by which the carceres were designated in poetical language, namely, clustra, crypta, fences, ostia, fores carceris, repagula, limina equorum.

It will not fail to be observed that the line of the carceres is not at a right angle with the spina, but forms the segment of a circle, the centre of which is a point on the right hand of the arena; the reason for which is obviously that all the chariots might have, as nearly as possible, an equal distance to pass over between the carceres and mouth of the course. Moreover, the two sides of the circuses are not parallel to each other, nor the spina to either of them; but they are so planned that the course diminishes gradually from the mouth at J, until it reaches the corresponding line at the opposite side of the spina (K), where it is narrower by thirty-two feet. This might have proceeded from economy, or to be in a marble instance of accuracy, of the limited extent of the circus; for as all the four or six chariots would enter the mouth of the course nearly abreast, the greatest width would be required at that spot; but as they got down the course, and one or more took the lead, the same width would be no longer necessary.

The carceres were divided into two sets of six each, accurately described by Cassiodorus as hisue ostia, by an entrance in the centre (L), called Porta Pompa; because it was the one through which the Circensian procession entered, and which, it is inferred from a passage in Ausonius, was always open, forming a thoroughfare through the circus. Besides this entrance, there were four others, two at the termination of the seats between the caesa and the oppidum (M), another at (N), and the fourth at (O), under the vault of the frons decorations are still visible. This is supposed to be the Porta Triumviris, to which its situation seems adapted. One of the others was the Porta Libitinensis, so called because it was the one through which the dead bodies of those killed in the games were carried out.

Such were the general features of a circus, as regards the interior of the fabric. The area had also its divisions appropriated to particular purposes, with a nomenclature of its own attached to each. The space immediately before theoppidum was termed circus primus; that near the meta prima, circus interior or intimus; which latter spot, in the Circus Maximus, was also termed ad Marecum or ad


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Thus, VI. (Ovid; "perac-
as (Plin., Compare dis-
isi on each side of the podi-
ence, exactly in the di-
ament, one of the chariots
Thus, when the doors of the carr
The entrance to the alba
several long lines drawn a
quasi decorum spatia ad
which were thrown up open
encompassed by an arc of
When the Circus Maximus was
The extent of the Circus maximize was
The exterior of the Circus Maximi
the public were treated to a

CIRCUS.

Mucianum, from the altar of Venus Muria or Murcia, placed there. 1 The term arena belongs to an amphitheatre; and it is therefore probable that it was applied in the circus to the large open space between the carceres and prima meta, when the circus was used for the exhibition of athletic games, for which the locality seems best adapted; but in Sil-

1. (Compare Apuleius, Met., vii., p. 295, ed. Oedoncor-

2. (Virg., Sat., xvi., 359, 360.)

3. (Sil. Ital., vii., 215.)


7. (Suet., Galba, 10.)

8. (Cic., De Am., 27. — Seneca, Epist., 108.)


The statues of the gods formed the most conspicuous feature in the show, and were paraded upon wooden platforms, called *formula* and *thenea.* The former were borne upon the shoulders, as the statues of saints are carried in modern processions; the latter drawn along upon wheels, and hence the *thenea* bore the statue of Jupiter is termed *Jovis plautrum* by Tertullian, and Δήβ σέβεσ by Dion Cassius. The former were for painted images, or those of light material, the latter for heavy statues. The whole procession is minutely described by Dionysius.

I. CIRCUS, the races. The carriage usually employed in the circus was drawn by two or four horses (*biga, quadriga*). (Vid. *Biga, Bigatus.*

The usual number of chariots which started for each race was four. The drivers (*aurige, agitatores*) were also divided into four companies, each distinguished by a different colour, to represent the four seasons of the year, and called a *factio:* thus *factio prasina,* the green, represented the spring, whence *Eventus viridis quo colligo panni:* *factio rusa,* red, the summer; *factio veneta,* azure, the autumn; and *factio alba* or *albata,* white, the winter. Originally there were but two factions, *albata* and *russata,* and, consequently, only two chariots started at each race. Domitian subsequently increased the whole number to six, by the addition of two new factions, *aurata* and *purpurea;* but this appears to have been an exception to the usual practice, and not in general use. The driver stood in his car within the reins, which went round his back. This enabled him to throw all his weight against the horses, by leaning backward; but it greatly enhanced his danger in case of an upset, and caused the death of Hippolytus. To avoid this peril, a sort of knife or bill-hook was carried at the waist for the purpose of cutting the reins in a case of emergency, as is seen in some of the ancient reliefs, and is more clearly illustrated in the annexed woodcut.

When all was ready, the doors of the carrius were flung open, and the chariots were formed abreast of the *alba linea* by men called *mo atores,* from their duty; the signal for the start was then given by the person who presided at the games sometimes by sound of trumpet, or more usually by letting fall a napkin, whence the Circusian games are called *spectacula napric.* The origin of this custom is founded on a story that Nero, while at dinner, hearing the shouts of the people, which began at the time when his napkin was the signal, the *alba linea* was then cast off, and the race commenced, the extent of which was seven times round the *spina,* keeping it always on the left. A course of seven circuits was termed *unus missus,* and twenty-five was the number of races run in each day, the last of which was called *missus ararius,* because in early times the expense of it was defrayed *by a collection of money* (*se*) made among the people. Upon one occasion Domitian reduced the number of circuits from seven to five, in order to exhibit 100 *missus* in one day. The victor descended from his car at the conclusion of the race, and ascended the *spina,* where he received his reward (*bravium,* from the Greek βραβευμον): this consisted of a considerable sum of money, and accounts for the great wealth of the *curule aediles,* to which Juvenal alludes, and the truth of which is testified by many sepulchral inscriptions.

A single horseman, answering to the *klysos* of the Greeks, attended each chariot, the object of which seems to have been twofold; to assist his companion by urging on the horses, when his hands were occupied in managing the reins, and, if necessary, to ride forward and clear the course, as seen in the cut from the British Museum representing the race, which duty Cassiodorus assigns to him, with the title of *opus desulatorum.* Other writers apply that term to those who practised feats of horsemanship in the circus, leaping from one to another when at their speed. In other respects, the horse-racing followed the same rules as the chariots.

The enthusiasm of the Romans for these races exceeded all bounds. Lists of the horses (*libella*), with their names and colours, and those of the drivers, were handed about, and heavy bets made upon each faction; and sometimes the contests between two parties broke out into open violence and bloody quarrels, until at last the disputes which originated in the circus had nearly lost the Emperor Justinian his crown.

II. LUDUS TROJANUS, a sort of sham-fight, said to have been invented by Xenas, performed by young men of rank on horseback, often exhibited by Augustus and succeeding emperors, which is described by Virgil.

III. PUGNA EQUESTRIS ET PEDESTRIS, a representation of a battle, upon which occasions a camp was formed in the circus.

IV. CERTAEMEN GYMNICUM. *Vid. Athletae,* and the references to the articles there given.

V. (Vid. VENATORIUM.) VI. (Vid. NAUMACHIA.)

The pompa circensis was abolished by Constantine, upon his conversion to Christianity; and the
CISOS.

CISTAR.

nothing games of the circus by the Goths (A.D. 410); but the chariot races continued at Constantinople until that city was besieged by the Venetians (A.D. 1204).

CIRCUMVALLATIO. (Vid. VALLUM.)—

CIRIS, a species of Lark, according to some, while others think it is a solitary bird with a purple crest, which continually haunts the rocks and shores of the sea. The poets fabled that Scylla, daughter of Nisus, was changed into this bird.4

CISUM (σισους). Sprengel, upon the whole, inclines to the opinion that this is the Slender Thistle, or Carduus tenuiflorus.3 (Vid. however, CARVUS.)

CIS (κις), an insect mentioned by Theophrastus3 as injurious to grain. Aldrovandus decides that it is the same with the Cursula, which infects wheat and barley, meaning, no doubt, the Cursula graminis L., or Weevil. The Termens was a species of Curtula which infects pulse: Scaliger remarks that it is also called μελας by Theophrastus.5

C'ISIUM, a gig, i.e., a light open carriage with two wheels, adapted to carry two persons rapidly from place to place. Its form is sculptured on the monumental column at Igel, near Trewes (see woodcut). It had a bed called sedia under the seat.6 The eisai were quickly drawn by mules (eisi volantiae). Cicero mentions the case of a messenger who travelled 56 miles in 10 hours in such vehicles, which were kept for hire at the stations along the great roads; a proof that the ancients considered six Roman miles per hour as an extraordinary speed.7 The conductors of these hired gigs were called eisiarit, and were subject to penalties for careless or dangerous driving.8

CISSA or CITTA (σισσα, κιτα), a species of Bird, which Hardouin and most of the earlier commentators considered the same as Corvus Pica L. Schneider, however, thinks the Jay, or Corvus glandarius, more applicable to the κιτα of Aristotle. The latter is certainly the bird described by Pliny under this name.10

CISSERIS (σισσορς), Pumice. Theophrastus11 was well aware that Pumice is formed by the action of fire. He speaks of various kinds, specifying particularly the pumices of Nysius and Melos, the former of which, however, are not genuine pumices, according to Hill, but Tophi. The island of Melos has always been kept abound with pumices, and those of the very finest kind. This appears to have been the case even in the time of Theophrastus, as appears by his description of their being light and sandy, or easily reduced into powder.12

CYSSOS or CITTOP (σισσος, κιττος), the common Ivy, or Hedera helix. The three species of it described by Dioscori12 and other ancient writers are now looked upon as mere varieties. Theophrastus,13 for example, says that the three principal sorts are the white, the black, and that which is called helix (κιττος). The blue, or helix, and the helix seems to be only the same plant before it has become capable of bearing fruit. "That the helix is the ivy in its barren state," observes Martyn, "is plain from the account which Theophrastus gives of it: he says the leaves are angular, and more neat than those of ivy, which has

them round and more simple. He adds, moreover, that it is barren. As for the white ivy, it seems to be unknown to us. Some, indeed, imagine it to be that variety of the leaves are variegated with white. But Theophrastus expressly mentions the whiteness of the fruit. Pliny2 has confounded the ivy with the cistas, being deceived by the similarity of the two names, that of ivy being κισσος or κιττος, and that of the cistas, κισσος." Fee3 thinks that the white ivy is the Azarina of the Middle Ages; in other words, the Antirrhinum aristatum. L. Sprengel, on the other hand, makes it the same with the helix; "saeot enim," he observes, "quamdro folia habeat nervos alios pallentia."—The botanists of the Middle Ages established as a species of Ivy, under the name of arbores, a variety which the moderns merely distinguish by the epithet "corymbosa." It is the same with that of which Virgil speaks in the third Eclogue, and in the second book of the Georgics,2 and which is also described with as much elegance as precision in a passage of the Cycles. The Hedera nigra of the seventh and eighth Eclogues is the same which the ancients termed "Dionysia," from its being sacred to Bacchus. It is the Hedera poetica of Banbius. The epithet nigra has reference to the dark hue of its varieties, and the deep green colour of the leaves.4 Sibthorpe, speaking of the Hedera helix, as found at the present day in Greece, remarks, "This tree hangs as a curtain in the picturesque scenery of the marble caves of Pendeli. The leaves are used for issues."7

CISTA (κιστα) was a small box or chest, in which anything might be placed; but the term was more particularly applied, especially among the Greeks, to the small boxes which were carried in procession in the festivals of Demeter and Dionysus. These boxes, which were always kept closed in the public processions, contained sacred things connected with the worship of these deities.6

In the representations of the Dionysian processions, which frequently formed the subjects of paintings on ancient vases, women carrying cistae are constantly introduced. From one of these paintings, given by Millin in his Pictures of Vases Antiques, the preceding woodcut is taken; and a similar figure from the same work is given on page 188.
CITRUS.

*CISTUS* or *CISTUS* (κιστός, κυττός). The common κυττός of the Greeks was either the *Cistus Orictus* or *C. laurifolius*. This is the *C. Linn. ssp. lanatus* (Gins., Vid. Ladin. %.). Sibthorp makes the κυττός ἡδέος of Dioscorides to be the *Cistus salebrosus*.

CISTOPHORUS (κιστοφόρος), a silver coin, which is supposed to belong to Rhodes, and which was in general circulation in Asia Minor at the time of the conquest of that country by the Romans. It took its name from the device upon it, which was either the sacred chalice, or which Bacchus, or, more probably, a flower called κυττός. Its value is extremely uncertain, as the only information we possess on the subject is in two passages of Festus, which are at variance with each other, and of which certainly one, and probably the other, is corrupt.

Mr. Hussey (p. 74, 75), from existing coins which he takes for cistophors, determines it to be about 3/4 of the later Attic drachma, or Roman denarius of the Republic, and worth in our money about 7½d.

CITHARA (Vid. Lyra.)

*CITRUS* (κιτρώς or κυτρία), the Citron-tree. For a long period, as Féé remarks, the Citron was without any special name among both the Greeks and Romans. Theophrastus merely calls it μῆλον Μηδών ή Περσικόν. Pliny* styles it the Median or Assyrian Apple-tree, *Malus Mediae sive Assyriaca.* At a later period, μῆλον Περσικά became a name appropriate to the Citron; and *citrus* and *citron-treæ* ceased to be used at all: the designation of the Citron-tree then became more precise, under the appellation of *Malus Medica* or *Citus* (μῆλον Μηδών ή κυτρία). Of all the species of "Citrus," which botanists term, per excellence, the Citron-tree of Media, was probably the first known in the West. Virgil* gives a beautiful description of it, saying: "felix est genus in fruitibus;" and Cicero* is meant to indicate the "happy" employment of the fruit as a means of cure in cases of poisoning, as well as on other occasions; while the *tristes succi* indicate, according to Féé, the bitter savour of the rind, for it is of the rind that the poet here points out, as he thinks, the medical use: he makes no allusion to the refreshing effects of the citron, but to the factitious ones, which he had from a friend of his who was governor of Egypt. This governor had condemned two malefactors to death by the bite of serpents. As they were being led to execution, a person, taking compassion on them, gave them a citron to eat. The consequence of this was, that though they were exposed to the bite of the most venomous serpents, they received no injury. The governor, being surprised at this extraordinary result, inquired of the soldier who guarded them what they had eaten or drunk that day, and being informed that they had only eaten a citron, he ordered that the next day one of them should eat citron and the other not. He who had not tasted the citron died presently after he was bitten; the other remained unhurt!—Palladius* seems to have been the first who cultivated the citron with any success in Italy. He has a whole chapter on the subject of this tree. It seems, by his account, that the scene was carefully arranged so that the fruit of Pliny and Palladius have said of it, that it was not esculent. It may have been melliorated by culture since his time.

CIVI'L' JUS. (Vid. Jus Civile.)

CIVILIS ACTIO. (Vid. Actio, p. 17.)

CIVIS. (Vid. Civitas.)

CIVITAS (GREEK) (Πολιτεία). In the third book of the Politics, Aristotle inquires into the nature of states with the question: "What constitutes a citizen?" (πολίτης). He defines a citizen to be one who is a partner in the legislative and judicial power (μέτοχος κράσων και ἀρχῶν). No definition will equally apply to all the different states of Greece, or to any single state at different times; the above seems to comprehend more or less properly all those whom the common use of expression has referred to the name of citizens.

A state in the heroic ages was the government of a prince; the citizens were his subjects, and derived all their privileges, civil as well as religious, from their nobles and princes. Nothing could have been farther from the notions of those times than the ideas respecting the natural equality of freemen which were considered self-evident axioms in the democracies of Athens and later republics. In the early governments there were no formal stipulations; the kings were amenable to the gods alone. The shadows of a council and assembly were already in existence, but their business was to obey. Community of language, of religion, and of legal rights, as far as they then existed, was the bond of union; and their privileges, such as they were, were really granted to naturalized strangers. Upon the whole, as Achamnidas has well observed, the notion of citizenship in the heroic age only existed so far as the condition of aliens or of domestic slaves was its negative.

The rise of a dominant class gradually overthrew the monarchies of ancient Greece. Of such a class, the chief characteristics were good birth and the hereditary transmission of privileges, the possession of land, and the performance of military service. To these characters the names γυναῖκα, ἀντίγωνα, ἐννοιά, ἀνταφορία, &c., severally correspond. Strictly speaking, these were the only citizens: yet the lower class were quite distinct from bondmen or slaves. It commonly happened that the nobility occupied the fortified towns, while the δῆμος lived in the country and followed agricultural pursuits: whenever the latter were gathered within the walls, and the property of one person became the property of many, the difference of ranks was soon lost, and wealth made the only standard. The quarrels of the nobility among themselves, and the admixture of population arising from immigrations, all tended to raise the lower orders from their political subjection. It must be remembered, too, that the possession of domestic slaves, if it placed them in no new relation to the government of things at any rate gave them leisure to attend to the higher duties of a citizen, and served to increase their political efficiency.

During the convulsions which followed the heroic ages, naturalization was readily granted to all who desired it; as the value of citizenship increased, it

1. (Theophrast., Vi., 2.—Diocres, i., 139.—Adams, Append., s. v., 2.—Liv., xxvii., 45, 46, 40 a.; xxviii., 1.—Cic. ad Att., ii., 6.—S., xi., 1.)—3. (Festas, s. v. Euclamum: Tac., and Tattuoromous, &c.—Bell. Jud., ii., 5.—Place de Virgile, p. civ.)
2. (Hi. N., xx., 14, 15.—Georg., ii., 130, seqq.—Pallad., i, c.)
3. (P.ii. 1, c.)
4. (Civ., ii., 10.—Liv., iii., 39.)
5. (Diocres, i., 139.—Adams, Append., s. v., 2.—Liv., xxvii, 45, 46, 40 a.; xxviii., 1.—Cic. ad Att., ii., 6.—S., xi., 1.)—3. (Festas, s. v. Euclamum: Tac., and Tattuoromous, &c.—Bell. Jud., ii., 5.—Place de Virgile, p. civ.)
6. (Hi. N., xx., 14, 15.—Georg., ii., 130, seqq.—Pallad., i, c.)
7. (P.ii. 1, c.)
8. (Civ., ii., 10.—Liv., iii., 39.)
It is evident, then, from the very object of the prariae, why the newly-admitted citizen was not enrolled in them. As the same reason did not apply to the children, these, if born of women who were citizens, were enrolled in the phratra of their maternal grandfather. 1 Still an additional safeguard was provided by the register of the deme. At the age of sixteen, the son of a citizen was required to devote two years to the exercises of the gymnasia, at the expiration of which term he was enrolled in his deme; and, after taking the oath of a citizen, was armed in the presence of the assembly. He was then of age, and might marry; but he was required to spend two more years as a *peteia* lec in frontier service before he was admitted to take part in the assembly of the people. The admission into the phratra and deme were alike attended with oaths and other solemn formalities: when a *doukasia* or general scrutiny of the claims of citizens took place, it was intrusted to both of them; indeed, the registry of the deme was the only chart of the citizen himself.

These privileges, however, were only enjoyed while the citizen was *πεπίτυμος*; in other words, did not incur any sort of *άτυμια*. *άτυμια* was of two sorts, either partial or total. In the former case, the rights of citizenship were forfeited for a time or in a particular case; as when public debtors, for instance, swore that as such they would not appear in courts until the debt was paid; 2 or when a plaintiff was subjected to *άτυμια*, and debarred from instituting certain public suits if he did not obtain a fifth part of the votes. 3 Total *άτυμια* was incurred for the worse sort of crimes, such as bribery, embezzlement, perjury, neglect of parents, &c. 4 It did not affect the property of such a citizen, but deprived him of his political rights: perhaps it did not contain any idea even of dishonour, except in so far as it was the punishment of an offence. The punishment did not necessarily extend to the family of the offender, although in particular cases it may have done so. 4

Recurring, then, to Aristotle's definition, we find the essential properties of Athenian citizenship to have consisted in the share possessed by every citizen in the legislature, in the election of magistrates, in the δοξολογία, and in the courts of justice.

The invest unity under which the citizen was contained was the *γένος* or *κλην*; its members were termed *γένους* or *φράτρα* or *δήμοι*. Thirty *γένη* formed a *δήμος*, which latter division, as was observed above, continued to subsist long after the four tribes, to which the twelve phratres anciently corresponded, had been done away by the constitution of Clisthenes. There is no reason to suppose that these divisions originated in the common descent of the persons who were included in them, as they certainly did not imply any such idea in later times. Rather they are to be considered as mere political unions, yet formed in imitation of the natural ties of the patriarchal system.

If we would picture to ourselves the true notion which the Greeks imbedded in the word *πλῆθος*, we must lay aside all modern ideas respecting the nature and object of a state. With us, practically, if not in theory, a state is considered as embracing more than the protection of life and property. The Greeks, on the other hand, had the most vivid conception of the state as a whole, every part of which was to co-operate to some great end, to which all other duties were considered as subordinate. Thus the aim of democracy was said to be liberty; wealth, of oligarchy; and education, of ar-

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CIVITAS.

istoracy. In all governments the endeavour was to draw the social union as close as possible, and it seems to have been with this view that Aristotle laid down a principle which answered well enough to the accidental circumstances of the Grecian states, that a πόλις must be of a certain size (Υδ. VII. 10, 11). This unity of purpose was nowhere so fully carried out as in the government of Sparta; and, if Sparta is to be looked upon as the model of a Dorian state, we may add, in the other Dorian governments. Whether Spartan institutions in their essential parts were the creation of a single mastermind, or the result of circumstances modified only by Spartan genius, their design was evidently to unite the governing body among themselves against the superior numbers of the subject population. The division of lands, the syssitia, the education of their youth, all tended to this great object. The most important thing, next to union among themselves, was to divide the subject class, and, accordingly, we find the government conferring some of the rights of citizenship on the Helots. Properly regarded, the Helots cannot be said to have had any political rights; yet, being serfs of the soil, they were not absolutely under the control of their masters, and were never sold out of the country even by the state itself. Their condition was not one of hopeless servitude; a legal way was open to them, by which, through many intermediate stages, they might attain to liberty and citizenship. Thus they were the most nearly regarded as a deemed worthy of especial confidence; indeed, when they served among the heavy-armed, it seems to have been usual to give them their liberty. The δεσποινοναύται, by whom the Spartan fleet was almost entirely manned, were freedmen, who were allowed to dwell where they pleased, and probably had a portion of land allotted them by the state. After they had been in possession of their liberty for some time, they appear to have been called νεοδαιμονείς, the number of whom soon came near to that of the citizens. The μίθραοι or μίθρακες (as their name implies) were also emancipated Helots; their descendants, too, must have received the rights of citizenship, as Calliocrates, Lysander, and Glyippus were of Mothiac origin. We cannot suppose that the other cities, which were divided into several classes of citizens, were allowed into the full Spartan franchise; it is much more probable that at Sparta, as at Athens, intermarriage with citizens might at least entirely obliterate the badge of former servitude.

The perioeci are not to be considered as a subject class, but rather as a distinct people, separated from their customs as well as by their origin from the genuine Spartans. It seems unlikely that they were admitted to vote in the Spartan assembly; yet they undoubtedly possessed civil rights in the communities to which they belonged, and which they would hardly be called πόλεις unless they had been in some sense independent bodies. In the army they commonly served as hoplites, and we find the command at sea intrusted to one of this class. In respect of political rights, the perioeci were in the same condition with the physicians in the early history of Rome, although in every other respect far better off, as they participated in the division of lands, and enjoyed the exclusive privilege of engaging in trade and commerce.

What confirms the view here taken is the fact that, as far as we know, no individual of this class was ever raised to participate in Spartan privileges.

Nothing, however, could be more erroneous than to look upon them as an oppressed race. Ever since their leaving the assembly cannot be viewed in this light; for, had they possessed the privilege, their residence in the country would have been barred them from its exercise. It only remains to consider in what the superiority of the genuine Spartan may have consisted. In the first place, besides the right of voting in the assembly and becoming a candidate for the magistracies, he was possessed of lands and slaves, and was thus exempt from all care about the necessities of life. Secondly, on the field of battle he always served among the hoplites; thirdly, he participated in the Spartan education, and in all other Dorian institutions.

The way in which Sparta showed to admit foreigners was proportioned to the value of these privileges: indeed Herodotus says that Sparta had only conferred the full franchise in two instances. In legal rights at Spartans were equal; but there were yet several gradations, which, when once formed, retained their hold on the aristocratic feelings of the people. First, they had been at a more remote epoch of the Dorian immigration, and the very name of the Hellenes, secondly, they were of the dignity of the Heraclidae families, and, connected with this, a certain pre-eminence of the Hylean tribe. Another distinction was that between the ὡμοὺς and ἀνομοὺς, which in later times appears to have been considerable. The latter term probably comprehended those citizens who, from degeneracy of manners or other causes, had undergone some kind of civil degradation. To these the ὡμοὺς were superior, who were the most sincerely independent of the state, as being the only class of citizens which was assimilated to the Romans. The very name would imply a kind of superior civility (Civitas civitatem).

The perioeci were considered as a class of citizens possessing the same views as the Spartans, and as being obliged to hold the state in a similar respect. This is shown by the special laws which were made to protect them, and which are called ἰατρεία, ἱματα, ἐπαρτοεία.
CIVITAS.

Latinus, the (Geschichte a he) "De any the Savigny, was and and was the peregrinus, in the sense above stated, originated in the conquest of a state by the Romans, when the conquered state did not obtain the civitas; and he conjures to the notion of peregrinatus was applied originally to all citizens of foreign states who had a feudus with Rome.

The rights of a Roman citizen were acquired in several ways, but most commonly by a person being born of parents who were Roman citizens. A patrician, a filius familaris, a mater familias, and filia families, were all Roman citizens, though the first only was sui juris, and the rest were not. If a Roman citizen married a Latina or a peregrina, believing her to be a Roman citizen, and begot a child, the child was not in the power of his father, because it was not a Roman citizen; but the child was either a Latinus or a peregrinus, according to the condition of his mother; and no child followed the condition of his father unless there was connubium between his father and mother. By a senatus consultum, the parents were allowed to prove their child's natal status, and, on this being done, both the mother and the child were Roman citizens, and, as a consequence, the son was in the power of the father. Other cases relating to the matter, called causa probatio, are stated by Gaius, from which it appears that the facilities for obtaining the Roman civitas were gradually extended.

A slave might obtain the civitas by munus præs. sion (vindicia), by the census, and by testamentum, if there was no legal impediment; but it depended on circumstances, as already stated, whether he became a civis Romanus, a Latinius, or in the number of the peregrini dedicati. (Vid. Man. civ.)

The civitas could be conferred on a foreigner by a lex, as in the case of Archias, who was a civis of Herculean, a civitas which had a feudus with Rome, and who claimed the civitas Romanus under the provisions of a lex of Silvanus and Carbo, B.C. 89. By the provisions of this lex, the person who chose to take advantage of the privilege was required, within sixty days after the passing of the lex, to signify to the praetor his wish and consent to accept the civitas (proferit). Cicero speaks of the civitas being given to all the Neapolitani; and in the oration Pro Balbo he alludes to the Julian lex (B.C. 90), by which the civitas was given to the socii and Latini; and he remarks that a great number of the people of Herculea and Neapolis made opposition to this measure, because they did not desire to be considered as civitates federates (federati sui libertatem) to the Roman civitas. The lex of Silvanus and Carbo seems to have been intended to supply a defect in the Julia lex, and to give the civitas, under certain limitations, to foreigners who were citizens of federate states (federati civitates adscripti).

Thus the great mass of the Italicus obtained the Roman citizenship, which was known as civitates federates extended to the provinces, first to part of Gaul, and then to Sicily, under the name of Jus Latii or Latinitas. This Latinitas gave a man the right of acquiring the Roman citizenship by a privilege which belonged to the federate civitates of Italy before they obtained the Roman

1. (Gaius, i. 67.)—2. (i. 29, &c.; i. 66, &c.).—3. (See new Urban, Fragment. tit. 3. "De Latiniis."—4. (Cic., Pro Arch. 4.—5. (Ep. ad Fam., xii. 36.)—6. (C. 7.)
devise. It probably also included the Latinitas of Ulpius, that is, the commercial or individual privilege.

With the establishment of the imperial power, the political rights of Roman citizens became insignificant, and the commerce and the more easy acquisition of the rights of citizenship were the only parts of the civitas that were valuable. The constitution of Antoninus Caracalla, which gave the civitas to all the Roman world, applied only to communities, and not to individuals; its effect was to make all the cities in the empire municipia, and all Latin into civitates. The distinction of civitas and Latinus, from this time forward, were individuals, namely, to freedmen and their children. The peregrinitas, in like manner, ceased to be applicable to communities, and only existed in the dedi-
ticia as a class of individuals. The legislation of Justinian finally put an end to what remained of this ancient division into classes, and the only division of persons was into subjects of the Caesar and slaves.

The origin of the Latinitas of Ulpius is referred by S weigh, of an ingenious conjecture, to the year B.C. 209, when eighteen of the thirty Latin colonies remained true to Rome in their struggle against Hannibal, while twelve refused their aid. The disloyal colonies were punished; and it is a conjecture of S weigh, and, though only a conjecture, one supported by strong reasons, that the bribe which they received the commodity as the reward of their loyalty, and that they are the origin of the Latinitas of Ulpius. This conjecture renders intelligible the passage in Cicero's oration, in which he speaks of nuxem and hereditas as the rights of the twelve (eighteen?) colonies.

The word civitas is often used by the Roman writers to express any political community, as Civitas Antiochenae, &c. (S weigh, Zeitschrift, v., &c., Uber die Entstehung, &c., der Latinita; Heinece, Syntaxe, ed. Haubold, Epicrius; Rossdrith, Grundlinien des Röm. Rechts, Eidunkleitung; and vid. Banishment, and Capi-
ta.

CLAVIS. (Vid. FEVISL.)

CLASSEI. (Vid. CLAPIT, COMPTA.)

CLA'SCITUM.

CLAV'ARIIUM. (Vid. CLAVUM.)

CLAVIS (κλεις, dim. κλειδον), a Key. The key was used in very early times, and was probably introduced from Greece to Egypt; although Estchus states that in early times all fastenings were made by chains, and that keys were comparatively of a much later invention, which invention he attributes to the Lapobians. Pliny4 refers the name of Theodorus of Samos as the inventor, the person to whom the art of fusing bronze and iron is ascribed by Pausanias. (Vid. Bronzer, p. 178.)

We have no evidence regarding the materials of which the Greeks made their keys, but among the Romans the larger and coarser sort were made of iron. Those discovered at Pompeii and elsewhere are mostly of bronze, which we may assume to be of a better description, since we are only kept by the mistresses (matronae) of the household. In ages still later, gold and even wood are mentioned as materials from which keys were made.5

Among the Romans the key of the house was consigned to the porter (janitor), and the keys of the other departments in the household to the slave upon whom the care of each department devolved, upon a knowledge of which custom the point of the epi-
gram in Martial6 turns.

When a Roman woman first entered her husband's house after marriage, the keys of the stores were consigned to her. Hence, when a wife was divorced, the keys were taken from her; and when she separated from her husband, she sent him back the keys.7 The keys of the wine-cellar were, how-
ever, not given to the wife, according to Pline, who relates a story, upon the authority of Fabius Pictor, of a married woman being starved to death by her relatives for having picked the lock of the closet in which the keys of the cellar were kept.

The annexed woodcut represents a key found at Pompeii, and now preserved in the Museum at Naples, the size of which indicates that it was used as a door-key. The tongue, with an eye in it, which projects from the extremity of the handle, serves to suspend it from the porter's waist.

The expression sub clavis esse8 corresponds with the English one, "to be under lock and key," but clavis is sometimes used by the Latin authors to signify the bolt it should be. The keys are "locked by keys," like those of our own towns during the Middle Ages.

Another sort of key, or, rather, a key fitting another sort of lock, which Plautus calls clavis Laco-
nica,9 is supposed to have been used with locks which could only be opened from the inside, such as are stated to have been originally in use among the Egyptians and Laconians (ov γάρ, ὡς μόνον αὐτὸν ἐκλέξει, δὲ δ' ἐκείνου τοῦ πατέρων παρ᾽ Ἀργοστήλων, καὶ Δίαστος). These are termed κλειδαί καρταί by Aristophanes,10 because they were not visible on the outside, and in the singular, clavis clavis, by Virgi-
li;11 but the reading in this passage is very doubt-
ful.12 Other writers consider the κλειδα κρατια and claves Laconicae to be false keys, such as we now call "skeletons," and the Romans, in familiar language, adulterinae,13 wherein consists the wit of the allusion in Ovid, "Norum coniuncta, quid agamus, adulteria clavis."14

The next woodcut represents one of two similarly formed keys, which were discovered in Holland, and published by Lipsius.15 It has the handle tinted as a lever, and, therefore, could not have been made for a lock with wards, which cannot be turned without a certain application of force; but, by inserting the thumb or forefinger into the ring, it would be am-

enously sufficient to raise a latch or push back a bolt; and thus one sort, at least, of the keys termed spat-

raii seems to be identified with the "latch-keys" in use among us; for, when placed in the keyhole (clavis immittenda foramin8), it would be almost en-

CLAVUS, a Nail. In the subterranean chamber at Mycenae, supposed to be the treasury of Atreus & view of which is given in Sir W. Gell's Itinerary of Greece (plate vi.), the stones of which the cylindrical dome is constructed are perforated by regular series of bronze nails, running in perpendicular rows, and at equal distances, to the top from the bottom of the vault. It is supposed that they served to attach thin plates of the same metal to the masonry, as a coating for the interior of the chamber; and hence it is that these subterranean works, which served for prisons as well as treasuries, like the one in which Danaë is said to have been confined, were called by the poets brazen chambers. Two of these nails are represented in the annexed woodcut. of two thirds the real size; they consist of 88 parts of copper to 12 of tin.

The writer was present at the opening of an Etruscan tomb at Cære, in the year 1836, which had never been entered since the day it was closed up. The masonry of which it was constructed was studded with nails exactly similar in make and material to those given above, upon which were hung valuable ornaments in gold and silver, entombed, according to custom, with their deceased owner. Nails of this description were termed trabales and tabularius by the Romans, because they were used, in building, to join the larger beams (trabes) together. Hence the allusion of Cicero, "Ut hoc beneficium clavo trabali figure," and Horace arms Necesitas with a nail of the same kind, or of adamant, wherein to rivet, as it were, irrevocably the decrees of Fortune. Thus Atropos is represented in the subjoined woodcut, taken from a cup found at Perugia, upon which the story of Meleager and Atalanta is imbody'd, with a hammer in her right hand, driving a nail which she holds against the wall with her left.

The next cut represents a nail of Roman workmanship, which is highly ornamented and very curious. Two of its faces are given, but the pattern varies on each of the four.

It is difficult to say to what use this nail was applied. The ornamented head shows that it was never intended to be driven by the hammer; nor would any part but the mere point, which alone is plain and round, have been inserted into any extra-neous material. It might possibly have been used for the hair, in the manner represented in the woodcut on page 21.

Bronze nails were used in ship-building, and to ornament doors, as exhibited in those of the Pantheon at Rome; in which case the head of the nail was called bulba, and richly ornamented, of which specimens are given at page 181.

The soles of the shoes worn by the Roman soldier were also studded with nails, thence called "clavi caligarii." (Vid. Calig. & Tacit.) These do not appear to have been hob-nails, for the purpose of making the sole durable, but sharp-pointed ones, in order to give the wearer a firmer footing on the ground; for so they are described by Josephus, & Πηδοδομάτα πενταμένα πυυνοί καὶ δέκαν χοίρον. The men received a donation for the purpose of providing themselves with these necessary, which was thence called clavarium.  

CLAVUS ANNA-LIBRA. In the early ages of Rome when letters were yet scarcely in use, the Romans kept a reckoning of their years by driving a nail, on the idea of each September, into the side wall of the temple of Jupiter Optimus Maximus, which ceremony was performed by the pretor Maximus. In after ages this practice fell into disuse, though the ignorant peasantry seem to have retained the custom, as a method of matching dates, down to a very late period. Upon some occasions a dictator was created to drive the nail; but then it was not for the mere purpose of marking the year, but from a superstitious feeling that any great calamity, which happened at the time to afflict the city, would be stayed if the usual ceremony was performed by another Roman than the dictator.

CLAVUS GUBERNA-CULL, the handle or shaft of a rudder, which Vitruvius appropriately terms "ansa gubernaculi, quod ola gracies appellar;" and by Cicero. But it is sometimes used for the rudder itself, as, for instance, by Ennius:

"Ut clavum rectum teneam, navemque gubernem."  

Ola is also used in both senses, and in the same way. The true meaning of the word will be understood by referring to the woodcut at page 58 in which a ship with its rudder is represented: the

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poled by which it is fastened to the ship’s side is the **clavus**. (Vid. *Gubernaculum*.)

**CLAVUS LATUS. CLAVUS ANGUSTRUS.**

The meaning of these words has given rise to much difference of opinion among modern writers. Scullenger considered the clavus to have been an ornament detached from the dress, and worn round the neck like a *balla*. (Vid. *Bulla*.) Ferrarius supposed it to be a scarf or band thrown over the shoulders, the ends of which hung down in front. Some writers consider it to have been a round boss or buckle, resembling the head of a nail, fastened to the front part of the tunic which covered the chest; others the head of an iron dart, either at the edges or at the bottom; and others, again, the dress itself checkered with stripes of purple, or with ornaments resembling nails, either sewn on to, or woven in, the fabric, such as in modern language would be termed figured.

It is a remarkable circumstance, that not one of the ancient statues, representing persons of senatorial, consular, or equestrian rank, contain the slightest trace in their draperies of anything resembling the accessories above enumerated; some indications of which would not have been constantly omitted, if the *clavus* had been a thing of substance either affixed to the dress or person. But, if it formed only a distinction of colour, without producing any alteration in the form or mass of the material worn, the garment was made, such as a mere streak of purple interwoven in the fabric, or embroidered or sewed on it, it will be evident to any person conversant with the principles of art, that the sculptor, who attends only to form and mass, would never attempt to express the mere accidents of colour; and, consequently, that such a clavus would not be represented in sculpture. But in painting, with which the master art, we do find examples in some works executed at a very late period, some of which are subsequently inserted, in which an ornament like the clavus, such as it is implied to be by the words of Horace, *latum demisit pectore clavum*, seems evidently to have been represented.

The most satisfactory conclusion, therefore, seems to be that the clavus was merely a band of purple colour,<sup>4</sup> hence called *lumen purpurum*, either sewed to the dress<sup>8</sup> or interwoven in the fabric.<sup>7</sup>

**CLAVUS LATUS.**

The clavus worn by the Romans was of two fashions, one broad and the other narrow, denominated respectively *clavus latus* and *clavus anguistrus*.<sup>2</sup> The vest which it distinguished properly and originally was the tunic (*vid. Tunica*), called *clavum* by Tacitus, *praetexta* in the Statius, i.e. a broad band, and hence the word *clavus* is sometimes intended to express the garment itself.<sup>10</sup> The former was a distinctive badge of the senatorial order,<sup>11</sup> and hence it is used to signify the senatorial dignity,<sup>12</sup> and *laticlavius* for the person who enjoys it.<sup>12</sup> It consisted in a single broad band of purple colour, extending perpendicularly from the neck down the chest of the tunic, in the manner represented in the annexed woodcut, which is copied from a painting of Rome persified, formerly belonging to the Barberini family, the execution of which is of a very late period.

The position of the band in the centre of the chest is identified with the tunic clavus, because *mecostipho 1.

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*opus*<sup>1</sup>, in the Septuagint, is translated in the Vulgate *tunica clavata purpurea*; and the converse, *χείλεως* πορφυρον μεδιέλεκτον<sup>2</sup>, is thus interpreted by Quintus Curtius. *"Purpureae tunicae medium album integrum est."

In distinction to the anguistrus clavus, it is termed *purpurea major*, *purpura litoris*, and the garment it decorated, *tunica potens*, or *χείλεως ραξαφύνης*.<sup>3</sup>

The tunic laticlavia was not fastened round the waist like the common tunic which is worn by the centurion (p. 231), but left loose, in order that the clavus might lie flat and conspicuously over the chest, which accounts for the allusion of Sylia, when he termed Julius Caesar male precinctum purpurum; for we are informed by Suétionius that he was the centurion of a person ever known to wear a girdle to his laticlavete.

It seems to be generally admitted that the latus clavus was not worn in childhood, that is, with the toga praetexta; but it is not so clear whether, during the earlier ages of the Republic, it was assumed with the toga virilis, or only upon admission into the senate. Probably the practice was different at different periods.<sup>13</sup>

The right of wearing the latus clavus was also given to the children of equestrians,<sup>11</sup> at least in the time of Augustus, as a prelude to entering the senāte-house. This, however, was a matter of personal indulgence, and not of individual right; for it was granted only to persons of very ancient family and corresponding wealth,<sup>12</sup> and then by special favour of the emperor. In such cases, the latus clavus was assumed with the toga virilis, and worn until the age arrived at which the young equestrian was admissible into the senate, when it was relinquished and the anguistrus clavus resumed, if a disinclination on his part, or any other circumstances prevented him from entering the senate, as was the case with Ovid.<sup>14</sup>

*"Curia restabat; clavi mensura coacta est; Majus erat nostris viribus illud opus."*

But it seems that the latus clavus could be again resumed if the same individual subsequently wished to become a senator,<sup>12</sup> and hence a fickle character is designated as one who is always changing his clavus.<sup>14</sup>
CLERUSTRI.  

The latus clavus was also worn by the priests of Saturn at Carthage, and by the priests of Hercules at Cadiz, and napkins were sometimes so decorated, as well as table-cloths, and coverlets (loraria) for the couches upon which the ancients reclined at their meals.

The latus clavus is said to have been introduced at Rome by Tullus Hostilius, and to have been adopted by him after his conquest of the Etruscan; nor does it appear to have been confined to any particular class during the earlier periods, but to have been worn by all ranks promiscuously. It was laid aside in public mourning.

CLAVUS ANGSTUS. This ornament is not found, any more than the latus clavus, upon any of the works executed before the decline of the arts; and therefore the same difficulties occur in attempting to define its form and fashion. That it was narrower than the other is evident from the name alone, as well as from other epithets bestowed upon it—"peper clavus," "arctum purpures lumen," and that it was of a purple colour, attached to a tunic girt at the waist, is also evident from the passages of Statius and Quinctilius already cited.

There is, moreover, reason for supposing that the angustius clavus consisted in two narrow stripes instead of one broad one; for it is observed that the word clavus is always used in the singular number when the tunic laticlavia is referred to, whereas the plural number (clavi) is often met with in reference to the angusticlavia; as in the passage of Quinctilian just mentioned, purpura is applied to the former, and purpura to the latter of these garments. It seems, therefore, probable that the angustius clavus was distinguished by two narrow purple stripes, running parallel to each other from the top to the bottom of the tunic, one from each shoulder, in the manner represented by the three figures introduced below, all of which are taken from sepulchral paintings executed subsequently to the introduction of Christianity at Rome. The female figure on the left hand, which is copied from Buonarroti, represents the goddess Moneta, and she wears a regular tunic. The one on the right hand is from a cemetery on the Via Salara Nova, and represents Priscilla, an early martyr; it is introduced to show the whole extent of the clavi; but the lress she wears is not the common tunic, but of the kind called Dalmatica, the sleeves of which are also clavate.

The next figure is selected from three of a similar kind, representing Shadrach, Meshach, and Abednego, from the tomb of Pope Cunlallo on the Via Appia; all three wear the ordinary tunic girt at the waist, as indicated by Quinctilius, but with long sleeves, as was customary under the Empire, and the stripes are painted in purple; so that we may fairly consider it to afford a correct example of the tunica angusticla.

This decoration belonged properly to the equitrian order, for, though the children of equestrians, as has been stated, were sometimes honoured by permission to wear the latus clavus at an early age, they were obliged to lay it aside if they did not enter the senate when the appointed time arrived, which obligation appears to have been lost sight of for some time after the Augustan period; for it is stated by Lampadius, that Alexander Severus distinguished the equites from the senators by the character of their clavus, which must be taken as a recurrence to the ancient practice, and not an innovation then first adopted.

*CLEMATIS or CLEMATTTIS (klymatis, klymatites), a species of plant, commonly identified with the Winter-green or Periwinkle. Dioscorides mentions two kinds: the first of these Sprengel refers to the Periwinkle, namely, Vinca major or minor; the other, which is properly called klymatitcς, he is disposed to follow Sibthorp in referring to the Clematis cirrhosa. The term klymatis is derived from klyma, "a tendril" or "a clasper," and has reference to the climbing habit of the plant. The epithets δανθοντες ("laurel-like") and αρμοιονες ("myrrh-like") are sometimes given to the klymatiς, as well as that of πολυγονος, or Knot-grass." Pliny derives the Latin name vinca from vincere, "to bind" or "encircle," in allusion to the Winter-green's encircling or twining around trees. The same writer alludes to various medical uses of this plant, in cases of dysentery, fluxions of the eyes, hemorrhoids, the bite of serpents, &c. It is found sometimes with white flowers, less frequently with red or purple ones. The name of this plant in modern Greek is γροφολία. Sibthorp found it in Ellis and Argolis.

CLEPSY-DRA. (Phil. Horaioas). CLERUSTRI (klymates). Athenian citizens who occupied conquered lands were termed klymaτος, and their possession klymatia. The earliest example to which the term, in its strict sense, is applicable, is the occupation of the domains of the Thracian knights (imποδωρα) by four thousand Athenian citizens, B.C. 506.

In assigning a date to the commencement of this system of colonization, we must remember that the principle of a division of conquered land had existed from time immemorial in the Grecian states. Nature herself seemed to intend that the Greek should rule and the barbarian obey; and hence, in the case of the barbarian, it wore no appearance of
narness. Such a system, however, was more rare between Greek and Greek. Yet the Drrians, in their conquest of the Peloponnesse, and still more remarkably in the subjugation of Messenia, had set an example. In what, then, did the Athenian κληρονομία differ from this division of territory, or from the ancient colonies? In the first place, its name, in its technical sense, was of later date, and the Greek would not have spoken of the κληρονομία of Lycurgus, any more than the Roman of the "Agricola" of Metal. After Athens, however, we should remember that the term was always used with a reference to the original allotment: as the lands were devised or transferred, and the idea of the first division lost sight of, it would gradually cease to be applied. The distinction, however, between κληρονομία and ἀποτοκία was not merely one of words, but of things. The only object of the earlier colonies was to relieve surplus population, or to provide a home for those whom internal quarrels had exiled from their country. Most usually they originated in private enterprise, and became independent of, and lost their interest in, the parent state. On the other hand, it was essential to the very notion of a κληρονομία that it should be a public enterprise, and should always retain a connexion more or less intimate with Athens herself. The word κληρονομία, as Wachsmuth has well observed, conveys the notion of property to be expected and formally appropriated; whereas the ἀποτοκία of ancient times went out to conquer lands for themselves, not to divide those which were already conquered.

The connexion with the parent state subsisted, as has just been hinted, in all degrees. Sometimes, 1 as in the case of Lesbos, 2 the holders of land did not reside upon their estates, but let them to the original inhabitants, while themselves remained at Athens. The condition of these κληρονομία did not differ from that of Athenian citizens who had estates in Attica. All their political rights they only retained, but exercised as Athenians; in the capacity of landholders of Lesbos they could scarcely have been recognised by the state, or have borne any corporate relation to it. Another case was where the κληρονομία resided on their estates, and either with or without the old inhabitants, formed a new community. These still retained the rights of Athenian citizens, which distance only precluded them from exercising: they used the Athenian currency, and, in the event of an emergency to return to Athens, naturally and of course they regained the exercise of their former privileges. Of this we have the most positive proof: 3 as the sole object of these κληρονομία was to form outposts for the defence of Athenian commerce, it was the interest of the parent state to unite them by a tie as kindly as possible; and it cannot be supposed that individuals would have been found to risk, in a flourishing enterprise, the rights of Athenian citizens.

Sometimes, however, the connexion might gradually dissolve, and the κληρονομία sink into the condition of mere allies, or separate wholly from the mother-country. In Ἐγίνα, Scione, Potidaea, and other places, where the original community was done away, the colonists were most completely unconnected with Athens. 4 The names of the inhabitants were left unmasked, we may conceive their admixture to have had a twofold effect: either the new-comers would make common cause with them, and thus would arise the alienation alluded to above, or jealousy and dread of the ancient inhabitants might make the colonists more entirely dependent on the mother state. It seems improbable to define accurately when the isopollite relation with Athens may have ceased, although such cases undoubtedly occurred.

A question has been raised as to whether the κληρονομία were among the Athenian tributaries. Probably this depended a good deal upon the prosperity of the colony. We cannot conceive that colonies which were established as military outposts, in otherwise unconquered situations, would begin such a burden: at the same time, it seems improbable that the state would unnecessarily forego the tribute which it had previously received, where the lands had formerly belonged to tributary allies.

It was to Pericles Athens was chiefly indebted for the extension and permanence of her colonial settlements. His principal object was to provide for the redundancies of population, and raise the poorer citizens to a fortune becoming the dignity of Athenian citizens. It was of this class of persons the settlers were chiefly composed; the state provided them with arms, and defrayed the expenses of their journey. The principle of division doubtless was, that all who wished to partake in the adventure applied voluntarily; it was then determined by lot who should or should not receive a share. Sometimes a leader appointed, who, after death, received all the honours of the founder of a colony (ολιστης).

The Cleutchiæ were lost by the battle of Εγγαποπατί, but partially restored on the revival of Athenian power. For a full account of them, see Wachsmuth, Historical Antiquities, § 56, 6: Böckh, Public Econ. of Athens, iii., 18; and the references in Herman's Manual, vi., 117.

CLETERIÆ or CLETORÆ (κλητήρες or κληρονομίαι). The Athenian summoners were not official persons, but merely witnesses to the prosecutor that he had served the defendant with a notice of the action brought against him, and the day upon which it would be requisite for him to appear before the proper magistrate, in order that the first examination of the case might commence. 5 In Aristophanes 6 we read of a summoner only being employed, but two are generally mentioned by the orators as the usual number. 7 The names of the summoners were subscribed to the declaration or bill of the prosecutor, and were, of course, essential to the validity of all proceedings founded upon it. What has been hitherto stated applies in general to all causes, whether δικαίωμα or γραμμα: in some the former was always used, in others the latter. The summoners were, before magistrates, and an arrest of the accused in consequence (as in the case of ἐνδείξεις or ἐνοικιασθείαι), there would be no occasion for a summonus, nor, of course, witnesses to its service. In the ἐκθέσεως and δοκύασθαι also, when held at the regular times, no summons was issued, as the persons whose character might be affected by an accusation or defence were usually present, or presumed to be so; but if the prosecutor had let the proper day pass, had proposed to hold a special ἐκθέσει at any other time during the year in which the defendant was liable to be called to account for his conduct in office (ὑπ’ ἐκθέσιν), the agency of summoners was as requisite as in any other case. Of the δοκύασθαι, that of the orators alone had no fixed time; but the first step in the cause was not the usual legal summons (δικαίωμα), but an announcement from the prosecutor to the accused in the assembly of the people. 8

In the event of persons subscribing themselves falsely as summoners, they exposed themselves to
an action (ϕευνοληγείας) at the suit of the party aggrieved.

Cleithra (κλίθρα), the Alder. (Vid. Alnur.)

CLIBANARII. (Vid. Cataphracti.)

CLIENTS is said to contain the same element as the verb clere, to "hear" or "obey," and is accordingly compared by Niebuhr with the German word höriger, "a dependant."

In the time of Cicero, we find patrons in the sense of protectors or defenders, answering to clizens in the sense of the person defended, or the consulutor; and this use of the word must be referred, as we shall see, to the original character of the patrons. The relation of a master to his liberated slave (libertas) was expressed by the word patron, and the libertus was the cliens of his patron. Any Roman citizen who wanted a protector might attach himself to a patron, and would thenceforward be a cliens. Distinguished Romans were also sometimes the patrons of states and cities, which were in a certain relation of subjection or friendship to Rome; and in this respect they may be compared to colonial agents, or persons among who are employed to look after the interests of the mother-country, except that among the Romans the patron did not necessarily maintain the connection, though there might be an indirect remuneration. This relation between patron and cliens was indicated by the word clientela, which also expressed the whole body of a man's clients. In the Greek writers on Roman history, patron is represented by προσωτής, and cliens by προλάγος.

The cliens, clientela, and patron, are different from the potestas, which are much farther back as the records or traditions of Roman history extend; and the following is a brief notice of its origin and character, as stated by Dionysius, in which the writer's terms are kept:

Romulus gave to the eθναρχαί the care of religion, the honors (άρετα), the administration of justice, and the care of the patrocinia of all the munioi (whom, in the preceding chapter, he has explained to be the πάρτικες) had none of these privileges, and they were also poor; husbandry and the necessary arts of life were their occupation. Romulus thus intrusted the διονύσιοι to the safe keeping of the πάρτικες, who are the eθναρχαί, and permitted each of them to choose his patron. This relation of patron and client was thus called, says Dionysius, patrona.

The relative rights and duties of patrons and clients were, according to Dionysius, the following:

The patron was the legal adviser of the cliens; he was the client's guardian and protector, as he was the guardian and protector of his own children; he maintained the client's suit when he was wronged, and defended him when another complained of being wronged by him: in a word, the patron was the guardian of the client's interests, both private and public. The client contributed to the marriage portion of the patron's daughter, if the patron was poor, and to his ransom, or that of his children, if they were taken prisoners; he paid the costs and damages of the client, and suffered with him the penalty in which he was condemned; he bore a part of the patron's expenses incurred by his discharging public duties, or filling the honourable places in the state. Neither party could accuse the other, or hear testimony against the other, or give his vote against the other. This relationship between patron and client subsisted for many generations, and resembled in all respects the relationship by blood. It was the glory of illustrious families to have many clients, and to add to the number transmitted to them by their ancestors. But the clients were not limited to the διονύσιοι: the coloni, and the states connected with Rome by alliance and friendship, and the conquered states, had their patrons at Rome; and the senate frequently referred the disputes between such states to their patrons, and abided by their decision.

The value of this passage consists in its containing a tolerably intelligible state, if it were true or false, of the relation of a patron and client. What persons actually composed the body of cliens, or what was the real historical origin of the clientela, is immaterial for the purpose of understanding what it was. It is clear that Dionysius understood the Roman state as originally consisting of patrici and plebes, and he has said that the clients were the plebs. Now it appears, from his writings and from Livy, that there were clients who were not the plebs, or, in other words, clients and plebs were not convertible terms. This passage, then, may have little historical value as explaining the origin of the clients; and the statement of the clientela being voluntary is improbable. Still something may be derived from it. It appears as if he was able to reconcile it altogether with all other evidence. The clients were not servi: they had property of their own, and freedom (libertas). Consistently with this passage, they might be Roman citizens, enjoying only the commercium and cunnibulum, but not the suffragium and honores, which belonged to their patron. (Vid. Ann. 26.)

It would be hasty to be content with the statement of Dionysius, that there were free men in the state who were not patrici, and did not choose to be clients; but if such persons existed in the earliest period of the Roman state, they must have suffered under great civil disabilities, and this, also, is inconsistent with the testimony of history, nor can it be supposed that it would be possible for a free person to be called a cliens; for this involved a tacit assumption that the clients were originally slaves; and this may be true, but it is not known. Besides, it cannot be true that a patron had the power of life and death over his freedman, who had obtained the civitas, any more than he had over an emancipated son. The body of clients might, consistently with all that we know, contain perigrini, who had no privileges at all; and it might contain that class of persons who had the commercium, if the commercium existed in the early ages of the state. (Vid. Civitas.) The latter class of persons would require a patronum, to whom they might attach themselves for the protection of their property, and who would defend them in all suits, on account of the (here assumed) inability of such persons to sue in their own name in the early ages of Rome. (Vid. Banishment.)

The relation of the patronus to the cliens, as represented by Dionysius, has an analogy to the patria potestas; and the form of the word patronus is consistent with this.

It is stated by Niebuhr, that "if a client died without heirs, his patron inherited; and this law extended to the case of freedmen; the power of the patron over whom must certainly have been found originally on the general paternal right." This statement, if it be correct, would be consistent with the quasi patria potestas...
**CLIPUS.**

But if a client died with heirs, could he make a will? and if he died without heirs, could he not dispose of his property by will? if he could not make, or did not make a will, and had heirs, who must they be? must they be sui heredes? had he a familia, and, consequently, agnati? (vid. Connoi) had he, in fact, that connubium, by virtue of which he could acquire the patria potestas? He might have all this consistently with the statement of Dionysius, and yet be a citizen non optimo jurie; for he had not the homines of the other distinguishing privileges of the patriici, and, consistently with the statement of Dionysius, lie could not vote in the comitia curiata. It is not possible to prove that a client had all this, and it seems equally impossible, from existing evidence, to show what his rights really were. So far as our extant ancient authorities show, the origin of the clientela, and its true character, were unknown to them. This seems certain; there was a body in the Roman state, at an early period of its existence, which was neither a patrician nor client, and a body which once did, but ultimately did, participate in the sovereign power; but our knowledge of the true status of the ancient clients must remain inexact, for the want of sufficient evidence in amount, and sufficiently trustworthy.

It is stated by Livy that the clients had votes in the comitia of the centuries: they were therefore registered in the censorship's books, and could have quiritarian ownership. (Vid. Centumviri.) They had, therefore, the commercium, possibly the connubium, and certainly the suffragium. It may be doubted whether Dionysius understood them to have the suffragium at the comitia curiata; but, if such was the legal status of a client, it is impossible that the exposition of their relation to the patricians, as given by some modern writers, can be altogether correct.

It would appear, from what has been stated, that patrician and patrician were originally convertible terms at least until the plebs obtained the honors. From that time, many of the reasons for a person being a client of a patrician would cease; for the plebeians had acquired political importance, had become acquainted with the laws and the legal forms, and were fully competent to advise their clients. This change must have contributed to the destruction of the strict old clientela, and was the transition to the clientela of the later ages of the Republic.

Admitting a distinction between the plebs and the old clients to be fully established, there is still room for careful investigation as to the real status of the clients, and of the composition of the Roman state before the estate of the plebs was made equal to that of the patricians.

This question is involved in almost inextricable perplexity, and elements must enter into the investigation which have hardly been noticed. Any attempt to discuss this question must be prefaced or followed by an apology.

**CLIENTELA. (Vid. Clienes.)**

**CLIMAX. (Vid. Tormentum.)**

**CLITON (κλίτων), a plant deriving its name from the resemblance which its round flower bears to the foot of a couch (κλίτων, "a couch," and κλύτων, "a foot"). It is most probably Clitomenes vulgare, or Field Basil, as Bawin and others think. According to Prosper Alpinus, however, it is the same as the Satureja Gratia. Shibetop found it on the mountains of Greece and in the island of Crete.**

**CLIPUS (κλίπις), the large shield worn by the Greeks.** Romans, which was originally of a circular form and is said to have been first used by Preutus and Acrisius of Argos, and therefore is called clipes Argoleticus, and likened to the sun (Compare, cfr., απονθανος ηπανος, αυθονος κτινος.) But the clipes is often represented in Roman sculpture of an oblong oval, which makes the distinction between the common buckler and that of Argos.

It was sometimes made of osiers twisted together, and therefore is called iria, or of wood. The wood or wicker was then covered over with ox hides of several folds deep, and finally bound round the edge with metal.

The outer rim is termed νυσς, νις, πεφερεια, or κελος (vid. Antvys). In the centre was a projection called ὄμοδος or μυσιφαλος, which served as a sort of weapon by itself (κελος υμοτονις repellit) or adsorbed the enemy to glance off from the shield. It is seen in the next woodcut, from the column of Trajan. A spike, or some other prominent ex necessitude, was sometimes placed upon the ὄμοδος, which was called the κτειφαλον.

In the Homeric times the Greeks used a belt to support the shield; but this custom was subsequently discontinued in consequence of its great inconvenience (vid. Bultrus, p. 139), and the following method was adopted in its stead: A band of metal, wood, or leather, termed καρων, was placed across the inside from rim to rim, like the diameter of a circle, to which were affixed a number of small iron bars, crossing each other somewhat in the form of the letter X, which met the arm below the inner bend of the elbow joint, and served to steady the orb. This apparatus, which is said to have been invented by the Carian, was termed καρων or δεκαν. Around the inner edge ran a leather thong (παρνας), fixed by nails at certain distances, so that it formed a succession of loops all round, which the soldier grasped with his hand (ὑμαλς παρνας γενενας χρης) The annexed woodcut, which shows the whole apparatus, will render this account intelligible. It is taken from one of the terra cotta vases published by Tischbein.

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At the close of a war it was customary for the Greeks to suspend their shields in the temples, when the παράστες were, taken off, in order to render them unserviceable in case of any sudden or popular outbreak; which custom accounts for the alarm of Demostratus, in the Knights of Ariosto, when he saw them hanging up with their handles on.

According to Livy, when the census was instituted by Servius Tullius, the first class only used the clipeus, and the second were armed with the scutum (vid. Scutum); but after the Roman soldier received pay, the clipeus was discontinued altogether for the Sabine scutum. Diodorus Siculus asserts that the original form of the Roman shield was square, and that it was subsequently changed for that of the Tyrrhenians, which was round.

The Roman shields were emblazoned with various devices, the origin of armorial bearings, such as the heroic feats of their ancestors, or with their portraits, which custom is illustrated by the preceding beautiful gem from the antique, in which the figure of Victory is represented inscribing upon a clipeus the name or merits of some deceased hero. Each soldier had also his own name inscribed upon his shield, in order that he might readily find his own, when the order was given to unclench arms; and sometimes the name of the commander under whom he fought.

The clipeus was also used to regulate the temperature of the vapour bath. (Vid. Bains, p 150.)

CLITELLUS, a pair of panniers, and therefore only used in the plural number; in Italy they were commonly used with mules or asses, but in other countries they were also applied to horses, of which an instance is given in the annexed woodcut from the column of Trajan; and Plautus figuratively describes a man upon whose shoulders a kind of any kind, either moral or physical, is charged, as homo citellarius.

A particular spot in the city of Rome, and certain parts of the Via Flaminia, which from their undulations in hill and valley, were thought to resemble the flowing line of a pair of panniers, were also termed clitellus.

CLOACA. The term cloaca is generally used by the historians in reference only to those spacious subterraneous vaults, either of stone or brick, through which the foul waters of the city, as well as all the streams brought to Rome by the aqueducts, finally discharged themselves into the Tiber; but it also includes within its meaning any smaller drain, either wooden pipes or clay tubes, with which every almost house in the city was furnished, to carry off its impurities into the main conduit. The whole city was thus intersected by subterranean passages, and is therefore designated by Pliny as urbs pensilis.

The most celebrated of these drains was the Cloaca Maxima, the construction of which is ascribed to Tarquinius Priscus, and which was formed to carry off the waters brought down from the adjacent hills into the Velabrum and valley of the Forum. The stone of which it is built is a mark of the great antiquity of the work; it is not the peperino of Gabii and the Alban Hills, which was the common building-stone in the time of the Commonwealth; but it is the "tufa litoide" of Brocchi, one of the volcanic formations which is found in many places in Rome, and which was afterward supplant- ed in public buildings by the finer quality of the peperino. This cloaca was formed by three tiers of arches, one within the other, the innermost of which is a semicircular vault of 18 Roman palms, about 14 feet in diameter, each of the hewn blocks being 75 palms long and 4½ high, and joined together without cement. The manner of construction is shown in the annexed woodcut, taken on the spot, where a part of it is uncovered near the arch of Janus Quadrifrons.

The mouth where it reaches the Tiber, nearly opposite to one extremity of the insula Tiberina, 1.

1. (Veget., ii. 17.)(Hirt., Bell. Alex., 35.)—2. (Hist. Sat., l. 47. Plaut., Most., i. 91.)(Hor., i. c. 30.)—3. (Eclog., xxi., 8.)(Virg., viii., i. 2. 685.—5. (Bell., viii., 395.)(Id., xvii., 398.)
still remains in the state referred to by Pliny. It is represented in the annexed woodcut, with the adjacent buildings as they still exist, the modern fabrics only which encumber the site being left out.

The passages in Strabo and Pliny which state that a cist (ομπαξ, σελης) looked by day could pass down the Clauza Maximia, will no longer appear incredible from the dimensions given of this stupendous work; but it must still be borne in mind that the vehicles of the Romans were much smaller than our own. Dion Cassius also states that Agrippa, when he cleansed the sewers, passed through a drain in a boat, to which Pliny probably alludes in the expression with subito navigato; and their extraordinary dimensions, as well as those of the embouchures through which the waters poured into them (vid. CANALIS), are still further testified by the exploits of Nero, who threw down the sewers the unfortunate victims of his nightly riots.

The Clauza Maximia formed part of the Forum from the river, but was subsequently continued as far up as the Subura, of which branch some vestiges were discovered in the year 1742. This was the crypta Subura to which Juvenal refers.

The expense of cleansing and repairing these Clauza was, of course, very great, and was defrayed partly by the treasury, and partly by an assessment called clauarium. Under the Republic, the administration of the sewers was intrusted to the censors; but under the Empire, particular officers were appointed for that purpose, clauarum curatora, mention of whom is found in inscriptions, who employed condemned criminals in the task.

ΚΑΩΠΗ ΑΙΚΗ (κλαυρίς δίκη), the civil action for theft, was brought in the usual manner before a trialetes or a court, the latter of which Meier in 1.

1. ἐπί τοῦ ναοῦ τοῦ Χριστοῦ. A.D. 820. —②. (λεπιδίνους, σελης) looked by day could pass down the Clauza Maximia, will no longer appear incredible from the dimensions given of this stupendous work; but it must still be borne in mind that the vehicles of the Romans were much smaller than our own. Dion Cassius also states that Agrippa, when he cleansed the sewers, passed through a drain in a boat, to which Pliny probably alludes in the expression with subito navigato; and their extraordinary dimensions, as well as those of the embouchures through which the waters poured into them (vid. CANALIS), are still further testified by the exploits of Nero, who threw down the sewers the unfortunate victims of his nightly riots.

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1. (Att. Process, 67.) 279

letters to have been under the presidency of the thes
meisthe, whether the prosecutor preferred the ac-

s. We learn from the law quoted by Demosthenes, 2

that, failing of this, he was bound to reimburse

him tenfold, that the court might inflict an addi-

tional penalty, and that the criminal might be

confined in the stocks (κρανία) five days and as

many nights. In some cases, we person that had

been robed was permitted by the Atic law to enter

the house in which he suspected his property

was concealed, and institute a search for it (φο-

ρέων); 3 but we are not informed what

powers he was supplied with to enforce this right.

Besides the above-mentioned action, a prosecutor

might proceed by way of γραφή and, when the de-

nunciation was detected in the act, by ἀκολούθα

or ἐφηγος. To these, however, a penalty of 1000

drachmas was attached in case the prosecutor failed

in establishing his case; so that a diffident plainti

would often consider them as less eligible means of

obtaining redress. 3 In the aggravated cases of steal-

ing in the daytime property of greater amount than

50 drachmas, or by night anything whatsoever (and

under no consideration of the owner being permitted

to wound, and even kill the depredator in his flight),

the most trifling article from a gymnasium, or any-

thing worth 10 drachmas from the ports or public

baths, the law expressly directed an ἀκραγή to the

Eleven, and, upon conviction, the death of the

offender. 4 If the γραφή were adopted, it is pro-

bable that the punishment was fixed by the court;

but both in this case, and in that of conviction in a

diax, besides restitution of the stolen property, the

disfranchisement (ἀκραγία) of the criminal would be

a necessary incident of conviction. 4

*CLYMENON (κλήμονον), a plant, about what the

authorities are much at variance. Sprengel,

in his edition of Dioscorides, adheres to the op-

inion of Fabius Columba, who held it to be the

Scorpius vermiculatus. Sibthorp, however,

contains for the Convolvulus sepium, or Great Bind-

weed. 5

*CLupea, a very small species of Fish, found, ac-

cording to Pliny, in the Po, and which, as he in-

forms us, destroys a large kind of fish named At-

tilus (a species of sturgeon), by attaching itself to

a vein in the throat of the latter. Pliny very proba-

bly refers to one of those numerous parasitical animals

which, by piercing the hinder parts of the branchial

fishes, and suck their blood; perhaps to a species of

small lamprey. In modern ichthyology, the name

Clupea has been assigned by Linnaeus to the whole

herring family.

*CNAPHOS (κναφός). (Vid. TORMENTUM.)

*CNEO' RUM (κνεώρον), according to Stackhouse

and Sprengel, the Daphne Cneorum. Galeus makes

it the same with the Tormentum of Hippocrates.

Two kinds are mentioned by the ancient writers,

the white and black, of which the former was the more

remarkable for its perfume. The Cneorum is the

Casia spoken of in the Georgics of Virgil among

the food for bees. The whole question is fully dis-

cussed by Martyn.

*CNICUS or CNECUS (κνίκος, κνίκη, a species of

plant, which some have taken for the Carduus

Benedictus but which the commentators on Mesue

and the translator of Avicenna, Dodonaes, Alston, and


Sprengel, concurring in setting down for the *Ceratium miniatum*, or bastard Saffron.

*CNIPE (oxides). (Fed. Acaleph.)

*CNIPE or SCNIPS (oxides, saphe), a numerous genus of insects, which prey upon the leaves of trees. They form the *Aphis*, L. The *Cnips* is often confused with the *B. penaei*.

*CNIPOLORUS (kunipoloro), the name of a bird briefly noticed by Aristotle. According to Geerter, it is the white Wagtail, or Motacilla alba. Aristotle describes it as of an ashy colour (sepiaurum), and marked with spots (kastikotetos), and having a little cry (phoei de mirop). This account suits very well the *Motacilla A.*, and its cry of *gust*, *gust*. It is ranked by the Greek naturalists among the *epeionea*, and the Motacilla, it is well known, makes as much havoc among flies, gnats, and smaller insects as either the fly-catchers or swallows.

COA VESTIS, the Coan robe, is mentioned by various Latin authors, but most frequently and distinctly by the poets of the Augustan age. From their expressions we learn that it had a great degree of transparency, that it was remarkably fine, that it was chiefly worn by women of loose reputation, and that it was sometimes dyed purple and enriched with stripes of gold. It has been supposed to have been made of silk, because in Cos silk was spun and woven at a very early period, so as to obtain a high celebrity for the manufacturers of that island. The annexed woodcut is from a painting discovered at Pompeii. It represents a lady wearing a tunic of almost perfect transparency, so as to correspond to the description of the Coa vestis. Her headress is of the kind called *kerafuroz* in Greek, and *reticulum* in Latin, which also occurs in a figure on page 187.

*COACTOR*. This name was applied to collectors of various sorts, e.g., to the servants of the publican, or farmers of the public taxes, who collected the revenues for them; also to those who collected the money from the purchasers of things sold at a public auction. Horace informs us that his father was a coactor of this kind. Moreover, the servants of the money-changers were so called, from collecting their debts for them. The "coactores agminis" were the soldiers who brought up the rear of a line of march.

*COCALIS* (kócalis tov sitou), the *Agrostemma*

*COCHLEA*. Its English name, Corn-Cockle, is evidently derived from the ancient appellation as Admon, or red snail.

*COCUM, or COCCI GRANUM, a name given by the ancients to what they conceived to be a species of grain, producing a bright scarlet or crimson colour, but which modern naturalists have discovered to be a kind of insect (kerme). The *Quercus coccifera* is the tree that principally engenders them, and the name *coccum, coccus* that the term *cochlea* has been derived. The coxens of the ancients came from Portugal, Sardinia, Asia Minor, and Africa.

*COCYCTEAN* (kokythereos), a species of plant mentioned by Theophrastus, and which, according to Schneider, has been generally taken for the *Rhur cotinus*, L. It appears from Sibthorp that the modern name makes a flame-red colour.*

*COCYCELEA* (kokythereos), a kind of Plum. Isidorus says, "Coccymela, quam Latinob colorem prunum notant, cujus generis Damascena nactus."

Sprengel refers that of Dioscorides to the *Prunus insititia*, or Bullace-tree, a well-known species of plum. Sibthorp’s authority is in favour of the *Prunus domestica*. The Damask plums, or ῥα καρα το υδατικον, or Galen, are much commended by ancient authors.

*COCYX* (kokyce). I. The Cuckoo, or *Cuculus canorus*. Its history is correctly given by Aristotle. "If we consult the ancients, and even some modern naturalists," observes Griffith, "we shall find stories of the greatest absurdity connected with the name of the cuckoo. It would seem that everything the most monstrous in fable, or the most odious and criminal in the history of mankind, had been carefully sought out, and attributed to these inoffensive birds: this, because men could not discover the secret springs which Nature has employed to give to this species manners, habits, and a mould of life, which oppose the character of others, and the union of which fixes on the cuckoo a distinguishing character from all other known animals." The ancients held the flesh of the cuckoo in high estimation, as do also the modern Italians.

II. A species of Fish, the same with the *Trigla Cuculus*, L. It is the Red Gurned, or Rotchett; in French, *Gurnet*. *COCCOGENES* (coleucus), the seed of the *Punica granata*, or Pomegranate.

*COCHLEA* (soylia), the Snail, a genus of Mollusca. Of snails there are three sorts, the Sea, the River, and the Land. The last are the *Helices*, one of which, the *Helix pomatia*, or edible snail, was much used by the Greeks and Romans as an article of food. The ancients, as Adams remarks, must have been also well acquainted with the *Helix fruticum* and the *Helix arbutus*. "The uses of the *Helix*, or Snails," observes Griffith, "are not very numerous. It appears, however, that the larger species, and especially the garden-snails (*Pomata, L.*), serve for the aliment of men in many countries, and according to Pliny it consumed great quantities of them; and they must have been in great estimation for the table, since that author has thought fit to give, in his Natural History, the name of him who first turned his attention to the rearing of these animals in sorts of perches or dofts, and of fattening them with particular substances. The best came from the island of Astypalia,

COCHLEA.

one of the Cyclopes; the smallest from Reate, in the Sabine territory, and the largest from Illyria. The Romans also greatly esteemed the snails of Sicily, of the Balearic Isles, and of the island of Capea. They shut them up in sorts of warrens, and fattened them there with cooked meat, flour, &c. It was Fulvius Hiprinos who first conceived the idea of this, a short time previous to the civil war between Pompey and Cesar. He carefully separated each species, and succeeded in obtaining individuals whose shells contained exogonia quadrantes, about ten quarts. All this history is taken from Pliny; but there would appear to be some confusion in it, especially with regard to the size produced by education; for Varro, after whom he writes, says the same only concerning the African species, which naturally attained to these dimensions. It does not appear that this mode of educating snails was practised for any great length of time, for Mærobius says nothing about it. 5

COCHLEA (κοχλεα), which properly means a snail, was also used in several other significations.

I. It signified a screw, one of the mechanical powers, so named from its spiral form, which resembles the worming of a shell. The woodcut annexed represents a clothes-press, from a painting on the wall of the Chalcidicum of Eumachia, at Pompeii, which is worked by two upright screws (cochleæ) precisely in the same manner as our own linen presses.

A screw of the same description was also used in oil and wine presses. 3 The thread of the screw, for which the Latin language has no appropriate term, is called περικοχλον in Greek.

II. COCHLEA was also the name of a spiral pump for raising water, invented by Archimedes, 4 from whom it has ever since been called the Archimedian screw. It is described at length by Vitruvius.

A pump of this kind was used for discharging the bilge-water in the ship of Hiero, which was built under the directions of Archimedes. 5

III. COCHLEA was also the name of a peculiar kind of door, through which the wild beasts passed from their dens into the arena of the amphitheatre. 7 It consisted of a circular cage, open on one side like a lantern, which worked upon a pivot and within a shell, like the machines used in the convents and foundling hospitals of Italy, termed rote, so that any particular beast could be removed from its den into the arena merely by turning it round, and without the possibility of more than one escaping at the same time; and therefore it is recommended by Varro 6 as peculiarly adapted for an avairy, so that the person could go in and out without affording the birds any opportunity of escape.

COCHLEA, therefore, maintains that the cochlea in question was nothing more than a portculis (catapulta) raised by a screw, which interpretation does not appear as probable as the one given above.

COCHLEA (κοχλιάριον) was a kind of spoon which appears to have terminated with a point at one end, and at the other was broad and low like our own spoon. The polos of polos (cochlea) out of those shells, and calying them, whence it derived its name; and the broad part for eating eggs, &c. Martial 8 mentions both these uses of the cochlea:

"Suum cochleae habitis nec sum minus utilis ovæ." 9

Cochlea was also the name given to a small measure like our spoonful. According to Rhenmanni Fannius, it was a part of the cyathus.

CODEX is identical with caudex, as Claudius and Clodius, clastrum and clostrum, cauda and cauda. Catô 5 still used the form caudex in the same sense in which afterward codex was used exclusively. 10 The word originally signified the trunk or stem of a tree, 11 and was also applied to designate anything composed of large pieces of wood, whence the small fishing or ferry boats on the Tiber, which may originally have been like the Indian canoes, or were manufactured of several roughly-hewn planks nailed together in a rude and simple manner, were called nāses cādicaria, or codicariae, or caudiceae. 8 The surname of Caudex given to Appius Claudius must be traced to this signification. But the name codex was especially applied to wooden tablets bound together and lined with a coat of wax, for the purpose of writing upon them; and when, at a later age, parchment, or paper, or other materials were substituted for wood, and put together in the shape of a book, the name of codex was still applied to them. 9 In the time of Cicero we find it also applied to the tablet upon which a bill was written; and the tribune Cornelius, when one of his colleagues forbade his bill to be read by the herald or scribe, read it himself (legit codicem suam 10). At a still later period, during the time of the civil wars, the word codex is applied to express any collection of laws or constitutions of the emperors, whether made by private individuals or by public authority. See the following articles.

CODEX GREGORIANUS and HERMOSI-

A-RUS. It does not appear quite certain if this title denotes one collection or two collections. The general opinion, however, is, that there were two codices, compiled respectively by Gregorians and Hermogenes, who are sometimes, though, as it seems, incorrectly, called Gregorius and Hermogens. The codex of Gregorians consisted of thirteen books at least, which were divided into titles. The fragments of this codex begin with constitutions of Septimius Severus, and end with Diocletian and Maximian. The codex of Hermogenes, so far as we know it, is only quoted by titles, and it also contains constitutions of Diocletian and Maximian; it may, perhaps, have consisted of one book only, and it may have been a kind of supplement or continuation to, or an abridgment of, the other. The name Hermogenes is always placed after that of Gregorians when this code is quoted. According

The Consultationes, the Codex of Hermogenianus also contained constitutions of Valens and Valentinian II, which, if true, would bring down the compiler to a time some years later than the reign of Constantine the Great, under whom it is generally assumed that he wrote. These codices were not made by imperial authority, so far as we know: they were the work of private individuals, but apparently soon came to be considered as authority in courts of justice, as is shown indirectly by the fact of the Theodosian and Justianine Codex being formed on the model of the Codex Gregorius and Codex Justinianus.

The Digest is the last of the four great collections of Justinian. In February of the year A.D. 628, Justinian appointed a commission, consisting of ten persons, to make a new collection of imperial constitutions. Among these ten were Tribonianus, who was afterward employed on the Digesta and the Institutiones, and Theophilius, a teacher of law, Constantine, which the code was directed to compile one code from those of Gregorius, Hermogenianus, and Theodosius, and also from the constitutions of Theodosius made subsequently to his code, from those of his successors, and from the constitutions of Justinian himself. The instructions given to the commissioners empowered them to omit unnecessary preambles, repetition, and all other matter which, according to them, did not press the laws to be derived from the sources above mentioned in brief language, and to place them under appropriate titles; to add to, take from, or vary the words of the old constitutions, when it might be necessary, but to retain the order of time in the several constitutions, by preserving the dates and arranging them in order. They were also directed to arrange them under their several titles in the order of time. The collection was to include rescripts and edicts, as well as constitutions properly so called. Fourteen months after the date of the commission, the code was completed and declared to be law, under the title of the Justinianus Codex; and it was declared that the constitutions, from which the code was derived, were no longer to have any binding force, and that the new code alone should be referred to as of legal authority.

The Digest or Pandect, and the Institutiones, were compiled after the publication of this code, subsequently to which, fifty decisions and some new constitutions also were promulgated by the emperor himself. These constitutions were also arranged under their several titles in the order of time; and, accordingly, a commission for that purpose was given to Tribonianus Dorotheus, a distinguished teacher of law at Berytus in Phoenicia, and three others. The new code was promulgated at Constantinople on the 16th of November, 654, and the use of the decisions, the new constitutions, and of the first edition of the Justinianus Codex, was forbidden. The second edition (secunda editio, repetitio praetexta, Codex repetitus praetextus) is the code that we now possess, in twelve books, each of which is divided into titles. It is not known how many books the first edition contained. The constitutions are arranged under their several titles, in the order of time and with the proper authority by whom they were respectively made, and their dates.

The constitutions in this code do not go farther back than those of Hadrian, and those of the immediate successors of Hadrian are few in number; a circumstance owing, in part, to the use made of the earlier codes in the compilation of the Justianine Code, and also to the fact of many of their earlier constitutions being incorporated in the writings of the jurists, from which alone any knowledge of many of them could be derived.

The constitutions as they appear in this code, have been in many cases altered by the compilers, and, consequently, in an historical point of view, the Code is not always trustworthy. This fact appears from a comparison of this code with the Theodosian code and the Novellae. The order of the subject matter in this Code corresponds, in a certain way, with that in the Digest. Thus the seven volumes to which the fifty books of the Digest are distributed, correspond to the first nine books of the Code. The matter of the last three books of the Code is hardly treated of in the Digest. The matter of the first book of the Digest is placed in the first book of the Code, after the law relating to ecclesiastical matters, which, of course, is not contained in any Digest; and the Anastasis, books of the first part of the Digest correspond to the second book of the Code. The following books of the Code, the ninth included, correspond respectively, in a general way, to the following parts of the Digest. Some of the constitutions which were in the first edition of the Code, and are referred to in the Institutions, have been omitted in the second edition. In addition, a number of books, which have been lost in the course of time, have been restored by Charondas, Cujacius, and Codax, from the Greek version of them. For the editions of the Code, see Corpus Juris.

The Theodosianus, in the year 429, Theodosius II., commonly called Theodosius the Younger, made a new code, called Codex Theodosianus or Codex Theodosianus Testamenti Principis, which, if it is to be credited, had as its aim to reform the Code of Theodosius. But the work was never completed, and as it was never published, it never came into use. The code was in two parts: the first part consisted of the constitutions promulgated to the year 429, the second part consisted of those promulgated till the year 449. The constitutiones of the first part of this code are in seven books, those of the second part in four books. The first book contains constitutions of the year 429, the second book those of the year 429 to 434, the third book those of the year 434 to 440, and the fourth book those of the year 440 to 449. The second edition of the Code of Theodosius was made about the year 447, and was completed in 450. The Code of Theodosius was the last of the four great collections of Justinian. The Code of Theodosius consists of sixteen books, the greater part of which, as well as his No.
The prandium, called by Suetonius13 citius meridians, was usually taken about twelve or one o'clock.14 For the luxurious palate, as we gather incidentally from Horace's Satires, very different provisions were made from what was described above as his own simple repast. Fish was a requisite of the table:15

"Foris est provens, et atrum
Defendens pices hyemet mare;"

to which the choicest wines, sweetened with the finest honey, were to be added:

"Nisi Hymettia mella Falerno
Nobilis dilata;"

which latter practice is condemned by the learned gastronomer16 who recommends a weaker mixture.

"Lent praecordia mulsus
Proculus melius;"

and gravely advises to finish with mulberries fresh gathered in the morning.17

The words of Pestum, "casa apud antiquos dicitur quad mundum prandium," have given much trouble to have been usual, except in the case of children or sick persons, or the luxurious, or, as Nunius adds, of labouring men. An irregular meal (if we may so express it) was not likely to have any very regular time: two epigrams of Martial, however, seem to fix the hour at about three or four o'clock in the morning.1 Bread, as we learn from the epigram just quoted, formed the substantial part of the early breakfast, to which cheese,19 or dried fruit, as dates and raisins,4 was sometimes added. The jentaculum of Vitellius6 was doubtless of a more solid character; but this was a case of monstrous luxury.

Next followed the prandium or luncheon, with persons of simple habits a frugal meal:

"Quantum interpellet mani
Venire diem durare.":

agreeably with Seneca's account,8 "Panis deinde steus et sine mensa prandium, post quod non sunt laetana mensae." From the latter passage we learn incidentally that it was a hasty meal, such as sailors3 and soldiers9's wont of when on duty, without sitting down. The prandium seems to have originated in these military meals, and a doubt has been entertained whether in their ordinary life the Romans took food more than once in the day. Pliny11 speaks of Aulus Bassus as following the ancient custom in taking luncheon; but again,12 in describing the manners of an oldfashioned person, he mentions no other meal but the cena. The following references13 seem to prove that luncheon was a usual meal, although it cannot be supposed that there were many who, like Vitellius, could avail themselves of all the various times which the different fashions of the day allowed ("cupsas trifurium semper, interdum quadrifariam disperditionis, in jentaculum et prandium, et connas, consamatesque; facile omnium sufficiens, somnii comitans consecutus")24. It would evidently be absurd, however, to lay down uniform rules for matters of individual caprice, or of fashion at best.

The prandium, ante the time of Justinian, was doubled, and the twelfth hour of the day was considered as the proper time to take it. The meal, which with the Romans was not always clearly distinguished, it will be convenient to treat of all under the most important one. The following article is designed to give a short account of the familiar day of the Romans. No one who remembers the changes which custom has brought about in our own country during the last century, will expect the same description of domestic manners to apply. The reader will, however, in some measure, be enabled to take in the ordinary life of the middle rank of society in the Augustan age, noticing incidentally the most remarkable deviations, either on the side of primitive simplicity or of late refinement.

The meal with which the Roman sometimes began the day was the jentaculum, a word derived, as Isidore would have us believe, a jejunio sabbendi, and answering to the Greek ἁκιστός. Pestus tells us that it was also called prandicum or siothum. Thus by no means uncommon, it does not appear

1. (De Re Cib., i., 4.)—2. (Mart., Epigr., xiv., 283; vii., 67.
9.—3. (April, Met., i., p. 110, ed. Francon, 1891.) — 4. (Suet.
to the critics, perhaps needlessly, when we remember the change of hours in our own country. If we translate *ccena*, as, according to our notions, we ought to do, by "dinner," they describe exactly the alteration of our own manners during the last century. The analogy of the Greek word *eiskena*, which, according to Athenaeus, was used in a similar way for *upavos*, also affords assistance. Another meal, termed *merenda*, is mentioned by Isidore and Festus, for which several refined distinctions are proposed; but it is not certain that it really differed from the *premonium*.

The sauce was made of citron, maple-wood, or even of ivory, 9 was covered with a *menula*, and each of the different courses, sometimes amounting to seven, 9 served upon a *ferculum* or waiter. In the "munda supellex" of Horace, great care was taken.

"Ne tarpe toral, ne sordida mappa
Corruget nares; ne non et cantharus et lana
Ostendat tibi.* 10

And on the same occasion, the whole dinner, which consisted of vegetables, was served up on a single plate.

To return to our description, the dinner usually consisted of three courses: first, the *promulus* or *antecena*, called also *gestatio*, made up of all sorts of stimulants to the appetite, such as those described by Horace, "Rapula, lactuca, radices, qualia lassum
Pervellunt stomachum, sicer, alec, facula Coo.* 11

Eggs also were so indispensable to the first course that they almost gave a name to it (ab ovo *Usque ad male*). In the *promulus* of Trimalchio's supper—probably designed for the Emperor—*a sas* of Corinthian brass is introduced, bearing two panners, one of white, the other of black olives, covered with two large dishes inscribed with Trimalchio's name. Next come dormice (*galeres*) on small bridges sprinkled with poppy-seed and honey, and hot sausages (*tomacula*) on a silver gridiron (*crascula*), with Syrian prunes and pomegranate berries and pomegranate juice. These however, were imperial luxuries; the frugality of Martial only allowed of lettuce and Sicenian olives; indeed, he himself tells us that the *promulus* was a refinement of modern luxury. 18 Macrobius 11 has left an authentic record of a *ccena pontificum*, given by Lentinus on his election to the office of flamen, in which the first course was made up of the following dishes: Several kinds of shell-fish (*chichini, ostra crusde, petrodisca, spondylis, glycocyamides, maccias pura, balani albi et nigri*), thrushes, asparagus, a fattened hen (*gallina altissima*), beccaficoes (*facculde*), nettles (*urtica*), the haunches of a goat and wild boar (*lumbi capregnatis, eprynti*), rich meats made into pasties (*alitiae ex formis melonicae*), many of which are twice mentiond in the inventory.

It would far exceed the limits of this work even to mention all the dishes which formed the second course of a Roman dinner, which, whoever likes, may find minutely described in Bulengerus. 19 Of birds, the Guinean-hen (*afra alve*), the pheasant (*phaisin*), so called from Phainos, a river of the Emporium, and the *petraea* mentioned in the *IXI. C.*; the liver of a cappus steeped in milk (*Pliny*), and beccaficoes (*facculde*) dressed with pepper, were held a delicacy. 14 The peacock, according to Macrobius, was first introduced by Hortenius the orator, at an inaugural dinner, and acquired such a name among the Romans gourmends as to be commonly sold for fifty denaries. Other birds are mentioned, as the duck (*anaud*), especially its head and breast; the woodcock (*aita gen*), living in the breeding flamingo (*phoenicopterus*), the tongue of which, Martial tells us, especially commended itself to the delicate palate of fish. Of the variety, was perhaps still greater: the chart (*scaurus*), the turbot (*thormbus*), the sturgeon (*cippenisser*), the mullet (*muileus*), were highly prized, and dressed in the most various fashions. In the banquet of Nastidenius, an eel is brought, garnished with prawn swimming in its own blood. 13 O. Cassius, says Martial, seems to have been the favourite dish, especially sucking-pig; the paps of a sow served up in milk (*suum*), the flitch of bacon (*petasao*), the womb of a sow (*vulva*), are all mentioned by Martial. Boar's flesh and venison were also in high repute, especially the former, described by Juvenal 13 as animal proprius convivium natum. "Condiments were added to most of these dishes: such were the murria, a kind of pickled made from the tunny-fish; the *garum socium*, made from the intestines of the mackerel (*scomboer*), so called because brought from abroad; alec, a sort of brine; *fæx*, the sediment of wine. 13 &c., for the receipts of which we must again refer the reader to Cato's learned instructor. 17 Several of these dishes are mentioned by Martial, such as mushrooms (*tuberece*) which either made dishes by themselves, or formed the garniture for larger dishes.

It must not be supposed that the *artesiae* of imperial Rome were at all behind ourselves in the preparation and arrangements of the table. In a large household, the functionaries to whom this important part of domestic economy was confided was the *caret* or *cook*, the *butler* (*promulus*), the *cook* (*archimagnirus*), the arranger of the dishes (*structor*), and the carver (*carpior or scissor*). Carving was taught as an art, and, according to Petronius, 15 performed to the sound of music, with appropriate gesticulations, "Negque enim minimo discrimine retract
Quo culti lepores et quo gallina sociatur." 16

In the supper of Petronius, a large round tray (*ferculum, repertorium*) is brought in, with the signa of the *botrarius*, a slave who introduced it. The *artesiae* (*structor*) had placed some appropriate viand: a goose on Aquarius; a pair of scales, with tarts (*sorbile*), and cheese-scakes (*plaecetas*) in each scale, on Libra. &c. In the middle was placed a hive supported by delicate herbage. Presently four slaves come forward, dancing to the sound of music, and take away the upper part of the dish; beneath appear all kinds of dressed meats: a bare with wings, to imitate Pegasus, in the middle; and four figures of Marayas at the corners, pouring hot sauce (*garum pipipate*), over the fish that were swimming in the Eurus below. So entirely had the Romans lost all shame of luxury, since the days when Cincinnus, in supporting the Fannian law, charged his own age with the enormity of introducing the barbarous *Trojanus* (a sort of pudding stuffed with the flesh of other animals) 14.

The bellaria or dessert, to which Horace alludes when he says of Tigellinus ab ovo *Usque ad mala citrat*, consisted of fruits (which the Romans usually ate uncooked), such as almonds (*amygdala*), dried grapes (*voce passus*), dates (*palmae, laetae, discreti*); of savoury fruit preserves, called *essece, dulciaria*, such as cheesecakes (*cupodia, crustula, liba, plactena, aritogalam*), almond-cakes (*copitos*), tarts
CENA.

(puritide), whence the maker of them was called pistor dulcarinus, placentarius, librarius, &c.

We will now suppose the table spread and the guests assembled, each with his (digitus crepidus), and in his dinner-dress, called canatoria or cubatoria, usually of a bright colour, and variegated with flowers. First they took off their shoes for fear of soiling the couch, which was often inlaid with ivory or tortoise-shell, and covered with cloth of gold. Next they lay down to eat, the head resting on the left elbow, and supported by cushions. There were usually, but not always, three on the same couch, the middle place being esteemed the most honourable. Around the tables stood the servants (ministri), clothed in a tunic, and girt with napkins; some removed the dishes and wiped the tables with a rough cloth (groupe); others gave the guests water for their hands, or cooled the room with fans. Here stood an Eastern youth behind his master's couch, ready to answer the noise of the fingers (digitus crepidus), while others bore a large platter (mazonum) of different kinds of meat to the guests.

Whatever changes of fashion had taken place since primitive times, the cena in Cicero's day was at all events an evening meal. It was usual to bathe about two o'clock and dine at three, hours which seem to have been observed, at least by the higher classes, long after the Augustan age. When Juvenal mentions two o'clock as a dinner hour, he evidently means a censure on the luxury of the person named.

"Exul ab octavo Marius bibit."

In the banquet of Nasidienus, about the same hour is intended when Horace says to Fundanius,

"Nam mibi quaranti convivum dixit here ille."

De medio potare die."  

Horace and Maccenas used to dine at a late hour, about sunset. Perhaps the various statements of classical authors upon this subject can only be reconciled by supposing that with the Romans, as with ourselves, there was a great variety of hours in the different ranks of society.

Dinner was set out in a room called canatio or dieta (which two words perhaps conveyed to a Roman ear the same meaning as our dining-room and parlour). The canatio, in rich men's houses, was fitted up with great magnificence. Suetonius mentions a supper-room in the Golden Palace of Nero, constructed like a theatre, with shifting scenes to change with every course. The garret of the poor man was termed canaculum. In the midst of the canatio were set three couches (triclinia), answering in shape to the square, as the long semicircular couches (sigmata) did to the oval tables. An account of the disposition of the couches, and of the place where each guest occupied, is given in the article Triclinium.

The Greeks and Romans were accustomed, in later times, to recline at their meals; though this practice could not have been of great antiquity in Greece, since Homer never describes persons as reclining, but always as sitting at their meals. In the midst of the canatio there was a popular custom at Rome. The earliest writers of the Roman empire instance this custom; but it seems to be, has the shade of the subject, both shows the naked feet of Icarus, who has partly raised himself from his couch to welcome li-

cotta in the British Museum, representing this subject. While the naked feet of Icarus, who has partly raised himself from his couch to welcome his
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**COGNATI.**

**COGNA'CULUM. (Vid. Cogn.)**

**COGNA'TO. (Vid. Cogn.)**

**COGNATI.** The following passage of Ulpian will serve as the best introduction to the meaning of the term, and to some of the points that are involved in the question of cognatio and agnatio:

"The heir bdRev in intestate ingenui belong in the first place to their sui heredes, that is, children who are in the power of the parent, and those who are in the place of children as grandchildren, for instance; if there are no sui heredes, it belongs to the consanguinei, that is, brothers and sisters by the same father (or, with respect to one another, that they should be by the same mother); if there are no consanguinei, it belongs to the remaining and nearest agnati, that is, to the cognati of the male sex, who trace their descent through males, and are of the same family. And this is provided by the following law of the Twelve Tables: "_Sic intestato motur eiu sueae herae nee exsct, agnatus promus familia habeatur._"

The foundation of cognatio is a legal marriage. The term cognatus (with some exceptions) comprehends agnatus: an agnatus may be a cognatus, but a cognatus is only an agnatus when his relationship by blood is traced through males.

The following will give a correct notion of agnatus and cognatus. Familia means all those free persons who are in the power of the same paterfamilias, or head of a familia; and in this sense familia signifies all the agnati, or all those who are united in one body by the common bond of the patri potestas.

The cognatio, as already said, was the relationship of blood which existed between those who were sprung from a common pair, and it therefore (with some exceptions) contained the agnatio. But legitimate grandchildren of sons who were not emancipated were also in the patri potestas, consequently formed part of the familia, and were agnati. Adopted children were also in the father's power, and, consequently, were agnati, though they were not cognati. Some of the potestas maintained his power over his familia so long as he lived, except over those who were emancipated, or passed into another familia, or in any way sustained a deminutio capitis. On his death, the common bond of the patri potestas was dissolved, and his sons became respectively heads of families; that is, of persons who were in the power of their parents, with respect to one another, were agnati. But all these persons continued to be members of the same familia; that is, they were still agnati, and, consequently, the agnatio subsisted among persons so long as they could trace back their descent through males to one common paterfamilias.

Agnati, then, are those who would be in the paternal line, as a wife in her man's, or in the manus of a son who is in the father's power, if the paterfamilias were alive: and this is true whether such persons ever were actually so or not." We must suppose, then, in order to obtain a clear notion of agnatio, that if the person from whom the agnati claim a common descent were alive, and they were all in his power, all the manus of those who are in his power, they would all be agnati. In order, then, that agnatio may subsist between persons, the person from whom the descent is claimed must have lost his patri potestas by death only, and not by any capita deminutio, and, consequently, not by any of his children passing into any other patri potestas, or into the

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1. (Hugo, Lehrbuch, &c.)
This table shows all the degrees of cognatio in the Roman law, and, of course, also the degrees of agnatio. The degree of relationship of any person to a person who is not a collateral by consanguinity to the person with respect to whom the relationship is inquired after (is sene, &c.), is indicated by the figures attached to the several words. The Roman numerals denote the degree of cognatio in the canon law, and the Arabic numerals the degrees in the Roman or civil law. The latter are reckoned in Rome. It will be observed, that in the canon law, the number which expresses the collateral degree is always the greater of the two numbers (when they are different) which express the distance of the two parties from the common ancestor; but in the civil law, the degree of relationship is ascertained by counting from either of the two persons to the other through the common ancestor. All those words on which the same Roman or the same Arabic numerals occur, represent persons who are in the same degree of cognatio, according to these respective laws, to the person is sene, &c.,

Cognitor. (Vid. Actio.)

Cognomen. (Vid. Nomen.)

Cohors. (Vid. Army, Roman, p. 104.)

*COIX (εκίδη), a species of Egyptian Palm-tree, of the genus of which and its various relations several species are known. See following, the Coix laet-ryma Joly. Baumh. mentions that some had taken it for a species of Lithospernum. The term κόιδη in Theophrastus, out of which some would make the Cynca revoluta, or Japanese Sago-palm, is merely the accusative plural for κόιδη, from κόιδη, just as some read coca for κόιδη in Pliny.

*COLOCICUM (κολοκισι), the Meadow Saffron, or Colchicum Autumnale. This herb commonly mentions it as a poisonous plant, but Alexander of Tralles, a physician of the sixth century, prescribes it in cases of gout, in which, as also in the rheumatism and neuralgic affections, it is still found a valuable medicine at the present day. The celebrated specific for gout, known by the name of Eau Medicinale d'Hyssop, is said to be the venomous infusion of Colchicum. The poisonous infusion of this plant has been recommended in cases of gout by Sir Everard Home. It very rarely fails in such complaints to break up the paroxysm, sometimes acting on the bowels, at other times on the kidneys and skin, and often without any apparent accompanying effect. It is but right to state, however, that the most judicious writers on gout consider it a dangerous medicine ultimately.4 (Vid. Ephemerides and Hermodactyles.)

Collatio bonorum. (Vid. Bonorum colla-
tio.)

Collegium. The persons who formed a collegium were called colleges or sodales. The word collegium properly expresses the notion of several persons being united in one office or for any common purpose. The etymology of the word is of doubtful origin; it is the substantive of the personal suffix collegii, and the union which bound them together. The collegium was the etuosia of the Greeks.

The legal notion of a collegium was as follows:

A collegium or corpus, as it was also called, must consist of three persons at least.4 Persons who legally formed such an association were called corpus haberes, which is equivalent to our phrase of being incorporated; and in later times they were said to be corporat, and the body was called a corporato.

Those who formed the public revenues mines, or salt-works (salinae) might have a corpus. The power of forming such a collegium or societas (for this term also was used) was invested in colleges, senatus consulta, and imperial constitutions. Associations of individuals, who were entitled to have a corpus, could hold property in common; they could hold it, as the Roman jurists remark, just as the state held property (res communes). These collegia had a common chest, and could sue and be sued by their syndicus or actio. Such a body, which was sometimes called a universitas, was a legal unity. That which was due to the body was not due to the individuals of it, and that which the body owed was not the debt of the individuals. The common property of the body was liable to be seized and sold for the debts of the body. The collegium or universitas was governed by its own regulations, which might be any regulations that the body agreed upon, provided they were not contrary to law: this provision, as Gaits cu. journals,4 was derived from a law of Solon, which he quotes. The collegium still subsisted, though all the original members were changed: it had, as our law expresses it, perpetual succession. Thus it appears that the notion of a collegium is precisely that of our modern corporations, the origin of which is clearly traceable to these Roman institutions.

A lawfully constituted collegium was legitimate. Associations of individuals, which affected to act as collegia, but were forbidden by law, were called illicita.

It does not appear how collegia were formed, except as some were specially established by legal authority. Other collegia were probably formed by voluntary associations of individuals, under the provisions of some general legal authority, such as that of the publicani. This supposition would account for the fact of a great number of collegia being formed in the course of time, and of many of them being occasionally suppressed as not legitimate.

Some of these corporate bodies resembled our companies or guilds; such were the faborum, pictorum, &c., collegia. Others were of a religious character; such as the pontificum, augurum, &c., collegia. But the collegia were both concerned about government and administration; as tribunorum plebis, questorum, decurionum collegia. The titles of numerous other collegia may be collected from the Roman writers and inscriptions.

According to the definition of a collegium, the consule, being only two in number, were not a collegium, though each was called collega with respect to the other, and their union in office was called collegium. It does not appear that the Romans ever called the individual who, for the time, filled an office of perpetual continuance, a universitas or collegium: a kind of contradiction in terms, which it has been reserved for modern times to introduce, under the name of a corporation sole. But the notion of collegia belonging to all the property and legal rights of a predecessor was familiar to the Romans in the case of a heres, who was said to take per universitatem, and the same notion, no doubt, always existed with respect to individuals who held any office in perpetual succession.

According to Upian, a universitas, though reduced to a single member, was still considered a universitas; for the individual possessed all the rights and properties belonging to the body, and the name by which it was distinguished.

When a new member was taken into a collegium,

1. (Hugo, Lehrrbo, &c.—Mazzol, Lehrrbo, &c.—Dig. 38, tit. 10, De Gradibus, 21.—Frac. Chas. Pecur, H. P., 16, tit. 11, 8.—Pint. H. N., xii, 3.—Billerbeck, Flora classic., p. 223.—H. N. xxii., 9.)—(Macaulay, Med. Dict., p. 197.)—(Lat. x, 13, 42.—Toote Ann., iii, 31.)—(Dig. 50, tit. 10, s. 52.)

2. (Dig. 3, tit. 4.)—(Dig. 47, tit. 22.)—(Livy, ii, 50, 23.)

3. (Livy, iv, 50, 22.—Suet., 12.—Octav., 38.—Dig. 5, tit. 4, s. 1.—Livy, iv, 50, 23.)

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COLOCASIA. COLONIA.

From the document, it appears that the text is discussing the geographical and cultural aspects of different places, possibly focusing on colonies and cities. The text mentions places like Colocasia, Colonia, and other locations, and discusses their historical or geographical significance. The text also references works by authors like Virgil and Polybius, indicating a scholarly or educational context.

The text seems to be a mix of historical and geographical references, possibly from a scholarly work or a historical text. It touches on various topics, including the cultural and political aspects of the places mentioned, and may include discussions on earlier works by other authors.

Overall, the document appears to be a detailed exploration of various cities and colonies, emphasizing their historical contexts and their roles in the region. The use of Latin names and terms suggests that the text is aimed at a scholarly audience familiar with these references.
and the practice was continued, without interruption, during the Republican and under the Empire. Signor Cicero enumerates six main causes or reasons which, from time to time, induced the Romans to send out colonies; and these causes are connected with many memorable events in Roman history. Colonies were intended to keep in check a conquered people, and also to repress hostile incursions, as in the case of the colony of Narnia, which was founded to check the Umbri; and Minturnae and Sinuessa were similarly founded for similar purposes. Cicero calls the old Italian colonies the “propaganda imperii;” and in another passage he calls Nabro Martius (Narbonne), which was in the province Gallia, “Colonia nostrorum civium, speculatio populi Romani et propagandae.” Another object was to increase the power of Rome by increasing the population. Sometimes the immediate object of a colony was to carry off a number of turbulent and discontented persons. Colonies were also established for the purpose of providing for veteran soldiers, a practice which was begun by Sulla, and continued under the emperors: these colonies were called militares.

It is remarked by Strabo, when speaking of the Roman colonies in the north of Italy, that the ancient inhabitants of the places were retained, and that, though the people in his time were all Roman, they were called by the names of the previous occupiers of the soil. This fact is in accordance with the character of the old Roman colonies, which were in the nature of garrisons planted in conquered towns, and the colonists had a portion of the conquered territory (usually a third part) assigned to them. The inhabitants retained the rest of their lands, and lived together with the new settlers, who alone composed the proper colony. The conquer ed people must at first have been quite a distinct class from, and inferior to, the colonists. The definition of a colony by Gellius will appear, from what has been said, to be sufficiently exact: “Ex civitate quasi propagata — populi Romani quasi effigies pars urbis simulacrum.”

No colony was established without a lex, plebisitum, or senatus consultum; a fact which shows that a Roman colony was never a mere body of adventurers, but had a regular organization by the parent state. As to the nature of an ancient definition quoted by Niebuhr, a colony is a body of citizens, or states, made up to possess a commonwealth, with the approbation of their ruler, by the arrangement and devised by the state to which they belong; and it is added, those are colonies which are founded by public act, not by any secession. Many of the laws which relate to the establishment of colonies were leges agrariae, or laws for the division and assignment of public lands, of which Siginius has given a list in his work referred to.

When a law was passed for founding a colony, persons were appointed to superintend its formation (coimium dedicare). These persons varied in number, but three was a common number (triurum viri ad colonos deductores). We also read of duumviri, quinqueviri, vigintiviri for the same purpose. The law fixed the quantity of land that was to be distributed, and how much was to be assigned to the colony. If some colonists could not secure a colony without his free consent, and when the colony was not an inviting one, it was difficult to fill up the number of volunteers.

Roman citizens who were willing to go out as members of a colony gave in their names at Rome. Cicero says that Roman citizens who elapsed to become members of a Latin colony must go voluntarily (vacuerent factis), for this was a capitis deminutio; and in another passage he adds the fact of Roman citizens going out in Latin colonies as a proof that loss of civitas must be a voluntary act. It is true that a member of a Roman colony would sustain no capitis diminutio, but in this case, also, there was a plagues for any who, in the time he ever joined such a colony without his consent.

The colony proceeded to its place of destination in the form of an army (sub vestito), which is indicated on the coins of some colonies. If one did not already exist, it was a necessary part of a new colony, and its limits were marked out by a plough, which is also indicated on ancient coins. The colony had also a territory, which, whether marked out by the plough or not, was at least marked out by metes and bounds. Thus the urbs and territory of the colony respectively corresponded to the urbs Roma and its territory. Religious ceremonies always accompanied the foundation of the colony, and the anniversary was afterward observed. It is stated that a colony could not be sent out to the same place to which a colony had been sent in due form (auspicio dedicato). This merely means that, once the colony had maintained its existence, there could be no new colony in the same place; a doctrine that would hardly need proof, for a new colony implied a new assignment of lands; but new settlers (novi subscripti) might be sent to occupy colonial lands not already assigned. Indeed, it was not unusual for a colony to receive conditions; and a colony might be re-established, if it seemed necessary from any cause; and under the emperors such re-establishment might be entirely arbitrary, and done to gratify personal vanity, or from any other motive.

The commissioners appointed to conduct the colony had apparently a profitable office, and the establishment of a new settlement gave employment to numerous functionaries, among whom Cicero enumerates procuratores, scriba, librarii, procuratorial architects. The foundation of a colony might, then, in many cases, not only be a mere party measure, carried for the purpose of gaining popularity, but it would give those in power an opportunity of providing places for many of their friends.

A colony was a part of the Roman state, and it had a people; but its relation to the parent state might vary. In Livy’s the question was, whether Aquileia should be a colony cives Romanorum or a Latina colony; a question that had no reference to the persons who should form the colony, but to their political rights with respect to Rome as members of the colony. The members of a Roman colony (colonia civium Romanorum) must, as the term itself implies, have always had the same rights, which, if they would have had at Rome. They were, as Niebuhr remarks, a sort of old Roman colonies, “the populus; the old inhabitants, the commonalty.” These two bodies may, in course of time, have frequently formed one; but there could be no political union between them till the old inhabitants obtained the commerce and connubium, in other words, the civitas; and it is probable that, among the various causes which weakened the old colonists, the recurring wars impeded a union of the colonists necessary, we should enumerate the want of Roman women; for the children of a Roman were

not Roman citizens unless his wife was a Roman, or unless she belonged to a people with which there was connubium. It is important to form a precise notion of the relation of an ancient Roman colony to Rome. That the colonists, as already observed, had all the rights of Roman citizens, is a fact capable of perfect demonstration; though most writers, following Siginonius, have supposed that Roman citizens, by becoming members of a Roman colony, lost the suffragium and honores, and did not obtain them till after the passing of the Julian law. Such an opinion is inconsistent with the notion of Roman citizenship, which was a personal, not a local right; and it is also inconsistent with the very principle of Roman policy apparent in the establishment of Roman colonies. Further, the loss of the suffragium and honores would have been a species of capitum deminutio; and it is clear, from what Cicero says of the consequences of a Roman voluntarily joining a Latin colony, that no such consequences resulted from becoming a member of a Roman colony: If a Roman ever became a member of a Roman colony without his consent, it must have been in the early ages of the state; when the colonies still retained their garriam character, and to join a colony was a kind of military service; but such a duty to protect the state, instead of implying any loss of privilege, justifies quite a different conclusion.

It is somewhat more difficult to state what was the condition of those conquered people among whom the Romans did not allow them to become Roman citizens. They were not Roman citizens, nor yet were they socii; still they were, in a sense, a part of the Roman state, and in a sense they were cives, though certainly they had not the suffragium, and, perhaps, originally not the connubium. It is probable that they had the commercium, but even this is not certain, because it might be a privilege of the conquerors without being cives, and the difficulty of ascertaining their precise condition is increased by the circumstance of the word cives being used loosely by the Roman writers. If they were cives in a sense, this word imported no privilege; for it is certain that, by being incorporated in the Roman state, they became at least Roman subjects, or at any rate, administering their own affairs, and obtained no share in the administration of the Roman state; they had not the honourable rank of socii, and they were subject to military service and taxation. They lost all jurisdiction, and it is probable that they were brought entirely within the rules and procedure of the Roman law, so far as that was practicable. Even the commercium and connubium with the people of their own stock were sometimes taken from them, and thus they were disinherited from their own nation, and made a part of the Roman state. So far, then, was the civitas (without the suffragium) from being always a desirable condition, as some writers have supposed, that it was, in fact, the privilege of the conquerors. If the conquerors preferred their former relation to Rome to being incorporated with it as complete citizens. It appears that, in some cases at least, a prefectus juri dicundo was sent from Rome to administer justice among the conquered people, and between them and the coloni. It appears, also, to be clearly proved, by numerous instances, that the condition of the conquered people among whom a colony was sent was not originally always the same; something depended on the resistance of the people, and the temper of the Romans at the time of the conquest or surrender. Thus the conquered Italian towns might originally have the civitas in different degrees, until they finally obtained the complete civitas by receiving the suffragium; some of them obtained it before the social war, and others by the Julian law.

The nature of a Latin colony will appear sufficiently from what is said here, and in the article Civitas. Besides these colonies there were colonia Italii juris, as some writers term them; but which, in fact, were not colonies. Suginoni, and most subsequent writers, have considered the jus Italium as a personal right, like the civitas and Latinitas; but Savigny has shown it to be quite a different thing. The jus Italium was granted to favoured provincial cities; it was a grant to the community, not to the individuals composing it. This right consisted in quiritarian ownership of the soil (commercium), and its appurtenant capacity of municipio, usucaption, and vindicatio, together with freedom from taxes; and also in a municipal constitution, after the fashion of the Italian towns, with duurni, quinquennales, ediles, and a juridictio. Many provincial towns, which possessed the jus Italicum, have on their coins the figure of a standing Silenus, with the hand raised, which was the peculiar symbol of municipal liberty. Pliny has mentioned several towns that had the jus Italium; and Lugdunum, Vienna (in Dauphiné), and colonia Agrrippensis had this privilege. It follows, from the nature of this privilege, that towns which had the Latinitas or the civitas, which was a personal privilege, might not have the jus Italium; but the towns which had the jus Italicum could hardly be any other than those which had the civitas or Latinitas, and we cannot conceive that it was ever given to a town of Pergami

The colonial system, which originated in the earliest ages, was peculiarly well adapted to strengthen and extend her power: "By the coinage the empire was consolidated, the decay of population checked, the unity of the nation and of the language diffused." The countries which the Romans conquered within the limits of Italy were inhabited by nations that cultivated the soil and built cities. To destroy such a population was not possible nor politic; but it was a wise policy to take part of their lands, and to plant bodies of Roman citizens, and also Latinae coloniae, among the conquered people. The power of Rome over her colonies was derived, as Niebuhr has well remarked, "from the supremacy of the parent state, to which the colonies of Rome, like sons in a Roman family, even after they had grown to maturity, continued unalterably subject." In fact, the notion of the patria potestas will be found to lie at the foundation of the institutions of Rome.

The difficulty with which the Republic had in maintaining her colonies, especially in the north of Italy, appears from numerous passages; and the difficulty was not always to protect them against hostile aggression, but to preserve their allegiance to the Roman state. The reasons of this difficulty will sufficiently appear from what has been said.

1. (Liv. ix. 43; viii. 14.)
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I. (iii. 3 and 21.)—2. (Machavelli, qu. * by Niebuhr.)
The principles of the system of colonization were fully established in the early ages of Rome; but the colonies had a more purely military character, that is, were composed of soldiers, in the latter part of the Republic and under the earlier emperors, at which time, also, colonies began to be established beyond the limits of Italy, as in the case of Narbonne, already mentioned, and in the case of Neanassa (Nîmes), which was made a colony by Augustus, an event which is commemorated by medals, and an extant inscription at Nîmes. In addition to the evidence from written books of the numerous colonies established by the Romans in Italy, and subsequently in all parts of the Empire, we have the testimony of medals and inscriptions, in which COI., the abbreviation of colonia, indicates this fact. The prodigious activity of Rome in settling colonies in Italy is apparent from the list given by Frontinus, most of which appear to have been old towns, which were either walled when the colony was founded, or strengthened by new defences.

Colonies were sometimes established under the Empire with circumstances of great oppression, and the lands were assigned to the veterans without strict regard to existing rights. Under the emperors, all legislative authority being then virtually in them, the foundation of a colony was an act of imperial grace, and often merely a title of honour conferred on some favoured spot. Thus M. Aurelius raised the rank of colonia the small town (vicus) of Halae, at the foot of Taurus, where his wife Faustina died. The old military colonies were composed of whole legions, with their tribunes and centurions, who, being united by mutual affection, composed a political body (res publica); and it was a complaint in the time of Nero, that soldiers, who were strangers to one another, without any head, without any bond of union, were suddenly brought together on one spot, numerus magnum genusque.” And on the occasion of the mutiny of the legions in Pannonia, upon the accession of Tiberius, it was one ground of complaint, that the soldiers, after serving thirty or forty years, were separated, and dispersed in remote parts; where they received, under the name of a grant of lands (per nomen agrorum), swampy tracts and barren mountains. Their name seems to have been most common. Their principal duties were the administration of justice, and, accordingly, we find on inscriptions “Duumvir J.D.” (jure dicendo), “Quattuorviri J.D.” They were styled magistrates pre-eminently, though the name “duumvir” was more common, and was the most general name for all persons who filled similar situations. The name consul also occurs in inscriptions to denote this chief magistracy; and even dictator and praetor occur under the Empire and under the Republic. The office of the duumvir lasted a year. Sallust shows that under the Republic the jurisdiction of the duumvir in civil matters was unlimited, as it was only under the Empire that it was restricted in the manner which appears from the extant Roman law.

In some Italian towns there was a prefectus juri dicundo; he was in the place of, and not coexistent with, duumvir. The duumviri were, as we have seen, originally chosen by the people; but the prefect was appointed annually in Rome, and sent to the town called a prefectura, which might be either free town or part of a municipium, or municipium, for it was only the matter of the prefectura that a town called a prefectura differed from other Italian towns. At pinum is called both a municipium and a prefectura; and Cicero, from this place, obtained the highest honours that Rome could confer.

The censor, curator, or quinquennalis, all which names denote the same functionary, was also a municipal magistrate, and corresponded to the censor at Rome, and in some cases, perhaps, to the questor also. Censors are mentioned in Livy¹ as magistrates of the twelve Latin colonies. The quinquennales were sometimes duumviri, sometimes quattuorviri; but they are always carefully distinguished from the duumviri and quattuorviri J. D.; and their functions are clearly shown by Sallusty to have been those of censors. They held their office for one year, and during the four intermediate years the functions were not exercised. The office of censor or quinquennalis was higher in rank than that of praefectus, and could only be filled by those who had discharged the other offices of the municipality.

For a more complete account of the organization of these municipalities, and of their fate under the Empire, the reader is referred to an admirable chapter in Sallusty, from which the above brief notice is taken.

The terms municipium and municipices require explanation in connexion with the present subject, and the explanation of them will render the nature of a prefecture still clearer. One kind of municipium was a body of persons who were not Roman citizens, but possessed all the rights of Roman citizens except the suffragium and the honores. But the confusion of these and other examples of this kind of municipium are the Fundani, Firmiani, Campani, Acerrani, Lanuvini, and Tusculani, which were conquered states, and received the civitas without the suffragium; and all these places received the complete civitates before the social war, or, as Festus expresses it, "Post aliqut annos cives Romani effectis est, ut videtur, quod alia est another ancient definition of this class of municipia. Persons who had the rights of Roman citizens, except the honores, were cives; and among such communities are enumerated the Cumani, Acerrani, and Atellani. This discrepancy merely shows that the later Roman writers used the word civis in a very loose sense, which we cannot be surprised at, as they wrote at a time when these distinctions had ceased. Another kind of municipium was, when a civitas was completely incorporated with the Roman state; as in the case of the Anagnini, Cariei, and Ariciini, who completely lost all internal administration of their cities; while the Tusculani and Lanuvini retained their internal constitution, and their magistrature called a dictatores. A third class of municipium was that whose inhabitants possessed the full privileges of Roman citizens, and also the internal administration of their own cities, as the Tiburtines, Praenestini, Pisani, Urbanites, Nolani, Bononicenses, Placentini, Nepcami, Sutrini, and Lucrenses (Lucenses)¹. The first five of these were given the civitates at earum republicae, the second five coloniae Latine; they all became municipia, but only by the effect of the Julia Lex, B. C. 90.

It has also been said that a prefectura was so called from the circumstance of a prefectus J. D. being sent from Rome. Those towns in Italy were called prefecture, says Festus, "In quibus et jus diebatar et mandane agebatur; et ex parte a municipio prefectus suus habebatur; in quas legibus prefecti mittebatur quotidiam, quis judieerent." Thus a prefectura had a respublica, but no magistratus. He then makes two divisions of prefectures. To the first division were sent four prefects chosen at Rome (popule sufragio); and he enumerates ten places in Campania to which these quattuorviri were sent, and among them Cumae and Accra, which were municipia; and Volturnum, Liternum, and Putetoli, which were Roman colonies established after the second Punic war. The second division of prefecture comprised those places to which the praefectus urbani sent a prefectus every year; namely, Fundi, Formiae, Vesta, Varvurum, Alba, Privernum, Anagana, Frusina, Reate, Saturnia, Nursia, Arpinum, alliaque ceterae. Only one of them, Saturnia, was a colony of Roman citizens; the rest are municipia. It is the conclusion of Zumpt, that all the municipia of the older period, that is, up to the time when the complete civitas was given to the Latin and the socti, were prefecturae, which had only the power to pass the laws of colonies and were also prefecturae. Now as the prefectura was appointed for the purpose of administering justice (iuri dicendo), and was annually sent from Rome, it appears that this was one among the many admirable parts of the Roman polity for maintaining harmony in the whole political system by a uniting certain municipalities into one municipal body. The same prefectura continued after the year B. C. 90; but Zumpt seems that, in some places at least, this functionary ceased to be sent from Rome, and various prefecturae acquired the privilege of having magistrates of their own choosing, as in the case of Putetoli, B. C. 63.³ The first class or kind of prefect, the quattuorviri, who were sent into Campania, was abolished by Augustus, who, in conformity with the general tenor of his policy, B. C. 13. After the passing of the Julia Lex de Civitate, the cities of the socii which received the Roman civitas still retained their internal constitution; but, with respect to Rome, were all included under the name of municipia: thus Tibur and Praeneste, which were Latin civitates, then municipia. Zumpt enumerates the municipalities: Colonia and Loca, which were originally Latin colonies, also became Roman municipia in consequence of receiving the Roman civitas, though they retained their old colonial constitution and the name of municipium. Thus Cicero⁴ could with propriety call Placentia a municipium, though in its origin it was a Latin civitas. In Latin colonies the Prefectura spermata enumerates municipia, coloniae, and prefecturae as the three kinds of towns or communities under which were comprehended all the towns of Italy. The testimony of the Heraclevita tablet is to the like effect; for it speaks of municipia, coloniae, and prefecturae as the three kinds of places which had the rights of Roman citizens, and that enumeration it adds fora and conciliabula, as comprehending all the kinds of places in which bodies of Roman citizens dwell.

It thus appears that the name municipium, which, originally had the meanings already given, acquired a narrower import after B. C. 90, and in this narrower import signified the civitates socioruni and coloniae, which thenceforward became the members of the Roman state. Thus there was then really no difference between these municipia and the coloniae, except in their historical origin, and in their original internal constitution. The Roman law prevailed in both.

The following recapitulation may be useful. The old Roman colonies (ciusim Romanorums) were placed in conquered towns, and the colonists continued to be Roman citizens. These colonies were near Rome, and few in number. Probably some of the old Latin colonies were established by the Romans in conjunction with other Latin states (Antium). After the conquest of Latinum, Latin colonies were established by the Romans in various parts of Italy, ¹ [xxv., 15.—2. (Geschichte des Röm. Rechts, 2e. ed., 16, etc.)—3 (Festus, s. v. Municipium.)—4 (Livy, viii., 14, 5 (LProv., 14, 22.)]

1. ¹(Liv., xxxvi., 55.)—2. (Cic., De Leg. Agr., ii., 51.)—3. (in Pla., 23.)—4. (c. 14.)
These colonies should be distinguished from the colonies cívium Romanorum, inasmuch as they are sometimes called colonies populi Romani, though they were not coloniae cívium Romanorum. Roman citizens who chose to join such colonies, gave up their civic rights for the more solid advantage of a grant of land.

When Latin colonies began to be established, few Roman colonies were founded until after the close of the second Punic War (B.C. 201), and these few were chiefly maritime colonies (Amnis, &c.). These Latin colonies were subject to and part of the Roman state; but they had not the civitas: they had no political bond among themselves; but they had the administration of their internal affairs. As to the origin of the commercium, Savigny's conjecture has been already stated. (Vid. CIVITAS.) The colonies of the Gracchi were Roman colonies; but their object, like that of subsequent Agrarian laws, was merely to provide for the poorer citizens: the old Roman and the Latin colonies had for their object the extension and conservation of the Roman Empire in Italy. After the passing of the Lex Julia, which gave the civitas to the socii and the Latin colonies, the object of establishing Roman and Latin colonies ceased; and military colonies were thence-forward generally established, under the emperors, in the provinces. These military colonies had the civitas, such as it then was; but their internal organization might be various.

It would require more space than is consistent with the limits of this work to attempt to present anything like a complete view of this interesting subject. The following references, in addition to those already given, will be useful to the reader to abundant sources of information: Signionus, De Jure Antiquo, &c.; Niebuhr, Roman History; Savigny, Uber das Jus Iaticum, Zeitschr., vol. v.; Tabula Heracleensis Mazochi, Neap., 1754; Savigny, Der Königliche Volkschluss der Tafel von Heraclea; and Rudorff, Uber die Lex Mamulia de Colonia, Zeitschr., vol. ix.; Rudorff: Das Ackergezet von Sp. Thrissus, and Puchta, Uber den Inhalt der Lex Rubria de Galia Cualipina, Zeitschr., vol. x.

Since this article was written, and after part of it was printed, the author has had the opportunity of reading two excellent essays: De Jure et Condicione Coloniorum Populi Romani Quaestio historica, Maddvig Oppuscl., Haunio, 1834; and Uber den Unterschied der Benennungen Municipium, Colonia, collegia, &c., von Kantz, Berl., 1840. With the help of these essays, he has been enabled to insert some important additions. But the subject is incapable of a full exposition within narrow limits, as the historical order is to a certain extent necessary, in order to present a connected view of the Roman colonial system. The essay of Maddvig has established beyond all dispute several most important elements in this inquiry; and, by correcting the errors of several distinguished writers, he has laid the foundation of a much more exact knowledge of this part of the Roman polity.

GREEK COLONIES. The usual Greek words for a colony are ἀρχαιωστίκης and καλλονοὶ. The latter word, which signified a division of conquered lands among Athenian citizens, and which corresponds in some respects to the Roman colonies and our notions of a modern colony, is explained in the article Athen.

The earlier Greek colonies, called ἀρχαιωστίκης, were usually composed of mere bands of adventurers, who left their native country, with their families and property, to seek a new home for themselves. Some of the colonies, which arose in consequence of foreign invasion or civil wars, were undertaken without any formal consent from the rest of the community; but usually a colony was sent out with the approbation of the mother-country, and under the management of a leader (οἰκείστης) appointed by it. But whatever may have been the origin of the colony, it was always considered, in a political point of view, independent of the mother-country (called by the Greeks μητρόπολις), and entirely emancipated from its control. At the same time, if its colony origin is evident, it was always connected with the mother-country, and the colony was regarded as a part of the empire of that state. If, however, it was admitted as a separate and independent state, it was united to it by the ties of filial affection; and, according to the generally received opinions of the Greeks, its duties to the parent state corresponded to those of a daughter to her mother.

Hence, in all matters of common interest, the colony gave precedence to the mother state; and the founder of the colony (οἰκείστης), who might be considered as the representative of the parent state, was usually worshipped, after his death, as a hero. Also, when the colony became in its turn a parent, it usually sought a leader for the colony which it intended to found from the original mother-country; and the same feeling of respect was manifested by embassies which were sent to honour the principal festivals of the parent state, and also by bestowing places of honour and other marks of respect upon the ambassadors and other members of the colony, when they visited the throne on festivals and similar occasions.

The colonists also worshipped in their new settlement the same deities as they had been accustomed to honour in their native country; the sacred fire, which was constantly kept burning on their public hearth, was taken from the Prytaneum of the parent city; and, according to one account, the priests who ministered to the gods in the colony were brought from the parent state. In the same spirit, it was consiidered a violation of sacred ties for a mother-country and a colony to make war upon one another.

The preceding account of the relations between the Greek colonies and the mother-country is supported by the history which Thucydidies gives us of the quarrel between Corcyra and Corinth. Corcyra was a colony of Corinth, and Epidamnus a colony of Corcyra; but the leader (οἰκείστης) of Epidamnus was a Corinthian, who was invited from the metropolis Corinth. In course of time, in consequence of civil dissensions and attacks from the neighbouring barbarians, the Epidamnians apply for aid to Corcyra, but their request is rejected. They next apply to the Corinthians, who took Epidamnus under their protection, thinking, says Thucydidies, that the colony was no less theirs than the Corcyreans; and also induced to do so through hatred of the Corcyreans, because they neglected them though they were colonists; for they did not give to the Corinthians the customary honours and deference in the public solemnities and sacrifices that the other colonies were wont to pay to the mother-country. The Corcyreans, who had become very powerful by reason of the commerce at the Corinthian harbour, receiving Epidamnus under their protection, and the result was a war between Corcyra and Corinth. The Corcyreans sent ambassadors to Athens to ask assistance; and in reply to the objection that they were a colony of Corinth, they said "that every colony, as long as it is treated kindly, respects the mother-country; but when it is injured, it is alienated from it, for its friends are not sent out as subjects, but that they may have equal rights with those that remain at home."
COLORES.

it is true that ambitious states, such as Athens, sometimes claimed dominion over other states on the ground of relationship; but, as a general rule, colonies may be regarded as independent states, attached to their metropolis by ties of sympathy and common descent, but no farther. The case of Pole
tide, to which the Corinthians sent annually the chief magistrates (θυσιαρχοι), appears to have been an exception to the general rule.1

COLORES. The Greeks and Romans had a very extensive acquaintance with colours as pig
mens. This knowledge is derived, in the first place, from chapters of books xxxiii., xxxiv., and xxxv. of Pliny's Natural History, contain much interesting matter upon their nature and composition; and these works, together with what is contained in book v. of Dioscorides, and some remarks in Theophrastus,2 constitute the whole of our information of any importance upon the subject of ancient pigments. From these sources, through experiments and observa
tions of Sir Humphrey Davy3 on some remains of ancient colours and paintings in the baths of Titus and of Livia, and in other ruins of antiquity, we are enabled to collect a tolerably satisfactory account of the colouring materials employed by the Greek and Roman painters.

The painting of the Greeks is very generally considered to have been inferior to their sculpture; this partially arises from very imperfect information, and a very erroneous notion respecting the resources of the Greek painters in colouring. The error originated apparently with Pliny himself, who says,4 "Quatuor coloribus solis immortalis tilla opera fecerunt, ex abis Melion, ex silaceis Attico, ex rubris Sinopt, et ex rubrico officinali Apelle."5 Mela
thianus, Nicomachus, clariassimi pictores;" and6 "Legentes meminicit omnia ex quatuor coloribus facta." This mistake, as Sir H. Davy has suppos
ed, may have arisen from an imperfect recollec
tion of a passage in Cicero,7 which, however, di
cely contradicts the statement of Pliny: 8 "In pic
turis divinis et Polygnotan, ex Timanthen, et orvam, quas non sunt nisi planquam quatuor coloribus, for
tas ut lineamenta laudamus : at in Echione, Nicoma
cho, Protegene, Apelle jam perfecta sunt omnia." Here Cicero extols the design and drawing of Poly
gnotan, Zeusix, and Timanthes, and those who used but four colours; and observes in contradiction to Pliny, that Echione, Apelles, and Nicon
camus used all the colours, and that all things were perfect. But the remark of Pliny, that Apelles, Echion, Melanthianus, and Nicomachus used but four colours, including both black and white to the exclusion of all blue (unless we understand by "ex nigris atrimenta" black and indigo, is evidently an error, independently of its con
traction to Cicero; and the conclusion drawn by some from it the remark of Cicero, that the early Greek painters were acquainted with but four pigments, is equally without foundation. Pliny himself speaks of two other colours, besides the four in question, which were used by the earliest painters; the testa-tritic8 and cinnabaris or vermil
ion, which he calls medium.9 He mentions also the Etrurian earth used by Nicomachus, and the elephan
tianum, or orpiment, used by Apelles,10 thus contradicting himself when he asserted that Apelles and Nicomachus used but four colours. The above tradition, and the simplex color of Quintilian,11 are our only authorities for defining any limits to the use of colours by the early Greeks as applied to painting, but we have no authority whatever for supposing that they were limited in

any remarkable way in their acquaintance with them. That the painters of the earliest period had not such abundant resources in this department of art as those of the later, is quite consistent with experience, and does not require demonstration, but to suppose that they were confined to four pig
mants, is quite a gratuitous supposition, and is op
tosed to both reason and evidence. (Vid. PICTURA.)

Sir H. Davy also analyzed the colours of the so
called "Aldobrandini marriage," all the reds and yellows of which he discovered to be oxides; the blues and greens, as not requiring of copper, are various blacks, all carboneous; the browns, mixtures of oxides and black, and some containing oxide of manganese; the whites were all carbonates of lime.

The reds discovered in an earthen vessel containing a variety of colours were, red oxide of lead (minium), and two iron oxides of different tints, a dull red, and a purplish red nearly of the same tint as prussic acid, of which they were all mixed with chalk or carbonate of lime. The yellows were pure oxides of copper with carbonate of lime, and ochre mixed with minium and carbonate of lime. The blues were oxides of copper with carbonate of lime. Sir H. Davy discovered a frit, made by means of soda, and coloured with oxide of copper, approaching al
most in tint to the supposed leaden frit of Alexandria; its composition, he says, was per
fec" that of imbodying the colour in a composition resembling stone, so as to prevent the escape of elastic matter from it, or the decomposing action of the elements; this is a species of artificial lapis-lazuli, the colouring matter of which is naturally in
erent in a hard siliceous mass.

Of the yellows he mentions many shades, all, however, either carbonate or oxide of copper, mixed with carbonate of lime. The browns consisted of oxides calcined, and oxides of iron and of manganese, and compounds of ochres and blacks. Sir H. Davy could not ascertain whether the lake which he discovered was of animal or of vegetable origin; if of animal, he supposed that it was very probably the Tyrian or marine purple. He discovered also a colour which he supposed to be black wad, or hy
drated binoxide of manganese; also, a black colour composed of chalk, mixed with the ink of the sepia officinalis, or cuttle-fish. The transparent blue glass of the ancients he found to be stained with oxide of copper, which was called the Tyrian by the ancients.

The following list, compiled from the different sources of our information concerning the pigments known to the ancients, will serve to convey an idea of the great resources of the Greek and Roman painters in this department of their art; and which, in the opinion of Sir H. Davy, were fully equal to the resources of the great Italian painters in the sixteenth century.

Red. The ancient reds were very numerous. Κόσμιαρος, μελός, cinnabaris, cinnabar, vermil
ion, bisulphuret of mercury, called also by Pliny and Vitruvius minium.

The κόσμιαρος ιοτιῶν, cinnabaris Indica, mentioned by Pliny and Dioscorides, was what is vul
garly called cinnabar, which was not produced from various species of the calamine palm. Μελός seems to have had various significations; it was used for cinnabaris, minium, red lead, and rubrica, red ochre. There were various kinds of rubric, the Cappadocian, the Egyptian, the Spanish, and the Lennian; all were, however, red iron oxides, of which the best were the Lennian, called from the town of Lennion, by the Kouns rubrica Sinopica, by the Greeks Συμ
πιτια, from Sinope in Paphlagonia, whence it was first brought. There was also an African rubrica called escuria.
COLORES.

Minium, red oxide of lead, red lead, was called by the Romans cerusa uesta, and, according to Vitruvius, sandaracha; by the Greeks, μηλινόν, and, according to Dioscorides,  ἵππος νυμος. Pliny tells us that it was discovered through the accidental calcination of some cerussa pigments by a fire in the Piraeus, and was first used as a pigment by Nicias of Athens, about 330 B.C.

The Roman sandaracha seems to have had various significations, and it is evidently used differently by the Greek and Roman writers. Pliny speaks of different shades of sandaracha, the pale or massicot (yellow oxide of lead), and a mixture of the yellow with minium; it appears that he regarded realgar or the red sulphuret of arsenic; there was also a compound colour of equal parts of sandaracha and rubrica calcined, called sandyx, σάνδυς. Sir H. Davy supposed this colour to approach our crimson in tint; in painting it was frequently glazed with purple, to give it additional lustre.

Pliny speaks of a dark ochre from the isle of Syros, which he calls Syricum; but he says also that it was made by mixing sandyx with rubrica Sinopica.

Yellow. Yellow ochre, hydrated peroxide of iron, the sil of the Romans, the ἢρχα of the Greeks, formed the base of many other yellows, mixed with various colours and carbonate of lime. Ochre was procured from different parts; but the Attic was considered the best; it was first used in painting, according to Polygnotus and Micon, at Athens, about 460 B.C.

Aροετακοῦν, auripigmentum, orpiment (yellow sulphuret of arsenic), was also an important yellow; but it has not been discovered in any of the ancient paintings. (Vid. Assercon.) The sandaracha has been already mentioned.

Green. Chrysocolla, χρυσόκολλα, which appears to have been mean carbonate of copper or malachite (green verditer), was the green most approved of by the ancients; its tint depended upon the quantity of carbonate of lime mixed with it.

Pliny mentions various kinds of verdigris (dioscatate of copper), αργυρό, λόγ, λό γαλκον, σπυρια αργυρο, and σιρκω, and a particular preparation of verdigris called ρυπρινα. Sir H. Davy supposes the ancients to have used, also, at least five sorts of copper (dioscatate of copper); besides these, there were several green earths, all cuprous oxides: Thedoloton (Θεόδοτον), so called from being found upon the estate of Thedolotus, near Smyrna; Aprimum; and the creta viridis, common green earth of Verona.

Blue. The ancient blues were also very numerous; the principal of these was carulium, καυλος, azure, a species of verditer or blue carbonate of copper, of which there were many varieties. It was generally mixed with carbonate of lime. Vitruvius and Pliny speak of the Alexandrian, the Cyprian, and the Sicanian; the Alexandrian was the most valued, as approaching nearest to ultramarine. It was made also at Pozzuoli by a certain Vestorius, who had learned the method of its preparation in Egypt; this was distinguished by the name of colo.

There was also a washed crystall called not known, but it has been supposed to be the χαλκος of Theophrastos, which he mentions was used for staining glass. No ochre, however, has been discovered in any of the remains of ancient painting.

Purple. The ancients had also several kinds of purple, purpurissum, ostrum, hyuginum, and various compound colours. The most valuable of these was the purpurissum, prepared by mixing the creta argentaria with the purple secretion of the morix (μορις).

Hyuginum, δισυνο (δοτις, woad!), according to Vitruvius, is a colour between scæzile and purplia.

The ancient compound of red ochre and blue oxide of copper.

Vitruvius mentions a purple which was obtained by cooling the ochra uesta with wine vinegar.

Rubia radix, madder-root.

Brown. Ochra uesta, burned ochre. The brownes were ochres calcined, oxides of iron and of manganese, and compounds of ochres and blacks.

Black, atramentum, μελαιον. The ancient blacks were mostly carbonaceous. The best for the purposes of painting were elephantium, ἔλεφαντον, ivory-black; and trygynum, τρύγυνον, vine-black, made of burned vine twigs. The former was used by Apelles, the latter by Polygnotus and Micon.

The atramentum Indicum, mentioned by Pliny and Vitruvius, was probably the Chinese Indian ink. The blacks from spesia, and the black woad, have been already mentioned.

White. The ordinary Greek white was melium, μηλιον, an earth from the Isle of Melos; for fresco painting, the best was the African paraotinum, παραοτίνον, so called from the place of its origin on the coast of Africa, not far from Egypt. There was also a white earth of Eretria, and the annularian white, creta annularia or annular, made from the glass composition worn in the rings of the poor.

Carbonate of lead or white lead, cerussa, ψυκθον, was apparently not much used by the ancient painters; it was nowhere found among the Roman ruins.

Sir H. Davy is of opinion that the azure, the red and yellow ochres, and the blacks, have not undergone any change of colour whatever in the ancient frescos. It was also found that many of the greens, which are now carbonate of copper, were originally laid on in a state of acetate.

Pliny divides the colours into colores floridi and colores austeri; the colores floridi were those which, in his time, were supplied by the employer to the painter, on account of their expense, and to secure their being genuine; they were minium, Armenium, cinnabar, chrysocolla, Indicum, and purpurissum; the rest were the austeri.

Both Pliny and Vitruvius class the colours into natural and artificial; the natural are those obtained immediately from the earth, which, according to Pliny, are Sinopis, rubrica, parotonum, melium, Eretria, and auripigmentum; to these Vitruvius adds ochra, sandaracha, minium (carmine), and chrysocolla, being of metallic origin. The there are called artificial, on account of requiring some particular preparation to render them fit for use.

To the above list of colours more names might still be added; but, being for the most part merely compounds or modifications of those already mentioned, they would only take up space, without giving us any additional insight into the resources of the ancient painters; those which we have already enumerated are sufficient to form an infinite variety of colour, and conclusively prove that the ancient painters, if they had not more, had at least equal

1. (c., 125.)
2. (xxy., 129. — (cxyx., 129. — (vii., 7.)
COLOSSUS.

COLOMBARIUM.

In this most essential branch of painting with the artists of our own times.

COLOMBARIUM (kolumbarioi). The origin of this word is not known, the suggestions of the grammarians being either ridiculous, or imperfect in point of etymology. It is, however, very ancient, probably of Ionic extraction, and rarely occurs in the Attic writers. It is used both by the Greeks and Romans to signify a statue larger than life, and thence a person of extraordinary stature is termed colossoros; and the architectural ornaments in the upper members of lofty buildings, which require to be of large dimensions, are called colossicopeis, being known to be of collosinikoptes. Statues of this kind, simply colossal, but not posterostrously large, were too common among the Greeks to excite observation merely from their size, and are, therefore, rarely referred to as such, the word being more frequently applied to designate those figures of gigantic dimensions (mode statuum, turrios, turriose passare) which were first executed in Egypt, and of which some specimens may be seen in the British Museum.

Among the colossal statues of Greece, the most celebrated was the bronze colossus at Rhodes, dedicated to the sun, which was commenced by Chares of Lindus, a pupil of Lysippus, and terminated, at the expiration of twelve years, by Laches, of the same place, at a cost of 300 talents. Its height was 90 feet according to Hyginus, 70 cubits according to Pliny, or 105 according to Festus. It was thrown down by an earthquake fifty-six years after its erection. It is to this statue that Statius refers.

Another Greek colossal, the work of Calamis, which cost 500 talents, and was twenty cubits high, was dedicated to Apollo, in the city of Apollonia, was transferred from thence to the Capitol by M. Lucullus. Some fragments in marble, supposed to have belonged to this statue, are still preserved in the courtyard of the Museo Capitolino.

There were two colossal statues in bronze, of Greek kingsmanship, at Thurii, one of Jupitor; the other and lesser one of Heracles, by Lysippus, which was transplanted to the Capitol by Fabius Maximus.

In the works of this description made express by or for the Romans, those most frequently alluded to are the following: 1. A statue of Jupiter upon the Capitol, made by order of Sp. Carvilius, from Sicily, 100 feet, and was twenty cubits high, dedicated to Apollo, in the city of Apollonia, was transferred from thence to the Capitol by M. Lucullus. Some fragments in marble, supposed to have belonged to this statue, are still preserved in the courtyard of the Museo Capitolino.

The word occurs more frequently in the plural number, in which it is used to express a variety of objects, all of which, however, derive their name from their resemblance to a dovecote.

In the singular, COLUMBARIUM means one of those sepulchral chambers formed to receive the ashes of the lower orders, or dependants of great families; and in the plural, the niches in which the cinerary urns (olche) were deposited. Several of these chamber urns are still to be seen at Rome. One of the most perfect of them, which was discovered in the year 1822, at the villa Rufini, about two miles beyond the Porta Pia, is represented in the annexed woodcut.

Each of the niches contained a pair of urns, with the names of the persons whose ashes they contained inscribed over them. The use of the word, and

1. (Hyginus, in Fab. 107.)—Columb., a plant, which has been reduced to the genus Colby, L., or Bladder-Senna. Three species are described by Theophrastus, namely, 'L. alata, L. alata, and L. argyrantha'.

*COLOMBO, the Pigeon. (Vid. Perniera.)

COLUMBUS (fidaio), a strainer or colonizer. Various specimens of this utensil have been found at Pompeii. The annexed woodcut shows the plan and profile of one which is of silver.

Wine-strainers (fidaio) were also made of bronze, and their perforations sometimes formed an elegant pattern. The poor used linen strainers; and, where nicety was not required, they were made of broom or of rushes. The Romans filled the strainer with ice or snow (cota nitaria) in order to cool and dilute the wine at the same time that it was cleared. The bone of the nose, which is minutely perforated for the passage of the olfactory nerves, was called fedia, the ethmoid bone, from its exact resemblance to a strainer.
in a machine used to raise water for the purpose of irrigation, as described by Vitruvius, the vents through which the water was conveyed into the receiving trough were termed *columbaria*. This will be understood by referring to the woodcut at p. 65. *Vid. Antiqu.* The difference between that representation and the machine now under consideration consisted in the following points: The wheel of the latter is a solid one (*tympanum*) instead of radiated (rota), and was worked as a treadmill, by men who stood upon platforms projecting from the flat sides instead of being turned by a stream. Between the intervals of each platform a series of grooves or channels (*columbaria*) were formed in the sides of the tympanum, through which the water taken up by a number of scoops placed on the outer margin of the wheel, like the jaws in the cut referred to, was conducted into a wooden trough below (*labrum lignenum suppositum*).

III. The cavities into which the extreme ends of the beams upon which a roof is supported (*tignorum cubita*), and which are represented by triglyphs in the Doric order, were termed *columbaria* by the Roman architects; that is, while they remained empty, and until filled up by the head of the beam. *Columnar* (κουλναριν, κουλναρις, κουνιαρις, κουνιαρισ, κουνιαρα, κουνιαρος), a Pillar or Column.

The use of the trunks of trees placed upright for supporting buildings, unquestionably led to the adoption of similar supports wrought in stone. Among the agricultural Greeks of Asia Minor, whose modes of life appear to have suffered little change for more than two thousand years, Mr. Fellows observed an exact conformity of style and arrangement between the wooden huts now occupied by the peasants, of one of which he has given a sketch (see woodcut),

and the splendid tombs and temples, which were built on the rock, and constructed at the expense of the most wealthy of the ancient inhabitants. We have also direct testimonies to prove that the ancients made use of wooden columns in their edifices. Pausanias describes a very ancient monument in the market-place at Elis, consisting of a roof supported by pillars of oak. A temple of June at Metapontum was supported by pillars made from the trunks of vines. In the Egyptian architecture, many of the greatest stone columns are manifest imitations of the trunk of the palm.

As the tree required to be based upon a flat square stone, and to have a stone or tile of similar form fixed on its summit to preserve it from decay, so the column was made with a square base, and was covered with an *abacus*. (Vid. Abacus.) Hence the principal parts of which every column consists are three, the base, the shaft, and the capital.

In the Doric, which is the oldest style of Greek architecture, we must consider all the columns in the same row as having one common base (*pistyle*), whereas in the Ionic and Corinthian each column has a separate base, called *stipe*. (Vid. Spira.) The capitals of these two latter orders show, on comparison with the Doric, a yet greater degree of complexity and a much richer style of ornament; and the character of lightness and elegance is farther obtained in them by their more slender shaft, its height being much greater in proportion to its thickness. Of all these circumstances, some idea may be formed by the inspection of the three accompanying specimens of pillars, selected from each of the principal orders of ancient architecture. The first is from a column of the Parthenon at Athens, the capital of which is shown on a larger scale at p. 9. The second is from the temple of Bacchus at Teos, the capital of which is introduced at p. 116. The third is from the remains of the temple of Jupiter at Labrada.

In all the orders, the shaft (*ecamus*) tapers from the bottom towards the top, thus imitating the natural form of the trunk of a tree, and at the same time conforming to a general law in regard to the attainment of strength and solidity in all upright bodies. The shaft was, however, made with a slight swelling in the middle, which was called the *fistula*. It was, moreover, almost universally, and from the earliest times, channelled or fluted; i.e., the outside was striped with incisions parallel to the axis. These incisions, called *striae*, were always worked with extreme regularity. The section of them by a plane parallel to the base was, in the Ionic and Corinthian orders, a semicircle; in

COLUMNA.

COLUMNA.

...and Doric, it was an arc much less than a semicircle.

The capital was considerably more than the base of stone, the shaft consisting of several cylindrical pieces fitted together. When the column was erected, its component parts were firmly joined together, not by mortar or cement, but by iron cramps fixed in the direction of the axis. The anned woodecut is copied from an engraving in Swinburne's Tour in the Two Sicilies, and represents a Doric column, which has been thrown prostrate in such a manner as to show the capital lying separate, and the five drums of the shaft, each four feet long, with the holes for the iron cramps by which they were united together.

Columns of an astonishing size were nevertheless erected, in which the shaft was one piece of stone. For this purpose it was hewn in the quarry into the requisite form and shape, and then rolled over the ground, or moved by the aid of various mechanical contrivances, and by immense labour, to the spot where it was to be set up. The traveller now sometimes views with wonder the unfinished pillars, either occupying their original site in the quarry, or left after having performed one half their journey, while he finds other shafts arranged in their intended position, and consisting each of a single piece of marble, alabaster, porphyry, jasper, or granite, which is either corroded by time, or retains its polish and its varied and beautiful colours, according to the situation in which it has been placed, or the durability of its substance. The mausoleum of the Emperor Adrian, a circular building of such dimensions that it serves as the fortress of modern Rome, was surrounded by forty-eight lofty and most beautiful Corinthian pillars, the shaft of each pillar being a single piece of marble. About the time of Constantine, some of these were taken to support the interior of a church dedicated to St. Paul, which a few years ago was destroyed by fire. The interest attached to the working and erection of these noble columns, the undivided shafts of which consisted of the most valuable and splendid materials, led numerous individuals to employ their wealth in presenting them to public structures. Thus Creesus contributed the greater part of the pillars to the temple at Ephesus. In the ruins at Labranda, now called in Caria, tablets in front of the columns record the names of the doners, as is shown in the specimen of them above exhibited.

""The columns used in the architecture of the Greeks," observes Stuart, "though with numberless minute variations of ornaments and proportions, arrange themselves into three general classes, and offer the most obvious and polished manner of distinguishing them in the orders. The Doric capital, which preserves more of the primitive type than any other, is extremely plain, but its simplicity is not without beauty. It consists of a broad and massive abacus, an ovolo under the abacus, from three to five fillets under the ovolo, and under these a neck called the frieze of the capital. In the Ionic capital there is great invention, and a particular character is displayed; indeed, so much so, that it never fails to distinguish itself, even on the most slight and careless observation. It consists of a small and moulded abacus, below which depend to the right and left two spiral volutes; it has also an echinus, which is not unfrequently enriched, and a bead. The Corinthian capital is most richly ornamented, and differs extremely from the others. In this the abacus is hollowed, forming a quadrilateral figure with concave sides, the angles of which are generally truncated. Sometimes the abacus is enriched, but more frequently it is adorned with volutes, but the abacus the capital has the form of a vase or bell, surrounded with two tiers of the leaves of the acanthus, or, rather, of leaves resembling those of a species of the acanthus plant. Under each angle of the abacus springs a volute, and under the flower in the centre of the abacus there are cauliual. With so great a length as this, there are no authenticated remains of the order; and the precepts of Vitruvius on this head are so very obscure that the modern compilers of systems of architecture have, of course, varied exceedingly in their designs; the order, therefore, that passes under this name must be regarded rather as a mod. than an ancient invention. It has been made to differ from the Ionic and Doric by a number of peculiarities, by the suppression of parts and mouldings. But, though the Tuscan capital is plain and simple in the highest degree, it well becomes that column whose character is strength. The Composite capital is formed by a union of the Ionic and Corinthian. It consists of a vase or bell, and a first and second row of palmettes, and some small shoots, a fillet, astragal, ovolo, four volutes, and a hollowed, abacus with a flower in its centre."

Columns were used in the interior of buildings to sustain the beams which supported the ceiling. As both the beams and the entire ceiling were often of stone or marble, which could not be obtained in blocks large enough as to be accommodated by the columns, there were in such circumstances frequent in proportion not being more than about ten or twelve feet apart. The opisthodomus of the Parthenon of Athens, as appears from traces in the remaining ruins, had four columns to support the ceiling. A common arrangement, especially in buildings of an oblong form, was to have two rows of columns parallel to the two sides, the distance from each side to the ground line of columns being less than the distance between the rows themselves. This construction was adopted not only in temples, but in palaces (abacoi), i. e., in houses of the greatest size and splendour. The great hall of the palace of Ulysses in Ithaca, that of the King of the Phaeacians, and that of the palace of Tereus at Phcenicia, can be supposed to have been thus constructed, the seats of honour both for the master and mistress, and for the more distinguished of their guests, being at the foot of certain pillars. In these regal halls of the Homeric era, we are also led to imagine the pillars decorated with arms. When Telemaechus enters his father's hall, he places his arms against a column, and, "within the polished circular order," by which we mean one of the rings or channels of the shaft. Above the base of the columns, near the entrance, all the warriors of the family were accustomed to incline their spears; and from the upper part of the same they suspended their bows and quivers on nails or hooks. The minstrel's lyre hung upon its peg from the..."
another column nearer the top of the room. The columns of the hall were also made subservient to less agreeable uses. Criminai work was tied to them in order to be secured or otherwise tormented. According to the description in the Odyssey, the oecoms of the hall of Ulysses were of silver; in such a case, the apartment was to be very spacious without being overcrowded with columns. Such, likewise, was the hall of the palace of Atreus at Mycenae: *Palgi turba capax Immame Lectum, cul-

pus orvias trabea Vayis columnas nobiles maculis fec-

tur.*

Rows of columns were often employed within a building to enclose a space open to the sky. Beams supported ceilings passed from above the columns to the adjoining walls, so as to form covered passages or ambulatory (entoir). Such a circuit of columns was called a peristyle (περίστυλον), and the Roman atrium was built upon this plan. The largest and most splendid temples enclosed an open space like an atrium, which was accomplished by placing one peristyle upon another. In such cases, the lower rows of columns being Doric, the upper were sometimes Ionic or Corinthian, the lighter being properly based upon the heavier. A temple so constructed was called hypathral (ὑπαθρακός).

On the outside of buildings columns were by no means destitute of utility. But the chief design in erecting them was the attainment of grandeur and beauty; and, to secure this object, every circumstance relating to their form, proportions, and arrangement was studied with the utmost nicety and exactness. Of this the truth of observation, some idea may be formed from the following list of terms, which were employed to distinguish the different kinds of temples:

1. Terms describing the number and arrangement of the columns.
   * Δυάστυλος, δυάστυλος, without any columns. 3
   * Εν παραστάσις, in antis, with two columns in front between the aantes. (Woodcut, p. 61.)
   * Πρόστυλος, prostyle, with four columns in front.
   * Διπλόπροστυλος, amphiprostyle, with four columns at each end.
   * Περίστυλος οί Αμφιπερίστυλος, peripteral, with columns at each end and along each side, the angle being about twice as many as the end columns, including two divisions, viz.:
     * Εξαστύλος, hexastyle, with six columns at each end, and either nine or eleven at each side, besides those at the angles. Example, the Temple of Apollo at Athens.
     * Οκτάστυλος, octastyle, with eight columns at each end, and fifteen at each side, besides those at the angles. Example, the Parthenon at Athens.
   * Διπτέρος, dipteral, with two ranges of columns (πτέρος) all round; the one within the other.
   * Πενταδιπτέρος, pseudodipteral, with one range only, but the front columns outside of the walls of the cells as the outer range of a diptere.
   * Λεκάστυλος, decastyle, with ten columns at each end, which was the case only in hypathral temples.

II. Terms describing the distance of the columns from one another, and from the walls of the cells.
1. Πολυάστυλος, polymostyle, the distance between the columns a diameter of a column and half a diameter.
2. Εύαστυλος, systyle, the distance between the columns two diameters of a column.

3. Εύαστυλος, eustyle, the distance between the columns two diameters and a quarter, except in the centre of the front and back of the building, where each intercolumniation (intercolumnium) was three diameters, called eustyle, because it was best adapted both for beauty and convenience.
4. Διάστυλος, diastyle, the intercolumniation, one distance between the columns, three diameters.
5. Αραπόστυλος, arapostyle, the distances excessive, so that it was necessary to make the epistyly (ἐπιστύλον), or architrave, not of stone, but of timber.

Columns in long rows were used to convey water in aqueducts, and single pillars were fixed in harbours for mooring ships. Some of these are found yet standing.

Single columns were also erected to commemorate persons or events. Among these, some of the most remarkable were the columns rostrata, called by that name because three ship-beaks proceeded from each side of them, and designed to record successful engagements at sea (navalis surgetors ar. columnas). The most important and celebrated of those which yet remain is one erected in honour of the consul C. Duillius, on occasion of his victory over the Carthaginian fleet, B.C. 261 (see the annexed woodcut). It was originally placed in the

Forum, and is now preserved in the museum of the Capitol. The inscription upon it, in great part effaced, is written in obsolete Latin, similar to that of the Twelve Tables. When statues were raised to eminently celebrated persons at the Olympic and other games, or to commemorate persons who had obtained any high distinction, the tribute of public homage was rendered still more notorious and decisive by fixing their statues upon pillars. They thus appeared, as Pliny observes, to be raised above other mortals.

But columns were much more commonly used to commemorate the dead. For this purpose they varied in size, from the plain marble pillar bearing a simple Greek inscription, to those lofty and elaborate columns which are now among the most wonderful and instructive monuments of ancient Rome. The column on the right hand, in the last woodcut, exhibits that which the senate erected to the honour of the Emperor Trajan, and crowned with his colossal statue in bronze. In the pedestal of a door, which leads to a spiral staircase for ascending to

COMA. 

8. Қέρως (қёра қўллос), a term used when the hair was combed up from the temples on each side, so as to give it the appearance of two horns, as is seen in the heads of fawns and satyrs, and in the bust of Jupiter introduced below. 9. Қийнўс, пўлўмос, қўлдўл, a hair which falls in ringlets, either natural or artificial, which was sometimes called бўстўрғос и плоскиарос. All these terms, when strictly appropriated, seem to designate that singular style of coiffure which is observable in Etruscan and early Greek works, and common to both sexes, as is seen in the casts from the temple of Jupiter Panhellenius in the British Museum.

Besides the generic coma, the Romans made use of the following terms, expressive of some peculiar qualities in the hair, or particular mode of arrangement: 1. Capillus, according to the old etymologie, quasi capitis pilus. 2. Crista, the hair when carefully dressed. 3. Cassaries, which is said, though without much probability, to be connected with cadu, the hair of the male sex, because they wore it short, whereas the women did not. 4. Cinvitus, κινωνος, the hair when platted and dressed in circles, like the head on page 21 (vid. Aevus), as it is still done by the women of Mola di Gaieta (Formico). Martial11 terms these circles annulus, and Claudian10 orbes. 5. Cirrus, a lock of curly hair. The locks which fell over the forehead were termed caprona, quasi a capitis prona, and prosome,12 those which fell from the temples over the ears, antics.14 Both the antis and caprona are accurately traced in the figure of Cupid bending his bow, in the British Museum, from following woodcut is taken.

All the Greek divinities are distinguished by a characteristic coiffure, modified in some respects as the arts progressed, but never altered in character from the original model; so that any person tolerably conversant with the works of Greek art may almost invariably recognise the deity represented from the disposition of the hair. We proceed to specify some of the principal ones.

The head of the lion is the type upon which that

Instead of a hand, the people of Athens fastened the bow with an ornamental clasp, fashioned like a grasshopper, to show that they were aborigines.14 Крўбдос is also used for a cap of network, like that represented at p. 137. 1271. (Vid. Calpurns.) 7. Маллдос, which properly means wool, was also used for the short, round, curly hair, which resembles the fleece of a lamb, such as is seen in some of the early Greek sculptures, particularly in the heads of

the summit. Light is admitted to the staircase through numerous apertures. A spiral bas-relief is folded round the pillar, which represents the emperor's victories over the Daianians, and is one of the most valuable authorities for archæological inquiries. Including the statue, the height of this monument, in which the ashes of the emperor were deposited, was not less than 130 feet. A similar column, erected to the memory of the Emperor Marcus Aurelius, remains at Rome, and is commonly known by the appellation of the Antonine column. After the death of Julius Caesar, the people erected to his memory a column of solid marble, 20 feet high, in the Forum, with the inscription PARENT PATER.

Columns still exist at Rome, at Constantinople, and in Egypt, which were erected to other emperors.

COMA (кома), the hair of the head. Besides this general term, there are various other words, both in Greek and Latin, signifying the hair, each of which acquires its distinctive meaning from some peculiarity of the hair itself, or from some peculiarity in the mode of arranging it, the principal of which are as follow: 1. 'Еєθεро, a head of hair. When carefully dressed. 2. Xατη, properly the mane of a horse or lion, is used to signify long flowing hair. 4. Φωθα, when accurately used, implies the hair of the head in a state of disorder incident to a person under a sense of fear. 4. Ποκας, from πικαο or πικαγ, the hair when combed and dressed. 5. Ορις, a general term for hair, from the plural of which the Romans borrowed their word trica, τριγωας and τριγωμα are used in the same sense. 3. Κοπας, from κωρ, the head, signifies properly the hair on the top of the head; and hence a particular fashion of arranging the hair among the Greek women was termed κωρμος.11 or, when worn in the same style by the men, it was designated by another derivative from the same word, κρўбдос.12 To produce this effect, the hair was drawn up all round the head from the front and back, and fastened in a bow on the top, as exemplified in the two foregoing busts, one of the Apollo Belvidere, the other of Diana, from the British Museum.

1. (Gaez, Jbl., viii. 85.—2. (Hom., ii. xvi. 795.)—3. (Schoel. ad Thucydi. i. 14.)—4. (Hom., ii. xvi. 141.)—5. (Soppl., Ed. Col., 1405.—Antig.', 416.)—6. (Homer.)—7. (Aristop.), Thesm., 547.—8. (Neriisus, s. v.)—9. (Esch., Sept. o Thuc., 665.—Eur., Iph. Tudr., 73.—10. (Jamot, Glos. ad Socr., 664.)—11. (Thucydi., i. 6.—15. (Schoel. ad Thucydi, i. 6. 16.)—12. (Thucydi., i. 6.—Virg., Circe, 129.)

Hercules, one of which is subjoined from a spect men in the British Museum.
COMA.

of Jupiter is formed, particularly in the disposition of the hair, which rises from the forehead, and falls back in loose curls down the sides of the face, until it forms a junction with the beard. This is illustrated by the next two woodcuts, one of which is from a statue of Jupiter in the Vatican, supposed to be a copy of the Phidian Jove; and the other is a lion’s head, from the British Museum. The same disposition of the hair is likewise preserved in all the real or pretended descendants from Jupiter, such as Ἑσκελάπιος, Alexander, &c.

Pluto or Serapis has the hair longer, straighter, and lower over the forehead, in order to give severity to the aspect, and with the modius on his head, as represented in the next drawing, from the British Museum. The modius is decorated with an olive branch, for oil was used instead of wine in sacrifices to Pluto.

The hair of Neptune is cut finer and sharper than that of Jupiter. It rises from the forehead, and then falls down in flakes, as if wet, in the manner represented in the following head, from the British Museum.

Apollo is usually represented with the κράταρος; but when the hair is not tied up on the top of the head, it is always long and flowing over the neck and shoulders, as represented in the next woodcut,

1 (Chamber vii., No. 13.)—2. (Chamber vii., No. 88.)—3. (Wing., Ξn., vi., 254.)—4. (Chamber ii., No. 27.)

from a very beautiful and early Greek sculpture is represented with braided hair, in the Etruscan κηρίσ, and a sharp-pointed beard (see the right hand woodcut, from an altar in the museum of the Capitol at Rome), whence he is termed σφυροκορυφής.

Hercules has short, crisp hair, like the curls between the horns of a bull, the head of which animal formed the model for his, as is exemplified in the subjoined drawings, one being the head of the Farnese Hercules, the other that of a bull, from a bas-relief at Rome, in which all the characteristics of Hercules, the small head, thick neck, and particular form of the hair, are strongly preserved.

The hair of Juno is parted in the front, and at the top of the head is a kind of diadem, called in Latin corona, and in Greek ορφησίσ, from its resemblance to a sling, the broad part of which is placed above the forehead, while the two lashes act as bands to confine the hair on the sides of the head, and fasten it behind, in the manner represented in the next woodcut, from the British Museum.

Paras is rarely seen without her helmet; but when portrayed with her head uncovered, the hair is tied up in a knot at some distance from the head, and then falls from the band in long parallel curls.

Venus and Diana are sometimes adorned with the κόρυφοςς (woodcut, p. 291); but both these divisions are more frequently represented with their hair dressed in the simple style of the young Greek girls, whose hair is parted in front, and conducted round to the back, so as to conceal the upper part of the ears. It is then tied in a plain knot at the nape of the neck, or, at a lower part of the head, less frequently, at the top of the head; both of which fashions are represented in the two woodcuts subjoined; one, that on the left, a daughter of Niobe, and the other from a bas-relief at Rome.

For the other styles of Venus and Diana, see the Venus di Medici, and British Museum. Chamber ii., No. 8; iii., 13; iv., 11; xii., 19; and Venus of the central saloon: the other ornaments sometimes seen in statues of Diana are works of a later age.

Fair hair was much esteemed both by the Greeks and Romans; hence, in some of the statues, the hair was gilt, remains of which are discernible in the Venus di Medici, and in the Apollo of the Capitol; and both sexes dyed their hair when it grew gray.

False hair, or wigs, φευκτώς, πυρετής, κόρυφοςς προσεχές, τρύγος προσεχές, galerus, were also worn by the people of both countries.

In very early times the Romans wore their hair long, as was represented in the oldest statues during the age of Varro, and hence the Romans of the Augustan age designated their ancestors intomai and capitilli. But this fashion did not last after the year B.C. 300, as appears by the remaining works of art. The women, too, dressed their hair with simplicity, at least until the time of the emperors, and probably much in the same style as those of Greece; but at the Augustan period a variety of different head-dresses came into fashion, many of which are described by Ovid. Four specimens of different periods are given below. The


COMMISSATIO.

*COMAROS (κομαρος), the wild Strawberry-tree, or Arbutus Uncedo. (Vid. Arbutus.)

*COMBRETUM, a plant mentioned by Pliny, who makes it closely resemble the Bucchar.

Modern botanists, however, taking Pliny's word for the leaves, have not agreed with him in opinion on this head. Celsalpinus makes the Combretum (written sometimessombetum) to be the same with a species of rush, called in Tuscanza Herba lusio, and which has been referred to the Luscaza maxima, L.

*COME (κομα), a plant, the same with the ἄγρανυς, or Crociufolium Trogopogon, so called from its leaves resembling those of the Coccus. Sibberop. found it growing in Cyprus.

COMES. The word comes had several meanings in the Latin of the Middle Ages, for which the reader is referred to Du Frenan's Glossary and Supplement, s. v. In classical writers, and even to the end of the fourth century, its senses are comparatively few.

First it signified a mere attendant or companion, distinguished from suetes, which always implied some bond of union between the persons mentioned. Hence arose several technical senses of the word, the connexion of which may be easily traced. It was applied to the attendants on magistrates, in which sense it is used by Stetnonius. In Horace's time it was customary for young men of family to go out as consiulatoriae to governors of provinces, and in the eye of the writer the art of war and peace. This seems to have led the way for the introduction of the comites at home, the maintenance of whom was, in Horace's opinion, one of the miseries of wealth. Hence a person in the suite of the emperor was termed comes. As all power was supposed to flow from the imperial will, the term was easily transferred to the various offices in the palace and in the provinces (comites palatini, provinciales). About the time of Constantine it became a regular honorary title, including various grades, answering to the comes ordinis primi, secondi, tertii. The power of these officers, especially the provincial, varied with time and place; some presided over a particular department with a limited authority, as we should term them, commissioners; others were invested with all the powers of the ancient proconsuls and praetors.

The names of the following officers explain themselves: Comes Orientis (of whom there seem to have been two, one the superior of the other), comes Egypti, comes Britanniae, comes Africae, comes rei militaris, comes portuum, comes stabulorum, comes domesticorum, Comes curiae, Comes linteae vestis or vestiaris (master of the robes). In fact, the emperor had as many comites as he had duties: thus, comes consistorii, the emperor's privy-council; comes largitionum privatuarum, an officer who managed the emperor's private revenue, as the comes largitionum sacrarum did the public exchequer. The latter office united, in a great measure, the functions of the magister and quinqueret. The four comes commerciorum, to whom the government granted the exclusive privilege of trading in silk with barbarians, were under his control.

COMISSA'TIO (derived from κομισα), the name of a drinking entertainment, which took place after the cena, from which, however, it must be distinguished. Thus Deimetros says to his guests, after they had taken their cena in his own house, "Quin comissatim ad fratrem ismus!" and when Balin

nas comes to Trimalchio's house after taking his cena elsewhere, it is said that "Comissatim intravit." It appears to have been the custom to partake of some food at the comissatio, but usually only as a kind of relish to the wine.

The comissatio was frequtly prolonged to a late hour at night; and the substantive comissator means "to revel," or the substantive comissator a "reveller" or "debauchee." Hence Cicero calls the supporters of Catiline's conspiracy comissatorum conjurationes.

COMITIA, or public assemblies of the Roman people (from com-ιο(seco for coeno), at which all the most important business of the state was transacted, such as the election of magistrates, the passing of laws, the declaration of war, the making of peace, and, in some cases, the trial of persons charged with public crimes. There were three kinds of comitia, according to the three different divisions of the Roman people.

I. THE COMITIA CUERITATA, OR ASSEMBLY OF THE CURIAS, the institution of which is assigned toRomulus.

II. THE COMITIA CENTURIALA, OR ASSEMBLY OF THE CENTURIES, in which the people gave their votes according to the classification instituted by Servius Tullius.

III. THE COMITIA TRIBUTA, OR ASSEMBLY of the people according to their division into the local tribes. The first two required the authority of the senate, and could not be held without taking the auspices; the comitia tributa did not require these sanctions. We shall consider the three assemblies separately.

I. COMITIA CURIATIA, this primitive assembly of the Romans originated at a time when there was no second order of the state. It was a meeting of the populares, or original Burgesses, assembled in their tribes of houses, and no member of the plebs could vote at such a meeting. The ancient populace of Rome consisted of two tribes: the Rammis or Romenses, and the Titiones or Tittes, called after the two patronymic heroes of the state, Romus, Romus, or Romulus, and Titus Tatius; to which was subsequently added the third tribe, the Luceres or Lucerenses. Of these last Festus says, in a passage of some interest and importance, "Lucusraces et Luce- rentes, etiam populi Romani est distributo a Tatio et Romulo, appellati sunt a Lucero, Ardea regis, qui auxilio sui Romulo adversus Titum bellam," From which it may be inferred, that as the Titones were Sabines, and the Romans the Romans proper, so the Luceres were Latins or of Tyrrhenian stock. It will be observed, also, that in this passage of Festus the name of Tatius is placed first; so, also, in the same author we have, "Quia civitates Romanae in sex est distributa parte, in primos secundosque Titones, Rammes, Luceres." This seems to point to a tradition rather inconsistent with the supposed precedence of "the haughty Ramnes" (celsius Ramnes).

The different nations of antiquity had each of them their own regulative political number, or numerical basis; and as 3 x 4 was this basis with the Ionian tribes, so 3 x 10 seems to have been the basis of the Roman state-system. The Athenian solar year consisted of 365 days; the Roman cyclic year of 304; and 360, the number of the houses of clans at Athens, bears the same relation to the former year that 300, the number of Roman houses, does to the latter. The three original tribes of the populares or patres were divided into 30 curiae, and

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each of these into ten houses; and this number of the houses also corresponded to the number of coun-
cillors who represented them in the senate. The division into houses was so essential to the patrician order, that the appurtenant ancient term to des-
ign that order was circmunlocution, the patrician gen-
tes (gentes patriciae). " Plebes disciut," according to Capito, "in qua gentes civium patriciae non in-
sunt." The derivation of curia from cura, which is given by Festus and Varro, is altogether inadmis-
sible. It is obvious that curia means " the as-
sembly of the master-burgesses," " the free household-
ers," or, more accurately, the general element as the Greek κώρος, κόσμος, κοινότης, κόσμος, κόρυφος, κώρας, &c., which element also appears in the Latin quirites, curiates, curiati, &c. The word quirites appears to be nearly identical with κώρας, which signifies "noble warriors," as in Homer, κράνιους κώρας ἁρπαγάς Παναχώγων. The same root is also contained in the Sanscrit χύ-
ρας, " a hero." In the same way as the Greeks used κώρος of the head of a family, the Romans spoke of the free burgess and his wife as patronus and matrona in reference to their children, servants, and clients. These last, so called from clure -the tientes, the hörigen, the "hearers" or dependants—were probably, in the first instance, aliens, natives of the city, who had taken up their residence there by virtue of the jus essulandae and the jus applicationis; and most likely their relation to the patronus, or man of the curia, was analogous to that subsisting between the resident alien and his protector in a Greek state. These clients belonged to the gentes of their patron and matronum, and were considered as freemen of freedmen were classed among the servants in reference to the franchise at the comitia majora, it is exceedingly improbable that they would vote with their patron at the comitia curiata. From the num-
ber of houses which they contained, the patrician tribes were called centuries; and the three cen-
turies formed by Tarquinius were tribes of houses who voted in the comitia curiata like the original patricians. They were united with the old tribes under the title of the sex suffragia, or "the six votes"—Sex suffragia appellantur in equitum centuriarum, qui sunt aedifici et numero centuriarum, quis Priscus Tarquinius rex constituuit. But the number of houses, and the number of centuries according to one or other of the following solutions which Nie-
buhr has suggested: 1. The 300 houses may have been complete, and 300 new houses were ad-
mitted into the tribes, so as to assign 20 houses to each curia; the number of the curiae continuing un-
altered, but 5 curiae instead of 10 being reckoned to the century. 2. That more probably the houses had fallen short. Suppose there were now only 5 to the curia. Then, if the 150 houses were collected into half the number of curiae, the remaining 15 cu-
rie might be filled up with newly-adopted houses, the ancient proportion of 10 houses to a curia re-
mainin unaltered. "This latter hypothesis," says Niebuhr, "is confirmed, and almost establish-
ed; and, lastly, no less than 5 centuries at the end of the "senate, raising the number from 150 to 300; only here two changes are confounded, between which a considerable interval would probably elapse " Although the number of patrician curiae remained un-
changed by this measure of Tarquinius, it seems in-
dubitable that it was considered as an increase in the number of them that the curia antica, or the curiae, as it is usu-
deal, the name implies, and as Festus, quoted

above, most expressly states; the new and old tribes being distinguished as first and second Titiae, Ramnes, and Lacaces.

The comitia curiata, which were thus open to the original burgesses alone, were regarded as a meet-
ing principally for the sake of a certain ordi-
nance of the senate: a senatus consultum was an

indispensable preliminary; and with regard to eli-
tions and laws, they had merely the power of con-
firming or rejecting what the senate had already decreed. The two principal reasons for summon-
ing the comitia curiata were, either the passing of a

law, or, for the sake of certain judicial occur-
ences. The lex curiata imperio, which was the same as the actauctoriatum patrum, was necessary in order to confer upon the dictator, consuls, and other magis-
trates the imperium, or military command; without this they had only a potestas, or civil authority, and were not allowed to meddle with military affairs.

And thus Livy makes Camillus speak of the comitia curiata, quae rem militemque continent, as distinguished

from the "comitia centuriaria, quisque consulibus tribunusque militares creati." The comitia curiata were also held for the purpose of carrying into effect the form of adoption called adrogatio, for the confir-
mination of wills, and for the ceremony called the detes-
fatio sacrorum. They were held in that part of the forum which was called the tribunal (suggestum) stood. The patrician magis-
trates properly held the comitia curiata; or, if the question to be proposed had relation to sacred rights, the pontifices presided. They voted, not by houses, but by curia; this was probably the reason why Tarquinius was careful not to alter the number of them. Instead of 150, a new number of 295 was prescribed. The lex curiata imperio, which was called the comitia curiata curiata, was formed by the comitia curiata, and the comitia curiata centuriaria. This was the sixth of Rome, and Chief of the Senate. The object of this legislator seems to have been to unite in one body the populus or patricians—the old burgesses of the three tribes, and the plebs or pale-burgesses—the commonalty who had grown up by their side, and to give the chief weight in the state to wealth and numbers rather than to birth and family preten-
sions. With a view to this, he formed a plan, by virtue of which the people would vote on all impor-
tant occasions according to their equipments when on military service, and according to the position which they occupied in the great phalanx or army of the city: in other words, according to their prop-
erty; for it was this which enabled them to equip themselves as members of the army. The arrangement of the army of the state, was peculiar to the constitution of Servius. This arrange-
ment considered the whole state as forming a reg

1. (Gellius, x. 20.—Niebuhr, ii., p. 316.)—2. (New Cratylus, p. 410.)—3. (It., xii. 183.)—4. (Niebuhr, i., p. 317.)—5. (Com-


1. (See the passage quoted by Niebuhr, ii., p. 179.)—2. (Nie-
buhr, i., p. 381.)—3. (Liv., v., 52.)
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The army, with its cavalry, heavy-armed infantry, reserve, carpenters, musicians, and baggage-train.

The cavalry included, first, the six equestrian centuries, or the sex suppeditum, which made up the body of the populus, and voted by themselves in the comitia curiata; to which were added twelve centuries of plebeian knights, selected from the centuriates of the provo and centuriata. The foot-soldiers were organized in the following five classes: 1. Those whose property was at least 100,000 asses, or pounds' weight of copper. They were equipped in a complete suit of bronze armour. In order to give their wealth and importance its proper political influence, they were reckoned as forming 80 centuries, namely, 40 of young men (juniores) from 17 to 45, and 40 of older men (seniores) of 45 years and upward. 2. Those whose property was above 75,000 and under 100,000 asses, and who were equipped with the wooden scutum instead of the bronze clibanum, but had no coat of mail. They made up 20 centuries, 10 of juniores and 10 of seniores. 3. Those whose property was above 50,000 and below 75,000, and who had neither coat of mail nor greaves. They formed 20 centuries, the second class, similarly divided into juniores and seniores. 4. Those whose property was above 25,000 and below 50,000, and who were armed with the pike and javelin only. This class also contained 20 centuries. 5. Those whose property was between 15,500 and 25,000 asses, and who were armed with slings and darts. They formed 30 centuries of the classe-minime, whose property fell short of 375 asses. All these centuries were classed according to their property: but, besides these, there were three centuries which were classed according to their occupation: the fabri, or carpenters, attached to the centuries of the first class; the cornicines, or horn-blowers, and the tubicines or lictores, the trumpeters, who were reckoned with the fourth class. Thus there would be in all 195 centuries, 18 of which would form the first class, or those of the Plebeians; the second, the third, and the fourth; of these five, the last three would consist of the reserve and camp-followers, and three of the smiths and musicians. In voting, it was intended to give the first class and the knights a preponderance over the rest of the centuries, and this was effected as we have just mentioned; for the first class, with the knights and the fabri, amounted to 99 centuries, and the last four classes, with the supernumeraries and the municiplum, to 96 centuries, who were thus outvoted by the others, even though they themselves were unanimous. See the remarkable passage from Cicero,1 most ingeniously restored by Niebuhr.2 Even if we suppose that the fabri were expected to vote rather with the lower classes than with the first class to which they were assigned, the first class, with the knights, would still have a majority any way.2

The same principle was observed when the army was serving in the field. As the centuries of seniores consisted of persons beyond the military age, the juniores alone are to be taken into the account here. The first class sent its 40 centuries of juniores, of which 30 formed the principes, and 10 were posted among the triarii, who, as Niebuhr suggests, probably owed their name to the fact that they were made up out of all the three heavy-armed classes; the second

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1. (De Republica.)—2. (i., p. 444.)

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and third centuries furnished 20 centuries apiece, i.e., twice the number of their junior classes, and 10 from each class stood among the triarii, the rest being hastati with shields; the fourth class supplied 10 centuries, the number of its junior votes, who formed the hastati without shields. The fifth class furnished 30 centuries, twice the number of its junior votes, who formed the 30 centuries of velites. To these were added 10 turmae of cavalry, or 300 men. This was the division and arrangement of the army as a legion. But when it was necessary to vote in the camp, they would, of course, revert to the principles which regulated the division of the classes for the purpose of voting at home, and would reunite the centuries of the two classes that supplied 105 centuries of junior votes, or 90 with the fire unclassified centuries; that is to say, we have again 3×30, the prevailing number in Roman institutions. Of these, the first class with the fabri formed 41 centuries, leaving 49 for the other centuries; but with the first class the 10 turmae of the cavalry would also be reckoned as ten centuries, and the first class would have 51, thus exceeding the other main classes.

Such were the principles of the classification at the centuries, as it has been developed by Niebuhr. Their comitia were held in the Campus Martius without the city, where they met as the exercitus urbanus, or army of the city; and, in reference to their military organization, they were summoned by the sound of the horn, and not by the voice of the magistrates, as was the case with the comitia curiata.

On the connexion of this division into centuries with the registration of persons and property, see Censors and Census. The general causes of assembling the comitia centuriata were, to create magistrates, to pass laws, and to decide capital causes when the offence had reference to the whole nation, and not merely to the rights of a particular order. They were summoned by the king, or by the magistrates in the Republic who represented some of his functions, that is, by the dictator, consuls, pretors, and, in the case of creating magistrates, by the interrex also. The pretors could only hold the comitia in the absence of the consuls, or, if these were present, only with their permission. The consuls held the comitia for the appointment of the praetors and the "comevilla" (the priests, and the censors. It was necessary that seventeen days' notice should be given before the comitia were held. This interval was called a trimenidium, or "the space of three market-days" (trex nudanda, "three nine-days"), because the country people came to Rome to buy and sell every eighth day, according to our mode of reckoning, and spent the interval of seven days in the country ("reliquas septem rura coh- bant"). The first step in holding the comitia was to take the auspices. The presiding officer, accompanied by one of the augurs (austri adiutus), pitched a tent (tabernaculum cepit) without the city, for the purpose of observing the auspices. If the tent was not pitched in due form, all the proceedings of the comitia were utterly vitiated, and a magistrate elected at the election would declare the comitia null and void, unless they would be held in his office, as in the case mentioned by Livy.3 "Non tamen pro formato statut magistratus ejus ius: quia tertia mense, quam inierunt, augurum decreto, perito c- e-rati, honoré abire: quia C. Curtius, qui comitia corum praefurat, perum recte tabernaculum co- pisset." The comitia might also be broken off by a tempest; by the intercession of a tribune; if the standard, which was set up in the Janiculum, was taken down; or if any one was seized with the epig.
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The first step taken at the comitia centuriata was for the capite, who held them to repeat the words of a form of prayer after the augur. Then, in the case of an election, the candidates' names were read, and, in the case of a law or a trial, the proceedings or bills were read by a herald, and different speakers were heard on the subject. The question was put to them with the interrogation, *Felix, jubeatis, Quiritis*.” Hence the bill was cast to the vote of the people, and the question put was that of a plebiscita.* Hence the form of commencing the bill was: “Si voce videtur, disceare, Quiritis,” or “In sufragium, bene jurantis dixit, et quae patres consuerunt, vocabant.” The order in which the centuries voted was decided by lot; and that which gave its vote first was called the centuria praegrapho. The rest were called *partes vocato.* In ancient times the people were polled, as at our enclosure of the 26th of October. But at a later period the ballot was introduced by a set of special enactments (the leges tabulariae), having reference to the different objects in voting. These laws are enumerated by Cicero. 3.

1. *Sunt enim quattuor leges tabellariae: quarum prima de magistratibus mandantis; ea est Gabinius, latum valorem. Quae sunt? 2. Sed de secunda, quae post Cassia est, de populi judicio, a nobili homine fata L. Cassio, sed (pace familias dixerim) dissidente a bonis atque omnes rumutulos popularis ratione acuepante. Carbomius est tertia, de juvendia legibus et vetandis, sededitis atque impribo civis, cui ne deditis quidem ad bonos salutem a bonis potius affere. 3. Ubique leges huius modi voce publicarum voce suffragium, quod ipsa Cassius excepserat, perpetuam. Dedit hic quoque judicio C. Calvis tabellam, doluitque vadum xixi, se ut opprimeret C. Popillium, nocitasse reipublicae.” The dates of these four bills for the introduction of ballot at the comitia centuriata are as follows: 1. The Gabinian law, introduced by Gabinius, the pontifex maximus, in B.C. 140. 2. The Cassian law, B.C. 138. 3. The Papirian law, introduced in B.C. 132. 4. The Calian law, B.C. 108. In voting, the centuries were summoned in order into a boarded enclosure (septum or ovale), into which they entered by a narrow passage (pons) slightly raised from the ground. There was probably a different enclosure for each century or group of centuries, and the offices of the presiding magistrates were admitted into them in the plural. The tabellae with which they had to ballot were given to the citizens at the entrance of the pons by certain persons called *diribitori,* and here intimidation was often practised. If the business of the day were an election, the tabella had the initials of the candidates. If it were the passing or rejection of a law or a trial, they received two tabellae: one inscribed U.R., i.e., ut rogauj, “I vote for the law;” the other inscribed A., i.e., antiquo, “I am for the old law.”

Most of the terms are given in the following passage of Cicero: 4. *Quun die venisset rogatrum ex S. C. ferenda, concursabant barbatuli juvenes, et populum, ut antiquaret, rogabant. Pino autem consul, later rogatrum, idem erat disserans. Quae etiam statio elektor. tabellae: tabellae in centuriam, ita ut nulla daretur ut rogass.” In the old system of polling, each citizen was asked for his vote by an officer called *rogator,* or “the polling-clerk.” Under the ballot system they threw whichever tabella they pleased into a box at the entrance of the booths, and certain officers, called custodiae, were standing at the entrance to check the tabella (puncta) marked on a tablet. Hence punctum is used metaphorically to signify “a vote,” as in Horace: “Discedo Alcmea puncto illius;” and we have the metaphor at greater length,

“Centuriae xerorum agitans experta frugis, Celsi pretoreturn austera poenata Ramnas; Omne tuli punctum qui miscit utile dulci.”

The diribitori, rogatores, and custodiae were generally friends of the candidates, who voluntarily undertook these duties. But Augustus selected 900 of the equestrian order to perform the latter offices.

The acceptance of a law by the comitia centuriata did not mean its immediate adoption, as it had been sanctioned by the comitia curiata, except in those cases of a capital offence against the whole nation, when they decided alone. The plebeians originally made their testaments at the comitia centuriata, as the patricians did theirs at the comitia curiata; and as the *advocati* required a decree of the curiis, so the adoption of plebeians must have required a decree from the centuriat. Hence *plebiscita* was divided into those of the plebs or commonalty which took its rise from the formation of a domain or territory, and the tribes of the community or pale-burgers were necessarily local, that is, they had regions corresponding to each of them; therefore, when the territory diminished, the number of these tribes diminished also. Now, according to Fabian, there were originally 30 tribes of plebeians, that is, as many plebeian tribes as there were patrician curiae. These 30 tribes consisted of four urban and 26 rustic tribes. But at the admission of the Crustumine tribe there were only 20 of these tribes. So that probably the cession of a third of the territory to the Plebeians diminished the number of tribes by one third. 5.

It is an ingenious conjecture of Niebuhr's, that the name of the 30 local tribes was perhaps originally different, and that only 10 of them were called by the name *tribus;* hence, after the diminution of their territory, there would be only two tribes, and the two *tribuni plebis* were in fact two cousins or prætors who presided at the comitia tributa. Such being the nature of the plebeian tribes, no qualification of birth or property was requisite to enable a citizen to vote at the comitia tributa; whoever belonged to a given region, and was, in consequence, registered in the corresponding tribe, had a vote at these comitia. They were summoned by the *tribuni plebs,* who were also the presiding magistrates, if the purpose for which they were called, was the election of tribunes or ediles; but consuls or praetors might preside at the comitia tributa, if they were called for the election of other inferior magistrates, such as the questor, proconsul, or procurator, who were also elected at these comitia. The place of meeting was not fixed. It might be in the Curiae Hostilia and the Forum, in the Comitia Centuriata, in the Comitia Tributa, or in the Comitia Tributa majecta, or the Forum, or the Circus Flaminius. Their judicial functions were confined to cases of lesser importance. They could not decide in those referring to capital offences. In their legislative capa Against the city they passed *plebiscita,* or decrees of the plebs, which were originally binding only on themselves.


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whatever legislative enactments they pleased, without or against the authority of the senate. 2

COMMAC'TUS, a surlough, or leave of absence from the army for a certain time. 2 If a soldier exceeded the time allowed him, he was punished as a deserter, unless he could show that he had been detained by illness, or some other cause, which absolutely prevented his return. 2

COMMENTARIUS or COMMENTARIUM meant a book of memoris or memorandum-book, which the expression Comes Commiliarum Acts. Caesar libroes de bellis a se gestis commentarios incurripit, quod nudi essent omnes ornato virtutis, tangquam veste detracto. Hence it is used for a lawyer's brief, the notes of a speech, &c. 6

In the Digest the word commentarii is frequently used in the sense of a recorder or registrar; sometimes, as Valerius Maximus 6 uses it, for a registrar of prisoners; in other words, an jailer. 7 A military officer so called is mentioned by Asconius, 8 who probably had similar duties. The word is also employed in the sense of a notary or secretary of any sort.

Most of the religious colleges had books called Commentarii, as Commentarii Augurium, Pontifexium. (Vid. Fast.)

COMMISSARIO LEX. (Vid. CIVITAS, ROMAN.)

COMMISSARIUM. One sense of this word is that of "forfeited," which apparently is derived from that sense of the verb committere, which is "to commit a crime," or "to do something wrong." Asconius says that those things are commissaria which are either done or omitted to be done by a heres against the will of a testator, and make him subject to a penalty or forfeiture; thus, commissaria hereditata would be the inheritance forfeited for some act of commission or omission. Cicero speaks of an hypothecated thing becoming commissaria; that is, becoming the absolute property of the creditor for default of payment. A thing so forfeited was said in commissarium invicere or cadere. Commissarium was also applied to a thing in respect of which the vestigial was not paid, or a proper return made to the publilcian. A thing thus forfeited (vestigialum nomin) ceased to be the property of the owner, and was forfeited, under the Empire, to the fiscus. 10

COMMISSORIA LEX is the term applied to a clause often inserted in conditions of sale, by which a vendor reserved to himself the privilege of rescinding the sale if the purchaser did not pay his purchase-money at the time agreed on. The lex commissoria of Roman law was the equivalent of the modern conditional purchase; for in that case, if the property were placed in the hands of the purchaser, and damaged or destroyed, the loss would be the loss of the vendor, inasmuch as the purchaser, by non-payment of the money at the time agreed on, would fail to perform the condition; but it was an absolute sale, subject to be rescinded at the pleasure of the vendor, who, if not satisfied with the performance of the time agreed on, and, consequently, if after this agreement the property was in the possession of the vendor, and was lost or destroyed before the day agreed on for payment, the loss fell on the purchaser. If the purchaser intended to take advantage of the lex commissoria, it was necessary that he should declare his intention as soon as the condition was agreed on. In the case of the purchase-money after the day agreed upon, it was held that he thereby waived the advantage of the lex commissoria. (Vid. PONENS.) 11


COMMUNI DIVIDU'NDO A'CTIO is one of those actions which are called mixtæ, from the circumstance of their being partly in rem and partly in personam; and duplicia judicia, from the circumstance of both plaintiff and defendant being equally interested in the matter of the suit, though the person who instituted the legal proceedings was proper the actor. This action was maintainable between those who were joint owners of a corporeal thing which accordingly was called res communs; and it was maintainable whether they were owners (domini), or had merely a right to the publica actio in rem; and whether they were socii, as in the case of a joint purchase; or not socii, as in the case of a thing bequeathed to them (legata) by a testament; but the action could not be maintained in the matter of an hereditas. In this action an account might be taken of any injury done to the common property, or anything expended on it, or any profit received from it, by any of the joint owners.

Any corporeal thing, as a piece of land or a slave, might be the subject of this action.

It seems that division was not generally effected by a sale; but if there were several things, the judge would adjudicate (adjudicare) them severally 3 to the several persons, and order (condemnare) the party who had the more valuable thing or things to give (damnum) of the other thing or things to the other. It follows from this that the things must have been valued; and it appears that a sale might be made, for the judex was bound to make partition in the way that was most to the advantage of the joint owners, and in the way in which they agreed that partition should be made; and it appears that the joint owners might bid for the thing, which was common property, before the ; and if the thing was one and indivisible, it was adjudica- ted to one of the parties, and he was ordered to pay a fixed sum of money to the other or others of the parties. This action, and that of family erisunane, bear some resemblance to the now abolished English writ of partition, and to the bill in equity for partition. 9

COMMODA'TUM is one of those obligations which are contracted re. He who lends to another a thing for a definite time, to be enjoyed and used under certain conditions, without any pay or reward, is called commodans; the person who receives the thing is called commodatarius; and the contract is called commodatum. It is distinguished from mutuum in this, that the thing lent is not one of those things which are in cadere, numero, mensurase constant, as wine, corn, &c.; and the thing commodatum does not become the property of the receiver, who is therefore bound to restore the same thing. It differs from locatio et conductio in this, that the use of the thing is gratuitous. The commodatarius is liable to the actio commodati if he does not restore the thing; and he is bound to make good all injury which is done to the thing while it is in his possession, provided it be done by a careful person could have prevented, or provided it be done in such a manner that the thing has sustained in being used contrary to the conditions or purpose of the lending. In some cases the commodatarius had an actio contratua against the commodans, who was liable for any injury sustained by the commodatarius through his dolus or culpa; as, for instance, if he knowingly put the thing in other hands, and the wine or oil of the commodatarius was thereby lost.

COMMODIA (κομμωδία), a branch of dramatic poetry, which originated in Greece, and passed from thence into Italy.

COMÉDIA.

1. Greek Comedy, like Greek tragedy, arose from the worship of Bacchus; but comedy sprang from a more ancient part of Bacchic worship than tragedy. A band of Bacchic revelers naturally formed a comus (κομός); their song or hymn was properly a κομῳδία, or "comus-song," and it was not till a comparatively late period that the Bacchic ode or dithyramb was performed by a regular chorus. From this regular chorus the Tragedy of Greece was derived and so to the evolution of the Bacchic or phallic revelers we may assign the origin of comedy. It is true that Aristotle derives comedy from κωμή, "a village," so that κομῳδία is "the village song," but this etymology, like so many others proposed by Greek authors, is altogether inadmissible, however much it may be in accordance with the fact that the Bacchic comus did in time to village—it was a village or country amusement; but it is clear, from the manner in which Athenian writers speak of this Bacchic procession, that it was a comus; thus, in an old law, quoted by Demosthenes, 1 "Ο κόμος καὶ οἱ κωμῳδίαι, and Aristophanes, 2 Παῖξ, ἑταῖρε Βακ- 
χίων, ἤγγισε: and as the tragedy sprang from the regular chorus of Bacchic revelers, we have seen that the dithyramb, so this comus-song, as a branch of dramatic poetry, seems to be due to analogous effusions of the leaders in the phallic comus; and thus Anthes of the Lindian, according to Athenaeus, 3 Καὶ κομῳδίας ἐποίη καὶ ἄλλα τολὴ ἐν τούτῳ τῷ τραγῳ τοῦ ποιη- 
ματος, ἀ θέρηται τα μετ’ αὐτῶν φαλλοφοράς. This branch of Greek drama was very much enjoyed by the inhabitants of a little village in Attica, which claimed to have been the first to receive the worship of Bacchus in that part of Greece; and Susarion, a native of Tripodiscus, in Megara, was the first to win the prize—a basket of figs and a jar of wine—which was given to him as the successful leader of a comus of Icarian glue-rangers (ρυπαντίδων). For it can be shown that they adorned their faces with the lees of wine; a rude disguise, which was sometimes substituted for the mask worn by the κομῳδός, when they afterward assumed the form of a regular chorus. The Dorian of Megara seemed to have been from the first distinguished for a vein of coarse jocularity, which naturally gave a peculiar turn to the comus songs sung among them; and thus we find that comedy, in the old sense of the word, first came into being among the Megarians and their Sicilian colonists. 4 Susarion flourished in the time of Solon, a little before Thes- 
pis, but he seems to have stood quite alone; and, indeed, it is not likely that comedy, with its bold spirit of caricature, could have thriven much during the despoticism of the Pisistratids, which followed so close upon the time of Susarion. The very same 
causes which might have induced Pisistratus to encourage tragedy, would operate to the prevention of comedy; and, in fact, we find that comedy did not thoroughly establish itself at Athens till after the democratical element in the government had con- 
quered the aristocratic influence over the old ar- 
istocratical principles, namely, in the time of Pericles. The first of the Attic comedians, Chionides, Eclip- 
tides, and Magnes, flourished about the time of the Persian war; and were followed, after an interval of thirty years, by Cratinus, Eupolis, and Aristophanes, whom Horace justly mentions as the greatest authoress of the comedy of caricature. 5 This branch of comedy seems to have been the natural descendant of the satirical libation of Archilochus and others: it was a combination of the imaginary lampoon with the comus, in the same way as 
tragedy was a union of the epic rhapsody with the dithyrambic chorus. This old comedy ended with Aristophanes, whose last productions are very different from his early ones, and approximate rather to the middle Attic comedy, which seems to have sprung naturally from the old, when the free democratic spirit which had fostered its predecessor was broken and quenched by the events which followed the Peloponnesian war, and when the people of Athens were no longer capable of enjoying the wild license of political and personal caricature. The middle Attic comedy was employed rather about criticisms of philosophical and literary pretenders, and censures of the fobules and folies of the whole classes and orders of men, than about the personal caricature which formed the staple of the old com-
edy. The writers of the middle comedy flourished between B.C. 380 and the time of Alexander the Great, when a third branch of comedy arose, and was carried to the greatest perfection by Menander and Philemon. The comedy of these writers, or the new comedy, as it is called, went a step farther than its immediate forerunner: instead of criticizing some class and order of men, it took for its object the whole body of mankind, and treated it as a whole with a sort of general censure, or a comedy of character, like that of Far- 
quhar and Congreve; the object of the poet was, by some ingeniously-contrived plot and well-imagi-
inated situations, to represent, as nearly as possible, the life of Athens as it went on around him in its every-day routine; hence the well-known hyperbole addressed to the greatest of the new comedians: 

Δ Μέναντερ καὶ Μίλη, 
πάτερον ἵτ’ ὅσιον κτησίματο.

The middle and new comedy, though approaching much more nearly to what we understand by the name comedy, could scarcely be called by the name κομῳδία with any strict regard to the original meaning of the word; they had nothing in them akin to the old revelry of the κόμος: in fact, they had not even the comic chorus, which had succeeded and superseded the κόμος, but only marked the inter-
vals between the acts by some musical voluntary or interlude. It belongs to a history of Greek liter-
ature, and not to a work of this nature, to point out the various steps by which Attic comedy passed from its original boisterous and almost drunken merriment, with its personal invective and extravag-
rant indecency, to the calm and refined rhetoric of Menander and the progressive Epicureanism of Menander; still less can we enter here upon the literary characteristics of the differ-
ent writers whose peculiar tendencies had so much influence on the progressive development of this branch of the drama. It is sufficient for our pur-
purpose to point out generally the nature of Greek comedy, as we have done above, and to enable the student to understand and to appreciate the outward features of Greek comedy and tragedy.

The dance of the comic chorus was called the κόρδας, and was of the most indescribable description: the gestures, and, indeed, the costumes of the chor-
use, were such that even the Athenians consid-
ered it justifiable only at the festival of Bacchus, when every one was allowed to be drunk in hon-
our of the god; for, if an Athenian citizen danced the κόρδας sober and unmasked, he was looked upon as the most shameless of men, and forfeited alto-
gether his character for respectability. 1 Aristoph-


COMÉDIA.

chene, or imitative dance, in which the choreuta expressed the words of the song by merry gestures. Such a dance was the hyperchome of the Spartan δεικτής; a sort of merry-andrews, whose peculiar mimic gestures seem to have formed the basis of the Dorian comedy, which prevailed, as we have seen, in Megaris, and which probably was the parent stock, not only of the Attic, but also of the Sicilian and Italian comedy.

The comic chorus consisted of twenty-four persons, of half the number of the full tragic chorus; and as the comedians did not exhibit with tetralogies as the tragedians did, this mocide appeared on the stage undivided, so that a comedy had, in this respect, a considerable advantage over a tragedy. The chorus entered the stage in rows of six, and singing the parados as in tragedy; but the parados was generally short, and the stasimata still less important and considerable. The most important business of the chorus in the old comedy was to deliver the parabasis, or address to the audience. In this the chorus turned round from its usual position between the thymele and the stage, where the choreuta stood with their faces turned towards the actors, and made an evolution so as to pass to the other side of the thymele. Here they stood with their faces turned towards the spectators, and added to the apparatus of anapestic tetrameters, generally speaking in the name of the comic poet himself. When the parabasis was complete, it consisted of: 1. The κοιμάτων, a short introduction in trochaic or anapestic verse. 2. A long system of anapestic tetrameters, called the πιγος or the μαξοδ. 3. A lyrical strophe, generally in praise of some divinity. 4. The ἐπιθ., consisting of six verses, according to the number of six trochaic verses, in which the chorus indulged in witticisms directed against some individual, or even against the public in general. The parabasis, though a good deal refined by the better taste of Aristophanes, retained much of the abusive scripulity of the c1st race; so that we may regard it as the only living representative of the old wagon-joets of the phallic procession in which comedy originated, and as the type of that predominant element in the old comedy which the Roman satirist Lucilius made the object of his imitations.

II. ILLIAN COMEDY may be traced, in the first instance, to the rude efforts of the Dorian comus in Sicily. It has been shown by Müller that even the Oean fastas, called the fabula Attelana, which passed from Campania to Rome, may be traced to a Dorian origin, as the names of some of the standing masks in these fastas, such as Pappus, Maceus, and Simus, are clearly Greek names. The more complete development of the Sicilian comedy by Epicharmus appears to have paved the way for the establishment of a more regular comic drama in Italy. Imitations of Epicharmus seem to have been common from Campania to Rome, and may be traced so early as B.C. 240. Livius Andronicus exhibited at Rome translations or adaptations of Greek comedies, in which he did not attempt to obliterate the traces of their Greek origin: on the contrary, from first to last, most of the Latin comedies were pro-"fessedly Greek in all their circumstances; and the translators or imitators, though many of them were men of great verum, did not hesitate to speak of themselves as barbari in comparison with their Greek masters, and called Italy barbara in comparison with Athens. The Latin comedians, of whom we can judge for ourselves, namely, Plautus and Terence, took their models chiefly from the new comedy of Greece. The latter, as far as we know,

never imitated any other branch of Greek comedy. But Plautus, though he chiefly follows the poets of the middle or new comedy, sometimes approximates more nearly to the Sicilian comedy of Epicharmus, or to the σατυρική of Rhinthon and others. It is doubtful whether the Amphitryon, which Plautus himself terms a tragicco-comedia, is an imitation of Rhinthon or of Epicharmus. That Plautus did imitate Epicharmus is clear from the words of Horace:Dicitur ... Plautus ad exemplar Siciliani Epicharmi;" and A. W. Schlegel would infer from this passage alone that the Amphitryon was borrowed from some play by Epicharmus, whom, as is well known, composed comedies on mythical subjects like that of the Amphitryon of Plautus.

Although Roman comedy, as far as it has come down to us, is cast entirely in a Greek mould, the Romans had authors who endeavored to bring forward these foreign comedies in a dress more Roman than Grecian. Comedies thus constructed were called fabula togate (from the Roman garb, the toga, which was worn by the actors in it), as opposed to the fabula palliata, or comedies represent ed in the Greek costume. From the words of Horace in the passage referred to above, it is sufficiently obvious that the fabula togate was only an imitation of the Greek new comedy clothed in a Latin dress: "Dicitur Afranti toga conveniebat Menandro." Not that the writers of these comedies absolutely translated Menander or Pluteus, like Plautus and Terence; the argument or story seems to have been Roman, and it was in the method and plan that they made the Greek comedians their model. For this, also, we have Horace's testimony.

"Nol intematur nostrà lique pòetà: Nee minimum mearse decus, vestigia Graeci Assi deserre, et celebrare donnatiae finita, Vel qui prætextas, vel qui docueris togatam." The protatestate fabula alluded to here was a sort of history.

"The protateuta merely bore resemblance to a tragedy: it represented the deeds of Roman kings and generals; and hence it is evident that at least it wanted the unity of time of a Greek tragedy—that it was a history, like Shakespear's." The grammarians sometimes speak of the protateuta as a "kai touto komedia," which it certainly was not. The clearest statement is that of Euthyphion (de fabula): "Illo vero tenendum est, post video kymainh Lai- noe multa fabularum genera protrulisse: ut togatas, a scenisatis etiam argumentum Latinis; protateutis atque dignitatem personarum et Latina historia; Attelana, a civitate Campaniae, ubi actae sunt phrime; Rhinthonias, a auctoribus nomine; tabernarias, a humilate argumenti et styli; mimos, ad dictura imitatione rerum et levium personarum." But even here there is a want of discrimination; for the mi- mus was entirely Greek, as the name shows; the Latin style corresponding to it was the planipecs. Hermann has proposed the following classification of Roman plays, according as they strictly followed or deviated from their Greek models:

Argumentum.


1. (Epist. II. 1., 58.)—2. (Hor. Epist. II. 1., 57.)—3. (Epist. II. 1., 282, &c.)—4. (Nicolius, Hist. Rom., vol. i., liv. ii., 24.)—5. (Opuscula, v. 260.)—6. (De Fabula Romanum to gutta, p. 50.)
CONCUBINA.

that is, festivals which were celebrated on days ap
pointed annually by the magistrates or priests.
The exact day on which this festival was celebrated
appears to have varied, though it was always in
the winter. Dionysius¹ says that it was celebrated
a few days after the Saturnalia, and Cicero² that it
fell on the Kalends of January (the old editions
read lii. Kal. Jan.). But in one of his letters to At-
tilus³ he speaks of it as falling on the fourth before
the nones of January. The exact words in which
the announcement of the day on which the compi-
talía was to be kept, are preserved by Macrobius⁴
and Aulus Gellius⁵: "Die · Noni · (i. e., nono)
Popolo · Romano · Quiritibus · Comptalia ·
Exe · Quando · Concepta · Forevint · (or · fa-
te · Fourth · of · a · New · Year)," ⁶

COMPLUVIUM. (Vid. House.)

CONCHA (κόχυς), a Greek and Roman liquid
measure, of which there were two sizes. The
smaller was half the cyathus (≈ 0412 of a pint
English); the larger, which was the same as the
oxybaphum, was three times the former (≈ 1238
of a dry gill). ⁷

*CONCHA (κόχυς), a term frequently applied,
like conchylia, to shell-fish in general, but more
particularly to the Chame. Horace, it is probable,
means the Chame in the following line: "Mittulis
et vitres pellett oldastia concia." ⁸

*CONCHYLIIUM (κοχυλίαν). This term is
sometimes used in a lax sense, as applied to the
Tartessus in general, or to those in the apparatus
of their flesh. ⁹ Xencoruses uses κοχυλίαν in the
same sense. ¹⁰ It is also applied to the Purpura
in particular, and likewise to the purple coloured
from it. According to Aldrovandus, Horace applies
it to oysters in the following line: "Miscervis sīa
simil conversionis turdiz." ¹¹

CONCUBINA (GREEK). The παλλακάς or
παλλακις occupied at Athens a kind of middle rank
between the wife and the harlot (πραιση). The
distinction between the ἔταιρα, παλλακάς, and legal
wife is accurately described by Demosthenes. ¹² τῆς
μεν γὰρ ἕταιρα ήδης ἕνα ἔχον τὸ δὲ παλλακάς,
τῆς ἐπεξηγεῖτο ὅτι αὐτὰ ἔχειν τὸς γυναῖκας,
τόν δὲ παλλακήν γυναῖκας καὶ τὸν ἴκανον φίλον
τίν τινί ἔχειν. Thus Antiphon speaks of the παλλακάς
of Philoneus as following him to the sacrifice, ¹³ also
waiting upon him and his guest at table. ¹⁴ If
her person were violated by force, the same penalty
was exigible from the ravisher as if the offence
had been committed upon an Attic matron; and a man
conspiring together with a harlot in the sacrificial
intercourse with his παλλακή, might be slain by
him on the spot, as in the parallel case. ¹⁵ (Vid.
ADUERTEM.) It does not, however, appear very
clearly from what political classes concubinae were
chiefly selected, as cohabitation with a foreign (ξένη)
woman was strictly forbidden by law, ¹⁶ and the
provision of concubines for the army in time of war
must in most cases have prevented their sinking to
this condition. Sometimes, certainly, where there
were several destitute female orphans, this might
take place, as the next of kin was not obliged to
provide for more than one; and we may also
conceive the same to have taken place with respect
the daughters of families so poor as to be unable
to supply a dowry. ¹⁷ The dowry, in fact, seems to
have been a decisive criterion as to whether the

¹. (iv., p. 210.)—2. (in Pasen., c. 4.)—3. (vii., 7.)—4. (Sat.,
1, 7.)—5. (x., 29.)—6. (Hussey, p. 207, 209.—Wurm, p. 299.)
7. (Sat., De Hist.: ii., 5.—8. (De Aliment., ex Simplic.):—9. (Sat.,
ii., 2, 74.)—11. (c. Neer., p. 1866.)—12. (Acc. de Værob.,
13. (ii., p. 61.)—14. (De Quir., p. 120.)—15. (De Est., 139.)
1394.)—18. (Piat., Triunam., iii., 63.)

CONCUBINA.

1. (Dig. 16, tit. 2.)—2. (Varro, De Ling. Lat., vi., 25, ed.
Müller.—Festus, c. v., 3.)—3. (Plin., H., xx., 76.7.)—4. (Sat.,
1, 7.)—5. (Suet., Octav., 51.)
When the word came afterward to be applied more strictly as a repository for the dead.

In the earlier ages of Greek and Roman history, the body was consumed by fire after death (vid. Bystum), the ashes only receiving sepulture; and as there could be no danger of infection from these, the sepulchres which received them were all above ground. 1 But subsequently, when this practice fell into partial or entire disuse, it became necessary to provide sepulchres for the bodies of both males or females, or, in contrast to those which contained the bones and ashes only. It is so used by Petronius 2 for the tomb in which the husband of the Ephesian matron was laid; by Pliny, 3 for the vault where the body of a person of gigantic stature was preserved entire; and by Quintilian 4 for the chamber in which a dead body is laid out, "cubulum conditiorum mortis tua," in a single passage of Pliny 5 it is synonymous with monument, and in an inscription, 6 "ollas vi. minores in avito conditorio," the mention of the cinerary olla indicates, that the tomb alluded to was of the kind called columbarium. (Vid. Columbarium.) The corresponding word in Greek is οὐσίων οὐκ ἐνεπέτευξα, ἔππεγερε. 7

Conditorium is also used for the coffin in which a body was placed when consigned to the tomb and when used, the same distinction is implied. 8 CONEION (κεισεως), Hemlock, or Conium maculatum. It is called Cicutae by Celsus. This poisonous plant possesses highly narcotic and dangerous qualities, and an infusion of it was given at Athens to those who were condemned to capital punishment. By a decocation of this kind Socrates lost his life. The effects of the poison in his case are strikingly described in the Phaedon of Plato. Sithorp found the θειοςεως between Athens and Megara. It is not unfrequent throughout the Peloponnesus also. The modern Greeks call it Βροονικοτευ. 9

CONFERREA TIO. (Vid. Marriage.)

CONFESSORIA ACTIO is an actio in rem, 10 by which a person claims a jus in re, such as the use and enjoyment (usu fructus) of a thing, or claims a servitut (jus cundi, agenda, &c.). The actio negotaria or negotativa is that in which a person disputes a jus in re which another claims and attempts to exercise.

If a person has claimed a servitus, each may bring his action; if several claimed as fructuarius, they must join in the action. None but the owner of the property, to which the servitus was allotted to be due, could maintain a directa actio for it. The condemnation in the actio confessoria was adapted to secure to the fructuarius his enjoyment of the thing if he proved his right, and to secure the servitus of the plaintiff made out his claim to it.

The negotaria were those in which a person was to claim a servitus to a thing against a person who claimed a servitus in it, and at the same time endeavored to exercise it. The object of this action was to prevent the defendant from exercising his alleged right, and to obtain security (cautio) against future attempts, which security it was competent for the judex to require. But this action was extended to the getting up of a nuisance; as, if a man put a heap of dung against your wall so as to make it damp; or

Thus, in the case of a man building on another man's ground, the building belonged to the owner of the ground (superficies solo cedit); or in the case of a tree planted, or seed sown on another man's ground, the rule was the same. If a man wrote, even in letters of gold, on another man's parchment or paper, the whole belonged to the owner of the parchment or paper; in the case of a picture painted on another man's canvass, the canvass became the property of the owner of the picture. If a piece of land was torn away by a stream (avulso) from one man's land and attached to another's land, it became the property of the latter when it was firmly established by a stream. It was thus acquired from that of Alluvio. And in all these cases the bungling party was entitled to compensation, with some exceptions as to cases of mala fide.


Thus the commixtio, or mingling of things, is itself a null action; it cannot be this which we have been speaking of. Thus, in the case of a man building on another man's ground, the building belonged to the owner of the ground (superficies solo cedit); or in the case of a tree planted, or seed sown on another man's ground, the rule was the same. If a man wrote, even in letters of gold, on another man's parchment or paper, the whole belonged to the owner of the parchment or paper; in the case of a picture painted on another man's canvass, the canvass became the property of the owner of the picture. If a piece of land was torn away by a stream (avulso) from one man's land and attached to another's land, it became the property of the latter when it was firmly established by a stream. It was thus acquired from that of Alluvio. And in all these cases the bungling party was entitled to compensation, with some exceptions as to cases of mala fide.


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CONSTITUTIONES.

CONSIDER.

sometimes also termed congiiaria. Congiiaria was, moreover, occasionally used simply to designate a present or a pension given by a person of high rank, or a prince, to his friends; and Fabius Maximus called the presents which Augustus made to his friends, on account of their smallness, hennervatives, or head of congiiaria, because hennervative was only the twelfth part of a congius.

CONGIUS, a Roman liquid measure, which contained six sextars, or the eighth part of the amphora (=5.9471 pints Eng.). It was equal to the larger χοῖρος of the Greeks. (Vid. Chus.) Cato tells us that he was wont to give each of his slaves a congius of wine at the Saturnalia and Compitalia. 5 Pilate is said to have used it for hard drinking, 6 that Novellus Torquatus Mediolanensis obtained a cognomen (tricongius, a nine-bottle-man) by drinking three congii of wine at once.

There is a congius in existence, called the congius of Vespasian, or the Farme congius, bearing an inscription, which states that it was made in the year 75 A.D., according to the standard measure in T. Capit., and that it contained, by weight, ten pounds. (Imp. Caes. vi. T. Cap. Aug. P. III. Cap. Mensusurae exacte in Capitolio, P. x.) By means of this congius the weight of the Roman pound has been ascertained. (Vid. Libra.) This congius holds, according to an experiment made by Dr. Hase in 1824, 52037692 grams of distilled water. Now the imperial gallon of eight pints, as determined by act of Parliament in 1824, holds 10 lbs. avoirdupois, or 70,000 grams of distilled water. Hence 52037692 x 8 = 5-9471, as above. Its capacity in cubic inches is 200-1241.

A congius is represented in Fabretti. 7

*CONILE (κονιά), a plant, most probably, as Sprengel suggests, the Saturcia Greca, or Greek Savory.

CONNIUM. (Vid. Marriage.)

CONOPÆUM (κουπανοε), a gnat curtain, i.e., a covering made to be expanded over beds and couches to keep away gnats and other flying insects, so called from κουφα, a gnat.

The gnat-curtains mentioned by Horace 8 were probably of linen, but of the texture of gauze. The use of them is still common in Italy, Greece, and other countries surrounding the Mediterranean. Congiaria, or gnat curtains, were extremities of the Roman Senate.

According to Herodotus, 9 the Egyptian fishermen used to provide a substitute for gnat-curtains in the following manner: The fisherman, having gone through the day worked at his employment with his casting-net (αμφιθάλαντος), in the evening fixed the point of it on the top of an upright pole, so that it might be expanded round him in the form of a tent. Under this he reposed, secure from the attacks of the gnats, which, as has been lately proved, will not pass through the meshes of a net, though quite wide enough to admit them. 10

*CONOPS (κουφα), a name most properly applied to the Culex pipiens, or Gnat. Schneider, however, shows that it is sometimes indiscriminately applied also to the Ephesia (Mayfly), and the Phryganus. 11

CONQUISITORES. These persons were employed to go about the country and impress soldiers,

when there was a difficulty in completing a levy. Sometimes commissioners were appointed by a decree of the senate for the purpose of making a consequitio. 12

CONSAU/NEI. (Vid. CONGIAT.)

CONSECRA'TIO. (Vid. Apothegm.)

CONSILIA/R. (Vid. Conventus.)

CONSILIUM. (Vid. Conventus.)

CONSTITUTIO'NES. "Constitutio principia," says Gaits, 13 "is that which the imperator has constituted by decretum, edictum, or epistola; nor has it ever been doubted that such constitutio has the force of law, inasmuch as by law the imperator receives the imperium. Hence such laws were often called " Constitutio principia."

An imperial constitution, then, in its widest sense, might mean everything by which the head of the state declared his pleasure, either in a matter of legislation, administration, or jurisdiction. A decreum was a judgment in a matter in dispute between two parties which came before him, either in the way of appeal or in the first instance. Edicta, so called from their analogy to the old edict, edictes, rescripts, leges, leges perpetue, &c., were laws binding on all the emperor's subjects. Under the general head of rescripta 4 were contained epistolas and subscriptiones, 5 which were the answers of the emperor to those who consulted him either as public functionaries or individuals. 6 In the time of Tiberius, the word rescriptum had hardly obtained the legal signification of the time of Gaits. It is easy to see how in the later constitutions the emperors, from their nature, have the force of leges genera, but, inasmuch as these determinations in particular cases might be of obvious general application, they might gradually obtain the force of law.

Under the early emperors, at least in the time of Augustus, many leges were enacted, and in his time, and that of his successors to about the time of Hadrian, we find innumerable senatorial constitutio.

In fact, the emperor, in whom the supreme power was vested from the time of Augustus, exercised his power through the medium of a senatorial consultum, which he introduced by an oratio or libellus, and the senatorial consultum was said to be made " imperatore auctore." Probably, about the time of Hadrian, senatorial consultum became less common, and finally imperial constitutions became the common form in which a law was made.

At a later period, in the Institutes, it is declared, that whatever the imperator determined (constituit) by epistola, or decided judicially (cognoscens decrevit), or declared by edict, was law; with this limitation, that those constitutions were not laws which in their nature were limited to special cases.

Under the general head of constitutio we also read of mandates, or instructions by the Caesar to his officers.

Many of these constitutions are preserved in their original form in the extant codes. (Vid. Codex Theodosianus, &c.)

CONSU/A, a festival, with games, celebrated by the Romans, according to Festus, Ovid, 14 and others, in honour of Consus, the god of secret deliberation, or, according to Livy, 15 of Neptune Equestris. Plutarch, 16 Dionysius of Halicarnassus, 17 and the Pseudo Asconius, however, 18 say that Neptune Equestris and Consus were only different names for one and the same deity. It was solemnised every year in the circus by the symbolic ceremony of uncovering an altar dedicated to the

1. (Hirt, De Bell. Alex. i., 22.—Liv. xxi., 11.—2. (Liv. xxi., 5.)—3. (i. 5.—4. (Gaius, i., 93.—5. (Gaius, 75, 73.—6. (Cic., de Leg., xi., 12.—7. (Suet., Augustus, Appellation.)—8. (Epod. xiii., 9).—10. (See Judith, viii., 9; ii. 9; ix. 18.—11. (Gaius, vi. 90.—12. Spencon a Trans. of the Entomological Society for 1834.—13. Aristot., h. A., iv., 7.—Eliani, n. A., xiv., 22.)
gut, which was buried in the earth. For Romulus, who was considered as the founder of the festival, was supposed to have discovered an altar in the earth on that spot. The solemnity took place on the 23rd of August with horse and chariot races, and libations were poured into the flames which consumed the sacrifices. During these festive games, horses and males were not allowed to do any work, and were adorned with garlands of flowers. It was at their first games that they introduced the ancient custom on the Sabine maidens were carried off. Virgil, in speaking of the rape of the Sabines, describes it as having occurred during the celebration of the Circensian games, which can only be accounted for by supposing that the great Circean games, in subsequent times, superseded the ancient Consulalia, and that thus the poet substituted games of his own invention for the ancient一处, with the same name, to the ancient consul. Thus consules is tantamount to consentes, the name given to Jupiter's council of gods. This is not quite correct. The syllable sul contains the root of the verb salio, "to go" or "come;" and consul-sul-tum is merely "a coming together," like convensus, contio. So consules are "a coming together," praevid他 who goes before," except he who goes out.

The institution of consuls or joint presidents of the state seems to have been intimately connected with the first principles of the Roman political system. The old tradition with regard to the first two kings seems to point directly to something of the kind, and Servius, in his Commentaries, has made a perfect fit for a restoration of the old division of the sovereign power between two functionaries. They do not, however, appear to have existed under this name till after the expulsion of Tarquinius, when L. Junius Brutus and L. Tarquinius Collatius (or M. Horatius) were appointed chief magistrates at Rome with this title. At the first election, the two elected were to choose one of their number to be consul at Rome, and had all the power of the kings whom they succeeded. Cicero ascribes to them the regia potestas: "Idque in republica nostra maxima valuit, quod ei regalis potestas praeexit—quod et in his etiam qui nunc regnant manet." "Quibus autem regia potestas non placuit, non ni femin, sed non se cum ipse minor potestate numquam regal, with the exception of the golden crown, which they did not wear at all, and the trabea, which they only wore on the occasion of a triumph. They had ivory sceptres surmounted by eagles; in the public assemblies they sat upon a throne (sella curulis); they had an elevated seat in the senate, where they presided; they appointed the praetors; they contracted foreign alliances; they had the jurisdiction, i.e., they were the supreme judges in all suits, whence we also find them called pretatores; and they had the imperium, or supreme command of the armies of the state. The most prominent outward symbols of their authority were the fasces, or bundle of rods surrounding an ax, and borne before the consuls by twelve lictors or beards.

At first each of the consuls had his own twelve lictors; but P. Valerius, called Publius, from his attention to the wishes of the populus, or original burgesses, removed the axe from the fasces, and allowed only one of the consuls to be preceded by the lictors while they were in Rome. The other consul was attended only by a single accensus. This division of the honours was so arranged that the consuls enjoyed the outward distinctions alternately from month to month; the elder of the two consuls received the fasces for the first month, and so on, till the reign of Augustus, when it was decreed by the Lex Julia and Papia Poppaea, that the precedence should be given to him who had the greater number of children. To this alternation in the honours of the consulate Horace seems to refer indirectly, when he says,

"Virtus, repulse nescia soror,
Intaminitas fulget honoribus:
Nec summi aut posti secures
Arbitrio popularum aura." 1

While they were out of Rome, and at the head of the army, the consuls wore their insignias in the fasces, and each had his own lictors as before the time of Valerius.

The consuls were for some time chosen only from the populus or patricians, and, consequently, always sided with their own order in the long struggle which was carried on between the patricians and the plebeians. The first showing of their power was great enough, when the senate of the tribune plebis, who were a sort of plebeian consuls, and, like the others, were originally two in number. They presided at the comitia tributa, or assemblies of the plebs, as the consuls did at the other comitia, and had the right of interposing a veto, which put a stop to any consular or senatorial measure. The consular office was divided among the two, the consules, the term being of the same length as that of the tribuni plebis, and their functions performed by a board of ten high commissioners (decemviri), appointed to frame a code of laws, according to a motion of the tribune Terentius. On the re-establishment of the consulate in B.C. 444 the tribunes proposed that one of the consuls should be chosen from the plebeians, and this gave rise to a serious and prolonged struggle between the two orders, in the course of which the office of consul was again suspended, and its functions administered by a board of tribuni militares, corresponding to the στρατηγοι at Athens. At length, in B.C. 366, the plebeians succeeded in procuring one of the consuls to be elected from their own body, and after that time, so far as we have any record of them, the two consuls, in their own turn, were chosen from the plebeian order. The prerogatives and functions which were originally engrossed by the consuls, were afterward divided between them, and different magistrates appointed to relieve them under the great pressure of business introduced by the increase of the state. The consuls, appointed in B.C. 442, performed some of their duties, and the first elected in B.C. 365, undertook the chief part of the jurisdiction, or judicial functions of the consuls. When a consul was appointed to some command or office out of Rome, he was said provinciam accipere; and when the consul was appointed to a foreign command after the expiration of his year of office, he was called praetor domino. In the Greek writers on Roman history, the consulate is called the consules; the praetores were called praetores; and the consules were called consules. In the old period, the consul might also be succeed by the dictator, who was appointed with absolute power for certain emergencies. A similar authority, however, was occasionally vested in the consuls themselves by virtue of the senatus decreto, which was worded, "Videntes consules ne quid repudiae deserentem capitum, s. l. conj. consules look to it, that no harm befall the state." 2

The consuls were elected some time before they

1 (Carm., III, ii, 17)
entered upon their office, and till then were called *contubernalis*.
In later times they entered on their office on the 1st of January, and were obliged to take the oath of office within the five days following, the effect of which they had to repeat in an oath which they took on quitting their office at the end of the year. The commencement of the consulate was always celebrated by a solemn procession to the Capitol, and a sacrifice there to Jupiter Capitolinus, and after that there was a great meeting of the consuls, the "Convivium" (B.C. 181) it was decreed that the consul should be 43 years of age.
But many were elected consuls at an earlier age. It was also a law that an interval of ten years should elapse between two elections of the same person to the office of consul; but this law was not strictly observed, and instances occur of five or six re-elections to this office. C. Marius was seven times consul.
The office of consul continued after the downfall of the Republic. In the reign of Tiberius the consuls were no longer elected by the people, but were appointed by the senate; and subsequently the number was increased, and consuls were appointed for a part of the year only, till at last it became only an honorary or complimentary appointment. In these times the consuls were divided into several classes: the *consules ordinarii* (who were the nearest representatives of the older consuls; the *consules suffecti*, appointed by the emperors for the rest of the year; and the *consules honorarii*, who had only the name, without a shadow of authority.
The consuls, like the ἄρχων ἐπόνομος at Athens, gave their names to the year; calendars or annual registers were kept for this purpose, and called *Consularia*. The last consul serving a year, was called Basilius junior, in the reign of Justinian, A.D. 1294, A.D. 541.

**CONVIVIUM. (Vid. Obligations)**

*Contubernales (στενάκιον).* This word, in its original meaning, signified men who served in the same army and lived in the same tent. It is derived from taberna (afterward tabernaculum), which, according to Festus, was the original name for a military tent, as it was made of boards (tubae). Each tent was occupied by ten soldiers (*contubernales*), with a subordinate officer at their head, who was called *decanus*, and in later times *caput contubernii*.3

Young Romans of illustrious families used to accompany their father on a military general on his expeditions or to his provincial triumphs, under his superintendence a practical training in the art of war or in the administration of public affairs, and were, like soldiers living in the same tent, called *contubernales*.3

In a still wider sense, the name *contubernales* was applied to persons connected by ties of intimate friendship, and living under the same roof; and hence, the word is used to describe a band of training slaves, who were not allowed to contract a legal marriage, lived together as husband and wife, they were called *contubernales*; and their connexion, as well as their place of residence, *contubernium*. Cicero calls Caesar the *contubernales* of Quirinus, thereby alluding to the fact that Caesar had allowed his own statues to be erected in the temple of Quirinus.4

**CONVOLUMUS. (Vid. Contubernales, Concubina.**

[CONUTS (κούτιον, from κεῦτο, I prick or pierce.)]


[CONVOLVULUS. (κούτιον, from κεῦτο, I prick or pierce.)]


was, as Nonius 1 expresses it, a long and strong wooden pole or stake, with a pointed iron at the one end.2 It was used for various purposes, but chiefly as a punt-pole by sailors, who, in shallow water, thrust it into the ground, and thus pushed up the boat.2 It also served as a means to sound the depth of the water.5 At a later period, when the Romans became acquainted with the huge lance or pikes of some of the northern barbarians, the word *contus* was applied to any kind of weapon, especially spear or spear-like to the Sarmanians were always designated by this name.6

**CONVENTER IN MANUM. (Vid. Marriage.)**

*Conventer (στρογγυλός, στρογγυλός, or στρογγυλόν)* is properly a name which may be given to any assembly of men who meet for a certain purpose. But when the Romans had reduced foreign countries into the form of provinces, the word *contus* was used to designate the civil police, a term similar to the Sarmanians were always designated by this name.6

**CONVENTIVUM IN MANUM. (Vid. Manumission.)**

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**CONVOLVULUS. (κούτιον, from κεῦτο, I prick or pierce.)**


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epithet of 

C. 

to grow as a vegetable underneath the waves, and to harden into stone when removed from its native element.11

The corn was measured after threshing, *corvus palustris*, which held a certain measure of green food for cattle; *corvus constricte*, when put over the noses of cattle with sore mouths, like a muzzle, to prevent them from rubbing their lips. These were all of the larger sort, the same as that mentioned by Plautus, "Geriote amicus vestris aurum coribulis."

The smaller basket (*corbula*) was used for gathering fruit (*aliquot corbulas unaram*); as a breakfast dish, *corbulae unaram*; for carrying up vials from the kitchen to the *canaeum* and, when Nero attempted to cut through the Isthmus of Corinth, he put the earth into a *corbula*, which he took from a soldier, and carried it away on his shoulders (*limestone corbulae congetas*), which identifies the sort of basket termed *kophos* by Josephus, which constituted part of the marching accoutrements of every Roman soldier.

The *corbus* was also used in the Roman navy. Being filled with stones, it afforded a substitute for an anchor in places where the soil was impervious to, or not sufficiently tenacious for, the fluke of an anchor, which practice is not yet forsaken, for the writer has repeatedly seen the identical "*corbella*" delineated above so applied in the bay of Mola di Gaeta.

CORBITAE, merchants of the larger class, so called because they hung up a *corbus* at the masthead for a sign. They were also termed *omeraria*; and hence Plautus, in order to designate the voracious appetites of some women, says, "Corbitam cibi comesse possunt." They were noted for their heavy build and slaggish sailing, and carried passengers as well as merchandise, answering to the large "fetucca" of the present day. Cicero proposed to take a passage in one of these vessels from Rhagium to Puteoli, which he opposes to the smaller class of *jackets* (*actuatario*).

*CORCHUS* (*kophoros*), a plant, probably the same with the Jews' *malow*, or *Corchorus olitorius*. It is still used as a potherb by the Jews at Aleppo. A *Japanese* species of this shrub is well known in Great Britain, according to Adams; but the *Corchorus olitorius* is seldom cultivated.

*CORYLUS* (*kordoneor*), an amphibious animal described by Aristotile.

"From the discussions of Belon, Rondalet, Gesner, and Schneider, it would appear to be settled," remarks Adams, that it was a sort of Lizard, probably a variety of the *Siren Lacertata*.

II. The fry of the Tunny-fish, according to Pliny. Modern naturalists, however, think that it is probably a variety of the *Scomber-thynnus*, L.

*CORNIDIUM* (*kophiavon or kophos*), Coriander, or *Coriandrum sativum*. It grows wild in Italy. The name is derived from the strong smell of *bedungs* (*kophos*, "a bedbug") which the seed has when fresh. The synonyms say there were several kinds. According to Pliny, Coriander-seed, taken in moderate quantities, was good in aiding digestion; and the ancients, therefore, generally took it after eating. Sibthorp makes the modern Greek name to be *kophiavon or kowbaraz.* He found it a Peloponnese (the Morea) and the island of Cythera.

*CORIS* (kopher), I., a name applied to several species of the genus *Cimerius*, or bug. (*Vind. Corix*).

II. A plant, the same with the *Hypericum Coris*, L.

CORDAX. (Vid. Ceidia, p. 299.)

CORNELIA LEX. (Vid. Majestas, Repertum, &c.)

CORNELIA FULVIA LEX. (Vid. Ambratus.)

CORNELIA LEX DE FALSIS. (Vid. Falis.)

CORNELIA LEX DE INJURIS. (Vid. Injur.)

CORNELIA LEX DE SICARIIS ET VENERIS. (Vid. Silvis.)

A law of the Twelve Tables contained some provision as to homicide, but this is all that we know. It is generally assumed that the law of Numa Pompilius, quoted by Festus, "Si quis hominem liberum dolo scientis morti duxit partici est", was incorporated in the Twelve Tables, and is the law referred to which Pliny refers; but this cannot be proved. It is generally supposed that the laws of the Twelve Tables contained provisions against incantations (*natulum cartum*) and poisoning, both of which offences were also included under *parricidium*: the murderer of a parent was sewed up in a sack (*culesus or culceus*) and thrown into a river. It was under the provisions of some old law that *parricidium*, by a *canaeum* or ordered the *confio* P. Scipio and D. Brutus (B.C. 138) to inquire into the murder in the *Silva Scantia* (*Silvis*). The lex Cornelia of Sicaris and Veneficus was passed in the time of the dictator Sulla, B.C. 82. This lex contained provisions as to death or fire caused by dolus malus, and against persons going about armed with the intention of killing or slaying. The law not only provided for cases of poisoning, but contained provisions against those who made, sold, bought, possessed, or gave poison for the purpose of poisoning; also against a magistrate or senator who conspired in order that a person might be condemned in a judicium publicum, &c. To the provisions of this law was subsequently added a *lex consularis* against mas-sacrificia, otherwise called impia sacrificia, the agents in which were brought within the provisions of this lex. The punishment inflicted by this law was the interdictio aequ et ignis, according to some modern writers. Marcian says that the punishment was deportatio in insulam et honorum ademtio. These statements are reconcilable when we consider that the deportatio under the emperors took the place of the interdictio, and the expression in the Digest was suited to the period to which the laws or the compilers. Besides, it appears that the lex was modified by various senatus consulta and imperial rescripts.

The lex Pompeia of Parricidios, passed in the time of Cn. Pompeius, extended the crime of parricide to the killing (dolo male) of a brother, sister, uncle, aunt, and many other relations enumerated in the lex. This enumeration also comprised victrices, novercas, proxenae, prives, prives servandas, patrona, an avus who killed a nepos, and a mother who killed a filius or filia; but it did not extend to a father. All privy to the crime were also punished by the law, and attempts at the crime also came within its provisions. The punishment was the same as that affixed by the lex Cornelia of Sascria, by which means the same punishment is inflicted on the fixed crimes of the same kind. He who killed a father or mother, grand-father or grandmother, was punished (more majo-rum) by being whipped till he bled, sewn up in a
CORNU.

From which lines we learn the distinction between the cornu and lituus, as from Ovid we learn that between the tuba and cornu:

"Non tuba directi, non aris cornua flexi."

The preceding woodcut, taken from Bartholinus, illustrates the above account.

CORONA (στρέφανος), a Crown; that is, a circu-
lar ornament of metal, leaves, or flowers, worn by
the ancients round the head or neck, and used as a
festival as well as funereal decoration, and as a re-
ward of talent, military or naval prowess, and civil
worth. It includes the synonyms of the species,
for which it is often used absolutely, ασπίδα, αττί
στρέφανος, corolla, setum, a garland or wreath.

The first introduction of this ornament is attri-
buted to Janus Bifrons, the reputed inventor of ships
and coinage, whence many coins of Greece, Italy,
and Sicily bear the head of Janus on one side, and
a ship or a crown on the reverse.

Judging from Homer's silence, it does not appear
to have been a favourite of the Greeks in the be-
roic ages as a reward of merit or as a festive de-
coration, for it is not mentioned among the luxuries
of the delicate Phaeacians or of the suitors. But
a golden crown decorates the head of Venus in the
lyam to that goddess.

Its first introduction as an honorary reward is
attributable to the attached poets, in some of which
it was bestowed as a prize upon the victor, from
whence it was adopted in the Roman circus. It
was the only one contended for by the Spartans in
their gymnastic contests, and was worn by them when
going to battle.

The Romans refined upon the practice of the
Greeks, and invented a great variety of crowns,
formed of different materials, each with a separate
appellation, and appropriated to a particular purpose.

We proceed to enumerate these and their proper-
ties, including in the same detail an account of the
corresponding ones, where any, in Greece.

I. CORONA OBSIDIONALIS. Among the hono-
ratory crowns bestowed by the Romans for military
achievement, the most difficult of attainment, and
the one which conferred the highest honour, was the
-corona obsidionalis, presented by a beleaguered
army after its liberation to the general who broke
up the siege. It was made of grass, or weeds and
wild flowers, thence called corona graminae, and
graminae obsidionalis, gathered from the spot on
which the beleaguered army had been encircled, in
allusion to a custom of the early ages, in which the
vanquished party, in a contest of strength or agility,

placed a handful of grass from the meadow where

1. (Metam., i. 98.)—2. (De Thibis, p. 403.)—3. (Athen., xxv.
iv. 36.)—7. (Argol. in Pharn., De Litter. Circ., i. 10.)—8. (Hamilton's

909.
CORONA.

the struggle took place, and gave it to his opponent as a token of victory. A list of the few Romans who gained this honour is given by Pliny. A representation of the corona graminea is introduced in the preceding woodcut.

II. CORONA CIVICA, the second in honour and importance, was presented to the soldier who had preserved the life of a Roman citizen in battle, and therefore accompanied with the inscription "Ob crem servaturn," as seen on the medal of M. Lepidus, introduced in the next woodcut, in which the letters H. O. C. S. stand for hostem occidit, civem servavit. It was originally made of the ilex, afterward of the asculus, and finally of the quercus, three different sorts of oak, the reason for which choice is explained by Plutarch. It is represented in the next woodcut, above which the medal of Lepidus, just mentioned, is placed.

As the possession of this crown was so high an honour, its attainment was restricted by very severe regulations, so that the following combinations must have been satisfied before a claim was allowed: To have preserved the life of a Roman citizen in battle, slain his opponent, and maintained the ground on which the action took place. The testimony of a third party was not admissible; the person rescued must himself proclaim the fact, which increased the difficulty of attainment, as the Roman soldier was commonly unwilling to acknowledge his obligation to the prowess of a comrade, and to show him that deference which he would be compelled to pay to his preserver if the claim were established. Originally, therefore, the corona civica was presented by the rescued soldier; after the claim had been thoroughly investigated by the tribune, the reluctant hero must come forward and give his evidence; but under the Empire, when the prince was the fountain from which all honours emanated, the civic crown was no longer received from the hands of the person whose preservation it rewarded, but from the prince himself, or his delegate.

The preservation of the life of an ally, even though he were a king, would not confer a sufficient title for the civic crown. Once obtained, it might always be worn. The soldier who had acquired it had a place reserved next to the senate at all the public spectacles; and they, as well as the rest of the company, rose up upon his entrance.

He was freed from all public burdens, as were also his father, and his paternal grandfather; and the person who owed his life to him was bound, ever after, to cherish his preserver as a parent, and afford him all such offices as were due from a son to his father.

A few of the principal characters who gained this reward are enumerated in the following passages: Plin., H. N., vii., 29; xvi., 5.—Liv., vi., 20; x., 46. L. Gellius Publicola proposed to confer it upon Cicero for having detected and crushed the conspiracy of Catiline, and among the honours bestowed upon Augustus by the Senate, it was decreed that a civic crown should be suspended from the top of his house; hence a crown of oak leaves, with the inscription ob cives servatos, is frequently seen on the reverse of the Augustan medals, as also on those of Galba, Vitellius, Vespasian, Trajan, &c., showing that they likewise assumed to themselves a similar honour.

Other chariots of leaves of many kinds were used both at Rome and in Greece, but they are distinct in character and purpose from the corona civica. An oak wreath was given by the Greeks to Jupiter, but that has no acorns, which formed a prominent feature in the corona civica; and likewise to Hecate; of ivy to Bacchus, commonly seen in his statues, from which he is termed Kastorakipp. Those who assisted at a sacrifice wore a crown of bay, and the victim a wreath of cypress, pine, or flowers, and leaves of the tree sacred to the deity to whom the offering was made. Romulus bestowed a crown of leaves upon Hostus Hostilius, as the first man who stormed the city of Fidenae; and the army paid a similar compliment to P. Decius, by whom it was saved from destruction during the battle of Areus.

It will not fail to be remarked, as characteristic of Roman manners and early republican virtue, that the two crowns which were the most difficult to obtain, and held in the highest honour, possessed no intrinsic value.

III. CORONA NAVALIS or ROSTRA, called also CLASSICA. It is difficult to determine whether these were two distinct crowns, or only two designations for the same one. It is, therefore, useless to consider both terms in one sentence, "Tempora neque fulgent rostra corona." But it seems probable that the former, besides being a generic term, was inferior in dignity to the latter, and given to the sailor who

CORONA

was boarded an enemy's ship; whereas the latter was given to a commander who destroyed the whole fleet, or gained any very signal victory. At all events, they were both made of gold; and one, at least (rostrata), decorated with the beaks of ships, like the rostra in the Forum, as seen in a medal of Agrippa, the other (nassata), with a representation of the entire bow, as shown in the subjoined woodcut.

The Athenians likewise bestowed golden crowns for naval services, sometimes upon the person who got his trireme first equipped, and at others upon the captain who had his vessel in the best order.

IV. CORONA MURALIS. The first man who sealed the wall of a besieged city was presented by his commander with a mural crown. It was made of gold, and decorated with turrets (muri pinnatis), as represented in the next woodcut, and being one of the highest orders of military decorations, was not awarded to a claimant until after a strict investigation.

Cybele is always represented with this crown upon her head; but in the woodcut annexed the form of the crown is very remarkable, for it includes the whole tower as well as the turrets, thus affording a curious specimen of the ancient style of fortification.

V. CORONA CASTRENSIS OR VALLARIS. The first soldier who surmounted the salutum, and forced an entrance into the enemy's camp, was in like manner presented with a golden crown, called corona castrensis or vallaris, which was ornamented on the palisades (vallul) used in forming an intrenchment, as represented in the annexed woodcut.

VI. CORONA TRIUMPHALIS. There were three sorts of triumphal crowns, the first of which was worn round the head of the commander during his triumph. It was made with laurel or bay leaves, which plant is frequently met with on the ancient coins, both with the berries and without them. It was the latter kind, according to Pliny, which was used in the triumph, as is shown in the annexed woodcut, from a medal which commemorates the Parthian triumph of Vettidius, the lieutenant of Antony. Being the most honourable of the three it was termed laura insignis and insignis corona triumphalis.

The second one was of gold, often enriched with jewels, which, being too large and massive to be worn, was held over the head of the general during his triumph by a public officer (serus publicus). This crown, as well as the former one, was presented to the victorious general by his army.

The third kind, likewise of gold and great value, was sent as presents from the provinces to the commander as soon as a triumph had been decreed to him, and therefore they were also termed provinciales. In the early ages of republican virtue and valour these were gratuitous presents, but before the extinction of the Republic they were exacted as a tribute under the name of auro cornarium, to which none were entitled but those to whom a triumph had been decreed. (Vid. Aurum Cornarii.) The custom of presenting golden crowns from the provinces to victorious generals was likewise in use among the Greeks, for they were profusely bestowed upon Alexander after his conquest of Darius.

VII. CORONA OVALIS was another crown of less estimation, appropriated solely to commanders. It was given to those who merely deserved an ovation, which happened when the war was not duly declared, or was carried on against a very inferior force, or with persons not considered by the laws of nations as lawful enemies, such as slaves and pirates; or when the victory was obtained without danger, difficulty, or bloodshed; on which account

VIII. CORONA OLEAGINA. This was likewise an honorary wreath, made of the olive leaf, and conferred upon the soldiers well as their commanders. According to Gellius, it was given to any person or persons through whose instrumentality a triumph had been obtained, but when they were not personally present in the action. It is represented in the next woodcut, from a medal of Lepidus, and was conferred both by Augustus and the senate upon the soldiery on several occasions.

Golden crowns, without any particular designation, were frequently presented out of compliment by one individual to another, and by a general to a soldier who had in any way distinguished himself.

The Greeks, in general, made but little use of crowns as rewards of valor in the earlier and better periods of their history, except as prizes in the athletic contests; but, previous to the time of Alexander, crowns of gold were profusely distributed, among the Athenians at least, for every trilingue, whether civil, naval, or military, which, though lavished without much discrimination as far as regards the character of the receiving parties, were still subject to certain legal restrictions in respect of the time, place, and mode in which they were conferred. They could not be presented but in the public assemblies, and with the consent, that is, by suffrage, of the people, or by the senators in their council, or by the tribes to their own members, or by the demos of members of their own demos. According to the statement of Eschines, the people could not lavishly give crowns in any place except in their assembly, nor the senators except in the senate-house; nor, according to the same authority, in the theatre, which is, however, denied by Demostenes; nor at the public games; and if any citizen there proclaimed the crowns, he was sub-


II. CORONA PUNEBRIS ET SEPTEYHALLIS. The Greeks first set the example of crowning the dead with chaplets of leaves and flowers, which was imitated by the Romans. It was also provided by a law of the Twelve Tables, that any person who had acquired a crown might have it placed upon his body, and that it should be laid in the funereal procession. Garlands of flowers were also placed upon the bier, or scattered from the windows under which the procession passed, or entwined about the cinerary urn, or as a decoration to the tomb.

In Greece these crowns were commonly made of parsley (σεβεπρος).

III. CORONA CONVITIALIS. The use of chaplets at festive entertainments sprung likewise from Greece, and owe their origin to the practice of tying a woolen fillet tight round the head, for the purpose of mitigating the effects of intoxication.

Thus Mercury in the Amphitryon, when he is about
Corona.

Corpus Juris Civilis.

to snam drunk, says, "Caput coronam mihi in caput, assimilabo me esse ebrum." But, as luxury increased, they were made of various flowers or shrubs such as were supposed to prevent intoxication; of roses (which were the choicest), violets, myrtle, ivy, phillyra, and even parsley. The Romans were not allowed to wear these crowns in public, "in sae promission", which was contrary to the practice of the Greeks, and those who attempted to do so were punished with imprisonment.

IV. CORONA NATURALIS. The bridal crown was also of Greek origin, among whom it was made of flowers plucked by the bride herself, and not bought, which was of ill omen. Among the Romans it was made of verbeus, also gathered by the bride herself, and worn under the flavemum, with which the bride was always provided. The bridal gown also wore a chaplet.

The doors of their house were likewise decorated with garlands, and also the bridal couch.

V. CORONA NATALITIA. The chaplet suspended over the door of the vestibule, in the houses of both Athens and Rome, in which a child was born. At Athens, when the infant was male, the crown was made of olive; when female, of wool; at Rome it was of laurel, ivy, or passion. Besides the crowns enumerated, there were a few others of specific denominations, which received their names either from the materials of which, or the manner in which, they were composed. These were:

I. CORONA LONGA, which is commonly thought to resemble what we call a "fascia", and, as such seem to have been chiefly used to decorate tombs, curule chairs, triumphal cars, houses, &c. But the word must have had a more precise meaning, and was probably called longa from its greater size, and meant a circular string of anything, like the "rosary" used by the lower orders in Catholic countries to recount up their prayers, which in Italy is still called la corona, a hawker selling its origin to the corona longa of their heathen ancestors, to which description it answers exactly.

II. CORONA DROSICA was a golden crown, made to imitate the crown of oak leaves, studded with gems, and decorated with ribbons (lemnisci) or ties of gold. Any crown fastened with these ribbons, whether real or artificially represented, was also termed coronalemniscata, a specimen of which is given by Caylus.

III. CORONA PACTLIS, probably the same as the corona plectis of Plautus,* corona torta, plexia, strophium pleroi, and κυκλοσ τησ τησ. It was made of flowers, shrubs, grass, ivy, wool, or any flexible material twisted together. This crown was also of a kind used by the Sali in their festivities. It was made in the first instance of any kind of flowers sewed together, instead of being wreathed with their leaves and stalks; but subsequently it was confined to the rose only, the choicest leaves of which were selected from the whole flower, and sewed together by a skillful hand, so as to form an elegant chaplet.

VI. CORONA RADIATA was the one given to the gods and deified heroes, and assumed by some of the emperors as a token of their divinity. It may be seen on the coins of Trajan, Caligula, M. Aurelius, Valerius Probus, Theodosius, &c., and is given in the woodcut annexed, with a medal of Maro Antony.

VII. The crown of vine leaves (pampinea) was appropriated to Bacchus,* and considered a symbol of the arts. It is said to have been invented in Egypt, and was worn by the Roman knight, when he saw Claudius with such a crown upon his head, augured that he would not survive the autumn.

*CORONE (κορώνη), the Cultus Corone, or Carrion Crow. (Vid. Corax.) The specific name of an Ætolus κορώνη is applied by Aristotle* and by Elian* to a water-bird, which, was, or at least, some species either of the coromant or coot. It occurs also in the Odyssey of Homer* as a sea-bird.

*CORONOPUS (κορώνωπος), a plant, about which there has been some difference of opinion, but which, in all probability, is the same with the Buck's-horn Plantain, or Plantago Coronopus.

CORPUS JURIS CIVILIS. The three great compilations of Justinian, the Institutes, the Pandects, and the Code, together with the Novelle, form one body of law, and were considered as such by the glossators, who divided it into five volumina. The Pandects were distributed into three volumina, under the respective names of Digest, Novellae, and Codex; and Novella the name Corpus Juris Civilis was not given to this collection by Justinian, nor by any of the glossators. Savigny asserts that the name was used in the twelfth century: at any rate, it became common from the date of the edition of D. Gothofredus of 1604.

Most editions of the Corpus also contain the following matter: Thirteen edicts of Justinian, five constitutions of Justin the younger, several constitutions of Tiberius the younger, a series of constitu-


R R
CORTINA.

CORYBATES (Κορυβάτες). The history and explanation of the deities bearing this name, in the early mythology of Greece, cannot be given in this place, as it would lead us to enter into historical and mythological questions beyond the limits of this Dictionary. The Corybantes, of whom we have to speak here, were the ministers or priests of Rheia or Cybele, the great mother of the gods, who was worshipped in Phrygia. In their solemn festival they displayed the most extravagant fury in their dances in armour, as well as in the accompanying music of flutes, cymbals, and drums. Hence κορυβατεύεσθαι was the name given to an imaginary disease, in which persons felt as if some great noise were rattling in their ears.

CORYBANTICA (Κορυβαντικά), a festival and mysteries celebrated at Cnossus in Crete, in commemoration of one Corybas, who, in common with the Curetes, brought up Zeus, and concealed him from his father Cronos in that island. Other accounts say that the Corybantes, nine in number, independent of the Curetes, saved and educated Zeus; a third legend states that Corybas was the father of the Cretan Apollo who disputed the sovereignty of the island with Zeus. But to which of these three traditions the festival of the Corybantes owed its origin is uncertain, although the first, which was current in Cretae itself, seems to be best entitled to the honour. All we know of the Corybantes is, that the person to be initiated was seated on a throne, and that those who initiated him formed a circle and danced around him. This part of the solemnity was called ὑστομικὸς or ἄναρμος.

CORYMBUS (κορυμβός) was a particular mode of wearing the hair among the Greek women, which is explained in the article CORUM (p. 291). The following woodcut, taken from Millingen, represents a woman whose hair is dressed in this manner.

Corymbium is used in a similar sense by Pernius.

CORYS (κόρης). (Vid. GALEA.)

CORVUS, I. a sort of crane, used by C. Dulcius against the Carthaginian fleet in the battle fought off Mylae, in Sicily (B.C. 260). The Romans, we are told, being unused to the sea, saw that their
only chance of victory was by bringing a sea-fight to resemble one on land. For this purpose they invented a machine, of which Polybius has left a minute description, though not very perspicuous. In the fore part of the ship a round pole was fixed perpendicularly, twenty-four feet in height and about nine inches in diameter; at the top of this was a pivot, upon which a ladder was set, thirty-six feet in length and four in breadth. The ladder was guarded by crossbeams, fastened to the upright pole by a ring of wood, which turned with the pivot above. Along the ladder a rope was passed, one end of which took hold of the corvus by means of a ring. The corvus itself was a strong piece of iron, with a spike at the end, which was raised or lowered by drawing in or letting out the rope. When an enemy's ship drew near, the machine was turned outward, by means of the pivot, in the direction of the assailant. Another part of the machine, which Polybius has not clearly described, is a breastwork, let down (as it would seem) from the ladder, and serving as a bridge, on which to board the enemy's vessel. By means of these cranes, the Carthaginian ships were either broken or closely locked with the Roman, and Durrus gained a complete victory.

*CORVUS, the Crow. (Vid. Corone.)

*CORVUS (κορώνη), the Hazel-tree, or Corvus Anetiana. (Vid. Aretus.)

CORVOS or CORVUS (κορώνετα, κυαρώνετα), a Bow-case. This was worn suspended by a belt (vib. Balteus) over the right shoulder, and it frequently held the arrows as well as the bow (sagittifere corvit). On this account, it is often confounded with the Phakela or quiver.

It is generally carried by the armed Persians, who are represented on the Persepolitan bas-reliefs; and in this, as in many other respects, we observe the agreement between them and the European nations situated to the north of the Euxine Sea.


'The place vaulta turida felle gerat.'

Though its use was comparatively rare among the Greeks and Romans, we find it exhibited in a bas-relief of the Museum at Corinth,3 which adorning the front of a temple of Hercules near Tiberius. (Vid. Arcus.) This bow-case seems to be of leather. See the preceding woodcut.

COSME'TIΔ, a class of slaves among the Romans, whose duty it was to dress and adorn ladies. Some writers on antiquities, and among them Bötticher, have supposed these slaves were female slaves, but the passage of Juvenal is alone sufficient to refute this opinion; for it was not customary for female slaves to take off their tunics when a punishment was to be inflicted upon them. There was, indeed, a class of female slaves who were employed for the same purposes as the cosmati; but they were called cosmetria, a name which Niaveus chose as the title for one of his comedies.

COSMI (κοσμοί). The social and political institutions of Crete were so completely Dorian in character, and so similar to the Spartan, that it was a disputed point among the ancients whether the Spartan constitution had its origin there, or the Cretans adopted it from the Dorians. The historian Ephorus expressly states that the Spartan institutions had their origin in Crete, but were perfected and completed in Sparta; so that there is good reason for the assertion of Müller, that the constitution founded on the principles of the Doric race was there first moulded into a con- stitution and government of a more perfect and admir- ament form than in Sparta at a subsequent period. Thus much, at any rate, we know for certain, that there were various Dorian cities in the island, the political arrangements of which so closely resembled each other, that one form of government was ascribed to all. In the earliest ages of which we have historical information, this was an aristocracy consisting of three component bodies, the cosmi, the gerusia, and the ecclesia. The cosmi were ten in number, and are by Aristotle, Ephorus, and Ciceron compared to the ephors at Sparta. Müller, however, compares them with the Spartan kings, and supposes them to have succeeded to the functions of the kingly office; which Aristotle (probably alluding to the form of government then existing in the city of Megara) represents as theocratic. They were established in Crete. These cosmi were ten in number, and chosen, not from the body of the people, but from certain yepo or houses, which were probably of more pure Doric or Athenian descent than their neighbours. The first of them in rank was called procosmus, and gave his name to the year. They commanded in war, and also conducted the business of the state with the representatives and ambassadors of other cities. With respect to the domestic government of the state, they appear to have exercised a joint authority with the members of the yepevOai, as are said to have consulted with them on the most important matters. In the time subsequent to the age of Alexander, they also performed certain duties which bore a resemblance to the introduction of the lawsuits into court by the Athenian magistrates: Their period of office was a year; but any of them, during that time might resign, and was also liable to deposition by his colleagues. In some cases, too, they might be indicted for neglect of their duties.


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On the whole, we may conclude that they formed the executive and chief power in most of the cities of Crete.

COTHURNUS

The *geryonia*, or council of elders, called by the Cretans *bouly* or *boulyê* consisted, according to Aristotle, of thirty members who had formerly been cosmi, and were in other respects approved of (το τα ἄλλα δέκα κρατίματα). They retained their office for life, and are said to have decided in all matters that came before them according to their own judgment, and not agreeably to any fixed codes of laws. They are also said to have been irresponsible, which, however, hardly implies that they were independent of the "unwritten law" of custom and usage, or uninfluenced by any fixed principles. On important occasions, as we have before remarked, they were *επιμελειοι, or councillors of the cosmi.

The democratic element of the ecclesia was almost powerless in the constitution; its privileges, too, seem to have been merely a matter of form; for, as Aristotle observes, it exercised no function of government except ratifying the decrees of the *γέροντες* and the *κοσμιοι*. It is, indeed, not improbable that it was only summoned to give its sanction to these decrees; and, though this may appear to imply the power of witholding assent, still the fact that it was consulted and custom would prevent such an alternative being attempted, or, perhaps, even thought of.

From these observations, it is clear that the Cretan constitution was formerly a Dorian aristocracy, which, in the age of Aristotle, had degenerated to what he calls a *δηνοστασία, i.e., a government vested in a few privileged families. These quarrelled one among the other, and raised factions or parties, in which the demos joined, so that the constitution was frequently broken up, and a temporary monarchy, or rather, anarchy, established on its ruins.

The cosmi were, in fact, often deposed by the most powerful citizens, when the latter wished to impede the course of justice against themselves (μυ δουνα δίκαιον), and an *ἀκοσμία* then ensued, without any legal magistrates at the head of the state.

In the time of Polybius, the power of the aristocracy had been completely overthrown; for he tells us that the election of the magistrates was annual, and determined by "democratical principles." In other respects, also, he points out a difference between the institutions of Crete and those of Lycurgus at Sparta, to which they had been compared by other authors.

Müller observes that the cosmi were, so far as we know, the chief magistrates in all the cities of Crete, and that the constitution of these cities was in all essential points the same; a proof that their political institutions were determined by the principles of the governing, i.e., the Doric, race.

We will now briefly explain some of the social relations of the Cretans, which were almost identical with those of the Spartans.

The inhabitants of the Dorian part of the island were divided into three classes, the freemen, the pericei or *περικότα*, and the slaves. The second class was as old as the time of Minos, and was undoubtedly composed of the descendants of the conquered population; they lived in the rural districts, round the *temple of the Great Goddess*, and, though they were free, they were not allowed to exercise none of the professions or influence of citizens, either in the administration and enactment of the laws, or the use of heavy arms. They occupied certain lands, for which they paid a yearly tribute or rent, supposed, from a statement in Athenaeus," to have been an ἐγερματικαί ἐπιφύτειαι, in the constitution of Crete, 1 and it was probably the term for the pericei, *δοῦλοι* being used as a generic term for those who were not full and free citizens.

They were divided into two classes; the public bondsmen (θέαντας *δοῦλας*), and the slaves of individuals. The former were called the *μένοι, μνοι, μνα, μίνους, the latter, *ὁμίλοι* or *κλάμασας*. The *μένοι* were named after the villages, or "metros" or villages, assigned to private citizens, and were therefore agricultural bondsmen (οί κατ᾽ *αγρούς*). The *μνοι* was distinguished, by more precise writers, both from the pericei and the apohamiote, so that it has been concluded that every state in Crete possessed a public domain, cultivated by the *μνοι*, just as the private allotments were by the bondsmen of the individual proprietors. We would here observe, with Mr. Thirlwall, that the word *μνοι* is more properly connected with *δουλος* than Minos.

The origin of the class called *μνοι, and the *κλάμασας*, was probably twofold; for the analogy of other cases would lead us to suppose that they consisted partly of the slaves of the conquered freemen of the country, and partly of such freemen as rose against the conquerors, and were by them reduced to serfdom. But in these states, there was also a class of household servants employed in menial labour, and called *χρυσόβους*: they were, as their name denotes, purchased, and imported from foreign countries.

*COSYPHUS* or *COSTICHUS* (κόστικος, κόστος), the Blackbird or Merle, the *Pardus Merula, L.* It is the same with the *Merula sylvina* of the later authorities on Natural History. Aristotle also makes mention of a white species found among the mountains of Arcadia.

*COSTUM* (κόστος), an aromatic shrub, which yielded a fragrant ointment, commonly supposed to be Spikenard. Woodville says of it: "Some have thought the Zedoeary to be the *κόστος* of Dioscorides, the *Guardar* of Avicenna, and the *Zerumel* of Serapion." After comparing the descriptions of Dioscorides and Serapion, Adams is satisfied that the *Zerumel* of Serapion is the Zedoeary, but that it is not the *κόστος* of the Greeks; for both Serapion and Rhases, according to him, treat separately of the *κόστος* by name in another place. "Geoffrey," remarks Adams, "confesses his ignorance of it. Sprengel and Stackhouse name it the Costus Arbaticus, a plant, by-the-way, so rare, that Linnaeus had never seen it." Dr. Hill, however, was of a different opinion regarding it; he says, "Our Costus Arbaticus does not seem to be the same with either of the kinds mentioned by the Greeks and Arabians. Upon the whole, there is not an article in the Materia Medica of the ancient authors about which there is greater uncertainty. We shall only add regarding it, that although, as we have already stated, Zedoeary or *Zerumel* of Serapion is the *κόστος* of the Greeks, it would appear that the one was sometimes used as a substitute for the other in the composition of the Mithradate."

COTHURNUS (κόθορνος), a Boot. This was a particular kind of covering for the foot, included under the general term *calceus*; whence Pliny says, *calceus cuthurnus, i.e., wearing boots. Its appearance was so little changed from that of a shoe, that it rose above the middle of the leg, so as to enclose the calf (*alte surae vincere calthurne*), and sometimes it reached as high as the knees. It was worn principally by horsemen, by hunters, and by men of rank and authority. The ancient marble, representing these
different characters, show that the cothurnus was often ornamented in a very tasteful and elaborate manner. The boots of the ancients were laced in front, and it was the object in so doing to make them fit the leg as closely as possible. The paws and head of the wild animal out of whose hide they were made, sometimes turned down like flaps on the side of the wearer's leg. The skin or leather was dyed purple (purpureo cothurno), or of other splendid colours. The patriarchs of Rome wore a small ivory crescent (vima) attached to their boots. It is evident, from the various representations of the cothurnus in ancient statues, that its sole was commonly of the ordinary thickness. But it was sometimes made much thicker than usual, probably by the insertion of slices of cork. The object was to make the appearance of the wearer thicker; and this was done either in the case of women who were not tall as they wished to appear, or of the actors in Athénian tragedy, who assumed the cothurnus as a grand and dignified species of calcemamentum, and had the soles made unusually thick, as one of the methods adopted in order to magnify their whole appearance. Hence tragedy in general was called cothurnus.

As the cothurnus was commonly worn in hunting, it is represented both by poets and statuary as a part of the costume of Diana. It was also attributed to Bacchus and to Mercury. The accompanying woodcut shows two cothurni from statues in the British Museum; P. Clemens, i.e., with the chlamys sitt mounted, and attired for the chase (vid. Chlamys), and that on the right is from a statue of the goddess Roma, agreeing with the description of her in Stesichorus Apollinaris.

COTINOS (κότινος), the wild Olive, or Olea sylvestris. L., called also Ελάια άφρια, οὐραλκάτα, οὐράλκαρα, and Oeleaster. The name given to this wild olive by the modern Greeks is ουράλκαρα, and by the Turks Κατας Ζατηα Άγινι. It is a wild sort of olive-tree, differing in some respects from the domesticated olive, as crabs do from apples. It is smaller besides, has prickly branches, a short, hard leaf, and small, bitter fruit. According to Theophrastus, it was but little improved by pruning and transplanting. The crown given at the Olympic Games was made of it, probably on account of its being more enduring than the domesticated kind. The legend, however, was, that Hereules brought this tree into Greece from the banks of the Ister. The φιλα of Homer is a vari-

Cybele, v. i., 103, "That plant," observes Martyn, "which is cultivated in our gardens, under the name of Oeleaster, is not an olive. Tournouf refers it to his genus of Elaeagnum. It grows in Syria, Ethiopia, and on Mount Lebanon. Crusius observed it in great plenty, also, near Guadix, a city in the kingdom of Granada, as also in the south of France and in Germany. It is thought to be the Cappadocian Albion, which are mentioned by Pliny among the kinds of trees, Συκονικα, Alpinum, V. 38, 39: - ουτοντας: his odorantes similis olearium floribum. The flowers of the Elaeagnum are much like those of the Olive, but the ovary of the Elaeagnum is placed below the petal, whereas that of the Olive is contained within the petal. They are very sweet, and may be smelt at a distance.

COTTONUM MALUM, another name for the Cydonium malum, or Quince. (Vid. Cydonium Malum.)

COTTAIUS (κότταη), Ionic κώνος or κότταη, a social game, which was introduced from Sicily into Greece, where it became one of the favourite amusements of young people after their repasts. The game was in a manner in which it originally was played was this: One of the company threw a certain quantity of pure wine, at a certain distance, into a metal basin, endeavouring to perform this exploit in such a manner as not to spill any of the wine. While he was doing this, he either thought of or pronounced the name of his mistress, and from the more or less full and pure sound with which the wine struck against the dishes, the lover drew his conclusions respecting the attachment of the object of his love. The sound, as well as the wine by which it was produced, were called λυταν or κότταη: the metal basin had various names, either κοττεθαι, ου κοτταθεται, ου λαμαθεται, ου χαλκαθεται, or κελαθεται, κοταθεται. The action of throwing the wine, and sometimes the goblet itself, was called άγκελο, because the persons engaged in the game turned round the right hand with great dexterity, on which they prided themselves. Hence Εκυχις − spoke of κότταη άγκελο, Thuc. 3. c. 10, 2: - ουτος κοταθεται. Thus the cotta-, in its simplest form, was nothing but one of the many methods by which lovers tried to discover whether their mistress had returned or not. But this simple amusement soon assumed a variety of different characters, and became, in some instances, a regular contest, with prizes for the victor. One of the most celebrated modes in which it was carried on is described by Athenaeus, and in the Etymologicon Magna, and was called δε δεδεδινως. A basin filled with water, with simple empty bowls swimming upon it. Into these the young men, after another, threw the remnant of the wine from their goblets, and he who had the good fortune to drown most of the bowls obtained the prize (κοτσταθεθαι), consisting either of simple cakes, sweetmeats, or sesame-cakes.

A more and more complicated form of the cotta- is thus described by Suidas: A long piece of wood being erected on the ground, and a dish was placed upon it in a horizontal direction, with two dishes hanging down from each end; underneath each dish a vessel full of water was placed, in each of which stood a gilt brazen statue, called μαγις. Every one who took part in the game stood at a certain distance from the game, filled a bowl of wine, which he endeavoured to throw into one of the dishes, in order that, struck down by the weight, it might knock against the head of the statue which was concealed under the water. He who spoiled least of the wine


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of the licentious practices which disgraced those of Thrace and Greece, unless we refer the allusion made by Theocritus to the Cotytyia, to the Sicilian festival.

"COTYLA (κοτύλα) was a measure of capacity among the Romans and Greeks: by the former it was also called hemina; by the latter, ῥηβαίος and ἤμια or ἄμια. It was the half of the sextarius or șō̄rēa, and was used down into ancient times, with no diminution of weight. (Mr. Hussey’s comment) 4955 of a pint English.

This measure was used by physicians with a graduated scale marked on it, like our own chemical measures, for measuring out given weights of fluids, especially oil. A vessel of horn, of a cubic or cylindrical shape, of the capacity of a cotyla, was divided into twelve equal parts by lines cut on its side. The whole vessel was called thron, and the parts, spha. Each spha contained one ounce of weight (by a weight) so that the ratio of the weight of the oil to the number of ounces it occupied in the measure would be 9:13 or 3:4.

"COTYLEDON (κοτυλήδον), a plant, called in English Navelwort. The two species described by Dioscorides may be confidently referred, according to Adams, to the Cotyledon umbilicatus and C. serrata.

"KOTYKION (κοτύκιον) or EENAPoi (ἐνεαπόν) is a sort of Palm. Stockhouse suggests that it may have been the Palma Thébaica, called "Doom-tree" in Bruce’s Travels.

"COVIVUS (Celtic kowain), a kind of car, the spokes of which were armed with long sickles, and which was used as a scythe-chariot chiefly by the ancient Belgians and Britons. The Romans designated by the name of covinus a kind of travelling carriage, which seems to have been covered on all sides with the exception of the front. It had no seat for a driver, but was conducted by the traveller himself, who sat inside. There must have been a great similarity between the Belgian scythe-chariot and the Roman travelling carriage, as the name of the one was transferred to the other, and we may justly conclude that the Belgian car was likewise covered on all sides except the front, and that it was occupied by one man, the covinarius only, who, by the structure of his car, sufficiently protected. The covinarius (this word occurs only in Tacitus) seem to have constituted a regular and distinct part of a British army.

"COUREUS (κούρευς). (Vid. BARBA.)

"CRAABE. (Vid. BABA.)

"CRABEIS (κραβέις), formerly held to be a species of Squilla. "The term is now used in a generic sense by late naturalists," observes Adams: "thus the common shrimp is named the Crangon vulgaris. It is worthy of remark, however, that Cuvier and Schneider contend that the krágyon of the Greeks corresponds to the Cancer digitalis."

"CRANIA or CRANIAE (κρανία, κρανία). "All agree, remarks Adams, "that the krána of Homer is the Cornua mascula, L., called in English the Cornelian Cherry, or Male Cornel-tree. For the other, see THELCRANIA (θελκρανία)."

"CRANOS. (Vid. GALEA.)

"CRAZLEGUS (κραζλέγος). Sprengel refers the tree described by Theophrastus under this name to the Azorula, or Crategus Azorulis, but Stackhouse to the C. terminalis. The plant of this name

CRATER.

described by Theophrastus in another part of his work was most probably the same as the Cratagon (κρατάγονον). 1

1. (Phileophr., iii. 15, ix. 18; Adans., Append. e. v. 2. — Dioec.), ii. 193.— (Vit. iii. ii. 360; Od. iv. 168, v. 109, v. 271, v. 371; Com. 6, 251; Buttmann, Lect. i. 12 § 30; Hdt. vii. 356.) — (O. iv. 616.) — (II. xxvii. 216.) — (Od. xxx. 146, xxxi. 333, compared with 361.) — (I. ii. 302.) — (O. v. K. 11; Rousina, c. v. 'Aγαθαντίαν—Compare Athen. iv. xiv. 602. c. d.—Aristoph. Vesp. 507; Par. 300.) — (Ath. iv. xvi. 626. F. c. d.—II. xxiii. 741, d. c.) — (Hesiod. L. 76.) — (I. ii. 16; (iv. 152.)

CRATON. (Theophr., 11., the for Lipsius, 6, crater a, from κράτανω, I mix), a vessel in which the wise, according to the custom of the ancients, who very seldom drank it pure, was mixed with water, and from which the cups were filled. In the Homeric poems it is mentioned only in connection with the libation at religious shrines, and is never employed in such a manner as to be distinguished from a libation. In sacrifices the libation was always taken from a crater; 4 and sailors, before they set out on their journey, used to take the libation with cups from a crater, and pour it into the sea. 5 The name crater was also sometimes used as synonymous with στίλιον, seat, a pill in which water was foweled. 6

The Romans used their crater or craters for the same purpose, with which they were carried in Greece; but the most elegant specimens were, like so many other works of art, made by the Greeks. 7 CRATES (τάφος), a Hurdle, used by the ancients for several purposes. First, in war, especially in assaulting a city or camp, they were placed before or over the head of the soldier, to shield off the enemy’s arrows. For this purpose they were employed in the same way, they differed only in not being without the covering of raw hides. A lighter kind was thrown down to make a bridge over fosses, for examples of which see Caesar, De Bell. Gall., vi., 81, 86. By the besieged they were used joined together, so as to form what Vegetius calls a metella, and filled with stones: these were then poised between the two hurdles and were used as a weapon of war, and as the storming party approached upon the ladders, overturned on their heads. 10

A capital punishment was called by this name, whence the phrase sub crate necari. The criminal was thrown into a pit or well, and hurdles laid upon him, over which stones were afterwards heaped. 11 Craters, pots or vats, were made carried by people upon which to dry yrs, grapes, &c., in the rays of the sun. 12 These, as Columnella informs us, were made of sedge or straw, and also employed as a sort of matting to screen the fruit from the weather. Virgil 13 recommends the use of hurdles in agriculture to level the ground after it has been turned up with a plough (rastrum). Any texture of rods or twigs seems to have been called by the general name craters.

CREPIDA (ερπήτης), dim. CREPIDULA, a Slipper. Slippers were worn with the pallium, not with the toga, and were properly characteristic of the Greeks, though adopted from them by the Romans. Hence Suetonius says of the Emperor Tiberius, 14 "Deaposita palami in opus adornavit, pallium e crepidis." They were also worn by the Macedonians, 15 and with the chlamys. 16 As the chamaeon was assumed by tragedians, because it was adapted to be part of the grand and stately attire, the actors of comedy, on the other hand, wore crepidae and other cheap and common coverings for the feet. (Vid. Virgi., Eclog. iv. 13.)


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Creta.

Also, whereas the ancients had thei three finished boots and shoes made right and left, their slippers, on the other hand, were made to fit both feet indifferently. 1

CRETA, in a general sense, means any whitish earth or clay, such as potter’s clay, pipe-clay, &c. 6 Cassius also explains this kind of earth, and says, for which wine-jars and dishes were made: Virgil 7 calls it “tough” (tenax); and the ancient writers on Agriculture give the same epithet to marl which was employed to manure land. 4 In a more special sense, several varieties of Creta occur in the ancient writers. Thus: I. Creta, properly so called (Terrae Creta, Krypton για), is our chalk, which obtained its name from the island of Creta, where it abounds. The earth called thea Creta is in some places lighter than the Terra Chia; and they were also accustomed to use it with a cleanser of silver vessels. 3—II. Creta annularia. The earth called annularia, spoken of by Pliny in connexion with Selenusian, and which was stained with wood to produce an imitation of Indicum, 4 is probably, 6 observes Dr. Moore, the same with the annularia (vidium) mentioned afterward by the same writer, and which was so called because made of clay coloured with common green ring-stones. This, at least, strange as it is, appears to be the only sense we can extract from Pliny’s words, the meaning of which Beckmann acknowledges he had not been able to discover. 8

The same author infers that the earth called annularia received its name from its use in sealing; a practice which is in use in the making of rings, or those earthy balsams and an acrimonious taste, and in a violent fire runs into a very pure pale blue glass. What distinguishes it, however, in a more marked manner from other earths is, that if a little be wetted and drawn over a plate of brass or copper, so as to mark a line, the mark will in a little time appear bluish. This is a character originally recorded of it by Diocles of Babylon, 6 and so Hill explains by assigning the earth in question alkaline property in common with the proper degree than other earths possess. In the Materia Medica of former days, it was used as an astringent and sudorific. The ancients mention another Eretrian earth of a pure white, but this appears to have been no other than the true white Bole of Armonia 26. V. Creta Sarda, a species of earth obtained from the island of Sardinia. Pliny calls it “vicea omnium cimicorum generum,” the worst kind of Cimolite. It was, however, used in the first place to cleanse garments that were not dyed, which were then fumigated with sulphur, and finally scoured with Cimolia Terra. 11—VI. Creta Selinusia, an earth obtained from the neighbourhood of Selinus in Sicily, whence its name. It is now found in Corbicola near the globe; the finest kind, however, is, however, is the Sicilian. Discollous describes it as of a very bright and shining white, friable, and very readily disuniting and diffusing itself in water. It was used by the ancient physicians as an astringent, and among females as a cosmetic. 12

CREX (sорт), a species of Bird with a creaking note, whence its name. Some commentators suppose it the same as the ἄρπνογνυα of Aristotle, who treats of them separately. “It is generally held,” says Adams, “to be the Land Rail or Corn Crake, namely, the Rallus Erex, L., or Ostrogynen- cras, Linn. The name Creta is applied to it, but if Tzetzes was correct in describing it as a sea-bird, resembling the Egyptian ibis, this opinion must be admitted to be untenable. Dr. Trail suggests that the one may have been the Land, and the other the Water Rail.” 6

CRETIO HEREDITATIS. (Vid. HEREDITATION.)

CRIME. Though this word occurs so frequently, it is not easy to fix its meaning. Crime is often equivalent to accusation (ἀποκαλομένου); but it frequently means an act which is legally punishable. In this latter sense there seems to be no except a recognition of it given by the Roman jurists. According to some modern writers, crimes are either public or private; but if this definition is admitted, we have still to determine the notions of public and private. The truth seems to be, that there was a want of precise terminology as to what, in common language, are called criminal offences among the ancients. Naturalists; but crimes and delicts are sometimes used as synonymous. 6 In one passage 7 we read of majora delicta (which, of course, imply minora), which expression is coupled with the expression omnia criminis in such a way that the inference of crimes containing delictum is, so far as concerns this passage, necessary; for the omnia criminis comprehend (in this passage) more than the delicta majora.

Some judicia publica were capitalia, and some were civilia. The former crimes were not, for that reason only, public. There were, therefore, crimes which were not tried in judicia publica. This is consistent with what is stated above as to those crimes (delicta) which were the subject of actions. Those crimes only were the subject of judicia publica which were made so by special laws: such as the Julia de adulteris, Cornelia de securis et vestitus, Pompeia de parabolis, Julia peculii, Cornelia de testamentis, Julia de vi privata, Julia de vi publica, Julia de ambitu, Julia repetundarum, Julia de annona. 8 So far as Cicero enumerates causa crimini, they were cause publici judicii; but he adds, 15 “crimina est multitudo infinita.” Again, infamia was not the consequence of every crime, but only of those crimes which were “publici judicii.” A condemnation, therefore, for a crime, not publici judicii, was not followed by infamia, because the crime laid the foundation of an actio, in which, even in the case of a privata judgment, the condemnation was followed by infamia; as furtum, rapina, injuriae. 11 Crime, then, must be an act which, if

1. (Aristot., H. A., ix., 2, 4.—Adams, Appended, s., v. 2.—De Oiff. 47, tit. 1, s. 3.—J. Y., 190.)—5. (Dig. 47, tit. 4, s. 5.)—6. (Dig. 47, tit. 1, s. 7.)—7. (Dig. 47, tit. 10, s. 5.)—8. (Dig. 47, tit. 1, s. 1.)—9. (De Oiff. ii., 25, 10—10. (i., 81.)—11. (Dig. 18, tit. 4, s. 7.)
proven against the offender, subjected him to some punishment, the consequence of which was infamia; but it would not therefore follow that infamia was only the consequence of a crime.

Most modern writers on Roman law have considered delicta as the general term, which they have subdivided into delicta publica and privata. The legal consequences of delicta in this sense were compensation of persons and infants as a consequence of the other two. The division of delicta into publica and privata had, doubtless, partly its origin in the opinion generally entertained of the nature of the delict; but the legal distinction must be derived from a consideration of the form of obtaining redress for, or punishing, the wrong. Those delicta which were punishable according to special leges, senatus consulta, and constitutions, and were prosecuted in judicata publica, were apparently more especially called criminia; and the penalties, in case of conviction, were loss of life, of freedom, of civitas, and the consequent infamia, and sometimes pecuniary penalties also. Those delicta not provided for as above mentioned, were punishable by action (actiones penales), and were the subjects of judicia privata, which were usually commenced at the instance of the wrong-doer, and were frequently carried to the level of delictum (delict), for pecuniary compensation, he followed the jus ordinaria; but if he wished to punish the offender otherwise (extraordinaria, the latter bore to this small creature, just as our Aligator is the Portuguese "al legato," the Lizard. Hence Aristotle calls the Crocodile κροκόδιλος ὁ ποτόμος, and the Lizard κροκόδιλος ὁ χρυσόπολος. The Egyptians, says Herodotus, called the Crocodile ψαργός: this, however, is a mere corruption in Greek of an Egyptian name, for έπαργος, which the Copts still retain in Amaad, from which the Arabs have derived their modern appellation Temesh. The ancient writers have left us accounts of this animal, but they are more or less imperfect. Thus Herodotus says it is blind in the water; an evident error, unless he mean by the Crocodile a different species, or merely "dim-sighted," or "comparing it to the blind" when compared with its keenness of vision on the land. So, again, Herodotus says it has no tongue. This, however, is a popular error: it has a tongue, like the rest of animals, but this is connected by a rough skin with the lower jaw; and, not being extensive, is easily seen at first view, since it completely fills the cavity of the jaw between the two rows of teeth, it has been supposed to have no actual existence. Again, the Crocodile, according to Herodotus, does not move its lower jaw, but brings the upper one down in contact with it. Now the truth is just the other way: the lower jaw alone is moved, and not the upper. The lower jaw extends the head, and so that the neck must be somewhat bent when it is opened. The appearance thus produced has led to the very common error of believing that the Crocodile moves its upper jaw, which is, in fact, incapable of motion, except with the rest of its body. "Naturalists de- scribe four species of the Crocodile, namely, Croco dus niloticus, C. caiman, C. gavial, and C. ran- vera. The three of these being found only in Italy, and the fourth being peculiar to America, it follows that the ancient writers could have had little acquaintance with any other species than the Alligator.

1. (Adams, Append., s. v. — (Theophrast., E., viii., 5.) [3. (Herod., i. 20., 1. 250.) — (Isocr., Tract. p. 352, C, with Cory's note, c.) (A. e 421.) — (Herod., ii., 60.) — (c. c.)

2. (Ctes. i. 1., 1. 5.) — (Herod., i. 20., 1. 250.) — (Isocr., Tract. p. 352, C, with Cory's note, c.) (A. e 421.) — (Herod., ii., 60.) — (c. c.)
and the Cyprian. Alien, however, must be supposed to allude to the Gavial when he mentions the Crocodile of the Ganges. Both Linnaeus and Buffon reckon the first two as mere varieties, but they are now generally held to be distinct species. Bochart, with great learning, has proved that the Leviathan of Job is the Crocodile. 1 Athenæus ranks the Crocodile and the Hippopotamus with the κριτην. 2 Among the Egyptians, the Crocodile was peculiarly sacred, and its Will o' the Wisps around its grave did not extend to every part of Egypt; some places considering it the representative of the Evil Being, and bearing the most deadly animosity to it, which led to serious feuds between neighbouring towns. Such was the cause of the quarrel between the Oinobles and the Tentries, as described by Juvénal; and the same animal which was worshipped at Ombos, was killed and eaten by the inhabitants of Apollinopolis. The Crocodile enjoyed great honours at Coptos, Ombos, and Crocodilopolis or Arbirhis, in the Thebaid. In Lower Egypt, it was particularly sacred at a place called the City of Crocodiles (Crocodilopolis), and afterward Arsinoë, the capital of a nome, now the province of Fyoom. The animals were there kept in the Lake Marris, and were buried in the under-ground chambers of the temple of the Crocodile. When the Crocodile was devoured, the flesh being bad. Indeed, in former times, it seems rather to have been eaten as a mark of hatred towards the Evil Being, of whom it was the emblem, than as an article of food. 3 The Crocodile at present is found in the Nile only towards the region of Upper Egypt, where it is extremely hot, and where this animal never falls into a lethargic state. Formerly, there was a need to descend the branches of the river which water the Delta, it used to pass the four winter months in caverns, and without food. Of this fact we are informed by Pliny and other ancient naturalists.—In the year 58 B.C., the edile Scaurus exhibited at Rome five crocodiles of the Nile; and subsequently, the Emperor Augustus had a circus filled with water, and exhibited there to the people thirty-six crocodiles, which were killed by an equal number of men who were habituated to fight with these animals. 4

* KROKODEILEGOS (χέρσος ος αικέγος), the Skink, or Land Crocodile. There are two species of the Skink with which the ancients may be supposed to have been well acquainted, namely, Scincus officinalis and S. Algirnata. Moses Charras says of the Skink, that it is a little animal like to lizards, or, rather, like to little crocodiles, by which name they are known. 5

*CROCODEILETUM (κροκοδιδέλιον), a species of plant. Matthioli informs us that it had been supposed to be the Eryngium marinum, or Sea Eryngium, and the Carina, or Carline Thistle; but he rejects both these suppositions, admitting, however, at the same time, his own want of acquaintance with it. Sprengel, on the other hand, inclines to think it the Eryngium. 6

*CROCUS (κρόκος), the Saffron Crocus, or Crocus sativus. The genuine Saffron grows wild in the Levant and in Southern Europe. Sthithorp found it in the fields of Greece and on the mountains around Athens. The flower of the C. sativus is of a violet colour, and appears in autumn; hence the epithet autumnalis. The Saffron Crocuses were introduced into this country by Sir James Stuart, from Cilicia and from Mount Tmolus in Lydia. The Lycian Olympus and the island of Sicily also produced a very good sort. Saffron was much used by the Romans as a condiment in various articles of food, as it still is by many Oriental nations. It was also put into wine. Saffron, diluted in water or wine, was sprinkled as a perfume in the theatres and other places, and also on the funeral pile. It was also made into an unguent (Crocinnum unguintun). Saffron-coloured garments were also much in vogue.

*CROCOTAS (κροκόττας), an animal mentioned by the ancient writers, and said to be produced from the wolf and dog, but to be much more ferocious than either of these animals. Such, at least, is the account of Artemidorus, 7 Diodorus Siculus, 8 and Agatharchides. 9 But the coupling of the wolf and dog, though easy, and often effected in menageries at this day, produces no durable species. It is more probable, therefore, that the Crocotas answers to the Hyena, since the latter has very strong teeth, and breaks bones with the greatest ease, as the Crocotas is said to have done. The earliest passage respecting the Crocotas is found in Ctesias, and the description there given is almost the same with that by which the Oriental writers describe the Hyena. 10

*CROMYON or CROMYTON (κρόμυον, κρόμυτον), the Allium cepa, or Garlic. (Vid. Allium.)

CROTNA (κρόνωνa), a festival celebrated at Athens in honour of Cronus, whose worship was said to have been introduced into Attica by Cecrops. He had a temple in common with Thea. 11 The festival was held on the twelfth of the month of Hecatombium, 12 while the moon was new, by the people of Attica, bore the name of υπό Κρόνων. 13

The Rhodians also celebrated a festival in honour of Cronus, perhaps the Phoenician Moloch, to whom human sacrifices, generally consisting of criminals, were offered. This festival was held on the sixteenth of Metagistion. 14

Greek writers, when speaking of the Roman Saturnalia, sometimes name the Crocota. 15

CROTALUM, a kind of Cymbal, erroneously supposed by Scaliger and Brodus to be the same with the sidarium. The mistakes of learned men on this


2. (Hieroc., 25, 4, 13.)—2. (Athen., ii., 90.—Adams, Append., s. v.)
point are refuted at length by Lampe. From Suidas and the scholiast on Aristophanes, it appears to have been a spit reed or cane, which clattered when shaken with the hand. According to Eustathius, it was made of shill and brass as well as of wood. Clemens Alexarchus further says that it was an invention of the Sicilians.

Women who played on the crotaulum were termed crotastria. Such was Virgil's Copa.

"Crispus sub crotaulo docto mutare latus."* The line alludes to the dance with crota (similar to castanets), for which we have the additional testimony of Macrobius. The annexed woodcut, taken from the drawing of an ancient marble in Spon's Myriophanes, represents one of these crotastria forming an introduction to CRYPETIA.

The words κροταλος and κροταταλος are often applied, by an easy metaphor, to a noisy, talkative person.*

*CROTON (κροτόν), I. an insect found on oxen and dogs, and sometimes on men, namely, the Ace tus redwius, L., or Tick. —II. According to Galen, the same with the κικη. (Vid. Cic.)

CRYPETIA (κρυπτεια, also called κρυτεια or κροτεια) was, according to Aristotle,* an institution introduced at Sparta by the legislation of Lycurgus. Its character was so cruel and atrocious, that Plutarch only with great reluctance submitted to the authority of Aristotle in ascribing its introduction to the Spartan lawgiver. The description which he gives of it is this: The ephors, at intervals, selected from among the young Spartans those who appeared to be best qualified for the task, and sent them in various directions all over the country, provided with daggers and their necessary food. During the daytime these young men concealed themselves; but at night they broke forth into the highways, and massacred those of the Helots whom they met, or whom they thought proper. Sometimes, also, they ranged over the fields (in the daytime), and despatched two, their number, the best and bravest of the Helots. This agreement agrees with that of Heracleides of Pontus,* who speaks of the practice as one that was still carried on in his own time, though he describes its introduction by Lycurgus only as a report.

The crypetia has generally been considered either as a kind of military training of the Spartan youths, in which, as in other cases, the lives of the Helots were unaccountably sacrificed, or as a means of lessening the numbers and weakening the power of the slaves. But Müller,* who is anxious to soften the notions generally current respecting the relations between the Helots and their masters, supposes that Plutarch and Heracleides represent the institution of the crypetia in a way which the ephors themselves, on entering upon their yearly office, proclaimed against the Helots. Hermelides, however, does not mention this proclamation at all, and Plutarch, who mentions it on the authority of Aristotle, does not represent it as identical with the crypetia. Müller also supposes that, according to the received opinion, this chase of the slaves took place regularly every year; and showing at once the absurdity of such an annual proclamation of war and massacre among the slaves, he rejects what he calls the common opinion altogether, as involved in inextricable difficulties, and has recourse to Plato to solve the problem. But Thirlwall much more judiciously considers that this proclamation of war is not altogether groundless, but only a misrepresentation of an existing case, and that its real character was more probably connected with the crypetia. Now if we suppose that the thing here misrepresented and exaggerated into a proclamation of war was some promise which the ephors, on entering upon their office, were obliged to make: for instance, to protect the state against any danger that might arise from too great an increase of the numbers and power of the Helots—a promise which might very easily be distorted into a proclamation of war—there is nothing contrary to the spirit of the legislation of Lycurgus; and such an institution, by no means surprising in a slave-holding state like Sparta, where the number of free citizens was comparatively very small, would have conferred upon the ephors the legal authority occasionally to send out a number of young Spartans on a chase of the Helots. Thirlwall has shown the barbarous and atrocious character which we have described above.* If the crypetia had taken place annually, and at a fixed time, we should indeed have reason, with Müller, to wonder why the ephors did not give the Helots a chance of escaping alone, and were united by despair for the sake of common protection, did not every year kindle a most bloody and determined war throughout the whole of Laconia; but Plutarch, the only author on which this supposition can rest, does not say that the crypetia took place every year, but ἀπ' ἀρχῆς, i. e., "at intervals," or occasionally. The crypetia which Müller finds in what he calls the common account of the crypetia, are thus, in our opinion, removed, and it is no longer necessary to seek their solution in the description given by Plato,* who proposed for his Cretan colony a similar institution, under the name of crypetia. From the known partiality of Plato for Spartan institutions, and his inclination to model what existed in a favorable light, it may be admitted that, on a subject like this, his evidence will be of little weight. And when he adopted the name crypetia for his institution, it by no means follows that he intended to make it in every respect similar to that of Sparta; a partial resemblance was sufficient to transfer the name of the Spartan institution to the colony which he projected, and to establish; and it is sufficiently clear, from his own words, that his attention was more particularly directed to the advantages which young soldiers might derive from such hardships as the κρυτεια had to undergo. But even Plato's colony would not have


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been of a very humane character, as his κρυπτός 
were to go out in arms and make free use of the 
CRUX (κρυστάλλος, κρύσταλλος), an instrument of capital 
punishment used by several ancient nations, 
especially the Romans and Carthaginians. The words 
κρυστάλλος κρύσταλλος are also applied to Persians 
and Egyptian punishments, but Casaubon doubts 
whether they describe the Roman method of cruci-
fixion. From Seneca we learn the latter to have been of two kinds, the less usual sort being rather 
implausible than what we should describe by the 
word crucifixion, as the criminal was transfixed by 
a pole, which passed through the back and spine, 
and came out at the mouth.

The cross was of several kinds; one in the shape 
of an X, called cruz Andreae, because tradition 
reports St. Andrew to have suffered upon it; another 
was found like a T, as we learn from Lucian, who makes it the subject of a charge against the letter.

The third, and most common sort, was made of 
two pieces of wood crossed, as to make four right 
angles. It was on this, according to the unanimous 
testimony of the fathers, who sought to confirm it 
by Scripture itself, that our Saviour suffered. 
The punishment, as is well known, was chiefly inflicted on slaves and the worst kind of malefactors.

The manner of it was as follows: The criminal, after 
sentence pronounced, carried his cross to the place 
of execution; a custom mentioned by Plutarch and 
Artemidorus, as well as in the Gospels. From 
Livy and Valerius Maximus, scourging appears to 
have formed a part of this, as of other capital 
punishments among the Romans. The scourging 
of our Saviour, however, is not to be regarded in 
this light, as Grotius and Hammond have observed 
it was inflicted before sentence was pronounced. 
Furthermore, it is more probable that he 
nailed or bound to the cross. The latter was 
the more painful method, as the sufferer was left to die 
of hunger. Instances are recorded of persons who 
were sold into slavery and afterwards 
were sold again and put under the same master. 

CPRYTA (from κρυπτεῖν, to conceal), a Crypt. 
Among the Romans, any long narrow vault, 
whether wholly or partially below the level of the earth, 
is expressed by this term; such as a sewer (cyptra Suburana) (vid. Cloaca), the carceres of the 
circus (vid. Circus, p. 554), or a magazine for the 
reception of the wood.

The specific senses of the word are:

1. A covered portico or arcade, called more defi-
cently crypto-porticus, because it was not supported 
by open columns like the ordinary portico, but closed 
at the sides, with windows only for the admission of light and air. 

2. These were frequent during summer for their coolness. A portico of this kind, 
almost as rare, is still remaining in the suburban 

Villa of Arrius Dionnes at Pompeii.

Some theatres, if not all, had a similar portico 
atached to them for the convenience of the 
performers, who there rehearsed their parts or 
practised their exercises.

One of those is mentioned by P. Victor as the 
crypta Balbi, attached to the 
theatre built by Cornelius Balbus at the instigation 
of Augustus, which is supposed to be the ruin now 
known as the Vitt. Via di S. Maria di Piazza, between 
the church of that name and the S. Maria di Piazzolla.

II. A grotto, particularly one open at both 
extremities, forming what in modern language is de-
nominated a "tunnel," like the grotto of Pausilippo, 
well known to every visitant of Naples. This is 
a tunnel excavated in the tufo rock, about 20 feet high 
and 1800 long, forming the direct communication 
between Naples and Pozzuoli (Futalo), called by the Romans crypta Nepotiana, and described by 
Seneca and Strabo.

A subterranean vault used for any secret wor-
ship, but more particularly for the licentious rites 
consecrated to Priapus, was also called crypta.

III. When the practice of consuming the body 
by fire was relinquished (vid. Busto, Conditoni-
uas), and a number of bodies was consigned to one 
place of burial, as the catacombs, for instance, this 
common tomb was called crypta. One of these, 
the crypta Nepotiana, which was in the vicus Patri-

cus, under the Esquiline, was used by the early 
Christians, during the times of their persecution, as a 
place of secret worship.

CRYOPTORICUS. (Vid. CRYP TA.)

*CRYSTALLUS or -UM (κρύσταλλος), Crystal. 
The ancients were of opinion that crystal was only 
found in the Cretan islands, and that it was 
more durable than common; and Pliny thought it 
was nowhere to be found but in excessively cold 
regions. "That it is ice is certain," says this 
writer, "and hence the Greeks have given it its 
name." In accordance with the etymology here 
alluded to, κρύσταλλος is thought to come from 
κρύος, "ice, or, from κρύος (κρύατος), "to 
freeze, or, to chill." This latter thought, and the 
idea of crystal being formed by frost, has led 
Moore, "will appear less ridiculous if we consider 
that, although water really converted into a solid 
crystalline mass, by exposure to a very ordinary 
degree of cold, resumes its fluid state when the 
heat of which it was deprived is again restored; 

yet the results of chemical analysis teach us that 
water, in a permanently solid state, constitutes a 
concrete body, or a certain shape in many crystalline substances. 
Of the hydrate of magnesia, for example, it forms 
neatly a circle; and of the sulphate of soda, consider-
ably above one half. Rock-crystal is one among 
the very few minerals whose crystalline form Pliny 
has remarked. He mentions one remarkable use of 
crystal in applying actual cautery, the crystal 
being used as a lens. This, however, was 
only known before, mention of it having been made 
in the Clouds of Aristophanes and in the poem of 
the pseudo-Orpheus on the properties of Stones."

CUBETA. (Vid. Tessera.)

CUBICAL/RI were slaves who had the care of 
the sleeping and dwelling rooms. Faithful slaves 
were always selected for this office, as they had, to 
a certain extent, the care of their master's person. 
When Julius Caesar was taken by the pirates, he 
released some of his other slaves, only 
retaining with him a physician and two cubiculari. 
It was the duty of the cubicularii to introduce 
visitors to their master, for which purpose they 
appear to have usually remained in an ante-room.

Under the later emperors, the cubicularii belonging
CULIX

CULIX, the Gnat. (Vid. Canops.)

CULIX, in its most common acceptation, means a place for cooking victuals, whether the kitchen of a private habitation (vid. House), or the offices attached to a temple, in which the flesh of the victim was prepared for the sacred feasts or for the priesthood.

It signifies also a convenience, cabinet d'aisance, aestas, aedilis. A. Quedam quotidian, ut culina et capilla. De debeat exemplari, unless the con- jecture of Schneider is admitted, who proposed to read sueb et capile.

Lastly, it is used for a particular part of the funereal pyre, or of the basilum, on or in which the viands of the funeral feast were consumed. Com pare an anonymous poet in Catalet.

"Neque in culinam et secta comitatio
Daqueque daces sordidas;"

In which sense it corresponds with the Greek εκσάθα.

 Elsewhere, the words κναυλίας κοινλάθους ῥηματίζον.

CULIX (κόλας δίμ. κοιλίας, κολίδων), a common Greek drinking-cup called by the Romans calix. The name was sometimes applied to large

CULIX

CULEUS or CULLEUS, a Roman measure, which was used for estimating the produce of vineyards. It was the largest liquid measure used by the Romans, containing 20 amphores, or 118 gallons 7-546 pints.

"Est et, bis decies quem confectis amphora nostra,
Culisse: hac major nulla est mensura liquoris."9

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CULPA.

The general notion of damnum, and the nature of dolus malus, are most conveniently explained under this head.

Damnum is injury done by one man to the property of another, and done illegally (injuria, i. e., contra jus); for this is the meaning of injury in the actio damni injuriae given by the lex Aquilia; and injury, in this sense, must not be confounded with the actio injuriarum. This damnum, injuria of the lex Aquilia, is done by culpa or by dolus malus; for damnum done without culpa or dolus malus is casual (casus), and the door is not punishable. Damnum, in fact, implies injuria; and, generally, a man is not bound to make good the damage done by him to another man's property, except on the ground of contract, or on the ground of illegal act where there is no contract, that is culpa or dolus.

Neither culpa nor dolus can be taken as a genus which shall comprehend the species culpa and dolus, though some writers have so viewed these terms. Dolus malus is thus defined by Labeo: "Dolus malus est omnis calliditas, fallacia, machinatorio ad circumveniendum, fallendum, decipendum alterum adulata." Dolus malus, therefore, has reference to the evil design with which an act is omitted that ought to be done. The definition of Aquilii, a learned jurist, the friend of Cicero, and his colleague in the praetorship, labours under the defect of the definition of Servius, which is criticised by Labeo. This seems to be the Aquilii who, by the edict, gave the action of dolus malus in all cases of dolus malus where there was no legislative provision, and there was a just causa.

It is generally considered that culpa may be either an act of commission or omission; and that an act of commission may fall short of dolus, as not coming within the above definition, but it may approach very near to dolus, and so become culpa dolo proxima. But the characteristic of culpa is omission. It is true that the damnum, which is necessary to constitute the culpa, is the consequence of some act; but the act derives its culpous character from an act omitted; otherwise it might be casus, or casual damage.

Culpa, then, being characterized by an act of omission (negligentia), or omission diligentia, the question always is, how far is the person charged with culpa bound to look after the interest of another, or to use diligentia. There is no such general obligation, but there is such obligation in particular cases. Culpa is divided into lata, levius, and levisima. Luta culpa "eat nimia negligentia, id est, non intelligere quod omnes intelligere." If, then, one man injured the property of another by gross carelessness, he was always bound to make good the damage (damnum prestare). Such culpa was not dolus, because there was not intention or design, but it was as bad in its consequences to the person charged with it.

Levis culpa is negligence of a smaller degree, and the responsibility in such case arises from contract. He who is answerable for levius culpa, is answerable for injury caused to the property of another by some omission, which a careful person could or might have prevented. For instance, in the case of a thing lent (vid. COMMUNITAS), a man may take at least as much care of it as a careful man does of his own property. There is never any culpa if the person charged with it has done all that the most careful person could do to prevent loss or damage. Levissima culpa came within the meaning of the term culpa in the lex Aquilia; that is, any injury that happened to one man's property through the conduct of another, for want of such care as the most careful person would take, was culpa, and therefore punishable.

The word culpa occurs very frequently in the Latin writers in a great variety of meanings; but the characteristic of such meanings is "carelessness" or "neglect." Hence may be explained the passage of Horace:

1. (Herod, iv, 70,—2. (Xen., Sympo, ii, 26.)—2. (xii, p. 480.))—4. (Gaius, iii, 210.—Dig. 6, tit. 2, c. 5.—5. (Gaius, iii, 220.))—6. (Dig. 4, tit. 3, c. 1.)—7. (Off., iii, 16.—8. (Dig. 4, tit. 84.)

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CULPA.

The following woodcut, which is referred to in several articles, is taken from Millin, and represents a symposium. Three young and two older men are reclining on a couch (civitas), with their left arms resting on striped pillows (προσεκάλασμα ὑπογυμνίων). Before the couch are two tables. Three of the men are holding the κήλαι suspended by one of the handles, as shown in the annexed woodcut.

Athenaeus informs us that these cups were usually made of earthenware, and that the best kind were manufactured in Attica and Argolis.

Post hoc ludus erat culpa potare magistri; which means to have no magistrate at all, or, as the

1. (Peintures de Vases Antiques, vol. ii, pl. 58.)—2. (Beckett Charicles, vol. i, p. 255; vol. ii, p. 499.)—3. (Dig. 66, tit. 11, c. 21.)—4. (Sat., 11, ii, 123.)

2. (Dig. 66, tit. 11, c. 21.)
The name culter was also applied to razors' and kitchen-knives. That in these cases the culter was different from those above represented, and most probably smaller, in certain; since, whenever it was used for shaving or domestic purposes, it was always distinguished from the common culter by some epiteth, as culter tonsorius, culter copinataris. Fruit-knives were also called cultri; but they were of a smaller kind (culleti), and made of bone or ivory. Columella, who gives a very minute description of a fals vinctoria, a knife for pruning vines, says that the part of the blade nearest to the handle was called culter on account of its similarity to an ordinary culter, the edge of that part forming a straight line. This culter, according to him, was to be used when a branch was to be cut off which required a hard pressure of the hand on the knife. The name culter, which was also applied to the sharp and pointed instrument of the plough, is still extant in English, in the form coultet, to designate the same thing. (Vid. ATRAM.)

The expression in cultrum or in culтро collocatis signifies placed in a perpendicular position.

CULTRARIUS.


CUPRESSUS.

"CUMINUM or CYMUM NUM (κεμίνον), 1 Cumin, an umbrelliferous plant, of annual duration, found wild in Egypt and Syria, and cultivated from time immemorial for the sake of its agreeable aromatic fruit, which, like that of caraway, dill, anise, &c., possesses well-marked stimulant and carminative properties." The seeds were used by the ancients as a condiment, and the mode of preparing what was termed the cuminatum is given by Apicius. Drinking a decoction of cumin produced paleness, and hence the allusion in Horace to the "exsanguem cuminum." Pliny says it was reported that the disciples of Porcius Latro, a famous master of the art of speaking, made an oath with his ground, so that the slightest touch of the least degree of moisture had contracted from his studies. The ancients used to place cumin on the table in a small vessel, like salt; the pereunous were sparing of its use in this way, whence arose the expressions κυμινοπρότητα, "a splitter of cumin-seed," analogous to καρδαμοζήλησ, "a cutter or scraper of cresses," and in Latin cuminum, which was used between the ears and misery person. It can admit of no doubt, according to Adams, that the κεμίνον κυρον of Dioscorides, which is the only species treated of by Hippocrates and Galen, was the Cuminum cumintum, L. Of the two varieties of the κεμίνον εγύρον described by Dioscorides, the first, according to Matthiolius and Sprengel, is the Lagarea cuminoides, L.; the other, most probably, the Myrtilla arvensis, or wild Penny flower.

CUNICIUS (κυνώνος). A mine or passage under ground was so called, from its resemblance to the burrowing of a rabbit. Thus Martial says,
CURATOR.

the funeral piles of the noble and wealthy. Its
dark foliage also gave it a funereal air.1

•CUPRUM, Copper. (Vid. As) and Chalcos.)

CURA. (Vid. Curator.)

CURATELA. (Vid. Curator.)

CURATOR. (Vid. Curator.)

The curator was, in the time of puberty, every
Roman citizen incapable of doing any legal
act, or entering into any contract which might be
injurious to him. The time when puberty was at-
tained was a matter of dispute; some fixed it at
the commencement of the age of procreation, and
some at the age of fourteen.2 In all transactions
by the impuses, it was necessary for the auctores of
the tutor to be interposed. (Vid. Auctores, Tu-
tor.)

With the age of puberty, the youth attained
the capacity of contracting marriage and becoming a
paterfamilias: he was liable to military service, and
entitled to vote in the comitia; and, consist-
ently with this, he was freed from the control of
a tutor. Females who had attained the age of
puberty became subject to another kind of tutelis, which
is explained in its proper place. (Vid. Tutela.)

V. CURATELA.

We have seen that the age of puberty by a
Roman youth, every legal capacity was acquired
which depended on age only, with the exception of
the capacity for public offices, and there was no
rule about age, even as to public offices, before
the passage of the lex Villia. (Vid. Edilis, p. 25.)
It was, however, a matter of necessity to give some
legal protection to young persons, who, owing to the
irresponsible capacity of being attainted with the
age of puberty. This was accomplished by the lex
Plutoria (the true name of the lex, as Saviagey has shown), the date of which is
not known, though it is certain that the law ex-
isted when Plautus wrote.4 This law established
a distinction of age, which was of great practical
importance, by forming the citizens into two clus-
tes, those above and those below twenty-five years
of age (minores viginti quinque annis), whence a
person under the last-mentioned age was sometimes
called minor. The object of the lex was to
protect persons under twenty-five years of age,
and curators were provided for them. The person
who was guilty of such a fraud was liable to a judicium
publicum,4 though the offence was such as in the case
of a person of full age would only have been matter
of action. The punishment fixed by the lex Plutor-
ria was probably a pecuniary penalty, and the con-
sequential punishment of infamy or loss of political
rights. The minor who had been fraudulently led
to make a disadvantageous contract might protect
himself against an action by a plea of the lex
Plutoria (exceptio legis Plutoria). The lex also
appears to have farther provided that any person who
dealt with a minor might avoid all risk of the consequen-
ces of the Plutoria lex, if the minor was aided and
assisted in such dealing by a curator named or
chosen for the occasion. But the curator did not
act like a tutor: it can hardly be supposed that his
consent was even necessary to the contract; for the
minor had full legal capacity to act, and the busi-
ness of the curator was merely to prevent his being
defrauded or surprised.

The pretorian edict carried still farther the prin-
ciple of the lex Plutoria, by protecting minors gen-
erally against positive acts of their own, in all cases
in which the consequences might be injurious to them.
This was done by the "in integrum resstitu-
1 (Flint, N. xvi, 33.—Virg. Æn, v, 64.—Horat, Carm.,
l, 14, 23, 3—2. (Caesar, i, 196.)—3. (Pseudoiulus, i, 3, 69.)
(Cic. De Nat. Deor., lib. 30.)

2 (Dig. 4, tit. 4.—De Minoribus et Curatione, 1, 10.1,—2. (Plaut., Plant., i, 3, 69.)
property of the pupillus. If it was intended that the curator should have the care of that which the minor acquired after the curator's appointment, by will or otherwise, a special application for this purpose was necessary in Rome, to the property which was placed under the care of the curator, both as regards alienation and the getting in of debts, the minor was on the same footing as the prodigies: his acts in relation to such matters, without the curator, were void. But the legal capacity of the minor to contract debts was not affected by the appointment of a curator, and he might be sued on them, if requested by the creditor. Nor was there any inconsistency in this: the minor could not spend his actual property by virtue of the power of the curator, and the preservation of his property during minority was the object of the curator's appointment. But the minor would have been deprived of all legal capacity for doing any act which was injurious to himself or to others; and if the contract was not in its nature immediately injurious, and when the time came for enforcing it against the minor, he had the general protection of the restitutio. If the minor wished to be adrogated (vid. Adrogio), it was necessary to have the consent of the curator. It is not stated in the extant authorities what was the form of proceeding wherein it was possible to have the minor declared a minor by the curatela or by the curatela munimentum. It was not necessary that any act should be done by the minor or by the curatela munimentum, but it may be safely assumed that the minor acted (for he alone could act on such an occasion) and the curator gave his consent, which, in the case supposed, would be analogous to the auctoritas of the tutor. But it would differ from the auctoritas in not being, like the auctoritas, necessary to the completion of the legal act, but merely necessary to remove all legal objections to it when completed.

The cura of spendthrifts and persons of unsound mind, as already observed, owed its origin to the laws of the Twelve Tables. The technical word for a person of unsound mind in the Twelve Tables is demens; hence is equivalent to decemns; and both words are distinguished from insanus. Though furor implies violence in conduct, and dementia only mental imbecility, there was no legal difference between the two terms, so far as concerned the cura. Insanus is merely weakness of understanding (stultitia constantia, id est, aequalis vacans), and it was not necessary to remove all legal objections to the property. In later times, the prætor appointed a curator for all persons whose infirmities required this law. This law of the Twelve Tables did not apply to a pupillus or pupilla. If, therefore, a pupillus was of unsound mind, the tutor was his curator. If an agnatus was the curator of a furiosus, he had the power of alienating the property of the minor if he failed to use the cura of a decemns. The prodigus only received a curator upon application being made to a magistratus, and a sentence of interdicting being pronounced against him (ei bonis interdictum est). The form of the interdictio was thus: "Quando tibi bona paterna avitae nequita tua disperderis, liberisque tuae ad egestionem perdideris, ob eam rem tibi cura pro commerce interdico." The cura of the prodigus was suspended till the interdictio was dissoluted. It might be inferred from the form of the interdictio, that it was limited to the case of persons who had children; but perhaps this was not so.

It will appear from what has been said, that, whatever similarity there may be between a tutelum and a curator, an essential distinction lies here. The tutelum is the representative of property, though in the case of a furiosus he must also have been the guardian of the person. A curator must, of course, be legally qualified for his functions, and he was bound, when appointed, to accept the duty, unless he had some legal exemption (excessuatio). The curator was also bound to account at the end of the curatela, and was liable to an action for mismanagement.

The word cura has also other legal applications:
1. Cura bonorum, in the case of the goods of a debtor, which are secured for the benefit of his creditors.
2. Cura bonorum et veniris, in the case of a woman being pregnant at the death of her husband.
3. Cura hereditatis, in case of a dispute as to who is the hereditary owner, when a supposed child is under age.
4. Cura hereditatis jam dux, in the case of a property, when the heres had not yet declared whether or not he would accept the inheritance.
5. Cura bonorum absentis, in the case of property of an absent person who had appointed no manager of it.

This view of the curatela of minors is from an essay by Savigny, who has handled the whole matter in a way equally admirable, both for the scientific precision of the method, and the force and perspicuity of the language.  

CURATORES were public officers of various kinds under the Roman Empire, several of whom were first established by Augustus. The most important were:
1. Curatores Alvei et Riparum, who had the charge of the navigation of the Tiber. The duties of their office may be gathered from Ulpian. It was reckoned very honourable, and the persons who filled it received afterward the title of comedes.
2. Curatores Annuae, who purchased corn and oil for the state, and sold it again at a small price among the poorer citizens. They were also called curatores emendis frumenti et olei, and sitellas and elaivas. Their office belonged to the persona- lia munera; that is, it did not require any expenditure of a person's private property; but the curatores received from the state a sufficient sum of money to purchase the required amount.
3. Curatores Aquarum. (Vid. Aquæ Iuctor.)
4. IV. Curatores Kalendar, who had the care in municipal towns of the kalendaries, that is, the books which contained the names of the persons to whom public money was paid, which was not wanted for the ordinary expenses of the town, was lent on interest. The curatores Kalendar were appointed to the persona- lia munera. These officers are mentioned in inscriptions found in municipal towns.
5. Curatores Ludorum, who had the care of the public games. Persons of rank appear to have been usually appointed to this office. In inscriptions, they are usually called curatores munera gladiatori, &c.
6. Curatores Operum Publicorum, who had the care of all public buildings, such as the theatres, baths, aqueducts, &c., and agreed with the contractors for all necessary repairs to them. Their duties, under the Republic, were discharged by the ediles and censors. (Vid. Censores, p. 229.) They are frequently mentioned in inscriptions.
7. Curatores Regiones, who had the care of the fourteen districts into which Rome was divided.
Curia

under the emperors, and whose duty it was to prevent all disorder and extortion in their respective districts. This office was first instituted by Augustus. There were usually two officers of this kind for each district; Alexander Severus, however, appointed only one for each; but these were persons of consular rank, who were to have jurisdiction in conjunction with the praefectus urbi. We are told that Marcus Antonius, among other regulations, gave special directions that the curatores regionum should either punish, or bring before the praefectus urbi for punishment, all persons who exacted from the inhabitants more than the legal rate. 3

VIII. CURATOES REIPUBLICAE, also called LOCISTE, who administered the landed property of the municipality. 4 Ulpian wrote a separate work, De Officio Curatoris Reipublicae.

IX. CURATOES VIABUM. (Vid. V. E.) KYREIS (κυρίος). (Vid. Alex. Sav.) CURIA. (Vid. Curiae.) CURIAE. The accounts which have come down to us of the early ages of Rome, represent the burgesses or proper citizens (the populus of the Annals) to have been originally divided into three tribes, the Rames, Titienes, and Luceres. 5 (Vid. Tribus.) Each of these tribes was composed of a union of ten curie (φαρμακία) or wards, so that the whole number of the latter was thirty. Again, each of these thirty curie was formed of gentes or bands of families, which were not absolutely necessary; but just as at Athens the genetites or members of a γένος, also called διαμαλάκτες, were no way akin, but bore this name solely in consequence of their union. 6 Dionysius 7 farther informs us that Romulus divided the curie into decades, i. e., decades of gentes or houses, at the head of which were officers called decurions: each of the three tribes was thus constituted of one hundred gentes (vid. Genes); and as in the old legion the three centuries of horse corresponded to the three tribes, so did the thirty centuries of foot represent the same number of curie. We need not, however, infer from this that the number of soldiers in each century was always a hundred. 8

The curie whose names have come down to us are: the Saucia, the Tatinia, Titania, Vetus, and Vetula. According to Livy, 9 these names were derived from the Sabine women carried off during the consulsia; according to Varro, 10 from their leaders (κυρίοις κυρίοις), by which he may mean Heroes Eponymi, 11 others, again, connect them with the neighbouring places. 12 The poetical story of the rape of the Sabines probably indicates, that at one time no comitia, or right of intermarriage, existed between the Romans and the Sabines till the former extorted it by force of arms. A more intimate union would, of course, be the consequence.

Each of these thirty curie had a president (curio), who performed the sacred rights, a participation in which served as a bond of union among the members. 13 The curiones themselves, forming a college of thirty priests, were presided over by the curator maximus. Moreover, each of these corporations had its common hall, also called curia, in which the citizens met for religious and other purposes. 14 But, besides the halls of the old corporations, there were also other curie at Rome used for a variety of purposes: thus we read of the Curia Salutorum, on the

Palatine; 1 of the Curia Calabra, on the Capitoline hill; and the Curia Hostilia, of which the best accounts are contained in the works of Tacitus, where the name is derived from the name of the praefectus curiatus of the same name, who was appointed in the time of Augustus, and whose office was exercised by the magistrates of the same name (vid. Hostilia). The title of the Curia Hostilia was also given to the person who was commissioned by the praefectus urbani to keep the peace in the city. The Curia Hostilia is also called the Curia Hostilia Palatina, because of its location on the Palatine Hill. The Curia Hostilia was an important institution, as it was the place where the magistrates of the city were convened to discuss important matters.

The Curia Hostilia was also used as a meeting place for important matters, as it was the place where the magistrates of the city were convened to discuss important matters. The Curia Hostilia was an important institution, as it was the place where the magistrates of the city were convened to discuss important matters. The Curia Hostilia was also used as a meeting place for important matters, as it was the place where the magistrates of the city were convened to discuss important matters.

In later ages, curia signified the senate of a colony in opposition to the senate of Rome. (Vid. Colonia, p. 282.) Respecting the etymology of the word, see Comitia, p. 285.

CURIATA COMITIA. (Vid. Comitia.) CURIOS. (Vid. Curius.)

KYRIOΣ (κύριος) signifies generally the person that has the authority of a head of a family, or has the care of some members of a family as the law presumes to be incapable of protecting themselves; as, for instance, minors and slaves, and women of all ages. Fathers, therefore, and guardsians, husbands, the nearest male relatives of women, and masters of families, would all bear this title in respect of the various functions exercised by them in behalf of the respective objects of their care. The qualifications of all these, in respect of which they can be commissioned in one class, designated by the term κύριος, were the male sex, years of discretion, freedom, and, when citizens, a sufficient share of the franchise (εκτίμησις) to enable them to appear in the law-courts as plaintiffs or defendants in behalf of their several charges; in the case of the κύριος being a resident alien, the deficiency of franchise would be supplied by his Athenian patron (σύνστατος). The duties to be performed, and, in default of their performance, the penalties inflicted by guardians, and the proceedings as to their appointment, are mentioned under their more usual title. (Vid. Entrōpov.)

The business of those who were more especially designated κύριοι in the Attic laws was, to protect the interests of women, whether spinster or widows, or persons separated from their husbands. If a citizen died intestate, leaving an orphan daughter,
the son, or the father, of the deceased was bound to supply her with a sufficient dowry, and go to marry; and take care, both for his own sake and that of his ward, that the husband made a proper settlement in regard to what his bride brought him in the way of dower (ἰστιοτυπία, Hargorc.). In the event of the death of the husband or of a divorce, it became the duty of the χώρος that had betrothed her to receive her back and recover the dowry, or, at all events, alimony from the husband or his representatives. If the father of the woman had died intestate, without leaving such relations as above defined, these duties devolved upon the next of kin, who had also the option of marrying her himself, and taking her fortune with her, whether it were great or small. If the fortune were small, and he were unwilling to marry her, he was obliged to make up its deficiencies according to a regulation of Solon; if it were large, he might, for this purpose appear, have shifted her from a husband to whom she had been married in the lifetime and with the consent of her father.

There were various laws for the protection of female orphans against the neglect or cruelty of their kinmen; as one of Solon's, whereby they could compel their kinmen to endow or marry them; and another, which, after their marriage, enabled any Atty. or other person to compel or smear the kinmen against the cruelty of their husbands; and the archon was specially intrusted with power to interfere in their behalf upon all occasions. (Vid. Cocrxes.)

"CURMA, CURMI, CORMA, and CURMON, a species of Ale mentioned by Sulpicius and Dionysodores. (Vid. Gvres.)

CURSO'RES were slaves, whose duty it was to run before the carriage of their masters, for the same purpose as our outriders. They were not used during the times of the Republic, but appear to have first come into fashion in the middle of the first century of the Christian era. The slaves employed for this purpose appear to have frequently been Numidians. The word cursores was also applied to all slaves whose masters employed in carrying letters, messages, &c.

CURUS. (Vid. Circus, p. 255.)

"CUR'CA or CUR'CA, a bird mentioned by Aristotle under the name of ἵππαλος. Guiz transl. "Hippalos," and gives the Latin Hippalos. G. G. gives the opinion that it is the Titlar, or Anthus praetensis, Bechsthein.

CURULIS SELLA. (Vid. Sella Curulis.)

CURUS, dim. CUR'CULUM (ἄγος), a Chariot, a Car. These terms appear to have denoted those two-wheeled vehicles for the carriage of persons, which were open, and had consequently the carpentum, and closed in front, in which they differed from the cistium. One of the most essential articles in the construction of the curus was the ὄντος, or rim, and it is accordingly seen in all the chariots which are represented either in this article, or at p. 66, 209, 253. (Vid. Antux.) Another indispensable part was the axle, made of ὕφος (ἡπος), and called also ὑφος ἄξως. All these parts are well seen in the pictures which Homer gives of Phaethon's chariot. The ears of Juno and Neptune have metallic axles ( resilures, κτάλησις εξ>{11}.

One method of making a chariot less liable to be overthrown was to lengthen its axle, and thus to widen the base on which it stood. The axle was firmly fixed under the body of the chariot, which, in reference to this circumstance, was called ἀποτροπία, and which was often made of wicker-work, enclosed by the ἄψις. Fat (μύταρι) and pressed olives (αμυρία) were used to grease the axle.

The wheels (κύλη, τροχοί, ῥότα) revolved upon the axle, as in modern carriages; and they were prevented from coming off by the insertion of pins (ῥυόμοναι) into the extremities of the axle (ἀμαρσφια). Pelops obtained his celebrated victory over Κόνομας through the artifice of Hippodamia, who, wishing to marry Pelops, persuaded Myrtillos, the husband of Κόνομας, to come to a contest in which he (Pelliops) was to ride with the chariot of the linealips in his axe of his car, or to insert one of wax. She thus caused the overthrow and death of father Κόνομας, and then married the conqueror in the race.

Sir W. Gell describes, in the following terms, the wheels of three cars which were found at Pompeii:

The three chariots are of very different light, and dressed much like the modern, 4 feet 3 inches diameter, 12 spokes, a little thicker at each end. These cars were probably intended for the purposes of common life. From Xenophon we learn that the wheels were made stronger when they were intended for the field of battle. After each excursion the wheels were taken off the chariot, which was laid on a shelf or receptacle, and was put together and thoroughly set to again whenever it was wanted for use. The parts of the wheels were as follows:

(a) The nave, called πάλατος, κοινοκίς, κοινόδος. The last two terms are founded on the resemblance of the nave to a modius or bushel. The nave was strengthened by being bound with an iron ring, called the στεφάνος.

(b) The spokes, νήματα (literally, the 'joints,' radii. We have seen that the spokes were sometimes ten in number. In other instances they were eight (σύκλα διστάκτυμα), six, or four. Instead of being of wood, the spokes of the chariot of the sun, constructed by Vulcan, were of silver (radiorum argentum)."

(c) The felly, ἵππαι. This was commonly made of some flexible and elastic wood, such as poplar or the wild fig, which was also used for the rim of the chariot; heat was applied to assist in producing the requisite curvature. The felly was, however, composed of separate pieces, called areas (ἐπίκτες) of a certain length and breadth, and these were put together, or sewed, with such skill that a "wheel revolves, first one area is at the highest point, and then another." Hesiod evidently intended to recommend that a wheel should consist of four pieces.

(d) The tire, ἐπιδάουρος, κανθάς. Homer describes the chariot of Juno as having a tire of bronze wheels light, thus placing the harder metal in a position to resist friction, and to protect the softer. On the contrary, Ovid's description is more ornamental than correct: "Aurea summus curvatura rota." The tire was commonly of iron.

All the parts now enumerated are seen in an ancient chariot preserved in the Vatican, a representation of which is given in the following woodcut.

The chariot also shows the pommel (πόμυς, temenos)." It was firmly fixed at its lower extremity to the axle, whence the destruction of Phaethon's chariot is represented.

CURRUS.

by the circumstance of the pole and axle being torn
under (tempe resulsus axis). At the other end
(ακροβουλος) the pole was attached to the yoke,
either by a pin (εμπολος), as shown in the charriot
above engraved, or by the use of ropes and bands.
(Vid. Iouum.)

Carriages with two, or even three poles were
used by the Lydians. The Greeks and Romans,
on the other hand, appear never to have used more
than one pole and one yoke, and the currus thus
constructed was commonly drawn by two horses,
which were attached in it by their necks, and there-
called διτεσες ἵππος, συναρά, "gemini jum-
gales," "equi biujuges." 

If a third horse was added, as was not un-
fortunately the case, it was fastened by traces. It may
have been intended to take the place of either of
the yoke horses (διτεσες ἵππος) which might happen
to be disabled. The horse so attached was called
παρόρος. When Patroclus returned to battle in
the charriot of Achilles, two immortal horses, Xan-
thus and Ballis, were placed under the yoke; a
third, called Podasus, and mortal, was added on the
right hand; and, having been slain, caused confu-
sion, until the driver cut the harnesses by which this
third horse was fastened to the charriot. Ginzro
has published two drawings of chariots with three
horses from Etruscan vases in the collection at Vi-
enna. The ἵππος παρόρος is placed on the right of
the two yoke horses. (See woodcut at top of
next column.) We also observe traces passing be-
tween the two ἰππος, and proceeding from the
front of the charriot on each side of the middle horse.
These probably assisted in attaching the third or ex-
tra horse.

The Latin name for a charriot and pair was bia-
(Vid. Boa.) When a third horse was added, it
was called triors; and, by the same analogy, a char-
riot and four was called quadrigia, in Greek, τετρα-
ὀρος or τετράμπορος.

The horses were commonly harnessed in a quad-
riga after the manner already represented, the two
strongest horses being placed under the yoke, and
the two others fastened on each side by means of
ropes. This is implied in the use of the epithets
σερίας or σεριφόρος, and funalis or funarius, for a
horse so attached. The two exterior horses were
further distinguished from one another as the right
and the left trace-horse. In a charriot-race descri-
based by Sophocles, the driver, aiming to pass the
goal, which is on his left hand, restrains the nearest
horse, and gives the reins to that which was far-
thest from it, viz., the horse in traces on the right
hand (δεξιὸν ὀ ανεικοτερον ἵππον). In the splen-
did triumph of Augustus after the battle of Actium,
the trace-horses of his car were ridden by two of
his young relations. Tiberius rode, as Suetonius
relates, "sinisteriore funali equo," and Marcellus
"dextero funali equo." As the works of ancient
art, especially fictile vases, abound in representa-
tions of quadriga, numerous instances may be ob-
served in which the two middle horses (δ μεσὸς
δεξιὸς και δ μεσὸς ἀντιστερός) are yoked together as
in a biga; and, as the two lateral ones have collars,
(λειβάδαις) equally with the yoke-horses, we may
presume that from the top of these proceeded the
ropes which were tied to the rim of the car, and by
which the trace-horses assisted to draw it. The
first figure in the annexed woodcut is the charriot
of Aurora, as painted on a vase found at Canosa. The
reins of the two middle horses pass through
rungs at the extremities of the yoke. All the par-
ticulars which have been mentioned are still more
distinctly seen in the second figure, taken from a
terra-cotta at Vienna. It represents a charriot

1. (Ovid., Met., ii., 315.)—2. (Eichyl., Pers., 47.)—3. (Hom.,
II., v., 192; x., 473.)—4. (Xen., Hell., i., 2; i, 5.)—5 (Virg.,
Ekn., vii., 280.)—6. (Georg., iii., 91.)—7. (Hom., ill., xvi., 148
Ginzro, v., ii., p. 107, 108.)

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works of art, the currus was sometimes drawn by four horses without either yoke or pole; for we see it represented thus in the Andromeda, a Persepolitan painting, now in the Victoria and Albert Museum, and also in the frescoes of the fourth Persepolitan stela, on which the royal charioteer, Persepolitan at any rate, has the wheel and yoke, which seems to have been always attached to the carriage, though not strictly necessary to its purpose. But the yoke and pole were often dispensed with, as in the famous Suida in the Vatican Museum. The driver, when Adventus, he held the reins, and his companion, the charioteer, from going by his side or near him. Though in all respects superior, the peraβιαστης was often obliged to place himself behind the νιόξης. He so represented in the biga at p. 66, and in the Iliad Achilles himself stands behind his charioteer Automedon. On the other hand, a personage of the highest rank may drive his own carriage, and then an inferior may be his παραβιαστης. In some cases we have a charioteer who is a demagogue, and the best example is the one who acted in the same Toga anhoud, and Juno, holding the reins and whip, conveys Minerva, who is in full armor. In such cases a kindness, or even a compliment, was conferred by the driver upon him whom he conveyed, as when Dionysus, tyrant of Sicily, "himself holding the reins, made Pluto his παραβιαστής. In the contest which ensued, an act and an attitude which is unique in Greek mythology, Δηνος invites the reins to the unfaithful Myrtillus, and assumes the place of his παραβιαστής, while Perseus himself drives with Hippodamia as his παραβιαστής, thus honouring her in return for the service she had bestowed.

The Persepolitan sculptures, and the innumerable paintings discovered in Egyptian tombs, concur with the historical writings of the Old Testament, and with the testimony of other ancient authors, in showing how commonly chariots were employed on the field of battle by the Egyptians, the Persians, and other Asiatic nations. The Greek poetry of the age, and the description of the heroic age given in the Iliad and the Odyssey, reflect this preva- lently prevalent of the same custom in Greece. The ἀρτομέδωs, i. e., the nobility, or men of rank, who were made up complete suits of armour, all took their chariots with them, and in an engagement placed themselves in front. Such were the ἱππομάχοι or cavalry of the Homeric period; the precursors of those who, after some centuries, adopted the less expensive method of riding on horseback, but who, nevertheless, in consideration of their wealth and station, still maintained their own horses, rather to aid and exhibit themselves individually on the field than to act as members of a compact body. In Homer's battles we find that the horseman, who, for the purpose of using his weap- ons, often stood without his horse under his arm, is under the necessity of taking the place of παραβιαστής (see the woodcut of the triga, p. 332), often asssists or challenges a distant foe from the chariot; but that, when he encounters his adversity in close combat, they both dismount, "springing from their chariots to the ground," and leaving them to the care of the νιόξης. The charioteer is described by Virgil, " Dixit Turnus binitia; pedes apparat ire Commius." As soon as the hero had finished the trial of his strength with his oppo-
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drives four white horses when he goes armed with his thunderbolt to resist the giants: Pluto is drawn by four black horses. The following line,

"Quadrir grasp et Phaxus equis, et Delta bigis,"1

is in accordance not only with numerous passages of the poets, but with many works of art. A bronze lamp2 shows the moon, or Diana, descending in a biga, and followed by Apollo, who is crowned with rays as he rises in a quadriga. The same contrast is exhibited in the annexed woodcut, showing the devices on two gems in the royal collection at Berlin. That on the left hand, representing Apollo encircled by the twelve signs, calls to mind the en-

gravings on the seal of Amphitryon. "Cum quadriga sol exorians."3 In the Aeneid,4 Latins drives a chariot and four to express his claim to be descended from Apollo. The chariots of Jupiter and of the Sun are, moreover, painted on ancient vases with wings proceeding from the extremities of the axle (πτυχῶν ἑρώων τοւμερ κατηκ).5

These supernatural chariots were drawn not only by horses, but by a great variety of brute or imaginary beings. Thus Medusa received from the Sun a car with winged dragons.6 June is drawn by peacocks,6 Diana by stags,6 Vennes by doves or swans, Minerva by owls, Mercury by rams, and Apollo by griffins. To the car of Bacchus, and, consequently, of Ariadne (vid. Capistrum, p. 209), are yoked cen- taurs, tigers and lynxes:

"Tu bijugum pictis insignia frenis
Cola premis lyncaum."16

Chariots executed in terra-cotta (quadriga fictiles17), in bronze, or in marble, an example of which last is shown in the annexed woodcut from an ancient chariot in the Vatican, were among the most beautiful ornaments of temples and other public ed- 

No pains were spared in their decoration; and Pliny informs us18 that some of the eminent artists were employed upon them. In numerous instances they were designed to perpetuate the fame of those who had conquered in the chariot- race.19 As the emblem of victory, the quadriga was sometimes adopted by the Romans to grace the triumphal arch by being placed on its summit; and even in the private houses of great families, or ar- ots were displayed as the indications of rank, or the materials of conquest and of triumph.

CUSTODES. (Vid. Cornius, p. 207.)

CYATHUS (καιχούς), a Greek and Roman liquid measure, containing one twelfth of the sextarius or 0.925 of a pint English. It was, in later times at least, the measure of the common drinking-glass among the Romans, who borrowed it from the Greeks.20 The form of the cyathus used at ban quets was that of a small ladle, by means of which the wine was conveyed into the drinking-cups from the large vessel (σερραφ) in which it was mixed.21 Two of these cyath are represented in the annexed woodcut from the Museo Borbonico, vol. iv., p. 12.

The cyathus was the unica, considered with re- reference to the sextarius as the unit: hence we have sextans used for a vessel containing the sixth of the sextarius, or two cyath, quadrans for one containing three cyath, triens for four cyath, quinuca for five cyath, &c.22

*CYCLAMINUS (κυκλάμινος), a plant, of which Dioscorides mentions two species. The first ap- parents to be the Cyclamen Europaeum, or common Sow-bread. About the second there has been much difference of opinion. Dodoan and Hardouin conclude that it was the Bitter-sweet (Salaman dulcamara); but Sprengel gives Gesner in referring it to the Lonicera periclymenum, or Woodbine.23

*CYCNUUS (κύκνος). This appellation, as Adam remarks, is generally applied to the Anes Cycnus, L., or Wild Swan; but sometimes also to the Anes Olor, or Tame Swan. It is to the wild swan that the Homeric epithet δαίλυτοβιος, "long-necked," is particularly applicable.24 "It is to this species (the Anes Cycnus)," observes Griffith, "that the ancients attributed so melodious a voice: but this opinion, however accredited, was not universal. It was contested by Lucian, Pliny, and Athen.; and even Virgil speaks only of the disagreeable cries of the swan. Some moderns have, notwithstanding, adopted the popular notions of the ancients on this subject, and, even in contradiction to the evidence of their senses, have endeavored to persuade themselves of its truth. It is sufficient to observe, from all credible evidence, that the opinion is ut- terly unfounded. The swan neither sings during its lifetime, nor, as some assert, just before its death. The comparatively modern discovery of the Black Swan seems to lead to the conclusion that the Cycnus Niger of antiquity was not altogether a fabulous creature."25


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CYMBALUM

*CYDONIUM MALUM*, the Quince, the fruit of the *Pirus Cydonia*. The name arose from that of the city of Cydon, in Crete, whence they were first brought to Greece. Cato first gave it the appellation of *Cotoneum malum*, and Pliny followed him. The ancient writers mention several varieties of the Quince: thus the true ones (*kotonia*) were small and round; another kind, the *oropodes*, was of a large size, and sweeter than the former. Columella enumerates three kinds, namely, *Struthia*, *Mustea*, and *Chrysomela*. The last, however, belongs to the orange family. The Quince-tree is still called *kudavia* in northern Greece. According to Sibthorp, it is cultivated in gardens with the apple-tree.1

*CYMINDIS* (*κυμίνδης*). (Vid. *Hierax*.)

CYCLAS (*κύκλας*) was a circualar robe worn by women, to the bottom of which a border was affixed, inlaid with gold.

"*Hae nunc aurata cyclade signat humum.*" 7

Alexander Severus, in his other attempts to restrain the luxury of his age, ordained that women should only possess one cyclas each, and that it should not be adorned with more than six unie of gold.3 The cyclas appears to have been usually made of some thin material (*tenui in cyclade*). It is related, among other instances of Caligula's ef- ficiency, that he sometimes went into public in a garment of this description.8 For the literature of this subject, see Ruperti, ad *Juv.*, vi., 259.

CYMBALUM (*κύμπαλον*), a musical instrument, in the shape of two half globes, which were held, one in each hand, by the performer, and played by being struck against each other. The word is originally Greek, being derived from *kúpos*, a hollow, with which the Latin *cymba*, *cymbium*, &c., seem to be connected. In Greek it has several other signiﬁcations, as the cone of a helmet; 7 it is also used for *apodycia*, 8 the vessel of puriﬁcation placed at the door of a house where there had been death.8 Besides this, it is often employed metaphorically for an empty, noisy person, as in 1 Corinthians, xiii., i, or, as Tiberius Caesar called Apion the grammarian, *Cymbalum mundi*. 9 In the middle-age Latia it is used for a church or convent-bell, and sometimes for the dome of a church.11

Several kinds of cymbals are found in ancient monuments, and, on the other hand, a great many names have been preserved by the grammarians and lexicographers; but the descriptions of the latter are so vague, that it is impossible to identify one with the other. A large class of cymbals was termed *krophiare*; which, if they were really distinct from the *spólamia*, as Spohn and Lampe suppose, cannot now be exactly described. (Vid. *Cymbalum.* The preceding drawing of a *krophi* is taken from an ancient marble, and inserted on the authority of Spohn.1

The *krophi* mentioned in the Homeric hymn to Apollo5 were of this kind, played on by a chorus of Delians. The scabilla or *krophi* were also on the same principle, only played with the foot, and inserted in the shoe of the performer; they were used by flute-players, perhaps to beat time to their music.

Other kinds of cymbals were, the *πλατάγια*, an invention of Archytas, mentioned by Aristotl6, and its diminutive *πλαταγιόνω*, which, from the description of Julius Pollux and Hesychius,7 appears to have been a child's rattle; *kófíla*, the two parts of which Suidas tells us6 were made of different materials, for the sake of variety of sound; *kófílai*, mentioned in the fragments of *Eschylus*, with several others noted by Lampe in his work *De Cymbals*, but perhaps without sufficient authority.

The cymbal was usually made in the form of two half globes, either resting on the ground, as to be grasped by the whole hand, or with a handle. It was commonly of bronze, but sometimes of baser material, to which Aristophanes alludes.7 The subjoined woodcut of a cymbalisteria is taken from an ancient marble, and given on the authority of Lampe. See also the figure in page 189.

The cymbal was a very ancient instrument, oc- cuing in the worship of Cybele, Baechus, Juno, and all the earlier deities of the Grecian and Roman mythology. It probably came from the East, from whence the Phoenicians, it was conveyed to Spain.8 Among the Jews it appears (from 3 Chron., v., 12, 13. — *Neuem.*, xii., 27.) to have been an instrument in common use. At Rome we first hear of it in Livy's account of the Bacchic orgies, which were introduced from Etruria.9 For *sistrum*, which some have referred to the class of *cymbala*, see *Sistrum*.

*CYNOCEPHALI* (*κυνοκεφάλοι*), a fabulous race, with the heads of dogs, mentioned by Pliny and others as dwelling in the interior of Africa. The *Cynocephali* of the ancients, however, were in reality a species of large baboon, with elongated, dog-like head, flat and compressed cheeks, projecting and strong teeth, and a forehead depressed below

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1. (Miscell., sec. v, art. vii., fig. 44.)—2. (161—164.)—3. (Poldiac, Onom., x, 33. — *Pold., viii., 6.)—4. (v. 8.—6.)—7. (Ranea, 1805).—8. (Camspre Martial's Batic Cuinimates.—9. (Xenek., 9.)
the level of the superior margins of the orbits. Notwithstanding this close approximation to the shape of the dog's head, the form and position of the eyes, combined with the similarity of the arms and hands, gave to these creatures a resemblance to humanity as striking as it is disgusting.

*CYNOGLOSSUM* (κυνογλώσσαι ou -γλώσσαι), the Hounds'-tongue, or *Cynoglossum officinale*. Cup- pepper, the English herbalist, says, with respect to the etymology of the word, "it is called Hounds'-tongue because it ties the tongues of dogs; whether or not I have never tried." 17

II. The name of a fish mentioned by Athenaeus. Rondellet supposes it a species of the Bonglossus or Sole.

*CYNOCRAMBE* (κυνοκράμβη), a plant, which Sprengel, in his history of Botany, sets down as the *Chenopodium album*, or white Goose-foot; but in his edition of Dioscorides he joins Bothein in holding it to be the *Thelygonum cynocephalum*.

*CYNOMYIA* (κυνομυία), the Dog-fly, or Meusa canina.

*CYNORAITES* (κυνοραίητης), the Dog-thick, or *Acarus Ricinus*, L. 6

*CYNORODON* (κυνορόδων). "None of the commentators," observes Adams, "offer any explanation of what it was; but, as the word signifies the Dog's head, it is probable that it was the same as the κυνώδων." 17

*CYNOBATUM* (κυνοβάτων). "The commentators are not quite agreed respecting this plant," observes Adams. "Dierbach makes it to be the *Rosa pomifera*; Sprengel follows Dodonaeus in referring it to the *Rosa canina*, or Hug; and Stackhouse at first inclines to this opinion, but afterward decides in favour of the Rubus Idaeus. I am of opinion that it was most probably the *Rosa canina*.

*CYNOPS* (κυνόπως). Both Sprengel and Stackhouse call this plant *Plantago cynops*, but the latter hesitates about making it the *P. Psyllium*, or Fleawort.

*CYPERUS* (κυπέρος or -σος), the *Cyperus rotundus*, a plant still very common on the Greek islands. It is mentioned by Theocritus as an agreeable plant, and is also noticed by Homer and Nicander. According to Dodwell, the roots are taken medicinally for the stomach. The leaves are used for stringing and cutting the roots of *Athen*, and for tying the wigs on the cultivated trees.

*CYPRUS* (κύπρος), a plant; according to Pliny, the same with the *Ligustrum*. Martyr, however, remarks, that Prosper Alpinus found plenty of plants in Egypt answering to Dioscorides' description of the *Cyprus*, but at the same time declared that the Italian *Ligustrum*, or Privet, did not grow in Egypt. It has since been settled, according to Adams, that it is a species of *Lasianthus*, either the *inermis* or the *album*.

*CYTISUS* (κύτισος). "There has been considerable diversity of opinion respecting this plant. The point, however, seems at last to have been settled by Martyr and Sprengel in favour of the *Medicago arborea*, or Tree Medick." Sibthorp found the *M. arborea* growing among the rocks around Athens.

D.

**DACTYLIOTHECE** (δακτυλιόθηκα), a case or box where rings were kept. 1

The name was also applied to a cabinet or collection of jewels. We learn from Pliny 2 that Scaurus, the stepson of Sula, was the first person at Rome who had a collection of this kind, and that he was the only one till Pompey brought to Rome the collection of Mithradates, which he described. Cleopatra joined Caesar and placed six dactylithoces in the Temple of Venus Genetrix.

**DACTYLUS** (δακτύλος). (Vid. PES).

**DADUCIUS** (δαδούχος). (Vid. ELEUSINIA).

**DEDAEA** (Δαιδάλεια), a festival celebrated in Boeotia in honour of Hera, surnamed Νυμφοκράτης or Τελεία. 3 Its origin and mode of celebration are thus described by Pausanias: 4 Hera was once angry with Zeus, and withdrew herself to Eubea. Zeus not being able to persuade her to return, went to Citheroon, who then governed Plataeae, and who was said to be unequalled in wisdom. He advised Zeus to get a wooden statue, to dress and place it upon a chariot, and to say that it was Plataea, the daughter of Asopus, whom he was going to marry. Zeus followed the advice of Citheron, and no sooner had he placed the statue on the chariot than it was heavier than she returned. But when, on approaching the chariot and dragging off the coverings, she saw the wooden statue, she was pleased with the device, and became reconciled to Zeus. In remembrance of this reconciliation, the Plataeans solemnized the festival of the dadaela, which owes its name to Δαι- δαλεια, the appellation by which, in ancient times, statues and other works of ingenious and curious workmanship were designated. 5 Pausanias was told that the festival was held every seventh year; but he believes that it took place at shorter intervals, though he was unable to discover the exact time.

We have to distinguish between two festivals of this name: one, which was celebrated by the Plataeans alone, was called the lesser Dadaela (Δαιδαλεια μικρά), and was held in the following manner: In the neighbourhood of Alacome was the greatest oak-forest of Boeotia, and in it a number of oak-trunks. Into this forest the Plataeans went, and exposed pieces of cooked meat to the ravens, attentively watching upon which tree any of the birds, after taking a piece of the meat, would settle; and the trees on which any of the ravens settled were cut down and worked into dadaela, i. e., roughly- hewn statues.

The great Dadaela (Δαιδαλεια μεγάλα), in the celebration of which the Plataeans were joined by the other Boeotians, took place every sixtieth year; because at one time, when the Plataeans were absent from their country, the festival had not been celebrated for a period of sixty years. At each of the lesser Dadaela fourteen statues were made in the manner, and the pieces of meat were given by lot among the towns of Plataeae, Coronea, Thebe, Tanagra, Chersona, Orchomenos, Lebadea, and Thebes; the smaller towns took one statue each. The Boeotians assembled on the banks of the Asopus; here a statue of Hera was adored and raised on a chariot, and a young bride led the procession. The Boeotians then decided by lot in what order they were to form the procession, and dadaelas were placed among their chariots away from the river, and on Mount Citheron, on the summit of which an altar was erected of square pieces of wood, fitted together like stones. This altar was covered with a quanti-
DAPHNE.

DAMNUS.

Dry of wood, and the towns, persons of rank, and other wealthy individuals, offered each a heifer to Hera and a bull to Zeus, with plenty of wine and incense, and the happy proprietors placed their flocks upon the altar. For those who did not possess sufficient means, it was customary to offer small sheep; but all their offerings were burned in the same manner as those of the wealthier persons. The fire consumed both offerings and altar, and the immense flame thus kindled was seen far and wide.

The account of the origin of the dædal given by Pausanias is derived from the story related by Plutarch, who wrote a work on the Platæan dædal; the only difference is, that Plutarch represents Zeus as receiving his advice to deceive Hera from Alabamenes, and that he calls the wooden statue by which the goddess was to be deceived Dædalus instead of Platæa. Plutarch also adds some remarks respecting the meaning of the festival, and thinks that the dispute between Zeus and Hera had reference to the physical revolutions to which Beoûs, at a very remote period, had been subject, and their reconciliation to the restoration of order in the elements.

1. DACRYDON (δακρυδόν), a name for Scammony, given to it by Alexander of Tralles. (Vid. Scammony.)

2. DACYLI (δακύλι), the fruit of the Palm-tree. The earlier Greek writers called this by the names of φοίνιξ, φοίνικος βλάστης, and φοινικοκολλόνιον. The appellation δακυλος occurs first in the works of the medical authors, but came afterward into general use; from it the name of the fruit in question was derived by the Romans. The word is now applied to the fruit of various species of trees in the British Museum. (Fid. Phœnix.)

3. DAMASO'NIUM (δαμασωιόν), a plant, the main, according to Galen, with the άλησια of Dioscorides. Stephens calls it Plantago aquatica. Corbus, Sprengel, and Stephan accordingly acknowledge it as the Water Plantain, or Alisma plantago, f. 6.

4. DAMNI INJURIA ACTIO. The Aquilias, in the first chapter, provided that, if a man unlawfully (injuria) killed a slave or quadrapled (quae pseudum numero sili) which belonged to another, he was bound to pay to the owner the highest value that the slave or animal had possessed in the unlawful act. By the third chapter he was bound to pay the highest value that the slave or animal had had within the thirty days preceding the unlawful act. A person whose slave was killed (injuria) might either prosecute the offender capitaUly (capitales crimines), or might bring his action for damage under this. The actions of the lex Aquilias (aetiones drectae) were limited to damage done by actual contact (corpore), and only the owner of the thing damaged could sue. Afterward, an actio utilis was given in the case where the injury was done corpore but not corpore; as if a man persuaded a neighbour's slave to get up a tree, and he fell down and died, or was injured: such actio was also given. Most of the Código is based on this law.

5. DAMNUM signifies generally any injury to a person's property, and it is either damnum factum, datum, damage done, or damnum infectum, metuendum, damage apprehended. (Vid. Damnum Infectum.) Damage done to our actual property is simply called damnum; that damage which is caused by our being prevented from acquiring a certain gain is called lucrum cessans: both are sometimes comprehended under the phrase "id quod interest," though this expression is more frequently used for the compensation which a man claims beyond the bare value of the thing damaged, and sometimes it signifies the bare loss only. To make good any damage done is called damnum præstare.

The causes of damnum are either chance (causa) or the acts of human beings, which, when characterized by dolus malus or culpa, become damnum, and when done under some special sentence, it is a damnum Dei. Delay (mora) is included by some writers under the causes of damnum, but it might be appropriately considered as a form of culpa.

DAMNUM INFECTUM is damage not done, but apprehended. For instance, if a man feared that mischief might happen to his property from the dilapidated state of his neighbour's buildings, he could bring an action for the damage that was apprehended, and the court could take possession of the ruinous edifice. If a man's house fell and injured the house of a neighbour before any cautio had been given, the sufferer had no right of action, if the person whose house had tumbled down was content to relinquish all right to what had fallen on his neighbour's premises.

DANAE (δαναί), the name of a foreign coin, according to Hesychius 4 worth a little more than an obolus. According to some writers it was a Persian coin. This name was also given to the obolus which was placed in the mouth of the dead to pay the ferryman in Hades. At the opening of a grave a coin was sometimes thrown into the mouth, and it was also common to find between the teeth of the corpse.

G. DANEFTON. (Vid. Interessest of Money.)

DAPHNE (δαφνη), the Laurus of the Romans, and our Bay-tree; not the Laurel, as it is frequently rendered. "Translators," observes Martyn, "frequently confound the Laurel and the Bay, as if they were the same tree, and what the Romans called Laurus. Our Laurel was hardly known in Europe till the latter end of the sixteenth century, about which time it appears have been brought from Trebizond to Constantinople, and thence into most parts of Europe. The Laurel has no fine smell, which is a property ascribed to the Laurus by Virgil. Nor is the Laurel remarkable for cracking the fire, of which there is an abundant mention with regard to the Laurus. These characters agree very well with the Bay-tree, which seems to be most certainly the Laurus of the ancients, and is at this time frequent in the woods and hedges of Italy." The first discoverers of the Laurus gave it the name of Laurocerus, because it has a leaf something like a bay and a fruit like a cherry.


U V
IL short, as Adams remarks, the δόρυν is the Laure
nus nobis, L. The δόρυν 'Alexandria of Dios
corides is unquestionably, according to the same
authority, the Butcher's Broom, or Alexandrian
Laurel, i. e., Ruscus Hypoglossum.1

DAPHNEPHORIA (Daphnephoria), a festival cele
brated every ninth year at Thebes in honour of
Apollo, surnamed Ismenius or Galaxius. Its name
was derived from the branches of bay (δαφνων) which
were carried by those who took part in its celebra
tion. A full account of the festival is given by
Proclus.2 At one time all the Άσολιαν of Arne
and the adjacent districts, at the command of an
oracle, laid siege to Thebes, which was at the same
time besieged by Polyes, king of the neighbouring
country. But when the day came on which both parties had to celebrate a festival of Apollo, a truce was concluded, and on the day of the festival they went with bay-boughs to the
place where a temple of Apollo, and bay-boughs in their hands, were to go to his temple.
When, on the third day after this truce, both
parties again were engaged in close combat, Polema
tas gained the victory. He now fulfilled his prom
ise, and walked himself to the temple of Apollo in
the manner ascribed to the king he had seen in
his vision. And ever since that time the custom was observed. At one time all the Άσολια
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the manner ascribed to the king he had seen in
his vision. And ever since that time the custom was observed.
Respecting the mode of celebration, he adds: At
the daphnephoria they adorn a piece of olive-wood
with garlands of bay and various flowers; on the
op of it a brazen globe is placed, from which small
er ones are suspended; purple garlands, smaller
than those on the top, are attached to the middle
part of the wood, and the lowest part is covered
with a crocus-coloured envelope. By the globe on
the top they indicate the sun, which is identical
with Apollo; the globe immediately below the first
represents the moon; and the smaller suspending
globes are symbols of the stars. The number of
boughs being 366, indicates the course of the year.
A beautiful procession was drawn by a youth,
whose father and mother must be living. The
youth was, according to Pausanias,3 chosen priest
of Apollo every year, and called ἄγαράς: he was always of a handsome figure and strong,
and taken from the most distinguished families of
Thebes. Immediately before this youthful priest
walked his nearest kinsman, who wore the adorned
piece of olive-wood, which was called σώλην. The
priest followed, bearing in his hand a bay-bran
ch, with dishevelled and floating hair, wearing a golden
crown on his head, a magnificent robe which reached
down to his feet (παιδοβρέον), and a kind of shoes,
called ιέράρχαια, from the general, Iphicrates,
who had first introduced them. Behind the priest
there followed a choir of maidens, with bouquets in
their hands and singing hymns. In this manner the
procession went to the Temple of Apollo Isme
nius or Galaxius. It would seem from Pausanias
that all the boys of the town wore laurel garlands
on this occasion, and that it was customary for the
sons of wealthy parents to dedicate to the god bra
zen tripods, a considerable number of which were
seen in the temple by Pausanias himself. Among
them was one which was said to have been dedica
ted by Amphitryon, at the time when Heracles was
daphnephoria. This last circumstance shows that
the daphnephoria, whatever changes may have been
subsequently introduced, was a very ancient festival

There was a great similarity between this fest
ival and a solemn rite observed by the Delphians,
who sent every ninth year a representation of the
Temple. This boy went on the sacred road,1 and returned
home as bay-bearer (δαφνηφόρος) amid the joyful
songs of choruses of maidens. This solemnity was
observed in commemoration of the purification of
Apollo at the altar in Tempe, whether he had fled
after killing the Python, and was held in the monts
of Thargelion (probably on the seventh day). It is
a very probable conjecture of Müller,4 that the Beot
can daphnephoria took its origin from an old commen
tation of the daphnephoria of Tempe, which was
on the day on which the Delphian boy broke the
purifying bay-boughs in Tempe.

The Athenians seem likewise to have celebrated
a festival of the same nature, but the only mention
we have of it is in Proclus,5 who says that the
Athenians honoured the seventh day as sacred to
Apollo; that they carried bay-boughs, and adorned
the basket (κιάμυνα, see Καρπαγοε) with garlands,
and sang hymns to the god. Respecting the astro
nomical character of the daphnephoria, see Müller,
Orchom., p. 220; and Creuzer, Symbol. und Mythol.
ii., p. 160.

DAPNIOIDES (Daphnoidés) according to Spen
gel, the Daphne Alpina; and the χωρογιαν Daph
i- corders, the Ruscus Canescens.6

DARE ACTIO/ NEM. (Vid. Actio, p. 19.)

Daphnephoria. Among the signs of Pausanias,7 was
gold, stamped on one side with the figure of an arch
arched crown and kneeling upon one knee, and on the
other with a sort of quadrata incus or deep clasp.
The origin of this coin is doubtful. We know from
Herodotus8 that Darius reformed the Persian cur
rency, and stamped gold of the purest standard;
whence it was supposed that the darcus was so called from him. Harpocrateion, however, says9 that the name was older than this Darius, and taken from an earlier king. Gesenius10 supposes
the name to be derived from an ancient Persian
word signifying king, or royal palace, or the bow
of the king, in allusion to the figure stamped upon it.

This coin had a very extensive circulation, not
only in the Persian empire, but also in Greece. The
money given by Cyrus to the soldiers of Cambyses was
a darcus a month;8 and the same pay was of
fers to the same troops by Thimbrion, a Macedo
monian general.9 In the later books of the Old Test
ament, the darcus is supposed to have been men
tioned under the names of adarkon (1237) and dark
mon (1237).10

Harpocrateion says that, according to some per
sons, the darcus was worth twenty silver drachmas;
which agrees with the statement of Xenophon12 who
informs us that 3000 drachmas were equal to ten tal
ents, which would consequently make the darcus equal
to twenty drachmes. The value of the darcus in our
money, computed from the drachma, is 162 s.; but if reckoned by comparison with the gold,
coin, it is worth much more. The darcus in the
British Museum weigh 1234 grains and 1268 grains
respectively. Hussey13 calculates the darcus as
containing on an average about 1237 grains of
pure gold, and therefore equal in value to 1912
of a sovereign, or about 1s. 1d. 167 farthings.
Very few darcus have come down to us; their
1. (Dioscor., i., 106.—Galen, De Smp., vi.—Baun's Phaex, 403.—Adamus, Appendix, s. v.)—2 (Chrestomath., p. 113.)—3 (Iuc, 10, 11, 12.)—4 (Plin., H. N., vi., 96.)—5 (Adams, Appendix, s. v.)—6 (Vid. Actio, p. 166.)—7 (Herut, Xenoph., 5, 3, 4, 5.)—8 (Ibid., viii., 96, 97.)—9 (Ibid., viii., 6, 7.)—10 (Vid. I Chroh., 32, 4.)—11 (Xen., Anab., i., 9, 10.)—12 (Adams, Appendix, s. v.)—13 (Anab., i., 7, 6.)
DECEMVIRI

Two actions for bribery at Athens: one, called ἐκατον γραφή, lay against the person who gave the bribe; and the other, called δώρον οτρωδοκίας γραφή, against the person who received it. These actions applied to the bribery of citizens in the public assemblies of the people (ἐκατονταρχοι τῆς ἐκκλησίας), of the Heliaea or any of the courts of justice, of the boule, and of the public advocates (συνήγοροι).

Demosthenes, indeed, says that orators were forbidden by the law not merely to abstain from receiving gifts for the injury of the state, but even to receive any present at all.

According to Aristotle, Anaximenes was the first person at Athens who bribed the judges; and we learn from Plutarch that he did so, when he was charged with having been guilty of treachery at Pylus, at the end of the Peloponnesian war. Other writers say that Meles was the first person who bribed the judges.

Actions for bribery were under the jurisdiction of the thebarchia. The punishment on conviction of the defendant was death, or payment of ten times the value of the gift received, to which the court might add an additional punishment (προστίμονα).

Thus Demosthenes was sentenced to a fine of 50 talents by an action for bribery, and also thrown into prison.


DECATONAI (δεκατόναι). (Vid. DECEMVIR).

DECEMBER. (Vid. Calendar. Roman).

DECEMPEDA, a pole ten feet long, used by the orators in the assembly of the people in the Aeginetan land. Thus we find that the orators sometimes called decempeda (L. Antonius, quae fuerat aquaeulis agris privatix et publici deccempeda (14)).

DECEMVIRI, the name of various magistrates and functionaries at Rome.

1. DECEMVIRI: London Screenends were ten persons who were appointed to draw up a code of laws, and to whom the whole government of the state was intrusted. As early as B.C. 460, a law was proposed by Caius Terentulus Harsa, that commissioners should be appointed for drawing up a body of laws; but this was violently opposed by the patricians; and the project fell through for a number of years, till the patricians consented to send three persons to Greece, to collect such information respecting the laws and constitutions of the Greek states as might be useful to the Romans. They were absent a year; and on their return, after considerable dispute between the patricians and plebeians, ten commissioners of the patrician order were appointed with the title of "decmviri legibus scribendi," to whom the revision of the laws was committed. All the other magistracies were suspended, and they were intrusted with supreme power in the state. Niebuhr, however, supposes that the tribuneship was not given up till the second decemvirate; but Dionysius expressly says that it was superseded in the first.

The decemvirs entered upon their office at the beginning of the year 449 B.C. They consisted of Appius Claudius and Titus Genciius, the new con

DECEMVIRI.

sists, of the wards of the city, and of the two quas-
tors parriediti, as Niebuhr conjectures, and of five
others chosen by the centuries. They discharged
the duties of their office with diligence, and dispo-
sed justice with impartiality. Each administered
the government day by day in succession, as dur-
ing an interregnum; and the fasces were only carried
before the one who presided for the day.1 They drew
up a body of laws, distributed into ten sections, which,
after being approved by the senate and the comitia,
were engraved on tablets of metal, and set up in the comitia.

On the expiration of their year of office, all par-
ties were so well satisfied with the manner in which
they had discharged their duties, that it was resolv-
ed to continue the same form of government for an-
other year; more especially as some of the decem-
virsi said that their work was not finished. Ten
new decemvirs were accordingly elected, of whom
Appius Claudius alone had belonged to the former
body;2 and of his nine new colleagues Niebuhr
thinks that five were plebeians. These magistrates
framed several new laws, which were approved of
by the centuries, and engraved on two additional tab-
les. They acted, however, in a most tyrannical
manner. Each was attended by twelve lictors, who
Carried, not the rods only, but the axe, the
emblem of sovereignty. They made common cause
with the patrician party, and all kinds of outrages
upon the persons and property of the plebeians;
and when the year's term was over, they refused to
resign or to appoint successors. Niebuhr, however, considers it certain
that they were appointed for a longer period than a
year, since otherwise they would not have been
required to resign their office, but interregues
would at the expiration of the year have stepped into their
place. This, however, does not seem conclusive, though
the existence of the decemvirs is acknowledged in the
whole of the public and private punishments of
the period. After the year's term expired, they refused to
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the period. After the year's term expired, they refused to
resign or to appoint successors.

The decemvirs, in consequence, were obliged to resign their office, B.C. 445, and the usual magistracies were re-established.3

The ten tables of the former, and the two tables of the latter decemvirs, together form the laws of the Twelve Tables, of which an account is given in a separate article. (Vid. Twelve Tables.)

11. DECEMVIRI LIVIUS JUDICANDIUS. (Vid. Præ-
ator.)

11. DECEMVIRI SACRIS FLACUNDIS, sometimes
called simply DECEMVIRI SACRORUM, were the
members of an ecclesiastical collegium, and were elected for
life. Their chief duty was to take care of the Sibylline books, and to inspect them on all important
occasions by command of the senate.4 Virgil5 alludes to them in his address to the Sibyl: "Lectos
sacrae virum." Under the kings the care of the Sibylline books was committed to two men (duumvirii) of high rank,6 one of whom, called Atius or Tullius, was punished
by Tarquinii for being unfaithful to his trust, by being sewed up in a sack and cast into the sea.7
On the expulsion of the kings, the care of these books was intrusted to the nobest of the patricians,
who were exempted from all military and civil duties.

Their number was increased about the year 395 B.C. to ten, of whom five were chosen from
the patricians and five from the plebeians.8 Subse-
quently their number was still further increased to
fifteen (quindecemviri), but at what time is uncertain.
As, however, we learn from Suet. Aug. 33, that Crassus, B.C. 82, when the Capitol was burned,9 and we read
of decemviri in the time of Cicero,10 it appears proba-
tile that their number was increased from ten to
fifteen by Sulla, especially as we know that he in-
creased the numbers of several of the other eccle-
siastical corporations. Julius Caesar added one more
to their number,1 but this precedent was not fol-
lowed, as the collegium always appears to have consti-
tuted a body of ten only devoted to religious
or to civil matters.

It was also the duty of the decemviri and quin-
queviri to celebrate the games of Apollo12 and the
secular games. They were, in fact, considered
priests of Apollo, whence each of them had in
his house a bronze tripod dedicated to that deity.

DECIMA-TIO was the selection, by lot, of every
tenth man for punishment, when any number of
soldiers in the Roman army had been guilty of any
crime. The remainder usually had barley allowed
to them instead of wheat.13 This punishment does not appear to have been often inflicted in the early
times of the Republic, but is frequently mentioned
in the civil wars and under the Empire. It is said
to have been revived by Crassus, after being dis-
continued for a long time (Πάραυο τοῦ τοῦτο δα αὐτών
χρόνων κλώσεως τοὺς στρατιωτάτοις επιμένων). For the manner of this punishment, see Liv., ii. 33;
Suet. Aug. 24; Catull. 12. — Tacit., Hist., i. 37.— Dio,
xii., 35; xlix., 27, 38.

Sometimes only the twentieth man was punished
(vicessimo), or the hundredth (centesimo)14

DECRETUM seems to mean that which is de-
termined in a particular case after examination or
consideration. It is sometimes applied to a deter-
mation of the consuls, and sometimes to a deter-
mation of the senate.15 A decreum of the senate
would seem to differ from a senator's consultation
in the way above indicated: it was limited to the
special occasion and circumstances, and this would be true whether the decreum was of a judicial or a
legislative character. But this distinction in the
use of the two words, as applied to an act of the
senate, was, perhaps, not always observed. Oebel
states that a decreum is used when there is in this
passage apparently the same analogy
as between a consultation and decreum of the
Senate. A decreum, as one of the parts or kinds
of constituent, was a judicial decision in a case be-
fore the sovereign. (Vid. Consultatio.) Gains,1 when he is speaking of interdicta, says that they
are properly called decreta, "eum prætor aut pro-
consuli fieri aliquot jubet," and interdicta when he
forbids. A index is said to be "condemnare," not "de-
cernere," a word which in judicial proceedings is
appropriate to a magistratus who has jurisdiction.

DEMUME (sc. partes) formed a portion of the
vestigia of the Romans, and were paid by subjects
whose territory, either by conquest or descent, had
become the property of the state (ager publicum).
They consisted, as the name denotes, of a tithe of
the produce of the soil, levied upon the cultivators (cultivatores) of the lands, which, from being subject to this pay-
ment, were called agri decuman. The tax of a
tenth was, however, generally paid by corn lands:
plantations and vineyards, as requiring no seed and less labor, paid a fifth of the produce.16

We also find the expression "decumates agri"

1. (Liv., vi. 33—25) — 2. (Liv., viii. 35.) — Dioni,
applied to districts in Germany which were occupied by Roman soldiers or auxiliaries, after the expiration of the old proprietors, subject to the payment of a tenth part of the produce. It is probable that there were many such; and if so, it is useless to inquire where the lands so called were situated. ¹

¹ Tacitus merely says that they lay beyond the Rhine and the Danube. The name of decuman-i was also applied to the farmers of these tribunes, who were also called decuriones, ² to whom the purchase-money was dedicated, and collected them on their own account. (Vid. Publ. I. 1.)

The system of exacting a tenth of the produce from the occupiers of land which had become the property of the state, seems to have been of great antiquity: thus a tradition is preserved of the Romans themselves having at one time paid a tenth to the Etruscans, a story which Niebuhr ³ refers to as being not improbable. It was the custom for the persons in the class of decuriones, or something similar, to raise the money, which was afterwards paid to the state. The practice is best illustrated by the case of Sicily.

It appears from Cicero ⁴ that the Romans, on reducing this island to a province, allowed to the old inhabitants the continuance of their ancient rights (ut codem juris esseconst, quo fauseant), and that, with some few exceptions, the territory of all the states (omnis terrae urbis) possessed the right of requisition or compulsory payment of a tithe on corn, wine, oil, and the "fruges minute," it was further determined that the place and time of paying these tithes to the decurioni should be "be and continue" as settled by the law of King Hero (ex heroico), which enacted severe penalties against any arator who did not pay the tithe for "his" land. But this was sometimes carried beyond the tenth to pay more than their tenth. It is interesting to remark, that the coloni, who afterward occupied the lands of the Romish Church in Sicily, and were farmed out along with the smaller plots of land to the "conducatores" or Jesuits of the Church, paid for a fixed portion of the produce, which was sometimes delivered in kind, sometimes bought off with money. A letter of Gregory VII. shows that these coloni suffered the same sort of grievances as the aratores under the prætor Verres. ⁶

7. The form of this kind was not, however, peculiar to the foreign provinces of Rome: they were also levied on public lands in Italy; as, for instance, on the ager Campanus, which we read of as being tithed. In this case the land was divided into a number of small parcels, called tomos, for each Roman citizen by a lex agraria of Julius Cæsar. (Vid. Agrariae Leges.)

8. A similar system existed in Greece also; the tenth being paid as a usufruct on property which was not freehold, though the right of occupation might be acquired by inheritance or purchase: thus in the case of spes (sometimes deditio) the right as proprietor of the lands they occupied: Peisistratus, for instance, imposed a tax of a tenth on the lands of the Athenians, which the Peisistratide lowered to a twentieth. ⁷ We use the word "usufruct," in the previous sentence, in its common acceptance; but the "usu fructus" of Roman law was sometimes applied to the usufruct of a property which the state derived from the land which was termed "fructus," and the occupation for which it was paid, "usu." ⁸ The same principle was also applied to religious purposes: thus Xenophanes subjected the occupiers (tois ἔχοντας καὶ καταχρησίμους) of the land he purchased near Scillus to a payment of tithes in support of a temple of Artemis, the goddess of agriculture, who (probably boys to whom the purchase-money was dedicated) the Delian Apollo also received tithes from the Cyclades. ⁹ That many such charges originated in

DEIPNOS.

DEIPNOS.

dull from the words of Sosibius, we must conclude that the action represented was only alternating with comic dances, or accompanied by them. Athenæus gives a list of names by which these mimic actors, who were extremely popular among the ancients generally, were designated in various parts of Greece. It is highly probable that the representations of the Ætilestai were peculiar to some religious festival, and it has been supposed that they were connected with the celebration of the Dionysia at Sparta.

DEIGMA (δείγμα), a particular place in the Peiriæus, as well as in the harbours of other states, where merchants exposed samples of their goods for sale. The samples themselves were called δειγματα.

DEJECTUM EFFUSUM. (Vid. DEJECTI EFFUSIVE ACTIO.)

DEJECTI EFFUSIVE ACTIO. This was an action given by the praetor's edict against a person who threw or poured out anything from a place or upper chamber (cænaculum) upon a road which is frequented by passengers, or on a place where people use to stand. The action was against the occupier, not the owner. If several persons inhabited a cænaculum, and any injury was done to another by a thing being thrown or poured out of it, he had a right of action against any of them, if the deed was uncertain. The damages recoverable were to double the amount of the damage, except in the case of a libation, when they were fifty aurei if he was killed; if he was only injured in his person, they were quantum ob eam rem acquam judici videbitur eum cum quo agatur condemnari, which included the expenses of a medical attendant, loss of time, &c., but no damage done to his apparel, &c. If injury was caused by a thing being thrown from a ship, there was an actio; for the words of the edict are, “unque in eum locum quo volgo iter flat vel in quo consistatur, dejectum,” &c.

As many of the houses in Rome were lofty, and inhabited to the top by the poor, and probably as there were very imperfect means for carrying off rubbish and other accumulations, it was necessary to provide against accidents which might happen by such things being thrown through the window. According to Labeo's opinion, the edict only applied to the daytime, and not to the night, which, however, was the more dangerous time for a passer-by.

DEILE (δείλη). (Vid. Dis.)

DEILIAS TARPHI (δείλια γραφή), the name of a son of Eumolpus instituted first soldiers who had been guilty of cowardice. The presidency of the court belonged to the strategi, and the court was composed of soldiers who had served in the campaign. The punishment, on conviction, appears to have been útima. Compare ΑΣΤΡΑΤΕΙΑΣ TARPHI.

DEIPNON (δείπνων). The present article is designed to give a sketch of Grecian meals, and customs connected with them. The materials for such an account, during the middle or classical period of Athens and Sparta, are almost confined to incidental allusions of Plato and the comic writers. Several ancient authors, termed δείπνοιοι, are mentioned by Athenæus; but, unfortunately, their writings only survive in the fragments quoted by him. His great work, the Deipnomachus, is an inestimable treasure of this kind of knowledge, but ill arranged, and with little attempt to distinguish the customs of different periods.

The poems of Homer contain a real picture of early manners, in every way worthy of the antiquarian's attention. As they stand apart from all other writings, it will be convenient to exhibit in one view the state of things which they describe. It is not to be expected that the Homeric meals at all agree with the customs of a later period; indeed, it would be a mere waste of time to attempt adapting the poet to the other. Athenæus, however, has entered fully into the subject, remarks on the singular simplicity of the Homeric banquets, in which kings and private men all partake of the same food. It was common even for royal personages to prepare their own meals; and Ulysses declares himself no mean proficient in the culinary art:

Πυρ τε εν νησα, δια δε ξύλα βανδ κεκλων
Διατρεφοσ τε και οντησα και οικοφυσα.

Three names of meals occur in the Iliad and Odyssey: Æstus, Æstus, Æstus. This division of the meals is ascribed, in a fragment of Æschylus quoted by Pollux, to an ancient Æstus. The Æstus was possessed by the host, and the Æstus and Æstus with a modern Æstus, Æstus, Æstus, and Æstus, &c., were given to the guests. The word Æstus uniformly means the early (μικρος), as Æstus does the late meal; but Æstus, on the other hand, is used for either, apparently without any reference to time. We should be careful, however, how we argue from the unsettled habits of the table to the regular customs of ordinary life.

For the duration of the passages in Homer, Ajax, and Odysseus, it appears to have been usual to sit during meal-times. In the palace of Telemachus, before eating, a servant brings Minerva, who is habited as a stranger, the κέρων, or lustral water, "in a golden pitcher, pouring it over a silver vessel." Beef, mutton, and goat's flesh were the ordinary meals, usually eaten roasted; yet from the lines:

'Ως δε λέχθη ἐξ ἐννοι, ἐπεγεγυμνος πυρ πολύ
Κυνος μελόδυνος ἀποκτητέος σίλων,

we learn that boiled meats were held to be far from unsavoury. Cheese, flour, and occasionally fruits, and also for the part of the Homeric meals, bread, brought on in baskets, &c, and salt (λίον, to which Æmon gives the epithet θείος, are mentioned: from Ὀδ., xxv., 455, the latter appears, even at this early period, to have been a sign of hospitality; in Ὀδ., xii., 123, it is the mark of a strange people not to know its use.

Each guest appears to have had his own table, and he who was first in rank presided over the rest. Menelaus, at the marriage feast of Hermione, begins the banquet by taking in his hands the side of a roasted ox, and placing it before his friends. At the same entertainment music and dancing are introduced: "The divine minstrel hymned to the sound of the lyre, and two tumblers (καλυψτριτε) began the festive strain, wheeling round in the midst, and was not beneath the notions of those early days to stimulate the heroes to battle.

Έσχορ τε, κρατείτο τε, ἐς πλείον δεμάκατον:

and Ajax, on his return from the contest with Hector, is presented by Agamemnon with the νόστο

The names of several articles of the festive board occur in the Iliad and Odyssey. Knives, spoons, cups of various shapes and sizes, bottles made of goat-skin, casks, &c, are all mentioned. Many sorts of wine were in use among the heroes; some of Nestor's is remarked on as being eleven years old. The
The principal meal, however, was the deipnon, which ought, therefore, according to our notions, to be translated, like the Latin cena, by our word "dinner." It was usually taken rather late in the day, frequently not before sunset. Aristotle 3 says, "Horti aliquot adolescentes coimes in Pirro, In honorem diem ut de symbolis essences. Charcan et tri Praefecessum: dati annulis: locus, tempus constitutum est." This kind of entertainment, in which each guest contributed to the expense, is mentioned in Homer 4 under the name of ἐραφος. An entertainment in which each person brought his own provisions with him, or, at least, contributed something to the general stock, was called a δείπνον ἀνὰ σπορώδος, because the provisions were brought in baskets. 5 This kind of entertainment is also spoken of by Xenophon. 6 The most usual kind of entertainments, however, were those in which a person invited his friends to his own house. It was expected that they should come dressed with more than ordinary care, and also have bathed shortly before; hence, when Socrates was going to an entertainment at Agathon's we are told that he both washed and put on his shoes—things which he seldom did. 7 As soon as the guests arrived at the house of their host, their shoes or sandals were taken off by the slaves, and their feet washed (ὑπολακήνος καὶ ἀπόκυτος). In an ancient works of art we frequently see a slave or other person represented in the act of taking off the shoes, which an example is given, from a terra-cotta in the British Museum, in p. 276. 8


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After their feet had been washed, the guests reclined on the κλίνα or couches. But Homer does not discuss persons reclining, but always as sitting at their meals; but at what time the change was introduced is uncertain. Müller concludes from a fragment of Alcman, quoted by Athenaeus, that the Spartans were accustomed to recline at their meals as early as the time of Alcman. The Dories of Crete always eat; but the Athenians, like the Spartans, were accustomed to recline. The Greek women and children, however, like the Romans (vid. Cic., p. 276), continued to sit at their meals, as we find them represented in ancient works of art.

It was usual for only two persons to recline on each couch. Thus Agathon says to Aristodemus, Ἔκ δ᾽ Ἀριστοδέμου, παρ᾽ Ἐρυθώνιον κατακλίνον: and to Socrates, Δέσποινα, Σώφρατε, παρ᾽ ἐμὲ κατεύθυνε. Also, at a banquet given by Attaginus of Thbes to fifty Persians and fifty Greeks, we are told that one Persian and one Greek reclined on each couch. In ancient works of art we usually see the guests represented in this way; but sometimes there is a larger number on one long κλίνα, as in the woodcut in page 326. The manner in which they reclined, the σκήχα τῆς κατακλίσεως, as Pliolot calls it, will be understood by referring to the woodcut already mentioned, where the guests are represented reclining with their left arms on stripped pillows (φισάρια), and having their right free; whence Lucian speaks of ἐπ᾽ ἄγκονος δεσποτινου. After the guests had placed themselves on the κλίνα, the slaves brought in water to wash their hands (θηρο κατὰ χερών εἴδοθ). The subsequent proceedings of the dinner are briefly described in two lines of Aristophanes:

Τῇρο κατὰ χερῶν· τοῦς τραπέτας εἰσφέρειν·
Δειπνοῦντες ὀποινίωνες· ἡς σπέσινες.

The dinner was then served up; whence we read, in Aristophanes and elsewhere, of τοὺς τραπέτας εἰσφέρειν, by which expression we are to understand, not merely the dishes, but the tables themselves. It appears that a table, with provisions upon it, was placed before each κλίνα: and thus we find, in all ancient works of art which represent banquets or symposia, a small table or tripod placed before the κλίνα, and when there are more than two persons on the κλίνα, several of such tables. (See woodcut in p. 296, 326.) These tables are evidently small enough to be moved on a single wheel.

In eating, the Greeks had no knives or forks, but made use of their fingers only, except in eating soups or other liquids, which they partook of by means of a spoon, called μοστήλη, μόστρον, or μύστρον. Sometimes they used, instead of a spoon, a hollowed piece of bread, also called μοστήλη. After eating, they wiped their fingers on pieces of bread. Sometimes, also, they did not even put on any clothes or napkins; the χειριστήρια και ίικαγεία, which are sometimes mentioned, were towels, which were only used when they washed their hands.

It appears that the arrangement of the dinner was intrusted to certain slaves. The one who had the chief management of it was called τραπεζούκας or τραπεζούτης. It went beyond the limits of this work to give an account of the different dishes which were introduced at a Greek dinner, though their number is far below those which were usually partaken of at a Roman entertainment. The most common food among the Greeks was the μάζα (Dor. μάζον), a kind of frumenty or soft cake, which was prepared in different ways, as appears by the various names which were given to it. The μάζα is frequently mentioned by Aristophanes. It appears to have been a favorite dish among the Persians, as is said by the scholiast that he has been made of barley and wine. The μάζα continued to the latest times to be the common food of the lower classes. Wheaten or barley bread was the second most usual species of food; it was sometimes made at home, but more usually bought at the market of the ιργονουλαι or ιργονουλοπίνα. The vegetables ordinarily eaten were κρότωμα (μονήκτες), leeks (θηρίκες), cabbages (δάφης), beets (αβόκα), lentils (οικαλ), &c. Pork was the most favourite animal food, as was the case among the Romans (vid. Cic., p. 275); Plutarch calls it τὸ δικαίωτατον κρέας. Sausages, also, were very commonly eaten (vid. Horat. Odeans). It is a curious fact, which Plato has remarked, that we never read in Homer of the heroes partaking of fish. In later times, however, fish, which was much a favorite food among the Greeks, is so much, in some measure, as to that name of δήμος was applied to it κατ᾽ εξέσεις. A minute account of the dishes which the Greeks were accustomed to eat is given at the end of the seventh book of Athenaeus, arranged in alphabetical order.

The ordinary meal for the family was cooked by the mistress of the house, or by the female slaves under her direction; but for special occasions, professional cooks (μυστῆρες) were hired, of whom there appear to have been a great number. They are frequently mentioned in the fragments of the comic poets; and those who were acquainted with all the refinements of their art were in great demand in other parts of Greece besides their own country. The Sicilian cooks, however, had the greatest reputation, and a Sicilian book on cookery by one Menan was mentioned in the Gorgias of Plato; and the most celebrated work of the subject was the Ἁρπαολογία of Archestratus.

A dinner given by an opulent Athenian usually consisted of two courses, called respectively πρῶτα τραπέζαι καὶ δεύτερα τραπέζαι. Polioth, indeed, speaks of three courses, which was the number at a Roman dinner (vid. Cic., p. 275); and in the Greek houses, where the slaves were under the management of the Empire speaking of three courses at Greek dinners; but before the Roman conquest of Greece, and the introduction of Roman customs, we only read of two courses. The first course embraced the whole of what we consider the dinner, namely, fish, poultry, meat, &c.; the second, which corresponds to our dessert and the Roman belétia, consisted of different kinds of sweetmeats and confections.

When the first course was finished, the tables were taken away (αἰρεῖν, ἀπολαεῖν, ἐκφαίνει, ἐκφέρει, βοσταίνει, τραπέζας), and water was given to the guests for the purpose of washing their hands. Crowns made of garlands of flowers were also then given to them, as well as various kinds of perfumes. Wine was not drunk till the first course was finished; but, as soon as the guests had eaten one of the main courses introduced in a large goblet, called μεταντέρον or μεταντείρο, of which each drank a little, after pouring...
out a small quantity as a libation. This libation was said to be made to the "good spirit" (φαῦλος βασιλεύς), and was usually accompanied with the singing of the paeon and the playing of flutes. After this libation, mixed wine was brought in, and with their first cup the guests drank to Δίος Σωτήρος. With the σωκονία, the δείτων closed; and at the introduction of the dessert (δειττηρία τραπέζα) the πότος, συνώνοια, or κόμως commenced, of which an account is given in the Delian State.

DELA'TOR, an informer. The delatores, under the emperors, were a class of men who gained their livelihood by informing against their fellow-citizens. They constantly brought forward false charges to gratify the avance or jealousy of the different emperors, and were, consequently, paid according to the importance of the information which they gave. In some cases, however, the law specified the sum which were to be given to informers. Thus, when a murder had been committed in a family, and any of the slaves belonging to it had run away before the questio, whoever apprehended such slaves received, for each slave whom he apprehended, a reward of five aurei from the property of the deceased; and if the slaves were unmarked they might be raised from the property of the deceased. In the senate consultum quoted from Frontinus, the informer received half of the penalty in which the person was fined who transgressed the decree of the senate. There seems also to have been a fixed sum given to informers by the lex Papia, since we are told that in Egypt, in a four days, the slaves which were to be given to informers.

The number of informers, however, increased so rapidly under the early emperors, and occasioned so much mischief in society, that many of them were banished, and punished in other ways, by Titus, Domitian, and Trajan.

DELECTUS. (Vit. Aem. Rom.)

DELFUS. (Vit. Aem. Rom.)

DELII. (Vit. Aem. Rom.)

DELHUS. (Vit. Aem. Rom.)

DELICTUM. (Vit. Crimen.)

DELPH'NIA (δέλφνια), a festival of the same expiatory character as the Apollonia, which was celebrated in various towns of Greece, in honour of Apollo, surnamed Delphinus, who was considered the son of Athena. It was held on the 24th of the month of Thargelion. The Delphinius, as appears from the Hymn on Apollo, had existed from very early times, and were celebrated every fifth year, and, as Böckh supposes, with great probability, on the sixth and seventh days of Thargelion, the birthdays of Apollo and Artemis. The members of the amphitycty assembled on these occasions (θεσπιστα) in Delos, in large garments, with their wives and children, to worship the god with the musical and dramatic contests, choruses, and dances. That the Athenians took part in these solemnities at a very early period, is evident from the Delastria (afterward called θεσπιστα) mentioned in the laws of Solon; 2 the sacred vessel (θυσία) of the same name, which they placed in the temple of Apollo, was, however, removed the year after its establishment. Thus the Delphinius was said to be the same which Theseus had sent after his return from Crete. The Delains, during the celebration of these solemnities, performed the office of cooks for those who visited their island, whence they were called Ελεσθρα. In the course of the year, the celebration of this an-

DEMARCHII.  

DEMOCRATIA.  

was made in the shape of a dolphin. Barbs of iron used for balloon are at the present day called "pigs," though they bear no resemblance to that animal. The dolphins were hoisted aloft only when going to sea. When the Greeks wished to denote that they were fitted, not so much to the swift (ταχεία) triremes, as to the military transports (ποταμιγδαλοί, ὀπλαίτυγγοι), for the sailing of the former would be much impeded by so large a weight of metal. At any rate, those that Thucydides spoke of were not on the triremes, but on the ὀλυκίας.

DEPHILIS, DELPHIN, or DELPHYNUS, the Dolphin, or Delphinus Delphis, L. 1 This animal, " says Cuvier, speaking of the D. Delphis, "found in numerous troops in every sea, and celebrated for the velocity of its movements, which sometimes cause it to precipitate itself on the helms of vessels, appears to have been really the Dolphin of the ancients. The entire organization of the brain indicates that degree of docility which they universally attributed to this animal. 2 The internal organisation of the ear also renders this animal susceptible of great attention; with which property and particular sound, and enables the Dolphin to distinguish, at a considerable distance, the cries of joy or alarm of its congeners. " Some authors," observes Grif- fith, "more especially the ancients, have not only celebrated the mutual friendship subsisting among the Dolphins themselves, but have also asserted that they have a lively and natural affection towards the human kind, that whenever they are easily led to familiarize; and they have recounted many marvellous stories on this subject. All that is known on this point with certainty is, that when these animals perceive a ship at sea, they rush in a crowd before it, surround it, and express their confidences by rapid, varied, and repeated evolutions; sometimes bounding, leaping, and manoeuvring in all manner of ways, sometimes performing complicated circumvolutions, and exhibiting a degree of grace, agility, dexterity, and strength which is perfectly astonishing. We must not, however, be deceived by such external show of affection. These animals, represented as susceptible of so much attachment to men, are thoroughly carnivorous, and if they follow the track of vessels, it is, perhaps, with no other view but that of getting some fish, or any thing that may fall from them." The Grampus (a fish in nature nearly allied to the Dolphin) would seem to be the ὄρχα of Phily. "It is not noticed," observes Adams, "by the Greek authors, unless, as some have supposed, it be the δρυς of Strabo." 3

DEPHILTUM (δελφίτωμ), a plant. Sprengel recognizes the two species described by Dioscorides as being the Delphinium, or common Larkspur, and the D. tenuissimum of Sibthorp. From the circumstance of the Delphinium not being noticed in the Materia Medica of Galen, Orib- sais, or Paul of Ἑγίναι, Mattheus is disposed to regard as spurious the two chapters of Dioscorides 4 in which mention is made of it. "Among the syn- onymes of the Delphinium in Dioscorides," we find, remarks Adams, in continuation, "διόκινος and βοτόκειον μύγος of the Romans. It has, therefore, been supposed that the 'vaccinio nigra' of Virgil were Larkspurs." 5

DELIBRUM. (Vid. Tempur.)

DEMARCHI. These officers were the head boroughs or chief magistrates of the demi in Attica, and are said to have been first appointed by Cleis- themes. Their duties were various and important. Thus, they convened meetings of the demes, and took the votes upon all questions under considera- tion; they had the custody of the λατρευτικών μνη- mατα, or book in which the members of the demes had to register, and they maintained a regist- ter of the landed estates (χαλκία) in their district, whether belonging to individuals or the body cor- porate; so that, whenever e. εἰσορμητή, or extraor- dinary property-tax was imposed, they must have been of great service in assessing and collecting the quota of each estate. 6 Money's due to the demos for rent, &c., were collected by them, 7 and it may safely be allowed that they were employed to en- force payment of various debts and dues claimed by the demos. 8 For this purpose they seem to have had the power of restraining, to which al- lusion is made by Aristophanes. 9 In the duties which, however, were not confined to duties of this class, for they also acted as police magistrates: thus, in conjunction with the decaists of the towns (δεκαητες καθαροί), they assisted in preserving peace and order, and were required to bury, or cause to be buried, any dead bodies found in their district: for neglect of this duty they were liable to a fine of 1000 drachmas. 10 Lastly, they seem to have furnished to the proper authorities a list of the members of the towns who were fit to serve in war (κατ' αὐτοὺς ἐνορματη). (Vid. Demus.)

DEMON. (Vid. Curator.)

DEMNEMUS was an allowance of corn, which was given to Roman slaves monthly or daily 9 Do- natus 10 says that every slave received four modii of corn a month; but Seneca 11 speaks of five modii as the allowance. 12

DEMENTIA. (Vid. Curator, p. 329.)

DEMETRIA (δημητρία), an annual festival which the Athenians, in 307 B.C., instituted in hon- our of Demetria Poliorcetes, who, together with her father Antigonus, were consecrated under the title of saviour gods. It was celebrated every year in the month of Munychion, the name of which, as well as that of the day on which the festival was held, was changed into Demetria and Demetria. A priest ministered at their altars, and conducted the solemn procession, and the sacrifices and games. This festival, however, as well as the rest of the Dionysia, was suspended in the time of Demetrius Poliorcetes, but, when, under the reign of Alexander the Great, 13 we find the new god still more, the Athenians at the same time changed the name of the festival of the Dionysia into that of Demetria, as the young prince was fond of hearing himself compared to Dionysus. The Demetria mentioned by Athenaeus 14 are probably the Dionysia. Respecting the other extravagant flatteries which the Athenians heaped upon Demetria and Antigonus, see Athen., vi., p. 252; Herrn., Pol., Ant. of Greece, § 175, b. 6, 7, and 8; and Thirwall, Hist. of Greece, vii., p. 331.

DEMINUTIO CAPITIS. (Vid. Capit.)

DEMOPRATA (δημοπράτα, sc. σφαγία, οι κτήματα) was property confiscated at Athens and sold by public auction. The confiscation of property was one of the most common sources of revenue in many of the Greek states; and Aristoph- anes mentions the δημοπρατα as a separate branch of the public revenue at Athens. An account of such property was presented to the people in the first assembly of every pyrtagia, 15 and lists of it were posted upon tablets of stone in different pla-

DEMUS.

to connect it with the Dorian δᾶρε for Χᾶ. In this
meaning of a country district, inhabited and under
a city government, δῆμος is not restricted to
Dorian states; but, perhaps, on no authority except the
form δῆμουγοι. Müller observes, on the contrary, that "they
were not uncommon in the Peloponnesus, but they do not
occur often in the Dorian states." They existed
among the Eleians and Mantinians, with whom
they seem to have been the chief executive magis-
tracy. Their ruler was called δῆμος, or δῆμος
archon, and the term denoting the subject pen-
untry (δῆμος φιλοδήμος), the other, the nobles at
the chief towns.

We now proceed to treat of the demi or country
parishes of Attica. The word δῆμος, in the sense
which we have here expressed by "parish," is
by some rendered "borough," by others, "township.
Of these terms, the former is certainly not appro-
priate to our subject, since we did not denote the chief
parish (δῆμος φιλοδήμος); the latter, the nobles at
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the towns.
independent corporations, and had each their several magistrates, landed and other property, with a common treasury. They had, likewise, their respective convocations or "parish meetings," convened by the demarchs, in which was transacted the public business of the demus, such as the leasing of its estates, the elections of officers, the revision of the registers or lists of δημάτα, and the admission of new members. Moreover, each demus kept its own list of δημάτων, or those who held property in the public temples and religious worship (δημοτικά κέρατα), the officiating priests in which were chosen by the δημάτα; 5 so that, both in a civil and religious point of view, the demus appear as minor communities, whose magistrates, moreover, were obliged to submit to a δονοματία, in the same way as the public officers of the whole state. But, besides the magistrates, there were also demarchs (demoiarchs) and treasurers (ρασίους), elected by each demus, we also find that these were called δίκαια κατὰ δήμους: the number of these officers, originally thirty, was afterward increased to forty, and it appears that they made circuits through the different districts, to administer justice in all cases where the matter in dispute was not more than ten drachmae in value, more important questions being reserved for the δικαστήριον. 

We will now treat of the δημάτων, or members of each demus, their privileges, and relations to the body corporate, of which they formed a constituent part. We are told by Aristotle that, on the first institution of the demus, Cleisthenes increased the strength of the δήμος or community by making many new citizens, among whom are said to have been included not only strangers and resident foreigners, but also slaves. His words are, Πολιτὰς ἐφελέσατο ἑνίων καὶ (δοῦλοις) μετωκίους. We strongly suspect, however, that this δοῦλοι is an interpolation. The admission of slaves would, we conceive, have been very unpopular. Now an admission into a demus was necessary, before any individual could enter upon his full rights and privileges as an Attic citizen; and this, in the first instance, every one was enrolled in the registers of the demus in which his property and residence lay; this relation did not continue to hold with all the δημάτα; for, since a son was registered in the demus of his real or adoptive father, and the former might change his residence, it would often happen that the members of a demus did not all reside in it. Still this would not cause any inconvenience, since the meetings of each parish were not held within its limits, but at Athens. 6 No one, however, could purchase property situated within a parish to which he did not himself belong, without paying to the demarchs a fee for the privilege of doing so (εγκατεστών), which would, of course, go to the treasury of the parish. 7

Two of the most important functions of the general assembly of the demai were the admission of new members and the revision of the registers. The register of enrolment was called λεγεισαρίων γραμματεία, because any person whose name was inscribed in it could enter upon an inheritance and enjoy a patrimony, the expression for which in Attic Greek was τῆς

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DENARIUS.

DEPOSITUM.

of grains, and those under the Empire at 52 2/3 grains. It we deduct, as the average, 1/3 of the weight for alloy from the denarius of the Commonwealth, there will remain 58 grams of pure silver; and since the shining contains 80 7/10 grams of pure silver, the value of the best denarius will be 58 ± 8 0/7 of a shilling, or 8.6245 pence; which may be reckoned in round numbers 8½ d. If the same method of reckoning be applied to the later denarius, its value will be 8 2/3 d. (Meaning 8 2/3 d. of a shilling, or 8 60/7 d.)

The Roman coins of silver went at one time as low down as the fortieth part of the denarius, the teruncius. They were, the quinarius, or half denarius; the sestertius, or quarter denarius (vid. Sestertii); the libella, or tenth of the denarius (equal to the as); the semibolla, or half libella; and the teruncius, or quarter libella.

The quinarius was also called victoriatris, from the impression of a figure of Victory which it bore. Pliny says that victoriatris were first coined at Rome in pursuance of the lex Ciodia, and that previous to that time they were imported as an article of trade from Ilyria. The Ciodius who proposed this law is supposed to have been the person who obtained a part of the silver from the Romans in Roman times and brought home a large sum of money, which would fix the first coinage of the victoriatris at Rome B.C. 177, that is, 92 years after the first silver coinage.

If the denarius weighed 60 grams, the teruncius would only have weighed 1½ grs., which would have been so small a coin that some have doubted whether it was ever coined in silver, for we know that it was coined in copper. (Vid. As, p. 110.) But Varro names it among the silver coins with the libella and semibolla. It is, however, improbable that the teruncius continued to be coined in silver after the as had been reduced to 1/4 of the denarius; for then the teruncius would have been 1/6 of the denarius, whereas Varro only describes it as a subdivision of the libella, when the latter was 1/10 of the denarius. In the time of Cicero, the libella appears to have been the smallest silver coin in use; and it is frequently used, not merely to express a silver coin equal to the as, but any very small sum. Granovius, however, maintains that there was no such coin as the libella when Varro wrote, but that the word was used to signify the tenth part of a sestertius. No specimens of the libella are now found.

If the denarius be reckoned in value 8½ d., the other coins which have been mentioned will have the following value:

<table>
<thead>
<tr>
<th>Coin</th>
<th>Denarius</th>
<th>Sestertius</th>
<th>Teruncius</th>
<th>Libella</th>
<th>Sibolla</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denarius</td>
<td>500</td>
<td>80</td>
<td>50</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Sestertius</td>
<td>800</td>
<td>100</td>
<td>60</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Teruncius</td>
<td>900</td>
<td>100</td>
<td>50</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Libella</td>
<td>1,000</td>
<td>125</td>
<td>62.5</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Sibolla</td>
<td>1,200</td>
<td>150</td>
<td>75</td>
<td>20</td>
<td>10</td>
</tr>
</tbody>
</table>

It has been frequently stated that the denarius is equal in value to the drachma; but this is not quite correct. The Attic drachma was about equal to 9½ d., whereas we have seen that the denarius was but little above 8½ d. The later drachmae, however, appear to have fallen off in weight; and there can be no doubt that they were at one time nearly enough equal to pass for equal. Granovius has given all the authorities upon the subject in his De Numis Sestertiorum (lib. 2.)—(9, 10.)

The earliest denarius have usually, on the obverse, the head of Jupiter Many have, on the reverse, chariots drawn by two horses (sigta, quadrigae), whence they are called respectis sigtas et quadrigatas, ac. numm. (Vid. Bigatus.) Some denarii were called sertati, because their edges were notched like a saw, which appears to have been done to prove that they were solid silver, and not plated. Many of the family denarii, as those of the Cushi, Calpurnius, Papinius, Tullian, and numerus others, was, at least, 120 grains. (Vid. Avus., p. 159.) In later times, a copper denarius was called denarius. *DENDRACHTES (depharyntes), a species of Agate, the veins of which resemble a small tree. It is our Dendritic agate. A description of it is given in the Orphic poem under the name of ἀξοντα, dephreyς.

*DENDROLIBANUS (dephoryllahaus), a term occurring only in the Pharmaceutical work of Myrenius, meaning, or something of that nature.

*DENDROPTERIGUS (dephoryllthes), apparently, says Adams, a kind of Coral. It is mentioned by Theophrastus. Stockhouse conjectures it to be the Gorgonim nobils, or Red Coral.

DENTIFRIFICUM (ενθεορημα), a dentrifice or tooth-powder, appears to have been skillfully prepared, and commonly used by the Romans. It contained a variety of substances, such as the bones, hoofs, and horns of certain animals, crabs, egg-shells, and the shells of the oyster and the murex, constituted the basis of the preparation. Having been previously burned, and sometimes mixed with honey, they were reduced to a fine powder. Though fancy and superstition have directed the choice of these ingredients, the addition of astragals, earth, pyrite, or of nitre and of harsbtorn ground in a raw state, indicates science which was the result of experience, the intention being not only to clean the teeth and to render them white, but also to fix them when loose, to strengthen the gums, and to assuage toothache.

Foufond punicum was a more debiuos article, though Pliny says, "Utilem sunt ex his den- trifricis."

DEPENS. ACTIO. (Vid. Sponsor.)

DEPORTAT. (Vid. Banishment, Roman.)

DEPOSITI. ACTIO. (Vid. Depositum.)

DEPOSITUM. A depositum is that which is given by one man to another to keep until it is demanded back, and without any reward for the trouble of keeping it. The party who makes the deposit is called deponens or deponent, and he who receives the thing is called depositarius. The act of deposite may be purely voluntary, or it may be from necessity, as in the case of fire, shipwreck, or other casualty. The depositarius is bound to take every care of which he has been commanded to receive. He cannot use the thing itself, but he has permission to use it, either by express words or by necessary implication. If the thing is one " que usu non consumit," and it is given to a person to be used, the transaction becomes a case of locatio and conductio (vid. Locatio), if money is to be paid for the use of it; or a case of commutation (vid. Commutation), if nothing is to be paid for the use of it.

If a bag of money not sealed up is the subject of

but depositum, and the depositarius at any time asks for permission to use it, the money becomes a loan (de Mutrius) from the time when the permission is granted; if the deponents offer the use of the money, it becomes a loan from the time when the depositarius begins to use it. If money is deposited with the condition that the same amount be returned, the use of it is tacitly given; but the depositum does not therefore become mutuum. If the depositum continues purely a depositum, the depositarius is bound to make good any damage to it which happens through dolus or culpa lata; and he is bound to restore the thing on demand to the deponents, or to the person to whom the deponents orders it to be restored. The remedy of the deponents against the depositarius is by an actio depositi directa. The depositarius is entitled to be secured against all damage which he may have sustained through any culpa on the part of the deponents, and to all costs and expenses incurred by his charge; and his remedy against the depositarius is by an actio depositi contraria. The actio was in duplum if the deposit was made from necessity; if the depositarius was guilty of dolus, infamia was a consequence.\(^1\)

**DESERTOR** is defined by Modestinus to be one "qui per proximum tempus vagatus, reductur,\(^2\) and differs from an *answer* "qui dix vagatus ad castra egressitur.\(^3\) Those who deserted in time of peace were punished by loss of rank, corporeal chastisement, fines, ignominious dismission from the service, &c. Those who left the standards in time of war were usually punished with death. The *transfuga*, or deserters to the enemy, when taken, were sometimes deprived of their hands or feet,\(^4\) but generally were put to death.\(^5\)

**DESIGNATOR.** (Vid. *Fons*.)

**DESMOTERION** (δεσμοτηρίον). (Vid. *Cassar*.)

**DEPOSIGNAULTA** (δεποσηγναυτά). (Vid. *Civitas. Graec.*).

**DESOLATOR** (ἀνισσεπτος, ἀνισβατης, μεταλητης), a robber. Although riding on horseback is never mentioned among the martial exercises of the early Greeks, it was often practised by them as a swift and easy method of conveyance from place to place; and that they had attained to great skill in horsemanship is manifest from a passage in the Iliad,\(^6\) describing a man who keeps four horses abreast at full gallop, and leaps from one to another, amid a crowd of admiring spectators. The Roman desolator generally rode only two horses at the same time, sitting on them without a saddle, and vaulting upon either of them at his pleasure.\(^7\) He wore a hat or cap made of felt. The taste for these exercises was carried to so great an extent, that young men of the highest rank not only drove bigae and quadrigae in the circus, but exhibited these feats of horsemanship.\(^8\) Besides performing publicly for the amusement of the spectators, the Roman riders were employed to convey messages with the greatest possible dispatch, relieving either horse, when fatigued, by vaulting upon the other.\(^9\) Among other nations, this species of equestrian dexterity was applied to the purposes of war. Livy mentions a troop of horse in the Numidian army, in which each soldier was supplied with a couple of horses, and in the heat of battle, and when clad in armour, would leap with the greatest ease and celerity from that which was worn or disabled upon the back of the horse, which was still sound and fresh.\(^10\) The Scythians, Armenians, and some of the Indians, were skilled in the same art.

The annexed woodcut shows three figures of desultores, one from a bronze lamp, published by Bartoli,\(^1\) the others from coins. In all these the rider wears a p ileus, or cap of felt, and his horse is without a saddle; but these examples prove that he had the use both of the whip and the rein. On the coins we also observe the wreath and palm-branch as ensigns of victory.

**DESTATIO SACRO/RUM.** (Vid. *Sagra*.)

**DEVERSIO/RUM.** (Vid. *Cassar*.)

**DEUX.** (Vid. As. p. 110.)

**DEXTANS.** (Vid. As. p. 110.)

**DIADEMA** (διάδημα), a white fillet used to encircle the head (fascia alba).\(^11\)

The invention of this ornament is by Pliny\(^2\) attributed to "Liber Pater." Diodorus Siculus adds,\(^3\) that he wore it to assuage headache, the consequence of indulging in wine. Accordingly, in works of ancient art, Bacchus wears a pleated bagage on his head, as shown in the woodcut at p. 208. Whether we reject or admit the conjecture of Diodorus, we may safely consider the diadem, even in its simplest form, as a decoration which was properly Oriental. It is commonly represented on the heads of Eastern monarchs. Justin\(^4\) relates that Alexander the Great adopted the large diadem of the kings of Persia, the ends of which fell upon the shoulders, and that this mark of royalty was preserved by his successors.\(^5\) Antony assumed it in his luxurious intercourse with Cleopatra in Egypt.\(^6\) Elian says\(^7\) that the kings of that country had the figure of an asp upon their diadems.

In process of time, the sculptors placed the diadem on the head of Jupiter, and various other divinities besides Bacchus (see examples at p. 245, 292), and it was also gradually assumed by the sovereigns of the Western world. It was tied behind in a bow; whence Tacitus\(^8\) speaks of the Euphrates rising in waves "white with foam, so as to resemble a diadem." By the addition of gold and gems,\(^9\) and of pearls from the Erythrean Sea\(^10\) and by a continual increase in richness, size, and splendour, this badge was at length converted into the crown which has been for many centuries the badge

1. (Antique Lucerne Sepulchrali, i., 34.)—(Val. Max., v. 2.

2. )—3. (H. N., viii., 57.)—4. (rv., 250, ed. Wesseling.)

DIETETICA.

No attention seems to have been paid to the branch of medicine before the date of Hippocrates; or, at least, we should see that, although Homer meant to represent it as it was in his own time, or as he supposed it to have been during the Trojan war, it must have been (according to our modern notions) very defective and erroneous. For instance, he represents Machaeon, who had been wounded in the shoulder by an arrow, and forced to quit the field, as taking a draught composed of wine, goat's-milk cheese, and flour, which certainly no modern surgeon would prescribe in such a case. Hippocrates seems to claim for himself the credit of being the first person who had studied this subject, and says the ancients had written nothing on it worth mentioning.

1. Among the works commonly ascribed to Hippocrates, there are three books, and only three, of which the title, or at least an allusion to it, is preserved in the Greek classics. The first, though evidently not all composed by the same author, is supposed to be as old as Hippocrates; and the fourth, if not the work of Hippocrates himself, is nevertheless very ancient. There is also a good deal of matter on this subject in his other works, as regimen and diet was the first, the chief, and often the only remedy that he employed. In this respect his object is commonly supposed to be, to separate in his contemporaries, on the subject of Hippocrates, the works by later authors that are still extant. Galen, and another corruptly entitled Tacuinum Sanitatis, Elisschamum Elimilaril de Sex Rubis non Naturalibus; and another by the celebrated Maimonides (Moshkh Ben Maimon), De Regimen Sanitatis; besides several chapters in the works of His Pllus, ii., ii., p. 456, p. 466. 2. Max. Tert., Ser. 29., Athenaeum, ii., 1, p. 160., 4. De Rat. Vet. in Medic. Anim. Tomii, ii., p. 526, ed. Kuls. 3. (Vid. Fabric., Bibl. Gr., vol. ii., ed. Hucnis. 4. (Pseudo. Hippocr., De Vut. Rait., lib. ii. om. i., p. 674, 686.)
Aurelia was rhetoric, as something extraordinary that the famous Asclepiades, at Rome, in the seven-teenth century A.D., sometimes ordered his patients to double and treble the quantity of wine, till at last it appears that wine was commonly diluted with five or six times its quantity of water. Hippocrates recommends wine to be mixed with an equal quantity of water, and Galen approves of the proportion; but Le Clerc thinks that this was only in particular cases. In one place (47), where the patient liga, is reduced to such a degree, that, in which passage it has been much doubted whether actual intoxication is meant, or only the "drinking freely and to cheerfulness," in which sense the same word is used by St. John 4 and the LXX. 5 According to Hippocrates, the proportions in which wine and water should be mixed together vary according to the season of the year; for instance, in summer the wine should be most diluted, and in winter the least so. 6 Exercise of various sorts, and bathing, are also much insisted upon by the writers on diet and regimen; but for farther particulars on these subjects, the articles Bunas and Gymnasia must be consulted. It may, however, be added, that the bath could not have been very common, at least in private families, in the time of Hippocrates, as he says that "there are few houses in which the necessary water conveniences are to be found." 7 Another very favourite practice with the ancients, both as a preventive of sickness and as a remedy, was the taking of an emetic from time to time. The author of the treatise De Victus Ratione, falsely attributed to Hippocrates, recommends it two or three times a month. 8 Celsus considers it more beneficial in the winter than in the summer, 9 and says it was always prescribed to patients whose stomachs had better do so on two successive days than once a fortnight. 10 At the time in which Celsus wrote, this practice was so commonly abused, that Asclepiades, in his work De Sanitate Tuenda, rejected the use of emetics altogether: "Offenenss," says Celsus, 11 "corum conscientiae, qui quotidiem efficiendo nomando faciunt munerationem." It was the custom, among the Romans, to take an emetic immediately before their meals, in order to prepare themselves to eat more plentifully; and again soon after, so as to avoid any injury from repletion. Cicero, in his account of the day that Cesar spent with him at his house in the country, 12 says, "Acculatit, aeatiget agsal, stagi et cedit et bibi idoneis et jucundis," and this seems to have been considered a sort of compliment paid by Cesar to his host, as it intimated a resolution to pass the day cheerfully, and to eat and drink freely with him. He is represented as having done the same thing when he was entertained by King Deiotarus. 13 The glutton Vitellius is said to have preserved his own life by constant emetics, while he destroyed all his companions who did not use the same precaution, 14 so that one of them, who was prevented by illness from drinking wine, is said, "he certainly have been dead if I had not fallen sick." 15 Even women, after bathing before supper, used to drink wine and throw it up again, to sharpen their appetite. 16


so that it might truly be said, in the strong language of Seneca, 17 "Yammt, ut edant; edunt, ut mort--17." By some the practice was thought so offensive for strengthening the constitution, that it was the constant regimen of all the athletes, or professional wrestlers, trained for the public shows, in order to make them more robust. Celsus, however, warns his readers against the too frequent use of emetics without necessity, and merely for luxury and to please him. 18 Cicero says that no man who has any regard for his health, and wishes to live to old age, ought to make it a daily practice. 19

DIAGRAPHEIS (diagrapheis). (Vid. Eiperobra.)

DIATETEAI (diatetaei). The diatetai, or arbitrators mentioned by the Athenian orators, were of two kinds; the one public, and appointed by lot (kleroterai), the other private, and chosen (aepetra) by the parties who referred to them the decision of a dispute. The former sitting at a court of justice; the judgments of both, according to Aristotle, being founded on equity rather than law (δια την διαιτητικην τω επικεκληνα δρα, δια διαιτητας τω νομον). We shall, in the first place, treat of the diatetai kleroterai, following, as closely as possible, the order and statements of Huidewalker in his treatise "Über die öffentlichen und Privat-Schiedsrichter Diatesen in Athen, und den Prozess vor denselben." According to Susa, public diatetes were required to be not less than 50 years of age; according to Polux 20 and Hesychius, not less than 60. With respect to their number there is some difficulty, in consequence of a statement of Ulpius, 21 according to which it was 440, i.e., 44 for each tribe (διαιτητοι τω παρεκτικω των διατητων, καθ᾿ εκατον εὐφύς). This number, however, appears so unnecessarily large, more especially when it is considered that the number of the tribes has been after one arbitrator in each case, that some writers have, with good reason, supposed the reading should be, ἡδ’ διαιτητοι διαιτητας, τισαρες κ. φ. ἐφ. At any rate, litigious as the Athenians were, it seems that 40 must have been enough for all purposes.

The words καθ᾿ εκατον εὐφύς imply that each tribe had its own arbitrator; an inference which is supported by Demosthenes, 22 whereby speaks of the arbitrators of the Oeoneid and Erechtheid tribes; as also by ὦ Lysias, 23 who, in the words προσκλητορος αὐτῶν προς τόδε το πτωχωδίτι διαδίκησιν, is thought to allude to the diatetai of the Hippothoid tribe. With regard to the election of these officers, it is doubtful whether they were chosen by the members of the tribe for which they adjudicated, or in a general assembly of the people. Huidewalker in his treatise says, in a note, that it is probable; we do not think so; for it seems as likely, if not more so, that the four arbitrators of each tribe were chosen in an assembly of the tribe itself. Again, whether they were appointed for life, or only for a definite period, is not expressly mentioned by the orators; but as none of the Athenian magistrates, with the exception of the Areopagites, were re-elected for life, it is probable, and most likely, that the public diatetes were chosen for the public diatetia of the year as being the last day of the diatetai (διαιτηται ημέρα τῶν διατητων), it seems almost certain that they were elected for a year only. The only objection to this conclusion arises from a statement in a fragment of Isaeus, 24 where an arbitrator is spoken of as being engaged on a suit for two years (ὅτι ἐντζ διαιτευσεν τα διατητα) for, if, however, we admit the conjectural reading τῶν διαιτητῶν,

the meaning would be in accordance with what we infer from other authorities, and would only imply that the same cause came before the arbitrators of two different years, a case which might not unfrequently happen; if, on the contrary, the reading of the text is correct, we must suppose that it was sometimes necessary or convenient to re-elect an arbitrator for the decision of a particular case.

After discussing the case, Hudtwalcker raises the question whether or not the public διαίτητα look any general oath before entering upon their duties. The point is not one of great importance, and therefore we shall only observe that such a guarantee would seem to be unnecessary; for we read of their taking oaths previous to giving judgment in the particular cases which came before them. From this circumstance, however, we may infer that we were not exacted from them before they entered upon office: Hudtwalcker is of the contrary opinion, and suggests that the purport of their oath of office (Ἀμνίσις) was the same as that of the Heliastic oath given by Demosthenes.

The διαίτηται of the different tribes appear to have differed in different cases, as temples, laws, and courts of justice, if not wanted for other purposes. Those of the Κενεῖδ and the Ερέθεσι tribes met in the heilæ; we read of others holding a court in the delphinium, and also in the στοί πωλί. Again we are told of slaves being examined by the διαίτηται, sitting for that purpose, under the appellation of Ἱπποκράτιοι (vid. Βασιλεία), in the hephalæum, or Temple of Hephaestus. Moreover, we are told of private arbitrators meeting in the Temple of Athena on the Acropolis; and, if the amended reading of Pollux is correct, we are informed by him, in general terms, that the arbitrators formerly held their courts in the temples (Διηθέντες ἐν ἔρημο πάξει). Harpocrates also contrasts the dictata with the arbitrators, observing that the former had regularly appointed courts of justice (Ἀμνίσις ἐποδέσυμα). Another point of difference was the mode of payment, inasmuch as the dictata received an allowance from the state, whereas the only remuneration of the διαίτηται was a drachma deposited as a paradox from the parties themselves, as is mentioned in the case of the suit, the same sum being also paid for the ἀνωμοιοσ, and every ἀνωμοιοσ sworn down in the proceedings.

The παράτασις of which we have been speaking is the same as the δραχμα τῆς λειτουργίας mentioned by Demosthenes. The defendant in this case had failed to give evidence of his case. So Hudtwalcker lave one, and therefore the plaintiff commenced proceedings against him for this arbitrary neglect before the arbitrators in the principal suit, the first step of which was the payment of the παράτασις.

The public arbitrators were ὑπερθύροι, i.e., every one who had, or fancied he had, a cause of complaint against them for their decisions, might proceed against them on the above-mentioned appeal, and even if the same cause were laid before the senate. For this purpose, says Ulpius, whose statement is confirmed by Demosthenes, the case of Straton, the public dictata were, towards the close of their year of office, and during the latter days of the month Thargelion, required to present themselves in some fixed place, probably near the senate-house, that they might be ready to answer any charge brought against them, of which they received a previous notice. The punishment, in case of condemnation, was ἀρίδας, or the loss of civic rights. Harpocrates, however, informs us that the ἀρίδας against the arbitrators was brought before the dictata or judges of the regular courts; but this probably happened only on appeal, or in cases of great importance, inasmuch as the ἀρίδας could not inflict a greater penalty than a fine of fifteen minae.

We may now discuss the competency of the dictata, i.e., the extent of their jurisdiction, with respect to which Pollux states, that in former times no suit was brought into a court before it had been investigated by the dictata (ὑπακοή δικαίων δικήν ἐπὶ διαίτητας ῥήτου εἴδοντο). There can be but little doubt that the dictata were engaged in cases of a similar nature before the arbitrators, as a means of saving the state the payment which would otherwise have been due to the dictata. Hudtwalcker is accordingly of opinion that the dictata were competent to act in all cases of civil action for restitution or compensation, but not of penal or criminal indictments (πρὸς Ἰουλίαν ἑαυτήν, ὡς ἡ ἄρματα). It is true that the arbitrator could not decide whether his cause was brought before them in the first instance, or sent at once to a higher court of judicature.

But, besides hearing cases of this sort, the διαίτητα sat as commissioners of inquiry on matters, whether not which could not be conveniently examined in a court of law. They also investigated the public affairs of the Athenian oracles. This was sometimes directed by our own Court of Chancery to an inferior court, for the purpose of trying a question of fact, to be determined by a jury. Either party in a suit could demand or challenge (πρόκαλεσθαι) an inquiry of this sort before an arbitrator, the challenge being called πρόκλεσθαι: a term which was also applied to the articles of agreement by which the extent and analysis of a contract were defined. Many instances of these πρόκλεσθαι are found in the orators; one of the most frequent is the demand or offer to examine by torture a slave supposed to be cognizant of a matter in dispute, the damage which might result to the owner of the slave being guaranteed by the party who demanded or offered to examine him. These cases were determined by the evidence of a third party. Sometimes, also, an appeal of a πρόκλοπος, by which a party was challenged to allow the examination of documents, as willis, deeds, bankers' books, &c.

It is manifest that the forms and objects of a πρόκλοπος would vary according to the matter in dispute, and the evidence which was producible; we shall therefore content ourselves with adding that the term was also used when a party challenged his adversary to make his allegation under

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the sanction of an oath, or offered to take his own statements under the same obligation. 1

The presumption or prophecies which might arise from a voluntary oath in the last case, might be met by a similar procedure, tendered by the adverse party, to which the original challenger appears to have had the option of consenting or not, as he might think proper. 2 In all cases where any of these investigations or depositions were made before the dietetae, we may conclude with Haldwanker, 3 that they might be called as witnesses in subsequent stages of the action, either to state the evidence they had taken, or to produce the documents they had examined, and which were depo-

sited by them in an echinos (vid. appellatio, Greek).

We will now speak of the proceedings in the trials before the public arbitrators; these were of two sorts: 1st. When two parties agreed by a regular contract to refer a matter in dispute to a judge or judges selected from them. 2ndly. When a cause was brought before a public arbitrator, without any such previous arrangement, and in the regular course of law. The chief difference seems to have been that, in case of a reference by contract between two parties, the award was final, and no appeal could be brought before another court, though the unsuccessful party might, in some instances, move for a new trial (τά μεν οὖσαν υπολειπῆναι 4). Except in this point, the arbitrators appointed under the public διειται by litigant parties, seems to have been subject to the same liabilities, and to have stood in the same relation to those parties as an arbitrator appointed by lot: the course of proceeding also appears to have been the same before both, 5 an account of which is given below. It must, however, be first stated, that there are strong reasons for supposing that where a defendant was pronounced, and whenever a suitor wished to bring an action before one or more of the public dietetae, he applied to one of the many officers called εἰσαγωγικοί, whose duty it was to bring the cause (εἰσαγωγή) into a proper court. By some such officer, at any rate, a requisite number of arbitrators was allotted to the complainant, care being taken that they were of the same or opposite party. The arbitrators, thus selected, whenever a suitor wished to bring an action before one or more of the public dietetae, he applied to one of the many officers called εἰσαγωγικοί, whose duty it was to bring the cause (εἰσαγωγή) into a proper court. By some such officer, at any rate, a requisite number of arbitrators was allotted to the complainant, care being taken that they were of the same or opposite party. The arbitrators, thus selected, whether or not that a διειται refused to hear a cause, he might be punished with ἁτίμα: but it appears that under extraordinary circumstances, and after hearing the case, a dietetae sometimes refused to decide himself, and referred the parties to a court of justice ἴδιον ἄστέρα τῆς δικῆς. ἄλλη ἐφίλει ἡμᾶς εἰς τὸ δικαστήριον 6.

We may now state the process before the public dietetae. After complaint made, and payment of the περίστορας, the plaintiff supported his averment by an oath, to the effect that his accusation was true, which the defendant met by a like oath as to the matter of his defence. When the oath (ὑπομονὴ) had been thus taken by the parties, the arbitrators entered upon the inquiry, heard witnesses, examined the documents which had been held at public conferences (συνόδοι) with the parties as might be necessary for the settlement of the question. 7 The day of pronouncing judgment (ὁ ἁρματος τῆς δικῆς) was probably fixed by law, if we may judge from the name (ὁ κυριά συν. ἡμέρα) by which it is called in the orators; it might, however, with consent of both parties, be postponed. The verdict given was countersigned by the proper authorities, perhaps in the εἰσαγωγικοί, and thereby acquired its validity. The archons, mentioned by Demosthenes 8 as having signed the judgment, (ἐπιγράφοντες τὸν κρίνον τοῦ δικασταρίου), therefore we may suppose that the action was a δικαστήριον, which, is more, called an ἄτιμος ἔκπληκτος μὲν δίκη, τ. ε. an action where the plaintiff was not required to assess the damages (εἰσαμίτερι λίτην), the penalty, in case of a verdict for him, being determined by law: this alone is sufficient to prove that the dietetae sometimes decided in cases where the plaintiff sued for damages, as distinguished from those in which he sought restoration of rights or properties; nor, indeed, does there seem any reason for supposing that their jurisdiction was not extended to the ἵπτεμε τιμήριον, or actions where the plaintiff was required to assess or lay his damages, provided the assessment did not exceed some fixed amount. In support of this opinion we may adduce the authority of Pollux, 9 who expressly states that the plaintiff might assess his damages before the arbitrators, when the law did not so for him (ἐνεγραφαν τῷ γραμματεῖ καὶ τῷ τίμημα). If the defendant were not present on the proper day to make his last defence, judgment went against him by default (ἐπιγραφὴ δικά), the arbitrator being obliged to wait till the evening (επὶ ἑδρας). Sometimes, however, the time of pronouncing sentence was deferred in consequence of a defendant's sickness, or other temporary cause for postponement, such as sickness, absence from town, military service, or other reasons. To substantiate these, the applicant, when possible, appeared personally; but if a party was prevented from appearing on the day of trial by any unexpected event, the ὑπομονὴ might be made on oath by authorized friends. 10 The ὑπομονὴ might be met by a counter complaint called ἀνακεφαλαίωσις, which, after due hearing, affirming his belief that the reasons alleged were fictitious or colourable. In connexion with this point, we may observe that, according to Pollux, 11 the motion for a new trial could only be sustained in cases where the applicant had made a ὑπομονὴ, and demurred either personally or by proxy against the passing of judgment on the regular day. Moreover, when a new trial was given, or was refused for a new trial to move for it within ten days after judgment had been pronounced, and even then he was obliged to take a kind of ὑπομονὴ, to the effect that his absence on the proper day was involuntary (ὑπόσχοι μὴ εἴκοι ἐκπέπτων τὸν δικαιασμὸν). In default of compliance with these conditions, the previous sentence was confirmed. 12 We are told also by Philostratus, 13 that when a complaint for plaintiff as well as defendant to make for a new trial on the grounds we have mentioned. When it was granted, the former verdict was set aside (ἡ κρίσις ἐκλείπῃ), and the parties went again before an arbitrator, probably through the instrumentality of the εἰσαγωγικοί, to whom application had been made in the first instance. The process itself is called ὑποταξια in Greek, and does not seem to have been continued in trials before the διειται: the corresponding term in Roman law is restauratio eremodicia. 14 This, however, was not the only means of setting aside a judgment, inasmuch as it might also be effected by an ἄκεμοι, or appeal to the higher courts (vid. appellatio, Greek), and if false evidence had been tendered, by a δικαστήριον. 15 For an account of the proceedings consequent upon non-com |


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DIAPSEPHISIS.

bela, or sixth part of the damages estimated in the original cause, was forfeited in some diamastigism, when the protester failed in obtaining a fifth of the voices of the dicasts; and in others, a deposit (παρακαθαρισμός) was forfeited by the unsuccessful party to his opponent.²

DIAMASTIGOSIS (διαμαστίγωσις) was a solemnity performed at Sparta at the festival of Artemis Orthia, whose temple was called Limneae, from its situation in a marshy part of the town. The solemnity was this: Spartan youths (θήρες) were scourged on the occasion at the altar of Artemis, by persons appointed for the purpose, until their blood flowed. The punishment of the youths was preceded by a preparation, by which those who intended to undergo the diastigmatis was tried to harden themselves against its pains. Paussannius describes the origin of the worship of Artemis Orthia, and of the diastigmatis, in the following manner: A wooden statue of Artemis, which Orestes had brought from Tauris, was found in a bush by Astрабanes and Alopenus, the sons of this. The two men were immediately struck mad at the sight of it. The Limneaeans and the inhabitants of other neighbouring places then offered sacrifices to the goddess; but a quarrel ensued among them, in which several individuals were killed at the altar of Artemis, who now demanded atonement for the blood shed. To procure a submission of the human victims were selected by lot and offered to Artemis, until Lycurgus introduced the scourging of young men at her altar as a substitute for human sacrifices.

The diastigmatis, according to this account, was a substitute for human sacrifice, and Lycurgus introduced this purification of blood, so far as he made it a part of the system of hardening the Spartan youths against bodily sufferings. According to another far less probable account, the diastigmatis originated in a circumstance, recorded by Plutarch, which happened before the battle of Platea.

The worship of Artemis Orthia was unquestionably very ancient, and the diastigmatis only a step from barbarism towards civilization. Many anecdotes are related of the courage and intrepidity with which young Spartans bore the lashes of the scourge; some even died without uttering a murmur at their sufferings, for to die under the strokes was considered as honourable a death as that on the field of battle.

DIANOMAL or DIADOSEIS (διανομή or διάδοσις) were public donations to the Athenian people, which corresponded to the Roman congiaria. (Vid. CONGNIARIUM) To these belong the free distributions of corn, the cleruchia (vid. CLERUCHIA), the revenues from the mines, and the money of the Persian exactions.

DIAPHANE EIMATA (διαφάνη εἴματα) were garments similar to the celebrated Coe veste of the Romans; but as they are mentioned in Aristophanes and the earlier Greek writers (διαφανῆ χιτώνια, ἡ διαφάνεια χιτώνια) they were probably made of muslin and not of silk, which is supposed to be the material of which the Coe veste were made. (Vid. CoE VESTA)

DIAPSEPHISIS, a political institution at Athens, the object of which was to prevent aliens, or such as were the offspring of an unlawful union,
marrige, from assuming the rights of citizens. As usurpations of this kind were not uncommon in Athens, 3 various means had been adopted against them (prodromias and dorokismis); but as none of them had the desired effect, a new method, the diasphrasis, was devised, according to which the trial on spurious citizens was to be held by the deme, within whose deme intruders were suspected to exist; for if each deme separately was kept clear of intruders, the whole body of citizens would naturally feel the benefit. Every deme, therefore, obtained the permission of the others to revise its lexigraphic registers, and to ascertain whether any had entered the names of those who had no claims to the rights of citizens. The assembly of the deme, in which these investigations took place, was held under the presidency of the dromarch, or some senator belonging to the deme; 7 for, in the case brought forward in the oration of Demosthenes against Eubulides, we do not find that he was dromarch, but it is merely stated that he was a member of the boulâ. When the demotai were assembled, an oath was administered to them, in which they promised to judge impartially, without favour towards, or enmity against those persons on whom they might have to pass sentence. The president then read the names of the demote from the register, asking the opinion of the assembly (diafophora), whether they thought him a true and legitimate citizen or not. Any one, then, had the right to say what he thought or knew of the person in question; and when any one was impeached, a regular trial took place. 8 Pollux 8 says that the demote on this occasion gave their votes with leaves, and not with pebbles, as was usual; but Demosthenes simply calls them ψῦκα. If it be true that having usurped the rights of a citizen (diasphrasis), his name was struck from the lexigraphic register, and he himself was degraded to the rank of an alien. But if he did not acquiesce in the verdict, but appealed to the great courts of justice at Athens, a heavier punishment awaited him, if he was found guilty there also; for he was then sold as a slave, and his property was confiscated by the state. 9
If by any accident the lexigraphic registers had been lost or destroyed, a careful scrutiny of the same nature as that described above, and likewise called diafophora, took place, in order to prevent any spurious citizen from having his name entered in the new registers. 10
It is commonly believed that the diafophora was introduced at Athens in B.C. 419, by one Demophileus. 11 But it has justly been remarked by Siebelis on Phileorus, 12 that Harpocrates, 13 the apparent authority for this supposition, cannot be interpreted in this sense. One diafophora is mentioned by Pto- tarch, 14 as early as B.C. 445. Clinton 15 has, moreover, shown that the diafophoria mentioned by Harpocrates, in the archonship of Archias, does not belong to the period of Eusebius; 16 to Demosthenes, 17 and to Hermann, 18 and Schibbm, 19 whose lengthened account, however, should be read with great care, as he makes some statements which seem to be irreconcilable with each other, and not founded on good authority.

The source from which we derive most information on this subject is the oration of Demosthenes against Eubulides.


Diasia (diasia), a great festival celebrated at Athens, without the walls of the city (Eso της Ήλ., 1. ep., in honour of Zeus, surnamed Meligus. 1 The whole people took part in it, and the wealthy citizens offered victims (leperita, while the poorer classes burned such incense as their country furnished (ψυκτικές ετερίκες), which the scholast on Thucydidis erroneously explains as cakes in the shape of animals. 2 The diasia took place in the latter half of the month of Anthesterion, 3 with feast and games. 4 In the former, like most other festi- vals, accompanied by a fair. 5 It was this festival at which Cylon was enjoined by an oracle to take possession of the acropolis of Athens; but he mis- took the oracle, and made the attempt during the celebration of the Olympic games. 6 The etymology of δίασία, given by most of the ancient gram- marians (from διός and σία), is false; the name is a more derivative from διός, as Ἀρσενίων, from Ἀρσενικός.

Diaulos. (Vid. Stadhum.)

Diazoma. (Vid. Subieaculum.)

Dicasterion (δικαστερίων) indicates both the aggregate judges that sat in court, and the place it self in which they held their sittings. For an ac- count of the former, the reader is referred to the article DICASTERIUS; with respect to the latter, our information is still imperfect. In the earlier ages there were five celebrated places at Athens set apart for the sittings of the judges, who had cognizance of the graver causes in which the loss of hu- man life was avenged or expiated, viz. the areopagitics and the ephebes. These places were the Arei- opagus (vid. Areiopedus), and the ἐπὶ Παλάθιον, ἐπὶ Δελτφιον, ἐπὶ Περιπάτειον, and ἐπὶ Φεροντι. The anti- quity of these last four is sufficiently attested for the present by the continual appropriation of such places to appropriate each: in the first we are told that accidental deaths were discussed; in the second, homicides confessed, but justifed; in the third there were quasi trials of inanimate things, which, by falling and the like, had occasioned a loss of human life; in the fourth, homicides who had returned from exile, and committed a fresh mas- slaughter, were appointed to be tried first by the judges in respect to these ancient institutions, of which little more than the name remained when the historical age commenced, it will be sufficient to observe that, in accordance with the ancient Greek feeling respecting murder, viz., that it partook more of the nature of a ceremonial pollution than a political offence, the presiding judge was invariably the king archon, the Athenian rex sacrorum; and that the place in which the trials were held open to the sky, to avoid the contamination which the judges might incur by being under the same roof with a murder- er. 8 The places, however, remained after the office of the judges who originally sat there was abolished, and they appear from Demosthenes to have been occasionally used by the more Helenic and Polyesist judges when trying a cause, the business of which had always taken them to the appropriate. The most im- portant court in later ages was the Heliaia, in which, we are told by the grammarians, the weighty causes were decided; and if so, we may conclude the thesmothetis were the presiding magistrates. Besides this, ordinary Helenic courts sat in the Odeum, in the courts Trigonon, the Greater (Mec- cov), the Middle (Mea), the Green, the Rod, that of Melidorus and the Parabryton, but of these we are unable to fix the localities, or to what magis- trates it usual to apporion them. They were

DICASTICON.

DICASTES.

The dicasts sat upon wooden benches, which were covered with rugs or matting (φλαδία), and there were elevations or tribunes (βήματα), upon which the antagonist advocates stood during their address to the court. To prevent the din of the spectators engaged in the trial being protected from a railing (γωνο-

† DICASTES (dist. i.e., or people) in its broadest accepta-
tion was a magistrate. Judges were distinguished marks and a small.

† DICASTICON.

tion, of the dicast, and a solemn engagement by him to
discharge his office faithfully and incorruptibly in

general, as well as in certain specified cases. This
more reference to the appointment of magistrates, a
matter in no small degree under the control of the
dicast, inasmuch as few could enter upon any office
without having had their election submitted to a
court for its approbation (vid. DoXIMASTES); and, be-

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DICE

DIKE (δική) signifies generally any proceedings at law by one party directly or mediately against others.\(^1\) The object of all such actions is to protect the body politic, or one or more of its individual members, from injury and aggression; a distinction which has in most countries suggested the division of all causes into two great classes, the public and the private, and assigned to each its peculiar character and extent.\(^2\) In Athens these were implied by the terms public δίκαια or άγωνες or still more peculiarly by γραφαί: causes of the other class were termed private δίκαια or άγωνες or simply δίκαια in its limited sense. There is a still further subdivision of γραφαί into δημοτικα and δίκαια, of which the former is somewhat analogous to impeachments for offences directly against the state; the latter to criminal prosecutions, in which the object appears to be a party mediately injured in the violation or other wrong done to individual citizens. It will be observed that cases frequently arise, which, with reference to the wrong complained of, may with equal propriety be brought before a court in the form of the γραφα of last mentioned, or in that of an ordinary δίκη, and under these circumstances the laws of Athens gave the prosecutor an ample means to secure the rights of private or public proceedings,\(^3\) much in the same way as a plaintiff in modern times may, for the same offence, prefer an indictment for assault, or bring his civil action for trespass on the person. It will be necessary to mention some of the principal distinctions in the treatment of causes of the two great classes above mentioned, before proceeding to discuss the basis and treatment of the private lawsuit.

In a δίκη, only the person whose rights were alleged to be affected, or the legal protector (κτερος) of such person, if a minor, or otherwise incapable of appearing suo jure, was permitted to institute an action as plaintiff; in public causes, with the exception of some few in which the person injured or his family were peculiarly bound and interested to act, any free citizen, and sometimes of the state was directly attacked, almost any alien, was empowered to do so. In all private causes, except those of ξινόλης, ιβαμον, and ιαπαζεσέως, the penalty or other subject of contention was exclusively recovered by the plaintiff, while in most others the state alone, or jointly with the prosecutor, profited by the pecuniary punishment of the offender. The cause of damages to the property, was paid in private, but not in public causes, and a visible pecuniary penalty that compromised the action with the defendant was in most cases punished by a fine of a thousand drachmae and a modified disfranchisement; while there was no legal impediment at any period of a private lawsuit to the reconciliation of the litigant parties.

The proceedings in the δίκη were commenced by a summons to the defendant (πρόσκλησις) to appear on a certain day before the proper magistrate (ευκράντης), and there answer the charges preferred against him.\(^4\) This summons was often served by the plaintiff in person, accompanied by one or two witnesses (ευκερες), whose names were enjoined upon the declaration (δεξιος or έγγελμα). If there were an insufficient service in the summans, the lawsuit was styled ἄπροσκλησις, and dismissed by the magistrate. From the circumstance of the same officer that conducted the anacrisis being also necessarily present at the trial, and as there being, besides, die nefasti (ἄνεφολές) and festivals, during which none, or only some special causes could be commenced, the power of the plaintiff in selecting his time was, of course, in some degree limited; and of several causes, we know that the time for their institution was particularly limited.\(^5\) There were also occasions upon which a personal arrest of the party proceeded against took the place of, or, at all events, was simultaneous with, the service of the summons; as, for instance, when the plaintiff doubted whether such party would appear at the proper time to answer the motion; and, accordingly, we find that, in the cases of an Athenian plaintiff might compel a foreigner to accompany him to the polemarch's office, and there produce bail for his appearance, or, failing to do so, submit to remain in custody till the trial. The word κατεγέρσις is peculiarly used of this proceeding. Between the service of the summons and appearance of the parties before the magistrate, it is very seldom that any motion is made of which the prescribation of the period of intervention of a period of five days.\(^6\) If both parties appeared, the proceedings commenced by the plaintiff putting in his declaration, and at the same time depositing his share of the court fees (προνοεντ), the non-payment of which was a fatal objection to the further progress of a cause.\(^7\) These were very trifling in amount. If the subject of litigation was larger than this, the defendant was ordered to pay it if at more than 100 drachmae and less than 1000 drachmae, 3 drachmae was a sufficient deposit, and so in proportion. If the defendant neglected or refused to make his payment, it is natural to conclude that he underwent the penalties consequent upon non-appearance; in all cases, the successful party was reimbursed his ptystana by the other.\(^8\) The περαιστολή was another deposit in some cases, but paid by the plaintiff only. This was not in the nature nor of the usual amount of the court fees, but a kind of penalty, as it was forfeited by the suitor in case he failed in establishing his cause. In a suit against the treasury, it was fixed at a fifth; in that of a claim to the property of a deceased person by an alleged heir or devisee, at a tenth of the value sought to be recovered.\(^9\) If the action was not intended to be brought before an heliastic court, but merely submitted to the arbitration of a diestes (ευκερες), a course which was competent to the plaintiff to adopt in all private actions, the drachma paid in the place of the deposit above mentioned bore the name of παραστώς. The deposits being made, it became the duty of the magistrate, if no manifest objection appeared on the face of the declaration, to cause it to be written out upon a tablet, and exposed for the inspection of the public on the wall or other place that served as the cause-list of his court.\(^10\)

The magistrate then appointed a day for the further proceedings of the anacrisis (ευκρανία), which was done by drawing lots for the priority, in which there was a plurality of causes instituted at the same time in this proceeding the phrase λαγχανών δικαια, which generally derives to bring an action, is to be primarily attributed. If the plaintiff failed to appear at the anacrisis, the suit, of course, fell to the ground; if the defendant made default, judgment passed against him.\(^11\) Both parties, however, received an official summons before their non-appearance was made the ground of either. But leave the court might at this, as well as at other periods of the action, be attended by a person unable to attend upon the given day, and this would, if allowed, have the effect of postponing further proceedings (επιμονας); it might, however, be

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DICE.

DICTAMNUS

tomoalecl by a counter-affidavit to the effect ihat
the alleged reason was unfounded or otherwise inBufRcient (avdvKufioaia) ; and a question would
arise upon this point, the decision of which, when
adverse to 'he defendant, would render him liable
The plaintiff was in
to the penalty of contumacy."
the defendant, ep^/iTjv
this, case said iprifirjv iXelv
iiipHeti', iUriv being the word omitted in both phraIf the cause were primarily brought before an
ses.
umpire (6iairri7riQ\ the anacrisis was conducted by
him in. cases of appeal it was dispensed with as
unnecessary. The anacrisis began with the affidavit of the plaintiff {-apoujioaia), then followed the
answer of the defendant (ianoifiocia or avTiypa(p^)
{vid. Antigeaphe;, then the parties produced their
respective witnesses, and reduced their evidence to
writing, and put in originals, or authenticated copies
of all the records, deeds, and contracts that might
be useful in establishing their case, as well as memoranda of offers and requisitions then made by either side (irpoit'Kfiaeit). The whole of the documents
were then, if the cause took a straightforward
course {Eidv6i.Kia), enclosed on the last day of the
anacrisis in a casket (e;;fivof), which was sealed and
intrusted to the custody of the presiding magistrate
till it was produced and opened at the trial.
During the interval no alteration in its contents was
permitted, and, accordingly, evidence that had been
discovered after the anacrisis was not producible at
the trial.'' In some causes, the trial before the dioasts was by law appointed to come on within a
given time in such as were not provided for by
tiuoh regulations, we may suppose that it would
principally depend upon the leisure of the magistrate.
The parties, however, might defer the day
(Kvpiii} by mutual consent.'
Upon the court being
assembled, the magistrate called on the cause,* and
the plaintiff opened his case. At the commencement of the speech, the proper officer (o e(j>' Map)
filled the clepsydra with water.
As long as the
water flowed from this vessel, the orator was permitted to speak if, however, evidence was to be
read by the officer of the court, or a law recited, the
water was stopped till the speaker recommenced.
The quantity of water, or, in other words, the length
of the speeches, was not by any means the same in
in the speech against Macartatus, and
all causes
elsewhere, one amphora (nily was deemed sufficient
eleven are mentioned in the impeachment of ^schines for misconduct in his embassy. In some few
cases, as those of nanuaig, according to HarpocraThe speeches were
tion, no limit was prescribed.
sometimes interrui)led by the cry KUTuia " go
down," in effect, "cease speaking" ^from the dicasts, which placed the advocate in a serious dilemma ; for if, after this, he still persisted in his address,
he could hardly fail to offend those who bid him
stop if he obeyed the order, it might be found,
after the votes had been taken, that it had emanated from a minority of the dieasts.' After the
speeches of the advocates, which were, in general,
two on each side, and the incidental reading of the
documentary and other evidence, the dicasts proceeded to give their judgment by ballot. ( Vid.
Cadiskoi.)
When the principal point at issue was decided in
favour of the plaintiff, there followed, in many cases,
a farther discussion as to the amount of damages
or penalty which the defendant should pay. (Vid.

heavier penalty drew a long line, tlie otheia a iJiofl
Upon judgment being given in a private suit,
one.'
the Athenian law left its execution very much in
the hands of the successful party, who was empowered to seize the movables of his antagonist as a
pledge for the payment of the money, or institute
an action of ejectment {i^ovlri^) against the refractory debtor.
The judgment of a court of dicasta
was, in general decisive (Siicri ai-oTcXri^) but upon
certain occasions, as, for instance, when a gross
case of perjury or conspiracy could be proved by
the unsuccessful party to have operated to his disadvantage, the cause, upon the conviction of such
conspirators or witnesses, might be commenced de

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AraNE2 ATIMHTOI KAI TIMHTOI.) The methseems to have varied,
used a small tablet instead of a
upon which tlxise that approved of the

od of voting

u|)Ou this question

in that the dicasts
ballot-ball,

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{Vid. Appellatio, Greek.)
In addition to
which, the party against whom judgment had passed by default had the power to revive the cause,
ujjon proving that his non-appearance in court was
ijievitable (rriv sp^/iriv uvTiXaxstv')
this, however,
was to be exercised within two months after the
original judgment.
If the parties were willing to
refer the matter to an umpire (.diaiTT/r^;), it was in
the power of the magistrate to transfer the proceedings as they stood to that officer and in the same
way, if the diaetetes considered the matter in hand
too high for him, he might refer it to the Etaayuyeig,
to be brought by him before an heliastic court.
The whole of the proceedings before the diajtetes
were analogous to those before the dicasts, and
bore equally the name of SIkt/ but it seems thai
the phrase u.vTi,Xa;(elv rijv fo) ovcav is peculiarly applied to the revival of a cause before the umpire in
which judgment had passed by default. (Vid. Dinovo.

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AITETAI )
The following are the principal actions, both pul>.
lie and private, which we read of in. the Greek writers, and which are briefly discussed under thcii
several heads
Ai'ici; or Tpa(jijj
'kSiKlag npbg tov df/j^ov
'Aysapyiov
'Aypojjiiov. 'Aypti^oufieruA/low
Ahia;: 'AXoyiov
*Afi6Xuaeo}g
Ap-eXiov
'Avayuyrig 'Avavfiaxtov ^AvdpaTTodtfffiov 'AvdpaTrd^uv AiraT^aediQ rev

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'A^op/i^c 'AiroyieiijjsuQ 'Anojrsinpeai
'Airoaraatov ATxpoOTatjiov
'Apyiag 'Apyvplov : 'AaeSeU
'AsTpaTeiag
AvTO/ioi,iag
of
AvTore'Krjg
BcdoiuSi'/aov

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Biaiuv

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BXadr/g

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KaKrjyopia;
Kanuaeug KaxoTexviuv Kdpwov : KaraXmeui tov
Sjljiov
KaTacKOirijc Xpiovg Xapiov K/lon-^f
AfKatj^ov
Aupuv
Aei/imf
Aupo^sVLag ; 'Eyyvr/g
'EvoLKiOv
'ETrcTpiripapxr/fiaTOC
'EmTpoir^i
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BotiZrfffEcjf

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yayrjg -.^'E^aipiccag

'Eraip^aeuc

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'E^ovXrig: 'ApTrayfjg: Eipy/iov:
'lepoavXiag 'TtvoSoXj;; "Tdpeug AeiAecivovavrtov
AetTroarpaTiov
Asltto:

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McaBoi

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Miaduasci^ oIkov
Moixeiag: Nofilafiaro; Sia^Bopu;
OUiac: TiapaaaTaBfiitrK Tlapavoiag
Xlapavo/iav HapaTrpeateiag
Uapeiaypaiji^t;
iapiidnav :; iovpv: 'tapug o^at/oif Kat jieOri/iepivrK :
^Bopug Tu>v iXevdipav
Tlpoayoyiac
Jlpodoaiag:
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Upoetaf^opug
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Teiag
ievdo/J.aprvpi.uv
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i'radoKAjjr

SiVou
iv/xSohilov or i,vv8r;Kuv TrapaBuaea^
TpavfiaTog f/c irpovocag TvpavviSog.
DrCROTA. (Vid. BiREMis.)
*DICTAMNUS (diKTajivng), a plant, the Dittanv
of Crete, or Origanum Diclamnus.
Virgil gives i'
very, striking description of it, and records the pop
ular belief of its great efficacy in the cure of wounds '
Pliny and those who came after him also attest its
great virtues in this respect: the arrow or missile
with which the wound had been inflicted dropped
from it on applying the juice of the Dictamnus, anif
the stags, when wounded by the hunter, caused the
weapon to fall out from the wound by browsinji
upon this plant
The moderns make no use of it
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'Sjvuo^ayriag

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'FiiTopiKij

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'S.nvp'ia

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(Dfi;nostli.. c. Olym])., II74.)— 2. (Demo.sth., c. Bffiot., i.,
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OJpinrislli., '•. Pliaeii., 1042.)
4. (Plainer, Process

WJ.)—
Bn

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1.,

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5.

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fAriatiiph., Vesp.. 973.)

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(Aristoph., Vcsp., 167.)
2. (Plainer, Process
396.)— 3. (.En., lii., 41? soq.)

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DICTATOR

The name and office of dictator are confessedly of Latin origin: thus we read of a dictator at Tusculum in early, at Lanuvium in very late times. Divi, also, a dictator was sometimes elected, as Mettus Fulcius on the death of his king Clauius. Nor was this magistracy confined to single cities; for we learn from a fragment of Cato, that the Tusulan Egerius was dictator over the whole nation of the Latin.

Among the Romans, a dictator was generally appointed in circumstances of extraordinary danger, whether from foreign enemies or domestic sedition. Instances occur very frequently in the early books of Livy, from whom we also learn that a dictator was sometimes created for the following purposes: 1. For fixing the "claus annalis" on the temple of Jupiter, in times of pestilence or civil discord. (Vit. Cl. Annalis.) 2. For holding the comitia, or elections, in the absence of the consuls. 3. For appointing holidays (feriae dictatorales), to procure public peace and safety. 4. Sometimes to order the drawing of lots; 5. For filling vacancies in the senates; 6. For filling vacancies in the senate.

In this last case there were two dictators, one abroad and another at home; the latter, however, without a magisterium.

According to the oldest authorities, the dictatorship was instituted at Rome ten years after the expulsion of the Tarquinii, and the first dictator was said to have been Tit. Lartius, one of the consuls of the year.

Another account states that the consuls of the year in which the first dictator was appointed were of the Tarquinian party, and therefore distrusted.

This tradition naturally suggests the inference that the dictator was on this first occasion appointed to direct and supersede the consuls (moderator et magister consualium appositus), not only with a view to foreign wars, but also for the purpose of summarily punishing any member of the state, whether belonging to the commonalty or the governingburghers, who should be detected in plotting for the restoration of the Tarquinii, or their representatives, with whose dictatorship the Romans would be unfamiliar.

The peculiarity of the Office was the power of life and death. The dictator was not only the executive, but the legislative and judicial monarch of the Roman state.

The power of life and death was the source of all his authority: he did not need to consult the Senate to execute his capital sentences, or to arrange for the execution of his military operations. He was thus a despot, but a despotic power was a necessary element of war.

The dictator was entitled to the fasces, the rods of government, and the fasces were symbols of despotic power. The fasces were symbols of despotic power. The fasces were symbols of despotic power. The fasces were symbols of despotic power.

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**DICTATOR.**

On one occasion the people made a master of the horse, M. Minucius, equal in command with the dictator Fabius Maximus.1

**DIES.**

A festival with sacrifices, celebrated at Cydonia in Crete, in honour of Artemis, surnamed Δίκτυνα or Δίκτυνα, from δίκτυον, a hunter's net.2 Particulars respecting its celebration are not known. Artemis Δίκτυνα was also worshipped at Sparta,3 and at Ambyrus in Phocis.4

DIES (of the same root as δόξη and δεύς).5 The name dies was applied, like our word day, to the time during which, according to the notions of the ancients, the sun performed his course around the earth; and this time they called the civil day (dies civilis, in Greek νυκτιβίμερος, because it included both night and day).6 The natural day (dies naturalis), or the time from the rising to the setting of the sun, was the second part which was called μέτων ἡμέρα, or midday, during which the sun was thought to stand still.11 The third part bore the name of δεπηλή or δεπηλον ἡμέρα,12 which derived its name from the increased warmth of the atmosphere. The last part of the δεπηλή was sometimes designated by the words ποτε ἐπέσευξο or ποτε ἐπεσεύξον, to denote three great parts of the day; but others seem to have been known at the time when the Homeric poems were composed. The chief information respecting the divisions of the day in the period after Homer, and more especially the divisions made by the Athenians, is to be derived from Pausanias.13 The first and last of the divisions made at the time of Homer were afterward subdivided into two parts. The earlier part of the morning was termed πρώτη or πρῶτη τῆς ἡμέρας; the latter πλησίον τῆς ἁγίας, or περὶ πλησίου τῆς ἁγίας.15 The μέτων ἡμέρα of Homer was afterward expressed by μεσημβρία, μέσος ἡμέρας, or μέση ἡμέρα, and comprehended, as before, the middle of the day, when the sun seemed neither to rise nor to set. The two parts were called διπλά πρωτά or πρωτα, and διπλά νυκτά or νυκτά.16 This division continued to be observed down to

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1. (Liv. xxii., 202.—2. (Died. Sic., v., 76.—Compare Strabo, ii., p. 376, et Tamuckiti.—Pausan. ii., 86, § 3.)—3. (Paus. ii., 12, 9, 7.)—4. (Paus. iv., xvi. 5.—Compare the scholiast ad Arie tophi, Ram., 1831; Vesp., 357, and Marmoras, Creta, c.s.—5.)—

to the latest period of Grecian history, though an
other more accurate division, and more adapted to
the purposes of common life, was introduced at an
early period. But, as Pliny, or, according to others
his disciple Anaximenes, is said to have
made the Greeks acquainted with the use of the
Babylonian chronometer or sundial (called ἀκροβολ
or ἐφορίσιον, sometimes with the epithet σκηνοθρόνος
or σήκουσιον), by means of which the natural day was
divided into twelve equal spaces of time.1 These
spaces were, of course, longer or shorter, according
to the various seasons of the year. The name
hours (ὥραι), however, did not come into general
use till a very late period, and the difference be-
 tween natural and equinoctial hours was first ob-
served by the Alexandrine astronomers.
During the early ages of the history of Rome,
when artificial means of dividing time were yet un-
known, the natural phenomena of increasing light
and darkness formed with the Romans, as with the
Greeks, the standard of division, as we see from
the vague expressions in Consorinii.2 Pliny states3
that in the Twelve Tables only the rising and
the setting of the sun were mentioned as the two parts
into which the day was then divided; but from
Consorinii4 and Gallius5 we learn that midday (meri-
dies) was also mentioned. Varro6 likewise distin-
guished three parts of the day, viz.: manae, meridies,
and suprema solis tempestas, after which no assem-
blies were convened. The interval that was expressly
prescribed that a herald should proclaim the supre-
ma in the comitium, that the people might know
that their meeting was to be adjourned. But the di-
vision of the day most generally observed by the
Romans was that into tempus antemeridianum and
pomerdianum; the meridies itself being only consid-
ered as a point at which the one ended and the other
commenced. The importance of this moment was so
great that, when in the future of the sun had risen
over the horizon, the people, whatever their busi-
ness, ceased to be occupied; and the effect on the
mind of the Romans from this was considerable.
This was about the year B.C. 291, when L. Papirius
Cursor, after the war with Pyrrhus in southern Italy,
brought to Rome an instrument called solarium horologium,
or simply solarium.7 But as the solarium had been
made for a different meridian, it showed the time at
Rome very incorrectly. Seipio Nasica, therefore,
erected in B.C. 159 a public clepsydra, which indicated
the hours of the night as well as of the day.
Even after the erection of this clepsydra, it was cus-
tomary for one of the subordinate officers of the
prætor to proclaim the third, sixth, and ninth hours;
which shows that the day was, like the night, divi-
sed into four parts, each consisting of three hours.
See Dissen's treatise, De Partibus Notici et Diei ex
Divinationem Veterum, in his Kleine Lateinische und
Deutsche Schriften, p. 130, 150. (Compare the arti-
cles Horologium.)
All the days of the year were, according to dif-
ferent points of view, divided by the Romans into
different classes. For the purpose of the adminis-
tration of justice, all days were divided into dies fas-
ti and dies nefasti.
Dies fasti were the days on which the prætor
was allowed to administer justice in the public
courts: they derived their name from fars (far, um
erba; do, dies, adier). On some of the dies fasti
(19th of February) wars were proclaimed. Dies fas-
ti might be fasti in three different ways: 1. Dies fas-
ti prope et toli, or simply dies fasti, were days on
which the praetor used to hold his courts, and could do
justice at all hours. They were marked in the Roman
calendar by the letter F, and their number in the
course of the year was 38; 2. Dies proprius sed non
toti fasti, or dies interius, days on which the pra-
et used to hold his courts, but not at all hours, so
that sometimes one half of such a day was fastus, while
the other half was nefastus. Their number was 55 in
the year, and they were marked in the calendar
by the signs Fe. = fastus primo, Np = nefastus
primo, Em. = endotercius = interius. Q. Rex C. F. =
quando Rex comito fugit, or quando Rex comissi
fugis, Q. St. Df. = quando stercus defecerit; 3. Dies
proprius sed caei fasti, or days which were not fastus
properly speaking, but became fasti accidentally.
A dies comitalis, for instance, might become fastus,
either if during its whole course, or during a part
of it, no comitia were held, so that it accordingly
became either a dies fastus totus, or fastus ex parte.
Dies nefasti were days on which neither courts
of justice nor comitia were allowed to be held, and
which were dedicated to other purposes.8 Accord-
ing to the ancient legends, they were said to have
been fixed by Numitor. Numerous famous days and
cycles were marked besides; and accordingly it
might be understood that no part of a day might be
fastus, while another was nefastus. The nondina,
which had originally been dies fasti, had been made
nefasti at the time when the twelve-months year was
introduced; but in B.C. 268 they were again made fasti
by a law of Q. Hortensius. The term dies nefasti, which
originally had nothing to do with religion, but simply indicated
days on which no public courts were held, came to be
understood in the subsequent times applied to religious days in gen-
eral, as dies nefasti were mostly dedicated to the wor-
sip of the gods.9
In a religious point of view all days of the year
were either dies fasti, or dies profesti, or dies interius.
According to the definition given by Macrobius, dies
fasti were dedicated to the gods, and spent with holy
purposes. Dies profesti belonged to the gods, and
dies interius belonged to the state. Dies profesti
were days on which such a point of view was held
(guibus vademcum licet discreare)10 Dies staui were
days set apart for causes between Roman citizens
and foreigners (qui judicati causa eum perpetrauisse
imitatur). Dies profesti were days on which religion
did not hold, and days were spent with holy
purposes; a list of days and festivals on which it was
certainly the case. Dies comitalis or dies comiti
was a day on which no comitia were held, and
when a religious ceremony was to be performed.
See also Festus, s. v. Compare Manutius, De Vet-

erum Dierum Ratione, and the article CALENDAR
(Roman).
DIFFAREA'TIO. (Vid. Divortium.)

1. (Herod. ii., 109.—Ding. Laert., i. 2.—Plin. H. N., ii.
6, 78.—Sueton., s. a. Virgil, Catullus.—2. (De Diet. Nat., 24.)—
(H. N., viii., 60.—4. (ii.)—5. (ivii.)—6. (De Ling. Lat.,
v., 5, ed. Müller; and see Hor. Ode, v., 30 and 31.)—7. (Plant.
Ap. Rhod., iii., 2, § 6.)
DIOCLEIA.

DIGESTA. (Vid. Pandectes.)

DIGITUS. (Vid. Fex.)

DIPOLEIA (Διπόλεια), also called Διπόλεια ο. Διπόλεια, a very ancient festival, celebrated every year on the acropolis of Athens in honour of Zeus, surnamed Πολείτες. 1 Suidas and the scholiast on Aristophanes 2 are mistaken in believing that the Dipolia were the same festival as the Diasia. It was held on the 14th of Scirophorion. The manner in which his shield, he was slain. The offerings on this occasion, and the origin of the rite, are described by Porphyrius, 3 with whose account may be compared the fragmentary descriptions of Pausanias 4 and Elian. 5 The Athenians placed barley mixed with wheat upon the altar of Zeus, and left it unguarded; the ox destined to be sacrificed was then allowed to go and take of the seeds. One of the shepherds accompanied the κυνοφόροι (whose the festival was sometimes called κυνοφορία), at seeing the ox eating, snatched the axe, killed the ox, and ran away. The others, as if not knowing who had killed the animal, made inquiries, and at last also summoned the axe, which was in the end declared guilty of having committed the murder. Thus arose the curious custom, and is one following circumstance:—In the reign of Erechtheus, at the celebration of the Dionysia, or, according to the scholiast on Aristophanes, 6 at the Dipolia, an ox ate the cakes offered to the god, and one Baulen or Thaulon, or, according to others, the βουφόφορος, killed the ox with an axe and fled from his country. This was the origin of the festival, for the axe was declared guilty, and the rite observed at the Dipolia was performed in commemoration of that event. 7 This legend of the origin of the Dipolia manifestly leads us back to a time when it had not yet become customary to offer animal sacrifices to the gods, but merely the fruits of the earth. Porphyrius also informs us that three escaped, the axe was declared guilty, and the rite observed at the Dipolia was performed in commemoration of that event. 7 This legend of the origin of the Dipolia manifestly leads us back to a time when it had not yet become customary to offer animal sacrifices to the gods, but merely the fruits of the earth. Porphyrius also informs us that three escaped, the axe was declared guilty, and the rite observed at the Dipolia was performed in commemoration of that event. 7

2. (Vid. Fex.)

DIMACHAE (Διμαχάε) were Macedonian horse-soldiers who, also fought on foot when occasion required. Their armour was heavier than that of the ordinary horse-soldiers, and lighter than that of the regular heavy-armed foot. A servant accompanied each soldier in order to take care of his horse when he alighted to fight on foot. This species of troops is said to have been first introduced by Alexander the Great. 8

DIMINUTIO CAP'PTITUS. (Vid. Caput.)

DIOBOLOS. (Vid. Osolos.)

DIOCLEIA (Διοκλεία), a festival celebrated by the Megarians in honour of an ancient Athenian hero, Diocles, around whose grave young men assembled on the occasion, and made a pretence of weeping. We read that he who gave the sweetest kiss obtained the prize, consisting of a garland of flowers. 10 The scholiast on Theocritus 11 relates the origin of this festival as follows:—Diocles, an Athenian exile, fled to Megara, where he found a youth with whom he fell in love. In some battle, while protecting the object of his love with his shield, he was slain. The Megarians honoured the gallant lover with a tomb, raised him to the rank of a hero, and, in commemoration of his

faithful attachment, instituted the festival of the Diocese. See Böckh ad Pind. Olymp. vii. 157, p. 176, and the scholiast ad Aristoph., Acharn., 730, where a Megarian swears by Diocles, from which we may infer that he was held in great honour by the Megarians. 1

DIOMYSIA (Διόμυσια). (Vid. Antonios.)

DIONYSESIA (Διονύσεια), festivals celebrated in various parts of Greece in honour of Dionysus. We have to consider the great festivals of the same deity, although some of them bore different names; for here, as in other cases, the name of the festival was sometimes derived from that of the god, sometimes from the place where it was celebrated, and sometimes from some particular circumstance connected with its celebration. We shall, however, direct our attention chiefly to the Dianysia of Dionysus, as, on account of their intimate connexion with the origin and the development of dramatic literature, they are of greater importance to us than any other ancient festival.

The general character of the festivals of Dionysus was extravagant merriment and enthusiastic joy, which manifested themselves in various ways. The importunities of the spectators and their absurd practices in which the Greeks indulged during the celebration of the Dionysia, has been well explained by Müller: 2 "The intense desire felt by every worshipper of Dionysus to fight, to conquer, to suffer in common with him, made them regard the subordinate beigas (Satur, Pans, and Nymphs, to whom names were extended: was the object of the Dianysia, as, through whom life seemed to pass from him into vegetation, and branch off into a variety of beautiful or grotesque forms), who were ever present to the fancy of the Greeks, as a convenient step by which they could approach more nearly to the presence of their divinity. The customs so prevalent at the festivals of Dionysus, of driving out Baccha, of Dionysus, disturbed the original in this feeling, and not in the mere desire of concealing excesses under the disguise of a mask, otherwise so serious and pathetic a spectacle as tragedy could never have originated in the choruses of these satyrs. The desire of escaping from self into something new and strange, of living in an imagined and visionary world, is the true object of these festivals of Dionysus. It is seen in the colouring the body with plaster, soot, vermilion, and different sorts of green and red juices of plants, wearing goat and deer skins round the loins, covering the face with large leaves of different plants, and, lastly, in the wearing masks of wood, bark, and other materials, and of the complete costume belonging to the character. Drunkenness, and the boisterous music of flutes, cymbals, and drums, were likewise common to all Dionysiac festivals. In the processions called θυσια, from which they were celebrated, women also took part, in the disguise of Bacche, Lene, Thyaides, Naiades, Nymphs, &c., adorned with garlands of ivy, and bearing in their bands (where the god was sometimes called ΘΥΣΙΟΦΟΡΟΣ), so that the whole train represented a population inspired, and actuated by the powerful presence of the god. The choruses sung on the occasion were called dithyrambs, and were hymns addressed to the god in the freest metres and with the boldest imagery, in which he praised his power and achievements, were extolled. The phallus, the symbol of the fertility of nature, was also carried in these processions, 3 and men disguised as women, called θυσιαλια, 4 followed the

1. (Compare Wadson's Sappho, p. 39, and ad Theocrit., p. 72.)


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DIONYSIA.

Athenacontests
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Thesprioi,
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Athens,
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Amphictyonian
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necks.

The indulgence in drinking was considered by the Greeks as a duty of gratitude which they owed to the giver of the vine; hence in some places it was thought a crime to remain sober at the Dioneia. 1

The Attic festivals of Dionysus were four in number: the Διονύσια κατά άρχοντας, or the rural Dionysia, the Λύκαια, the Ποιήματα, and the Ανθέωνες ιερέας. After Rathkemp 2 and Spalding 3 had declared the Anthesteria and the Lenaean to be only two names for one and the same festival, it was generally taken for granted that there could be no doubt as to the real identity of the two, until in 1817, A. Böckh read a paper to the Berlin Academy, 4 in which he established by incontrovertible arguments the difference between the Lenaean and Anthesteria. An abridgment of Böckh's essay, containing all that is necessary to form a clear idea of the whole question, is given in the Philologische Museum. 5

The season of the year sacred to Dionysus was during the months nearest to the shortest day; 6 and the Attic festivals were accordingly celebrated in the Poseideon, Gamelion (the Lenaean of the Ionian), Anthesteria, and Elaphebolion.

The Ποιήματα κατά άρχοντας or μαραθοί, the rural or lesser Dionysia, were celebrated in the various demes of Attica in the month of Poseideon, and were under the superintendence of the several local magistrates, the demarchs. This was doubtless the most ancient of all, and was held with the highest degree of merriment and freedom; even slaves enjoyed full freedom during its celebration; and their boisterous shouts on the occasion were always listened to with joy by the rustics. The origin of comedy, in the jests and the scurrilous abuse which the peasants vented upon the by-standers from a wagon in which they rode about (κόμιον τον άμφοτερο). Aristophanes 7 calls the comic poets τραγικοί, lee-singers, and comedy, τραγικόλα, lee-song; 8 from the custom of smearing the face with lees of wine, in which the merry country people dined. The most sumptuous Dionysia, those of Athens, which were afterward introduced into the city, seem also originally to have been peculiar to the rural Dionysia. The Dionysia in the Piræus, as well as those of the other demes of Attica, belonged to the lesser Dionysia, as is acknowledged both by Spalding and Böckh. Those in the Piræus were celebrated with as much splendour as those in the city; for we read of a procession, of the performance of comedies and tragedies, which at first may have been new as well as old pieces; but when the drama had attained a regular form, only old pieces were represented at the rural Dionysia. Their liberal and democratic character seems to have been the cause of the opposition which these festivals met with, when, in the time of Pisistratus, Thespis was permitted to introduce the rural amusements of the Dionysia into the city of Athens. 9 That in other places, also, the introduction of the worship of Dionysus met with great opposition, must be inferred from the legends of Orchomenos, Thebes, Argos, Ephesus, and other places. Something similar seems to be implied in the account of the restoration of tragic choruses to Dionysus at Sicyon.

The second festival, the Lenaean (from λύκας, the wine-press, from which, also, the month of Gamelion was called by the Ionians Lenaian), was celebrated in the month of Gamelion; the place of its celebration was the ancient temple of Dionysus Limneus (from λίμνη, as the district was originally a swamp, whence the god was also called Λιμναύς). This temple, the Lenaean, was situated south of the theatre of Dionysus, and close by it. 10 The Lenaes were celebrated during the possession and scenic contests in tragedy and comedy. 11 The procession probably went to the Lenaean, where a goat (τριγονός, hence the chorus and tragedy which arose out of it were called τριγονικόν χρόνος and τριγονίδια) was sacrificed, and a chorus standing around the altar sang the dithyrambic ode to the god. As the dithyramb was the element out of which, by the introduction of an actor, tragedy arose (vid. Χορος), it is natural that, in the scenic contests of this festival, tragedy should have preceded comedy, as we see from the important documents in Demosthenes. 12

The poet who wished his play to be brought out at the Lenaean applied to the second archon, who had the superintendence of this festival as well as the Anthesteria, and who gave him the chorus if the piece was thought to deserve it. Thucydides states that the Anthesteria was celebrated on the 12th of the month of Anthesterion, 13 that is to say, the second day fell on the 12th, for it lasted three days, and the first fell on the 11th 14 and the third on the 13th. 15 The second archon superintended the celebration of the Anthesteria, and distributed the prizes among the victors in the various games which were carried on during the season. The first day was called παιδούρια, the second Χοροί, the third Ιερά. In the second day Aristophanes 16 derived its name from the opening of the casks to taste the wine of the preceding year; the second from χοῦς, the cup, and seems to have been the day devoted to drinking. The ascolia seem to have been played on this day. (Vid. Ascall.) We read in Suidas 17 of another similar amusement peculiar to this day. The drinker placed himself upon a bag filled with air, trumpets were sounded, and he who emptied his cup quickest, or drank most, received as his prize a leather bag filled with wine and a garland, or, according to Είδιος, 18 a golden crown. The κόμιος τον ύμησο also took place on this day, and the jests and abuse which persons poured forth on this occasion were doubtless an imitation of the amusements customary at the rural Dionysia. Aristophanes 19 says that it was customary on the day of the Choes to send on to soothsay their salaries and presents, that they too might enjoy themselves with their friends. The third day had its name from χύτρος, a pot, as on this day persons offered pots with flowers, seeds, or cooked vegetables, as a sacrifice to Dionysus and Hermes Chthonious. 20 With this sacrifice were connected the δύνεις χύτρων remembered by the scholiast on Aristophanes, 21 which the second archon distributed the prizes. Slaves were permitted to take part in the general rejoicing of the Anthesteria; but at the close of the day they were sent home with the words δέρας, Κάρπε, οίνος ἔτοι Ανθέωνες. 22

It is uncertain whether dramas were performed at the Anthestheria; but Бёчк supposes that comedies were represented, and that tragedies only, which were to be brought out at the great Dionysia were perhaps rehearsed at the Anthestheria. The mysteries connected with the celebration of the Anthestheria were held at night, in the ancient temple Элай в муня, which was opened only once a year, on the 12th of Anthestheria. They were likewise under the superintendence of the second archon and a certain number of priests, who, with the purification ceremonies, called γερμαρι or γερμανοί, the venerable, who conducted the ceremonies with the assistance of one other priest. The wife of the second archon (βασιλισσα) offered a mysterious sacrifice for the welfare of the city; she was betrothed to the god in a secret solemnity, and also tendered the oath to the goddess, which, according to Demosthenes, ran thus: "I solemnly promise, and swear with my husband, Titus, my only child, and my possessions, and everything that is mine, to fulfill the commandments of my country and of the gods, and to do nothing which may bring disgrace on my country, nor anything which will bring shame to my name." The sacrifice offered to the god in these mysteries consisted of a sow, the usual sacrifice of Demeter, and in some places of a cow with calf. It is more probable than that the history of Dionysus was symbolically represented in these mysteries, as the history of Demeter was acted in those of Eleusis, which were in some respects connected with the former.

The fourth Attic festival of Dionysus, Διόνυσις τώ άστι, στίκτικον ο μεγάλα, was celebrated about the 12th of the month of Ελαφειαλούλ, but we do not know whether they lasted more than one day or not. The only place in which the Dionysia are mentioned as having been held, was, according to the document in Demosthenes, as follows: The great public processions, the chorus of boys, the κόινος (vid. Κοινός), comedy, and, lastly, tragedy. We possess in Athens the description of a great Bacchic procession, held at Alexandria in the reign of Ptolemaus Philopappus, from which we infer that Dionysiac processions were held in Athens. It seems to have been customary to represent the god by a man in this procession. Plutarch, at least, relates, that on one occasion, a beautiful slave of Nicias represented Dionysus. A ridiculous imitation of a Bacchic procession is described in Aristophanes. Of the dramatists which were performed at the great Dionysia, the tragedies, at least, were generally new pieces; repetitions do not, however, seem to have been excluded from any Dionysiac festival. The first archon had the superintendence, and gave the chorus to the dramatic poet who wished to bring out his piece at this festival. The prize awarded to the dramatist for the best play consisted of a crown and his piece was probably performed at Dionysia.

Strangers were prohibited from taking part in the choruses of boys. During this and some other of the great Attic festivals, prisoners were set free, and nobody was allowed to seize the goods of a debtor; but a war was not interrupted by its celebration. As the great Dionysia were celebrated at the beginning of spring, when the navigation was resumed, Athens was not only visited by numbers of country people but also by strangers from other parts of Greece; and the various and various parts of the occasion were not unlike those of a modern fair. Respecting the scrupulous regularity, and the enormous sums spent by the Athenians on the celebration of these and other festivals, see Demosthener. As many circumstances connected with the celebration of the Dionysia cannot be made clear without entering into minute details, we must refer the reader to the authors referred to in the notes.

The worship of Dionysus was almost universal among the Greeks in Asia as well as in Europe, and the character of his festivals was the same everywhere, only modified by the national differences of the various tribes of the Greeks. It is expressly stated that the Spartans did not indulge so much in drinking during the celebration of the Dionysia as the other Greeks. The worship of Dionysus was in general, with the exception of Corinth, Sicyon, and the Doric colonies in southern Italy, less popular among the Doric states than in other parts of Greece. It was most enthusiastic in Boeotia, in the orgies on Mount Cithaeron, as is well known from allusions and descriptions in several Roman poets. That the Bacchanalia were an extraneous form of Bacchic worship, conducted with which all festivals of this class were celebrated, did, in the course of time, lead to the greatest excesses, cannot be denied; but we must, at the same time, acknowledge that such excesses did not occur until a comparatively late period. At a very early period of Greek history, Bacchic festivals were connected with the temple and sacred mysteries, and traces of this custom are discernible even until very late. In Chios this custom was superseded by another, according to which the Bacchae were obliged to eat the raw pieces of flesh of the victim which were distributed among them. This act was called ψωμαγια, and Dionysus derived from it the name of Ψωμαδος and Ψωματας.

The theory that tragic poetry originated from the contest at Samos, at which three noble Persians were sacrificed to the divinity, is not much supported by another, according to which the Bacchae were obliged to eat the raw pieces of flesh of the victim which were distributed among them. This act was called ψωμαγια, and Dionysus derived from it the name of Ψωμαδος and Ψωματας.

But Plutarch's account of this very instance, if true, shows that at this time such savage rites were looked upon with horror.

The worship of Dionysus, whom the Romans called Bacchus, or, rather, the Bacchic mysteries and orgies of Bacchus; are said to have been introduced from southern Italy into Etruria, and from thence to Rome, where for a time they were carried on in secret, and, during the latter part of their existence, at night. The initiated, according to Livy, did not only indulge in feasting and drinking at their meetings, but, when their minds were heated with wine, they indulged in the coarsest excesses and the most unnatural vices. Young girls and youths were seduced, and all modesty was set aside; every kind of vice found here its full satisfaction. But the crimes did not remain confined to these meetings; their consequences were manifest in all directions; for false witnesses, forgeries, false wills, and all communications proceeded from these orgies. Persons accused of crime, when not exonerated, were carried on under the cover of this society; and the voices of those who had been fraudulently drawn into these orgies, and would cry out against the shameless practices, were drowned by the shouts of the Bacchantes, and the deafening sounds of drums and cymbals. The time of initiation lasted ten days, during the
which a person was obliged to abstain from all sexual intercourse; on the tenth he took a solemn meal, underwent a purification by water, and was led into the sanctuary (Bacchanal). At first only women were initiated, and the orgies were celebrated to the memory of a priestess named Semila, who died in 297. Mater Matronorum, the great priestess of Bacchus, changed the whole method of celebration: she admitted men to the initiation, and transferred the solemnization, which had hitherto taken place during the daytime, to the night. Instead of three days in the year, she ordered that the Bacchanalia should be held during five days. It was not until this time that these orgies were carried on after this new plan that, according to the statement of an eyewitness, licentiousness and crimes of every description were committed. Men as well as women indulged in the most unnatural appetites, and those who attempted to stop or to oppose such odious proceedings fell as victims. It was, as Livy says, a principle of the society to hold every ordinance of God and nature in contempt. Men, as if seized by fits of madness, and under great convulsions, gave oracles: and the matrons, dressed as Bacchoae, with dishevelled hair and burning torches in their hands, ran down to the Tiber and plunged their torches into the water; the torches, however, containing sulphur and chalk, were not extinguished. Men were seen flying about, or lying on the ground, with dishevelled hair and burning torches in their hands. These orgies were frequently thrown into dark caverns and despatched, while the perpetrators declared that they had been carried off by the gods. Among the number of the members of these mysteries were, at the time when they were suppressed, persons of all classes; and during the last two years, nobody had been initiated who was above the age of twenty years. As this age was thought most fit for seduction and sensual pleasure.

In the year B.C. 186, the consuls Spurius Postumius Albinus and Q. Marcus Philippus were informed of the existence of these meetings, and, after having ascertained the facts mentioned above, they made a report to the senate. The senate, alarmed by this singular discovery, and although they liked not the moral nature of these meetings, which should be involved, invested the consuls with extraordinary power, to inquire into the nature of these nocturnal meetings, to exert all their energy to secure the priests and priestesses, to issue a proclamation throughout Rome and Italy, forbidding any one to be initiated in the Bacchic mysteries, or to meet for the purpose of celebrating them; but, above all things, to submit those individuals who had already been secured to a rigid trial. The consuls, after having given to the subordinate magistrates all the necessary instructions, held an assembly of the people, in which the facts just discovered were explained to the public, in order that the objects of the proceedings which were to take place might be known to every citizen. A reward was at the same time offered to any one who might be able to give further information, or to name any one that belonged to the conspiracy, as it was called. Measures were also taken to prevent any one from leaving Italy. During the night following, a number of persons were apprehended; many of them put an end to their own lives. The whole number of the initiated was said to be 7000. The trial of all those who were apprehended lasted thirty days. It was attended with all the solemnity prescribed. The guilt of the more culpable was obvious; as well as the guilty had reason to fear. The punishment inflicted on those who were convicted varied according to the degree of their guilt; some were thrown into prison, others were put to death. The women were surrendered to their parents or husbands, that they might receive their punishment in private. The consuls then ordered the senate to destroy all Bacchanalia throughout Rome and Italy, with the exception of such altars as had been erected to the worshippers of Bacchus before the sun of the gods had existed there from ancient times. In order to prevent a restoration of the Bacchic orgies, the celebrated decree of the senate (Sénatus consulta of Bacchanalam) was issued, commanding that no Bacchanalia should be held either in Rome or Italy; that if any one should think such ceremonies necessary, or if he could not neglect them, they should be performed in a desolate and deserted place, and that he should apply to the praetor urbans, who might then consult the senate. If the permission should be granted to him in an assembly of the senate, consisting of not less than one hundred members, he might solemnize the Bacchic sacra; but no more than five persons were to be present at the celebration; there should be no common fund, and no master of the sacra or priest. This decree is also mentioned by Cicero (Pro Cluentio, i. 4.), and Galen (De loc. n. ii. 120), in his time. An important fragment of this important document was discovered near Baris, in southern Italy, in the year 1640, and is at present in the imperial Museum of Vienna. A copy of it is given in Drakenburch's edition of Livy.

We have, in our account of the Roman Bacchanalia, closely followed the description given by Livy, which may, indeed, be somewhat exaggerated; but, as, however, the difference in character between the Greeks and Romans, it cannot be surprising that a festival like the Dionysia, when once introduced among the Romans, should have immediately degenerated into the grossest and coarsest excesses. Similar consequences were seen immediately after the time when the Romans were made acquainted with the elegance and the luxuries of Greek life; for, like barbarians, they knew not where to stop, and became brutal in their enjoyments. But whether the account of Livy be exaggerated or not, thus much is certain, that the Romans, ever since the time of the suppression of the Bacchanalia, considered these orgies as in the highest degree immoral and licentious, as we see from the manner in which they applied the words derived from Bacchus, e. g., bacchus, bocab, bacchante, bacchus, and others. But the most important and the most surprising of all the statements of Livy is, that the Bacchanalia should have been celebrated for several years in the boisterous manner described above, and by thousands of persons, without any of the magistrates appearing to have been aware of it.

While the Bacchanalia were thus suppressed, another more simple and innocent festival of Bacchus, the Liberato (from Liber or Liber Pater, a name of Bacchus), continued to be celebrated at Rome every year on the 16th of March. A description of the ceremonies customary at this festival is given by Ovid, which may be compared Varro. Priests and aged priestesses, adorned with garlands of ivy, carried through the city wine, honey, cakes, and sweetmeats, together with an altar with a handle (anastas ather), in the middle of which there was a small firepan (opus ignis), in which time to time, sacrifices were burned. On this day Roman youths who had attained their sixteenth year received the toga virill. That the Liberalia were celebrated with various amusements and great merriment, might be inferred from the general character of Dionysiac festivals; but we may also see it from the name Ludi Liberala, which is sometimes used instead of Liberalia: and Navius expressly says, 1. (Livy, xxxix. 18.),—2. (De Leg. ii. 13.),—3. (Tom. ii), 109, seqq.—4. (Ovid., Fast. iii., 713.),—5. (L. c.—6. (De Leg. Legat. v. 56, ed. Bipont.).—7. (Cic. ad Att., i., 1. 8, (ap. Por.)

1. (Livy, xxviii. 13.),—2. (Livy, xxviii. 14.)
DISCUS.

1. (Compare vii., Ilor., Vid. Cic., "division,"
(27.)—} but is is do the (p. 11x52 ii., consisted conferred thatli that country adopted conjectures Theophrastus." festivals The Argostemma Flos Jevii; and Stackhouse hesitates between the Argostemma and the Dianthus Caryophyllus, or Carnation. 8

DISCOCURIA (Δισκούρια), festivals celebrated in various parts of Greece in honour of the Dioscuri. The Spartan Dioscuria mentioned by Pausanias8 and Stephan. and the Roman festival of a different character are both sacri
genowo and drinking. At Cyrene the Dioscuri were likewise honoured with a great festival. 8 The Athenian festival of the Dioscuri has been described under ΑΝΑΚΕΙΑ. Their worship was very generally adopted in Greece, especially in the Doric and Achaean states, as we conclude from the great number of temples dedicated to them; but scarcely anything is known respecting the manner in which their festivals were celebrated.

*DISCO ΠYRUS (Δίσκοπυρος), according to Stackhouse, the Diospyrus Lotus; but Schneider doubts whether the fruit of the latter agrees in character with the description of the Δίσκοπυρος as given by Theophrastus. 8 This was a vessel containing two ears (γράτας) or handles, used for holding wine. It appears to have been much the same as the amphora. (Vid. ΑΜΦΟΡΑ.)

*DIPHIYGES (διπηγες), "evidently," according to Adams, a metallic compound of copper. Sprengel says it consisted principally of burned copper, with a certain admixture of iron. Dr. Milligan calls it an oxide of copper. Matthiolus gives it the name of Μάρκος δραχμή, i. e., Husk of bronze. 8

*DIPSACUS (dipsaceus), the Dipsacus Fullenum, Fuller's Thistle, or manured steams. Stephens calls it Χάρδων Μενέτεϊα. The leaves are concave, and so placed as to contain water. 8

*DIPSAS (dipsas), the name of a venomous serpent, whose bite causes insatiable thirst, whence the name, from δίψαος, "to thirst." Sprengel marks it as the Caluber presster, or black viper. According to Adams, it is sometimes found in England. A splendid description of the effects of its sting is given by Lucan. For further information, the student is referred by Adams to Nicander, Dioscorides, Aetius, and Paulus Aegineta, and to Harriet, as also to Lucan in the treatise on the Dioscuras. 8

DIPHTHIERA (διβηχας) was a kind of cloak made of the skins of animals, and worn by herdsmen and country people in general. It is frequently mentioned by Greek writers. 11 Pollux 12 says that it had a covering for the head (ἐπιπαρακορ), in which respect it would correspond to the Roman cucullus. (Vid. CUCULLUS.)

DIPHIROS (διφηρος). (Vid. CURRUS, p. 333.)

DIPLOIS (διπλος). (Vid. PALLIUM.)

DIPLOMA was a writ or public document, which conferred upon a person any right or privilege. During the Republic it was granted by the consuls and senate; and under the Empire, by the emperor and the prefects. The diploma was at first intended to do so. 8 The diploma was sealed by the emperor. 14 It consisted of two leaves, whence it derived its name.

These writings were especially given to public writers, or to those who wished to procure the use of the public horses or carriages. 4 The tabellarii of the emperor would naturally always have a diploma, to the emperor, when we read in an inscription of a diploma

DIΠΡΡΟΩΗ ΝΗΕΣ (διπρωρος νηες). (Vid. ΑΔΙΠΡΡΟΩΗ ΝΗΕΣ.)

DIPUTCHA (διπυτχα) were two writing tablets which could be folded together. Herodotus 8 speaks of a tabella mystica, a kind of diploma written on different materials, commonly of wood, but sometimes of ivory.

Under the Empire, it was the custom of the consul and other magistrates to distribute among their friends and the people, on the day on which they entered on their office, tablets, called respectively dipytcha, consularia, praeinatoria, diplyctes, &c., which were inscribed with their names, and contained their portraits. Several of these dipytches are given by Montfaucon. 6

DIRECTA ACTIO. (Vid. Actio, p. 17.)

DIRECTIUS are said by most modern writers to have been the persons who gave to the citizens the tabella with which they voted in the comitia (vid. Comitia). We are so often proved, in the preface to his Codex Eufutensius, 8 that it was the office of the diribitors to divide the votes when taken out of the cista, so as to determine which had the majority. He remarks that the etymology of diribere would lead us to assign to it the meaning of separation or "division," as it is composed of dis and habere, in the same manner as dirimere is of dis and ere; and that appears to be the case, since in præcere and dehure, which come respectively from pra and habere, and de and habere. In several passages the word cannot have any other signification than that given by Wunder. 8

When Cicero says, "vos rogatores, vos diritori, in consularia tabellarum," we may presume that he mentions these officers in the order in which they discharged their duties in the comitia. It was the office of the rogatores to collect the tabella which each century gave, as they used, before the ballot was introduced, to ask (rogare) each century for its votes, and report them to the magistrate who presided over the comitia. The rogatores, as has been already remarked, divided the votes taken out of the cista, and handed them over to the custodes, who checked them off by points marked on a tablet.

Many writers have confounded the cista with the sitella or urna, into which the sorts or mere lots were east, the true difference between these words is explained under SITELLUS.

DISCUS (δικος), a circular plate of stone (ὑπ. νοικον) or metal (σπλενίδα πονδέρα δίσκη), made, for throwing to a distance as an exercise of strength and dexterity. This was, indeed, one of the principal gymnastic exercises of the ancients, being included in the Περισθήραν. It was practised in the horsemen and soldiers, and was totally forbidden by Apollo as they were playing together at this game, 13 also proves its very high antiquity.

The discus was ten or twelve inches in diameter, so as to reach above the middle of the forearm when held in the right hand. The object was to throw it...
DISCUS.

from a fixed spot to the greatest distance; and in doing this, each player had a friend to mark the point at which the discus, when thrown by him, struck the ground, as is done by Minerva on behalf of Ulysses when he contends with the Phaeacians; 

The distance to which it was commonly thrown became a measure of strength, called ἀπολογος. The space on which the discobolus, or thrower of the discus, stood, was called βάλλει, and was indicated by being a little higher than the ground surrounding it. As each man took his station, with his body entirely naked, on the βάλλει, he placed his right foot forward, bending his knee, and resting principally on this foot. The discus being held, ready to be thrown, in his right hand, he stooped, turning his body towards it, and his left hand was naturally turned in the same direction. This attitude was represented by the sculptor Myron in one of his works, and is adopted by Quintilian\(^2\) to show how much greater skill is displayed by the artist, and how much more powerful an effect is produced on the spectator, when a person is represented in action, than when he is at rest or standing erect.

We fortunately possess several copies, more or less entire, of this celebrated statue; and one of the best of them is in the British Museum (see the annexed woodcut). It represents the player just ready to swing round his outstretched arm, so as to describe with it a semicircle in the air, and thus, with his collected force, to project the discus at an angle of forty-five degrees, at the same time springing forward so as to give it the impetus of his whole body. *Hieron* "saepe contemptur turbae, et spes prosperi-

By metaphor, the term discus was applied to a mirror (vid. Spectrum); to the orb of the sun as seen by us; and to a flat round plate used to hold meat, whence the English dish.

Sometimes a heavy mass of a spherical form (σφραῖς) was used instead of a discus, as when the Greeks at the funeral games contended for a lump of iron, which was to be given to him who could throw it farthest. *The σφραῖς was perforated in the centre*, so that a rope or thong might be passed through, and used in throwing it. In this form the discobolus is still practised by the mountaineers of the canton of Appenzell, in Switzerland. They meet twice a year to throw round stones of great weight and size. This they do by a sudden leap and forcible swinging of the whole body. The same stone is taken by all, as in the case of the ancient discus and σφραῖς: he who sends it to the greatest distance receives a public prize. The stone is lifted as high as the right shoulder (see woodcut; κατα νικόν) before being projected.\(^8\)

DISPENSATOR. (Vid. Calculatores.)

DITHYRAMBUS. (Vid. Chorus, p. 247.)

DIVERSITAS. (Vid. Caprona.)

Divine, according to Cicero,\(^1\) a presentiment and a knowledge of future things; or, according to Chrysippus,\(^2\) a power in man which foresees and explains those signs which the gods throw in his way, and the diviner must therefore know the disposition of the gods towards men, the import of their signs, and by what means these signs are to be obtained. According to this latter definition, the meaning of the Latin word divinatio is narrower than that of the Greek μαντεία, i.e., a presage or knowledge, in which the latter signifies any means by which the decrees of the gods can be discovered, the natural as well as the artificial; that is to say, the seers and the oracles, where the will of the gods is revealed by inspiration, as well as the divinatio in the sense of Chrysippus. In the one, man is the passive agent through which the deity reveals the future; while in the other, man discovers it by his own skill or experience, without any pretension to inspiration.

As, however, the seer or vates was also frequently called divinus, we shall treat, under this head, of seers as well as of other kinds of divination. The subject of oracles is discussed in a separate article. (Vid. Oraculum.)

The belief that the decrees of the divine will were occasionally revealed by the deity himself, or could be discovered by certain individuals, is one which the classical nations of antiquity had, in common with many other nations, before the attainment of a certain degree of intellectual cultivation. In early ages such a belief was natural, and perhaps founded on the feeling of a very close connexion between man, God, and nature. But in the course of time, when men became more acquainted with the laws of nature, this belief was abandoned, at least by the more enlightened minds, while the multitudes still continued to adhere to it; and the governments, seeing the advantages to be derived from it, not only countenanced, but encouraged and supported it.

The seers or μαντης, who, under the direct influence of the gods, chiefly that of Apollo, announced the future events to have been connected with certain places where oracles were given; but in subsequent times they formed a distinct class of persons, independent of any locality; one of them is Calchas in the Homeric poems. Apollo, the god of prophecy, was generally the source from which the seers, as well as other diviners, derived their knowledge. In many families of seers the inspired vates was, however, of the family, and was hereditary, and to be transmitted from father to son. To these families belonged the Iamids,\(^3\) who from Olympia spread over a considerable part of Greece; the Branchidæ, near Miletus;\(^4\) the Eumolpiæ, at Athens and Eleusis; the Cylitidæ,\(^5\) the Tellidæ,\(^6\) the Acarnanian seers, and others. Some of these families retained their celebrity till a very late period of Grecian history. The manteis made their prophecies when either requested to do so on important emergencies, or they made them spontaneously whenever they thought it necessary, either

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\(^2\) (vid. Spectrum.)

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\(^3\) (vid. Spectrum.)

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\(^4\) (vid. Spectrum.)

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\(^5\) (vid. Spectrum.)

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\(^6\) (vid. Spectrum.)

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\(^7\) (vid. Spectrum.)

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\(^8\) (vid. Spectrum.)
DIVINATIO.

o prevent some calamity or to stimulate their coun-
rymen to something beneficial. The civil govern-
ment of Athens not only tolerated, but protected
and honoured them; and Cicero 1 says, that the man-
archs were present in all the public assemblies of the
Athenians. 2 Along with the seers we may also
mention the Bacides and the Sibylla. Both existed
from a very remote time, and were distinct from
the manteis so far as they pretended to derive their
knowledge of the future from sacred books (γνωστά)
which they consulted, and which were in some places,
as at Athens and Rome, kept by the govern-
ment or some especial officers, in the acropolis and
in the most revered sanctuary. Baccus was, accord-
ing to ancient times, one of the Bacides, and Homer, who
was once inspired by nymphs, the scholar of Aris-
tophanes 3 and Είλια 4 mention three original Bac-
des, one of Eleon in Boeotia, a second of Athens,
and a third of Caphys in Arcadia. 5 From these three
Bacides all others were said to be descended, and
to have derived their name. Antichares, 6 Mu-
saeus 7 listless of the Sibylla is not at present known.
Bacides, 8 probably belonged to the Bacides. The Sib-
ylla were prophetic women, probably of Asiatic
origin, whose peculiar custom seems to have been to
wander with their sacred books from place to place. 9·
Είλια 10 states that, according to some authors,
there were four Sibylla, the Erythrean, the Sa-
man, the Egyptian, and the Sardisian; but that
other authors, as is high (Olim, there were only
three, namely, the Cumes, and another called the
Jewish Sibylla. Compare Suidas, 11 and Pausanias, 12
who has devoted a whole chapter to the Sibylla, in
which, however, he does not clearly distinguish be-
tween the Sibylly properly so called, and other wom-
* men who travelled about and made the prophetic art
their business, and who thus left behind them numer-
ous in all the parts of the ancient world. 13 The
Sibylla whose books gained so great an importance
at Rome, according to Varro, 14 the Erythrean:
The Locals which she said was said to have sold to one of
the Tarquins were carefully concealed from the
public, and only accessible to the duumvirs. The
ease with which the books were obtained, and the
assistance that of the Bacides; but in some legends of a late
date they occur even in the period previous to the
Trojan war, and it is not improbable that at an
early period every town in Greece had its prophe-
cies by some Bacis or Sibylla. 17 They seem to
have retained their celebrity down to the time of
Antipater of Tarentum. 18

Besides these more respectable prophets and
prophetesses, there were numbers of diviners of an
inferior order (χρηστολόγα), who made it their
business to explain all sorts of signs, and to tell
fortunes. They were, however, more particularly
popular with the lower orders, who are everywhere
most ready to believe what is most marvellous and
least probable. Sometimes, however, does not seem to have existed until a
comparatively late period, 19 and to have been looked
upon, even by the Greeks themselves, as nuisances to the
public. These soothsayers lead us naturally to the mode of
divination, of which such frequent use was made
by the ancients in all the affairs of public and pri-
vate life, and which chiefly consisted in the inter-
pretation of numberless signs and phenomena. No
public undertaking of any consequence was ever
entered upon by the Greeks and Romans without
consulting the will of the gods, by observing the
signs which they sent, especially those in the sac-
rifices offered for the purpose, and by which they
were thought to indicate the success or the failure
of the undertaking. For this kind of divination no
divine inspiration was thought necessary, but mere-
ly experience and a certain knowledge acquired by
routine; and although, in some cases, priests were
appointed for the purpose of observing and explain-
ning signs (αἴονα, ἑκάστορνα), yet on any sud-
den emergency, especially in private affairs, any
one who had the chance was allowed to act as his own interpreter. The principal signs by
which the gods were thought to declare their will,
were things connected with the offering of sacrifi-
ces, the flight and voice of birds, all kinds of nat-
ural phenomena, asliny as well as extraordinary
and dreams.

The interpretation of signs of the first class (ΤΕΩ-
νατσια or θεονατσια, κοινωπικαί or αρχαναπικαί)
was, according to Ασσέρνιος, the invention of Pro-
metheus. It seems to have been most cultivated by
the Etruscans, among whom it was raised into a
complete science, and from whom it passed to the
Romans. Sacrifices were either offered for the
special purpose of consulting the gods, or in the or-
dinary business of public assembly, and they were
observed, and when they were propitious, the sacri-
fice was said καλλεργες. The principal points that
which were generally observed were, 1. The manner in
which the victim approached to the altar, whether
uttering a sound or not; the former was consider-
ed a favorable omen in the sacrifice at the Pan-
cro. 2. The smoke that rose from the altar, the libation,
and various other things (σώματα) which were offered to
the gods, and served, according to the kind and
manner of their appearance, as a means through which the will of the gods
might be learned, is clear from the names κατημνικαί,
λαγανοεια, κρατομανια, and others. Special
care was also taken, during a sacrifice, that no inap-
propriate or frivolous words were uttered by any of the
by-standers; hence the admonitions of the priests,
μηδεσφοινικαί αγείονα, μηδεσφοινικαί γεια,
γεια, and others; for improper expressions were
not only thought to pollute and profane the sacred
altar, but to be unlucky omens (διοφομα, κληδονα,
μπα, φωσα, ορι μπα). 3. The art of interpreting signs of the second class
was called ουαντονεια, συμποτον or αρχιπειη. It
was, like the former, common to Greeks and Ro-
mans, and was held in very high estimation by the
system by the former as by the latter; nor did it
ever attain the same degree of importance in Greece
as it did at Rome. (Ειν. Αυρεομον.) The Greeks,
when observing the flight of birds, turned their face
towards the north, and then a bird appearing to the
right (east), especially an eagle, a heron, or a fal-
con, was thought to indicate the success or the failure
to the left (west) were considered as unlucky signs. 3
Sometimes the mere appearance of a bird was
thought sufficient: thus the Athenians always con-
sidered the appearance of an owl as a lucky sign, hence the proverb, γάλαξ ιπτας, "the owl is out,"
DIVINATIO.

1. e., we have good luck. Other animals appearing unexpectedly, especially to travellers on their road (iopea σύμωλον), were also thought ominous; and at Athens it was considered a very unlucky omen when a weasel appeared during the assembly of the people. Superstitions of this kind are still met with in several European countries. Various other medicines were used to ascertain the will of the gods, such as the ἀνουρωτρία, or divination by placing straws on red-hot iron; the μύλονερα, by observing the figures which melted lead formed; the βοτανωτρία, or divination by writing one's own name on herbs and leaves, which were then exposed to the wind, &c.

Of greater importance than the appearance of animals, at least to the Greeks, were the phenomena in the heavens, particularly by any public transaction. They were not only observed and interpreted by private individuals in their own affairs, but by the public magistrates. The Spartan ephors, as we learn from Plistarch, made regular observations in the heavens every ninth year during the night; and the family of the Pythaiaste, of Athens, made similar observations every year before the thessalorhodium. Among the curious phenomena in the heavens (τυφωτεία, σιγά or πορίενα) were thunder and lightning, an eclipse of the sun or moon, earthquakes, rain of blood, stones, milk, &c. Any one of these signs was sufficient at Athens to break up the assembly of the people. In common life, things apparently of no importance, when occurring at a critical moment, were thought by the divines to be signs sent by the gods, from which conclusions might be drawn respecting the future. Among these common occurrences we may mention sneezing, twinking of the eyes, tinkling of the ears, and numberless other things which we cannot here enumerate. Some of them have retained their significance with the superstitious multitude down to the present day.

The interpretation of dreams (ἐννοιωτα, which had probably been introduced into Europe from Asia, where it is still a universal practice, seems in the Homeric age to have been held in high esteem; for dreams were said to be sent by Zeus. In subsequent times, that class of diviners who occupied themselves with the interpretation of dreams seems to have been very numerous and popular; but they never attained to any position in the state, and were chiefly resorted to by private individuals. Some persons are said to have gained their livelihood by this profession. Respecting the oracles which were obtained by passing a night and dreaming in a temple, see ORACULUM.

For further information concerning the art of divination in general, see Cicero's work De Divinatione. The practice of the Greeks is treated of at some length by Wachsmuth.

The word divinatio was used in a particular manner by the Romans as a law-term, which requires some explanation. In any case two or more accusers came forward against one and the same individual, it was, as the phrase ran, decidi per divinatio who should be the chief or real accuser, whom the others then joined as subscribers, i.e., by putting their names to the charge brought against the offender. This transaction, by which one of several accusers was selected to conduct the accusation, was called divinatio, as the question here was not about facts, but about something which was to be done, and which could not be found out but by witnesses or written documents; so that the judges, had it as was to divine the course which they had to take. Hence the etymology of Cicero, in which he tries to show that he, and not Q. Cæcilius Niger, ought to conduct the accusation against Verres, is called Divinatio in Casuillum.

DIVISOR. (Vid. Ambitus.)

DIVORCIUM. generally a separation, and, in a special sense, a dissolution of marriage. A Roman marriage was dissolved by the death of the wife or husband, and by divorce or separation in the lifetime of the husband and wife.

Divorce, or the absolute determination of the marriage relation, always existed in the Roman policy so far back as we know anything of it; and there might be divorce both in the case of a marriage with conventio in manum, and in the case of a marriage when there was no conventio, and, consequently, the relation of the wife to her own familia was that of the wife to the husband, as it is said that the husband alone had originally the power of effecting a divorce, may be true; but we cannot rely altogether on such an authority. As one essential part of a marriage was the consent and conjugal affection of the parties, it was considered that the affection was necessary to its continuance, and, accordingly, either party might declare his or her intention to dissolve the connexion. No judicial decree, and no interference of any public authority was requisite to dissolve a marriage. Fili families, of course, required the consent of those in whose power they were. The first instance of divorce at Rome is said to have occurred about B.C. 334, when Sp. Carvilius Raga put away his wife on the ground of barrenness: it is added that his conduct was generally condemned. The real meaning of the story is explained by Sallust with his usual acuteness.

Towards the latter part of the Republic, and under the Empire, divorces became very common. Pompey divorced his wife Mucia for alleged adultery, and his conduct was approved, and Cicero speaks of Paula Valeria as being ready to serve her husband, on his return from his province, with ready and willing divorce. Cicero himself divorced his wife Terentia, after her living with him for fifty years, and married a young woman. If a husband divorced his wife, the wife's dose, as a general rule, was restored (vid. Dos); and the same was the case when the divorce took place by mutual consent. As divorce became more common, attempts were made to check it indirectly, by affixing pecuniary penalties or pecuniary loss to the party who wished to divorce. This was part of the object of the lex Papia Poppaea, and of the rules as to the retention dotis and judicium morum. There was the retentio dotis proper liberum, when the divorce was caused by the fault of the wife, or of her father, in whose power she was: three sixths of the dose was the limit of what could be so retained. On account of matters morum graviorum, such as adultery, a sixth part might be valued. In the case of matters morum leviorum, one eighth. The husband, when in fault, was punished by being required to return the dose earlier.

than it was otherwise returnable. After the divorce, either party might marry again.

By the lex Papia Poppea, a freedwoman who had married her patronus could not divorce herself; there appears to have been a: other class of persons subject to this incapacity.

Corresponding to the forms of marriage by confarretatio and coemator, there were the forms of divorce by diffarretatio and remanicatio. According to Festus, 1 diffarretatio was a kind of religious ceremony, so called, "quia fiebat farreo lito adhibito," by which a marriage was dissolved; and Plutarch 2 has been supposed to allude to this ceremony in the case of Sertorius, where it is said to have been announced that he was to marry another woman. It is said that originally marriages contracted by confarretatio were indissoluble, and in a later age, this was the case with the marriage of the flamen dialis, 3 who was married by confarretatio. In the case referred to by Plutarch, the emperor authorized the divorce. A marriage by confarretatio was revocable, divorcium facere; and the form of words of the ceremony was used, but still some distinct notice or declaration of intention was necessary to constitute a divorce: the simple fact of either party contracting another marriage was not a legal divorce. 4 The ceremony of breaking the nuptiales tiles, 5 or of taking the keys of the house from the woman and turning her out of doors, were proper consequences of the dissolution of the tie, but not sufficient, though it may be presumed that they were generally accompanied with declarations that could not be misunderstood. The general practice was apparently to deliver a written notice, and perhaps to assign a reason. In the case of Paula Valeria, mentioned by Cicero, no reason was assigned. By the 6th century, however, we read of marriage by declaration of the parties; there should be seven witnesses to a divorce, Roman citizens of full age (p uberes), and a freedman of the party who made the divorce.

Under the Christian emperors divorce was punished in various ways, but still the power of divorce remained, as before, subject to the observance of certain forms. The one of the bishops and Valentian III, and subsequently Justinian, made various laws, by which punishment was imposed, not only on the party who gave good cause for the divorce, or who without any good cause made a divorce, but also on both parties when they dissolved the marriage by agreement without legal good cause. The parties to a divorce were under certain solemnities; they were both pecuniary and personal.

The term repudium, it is said, properly applies to a marriage only contracted (vid. sponsali), and divorcium to an actual marriage; 7 but sometimes divorcium and repudium appear to be used indifferently. The phrases to express a divorce are munificentia repudii, divorcium facere; and the form of words in the case of the two was "Tuas res tibi habeo, tuas res tibi agito." 8 The phrase used to express the renunciation of a marriage contract were renitam repudium, repudium remittere, dicere, and repudiare; and the form of words might be: "Conditio tua non uto." For the subject of Greek divorce, see AIONAEI in Marriage.

DOMICAN.

Dicionaria. When any citizen of Athens was either appointed by lot or chosen by suffrage (κληρονομι και αιρεσι), to hold a public office, he was obliged, before entering on its duties, to submit to a δοκιμασία, or scrutiny into his previous moral life and character. The one who failed to pass this scrutiny was excluded from office. 

The δοκιμασία, however, was not confined to persons appointed to public offices; it was required of every Athenian man over the age of 30, prior to his election to any public position in the city. Therefore it was called "αντίδοκιμα δοκιμασίαν" against orators who spoke in the assembly while leading profligate lives, or after having committed flagitious crimes. This denounced might be made in public by any one πρὸς δοκιμασίαν τοῦ βίου, i.e., to compel the party complained of to appear before a court of justice, and give an account of his life and conduct. If found guilty, he was punished with ἀτύπα, and prohibited from the assemblies.

We will now explain the phrase ἀνδρὸν ἔτη δοκιμασθήναι. At the age of eighteen every Athenian became an ephebus, and after two years was enrolled among the men, so that he could be present and vote at public assemblies. If any one were heirs to property, this enrolment might take place before the expiration of the two years, on it's being established by a δοκιμασία that the youth was physically qualified to discharge any duties the state might impose upon him. If so, he was released from guardianship, and became a man ( ἄνδρος ἀριστος or δοκιμαστής), being thereby empowered to enter upon his inheritance, and enjoy other privileges, just as if he were of the full age of twenty. 9 We may add that the statements of the grammarians and orators are at variance on this point; but the explanation we have given seems the best way of reconciling them, and it agrees in substance with the supposition of Schollm, "that among the Athenians the enrolment, provided that it was not done before the attainment of the 18th, nor after the completion of the 20th year."

DODRANS. (Vid. As, p. 110.)

DOMO GATICA (δομογατικα), the oldest of the medical sects of antiquity, must not be confounded with

he philosophers mentioned by Diogenes Laërtius.¹ They derived their name from ὄγιαν, a philosophical tenet or opinion, because they professed to follow the opinions of Hippocrates, whereas they were sometimes called Hippocratici. Thesealles, the son, and Polybius, the second of the Hippocratic, were the last of this sect, about B.C. 400, which enjoyed a great reputation, and held undisputed sway over the whole medical profession, till the establishment of the Alexandrian school of philosophy called Empirici. (Vid. Empirici.) After the rise of this sect, for some centuries every physician ranged himself under one or other of the two parties. The different arguments brought forward on each side are stated in such clearness and elegance by Debrè,¹ that it is possible to the Dogmatici is here given at full length, and the objections of the other party in the article Empirici.

The Dogmatici held that it was necessary to be acquainted with the hidden causes of diseases, as well as the more evident ones; and to know how the natural actions and different functions of the human body take place, which necessarily suppose the existence of the elements. They gave the name of hidden causes to those which concern the elements or principles of which our bodies are composed, and the occasion of good or ill health. It is impossible, said they, for a person to know how to set about curing an illness unless he knows what it comes from; since there is no doubt that he must treat it in one way, if diseases in general proceed from the same cause, or in another, if they are made up of the four elements, as some philosophers have supposed; in another way, if all the malady lies in the humours of the body, as Herophilus thought; in another, if it is to be attributed to the respiration, according to the idea of Hippocrates (alluding, probably, to the work Πρὸς δρωγόν, De Flatibus, which is generally considered to be spurious); in another, if the blood excites inflammation by passing from the veins which are meant to contain it into the vessels that ought only to contain air, and if this inflammation produces the extraordinary movement of the blood that is remarked in fever, according to the opinion of Erasistratus; and in another, if it is by means of concupiscies which stop in the invisible passages and block up the way, as Aesclepiades affirmed. If this be granted, it may be necessary to appear that, of all physicians, the Gnostics will succeed the best in the cure of diseases who understands best their first origin and cause. The Dogmatici did not deny the necessity of experiments also; but they said that these experiments could not be made, and never had been made, but by reasoning. They added, that it is probable that the first men, or those first applied themselves to medicine, did not recourne to their patients, that the first thing that came into their thoughts, but that they deliberated about it, and that experiment and use then let them know if they had reasoned justly or conjectured happily. It mattered little, said they, that people declared that the greater number of remedies had been the subject of experiment from the first; provided they confessed that these experiments were the results of the frequenting of those who tried the remedies. They went on to say, that we often see new sorts of diseases break out, for which neither experiment nor custom has yet found out any cure; and that, therefore, it is necessary to observe whence they came and how they first commenced, for otherwise no one can tell why, in such an emergency, he makes use of one remedy rather than another. Such according to the Dogmatici, are the reasons why a physician ought to try and discover the hidden causes of diseases. As for the evident causes, which are such as can easily be discovered by anybody, and where one has only to know if the illness proceeds from heat or from cold, from having eaten too little or too much, and the like: it was necessary to inform one's self of all that, and make it on suitable reflections; but they did not think that one ought to stop there without going any farther. They said again, with regard to the natural actions, that it was necessary to know wherefore and in what manner we receive the air into our lungs, and why we afterward expire it; why food is taken into the body, how it is there prepared, and then distributed through the blood; if the different parts are subject to pulsation; what is the cause of sleep, wakefulness, &c.: and they maintained that a man could not cure the diseases relating to these several functions unless he were able to explain all these phenomena. To give an example taken from the process of digestion: The food, said these physicians, is either ground in the stomach, as Erasistratus and his disciples, or it is not thus ground; and this is the notion of Plistonicus, a disciple of Praxagoras, which is concocted by a peculiar heat, as was the opinion of Hippocrates; or else, if we are to believe Aesclepiades, all these opinions are equally erroneous, and nothing is concocted, but the alimentary matter is distributed throughout the body in the same crustate state in which it was taken into the mouth. However much they differ on this point, they all agree that the kind of food, or the real nature of the illness, which a person will vary according as one or other of these opinions be supposed to be the true one. For if the food is ground to pieces, we must choose that kind which is most easily ground; if it purifies, we must give what purifies most quickly; if it is concocted by heat, we must prefer such as is most apt to excite heat; but if it is not concocted, we need not search for an agent for a kind of food, but rather such as will remain as it is eaten, and change the least. And in the same way they argued that, when the breathing is affected, or there is too great sleepiness or wakefulness, if a physician understands thoroughly the nature of these phenomena, he will be able to cure the diseases connected with them. Lastly, they maintained that, as the principal pains and diseases proceed from the state of the body, so in like manner the physician ought to minister any remedy unless he is acquainted with these parts. They therefore contended that it was necessary to open dead bodies and examine the different viscera; but that it was much the best way to do as Herophilus and Erasistratus, who used to dissect alive the criminals condemned to death that were put into their hands, and who were thus enabled to behold during life those parts which nature had concealed, and to contemplate their situation, colour, figure, size, order, hardness or softness, roughness or smoothness, &c. They added, that it is not possible, when a person has any internal illness, to know what is the cause of it, unless one is exactly acquainted with the situation of all the viscera, nor can one heal any part without understanding its nature; that, when the intestines are open, we cannot distinguish what they are, unless we know what is their colour when in a healthy state cannot distinguish the sound from the disease parts, nor therefore apply proper remedies, while on the contrary, he who is acquainted with the natural state of the diseased parts will undertake the cure with confidence and certainty; and that, in short, it is not to be called an act of cruelty, as some persons suppose it, to seek for the remedies of a numerous number of innocent persons in the sufferings of a few criminals.

1. (De Vit. Philos., proem., 11.)—2. (De Med. pref. in lib. 1.)
DOLABRA.

Such were their opinions, and the arguments by which they supported them. Additional information on the subject may be found in various parts of Galen's works.

DOLABRA, dim. DOLABELLA (örkha, dim. orkhoi), a chisel, a celt.

For the purpose of planing and polishing wood, the ancients used the adze, which was impelled in the direction exhibited in the woodcut at page 12 (vid. Asinia), or the chisel, which was forced in the opposite direction, i.e., from the body of the orkman, as shown in the woodcut at page 62, in account of the use of these tools in ship-building. Juvenal describes the merchant as trusting his signi dolata. Statues also were made by the aid of these tools, of the other more | robore dolata, 14 trunca dolamine effigie. 15

The chisel used by stone-masons is represented at the bottom of the monument, which is the subject of the woodcut to the article Cursus (p. 252). Salar, i.e., stone adapted to be cut and smoothed by the chisel, was called lapis dolabili. A Greek inscription on marble is represented, having the name engraved by the strokes of the chisel (prroCp6n laiic kratoymenon 8), and such letters are called xcrp67b grimmata. 6

Dolabras were also much employed in the operations of horticulture and agriculture. A small sharp implement was used to cut out the dead wood from the trunk of the vine; an instrument of the same form, but of course, much more blunt and rough, and at called by the same name (dolabra), was employed to stir up the ground about its roots. 7 This tool was likewise used to refresh the soil in rose-cuts; 8 and the same term "dolabra" is applied to small spade, or small spade, which the ploughman carried with him to destroy weeds. Hence the ancient glossaries translate dolabra a tool for digging (purē); and Columella says, with a view to this object, "Nec minus dolabra, quam vornere, hulabas utatur." 9

It must have been in a form very similar that the dolabra was used by the Greek and Roman armies as a making intrenchments and in destroying fortifications. While they made a breach in the wall of a city, the expression is Dolabris perferre mun. 10 In what manner the instrument was applied we may infer from the statement of Livy, 11 that on a certain occasion soldiers were sent with dolabra to destroy the work of its foundation, 12 and that the execution of this task was easy, because the stones of the wall were built in clay or mud, and not in mortar. It is clear that the use of the chisels in this instance was to insert them between the stones, so as to remove the clay, and in doing this, to loosen and destroy the wall. 13

Dolabra abound in our public museums and in the cabinets of the curious, being known under the "celts" to antiquaries, who, however, generally use the word without understanding its true sense. 12 "Celts" is an old Latin word for a chisel, probably derived from calo, to engrave. Thus the phrase "celte sculptur in hixce" occurs in the Vulgate version of Job, 14 and "matleio et celte literatur stites" in an inscription at Pula. 15 These articles of bronze, more rarely of hard stone, are chiefly found, as we might expect from the ac-

On the other hand, figs. 5, 6, 7 exactly resemble the knife now used by leather-cutters, and therefore illustrate the account given by Julius Pollux, who reckons this same tool, the Olmu, among the ἑρέλεα τῶν εκπαίδευσαν. This instrument was also used for cutting paper, and probably in the same manner (μαλαχτόμας, sicilia). The following woodcut shows a small bronze cell fixed into a handle of stag's horn, and there

DOMINUM.

DOMI'NIUM. (Vid. STADIUM.)

DOMI'LIUM, a cylindrical vessel, somewhat resembling our tubs or easks, into which new wine was put to let it ferment. It was at first made of earth. To the time of Pliny, wood does not appear to have been used for this purpose either in Greece or Rome. At a later period dolia were made of wood, and together with hoops. Palladion speaks of dolia containing two hundred congii; it is incredible that such large vessels were made of earth. The shape preferred for dolia was long, and of a small diameter. Immediately after they were made they were covered with pitch, and subjected to a farther preparation, after which they were filled with wine, but not quite to the brim, and placed in a chamber (cella minaria), which was at least high enough above the ground for the wires to fit in easily. Here the dolia either stood on the ground or were let into it (dumera, depressa, or defossa). Wine which would not keep long was drunk from the dolia; that which improved by keeping was transferred from them to amphora. The expa and seria were vessels like the dolia, and used for the same purpose.

DE DOMINO MALO ACTIO. (Vid. CULPA.)

DOLUS MALUS. (Vid. CULPA.)

DOMINUM. Dominium signifies quiritarian ownership, or property in a thing; and dominus, or dominus legitimus, is the owner. Possessor is often used by Roman writers as equivalent to owner; but this is not a correct use of the word. In like manner, "to have ownership" is sometimes expressed by "possidere," and the thing in which there is property is sometimes called "possessio." The complete notion of property or ownership comprehends the determination of the things which may be the objects of ownership; the power which a man may have over such subjects, both as to duration of time and extent of enjoyment; the modes in which ownership may be acquired and lost; the personal or corporeal nature of the objects of acquiring, transferring, or losing ownership.

Res is the general name for anything. The chief division of res is into res divini juris and res humani juris. Res divini juris are those which are appropriated to religious purposes, namely, res sacra, saecula, religiosa; and, so long as they have this character, they cannot be objects of property. Res humani juris are all other things that can be the objects of property, and they are either res publicae or res privatae. Res publicae belong to the corporation of the state, and can only become private property by being deprived of this public character. (Vid. AGRARILAE LEGES.) Res universitatis are the property of a corporate body, which are not the property of any individual of the corporation. The phrase "humani juris" is sometimes used to mean that the thing cannot be the property of an individual, which is affirmed of things divini juris; when applied to things humani juris, it sometimes means that they are not the property of an individual, but of a body; yet such things may become the property of an individual; res hereditaria are res nullius until there is a heres. Res communia are those which cannot be the objects of property, and therefore are res nullius, as the sea.

Res corporales are defined to be those "quae tangi possunt." Incorporales are those "quae tangi non possunt, sed in jurae consistunt," as HEREDITAS, USUFRUCTUS, OBLIGATIONES; and they consequently include the possession of things corporeal. Of these things are divided into immobiles, or solum et res solit, and mobiles. The class of things quae pondere, mensura constant, are such things as wine, oil, corn, silver, gold, which are of such a nature that any the same number, weight, or measure may be considered the same thing. (Vid. MEASA.) There is another class of res, consisting of those "quae usus consummatur," and those "quae non," which may or may not be the same as things "quae numeros," &c.

A thing may either be a unity, singula res, or it may be several things of the same kind, singula res, or it may be a thing compounded of many various things, universitas, by which is understood a whole property, all that a person has, without respect to its component parts, and with all the rights and obligations attaching to it. The possession of things into res mancipi and res nec mancipi was one of ancient origin; and it continued to a late period in the Empire to be an important distinction. Res mancipi are not far from known by an enumeration of them, which is perhaps imperfect: they are praedia in Italico colo, both rustic and urban; also jura rusticiorum pretiorum, and others of like nature, to which may be added the possession of animals, as oxen, horses, &c., quod collo doro sovle donatur. Other things were nec mancipi.

All the things have been enumerated which are the subject of dominium, and some which are not. Every dominus has a right to the possession of the thing of which he is dominus; but possession alone, which is a bare fact without any legal character, neither makes a man dominus, nor does the want of possession deprive him of dominium. Possession has the same relation to a legal right to a thing, as the physical power to operate upon it has to the legal power; and, accordingly, the doctrine of possession precedes that of ownership. Things cannot be the objects of possessio civilis, which cannot be the objects of dominium.

The things called jura in re are not proper subjects of ownership (dominium), though a claim to them is prosecuted by an actio in rem: they are servitutes, emphyteusis, superficies, et pignus and hypotheca.

Dominium properly signifies the right of dealing with a corporeal thing as a person (dominus) pleat: this, of course, implies the right to exclude all others from meddling with it. The dominus is the right to possess, and is distinguished in that respect from the bare possessor, who has only the right of possession. The term dominion is sometimes (improperly) extended to jura in re; and sometimes he who takes as heres is called dominus hereditatis. Jura, or jura in re, are, however, detached parts of property, which are opposed to others from meddling with it. The dominus is the right to possess, and is distinguished in that respect from the bare possessor, who has only the right of possession. The term dominion is sometimes, as is, complete as the law allows any ownership to be, or it may be limited. The distinction between bare ownership and ownership united with the special interest is explained in another place. (Vid. IULIUS, PRAG, XIX.)
Bon. A person who has no ownership of a thing may have rights in or to it (jura in re), which, as far as they extend, limit the owner's power over his property. Ownership, being in its nature single and indivisible, may not be divided among two or more persons; consequently, there cannot be several owners of one thing, but several persons may own undivided shares or parts of a thing.

In order to acquire ownership, a person must have a legal capacity to acquire; and ownership may be acquired by such a person, or by another for him. There must also be a thing which can be the object of such ownership, and there must be a legal mode of acquisition (acquisitio civilis). Ownership may be acquired in single things (acquisitio rerum singularum), or it may be acquired in a number of things of different kinds at once (acquisitio per universitatem), in which case a person acquires them not as individual things, but as parts of a whole.

The latter kind of acquisition is either by use or by delivery, as in the case where a man advocates another, and so becomes the owner of all the advertised person's property, or it is successio mortis causa, as in the case of a testamentary heirs, or a heirs ab intestato.

Acquisiones per universitatem are properly discussed in the heads (vid. Annona, Haus, Universitas). The following remarks apply to acquisitiones rerum singularum. Acquisitions were either civiles (ex jure civili), or naturales (ex jure gentium), that is, there was no formality prescribed for the mode of acquisition; in both cases dominium could be acquired. The civil acquisitions of the single things varies much in every case in jure civilis and usucapio; those natural jure were either by traditio or delivery. In the case of res mancipii, the only modes of acquiring dominium were mancipatio, in jure cesso, and usucapio; but usucapio applied also to things nec mancipii. The alienation of things nec mancipii was the peculiar effect of tradition, or bare delivery, and if there was a just causa, dominium was thus acquired; for tradition, in the case of a thing mancipii, merely made it in bonis, and the ownership continued unchanged. The notion that, in the case of res nec mancipii, bare tradition did not confer quiritarian ownership or dominium, is erroneous; for when the Roman law did not require any formalities, the acquisition of property was effected in what may be called the natural way, that is, the simplest and most easy way in which the parties to the act could show their meaning and carry it into effect.

A man who was dominus of a thing, whether acquired jure civilis or naturali, prosecuted his right to it in the same way, by the rei vindication. He could not, of course, prosecute such a right unless he was out of possession, and, in order to succeed, he must prove his ownership. If he had a thing in bonis, and was in possession, he acquired the ownership by usucapio; if he was out of possession, it seems not an improbable conjecture of Unterholzer, that he was aided in his action, after the formula was introduced (for as to a previous time it is difficult to form any conjecture), by the fiction of his having received the property mancipiatio. There are examples of a similar fiction in the case of the bonorum possessor and the bonorum owner.1 A man could only dispose of a legacy by his will or by testament, and if the latter, otherwise he could only give it per damnationem or sinendii modum. A slave who was the property of his master (dominus) might attain the Roman citizenship by the act of manumission: if he was only in bonis of the person who manumitted him, he became only a Latinus by the act of manumission. The difference between quiritarian ownership and in bonis was destroyed by the legislation of Justinian, who declared in bonis to be complete ownership.

Some modern writers enumerate, in addition to the civil acquisitions here enumerated, addicio emtio sub corona, sectio bonorum, adjudicatio, and lex, by which last they understand those circumstances under which some special enactment gives possessory interest to a person, and caducum (vid. Caezarem) is mentioned as an instance.

A bona fidei possessor was not ownership (dominium), nor was it the same as in bonis. The two things are distinguished by Ulpian.2 A bona fidei possessor had a capacity for acquiring by usucapio the ownership of the thing possessed. He had a right of action as a public person, and could, by his act, which, if he lost the possession before he had acquired the ownership by usucapio, he could recover it against all the owner, in which latter respect he differed from him who had a thing in bonis, for his claim was good against the person who had the bare ownership.

As to the fundamental principles, it was an old principle of Roman law that there could be no dominium in them, that is, no quiritarian ownership (vid. Aemarles Leges); nor were they said to be in bonis; but the occupier had possessui and usufructus. In fact, the terms dominium and in bonis were not applicable to provincial lands, nor were the ficiones of their being applicable to the bonis applicable to provincial lands; but it is an ingenious conjecture of Uterholzer, that the formula actionis was adapted to the case of provincial lands by a fiction of their being Italics lands, combined with a fiction of their being acquired by usucapio. In the case of the ager publicus in Italy, the dominium was in the Roman people, and the terms possessui and possessor were applicable to this enjoyment and the person by whom the land was enjoyed. Still the property in provincial land was like the property in bonis in Rome and Italy, and it consequently became dominium after the distinction between quiritarian and bonitariam ownership was destroyed.

Ownership was also acquired in the case of occupatio, accessio, &c. (vid. Accessio, Alluvio, Confinio.)

A man who had a legal capacity could acquire property either himself or by those who were "in potestate, manc, mancipio." He could even acquire thus per universitatem, as in the case of an hereditas; and also he could thus acquire a legacy. If a slave was a man's in bonis, everything that the slave acquired belonged to the owner in bonis, and not to him who had the bare quiritarian ownership. If a man was the "bona fide possessor" of another person, whether that person happened to be a freeman supposed to be in possession, or possessed as a slave, or to be an owner of another, if the possessor only acquired the ownership of that which the person so possessed acquired "ex possessantibus" and ex "opcris suis." The same rule applied to a slave in which a man had only the usufructus; and the rule was consistent with the rule just laid down, for usufructus was not property. Sons who were in the potestate of a father, and slaves, of course, could not acquire property for themselves. (vid. Pretium.)

Ownership was lost either with the consent of the owner or against it. With the consent when he transferred it to another, which was the general


2 [Frag. xix., 20, 21.]
mode of acquiring and losing property; without the consent when the thing perished, when it became the property of another by accession or usucaption, when it was judicially declared to be the property of another, or forfeited by being pledged. Owners-hip was not lost by death, for the heirs was considered to be the same person as the defunct.

As certain persons had not a capacity to acquire, no personal property could not become the property of another by usucaption; a fundamental principle of law, which Cicero, with good reason, was surprised that his friend Atticus did not know.1

Ownership might be lost by the maxiins capitis dimittion ; when it was the consequence of a conviction for a crime, and the property was forfeited to the state. (Vid. Sectio Bonorum.) The mediae capitis dimittion only affected an incapacity for quititarion ownership: the person could still retain or acquire property by the jus gentium; still, if the mediae capitis dimittion was the consequence of conviction for a capital crime, it had the same consequences as the maxima.2

DOMITIA LEX. (Vid. Pontifex.)

DOMUS. (Vid. Hous.)

DONARIA (αναστήματα or αναστείμενα) are names by which the ancients designated presents made to the gods, either by individuals or communities. Sometimes they are also called dona or ὀδόμα. The belief that the gods were pleased with costly presents as natural to the ancients as the belief that they could be influenced in their conduct towards men by the offering of sacrifices; and, indeed, both sprang from the same feeling. Presents were mostly given as tokens of gratitude for some favour which a god had bestowed on man; but some are also mentioned which were intended to induce the deity to grant some especial favour. At Athens, every one of the six thousand, or, according to Plato,3 all the nine archons, on entering upon their office, had to take an oath, that if they violated any of the laws, they would dedicate in the temple of Delphi a gift statue of the size of the man who dedicated it (ἀρθράττο κρατούν ιματετρήτων). In this last case the anathema was a kind of punish-ment, in which the statue was regarded as a substitut-e for the person forfeited to the gods. Almost all presents of this kind were dedicated in temples, to which, in some places, an especial building was added, in which these treasures were preserved. Such buildings were called θυσιαρχοι (treasuries); and in the most frequented temples of Greece, many states had their separate treasures.4 The act of dedication was called θυσιαρξεῖα, donare, dáedere, or sacrær.

The custom of making donations to the gods is found among the ancients from the earliest times of which we have any record, down to the introduction of Christianity; and even after that period, it was, with some modifications, observed by the Christians during the Middle Ages. In the heroic ages of Greek history the anathemata were of a simple description, and consisted of chaplets and garlands of flowers. A very common donation to the gods seems to have been that of locks of hair (κεφαλής ἀρραγος), which youths and maidsens, especially young brides, cut off from their heads and


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DONATIO MORTIS CAUSA.

were also effectuated in the Grotto of Pluto and Proserpina, in the neighbourhood of Nysa. In all cases in which a cure was effectuated, presents were made to the temple, and little tablets (tabula votiva) were suspended on its walls, containing an account of the danger from which the patients had escaped, and of the manner in which they had been preserved from it. In this kind, with their inscriptions, are still extant. From some relics of ancient art, we must infer, that in some cases, when a particular part of the body was attacked by disease, the person, after his recovery, dedicated an imitation of that part in gold or silver to the god to whom he owed his recovery. Persons who had received a wound from a harp (lyre) or flute (tuba) dress, which they wore at the time of their danger; but if they had escaped naked, they dedicated some locks of their hair. Shipwrecked persons also suspended votive tablets in the Temple of Neptune, on which their accident was described or painted. Individuals who gave up the profession or occupation by which they had gained their livelihood, dedicated in the temple the instruments which they had used, as a grateful acknowledgment of the favour of the gods. The soldier thus dedicated his arms, the fisherman his net, the shepherd his flute, the poet his lyre, cithara, or harp, &c.

It would be impossible to attempt to enumerate all the occasions on which individuals, as well as communities, showed their gratefulness towards the gods by anathematize. Descriptions of the most remarkable presents in the various temples of Greece may be read in the works of Herodotus, Strabo, Pausanias, Athenaeus, and others.

The custom of making presents to the gods was considered by the Romans as a most important duty. As the latter the donaria were neither as numerous nor as magnificent as in Greece; and it was more frequent among the Romans to show their gratitude towards a god by building him a temple, by public prayers and thanksgivings (supplicatio), or by celebrating festive games in honour of him, than to adorn his sanctuary with beautiful and costly works of art. Hence the word donaria was used by the Romans to designate a temple or an altar, as well as statues and other dedications dedicated in a temple. The occasions on which the Romans made donaria to their gods are, on the whole, the same as those we have described among the Greeks, as will be seen from the following:


DONATIO MORTIS CAUSA. There were three kinds of donatio mortis causa: 1. When a man, under no present apprehension of danger, but moved solely by a consideration of human mortality, makes a gift to another. 2. When a man, being in immediate danger, makes a gift to another in such a manner that the thing immediately becomes the property of the donee, when it had been restored to the like circumstances, gives a thing in such a manner that it shall become the property of the donee in case the giver dies. Every person could receive such a gift who was capable of receiving a legacy.

It appears, then, that there were several forms of gift called donatio mortis causa; but the third seems the only proper one, and that of which mention is chiefly made, for it was a rule of law that a donatio of this kind was not perfected unless death followed, and it was revocable by the donor.

A thing given absolutely could hardly be a donatio mortis causa; for this donatio, by its condition attached to it, namely, the death of the donor, and the surviviosity of the donee. The thing might be a thing capable of tradition or delivery, or it might be a promise of a sum of money to be paid after the death of the testator. It would appear as if the law about such donations was not free from difficulty. They were finally assimilated to legacies in all respects, and were dealt with in a similar manner; this in some particulars before his time. Still they differed in some respects from legacies, for such a donation could take effect though there was no alienation; and a filius, families, who could not make a will, might, with his father's consent, make a donatio mortis causa.

The English law of donaciones mortis causa is first stated by Bracton in the very words of the Digest; and the present law is expounded by Lord Hardwicke; but what he there states to be the English law is not exactly the law as stated in Bracton. The rules of donations mortis causa in English law are now pretty well fixed. Tradition or delivery is considered one essential of such a gift, and, as Bracton says, the donor is another essential.

The gift must not be an absolute gift, but a gift made in contemplation of, and to be perfected by the death of the donor.

DONATIO PROPERP NTUPTIAS signifies that which is given by a husband or by any other person to a woman on the occasion of her marriage, or marriage-like ceremony, whether at the time of securing her consent, or in payment of her support during the marriage or widowhood. Justinian required this donatio whatever the wife brought a dose; and it was enacted that it should be equal in amount to the dose, and should be increased when the dose was increased. Such a gift was the property of the wife, but it was managed by the husband; and he was bound to apply it to its proper purposes; but he could not alienate it, even with the consent of the wife.

DONATIONES INTER VIRUM ET UXOREM. During marriage, neither husband nor wife could, as a general rule, make a gift of anything to one another. This rule would, however, only apply where there was no provision in the marriage contract, and in case the rule of law would be unnecessary, because a gift between husband and wife would be legally impossible. The reason for this rule was said to be the preservation of the marriage relation in its purity, as a contract subsisting by affection, and not maintained by purchase or by gift from one party to the other; but it is difficult to see why it should be limited to the husband and wife, unless it is that which is given by the Roman writers. It has apparently a tacit reference to the power of divorce, and appears like an implied recommendation of it when the conjugal affection ceases. Donations of this kind were, however, valid when there were certain considerations, as mortis causa, divorci causa, servii manumittendii gratia. By certain administrations, this donatio was a singular gift to her husband in order to qualify him for certain honours. It must be remembered, that when there was no conventio in manum, a wife retained all her rights of property which she did not surrender on her marriage (vid. Dos), and she might, during the marriage, hold property quite distinct from her husband's.
husband. It was a consequence of this rule as to
gifts between husband and wife, that every legal
form by which the gift was affected to be transferred,
as marriage, inheritance, etc., did not confer
ownership; stipulations were not binding, and ac-
cceptions were no release. A difficulty might
remain as to usucapion, but the law provided for
this also. If a woman received from a third person
the property of her husband, and neither the third
person, nor she, nor her husband knew that it was
the husband's property, she might acquire the own-
ership by usucapion. If both the giver and the
husband knew at the time of the gift that it was
the husband's property, and the wife did not know, it
might also become her property by usucapion; but
not if she knew, for in that case the bona fides
which was essential to the commencement of pos-
session was wanting. If, before the ownership was
acquired by usucapion, the husband and wife
discovered that it was the husband's, though the
husband did not choose to claim it, there was no
usucapion; for this would have been a mere eva-
sion of the law. If, before the ownership was
acquired by usucapion, the wife alone discovered
that it was the husband's property, this would not
destroy her right to acquire the property by usucapion.
This, at least, is Savigny's ingenious explanation
of the passage in Digest 24, tit. 1, s. 44. The strik-
ing fact of it was this, that the gift was not regis-
taxed in the time of S. Severus, and they were
made valid if the donor died first, and did not revoke
his gift before death. There were also some ex-
ceptions as to the general rule, which it is not
necessary to particularize here.¹

DONATI VUM. (Vid. Conglurium.)

DONAS. (Donas), the species of myrrh called Arun-
dox Das. It derives its name from Donyus, "to agi-
tate" or "disturb," from its being easily agitated by
the wind. Pliny, in speaking of it, says, "callamus
fruticosissimus, qui vocatur Donas." Virgin styles
it "fauviali."² It was used for shepherds' pipes,
writing-pens, angling-rods, &c. The modern Greeks
call it Καθαρός. Sinthorp found it everywhere in
the marshy grounds.³

DOSCAS (doscar). By the earlier commenta-
tors on the classics, it was taken for a species of
wild goat, but it is now generally acknowledged to
be the Gazelle, or Antelopes Dorsas. "In fact," ob-
nerves Adams, "the Arabian medical authors, Avi-
cenna and Holy Abbas, were aware that it meant
the Gazelle; hence the term Dorskalid of Galen is
rendered gazelami by their translators. The Δόρας
is the title of the Hebrew Scriptures. It is also
called ζηφος and παρα.⁴

DORMITORIA. (Vid. House.)

ΔΟΡΟΛΙΚΑΙΩΝ ΓΡΑΦ. (Vid. Decamors.)

ΔΟΡΟΓΡΑΦ. (Vid. Decamors.)

ΔΟΡΟΣΕΛΙΑ ΓΡΑΦ. (Vid. ΣελιαΣ Γραη.)

DORPEIA or DORPIA. (Vid. Aparuera, p. 68.)

DORNIUM. (Vid. Dipnon.)

DORSAURUS or DOSCAURUS (υροφόρος),
a beast of burden.

In the mountainous parts of Italy, where it was
impossible to use wheeled carriages, the produce of
the country was borne on the backs of quadrupeds.
In this manner the corn, wine, and oil of Apulia and
Calabria were conveyed to the seacoast by asses,
which are described by Varro⁵ as "assei dosauri."³

In these elevated regions, as we learn from the
same authority, the necessaries of life were brought
to the pastoral inhabitants either by mares or by
any other animal, "quod usuos dorso ferre possit."³

¹ (Dig. 24, tit. 1.—Savigny, Zeitschrift, &c. i. p. 272.—2. (H. N. xvi., 26.)—3. (Georg., i. 414.—4. (Billerbeck, Flora
Classica, p. 22.)—5. (Aristot., H. A. ii., 5.—6. (De Re Rust., ii., 6. (De ll. 10.)

² (D. 34.)—3. (Bod. Soc., ii., 24.)—4. (Genes., xvi., 6.)—5. (Genes., xxv., 3.)

³ (D. 3.)—4. (Genes., i. 16.)—5. (Georg., xvi., 16.)—6. (Hymn ad II., xvi., 30.)—7. (Odes, v., 218.)—8. (Odes,
147.)—9. (Hymn ad II., xvi., 30.)

⁴ (D. 34.)—5. (Bod. Soc., ii., 24.)—6. (Genes., xxv., 3.)

⁵ (Genes., xvi., 6.)—6. (Hymn ad II., xvi., 30.)

⁶ (D. 3.)—7. (Odes, v., 218.)—8. (Odes, 147.)—9. (Hymn ad II., xvi., 30.)

an expression designed to explain the etymologic of the epithet "dosauri."³

Beasts of burden also accompanied the army,¹
and were used to carry a part of the baggage.
In Eastern countries the camel has always been
employed as a beast of burden.³

The "jumenta dosauria" carried their load ei-
ther by means of panniers (καμήλης) (vid. Ollier,
iii.) or of the pack-saddle (σύρη). From using
the latter, they were called "equi sagmarii," "muli
sagmarii," &c., with the German "sam-
thier," "saum-rum," &c., and the English "sum-
ter-mule" and "sumpter-horse."³

The following woodcut, representing a mule and
a camel accompanied by two Sythian or Scythic
conductors, is taken from the column which was
erected at Constantinople to commemorate the vic-
tories of Theodosius I., and of which this view
were made by command of Mohammed II.

*DORYC'NIUM (dorxnyum), a plant, in deter-
mining which, botanical writers find some diffi-
culty. The evidence preponderates in favour of the Cor-
nera and the sagmarus, or the Lensby of Lindwood.⁴

DORY (dory). (Vid. Hasta.)

DOS (GREEK). Euipides⁵ makes Medea com-
plain that, independent of other misfortunes to which
women were subject, they were obliged to buy their
husbands by great sums of money (κυρώνων ιπτ-
boly). On this the scholiast remarks, that the poet
wrote as if Medea had been his contemporary, and
not a character of the heroic ages, in which it was
customary for the husband to purchase his wife from
her relations by gifts called ἐφα or ἑκβ. The same
practice prevailed in the East during the patriarchal
ages,¹ and Tacitus⁶ says of the ancient German,
"Dotem non uxor marito, sed uxor marius offerit."

The custom of the heroic times is illustrated by
many passages in Homer. Thus we read of the
συγμελανα and ποιεις δομα, or many gifts, by
which wives were purchased.⁷ In another place⁸ we
are told of a hundred oxen and a thousand sheep
and goats having been given by a Thracian hero to his
maternal grandfather, whose daughter he was about
to marry. Moreover, the poetic epithet, ἀλεπο-
βοης,¹¹ applied to a female, is supposed to have led its
origin in the presents of this sort which were made
to a woman's relatives on her marriage. These
nuptial gifts, which were given with their daughters
(ἀδελφων), and which were called, were returned
to the husband in the event of the com-
mission of adultery by his wife, and perhaps in
other cases.¹²

We must not infer from the above facts that it
was not usual in those times for relations to give a
portion with a woman when she married. On the
contrary, mention is made¹³ of the μείγα, or mar-
rriage gifts which were given with the daughters
(δίπλωμα), and we are told by Xanthine¹⁴ of one of
the sons of Theseus having received a portion near
Ampelis as a φιλίος, or donor with his wife.
Moreover, both Anactorchae and Penelope are spoken of as άλογα πόλεμοι, or wives who brought to their husbands many gifts, which probably would have been returned to their relations in case of a capricious dismissal. The word for portion for a woman was διοίγον, and Müller observes that we know for certain that daughters in Sparta had originally no dower, but were married with a gift of clothes only; afterward they were at least provided with money and other personal property, but in the time of Aristotle, so great were the dowers given (διὰ τοῦ πρόσ

of the dos depended on the will of the giver; but certain persons, such as a father and father's father, were bound to give a dos with a woman when she married, and in proportion to their means. The dos might be either given at the time of the marriage, or there might be an agreement to give. The technical words applicable to the dos were dare, dīcer, promittere. Anyone person was competent dare, promittere. The word dare was applied to the woman, promittere to the man. It was implied that the man promised all property as dos, but the promise was not binding unless certain legal forms were observed (non debēri vīro doatem, quam nullum autore dixisset). An example of a promissio dotis occurs in Plautus. As the dos became the husband's property, he had a right to the sole management, and to the fruits of it; in fact, he exercised over it all the rights of ownership, with the exception hereafter mentioned. He could dispose of such parts of the dos as consisted of things movable: but the Julia lex (de adulteria) prevented him from alienating such part of the dos as was land (fundus dotalis, dotalia pradia; dotales uxor) without his wife's consent, or pledging it with her consent. The legislation of Justinian prevented him from selling it also, even with the wife's consent, and it extended the law to personal effects.

The husband's right to the dos ceased with the marriage. If the marriage was dissolved by the death of the wife, her father or father's father (as the case might be) was entitled to recover the dos profecticia, unless it had been agreed that in such case the dos should belong to the husband. The dos adventicia became the property of the wife's heirs, unless the person who gave it had stipulated that it should be returned to him (dos recepticia). The dos could be claimed immediately upon the dissolution of the marriage, except it consisted of things quod numerro, &c., for which time was allowed.

In the case of divorce, the woman, if she was sui juris, could bring an action for the restitution of the dos; if she was in the power of her father, he brought the action jointly with his daughter. (Vid. Divortium)

The dos could not be restored during the marriage, for this was contrary to a positive rule of law. (Vid. Donatio inter vīrum et uxorēm.) Yet, in the case of the husband's insolvency, the wife could demand the dos adventicia at various times during the marriage. In certain cases, also, the husband could restore the dos during the marriage, and such restoration was a good legal accession to him: these excepted cases were either cases of necessity, as the payment of the wife's debts, or the sustentation of near kinsfolk.

What should be returned as dos depended on the fact of what was given as dos. If the things given were ready money, or things estimated by quantity, &c., the husband must return the like sum or the like quantity. If the things, whether movable or immovable, were valued when they were given to the husband (dos assimata), this was a species of sale, and at the end of the marriage the husband must restore the things or their value. If the thing of what was valued, he must restore the specific things, and he must make good all losses or deterioration which had happened to them except by accident. But the husband was entitled to be reimbursed for all necessary expenses (impensa necessaria); as, for instance, necessary repairs of houses incurred by him in respect of his wife's property, and also for all outlays by which he had improved the property (impense utiles).

The husband's heirs, if he were dead, were bound to restore the dos. The wife's father, or the surviving wife, might demand it by an actio ex stipulatu de dote redditus, which was an actio stricta juris, if there was any agreement on the subject; and by an actio rei uxoriae or dosis, which was an actio Praebenda. A third person who had given the dos must always demand it ex stipulatu, when he had bargained for its restoration. Justinian enacted that the action should always be ex stipulatu, even when there was no contract, and should be an actio bona fide.

The wife had no security for her dos, except in the case of the fundus dotalis, unless she had by contract a special security; but she had no privileges as compared with the husband's creditors. Justinian enacted that on the dissolution of the marriage the wife's ownership should revive, with all the legal remedies for recovering such parts of the dos as still existed; that all the husband's property should be considered legally pledged (acta hypothecae) as a security for the dos; and that the wife, but she alone, should have a priority of claim on such portion of the personal and other creditors to whom the sum might be pledged.

The dos was a matter of great importance in Roman law, both because it was an ingredient in almost every marriage, and was sometimes of a large amount. The frequency of divorces also gave rise to many legal questions as to dos. A woman whose dos was large (dota uxor) had some influence over her husband, insasmuch as she had the power of divorcing herself, and thus of depriving him of the enjoyment of her property. The allusions to the dos are numerous in the Roman writers.

It is a disputed point whether there could be dos, properly so called, in the case of a marriage with conventio in manum. (Vid. Marriage)

1. DOULOS (δοῦλος). (Vid. Servus.)
2. DRABE (δράμβη), Pepperwort, or Lepidium draba.
3. DRACHMA (δραχμή), the principal silver coin among the Greeks. The two chief standards in the currencies of the Greek states were the Attic and Αειγεινίατι. We shall, therefore, first speak of the Attic drachma, and afterward of the Αειγεινίατι.

The average weight of the Attic drachm from the time of Solon to that of Alexander was 66.5 grains. It contained about 96th of the weight alto, and hence it were regarded 48 grains to be valued. Each of our shillings contains 80 grains of pure silver. The drachma is, therefore, worth 65-4 of a shilling, or 9 72 pence, which may be called 96. After Alexander's time, there was a slight decrease in the weight of the drachma, till, in course of time, it only weighed 63 grains. The drachma contained six obols (δοδολίς): and the Athenians had separate silver coins, from four drachmās to a quarter drachma. Among those now preserved, the tetradrachm is commonly found; but we possess no specimens of the tridrachm, and only a few of the didrachm. Specimens of the tetrobolus, triebolus, diobolus, three quarter obol, half obol, and quarter obol, are still found. The following table, taken from Hussey, gives the value in English money of the Athenian coins, from a quarter obol to a tetradrachm:

<table>
<thead>
<tr>
<th>Qty</th>
<th>Price in Pence</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Obol</td>
<td>1 625</td>
</tr>
<tr>
<td>2 Obol</td>
<td>3 25</td>
</tr>
<tr>
<td>1 Obol</td>
<td>2 5</td>
</tr>
</tbody>
</table>

1. (Hussey, Rhein. Mus., ii. 75.—Compare Ulp., Dig., vi. Dig. 23, tit. 3.—Cod. v., tit. 12.)—3. (Dioscor., ii., 186.)—J. (Hussey, Ancient Weights and Money, p. 47, 48.)
DRACO.

The Attic obols, and that the Agineitan talent contained 10,000 Attic drachmas. His authority, however, cannot be of any weight against the evidence of existing coins; for the comparative value of Agineitan and Attic money is a plain fact, which can be proved by experiments. But, as Mr. Hussey remarks, "when he speaks of the Attic drachmas, does not mean the money of the full weight, which was coined in the time of Pericles or Xenophon, but such as passed for Attic in the Augustan and following ages, namely, the Roman denarius; and this, too, not of the earliest standard, at the rate of 60 or 61 grains, but as it was coined when the weight had been reduced to 4th of the Roman ounce, or about 53 grains." (Vid. Denarius.)

AKINEITAN DRACHMA. BRITISH MUSEUM.

Actual size.

The Attic and Agineitan were, as already remarked, the ancient standards of money in Greece; but there was a third standard, and by some extent, namely, that of the early coinage of Macedon, which was also adopted by the Greek kings of Egypt. The average weight of the Macedonian drachma was 109.4 grains; and, assuming the same quantity of alloy as in the Agineitan drachma, one drachm should contain about 418 grains, or in other money 1s. 5d. 2½ farthings, or very nearly 1s. 3½d. It has been supposed, however, by some writers, that this drachma was in reality a drachma; but the existence of large silver coins of four times this weight is an argument for believing it to be the drachma, as we do not find any notice of eight-drachma pieces.

As the Romans reckoned in sexters, so the Greeks generally reckoned by drachmas; and when a sum is mentioned in the Attic writers without any specification of the unit, drachmas are usually meant.

DRACO. I. (Vid. Signa Militaria.)

Il, or drakos χειροσ, the Land Dragon. "All the classical authors," observes Adams, "speak of the Land Dragon as a most formidable animal, and of immense bulk, some say 60, some 60, and some 80 cubits in length. St. Augustine calls him the largest animal upon the face of the earth. Two species are described; one with wings, and the other without wings." These accounts but ill agree with the following description of the Draco solans, L., by M. l'Abbe Bonnafore: "Le plus grand des individus qu'on conserve au Cabinet du Roi a huit ponceaux deux lignes de longueur totale. Il est doux, farouche, et est le moins à craindre de tous les reptiles. Pourra-t-on se persuader que c'est Dragon à plusieurs têtes, qui réunissait l'agilité de l'aigle, la force de lion, qui vomissait des flammes, et dont les anciens nous ont fait un peintre?"... He also calls it the flying beard, a little harmless animal that only preys on insects. I cannot help thinking, however, that the extraordinary stories of antiquity regarding the Dragon must have had their origin in the exaggerated reports of travellers about the Bea Constrictor. I shall point out one circumstance which leads forcibly to this conclusion. Before it can give an account of extraordinary size, namely, 70 cubits long, which Alexander the Great saw in India, and which was kept as an object of worship. The poet Nonnus, 1. (p. 32.)—2. (Böckh, Pub. Econ. of Athens, i, p. 25.)—3 (Encyc. Meth., lib. xxxii., 61.)

<table>
<thead>
<tr>
<th>DRACHMA</th>
<th>Shill.</th>
<th>Foon.</th>
<th>Farth.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obol</td>
<td>3</td>
<td>1</td>
<td>0-683</td>
</tr>
<tr>
<td>Obol</td>
<td>4</td>
<td>2</td>
<td>1-686</td>
</tr>
<tr>
<td>Diobolus</td>
<td>4</td>
<td>4</td>
<td>2-93</td>
</tr>
<tr>
<td>Diobolus</td>
<td>2</td>
<td>4</td>
<td>2-93</td>
</tr>
<tr>
<td>Drachma</td>
<td>1</td>
<td>3</td>
<td>3-33</td>
</tr>
<tr>
<td>Didrachm</td>
<td>2</td>
<td>3</td>
<td>3-33</td>
</tr>
</tbody>
</table>

The proportion of the Agineitan drachma to the Attic, according to the value given above, is as 93 to 65-4, or as 4-18 to 3 nearly. According to Pollux, however, the proportion was 5 to 3; for he states that the Agineitan drachma was equal to 10...
DROMEDARIUS.

DUPLICARI

also repeatedly connects the Dragon with the Indian wrestler of Bacchus.1 Now it is known that the Boa is worshipped even to this day in some parts of Hindustan.2 Still further, if the reader will compare the descriptions of the Ethiopian dragons given by Ælian3 and Philo4 with the stories which Pliny5 and Diodorus Siculus6 tell of serpents, he will readily perceive that they are all referable to the great Boa. Another argument in favour of this opinion may be drawn from the famous group of "Laocoon" in the Vatican. It must strike every person who has seen a model of it, that the immense serpents which are composed, on the human figure resemble Beasts. New these serpents are called "dragones" by Pliny5 in describing the group, and by Virgil6 in his relation of the event which forms the subject of it. Lord Byron,8 by-the-way, is singularly unfortunate in calling the serpent of the Laocoon an "asp," since the asp was a comparatively small reptile, and is said by Nicander and other toxicologists to despatch its victim without pain. But the following passage in Jerome's life of Hilarius puts the identity of the Dragon and the Boa beyond dispute: "Siquidem Draco, mare magnitudinis, quos genti nomine Boas vocant, ab eo quod tam grandes sint ut boves glutire solemnt, omnem autem vastat provinciam,"9 &c. In confirmation of this theory which is here sought to be established, he reads: "referred to the remarks of Grubenius in an edition of Cuvier. It may be stated with regard to the etymology of the term Boa, that, according to some of the ancient writers, this serpent was so called from its habit of following the hinds, in order to fasten itself to the teats of cows and suck their milk ("bovin lacte delictantur"). The so-called boas of the Eastern continent belong properly to "De Dracontium (draconum), a plant answer- ing, according to Fuchsius, Dodonaeus, Sprengel, and other botanical authorities, to the Arum Dracontium, or Dragon herb. It is the τραχύς of Simon Seth. The ὁσώντων ἄρρηπον is the Arum Ilicatum, Lam., according to Sprengel. Stackhouse makes the ὁσώντων of Theophrastus to be the Arum Ilicatum, which is called Waking-bobbin.10 "DREPANIS (drepavic), the name of a bird incidentally mentioned by Aristote and Pliny. According to Gaea and Scaliger, it is the same with the Reed-sparrow; but this opinion is rejected by Hardouin. Schneider is inclined to rank it under the genus Procellaria of Linneus, called in English the Petrel, or Snowy Petrel.11

DROMEDARIUS, the Dromedary, or Camelus Dromedarius.1 This is the Arabian Camel (Καμηλος d'Arabos, Aristot.; Camelus Arabius, Plin.), having only one hump, the Bactrian having two. Strictly speaking, however, the Dromedary is only a breed of the one-hump kind. The name is of Greek origin, and refers to the fleetness of the animal (δρόμος; "a race"). The one-hump species exists in the northern provinces of Persia and Arabia, in northern Persia, the Bactrian, Turkey, Arabia, northern Africa, and India. (Vid. Camelus.) Those of Turkey are the strongest, and best suited for burden; those of Arabia and Bambay the lightest; and those of India, where there are breeds for both purposes constantly supplied by fresh importations from the northwest, are yet probably inferior in the northwestern to those more in the vicinity of their original climate.12

DRYNUS (Dryvov), a species of serpens, so called from its lodging in the hollows of oaks (ὄξις, an oak). According to Nicaener,2 it was also called "serpents" because given it. Because in its scales are rough like those of a tortoise (accur, "a tortoise"). Sprengel supposes it to be the Colub- ber libertinus. Gesner says it is called in English the Sea-snail.3

DROCOLAPTES (drokolapty), the Picus, or Woodpecker. "About the three species described by Aristotle,4 there is considerable doubt. The first would be the Picus Marius, L., or the black Woodpecker; and the Picus viridis, the green Woodpecker, or Popenjay. That the largest species is the Picus major, or Whitwall, has been conjectured, but cannot be affirmed with certainty. The δρυνον of Aristophanes was most probably the Picus viridis.5

DROPTERIS (drupteris), according to Sprengel, the Polyodium dryopteris, or Oak-fern. Dierbach, however, holds that the Asplenium adian- tum nigrum is also comprehended under it.6

DROPSIS (dropsis), according to Sprengel and Stockhouse, the Drypsis spinosa. Schneider, how- ever, has doubts.7

DROPS (drops), the Oak. (Vid. Quercus.)

DUCENA (ducenaril, the name of various officers and magistrates, of whom the principal were as fol- 

I. DUCENARI was the name given to the Roman procurators, who received a salary of 200 sestertia. Dion Cassius7 says that the procurators first received a salary in the time of Augustus, and that they derived their title from the amount of their salary. We thus read of centenarii, trecenarii, &c., as well as of ducenarii.8 Claudius granted to the procurators of the collegia centuriae and ducenarum.9

II. DUCENARI formed a class or decuria of judi- cies, and were first established by Augustus.10 They were so called because their property, as valued in the census, only amounted to 200 sestertia. They appear to have tried causes of small importance.11

III. DUCENARI were in later times officers who commanded two centuries, and who held the same rank as the praetor hasting in the adjacent legion.

DUCENTE-SIMA was a tax of half per cent. upon all things sold at public auctions. The cente- sima, or tax of one per cent., was first established by Augustus,12 and was reduced to half per cent. by Tibersius.13 The tax was abolished altogether by Caligula as far as Italy was concerned,14 whence we find on some of the coins of this emperor the letter C, and the words Reim Cesare Consular.15 We can be no doubt that the interpretation given above is correct.

DUPLICARI were soldiers who received double pay or double allowances for their services.16 They are frequently mentioned in inscriptions,17 but more commonly under the name of dupliarii.18 In one in-
ECCLESIA

Echeneis

Acquiry the form duplicarius occurs. 1 Vegetus 2 calls them duplares milites.

DUPLICATIO. (Vid. Acroto, p. 19.)

DURODNIUS. (Vid. As, p. 111.)

DUVMURI, or the two men, the name of various magistrates and functionaries at Rome, and in the colonies and municipia. In inscriptions we also meet with the form duurmes 3 and duuri 4.

I. Duvmuri Jurci Deuowo were the highest magistrates in the municipal towns. (Vid. Colonia, p. 282.)

II. Duvmuri Nauales were extraordinary magistrates, who were created, whenever occasion required, for the purpose of equipping and repairing the fleet.

These appear to have been originally appointed by the consuls and dictators, and first created for the people. (Ad. 3.11.)

III. Duvmuri Perpetuillions. (Vid. Perpelidio.)

IV. Duvmuri Quinquenales were the consors in the municipal towns, and must not be confounded with the duvmuri jurc diucdo. (Vid. Colonia, p. 283.)

The duvmuri sacrorum originally had the charge of the Sibylline books. Their duties were afterward discharged by the decemviri sacris faciundis. (Vid. Decemviri, p. 340.)

Duvmuri were also appointed for the purpose of building or dedicating a temple. 6

E.

*EBTENUS (Ithov), Ebony. According to Virgil, 7 India was the only country that produced it. Dioscorides, 8 however, remarks, that it grows also in Ethiopia; and there is a passage in Herodotus 9 in which Ebony is spoken of among the articles of tribute paid by the Ethiopians to the king of Persia.

Either, therefore, the name of Ethiopia is to be taken for that country, in which the Ebony trees are found, either on sun-burned races, and may consequently include India, or else Virgil is in error.

Notwithstanding the numerous botanists who have travelled into India, we have not been able, until recently, to determine what tree the Ebony was to be assigned.

It is now certain that it is one of the genus Diospyrus, 10 and seems to be a common tree. It was mentioned by Dioscorides, 11 and is therefore recorded by the celebrated Dioscorides, 12 13 14

Diospyrus, 15 is the wood of a tree called in the Tamil language Atcha marum, which grows abundantly in the Gaugam-Oiers, in Berrn, and even in the island of Ceylon, where the natives term it Navegada. According to the author of the work just mentioned, it is the Diospyrus Ebenaster of Keorgen. As regards the name under which the Greeks and Romans have given this tree, and which still bears in all the languages of Europe, it may be remarked, that it comes from the Hebrew homonym haban. Its Arabic name, Abnous, is nothing more than a corruption from Ithov. 16

Modern botanists, 17 says Adams, 18 have applied various names to the Ebony-tree, namely, Ebenus Cretica, L.; Diospyrus Ebenaster, Diospyrus Ebenaster, Dio-

Ebenaster is the species of this genus, described by Dioscorides. 19

It is the very same as the Liberaria of Tourne-

fort (namely, Woundwort), and hence it is now called Antihius vulgaris. 20 21

*ECHENEIS (Iyoxe), a species of Fish. It would appear that the ezque of Aristotle and Pliny was different from that of Oppian and Alian, and that the former corresponded to the Echeneis: Thares, 22 or, sucking-fish, and the latter to the Petras-

myon Lampetra, 23, or Lamprey-eel. Artedi states that the Galarias (galaxias) of Galen corresponds to the Lamprey, and Rondelet and Nomius refer the bokkula of Strabo to the same.

The ancient stories about its stopping vessels in their course would appear to be fabulous, and yet it is worthy of notice, that although still credited by the inhabitants of Dalmatia and the neighboring countries, 24 *ECHIVM (Iyox), a plant, supposed to be a remedy against the bite of a viper (Eych). 25

"The Echium vulgare, or common Viper's Bugloss, has been generally acknowledged to be the Iyox of Nic-

ander and Dioscorides; but, according to Sprengel, this is a mistake, since the flowers of the Echium Dumburi were supposed to resemble the subject of the purple colours of the ancient, Sprengel remarks, "Carneous color, quum Graeci eanovin vaceat, nihil aliud est quam pura delutor et palliador." 26

*ECHINUS (Iyox), I., the Iyox chrysos of the Hedgehog, or Erinaceus Europaeus. The modern Greek name is esaxoxomuros. The first part of this word is a corruption of sanac (Atanthis vulgaris), and the second of Echinus. The Hedgehog is prescribed in Syria medicinally in some dis-

orders. Russell says he saw the animal carrying grapes as well as mulberries on its prickles, a story which certainly needs confirmation. 27

II. A testaceous genus containing many species:

in English, the Sea-urchin. Aristotle gives a very accurate description of the species. Sprengel says, that the species called paetaog and bioneo cannot be satisfactorily determined. The difference of habitats in the Land and Sea urchin gave rise to the Greek proverb expressive of irreconcilable habits, which they ascribe to the *Iyox ax Lyloxos. 28

VI. (Vid. Dike.)

ECHIS and ECHIDNA (Iyox, Iyox). Most of the ancient authors who treat of reptiles represent these as the Male and Female Viper; but, from the descriptions of them given by Nicander, it would appear that they were distinct species. Sprengel accordingly refers the Asiatic Iyoxa to the Coluber Erigentes, the European Iyoxa to the Coluber Berus, and the Iyox to the Coluber Amphidactylus. The word Ilyox is often applied as Ix Iyox to the Viper (Coluber Berus), and hence Ixoxi is used to signify the Eletctuary of Vipers. The Viper is the Ephe of Scripture. 29

ECLOGIA/SIA (iKxaiayia). The iKxaiayia of the Athenians were the representatives of the citizens in which they met to discuss and determine upon matters of public interest. These assemblies were either ordinary, and held four times in each prytany, or extraordinary, that is, specially convened upon any sudden emergency, and therefore called syv-

alj. 1


383
the city, and then the assembly was called a κατωκλον, the proper meaning of κατωκλον being to call from the council chamber to the city. For part of the council buildings were called κοιων and κορία, according to the scholiast on Aristophanes, who moreover informs us that there were three such in every month. But, according to the best-informed grammarians, who followed Aristotle, the name κοιων was appropriated to the first only of the regular assemblies of each prytany. Such, at least, is the account given by Pollux and Harpocrates, the former of whom asserts that the third of the regular assemblies in each prytany was partly devoted to the reception of ambassadors from foreign states.

Aristophanes, however, in the Acharnians, represents ambassadors who had just returned from Persia and Thrace as giving an account of their embassy in a κοιων ἐκκλησία, which, according to Pollux, would be not the third, but the first of the regular assemblies. With a view of reconciling these discrepancies, Schömann supposes that Sophocles originally appointed one βίβλιον, called κοιων, to be held on a certain day of every prytany, and that afterward additional assemblies were instituted, appropriated respectively to particular purposes, though the term κοιων was still reserved for the assembly formerly so called. If, however, the representation of Aristophanes is in agreement with the account of the scholiast, it is certain, what is very probable, that the arrangements for business, as described by Pollux, were not always observed even in the time of the poet; and since, a few years after Aristotle’s time, many changes took place in the constitution of Athens, it may have happened that the name κοιων was then given to all the regular assemblies, in which case the scholiast probably identified the customs and terms of a language with those of an earlier period. Moreover, the number of prytanies in each year, originally ten, one for each tribe, was, on the increase in the number of the tribes at Athens, raised to twelve, so that two prytanies would then coincide with the months of the year: a fact which, taken in conjunction with other circumstances, seems to show, that the authorities who speak of three regular assemblies in each month had in view the times when a prytany and a month were the same thing. Some authors have endeavoured to determine the particular days on which the four regular assemblies of each prytany were held; but Schömann has proved almost to demonstration, that there were no invariably fixed days for expressing a certain prytany and rate, even if there were, we have not sufficient data to determine them. Ulpius says, in allusion to the times when there were three assemblies in each month, that one was held on the eleventh, another about the twentieth, a third about the thirtieth, of each month; and it is, of course, not improbable that they were always held at nearly equal intervals.

The four assemblies which were anciently held were, as we are told by Harpocrates, the ἐνεται. Afterward they were transferred to the Pyx, and at last to the great theatre of Dionysus, and other places. Thus Thucydides speaks of the people being summoned to the Pyx, the usual place of assembly in his times; and Aristophanes, in describing “Demos,” the representative of the Athenian people, just as “John Bull” is of the English, calls the place ἐνεται, or “pavements.” When Herodotus, or Demosthenes of the (parish-) of Pyx: a joke by which that place is represented as the home of the Athenians. The situation of it was to the west of the Areopagus, on a slope connected with Mount Lyceanion and partly, at least, within the walls of the city. It was said that the Athenians used it for religious exercises, for games, and part machinery, and an area of about 15,000 square yards. On the north the ground was filled up and paved with large stones, so as to get a level surface on the slope; from which fact some grammarians derive its name (παρὰ τῶν ἡδίων παράκτη). Towards this side, and close to the wall, was the βίβλιον, a stone platform or hustings ten or eleven feet high, with an ascent of steps; it was cut out of the solid rock. This it is sometimes called ὁ βίδος, as in Aristophanes we read ἄρτες κρετεῖν τοῦ ἡδίου τόν τῷ Πυκνῷ. The position of the βίβλιον was such as to command a view of the sea from behind (on which account the thirty tyrants are said to have altered it), and of the Propylaea and Parthenon in front, though the hill of the Areopagus lay partly between it and the Acropolis. Hence Demosthenes, when reminding the Athenians from this very βίβλιον of the other splendid works of their ancestors, says emphatically Προπύλαια τῶν ἡδίων: and we may be sure that the Athenian orators would often rouse the national feelings of their hearers by pointing to the assemblage of magnificent edifices, “monuments of Athenian gratitude and glory,” which they had in view from the Pyx. That the general situation of the place was sacred to the old worship of Dionysus is proved by the fact, that it was named ἐκκλησία, and the words πᾶς ὁ δήδος ὡς καθένα, applied to a meeting of the people in the Pyx. After the great theatre of Dionysus was built, the assemblies were frequently held in it, as it afforded space and convenience for a large multitude; and in some particular cases it was specially determined by law that the people should assemble there. An assembly of the people was held in the Piraeus, and in the theatre at Mounychia. We will now treat of the right of convening the people. This was generally vested in the prytanes or presidents of the council of Five Hundred (vid. Boule, p. 168); but in cases of sudden emergency, and especially during wars, the strategy also had the power of calling extraordinary meetings, for which, however, if we may judge by the form in which several decrees have come down, the consent of the senate appears to have been necessary. The four ordinary meetings of every prytany were, nevertheless, always convened by the prytanes, who not only gave a previous notice (προγράφειν τὴν ἐκκλησίαν) of the day of assembly, and published a program of the subjects to be discussed, but also, as it appears, sent a crier round to collect the citizens (καθότερων τῶν δήδων). At any rate, when the strategy wished to convene one of the extraordinary assemblies, notice was certainly given of it by a public proclamation; for, as Ulpius observes, these assemblies were called συγκληταί, because the people were summoned to them by officers sent round for that purpose (ὑπὸ συνεκκλησίαν ἡμῶν συγκλητών). But, independent of the right which we have just mentioned, the right of convening an extraordinary meeting, it would seem, from the case of Péricles, that a strategus had the power of proposing any assembly being called. It is, however, important to observe, that such an exercise of power would perhaps not have been tolerated except during wars and commotions, or in the person of a

1. (Pax, 660).—2. (Παύλου Πλυτρίου, 174.)—3. (Crassus, Ancient Greece, vol. ii., p. 335.)—4. Wordsworth, “Athens and Attica.” In the latter of these works are two views of the remains of the Pyx and the other Pyxæ, and also a plan of the Pyx, with the relation of its different parts, p. 317.—6. (Demosth., De Falis Leg. p. 359.)—7. Lysias, c. 133.—8. Thucyd., viii., 93.—7. (Demosth., De Cor. 290.)—8. Pollux, vii., 55.—Harpocrat., e. n. Κυδία (Exelegiarch., c. Aristoph., 772.)—9. (ad Demosth., De Falis Leg. p. 100, A.)—10. (Thucyd. ii., 22.)
The IonelGis, or foreigners, who enjoyed nearly equal privileges with the citizens, are by some thought to have had the same rights as adopted citizens, with respect to voting in the assembly. This, however, seems very doubtful; at any rate, the etymology of the word IonelGis does not justify such an opinion.

In the article BouIe it is explained who the parents and their families were drove by them towards the ecclesia, and those who refused to go were marked by the rope and fined. Aristophanes alludes to this subject in the line, "the colour of vermilion, the ancient public slave (Σκιάθος or τοῦ γέρων) were sent round to sweep the church and other places of public resort, with a rope coloured with vermilion. The different persons whom these ropemen met were driven by them towards the ecclesia, and those who refused to be so driven were attended by the state, the presiding archon (Δημοτ., Schol.), to lay before the people the subjects to be discussed; to read, or cause to be read, the previous bill (τὸ προδιάδειμα of the senate; and to give permission (γνωρίζειν τοιχών) to the speakers to address the people.

They must probably sat on the steps near the βῆμα, to which they were on some occasions, called by the people. In later times they were assisted in keeping order (εἰκονία) by the members of the presiding tribe, η προδιάδειμα φύλα (vid. BouIe); and the officers who acted under them, the "sergeants-at-arms," were the crier (ἐκρήγας) and the Scythian bowman. Thus, in Aristophanes, the crier says, "we are the archon who, when we don't allow the city to sit, is our duty, and in another passage the τοῦτος are represented as dragging a drunken man out of the assembly.

When the discussion upon any subject had terminated, the chairman of the proedr, if he thought proper, put the question to the vote: we read, in some instances, of his refusing to do so. Previous to this proceeding, it was usual to make a lustration or purification of the place where the assembly was held. This was performed by an officiating priest, called the Peristarch, a name given to him because he went before the lustral victims (Τὰ περιτικά) as they were carried round the boundary of the place.

The term προεδρία is derived from προ and δια, and is, therefore, properly applied to sacrifices carried round the hearth by way of lustration: hence it means any lustral victims. Thus the crier says, "παρὰ εἰς τὸ προεδρεῖον πάρθης ἀτ ίς λόγος ἕτοι τοῦ καθάρισματος. The favourite victims were sucking pigs (χοίροι), the blood of which was sprinkled about the place, and the bodies afterward thrown into the sea. After the purification, the assembly was followed, burning incense in a censer. When these ceremonies were concluded, the crier proclaimed silence, and then offered up a prayer, in which the gods were implored to bless the proceedings of the meeting, and bring down destruction on all those who were hostile disposed towards the state, or who traitorously plotted its overthrow, or received bribes for misleading and deceiving the people.

Onward from the conclusion of this prayer business began, and the first subject proposed was said to be brought forward πρῶτον μετὰ τα λέπα.

We must, however, understand that it was illegal to propose to the ecclesia any particular measure unless the proedr previously received the sanction of the senate, or been formally recommended to the people, under the title of a προδιάδειμα.

The assembly, nevertheless, had the power of altering a previous decree of the senate as might seem fit. Further information on this point will be found under BouIe, to which we may add, according to Seebmann, that the object of the law mentioned by the grammarians (Ἀριστοφανῆς, ἕν τῷ βῆμα) seems to have been, not to provide that no motion should be proposed in the assembly.
The privilege of addressing the assembly was not confined to any class or age among those who had the right to be present: all, without any distinction, were invited to do so by the proclamation (Τίς ἀνιότις ποιεῖται) which was made by the crier after the proœđria had gone through the necessary preliminaries, and laid the subject of discussion before the meeting; for though, according to the institutions of Solon, those persons who were above fifty years of age ought to have been called upon to speak first, this regulation had, in the days of Aristophanes, become quite obsolete. The speakers are sometimes simply called οἱ παρώνες, and appear to have worn a crown of myrtle on their heads while addressing the assembly, to intimate, perhaps, that they were then representatives of the people, and, like the archons when crowned, inviolable.1 They were by an old law required to confine themselves to the subject before the meeting, and keep themselves to the discussion of one thing at a time, and forbidden to indulge in scurrilous or abusive language: the law, however, had, in the time of Aristophanes, become neglected and almost forgotten. The most influential and practised speakers of the assembly were generally distinguished by the name of βοτρύς. (Vid. Ranx.)

After the speakers had concluded, any one was at liberty to propose a decree, whether drawn up beforehand or framed in the meeting (Ἐν τῷ δήμῳ συνυπογραφοσκέοι), which, however, it was necessary to present to the proœđria, that they might see, in conjunction with the νομοφόραι, whether there was an accusation called a χώρος τοῖς παρωνευομένοις. If, however, the chairman refused to give his answer to the question of the people, he might be proceeded against by ἄρνησις; and if he allowed the people to vote upon a proposal which was contrary to existing constitutional laws, he was in some cases liable to ἀμιλία.2 If, on the contrary, no opposition of this sort was offered to a proposed decree, the votes of the people were taken, by the permission of the chairman, and with the consent of the rest of the proœđri: whence the permission is said to have been given sometimes by the proœđri and sometimes by the chairman, who is also simply called δὲ προέδρος, just as the proœđri are sometimes styled πρυτανεία.3 The decision of the people was given either by show of hands or by ballot, i. e., by casting lots (κύριοι); the former was expressed by the word χειροτονία, the latter by ψηφοφορία, although the two terms are frequently confounded. The more usual method of voting was by show of hands, as being more expeditious and convenient (χειροτονία). The process was as follows: The crier first proclaimed that all those who were in favour of a proposed measure should hold up their hands (ὅς κτιστεί κ. τ. λ. ἀρέσι τὰς χεῖρες): then he proclaimed that all those who were opposed to it should do the same (ὅς μὴ δοξεί κ. τ. λ. ἀρέσι τὰς χεῖρες): they did so; and the crier then formed as accurately an idea as possible of the numbers for and against (προεδρία τῆς ψηφοφορίας), and the chairman of the meeting pronounced the opinion of the majority. In this way most matters of public interest were determined. Vote by ballot (ψηφοφορία), on the other hand, was only used in a few special cases determined by law; as, for instance, when a proposition was made for allowing those who had suffered ἀμιλία to appeal to the people for restitution of their former rights, or for inflicting extraordinary punishments on traitors and informers, and, generally, upon any matter which affected private persons. In cases of this sort, it was settled by law that a decree should not be valid unless six thousand citizens at least voted in favour of it. This was by far the majority of those citizens who were in the habit of attending; for in time of war the number never amounted to five thousand, and in time of peace seldom to ten thousand.4

With respect to the actual mode of voting by ballot in the ecclesia, we have no certain information; but it was probably the same as in the courts of law, namely, by means of black and white pebbles, or shells put into urns (κεῖσθαι τὸ κείσθαι). The white for adoption, the black for rejection of any given measure. (Vid. Cadis.)

The determination or decree of the people was called a δικαστήριον, which properly signifies a law proposed to an assembly, and approved by the people. The form for drawing up the ψηφοφορία varied in different ages. (Vid. Boule and Graemus.)

We now come to the disposal of the assembly; the order for which, when business was over, was given by the prytaνεια (ὅλον τὸν ἐκκλησίαν), through the head of the people, who might be either the chairman, or if it was not customary to continue meetings, which usually began early in the morning, till after sunset, if one day were not sufficient for the completion of any business, it was adjourned to the next. But an assembly was sometimes broken up if any one, whether a magistrate or private individual, declared that he saw an unfavourable omen, or perceived a certain sign or omen of ill omen. The sudden appearance of rain, also, or the shock of an earthquake, or any natural phenomenon of the kind called δυσμαία, was a sufficient reason for the hasty adjournment of an assembly.5

We have already stated, in general terms, that all matters of public and national interest, whether foreign or domestic, were determined upon by the people in their assemblies, and we shall conclude this article by stating in detail what some of these matters were. On this point Julius Pollux6 informs us, that in the first assembly of every prytaneia, which was called κυβεία, the κτησιστορία of the magistrates was held; i. e., an inquisition into their conduct, which, if it proved unfavourable, was followed by their deposition. In the same assembly, moreover, the αἰσθανομέναι, or extraordinary information, which referred to the people, as well as to all matters relating to the watch and ward of the country of Attica; the regular officers also read over the lists of confiscated property, the names of those who had entered upon inheritances. The second was devoted to the hearing of those who appeared before the people as suppliants for some favour, or for the privilege of addressing the assembly without incurring a penalty, to which they otherwise would

have been liable, or for indemnity previous to giving information about any crime in which they were accomplices. In all these cases it was necessary to obtain an idean, i.e., a special permission or immuni, whence Pohxas says of the second assembly, 'It seems to me that the magistrates would not have any objection to the fact that the people might have taken cognizance of them in assembly, and decided upon them as judges, just as they did in some instances of heinous and notorious crimes, even when no one came forward with an accusation. Moreover, in turbulent and excited times, if any one incurred the displeasure of the people, they not infrequently passed summary sentence upon him, without any regard to the regular and established forms of proceeding: as examples of which we may mention the cases of Demosthenes and Phocion. The proceedings called ἕρωος and ἀπείγελα were also instituted before the people: farther information with respect to them is given under the names of Helias and Thalia. The legislative powers of the people in assembly, so far as they were defined by the enactments of Solon, were very limited; in fact, strictly speaking, no laws could, without violating the spirit of the Athenian constitution, be either repealed or enacted, except by the court of the Νομοδέται: it might, however, be generally understood that it was the prerogative of the people to determine the office of the magistrates by the assemblies had reference to general and permanent objects, and were therefore virtually ἐναίκοι or laws; moreover, if we may judge by the complaints of Demosthenes, it appears that in his days the institutions of Solon had in this respect fallen into disuse, and that new laws were made by the people exclusively in assembly, with the exception of the inter-vention of the court of the nomothetai. The foreign policy of the state, and all matters connected with it, and the regulation and appropriation of the taxes and revenues, were, as we might expect, determined upon by the people in assembly. The domestic economy of the state was under the same superintendence: a fact which Pho- tolus informs us that the people decided in the fourth assembly περί τινων και δημοσίων, i.e., on all matters, whether spiritual or secular, in which the citizens collectively had an interest. Such, for example, says Scholman, are the priesthood, the temples of the gods, and all other sacred things; the treasury, the public land, and publicRevenue. In general, the magistrates, the courts, the laws and institutions of the state, and, in short, the state itself, is in connexion with which we may observe, that the meetings for the election of magistrates were called ἄρρηται. Lastly, as Scholman remarks, the people likewise determined in assembly upon the propriety of conferring rewards and honours on such citizens or strangers, or even foreign states, as had in any manner signally benefited the commonwealth. It is hardly necessary to add, that the signification of a religious assembly or church, which ἐκκλησία bore in later times, sprung from its earlier meaning of an assembly in general, whether of the constituency of a certain locality, or of a certain body, as tribes and cantons. (Vid. Tribus and Demus.)

EKK ᾿ΛΤΟΣ ΠΟΙΑΣ. (Vid. Symbola.)

ΕΚΚΛΗΣΤΟΙ (ἐκκλήστοι) was the name of an assembly at Sparta, and seems to have been the same as the so-called lesser assembly (_female καλομενὴ ἐκκλησίαν). Its name seems to indicate a select assembly, but it is difficult to determine of what personnel it was made up. In some cases, it consisted of a large number of older men, and in others, of a smaller number of younger men, while in the number of the later assembly it appears to have been considerably thinned, it does not seem improbable that the lesser assembly consisted exclusively of ancient citizens, either in or out of office; and this supposition seems very well to agree with the fact, that they appear to have always been jealously watchful in upholding the ancient constitution, and in preventing any innovation that might be made by the ephors or the new citi-zens.

The whole subject of the ἐκκλήστοι is involved in difficulty. Tittmann thinks, that the name of this assembly is not mentioned, it existed long before the Persian war, and that in many cases it may have been a much larger body than the popular assembly, or even the ἑδρικὸς ἐκκλησίας, and has been said to have made decrees, the magistrates are mentioned instead of the ἐκκλήστοι, of whom they were the chief members. This last supposition is rejected by Müller, who observes that the magistrates were often said to have decreed a measure (especially in foreign affairs), though it had been called in question, and was finally determined upon by it; for the magistrates were the representatives of the people, and the organ of the assembly, and acted in its name. Müller is also of opinion that ἐκκλήστοι and ἐκκλησία are identical, and distinct from the lesser assembly, which he considers to have been a kind of select assembly. But his arguments on this point are not convincing. The ἑδρικὸς ἐκκλησίας and the lesser assembly are mentioned about the same time in Grecian history, and previous to that we hear of no assembly except the regular ἐκκλησία of all the Spartans.

ECEDOSIS. (Vid. Naukton.)

ECLECTIC. (ἐκλεκτικός), an ancient medical sect, which must not be confounded with the school of philosophers of that name, founded by Diogenes Laertius, though it is probable that they assumed this title in imitation of them. Their name is derived from their founder (like Potamo the physician) having selected from each sect the opinions that seemed most probable (ἐκλεξέσθαι μὲν ἀρέσαντα ἐκ ἐκκλησίας τῶν ἀρέσαντων). From a passage in the PROTOM, which Dr. Clerke conjectures, that instead of ἐκκλησία, we should read ἐκλεκτικός) and which is falsely attributed to Galen, it appears

The Edictum may be described generally as a rule promulgated by a magistratus on entering his office, which was done by writing it on an album and placing it in a conspicuous place. Under the Roman law, the distinction between law and edict is significant. When the Edictum was considered to be a part of the jurisprudence.

As the office of a magistratus was annual, the rules promulgated by a predecessor were not binding on a successor; but he might conform or adopt the rules of his predecessor, and introduce them into his own Edict, and hence such adopted rules were called edictum tralatitium or vetus, as opposed to edictum novum. A repentinum edictum was that rule which was a (proe res ludit) for the occasion. A perpetuum edictum was that rule which was made by the magistratus on entering upon office, and which was intended to apply to all cases to which it was applicable during the year of his office; hence it was sometimes called, also, annua lex. Until it became the practice for magistrates to adopt the edicts of their predecessors, the edicta could not form a body of permanent binding rules; but when this practice became common, the edicta (edictum tralatitium) soon constituted a large body of law, which was practically as much important as any other part of the law.

The several edicta, when thus established, were designated by the names of their promulgators, as the Edictum Carvianum; or they were named with reference to the form and the action by which they were established, as Aquiliana, Publiciana, Radiana, &c.

The origin of the edictal power cannot be historically shown; but as the praeator was a magistratus established for the administration of justice, on account of the occupation of the consuls, and the consular power was the representative of the kingly power, it seems that the jus edictum might have been a remnant of the kingly prerogative. However it may be, the edictal power was early exercised, and so far established that the jus praeorium was a recognised division of law, and perhaps somewhat before, the time of Cicero, in whose age the study of the Edict formed a part of the regular study of the law. The edict of the ediles about the buying and selling of slaves, as mentioned by Cicero, the Edictiones Edulliae and Edulliae, and an edict of the praeator Peregrinus is mentioned in the Lex Aquiliae Cisalpine, which probably belongs to the beginning of the eighth century of the city. The Lex Cornelia, B.C. 67, provided against abuses of the edictal power, by declaring that the praeors should decide in particular cases conformably to their edictal edicta. The edicta made in the provinces are often mentioned by Cicero. They were founded on the edictum urbanum, though they likewise comprehended special rules, applicable only to the administration of justice in the provinces, and so far they were properly edictum provincial. Thus Cicero says that he promulgated in his province two edicta; one provincial, which, among other matters, contained everything that related to the publican, and another, to which he gave the name relating to matters of which he says, "ex elicto et postulati et fieri solent." As to all the rest he made no edict, but declared that he would frame all his decrees (decreta) upon the edicta urbana. It appears, then, that in the time of Cicero the edicta already formed a large body of law, which is confirmed by the fact that in his time an attempt had been already made to reduce it into order, and to comment on it. Servius Sulpicius, the great jurist

1. (Cic. ad Att. v., 21 ; ad Fam. iii., 8 ; in Afr., 45,)—3
and orator, the friend and contemporary of Cicero, addressed to Brutus two very short books on the Edict, which was followed by the work of Oflinus; 1 though we do not know whether the work of Oflinus was an attempt to arrange and collect the various edicta, like the subsequent compilation of Julian, or a commentary like those of many subsequent jurists (Oflinus edictum praeoris primus diligenter commentato). 2

The object of the Edict, according to the Roman jurists, was the following: "Adjuvandi vel supplendi vel corrigendi juris civilis gratia proper utilitatem publicam:" the Edict is also described as "viva vox juris civilis." It was, in effect, an indirect method of legislating, sanctioned, not only by public opinion, but by the judge, who, before the municipal system by which numerous rules of law became established, it was found to be more effectual, because an easier and more practical way of gradually enacting and altering the existing law, and keeping the whole system in harmony, than the method of direct legislation; and it is undeniable that the most valuable part of the Roman law is derived from the edicts. It may be observed that, as a rule, an edict may be inconvenient or injurious, it fell into disuse if not adopted by his successor. The publicity of the Edict must also have been a great security against any arbitrary changes, for a magistrates would hardly venture to promulgate a rule to which opinion had not by anticipation already given its sanction. This law (referred to) promulgated by the Edict may probably have been a cery in conformity to existing custom, more particularly in cases of, contracts, and thus the edict would have the effect of converting custom into law. When Cicero, however, says that the Edict depends in a great degree on custom, he probably only means that it was usual to incorporate some of the old customs that the magistrates had adopted from former edicts. Thus the edictum tralatitium obtains its validity by being continually recognised by every successive magistrates.

As to the matter of the Edict, it must be supposed that the defects of the existing law must generally have been acknowledged and felt before any magistrates ventured to supply them; and in doing this, he must have conformed to that so-called natural equity which is recognised by all mankind. Under the emperors, also, it may be presumed that the opinions of legal writers would act on public opinion, and on those who had the judicidem. Hence a large part of the edictal rules were founded on the so-called jus gentium, and the necessity of some modifications of the strict rules of the civil law, and of additional rules of law, would become the more apparent with the extension of the Roman power and their intercourse with other nations. But the method in which the preator introduced new rules of law was altogether conformable to the spirit of the Edict. In the Empire, it (the method of) was gradual; it was not effected by the destruction of that which existed, but by adapting it to circumstances. Accordingly, when a right existed or was recognised, the preator would give an action if there was none; lie would interfere by way of protecting possession, but he could not make possession into ownership, and, accordingly, that was effected by

The old forms of procedure were few in number, and certainly they were often inconvenient and fail to do justice. Accordingly, the preator extended the remedies by action, as already intimated in the case of the Publician act. This change probably commenced after many of the leges actiones were abolished by the Abutia lex, and the necessity of new forms of actions arose. These were introduced by the preator, and it is the subject of doubt that, in establishing the formula, they followed the analogy of the leges actiones. It is the conclusion of an ingenious writer, "that the edict of the preator urbanus was in the main part relating to actions arranged after the model of the old leges actiones, and that the system is apparent in the Code of Justinian, and still more in the Digest." Under Diocletian there were many commentaries on the Edict. Thus we find that Laheo wrote four books on the Edict, and a work of his in thirty books, Ad Edictum Praetoris Peregrini, is cited by Upianus. 3 When the imperial rescripts became common, the practice of making annual edicts became less common, and after the time of Hadrian probably fell nearly into disuse; but the existence of several comparatively modern distinguished modern writers. However this may be, Salvius Julianus, a distinguished jurist, who lived in the time of Hadrian, and filled the office of preator, composed a systematic treatise on the edict, which was called Edictum Perpetuum; and it seems that, from the date of this treatise, the name Perpetuum was more generally applied to this edictum than to that which was originally called the Edictum Perpetuum. Julian appears to have collected and arranged the old edicts, and he probably omitted both what had fallen into disuse, and abridged many parts, thus giving to the whole a systematic character. The work of Julian must have had a great influence on the study of law, and the commentaries, instead of the edicts, which were incorporated into it much of the Edictum Provincialia, and a large part of the Edictum Antiileum, as an appendage at least. The Edict thus arranged and systematized was, it is further supposed, promulgated in the provinces, and thus became, as far as its provisions extended, a body of law for the Empire.

1. (Dig. 1, tit. 2, s. 2.) — 2. (De Invent., i. 22.) — 3. (Gaiss., 40, 50.)
The Eicoste.II (Dieoayct) is a tax or duty of one
(a and) per cent. upon all commodities
exported or imported by sea in the states
of the allies subject to Athens. This tax
was first imposed B.C. 413, in place of the direct tribute which had up to that time been paid by the subject allies; and the change was made with the hope of obtaining a greater revenue. This tax, like all others, was farmed, and the farmers of it were called elxostodv-
yoii. It continued to be collected in B.C. 405, as
Aristophanes mentions an elxostodvugos in the
Jogs.1


EISANGEIA. 391

exercise a direct influence over his junior, and was
instructed with the command of troops in battle.
The word appears to have originally signified a com-
mander. Hesychius explains ΤΙΙΕΙΙΙΕΙΙΙΕΙΙΙΕΙΙΙΕΙΙΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕΙΕIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEIEI
authority of the council. When the offence was obviously beyond the reach of the senate's competency, the trial was dispensed with, and a decree immediately drawn up for submitting the cause to a superior court.

When a cause of this kind was so referred, the decree of the senate, or vote of the people, associated other citizens to the accusation, or arrested the person, with the informer, who received a drachma ea-^4 from the public treasury (ευνύγγοιοι). And besides these, permission was given to any other citizen to volunteer his services on the side of the prosecution. If the information were laid before the assembly, either by the accuser himself or the senate, the first accused had to pass the onus of proof to their object to establish the penalty of the offence, on the apparent culpability of the accused; and this being decided by a vote of the people after a public discussion, the mode of conducting the trial and the penalty were next fixed. In the case of the ten generals, the assembly directed that the senate should propose the requisite arrangements. The plan of this sort of proceeding might be adapted, but might be combated by rival proposals of any private citizen. The assembly very often referred the matter to the Heliastic court, but occasionally undertook the trial itself; and when the prisoner was accused of treason, we are told that he made his defence to the assembly in chains, and with a groan upon either side; and, according to another authority, that the time for such defence was limited. After this the tribes voted by ballot, two urns being assigned to each tribe for this purpose. The informant, in the event of the prisoner being acquitted, was subjected to no penalty if he obtained the votes of as many as a fifth of the people; and he was liable to a fine of one thousand drachmas. For a more ample discussion of the trials in question, the reader is referred to Schömann. 3

Besides the class of causes hitherto described, there were also two others which equally bore the name of ελαττυγολα, though by no means of the same importance. The most important of these, and those mentioned by Polliu as taking part in bringing the matter before the assembly, but upon what occasion they were so employed we can only conjecture. In cases intended for the cognizance of the council only, after the reception of the denunciation, the body, with reference to it might be adopted by that body. If the alleged fact was punishable by a fine of no greater amount than five hundred drachmas, the council itself formed a court competent for its trial; if it was of a graver character, they might pass a decree, such as that in the case of Antipion already mentioned, directing the proper officers to introduce the cause to a Heliastic court, and punishing the persons and forms of the trial, and the penalty to be inflicted upon the conviction of the criminals; lastly, if the matter were highly important, and from doubts or other reasons they required the sanction of the assembly, they might submit the case as it stood to the consideration of that body. In the first case, the trial was conducted before the council with all the forms of an ordinary court; and if, upon the assessment of the penalties, the offence seemed to deserve a heavier punishment than fell within its competency, the trial was transferred to a Heliastic court, by the delivery of the sentence of the council (καταγγείως) to the two councilors by the scribe of the prytanes, and upon these they then devolved to bring the cause to a superior tribunal. These penalties were a mean while put into prison for safe custody by the

1. (Schömann, De Cons. p. 190.—Harpocration.)—2. (Lyse, c. 6, (op. cit. 185.)—3. iv. 7. 7.1.—4. (Demosthen., c. Timoc. 730.)

2. (Xen, 1. e. 2.—Schol. ad Aristoph., Eccles. 1061.)—3 (De Comitis, c. iii.)—4. (c. Meid. 548. 14.)—5. (Hud. wick, über die Diat., p. 19.—Meier, Att. Proc. 276.)
EISPHORA.

Zenē and Athenæ.1 The sacrifice was accompanied by libations, and a common meal for all the senators.2 

Suidas3 calls the elosphoría a festive day—the first of every year on which all the Athenian magistrates entered upon their office, and on which the senate offered up sacrifices for the purpose of obtaining the good-will of the gods for the new magistrates. But this statement, as well as the farther remarks he adds, seem to have arisen from a gross misunderstanding of the passage of Demosthenes4 to which he refers. Schömann5 adopts the account of Suidas, and rejects the other statement without giving any reason.

EISPHORA (εἰσφορὰ), literally a contribution or tribute, was an extraordinary tax on property, raised at Athens whenever the means of the state were not sufficient to carry on a war. The money thus raised was sometimes called ἐκ καταλύματος.6 We must carefully distinguish between this tax and the various liturgies which consisted in personal or direct services which citizens had to perform, whereas the elosphora consisted in paying a certain contribution towards defraying the expenses of a war.

Some ancient writers do not always clearly distinguish between the two, and Ulpian on Demosthenes7 entirely confounds them; and it is partly owing to these inaccuracies that this subject is involved in great difficulties. At the time when armies consisted of armed private persons, these levied themselves and served without pay, the military service was indeed nothing but a species of extraordinary liturgy; but when mercenaries were hired to perform the duties of the citizens, when wars became more expensive and frequent, the state was obliged to levy contributions on the citizens in order to be able to carry them on, and the citizens then paid money for the services which previously they had performed in person.

It is not quite certain when this property-tax was introduced; for, although it is commonly inferred, from a passage in Thucydides,8 that it was first instituted in 429 B.C. in order to defray the expenses of the siege of Mytilene, yet we find elosphora mentioned at an earlier period, and even the passage of Demosthenes should be taken in no sense in accordance with this, for it is certainly not impossible that he merely meant to say that so large an amount as 200 talents had never before been raised as elosphora. But, however this may be, after the year 429 B.C. this property-tax seems to have frequently been raised, for a few years afterward Aristides expresses it as an inconvenience of common occurrence. Such a contribution could not have been raised without a decree of the people, who also assigned the amount required; and the generals superintended its collection, and presided in the courts where disputes connected with, or arising from, the levying of the tax were settled.10 Such disputes seem to have occurred rather frequently; personal grievances commonly obliged the officers to tax persons higher than was legal, and the amount of the property of. The usual expressions for paying this property-tax are, εἰσφορέων χρήματα, εἰσφορέων εἰς τὸν πόλεμον, εἰς τὴν συνοικίαν τῆς πόλεως, εἰσφορέων εἰσφορεῖν, and those who paid it were called εἰσφορεῖτες. On the occasion mentioned by Thucydides, the amount which was raised, as we have seen, 200 talents, which if we suppose the taxable property to have been 20,000 talents, would have been a tax of one per cent.11 At other times the rates were higher, so that in 411 B.C., according to the wants of the Republic at the time: we have accounts of rates of a twelfth, a fiftieth, a hundredth, and a five hundredth part of the taxable property.

The census of Solon was during the first period the standard according to which the elosphoría was raised, until in 377 B.C., in the archonship of Nausinicus, a new census was instituted, in which the property-tax for the purpose of fixing the rates of the property-tax, were divided into a number of symmoria (συμμορίας) or classes, similar to those which were afterward made for the trierarchy.2 The nature of this new census, notwithstanding the minute investigation of Böck,13 is still involved in great obscurity. Each of the ten phyle, according to Ulpian, appointed 120 of its wealthier citizens, who were divided into two parts, according to their property, called symmoria, each consisting of sixty persons; and the members of the wealthier of the two symmoria were obliged, in case of urgent necessity, to advance to the less wealthy the sum required for the elosphoría.2 When the wants of the state had been thus supplied, those who had advanced the money could at their ease, and in the usual way, exact their money back from those to whom they had advanced the same. The whole number of persons included in the symmoria was 1200, who were considered as the representatives of the whole Republic; it would, however, as Böck justly observes, be absurd to suppose, with Ulpian, that these 1200 alone paid the property-tax, and that all the rest were exempt from it. The whole census of 6000,14 or, more accurately, of 5750 talents, was surely not paid, because of the expense and the inconvenience of raising property, the whole property of the whole Republic. Many others, therefore, though their property was smaller than that of the 1200, must have contributed to the elosphoría, and their property must be considered as included in the census of 5750 talents of taxable property.

The body of 1200 was, according to Ulpian, also divided into four classes, each consisting of 300. The class of the middle, or the richest, were the leaders of the symmoria (γεμίσματα συμμορίων), and are often called the three hundred κατ᾽ ἐξοχήν. They probably conducted the proceedings of the symmoria, and they, or, which is more likely, the demarchs, had to value the taxable property. Other officers were appointed to make out the lists of the rates, and called τραπεζαριαὶ, βιομασταὶ, or ἐκοιλάται. When the wants of the state were pressing, the leaders, perhaps in connexion with the 300 included in the second class—for Ulpian, in the first portion of his remark, states that the richer symmoria of every phyle had to perform this duty—advanced the money to the others on the above-mentioned terms,15 which, however, was never done unless it was decreed by the people.16 The rates of taxation for the elosphoría from 363 B.C. have been made out with great probability by Böck,17 from whose work the following table is taken:


First Class, from twelve talents upward.

<table>
<thead>
<tr>
<th>Property</th>
<th>Taxable</th>
<th>Taxable Capital</th>
<th>Property-tax of 1,000 lb.</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 tal.</td>
<td>100 tal.</td>
<td>5 tal.</td>
<td>50 tal.</td>
</tr>
<tr>
<td>100 tal.</td>
<td>20 tal.</td>
<td>10 tal.</td>
<td>20 tal.</td>
</tr>
<tr>
<td>50 tal.</td>
<td>10 tal.</td>
<td>5 tal.</td>
<td>10 tal.</td>
</tr>
<tr>
<td>15 tal.</td>
<td>3 tal.</td>
<td>3 tal.</td>
<td>3 tal.</td>
</tr>
<tr>
<td>12 tal.</td>
<td>2 tal.</td>
<td>24 min.</td>
<td>72 drach.</td>
</tr>
</tbody>
</table>

### ELAOMELI.

**Second Class, from six talents and upward, but under twenty talents.**

<table>
<thead>
<tr>
<th>Property</th>
<th>Taxable Capital</th>
<th>Taxable Property-tax of 1/12th part</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 tal.</td>
<td>1</td>
<td>1 tal. 50 min. 550 drach.</td>
</tr>
<tr>
<td>10</td>
<td>1</td>
<td>1 40                      400</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
<td>22 20                    200</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>10 30                   300</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>15 20                   200</td>
</tr>
</tbody>
</table>

**Third Class, from two talents upward, but under six talents.**

<table>
<thead>
<tr>
<th>Property</th>
<th>Taxable Capital</th>
<th>Taxable Property-tax of 1/12th part</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 tal.</td>
<td>1</td>
<td>32 7 min. 187 drach.</td>
</tr>
<tr>
<td>4</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>3</td>
<td>32</td>
<td>22 30</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
<td>18 30</td>
</tr>
<tr>
<td>1</td>
<td>15</td>
<td>15</td>
</tr>
</tbody>
</table>

**Fourth Class, from twenty-five minas upward, but under twenty talents.**

<table>
<thead>
<tr>
<th>Property</th>
<th>Taxable Capital</th>
<th>Taxable Property-tax of 1/12th part</th>
</tr>
</thead>
<tbody>
<tr>
<td>1½ tal.</td>
<td>1</td>
<td>900 drach. 45 drach.</td>
</tr>
<tr>
<td>1</td>
<td>600</td>
<td>30</td>
</tr>
<tr>
<td>45 min.</td>
<td>450</td>
<td>22 30</td>
</tr>
<tr>
<td>30</td>
<td>300</td>
<td>15</td>
</tr>
<tr>
<td>25</td>
<td>250</td>
<td>12 30</td>
</tr>
</tbody>
</table>

Every one had to pay his tax in the phyle where his landed property lay, as appears from the oration of Demosthenes against Pólycles; and if any one refused to pay, the state had a right to confiscate his estate, but not to punish the individual with death. It is clear that if his property was taxed higher than that of another man on whose just claims could be made, he had the right to call upon this person to take the office in his stead, or to submit to a complete exchange of property. (Vid. Antipodes.) No Athenian, on the other hand, if belonging to the tax-paying classes, could be exempt from paying the property-tax even the descendant of Harmodius and Aristogiton. Orphans, though exempt from liturgies, were obliged to pay the property-tax as well, in the instance of Demosthenes, who was one of the leaders of the symmoric for ten years. Even trierarchies were not exempt from paying the eisphora themselves, although they could not be compelled to pay the proskopos. It seems, therefore, that all archives were likewise subject to it, for the only instance we have of any exception being made is one of aliens.

For further information concerning the subject of the eisphora, vid. the fourth book of Böckh’s Public Economy of Athens.—Wolf, Prologomena in Lepid.,—Wachsmuth, Hellen. Alterth., ii., 1 p. 136.—Herrmann, Pol. Ant. of Greece, § 162.

### ELISPOIESTHAI (ελισποιεσθαι).

(Vid. Apollon., Græek.)

### ELETHESIUM.

(Vid. Bath., p. 148.)

**ΕΛΑΙΑ (ελια), the Olive.** The common Ήλια of the Greek authors is the Olea Europaea, L. The Ήλια Althaeae, called also Αργολια and κόστος, is referred by Mathiolius and Sprengel to several species of the genus Olea, namely, O. sylvestris, O. hermaphroditica, and O. orientalis.

**ΕΛΑΙΑΓΟΝ/ΕΛΙΑΓΟΝ (ελαιαγος or ελιαγος), a plant mentioned by Theophrastus, that is, and which is thought, from the description which he gives of it, to have been in the same genus with the Dutch Myrtle, or Myrica Gale.** Sprengel, however, is in favor of the Sycus Holmii, or Weeping Willow.

**ΕΛΑΙΟΜELI (ελαιομελι), according to Dr. Al-**

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1. (Democritus, c. Andrit., p. 609; c. Timocr., p. 792.)—2. (De
trans. in Leop., p. 492, &c.)—3. (c. Med., p. 555.—Conradi
dius, op. Dionys. Lucan. ii. 108 ; or Osten. Græk. vol. vii., p. 521,
5. (Marm. Ode., ii. xxv.;—Böck, Statuar., ii. p. 78.)—6. (Ada
dius, Append. n. v.)—7. (H. P., iv., c. 8.—6 (Adams, Append., n. v.)
8. (Adams, Append. n. v.)—9. (H. P., iv., c. 8.—6 (Adams, Append., n. v.)

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[Note: The text appears to be a mixture of Greek and Latin, discussing the classification and properties of olive oil, as well as historical and legal aspects related to the taxation and ownership of land in ancient Greece. The text includes references to historians like Diiodorus Siculus, who noted that the olive tree was a symbol of the power and prosperity of the Athenians.]
Elephant (Elephas indicus), as well as the Annua 'Lotostoma Africana)."

ELEVEN, THE (οἱ ἐνδεκα), were magistrates at Athens of considerable importance. They are all ways called by this name in the classical writers; but in the time of Demetrius Phalereus, their name is said to have been changed into that of νομοθέται, who were, however, during the Democracy, distinct functionaries. (Vid. Nomothylakes.) The grammarians also give other names to the Eleven and the Areiopes.

The time at which the office of the Eleven was instituted is disputed. Ulrich considers the office to have been of an aristocratical character, and concludes, from a passage in Heralides Ponticus, that it was established by Aristides. Meier, on the other hand, maintains that the office existed not only before the time of Cleisthenes, but probably before the legislation of Solon; but it seems impossible to come to any satisfactory conclusion on the subject. They were annually chosen by lot, one from each of the ten tribes, and a secretary (ἥραματες), who must properly be regarded as their servant (φύγαι, τῇς τε ἐπισκοπῇς). When torture was inflicted in cases affecting the state, it was either done in the immediate presence of the Eleven, or by their servant (ὁ δήμαρχος). (Vid. Banaea.)

The Eleven usually only had to carry into execution the laws which were promulgated in the courts of law and the public assemblies; but in some cases they possessed an ἀγεμονία δικαστηρίου. This was the case in those summary proceedings called ἀστική ἐγκύρεια, ἐνδεκα, and ἄνδρεις, in which the penalty was fixed by law, and might be inflicted by the court on the confession or conviction of the accused without appealing to any of the jury courts. (Vid. Arkesous.) They also had an ἀνακάθαρσις δικαστηρίου in cases of κακοδικον, because the summary proceedings mentioned above were chiefly adopted in the case of such persons: hence Athipon calls them ἐνεργοφόροι τῶν κάκων δικαστηρίων. The word κακοδικον properly means any kind of malefactors, but is only applied in Athenian law to thieves (κλεπτοί), housebreakers (κοιμωρίται), man-stealers (εὐφανεροτοιεύτικαι), and other classes of a similar kind.

The Eleven was also said to have possessed ἀγεμονία δικαστηρίου in the case of confiscated property, which statement is confirmed by an inscription published by Böckh. (Ulrich, Über die Eil'Männer, appended to his translation of Plato's Meno, Crito, and the first and second Aelleiades, Berlin, 1821. —Sluter, Lectures 1. (Artomos, Morb. Dist., ii, 12. —Adams, Appendix, v. 2.)


9. (De Cæse Herod., 713.) —(Compare Democrit. &c., 904, 9.) —(Meier Att. Proc., 76, 7.) (Euphron, 339.) —(Urkunden, über das Geschworenen Arei- chen, i, 203.)

10. (Artomos, Morb. Dist., ii, 12. —Adams, Appendix, v. 2.)

11. They were called the δικασται, δικασταρία, δικαστήρια, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικαστήριον, δικা
ELEUSINIA.


ELEUSINIA (Eleusis), a festival and mysteries, originally celebrated at Elesis in Attica, in honour of Demeter and Persephone. All the ancients who have occasion to mention the Elesiniain mysteries, or the rites they were sometimes called, agree that they were the holiest and most venerable of all that were celebrated in Greece. Various traditions were current among the Greeks respecting the author of these mysteries; for, while some considered Eumolpus or Musæus to be their founder, others stated that they had been introduced from Egypt by Erechtheus, who at a subsequent period supplied the benefits of agriculture, and imported from the same quarter the sacred rites and mysteries of Eleusis. A third tradition attributed the institution to Demeter herself, who, when wandering about in search of her daughter Persephone, was believed to have come to Aetia, in the reign of Erechtheus, to have supplied its inhabitants with the benefits of agriculture, and to have introduced the Eleusinian Mysteries and Mysteries of Elesis. This last opinion seems to have been the most current among the ancients, and in subsequent times a stone, called ἀγέλαστος πέτα (triste saxum), was shown near the well Callischorus on Elesis, on which the goddess, overwhelmed with grief and fatigue, was believed to have remained on her arrival in Attica. Around the well Callischorus the Elesinian women were said to have first performed their chorus, and to have sung hymns to the goddess. All the accounts and allusions in ancient writers seem to warrant the conclusion that the legends concerning the introduction of the Eleusinian Mysteries are descriptions of a period when the inhabitants of Attica were heathen, and that the benefits of agriculture, and of a regularly constituted form of society, remained with the descendants of Eumolpus (vid. Eleusiniae), the daughters of the Eleusinian king Celeus, and a third class of priests, the Kerykes, who seem likewise to have been connected with the family of Eumolpus, though they themselves traced their origin to Hermes and Aegaeus. The Elesinian Mysteries were not celebrated at Athens itself, but at several townships of Attica; and Athens, the capital became also the centre of religion, and several deities who had hitherto only enjoyed a local worship were now raised to the rank of national gods. This seems also to have been the case with the Eleusinian goddess; for in the sanctuary of the national goddess, or the mysteries, at Athens, called Eleusinon, probably the new and national sanctuary of Demeter. Her priests and priestesses now became naturally attached to the national temple of the capital, though her original place of worship at Eleusis, with which so many sacred associations were connected, still retained its importance and its special share in the celebration. And though, as we shall see hereafter, the great Eleusinian festival was commenced at Athens, yet a numerous procession always went on, on a certain day, to Eleusis:

it was here that the most solemn part of the sacred rites was performed.

We must distinguish between the greater Eleusinon which were celebrated at Athens and Eleusis, and the lesser which were held at Agræ on the Ilissus. From the tradition respecting the institution of the lesser Eleusinon, it seems to be clear that the initiation into the Eleusinian mysteries was originally confined to Atteis, and there is said that Heracles, before descending into the lower world, wished to be initiated; but as the law did not admit strangers, the lesser Eleusinon were instituted in order to evade the law, and not to disappoint the great benefactor of Atteis. Other legends concerning the initiation of Heracles do not mention either the Eleusinon or the lesser Eleusinon. After the time when the Eleusinian ceremony was said to have been instituted, we no longer hear of the exclusion of any one from the mysteries except barbarians; and Herodotus expressly states, that any Greek who wished it might be initiated. The lesser Eleusinon were held every year in the month of Antheitherion, and, according to some accounts, in honour of Persephone; others state that they were initiated in them bore the name of mysteries (μυσταρίας), and had to wait at least another year before they could be admitted to the great mysteries. The principal rites of this first stage of initiation consisted in the sacrifice of a sow, which the mystae seem to have fasted in the Carnyards, and in the purification of the mystae with water from the holy spring of Plutone. Mystae had also to take an oath of secrecy, which was administered to them by the mystagogus, also called ἴεροφάνης προφήτης: they received some kind of preparatory instruction, which enabled them afterward to understand the mysteries which were revealed to them in the great Eleusinon; they were not admitted into the mysteries of Demeter, but remained during the solemnities in the vestibule.

The great mysteries were celebrated every year in the month of Bœdocmiion, during nine days, from the 15th to the 23d, both at Athens and Eleusis. The initiated were called ἐποντάς or ἐφόροι. On the first day they went into Athens; and the entrance of the lesser Eleusinon assembled at Athens, whence its name was θυγρός; but strangers who wished to witness the celebration of these national solemnities likewise visited Athens in great numbers at this season, and we find it expressly stated that Athens was crowded with visitors on the occasion. The second day, in solemn procession to the sea coast, where they underwent a purification. Hence the day was called ΑἿς Ῥυπα ταις, probably the conventional phrase by which the mystae were invited to assemble for the purpose. Suidas mentions two rivulets, called Phlor, as the place to which the mystae went in order to be purified. Of the third day scarcely anything is known with certainty; we only learn from

ELEUSINIA.

Clemens of Alexandria¹ that it was a day of fasting, and that in the evening a frugal meal was taken, which consisted of cakes made of same and barley, and of a beverage called 

hymeniac, which was administered on this day, as Meursius supposes, is uncertain; but that which he assigns to it consisted of two kinds of sea-fish, (τρίγυς and 

mamis), and of cakes of barley grown in the Rharian plain.² It may be, however, that this sacrifice belonged to the fourth day, on which also, the καλότος κάτωδος seems to have taken place. This was a procession with a ball containing pomegranates and poppy-seeds, which was carried on a waggon drawn by oxen, and women followed with small mystic cases in their hands.³ On the fifth day, which appears to have been called the torch-day (ἡ τῶν λαμπάνον ὠμέα), the mystes, led by the διάτοιχος, went in the evening with torches to the Temple of Demeter at Eleusis, where they seem to have remained during the following night. This rite was probably a symbolic 

representation of Demeter wandering about in search of Persephone. The sixth day, called Iacchos,⁴ was the most solemn of all. The statue of Iacchos, son of Demeter, adorned with a garland of myrtle, and bearing a torch in his hand, was carried along the sacred road⁵ amid joyous shouts (εὐκρήστεις) and songs, from the Ceramicus to Eleusis.⁶ This second procession was accompanied by great numbers of maidens carrying banking materials, and is related by Herodotus⁷ is founded on the supposition that 30,000 persons walking along the sacred road on this occasion was nothing uncommon. During the night from the sixth to the seventh day, the mystes remained at Eleusis, and were initiated into the last mysteries (ἐπιστρεφία). Those who were not initiates, however, were sent away by a herald. The mystes now repeated the same ceremony which had been administered to them at the lesser Eleusis, underwent a new purification, and then they were led by the mystagogus, in the darkness of night, into the lighted interior of the sanctuary (φωταγωγία), and were allowed to see (ἀφαίρεσις) what none except the epiptes ever beheld. The awful and horrible manner in which the initiation is described by later, especially Christian writers, seems partly to proceed from their ignorance of its real character, partly from their horror and aversion to these pagan rites. The more ancient writers always abstained from entering upon any description of the subject. Each individual, after his initiation, is said to have been dismissed by the words of ἀφείτησις and ἀσαθρότητι, to take rank under another mystes. On the seventh day the initiated returned to Athens, amid various kinds of railery and jests, especially at the bridge over the Cephissus, where they sat down to rest, and poured forth their ridicule on those who passed by. Hence the words γενεφίλος

and γενεφίλος.⁸ These σκωλείαι seem like, the procession with torches to Eleusis, to have been drawn from the symbolic representations of the journey by which, according to the legend, Demeter in her rage at the loss of Persephone or Baubo had dispersed the grief of the goddess and made her smile. We may here observe, that probably the whole history of Demeter and Persephone was in some way or other symbolically represented at the Eleusis. Hence Clements of Alexandria⁹ calls the Eleusinian mysteries a „mythical drama.¹⁰ The eighth day, called Ἐπιστρεφία, was a kind of additional day for those who by some accident had come too late, or had been prevented from being initiated on the sixth day. It was said to have been added to the Eleusinian mysteries, when Asclepius, coming over from Epidaurus to be initiated, arrived too late, and the Athenians, not to disappoint the god, added an eighth day.¹¹ The ninth and last day bore the name of παραχώροι,¹² from a peculiar kind of vessel called παραχώροι, which is described as a small kind of κόταν. Two of these vessels were on this day filled with water or wine, and the contents of one was poured to the east, and those of the other to the west, while those who performed this rite uttered some mystical words.

Besides the various rites and ceremonies described above, several others are mentioned, but it is not known to which day they belonged. Among them we shall mention only the Eleusinian games and contests, which Meursius assigns to the seventh day. They are mentioned by Gellius,¹³ and are said to have been the most ancient in Greece. The prize of the victors consisted in ears of barley. It was considered as one of the greatest provocations of the Eleusinians if, during their celebration, an ἵππος came as a suppliant to the temple (the Eleusinon), and placed his olive-branch (ιεράπετρα) in it;¹⁴ and whoever did so might be put to death without any trial, or had to pay a fine of one thousand drachmas. At the time of these festivals, no less than at the Eleusinia, no man, while celebrating the festival, could be seized or arrested for any offence.¹⁵ Lycurgus made a law that any woman using a carriage in the procession to Eleusis should be fined one thousand drachmas.¹⁶ The custom against which this law was directed seems to have been very common before.¹⁷ It was perhaps for this reason that the mysteries long survived the independence of Greece. Attempts to suppress them were made by the Emperor Valentinian, but he met with strong opposition, and they seem to have continued down to the time of the elder Theodosius. Respecting the secret doctrines which were revealed in them to the initiated, nothing certain is known. The general belief of the ancients was that they offered to the dead a comforting prospect of a future state.² But these were doctrines which had been originally connected with these mysteries, and was probably added to them at the period which followed the opening of a regular intercourse between Greece and Egypt, when some of the speculative doctrines of the latter country and the East may have been introduced into the mysteries, and followed by the names of the venerable bard of the mythical age. This supposition would also account, in some measure, for the legend of their introduction from Egypt. In modern times many attempts have been made to discover the nature of the mysteries revealed to the initiated, but the results have been as various and as fanciful as might be expected. The most sober and probable view is that, according to which, they were the remains of a worship of the dead, which the rise of the Hellenic mythology and its attendant rites, grounded on a view of nature less fanciful, more earnest, and better fitted to awaken both philosophical thought and religious feeling.²² Respecting the Attic Eleusis, see Meursius, Eleusinar, Lugd. Bat. 1619.—St. Croix, Recherches, Hist. et Crit. sur les Mystères du Paganisme (second edition was published in 1817 by Sylvestre de Sacy, in 2 vols., Paris).—Ou.
ELMINS


Eleusinia were also celebrated in other parts of Greece At Ephesus they had been introduced from Athens. In Laconia they were, as far as we know, only celebrated by the inhabitants of the ancient town of Helos, who, on certain days, carried a wooden statue of Persephone to the Eleusinion, in the heights of Taygetus 4 Crete had likewise its Eleusinian festivals.

ELEUTHERIA (*Ελευθερία, the feast of liberty,* a festival which the Greeks, after the battle of Plataea (479 B.C.), instituted in honour of Zeus Eleutherios (the deliverer). It was intended not merely to be a token of their gratitude to the god to whom they believed themselves to be indebted for their victory over the barbarians, but also as a bond of unity. 

Every fifth year these solemnities were celebrated with contests (Δία γινών Ελευθεριών), in which the victors were rewarded with chaplets (Δία γινών οσταφάνια). The annual solemnity at Plataeae, which continued to be observed down to the time of Plutarch, is this: On the sixteenth of the month of Maimacteria, a procession was formed, with a trumpeter, who blew the signal for battle, marched at daybreak through the middle of the town. It was followed by wagons loaded with myrtle boughs and chaplets, by a black bull, and by free youths, who carried the vessels containing the libations for the dead. No slave was permitted to minister on this occasion. At the end of this procession followed the victorious youths, who were not allowed to eat any other food during his office to touch a weapon, or to wear any other but white garments, now wearing a purple tunic, and with a sword in his hand, and also bearing an urn, kept for this solemnity in the public archive (γραμματείον). When the procession came to the place where the Greeks who had fallen in the battle stood, the urn was opened, the Worms were put into the sepulchres, and then the dead had fallen in the defence of their country to take part in the banquet prepared for them. This account of Plutarch agrees with that of Thucydides. 

The latter, however, expressly states that the Greeks, Aristides carried a decree that delegates (πρόεδροι και φιλευθεροί) from all the Greek states should assemble every year at Plataea for the celebration of the Eleutheria. The town itself was at the same time declared sacred and inviolable, as long as its citizens offered the annual sacrifices which were performed on the first day of the feast. 

It was not, however, until the fiftieth year, that this festival was observed by an instrument contrived for the purpose, "Et producit aequum supras humore carentes." The bronze lamps found in ancient sepulchres, besides exhibiting all the varieties depending on the number of holes or nozzles, have sometimes been attached to them by a chain the needle which served to trim the wick. 

The fungus-shaped excrescences which form on the top of the wick (μύκτερα, fungí) were thought to indicate rain. 

*ELMINS or HELMINS* (*Ελμών* or *Ελμώς*). 

"Standing alone, this term is applied to intestinal worms in general. The *Ελμών plάτεια is the Tανία laïta.* Thelephorastus says it is congenital in Egypt. The Arabian *Ελμός plάτεια can describe the *Draconemus*, or Guinea Worm, which the Greeks call *δρακοπτόν* and the translators of the *Arabian* *Vena medinensis*." Thus far Adams. 

"The word *Elmins*," observes Griffith, "which is

EMANCIPATIO

frequently employed by Hippocrates in many of his works, and, among others, in his General Treatise on Diseases, was applied by him to those animals which are at present known under the denomination of intestinal worms, or, as he was acquainted with but a small number of species. Aristotle has employed it in the same manner, as well as Ælian, every time that he speaks of the substances which are used to rid dogs of the worms to which they are subject. The Latin authors, and Pliny among the rest, have restricted the word lumbresicus to the intestinal worms, and have rendered the three Greek denominations (σακκυδας, ελκας, and ἐμμες) by a single one, that of worms, from which it has happened that the moderns have been led into the same confusion by the word worms, which, as well as the French word vers, is evidently derived from the Latin.¹

*ELOPS (Ελόπ), a species of harmless Serpent mentioned by Nicander. Belon says it is called Laphiata in Lemnos. *ELYMUS (Ελυμ), a species of Grain. The Elymus of Hippocrates is, according to Dierbach, the Panicum italicum; while that of Dioscorides is, according to Sprengel, the Panicum miliaceum. Panic is a plant of the millet kind.²

EMANCIPATIO was an act by which the patri potestas was dissolved in the lifetime of the parent, and it was so called because it was in the form of a sale (emancipatio). By the laws of the Twelve Tables it was necessary that a son should be sold three times in order to be released from the paternal power, or to be sui jure. In the case of daughters and grandchildren, one sale was sufficient. The father transferred the son by the form of a sale to another person, who manumitted him, upon which he returned into the power of the father. This act was regulated by the law of the Twelve Tables. After a third sale, the paternal power was extinguished, but the son was resold to the parent, who then manumitted him, and so acquired the rights of a patron, who emancipated his son, which would otherwise have belonged to the purchaser who gave him his final manumission.

The following clear and satisfactory view of emancipation is given by a German writer: "The patri potestas could not be dissolved immediately by manumission, because the patri potestas must be viewed as an imperium, and not as a right of property, like the power of a master over his slave. Now it was a fundamental principle that the patri potestas was extinguished by exercising once or thrice (as the case might be) the right which the father families possessed of selling, or, rather, pledging his child. Conformably to this fundamental principle, the release of a child from the patri potestas was clothed with the form of a mancipatio, effected once or three times. The patri potestas was indeed thus dissolved, though the child was not yet free, but came into the condition of a nexus. Consequently, a manumission was necessarily connected with the mancipatio, in order that the proper object of the emancipation might be attained. This manumission must take place once or thrice, according to circumstances. In the case when the manumission was not followed by a return into the patri potestas, the manumission was attended with important consequences to the manumissor, which consequences ought to apply to the emancipating party. According to this view, it was necessary to provide that the decisive manumission should be made by the emancipating party; and for that reason, a mancipatio, which preceded the final manumission, was a parte of the form of emancipation.³

The legal effect of emancipation was to dispossess all the rights against the person emancipated, but did not enable him to be capable of becoming, a pater familias; and all the previously existing relations of agnation between the parent's family and the emancipated child ceased at once. But a relation analogous to that of patron and freedman was formed between the person who gave the final emancipation and the child, so that if the child died without children or legal heirs, or if he required a tutor or curator, the rights which would have belonged to the father if he had not emancipated the child, were secured to him as a kind of paternal right, in case he had taken the precaution to secure to himself the final manumission of the child. Accordingly, the father would always stipulate for a remancipatio from the purchaser; this stipulation was the pactum fiduciae. The emancipated child could not take any pan of his parent's property as heres, in case the parent died intestate. This rigour of the civil law (juris iniquitates) was modified by the prator's edict, which placed emancipated children, and those who were in the parent's power at the time of his death, on the same footing as to succeeding to the intestate parent's property.

The Emperor Anastasius introduced the practice of emancipation by an imperial rescript. Justinian enacted that emancipation should be effected before a magistrate; and by an edict (edictum principis) the parent had still the same right to the property (bona) of the emancipated person that a patron had to the bona of his freedman. But he still allowed, what was probably the old law, a father to emancipate a grandson without emancipatio mancipatio. In this act he emancipated the grandson, or to emancipate them all. Justinian, also,⁴ did not allow a parent to emancipate a child against his will, though it seems that this might be done by the old law, and that the parent might so destroy all the son's rights of agration.

The Emperor Anastasius allowed an emancipated child (under certain restrictions) to succeed to the property of an intestate brother or sister, which the prator had not allowed; and Justinian put an emancipated child in all respects on the same footing as one not emancipated, with respect to such succession.

An emancipation effected a capitum diminutum, in consequence of the servile character (errinis causa) into which the child was brought by such act.⁵

EMANSOR. Vid. Dextrum.

EMBAS (ημας), a shoe worn by men,⁶ which is frequently mentioned by Aristophanes and other Greek writers. This appears to have been the most common kind of shoe worn at Athens (πατέλας θρηματικής). Pollux⁷ says that it was invented by the Thracians, and that it was like the low clog. The ἡμας was also worn by the Boeotians, and probably in other parts of Greece.⁸

EMBATEIA (ἐμπάτησις). In Attic law this word (like the corresponding English one, entry) was used to denote a formal taking possession of real property. Thus, when a son entered upon the land left by his father, he was said ἐμπάτησεν, or ἐμπάτησις.
EMBATEIA.

EMISSARIUM.

EMISSAKIUM.

possessed (H. 1st, Meier, 78.) and, 5, The adopted mere thenes, i-ather land) resembles the earth though the land was supposed to have been awarded the defendant, and was found useless, and were discontinued; yet the ceremony of ejecting was still kept up as a form of law, being deemed by lawyers a necessary foundation of the subsequent legal process. Thus at Rome, in the earlier times, one party used to summon the other by the words "ex jure te manus consertii me voco," to go to him with the land in dispute, and if the presence of the defendant was not there turn him out by force. Afterward this was changed into the symbolic act of breaking a eul of earth upon the land, by which the person who broke intimated that he claimed a right to deal with the land as he pleased. We may observe, also, that the English action of ejectment in this respect resembles the Athenian, although the proceedings were: the plaintiff, and an auster of him by the defendant are supposed to have taken place, and are considered necessary to support the action, yet both entry and ouster are mere fictions of law.

These proceedings by entry, ouster, &c., took place also at Athens in case of resistance to an executor, to defeat partitions, and to give up the land or the chattel adjudged, or to pay the damages awarded to the plaintiff by the appointed time, and thus being a procedura, i.e., the time having expired by which he was bound to satisfy the judgment, the plaintiff proceeded to satisfy himself by seizure of the defendant's lands. This he certainly made with the consent of the parties though whether it was lawful in all cases does not appear. The Athenian laws had made no provision for putting the party who succeeded in possession of his rights; he was, therefore, obliged to levy execution himself, without the aid of a ministerial officer, or any other person. If, in doing so, he encountered the eul of earth, which (if the subject-matter was land) must have been grounded upon his own previous entry. The action could be brought against any one who impeded him in his endeavour to get possession, as well as against the party to the former suit. The cause of Demosthenes against One- tor was this: Demosthenes having recovered a judgment against Apherates, proceeded to take his lands in execution. OneTor claimed them as mortgages, and turned him out (district), whereupon Demosthenes, continuing that the mortgage was collusive and fraudulent, brought the eul of earth, which is called eul of earth, or Emissarium, because the process was collateral to another object, rather than a direct contest by the parties in the cause. The consequence to the defendant, if he failed in the action of ejectment, was that, being

side his (ability to the plaintiff) he was, as a public officer, enjoined to pay to the treasury a sum equal to the damages, or to the value of the property recovered in the first action. While this remained unpaid (and we may presume it could not be paid without also satisfying the party), he became, as a state debtor, subject to the disabilities of tyranny.

EMBLEMA (βελτίωμα, ἐμβλημα), an inlaid ornamental art. The art of inlaying (ἐπίτρυπτη ἐμβλημα) was employed in producing beautiful works of two descriptions, viz.: 1st, Those which resembled our marquetry, oulue, and Florentine me saies; and, 2nd, those in which crosses (crusta) especially wrought in bas-relief, and of precious materials, were fastened upon the surface of vessels or other pieces of furniture.

To productions of the former class we may refer all attempts to adorn the walls and floors of houses with the figures of flowers and animals, or with any other devices expressed upon a common ground by the insertion of varicoloured woods or marbles, all of which were polished so as to be brought into actual contact with each other. To the second class, which includes exceedingly valuable works of first-rate artists, and some of them were, moreover, esteemed sacred, being the figures of the penates and household gods of the proprietors. Athenaeus, in describing two Corinthian vases, distinguishes between the emblema in bas-relief (προότια) which adorned the body and neck of each vessel, and the figures in high relief (περιστροφή περιτροπή) which were placed upon its brim. An artist, whose business it was to make works ornamented with emblems, was called "crustrarius."

EMERITI was the name given to those Roman soldiers who had served out their time, and had exchanged their military for citizenship. The average time of service was twenty years for the legionary soldiers, and sixteen for the praetorians. At the end of their period of service they received a bounty, or reward, either in land or money, or in both. Dion Cassius, states that it was arranged by Augustus that a prætorian should receive 6000 drachmai (20,000 sesterces), and a legionary 5000 (12,000 sesterces). Caligula, he says, because he could not give 6000 to 6000 sesterces. We find this bounty called justa militia commoda, commoda missionum, and also emeriti.

EMERITUM. (Vid. Emeritus.)

EMISSARIUM, an artificial channel formed to carry off any stagnant body of water (unde aqua emittitur) from the site. Of the latter part, we have the 468.

Some works of this kind are among the most remarkable efforts of Roman ingenuity. Remains still exist to show that the lakes Trasimene, Albano,
Nemi, and Fucino were all drained by means of emissoraries, the last of which is still nearly perfect, and open to inspection, having been partially cleared by the present King of Naples. Julius Caesar is said to have first conceived the idea of this stupendous undertaking, which was carried into effect by the Emperor Claudius. 9

The following account of the works, from observations on the spot, will give some idea of their extent and difficulties. The circumference of the lake, including the bays and promontories, is about thirty miles in extent. The length of the emissary, which lies nearly in a direct line from the lake to the River Liris (Garigliano), is something more than three miles. The number of workmen employed was 30,000, and the time occupied in the work eleven years. 3 For more than a mile the tunnel is carried under a mountain, of which the highest part is 1000 feet above the level of the lake, and through a stratum of rocky formation (carnelian) so hard that every inch required to be worked by the chisel. The remaining portion runs through a softer soil, not much below the level of the earth, and is vaulted in brick. Perpendicular openings (putes) are sunk at various distances into the tunnel, through which the excavations were partly discharged; and a number of lateral shafts (cumculit), some of which separate themselves into two branches, one above the other, are likewise directed into it, the lowest at an elevation of five feet from the bottom. Through these the materials excavated were also carried out. Their object was to enable the prodigious multitude of 30,000 men to carry on their operations at the same time without inconveniencing one another. The immediate mouth of the tunnel is some distance from the present margin of the lake, which space is occupied by two ample reservoirs, intended to break the rush of water before it entered the emissary, connected by a narrow passage, in which were placed the sluices (epistomium). The mouth of the tunnel itself consists of a splendid xi-i-way of the Doric order, nineteen feet high and nine wide, formed out of large blocks of stone, resembling in construction the works of the Claudian aqueduct. That through which the waters dis-charged themselves into the Liris was more simple, and is represented in the preceding woodcut. The river lies in a ravine between the mountains, and formerly in the beds of 60 feet below, and consequently, cannot be seen in the cut. The small aperture above the embouchure is one of the culi orifices mentioned above.

It appears that the actual drainage was relinquished soon after the death of Claudius, either from the perversity of Nero, as the words of Pliny 10 seem to imply, or by neglect; for it was reopened by Hadrian.

EMMHNIOI ΔΙΚΑΙ (ημηνίοι δίκαι) were suits, which were not allowed to be pending above a month. This regulation was not introduced till after the date of Xenophon's treatise on the revenue, in which it was proposed that a more rapid progress should be allowed to commercial suits, 6 and it appears to have been first established in the time of Philip. 7 It was confined to those cases which required a speedy decision; and of these the most important were disputes respecting commerce (μι-νηιηιεικά δίκαι), which were heard during the six winter months from Boeotia to Munchyia, so that the merchants might quickly obtain their rights and sail away; 8 by which we are not to understand, as some have done, that a suit could be protracted through this whole time, but it was necessary that it should be decided within a month. 9

All causes relating to mines (μειαλλικά δίκαι) were also ημηνίοι δίκαι; 4 the object, as Böckh remarks, 5 being, no doubt, that the mine proprietor might not be detained too long from his business. The same was the case with cases relating to ρα-νοια 10 (vide. Er. Ant.) and Pollux 11 includes in the list suits respecting downy, which are omitted by Hardouin.

EMPERIUM (εμπερέων), a plant, about which botanical writers are still undecided. Stephens and Hardouin call it Peuce-piire; but if by it they mean the Alchemilla arvensis of Hooker, which is often called Peuce-piire, or Parsley-breakstone, its characters, according to Adams, are by no means suitable to the εμπερέων of Dioscorides. The conjecture of Cassius, which Syngelus adopts, namely, that it was a species of Salada, is, according to the same writer, much more probable. Pée, however, declares against this opinion without giving any one in its place. Pliny says of it, "Εμπερεως, quam nostri calefragrum vocant," &c., identifying it with the Calcefraga. 12

EMPHRIOUXI (εμφριουξί), from έμφριω, was the name given to the Spartan citizens during the period in which they were liable to military service. 13 This period lasted to the fortieth year from man-hood (αυ δήος), that is to say, to the sixtieth year from birth; and during this time a man could not go out of the country without permission from the authorities. 14

EMPHYTEUSIS (εμφετεύως, literally, an "in-planting") is a perpetual right in a piece of land that is the property of another: the right consists in the legal power to cultivate it, and treat it as our own, on condition of cultivating it properly, and paying a fixed sum (canon, pensio, reditum) to the owner (domina) at fixed times. The right is founded on contract between the owner and the lessee.

So-called from the word ἵππειξις because they pretended to derive their knowledge from experience only, and in this particular set themselves in opposition to the Dogmatici. Serapion of Alexandria, and Philinus of Cos, are regarded as the founders of this school, in the third century B.C. The arguments by which the Dogmatici supported their opinions, as summed up by Celsius, 1 are given under that head; those of the Empirici are thus stated by the same author: 'On the other hand, the land, according to the first part of the tractus of lands so let, with a distinction of them into agri vectigales and non vectigales, according as the lease was perpetual or not; but in either case the lessee had a real action (utitis in rem actio) for the protection of his rights, even against the owner.

The term Empythisis first occurs in the Digest. The Praxia Empythistica are also frequently mentioned in the Theologians and Justinian, however, put the empythisis and the ager vectigalis on the same footing; and in the case of an empythisis (whether the lessor was a community or an individual), the law was declared to be the same as in the case of leases of town property. The ager vectigalis was not a lease at all, but a possession in re only, and the lessee is constantly distinguished from the owner (dominus). Yet the occupier of the ager vectigalis and the empythisa had a juridical possession; a kind of inconsistency, which is explained by Savigny, by showing that the ager vectigalis was formed on the analogy of the ager publicus, and the empythisis was formed on the analogy of the ager privatius. Between them, there was nothing inconsistent in the notion of possession, as applied to the public land, being transferred to the ager vectigalis as a modified form of the ager publicus.

Though the empythisis had not the ownership of the land, he had an almost unlimited right to the enjoyment of it, unless there were special agreements limiting his right. He could sell his interest in the land after giving notice to the owner, who had the power of choosing whether he would buy the land at the price which the purchaser was willing to give. But the lessee could not sell his interest to a person who was unable to maintain the property properly. The lessee was bound to pay all the public charges and burdens which might fall on the land, to improve the property, or, at least, not to deteriorate it, and to pay the rent regularly. In case of the lessee's interest being transferred to another, a fifth part of the price, or of the value of the property, when the nature of the transfer did not require a price to be fixed, was payable to the owner on the admission of the empythisa, and which, as a general rule, was payable by him. The heredes of the empythisa were not liable to such payment.

The origin of the Empythisis, as already stated, was by contract with the owner and by tradition; or the owner might make an empythisis by his use and occupation, or perhaps in certain cases, be founded on prescription.

The right of the empythisa might cease in several ways: by surrender to the dominus, or by dying without heirs, in which case the empythisis reverted to the owner. He might also lose his right by injuring the property, by non-payment of his rent or the public burdens to which the land was liable, by alienation without notice to the dominus, &c. In such cases the dominus could take legal measures for recovering the possession. 2

1. (De Med., Pral.)
2. 1. (De Med., Pral.)
method generally answered best, and afterward began to prescribe the same to the sick. That this was the rise of the art of medicine, which, by the frequent recovery of some and the death of others, distinguishes what is pernicious from what is salutary; and that, when the remedies were found, men began to discourse about the reasons of them. That medicine was not invented in consequence of their reasoning, but that reasoning sprang from the discovery of medicine. They ask, too, whether reason preserves the same as experience, or something different: if the same, they infer it to be needless; if different, mischievous. That at first, however, there was a necessity for examining remedies with the greatest accuracy; but now they are sufficiently ascertained; and that we neither meet with any new kind of disease, nor want any new method of cure. That if some unknown distemper should occur, the physician would not therefore be obliged to have recourse to the occult things, but he would presently see to what distemper it is most nearly allied, and make trial of remedies like to those which have often been successful in a similar malady, and by the resemblance between them would find some proper cure. For they do not affirm that judgment is useless in the practice of medicine; and that the rational animal is capable of practising this art, but that those conjectures which relate to the occult things are of no use, because it is no matter what causes, but what removes a distemper; nor is it of such great importance in what manner the distribution is performed, but what is easiest distributed: whether conception, gestation or birth; or, whether it is properly a conception or the effect of a distemper; nor are we to inquire how we breathe, but what relieves a difficult and slow breathing; nor what is the cause of motion in the arteries, but what each kind of motion indicates. That these things are known by experience; that in all disputes of this kind a good deal may be said on both sides, and, therefore, that elocution and eloquence obtain the victory in the dispute; but diseases are cured, not by eloquence, but by remedies; so that if a person without any eloquence be well acquainted with those remedies that have been discovered by practice, he will be a much greater physician than one who has cultivated his talent in speaking without experience. That these are the true, however, which have been mentioned are only little distempers, which are not always open the abdomen and precordia of living men, and make that art, which presides over the health of mankind, the instrument, not only of inflicting death, but of doing it in the most horrid manner; especially if it be considered that some of those things which are sought after with so much barbarity cannot be known at all, and that may be known without any cruelty; for that the colour, the softness, hardness, and such like, are not the same in a wounded body as they were in a sound one; and, farther, because these qualities, even in bodies that have suffered no external violence, are often changed by fear, grief, hunger, indigestion, fatigue, and a thousand other inconsiderable disorders, which makes it much more probable that the internal parts, which are far more tender, and not exposed to the light itself, are changed by the severest wounds and mangled. And that nothing can be more ridiculous than to imagine anything to be the same in a dying man, nay, one already dead, as it is in a living person; for that the abdomen, indeed, may be opened while a man breathes, but as soon as the knife has reached the bones, and the transverse septum is cut, which, by a kind of membrane, divides the upper from the lower parts (and by the Greeks is called the diaphragm—diaphragma), the man immediately expires, and thus the pre-

EMTIO ET VENDITIO

With respect to Bacchis, however, it should be mentioned, that Kühn considers the passage in Galen, which seems to class him among the Empirici, to be corrupt. None of these have left any works behind them except Sextus, Marcellus, and Plineus Valerianus, a few of whose writings are still extant. The sect existed a long time, as Marcellus lived in the fourth century A.D.; it appears conjectural to some, and they have maintained its retention as long as its members remained true to their original principles; and it was only when they began to substitute ignominious and indiscriminate experiments for rational and philosophical observation that the word Empiric sank into a term of reproach. A parallel has been drawn between the worst part of the system of the ancients in medicine and the modern Homoeopaths by Francis Ford. By an inaugural class, entitled "Philines et Hahnemannus, seu Veteris Sectae Empirici cum Hodierina Secta Homoeopathica Comparatio," Stn, Berol, 1834, p. 38.

EMPIST (ηπιστ), a species of insect, often confused with the κόκων, or Gnat. Schneider thinks the term is more properly applicable to certain species of Tipula. "The Tipula cicutiformis," observes Adams, "is very like the gnat; it would, then, appear to correspond to the ηπιστ of the Greeks." 1 EMPORICAL DICAII (ηπορικαί δίκαι). (Vid. EMPORIUM.)

EMPORIUM (τὸ ἐμπόριον), a place for wholesale trade in commodities carried by sea. The name is derived from a seaport town, and it properly signifies only a particular place in such a town. Thuc. Amphitryo says that he had looked for a person, "Απὸ ἐμπορίου, ἀτικά καὶ μικρά ἀτικά σε ἐν ποιόν,

In medicinis, in tonstrinis, apud omnis adiis saeculis."

The word is derived from ἐμπορος, which signifies in Homer a person who sails as a passenger in a ship belonging to another person; but in later writers it signifies the merchant or wholesale dealer, and differs from κυπέλλος, the retail dealer, in that it is applied to the merchant who carries on commerce with foreign countries, while the κυπέλλος purchases his goods from the ἐμπορος, and retails them in the market-place (δὲ κατά πλοὶ καλούμενος τοῦ πρὸς ἄλλην τε καὶ κυπέλλων διάφορον ἀγοράς, τοῦ δὲ πλοίατος ἐπὶ τῶν πόλεων ἐμποροῦν). 2

At Athens, it is said 3 that there were two kinds of emporia, one for foreigners, and the other for natives (ἑνμίκων καὶ ἄστικων), but this appears doubtful. 4 The emporium at Athens was under the inspection of certain officers, who were elected annually (ἐμπεριττοῖ τοῦ ἐμπορίου). (Vid. ΕΝΗΜΕΡΙΩΤΗΣ.)

EMTI ET VENDITI ACTIO. The seller has an actio venditi, and the buyer has an actio emti, upon the contract of sale and purchase. Both of them are actions directe, and their object is to obtain the fulfilment of the obligations resulting from the contract.

EMTI ET VENDITIO. The contract of buying and selling consists in the buyer agreeing to give a certain sum of money to the seller, and the seller agreeing to give to the buyer some certain thing for his money. After the agreement is made, the buyer is bound to pay his money, even if the thing which is the object of purchase should be accidentally destroyed before it is delivered; and the seller must deliver the thing with all its intermediate increase. The seller must also warrant a good title to the purchase (vid. ENGastos), and he must also warrant that the thing has no concealed defects, and that it has all the good qualities which he (the seller) attributes to it. It was with a view to check frauds in sales, and especially in the sales of slaves, that the seller was obliged, by the edict of the curule aediles (vid. EMPIST), to inform the buyer of the defects of any slave offered for sale: "Qui municipia vendunt, certiores faciant emptores quod morti vitique," &c. 5 In reference to this part of the law, in addition to the usual action arising from the contract, the buyer had against the seller, according to the circumstances, an actio exit or an actio emporica, according to whether he possessed the defaced slave, or had sold it. This law, however, was not applicable to landed property and houses (ἐκτίσμα τῆς καὶ οἰκίας) in a foreign country, which was frequently granted by one Greek state to another, or to separate individuals of another state. 6 'Εκτίσματα were such possessions in a foreign country, and are opposed by Demosthenes 7 to κτίσμα, possessions in one's own country. The term 'Εκτίσμα was also applied to the landed property or house of an Athenian possessed in a different δῆμος from that to which he belonged by birth, and, with respect to such property, he was called 'Εκτιστήμων: whence we find Demosthenes 8 speaking of οἱ δημοτες καὶ οἱ 'Εκτιστήμονοι. For the right of holding property in a δῆμος to which he did not belong, he had to pay such δημοτες as were inscribed under the name of 'Εκτιστήμων. 9 ENCTETIKON (ἐκτιστικόν). (Vid. ENCTETIA.)

ENDEXIXIS (ἐνδείκτης) properly denotes a prosecution instituted against such persons as were alleged to have exercised rights or held offices while labouring under a peculiar disqualification. Among these are the persons that have been deprived of their liability, sat in court as dicasts, or took any other part in public life; exiles, who had returned clandestinely to Athens; those that visited holy places after a conviction for impiety (ἀνθεδωρία); and all such as, having incurred a partial disfranchisement (ἱπτίσμα κατὰ προσφάτωτα), presumed to exercise their former rights, under the notion of their condemnation. Besides these, however, the same form of action was available against the chairman of the proedri (ἐκτιστάτης), who wrongly refused to take the votes of the people in the assembly, 10 against malfeasors, especially murderers (which Schömann thinks was probably the course pursued when the time for an apogage had been suffered to elapse), traitors, and those who had received an indemnity, and persons who furnished supplies to the enemy during war. 11 The first step taken by the prosecutor was to lay his information in writing, also called ἐνδείκτις, before the proper magistrate, who might be the archon or king archon, or one of the three athletic kings, according to the subject-matter of the information; but the prosecution was rejected without the being accused person, the Eleven were the officers applied to. (Vid. ELEVEN, TEN.) It then became the duty of the magistrate to arrest or hold


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ENOEIKOU DIKE.

in a d the person criminated, and take the usual steps for bringing him to trial. There is great ob-

jection to the result of condemnation in a prosecution of this kind. Heraclids 1 ridicule the idea that it was invariably a capital punishment. The accuser, if unsuccessful, was responsible for bringing a malicious charge (ἐνδοικού συναφείς εκτελεύον). EΝDROMIS (ἐνδρόμος), a thick, coarse blanket, manufactured in Gaul, and called “endromis” because these who had been exercising in the stadium for their sport (ἐν δρόμοι) threw it over them to obviate the effects of strong exposure when they were heated. Not-

withstanding its coarse and shaggy appearance, it was worn on other occasions as a protection from the cold by rich and fashionable persons at Rome. Ladies also put on an endromis of a finer description (ἐνδρομιάδα Τύριας) when they partook, as they sometimes did, of the exercises of the palestra. Moreover, boots (vid. Cortinae) were called ἐνδρόμιακει on account of the use of them in running.

ΕΝ-ԴΥΜΑ (ἐνδύμα). (Vid. ΑΜΙΤΟΙΣ.)

ΕΝΕΚΥΡΑ (ἐνεκύρα). In private suits at Athens, whether tried by a court of law or before an arbitrator, whenever judgment was given against a defendant, a certain period was at the same time fixed (ἐν προθεσμία), before the expiration of which it was incumbent upon him to comply with the verdict. In default of discharge the lien was continued (τὸ ἐν δύμακειον) for one day as it was called, and the plaintiff was privileged to seize upon (ἐνεκύρασθαι) his goods and chattels as a security or compensation for non-compliance. The property thus taken was called ἐνεκύρα, and slaves were generally seized before anything else. This “taking in execution” was usually left to the party who gained the suit, and who, if he met with resistance in making a seizure, might take his remedy in a δίκη ἐνέκυρα; if with personal violence, in a δίκη ἀλαδης. On one occasion, indeed, we read of a public officer (τιφρέτος παρὰ τῆς ἁρπάς) being taken to assist in, or, perhaps, to be a witness of a seizure; but this was in a case where public interests were concerned, and consequent upon a decision of the δικας. The same oration gives an amusing account of how Englishmen were considered worthy of “a discharge of trespass,” committed by some plaintiffs in a defendant's house, though the amount of damages which had been given (ὁ καταδίκης) was, according to agreement, lying at the bank (ἐπὶ τοῦ παρατέρου), and there awaiting their receipt.

It seems probable, though we are not aware of its being expressly so stated, that goods thus seized were left in the house, until the party from whom they were taken could sue his opponent, perhaps by a δίκη βαλαίνος, for any surplus which might remain after all legal demands were satisfied. No seizure of this sort could take place during several of the religious festivals of the Athenians, such as the Dionysia, the Lenaea, &c. They were, in fact, dies mori in Athenian law.

ΕΝΕΚΥΡΑ. In public suits, bail or sureties, were in very frequent requisition, both in the private and public affairs of the Athenians. Private agreements, as, for instance, to abide by the decision of arbitrators, or that the evidence resulting from the application of torture to a slave should be conclusive, were corroborated by the parties reciprocally giving each other sureties; and the same took place generally in all money-lending or mercantile transactions, and was invariably necessary when persons undertook to farm tolls, taxes, or other public property. In judicial matters, bail or sureties were provided upon two occasions: first, when it was requisite that it should be guaranteed that the accused should be forthcoming at the trial; and, secondly, when security was demanded for the satisfaction of the avowed debt. In the first case, bail was generally required when the accused was other than an Athenian citizen, whether the action were public or private; but if of that privileged class, upon no other occasion except when proceeded against by way of Apagoge, Enechixos, Ephexgesis, or Eiasangelia. Upon the last-mentioned form being adopted in a case of high treason, bail was not accepted. The technical rules of procedure required bail of an accused person to καταγγείλω, that for being surety in such case, ξεγγυότατη. Surely of the other kind was demanded at the beginning of a suit upon two occasions only: first, when a citizen as-

serted the freedom of a person detained in slavery by another; and, secondly, when a litigant, who had suffered judgment to go by default before the arbitrator (διακηρύχον), had recommenced his action within the given time (διακηρύχον ἑαυτοῦ). Among the security of this kind was required in all mercantile and some other private causes; and state debtors, who had been sentenced to remain in prison till they had acquitted themselves of their liabilities, were, by a law of Timocrates,1 allowed to go to large if they could provide three sureties that the money should he paid within a limited period. If the principal in a contract made default, the surety was bound to make it good; or, if he refused to do so, might be attacked by an ἐγγύεσις, if such action were brought within a twelvemonth after the obligation was undertaken. If, however, a person accused in a public action by one of the forms above mentioned failed to appear to take his trial, his bail became liable to any punishment that such person had incurred by contempt of court, and, consistently with this, it appears, a passage in Xenophon,3 that the law allowed the bail to secure the person of the accused by private com-


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part of the demand would involve the loss of the whole cause. Thus the title of a party to the land itself might have expired, as, for instance, where he held under a lease for a term; yet he would be entitled to recover certain by-gone profits from one who had dispossessed him. Therefore it is not improbable that the ókeas &v. and kap. might, in practice, be confined to those cases where the rents and profits only were the subject of claim. We are told that if the defendant, after a judgment in one of these actions, still refused to give satisfaction, an apócr. (Vitruv., v. 4.) might be commenced against him, of which the effect was, that the plaintiff obtained a right to indemnify himself out of the whole property of the defendant. Schömann observes that this was a circuitous proceeding, when the plaintiff might take immediate steps to execution by means of entry and ejectment. His conjecture, however, that the giving to the party the choice between a milder and a more stringent remedy, accords with the general tenor and spirit of the Athenian laws. We may add that our own law furnishes an illustration of this, viz., where a plaintiff has obtained a judgment, he has the option of proceeding at once to execution, or bringing an action on the judgment; though with us the latter measure is considered the more vexatious, as it increases the costs, and is rendered less necessary by the facility with which executions can be levied. At Athens the ἔπατος ἔπαν, as it was the ultimate and most efficacious remedy, drew with it also more penal consequences, as explained under Ἐμπατέα. 1

ENSIS. (Vid. GLADIUS.)

ENTASIS (ἐντασία). The most ancient columns now existing are remarkable for the extreme diminution of the shaft between its lower and upper extremity, the sides of which, like those of an obelisk, converge immediately and regularly from the bottom upward. This convergence is the result of construction which is wanting in grace and apparent solidity. To correct this, a swelling line, called entasis, 2 was given to the shaft, which seems to have been the first step towards combining grace and grandeur in the Doric column.

The original form is represented by the figure on the left in the preceding woodcut, which is taken from the great temple at Posidonia (Pestum), which is one of the most ancient temples now remaining; that on the right shows the entasis, and is from a building of rather later construction in the same city. Two other examples of the same style are still to be seen in Italy, one belonging to an ancient temple at Alba Fucensisa, and the other at Rome on the steps of C. P. Publius. 3

1. Ἐπαντώμα (ἐπαντώμα), INSECTA, INSECTS.* Aristotle and Pliny used the terms ἐπαντώμα and ἐντάσες respectively in the same sense in which the latter is applied by Baron Cuvier and the naturalists of the present day, and did not include the Crustacea in this class of animals, as was done by Linnaeus with singular want of judgment. The metamorphosis of insects is correctly described by Theophrastus, ἐκ κύματος γόρο χρυσάλιδας, εἴτ' ἐκ τάσσες τ' ψήθ. By κύματε is evidently meant here the Larva or Ereca, L., and by χρυσάλιδα, the Chrysalis or Pupa, L.: the ψήθ is the Image, L. 4

EPANGELIA (ἐπαγγελία). If a citizen of Athens had incurred ἁμας, the privilege of taking part or speaking in the assembly first, 5 was given to the party who, according to Law (Vide ATTI.), had committed such crimes as would, on accusation, draw upon him this punishment, it was, of course, desirable that such individuals, like real ἁμας, should be excluded from the exercise of the rights of citizens. When, therefore, a person ventured to speak in the assembly, any Athenian citizen had the right to come forward in the assembly itself, 6 and demand of him to establish his right to speak by a trial or examination of his conduct (δοκιμασία τοις βιοι), and this demand, denouncement, or threat, was called ἐπαγγελία, or ἐπαγγέλλεις δοκιμασία. The party thus compelled to desist from speaking, and to submit to a scrutiny into his conduct, 7 and if he was convicted, a formal declaration of ἁμας followed.

Some writers have confounded the ἐπαγγελία with δοκιμασία, and considered the two words as synonyms; but from the statements made above, it is evident that the ἐπαγγελία is only the threat to subject a man to the δοκιμασία: hence the expression ἐπαγγέλλεις δοκιμασίας. 8 Other writers, such as Harpocrates and Suidas, do not sufficiently distinguish between ἐπαγγελία and ἑνδείκτης: the latter is an accusation against persons who, though they had been declared ἁμας, nevertheless ventured to speak in the assembly, whereas the ἐπαγγελία applied only to those who had not yet been convicted of the crime laid to their charge, but were only threatened with an accusation for the first time. 9 Wachsmuth 10 seems to be inclined to consider the ἑπαγγελία γραφοι to be connected or identical with the ἐπαγγελία; but the former, according to the definitions of Photius and Suidas, was in reality quite a different thing, inasmuch as it was intended to prevent orators from saying or doing unlawful things in the assembly where they had a right to come forward; whereas the ἐπαγγελία was a denunciation, or a promise to prove that the orator had no right at all to speak in the assembly.

EPARITOI (ἐπαριτοί), a select corps of Area.


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sian troops, who appear to have been held in high estimation by their countrymen.1

EPAULIA. (Vid. Marriage, Greek.)

EPEUNACTAI (ἐπεύνακται) were a class of citizens at Sparta, who are said to have been the offspring of the widows of Spartan citizens. Theopompos tells us2 that in the Messenian war, in consequence of the great losses which they sustained, the Spartans married the widows of those who were slain to Helots, and that these Helots were admitted to the citizenship under the name of ἐπεύνακται. Diodorus3 also calls the partisans of Phaistus ἐπεύνακται. (Vid. Parthenal.)

EPEBUS (ἐπεβος) was the name of Athenian youths after they had attained the age of 18.4 The state of ἐφεβεία lasted for two years, till the young men had attained the age of 20, when they became men, and were admitted to share all the rights and duties of a citizen, for which the law did not prescribe a more advanced age. That the young men, when they became ἐφεβοι, did not receive all the privileges of full citizens, is admitted on all hands; but from the assertion of Pollux and Hapocration, who state that their names were not entered in the lexicarial registers until they had completed their 20th year, that is to say, until they had gone through the period of ἐφεβεία, it would seem that they were not looked upon as citizens as long as they were ἐφεβοι, and that, consequently, they enjoyed none of the privileges of full citizens. But we have sufficient ground for believing that the names of young men, at the time they became ἐφεβοι, were entered as citizens in the lexicarial registers, for Íycyrgus5 uses the expressions ἐφεβος γύρισθαι and εἰς τὸ λαρσακίῳ γαρματιστόν γεγονομένον as synonymous. The statement of Harpocration and Photius is therefore probably nothing but a false inference from the fact, that young men, before the completion of their 20th year, were not allowed to take an active part in the public assembly; or it may be that it arose out of the law which, as Schömann6 interprets it, prescribed that no Athenian should be enrolled in the lexicarial registers before the attainment of the 18th, or after the completion of the 20th year. (Vid. Docomia.) From the same authority we learn that in the 12th and 13th years of age we see that some of the privileges of citizens were conferred upon young men on becoming ἐφεβοι: Demosthenes himself, at the age of 18, entered upon his patrimony, and brought an action against his guardians; one Mantitheus7 relates that he married at the age of 18; and these facts are stated in such a manner that we must infer that their occurrence had nothing extraordinary, but were in accordance with the usual custom.

Before a youth was enrolled among the ephebi, he had to undergo a δοκυμαία, i.e. object of which was partly to ascertain whether he was the son of Athenian citizens, or adopted by a citizen, and partly whether his body was sufficiently developed and strong to undergo the duties which now devolved upon him.18-4 (Thribal) believed that this δοκυμαία only applied to orphans, but Aristophanes and Plato mention it in such a general way, that there seems to be no ground for such a supposition. After the

loco,ma, the young men received in the assembly a shield and a lance;1 but those whose fathers had fallen in the defence of their country received a complete suit of arms in the theatre.1 It seems to have been on this occasion that the ἐφεβοι took their oath in the Temple of Artemis Aglauros,2 by which they pledged themselves never to disgrace their arms or to desert their comrades; to fight to the last in the defence of their country, its altars and hearths; to leave their country, not in a worse, but in a better state than they found it. To obey the magistrates and the laws; to resist all attempts to subvert the institutions of Attica, and finally to respect the religion of their forefathers. This solemnity took place towards the close of the year (by ὀρθομενίαν), and the festive season bore the name of ἐφεβεία. The external distinction of the ἐφεβοι consisted in the χλωρίων and the πέτασις.

During the two years of the ἐφεβεία, which may be considered as a kind of apprenticeship in arms, and in which the young men prepared themselves for the higher duties of full citizens, they were generally sent into the country, under the name of ἐπίσκοποι, to keep watch in the towns and fortresses, on the coast and frontier, and to perform other duties which might be necessary for the protection of Attica.8

EPHESIUS (ἐφέσιος) denotes the method of proceeding against such criminals as were liable to be summarily arrested by a private citizen (ἀραβόσες) when the prosecutor was unwilling to expose himself to personal risk in apprehending the offender.9 Under these circumstances, he made an application to the proper magistrate, as, for instance, to one of the Eleven, if it were a case of burglary or robbery attended with murder,9 and conducted him and his officers to the spot where the capture was to be attempted. In the event of success, the blackmail and the rewards of the ensuing trial, we have no notion; in all probability they differed but little, if at all, from those of an apagoge.10

EPHIMERON (ἐφεμερόν), I. a plant, the same with the Colechium autumnale, or Meadow Saffron. Such, at least, is the ἐφεμερόν of Theophrastus11 and Nicander.12 "Dioscorides"13 also gives it as one of the synonyms of his κολυξίδος. But in the following context he is evidently speaking of another ἐφεμερόν, which it is more difficult to determine. Sprengel inclines to the Convallaria verticillata.14

11. The Ephemer, L., or May-fly. "The name of Ephemer a has been given to the insects so called, in consequence of the short duration of their lives, when they have acquired their final form. There are some of them which never see the sun; they are born after he is set, and die before he reappears on the horizon."15

EPHESIA (Εφέσια), a great panegyric of the Ionians at Ephesus, the ancient capital of the Ionians in Asia. It was held every year, and had, like all panegyrics, a twofold character, that of a bond of political union among the Greeks of the Ionian race, and that of a common worship of the Ephesian Artemis.16 The Ephesia continued to be held in the time of Theudobrodus and Strabo, and the former compares it17 to the ancient panegyric of Delos (vid. Delia), where a great number of the Ionians as
EPHETAE. 

EPHEPPIUM. 


... Although becomes the and any position, when the day, and, therefore, no expiation of the Theopetrae. The judges so called at Athens were fifty-one in number, selected from noble families (αριστογεῖς αξίθηρες) and more than fifty years of age. They formed a tribunal of great antiquity, so much so, indeed, that Pollux6 ascribed their institution to Draco; moreover, if we can depend upon the authority of Plutarch,5 one of Solon’s laws (Δώγος) speaks of the courts of the Ephetae and Areopagus as coexistent before the time of that legislator. Again, as we are told by Pollux,7 the Ephetae formerly sat in one or other of five courts, according to the nature of the causes they had to try. In historical times, however, they sat at first, it is said, in the Prytaneion, the court of the Palladium (rō ἐν Παλλῳδίῳ), by the Delphinium (rō ἐν Δελφίνιῳ), by the Prytaneion (rō ἐν Πρυτάνειω), and the court at Phreatto or Zen (rō ἐν Φρεάττῳ). At the first of these courts they tried cases of unentailment, at the second of intentional, but justifiable, homicide, such as slaying another in self-defense; the third, that of a night’s or a nightly murder. At the Prytaneion, by a strange custom, somewhat analogous to the imposition of a deodand, they passed sentence upon the instrument of murder when the perpetrator of the act was not known. In the court at Phreatto, on the seashore at the Peiraeus, they tried such persons as, when accused with wilful murder, had been living in a temporary exile for unintentional homicide. In cases of this sort, a defendant pleaded his cause on board ship (τῆς γῆς μὴ ἀστικῆσαι), the judges sitting close by him on shore.10 Now we know that the jurisdiction in cases of wilful murder was, by Solon’s laws, intrusted to the court of the Areopagus, which, however, had the power, and, according to others, the power with the four courts in which the Ephetae sat. Moreover, Draco, in his Θεομι, spoke of the Ephetae only, though the jurisdiction of the Areopagus in cases of murder is admitted to have been of great antiquity. Hence Müller11 conjectures that the court of the Areopagi was anciently included in the five courts of the Ephetae, and infers the early existence of a senate at Athens, resembling the Gerousia at Sparta, and invested with the jurisdiction in cases of homicide.12 The name of Εφέτειος given to the members of this council was, as it conceives, rather derived from their granting a license to avenge blood (οἱ ἔφετεῖς τῷ ἀνδρομέοιν τῷ ἀνδρόμεοιν) than from their being appealed to or from the transfer to them of a jurisdiction which, before the time of Draco, had belonged to the kings.13 If this hypothesis be true, it becomes a question, Why and when was this separation of the courts made? Both of these questions Müllner answered, that an act of homicide was not punished by death or perpetual banishment, the perpetrator had to receive expiation. (Vid. BANISHMENT, GREEK.) Now the atonement for blood, and the purification of a shedder of blood, came under the sacred law of Athens, the knowledge of which was confined to the Areopagite, and, therefore, no expiation (καθότατος) was connected with the administration of justice in such cases, so that there could be no objection against their being tried by the court of the Areopagus, though its members did not of necessity belong to the old aristocracy. 

Soch, briefly, are the reasons which Müllner alleges in support of the above hypothesis; and if they are valid there can be little doubt that the separation alluded to was effected when the Athenian nobility lost their supremacy in the state, and a timocracy or aristocracy of wealth was substituted for an aristocracy of birth. This, as is well known, happened in the time of Solon. Let us add, as a (last remark, that the comparatively unimportant and antiquated duties of the Ephetae sufficiently explain the statement in Pollux,4 that their court gradually lost all respect, and became at last an object of ridicule.

EPHEPPIUM (Αὐτράτας, ἐφίππιων, ἐφίππων), a Saddle. Although the Greeks occasionally rode within and without the saddle (ἰγκραστός), yet this mode of riding was generally used, and from them the name, together with the thing, was borrowed by the Romans.6 It has, indeed, been asserted, that the use of saddles was unknown until the fourth century of our era. But Ginzrott, in his valuable work on the history of carriages,7 has shown, both from the general practice of ancient and modern nations, and from the pictures preserved on the walls of houses at Herculaneum, and from the expressions employed by J. Cesar and other authors, that the term "epphipium" denoted not a mere horsecloth, a skin or a flexible covering of any kind, but a saddle-tree, or frame of wood, which, after being filled with a stuffing of wool, &c., was covered with soft materials, and fastened by means of a girth (cangu- lum, zona) upon the back of the animal. The ancient saddles appear, indeed, to have been thus different from ours, that the cover stretched upon the hard frame was probably of stuffed or padded
The cloths, which were either spread over the saddle or hung from it on each side, were often dyed with different colours ("Jam purpurea vestit armas\(^1\)"; "ephippia fascata\(^2\)"), and were sometimes rendered still more ornamental by the addition of fringes.

The term "Ephippium" was in later times in part supplanted by the word "sella," and the more specific expression "sella equestris."

**EPHORI:** "Εφόροι"

Magistrates called 'Εφόροι or overseers were common to many Dorian constitutions in times of remote antiquity. Cyrene and the mother state of Thera may be mentioned as examples: the latter colonized from Laconia in early ages, and where, as we are told, the elders were ἰδίωματι, i.e., gave their name to their year of office.\(^3\) The ephorality at Sparta is classed by Herodotus\(^4\) among the institutions of Lycurgus. Since, however, the ephors are not mentioned in the oracle which contains a general outline of the constitution ascribed to him,\(^5\) we may infer that no new powers were given to them by that legislator, or in the age of which he may be considered the representative. Another account refers the institution of the Spartan ephorality to Theopompus (B.C. 770–730), who is said to have founded this office with a view of limiting the authority of the kings, and to have justified the innovation by remarking that "he handed down the royal power to his descendants more durable, because he had diminished it.\(^6\)"

The inconsistency of these accounts is still further complicated by a speech of Cleomenes the Third, who\(^7\) is represented to have stated that the elders were originally appointed by the kings, to act for them in a judicial capacity (τράπος τὸ κρίνειν) during their absence from Sparta in the first Messenian war, and that it was only by gradual usurpations that these new magistrates had made themselves paramount even over the kings themselves. Now, according to some authorities,\(^1\) Polydurus, the colleague of Theopompus, and one of the kings under whom the first Messenian war (B.C. 743–720) was accomplished, appropriated a part of the conquered Messenian territory to the augmentation of the number of portraits of land possessed by the Spartans—an augmentation which implies an increase in the number of Spartan citizens. But the ephors, as we shall see hereafter, were the representatives of the whole nation; and, therefore, if in the reign of Theopompus the franchise at Sparta was extended to a new class of citizens,\(^2\) which Cicero\(^3\) draws between the ephorality and the Roman tribunate would be more applicable than he himself suspected, and would throw a light on the seeming contradiction of the ephors being all-powerful, though the class which they more especially represented enjoyed only a limited franchise.\(^4\)

But, after all, the various accounts which we have been considering merely show how difficult ent were the opinions, and how little historical the statements, about the origin of the ephorality.\(^5\) We shall therefore proceed to investigate the functions and authorities of the ephors in historical times, after first observing that their office, considered as a counterpoise to the kings and council, and in that respect peculiar to Sparta alone of the Dorian states, would have been altogether inconsistent with the constitution of Lycurgus, and that their gradual usurpations and encroachments were facilitated by the vague and indefinite nature of their duties. Their number, five, appears to have been always the same, and was probably connected with the five divisions of the town of Sparta, namely, the four κώμαι, Limnai, Messa, Pitaia, Cynosura, and the Ἱλας, or city properly so called, around which the κώμαι lay.\(^6\) They were elected from the κώμαι by the judges (ἐκ χρηστίων, κάτω τινάριον ἀριθμόν), without any qualification of age or property, and without undergoing an scrutiny (οἱ τεκτόνες); so that, as Aristotle remarks,\(^7\) the δήμοι enjoyed through them a participation in the highest magistracy of the state. The precise mode of their election is not known, but Aristotle\(^8\) speaks of it as being very puerile; and Plato\(^8\) describes their office as ἐγγίζει τῆς κλάσας, ἀνήθες; words which may apply to a wide range of different citizens, directing them to the electors, without of necessity implying an election by lot. They entered upon office at the autumal solstice, and the first in rank of the five gave his name

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to the year, which was called after him in all civil transactions. Their meetings were held in the public building called ἄρχειον, which in some respects resembled the Prytaneion at Athens, as being the place where foreigners and ambassadors were entertained, and where, moreover, the ephors took their meals together.

The ephors also possessed judicial authority, on which subject Aristotle remarks that they decided in civil suits (δικαία τῶν συμβαλλόντων), and generally in actions of great importance (ἐργάτεως μεγάλου κόσμου): whereas the counsellors presided over capital crimes (δικαίον φυλακᾶς). In this arrangement we see an exemplification of a practice common to many of the Oriental states, to entrust to a few individuals the functions of the courts. The criminal jurisdiction was given to courts of aristocratic composition, while civil actions were decided by popular tribunals. (Compare Ephesos and Aristarch.) But with this civil jurisdiction was united a censorial authority, such as was possessed by the ephors at Cyrene: for example, the ephors punished a man for having brought money into the state of Laconia in order to buy the votes of those who inspected the clothing and the bedding of the young men. Moreover, something like a superintendence over the laws and their execution is implied in the language of the edict, which they published on entering upon their office, ordering the citizens "to shave the upper lip (μετανοεῖν), i.e., to be one of the sect, and obey their laws." Now the symbolic and archaic character of this expression seems to prove that the ephors exercised such a general superintendence from very early times, and there can be no doubt that, in the hands of able men, it would alone prove an instrument of unlimited power.

The judicial and power were still farther increased by the privilege of instituting scrutinies (ἑνδήματα) into the conduct of all the magistrates, on which Aristotle observes that it was a very great gift to the ephory (ταύτα δὲ τῇ ἑρμήνευτη μέγαν κόσμον ἀποδείξει). Nor were they obliged to wait till a magistrate had completed his term of office, since, even before his termination, they might exercise the privilege of deposition. Even the kings themselves could be brought before their tribunal (as Cleomones was for bribery, δροσοπωρία), though they were not obliged to answer a summons to appear there till it had been repeated three times. In extreme cases, the ephors were also competent to lay an accusation against the kings as well as against all other magistrates, and bring them before the great court of justice. If they sat as judges themselves, they were only able, according to Müller, to impose a fine, and compel immediate payment; but they were not in any case, great as was their judicial authority, bound by a written code of laws.

In later times the power of the ephors was greatly increased; and this increase appears to have been principally owing to the fact that they put themselves in connexion with the assembly of the people, convened its meetings, laid measures before it, and were constituted its agents and representatives. When this connexion arose is matter of conjecture; some refer the origin of it to Asterope, who, coming to Sparta, posterity ascribed all the powers of the ephory to himself, and who is said to have lived many years after the time of Theopompos, probably about B.C. 560. That it was not known in early times appears from the fact that the two ordinances of the oracle at Delphi, which regulated the assembly of the people, made no mention of the functions of the ephors. It is clear, however, that the power which such a connexion gave, would, more than anything else, enable them to establish in the royal authority, and make themselves virtually autocrats of the state. Accordingly, we find that they transacted business with foreign ambassadors; dismissed them from the state; decided upon the government of dependent cities; subscribed in the presence of other persons to treaties of peace; and in time of war sent out troops when they thought necessary. In all these and other matters in which the representatives of the nation and the agents of the public assembly, being, in fact, the executive of the state. Their authority in this respect is further illustrated by the fact that, after a declaration of war, "they intrusted the army to the king or some other general, who received from them instructions how to act, sent back to them for fresh instructions, and were returned to them every year. The extraordinary plenipotentiaries, were recalled by means of the scytale, summoned before a judicial tribunal, and their first duty after return was to visit the office of the ephors.” Another striking proof of this representative character is given by Xenophon, who informs us that the ephors, acting on the king’s behalf, laid the laws of the state before the kings every month an oath, by which the latter bound themselves to rule according to law; and that, in return for this, the state engaged, through the ephors, to maintain unshaken the authority of the kings if they adhered to their oath.

It has been said that the ephors emaciated upon the royal authority, and in course of time the kings became completely under their control. For example, they fined Agesilaus on the vague charge of trying to himself popular, and interfered even with the domestic arrangements of other kings; moreover, as we are told by Theopompus, they could even imprison the kings, as they did Pausanias. We know, also, that when the kings were followed by two ephors, who belonged to the house of war; the three who remained at home received the booty in charge, and paid it into the treasury, which was under the superintendence of the whole College of Five. But the ephors had still another prerogative, based on a religious foundation, which enabled them to effect a temporary deposition of the kings. We know, also, that when the ephors were followed by two ephors, who belonged to the house of war; the three who remained at home received the booty in charge, and paid it into the treasury, which was under the superintendence of the whole College of Five. But the ephors had still another prerogative, based on a religious foundation, which enabled them to effect a temporary deposition of the kings. When these are told, they chose a calm and cloudless night to observe the heavens, and if there was any appearance of a falling meteor, it was believed to be a sign that the gods were displeased with the kings, who were accordingly suspended from their functions until an oracle allowed of their restoration. The ephors in this capacity were assumed by the ephors, and they alone kept their seats while the kings passed; whereas it was not considered below the dignity of the kings to rise in honour of the ephors.

The position which, as we have shown, the ephors occupied at Sparta, will explain and justify the state of things which, in the last century of the life of the city, was the invariable one in the Spartan constitution, and, in the end, the cause of its dissolution. In confirmation of this opinion we may cite the authority of Aristotle, who observes, that from the excessive and absolute power (ευσυνεπευσικές) of
the ephors, the kings were obliged to court them (διότι για την ευκαιρία), and eventually the government became a democracy instead of an aristocracy. Their relaxed and dissolve mode of life too (απειροτώς δικαιούνται, ὑπάρχειν δὲ αὐτῶν, ἐστιν ἐκ τοῦ πνεύματος τῆς καθολικῆς καὶ ἐν τῷ κόσμῳ καὶ ἐν τῷ οἴκῳ) was contrary to the spirit of the constitution; and we may remark that it was one of the ephors, Epictetus, who first carried through in practice the inalienable inheritance of property in contravention of the regulation of Lycurgus, by which an equal share in the common territory was secured to all the citizens. This change, indeed, to which Aristotle alludes, might have been described as a transition from an aristocracy to an oligarchy; for we find that in latter times, the ephors, instead of being demagogues, invariably supported the oligarchy. In the same volume of Plutarch, Ch. 358, B.C. 399, is an instance of this; and the fact is apparently inconsistent with their being representatives of the whole community, and as much so of the lower (συμβουλικοῦ) as of the higher (δημοτικοῦ) class of citizens, that Wachsmuth supposes the δημοτζία, from and by whom the ephors were chosen, to mean the whole body of privileged or patrician citizens only, the most onerous or dangerous duties being allotted to serve as εὐρυτεροί. This supposition is not itself improbable, and would go far to explain a great difficulty; but any analysis of the arguments that may be urged for and against it is precluded by our limits. 8 We shall, therefore, only add, that the ephors became at last thoroughly identified with all opposition to the extension of popular privileges. For the and other reasons, when Agis and Cleomenes undertook to restore the old constitution, it was necessary for them to overthrow the eparchy, and, accordingly, Cleomenes murdered the ephors for the time being, and abolished the office (B.C. 225); it was, however, restored under the Romans.

EPIBATE. (εἰπόβατα) were soldiers or marines appointed to defend the vessels in the Athenian navy, and were entirely distinct from the rowers, and also from the land soldiers, such as hoplites, peltasts, and cavalry. 9 It appears that the ordinary number of epibate on board a trireme was ten. Dr Arnold remarks, that by comparing Thucyd., iii. 95, with c. 91, 94, we find three hundred epibate as the complement of thirty ships; and also, by comparing ii., 92, with c. 102, we find four hundred as the complement of forty-five ships; and the same proportion results from a comparison of i., 76, with c. 101. In Thucydides, vi., 42, we find seven hundred epibate for a fleet of one hundred ships, sixty of which were equipped in the ordinary way, and forty had troops on board. In consequence of the number of heavy-armed men ἐκ τοῦ καταλαγοῦν on the expedition, the Athenians appear to have reduced the number of regular epibate from ten to seven. The number of forty epibate to a ship, mentioned by Herodotus, 8 Dr Arnold justly remarks, "belongs to the earlier state of Greek naval tactics, when victory depended more on the number and prowess of the soldiers on board than on the manoeuvres of the seamen;" and it was in this very point that the Athenians improved the system, by decreasing the number of epibata, and relying on the more skilful management of the men in the ship.
such person making his claim before the archon, whose duty it was to ἐπιμελθεῖν τῶν ἐπικλήρων καὶ ἀξιόλογων ἀνθρώπων, to decide the case, and if no one appeared to dispute it, the archon adjudged the heirless to him (ἐπιδίδοντι ὑπὸ τῶν ἐπικλήρων). If another claimant appeared (μεταφεύγειν αὐτῷ τῆς ἐπικλήρως), a court was held for the decision of the right (διάδοσις τῆς ἐπικλήρου), which was determined according to the Athenian law of consanguinity (γένος καὶ γένεια). The court then found out whether the husband had been obliged to give her up to a man with a better title; and men often put away their former wives in order to marry heiresses. A man without male issue might bequeath his property; but if he had a daughter, the devisee was obliged to marry her. If the daughter was poor, and the nearest relative did not choose to marry her, he was bound to give her a portion corresponding to his own fortune. The husband of an heirless took her property until she had a son of full age (ἐπὶ δυνάμει ἄνδρα), who was usually adopted into his maternal grandfather's family, and took possession of the estate. He then became his mother's legal protector (🔐μος), and the state was obliged to find her maintenance (σιτίον). If there were more sons, they shared the property equally.

When there was but one daughter, she was called ἐπικλήρος ἐπὶ πατρὶ τὸ ὄνομα. If there were more, they inherited equally, like our co-partners, and were severally married to relatives, the nearest relation or debtor being accepted. They did not share with the daughter, the law being ὅτι ἐναὶ ἀγγέλισται μὴ ἰερὸν μὴ δόλων. The heiress was under the special protection of the archon; and if she was injured by her husband or relatives, or by strangers ejecting her from her estate, the law gave a criminal prosecution against the offender, κατ' ἐκκλήσια ἐκκλήσαι λαῷ.

EPICLINTRON. (Vid. Lectus.)

EPIDARIA. (Vid. Elusinia, p. 396.)

EPIDEMIURGI. (Vid. Demiurgi.)

EPIDISCAIA (ἐπίδισκαια, κλῆρον) was the proceeding by which a legatee or heir, other than the natural descendant and acknowledged successor, became entitled to the property of the intestate, subject to the claim of a legitimate son. Under these circumstances, the claimant was said λαγγέλειν οἱ ἐπὶ δίσκαιοι τοῦ κλῆρον, and the property itself termed ἐπίδισκος until it was formally awarded to its rightful owner. Notice of a claim of this kind might be given to the archon eumynous during any month in the year except Scirrophorion, and that magistrate was bound, upon receiving it, to direct that it should be inscribed upon a tablet, and exposed to public inspection, as if it were an indictment or declaration (γραφὴ οὐ λαβέ) in an ordinary lawsuit. After this it was rescinded by the herald in the first ensuing regular assembly of the people (παρὰ ἐκκλησία), and a proclamation to the same effect was again made before the archon, who for the first time called upon the legitimate claimants. If, however, any other parties made their appearance, a diadicasia ensued between them and the original suitor. (Vid. Diadicasia.) An analogous proceeding took place when the surviving issue of the deceased consisted of one or more daughters only (ἐπὶ κλῆρον, ἐπιδισκάια, πατροσύνη, γυναῖκες, or ἐπίκληρος), in which case the person in whose favor the will of the deceased had been made, the nearest male relative of the intestate, or one of the female relatives, if he had been left with their portions to different persons, the legatees or relatives were required to prefer their claim to the archon. The proclamation by the herald followed, in the same manner as when an estate was the subject of the petition; αἱ the paracatalebole, or the tenth part of the estate or portion, was set aside as a forfeit, in case they failed to establish their claim, which was referred to others that undertook a diadicasia. (Vid. Epicleirer.)

EPID'OSEIS (ἐπίδοσεις) were voluntary contributions, either in money, arms, or ships, which were made by the Athenian citizens in order to meet the extraordinary demands of the state. When the ex penses of the state were greater than its revenue, it was usual for the archons to summon an assembly of the people, and, after explaining the necessities of the state, to call upon the citizens to contribute according to their means. Those who were willing to contribute then rose, and mentioned what they would give; while those who were unwilling to give anything remained silent, or retired privately from the assembly. The names of those who had promised to contribute, together with the amount of their contributions, were written on tablets, which were placed before the statues of the Eponymi, where they remained till the amount was paid. These ἐπίδοσες, or voluntary contributions, were frequently very large. Sometimes the more wealthy citizens voluntarily undertook a triremis, or the expenses of equipping a trireme. We read that Dionysius furnishing 1000 shields, together with five triremes, which he equipped at his own expense. Chrysippus presented a talent to the state when Alexander moved against Thebes. Aristophanes, the son of Nicophemus, gave 30,000 drachmas for an expedition against Cyprus. Charidemus and Dimitrius made two more, and 400 shields, and similar instances of liberality are mentioned by Böckh, from whom the preceding examples have been taken.

EPIGAMIA. (Vid. Marriage, Greek.)

EPIP'GRAPHEIS. (Vid. Epigrapheis, p. 392.)

EPIMELE'TAE (ἐπιμεληταί), the name of various officials. 1. Ἐπιμελητής τῆς κοινῆς προσούδου, more usually called ταμίας, the treasurer or manager of the public revenue. (Vid. Tamias.)

2. Ἐπιμεληται τῶν μορίων Ἐλαθών were persons chosen from among the areopagites to take care of the sacred olive-trees.

3. Ἐπιμεληται τῶν Ἐπομηνίων were the overseers of the emporium. (Vid. Emporion.) They were ten in number, and were elected yearly by lot. They had the entire management of the emporium, and had jurisdiction in all breaches of the commercial laws. According to Aristotle, it was part of their duty to compel the merchants to bring into the city one third of the corn which had been brought by sea; and so we learn that only one third could be carried away to other countries from the port of the Peiraeus. 4. Ἐπιμεληται τῶν Μυστηρίων were, in connexion with the king archon, the managers of the Eleusinian mysteries.
EPISYNTHE\'I (Bickh., rafpoTroioi, all (Feslus, 'Enijis^uTiTal secretary.'—' and p. 5, Ml, 7.)—a tot., — 1840,)—placed called thinks, (kiAui in extraordinary (No. AOMAPTTPIHN Matthiolus, supposes ovvs, (ging, by Eumolpidae, and Spider.'" we learn from the same inscriptions that their office was yearly, and that they were ten in number. It also appears that they were elected by lot from those persons who possessed a knowledge of shipbuilding.

The principal duty of the inspectors of the dockyards was to take care of the ships, and all the rigging, tools, &c. (secevi), belonging to them. They also had to see that the ships were seaworthy; and for this purpose they availed themselves of the services of a δοκουστής, who was well skilled in such matters. They had at one time the charge of various kinds of military equipment which did not necessarily belong to ships, such as engines of war, which were afterward, however, intrusted to the generals by a decree of the senate and people. They had to make out a list of all those persons who owed anything to the docks, and also to get in what was due. We also find that they sold the rigging, &c., of the ships, and purchased new, under the contract, not on the basis of their own responsibility. They had εγκαύμων διεσπερασμον in conjunction with the ἀποστολεῖς in all matters connected with their own department. To assist them in discharging their duties, they had a secretary (γραμματῆς) and a public servant (δῆμοικος εν τοις ναυσικαῖοι). For a farther account of these inspectors, see Bickh, Urkunden, &c., p. 48-54.

The principal duties of the officers of the φιλα or tribes. (Vid. TRAUS.)

*EPI\'IMELIS (τιμωπλα), a species of Medlar. Sprengel sets it down for the Μαιπύλοις germanicos, L.

*EPI\'OLON (τιπλαγε), an insect described by Aristotle, and the same, most probably, as Adams thinks, with the πωράς of Zelian. Schneider supposes it to be the Asopus tavanus, L., or Red Spider.

*EPI\'ACTIS (ἐπιακτικ), according to Sprengel, the Hornia grastra. Nothing satisfactory, however, is determined, with regard to this herb, by Matthiolus, Baubin, and other botanical writers.

EPIRHE\'DIUM. (Vid. Rzaxa.)

ΕΠΙΧΥΡΗΣ ΚΤΙΩΟΜΑΡΓΙΤΗΡΙ. (Vid. ΦΕΤ-ΔΟΜΑΡΠΗΝ ΔΙΚΗ.) EΠΙ\'ΣΩΠΟΙ (τίπσωσαυ) were inspectors, who were sometimes sent by the Athenians to subject states. Harpocration compares them to the Lacedaemonian harrostes, and says that they were also called φιλάκει. It appears that these ἐπισωσαυ received a salary at the cost of the cities over which they presided.

EPISYNTHE\'TICI (ἐπισύντητικοι), an ancient medical sect, so called because they heaped up in a manner (ἐπισύντητικα), and adopted for their own opinions of different, and even opposite; schools. They appear to have been a branch of the Method

classes of functionaries in the Athenian state, namely, of the chairman of the senate and assembly of the people, respecting whose duties, see the articles Boule, p. 168, and Ecclesia, p. 386, and also of the directors of the public works (ἐπισρατα τῶν δημοσίων ἐργασιῶν). These directors had different names, as τεκτοναγι, the repairers of the walls; τροποστοιοι, the builders of the trenties; τεκτοναγι, the repairers of the trenches, &c.; all of whom were elected by the tribes, one from each: but the most distinguished of these were the τεκτοναγι. Over other public buildings a manager of public works had the superintendence; and it was in this capacity that Pericles, and subsequently Lycurgus, undertook so many works of architecture. In the inscriptions relating to the building of the Temple of Athena Polias, we find ἐπιστάται mentioned. Similar authorities were appointed for the care of the roads, and of the supply of water (δωσιοι, ἐπίσταται τῶν ἡδουτων).

EPIST\'OLA. (Vid. Constutuio.)

EPISTOLEUS (ἐπιστολεῦς) was the officer second in rank in the Spartan fleet, and succeeded to the command if anything happened to the ναυαρχις or admirai. Thus, when the Chians and the other allies of Sparta on the Asiatic coast sent to Sparta to request that Lysander might be again appointed commander of the sea, he was sent with the title of ἐπιστολεύς, because the laws of Sparta did not permit the same person to hold the office of ναυαρχις twice.

EPISTYLIUM, the architrave of a member of an entablature (σωθοί) which lies immediately over the column. When an intercolumniation of the kind called acrostyle, that is, when the columns were more than three diameters apart, the epistylus was necessarily made of wood instead of stone; a construction exemplified by the restoration in the annexed woodcut of the Doric portion which surrounds three sides of the Forum at Pompeii. The boles seen at the back of the frieze received the beams which supported an upper gallery.

EPISYNTHETICI (ἐπισυνθετηκόλ), an ancient medical sect, so called because they heaped up in a manner (ἐπίσυνθετηκα), and adopted for their own opinions of different, and even opposite; schools. They appear to have been a branch of the Method


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The Equites formed a college, and were one of the four great religious corporations at Rome; they consisted of those of the Pontifices, Augures, and Quindecemviri.

EQUITES.

EQUITES. (Vid. Equules.)

EQUULUM JOVIS. (Vid. Equules.)

EQUULULATIA were horse-races, which are said to have been instituted by Romulus in honour of Mars, and were celebrated in the Campus Martius. There were two festivals of this name, of which one was celebrated A.D. III. Cal. Mart., and the other prid Id. Mart. If the Campus Martius was overthrown by the enemy (as is said) to take place on a part of the Mons Ceelius, which was called from that circumstance the Martialis Campus.

EQUITES. The institution of the Equites is attributed to Romulus. Livy says that Romulus formed three centuries of equites, the Ramnes, Tiitenses, and Luceres. He does not mention the number of which these centuries consisted; but there can be little doubt that the 300 celeres, whom Romulus kept about his person in peace and war, were the same as the three centuries of equites Dionysius, who does not speak of the institution of the equites, says that the celeres formed a body-guard of 300, divided into three centuries; and Pliny and Festus state expressly that the Roman equites were originally called celeres. (Vid. De Leevs.)

To the 300 equites of Romulus, ten Allian turmes were added by Tullus Hostilis. As the turma in the legion consisted of 30 men, there is no reason for supposing a different number in these turmes; and the equites would therefore, in the time of Tullus Hostilis, amount to 600. Tarquinus Priscus, according to Livy, wished to establish some new centuries of horsemen, and to call them by his own name, but gave up his intention in consequence of an angry resolution of the Althenian Senate. After the anger of the Senate had subsided, only doubled the number of the centuries. The three centuries which he added were called the Ramnes, Tiitenses, and Luceres Posteriores. The number ought, therefore, now to be 1200 in all, which number is given in many editions of Livy, but is not found in any MS. The number in the MSS. is different, but the Florentine and the War- mas edition have, which has been adopted by Paulus, and appears to be the correct one. Livy has apparently forgotten to mention that the 300 equites of Romulus were doubled on the union with the Sabines; which Plutarch alludes to when he says that the Roman legion consisted 300 horsemen, and, after the union with the Sabines, 600.

The complete organization of the equites Livy attributes to Servius Tullus. He says that this king formed (scripturis) 12 centuries of equites from the leading men of the state (ex primoribus civitatis); and that he also made six centuries out of the three established by Romulus. Thus there were now 18 centuries. As each of the 12 new centuries probably contained the same number as the six old centuries, if the latter contained 1800 men, the former would have contained 3600, and the whole number would be 4200.

The account, however, which Cicero gives is quite different. He attributes the complete organization of the equites to Tarquinus Priscus. He agrees with Livy in saying that Tarquinus Priscus increased the number of the Ramnes, Tiitenses, and Luceres, by adding new centuries under the name of Ramnes, Tiitenses, and Luceres secundi (not secundorum).}


EQUITES.

however, posteriorae, as Livy states; compare Festus, s. v. Sex Vestae); but he differs from him in stating that this king also doubled their number after the conquest of the Æqui. Scipio, who is represented by Cicero as giving this account, also says that the arrangement of the equestrian class which was made by Tarquinius Priscus continued unchanged to this day (B.C. 1500). The account which Cicero gave of the equestes in the constitution of Servius Tullius is unfortunately lost, and the only words which remain are duodeviginti census maximo; but it is difficult to conceive in what way he represented a division of the 18 centuries in the Servian constitution, after he had expressly said that the organization of the body by Tarquinius Priscus had continued unaltered through all the centuries of the state. Cicero also differs from Livy respecting the number of the equestes. Scipio states, according to the reading adopted in all editions of the "De Republica," that Tarquinius Priscus increased the original number of the equestes to 1200, and that he subsequently doubled this number after the conquest of the Æqui, and then that it remained at this number 2400. The MS., however, has 2000, which is interpreted to mean mille ac ducentos; but, instead of this, Zumpt1 proposes to read 2000, justly remarking that such a use of ac never occurs in Cicero. This reading would make the number 3000, which Zumpt believes to have been the same as that which existed at the time of the Æqui. It appears, however, impossible to determine their exact number, though there are strong reasons for believing that it was fixed, whether we suppose it to have been 5400, 3600, or 2400.

Both authors, however, agree in stating that each of the equestes received a horse from the state (equestes publici), or money to purchase one, as well as a sum of money for its annual support; and that the expense of its support was defrayed by the orphans and unmarried females: since, says Niebuhr, in a military state it could not be esteemed unjust that the women and the children were to contribute largely for those who fought in behalf of them and of the Commonwealth. According to Galus, the purchase-money for a knight's horse was called equester, and its annual provision as hordeariun. (Vid. E S Hordeariun.) The former amounted, according to Livy, to 10,000 ases, and the latter to 2000: but these sums are so large as to be almost incredible, especially when we take into account that 1500 Æqui, from that time till the 20th of December, 10, and an ox at 100 ases in the tables of penalties. The correctness of these numbers has accordingly been questioned by some modern writers, while others have attempted to account for the largeness of the sum. Niebuhr remarks that the sum was doubtless intended not only for the purchase-money but also for the annual provision of the horse, which would be incomplete without a groom or slave, who had to be bought and then to be mounted. Bisch2 supposes that the sums of money in the Servian census are not given in asses of a pound weight, but in the reduced asses of the first Punic war, when they were struck of the same weight as the sextans, that is, two ounces or one sixth of the original weight. (Vid. As, p. 110.) Zumpt considers that 1600 asses of the old weight were given for the purchase of the horse, and 200 for its annual provision; and that the original sum has been retained in a passage of Varro (equus publicum mille assearum).

All the equestes, of whom we have been speaking, received a horse from the state, and were included in the 18 equestrian centuries of the Servian constitution; but, in course of time, we read of another class of equestes in Roman history, who did not receive a horse from the state, and were not included in the 19 centuries. This latter class is first mentioned by Livy3 in his history of the siege of Veii B.C. 403. He says that during the siege, when the Romans had at one time suffered great disasters, all those citizens who had an equestrian fortune, and no horse allotted to them (quibus census eques ter erat, equi publici non erant), volunteered to serve with their own horses; and he adds, that from this time equestes first began to serve with their own horses that were publicly owned. As they served on horseback, they were called equestes; and, when spoken of in opposition to cavalry, which did not consist of Roman citizens, they were also called equestes Romani; but they had no legal claim to the name of equestes, since in ancient times this title was strictly confined to those who received horses from the state, as Pliny4 expressly says, "Equum nonem subsistebat i: ternus equorum publieorum."

But here two questions arise. Why did the equestes, who belonged to the 18 centuries, receive a horse from the state, and the others not? and how was a person admitted into each class respectively? These questions have occasioned much controversy among modern writers, and the following account is perhaps the most satisfactory: In the constitution of Servius Tullius, all the Roman citizens were arranged in different classes according to the amount of their property, and it may therefore be presumed that a place in the centuries of equestes was determined by the same qualification. We are, however, only assured that they were chosen by Servius out of the richest and most illustrious families; and Cicero,5 that they were of the highest census (census maximo). Livy5 also states that the twelve centuries formed by Servius Tullius consisted of the leading men of the state. None of these writers, however, mention the property, the requisite qualification, on which a man was entitled to hold a place among the equestes; but it would probably be of the same amount as in the latter times of the Republic, that is, four times that of the first class. Every one, therefore, who possessed the requisite property, and whose character was unblemished (for the latter qualification appears to have been always necessary in the ancient times of the Republic), was admitted among the equestes, and it may be presumed that the twelve new centuries were created in order to include all those persons in the state who possessed the necessary qualifications. Niebuhr,6 however, supposes that the qualification

of property was only necessary for admission into the twelve new centuries, and that the statement of Dionysius, quoted above, ought to be confined to these centuries, and not applied to the whole eighteen. He maintains that the twelve centuries consisted exclusively of plebeians; and that the six old centuries, which were incorporated by Servius into his comitia, under the title of the sex auffragia, comprised all the patricians, independent of the amount of property which they possessed. This account, however, does not seem to rest on sufficient evidence; and we have, on the contrary, an express instance of a patrician, L. Tarquiniius, B.C. 458, who was compelled, on account of his poverty, to serve on foot. 1 That the six old centuries consisted entirely of patricians is most probable, since the plebeians would certainly not have been admitted among the equites at all till the Servian constitution; and as by this constitution new centuries were created, it is not likely that any plebeians would have been placed among the ancient six. But we have no reason for supposing that these six centuries contained the whole body of patricians, or that the twelve consisted entirely of plebeians. We may suppose that those patricians who belonged to the six were allowed by the Servian constitution to continue in them, if they possessed the requisite property; and that all other persons in the state, whether patricians or plebeians, who possessed the requisite property, were admitted into the twelve new centuries. That the latter were not confined to plebeians may be inferred from Livy, who says that they consisted of the leading men in the state (principes civitatis), not by the constitution.

As vacancies occurred in the eighteen centuries, the descendants of those who were originally enrolled succeeded to their places, whether plebeians or patricians, provided they had not dissipated their property; for Niebuhr goes too far when he asserts that all vacancies were filled according to birth, independent of any property qualification. But in course of time, as population and wealth increased, the number of persons who possessed an equestrian fortune also increased greatly; and as the number of equites in the 18 centuries was limited, those persons whose ancestors had not been enrolled in the centuries could not receive horses from the state, and were therefore allowed the privilege of serving with their own horses among the cavalry, instead of the infantry, as they would otherwise have been obliged to do. Thus arose the two distinct classes of equites, which have been already mentioned.

The inspection of the equites who received horses from the state belonged to the censors, who had the power of depriving an eques of his horse, and reducing him to the condition of an euripian, 2 and also of giving the vacant horse to the most distinguished of the equites who had previously served at their own expense. For these purposes they made, during their censorship, a public inspection in the Forum of all the knights who possessed public horses (equitium recognoscunt; 3 equitium centuries recognoscunt). The tribes were taken in order, and each knight was summoned by name. Every one, as his name was called, walked past the censors, leading his horse. This ceremony was represented as the reverse of some of the censual coins which have been published by Spanheim, 4 and which are copied in the annexed woodcuts. The first is a dexter of the Licinian gens, and is supposed by Spanheim to have been struck during the censorship of P. Licinius Crassus, who was censor with Julius Caesar. 1

The next is the reverse of one of the coins of the Emperor Claudius, in which the emperor is represented sitting, while a knight stands before him leading his horse. The word censor is written underneath, which title we know, from Dion Cas-

If the censors had no fault to find either with the character of the knight or the equipments of his horse, they ordered him to pass on (traducere equum); but if, on the contrary, they considered him unworthy of his rank, they struck him out of the list of knights, and deprived him of his horse, 5 or ordered him to sell it, 6 with the intention, no doubt, that the person thus degraded should refund the money which had been advanced to him for its purchase. 7 At the same review, those equites who had served the regular time, and wished to be discharged, were accustomed to give an account to the censors of the campaigns in which they had served, and were then dismissed with honour or disgrace, as they might have deserved. 8

This review of the equites by the censors must not be confounded with the Equitum Transvecto, which was a solemn procession of the body every year on the Ides of Quintilis (July). The procession started from the Temple of Mars outside the city, and passed through the city, over the Forum, and by the Temple of the Dioscuri. On this occasion the equites were always crowned with olive chaplets, and wore their state dress, the trabea, with all the honourable distinctions which they had gained in battle. 9 According to Livy, 10 this annual procession was first established by the emperors Q. Fabius and P. Decius; but, according to Dionysius, 11 it was instituted after the defeat of the Latins near the Lake Regillus, of which an account was brought to Rome by the Dioscuri.

It may be asked, how long did the knight retain his public horse, and a vote in the equestrian century to which he belonged? On this subject we have no positive information; but, as those equites who served with their own horses were only obliged to serve for ten years (stipendia, sparetalg), under the age of 46, 12 we may presume that the same rule extended to those who served with the public horses, provided they wished to give up the service. For it is certain that in the ancient times of the Republic a knight might retain his horse as long as he pleased, even after he had entered the senate.

provided he continued able to discharge the duties of a knight. Thus the two censors M. Livius Salinator and C. Scipio Asiacicus, who were deprived of his horse by the censors in B.C. 191, had himself been censor in B.C. 191. This is also proved by a fragment in the fourth book of Cicero’s “De Republica,” in which he says, equi·tius, in quo sufragia sibi etiam senatus; by which he evidently means that most of the senators were enabled to vote at the election in Centuria in consequence of their belonging to the equestrian centuries. But during the later times of the Republic, the knights were obliged to give up their horses on entering the senate, and, consequently, ceased to belong to the equestrian centuries. This regulation is alluded to in the fragment of Cicero already referred to, in which Scipio says that many persons were anxious that a plebiscitor should be passed, ordaining that the public horser should be restored to the state, which decreed was, in all probability, passed afterward; sinon, as Niebuhr observes, “when Cicero makes Scaevola speak of any measure as intended, we are to suppose that it actually taken place, but, according to the information possessed by Cicero, was never passed.” That the greater number of the equites qu·eb publico, after the exclusion of senators from the equestrian centuries, were young men, is proved by a passage in the work of Q. Cicero, De Petitionibus Consulatis.

The equestrian centuries, of which we have hitherto treated, were only regarded as a division of the army; they did not form a distinct class or order in the constitution. The political point of view, was only divided into patricians and plebeians; and the equestrian centuries were composed of both. But in the year B.C. 123, a new class, called the Ordo Equestris, was formed among the equestrian centuries, which was introduced by C. Gracchus. By this law all the judges had to be chosen from those citizens who possessed an equestrian fortune. We know very little respecting the provisions of this law; but it appears from the lex Sertiliana, passed 18 years afterward, that every person who was to be chosen judge must be able to maintain his family during 20 years of age, to have either an equus publicus, or to be qualified by his fortune to possess one, and not to be a senator. The number of judges who were required yearly was chosen from this class by the praetor urbani.

As the name of equites had been originally restricted to those who possessed the public horses to those who served with their own horses, it now came to be applied to all those persons who were qualified by their fortunes to act as judges, in which sense the word is usually used by Cicero. Pliny, indeed, says that those persons who possessed the equestrian fortune, but did not serve as equites, were only called judges, and that the name of equi·tus was not properly confined to the property of equites publici. This may have been the correct use of the term; but custom had long since given the name of equites to the judges chosen in accordance with the lex Sempronii.

After the reform of Sulla, which entirely deprived the equestrian order of the right of being chosen as judges, and of possessing the lex Sempronii, which of which ordained that the judges should be chosen from the senators, equites, and tribuni sacri, the influence of the order, says Pliny, was mainly

EQUITAS.

The number of equites increased greatly under the early emperors, and all persons were admitted into the order, provided they possessed the requisite property, without any inquiry into their character, or into the free birth of their father and grandfather, which had always been required by the censors under the Republic. Property became now the only qualification; and the order, in consequence, gradually began to lose all the consideration which it had acquired during the later times of the Republic. Thus Horace says, with no small degree of contempt,

“Si quadringentes sex septem militia desunt, Plebe cris.”

Augustus formed a select class of equites, consisting of those equites who possessed the property of a senator, and the old requirement of free birth up to the grandfather. He permitted this class to wear the clavus, and to possess the tribunes of the plebs to be chosen from them as well as the senators, and gave them the option, at the termination of their office, to remain in the senate or return to the equestrian order. This class of knights was distinguished by the special title illustres (sometimes insignes and splendidi) equites Romanis.

The formation of this distinct class tended to lower the others still more in public estimation. In the ninth year of the reign of Tiberius an attempt was made to improve the order by requiring the old qualifications of free birth up to the grandfather, and by strictly forbidding any one to wear the gold ring unless he possessed this qualification. This regulation, however, was of little avail, as the emperors frequently admitted freedmen into the equestrian order. When private persons were no longer appointed judges, the necessity for a distinct class in the community, like the equestrian order, ceased entirely; and the gold ring came at length to be worn by all free citizens. Even slaves, after their

1. (Liv., xxxii., 37, 2.) (Liv., xxxiii., 46, 3.)—3. (c. 2.)—4. (p. 459, note 1015.)—5. (c. 8.)—6. (Plut., C. Gracch., 5.—Agric. De Bell. Civ., 1, 29.—Ta., Ann., xii., 60.)—7. (Kleuss, Lex Servillii, Bert., 1852.)—8 (II N., xxxii., 7.)

G 4 4

EQUUS.

This have (Tacit., Sall., Capit., appears unknown. p. 218.) —

The practice of filling all the higher offices in the state from these equites appears to have continued as long as Rome was the centre of the government and the residence of the emperor. They are mentioned in the time of Severus and of Caracalla, and perhaps later. After the time of Diocletian, the equites became only a city guard, under the command of the current prefect. They were still retained, in the time of Valentinianus and Valens, A.D. 364, the second rank in the city, and were not subject to corporeal punishment.

The preceding account of the equites has been principally taken from the essay of Zumpt already referred to; to which, and to the valuable work of Marquart, Historia Equitum Romanorum libri iv., Berlin, 1840, the reader is referred for a fuller explanation of this class of individuals which have been necessarily treated with brevity in this article. Respecting the Magister Equitum, vid. Dictator, p. 361.

EQUULEUS or EECULEUS was an instrument of torture, which is supposed to have been so called because it was in the form of a horse. We have no description of its form given by any of the ancient writers, but it appears not to have differed greatly from the currus. It appears to have been commonly used at Rome in taking the evidence of slaves.

*EQUUS (ἵππος), the Horse. The native country of this animal is unknown. The horse was highly esteemed among the Egyptians, who appear to have had an excellent breed, and, besides those required for the army and private use, many were sold to foreign traders who visited the country. Among the Greeks, the public games, where racing formed so conspicuous a part, always induced great attention to be paid to this noble animal. The Greek horse appears to have been quite small in size, if any idea can be formed of its proportions from the bas-reliefs of the frieze of the Parthenon, forming part of the Elgin marbles. Flaxman speaks in terms of high eulogium of the manner in which these steeds were represented by the artists. "The beholder," he remarks, "is charmed with the deer-like lightness and elegance of their make; and, although the relief is not above an inch from the background, and they are so much smaller than nature, we can scarcely suffer reason to persuade us that they are not alive." Horses were sold in Attica for comparatively high prices, not only on account of their utility, but the difficulty of keeping them, but from the disposition of the Athenians to extravgance and display: while the knights kept expensive horses for military service and processions at the festivals, and while men of ambition and high rank trained them for the games and races, there arose, particularly among the young men, an excessive passion for horses, of which Aristophanes gives an example, the Cynosura, which is recorded by several ancient writers, so that many persons were impoverished by keeping them. The price of a common horse was three

ERICA.

**ERANOL (Eranos)** were clubs or societies established for charitable or convivial purposes, or for both. They were very common at Athens, and anathema to them was the practice of carelessness, sloth, and idleness.

**EREBINTHUS** is a small sort of small pea or vetch, Chickpea.

*ERE'TRIA (Eretria) was a prison, situated on the island of Lesbos.

**ERE'TRIA** was entitled to the privileges of a sanctuary, and obtained near the city of Eretria, in Euboea.

**ERGASTULUM** was a private prison attached to most Roman farms, called *carcer rusticus* by Juvenal, where the slaves were made to work in chains. It appears to have been usually under ground, and, according to Columella, ought to be lighted by narrow windows, which should be too high from the ground to be touched by the hand. The slaves confined in an ergastulum were also employed to cultivate the fields in chains. Slaves who had displeased their masters were punished by imprisonment in the ergastulum; and in the same place all slaves who could not be depended upon, or whose trust their masters had cause to fear, were generally kept. A trusty slave had the care of the ergastulum, and was, therefore, called *ergastularius.*

According to Plutarch, these prisons arose in consequence of the conquest of Italy by the Romans, and the great number of barbarous slaves who were employed to cultivate the conquered land. The time of Hadrian and Antoninus, many enactments were made amended the condition of slaves; and, among other salutary measures, Hadrian abolished the ergastula, which must have been liable to great abuse in the hands of tyrannical masters.


**ERICA (Erica or {Ericae), the Tree-heath, or Erica arborea; mentioned by Theophrastus and Dioscorides.**


**SAMEAD** reckons among the assets of a person. 

**Societas civium per orbem terrarum** is applied to an established society, it means only a convivial club, and that there were no regular associations for the purposes of charity; but others have held a different opinion. It is not probable that many permanent societies were formed to carry on the office of charitable assistance. We know that at Athens, as well as in the other Greek Republics, there were clubs for various purposes, political as well as social; the members of which would naturally meet, and dine together at certain periods. Such were the religious companies (Diakon), the commercial (Erotrrupilai), and some others. Unions of this kind were called by the general name of *eiria.* The word is derived from a certain tribe to which the inhabitants of Corinth, or the Corinthians, were traced. It is evident that various objects such as bribery, overawing the public assembly, or influencing courts of justice, 1. In the days of the Roman Empire, friendly societies, under the name of *Eranos,* were frequent among the Greek cities, but were looked on with suspicion by the emperors as leading to political combinations. The guide, or fraternities for mutual aid, among the ancient Grecian and Roman writers, are compared in general to the modern lodges of that name.

**The word Eranos is often used metaphorically, to signify any contributions or friendly advance of money.**

*ERE'BINTHUS (Erebinthos), a sort of small pea or vetch, Chickpea.

Of the three species or varieties of the *Erebinthos* noticed by Dioscorides, the only one that can be satisfactorily determined, observes Adams, is the *crius,* which is undoubtedly the *Geric artemiam.*

*ERE'TRIA TERRA (Eretria) was a place on the southern coast of Cyprus, obtained near the city of Eretria, in Euboea.

**ERGASTULUM** was a private prison attached to most Roman farms, called *carcer rusticus* by Juvenal, where the slaves were made to work in chains. It appears to have been usually under ground, and, according to Columella, ought to be lighted by narrow windows, which should be too high from the ground to be touched by the hand. The slaves confined in an ergastulum were also employed to cultivate the fields in chains. Slaves who had displeased their masters were punished by imprisonment in the ergastulum; and in the same place all slaves who could not be depended upon, or whose trust their masters had cause to fear, were generally kept. A trusty slave had the care of the ergastulum, and was, therefore, called *ergastularius.*

According to Plutarch, these prisons arose in consequence of the conquest of Italy by the Romans, and the great number of barbarous slaves who were employed to cultivate the conquered land. The time of Hadrian and Antoninus, many enactments were made amended the condition of slaves; and, among other salutary measures, Hadrian abolish the ergastula, which must have been liable to great abuse in the hands of tyrannical masters.

ESSEDA.

ERECHTHODANUM.

ERCHTUS was a military engine, full of sharp spikes, which was placed by the gate of the camp to prevent the approach of the enemy.1

*ERINEUS (ξαφνής), the Wild Fig-tree, or Ficus Carica. (Vid. Ficus.)

*ERYNUS (ἔρυνος), according to Sprengel, the Campanula rapunculus, John in Bawhun, however, has quite undecided about it.2

*EPIOFORON ΔΕΝΑΓΩΝ, the Cotton-tree, or Gossypium arboreum. Virgil is supposed to allude to it in the following line: "Quid necnor Aethiopum, mollis canaeta lana."9

*ERO DIUS, the Heron. (Vid. Ardea.)

EROTIA or EROTIDIA (Ερωτία or Ερωτίδια) was the most solemn of all the festivals celebrated in the ancient Thespiae. The establishment of this festival was every fifth year, and in honour of Eros, the principal divinity of the Thespians. Respecting the particulars nothing is known, except that it was solemnized with contests in music and gymnastics.3

The worship of Eros seems to have been established at Thespiae from the earliest times; and the ancient symbolic representation of the god, a rude stone (ἔρυς λέες), continued for a long time to be looked upon with particular reverence even when sculpture had attained the highest degree of perfection among the Greeks.6

*ERUCA, I. a species of Palmer or Camker-worm, very injurious to trees, the leaves and blossoms of which it eats completely off. This scourge of vegetation is produced, according to Pliny; during a humid season, and one only moderately warm.10

*II. The herb Rocket, or Brassica Erucop, the same with the ερυκόων of the Greeks. The seed were used by the ancients as a condiment in food, and were employed in place of mustard in Iberia. They were also used as an aphrodisiac. Dioscorides5 and Pliny5 make mention of two kinds, the sativum and agrestes, the latter being the wild kind. Sibthorp found this plant at Athens, and also among the vineyards in the islands of the Archipelago— the Greek name ερυκόων comes from ερυκόω, "broth," indicating its being employed in seasoning broth, the Latin appellation is explained by Pliny, with reference to the pungent properties of Rocket, "quaed vellicando linguar um quasi erodicat."6

ERUSUM, the Tare, or Erum Ervilia, the same with the Greek ἔρυος. The ancient writers speak of two kinds; the sativum and eyeestre. Dioscorides8 subdivides the former into the red and the white, from the colour of the flowers. Aristotle, Columella,11 and Pliny12 make mention of it as used to fatten cattle. The modern Greeks still call it ἄροβολον, applying this name to both the cultivated and the wild kind.13

*ERYCINTUM (γραφεύω), the herb Eryngium, otherwise called Sea-holm or Sea-holly. "Eryngum," says Woodville, "is supposed to be the ἔρυγυος of Dioscorides."14 Sprengel, however, makes the ἔρυγυος of Theophrastus15 to be the Eryngium mari- timum, but Stockhouse prefers the Eryngium campestre. Sprengel, in his R. H. II., refers the ἔρυγυος of Dioscorides to the Eryngium planum, but in his chief work on Dioscorides he admits his uncertainty about the species.16

*ERYTHRODANUM (ἐρυθρόδανος). "It can admit of no doubt," observes Adams, "that the ἐρυθρόδανος of Dioscorides and Galen is the Rubia tectorum or dyer's Madder. Sprengel is disposed to quest whether the ἐρυθρόδανος of Theophrastus1 is the same, and hesitates whether to make it the Rubia lacidea, Galium cruciatum, Sm., or the Asperula odorata. Stockhouse, however, holds it also to be the Rubia tinctoria.17

*ERYTHROTEMUS (ἐρυθρότεμος), a bird mentioned in the lines of Aristophanes.1 It was most probably, according to Adams, either the Redshank (Scopola calidris) or the Bileneck (Rallus aquaticus).

*ERYTHRONIUM (ἐρυθρονίω), a plant, about which it is difficult to form any certain opinion. It is most probably, however, what is called Dogtooth, or Erythronium dens Canis.2

ERYTHERES (ἐρυτέρες), was the name given to the men of Erythrae, who, after they had followed their masters to the war, and who appear to have been beaten out of course of time, manumitted. The name is supposed by Maller to have been given to them in allusion to their duty of drawing (ἀρτος) the wounded from the ranks.3

*ESCHARIUS (ἐσχάραος), the name of a fish briefly noticed by Athenaeus, and called also κόρη. Rondelet supposes it a species or variety of Sole, namely, the Hippoglossus solea.

*ESPOTIDES (ἐσποτίδες) (Vid. Scopulinum.)

ESSEDARIIL (Vid. Esseda.)

ESSEDA or E'SSEDUM (from the Celtic Etn, a carriage)6, the name of a chariot used, especially in war, by the Britons, the Gauls, and Belges,6 and also by the Germans.10

According to the account given by Caesar,14 and agreeably to the remarks of Diodorus Siculus,15 the use of the chariot in the ancient Greek army was very similar to the practice of the Greeks in the heroic ages, as described by Homer, and in the article CURRUS, p. 322, 323. The principal difference seems to have been that the essedum was stronger and more ponderous than the δίφορος; that it was open before instead of behind; and that, in consequence of these circumstances and the width of the pole, the owner was able, whenever he pleased, to run along the pole (δε ὀπερ Βρατον ακττειδει)16, and even to raise himself upon the yoke, and then to retreat with the greatest speed into the body of the car, which he drove with extraordinary swiftness and skill. It appears, also, that these cars were purposely made as noisy as possible, probably by the clacking and clanging of the wheels (ἐπιπαθεν τατνεσον), and not as a signal for making off, but as a measure intended to disconcert the enemy.7

The formidable British warriors who drove these chariots, the "car-born" of Ossian, were called in Latin essedarii.9 There were about 4000 of them in the army of Cisbalianus.7 Having been captured, they were sometimes exhibited in the gladiatorial shows at Rome, and seem to have been great favourites with the people.15 They must have had the highest rank in the armies of their own country; and Tacitus8 observes that the driver of the car ranked above his fighting companion, which was the reverse of the Greek usage.

The essedum was adopted for purposes of convenience and luxury among the Romans.10 Cicero10 mentions the use of it on one occasion by the tribune of the people as a piece of extravagance; but in the time of Senecon it seems to have been much


more common; for he reckons the sound of the "essede transurrentes" among those noises which did not disturb the sleeper. As used by the Romans, the term was, however, derived from the Latin、“esse", that the cicium was drawn by one horse (see Woodcut, p. 257), the essedum always by a pair. The essedum must have been similar to the Covinus, except that the latter had a cover.

EULAI. (eulai), Worms. This term is used by the Greek writers on Natural History in much the same sense as our word worms, which is derived from the Latin term Vermes is applied by Cuvier and our late naturalists. "The names of worms, skoléi, eulai, lomei, in Greek, and Vermes in Latin, were employed by the ancients," observes Griffith, "to designate certain animals which to a certain degree they suited, with much more reference, however, to the same animal, although often in many respects of their composition. But, as we have just seen, the Greeks had three words for these beings, each of which had its peculiar signification. From what Aristotle tells us of his skoléi (a word, the root of which is undoubtedly skolios, 'tortuous'), it is evident that it applied to all the animals which exhibited the form of the common worm, or rather, perhaps, some species with this habit. It might be the nature of the change which they were subsequently to undergo. It would seem, however, that it was more especially applied to the first degree of development in insects, to the state in which they appear on issuing from the egg of the parent. Aristotle certainly extends its application beyond this state. Such, however, is not the case with Zelian. In two places of his work on the nature of animals, where this expression occurs, he evidently intends the lumbrici, or intestinal worms; in a third, it is probable that he alludes to the caterpillar of the cabbage-butterfly; and in a fourth, he thus designates, after Ctesias, some bastard bears of this nature. It is not very clear. Eulai likewise employs it to designate what, in all probability, was a larva, when he tells us that in India the peasants remove the land-tortoises from their shell with a mattock, in the same manner as they remove the worms from plants which are infested by them. Finally, the word lomei, which is frequently used in their provisions, to indicate certain species, and, among others, in his General Treatise on Diseases, was applied by him to those animals which are at present known under the denomination of intestinal worms, of which he was acquainted with but a small number of species. Aristotle has employed it in the same manner, as well as Zelian, evidently to connote certain species of worms, which were used to rid dogs of the worms to which they are subject. The Latin authors, and Pliny among the rest, appear to have restricted the word lumbricus to the intestinal worms, and to have rendered the three Greek denominations by a single one, that of Vermes, from which it has happened that the modern use of the word worms, which, as well as the French word vers, is evidently derived from the Latin. All the other animals, which they comprehended under the name of Exsanguea, meaning by that term that they had not red blood, were divided into the three classes of Insecta, Malusca, and Zoophyta. The term Vermes did not then possess that undue extension which it obtained among the naturalists of the last century, with whom it at last comprehended all animals with the exception of the Vertebrata, the Insecta, and the Malusca.

EUMOLPIDAI (Eumolpidai), the most distinguished and venerable among the priestly families in Attica. They were devoted to the service of Demeter at Athens and Eleusis, and were said to be the descendants of the Thracian bard Eumolpus, who, according to some legends, had introduced the Eleusinian mysteries. At the request of the high-priest of the Eleusinian goddess (ιεροφόρων ου ηγε
tyγωνος), who conducted the celebration of her mysteries and the initiation of the mystae, was always a member of the family of the Eumolpides, as this family was believed to have been the first hierophant. In his external appearance the hierophant was very extraordinary; a great part of his body was covered by his hair, a kind of diadem (στρώσιον), and a long purple robe. In his voice he seems always to have affected a solemn tone suited to the sacred character of his office, which he held for life, and which obliged him to remain unmarried. The hierophant was attended by four ἐκποδατοι, one of whom likewise belonged to the family of the Eumolpides. He was an indispensable assistant in the Eleusinian mysteries, and seems to have had any particular functions at the Eleusinia, though they undoubtedly took part in the great procession to Eleusis. The Eumolpides had on certain occasions to offer up prayers for the welfare of the state, and in case of neglect they might be taken to account and punished; for they were, like all other priests and magistrates, responsible for their conduct, and for the sacred treasures intrusted to their care. (Compare Ἐυθύνης.)

The Eumolpides had also judicial power in cases where religion was violated (πετρα ιταθειας). This power probably belonged to this family from the earliest times, and Solon as well as Pericles do not seem to have had a law of their own, but only the one general law, which was administered by the archon, king, or under his guidance, is uncertain. The law, according to which they pronounced their sentence, and of which they had the exclusive possession, was not written, but handed down by tradition; and the Eumolpides alone had the right of using the mystical phrase "black magic," called ἔγγυται. (Vid. Εὐχέται.) In cases for which the law had made no provisions, they acted according to their own discretion. Respecting the mode of proceeding in these religious courts, nothing is known. In some cases, when a person was convicted of gross violation of the public institutions of his country, the people, besides sending the offender into exile, added a clause in their verdict that a curse should be pronounced upon him by the Eumolpides. But the Eumolpides could pronounce such a curse only at the command of the people, and might afterward be compelled by the people to revoke it, and purify the person whom they had cursed by the rite of purification.

EUPTO' RION (ἐπτορίω), a plant, the same with the Agrimony, or Agrimonia Eupatorium. Another name is Liverwort, from its being used in complaints of the liver, and hence we find it called in Orbiusus ἱπταριοσ. The name of Eupatorium

1. (Epit., 57.)
was given it, according to some of the ancient writers, from that of Mithradates Eupator, who discovered the medicinal properties of this plant. 1 It was more probable, however, that it was so called from the city of Eupatoria, near the river Amisos, in Pontus, where it grew abundantly. Pliny says, that its seed, taken in wine, formed an excellent remedy for dysentery. The islanders of Zante call it φάσσαμος, and the Turks Çofiam ott. Sibthorp found it in the Peloponnesus, and also around Byzantium, and along the road between Smyrna and Ionia. 2

EUPATRIDÆ (Eúpatridás; descended from noble ancestors) is the name by which, in early times, the nobility of Attica was designated. Who the Eupatridæ originally were has been the subject of much dispute; but the opinion now almost universally adopted is, that they were the noble Ionie or Hellenio families who, at the time of the Ionian migration, settled in Attica, and there exercised the power and influence of an aristocracy of warriors and conquerors, possessing the best parts of the land, and commanding the services of a numerous class of dependants. 3 The chiefs who are mentioned as kings of the several Attic towns, before the organization of the country ascribed to Theseus, belonged to the highest or ruling class of the Eupatridæ. Their complete possession of the sovereign power for the whole country, it must have been chiefly those nobles of the highest rank that left their former residences and migrated to Athens, where, after Theseus had given up his royal prerogatives and divided them among the nobles, they occupied a station similar to that which they had previously held in their several districts of Attica. Others may have been from the not of the highest rank, or were less desirous to exercise any direct influence upon the government, remained in their former places of residence. 4

In the division of the inhabitants of Attica into three classes, which is ascribed to Theseus, the Eupatridæ were the first class, 5 and thus formed a compact order of nobles, united by their interests, rights, and privileges. The first, or, at least, the most ambitious among them, undoubtedly resided at Athens, where they enjoyed nearly the same privileges as they had before the union in the separate townships of Attica. They were in the exclusive possession of all the civil and religious offices in the state, ordered the affairs of religion, and interpreted the laws, human and divine, and valued the power and influence of their station and offices above all else, only distinguished from them by the duration of his office; 7 and the four kings of the phyle (φυλοβασιλέων) who were chosen from the Eupatridæ, were more his colleagues than his counsellors. 8

The kingly power was in a state of great weakness; and while the overbearing influence of the nobles, on the one hand, naturally tended gradually to abolish the helotage, and the last vestiges of tyrannical government in its stead, 6 it produced, on the other hand, effects which threatened its own existence, and at last led to the entire overthrow of the hereditary aristocracy as an order: for the commonalty, which had likewise gained in strength by the union of all the Attic townships, soon began to feel the oppression of the aristocracy, which in Attica required no fear of the ruling class in the same manner as the Eupatridæ at Athens. The legislation of Draco seems to have arisen out of the growing discontent of the commonalty with the oppressive rule of the nobles. 10

but his attempts to remedy the evil were more exalted in imagination than in fact; and, consequently, not having any real results. The disturbances which, some years after, arose from the attempt of Cylon, one of the Eupatridæ, who tried to overthrow the aristocratical government and establish himself as tyrant, at length led to the legislation of Solon, by which the political power and influence of the Eupatridæ as an order was broken, and property instead of birth was made the basis of rights. 19 Solon, like all ancient legislators, abstained from abolishing any of the religious institutions, those families of the Eupatridæ in which certain priestly offices and functions were hereditary, retained these distinctions down to a very late period of Grecian history. 20

EUPHORBIA (εὐφόρβια), a plant belonging to the genus Euphorbia, or Spurge. It grows wild in Africa, and is said to have been discovered by King Juba, 2 who gave it the name of Euphorbia in honour of his physician Euphorbus, brother to Antonius Musa, the medical attendant of Augustus. 4 This prince also wrote a treatise on the virtues of the plant, which was in existence in Pliny's day. 5 The Euphorbus was discovered by him near Mount Atlas. Its stem, according to Pliny, 6 was straight like a thyrus, and its leaves resembled the leaves of a wine-press. Its odour was so powerful, that they who collected the juice were compelled to stand at a distance. An incision was made into the stem by means of a pole tipped with iron, and the juice which exuded was caught in a goscinthus. This goscinthus became, by exposure to the air, a gum-ressum resembling frankincense. Pliny speaks of it as a remedy against the plague, and for seeping wounds. The name of the Euphorbus was also given to Euphorbus, 7 who is stated in the Edinburgh Dispensatory, remarks Adams, "that the Euphorbus is got from the species called Euphorbia antiquorum; but Sprengel prefers Euphorbia maritima." Sibthorp informs us that the Greek fishermen, at the present day, use the Euphorbus Choracias (called by them φάλακας) to pois the fish, but that, when caught by these means, they become putrid a short time after they are taken. 8

EUPH. (Vid. Amphitheatrum, p. 53.)
EUTHYDICIA (εὐθυδίκια). (Vide, p. 380.)
EUTHYNE (εὐθύνη). All public officers at Athens, especially generals, ambassadors, 9 the archons and their assessors, the dietetes, priests and priestesses, the archons, and the secretaries among the menials, the assessors, the magistrates, the notaries, the proclaves, the superintendents of state buildings, the tax-gatherers, and even the senate of the Five Hundred and the members of the Areopagus, were accountable for their conduct, and the manner in which they acquitted themselves of their official duties. The judges in the popular courts seem to have been the only authorities who were not responsible, 10 for they were themselves representatives of the people, and would, therefore, by the theory, have been responsible to themselves. This account, which officers had to give after the time of their office was over, 11 being καταβολή, and the officers subject to it, καταβολος. Every public officer had to render his account within thirty days after the expiration of his office; 11 and as long as this duty was not fulfilled, the whole property of the ex-officer was in bondage to the

EUTHYNE.

He was not allowed to travel, beyond the frontiers of Attica, to consecrate any part of his property as a donarium to the gods, to make his will, or to pass from one family into another by adoption; no public honours or rewards, and no new office could be given to him. If within the stated period an officer did not send in his account, an action called εὑρομενήν prosφοραν brought against him. At the time when an officer submitted to the εὐκτικόν, any citizen had the right to come forward and impeach him. Those who, after having refused to submit to the εὐκτικόν, also disobeyed the summons to defend themselves before a court of justice, thereby forfeited their rights as citizens.

It will appear from the list of officers subject to the euthyne, that it was not confined to those whose office was connected with the administration of the public money, or any part of it; but in many cases it was only an inquiry into the manner in which a person had behaved himself in the discharge of his official duties. In the former case the scrutiny was usually conducted by various means to check and control the proceedings of its officers; in the latter, the euthyne may in many instances have been no more than a personal attendance of the ex-officer before the representatives of the people, to see whether any charge was brought against him. When no accuser appeared, the ex-officer was usually dismissed (εὐκτικόν) against him. After an officer had gone through the euthyne, he became δικτυμον.

The officers before whom the accounts were given were in some places called εὐκτικόν or λογαρίται, in others εὐρυτατά or συνώροι. At Athens we meet with the first two of these names, and it is most common to mention them together; hence far their name is given, and is the Rhian Ratai, Schurtzianians state that λογαρίτας was the name of the same officers who were formerly called εὐκτικόν. But from the manner in which the Greek orators speak of them, it can scarcely be doubted that their functions were distinct. From the authorities referred to by Böckh, it seems, moreover, clear that the office of the λογαρίτας, though closely connected with that of the εὐκτικόν, was of greater extent than that of the latter, who appear rather to have been the assessors of the former than a totally distinct class of officers, as will be seen hereafter.

All accounts of these officers who had anything to do with the public money fell under the eye of the first ex-en to the λογαρίτας, who examined them; and if any difficulty or incorrectness was discovered, or if charges were brought against an ex-officer within the period of 30 days, the farther inquiry devolved upon the euthyne, before whom the officer was obliged to appear and plead his cause. If the εὐκτικόν found that the accounts were properly drawn up, the officer had only to be responsible as to the use of the public money, that he had accepted bribes, or that charges brought against him were well founded, they referred the case to a court of justice, for which the λογαρίτας appointed the judges by lot, and in this court their herald proclaimed the question to which the ex-officers sent their accounts to be examined by the λογαρίτας, and was called λογαρίτας.

It can scarcely be doubted that the εὐκτικόν took an active part in the trials of the λογαρίτας: whether they acted only as the assessors of the λογαρίτας, or whether they, as Pollux states, exacted the embezzled sums and fines instead of the praetores, is uncertain. The number of the εὐκτικόν, as well as that of the λογαρίτας, was ten, one of them being taken from every tribe. The λογαρίτας were appointed by the senate, and chosen by lot; whether the εὐκτικόν were likewise chosen by lot is uncertain, for Photius uses an expression derived from εὐκτικόν (lot), while Pollux states that the εὐκτικόν ημερομενοφαίναν, scil. τοις λογαρίτας, were like the assessors of the archons; the latter account, however, seems to us more probable. Every εὐκτικόν had two assessors (παράτηροι).

The first traces of this truly democratic institution are generally found in the establishment of the archonship (ἀρχη εὐκτικοῦ) instead of the kingly power, by the Attic nobles. It was from this state of dependence of the first magistrates upon the orators that the use of the euthyne seems to date. If, therefore, the regular euthyne arose. Similar institutions were established in several other republics of Greece.

EUTHYNOI (Εὐθυνοι). (Vid. Euthyne.)

EVICTIO. If the purchaser of a thing was by legal means deprived of it (excvto), the seller was bound to make good the loss (excvtoin prasturie). If the seller knew that he had no title, but he was not his own, this was a case of dolus, and he was bound, in case of eviction, to make good to the purchaser all loss and damage that he sustained. If there was no dolus on the part of the seller, he was simply bound to make good to the purchaser the value of the thing at the time of eviction. It was necessary for the purchaser to have acted in good faith, when an attempt was made to evict him; and it was his duty to give the seller notice of the adverse claim (litem denunciare), and to pray his aid in defence of the action. The stipulatio duplas was usual among the Romans; and, in such case, if the purcharer was evicted from the whole thing, he might, by virtue of his agreement, demand from the seller double its value.

EVCOTA/TI were soldiers in the Roman army who had served out their time and obtained their discharge (misisio), but had voluntarily enlisted again at the invitation of the consul or other commander. There appears always to have been a considerable number of these soldiers in every army of importance; and when the general was either near the end of his service, or the army was on the point of being disbanded, the number of veterans who joined his standard would of course be increased. The evocati were doubtless released, like the vexillarii, from the common military duties of fortifying the camp, making roads, &c., and held a higher rank in the army than the common legionary soldiers. They are sometimes called the equites Romani, and sometimes classed with the centurions. They appear to have been frequently promoted to the rank of centurions. Thus Pompey induced a great many of the veterans who had served under him in former years, to join his standard at the breaking out of the civil war, by the promise of rank, and the command of centuries (ordinarium). All the evocati could not, however, have held the rank of centurions, as we read of two
EXAIRESEOS DIKE.

EXEGETAI.

The name of Evocati was also given to a select body of young men of the equestrian order, who were apointed by Domitian to guard his bedchamber. This body is supposed by some writers to have existed under the succeeding emperors, and to have been the same as those called Evocati Adu-gusti.

EXAIRESEOS DIKH (ἐξαίρεσις δίκη), a suit of a public nature, which might be instituted against one who, assuming to act as the protector (ἀριστος) of an Athenian woman, married her to a foreigner in a foreign land. This was contrary to law, intermarriage with aliens being (as a general rule) prohibited. In the speech of Demosthenes against Timocrates, they are charged by having sold his mistress to Corecyren, on pretence of giving her in marriage.

EXAIRESAIOS DIKH (ἐξαίρεσις δίκη). This was an action brought to recover damages for the attempt to deprive the plaintiff of his slave; not where the defendant claimed a property in the slave, but where he asserted him to be a freeman. As the condition of slavery at Athens incapacitated a man to take any legal step in his own behalf, if a runaway slave wished to recover his rights as a free man, he could only do it by the assistance of one who was himself a freeman. He then put himself under the protection of such a person, who was said to ἐξαίρεσις των ὀδραμενίων αὐτῶν ἔλεγχων, in libertatem vindicaret. If the master sought to reclaim him, he proceeded to take manual possession, ἐστιν ἐκατον τῶν ἐλεφθερίων, a runaway slave might at any time be seized by his master, either in the open street or elsewhere, except in a sanctuary. If the friend or person who harboured the slave meant to contest the master's right, the proper course was to go with him before the magistrate, and give security for the value of the slave and costs, in case a court of law should decide against him. The magistrate who took cognizance of the cause was the archon, where a man claimed to be a citizen; the polemarch, where he claimed to be an alien freeman. It was the duty of the archon or polemarch to set the man at liberty pendente lite. In the suit that followed, the plaintiff had to prove his title to the ownership of the slave, and, if successful, obtained such compensation as the jury chose to award; this being a ἔργασις ἐπε γευ, and half of the costs of the suit had to be paid by the defendant. A verdict for the plaintiff drew with it, as a necessary consequence, the adjudication of the ownership, and he would be entitled to take possession of his slave immediately: if, however, the slave had escaped in the mean time, and evidence of such fact were produced, the jury would probably take that into consideration in estimating the damages.

If during the capture of the slave, he had used actual violence, he was subject to a ἔργασις βιαία. And if the so-called master had failed in the ἔργασις, the injured party might maintain an action against him for the attempted seizure.

In a speech of Isocrates, the defendant, a banker, from whom it is sought to recover a deposit, is charged with having asserted the freedom of his own slave, in order to prevent his being examined by torture respecting the sum of money deposited in his hands. This remark is remarkable on two accounts first (as Meier observes), because it seems to prove that one not the owner of the slave could bring the ἔργασις, if he had an interest in the matter; secondly, because it was optional with a man to give up his slave to the torture or not, the refusal being only matter of observation to the jury; and, therefore, it appears strange that any one should have recourse to a measure, the result of which (if successful) would be to deprive him of his property.

EXAUCTORATIO. (Vid. Missio.)

EXAGURAGA is the act of changing a sacred thing into a profane one, or, taking away from it the sacred character which it had received by inauguratio, consecratio, or dedication. That such an act was performed by the augurs, and never without consulting the pleasure of the gods by augury, is implied in the name itself. Temples, chapels, and other consecrated places, as well as priests, were considered as belonging to the gods. No consecrated place whatever could be employed for any profane purpose, or dedicated to any other divinity than that to which it originally belonged, without being previously exaugurated; and priests could not give up their sacred functions, or (in case they were obliged to live in celibacy) enter into any union, without first undergoing the process of exauguratio.

EXCEPTIO. (Vid. Acto, p. 16.)

EXCULTE. (Vid. Castra, p. 220.)

EXCUBIBUS RES, which properly means water, men or sentinels of any kind, was the name more particularly given to the soldiers of the cohort who guarded the palace of the Roman emperor. Their commanding officer was called praefectus castrorum. When the emperor went to an entertainment at the house of another person, the excubitori appear to have accompanied him, and to have kept guard as in his own palace.

EXEDRE. (Vid. Gymnasion, House.)

EXEGETAI (ἐξήγησαί, interpreters; on this and other meanings of the word, vid. Ruhnken, ad Timae. Glos. p. 109, dcr.) is the name of the Eumolpi, by which they were designated as the interpreters of the laws relating to religion and of the sacred rites. (Vid. Eumolpidae.) They were thus, at Athens, the only class of persons who in some measure resembled the Roman jurists; but the laws, of which the ἐξήγησαί were the interpreters, were not written, but handed down by tradition. Plutarch applies the term to the learned and priest of the Eumolpid family, properly speaking, it belonged only to certain members of the god, i. e., the Eumolpi. The Etymologicon Magn, in accordance with the etymological meaning of the word, states that it was applied to any interpreters of laws, whether sacred or profane; but we know that at Athens the name was principally applied to three members of the family of the Eumolpi, who were called ἐξήγησαί: 1. Hesiodus, 2. Philemaeus, 3. Ephesius. 11 (Leg. ii., 27—12.) (Compare Pollux, Onom., viii. 244 and 188.)

EXODA.

in the most remarkable towns and places of Greece, who showed to strangers the curiosities of a place, and explained to them its history and antiquities. 1

Respecting the κέγυρις of the laws of Lycurgus at Sparta, see Müller, Dör., i., 11, 2.

EXENGYSTHAI (ἐξεγυσθάι). (Vid. Enosv.)

EXE'RCITUS AD: this has been acted against the edict by the executor natis. By the term natis was understood any vessel, whether used for the navigation of rivers, lakes, or the sea. The executor natis is the person to whom all the ship's gains and earnings (obversiones et reeditus) belong, whether he is the owner, or has hired the ship from the owner for a time definite or indefinite. The executor natis was appointed as the manager for the management of the ship, and was appointed (proposito) by the executor. The executor was bound generally by the contracts of the magister, who was his agent, but with this limitation, that the contract of the magister must be with reference to furthering the object for which he was appointed as; for instance, if the magister purchased a cargo for the navigation of the ship, or entered into a contract or incurred expense for the ship's repairs, the executor was bound by such contract: the terms of the master's appointment (proposito) accordingly determined the rights of third parties against the executor. If the magister, being appointed to manage the ship, attempted to use it for a particular purpose, used it for a different purpose, his employer was not bound by the contract. If there were several magistri, with undivided powers, a contract with one of them was the same as a contract with all. If there were several executors, who appointed a magister either out of their own number or not, they were severally answerable for the contracts of the magister. The executor, therefore, might be his employer either against the executor or the magister, so long as the magister continued to be such.

A party might have an action ex delicto against an executor in respect of the act either of the magister or the sailors, but not on the contract of the sailors. If the magister substituted a person in his place, the party was forbidden to do so, the executor would still be bound by any proper contract of such person.

The term Nauta properly applies to all persons who are engaged in navigating a ship; but in the Pretor's Edict2 the term Nauta means Exercitor (qui manum exercet).

(Dig. 14. 3. 4; — Pockius, in Tit. Dig. et Cod. ad Rem Nauicam pertinentia Comment. —Abbott on Shipping, Index, Exercitor Nautis.)

EXE'RCITUS. (Vid. Army.)

EXETASTAI (ἐξετασάι) were commissioners sent out by the Athenian people to ascertain whether there were as many mercenaries as the generals reported. It appears they had no uncommon plan for the commanders, who received pay for troops, to report a greater number than they possessed, in order to receive the pay themselves; in which case they were said "to draw pay for empty places in the mercenary force" (μαθητορεύειν ἐν τοῖς κεναῖς κέρασις). The commissioners, however, who were sent to make inquiries into the matter, often allowed themselves to be bribed. 4

This name was also probably given to commissioners who were appointed to investigate other matters.

EXHERES. (Vid. Heres.)

EXHIBENDUM, ACTIO AD. This action was introduced mainly with respect to vindications, or actions about property. "Exhibere" is defined to be "facere in publico potestate, ut ei qui agents perundis sit orpa." This was a personal action, and he had the right of action who intended to bring an actio in rem. The actio ad exhibendum was against a person who was in possession of the thing in question, or had fraudulently parted with the possession of it; and the object was the production of the thing for the purpose of its being examined by the plaintiff. The thing, which was, of course, a movable thing, was to be produced at the place where it was at the commencement of the legal proceedings respecting it; but it was to be taken to the place where the action was tried at the cost and expense of the plaintiff.

The action was extended to other cases: for instance, a man claimed the privilege of taking his property off another person's land, that other person not being legally bound to restore the thing, though bound by this action to allow the owner to take it; and to some cases where a man had in his possession something in which his own and the plaintiff's property were united, as a jewel set in the same. In such cases, there might be an actio ad exhibendum for the purpose of separating the things.

If the thing was not produced when it ought to have been, the plaintiff might have damages for loss caused by such non-production. This would be to produce a slave in order that he might be put to the torture to discover his master's secret. 2

The object of the right to the production of a thing was either property in the thing or some interest; and it was the business of the judge to declare whether there was sufficient reason (jus et probabilis causa) for production. The word "interest" was obviously a word of doubtful import. Accordingly, it was a question if a man might bring this action to prevent his adversary from counting, though it was a general rule of law that all persons might have this action who had an interest in the thing to be produced (quorum intereat); but the opinion as given in the Digest is not favourable to the production on the mere ground of its being for the plaintiff's advantage. A man might have the right to prevent his adversary from counting, for instance, if he had a legacy given to him of such a slave as Titius might choose, he had a right to the production of the testator's slaves in order that Titius might make the choice; when the choice was made, then the plaintiff might claim the slave as his property, though he had no power to prevent the counting; or, in short, he might have wished to assert the freedom of a slave (in libertatem vindicare), he might have this action.

This action was, as it appears, generally in aid of another action, and for the purpose of obtaining evidence; in which respect it bears some resemblance to a Bill of Discovery in Equity.

(Müllnabr, Deocrina Pandectarum.—Dig. 10, tit. 4.)

EXIT'RIA (ἐξίτρησις) or EXEP'ODA (ἐπεξεδίκα) are the names of the sacrifices which were offered generally by the magistrates before they set out on their expeditions. 3

The principal object of these sacrifices always was to discover from the accompanying signs the favourable or unfavourable issue of the undertaking on which they were about to enter. According to Hesychius, ἐξίτρησις was also the name of the day on which the annual magistrates laid down their offices.

EXODA (Ἐξόδα, from ἐξ and ὄδος) were old-fashioned and laughable interludes in verses, inserted in other plays, but chiefly in the Attic. The name is derived from the characteristic of the character of the actors, but, from the words of Livy, we must infer

1 (Dig. 10, tit 4, s. 19)—2 (Xen. Anab., vi. 5, 7, 2.—Liv., vii. 2.)

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that, although distinct from the Attalans, they were closely connected with them, and never performed alone. Hence Juvenal calls them exomia Atlanea, and Suetonius exorita 1 Atletenium. They were, like the Attalians themselves, played by young and well-born Romans, and not by the histriones. Since the time of Joe. Scaliger and Casaubon, the exodia have almost generally been considered as short comedies or farces which were performed after the Attalians; and this opinion is founded upon the vague and incorrect statement of the scholiast on Juvenal. 2 But the words of Livy, exodia converta fabelis, seem rather to indicate interludes, which, however, must not be understood as if they had been played between the acts of the Attalians, which would suggest a false idea of the Attalians themselves. But as several Attalans were performed on the same day, it is probable that the exodia were played between them. This supposition is also supported by the etymology of the word itself, which signifies something ἵππον, extra viron, or something not belonging to the main subject, and thus is synonymous with ἀπεικόνισις. The play, as well as the name of exodium, seems to have been introduced among the Romans from Italian Greece; but after its introduction it appears to have become very popular among the Romans, and continued to be played down to a very late period. 4

EXOMIS (ἐξομίς) was a dress which had only a sleeve for the left arm, leaving the right, with the shoulder and a part of the breast, free, and was, for this reason, called exomia. It is also frequently called χιτόν ἐπιρρομάγαλος. 5 The exomia, however, was not only a chiton (τόνικα), but also an ἱματιον or περίλημα. (Vid. Pallium.) According to Hesychus 6 and Aelius Dionysius, 7 it served at the same time both purposes of a chiton and an himation; but Pollux 8 speaks of two different kinds of exomia, one of which was a περίλημα, and the other a χιτόν ἐπιρρομάγαλος. His account is confirmed by existing works of art. Thus we find in the Mon. Pio-Clement, 9 Hephæstos wearing an exomia, which is an himation thrown round the body in the way in which this garment was always worn, and which clothes the body like an exomia when it is girded round the waist. The following figure of Charon, on the contrary, taken from Stackelberg, Die Gräber der Hellenen, pl. 47, represents the prop χιτῶν ἐπιρρομαγαλοῦ.

The exomia was worn by slaves and working people, 10 whence we find Hephæstos, the working deity, frequently represented with this garment in works of art. 2 The chorus of old men in the Ly. sistrata of Aristophanes wear the exomia, which is in accordance with the statement of Pollux, 3 who says that it was the dress of old men in comic plays.

According to Aulus Gellius, 4 the exomia was the same as the common tunic without sleeves (ἐν ὁμορνίσματι); and that the statement is opposed to the accounts of all the Greek grammarians, and is, without doubt, erroneous. 5

EXOMOSIA (ἐξομοσία). Any Athenian citizen, when called upon to appear as a witness in a court of justice (ἵλατέντες οἱ ἐκλεγέντες), was obliged by law to obey the summons, unless he could establish by oath that he was unacquainted with the case in question. This oath was called ἐξομοσία, and the act of taking it was expressed by ἐξομοσιάζειν. 6 Those who refused to obey the summons without being able to take the ἐξομοσία, incurred a fine of one thousand drachmæ; and if a person, after promising to give his evidence, did, nevertheless, not appear when called upon, an action called λεγουργοῦν, or ἄπλος δίκαι, might be brought against him by the parties who thought themselves injured by his having withheld his evidence. 7

When the people, in their assembly, appointed a man to a magistracy or any other public office, he was at liberty, before the δοκυμασία took place, to decline the office, if he could take an oath that the state of his health or other circumstances rendered it impossible for him to fulfil the duties connected with it (ἐξομοσιάσα τὸν ἁγιυν, οὐ τὴν χειροτονια). 8 Those who were likewise called ἐξομοσία, or sometimes ἀπυμοσία. 9

EXOSTRA (ἐξώστρα, from ἐξωθήλος) was one of the many kinds of machines used in the theatres of the ancients. Cicero, 10 in speaking of a man who formerly concealed his vices, expresses this sentiment by post siparium heliacatur; and then stating that he now shamelessly indulged in his vicious practices in public ways, says in exostra heliacator. From an attentive consideration of this passage, it is evident that the exosta was a machine by means of which things which had been concealed behind the siparium were pushed or rolled forward from behind it, and thus became visible to the spectators. This machine was therefore very much like the ἐκκάλαμος, with this distinction, that the latter was moved on wheels, while the exosta was pushed forward by men. 11 But both seem to have been used for the same purpose, namely, to exhibit to the eyes of the spectators the results or consequences of such things—a. g., murder or suicide—as could not consistently take place in the proscenium, and were therefore described as having occurred behind the siparium or in the scene.

The name exosta was also applied to a peculiar kind of bridge, which was thrown from a tower of the besiegers upon the walls of the besieged town, and across which the assailants marched to attack those of the besieged who were stationed on the ramparts to defend the town. 12

EXOULES DIKE.

Hudwulcker seem obscure, but simply mean that if one person claimed a property as their own, and another as mortgagee, or as having a lien upon it, the dispute was settled by an έξώουσια δίκη. In such a case, it would, of course, be merely a civil action to which a right.

EXPLETUS is opposed to "implied," and signifies unencumbered with armour or with baggage (impedimenta). Hence the light-armoured soldiers in the Roman army (p. 104) were often called the Expedite; and the epithet was also applied to any portion of the army, when the necessity for haste, or the desire to conduct it with the greatest facility from place to place, made it desirable to leave behind every weight that could be spared.

EXPLORATORES. (VID. SPECCULATORES.)

EXSEQUE. (VID. FUNUS.)

EXÆTIUM. (VID. BANISHMENT, ROMAN.)

EXSUJ. (VID. BANISHMENT, ROMAN.)

EXTISPEX. (VID. HAOPEX.)

EXTRAORDINARII (interpreted by Polyhymnus and Suidas by the Greek word Ἐξελέκτος, selected) were the soldiers who were placed about the person of the consul in the Roman army. They consisted of about a third part of the cavalry and a fifth part of the infantry of the allies, and were chosen by the prefects. Hence, for a legion of 4200 foot and 300 horse, since the number of the infantry of the allies was equal to that of the Roman soldiers, and their cavalry twice as many, the number of extraordinarii would be 840 foot and 200 horse, forming two cohorts, which are mentioned by Livy; or, in an army of two legions, four cohorts.

From the extraordinarii a body of chosen men was taken to form a body-guard for the consul. These were called alae, and were united under their number is uncertain. Lipsius conjectures that they consisted of 40 out of the 200 cavalry, and 168 out of the 840 infantry of the extraordinarii, making the whole number of the ablest in a consular army 80 horse and 336 foot.

F.

*FABA (καυκός), the Bean. Dioscorides makes mention of two kinds, the Grecian and Egyptian (Ἐλληνικός καὶ Ἐλγύιτικος). The καυκός Ἐλληνικός is generally held to be the Vicia Faba, but there is considerable diversity, according to Adams, in determining the names by the type of the bean and the reference to the descriptions of the ancient beans. The most probable opinion appears to be that of Dickson, who thinks that the Faba minor of Miller, namely, the Horse-bean, answers best to the descriptions of Theophrastus. The καυκός Ἐλγύιτικος is the Nas lumbum espicium. Its edible root was termed κολοκυδία, and its fruit κιπλάρα. The ancients made a kind of bread out of beans, called δρόσος κυάμος, or πανίς εἰς fada. Galen remarks that beans were much used by gladiators for giving them flesh, but adds that it was not firm or compact. Dr. Cullen notices the nutritious qualities of these things, but omits to mention that the flesh which they form is deficient in firmness. Actuarius states that they are nutritious, but dissuades from using them freely, on account of their flatulence. According to Celsus, both beans and lentils are stronger food than pease. Seth agrees with Galen, that the flesh formed from them is fleshy and soft. Galen directs to fry beans, or boil them with wine, which will be tender and less flatulent. The bean is said to have come origi

1. (Harpoen, s. v — Pollux Onom., viii. 95, 96, 97.—Buttmann, Lex., 8, 9, 10.)

L. S. T. A. N. H. (ἔξωουσία δίκη). This process so called in Athenian law seems to have been originally used as a remedy against those who wrongfully "kept others out" (ἐκκελείων, ἐξελεγέων) of real property which belonged to them. The etymology of the word indicates this, and the speeches of Demosthenes against Oestrus furnish an example of it. (Vid. Embatia.)

The δική ἐξώουσία, however, does not generally appear in this simple shape, but rather as an "actio rei judicatae," or an action consequent upon the nonfulfilment of a judgment in a previous suit; the nature of which, of course, modified the subsequent proceedings. In order to consider, first, the circumstances in which the action had reference to real property. If a plaintiff was successful in an action of this sort, and the defendant did not give up possession by the time appointed, two processes seem to have been open to the former. Thus he might, if he chose, proceed at once to take possession (ἐξελεγέων), and if resisted, then bring his action for ejectment; or he might adopt a less summary process, which, so far as we can understand the grammarians, was as follows: If the property in question, and which the defendant refused, after judgment given, to surrender, was a house, the plaintiff brought an action for the rent (δική εκκελείων): if a landed estate (χωρᾶς), for the produce (δική καρπῶν). If the property thus determined was a δική ὀνόμασι, or an action for the proceeds of all his property by way of indemnification; and after that followed the δική ἐξώουσία. The statement we have given from Hudwulcker rests mainly on its inherent probability and the authority of Suidas. Some grammarians, however, do not represent the δική ἐξώουσία as an action consequent upon a previous action, but as the first steps taken before a δική ἐξώουσία was commenced. For a probable explanation of this, vid. Εναυσιαν Δίκαι. The question now arises, What was done if the defendant refused to give up possession, even after being cast in the δική ἐξώουσία? We are almost bound to suppose, though we have no express authority for it, that a plaintiff would, under such circumstances, receive aid from the public authorities to assist him in ejecting the defendant; but, independent of this, it appears from Andocides that a defendant incurred the penalty of ἁμαρτία if defeated in a δική ἐξώουσία.

We will now explain the proceedings when the defendant refused to surrender, and who he could compel to go to law. For, for example, the δική καρπῶν, which in Meidias allowed judgment to go by default (ἐγκατέληφε), and neglected or refused to pay the damages given against him, so as to become ὑπερήμορος. Demosthenes, the plaintiff in the case, says, that he might have seized upon Meidias's property by way of pledge, but that he did not so act, and was referring to bring a δική ἐξώουσία at once. It is, of course, implied in this statement, that if he had attempted to make a seizure, and been resisted, the same process would have been equally open to him. In fact, Ulpian informs us that a δική ἐξώουσία was the consequence of such a resistance being made. Moreover, in cases of this sort, it was peculiarly a penal action; for the defendant, if cast, was required to pay to the public treasury a fine of the same amount as the damages (ὁ καταθέν) due to the plaintiff. The penalty of ἁμαρτία also was inflicted till both the fine and damages were paid. Lastly, Pollux informs us, ὡς δὲ καὶ καταζητώμενος ἐμάζωσετε κτήματος, ὁ δὲ ημῶν ἐξώουσιαν ἔχων, ἤ δική ἔχων, δική, which which —
The Romans held it in high estimation, and Pliny assigns it the first rank among leguminous plants. Pythagoras, as is well known, prescribed beans, a prohibition which would seem to have been rather dietetic than physical or moral. The abstaining from beans was also enjoined on the Egyptians. Herodotus says that beans were never sown in any part of Egypt, and that, if some happened to grow there, the Egyptians would not eat them, either crude or dressed. As for the priests, ndo,—there was the very sight of that pulse, accounting it impure and abominable. The Pythagorean prohibition, therefore, would seem to have been of Egyptian origin.

FABRI are workmen who make anything out of hard materials, as fabri tignarii, carpenters, fabri ararii, smiths, &c. The different trades were divided by Numa into nine colleges, which correspond to our companies or guilds. In the constitution of Servius Tullius, the fabri tignarii (täkrovec) and the fabri ararii or ferrarii (salnotontoc) were formed into two centuries, which were called the centurie fabrum, and not fabrorum. They did not belong to any of the five classes into which Servius divided the people; but the fabri signus probably voted with the first class, and the fabri ar. with the second. They used name both the centuries together: the former says that they voted with the first class; the latter, that they voted with the second. Cicero names only one century of fabri, which he says voted with the first class; but as he adds the word tignarium, he must have recognised the existence of the second century, which we suppose to have voted with the second class.

The fabri in the army were under the command of an officer called praefectus fabrum. It has been supposed by some modern writers that there was a praefectus fabrum attached to each legion; and this may have been the case. No genuine inscriptions, however, contain the title of praefectus fabrum with the name of a legion added to it. There were also civil magistrates at Rome, and in the municipal towns, called praefecti fabrum; but we know nothing respecting them beyond their name. Thus we find in Gruter, Pref. Fab. Rom, F Praefectus Fabr. Carb. The subject of the praefecti fabrum is discussed with great accuracy in a letter of Hagenhochius, published by Orelli.

FALX. (Vid. Comed. p. 300.)

FABULA FALLACIA. (Vid. Comed. p. 300.)

FABULA PRAETEXTATA. (Vid. Comed. p. 300.)

FABULA TOGATA. (Vid. Comed. p. 300.)

FACTIONS AURIGA-RUM. (Vid. Circ. p. 256.)

FAGUS, the Beech-tree. The name is supposed to be derived from the Greek φαῦς, "to eat," as indicating that its fruit served for the nourishment of the early race of men. The fabrum of Pliny is the same with that of Virgil, both writers meaning the beech; but the φαῦς of Theophrastus is a species of oak. (Vid. Écclus.) La Cerda falls into the mistake of confounding the fagus and φαῦς.

FALA RICA. (Vid. Hasta.)

FALCIDALEX. (Vid. Legatum.)

FALX. The crime of falsum was the subject of a Judicium Publicum, and it was the object of a ex Cornelii (passed by Sulla), which Cicero also calls testamentaria and numeraria, with referer to the crimes which it was the object of the law to prevent. The provisions of this lex are stated by Paulus, who also entitles it lex Cornelia testamentaria, to apply to any person "qui testamentum quodque aliquum instrumentum falsum scelens dominando scripsisset, r e c l a v i s e t, subjiciens, suppresserit, amovere, resignaverit, eludaverit," &c. The punishment was death, or life imprisonment (at least when Paulus wrote) for the "honestiores," and the minor criminals for the "hi miliores." In place of deportatio, the law probably contained the punishment of the interdictio aequae et ignis. According to Paulus, the law applied to any instrument as well as to a will, and to the adulteration of gold and silver coin, or refusing to accept in payment genuine coin stamped with the head of the princes. But it appears from Ulpian (scriv. titulo de pana legibus, &c.) that there were these subsequent additions made to the lex Cornelii by various senatus consultata. By a senatus consultum, in the consulship of Statilius and Taurus, the penalties of the law were extended to the case of other than testamentary instruments. It is conjectured that, for the consulship of Statilius and Taurus, as it stands in the text of Ulpian, we should read Statilius and Taurus, and that the consulship of Statilius and Taurus and L. S. Libo (A.D. 160) meant. A subsequent senatus consultum, in the fourteenth year of Tiberius, extended the penalties of the law to those who for money undertook the defence of a (criminal) cause, or to procure testimony; and by a senatus consultum, passed between the dates of those just mentioned, conspiracies for the ruin of innocent persons were comprised within the provisions of the law. Another senatus consultum, passed A.D. 26, extended the law to those who received money for selling, or giving, or not giving testimony. There were probably other legislative provisions for the purpose of checking fraud. In the time of Nero, it was enacted against fraudulent persons (falsarii) that tabulae or written contracts should be pierced with holes, and a triple thread passed through the holes, in addition to the signature. In the time of Nero, it was also provided that the first two parts (cerus) of a will should have only the testator's signature, and the remaining one that of the witnesses: it was also provided that no man who wrote the will should give himself a legacy in it. The provisions as to adulterating money and refusing to take legal coin in payment were also probably extended to other cases of fraud, or inoperative, or invalid testamentaries. Allusion is made to the latter law by Ausonius. It appears, from numerous passages in the Roman writers, that the crime of falsum in all its forms was very common, and especially in the case of wills, against which legislative enactments are a feeble security.

FALX, FROM FALCULA (δοράς, ὁ ὀρέανων, ποτὶ ὀρέανων, dim. ὀρέανων), a sickle; a scythe; a pruning-knife or pruning-hook; a bill; a falchion; a halbert.

As CULVER denoted a knife with a straight edge, "falx" signified a similar instrument, the single edge of which was curved (ὑπὸ τὸν ὀρέαν ἐκμετάλλευσεν; γυμνὸς ὁ ὀρέανων; curvus falces; curvus falces alae or; invaria falces alae or; advena falces). By additional epithets, it is sometimes of the falx ferrea extus, and its corresponding varieties, the form and size. Thus the sickle, because it was used by reapers, was called falx messoria; the scythe, which was employed in mowing hay, was called falx fanaria;
The lower figure in the same woodcut is taken from the MSS. of Columbus, and illustrates his description of the various parts of the falx victoria. 6 (Vid. Culter.) The curvature in the forepart of the blade is expressed by Virgil in the phrase praecura falx. 6 In this form the bill must have been used by hunters to cut their way through thickets. After the removal of a branch by the pruning-hook, it was often smoothed, as in modern gardening, by the chisel. 7 The edge of the falx was often toothed or serrated (adove karaedovniva, denticulata). 8 The indispensable process of sharpening these instruments (adove karasomene, adove eikamai xeudhjas) 9 was effected by whetstones, which the Romans obtained from Crete and other distant places, with the addition of oil or water, which the mower (femas) carried in a horn upon his thigh. 10

Named as were the uses to which the falx was applied in agriculture and horticulture, its employment in battle was almost equally varied, though not so frequent. The Geleni were noted for its use. It was the weapon with which Jupiter wounded Typhon, 11 and that which was used by Perseus to slay the Lernae Hydra, 12 and with which Mercury cut off the head of Argus (falce atene, harpes Cylendidus). 13 Perseus, having received the same weapon from Mercury, or, according to other authorities, from Vulcan, used it to decapitate Medusa and to slay the sea-monster. 14 From the passages now referred to, we may conclude that the falchion was a weapon of the most remote antiquity; that it was little more than a dagger upon the waist; that it was held in the hand by a short hilt; and that, as it was, in fact, a dagger or sharpen-pointed blade, with a proper falx projecting from one side, it was thrust into the flesh up to this lateral curvature (carro tenus abditi lario). In the annexed woodcut, four examples are selected from works of ancient art to illustrate its form. One of the four cameos here copied represents Perseus with the falchion in his right hand, and the head of Medusa in his left. The two smaller figures are heads of Saturn, with the falx in its original form, and to the fourth belongs the same divinity at full length, was probably engraved in Italy at a later period than the others, but early enough to prove that the scythe was in use among the Romans, while it illustrates the adaptation of the appellation of Saturn (Xévos: se- nex falces) for the purpose of personifying Time (Xévos), who, in the language of an ancient epigram, 4 destroys all things (muV evravloV) with the same scythe. 5

If we imagine the weapon which has now been described to be attached to the end of a pole, it would assume the form and be applicable to all the purposes of the modern half-team. Such must have been the asseres falcati used by the Romans at the siege of Ambrasia. 6 (Vid. Afries, Antenna.) Sometimes the iron head was so large as to be fastened, instead of the ram's head, to a wooden beam, and worked by men under a testudo. 6

Lastly, the Assyrians, the Persians, the Medes, and the Syrians in Asia, 7 and the Gauls and Britons in Europe (vid. Conines), made themselves formidable on the field of battle by the use of chariots with scythes, fixed at right angles (elc pr;gyon) to the axle and turned downward, or inserted parallel to the axle into the felly of the wheel, so as to revolve, when the chariot was put in motion, with more than thrice the velocity of the chariot itself; and sometimes also projecting from the extremities of the axle.

FAMILIA. The word "familia" contains the same element as the word "famulus," a slave, and the verb "famulari." In its widest sense it signifies the totality of that which belongs to a Roman citizen who is sui juris, and therefore a paterfamilias. Thus, in the third kind of testamentary disposition mentioned by Gaius, 8 the word"familia" is sometimes the person who received the family from the testator (qui a testator familiam acceptabat manus) was called "familie emptor." In the same sense we find the expression " SUCCESSU DOMI familie." 9

But the word "familiaris" is sometimes limited to signify "persons," that is, all those who are in the


2. — Falx, i., 137.
FAMILIA.

power of a paterfamilias, such as his sons (filii-"fami-
lias), daughters, grandchildren, and slaves. When "fami-
lia" is used in this sense, it is opposed to in-
animate things; and this extras is to be the sense of the
word familia in the formula adopted by the "fa-
milis emptor" on the occasion of taking the testa-
tor's familia by a fictitious purchase: "Familium pe-
cumunque tuum," &c. In another sense "familia"
signifies all the free persons who are in the power of
a paterfamilias; and in a more extended sense of this
kind, all those who are agnati, that is, all
who are sprung from a common ancestor, and would
be in his power if he were living (vid. Coonan). With
this sense of familia is connected the status famili-
arii, by virtue of which a person belonged to a par-
ticular familia, and thereby had a capacity for certain
rights which only the members of the familia could
claim. A person who changed this status ceased
to belong to the familia, and sustained a capsus diminu-
tio minima. (Vid. Adopto, Captus.) Members of the
same family were "familiares," and hence familia-
riae came to signify an intimate friend. Slaves who
belonged to the same familia were called, with re-
spect to this relation, familiares. Generally, "fami-
liares" might signify anything relating to a familia.

Sometimes "familia" is used to signify the slaves
belonging to a person, or to a body of persons (so-
citias), in which sense they are sometimes opposed
in Cicero to brothers who have been delivered to
libertas. (Vid. Coonan.)

In the passage of the Twelve Tables, which de-
clares that in default of any heres suos, the property
of the intestate shall go to the next agnatus, the
word "familia" signifies the property only: "Ag-
natus proximus familia habet." In the same sec-
tion in which Uplian quotes this passage from the
Twelve Tables, he explains agnati to be "agnati
wider than heres per manum descendentes ejusdem fami-
lius," where the word "familia" comprehends only per-
sons.

The word familia is also applied (improperly)
to sects of philosophers, and to a body of gladiato-
s: in the latter sense with less impropriety.

A paterfamilias and a materfamilias were respect-
ively a Roman citizen who was sui juris, and his
lawful wife. A filiusfamilias and a filiafamilias were a
son and daughter in the power of a paterfamilias.
The familia of a paterfamilias, in its widest sense,
comprehended all his agnati; the extent of which
term, and its legal import, are explained under Coc-
nati. The relation of familia and gens is explain-
ed under Gener.

The five following personal relations are also com-
prehended in the notion of familia: 1. Manus, or
the strict marriage relation between husband and
wife; 2. Servitus, or the relation of master and
slave; 3. Patronatus, or the relation of former mas-
ter to former slave; 4. Mancipi causa, or that
intermediate state between servitus and libertas, which
characterized a child who was mancipated by his
father (vid. Emancipatio); 5. Tuela and Curatio,
the right which must be traced to the Patria
Potestas. These relations are treated under their ap-
propriate heads.

The doctrine of representation, as applied to
the acquisition of property, is connected with the
doc
tion of the relations of familia; but, being limited
with reference to potestas, manus, and municipium,
it is not coextensive nor identical with the relations
of family. Legal capacity is also connected with
the relations of familia, though not identical with,
but rather distinct from them. The notions of li-
heri and servi, sui juris and alieni, are comprised in
the above-mentioned relations of familia: The dis-
1. (Cic. ad Div. xiv. 4.—Ad Quint. ii., Epist. 5.)—2. (Cic.
Brut. 32.)—3. (Cic. ad Fam., ii., 3.)—4. (Frag. tit. 36, l.)—5.
(Dig. 50, tit. 16, 2; 190; tit. 2.)

FARTOR.

tinction of Gives, Latini, Peregrini, are entirely un-
connected with the relations of familia. Many of
the relations of familia have also no effect on legal
capacity, for instance, marriage as such. That fam-
ilia is, in the common law, the necessary element on legal ca-
pacity is the Patria Potestas, in connexion with
which the legal capacities and incapacities of filius
familias, filiifamilias, and a wife in manu, may be
most appropriately considered.

FAMILLE EMPTOR. (Vid. FAMILIA.)
FAMILLE ERCISCUNDE ACTIO. Every
heres, who had full power of disposition over his
property, was entitled to a division of the heredita-
tum, unless the testator had declared, or the co-heredes
had agreed, that it should remain in common for a
fixed time. The division could be made by agree-
ment among the co-heredes; but in case they could
not agree, the division was made by a judex. For
this purpose every heres had against each of his co-
heredes an actio familiae eriscundae, which, like the
actio communi dividendo, and finium regulam,
was of the class of Mixtae Actions, or, as they
were sometimes called, Duplicita Judicia, because,
as in the familiae eriscundae judicium, each heres
was both plaintiff and defendant (actor and rues);
though he who brought the actio and claimed a jo
dictum (ad judicium provocavit) was properly the ac-
tor. A heres, either ext testamento or ab intestato,
might bring this action. All the heredes were liable
to be divided, even to the heres of the collateral (vid.
Annexus Collator). That is, bound to allow, in taking the account of the
property, what they had received from the testator
in his lifetime, as part of their share of the hereditas,
at least so far as they had been enriched by such
donations.

This action was given by the Twelve Tables.
The word Familia here signifies the "property," as explained in the previous article, and is equivalent
to hereditas.

The meaning and origin of the verb et-iscere or
here-iscere, have been a subject of some dispute.
It is, however, certain that the word means "di-
vision." 1

PANUM. (Vid. TEMPLUM.)

FAR, Spelt, often put for corn generally. Ac-
cording to Martyn, it is a sort of corn very like
wheat; but the chaff adheres so strongly to the
grain that it requires a mill to separate them, like
barley. The far of the Romans was the same with
the δεμ or δεα of the Greeks: "The Ἃγαθος of The-
phratus, the δῆμος of Homer, as well as the far
and adorem of the Romans, were in all probability,"
says Adams, "merely varieties of Spelt." Far
was the corn of the ancient Britons (vid. Remes-
lius Martyn., and was frequently used in their sacrifices
and ceremonies, whereas it is no wonder that this
word was often used for corn in general." The
modern botanical name of Far is Triticum spelta.
Dioscorides mentions two kinds of Zera: one the
simple kind, μούκκωκκος, Triticum monoeoccus; the
other the double, διάκοκκος, Triticum spelta. Homer
names "θυγατρία" of Zera, as does also Theophratus;
the latter gives its epithet of robust or handy, which
is also applied to it by Virgil.

FARTOR (aertor Vic) was a slave who fattened
poultry. 2 Donatus says that the name was given
to a maker of sausages; but compare Becker,
Galeus, ii., p. 190.

The name of fartores or crommers was also given
to the nomenclators, who accompanied the candi-
date to the voting-stalls; a slave among whom gave
them the names of such persons as they might meet. 3

1. (S cavigny, System des heutigen Römis. Rechts, vol. ii, 1,
Berlin, 1840.)—2. (Dig. 10, tit. 2,—Cic. De Orat., l., 60.—Pre-
Cesina, c. 7.—Apul., Met., i., p. 210, Hip. 1..—3. (Column.
Comm., tit. 36, l.)—4. (Cic., De Orat., l., 50, ad Tert., Evan., ii., l., 95.—5. (Fustus, s. v. Fartor.)

430
FASCIAE.

The next two woodcuts, which are taken from the consular coins of C. Norbanus, contain, in addition to the fasces, the one a spica and caduceus, and the other a spica, caduceus, and prora.

The fasces appear to have been usually made of aaroch (betalda), but sometimes also of the twigs of the elm. They were used to bind the fasces on their shoulders; in the second, two fasces, and between them a s ella eurulis; in the third, two fasces crowned, with the consul standing between them; and in the fourth, the same, only with no crowns around the fasces.

ded for the day, and it was not till the second decemvirate, when they began to act in a tyrannical manner, that the fasces with the axe were carried before each of the ten. The fasces and secures were, however, carried before the dictator even in the city, and he was also preceded by 24 lictors, and the magister equitum by six.

The fasces were preceded to the city by two lictors with the fasces, but out of Rome and at the head of an army by six, with the fasces and secures, whence they are called by the Greek writers σφαίρας hρατελείκας. The proxconsuls also were allowed, in the time of Ulpius, six fasces. The tribunes of the plebs, the ediles, and questors, had no fasces, but in the consular fasces the questors were permitted to have the fasces.

The lictors carried the fasces on their shoulders, as is seen in the coin of Brutus given above; and when an inferior magistrate met one who was higher in rank, the lictors lowered their fasces to him. This was done by Valerius Publicola when he addressed the people, and hence came the expression surn, which to this day is used to denote that one's self inferior to another.

When a general had gained a victory, and had been saluted as Imperator by his soldiers, he usually crowned his fasces with laurel.

FASCIA, dim. FASCIO LA, a band or fillet of cloth, worn, 1. round the head as an ensign of royalty. 2. as a bandage for the head. 3. 2. By women over the breast. 4. (vid. Strophium): 3. round the legs and feet, especially by women. Cicero reproached Clodius for wearing fasciae upon his head. Afterward, when the toga had fallen into disuse, and the shorter pallium was worn, women wore it in the same, but the longer was exposed, fasces crurales became common even with the male sex. The Emperor Alexander Severus always used them, even although, when in town, he wore the toga. Quintilian, nevertheless, asserts that the adoption of them could only be excused on the plea of infirm health. White fasces, worn by men, were a sign of extraordinary refinement in dress: the mode of clearing them was by robbing them with a white tenacious earth, resembling our pipe-clay (fasces crettati). The finer fasciae, worn by ladies, were purple. The bandages wound about the legs, as shown in the illuminations of ancient MSS., prove that the Roman usage was generally adopted in Europe during the Middle Ages.

By means of the term 'fascia' was applied to architecture to a long, flat band of stone, marble, or wood. Thus the architrave of an Ionic or Corinthian entablature consists of three contiguous horizontal fasciae.

On the use of fasciae in the nursing of children, see Incusur.

FASCINUM (fexaxanf&), fascination, enchantment. The belief that some persons had the power of injuring others by their looks, was as prevalent among the Greeks and Romans as it is among the superstitious in modern times. The forvalambos βακανος, or evil eye, is frequently mentioned by ancient authors as a means of securing personal happiness and prosperity. Fasces were also used as a symbol of authority and power, particularly by the Roman Senate and the Roman Forum. They were carried by the consuls, praetors, and quaestors, and were used in the processions and festivals of the city. The fasces were made of wood, usually the larch, and were bound together with a leather cord. The axe was sometimes included in the fasces, and sometimes not. The fasces were an important symbol of Roman power and authority, and were used in various ceremonies and rituals. They were also used as a symbol of victory and success in ancient Rome. The fasces were an important symbol of Roman power and authority, and were used in various ceremonies and rituals. They were also used as a symbol of victory and success in ancient Rome.
FASTI.

writer. 1 Plutarch, in his Symposium, 2 has a separate chapter upon τοὺς κατακαίνεις λεγόμενον, καὶ βιάσανθον ἥκειν ὁδόλων. The eye evil was supposed to injure children particularly, but sometimes cattle also; whence Virgil 3 says,

"Nescio quis teneros oculars mihi fascinat agnos."

Various amulets were used to avert the influence of the evil eye. The most common of these appears to have been the phallus, called by the Romans fascinus, which was hung round the necks of children (turbicula rea). 4 Pliny, 5 also, says that Scyrurgia sigma, by which he means the phallus, were placed in gardens and on hearths as a protection against the fascinations of the evens; and we learn from Pollux 6 that stones were accredited to place the same figures before their forges for the same purpose. Sometimes other objects were employed for this purpose. Pisistratus is said to have hung the figure of a kind of grasshopper before the Acropolis as a preservative against fascination. 7

Another common mode of averting fascination was by spitting into the folds of one’s own dress. 8 According to Pliny, 9 Fascinus was the name of a god, who was worshipped among the Roman sacra by the vestal virgins, and was placed under the chariot of those who triumphed as a protection against fascination; by which he means, in all probability, that the phallus was placed under the chariot. 10

*FASELUIS, the Kidney Bean, Phascolus vulgaris, L., called by the Greeks φάσκολος. The kidney beans are said to have been very common among the Romans, and hence the epithet elis ap- plied to the fastulos by Virgil. 11 According to Pliny, 12 the Romans ate both seeds and shells, as we do now. Transferred before the altar, they were technically denominated fasti dies, i.e., lawful days. Varro and Festus derive fastius directly from fari, 13 while Ovid 14 may be quoted in support of either etymology.

The sacred books in which the fasti dies of the year were marked, were themselves denominated fasti; the term, however, was employed in an extended sense, as well as in a literal sense; and many mistakes have arisen among commentators from confounding fasti of different kinds. It will be useful, therefore, to consider separately the two great divisions, which have been distinguished as Fasti Sacri or Fasti Kalendares, and Fasti Annales or Fasti Historici.

For several centuries. For nearly four centuries and a half after the foundation of the city, a knowledge of the calendar was possessed exclusively by the priests. One of the pontifices regularly proclaimed the appearance of the new moon, which would intervene the announced period which would intervene between the Kalends and the Nones. On the Nones the country people assem- 1. (Alciph., Ep. 1, 15.—Heliod., Ethiopian, iii., 7.—Compare with Pip. Helv., ii., 3.—v. 1.—v. 8.—Bolck., iii. 105.—(Varro, De Ling. Lat. v. 1, p. 97, Müller.).—5. (H. N., xix. 10, 9 6. (v. 8.—(H.) 118.—(J. Hesych., s. v. Karvayas).—8. (Theor. vi., 299.—v. 7.—(Vulgaris., i., 295.—v. 7.—(Barth., Arch. Arch. 7. carpet.—9. (H. N., xviii. 7.—10. (Müller, Archexh., Art. Kunst, 430. 11. A.—H. Stögl., Klein. Schr., p. 111.—Becker, Chippin. 2, 191.—12. (St.-v. Gisors.—44.—(H. N., xviii. 7. 13.—12. (Frore de Virginig, p. 11.) 14.—(Varro, De Ling. Lat. v. 1.) 1.—19.—(Estin., s. v. Fasti.) 15.—(Fasti, i., 47.) bled for the purpose of learning from the rex sa- crorum the various festivals to be celebrated during the month, and the days on which they would fall. In the six days which were obliged to inquire of the privileged few on what day they might bring their suit, and received the reply as if from the lips of an astrologer. 2 The whole of this lore, so long a source of power and profit, and therefore jealously enveloped in mystery, was at length made public by a certain Cn. Flavius, scribe to Apicus Cænsus, who, having gained access to the pontifical books, copied out all the requisite information, and exhibited in the Forum for the use of the people at large. From this time forward such tables became common, and were known by the name of Fasti. They usually contained an enumeration of the months and days of the year; the Nones, Ide, Numine, Dies Fasti, Nefasti, Comitia, Atri, &c. (vid. Calendar), together with the different festivals, were marked in their proper places: astronomical observations on the rising and settings of the fixed stars, and the commencement of the seasons, were frequently inserted, and sometimes brief notices annexed regarding the introduction and significance of certain rites, the dedication of temples, glorious victories, and terrible disasters. In later times it became common to pay homage to the members of the imperial family by noting down their exploits and honours in the calendar, a species of flattery with which Antonius is charged by Cicero. 4 It will be seen from the above description that these fasti closely resembled a modern almanac (Pastorum libri appellantur tothis annius description); and the celebrated work of Ovid may be considered as a poetical Year-book or Compendium to the Alman- ac, having been composed to illustrate the Fast published by Julius Caesar, who remodelled the Roman year. All the more remarkable epochs are examined in succession, the origin of the different festivals explained, the various ceremonies described, the legends connected with the principal con- stellations narrated, and many curious discussions interwoven upon subjects likely to prove interesting to his countrymen; the whole being seasoned with frequent allusions to contemporary figures.

Several specimens of fasti, more or less perfect, on stone and marble, have been discovered at differ- ent times in different places, none of them, how- ever, older than the age of Augustus. The most remarkable, though one of the least entire, is that known as the Kalendarium Praetorium or Fasti Verriani. Suetonius, in his short treatise on distin- guished grammarians, tells us that a statue of Verrius Flaccus, preceptor to the grandsons of Augustus, stood in the lower part of the forum of his native town, Prænestes, opposite to the Hemicyclium, on which he had exhibited to public view the fasti arranged by himself, and engrafted on marble slabs. In the year 1770 the remains of a circular building were discovered in the immediate vicinity of the Prænestes, and among the objects which were there with the slabs of marble tablets, which were soon recognised as forming part of an ancient calendar; and, upon further examination, no doubt was entertained by the learned that these were the very fasti of Ver- rius described by Suetonius. An Italian antiquary, named Foggini, continued the excavations, collected and arranged the scattered morsels with great patience and skill; and in this manner the months of January, March, April, and December, to which a very small portion of February was afterward added.


(Festus).
FASTI.

Calendarium question and, Cal. 13S2, Cal. 6 ii., Cal. CoZ. few them they from months. March. ler, tion and make protection 1795 1779; Faslos 4. 6. E.squilinum, which called in the fullest god. The Greeks,' Dedicated to Jupiter, was usually ornamented by an eagle in relief, an instance of which is afforded by the coin represented in the following woodcut.

I. FASTI'GIUM.

LIVESTRANS.

SACRVM. MERVE.

ST. FLORE.

(Vid. the commentary of Morcelli in his Opera Eps graphica, vol. 1, 77.)

II. FASTI ANNALES OF HISTORIC. Chronicles such as the Annales Maximi (vid. ANNALES), contain the particular discovery, but also the complete fasti of the Roman year, so far as such a compilation can be extracted from the ancient calendars now extant. Of these he enumerates eleven, the names being derived either from the places where they were found, or from the family who possessed them when they first became known to the literary world.

1. Calendarium Magiicornum, which contains the twelve months complete.
2. Cal. Præmaximus, described above.
3. Cal. Capraniicornum, August and September complete.
4. Cal. Amiernicornum, fragments of the months from March to December.
5. Cal. Aniicornum, fragments of the last six months.
6. Cal. Esquillum, fragments of May and June.
7. Cal. Fornerisum, a few days of February and March.
10. Cal. Vaticinum, a few days of March and April.
11. Cal. Allisum, a few days of July and August.

Some of the above, with others of more recent date, are given in the Corpus Inscriptionum of Gruter, in the Historia Rom. Antiqu. of Gravius, and in other works of a similar description; but the fullest information upon all matters connected with the Fasti Sacri is imbibed in the work of Foggini, entitled Fastorum annis Romanis a Verro Placco ordinatorum reliquia, &c., Rome, 1779; and in Juc. Van Waassen Animadversiones ad Rom. Sacros fragmenta, Traj. ad Rhom., 1795 to which add Ideer's Handbuch der Mathematischen und Technischen Chronologie, Berlin, 1828.

Before quitting this part of our subject, we may make mention of a curious relic, the antiquity of which has been called in question without good cause, the Calendarium Rusticum Forseninum. The Rural Almanacs, called Fastorum anvs Romani a Verro Placco ordinatorum reliquia, &c., Rome, 1779; and in Juc. Van Waassen Animadversiones ad Rom. Sacros fragmenta, Traj. ad Rhom., 1795 to which add Ideer's Handbuch der Mathematischen und Technischen Chronologie, Berlin, 1828.

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FEL TERRÆ

The dwelling-houses of the Romans had no gallery-ends; consequently, when the word is applied to them,8 it is not in its strictly technical sense, but designates the roof simply, and is to be understood of one which rises to an apex as distinguished from a flat one. The fastigium, properly so called, was appropriated to the temples of the gods, from the original construction of which its form naturally sprang;4 and, when the Romans began to bestow divine honours upon Caesar, among other privileges which they decreed to him was the liberty of erecting a fastigium to his house,5 that is, a portico and pediment towards the street, like that of a temple. In like manner, the pent of a pavement, which slopes away on each side from its central line, so as to allow of the water draining off in hypostyle buildings, &c., is termed fastigium;6 and the piles of the bridge which Caesar threw across the Rhine are described as fastigii,7 converging like the two sides of a pediment.

FAX ( φανός), a Torch. The descriptions of poets and mythologists, and the works of ancient art, represent the torch as carried by Diana, Ceres, Bellona, Hymen (woodcut, p. 209), Phoebus, by females in Bacchanalian processions (p. 257), and, in an inverted position, by Sleep and Death. In the annexed woodcut, the female figure in the middle is copied from a fictile vase. The winged figure on the left of Αὐτέρως,4 or “Letheus Amor.” In ancient marbles, the torch is sometimes more ornamental than in the examples now produced; but it always appears to be formed of wooden staves or twigs, either bound by a rope drawn round them in a spiral form, as in the above middle figure, or surrounded by circular bands at equal distances, as in the two exterior figures, and in the woodcut p. 257. The inside of the torch may be supposed to have been filled with flax, tow, or other vegetable fibres, the whole being abundantly impregnated with pitch, resin, wax, oil, and other inflammable substances.

This inference from the representations of torches on ancient monuments of all kinds is confirmed by the testimony of Athenæus4 and Pliny,5 who mention that the branches of the oak, ilex, hazel, and hornbeam were chiefly used for making them by being cut into staves of the requisite forms. They were also made of the branches of the vine,5 which are exceedingly vascular, and certainly well adapted for imbuing and retaining fluids. A torch of vine was called λοφικός. Another admirable plant for making torches was the Spanish broom,6 the long twigs of which resemble rushes, and are full of pith.

As the principal use of torches was to give light to those who went abroad after sunset, they were apt to be extinguished and rendered useless by a shower of rain. Hence the expression, “This torch is full of water.”7 In allusion to the time when they were used, the portion of the Roman day immediately succeeding sunset was called fux or prima fux.8

Torchers, as now described, appear to have been more common among the Romans than the Greeks, who usually employed the more ancient and more simple torch (fux in Latinus), both because they were often occult ceremonial occasions, and because it was used to set fire to the pile. Hence the expression of Propertius,12 “Vivimus insignes inter utramque facem.”13 The torcher-bearer turned away his face from the pile in setting it on fire.14

FEBRUA'RIUS. (Vid. Calendar, Roman.)

FECIA'LES. (Vid. Pecia'ales.)

FELICES, the Cat. The αἰσθήμα of the Greeks is the Ψιλó Catus, L., or Wild Cat. Some apply the term κάτρυ to the Domestic Cat. “The common Cat,” observes Griffith, “is said to be originally from the forests of Europe. In the savage state it is of a brown-grey colour, with transverse deeper stripes; the tail has two or three dark bands, and the extremity is black. The genuine Wild Cat is to be found in the remote parts of Great Britain, and may be called, as Mr. Pennant remarks, the English Tiger. Its manners are similar to those of the Lyxus, living in woods, and preying during the night on every animal it can conquer.”


434
FERIAE.

on account of its bitterness, "propter amaritudinem
summae.

PENMINAIAE were worn in winter by Augustus
Cesar, who was very susceptible of cold. 1 Cas-
abon supposes them to have been bandages or fillets
(vid. Fecita) wound about the thighs; it seems
more probable that they were breeches resembling
ours, since garments for the thighs (perputiura) were
worn by the Roman horsemen; 2 and the column of
Trajan, the arch of Constantine, and other monu-
ments of the, show that numerous examples of both
horse and foot soldiers who wear breeches,
closely fitted to the body, and never reaching much
below the knees. (See woodcuts, p. 11, 78, 95.)

FENESTRA. (Vid. House.)

FENUS. (Vid. Interest of Money.)

FERIAE. (Vid. Fenus.)

FERIUM (from ferre) is applied to any kind
of tray or platform used for carrying anything.
Thus it is used to signify the tray or frame on which
several dishes were brought in at once at dinner; 3
and hence ferula came to mean the number of
courses at dinner, and even the dishes themselves. 4

The feruleum was also used for carrying the
images of the gods in the procession of the circus; 5
and often the victorious, or several other principal
personages, 6 and the spoils in a triumph; 7 in all
which cases it appears to have been carried on the
shoulders or in the hands of men. The most illustrious
captives were sometimes placed on a feruleum in a
triumph, in order that they might be better seen. 8

FERETRUM. (Vid. Fenus.)

FERIAE were days generally speaking, days or
seasons during which freeborn Romans suspend-
ed their political transactions and their lawsuits,
and during which slaves enjoyed a cessation from
labour. 9 All feriae were thus dies nefasti. The
feriae included all days consecrated to any deity;
consequently, all days on which public festivals
were held, and on which there were no feriae. But
some of them, such as the feriae vicennalia, and the
feriae sextiae, seem to have had no direct connexion
with the worship of the gods. The nudine, how-
ever, during the time of the kings and the early peri-
of the Republic, were feriae only for the popular,
and days of business for the plebeians, until, by the
laws of the ten tertiarii, they became fasti, or days of
business for both orders. 10

All feriae were divided into two classes, feriae pub-
icae and feriae privatae. The latter were only ob-
served by single families or individuals, in commem-
oration of some particular event which had been of
importance to them or their ancestors. As family
feriae, are mentioned the feria Claudia, Emilia, Ju-
ia, Cornelius, &c., and we must suppose that all the
great Roman families had their particular feriae, as
they had their private sacra. Among the family-holi-
days we may also mention the feriae demitaticae, i.
.e., the day on which a family, after having lost one
of its members by death, underwent a purification. 11

Individuals kept feriae on their birthdays, and other
occasions, and there was no doubt their use was
connected with the happiness of their lives. During
the time of the Empire, the birthday of an emperor sometimes assumed the char-
acter of a feria publica, and was celebrated by the
whole nation with games and sacrifices. Thus the
birthday of Augustus, called Augustalia, was cele-
bated with great splendour even in the time of

Dion Cassius. 1 The day on which Augustus had
returned from his wars was likewise for a long time
made a holiday of. 2 The same natural period of the
cities of Rome and Constantinople were at a still
later period likewise reckoned among the feriae. 3

All feriae publica, i.e., those which were ob-
served by the whole nation, were divided into feriae
stativa, feriae conceptiva, and feriae imperativa. Fe-
riae stativa or state were those which were held
regularly, and on certain days marked in the calen-
der of the year. 4 These have the name of festi-
vals, such as the Agonalia, Carmentalia, Imberi-
calia, &c. Feriae conceptiva or conceptives were held
every year, but not on certain or fixed days, the
time being every year appointed by the magistrates or
priests ('quotannis a magistratibus vel sacerdotibus
conspicuum'). Among these we may mention the
feriae Latinae, feriae Artemis, Pagana, and Com-
pitana. Feriae imperativa are those which were
held on certain emergencies at the command of the
consuls, pretors, or of a dictator. The books of
Livy record many feriae imperativa, which were
chiefly held in order to avert the dangers which
some extraordinary prodigy seemed to forebode, but
also after great victories. They frequently lasted
for several days, or several weeks, and so long as
the importance of the event which was the cause of
their celebration. But whenever a rain of stones
was believed to have happened, the anger of the
gods was appeased by a saecrum novemdiua, or feria
per novem dies. This number of days had been fixed
at the time when this prodigy had first been ob-
erved. The feriae conceptiva or conceptives were
those in the feriae conceptiva and imperativa were
announced and appointed, see Brisson, De Form., p.
107, &c.

The manner in which all public feriae were kept
bears great analogy to our Sunday. The people
generally visited the temples of the gods, and of-
ford up their prayers and the sacrifices, and the
ious and solemn times seem to have been the feriae
imperativa, but all the others were generally attended
by rejoicings and feasting. All kinds of business,
especially lawsuits, were suspended during the pub-
lic feriae, as they were considered to pollute the
sacred season: the rex sacrum and the flamines
were not even allowed to touch any thing, nor to
feriae; hence, when they went out, they were preceded by their heralds (pracicia,
practimantiores, or calatones), who enjoined the people
to abstain from working, that the sanctity of the
day might not be polluted by the priests seeing persons
at work. 5 Those who neglected this admonition
were not only liable to a fine, but, in case their diso-
bedience was intentional, their crime was considered
to be beyond the power of any atonement; where-
as those who had unconsciously continued their work
might atone for their transgression by offering a
pig. It seems that doubts as to what kinds of
work might be done at public feriae were not unfrre-
quent, and we possess some curius and interesting
glimpses of the legislation. One Usurbius declared it to be no violation of the fer-
iae if a person did such work as had reference to
the gods, or was connected with the offering of sac-
rifices; all work, he moreover declared, was allow-
ed which was necessary to support the urgent wants of human life. The pontif Scaevola,
when asked what kind of work might be done on a
feriatus, answered that any work might be done if

4, v.—Macrobi., 1, c—6.)—5. (Macrobi., 1, c.—Varro, De Ling. Lat.
[1]—6. (Pros. v.—P. &c.—P. v.)—6. (Liv. i., i., i., viii., 29; xxv:
40, xxxi.—2.—P. &c.—P., 1, l., 1.—7. (Liv. i., i., 3., 6.—P. &c.
[1], P.—Vorso, 5, 1.—Compare Serv. ad Virg., Geor., p.
288.—Plut., Num., c. 14.)
any sufferer or injury should be the result of neglect or delay, e.g., if an ox should fall in a pit, the owner might employ workmen to lift it out; or if a house threatened to fall down, the inhabitants might take such measures as would prevent its falling, without polluting the feria. 1 Respecting the various kinds of legal affairs which might be brought before the praetor on days of public feria, vid. Digest, 2, tit. 15, s. 2. It seems to have been owing to the immense increase of the Roman Republic, and of the accumulation of business arising therefore, of some of the feria, such as the Compitalla and Lupercalia, in the course of time ceased to be observed, until they were restored by Augustus, who revived many of the ancient religious rites and ceremonies. 2 Marcus Antonius again increased the number of days of business (dies fasti) to 230, and the remaining days were feriae. 3 After the introduction of Christianity in the Roman Empire, the old feriae were abolished, and the Sabbath, together with the Christian festivals, were substituted; but the manner in which they were kept was nearly the same as that in which the feriae had been observed. Lawsuits were accordingly illegal on Sundays and holydays, though a master might emancipate his slave if he liked. All work, and all political as well as juridical procedure, were likewise suspended; and people were allowed freely and unrestrainedly to apply themselves to their agricultural labours, which seem at all times to have been distinguished from, and thought superior to, all other kinds of work: for, as mentioned below, certain feriae were instituted merely for the purpose of enabling the country people to follow their rural occupations without being interrupted by lawsuits and other public transactions.

At this general view of the Roman feriae, we shall proceed to give a short account of those festivals and holydays which were designated by the name of feriae.

Feria Latina, or simply Latina (the original name was Latinae), had, according to the Roman legends, been instituted by the last Tarquin in commemoration of the alliance of the Romains and Latins. 4 But Niebuhr 5 has shown that the festival, which was originally a panegyric of the Latins, is of much higher antiquity; for we find it stated that the towns of the Friscans and Latins received their shares of the sacrifice on the Alban Mount—which was the place of its celebration—along with the Albanians, and the other cities of the Alban commonwealth. All that the last Tarquin did was to convert the original Latin festival into a Roman one, and to make it the means of hallowing and cementing the alliance between the two nations. Before the union, the chief magistrate of the Latins had presided at the festival; but Tarquin now assumed this distinction, which subsequently, after the destruction of Carthage, and the destruction of the commonwealth, remained with the chief magistrates of Rome. 6 This ceremonial panegyric on the Alban Mount was the worship of Jupiter Latialis, and, as at least as long as the Latin republic existed, to deliberate and decide on matters of the confederacy, and to settle any disputes which might have arisen among its members. As the feriae Latina belonged to the conceptius, the time of the panegyric was consequently very dependent on the state of affairs at Rome, as the consul had always power to take the field until they had held the Latinae. 7

This festival, was a great engine in the hands of the magistrates, who had to appoint the time of its celebration (consepsa editio, or indicere Latinae), and it might often suit their purpose either to hold the festival at a particular time or to delay it, in order to prevent or delay such public proceedings as seemed injurious and pernicious, and to promote others to which they were favourably disposed. This feature, however, the feriae Latinae had in common with all other feriae conceptives. Whenever all the public ceremonies customary at the Latinae had been neglected, the consuls might have the right to propose to the senate, or the college of pontiffs, that their celebration should be repeated (restaurari). 8 Respecting the duration of the feriae Latinae, the common opinion formerly was, that at first they only lasted for one day, to which subsequently a second, a third, and a fourth were added; 9 but it is clear that this supposition was founded on a confusion of the festival Latina with the Ludus Maximus, and that they lasted for six days, one for each decury of the Alban and Latin towns. 10 The festive season was attended by a sacred truce, and no battle was allowed to be given during those days. 11 In early times, during the alliance of the Romans and Latins, the chief magistrates of both nations met on the Alban Mount and conducted the solemn ceremony of the Latinae. Those times are said to have been prosperous and pacific. But afterward the Romans alone conducted the celebration, and offered the common sacrifice of an ox to Jupiter Latinus, in the name and on behalf of all who took part in it. The flesh of the victim was distributed among the several towns whose common sanctuary stood on the Alban Mount. Besides the common sacrifice of an ox, each of the several towns offered each separately lambs, cheeses, or a certain quantity of milk 12 or cakes. Multitudes flocked to the Alban Mount on the occasion, and the season was one of great rejoicings and feasting. Various kinds of games were not wanting, among which may be mentioned the acalato (swinging). 13 It was a symbolic game, and the legend respecting its origin shows that it was derived from the Latins. Pliny 14 mentions that during the Latin holydays a race of fourfooted objects (quadriga errant) took place in the Capitol, in which the victor received a drachm of abbathynum.

Although the Roman consuls were always present on the Alban Mount, and conducted the solemn sacrifice of an ox, yet we read that the superintendence of the Latinae, like that of other festivals, was given by turns to the curules, who, therefore, probably conducted the minor sacrifices, the less solemn games, and other solemnities. 15 While the consuls were engaged on the Alban Mount, their place at Rome was filled by the prefectus urbi. (Vid. Prefectus Urbis.)

The two days following the celebration of the Latin holydays were considered as dies religiosus, so that all contracts should be contracted. 16 From Dion Cassius we see that in this time of the year were still strictly observed by the Romans, whereas the Latin towns had, at the time of Cicero, almost entirely given up taking any part in them. The Romans seem to have continued to keep them down to the fourth century of our era. 17

Feria Sementesia, or Sementina dies, was kept seidtime for the purpose of praying for a good

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1. (Macrob., l. c., and fili. 3.—Virg., Georg., ii, 270, with the references in Cic., Cat., vii, 25, Ro Rest., 2—Columella, ii, 32.—Compare Mart., xii, 11.—Lucan, vii., 418.—Cato, in addition to Cic., Q. Frat., iii, 4.)— (Dionysius. Hal., v, p. 209, Syk., vi, 7.—Hist. of Rome, ii, p. 58, Sibyl., c, 17, 9.—Liv. xii, 63, id., xii., 1, id., xxv, 12.—Dion Cass. xiv, p. 256.)

crop; it lasted only for one day, which was fixed by the pontiffs. 

Feria thumbefales lasted from the 23rd of August 

to the 15th of October, and was instituted for the purpose of enabling the country people to get in the fruits of the field and to hold the vintage. 

Feria astrea were holydays during the hotes-

sell season of summer, when many of the wealthier Romans went into the country. They seem to have been the same as the messis fe-

ria, and lasted from the 24th of June till the 1st of August. 

Feria procidentes are said to have been prepara
tory days, or such as preceded the ordinary feriae; although they did not belong to the feriae, and often even were dies atri, they were on certain occasions inaugurated by the chief pontiff, and thus made feriae. 

FER'ULA, the feral or fennel-giant, Ferula 

communis, L. Martyn4 describes it as "a large plant, growing to the height of six or eight feet, with leaves cut into small segments, like those of fennel, but larger. The stalk is thick, and full of a pungent odor. The fescennina use it at weddings. The farenna was employed from the country, to satisfy the fenders, and to account for its light-

ness." The pith was used by the ancients as a kind of tinder, and is said to be still employed for that purpose in Sicily. According to the old classical legend, Prometheus, when he stole the fire from the skies, brought it to earth in the hollow of a feru-

la, or ferula, and the Greeks termed it, vapidia. The flowers of this plant are yellow, and grow in large um-

bels, like those of fennel. Fta5 thinks that the 

ferula of Virgil ought rather to be identified with the Ferula Orientalis of Tournefort, which that trav-

er met with very frequently in Greece. The people of Cyprus, at the present day, call the vapi-

dia, of which the Greeks had an old superstition, as very abundant in this island. The long form feru-

la is derived, according to etymologists, from ferire, "to strike," because scholars were anciently cor-

rected with the ferula by their teachers. From the lightness of the stalk, the infestation must have been more alarming than painful. The ferula of the modern preceptor resembles the classical ferula only in size, being capable of giving much greater pain. A willow-stick or branch would bear a much nearer resemblance to the ancient instrument of punishment. Martial6 alludes to the custom of employing the ferula for correction in the following lines: 

"Feralaque friates, sceptra pedagogorum . 

Cesset," and Juvenal7 also says, 

"Et nos ergo manum ferales subduximus." 

"FERULA/GO (vapidio), a smaller species of 

ferula." 

FESCENNINA, scil. carmina, one of the earliest 
kinds of Italian poetry, which consisted of rude and jocose songs, obscene and obscene verses, in which the merry country folks assailed and ridiculed one another. This amusemen 

t seems originally to have been peculiar to country 

people, but it was also introduced into the towns of Italy and at Rome, where we find it mentioned as one of those in which young people indulged at weddings. The fescennina were one of the popular 

amusments at various festivals, and on many

other occasions, but especially after the harvest 

was over. After their introduction into the towns, they seem to have lost much of their original rustic 

character, and to have been modified by the in-

fluence of Greek refinement; they remained, how-

ever, in so far the same, as they were at all times 

irregular, and mostly extemporaneous verses. The ferula did have no malicious character, and were not in 
tended to hurt or injure, may be inferred from the 
circumstances that one person often called upon an-
	her to answer and retort in a similar strain. The 
fescennina are generally believed to have been in 

roduced among the Romans from Etruria, and to 

have derived them from the Fescennia, a term of that 

kind. But, in the first place, the fescennia was not an Etruscan, but a Faliscan town; and, in the 

second, this kind of amusements has at all times 

been, and is still, so popular in Italy, that it can 

scarcely be considered as peculiar to any particular 

place. The derivation of a name of this kind from 

that of some particular place was formerly a fa-

cultative feature with the Romans. From the den-

ominations of the fescenni from Caece. Festus endeavours to solve the question by supposing fescennina to be derived from fasicum, either because they were thought to be a protection against sorcerers and witches, or because fasicum (phasis), the symbol of fertility, had in early times, or in rural districts, been con-

nected with the ceremonial giving of gifts. But, whatever may be thought of this etymology, it is 
of importance not to be misled by the common 

opinion that the fescennina were of Etruscan origin. 

FESTUCA. (Vid. SEERED.) 

FETIALES, a college of Roman priests, who 

acted as the guardians of the public faith. It 

was their duty to preserve the public order, and 

to punish the crimes of the citizens with a view to 

the maintenance of the public peace, and the 

eign state, to demand satisfaction, to determine the 
circumstances under which hostilities might be 

commenced, to perform the various religious rites 

attendant on the solemn declaration of war, and to 

preserve at the formal ratification of peace. 

These functions are briefly but comprehensively 

defined by Varro: "Fetiales . . . publicas inter 

populos praevent . nam per hos faciatur ut juxta eorum 

bellum et inde desertum, ut faderde fides popii constitu-

etur. Es iniitibantur, antequam concitetur, qui 

res repellentur, et per hos eitam veni fit fadus," in 

which we may add the old law quoted by Cicero, 

"FEDERUM, PACIS, BELLi, INDIURIAM GRATORES 

FETIALES . . . BELLQ DISCEPTANTQ. 

Dionysus4 and Livy3 dwelt at considerable length on the ceremonies observed by the Romans in the 

earlier ages, when they felt themselves aggrieved by a 

neighbouring people. It appears that, when an in-

jury had been sustained, four fetiales4 were deput

to seek redress, who again elected one of their num-

ber to act as their representative. This individual 

was called the praeposites or praeposites, and the 

filet of white wood was bound round his head, to-

gether with a wreath of sacred herbs gathered 

within the enclosure of the Capitoline Hill (vid. 

VERBENAE, SAGMINA), whence he was sometimes 

named Verbenarius. Thus equipped, he proceeded to the confines of the offending tribe, where he 

balked and addressed a prayer to Jupiter, calling the 

god to witness, that heavy imprecations upon him 

were well-founded and his demands rea-

sonable. He then crossed the border, and the same 

form was repeated in nearly the same words to the 

first native of the soil whom he might chance to 

1. (Vid. Virg., Georg., 1. 385, euc. - Carth., 1. 55. - Ca-


of Rome, p. 150.). - 6. (Vid. Leg., 1. 9, - (ii., 72.) 

- (9., 1, 22.) - (var. ap. Non. - (Puf. II. x., xii., 2., 

6.)}
FIBULA.

FIBULA (περισσ. περισσ., περισσíτις: σφραγ. καὶ πορικ. en, εἰπερ. 
περισσότερος: εὖνετο, a Brooch, consisting of a pin (σει) 
and of a curved portion furnished with a hook 
(κλείς). The curved portion was sometimes a 
circular ring or disc, the pin passing across the 
centre (woodcut, figs. 1, 2), and sometimes an arc, the 
pin being as the chord of the arc (fig. 3). The 
Forms of brooches, which were commonly of 
gold or bronze, and more rarely of silver, were, 
however, as various in ancient as in modern times; for 
the fibula served in dress, not merely as a fastening, 
but also as an ornament. 7

Women wore the fibula both with the Amictus 
and the indusius; men wore it with the amictus only. 
Its most frequent use was to pin together two parts 
of the robe (e.g. chlamys), shawl, or blanket, which 
could be so adapted as to form the shoulder 
right shoulder. 6 (Woodc., p. 11, 15, 79, 171, 227, 
235, 244, 291.) More rarely we see it over the 
breast. (Woodc., p. 47, 186, 235.) The epithet 
ετέρωποςτατασ was applied to a person wearing 
the fibula on one shoulder only; for women often 
weore it on both shoulders. (Woodc., p. 96, 218, 257.) 
In consequence of the habit of putting on the amictus 
with the aid of a fibula, it was called πορικ. or 
ιμπεργία, πόρπια, 8 or ἱμπεργία πορικής. The 
Splendid shawl of Ulysses, described in the 
Odyssey, 11 was provided with two small pipes for 
admitting the pin of the golden brooch; this 
contrivance would secure the cloth from being torn. 
The highest degree of ornament was bestowed upon 
brooches after the fall of the Western Empire. 
Justin II., and many of the emperors who preceded 
him, as we perceive from the portraits on their 
medals, wore upon their right shoulders fibulae, from 
which jewels, attached by three small chains, 
depended. 13

It has been already stated that women often wore 
the fibula on both shoulders. In addition to this, a 
lady sometimes displayed an elegant row of brooches 
in the same place, which are often termed the 
examples of which are seen in many ancient statues. 
It was also fashionable to wear them on the 
breast, 14 and another occasional distinction of female 
attire, in later times, was the use of the fibula 
in tucking up the tunic above the knee.

Not only might slight accidents to the person 
result from wearing brooches, but they were some-
what in danger of being dislodged by the least 
unintentional movement of the wearer. The motto 
scutum in situ. quantum aequae

BIBLIOGRAPHY.

1. 1. (ad Zén., i., 53 x., 14; xii., 206.—2. (Q. R. p. 127, ad 
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FICTILE.

vases used, especially by females, to inflict serious injuries. The pin of the fibula is the instrument which the Phrygian women employ to deprive Polyphemus of his sight, by piercing his pupils, and with which the Athenian women, having first blinded a man, then dispatch him. (Edipsus strikes the pupil of his own eyeball with a brooch, taken from the dress of Jocasta.) For the same reason, Eosipto meant to pierce as with a fibula (περιφυρέω, "pinned limb").

Very large brooches are sometimes discovered, evidently intended to hold up curtains or tapestry. (Vid. Tapes, Velum.)

Brooches were succeeded by buckles, especially among the Romans, who called them by the same name. The preceding woodcut shows on the right hand the forms of four bronze buckles from the collection in the British Museum. This article of dress was chiefly used to fasten the belt (vid. Balkes) and the girdle (vid. Zona). It appears to have been, in general, much more richly ornamented than the brooch; for, although Hadrian was simple and unmixed in his usual dress, there is no instance of his wearing a buckle. (Pliny observed, yet many of his successors were exceedingly prone to display buckles set with jewels (fibula gemmata).

The terms which have now been illustrated as applied to articles of dress, were also used to denote pins variously introduced in carpentry; e. g., the line of a vessel inserted through the sides of a boat, to which the sailors fasten their lines or ropes; the trenails which unite the posts and planks of a wooden bridge; and the pins fixed into the top of a wooden triangle, used as a mechanical engine.

The practice of inlaying singers, alluded to by Juvenal and Martial, is described in Rhodius (De deo) and Phileceus.

FICTILE (κεραμίς, κέραμον, δατρακόν, δοτράκι- wo), earthenware, a vessel or other article made of baked clay.

The instruments used in pottery (ars figurinae) were the following: 1. The wheel (τροχίς, aritha, rota, "rotula figurinae"), which is mentioned by Homer, and is among the most ancient of all human inventions. According to the representations of it on the walls of Egyptian tombs, it was a circular table, placed on a cylindrical pedestal, and turning freely on a point. The workman, having placed a lump of clay upon it, whirled it swiftly with his left hand, and employed his right in moulding the clay to the requisite shape. Hence a dish is called "the daughter of the wheel" (τροχίλατος κόψων). 2. Pieces of wood or bone, which the potter (κεραμεύς, figurinae) held in his right hand, and applied occasionally to the surface of the clay during its revolution. A pointed stick, touching the clay, would inscribe a circle upon it, and circles were in this manner disposed parallel to one another, and in any number, according to the fancy of the artist. By having the end of the stick curved or indented, and by turning it in different directions, he would impress many beautiful varieties of form and outline upon his vases. 3. Moulds (forma, τόνωσ). Used either to decorate with figures in relief (περιστυλέω) vessels which had been thrown on the wheel, or to produce foliage, animals, or any other appearances on Antefixa, or cornices, of terra-cotta, and imitate or ornamental pottery of all other kinds, in which the wheel was not adapted to give the first shape. The annexed woodcut shows three moulds, which were found near Rome by M. Seroux d'Agincourt. They are cut in stone. One of them was probably used for making antefixa, and the other two for making hearts and logs, designed to be suspended by persons "ex voto" in the temples and sanctuaries (Vid. Donaria.) Copies of the same subject, which might, in this manner, be multiplied to any extent, were called "estylpa." 4. Gravers or scalpels, used by skilful modellers in giving to figures of all kinds a more perfect finish and a higher relief than could be produced by the use of moulds. These instruments, exceedingly simple in themselves, and deriving their efficiency altogether from the ability and taste of the sculptor, would not only contribute to the more exquisite decoration of earthen vessels, but would be almost the only tools applicable for making "Dii fictiles," or gods of baked earth, and other entire figures. These were among the earliest efforts of the plastic art, and even in times of the greatest refinement and luxury they continued to be regarded with reverence.

Vessels of all kinds were very frequently furnished with at least one handle (ansa, oisín, &c.). The Amphora was called Dicta because it had two. The name of the potter was commonly stamped upon the handle, the rim, or some other part. Of this we have an example in the amphora, adapted for holding grain or fruits, oil or wine, which is here introduced from the work of Seroux d'Agincourt. The figure on the right hand shows the name in the genitive case, "Maturi," impressed on an oblong surface, which is seen on the handle of the amphora.

The earth used for making pottery (κεραμίκη) was commonly red, and often of so lively a colour as to resemble coral. Vanquelin found, by analysis, that a piece of Etruscan earthenware contained the following ingredients: silica, 63; alumina, 15; lime 8; oxide of iron, 24. To the great abundance

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of the last constituent the deep red colour is to be attributed. Other pottery is brown or cream-coloured, and sometimes white. The pipe-clay, which must have been used for white ware, is called "Etrusean creta." Some of the ancient earthenware is throughout its substance black, an effect produced by mixing the earth with comminuted asphaltum (gagates), or with some other bituminous or oleaginous substance. It appears, also, that asphaltum, with pitch and tar, both mineral and vegetable, was used to cover the surface like a varnish. In the fine kinds of earthenware this varnish served as a black paint, and to its application many of the most beautiful vases owe the decorations which are now so highly admired. But the coarser vessels, designed for common purposes, were also smeared with pitch, and had it burned into them, because by this kind of encaustic they became more impervious to moisture and less liable to decay. Hence a "cholium pictum facie," was used, as well as a glass jar, to hold pickles. Also the year of the vintage was inscribed by the use of pitch, either upon the amphoreums themselves, or upon the labels (pittacia, schedia) which were tied round their necks. Although oil or bituminous substances were most commonly employed in pottery, to produce, by the aid of fire (et di melanbates), the various shades and brown and grey, now being sent for the last time to the furnace (vide. Fornax), were sometimes immersed in that finely-prepared mud, now technically called "slip," by which the surface is both smoothed and glazed, and at the same time receives a fresh colour. Ruddle, red or ocherous (μέθρο, rubrīa), was primarily employed for this purpose. To produce a farther variety in the paintings upon vases, the artists employed a few brightly-coloured earths and metallic ores.

As we might expect concerning an art so indispensable as that of the potter, it was practised to a great extent in every ancient nation; even the most uncivilized not being strangers to it, and sometimes displaying a surprising degree of dexterity. The remains of an ancient pottery have been found in Britain, and some of the potters' names, preserved on their works, are probably British. We are told of a place called the Potters (Pigtolon) in Gaul. Numa instituted a corporation of potters at Rome. Mention has already been made of Egypt, and there are frequent allusions to the art in the ancient writings: and the productions of the potters of Tralles, Pergamus, Castiis, Chios, Sicym, Corinth, Cume, Adria, Modena, and Nola, from which the city the exports of earthenware were considerable, and where some of the most exquisite specimens are still discovered. But three places were distinguished above all others for the extent and excellence of their beautiful manufacture: 1. Samos, to which the Romans resorted for the articles of earthenware necessary at meals, and intended for use rather than display. 2. Athens, a considerable part of which was called Ceramicus, because it was inhabited by potters. In this quarter of the city were temples dedicated to Athena, as presiding over every kind of handicraft, and to the two fire-gods of the State and the household. The latter of whom was also the mythical inventor of that art of modelling. Various traditions respecting Corebus and others point to the early efforts of the Athenian potters; and it is a remarkable circumstance, that the enemies of free trade, and especially of Athenian influence at Aegina and Argos, imposed restrictions on the use of these productions. The Athenian ware was of the finest description: the master-pieces were publicly exhibited at the Panathenaïa, and were given, filled with oil, to the victors at the games; in consequence of which, we now read on some of them, in the British Museum and other collections, the inscription ΤΟΟ Aφθονια δέλων, or other equivalent expressions.

Many other specimens were presented given in relations and friends on particular occasions, and often distinguished by the epithets καλὸς καὶ καλύτερος added to their names. A circumstance which contributed to the success of the Athenians in this manufacture, was a mine of fine potters' clay in the Colian Promontory, near Phalerum. The articles made from it became so fashionable, that Plutarch, describing an art of extreme folly, compares it to that of the man who, having swallowed poison, refuses to take the antidote unless it be administered to him in a cup made of Colian clay. Some of the "Panathenaic" vases, as they were called, are two feet in height, which accords with what is said by ancient authors of their uncommon size. A diota was often stamped upon the coins of Athena, in almost every city of Attica, and the Promontory of Cola. 3. Etruria, especially the cities of Arethusa and Tarquinii. While the Athenian potters excelled all others in the manufacture of vessels, the Tuscan's, besides exercising this branch of industry to a great extent, though in a less tasteful and elaborate manner, were very remarkable for their skill in producing all kinds of statuary in baked clay. Even the most celebrated of the Roman temples were adorned, both within and without, by the aid of these productions. The most distinguished among them was an entire quadriga, made at Veii, which surmounted the pediment of the Temple of Jupiter Capitolins. The Etrurians also manifested their partiality to this branch of art by recurring to it for the purpose of interment; for while Pliny mentions that many persons preferred to be buried in earthen jars, and in other parts of Italy the bones of the dead have been found preserved in amphoræ, Etruria alone has afforded examples, some of them now deposited in the British Museum, of large sarcophagi made wholly of terra-cotta, and ornamented with figures in bas-relief and with recumbent statues of the deceased.
FIDICOMMISUM.

FICTIO. Fictions in Roman law are like fictions in English law, of which it has been said that they are "those things that have no real essence in their own nature, are unauthorized, and are not accepted in law for some especial purpose." The fictions of the Roman law apparently had their origin in the edictal power, and they were devised for the purpose of providing for cases where there was no legislative provision. A fiction supposed something to be which was not; but the thing supposed to be was such a thing as, being admitted to be a fact, gave to some person a right, or imposed on some person a duty. Various instances of fictions are mentioned by Gaius. One instance is that of a person who had obtained the bonorum possessio ex ficto. As he was not heres, he had no direct action; he could neither claim the property of the deceased by inheritance, nor the claim a debit due to the decedent as his (legal) debt. He therefore brought his suit (intendit) as heres (facto se herede), and the formula was accordingly adapted to the fiction. In the Publician Actio, the fiction was that the possessor had obtained usucaption the ownership of the thing of which he had lost the possession, and by the coemptio or by the coemption, being adrogated, ceased, according to the civil law, to be debtors, if they were debtors before; for by the coemption and adrogation they had sustained a capitis diminuto, and there could be no direct action against them. But as this capitis diminuto might be made available for fraudulent purposes, an act was passed to prevent that, and call upon work, entitled Systema des haest R. R., vol. ii.

FICUS, the Fig-tree ("avKJj"), and also its fruit ("av.

"The fruit of Theophrastus and Dioscorides is properly the Ficus Carica. The wild Fig tree is called "mykon" by Homer, and "Eustathius, in a commentary on that poet, describes pretty accurately the process of caprication. The "avKJj Avojy 3n, called also veporwpia, is the Ficus Religiosa, according to Stackhouse; Schneider, however, makes it the Ceratonia Siliqua, L., or Carob-tree. The "avKJj 'Alexandria is the Pyrus Melanthera according to Sprengel, but the Lamiera Pyrenacea according to Justinian, the Diospyros communis according to Banyan, or Banyan, according to Sprengel, and, as Stackhouse maintains, the Rhizophora Mangle, or Mangrove. The Banyan, or Indian Fig-tree, is noticed by Theophrastus, Pliny, Strabo, Solinus, Diodorus Siculus, Quintus Curtius, Arrian, and Athenaeus. This tree forms a conspicuous object in Hindu mythology, and is a symbol of some certain distance, drop and take root in the earth. These branches, in their turn, become trunks, and give out other branches, and thus a single tree forms a little forest." "The fig," says Adams, in his Commentary on Paul of Aegina, "was a great favourite with the ancients. Galen states that it is decidedly nutritious, but that the flesh formed from it is tough and coarse. It is esteemed by the Orientals for its agreeable perfume, and is used in the manufacture of bread, but soft and spongy, like that from beans. He says that figs increase the urinary and alvine discharges. Galen speaks doubtfully of dried figs." 

FIDEICOMMISUM. Fideicommissum may be defined to be a testamentary disposition, by which a person who gives a thing to another imposes on him the obligation of transferring it to a third person. The obligation was not created by words of legal binding force (civilia verba), but by words of request (praecipitavit), such as "fideicommittit," "peto," "volo dari," and the like: which were the operative words (verba utilia). If the object of the fideicommissum was the hereditas, the whole or a part, it was called fideicommissam hereditatis, or a universal fideicommissum; if it was a single thing or a sum of money, it was called fideicommissum singularis. The obligation to transfer the former could only be imposed on the heres; the obligation of transferring the latter might be imposed on a legatee.

By legislation of Justinian, a fideicommissum of the hereditas was a universal succession; but before his time the person entitled to it was sometimes "hereditis loco," and sometimes "legatarii loco." The heres still remained heres after he had parted with the hereditas. Though the fideicommissum resembled a vulgar substitution, it differed from it in this, that a vulgar substitute on the substituted person only became heres when the first person named heres failed to become such; in the case of the fideicommissum, the second heres had only a claim on the inheritance when the person named the heres had actually become such. There could be no fideicommissum unless there was a heres.

The person who created the fideicommissum must be a person who was capable of making a will; but he might create a fideicommissum without having made a will. The person who was to receive the benefit of the fideicommissum was the fideicommissarius; the person on whom the obligation was laid was the fideicommittor. The fideicommissarius himself might be bound to give the fideicommissum to a second fideicommissarius. Originally the fideicommissarius was considered as a pursuaher (emptorius locis); and when the heres transferred to him the hereditas, mutual covenants (cauciones) were entered into, by which the heres was

1 (Adams, Append., s. v. avKJj).
not to be a averable for anything which he had been bound to do as hers, nor for what he had given bona fide; and if an action was brought against him as hers, he was to be defended. On the other hand, the fideicommissarius (qui recipiat hereditatem) was to have whatever part of the hereditas might fall to the hers, and was to be allowed to prosecute all rights of action which the hers might have. But it was enacted by the senatus consultum Trebélianum, in the time of Nero, that when the hers had given up the property to the fideicommissarius, all right of action by or against the hers should be transferred to the fideicommissarius. The pretor accordingly gave utiles actiones to and against the hers, or of the fideicommissarius, which were promulgated by the edit. From this time the hers ceased to require from the fideicommissarius the covenants which he had formerly taken as his security against his general liabilities as hers. As fideicommissa were sometimes lost because the hers would not accept the inheritance, it was enacted by the senatus consultum Pegasianum, in the time of Claudius, that the hers might retain one fourth of the hereditas, and the same power of retainer was allowed him in the case of single things. In this case the hers was liable to all debts and charges (onera hereditaria); but the same agreement was made between him and the fideicommissarius which was made between the hers and the legatus partarius, that is, the profit or loss of the property passed to him as hers. The hers was entitled to a share of all the hereditas according to their shares (pro rata parte). Accordingly, if the hers was required to restore not more than three fourths of the hereditas, the senatus consultum Trebélianum took effect, and any loss was borne by him and the fideicommissarius in proportion to their shares. If the hers was required to restore more than three fourths or the whole, the senatus consultum Pegasianum applied. If the hers refused to take possession of (adire) the hereditas, the fideicommissarius could compel him, by application to the pretor, to take possession of it, and to restore it to him; but all the costs and charges accompanying the hereditas were borne by the fideicommissarius. Whether the hers was sole heir (ex ase), and required the provision of the whole or a part of the hereditas, or whether he was not sole heir (ex parte), and was required to restore the whole of such part, or of a part of such part, was immaterial: in all cases, the S. C. Pegasianum gave him a fourth.

By the legislation of Justinian, the senatus consultum Trebélianum and Pegasianum were consolidated, and the following rules were established: The hers who was charged with a universal fideicommissum always retained one fourth part of the hereditas, now called Quarta Trebélianum, and all claims on behalf of or against the hers were shared between the fideicommisarius and fideicommissarius, who was considered heredis loco. If the fideicommisarius suffered himself to be compelled to take the inheritance, he lost his Quarta, and any other advantage that he might have derived as hers. If the hers was in possession, the fideicommissarius had a personal action ex testamento against him for the hereditas. If not in possession, he must at least verbally assent to the claim of the fideicommissarius, who had then the hereditatis petitio fideicommissaria against any person who was in possession of the property.

The Quarta Trebélianum is, in fact, the Falcidia applied to the case of universal fideicommissa. Accordingly, the hers only was entitled to it, and not a fideicommissarius, who was himself charged with a fideicommissum. If there were several heredes charged with fideicommissa, each was entitled to a quarter of his portion of the hereditas. The hers was entitled to retain a fourth out of the hereditas, not including therein what he took as legate.

The fideicommisarius was bound to restore the hereditas, if at the time of the hers, or, if no time was named, immediately after taking possession of it. He was entitled to be indemnified for all proper costs and charges which he had sustained with respect to the hereditas; but he was answerable for any damage or loss which it had sustained through his culpa.

Res singulæ might also be the objects of a fide commissum, as a particular piece of land, a slave, a practice or a right, where the testator, or the party to whom the property was transferred, might require the duty of giving it to the fideicommissarius might be imposed either on the hers or on a legatee. In this way a slave also might receive his liberty, and the request to manumit might be addressed either to the hers or to the legataries. The slave, when manumitted, was the liberter of the person whom manumitted him. There were many differences between angles and hers in matters affecting the hers. A person about to die intestate might charge himself with a fideicommissum, whereas a legacy could only be given by a testament, or by a codicil which was confirmed by a proper declaration of the testator a will; but a fideicommissum could be given by a simple codicil not so confirmed. A hers instituted by a will might be requested by a codicil, not so confirmed as a will, to transfer the whole hereditas, if the hers were a third. The hers might be prevented by the provisions of the Vocationa lex from taking a certain hereditas, might take it as a fideicommissum. The Latini, also, who were prohibited by the lex Junia from taking hereditates and legacies by direct gift (direto jurè), could take by fideicommissum. It was not legal to name a person a hers, and also to name another who, after the death of the hers, should become hers; but it was lawful to request the hers, on his death, to transfer the whole or a part of the hereditas to another. In this way a testator indirectly exercised a testamentary power over the property for a longer period than the law allowed him to do directly. A man sued for a legacy per formam; but he sued for a fideicommissum before the consul or pretor for fideicommissarii, and, in the proceeding before the presiding praetor. A fideicommissum was valid if given in the Greek language, but a legacy was not until a later period. It appears that there were no legal means of enforcing the due discharge of the trust called fideicommissum till the time of Augustus, who gave the consular jurisdiction in fideicommissa. In the time of Claudius, praetores fideicommissarii were appointed to in the provinces, the praesides took cognizance of fideicommissa. The consular still had the jurisdiction, but only exercised it in important cases. The proceeding was always extra ordinem. Fideicommissa seem to have been introduced in order to evade the civil law, and to give the hereditas, or a legacy, to a person who was either incapacitated from taking directly, or who could not take as much as the donor wished to give. Gaius, when explaining what a person could take by fideicommissum, observes that "this" (the object of evading the law) "was probably the origin of fideicommissa," but by a senatus consultum made in the time of Hadrian, such fideicommissa were claimed by the fide-commissarius. They are supposed to be the commendations mortuorum mentioned by Cicero. We have an example in the case of Q. P. Rufus, who, being in Africa, was legally incapacitated from taking anything under the will of a Roman citizen, but could claim

1. (Quint. Inst. iii., 8.-.) (Gaius, ii 225.—Up. Frug. ii 22 c. 12.—De Fud. iii 20 c 4.—Val. Max. iv. 24 4.)
from his mother, who was the heres fiduciarius. They were also adopted in the case of gifts to women, in order to evade the lex Vaconia (vid. Vocaena Lex), and in the case of proscribed persons: 1 iner-
tae personas, Latini, peregrini, caelibus, orbi. 2 But the senatus consultum Pegasianum the capacity of
caelibus and orbi to take fideicommissa, and gavo them to those persons mentioned in the will for
who had children, and in default of such to the po-
nych. (Cic., Vid. Bona Cardeca.) Municipia could not take as
heredes (vid. Collegium); but by the senatus con-
sultum Aproianum, which was probably passed in
the time of Hadrian, they could take a fideicommis-
sa hereditas. 3 (Vid. Hereditas.) Fideicommissa
were ultimately assimilated to legacies. (Vid. La-
ges.)

FIDEJUSSIO. (Vid. Interessicio.)
FIDEPROMISSIO. (Vid. Interessicio.)
FIDES. (Vid. LVx.)

FIDICULAE is said to have been an instrument of
torture, consisting of a number of strings. Ac-
ccording to some modern writers, it was the same as
the queules, or, as all events formed part of it. (Vid. Equus.) The queules, or strings, appears to be
applied to any strings, whether forming part of the
queules or not, by which the limbs or extrem-
ties of individuals were tied tightly. 4

FIDUCIA. If a man transferred his property to
another on condition that it should be restored
to him, this contract was called fiduria, and the
person to whom the property was so transferred
was said fiduciam accipere. 5 A man might transfer
his property to another for the sake of greater security
in time of danger, or for other sufficient reason. 6
The contract of fiducia or pactum fiducia also ex-
cisted in the case of pignus, and in the case of man-
cipation. (Vid. Emancipatio.) The hereditas it-
self may also be considered as fiducia, or Fideicom-
missio. 7 The trustee was bound to discharge his
trust by restoring the thing: if he did not, he was
liable to an actio fiduciae or fiduciaria, which was
an actio boni fidei. 8 If the trustee was condemned
in the action, the consequence was infamia. Ci-
cero enumerates the judicium fidicium with that
in other actions, as "Fiduciam, et Fideicommissi-
nis et Kane capsita," 9 where he is evidently alluding
to the consequence of infamia. 10

When the object for which a thing was trans-
ferred to another was attained, a remanecipatio
of these things which required to be transferred by
mancipatio or in jure cessio was necessary; and
which was sometimes called "Fideicommis-
siota," was inserted in the formula of mancipatio. If
no remanecipatio took place, but only a simple restitutio,
usuacipio was necessary to restore the Quiritian
ownership, and this was called usuereceptio. The
contract of fiducia might be accompanied with a
condition, by virtue of which the fiducia might cease
in a given case, and thus the fiducia was connected
with the Commissior lex, as we see in Paulus 11
and in Cicero, "id fidicium commissa," which may be
explained by reference to Commimium. 12

FIDUCIARIA ACTIO. (Vid. Actio.)
FIGILINE. (Vid. Ficile.)

FILIX, Fern. The general resemblance which
several of the Ferns have to one another, has led
more than a fanciful writer to apprehend that the an-

ver, Synagoge, ed. Hebelholt.)

 clients did not distinguish very neatly between that.
The "Fide" of the Greeks, therefore, though Spre-
gen sets it down for the Aspidium Filix mas, was
probably not restricted to it. 11 The Filix of Virgil
appears to have been the Pteria Aquilina. . . Land
which abounds with fern is always very poor. 2 The
Latin name Filix was given to this plant in allusion
to the radical fibres, which resemble so many threads
(filos). The Greek name is derived from "fidos," "a
wing," because the leaves are unclean and expand-
ed like wings. The specific appellation given by
Linnaeus to the female Fern, namely, Aquilina, is
said to be derived from the following remarkable cir-
cumstance, that when the root of this plant is cut
transversely, it presents a very exact representation
of an eagle (aquilus) with two heads. Hence this
species of Fern is called in Germany the "I'empire.
" 12

FIMBRIAE (Fيمبريه, iomh.e, dihow. Greg. Co-
rinth.,) frutus; tassels; a fringe.

When the weaver had finished any garment on
the loom (vid. TLs), the thums, i. c., the extrem-
ties of the threads of the warp, hung in a row at
the bottom. In this state they were frequently left,
being considered ornamental. Often, also, to pre-
vent them from raveling, and to give a still more
artificial and ornamented appearance, they were
separated into bundles, each of which was twisted
(oMepQnrolroM s6aKov), and tied in one or more knots.
The thums were thus, by a very simple process,
transformed into a row of tassels. The linen shirts
found in Egyptian tombs sometimes show this or-

Among barbarous nations, the amictus was often
worn by men with a fringe, as is seen very con-
spicuously in the group of Sarmatians at p. 171.
By crossing the bundles of thums, and tying them
at the points of intersection, a kind of network was
produced, and we are informed of a fringe of this
description, which was, moreover, hung with bells. 7

1. (Adams, Append., s. — ) — 2. (Martyn ad Vitae, Georg., ii, 159, 9. (Fée, Flore de Virgile, p. vi., 4.) (Bruneck, Antit, t. 416.) — 5. (ti, 81.) — 6. (Bruneck, ii, 525, 1, 5.) (Jacobi, ad de, or he
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With the progress of luxury it appears that the ancient manufactured fringes separately, and sewed them to the borders of their garments. They were also made of gold thread and other costly materials. Of this kind was the ornament, consisting of a hundred golden tassels, which surrounded the mythical shield of Jupiter, the aegis {σαπήνωσα}, and which depended from the girdle of Juno.  

In consequence of the tendency of wool to form itself into separate bundles like tassels (σαπήνωσα), the poets speak of the golden fleece as consisting of them; and Cicero, declaring against the effeminacy of Gabinius, applies the same expression to his curling locks of hair.  

RENNETUM ACTIO  If the boundaries of contiguous estates were accidentally confused, each of the parties interested in the re-establishment of the boundaries might have an action against the other for that purpose. This action belonged to the class of duplicia judicia. (Vid. FAMILIE ERISSUNDUM ACTIO.) In this action each party was bound to account for the fruits and profits which he had received from any part of the land which did not belong to him, and to make good for any injury which it had sustained through his culpa. Each party was also entitled to compensation for improvements made in the portion of land which did not belong to him.  

FISCUS. The following is Savigny's account of the origin and meaning of this term: The word Fiscus signifies wickerbasket or panier, in which the Romans used to carry and carry about large sums of money, and hence Fiscus came to signify any person's treasure or money chest. The importance of the imperial Fiscus soon led to the practice of appropriating the name to that property which the Caesar claimed as Caesar, and the word Fiscus, without any adjunct, was used in this sense. (res fisc. e.)  

Fiscus, Fiscus, Fiscalis (Fiscus privatus, ratio Caesaris) was quite distinct from that of the Fiscus. The word Fiscus signifies a wickerbasket or panier, in which the Romans used to carry and carry about large sums of money, and hence Fiscus came to signify any person's treasure or money chest. The importance of the imperial Fiscus soon led to the practice of appropriating the name to that property which the Caesar claimed as Caesar, and the word Fiscus, without any adjunct, was used in this sense. (res fisc. e.)  

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When intended for a fly-flapper, it was less stiff, and was called *macrarium* and *mucoidea.* In short, the manner of using fans was precisely that which is still practised in China, India, and other parts of the East; and Euripides and the ancient scholiasts upon it, compared with representations of the flabellum in ancient paintings, it also appears to have been made by placing the two wings of a bird back to back, fastening them together in this position, and attaching a handle at the base.

A very homey application of the fan was its use in cookery (vid. *Focula*). In a painting which represents a sacrifice to Isis, a priest is seen fanning the fire upon the altar with a triangular flabellum, such as is still used in Italy. This practice gave origin among classical writers to expressions corresponding to ours, meaning to fan the flame of hope, etc. (flabellare, etc.).

**FLAGRUM.**

**FLAGELLUM** (*flagellus*), a Whip, a Scourge, to the handle of which was fixed a lash made of cords (*flagellum*) or thongs (*loris*; *exvixiae*), especially thongs made from the ox's hide (*bubuiue exvixiae*). The lash was often twisted. A whip with a single lash was called *scutica;* but it often had two lashes (*Seceps scuticae*), and is so represented on various ancient monuments. (Vid. woodcut, p. 65.)

The whip was used in a great variety of ways: 1. by boys in whipping the top (vid. *Buxum*); 2. in threshing corn, when it was formed as a flail (*pericis flacciatae*); 3. in driving a chariot, or riding on horseback. For this purpose the whip was sometimes splendidly ornamented (*gaspod*). As a check to the cruel treatment of animals, Constantine enacted a law forbidding any one in riding and driving to use a severer instrument than a switch or whip with a short point or spur at the end. 4. In Spartan and Roman education. The weapon of the Roman pedagogue was an ox's skin, and was whined on the necks of his pupils. 5. A Roman punishment for fighting among Asiatic monarchs. 6. In granting private resentment. 7. In punishing criminals, especially before crucifixion. (Vid. *Crux.*) 8. In punishing slaves for running away or deserting to the enemy, or merely to gratify the caprice and cruelty of their owners. Thus females were punished by their mistresses. The whip used to punish slaves was a dreadful instrument (*horrible flagellum*), knotted with bones, or heavy, indented circles of bronze (*doppayalos*), or terminated by hooks, in which case it was aptly denominated a *scorpion.* The infliction of punishment with it upon the naked back of the sufferer was sometimes fatal, and was carried into execution by a class of persons, themselves slaves, who were called *larii.* It appears that there was another class, who submitted to be thus whipped for hire. A slave who had been flogged was called *flagro* (*pastra*), which, of course, became a term of mockery and contempt. During the Saturnalia the scourge was deposited under the seal of the master. In the contests of gladiators, two of whom seem to be represented on the coin here introduced. (Vid. woodcut.) 10. In the worship of Cybele, whose priests pretended to propitiate her, and excited the compassion and reverence of the multitude by flogging themselves with scourges such as that here represented, from a bas-relief of this goddess in the museum of the Capitol at Rome. They were strung with tali (*doppayalos*) from the feet of sheep, and resembled the scourges employed to punish slaves.

In the hands of Bellona and the Furies.

**FLAMEN,** the name for any Roman priest who was devoted to the service of one particular god (Divus Alis Ales Sacerdotis, Omnibus Pontificibus, Singulis Flaminibus Sunt), and who received a distinguishing epiphlet from the deity to whom he ministered. (Horom, sc. Fiaminum, singuli cognomina habebat ab eo quo sacra faciant.) The most dignified were those attached to Divus Mars, and Quirinus, the Flamen Diaul, Flamen Martialis, and Flamen Quirinalis. The first two are said by Plutarch to have been established by Romulus; but the greater number of authorities agree in referring the institution of the whole three, in common with all other matters connected with state religion, to Numa. The name was annually increased to fifteen. The three original flamen were always chosen from among the patricians, and styled *Maiores;* the rest from the plebeians, with the epithet *Minores.* Two rude lines of Ennius preserve the names of six of these, appointed, says the poet, by Numa.

"Vulturinem, Palatulcem, Furinalem, Fliorelumque, Poniem et Poniem facit
Hic idem: . . . ."

... to which we may add the Flamen Volcanalis and the Flamen Carmentalis. We find in books of antiquities mention made of the *Virbanalis, Laurentiianus, Lucullianus,* and Lucullarius, which would complete the list; but there is nothing to prove that these four were Roman, and not merely provincial priests. It is generally stated, upon the authority of Aulus Gellius, that the flamen were elected at the Com-
FLAMEN.

Flamen.

The office was understood to last for life; but a flamen might be compelled to resign (flamino abire) for a breach of duty, or even on account of the occurrence of an illomened accident while discharging his functions.

Their characteristic dress was the apex (vid. Augustus) by the Pontifex Maximus. The name, according to Varro and Festus, was derived from the band of white wool (flamum, flamen, flamen) which was wrapped round the apex, and which they wore, without the apex, when the heat was oppressive.

This etymology is more reasonable than the transformation of pilacines (from pilae) into flamineae. The most distinguished of all the flamines was the Flamen; the lowest in rank the Pontifex.

The former enjoyed many peculiar honours. When a vacancy occurred, three persons of patrician descent, whose parents had been married according to the ceremonies of confarreatio (vid. Marriage) were nominated by the Comitia, one of whom was selected (aptus), and consecrated (inauguravit) by the Pontifex Maximus.

From that time forward he was emancipated from the control of his father, and became sui ius. He alone, of all priests, wore the albo galerus (vid. Albus Galerus); he had a right to a lictor, to the toga praetexta, the sella curule, and to a seat in the senate in virtue of his office. This last privilege; after having been suffered to fall into disuse for a long period, was restored to C. Valerius Flaccus (B.C. 209), and the claim allowed, more, however, says Livy, in deference to his high personal character than from a conviction of the justice of the demand.

The Rex Sacrificial alone was entitled to recline above him at a banquet: if one in bonds took refuge in his house, the chains were immediately struck off, and conveyed through the impluvium to the forum, where they were cast down into the street. If a criminal on his way to punishment threw himself at his feet, and fell suppliant at his feet, he was respited for that day; insages which remind us of the right of sanctuary attached to the persons and dwellings of the papal cardinals.

To counterbalance these high honours, the Flamen was subjected to a multitude of restrictions and privations, a long catalogue of which has been compiled by Aulus Gellius from the works of Fabius Pictor and Masurius Sabinius, while Plutarch, in his Roman Questions, endeavours to explain their import. Among these were the following:

It was unlawful for him to be out of the city for a single night; a regulation which seems to have been modified by Augustus, in so far that an absence of ten days was permitted, and he was forbidden to sleep out of his own bed for three nights consecutively. Thus it was impossible for him to undertake the government of a province. He might not mount upon horseback, nor even touch a horse, nor look upon an army marshalled without the præmierum, and hence was seldom elected to the consulship. Indeed, it would seem that originally he was altogether precluded from seeking or accepting any civil magistracy; but this last prohibition was certainly not enforced in later times. The object of the above rules was manifestly to make it less easy for the Flamen to enter upon the discharge of his official duties, and to draw attention to the duties of the priesthood; to leave him in a great measure without any temptation to neglect them. The origin of the superstitions which we shall next enumerate is not so clear, but the curious will find abundance of speculation in Plutarch, Festus, and Pliny. He was not allowed to swear an oath, nor to wear a ring nisi pater per ilicat; that is, as they explain it, unless plain and without stones; nor to strip himself naked in the open air, nor to go out without his proper head-dress, nor to have a knot in any part of his attire, nor to walk along a path overcanopied by vines. He might not touch flour, nor leaven, nor leavened bread, nor a dead body; he might not enter a buatum (vid. Buxus), but was not prevented from attending a funeral. He was forbidden either to touch or to pass near any bathing place, any ivy, beans, or raw flesh.

None but a free man might cut his hair; the clippings of which, together with the parings of his nails, were buried beneath a feftor arbor. No one might sleep in his bed, the legs of which were smeared with fine clay; and it was unlawful to place a box containing sacrificial cakes in contact with the bedstead.

Flaminia was the name given to the wife of the flamineo. It was required to wed a virgin according to the ceremonies of confarreatio, which regulation also applied to the two other flamines majors; and he could not marry a second time. Hence, since her assistance was essential in the performance of certain ordinances, a divorce was not permitted, and if she died the flamines was obliged to resign. The restrictions imposed upon the flaminia were similar to those by which her husband was fettered.

Her dress consisted of a dyed robe (senato oppressum); her hair was plaited up with a purple band in a conical form (tutulum); and she wore a small square cloak with a border (scuto), to which was attached a slip cut from a feftor arbor.

It is difficult to determine what the rice really was, though it appears to have been a kind of napkin thrown over the head. She was prohibited from mounting a staircase consisting of more than three steps (the text of Aulus Gellius is uncertain, but the object must have been to prevent her ankles from being seen); and when she went to the arget (vid. Arpet), she neither combed nor arranged her hair. On each of the mundina a ram was sacrificed to Jupiter in the regia by the flaminia.

After the death of the flamen Merula, who was chosen consul suffectus on the expulsion of Cinna, and who, upon the restoration of the Marian faction, shed his own blood in the sanctuary (B.C. 87), calling down curses on his enemies with his dying breath, the priesthood remained vacant until the consecration of Servius Mallognusius (B.C. 11) by Augustus, then Flamen Dialis, to the Flaminus Major. Cinna, who had been nominated in his 17th year, but was never installed, and during the whole of the above period.

1. (Liv., xxvii., 8., id., xxix., 35.—Val. Max., V., 18., 2.)
2. (Liv., xxxi., 33.—Val. Max., 1., 11.)
3. (Serv. ad Verg., Æn., viii., 506.)
4. (Plut., Num., 7., 5.—Festus, e. maximi significatione.)
6. (Liv., v., 29.)
7. (Tact., Ann., iii., 58, 7.)
The municipal towns also had their flamines. Thus the celebrated affair between Milo and Closius took place while the former was on his way to Lanuvium, of which he was then dictator, to declare the election of a flamens (ad flamarem proponendum). After the dedication of the emperors, Flamens were appointed to superintend their worship in Rome and in all the provinces; and we find constantly in inscriptions such titles as Flamen Augustalis; Flamen Tiberii Caesaris; Flamen D. Juliaii, &c., and sometimes Flamen Divorum Omnium (ex imperatorum).

Flaminia, according to Festus and Anius Gallus, was the house of the Flamen Dialis, from which it was unlawful to carry out fire except for sacred purposes.

Flaminia, according to Festus, was also a name given to a little priestess (sacerdotula), who assisted the flamenca in her duties.

FOCALAE, a covering for the ears and neck, made of wool, and worn by infantry and delicate persons.

FOCALES, or FOCCUS (heria: brya, brya, brya, dim. bryapora), a fireplace, a hearth, a brazier. The fireplace, considered as the highest member of an altar, is described under Ara, p. 77. Used by itself, it possessed the same sacred character, being, among the Romans, dedicated to the Lares of each family. It was, nevertheless, made subordinate to all the requirements of ordinary life. It was sometimes constructed of stone or brick, in which case it was elevated only a few inches above the ground, and remained on the same spot; but it was also frequently made of bronze, and it was then variously ornamented, and was carried continually from place to place. This movable hearth or brazier was properly called foculus, and its representation is shown at p. 148. Another, found at Cierie in Etruria, and preserved in the British Museum, is represented in the annexed woodcut.

In Aristophanes' persons are told "to bring in a brazier and the fan." (Vid. Flabellum.) When a brazier was brought to Alexander the Great, scantily supplied with fuel in very cold weather, he requested to have either wood or frankincense, giving his host the option of treating him either as a man or a god. In the time of the Roman emperors, the brazier of burning charcoal was sometimes brought to table with the meat for the purpose of keeping it hot, so that, as Seneca says, the kitchen accompanied the dimer.

In accordance with the sentiments of veneration with which the domestic fireplace was regarded, we find that the exercise of hospitality was at the same time an act of religious worship. Thus the roasting of a hog in the cottage of the swineherd in the Odyssey is described as a sacrifice. To swear "by the royal hearth" was the most sacred oath among the Scythians. Supplicants, strangers, all who sought for mercy and favour, had recourse to this domestic hearth as to an altar. The phrase

FOLLIS.

Among the Romans the focus was placed in the atrium, which, in primitive times, was their kitchen and dining-room. There it remained, as we see in numerous examples at Pompeii, even after the progress of refinement had led to the use of another part of the house for eating. On festive occasions the railings decorated the hearth with garlands; a woolen fillet was sometimes added. In farmhouses, the servants, who were often very numerous, were always disposed for the purpose of taking their meals around the hearth.

The focus, though commonly square, admitted of a great variety of forms and ornaments. At Phare, in Achaia, a marble hearth was placed before a statue on a pedestal, the Forum, having bronze lamps fastened to it with lead. To adapt the focus to culinary purposes, a gridiron, supported by four feet, was placed over the fire, so as to hold pots and pans as well as steaks, chops, and other pieces of meat which were to be roasted. Some of the braziers found at Pompeii also include contrivances for boiling water.

SOCII. In the seventh century of Rome these names expressed those Italian states which were connected with Rome by a treaty (fœdus). These names did not include Roman colonies or Latin colonies, or any place which had obtained the Roman civitas. Among the federati were the Latini, who were the most nearly related to the Romans, and the foederati, who were not. The rest of the federati were comprised under the collective name of Socii or Federati. They were independent states, yet under a general liability to furnish a contingent to the Roman army. Thus they contributed to increase the power of Rome, but they had not the privileges of Roman citizens. The relations of any particular federate state to Rome might have some peculiarities, but the general relation was that expressed above; a kind of condition, inconsistent with the sovereignty of the federates, and the first stage towards unconditional submission. The discontent among the federati, and their claims to be admitted to the privileges of Roman citizens, led to the Social War. The Julia lex (B.C. 80) gave the civitas to the Socii and Latii; and a lex of the following year contained, among other provisions, one for the admission to the Roman civitas of those peregrini who were entered on the lists of the citizens of federate states, and who complied with the provisions of the lex. (Vid. Civitas.) It appears, however, that this lex Julia, and probably also the lex of the following year, contained a provision that the federate state should consent to accept what the other states offered, or, as it was technically expressed, "populus fundus eret." Those who did not become fundi populi did not obtain the civitas. Balbus, the client of Cicero, was a citizen of Gades, a federate town in Spain. Pompey had conferred the Roman civitas on Balbus, by virtue of certain powers given to him by a lex. It was objected that Balbus that he could not have the civitas, unless the state to which he belonged, "fundus factus esset," which was a complete misapprehension, for the term fundus, in this sense, applied to a whole state or community, whether federate or other free state, which accepted what was offered, and not to an individual of such state or community who might accept the Roman civitas without asking the consent of his fellow-citizens at home, or without all of them retaining the same privilege that was offered to him himself. The people of a state which had accepted the Roman civitas (fundus factus esset) were called, in reference to their condition after the acceptance, "fundani." This word only occurs in the Latin inscription (the lex Romana) of the tablet of Hercules, I. 85, and proves that the inscription is posterior to the lex Julia de Civitate. It has, indeed, been supposed that the word may refer to the acceptance by the state of Hercules of this lex which is on the tablet; but there is no doubt that it really related to the prior lex which gave the civitas. (Vid. Fendes.)

It must be observed that the acceptance of the two leges above mentioned could only refer to the federate states and the few old Latin states. The Latine colonies also received the civitas by the Julia lex; but, as they were under the sovereignty of Rome, their consent to the provisions of this lex was not required.

Before the passing of the Julia lex, it was not unusual for the Socii and Latini to adopt Roman leges into their own system, as examples of which Cicero mentions the lex Furia de Testamentis and the lex Volumnia de Mulierum Hereditatibus; and he adds that there were other instances. In such cases, the state which adopted a Roman law was said to "em adoptare denum fundus hanc." It hardly needs remark, that the state which adopted a Roman lex did not thereby obtain for its citizens any privileges with respect to the Roman state: the federate state merely adopted the provisions of the Roman lex as being applicable to its own circumstances.

An apparent difficulty is caused by the undoubted fact that provisions of the lex Julia required that the states which wished to avail themselves of its benefits should consent to accept them. As the federate states commenced the war in order to obtain the civitas, it may be asked, why was it given to them on the condition of becoming "fundus!" In addition to the reasons for such condition, which are suggested by Saviugy, it may be observed that the lex Julia was only expressed in terms what would necessarily have been implied if it had not been expressed: a federate state must of necessity declare by a public act its consent to accept such a proposal as was contained in the lex Julia. It appears from the cases of Hercules and Naples, that the citizens of a federate state were not in all cases unanimous in changing their former alliance with Rome into an incorporation with the Roman state. (Vid. Civitas.)

There were federate cities beyond the limits of Italy, as shown by the example of Gades, Saguntum and Massalia are enumerated among such cities.

*FECUNUM GRECEUM, Fenugreek. (Vid. Telit and Bouberas.)

FECUNUS. (Vid. Interest of Money.)

FOLLIS, dim. FOLLICULUS, an inflated ball of leather, perhaps originally the skin of a quadruped filled with air: Martial calls it "light as a feather." Boys and old men, among the Romans, threw it from one to another with their arms and hands, as a gentle exercise of the body, unattended with dangers. The Emperor Augustus became fond of the exercise as he grew old.

Boxers practised upon an inflated skin hung up for the purpose (foliis pygiiulaturs). 

The term foli is also applied to a leather purse or bag; and the diminutive foliiculus to the swollen capsule of a plant, the husk of a seed, or anything of similar appearance. 

Two inflated skins (dieum yiaza, €wmapa, quiqapaprec), constituting a pair of bellows, and having valves adjusted to the natural aperture at one part for admitting the air, and a pipe inserted into another part for its emission, were an essential piece of furniture in every forge and foundry. Among the Egyptians, the two bellows were blown by a man who stood with his right and left foot pressing upon each alternately, so as to fill it with air again as soon as the weight of the bellows was taken away from it. According to the nature and extent of the work to be done, the bellows were made of the hides of oxen (taurinis foliibus), or of goats (hairesinis 5) and other smaller animals. The nozzle of the bellows was called ékerofianon ou aérastómov.11 

In bellows made after the fashion of those exhibited in the lample here introduced from Bartoli, 12 we may imagine the skin to have been placed between the two boxes, so as to produce a machine like that which we now commonly employ.

FORCEPS (papigrapa), Tongs or Pincers; an instrument invented, as the etymology indicates, for taking hold of what is hot (forumw), used by smiths, and therefore attributed to Vulcan and the Cyclopes. (Vid. Icovs, Malpica.) 

A forceps of an appropriate form (δοκουγrapa) was employed for drawing teeth, 14 and another to extract from the wounded the heads of arrows and other missiles (ápodothepa).15 Pincers were used from the earliest times by tyrants as an instrument of torture. 16 

The term karpw, which properly meant a crab, was applied metaphorically to pincers, on account of the similarity of this instrument to the claw of the crab.18

FORES. (Vid. House.)

FORFEX, dim. FORFICULA (ψαλις, dim. ψαλιδων), Shears,19 used, 1. In shearing sheep, as represented in the annexed woodcut, which is taken from a caricature in the Stocchi collection of antique gems at Berlin; 2. In cutting hair; 23 In clipping hedges, myrtles, and other shrubs (ψαλις μυρωνίκεως); 4. In clearing bad grapes from the bunch. 19 

In military manoeuvres the forfex was a tenaille, i.e., a body of troops arranged in the form of an acute angle, so as to receive and overcome the opposite body, called a Cunulus. 19 

In architecture the term ψαλις denoted a construction which was probably the origin of the arch, consisting of two stones leaning against each other so as to form an acute angle overhead, as is seen in the entrance to the Pyramid of Cheops and in the ruins of Mycenae, and gradually brought nearer to the forms which we now employ. (See woodcut. P. 85.)

The same terms were also metaphorically applied to the mandibles of insects, which are like minute shears, and to the claws of crustacea (ψαλιδοισι). 

FORI. (Vid. Navis.)

FORMA, dim. FORMULA, second dim. FORMELLA (riwce), a Pattern, a Mould; any contrivance adapted to convey its own shape to some plastic or flexible material, including moulds for making, 1 pottery (vid. Formulae). 2 Pastry (formella). Some of these, made of bronze, have been found at Pompeii. 3 Cheese. 4 Hence the cheeses themselves are called formula. 5 The finer moulds for this purpose were made of boxwood (formæ baccæ). (Vid. Brixus.) 4 Bricks. 8 Coins. These moulds were made of a kind of stone, which was indestructible by heat. 11 The mode of pouring into them the melted metal for casting the coins will be best understood from the annexed woodcut, which represents one side of a mould, engraved by Servius d'Agincourt. 12 Various moulds are engraved by Ficoroni. 13 6. Wells of the kind now called pisi.
which were built in Africa, in Spain, and about Taruntum. 7. The shoemaker's last was also called forma and tentespellium, in Greek καλυκτος, whence Galen says that physicians who want discrimination in the treatment of their patients are like shoemakers who make shoes from the same last (ἐν καλυκτoις) for all their customers.

The spouts and channels of aqueducts are called forma, perhaps from their resemblance to some of the moulds included in the above enumeration. FORMULA. (Vid. Actio.)

Fornaclia was a festival in honour of Fornax, the goddess of furnaces, in order that the corn might be properly baked. 7. This ancient festival is said to have been instituted by Numa. The time for its celebration was proclaimed every year by the Curio Maximus, who announced in tablets, which were placed in the Forum, the different part each of which each curia had to take in the celebration of the festival. Those persons who did not know to what curia they belonged, performed the sacred rites on the Quirinal, called from this circumstance the Stullorum fereas, which fell on the last day of the Fornacalia. 9

The Fornacalia continued to be celebrated in the time of Lactantius. 19

Fornax. dim. Fornac'cula (καμιονος, καμιονον), a Klin, a Furnace. The construction of the kilns used for baking earthenware (vid. Ficetlia) may be seen in the annexed woodcut, which represents a part of a Roman pottery discovered at Castor, in Northamptonshire. The dome-shaped roof has been destroyed, but the flat circular floor on which the earthenware was set to be baked is preserved entire. The middle of this floor is supported by a thick column of brickwork, which is encircled by the oven (furnas, Kalbavco). The entrance to the oven (praefurnum) is seen in front. The lower part of a smelting-furnace, shaped like an inverted bell, and sunk into the earth, with an opening and a channel at the bottom for the discharge of the melted metal, has been discovered near Arles. In Spain these furnaces were raised to a great height, in order that the noxious fumes might be carried off. They were also provided with long flues (longinqua fornas ecclesiost), and with chambers (camera) for the purpose of collecting more plentifully the oxides and other matters by sublimation. Homei describes a blast-furnace with twenty crucibles (τα ωρα). Melting-pots or crucibles have been found at Castor, and at different places in Egypt, in iron and material very like those which we now employ.

Furnaces of an appropriate construction were erected for casting large statues of bronze, and is making lampblack. (Vid. Atraminentum.) Thimeklín (fornax calcaria) is described by Cato. 9 The mode of heating baths, vid. p. 151

The early Romans recognised, under the name of Fornax or Dea Fornacalis, a divinity who presided over ovens and furnaces. (Vid. Fornacalia.) Fornix, in its primary sense, is synonymous with Arcus, but more commonly implies an arched vault, consisting both roof and ceiling to the apartment which it encloses. It is composed of a semicylindrical and oblong arch like the Camera, but differs from it in construction, consisting entirely of stone or brick, whereas the other was formed upon a framework of wood, like the skeleton of a ship (vid. Camara); both of which methods appear to have been sometimes united, as in the roof of the Tullianum, described by Sallust, 22 where the ribs of the Camera were strengthened by alternate courses of stone arches. "Tullianum ... munium un vitiae partietes, atque insuper Camera, lapides fornicatus vincina." If the stone chamber now seen at Rome under the Mamertime prisons was really the Tullianum, as commonly supposed, it is not consistent in the manner described, being neither camera nor fornicatum, but consisting of a circular dome, formed by projecting one course of stone beyond the course below it, like the treasury of Atreus at Mycenae, described at p. 85. (Vid. Arcus.)

From the roof alone, the same word came to signify the chamber itself, in which sense it designates a long narrow vault, covered by an arch of brick or masonry (iectum fornicatum), similar to those which occupy the ground-floors of the modern Roman palaces. Three such cells are represented in the annexed woodcut, from the remains of a villa at Mola di Gaieta, which passes for the Forinica of Cicero. They are covered internally with a coating of stucco, tastefully ornamented, and painted in stripes of azure, pink, and yellow.

Being small and dark, and situated upon the level of the street, these vaults were occupied by prostitutes (vid. Circus, p. 255); whence comes the meaning of the word fornicatio in the ecclesiastical writings, and its English derivation.

Fornix is also a saltpit in the walls; 14 a triumphal arch; 15 and a street in Rome, which led to the Campus Martius, was called Via Fornicana, probably on account of the triumphal arches built across it.

FORTY, THE.


FORUM. The Roman Forum, which is an open place (area) before any building, especially before a securulum, and seems, therefore, etymologically to be connected with the adverb fora. The characteristic features of a Roman forum were, that it was a levelled space of ground of an oblong form, and surrounded by buildings, houses, temples, basilicae, or public edifices and the place where justice was administered, and where goods were exhibited for sale. We have, accordingly, to distinguish between two kinds of fora, of which some were exclusively devoted to commercial purposes, and were real market-places, while others were places of meeting for the popular assembly and for the courts of justice. Mercantile business, however, was not altogether excluded from the latter, and it was especially the bankers and usurers who kept their shops in the buildings and porticoes by which they were surrounded. The latter kinds of fora were sometimes called fora judicia, to distinguish them from the mere market-places.

Among the fora judicia, the most important was the Foro Romano, which is simply called Forum as long as it was the only one of its kind which existed at Rome. At a late period of the Republic, and during the Empire, when other fora judicia were built, the Forum Romanum was distinguished from them by the epithet vetus or magnum. It was situated between the Palatine and the Capitoline Hills, which were the chief thoroughfares of the city, and it was called the "Septem jugera foresis." It was originally a swamp or marsh, but was said to have been filled up by Romulus and Tatius, and to have been set apart as a place for the administration of justice, for holding the assemblies of the people, and for the transaction of other kinds of public business. In this widest sense the Forum included the comitium, or the place of assembly for the curia, which was separated from the Forum in its narrower sense, or the place of assembly for the comitia tributa, by the Rostra. These ancient rostra were an elevated space of ground or a stage (suggestum), from which the orators addressed the people, and which derived its name from the circumstance that, after the conquest of Troy, it was yielded to the Hellespont and with the beaks (rostra) of the ships of the Antians. In subsequent times, when the curia had lost their importance, the accurate distinction between their comitia and forum likewise ceased, and the comitia tributa were sometimes held in the Circus Flaminius; but towards the end of the Republic the Forum seems to have been chiefly used for judicial purposes. Cicero distinguishes between a speaker in the popular assembly (orator) and the mere pleader: "Ego istos non modo oratoria nomine, sed nec foro guidem dignos putarm." The orators, when addressing the people from the rostra, and even the tribunes of the people in the early times of the Republic, used to front the comitia as the Rostra were called. According to Varro and Cicero, C. Licinius, introduced the custom of facing the Forum, thereby acknowledging the sovereignty of the people. In 308 B.C., the Romans adorned the Forum, or, rather, the bankers' shops (argentariae) around, with gilt shields which they had taken from the Samnites; and this custom of adorning the Forum with these shields and plaques of gilt bronze was generally always observed during the time of the Ludi Romani, when the iilides rode in their chariots (trensa) in solemn procession around the Forum. After the victory of C. Duillius over the Carthaginians, the Forum was adorned with the celebrated column restoration. (Vid. COLUMN.) In the upper part of the Forum, at H. Flavian, the "Septem jugera foresis," the Tables were exhibited for public inspection, and it was probably in the same part that, in 304 B.C., Cn. Flavius exhibited the Fasti, written on white tables (in albo), that every citizen might be able to know the days on which the law allowed the administration of justice. Besides the ordinary business which was carried on at the Forum, the Festivals were held there, and that prisoners of war and faithless colonists or legionaries were put to death there. A second forum judicarium was built by J. Caesar, and was called Forum Cesaris or Julii. The leveling of the ground alone cost him above a million of sesterces, and he adorned it, besides, with a magnificent temple of Jupiter, Causa, and Fortuna, which was dedicated by the Senate, with the decree (decationes judicium) that should take place in it. After the Forum Augusti had severely suffered by fire, it was restored by Hadrianus.

The three fora which have been mentioned seem to have been the only ones that were destined for the transaction of public business. All the others, which were subsequently built by the emperors, such as the Forum Traiani or Ulpianum, the Forum Sallustii, Forum Duodeciani, Forum Aureliani, etc., were probably more intended as embellishments of the city than to supply any actual want.

Different from these fora were the numerous markets at Rome, which were neither as large nor as beautiful as the former. They are always distinguished by the name which is given by the expression of particular kinds of things which were sold in them, as, e.g., forum boarium, according to Festus, the cattle-market; according to others, it derived the name boarium from the statue of an ox which stood there. Forum olitorium, the vegetable market; forum piscatorium, the fish market; forum vinorum, the wine market; forum coffinariorum, the shopkeepers of liquors; forum vestitorum, the market of clothing; forum loricariorum, the market of armors; forum servorum, the market of domestic servants; forum venatorum, the market of wild beasts; forum effigies, the market of statues, etc., etc.
carum, ash-market; forum cupedinis, market for dainties; forum equinum, a market in which cooked and prepared dishes were to be had, &c.

(Respecting the fora in the provinces, see the articles Colonia and Conventus; compare Sigonius, De Antiq. jur. Ital., ii. 18, and Walter, Gesch. des Röm. Reiches, p. 261.)

**FRAGUM**, the Strawberry, *Fragaria Vesca, L.* It is worthy of remark, that the Strawberry was unknown to the ancient Greeks. Not so, however, with the Romans. It is described by Pliny, and had been previously mentioned by Virgil and Ovid. The Strawberry appears to have come originally from the Alps and the forests of Gaul. Myrtillus, a physician of the thirteenth century, was the first Greek writer that makes mention of it. *The name which he gives it, ἀργυρόκλειτη, is still applied to it by the modern Greeks, dropping, however, the fourth letter (φοινικήτη).* Pluнийdes, in his Greek version of Ovid, translates *fragum* by *κύκαρον*. This, however, is an error, since *κύκαρον* is the fruit of the wild Strawberry, which is a very different thing from that which we are here considering. (Vid. *Arales.*)

**FRAMAE.** (Vid. *Hasta.*)

**FRATRES ARVALES.** (Vid. *Arvaes Fratres.*)

**FRAXINUS**, the Ash, *Fraxinus Ornus, L.*, called by the Greeks *μελία*. The *μελία* of the Greeks was the *Fraxinus excisior.*

"There are about forty species of the Ash: the common Ash (*Fraxinus excisior*) is one of the most useful of trees. It has been known from the remotest period of history, and is very generally diffused. The Ash is called, by way of eminence, "the Husbandman's tree," nothing being equal to it for agricultural implements, and for all sorts of poles, ladders, long handles, and other purposes which require strength and elasticity combined with comparative lightness. Hesiod derives his brazen man from it; and the Edda, or sacred book of the Northmen, gives the same origin to all the human race. From one species of Ash, which grows wild in the mountains of Calabria, and does not attain to a great size, manna is gathered. It is procured by cutting the trunk towards the end of July, and collecting the juice which exudes from the wounds thus made.*

**FRENUM (ξελανδρώ), a Bridle.** That Bellerophon might be enabled to perform the exploits required of him by the King of Lyctia, he was presented by Minerva with a bridle as the means of subduing the winged horse Pegusus, who submitted to receive it while he was slaking his thirst at the fountain Peirene. See the annexed woodcut, from a bas-relief which represents this event, and compare Pindar, *Olymp.*, xiii. 85-115. Such was the Grecian account of the invention of the bridle, and in refer- ence to it Minerva was worshipped at Corinth un- der the titles *Ipsia* and *Xalwvra.* The several parts of the bridle, more especially the bit, are engraved from ancient authorities in the treatises of *De Frenis*, *Ginzow* (*Uebcr Wagen*), and *Brady Clark* (*Chalcopy tology, Lond.*, 1865).

The bit (orces, δούμα, *στόιλα*) was commonly made of several pieces, and flexible, so as not to hurt the horse's mouth; for the Greeks considered a kind and gentle treatment the best discipline, and, though, when the horse was intractable, they taught it submission by the use of a bit which was armed with protruberances resembling wolves' teeth, and therefore called *krapa.* The bit was held in by the *pardeia,* or lower member, which passed under the chin, and called *μάσκαλον,* for which a chain (τάλαι) was often substituted; a rope or thong, distinct from the reins, was sometimes fastened to the chain or strap by means of a ring, and was used to lead the horse (ποραγωγήτη). The upper part of the bridle, by which it was fixed round the ears, is called by Xenophon *κόρυφα.*

Not only was the bridle dispensed with in the management of creatures invented by the imagination of the poet, but of some which were actually trained by man to go without it. Thus the Timnian *Δεσπότα* guided his two horses by the whip, and the Gallic *εἰκοσαριά*, or, on the banks of the Rhone, directed and animated his mules entirely by the voice. (Vid. woodcuts, p. 217, 269, 323, 376, 408.)

**FRIGIDARIUM.** (Vid. *Batris*, p. 148.)

**FRITILLUS (φιόνος), a Dicebox, of a cylindroid form; and therefore called also *turricula,* and formed with parallel indentations *γραδας* on the inside, which excited the rolling noise when the dice were shaken in it.*

When you game, you change your name general among the Romans, so that even boys engaged in them, they had frictili small in proportion to their age.

**FRONTALE.** (Vid. *Amykx.*)

**FRUCTUS.** (Vid. *Ususfructus.*)

**FRUMENTARII** were officers under the Roman Empire, who acted as spies in the provinces, and reported to the emperors anything which they considered of importance.18 They appear to have been called *Frumentarii* because it was their duty to collect information in the same way as it was the duty of other officers, called by the same name, to collect corn. They were accustomed to accuse persons falsely, and their office was at length abolished by Diocletian. They were succeeded in later times by the agents *ducatu.*19 We frequently find, in inscriptions, mention made of *Frumentarii* belonging to:


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The ancients were not acquainted with soap, but they used in its stead different kinds of alkali, by which the dirt was more easily separated from the clothes. Of these, by far the most common was the urine of men and animals, which was mixed with the water in which the clothes were washed. To procure a sufficient supply of it, the fullones were accustomed to place at the corners of the streets vessels, which they carried away after they had been filled by the passengers. We are told by Suetonius* that Vespassian imposed a urinae neglecta, which is supposed to be the ancestor of the fullonica.

*FUGA (φοίκη), a marine shrub (according to some, the same with red alkanet), from which the ancients made a dye or paint. Various species of Fagia, observes Adam*., are described by Theophrastus and Dioscorides, but in such general terms that it appears to them a vain task to attempt to determine them. It is farther deserving of remark, that Galen, Aetius, and Orisius, describe a sort of cera under this name. It would appear that it was used as a paint, and in this sense it occurs in Lucian’s fine epigram in the Anthology.

Pliny gives an account, and was also mixed with the water by the scourers. Fuller’s earth (creta fuliginosa,* of which there were many kinds, was employed for the same purpose. We do not know the exact nature of this earth, but it appears to have acted in the same way as our fuller’s earth, namely, partly in scouring and partly in absorbing the greasy dirt. Pliny says that the clothes should be washed with some Fuller’s earth. After the clothes had been washed, they were hung out to dry, and were allowed to be placed in the street before the doors of the fullonica. When dry, the wool was brushed and carded to raise the nap, sometimes with the skin of a hedgehog, and sometimes with some plants of the thistle kind. The clothes were then hanging on a vessel of basket work (vinumica caena), under which sulphur was placed in order to whiten the cloth; for the ancient fullers appear to have known that many colours were destroyed by the volatile steam of sulphur.*

A fine white earth, called Cimolian by Pliny, was often rubbed into the cloth to increase its whiteness.* The preceding account is well illustrated by the following woodcut.

On the left we see a fullo brushing or carding a white tunic, suspended over a rope, with a card or brush, which bears considerable resemblance to a modern horsebrush. On the right, another man carries a frame of wicker-work, which is, without doubt, intended for the purpose described above; he has a card in his hand, perhaps intended for holding the sulphur. On his head he wears a kind of garland, which is supposed to be an olive garland, and above him an owl is represented sitting. It is thought that the olive garland and the owl indicate that the establishment was under the patronage of Minerva, the tutelary goddess of the loom. Sir W. Gell imagines that the owl is probably the picture of a bird which really existed in the family. On the left a well-dressed female is sitting, examining a piece of work which a younger girl brings to her. A calantica (vid. Calantica) upon her head, a necklace, and bracelets, denote a person of higher rank than one of the ordinary work-people of the establishment.

In the following woodcut we see a young man in a green tunic giving a piece of cloth, which appears to be finished, to a young woman, who wears a green under-tunic, and over it a yellow tunic with red stripes. On the right is another female in a white tunic, who appears to be engaged in cleaning one of the cards or brushes. Among these paintings there was a press, worked by two upright screws, in which the cloth was placed to be smoothed. A drawing of this press is given in the article COCHLEA, p. 272.

The establishment or workshop of the fullers was called Fullonica, 1 Fullonicum, 2 or Fullonium. 3 Of such establishments there were great numbers in Rome, for the Romans do not appear to have washed at home even their linen clothes. 4 The trade of the fullers was considered so important, that the censors C. Flaminius and L. Aemilius, B.C. 220, prescribed the mode in which the dresses were to be washed. 5 Like the other principal trades in Rome, the Fullones formed a collegium. 6 To large farms a fullonica was sometimes attached, in which the work was performed by the slaves who belonged to the familia rustica. 7

The fulo was answerable for the property while it was in his possession; and if he returned by mistake a different garment from the one he had received, he was liable to an action ex locato; to which action he was also subject if the garment was injured. 8 Woollen garments which had been once washed were considered to be less valuable than they were previously; 9 hence Martial 10 speaks of a toga lata terque quaeterque as a poor present.

The Greeks were also accustomed to send their garments to fullers to be washed, and a new sort of fuller, who appear to have adopted a similar method to that which has been described above. 11 The word πλάτων denoted the washing of linen, and γναφέφες or γναφύφες the washing of woollen clothes. 12

FULLONICA. (Vid. Fullo.)

FUNA LÉ (σκολιά), a Link, used in the same manner as a torch (vid. Pux), but made of papyrus and other fibrous plants, twisted like a rope, and smeared with pitch and wax. 13 It was, indeed, as Antipater describes it, "a light coated with wax" (λαμπρός κρυστάνnu). For this reason it was also called eresus. Funalia are sculptured upon a monument of considerable antiquity preserved at Padua. 14 At the Saturnalia they were presented by clients to their superiors, and were lighted in honour of Saturn. 15

FUNA LÍS EQUUS. (Vid. Carroso, p. 332.)

FUNAMBULUS ( καλοβάλτης, στροφαλάγγας), a Ropewalker. The art of dancing on the tight-rope was carried to as great perfection among the Romans as it is with us. 16 If we may judge from a series of paintings discovered in the excavations from which the figures in the annexed woodcut are selected, the performers, who were principally Greeks, placed themselves in an endless variety of graceful and sportive attitudes, and represented the characters of bacchantes, satyrs, and other imaginary beings. Three of the persons here exhibited hold the tyrannus, which may have served for a balancing-pole. Two are performing on the double pipe, and one on the lyre; two others are pouring wine into vessels of different forms. They all have their heads enveloped in skins or caps, probably intended as a protection in case of falling. The Emperor Antinous, in consequence of the fall of a boy, caused feather beds (cuscitas) to be laid under the rope, to obviate the danger of such accidents. 17 One of the most difficult exploits was running down the rope at the conclusion of the performance. It was a strange attempt of Germanicus, and of the Emperor Galba to exhibit elephants walking on the rope.

FUNDA (φονδος), a Sling. The light troops of the Greek and Roman armies (p. 94) consisted in great part of slingers (fundatores, φονδοτρύχοι). The sling was also very much employed by the Jews, Phoenicians, and Egyptians, by the Carduchi and the Persians, 4 by the Spaniards, and by many other nations. The manner in which it was wielded may be seen in the annexed figure 18 of a soldier

with a provision of stones in the sinus of his pallium, and with his arm extended in order to whidh the sling about his head. 19 Besides stones, plum-
huits, called glanders (μολόθροδες), of a form between acorns and almonds, were cast in moulds to be thrown with sling. They have been found on the plain of Marathon, and in other parts of Greece, and are remarkable for the inscriptions and devices which they exhibit, such as thunderbolts, the names of persons, and the word ΑΕΩΑΙ, meaning "Take this."

The celebrity of the natives of the Balearic Isles as slingers is said to have arisen from the circumstance that, when they were children, their mothers obliged them to obtain their food by striking it with a sling. Among the Greeks, the Achaeans and Achaemenians attained to the greatest expertness in the use of this weapon. The sling, as depicted in the Egyptian tombs, had at one end a loop for making it fast to the hand. It was made of wool, hair, hemp, or leather (στιχερία, ἑβανη). Its advantages were, that it might be carried any distance without the slightest inconvenience; that soldiers accustomed to the use of it might employ it when their other weapons were unavailable (πολύ ἀπαθέα); and that it was very effective in checking an enemy, especially in stony places, in mountain passes, and upon eminences. Hunters also used the sling to kill their game. While the sling was a very efficacious and important instrument of ancient warfare, stones thrown with the hand alone were also much in use both among the Romans and with other nations (εὐρωπολοῖ). The Libyans carried no other arms than three spears and a bag full of stones.

The casting-net was sometimes called fundus. (Vid. Rete.)

**Fundus.** The primary significations of this word appear to be the bottom or foundation of a thing; and the bottom or foundation of something.
ally white. These duties were not performed by hired persons, like the πολικαρχοι among the Romans, but the women of the family, upon whom the work of the corpse always devolved. 2

The corpse was then laid out (πρόθεσις, προθεσθα) on a bed (κάτω), which appears to have been of the ordinary kind, with a pillow (προσκεδάλων) for supporting the head and back. 3

It is said that the bed on which the corpse was laid out was originally placed outside the house; 4 but at Athens we know it was placed inside, by one of Solon's laws. 5

The object of the formal πρόθεσις was, that it might be seen that the deceased had died naturally, and that no violence had been done to him. 6

Plato 7 assigns another reason, namely, that there might be no doubt that the person was dead, and says that the body ought only to be kept in the house so long as may be necessary to ascertain that fact. By the side of the bed there were placed painted earthen vessels called ημεσυνν, 8 which were also buried with the corpse; examples of which may be seen in the drawings of the coffins given by Bottiger 9 and Stackelberg. 10

Great numbers of these painted vases have been found in modern times, and they have been of great use in explaining many matters connected with antiquity. A honey-cake, called μελιττώνα, which appears to have been intended for Cerberus, was also placed by the side of the corpse. 11

Before the door a vessel of water was placed, called δωκάυξ, δρόκαυξ or δραυκτ, in order that persons who had been in the house might purify themselves by sprinkling water on their persons. 12

The relatives stood around the bed, the women uttering great lamentations, rending their garments, and tearing their hair. 13

Solon attempted to put a stop to this, 14 but his regulations on the subject were too late to be observed or preserved. It was formerly the practice to sacrifice victims before carrying out the dead; but this custom was not observed in the time of Plato. 15

No females under 60 years of age, except the nearest relatives (εὐγείρας), were allowed to be present while the corpse was in the house. 16

On the day after the πρόθεσις or the third day after death, the corpse was carried out (ἐξερήμοσθα, ολοΚοιμυσθα) for burial early in the morning and before sunrise, by a law of Solon, which law appears to have been revived by Demetrius Phalerus. 17

A burial soon after death was supposed to be pleasing to the dead. Thus we find the shade of Patroclus saying to Achilles, 18

Πάθε με ὑπὶ τιχώσα, τόπες ἄθανα περίσσω.

In some places it appears to have been usual to bury the dead on the day following death. 19

The men walked before the corpse, and the women behind. 20

The funeral procession was preceded or followed by hired mourners (ธรωνικόλ), who appear to have been usually Carian women, though Plato speaks of men engaged in this office. They played mournful music. 21

The body was either buried or burned. Lucian 22 says that the Greeks burn the Persians bury their dead; but modern writers are greatly divided

in opinion as to which was the usual practice. Wachsmuth 23 says that in historical times the dead were usually burned; but this statement is not strictly correct. Thus we find that Socrates speaks of his body being either burned or buried; 24 the body of Timoleon was burned, 25 and so was that of Philopoemen. 26

The word ψάθτευν was used in connection with either mode; it is applied to the collection of the ashes after burning, and accordingly we find the words καλείν and δάκτυλον used together. 27

The proper expression for interment in the earth is καταθήκη, whence we find Socrates speaking of τοῦ σώματος καταθήκην. In Homer the bodies of the dead are burned, 28 but interment was also used in very ancient times. 29

Cicer 30 says that the dead were buried at Athens in the time of Cecrops; and we also read of the bones of Orastes being found in a coffin at Tegaea. 31

The dead were commonly buried among the Spartans 32 and the Iberians, 33 and the prevalence of this practice is proved by the great number of skeletons found in coffins in modern times, which have evidently not been exposed to the action of fire. Both burning and burying appear to have been always used to a greater or less extent at different periods, till the spread of Christianity at length put an end to the former practice.

The dead were usually burned on piles of wood, as was the custom. The body was placed on the top; and in the heroic times it was customary to burn with the corpse animals, and even captives or slaves. Thus, at the funeral of Patroclus, Achille killed many sheep, oxen, horses, and dogs, and also twelve captive Trojans, whose bodies he burned with those of his friend. 34 Oils and perfumes were also thrown into the flames. When the pyre was made up, the corpse was covered with a mantle, and the ashes were then put on the urn. The body was washed with wine, and the relatives and friends collected the bones. 35

The bones were then washed with wine and oil, and placed in urns, which were sometimes made of gold. 36

The corpses which were not burned were buried in coffins, which were called by various names, as σαρκα, σάκος, λειψανοι, λειψάνους, δομή, though some of these names were also applied to the urns in which the bones were collected. They were made of various materials, but were usually of baked clay or earthenware. Their forms are various, as may be seen by a reference to Stackelberg, Die Gräber der Hellenen, pl. 7, 8. The following woodcut contains two of the most ancient kind; the figure in the middle is the section of one.

The dead were usually buried outside the city, as it was thought that their presence in the city brought pollution to the living. At Athens the dead were formerly buried in their own houses, 37 but in historical times none were allowed to be buried within the city. 38 Lycurgus, in order to remove all superstition respecting the presence of the dead, allowed of burial in Sparta. 39 and at Megara, also, the dead were buried within the town. 40 In Athens, however, the tombs were frequently buried in them, and we therefore read of tombs in the fields. 41

Tombs, however, were most numerous.

FUNUS.

frequently built by the side of roads and near the gates of the city. Thus the tomb of Thucydides was near the Melitian gate; but the most common place of burial was outside of the Itonian gate, near the road leading to the Peireus, which gate was for that reason called the burial-gate ("θαλαι τάφων"). Those who had fallen in battle were buried at the public expense in the outer Ceramicus, on the road leading to the Academia. The tombs were regarded as private property, and belonged exclusively to the families whose relatives had been buried in them.

Tombs were called θίναια, τάφοι, μνήματα, μνημεῖα, σήματα. Many of these were only mounds of earth or stones (χώματα, σαλάβων, τάφοι). Others were built of stone, and frequently ornamented with great taste. Some of the most remarkable Greek tombs are those which have been recently discovered in Lydia by Mr. Fellows.* In the neighbourhood of Antipheus the tombs are very numerous. They all have Greek inscriptions, which are generally much destroyed by the damp sea-air. The following are examples taken from Mr. Fellows’s work; it contains one of these tombs, and will give an idea of the general appearance of the whole.

At Xanthus the tombs are still more numerous. They are cut into, or are formed by cutting away, the rock, leaving the tombs standing like works of sculpture. The same is the case at Telmesus, where they are cut out of the rock in the form of temples. They are generally approached by steps, and the columns of the portico stand out about six feet from the entrance to the cella; the interiors vary but little; they are usually about six feet in height, and nine feet by twelve in size. One side is occupied by the door, and the other sides contain benches on which the coffins or urns have been placed.

Some Greek tombs were built under ground, and called hypogeα (ὑπόγεια) or ἱπτύες). They correspond to the Roman conditoria. (Vid. Conditorium.)

At Athens the dead appear to have been usually buried in the earth, and originally the place of their interment was not marked by any monument. Afterward, however, so much expense was incurred in the erection of monuments to the deceased, that it was provided by one of Solon’s laws that no one should erect a monument which could not be completed by ten men in the course of three days. This law, however, does not seem to have been strictly observed. We read of one monument which cost twenty-five minas, and of another which cost more than two talents. Demetrius Philerus also attempted to put a step to this expense by forbidding the erection of the funeral monument more than three cubits in height.

The monuments erected over the graves of persons were usually of four kinds: 1. στήλαι, pillars or upright stone tablets; 2. κόλονα, columns; 3. ναόα or θρόα, small buildings in the form of temples; and, 4. τράπεζαι, flat square stones, called by Cicero* mensae. The term στήλα is sometimes applied to all kinds of funeral monuments, but properly designates upright stone tablets, which were usually terminated with an oval heading called κτιβύαα. These κτιβύεαα were frequently ornamented with a kind of arabesque work, as is the following example taken from Stackelberg. The shape of the κτιβύαα, however, some-

times differed: among the Sicelyans it was in the shape of the ἀρχία or fastigium (vid. Fastigium), which is placed over the extremity of a temple.

The κόλονα or columns were of various forms. The three in the following woodcut are taken from Stackelberg and Millin.*

The following example of an ἱπτύεα, which is also taken from Stackelberg, will give a general idea of monuments of this kind. Another ἱπτύεα is given in the course of this article.

The inscriptions upon these funeral monuments usually contain the name of the deceased person, and that of the demus to which he belonged, as well as frequently, some account of his life. A work on these monuments, entitled Περὶ Μνημείων, was written by Diodorus Periegetes. Orations in praise of the dead were sometimes pronounced; but Solon ordained that such orations should be confined to persons who were honoured with a public funeral. In the heroic ages games


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were celebrated at the funeral of a great man, as in the case of Patroclus; but this practice does not seem to have been usual in the historical times.

All persons who had been engaged in funerals were considered polluted, and could not enter the temples of the gods till they had been purified. Those persons who were reported to have died in foreign countries, and whose funeral rites had been performed in their own cities, were called ἄνερροτομοι and δευτεροτομοι if they were alive. Such persons were considered impure, and could only be delivered from their impurity by being dressed in swelling clothes, and treated like newborn infants.

After the funeral was over the relatives partook of a feast which was called περιδεσμον or περιδέσμον. This feast was always given at the house of the nearest relative of the deceased. Thus the relatives of those who had fallen at the battle of Chaeroneia partook of the περιδέσμον at the house of Demosthenes, as if he were the nearest relative to them all. These feasts are frequently represented on funeral monuments. In one corner a horse's head is usually placed, which was intended to represent death as a journey. The following woodcut, which represents a περιδέσμον or περιδέσσα, is taken from the Marmor Osco, i., tab. 52, No. 135. A similar example of a περιδέσμον is given at the beginning of Pococke's Travels.

On the second day after the funeral a sacrifice to the dead was offered, called τρίτα. Pollux enumerates in order all the sacrifices and ceremonies which followed the funeral: τρίτα, ἐνερα, τριπάλαι,

The νεκρωτα mentioned by Herodotus appear to have consisted of offerings of the same kind, which were presented on the anniversary of the burial day of the deceased. The νεκρωτα were probably offerings on the anniversary of the day of the death; though, according to some writers, the νεκρωτα were the same as the νεκρα. Meals were also presented to the dead, and burned.

Certain criminals, who were put to death by the state, were also deprived of the rites of burial, which was considered as an additional punishment. There were certain places, both at Athens and Sparta, where the dead bodies of such criminals were cast. A person who had committed suicide was not deprived of burial, but the hand with which he had killed himself was cut off and buried by it-

self. The bodies of those persons who had been struck by lightning were regarded as sacred (lepad sepolvi); they were never buried with others, but usually on the spot where they had been struck. (Vid. BIBENTAL.)

We now proceed to give an account of Roman funeral rites. They were conducted, in some respects, in the same manner as those of the Etruscans; but as they differ in many important particulars, a separate account of each is given in this article.

When a Roman was at the point of death, his nearest relative present endeavoured to catch the last breath with his mouth. The ring was taken off the finger of the dying person, and as soon as he was dead, his eyes and mouth were closed; and by these means the corpse was supposed to be at rest. The corpse was then washed, and anointed with oil and perfumes by slaves, called Pollinatores, who belonged to the Libitarini, or undertakers, called by the Greeks vepkópatóni. The Libitarini appear to have been so called because they dwelt near the house of the Libitum, Libitum being the Latin name for funeral requisites for funerals were sold. Hence we find the expressions vilaire Libitum and ovadare Libitum nam used in the sense of escaping death. At this temple an account (ratio, epemheres) was kept of those who died, and a small sum was paid for the registration of their names. A small coin was then placed in the mouth of the corpse, and the body was laid on the funerary in Hades, and the body was laid on a couch in the vestibule of the house, with its feet towards the door, and dressed in the best robe which the deceased had worn when alive. Ordinary citizens were dressed in a white toga, and magistrates in their official robes. If the deceased was an old man, a crown of laurel was placed on his head; and the couch on which he was laid was sometimes covered with leaves and flowers. A branch of cypress was also usually placed at the door of the house, if he was a person of consequence.

Funerals were usually called funerae justa or excepta, and the word justa term was generally applied to the funeral procession (pompa funebris). There were two kinds of funerals, public and private; of which the former was called funus publicum or indictum, because the people were invited to it by a herald; the latter, funus tacitum, translaticum, or plebeium. A person appears to have usually left a will in his testament to pay the expenses of his funeral; but if he did not do so, nor appoint any one to bury him, this duty devolved upon the persons to whom the property was left, and if he died without a will, upon his relatives according to their order of succession to the property.

The expenses of the funeral were in such cases decided by the will, which was read at the funeral, or by the law and status of the rank of the deceased, whence arista was used to signify the funeral expenses. The following description of the mode in which a funeral was conducted only applies strictly to the funerals of the great; the same pomp and ceremony could not, of course, be observed in the case of persons of ordinary circumstances.

All funerals in ancient times were performed at night; but after the poor only were buried by night, because they could not afford to have a funeral procession. The corpse was usually carried out of the house (affectatio) on the eighth day after the death. The funeral procession was regulated by a person called Designator or Dominus Funera, who was attended by全年 dressed in black. It was headed by musicians of various kinds (cornices, sititines), who played mournful songs, and next came mourning women, called Frapea, who were hired to lament and sing the funeral song (lamentum); the paternal (gens) in praise of the deceased. These were sometimes women, or more frequently hearers and bussoms (secur s, histriones), of whom one, called Archimenes, represented the character of the deceased, and imitated his words and actions. Then came the slaves whom the deceased had liber.ated, wearing the cap of liberty (pilenti); the number of whom was occasionally very great, since it was a mark of magnificence to have a numerous retinue of slaves. They were sometimes carried on a common kind of bier or coffin, called Sandapila. The Sandapila was carried by bearers, called Vespae or Vepsoles, because, according to Festus, they carried the corpse in the evening (vespertino tempore). The couches on which the corpses of the rich were carried were usually covered with a rich velvet, and covered with gold and purple. They were sometimes carried on the shoulders of the nearest relatives of the deceased, and sometimes on those of his freedmen. Julius Caesar was carried by the magistrates, and Augustus by the senators.

The relatives of the deceased walked behind the corpse in mourning; his sons with their heads veiled, and his other relatives with their hair dishevelled, contrary to the ordinary practice of both. They often uttered loud lamentations, and the women beat their breasts and tore their cheeks, though this was forbidden by the Twelve Tables (Mulieres genas ne radunt). If the deceased was of illustrious rank, the funeral procession went through the Forum; and the Senate, before the rostra, where a funeral oration (laudatio) in praise of the deceased was delivered. This practice was of great antiquity among the Romans, and is said by some writers to have been first introduced by Poplicola, who pronounced a funeral oration in honour of his colleague Brutus. Women, also, were sometimes admitted to the funeral rites. From the Forum the corpse was carried to the place of burning or burial, which, according to a law of

1. (Serv. ad Virg., Ena., xi., i., 133.; id., de loc. vi., 10.)
2. (Festus, e. v. Vespae, Suet., Dom., c. 7.)
3. (Dionys., Hal., iv., 40.)
5. (Dionys., Hal., vii., 109. ; Cic., Leg., ii., 11.)
6. (Fast., iv., 851.; Catull., iii., 10.)
7. (Serv., Ena., vi., 658.)
9. (Suet., Vesp., i., 42.; Dionys., Hal., iv., 40.)
10. (Suet., Vesp., i., 42.; Dionys., Hal., iv., 40.)
12. (Suet., Vesp., i., 42.; Dionys., Hal., iv., 40.)
16. (Suet., Jul., vii., 1.)
17. (Val. Max., vii., i., 1.; Hor., Sat., ii., 8.)
18. (Festus, e. v. Vesp., 1.)
19. (Suet., Vesp., i., 42.; Dionys., Hal., iv., 40.)
20. (Serv., De Bello, iv., 41.; Plut., Quaest., Anni., iv., 21.)
21. (Plut., Quaest., Rom., 41.; 32.)
22. (Cic., De Leg., ii., 8.)
23. (Dionys., Hal., iv., 40.)
24. (Suet., Vesp., i., 42.; Dionys., Hal., iv., 40.)
25. (Cic., De Orat., ii., 8.)
26. (Suet., Jul., 10.; Cic., De Orat., ii., 8.)
27. (Pint., Pop., 9.; Dionys., Hal., 17.; 20.)
28. (Cic., De Orat., ii., 8.)
29. (Cic., De Orat., ii., 8.)
30. (Cic., De Orat., ii., 8.)
31. (Cic., De Orat., ii., 8.)
32. (Cic., De Orat., ii., 8.)
33. (Cic., De Orat., ii., 8.)
34. (Cic., De Orat., ii., 8.)
35. (Cic., De Orat., ii., 8.)
36. (Cic., De Orat., ii., 8.)
37. (Cic., De Orat., ii., 8.)
38. (Cic., De Orat., ii., 8.)
39. (Cic., De Orat., ii., 8.)
40. (Cic., De Orat., ii., 8.)
41. (Cic., De Orat., ii., 8.)
42. (Cic., De Orat., ii., 8.)
43. (Cic., De Orat., ii., 8.)
44. (Cic., De Orat., ii., 8.)
45. (Cic., De Orat., ii., 8.)
The Twelve Tables, was obliged to be outside the city.

The Romans in the most ancient times buried their dead, though they also early adopted, to some extent, the custom of burning, which is mentioned in the Twelve Tables. Burning, however, does not appear to have become general till the later times of the Republic; Marius was buried, and Sulla was the first of the Cornelian gens whose body was burned. Under the Empire burning was adopted universally practiced, but was gradually discontinued as Christianity spread, so that it had fallen into disuse in the fourth century. Persons struck by lightning were not burned, but burned on the spot, which was called Bidental, and was considered sacred. (Vid. Bidental.) Children, also, who had not cut their teeth, were not burned, but buried in a place called Saggardaram. Those who were buried were placed in a coffin (arca or loculns), which was frequently made of stone, and sometimes of the Assam stone, which came from Assos in Tras, and which consumed all the body, with the exception of the teeth, in 40 days, whence it was called Sarophagus. This name was in course of time applied to any kind of coffin or urn.

The corpse was burned on a pile of wood (pyra or raga). Some believed this distinction to be due to the difference between pyra and raga: "Pyra est lignorum congeries; raga, cum sum ardere cæperit, dictor." This pile was built in the form of an altar, with four equal sides, whence we find it called ara sepulcrum and funerae ara. The sides of the pile were, according to the Twelve Tables, to be left rough and unpolished, but were frequently covered with dark leaves. Cypress-trees were sometimes placed before the pile. On the top of the pile the corpse was placed, with the couch on which it had been carried, and he nearest relative then set fire to the pile with his own hand. (Vid. Fasc.) When the flames began to rise, various perfumes were thrown into the fire (called by Cicero anumtuata resperio), though this practice was forbidden by the Twelve Tables; cups of oil, ornaments, clothes, dishes of food, and other things, which were supposed to be agreeable to the deceased, were also thrown upon the flames.

The place where a person was burned was called Bustum if he was afterward buried on the same spot (vid. Buroam), and Ustrina or Ustrinum if he was buried at a different place. Persons of property frequently set apart a space, surrounded by a wall, near their sepulchres, for the purpose of burning the dead; but those who could not afford the space appear to have sometimes placed the funeral pyre against the monuments of others, which was frequently forbidden in inscriptions on monuments (Huia monumento ustrinum applicari non licet).

If the deceased was an emperor or an illustrious general, the soldiers marched (decurrebant) three times round the pile, which custom was observed, annually at a monument built by the soldiers in honour of Drusus. Sometimes animals were slaughtered at the pile, and in ancient times captives and slaves, since the Manes were supposed to be

...of blood; but afterward gladiators, called Beafluri, were hired to fight round the burning pile (Vid. Bostum).

When the pile was burned, down, the embers were soaked with wine, and the bones and ashes of the deceased were gathered by the nearest relatives, who sprinkled them with perfumes, and placed them in a vessel called arua, which was made of various materials, according to the circumstances of individuals. Most of the funeral urns in the British Museum are made of marble, alabaster, or baked clay. They are of various shapes but most commonly square or round; and upon them there is usually an inscription or epitaph (ticianus or epitiaphum), beginning with the letters D. M. S. or only D. M., that is, Des Manibus Saebum, followed by the name of the deceased, with the length of his life, &c., and also by the name of the person who had the urn made. The following examples, taken from urns in the British Museum, will give a general knowledge of such inscriptions. The first is to Serullia Zosimenes, who lived 26 years, and is dedicated by her son Prodeckus:

D. M.

SERYLLIA ZOSIMENI

QVÆ VIXIT ANN. XXVI.

BENE MERN. FRUIT

PRODECKU S FILIVS.

The next is an inscription to Liciinian Successus, who lived 13 years, one month, and 19 days, by his most unhappy parents, Comiius and Auriola:

DIS. MAN.

COMIUS. ET

AURIOLA. PARENTES

INFLICISSIMI

LICINIO SVCEESSO.

V. A. XIII. M. I. D. XIX.

The following woodcut is a representation of a sepulchral urn in the British Museum. It is of an upright rectangular form, richly ornamented with foliage, and supported at the sides by pilasters. It is erect to the memory of Costusma Prima. Its height is twenty-one inches, and its width, at the base, fourteen inches six eights. Below the inscription an infant genius is represented driving a car drawn by four horses.
After the bones and ashes of the deceased had been placed in the urn, the persons present were sprinkled with pure water from a branch of olive or laurel for the purpose of purification; after which they were dismissed by the praefect, or some other person, by the solemn word *I libet.* At their departure they were accustomed to bid farewell to the deceased by pronouncing the word *Gabrius.*

The urns were placed in sepulchres, which, as already stated, were outside the city, though in a few cases we read of the dead being buried within the city. Thus Valerius, Publicola, Tubertus, and Fabricius were buried in the city; which right their descendants also possessed, but did not use. The vestal virgins and the emperors were buried in the city, according to Servius, because they were not bound to die, to throw some earth upon the bones. The place where a person in the city was liable to a penalty of 40 aurei, which was to be paid to the fiscus; and the spot where the burial had taken place was consecrated. The practice was also forbidden by Antoninus Pius and Theodosius II.

The verb *sepelire*, like the Greek *σταφυλεύω*, was applied to every mode of disposing of the dead, and *sepulchrum* signified any kind of tomb in which the body or bones of a man were placed (*Sepulcrum est, ubi corpus esseae hominis condita sunt*). The term *cumare* was originally used for burial in the earth, but was afterward applied, like *sepelire*, to any mode of disposing of the dead; since it appears to have been the custom, after the body was burned, to throw some earth upon the bones.

The places for burial were either public or private. The public places of burial were of two kinds; one for illustrious citizens, who were buried at the public expense, and the other for poor citizens, who could not afford to purchase ground for the purpose. The former was in the Campus Martius, which was formerly ornamented with the tombs and sepulchres of illustrious dead (*vid. Campus Martius*), and in the Campus Esquiline. The latter was also in the Campus Esquiline, and consisted of small pits or caverns, called *puticula* or *puticula*. But as this place rendered the neighborhood unhealthy, it was given to Macenas, who converted it into gardens, and made it a charming park. The first public place for burial was usually by the sides of the roads leading to Rome; and on some of these roads, such as the Via Appia, the tombs formed an almost uninterrupted street for many miles from the gates of the city. They were frequently built by individuals during their lifetime; thus Augustus, in his sixth consulship, built a mausoleum for Hadrian, and others between the Via Flaminia and the Tiber, and planted round it woods and walks for public use.

The heirs were often ordered by the will of the deceased to build a tomb for him; and they sometimes did it at their own expense (*de suo*), which is not unfrequently recorded in the inscription on funerary monuments, as in the following example taken from an urn in the British Museum:

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Dias Mancius
L. Lepidus
Patris Optimi
I. Lepidus
Maximvs F.
De Svo.
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Sepulchres were originally called *bustae*, but this word was afterward employed in the manner mentioned under *Bosum*. Sepulchres were also frequently called *Monuments*, but this term was also applied to a monument erected to the memory of a person in a different place from where he was buried. *Conduitoria* or *conditiva* were sepulchres under ground, in which dead bodies were placed entire, in contradistinction to those sepulchres which contained the bones and ashes only. They answered to the Greek *σφάνγεοι* or *σφανγματικά*.

The tombs of the rich were commonly built of marble, and the ground enclosed with an iron railing or wall, and planted round with trees. The extent of the burying-ground was marked by Cippi. (*Vid. Cippi.)* The name of Mausoleum, which was originally the name of the magnificent sepulchre erected by Artemisia to the memory of Mausolus, king of Caria, was sometimes given to any splendid tomb.

The open space before a sepulchre was called *Forum* (*vid. Forum*), and neither this space nor the sepulchre itself could become the property of a person by usuaption.

Private tombs were either built by an individual for himself and the members of his family (*sepulcrum familiaria*), or for others, to which he was admitted. A tomb which was fitted up with niches to receive the funeral urns was called *colubarium*, on account of the resemblance of these niches to the holes of a pigeon-house. In these tombs the ashes of the freedmen and slaves of great families were frequently placed in vessels made of baked clay, called *canae*, which were set into the thickness of the wall within these niches, the lids only being seen, and the inscriptions placed in front. A representation of a *colubarium* is given on page 288.

Tombs were of various sizes and forms, according to the wealth and taste of the owner. The following represents part of the street of tombs at Pompeii, is taken from Mazzol, *Pompeiana*, part i., pl. 18.

All these tombs were raised on a platform of masonry above the level of the footway. The first building on the right hand is a funeral triclinium, which presents to the street a plain front about twenty feet in length. The next is the family tomb of Nevoleia Tyche; it consists of a square building containing a small chamber, and from the level of the outer wall steps rise, which support a marble cippus richly ornamented. The burial-ground of Nestacidius follows next, which is surrounded by a low wall; next to which comes a monument erected to the memory of C. Calvinentius Quetius. The
building is solid, and was not, therefore, a place of burial, but only an honorary tomb. The wall in front is scarcely four feet high, which three steps lead up to a cippus. The back rises into a pediment; and the extreme height of the whole from the footway is about seventeen feet. An unoccupied space intervenes between this tomb and the next, which bears no inscription. The last building on the left is the tomb of Scaurus, which is ornamented with bas-reliefs representing gladiatorial combats and the hunting of wild beasts.

The tombs of the Romans were ornamented in various ways, but they seldom represented death in a direct manner. A horse's head was one of the most common representations of death, as it signified departure; but we rarely meet with skeletons within tombs. The following woodcut, however, has been given at the time of the funeral, sometimes on the Novendiae, and sometimes later. The name of Silicennium was given to this feast, of which the etymology is unknown. Among the tombs at Pompeii there is a funerary triclinium for the celebration of these feasts, which is represented in the annexed woodcut. It is open to the sky, and the walls are ornamented by paintings of animals in the centre of compartments, which have borders of flowers. The triclinium is made of stone, with a pedestal in the centre to receive the table.

After the funeral of great men, there was, in addition to the feast for the friends of the deceased, a distribution of raw meat to the people, called Furcatores, and sometimes a public banquet. Combs of gladiators and other games were also frequently exhibited in honour of the deceased. Thus, at the funeral of P. Licinius Crassus, who had possessed a maximum, raw meat was distributed to the people, a hundred and twenty gladiators fought, and funeral games were celebrated for three days, at the expense of this royal banquet being given in the Forum. Public feasts and funeral games were sometimes given on the anniversary of deaths. Faustus, the son of Sulla, exhibited in honour of his father a show of gladiators seven years after his death, and gave a feast to the people, according to his father's testament. At all banquets in honour of the dead, the guests were dressed in white. The Romans, like the Greeks, were accustomed to visit the tombs of their relatives at certain periods, and to offer to them sacrifices and various gifts, which were called Inferia and Parentalia. The Romans appear to have regarded the Naves or departed souls of their ancestors as gods, whence arose the practice of presenting to them oblations, which consisted of victims, wine, milk, garlands of flowers, and other food. The tombs were sometimes illuminated on these occasions with lamps. In the latter end of the month of February there was a festival, called Feralia, in which the Romans were accustomed to carry food to the sepulchres for the use of the dead.

The Romans, like ourselves, were accustomed to wear mourning for their deceased friends, which appears to have been black, under the Republic, both sexes. Under the Empire, the men continued to wear black in mourning, but the women wore white. They laid aside all kinds of ornaments, and did not cut either their hair or beard. Men appear to have usually worn their mourning for only a few days, but women for a year when they lost a husband or parent.

In a public mourning on account of some signal calamity, as, for instance, the loss of a battle or the death of an emperor, there was a total cessation from business, called Justitium, which was usually official by public appointment. During this period

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FURTIUM.

ne courts of justice did not sit, the shops were shut, and the soldiers freed from military duties. In a public mourning the senators did not wear the latus clavus and their rings, nor the magistrates their badges of office. FURCA, which properly means a fork, was also the name of an instrument of punishment. It was a piece of wood in the form of the letter A, which was placed upon the shoulders of the offender, whose hands were tied to it. Slaves were frequently punished in this way, and were obliged to carry about the furca wherever they went; whence the appellation of furcaria was applied to a man as a term of reproach. It was also used in an offensive mode of capital punishment among the Romans: the criminal was tied to it, and then scourged to death. The patibulum was also an instrument of punishment, resembling the furca; it appears to have been in the form of the letter L. Both the furca and patibulum were also employed as crosses, to which the sufferer appear to have been nailed (in furca suspendere).

FURIO'SIS. (Vid. CURATOR, p. 329.)

FURNUS. (Vid. FORNAX, PISTOR.)

FUROR. (Vid. CURATOR, p. 329.)

FURTII ACTIO. (Vid. FURTUM.)

FURTUM, "theft," is one of the four kinds of delicts which were the foundation of obligations; it was simply a thing uno- nec (Vid. furtum.)

Movable things only could be the objects of furtum; for the fraudulent handling (contractual fraudulosa) of a thing against the owner's consent was furtum, and contractio is defined to be "loco movere." But a man might commit theft without carrying off another person's property. Thus it was furtum to use a thing deposited (depositum) with consent. It was also furtum to use a thing which had been lent for use, in a way different from that which the lender had agreed to; but with this qualification, that the borrower must believe that he was doing it against the owner's consent, and that the owner would not consent to such use if he was aware of it; for dolus malus was an essential ingredient in furtum. Accordingly, both dolus malus on the part of the person charged with furtum, and the want of consent on the part of the owner of the thing, were necessary to constitute furtum. Another requisite of furtum is the "lucrum faciendo gratia," the intention of appropriating another person's property. This was a thing which both the law and equity insisted on in the intention (furtum ex affectis constitit). It was not necessary, in order to constitute furtum, that the thief should know whose property the thing was. A person who was in the power of another, and a wife in manum, might be the objects of furtum. A debtor might commit furtum by taking a thing which he had given as a pledge (pignori) to a creditor, or by taking his property, even in the possession of a bona fide possessor. Thus there might be furtum of a thing itself, of the use of it, and of the possession.

A person might commit furtum by aiding in a furtum, as if a man should jostle you in order to give another the opportunity of taking your money; or drive a wedge between you and another, so that he might or she might get possession of them: but if it were done merely in a sportive way, and not with a view of aiding in a theft, it was not furtum, though per-

haps there might be in such case an actio utilis under the lex Aquilia, which gave such an action even in the case of culpa. (Vid. DAMNUM.)

Furtum was either manifestum or nec manifestum. It was clearly manifestum when the person was caught in the act; but in various other cases there was a difference of opinion as to whether the furtum was manifestum or not. Some were of opinion that it was furtum manifestum so long as the thief was engaged in carrying the thing to the place to which he designed to carry it; and others maintained that it was furtum manifestum if the thief was ever found with the stolen thing in his possession. This difference of opinion occurred in the case of a slave, and a slave and a freeman. The penalty for furtum manifestum by the law of the Twelve Tables was capitalis, that is, it affected the person's caput: a freeman who had committed theft was flogged and consigned (addictus) to the injured person; but whether the thief became a slave in consequence of this additio, or an adja- cendus, was a matter in dispute among the ancient Romans. The edict subsequently changed the penalty into an actio quadrupli, both in the case of a slave and a freeman. The penalty of the Twelve Tables, in the case of a furtum nec manifestum, was duplum, and this was retained in the edict: in the case of the conceptum and oblatum it was triplo, and this was also retained in the edict. In the case of prohibitum, the penalty was quadruplum, according to the provisions of the edict; for the law of the Twelve Tables had affixed no penalty in this case, but merely enjoined that if a man would search for stolen property, he must be naked all but a cloth round his middle, and must hold a dish in his hand, and must seek to recover the thing in this manner. The absurdity of the law, says Gaius, is apparent: for if a man would not let a person search in his ordinary dress, much less would he allow him to search undressed, when the penalty would be so much more severe if anything was found.

The actio furti was given to all persons who had an interest in the preservation of the thing stolen (cujus interret rem salvi esse), and the owner of a thing, therefore, had not necessarily this action. A creditor might have this action even against the owner of a thing pledged, if the owner was the thief. A person to whom a thing was delivered (bailed) in order to work upon it, as in the case of clothes given to a tailor to mend, could bring this action, though the owner of the clothes had already custody of the thing (custodiam praestare), and he was under no liability except in the case of doles;
FURTUM.

3. Actio furti adversus nautas et cautæs, agimus nautas et cau¬
apes (vid. Exercitus), who were able for the acts of the men in their employment.

There were two cases in which a bona fide possessor of another person’s property could not obtain the ownership by usucaption; and one of them was the case of a res furtiva, which was provided for in The Twelve Tables.

The Roman state, which had been the subject of the passage quoted, was under the rule of the Twelve Tables, which were a code of laws that regulated the conduct of the people and were the foundation of Roman law. The Twelve Tables were compiled by the Roman Senate and were written down on bronze tablets and placed in the Capitol in Rome. They were the first written laws in the Western world and remained in force until supplanted by the Twelve Tables.

The Twelve Tables were divided into two parts: the first part dealt with public law, and the second part dealt with private law. The first part dealt with such matters as the rights of the state, the duties of the citizens, and the obligations of the government. The second part dealt with matters of private law, such as contracts, property, and personal injury.

The Twelve Tables were a significant milestone in the development of Roman law and were considered to be a model for other legal systems throughout the Western world. They established the principles of law that would eventually develop into the legal systems of modern times.
The spindle was a stick ten or twelve inches long, having at the top a slit or catch (dema, δυναντις) in which the thread was fixed, so that the weight of the spindle might continually carry down the thread as it was formed. Its lower extremity was inserted into a small wheel, called the whorl (vorticellum), made of wood, stone, or metal (see woodcut), the use of which was to keep the spindle more steady, and to promote its rotation: for the spinner, who was commonly a female, every now and then twisted round the spindle with her right hand, so as to twist the thread still more completely; and whenever, by its continual prolongation, it let down the spindle to the ground, she took it out of the slit, wound it upon the spindle, and, having replaced it in the slit, drew out and twisted another length. All these circumstances are mentioned in detail by Homer, and Pliny for white wool.

The accompanying woodcut is taken from a series of bas-reliefs representing the arts of Minerva upon a frieze of the Forum Palatium at Rome. It shows the operation of spinning at the moment when the woman has drawn out a sufficient length of yarn to twist it by whirling the spindle with her right thumb and forefinger, and previously to the act of taking it out of the slit to wind it upon the bobbin (πυγνον) already formed.

The distaff was about three times the length of the spindle, strong and thick in proportion, commonly either a stick or a reed, with an expansion near the top for holding the ball. It was sometimes of richer materials, and ornamented. Theocritus has left a poem written on sending an ivory distaff to the wife of a friend. Golden spindles were sent as presents to ladies of high rank, and a golden distaff is attributed by Homer and Pindar to goddesses, and other females of remarkable dignity, who are called χρυσόπλάσται.

It was usual to have a basket to hold the distaff and spindle, with the balls of wool prepared for spinning, and the bobbins already spun. (Vid. Callatius.)

In the rural districts of Italy, women were forbidden to spin when they were travelling on foot, the act being considered of evil omen. The distaff and spindle, with the wool and thread upon them, were carried in bridal processions; and, without the wool and thread, they were often suspended by females as offerings of religious gratitude, especially in old age, or on relinquishing the constant use of them. (Vid. Donauria, p. 376.) They were most frequently dedicated to Pallas, the patroness of spinning, and of the arts connected with it. This goddess was herself rudely sculptured with a distaff and spindle in the Trojan Palladium. They were also exhibited in the representations of the three Fates, who were conceived, by their spinning, to determine the life of every man; and, at the same time, by singing, as females usually did while they sat together at their work, to predict his future lot.

G.

GABINUS CINCTUS. (Vid. Toga.)

G.ESUM (γασύμ), a term probably of Celtic origin, denoting a kind of javelin which was used by the Gauls. Wherever the tridentsions extended Hody, in order to prove the comparatively late date of the Septuagint version of the book of Joshua, in which this word occurs, has proved that it was not known to the Romans, Greeks, or Egyptians until some time after the death of Ptolemaeus Lagi. It was a heavy weapon, the shaft being as thick as an ax- or cudgel, and the iron head barbed, and of an extraordinary length compared with the shaft. The Romans adopted the use of the gæsum from the Iberians.

*GAGATES LAPIS (γαγατίτις λίθος), a species of Fossil, supposed to have been the same with the modern Jett. This last is still even called Gagates by some mineralogists, a name derived from the river Gagas, in Lyca, about whose mouth this mineral was found. "The Gagates," says Adams, "is a fossil bituminous substance, containing carbon and ethereal oil. Without doubt it is jet, which, in the systems of modern mineralogists, is held to be a variety of lignite. The Gagates is called 'Black Amber' by Pliny; and, in fact, it is nearly allied to amber; for, when rubbed for some time, it becomes electric like amber." GS

GAUS. (Vid. Institutiones.)

*GALACTITUS LAPIS (γαλακτίτις λίθος), stone of an ash colour, according to Dioscorides sweet taste, and yielding a milky juice when triturated. Pliny makes it to have been of a milky colour, and to have been brought from the vicinity of the Nile. (Vid. Galatia.)

*GALAXIUS LAPIS (γαλάξιας), a stone of an ash colour, intersected sometimes with white and red veins. "It may be gathered from Dioscorides and Pliny," observes Dr. Moore, "as authors cited in the notes of Hardouin, that galaxites, galactites, moraxites, morochites, morochas, leukogera, leucographia, leucographicus, were described in little except name, or were, in fact, varieties of the same substance, which came either from the Nile or the Achelous; was ash-coloured, or greenish, or black-coloured, sometimes with red and white veins; was readily soluble; and when rubbed on stone or a rough garment, left a white mark; besides which, when dissolved, or when triturated in water, it appears to have resembled milk in colour and in taste. Now minerals that answer the above description tolerably well are Spanish chalk and certain other varieties of statite, which are found of the colours indicated; may be mixed with, and suspended in, water, so as to give it a milky appearance, and a smooth, sweetish taste; and which, moreover, make a white mark when rubbed upon stone or cloth."

II*, a name given by Galen to the Lamprey, according to Arzied. GS

GALBANUM. (Vid. Chalke.)

*GALE (γαλῆ), commonly thought to have been the Mustela vulgaris, or Weasel. There are, how-


N E N
ever, according to Adams, objections to this opinion. The Puttorius, or Funnart, is noted by Sis- 
ides, but no mention of it occurs in the works 
of the Greek authors now extant. 1

GALEA (καλέα, ποιημ. κόρος, πτέρυς), a Helmet, a 
Cassque. The helmet was originally made of skin 
or leather, whence is supposed to have arisen its 
appellation καλέα, meaning properly a helmet of dog- 
skin, but applied to caps or helmets made of the 
hide of other animals (tawny, κτίλη, atýlē, gα- 
lea u p i r i a t). 2

3. The two cheek pieces (bascula, p a r a p h y 
δέος), which were attached to the helmet by hinges, 
so as to be lifted up and down. They had butons 
or ties at their extremities for fastening the hel- 
met on the head.3

4. The beaver or visor, a peculiar form of which 
is supposed to have been the ακλέας τρομαίκας, i.e., 
the perforated beaver.4 The gladiators wore 
the helmet of this kind, and specimens of them, not 
unlike those worn in the Middle Ages, have been 
found at Pompeii.

Woodcuts illustrative of these four classes of 
additions to the simple cap or morion occur at p. 28, 
27, 94, 95, 135, 256, 322, 381, 429. The five follow- 
ing helmets, more highly ornamented, are selected 
from antique gems, and are engraved of the size of 
the originals.

1. Bosses or plates, proceeding either from the 
 top (φίλακος) 5 or the sides, and varying in number 
from one to four (δώδεκα δόμινος, δυοδεκατον 
τετράφακος). The φίλακος was often an emblematical figure, 
re- 
fer- 
ring to the character of the wearer. Thus, in the 
colossal statue of Minerva in the Parthenon at 
Athens, she bore a sphinx on the top of her 
helmet, and a griffin on each side.5

2. The helmet thus adorned was very commonly 
 surmounted by the crest (κρίστα, λόβος 6), which was 
of horsehair (υστήρων υπενθύμισε, λόβον ή- 
ερια; λιγνη χαλκοτία), and made so as to look im- 
posing and terrible, as well as handsome (τελεφόρος). 6

In the Roman army the crest served solely as an 
ornament, but to also distinguish the different cen- 
trions, each of whom wore a casque of a peculiar 
form and appearance. 7

*TALEOS ΑΣΤΗΡΙΑΣ (γαλέας ἄστηριας), a spe- 
cies of Fish, either a variety of the Squalus Mus- 
elus, or else the Spotted Dog-fish, Squalus Canic- 
ules.

*TALEOS ΚΤΩΝ (γαλέας κτῶν), the Squalus Ge- 
elus, I., or Tope. It is a very voracious species of 
Shark, and its flesh has an offensive smell. 

*TALEOS ΕΙΡΙΟΣ (γαλέας εἰρίος), a species of 
Fish, the Squalus Mustelus, I., or Smooth Hound, a 
Smooth Shirk of Pennant. Mustelus is the Latin 
translation of γαλέας, and generic for the Squalus. 

*TALEOS ΓΟΔΙΟς (γαλέας θόδιος), a variety of the 
Accipiter Striatus, or Storcuse. 8

GALERUS. (Vid. Cora. p. 293.)

*GALIOSPSIS (γαλίοψις), a plant, of which the 
following description is given by Dioscorides: 9

"The whole plant, with its stem and leaves, resem- 
bles the nettle; but its leaves are smoother, and 
considerably felt when rubbed; its flowers are 
small and purplish. "It is difficult to say," re- 
marks Adams, 10 whether this description applies 
better to the Galipos Tetragon (common Hemp-nelt- 
tle), or to the Lamium purpureum (Red Dead-nettle). 
Bothin prefers the latter; and, indeed, I am not 
aware that any of the commentators acknowledge 
it as the former, although it appears to me not 
inapplicable. "Sithorp, however, has fixed on a plant 
different from either, namely, the Scrophularia per- 
grina, or Nettle-leaved Figwort. I am wholly un- 
 acquainted with it. "11

*GALIUM (γαλιον), the Galium Verum, or 
Yellow Bedstraw. The Greek name is derived from 
γαλ, "milk," because the plant was used instead of 
nettle to curdle milk. Sithorp found it in Samos 
and in the Peloponnesse. The Galium Verum is 
the οπαλή of Dioscorides. 12

GALLI was the name of the priests of Cyzicus, 
whose worship was introduced at Rome from Perga-
GALLUS

GALLUS

(G. C. 204). The Galli were, according to an ancient custom, always castrated (spadones, seminare, seminari, nec viri nec feminæ), and it would seem that, impelled by religious fanaticism, they performed this operation on themselves. In their wild, enthusiastic, and boisterous rites, they resembled the Corybantes, the worship of whom for fancy's sake and probably because they mutilated their own bodies. They seem to have been always chosen from a poor and despised class of people; for, while no other priests were allowed to beg, the Galli (famuli Idaeæ matris) were allowed to do so on certain days. The chief priest among them was called archigal- 

The origin of the name of Gallus is uncertain: according to Ovid, the cock}* was given to the Gauls by Mercury, who originated from the river Gallus in Phrygia, which flowed near the temple of Cybele, and the water of which was said to be the source of those persons who drank of it to such a state of madness that they castrated themselves. The supposition of Hieronymus that Gallus was the name of the Gauls, which had been in the past mistranslated, is unfounded, as the Romans must have received the name from Asia or from the Greeks, by whom, as Suidas informs us, Gallus was used as a common noun for euchum. There exists a verb gallare, which signifies to rage (insanire, bacchari), and which occurs in a verse of Ovid's Fasti (1. 344) and in the Archilochus (fr. 13). En., p. 84, ed. Burmann.

*GALLUS (ἀλέκτορ or ἀλέκτρων), the Cock.

“Those are few facts in natural history,” observes Griffith, “so difficult to determine with precision as to point out the places which the species of our common cock inhabited at first in its state of freedom and independence. Our common cock, according to the schools, has originated from the Jago Cock (Gallus Giganteus), a very large wild species, which inhabits the island of Sumatra, and from the species Banksia, another primitive cock, found in the forests of Java. If, as there is every reason for believing, the temperate climates of Asia and the countries of Europe did not in ancient times contain cocks in a wild state, we must ascend to the earliest epoch of navigation, and presume the domestication of this useful bird to date from those remote periods. Under the reign of that great prince, who ruled with so much glory over the tribes of Israel, the cockpit constituted an acquisition worthy of being enumerated in the list of riches imported. The cock, in our modern language, is esteemed a symbol of courage. It is probable that this discovery of the cock was made in the time of Solomon, it cannot be deemed very extraordinary that the cock, which inhabits the same countries as that bird, should about the same time have attracted the attention of the Hebrews. Be this as it may, it is quite certain that the cock, as well as the peacock, was known to man in the different countries in which these species exist at the present day in a state of domestication.” — Mention is made of the crowing of the cock in the Bar apros™o™a™ of Homer. On the supposition, therefore, that the poem is genuine, this would be the first notice of the domestic fowl occurring in the Greek writers. As, however, all the other early poets are silent in relation to this bird, Knight founds on this circumstance, an argument against the authenticity of the poem in question. He admits, however, at the same time, that a representation of the cock appears on the silver coins of the people of Sambucrace and Himera at least six centuries before the Christian era. Athenæus cites a passage from a Greek writer named Menodotus, in which the cock is spoken of as a native of Persia; and in another part of his work he quotes from Cratinus, who calls the cock a Persian bird. Athenæus mentions that the domestic fowl is a bird of Persian origin in his comedy of the Aes. Beck, however, in his com- mentary on Aristophanes, thinks that the cock was called Persian from the resemblance of its comb to the Persian covering for the head; but the passage cited by Athenæus from Menodotus assigns a much more probable reason. — Cock-fighting became in time one of the most popular amusements in Greece and Rome. Pliny says that battles of this kind were annually exhibited at Pergamum, in the same manner as combats of gladiators. Cock-fights were also represented by the Greeks on coins and cut stones. Various means were also employed to increase the irritability and courage of these birds. Dioscorides and Pliny speak of a plant named adiantum having been used for this purpose. Garlic was also given, as we are told by Xenophon. — The following singular description of the cock is given by Pliny: “After the cock, the birds which are most sensible to glory are those active sentinels which Nature has furnished to arouse us from our main slumber. These birds have a voice like the music of the stars, and are acquainted with the stars, and every three hours they indicate by their crowing the different periods of the day. They retire to repose with the setting sun, and from the fourth military watch they recall us loudly to our cares and labours. They do not suffer the daybreak to surprise us without timely warning. We are roused by the cock's morning cautions, and the crowing itself is announced by the clapping of their wings. Each farmyard has its peculiar king, and among these monarchs, as among princes of our own race, empire is the most of victory. They appear to comprehend the design of those weapons with which their feet are armed. It is not uncommon for two rivals to perish in the combat. If one be conqueror, he immediately sings forth his triumph and proclaims his supremacy: the other retreats and disappears, ashamed of his defeat. The gait of the cock is proud and commanding; he walks with head erect and elevated crest. Alone of all birds, he habitually looks up to the sky, raising the crest of his head, and using with this advantage he has, a voice which is a kind of imitator of the birds of the three and four hours, appearing to copy them. Indeed, he imitates them, it is true, but perhaps more truly worthy of the Roman purple. Their repasts are solemn presages; they regulate daily the conduct of our magistrates, and open or close to them their dwellings. They prescribe the time of daybreak or movement to the Roman fasces; they command or prohibit battles; they have announced all the victories gained throughout the universe in a word, they lord it over the masters of the world. Their very entrails and fibres are not less agreeable to the gods than the richest victims. Their prolonged noises in the evening, and at extraordinary hours, constitute presages. By crowing all night long, they announced to the Boeotians a celebrated victory over the Laconians; the victorious diviners interpreted these cries, which we never fail to note. — The cock was sacred to Mars, on account of its courageous spirit and pug-
GENISTA.

The demes and phratries of Attica possessed various means to prevent intruders from assuming the rights of citizens. (Vid. De PASSIBUS.) Among other regulations, it was ordained that every bride, previous to her marriage, should be introduced by her parents or guardians to the phratry of her husband (γυμνλιαν υπ' γεναιος εισφρονοι). This introduction of the young women was accompanied by presents to their new phratries, which were called γυμνα. The women were enrolled in the lists of the phratries, and this enrolment was also called γυμνα. The presents seem to have consisted in a feast given to the phratries, and the phratries, in return, made some offerings to the gods on behalf of the young bride. The acceptance of the presents, and the permission to enrol the bride in the registers of the phratry, was equivalent to a declaration that she was considered a true citizen, and that, consequently, her children might come within the rights and privileges of citizens.

Γυμνα was also the name of a sacrifice offered to Athena on the day previous to the marriage of a girl. She was taken by her parents to the temple of the goddess in the Acropolis, where the offerings were made on her behalf.

The plural, γυμνα, was used to express wedding festivities and similar ceremonies.

GA-MOS (Vid. MARRIAGE. GREEK.)

GAUSAPA, GAUSAPE, or GAUSAPUM, a kind of thick cloth, which was on one side very woolly, and was used to cover tables, beds, and by persons to wrap themselves up after taking a bath, or in general to protect themselves against rain and cold. It was worn by men as well as women. It came to be used among the Romans about the time of Augustus, and the wealthier Romans had it made of the finest wool, and mostly of a purple colour. The gausapum seems, however, sometimes to have been made of linen, but its peculiarity of having one side more woolly than the other always remained the same. Martial calls it gausapum quadrata, which may be supposed to mean that it was often used as a tablecloth, and might be used, square or oblong piece of cloth. The word gausapa is also sometimes used to designate a thick silk, woven in one side, and sometimes with a single woolly side.

The word gausapa is also sometimes used to designate a kind of thick wool, such as was made for the hair of Germans, and worn by the fashionable people at Rome in the term of the emperors. Persius applies the word in a figurative sense to a thick and stubborn character.

GENESIA. (Vid. FUNUS, p. 458.)

*GENISTA, Spanish Broom, or Spartium junceum, L. It grows abundantly in most parts of Italy, and the peasants weave baskets of its slender branches. The flowers are very sweet, last long, and are agreeable to bees. Pliny says it was used in dyeing, but he means the Genista tinctoria, called by some Wood-wax and Green-weed. Many thinks that the Spanish Broom might be used for the same purpose.

GENS. This word contains the same element as the Latin gen, us and gi, gen, o, and as the Greek γεν, γενος, &c., and it primarily signifies kin. But the word has various significations, which have either a very remote connexion with this primary notion, or perhaps none at all.

Gens sometimes signifies a whole political community, as Gens Latiorum, Gens Ruscantium, &c.; though in this application of the term, the notion of a distinction of race or stock is implied, or at least the notion of a totality of persons distinguished from other totalities by intermarriage and increase of their numbers among themselves only. Cicero speaks of "Gens, universa in civilitate recepta, ut Sabinorum, Volscorum, Herniacorum." It is a consequence of such meaning of gens, rather than an independent meaning, that the word is sometimes used to express a people with reference to their territorial limits.

The meaning of the word in the expression gens gentium is explained under Jus.

The words Gens and Gentiles have a special meaning in the system of the Roman law and in the Roman constitution. Cicero has preserved a definition of gentiles which was given by Scævola the orator. Gentiles are persons whose political and legal position must be considered complete. Those were gentiles, according to Scævola, (1) who bore the same name, (2) who were born of freemen (ingenui), (3) none of whose ancestors had been a slave, and, (4) who had suffered no capitation diminution. This definition contains nothing which shows a common bond of union among gentiles, except the possession of a common name. The persons who bear a common name are not gentiles, if the three other conditions contained in this definition were not applicable to them.

There is also a definition of gentilic by Festus: "That is called Gens Ælia which is composed (conflatior) of many families. Gentilia is both one who is of the same stock (genus) and one who is called by the same name (simili nomine), as Cinna says, those are my gentiles who are called by my name." "Gentilis déictor et ex coeleb genere orbis, et qui simili nomine appellatur." The second et is sometimes read ut, which is manifestly not the right reading, as the context shows. Besides, if the words "ut" is qui simili nomine appellatur are to be taken as an illustration of "ex eodem genere orbis," as they must be if ut is the true reading, then the notion of a common name is viewed as that necessity being contained in the notion of common kin, whereas there may be common kin without common name, and common name without common kin. Thus neither does common name include all common kin, nor does common kin include all common name, yet each includes something that the other includes.

We cannot conclude anything more from the conflatior of Festus than that a gens contained several families, or that several families were comprehended under one gens. According to the definition, persons of the same genus (kin) were gentiles, and also persons of the same name were gentiles. If Festus meant to say that all persons of the same genus and all persons of the same name were gentiles, his statement is inconsistent with the definition of the pontifex; for persons might bo of the same genus and might have sustained a capitation diminution either by adoption, or adrogation, or by emancipation: in all these cases the genus would remain, but the natural relationship was not affected by any change in it.
the juristist status of a person: in the cases of adoption and adrogation the name would be lost, in the case of emancipation it would be retained. If the definition of Festus means that among those of the same genus there may be gentes, and among those of the same name gentes may also be individual, as the Marcelli is termed the initiata part of a name, the definition is absolutely true, nor, if both parts are taken together, is the whole definition absolutely true. It seems as if the definition of gentiles was a matter of some difficulty; for while the possession of a common name was the simplest general characteristic of gentiliss, there were other conditions that were especially necessary. The name of the gens was always characterized by the termination *s*, as Julia, Cornelia, Valeria. When a man died intestate and without agnati, his familia (vid. *familia*), by the law of the Twelve Tables, came to the gentes; and in the case of a lunatic (*fearous*) who had no guardians, the guardianship of the lunatic and his property belonged to the agnati and to the gentes; to the latter, we may presume, in case the former did not exist. Accordingly, one part of the jus gentilium or jus gentilis related to succession to the property of intestates who had no agnati. A notable example of a dispute on this subject between the Claudii and Marcelli is mentioned in a difficult passage of Cicero (De Nat. Deor. 1. 5; 2. 2), who tells of an intestate son of one of the liberti or freedmen of their familia (*etrite*); the Claudii claimed the same by the gentile rights (*gente*). The Marcelli were plebeians, and belonged to the patrician Claudii gens. Niebohr observes that this claim of the Claudii is inconsistent with Cicero's definition, according to which the right of a freedman could not belong to a gens; and he concludes that Cicero (that is, *Scalvola*) must have been mistaken in this part of his definition. But it must be observed, though the descendants of freedmen might have no claim as gentiles, the members of a gens might, as such, have claims against them; and in this sense the descendants of freedmen might be gentiles. It would seem as if the Marcelli united to defend their supposed paternal rights to the inheritance of the sons of freedmen against the claims of the gens; for the w of the Twelve Tables gave the inheritance of a freedman only, who died intestate and without heirs, to his patron, and not the inheritance of the son. Marcellus, Cicero says (De Nat. Deor. 1. 5; 2. 2), whether the law, in the case supposed, gave the hereditas to the gens as having a right paramount to the paternal right. It may be that the Marcelli was being considered in the Claudia gens, were supposed to have merged their paternal rights (if they really existed in the case in dispute) in those of the gens. Whether, as members of the gens, the plebeian Marcelli would take as gentiles what they lost as patrioni, may be doubted. It is generally said or supposed that the hereditas which came to a gens was divided among the gentes, which must mean the heads of families. This may be so; at least, we must conceive that the hereditas, at one period at least, must have been a benefit to the members of the gens: Caesar is said to have been deprived of his gentilic hereditas. In determining that the property of intestates should ultimately belong to the gens, the law of the Twelve Tables was only providing for a case which, if a new civilization, is covered by law for the protection of the persons who dies without having disposed of it, or leaves him whom the law recognizes as entitled to it. The gens had thus a relation to the gentes similar to that which subsists in modern states between the sovereign power and persons dying intestate and without heirs or next of kin. The mode in which such a succession was applied by the gens was probably not determined by law; and as the gens was a kind of juridical person, analogous to the community of a civitas, it seems not unlikely that originally and before a system of legal gens was set up, this gens was such, and were common property. The gens must have had some common property, such as sacella, &c. It would be no difficult transition to imagine, that what originally belonged to the gens as such, was in the course of time distributed among the members, which would easily take place when the family included in a gens were reduced to a small number. There were certain sacred rites (*sacra gentilitia*) which belonged to a gens, to the observance of which all the members of a gens, as such, were bound, whether they were members by birth, adoption, or adrogation. A person was freed from the observance of such sacra, and lost the privileges connected with his gentile rights, when he lost his gens, that is, when he was adrogated, adopted, or even emancipated; for adrogation, adoption, and emancipation were accompanied by a diminution of the gentile rights. When the adoption was from one familia into an other of the same gens, the name of the gens was not changed; and when a son was emancipated, the name of the gens was still retained; and yet, in both these cases, if we adopt the definition of Scalvola, the adopted and emancipated persons lost the gentile rights, though they were also freed from the gentile burdens (*sacra*). In the case of adrogation and adrogation, the adopted and adrogated person was called a Marcellus, Cicero says, but had passed into the gens of such familia, and so must have acquired the rights of that gens. Such a person had sustained a capitis diminution, and it's effect was to destroy his former gentile rights, together with the rights of agnation. The gentile rights were, in fact, implied in the rights of agnation, if the patrified families had a gens. Consequently, he who obtained, by adrogation or adoption, the rights of agnation, obtained also the gentile rights of his adopted father. In the case of adrogation, the adrogated person renounced his gens at the Comitia *Curiata*, which solemnity might also be expressed by the term "sacra detestari," for sacra and gens are of the same origin. If a gentile, the adoption, or the adoption, was not only a part of the adopted father, corresponded to detestatio sacrorum on the part of the adrogated son. This detestatio sacrorum is probably the same thing as the sacrum alienum mentioned by Cicero. It was the duty of the pontifices to look after the due observation of the gentile sacra, and to see that they were not neglected. Each gens seems to have had its peculiar place (*sacculum*), for the celebration of the sacra gentilitia, which were performed at stated times. The sacra gentilitia, as already observed, were a burden on the members of a gens as such. The sacra privata were a charge on the property of an individual; the two kinds of sacra were thus quite distinct. According to the traditional accounts of the old Roman constitution, the gentes were subdivisions of the curiæ analogous to the curiæ, which were subdivisions of the tribes. There were ten in each curiæ, and, consequently, one hundred gentes in each tribe, and three hundred in the three tribes. Now if there is any truth in the tradition of this origin, the organization of the Roman people is a perfect mixture of the two curiæ, curiæ, and gentes, it follows that there was no necessary distinction among those families which belonged
ed to a gens, and more than among those families which belonged to one curia.

We know nothing historically of the organization of civil society, but we know that many new political bodies have been hatched out of the materials of existing political bodies. It is useless to conjecture what was the original organization of the Roman state. We must take the tradition as it has come down to us. The tradition is not, that families related by blood were formed into gentes, that these gentes were formed into curiae, that these en-
ties were formed into tribes. Such a tradition would contain its own refutation, for it involves the notion of the construction of a body politic by the aggregation of families into units, and by further combinations of these new units. The tradition is of three fundamental parts (in whatever manner formed), and of the divisions of them into smaller parts. The smallest political division is gens. No further division is made, and thus, of necessity, when we come to consider the component parts of gens, we come to consider the individuals comprised in it. According to the fundamental principles of Roman law, the individuals arrange themselves into families under their respective patres- familiae. It follows, that if the distribution of the people was effected by a division of the larger into smaller parts, there could be no necessary kin among the families of a gens; for kinship among all the members of a gens is necessarily united only by belonging to the same kindred family, and forming them into a gens. If the gens was the result of subdivision, the kinship of the original members of such gens, whenever it existed, must have been accidental.

There is no proof that the Romans considered that there was kinship among the families originally included in a gens. Yet as kinship was evidence of the rights of agnatio, and, consequently, of gentile rights, when there had been no capitis diminutio, it is easy to see how that which was evidence of the rights of agnatio, and, consequently, of gentile rights, might be viewed as part of the definition of gentiles, and, so extended, to comprehend a supposed kinship among the original members of the gens. The word gens itself would also favour such an interpretation. And any gens, finally, seems to be often used in the same sense. 1

This notion of kinship appears also to be confirmed by the fact of the members of the gens being distinguished by a common name, as Cornelia, Julia, &c. But many circumstances besides that of a common origin may have given a common name to the gentiles; and, indeed, there seems nothing more strange in all the gentiles having a common name, than there being a common name for all the members of a curia and a tribe.

As the gentes were subdivisions of the three ancient tribes, the populus (in the ancient sense) alone had gentes, so that to be a patrician and to have a gens were synonymous; and thus we find the expressions gens and patricii constantly united. Yet it appears to have been, as if a gentile married a woman not a gentilis, it followed that the children might not be gentiles; yet they might retain the gentile name, and thus, in a sense, the family might be gentile without the gentile privileges. Such mar-

1. (Cic., Pro Balbo, c. 14.)—2. (Liv., iv. 1.)
been included in the same decuria. But to assume this is nothing more than to say that the political system was formed by beginning with aggregations of families. The origin of the distinction of the decuria, was to consist of aggregates of gentes (thus understood), such arrangement could only be effected by making aggregation of families the basis of the political system, and then ascending from them to decuria, from decuria to curie, and from curie to tribes; a proceeding which is inconsistent with saying that the tribus were formed before the decuria, for this mode of expression implies that the curie were formed before the decuria. But the introduction of new gentes is conceivable even on the hypothesis of the gens being a mere political division. If the number was originally limited, it is perfectly consistent with what we know of the Roman constitution, which was always in a state of progressive change, to suppose that the strict rule of limitation was soon neglected. Now if a new gens was introduced, it must have been assimilated to the old gentes by having a distinctive name; and if a number of foreigners were admitted as a gens, it is conceivable that they would take the name of some distinguished person among them, who might be the ancestor from whom they all traced their birth, each with a numerous body of retainers. And this is the better tradition as to the patrician Claudii, who came to Rome with Atta Claudius, their head (gentis princeps), after the expulsion of the kings, and were co-opated (co-opatii) by the patres among the patricii; which is the same thing as saying that the immigrating body was recognized as a Roman gens. According to the tradition, Atta Claudius received a tract of land for his clients on the Anio, and a piece of burying-ground, under the Capitol, was given to him by the state (public). According to the original constitution of a gens, the possession of a common burying-place, and the gentile right to interment therein, were a part of the gentile sacra. It is probable that even in the time of Cicero the proper notion of a gens and its rights were ill understood; and still later, owing to the great changes in the constitution, and the extinction of so many ancient gentes, the traces of the Jus gentilium, were gradually lost. The names gens and familia are used indifferently by later writers, though Livy carefully distinguishes them. The older Pliny speaks of the sacra Serviliae familiae; Macrobius of the sacra familie Claudiae, Aemiliae, Juliae, Corneliae; and an ancient inscription mentions an Editus and a Sacedorum Ser-giae familiae, though those were all well-known ancient gentes, and these sacra, in the more correct language of the older writers, would certainly have been called sacra gentilitia. In the time of Gaius (the age of the Antonines), the jus gentilium had entirely fallen into disuse. Thus an ancient institution, which formed an integral part of the constitution of the state, was gradually lost together by the conservative power of religious rites, gradually lost its primitive character in the changes which circumstances impressed on the form of the Roman state, and was finally extinguished. The word gens has recently been rendered in English by the word House, a term which has here been purposely neglected, as it is not necessary, and may be misleading. The subject of the gens is discussed with great acuteness both by Niebuhr and by Melden. The views of Goettling are contained in his Geranium.
The flesh of the young is delicate; it used to constitute one of the dishes at the banquet of Rome and in the market of Corinth. The Crane is said to be a long-lived bird. The philosopher Leonius Thomeus, according to Paulus Jovius, kept one alive for forty years. 5

GERMANI (Vid. COGNATI)

GEROUSSIA (γερουσία). In connexion with this subject, it is proposed to give a general view of the Spartan constitution, and to explain the functions of its legislative and administrative elements. In the later ages of Sparta it was one of the most prominent of these was the college of the five ephors; but, as an account of the ephorship is given in a separate article (vid. EPHORI), we shall confine our inquiries to the kings, the γερουσίαι or councils, and the ekklesia, or assembly of Spartan freemen.

I. The Kings. The kingly authority of Sparta was, as it is well known, coeval with the settlement of the Dorians in the Peloponnesus, and continued to the descendants of Aristodamus, one of the Heraclid leaders, under whom, according to the Spartan legend, the conquest of Laconia was achieved. To him were born twin sons, Eurysekes and Procles; and from this cause arose the diarchy, or divided royalty, the sovereignty being always shared by the representatives of the two families which claimed descent from them. 2 The sons of Procles, however, granted to the older branch, which were called Agenorians, as the younger house was styled Euryponides, from certain alleged descendants of the twin brothers. 3 Such was the national legend; but, as we read that the sanction of the Pythian oracle was procured for the arrangement of the diarchy, 4 we may conclude that it was not altogether fortuitous, but rather the work of policy and design; nor, indeed, is it improbable that these nobles would gladlyavail themselves of an opportunity to weaken the royal authority by dividing it.

The descent of the Spartan kings from the national heroes and leaders contributed in no small degree to support their dignity and honour; and it is, perhaps, from this circumstance particularly that they were considered as heroes, and enjoyed a certain religious honours. The honour was, however, of a simple and heroic character, such as a Spartan might give without derogating from his own dignity or forgetting his self-respect. Thus we are told that the kings united the character of priest and king, the priesthoods of Zeus Uranus 5 and the Laocidian Zeus being filled by them; and that, in their capacity of national high-priests, they officiated at all the public sacrifices offered on behalf of the state. 6 Moreover, they were ample provided with the means for exercising the heroic virtue of hospitality; for this purpose, public or domain lands were assigned to them in the district of the perioeci, or provincial subjects, and certain requisites belonged to them whenever any animal was slain in sacrifice. Besides this, the kings were entitled to various payments in kind (ραταὶ τῶν ἄρτων τομῆς), that they might never be in want of victuals to sacrifice; in addition to which, they received, twice a month from the state, an ἀρτοφυλακίον, to be offered as a sacrifice to Apollo, and then served up at the royal table. Whenever, also, any of the citizens made a public sacrifice to the gods, the kings were invited to the feast, and lookoured above the other guests: a double portion of food was given to them, and they were the chief objects of the libations to the gods. 7 All these distinctions are of

v. Over, there can be no doubt that the kings were, or their return home, accountable for their conduct as generals, and more especially after the increase of the ephoral authority. Their military power, also, was necessary for the performance of political functions, for the kings were not allowed to go abroad to decide the fate of cities without communicating with the authorities at home. In former times the two kings had a joint command; this, however, led to inconvenience, and a law was in consequence passed, that for the future one only of the two kings should hold the command of the army on foreign expeditions.

II. The yepovria, or Assembly of Elders. This body was the aristocratical element of the Spartan polity, and not peculiar to Sparta only, but found in other Dorian states, just as a Boule, or democratical council was an element of most Ionian consti-
tutions.

The yepovria or yepovria at Sparta included the two kings, its presidents, and consisted of thirty members: a number which seems connected with the divisions of the Spartan people. Every Dorian state, in fact, was divided into three tribes: the Hylleis, the Dymanes, and the Pampylly, whence the Dorians are called ηπξαι, or thrice divided. The members of these were the deceased kings as superior to those of all his predecessors.

In comparison with their dignity and honors, the constitutional powers of the kings were very limited. In fact, they can scarcely be said to have possessed any; for, though they presided over the council of yepovvros as δίκαιοι, or principalis senatus, and the king of the elder house probably had a sealing vote (a supposition which Dr. Thrillwill thinks may perhaps reconcile the difference between Herodotus, v., 57, and Thucydides, i., 20), still the voice of each counted for no more than that of any other senator: when absent, their place was sup-
plied and their proxies tendered by the councillors who were most nearly related to them, and thence-
fore of a Heraclid family. Still the kings had some important prerogatives; thus they had, in common with other magistrates, the right of addressing the public assembly; besides this, they sat in a separate court of their own, where they gave judgment in all cases of heresies claimed by different parties: a speech was delivered by them, and then a written verdict issued by the council, but afterward transferred to the archon eponymus. They also appointed the four "Pythians," whose duty it was to go as messengers to consult the god at Delphi. Adoptions also took place in their presence, and they held a court in all cases connected with the maintenance of the public roads; probably in their capacity of generals, and as superintendents of the intercourse with foreign nations. In foreign affairs, indeed, their prerogatives were considera-
tible: thus they were the commanders of the Spa-
tan forces, and had the privilege of nominating from among the citizens persons to act as "proxeni," or protectors and entertainers of foreigners visiting Sparta. But their chief power was in war; for after they had once crossed the borders of Laconia in command of troops, their authority became unlimited. They could send out and assemble armies, despatch ambassadors to collect money, and refer those who applied to themselves for justice to the proper officers appointed for that purpose. Two epedrai were held, as well as their edra and tria-
petitions, but those magistrates had no authority to interfere with the kings' operations: they simply

watched over the proceedings of the army. Moreover, there can be no doubt that the kings were, or


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The functions of the councillors were partly de-
liberative, partly judicial, and partly executive. In
the discharge of the first they presided over the measures
and laws which were to be laid before the popular assembly, so that the im-
portant privilege of initiating all changes in the govern-
ment or laws was vested in them. As a criminal
court they could punish with death and civil degra-
dation (adymia), and that, too, without being restrain-
ed by any code of written laws, for which national
feeling and recognised usages would form a suffi-
cient substitute. They also appear to have exercised,
like the Arispomata, a general superin-
tendence and inspection over the lives and manners
of the citizens (arbitri et magistri disciplina pub-
cis), and probably were allowed "a kind of patri-
archal authority to enforce the observance of ancient
usage and discipline." It is not, however, easy to
define with exactness the original extent of their
functions, especially as respects the last-mentioned
duty, since the elders not only encroached upon the
prerogatives of the king and council, but also pos-
sessed, in very early times, a censorial power, and
were not likely to permit any diminution of its extent.

III. The Æxeia, or Assembly of Spartan Freemen.
This assembly possessed, in theory at least, the
supreme authority in all matters affecting the general
interests of the state. Its original position at Sparta
is described by Plutarch (vii., 6.), Alcibiades, and
Lycurgus, which, in the form of an oracle, exhibits
the principal features of the Spartan polity: "Build
a temple," says the Pythian god, "to Hellenian Zeus
and Hellenian Athena; divide the tribes, and
institute thirty obas; appoint a council with its
princes; call an assembly (ανελλελοντες) between
Babyea and Knakion, then make a motion and de-
part the chief and upper princes from the people
(διέμενε δε εκυρών ημών κει κρατοῦν)."

By this ordinance full power was given to the
people to adopt or reject whatever was proposed to
them by the king and other magistrates. It was,
however, found necessary to define this power
more exactly, and the following clause, ascribed to
the kings Theogenus and Polydorus, was added to
the original recitation: "If, after discussion and power
and power to the people, the king should follow a
crooked opinion, the elders, and the chief and
upper princes shall withdraw" (τοις πρεσβυνευσι και χρυσοταξίας ἀποσταρεῖς ἡμῖν). Plutarch interprets these words to mean,
"That in case the people do not either re-
ject or approve in toto a measure proposed to them,
the kings and councillors should dissolve the as-
sembly, and declare the proposed decree to be in-
valid." According to this interpretation, which is con-
firmed by some verses in the Eumonia of Tyr-
taeus, the assembly was not competent to originate
any measures, but only to pass or reject, without
modification, the laws and decrees proposed by the
proper authorities: a limitation of its power, which
almost determined the character of the Spartan
constitution, and justifies the words of Demosthenes,
who says, "The Æxeia of Sparta was in many respects
superior to other Æxeia of the Greeks."

All citizens above the age of thirty, who were not
labouring under any loss of franchise, were admi-
ssible to the general assembly, or ἀνέλλελον, as it was
called in the old Spartan dialect; but no one except
public magistrates, and chiefly the ephors and kings,
dressed the people without being specially called
upon. The same public functionsaries also put the
question to the vote. Hence, as the magistrates
only (τα τείχη οραγι) were the leaders and speak-
ers of the assembly, decrees of the whole people
are often spoken of as the decision of the author-
ities, precisely in matters relating to foreign
affairs. The intimate connexion of the ephors with
the assembly is shown by a phrase of very frequent
occurrence in decrees (ἐκδοσι τοις εἴροις καὶ τη
ἐκκλησία). The method of voting was by accla-
mation; the place of meeting between the brook
Knakion and the bridge Babyca, to the west of the
city, and enclosed. The regular assemblies were
held every full moon; and on occasions of emer-
gency, extraordinary meetings could be convened.

The whole people alone could proclaim "a war,
conclude a peace, enter into an armistice for any
length of time, and all negotiations with foreign
states, though conducted by the kings and ephors,
could be ratified by the same authority only." With
to regard to domestic affairs, the highest offices, such
as magistracies and priesthoods, were filled by the
votes of the people; a disputed succession to the
throne was decided upon them; changes in the
constitution were proposed and explained, and all
new laws, after a previous decree in the senate,
were confirmed by them. It appears, therefore, to
use the words of Muller, that the popular assembly
really possessed the supreme political and legislative
authority at Sparta, but it was so hampered and
checked by the spirit of the constitution, that it could not act in matters within certain
described limits, so that the government of the state
is often spoken of as an aristocracy.

Besides the Æxeia which we have just described,
we read in later times of another, called the small
assembly, which appears to have been convened on
occasions of emergency, or which were not of suf-
cient importance to require the decision of the entire
body of citizens. This more select assembly was a kind of political jury of citizens, or of some class enjoying a similar pre-
dence, together with some of the magistrates of the state (vid. Ecclesia); and if, as appears to have been
the case, it was convened more frequently than the
greater assembly, it is evident that an additional
restraint was thus laid upon the power of the lat-
er, the functions of which must have often been
superintended by the former.

The preceding remarks will enable us to decide
a question which has been raised, What was the real
nature of the constitution of Sparta? From the
expressions of Greek writers, every one would at
once answer that it was aristocratic; but it has been
asserted that the aristocracy at Sparta was an arist-
craty of conquest, in which the conquering people,
or Dorians, stood towards the conquered, or Achae-
ans, in the relation of nobles to commons, and that it
was principally in this sense that the constitution
of Sparta was so completely anti-popular or oligar-
chical. Now this, indeed, is true; but it seems no
less true that the Spartan government would have
been equally called an oligarchy or aristocracy even
if there had been no subject class at all, on account
of the disposition and administration of the state.

The fact is, that, in theory at least, the Spartan con-
stitution, as settled by Lycurgus, was a decided de-
ocracy, with two hereditary officers, the generals
of the commonwealth, at its head; but in practice (at
least before the encroachment of the ephors) it was
a limited aristocracy, that is, it worked as if the
supreme authority was settled in the hands of a
minority. The principal circumstances which per-
mit us in considering it as such are briefly the
I. 2., 1. 3.)—2. (Arist. Polit., 6, 1.)—5. (Thhist. Hist.,
180, 3.)—8. (Plut. Lycurg., 6, 3, 3.)—10. (Müller, Dor.,
4, 11.)—11 (Thucyd., 11, 50, 57.)

GEROUSIA

1. (Plut. Lycurg., 6.)—2. (Herod. vii., 134.)—3 (Müller,
Dor., 4, 9, 9.)—4. (Xen., Hell., iii., 3, 18, 6.)—5. (Philostr.
Mem., 1, 66, 6.)—(Wachsmuth, Helms, Alterskunde, i., 18, 7, 212—7. (Arnold, Thucyd., Append. ii.)
GLADIATORES

*GITH or GIT, the seed of the Melanthion or Pepper-wort, the Nigella sativa. It was employed by the ancients as a condiment. (Vid. MELANTHIUM).

GLADIATORES (μαθητεία) were men who fought with swords in the amphitheatre and other places like the Etrurians and other barbarous people (Graeci, qui in arena, popula spectantes, pro seimmers). They are said to have been first exhibited by the Etrurians, and to have had their origin from the custom of killing slaves and captives at the funeral pyres of the deceased. (Vid. BUSTM, FONUS, p. 490.) A show of gladiators was called munus, and the person who exhibited (edesbat) it, editor, manufer, or minister of the gladiators, was honoured during the day of exhibition, if a private person, with the official signs of a magistrate.

Gladiators were first exhibited at Rome in B.C. 264, in the Forum Boarium, by Marcus and Decimus Brutus, at the funeral of their father. They were at first confined to public funerals, but afterward fought at the funerals of those who had attained a certain influence, and even at those of women. Private persons sometimes left a sum of money in their will to pay the expenses of such an exhibition at their funerals. Combats of gladiators were also exhibited at entertainments, and especially at public festivals by the adiles and other magistrates, who sometimes exhibited immense numbers with the assistance of the people, and who held the power of granting shows as an exercise of popular rights. (Vid. BUSTM, p. 196.) Under the Empire, the passion of the Romans for this amusement rose to its greatest height, and the number of gladiators who fought on some occasions appears almost incredible. After Trajan's triumph over the Dacians, there were more than 10,000 exhibitors.

Gladiators consisted either of captives, slaves, condemned malefactors, or of freeborn citizens who fought voluntarily. Of those who were condemned, some were said to be condemned ad gladium, in which case they were obliged to be killed at least within a year; and others ad ludum, who might obtain their discharge at the end of three years. Freemen, who became gladiators for hire, were called auctorati, and their hired auctorummentum or gladiatorium. They also took an oath upon entering upon the service, which is preserved by Petronius: "In verba Eumolpi sacramentum juravimus, uiri, vincari, verberari, ferroque necari, et quicquid alius Eumolpus juraisset, tamquam legism.—Coll. in gladiatorum auctoritate." Even under the Republic freeborn citizens fought as gladiators, but they appear to have belonged only to the lower orders. Under the Empire, however, both knights and senators fought in the arena, and even women; which practice was at length forbidden in the time of Severus.

Gladiators were kept in schools (bursa), where they were trained by persons called lanista. The whole body of gladiators under one lanista was frequently called famulis. They sometimes were the property of the lanista, who let them out to persons who wished to exhibit a show of gladiators;

GINNUS

Restrains imposed upon the assembly, the extensive powers of the councillors, their election for life, their irresponsibility, the absence of written laws, of paid offices, of offices determined by lot, and other things thought by the Greeks characteristic of a democracy. Independent of other views, we must remark, that Sparta was at the head of the oligarchical interest in Greece, and always supported, as at Corycyra and Argos, the oligarchical party in opposition to the democratic, which was aided by Athens. In fact, Dr. Arnold himself observes, that even in the relations of the conquering people among themselves, the constitution was far less popular than that of Sparta. He says that the constitution, as settled by Lycurgus, was completely altered in feature by the usurpation of the ephors. To such an extent was this the case, that Plato doubted whether the government at Sparta might not be called a "tyranny," in consequence of the extensive powers of the ephory, though it was as much like a democracy as any form of government could well be; and yet, he adds, not to call it an aristocracy (i. e., a government of the αριστοκρατία) is quite absurd. Moreover, Aristotle, when he enumerates the reasons why the Spartan government was called an oligarchy, makes no mention of the relations between the Spartans and their conquered subjects, but observes that it received from the aid of some of the most powerful oligarchical institutions, such as that of none of the magistrates were chosen by lot; that a few persons were competent to inflict banishment and death.

Perhaps the shortest and most accurate description of the constitution of Sparta is contained in the following observations of Aristotle: "Some affirm that the constitution of government in Sparta is mixed of all the forms, whereas they praise the Spartan constitution; for some say that it is composed of an oligarchy, and a monarchy, and a democracy: a monarchy on account of the kings, an oligarchy on account of the councillors, and a democracy on account of the ephors; but others say that the oligarchy is a "tyranny," whereas, on the other hand, the public tables and the regulations of daily life are of a democratic tendency."

GERRA. (Vid. Ecclesia, p. 385.)

*GETEUM (γήτειον), also called Cethyos (γήθυς), a plant to be referred to the genus Althum, or Garlic, but the particular species of which cannot be determined. (Vid. DEEUM, p. 385.)

*GETYLLIS (γητύλλις), most probably the same as the preceding.

*GEUM, the herb Avens or Bennet, the Caryophyllata vulgaris, L. The French term is Benette, the German Bénetütz. It grows in shady, woody grounds. The root is bitter and aromatic, and was prescribed by the ancient physicians not only in affections of the breast and side, but also in cases of dyspepsia.

*GINGDIIUM (γιγνίδιον), according to Kellius and Stephens, a species of Chervil. This opinion, however, is controverted by Matthiolas and Bahnin. Adams makes it the Daucus Gingildium, a variety of the Daucus Carota, or wild Carrot. We must, however, suspect this to be an error."

*GINNUS or HINNUS (γινος, ινος). Buffon remarks, that Aristotle applies the term γινος in two senses: first, to denote an imperfect animal, proceeding sometimes from the horse and ass; and, secondly, to signify the particular production of the great mule and the mule. Aristotle, therefore, was aware of the fact that the mule can sometimes propagate its species.


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**GLADIATORES.**

Showed gladiators were abolished by Constantine, but appear, notwithstanding, to have been generally exhibited till the time of Honorius, by whom they are first mentioned in 392.

Gladiators were divided into different classes, according to their arms and different modes of fighting, or other circumstances. The name of the most important of these classes is given in alphabetical order:

1. *Andabata* wore helmets without any aperture for the eyes, so that they were obliged to fight blindfold, and thus excite the horror of the spectators. Some modern writers say that they fought on horse back, but this is denied by Orelli.

2. *Caterwari* was the name given to gladiators when they did not fight in pairs, but when several fought together.

3. *Dimacheri* appear to have been so called, because they fought with two swords.

4. *Equites* were those who fought on horseback.

5. *Esquarari* fought from chariots like the Gauls and Britons. (Vid. *Esquarari*.) They are frequently mentioned in inscriptions.

6. *Fiscales* were those, under the Empire, who were trained and supported from the fiscus.

7. *Hoplomachi* appear to have been those who fought in a complete suit of armour.

8. *Lagocatares* were those who used a noose to catch their adversaries.

9. *Meridiani* were those who fought in the middle of the day, after combats with wild beasts had taken place in the morning. These gladiators were very slightly armed.

10. *Mirmilones* are said to have been so called from the shape of the image of a fish (mirmys, μηρμύς) on their helmets. Their arms were like those of the Gauls, whence we find that they were also called Galli. They were usually matched with the retiares or Thracians.

11. *Ordinarii* was the name applied to all the regular gladiators, who fought in pairs, in the ordinary way.

12. *Postulatios* were such as were demanded by the people from the editor, in addition to those who were exhibited.

13. *Provocatores* fought with the Samnites, but we do not know anything respecting them except their name. They are mentioned in inscriptions.*

14. *Ratari* carried only a three-pointed lance, called *tridentes* or *fuscicata* (vid. *Fuscicata*), and a net (*rete*), which they endeavoured to throw over their adversaries, and then to attack them with the fuscina while they were entangled. The retarius was dressed in a short tunic, and wore nothing on his head. If he missed his aim in throwing the net, he betook himself to flight, and endeavoured to prepare his net for a second cast, while his adversary followed round him in order to kill him before he could make a second attack. His adversary was usually a secutor or a mirmillo.

In the following

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GLADIATORES.

woe-leut, taken from Winckelmann, a combat is represented between a retiarius and a mirrillo; the former has thrown his net over the head of the latter, and is proceeding to attack him with the fasci-na. The lanista stands behind the retiarius.

Samnites were so called because they were armed in the same way as that people, and were particularly distinguished by the oblong scutum. Secutores are supposed by some writers to be so called, because the secutor, in his combat with the retiarius, pursued the latter when he failed in securing him by his net. Other writers think that they were the same as the suppositori, mentioned by Martial, who were gladiators substituted in the place of those who were weary or were killed. If the old reading in a letter of Cicero's is correct, Julius Caesar had no less than 500 secutores in his ludus at Capua; but it appears probable that we ought to read securitorum instead of securorum.

Suppositori. (Vid. Secutores.)

Thracian or Thracis were armed, like the Thrae-clans, with a round shield or buckler, and a short sword or dagger (sica'), which is called faix supina by Juvenal. They were usually matched, as already stated, with the mirrillones. The preceding woodcut, taken from Winckelmann, represents a combat between two Thracians. A lanista stands behind each.

Paintings of gladiatorial combats, as well as of the other sports of the amphitheatre, were favourite subjects with the Roman artists. Several statues of gladiators have come down to us, which are highly admired as works of art: of these, the most celebrated is the gladiator of the Borghese collection, now in the Louvre, and called gladiator, as it is called, in the Capitoline Museum. Gladiatorial combats are represented in the bas-reliefs on the tomb of Scaurus at Pompeii, and illustrate in many particulars the brief account which has been given in this article of the several classes of gladiators. These bas-reliefs are represented in the following woodcuts from Mazois. The figures are made of stucco, and appear to have been moulded separately, and attached to the plaster by pegs of bronze or iron. In various parts of the frieze are written the name of the person to whom the gladiators belonged, and also the names of the gladiators themselves, and the number of their victories. The first pair of gladiators on the left hand represents an equestrian combat. Both wear helmets with viles, which cover the whole face, and are armed with spears and round bucklers. In the second pair, the gladiator on the left has been wounded; he has let fall his shield, and is imploring the mercy of the people by raising his hand towards them. His antagonist stands behind him, waiting the signal of the people. In the other gladiators represented on the frieze, they wear the subligaculum, or short apron fixed above the hips. The one on the left appears to be a mirrillo, and the one on the right, with an oblong shield (securum), a Samnite. The third pair consists of a Thracian and a mirrillo, the latter of whom is defeated. The fourth group consists of four figures; two are secutores and two retiarii. The secutor on his knee appears to have been defeated by the retiarius behind him, but as thefuscina is not adapted for producing certain death, the other secutor is called upon to do it. The retiarius in the distance is probably destined to fight in his turn with the surviving secutor. The last group consists of a mirrillo and a Samnite the latter is defeated.

In the next woodcut two combats are represented. In the first a Samnite has been conquered
by a mirrillo; the former is holding up his hand to the people to implore merely, while the latter apparently wishes to strike his opponent before giving the signal to the people, but the lanista holds him back. In the other combat a mirrillo is mortally wounded by a Samnite.

It will be observed that the right arm of every figure is protected by armour, which the left does not require, on account of the shield. (Vid. Best. Mag. Vol. vi., p. 11.)

GLAECION (γλάέκιον ουδέ θαλακαίον). Corn-flag or Sedge-grass. Gaza, in his version of Theophrastus, renders the Greek term by enesis. The people of Zante call it, at the present day, άγκροκόκορας; the rest of the modern Greeks, σταθύκοτον. Sibthorp found a variety, which he names G. tripthylus. The botanical name for the Gladiolus of the ancients is G. communis or vulgaris. This is found in the fields of the Ειγειαν islands at the beginning of spring.

GLADIUS (γλάδιος, poet. άγκρα, φλαγαών), a Sword or Glaive, by the Latin poets called enesis. The ancient sword had generally a straight, two-edged blade (άγκρας), rather broad, and nearly of equal width from hilt to point. Gladiators, however, used a sword which was curved like a cimeter. In times of the remotest antiquity swords were made of bronze, but afterward of iron. The Greeks, Romans, and Hebrews wore them on their offensive weapons (Virg., G. 93; woodcut, p. 597), so as to draw them out of the sheath (regina, κόλος) by passing the right hand in front of the body to take hold of the hilt with the thumb next to the blade. Hence ἐσχύλιος distinguishes the army of Άρης by the denomination of μαχαιροφόροι ένθρος, alluding to the obvious difference in their appearance in consequence of the use of hilted weapons. (Erostratus, ii., 14.)

The early Greeks used a very short sword. (Vid. woodcut, p. 94.) Iphicrates, who made various improvements in armour about 400 B.C., doubled its length, so that an iron sword found in a tomb at Athens, and represented by Dodwell, was two feet five inches long, including the handle, which was also of iron. The Roman sword, as was the case also with their other offensive weapons, was larger, heavier, and more formidable than the Greek. Its length gave occasion to the joke of Lentulus upon his son-in-law, who was of very low stature, "Who tied my son-in-law to his sword!" To this Roman sword the Greeks applied the term σαπηνῆς, which was the name of a piece of wood of the same form used in weaving. (Vid. Tull.) The British glaive was still larger than the Roman. In a monument found in London, and preserved at Oxford, the glaive is represented between three and four feet long.

The principal ornament of the sword was bestowed upon the hilt. (Vid. Capit.)

Gladius was sometimes used in a wide sense, so as to include the Pseudo-Gladius.

GLANCES. (Vid. Funda.)

*GLANS.* This term, observes Martyn, "seems to have been used by the Romans in the same sense that we employ the word Mast, namely, to indicate the fruit of the beech, oak, or other forest-trees. Thus the fruit of the beech is called glans by Pliny, *fagi glani, nuclei similes.* But, strictly speaking, it means only such fruits as contain but one seed, which is covered in the lower part with a husk, and is naked at the upper part, thus the fruit of an oak, which we commonly call an acorn, is properly a glane. *'Glandem,' says Pliny, 'qua proprie intelligetur, furunt robur, quercu, asculu, cerru, iles, suber.'"

*GLASTUM (γλαστός), Wood, or Ictis tinctura, long celebrated for producing a dye of a beautiful blue colour. The ancient Britons, according to Caesar and other writers, stained their bodies with the juice of this plant, which, according to Pliny, extended even to females. Two kinds of Ictis are mentioned by the ancient writers; the domesticated, or sativa, the same with the I. tinctoria, and the wild, or ύπαλα, corresponding to the I. luzitaniae."

*GLAUCIUM (γλαυκόν), the Horned Poppy, named by Bauhin Papaver coniunctum, and by many more modern botanists, Glaucium corniculatum, Curt. Sibthorp found it growing abundantly along the sandy shores of Greece."

*GLAUCUS (γλαύκος), the blue Shark, or *Stomia Glaucus,* called in French Le Chien de Mer. Αιλιν describes the paternal care of this fish for its offspring in guarding it against dangerous foes; τα πίδακα θέλεϊν γλαυκόν άλον κόταν κατά μνήμη."

*GLAUX (γλαύξ)," says the Strix Bufo, L. known by the English name of Eagle Owl, Great Owl, and Great Horned Owl. The ερώς is the Strix Otus, or Horned Owl. The αίγολος of Aristot. may be conjectured to be the Strix nyctea, or Great White Owl." Dodwell, speaking of the owls in modern Greece, observes, *There are many varieties of owls at Athens; the most common is the Strix passerina, which is very small and tame, and is the same that is represented on Athenian coins. For the rest their variety is very great. They have a peculiar note, of which their Greek name, Κοκκώλας, is perfectly expressive, and to which that circumstance has given rise, since the euckoo has received its appellation from a similar resemblance. It is a singular circumstance, that the Athenians are pleased with seeing the bird of Minerva perched upon their houses. In all other countries it is supposed as an ancient portent calamity and death." The selection of the owl as the emblem of Minerva originated, as is thought, from the circumstance of this bird's having a particular air of intelligence, owing to the elevation of the facial line."

*II. a plant, which dugus and Bauhin are inclined to refer to a species of Polygala, or Milkwort; but Sprengel follows Clusius in holding it to be the Astragrus Glarum, the English name of the Astragalis in Milk-vetch.

*GLECHON (γλέχων), the Mentha pulegium, or Pennyroyal. Apuleius says, *Græci Blechon, ati Glecbon, et Latini Pulegium.* The former of these two Greek expressions, namely, Blechon (βλεχω), of which the other (Glechon) is merely a diacritic variation, comes, according to the ancient writers, from βλάχων, bleeding, because the plant, when cut and kept together, makes them bleed. The Latin name pulegium was given to it because it was believed to kill flies (pulices) by its odor. Two kinds of pulegium are mentioned by the ancients, the domesticated (satomium) and wild (sylvestre). Pliny gives a long enumeration of its medical properties, and often the saying of Varro, that a crown of Pennyroyal was more fit to adorn an apartment than one of roses. The same writer distinguishes also between the male and female plant.
gree of the people which were made during the time of his office, and to deliver to the thesauri the decrees of the senate. Demosthenes, in another place, says that trials of public documents, which were deposited in the Metron, were in the keeping of a public slave; whence we must suppose, with Schömann, that this servant, whose office was probably for life, was under the γραμματεὺς, and was his assistant. Previous to the archonship of Eucleides, the name of this scribe was attached to the archonship, as if the name of the γραμματεὺς who officiated during the administration of the first prytany in a year was that of the archon eponymus, used to designate the year.

The second γραμματεὺς was elected by the senate by χρυσοτιμία, and was intrusted with the custody of the laws (ἐπὶ τῶν νόμων). His usual name was χρυσοτιμίας, and the principal part of his office was to read any laws or documents which were required to be read in the assembly or in the senate.

A class of scribes inferior to these were those persons who were appointed clerks to the several civil or military officers of the state, or who served any of the three γραμματεῖα mentioned above as under-clerks (ὑπογραμματεῖα). These persons were either public slaves or citizens who served in the armies, who kept the control of the expenditure of the sacred money, &c.13 The higher class of ἀντιγραφές, on the other hand, were public officers. Their number was, according to Harpocrates, only two, the ἀντιγραφὴς of the δουκείας, and the ἀντιγραφὴς of the βούλης. The office of the former was to control the accounts of the state, and to deposi-7 τειχῶν; the latter was always present at the meetings of the senate, and recorded the accounts of money which was paid into the senate.14 He had also to lay the account of the public revenue before the people in every prytany, so that he was a check upon the ἀντιγραφή. He was at first elected by the people by χρυσοτιμία, but was afterward appointed by lot.15

The great number of clerks and counter-clerks in Athens was a necessary consequence of the insti-10 tution of the ἐπώνυμος, which could not otherwise have been carried into effect.16

GRAPhIE (γραφεῖα), in its most general acceptance, comprehends all state trials and civil proceedings whatever in the Attic courts; but in its more limited sense, those only which were not dis-
facto to a fine of a thousand drachmae. The same
sum was also forfeited when the prosecutor failed
to obtain the voices of a fifth of the dicasts in all ca-
ses except those brought before the archon that he
had reference to injury (κινήσεις) done to women or or-
phans; and besides this penalty, a modified disfear
ishment, as for, in capacity to bring
a similar accusation, was incurred upon several oc-
casions.
Upon the conviction of the accused, if the
sentence were death, the presiding magistrate of
the court delivered the prisoner, who remained in
the custody of the Scythe during the trial, to the
Eleven, whose business it was to execute judgment
upon him. (Vid. Eleven, Th.).
If the punishment
were confiscation of property, the demarchs made
an inventory of the effects of the criminal, which
was read in the assembly of the people, and deliv-
ered to the poteleis, that they might make a sale
of the goods, and pay in the proceeds to the public
treasury.

GREGORIANUS CODEX. (Vid. Codex Gra-
orianus.)

GROSFOS (γρόσος). (Vid. Hast.)

GUBERNA/CULUM, ant. GUBERNUN (γο-
βερνος), a Rudder. Before the invention of the rudder,
which Flinius ascribes to Tiphys, the pilot of the
ship Argo, vessels were both propelled and guided
by oars alone. This circumstance may account
for the form of the ancient rudder, as well as for
the mode of using it. It was like an oar with a very
broad blade, and was commonly placed on each side
of the stern, not at its extremity. The annexed
woodcut represents examples of its appearance as it
is frequently exhibited on coins, gems, and other
works of art. The figure in the centre is one of
Bartoli's lamp, and displays a Triton blowing the
Buccina, and holding a rudder over his should-
er in his left hand. The first figure in the same
woodcut is from a cameo in the Stosch collection. It
represents a rudder with its helm or tiller (vid. Anas.
Claves) crossed by the cornucopia. These two em-
blems of abundance and success are often found to-
gether, especially in representations of Fortune. It
is the third figure, taken from another cameo in the
same collection. Venus leans with her left arm upon
a rudder, which indicates her origin from the sea.

The usual position of the rudder at the side of
the stern is seen in the woodcuts at p. 58, 62, 69.

The gubernaculum was managed by the guberna-
tor (κυβερνάτορ), who is also called the rector, as
distinguished from the magister, and by the Greek
poets oikodrōn and oikowdrōn, because he tends
and directs the helm.

1. (Meier, Att. Proc., 355.)—2. (Meier, Att. Proc., 740, &c
11. (Pto. V., 22, &c.—Sparte, v. vii., p. 646, ed. Reiske.—Gen.,
12. (Hesych., Sept. v. Theb., 3.)

Distinguished as the kíropos in behalf of the aggrieved woman,
minor, or slave; his prōxestēs probably gave some assistance
to the resident alien in the commencement
of proceedings, though the accusation was,
in the name of the person aggrieved, who also made
his appearance at the trial without the intervention
of the patron; and a complete foreigner would
upon this occasion require the same or a still far-
ther protection from the proxens of his country.
With the exception of cases in which the apoge,
ephesis enekistis, or ciasangela was adopted, in
the first three of which an arrest actually did
and in the last might take place, and accusations at the
ute, and ciasangela, when the accused was,
or was supposed by the law to be present, a public
action against a citizen commenced, like an ordi-
ary lawsuit, with a summons to appear before the
proper magistrate on a fixed day. The
anasis
then followed (vid. Anacrisi); but the bill of ac-
cussion was called a γροσ or φεύσω, as the ease
might be, and not an ἐνοχή or ἐφέσω; as in pri-
ate actions; neither could a public prosecution
be referred to an arbitrator (vid. DIASTEME); and if it
were compromised, would in many cases render the
issue liable to an action καθυστερος, if not ipso
A ship had sometimes one, but more commonly two rudders; and they were distinguished as the right and the left rudder (δεστρα, σατεστρα). In the case of the Athenian trireme, the oarsmen and soldiers already referred to, who held the rudder in their left hand, the right rudder, or rather the boat rudder, which was equally important, remained in force, a modern traveller was nearly shipwrecked because the rudders were in the hands of two pilots who spoke different languages. To obviate such disasters among the ancients, the same steersman held both tillers, if the boat was small, as is clearly shown in the representation of one on a lamp.1 In large ships the extremities of one tiller being joined by a boat rudder, the tiller was moved by one man, and kept the rudders always parallel. This construction is seen in the model of a ship which is preserved in the collection of Egyptian antiquities at Berlin, and which was discovered in the tomb of a priest. The contrivances for attaching the two rudders to one another, and to the sides of the ship, in the ancient age naturally conformed.2

Ships constructed with a double prow and stern (vid. Ἀμφυττόμνοι Νέας) had two rudders at each end.3 In the great ship built at Alexandria by Ptolemy Philopator, the four rudders were each thirty cubits in length.4

**Gubernator.** (Vid. Gubernaculum.)

**Guttus.** (Vid. Bath, p. 151.)

**Gymnasiarcheis.** (Vid. Gymnasion.)

**Gymnasia.** (Vid. Gymnasia.)

**Gymnasia (γυμνασία).** The whole education of a Greek youth was divided into three parts, grammar, music, and gymnastics (γυμναστική, μουσική, κ. α.), to which Aristotle adds a fourth, the art of drawing or painting. Gymnastics, however, were thought by the ancients a matter of such importance, that this part of education alone occupied as much time and attention as all the others put together; and while the latter necessarily ceased at a certain period of life, gymnastics continued to be cultivated by persons of all ages, though more gracefully and less fatiguing exercises than boys and youths.5 The ancients, and more especially the Greeks, seem to have been thoroughly convinced that the mind could not possibly be in a healthy state unless the body was likewise in perfect health, and no means were thought, either by philosophers or physicians, to be more efficacious in preserving the health of the mind than well-regulated exercise. The word gymnastics is derived from γυμνός (naked), because the persons who performed their exercises in public or private gymnasia were either entirely naked, or merely covered by the short χιτών.6

The great partiality of the Greeks for gymnastic exercise was productive of infinite good: they gave to the body that healthy and beautiful development by which the Greeks excelled all other nations, and which, at the same time, impeded to their minds that power and elasticity which will ever be admired in all their productions.7 The plastic art, in particular, must have found its first and chief honours in the gymnastic and athletic performances; and it may be justly observed, that the Greeks would never have attained their pre-emience in sculpture had not their gymnastic and athletic exhibitions made the artists familiar with the beautiful forms of the human body and its various attitudes. Respecting the advantages of gymnastics in a medical point of view some remarks are made at the end of this article. But we must, at the same time, confess, that at a later period of Greek history, when the gymnasium had become a place of resort for idle loungers, their evil effects were not less striking. The chief objects for which they had originally been instituted were gradually lost sight of; and instead of being places of education and training, they became mere places of amusement.

Gymnastics, in the widest sense of the word, comprehended all those athletic exercises connected with the agonistic and gymnastic contests, (γυμναστική and ἄγονοντα,) that is, the art of those who contended for the prizes at the great public games in Greece, and of those who made gymnastic performances their profession. (Vid. Athletēs and Αγονοντατης.) Both originated in the gymnasium, in as far as the athlete, as well as the agonist, were originally trained in them. The athlete, however, story how they were, as might be supposed, unconnected with the gymnasia; while the gymnasia, at the time when they had degenerated, were in reality little more than agonistic schools, attended by numbers of spectators. On certain occasions, the most distinguished pupils of the gymnasium were selected for the exhibition of public contests (see vid. gymnastics). There was, however, there was always a closer connexion between the gymnastic and agonistic than between the gymnastic and athletic arts. In a narrower sense, however, the gymnasia had, with very few exceptions, nothing to do with the public contests, and were places of exercise for the purpose of strengthening and improving the body. Those, therefore, who did not go to gymnasia for physical education and training; and it is chiefly in this point of view that we shall consider them in this article.

Gymnastic exercises among the Greeks seem to have been as old as the Greek nation itself, as may be inferred from the fact that gymnastic contests are mentioned in many of the earliest legends of the Greeks. Thus, Solon, in one of his laws, 8 which, however, are merely supposed, of a rude and mostly of a warlike character. They were generally held in the open air, and it prone near a river, which afforded an opportunity for swimming and bathing. The Attic legends, indeed, referred the regulation of gymnastics to Theseus; and, according to Plato, it seems to have been about the time of Cretan. It appears, however, that the exercises were reduced to a regular and complete system. Great progress, however, must have been made as early as the time of Solon, as appears from some of his laws which are mentioned below. It was about the same period that the Greek towns began to build their regular gymnasia as places of exercise for the young, with baths, and other conveniences for philosophers and all persons who sought intellectual amusements. There was probably no Greek town of any importance which did not possess its gymnasia. In many places, such as Ephesus, Hierapolis, and Alexandria in Troas, the remains of the ancient gymnasium have been discovered in modern times. Of the three great gymnasia, the Lyceum (Ἀλεξανδρεία), Cynosarges (Κυνοσαργής), and the Academia (Ακαδήμης); to which, in later times, several smaller ones were added. All buildings of this kind were, on the whole, built on the same plan, though from the remains, as well as from the descriptions still extant, we must infer that there were many differences in their detail. The most complete description of a gymnasia which we possess is that given by Vitruvius,9 which, however, is very obscure, and at the same time defective, in as far as many parts which seem to have been essential to a gymnasia are not mentioned in it. Among the numerous plans which have been


1-2. (Paus., i., 30, 18.)—2. (Paus., 11.)
The peristyle (D) in a gymnasium, which Vitruvius incorrectly calls palestra, are placed in the form of a square or oblong, and have two stadia (1500 feet) in circumference. They consist of four porticoes. In three of them (A B C), spacious exer-
drare, with seats, were erected, in which philosophers, rhetoricians, and others, who delighted in intellectu-
side, conversation, might assemble. A fourth portico (E), towards the south, was double, so that the interior walk was not exposed to bad weather.

The double portico contained the following apartments: The Ephebium (F), a spacious hall with seats, is in the middle, and by one third longer than breadth. On the right is the Coryceum (G), perhaps the same room which in other cases was called Apodyterium; then came the Conisterum (H), ad-
joining; and next to the Conisterum, in the return of the portico, is the cold bath, λαονος (I). On the left of the Ephebium is the Elseoeismus, where persons were anointed by the alipstes (K). Adjoining the Elseoeismus is the Frigidarium (L), the object of which is unknown. From thence is the entrance to the Propinicum (M), on the returns of the portico; near which, but more inward, be-
hind the place of the frigidarium, is the vaulted sudatory (N), in length twice its breadth, which has on the return the Lacoicum (O) on one side, and opposite the Lacoicum, the hot bath (F). On the outside three porticoes are built: one (Q) in passing out from the peristyle, and on the right and left the two stadal porticoes (R S), of which the one (S) that faces the north is made double and of great breadth, the other (R) is single, and so designed that in the parts which encircle the walls, and which adjoin to the columns, there may be margins for paths not less than ten feet; and the middle is so excavated that there may be two steps, a foot and a half in descent, to go from the margin to the plane (R), which plane should not be less in breadth than 12 feet; by this means, those who walk about the margins in their apparel will not be annoyed by those who are exercising themselves. This portico is called by the Greeks ἑυστρος, because in the winter season the athlete exercised themselves in these covered stadia. The ἑυστρος had groves or planta-
tions between the two porticoes, and walks between the trees, with seats of signe work. Adjoining to

The peristyle (D) in a gymnasium, which Vitruvius incorrectly calls palestra, are placed in the form of a square or oblong, and have two stadia (1500 feet) in circumference. They consist of four porticoes. In three of them (A B C), spacious exerdare, with seats, were erected, in which philosophers, rhetoricians, and others, who delighted in intellectual conversation, might assemble. A fourth portico (E), towards the south, was double, so that the interior walk was not exposed to bad weather. The double portico contained the following apartments: The Ephebium (F), a spacious hall with seats, is in the middle, and by one third longer than breadth. On the right is the Coryceum (G), perhaps the same room which in other cases was called Apodyterium; then came the Conisterum (H), adjoining; and next to the Conisterum, in the return of the portico, is the cold bath, λαονος (I). On the left of the Ephebium is the Elseoeismus, where persons were anointed by the alipstes (K). Adjoining the Elseoeismus is the Frigidarium (L), the object of which is unknown. From thence is the entrance to the Propinicum (M), on the returns of the portico; near which, but more inward, behind the place of the frigidarium, is the vaulted sudatory (N), in length twice its breadth, which has on the return the Lacoicum (O) on one side, and opposite the Lacoicum, the hot bath (F). On the outside three porticoes are built: one (Q) in passing out from the peristyle, and on the right and left the two stadal porticoes (R S), of which the one (S) that faces the north is made double and of great breadth, the other (R) is single, and so designed that in the parts which encircle the walls, and which adjoin to the columns, there may be margins for paths not less than ten feet; and the middle is so excavated that there may be two steps, a foot and a half in descent, to go from the margin to the plane (R), which plane should not be less in breadth than 12 feet; by this means, those who walk about the margins in their apparel will not be annoyed by those who are exercising themselves. This portico is called by the Greeks ἑυστρος, because in the winter season the athlete exercised themselves in these covered stadia. The ἑυστρος had groves or plantations between the two porticoes, and walks between the trees, with seats of signe work. Adjoining to

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In his legislation thought them worthy of great attention; and the transgression of some of his laws relating to the gymnasia was punished with death. His laws mention a magistrate, called the gymnasiarch (γυμνασιάρχης or γυμνασιαρός), who was in-trusted with the management of a gymnasi-on, and with everything connected therewith. His office was one of the regular liturgies, like the cho-riegia and tricarachy; and he was attended with considerable expense. He had to maintain and pay the persons who were preparing themselves for the games and contests in the public festivals, to pro-vide them with oil, and perhaps with the wrestlers' dust; he was also empowered to direct the games in the gym-nasium, or the place where the agones took place. The gymnasiarch was a real magistrate, and in-vested with a kind of jurisdiction over all those who wished or were connected with the gymna-sias; and his power seems even to have extended beyond the gymnasium, for Plutarch states that he warded and controlled the conduct of the epheb in general. He had also the power to remove from the gymnasia teachers, philosophers, and sophists, whenever he conceived that they exercised an in-jurious influence upon the young. Another part of his duties was to conduct the solemn games at certain great festivals, especially the torch-race (λαμπροδρόμιον) he seems to have been dis-tinguishe on the ephebi of the gymnasia. The number of gymnasias was, according to Libani-us on Damasthenes, ten, one from every tribe. They seem to have undertaken their official duties in turn, but in what manner is unknown. Among the external distinctions of a gymnasiarch were a purple cloak and white shoes. In early times the office of gymnasiarch lasted for a year, but under the Roman emperors we find that sometimes they held it only for a month, so that there were 12 or 13 gymnasiarchs in one year. This office seems to have been considered so great an honour, that even Roman Emperors and emperors were ambitious to hold it. Other Greek towns had, like Athens, their own gymnasiarchs, but we do not know whether or to what extent, their duties differed from the Athenian gymnasiarch. In Cyrene the office was sometimes held by women.

Another office which was formerly believed to be connected with the superintendence of the gymna-sia is that of the ephebarch (ἐπεθηβάρχης). It is not mentioned previous to the time of the Roman em-pers, and then only in Italy and Crete. Kranes has shown that this office had nothing to do with the gymnasia properly so called, but was only con-nected with the schools of the athlete.

An office which is likewise not mentioned before the time of the Roman emperors, but was, never-theless, distinctly connected with the gymnasia, is that of Cosmetics. He had to arrange certain games, to register the names, and keep the lists of the ephebi, and to maintain order and discipline among them. He was assisted by an anticosmetes and two hyposcosmetes.  

An office of very great importance, in an educa-tional point of view, was that of the sophontes (σοφοντής). Their province was to inspice with a view of σωφρόνησιν, and to protect this virtue against all injurious influences. In early times their number at Athens was ten, one from every tribe, with a salary of one drachma per day. Their duty not only required them to be present at all the games of the ephebi, but to watch and correct their conduct wherever they might meet them, both within and without the gymnasia. At the time of the Emperor Marcus Aurelius, only six sophontes, assisted by as many hyposophontes, are mentioned.

The instructions in the gymnasia were given by the gymnasiarch (γυμνασιάρχης) and the pedotribes (παδο-τριβης); at a later period hypopedotribes were added. The pedotribes were required to possess a knowledge of all the various exercises which were performed in the gymnasia; the gymnasiarch was the practical teacher, and was expected to know the physiological effects and influences on the constitut-ions of the body, while the pedotribes were supposed to know those exercises which he thought most suit-able. These teachers were usually athletes who had left their profession, or could not succeed in it.

The anointing of the bodies of the youths, and strewing them with dust, before they commenced their exercises, as well as the regulation of their diet, was the duty of the altiputs. These men sometimes also acted as surgeons to the teachers. Galen mentions, among the gymnastic teachers, a σωφρονιστής, or teacher of the various games at ball; and it is not improbable that in some cases particular games may have been taught by separate persons.

The times and exercises which were performed in the gymnasia seem, on the whole, to have been the same throughout Greece. Among the Dorian, however, they were regarded chiefly as institutions for hardening the body and for military training, among the Ionians, and especially the Athenians, they had an additional and higher object, namely, to give to the body and its movements grace and beauty, and to make it the basis of a healthy and sound mind. But among all the different tribes of the Greeks, the exercises which were carried on in a Greek gymnasia were either mere games, or the more important exercises which the gymnasia had in common with the public agones in the great festivals.

Among the former we may mention. 1. The ball (σφαίρα, σφαιραμία, &c.), which was in univers-al favour with the Greeks, and was here, as at Rome, played in a variety of ways, as appears from the words ἄθλος, ἀθλον, σφαιρα, σφαιράς, &c. Every gymnasia contained one large room reserved for the playing at ball; it was called the σφαιροτάτον.  

Πάλλεια, πράσινος, καθήμενος, δίκαιον ή δια γραμμής, was a game in which one boy, holding one end of a rope, tried to pull the boy who held its other end across a line marked between them on the ground. 3. The top (βελόνα, βελονία, ρόδος, στροφόλος), which was as common an amusement with Greek boys as in our own days. 4. The παιδαλλός, which was a game with five stones, which were thrown up from the upper part of the hand and caught in the palm. 5. Σκαλίστρον, which was a game in which a rope was drawn across the upper part of a tree or a post. Two boys, one on each side of the post, turning their backs towards one another, took hold of the ends of the rope and tried to pull each other up. This sport was also one of the amusements at the Attic Dionysia. These few games will suffice to show the character of the gymnastic sports.

The more important games, such as running (δρόμος), throwing of the discus and the κίρκον, jumping and leaping (άληθα, with and without δροντα), wrestling (πολίενν), boxing (γονίμον), the pancratium (πάνκρατιν)
GYMNASIUM.

1. The science of gymnastics was known to the ancients before the Roman era. It was a popular form of exercise and sport in ancient Greece. The Romans adopted and expanded upon this practice, making the gymnasiu.s an integral part of their cultural and physical development. Physical fitness was considered an essential component of a citizen's life, and the gymnasium served as a hub for physical training and education.

2. The gymnasiu.s was not just for the strong and fit, but for all citizens, regardless of gender. It was a place where men could meet, socialize, and engage in physical activity. The gymnasium was also used for important social and political gatherings, reflecting its importance in the daily lives of the Romans.

3. The Romans built gymnasiums throughout their empire, from the smaller baths for personal use to larger, more public structures. These structures were often extravagant, with luxurious facilities such as swimming pools, saunas, and libraries. The gymnasium was a symbol of Roman power and wealth.

4. The Romans also exported the gymnasium concept to their colonies and other parts of the Roman Empire. This spread of gymnastic culture helped to spread Roman values and ideas, contributing to the unification and cultural homogenization of the empire.

5. The gymnasiu.s played a significant role in Roman culture and society. It was a place for physical activity, education, and social interaction, and its influence can be seen in various aspects of Roman life, from sports to architecture to political gatherings.
violent practices of the *gymnasia*, but approves of the more moderate exercises as subservient to the ends of a physician, and, consequently, part of that art. The other Greek writers express a similar opinion; and the sense of most of them in this matter is collected in Orbisius's "Collecta Medicinae." 1

In those relations which appear to be copies of the writings of Antyllus, we read of some sorts of exercises that are not mentioned by Galen or any former author; among the rest, the *Criociausia*, as the translators by mistake call it, instead of *Criocotiasia*. This, as it had for many ages been disused, Mercu- rialis himself, who has made the most judicious inquir- ies into this subject, 2 does not pretend to explain it. 3

"The ancients have the description of it set down in Orbisius, 4 it will be hard to form any idea of what it was.

The ancient physicians relied much on exercise in the eure of the dropsy, 5 whereas we almost to- tally neglect it. 6 Hippocrates 7 prescribes for one that has a dropsy ἁλασσιας, or fasting exercises, and he makes it the first of his ordi- nes, and almost always when he speaks of the regi- men of a dropsical person, implying that, though it be a labour for such people to move, yet they must undergo it; and this is so much the sense of Hip- pocrates, that Spohn has collected it into one of the new Aphorisms which he has drawn out of his works. 8 This is expressed very truly, as is evident from his words, ἐν ἑλαστωσει δεμε μελαντεσ σε κερτος σεμαντος." The Romans placed great reliance upon exercise for the care of dis- eases; and Aesoppiades, who lived in a time of the Pomp of the Great, brought this mode of treatment into great request. He called exercises the common "aids of physic, and wrote a treatise on the subject, which is contained in his work De Alimentis, and Frightiones, 9 but the book is lost. He carried these

The dress of these deities stood in a part of the Agora called ἀργός, and it was round these statues that, at the gymnopedia, Spartan youth used to parade, statues being carried about with a garland of flowers on the arm or shoulder as offerings to Apollo. 4 The festival lasted for several, perhaps for ten days, and on the last day men also performed choruses and dances in the theatre; and during these gymnastic exhibitions they sang the songs of Thaïetas and Alcman, and the panegyrics of Dionysos- dotus. The leader of the chorus (μπρόταρις or γο- πωτόρις) wore a kind of chaplet, called τρίφωμα or χροσσιας, in commemoration of the victory of the Spartans at Thryca. This event seems to have been closely connected with the gymnopedia, for those Spartans who had fallen on that occasion were always praised in songs at this festival. 5

The boys in their dances performed such rhythmical movements as those of the euryphonic leaves of the op- stra and the panderion, and also imitated the wild gestures of the worship of Dionysus. 6 Müller sup- presses, with great probability, that the dances of the gymnopedia partly consisted of mimetic representa- tions, as the establishment of the dances and musical entertainments at this festival was ascribed to the musicians, at the head of whom was Thaïetas. 7 The whole season of the gymnopedia, during which Sparta was visited by great numbers of strangers, was one of great merriment and rejoicings, 8 and old bachelors alone seem to have been excluded from the festivities. 9 The introduction of the gymnoped- ia, which subsequently became of such importance as an institution for gymnastic and orche- stic performances, and for the cultivation of singing, and musical arts at Sparta, is generally assigned to the year 685 B.C. 10

HALimus

GYNAICONOMOI (γυναϊκονόμοι) or GYNAI- COCO/SMOI (γυναϊκοκοκσμοί) were magistrates at Athens who superintended the conduct of Athenian women. We know little of the duties of these officers, and even the time when they were instituted is not quite certain. Dörckes has endeavoured to show that they did not exist until the time of Demetrius Phalereus, whereas, according to others, they were instituted by Solon, whose regulations concerning the female sex certainly rendered some special officers necessary for their maintenance. Their name is also mentioned by Aristotle as something which he supposed to be well known to his readers. These circumstances induce us to think that the γυναϊκονόμοι, as the superintendents of the conduct of women, existed ever since the time of Solon, but that their power was afterward extended in such a manner that they became a kind of police for the purpose of preventing any excesses or indecencies, whether committed by men or by women. (See the Fragm. of Timocles and Menander, ap. Athen., ii, p. 245, where a κατάγονος νόμος is mentioned, which Solomon had to see that the regulations concerning the conduct of Athenian women were observed, and to punish any transgressions of them; in the latter capacity they seem to have acted as ministers of the ariepogaus, and, as such, had to take care that those domestic duties of women observed in private as well as in public. Hence they superintended even the meetings of friends in their private houses, e.g., at weddings and on other festive occasions. Meetings of this kind were not allowed to consist of more than thirty persons, and the γυναϊκονόμοι had the right to enter any house and send away all the guests above that number; and that they might be able, previous to entering a house, to form an estimate of the number of persons assembled in it, the cooks who were engaged for the occasion had to give in their names to the γυναϊκονόμοι. They had also to punish those men who showed their effeminate character by fraticle or immoderate wailing at their own or other persons' misfortunes. The number of these officers is unknown. Meier thinks that they were appointed by lot; but Hermann, referring to Menander, reckons them among those officers who were elected.

H. ASPHARTS.

HABENE (ァベネ) were, generally speaking, leathern thongs, by means of which things were held and managed. Hence the word was in particular applied, 1. To the reins by means of which horses were guided and managed. 13 The habene were, as with us, fixed to the bit or bridle (freum). 2. To the thongs attached to a lance, by which it was held and wielded. 19 (Compare Amentum.) 3. To the thong which was formed into a sling, by means of which stones were thrown. 14 (Vid. Funda.) 4. To thongs by means of which the sandals were fastened to the feet. From this passage it is also clear that the habene in this case were not merely made of leather, but of strings or cords, whereas Celsius calls them tertes habena. 5. To the thongs formed into a scourge with which young slaves were chastised. The commentators on this passage, indeed, differ about the meaning of habene; but if we consider the expressions of Ulpian, "impudere eti terrae tunc habene praebere, red fugi soli," it is clear that the habene is the scourge itself. 6. HEDUS (ヘデス), I. the Kid.—II. (Heel, ίππος), two stars on the arm of Aurora, called the Kids, and regarded as indicative of stormy weather. They were also called by the singular term Capella. 8 HEMACHATES (αληχάτης), a species of Gage, sprinkled with spots of Jasper, or blood-red chalcedony; now called Dotted Gage. (Vid. Achatc.) HEMADORON (αλεχάδορον), a parasitic plant briefly noticed by Theophrastus. Stockborne hazards the conjecture that it was the Orobancha, L. 9 HEMATITES (αληχάτιτες), the well-known stone called Bloodstone. It is of a ferruginous col- our, and consists principally of oxide of iron. The Hematites of the ancients, observes Dr. Moore, "comprehended, besides our red hematite, several other oxides of iron, as may be seen from Pliny's description of five varieties of oxides besides the magnets. For magnetic oxide of iron was also classed with hematite; but that, no doubt, because of the appearance it exhibited after having been exposed to a strong heat." From the descriptions given by Theophrastus and Pliny, it would appear, as remarked by the same writer, that compact and ochre red and brown oxides of iron were included under hematite. 6. Heres. (Vid. Heres.) HALCYON (δαλκύον), the Kingfisher, or Aler- do Isipda, L. "The Greek naturalists," observes Adams, "describe two species, or, more properly, varieties of this bird. The scholar on Theocriss derives the word παρα τον ἐν ἔλα κνη, an etymology which we may with great safety reject. The Kingfisher builds its nests on the banks of rivers, and does not commit them to the sea, as some of the ancients represent. What they took for the nests of this bird were the bones which it had swallowed and vomited up. Pliny's description of its nest is tolerably accurate. Aristotle and several of the ancient poets represent the Kingfisher as frequenting the seaside, and this is probably true of it in the wild states of nature, and is perhaps applicable to it in northern latitudes. It remains to be mentioned, that Bonn hazards the very improbable conjecture that the Vocal Kingfisher of Aristotle was the Greater Reed-sparrow; and that Aldrovandus could never determine satisfactorily what bird was meant by the Halcyon of the ancients, although it appears to me that Aristotle's description of the δαλκύον applies in the main very well to the "Alder A."") HALIETUS (δαλιετος), the Osepsy. This bird is the "Nissiv" of Virgil and Ovid. Naturalists, according to Adams, have recently adopted the opinion that the Osepsy is the same as the Sea Eagle. Its scientific name is Pandion haliaetus. Savigny.

HALACACAMUM (δαλακακάμον), a plant, the Wintercherry, or Physalis Alkekengi. The berry steeped in wine was employed as a diuretic. Sibthorp found it growing on Parnassus, and on the Bithynian Olympus, as well as around Constantinople. 6. HALIMUS (δαλιμος), a plant, a species of Orache, the Atriplex halimus, L.—Τα δαλίμα are certain saline plants and their fruits, mentioned in the Sev.

tuagnt version of the Scriptures. On the other hand, ἀμύξα were certain herbs, so called because used by the Pythagoreans, who lived solely on a vegetable diet, and hence were termed ἀμύξα, as only eating in order to assuage hunger (ὑπ' ἔργα, and ἀμύξαν, "hunger")

HALOA. (Vid. Aloma.)
HALITÈRES (ἄλατίζετε) were certain masses of stone or metal, which were used in the gymnastic exercises of the Greeks and Romans. Persons who practiced leaping frequently performed their exercises with halitères in both hands; but they were also frequently used merely to exercise the body in somewhat the same manner as our dum-bells. Pausanias speaks of certain statues of athletes who were represented with halitères. They appear to have been made of various forms and sizes. The preceding woodcut is taken from Tassie, "Catalogue, &c., vol. 46, No. 7978."

HAMA. (Vid. Batilleus.)
HARMAXA. (Vid. Harmonaxa, Plastureum.)
HARMA. (Vid. Harmonaxa, Harmaxus.)
HARMAXA. (ἀκρόσυνη) is evidently compound of ἀκρός, a general term, including not only the Latin CURUS, but other descriptions of carriages for persons; and ἀκράσα, which meant a cart, having commonly four wheels, and used to carry loads or burdens as well as persons. The harmaxa was a carriage for persons, in its construction very similar to the CURUS, being covered over-head and enclosed with curtains, so as to be used at night as well as by day; but it was in general larger, often drawn by four horses, or other suitable quadrupeds, and attired with ornaments more splendid, luxurious, and expensive, and in the Oriental style. It occupied among the Persians the same place, which the chariot did among the Romans, being used, especially upon state occasions, for the conveyance of women and children of eunuchs, and of the sons of the king with their tutors. Also, as persons might lie in it at length, and it was made as commodious as possible, it was used by the kings of Persia, and by men of high rank in travelling by night, or in any other circumstances when they wished to consult their ease and their pleasure.

The body of Alexander the Great was transported from Babylon to Alexandria in a magnificent harmaxa, the construction of which occupied two years, and the description of which, with its paintings and ornaments in gold, silver, and burnished the pan of more than one historian. The harmaxa was occasionally used by the kings of Greece. A priestess of Dion was represented as riding in one which is drawn by two white cows.

HARMOSTE (from ἀρχώμενος, to fit or join together) was the name of the governors whom the Lacedaemonians, after the Peloponnesian war, sent into their subject or conquered towns, partly to keep them in submission, and partly to abolish the democratical form of government, and establish in its stead one of aristocratical form. Although in many cases they were ostensibly sent for the purpose of abolishing the tyrannical government of a town and to restore the people to freedom, yet they themselves acted like kings or tyrants, whence Dionysius thinks that harmostes was merely another name for kings. How little sincere the Lacedaemonians were in their professions to restore their subject towns to freedom, was manifest enough from the peace of Antalcidas; for, although they had pledged themselves to re-establish free governments in the various towns, yet they left them in the hands of the harmostes. The character of their rule is sufficiently described by the word κάτοικε, which Isocrates and Demosthenes use in speaking of the harmostes. Even Xenophon could not help censuring the Lacedaemonians for the manner in which they allowed their harmostes to govern.

It is uncertain how long the office of an harmostes lasted; but, considering that a governor of the same kind, who was appointed by the Lacedaemonians in Cythera, with the title of Cytheridces, held his office only for one year, it is not improbable that the office of harmostes was of the same duration.

'ΑΡΙΠΑΣΤΗΣ ΓΡΑΦΗ (ἀρκίσεις γραφή) This section seems, according to Lucian, to have been applicable to cases of open robbery, attended with violence. Under these circumstances, the offenders would be included in the class of κακοπότος, and, as such, be tried before a court under the management of the Eleven. With respect to the punishment upon conviction, we have no certain information, but there seems no reason to doubt that it was capital, as in cases of burglary and stealing from the person.

HARPAGO (αρπάγα: κρεπάγα, κινητ. κρεπος), a Grappling-iron, a Drag, a Flesh-hook. The iron-fingered flesh-hook (κρεπάγα κυκλοφόροντα ρόδος) is described by the scholiast on Aristophanes as an instrument used in cookery, resembling a hand with the fingers bent inward, used to take boiled meat out of the caldron. Four specimens of it, in bronze, are in the British Museum. One of them is here represented. Into its hollow extremity a wooden handle was inserted.

A similar instrument, or even the flesh-hook it


HASTA.

1.)—pole
Spear. (U., t, Tages.)—213.—Niebuhr Athen., appears, 3
of the consuls during the term of office, both for the
epithet of the law and the statement of Galen, that a ball
was thrown among the players, each of whom en-
devoured to obtain possession of it. Hence Martial
speaks of the hargesta pulverulenta. The game
required a great deal of bodily exertion.

HARUSPICES or HARUSPICES were sooth-
sayers or diviners who interpreted the will of the
gods. They originally came to Rome from Etru-
sia, whence haruspices were often sent for by the
Romans on important occasions. The art of the
haruspices resembled in many respects that of the
augurs, but they never acquired that political im-
portance which the latter possessed, and were
regarded rather as means for ascertaining the will of
the gods than as possessing any religious authority.
They did not, in fact, form any part of the eccle-
siastical polity of the Roman state during the Repub-
lic; they never called aediles, nor did they form a
collegium, and had no magister at their head.
The account of Dionysius, that the haruspices
were instituted by Romulus, and that one was chos-
en from each tribe, is opposed to all the other au-
thorities, and is manifestly incorrect. In the
time of the emperors, we read of a collegium or ordo
of sixty haruspices, but the time of its institution is
uncertain. It has been supposed that such a col-
legium existed in the time of Cicero, since he speaks
of a summus magister; but by this we are proba-
bly to understand, not a magister collegii, but merely
the most eminent of the haruspices at the time.

The art of the haruspices, which was called ha-
ruspica, consisted in explaining and interpreting
the will of the gods from the appearance of the or-
trails (cuspis) of animals or men in sacrifice, whence
they are sometimes called exstips, and their art
extrispicium: and also from lightning, earthquakes,
and all extraordinary phenomena in nature, to which
the general name of portenta was given. Their
art is said to have been invented by the Etruscan
Tages, and was contained in certain books called
libri haruspicini, fulgurales, and tombrales.

This art was considered by the Romans so im-
portant at one time, that the senate decreed that a
certain number of young Etruscans, belonging to the
principal families of the state, should always be
instructed in it. Niebuhr appears to be mistaken
in supposing the passage in Cicero to refer to the
children of Roman families. The senate some-
times consulted the haruspices, as did also private
persons. In later times, however, their art fell
disparage with well-educated Romans and Cicero
relates a saying of a Cato, that he wondered
that one haruspex did not laugh when he saw an-
other. The Emperor Claudius attempted to revive
the study of the art, which had then become neg-
lected at the senate, under his directions, passed a
decree that the pontifices should examine what
parts of it should be retained and established; but
we do not know what effect this decree produced.
The name of haruspices is sometimes applied to
any kind of soothsayer or prophet, whence Jure-
nal speaks of Armenius vel Commagenus harus-
ary.

The latter part of the word haruspex contains the
root spex, and Domusius derives the former part
from harus, a victim.

(Götting, Gesch. der Röm. Staaten., p. 238.
Walter, Gesch. des Röm. Rechts, p. 143.—Brissom-
us, De Formulis, 1, 29, &c.)

HASTA (ἔξογχος). A Spear. The spear is defined
by Homer, ὁδοίς χαλίστες, "a pole fitted with
bronze," and ὁδοὶ χαλίσσας, "a pole heavy with
bronze." The bronze, for which iron was after-
ward substituted, was indispensable to form the
point (ἀχύρμα, ψαλίς, ἀγγυρίς) of the spear.
Each of these two essential parts is often put for the
whole, so that a spear is called ὁδοὶ καὶ ὁδωτεία, ἀγγυρίς,
and ἀγγυρίς. Even the more especial term μελέτα, meaning an ash-tree,
was used in the same manner, because the pole of the spear
was often the stem of a young as, stripped of its bark and polished.

The bottom of the spear was often enclosed in a
pointed cap of bronze, called by the Ionic writers 
σαρμωρίθρον and σαρμοθήρον, and in Attic or common
Greek στριπτή. By forcing this into the ground,
the spear was fixed erect. Many of the lanceurs
(ἀρχοφόρον, ἀρχοφόρος, γοργόφορος, woodcut, p. 207)
who accompanied the King of Persia had, instead of this spike at the bottom of their spears, an
apple or a pomegranate, either gilt or silvered. With
this, or a similar ornament, the spear is often
10. (See Orrelli, ad loc., 90.—10. (Cic, De div. i., 43.—Id., ib., 35.—Liv., xxvii., 37.)—11. (Cic, De div., ii., 29.)—12. (Cic, Div. ii., 52.)

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HASTA

minated both on Persian and Egyptian monuments. Fig. 1 in the preceding woodcut shows the top and bottom of a spear which is held by one of the king's guards in the sculptures at Persepolis. It may be compared with those in the hand of the Greek warrior at p. 94, which have the spike at the bottom. The head and the bottom of the spear was used in fighting by the Greeks and Romans when the head was broken off. A well-finished spear was kept in a case (doparos, dioia), which, on account of its form, is called by Homer a pipe (epiyppos). The spear was used as a weapon of attack in three different ways: 1. It was thrown in short range, as a javelin (Vid. Tormentum). 2. It was thrust forward as a pike. In this manner Achilles killed Hector by piercing him with his spear through the neck. 3. The Eubones were particularly celebrated as pikemen. 3. It was commonly thrown by the hand (arquias maspodin). The warrior, preparing to hurl it, raised his hand to his right shoulder, and sometimes derived assistance from the use of the Ame- tum or the Asna. He generally went to the field with two spears. (Woodcut, p. 94, 227, 332.) On approaching the enemy, he first threw either one spear or both, and then, on coming to close quarters, drew his sword (pilia coniunctur—gladius ge- "rupes)."

Under the general terms hasta and iypos were included various kinds of missiles, of which the principal were as follow: Lancia (loctt), the lance, a comparatively slender spear commonly used by the Greeks. Iphicrates, who doubled the length of the sword (vid. Gra- xros), also added greatly to the diameter and length of the lance. The Termes, was carried by the Thracian horsemen; and by means of an appendage to it, which is supposed by Stuart (woodcut, fig. 2) to be exhibited on the shafts of three spears in an ancient bas-relief, they mounted their horses with greater facility. The lance, on account of its length and its lightness, was carried by hunstman. Pilum (teocos), the javelin, much thicker and stronger than the Grecian lance, as may be seen on comparing the woodcuts at p. 94 and 95. Its shaft, often made of cornel, was partly square, and 5 or 6 feet long. The head, nine inches long, was of iron, and is therefore now found only in the state described by Virgil, "as scarsam pila vinisset," (Georg. ii., 360). It was usually carried to thrust with; it was peculiar to the Romans, and gave the name of pilum (p. 103) to the division of the army by which it was adopted (pilatum agmen). When Marius fought against the Cimbri, he ordered that, of the two nails or pins (repousa) by which the head was fastened to the staff, one should be of iron and the other of wood. The consequence was that when the pilum struck the shields of the enemy, the tre- ntail gave way, and the shaft was turned on one side, so that the spear could not be sent back again.

While the heavy-armed Roman soldiers bore the long lance and the thick and ponderous javelin, the light-armed user smaller missiles, which, though of different kinds, were included under the general term hasta velitares. From yppos, the corresponding Greek term, the velites, or light-armed, are called by Polybius ypposeutos. According to his description, the yppos was a dart, with a shaft 4 feet long. The iron head was 3 inches long, and so thin and acum- inated as to be bent by striking against anything, and thus rendered unfit to be sent back against the enemy. Fig. 3 in the preceding woodcut shows one which was found, with nearly four hundred others, in a Roman intrenchment at Meon Hill, in Gloucestershire.

The light infantry of the Roman army used a similar weapon, called a spic (verum, verutum, sar- rion). It was adopted by them from the Samni- tes and the Volsci. Its shaft was 31 feet long, its point five inches. Fig. 4, in the preceding woodcut, represents the head of a dart in the Royal Collection at Naples; it may be taken as a speci- men of the verutum, and may be contrasted with fig. 5, which is the head of a lance in the same collection. The Romans adopted, in like manner, the Gxeno, which was properly a Celtic weapon, and it was given as a reward to any soldier who wound- ed an enemy. Sparus is evidently the same word with the English spear and speare. It was the rudest missile of the class, and only used when better could not be obtained.

Besides the terms jactulum and spiculum (diow, Jactv), which probably denoted darts resembling in form the lance and javelin, but much smaller, adapted, consequently, to the light-armed (jactulator- es), and used in hunting as well as in battle, 14 we find in the Greek language various words for darts, or speaking generally, for spears, which were characteristic of particular nations. Thus Servius states that, as the piliw was proper to the Romans, and the gaxen to the Gauls, so the sarissa was the spear peculiar to the Macedonians. This was used both to throw and as a pike. It exceeded in length all other missiles. (See p. 101.) It was made of cornel, the tall, dense stem of which also served to make spears of other kinds. The Thracian rompha, which had a very long point, like the hinde of a sword 18 (rumpia, Ibo- gala), was probably not unlike the sarissa, since Livy asserts that, in a country partly covered with wood, the Macedonian phalanx was ineffective on account of the depth of the forest. The consol- phana of the Thracians was a hindrance for the same reason. With these weapons we may also class the Illyrian elvina, which resembled a hunting-pole 19 (elvion).

The iron head of the German spear, called fra- mea, was short and narrow, but very sharp. The Germans used it with great effect either as a lance or a pike: they gave to each youth a framea and a shield on coming of age. 24 The Falarica or Phala- rica was the spear of the Saguntines, and was im- pelled by the aid of twisted ropes: it was large and ponderous, having a head of iron a cubit in length, and a ball of lead at its other end; it sometimes

HELENUS

For JnnpOmsi, distance, (Plaut., this.
The say, the leaves are angular, and make neat than those of ivy, which has the round leaves and simple. He adds also that it is barren. For as the white ivy, it seems to be unknown to us. Some, indeed, imagine it to be that variety of which the leaves are variegated with white. But Theophrastus express-
ly mentions the whiteness of the fruit; for he says some have only the fruit white, and others the leave also. Dioscorides also mentions these three principal sorts of ivy, the white, the black, and the helix. The white bears a white fruit; the black has either a black or saffron-coloured fruit; this kind is called also Dionysia; the helix bears no fruit at all, but has white twigs, and small, angular, reddish leaves. Pliny has confounded the ivy with the cistus, being deceived by the similarity between 

HELENIUM (βάτους), a plant, Scabellor or Elecampane, Inula Helianum, L. "Helium," says Lister, "Inula Campala Iialis dictum." It is probably," remarks Woodville, "that the Elecampane, the Helium militis, and Elecampane, and the Inula of Pausanias, is the same plant." Spranger and Dierbach also agree

1. (Theophr., II. P., vii. 7.—Dioscor., iii. 36, 9.— Dioscor., iv. 130.—Adams, Append., s. v.—3. (Andosc., c. 482, 115.—c. 1 em., 17)—5. (Meier, Ath. 432.)

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in referreting it to the Idesia Helenium, L. The other species described by Dioscorides is referred by Bauhin and Sprengel to the Teuerium marum.1

HELEPOLIS (στελορυμ). When Demetrius Poliorcetes, the great conqueror, despatched machinery by sea to besiege Rhodes, he caused a machine to be constructed which he called "the taker of cities." Its form was that of a square tower, each side being 90 cubits high and 45 wide. It rested on four wheels, each eight cubits high. It was divided into nine stories, the lower of which contained machines for throwing great stones, the middle large catapults for throwing spears, and the higher other machines for throwing smaller stones, altogether with smaller catapults. It was manned with 200 soldiers, besides those who moved it by pushing the parallel beams at the bottom.2

At the siege of Rhodes, 306 B.C., Demetrius employed a heliopolis of still greater dimensions and more complicated construction. Besides wheels, it had easors (αυτοκτρέτηα), so as to admit of being moved laterally as well as directly. Its form was pyramidal. The three sides which were exposed to attack were rendered fireproof by being covered with iron plates. In front, each story had portoles, which were adapted to the several kinds of missiles, and were furnished with shutters that might be opened and closed with skill by the aid of a catapulta, made of skins stuffed with wool. Each story had two broad flights of steps, one for ascending, the other for descending.3 This heliopolis was constructed by Epimachus the Athenian; and a much esteemed description of it was written by Diosclides of Abdera.4 It was, no doubt, the greatest and most remarkable of all the engines which were then constructed.5 In subsequent ages we find the name of "heliopolis" applied to moving towers which carried battering-rams, as well as machines for throwing stones and spears.6 Towers of this description were used to destroy the walls of Jerusalem when it was taken by the Romans.7 (Vid. Aris, Tom. I.)

HELLICA. (Vid. Demastro.)

HELIOCAMPUS. (Vid. House.)

*HELIOTROPUM (οιοτρποισ). I, a plant, the Heliotrepe, or Great Turnsole, Heliotropium Europaeum, L. This is the species called μεγα by Dioscorides. Sprengel joins Lobelius and Gesner in referring the other species, or οιοτρποισ μεγος, to this plant.8

II. A precious stone, the Heliotrope of Jameson. It is a sub-species of Jasper.9

HELIX. (Vid. Hedera.)

HELLANO'TICE (Ἑλλανοτικη), the judges in the Olympic games, of whom an account is given under OLYMPIC GAMES. The same name was also given to the judges, or court-martial, in the Lacedaemonian army;10 and they were probably first called by this name when Sparta was at the head of the Greek confederacy.

*HELLEPOL'OS (Ἑλλερπολοος), Hellebore, a celebrated remedy among the ancients for the cure of insanity. Two kinds are spoken of, namely, the white and the black (Quinque and μελανη), but as to the identity of the plant itself much discussion has arisen. Modern authorities on Botany, observes Adams,11 differ widely in opinion respecting the white Hellebore of the ancients. Sibthorp most unaccountably decides it to have been the Digitalis ferruginea. Schelze, who is too prone to seek doubts on botanical questions, expresses himself with great hesitation regarding it, but, upon the whole, inclines to the Adonis vernalis. Woodville and Dierbach are quite undecided. On the other hand, Matthius, Dodoens, Bauhin, Hill, and others, do not hesitate. Stahl, at least, speaks of the Hellebore of the Veratum album, L. Geoffroy also, no mean authority on these subjects, maintains that the description of Dioscorides agrees very well with the characters of the white Hellebore. And from the similarity of the effects produced by the administering of the ινοτρποισ, as described by the ancient writers on Toxicology, to the known effects of the Veratum album, L. I had no hesitation, same time age, in recognising their identity; and it now gives me pleasure to discover that Sprengel, in his annotations on Dioscorides, comes to the same conclusion. I had called the attention of the profession to this fact in the London Medical and Physical Journal, July, 1823; about eighteen months afterward, the Veratula veratum, a Mexican species of Helleboræ, was much cried up in this case.—The ινοτρποισ μελανη, or Black Hellebore, is marked as being the H. Orientalis, Lam. Is it not a variety of the Helleborus niger, L.? This plant is the Christmas Rose of this country.

*HELLEBOR'INE (Ἑλλερποινη), a plant, which Sprengel regards as the Helleborus fidelus; Stockhouse, the Seraphis Helleborine. "The latter," remarks Adams, "is the same, I suppose, as the Epi pactus ensifolia of Hooker."12

HELLENOTAM'IAS (Ελλενοταμηαί), or treasurers of the Greeks, were magistrates appointed by the Athenians to receive the contributions of the allied states. They were first appointed B.C. 477, when Athens, in consequence of the conduct of Pausanias, had obtained the command of the allied states. The money paid by the different states, which was originally fixed at 460 talents, was deposited in Delos, which was the place of meeting for the discussion of all common interests; and there is no doubt that the Hellenotamia not only received, but were also the guardians of these moneys, which are called by Xenophon Ελλενοταμηαί. The office was retained after the treasury was transferred to Athens on the proposal of the Samians,13 but was, of course, abolished on the conquest of Athens by the Lacedaemonians. The Hellenotamia were members of the council of fifty of the democracy, for which reason the grammarians afford us little information respecting their duties. Böckh, however, concludes from inscriptions that they were probably ten in number, chosen by lot, like the treasurers of the gods, out of the Panathesian and the first Prytanées. With regard to their duties, Böckh supposes that they remained treasurers of the moneys collected from the allies, and that payments for certain objects were assigned to them. In the first place, they would, of course, pay the expenses of wars in the common cause, as the contributions were originally destined for that purpose; but as the Athenians, in course of time, considered the money as their own property, the Hellenotamiae had to pay the Theorica and military expenses not connected with wars on behalf of the common cause.14

HELLO'TIA. (Vid. Elliott.)

HELMINIS. (Vid. Elliott.)


HEMEROCALLIS

and (Ephorus, vi., i.e. Xen., were dwellings state, from mark Guinea-worm, which the Greeks call ῥόκετινον, and the translators of the Armenians 之意 medicinis.

(Vid. Elag.)

HELOTES (Ελευθέραι) were a class of bondsmen peculiar to Sparta. Different etymologies are given of their name. The common account is, that they were originally the people of the town of Helos, in Laconia, and that they were reduced to bondage after an unsuccessful revolt against the Spartans. But the people of Ἑλος were not called Ἑλευθέραι, but Ἑλευθήρ or Ἑλευθαρά. The name has been also derived from Ἑλος, marches, as it signified inhabitants of the lowlands. But Müller seems to be nearer the mark in explaining Ἑλευθέραι as meaning prisoners, from the root of ἔλευς, to take, like ἑλπίς from the root of ἑλπίζω. The ancient writers considered them to be Achaeans, who had resisted the Doric invaders to the last, and had been reduced to slavery as the punishment of their obstinacy. Müller, however, supposes that they were an aboriginal race, which was subdued at a very early period, and which immediately passed over as slaves to the Doric conquerors. But this theory, as Thirwall has observed, does not account for the hereditary enmity between them and their masters; for, unless they lost their liberty by the Doric conquest, there is no probability that it placed them in a worse condition than before.

The Helots were regarded as the property of the state, which, while it gave their services to individuals, reserved to itself the power of emancipating them. They were attached to the land, and could not be sold away from it. Several families, as many, perhaps, as sixes of the Helots, cultivated a portion of land in their own dwellings. They cultivated the land, and paid to their masters as rent a fixed measure of corn, the exact amount of which had been fixed at a very early period, the raising of that amount being forbidden under heavy impositions. The annual rent paid for each ἄλβος was eighty-two medimni of barley, and a proportionate quantity of oil and wine. As they were being engaged in the cultivation of the land, the Helots attended on their masters at the public meal, and many of them were, no doubt, employed by the state in public works. In war the Helots served as light-armed troops (φιλοί), a certain number of them attending every heavy-armed Spartan to the field; at the battle of Plataea there were seven Helots to each Spartan. These attendants were peculiar to Plat. (i.e., ἄλβοι), and one of them, in particular, the διήρων, or servant, also was used by the Dorians as a general name for armed slaves. The Helots only served as hoplites in particular emergencies, and on such occasions they were generally emancipated. The first instance of this kind was in the expedition of Brasidas, B.C. 424.

The treatment to which the Helots were subjected, as described by the later Greek writers, is marked by the most wanton cruelty. Thus Myron states that "the Spartans impose upon them every ignominious service, for they compel them to wear a cap of dog's skin, and to be clothed with a garment of sheep's skin, and to have stripes inflicted upon them every year for no fault, that they may never forget that they are slaves. And, besides all this, any rise by their qualities above the condition of a slave, they appoint death as the penalty, and their masters commonly, if they do not destroy the most excellent." And Plutarch states, that Helots were forced to intoxicate themselves, and perform indecent dances as a warning to the Spartan youth. These descriptions are probably exaggerated; but we have abundant evidence, in addition to the direct assertion of Thucydides, that the Spartans always regarded the Helots with the greatest suspicion. Every means was taken to mark the distinction between them, and their masters; they were obliged to wear the rustic garb described above, and they were not permitted to sing one of the Spartan songs. That the cruelty of their masters knew no restraint when it was stimulated by fear, is manifest enough from the institution of the κρυστέα (vid. Χρυστέα), and from the fact related by Thucydides, that on one occasion, two hundred of the Helots, who had rendered the greatest service to the state in war, were induced to come forward by the offer of emancipation, and then were put to death.

At the end of the second Messenian war (B.C. 688), the conquered Messenians were reduced to slavery, and included under the denomination of Helots. Their condition appears to have been the same, with some slight differences, as that of the other Helots; but they appear to have been distinguished by the remembrance of their freedom, and a readiness to seize any opportunity of regaining it, in which they at length succeeded, after the battle of Leuctra.

The Helots might be emancipated, but there were several steps between them and the free citizen; and it is doubtful whether they were ever admitted to the equal political rights of the freemen. The following is a table giving the several classes of emancipated Helots: the ταλα, ἀδεστοὶ, κρυστέες, δευτεροσύνατα, and νεοὶ μύθηες. Of these the ταλα were probably rascally from all service; the κρυστέες were those employed in war (vid. Χρυστέες); the δευτεροσύνατα served on board the fleet; and the νεοὶ μύθηες were those who had been possessed of freedom for some time. Besides these, there were the μύθηεδες κρυστέες, who were domestic slaves, brought up with the young Spartans, and then emancipated. Upon being emancipated, they received permission to dwell where they wished. (Compare Κίλια, Grec., p. 260.)

(Müller, Dorians, iii., 3.—Thirwall, Greece, vol. i., p. 309.—Herrmann, Political Antiquities of Greece, i., 217, 19; ii., 50, 104, 209, 211, 370; ii., 361.)

*HEMERIS (χιαρυκιόν), a plant of which Dioscorides describes two species: the latter of these is the Pellitory of the Wall, or Parietaria officinalis; the former is referred by Baulin and others to the Convolvulus arvensis, or Gravel-blind.

HOMER ORIG. (Vid. Orus.)

*HEMEROCALLES (χιεροκαλλιέρος). Sprangled, in the first edition of his H. H., sets this plant down for the Pancreatum maritimum, having adopted the opinion of Lobel and Baulin; but in the second edition he holds it to be the Lilium Macaboninum.

*HEMEROCALIS (χιεροκαλλιέρος), a plant. The
HEREA.

earlier commentators," says Adana, "had remarked that the *heraekollas of Dioscorides is different from that of Theophratus. The H. of Dioscorides is referred by Matthiolius to the Lilium bulbiferum, and by Dodoneus to the L. Martagon. Sprunghal seems to regard the former Sibthorp marks it as the "Lilium Chalcodemum.""

HERMIMA. (Vid. Cordyla.)

"HEMOPHONUS. (Vid. Mulus.)"

"ENAEKA, ‘OI. (Vid. Eleven, the.)"

"HEPETAS (επ'ητας, ου επετητις), the well-known species of Aloes called Hispanic. Dioscorides calls the species τον επηταν."

"HEPETAS (επητας) is a name of a fish briefly noticed by Aristotle, Elian, and Athenaeus. "Artedi and Rondel vet it is the fish called seipurus by the modern Greeks; but this opinion is rejected by Coray, who, however, decides upon nothing satisfactory respecting it. Camus, in his notes on Aristotle, concludes that it was the Ostrea margaritefa."

HERA (Hera). The name of various festivals celebrated in honour of Hera in all the towns of Greece where the worship of this divinity was introduced. The original seat of her worship, from which it spread over the other parts of Greece, was Argos; whence her festivals in other places were, more or less, imitations of those which were celebrated at Argos.1 The Argives had three temples of Hera: one, by Agias, in Argolis, 65 stadia from Argos; the second lay on the road to the Aegropia, and near it was the stadium in which the games and contests at the Heraea were held; and the third was in the city itself. Her service was performed by the most distinguished priestesses of the place; one of them was the high-priestess, and the Argives could not count the number of the other priestesses. The Heraea of Argos were celebrated every fifth year, and, according to the calculation of Bökkt, in the middle of the second year of every Olympiad. One of the great solemnities which took place on the occasion was a magnificent procession to the great Temple of Hera, between Argos and Mycenae. A vast number of young men—for the festival is called a panegyris—assembled at Argos, and marched in armour to the temple of the goddess. They were preceded by one hundred oxen (ἐκατούρθη, whence the festival is also called ἐκατούρθεια). The high-priestess accompanied this procession, riding in a chariot drawn by two white oxen, as we see from the story of Cleobis and Biton related by Herodotus.2 They were covered with gold and silver, and their flesh distributed among all the citizens.3 The sacrifice itself was called ἁλεχρωσ,4 or the "hed of twigs." The games and contests at the Heraea took place in the stadium, near the temple on the road to the Aegropia. A bronze shield was fixed in a place above the theatre, which was scarcely accessible to any one, and the young man who succeeded in getting it down received a shield and a garland of myrtle as his prize. Hence Pinza calls the contest ἄγων κλαξεος. It seems that this contest took place before the procession went out to the Heraeon, for Strabo states that the victor went with his prizes in solemn procession to that temple. This contest was said to have been instituted, according to some traditions, by Actius and Praxidemus.6 The Heraea and Hecatombea of Eginia were celebrated in the same manner as those of Argos.7 The Heraea of Samos, which island also derived the worship of Hera from Argos, were perhaps the most brilliant of all the festivals of this divinity. A magnificent procession, consisting of maidens sacrified to Hera, and adorned with their own painted likeness in the temple of the goddess. The sixteen matrons were attended by as many female attendants, and performed two dances; the one called the dance of Phyesa, the other the dance of Hippodameia. Respecting farther particulars, and the history of this solemnity, see Paus., v, 6, § 6, Heres.

Heraea were celebrated in various other places; e.g., in Cos,13 at Corinth,14 at Athens,15 at Coscoss in Crete.16

HEREDITAS. (Vid. Heres, Roman.)

HEREX (GREEK). The Athenian laws of inheritance are to be explained under this title. The subject may be divided into five parts, of which we shall speak: 1st, of personal capacity to inherit; 2ndly, of the rules of descent and succession; 3rdly, of the power of devising; 4thly, of the remedies of the heir for recovering his rights; 5thly, of the obligations to which he succeeded.

1. Of Personal Capacity to Inherit.—To obtain the right of inheritance as well as citizenship (αγοραση και πολιτευση), it was necessary to be born of a legitimate parent and to belong to the order or "genus" to which the deceased belonged. Those children were legitimate who were born in lawful wedlock.17 The validity of a marriage depended partly on the capacity of the con-

tracing parties, on the nature of the contract. 1 Furthermore, the part that points little need to be noticed here, except that brother and sister by the same mother were forbidden to marry; but consanguinity in general was so far from being deemed an objection, that marriage between collateral relations was encouraged, in order to keep the property in the family. 1 The contract was made by the husband with the father, brother, or other legal guardian (σύγκρυς) of the intended wife; then only was she properly betrothed (γυνηρίζω). An heiress, however, was assigned or adjudged to the next of kin (τὰς ἱκανέν) by process of law, as explained under Epicureus. 2 No ceremony was necessary to ratify the contract; but it was usual to betroth the bride in the presence of witnesses, and to give a marriage feast, and invite the friends and relatives, for the sake of publicity. 4 A marriage without proper espousals was irregular; but the issue lost their inheritable rights, not their franchise: and the former, it seems, might be restored, if the members of their father's clan would consent to their being registered. 4 As it was necessary for every man to be enrolled in his clan in order to obtain his full civil rights, so was the registration the best evidence of legitimacy, and the φατοχρίς and συγγενίας were usually called to prove it in courts of justice. 4 For further particulars, see Plutarch, De Diragie, 104, &c.

Wachsmuth, i., 2, 31, and 143; ii., 1, 204, &c. Schömann, Ant. J. P. Gr. et V. s. 91, 51, 88.

II. Of the Rules of Descent and Succession. — Here we would premise that, as the Athenian law made no difference, in this respect, between real and personal estate, the words heir, inheritor, &c., will be applied indiscriminately to both. When an Athenian died leaving sons, they shared the inheritance, like our heirs in gavelkind, and not, as in the law of France, 4 a law no less favourable to that balance of property which Solon meant to establish, than the law of primogeniture was suited to the military aristocracies created in the feudal times. The only advantage possessed by the eldest son was the first choice in the division. 7 If there was but one son, he took the whole estate; but if he had sisters, it was incumbent on him to provide for them, and give them suitable marriage portions; they were then called ἐκείπασσα. 8 There was no positive law making it imperative on a brother to give his sister a portion of a certain amount; but the moral obligation to assign her a fortune corresponding to his own rank was strengthened by custom and public opinion so much, that, if she was given in marriage portiopode, she was deemed a snare upon her character, and might even raise a doubt of her legitimacy. 8

On failure of sons and their issue, daughters and their issue had succeeded (as to the law concerning heiresses, vid. Epicureus); and there seems to have been no limit to the succession in the male line. 5 If the deceased left grandsons by different sons, it was clear that they would take the shares of their respective fathers. So if a son had a granddaughter by one son, and a grandson by another, the latter would not exclude the former, as a brother would a sister, but both would share alike.

Of this there is direct evidence, but it follows from a principle of Attic law, by which, on the death of a son, his title to his father's inheritance, or a share thereof, immediately acceded; if then he died before his father, but leaving issue, they claimed his grandfather's inheritance as representing him. It was otherwise with daughters. Their title did not thus accrue; and, therefore, it was the practice for the son of an heiress to be adopted into his maternal grandfather's house. De Agnati, 494.


On failure of lineal descendants, the collateral branches were resorted to. And first came the issue of the same father with the deceased, viz., brothers and brothers' children, the children of a deceased brother taking the shares of their father; and after them, sisters and sisters' children, among whom the principle of representation also prevailed, but whether sisters' children took per stirpes or per capita, does not appear.

Next come the descendants of the same grand father with the deceased; cousins and cousins' children. Here the law declared that males and the issue of males should be preferred to females and their issue. 5 Thus the son of an uncle might exclude the son of an aunt, while the son of an aunt would exclude the daughter of an uncle.

On the same principle, Issus contains that the son of a female first cousin prevented his mother's sister from inheriting, although he was farther removed from the deceased (γένος ἄνωταρος) by one degree. This preference, however, was confined to those whose title was from the same common ancestor, that is to say, from the grandfather of the deceased; for the words ἐκ τοῦ αὐτῶν in Demosthenes are to be explained by the τίτρα γένει of Issus. Therefore, a first cousin once removed, claiming through a female, had a better title than a second cousin claiming through males; for a second cousin is descended, not from the grandfather, but only from the great-grandfather of the deceased, and so is beyond the legal degrees of succession (for τίτρα is αὐγεσταλι or συγγενεῖα). On this Embulides found his pretension to the estate of Hagnias, because he claims as representative (son by adoption) of the maternal grandfather, who was first cousin to Hagnias; whereas the father of his opponent, Macartus, was second cousin to Hagnias, and (as Demosthenes expresses it) was not in the same branch of the family (ἀρραβονία τοῦ σικερ ρετον ἀνέντευξιν). On failure of first cousins and their issue, the inheritance went to the half-blood by the mother's side; brothers and sisters, nephews and nieces, cousins and their children, as before. But if there were no maternal kinsmen within the legal degree, it returned to the agnati, or next of kin on the paternal side (τοῖς προὶ πατρίς), whose proximity was reckoned in assigning the degrees from the common ancestor.

The succession of parents to their children is matter of dispute among the learned. From the silence of the orators, the absence of any example, and the express declaration of Issus respecting the mother, it may be inferred that parents could not inherit at Athens. At Athens, the maxim ἀρραβονίας μακραῖας ascends held only of lineal, not of collateral ascent. For example, an uncle might

I. (Issus, De Hagn. hier., i., 2. — Demosth., c. Macart., 1007.)

2. (Issus, De Hagn. hier., i., 2. — Demosth., c. Macart., 1007.)


7. (De Hagn. hier., 20.)

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obviate this misfortune, an Athenian had two cous-

obes open to him. Either he might bequeath his

obes, and in his time, he might not adopt a son in his life-

obes, (vid. Aperotet, Gr.)

Wills were in writing, and usually had one or more attest-
V. Of the Obligations to which the Heir succeeded.

—the first duty of an heir, as with us an executor, was to bury the dead and perform the customary funeral rites (τα νεκροποιεια ποιειν). It is well known what importance was attached to this by the ancients. The Athenian law regulated the time of burial, and the order in which the female relatives had to be buried. The costs of burial, including expenses for the coffin, might add up to a considerable amount. When a rich man died, there was no backwardness about his funeral. It is rather amazing to see how eagerly the relatives hastened to show respect to his memory, as if to raise a presumption of their being the heirs. 2  

Children who neglected to bury their parents were liable to a criminal prosecution (τα καθαρα ημων γεγονων), just as they were for refusing to support or assist them in their lifetime. The word υπηρετει, in this case, includes all ancestors. 2

Among heritable obligations may be reckoned that of marrying a poor heiress (Θησα), or giving her in marriage with a suitable portion. (Vid. Epilepsia, and Meurs., Them. Ath. I., 13.)

The heir, moreover, paid the debts of the deceased, as far as the assets would extend, cannot be doubted. Five years seems to have been the period for the limitation of actions against him (ετεοι). In case of a mortgage, he was entitled only to the surplus of the mortgaged property, remaining after payment of the debt charged thereon. 3

State debtors, such as farmers of the public revenue, who had made a false declaration, to save or forward an action against the successful candidate, to recover the estate. He was then obliged to pay his deposits (παρακαταβαλλω), summon the defendant, and proceed in other respects as in an ordinary suit. This he might do at any time during the life of the person in possession, and within five years after his death. 4 It has hitherto been supposed that a simple issue was raised between the litigant parties, viz., who was entitled to possess the estate; and that they proceeded at once to the trial of such issue. This was called καθαρως εισεται. The cause, however, might become more complicated, if one of the parties chose to make exception to the right of any other to dispute his title: this was done by tendering an oath (κατακλησις ἡμων), sworn either by himself or by another, whereby he declared that the estate was not the subject of litigation (μη ἐπίκλεος), and alleged some matter of fact or law to support his assertion. Sons, adopted sons, and persons in legal possession were allowed this advantage. For example, a witness might depose that the last occupier had left male issue surviving him, and therefore the property could not be divided by any collateral relative or devisee: or that the title had already been legally determined, and that the new claimants were not at liberty to reopen the question. This had the effect of a dilatory plea, and stayed farther proceedings in the cause. 4 If then the suitor was resolved to prosecute his claim, he had no other course but to procure a conviction of the original litigants (κατακλησις ἡμων), and, in an action for false testimony (δικαιωμενω) Examples of such actions are the causes in which Demostenes was engaged against Leochares, and

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Heres for the estate of Philoctemus. On the trial of the witness, the questions were, first, the truth of the facts depose to; secondly, their legal effect, if true. With respect to the witness, the consequences were the same as in any other action for false testimony. (Vid. Mart. 1.) With respect to the original cause, nothing farther was determined than that it could or could not be entertained; the διακριτα ται, was not a particular point. If the court decided that the suit could not be entertained, parties proceeded to trial in the manner before explained.

As to the farther remedies to be pursued by the successful party in order to obtain the fruits of his judgment, vid. Embatieia, Enokiotics, and Eyot. AH2 AIKAI. And on this part of the subject, vid. Mener, Ath. Proc., p. 453, 616, 683; Platner, Ath. Proc., 1, 163; l. c. 309.

1. (Issus, De Abstiph.和谐., 40; De Cis.和谐., 29—33; De Nicost.和谐., 9, 35.—Demosth. c. Macart. 1061, 1071).—2. (Meier, De Proper. Don., 126).—3. (Lys, De Xen. Publ. 4; ικανονοις τον πατερα μου).—4. (Demosth, c. Macart. 1061, 1071).—5. (Demosth, c. Olymp. 1061, 1071).—6. (Issus, De Dic. hab. 30, etc.—De Apoll. 3, 10.—De Philoct. 4, 22, etc.—De Pyrrh., 2.—De

part of the value of the property, in dispute, and was relieved to the party if successful. 1 If a pleader or claimant appeared, the archon adjudged the estate to the first suitor (τετελεσαν αυτον τον οικον). If, however, there were adverse claims, he proceeded to prepare the cause for trial (διακριτα ται). First came the ανακριτα, in the usual way, except that no party was considered as plaintiff or defendant; and the bills, in which they set forth their respective titles, were called διακριτα ται. 2 The diacritas were then to be summoned, and, whatever the number of parties, one court was held for the decision of all their claims. If any one neglected to attend on the appointed day, and had no good excuse to offer, his claim was struck out of the record (δηγαρον ο άμφιστος, and the contest was carried on between the remaining parties, or if but one, the estate was awarded to him. 3 The trial was thus managed. The diacritas had to give their verdict either for one person proving a title to the whole, or for several persons coming in under the same title, as (for instance) two brothers entitled each to a moiety. One balloting box, therefore, was provided for every party who appeared in a distinct interest. The speeches were measured by the clype-syll. Each party was given an equal share, and half that, or three clype for, the second. 4 That these arrangements gave rise to fraud and collusion, is clearly shown by the cases and collations above cited.

The verdict, if fairly obtained, was finally laid against the parties to the cause. But any other person, who by absence or unavoidable accident was prevented from being a party, might, by complaint and suit, bring an action against the successful candidate, to recover the estate. He was then obliged to pay his deposits (παρακαταβαλλω), summon the defendant, and proceed in other respects as in an ordinary suit. This he might do at any time during the life of the person in possession, and within five years after his death. 4 It has hitherto been supposed that a simple issue was raised between the litigant parties, viz., who was entitled to possess the estate; and that they proceeded at once to the trial of such issue. This was called καθαρως εισεται. The cause, however, might become more complicated, if one of the parties chose to make exception to the right of any other to dispute his title: this was done by tendering an oath (κατακλησις ἡμων), sworn either by himself or by another, whereby he declared that the estate was not the subject of litigation (μη ἐπίκλεος), and alleged some matter of fact or law to support his assertion. Sons, adopted sons, and persons in legal possession were allowed this advantage. For example, a witness might depose that the last occupier had left male issue surviving him, and therefore the property could not be divided by any collateral relative or devisee: or that the title had already been legally determined, and that the new claimants were not at liberty to reopen the question. This had the effect of a dilatory plea, and stayed farther proceedings in the cause. 4 If then the suitor was resolved to prosecute his claim, he had no other course but to procure a conviction of the original litigants (κατακλησις ἡμων), and, in an action for false testimony (δικαιωμενω) Examples of such actions are the causes in which Demostenes was engaged against Leochares, and
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may be seen from the speeches of Lysias, c. Philoc., and de bon. Arist.\(^1\)

The posterity of those who were put to death by the people, or were convicted of certain infamous crimes, such as theft, inherited the \textit{tyrilia} of their ancestors, a \textit{damnosa hereditias}, which they could not decline or renounce. It is impossible to be compared to the accessory of heir and of heir in the feudal law. The legislator seems to have thought that such children must be the natural enemies of their country, and ought to be disarmed of all power to do mischief. We cannot wonder at this, when we consider that, with respect to private fends, it was deemed honourable and meritorious in the Athenians to make the father of the public man an exile; we find public prosecutors (as in the opening of the speech of Lysias against Agoratus, of Demosthenes against Theocrines) telling the dicasts that they had been induced to come forward by a desire to avenge the wrongs of their family. In the same spirit, the Athenian law required that men guilty of unlawful homicide should remain in exile until they had appeared the nearest relatives of the deceased, to whom it more especially belonged to ressent and forgive the injury.\(^5\)

Isaeus tells us that parents who apprehended their own insolveney used to get their children adopted into other families, that they might escape the consequences of their own misfortunes. This, however, would not be done after the infancy had once attacked.\(^4\)

We find no mention of property escheating to the state of Athens for want of heirs. This probably arose from a principle of Athenian law, according to which no civic family was subject to expire; and, therefore, the property of an intestate was always assigned to such a person in sufficient possession, or to his nearest representative. With aliens, and those illegitimate children who were regarded as s\'iens, it was, no doubt, otherwise.\(^6\)

HERES (ROMAN). When a man died, a certainty person or certain persons succeeded to all his property, under the name of heres or heredes: this was a universal succession, the whole property being considered a unity. Such a succession was preferred to intestacy, and all the rights and liabilities of the person deceased, and was expressed by the term hereditias. The word hereditias is accordingly defined to be a succession to all the rights of the deceased.\(^6\)

The term \textit{heres} is sometimes used to express the whole property of the intestate, or of that person having the intestate's property in possession. The word \textit{jure} excludes the \textit{honorum possessio}, in opposition to which the hereditias is appropriately called \textit{justa}. The \textit{heres} was the owner who had acquired all that had belonged to another, morte et jure; the etymological relation of the word \textit{heres} seems probable.

A person might become a heres by being named as such (\textit{institutus, scriptus, factus}) in a will, executed by a competent person, according to the forms required by law. (\textit{Vid. Testamentum.}) If a person died intestate \textit{institutus}, or having made a will which was not valid, the inheritance came to those to whom the law gave it in such cases, and was called \textit{hereditas legisitma} or \textit{ab intestato}. But a man could not die testate as to part of his property and intestate as to another part, except he were a soldier, whose testamentary dispositions were considered with great indulgence. The reason of this appears to be the legal unity of the hereditias; a testamentary disposition of a part was not a disposition of the whole, and, consequently, it was no disposition at all.

In order that a testamentary succession should take place, the person dying must have such property or such rights as are capable of being transmitted to another; consequently, neither a slave nor a thing in which he had no interest (\textit{caderedi}), and he might make a heres. Also, the person who is made heres must have a legal capacity to be heres. Generally, all persons who had the commercium could be made heredes, and, consequently, all Roman cives, and even slaves. (\textit{Vid. Testamentum}.)

The institution of a heres was that formal which uses the property, or is made the owner of the thing, by a will. If the testator named no heres or heredes, and complied with all the other legal forms, still his disposition of his property was not a will. The heres called heres directus, or simply heres, represented the testator, and was thus opposed to the heres fideicommissarius. (\textit{Vid. Fideicommisius.}) The testator might either name one person as heres, or he might divide the hereditias among them as he pleased. The shares of the heredes were generally expressed by reference to the division of the \textit{Ae}: thus \textit{heres ex asse} is heres to the whole property, \textit{heres ex dodrante}, heres to three fourths; \textit{heres ex semuncia}, heir to one twelfth. If there was no heir named, without any definite shares being given to them, the property belonged to them in equal shares.

If the testator had a legal capacity to dispose, and if his will was made in due form, the first inquiry as to the heres was, whether he had a legal capacity to take what was given to him. He must have this capacity at the time of the institution, at the time of the testator's death, and at the time of accepting the inheritance. This capacity might be expressed by the words \textit{testamenti factio}, an expression which had reference not only to the legal capacity of the testator, but also to the legal capacity of the person named heres. As a general rule only Roman citizens might be named heredes in a will of a Roman citizen; but a slave could also be named heres, though he had no power to make a will, and a filius-familias could also be named heres, though he was under the same incapacity; for the slave, if he belonged to the testator, could, by testament, receive his freedom and become heres; and if he belonged to another person, he took the inheritance for the benefit of his master: the filius-familias, in like manner, acquired it for his father. Persons, not Roman citizens, who had received the commercium, could take hereditates by testament.\(^7\)

Heredes were either necessarius, sui et necessarii, or extranei. The heres necessarius was a slave of the testator, who was made a heres and liber at the same time; and he was called a necessarius, because of the necessity that he was under of accepting the hereditas. A slave was sometimes appointed heres, if the testator thought that he was not solvent, for the purpose of evading the \\textit{ignomina} which was a consequence of a person's property being sold to pay his debts, as explained above.


\(^{2}\) (Cic., De Att., iiiii., 41. Id., ib., viii., 5. Id., Pro Cæcina, c. 6.)—2. (Cic., Pro Cæcina, 7. Id., Scaenica, v., 259.)

\(^{3}\) (Cic., 115, 14c.)

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ters, and the sons and daughters of a son who were in the power of a testator; but a grandson or granddaughter could not be a suos heres unless the testator's son had ceased to be a suos heres in the testator's lifetime, either by death or being released from his power. These heredes sui were called necessarii, because of the necessity that they were under, according to the civil law, of taking the hereditas with its encumbrances. But the praeator allowed such persons to refuse the hereditas (abstinerer se ab hereditate), and to allow the property to be sold to pay the testator's debts (an instance is mentioned by Cicero); and he gave the same privilege to a mancipi, iudaei, and casus mancipii est. All other heredes are called extranei, and comprehend all persons who are not in the power of a testator, such as emancipated children. As a mother had no postes over her children, they were extranei heredes when named heredes in her will. Extranei heredes had the postes or jus deliberandi, or privilege of considering whether they would accept the hereditas or not; but if such extranei heredes, or those who had the abstinenteri postes, meddled with the testator's property, they could not, afterw ard, claim the inheritance, unless the person who had so meddled was under twenty-five years of age, and so belonged to a class who were relieved by the praeator in all cases where they were overreached (verba cessat in causa mancipii et). If a testator had accepted an insolvent hereditas (damassae hereditas), the Emperor Hadrian gave this relief to a person above twenty-five years of age who had accepted an hereditas, and afterw ard discovered that it was embumbered with a heavy debt. A certain time was allowed to extranei for the cretio hereditatis, that is, for them to determine whether they should accept the hereditas or not; hence the phrase cernere hereditatem. Thus, if the testator had written in his will "Heres Titius esto," he ought to add, "Cerniteque in centum diebus proximus quisque seces poterisse: quod non creveris exheres esto." If the extraneus wished to take the hereditas, he was required to make a formal declaration of it, or to become the heredes sui only within the time named (extra diem crevitionis). The formal declaration was called "eam hereditatem adeo cernaque." Unless he did this, he lost the hereditas, and he could not obtain it merely by acting as heres (pro herede gerendo). If a person was named heredes without any time of cretion being fixed, or if he succeeded (legitimo iure) to the property of an intestate, he might become heres by a formal declaration of his intention, and might take possession of the hereditas when he pleased: but the praeator was accustomed, upon the demand of the creditors of the testator or intestate, to name a time within which the heres should take possession, and in default of his doing so, he gave the creditors permission to sell the propriety. The common form of cretion in the will (vulgaris) was taken as already mentioned. Sometimes the words "quisque seces poterisset" were omitted, and it was then specially called "cretio cernuum dierum," which was the more disadvantageous to the heres, as the days began to be reckoned, or, as we say, the time began to run immediately, and it was not reckoned from the time when the heres knew that he was named heres, and had no informing of that testator.

It was not usual to make several degrees of heredes in a will, which was called substitutio. Thus, in the formula beginning "Herex Titius," &c., after the words "exheres esto," the testator might add, "Tum Mavius heres esto coniuncto in diebus cenbu;" &c.; and he might go on substituting as far as he pleased. The person first named as heres (primo grada) became heres by the act of cretion; and the substitutoe (secundae heres) was then entirely excluded. If the words "ab nono cenbu" were not followed by words of exheredation, this gave some advantage to the first heres: for instance, if he neglected the formality of cretion, and only acted as heres, he did not lose all, but shared the hereditas equally with the substituted person. This was the old rule: but a constitution of Aurelius made the acting as heres equivalent to cretion, provided such action took place within the time of cretion.

In the case of liber impubes, who were in the power of a testator, there might be not only the kind of substitution just mentioned (vulgaris substitution), but the testator might declare that if such children should live to become his heredes, and should die impubes, some other person, whom he named, should be his heres. This was expressed thus: "si prici moriturus quam in aem tularem erecti;" for the termination of impuberty and of the tutela were coincident. (Vid. Curatores.) Thus, as Gaius remarks, one testamentary disposition comprised two hereditates. This was called pupillaria substitutio. This kind of substitution was contained in a clause by itself, and in a separate part of the will, which was ordered by the testator's own hands and seal, with a provision that the substitution of the will that he second part should not be opened so long as the son lived and was impubes. A substitution could also be made in the case of children being exheredated (disinherited) by the parent's will, and the substituted person then took all that the pupilli acquired by hereditas, legata, legatuum et testa-

*1. (Cic. Top. 10.—Hor. Sat. ii., 5, 43.)—2. (Gaius, ii., 163.)—3. (Gaius, ii., 165.—Cic. De Orat. i., 22.) 499

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1. (Cic. Phil. ii., 10.)—2. (Gaius, ii., 163.)—3. (Gaius, ii., 165.)—4. (Cic. De Orat. i., 22.) 499
time, he could take possession of the inheritance with the permission of his new master, who thus became his heir through the medium of his slave. If the slave who was made his heir was then the property of another person, and not of the testator, he could not take the inheritance without the consent of his master. If the testator had been his master at the time he was made his heir, the testator became his heres; if such slave was manumitted before taking possession of the inheritance, he might accept it or refuse it, as he pleased. If an ingenuus died intestate, either from not having made a will, or having made a will, but not in due form, or having made a will in due form, which did not leave all the heirs, the testator's male children and the children of his male grandchildren adopted children were considered as one another. But grandchildren could not be heredes, unless their father had ceased to be in the power of the intestate, either by death or in any other way, as by emancipation. A wife in manum being considered as a daughter, and a daughter-in-law (nura) being either a daughter or a granddaughter, were sui heredes; but the later she was in the possession of the intestate at the time of his death, which was consistent with the law in the case of grandchildren. Posthumous children, who would have been in the power of the intestate if he were living, were also sui heredes. The sui heredes took the hereditas in equal shares. If there was a son or daughter, and a deceased child of the testator, the children of the deceased son took the portion which their parent would have taken. But the distribution was in stirpes, that is, among the stocks or stems sprung from the ancestor, and not in capia, or among the individuals: thus, if there were a son, and the sons of a deceased son, the son would take half of the hereditas, and the sons of the deceased son would take the other half, in equal shares.

If an intestate had no sui heredes, the Twelve Tables gave the hereditas to the agnati. It is stated under Connatii who are agnati. The hereditas died ex ira and in neglecto (exhei) agnati. Agnati were those who were nearest at the time when it was ascertained that a person had died intestate. If the nearest agnatus either neglected to take the inheritance, or died before he had taken possession of it, in either case did the next in succession, as agnatus, take the inheritance. He was the nearest agnatus who was nearest at the time when it was ascertained that a person had died intestate; and not he who was nearest at the time of the death; the reason of which appears to be, that the hereditas was in a sense the property of the intestate until his heir was ascertained, and his heir could not be ascertained until it was certain that he had left no will; and, as Gaius observes, if he had left a will, still it might happen that no person would be heirs under that will; and, accordingly, it seemed better, as he observes, to look out for the nearest agnatus at the time when it is ascertained that there is no heres under the will. If there were several agnati in the same degree, and any one refused to take his share, or died before he had assented to take it, such share accordavit (adversi) to those who consented to take the hereditas.

In the case of women, there were some peculiarities which arose from their legal status. The hereditas of women intestate came to their agnati 'just as the inheritances of males; but women who were beyond the degree of consanguinei, (a term which legally means brothers and sisters) could not take hereditates ab intestato. Thus a sister might take from a brother or sister as legitimate heres, but an aunt or a brother's daughter could not be a legitimate heir, according to the principle of Roman law which gave the testator the power to give to those who he pleased the quality of children of the blood, was followed out in this case also: a mother or a stepmother who had come in manum viri thereby obtained the status of a daughter; and, consequently, as to legitimate succession, there were the same relations between such mother or stepmother and the husband's children as those of a mother and her own children, and such children themselves. But, by senatus consultus of Antoninus and Commodus, the sons of a wife not in manum might take as her legitimate heredes, to the exclusion of consanguinei and other agnati.

If a person died leaving no sui heredes, but only a brother and another brother's children, the brother took all, as the nearest agnatus; there being no brother surviving, and only children of brethren, the hereditas was divided among all the children in capita, that is, the whole was equally divided among all the children.

If there were no agnati, the Twelve Tables gave the hereditas to the gentiles. (Vid. Gaius, p. 468.) Gaius briefly recapitulates the six rules of the Twelve Tables to the distribution of intestates. The emancipated children could claim nothing, as they had ceased to be sui heredes: the same was the case if a man and his children were at the same time made Roman citizens, unless the emperor reduced the children into the power of the father; agnati who had sustained a capitio diminuto were excluded, and consequently, a son who had been given in adoption, and a daughter who was married and in manum viri: if the next agnatus did not take possession, he who was next in order could not, for that reason, make any claim: cognati, whose kinship depended on a female, had no mutual rights as to their hereditas, and consequently, there were no such mutual rights between a mother and her children, unless the mother had come in manum viri, and so the rights of consanguinity had been established between them.

If a man had his son in his power, he was bound either to make him heres, or to exheredate (exhere- datus) to his children, which was no over in silence (silentio pretariet), the will was altogether void (invitile, non jure factum). Some jurists were of opinion, that even if the son, so passed over, died in the father's lifetime, there could be no heres under that will. Other liberi could be passed over, and the will would still be a valid will; but the liber so passed over took a certain portion of the hereditas adscendente, but it was deemed, or just adscendente. For instance, if the heredes instituti were sui, the person or persons passed over took an equal share with them. If the heredes instituti were extranei, the person or persons passed over took a half of the whole hereditas; and as the praetor gave the contra tabulas bonorum possession to the person so passed over, the extranei were deprived of all the hereditas. A rescript of the Emperor Antoninus limited the amount which women could take by the bonorum possession to that which they could take jure adscendente; and the same was the law in the case of emancipated females.

It was necessary to exheredate posthumous children whose principal right to the hereditas was originally valid, became invalid (ruptum); and the will became invalid by the birth of either a posthumous son or daughter, or, as the phrase was, adnascen- do ruptur testamentum. Postumi were not only...
The purchaser then became heres, just as if he had been the legitimos heres. The scriptus heres could only alienate it after the aditio: after such alienation by him, or by the heres legitimos after aditio, both of them still remained heredes, and, consequently, answerable to creditors, but all debts due to the testator or intestate, thus did not cease.

The hereditates of freedmen are more properly considered under Libertati and Patronati.

Before it was determined who was heres, the hereditas was without an owner, and was said "in esse." When a heres was ascertained, such person was considered to possess all the rights incident to the hereditas from the time of the death of the testator or intestate. The next question is how we are to view the heredita in the interval between the death of the former owner and the time when the heres is ascertained. During such interval, according to one form of expression used by the Roman jurists, the hereditas is a juridical person (nica persona fuitgenitor), and is the dominum, that is, the dominus of itself; according to another form of expression, it represents the defunct, and to be divided among his successors. Both these forms are the same in meaning, and they express a fiction which has relation to the legal capacity of the defunct, and not to that of the future heres, and which does not involve the notion of any juridical personality of the hereditas. The relation to the legal capacity of the defunct is this:Slaves generally belonged to an hereditas. A slave, as it is well known, did not have a separate personal existence, even without his knowledge; but the validity of the act of acquisition, in some cases, depended on the legal capacity of his master to acquire. Now while the hereditas was without an ascertained owner, many acts of a slave, by which the hereditas might receive additions, were strictly void, and such acts could only have their legal effect on the supposition that the slave had an owner of a sufficient legal capacity; and, accordingly, the fiction of law gave validity to the act of the slave by relation to the known legal capacity of the late owner, and not by relation to the yet unascertained owner, who might not have such legal capacity. The following are examples: "When a Roman, who had a legal capacity to make a will, died intestate, and another person claims to have been the heres of the deceased, the hereditas, which was still without an owner, such institution of a heres would be valid by virtue of this fiction, because it had reference to the legal capacity of the defunct. If there had been no such fiction, the validity of the institution would have been doubtful, for the unascertained legitimos heres might be an intestabilis, who (at least according to the old law) could not be instituted heres. If a soldier died and left a will, which was not yet opened, another testator might institute as heres a slave belonging to the soldier's hereditas, because the institution, according to this fiction, had reference to the deceased; but if there were not this fiction, the institution might be void, inasmuch as the unascertained heres might be a peregrinus who had no capacity to institute heres. It was to provide for such cases as these only, that this fiction was introduced; and it had no other object than to facilitate certain acquisitions by means of the slaves who belonged to an hereditas."

This masterly exposition is by Savigny 1.

**HERMÆ, dimin. HERMULE (Equus).** The Greeks originally made use of unhewn stones (apoy zoion) to represent their divinities. 2. Their chief improvement was to cut these stones into square

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1. (Ulpian.)—9. (Dig. 56, tit. 16, s. 164; 29, tit. 3, s. 3.)—3. (Cic, Leg., ii, 16.—1. (Plaut., Capt., iv, 1.—Postumus, u, v, 18. (Sine mercati Hieros., (C. vi, tit. 30, s. 22.)—6. (Cic, Pro Reso. Cas. c. 16.)—7. (Cic, ad Att., xi, 15.)—500
blocks, thirty of which were exhibited to Pausanius in the city of Pharse.1 In the course of time, the square block was surmounted by the head of the deity it represented. Many images of this kind are described by Pausanius; one of Poseidon at Triclini in Arcadia,2 another of Zeus τελέσω at T'gea,3 and another of Aphrodite Urania at Athens. It is probable that the first statues of this imported nature were those of Hermes or Mercury, from whom they received their name; but the term was applied generally to that particular class of statues termed ἄργατα τερατών or σχήματα τερατών,4 even though the busts of other divinities, or persons of either sex, surmounted the pedestal.

The representation which is ascribed to the Athenians by Pausanius, the only parts of the human body developed were the head and sexual organs. But when the sculptor's art was still farther perfected, the whole torso was placed upon a pedestal; and, finally, the pedestal itself was sometimes chiselled to indicate the separation of the legs, as may be seen in a tetragonal female statue in the Villa Albani.5 Two fragments of the Hermes may be seen in the British Museum.6

Houses in Athens had one of these statues placed at the door,7 which were worshipped by the women as instrumental to fecundity, though not in the most delicate manner;8 and the great superstition attached to them is shown by the alarm and indignation which was felt at Athens in consequence of the mutilation of the whole number in a single night, just before the sailing of the Sicilian expedition.9

They were likewise placed in front of temples, near to tombs, in the gymnasia, libraries, and public places, at the corners of streets and high roads as signposts, and some are still to be seen at Athens which have been found on the floor of the temples, and were inscribed upon them.10 Among the Romans particularly they were used for boundary landmarks, either in their primitive form of large stones or with busts upon them, whence they were styled termini and lapidies terminales,11 and as posts for ornamental railings to a garden, in which case they were often decorated with the busts of philosophers and eminent men, some of which may be seen at the Vatican, with the square holes in their shoulders into which the transverse rail was inserted.

As the square part of the statue represented Mercury,12 his name is often compounded with that of the statue that supported it. Thus the Ηέρμαθεα which Atticus found at Athens in Cicero's13 bore the bust of Minerva; the Ηερμακελα14 those of Hercules. The story of Hermaphroditus had probably its origin in some ancient statue of this description, where the square Mercury was surmounted by a female torso, like the one in the British Museum.15

For the application of the Hermes and Hermula in the circus, see p. 445.

HERMÉA (Ἑρμαί) festivals of Hermes, celebrated in various parts of Greece. As Hermes was the tutelary deity of the gymnasia and pailestres, the boys at Athens celebrated the Herméa in the gymnasia. They were on this occasion dressed in their best, offered sacrifices to the god, and amused themselves with various games and sports, which were probably of a more free and unrestrained character than usual. Hence the gymnasiarch was prohibited by a law of Solon1 from admitting any adults on the occasion. This law, however, was afterward neglected, and in the time of Plato2 we find the boys celebrating the Herméa in a palestra, and in the presence of persons of all ages.3 (Compare Gymnium, p. 482.)

Herméa were also celebrated in Crete, where, on the occasion of the same festival of the same kind that was celebrated at Pella,5 there was a day of season of freedom and enjoyment for the slaves, and their masters waited upon them at their repasts.4

The town of Pheneos, in Arcadia, of which Hermes was the principal divinity, likewise celebrated Herméa, and celebrated them both in the same way. Thus the first Herméa of the same kind was celebrated at Pella,5 and on other days, likewise celebrated festivals of Hermes, but particulars are not known.

HERMATHENA. (Vid. HERME.)

HERMERACLE. (Vid. HERME.)

HERMODACTYLUS (Ἑρμόδακτυλος), the same as the Colchicum autumnale, or Meadow Saffron. "My garden is full of Colchicum. " (Adams, 15.) Tourism, in Boeotia,1 and some other places, likewise celebrated festivals of Hermes, but particulars are not known.

HERMODACTYLUS. (Vid. HERME.)

HERMPYLLUS (Ἑρμπυλλος), according to most authorities, the Wild Thyme, or Thymus serpyllum. L. Sibthorp, however, inclines to refer it to a species which he found in great abundance near the sea coast of Attica, and calls it Thymus Pyrrolis. And again, Serapin, in his chapter on Hermodactylus, gives the words of Paulus Εγκινετα along with Dioscorides' chapter on Colchicum. It seems undeniable, then, that the Africans held the Hermodactylus to be the same as the Colchicum; and, accordingly, the highest authorities in modern times on the subject of the herb, as Tournefort, Hunfelderius, Geoffroy, Prosper Alpinus, Dr. Paris, and many others, recognise the Hermodactylus as the Colchicum autumnale, or Meadow Saffron. Still, however, Sprengel joins Matthiolius and Dr. Murray in referring it to the Iris tuberosa. After impartially examining the evidence on both sides, I continue to be of the opinion expressed by me formerly, that the ancient Ερμοπυλλος was the Meadow Saffron.16

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HESPERIDES (Ἑσπερίδες), a plant, the same with the Hesperis matronalis, or Dame's Violet. Sprengel, however, prefers the Hesperis tristis.16

HERO/A. (Vid. Funus, p. 467.)

HEROD/ (Ἡρόδ). (Cham. 275, 2.)

HEROSTASIS (Ἡρόστασις) was a species of liturgy, and consisted in giving a feast to one of the tribes at Athens (Προ τοιν ηρόστασιν).17 It was provided for each tribe at the expense of a person belonging to that tribe, who was called τοιν υπηρότατος Armoporia18 states, on the authority of the speech of Demosthenes against Meidias, that this feast was sometimes provided by persons voluntarily, and at other times by persons appointed by lot; but, as Böckh remarks, nothing of this kind occurs in the speech, and no burden of this description could have
HETÆRÆ.

seen imposed upon a citizen by lot. The ἔστιν ἀνατόμωσις were doubtless appointed, like all persons serving liturgies, according to the amount of their property in some regular succession. These banquetts of the tribes, called γείτους δίδυμα by Athenæus, were introduced for sacred purposes, and for keeping up a friendly intercourse between persons of the same tribe, and must be distinguished from the great feasting of the people, which were defrayed from the Theorics. HETÆRÆ (τρίγονα). The word ἐτατοπα originally only signified a friend or companion, but at Athens and other towns of Greece it was afterward used as a euphemistic name for πόρος, that is, a prostitute or mistress. As persons of this class acted a much more prominent and influential part in some of the Greek states than in any of the most deliberative or capital cities of modern times, we cannot avoid, in this work, to state their position and their relations to other classes of society. But as their conduct, manners, ensnaring arts, and impositions have at all times and in all countries been the same, we shall confine ourselves to those points which were peculiar to the hetæra in Greece.

First we may mention that the young men at Athens, during their marriage age, spent a great part of their time in the company of hetærae without its being thought blamable in any respect whatever. Marriage, indeed, produced, on the whole, a change in this mode of living of young men, but in innumerable instances even married men continued their intercourse with hetærae, without drawing upon themselves the censure of public opinion. It seemed, on the contrary, evident, from the manner in which Demosthenes relates the history of Lysias the sophist, that such connexions after marriage were not looked upon as anything extraordinary or inconsistent, provided a man did not offend against public decency, or altogether neglect his legitimate wife and the affairs of his household, as was the case with Alcibiades. This irregular condition of private life among the Greeks seems to have arisen chiefly from two causes: first, from the great love of sensual pleasures, which the Greeks appear to have possessed even in a much higher degree than most other southern nations; and, secondly, from the generally prevailing indifference between husbands and wives. As regards the latter point, material differences in the condition of Greek women were very different from that which we find described in the heroic age. How this change was brought about is not clear; but it can scarcely be doubted that, generally speaking, the Greeks looked upon marriage merely as a means of producing citizens for the state. The education of women was almost entirely neglected; they were thought a kind of inferior beings, less endow'd by nature, and incapable of taking any part in public affairs, and of sympathizing with their husbands. In an intellectual point of view, therefore, they were not fit to be agreeable companions to their husbands, who consequently sought elsewhere that which they did not find at home. It is true, the history of Greece furnishes many pleasing examples of domestic happiness, between women whose husbands were exceptions, and only confirm the general assertion. The consequence of all this was, that women were bound down by rules which men might violate with impunity; and a wife appears to have had no right to proceed against her husband, even if she could prove that he was unfaithful, although she herself was subject to severe punishment if she was detected. The isolated testimony of a late writer like Alciphron, who represents a wife threatening her husband that, unless he would give up his dissolute mode of living, she would induce her father to bring a charge against him, can, as Becker observes, prove nothing, inasmuch as a neglect of family affairs, in this case, have been the ground for accusation.

But to return to the hetæra: the state not only tolerated, but protected them, and obtained profit from them. Solon is said to have established a παρενοῦ (also called παρακτεινον, εὐραγαρίων, or ἀκαματωμ) in which prostitutes were kept, and to have built the temple of Aphrodite Pandemos with the profit which had been obtained from this. At a later period the number of such houses at Athens was increased, and the persons who kept them were called παροικοδοτοι, λενονας. The conduct of the hetæra in these houses is described in Athenæus. All the hetærae of these houses, as well as individuals who lived by themselves and gained their livelihood by prostitution, had to pay to the state a tax (παρακτείων τεῖχος); and the collecting of this tax was made a separate office, as it was called the tax of the παροικοδοτοι. Thus were best acquainted with those who had to pay it. The hetærae were under the supervision of the ἀγορασμος, and their places of abode were chiefly in the Ceramicus.

The number of private hetærae, or such as did not live in a παρακτείων, was very great at Athens. They were, however, generally not more prostitute than those who lived in the houses of the hetærae, and as dancers, and were, as such, frequently engaged to add to the splendour of family sacrifices, or to enliven and heighten the pleasures of men at their symposia. Their private abodes, where other two, three, and more lived together, were also frequently places of resort for young men. Most of these hetærae not only took the greatest care to preserve their physical beauties, and to acquire such accomplishments as we just mentioned, but paid considerable attention to the cultivation of their minds. Thus the Arcadian Lasthenia was a disciple of Plato, and Leontion a disciple of Epicurus. Aspasia is even said to have instructed Socrates and Pericles. Whatever we may think of the historical truth of these and similar reports, they seem to show that the hetærae were skilled in those arts which show in what light these hetærae were looked upon by the ancients. It seems to have been owing especially to their superiority in intellectual cultivation over the female citizens, that men preferred their society and conversation to those of citizens and women, and that some hetærae, such as Aspasia, Lais, Phryne, and others, formed connexions with the most eminent men of their age, and acquired considerable influence over their contemporaries. The free and unrestrained conduct and conversation, which were not subject to the strict conventional rules which honest women had to observe; their wit and humour, of which so many instances are recorded, were well calculated to ennoble young men, and to draw the attention of husbands away from their wives. Women, however, in these respects exceptions; and even Athenian citizens did not scruple to introduce their wives and daughters to her circles, that they might learn there the secrets by which they might gain and preserve the affections of their husbands. 1

Disorderly life of the majority of Greek hetærae.

action was maintainable against such Athenian citizens as had administered to the unnatural lusts of another; but only if after such degradation they ventured to make use of political franchise, and to aspire to be office in the State, in which office they are recited byAESCHINES, we learn that such offenders were capitally punished. The cause was tried by the court of the thesmothetes.

HETAIRIÆ. (Vid. Ergani.)

HEXAPHRÖMÖS. (Vid. Lectica.)

HIERACION (liepásoun) a plant, of which Dioscorides mentions two kinds, the τοιον and the τω μακρον. The former of these Sibthorp makes the same with the Arneopogon pircvodes, Wild., and the latter with the Scorzonera elongata, Wild.3

HIERAX (liepás), a term applied to various species of Aescitirina, or the Hawk tribe. "The scho- lonist on Apollonius Rhodius says," remarks Adams, "that Callimachus described six species of Hawk; and Aristotle mentions that some had described six species.3 Liæanus applies the term rather loosely to three genera, namely, the Stiris, the Falco, and the Petiaca. The ἱερακές of the Greeks principally to the second of these. 1. The ἀστρο- φόνος is the Falco palmarumbars, or Goshawk; it is the largest of the genus.2 The albo-falcus of Aristotle is either Falco tyton, or Falco eleonorae, and it is the smallest of the genus. 3. The ἰωρής of Aristotle, rendered Butes by GAZA, is the species of Buzard called Ring-tail in English, namely, the Circus pyr- gargarus, L. 4. The υπτομήρος, or Subutus, it is probably only a variety of the last. 5. The κράος or third species of Aristotle, is not satisfactorily de- termined: Buxton supposes it to be the Moor Buzard, or Falco amigusin, L.; but Schneider thinks this point uncertain.5 Homer calls it ἀλαβρίον τετα- γυνω, 'the swiftest of birds.' 6. The πέρκος, or πτερις of Aristotle, in Latin Accipiter francolinus, was most probably the Sparrow-buzzard, or Falco nivola. 7. It is deserving of remark, that the Nilus of OVID was the Sea Eagle, that of the Ancients classifies the Sparrow-hawk. 7. The ἱαλακς, or κυκώνις of Homer, was most probably identical with the πτέρες, but cannot be otherwise satisfactorily deter- mined.8 The κεκρός, or κεκρόν, or κεκρός, or (as we read it in the Aves of Aristophanes) the κέκρος of ancient writers, is probably the Buzzard, namely, the Falco tinunculus, or Kestrel. 9. The two species named ἀστροφής and τερησίς of Aristotle cannot be satisfactorily ascertained.10 The ἰωτός or ἱεντός is the Kite or Gled, namely, the Milvus indicus, Savigny.11

11. A flying fish mentioned by Oppian and Ελιαν. None of the commentators can determine exactly what it is.

HERIEON. (Vid. Sacrificium.)

HIEROBOT'ANE (leopóbdón), a name given by Dioscorides and others to the Vervain, as being a plant much used in religious rites (lepóς,) 'sacred,' and βότανα, "plant." (Vid. Verraena.)

HIEROCLASIA. (Vid. Herren.)

HIEROMANUELIA. (Vid. Hieronymus.)

HIEROMENONES (leipoménones) were the more honourable of the two classes of representatives who composed the Amphictyonic council. An account of them is given under HIERONIMONES, p. 49. We also read of hieromonemes in Grecian states, distinct from the Amphictyonic representatives. The particular use of the term is not clear; at Megara, they were called hieromonemes; and at

HETAIRESOS GRAPHE. HIEROMENONES.
HIPPOMARATHRUM

Byzantium, which was a colony of Megara, the chief magistrate in the state appears to have been called by this name. In a decree of Byzantium, quoted by Demosthenes, a hierarchon is mentioned, who is given his name to the year, and we also find the same word on the coins of this city. At Chalcidion, another colony of Megara, a hierarchon also existed, as is proved by a decree which is still extant. An inscription found in Thasos also mentions a hierarchon who presided over the treasury.\(^1\)

\(^1\) EROI'NI C.E. (Vid. Athlet. p. 120.)

**HIEROPHANTES. (Vid. Eleusinia.)**

**HIEROPOIIOI** (ἱεροποιοί) were sacrificers at Athens, of whom ten were appointed every year, and conducted all the usual sacrifices, as well as those belonging to the quinquennial festivals, with the exception of those of the Panathenaea. They are frequently mentioned in inscriptions.\(^2\) The most honourable of these officers were the sacrificers for the revered goddesses or Eumeneses (ἐυμενεστὶς ταύτης), who were chosen by open vote, and probably only performed the commencement of the sacrifice, and did not kill the victim themselves.\(^3\)

\(^2\) ΙΕΡΟΣΟΛΑΙΑ ΠΡΑΣΗ (ἱερόσολαία γραφή). The action for sacrifice is distinguished from the κάλαθος γεννητός γραφή, in that it was directed against the offence of robbery, aggravated by violence and destruction, to which death was subsequently awarded. In the latter action, on the contrary, the theft and embezzlement, and its subject matter, only were taken into consideration, and the diceast had a power of assessing the penalty upon the conviction of the offender. With respect to the tribunal before which a case of sacrifice might have been tried, some circumstances seem to have produced some doubt as to which court the case might be transferred to the king archon, who would thereupon assemble the areopagus and preside at the trial, or to one of the thesclothetes in his character of chief of an ordinary heliastic body; or, if the prosecution assumed the form of an apopage or ephesia, would fall within the jurisdiction of the Eleves. Before the first-mentioned court it is conjectured\(^4\) that the sacrifice of the allegorical horse, as well as the fact itself, came in question; that the thesclothete took cognizance of those cases in which the sacrifice was obvious if the fact were established; and that the Eleves had jurisdiction when the criminal appeared in the character of a common robber or burglar, surprised in the commission of the offence while still alive, and which, after the body was put to death, his property confiscated, and his body denied burial within the Attic territory. There is a speech of Lyias\(^5\) extant upon this subject, but it adds little to our knowledge, except that slaves were allowed upon that occasion to appear as informers against their master—a resident alien—and anticipated their emancipation in the event of not being condemned.

**HILA'RIA** (ἱλάρα) seems originally to have been a name which was given to any day or season of rejoicing. The hilaria were, therefore, according to Maximus Monachus,\(^6\) either private or public. Among the former he reckons the day on which a person married, and on which a son was born; among the latter, those days of public rejoicing appointed by the emperor. Such days were devoted to general rejoicings and public sacrifices, and no one was allowed to show any traces of grief or sorrow.

But the Romans also celebrated hilarias, as a festa stativa, on the 25th of March, in honour of Cybele, the mother of the gods;\(^7\) and it is probably to distinguish these hilarias from those mentioned above, that Lampadius\(^8\) calls them *Hilariæ Matris Deæ.* The day of its celebration was the first after the vernal equinox, or the first day of the year which was longer than the night. The winter, with its gloom, had passed away, and the first day of a better season was spent in rejoicings. The manner of its celebration during the time of the Republic is unknown, except that Valerius Maximus\(^9\) mentions games in honour of the mother of the gods. Respecting its celebration at the time of the Empire, we learn from Herodian\(^10\) that, among other things, there was a solemn procession, in which the statue of the goddess was carried, and before this statue were carried the most costly specimens of plate and works of art belonging either to wealthy Romans or to the emperors themselves. All kinds of games and amusements were allowed on this day: masquerades were the most prominent among them, and every one might, in his disguise, bestate whomsoever he liked, and even sacrifies.

The hilaria were in reality only the last day of a festival of Cybele, which commemorated by too Gallus with various mysterious rites.\(^11\) It is also observed that the hilaria are neither mentioned in the Roman calendar nor in Ovid's Fasti.

\(^3\) *HIMANTOPOUS* (ἱμαντόπους), a species of bird, which Turner conjectures to be the Red-shank. Gesner, however, prefers the Sea-pie, or Oyster-catcher, the *Hematopus ostralegus,* L.\(^12\)

\(^4\) HIPPARCHUS (ἱππαρχος), an animal described by Opian. Probably the same with the *ἱππαρχος.*\(^13\)

\(^5\) HIPPAROMOSTES. (Vid. ARM. GREEK, p. 96.)

\(^6\) *HIPPELAPHUS* (ἱππελᾰπάθος), a large animal of the deer, or rather, antelope kind, mentioned by Aristotle.

\(^7\) HIPPOCAMPUS. (Vid. Flam. p. 49.)

\(^8\) *HIPPOCASTRUS* (ἱππόκαστρος), a fabulous animal, described by the ancient poets as a species of Seasehore, having a tail like a fish, on which the seagoing tradesmen, as well as the naturalists, however, only applied the term to a species of fish, the *Syngnathus Hippocampus,* called in Italian *Cavillino marino,* and in English Seasehore, because its head has some resemblance to that of a horse. It grows to the length of eight or twelve inches.\(^14\)

\(^9\) *HIPPOLAPATHRUM* (ἱππολαπάθρον), a plant, a kind of Dock; *Leposiphon hortense.* (Vid. Leposiph.)*

\(^10\) *HIPPOMANES* (ἱππόμανες), a plant, said to grow especially in Arcadia, sought for and eagerly devoured by horses; or, as others say, producing in them raging desire or madness.\(^15\)

\(^11\) I. A preparation from the *Sparge* or *Euphroney,* as far as, at least, we can infer from what Theophras- tus says.

\(^12\) *HIPPOMARATHRUM* (ἱππομαραθρόν), Adams observes that Stockhouse *makes the* *ἱππομαραθρόν* 

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at Theophrastus to be the Ferula communis; but Sprengel, in his History of Botany, holds the I. of Theophrastus and Hippocrates to be the Cachrys sicula. In his edition of Dioscorides, he refers the first species of this author to the Cachrys Morrisonii, Vahl. Dierbergs agrees with Sprengel respecting the I. of Hippocrates, and he calls it Cachrys Sicula. Börner, however, also allows its presence, grindle, or Satureja glandulosa, and the name we have given it was only a name.

The second is probably the Swift; and the third the H. riparia, or Bank Swallow. Aristotle favours the opinion which received the cincturance of Linneas, but has since been exploded, that swallows hide themselves in holes during the winter, and do not migrate to distant countries. Herodotus states that the swallows do not migrate from Egypt. This is a belief generally held by the ancients, and from other countries. Some have conjectured that Homer meant the Swift by the bird which he names ὕφορα, or παγόφα, as some read it.

HISTOS (látos). (Vid. Malus.)

HISTrio, an Actor.

I. Greek Actors (σπουδαῖοι). It is shown in the Shaksperean dramas that the Greek drama originated in the choruses which accompanied the dramatical recitation of Dionysus danced around his altar, and that at first one person detached himself from the chorus, and, with mimic gesticulation, related his story either to the chorus or in conversation with it. If the story thus acted required more than one person, they were all represented in succession by the same actor who played the principal in the last scene, or, as in the Greek drama, the dramatist, at the same time, had an opportunity of showing two persons in contrast with each other on the stage. Towards the close of his career, Eschylus found it necessary to introduce a third actor, as is the case in the Agamemnon, Chophorô, and Eumenides. This number of three actors was also required in the later plays composed by Sophocles, and was but seldom exceeded in any Greek drama. In the Codpus in Colonus, however, which was performed after the death of Sophocles, four actors appeared on the stage at once, and this deviation from the general rule was called παραχορήγεια. The three regular actors were distinguished by the technical names of πρωταγωνίστης, δευτέραγωνίστης, and τριταγωνίστης, which indicated the more or less prominent part which an actor had to perform in the drama. Certain conventional means were devised, by which the spectators, at the moment an actor appeared on the stage, were enabled to judge which part he was going to perform; thus the protagonist always appeared at the door of the stage; the deuteragonist, a little farther back; and the tritagonist, at the centre, the deuteragonists from one on the right, and the tritagonists from a door on the left hand side. The protagonists was the principal hero or heroine of a play, in whom all the power and energy of the drama were concentrated; and whenever a Greek drama is called after the name of one of its personages, it is always the name of the character which was performed by the protagonistes. The deuteragonists, in the pieces of Eschylus for two actors, calls forth the various emotions of the protagonists, either by friendly sympathy or by painful tiding, &c. The part of a tritagonist is represented by some external and invisible power, by which the hero is actuated or caused to suffer; a character of a tritagonist was always the name of the personages assigned to him was generally that of an instigator, who was the cause of the sufferings of the protagonistes, while he himself was the least capable of depth of feeling or sympathy. The deuteragonists, in the dramas for three actors, is generally distinguished by loftiness and warmth of feeling, but has

1. (Hirundo, Nat. MAter.—Theophrast, H. P. vi., 2.—Di—
not its depth and vehemence peculiar to the prota-
gonists, and thus serves as a foil to set forth the
character of the chief hero in its most striking and
vivid colours. The female characters of a play were always per-
formed by young men. A distinct class of persons who
who made acting on the stage their profession, was
unknown to the Greeks during the period of their
great dramatists. The earliest and greatest dra-
matic poets, Thespis, Melanthius, Sophocles, and
probably Æsopus also, acted in their own plays, and
in all probability as protagonistes. We also
know of several instances in which distinguished
Athenian citizens appeared on the stage, and Æs-
achines, the orator, did not scruple to act the part of
orators. It is said that he showed so well how it was
that by no means thought degrading in Greece to
perform on the stage, and that no stigma whatever
was attached to the name of a man for his appear-
ing on the stage. Bad actors, however, to what-
ever station in life they belonged, were not, on that
account, spared; and the general mode of showing
displeasure on the part of the spectators seems to have
had the effect of compelling the culprit to
act better. It appears that when the spectators showed their displeasure too offensive or insulting a manner, the actors would sometimes
attack the most forward of the audience, and quar-
rels of this kind ended not infrequently in blows
and wounds. At a later period, however, persons
began to devote themselves exclusively to the pro-
fessionp and engaged themselves whenever they found it
profitable. They formed regular companies
or guilds, with their own internal organization, with
their common officers, property, and sacra. We
possess a number of inscriptions belonging to such
companies, with decrees to honour their superiors,
or to declare their gratitude to some king to whom they had been engaged. But these actors are gen-
erally introduced into very contemptuous terms; these
were, perhaps, in some cases slaves or freedmen,
and their ordinary pay seems to have been seven
drachmae for every performance.  

II. Roman Actors. The word histriones, by
which the Roman actors were called, is said to
have been formed from the Etruscan hister, which
signifies a dancer.

In the year 364 B.C. Rome was visited by a plague, and as no human means could stop it, the Romans are said to have tried to avert the anger of the gods by scenic plays
(ludi scenici), which until then had been unknown
to them; and as there were no persons at Rome
prepared for such performances, the Romans sent
to Etruria for them. The first histriones who were
thus introduced on the stage were dancers, and per-
formed their movements to the accompaniment of a
flute. That the art of dancing to this accompani-
ment should have altogether unknown to the Romans is hardly credible; the real secret must
have been in the mode of dancing, that is, in the
mimic representations of the dancers, such as they
are described by Dionysius and Appian. That the
Etruscans far excelled the Romans in these mimic
dances is more than probable; and we find that in
subsequent times, also, a fresh supply of Etruscan
dancers (histriones) came to Rome. Roman youths
afterwards danced and acted those dances. Cicero
called these dancers and clowns vere vas (adapted to the move-
ments of the dance and the melody of the flute).
This kind of amusement, which was the basis
of the Roman drama, remained unaltered until the
time of Livius Andronicus, who introduced a slave
upon the stage for the purpose of singing or reciting
the recitative, while he himself performed the ap-
propriate dance and spoke his lines. A nearer
capstone to this is the introduction of the flute;
A further step in the development of the drama, which is likewise ascribed to Livius, was
the dance and reciter carried on a dialogue,
and acted a story with the accompaniment of the flute.
The name histrion, which originally signifi-
ced a dancer, was now applied to the actors in the
play. The stage was played by freedmen
Romans, while the regular drama was left to the
histriones, who formed a distinct class of persons.
It is clear, from the words of Livy, that the histriones
were not citizens; that they were not contained
in the tribes, nor allowed to be enlisted as soldiers
in the Roman legions; and that, if any citizen entered
the profession of histrion, he on this account was
excluded from his tribe. Niebuhr takes differ-
ently, but does not assign any reason for his opin-
ion. He asserts that the histriones were never
in the service of the state nor of foreign rulers,
freedmen, strangers, or slaves, and many passages
of Roman writers show that they were generally
held in great contempt. Towards the close of
the Republic, it was only such men as Cicero, who, by
their Greek education, raised themselves above
the prejudices of their countrymen, and valued the
person no less than the talents of an Æsopus and
Liscus.

This law was partly abolished by Augustus, in as far as
he did entirely away with the juss virgurum, and
prohibited the interference of the magistrates in
time when, and the place where (ludi et scenae) the
actors performed. But he nevertheless inflicted
very severe punishments upon those actors who,
either in their private life or in their conduct on
the stage, committed any impropriety. After these
regulations of Augustus, the only legal punishments
that could be inflicted upon actors for improper
conduct seem to have been imprisonment and ex-
nunciation. The juss virgurum is indeed said to have been
restored to the prior by a law of Augustus himself;
not expressly, but by the interpretation put upon
this law by the jurists. But this interpretation
cannot have become valid until after the reign of Tiberius, of whom it is clearly stated that he refused
to restore the juss virgurum, because it had been abolished
by his predecessor. These circumstances

1. (Müller, Hist. of Gr. Lit., i., p. 305, &c.—Compare Böttig-
er, "De Actoribus Primario, Secundo et Tertio, Partim."—2.
(De mosth., I., c.)—3. (Demosth., De Coron., p. 314.)—4.
(De mosth., De Coros, p. s14.—Id, De Fals. Jeg., p. 460.—Anlo-
vid, c. Alcib., p. 321.—Athens, iv., p. 406.)—5. (Lucian, Kame-
ons, Advers. De Ceram., c. 64. 1, 2.—Charmides, c. 64. 1, 2.—
(Charmides, c. 64. 1, 2.—Charmides, c. 64. 1, 2.—Charmides,
6.—(Lyr. vi., v. 2._—Val. Max., W 4. 4.—(Compare Plut., Quasi, Rom. p. 295, Cg.)

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HONORES.

and the favour of the emperors, increased the arrogance and the loose conduct of the histrionem, and the theatres were not seldom the scenes of bloody fights. Hence Tiberius, on one occasion, found himself obliged to expel all histriones from Italy; but they were recalled and patronised by his successor. Some of the later emperors wore almost purely festive, and kept them for their private amusement (histriones auxiliares). They performed at the expense of the state, and were occasionally allowed, also, to play in the theatres before the people (publicabantur). In the Digest we read that all actors were infamous. From the time of Tacitus the word histrion was used as synonymous with pantomime and acrobat.

Respecting the ordinary pay which common actors received during the time of the Republic, nothing is known. The pay itself was called lucar, which word was perhaps confined originally to the payment made to those who took part in the religious services celebrated in groves. In the times of the Empire it seems that some dramaturgi or, according to others, seven dramatists, were the common pay for a histrion for one performance. Several emperors found it necessary to restrict the practice of giving immoderate sums to actors. The Emperor M. Antoninus, who was fond of all histrionic arts, ordained that every actor should receive five denarii a day, and that all representations should exceed the sum of ten aurei. But it is not clear whether in this distribution the actor or the populace was considered. The two acts received from the people gold and silver crowns, which were given or thrown to them upon the stage.

HOLOSPHERATON. (Vir. Bronz. p. 77.)

HOMOIOI. (Vir. Citian. Greek, p. 260.)

HONORA'RIA. (Actio. p. 17.)

HONORA RIUM. (Vir. Annal. Cinc. Lxx.)

HONORA KIUM. JUS. (Vir. Emctm.)

HONORES. Cicero speaks of the "honor populi," and Horace of the populace.

"qui stultus honoris Sepe dat indignis." In both passages the word "honor" means the high offices of the state to which qualified individuals were called by the Roman citizens. Cicero calls the quosstimorium "honor," and the words "magistratus" and "honor" are sometimes coupled together. The capacity of enjoying the honor was one of the distinguishing marks of citizenship.

HORA. (Vir. Citian.)

There appears to be no exact definition of honor civilis, which has been so frequently a subject of dispute. The honor magistrorum is defined to be "administratio republaurum cum dignitatis gradu, sive cum sumpto, sive sine erogatione continenda." Munus was either publicum or privatum. A publicum munus was concerned with administration (in administrando republica), and was attended with some cost (sumptus), but not with rank (dignitas). A privatum munus was property and was said to have been "impono." Cicero uses the phrase "municia et republaurum munera perfunctio" to signify one who has attained all the honors the state can give, and discharged all the duties which are owed by a citizen. A person who held a magistratus might be said to discharge munera, but only as incident to the office (magnificientissimae munera elenchus perfuentus), for the office itself was the honor. Such munera as these were public games and other things of the kind.

HOPLITAI. (Vir. Arna, p. 94; Army, Greek p. 99.)

HOPLOMACHUS. (Vir. Gladiatores, p. 476.)

HORA (σήμα), in the signification of hour, the 12th part of the natural day, did not come into general use until the middle of the second century B.C. The equinoctial hours, though known to astronomers and philosophers, were not used in the affairs of common life till towards the end of the fourth century A.D. As the division of the natural day into twelve equal parts, both in summer and winter, rendered the duration of the hours longer or shorter according to the different seasons of the year, it is not easy, with accuracy, to compare or reduce the hours of the ancients to our equalinoctial hours. The hours of a Roman day would only coincide with the hours of our day at the two equinoxes. (Vir. Diges. and Hesiodus.) As the duration of the natural day was variable, it was thought necessary to mark the progress of a place by the natural hours and not by the equalinoctial hours of Italy or Greece. Idele, in his Handbuch der Chronologie, has given the following approximate duration of the natural days at Rome in the year 45 B.C., which was the first after the new regulation of the calendar by J. Caesar; the length of the days is only marked at the eight principal points in the apparent course of the sun.

The following table contains a comparison of the hours of a Roman natural day, at the summer and winter solstices, with the hours of our day.

<table>
<thead>
<tr>
<th>Day of the year</th>
<th>Roman Hour</th>
<th>Modern Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 B.C.</td>
<td>4 o'clock</td>
<td>7 hours 50 minutes, 0 seconds</td>
</tr>
<tr>
<td>Dec. 23</td>
<td>5</td>
<td>42</td>
</tr>
<tr>
<td>Feb. 6</td>
<td>9</td>
<td>50</td>
</tr>
<tr>
<td>March 23</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>May 9</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>June 25</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>August 10</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>Sept. 25</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Nov. 9</td>
<td>9</td>
<td>50</td>
</tr>
</tbody>
</table>

The following table contains a comparison of the hours of a Roman natural day, at the summer and winter solstices, with the hours of our day.

SUMMER SOLSTICE.

<table>
<thead>
<tr>
<th>Roman Hour</th>
<th>Modern Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st hour</td>
<td>7 o'clock</td>
</tr>
<tr>
<td>2d</td>
<td>8</td>
</tr>
<tr>
<td>3d</td>
<td>9</td>
</tr>
<tr>
<td>4th</td>
<td>9</td>
</tr>
<tr>
<td>5th</td>
<td>10</td>
</tr>
<tr>
<td>6th</td>
<td>12</td>
</tr>
<tr>
<td>7th</td>
<td>13</td>
</tr>
<tr>
<td>8th</td>
<td>15</td>
</tr>
<tr>
<td>9th</td>
<td>16</td>
</tr>
<tr>
<td>10th</td>
<td>17</td>
</tr>
<tr>
<td>11th</td>
<td>18</td>
</tr>
<tr>
<td>12th</td>
<td>19</td>
</tr>
</tbody>
</table>

WINTER SOLSTICE.

<table>
<thead>
<tr>
<th>Roman Hour</th>
<th>Modern Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st hour</td>
<td>7 o'clock</td>
</tr>
<tr>
<td>2d</td>
<td>8</td>
</tr>
<tr>
<td>3d</td>
<td>9</td>
</tr>
<tr>
<td>4th</td>
<td>9</td>
</tr>
<tr>
<td>5th</td>
<td>10</td>
</tr>
<tr>
<td>6th</td>
<td>12</td>
</tr>
<tr>
<td>7th</td>
<td>13</td>
</tr>
<tr>
<td>8th</td>
<td>15</td>
</tr>
</tbody>
</table>

1. (Cic. de Fam. vii. 17.) — 2. (Dig. 50, tit. 4, "De Magnific.
lan et Honoribus").

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The custom of dividing the natural day into twelve equal parts or hours lasted, as we have observed, till a very late period. The first calendari-um in which we find the duration of day and night marked according to equinoctial hours, is the Calendarium rusticum Farnesianum. 4 Another question which has often been discussed is whether, in such expressions as prima, altera, tertia hora, &c., we have to understand the hour which is passing, or that which has already elapsed. 5 From the construction of ancient sundials, on which the hours are marked by eleven lines, so that the first hour had elapsed when the shadow of the gnomon fell upon the first line, it might seem as if hora prima meant after the lapse of the first hour. But the manner in which Martial, 6 when describing the various purposes to which the hours of the day were devoted by the Romans, speaks of the hours, leaves no doubt that the expressions prima, altera, tertia hora, &c., mean the hour which is passing, and not that which has already elapsed. 7

HORODEARIUM.
HOROLOGIUM.

Horologium was appointed in the courts for the purpose of watching the clepsydra, and stopping it when any documents were read, whereby the speaker was interrupted; and it is to this officer that Domothesen calls out, 'Sei d’alcuni horologi.' The time, and, consequently, the quantity of water allowed was not very accurately determined. The importance of the case; and we are informed that in a gravis parapetissin the water allowed to each party amounted to eleven amphoræ; whereas in trials concerning the right of inheritance only one amphora was allowed. Those actions in which the time was thus measured to the speakers are called by Pollic. dicta apo d’alco; others are termed dicas, but, as was usual in such cases, the water was generally measured to a certain space of time. The only instance of this kind of actions of which we know is the gravis parapetissin.

The clepsydra used in the courts of justice was, properly speaking, no horologium; but smaller ones, made of glass, and of the same simple structure, were undoubtedly used very early in families for the purposes of ordinary life, and for dividing the day into twelve equal parts. In those glass clepsydras the division into twelve equal parts must have been visible, either on the glass globe itself, or in the basin into which the water flowed. These instruments, however, did not show the time quite correctly. During the night or in cloudy weather, the water ran out of the clepsydra sometimes quicker and sometimes slower, according to the different temperature of the water; and, secondly, because the length of the hours varied in the different seasons of the year. To remove the second of these defects, the inside of the clepsydra was covered with a coat of wax, sometimes even with a coat of glass. As the water flowed, the wax came longer the water was gradually taken away again. Plato is said to have used a waxophylax or clepsydra in the shape of a large clepsydra, which indicated the hours of the night, and seems to have been of a complicated structure. This instance shows that at an early period improvements were made on the old and simple clepsydra. But all these improvements were excelled by the ingenious invention of Ctesibius, a celebrated mathematician of Alexandria (about 135 B.C.). It is called drolon of waxophylax, and is described by Vitruvius.

Water was made to drop upon wheels, which were thereby turned. The regular movement of these wheels, which are divided into twelve hours, or days, is thus excited. They have since been made in various parts of the world. The Roman clepsydra, however (about 150 B.C.), it seems to have been very common to reckon by hours.

The first horologium with which the Romans became acquainted was a sundial (solarium, or horologium staticochnic), and was, according to some writers, brought to Rome by Paprius Censorius twelve years before the war with Pyrrhus, and placed before the temple of Quirinus; others stated that it was brought to Rome at the time of the first Punic war, by the consul M. Valerius Messala, and erected on a column behind the Rostra. But this horologium, being made for a different meridian, did not show the time at such advance and basilica. In old Rome, the clepsydra which had been erected behind the Rostra seems to have existed on that spot till a very late period, and it would seem that the place was called ad Solarium, so that Cicero uses this expression as synonymous with Rostra or Forum. Horologia of various descriptions seem also to have been commonly kept by private individuals; and at the time of the emperors, the wealthy Romans used to keep slaves whose special duty was to announce the hours of the day to their masters.

From the number of solarium which have been discovered in modern times in Italy, we must infer that they were very generally used among the ancients. The following woodcut represents one of the simplest horologia which have been discovered: it seems to bear great similarity to that, the invention of which Vitruvius ascribes to Berosus. It was discovered in 1741, on the hill of Tusculum, among the ruins of an ancient villa, and is described by Gio. Luca Zuzzeri, in a work entitled Duna antica villa scoperta sulle case del Tuscolo, e d’antico orologio a sole, Venezia, 1746; and by G. H. Martin, in his Abhahnung von den Sonnenurkuren der Alten Leipzig, 1777, p. 49, &c.

The following woodcut shows the same solarium as restored by Zuzzeri.

HOROLOGIUM.

The breadth as well as the height (A O and P A) are somewhat more than eight inches, and the length (A B) a little more than sixteen inches. The surface (A O R B) is horizontal. S P Q T is the basis of the solarium, which originally was probably erected upon a pillar. Its side, A S T B, inclines somewhat towards the basis. This inclination was called tyche, or inclinatio solarii and enclima succinctum, and shows the latitude or polar altitude of the place for which the solarium was made. The angle of the enclima is about 40° 43', which coincides with the latitude of Tuscumel. In the body of the solarium is the almost spherical excavation H K D M I F N, which forms a double hemicycle (hemicyclicum excavationum ex quadrato). Within this excavation the eleven-hour lines are marked, which pass through three semi-circles, H L N, K E F, and D M I. The middle one, K E F, represents the equator, the two others the tropic lines of winter and summer. The curve representing the summer tropic is somewhat more than a semicircle, the two other curves somewhat smaller. The ten middle parts, or hours in each of the three curves, are all equal in distance from each other, but the two extreme ones, though equal to each other, are by one fourth smaller than the rest. In the middle, G, of the curve D K H N J, there is a little square hole, in which the gnomon or pointer must have been fixed, and a trace of it is still visible in the lead by means of which it was fixed. It must have stood in a perpendicular position upon the surface A B R O, and at a certain distance from the surface it must have turned in a right angle above the spherical excavation, so that its end (C) extended as far as the middle of the equator, as it is restored in the above woodcut. Vide the description of another solarium in G. H. Martini's Antiquorum Monumentorum Syll. p. 95, &c.

Oleipny, were used by the Romans in their granaries for the purpose of measuring accurately the four vigilia into which the night was divided.

The custom of using oleipny as a check upon the speakers in the courts of justice at Rome, was introduced by a law of Cn. Pompeius, in his third consulship. Before that time the speakers had been under no restrictions, but spoke as long as they deemed proper. At Rome, as at Athens, the time allowed to the speakers depended upon the importance of the case. Pliny states that on one important occasion he spoke for nearly five hours; ten large oleipny had been granted to him by the judges, but the case was so important that four others were added. Pompeius, in his law, is said to have limited the time during which the accuser was allowed to speak to two hours, while the accused was allowed three hours.

HORTUS.

clear from the case of Pliny and others, was not observed on all occasions, and we must suppose that it was merely the retention of Pompeius, to fix the proportions of the time to be allowed to each party that it, that all cases from the forum should only have two thirds of the time allowed to the accused. This supposition is supported by a case mentioned by Pliny.1 where, according to law (e 1a), the accuser had six hours, while the accused had nine. An especial officer was at Rome, as well as at Athens, appointed to stop the oleipny during the time when documents were read.

HORREUM (ἀρχομένιον, αρχομενάω, αρχομένω) was, according to its etymological signification, a place in which ripe fruits, and especially corn, were kept, and thus answered to our granary.2 During the Empire, the name horreum was given to any place destined for the safe preservation of things of any kind. Thus we find it applied to a place in which beautiful works of art were kept,3 to cellars (horrea subterranea, horrea vinaria);4 to deposits for merchandise, and all sorts of provisions (horreum generalum). Seneca5 even calls his library a horreum. But the more general application of the word horreum was to places for keeping fruit and corn; and, as some kinds of fruit required to be kept more dry than others, the ancients had, besides the horrea subterraneae, or cellars, two other kinds, one of which was in warehouses, or other houses, upon the ground; but others (horrea generic, or cellars) were erected above the ground, and rested upon posts or stone pillars, that the fruits kept in them might remain dry.

From about the year 140 A.D., Rome possessed two kinds of public horrea. The one class consisted of buildings in which the Romans might deposit their corn, and the other in which they kept other valuables, for which they had no safe place in their own houses. This kind of public horrea is mentioned as early as the time of Antoninus Pius,6 though Lampridius7 assigns their institution to Alexander Severus.8 The officers who had the superintendence of these establishments were called horrearii. The second and more important class of public horrea, which were called public granaries, were buildings in which a plentiful supply of corn was constantly kept at the expense of the state, and from which, in seasons of scarcity, the corn was distributed among the poor, or sold at a moderate price. The first idea of building such a public granary arose with C. Sempronius Gracchus (lex Sempronis frumentaria); and the rules of the great granary (horrea populi Romani), which he built, were soon seen down to the sixteenth century between the Aventine and the Monte Testaceo.9

The plan of C. Gracchus was followed out and carried farther by Clodius, Pompey, and several of the emperors; and during the Empire we thus find a great number of public horrea which were called after the names of their founders, e.g., horrea Antoninius, Varruginis, Servilii, Augusti, Domitiani, &c. The manner in which corn from these granaries was given to the people differed at different times.

HORTENSIA LEX. (Vid. Plebeiscitum.)

HORTUS (ἐφυαῖον). Garden.

I. Greek Gardens—Our knowledge of the horrea.

HOR'TUS. HOSPITIUM.

ticulture of the Greeks is very limited. We must not look for information respecting their gardens to the accounts which we find in Greek writers of the gardens of Alcinoës, filled with all manner of trees, and by other authors who adopt the same method, or of those of the Hesperides, or of the paradies of the Persian satrapes, which resembled our parks, for the former gardens are only imaginary, and the manner in which the paradies are spoken of by Greek writers shows that they were not familiar with anything of the kind in their own country. In fact, there seems to have had no great taste for landscape beauty, and the small number of flowers with which they were acquainted afforded but little inducement to ornamental horticulture.

The sacred groves were cultivated with special care. They contained ornamental and odoriferous plants and fruit-trees, particularly olives and vines. Sometimes they were without fruit-trees. The only passage in early Greek writers, in which flower-gardens appear to be mentioned, is one in Aristophanes, who speaks of κόπων εὐώδες. At Athens the flowers most cultivated were probably those used for making garlands, such as violets and roses. In the time of Ptolemy the art of gardening seems to have advanced in the favourable climate, for a subject on flower-growing was obtained all the year round. Longus describes a garden containing every production of each season; in spring, roses, lilies, hyacinths, and violets; in summer, poppies, wild pears (άχνοδες), and all fruit; in autumn, vines and figs, and pomegranates and myrtles. That the Greek idea of horticultural beauty was not confined to flowers as ours, may be inferred from a passage in Plutarch, where he speaks of the practice of setting off the beauties of roses and violets by planting them side by side with leeks and onions. Becker considers this passage a proof that flowers were cultivated more to be used for garlands than to beautify the garden. 11

II. ROMAN GARDEN.—The Romans, like the Greeks, laboured under the disadvantage of a very limited flora. This disadvantage they endeavoured to overcome, by arranging the materials they did possess in such a way as to produce a striking effect. We have a very full description of a Roman garden, which was surrounded by the gardens of the lenders, which describes the Tuscan villa. In front of the porticus there was generally a στυγαμ, or flat piece of ground, divided into flower-beds of different shapes by borders of box. There were also such flower-beds in other parts of the garden. Sometimes they were raised so as to form terraces, and their sloping sides planted with evergreens or creepers. The most striking features of a Roman garden were lines of large trees, among which the plane appears to have been a great favourite, planted in regular order; alleys or walks (ambulationes) formed by closely-clipped hedges of box, yew, cypress, and other evergreens; beds of acanthus, rows of fruit-trees, especially of vines, with statues, pyramidical fountains, and summer-houses (dactae). The trunks of the trees and the parts of the house, or any other buildings which were visible from the garden, were often covered with ivy. In one respect the Roman taste differed most materially from that of the present day, namely, in their fondness for the arboparia, which consisted in tying, twisting, or cutting trees and shrubs (especially the box) into the figures of animals, ships, letters, &c.

The importance attached to this part of horticulture is proved, not only by the description of Pliny, but by the fact that topiarius is the only name given by Greek or Roman writers for the ornamental gardener. Cicero mentions the topiarius among the higher class of slaves.

Attached to the garden were places for exercise the geastatio and hypodromus. The geastatio was a sort of avenue, shaded by trees, for the purpose of running horse exercise, such as riding in a litter. The hypodromus was a place for running horse exercise, in the form of a circus, consisting of several paths divided by hedges of box, ornamented with topiarian work, and surrounded by large trees.

The flowers which the Romans possessed, though few in comparison with the species known to us, were more numerous than some writers have represented; but the subject still requires investigation. Their principal garden-flowers seem to have been violets and roses, and they also had the crocus, narcissus, lily, gladiolus, iris, poppy, amaranth, and others.

Conservatories and hot-houses are not mentioned by any writer earlier than the first century of our era. They are frequently referred to by Martial. They were used both to preserve foreign plants, and to produce flowers and fruit out of season. Columella and Pliny speak of forcing-houses for grapes, melons, &c. In every garden there was a space kept for fruit, and a list of the fruit was usually written by the gardener.

Flowers and plants were also kept in the central space of the peristyle (sid. House), on the roofs, and in the windows of the houses. Sometimes, in a town, where the garden was very small, its walls were painted in imitation of a real garden, with trees, fountains, birds, &c. and the small area was ornamented with flowers in vases. A beautiful example of such a garden was found at Pompeii.

An ornamental garden was also called viridarium, and the gardener topiarius or viridarius. The common name for a gardener is viilicus or cultor hortorum. We find, also, the special names visitator, oltor. The word hortulanus is only of late formation. There were also smaller gardens in the house of the fountains both in the garden and in the house. 12

HOSPES. (Vid. Hospitium.) HOSPITIUM (Σεβία, προφείνια). Hospitality is one of the characteristic features of almost all nations previous to their attaining a certain degree of civilization. In civilized countries the necessity of general hospitality is not so much felt; but at a time when the state or the law of nations afforded scarcely any security, and when the traveller on his journey did not meet with any places destined for his reception and accommodation, the exercise of hospitality was absolutely necessary. Among the nations of antiquity, with whom the right of hospitality was hallowed by religion, it was, to some degree, more universal than in most other countries. This was the case both in its existence, and acquired a political importance which it has never had in any other state. It was in Greece, as well as at Rome, of a twofold nature, either private or public, in as far as it was either established between individuals or between two states (Horstium prioratum and hospium publicum, Σεβία and προφείνι). 13

What has been said hitherto only refers to hospitality privatum, that is, the hospitality existing between two individuals or families of different states. This kind of hospitality, however, was the hospitality publicum (proleventia), sometimes simply servi, or public hospitality which existed between two states, or between an individual or a family on the one hand, and a whole state on the other. Of the latter kind of public hospitality many instances are recorded, such as that between the Pisistratides and Sparta, in which the people of Athens had no share.

The hospitality publicum among the Greeks arises undoubtedly from the connexions of the Greeks with the barbarians, and may have originated in two ways. When the Greek tribes were governed by chieftains or kings, the private hospitality existing between the ruling families of two tribes may have produced similar relations between their subjects, which, after the abolition of the kingly power, continued to exist between the new republics as a kind of political inheritance of former times. Or a person belonging to one state might have either extensive connexions with the citizens of another state, or entertain great partiality for the other state itself, and thus offer to receive all those who came from that state either on private or public business, and act as their patron in his own city. This he at first did merely as a private individual, but the state to which he offered this kind service would naturally soon recognise and reward him for it. When two states established public hospitality, and no individuals came forward to act as the representatives of their state, it was necessary that in each state persons should be appointed to show hospitality to, and watch over the interests of, all persons who came from the state connected by hospitality. The persons who were appointed to this office as the representatives of their state were the proxenoi of the other state; but those who undertook it voluntarily were called proxeni.1

The office of proxenoi, which bears great resemblance to that of a modern consul or minister-resident, was in some cases hereditary in a particular family. When a state appointed a proxenoi, it either sent one out of its own citizens to reside in the state for which he was appointed, or it provided a state for the citizens of that state, and conferred upon him the honour of proxenoi. The former was, in early times the custom of Sparta, where the kings had the right to select from among the Spartan citizens those whom they wished to send out as proxenoi to other states.2

But in subsequent times this custom seems to have been given up, for we find that at Athens the family of Callias was the proxenoi of Sparta,3 at Elis the family of Elean Xenias,4 and at Argos, the Argei Aleiphron.5 A Spartan sent out as proxenvoi was sometimes also intrusted with the power of harmostes, as Clearchus at Byzantium.6

The custom of conferring the honour of proxenoi upon a citizen of the state with which public hospitality existed, seems in later times to have been uniformly adopted by the Greeks. Thus we find, besides the two families of Sparta mentioned above, Nicias the Athenian as proxenoi of Syracuse at Athens,7 and Arthemus of Zelea as the proxenoi of Athens at Zelea.8 The common mode of appointing a proxenoi was, with the exception of Sparta, by show of hands.9 The principal duties of a proxenoi were to receive those persons, especially ambassadors, who came from the state which

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1. (Pollux, Onom., iii., 59.—Compare Thuryd., iii., 20, with Arnold’s note, and iii., 70 with Gell’s.)—2. (Herod., vii., 13.)
2. (Xen., Helen., v., 4, &c. 22.—10. Ib., vi., 3, &c. 4, &c. 6.)
3. (Paus., iii., 6, &c. 3.—Thuryd., v., 20.)
5. (Xen., Econ., iii., 5.—Plato, Protag., p. 315.)
7. (Thuryd., iii., 69.)—8. (Xen., Econ., iii., 5.—Plato, Protag., p. 315.)
8. (Becker, Chariskles, 1, p. 124, &c. 10.—Vitr. viv., vi., 4, &c. 4.—Apul. Metam., ii., p. 10.)
9. (Ulpian ad Demost., c. Meid., p. 754.)
be represented; to procure for them admission to the assembly, and seats in the theatre; to act as host and guide to visitors, and, in short, to make the best of both worlds—between the two states if any disputes arose. If a stranger died in the state, the proxenus of his country had to take care of the property of the deceased. 3. When a stranger died in the state, the proxenus of his country had to take care of the property of the deceased.

Regarding the honours and privileges which a proxenus enjoyed from the state which he represented, the various Greek states followed different principles: some honoured their proxenoi with the full civic franchise, and others restricted them. But the right of acquiring property in the state of which he thus became a citizen seems not to have been included in his privileges, for we find that where this right was granted it was done by an especial document. 4. A foreigner who was appointed in his own country as proxenus of Athens, enjoyed for his benefit the right of inviolability. 5. Athens and whenever he visited this city, and all the other privileges that a foreigner could possess without becoming a real Athenian citizen. Among these privileges, though they were not necessarily included in the proxenoi, but were granted by special decrees, we may mention the, 1. Ἐπιστημα, which, in Greece, was granted by the state, generally being mutual. 6. The right to acquire property in Athens (πασινακη, πασιακ, πασιακα); 3. The exemption from paying taxes (ἀτίλεια or ἀπόλεια ἀνάτων); 7. And, 4. Inviolability in times of peace and war, both by sea and land. 8. Some of these privileges were granted to individuals and not to a whole state; but we have no instance of a whole state having received all of them, with the exception of those cases where the civic franchise or isopoli was granted to a whole state; and in this case the practical consequences could not become manifest, unless a citizen of the privileged state actually took up his residence at Athens. 9.

The hospitality of the Romans was, as in Greece, other hospitium privatum or publicum. Private hospitality with the Romans, however, seems to have been more accurately and legally defined than in Greece. The character of a hospes, i.e., a person connected with a Roman by ties of hospitality, was deemed even more sacred, and to have greater claims upon Roman protection, than those connected by blood or affinity. The relation of a hospes to his Roman friend was next in importance to that of a client. 10. According to Massonius Sabinius, a hospes has even higher claims than a client. 11. The obligations which the connexion of hospitality with a foreigner imposed upon a Roman were, to receive in his house his benefactor of inviolability. 12. To protect, and, in case of need, to represent him as his patron in the courts of justice. 13. Private hospitality thus gave to the hospes the claims upon his host which the client had on his patron, but without any degree of the dependence implied in the clientela. Private hospitality was established between two persons by a formal public or private mediation of a third person, 14. and hallowed by religion; for Jupiter hospitabilis was thought to watch over the jps hospitabilis, as Zeus xenios did with the Greeks; 15 and the violation of it was as great a crime and impiety at Rome as in Greece. When hospitality was formed, the two friends used to divide between themselves a tessaera hospitialis; by which the value of their joint property was appraised—\( f ascissa \) the connexion was hereditary, as in Greece might recognise one another. From an expression in Plautus (\textit{deum hospitalem ac tesseram mecum fero}), it has been concluded that this tessaera bore the image of Jupiter hospitabilis. Hospitality, when once established, could not be dissolved except by a formal declaration (\textit{renuntiatio}), and in this case the tessaera hospitialis was broken to pieces. 16. Hospitability was at Rome never exercised in that indiscriminate manner as in the heroic age of Greece, but the custom of observing the laws of hospitality was probably common to all the nations of Italy. 17. In many cases it was exercised without any formal agreement between the parties, and it was granted by the host to receive distinguished guests into the house.

Public hospitality seems likewise to have existed at a very early period among the nations of Italy, and the feuds hospitii mentioned in 

78. 185 he scarcely be looked upon in any other light than that of hospitium publicum. But the first direct mention of public hospitality being established between Rome and a foreign country is after Gaius Hostilius parted from Rome, when it was decreed that Cere should be rewarded for its good services by the establishment of public hospitality between the two cities. 19. The public hospitality after the war with the Gauls gave to the Cæsars the right of isopoli with Rome, that is, they were without the suffragium and the honores; and when a town was formed of a similar relation with Rome, it entered into clientela to some distinguished Roman, who then acted as patron of the client town. But the custom of granting the honour of hospes publicus to a distinguished foreigner by a decree of the senate seems to have existed at least till the end of the Republic. 20.

We have seen a patron of rites to wards Roman citizens, as the Greek proxenus, is uncertain; but his privileges were the same as those of a munific, that is, he had the evitas, but not the suffragium or the honores. Public hospitality was, like the hospitium privatum, hereditary in the family of the person to whom it had been conferred; and public hospes was sometimes also conferred upon a distinguished Roman by a foreign state. 21.

HOSTIA. (\textit{Vid. Sacrificium}.)

HOSPITIS. (\textit{Vid. Hospitium}.)

HOUSE (GREEK), (οίκος). The scanty notices of the domestic, or, rather, the palatial architecture of the ancient Greeks, is insufficient to give an accurate notion of the names, uses, and arrangement of the apartments, which appear, however, to have differed considerably from the usages of later ages. We first gain precise information on the subject about the time of the 10. Elopomeinen war; and from the allusions made to the houses of the 11. Greeks, we may infer that immediately successive, until the time of Alexander.

er, we may conclude that their general arrangement corresponded with that described by Vitruvius.\(^1\) In this description, however, there is one considerable difficulty: among others dealt with, that of the Greek family who lived in private apartments allotted to their exclusive use. Hence the house was always divided into two distinct portions, namely, the Andronitis, or men's apartments (άνδρωνιτίς), and the Gymnæonitis, or women's apartments (γυμνακωνιτίς). Now Vitruvius, after describing the entrance to the house, goes on to the Gymnæonitis, and then speaks of the Andronitis, as if the latter lay behind the former, an arrangement which is highly improbable from all we know of the careful seclusion in which the Greek women were kept, and which is also directly opposed to the accounts of the writers of the period we have referred to.

In the earliest times, as in the houses referred to by Homer, the women's apartments were in the upper story (έπερθρός). The same arrangement is found in the house spoken of by Lydias.\(^2\) But it does not follow that this was the usual custom at this period. On the contrary, we have the express testimony of several writers, and Lydias himself among the rest, that the Gymnæonitis was on the same story with the Andronitis, and behind it;\(^3\) and even the tragic poets transfer to the herodic ages the practice of their own, and describe both sets of apartments as on the same floor.\(^4\) There are different opinions which have been given of the inconsistency between these statements and the description of Vitruvius, the most plausible of which is that of Galliani, namely, that in the time of Vitruvius a slight change had taken place in the disposition of the apartments, by which the Andronitis and Gymnæonitis were placed side by side, each of them having its own front towards the street.

The front of the house towards the street was not large, as the apartments extended rather in the direction of its depth than of its width. In towns, the houses were often built side by side, with party walls between.\(^5\) The exterior wall was plain, being composed generally of stone, brick, and timber,\(^6\) and often covered with stucco.\(^7\) Plutarch speaks of Plataean houses as being ornamented with plates of iron.\(^8\)

That there was no open space between the street and the house door, like the Roman vestibulum, is plain from the law of Hippias, which laid a tax on house-doors opening outward, because they encroached upon the street.\(^9\) The πόρφυρα, which is sometimes mentioned,\(^10\) seems to be merely the space in front of the house. We learn, however, from the same law of Hippias, that houses sometimes stood back from the street, within enclosures of their own (πρόφυγματα ού δρόμου).\(^11\) In front of the house was generally an altar of Apollo Agyieus, or a rude obelisk emblematical of the god. Sometimes there was a bay-tree in the same position, and sometimes a head of the god Hermes.\(^12\)

The πόρφυρα (porphyra) led up to the house-door, which generally bore some inscription, for the sake of a good omen or as a charm, such as Ἑλεοσ Κόρης Ἀγαθὸς Διάμοιρος.\(^13\) The form and fastenings of the door are described under Janta. This door, as we have seen, sometimes opened outward; but this seems to have been an exception to the general rule, as is proved by the expressions used for opening, ἐπιζω αυτόν, and shutting it, ἐπιζω αὐτόν κατά ταύτα, κατά ταύτα.\(^14\) The handles were called ἐπίδωμα τίτικης.

The house-door was called ἀνάλυσις or ἀναλυτή (ἀνάλυτη) because it led to the ἀνάλυσις. It gave admission to a narrow passage (ὑπερμνητός, πύλως, τίτικης), on one side of which, in a large house, were the stable, on the other, the porter's lodge. The day of the porter (ὑπερμνήτης) was to admit visitors, and to prevent anything, as the porter was being carried into or out of the house.\(^15\) Plato gives a lively picture of an officious porter. The porter was attended by a dog.\(^16\) Hence the phrase ἀναλυθέντων τὸ κύων, corresponding to the Latin Case canem.

At the farther end of the passage Vitruvius places another door, which, however, does not seem generally to have existed. Plutarch\(^17\) mentions the house-door as being visible from the peristyle.

From the ἀναλυτή we pass into the peristyle or court (περίτροπον, ἀνάλυτη) of the Andronitis, which was a space open to the sky in the centre (τρωμήνην), and surrounded on all four sides by porticoes (οροίοι), of which one, probably that nearest the entrance, was called προσοπον.\(^18\) These porticoes were used for exercise, and sometimes for dining in.\(^19\) Here was commonly the altar on which sacrifices were made, and on which household gods and portable altars were used for this purpose.\(^20\) Vitruvius\(^21\) says that the porticoes of the peristyle were of equal height, or else the one facing the south was built with loftier columns. This he calls a Rhodian peristyle. The object sought was to obtain as much sun in winter, and as much shade and air in summer, as possible.

Round the peristyle were arranged the chambers used by the householders; such as banqueting-rooms (άκοα, ἀκονίτης), which were large enough to contain several sets of couches (τρεκλονίοι, ἐστρακόνιοι, τραγικόνιοι), and at the same time to allow abundant room for attendants, musicians, and performers of games;\(^22\) parlours or sitting-rooms (ἐβδομα, ἐβδομαδία), and smaller chambers and sleeping-rooms (δωμάτια, κοίτα) picture-galleries and libraries, and private apartments.\(^23\) The descriptions of these apartments, attention was paid to their aspect.

The peristyle of the Andronitis was connected with that of the Gymnæonitis by a door called μεγαλός, μεγαλος, or μεγαλός, which was in the middle of the portico of the peristyle opposite to the entrance. Vitruvius applies the name μεγαλός to a passage between the two ανάλυται or peristyles.\(^24\) The other name, μεγαλός, is taken by some writers as merely the Attic form of μεγαλός.\(^25\) But it seems rather to be derived from μέγα, as being the door leading into the

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1. (Plutarch, Peripol., 11.—Diog., 57.)—2. (Plin., N. H., 1, 10.)
3. (Arist., loc. cit., 1, 31. (Ayliffe, Applied to Att., 78.)
4. (Plutarch, Peripol., 11.—Diog., 57.)
5. (Diog., 57.)
6. (Diog., 57.)
7. (Diog., 57.)
8. (Diog., 57.)
9. (Diog., 57.)
10. (Diog., 57.)
11. (Diog., 57.)
12. (Diog., 57.)
13. (Diog., 57.)
14. (Diog., 57.)
15. (Diog., 57.)
16. (Diog., 57.)
17. (Diog., 57.)
18. (Diog., 57.)
19. (Diog., 57.)
20. (Diog., 57.)
21. (Diog., 57.)
22. (Diog., 57.)
23. (Diog., 57.)
24. (Diog., 57.)
25. (Diog., 57.)
26. (Diog., 57.)
27. (Diog., 57.)
28. (Diog., 57.)

House

The house described by Vitruvius, if the Andronitis and Gynaeconitis lay side by side, the μεσόνος θύρα would not be opposite to the entrance, but in one of the other sides of the peristyle.

This door gave admittance to the peristyle of the Gynaeconitis, which differed from that of the Andronitis in having porticoes round only three of its sides. On the fourth side (the side facing the south, according to Vitruvius) were placed two ante (vid. Ant.), at a considerable distance from each other. A third of the distance between these ante was set off inward (Quantum inter antas distat, ex eo orta dempta spatium datur introreus), thus forming a chamber or vestibule, which was called προσάτης, παραστής, and perhaps παράστης, and also πρόθρος. On the right and left of this προσάτης were two bed-chambers, the θάλαμος and ἀμφίθαλαμος, of which the former was the bedchamber of the house, and here also seem to have been kept the vases and other valuable articles of ornament. Beyond these rooms (for this seems to be what Vitruvius means by in locis introreus) were large apartments (loctones), used for working in wool (see magi, in qua bus matres familiares cum lanificis habent habitat. nos). Round the peristyle were the eating-rooms, bed-chambers, store-rooms, and other apartments in common use (triclinia quotidiana, cubicula, et cella familiarica).

Besides the αὖθος θύρα and the μεσόνος θύρα, there was another door (προσάτης θύρα) leading to the garden. Λυσιάς speaks of another door, which probably led from the garden into the street.

The following plan of the ground-floor of a Greek house of the larger size is taken from Becker's Charikles. It is, of course, conjectural, as there are now no Greek houses in existence.

I, rooms for working in wool (latovne); Κ, garden door, ἐγκατ. θύρα.

There was usually, though not always, an upper story (στέρνων, ἄθροι), which seldom extended over the whole space occupied by the lower story. The principal use of the upper story was for the lodging of the slaves, as appears from a passage in De摩托enes, where the words ἐν τῷ πάρωυ seem to imply a building several stories high. The access to the upper floor seems to have been sometimes by a staircase from the opposite side of the street. Guests were also lodged in the upper story. But in some large houses there were rooms set apart for their reception (εξώνεια) on the ground-floor. In cases of emergency, store-rooms were fitted up for the accommodation of guests.

Portions of the upper story sometimes projected beyond the walls of the lower part, forming balconies or verandahs (προβολαὶ, περιβολαὶ).

The roofs were generally flat, and it was customary to walk about upon them. But pointed roofs were also used.

In the interior of the house, the place of doors was sometimes supplied by curtains (παραστέκατα), which were either plain, or dyed, or embroi- dered.

The principal openings for the admission of light and air were in the roofs of the peristyles; but it is incorrect to suppose that the houses had no windows (Φωλίδες), or, at least, none overlooking the street. They were not at all uncommon.

Artificial warmth was procured partly by means of fireplaces (χαλάνδραι, δωμάτια). It is supposed that chimneys were altogether unknown, and that the smoke escaped through an opening in the roof (σπονδός). It is not easy to understand how this could be the case when there was an upper story. Little portable stoves (θησάμα, θησαυρία) or chafing-dishes (ὑπιρίκαι) were frequently used. (Vid. Focus.)

The houses in the upper class of the country, at least in Attica, were much larger and more magnificent than those in the towns. The latter seem to have been generally small and plain, especially in earlier times, when the Greeks preferred expending the resources of art and wealth on their temples and public buildings, but the private houses became more magnificent as the public buildings began to be neglected.

The decorations of the interior were very plain at the period to which our description refers. The floors were of stone. At a later period coloured stones were used. Mosaics are first mentioned under the kings of Pergamus.

The walls, up to the fourth century B.C., seem to have been only whitew, The first instance of painting them is that of Alichabed. This innovation met with considerable opposition. Plato mentions the painting of the walls of houses as a mark of a γραφυς πάλας. These affusions, prove that the practice was not uncommon in the time of Plato and Xenophon. We have also mentioned of painted ceilings at the same period, but a later period this mode of decoration became general.

House (Roman) (Domus; Aedes privata). The

a. House-door, αὖθος θύρα: θύρα, passage, θυρομένων ο ἕθερα: A, peristyle or αὖθος of the Andronitis; B, the halls and chambers of the Andronitis; μ. μεσόνος or μεσόνος θύρα: Γ, peristyle of the Gynaeconitis; γ. chambers of the Gynaeconitis; π. προσάτης or παραστής: Θ, θάλαμος and ἀμφίθαλαμος.
houses of the Romans were poor and mean for many centuries after the foundation of the city. Till the war with Pyrrhus, the houses were covered only with thatch or shingles, and were usually built of wood or unburned bricks. It was not till the state of the public, which then had been acquired by conquests in the East, that houses of any splendour began to be built; but it thence became the fashion not only to build houses of an immense size, but also to adorn them with column, paintings, statues, and costly works of art.

M. Lepidus, who was consul B.C. 78, was the first who introduced Numidian marble into Rome for the pavement of the streets. But they did not exceed twelve feet in height, and were only six in number. He was, however, soon surpassed by M. Scævus, who placed in his atrium columns of black marble, called Lucullian, thirty-eight feet high, and of such immense weight that the contractor of the stones took security for any injury that might be done to the workmen in consequence of the columns being carried along the streets.

The Romans were exceedingly partial to marble for the decoration of their houses. Mamurra, who was Caesar's praefectus fabrum in Gaul, set the example of lining his room with slabs of marble. Some idea may be formed of the size and magnificence of the houses of the Roman nobles during the later times of the Republic by the price which they fetched. Thus six of the dwelling-houses of Autonius for 3700 estertia (nearly 33,000l.), and Cicero the house of Crassus, on the Palatine, for 3500 estertia (nearly 31,000l.). The house of Publius Clodius, whom Milo killed, cost 14,800 estertia (about 131,000l.); and the Tusculan villa of Scævus was fitted up with such magnificence, that when it was burned by his slaves, he lost 100,000 estertia (nearly 832,000l.). The house-rent which persons in poor circumstances usually paid at Rome was about 2000 estertices, between 17l. and 18l. It was brought as a charge of extravagance against Cælius that he paid 30 estertia (about 266l.) for the rent of his house.

Houses were originally only one story high; but as the value of ground increased in the city, they were built several stories in height, and the highest floors were usually inhabited by the poor. To guard against danger from the extreme height of houses, Augustus restricted the height of all new houses which were built by the side of the public roads to seventy feet. The time of Nero, the streets in Rome were narrow and irregular, and bare traces of the haste and confusion with which the city was built after it had been burned by the Gauls; but after the great fire in the time of that emperor, which by two thirds of Rome were burned to the ground, the city was built with great regularity. The streets were made straight and broad; the height of the houses was restricted, and a certain part of each was required to be built of Gabian or Albian stone, which was proof against fire.

Our information respecting the form and arrangement of a Roman house is principally derived from the description of Vitruvius, and the remains of the houses which have been found at Pompeii. The accounts, however, are still doubtful; but, without entering into architectural details, we shall confine ourselves to those topics which serve to illustrate the classical writers. The chief rooms in the house of a respectable Roman, though differing, of course, in size and splendour according to the circumstances of the owner, appear to have been usually arranged in the same manner, while the others varied according to the taste and circumstances of the master.

The principal parts of a Roman house were the


1. Vestibulum. The vestibulum did not properly form part of the house, but was a vacant space before the door, forming a court, which was surrounded on three sides by the house, and was open on the fourth to the street. The two sides of the house were connected by a passageway, but the middle part, where the door was placed, was at some little distance from the street. Hence Plautus says, 'Veni, vestibulum ante aedes hoc et ambulaerum quasi, modo i.'

2. Ostium. The ostium, which is also called janua and fores, was the entrance to the house. The street-door admitted into a hall, to which the narrow passage into the house was also given. This hall frequently was a small room (cella) for the porter (janitor or ostarius), and also for a dog, which was usually kept in the hall to guard the house. A full account of this part of the house is given under janua. Another door (janua interior) opposite the street-door led into the atrium.

3. Atrium or Cassum Edidum, as it is written by Varro and Vitruvius. Pliny writes it Cassum Eridum, which is probably preferred by the later writers. We consider the Atrium and Cassum Edidum to be the same; but Newton, Stratico, and, more recently, Becker, maintain that they were distinct rooms. It is impossible to pronounce a decisive opinion on the subject; but from the statements of Varro and Vitruvius, taken in connection with the fact that no houses in Pompeii have been yet discovered which contain both an Atrium and Cassum Edidum, it is most probable that they were the same. The etymology of Atrium is mentioned under that head.

The Atrium or Cassum Eridum was a large apartment, roofed over with the exception of an opening in the centre, called compluvium, towards which the roof sloped so as to throw the rain-water into a cistern in the floor, termed impluvium, which was frequently ornamented with statues, columns, and other works of art. It is, however, also employed to denote the aperture in the roof. Schneider, in his commentary on Vitruvius, supposes cavaum edidum to be the word of this apartment, including the impluvium, while atrium signifies only the covered part, exclusive of the impluvium. Mazoni, on the contrary, maintains that atrium is applied to the whole apartment, and cavaum edidum only to the uncovered part. The breadth of
the impluvium, according to Vitruvius, was not less than a quarter, nor greater than a third of the breadth of the atrium; its length was in the same proportion according to the length of the atrium.

Vitruvius distinguishes five kinds of atria or cava adunum, which were called by the following names:

1. Tuscanicum. In this the roof was supported by the beams crossing each other at right angles, with the included space forming the compluvium. This kind of atrium was probably the most ancient of all, as it is more simple than the others, and is not adapted for a very large building.

2. Tetrastyle. This was of the same form as the preceding, except that the main beams of the roof were supported by pillars placed at the four angles of the atrium. The name seems to have been given because the columns supporting the roof rested directly on the atrium. Thus the atrium appears originally to have been the only sitting-room in the house, and to have served also as a kitchen; and it probably continued to do so among the lower and middle classes. In the houses of the wealthy, however, it was distinct from the private apartments, and was used as a reception room, where the patron received his clients, and the great and noble the numerous visitors who were accustomed to call every morning to pay their respects or solicit favours. Cicero frequently complains that he was not exempt from this annoyance when he retired to his country houses. But, though the atrium does not appear to have been used by the wealthy as a sitting-room for the family, it still continued to be employed for many purposes which it had originally served. Thus the nuptial couch was placed in the atrium opposite the door (in aula), and also the instruments and materials for spinning and weaving, which were formerly carried on by the women of the family in the atrium. The atrium was also used in a similar manner by the mother of the house, and the local and provincial authorities were placed, and the focus or fireplace, which possessed a sacred character, being dedicated to the Lares of each family. (Vid. Focus.)

4. Atrium, wings, were small apartments or recesses on the left and right sides of the atrium. Atria.

5. Tablinum was, in all probability, a recess or room built into the wall opposite the door leading into the hall, and was regarded as part of the atrium. It contained the family records and archives.

With the tablinum the Roman house appears to have originally ceased; and the sleeping-rooms were probably arranged on each side of the atrium. But when the atrium and its surrounding rooms were used for the reception of clients and other public visitors, it became necessary to increase the size of the house, and the following rooms were accordingly added:

6. Fauces appear to have been passages, which passed from the atrium to the peristyle or interior of the house.

7. Peristyle was in its general form like the atrium, but it was one third greater in breadth, measured transversely, than in length. It was a court open to the sky in the middle; the open part, which was surrounded by columns, was larger than the atrium in the atrium, and was frequently decorated with flowers and shrubs.

The arrangement of the rooms which are next to be noticed, varied, as has been remarked, according to the taste and circumstances of the owner. It is, therefore, impossible to assign to them any regular place in the house.

1. Cubicula, bed-chambers, appear to have been usually separate cubicula for the day and night (cubicula diurna et nocturna); the latter were also called dormitoria. Vitruvius recommends that they should face the east, for the betterment of the rising sun. They sometimes had a small anteroom, which was called by the Greek name of spozorion.

2. Exedrae were treated of in a separate article.

3. Oec, from the Greek oikos, were spacious halls or saloons borrowed from the Greeks, and were frequently used as triclinia. They were to have the same proportions as triclinia, but were more spacious, on account of having columns, which triclinia had not. Vitruvius mentions four kinds of oeci.

1. The Tetrastyle, which needs no further description. Four columns supported the roof.

2. The Corinthian, which possessed only one row of columns, supporting the architrave (epistylium), cornice (corona), and a vaulted roof.

3. The Egyptian, which was more splendid and more expensive, and was used as a triclinium. In the Egyptian ecos, the pillars supported a gallery with paved floor, which formed a walk round the apartment; and upon these pillars others were placed, a fourth part less in height than the lower, which surrounded the roof. Between the upper columns windows were inserted.

4. The Fratresse (Koecsmata) and Bondusae are treated of in domestic articles.

4. Exedrae, which appear to have been in form of a cave or grotto, for Vitruvius says the form of the exedra in connexion with eci quadri, were rooms for conversation and the other purposes of society. They served the same purposes as the exedrae in the Therme and Gymnasium, which were semicircular rooms with seats for philosophers and others to converse in. (Vid. Baths, p. 152.)

5. The Praetorio (Koecsmata) and Bondusae (vid. Bondusae) are treated of in domestic articles.

8. Culina, the kitchen. The food was originally cooked in the atrium, as has been already stated; but the progress of refinement afterward led to the use of another part of the house for this purpose. In the kitchen of Pansa's house, of which a ground-plan is given below, a stove for stews and similar preparations was found, which was exactly like the charcoal stoves used in the present day. (See woodcut.) Before it lie a knife, a strainer, and a kind of frying-pan with four spherical cavities, as if it were meant to cook eggs.

In this kitchen, as well as in many others at Pom-


4. (Id., v., 6.—Plin., H. N., xxv., 17.)—5. (Vitr., vi., 5.)

with the lower part of the house, as we find to be the case in houses at Pompeii. Sometimes the stairs had no connexion with the lower part of the house, but ascended at once from the street. At Rome the highest floors, as already remarked (p. 516), were usually inhabited by the poor. 10. DIETA was an apartment used for dining in, and for the other purposes of life. 3 It appears to have been smaller than the triclinium. Dietia is also the name given by Pliny* to rooms containing three or four bed-chambers (cubicula). Pleasure houses or summer-houses are also called dietia. 4

11. SOLARIA, properly places for basking in the sun, were terraces on the tops of houses. 8 In the time of Seneca the Romans formed artificial gardens on the tops of their houses, which contained even fruit-trees and fish-ponds. 5 6

The two woodcuts annexed represent two atria of houses at Pompeii. The first is the atrium of what is usually called the house of the Quastor. The view is taken near the entrance-hall facing the tablinum, through which the columns of the peristyle and the garden are seen. This atrium, which is a specimen of what Vitruvius calls the Corinthisan, is surrounded by various rooms, and is beautifully painted with arabesque designs upon red and yellow grounds.

The next woodcut represents the atrium of what is usually called the house of Ceres. In the centre is the impluvium, and the passage at the farther end is the ostium or entrance hall. As there are no pillars around the impluvium, this atrium must belong to the kind called by Vitruvius the Tuscan.

The preceding account of the different rooms, and especially of the arrangement of the atrium, tablinum, peristyle, &c., is best illustrated by the houses which have been dismantled at Pompeii. The ground-plan of two is accordingly subjoined. The first is the plan of a house, usually called the house of the tragic poet.

Like most of the other houses at Pompeii, it had no vestibulum, according to the meaning which we have attached to the word. 1. The ostium or entrance hall, which is six feet wide and nearly thirty long. Near the street-door there is a figure of a large fierce dog worked in mosaic on the pavement, and beneath it is written Cave Canem. The two large rooms on each side of the vestibule appear, from the large openings in front of them, to have been shops; they communicate with the entrance hall, and were, therefore, probably occupied by the master of the house. 2. The atrium, which is about twenty-eight feet in length and twenty in breadth; its impluvium is near the centre of the room, and its floor is paved with white tesserae, spotted with black. 3. Chambers for the use of the family, or intended for the reception of guests who were entitled to claim hospitality. When a house did not

possess an hospitium, or rooms expressly for the reception of guests, they appear to have been lodged in rooms attached to the atrium. (Vid. Hospitium.) 4. A small room with a staircase leading up to the upper rooms. 5. Ala. 6. The tablinum. 7. The peristyle. 8. Peristyle, with Doric columns and garden in the centre. The large room on the right of the peristyle is the triclinium; beside it is the kitchen; and the smaller apartments are cubicula and other rooms for the use of the family.

The next woodcut contains the ground-plan of an insula, which was properly a house not joined to the neighbouring houses by a common wall. An insula, however, generally contained several separate houses, or, at least, separate apartments or shops, which were let to different families; and hence the term domus under the emperors appears to be applied to the house where one family lived, whether it were an insula or not, and insula to any hired lodgings. This insula contains a house, surrounded by shops, which belonged to the owner, and were let out by him. The house itself, which is usually called the house of Pansa, evidently belonged to one of the principal men of Pompeii. Including the garden, which is a third of the whole length, it is about 300 feet long and 100 wide.

A. Ostium, or entrance-hall, paved with mosaic. B. Tuscan atrium. I. Impluvium. C. Chambers on each side of the atrium, probably for the reception of guests. D. Ala. E. Tablinum, which is open to the peristyle, so that the whole length of the house could be seen at once; but as there is a passage (fauces), F, beside it, the tablinum might probably be closed at the pleasure of the owner. C. Chambers by the fauces and tablinum, of which the use is uncertain. G. Peristyle. D. Ala to the peristyle. C. Cubicula by the side of the peristyle. K. Triclinium. L. Cocus, and by its side there is a passage leading from the peristyle to the garden. M. Back door (posticum ostium) to the street. N. Cubana. H. Servata's hall, with a blind door. The street. P. Portico of two stories, which proves that the house had an upper floor. The site of the staircase, however, is unknown, though it is thought there is some indication of one in the passage. M. Q. The garden. R. Reservoir for supplying a tank, S.

The preceding rooms belonged exclusively to Pansa's house, but there were a good many apartments besides in the insula which were not in the occupation. a. Six shops let out to tenants. These on the right and left hand corners were bakers' shops, which contained mills, ovens, &c., at b. The one on the right appears to have been a large establishment; it contains many rooms. c. Two houses of a very mean class, having formerly an upper story. On the other side are two houses much larger, d.

Having given a general description of the rooms of a Roman house, it remains to speak of the (1) floors, (2) walls, (3) ceilings, (4) windows, and (5) the mode of warming the rooms. For the doors, vid. I. X. S. A. (1.) The floor (solum) of a room was seldom boarded, though this appears to have been sometimes done (strata solo tabulata). It was generally covered with stone or marble, or mosaics. The common floors were paved with pieces of bricks, tiles, stones, &c., forming a kind of composition called ruderatio. Another kind of pavement was that called opus Signinum, which was a kind of plaster made of tiles beaten to powder and tempered with mortar. It derived its name from Signia, a town of Italy, celebrated for its tiles. Sometimes pieces of marble were imbedded in a composition ground, which appear to have formed the floors called by Pliny bariteria or subegulanes, and which probably gave the idea of mosaics. As these floors were beaten down (pavita) with rammers (fistacea), the word pavimentum became the general name for a floor. The kind of pavement called sculpturatum was first introduced in the Temple of Jupiter Capitolinus by

Mosaic pavements, however, have been discovered at Pompeii, which represent figures and scenes of actual life, and are, in reality, pictures in mosaic. One of the most beautiful of these is given in its original colours in Gell’s *Pompeiana*, 2d. vol. plate xlv. It is composed of very fine pieces of glass, and represents the choragus, or master of the chorus, instructing the actors in their parts. A still more extraordinary mosaic painting was discovered in Pompeii in 1831: it is supposed to represent the battle of Issus.

(2.) The inner walls (parietes) of private rooms were frequently lined with slabs of marble, but were more usually covered by paintings, which in the time of Augustus were made upon the walls themselves. The prevalence of this practice is attested not only by Pliny, but also by the circumstance that even the small houses in Pompeii have paintings upon their walls. The following woodcut, which represents the side of a wall at Pompeii, is one of the simplest but most common kind. The compartments are usually filled with figures.

The general appearance of the walls may be seen from the woodcuts at p. 462, 518. Subjects of all kinds were chosen for painting on the walls, as may be seen by a reference to the Museo Borbonico, Gell, Mazzoi, &c. The colours seem usually to have been laid upon a dry ground, but were sometimes laid upon it wet, as in the modern fresco painting (coloris udo tectorio inducere). The walls also appear to have been sometimes ornamented with raised figures, or a species of bas-relief (typos in tectorio atriori includere), and sometimes with mosaics.

(3.) The ceilings seem originally to have been left uncovered, the beams which supported the roof or the upper story being visible. Afterward planks were placed across these beams at certain intervals, leaving hollow spaces, called lacunaria or lagunaria, which were frequently covered with gold and ivory, and sometimes with paintings. There was an arched ceiling in common use, called *camera*, which is described in a separate article.

(4.) The Roman houses had few windows (fenestrae). The principal apartments, the atrium, peristyle, &c., were lighted, as we have seen, from above, and the cubicula and other small rooms generally derived their light from them, and not from windows looking into the street. The rooms only on the upper story seem to have been usually lighted by windows. Very few houses in Pompeii have windows on the ground-floor opening into the street, though there is an exception to this in the house of the tragic poet, which has six windows on the ground-floor. Even in this case, however, the windows are not near the ground as in a modern house, but are six feet six inches above the foot-pavement, which is raised one foot seven inches above the centre of the street. The windows are small, being hardly three feet by two; and at the side there is a wooden frame, in which the window or shutter might be moved backward or forward.

The windows appear originally to have been merely openings in the wall, closed by means of shutters, which frequently had two leaves (before fenestrae), whence Ovid says, "Pare adaperta fuit, para altera clausa fenestra."

They are, for this reason, said to be joined when they are shut. Windows were also sometimes covered by a kind of lattice or trellis-work (cladura), and sometimes by network, to prevent serpents and other noxious reptiles from getting in. Afterward, however, windows were made of a transparent stone, called lapis specularis (mirabilis), which was first found in Hispania Citerior, and afterward in Cyprus, Cappadocia, Sicily, and Africa; but the best came from Spain and Cappadocia. It was easily split into the thinnest lamina, but no pieces had been discovered, says Pliny, above five feet long. Windows made of this stone were called specularia.

Windows made of glass (sturium) are first mentioned by Lucanius, but the discoveries at Pompeii prove that glass was used for windows under the early emperors, as frames of glass and glass windows have been found in several of the houses.

The rooms were heated in winter in different ways; but the Romans had no stoves like ours. The walls, floors, and other rooms, which were often heated for winter use, were in the part of the house upon which the sun shone most; and in the mild climate of Italy this frequently enabled them to dispense with any artificial mode of warming the rooms. Rooms exposed to the sun in this way were sometimes called heliocausti.

The rooms were sometimes heated by hot air, which was introduced by means of pipes from a furnace below, but more frequently by portable furnaces or braziers (focus), in which coal or charcoal was burned. (Vid. woodcuts, p. 149, 477.) The caminus was also a kind of stove, in which wood appears to have been usually burned, and probably only differed from the focus in being larger and fixed to one place. It was however a subject of much dispute among modern writers, whether the Romans had chimneys for carrying off the smoke. From many passages in ancient writers, it certainly appears that rooms usually had no chimneys, but that the smoke escaped through the windows, doors, and openings in the roof;[1] but chimneys do not appear to have been entirely unknown to the ancients, [2] as some are said to have been found in the ruins of ancient buildings. [3]

The lower part of the wall is occupied by a row of red panels four feet and a half high. The following woodcut represents part of the wall, with apertures for windows above it, as it appears from the street. The tiling upon the wall is modern, and is only placed there to preserve it from the weather.

HYBREA GRAPE.

HYDRAUL.

may also be inferred from Xenophon,1 who makes the pean the principal part of the Hyacinthia. The great importance attached to this festival by the Amycleans and Lacedaeomians is seen from the fact that the Amycleans, even when they had taken the field against an enemy, always returned home on the approach of the season of the Hyacinthia, that they might not be obliged to neglect its celebration,2 and that the Lacedaeomians on one occasion concluded a truce of forty days with the town of Etra, merely to be able to return home and celebrate the national festival.3 and that, in a treaty with Sparta, B.C. 421, the Athenians, in order to show their good-will towards Sparta, promised their envoy to attend the celebration of the Hyacinthia.4

*HYACINTHUS (νάκινθος), a plant. "The νακινθος of the poets," observes Adams, "would seem in some places to be referable to the Gladiolus communis, and in others to the Delphinium Ajacis, or Larkspur. Matthislin and Spregel concur in holding the νακινθος of Dioscorides to be the Hyacinthus Orientalis. The 'Vaccaea' of Virgil was most probably the Delphinium ajacis. The γαρστί νακινθος of Theocritus was no doubt the same."5

If a precious stone, about which considerable doubt prevails. De La Tinct thinks it was some species of Amethyst.6 Salammios, on the other hand, supposes it to have been our Ruby, which the Persians and Arabsians still call Yacut; a name derived from the palace of that name, where it was first discovered by Dr. Moore.7 may have been used with as little discrimination as that of ruby is at present, to designate several very different minerals, and among them may be some that are still called Hyacinth; as several varieties of zircon, and the Hyacinth of Conpostella, a red ferruginous quartz. Jameson enumerates several different minerals besides zircon to which the name Hyacinthus is applied in modern mineralogy; but it appears to Dr. Adams that the ancient Hyacinthus was either amethyst or sapphire."8

*HYALOIDES (βαλεοειδής), a precious stone. Sir J. Hill remarks, that it had been supposed to be the Asteria, the Iris, the Lapis specularis, and the Diamond. All that he can determine respecting it is, that it is the Aster of Pliny. (Vid. Asias.)9

*TYRENEΣ ΓΡΑΦ (θξελος γραφή). This action was the principal remedy prescribed by the Attic law for wanton and contumelious injury to the person, whether in the nature of indecent (δι αλεξορογιας) or other assaults (δι αληγρον). If the offence were of the former kind, it would always be available when the sufferer was a minor of either sex (for the consent of the infant was immaterial), or when an adult female was forcibly violated: and this protection was extended to all conditions of life, whether bond or free.10 The legal representative (κώμος), however, of such person might, if he pleased, consider the injury as a private rather than a public wrong, and sue for £ images in a civil action. (Vid. BIAUNAI AVKH.) With respect to common assaults, a prosecution of this kind seems allow- able only when the object of a wanton attack was a free person,11 as the essence of the offence lay in its contumely, and a slave could incur no degradation by receiving a blow, though the injury, if slight, might entitle the master to recover damages for the battery (άλδεια), or, if serious, for the loss of his services (vid. BAADAI AVKH), in a pri-

HYPOSCYAMUS, a poisonous herb, Henbane. Three species are described by Dioscorides, which Sprengel makes to be the *Hyoscyamus reticulatus, H. aureus, and H. albus.* "Upon what grounds he rejects the *H. niger,*" observes Adam II. "As applying to the first species, I am at a loss to comprehend. The *H. niger* now grows wild in Britain, but, considering the site on which it is found, I am disposed to think that it was brought thither by the Romans."  

HYPEREMEROS. (Vid. Enechvra.)  

HYPERESIA. (Vid. Hyperestor.)  

HYPERETES (υπερέτης). This word is derived from *επέτρεπεν, επέτρεπτος;* and, therefore, originally signified that which had later times the word was, with the exception of the soldiers or marines called *στεφανεύεται* the whole body of persons who performed any service in a vessel. In a still wider sense, *υπερέτης* was applied to any person who acted as the assistant of another, and performed manual labour for him, whether in sacred or profane things, where the word is sometimes used as synonymous with *πρίτανης,* and is applied even to a class of officers. Aristotle divides all public office into three classes: *άρχεια* or magistracies, *έπιμελεία* or administrations, and *υπερετοι* or services. Now all public officers at Athens, in as far as they were the representatives of the people or the executors of its will, were appointed by the people itself or by the senate; and with the exception of some subaltern military officers, we never find that one public officer was appointed by another. A public officer, therefore, when he appointed another person to perform the lower or more mechanical parts of his office, could not raise him to the rank of a public officer, but merely engaged him as his servant (*όπερτήρης*), and on his own responsibility. These *υπερέτης* are, therefore, those whom Aristotle calls *πρίτανες,* p. 308; speaking, but only in so far as they took a part in the functions of such officers. The original and characteristic difference between them and real public officers was, that the former received salaries while the latter had none. Among the *υπερέτες* were reckoned the lower classes of serfes (*οόικοι*), who received from the public *επιμέλεια* or part of the revenue of the Eleven, and others. This class of persons as might be supposed, did not enjoy any high degree of estimation at Athens, and from Aristotle it is clear that they were not always Athenian citizens, but sometimes slaves.  

HYPERICUM (υπερίκον), a species of Sain John's Wort, but there is some difficulty in deter mining to what particular species it belongs. Sib thorp prefers the *H. crispaum;* Sprengel the *barbatum Jacq.*  

HYPEROON. (Vid. House, Greek, p. 515.)  

HYPERUETHYNUS (υπεροθύνος). (Vid. Euthymne.)  

ΥΠΟΒΟΛΗΣ ΓΡΑΦΗ (υποβολής γραφή). Of this action we learn from the *Lex Rhet.* It was one of the most important duties calculated to preserve the purity of Attic descent, and preferred against persons suspected of having been supposititious children. If this fact was established at the trial, the pretended citizen was reduced to slavery, and his property confiscated.
HYPOCAUSTUM. (Vid. Baths, p. 151.)

HYPODEMA. (Vid. Calc.Us.)

HYPOGEUM. (Vid. Condit.ium.)

*HYPOGLOSSON (στόματον) plant, the Ruscus hypoglossum, according to Matthes, and Sprengel.

*HYPOGRAMMATEUS. (Vid. Grammat.)

*HYPOLAIS (ιστότατα), a bird mentioned by Aristotle, and the name of which Gaza translates into Latin by Curuca. Gesner inclines to the opinion that it is the Titlark, or Anthus pratensis, Bechstein.

HYPOMOSSA. (Vid. Dios.)

HYPOORCHEMA (στφορήμα), a lively kind of mimic dance which accompanied the songs used in the worship of Apollo, especially among the Doriens. It was performed by men and women. A chorus of singers at the festivals of Apollo usually danced around the altar, while several other persons were appointed to accompany the action of the song with an appropriate mimic performance (ιστροφίατα). The hyponoria was thus a lyric dance, and often passed into the playful and comic, whence Athenaeus compares it with the cordax of comedy. It had, according to the supposition of Müller, like all the music and poetry of the Doriens, originated in Crete, but was at an early period introduced in the island of Delos, where it seems to have continued to be performed down to the time of Lucian.

A similar dance, which was the γεγονός, or the Thesmophoria, on his return from Crete, was said to have performed in Delos, and which was customary in this island as late as the time of Plutarch. The leader of this dance was called γεγονόλος. It was performed with blows, and with various turnings and windings (ἐν ροθοῖς περικελέσεως καὶ ἀνωτείς ἕξως) and was said to be an imitation of the winding of the earth, or a Babylonian dance. When the chorus was at rest, it formed a semicircle, with leaders at the two wings.

The poems or songs which were accompanied by the hyponoria were likewise called hyponoria. The first poet to whom such poems are ascribed was Thales; their character must have been in accordance with the playfulness of the dance which bore the same name, and accompanied by the same music.

The fragments of the hyponoria of Pindar confirm this supposition, for their rhythms are peculiarly light, and have a very imitative and graphic character. These characteristics must have existed in a much higher degree in the hyponomastic songs of Thales.

HYPOTHÉCA. (Vid. Pind.)

HYPOTHECARIA ACTIO. (Vid. Pind.)

HYPOTIME'SIS. (Vid. Census.)

*HYS (ἡ). (Vid. Sus.)

*HYSSO'PUS (βοσντος), the Hysopp. Considerable doubts have been entertained," says Adams, "whether the ancient Hysopp was the same as the modern. Sprengel is disposed to hold the Origatum Egyptianum, as being the δέσωρος of the Greeks. However, Matthias, Corinna, Fuchs and, most of the older authorities, with the exception of Baun, refer it to the Η. officinalis. It is worthy of remark, that the medicinal properties of the Hysopp, as given by Dr. Hill, agree exactly with those of the δέσωρος as given by Dioscorides. This appears to me a strong presumption of their identity."

HYSTRIX (κτιτρίς), the Crested Porcupine, or

HYSTRIX CRISTATA, L. The domesticated animal of ancient and modern times, that the Forenseum dain out its quills when irritated, would have appeared to be an animal little adapted in mistake or imagination. The truth of the matter is, that, when frightened, many of its quills drop out. It is supposed to be the Kephod of Scripture.

I. J.

JACU'LUM. (Vid. Hasta, p. 489.)

JACUTOR. (Vid. Janua, p. 527.)

JANUA (πορτα), a door. Besides being applicable to the doors of apartments in the interior of a house, which were properly called oston, this term more especially denoted the first entrance into the house, i.e., the front or street door, which was also called ancilium, and in Greek ἥπειρον αἰδέος, αἰδίκειος, or αἰδία. The houses of the Romans commonly had a back door, called posticum, postia, or postica, and in Greek ἡπειρονδηθεῖα, ἡπειρονδηθεῖα...also calls it pseudothorium, "the false door," in contradistinction to janua, the front door; and, because it often led into the garden of the house, it was called the garden-door (γενική).

The doorway, when complete, consisted of two indispensable pars; the threshold or sill; the lintel; and the two jambs.

The threshold (limen, βυθός, οδός) was the object of superstitious reverence, and it was thought unfortunate to tread on it with the left foot. On this account, the steps leading into a temple were of an uneven number, because the worshipper, after placing his right foot on the bottom step, would then place the same foot on the threshold also. Of this an example is presented in the woodcut, p. 81.

The lintel (στυγμενίτημα, or supercilius) was also called the garden door. It was sometimes specially limen superum, to distinguish it from the sill, which was called limen infernum. Being designed to support a superincumbent weight, it was generally a single piece, either of wood or stone. Hence those lintels which still remain in ancient buildings astonish us by their great length. In large and splendid edifices, the jambs or door-posts (postes, σταφυλῖα) were made to converge towards the top, according to certain rules which are given by Vitruvius. In describing the construction of temples, he calls them antepagamenta, the propriety of which term may be understood from the ground-plan of the door at p. 215, where the hinges are seen to be behind the jambs. This plan may also serve to show what Theocritus means by the καθολος door-posts (σταφυλῖα καθολος ἁπλωθων). In the Augustan age it was fashionable to inlay the posts with tortoise-shell. Although the jambs was sometimes nearly twice the length of the lintel, it was made of a single stone, even in the largest edifices. A very striking effect was produced by the height of these doorways, as well as by their costly decorations, beautiful materials, and tasteful proportions.

One door in the front of a temple, as it reached nearly to the ceiling, allowed the worshippers to view from without the entire statue of the divinity, and to observe the rites performed before it. Also, the whole light of the building was commonly admitted.


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JANUA.

HYSTRIX CRISTATA, L. The domesticated animal of ancient and modern times, that the Forenseum dain out its quills when irritated, would have appeared to be an animal little adapted in mistake or imagination. The truth of the matter is, that, when frightened, many of its quills drop out. It is supposed to be the Kephod of Scripture.
taken from a bas-relief. The term *anteaprementum*, which has been already explained, and which was applied to the lintel as well as the jamb (anteaprementum superius), implies that the doors opened inward. This is clearly seen in the same woodcut, and it seems likely that the construction of all ancient buildings at Pompeii and other places. In some of these buildings, as, for instance, in that called "the house of the tragic poet," even the marble threshold rises about an inch higher than the bottom of the door, so that the whole frame of the door was in every part behind the door-case. After the time of Hippias, the street-doors were not permitted to open outwardly at Athens, and hence *ενθάλυμα* meant to open the door on coming in, and *περισσάθρα* or *επεκτάθρα* to shut it on going out. In a single instance only were the doors allowed to open outwardly at Rome; an exception was made as a special privilege in honour of Marcus Valerius.

The lintel of the oblong door-case was, in all large and splendid buildings, such as the great temples, surmounted either by an architrave and cornice, or by a cornice only. As this is not shown in the bas-relief above introduced, an actual doorway, viz., that of the Temple of Hercules at Cora, is here added. Above the lintel is an architrave, with a Latin inscription upon it, and above this a projecting cornice, supported on each side by a console, which reaches to a level with the bottom of the lintel. The top of the cornice (corona summata) coincided in height with the tops of the capitals of the columns of the pronao, so that the doorway, with its superstructure, was exactly equal in height to the columns and the Arca. This superstructure was the *hypothymium* of Vitruvius, and of the Greek architects whom he followed. The next woodcut shows one of the two consoces which support the cornice of a beautiful Ionic doorway in the Temple of Minerva Polias at Athens. In the inscription referring to the building of that temple, which is now in the Elgin collection of the British Museum, the object here delineated is called *όντα ενθάλυμα*. Other Greek names for it, used by Vitruvius, are

parotis and ancon, literally a "side-ear" and "an above."

The use of consoles, or trusses, in this situation, was characteristic of the Ionic style of architecture, being never admitted in the Doric. It is to be observed that Homer, Hesiod, and Herodotus use the term *στέφναριον*, or its diminutive *στέφνιαριον*, to include the lintel. Upon some part of the hypothymium there was often an inscription, recording the date and occasion of the erection, as in the case of the Temple of Hercules above represented, or else merely expressing a moral sentiment, like the celebrated "Know thyself" upon the temple at Delphi.

The door itself was called *foris* or *valva*, and in Greek *σκις*, *κλάρα*, or *φώτρον*. These words are commonly found in the plural, because the doorway of every building of the least importance contained two doors folding together, as in all the instances already referred to. When foris is used in the singular, we may observe that it denotes one of the folding doors only, as in the phrase *foris crepat*, which occurs repeatedly in Plautus, and describes the breaking of a single valve, opened alone and turning round on its hinge. In other houses the valves were bivalve; hence we read of "the folding-doors of a bedchamber" (*foris cubiculari*; *συνίς εν οραματι*; *τύλαι διαλαμβανεται*). But in every case each of the two valves was wide enough to allow persons to pass through without opening the other valve also. Even each valve was sometimes double, so as to fold like our window-shutters (*dipthes complicitastheque*). The mode of attaching doors to the doorway is explained under the article *Cardo*.

The remaining specimens of ancient doors are all of marble or of bronze; those made of wood, which was by far the most common material, have perished. The door of a tomb at Pompeii is made of a single piece of marble, including the pivots, which were encased in bronze, and turned in sockets of the same metal. It is 3 feet high, 2 feet 9 inches wide, 42 inches thick. It is cut in front to resemble panels, and thus to approach nearer to the appearance of a common wooden door, and it was fastened by a lock, traces of which remain. The beautifully-wrought tombs of Asa Minor (see p. 457) and other Eastern countries have stone doors, made either to turn on pivots or to slide sideways.
In grooves. Doors of bronze are often mentioned by ancient writers. The doors of a supposed temple of Remus, still existing at Rome, and now occupied as a Christian church, are of this material. Mr. Donaldson has represented them as filling up the lower part of the doorways of the temple at Corinth, as shown in the last woodcut, which is taken from them. The four panels are surrounded by rows of small circles, marking the spots on which were fixed rossets or bosses, similar to those which are described and figured in the article Bulla, and which served both to strengthen and to adorn the doors. The leaves of the doors were sometimes overlaid with gold, as in the Temple of Solomon at Jerusalem, at other times they were enamelled with the most exquisite carving. Those in the Temple of Minerva at Syracuse are said by Cicero to have exceeded all others in the curious and beautiful workmanship executed upon them in gold and ivory. "It is incredible," says he, "how many Greeks have left writings descriptive of the elegance of these values." One of the ornaments was "a most beautiful Gorgon's head, with tresses of snakes, probably covering the centre of a panel. In addition to the sculptures upon the valves themselves, the finest statues were sometimes placed beside them, probably at the base of the antependia, as in the magnificent Temple of Juno in Samos. In the fanciful palace of Alcinous, the door-case, which was of silver, with a threshold of bronze, included folding-doors of gold; while doors were guarded, the approach, probably disposed like the avenue of sphinxes before an Egyptian temple. As luxury advanced among the Romans, metal took the place of wood, even in the doors of the interior of a house. Hence the quasar Sp. Carvillios reproved Camillus for having his chamber doors covered with bronze (serata osea). A lattice-work was to be observed through the bronze doors in the last woodcut. Mr. Donaldson has introduced it on the authority more especially of the Pantheon at Rome, where the upper part of the doorway is filled with a window such as that here represented. Πετάλεις calls it the hypatrum, and his language implies 126: ζών commonly used in temples. The folding-doors exhibited in the last woodcut, instead of a rebate such as we employ, have an upright bronze pilaster standing in the middle of the doorway, so as to cover the joining of the valves. The fastenings of the door (clavus) commonly consisted in a bolt (pesusculum, πόλυκαλός, κατακλειός, κλείδων, Ατε. κλείδους) placed at the base of each foris, so as to admit of being pushed into a socket made in the sill or reposing on it (τορηβός). The Pompeian doorways show two holes corresponding to the bolts of the two fores; and they agree with numerous passages which mention in the plural number the "bolts," or "both the bolts" of a door. The annexed woodcut shows an ancient bolt preserved in the Museum at Naples. By night the front door of the house was further secured by means of a wooden and sometimes an iron bar (sera, repugnata, μελόν) placed across it and inserted into sockets on each side of the door. Hence it was necessary to remove the bar (τον μελόν παραδείσω) in order to open the door.

(1) (Gorlsei, (Kurip., incredible," 617, (i.,442; One obiccs) his monly ple metal nn and secured folding- the in Cure, (Od.,551; The with other of Porap6i, (Ovid, small lattice-work I.,528); The represented in the article Bulla, and which served both to strengthen and to adorn the doors. The leaves of the doors were sometimes overlaid with gold, as in the Temple of Solomon at Jerusalem, at other times they were enamelled with the most exquisite carving. Those in the Temple of Minerva at Syracuse are said by Cicero to have exceeded all others in the curious and beautiful workmanship executed upon them in gold and ivory. "It is incredible," says he, "how many Greeks have left writings descriptive of the elegance of these values." One of the ornaments was "a most beautiful Gorgon's head, with tresses of snakes, probably covering the centre of a panel. In addition to the sculptures upon the valves themselves, the finest statues were sometimes placed beside them, probably at the base of the antependia, as in the magnificent Temple of Juno in Samos. In the fanciful palace of Alcinous, the door-case, which was of silver, with a threshold of bronze, included folding-doors of gold; while doors were guarded, the approach, probably disposed like the avenue of sphinxes before an Egyptian temple. As luxury advanced among the Romans, metal took the place of wood, even in the doors of the interior of a house. Hence the quasar Sp. Carvillios reproved Camillus for having his chamber doors covered with bronze (serata osea). A lattice-work was to be observed through the bronze doors in the last woodcut. Mr. Donaldson has introduced it on the authority more especially of the Pantheon at Rome, where the upper part of the doorway is filled with a window such as that here represented. Πετάλεις calls it the hypatrum, and his language implies 126: ζών commonly used in temples. The folding-doors exhibited in the last woodcut, instead of a rebate such as we employ, have an upright bronze pilaster standing in the middle of the doorway, so as to cover the joining of the valves. The fastenings of the door (clavus) commonly consisted in a bolt (pesusculum, πόλυκαλός, κατακλειός, κλείδων, Ατε. κλείδους) placed at the base of each foris, so as to admit of being pushed into a socket made in the sill or reposing on it (τορηβός). The Pompeian doorways show two holes corresponding to the bolts of the two fores; and they agree with numerous passages which mention in the plural number the "bolts," or "both the bolts" of a door. The annexed woodcut shows an ancient bolt preserved in the Museum at Naples. By night the front door of the house was further secured by means of a wooden and sometimes an iron bar (sera, repugnata, μελόν) placed across it and inserted into sockets on each side of the door. Hence it was necessary to remove the bar (τον μελόν παραδείσω) in order to open the door.

house of a superior description, there was a passage leading to the door from the public road, which was called vestibulum and στόλος. It was provided with seats. It was sometimes covered by an arch (οἴκος καμέλος), which was supported by two pillars, and sometimes adorned with sculptures. Here persons waited who came in the morning to pay their respects to the occupants of the house. In the same place was placed the domus alta (Vid. Aen. vii. 160.) The Athenians also planted a laurel in the same situation, beside a figure designed to represent Apollo; and statues of Mercury were still more frequent, being erected there on the principle of setting up a theft to catch a thief.

The Donia offered to the gods were suspended upon the branches of the donia or the donian tree, likewise from the door-posts and lintels of their temples, as well as of palaces, which in ancient times partook of the sanctity of temples. Victors in the games suspended their crowns at the door of a temple. In like manner, persons fixed to the jams and lintels of their own doors the spoils which they had taken in battle. Stage horns and boars' tusks were, on similar occasions, fixed to the lintels of private temples of Diana, and of the private individuals who had taken these animals in the chase. Owls and other nocturnal birds were nailed upon the doors as in modern times. Also garlands and wreaths of flowers were suspended over the doors of temples, in connexion with the performance of religious rites or the expression of public thanksgiving. These being composed in each case of productions suited to the particular divinity whom they were intended to honour. In this manner the corona spicae was suspended in honour of Ceres. Bay was so used in token of victory, especially at Rome, where it sometimes overshadowed the curia. On the occasion of the triumphs of the later emperors, garlands were placed on the doors of the imperial palaces. More particularly, garlands of cypresses or palm were the usual emblems of the imperial family. These garlands were sometimes replaced by the more graceful representations of the divinity in question. The doors of private houses were ornamented in a similar way, and with different plants, according to the occasion. More especially in celebration of a marriage, either bay or myrtle was placed about the door of the bridge-room. Catullus, in describing an imaginary marriage, supposes the whole vestibulum to have been tastefully overarched with the branches of trees. The birth of a child was also announced by a chaplet upon the door, and a death was indicated by cypress, probably in pots, placed in the vestibulum. In addition to trees, branches, garlands, and wreaths of flowers, the Romans sometimes displayed lamps and torches before the doors of their houses for a few days, as a mark of mourning and joy. Music, both vocal and instrumental, was sometimes performed in the vestibulum, especially on occasions when it was intended to do honour to the master of the house or to one of his family.

It was considered improper to enter a house without giving notice to its inmates. This was the custom among the Athenians and all other nations by using the knocker already describ-

bed, but more commonly by rapping with the knuckles or with a stick (κρυότις, κάρπος). In the houses of the rich, a porter (janitor, custos, νομοθετέω) was always in attendance to open the door. He was commonly a eunuch or a slave, and was chained to his post. To assist him in guarding the entrance, a dog was universally kept near it, being also attached to the chain by a chain to the wall, and they were all trained and kept by any of the leading poets or ancient authors, and the word is still used in modern times. In the days of the repose of primitive simplicity, the household gods of Greece, ἔννοον τοῦ κύριον, was sometimes written near the door. Of this a remarkable example occurs in "the house of the tragic poet" at Pompeii, where it is accompanied by the figure of a fierce dog, wroth in mosaic on the pavement. Instead of this harsh admonition, some walls or pavements exhibited the most gracious San Lorenzo. A similar practice was adopted in the family of an ancient Roman, in whose house the name for the portion of the house immediately behind the door (θυρωφόρος), denotes that it was a kind of apartment; it corresponded to the hall or lobby of our houses. Immediately adjoining it, and close to the front door, there was in many houses a small room for the porter (cella, or cellula janiarii). The writer Ed. Heindorff.)—IIATRALIPTES, IATRALIPTES, or IATROA-

IATRALIPTES (ιατρόελιπτης), the name given by the ancient physicians to that class of men who paid particular attention to that part of the medical practice which is called poisoning. The name is compounded of ἰατρός and ἐλιπτος, and signifies literally a physician that cures by amusing. According to Pliny, they were at first only the slaves of physicians, but afterward rose to the rank of physicians themselves, and we therefore, superior to the alippus. (Vid. Alippus.) The word
occur in Paulus Egineta, 1 Celsius, 4 and other medical writers.

IATRALIPITICE (ιατραλιπιτική), was that part of the art and science of medicine which had for its object the preservation or restoration of health by gymnastics and different kinds of bodily exercises, including unctions and frictiones. It was, according to Pliny, 5 first practised by Pordicus. (Vid. Gymnasia, p. 484.)

IATROS. (Vid. Medicus.)

IATROSOPHISTICA (ιατροσοφιστική), an ancient medical title, signifying apparently (according to Du Cange) 6 one who both taught medicine and also practised it himself; as the ancients made a distinct separation between the art and the science of medicine, the theory and the practice. 8 Eunapius Sardianus 8 calls them ἐξεργε- 

mένους λέγεν τε καὶ ποιητῶν λατρευτῶν. The word is somewhat varied in different authors. Socrates 9 calls Adamantius λατρευτῶν λόγων σοφίτης. Stephanus Byzantinus 8 mentions τῶν λατρευτῶν σοφίτων: Callithenes (quoted in Du Cange), λατρήσφοιτων: and Théophrastes' σοφίτως τῆς λατρευτῆς ἐπίστολας. Several ancient physicians are called by this title, e. g., Magnes, 10 Cassius, the author of "Questions Medicæ et Naturales," and others.

*IBERIS (Ibéris), a species of Pepperwort, now called Lepidium Iberis. The chapter of Dioscorides on the Iberis is most probably spurious. 11

IBIS (Ibis), the Ibis, a bird held sacred by the Egyptians, was also described by Herodotus and Aristotle, but there has been considerable difficulty in identifying these two. "Dr. Trail informs me," says Adams, 12 that, having compared the skeletons of the mummy bird and of the Ibis religiosa, he found them identical. It is the Tantalus B hijipicus of Latham. The other Ibis of Herodotus would appear to be the stork. 13 The Ibis is as large as a hen, with white plumage, except the end of the wing-quills, which are black. The last wing-coverts have elongated and slender bars, of a black colour, with violet reflections, and thus cover the end of the wing and tail. The bill and feet are black, as well as the naked part of the head and neck. In the young subject, however, this part is covered, at least on its upper face, with some white down. 1 It is only since the publication of Bruce's Travels, 14 observed by Griffith, "that positive notions have been gained respecting the genus to which we refer the bird which was so venerated by the ancient Egyptians, and which they used to embalm after its death. The Ibis of Perاعت and Buffon has since been recognised for a tantalus; that of Hasselquist for a heron, perhaps the same as the ox-bird of Strabo; and that of Maillet (Pharaon's chicken; Rachanak of the Arabs) for a vulture, Vultur Peruponeterus, L. But Bruce found in Lower Ethipia a bird which is there named A nub-amnens (Father John), and, on comparing it with the emblazoned individuals, he recognised it to be the true black and white Ibis, with reflections on several parts of the body, and the same as the Mengal or Abou-mengal (Father of the Sickle) of the Arabs. This fact has been fully confirmed by M. Cuvier, by an examination of mummies brought from Egypt by Colonel Grobert and M. Geoffroy, and from other mummies by M. Savigny, who also found in Egypt the very bird itself, and had an opportunity of examining it in the living state. M. Cuvier's memoir on the subject was first inserted in the Annals of the French Museum; and in the "Ossemsens Fossiles," M. Savigny has published a natural and mythological history of the same bird M. Cuvier having found in the mummy of an A nub the undigested remains of the skin and scales of serpents, concluding that these birds in reality fed upon those reptiles. M. Savigny had found any in the stomach of such individuals of the present time as he dissected, came to a contrary conclusion, which seemed to him to be substantiated by the natural habits and organization of the Ibis, confirmed by analogy, and farther corroborated by the testimony of the modern Egyptians. He does not, indeed, attempt to deny the fact stated by the ancients, but only to correct the idea, and to show the learned professor does not specify the exact position of the debris of serpents of which he speaks. M. Savigny adds, first, that, according to Herodotus, before the Egyptians proceeded to embalm an Ibis, they removed the intestines, which were reputed to be excessively long; secondly, that he himself found in the interior of one of these mummies, but in a very small quantity, a multitude of the larve or nymphae of insects of different species; thirdly, that, moreover, certain species of serpents were reckoned among the sacred animals, and that mummies of such serpents have been discovered in the grottoes of Thebes; fourthly, that many of the mummies of the Ibis, which were taken from the repositories in the plains of Saccara, contained, under a general envelope, aggregations of different animals, whose debris by the Egyptians were col-

lected. We may remark, also, that the remains of serpents mentioned by M. Cuvier were not yet digested, which would naturally be the case under the supposition that they had not even been introduced into the alimentary canal.

"When we consider the assertions of Herodotus respecting the supposed service rendered to Egypt by these birds, in delivering it from serpents, we shall find that the chief stress is laid upon their antipathy for these reptiles, which they were said to combat and destroy; but their organization seems but little calculated to enable them to succeed in enterprises of this kind. Besides, the animals which are wont to rid us of pernicious species, do so, not from a hatred and antipathy which they bear to such serpents, but because their pleasures are whetted by the experience in devouring and feasting on them. This, assuredly, is a distinction of some weight. It may also be remarked, that the food of animals is always the same, except in cases of death, which death is never wanted created by the animals themselves. If serpents of any kind were the natural aliment of the Ibis, instead of preventing them from penetrating into the country where these birds were destined to so long a portion of the year, the latter would rather follow them into the places of their retreat. If we add to these considerations the recollection that sandy countries are the suitable habi-

tats of serpents, while humic situations are best adapted to the Ibis, we shall find fresh cause to re-

ject the opinion of Herodotus as fabulous. It could not, indeed, have been received with any great de-

gree of credit, having been the first naturalist of Greece who has passed over in silence the antipathy of the Ibis to the serpent, and their supposed combats. If Herodotus, who tells us that he had himself seen, on the confines of Arabia, and at the place where the mountains open on the plains of Egypt, the fields covered with an incredible number of accumulated bones, and instances these birds in reality feeding upon serpents, it is evident that they were on the point or entering Egypt; it is merely a simple opinion which he gives upon a fact which could not have originated from any auth
ICHNEUMON

cause. These immense debris of fishes and other vertebrated animals, which in the course of time have been heaped up in some narrow place, after-ward abandoned by the waters, cannot possibly admit of such an explanation of their origin, which is truly ludicrous, and could only have been adopted by his method in consequence of its excessive credulity with which he was prone to swallow popular report. Such masses, moreover, would not have been preserved for any great length of time, had they consisted merely of the small bones of reptiles, incapable of making resistance against the attacks of birds so weak as the ibis.

So it is, in fact, not for several reasons than the destruction of serpents for the veneration paid to the Ibis by the ancient Egyptians, who admitted it even into their temples, and prohibited the killing of it under pain of death. In a country where the people, very ignorant, were governed only by superstitious ideas, it was natural that fictions should have been imagined to express with energy the reality of destruction; and the year attracts the Ibis into Egypt, and retains it there. Its constant presence at the epoch of that inundation which annually triumphs over all the sources of decay, and assures the fertility of the soil, must have appeared to the priests, and to those at the head of government, admirably calculated to lead them to suppose supernatural and secret relations between the movements of the Nile and the sojourn of these insinuous birds, and to consider the latter as the cause of effects exclusively owing to the overflow of the river.11 "The Ibis was sacred to Thoth, who was fabulously reported to be the creator of all things, in the form of this bird. It was greatly revered in every part of Egypt; and at Hermopolis, the city of Thoth, it was worshipped with peculiar honors, as the emblem of the deity of the place. Its Egyptian name was Hitch, from which Champollon supposes the town of Nibis to have been called, being a corruption of Hitch-nib, or Nib, the place of the Ibis. Such was the veneration felt by the Egyptians for the Ibis, that to have killed one of them, even involuntarily, subjected the offender to the pain of death. So pure, in fact, did they consider it, that those priests who were most scrupulous in the performance of their sacred rites, fetched the water they used in their purifications from some place where this bird had been seen recently, and could be observed of that bird that it never goes near any unwholesome and corrupted water. Plutarch and Cicero pretend, that the use which the Ibis made of its bill taught mankind an important secret in medical treatment; but the bill of the bird is not a tube, and the ἀλέξιμων ὑπ' ἄνω ἀναστρίσας is a mistake. The form of the Ibis is that of a large common crane, on account of the tail, the head under its feathers, or when in a mummied state, was supposed to resemble the human heart; the space between its legs, when parted asunder as it walks, was observed to make an equilateral triangle; and numerous fanciful peculiarities were discovered in this revered emblem of Thoth."

*ICHNEUMON (ἰχνεύμων), a well-known quadruped of the Weasel kind, the Viscera Ichnleon of naturalists. It has been long famous in Egypt, where it goes by the name of Pharaoh's Rat. "If, in the mythological system of the ancient Egyptians," observes Lieut. Col. Smith, "the various living beings which people the surface of the earth were supposed to exemplify the species of certain other beings in heaven, their actions being in consequence of the count of the influence which they exercise over the economy of nature, and the part which they can contribute to the general harmony of the universe, the Ichneumon unquestionably possessed more claims than any other animal to the homage of that singular people. It presented a lively image of a beneficent power perpetually engaged in the destruction of these noisome and dangerous pests, which propagate with such terrible rapidity in hot and humid climates. The Ichneumon is led by its instinct, and obviously destined by its peculiar powers, to the destruction of animals of this kind. Not that it dares to attack crocodiles, serpents, and the larger animals of the lizard tribe, by open force, or when these creatures are arrived at their complete growth. It is by feigning its death, and Ichneumon reduces the number of these intolerable pests. The Ichneumon, from its diminutive size and timid disposition, has neither the power to overcome nor the courage to attack such formidable adversaries. Nor is it an animal of the most decided carnivorous appetite. Urged by its instinct alone, which guides, and in no instant does it have the utmost prudence, it may be, at the close of day, gliding through the ridges and inequalities of the soil, fixing its attention on everything that strikes its senses, with the view of evading danger or discovering prey. If chance favours its researches, it never limits itself to the momentary gratification of its appetite, but makes efforts to destroy every living thing within its reach which is too feeble to offer it any effectual resistance. It particularly seeks after eggs, of which it is extremely fond, and through this taste it proves the means of destruction to so many cro-odiles. That it enters the mouth of this animal when asleep, as Diodorus gravely informs us, and, gliding down its throat, gnaws through its stoma- ch, is a story which cannot be相干. This is either a fable which never had any foundation, or, like many other marvels, it has ceased in our unbelieving and less favored age.—The colour of the Ichneumon is a deep brown, picked out with dirty white. The tail is terminated by a tuft of hairs entirely brown. The Ichneumon is aVery dangerous animal, measuring from the end of the tail to the tip of the nose, the tail itself being one foot four inches. The mean stature of the animal is about eight inches."

The Ichneumon was particularly worshipped by the Heracleopolites, who lived in a nome situated in the valley of the Nile, a little to the south of the entrance of the great canal by which that name of Heracleopolis and the vicinity of Cairo, still continue, according to Wilkinson, to be the chief resort of the animal in question; "and it is sometimes tamed and kept by the modern, as it was by the ancient Egyptians, to protect their houses from rats. But, from its great predilection for eggs and poultry, they generally find that the injury it does far outweighs the good derived from its ser- vices as a substitute for the cat. Herodotus says little respecting the Ichneumon, except that it received the same honours of sepulture as the domestics animals. But Ælian tells us that it destroyed the eggs of the asp, and fought against that poisonous reptile. Pliny, Strabo, and Ælian relate the manner in which it attacked the asp, and was protected from the effect of its poisonous bite. Ælian says it covered itself with a coat of mud, which rendered its body proof against the fangs of its enemy; or, if no mud was near, it wetted its body with water, and rolled itself in the sand. Its nose, which alone remained exposed, was then enveloped in several layers of mud, and this mechanism the attack. If bitten, its death was inevitable; but all the efforts of the asp were unavailing against its
artificial coat of mail, and the Icneuonem, attacking it on a sudden, seized it by the throat, and immediately killed it. Thus much for the ancient story. Modern experience, on the other hand, proves that, without having recourse to a cuirass of mud, the Icneuonem fearlessly attacks snakes, and, the moment it perceives them raise their head from the ground, it seizes them at the back of the neck, and with a single bite lays them dead before it." [1]

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were not explained what they precisely mean by the term "judicial power." It may be conjectured that the division of imperium, made by the jurists, was in accordance with the practice of the republican period: there was during the republican period an imperium within the walls which was incident to jurisdiction, and an imperium without the walls which was conferred by a lex Curia. There are no traces of this separation in the kings period, and it is probable that the king received the imperium in its full import, and that its separation into two parts belongs to the republican period. The imperium, which was conferred by a lex under the Republic, was limited, if not by the terms in which it was conferred, at least by usage: it could not be held or exercised within the city. It was sometimes specially conferred on an individual for the day of his triumph within the city, and, at least in some cases, by a plebiscitum. 7

The imperium was as necessary for the government of a province as for a general who merely commanded the armies of the Republic, as he could not, without its, exercise military authority (rem militarem attingere). So far as we can trace the strict practice of the Roman constitution, military command and imperium were not incident to any office, and might be held without any other office than that of imperator. It appears that in the time of Cicero there were doubts as to the necessity of the lex in some cases, which may have gradually arisen from the irregular practices of the civil wars, and from the gradual decay of the old institutions. Cicero, in a passage which is not very clear, refers to the use which an individual who had received a province ex secessio consulatus thereby acquired the imperium without the formality of a lex Curia.

The imperium (merum) of the Republic appears to have been (1), a power which was only exercised out of the city; (2), a power which was specially conferred by a lex Curia, and was not incident to any office; (3), a power which was not exercised as done in the name and on the behalf of the state. Of this a notable example is recorded in Livy, where the senate refused to recognise a Roman as commander because he had not received the imperium in due form.

In respect of his imperium, he who received it

1. (Wilkinson, p. 154, 425, (liv., 103.)—2. (Proc Roman. Com. 5.—Id., Or. Part., 12.)—3. (Dig. 2, tit. 1, s. 3.)—4 (Dig. 1, tit. 21, s. 1.)—5. (Phil., v., 16.)

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IMPÜES.

was styled imperator: he might be a consul or a proconsul. It was an ancient practice, observes Tacitus, for the soldiers of a victorious general to salute him by the title of imperator; but in the instance referred to by Tacitus, the Emperor Tiberius allowed the soldiers to confer the title on an individual who had it not already; while under the Republic, the title, as a matter of course, was given with the imperium; and every general who received the imperium was entitled to the name of imperator. After a victory it was usual for the soldiers to salute their commander as imperator; but this custom neither gave nor confirmed the title. Under the Republic, the name of the several imperatores at a time: Augustus granted the title to some; but the last instance, he adds, of the title being conferred was in the case of Blaesus, under Tiberius. There were, however, later instances. The assumption of the name of imperator by Julius Caesar was a manifest usurpation. Under the Republic the title came properly by right of law; but the name sometimes appears on the imperial portraits, followed by a numeral (VI. for instance), which indicates that it was specially assumed by them on the occasion of some great victory; for, though the victory might be gained by their generals, it was considered to be gained under the auspices of the imperator.

The term was applied in the republican period to express the sovereignty of the Roman state. Thus Gaul is said by Cicero to have come under the imperium and díto of the populus Romanus; and the notion of the majestas populi Romani is said to be in imperio atque in nonani populi Romani dignitate.1

IMPULSIVUM. (Vid. House, Roman, p. 516.)

IMPÜES. An infans (vid. Infans) was incapable of doing any legal act. An infans, who had passed the limits of infantiæ, could do any legal act with the auctoritas of his tutor; without such auctoritas he could only do those acts which were for his benefit. Accordingly, such an infans, in the case of testamentary contracts, could only operate by amentes (promittere); in other words, as Gaius expresses it, a pupillus could only be bound by the auctoritas of his tutor, but he could bind another without such auctoritas. (Vid. Infans.)

But this remark as to pupilli does not apply to those who are infantes or infantí proximi, though in the case of the infantí proximi a liberal interpretation was given to the rule of law (of interpretation), by virtue of which a pupillus, who was infantí proximus, was placed on the same footing as one who was pubescent proximus, but this was done for their benefit only (propter utilitatem eorum); and, therefore, could not apply to a case where the pupillus might be a lesser. An infans who was in the capacity to confer the title on an infantí proximus, could not transmit the auctoritas of his father; for, in the case of a pupillus, the auctoritas of the tutor was only allowed in respect of the pupillus having property of his own, which a son in the power of his father could not have.

In the case of obligationes ex delicto, the notion of the auctoritas of a tutor was of course excluded, as such auctoritas was only requisite for the purpose of giving effect to rightful acts. If the imperium was of sufficient capacity to understand the nature of his delict, he was bound by it; otherwise he was not. In the case of a person who was publici proximi, there was a legal presumption of such capacity; but still, this presumption did not exclude a consideration of the degree of understanding of the impubes and the nature of the act, for the act might be such as either to be perfectly intelligible, as theft, or it might be an act which an impubes imperfectly understood, as when he was made the instrument of a crime. Hence it was observed, he was capable of being involved in crimes, but not of committing them. The recognition of the auctoritas of an infantí proximus was, consequently, applicable to cases of furtum, damnium infrauria, infrauria, and others; and also to crimes in which the nature of the act determined whether or not guilt should be imputed.

An impubes could enter into a contract by which he was released from a debt, but he could not remove a slave. He could take the hereditas of his tutor. He could not pay money without his tutor; nor could he receive money without his tutor, at least it was not a valid payment, because such payment was, as a consequence, followed by a release to the debtor. But since the rule as to the incapacity of an impubes was made only to save him from loss, he could not retain both the money and the title; or, if he retained both, he was, of course, entirely under his father's control.

An impubes could acquire a hereditas with the consent of his tutor, which consent was necessary, because a hereditas was accompanied with obligations. But as the act of creation was an act that must be done by the heirs himself; neither his tutor nor a slave could take the hereditas of his tutor, and he was, in consequence of his age, incapable of taking it himself. This difficulty was got over by the doctrine of pro herede gestio: the tutor might permit the pupillus to act as his heres, which had the effect of creatio: and this doctrine would apply even in the case of infants, for no expression of words was necessary. In order to the acquirement of the case of the heredes possessor, the father could apply for it on behalf of his child, and the tutor on behalf of his ward, without any act being done by the impubes. By the imperial legislation, a tutor was allowed to acquire the hereditas for his ward, and a father for his son, who was in his power; and thus the doctrine of pro herede gestio was rendered unnecessary.

A pupillus could not part with a possession without the auctoritas of a tutor; for, though possession of itself was no legal right, legal advantages were attached to it. As to the acquisition of possession, possession in itself being a bare fact, and the fundamental condition of it being the animus possessori, consequently the pupil could not acquire possession by himself, and when he had capacity to understand the nature of the act. But with the auctoritas of his tutor he could acquire possession even when he was an infans, and thus the acquisition of possession by a pupillus was facilitated, utilitatis causa. There was no formal difficulty in such an acquisition as the hereditas of a slave, in the case of pro herede gestio, for in neither instance was it necessary for words to be used. Subsequently the legal doctrine was established that a tutor could acquire possession for his pupilus.1

1. (Ann. iii., 74; 2. (Suet. Jul., 76; 3. (Proc. Font., 1.): 4. (Cic. Or. Part., 30. Compare the use of "imperium" in Hor. Carm., 1. 37; iii. 5. 3. (i. 107.); 5. (Compare Inst., v. 4. 1. 19; 4. 19; 10, with Gaius, iii., 107.)
With the attainment of pubertas, a person obtained the full power over his property, and the tutela ceased: he could also dispose of his property by will; and he could contract marriage. According to the legislation of Justinian, pubertas, in the case of a male, was attained with the completion of the fourteenth, and in a female, with the completion of the twelfth year. In the case of a female, it seems that there had never been any doubt as to the period of the twelve years, but a dispute arose among the jurists as to the period of fourteen years. The Sabiniiani maintained that the age of pubertas was to be determined by physical capacity (habitus corporis), to ascertain which a personal examination might be necessary: the Proculliani fixed the age of fourteen complete, as that which absolutely determined the attainment of puberty. It appears, therefore, that under the earlier emperors there was some doubt as to the time when pubertas was attained, though there was no doubt that with the attainment of puberty, whatever that time might be, full legal capacity was acquired.

Until a Roman youth assumed the toga virilis, he wore the toga praetexta, the broad purple hem of which (praetexta) at once distinguished him from other persons. The toga virilis was assumed at the Ludi Maximi of March, and he should be enrolled if he appeared to have been positively fixed for the ceremony, it probably took place, as a general rule, on the feast which next followed the completion of the fourteenth year, though it is certain that the completion of the fourteenth year was not always the time observed. Still, so long as a male wore the praetexta, he was impubes, and when he assumed the toga virilis, he was pupillus. Accordingly, ves- tiges was the same as pupes, and investes or praetexta the same as impubes. After the assumption of the toga virilis the son who was in the power of his father had a capacity to contract debts; and a pupillus was released from the tutela. But if neither the pupillus wished to get rid of his tutor, nor the tutor to be released from the responsibility of his office (for which he received no remuneration), the period of assuming the toga virilis might be deferred. If the pupillus and the tutor could not agree, it might be necessary that there should be a judicial decision. In such a case the Proculliani maintained as a theoretical question, that the age of fourteen should be taken as absolutely determining the question. fourteen being the age after the attainment of which the praetexta had been generally laid aside. The Sabiniiani maintained that, as the time of puberty had never been absolutely fixed, but had depended on free choice, some other mode of deciding the question must be adopted, where free choice was out of the question, and therefore they adopted that of the physical development (habitus corporis). But, though there are allusions to this matter, there is nothing in the text but inspection of the person was ever actually resorted to in determining the age of puberty. It appears that the completion of fourteen years was established as the commencement of pubertas. The real foundation of the rule as to the fourteen and the twelve years appears to be, that in the two sexes respectively, puberty was, as a general rule in Italy, attained about those ages. In the case of females, the time had been fixed absolutely by the comitia, and had no reference to any practice similar to that among males of adopting the toga virilis, for women wore the toga praetexta till they were married. And farther, though the pupillaris tutela ended with females

with the twelfth year, they were from that time subject to another kind of tutela.

A male had a capacity to make a will upon completing his fourteenth year; and a female upon completing her twelfth year; and the same ages, as already observed, determined the capacity, in the two sexes, for contracting a legal marriage. The dispute between the two schools as to the time when the capacity of puberty appears to have had reference to the termination of the period and his general capacity to do legal acts; for the test of the personal examination could hardly, from the nature of the case, apply to the capacity to make a will or contract a marriage, as Saviñon shows.

Spadone (males who could never attain physical puberty) might make a testament after attaining the age of eighteen.

INAUGURATIO was in general the ceremony by which the gods were, or endeavoured to be obtained, the sanction of the gods to something which had been decreed by man; in particular, however, it was the ceremony by which things or persons were consecrated to the gods, whence the term dedicatio and consecratio were sometimes used as synonymous with inauguration. The ceremony of inauguration was as follows: After it had been decreed that some person should be consecrated to the gods, or that a certain person should be appointed priest, a prayer was addressed to the gods by the augurs or other priests, soliciting them to declare by signs whether the decree of men was agreeable to the will of the gods. If the signs observed by the inaugurating priest were thought favourable, the decree of men had the sanction of the gods, and the inauguration was completed. The inauguration was, in early times, always performed by the augurs; but subsequently we find that the inauguration, especially that of the rex sacrificus and of the flamines, was sometimes performed by the college of pontiffs in the comitia calata. But all other priests, as well as new members of the college of augurs, continued to be inaugurated by the augurs, or sometimes by the augurs in conjunction with some of the pontiffs; the old pontiff had the right to enforce the inauguration, if it was refused by the augurs, and if he considered that there was not sufficient ground for refusing it. Sometimes one augur alone performed the rite of inauguration, as in the case of Numa Pomphilus; and it would seem that in some cases a newly-appointed priest might himself not only fix upon the day, but also upon the particular augur by whom he desired to be inaugurated.

During the kingly period of Rome, this inauguration of persons was not confined to actual priests; but the kings, after their election by the populace, were inaugurated by the augurs, and thus became the high-priests of their people. After the civil and military power of the kings had been conferred upon them, in such a manner as to be absolutely independent of the determination of a person, the rex sacrorum, he was, as stated above, inaugurated by the pontiffs in the comitia calata, in which the chief pontiff presided. But the high religious magistrates, notwithstanding, likewise continued to be inaugurated, and for this purpose they were summoned by the augurs (condictio divinatio) to appear on the Capitol on the third day after their election. This inauguration continued to be performed non pontifically, but was merely a method of obtaining the sanction of the gods.

1. (Gaia, ii, 113.—Paulus, S. R., iii, 4, &c., 4.)—2. (Serv. on Cat. i, 18.)—3. (Festus, s. v.)—4. (Gell., v, 19, "Vestigia.")—5. (Quint. Inst. Or. iv, 2.)

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1. (Instit., i, 22.)—2. (Gaia, i, 106.—Dipp. Frag. xi, 9.)—3. (Festus, s. v.)—4. (Gell., v, 19, "Vestigea.")—5. (Quint. Inst. Or. iv, 2.)
a ring, a hook was often used, as shown in Nos. 6, 8. The women of Italy still continue the same practice, passing the hook through the lobe of the ear without any other fastening. The drops were sometimes of gold, very finely wrought (see Nos. 2, 7, 8), and sometimes of pearls and precious stones (Nos. 3, 5, 6). The pearls were valued for being exactly spherical, as well as for their great size and delicate whiteness; but those of an elongated form, called elenchi, were also much esteemed, being adapted to terminate the drop, and being sometimes placed two or three together for this purpose. In the Hail, by adornning the head with the most captivating manner, puts on earrings attached with three drops resembling multiberies. Pliny observes that greater expense was lavished on no part of the dress than on the ear. According to Seneca, the earring No. 3, in the preceding woodcut, in which a couple of pearls are strung both above and below the precious stone, was worth a patrimony. All the earrings above engraved belong to the Hamilton collection in the British Museum.

In opulent families, the care of the earrings was the business of a female slave, who was called Articula Ornatix. The Venus de' Medici, and other female statues, have the ears pierced, and probably once had earrings in them. The statue of Achilles at Sigeum, representing him in female attire, likewise has both the daughter, after the Emperor Claudius had set the example by marrying Agrrippina; but there was none between an uncle and a sister's daughter. There was no connexion between a man and his amita or matertera (vid. Coutrati) nor between a man and his sorsus, nurus, privigis, or noverca. In all such cases, when there was no connexion, the children had a mother, but no legal father.

Incest between persons in the direct line was punishable in both parties; in other cases only in the man. The punishment was relegatio, as in the case of adultery. Concubinage between near kinsfolk was put on the same footing as marriage. In the case of adulteries to the same connexion between persons who had no connexion, there was a double offence: the man was punished with deportation, and the woman was subject to the penalties of the lex Julia. Among slaves there was no incestum, but after they became free their marriages were regulated according to the analogy of the connexion among those who had no connexion. Incestum, therefore, was stigmata, aggraved by the circumstance of real or legal consanguinity, and, in some cases, affinity. It was not the form of marriage between such persons that constituted the incestum; for the nuptiae were incestae, and therefore no marriage, and the incestuous act was the sexual connexion of the parties. Sometimes incestum is said to be contra naturam, that is, an act in violation of religion.

INCITEGA. (Vid. Caput.)

INCESTUM. If a man married a woman whom it was forbidden for him to marry by positive morality, he was said to commit incestum. Such a marriage was, in fact, no marriage, for the necessary connexion between the parties was wanting.

There were two kinds of connexion related by blood in the direct line, as parents and children. If such persons contracted a marriage, it was nefariss et incestae nuptiae. There was no connexion between persons who stood in the relation of parent and child by adoption, not even after the adopted child was emancipated. There were also restricted connubial unions between persons who had no connexion, and were likewise entitled to have knowledge of a vestal virgin, and both parties were punished with death.

It does not appear that there was any legislation as to incestum: the rules relating to it were founded on usage (maribus). That which was stigmata was considered incestum when the connexion was between persons who had no connexion. If a connexion, therefore, was stigmata, aggravated by the circumstance of real or legal consanguinity, and, in some cases, affinity. It was not the form of marriage between such persons that constituted the incestum; for the nuptiae were incestae, and therefore no marriage, and the incestuous act was the sexual connexion of the parties. Sometimes incestum is said to be contra naturam, that is, an act in violation of religion.

INCITEGA, a corruption of the Greek aywyndphon or bywyndphon, a term used to denote a piece of domestic furniture, variously formed according to the particular occasion intended; made of silver, bronze, clay, stone, or wood, according to the circumstances of the person; sometimes adorned with figures; and employed to hold amphorae, bottles, etc.
art, show that the ancient anvil was formed for that of modern times. When the artist wanted to make use of it, he placed it on a large block of wood (dappulon) or made it, when he placed it in a hollow, on a point projecting from one side of the anvil. The annexed woodcut, representing Vulcan forging a thunderbolt, shows that the anvil was formed for that of modern times.

The annexed woodcut shows three dy- and steph, which are preserved in the British Museum. Those on the right and left hand are of wood, the one having four feet, the other six; they were found in Egyptian tombs. The third is a broad earthenware ring, which is used to support a Grecian amphora.

INCORPORALES RES. (Vid. Dominium.)

INCUNABULA or CUNA BULA (σπάργανος), swaddling-clothes.

The first thing done after the birth of a child was to wash it; the second, to wrap it in swaddling-clothes; and the rank of the child was indicated by the splendour and costliness of this, its first attire. Sometimes a fine white shawl, tied with a gold band, was used for the purpose; at other times a small purple scarf, fastened with a brooch (λαγκυ- 

The poor used broad fillets of common cloth (παμμ?). The annexed woodcut, taken from a beautiful bas-relief at Rome, which is supposed to refer to the birth of Telephus, shows the appearance of a child so clothed, and renders, in some degree, more intelligible the fable of the deception practised by Rhea upon Saturn, in saving the life of Jupiter, by presenting a stone enveloped in swaddling-clothes, to be devoured by Saturn instead of his new-born child. It was one of the peculiarities of the Laconian education to dispense with the use of incunabula, and to allow children to enjoy the free use of their limbs.

INCUS (σκίαν), an Anvil. The representations of Vulcan and the Cyclopes on various works of

INFAMIA.

for Jupiter, illustrates these circumstances; it is taken from a gem in the Royal Cabinet at Paris. It appears that in the "brassern age," not only the things made upon the anvil, but the anvil itself, with the hammer and the tongs, were made of bronze. (Vid. Malleus.) At this early period anvils were used as an instrument of torture, being suspended from the feet of the victim.

*INDICUM (Ibodacri).—Dioscorides applies the term ibodacri to two distinct substances; the one the vegetable pigment still called Indigo, which is prepared from the leaves and stalks of the Indigo plant. Several species are now cultivated for making indigo, but the one from which the ancients may be supposed to have procured their indigo is the Indigofera tinctoria. The other kind of indigo was, most probably, the mineral substance called Indian Red, and which is a variety of the red oxide of iron.
INFAMIA.

had not acted with good faith. Infamia was also a consequence of insolvency, when a man's bona were possessea, proscripta, vendita, of a widow marrying within the time appointed for mourning; the edict here speaks only of the infamia of the widow, but it was subsequently extended to her. Infamia was a consequence of a man being at the same time in the relation of a double marriage with the same person: to the man attached to the man if he was a paterfamilias, and if he was not, then to his father, and to the father of the widow if she was in his power: the edict does not speak of the infamia of the widow, but it was subsequently extended to her. Infamia was a consequence of a man's Rome, the rule of which was a personal act, and the magistrates, or the senate, or the censors, removed him into a lower tribe, or remove him out of all the tribes, and so deprive him of his suffragium, by reducing him to the condition of an emissarius. They could also affix a mark of ignominy or censure opposite to a man's name in the list of citizens, nota censoria or subscriptio, and in doing this, they acted without special impulse, but might follow general opinion. This arbitrary mode of proceeding was, however, partly remedied by the fact that such a censoria nota might be opposed by a colleague, or removed by the following censure or by a judicial decision, or by a lex. Accordingly the censorial nata was not perpetual, and therein it differed essentially from infamia, which was perpetual.

The consequences of infamia were the loss of certain political rights, but not all. It was not a capitis deminutio, but it resembled it. The infamia became an emissarius, and lost the suffragium and honors; that is, he lost the capacity for certain so-called public rights, but not the capacity for private rights. Under the Empire, the infamia lost its effect as to public rights, for such rights became unimportant.

It might be doubted whether the loss of the suffragium was a consequence of infamia, but the affirmative side is maintained by Sallust with such reasons as may be pronounced completely conclusive. It appears from the authorities, especially Valerius Maximus that the actores attellanum were not either removed from their tribe (ne tribo movantur), nor incapable of serving in the army: in other words, such actors did not become infames, like other actors. The phrase "tribu movantur" is ambiguous, and may mean either to remove from one tribe to another, or to remove from all the tribes, and so make him an emissarius. Notwithstanding, the removal from one tribe to another must have been an act of the censors only, for it was necessary to fix the tribe into which the removal was made: but this could not be the case in a matter of infamia, which was the effect of a general rule, and a general rule could only operate in a general way; that is, "tribu movantur" as a consequence of infamia, must have been a removal from all the tribes, and a degradation to the state of an emissarius.

The lex Julia Municipalis does not contain the word infamia, but it mentions nearly the same cases as those which the edict mentions as cases of infamia. The lex excludes persons who fall within its terms from being senators, deacons, conscripti of their city, from giving their vote in the senate of their city, and from magistracies which gave a man access to the senate: but it says nothing of the right of vote being taken away. Sallust observes that there would be no inconsistence in supposing that the lex refused only the honores or the centenaria; while the infames must have been a removal from all the tribes, and a degradation to the state of an emissarius.

Cicero speaks of the judicia fiduciae, tutelae, and societatis as "summa exactionem et pena capitis." In another oration he speaks of the possessio honorum as a captio causa, and as a complete loss of citizenship. This change manifestly arose from the circumstance of the public rights of the citizens under the Empire having become altogether unimportant, and thus the phrase capitus deminutio, under the Empire, applies solely to the individual's capacity for private rights.

In his private rights the infamia was under some incapacities. He could only postulate before the praeator on his own behalf, and on behalf of certain persons who were very nearly related to him, but not generally on behalf of all persons. Consequently, he could not generally be a cognitor or a procurator, and he could not publish, nor have access to the archives of the state.
INFAMIA.  

INFAMIA. (GK) (ἀτυμία). A citizen of Athens had the power to exercise all the rights and privileges of a citizen as long as he was not suffering under any kind of atimia, a word which in meaning is probably that of a complete civil death; that is, an individual labouring under atimia, together with all that belonged to him (his children as well as his property), had, in the eyes of the state and the laws, no existence at all. This atimia, undoubtedly the only one in early times, may be termed a total one, and in cases where it was inflicted as a punishment for any particular crime, was generally also perpetual. That Athens liked Demosthenes, in speaking of a person suffering under it, often uses the expression καθάπαξ ἀτυμίας, of ἀτυμίας ἀτυμία. A detailed enumeration of the rights of which an atimios was deprived is given by Ασχίνος. He was not allowed to hold any civil or priestly office whatever, either in the city of Athens itself, or in any town within the dominion of Athens; he could not be employed as herald or ambassador; he could not give his opinion, or speak either in the public assembly or in the senate; he was not even allowed to appear within the extent of the agora; he was excluded from visiting the public sanctuaries, as well as from taking part in any public sacrifice; he could neither bring an action against a person from whom he had sustained an injury, nor appear as a witness in any of the courts of justice; nor could, on the other hand, any one bring an action against him. The right which, in point of fact, included most of those which we have here enumerated, was that of taking part in the popular assembly (ἀγόρευν and γράφειν). Hence this one right is most frequently the only one which is mentioned as being forfeited by atimia. The service in the Athenian armies was not only required in the light of a duty which a citizen had to perform towards the state but as a right and a privilege; of which, therefore, the atimios was likewise deprived.  

The idea that an atimios had no right to claim the protection of the laws if he was suffering injuries from others, we must not imagine that it was the intention of the law to expose the atimios to the insults or ill-treatment of his former fellow-citizens, or to encourage the people to maltreat him with impunity, as might be inferred from the expression of δομω τοῦ εἶναι ἄτυμοι, but that all the law meant to do was, that if any such thing happened, the atimios might not enjoy the protection of the laws. We have already referred to two laws mentioned by Demosthenes, in which the children and the property of an atimios were included in the atimia. As regards the children or heirs, the infamy came to them as an inheritance which they could not avoid. (Vid. Hesæus, p. 497.) But when we read of the property of a man being included in the atimia, it can only mean that it shared the lawless character of its owner, that is, it did not enjoy the protection of the law, and could not be mortgaged. The property of an atimios for a positive crime, such as those mentioned below, was probably never confiscated, but only in the case of a public debtor, as we shall see hereafter; and when Andocides uses the expression ἄτυμοι ἢμιθοι, ἢ ἀθρίσκουσιν ἄτυμοι, the contrary was what he had in view when he only has ἀκωτικαῖοι. On the whole, it appears to have been foreign to Athenian notions of justice to confiscate the property of a person who had incurred personal atimia by some illegal act.  

The crimes for which total and perpetual atimia was inflicted on a person were as follow: The giving and accepting of bribes, the embezzlement of public money, manifest proofs of cowardice in the defence of his country, false witness, false accusation, and bad conduct towards parents. Moreover, if a person, either by deed or by word, injured or insulted a magistrate while he was performing the duties of his office; if, as a judge, he had been guilty of partiality; if he squandered away his paternal inheritance, or was guilty of prostitution. We have above called this atimia perpetual; for if a person had once incurred it, he could never hope to be lawfully released from it. A law, mentioned by Demosthenes, ordained that the releasing of any kind of atimios should never be proposed in the public assembly, unless an assembly consisting of at least 6000 citizens had previously, in secret deliberation, agreed that such might be done. And even then the matter could only be discussed in so far as the senate and people thought it was only in times of war that the Republic was threatened by great danger that an atimios might hope to recover his lost rights, and in such circumstances the atimios were sometimes restored en masse to their former rights.  

A second kind of atimia, which, though in its exten- tant a total one, lasted only until the person subject to it fulfilled those duties for the neglect of which he had been inflicted, was not so much a punishment for any particular crime as a means of compelling a man to submit to the laws. This was the atimia of public debtors. Any citizen of Athens who owed money to the public treasury, whether his debt

INFAMY. INFANS.

A child from a free to which he had been condemned, or from a part he had taken in any branch of the administration, or from his having pledged himself to the state for another person, was in a state of total atimia if he refused to pay or could not pay the fine which would have brought his lifetime not to be included in his atimia; they remained εξετάζοντο. If he persevered in his refusal to pay beyond the time of the ninth pyrathy, his debt was doubled, and his property was taken and sold. If the sum obtained by the sale was sufficient to pay the debt, the atimia appears to have ceased; but if not, the atimia not only continued to the death of the defaulter, but his children were also liable, and lasted until the debt was paid off. (Compare Heres, p. 496.) This atimia for public debt was sometimes accompanied by imprisonment, as in the case of Alcibiades and Cimon; but whether, in such a case, on the death of the prisoner, his children were likewise imprisoned, is uncertain. If a personal living in atimia for public debt petitioned to be released from his debt or his atimia, he became subject to εκτιμάζετο; and if another person made the attempt for him, he thereby forfeited his own property: if the procrods even ventured to put the question to the vote, he himself became atimias. The only, but almost impracticable, mode of obtaining release was that mentioned above in connexion with the mode of acquiring an atimia. A third and only partial kind of atimia deprived the person on whom it was inflicted only of a portion of his rights as a citizen. It was called the δύναμις κατά πρόσωποι, because it was specified in every single case which particular right was forfeited by the atimia. The following cases are expressly mentioned: If a man came forward as a public accuser, and afterward either dropped the charge or did not obtain a fifth of the votes in favour of his accusation, he was not only liable to a fine of 1000 drachmae, but was subjected to an atimia which deprived him of the right, in future, to appear as an accuser in a case of the same nature as that in which he had been defeated which he had given up. If his accusation had been a γραφή ὑπεραίνον, he also lost the right of visiting particular temples. Some cases are also mentioned in which an accuser, though he did not obtain a fifth of the votes, was not subjected to any punishment whatever. Such was the case in a cause brought by the archon against parents, orphans, or heiresses. In other cases the accuser was merely subject to the fine of 1000 drachmae, without incurring any degree of atimia. But the law does not appear to have been strictly observed. Andocides mentions some other kinds of partial atimia, but they seem to have had only a temporary application at the end of the Peloponnesian war; and the passage is so obscure or corrupt, that nothing can be inferred from it with any certainty. Partial atimia, when once inflicted, lasted during the whole of a man's life.

The children of a man who had been put to death by the law were also atimias (compare Heres, p. 407). But the nature or duration of this atimia is unknown.

If a person, under whatever kind of atimia he was labouring, continued to exercise any of the rights which he had forfeited, he might immediately be subjected to θάνατον ὁπλικόν εἰς ἔπειξιν; and if his transgression was proved, he might, without any further proceedings, be punished immediately.

The offences which were punished at Sparta with atimia are not so well known; and in many cases it does not appear to be a deliberate act, punished by the law, but to have depended entirely upon public opinion, whether a person was to be considered and treated as an atimos or not. In general, it appears that every one who refused to live according to the national institutions lost the rights of a full citizen (ῥηγόντις). It was, however, a positive law, that whoever did not give or could not give his consent to the distribution of public property, and lose his rights as a citizen.

The highest degree of infamy fell upon the coward (ῥήγα) who either deserted from the field of battle, or returned home without the rest of the army, as Aristodemus did after the battle of Thermopylae; though in this case the infamy itself, as well as its humiliating consequences, were manifest to all mankind. But he who was condemned to pay a public debt and continued to pay it, was considered equivalent to the civil death of an Athenian atimos, from which he was still actually to some extent, as a citizen, though always in a manner which made his infamy manifest to every one who saw him. (Leyvold, De Infamia, 2 ed. Attoch, 1836. — Wachsmuth, De Infamia, 101, &c. — Meier, De Infamia Diamat., p. 101, &c. — Schömann, De Comit. Ath., p. 67, &c. — Henneman, Poli. Ant. of Greece, § 124 — Meier und Schömann, Att. Proc., p. 563. On the Spartan atimia in particular, see Wachsmuth, i., 1, 368, &c. — Müller, Dor., iii., 10, § 3.)

INFANS, INF AN'TIA

In the Roman law there were several distinctions of age which were made with reference to the capacity for doing legal acts: 1. The first period was from birth to the end of the seventh year, during which time persons were called infantes, or qui fari non possunt. 2. The second period was from the end of seven years to the end of fourteen or twelve years, according as the person was a male or a female, during which persons were defined as those qui fari possunt. The persons included in these first two classes were imputers. 3. The third period was from the end of the twelfth or fourteenth to the end of the twentieth year, during which period persons were adolescents, adult. The persons included in these three classes were minors and, at the close of the second class, were often for bribery's sake, called minors.


10 x 10
The commencence of pubertas was the commencement of full capacity to do legal acts. Before the commencence of pubertas, a person, according to the old civil law, could do no legal act without the auctoritas of another. Such was made for those impubes who had property of their own; but it could have no application to impubes who were in the power of a father. Now the age of pubertas was fixed as above mentioned, on the supposition that persons were then competent to understand the nature of their acts, and the age of twelve or fourteen was only fixed because it was necessary to fix some age below which might apply to all cases, but it was evident in many cases when a person bordered on the age of puberty (pubertati proximus), and had not yet attained it, he might have sufficient understanding to do many legal acts. Accordingly, a person who was proximus pubertati was in course of time considered competent to do certain legal acts without the auctoritas of tutor; but, to secure him against fraud or mistake, he could only do such acts as were for his own advantage. This relaxation of the old law was beneficial both to the impubes and to others; but, owing to being confined to such narrow limits of time, it was of little practical use, and, accordingly, it was extended as a positive rule to a longer period below the age of puberty, but still with the same limitation. The impubes could do no act to his prejudice without the auctoritas of a tutor. It was, however, necessary to fix a limit here also, and, accordingly, it was determined that such limited capacity to do legal acts should commence with the termination of infantia, which, legally defined, is that period after which a person, either alone or with a tutor, is capable of doing legal acts. In properly meaning qui fari non potest; and he of whom could be predicated fari potest, was not infant, and was capable of doing certain legal acts. The phrase qui fari potest is itself ambiguous; but the Romans, in a legal sense, did not limit it to the mere capacity of uttering words, which a child of two or three years generally possesses, but they understood by it the degree of intellectual development; and, accordingly, the expression qui fari potest expressed not only that degree of intellectual development which is shown by the use of intelligible speech, but also a capacity for legal acts in which speech was required. Thus the period of infantia was extended beyond that which the strict etymological meaning of the word signifies, and its termination was fixed by a positive rule at the end of the seventh year, as appears by numerous passages.  

The expressions proximus pubertati, and proximus infantiae or infanti, are used by the Roman jurists to signify respectively one who is near attaining puberty, and one who has just passed the limit of infantia. (Vid. Impubes.)

INFÆRÆ. (Vid. Fœrus, p. 462.)

INFÆLUA, a flock of white and red wool, which was slightly twisted, drawn into the form of a wreath or fillet, and used by the Romans for ornament on festive and solemn occasions. In sacrificing it was tied with a white band (vid. Vírta) to the head of the victim, and also of the priest, more especially in the worship of Apollo and Diana. The "corta infælum" and "visor" worn by the Roman envoys (sacramentum), which seems analogous to that of the lock of wool worn by the flamines and salti. (Vid. Arx.) At Roman marriages, the bride, who carried wool upon a distaff in the procession (vid. Festus, p. 465), fixed it as an infæla upon the door-case of her future husband on entering the house.

INGENIÆ, INGENITAS. According to Gaius, ingenii are those free men who are born free. Children (liberinos) were not ingenii, though the sons of libertinæ were ingenii; nor could a libertinæ by adoption become ingenii. If a female slave (anquila) was pregnant, and was manumitted before she gave birth to a child, such child was born free, and therefore was ingenii. In other cases, also, the law favoured the claim of free birth, and, consequently, of ingenitæ. If a man's ingenii was a matter in dispute, there was a judicium ingenitús. 

The words ingenii and libertinæ are often op posed to one another; and the title of freeman (liber), which would comprehend libertinæ, is sometimes limited by the addition of ingenii (liber et ingenii). According to Cincius, in his work on Comitia, quoted by Festus, those who, in his time, were ingenii and libertinæ were called ingenii libertini, which is interpreted by Gotellius to mean that gen tiles were originally called ingenii also: a manifest misunderstanding of the passage. If this passage has any certain meaning, it is this: originally the name ingenii did not exist, but the word patricius was sufficient to express a Roman citizen by birth. This remark, then, refers to a time when there were no Roman citizens except patricii, and the definition of ingenii, if it had then been in use, would have been a sufficient definition of a patrician. But the word ingenii was introduced, in the sense here stated, at a later time, and when it was wanted for the purpose of indicating a citizen by birth, merely as such. Thus, in the speech of Apulius Claudius Crassus, he contrasts with persons of pat rician or plebeian birth, and libertinæ ingenii or ingenii ortus. Further, the definition of gentilis by Scævola (vid. Gnas, p. 468) shows that a man might be ingenii and yet not gentilis, for he might be the son of a freedman; and this is consistent with Livy. If Cincius meant his proposition to be as comprehensive as the terms will allow us to take it, the proposition is this: All (now) ingenii comprehend all (then) libertini; which is untrue.

Under the Empire, ingenitæ, or the juræ ingenitatis, might be acquired by the imperial favour; that is, a person not ingenii by birth was made so by the sovereign power. A freedman who had obtained the jus annulorum aucterus was considered ingenii; but this did not interfere with the parental rights. By the natalius restitutio, the princeps gave to a fatherless the character of ingenii; a form of proceeding which involved the theory of the original freedom of all mankind, for the libertinæ was restored, not to the state in which he had been born, but to his supposed original state of freedom. In this case the patron lost his patrocinium.
INJURIA.

natural rights by a necessary consequence, if the fiction were to have its full effect. It seems that questions as to a man's ingenuitas were common at Rome, which is not surprising when we consider that patrimonial rights were involved in them.1

INSIGNIS. An ornamental plant, the same with the bow-window or dape lustry, which see.2

INJURIA. Injury was done by striking or beating a man either with the hand or with anything; by abusive words (contraiectum); by the proscripitio honorum, when the claimant knew that the alleged debtor was not really indebted to him, for the hono-

rnum proscripitio was accompanied with infamia to the debtor.3

There were three kinds of injuries; by so liciting a masterfamilias or a pretexactus (vid. Insru-

sae), and by various other acts. A man might sustain injury either in his own person, or in the person of those who were in his power or in manu. No injury could be done to a slave, but certain acts done to a slave were an injury to his master, when the acts were such as appeared from their nature to be insulting to the master; as, for instance, if a man should fling another man's slave, the master had a remedy against the wrong-doer, which was given him by the pretor's formula. But in many other cases of a slave being maltreated, there was no regular formula by which the master could have a remedy, and it was not easy to obtain one from the law for it.

The Twelve Tables had various provisions on the subject of injury. Libellous songs or verses were followed by capital punishment, that is, death, as it appears.4 In the case of a limb being mutilated, the punishment was talio.5 In the case of a broken bone, the penalty was 300 asses if the injury was done to a free man, and 130 if it was done to a slave. In other cases the Tables fixed the penalty at 25 asses.6

These penalties, which were considered sufficient at the time when they were fixed, were afterward considered to be insufficient; and the injured person was allowed by the pretor to claim such damages as he thought that he was entitled to, and the judex might give the full amount or less. But in the case of a very serious injury (atrox injuria), when the pretor required security for the defendant's appearance to be given in a particular sum, it was usual to claim such sum as the damages in the plaintiff's declaration; and though the judex was not bound to follow the damages which the plaintiff had allowed to himself, he were seldom gave less. An injury had the character of atrox, either from the act itself, or from the place where it was done, as, for instance, a theatre or forum, or from the status of the person injured, as if he were a magistratus, or if he were a senator and the wrong-doer were a person of low condition.

A lex Cornelia specially provided for cases of palesatio, verberatio, and formal entry into a man's house (domus). The jurors who commented on this lex defined the legal meaning of palesatio, verberatio, and domus.7

The actions for injury were gradually much extended, and the pretor would, according to the cir-

cumstances of the case (causa cognita), give a pres-

son INJURIA/'RUM ACTIO.7

INo's, (1620), festivals celebrated in several parts of Greece, in honour of the ancient heroine Io. At Megara she was honored with an annual sacrifice, because the Megarians believed that her body had been cast by the waves upon their coast, and that it had been found and buried there by the followers of Apollo. Next year Io was celebrated at Epidaurus Limera, in Lacedaemon. In the neighbourhood of this town there was a small but very deep lake, called the water of Io, and at the festival of the heroine the people threw barley-cakes into the water. When the cakes sank, it was considered a propitious sign, but when they swam on the surface it was an evil sign. An annual festival, with contests and sacrifices, was instituted in honor of Io, and was also held on the Corinthian Isthmus, and was said to have been instituted by King Sisyphus.

INO'FICIO'SUM TESTAMENTUM. (vid Testamentum.)

INQUI'TUS. (vid. Banishment, Roman, p. 137.)

INSA'NIA, INSA'NUS. (vid. Curator.)

*INSECTA. (vid. Entomk.)

INSIGNI (γεμελιον, βιταντιον, παρογνω-

rov), a Badge, an Ensign, a mark of distinction. Thus the Bulla worn by a Roman boy was one of the insignia of his rank.8 Five classes of insignia more peculiar to the Roman were:

I. Those belonging to officers of state or civil functionaries of all description, such as the EAGLES: carried before the Consul at Rome, the latrinccho and shoes worn by senators (vid. Calders, p. 100; Clavus, p. 264), the cornucopia and the sword bestowed by the emperor upon the prefect of the praetorium. The Roman EAGLES were distinguished by the 'equus publicus,' the golden ring, or the augustus clavus, and the seat provided for them in the theatre and the circus.9 The insignia of the kings of Rome, viz., the trabea, the toga praetexta, the crown of gold, the ivory sceptre, the scilla curu-

lus, and the twelve lictors with fasces, all of which, with the Roman EAGLES, were transferred to subsequent denominations of magistrates, and were copied from the usages of the Tuscan and other nations of early antiquity.10

II. Badges worn by soldiers. The centurions in the Roman army were known by the crests of their helmets (vid. Gaules), and the common men by their shields, each cohort having them painted in a man-

ner peculiar to its designation. Among the Greeks, the devices sculptured or painted upon shields (see woodcut, p. 84), both for the sake of ornament and as badges of distinction, employed the fancy of poets and of artists of every description from the earliest times. Thus the seven heroes who fought against Thebes, all except Amphiaraus, had painted among their more conspicuous and most mar-

tially described, however, by different authors.12 ALCIBIADES, agreeably to his general character, wore a shield richly decorated with ivory and gold, and

1. (Gins, tit. 220-225.—Her., Sat., 1., 80.—Dig., 47, tit. 10.—Cod. Theod., ix. 34.—Cod. ex. 36.—Paulus, Sent. Recept., v., 4.—Paul., 45, § 3.—Bals., 35, § 4.)


3. (Gins, tit. 220-225.—Her., Sat., 1., 80.—Dig., 47, tit. 10.—Cod. Theod., ix. 34.—Cod. ex. 36.—Paulus, Sent. Recept., v., 4.—Paul., 45, § 3.—Bals., 35, § 4.)
exhibiting a representation of Cupid brandishing a thunderbolt. The first use of these emblems on shields is attributed to Scopas and Carius, and the fictitious employment of them to deceive and mislead an enemy was among the stratagems of war.

III. Family badges. Among the indignities practised by the Emperor Caligula, it is related that he abolished the ancient insignia of the noblest families, viz., the torques, the Cincinnati, and the cognomen "Magnus." 9

IV. Signs placed on the front of buildings. A figure of Mercury was the common sign of a Gymnasium, but Cicero had a statue of Minerva to fulfil the same purpose. 10 Cities had their emblems as well as separate edifices; and the officer of a city sometimes affixed the emblem to public documents, as we do the seal of a municipal corporation.

V. The figure-heads of ships. The insignia of a ship was an image placed on the prow, and giving its name to the vessel. Thus the ship figured in p. 58 would probably be called the "Triton." (Compare woodcut, p. 480.) Paul sailed from Melite to Puteoli in the Dioscuri, a vessel which traded between that city and Alexandria. 11 Enschöde has drawn out a list of one hundred names of ships which occur either in classical authors or in ancient inscriptions. 12 The names were those of gods and heroes; another class which the name of Minerva, on the helmet of Minerva, painted on the prow of the ship which conveyed Ovid to Pontus (a picta casside nomen habebat); of virtues and affections, as Hope, Concord, Victory; of countries, cities, and rivers, as the Po, the Mincius, 13 the Delia, the Syraucse, the Alexander; 14 and of men, women, and animals, as the boar's head, which distinguished the vessels of Samos. 14 (Woodcut, p. 429.) A popular version of this image was "Bovis cervis," the tiger, 15 the bull (περιγυμναμα ταυρος). 16 Plutarch mentions a Lycian vessel with the sign of the lion on its prow, and that of the serpent on its poop. 17 After an engagement at sea, the insignia of a conquered vessel, as well as its aplature, was often taken from it, and suspended in some temple as an offering to the god. 18 Figure-heads were probably used from the first origin of navigation. On the war-galleys of the Phœnicians, who called on them, as Herodotus says, 19 πασακοι, i. e., "carved images," they had sometimes a very grotesque appearance.

Besides the badge which distinguished each individual ship, and which was either an engraved and painted wooden image, forming part of the prow, or a figure often accompanied by a name and painted on both the bows of the vessel, other insignia, which could be elevated or lowered at pleasure, were requisite in naval engagements. These were probably flags or standards, fixed to the aplature or to the top of the mast, and serving to mark all those vessels which belonged to the same fleet or to the same nation. Such were "the Attic" and "the Persic insignia." 20

PNEITA (πνεύτωρος), a Flounce, a Fillet. The Roman matrons sometimes were a broad fillet, with ample folds, sewed to the bottom of the tunic, and reaching to the instep. The use of it indicated a superior regard to decency and decorum of man.


nors. 1 It must have resembled a modern flounce. By the addition of gold and jewelry, it took the form of the more splendid and expensive Cyclas.

When this term denoted a fillet, which was used by itself, as in the decoration of a Thyrsus, it was equivalent to Vita or Fantasia. (Vid. Torex.)

INSTITUT. (Vid. Institutor Actio.) INSTITUTIO ACTIO. This actio or formula was allowed against a man who had appointed either his heir or a person to whom he or his wife's, or his free men, or any other business for him. The contracts with such a manager, in respect of the taberna or other business, were considered to be contracts with the principal. The formula was called institoria, because he who was appointed to manage a taberna was called an institor. And the institor, it is said, was so called, "quod negato gerendo mactat insti- tori." If several persons appointed an institor, any one of them might be sued for the whole amount for which the persons were liable on the contract of their institor; and if one paid the demand, he had his redress over against the others by a societas judiciwm or common dividend. A great deal of business was done through the medium of institores, and the Romans thus carried on various lucrative occupations in the name of the man by whom they could not or would not have carried on personally. Institores are called with naute by Horace, and with the magistrate navis.

INSTITU'IT'IO. It was the object of Justinian to comprise in his Code of Digest or Pandects a complete body of law. But these works were not adapted to the purpose of elementary instruction, and the writings in the ancient jurisprudence of Rome were no longer known to have any authority, except so far as they had been incorporated in the Digest. It was, therefore, necessary to prepare an elementary treatise, for which purpose Justinian appointed a commission, consisting of Tribonianus, Theophilus, and Dorotheus. The commission was instructed to compose an institutional work which should contain the elements of the law (legum canisbula), and should not be encumbered with useless matter. Accordingly, they produced a treatise under the title of Institutiones, or Elementa, which was based on former elementary works of the same name and of a similar character, but chiefly on the Commentaries of Calus or Gaius, his Res Quodvutam, and various other commentaries. The Institutiones were published with the imperial sanction, at the close of the 5th century, and immediately after the Digest.

The Institutiones consist of four books, which are divided into titles. The first book treats chiefly of matters relating to personal status; the second treats chiefly of property and its incidents, and of testaments, legacies, and fideicommissa; the third treats chiefly of succeusions to the property of intestates, and matter incidental thereto, and on oblitration. The fourth book describes the chief obligations founded on delict, actions and their incidents, interdicts, and of the judicium public. The judicium publica is not treated of by Gaius in his Commentaries. Heineccius, in his Antiquissimum Romanarum Jurisprudentiam illustrantun, Syntagma, has followed the order of the Institutiones.

Theophilus, generally considered to be the author of the Institutiones, composed several other works. Two of these, written in Greek, were a Greek paraphrase upon them, which is still extant, and is occasionally useful. The best edition of the paraphrase of Theophilus is that of W. O. Reitz, Haag, 1751, 2 vols. 4to. There are
numerous editions of the Latin text of the Institutiones. The edition of Scherer is that of Mainz, 1499, fol., that of Kloze and Becher, Berlin, 1829, 4to, contains both the Institutiones and the Commentarii of Gaius; the most recent edition is that of Schrader, Berlin, 1832 and 1836.

There were various institutional works written by the Roman jurists. There is still fragment remains of the Institutiones of Ulpian, which appear to have consisted of two books; one of which was published by Gaeckel in 1817, and the Institutiones of Gaius were formerly only known from a few extracts in the Digest, from the Epitome contained in the Breviarium, from the Collatio, and a few quotations in the Commentary of Boethius on the Topics of Cicero, and in Friscian.

The MS. of Gaius was discovered in the library of the Chapter of Verona, by Niebuhr, in 1818. It was first copied, by Geschein, and published Holweg, and an edition was published by Geschein in 1820. The deciphering of the MS. was a work of great labour, as it is a palimpsest, the writing on which has been washed out, and in some places erased with a knife, in order to adapt the parchment for the purposes of the transcriber. The parchmen was transferred, and the parts of it not used were scribed upon it some works of Jerome, chiefly his epistles. The old writing was so obscure that it could only be seen by applying to it an infusion of gallnuts. A fresh examination of the MS. was made by Blume, but with little additional profit, owing to the condition of the manuscript. A second edition of Gaius was published by Geschein in 1839, with valuable notes, and an Index Siguram added in the MS. The preface to the first edition contains the complete demonstration that the MS. of Verona is the genuine Commentaries of Gaius, though the MS. itself has no title.

The arrangement of the matter in the Institutiones of Justinian, which were founded on them. The first book treats of the status of persons; the second treats of the sucessions of ab intestato, and obligations founded on contract and delict; the fourth treat of the delict, and matters connected therewith.

There has been a great difference of opinion as to the age of Gaius, but it appears from the Institutiones that he wrote that work under Antoninus Pius and M. Aurelius.

Many passages in the Fragments of Ulpian are the same as passages in Gaius, which may be explained by assuming that both the fragments are from such parts from the same original. Though the Institutiones of Justinian were mainly based on those of Gaius, it is clear that the compilers of the Institutiones of Justinian often followed some other work; and, in some instances, the Institutiones of Justinian are more clear and explicit than those of Gaius, as, for example, the account of Gaius and the Institutiones of Justinian.\* Gaius belonged to the school of the Sabini. (Vid. Jurisconsulti.) The jurists whom he cites in the Institutiones are Cassius, Fufidius, Iulianus, Laboe, Maximus, Q. Marcius, Offius, Poculus, Sabinus, Servius, Servius Sulpicius, Sex. Tubero, and others.

INSTITUTIO ACTIO. (Vid. Intercessio.) INPSULA. (Vid. House, Roman, p. 519.) INTE'NTIO. (Vid. Actio, p. 20.) INTEGRUM RESTITUTIO, IN. (Vid. Restitu'tio.) INTERCESSIO. The verb intercedere is variously applied to express the act of him who in any way undertakes an obligation for another. Sponsors, fidepromissores, and fidejussores, may be said to intercede. When a fidejussor is promised, two persons were fidejussores were conspensors.\* Sponsors and fidepromissores were nearly in the same condition; fidejussores were in a somewhat different legal relation.

Sponsors and fidepromissores could only become parties to an obligation volbourn, though in some cases they might be bound, when their principal (not a promissor) fidejussor was in the case of a fidejussor, it was, idem fidejussor. In the case of a fidejussor, the interro- gation was, Idem dare spondeis? In the case of a fidepromissor, it was, Idem fidepromissus? Sponsors and fidepromissores have been mortis causa of the principal, and could not remain in the title of a fidejussor, who promised without the ntercessor of his tutor, or of a man who promised something after his death.

A fidejussor might become a party to an obligation, whether contracted re, versibilia, consensa. In the case of a sponsor, the interrogatio was, Idem dare spondeis? In the case of a fidepromissor, it was, Idem dare spondeis? Sponsors and fidepromissores were conspensors.\* The object of having a sponsor, fidepromissor, or fidejussor, was greater security to the stipulator. On the other hand, the stipulator had an adstitulator only when the promise was to pay something after the stipulator's death; for there was no stipulator, the stipulatio was inutile or void.\* The sponsor or fidepromissor was the proper party to sue after the stipulator's death, and he could be compelled by a mandati judicium to pay to the hores whatever he recovered.

The hores of a sponsor and fidepromissor was not bound, unless the fidepromissor were a peregrinus, whose state had a different law on the matter; but the hores of the fidejussor was bound. If, for example, the Fufia, a sponsor and fidepromissor were free from all liability after two years, which appears to mean two years after the obligation had become a present demand. All of them who were alive at the time when the money became due could be sued, but each only for his share. Fidejussores were not mere persons who were released from all length of time, since each was liable for the whole sum; but by a re- script (epistola) of Hadrian, the creditor was required to sue the solvent fidejussores separately, each according to his proportion.

A lex Apuleia, which was passed before the lex Fufia, gave one of several sponsors or fidepromissores the power of bringing an action against the rest for contribution. Before the passing of this lex Apuleia, any one sponsor or fidepromissor might be sued for the whole amount; but this lex was obviously rendered useless by the subsequent lex Fufia, at least in Italy, to which country alone the lex Fufia applied, while the lex Apuleia extended to places out of Italy.

A fidejussor, who had been compelled to pay the whole amount, had no redress if his principal was insolvent; though, as already observed, he could, by the rescript of Hadrian, compel the creditor to limit his demand against him to his share.

A creditor was obliged formally to declare his ac- ceptance of the sponsors or fidepromissores who were bound to him in the obligation, and the object as to which they were security: if he did not comply with this legal requisition, the sponsors and fidepromissores might, within thirty days (it is not said what thirty days, but probably thirty days from the time of the sureties being offered), demand a praemunium (praemunium postulare), and if they proved that the creditor had not complied with the requisitions of the law, they were released.

A lex Cornelia limited the amount for which any person could be a security for the same person to the same person within the same year, but with some exceptions, one of which was a security "do- tis nomine." No person could be bound in a greater amount than his principal, but he might be bound

1. (Cic. ed Att., xii., 17, 5. (Gaie, iii., 106, 117.)
INTERDICTION.

In less, and every surety could recover on a mandatum judicium from his principal whatever he had been compelled to pay on his account. By a lex Publilia, special relief was given in duplium, which was called an actio aequi.

There is a passage in the Epitome of Gaius in the Breviarium, which is not taken from Gaius; it is to this effect: The creditor may sue either the debtor or his fidejussor; but after he has chosen to sue one of them, he cannot sue the other. — Cicero appears to allude to the same doctrine in a passage which is somewhat obscure, and is variously explained. Thus: "The actio aequi is to occur frequently in Cicero's letters, and in one case he was called upon in respect of a sponsio alleged to have been given him twenty-five years before. — Cicero does not raise any difficulty as to the time that had elapsed, from which it must be inferred either that the obligation had only recently become a demand, or that the rule about the two years did not exist in his time. Cicero uses the expression "appellare" to express calling on a surety to pay.

Women generally were incapacitated from doing many acts on account of the weakness of the sex. It was a general rule that any person might "intercedere," who was competent to contract and to dispose of his property; but minors, or women had only a limited capacity in respect of the actio, and therefore the same distinction was made. In the early part of the reign of Augustus and in that of Claudius, it was declared by the edict that women should not "intercedere" for their husbands. Subsequently, in the consilium of M. Silanus and Velleius Tutor (A.D. 10), the senatus consultum Velleianum was passed, which absolutely prohibited all intercessio by women; and the Novella, 134, c. 8, which is generally called the law of all intercessio, is a law of a husband for his wife. A woman who was sued in respect of her intercessio or her heres, might plead the senatus consultum, and she might recover anything that she had paid in respect of her intercessio. The senatus consultum, though it made null the intercessio of a woman, protected the creditor so far as to restore to him a former right of action against his debtor and fidejussor: this action was called restitutoria or rescissoria. In the case of a new contract, to which the woman was a party, the intercessio was null by the senatus consultum, and the creditor had the same action against the person for whom the woman "intercessit" as he would have had against the woman: this action, inasmuch as the contract had no reference to a former right, but to a right arising out of the contract, was institutio. In certain cases, a woman was permitted to renounce the benefit of the senatus consultum.

INTERCESSIO was the interference of a magistratus to whom an appeal (vid. APPELLATIO) was made. The object of the intercessio was to put a stop to proceedings, on the ground of informality or other grounds, and to set aside the right of the preter intercedere who was of equal rank with, or of the same rank superior to the magistratus from or against whom the appellatio was called. Cases occur in which one of the preterors interposed (intercessit) against the proceedings of his colleague. The intercessio is most frequently spoken of with reference to the tribunes, who originally had not jurisdiction, but used the intercessio for the purpose of preventing wrong which was offered to a person in their presence. The intercessio of the tribunes of the plebs was auxiliary.

and it might be exercised either in juro or in judicio. The tribune qui intercessit could prevent a judicial sentence. That there could be an intercessio after the litis contestatio appears from Cicero. The tribunes could also use the intercessio to prevent execution of a judicial sentence. T. Graecus interfered (intercessit) against the praetor Terentius, who was going to order execution in the case of L. Scipio, who was condemned for peculation; and he prevented Scipio being sent to prison, but he was not interfered with by the praetor, who had on his property. A single tribe could effect this, and against the opinion of his colleagues, which was the matter in the case of L. Scipio. (Vid. TRIBUNI.

INTERCISI DIES. (Vid. DIES, p. 363.)

INTERDICTIO AQUI ET IGNIS. (Vid. VANISHMENT, ROMAN.)

INTERDICTUM. In certain cases (cætus et cabala), the praetor or proconsul, in the first instance (principaliiter), exercises his authority for the termination of disputes. This he chiefly does when the dispute is about possession or quasi-possession; and the exercise of his authority consists in ordering something to be done, or forbidding something to be done. The formulae and the terms, which he uses on such occasions, are called, either interdicta or decreta. They are called interdicta when he orders something to be done, as when he orders something to be produced (exhiberi) or to be restored; they are called interdicta when he forbids something to be done, as when he orders that force shall not be used against a person who is in possession rightfully (sine vitio), or that nothing shall be done on a piece of sacred ground. Accordingly, all interdicta are either restitutoria, or exhibitoria, or prohibitoria.

This passage contains the essential distinction between an actio and an interdictum, so far as the praetor or proconsul is concerned. In the case of an actio, the praetor pronounces no order or decree, but he gives a judex, whose business it is to investigate the matter in dispute, and to pronounce a sentence consistently with the formula, which is his authority for acting. In the case of an actio, therefore, the praetor neither orders nor forbids anything to be done, but he says judicium dabo. In the case of an interdictum, the praetor makes an order that something shall be done or shall not be done, and his words are accordingly words of command: restitue, exhibe, vir mi et. This immediate interposition of the praetor is appropriately expressed by the word principaliiter, the full effect of which is more easily seen by its juxtaposition with other words of the passage, than by any attempt to find an equivalent English expression.

Savigny observes that it may be objected to this exposition, that in one of the most important interdicts, that of De VI, the formula is judicium dabo. But, as he observes, the old genuine formula was restitue, and the "judicium dabo" must have been added, when the "interdicta" were blended together, and at a time when the distinctions between the old formula had become a matter of indifference.

The mode of proceeding as to the interdict was as follows: The party aggrieved stated his case to the praetor, which was the foundation of his demand of an interdict, and was therefore analogous to the postulation actions. If the praetor saw sufficient reason to grant the interdict, which was often nothing more than the words of the edict addressed to the litigant parties; and in doing so, he...
The complainant either obtained the interdict or he did not, which would depend upon the case he made out before the praetor. If he failed, of course the litigation was at an end; and if he obtained the interdict it would continue in force, though the praetor's order did not dispose of the matter in this case also was at an end. The defendant simply did not obey the terms of the interdict, it would be necessary for the complainant again to apply to the praetor, in order that this fact might be ascertained, and that the plaintiff might give full satisfaction. If the defendant was dissatisfied with the order, he might also apply to the praetor for an investigation into the facts of the case: his allegation might be that there was no ground for the interdict. He might also apply to the praetor on the ground that he had satisfied the terms of the interdict, though the plaintiff was not satisfied, or on the ground that he was unable to do more than he did. The latter cases and the cases where the praetor's order did not terminate the dispute, he directed an inquiry by certain formulae, which were the instruction of the judex, recuperatores, or arbiter. The inquiry would be, Whether anything had been done contrary to the praetor's edict; or Whether that had been done which he had ordered to be done; or whether the defendant had satisfied the terms of a prohibitory interdict, and the latter in the case of an exhibitory or restitutory interdict. With regard to the expression just used, namely, "the praetor's edict," it must be observed that "edict" is the word used by Gaius, but that he means "interdict." He uses "edict" because the "interdict" would only be granted to a person as a weapon or a knight to the "edict" (certis ex causis), and thus an interdict was only an application of the "edict" to a particular case.

In the case of interdicta prohibitoria there was always a sponso; that is, the parties were required to deposit or give security for a sum of money, the loss of which was in the nature of a penalty (penalis). The praetor would order a bond to be given, thus: this sponso was probably required by the praetor. In the case of interdicta restitutoria and prohibitoria, the proceeding was sometimes per sponsoinem, and therefore before a judex or recuperatores, and sometimes, without any sponso, per formulam arbitriam, that is, before an arbiter. In the case of these two latter interdicts, it seems to have depended on the party who claimed the inquiry whether there should be a sponso or not: if such party made a sponso, that is, proffered to pay a sum of money if he did not make out his case, the opposite party was required to make one also. In the case of Cæcina a sponso had been made: Cicero says, addressing the recuperatores, "eponia facta est, sponso labore, de eponio vobis judicandum est." In fact, when the mater came before a judex or arbiter, the form of proceeding was similar to the ordinary judicium.

The chief division of interdicts has been stated. Another division of interdicts was into those for the purpose of acquiring possession, retaining possession, or recovering possession.

The interdictum adiacendae possessionis was given to him to whom the bonorum possession was granted to another, to give it up to such person, whether the person in possession of such property possessed it pro herede or pro possessor. The bonorum possession is a particular interdictum, which was not entitled to the interdictum, which was sometimes called possessionarium. It was also granted to him who bought goods at public auction, and in such case was called sectorium, the name "sectores" being applied to persons who bought property in such manner.

The interdictum salvianum was granted to the owner of land, and enabled him to take possession of the goods of the coloni, who had agreed that his goods should be a security for his rent.

This interdict was not strictly a possessorial interdict, as Savigny has shown. It did not, like the two other interdicts, presuppose a lawful possession, that is, a jus possessionis acquired by the fact of a rightful possession: the complainant neither alleged an actual possession nor a former possession.

The interdictum retinendae possessionis could only be granted to a person who had a rightful possession, and he was entitled to it in respect of injury sustained by being disturbed in his possession, in respect of anticipated disturbance in his possession, or (and), and a person to whom the property was given which the matter of possession was first to be inquired into. Its effect in the last case would be, as Gaius states, to determine which of two litigant parties should possess, and which should be the claimant. There were two interdicts of this class, named respectively uti possidetis and utrius, from the former inquiry would be made in the case of a prohibitory interdict, and the latter in the case of an exhibitory or restitutary interdict. With regard to the expression just used, namely, "the praetor's edict," it must be observed that "edict" is the word used by Gaius, but that he means "interdict." He uses "edict" because the "interdict" would only be granted to a person as a weapon or a knight to the "edict" (certis ex causis), and thus an interdict was only an application of the "edict" to a particular case.

1. (Cicero, Pro Cæcina, 83.)
2. (Cicero, Pro Cæcina, 54.)
3. (Cicero, Pro Cæcina, 30-31, 40, 59, 64.)
4. (Cicero, Pro Cæcina, 164.)
5. (Cicero, Pro Cæcina, 146-147, 149-150.)
6. (Cicero, Pro Cæcina, 146-147, 149-150.)
7. (Cicero, Pro Cæcina, 146-147, 149-150.)
8. (Cicero, Pro Cæcina, 146-147, 149-150.)
9. (Cicero, Pro Cæcina, 146-147, 149-150.)
10. (Cicero, Pro Cæcina, 146-147, 149-150.)
11. (Cicero, Pro Cæcina, 146-147, 149-150.)
12. (Cicero, Pro Cæcina, 146-147, 149-150.)
13. (Cicero, Pro Cæcina, 146-147, 149-150.)
14. (Cicero, Pro Cæcina, 146-147, 149-150.)
15. (Cicero, Pro Cæcina, 146-147, 149-150.)
16. (Cicero, Pro Cæcina, 146-147, 149-150.)
and had been ejected by ' the defendant or his agents (familiia or procurationes). If the matter came before a judge, the defendant might allege that he had complied with the interdict, "restituisse," though he had not done so in fact; but this was the form of the spoliation, and the defendant, would succeed before the judge if he could show that he was not bound to restore the plaintiff's possession. But the plaintiff might put in an answer (exceptio) to the plaintiff's claim for restitution; he might show that the plaintiff's possession commenced either vi, clam, or precario with respect to the defendant; but this exceptio was not allowed in the case of vis armata. The defendant might also plead that a year had elapsed since the violence complained of, and this was generally a good plea for the interdict contained the words "in loco armato." But if the defendant was still in possession after the year, he could not make this plea, nor could he avail himself of it in a case of vis armata.

A clandestina possession is a possession in which the possessor takes a thing (which must, of course, be a movable thing) secretly (furtivus), and without the knowledge of the person whose adverse claim to the thing was entitled to be made. If after a year and a day it was a disturbance of a rightful possession, gave the rightful possessor a title to have the interdict de clandestina possessione for the recovery of his possession. All traces of this interdict are nearly lost; but its existence seems probable, and it must have had some resemblance to the interdictum de liberi. The exceptio clandestina possession was quite a different thing, inasmuch as a clandestina possession did not necessarily suppose the lawful possession of another party.

The interdictum de precaria possessione or de precario applied to a case of precarium. It is precarium when a man permits another to exercise ownership over his property, but retains the right of demanding the property back when he pleases. It is called precarium because the person who received such permission usually obtained it by request (prece), though request was not necessary to constitute precarium, for it might arise by tacit permission. The person who received the detention of the thing, obtained at the same time a legal possession, unless provision to the contrary was made by agreement. In either case the permission could not extend in time beyond the life of the person from which it originated, just as he was, as soon as restitution was refused. Restitution could be claimed by the interdictum de precario, precisely as in the case of vis; and the sole foundation of the right to this interdict was a vitiosa possesso, as just explained. The precarium was never viewed as a matter of contract. The interdictum de precario originated only, but it was subsequently extended to movable things. The obligation imposed by the edict was to restore the thing, but not its value, in case it was lost, unless dolus or lata culpa could be proved against the defendant. (Vid. Colpa.) But from the time that the demand is made against the defendant, he is in mora, and, as in the case of the other interdicts, he is given originally the thing, but it was subsequently extended to movable things. The obligation imposed by the edict was to restore the thing, but not its value, in case it was lost, unless dolus or lata culpa could be proved against the defendant. (Vid. Colpa.)

The origin of the precario is referred by Savigny to the relation subsisted between a patronus and his clients, to whom the patronus gave the use of a portion of the aeger publicus. If the client refused to restore the land upon demand the patronus was entitled to the interdictum de precario. As the relation between the patronus and the client was analogous to that between a parent and his child, it followed that there was no contract between, and the patronus's right to demand the land back was a necessary consequence of the relation between him and his clients. The process did not fall into disuse when the old aeger publicus ceased to exist, and in this respect it followed the doctrine of possessio generally. (Vid. Auraria Leges.) It was, in fact, extended and applied to other things, and, among them, to the case of pledge. (Vid. Plead.)

Gaines makes a third division of interdicta into simplicia and duplicia. Simplicia are those in which one person is the plaintif, (potior), and the other is the defendant (remus); all restitutoria and exhibition interdicta are of this kind. Prohibitoria interdicta are either simplicia or duplica: they are simplicia in such cases as those, when the prior forbids anything to be done in a locus sacer, in a flumen publicum, or on a ripa. They are duplica in the case of the interdictum ut possidetis. And as the latter, so called, says Gaines, because each of the litigant parties may be indifferently considered as actor or res, as appears from the terms of the interdict.

Interdicta seem to have been also called duplilia in respect of their being applicable both to the acquisition of a possession which had not been had before, and also to the recovery of a possession. An interdict of this class was granted in the case of a vindicatio, or action as to a piece of land against a possessor who did not defend his possession as, for instance, when he did not submit to a judicature, and give the proper sponsones or satisfactiones. A similar interdict was granted in the case of a vindicatio of an hereditas and a subsustracta. Proper security was always required from the person in possession, in the case of an in rem action, in order to secure the plaintiff against any loss or injury that the property might sustain while it was in the possession of the defendant. If the defendant refused to give such security, he lost the possession, which was transferred to the plaintiff (potitor).


INTEREST OF MONEY. Under this head it is proposed to give an account of the conditions upon which money was lent among the Greeks and Romans.

I. GREEK INTEREST. At Athens, Solon, among other reforms, abolished the law by which a creditor or was empowered to sell or enslave a debtor, and prohibited the lending of money upon a person's own body (ο μοιχόν άγονον σποδόνως δαιμονίωσιν). No other restriction, we are told, was introduced by him, and the rate of interest was left to the discretion of the lender (ον υποκάτων διέλειμον είναι σέλερον και δαιμονίωσιν). The only case in which the rate was prescribed by law was in the case of a man who made a loan of money or for not refunding the dowry he had received with her. Her trustees or guardians (οι κατάγωροι) could ensure this case proceed against him for the principal, with lawful interest at the rate of 18 per cent. (Vid. Ges., Drex.)

Any rate might be expressed or represented in

1. (Pestus, s. v. Patres.)—2. (iv., 156.)—3. (Gains, iv., 160.)
INTEREST OF MONEY.

One of the most important questions connected with the subject of usury is the determination of the rate of interest which can be lawfully exacted. The ancient writers on this subject have given various opinions on the subject, and the laws of different nations have been founded on their theories. The following extracts are from the works of some of the most eminent authorities on the subject.

(1.) By the number of oboli or drachms paid by the month for every mina: (2.) By the nature of the principal (τὸ ἐργαῖον or κεφαλῶν) paid as interest, either annually or for the whole period of the loan. According to the former method, which was generally used when money was lent upon real security (τάξιος ἐγγύς or ἐγγύς), different rates were expressed as follows: 10 per cent. by the former; i.e. 5 oboli per month for every mina, or 80 oboli a year = 10 drachms = 1, of a mina. Similarly, 15 per cent. by the first month, 16 per cent. by the second month, and so on. (2.) Another method was generally adopted in cases of bottomry, when money was lent upon the ship's cargo or freight (ἐπὶ τὸ ναῦλον), or the ship itself, for a specified time, commonly that of the voyage. By this method the following rates were thus expressed: 10 per cent. by the first month, 12½ per cent. by the second month, 13½ per cent. by the third month, &c., 10 per cent. for the first year, 12 per cent. for the second year, &c., probably.

These nearly corresponding expressions are not to be considered as identical, however closely the rates indicated by them may approach each other in value; although, in the age of Justinian, as Salmasius observes, the tóκων εὑρόδους, &c., expressed, or the εὑρόδους, by the first part of the year, and εὑρόδος, by the second part of the year, respectively. So that, as Böckh remarks, the tóκων εὑρόδους is equal to the ἐπὶ πέντε δραχμῶν.

The tóκων εὑρόδους, nearly, &c., εὑρόδους, &c., εὑρόδος, &c., are expressed, or the εὑρόδος, by the first part of the year, and εὑρόδος, by the second part of the year, respectively.

The rates above explained frequently occur in the orators: the lowest in ordinary use at Athens when the tóκων εὑρόδους, or 10 per cent., the highest the tóκων εὑρόδος, or 33½ per cent. The latter, however, was chiefly confined to cases of bottomry, when money was lent against the cargo or freight of a ship, and the time of a ship's voyage was generally less than a year. Its near equivalent, the ἐπὶ τριάδος δραχμάς, or 36 per cent., was sometimes exacted by bankers at Athens. The ἐπὶ δραχμᾶς, or rate of 12 per cent., was common in the time of Demosthenes, but appears to have been thought low. The interest of 6½ per cent., or the ἐπὶ τριάδος δραχμάς, occurs in that orator, and even in the age of Lysias (B.C. 440) and Isaeus (B.C. 400), nine oboli for the mina, or 18 per cent., appears to have been a common rate.

Chains also speaks of money being borrowed on the same terms; so that, on the whole, we may conclude that the usual rates of interest at Athens about the time of Demosthenes varied from 12 to 18 per cent. The principal (ἕξιον, ὅσιος ἵππος, &c.,) as well as the interest, could only be recovered in case the ship met with no disaster in its voyage (ὑπεράντων τῶν ναυτῶν), and sometimes on the money received or due for passengers and freight (ἐπὶ τὸ ναῦλον). The principal (ἕξιον, ὅσιος ἵππος, &c.), as well as the interest, could only be recovered in case the ship met with no disaster in its voyage (ὑπεράντων τῶν ναυτῶν), and sometimes on the money received or due for passengers and freight (ἐπὶ τὸ ναῦλον). The principal (ἕξιον, ὅσιος ἵππος, &c.), as well as the interest, could only be recovered in case the ship met with no disaster in its voyage (ὑπεράντων τῶν ναυτῶν), and sometimes on the money received or due for passengers and freight (ἐπὶ τὸ ναῦλον).

The loan itself was either a δέωμα ἑρπαλόνου, i.e., for a voyage out, or it was a δέωμα Ἴμποροπολίων, i.e., for a voyage out and home. In the former case, the principal and interest were paid at the place of destination, either to the creditor himself or to the agent of the shipowner. In the latter case the payment was made on the return of the ship, and it was specially provided in

the agreement between the contracting parties, that she should sail to some specified places only. A deviation from the terms of the agreement, in this or other respects, was, according to a clause usually inserted in the agreement, punishable by a fine of twice the amount of the money lent. Moreover, if the goods which formed the original security were sold, fresh articles of the same value were to be shipped in their place. Sometimes, also, the trader (ὁ ἵππος) was himself the owner of the vessel (τὸ ναῦσκον), which in that case might serve as a security for the money borrowed.

The rate of interest would, of course, vary with the risks and duration of the voyage, and therefore we cannot expect to find that it was at all fixed. Xenophon speaks of the fifth and third parts of the capital lent as being commonly given in bottomry, referring, of course, to voyages out and home. The interest of an eighth, or 12½ per cent., mentioned by Demosthenes, was for money lent on a trireme, during a passage from Sestos to Athens, but upon condition that she should first go to Hierum to convoy vessels laden with corn; the principal and interest were to be paid at Athens on her arrival there.

The best illustration of the facts mentioned above is found in a ναυτικὴ συγγραφή, given in the speech of Demosthenes against Laocratus. It contains the following statement and condition:

Two thousand talents went to Phaelitans 3000 drachmas upon a cargo of 3000 casks of Mendean wine, on which the latter were not to owe anything else, or raise any additional loan (οἴκ' κτισιανανταία) for them to sail from Athens to Mende or Scione, where the wine was to be shipped, and thence to the Bosporus, with liberty, if they preferred it, to continue their voyage on the东 side of the Black Sea as far as the Borysthenes, and then to return to Athens; the rate of interest being fixed at 22½ drachmas in 1000, or 25 per cent. for the whole time of absence. If, however, they did not return to Hierum, a port in Bithynia close to the Thracian Bosporus, before the early rising of Arcturus, i.e., before the 20th of September or thereabout, when night fell, they would have had to pay a higher rate of 30 per cent., on account of the additional risk. The agreement further specified that there should be no change of vessel for the return cargo, and that, if it arrived safe at Athens, the loan was to be repaid within twenty days afterward, without any deductions except for loss by payments made to enemies, and for jettisons (ὑπερταυρίας ἐπιχείρησις) upon the voyage on the ΝΑΟΣ side of the Black Sea, and of 8 drachmai upon the voyage to the ΝΑΟΣ side of the Black Sea, and of 8 drachmai on the voyage to the latter house (οἱ σώματα); that, till the money was repaid, the goods pledged (τὰ ὑποκείμενα) should be under the control of the lenders, and be sold by them, if payment was not made within the appointed time; that if the sale of the goods did not realize the required amount, the lender might raise the remainder by mortgage (ὁ προγονής) upon the property of both or either of the traders, just as if they had been cast in a suit, and became ἐπιτρέμενοι, i.e., had not complied with a judgment given against them within the time appointed. Another clause in the agreement provides for the contingency of their entering the Pontus; in that case they were to remain in the Hellespont, at the end of July, for ten days after the early rising of the dog-star (ζευσσώ), discharge their cargoes (ἐπιβατῆσαι) in the same manner as the Athenians had no right of reprisals (ὅτι δὲν ἐμὸς δίκαιος ἡ ἅπασαι ἀποξήρως), (which might be executed unfairly, and would lead to retaliations), and then, on their return to Athens, they were to pay the lower rate of interest, or 25 per cent. Lastly, if the vessel were to be wrecked, the cargo was, if possible, to be assigned to the lenders, and the agreement was to be concluded on all points.

From the preceding investigation, it appears that the rate of interest among the ancient Greeks was higher than in modern Europe, and at Rome in the age of Cicero. This high rate does not appear to have been caused by any scarcity of money, for the rent of land and houses in Athens and its neighborhood was not at all proportional to it. The lease says that a house at Thrise was let for only 8 per cent. of its value, and some houses at Melito and Eleusis for a fraction more. We should, therefore, rather refer it to a low state of credit, occasioned by a variety of causes, such as the division of Greece into a number of petty states, and the constitution and regulation of the courts of law, which do not seem to have been at all favorable to money-lenders in enforcing their rights. Bekk assigns as an additional cause "the want of moral principles."

II. Roman Interest. The Latin word for interest, fensus or fenus, originally meant any increase, and was thence applied, like the Greek τροφός to denote the interest or increase of money. "Fensus," says Varro, "is the name of a foot and a quarter per centum pecuniae atque incrementum. The same root is found in secundus. Fensus was also used for the principal as well as the interest. Another term for interest was usura, generally found in the plural, and also, inundemium, on which Varro remarks, "a quo (pondera) usura quod in sorte accidit, inundemium appellatur."

Towards the close of the Republic, the interest of money became due on the first of every month: hence the phrases tristes or celeres calendar and calendarius, the latter meaning a debt-book or book of accounts. The rate of interest was expressed in the time of Cicero, and afterward, by means of the as and its divisions, according to the following table:

<table>
<thead>
<tr>
<th>Asses usurae, or one as per month</th>
<th>=15 per cent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deusces usurae</td>
<td>=11</td>
</tr>
<tr>
<td>Decies usurae</td>
<td>=10</td>
</tr>
<tr>
<td>Dodrantes</td>
<td>=9</td>
</tr>
<tr>
<td>Besses</td>
<td>=8</td>
</tr>
<tr>
<td>Septunes</td>
<td>=7</td>
</tr>
<tr>
<td>Semisses</td>
<td>=6</td>
</tr>
<tr>
<td>Quinunces</td>
<td>=5</td>
</tr>
<tr>
<td>Trientes</td>
<td>=4</td>
</tr>
<tr>
<td>Quadrantes</td>
<td>=3</td>
</tr>
<tr>
<td>Unciae</td>
<td>=1</td>
</tr>
</tbody>
</table>

Instead of the phrase asses usurae, a synonym was used, viz., centesimae usurae, inasmuch as at this rate of interest there was paid in a hundred months a sum equal to the whole house bimill centesimae =24 per cent., and quattuor centesimae =48 per cent. So, also, in the line of Horace, "Quinis hic capital mercedes exsequi," we must understand quinas centesimae, or 60 centesimae, or the amount taken from the capital. Niebuhr is of the opinion that the monthly rate of the centesimae was of foreign origin, and first adopted at Rome in the time of Sulla. The old yearly rate established by the Twelve Tables (B.C. 450) was the uncarius fenius. This has been variously interpreted to mean (1) one twelfth of the centesima paid monthly, i.e., one per cent. per annum; and (2) one twelfth of the principal paid monthly, or a hundred per cent. per annum.

1 (Demosc. c. Diccar., 1924.)—2 (Demosc. c. Phorm., 909, 58.)—3 (Dem. of Dion with 186, 11, 4.)—4 (De Athen. hist., 7, 14.)—5 (A. Polyc., 125.)—6 (Schock, i, p. 181.)—7 (Wolffad Lept., p. 356.)
INTEREST OF MONEY.

The Roman law of debtor and creditor is given under Next.

1. The Roman law of debtor and creditor is given under Next.

N. is sufficient to remark here that the Liciun law is as follows. Among the grievances of debtors were to a certain extent redressed, did not lay any restriction on the rate of interest that might be legally demanded; and it is clear, from various circumstances, that the scarcity of money at Rome after the taking of the city by the Gauls had either led to the actual abolition of the maximum, or that it was suspended during the Twelve Tables, or caused it to fall into disuse. Nine years, however, after the passing of these laws, the rate of the Twelve Tables was re-established, and any higher rate prohibited by the bill (regatio) of the tribunes Dulleus and Mancius.

Still this limitation of the rate of interest did not enable debtors to pay the principal, and what Tacitus calls the "fenore malum" became at last so serious that the government thought it necessary to interfere, and remedy, if possible, an evil so great and inevitable. Accordingly, fourteen years after the passing of the Liciun laws, five commissioners were appointed for this purpose under the title of mensarii or bankers. These opened their banks in many of the Forum, or the Campus Martius, and were ready money to any debtor who could give security (casare) to the state for it: moreover, they ordered that land and cattle should be received in payment of debts at a fair valuation, a regulation which Caesar adopted for a similar purpose. By these means, Livy tells us that a great amount of debt was satisfactorily liquidated. Five years afterwards the legal rate of interest was still farther lowered to the "semuncarium fenus," or the twenty-fourth part of the whole sum (ad semuncernia reducata usurae); and in B.C. 346 we read of several usurers being punished for a violation of the law, by which they were subjected to a penalty of four times the amount of the loan. But all these enactments were merely palliatives; the termination and cure of the evil was something more decisive—not merely nor less than a species of national bankruptcy—a general abolition of debts, or χρέων ἀνακοπη. This happened in B.C. 341, a year remarkable for political changes of great importance, and was followed up by the enunciation of the Twelve Tables, prohibiting the taking of usury altogether. A law like this, however, was sure to be evaded, and there was a very simple way of doing so; it only affected Roman citizens, and therefore the usurers granted loans, not in the name of themselves, but of the Latins and allies who were not bound by it. To prevent this evasion, the Sempronian law was passed (B.C. 194), which placed the Latins on the same footing, in respect of lending money, as the full Roman citizens. At last, after many futile attempts to prevent the exactation of interest at any rate and in any shape, the idea was abandoned altogether, and the centesima, or 12 per cent. per annum, became the legal and recognised rate. Niebuhr, as is well known, always speaks of it as if it were a fact that it was first adopted at Rome in the time of Sulla; but whether it became the legal rate by any special enactment, or from general consent, does not appear. Some writers have inferred that it was first legalized by the edicts of the city preators, an inference drawn from the general resemblance between them and the enactments of the Twelve Tables, and coupled with the fact that some proconsular edicts

INTERREX.

 are extant, by which the centesima is fixed as the legal rate in proconsular provinces (in edicto fratric- ticii centesimae me observatorem habui). Whether this supposition is true or not, it is admitted that the centesima, or 12 per cent., was the legal rate towards the close of the Republic, and also under the Empire. Justinian reduced it to 6 per cent.

In cases of tenuis nauticum, however, or bottomry, as the risk was the money-lender's, he might demand any interest he liked while the vessel on which the money was lent was at sea; but after she reached harbour, and while she was there, no more than the usual rate of 12 per cent. or the centesima could be demanded.

The legal rate for tenuis nauticum under all circumstances.

INTERPRES, an Interpreter. This class of persons became very numerous and necessary to the Romans as their empire extended. Embassies from foreign nations to Rome, and from Rome to other states, were generally accompanied by interpreters to explain the objects of the embassy to the respective authorities.4 In large mercantile towns, the interpreters, who formed a kind of agents through whom business was done, were sometimes very numerous, and Pliny states that at Diocesarian in Colchis, there were at one time no less than 130 persons who acted as interpreters to the Roman merchants, and through whom all their business was carried on.

The term is applied to the de curias, proconsuls, and questores, who were intrusted with the administration of a province, to carry on all their official proceedings in the Latin language; and as they could not be expected to be acquainted with the language of the provincials, they had always among their servants (vid. APPARITORES) one or more interpreters, who were generally Romans, but in most cases unduly freedmen.5 These interpreters had not only to officiate at the comitatus (vid. CONVENTUS), but also explained to the Roman governor everything which the provincials might wish to be laid before him.6

INTERREGNUM. (Vid. INTURREX.)

INTERREGNUM. This office is said to have been instituted on the death of Romulus, when the senate wished to secure the sovereign power among themselves instead of electing a king. For this purpose, according to Livy,7 the senate, which then consisted of one hundred members, was divided into ten decuries, and from each of these decuries one senator was nominated. These together formed a board of ten, with the title of Interreges, each of whom, elected by the consuls in their ninth and tenth years, had the power of electing a king. If no king was appointed at the expiration of fifteen days, the rotation began anew. The period during which they exercised their power was called an Interregnum. Dionysius8 and Plutarch9 give a different account of the matter, but that of Livy appears the most probable. Niebuhr10 supposes that the first interregnum commenced in 720 B.C., and that they were the decem primi, or ten leading senators, of whom the first was chief of the whole senate.11

The interregges agreed among themselves who should be proposed as king; and if the senate approved of their choice, they summoned the assembly of the curiae, and proposed the person whom they had previously agreed upon; the power of the curie was confined to accepting or rejecting him. The choice of the senate was called patrum autoritas; the putting of his acceptance or rejection to the vote by the curie, rogatio; and the decree of the curie of the subject populus.12

Interregges were appointed under the Republic for holding the comitia for the election of the consuls, when the consuls, through civil commotions or other causes, had been unable to do so in their year of office.4 Each held the office for only five days, as under the kings. The comitia were hardly ever held by the first interrex; more usually by the second or third, but in one instance we read of an interrex, and in another of a fourteenth interrex.5 The comitia for electing the first consuls were held by Spurius Lucretius as interrex,7 whom Livy calls also prefectus urbis. The interregges under the Republic, at least from B.C. 489, were elected by the senate from the whole body, and were not confined to the decem primi, or ten chief senators, as under the kings.6 Plebeians, however, were not admissible to this office; and, consequently, when plebeians were admitted into the senate, the patrician senators met without the plebeian members to elect an interrex.8 For this reason, as well as on account of the influence which the interrex exercised in the election of the magistrates, we find that the tribunes of the plebs were strongly opposed to the appointment of an interrex.11 The interrex had jurisdiction.9

Interregges continued to be appointed occasionally till the time of the second Punic war;10 but after that time we read of no interrex till the senate, by command of Sulla, created an interrex to hold the comitia for his election as dictator, B.C. 89.11 In B.C. 55 another interrex was appointed to hold the comitia. In August, Pompey and others were elected consuls;12 and we also read of interregges appointed in B.C. 53 and 52, in the latter of which years an interrex held the comitia, in which Pompey was appointed sole consul.13

INTER RULA. (Vid. TENICA.)

INTESTABILIS. In the Twelve Tables it was declared "qui se sitaret testator libripensa fuerat, in testamento fuerat, improbus intestabilique custos." According to this, the testator who had made no testament or intestabili kept all the estate to himself. This is considered by Niebuhr as applicable to any solemn occasion, such as the making of a will, and afterward refused to give his testimony, was "intestabili," that is, disqualified from ever being a witness on any other occasion. The word afterward seems to have had its meaning extended, and to have been used to express one who could not make a will, and who was thereby deprived of any general civil capacity.18

INTESTATÓ, HEREDITATIS AB. (Vid. HERES, ROMAN, p. 497.)

INTESTATUS. (Vid. Heres, Roman, p. 497.)

INTUBUM or INTUBUS, a plant, of which two kinds, the wild and the cultivated, are mentioned by the ancient writers. The former is the Cichorium, or Intubum erraticum of Pliicy; our better acquaintance, or the Cichorium officinale of Linnaeus; the latter is Pliny's Intubum sativum, called also King's

and our Endive, the *Chichorium intybus*. L. The
*intybus* is said to have come originally from Egypt,
where great use was made of it; and, when intro-
duced into Europe, it brought along with it its
Egyptian or Coptic name, which became in Greek
*intypos* or *intybus*. The generic name, *Chichorium*,
by a name corrupted from the preceding. By the
epiphitis *erraticum* Pliny means "wild" or "savage,"
as appears from his own words: "Erraticum, 
vulgo apud nos quidam ambeleum appellatur, in
Egypto chichorium vocant, quod sysestis est." Fée,
however, insists, and with much appearance of
reason, that the correct name is *intybus* rather than
the long, numerous, and spreading roots of the
plant, whence Virgil speaks of the "amaris intula
fruits." The modern name *Endive*, as given to the
cultivated kind, comes from the barbarous word en-
viaca, which was used in the Middle Ages, and
was evidently corrupted from the Arabic *henidi* or
the classical Latin term *intybus*, most probably the
former.

**INVENTARIUM.** *(Vid. *Herbs, Roman, p. 500.)*

**INVESTIS.** *(Vid. *Impress,*.)

*I. VULGARIS.* Elicampane, the *Elecampane* of the
Greeks, and *Inula* (or *Enula*) Campana of the school of
Siumann. *(Vid. *Helium,*.)

*I. V. (lo), the Violets.* The *Viola odorata*, or
Sweet Violets of the *Theophrastus*, the *ov
pomorbius* of Dioscorides, and the species of
Violet so often celebrated by the poets. According
to Schneider, the *lov chirom* of Theophrastus is the
*Cheiranthus chiri*, or Wall-flower. Fée, however,
seems disdained to adopt this extension of the term
*vio* or *lov*, notwithstanding the immense er-
arthor of which Theophrastus has given us an
account, but he assigns to the limits of the genus
*Viola* (lov) among the ancients. The *Viola pallens* of Virgil appears
to have been the *V. palustris* of Linneaus, or else the
*V. montana* of the same botanist.

*I. V. (lo), a term properly denoting "a bed
of violets," but also applied to several species of
the Violet, and especially to the *Viola odorata*.

*VIPHYON* (lovo), a species of plant. Bauhin
states that some held the *Asphodelus luteus* to be
the *lovo* of Theophrastus. Stockhouse proposes the
*Levandula epica*, or Spike Lavender.

*IPS* (ips), an insect mentioned by Theophrastus,
most probably the same as the *Cynips*, L. The
*ips* is said to have been observed by Theophrastus
inful with its sting and to deposit its eggs in the
wound; the extravasated juices rise round it,
and form a gall which becomes hard; in this
the larva lives and feeds, and changes to a pupa.
In his country, the gall most common is that found on
the *Rosari canina*. It is worthy of remark, that
the grammarians *Ammonius* and *Cyrius* restrict this
term to the *Cynips* of the Vine and Carnobut (esp-
clio, so I propose to read instead of nepario)."

**IREN.** *(Vid. *Eirens,*.)

*I. R.* (lo), a plant, the Iris. The description
given of its flowers by Dioscorides makes them of
different colours, white, yellow, purple, &c., from
which it would clearly appear that under this name
we are comprehended more than one species of Iris.
Sprengel thinks that the *Iris Germanica* and *Flor-
nenia* are more particularly applicable to the
description of Dioscorides. Adams states that, as long as
the Galenic Pharmacopoeia continued in repute in
France, the *Iris Florentina* was invariably substitu-
ed for the ancient *Iris*. 1

1. *(Georg., 1, 183.)*—2. *(Fée, Flore de Virgile, l. xxx., &c.)*—

**IREPEX, HIRPEX, or URPEX,** a Harrow, used
to clear the fields of weeds, and to level and break
down the soil. The harrow of the ancients, like
ours, had iron teeth, and was drawn by oxen.

*I. SATIS* (*Itecric*), a plant, the *Glazum* of the
Latas, and the *Satis* of the *Virgil*, yielding a beautiful blue
dye. *(Vid. *Glazum,*.)

**ISELASTICI LUDI.** *(Vid. *Athlete, p. 120.)*

**ISOPOLITIEA.** *(Vid. *Citius, Greek, p. 259.)*

*I. SYPOYRON* (*Isoxyron*), a plant, probably the
Bog Bean, or *Menyanthes trifoliata*. From the
account of Galen and Paeonius Agemeta, it is
observed by Adams, "that the *V. trifolium*, or
Kerbitis, or *Fasel*, but Dioscorides clearly distinguishes
between these. Donoeden advanced the opinion that the
*Menyanthes trifoliata*, or Bog Bean, is the *Isoxyron*
of Dioscorides; but, as Sprengel remarks, its
botanical characters do not agree with those of the
*Isoxyron* as given by Dioscorides. At the same
time, it is worthy of remark, as a singular coin-
dence, that the Bog Bean is still used by the
common people in Scotland for the cure of those
complaints for which Dioscorides recommends the
*Isoxyron*. The opinion of Donoeden is farther
touched by Bauhin."

**ISOTELEIA, ISOTELEIS.** *(Vid. *Citius, Greek, p. 259.)*

**E. STHMIAN GAMES (Isthmio).** one of the four
great national festivals of the Greeks. This festi-
val derived its name from the Corinthian Isthmus,
where it was held. Where the Isthmus is narrow-
est, between the coast of the Saronic Gulf and the
western foot of the Ecean hills, was the Temple
of Poseidon, and near it was a theatre and a stadi-
um of which we have no exact knowledge. The
emporium of which the temple was adorned with an avenue of statues of the
victors in the Isthmian games, and with groves of
pines. These games were said originally to have been
instituted by Sisyphus in honour of Melicertes,
who was also called Palemon. Their original
mode of celebration partook, as Plutarch remarks,
more of the character of mysteries than of a
great and national assembly with its various
amusements, and was performed at night. Subsequent
to the age of Theseus, the Isthmian were celebrated in
honour of Poseidon; and this innovation is as-
scribed to Theseus himself, who, according to some
legends, was a son of Poseidon, and who, in the in-
duction of the Isthmian Games, was supposed to
be a worshipped Heracles, the founder of the Olympic
games. The celebration of the Isthmia was honco-
forth conducted by the Corinthians, but Theseus
had reserved for his Athenians some honourable
distinctions: those Athenians who attended the
Isthmia sailed across the Saronic Gulf in a sacred
vessel (*Aeolos*), and an honorary place (*poetoleia*),
as large as the sail of their vessel, was assigned to
them during the celebration of the games.

In times of war between the two states, a sacred truce
was concluded, and the Athenians were invited to
attend at the solemnities. The Eleans did not take
part in the games, and various stories were related to
account for this singular circumstance.

It is a very probable conjecture of some historians
that the Isthmia, after the changes ascribed to the
Theseus, were merely a panegyric of the Ionians
of Peloponessus and those of Attica; for it should be
observed that Poseidon was an Ionian deity, whose
worship originally to have been unknown

1. *(Cato, De Re Rust, 10.)*—2. *(Festus, 4, 7.—Serv. in Virg.,
Georg., 1, 95.—Varro, De Ling. Lat., v. 31, ed. Spengel.—3.
*Dioscor., iv., 119.—P. Egeri., viii., 3.—Bainham, Pinax, p. 637.
*Paus., iii., i., 3.—(Thes., 35, 27.—Plut., 1, 6.—(Thur.
*cyth., viii., 10.—9. (Page, 4, 5, 6.—Helen. Aithr., 1, 10, p. 977.)*

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to the Dorians. During the reign of the Cypselids at Corinth, the celebration of the Isthmian games was suspended for seventy years. But after this time they gradually rose to the rank of a national festival of all the Greeks. In 608 B.C., they became periodical, and were henceforth celebrated regularly every third year, twice in every Olympic, that is, in the first and third year of every Olympic.

The Isthmia in the first year of an Olympic fell in the Corinthian month Panemus (the Attic Hecatombolion); and those which were held in the third year of an Olympic fell either in the month of Munychion or Thargelion. J. and Solinus erroneously state that the Isthmics were celebrated every fifth year. With this regularity the solemnities continued to be held by the Greeks down to a very late period. In 228 B.C., the Romans were allowed the privilege of taking part in the Isthmics; and it was at this solemnity that, in 196 B.C., Flaminius proclaimed before an innumerable assembly the independence of Greece. 1 After the fall of Corinth in 146 B.C., the Sicilians were honoured with the privilege of conducting the Isthmian games; but when the town of Corinth was rebuilt by J. Caesar, 2 the right of conducting the solemnities was restored to the Corinthians, and it seems that they henceforth continued to be celebrated till Christianity became the state-religion of the Roman Empire. 3

The prize of a victor in the Isthmian games consisted at first of a garland of pine-leaves, and afterward of a wreath of ivy; but in the end the ivy was again superseded by a pine garland. 4 Simple as such a reward was, a victor in these games gained the greatest distinction and honour among his countrymen; and a victory not only rendered the individual who obtained it a subject of admiration, but showed him to be a hero to his native community to which he belonged. Hence Solon established by a law, that every Athenian who gained the victory at the Isthmian games should receive from the public treasury a reward of one hundred drachmae. 5 His victory was generally celebrated in lofty odes, called Epinikia, or triumphal odes, of which we still possess some specimens among the works of Pindar. (See M. de Tocqueville, Encycl. des l. et des arts, 2, 214a. — Dessen, De Ratione Poeetica Carminum.)


JUDEX. 5

ITER. (Vid. Colon. p. 282.)

JUDEX. JUDICIUM. A Roman magistrate generally did not investigate the facts in dispute in such matters as were brought before him: he appointed a j udex for that purpose, and gave him instructions. (Vid. Actio.) Accordingly, the whole of civil procedure was expressed by the two phrases jus and judicium, of which the former comprehended all that took place before the magistratus (or juro), and the latter all that took place before the judex (in judicio). Originally even the magistratus was called judex, as, for instance, the consul and prae tor; 1 and under the Empire the term judex often designated the praetor. 2 In the intermediate period it designated a person whose functions may be generally understood from what follows.

In many cases a single judex was appointed; in others, several were appointed, and they seem to have been sometimes called recuperatores, as opposed to the single judex. 3 Under certain circumstances, the judex was called arbiter: thus judex and arbiter are named together in the Twelve Tables. 4

A judex, when appointed, was bound to discharge the duties of his office, unless he had satisfied the jurors (exclusus). A person might also be disqualified from being a judex. There were certain seasons of the year when legal business was done at Rome (cum res agbantur), and at these times the services of the jurists were required. These legal terms were regulated according to the seasons, so that there were periods of vacation 5 in the provinces, the terms dependent on the conventus. A judex was appointed to take part, as we must infer from Plutarch, 6 who, on the authority of Polemo, states, that in the treasury at Sicyon there was a golden book, which was presented to it by Aristomenes, the poetess, after she had gained the victory at the Isthmics. At a late period of the Roman Empire, the character of the government of the Isthmics appears greatly altered: for, according to the Emperor Justinian, 7 upon referring to it, it is stated that the Corinthians purchased bears and panthers for the purpose of exhibiting their fights at the Isthmics, and it is improbable that the custom of introducing fights of animals on this occasion commenced soon after the time of Caesar.

When Italy had received its organization from the Romans, the magistratus of the several cities had jurisdiction, and appointed a judex as the prae tor did at Rome (ex Rubria de Gallia Civilis). In the provinces, the governors appointed a judex or recuperatores, as the case might be, at the conventus which they held for the administration of justice, and the judex or recuperatores were selected both from Roman citizens and natives.

When the judex was appointed, the proceedings in jure or before the prae tor were terminated, which was sometimes expressed by the term Latitius Contra, the phrases Lis Constat and Judi ius Acceptum being equivalent in the classical jurists. (Vid. Lrnis Constat.) The parties appeared before the judex as the third of the persons connected with the cause (causa coniexia, collectio), and the advocates of each party supported the cause in a speech, (the evidence seems to have been given at the same time that the
The following is the distinction between an arbitrum and Judicium, according to Cicero. In a judicium the bond was of a certain limited amount (pecunia debita) against which the amount was not determined (incerta). In a judicium the plaintiff obtained all that he claimed or nothing, as the words of the formula show: "Si pariet H. S. 1000 dari opertere." The corresponding words in the formula arbitralia were, "Quantum aqua melius id dari," and their equivalents were, "Re fide hominem in delicto pacem esse aequitatis." In a dispute about dos, which Cicero calls "arbitrum rei suorior," the words "quid aquis, melius," were added. If the matter was brought before a judge, properly so called, the judicium was constituted with a poena, that is, per sponsonem; there was no poena when an arbitrator was demanded, and the proceeding was by the formula arbitralia. The proceeding by the sponsonus was, then, the strictest (angustissima, formula sponsonis); that of the arbitrum was ex fide bona, and the arbitrator, though he was bound by the instructions of the formula, was allowed a greater latitude by its terms. The engagement between the parties who accepted an arbitrator, by which they bound themselves to abide by his decision, was called a forum. When the forum had been agreed, the term was also employed, as it appears, to express the engagement by which parties agreed to settle their differences by arbitration, without the intervention of the praetor. Cicero appears to allude to this arbitration.

According to Cicero, all judicia had for their object either to adjudge a thing or to establish a fact (controversia), or the punishment of crimes (malefacia). This passage refers to a division of judicia, which appears in the jurists, in publica and privata. The term privata judicia occurs in Cicero, where it refers to the class of judicia which he indicates in the Cenoma by the term controversia. The term publica judicia might not then be in use, but the term publica causa is used by Cicero with reference to a judicium, which by the jurists would be called publicum. In the Digest it is stated that all judicia are not publica in which a crimem was the matter in question, but only those in which the offense was prosecuted under some lex, such as the Julia Majestatis, Cornelia de Securiss, and others. The term private is there employed to mean non publica when the inquiry was extra ordinem, that is, not according to the usual practice; and this might happen when the offense was one not provided for by law (legibus), but one that was punishable by immemorial usage and general opinion, of which there is an instance in Livy (see legibus seu moribus mallei enquirentur). The judicia popularia, or popular actions, as they are called, are defined to be those by which "sumum jus populus tuetur," and they agreed with the publica judicia in this, that any person might be the prosecutor who was not under some legal disqualification. The judicia populi were those in which the populi acted as judges; they were convened, summoned, and composed by the populi according to certain citia among others when he says "nihil de capite civis, aut de bonis, sine judicio senatus aut populi aut corum qui de quaque re constituti judices sin." De tali posse. As the judicia publica are defined by the jurists to be those in which criminala were tried by a special lex, it appears that the judicia populi, strictly so called, must have fallen into disuse, or have gradually become unnecessary after the judici
should be the judges (judicum genus): a difference however, which was not unimportant, as it secured the acquittal of Clodius. The judges voted by ballot, at least generally, and a majority determined the acquittal or condemnation of the accused. Each judex was provided with three tablets (absides) on one of which was marked A., Absolv.; on a second, C., Condemno; and on a third, N., Non liquet. The judges voted by placing one of these tablets in the urns (urnae), which were then examined for the purpose of ascertaining the votes. It was the duty of the magistrates to pronounce the sentence of the judges: in the case of condemnation, to adjudge the legal penalty; of acquittal, to declare him acquitted; and of doubt, to declare that the matter must be further investigated (ambitus cognoscendum).

Mention is often made of the judicia populi in the Latin writers. A judicium was commenced by the accuser, who must be a magistratus, declaring in a contio that he would on a certain day accuse a certain person, whom he named, of some offence, which he also specified. This was expressed by the phrase "je dicere" (Virg. Caes. cap. diem dicere). If the offender held any high office, it was necessary to wait till his time of service had expired before proceedings could be thus commenced against him. The accused was required to give security for his appearance on the day of trial; the security was called vades in a causa apologized (apologia); in a capital case, of which the alleged offence was pecuniary. If such security were not given, the accused was kept in confinement. If nothing prevented the inquiry from taking place at the time fixed for it, the trial proceeded, and the accuser had to prove his case by evidence. The investigation of the facts was called aquisstio with reference to the proposed penalty: accordingly, the praetor or a quaestor was authorized to order the accuser to summon his witnesses and to produce his documents, that he might have a fair opportunity of making his case. In fact, the investigation of cases of capital offenses is thus treated as inquisitio, a form of inquiry. When the investigation was completed, the magistrates promulgated a rogatio, which comprehended the charge and the punishment or fine. It was a rule of law that a fine should not be imposed together with another punishment in the same rogatio. The rogatio was made public during three sundays, like any other lex, and proposed at the comitia for adoption or rejection. The form of the rogatio, the effect of which was that of imposing punishment, is given in the Oration Pro Domna, c. 18. The accused sometimes withdrew into exile before the votes were taken; or he might make his defence, of which we have an instance in the oration of Cicero for Rabirius. Though these were called judicia populi, and properly so in the early ages of the state, the legses passed in such judicum in the latter period of the Republic were often plebiscita.

The offences which were the chief subject of judicia populi and publica were majestas, adulteria, and suprema, praetorium, falsum, vis publica, and privata, peculiatus, repetundae, ambitus, which are treated under their several heads.

When a number of specula enactments for the punishment of particular offenses was introduced the practice of forming a body of judges for the trial of such offenses as the enactments were directed against. Thus it is said that the lex Calpurnia De Pecuniae Repetundis established the album judicum, or the body of judges out of which the judges were to be chosen. It is not known what was the number of the body also constituted, but it has been conjectured that the number was 350, and that ten were chosen from each tribe, and thus the origin of the phrase decuriae judicum is explained. It is easy to conceive that the judicia populi, properly so called,
would be less frequent as special leges were framed for particular offences, the circumstances of which could be better known and told. Under this law, 130 B.C., than by the assembled people. It is affirmed that up to the passing of the Calpurnia lex, the judges were chosen from the senators only, but after this time they were not taken from that body exclusively; and farther, that not only the judges in the questions de repetundis, but also the judges in private matters, were, from the date of this lex, taken from the tribuni curiae, and that they usually made,1 for which there appears to be no evidence.

The lex Servilia (B.C. 104) enacted that the judges should not be under thirty nor above sixty years of age; that the accuser and accused should severally propose one hundred judges, and that each might reject fifty from the list of the other, so that one hundred and thirty-three judges were selected. This lex made some provisions for the mode of conducting the prosecution and the defence. The terms of the Sempronian lex of Gracchi, which was passed B.C. 123, about twenty years before the lex Servilia, are variously stated; but in general terms it is said that it took the judicia from the senators and gave them to the people. This novelty of a number of seventy-five was temporarily1,4 Ull Sulla (B.C. 80) restored the judicia to the senate, and excluded the equites from the album judicium. The lex Servilia apparently did not interfere with the main object of the lex Sempronian. Tacitus, indeed,4 speaks of the Servilian lexes restoring the judicia to the senate; but the passage is encumbered with difficulty. A lex Antonia (B.C. 70) enacted that the judges should be chosen from the three classes—of senators, equites, and tribuni curiae; and, accordingly, the judges were then said to be divided between the senate and the equites. The tribuni curiae were taken from the rest of the citizens, and were, or ought to have been, persons of some property. Thus the three classes of judges might be divided in a manner similar to that in which it was either in consequence of the lex Aurelia or some other lex, that, instead of one urn for all the tablets, the decurio had severally their ballotting urns, so that the votes of the three classes were known. Dion Cassius4 ascribes this regulation to a lex Fulia; and he says that the object, then, was to exclude from the judicia the plebs, which might be known, though those of individuals could not, owing to the voting being secret. It is not known if the lex Aurelia determined the number of judges in any given case. The lex Pompeia de Vi and De Ambitu (B.C. 52) determined that eighty judges were to be selected by lot, out of whom the accuser and accused must reject thirty. In the case of Clodius, in the matter of the Bona Dea, there were fifty-six judges. It is conjectured that the number fixed for a given case by the lex Aurelia was seventy judges.

Another lex Pompeia, passed in the second consulate of Pompey (B.C. 55), seems to have made some provision applicable to the pecuniaria, but the provisions of this lex, as to the qualification of the judges; but the new provisions of this lex are only known from Ausonius, who explains them in terms which are very far from being clear. A lex Judicaria of Julius Caesar took away the decuriae of the tribuni curiae, and thus reduced the judges to two classes (genera, the decuriae of Dion Cassius). A lex Judicaria, passed after his death by M. Antonius, restored the decuriae of the tribuni curiae, but required no pecuniaria qualification from them, that the only qualification which this lex required was, that a person should have been a centurion or have served in the legions. It appears that the

1. (Götting, Geschichte der Röm. Staatsverfassung, p. 425.)
2. (Cic. in Verr., Adv. Prim., c. 13.)—3. (Ann., xii., 60)—4. (Tit. 9.)

previous lex Pompeia, lex Aurelia, and a lex of Caesar had given to those who had been centuriones or decuriones (qui ordine erant, or judicatius), but still they required a pecuniaria qualification (cenarias). The lex of Antonius, besides taking away the pecuniaria qualification, opened the judicia to the soldiers.1 It seems probable that the expression ex centuribus, which is used by Ausonius in speaking of the change introduced by this lex Pompeia, had reference to the admission of the centurions into the third class of judges already mentioned. Augustus added to the existing three decuriae judicium a fourth decuria, called that of the Ducae narii, who had a lower pecuniaria qualification, and only decided in smaller matters (de levis tribunis summis). Caligula6 added a fifth decuria, in order to diminish the labours of the judicia. Augustus had already regulated the number of the judicia privata, in which the matter in dispute was of small value. It is often stated by modern writers, without any qualification, that the various changes in the judicia privata from the time of the lex Calpurnia to the end of the Republic had reference both to the judicia privata and judicia publica; though it is also stated that the objects of these various enactments were to repress or diminish the public debt or encumber the state, by extending or limiting the body out of which the judicia in any given case were to be chosen. But it is obvious that these reasons do not apply to the matter of judicia privata, in which a single judex generally acted, and which mostly concerned property and contract. Accordingly, a certain degree of caution, as well as some of his predecessors, that "there is no doubt that, from the time of Augustus, the album judicium had reference to the judicia in civil matters, but that as to earlier times a difficulty arises from the fact that, while the lex Sempronian was in force, by which the senators were excluded from the judicia privata, a consularius is mentioned as a judex; and, on the other hand, an equus is mentioned as a judex at a time when the lex of Sulla was in force, and, consequently, senators only could be judges."** These instances certainly are inconsistent with the fact of the judicia privata being regulated by the various legis judiciae; and it would appear that the reasons derivable from the character of the two kinds of judicia and the difference in the mode of procedure, which render it almost a matter of demonstration that the various changes in the judicia privata had reference to the questions and judicia publica. It is true that some of these leges may have contained provisions even as to judicia privata, for many of the Roman Laws contained a great variety of legislative provisions, and it is also true that we are very imperfectly acquainted with the provision of these legis judiciae; but that the

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Judicia I. Legitima. —

Regulation of the judicia privata was included in their provisions, in the same form and to the same extent as that of the judicia publica, is an assertion totally unsupported by evidence, and one which leads to absurd conclusions. Two leges Julii, together with a lex Æbutila, put an end to the legal actions; and a lex Julia Judicaria limited the time of the judicia legitima; but it does not appear whether these leges were passed solely for these objects, or whether their provisions were part of some other leges.

Though the general character of the Roman judicaria, and the mode of procedure both in civil and criminal matters, are capable of a sufficiently clear exposition, there is much uncertainty as to many details, and the whole subject requires a careful examination by some one who combines with a competent knowledge of the original and modern languages accurate acquaintance with the nature of legal procedure.

The following works may be referred to: Walter, Geschichte des Röm. Rechts,—Götting, Geschichete der Röm. Staatsverfassung,—Heineccius, Syntagma, &c.—Tigerström, De Judicibus apud Romanos, Berl., 1829, valuable only for the collection of the original texts,—Keller, Ueber Rica Constantia und Urteile, &c., Zürich, 1827.—Also, Gaits, &c.; Dig. 5, tit. 1, De Judicis; Dig. 48, De Judicis Publicis; Inst., iv., tit. 18. JUDEX ORDINARIIUS. (Vid. Judex Pede-neus.)

Judex Peda-neus. — The origin and meaning of this term seem to be entirely unknown. The judices to whom the praetor or praetores referred a matter in litigation with the usual instructions, were sometimes called pedanei. Subsequently the praeses, who was now sometimes designated judex ordinarius, of the judex simus, decided most matters without the intervention of a judex; but still he was empowered to appoint a permanent body of judges for the decision of less important matters, and these also were called judges pedanei. "hoc est quia negotia humiliora disceptant.

The proceedings before this new kind of judges pedanei were the same as before the praeses. Some modern writers are of opinion that these new pedanei judges did not form a permanent court, but only decided on matters which were referred to them by a superior authority. JUDEX QUESTIVUS. (Vid. Judex, p. 552.)

Judex Questius. — A thing was a res judicata when the matter in dispute had been determined by a judicial sentence, and the actio judicata was a mode which the successful party might adopt for obtaining a decree of the magistrates, by which he could take possession of the property of the person who had lost the cause and had not satisfied the judgment. The plaintiff in the actio judicata was also protected in his possession of the defendant's property by a special interdict, and he was empowered to sell it. The party condemned was limited as to his defence. Originally the judicata was obliged to find a vindex (mandicem daret); but in the time of Gaius it had become the practice for him to give security to the amount of the judgment (judicatum salus attulera). If the defendant pleaded that there was no such plaintiff, the court was bound not to double the amount of the judgment if his plea was false.

Judices Edititii. (Vid. Judex, p. 558.)

Judicia Duplilicia. (Vid. Familiaris Eris- cundus Actio.)

Judicia Legitima. (Vid. Imperium, page 530.)

1. (Gaius, iv., 30.)—2. (Gaius, iv., 104.)—3. (Theophil., iv., 10—cod. 2, tit. 2.)—4. (Cod. Vind., 1, tit. 7.)—5. (Cod. 2, tit. 2, s. v.)—6. (Cod. 3, tit. 3.)—7. (Gaius, iv., 9, 29, 171, 192.)

Che, Pr. Praecl., 30.—Paulinus, S. R., tit. 10.—Dig., 42, tit. 1.)
The figure shows the method of tying the yoke to the pole (temp. pumice) by means of a leathern strap (στρεφεόντων); which was lashed from the two opposite sides over the junction of the pole and the necks of the horses, a strap of leather, also brought in gold, being placed between them. The passage above cited shows that when the carriage was prepared for use, the yoke, which had been laid aside, was first fastened to the pole, and the horses were then led under it. Either above them, or at the two ends of the yoke, rings were often fixed, through which the reins passed. These frequently appear in works of ancient art representing chariots.

Morning and evening are often designated in poetry by the act of putting the yoke on the oxen and taking it off (Boveiνος; τούτοις; τούτοις; ουτοίς).

By melomény jugum meant the quantity of land which a yoke of oxen could plough in a day.
JULIA LEGES.

The text appears to be a historical or legal document, discussing various legal and historical events. The text mentions terms like "Lex Maritalis," "lex Poppea," "Municipalism," and "hereditas," which are indicative of Roman law and society. The text seems to be discussing laws, regulations, and the legal rights and responsibilities of individuals during the Roman Empire.

The document contains references to the Lex Julia de Mariatis, which is a law concerning marriage, and the Lex Poppea, which is another law concerning marriage. The text also references contributions to the law by jurists like Julius Paulus and Ulpian.

Overall, the text provides a detailed account of the legal framework concerning marriage and family in ancient Rome, emphasizing the importance of these laws in the governance of the Roman Empire.
by a senatus consultum Perniciannum. A senatus consultum Claudianum so far modified the strictness of the new rule as to give to a man who married above sixty the same advantage that he would have had if he had married under sixty, provided he married a woman who was under fifty; the ground of which rule was the legal opinion that a woman of fifty was still capable of having children. If the woman was above fifty and the man under sixty, this was called impar matrimoniun, and by a senatus consultum Calvitanum it was entirely without effect as to releasing him from incapacity to take legata and dotis. On the death of the woman, therefore, the dos became caducus.

The consul who had several children was preferred to one who had fewer. Freedmen who had a certain number of children were freed "operarium obligatones;" and libertae who had four children were released from the tutela of their patrons. Those who had three children living at Rome, four in Italy, and five in the provinces, were excused from the office of tutor or curator. After the passing of this lex, it became usual for the senate, and afterward the emperor (princeps), to give occasionally, as a privilege, to certain persons who had not children, the same advantage that the lex secured to those who had children. This was called the jus liberorum. Pliny says that he had lately obtained from the emperor for himself and his wife four such a lex liberorum. This privilege is mentioned in some inscriptions, on which the abbreviation I. L. H. (jus liberorum habens) sometimes occurs, which is equivalent to "jura parentis habeant." The Emperor M. Antonius provided that children should be registered by name, within thirty days after their birth, with the prefectus arrari Sabinum.

The lex also imposed penalties on orbis, that is, married persons who had no children (qui liberos non habebant), from the age of twenty-five to sixty in a man, and from the age of twenty to fifty in a woman. By the lex Papia, orbi could only take one half of an hereditas or legatum which was left to them, as long as there was no child. It seems that an attempt was made in this new law to evade this part of the lex by adoptions, which the senatus consultum Neronianum declared to be ineffectual for the purpose of relieving a person from the penalties of the lex.11

As a general rule, a husband and wife could only leave to one another a tenth part of their property; but this was overruled by the lex which provided that either born of the marriage or by another marriage of one of the parties, which allowed of the free disposal of a larger part. This privilege might also be acquired by obtaining the jus liberorum.12

JULIA LEX PECULATUS. (Vid. Peculatus.)

JULIA LEX ET PLAUTIA, which enacted that there could be no usucapion in things obtained by robbery (pu: possessae). The Twelve Tables had already provided that there could be no usucapion in stolen things.13 This lex was probably passed B.C. 89.

JULIA LEX DE PROVINCIIS. (Vid. Provinciis.)

JULIA LEX REPETUNDARUM (Vid. Repetundae.)

JULIA LEX DE RESIDUOS. (Vid. Peculatores.)

JULIA LEX DE SACERDOTIS.
An heretics could be transferred by this process

JURISCONSULTI.

De (Tor Dig.

There is they and it if they had severally been transferred by the in jure cesso.

The in jure cesso was an old Roman institution, and there were provisions respecting it in the Twelve Tables.

JURISCONSULTI or JURECONSULTI. The origin of the Romans of a body of men who were expounders of the law may be referred to the separation of the jus civele from the jus pontificum. (Vid Jus Civile Plavianum.) Such a body certainly existed before the time of Cicero, and the persons who professed to expound the law were called by the various names of jurisperiti, jurisconsulti, or consultuli simply. They were also designated by other names, as jurisprudentes, jurisdoctores, peritiores, and juris anctores. Cicero enumerates the jurisprudentes auctoritas among the component parts of the jus civile. The definition of a jurisconsultus, as given by Cicero, is a "person who has such a knowledge of the laws (leges) and customs (consuetudo) which prevail in a state as to be able to advise (respondendum), act (agendum), and to secure personal rights and dealings (cavendum)...." Sextus Aurelius Clemens (vid. Jus Enium.), M. Manlius, and P. Macius are examples. In the oration Pro Murena, Cicero uses "scribere" in the place of "ager." The business of the early jurisconsulti consisted both in advising and acting on behalf of their clients (consultores) gratuitously. They gave advice or answers (responsas) either in public places to whom they were addressed at certain times, or at their own houses, and not only on matters of law, but on anything else that might be referred to them. The words "scribere" and "cavere" referred to their employment in drawing up formal instruments, such as contracts or wills, &c. At a later period, many of these functions were performed by persons who were paid by a fee, and thus there arose a body of practitioners distinct from those who gave response, and who were writers and teachers. Tiberius Corunicianus, a plebeian, who was consul B.C. 281, and also pontifex maximus, is mentioned as the first who gave advice publicly (publice professus est), and he was distinguished both for his knowledge of the law and eloquence. He left no writings. Long before to the study of Roman law, he seems to have come a distinct branch from the study of oratory, and a man might raise himself to eminence in the state by his reputation as a lawyer, as well as by his oratorical power or military skill. There were many distinguished jurists in the last two centuries of the republican period, among whom are M. Manlius; P. Marcus Scævola, pontifex maximus (B.C. 131); P. Mucius Scævola, the son of Publius, who was consul B.C. 95, and afterward pontifex maximus, and one of the masters of Cicero (jurisperitorum eloquentissimi, eloquentium jurisprudentissimi). This Scævola the pontifex was considered to have been the first who gave the jus civile a systematic form, by a treatise in eighteen books. Servius Sulpicius Rufus, a contemporary of Cicero, and in the same treatise, speaks of him as a great orator as the pontifex Scævola, and more distinguished as a jurist. Many persons, both his predecessors and contemporaries, had a good practical knowledge of the law, but he was the first who handled it in a scientific manner, and, as he had both numerous scholars and was a voluminous writer, we may view him as the founder of that method.

1. (Frm. Vet., s. 50.—Gaius, ii. 66.—Ulp., Dig., tit. 19, s. 9.)

2. (Cic. De Leg., i. 48.)

3. (Cic. De Orat., l. 30, c. 6.—Dig., tit. 1, s. 2, (41).—Brom., 7, 40.)

JURISCONSULTI.

Legal treatment of the matter of law which characterized the subsequent Roman jurists, and in which they have been seldom surpassed.

The jurists of the imperial times are distinguished from those of the republican period by two circumstances, the jurisdiction, and the rise of two sects or schools of law.

It is said that Augustus determined that the jurists should give their opinions under his sanction (ex auctoritate quaestororum). Accordingly, Gaius speaks of the response and opinions of those jurists "qui permittas est jura condere." The object of Augustus was probably to obtain, by this indirect method, that control over the administration of the law which he could not obtain in any other way. It does not appear that the jurists who had not obtained this mark of imperial favor were excluded from giving opinions, but the opinions of such jurists would have little weight in comparison with those of the privileged class.

The unanimous opinion of the jurists was to have the force of law (legis vicem): if they were not unanimous, the judge might follow which opinion he pleased. Gaius refers the establishment of this rule to a rescript of Hadrian, but it seems probable that this rescript was written for the purpose of confirming the existing practice. The circumstances of the establishment of this body of jurists, and the mode of proceeding as to taking their opinions, are not known.

It is a reasonable conjecture that they formed a kind of college; otherwise, it is not easy to suppose how the opinions were taken. The power of making or declaring the law was limited to a decision in the cases which came before them, which, however, would be the most important cases. The opinions of the senators and judges, or the opinions of the two most distinguished teachers connected with them, Sabinus and Proculus. The followers of Labeo, whom we know with certainty to have been such, were Nerva, Proculus, Nerva the son, Pegasus, Celsus, Celsus the son, and Neratius Priscus. The followers of Capito were Massarius Sabinus, C. Cassius Longinus, Longinus Celsus Sabinus, Priscus Iulius, Aburus Vlena Tuscianus, Gaius (vid. Institutiones), and probably Pomponius. But the schools did not take their names from Labeo and Capito. The followers of Labeo were named Proculiani from Proculus. The followers of Capito derived their name from Sabinianus from Sabinianus, who lived under Tibersius, and as late as the reign of Nerva: they sometimes called Cassiani, because of their connection with Cassianus. It is easy to state with precision the differences which characterized the two schools. Whatever may have been the origin of these differences, which may, perhaps, be partly referred to the personal character of Capito and Labeo, the schools were subsequently distinguished by a difference in their manner of handling the matter of law.

1. (Cic. Brut., l. 41.—Dig., tit. 2, s. 2, § 43.—(l. 7).—Cic., l. 7.—Briss., De Form., iii., c. 85.)
JURISDICTIO.

The school of Capito adhered more closely to what was established, and to the letter of what was written. Lageo was a man of greater acquirements than those who wrote the Digest, which looked more to the internal meaning than to the external form, and thus, while apparently deviating from the letter, they approached nearer to true results, though the strict logic of this school might sometimes produce a result less adapted to general convenience than the conclusions of the Sabiniani, which were based on the prevailing notions of equity.

Their writings consisted of commentaries on the Twelve Tables, on the Edict, on particular leges, more especially on some of the Julia leges, and on other special matters. The later jurists also commented on the writings of the earlier jurists. They also wrote elementary treatises (elementa, commentarii), such as the Institutiones of Gaius, which is in 11 books, and the Digest, which consists of 12 books.

JURISDICTIO. The officium of him "qui jus dicit" is defined as follows: "Bonorum possessiorum dare potest, et in possessiorum militia, pupillus non habitantis tutoris constitutare, judiciis litigantibus dare." This is the general signification of the word jurisdictio, which expresses the whole "officiwm juris" (the officium in which those which are included in the "officium jus dicentis" belong either to the jurisdiction (in its special sense) or to the imperium mixtum, or they are those which are exercised by virtue of some lex, senatus consultum, or authority delegated by the princeps, as the "Tuttoris datio." The jurisdiction of those magistrates who are authorised to declare the law, and who exercise the functions of not having the imperium, and, therefore, was not jurisdictio in the full meaning of that term. (Vid. Magistratus.) Inasmuch as jurisdictio in its special sense, and the imperium mixtum, are components parts of jurisdictio in its wider sense, imperium may be said to be contained in, or incident to, jurisdictio (pergium) juris, juridicis ractionibus carrier.

Sometimes imperium is viewed as the term which designates the full power of the magistratus; and when so viewed, it may be considered as equivalent to jurisdictio in its wider sense, or as comprehending jurisdictio in its narrower sense. Thus imperium may be considered as containing or as contained in jurisdictio, according as we give to each term the more general or the more particular sense, of not having the imperium, and, therefore, not jurisdictio in the full meaning of that term. (Vid. Magistratus.)

The juridicis rationibus, or the jurisdictio, is a part of jurisdictio by which the magistrate himself makes a decree or gives a judgment; thus, in the case of the jure cessio, he is said "rem addicere." Addicere is to adjudicate a thing or the possession of a thing to one of the litigant parties. In the case of fortum manuscriptum, inasmuch as the facts would be certain, there was an addicere.

Other cases of the word addicere are collected in Faciociat.

It is with reference to the three terms, do, dico, addico, that Varro remarks that the preter must use one of these words "cum leges quid peragatur." Accordingly, those days were called Nebasti on which no legal business could be done, because the words of legal force could not be used.

JUS. "All people," says Gains, "who are governed by leges and mores, use partly their own law (ius), partly the law (jus) which is common to all mankind; for the law (jus) which a state establishes for itself is peculiar to such state, and is called jus civile, as the peculiar law (jus) of that state. But the law (jus) which natural reason (ratio naturalis) has established among all mankind is equally observed by all people, and is called jus gentium, as being that law (jus) which all nations follow. The Roman popularis, therefore, follows partly its own peculiar law (sum proprium jus), partly the common law (communes jus) of all mankind.

According to the Roman system, justice was divided into two parts, jus gentium and jus civile, and the whole body of law peculiar to any state is its jus civile. The Roman law, therefore, which is peculiar to the Roman state, is its jus civile, sometimes called jus civilis Romanorum, but more frequently designated by the term jus civile only, by which is meant the jus civile of the Romans.

The jus gentium is here viewed by Gains as springing out of the naturalis ratio common to all mankind, which is still more clearly expressed in another passage, where he uses the expression "omnia civitatum jus" as equivalent to the jus gentium, and as founded on the naturalis ratio.

In other passages he founds the acquisition of property, which is one of the main subjects of the law of the naturalis ratio, and on the naturalis jus indifferently, thus making naturalis ratio and naturale jus equivalent. He founds cognatio on naturalis ratio, as being common to all mankind, and agnatio on civitatis ratio, as being purely a Roman institution.

In two passages in the Digest, he calls the same thing naturale jus, as follows: 1.

1. (Proposita, De Origine Juris, Dig. 1, tit. 2.—Zimmermanns Geschichte des Rom. Privatrechts.—2. (Dig. 1, tit. 3. De Jurisdictione.)—3. (Dig. 1, tit. 5, n. 6.)—4. (Dig. 1, tit. 21, n. 1.)—5. (Puchta, "Uber das Inhalte der Lex Robert," Zeitschrift, x. 106.)—6. (Dig. 1, tit. 1, n. 2.)—7. (Gaius, lib. 106.)

Cicero\(^1\) opposes natura to leges, where he explains natura by the term jus gentium, and makes leges equivalent to jus civile. In the Partitio\(^2\) he also divides jus into natura and lex.

There is a threefold division of jus made by Ulpius and others, which is the same: jus civile; jus gentium, or that which is common to all mankind; and jus naturale, which is common to man and beasts. The foundation of this division seems to have been a theory of the progress of mankind from what is commonly termed a state of nature, first to a state of society, and then to a condition of independent states. This division had, however, no practical application, and must be viewed merely as a curious theory. Absurd as it appears at first sight, this theory is capable of a reasonable explanation; and Sallust shows that it is not meant to say that beasts have law, but only the matter of law; that is, some of those natural relations on which legal relations are founded, exist among beasts as well as men. Such natural relations are those by which the species is propagated. In the Institutes the three divisions are confined;\(^3\) for the explanation of jus naturale is first taken from the threefold division of Ulpius, and then the jus gentium and civil are explained according to the twofold division of Gaius already quoted, so that we have in the same section the jus naturale explained in the sense of Ulpius, and the jus gentium and jus civile explained in the naturalis ratio. Farther, in the second book,\(^4\) the jus naturale is explained to be the same as jus gentium, and the jus naturale is said to be coeval with the human race. Notwithstanding this confusion in the Institutes, there is no doubt that the twofold division of Gaius was that which prevailed in Roman jurisprudence.\(^4\) This twofold division, as has been already explained, was separated by the term jus civile from the jus gentium: and he adds, that the jus civile (of any state) is not, therefore, jus gentium, but that what is called jus gentium ought to be jus civile.\(^4\)

The jus civile of the Romans is divided into two parts,\(^5\) viz., jus civile in the narrower sense, and jus pontificium, or the law of religion. This opposition is sometimes defined by fas and ius \(\textit{seus et ius civitatis};\) and the law of things not pertaining to religion and of things pertaining to it, are also respectively opposed to one another by the terms res iuris humani and divini.\(^6\) (\textit{Vid. Dominum.}) Thus the pontifices maximi, P. Crassus and T. Co-rcuncanius, are said to have given responsa de omnibus divinis et humanis \(\textit{res} \).\(^7\)

The law of religion, or \(\textit{ius} \) pontificium, was under the control of the pontifices, who, in fact, originally had the control of the whole mass of the law, and it was only after the separation of the jus civile in its wider sense into the two parts of the jus civile in its narrower sense and the jus pontificium, that each part had its proper and peculiar limits. But after this separation was fully made, the effect had produced itself, and effect with respect to the law of religion that the auctoritas prudentium had on the jus civile.\(^8\)

Still, even after the separation, there was a mutual relation between these two branches of law; for instance, an adrogatus was not valid by the jus civile unless it was valid by the jus pontificium.\(^9\) (\textit{Vid. Annonem.}) Again, jus pontificium, in its wider sense, as the law which is supposed to have divided, as into jus naturale, jus gentium, 

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\(^{1}\) \textit{Jus.} (1. i. 5.)--3. (i. cit. 2.) \textit{De Jure Naturali, Gentium et Civili.}\n

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\(^{11}\) "Law," says Gaius,\(^1\) meaning the \textit{Roman} \(\textit{ius} \) law (\textit{juris}), "is composed of leges, plebisctis, senatus consulta, constitutiones principium, the edicta of those who have the jus ecclesiendi, and the responsa prudentium." The component parts enumerated by Cicero\(^2\) are \(\textit{legete} \) (which include plebiscita, senatus consulta, res judicata, jurisprudentia, edicta magistratuum, mos, and aequitas). A consideration of the different epochs at which these writers lived will account for part of the discrepancy; but the addition of mos in Cicero's enumeration is important.

Some of these component parts are also opposed; thus, jus civil is opposed to the jus pretorium or honorarium, which originated in the jus ecclesiendi. (\textit{Vid. Dominum.}) In this sense jus civile consists of leges and senatus consulta, and apparently of mos.

The component parts of this narrower jus civile, that is, of jus civile as opposed to pretorium, are also opposed to one another, that is, lex and mos are sometimes opposed to one another, as parts of component of the jus civile in this limited sense, but different in their origin. Horace\(^3\) speaks of "mos et lex;" Juvenal\(^4\) opposes "Juris nodos et legum amnigmatas;" jus civile is opposed to lex,\(^5\) and to senatus consultum.\(^6\) As then opposed to lege, jus civile appears to be equivalent to mos. In fact, the opposition between lex and mos follows the analogy of that between jus scriptum and jus non scriptum. (\textit{Civ. de leg., i. 3. viii.}) This branch of law then is, of course, as the whole doctrine seems to have been considered by the Roman jurists as law merely by force of custom, whereas such custom was only law when it had been recognized by a competent authority. There is, however, a passage of Ulpius,\(^7\) in which he distinctly speaks of confirming a consuetudo in a judicium, which can have no other meaning than that its force as law comes from the consent and custom of the people. And the meaning is clear, whether we read contradicto or contradicta in the passage just referred to.

The Roman writers, indeed, frequently refer to a large part of their law as founded on mos or on the mos majorum, and not on lege.\(^8\) Thus Ulpius\(^9\) says that the jus patriae potestas is mos receptum. But mos contained matters relating to religion, as well as to the ordinary affairs of life, and, therefore, we may also view mos and lex, when opposed, as component parts of the jus civile in its wider sense, not but making up the whole of it. Mos in the sense of immorality, that is to say, morality disapproves of, must not be confounded with mos founded on mos: the former is mos in respect of which there was once a jus mos. But mos, the latter, when it is just mos, there was a retentio in respect of the mos graviorum or majors, which was adulterum.\(^10\)

The terms jus scriptum and non scriptum, as explained in the Institutes,\(^11\) comprised the whole of the jus civil; for it was all either scriptum or non scriptum, whatever other divisions there might be.\(^12\) Jus scriptum comprehended everything; except that it was more comprehensive than jus scriptum and non scriptum does not appear in Gaius. It was borrowed from the Greek wri
A division of jus into publicum and privatum is mentioned by the Roman jurists.1 The former is defined to be that which relates to the status rei Romanae, or to the Romans as a state; the latter defined to be that which relates "ad singulorum aedilitate." The publicum jus is further defined by Ulpian2 "in sacris, in sacerdotibus, in magistratuibus constiterit." According to this view, it comprehends the law of religion, and all the rest of the jus civile which is not privatum. There are other significations of the jus publicum in the Roman jurists, but the whole division of jus into publicum and privatum is still preserved, and is very confused. The elementary treatises of Gaius do not mention this division, and it is limited to the jus privatum. Justinian in his Institutes, after making this division of jus into publicum and privatum, says, "we must therefore treat of jus privatum," from which it appears that he did not own the expressio dominus et dominium ex jure quiritium, as contrasted with in bonis (sed Dominium); and a Latins, if he obtained from the imperator the jus quiritium, obtained the Roman civitas. The terms jus quiritium and the Romananae civitates are therefore identical in this passage. Such part of the Roman law as was claimed from the imperator was the subject of discussion, letting, hiring, and such obligations as were not founded on the jus civile, were considered to belong to the jus gentium, that is, the jus naturale. Accordingly, when ownership could be acquired by tradition, occupation, or in any other way not specially provided for by the jus civile, such forms were not observed, there was no ownership jure civili or jure quiritium, but there was that interest which was called in bonis. It is not said by Gaius that in the bonis arose by virtue of the jus gentium, and as a consequence we may perhaps be allowed to view it; for in another passage he speaks of alienation or change of ownership being effected either by the jus naturale, as in the case of tradition, or by the jus civile, as in the case of mancipatio, in jure cessionis, and usucession. In this passage he is speaking of alienation, which is completely effected by tradition, so that there is a legal distinction recognized by the praetorian law, to which definition the praetor may be said to be based on the jus gentium, so far may the in bonis be said to be founded on it also. Properly speaking, the jus gentium was only received as Roman law when it did not contradict the jus civile; that is, it could only have its full effect as the jus gentium when it was not contradicted or limited by the jus civile. When it was so contradicted or limited, the praetor could only give it a partial effect, but in so doing, it is obvious that he was endeavouring to nullify the jus civile, and so to make the jus gentium as extensive in its operation as it would have been but for the limitation of the jus civile. The bounds that were placed to this power of the praetor were not very definite. Still he generally fashioned his jus prae- torium after the analogy of the jus civile, and though he made it of no effect as against his jus prae- torium, he maintained its form and left it to its full operation, except so far as he necessarily limited its operation by his own jus prae- torium.

Jus, used absolutely, is defined to be "ex boni et septimae," which is not expressed in any other way. With it really may be collected from the above definition of its parts or divisions. Its general significatio is law, and in this sense it is opposed to lex or a law. Lex, however, as already shown, is sometimes used generally for law, as in the instance from Cicero where it is opposed to natura. Lex, therefore, in this general sense, comprehends leges and all the other parts of the jus civile. In a special sense of a law, it is included in jus. Lex is also used in the plural number (jura) apparently in the sense of the component parts of jus, as in Gaius,3 where he says, "Constant autem jura ex legibus," &c.; and in another passage,4 where he says, with reference to the agnationis jus, or law of agnation, and the cognationis jus, or law of cognation.

Civitas Italiae civilis jura, etc., is the title of a book which has been published. In this passage, agnationis jus and cognationis jus are two of the jura or parts of jus, with which other jura make up the whole of jus. Again,5 that provision of the lex Julia de Adulteris, which forbade the alienation of the fundus dotalis, is referred to thus: "quod quia alium legem," which is not a rule of law, or to the law, but it is a rule of another law, which contained this and many other provisions. Thus, though law, in its strict sense of a law, is different from jus in its large sense, and though jus, in its narrower sense, is perhaps never used for a law, still jus, in this its narrower sense, is used to express a rule of law, or a law. Thus Gaius speaks of the other parts of the legal provisions comprised in the lex Julia Sextia, and of jura as based on the response pruduntum.

Jus has also the special meaning of a faculty or legal right. Thus Gaius says, "it is an actio in rem when we claim a corporeal thing as our own, or claim some jus as our own, such as a jus utendi, eundem, and a jus of possession, and a jus of property." And he says,6 "jus is a thing to which another's right in respect to it is opposed, as a rule of law, or a law, or a thing that is required by law, or a thing that is called a rule of law, or a law; and it is opposed to the lex in its strict sense." Indeed, in this passage, agnationis jus and cognationis jus are two of the jura or parts of jus, with which other jura make up the whole of jus. Again,7 that provision of the lex Julia de Adulteris, which forbade the alienation of the fundus dotalis, is referred to thus: "quod quia alium legem," which is not a rule of law, or to the law, but it is a rule of another law, which contained this and many other provisions. Thus, though law, in its strict sense of a law, is different from jus in its large sense, and though jus, in its narrower sense, is perhaps never used for a law, still jus, in this its narrower sense, is used to express a rule of law, or a law. Thus Gaius speaks of the other parts of the legal provisions comprised in the lex Julia Sextia, and of jura as based on the response pruduntum.

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1. (Dig. 1, tit. 1, s. 1.)—2. (Dig. 1, tit. 1, s. 1.)—3. (Vit. Cic. De Leg. Balb. 15.—4. Pro Mil. 58.—5. (Ulp. Frag. tit. 5.)—6. (Dig. 1, tit. 1, s. 1.)—6. (Gaius, ii., 55.)—7. (II., 40.)—6. (iis, 9.)—9. (ii., 40.) 4. (Dig. 1, tit. 1, s. 1.)—2. (iis, 2.)—2. (I., 158.)—4. (Gaius, ii., 68.)—5. (I., 47.)—6. (Pro Ccecin. c. 11.)
JUS CIVILE PAPIRIANUM.

whole matter of jus which treats of the status of persons, in other words, the law of persons.

This leads to the mention of another division of the law of which appears among the Roman jurists, namely, the law of persons; the law of things, which is expressed by the phrase “jus quod ad res pertinent,” and the law of actions, “jus quod ad actiones pertinent.” In his first book Gaius treats of the law of persons, in the fourth he treats of the law of actions; and, accordingly, the second and third contain the law of things, to express which he does not use a phraseology analogous to that of “jus personarum,” but he says he will treat De Rebus. This division of the “jus quod ad actiones pertinent” is explained in the article Actio.

The adjective justum often occurs in the Latin writers in the sense of that which is consistent with jus or law, or is not contrary to law. Thus it is a justum (legal) matrimimonium if there is commu-
nity between the two parties to the marriage.

The word justum has many varieties of meaning, which may generally be derived, without much dif-
ficulty, from the meanings of jus.

Jus is opposed to judicium, and a thing was said to be done in jure or in judicio, according as it was done before the magistratus or before a judex. (Vid. Juricinum.) Thus all matters of legal ques-
tions were said to be “in jure,” or “ad iudicium.”

Jus, in the sense of the place “in quod jus redditur,” is only an application of the name of what is done to the place in which it is done. The expression jus dicere is explained under Jurisdiccion.

There are other meanings of jus, but they are unimportant, or may be deduced from what is here before mentioned.

JUS AELIANUM was a compilation by Sextus Aelius Patux, surnamed Catus, who was consul B.C. 198, and who is called by his contemporary Ennius “agregato coradus homo.” He is also fre-
quently mentioned with praise by Cicero. The Jus Aelianum, also called Tripterus, contained the laws of the Twelve Tables, an interpretatio, and the legal actions. This work existed in the time of Pomponius. Cicero also speaks of some com-
mentaries by Aelius. (Vid. Applicatio’nis. (Vid. Banishment."

JUS CIVILE. (Vid. Just.)

JUS CIVILE FLAVIANUM. Appius Claudius Cecconi, who was consul B.C. 312, is said to have drawn up a book of actions; or forms of procedure, which his clerk Cn. Flavius made public. According to one story, Flavius surreptitiously obtained possession of the book of Appius, and was reward-
ed by the people for his services by being made tri-
hunus plebis and curule edile. The effect of this publication was to extend the knowledge and the prac-
tice of the law to the plebeians, and to separate the jus civile from the jus pontificium.

JUS CIVILE PAPIRINUM or PAPIRISI-
NUM was a compilation of the laws of the reges, or laws passed in the kingly period of Rome. This compila-
tion was commented on by Granius Flaccus in the time of Julius Caesar, to which circumstance we probably owe the preservation of existing frag-
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LABRAX.

1. (Gaius, l., 15.)—2. (Plaut, Menenius, iv, 2, 18.)—3. (Liv. iv, 13, 29.)—4. (De Reg. 1, 15.—De Or. 1, 49. 22.)—5. (Disp. 1, i., 8.—6. (De Orat., 7, 36.—Top., 1, 7.)—7. (Cic., De Orat., 2, 41. —8. (Disp, 1, 11. 7.)—9. (Disp, 50, 11, 144.)

Dirksen, in his “Verzwaren der Kritik und zugleich der Quellen des Römischen Rechts.” See also 
Zimmermann, Geschichte des Röm. Privatrechts.

JUS GENTILITIUM. (Vid. Gens.)

JUS GENTIVM. (Vid. Just.)

JUS HONORARIUM. (Vid. Edictum, p. 388.)

JUS ITALICUM. (Vid. Colonlia, p. 281.)

JUS LATHI. (Vid. Civitas, Latinitas.)

JUS LIBERORVM. (Vid. Julia et Fabia Por-

JUS PONTIFICIUM. (Vid. Jus, p. 680.)

JUS PUBILICUM, PRIVATUM. (Vid. Just.)

JUS QUITITIUM. (Vid. Civitas, Just.)

JUS RESPONDENDI. (Vid. Jusconsulut.)

JUS VOCATIO, IN. (Vid. Actio, p. 18.)

JUSURANDOM. (Vid. Oath.)

JUSURANDUM CALUMNIE. (Vid. Calum.

JUS QUISTAMUS, a corruption from Hypocryam, which see.

JUSTA FUNER. (Vid. Funus, p. 459.)

JUSTINIANIUS CODEX. (Vid. Codex Justi-

JUSTITIUM. (Vid. Funus, p. 482.)

JUSUS, QUOD, ACTIO, is a praeator act,

JUSUS, QUOD, ACTIO, is a praeator act,

K. SEE C.

L.

LABARUM. (Vid. Signa Militaria.)

LABRAX (læbriks), a species of Fish, the Bass or Sea Perch, the Perca labrax of Linneaus, or Le-

1. (Cains, iv, 70.—Dig. 15, tit. x.)—2. (Vid. viii, p. 213.)—3. (Theocr., 11, ii, 17.—Tzetzes ad Lyolph, Comand.—Adams Append., a. v.)

The German lexicographers also set down the Wes

dehals, or Wryneck, as the lye of the Greeks. K. SEE C.

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LABYRINTHUS.

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the earliest and most renowned labyrinth was that of Egypt, which lay beyond Lake Morris, at a short distance from the City of Crocodiles (Arinosio), in the province now called Paloum. Herodotus ascribes its construction to the dodecarchs (about 650 B.C.), and Mesla to Psammethicus the wise. But it was divided into courts, each of which was surrounded by a wall, and it lay buried under the earth, and at the time of Diodorus and of Pliny the Egyptian labyrinth was still extant. But the ruins which modern travellers describe as relics of the ancient labyrinth, as well as the place where they saw them, do not agree with what we know from the best ancient authorities respecting its architecture and its site. The pur-

pose which the labyrinth was intended to serve can only be matter of conjecture. It has been sup-

erised by some writers that the whole arrangement of the edifice was a symbolical representation of the zodiac and the solar system. Herodotus, who saw the upper part of this labyrinth, and went through it, was not permitted by the keepers to en-

ter the subterraneous part, and he was told by them that here were buried the kings by whom the labyrinth had been built, and the sacred crocodiles.

The second labyrinth mentioned by the ancients was that of Crete, in the neighbourhood of Cnossus: Dedalus was said to have built it after the model of the Egyptian, and at the command of King Mi-

nos. He made it so intricate that no one excepting the chief architects could possibly have seen a Cretan king could have had in view in raising such a building, have induced almost all modern writers to deny altogether the existence of the Cre-

tian labyrinth. This opinion is not only supported by some testimonies of the ancients themselves, but by the peculiar nature of some parts of the island of Crete. The author of the Physiognomia Magna, called the Cretan labyrinth "a mountain with a cavern," and Eustathius calls it "a subterraneous cavern;" and similar statements are made by several other writers quoted by Morsius. Such large caverns actually exist in some parts of Crete, espe-

cially in the neighbourhood of the ancient town of Gortys; and it was probably some such cavern in the neighbourhood of Cnossus that gave rise to the story of a labyrinth built in the reign of Minos.

A third labyrinth, the construction of which be-

longs to a more historical age, was that in the island of Lemnos. It was described by Smolian, an Egyptian architect, and completed by Rhoeus and Diodorus of Samos, about the time of the first Olympic.

It was in its construction similar to the Egyptian, and was only distinguished from it by a greater number of columns. Remains of it were still extant, in the time of Pliny. It is uncertain whether this labyrinth was intended as a temple of the Cabiri, or whether it had any connexion with the art of mining.

Samos had likewise a labyrinth, which was built by Theodorus, the same who assisted in building that of Lemnos; but no particulars are known.

Lastly, we have to mention a fabulous edifice in Etruria, to which Pliny applies the name of lab-

yrinthus. It is called by the ancients that of Clusium, and as the tomb of Lar Persenna. But no writer says that he ever saw it, or remains of it; and Pliny, who thought the description which he found of it too fabulous, did not venture to give it in his own words, but quoted those of Varro, who had probably taken the account from the popular stories of the Etruscans themselves. It was said to have been partly built under and partly above ground, whence the name labyrinth is correctly ap-

plied to it. But a building like this, says Niebuhr, is absolutely impossible, and belongs to the Arabian Nights.

LABRUM. (Vid. Batia.)

LABRUSCA, the wild Vine, the ἀετρακαί ἀγρία of the Greeks. "The Labrusca, or wild Vine of the ancients," remarks Martyn, "did not probably dif-

fer specifically from that which was cultivated. Pliny informs us that the grapes of the Labrusca were gathered before the flowers were gone off, dried in the shade upon linen cloths, and laid up in casks; that the best sort came from Pa-sapautia, the next from Antioch and Laodicea, and the third from the mountains of Media; that this last was the finest for medical uses; that some, however, preferred the kind which grew in Cyprus; that the African sort was used only in medicine, and was called mas-

saris, and that the white was better than the black, as described by the Pliny. Thucydes, in the sixth book, tells us that the Labrusca is called by the Greeks ampelos agría; that it has thick and whitish leaves, is jointed, has a chopped bark, and bears red ber-

ries. From these and other authorities, we may venture to affirm that the Labrusca is a real vine, running wild, without any culture." (Vid. Ar-

trio.)

LACERNA. (μαυδόν, μαυδόν) was a cloak worn by the Romans over the toga, whence it is called by Juvenal "munimentum toge." It differed from the paenula in being an open garment like the Greek pallium, and fastened on the right shoulder by means of a buckle (fiba), whereas the paenula was what is called a vestimentum clausum, with an open-

ing for the head. (Pav. Epit., 1, 136, note 1.) The Lacerna appears to have been commonly used in the army, but in the time of Cicero was not usually worn in the city. It soon appeared, however, became quite common at Rome, as we learn from Suetoni-


LADANUM.

us, who says that Augustus, seeing one day a great number of citizens before his tribunal dressed in the lacesa, which was commonly of a dark colour (pullarum), repeated with indignation the line of Virgil,

"Romano rerum dominos, gentemque togatam,"

gave orders that the ediles should henceforth allow no one to be in the Forum or circus in that dress.

Most persons seem to have carried a lacerum or pellum with them when they attended the public games, to protect them from the rays of the sun or rain; and thus we are told that the equites used to stand up at the entrance of Claudiunus, and lay aside their laceras.

The lacerca was usually, as already remarked, of a dark colour (fusci coloris), and was frequently made of the dark wool of the Bactric sheep (Baticum lacerce). It was, however, sometimes dyed with the Tyrian purple and with other colours. The laceras of the lacer of the former kind, which cost as much as 10,000 sesterces. When the emperor was expected at the public games, it was the practice to wear white laceras only.

The lacerca was sometimes thrown over the head for the purpose of concealment; but a cucullus or cowl was generally used for that purpose, which appears to have been frequently attached to the lacerus and have formed part of the dress.

(Vid. Cic., Fin., 7, 21.)—A LACERTA, the Lizard. (Vid. ASCARABOTES and SAURA.)

LACIUM, the angular extremities of the toga, one of which was brought round over the left shoulder. It was generally tucked into the girdle, but sometimes was allowed to hang down loose. Plautus frequently speaks of a pocket-handkerchief (At tu escopul sune laciniam atque abstinence sodore tubi: Velleius Paterculus represents Scipio Nasica as wrapping the lacinia of his toga round his left arm for a shield before he rushed upon Tiberius Gracchus; while, according to Servius, the cinetus ganibus was formed by girding the toga tight round the body by one of its laciniae, or loose ends. These expressions are quite reconcilable with the opinion of Ferrarius and others, that the lacinia was the lower border or skirt of the toga, while all the passages adduced by them admit of easy explanation according to the above view. The lacinia was undoubtedly permitted by some to sweep the ground, especially by such as wore their garments loosely. The lacinia also of Marcus I. remarks upon one of Cicero's Witticisms, "Jocatus in Cassarea quis ia praecisingatur, ut trahendo laciniam velut mollis incederet," which corresponds with the well-known caution of Sulla addressed to Pomp., "Cum tibi illum puerum male praecinctum;" and Suetonius tells how the Emperor Caius, being filled with jealousy on account of the plaudits lavished on a gladiator, hurled out of the theatre in such haste, "quando secus celeri mittens, celeri trahens," that it was a long time before the toga was straightened. Moreover, the secondary and figurative meanings of the word, namely, a rag, a piece of land, the point of a leaf, the excrescence: which hang down from the neck of a she-goat, accord perfectly with the idea of the angular extremity of a piece of cloth, but can scarcely be connected naturally with the notion of a border or skirt.

The corresponding Greek term was κράτυσκον, and perhaps πτερύγιον (Pollux considers this syn-

tonomous); and, accordingly, Plutarch and App. employ the former in narrating the story of Scipio alius to above, with this difference, however, that they describe him as throwing τὸ κρατύουν τὸν ιστριον αὐτῷ ἄνωθεν instead of turning it round his arm.

LACO/NICUM. (Vid. BATHS, pages 146, 150.)

LACTARIUS. (Vid. PISTOL.)—A LACTICA (φιδία), Lettuce. According to Pliny, the Greeks made three species of this plant, one with a broad stem (laticulius), another with a round stem (rotundanicus), and the third termed Laciconium, in Latin sessile. The stem of the first kind was so broad, that, as we are informed by the same authority, who copies from this Theophrastus, the gates of kitchen-gardens (ostica solida) were wont to be made of them. The variety of lettuce at the present day, offers a stem of such size as this. The second kind, namely, with a round stem, cannot be cited as a distinct variety, since every species of lettuce with which we are acquainted has a stem of this kind. The third kind, or Lacomium, obtained its Latin name from its having hardly any stem, and being, therefore, as it were, seated on the ground. Billerbeck considers one of these to be the Head Lettuce (kephale). Another Greek name for this kind is χαλινοίος. The ancients also distinguished between different kinds of lettuce by their colour and times of sowing. Thus the kind called nigre (dark green Summer Endive) was sown in January; the white, or alba, in March; the rubetens in April, &c. They had also the Cappadocian, the Greek, and many other species. The Romans named the Cappadocian Lettuce the epinor by the ancients, and were acquainted with the narcotic properties of the lettuce. Galen informs us that he frequently found good effects resulting from its use, and Dioscorides recommends both the domesticated and the wild kinds with the same view. The calming effects of the juice of the cultivated lettuce is acknowledged also by modern practitioners. A writer quoted by Athenæus ascribes to the Lettuce anti-aphrodisiacal properties. It was also believed, from its absorbing little nourishment, to be a very good article of food for the sick and those who required a low diet. We have given at the head of this article the Greek term φιδία, as corresponding to the Latin Lettuce, but φιδίακις and φιδιάκις were also employed. According to Nicander, the Lettuce, under the leaves of which Adonis was concealed, when he was slain by the boar, was called by the inhabitants of Cyprus Bmethis. According to Adams, the φιδίακις of Dioscorides would seem to be the Lactua sativa, or Garden Lettuce. The φιδίακις υγρα is held by Sprengel to be the Lactea virens. So, again, with regard to the term φιδίακις, Stockacke acknowledges this also to be the Lactea sativa. Schieler observes that the ancients who refer the φιδίακις and φιδιάκις to the Lactea, do not seem to have distinguished correctly, the φιδίακις being rather referable to the Cichorium endivia. I have been unable, however, to discover upon what ground he founds this opinion.

LACUNA. (Vid. HOLE, Roman p. 520.)

LADANUM (λαδανος).—All agree, remarks Adams, that this is a Greek word with the meaning that is, Lactoeleuthria C. ladanifera. It is a soft resin, still much used by the Grecoian ladies as a perfume, and is now procured from the tree by scraping it with leatner thongs. Anciently, it

1. (Bracc., 19, 6.)—2. (Bell. Div. i., 16, 3.)—3. (H. N., xii., 8.)

4. (Pluma, 203, 2.)—5. (De Fam. Alim., ii., 40, 4.)


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LAGOS THALATTOS

LAGAPHEPHORIA.

1. LAMPADEPHORIA. a is the name given to the genus Lampaedia, and one of the main species of this genus is Lampaedia pyrus. The name is derived from the Greek lampaedia, which means "fire-lamp." The plant is a small shrub with globular leaves and a woody stem. The flowers are small and white, and the fruit is a small berry. The plant is found in the Mediterranean region, particularly in Italy and Greece.

II. A fish of a very different kind from the preceding. Schneider supposes it to be one of the species of the Diodon or Tetraodon.1

1. LAMPADEPHORIA (Lampadophoria), torch-bearing (as Herodotus calls it), or lampadophoria, torch-bearers (as some lexicographers), also lampadophorous, lampadophorous, and often simply lampas, was a game common, no doubt, throughout Greece; for though all we know concerning it belongs to Athens, yet we hear of it at Corinth, Pergamum, and Zerinthus, and a comic play, called "The Lampas," is preserved.2 It was copied below, the legend "lampas" is used.

At Athens we know of five celebrations of this game: one to Prometheus at the Prometheia,4 a second to Athena at the Panathenea5 (probably the greater Panathenea); a third to Hephaistos at the Hephaisteia6 (the ceremony at the Apatouria was different);7 a fourth to Pan;8 a fifth to the Thraconian Artemis or Bendis.9 The three former are of unknown antiquity; the fourth was introduced soon after the battle of Marathon, the last in the time of Socrates.

The race was usually run on foot, horses being first used in the time of Socrates;10 sometimes, also, at night.11 The preparation for it was a principal branch of the gymnasia, so much so, indeed, in later times, that the gymnasia seems to have been pretty much equivalent to the gymnasia.12 The gymnasiarch had to provide the lampas, which was a candlestick with a kind of shield set at the bottom of the socket, so as to shelter the flame of the candle, as is seen in the following woodcut, taken from a coin of Athens.13 With the second, the seed had also to provide for the training of the runners, which was of no slight consequence, for the race was evidently a severe one,14 with other expenses, which, on the whole, were very high, so that Isaeus15 classes this office with the choregias and the synodes, and reckons that it had cost him 12 minae. The discharge of this office was called gymnasiarche lambaion,16 so in tales làmpas was gymnasiarches.17 The victorious gymnasiarch presented his lampas as a votive offering (inopíthos).18

As to the manner of the lamphoria, there are some things difficult to understand. The case stands thus. We have two accounts, which seem contradictory. First, it is represented as a course, in which a lampas was carried from one point to another by a chain of runners, each of whom formed a successive link. The first, after running a certain distance, handed it on in like manner to the third, and so on, till it reached the point proposed. Hence the game is used by Herodotus19 as a comparison whereby to illustrate the Persian ágygarón, by Plato20 as a lively
LAMPADEPHORIA. 

The image of successive generations of men, as also in the well-known line of Lucrètes,1

"Et quasi curseos vitat lampada iridem.

And it is said that the art consisted in the several runners carrying the torch unexhausted through their respective distances, those who let it go out losing all share of honour. Now, if these were all, such explanation might content us. But, secondly, we are plainly told that it was an ágyw; the runners are said ámmássau; a some are said to have won (μικρά λαμπών); the scholar on Aristoph., Ran.,4 talks of τών ἱστών τρέχοντα, which shows that it must have been a race between a number of persons, not an individual play5 speak of ῥήμα, τοίς ῥήματοι, τοῖς τρέχοντος, which shows that a number must have started at once.

This second account implies competition. But in a chain of runners, each of whom handed the torch to the next man successively, where could the competition be? One runner might be said to lose—he who let the torch go out; but who could be said to win? We offer the following hypothesis in answer to this question. Suppose that there were several chains of runners, each of which had to carry the torch the given distance. Then both conditions would be fulfilled. The torch would be handed along each chain, which would answer to the first condition of successively delivery. That chain in which it travelled most quickly and soonest reached its destination would be the winner, which would answer to the second condition, its being a race between competitors.

In confirmation of this hypothesis, we observe as follows: The inscription in Böckh, No. 245, consists of the following lines:

λαμπότα νεκράς ςῶν ψώφων τῆς ἰ νεκρήλικα
Εὐτυχίδος τοῖς ὧν Εὐτυχίδος Ἀμανιτες.

This Eutychides was no doubt the gymnasiarch who won with the ξιφίτων he had trained, just as Andocides'7 talks of his νεκρικρήκει αὐτοὶ as a gymnasiarch; so, too, Inscr. No. 250 records a like victory of the tribe Cerecops. Now we know that the gymnasiarchs were chosen one from each tribe. If the gymnasiarch, a chieftain or a craftsman, there would have been ten (in later times twelve) chains of runners. Perhaps, however, the gymnasiarchs were not all called on to perform this service, but each once only in the year, which would allow us for each of the three greater celebrations (the Prometheia, Panathenæa, and Hephæstia) three or four chains of competitors. It may be here remarked, that Inscr. No. 244 gives the record of one of these κόσμων τῆς λαμπότα, the winners in the torch-race, fourteen in number. Who were these? If the several links of the winning chain, it is rather against analogy that they should be named. No one ever heard the names of a chorus: yet they can hardly be fourteen winning gymnasiarchs.

The origin of these games must be sought, we think, in the worship of the Titan Prometheus. The action of carrying an unexhausted light from the flame consecrated to the Acropolis is a lively symbol of the benefit conferred by the Titan upon man, when he bore fire from the habitations of the gods and bestowed it upon man.

But the gratitude to the giver of fire soon passed the Olympian gods who presided over its use; H paistos, who taught men to apply it to the mealt and moulding of metal, and Athena, who carried through the whole circle of useful and ornamental arts. To these three gods, then, were these games first devoted, as the patrons of fire. And lasting, if it was true in the Homeric hymns, Potters' quart—we are much inclined to ad Weleker's suggestion,8 viz. that the fire was given or pots which instituted the lampadophoria. Athena (as we learn from the Kérmais) was their patroness; and who more than would have reason to be thankful for the gift and use of fire! Periy would be one of the first modes in which would be made serviceable in promoting the way of life. In later times the same honour was paid to all gods who were in any way connected with fire, as to Pan, to whom a perpetual fire was kept up in his grotto under the Acropolis, and who in this capacity called by the Greeks Phaneus,9 the Romans Lucidus; so also in this capacity called by the Greeks Phaneus,10 the Romans Lucidus, we have a symbol of the protection of the hearth. The torch, as it was made use of material moulding fire (τῆς τεχνῆς πως τής ἀνάλοιποι) as Άρσελος calls it,8 though this special signification was lost sight of later times. Other writers, in their anxiety to give a common signification for all the times and modes of the lampadophoria, have endeavoured to prove that all who were honoured by it were connected with the heavenly body; i.e., lampas, as Ciceron11 and others; that it always had a more significant, alluding to the inward fire by which Prometheus put life into man (so Brinseet). In this legend of Prometheus was a later interpretation of the earlier one, as may be seen by comparing Plat. Protag., p. 321, D, with Hesiod, Theog., 565, 1. LAMPS. (Vid. LAMPADEPHORIA.)

"LAMPSANE, a plant mentioned by Dioscor., and by which most of the commoner plants take for the Sinapi arvensis. Springle, however, joins Columna in preferring Raphanus raphanistrum Adams will not decide between the two. Both plants get the English name of Charlock."

LANCEA. (Vid. HARTA, p. 488.)

LANYSTA. (Vid. GLADIATORIUM, p. 473.)

LANX, sim. LANCULA, a large dish, made silver or some other metal, and sometimes embellished, used at splendid entertainments to hold me or fruit12 (vid. CIENCE, p. 275), and consequently sacrifices13 and funeral banquets.14 (Vid. FINE page 462.) The silver dishes used by the Romans at their grand dinners were of vast size, so that boar, for example, might be brought whole to table. They often weighed from 100 to 500 pounds.15

LAPATHUM (λαπαθόν), a kind of Sorrel, Meli Rhubarb, or Dock. The five species described


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Dioscorides is thus arranged by Sprengel, who in this, as Adams remarks, closely follows Buxhin-1. The ἔρεσσανον is the Rumes acuta; the 2d, the ἐρέσσα, 3d, the ὁλυμπουσσανον, and the 4th, the R. acetosa; and the 5th, the R. hydrolapathum, Huds. The Dock is named Rumes by Pliny, and Paratella by Macer. The Lapathum of Celsus, according to Adams, is not well defined, and Dr. Miligan refers it, as the same authority, remarks, to seven species of Rumex, in a very fanci-2.ful manner in which it was solemnized during the time of the Roman Em-3.pire is described by Pausanias. On the approach of the festival, the Pataeans placed in a circle, around the altar of the goddess, large pieces of green wood, each being sixteen yards in length, within the altar they placed dry wood. They then for-4.med an approach to the altar in the shape of steps, which were slightly covered with earth. On the first day of the festival a most magnificent pro-5.cession went to the Temple of Artemis, and at the end of it there followed a maidens who had to perform the worship by carrying the torches that they had thrown in a chariot drawn by stags. On the second day the goddess was honoured with numerous sacri-6.fices, offered by the state as well as by private in-7.dividuals. These sacrifices consisted of catabale birds, boars, stages, goats, sometimes of the cubs of wolves and bears, and sometimes of the old animals them-8.selves; and these animals were thrown upon the altar alive at the moment when the dry wood was set on fire. Pausanias says that he often saw a bear, or some other of the animals, when seized by the flames, leap from the altar and escape across the barricado of green wood. Those persons who had thrown them upon the altar caught the devoted vicims again, and threw them back into the flames. The Pataeans did not remember that a person had ever been injured by any of the animals on this occasion. LAPIS SPECULARIS. (Vid. House, Roman, p. 521.) L’AQUEAR. (Vid. House, Roman, p. 520.) L’AQUATORIUM. (Vid. Gladiators, p. 476.) LARA’RIUM was a place in the inner part of a Roman house, which was dedicated to the Lares, and in which their images were kept and wor-9.shipped. It seems to have been customary for re-10ligious Romans in the morning, immediately after they rose, to perform their prayers in the lararium. This custom is at least said to have been observed by the Emperor Alexander Severus, who had his images were sometimes of gold, is stated by Sue-11.tonius. We do not know whether it was custom-12.aroy to have more than one lararium in a house, or whether the case of Alexander Severus is merely to be looked upon as an exception. LARENTIA, sometimes written LARENTI-13.A and LAURENTIA, was a Roman festi-14.val in honour of Acca Larentia, the wife of Faustus, and the nurse of Romulus and Remus. It was celebrated in December, on the 10th before the calends of January. The sacrifice in this festival was performed in the Velabrum at the place which led into the Nova Via, which was outside of the old city, not far from the Porta Romanna. At this festival Acca Larentia was said to have been born. This festival appears not to have been confined to Acca Larentia, but to have been sacred to all the Lares. LARGITTO. (Vid. Amittus.) LARNAKES. (Vid. Pennis, p. 456.) *LARUS (λαρος), a species of Bird, generally re-15.garded as the Guil or Scæwam, the Larus canus, L. Some of its characters, however, as given by Ari-16.stotle, agree better with the L. parasiticus or L. marinus. "The poet Lycochon uses the word ψαῦς for λαρος. Tzetzes says that he calls an old man by this name, because in old age the hair be-17 comes hoary, like the feathers of the Seawam." *LATAX (λαταξ), the Otter. (Vid. Enhydrus.) LATER, dim. LATEROULUS (λατερούλος, dim. λατερός, &lt; λατός, a Brick. Besides the Greeks and Romans, other ancient nations employed brick for building to a great extent, especially the Babylonians and Egyptians. In the latter country, a painting on the walls of a tomb at Thebes exhibits slaves, in one part employed in procuring water, in mixing, tempering, and carrying the clay, or in turning the bricks in the moulds (vid. Fieschi, De Re Rustica), and arranging them in order on the ground to be dried by the sun, and in another part carrying the dried bricks by means of the yoke (vid. Asilata) to be used in building. In the annexed woodcut we see a man with three bricks suspended from each end of the yoke, and beside him another who returns with having deposited his load.

These figures are selected from the above-mentioned painting, being, in fact, original portraits of two Λεγοντας πυλοφόρους, girt with linen round the loins in exact accordance with the description given of them by Aristophanes, who at the same time alludes to all the operations in the process of brick-making, 1. The Latis (λατης), which is a foot broad, 15 feet long; the tetradoron, which was four palms square; and the pentadoron, which was five palms square. They used them smaller

LATERNA. 

LATINITAS.

We learn from Martial's epigrams that bladder was used for lanterns as well as horn. Some centuries later glass was also substituted. The most transparent horn lanterns were brought from Carthage. When the lantern was required, the lamp was lighted and placed within it. It was carried by a slave, who was called the lanternarius. When a lantern was not at hand, a basket (spongicium), as a cheaper and commoner utensil, was taken to hold the lamp.

Lanterns were much employed in military operations; and not only the common kind, but the dark lantern, which was square, with a white skin on the side next to the bearer, enabling him to see, and with black skins on the three other sides.

Laticla/vii. (Vid. CLAVUS, p. 264.)

LATINNE FERLE. (Vid. FEREK, p. 436.)

LATINITAS, LATIUM, JUS LATII (τὸ καλουθένον Δατσίον). All these expressions are used to signify a certain status intermediate between that of cives and peregrini. The word "Latinitas" occurs in Cicero. Before the passing of the lex Julia de Civitate, the above expressions denoted a certain nationality, and, as part of it, a certain legal status with reference to Rome; but after the passing of that lex, these expressions denoted only a certain status, and had no reference to any national distinction. About the year B.C. 69, a lex Pompea gave the jus Latii to all the Transpadani, and, consequently, the privilege of obtaining the Roman citizenship by having filled a magistratus in their own cities. To denote the status of these Transpadani, the word Latinitas was used, which, since the passing of the lex Julia, had lost its proper significance; and this was the origin of that Latinitas which thenceforth existed to the time of Justinian. This new Latinitas, or jus Latii, was given to whole towns and countries; as, for instance, by Vespasian to the whole of Spain, and to certain Alpine tribes (Latio dotati).

This new Latinitas was given not only to towns already existing, but to towns which were founded subsequently to the lex Pompea, as Latinae Colonic; for instance, Novum-Cumum, which was founded B.C. 59 by Cesar. Several Latin towns of this class are mentioned by Pliny, especially in Spain.

Though the origin of this Latinitas, which makes so prominent a figure in the Roman jurisprudence, is certain, it is not certain wherein it differed from that
LATRUNCUL.

Latinitas which was the characteristic of the Latin before the passing of the Julia lex. It is, however, clear that all the old Latin had not the same rights with respect to Rome, and that they could acquire the civitas on easier terms than those by which the new Latinitas was acquired. Accordingly, the rights of the new old Latin might be designated term majus Latium, and those of the new Latini by the term minus Latium, according to Niebuhr's ingenious emendation of Gaius. The majus Latium might be considered to be equivalent to the Latium antiquum and vetus of Pliny; for Pliny, in describing the towns of Spain, always describes the proper names of the towns as existing in an eighth mode, while he describes other towns as consisting sometimes "Latinorum" simply, and sometimes "Latinarum" or "Latini veteres," from which an opposition between Latini veteres and Latini simply might be inferred.

But a careful examination of Pliny rather leads to the conclusion that his Latini veteres and Latini are the same, and that by these terms he merely designates the Latin coloniae hereafter mentioned. The emendation of Niebuhr is therefore not supported by these passages of Pliny, and though ingenious, it ought, perhaps, to be rejected; not for the reasons assigned by Madvig, which Savigny has answered, but because it does not appear to be consistent with the whole context.

The new Latini had not the connubium, and it is a doubtful question whether the old Latin had it. The new Latini had the commercium, and herein their condition was the same as that of the twelve or eighteen old Latin colonies, which were specially favoured. (Vid. Civitar.)

The Latin colonia, which was given to the Transpadani, was that legal status which the lex Junia Norbana gave to a numerous class of freedmen, hence called Latini Juniani. The date of this lex is not ascertained.

The Latin colonia, which are mentioned by Ulpian, are the inhabitants of towns beyond Italy, to whom the Latinitas was given. These are the towns which Pliny calls "oppida Latinarum veterum," and enumerates with the "oppida civium Romanorum," which were military colonies of Roman citizens. The passages in which the Latini colonia are mentioned as a class then existing, must have been written before Caesar gave the civitas to the whole nation.

These, the most recent views of Savigny on this difficult subject, are contained in the Zeitschrift, vol. ix., Der Roman. Volkschuls der Tafel von Heraclea.

The Latini could acquire the jus Quiritium, according to Ulpian, in the following ways: By the beneficium principale, liberati, militia, navis, sepulchrum, patrimonium; and by a so-called usus consulti it was given to a female wife "quasi sit ter enixa." These various modes of acquiring the civitas are treated in detail by Ulpian, from which, as well as the connexion of this title "De Latiniis" with the first title, which is "De Libertis," it appears that he only treated of the modes in which the civitas might be acquired by those Latini who were liberi. The same remark applies to the observations of Gaius on the same subject (Quibus melius Latini ad civitatem Romanam pervenirent). In speaking of the mode of acquiring the civitas by means of liber, Gaius speaks of a Latinus, that is, a libertus Latinus, marrying a Roman citizen, or a Latina colonia, or a woman of his own condition, from which it is clear that all his remarks under the head of canvus to Liberti Latin; and it also appears that Gaius speaks of the Latin colonia as a class existing in his time. Neither Ulpian nor Gaius says anything on the mode by which a Latinus coloniarius might obtain the civitas Roman.

1.LATOS ( Latitude), the name of a fish mentioned by Strabo and Athenaeus. It would appear to have been some variety of the swordfish, or libel.

LATRUNCULI ( παντοκράτορ, ὑπάτος). Draughts. The invention of a game resembling draughts was attributed by the Greeks to Palamedes, whom they held as one of their greatest benefactors. (Vid. Abacus, § 7.) The game is certainly mentioned by Homer, who represents the authors of Penelope amusing the household with it. Others ascribe the invention to the Egyptian Thoth, and the paintings in Egyptian tombs, which are of a far higher antiquity than any Greek monuments, not unfrequently represent persons employed in this recreation. The painting, from which the accompanying woodcut is taken, is on a papyrus preserved in the Museum of Antiquities at Leydon, and was probably made about 1700 years B.C. It is remarkable that a man is here represented playing alone; whereas, not only in works of Egyptian art, but also on Greek painted vases, we commonly observe two persons playing together. For this purpose there were two sets of men, one set being black, the other white or red. Being intended to represent a miniature combat between two armies, they were called soldiers (militia), foes (hostes), and marauders (latrones, dim. latrunculi); also Calculi, because stones were often employed for the purpose. Sometimes they were made of metal or ivory, glass or earthenware, and they were various and often fanciful in their forms. The object of each player was to get one of his adversary's men between two of his own, in which case he was entitled to the man kept in check, or, as the phrase was, altituras. Some of the men were obliged to be moved in a certain direction (order), and were therefore called ordinarii; others might be moved any way, and were called vaga in this respect the game resembled chess, which is certainly a game of great antiquity.

Seneca calls the board on which the Romans played at draughts, tabula latruncularis. The spa in which the draughts were divided was called manda. The abacus, represented at page 10, is crossed by five lines. As five men were allowed on each side, we may suppose one player to arrange his five men on the lines at the bottom of the abacus, and the other to place his five men on the same lines at the top, and we shall have them disposed according to the accounts of ancient writers, who 1. (Od., i., 107.) - 2. (Plat., Theod., p. 374, d.) - 3. (Ovid., Trist., ii., 477.) - 4. (Ovid., A. A., ii., 286.) - 5. ibid., iii., 397. - 6. Mart., xiv., 289. - 7. (Sen., Epist., 107.) - 8. (Aul. Gell., l. i., 6.) - 9. (Ovid, id., cc. Mart., xiv., 17.) - 10. (Sen., Epist., 118.) - 11. (Ioud., Orig., xviii., 67.) - 12. (Epist., 118.) - 13. (Mart., v., 71.) - 14. (Eustach., Hom., i., 9.) - 15. (Eustach., in Hom., 1.)
LECTICA.

Lectica for sick persons and invalids seem like wise to have been in use in Greece and some other Oriental countries.

Besides playing with draughtsmen only, when the game was altogether one of skill, the ancient used dice (vid. Tesser., κυβίον), at the same time, as to combine chance with skill, as we do in backgammon.

LATUS CILAVUS. (Vid. C. Laetus, 2.)

LATO FANCIBRIS. (Vid. Fundus, p. 459.)

LAURENTIA. (Vid. L. Aurelia.)

*Laurus, the Bay-tree. (Vid. Daphne.)

LAVTIA. (Vid. Legatus, p. 575.)

LAVMIÆ, LATOMIÆ, LATOMIÆ, or LATOMIAE (ἰπτυοτροχια or λατοβια, Lat. Lapicidiae), are literally places where stones are cut, or quarries, and in this sense the word lapicida used by the Sicilian Greeks. 4 In particular, however, the name lapicida was given to the public prison of Syracuse. It lay in the steep and almost inaccessible part of the town which was called Epipola, and had been built by Dionysius the tyrant. 5 Cicero, who had undoubtedly seen it himself, describes it as an immense and magnificent work, worthy of kings and tyrants. 6 It was cut to an immense depth, so that the solid rock could have been imagined to be a safer or stronger prison than this, though it had no roof, and thus left the prisoners exposed to the heat of the sun, the rain, and the coldness of the nights. 7 The whole was a stadium in length, and two plethra in width. 8 It was not only used as a prison for Syracuse's criminals, but the Sicilian towns also had their criminals often removed to it. The Tellium at Rome was also sometimes called latomium. (Vid. Caer.)

*LAVER, a plant of the aquatic class, supposed by some to be the Water Parsley, or yellow Water-resses. It is the same with the Stesam. (Vid. Str.)

LECTICA (λεκτικα, λεκτικῶν, or φαραρίων) was a kind of couch or litter, in which persons, in a lying position, were carried from one place to another. They may be divided into two classes, viz., those which were used for carrying the dead, and those which served as conveniences for the living.

The former of these two kinds of lectica (also called lectica funebria, lectica funebris, lectica funebra, lectica funebra, or campum), in which the dead were carried to the grave, seems to have been used among the Greeks and Romans from very early times. In the beauty and costliness of their ornaments these lectica varied according to the rank and circumstances of the deceased. (Vid. Fundus, p. 459.)

The lectica on which the body of Augustus was carried to the grave was made of ivory and gold, and was covered with costly drapery, and of simple and gold. 9 During the latter period of the Empire, public servants (lectarii) were appointed for the purpose of carrying the dead to the grave without any expense to the family to whom the deceased belonged. 10 Representation of lectica funebrae have been found on several sepulchral monuments. The following woodcut represents one from the tombstone of M. Antonius Antii Lupus. 11

From very early times, and their construction probably differed very little from that of a lectica funebra. 2 We also frequently read that generals in their camps, when they had received a severe wound, or when they were suffering from ill health, made use of a lectica to be carried from one place to another. 3

Down to the time of the Gracchi we do not hear that lectica were used at Rome for any other purpose than those mentioned above. The Greeks, however, had been long familiar with a different kind of lectica (ἐλεκτικα or φαραρία) which was introduced among them from Asia, and which was more an article of luxury than anything to which an actual want. It consisted of a bed or mattress, and a pillow to support the head, placed upon a kind of bedstead or couch. It had a roof consisting of the skin of an ox, extending over the couch and resting on four posts. The sides of this lectica were covered with curtains (στείλεια). It appears to have been chiefly used by women, 4 and by men only when they were ill. 5 It was a man without a house, who sometimes in the necessity made use of a lectica, he drew upon himself the censure of his countrymen as a person of effeminate character. 6 But in the time subsequent to the Macedonian conquests in Asia, lectica were not only more generally used in Greece, but were also more magnificently adorned. 7 The persons or slaves who carried their masters or mistresses in a lectica were called φαραριοφόροι, and their number was generally two or three.

When this kind of lectica was introduced among the Romans, it was chiefly used in travelling, and only very seldom in the city of Rome itself. The first trace of such a lectica is in a fragment of a speech of C. Gracchus, quoted by Gellius. 8 From this passage it seemed probable that the mode of luxury was introduced into Italy from Asia, and that at the time scarcely any other lectica than the lectica funebra was known to the country people about Rome. It also appears from this passage that the lectica, there spoke of was covered, otherwise the countryman could not have asked whether they were carrying a dead body. 9 The resemblance of such a lectica used by the Romans, and that which is received from Asia is manifest from the words of Martial. 10 "lectica tuta pelle veloque." 11 It had a roof, consisting of a large piece of skin or leather expanded over it and supported by four posts, and the sides also were covered with curtains (vela, plaga, or plagula). During the time of the Empire, how-

1. (Cic. De Or., i., 50.—Quintili, xii., 2.—Ovid, Art. Amat., ii., 203.—2. (Niebuhr, Reisebesch. nach Athenien, i., p. 172.)
ever, the curtains were not thought a sufficient pro-
tection for a lectica; and, consequently, we find
that lectica, used by men as well as women, were
dressed, if not actually worn, of a bright
stone (lapis specularis), whence Juvenal calls such
a lectica an antrum clausum latis specularibus. We
sometimes find mention of a lectica aperta, 3 but we
have no reason to suppose that in this case it had
no roof, for the adjective aperta probably means no-
thing more than that the curtains were removed,
If, either temporarily or for a special occasion. It
handbook of the lec
tistica of an oblong form, and the person con-
veyed in it lay on a bed (pulvinum), and the head
was supported by a pillow, so that he might read
and write in it with ease. To what extent the luxury
of having a soft and pleasant bed in a lectica was
carried, as early as the time of Cicero, may be seen
from one of his orations against Verres. Feath-
erybeds seem to have been very common. 5 The
framework, as well as the other apparatuses,
were, with wealthy persons, probably of the most
costly description. The lectica, when standing,
rested on four feet, generally made of wood. Per-
sons were carried in a lectica by slaves (lecticarii)
by means of poles (asseves) attached to it, but not
fixed, so that they might easily be removed when
necessary. 6 There can be no doubt that the asses
rested on the shoulders of the lecticarii, and not
on thongs which passed round the necks of these
slaves and hung down from their shoulders, as some
modern writers have thought. 7 The act of taking
the lectica upon the shoulders was called succolare, 8
and the persons who were carried in this manner
were called succuli. 9 From this passage we also
learn that the name lecticarii was sometimes incor-
rectly applied to those slaves who carried a person
in a sella or sedan-chair. The number of lecticarii
employed in carrying one lectica varied according to
its size, and the display of wealth which a person
might wish to make. The ordinary number was
probably two; 10 but it varied from two to eight,
and the lectica is called hexaphoron or octophoron,
accordingly as it was carried by six or eight persons.
11 Wealthy Romans kept certain slaves solely as their
lecticarii; 12 and for this purpose they generally se-
lected the tallest, strongest, and most handsome
men, and had them always well dressed. In the
time of Martial it seems to have been customary
for the lecticarii to wear beautiful red liveries.
The lectica was generally preceded by a slave called
antemabulo, whose office was to make room for it. 13

Shortly after the introduction of these lectica
among the Romans, and during the latter period of
the Republic, they appear to have been very com-
mon, though they were chiefly used in journeys, and
in the city of Rome itself only by ladies and sla-
" But the love of this, as well as of other kinds
of luxury, increased so rapidly, that J. Caesar thought
it necessary to restrain the use of lectica, and to
confine the privilege of using them to certain per-
sons of a certain age, and to certain days of the
year. 14

In the reign of Claudius we find that the privilege
of using a lectica in the city was still a great dis-
tinction, which was only granted by the emperor to
his especial favourites. 15 But what until then had
been a privilege, became gradually a right assumed
by all, and every wealthy Roman kept one or more
lectica, with the requisite number of lecticarii. The
Empire of Domitian, however, includes the prohibi-
tion of the use of lectica. 16 Entering individuals
gradually began to form companies (corpus le-
ticarium), and to establish public lectica, which
had their stands (castra lecticarium) in the regio
Transitberina, and probably in other parts also,
where any one might take a lectica on hire. 2 The
persons of whom these companies consisted were
probably the lower orders or freedmen. 3

The lec
tica of which we have hitherto spoken were all portable, i. e., they were constructed in such
a manner that the assers might easily be fastened
to them whenever it was necessary to carry a per-
son in them from one place to another. But
that name lectica, or, rather, the diminutive lectula,
was also sometimes applied to a kind of sofa, which
was not moved out of the house. On it the Ro-
mans frequently reclined for the purpose of reading
or writing, for the ancients, when writing, seldom
sat at a table as we do, but generally reclined on a
couch; in this posture they raised one knee, and,
upon it they placed the parchment or tablet on
which they wrote. From this kind of occupation
the sofa was called lectulae lucubraria, 4 or, more
commonly, lectules. 5

LECTICARII. (Vid.LECTICA.)

LECTISTERNIUM. Sacrifices being of the
ature of feasts, the Greeks and Romans, on occasion
of extraordinary solemnities, placed images of the
gods reclining on couches, with tables and viands
before them, as if they were there partaking of the
things offered in sacrifice. This ceremony was
called a lectisternium. Three specimens of the
coaches employed for the purpose are in the Glyp-
toteck at Munich. The woodcut here introduced
exhibits one of them, which is represented with a
cushion covered by a cloth hanging in ample folds
down one side. This beautiful pulvinus 6 is wrought
altogether in white marble, and is somewhat more
than two feet in height. At the Eupulum Josia,
which was the most noted lectisternium at Rome,
and which was celebrated in the Capitol, the
statue of Jupiter was laid in a reclining posture on a
couch, while those of Juno and Minerva were seated
on couches. M. Varro says that this display was
indicated in allusion to the ancient custom, according
to which only men reclined, and women sat at table. 7
(Vid. Cæs., p. 276.) Nevertheless, it is probable
that at a later period both gods and goddesses were
represented in the same position: at least four of
them, viz., Jupiter Serapis and Juno or Isis, togeth-
er with Apollo and Diana, are so exhibited with a
table near them, on which is carved a grain camp
engraved by Bartoli. 8 Livy 9 gives account of a

1. (in rx., 20.)—2. (Compare Juv., iii., 231.)—3. (Cic., Phil., ii.,
84.)—4. (vi., 11.)—5. (Juv., i., 159, &c.)—6. (Sueton., Calig., 58.—
Juv., vii., 132.—Id., iii., 241.—Martial, ix., 39, 9.)—7. (Sen-
ec., Epist., 60.—Pliny, viii., 226.)—8. (Sueton., Calig., 58.)—9. (Plin.,
Epist., 56.—Juv., vi., 132.—Id., ii., 57.—Id., 15.)—10. (Id., iv.,
240.—Id., iv., 142.)—11. (Id., iv., 139.)—12. (Com. Alex.
(Cem. Cass., iv.)—15.—16. (Sueton., Jul., 43.)—17. (Sueton., Claud., 28.)
very splendid lectisternium, which he asserts to have been the origin of the practice.

**LECTUS.** (λέκτος, κλίνω, ενθάλτης), a Bed. In the heroic ages of Greek beds were very simple; the bedsteads, however, are sometimes represented as ornamented (τριγώνω, λέγοντας). The principal parts of a bed were the χαλίνα and ἱγεῖα; the former, were a kind of thick woollen cloak, sometimes coloured, which was in bad weather worn by men over their χιτῶν, and was sometimes spread over a chair to render the seat soft. That these χαλίναι served as blankets for persons in their sleep, is seen from Ὀδυς., xiv. 488, 500, 504, 513, 699; xx. 11. The ἱγεῖαι, on the other hand, were probably a softer and more costly kind of woollen cloth, and were used chiefly by persons of high rank. They were, like the χαλίναι, sometimes used to cover the seat of chairs when persons wanted to sit down. 2 To render this thick woollen stuff less disagreeable, a linen cloth was sometimes spread over it. 4 It has sometimes been supposed that the χαλίναι were bolster or pillows, but this opinion seems to be refuted by the circumstance that, in Ὀδυς., vi., 38, they are described as being washed, without anything being said as to any operation which would have necessarily preceded the washing had they been pillows. Beyond this supposition respecting the ἱγεῖα, we have no traces of pillows or bolsters being used in ancient times. The ἱγεῖαι, however, were used by private persons as well as by persons of high rank, and there were also on the runners (ἐκλεγμον, δάρῳ) of persons of high rank was covered with skins (κέπα), upon which the ἱγεῖαι were placed, and over these linen sheets or carpets were spread; the χαλίναι, lastly, served as a cover or blanket for the sleeper. 5 Poor persons slept on skins or beds of dry herbs spread on the ground. 6 These simple beds, to which, shortly after the Homeric age, a gilded or painted top was added, were used by the poorer classes among the Greeks at all times. Thus the bed of the orator Lycurgus is said to have consisted of one sheepskin (κέπα) and a pillow. 7 But the complete bed (ἐγκώπας of a wealthy Greek in later times generally consisted of the following parts: κλέαν, ἐπίπτων, τείχους or κυβάλων, προσκεφαλίων, and στήλων. The κλέαν is, properly speaking, only the bedstead, and seems to have consisted of posts fitted into one another, and resting upon four feet. At the head part alone there was a board (ἀνάεικλων or ἐπίκλων) to support the pillow and prevent its falling out. Sometimes the ἐπίκλων is wanting. 8 (Compare the first woodcut in page 188.) Sometimes the bedstead was likewise protected by a board, so that in this case a Greek bedstead resembled a modern so-called French bedstead. The κλέαν was generally made of wood, which in quality varied according to the means of the persons for whose use it was destined; for in some cases we find that it was made of solid maple or oak, and in others veneered with a coating of these more expensive woods. At all periods, the bedsteads were not only made of solid ivory or veneered with tortoise-shell, but sometimes had silver feet. 9

The bedstead was provided with girders (πόρσων, ἐπίπτων, κεφάλων), on which the bed or mattress (κλέαν, πεδία, κοτός, καθίζως τείχως) rested; instead of these, however, a box-structure of carved or ticking a mattress was made of linen or woollen cloth, or of leather, and the usual material with which it was filled (τὸ εμπλακόμενον πλημμύρων or γνώσιμων) was either wool or dried weeds. At the head part of the bed, and supported by the ἐπίκλων, lay a round pillow (προσκεφαλίων) to support the head; and in some ancient pictures two other square pillows are seen, which were intended to support the back. The covers of such pillows are striped in several pictures on ancient vases (see the woodcut page 336), and were therefore probably of various colours. They were undoubtedly filled with the same materials as the beds and mattresses.

The bed-covers, which may be termed blankets or counterpanes, were called by a variety of names, such as περιστρωμάτω, ἔμπροσθωμάτω, ἐπιστρωμάτω, ἔφεστραδιότ, χαλίναι, ἀντιτραμβάς, ἑπετείλημα, ὑκτάδες, χιλιόπεδες, ἑωτόμια, χρυσοστάτα, τάππες, or ἀμφιπτάτες. The common name, however, was στρῶματα. They were generally made of cloth, which was very thick and woolly either on one or on both sides. 1 It is not always easy to distinguish whether the ancients, when speaking of κλέαν, mean beds in our sense of the word, or the couches on which they lay at meal-times. We consequently do not know whether the descriptive epithets of κλέαν, enumerated by Pollux, belong to beds or to couches. But this matters little, as there was scarcely any difference between the beds of the ancients and the sofas of the moderns. The former, and latter, being made for appearance as well as for comfort, were, on the whole, undoubtedly more splendid and costly than the former. Considering, however, that bedsteads were often made of the most costly materials, we may reasonably infer that the coverings and other ornaments of beds were little inferior to those of couches. Notwithstanding the important part the bedstead held in ancient Greece, the bedsteads of the Greeks, and the bedsteads of the Asiatics, who have at all times excelled the Europeans in these kinds of luxuries, said that the Greeks did not understand how to make a comfortable bed. 2 The places most celebrated for the manufacture of splendid bed-covers were Miletus, Corinith, and Carthage. 3 It appears that the Greeks, though they wore nightgowns, did not simply cover themselves with the στρῶματα, but wrapped something around them in addition. Less wealthy persons continued, according to the ancient custom, to use skins of sheep and other animals, especially in winter, as blankets. 4 The bedsteads of the poorer classes are designated by the names κλέαν, ἐπιστρωμάτω, κότες, καθίζως τείχως, and ἔφεστραδας, and an exaggerated description of such a bed is given by Aristophanes. 5 The words χαλίνη and χαλινία, which originally signified cushions or dry herbs made on the ground, were afterward applied to a bed which was only near the ground, to distinguish it from the κλέαν, which was generally a high bedstead. The χαλίνη was the usual bed for slaves, soldiers in the field, and poor citizens, and the mattresses used in them were mere matted straws, or rushes. The beds of the Romans (lecti cubiculares) in the earlier periods of the Republic were probably of the same description as those used in Greece; but towards the end of the Republic and during the Empire, when Asiatic luxuries were imported into Italy, the richness and magnificence of the beds of the wealthy Romans far surpassed everything we find described in the earlier periods. The bedstead was generally rather high, so that persons entered the bed by a ladder or steps (ἀναίσθον, ἀναγεγεγράμμαται) by means of steps placed beside it.


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LEGATUM.

(Legebatum). It was sometimes made of metal, and sometimes of costly kinds of wood, or veneered with tortoise-shell or ivory; its feet (fulere) were frequently of silver or gold. The bed or mattress (cuccia and torus) rested upon girders or strings (testes, fasciae, instilae, or funes) which connected the two horizontal side-posts of the bed. In beds destined for two persons, the bunks are distinguished by different names; the side at which persons entered was open, and bore the name sponda; the other side, which was protected by a board, was called planice. The two sides of such a bed are also distinguished by the names torus exterior and torus interior, or sponda exterior and sponda interior; and from these expressions it is not improbable that the names torus and planice were borrowed from the sides of their foundations for each person. Mattresses were in the earlier times filled with dry herbs or straw, and such beds continued to be used by the poor. But in subsequent times, wool, and, at a still later period, feathers, were used for the wealthier for the beds as well as the pillows. The cloth or ticking (openi- murum or inriveni) with which the beds or mattresses were covered was called filo, torale, litineum, or segresta. The blankets or counterpanes (nestes stragula, stragula, peristromata, peristrepesme- ta) were in the houses of wealthy Romans of the most costly description, and generally of a purple colour (stragula conchylia tincta, peristromata conchylia, coccina stragula), and embroidered with beautiful figures in gold. Covers of this sort were called peristrepesmatum Attalica, because they were said to have been first used at the court of Attalus II. The pillows were likewise covered with magnificent casings. Whether the ancients had curtains to their beds is not mentioned anywhere; but as curtains, or, rather, a kind of canopy (galaia), were used, it is probable that they were employed in preventing the dust falling upon the persons lying on it, it is not improbable that the same or a similar contrivance was used in the couches cubiculares.

The lectus genialis or adversus was the bridal bed, which stood in the atrium, opposite the janus, whence it derived the epithet adversus. Compare Horat. C. 2. v. 297. It was generally high, with steps by its side and in later times beautifully adorned. Respecting the lectus funebres, see the articles FUNUS and LECTIC. An account of the disposition of the couches used at entertainments, and of the place which each guest occupied, is given under this head.

LICUITH (ΣΩΘΩΒ). (Vid. Funus, p. 456.)

LEGATIA LIBERA. (Vid. Lexatus, p. 576.)

LEGATUM, A Legacy, is variously defined by the Roman jurists, but there can be no exact definition except reference be made to a hered. Unless there is a hered in this genus, no legacy can be given. A legacy, then, is a part of the heredi- tates or the movables of the testator (ab herede); that is, it is a gift to a personal heir of that whole (universum) which is diminished to the hered by such gift. Accordingly, the phrase "ab herede legere it becomes intelligible ("ex testamento legat gr. andem pecuniab a filio"). A legacy could not be charged with the payment of a legacy out of what was given to him, a rule of law which was thus expressed: "A legatario legari non po- test." A legacy could only be given in the Latin language.

The word "legatum," from the verb lego, contains the same element as lex. Lexo has the sense of appointing or disposing of a matter, as in the phrase "legatum negotium;" and it is used in the Twelve Tables to express generally a testator's disposition of his property (ui legasst, &c.). Ulpian accordingly explains the word legatum by referring to its etymology, and likening a legacy to a lex, proper thus: legatum is a property of which it is said that it is left by a testament, legitimis modo, that is, im- perative; for those things which are left procativo modo are called fideicommissa. A legatee was named legatarius; those to whom a thing was given jointly (conjunctum) were collegariari. A legacy which was legally valid or good was legatum utile; a void legacy was legatum nullum. A legacy which was given absolutely or unconditionally must be given pure; one which was given conditionally was said to be given sub condicio. The expression purum legatum, an unconditional legacy, also occurs.

Gaius apologizes for treating of legata in that part of his institutional work in which he has placed them. In the first ninety chapters of his book he treats of the acquisition of property in res singulare, to which class legacies belong. But as the matter of legacies is not intelligible without reference to the matter of hereditas or universal acquisition, he places the law of legacies (leges juria ma- teria) immediately after that of hereditas.

There are two kinds of legatees to which a legacy could be left: per vindicationem, per damnationem, siren- di modo, per praepositionem.

A legatum per vindicationem was given in these words: "Hominem stichum do, lego," or the words might be with reference to the legatee. *Capito, nume, nihil habeas." A legacy per vindicationem was a void legacy; it was reference to the legal means by which the legatee asserted his right to the legacy against the heres or any possessor, which was by a vindicatio or an actio in rem; for as soon as the he- reditarius aditio had taken place, the legatee had the quiritarian (ex jure quiritium) ownership of the lega- tory. The two schools raised a question as to this. Whether in such circumstances, the legatee ob- tained the quiritarian ownership of the thing before he had consented to take it. The opinion of the Proculian, who contended for such consent, was confirmed by a constitution of Antoninus Pius. It was consistent with the nature of the per vindicatio, that those things only could be so given in which the testator had quiritarian ownership; and it was only by virtue of the ownership both at the time of making his will and at the time of his death, otherwise the legacy was void (inutilis). But there was an exception in respect of things "que pondere, numero, mensura constant," as wine, oil, corn, and the precious metals in the form of coin (pecusia numerata), in regard to which it was sufficient if the testator had the quiritarian ownership at the time of his death. This was the civil law (jura civile), but it was altered by a senatus consultum of the time of Nero, which enacted that if a testator left n thing as a legacy which had never been his, the legacy should be equally good as if it had been left in the form most

advantageous to the legatee (optima jure), which form was the legatum per damnationem. But if a testator gave a thing of his own by his testament which he afterward alienated, it was the best opinion that the legacy was inutile by the jus civil, and that the senatus consultum did not make it good. If the same thing was given to more than one person, either jointly (conjunctim), so as to make them collegatarii, or severally (disjunctim), each to have the whole share. A legatum was given conjunctim thus: "Titio et Seio hominem stichum do, lego;" disjunctim, thus: "Titio hominem stichum do, lego; Seio eundem hominem do, lego." If one collegatarius failed to take, his portion went to the others. In the case of a conditional legacy left per vindicandam, the schools were divided in opinion: the Sabiniann said that it was the property of the heres during the pendency of the condition; the Procullians said that it was "res nullius." The form of the per damnationem was this: "Heres meus stichum seruam meam dare damnas esto;" but the word esto was equally effective. A thing which belonged to another (alia res) could be thus left, and the heres was bound to procure the thing for the legatee, or to pay him the value of it. A thing not in existence at the death of the testator could not be left to the future product of a female slave (unclis). The legatee did not acquire the quiritian ownership of the legacy by virtue of the hereditatis aditio; the thing still remained the property of the heres, and the legatee could only sue for it by an actio in personam. If it was a thing mancipate, the legatee could only acquire the quiritian ownership of it by the manoeuvre of in jus cessio from the heres: if it was merely delivered, the legatarius only acquired the complete ownership (plessum just) by usucapion. If the same thing was left to two or more conjunctim, each had an equal share; if disjunctim, the heres was bound to give the thing to one, and its value to the rest. In the case of a gift conjunctim, the share of the legatee who failed to take belonged to the hereditates; but the lex Papia made it caduces, and gave it first to a collegatarius who had children, then to the heredes who had children, and then to the other legataries who had children (legatarii), a privilege which Juvenal alludes to (ducile caducum).

The legatum sinendi modo was thus given: "Heres meus damnas esto sineere Lucium Titum hominem stichum 

For the senatus consultum made those legacies valid which were not valid by the jus civil on account of the words of the gift (perborum vitio), but not those legacies which were invalid on account of the incapacity of the legatee (vitio personae), which was the case with a peregrinus. The Sabiniann also maintained that a man could leave in this manner only what he was his own; for the only thing that could be left by legatum was by a judicium fideicommisandi, in which judicium it was necessary that the judex should adjudicate that which was given per praecipitum, and he could adjudicate on nothing else than the res hereditaria. But the same senatus consultum made a legacy valid which was given in this form, even if the thing did not belong to the testator. The Procullians contended that a legacy could be given to an extraneous per praecipitum; and further, that if the thing was the testator's ex juris quiritium, it could be sued for (vindicari) by the legatee, whether he was a heres or not (extraneus); if it was the testator's in bonis, it was a utile legatum to the extraneous by the senatus consultum, and the heres could obtain it in a judicium fideicommisandi. If it did not belong to the testator in either way, and he was an extraneus, it was a case of an extraneous to the heres and the extraneous by the senatus consultum. If the same thing was thus left to more than one either disjunctum or conjunctum, each had only his share.

By the law of the Twelve Tables, a man could dispose of his property as he pleased, and he might exhaust (regera) the whole hereditas by legacies and bequeath the whole to one person, or come to be left the heres nothing. The consequence was, that in such cases the scriptu heredes refused to take the hereditas, and there was, of course, an intestacy. The first legislative measure on this subject was the lex Furia, called Testamentaria, which did not allow a testator to give as a donatio mortis causa or as a legacy more than a thousand asses to one person, certain relative exceptions. But this measure was a failure, for it did not prevent a man from giving as many several thousands to as many persons as he pleased, and so exhausting his estate. The lex Vocinia (B.C. 169) afterward enacted that no person should take by way of legacy or donatio mortis causa more than the heredes (severally, as it seems; but this lex was ineffectual; for, by distributing the hereditas among numerous legataries, the heres might have so small a portion as not to make it worth his while to assume the burdens attached to the hereditas. The lex Falcidia (B.C. 40) at last took away all means of evasion by declaring that a testator should not give more than three fourths in legacies, and thus a fourth was secured to the heres; and "this law," says Gaiss, "is now in force. The senatus consultum Paganum extended the same rule of law to fideicommisandi (vid. Fideicommisam); and the Emperor Antonius Pius applied it to the case of fideicommisam when there was an intestacy. The lex Falcidia applied to the wills of persons who died in captivity (epid hostis), for a previous lex Cornelia had given to the wills of such persons the same force as if they had died cives (in civitate).
LEGA7TJS.

(a) icratile if given in form on the day before the death of the testator, for which rule of law, says Gaius, there seems to be no good reason (praeiosa vito). A legatum could not be left in the way of a penalty; the person who easily ascended (for instance, who expelled the herd to do, or restraining him from doing, any particular act. A legacy could not be left to an uncertain person (incerta persona). The notion of an uncertain person was not of a person who could never be ascertained for, in several of the instances mentioned by Gaius, the person or persons who most easily ascended (for instance, quip post testamentum consules designati erant); but the notion of the uncertainty was referred to the mind of the testator at the time of making his testament. Accordingly, the persona was not considered incerta where he was one of a certain class, such as cossign, though the individual of the class might be uncertain till the event happened be- ing the testator. Such a form of bequest was called a certa demonstratio incertae personas. A legacy could not be left to a postumus alienus, nor could such a person be a heres institutus, for he was an incerta persona. It has been explained elsewhere who is a postumus alienus (Dip. 40); a postumus is one who, when born, cannot be among the sui heredes of the testator.

It was a question whether a legacy could be legally (recte) left to a person who was in the power of another person who was made heres by the same will. The Proculani denied that such a legacy could be left either (recte) or sub insigne. If a person who was in the power of another was made heres, a legacy might be left (ab ole legari) to the person in whose power he was; for if such latter person became heres thereby (per eum), the legacy was extinguished, because a man cannot owe a thing to himself; but if the son was emancipated, or, when the testator had given security, brought to another, and so the son became heres, or so the slave made another person heres, the legacy was due to the father or former master. Not only res singules could be given as a legacy, but also a part of a universitas of things (universal rerum) could be so given; thus the heres might be directed to share a half with another, or to be heres of the estate from which he was called partite. By the jus civile there might be a legacy of a usufructus of those things which were capable of being used and enjoyed without detriment to the things. By a senatus consultum there might be a legacy of the abusus of those things which were consumed in the use, as wine, oil, wheat, but the legatarius had to give security for the restoration of them when his right to the enjoyment ceased. This technical meaning of abusus, that is, the use of things which are consumed in the use, is contrasted with usufructus by Cicero.

A legacy might be transferred to another person, or taken away (adimis) by another will or codicilli contained in one will, or by a will otherwise made, merely as the measure of the gift from the will. Such a revocation of legacies (adempto legatorum) seems to have been only effected in the way mentioned. The expression ademption of legacies in English law has a different meaning, and in the case of a specific thing corresponds to the Roman extinction of legacies, which took place if the testator disposed of the thing in his lifetime.

If a legatee died after the day on which the legatum had become his (post diem legati cedendum), it passed to his heres; or, to use a phrase of English law, the legacy was vested. The phrase "vesed legatums" accordingly means "the time is come at which the legacy belongs to the legatee," though the time may not have come when he is entitled to receive it; and "dicta sedent" denotes the arrival of the day on which, if it can be demonstrated that the legacy was left conditionally, there was no vesting of the condition was fulfilled. By the old law, legacies which were left unconditionally, or from a time named (in diem certum), were vested from the time of the testator's death; but by the lex Papia they vested from the time of opening the will. The leg- acy might vest immediately on the death of the testator, and yet the testator might defer the time of payment. A legacy might also be left on a condition of time only, as a legacy to Titius when or if he should attain the age of fourteen years, in which case the words when and if were considered equivalent, a decision which has been adopted in English law, in cases in which there is nothing in the will which gives the words "when" or "if" a different significance.

LEGA7TJS. Legati may be divided into three classes: 1. Legati or ambassadors sent to Rome by foreign nations; 2. Legati or ambassadors sent from Rome to foreign nations and into the provinces; 3. Ambassadors, who accompanied the Roman generals into the field, or the proconsuls and praetors into the provinces.

1. Foreign legati at Rome, from whatever country they came, had to go to the Temple of Saturn and deposit their names with the quaestors, which Plutarch explains as a remnant of an ancient custom; for the Roman ambassador was considered to have escorted all legati, which were called lautia; and if any ambassador was taken ill at Rome, he was in the care of the quaestors, who, if he died, had also to pay the expenses of his burial from the public treasury. When, afterwarid, the number of foreign ambassadors increased, in proportion as the Roman power was extended, the former hospitable custom was reduced to the mere formality of depositing the name with the keepers of the public treasury.

Previous to their admission into the city, foreign ambassad0rso seem to have been obliged to give notice from what nation they came and for what purpose; for several instances are mentioned in which ambassa- dators were refused admission or were sent away. It is not improbable that this was especially in case of a war between Rome and the state from which they came. In such cases the ambassadors were either not heard at all, and obliged to quit Italy, or an audience was given to them by the senate (senatus legatis datum) outside the city, in the Temple of Bellona. This was evid- ently a sign of mistrust, but the ambassador was nevertheless treated as public guests, and some public villa outside the city was sometimes assigned for their reception. In other cases, however, as soon as the report of the landing of foreign ambassadors on the coast of Italy was brought to Rome, especially if they were persons of great distinction, or as the result of the treaty by which they were admitted, or on the advice of the Roman people, some one of the inferior magistrates, or a legatus of a consul, was despatched by the senate to receive and conduct them to the city at the expense of the Republic. When they were introduced into the city by the praetor or consul, they first explained what they had to communicate, and then the praetor invited the senators to put their questions to the ambassadors. The manner in which this questioning was frequently

1. (Gaius, ii, 225.)—2. (Cic. Legg. ii, 89; Pro Caece. 4.—Ulp. Frag. cit. 24, s. 25.)—3. (Top. 3,—Uebcr das alter des quasi-ruairzet aus Puebla, Rhodische Misc., 1929.)
LEGUMEN.

The provinces, (Liv., Lit., etc.), were sometimes called legati, the original meaning being that of a deputy or agent, a court of justice, than an inquiry made with a view to gain a clear understanding of what was proposed. 1

The whole transaction was carried on by interpreters, and in the Latin language (Vid. Interprets.)

Valerius Maximus states that the Greek rhetorician Molo, a teacher of Cicero, was the first foreigner who ever addressed the Roman senate in his own tongue. After the ambassadors had thus been examined, they were requested to leave the assembly of the senate, who now began to discuss the subject brought before them. The result was communicated to the ambassadors by the praetor. 2

In some cases, ambassadors not only received rich presents on their departure, but were, at the command of the senate, conducted by a magistrate, and at the public expense, to the frontier of Italy, and even farther. 4

By the lex Gabinia it was decreed, that from the first of February to the first of March, the senate should every day give audience to foreign ambassadors. 3

There was at Rome, as Varro expresses it, a place on the right-hand side of the senate-house called Graecostasis, in which foreign ambassadors waited.

All ambassadors, whosoever they came, were considered by the Romans throughout the whole period of the Roman Republic, as being in an inferior situation and capacity, and their number varied according to the greatness or importance of the war, or the extent of the province. 5

The consuls were absent from the army, or when a proconsul left his province, the legati, or one of them, took his place, and then had the insignia as well as the power of his superior. 6 He was in this case called legatus pro praetore, 7 and hence we sometimes read that a man governed a province as legatus, without any mention being made of the proconsul whose vicegerent he was. 8

During the latter period of the Republic, it sometimes happened that a consul carried on a war, or a proconsul governed his province through his legati, while he himself remained at Rome, or conducted some other more urgent affairs.

When the provinces were divided at the time of the Empire (vid. Provincia), those of the Roman people were governed by men who had either been consuls or praetors, and the former were always accompanied by three legati, the latter by one. 9

The provincials, who was himself the proconsul, were governed by persons whom the emperor himself appointed, and who had been consuls or praetors, or were at least senators. These viceregents of the emperor were called legati augusti, or legati Caesaris, and were sometimes called simply legati, and they, like the governors of the provinces populi Romani, had one or three legati as their assistants. 10

During the latter period of the Republic, it had become customary for senators to obtain from the senate the permission to travel through or stay in any province at the expense of the provincials, without having any of his duties to perform. At the time of Cicero, the privilege of legato libera was abused to a very great extent. Cicero, therefore, in his consilium, endeavoured to put an end to it, but, owing to the opposition of a tribe, he only succeeded in limiting the time of its duration to one year. 11

Julius Caesar afterward extended the time during which a senator might avail himself of legato libera to five years, 12 and this law of Caesar (lex Julia) seems to have remained in force down to a very late period. 13

LEGÉS. (Vid. Lex.)

LEGIO. (Vid. Army, Roman.)

LEGIS ACTIO. (Vid. Actio, p. 16.)

LEGIS AQUILLÆ ACTIO. (Vid. Damni Intima Actio.)

LEGUMANA ACTIO. (Vid. Actio, p. 16.)

LEGITIMA HEREDITAS. (Vid. Heres, Romanorum, p. 497, 499.)

*LEGUMEN, a general name among the Romans for Pulse, of which beans were esteemed the principal sort. The term is derived from lego, "to gather," because pulse are gathered by hand, and not reaped. 14

1. (Liv., i. c., with the note of Gronovius.)—2. (J. J. 2, 3, 1.)

All liturgies may be divided into two classes: 1. ordinary or encyclical liturgies (ἐκκλησίας λειτουργίας), and, 2. extraordinary liturgies. The former were called encyclic, because they occurred every year at certain festive seasons, and comprised the χορεία, γυμναστρία, λαυραρκία, ἀρχάρια, and ἐρατία, which are all described in separate articles. (Vid. Chorag. Grec. p. 486, Append.; Theophr., Hist., p. 389.)

Every Athenian who possessed three talents and above was subject to them, and they were undertaken in turns by the members of every tribe who possessed the property qualification just mentioned, unless some one volunteered to undertake a liturgy for another person. But the law did not allow any one to be compelled to undertake a liturgy for himself; for no one, who had in one year performed a liturgy, was free for the next (ἐκατορνοῦ διαλειτουργῶν κτήτωρ ἐκτίτων γεγονός); so that legally a person had to perform a liturgy every other year. Those whose turn it was to undertake any of the ordinary liturgies, were always appointed by their own tribe, or, in other words, by the elected representatives of the citizens and the shared praise as well as blame with its leitourgoi.

The persons who were exempt from all kinds of liturgies were the nine archons, heires, and orphans, until after the commencement of the second year of their coming of age. Sometimes the exemption from liturgies (ἀρεία) was granted to persons for special merits towards the Republic.

The term ἐκκλησίας λειτουργίας, which is used in the text, is the class of liturgies to which the name is properly applied is the trierarchia (τριεράρχια); in earlier times, however, the service in the armies was in reality no more than an extraordinary liturgy. (Vid. Eisch. and Trierarchia.)

In later times, during and after the Peloponnesian war, when the expenses of a liturgy were found too heavy, the Athenians were to find in most cases two persons combined to defray the expenses of a liturgy (συνελείπον). Such was the case with the choragia and the trierarchia.

Liturgies in regard to the persons by whom they were performed were also divided into λειτουργίας πολιτικάς, such as were incumbent upon citizens, and those of a personal nature, in which the liturgies which are mentioned as having been performed by the μέτοικοι, are the choregia at the festival of the Lenaia, and the κτητορία, to which may be added the hydraphoria and ekakidephoria. (Vid. Hydra-

ähoria.)

That liturgies were not peculiar to Athens has been shown by Böckh, for choragia and other liturgies were mentioned at Sinnes; and that they were even before the Persian wars: in Mytilene during the Peloponnesian war; at Thbes in the time of Epanimonidas; at Orchomenos, in Rhodes, and in several towns of Asia Minor.

LEMNIA TERRA (Λέμνιο ἔδαφος). Lemnian earth "There were among the ancients," observes Si John, "two kinds of extraordinary liturgies: one in which the Athenian democracy was at Athens considered as a disgrace, and in some cases a wealthy Athenian, even when it was not his turn, would volunteer to perform a liturgy.


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LEMNIScus.

Lemniscus and Rubrica Lemnica, or γαλακτίων, λιονείας, the Lemnian Earth and Lemnian Red-Clay. The latter of these was used by painters as it takes on the red color of the former when mixed with linseed oil, cakes, and sealed with great ceremony, and was in very high esteem in medicine. The great occasion of the errors about the Lemnian earth is the mistake of Pliny in confounding them together, as he evidently has done, not distinguishing the medicinal sealed earth of that island from the redde used by painters. The sealed earth was esteemed sacred, and the priests alone were allowed to meddle with it. They mixed it with goat's blood, and made the impression of a seal upon it. The Rubrica Lemnica, on the other hand, was a kind of reddle of firm consistence and deep red colour, dug in the same island, and never made into any form or sealed, but purchased in the rough globes by artificers of many kinds, who used it in colouring. The Lemnian earth was a fat, unctuous clay, of a pale red colour. It is sometimes called Lemnus sigillum. A common Greek name for it is appagik, in allusion to its having been sealed, whence the spiragide of Jameson. The stamp before the time of Diodoricus was the figure of a goat; afterward, in Galen's time, with the image of Diana. Of late years it has been stamped with the seal of the Turkish Empire. It acts as an astringent, but was much more frequently used as a medicine than a reddle for the former days as a medicine than at the present day.  

*LEMNA (Léena), a plant, which Stockhouse conjectures was the Lemna trisulca, but Sprengel the Marsica quadrifolia.*

LEMNISCUS (Λεμνισκός). This word is said to have originally been used only by the Syracusans. It signified a kind of coloured riband, which hung down from the golden rings around the horns of the head. The earliest crowns are said to have consisted of wool, so that we have to conceive the lemnisci as a riband wound about the wool in such a manner that the two ends of the riband, where they met, were allowed to hang down. See the representations of the corona obisdonialis and civica in p. 310, where the lemnisci not only appear as in the above, but also keep the three branches of the crowns together, but also serve as an ornament. From the remark of Servius, it appears that corona adorned with lemnisci were a greater distinction than those without them. This serves to explain an expression of Cicero* (palmra lemnisata), where palmra means a victory, and the epithet lemnisata indicates that the victory was ascribed to infamis, and, at the same time, implies an honourable as well as a lucrative victory. It seems that lemnisci were also worn alone, and without being connected with crowns, especially by ladies, as an ornament for the head. To show honour and admiration for a person, flowers, garlands, and lemnisci were sometimes showered upon him while he walked in public.

A lemniscus was originally to have been made of wool, and afterward of the finest kinds of bast (phia-tyrae); but, during the latter period of the Republic, the wealthy Crassus not only made the foliage or leaves of crowns of thin sheets of gold and silver, but the lemnisci likewise; and P. Claudius Pulcher embellished the metal-lemnisci with works of art in relief and with inscriptions.  

The word lemniscus is used by medical writers in the signification of a kind of liniment applied to wounds.
LEX.

four hundred. The same abundances continued, also, under the first emperors. Adrian often destroyed one hundred in the circuses; Antoninus, on one occasion, one hundred; and Marcus Aurelius the like number on another. The latter exhibition Eutropius considers as particularly magnificent, whence Cuvier infers that the number of the species displayed in that contest being, though Gordan the third had seventy which were trained; and Proclus, who possessed a most extensive menagerie, had one hundred of either sex."

"11. A sea-animal of the class Crustacea, described by Atheneus and Pliny. It is a species of "Lo-

ewia or Crab. Aldrovandus holds that the "Lo-

ewia is the same as the "Elephantus of Pliny, i.e., the Cow-fish. The name is also applied by "Elian and Oppian to a cetaceous fish. (Vid. III.)

"12. A cetaceous fish briefly noticed by Oppian and others.

LEONIDEA ("Oeuvolida) were solemnities cele-

brated every year at Sparta in honour of Leonidas, who, with his 300 Spartans, had fallen at Thermopy-

lae, 480 B.C. The name is also applied by "Elian and Oppian to a cetaceous fish. (Vid. III.)

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Great care was taken with such clauses as were proposed to alter a former lex, and great care was also used to avoid all interference with a former lex, when no change in it was intended. The leges were often divided into chapters, each of which concluded with the sanction or punishment which was intended to be the object. The title of the lex was generally derived from the personal name of the magistrate who proposed it, as the lex Hortensia from the dictator Hortensius. Sometimes the lex took its name from the two consuls or other magistrates, as the Acilia Callinna, Elia or Ælia Sentia, Papia or Papia Poppea, and others.

It seems to have been the fashion to omit the word et between the two names, though instances occur in which it was used. (Vid. Julia.) A lex was also often designated with reference to its object, as the lex Cincia de Donis et Muneribus, lex Furia Testamentaria, lex Julia Municipalis, and many others. Leges, which related to a common object were often designated by a collective name, as leges Agrariae, Judiciae, and others. Sometimes a chapter of a lex was referred to under the title of the lex, with the addition of a reference to the chapter, as lex Julia de Furtis Dotalis, which was a chapter of the lex Julia de Ambiv. A lex sometimes took its name from the chief contents or its first chapter, as lex Julia de Maritandis Ordinibus. Sometimes a lex comprised"very various provisions, relating to matters essentially different, and in that case it was called lex Saturae. (Vid. Lex Caecilia Didia, Lex Julia Me- naea.)

The number of leges was greatly increased in the later part of the republican period, and J. Caser is said to have contemplated a revision of the whole body. Under him and Augustus numerous enact- ments were passed, which are known under the general name of Julia's leges. (Vid. Julia Lex.) It is often stated that no leges, properly so called, or plebiscita, were passed after the time of Augustus; but this is a mistake. Though the voting might be a mere form, still the form was kept; and if this were not so, the passage of Gaius, in which he speaks of leges and plebiscita as forms of legislation still in use, would be hardly correct. Besides, various leges are mentioned as having been passed under the Empire, such as the Lex Julia de Tri- bunita, the Lex Julia de Consulibus, the Lex Julia de Digesta, and a lex Claudia de Tuteleae of women. It does not appear when the ancient forms of legislation were laid aside, but they certainly long sur- vived the popular elections to which alone the pas- sage of Tacitus refers.

In the Digest a senatus consultum is sometimes referred to as a lex, in which there was no great impropriety if we have regard to the time, for sena- tuses were then laws. Still a senatus consultum, properly so called, must not be confounded with a lex properly so called; and there is no rea- son for supposing that the lex Claudia of Galus was a senatus consultum, for when he speaks of a senatus consultum of the time of Claudius, he calls it such. It remains farther to explain the words rogatio and privilegium.

A lex was proposed by Festus to be a command of the populus to one or more persons, but not to all persons; or relating to one or more things, but not to all. That which the populus has command- ed (ac uit) with respect to all persons or things is a lex; and Ælius Gallus says rogatio is a genus le- gis; that which is lex is not consequently (continuo) rogatio, but rogatium must be lex if it has been pro-
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posed (roga a) at legal comitia (justia comitia). According to this definition, a rogatio, when enacted, is a lex; there is also lex which is not rogatio: therefore we must assume a general name lex, comprehending lex proper and rogatio. The passage of laws (lex) or of decrees (comitia) of the Twelve Tables of Gellius, that deduction is founded on his usual fault in mistaking the sense of a passage, and converts the clear meaning of Gallus into nonsense. According to the definition of Gallus, rogatio was equivalent to privilegium, a term which occurred in the Twelve Tables, and it signified, according to Gallus, an enactment that was not for a single person, which is indicated by the fact of the Twelve Tables (juris origo) "privileges," being the same as "singuies res." The word privilegium, according to the explanation of Gallus, did not convey any notion of the character of the legislative measures: it might be beneficial to the party to whom it was referred, or it might not. It is generally used by Cicero in the unsavourable sense (rogationem privilegii acustem). Under the Empire, the word is used in the sense of a special grant proceeding from the imperial favour.

The meaning of lex, as contrasted with jus, is stated in the article Jus. Some other significations of lex, which are not its proper significations, are easily explained; for instance, the letters L. S. S. in the phrase "lostitia lex," the letters L. P. L. in the phrase "with a law," etc., are indications of a law or laws of a particular kind, or the letters L. P. L. in the phrase "a law," are a reference to the binding force of all legal contracts. In English instruments of contract, it is often expressed that it shall be lawful for one or more of the parties to do a certain act, by which is simply meant that the parties agree upon something which is legal, and which therefore, may or may not be done. Noting, we find the expression lex censurae to express the conditions on which the censors let the public property to farm; and perhaps the term also signified certain standing regulations for such matters, which the censors were empowered to make. In both the cases just referred to, the phrase lex censurae is used (in the singular number), and this lex, whether a lex proper or not, seems to have been divided into chapters.

Lex simply sometimes signifies the laws of the Twelve Tables.

A particular enactment is always referred to by its name. The following is a list of the principal laws (ordo legis) called lex, but the list includes also various plebiscita and privileges.

ACILIA. (Vid. Repertundse.)

ACILIA CALPURNIA or CALPURNIA. (Vid. Ambitus.)

ÆBUTIA, of uncertain date, which, with two Julia leges, put an end to the legis actions, except in certain cases. (Vid. Jurex, Actio, p. 17.)

This law, or one or another law of the same name, prohibited the proposer of a lex, which created any office or power (curatio ac potestas), from having such office or power, and even excluded his colleague, cognati, and affines.

ÆLIA. This lex, and a Fufia lex passed about the end of the sixth century of the city, gave to all the citizens the absolute property in or possession of or dissolving the comitia, by observing the umes, and declaring them to be unfavourable.

ÆLIA SENTIA. This lex contained various provisions as to the manumission of slaves. (Vid. Ælia Sentia Lex, Manumission.)

ÆMILIA. A lex passed in the dictatorship of Marcus Æmilius (B.C. 493) by which the cen-

sors were elected for a year and half instead of a whole lustrum. After this lex they had accordingly only a year and a half allowed them for holding the census and letting out the public works to farm.

ÆMILIA BÆBIA. (Vid. Cornelia Bæbia.)

ÆMILIA LEPIDILÆMILIA SACUARI. (Vid. Semtuaræ Leges.)

AGRARIA. (Vid. Apuleia, Cassia, Cornelia, Flamina, Flavia, Julia, Licinia, Mamia, Sempronius, Servilia, Thoria.)

AMBITUS. (Vid. Ambitus.)

ANTILIA VILLIA. (Vid. Emilia.)

ANTÌA. (Vid. Semtuaræ Leges.)

ANTÒNIÌ. The name of various enactments proposed or passed by the influence of M. Antonius, after the death of the dictator J. Caesar, such as the judicatoria. (Vid. Jurex, page 553.) Another lex that was promulgated allowed an appeal to the popular after conviction for visc or majestas. Various other measures proposed by M. Antonius are mentioned by Cicero, Dion Cassius, and Appian.

APuleia gave a surety an action against his cosuenta for whatever he paid above his share. (Vid. Interessio.)

APULEIA AGRAFIA, proposed by the tribune L. Apuleius Saturninus, B.C. 101. (Vid. Augea, Section 19.)

APULEIA MAJESTATIS. (Vid. Majestas.)

AQUILLIA. (Vid. Damn. Injuria Actio.)

ATERNIA TERTIA. (B.C. 441.) This lex empowerd all magistrates to fine persons who resisted their authoritie; but it fixed the highest fine at two thousands five hundred asses, which was twenty-five marks, and thirty sheep, for the authorities vary in this.

A'TIA DE SACERDOTIS (B.C. 63), proposed by the tribune T. Atius Labienus, repeale the lex Cornelia de Sacerdotis.

ATILIA. (Vid. Julia Lex et Titia, Tutor.)

ATINIA allowed no usucapion in a stolen thing. (Vid. PURUM.)

ATINIA, of uncertain date, was a plebiscium which gave the rank of senator to a tribune. The measure probably originated with C. Atinlus, who was tribune B.C. 130. (Vid. Jurex, Actio, p. 17.)

AUTYDIA. (Vid. Ambitus.)

AURELIA. (Vid. Tribunus.)

AURELIA JUDICARIA. (Vid. Jurex, page 552.)

BÆBIA (B.C. 195 or 189), which enacted that four pretors and six pretors should be chosen alternatly: but the law was not observed.

CÆCITIA DE CENSORIBUS or CENSORIA (B.C. 64), proposed by Metellus Scipio, repealed a Cælia lex (B.C. 59), which had prescribed certain regular forms of procedure for the censors in exercising their functions as inspectors of mores, and had required the concurrence of both censors to inflict the censors. When a senator had been already convicted before an ordinary court, the lex permitted the censors to remove him from the senate in a summary way.

CÆCITIA DE VECTIGALIBUS (B.C. 65), released lands and harbours in Italy from the payment of taxes and duties (portoria). The only vestigal

1. (Geschichte der Röm. Staater, sec. p. 310.)—2. (Cic., Log., 11., 12. 9.)—3. (Festus, s. v. Regulat.)—4. (Pro Demo, 17. 4. Pro Seneo, 36.)—5. (Brut., 20. 16. 40. (Proc. de Favo Fisco, 6.)—6. (Dig. 20. 16. 262.)—7. (Cic. in Rull., ii. 9.)—8. (Cic., Phal., vi., 32. 1d. Pro Seneo, 15. 50. 1d. ad Att., ii. 9.)
remaining after the passing of this lex was the Vicesina.  

Cæcilia Di'RIA (B.C. 89) forbade the proposing of a lex Satura, on the ground that the people might be compelled either to vote for something which they did not approve, or to reject something which they did approve, if it was proposed to them in this manner. This lex was not always operative.  

LEX. (Ascon. 361, Polybius. B.C. (Dion Ann., Liv., Cic., Tacit., 553.) tribune eivitas deetricta, and pronounced therefore, that from CiNciA censers in the populi, in might be passed. Cassius, 2, 13. Paterc, 11.)—There Clodia CORNE'LI^, Ci.oDiA, CLAU'DIA, CA'SSIA, and the plebs, might have been convicted in a judicium populi, or whose imperium had been abrogated by the populus.  

CASSIA, e which empowered the dictator Cesar to add to the number of the patricii, to prevent their extinction. CASSIA AGRA'RIA, proposed by the consul Sp. Cassius, B.C. 486.  

CASSIA TABELL'ARIA. (Vid. TABBILARIA Leges.) CASSIA TERE'NTIA FRUMENTARIA (B.C. 63), for the distribution of corn among the poor citizens and the purchasing of it.  

Ci'Ncia DE DONIS ET MUNE'RIBUS. (Vid. CiNcia Lex.) CLAU'DIA, a lex passed in the time of the Emperor Claudius, took away the agnatione tuta, in the disposition of women.  

CLO'DIA, the name of various plebsicia, proposed by Clodius when tribune, B.C. 59.  

CLO'DIA DE AUSPICIS proposed the magistratus from dissolving the comitia tributa, by declaring that the auspices were unfavorable. This lex, therefore, repeated the Ælia and Futa. It also enacted that a lex might be passed on the Dies Fasti. (Vid. Ælia Lex.)  

CLO'DIA DE CENSIBUS. (Vid. Cæcilia.) CLO'DIA DE Civibus ROMANIS INTEREMPTIS, to the effect that "qui cive Romanum indennatum interemittet et aqua et igni interdicetur," 19 It was in consequence of this lex that the interdict was pronounced against Cicero, who considers the whole proceeding as a privilege.  

CLO'DIA FRUMENTARIA, by which the corn, which had been sold to the poor citizens at a low rate, was given.  

CLO'DIA DE SODALITATIBUS DE COLLEGIIS, restored the sodalitia, which had been abolished by a senatus consultum of the year B.C. 80, and permitted the formation of new sodalitia.  

There were other so-called leges Clodia, which were however, privilegia.  

CÆCILIA (Vid. CÆCILIA Leges.) CORNE'LLE. Various leges passed in the dictatorship of Sulla, and by his influence, are so called. ADRIADA, by which many of the inhabitants of Etruria and Latium were deprived of the some civitas and retained only the commercial, and a large part of their lands were made publicum, and given to military colonists.  

De FALSIS. (Vid. FALSiUM.) De INVENT. (Vid. INVENT.)  

JUDICARIA. (Vid. JUDEX, p. 553.) MAESTAS. (Vid. MAESTAS.)  

NUMMARIA. (Vid. FALSiUM.) De PROSCRIPTIONE et PROSCRIPTIBUS. (Vid. PROSCRIPTIBUS.)  

De PARECIDIO. (Vid. CORNELIA LEX DE SOLI'ris.) De SACERDOTIS. (Vid. SACERDOTTIA.) De SUCURIS. (Vid. CORNELIA LEX DE SICARIIS SUMPTUARIAE.)  

Testamentaria. (Vid. FALSiUM.) UNCIARIA appears to have been a lex which low rate of interest, and to have been passed about the same time with the leges Sunturiae of Sulla.  

De VA'DIOMON. (Vid. VA'DIOMONUM.)  

There were also other leges Cornelie, such as that 4. Sponsorius (vid. INTERCESSOR), which may be leges of L. C. Sulla. There were also leges Cornelie which were proposed by the tribune C. Cornelius about B.C. 77, and limited the edictal power by compelling the praetors jus dicere ex edictis suis perpetua.  

(Vid. EDICTUM.) Another lex of the same tribune enacted that no one "legibus subroctet," unless such a measure was agreed on in a meeting of the senate at which two hundred members were present, and afterward approved by the people; and it enacted that no tribune should put his veto on such a senatus consultum.  

There was also a lex Cornelie concerning the wills of those Roman citizens who died in captivity (causa victoriae). (Vid. PLAGIUM.)  

De VI PUBLICA. (Vid. VI PUBLICA.) CORNELIA BÆBIA DE AMBITU? proposed by the consule P. Cornelius Cethegus and M. Bæbus Tampullis, B.C. 181. This law is sometimes, but erroneously, attributed to the consules of the preceding year, L. Aemiliius and Cn. Bæbutius. (Vid. AMBITU.)  

DOMI'TIA. (Vid. SUMPTUARIA Leges.) DOMITIA DE SACERDO'TI'bis. (Vid. SACERDOTTIA.)  

DUI'LIA (B.C. 449), a plebisctum proposed by the tribune Duilius, which enacted "qui plebem sine tribunis religuisset, quisque magistratus sine provocazione consuest, tergo ac caelo pameturet."  

DUI'LIA MÆ'NIA de univarii genera, B.C. 357. The same tribunes, Duilius and Manlius, carried a measure which was intended in future to prevent such unconstitutional proceedings as the enactment of a lex by the soldiers out of Rome, on the proposal of the consul.  

FA'BIA DE PLAGI'GO. (Vid. PLAGIUM.) FALCI'DIA. (Vid. LEGATUR.)  

FA'NIA. (Vid. SUMPTUARIA Leges.) FA'NIA, LEX SUMPTUARIA, was an agraria lex for the distribution of lands in Picenum, proposed by the tribune C. Flaminus in B.C. 248 according to Cicero, or in B.C. 232 according to Polybius. The latter date is the more probable.  

FLAVIA AGRARIA, B.C. 60, for the distribution of lands among Pompey's soldiers, proposed by the tribune L. Flavius, who committed the consul Caecilius Metellus to prison for opposing it  

FRUMENTARIA. Various leges were so called

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which had for their object the distribution of grain among the people at a low price or gratuitously. (Vid. Apuleius, Cassia Terentia, Cloidia, Livia, Octavia, Sempronius.)

Furiia De religione, B.C. 61, was a privilege which related to the trial of Clodius. Furiia judicia, (Vid. Jusep, p. 553.) Furiia, or Furiia Caninia, limited the number of slaves to be manumitted by testament. (Vid. Manilius.)

Furia de sponsu. (Vid. Interessius.)

Furia or Fusa Testamenta, (Vid. Legatum.)

Gabinia tabellaria. (Vid. Tabellaria.)

There were various Gabinius leges, some of which were privileges, as that for conferring extraordinary power on Cn. Pompeius for conducting the war against the pirates.

A Gabinius lex, B.C. 58, forbade all loans of money to Rome at legationes from foreign parts (Sallamini cum Rome versuram facere velit, non poterat, quod lex Gabinita estlabat). The object of the lex was to prevent money being borrowed for the purpose of bribing the senators at Rome.

Gellia Cornelia, B.C. 72, which gave to Cn. Pompeius the extraordinary power of conferring the Roman citizenship on Spaniards in Spain, with the advice of his consilium (de consili sententia).

Genucia, B.C. 341, forbade altogether the taking of interest for the use of money. Other plebiscita of the same year are mentioned by Livy.

Gallia cisalpina. (Vid. Rubria.)

Hieronica was not a lex properly so called. Before the Roman conquest of Sicily, the payment of the tenth of wine, oil, and other produce had been fixed by Hiero, and the Roman questors, in letting these tenth farms to follow, followed the practice which was left behind.

Horatia, proposed by M. Horatius, made the persons of the tribunes, the eediles, and others sacrosancti, Another lex Horatia mentioned by Gelius was a privilege.

Hortensia de plebiscito. (Vid. Plebiscitum.)

Another lex Hortensia enacted that the nudindle, which had hitherto been ferre, should be dies fasti. This was done for the purpose of accommodating the inhabitants of the country.

Hostilia de fastis is mentioned only in the Institutes of Justinian.

Icilia, B.C. 456, by which the Aventine was assigned to the plebs. This was the first instance of the ager publicus being assigned to the plebs.

Another lex Icilia, proposed by the tribune Sp. Icilius, B.C. 470, had for its object to prevent all interruption to the tribunes while acting in the discharge of their duties. In some cases the penalty was death.

Juvia licinia. (Vid. Juvia leges.)

Juvia de perigrinis, proposed B.C. 156 by M. Junius Pannus, a tribune, banished peregrini from the city.

A lex of C. Fannius, consul, B.C. 122, contained the same provisions respecting the Latin and Italici; and a lex of C. Papius, perhaps B.C. 65, contained the same respects all persons who were not domiciled in Italy.

Juvia licinia. (Vid. Licinia junia.)

Juvia norba, of uncertain date, but probably about A.D. 17, enacted that when a Roman citizen had manumitted a slave without the requisite formalities, the manumission should not in all cases be ineffectual, but the manumitted person should have the status of a Latinus. (Vid. Latinitas, libertas.)

Juvia repetundarum. (Vid. Repetundarum.)

Juvia vellica, A.D. 9, allowed a postumus to be instituted heres, if he should be born in the lifetime of the testator. It also so modified the old law, that a person who, by the death of a heres institutus, after the testator had made his will, became a heres quasi agnascendo, did not break the will. The law was thus modified.

Lectoria. (Vid. Curator.)

Sometimes the lex proposed by Volero for electing plebeian magistrates at the comitia tributa is cited as a lex Lectoria.

Licinia de sodalitiis. (Vid. Ambitus.)

Licinia Juvia, or, as it is sometimes called, Junia de licinia, passed in the consulship of L. Licinius Mancinus and M. Junius Silanus, B.C. 62, enforced the Caecilia Didia, in connexion with which it is sometimes mentioned.

Licinia mucia de civibus regundis, passed in the consulship of L. Licinius Crassus and Q. Mucius Scvolora, B.C. 95, which enacted a strict examination as to the title to citizenship, and deprived of the exercise of civic rights all those who could not make out a good title to them. This measure partly led to the Marse war.

Licinia sumtaria. (Vid. Sumtaria leges.)

Licinius Rogers. (Vid. Rogers, leges.)

Lille were various enactments proposed by the tribune M. Livius Drusus, B.C. 91, for establishing colonies in Italy and Sicily, distributing corn among the poor citizens at a low rate, and admitting the federate civitates to the Roman civitas. He is also said to have been the mover of a law for abridging silver by mixing with it an eighth part of copper. This was passed and the senate declared that all his leges were passed contra auspicia, and were therefore not leges.

Lutaia de vi. (Vid. Vis.)

Maeonia lex is only mentioned by Cicero, who says that M. Curius compelled the patres "anice an mores fieri," in the case of the election of a plebeian consul. "This was a great thing to accomplish, as the lex Maelia was not yet passed." The lex therefore required the patres to give their consent, at least to the election of a magistratus, or, in other words, to confer, or agree to confer, the imperium on the person whom the comitia should elect. Livy appears to refer to the same law, probably proposed by the tribune Manlius, B.C. 287.

Majestatis. (Vid. Majestas.)

Manilia de coloniis. The subject of this lex and its date are fully discussed by Uodolf, who shows that the lex Manilia, Roscia, Peduncula, Alliena, Fablia, is the same as the lex Agraria quain Gaius Caesar tulit, and that this Gaius Caesar was the Emperor Caligula.

Manilia, proposed by the tribune C. Manilius.
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B.c. 66, was a privilege by which was conferred on Pompey the command in the war against Mithridates. The lex was supported by Cicero when prex. The lexes Manilius, mentioned by Cicero, were evidently not lexes proper, but probably forms which it was prudent for parties to observe in buying and selling.

MANNIA, also called LICINIA, B.C. 196, created the triumvirate epulones. MANIA DE VICE SIMA. (Vid. VICESIMA.) MACRIA, probably about the year B.C. 352, a decessor senator. MARCIA, an agrarian law proposed by the tribune L. Marcus Philippus, B.C. 104. MARIA, proposed by Marius when tribune, B.C. 119, for narrowing the pontes at elections. MEMMIA or REMMIA. (Vid. Calumnia.) MENSIA. This lex enacted that if a woman who was a Roman citizen (civis Romanis) married a peregrinus, the offering was to be received. If there was connubium between the peregrinus and the woman, the children, according to the principle of connubium, were peregrini, as the legal effect of connubium was that children followed the condition of their father (liberi semper patrem sequantur). If there were no connubium, the children, according to another rule of law, by which they followed the condition of the mother, would have been Roman citizens; and it was the object of the law to prevent this. MINUCIA, B.C. 216, enacted the triumvir men-sarial.

OCTAVIA, one of the numerous lexes frumentariae which regulated a Sempronia Frumentaria. It is mentioned by Cicero as a more reasonable measure than the Sempronia, which was too pro-flux. OGULNIA, proposed by the tribunes B.C. 300, increased the number of pontifices to eight and that of the augurs to nine; it also enacted that four of the pontifices and five of the augurs should be taken from the plebe. OPPIA. (Vid. Sentibilis Lex.) OVIANIA, of uncertain date, was a plebiscitum which gave the censors certain powers in regulating the lists of the senators (ordo senatorius): the main object seems to have been to exclude all improper persons from the senate, and to prevent their admission, if in other respects qualified. The lex Oviana of Gaius, if the reading is right, was perhaps a different lex. PAPIA DE PEREGRINIS. (Vid. Junia de Perigrinis.) PAPIA POPPEA. (Vid. Julia Leges.) A lex Poppea on the manner of choosing the vestal virgins is mentioned by Gellius; but the reading appears to be doubtful, and perhaps it ought to be called Pappia.

PAPIA OR JULIA PAPPIA DE MULCTA-RUM ESTIMATIONE (B.C. 430), fixed a money value according to which fines were paid, which formerly were paid in sheep and cattle. Gellius and Festus make this valuation part of the Aetolian law (vid. Aeterna Tarpeia), but in this they appear to be mistaken, according to Niebuhr.

PAPIA, by which the ast was made semunci-alis, one of the various enactments which tempered with the coinage.

PAPIA, of uncertain date, enacted that no aedes should be declared consecrate without a plebiscitum (coiusa Pluria). PAPIA PLANUS, a plebiscitum of the year B.C. 89, proposed by the tribunes C. Papius Carbo and M. Plautius Silvanus, in the consilium of Cn. Pompeius Strabo and L. Porcius Cato, is called by Cicero a lex of Silvanus and Carbo. PAPPIA POETELLA. (Vid. Portelai.) PAPPIA TABELLARIA. (Vid. Tabellaria Leges.) PEDUCAEA. B.C. 113, a plebiscitum, seems to have been merely a privilege; and not a general law against incestum.

PESULANIA provided that if an animal did any damage, the owner should make it good or give up the animal. There was a general provision to this effect in the Twelve Tables, and it might be inferred from Paulus that this lex extended the provisions of the old law to dogs.

PETRANIA, a lex under this title, De Docencia, is enacted, the issue of mutiny, is mentioned by Appian.

PETRONIA, probably passed in the reign of Augustus, and subsequently amended by various senatus consulta, forbade a master to deliver up his slave to fight with wild beasts. If, however, the master thought that his slave deserved such a punishment, he might take him before the authorities (judices) and condemn him to fight if he appeared to deserve it.

PINARIA related to the giving of a judex with in a limited time.

PLAUTIA. (Vid. Curator.) PLAUTIA OR PLOTTIA DE VI. (Vid. Visc.) PLAUTIA or PLOTIA JUDICIA RIA is mentioned by Asconius as having enacted that fifteen persons should be annually taken from each tribe to be placed in the album judicum.

POETELIA, B.C. 356, a plebiscitum, was the first lex against ambitus.

POETELIA PAPPIA. B.C. 326, made an important change in the liabilities of the Nexti.

POPELE. There were various lexes so called POMPEIA, proposed by Cn. Pompeius Strabo, the father of Cn. Pompeius Magnus, probably in his consilium, B.C. 89, gave the jus Latii or Latinitas to all the towns of the Transpadani, and probably the civitas to the Cispadani.

POMPEIA DE AMBITU. (Vid. Amnibus.) POMPEIA JUDICIA RIA. (Vid. Judex.) POMPEIA DE JULIUS MAGISTRATUM acquiesced in the candidate for public office (petitio honorum) who was not at Rome; but Julius Caesar was excepted. This was, doubtless, the old law, but it had apparently become obsolete.

POMPEIA DE PARIETAEIS. (Vid. Cornelia de Siciaris.) POMPEIA TRIBUNITIA (B.C. 70) restored


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This was effected by a lex, the name of which is unknown, but a large part of it, on a bronze tablet, is preserved in the Museum at Athens. The lex arranged the judiciary establishment of the former province, and, according to Livy, the temple of Castalia. The subject is discussed by Savigny and by Puchta.

This lex has been published several times; the latest edition is "Tavola legislativa della Galia Cisalpina ritrovata in Velesia et restituita alla sua vera lezione da D. Pietro di Lena, Parma, 1830." We only possess the end of the nineteenth chapter of this lex, which treats of the Navi Opera Nuntialis, the twentieth chapter, on the Dammum Infestum, is complete; the twenty-first treats of Pecunia Certe Credita, but only of Execution; the twenty-second treats in like manner of similar actions; there is only the beginning of the twenty-fourth, which treats of the division of an hereditas ("quae de familia excerpte levando reddita abit habeat redditeri", &c.), postulandorum. The matter of this lex, therefore, so far as we know it, purely concerns procedure, as Puchta remarks.

LEXP.

This lex was proposed by T. Quintus Crispinus, consul B.C. 9, and enacted by the popularus for the preservation of the aqueductus. The lex is preserved by Frontinus.

REGIA. (Vid. Regia Lex.)

REPUGNA. (Vid. Just Civile Papirianum.)

REPUTANDARUM. (Vid. Repetundae.)

ROH'DIA. The Rhodians had a maritime code which was highly esteemed. Some of its provisions were adopted by the Romans, and have thus been incorporated into the maritime law of European states. Strabo speaks of the wise laws of Rhodians in regard to the admirality policy, especially in naval matters; and Cicero to the same effect. The Digest contains so much of the lex Rhodiorum as relates to jactus, or the throwing overboard of goods in order to save the vessel or remainder of the cargo. This lex Rhodiorum de Jactu is not a lex in the proper sense of the term.

The lex Rhodiorum de Jactu was proposed by the tribune L. Roscius Otho, B.C. 67, which gave the equites a special place at the public spectacles in fourteen rows or seats (in quattuordecim gradibus usque ordinibus) next to the place of the senators, which was in the orchestra. This lex also assigned a certain place to spendrifs (deootores). The phrase "sedeque in quattuordecim ordinibus" is equivalent to having the proper census equestris which was required by the lex. There are numerous allusions to this lex, which is sometimes simply called the Lex of Otho, and referred to by his name. Lex Rhodiorum de Jactu in the Senate was for this reason not enacted, and it was not a lex proper. The powers given to the commissioners by the lex Julia Municipalis were of a similar kind.

SACRA. (Vid. Sacra.)

SACRITNIA, proposed by a tribune; the date and contents are not known, but its object was to suppress unnatural crimes. It existed in the time of Cicero.

The lex Julia de Adulteris ceased to be a provincial, and became a part of Italia about the year B.C. 43. When this change took place, it was necessary to provide for the administration of justice, as the usual modes of provincial administration would cease with the determination of the provincial government of government.


4 E
LEX.

I. L. D. ANOTIS.

It is, perhaps, doubtful if the passage of Cicero¹ should be alleged in proof of this usage formerly existing.

SEMPRO'NIE. Various leges proposed by the Gracchi were so named. (Vid. Sempronie Leg.)

SEMPRO'NIA DE FÉ'NORE, B.C. 193, was a plebiscitum proposed by the tribune M. Sempronius, which enacted that the law (jus) about money lent (pecunia rotunda) should be the same for the Socii and Latini (Soci ac nomen Latum) as for Roman citizens. The object of the lex was to prevent Romans from lending money in the name of the Socii, who were not bound by the fines leges. The lex could obviously only apply within the jurisdiction of Rome.

SERVILIA AGRÁ'RIA, proposed by the tribune P. S. Rullus in the consulship of Cicero, B.C. 63, was a very extensive agraria rotagio. It was successfully opposed by Cicero,² but it was in substance carried by J. Caesar, B.C. 59 (vid. Julia Lex Agraria), and is the lex called by Cicero lex Campana, from the public hand called Ager Campanus being assigned under this lex.

SERVILIA GLAU'CIA DE CIVITATE (Vid. Repetundae.)

SERVILIA GLAU'CIA DE REPETUNDIS. (Vid. Repetundae.)

SERVILIA JUDICIARIA, B.C. 106. See the articles Julia, B.C. 593, and the various passages in Cicero.² It is assumed by some writers that a lex of the tribe Servilius Glauca repealed the Servilia Judicaria two years after its enactment.³

SIL'IA. The legis actio condicio was established by this lex in the case when the demand was a determinate sum of money (cota pecunia).⁴

SIL'VIA ET CARBON'IS. (Vid. Papiria Puteana.)

SUL'PICLIE, proposed by the tribune P. Sulpiicius Rufus, a supporter of Marius, B.C. 88, enacted the recall of the exiles, the distribution of the new citizens and the libertini among the thirty-five tribes, that the command in the Mithradatic war should be taken from Sulla and given to Marius, and that a senator should not contract debt to the amount of more than 16,000 denarii.² The last enactment may have been intended to expel persons from the senate who should get in debt. All these leges were repealed by Sulla.⁴

SUL'PICIA SEMPRO'NIA, B.C. 304. No name is given to this lex by Livy,¹ but it was probably proposed by the consuls. It prevented the dedication of a temple or altar without the consent of the senate or a majority of the tribunes.¹

SUM'TUARIE. (Vid. Sumptuaria Leges.)

TABELLIA'RIE. (Vid. Tabellariae Leges.)

TARPEIA ATER'NIA. (Vid. Aeterna Tarpeia.)

TENTENTILIA, proposed by the tribune C. Tertentilius, B.C. 462, but not carried, was a rogatio which had for its object an amendment of the constitution, though forming in only a limited sense an amendment of the imperium consulis.¹ This rogatio probably led to the subsequent legislation of the Decemviri.

TESTAMENTARIE. Various leges, such as the Cornelia, Fadila, Furius, and Voconia, regulated testamentary dispositions.

THOIRIA. The importance of this lex requires it should have a separate notice. (Vid. Tho'ria Lex.)

TI'TIA, similar in its provisions to the lex Publia. (Vid. Julia Lex et Titia, and Gaius, i., 185.)

TREBONIA, a plebiscitum proposed by L. Trebonius, B.C. 448, which enacted that if the ten tribunes were not chosen before the comitia were dissolved, those who were elected should not fill up the number (co-optare), but that the comitia should be continued till the ten were elected.²

TRIBUNITIA. (Vid. Tribunitia Lex.)

ULIA DE AMBITU (Vid. Ambitus.)

ULIA DE REQUAMNAE'RIE LIVELLA. (Vid. Legatus, p. 576.)

VALERI'Z of P. Valerius Publicola. (Vid. Valerius Leges.)

VALE'RIA HORA'TIA. (Vid. Plebiscitum.)

VARIA. (Vid. Majestas.)

VATINIA DE PROVINCIS was the enactment by which J. Caesar obtained the province of Gallia Cisalpina with Illyricum for five years, to which the senate added Gallia Transalpina. The plebiscitum was proposed by the tribune Vatinius.³ A Trebonia lex subsequently prolonged Caesar's imperium for five years.

VATINIA. (Vid. Repetundae.)

VATINIA DE COLONIS, under which the Latina Colonia (vid. Latinitas) of Novum-Comum in Gallia Cisalpina was planted, B.C. 59.⁴

VIARI'Z. (Vid. Vatinius.)

VIA'RIA. A Viairi lex which Cicero says the tribune C. Curio talked of; but nothing more seems to be known of it.

Some modern writers speak of leges Vatianae, but there do not appear to be any leges properly so called. The provisions as to roads in many of the agrarian laws were parts of such leges, and had no special reference to roads.⁵

VICESIMA'RIA. (Vid. Vicesimaria.)

VILI'ANNA'RIA. (Vid. Ediles, p. 25.)

VISE'LLIA. Made a man liable to a criminal prosecution who, being a Latinus, assumed to exercise the rights of an ingenius.⁶

VOCIONIA. (Vid. Voconia Lex.)

This list of leges may not be quite complete, and the dates assigned to them may not be perfectly accurate. Still it contains all the leges that are of any importance for the understanding of Roman History and Jurisprudence. Those which are not specially noticed here are referred to their proper heads, particularly when there are many leges relating to one subject, as ambitus, repetundae, &c. Several of the Roman leges were modified by senatorial consultae. The senatorial consultae, which are properly laws, are enumerated under Senatori Consultum.

LEXIA'RIC CON. (Vid. Demus, p. 348.)

LEXIA'RICHOL. (Vid. Ecclesia, p. 385.)

LEXIS. (Vid. Dices, p. 358.)

LIV'ANOTIS (Adavoric), a plant, our Ros'maria. The Greek name is derived from ἠλάντος αἰσθήσις, and has reference to the strong aromatic odour of the plant, which is of the Latin name Rosmarina, which the poets commonly write as two words, Ros mar'ina, alludes to the circumstance of the plant's being "used by the ancients in sprinkling, as we read in the Scriptures of hisspop, and of its growing in places near the seacoast. Virgil is supposed to be the first author who mentions it by the name of Ros (marina). Theophrastus describes two species, the first, or ἀλάντις ἀσαφής, is the true Ros'marina officinalis; the other, the ἀλαντις ἀσαφής, is the Ath-


Liberellus.

Sanctus libellus, according to Stachouss. Spen-
gel is decidedly of opinion that the first species of
Dioscurides is the Cachrys libanotis; the second,
the Furula nodiflora; the third he hesitates about
admitting as the Prenanthe purpurata.

Liberanotus (ζελανοτος), Frankencense. The
name, however, is also applied to the Frankincense-
tree itself. "Forshael, the Danish traveller," ob-
erves Adams, "gave the name of Amyris Kafou
to the tree which produces Frankincense, but most
dubious was its generic name, selcana turfera.
However, as Stackhouse and Spen-
gel state, there is still great uncertainty about the
tree which produces the frankencense. Dr. Harris
remarks, that 'what is called "pure incense" is
do double the same as the mancula thera of Virgil.'
Dr. Martyn farther states, that the ancients called
the best sort of incense "male." A later writer on
this subject of medicinal substances, Dr. Martin, says,
'Some authors have considered the genuine liba-
roo (Thisbe) to have been obtained from the Junipe-
rus Lycia, and to constitute the Olibanum of our
shops, but I cannot find any passage in the ancient
authors sufficiently precise to corroborate this
conjecture.' According to Ammonius and the scholi-
astics, the frankencense, or, as they state, the frank-
cense in Latin, was called to be named libanot, and
the term libanotus is to be restricted to the Frankencense itself.
Theo-
phratus, however, does not use the terms in this
sense. 1

Libatio. (Vid. Sacrificiu m.)

Libella. (Vid. Demaris.)

Libellus is the diminutive form of liber, and
gives its name to a book. A libellus was disinguished
from other kinds of writing by being written,
like our books, by pages, whereas other
writings were written transsera charta. 2 A libel-
lus, however, did not necessarily consist of several
pages. It was used by the Romans as a technical
term in the following cases:
1. Libellus accusatorius or accusativus were the writ-
ten accusations which in some cases a plaintiff,
after having received the permission to bring an
action against a person, drew up, signed, and sent
to the judicial authorities, viz., in the city to the
pre-
tor, and in a province to the procurus. 3 (Compare
Acrost, p. 17.) The form in which a libellus ac-
cusatorius was written was a perfect duplicate
drawn up in the case of a disability. 4 The
accuser had to sign the libellus, and if he could not
write, he was obliged to get somebody else to do it for him.
If the libellus was not written in the proper legal form, it
was invalid, but the plaintiff still had the right to bring
the same action again in its legal form.

2. Libelli famosi were what we call libels or pas-
quindies, intended to injure the character of
persons. A law of the Twelve Tables inflicted very
severe punishments on those who composed defam-
atory writings against any person. 5 During
the latter part of the Republic this law appears to
have been suspended, for Tacitus says, that previous
to the time of Augustus, libels had never been legally
punished; 6 and that Augustus provoked this
anxiety with which Livius Severus brought it
dispute the most illustrious persons of the age,
ordained, by a lex majestatis, that the authors of
libelli famosi should be brought to trial. On
this occasion, Augustus, who was informed of the exist-
ence of several such works, had a search made at


2. Aristoph., Phil., 702, with schol.—Appian., App. s. v.) — (Suet., Jul., 56.)—(Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)—(Cod. 9, tit. 12, s. 6.)—(Cod. 10, s. 5.)—(Cod. 9, tit. 12, s. 6.)—(Cod. 10, s. 5.)—(Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

3. Com., libellus accusatorius, p. 152. (Cod., libellus, s. 5. — (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

4. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

5. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

6. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

7. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

8. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

9. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

10. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

11. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

12. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

13. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

14. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

15. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

16. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

17. (Cod. 9, tit. 10, s. 5.)—(Cod. 10, s. 5.)

18. (Cod. 9, tit. 10, s. 5.)

Rome by the ediles, and in other places by the
local magistrates, and ordered the libels to be burn-
ed; some of the authors were subjected to punish-
ment. 1 A law quoted by Ulpius 2 ordained that the
author of a libellus famosus should be intestastables;
and during the latter period of the Empire we find
that capital punishment was not only inflicted upon
the author, but upon those persons in whose pos-
session a libellus famosus was found, or who did
not destroy it as soon as possible. 3 (Dig., tit. 10, s. 5.)

3. Libellus memoriae, a pocket or memorandum
book. 4 The libellus, from which Cicero 5 commu-
nicates a memorandum of Brutus, appears to have
been a book of this kind.

4. The word libellus was also applied to a varie-
ty of writings, which in most cases, probably, con-
sisted of one page only:

1. a. To short letters addressed to a person for
the purpose of cautioning him against some dan-
ger which threatened his life, 6 and to any short letters
or reports addressed to the senate or private indi-
viduals. 7

2. To the bills called libelli gladiatori or minera-
rii, which persons who gave gladiatorial exhibitions
were distributed among the people. (Vid. Gladiators,
p. 476.)

3. To petitions to the emperors. 8 The emperors
had their special officers or secretaries who at-
tended to all petitions (libelli prefectus), and who
read and answered them in the name of the em-
peror. 9 Such a libellus is still extant. 10

4. To the bill of appeal called libellus appallatorius,
which was paid for when bills were pulled down by such
persons who found his property and brought it back
to him. 11

5. To the bills stuck up in the most frequented
parts of the city, in case of a debtor having ab-
sconded. 12 Such bills were also stuck upon
the estates of such a debtor, and his friends who wished
to guard against deception. (Cod. 9, tit. 10, s. 5.)

5. To bills in which persons announced to the
public that they had found things which had been
lost, and in which they invited the owner to claim
his property. 14 The owner gave to the finder a
reward (ebptoc), and received his property back.
Sometimes the owner also made known to the
public by a libellus what he had lost, stated his name and
rank, and paid a reward to the person who found his property
and brought it back to him. 15

6. Libeer (βιβλιον), a Book. The most common
material on which books were written by the Greeks
and Romans was the thin coats or rind (liber, whence
the Latin name for a book) of the Egyptian papyrus.
This plant was called by the Egyptians Bybios (βιβ-
λος), whence the Greeks derived their name for a
book (βιβλιον). It formed an article of commerce
long before the time of Herodotus, 16 and was exten-
sively used in the western part of Europe, as is
proved by the number of rolls of papyri found at
Herculaneum. In the sixth century of the Christian
era the duty on imported papyrus was abolished by
Theodoric the Great, on which occasion Cassiodo-
rus wrote a letter, 17 in which he congratulates the
world on the cessation of a tax so unfavorable to
the progress of learning and of commerce.

The papyrus-tree grows in swamps to the height of
ten feet and more, and paper was prepared from the
thin coats or pellicules which surround the plant in the following manner according to Pliny. The different pieces were joined together by the torrid Nile water, as it has a kind of glutinous property. A layer of papyrus (scheda or phylora) was laid flat on a board, and a cross layer put over it; and being thus prepared, the layers were pressed, and afterward dried in the sun. The sheets were then fastened or pasted together, the best being taken first, and then the inferior sheets. There were never more than twenty in a scapus or roll. The papyri found in Egyptian tombs differ very much in length, but not much in breadth, as the breadth was probably determined by the usual length of the strips taken from the plant. The length might be carried to almost any extent by fastening one sheet to another. The writing was in columns, with a blank slip between them. The form and general appearance of the papyri rolls will be understood from the following woodcut, taken from paintings found at Pompeii.

The paper (charia) made from the papyrus was of different qualities. The best was called after Augustus, the second after Livia, the third, which was originally the best, was named Hieratica, because it was appropriated to the sacred books. The finest paper was subsequently called Claudin, from the Emperor Claudius. The inferior kinds were called Amphiheatraca, Saitica, Leonetica, from the places in Egypt where it was made, and also Funia, from one Eunnius, who had a celebrated manufacture at Rome. The kind called Emporetica was not fit for writing, and was chiefly used by merchants for packing their goods, from which circumstance it obtained its name. Next to the papyrus, parchment (membrana) was the most common material for writing upon. It is said to have been invented by Eumenes II., king of Pergamum, in consequence of the prohibition of the export of papyrus from Egypt by Ptolemys Epiphanes. It is probable, however, that Eumenes introduced only some improvement in the manufacture of parchment, as Herodotus mentions writing on skins as common in his time, and says that the Ionians had been accustomed to give the name of skins (phylora) to books. Other materials are also mentioned as used for writing on, but books appear to have been almost invariably written either on the papyrus or parchment. The ancients wrote usually on only one side of the paper or parchment, whence Juvenal speaks of an extremely long tragedy as

"summi plena jam margine libri
Scriptus et in turguo nectum fantus Orestes."

Such works were called Opistographia, and are also said to be written in a versa charta.

The back of the paper, instead of being written upon, was usually stained with saffron colour or the cedrus (corocor membrana tabella). We learn from Ovid that the cedrus produced a yellow colour.

As paper and parchment were dear, it was frequently the custom to erase or wash out writing of little importance, and to write upon the paper or parchment again, which was then called Palimpsestus (παλιμπηστος). This practice is mentioned by Cicero, who praises his friend Trebatius for having been so economical as to write upon a palimpsest, but wonders what those writings could have been which were considered of less importance than a letter.

The paper or parchment was joined together so as to form one sheet, and when the work was finished, it was rolled on a staff, whence it was called a volumen; and hence we have the expression codex were libraries. If a man or a woman divided a work into several volumes, it was usual to include only one book in a volume or roll, so that there were generally the same number of volumes as of books. Thus Ovid calls his fifteen books of Metamorphoses "mutua ter quinque volumina formae." When a book was long, it was sometimes divided into two volumes; thus Pliny speaks of a work in three books, "in saeculorum propriam amplitudinem divis." In the roll of papyri found at Herculaneum, the stick on which the papyrus is rolled does not project from the papyrus, but is concealed by it. Usually, however, there were halls or bosses, ornamented or painted, called umbilici or cornua, which were fastened at each end of the stick, and projected from the papyrus. The ends of the roll were carefully cut, polished with pumice-stone, and coloured blue, and was called the gremia front. To protect the roll from injury, it was frequently put in a parchment case, which was stained with a purple colour, or with the yellow of the lutum. Martial calls such a covering a purpurea luga. Something of the same kind is meant by the Greek sytpe (εσσυτηία), which Heacychius explains by δειμτηριω σφρατ. The title of the book (titulus, index) was written on a small strip of papyrus or parchment with a light red colour (soccam or minimum). Winkelmann supposed that the title was on a kind of ticket suspended to the roll, as is seen in the paintings at Herculaneum (see woodcut), but it was most probably stuck on the papyrus itself. We learn from Seneca and Martial that the portraits of the authors were often placed on the first page of the work. Concerning the articles A TRAMUNTAN, MANZOPOL, BIBLIOTHECA, CLAMUS, CAPS, SYLVIUS, LIBERALIA. (Vid. Dionysia, p. 366.) LIBERALIS CAUSA. (Vid. Asser tor.) LIBERI. (Vid. Ingenii, Libertus.) LIBER ORIUM JUS. (Vid. JULIA ET PALLA POR PARA LEX.) LIBERTUS, LIBERTY NUS. Freemen (liberi) were either ingenii (vid. Ingenii) or libertini. Libertini were those persons who had been released from legal servitude (qui ex jussa servitutem manumisi si sumus). A manumitted slave was libertus (that is, libertus) with reference to his master; with reference to the class to which he belonged after manumission, he was libertinus. According to Suettius, libertinus was the son of a libertus in the time of the censor Appius Claudius, and for some time after; but this is not the meaning of the word in the extant Roman writers.

There were three modes of legitima manumission, the vindicta, the census, and the testamentum: if...
the manumitted slave was above thirty years of age, if he was the quiritarian property of his mas- ter, and if he was manumitted in proper form (legitima, justa et legitima manumissiones), he became a civis Romanus: if any of these conditions were wanting, he became a Latinus, and in some cases only a dedicarius. (Vid. Manumissio.) Thus there were, as Ulpian observes, three kinds of liberti: cives Romani, Latini Luniani, and dedicati.

The status of a civis Romanus and that of a dedicarius had already been described. (Vid. Civilitas, Deporrtt.)

Originally, slaves who were so manumitted as not to become cives Romani, were still slaves; but the pretor took them under his protection, and maintained their freedom, though he could not make them cives Romani. The lex Junia gave them a certain status, which was expressed by the phrase Latin Luna. They were called Latini, says Gaius, because they were put on the same footing as the Latin coloni, and Junians, because the Junia lex gave them freedom, whereas before they were by strict law (ex jure Quiritis) slaves. Gaius says that the lex Junia declared such manumitted persons to be as free as if they had been Roman citizens. They could, therefore, have bought and sold other slaves. It went out from Rome to join a Latin colony, and thereby had become Latin coloni: this passage, which is not free from difficulty, is remarked on by Savigny. A Latinus could attain the civitas in several ways. (Vid. Latinitas.) As the patria potestas was a jus peculiar to Roman citizens, it followed that a Latinus could not become a citizen save by adoption. If, however, he had married either a Latina and had beget a child, who would, of course, be a Latinus, or had married a Roman civilian, and had beget a child, which, by a senatus consultum of Hadrian, would be a Romanus civis, he might, by complying with the provisions of the lex Julia, have freed himself, his wife, and child, and in both cases acquire the patria potestas over his child just as if the child had been born in justa nuptiis.

In considering the legal condition of libertinii, it is necessary to remember that even those who were cives Romani were not ingeni, and that their patria potestas continued over them. The Latini were under some special incapacities; for the lex Junia, which determined their status, neither gave them the power of making a will, nor of taking property under a will, nor of being named tutees in a will. They could not, therefore, take either as heredes or legatarii, but they could take by way of fiduciarsium. The sons of libertinii were ingeni, but the fathers did not have legitimate rights; and the descendants of libertinii were sometimes tamuted with their servile origin.

The law which concerns the property (bona) of libertinii may be appropriately considered under Patremes: see also Inewing.

LIBERTUS (GREEK) (Ἀπελευθερως), a freedman. He was at first employed to restore a slave to freedom, or to allow him to purchase it. The state into which a slave thus entered was called ἀπελευθερως, and he was said to be καθαρὲς κυνὸν. It is not quite certain whether those persons who were termed ἄπειροι ἀκούντες were likewise freedmen, as the grammarians assert, or whether they were persons yet in slavery, but living separated from their master's household; but in Domesticon the expression ἄπειροι ἀκούντες is evidently used as synonymous with "he has been emancipated." A slave, when manumitted, entered into the status of a meticulus, vid. Manus, and, as such, he had not only to pay the meticulus, but a triobolon in addition to it. This triobolon was probably the tax which slaveholders had to pay to the Republic for each slave they kept, so that the triobolon paid by freedmen was intended to indemnify the state, which would otherwise have lost by every manumission of a slave. The connexion of a freedman's tax and his colony could not be broken off entirely on his manumission, for he had throughout his life to regard him as his patron (προστάτης), and to fulfil certain duties towards him. In what these duties consisted beyond the obligation of showing gratitude and respect towards his deliverer, and of taking him for his patron in all his affairs, is uncertain, though they seem to have been fixed by the laws of Athens. Whether the relation existing between a person and his freedman descended to the children of the latter, is likewise unknown. That a master, in case his freedman died, had some claims to his property, is clear from Isaeus. The neglect of any of the duties of a freedman had towards his former master was proscribed by the lex regia.

The Spartans likewise restored their slaves some times to freedom, but in what degree such freedmen partook of the civic franchise is not known. That they could never receive the full Spartan franchise is expressly stated by Dion Chrysostornns; but Muller entertains the opinion that Spartan freedmen, after passing through a certain stage in the state, might in the end obtain the full franchise; this opinion, however, is more than doubtful. Spartan freedmen were frequently used in the armies and in the fleet, and were, according to Myro, designated by the name of ἱππητα, ἄλαςτροι, ἐρκάτης, ἐπέστολον ἄρης, and νεκρομόδες.

LIBITUS. (Vid. Fucus, p. 459.)

LIBRÁ: dim. LIBELLA (σταθμή), a Balance, a pair of Scales. The principal parts of this instrument were: 1. The beam (ὑπεροτον), whence anything which is to be weighed is said ἐπὶ ὕπεροτον ἀνα- δύναμα, literally, "to be thrown under the beam." 2. The two scales, called in Greek τάλαντα and ὀρία. The beam was of铜, and the dishes were of bronze. Hence the verb τάλανυον is employed as equivalent to σταθμύνω and to the Latin libra, and is applied as descriptive of an eagle balancing its wings in the air. The beam was made without a tongue, being held by a ring or other appendage (ligula, βύς), fixed in the centre. (See the woodcut.) Specimens of bronze balances may be seen in the British Museum, and in several collections of antiquities, and also of the stair-yolk (vid. Stateria), which was used for the same purpose as the libra. The woodcut to the article Catena shows some of the chains by which the scales are suspended from the beam. In the works of ancient art, the balance is also introduced emblematically in a great variety of ways, which will be found in the collection of emblems of us, in which the good things of the soul were put into one scale, and those of the body and all external things into the other, and the first was found to outweigh the second, though it included both earth and sky.
and sea. In Egyptian paintings the balance is often introduced for the sake of exhibiting the mode of comparing together the amount of a deceased man's merits and of his defects. The annexed woodcut

is taken from a beautiful bronze patera, representing Mercury and Apollo engaged in exploring the fates of Achilles and Memnon, by weighing the attendant genius of the one against that of the other. A balance is often represented on the reverse of the Roman imperial coins; and, to indicate more distinctly its signification, it is frequently held by a female in her right hand, while she supports a cornucopia in her left, the word aureus being inscribed on the margin, so as to denote the justice and impartiality with which the emperors dispensed their bounty.

The constellation libra is placed in the zodiac at the equinox, because it is the period of the year at which day and night are equally balanced. The mason's or carpenter's level was called libra or libellus (whence the English name) on account of its resemblance in many respects to a balance. Hence the verb libra meant to level as well as to weigh. The woodcut to the article Creatura, which is inserted sideways, shows a libella fabriliis having the form of the letter A, and the line and plummet (perpendiculum) depending from the apex.

LIBRA or AS, a pound, the unit of weight among the Romans and Italians. Many ancient specimens of this weight, its parts and multiples, have come down to us; but of these some are imperfect, and the rest differ so much in weight that no satisfactory conclusion can be drawn from them. The difference between some of these specimens is as much as two ounces. An account of some of the most remarkable of them is given by Hussey and Böckh. This variety is to be accounted for partly by the well-known carelessness of the Romans in keeping to their standards of weights, and partly by the fact that many of the extant weights are from provincial towns, in which this carelessness was notoriously greater than in the metropolis.

The Roman coin furnish a mode of calculating the weight of the libra, which has been much relied on by most modern writers. As will not help us in this calculation, because its weight, though originally a pound, was very early diminished, and the existing specimens differ from each other very greatly. (Vid. AS.) We must therefore, look only to the silver and gold coins. Now the average weight of the extant specimens of the denarius is about 60 grains, and in the early ages of the coinage 64 denarii went to the pound. (Vid. Denarius.) The pound, then, by this calculation, would contain 5040 grains. Again, the aureus of the early gold coinage were equal in weight to a scrupulum and its multiples. (Vid. Aurem.) Now the scrupulum was the 288th part of the pound (vid. Uncia), and the average of the scrupular aurei bore to the Roman pound the ratio of 1 to 2905. Hence the pound would be 288 x 2905 = 5034.8 grains, as before. The next aurei coined were, according to Pliny, 40 to the pound, and, therefore, if the above calculation be right, = 128 grains; and we do find many of this weight. But, well as these results hang together, there is great doubt of their truth; for, besides the uncertainty which always attends the process of calculating a larger quantity from a small one, and of the multiplication of a small error, we have every reason to believe that the existing coins do not come up to their nominal weight, for there was an early tendency in the Roman mint to make money below weight (compare As, Annum, Denarius), and we have no proof that any extant coins belonged to the very earliest coinage, and, therefore, no security that they may not have been depreciated. In fact, there are many specimens of the denarius extant which weigh more than the above average of 60 grains. It is therefore probable that the weight of 5040 grains, obtained from this source, is too little.

Another mode of determining the pound is from the relation between the Roman weights and measures. The chief measures which aid us in this inquiry are the amphora, or quadrangular measure ofcapacity. Thecontents of the amphora were equal to a cube of which the side was one Roman foot, and the weight of water it contained was 80 pounds. Hence, if we can ascertain the length of the Roman foot independently, it will give us the solid contents of the amphora, from which we can deduce the weight of the Roman pound. But we may be obtained at once from the congrus of Vesuvius, which holds 10 Roman pounds, and was found by Dr. Hase (in 1721) to contain 55337 grains Troy of distilled water. (Vid. Congius.) This would give for the pound 5303759 grains Troy, or very nearly 53040 grains = 111 ounces and 60 grains. But another experiment (in 1860), Auzout found the congrus to contain 54653 grains Troy. This would make the pound 51460.9 grains Troy, or 113 ounces and 6 grains less than before. Hase considers that Dr. Hase's experiment is more to be relied on than Auzout's, as being more recent. The difference may be partly owing to another cause, which throws doubt on the whole calculation. The interior surface of the congrus may have been injured by time and other causes, and its capacity therefore increased. Worm ascribes this as a fact. Again, the nature of the fluid employed in the experiment, its temperature, and the height of the barometer, would all influence the result, and the error from these sources must occur twice, namely, at the original making of the congrus, and at the recent weighing of its contents. Still these errors are probably small, and therefore we may take the weight of 53040 grains Troy, as obtained from this experiment, as the nearest approximation to the weight of the Roman pound. This result very little exceeds that obtained from the coins; and as we have seen that the latter give too small a weight, the excess may be viewed rather as a correction than a contradiction. For it gives as the weight of the denarius of 84 to the pound nearly 62 grains, and many denarii weight more than 60 grains. The group would contain 97 grains, which only exceeds the average of extant specimens by about half a grain. Wurm, who de-
LICHEN.

LICHEN, Liburna, Liburnica (Albopur, Albopur), commonly a bireme with the mast amidship, as it appears from Lucian,6 but not unfrequently of larger bulk. Its description is clearly indicated by the same writer, as quoted by A. Cellarius,7 they appear to have been originally somewhat similar to the light Indian boats, literally sewn together, which are now used to cross the surf in Madras Roads. The Liburni stitched the planks of their boats together probably only in their earliest and rudest shape, as is still the practice in Malabar. Pliny8 informs us that the material of which these vessels were constructed was pine timber, as clear from resin as could be obtained. The piratical habits of the Illyrian nation, from whose ships the Romans affixed this term to their own, are described by Appian,9 who also confirms Lucian in the statement that they were commonly biremes. From its resemblance in shape to the present Liburnian boat, it is often called the Roman bireme, which name is, however, erroneous. Its convenience is well described by Juvenal,10 though some commentators think that this passage refers to Liburnian slaves who carried the litter. The sharpness of the beak of these ships, which was probably of also great weight (Böckh conjectures in the trierries of nearly four talents), is clearly deduced from the Plautian phrase adopted by Varro,11 informs us that they were constructed sharp in the bows, to offer the least possible resistance to the water. The Navis Rostrata and Liburnica were the same.12

The term Liburna became incorporated into the Latin tongue simply from the assistance rendered to A. Augustus in the battle of Actium. From this period, experience having shown their efficiency, this class of vessels became generally adopted by the Romans.13 In a similar manner, many naval terms, from the excellence of a foreign construction, have been introduced into our language from the Dutch, French, Spanish, and Italian, as brigantine, galleon, felucca, etc. Originally the word at the disposal of the Latin language, it lost its local and particular force, and became applied to other kinds of ships.

LICHAS. (Vid. Pers.)

*Lichen (Lib#), the Lichen. "The Lichen of Pliny," observes Adams, would appear to be different from that of the Macheria comic. The other is not so easily determined. Sprengel inclines to the Peltigera.

LIGUSTUM.

LIMBUS.

canina, sive Aptholoma, Hoffm.: The _ligustrum ligustri_, described in the M.M. of the ancients, were the true bindweeds or bindweeds, names which form the names of horses, called _spasin_ in English, and _Ligustrum_ in French. The term _ligustrum_ was also applied to a cutaneous disease allied to leprosy."

*LICYTIE ROGATIUS.* (Vid. Rogationes Liciniae.)

LICTOR, a public officer, who attended on the chief Roman magistrates. The number which waited on the different magistrates is stated in the article._ Licitiae._

The office of lictor is said to have been derived by Romulus from the Etruscans. 1 The etymology of the name is doubtful; Gellius 2 connects it with the verb _ligare_, because the lictors had to bind the hands and feet of criminals before they were punished. The lictors went before the magistrates one by one in a line; he who went last or next to the magistrate was called _præsum lictor_, to whom the magistrate gave his commands, 3 and, as this lictor was always the principal one, we also find him called _primus lictor_, 4 which expression some modern writers have erroneously supposed to refer to the lictor who went first.

The lictors had to inflict punishment on those who were condemned, especially in the case of Roman citizens; 5 for foreigners and slaves were punished by _taxifer_, 6 and they also, probably, had to assist in some cases in the execution of a decree or judgment in a civil suit. The lictors also commanded (animadverterent) persons to pay proper respect to a magistrate passing by, which consisted in dismounting from horseback, uncovering the head, standing out of the way, 7 etc.

The lictors were originally chosen from the plebs, 8 but it appeared they had been generally freedmen, probably of the magistrate on whom they attended. 9

Lictors were properly only granted to those magistrates who had the imperium. Consequently, the tribunes of the plebs never had lictors, 10 nor several of the other magistrates. Sometimes, however, lic- tors were granted to persons as a mark of respect or for the sake of protection. Thus by a law of the tribunes, every vestal virgin was accompanied by a lictor whenever she went out, 11 and the honour of one or two lictors was usually granted to the wives and other female members of the imperial family. 12

There were also thirty lictors, called _Lictores Curii_, whose duty it was to summon the curia to the comitia curiata; and when these meetings became little more than a form, their suffrages were represented by the thirty lictors. 13

LIGO (ικάλλια or μικάλλια) was a hatchet formed either of one broad iron or of two curved iron prongs, which was used by the ancient husbandmen to clear the fields from weeds. 14 The ligo seems also to have been used in digging the soil and breaking the crust of the earth.

LIGULA, a Roman measure of capacity, containing one fourth of the _Cyathus_, and therefore equal to 0.0206 of a pint English. 15

*LIGUSTRUM_, a plant about which considerable uncertainty prevails. It is commonly, however, regarded as the _Privet_. Virgil mentions it in

one of his Elogia, but all that can be gathered from what he says of it, is that the flowers are 'v.(d) without value.' Piny, 16 observes Marty, 17 says it is a tree, for in the 24th chapter of the 18th book, where he is speaking of the _cypros of Egypt_, he uses the following words: 'Quidam hanc ome- diunct arborum que in Italia Ligustrum vocatur.' Thus, also, we find in the tenth chapter of the 24th book, 'Ligustrum cadem arbor est qua in Orientalibus._

If the _ligustrum_ of Pliny was that which is commonly called _ligustrum_, it seems to be a tree, as called _privet_ or _privrncpt_, and by the Italians _chimera_, which seems a corruption of _ligustrum_, then he was mistaken in affirming it to be the same with the _cypros of Egypt_, which is the _elaeune_ or _aloe_.

Matthioli, in his commentaries on Dioscorides, says that Servius, among others, took the _ligustrum_ to be that sort of _convolvulus_ which we call great _bindweed_. Where Matthioli found this opinion of Servius I cannot tell, unless he made use of some copy very different from those which we now have. We find no more in our copies of Servius than that the _ligustrum_ is a very white but contemptible flower.

Still it must be acknowledged that the great bindweed has a very fair claim to be accounted the _ligustrum_ of Virgil, on account of its name being derived from 'binding' (a _ligando_), from the pure whiteness of its flower, and from its being, at the same time, a contemptible weed. He may also, with good reason, suspect that our _privet_ is not the plant intended, because the flowers are not fair enough, and yet are too sweet to be rejected with contempt. But it weighs something on the other side, that Pliny has called the _ligustrum_ a tree in two different places. In conformity, therefore, with the most common opinion, I have translated the _ligustrum_ as _privet_; if any one should change it for _bindweed_, I shall not greatly contend with him. 18

*LIGUSTICUM* (Ἀγυρντικόν). 19 Woodville agrees with the earlier commentators on Dioscorides and Galen, in referring to this the well-known plant, the _Ligusticum Lociumiium_, or _common Locu- rage_; but this opinion is questioned by Alston Sprang in, also, is not quite satisfied, and rather inclines to the _Lepiscyri_, Siler. Apicius recommends it frequently as a condiment. 20

*LILUM* (ποισον), the _Lily, or Liliun candidum_. 1 The Persian term _lath_, which is a name for all the liliaceous plants, and especially for the tulip (of which last the ancients knew nothing), has passed, on the one hand, into the family of Northern languages, under the forms of "_lily," _lily", _lily", and _lily", and, on the other, into the Greek and Latin, for _lilium_ and _lilium_ only differ by a very usual change of letters. (Vid. _Liliun_). "We need have no hesitation," remarks Adams, 21 in determining the common _poison_ of the Greeks to have been the _Lilium candidum_, L. Dioscorides describes another species with purple flowers, which Sprangiel is in doubt whether to set down as the _Lilium martagon_ or the _Lilium candidum_.

LIMA, a Flile, was made of iron or steel, for the purpose of polishing metal or stone, and appears to have been of the same form as the instruments used for similar purposes in modern times. 22

LIMBUS (σαρφίδ), the border of a tunic or a scarf. 23 This ornament, when displayed upon the tunic, was of a similar kind with the _Cyclas_ and _Isauria_, but much less expensive, more costly, and more simple. It was generally woven in the

LIPARUS

and (Cato, agris stone Lini

of single in themselves Rust.,

linea string other (Brasm., mark was
called likewise. 188, (from

LIMITATIO. (Vid. Agrimensores.)

LIMITA'TIO. (Vid. Agrimensores.)

LINEA, dim. LINE'OLA, a linen thread or string (from linum, flax), a line.* A string smeared with raddle (rubrica, μήτρα) and drawn tight, was used by carpenters, if needed, to mark a straight mark upon boards of wood, slabs of marble, &c. &c. Hence arose the proverb στρατός ἐκσφέρεται, meaning "more exact than rectitude itself." Since the string made no mark unless coloured, the pursuit of an object without discrimination and distinctness of purpose was called using the linea alba, or lēivative, or box used to hold the raddle was called μητριόν. By an extension of the signification, any straight mark (γραμμή), however produced, was called linea; and hence the same terms, both in Latin and Greek (linea, γραμμή), were applied to a mathematical line. Hence, also, a narrow boundary of any kind was denoted by these terms, and especially

nect the boundary of human life, and the boundary in the stadium from which the combatants started or at which they stopped. 2

Lipara* also meant a fishing-line; the line used in sounding (vid. CATHARAX); that employed in agriculture, called the meandering-line. 4

Linospartum (λινοσπαρτον), according to Stackhouse, the Lygum spartum. Sprengel holds that it is either this or the Stipa terracissima. 5

LinospERMUM (λινόσπερμον), Linn. Fred., 1806, as an article in the ancient Materia Medica. 6

Linier, a boat similar to the μονόδελφα πλοῖα, used in building to Pliny the Elder, Natural History. 7

The ancient British boat, at present in the court-yard of the Museum, formed of one tree, gives an excellent exemplification of the rudest form of the linter. Pliny* tells us that the Germans had boats of this description that held thirty men, and the British vessel just alluded to would certainly carry nearly this complement. The passage in Tacitus is too corrupt to be admitted as any authority for a larger description of ships being included under this term. In Ovid it is applied to Charon's bark, which was obviously worked by a single man. Caesar separates the linter from the navis, and also represents the former as one remove, in early boat-building, from the rats or rat. In another passage he speaks of it as resembling the scapha. Tholus* represents them to have been of light draught of water, like our wherries.

"Et qua Velabri regio patet ire scelobat Eunucus pulsa per vada linter aqua." 8

Auxonius* indicates that a chain of them formed a pontoon, and also classes them with the other light boats. 9 Horace describes the linter as a towboat worked by a single mule, which differs from the sense affixed to it by Propertius, who distinguishes between the swift linter and the slow rats or tow boat.

"Et modo iac. celeres mirerr currire lintera Eto modo tam tardas funibus ire rates." 10

These passages give a twofold sense to linter or wherry and towboat.

The name linter was also applied to a kind of tub or vessel of the block of pumice, which was used by country people for various purposes, such as for conveying and pressing the grapes. 11

Lignum (λίθον), the Lignum usitatissimum, or common Flax. "Most authors agree with Virgil," observes Martyn, "that flax burns or impoverishes the soil. Columella says it is so exceedingly noxious that it is not safe to sow it, unless you have a prospect of great advantage from it. Líni seminí, nisi magnus est ejus in ea regione quam colia provenus, et pretium proravit, serendum non est; agris enim præcipue nostrum est." 12

Lignum Vivum, Ashaene linen, or linen made out of Ashbees. 13

Liparæus Lapis, a stone of which Sir John Hill speaks as follows: "The Lipara stone is a small stone, usually about the bigness of a filbert, of an irregular and uncertain shape, and porous, friable constitution, like that of the pumices, but more easily crumbling into powder between the fingers than even the softest kind of them. The colour is generally a dusky gray, and the whole ex-

1. (Virg., En. i, 649.—Ovid, Met., vi, 127.)—2. (Ovid, Met., v, 51.)—3. (Festus, s. v.—Brucke, Anal., i, 653.)—4. (Plutarch, Deum, de genio, i, 551.)—5. (Statius, Theb., vii, 237.—Dio Cass., xx, 176.—Claud., De Cons. Mag. Theol., 118.)—7. (Au-


...
toral face of it evidently shows that it has suffered a change by fire. Dr. Moore thinks that it was a kind of obisid.2
LITARGYRUS (lidûgyrûs), Litargy. "The ancient Lithargy, like the modern, was procured during the purification of silver from the lead with which it was usually combined in its natural state. The scoría or dross which was formed during the process, obtained the name of Lithargy. In the language of modern chemistry, it is called the semi-vitrified protoxyde of lead."3
LITOSPERUM (lidôspërûm), the Lithospernum officinale, or Gromwell.4
LITHOSTROTA. (Vis. Housh, Roman, p. 520.) LITIS CONTESTATIO. "Contestatio" is when each party to a suit (uterque reus) says, "Testes estote," and the other party to a suit (adversarius) are said contestari litem, because, when the judicium is arranged (ordinato judicio), each party is accustomed to say, "Testes estote."5 The Litis Contestatio was therefore so called because persons were called on by the parties to the suit to "bear witness," "to be witnesses." It is not here said what they were to be witnesses of, but it may be fairly inferred from the use of the words contestatio and testatio in a similar sense in other passages, that this contestatio was the formal termination of certain acts, of which the persons called to be witnesses were at some future time to bear record. Accordingly, the contestatio, spoken of in the passage of Festus, must refer to the words ordinato judicio, that is, to the whole business that had taken place, and which is now completed. This interpretation seems to be confirmed by the following considerations.
When the leges actions were in force, the procedure consisted of a series of oral acts and pleadings. The whole procedure, as was the case after the introduction of the formulae, was divided into two parts, that before the magistrates, or in jure, and that before the judge, or in judicio. That before the magistrates consisted of acts and words by the parties and by the magistrates, the result of which was the determination of the form and manner of the future proceedings in judicio. When the parties appeared before the judge, it would be necessary for him to be fully informed of all the proceedings, for this was effected in later times by the formula, a written instrument under the authority of the prector, which contained the result of all the transactions in jure in the form of instructions for the judge. But there is no evidence of any such written instructions having been used in the time of the leges actions, and this must therefore have been effected in some other way. The Litis Contestatio, then, may be thus explained: the whole process of jure took place before witnesses, and the contestatio was the conclusion of these proceedings; and it was the act by which the litigant parties called on the witnesses to bear record before the judex of what had taken place in jure.
This, which seems a probable explanation of the original meaning of Litis Contestatio, may be compared, to some extent, with the appearance in its original sense of recorder and recording in English law.7
When the formula was introduced, the Litis Contestatio would be unnecessary, and there appears no trace of it in its original sense in the classical jurists. Still the expressions Litis Contestatio and Litis Contestata frequently occur in the Pan-
dect, but only in the sense of the completion of the proceedings in jure, and this is the meaning of the phrases Ante litem contestatum, Post litem contestatum.1 As the Litis Contestatio was originally and properly the termination of the proceedings in jure, it is easily conceivable that, after this form had fallen into disuse, the name should still be retained in the common law of such proceedings. When the phrase Litis Contestatio occurs in the classical jurists, it can mean nothing more than the proceedings by which the parties determine the procedure in jure, and so prepare the matter in dispute for the investigation of the judex.
It appears from the passage in Festus that the phrase Contestari litem was used because the words "Testes estote" were uttered by the parties after the judicum ordinatum. It was therefore the uttering of the words "Testes estote" which gave rise to the phrase Litis Contestatio; but this does not inform us what the Litis Contestatio properly was. Still, as the name of a thing is derived from that which constitutes its essence, it may be that the name here expresses the thing, that is, that the Litis Contestatio was so called for the purpose of effecting the act and things said, in the litigant parties calling on the witnesses to bear record. But as it is usual for the whole of a thing to take its name from some special part, so it may be that the Litis Contestatio, in the time of the leges actions, was equivalent to the whole proceedings in jure, and that the whole was so called from that part which completed it.
The Litis Contestatio fell into disuse cannot be determined, though it would seem that this must have taken place with the passing of the Abhutia lex and the two leges Julii, which did away with the leges actions in certain cases. It is also uncertain if the proper Litis Contestatio still existed in those leges actions which were not interfered with by the legis above mentioned; and if so, whether it existed in the old form or in a modified shape.
This view of the matter is by Keller, in his well-written treatise "Ueber Litis Contestatio und Ueber nachlassischem Römischen Recht," Zurich, 1827. Other opinions are noticed in his work. The author labours particularly to show that the expression Litis Contestatio always refers to the whole proceedings in jure, and never to those in judicio.
LITRA, a Sicilian silver coin, which was equal in value to the Æginetan obol. (Vis. Drachma.) Since the word has no root in the Greek language, but is merely the Greek form of the Latin libra, and since we find it forming part of an alludic system similar to that used in the Roman and Italian weights and money (as in Latin, obis, or Spanish, onza), it is evident that the Greeks of Sicily, having brought with them the Æginetan obol, afterward assimilated their system of coinage by that used by their Italian neighbours, making their obis to answer to the Latin libra, under the name obis. In the same way, a Corinthian stater of 80 obols was called in Syracusan a dékalótria, or pice of ten litras.
The cotylia, used for measuring oil, which is mentioned by Galien (vid. Cotyl.), is also called by him dégra. Here the word is only a Greek form of libra. (Vis. Libra, sub fin.)
LITRON. (Vis. Nitron.)
1. (Hill ad Theophrast., De Lapid., c. 26.)—2. (Asp. Miner.-Log., p. 635.—Bajer, Coll. mineral., p. 162.)—3. (Bioncor., iii., 148.)—4. (Festus, s. v. Contestatio.)—5. (Dig. 29, tit. 1, a. 50.—Ulp., Frag., xx., e. 9.)—7. (Penny Cyclopedia, art. Beeswax.)
494.
LOGOGRAPHOI. Müller1 supposes this to be an Etruscan word signifying crooked. In the Latin writers it is used to denote
1. The crooked staff borne by the augurs, with which they divided the expanse of heaven, when viewed with reference to divination (tempulum), into regions (regiones); the number of these, according to the Etruscan discipline, being sixteen, according to Roman practice, four.2 Cicero3 describes the litus as "incurvum et leviter a mmum inflexum baculum;" and Livy4 as "laculum sine nodo adanumum." It is very frequently exhibited upon works of art.
2. The figure in the middle of the following illustrations is from a most ancient specimen of Etruscan sculpture in the possession of Inghirami,5 representing an augur; the two others are Roman deities.

2. A sort of trumpet slightly curved at the extremity.6 It differed both from the tubus and the cornu,7 the former being straight, while the latter was bent round into a spiral shape. Lydus8 calls the litus the saccoidal trumpet (lepantik ékèsigýs), and says that it was employed by Romulus when he proclaimed the title of his city. Acro9 asserts that it was peculiar to cavalry, while the tuba belonged to infantry. Its tones are usually characterized as harsh and shrill (stridor litum);9 somites acuta10). The following representation is from Fabretti.

LOGCATIO, LOCATIO, CONDUCTIO ACTIO. (Vid. LOGISTAI.

LOGISTAI. (Vid. Euthyne.)

LOGOCRAPHOI (λογογραφοί) is a name applied by the Greeks to two distinct classes of persons.
1. To the earlier Greek historians previous to Herodotus, though Thucydides11 applies the name logographer to all historians previous to him;12 and Herodotus and Thucydides are included under this title. The Ionians were the first of the Greeks who cultivated history; and the first logographer, who lived about Olym. 60, was Cadmus, a native of Miletus, who wrote a history of the foundation of his native city. The characteristic feature of all the logographers previous to Herodotus is, that they seem to have been more interested in amusing their hearers, or readers, than at imparting accurate historical knowledge. They described in prose the mythological subjects and traditions which had previously been treated of by the epic, and especially by the cyclic poets. The omissions in the narratives of their predecessors were probably filled up by traditions derived from the poets, so as to render, at least in form, a connected history.13
2. To persons who wrote judicial speeches or pleadings, and sold them to those who were in want of them. These persons were called λογογραφου̇ς as well as λογογραφοί. Antiphon, the orator, was the first who practised this art at Athens, towards the close of the Peloponnesian war. After this time, the custom of making and selling speeches became very general; and though the persons who practised it were not very highly thought of, and placed on a par with the sophists,14 yet we find that orators of great merit did not scruple to write speeches of various kinds for other persons. Thus Lysias wrote for others numerous λόγους εἰς διακαταφρονή τε καὶ βιανομον τοῖς ἄνθρωποις τοιούτους, and besides, παρα φρενος, ιδρυτικος, and κτιστικος.15


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LORICA.

ΔΙΟΔΟΡΑΣ ΔΙΚΗ. (Vid. ΚΑΚΗΨΩΡΙΑΣ ΔΙΚΗ.)

*LOLUM, Darnel, a common weed in cornfields. Virgil applies to it the epithet of *infaez. 1

LONCHÉ (Λόνχη). (Vid. HARTA, p. 488.)

*LONGHI "ΤΗΣ (Λόνχης), a plant, a kind of Fern. Dioscorides mentions two species, the first of which Matthiolus and Sprengel make to be the *Sparapius lingua. The other, according to Sprengel, is the *Aspindum Lonichtis, Sw. 2

LOPE (Λόπε), LOPOS (Λόπης), *dim. LOPION (Λοπίον), the ancient Greek name of the Ammoc, whether consisting of the hide of an animal or of cloth. Having fallen into disuse as a colloquial or prosaic term, 3 it was retained, though employed very sparingly, by the poets. 4 We also find it retained in *λοποφόρυς, literally, *one who puts on the amictus, a term properly applicable to those persons who frequented the thermes in order to steal the clothes of the bathers (vid. *Bathia, p. 147), but used in a more general sense to denote thieves and highwaymen of all classes.

From the same root was formed the verb *κολωτίζων, meaning to take off the amictus, to denude. 5

LOPHOS. (Vid. *Galax.)

LORA/RII. (Vid. *Flagrum.)

LORICA (Λόρικα), a Cuirass.

The epithet *λαιοθόντως, applied to two light-armed warriors in the Ilid, 6 and opposed to *χαλλοθηγτως, the common epithet of the Greek soldiers, indicates the early use of the linen cuirass. It continued to be worn to much later times among the Asiaties, especially the Persians, 7 the Egyptians, the Phœnicians, and the Chalybes. 8 Iphicrates endeavoured to restore the use of it among the Greeks, 9 and it was occasionally adopted by the Romans, though considered a much less effectual defence than a cuirass of metal. 10

A much stronger material for cuirasses was horn, which was applied to this use more especially by the Sarmatians and Quadi, being cut into small pieces, which were planed and polished, and fastened like feathers upon linen shirts. 11 Hoofs were employed for the same purpose. Pausanias, 12 having made mention of a thorax preserved in the Temple of *Zeuxipus at Athens, gives the following account of the Sarmatians: Having vast herds of horses, which they sometimes kill for food or for sacrifice, they collect their hoofs, cleanse and divide them, and shape them like the scales of a serpent (φαλάνθης): they then bore them and sewed them together, so that the scales overlap one another, and in general appearance they resemble the surface of a green fir-cone. This author adds, that the lion's male of these hornly scales are much more strong and impenetrable than linen cuirasses, which are useful to hunters, but not adapted for fighting. The preceding woodcut, taken from Meyerick's Critical Inquiry into Ancient Armour (plate iii.), exhibits an Asiatic cuirass exactly corresponding to this description. It consists of pieces of some animal's hoof, which are stitched together, overlapping each other in perpendicular rows, without being fastened to any under garment. The projection nearest the middle must be supposed to have been worn over the breast, and the other over the back, so as to leave two vacant spaces for the arms.

This invention no doubt preceded the metallic scale armure. The Rhoxtolani, a tribe allied to the Sarmatians, defended themselves by wearing a dress consisting of thin plates of iron and hard leather. 13 The Persians wore a tunie of the same description, the scales being sometimes of gold (θησαυρος καλαθοντων); but they were commonly of bronze (θορκα indutus aenix aquam). 14 The method of hooking them together, so as to be imbricated, and to fit closely to the body, at the same time not hindering its free motion, is described by Hellenorus, 15 who says that the Persians covered their horses also with this kind of armour. The basis of the cuirass was sometimes a skin, or a piece of strong linen, to which the metallic scales, or "feathers," as they are also called, were sewed. 16 The warriors of Parthis, Dacia, and other countries, armed in this species of mail, are compared to moving stances of resplendent steel; and that this description was not the mere extravagance of poetry, is manifest from the representation of men so attired on the column of Trajan.

The epithet *λεπτηνός, as applied to a thorax, is opposed to the epithet *φαλάνθως. 17 The former denotes a similitude to the scales of fish (λεπτος), the latter to the scales of serpents (φαλανθω). The resemblance to the scales of serpents, which are long and narrow, is exhibited on the shoulders of the Roman soldier of the woodcut at page 28. These scales were imitated by long flexible bands of steel, made to fold over one another according to the contraction of the body. They appear very frequently on the Roman monuments of the times of the emperors, and the following woodcut places in


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The Roman hastati wore cuirasses of chain mail,
immediate contrast a *φαλανθης λεπτηνος on the right and

*φαλανθως on the left, before the name of Bartoli's

*Arces Triumphales.

The Roman hastati wore cuirasses of chain mail,
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1. (Polyb., vii., 21.—Athen., v., 22.—Arrian, l. c.)—2. (Virg., En., iii., 467.—Id. ib., v., 239.—Id. ib., vii., 639.)—3. (Arcon., iii., 328.)—4. (Paus., x., 27, § 3.)—5. (Hom., II., v., 99.—Id. ib., xii., 307, 337.—Id. ib., xvii., 314.)—6. (Paus., x., 27, § 3.—Hom., i., 21, § 30.)—7 (Paus., i. c.)

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lower region of the body in concert with the belt (έγων) and the band (μήρα)." They are well shown in both the figures of the preceding woodcut. (See also the woodcuts at pages 86, 268, 418.)

Instead of the straps here described, which the Greeks called πτέρυγες, the Chalybes, who were encountered by Xenophon on his retreat, had in the same situation a kind of cordage. Appendages of a similar kind were sometimes fastened by hinges to the lories at the right shoulder, for the purpose of protecting the part of the body which was exposed by lifting up the arm in throwing the spear or using the sword. 3

Of Grecian outrisses the Attic were accounted the best and most beautiful. 4 The outriss was worn universally by the heavy-armed infantry and by the horsemen (vid. Anax. p. 107), except that Alexander the Great gave to the less brave of his soldiers breastplates only, in order that the defenceless state of their hacks might decrease their propensity to flight. 5 These were called half-outrisses (μισθωρακία). The thorax was sometimes found to be very oppressive and cumbersome. 6

LOTUS (λωτός). "The lotus of the ancients may be arranged under the following heads: 1. The λωτός upon which the horses pastured was a sort of Clover; it may be confidently set down as the Trifolium officinale, or common Melilot. It is very probable, however, that the term may not have been restricted to it, but may have comprehended others of the trefoils. 2. Under the Lotus aequinicus the ancients comprehended three Egyptian plants of the Water-lyle family, namely, the Nymphaea lotus, Nymphaea neslumbu, and Arum colocasia: the first two are well described by Herodotus. 7 III. Under the Lotus arbor were comprehended the Celtis Australis, several species of Rhamnus, and the Diospyros lotus.—This is the celebrated Lotus of the Lotophagi, an African people, whom Dionysius the geographer and Ptolemy place in the vicinity of the Great Syrtis, or Gulf of Sidra. But, according to Remni and Park, the tree which produces the lotus-bread is widely disseminated over the edge of the Great Desert, from the locality indicated by the ancients to the borders of the Atlantic." For further information respecting the ancient Loti, more especially the kind from which the Lotophagi obtained both bread and wine, see Eustachius in Hom., Od., p. 337, ed. Basil.—Schol. in Plat. Repub., viii.—Sprangel's Dissertation on the Loti.—Schweighaeuer ad Athen., xiv., 16.—Heeren's Researches, &c., vol. iv., c. 1; v., 4.—Fécq, Flore de Viggile, p. lxxx., &c., &c.

LOUTRON, LOETRON (λούτρον, λοτέριον), a Bath. The use of the bath in the Homeric ages is explained on pages 143, 144; it remains to speak of the Greek baths in the republican period. At Athens the frequent use of the public baths was regarded in the time of Socrates and Demosthenes as a mark of luxury and effeminacy. 1 According, Phocion was said to have never bathed in a public bath (ἐν βαλανείῳ δημοσιοτάτῳ), and Socrates had made use of it very seldom. 2 It was, however, only the warm baths (βαλανεία, called by Homer θηραίον λωτήριον) which objection was made, and not which in ancient times were not allowed to be built within the city. 3 The estimation in which such baths had been expressed is shown in the following lines of Hermippus: 4

Μά τον Δί, ου μεντος μιμος τον ομοίων γης
τον έγκηδον, οθελον θεραλοετιν,' ο σοι ποιεις.

In the Clouds of Aristophanes, the δίκαιος λόγος warns the young man to abstain from the baths (βαλανείων ἀπέχεσθαι), which passage, compared with I. 1028—1037, shows that warm baths are intended by the word βαλανεία.

The baths (βαλανεία) were neither public (δημόσια, δημοσιοτάτα) or private (θεα, ἰτικα). The former were the property of the state, but the latter were built by private individuals, and were opened to the public on the payment of a fee (τελοστρων). Such private baths are mentioned by Plutarch 5 and Isaeus, 6 who speak of one which was sold for 3000 drachmae. 7 Baths of this kind may also have been intended sometimes for the exclusive use of the persons to whom they belonged. 8 A small fee appears to have been also paid by each person to the keeper of the public baths (βαλανεία), which in the time of Lucian was two oboli. 9

We know very little of the baths of the Athenians during the republican period, for the account of Lucian in his Hiippias relates to baths constructed after the Roman model. On ancient vases, on which persons are represented bathing, we never find anything corresponding to a modern bath in which persons can stand or sit; but there is always a round or oval basin (λουτήριον or λουτρόν) resting on a stand (φοδάταρον), by the side of which those who are bathing are represented standing undressed and washing themselves, as is seen in the following woodcut, taken from Sir W. Hamilton's vases. 10 The word ΛΗΜΟΣΙΑ upon it shows that it belonged to a public bath.

The next woodcut is also taken from the same work, 11 and represents two women bathing. The one on the right hand is entirely naked, and holds a looking-glass in her right hand; the one on the left wears only a short kind of chiton. Eros is represented hovering over the bathing vessel.

Besides the λουτήρια and λουτρα, there were also vessels for bathing large enough for persons to sit in.

1. (Xen., De Re Equit., xii. 4.)—2. (Anab., iv., 7, 15.)
2. (Xen., De Re Equit., xii. 6.)—3. (Elian., V. H., iii. 24.)
however, states that it was a female who fetched the water on such occasions, and Demosthenes speaks of λουτροφόρος on the monument of a person who had died unmarried. In remains of ancient art we find girls represented as λουτροφόροι, but never boys.

LOUTROPH'ORUS. (Vid. Loutron.)

LUCAR. (Vid. Histrio, p. 507.)

LUCERES. (Vid. Triu.s.)

LUCERNA (Loxos), an Oil-lamp. The Greeks and Romans originally used candles, but in later times candles were chiefly confined to the houses of the lower classes. (Vid. CANDELABRUM.) A great number of ancient lamps has come down to us, the greater part of which are made of terra-cotta (τριτακτός), but also a considerable number of bronze. Most of the lamps are of an oval form, and flat upon the top, on which there are frequently figures in relief. (See the woodcuts, p. 114, 366, 408.) In the lamps there are one or more round holes, according to the number of wicks (ελλονία) burned in it; and as these holes were called, from an obvious analogy, μυκτήρας or μύκα, literally, nostrils or nozzles, the lamp was also called Monomyzos, Dimyzos, Tri-

myzos, or Polymyzos, according as it contained one, two, three, or a greater number of nozzles or holes for the wicks. (Vid. ELYCURNIUM.) The following examples in this lamp lucerna, upon which there is a winged boy with a goose, is taken from the Museo Borbonico, iv., 14.

The next woodcut, taken from the same work, represents one of the most beautiful bronze lamps which has yet been found. Upon it is the figure of a standing Silenus.

The lamps sometimes hung in chains from the ceiling of the room, but generally stood upon a stand. (Vid. CANDELABRUM.) Sometimes a figure holds the lamp, as in the following woodcut, which also exhibits the needle or instrument spoken of under ELYCURNIUM, which served to trim the wick, and is attached to the figure by means of a chain.

We read of lucerna cubiculares, balnearae, trich-


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LUDI.

LUDI are, sepcularles, &c.; but these names were only given to the lamps on account of the purposes to which they were applied, and not on account of a difference in shape. The lucerna cubilea was burned in the chambers all night. Perfumed oil was sometimes burned in the lamps. LUDI is the common name for the whole variety of games and contests which were held at Rome on various occasions, but chiefly at the festivals of the gods; and as the ludi at certain festivals formed the principal part of the solemnities, these festivals themselves are called ludi. Sometimes, however, ludi were also held in honour of a magistrate or of a deceased person, and in this case the games may be considered as ludi privati, though all the people might take part in them.

All ludi were divided by the Romans into two classes, viz., ludi circenses and ludi scenici, accordingly as they were held in the circus or in the theatre; in the latter case they were mostly theatrical representations with their modifications: in the former, they consisted of all or a part of the games enumerated in the articles Circus and Gladiators. Another division of the ludi into stati, imperativi, and votivi, is analogous to the division of the ferriae. (Vid. Feriae, p. 435.)

The superintendence of the games and the solemnities connected with them was in most cases intrusted to the aediles. (Vid. Aediles.) If the lawful rites were not observed in the celebration of the ludi, it depended upon the decision of the pontiffs whether they were to be held again (instauraturi) or not. An alphabetical list of the principal ludi is subjoined.

LUDI APOLLINARISRES were instituted at Rome during the second Punic war, after the battle of Cannas (212 B.C.), at the command of an oracle contained in the books of the ancient seer Marcus (carmina Marciana). It was stated by some of the ancient annalists that these ludi were instituted for the purpose of obtaining from Apollo the protection of human life during the hottest season of summer; but Livy and Macrobius adopt the account founded upon the most authentic document, the carmina Marciana themselves, that the Apollinarian games were instituted partly to obtain the aid of Apollo in expelling the Carthaginians from Italy, and partly to preserve, through the favour of the god, the Republic from all dangers. The oracle suggested that the games should be held every year, under the superintendence of the praetor urbanus, and that ten men should perform the sacrifices according to Greek rites. The senate, complying with the advice of the oracle, made two senatus consulta; one that, at the end of the games, the praetor should receive 12,000 asses to be expended on the solemnities and sacrifices, and another that the ten men should sacrifice to Apollo, according to Greek rites, a bull with gilded horns, and two white goats also with gilded horns, and to Latona a heifer with gilded horns. The games themselves were held in the Circus Maximus, the spectators were adored with chaplets, and each citizen gave a contribution towards defraying the expenses. The Roman matrons performed supplications, the people took their meals in the propylaeum with open doors, and the whole day—for the festival lasted only one day—was filled up with ceremonies and various other rites. At this first celebration of the ludi Apollinarisres, no decree was made respecting the annual repetition suggested by the oracle, so that in the first year they were simply ludi votivi or dedicati. The year after (211 B.C.), the senate, on the proposal of the praetor Calpurnius, decreed that they should be repeated, and that, in future, they should be vowed afresh every year. The day on which they were held varied every year according to circumstances. A few years after, however (208 B.C.), when Rome and its vicinity were visited by a plague, and the Romans were suffering, the senate brought a bill before the people to ordain that the Apollinarian games should in future always be vowed and held on a certain day (dies status), viz., on the Sixth of July, which day henceforward remained a dies solemnis. The games thus became votivi et stativii, and continued to be conducted by the praetor urbanus. But during the Empire the day of these solemnities appears again to have been changed, for Julius Capitolinus assigns them to the 26th of May.

LUDI AUGUSTALES. (Vid. Augustales.) LUDI CAPITOLINAE were said to have been instituted by the senate on the proposal of the dictator M. Furius Camillus, in the year 387 B.C., after the departure of the Gauls from Rome, as a token of gratitude towards their liberator & benefactor, who had saved the Capitol in the hour of danger. The decree of the senate at the same time intrusted the superintendence and management of the Capitoline games to a college of priests, to be chosen by the dictator from among those who resided on the Capitol and in the citadel (in are), which can only mean that they were to be patricians. These priests were called Capitolini. One of the first arrangements at the Capitoline games, which was observed as late as the time of Plutarch, was that a herald offered the Sardians for public sale, and that some old man was led about, who, in order to produce laughter, wore a toga praetexta, and a bulla perruna which hung down from his neck. According to some of the ancient, this ceremony was intended to recall the time when the Romans were subdued, when two bulls were carried in triumph after long wars with Rome, and numbers of them sold as slaves, while their king, represented by the old man with the bulla (such was said to have been the costume of the Etruscan kings), was led through the city as an object of ridicule.

The Veientines were designated by the name Sardini or Sardi, because they were believed to have come from Libya, the capital of which was called Sardes. This specimen of ancient etymology, however, is set at naught by another interpretation of the term.
LUDI.  

They may have introduced more particular details, and the author, with some of the cereali, were superintended by the curule aediles. For further particulars, see Cicero, p. 255, &c.

LUDI COMPITALI'CHI. (Vid. Compitalli.)
LUDI FLORALES. (Vid. Flora1.)

Ludi circenses, romani or magni, were celebrated every year during several days, from the fourth to the twelfth of September, in honour of the three great deities, Jupiter, Juno, and Minerva, or, according to others, in honour of Jupiter, Consus, and Neptunus equestrii. They were conducted by the curule aediles. For further particulars, see Cicero, p. 255, &c.

LUDI HONORARI'RI. (Vid. Fonsus, p. 462.)

Ludi honorarii are expressly mentioned only by Suetonius, who states that Augustus devoted thirty days, which had been occupied till that time by ludi honorarii, to the transaction of legal business. What is meant by ludi honorarii is not quite certain. According to Festus, they were the same as the Libellaria. Scaliger, however, in his note on Suetonius, has made it appear very probable that they were the same as those which Tertullian says were given for the purpose of gaining the name of libertini, i.e., of being emancipated from the service of others, and which were intended either as an honour to the gods, or as doia for the dead. At the time of Augustus, this kind of ludi, which Tacitus seems to designate by the name inania honoris, were so common that no one obtained any public office without having a consideration of his property on the exhibition of games. Augustus, therefore, wisely assigned thirty of the days of the year, on which such spectacles had been exhibited previously, to the transaction of business. i.e., he made the games a necessary law of the state.

LUDI LIBERALE'S. (Vid. Dionysia, p. 366.)
LUDI MARTIALES were celebrated every year on the first of August, in the circus, and in honour of Mars, because the Temple of Mars had been dedicated on this day. The ancient calendaria mention also other ludi martiales, which were held in the circus on the 12th of March, on the Ides of March, and on the Ides of April.

LUDI NATALE'S. (Vid. Megaleia.)
Ludi Natales, the games with which the birthday of an emperor was generally celebrated. They were held in the circus, whence they are sometimes called circenses. They consisted generally of fights of gladiators and wild beasts. On one occasion of this kind, Hadrian exhibited gladiatorial combats for six days, and one thousand wild beasts.

LUDI PALATIN'I. were instituted by Livia in honour of Augustus, and were held on the Palatine. According to Dion Cassius they were celebrated during three days, but according to Josephus they lasted eight days, and commenced on the 27th of December.

LUDI PISCATORI'RI were held every year on the 6th of June, in the plain on the right bank of the Tiber, and were conducted by the praetor urbani on behalf of the fisherman of the Tiber, who made the day a holiday.

LUDI PLEBE'I. were, according to Pseudo-Asconius, the games which had been instituted in commemoration of the freedom of the plebeians after the banishment of the kings, or after the accession of the plebes to the Aventine. The first of these accounts is not borne out by the history of the plebeian order, and it is more probable that these games were instituted in commemoration of the reconciliation between the patricians and plebeians after the first accession to the Mons Sacer, or, according to others, to the Aventine. They were held on the 16th, 17th, and 18th of November, and were conducted by the plebeian aediles. It is sufficiently clear from the ancient calendaria, that the ludi plebei were not, as some have supposed, the same as, or a part of, the ludi Romani.

Ludi quaestoriai are probably nothing but a particular kind of the ludi honorarii mentioned above. They were for the first time given by Augustus, when, after the death of Lepidus, he obtained the office of pontifex maximus.

LUDI QUESTOR'RI were of the same character as the preceding games. They were instituted by the Emperor Claudius, who decreed that all who obtained the office of questor should, at their own expense, give gladiatorial exhibitions. Nero did away with this obligation for newly-appointed questors, but it was revived by Domitian.

LUDI SCAECULARE's. If we were to judge from their name, these games would have been celebrated once in every century or sesquium; but we must conclude that they were of no uncommon occurrence at any period of Roman history, and the name ludi secularia itself was never used during the time of the Republic. In order to understand their real character, we must distinguish between the time of the Republic and of the Empire, since at
these two periods these ludi were of an entirely different character.

During the time of the Republic they were called ludi Tarentini, Terentini, or Taurii, while during the Empire they bore the name of ludi sacrales.¹ Their origin is described by Valerius Maximus, who attributes their institution to the miraculous recovery of three children of one Valerius, who had been attacked by a plague raging at that time in Rome, and whose restoration to health, by offering some victims, was warmed at a place in the Campus Martius called Tarentum. Valerius afterward offered sacrifices in Tarentum to Dis and Proserpina, to whom the recovery of his children was supposed to be owing, spread lectisternia for the gods, and held festival games for three successive nights, because his three children had been saved. The account of Valerius Maximus agrees in the main with those of Censorinus² and of Zosimus,³ and all appear to have derived their information from the ancient annalist, Valerius Antias. While, according to this account, the Tarentine games were first celebrated by Valerius, another legend seems to consider the fight of the Horatians and Curatians as connected with their first celebration. A third account⁴ ascribes the first institution to the reign of Tarquinus Superbus, a fearful plague breaking out while all pregnant women were affected in such a manner that the children died in the womb. Games were then instituted to propitiate the infernal divinities, together with sacrifices of sterile cows (taureæ), whereas the games were called ludi Taurii. These games and sacrifices took place in the Circus Flaminius, that the infernal divinities might not enter the city. Festus⁵ and Censorinus ascribe the first celebration to the consul Valerius Poplicola. This account admits that the worship of Dis and Proserpina had existed long before, but states that the games and sacrifices were now performed for the first time to avert a plague, and in that part of the Campus Martius which had belonged to the last king Tarquinus, from whom the place derived its name Tarentum. Valerius Maximus and Zosimus, who knew of the celebration of these games by Valerius Poplicola, endeavored to reconcile their two accounts by representing the celebration of Poplicola as the second in chronological order. Other less important traditions are mentioned by Servius⁶ and by Varro.⁷

According to the accounts, the names Tarenti or Tauri, they are perhaps nothing but different forms of the same word, and of the same root as Tarquinius. All the accounts mentioned above, though differing as to the time at which, and the persons by whom, the Tarentine games were first celebrated, yet agree in stating that they were celebrated for the purpose of averting from the state some great calamity by which it had been afflicted, and that they were held in honour of Dis and Proserpina. From the time of the consul Poplicola down to that of Augustus, the Tarentine games were only held three times, and again only on certain emergencies, and not at any fixed time, so that we must conclude that their celebration was in no way connected with certain cycles of time (sacra). The delites in which it had been held during the Republic, continued, as at first, to be Dis and Proserpina. At about the times at which these three celebrations took place, the commentarii of the quindecimviri and the accounts of the annalists did not agree,⁸ and the discrepancy of the statements was still more evident, for we find various accounts of the times, places, and persons of the sacrifices. The quindecimviri made this assertion: ludi Tarentini.

The celebrated jurist and antiquary Ateneus Capito received from the emperor the command to determine the ceremonies, and Horace was requested to compose the festive hymn for the occasion (carmen sacrale), which is still extant. But the festival which was now held was in reality very different from the ancient Tarentine games; for Dis and Proserpina, to whom formerly the festival belonged exclusively, were now placed among the divinities in the temple of whom the ludi sacrales were celebrated. A description of the various solemnities is given by Zosimus. Some days before they commenced, heralds were sent out to invite the people to a spectacle which no one had ever before beheld. The people, said to be invited to the actors in the dramatic representations which were performed during the festival days. The festival took place in summer, and lasted for three days and three nights. On the first day the games commenced in the Tarentum, and sacrifices were offered to Jupiter, Juno, Neptune, Minerva, Venus, Apollo, Mercury, Ceres, Vulcan, Mars, Diana, Vesta, Hercules, Latona, the Parcae, and to Dis and Proserpina. The solemnities began at the second hour of the night, and the emperor opened them by the river side with the sacrifice of three lambs to the Parcae upon three altars erected for the purpose, and which were sprinkled with the blood of the victims. The lambs themselves were burned. A temporary scene like that of a theatre was erected in the Tarentum, and illuminated with lights and fires.

In this scene the festivity was sung by a chorus, and various other ceremonies, together with theatrical performances, took place. The morning of the first day, the people went to the Capitol to offer solemn sacrifices to Jupiter; thence they returned to the Tarentum, to sing choruses in honour of Apollo and Diana. On the second day, the noblest matrons, at an hour fixed by the emperor, accompanied by the Capitol, people and others, went to the actors in the dramatic representations, sang hymns to the gods, and also visited the altar of Jupiter. The emperor and the quindecimviri offered sacrifices, which had been vowed before, to all the great divinities. On the third day, Greek and Latin choruses were sung in the sanctuary of Apollo by three times nine boys and maidens of great beauty, whose parents were still alive. The Syrian choruses were employed in the protection of the gods for all cities, towns, and officers of the Empire. One of these hymns was the Carmen Sacrale by Horace, which was especially composed for the occasion, and adapted to the circumstances of the time. During the whole of the three days and nights, games of every description were carried on

1. (Servius, s. v. Seculi ludi and Tauri ludi.—Val. Max., ii, 4, 5.)—2. (De Die Nat., c. 17.)—3. (iii, 3.)—4. (Festus, s. v. Tauri ludi.—Serv. ad Aen., ii, 140.)—5. (s. v. Seculi ludi.)—6 (Festus, s. v. Aen., i, 160.)—7. (ap. Censorin.)—8. (Censorin., i, 4.)
LUPERCIA.

In all the circuses and theatres, and sacrifices were offered in all the temples.

The first celebration of the luperci sacrae in the reign of Augustus took place in the summer of the year 17 B.C. The second took place in the reign of Claudius, A.D. 47; the third in the reign of Domitian, A.D. 88; and the last in the reign of Philippus, A.D. 248, and, as was generally believed, just 1000 years after the building of the city.4 LUDI TARENTINI or TAURITI. (Vid. Ludi Seculares.)

LUDIS. (Vid. Gladiatorium, p. 475.)

LUDUS DUO DECIM SCRIPTORUM. (Vid. Latrunculo.)

LUDUS LATRUNCULORUM. (Vid. Latrunco-

LUDUS TROJÆ. (Vid. Circus, p. 256.)

LUPATUM. (Vid. Ferunum, p. 452.)

LUPERCALIA, one of the most ancient Roman festivals, which, as we have seen, was applied to women, was without doubt originally applied to the flocks, and to the people of the city on the Palatine.2 Festus9 says the Luperci were also called crepi or creppi, from their striking with goatskins (a crepitum pellicularium), but it is more probable that the name crepi was derived from creps, which was the ancient name for goat.

The festival of the Lupercalia, though it necessarily lost its original import at the time when the Romans were no longer a nation of shepherds, was yet always observed in commoration of the founders of the city. Antonius, in his consulate, was one of the Luperci, and not only ran with them, half-naked, and with pieces of goatskin, through the city, but even addressed the people in the Forum in this rude attire.6 After the time of Cesar, however, the Luperci seem to have been neglected, for Augustus is said to have restored it, but he forbade youths (imberbes) to take part in the running. The festival was henceforth celebrated regularly down to the time of the Emperor Anastasius.12 Thesewoah of the Luperci also are mentioned in inscriptions of Velitrae, Pramaeste, Nemausus, and other places.7

LUPERCI were the priests of the god Lupercus. They formed a college (votidati, triaepi), the members of which were originally youths of patrician birth, who, after being initiated, became priestly members of the Luperci, first named by Romulus and Remus. The college was divided into two classes, the one called Fathi or Fabiani, and the other Quinctili or Quincutia. These names, which are the same as those with which the followers of Romulus and Remus were designated in the early Roman legends, seem to show that the priesthood was originally confined to certain gentes.8 But if such were the case, this limitation does not seem to have existed for a very long time, though the two classes retained their original names, for Festus says that in course of time the number of Luperci increased, "Quia honoris gratia multi in Lupercis adscribendarunt." What was Lupercus? We are not certain of the origin of Luperci, and how long their office lasted, is unknowable. But we have at least one inscription9 that a person held the office of Lupercus twice, and another three times, and this fact shows, at least, that the priests were not appointed for life. Julius Caesar added to the two classes of the college a third, with the name of Juli or Juliani, and made Antonius their high-priest. He also assigned to them certain revenues (rectigala), which were afterwards withdrawn from them.13 But it is uncertain whether Caesar assigned these revenues to the whole college, or merely to the Juli. From this time the two ancient classes of the Luperci are sometimes distinguished from the new one by the name Luperci veteres.14 Although in early times the Luperci were taken only from noble families, their scope and influence at the time of the Emperors was offensive to the more refined Romans of a later age,15 and Cicero16 characterizes the college as designated a februum and lustrare.1 The goat'skin itself was called februum, the festive days die febru-

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LUSTRIAT. | LUSTRIUM.

1. "Fera quadam sodaliitas et plane pastoria ac tuae agratis, quorum cotiis illa seipsetiae ane esto instituta quam humanitas atque leges." Respecting the rites with which they solemnized the Lupercalia, *vid. Lupercalia.*

*LUPUS* (Lycop), the Wolf, or *Canis lupus.* (Vid. *Cantis.*)

*LUPUS FERREUS,* the Iron Wolf used by the besieged in repelling the attacks of the besiegers, and especially when wounding the Roman and destroying its blots. (Vid. *Aen., ii. 932.*)

LUSTRATIO (καθαρος) was originally a purification by ablution in water. But the lustrations, of which we possess direct knowledge, are always connected with sacrifices and other religious rites, and consisted in the sprinkling of water by means of a branch of laurel or olive, and at Rome sometimes by means of the aspergillum (vid. *Cernipes,* and in the burning of certain materials, one of the smoke of which was thought to have a purifying effect. Whenever sacrifices were offered, it seems to have been customary to carry them around the person or thing to be purified. Lustrations were made in ancient Greece, and probably at Rome also, by private individuals when they had polluted themselves with any criminal action. Whole cities and states, also, sometimes underwent purifications, to expiate the crime or crimes committed by a member of the community.

The most celebrated purification of this kind was that of Athens, performed by Epimenides of Crete, after the Cylonian massacre. Purification also took place when a sacred spot had been unhallowed by profane use, as by burying dead bodies in it, such as was the case with the island of Delos. The Romans performed lustrations on many occasions on which the Greeks did not think of them; and the object of most Roman lustrations was not to atone for the commission of crime, but to obtain the blessing of the gods upon the persons or things which were lustrated. Thus fields were purified after the business of sowing was over, and before the sickle was put to the corn. (Vid. *Annulares Praters,* p. 109.) The manner in which sheep were lustrated every year at the festival of the Pallia is described by Ovid. The shepherd towards evening sprinkled his flock with water, adorned the fold with branches and foliage, burned pure sulphur and various herbs, and offered sacrifices to Pales. The object of this lustration was to preserve the flock from the diseases and other evils. All Roman armies, before they took the field, were lustrated; and, as this solemnity was probably always connected with a review of the troops, the word lustratio is also used in the sense of the modern review.

The rite customary on such occasions are not mentioned, but they probably resembled those with which a fleet was lustrated before it set sail, and which are described by Appian. All dangers Hereupon the priests divided the sacrifices into two parts, one of which was thrown into the sea, and the other burned upon the altars, while the multitude around prayed to the gods. (Vid. *Livy* IV, a prayer)

1. (Livy, iv. 36.,—Verg., De Re Milit., ii. 25: iv. 22.)
2. (Dion. Lact., i. 10, § 2; 3.—Thyoeid., vi, 8.—Id., iii. 104.)
3. (Ovid, Fast., i. 699.—5.—Fast., iv. 785, cfr. 6.—(Cato De Re Rust., c. 141.—7.—Cic. De Nat. D. 38.—Appian, Hisp., c. 19—4.)
4. (Cic., iv. 69, et passim.)—5. (Cic. De Att., vi, 20.)
5. (Cic., v. 96.—10.—(xxxvi, 42—Id., xxxvii, 27.)

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is recorded, such as generals used to perform on these occasions.) When a Macedonian army was lustrated, a dog was cut in two pieces in the place where the army was to assemble, and one half of the dog was thrown at a distance on the right and the other to the left. The army then assembled in the place between the spots where the pieces had fallen. But to return to the Romans. The establishment of a new colony was always preceded by a lustration with solemn sacrifices. The city of Rome itself, as well as other towns within its dominion, always underwent a lustration after they had been visited by some great calamity, such as civil bloodshed, awful prodigies, and the like. A regular and general lustration of the whole Roman people took place after the completion of every lustrum, when the censor had finished his census and before he laid down his office. This lustration (also called lustratio) was conducted by one of the censors, and held with sacrifices called Suovetaurilia, because the sacrifices consisted of a pig (or ram), a sheep, and an ox. This lustration, which continued to be observed in the days of Dionysius, took place in the Campus Martius, where the people assembled for the purpose. The sacrifices were carried three times around the assembled multitude. Another regular lustration was performed every year in the month of February, was said to have been instituted because the god Februus was believed to be potens lustrationem, and because in this month the solemnities in honour of the dii manes took place.

LUSTRUM (from luo, Gr. λέον) is, properly speaking, a lustration or purification, and in particular, the purification of the whole Roman people performed by one of the censors in the Campus Martius after the business of the census was over (Vid. *Censura, Lustratio.*) As this purification took place only once in five years, the word lustrum was also used to designate the time between two lustra. Varro erroneously derives the word lustrum from luo (I pay), because the vestal and tributa were paid every five years to the censors. The first lustrum was performed in B.C. 566, by King Servius, after he had completed his census, and afterward it is said to have taken place regularly every five years after the census was over. The first censors were appointed in 443 B.C., and from this year down to 394 B.C., there had, according to Livy, only been 26 pairs of censors, and only 21 lustra. General purifications, although, if all had been regular, there would have been 60 censors and 30 lustra. We must therefore conclude that sometimes the census was not held at all, or, at least, not by the censors. We also learn from this statement that the census might take place without the lustrum, and, indeed, two cases of this kind are recorded, which happened in 459 and 314 B.C. In these cases the lustrum was not performed, to prevent the great calamities which had befallen the Republic.

The time when the lustrum took place has been very ingeniously defined by Niebuhr. Six ancient Romulian years of 365 days each were, with the difference of one day, equal to five solar years of 365 days each, or the six ancient years made 1824 days, while the five solar years contained 1825 days. The first lustrum, therefore, was thus a cycle, at the end of which the
LYRA
beginning of the ancient year nearly coincided with that of the solar year. As the coincidence, however, was not perfect, a month of 24 days was calculated in every eleventh leustrum. Now it is highly probable that the recurrence of such a cycle or great year was, from the earliest times, solemnized with sacrifices and purifications, and that Servius Tullius did not introduce them, but merely connected them with his census, and thus set the example for subsequent ages, which, as we have seen, was not observed with regularity. At first the irregularity may have been caused by the struggles between the patricians and plebeians, when the appointment of censors was purposely neglected to increase the disorders; but we also find that similar neglects took place at a later period, when no such excuse existed. The last leustrum was solemnized in Rome in A.D. 74, in the reign of Vespasian.

Many writers of the latter period of the Republic and during the Empire use the word leustrum for any space of five years, and without any regard to the census, while others even apply it in the sense of the Greek pentecost, which is never used in the modern language. Diodorus, who uses the expression leustrum ingenia for seculum.

LYCIA (Λυκία), a festival with contests, celebrated by the Arcadians in honour of Zeus, called 

LYCAEA (Λύκεα), a species of Fish, the Trigla Lyra, L. It is called in French, Gronau; in English, the Piper, from a sort of hissing which it makes by the expulsion of the air through the gills when taken. Pennant says it is often caught on the western coast of great Britain, and that the Lyra (Lyra, Lat. fides), a Lyre, one of the most ancient musical instruments of the stringed kind. There can be scarcely any doubt that this and similar instruments were used by the Eastern nations and by the Egyptians long before the Greeks became acquainted with them, and that they were introduced among the Greeks from Asia Minor.

The Greeks themselves, however, attributed the invention of the lyra to Hermes, and have described the instrument of a tortoise-shell, over which he placed gut-strings. As regards the original number of the strings of a lyre, the accounts of the ancients differ so widely that it is almost impossible to arrive at any definite conclusion. Diodorus states that Hermes gave his lyre three strings, one with an aputa, the other with a grave, and the third with a middle sound. Macrobius says that the lyre of Mercury had four strings, which symbolically represented the four seasons of the year; while Lucian, Ovid, and others, assume that the lyre from the first had seven strings. All ancient writers who mention this invention of Hermes apply to the lyra, though with a grave, in the description of Apollo and Servius, rather resembles that of the instrument which in subsequent times was designated by the name cithara (κιθάρα or κιθάρας), and in some degree resembled a modern guitar, in as far as in the latter the strings were drawn across the sounding bottom, whereas in the lyra of better times they were free on both sides. In the Homeric poems the name is given to the instrument, with the exception of the Homeric hymn to Hermes; and from the expression which occurs in this hymn (λύρα κιθάριστη), it appears that originally there was very little or no difference between the two instruments; that is to say, the instrument formerly used was a cithara in the later sense of the word.

The instruments which Homer mentions as used to accompany songs are the φορίας and κιθάρας. Now that the φορίας and the κιθάρας were the same instrument, appears to be clear from the expression φορίας κιθάριστην, and κιθάρα φορίας. The lyra is also called χέλων at χέλων, and in Latin testudo, because it was made of a tortoise-shell.

The obscurity which hangs over the original number of strings of the lyre is somewhat removed by the statement made by several ancient writers, that Terpander of Assia (about 650 B.C.) added to the original number of four strings three new ones, and thus changed the tetrachord into a heptachord.
The heptachord introduced by Terpander henceforth continued to be most commonly used by the Greeks, as well as subsequently by the Romans, though in the course of time many additions and improvements were made, as well as a cithara, and both are taken from the work of Blanchini.

The heptachord thus had the compass of an octave, or, as the ancients called it, a diapason (διὰ πασῶν). The intervals between the seven strings in the diatonic scale were as follows: between one and two, a whole tone; between two and three, a whole tone; between three and four, a whole tone and a semitone; between four and five, and five and six, a whole tone each; between six and seven, a semitone. The seven strings themselves were called, beginning from the highest, νήστη, παρανηστή, παραπετή, μεσία, λιχανός, παραλιχανό, οὔτατη. 2 Pindar himself made use of the heptachord, though in his time an eighth string had been added. In the time of Philip and Alexander, the number of strings was increased to eleven by Timotheus of Milethus, an innovation which was severely censured by the Spartans, who refused to go beyond the number of seven strings. 3 It is, however, clear that the ancients made use of a variety of lyres, and in the representations which we still possess, the number of strings varies from three to eleven. About the time of Sappho and Anacreon, several stringed instruments, such as magas, barbiton, and others, were used in Greece, and especially in Lesbos. They had been introduced from Asia Minor, and Noemos, a stringed instrument far exceeded that of the lyre, for we know that some had a compass of two octaves, and others had even twenty strings, so that they must have resembled a modern harp than a lyre. 4 It has been remarked above that the name lyra occurs very seldom in the earliest Greek writers, and that originally this instrument and the cithara were the same. But about the time of the Ionian innovations seem to have been introduced, by which the lyra became distinct from the cithara, the invention of which was ascribed to Apollo, and hence the name of the former now occurs more frequently. 5 Both, however, had in most cases no more than seven strings. The difference between the two instruments is described above; the lyra had a great and full-sounding bottom, which continued, as before, to be made generally of a tortoise-shell, from which, as Lucian 6 expresses it, the horns rose as from the head of a stag. A transverse piece of wood, connecting the two horns at or near their top ends, served to fasten the strings; and was called ζώνη, and in Latin transtibulum. The horns were called πυργὸς or cornua. 7 These instruments were often adorned in the most costly manner with gold and silver, and as a lyre was considered as a more manly instrument than the cithara, which, on account of its smaller-sounding bottom, excluded full sounding and deep tones, and was more calculated for the middle tones. The lyre, when played, stood in an upright position between the knees, while the cithara stood upon the knees of the player. Both instruments were held with the left hand, and played with the right. 8 It has generally been supposed that the strings of these instruments were always touched with a little staff called plectron (πλήκτρον) (see woodcut, p. 188), but among the paintings discovered at Herculanum, we find several instances where the persons play the lyre with their fingers. 9 The lyre was at all times only played as an accompaniment to songs.

The Latin name fides, which was used for a lyre as well as a cithara, is probably the same as the Greek σφάλαξ, which, according to Hesychius, 10 signifies gut-string; but Festus 11 takes it to be the same as fides (faith), because the lyre was the symbol of harmony and unity among men. The lyre (cithara or phorminx) was at first used in the recitations of epic poetry, though it was probably not played during the recitation itself, but only as a prelude or accompaniment to the story, and in the intervals or pauses between the several lyras. The lyre has given its name to a species of poetry called lyric; this kind of poetry was originally never recited but sung without the accompaniment of the lyre, and sometimes, also, of an appropriate dance. (Compare the article MUSICA.—Plutarch, De Musica.—Döbich, De Metria Pindari.—Driberg, Musikalische Wissenschaften der Griechen; and by the same author, Ausflüsse über die Musik der Griechen.—Müller, Hist. der Gr. Lit., i., p. 148, &c.)

1. (Blanchini, "De Tribus Generibus Instrumentorum Music Veterum Organico Descriptis," tab. iv.—.2. (Böckh, De Metr. Findl., p. 225, &c.)—3. (Suidas, s. v. Πυργὸς.—Müller, Diss., iv., 6, § 3.)—4. (Cf., De Leg., ii., 16.—Athen., xiv., p. 638.)
**MAGISTRARUM.**

1. **Sprengel** confidently determines the λ. of Dioecorides to be the *Ligeminia vulgaris*, or yellow Loosestrife; but the *Ligeminium anomalum* of Pliny he holds to be the *Ligustrum salicaria*.1

2. **M. MACEDONIA IN SUMMA SENATUS CONSULTUM.**

(Vid. Senatus Consultum.)

3. **MACCHUS.** (Vid. Atell. Fab. p. 119.)

4. **MACELLUM (δήμηλης, δήμηλας, κρεοπώλης**).

- Division-market, frequented by cooks, fishermen, poulterers, confectioners, butchers, and men of similar occupations.2

5. **(Vid. Forum, p. 451.)**

- From a classification-merchant was called *macellarius* (δήμηλης, κρεοπώλης). The Athenians called their macellum *eic tov són²v*, just as they called their slave-market *eic τα ἄνδρονδη*, their wine-market *eic τὸν ὄσον*, and other markets by the names of the commodities sold in them.3

6. **MACER (μάχης),** according to Moses Charras, the same as Mace. "This, however, is denied by Matthioli," observes Adams, "with whom Sprengel agrees, although he admits that the Athenians confounded them together. He is disposed to believe it the bark of a Malabar tree described by COSTA, and said to be called 'Mace.'"4

7. **MAGADIS.** (Vid. Lyra; Musica, Greek.)

- MAGISTER, which contains the same root as mag-is and mag-nus, was applied at Rome to persons possessing various kinds of offices, and is thus explained by Festus: "Magisteres, moderari. Unde magistris non solam doctorem armis, sed etiam pagorum, societatem, vicorum, collegorum, equestri dicuntur; qui atque homin magis ceteris possunt." Paulus5 thus defines the word: "Quibus praecipua cura rerum incumbit, et qui magis quam ceteri deditigentia et sollicitudinem robu, quibus praebunt, debeni, hi magistri appellantur." The following is a list of the principal magistri:

8. **MAGISTER ADSCENSIUM.** (Vid. Admissionales.)

- The Magister appears to have been the same officer as the magister militum.6

9. **MAGISTER AUCTIONIS.** (Vid. Bonorum Emto.)

10. **MAGISTER BIBENDI.** (Vid. Symposium.)

11. **MAGISTER COLLEGI.** was the president of a college or corporation. (Vid. Collegium.)

- MAGISTER EPIDORUM answered letters on behalf of the consuls. (Vid. Epidorum.)

12. **MAGISTER EQUITUM.** (Vid. Dictator, p. 361.)

- MAGISTER LIBELLORUM was an officer or secretary who read and answered petitions addressed to the emperors. (Vid. Libellus, 4, c.) He is called in an inscription "Magister libellorum et cognitionum procurator."7

13. **MAGISTER MEMORIÆ, an officer whose duty it was to receive the decision of the emperor on any subject, and communicate it to the public or the persons concerned.8

14. **MAGISTER MILITUM.** (Vid. Army, Roman, p. 106.)

15. **MAGISTER NAVIS.** (Vid. Exercitior Umto.)

16. **MAGISTER OFFICIORUM** was an officer of high rank at the imperial court, and had the superintendence of all audiences with the emperor, and also had extensive jurisdiction over both civil and military officers.9

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1. Dioecorus, ib. 3, Adami, Append., ad v. 3.— (Abbe, ib. 1, 8.— (Varro, De Re Rust., lib. 2, 17.— (De Ling. Lat., p. 52.— (Ling. Lat., c. 26, 3, c. 26, 8.— (Proring, te. 6, 25.— (Her. Sac., lib. 3, 329.— (Epist., ib. 15, 31.— (Seneca, Epist., 76.— (Sueton, Jul. 36.— (Vespas, 19.— (Varro, La. R., 17, 18.— (Cassius, 47.— (Varo, 19.— (Harper, sa. 4, 4, 45.— (Dioecorus, ib. 110.— (Adami, Append., ad v. 7.— (V. Magister.— (Dig., 56, tit. 16, a. 96.— (Amm. Marc., xv., 7; ex., 9.)— (Amm. Marc., 352, 11. (Orelli, lic. 12. (Amm. Marc., xiv., 5, 6, Ex., 36, 36, 13.— (Cod., 1 tit. a, 12; tit. a. 16.— (Cod. Theod., 1, tit. 9; tit. 9.— (Amm. Marc., xvi., 5; Ep., 32, Ep., xxii., 9.— (Domitian, Varia, 6.)

2. I. (Cod. 12, tit. 9.— (Spartian, El. V., 4.— (Iamprid, Alex. Soc., 40, 2. (Cic., Ver., xii., 7.— (Cod. I., tit. 2, 7.— (Liv., xxvii., 29.)
MAESIUS LAPIS.

MAESTAS.

MAGNUSIUS LAPIS.

MAESTAS.

ores in various matters which came under their cognizance, and the want of it also removed other matters. Procrustes, who was the public prosecutor in this country (in its general sense). Those matters which belonged to jurisdiction in its limited sense were within the competence of the magistrates minores (vid. JURISDICTIO); but those matters which belong to the imperium were, for that reason, not within the competence of the magistrates minores. As proceeding from the imperium, we find enumerated the praetorius stipulations, such as the cautio danni inficti, and ex nvo operis nunciata; and also the missio in possessionem, and the in integrum restitution. Thus it appears that the limited jurisdiction was confined to the ordo judiciorum privatorum, and all the proceedings extra ordinem were based on the imperium: consequently, a minor magistrate could not exercise cognito, properly so called, and could not make a decretum. This consideration explains the fact of two praetors for questions as to deditioemissis being assigned under Claudius: they had to decide such matters for all Italy, inasmuch as such matters were not within the competence of the municipal magistrates. The jurisdiction of the municipal magistrates of Cisalpine Gaul was limited, in many cases, to a certain sum of money, and this limitation was afterward extended to all Italy. Added to this, these magistrates had the imperium, which, as already observed, limited their jurisdiction. The magistrates minores could take cognizance of matters which were not within their jurisdiction, by delegatio from a superior magistrate. Thus, in the case of damnum infectum, inasmuch as delay might cause irreparable mischief, the praetor could delegate to the municipal magistrates, who were under the imperium, for hearing such matters. It became necessary to reorganize the administration of Gallia Cisalpina on its ceasing to be a province; and, as the jurisdiction was placed in the hands of municipal magistrates who had no imperium, it was farther necessary to determine what should be the form of procedure before such magistrates in all matters that were extra ordinem, that is, in matters as not belonging to their competence because they were magistrates minores, but were specially given to them by a lex. The determination of this form of procedure was the object of the lex Rubria. (VID. LEX RUBRJA.)

The case of adoption (properly so called) illustrates the distinction of magistrates into majors and minores, as forming itself on the possessing or not possessing the imperium. This adoption was effected "imperio magistratuum," as, for instance, before the praetor at Rome: in the province the same thing was effected before a proconsul or legatus, both of whom, therefore, had the imperium. The municipal magistrates, as they had not the imperium, could not give validity to such an act of adoption.

*MAGNES (μάγνης, μαγνήτης, and καλός, the Loadstone or Magnet. "The story of the discovery of this stone by one Magnes, a shepherd on Mount Ida, who found his hob-nailed shoes and iron-pointed staff cling to the rock upon which he trod, seems to be a poetical fiction, derived by Pliny from Nicander. The name is undoubtedly derived from the locality where the stone was first found." (Cuvier, the following article.)

*MAGNIEUS LAPIUS, a stone found both at Magnesia in Thessaly, and near a city of the same name in Asia Minor. "As one and the same mineral substance," observes Dr. Moore, "received among the ancients different names, according as it was procured by different methods from different places, or from substances apparently alike: so it is highly probable that these were called by the same name, merely because of some accidental agreement in colour, place of origin, or use to which they were applied. Thus the name 'magnet' (or Magnesian stone) was given not only to what we call the native magnet, magnetic oxide of iron, but to a substance wholly different, and which appears to have been some variety of ferrite: it is highly probable that these were minerals, so different in nature, and called by different names; but having both denominated the magnetic (or Magnesian) stone, from their being both found in a country named Magnesia; for, of the five localities specified by Pliny, whence as many varieties of magnet were obtained, one is Magnesia in Thessaly, and another a city of Asia bearing the same name. And it was here, he says, a magnet was found, of a whitish colour, somewhat resembling porphyry, and not attracting iron; which, taken in connexion with what Theophrastus says of the magnet, that it was suited for turning in the lathe, and of a silvery appearance, leads to the inference that this magnet was tale or steatite. This mineral contains a large proportion of the earth called magnesia, a name of which we may thus trace the origin, though perhaps a much purer form than this steatitic affords, of the earth usually called magnesia, may have been sometimes designated as the magnesian stone; for, when Hippocrates prescribes the use of it as a cathartic, it seems highly probable that he meant the native carbonate of Magnesia. He certainly does not intend the magnet, as well because it is not purgative, as because he elsewhere describes that differently as the stone which draws iron, and would not have given it, not the Magnesian, but the Herculanian stone."

*MAGUIARIS (μαγοτρίας). Dioscorides applies this name to the root of the plant which produces asafetida. Theophrastus, however, would seem to make it a distinct species or variety. (Vid. Siliquum.)

*MAIA (μαια), a sort of Crab-fish described by Aristotle and Gesner says it is called Arengode mer, or Sea Spider. It is probably, says Adams, the Cascara araneus, L.

*MAINIS (μαίνις), a species of fish, the Sparus maco, called in French Mondole; and in modern Greek, according to Coray, κασκόλα.

MAJESTAS is defined by Ulpian to be "crimen illud quod adversus populum Romanum vel adversus cessionem cuiuscumque." He then gives various instances of the crime of majestas, some of which pretty nearly correspond to treason in English law; but all the offences included under majestas comprehend more than the English treason. One of the offences included in majestas was the effecting, aiding in, or planning the death of a magistrate populi Romani, or of one who had impleaded himself "through the name of majestas" was used, the complete expression was "crimen laeva, immatura, diminuta, minute, majestatis.""

The word majestas, consistently with its relation to magnus, signifies the magnitude or greatness of a thing. "Majestas," says Cicero, "est quodam magnitudine populi Romani; majestas est imperii aspersion inominis populi Romani dignitas." "The proper "magnificat populi Romani, "imperi majestatis," signify the whole of that which

1. (Dig. 20, tit. 2, s. 4.)—2. (Pulta, Zeitchrift, x., p. 195.)—3. (Guis., 90.)—4. (Moore's Anc. Minerals, p. 116.)
MAJESTAS.

constituted the Roman state; in illa 

The expression minure majestatem consequently signifies any act by which this majestas is impaired; and it is thus defined by Cicero: "Majestatem minure est de dignitate, aut amplitudine, aut potestate populi aut corum populi populus potestatem dedit, aliquip derogat."

The phrase "majestas" in the Digest is equivalent to the majestas populi Romani. In the republican period, the term majestas lex or minuta was most commonly applied to cases of a general betraying or surrendering his army to the enemy, exciting sedition, and generally by his bad conduct in administration impairing the majestas of the state.

The laws of the Twelve Tables punished with death a person who stirred up an enemy against Rome, or surrendered a Roman citizen to an enemy. The leges majestatis seem to have extended the offence of majestas generally to all acts which impaired the majestas publica; and several of the special provisions of the lex Julia were enacted to prevent impairments of majestas. It seems difficult to ascertain how far the lex Julia carried the offence of majestas with respect to the person of the princes. Like many other leges, it was modified by senatus consulta and imperial constitutions; and we cannot conclude from the title in the Digest, "Ad Legem Julia Majestatis," that the old punishment of majestas was that which were comprehended in the original lex Julia. It is stated byMarcianus, as there cited, that it was not majestas to repair the statues of the Caesar which were going to decay; and a rescript of Severus and his son Antoninus Caracalla declared that if a stone was thrown and accidentally struck a statue of the emperor, it was not majestas; and they also graciously declared that it was not majestas to take down the statues of the Caesar before they were consecrated. Here, then, is an instance, under the title "Ad Legem Julia Majestatis," of the imperial rescripts declaring what was not majestas. But there is also an extract from Saturninus, De Judicia, who says that if a person mucked down the statues or imagines of the imperial which were already consecrated, or did any similar act, he was liable to the penalties of the lex Julia Majestatis.

But even this does not prove that this provision was a part of the Julia lex as originally passed, for a lex, after being amended by senatus consulta or imperial constitutions, still retained its name. The old punishment of majestas was that under the perpetual interdictio from fire and water; but now, says Paulus, that is, in the later imperial period, persons of low condition are thrown to wild beasts, or burned alive; persons of better condition are simply put to death. The property of the offender was confiscated, and his memory was infamous. In the lex Julia, the trial of every act of a citizen which was injurious to the state or its peace was called perduellio, and the offender (perduellio) was tried before the populus (populi judicato), and, if convicted, put to death. Cn. Fulvius was charged with the offence of perduellio for losing a Roman army. According to Gaius, "perduellio" originally applied to "hostes," and thus the old offence of perduellio was really a foro or public act on the Roman state. The trial for perduellio (perduellionis judicium) existed to the later times of the Republic; but the name seems to have almost fallen into disuse, and various leges were passed for the purpose of determining more accurately what should be impe-

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These were a lex Apuleia, probably passed in the fifth consulship of Marius, the exact contents of which are unknown; a lex Varia, B.C. 91; a lex Cornelia, passed by L. C. Sulla, and the lex Julia already mentioned, and which, as we have seen, continued under the Empire to be the fundamental enactment on this subject. This lex Julia is by some attributed to C. J. Caesar, majestas publica being in the year B.C. 48, and this may be the lex referred to in the Digest; some assume a second lex Julia, under Augustus, but perhaps without sufficient grounds.

Under the Empire the term majestas was applied to the person of the reigning Caesar, and we find the phrase "majestas Caesaris" in Tacitus and Suetonius. It was, however, nothing new to apply the term to the emperor, considered in some of his various capacities, for it was applied to the magistratus under the Republic, as to the consul and praetor. Horace even addresses Augustus in the terms "majestas tua," but this can hardly be viewed otherwise than as a person permuted, and very manifestly as a reduplication of the term already by which he held. The extension of the penalties to various new offences against the person of the emperor belongs, of course, to the imperial period. Augustus availed himself of the lex for prosecuting the authors of famosi libelli (cognitionem de famosis libellis, specie leges eius, tractantibus); the proper interference from the Senate to prevent the extension of majestas (for they all seem to be comprised under the term "legem majestatis") did not apply to words or writings, for these were punishable otherwise.

The passage of Cicero is manifestly corrupt, and, as it stands, inconsistent with the context; it cannot be taken as evidence that the lex Majestatis of Sulla contained a clause which prohibited the inscription on various as to which there were other sufficient provisions. (Vid. Injuric.) Sigmiones has attempted to collect the capital of the lex Majestatis of Sulla. Under Tiberius, the offence of majestas was extended to all acts and words which might appear to be disrespectful to the princes, as appears from various passages in Tacitus. The term was in use under the Empire, and seems to have been equivalent to majestas at that period.

An inquiry might be made into an act of majestas against the emperor even after the death of the offender; a rule which was established (as we are informed by Paulus) by M. Aurelius in the case of Drusus, a son of Augustus, who had taken part in the outbreak of Cassius, and whose property was confiscated by the fiscus after his death. (Perhaps the account of Catillitius, and of Vulatus Allicanus, is not inconsistent with the statement of Paulus.) A constitution of S. Severus and Antoninus Caracalla declared that, from the time that an act of majestas was committed, a man could not alienate his property (magnus) to another (magnus) Antoninus (probably Caracalla is still meant) added, that a debtor could not, after that time, lawfully make a payment to him. In the matter of majestas, slaves could also be examined by torture in order to give evidence against their master: this provision, though comprehended in the code of Justinian, continued in use till the imperial times. Legere Juliom Majes-

as evidence in a case of lassa majestas, and the case of Fulvia is cited as an instance. 

As to the phrase patria majestas, see Patria Potestas. 

MALABATHRIM (μαλαβαθρίμ). The Indian malabathron, described in the Periphris of Arrian, is indisputably, according to Adams, the Betel, or, rather, the Aracea-nut enveloped in the leaves of the Betel. There are three species of Betel, Malabathron hydrophilum, mesocarphum, and microcarphum. Horace applies the word to an anointer or performer, "perfunxus milites Malabarthrygo capillos," on which passage Parryion remarks, "Malabatrum unguinti speciem esse sinum," Isidorus says of it, "Filium dictum, quod sine ulla radice inanitis in Indias litteros colligit." It is uniformly called futilum by Apicius. According to Geoffrey, it is the leaf of a kind of wild cinnamon-tree. Sprengel, in like manner, holds it to be a cassia-leaf. From this conflict of authorities, it would appear that the term, though properly signifying what we have mentioned in the beginning of this article, became gradually applied to other and different aromatics.

*MALACHERE (μαλακηρέ). Sprengel, on the authority of Walpole, decides that the edible malake of the Greeks, of μακρήτη of Dioscorides, was the 

Χηλή of Herodotus, or the Galen housewife, who set down as the Altikae rosea. According to Sibthorp, this is the official mallows of the modern Greeks. 

"As emollients, mallows are well known in medical practice, the Marsh-mallow (Althaea officinalis) being one of the most useful among this kind of remedial substances."

MALAGRAYNEUS (μαλαγραγνεύς), a bird briefly noticed by Aristotle. Gesner concludes that it is the "Pica glandaria" of Pliny, namely, the Jay, or Garvulus glandarius, Brisson, the same as the Corpus glandarius, L. 

MALLEUS, dim. MALLE'OLUS (μαλλε'όλος, "sawdust, d. dim. sawdust," a Hammer, a Mallet. In the hands of the farmer, the mallet of wood served to break the crust of the ground, or to pulverise them. The butcher used it in slaying cattle by striking the head, and we often read of it as used by the smith upon the anvil. When several men were employed at the same anvil, it was a matter of necessity that they should strike in time, and Virgil accordingly says of the Cyclopes, "Inter se brachia tollunt in sonum," The scene which he describes is represented in the annexed woodcut, taken from an ancient bas-relief, in which Vulcan, Brontes, and Steropes are seen forging the metal, while the third Cyclops, Pyracon, blows the bellows. Beside the anvil-stand (vid. Incus) is seen the vessel of water in which the hot iron or bronze was immersed.

But, besides the employment of the hammer upon the anvil for making all ordinary utensils, the smith


(γαλάκτων) wrought with this instrument figure called ergα φαράλητα (or βροσφάρεστα), which were either small and fine, some of their parts being heated as thin as paper, and being in very high relief, as in the bronzes of Siris (vid. Loria, p. 389), or of colossal proportions, being composed of separate plates riveted together; of this, the most remarkable example was the statue of the sun of wrought bronze (σφαιρατος κολοσσος; βραχτογενος), very cubits high, which was erected in Rhodes. Another remarkable production of the same kind was the golden statue of Jupiter, which was erected at Olympia by the sons of Cybele. The right-hand figure of Hercules, in the woodcut at page 63, is taken from the remains of a very ancient bronze candelabrum, found in 1812 near Perugia, and now preserved in the Glyptothek at Munich. It consists of embossed plates, finely wrought with the hammer, and the small rivets for holding them together are still visible.

By other artificers the hammer was used in conjunction with the chisel (vid. DOLAHRA), as by the carpenter (pulbans malleus; woodcut, p. 62) and the sculptor.

The term malleolus denoted a hammer, the transverse head of which was formed for holding pitch and tow, which, having been set on fire, was projected slowly, so that it might not be extinguished during its flight, upon houses and other buildings in order to set them on fire, and which was, therefore, commonly used in sieges, together with torches and flambards.

When the shoot of a vine was cut in order to be set in the ground, part of the stem was also cut away and put into it, and here a resemblance to the head of a hammer; hence such cuttings were called malleoli.

*MALINOTHALLIE (μαλινοθάλλη), a plant which, according to Bauhin, some had taken for the Cypereus esculentus. Stockhouse adopts this opinion.

*MALTHE (μαλθή), a fish mentioned by Oppian, Athenaeus, and Elian. All that we can ascertain of it, remarks Adams, is, that it was of the Cetaceous tribe.

MALVA. (Vid. Malaceae.) 

MALUM (μαλοῦ). "According to Macrobius the ancients applied the term mala to all kinds of fruit which have the hard part or kernel within, and the esculent part outside. The various kinds treated of by ancient authors will be found under their several heads."

MALUS (μαλοῦ). The ancients had vessels with

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one two, and three masts. The inscriptions recently discovered at Athens contain a perfect inventory of all the gear issued to triers and treters, and they have been illustrated and deciphered by Ackermans. The conclusion of that two masts were issued from the velox for every mast, and are enabled to correct Hesychius, who calls the foist or mainmast dikdos, whereas this is unquestionably the foremost. The other lexicographers either omit the word, or give an imperfect sense to it. These inscriptions enable us to give it an exact signification. In XI., 92, they give lertos mygiadon. Ackermans thinks that Gains expressly says, that under the law of Gains might be emancipated in the same way as slaves, and the limitations of the lex Zelia Sentia and Furia Caninia did not apply to such manumissions. The person who effected the manumission thereby acquired a kind of paternal right, which was of some importance in the matters of hereditas and tutela.

The term Pliny tells us the mast and the yards were usually of fir. Respecting the mode in which the yard was affixed to the mast, see the article Antenna. We do not find in the inscriptions alluded to, and which are mostly of the era of Demosthenes, who is named in them, any terms by which parts of the mast are described. It seems to have been always named as a whole. The price of the large mast is given in these inscriptions (probably, as Böck conjectures, with hoops, &c.) at 37 drachmae. Pliny attributes the invention of the mast to Daedalus.

MALUS OCULUS. (Vid. Fascinum.) MANCEPS has the same relation to mancipium that auspex has to auspiciwm. It is properly said mancipio, but the word has several special significations. Mancipes were those who bid at the public lotteries of the censors for the purpose of farming any part of the public property. Sometimes the chief of the publicani generally are meant by this term, as they were no doubt the bidders and gave the security and money they shared the undertaking with others, or underlet it. The mancipes would accordingly have distinctive names, according to the kind of revenue which they took on lease, as decumani, portiores, pecuarii. Suetonius says that the father of Petrowas a mancipes of labourers (opera) who went yearly from Ubonium or Apulia. They were mancipes to the state, but they occupied the manum. But the word has several special significations. Mancipes were those who bid at the public lotteries of the censors for the purpose of farming any part of the public property. Sometimes the chief of the publicani generally are meant by this term, as they were no doubt the bidders and gave the security and money they shared the undertaking with others, or underlet it. The mancipes would accordingly have distinctive names, according to the kind of revenue which they took on lease, as decumani, portiores, pecuarii. Suetonius says that the father of Petrowas a mancipes of labourers (opera) who went yearly from Ubonium or Apulia. They were mancipes to the state, but they occupied the manum. But the word has several special significations. Mancipes were those who bid at the public lotteries of the censors for the purpose of farming any part of the public property.

The mancipes thermarum et salinarum occur in the Thesedian Code. MANCIPIATIO (Vid. Mancipium.) MANCIPI RES. (Vid. Dominium.) Dion Cassius says that Tiberius Nero transferred or gave (képhace) his wife to Octavianus, as a father would do; and the transfer of his wife Marcia by the younger Cato to Quintus Hortensius is a well-known story. It is probable that in both these cases the wife was in manum, and, accordingly, might be mancipated, and her children born to her new husband would be in his power.

The situation of a debtor who was adjudicated to his creditor resembled that of a person who was in mancipium causa.

MANCIPIUM. The etymology of this word is the same as that of the word mancipatio, of which Gaius says, "Mancipatio dictur quia mans re capitur." The term mancipium, then, is derived from the act of becoming the owner of a thing; and this corporeal possession is with reference to the transfer of the ownership of a thing. It was not a...
Mancipium.

Mancipium was a form of personal property in ancient Rome, involving the possession of a slave. It was a legal status that allowed a person to own another human being as property. This status could be transferred, either by purchase or through inheritance, and it was distinct from the status of a free citizen.

Mancipium was closely tied to the concept of personal property and was a key element in the legal framework of early Rome. It played a significant role in the social and economic structures of the time, as evidenced by the numerous legal texts that dealt with the subject, including the works of Cicero and others.

The term "mancipium" comes from the Latin word "mancipium," which means "slave." It was a legal term used to describe the status of a person who was owned by another, typically as a result of purchase or inheritance.

The acquisition of mancipium typically involved a transfer of ownership, which could be formalized by a legal document or simply by purchase. The transfer could be made directly between the seller and buyer, or it could be mediated by a third party, such as a mandataris, who acted as an agent for the transfer.

The concept of mancipium was closely linked to the broader legal framework of property law in ancient Rome, which included the transfer of both personal and real property. It was a complex system that involved a variety of legal forms and considerations, and it continued to evolve over time as the legal landscape of Rome changed and developed.

In summary, mancipium was a crucial legal concept in ancient Rome, representing the status of a person as personal property. Its significance lies in its role as a key element in the legal framework of personal property and its implications for the social and economic structures of the time.
question whether this was a case of mandatum; but the opinion of Sabinus prevailed that it was. It was not mandatum if the thing was contra bonos nores, or, in other words, if the object of the mandatum was an illegal act. A mandatum might be general or special: and the mandataris was bound to keep within the limits of the mandatum. The mandator had an utilus actio against such persons as the mandataris contracted with; and such person had the like actio against the mandator, and a direct actio against the mandataris. The mandator and mandataris had also respectively a direct actio against one another in respect of the mandatum: the actio of the mandataris might be for indemnity generally in respect of what he had done bonne. If the mandataris exceeded the limits of the mandatum, he had no actio against the mandator; but the mandator, in such case, had an actio for the amount of damage sustained by the non-ex- ecution of the mandatum, provided it could have been executed. The mandatum might be recalled so long as no part of it was performed (dum adhuc integra res est). In the like case, it was also dissolved by the death of either party; but the mandataris, if the death did not occur during the term of the mandator, in ignorance of his death, he had his actio, of course, against the heirs. According to Cicero, a mandat judicium was "non minus turpe quam furi," which, however, would obviously depend on circumstances. (Vid. Infamia.)

Mandatum is sometimes used in the sense of a contract or engagement. During the Roman Empire, the mandatuum principle were the commands and instructions given to governors of provinces and others. Frontinus² classes the mandatuum principle with lex and senatoria consulta.³

Mandates. (Vid. Latenscula.)

"Mandragoras (μανδραγοράς), the Mandrake, the Wolf's Root, the Wolf's Breath. If the Mandrake (Aconitum), "that the μανδραγορας of Theophrastus is different from that of Dioscorides. Dodonaeus determines the former to be the Atropa Belladonna. According to Sprengel, the M. of Dioscorides is the Mandragoras vernalis, Bertol, and the M. fumana the M. autumnallis. On the Mandragoras, see an interesting Latin MS. of 'Herbarium of Celsus.'"⁴

Mandyas. (Vid. of these was triple, containing 3 maniples, 3 ve- rnas, and 168 men. In these triple maniple the veterans, or triarii proper, formed the front ranks; immediately behind them stood the rostari, inferior in age and renown, while the accessi, less trustworthy than either, were posted in the extreme rear. The battle array may be represented as in the woodcut in the following page."

If the hastati and principes were successively re- pulsed, they retired through the openings left between the maniples of the triarii, who then closed up their ranks so as to leave no space between their maniples, and presented a continuous front and solid column to the enemy; the heavy-armed veterans stood in their most resolute line, with long pikes, now bore the brunt of the onset, while the hastati and accessi behind gave weight and consistency to the mass, an arrangement bearing evidence to a lingering predilection for the principle of the phalanx, and representing, just as we might expect at that period, the Roman tactics in their transition state. The only change made in the common reading of Livy, according to the above explanation, is the substitution suggested by Stroth of "ordo sex- ① (Pro Rom. Am., c. 53.)—2. (De Aquaeclad.)—3. (Galv. ii., 132—159.—Id., iv., 88.—Dig., 17, tit. i.)—4. (Adams, Appendix, s. v.)—5. (Curt., iii., 7, p. 14, ed. Extump.)—6. (Dio, 45, 26.—Virg., Georg., vi., 529—530.)—7. (1860, init. 19.)—8. (Varro, De Re Rust, i., 55.—11. (Epit., iii., 5.)

MANICAR. made of fur, perhaps resembling muffs; the Persians also wore gloves in winter (burnydphor). In an enumeration of the instruments of torture used in the fourth century of the Christian era, we observe "the glove," but its construction or material is not described.

Handcuffs were called manica.⁶

Besides the tunica manica with sleeves reaching either to the elbow or to the wrist, of which a description is given under Chiridio, there was another variety, in which the sleeves came down only a little below the shoulder (see woodcut, page 322). The Exomis had a short sleeve for the left arm only. The sleeves of the Persian tunic (Can- yva) were exceedingly wide.

MANIPULUS. The original meaning of the word, which is back derived from manus, was a "handful or wisps of hay, straw, fern, or the like," and this, according to Roman tradition, affixed to the end of a pole, formed the primitive military standard in the days of Romulus;⁴ hence it was applied to a detachment of soldiers serving under the same ensign (see Varro, Ling., Lat., v., 88; vi., 85, who connects it in this sense directly with manus); and we see when the maniple was resolved into small battalions marshalled—open order, these were termed manipuli, and varied in numbers at different periods according to the varying constitution of the legion.

1. The earliest account of their formation is given in Livy, where the narrative is in itself sufficiently intelligible, although the whole chapter has been elaborately corrupted by Lipsius and others, who were determined to force it into accordance with the statements of Polybius, which refer to the Roman army as it existed 200 years later. According to the plain sense of the passage in question, the legion, in the year B.C. 377, was drawn up in three lines, with the senate in the front line, or hastati, consisted of 15 manipuli, each manipus containing 62 soldiers, a centurion, and a vexillarius. The second line, or principes, consisted, in like manner, of 15 manipuli, this combined force of 30 manipuli being comprehended under the general appellation of centuriones. The third line, or triarii, was drawn up in three sections, each containing 25 men, the second of these was triple, containing 3 maniples, 3 ver- nalas, and 186 men. In these triple maniple the veterans, or triarii proper, formed the front ranks; immediately behind them stood the rostari, inferior in age and renown, while the accessi, less trustworthy than either, were posted in the extreme rear. The battle array may be represented as in the woodcut in the following page."

If the hastati and principes were successively re- pulsed, they retired through the openings left between the maniples of the triarii, who then closed up their ranks so as to leave no space between their maniples, and presented a continuous front and solid column to the enemy; the heavy-armed veterans stood in their most resolute line, with long pikes, now bore the brunt of the onset, while the hastati and accessi behind gave weight and consistency to the mass, an arrangement bearing evidence to a lingering predilection for the principle of the phalanx, and representing, just as we might expect at that period, the Roman tactics in their transition state. The only change made in the common reading of Livy, according to the above explanation, is the substitution suggested by Stroth of "ordo sex- ① (Xen., Cyrop., viii., 8, 17.)—2. (Synt. Epist., 58.)—3. (Verg., Georg., iv., 428.)—4. (Verg., Georg., i., 360.—Plaut., Asin., ii., 2, 39.—Capt., iii., 5, 1.—Most., v., 17.—Non. Marcell., s. v. Mani- car.)—5. (Verg., Georg., i., 400.—Id., ibii., 297.)—6. (Ovid, Fast., iii., 123.)—7. (Rom., 8.)—8. (Auct. Vitr., Orig. Rom., 22—Donat. in Terr., Eru., iv., 71.—Liber, viii., 5, 4.)—9. (Nebulor, Hist. of Rome, i., 409.)—7. (vii., 5.)}
4. We may infer that manipuli maintained its last-mentioned signification under the first emperors of Trajan, when Germanicus, when harrying the mutinous legions "Adiutamentum continui quidem permixtum videbatur, discelerre in manipulis, ut... vexilla preferri, ut id saltem discernere cohabere;" but in Ann., xiv. 58, the word is applied more loosely to a detachment of 60 men, who were despatched under the command of a centurion to Asia for the purpose of putting Plautus to death.

5. Vegetius (A.D. 375) employs manipulus as an antiquated term, equivalent to contubernium, indicating a company of 10 soldiers who mess together in the same tent.

Isidoreus defines a manipulus to be a body of 80 soldiers, which will apply to the period when the legion contained 6000 men. See, on the whole of this subject, Le Beau, Mémoire du Maniple et ses parties in the Mémoires de l'Académie des Inscriptions, &c., t. xxxi., p. 279. The views, however, of this writer are far from being uniformly correct.

MANISIO (σταθός), a post-station at the end of a day's journey.

The great roads, which were constructed first by the kings of Persia and afterward by the Romans, were provided, at intervals corresponding to the length of a day's journey, with establishments of the same kind with the khans or caravanserais which are still found in the East. There were 111 such stations on the road from Sardes to Susa, their average distance from one another being something less than 50 English miles. A road, sited at the station for the accommodation of travelers, is called by Herodotus κατάλος and κατωγυ.

To stop for the night was καταλυομαι. At the ancient roads made by the kings of Persia are still followed to a considerable extent, so also there is reason to believe that the modern khan, which is a square building enclosing a large open court, rounded by balconies with a series of doors opening into plain, unfurnished apartments, and having a fountain in the centre of the court, has been copied by uninterrupted custom from the Persic κατάλος and that, whether on occasion of the arrival of armies or of caravans, they have also served to afford a shelter during the night both to man and beast.

The Latin term manisio is derived from manere, signifying to pass the night at a place in travelling.

On the great Roman roads the mansioe were at the same distance from one another as on those of the Persian empire. They were originally called castra, being probably mere places of encampment formed by making earthen intrenchments. In process of time they included not only barracks and magazines of provisions (hortae) for the troops, but commodious buildings adapted for the reception of travellers of all ranks, and even of the emperor himself, if he should have occasion to visit them.

At these stations the eisarii kept gigs for hire and

1. (Ann., i., 34.—2. (Polyb., vi., 30.)
2. (Polyb., vi., 39.)
3. (amen., xiv., 58.)
4. (A.D. 375.)
5. (Cic., De Re Militari.)

The practice of marshalling an army in three lines was changed, and the terms hastati, principes, and triarii fell into disuse. The legion, as explained under Act., p. 104, was now divided into 10 cohorts, each cohors into 3 manipuli, and each manipulus into 2 centuries, the manipulus thus constituting the 3rd part of the whole. It ought to be remarked, that the locus classicus on this subject (see p. 104) is a quotation by Anius Gellius from "Ciccius, De Re Militari." This Cicero is generally supposed to be the same person as Ciccius Albanus the annalist; but this is manifestly impossible, for Albanus served during the Second Punic war, and Polybius, who flourished full fifty years later, gives no hint of any such arrangement of the Roman troops.

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MANTICORA.

The name was under the superintendence of an officer called mansionarius.

Besides the post-stations at the end of each day's journey, there were on the Roman military ways others at convenient intervals, which were used merely to change horses or to take refreshment, and which were called "stationes" (Stations). There were four or five mutationes to one manesio. The itinerarium a Burdigala Hierusalem usque, which is a road-book drawn up about the time of Constantine, mentions in order the mansiones from Bordeaux to Jerusalem, with the intervening mutationes, and other more considerable places, which are called either citates, vici, or castella. The number of those loggy road-camps between one place and another is also set down.

MANTELE (χειροποτερσ, χειρομανειοτ), a napkin. The circumstance that forks were not invented in ancient times, gave occasion to the use of napkins at meals to wipe the fingers; also, when the meal was finished, and even before it commenced, a napkin was made to be carried in the hands. A basin, called in Latin malleusmum, in Greek χειροποτερσ, χειρομανειοτ (vid. CHERNIPS), was held under the hands to receive the water, which was poured upon them out of a ewer (urceolus). Thus Homer describes the practice, and, according to the account of a recent traveller, that the Greeks are in general, and perhaps for ages, familiar with the use of such a basin, with long legs and claw, which they use with great dexterity in «swizing» their prey. This consists of any kind of insect which they can master. If I have seen them catch wasps and bees. If, when they be in possession of their prey, any other insect settlest within their reach, they first stick the insect to a stone and then carry it about with their legs are provided, and then catch the other.

MANTICE (μαντις). (Vid. DIVINATION.)

MANUBEI. (Vid. SPOLIA.)

MANULEATUS. (Vid. CHRIDOTA.)

MANUM. CONVENTIO IN. (Vid. MARRIAGE, ROMAN.)

MANUMISSIO was the form by which slaves and persons in mancipi causa were released from those conditions respectively.

There were three modes of effecting a justia et legitima manumissio, namely, vindicta, census, and testamentum, which are enumerated both by Gaius and Ulpian as existing in their time. Of these the manumissio by vindicta is probably the oldest, and, perhaps, in the general, the held the slave in length.

It is mentioned by Livy as in use at an early period, and, indeed, he states that some persons refer the origin of the vindicta to the event there related, and derive its name from Vindicius; the latter part, at least, of the supposition is of no value.

The ceremony of the manumissio by the vindicta was as follows: The master brought his slave before the magistrates, and stated the grounds (causa) of the intended manumissio. The licitor of the magistrates laid a rod (festucca) on the head of the slave, accompanied with certain formal words, in which he declared that he was a free man ex jure Quiritium, that is, «vindicatus in libertatem.» The master, with great solemnity, then raised his rod and he bawled pronounced the words "hanc hominem libertum volo," he turned him round (momento turbini exi Marcus Dama) and let him go (emissi e manu), whence the general name of the act of manumissio. The magistrates then declared him to be free, in reference to which Cicero seems to use the word "libertas in libertate.»

As for the explanation of the word manumissio, see VINDICOLE and VINDICATIO.


2. (Vid. Cyrop., i., 3, § 51.—2. (Festus, a, v, 3.—(Pellow's Journal, 1838, p. 153.)—4. (Quintil., i, 5, 57, 5.—(Hor., Sat., H, ii, 81, 81.—Id., ii, viii, 63, 5.—(Martial, xii, 29, 10, 7.—(Suetonius, D. a. 8, 2.—(Cambridge, 7th, 1749, i, 35.—(Athen., iv, 70, 19.—(Philoxenus, Athen., iv, 77, 17.—(Virg., Georg., iv, 577, 17.—(Eur., 702, 11.—(Lamprid., Al. Severus, c, 60, 13, 8.—(Athen., iv, 79.)

3. (Vid. Cyrop., i., 3, § 51.—2. (Festus, a, v, 3.—(Pellow's Journal, 1838, p. 153.)—4. (Quintil., i, 5, 57, 5.—(Hor., Sat., H, ii, 81, 81.—Id., ii, viii, 63, 5.—(Martial, xii, 29, 10, 7.—(Suetonius, D. a. 8, 2.—(Cambridge, 7th, 1749, i, 35.—(Athen., iv, 70, 19.—(Philoxenus, Athen., iv, 77, 17.—(Virg., Georg., iv, 577, 17.—(Eur., 702, 11.—(Lamprid., Al. Severus, c, 60, 13, 8.—(Athen., iv, 79.)

4. (Vid. Cyrop., i., 3, § 51.—2. (Festus, a, v, 3.—(Pellow's Journal, 1838, p. 153.)—4. (Quintil., i, 5, 57, 5.—(Hor., Sat., H, ii, 81, 81.—Id., ii, viii, 63, 5.—(Martial, xii, 29, 10, 7.—(Suetonius, D. a. 8, 2.—(Cambridge, 7th, 1749, i, 35.—(Athen., iv, 70, 19.—(Philoxenus, Athen., iv, 77, 17.—(Virg., Georg., iv, 577, 17.—(Eur., 702, 11.—(Lamprid., Al. Severus, c, 60, 13, 8.—(Athen., iv, 79.)

5. (Vid. Cyrop., i., 3, § 51.—2. (Festus, a, v, 3.—(Pellow's Journal, 1838, p. 153.)—4. (Quintil., i, 5, 57, 5.—(Hor., Sat., H, ii, 81, 81.—Id., ii, viii, 63, 5.—(Martial, xii, 29, 10, 7.—(Suetonius, D. a. 8, 2.—(Cambridge, 7th, 1749, i, 35.—(Athen., iv, 70, 19.—(Philoxenus, Athen., iv, 77, 17.—(Virg., Georg., iv, 577, 17.—(Eur., 702, 11.—(Lamprid., Al. Severus, c, 60, 13, 8.—(Athen., iv, 79.)
The manumission by the census is thus briefly described by Ulpian: "Slaves were formerly man- mitted by census, when at the lustral census (lustrali census) at Rome they gave in their census (some read novem instead of census) at the bidding of their masters." Persons in mancipio might also obtain their manumission in this way.1

In the absence of decisive testimony as to the origin of these two modes of manumission, modern writers indulge themselves in a variety of conjectures. It may be true that originally the manumission by vendita only gave libertas and not civitas; but this opinion is not probable. It may easily be allowed, that in the earliest period the civitas could only be conferred by the sovereign power, and that, therefore, there could be no effectual manumission except by the same power. But the form of the vendita itself supposes, not that the person manumitted was a slave, but that he was a free person, against whose freedom his master made a claim.

The proceeding before the magistrates was in form an assertion of the slave's freedom (manus asservere librali causa), to which the owner made no defence, but he let him go as a free man. The proceeding then resembles the in irce cesso, and was, in fact, a fictitious suit, in which freedom (libertas) was the matter in issue. It followed as a consequence that whenever the magistrates pronounced in favour of freedom ex iure Quiritium, there could be no dispute about the civitas.

In the case of the census the slave was registered as a citizen with his master's consent. The assumption that the vendita must have originally preceded the census, for which there is no evidence at all, is inconsistent with the nature of the proceeding, which is a registration of the slave, with his master's consent, as a citizen. A question might arise whether he should be considered free immediately on being entered on the censors' roll, or not until the lustrum was celebrated;2 and this was a matter of some importance, for his acquisitions were only his own from the time when he became a free man.

The law of the Twelve Tables confirmed freedom which was given by will (testamentum). Freedom (libertas) might be given either directo, that is, as a legacy, or by way of fideicommissum. The slave who was made free directo was called orcinus libertus (or horcinos, as in Ulp., Frag.), for the same reason, perhaps, that certain senators were called orcinus.3 He received his libertas by way of fideicommissum from the testator, but of the person who was requested to manu- mit him (manumissor): if the heres who was requested to manumit refused, he might be compelled to manumit on application being made to the proper authority. Libertas might be given by fideicommissum to a slave of the testator, of his heres, or of his legatee, and also to the slave of any other person. In all of these cases thus given to the slave of any other person, the grant of libertas was extinguished if the owner would not sell the slave at a fair price. A slave who was made conditionally free by testament, was called statu liber, and he was the slave of the heres until the condition was fulfilled. If a statu liber was sold by the heres, or if the ownership of him was acquired by the testator, he had lost the benefit of the condition: this provision was contained in the laws of the Twelve Tables. If a slave was made free and heres by the testator's will, on the death of the testator he became both free and heres, whether he wished it or not. (Vid. Heres.)

The lex Aelia Sentia laid various restrictions on

manumission. Among other things, it enacted that a slave under thirty years of age should not become a Roman citizen by manumission, unless the granting of manumission were approved before a body called consilium, and the ceremony of vendita was observed. This consilium at Rome consisted of five senators and five equites, all puberes; and in the provinces of twenty recuperatores, who were Roman citizens. If an insolvent master manumitted by testament a slave under thirty years, and at the same time made him his heres, the lex did not apply. This lex also annulled all manumissions made for the purpose of cheating creditors and defrauding patrons of their rights. The ceremony of manumitting slaves above thirty years of age had become very simple in the time of Galins:4 it might be in the public road (in transita), as when the praetor or proconsul was going to the bath or the theatre. In fact, it was not the place which determined the validity of such an act, but it was the circumstance of its being done before a competent authority: hence it could take place before municipal magistrates who had the legis actio. The Romans never lost sight of the real groundwork of their institutions, whatever changes might be made in mere form. The lex Aelia Sentia also prevented persons under twenty years of age from manumitting slaves, except as freedmen. This law was made to prevent the approbation of the consilium. (Vid. Aelia Sentia.)

The lex Furia or Fussia Caninia fixed limits to the number of slaves who could be manumitted by will. The number allowed was a half, one third, one fourth, and one fifth of the whole number that the testator possessed, according to a scale fixed by the lex. As its provisions only applied to cases where a man had more than two slaves, those who possessed one slave were not affected by this law. It also provided that the slaves to whom freedom was given should be named. This lex only applied to manumission by testament. It was passed about A.D. 7, and several senatus consulta were made to prevent evasions of it.5 This lex was re- pealed by Justinian.6

A form of manumission "inter amicos" is alluded to by Gains. This was, in fact, no legal manumission, but it was a mere expression of the master's wish, which would have been sufficient in the absence of all positive law. This might be done by inviting the slave to table, writing him a letter, or in any other less formal way. It is stated that originally such a gift of freedom could be recalled, as to which there can be no doubt, as it was not legal freedom; but ultimately the master took care that he had been made free in this manner under his protection, and the lex Junia Norbana gave them the status called Latinitas.

A manumission sacrorum causa is sometimes mentioned as a kind of manumission, whereas the words sacrorum causa point rather to the grounds of the manumission: the form might be the usual form.7

In the absence of authority, it was necessary, in order to effect a complete manumission, that the manumissor should have the quiritanian ownership of the slave. If the slave was merely in bonis, he only became a Latinus by man- umission. A woman in tutela, and a pupillus or pupilla, could not manumit. If several persons were joint owners (socie) of a slave, and one of them manu- mitted the slave in such form as would have affected the vendita, and with the slave had been the sole property of the manumissor, such manumissor lost his share in the slave, which accrued to the other joint owner or joint owners. Justinian enacted

1. (i., 20.)—2. (Note, Octav., 40.—Gains, i., 46., R.—3. (Cic., De Or., 1., 40.)—4. (Sueton., Octav., 35.)
MARGARITA.

If he found no vindex, the plaintiff or creditor, for such a judgment really made him, might not only carry his defendant to his house, and keep him in confinement for sixty days, during which time his name and the amount of his debt were proclaimed at three successive sundays. If no one paid the debt, the defendant might be put to death or sold.1 According to the words of the Twelve Tables, the person must be brought before the preator (in jus), examined as to his condition, and if he was seized first: if, when brought before the preator, he did not pay the money (ni judicatum solvit) or find a vindex, he might be carried off and put in chains, apparently without the formality of an additio. The lex Pubilia, evidently following the analogy of the Twelve Tables, allowed the manus injetio in the case of money paid by a sponsor, if the sponsor was not repaid in six months.2

1. (Cell. xx. 1.)—2. (v. 23. 3. 5. (Theophrastus, H. F. i. 11. 1. Dioec., ii. 8. 3. 1.)—3. (Livy, viii. 18. 16. xxviii.)—4. (Livy, xiv.)—5. (Liv. vii. 9. 4. 16.—Livy, xvi. 10. 8. 5.)—6. (Livy, Hist. Cont.)

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MARRIAGE.

The purpose of preventing the extinction of his family, the Spartan king Anaxandrides was allowed to cohabit with two wives, for whom he kept two separate establishments: a case of bigamy which, as Herodotus' observation, was not at all consistent with Spartan, nor, indeed, with Hellenic law.

Thus the heroes of Homer appear never to have had more than one kononot édës, though they are frequently represented as living in concubinage with one or more polàtes. Solon also seems to have viewed marriage as a matter in which the state had a right to interfere, for we are told that his laws required of a ἀρσενὸν δίδων, though the regulation seems to have grown obsolete in later times; at any rate, there is no instance on record of its application. Plato, too, may be quoted to prove how general was this feeling; for, according to his laws,* any one who did not marry before he was thirty-five was punishable not only with ἀδύμη, but also with pecuniary penalties; and he expressly states that, in choosing a wife, every one ought to consult the interests of the state, and not his own pleasure.

But, independent of any public considerations, there were also private or personal reasons (peculiar to the ancients) which made marriage an obligation. Plato6 mentions one of these, viz., the duty incumbent upon every individual to provide for a continuance of representatives, to perpetuate himself and his race. In the Symbola, the Divinity (τῷ Θεῷ ἀνάγων ἀντίον παραδίδοναι). Another was the desire for almost every one, not merely to perpetuate his own name, but also to prevent his "heritage being desolate, and his name being cut off" (ὅπως μὴ ἡρεμήσωσα τοὺς σφετέρους αὐτῶν αἰῶνας), and to leave some one who might make the customary offerings at his grave.7 Ἡ δὲ ἔργα καὶ ὁ ἐνεμός. We are told that, with this view, childless persons sometimes adopted children.

The choice of a wife among the ancients was but rarely grounded upon affection, and scarcely ever could have been the result of previous acquaintance or familiarity. In many cases a father chose for his son a bride whom the latter had never seen, a supposed child to marry for the sake of checking his extravagances. Tereus6 thus illustrates the practice:

"Pater pratirisendi modi
Mih ciiput forum, uxor ibi ducenda est, Pemphi, hodie inquit: para."

In Plautus' a son promises his father that he will marry in these words:

"Eine duam, pater: etiam si quam aliœ jubebis."

Representations of this sort may indeed be considered as exaggerations, but there must have been scenes in real life to which they in some measure correspond. Nor was the consent of a female to a match proposed for her generally thought necessary: she was obliged to submit to the wishes of her parents, and receive from them, it might be, a stranger for her husband and lord. Sophocles thus describes the lot of women in this respect: "When we are grown up (he makes a female say) we are driven away from our parents and paternal gods."

So also in Euripides,¹⁰ Hermione declares that it is her father's business to provide a husband for her. The result of marriages contracted in this manner would naturally be a want of confidence and mutual understanding between husband and wife, until they

MARRIAGE.

i. means this very shell of his ἀντίου τινι. Androsthenes also confirms its being this very shell that the fine οὐρτήριος pearls are found in: ἐς ἐς ἵνα καλῶτεν καταγείν θερμή, ἐς τῇ μαζαρίτις ἐκθέτω. The Pearl is no more than a modern expression from the animal in which it is found. 4. "The commerce of pearls appears to be of the highest antiquity. History, in fact, apprises us that, from time immemorial, the princes of the East have sought after this kind of ornament with a sort of passion, and have employed it in all parts of their dress, and even in decorating instruments, furniture, &c. The Persians, according to Athenaeus, paid for pearls with their weight in gold. The pearl mussels themselves are not unlike certain mussel shells, which, in spite of the prodigious quantity that have been eaten for so many years, do not appear to suffer any sensible diminution. 5. "The art of forcing shell-fish to produce pearls was known in the first centuries of the Christian era to the inhabitants of the coasts of the Red Sea, as we are told by the philosopher Apollonius, who thought that circums- tances worthy of particular notice. The Indians dived into the sea after they had rendered it calm, and perhaps clearer, by pouring oil upon it. They then enticed the fish, by means of some bait, to open their shells, and having pricked them with a sharp-pointed instrument, received the liquor that flowed from them in small holes made in an iron vessel, in which the pearls were afterwards swept up in a revolution. Beckmann,2 according to Polux5 and Aristotle, 6 contained 6 cutie- less, 31 pints. Polygenus mentions a much larger measure than the name, containing 10 congili, = 7 galls. 3. 471 pints. 7. "MARMOR (μαρμάρος). Marble. "Strictly speaking," observes Adams, "the term Marble should be confined to those varieties of carbonate of lime which are susceptible of a polish; but the term was applied by the ancients to all stones susceptible of a polish, or of being polished. The Roman writers, including the ancient marbles were the Parian, Pentelicus, Chian, and Theban, for an account of which consult the several heads. 8. MARRIAGE (GREEK) (Ταύρος). The ancient Greek legislators considered the relation of marriage as a matter not merely of private, but also of public or general interest. This was particularly the case of Lycurgus, who, as the head of separate interests and happiness to the real or supposed exigencies of the state was strongly exemplified in the regulations on this subject. For instance, by the laws of Lycurgus, criminal proceedings might be taken against those who married too late (γραφὶ ἀντιδεσμὸν) or unsuitably (γραφὶ ἀκακοῦσιν), as well as against those who did not marry at all (γραφὶ ἀλλακτένῳ). These regulations were based on the generally recognised principle that it was the duty of every citizen to raise up a strong and healthy progeny of legitimate children to the state. So entirely, in fact, did the Spartans consider the tekóv-πολικα, or the production of children, as the main object of marriage, and an object which the state was bound to promote, that whenever a woman had no children by her own husband, she was not only allowed, but even required by the laws to cohabit with another man. 9. On the same principle, and for

1. (Hill ad Thophrast., De Lapid., c. 64.—2. (Griffith's Courier., vol. vi., p. 385.—2. (Hist. of Inventions, vol. ii., p. 2, &c.)
10. (Andria, i., 5.)—9. (Trig. III., vi., 59.—11. (Frag. Tereus.)
11. (Androm., 951.)
MARRIAGE.

The marriage of Iphigenia and chorus. 

When at last she was manageable (χειροφόρη), and getting tame, so that I could talk with her, I asked her, "and, and, and..." 

By the Athenian laws, a citizen was not allowed to marry any woman with whom he was not already a kinsman, or had very severe penalties; but proximity by blood (ἀγκόστεο), or consanguinity (συγγένευς), was not, with some few exceptions, a bar to marriage in any part of Greece; direct lineal descent was... 

When there were several coheirs, they were entitled to choose whether their sisters or brothers should marry. For instance, if his heiress had no choice in marriage; she was compelled by law to marry her nearest kinsman not in the ascending line; and if the heiress were poor (ὑπόσκοα), the nearest unmarried kinsman either married her or permitted her to marry someone else. This was the first choice. 

The heiress, in fact, together with her inheritance, seems to have belonged to the kinsmen of the family, so that, in early times, a father could not give his daughter (if an heiress) in marriage without their consent. But this was not the case according to the law of the ancients, if the father was empowered to dispose of his daughter by will or otherwise, just as widows also were disposed of in marriage by the will of their husbands, who were considered their rightful guardians (κύραρος).

The same practice of marrying in the family (αλαξοι), especially in the case of heiresses, prevailed at Sparta; thus Leonidas married the heiress of Cleomenes, as being her ἀγκόστεο or next of kin, and Anaxandrides his own sister's daughter. Moreover, if a father had not determined himself concerning his daughter, it was decided by the king's court who among the privileged persons or members of the same family should marry the heiress. 

The striking resemblance to the Athenian law respecting marriage was that of the ancient custom in Egypt, as detailed in Numbers, and exemplified in Ruth. 

But match-making among the ancients was not, in default of any legal regulations, entirely left to the care and forethought of parents, for we read of women who made a profession of it, and who were therefore called προφυγομένα or προφυγομελιτὶς.

There is no record, however, of any woman who has been thought very honourable, nor to have been held in repute, as being too nearly connected with, or likely to be prostituted to, προφυγογέλος. 

Particular days and seasons of the year were thought auspicious and favourable for marriage among the Greeks. Aristotle speaks of the winter generally being as sober, and at Athens the month Τιμολόγος, partly corresponding to our January, received its name from marriages being frequently celebrated in it. Hesiod recommends marrying on the fourth day of the month:


"Εν θεί τετέρατος μνήσις δέως εἰς οἶκον ἀνδρός," but whether he means the fourth from the beginning or end of the month is doubtful. Euripides speaks as if the time of the full moon were thought favourable, ὅταν αἰχμής τετυχής ἔδηκε κύκλος, in which he is confirmed by the expression ἰδιογυνώς ἄρσης, or the full-moon nights in Pindar. That this prepossession, however, was not general and permanent, appears from Proclus, who informs us that the Athenians selected for marriages the times of new moon (τὰς πρὸς σύνδον ἡμέρας), i.e., when the sun and moon were in conjunction. The influence of opinion, on which it is not worth while to dwell specifically about the proper age for marrying; but, generally speaking, men were expected to marry between 30 and 35, and women about 20, or rather before.

We proceed now to explain the usual preliminaries and accompaniments of marriage in various parts of Greece. The most important preliminary at Athens was the ōργανον, or the match-making. This was, in fact, indispensable to the complete validity of a marriage contract. It was made by the natural or legal guardian (ὁ νύμφας) of the bride elect, and attended by the relatives of both parties as witnesses. The old law of Athens ordained that all children born from a marriage legally contracted in this respect were to be considered legitimate, even if the parents of either were οὐκοδόμοι, or entitled to inherit equally or in gavelkind. It would seem, therefore, that the issue of a marriage without espousals would lose their inheritable rights, which depended on their being born ἐξ ἦτης καὶ γύγκονος γυναικεία: i.e., from a citizen and a legally betrothed wife. The wife's dowry was also settled.

But there were also several ceremonies observed either on or immediately before the day of marriage. 

The first of these were the προτέλευσι γάμων ἐν προγάμεως, and consisted of sacrifices or offerings made to the θεός γαμήλιος, or divinities who presided over marriage. They are generally supposed to have been made on the day before the γάμων or marriage; but there is a passage in Euripides which makes it probable that this was not always the case. The sacrificer was the father of the bride elect; the divinities to whom the offering was made were, according to Pollux, Hera, and Artemis, and the Fates, to whom the bride elect then dedicated the Αὐλία (furnishing house to Diodorus Siculus) they were Zeus and Hera, or another pair of divinities (τοις ἐκ τῶν δισομοιοτέρων), but they probably varied in different countries, and were sometimes the θεοί γυναικάς or local deities. The offerings to Artemis were probably made with a view of propitiation, her as she was supposed to be averse to marriage. (Vid. Brahma, p. 172.)

We may also observe that Pollux uses προγαμήσας as synonymous with προγαμέως, i.e., engaged, betrothed, with τέλος, as if marriage were the τέλος or perfection of man's being: whence τέλειος, connected with or presiding over marriage or a married person, and δόμος μιτέλεος, a house without a husband, or incomplete. Another ceremony of almost general observance on the wedding-day was the bathing both of bride and bridegroom in water fetched from some particular fountain, whether, as some think, the custom of placing the figure of a λυπορεφόρας, or "water-carrier," over the tombs of those who died unmarried. (Vid. Loutron, p. 590.)

After these preliminaries, the bride was generally conducted from her father's to the house of the bridegroom.

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brought at a nghtfall, in a chariot (ἐφ' ἄνέκοιτο) drawn by a pair of mules or oxen, and furnished with a κλώς or kind of couch as a seat. On either side of the chariot the bridegroom and one of his most intimate friends or relatives, who, from his office, was called παράστατος or νυμφέος; but, as he rode in the carriage (χώρια) with the bride and bridegroom, he was sometimes called the πάροχος (ὁ ὑκτρων ὁ παραχώρων πάροχος εκεῖνον). Hence Aristophanes speaks of the "blooming Love guiding the supple reins," when Zeus was wedded to Hera, as ἦν πάροχος γαμὸς τῆς ἤνταλκούμενος Ήης.

The nuptial procession was probably accompanied, according to circumstances, by a number of persons, some of whom carried the nuptial torches (δίδθης νυμφευδάς) ; and in some places, as in Boeotia, it was customary to burn the axle of the carriage on its arrival at the bridegroom's house, as a symbol that the bride was to remain at home and not go abroad.1 If the bridegroom had been married before, the bride was not conducted to his house by himself, but by one of his friends, who was therefore called νυμφαδεστός.2

Both bride and bridegroom (the former veiled) were of course decked out in their best attire, with chaplets on their heads,3 and the doors of their houses were decked with ivy and bay.4 As the nuptial procession moved along, the hymnæan song was sung to the accompaniment of Lydian flutes, even in olden times, as beautifully described by Homer5 (vid. Ὀμος, p. 246), and the married pair received the greetings and congratulation of those who met them.6 After entering the bridegroom's house, into which the bride was probably conducted by her mother, bearing a lighted torch, it was customary to shower sweetmeats upon them (καταγάματος) as emblems of plenty and prosperity.7

After came the γάμος or nuptial feast, the ὕποτ γαμήτης, which was generally8 given in the house of the bridegroom or his parents; and, besides being a festive meeting, served other and more important purposes. There was no public rite, whether civil or religious, connected with the celebration of marriage among the ancient Greeks, and therefore no public record of its solemnization. This deficiency, then, was supplied by the marriage feast, for the guests were of course competent to prove the fact of a marriage having taken place; and Homer says they were the best able to judge of their conversation ought to be sweet and agreeable. The song called the Epithalamium was then sung before the doors of the bridal chamber, as represented by Theocritus in his 18th Idyl, where, speaking of the marriage of Helen, he says:

Twelve Spartan virgins, the Laconian bloom, Chaired before fair Helen's bridal room; To the same time with cadence true they beat The rapid round of many twinkling feet,

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One measure tripped, one song togeth sung, Their hymenean all the palace rung.

On which passage the scholiast remarks that epithalamia are of two kinds; some sung in the morning, and called κατακομμάτια, and others in the evening (δορθα), and called διαγερμάτια. The day after the marriage, the first of the bride's residence in her new abode, was called the ἔπανα, on which their friends sent the customary presents to the newly-married couple. On another day, the ἕταλλα, perhaps the second after marriage, the bridegroom left his house and apart from his wife at his father's-in-law, and the bride presented him with a garland called ἀσταλτιστέρα, in connexion with which, Pollux1 observes, that the gifts made to the bride after the marriage were called ἄσταλλα. Some of the presents made to the bride by her husband and friends were called ἀνεκτεχνία, as being given on the occasion of the bride first appearing unveiled,2 they were probably given on the ἔπανα, or day after the marriage.

Another ceremony observed after marriage was the sacrifice which the husband offered up on the occasion of his bride being registered among his own phratores (γυμνίαν scil. ἱδων τός φρότοροι αἰσθανένες).

The statement above made of the solemnities connected with marriage cannot, of course, be considered as applicable to all ages and circumstances, but rather as a representation of the customs generally observed at Athens in later times.

At Sparta the betrothal of the bride by her father or guardian (κήρος) was requisite as a preliminary of marriage, as well as at Athens.4 Another custom peculiar to the Spartans, and a relic of ancient times, was the betrothal of the bride to her husband,5 but, of course, with the sanction of her parents or guardians.6 She was not, however, immediately domiciled in her husband's house, but cohabited with him for some time clandestinely, till he brought her, and frequently her mother also, to his home.7 A similar custom appears to have prevailed in Crete, where, as we are told,8 the young men, when dismissed from the care of their fellow-fellows, were immediately married, but did not take their wives home till some time afterward. Müller suggests that the children of this furtive kind of intercourse were called παρθένιοι.

We subjoin some particulars concerning the relation between man and wife among the ancient Greeks, prefacing them with a description of the married life from Lydias.9 The speaker there says, "I have a small two-story house, of equal dimensions on the basement and first floor, both in the male and female apartments (κατὰ τὴν γυναικείαν κατί. λ.). Now, after our little boy was born, his mother used to suckle it; and that she might not meet with any accident in going down the ladder (ἡ κλίματος), whenever it was light she used to carry it in a child's chair; and women clo\o/.

And it was usual for my wife to leave me very frequently and sleep down stairs with the child, to give it the breast and keep it from crying. And one day, after dinner, the little fellow cried and fretted, and I told my wife to go and suckle it; now at first she would not, but at last I got angry with her, and ordered her to go: 'yes,' she answered, 'that you may play with your servant-maids.'10"

Now, though the wife, as appears by this tale, usually took her meals with her husband, she did

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not go out with him to dinner, nor sit at table with his guests when he had company.1

The duties of a good housewife are summed up by Plato2 under the heads of ταυτεία, θεραπεία, and παιδευσία. The first of these included the domestics of the house and the superintendence of the furniture, provisions, and servants; the second, in fact, everything that came under the name of housekeeping.2 But a trust of this kind was not reposed in a young wife till she had gained some experience; for what, says Xenophon,3 could a wife, married at fifteen, be likely to know, who had lived in complete seclusion, and had only been taught by her nurses? (Oecon. v. 5.) The θεραπεία included the attendance upon the sick inmates of the house, whether free or slaves.4 The παιδευσία was the physical education of the children, on which Plutarch5 observes that mothers ought themselves to nurture and suckle their children, though frequently female citizens were hired as wet nurses.6 The Spartan nurses were so famous that they were engaged even in foreign states; thus Alcibiades, we are told, was suckled by a Laconian nurse.7 It is scarcely necessary to remark, that we have been speaking of a citizen in good circumstances, to which only our observations can apply.

The education to which women were held by their husbands, and the respect paid to them in ancient Greece, would naturally depend, in some degree, on their intellectual and moral character; but, generally speaking, the Greeks entertained comparatively little regard for the female character. They considered women, in fact, as decidedly inferior to men, qualified to discharge only the subordinate functions in life, and rather necessary as holpates than agreeable as companions. To these notions female education for the most part corresponded, and, in fact, confirmed them; it did not supply the elegant accomplishments and refinement of manners which permanently engage the affections when other attractions have passed away. Aristotle8 states that the relation of man to woman is that of the governor to the subject; and Plato,9 that a woman's virtues may be summed up in a few words, for she has only to manage the house well, keeping what there is in it, and obeying her husband. Nor is it unimportant to remark, that Athenians, in speaking of their women, children, guest and harbouring them; in expressing their love last: a phrase which indicates pretty clearly what was the tone of feeling on this subject. Moreover, before marriage, Grecian women were kept in a state of confinement, which amounted to little short of a deprivation of liberty, so that they are even said to have been watched and guarded in strong apartments, εὔροταν παρθενίστα φθορούστα καλές;11

nor was it thought becoming in them to be seen in public; neither were they permitted on solemn occasions, when they appeared as spectators of, or participators in, religious processions; of which, young men desirous of getting married would naturally avail themselves to determine the object of their choice. Even after marriage the restrictions imposed upon young women of the middle and higher classes were of a very jealous and almost Oriental character. They occupied, as was known, a separate part of the house, and in the absence of their husbands it was thought highly improper for a man even to enter where they were.1 From various passages of the Attic comedians, it would also seem that married women were required to keep at home (οἰκτεραί), and not allowed to go out of doors without the permission of their husbands. Thus, in a fragment of Menander,2 we are told that married women are not allowed to pass the gate of the courtyard of the house, παρὰ γὰρ αὐλὸς θόρα

"Εξελεθρήκαν γυναικὶ νεκρίσας οἰκίας, and Aristophanes3 speaks of their husbands forbidding them to go away. Again, on occasions of great public alarm (e.g., when the news was received at Chersonesus that the Persians had reached Athens), the women are spoken of, not as leaving their houses, but standing at their doors and inquiring after the fate of their husbands, a circumstance that is described as being discrepant to themselves and the city (διαφέρον αὐτῶν κατ' ἡνίκας). From a passage in Plutarch,4 it appears that on this subject there was the same feeling at Thebes as well as at Athens; and the same writer informs us that one of Solon's laws specified the conditions and occasions upon which women were to be allowed to leave their houses. In later times there were magistrates at Athens (the γυναικωνοιοι), charged, as their name denotes, with the superintendence of the behaviour of women. (Vid. Γυναικονοιοὶ.)

But we must observe that the description given above of the social condition and estimation of women in Greece, does not apply to the heroic times as described by Homer, nor to the Dorian state of Sparta. With respect to the former, we have our space to hope that the views of the poet at Homeric times enjoyed much more freedom and consideration than those of later ages, and that the connexion between the sexes was then of a more generous and affectionate character than afterward. For another important distinction, see Dos, Grec.5

Among the Dorians generally, and in Sparta especially, the relation of the wife to the husband, and the regard paid to women, were for the most part the same as that represented by Homer to have prevailed universally among the ancient Greeks and as such, presented a strong contrast to the habits and principles of the Ionic Athenians, with whom the ancient custom of Greece, in this respect, much more resembled that of the East. At Sparta, for instance, the woman was honoured with the title of δεσποινα, or "mistress," an appellation not used unmeaningly or ironically, and which was common among the Thessalians and other nations of northern Greece.6 Moreover, the public intercourse permitted by the Dorians between the sexes was (comparatively at least) of so free and unrestricted a character as to have given occasion for the well-known charges of licentiousness (ἀνεθες) against the Spartan women.7 The influence, too, which the Laconian women enjoyed was so great, that the Spartans were blamed for submitting to the yoke of their wives; and even Aristotle8 thought it necessary to account for the circumstance, in the position which Lycurgus had failed in his attempt to regulate the life and conduct of the Spartan women as he had wished. In short, there was a great contrast and difference between the treatment of women in the Dorian and Ionian states of Greece, which is well described by Müller9 in the following words: "Among the Ionians women were in the greatest esteem, and their shoes shone with a martial light; and though the Æolians allowed their

1. (Ilius, De Pyrr. harred, 39.—Demosth, c. Neer, 1832.)
feathers a more exalted tone, as is proved by the
amatory poetesses of Lesbos, the Dori ans, as well
as Sparta as in the south of Italy, how
only nation I have ever heard the higher attributes of the
pleasing mind as capable of cultivation." In
Sparta, too, the unmarried women lived more in
public than the married. The former appeared with
their faces uncovered, the latter veiled; and at
Sparta, in Crete, and at Olympia, virgins were per-
mitted to be spectators of the gymnastic contests, and
married women only were excluded. The re-
verse of this was the case in Ionia.

The pending investigation will have prepared the
reader for the fact, that the strictest conjugal
fidelity was required, under very severe penalties,
from the wife (vid. Anntvrum), while great laxity
was allowed to the husband. The general practice
is thus illustrated by Plautus: 1

"Nam si vir scortum duzit clam uxorom suam,
Id se recivi uxor, impune est viro.
Uxor viro si clam domo egressa est foras,
Viro fit causa, exigit matrimonio."

In cases of adultery by the wife, the Athenian
law subjected the husband to atyriia if he continued
to cohabit with her; so that she was ipso facto di-
voiced. 2 But a separation might be effected in two
different ways: 3 the wife leaving the husband, or
the husband dismissing the wife. If the latter sup-
posed her husband to have acted without sufficient
justification in such a course, it was competent for
her after dismissal, or, rather, for her guardians,
to bring an action for dismissal (diav apotelentes or
apopomophfij: the corresponding action, if brought by
the husband, was a diav apopolieias). If, however,
a wife were ill used in any way by her husband, he
was liable to an action called a diei ekakwdes, 4 so
that the wife was not entirely unprotected by the
laws: a conclusion justified by a fragment in Athe-
neus, 5 in which married women are spoken of as
relying on its protection. But a separation, wheth-
er it originated from the husband or wife, was con-
sidered to reflect discredit on the latter (.8 $ya di-
vov iatru olp evy peri), independent of the diffi-
culties and inconveniences to which she was sub-
jected by it. At Sparta, barrenness on the part of a
wife seems to have been a ground for dismissal by the
husband; 6 and from a passage in Chrysostom, 7 it has been inferred that women were in the habit of
imposing supposititious children with a view of keep-
ing (aawv) justum matrimonium; not that they
would adopt or, if adopted, it did not (from the ten-
re) require, a different interpretation.

This article has been mainly composed from
Becker's Charites. 8 The duties of an Athenian
wife are stated somewhat in detail by Xenophon. 9

MARRIAGE (ROMAN). MATRIMONIUM, NUPTILE. A legal Roman marriage was called
justum matrimonium; as being con-
formable to jus (citizen) or to law. A legal marriage
was either cum conventione uxoris in manum viri,
or it was without this conventio. But both forms of
marriage agreed in this: there must be connubii-
unum between the parties, and consent: the male
must also be pubes, and the woman viril potens.
The legal consequences as to the power of the
father over his child, justum matrimonium being con-
formable to the forms of the marriage; Secondly, with reference to its legal
consequences.

1. (Müller, Dori ans, ii, 2, § 2.)—2. (Mercat., iv, 6, 2, 3.—
(Fröm. xv., 44*, R.)—9. (i. i. 451.)—10. (Beos ev ad init.)

Unless there was connubium, there could be no
Roman marriage. Connubium is defined by Ulpian
to be "uxores juris et facultas," or the faculty
by which a man may make a woman his lawful
wife. But, in truth, this is no definition at all, nor
does it give any information. Connubium is mere-
ly a term which comprehends all the conditions of a
legal marriage. Accordingly, the term is ex-
plained by particular instances: 4 "Roman men citi-
zens," says Ulpian, "have connubium with Roman
women (Romanae casae); but with Latins and
Peregrines, only in those cases where it has
been permitted. With slaves there is no connu-
biurn."

Sometimes connubium, that is, the faculty of
contracting a Roman marriage, is viewed with ref-
ference to one of its most important consequences,
namely, the patria potestas: for, says Gaius,
"since it is the effect of connubium that the
child follow the condition of their father, it results
that, when connubium exists, the children are not
only Roman citizens, but are also in the power of
their father." Generally, it may be stated that
there was only connubium between Roman citi-
zens: the cases in which it at any time existed be-
tween parties, not both Roman citizens, were ex-
ceptions to the general rule. Originally, at least
at one period of the Republic, there was no
connubium between the patricians and the plebe-
ians; but this was altered by the lex Canuleia,
which allowed connubium between persons of those
two classes.

There was no connubium between many persons
with respect to one another, who had severally
connubium with respect to other persons. Thus
there were various degrees of consanguinity within
which there was no connubium. There was no
connubium between parent and child, whether
the relation was natural or by adoption; and a man
could not marry an adopted daughter or grand-
dughter; even after he had emancipated her. There
was no connubium between brothers and sisters,
whether of the whole or of the half blood; but a
man might marry a sister by adoption after her
emancipation, or after his own emancipation. It
became legal to marry a brother's daughter after
Claudius had set the example by marrying Agrip-
pa; but the rule was not carried farther than the
example, and in the time of Gaius it remained un-
lawful for a man to marry his sister's daughter.

The reason of this was that Romans considered
persons within certain relations of affinity, as between
a man and his soror, nuris, priviga, and noverca.

Any illegal union of a male and female, though
affecting to be, was not a marriage: the man had
no legal wife, and the children had no legal father;
consequently, they were not in the power of their
reputed father. These restrictions as to marriage
were not founded on any enactment; they were a
part of that large mass of Roman law which belongs to jus moribus constitutum.

The marriage of Domitius, afterward the Emp-
or Nero, with Octavia, the daughter of Claudius,
seems at first sight somewhat irregular. Nero was
adopted by Claudius by a lex Curiata, 1 but he was
already his son-in-law; at least, the sponsa 2 are
mentioned before any enactment: they were to
be married under a law which would prevent a man from
adopting his son-in-law; though, if the adoption
took place before the marriage, it would be illegal,
as stated by Gaius.

Persons who had certain bodily imperfections, as
eunuchs, and others who, from any cause, could

1. (Flag., v, 3.)—2. (Gaius, i, 62.—Tacit., Ann., xii, 5.
2. (Sueton., Nero, 26.)—3. (Tatit., Ann., xii, 50.)—4. (Tatit.,
Ann., xii., 9.)
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never attain to puberty, could not contract marriage; for, though pubertas was in course of time fixed at a positive age (vid. Impress), yet, as the foundation of the notion of pubertas was physical capacity for sexual intercourse, there could be no pubertas if there was a physical incapacity.

The essence of marriage was consent, and the contract between Ulpius, &c., of those who come together and of those in whose power they are; and "marriage is not effected by sexual union, but by consent." Those, then, who were not sui juris, had not, strictly speaking, connubium, or the "uzoris jure duenda facultas" though, in another sense, they had connubium, by virtue of the consent of those in whose power they were, if there was no subjunctio, and the law, there is no doubt that a father could give his child in marriage, unless the child was emancipated, without asking the child's consent.

The lex Julia et Papia Poppea placed certain restrictions on marriage as to the parties between whom it could take place. (Vid. Julia et Papia Poppea.) A man could only have one lawful wife at a time; and, consequently, if he were married, and divorced his wife, a second marriage would be no marriage unless the divorce were effectual.

The marriage cum conventione differed from that sine conventione, in the relationship which it effected between the husband and the wife: in the former case a marriage cum conventione was a necessary condition to make a woman a materfamilias. By the marriage cum conventione, the wife passed into the familia of her husband, and was to him in the relation of a daughter, or, as it was expressed, "in manum conventil." In the marriage sine conventione, the wife's relation to her own family was retained, and she was regarded as a wife, but not a uxor. "Uxor," says Cicero, "is a genius of which there are two species; one is materfamilias, 'quae in manum conventit'; the other is uxor only." Accordingly, a materfamilias is a wife who is in manu, and in the familia of her husband, and, consequently, one of his sui heredes, or in the manum of him in whose power her husband is. A wife not in manu was not a member of her husband's familia, and, therefore, the term could not apply to her. Gellius also states that this was the sole meaning of materfamilias. Matrona was properly, a wife not in manu, and equivalent to Cicero's "tactus modo uxor" and she was called matrona before she had any children. But these words are not so used in these their original and proper meanings.

It does not appear that any forms were requisite in the marriage sine conventione; and, apparently, the evidence of such marriage was cohabitation matrimonio causa. The matrimonio causa might be proved by various kinds of evidence.

In the marriage cum conventione, there were three forms, usus, farreum, and coemptio.

Marriage was effected by usus if a woman lived with a man for a whole year as his wife; and this was by analogy to usucapion of movables generally, in which usus for one year gave ownership. The law of the Twelve Tables provided that, if a woman did not wish to come into the manus of her husband in this manner, she should abstain from him annually for three nights (trinomium), and so break the usus of the year. The Twelve Tables probably did not introduce the usus in the case of a woman cohabiting with a man matrimonio causa, any more than they probably did in the case of other things; but, as in the case of other things, the prohibition of the law must have its full effect, so they established a positive rule as to what time should be a sufficient interruption of usus in the case of matrimonial cohabitation, and such a positive rule was obviously necessary in order to determine what should be a sufficient legal interruption of usus.

Parremus was a form of marriage, in which certain rules were used in the presence of ten witnesses, and were accompanied by a certain religious ceremony, in which painis farrens was employed; and hence this form of marriage was also called confarreatio. This form of marriage must have fallen generally into disuse in the time of Gaius, who remarks that this legal form of marriage (hoc jus) was in use even in his time for the marriages of the famines majoriores and some others. The ceremony of Gaius is defective in the MS., but its general sense may be collected from comparing it with Tacitus and Servius. It appears that certain priestly offices, such as that of flamens dialis, could only be held by those who were born of parents who had been married by this ceremony (confarreati parentes). In the time of Tullius, the ceremony of confarreatio was only observed by a few. As to divorce between persons married by confarreatio see Divortium.

Coemptio was effected by mancipatio, and, consequently, the wife was in manum. A woman who was cohabiting with a man as uxor, might come into his manum by the form of coemptio. In such cases the coemptio was said to be matrimonio causa, and she who was formerly uxor became apud matrimonium filia loco. The other coemptio, which was called fiduciae causa, and which was between a woman and a man not her husband, is considered under Testamentum and Tullia. If, however, an infant was born of the marriage, the case was considered as matrimonio causa, but fiduciae causa, the consequence was that she was in manum, and thereby acquired the rights of a daughter. It is stated by a modern writer, that the reason why a woman did not come in mancipium by the coemptio, but only in manum, is this, that she was not mancipated, but mancipated herself, under the authority of her father if she was in his power, and that of her tutors if she was not in the power of her father; the absurdity of which is obvious, if we have regard to the form of mancipatio as described by Gaius, who also speaks of mancipatio as being the form by which a parent released his daughter from the patria potestas (eius uxor), whereas if they be the children of such in manum uxor, the mancipatio must in all cases have been considered as legally effected by the father or the tutors.

Sponsalia were not an unusual preliminary of marriage, but they were not necessary. "Sponsalia," according to Florintius, "sunt mentio et reiprimenta sancturarum futurarum." Gellius has preserved an example of sponsalia in the story of Servius and De Dotibus, which, from the authority of that great jurist, may be considered as unexceptionable. Sponsalia, according to Servius, was a contract by stipulaciones and sponsones, the former on the part of the future husband, the latter on the part of him who gave the woman in marriage. The woman who was promised in marriage was called sponsa, which is equivalent to promissa; the man who engaged to marry was called sponsus. The sponsalia, then, were an agreement to marry, made in such form as to give each party a right of action in case of non-performance, and the offending party was condemned in such damages as to the judex seemed just. This was the law (jure) of

1. (Cic, Top, 3. 2—2 (Top, 3. 3—(xvili, 6)—4. (Vid. Ulp, Frug, 4.)
MARRIAGE.

MARRIAGE. sponsalia, adds Servius, to the time when the lex Julia gave the civitas to all Latium; whence we may conclude that alterations were afterward made in it. The sponsalia, as the law called them, were not binding, if the parties consented to dissolve the contract; and either party could dissolve the contract, as either could dissolve a marriage, subject, however, to the right of action which the non-consenting party might have. If a person was in the relation of double sponsalia at the same time, he was liable to infamia. (Vid. Insania.) Sometimes a present was made by the future husband to the future wife by way of presents (arrha, arrha sponsalia), or, as it was called, a present nuptias donatio. 1 Sponsalia might be contracted by those who were not under seven years of age. (Vid. Infans, Impubes.) The consequences of marriage were:

1. The power of the father over the children of the marriage, which was a completely new relation; an effect, indeed, of marriage, but one which had no influence over the relation of the husband and wife. (Vid. Patris Potestas.)

2. The liabilities of either of the parties to the punishments affixed to the violation of the marriage union. (Vid. Adulterium, Divortium.)

3. The relation of husband and wife with respect to property, to which head belongs the matters of donatio, donatio inter vivum et uxorem, donatio propter nuptias, &c. Many of these matters, however, are not considered as consequences of marriage, but the consequence of certain acts which are rendered possible by marriage.

In the later Roman history we often read of marriage contracts which have reference to marriage, and generally to the relation of husband and wife viewed with reference to property. A tile of the Digest 3 treats of the marriage of P. Petilus, which might be made either before or after marriage.

The Roman notion of marriage was that of a complete personal unity of the husband and wife (consortium omnis vitae), as shown by a continuous cohabitation, the evidence of continuing consent; for the dissent of either party, when formally expressed, could dissolve the relation. (Vid. Divortium.) Either in the old Roman law or in its latter modifications, the marriage property was taken as an essential part of the notion of marriage, unless we assume that originally all marriages were accompanied with the conventio in manum, for in that case, as already observed, the wife became fillis familiae loco, and passed into the familia of her husband; or if her husband was in the power of his father, she became to her husband's father in the relation of a granddaughter. The legal deduction from this is, that her legal personality was merged in that of her husband, all her property passed to him by a universal succession, and she could not thereforward acquire property for herself. Thus she was entirely removed from her former family as to her legal status, and became as the sister to her husband's children. In other words, when a woman came in manum, there was a dissolution of the matrimonial and the filial relation. It was a good marriage without the relation expressed by the statement of Plutarch (vid. Divortium), that the husband alone had originally the power of effecting a divorce, will consist with this strict legal deduction. It is pos-

sible, however, that, even if the marriage cum conventione was once the only form, there might have been legal means by which a wife in manum could effect a dissolution of the marriage, just as a person in a legal capacity was still able to exchange his personal rights against his legal owner. But conjecture is beyond our province, which is confined to matters of which there is evidence.

When there was no conventio, the woman remained a member of her own family: she was to her husband in the same relation as any other Roman citizen, differing only in this, that her sex enabled her to become the mother of children who were her husband's children and citizens of the state, and that she owed fidelity to him so long as the matrimonial cohabitation continued by mutual consent. But her legal status continued as it was before: if she was not in the power of her father, she had for all purposes a legal personal existence independently of her husband, and, consequently, her property was distinct from his. It must have been with respect to such marriages as these that a great part, at least, of the rules of law relating to dote were established; and to such marriages all the rules of law relating to marriage contracts must have referred, at least so long as the marriage cum conventione existed and retained its strict character.

When marriage was dissolved, the parties to it might marry again; but opinion considered it more decent to be remarried not to marry again. A woman was required by usage (noli) to wait a year before she contracted a second marriage, on the pain of infamia. (Vid. Insania.)

The above is only an outline of the law of marriage, but it is sufficient to enable a student to carry his investigations further.

It remains to describe the customs and rites which were observed by the Romans at marriage (ritus nuptiales or nuptiarum solemnia justa, &c). After the parties had agreed to marry, and the persons in whose potestas they were had consented, a meeting of friends was sometimes held at the house of the maiden for the purpose of settling the marriage contract, which was called sponsalia, and written on tablets (tabula legitima), and signed by both parties. The wife or the wife of a man, was called sponsa, pada, dicta, or spatia. 2 From Juvenal 3 it appears that, at least during the imperial period, the man put a ring on the finger of his betrothed as a pledge of his fidelity. This ring was probably, like all rings at this time, worn on the left hand, and on the finger nearest to the smallest. 4 The last point to he fixed was the day on which the marriage was to take place. Towards the close of the Republic it had become customary to betroth young girls when they were yet children: Augustus therefore limited the time during which a man was allowed to continue betrothed to a girl, 5 and forbade men to be betrothed to girls before the latter had completed their tenth year, so that, the age of puberty being twelve years, a girl might not be compelled to marry a man older than herself. 6 The Romans believed that certain days were unfortunate for the performance of the marriage rites, either on account of the religious character of those days themselves, or on account of the days by which they were followed, as the woman had to perform certain religious rites on the day after her wedding, which could not take place on a dies ater. Not suitable for entry upon marriage were the Calends, Nones, and Ides of every month, all dies

1. (Cod. v., tit. 3.)—2. (23, tit. 4.)—3. (Geiss, ii, 90, 96.)
MARRIAGE.

MARRUBIUM

MARRIAGE.

MARRUBIUM

MARRIAGE.

MARRUBIUM.

THE WEDDING-DAY, WHICH IN THE EARLY TIMES WAS NEARLY IDENTICAL IN MANY RESPECTS WITH THAT OF MODERN TIMES, WAS NEWLY BORN ON THE DAY OF THE MARRIAGE. THE BRIDE WAS DRESSED IN A LONG WHITE ROBE WITH A PURPLE COLLAR, WHICH SHE WORE ALONG WITH A DIADEM. HER HEAD WERE CARRIED A GIRDLE (CORONA, CINGULUM, OR ZONE), WHICH HAD BEEN MADE ROUND THE WAIST. THE BRIDE'S VEIL, CALLED NUNCHITACATA, WAS OF A BRIGHT YELLOW COLOUR, AND HER SHOES WERE OF A DIFFERENT COLOUR. HER HAIR WAS DIVIDED ON THIS OCCASION WITH THE POINT OF A SPEAR.

THE ONLY FORM OF MARRIAGE WHICH WAS CELEBRATED WITH SOLEMN RELIGIOUS RITUALS WAS THAT OF CONFARREATIO; THE OTHER FORMS, BEING MERE CIVIL ACTS, WERE PROBABLY SOLEMNIZED WITHOUT ANY RELIGIOUS CEREMONY.

IN THE CASE OF A MARRIAGE BY CONFARREATIO, A SHEEP WAS SACRIFICED, AND ITS SKIN WAS SPREAD OVER TWO CHAIRS, UPON WHICH THE BRIDE AND BRIDEGROOM SAT DOWN. THE MARRIAGE WAS COMPLETED BY PROMULGATING A SOLEMN FORMULA OR PRAYER, AFTER WHICH ANOTHER SACRIFICE WAS OFFERED. A CAKE WAS MADE OF FARE AND THE MOLASAS PREPARED BY THE VESTAL VIRGINS, AND CARRIED BEFORE THE BRIDE WHEN SHE WAS CONDUCTED TO THE RESIDENCE OF HER HUSBAND. IT IS UNCERTAIN WHETHER THIS CAKE WAS IN ANY WAY PREPARED OR HANDLED BY THE BRIDE, AND WHICH WAS IN THE EVENING DISTRIBUTED AMONG THE GUESTS ASSEMBLED AT THE HOUSE OF THE YOUNG BRIDE.


Plutarch speaks of five large candles which were used at marriages; if these were borne in the procession, it must have been to light the company which followed the bride; but it may also be that they were lighted during the marriage ceremony in the house of the bride.

When the procession arrived at the house of the bride, it was accompanied with Garland and flowers, and the bride was carried across the threshold by promulgi, i. e., men who had only been married to one woman, that she might not knock against it with her foot, which would have been an evil omen. BEFORE SHE ENTERED THE HOUSE, she wound wool around the doorposts of her new residence, and anointed them with HARE (ADEPS SULIUS) OR WOLF'S FAT (ADEPS LUPINUS). The husband received her with fire and water, which the woman had to touch. This was either a symbolic purification (for Servius says that the newly-married couple washed their feet in this water, or it was a symbol of purity and cleanliness, as the entrance to the house was not opened until the bride had taken some water. The bride saluted her husband with the words ubi tu CAINA, ego CAINA. After she had entered the house with distaff and spindle, she was placed upon a sheepskin, and here the keys of the house were delivered into her hands. A reparation (culpa nepitialis), given by the husband to the whole train of relatives and friends who accompanied the bride, now concluded the solemnity of the day.

Many ancient writers mention a very popular song, TALASSIA OR TALASSIO, which was sung on weddings; but whether it was sung during the repast or during the procession is not quite clear, though we may infer, from the story respecting the origin of the song, that it was sung during the repast. The song was advancing towards the house of the husband.

It may easily be imagined that a solemnity like that of marriage did not take place among the meretricious and more luxurious races of Italy. Many of these songs which were sung before the door of the bridal apartment, this girl, before whom the bride herself had left the house, and the form including the words was BEAUTIFUL. A FEAST (MESA, VENUS, L. SITELLUM, etc.,) AND OF A RELIGIOUS NATURE, BELONGED TO CONFARREATIO.


*MARRUARIA*.

The rite and ceremonies which have been mentioned above are not described by any ancient writer in the order in which they took place, and the order adopted above rests in some measure merely upon conjecture. Nor is it, on the other hand, clear which of the rites belongs to which of the three forms of marriage. Thus much only is certain, that the most solemn ceremonies, and those of a religious nature, belonged to confarreatio.

The position of a Roman woman after marriage was very different from that of a Greek woman. The Roman presided over the whole household; she was the source of the honour of the house, and, as the materfamilias, she shared the honours and respect shown to her husband. Far from being confused, like the Greek women, to a distinct apartment, the Roman mother, at least during the better centuries of the Roman Republic, occupied the most important place in the household.

MARTYRIA.

The προσώπον of Theophrastus and Dioscorides is not only the same as this, but is also applied to other species. The προσώπον αυτομέτοχος of Theophrastus is the M. Africanum. The ψευδό δικαστήματα (false δίκαια) is the M. pseudo δικαστήμα, called in Attica, at the present day, μαθήματα, and in Laconia, ἄστροπτικά.¹

MARSUPIUM (μαστίσσων, βαλάντων), a Purse.²

The purse used by the ancients was composed of a small leather bag, and was often closed by being drawn together at the mouth (στεφάστα βαλάντα).³ Mercury is commonly represented holding one in his hand, of which the annexed woodcut from an intaglio in the Stosch collection at Berlin presents an example.

MARTIALIS FLAMEN. (Vid. FLAMEN.)

MARTIALES LUDI. (Vid. LUDI MARTIALES.)

MARTYRIA (μαρτυρία) signifies strictly the deposition of a witness in a court of justice, though the word is applied metaphorically to all kinds of testimony. We shall here explain, 1, what persons were competent to be witnesses at Athens: 2, what was the nature of their obligation: 3, in what manner their deposition was given; 4, what was the punishment for giving false evidence.

None but freemen could be witnesses. The incapacity of women may be inferred from the general policy of the Athenian law, and the absence of any example in the orators where a woman's evidence is produced. The same observation applies to minors.

Slaves were not allowed to give evidence, unless upon examination by torture (βίασιν).⁴ There appears to have been one exception to this rule, viz., that a slave might be a witness against a freeman in case of a charge of murder,⁵ though Platner¹² thinks this only applied to the giving information. The party who wished to obtain the evidence of a slave belonging to his opponent challenged him to give up the slave to be examined (ἐξερήτηρ τοῦ δολοῦ). The challenge was called πρόσκλησις. The owner, if he gave him up, was said ἐκδοτικὸν αὐτῷ παραδοθέν. But he was not obliged so to do, and the general practice was to refuse to give up slaves, which, perhaps, arose from humanity, though the opponent always ascribed it to a fear lest the truth should be disclosed. The orators affected to consider the evidence of slaves by their very nature, more valuable and trustworthy than that of freemen; but it must be observed, they always use this argument when the slave had not been examined.⁶

Citizens who had been disfranchised (ἐγαμμένοι) could not appear as witnesses (any more than as jurors or plousios) in a court of justice; for they had lost all honour and property. Moreover, there was no objection to alien freemen.⁷ We learn from Herodotus⁸ that in actions against freemen for neglect of duty to their patrons (ἀνοστασία δικαίων), foreigners were not allowed to put in an affidavit that the action was not maintainable (μὴ εἰσαγωγόν εἰρήν). But this can hardly be considered an exception, for such affidavits gave an undue advantage to the party for whom they were made.

Neither of the parties to a cause was competent to give evidence for himself, though each was compelled to answer the questions put by the other. The law declared τῶν ἀντιδικοίς ἐπικάνονις εἴναι ἀποκριθεὶς λέει τὸ κρατᾶμαν, μαρτυρίαν δὲ μη.⁹ That the friends of the party who pleaded for him (εἰσηγοῦτος) were not incompetent to give evidence, appears from the fragment of the Euphides, and also from Εἰκένθους, who, on his trial for misconduct in the embassy, calls Phocion to assist him both as a witness and an advocate.⁰

The obligation to attend as a witness, both in civil and criminal proceedings, and to give such evidence as he is able to give, arises out of the duty which every man owes to the state; and there is no provision made for the punishment of those (except the parties themselves) were exempted from the obligation. The passages which Platner¹² and Schliemann¹³ cite in support of the contrary view prove nothing more than that the near relations of a party were reluctant to give evidence against him, whereas the fact that they were bound by law to give evidence may be inferred from Demosthenes.¹⁴

The party who desired the evidence of a witness summoned him to attend for that purpose. The summons was called πρόσκλησις.¹⁵ If the witness promised to attend, and failed to do so, he was liable to an action called ἕκεν λειτουργικόν. Whether he promised or not, he was bound to attend; and if his absence caused injury to the party, he was liable to an action (ἰκεώδες). This is the probable distinction between these forms of action, as to which there has been much doubt.¹⁶

The attendance of the witness was first required at the ἀνάκρισις, where he was to make his deposition before the superintending magistrate (ἡγίσμα δικαστηρίων). The party in whose favour he appeared generally wrote the deposition at home upon a whitened board or tablet (κείμενοις γραμματίοις), which he brought with him to the magistrate's office, and, when the witness had deposisted there, put into the box (ἐξέφυρον) in which all the documents in the cause were deposited. If the deposition was not prepared beforehand, as must always have been the case when the party was not exactly aware what evidence would be given, or when anything took place before the magistrate which could not be foreseen, as, for instance, a challenge, or question and answer, as was usual, and no such practice was usual to write down the evidence upon a waxen tablet. The difference between these methods was the same as between writing with a pen or paper, and with a pencil on a slate; the latter could easily be rubbed out and written over again if necessary.¹⁷ If the witness did not attend, his evidence was, nevertheless, put into the box; that is, such evidence as the party intended him to give, or thought he might be the party intended his opinion. For all testimo nial evidence was required to be in writing, in order that there might be no mistake about the terms, and the witness might leave no substrance for himself when convicted of falsehood.¹⁸ The ἀνάκρισις might last several days, and, so long as it lasted, fresh evidence might be brought, but none could be brought after the last day, when the box was sealed the magistrate, and kept so by him till the day of trial.¹⁹

The form of a deposition was simple. The following example is from Demosthenes. Archonemides, son of Archedamias of Anagyrus, testifies that articles of agreement were deposited with him by Androcles of Sphetus, Nauocrates of Carystus, Artemon and Apollodoros, both of Phaeus, and that a similar deposit was made by Aristocles, who had to be paid. We must observe that, whenever a document was put in evidence at the trial, as an agreement, a will, the evidence of a slave, a challenge, or an answer given by either party at the ἀνάκρασις, it was certified by a witness, whose deposition was at the same time produced and read.

The witness, whether he had attended before the magistrate or not, was obliged to be present at the trial, in order to confirm his testimony. The only exception was when he was ill or out of the country, in which case a commission might be sent to examine him. (Vid. Ἐκμαρτγία.) All evidence was produced by the party during his own speech, the κληρονόμος being stopped for that purpose. The witness was sworn before a clerk of the court, and mounted on the raised platform (ἐπίθεμα) of the speaker while his deposition was read over to him by the clerk; he then signified his assent, either by express words, or bowing his head in silence. In the editions that we have of the orators, we see sometimes μαρτγία written (when evidence is produced in open court) as a betting term, which must not be deceived by this, and suppose that sometimes the deposition only was read, sometimes the witnesses themselves were present. The old editors merely followed the language of the orators, who said, "call the witnesses," or "mount up, witnesses," or "the clerk shall read you the evidence," or something similar, varying the expression according to their fancy.

If the witness was hostile, he was required either to depose to the statement read over to him, or to take an oath that he knew nothing about it (μάρτρων ή ἐξωμόνει). One of the other he was compelled to do, or, if he refused, he was sentenced to pay a fine of a thousand drachmas to the state, which sentence was immediately proclaimed by the officer of the court, who was commanded κλητείν ή ἐκκλητείν αὐτόν, i.e., to give him notice that he was in contempt and had incurred the fine.

An oath was usually taken by the witness at the ἀνάκρασις, where he was sworn by the opposite parties. Some orators, who had not attended at the ἀνάκρασις, he might be sworn afterward in court, as was always the case when a witness took the oath of denial (ἐκτός μέτρια). In the passage just cited from Lycurgus, the expression ἀνάκρασις ἃς ἐναφέν means nothing more than touching the altar or its appartenances, and has no reference to voluntary oaths. Whether the witness was always bound to take an oath is a doubtful point.

The oath of the witness (the ordinary νόμος ὁργος) must not be confounded with the oath taken by one of the parties, or by some friend or other person, out of court, with a view to decide the cause or some particular point in dispute.

prosecution against the witness, either by a γραφή, or perhaps by an ἐναγγελία or εργοδοθή.1

After the conviction of the witness, an action might be maintained against the party who suborned him to give false evidence, called δίκη κακατεχνιών.2 And it is not improbable that a similar action might be brought against a person who had procured false evidence to be given on behalf of a defendant who had been summoned, after the conviction of the witness in a γραφή φευγωλατρείας.3

It appears that, in certain cases, a man who had caused a false cause was enabled to obtain a reversal of the judgment (δίκη ανώδυνα) by convicting a certain number of the adverse witnesses of false testimony. Thus, in inheritance cases, the law enacted διὰ ἅνευ τῶν φευγωλατρειῶν, πᾶν ἃν Ἀρχή εἶναι περὶ αὐτῶν, by which the account of the facility afforded to the parties to stop the progress of these causes by affidavits (vid. Di.Marytvia), and also because no money could compensate an Athenian for the loss of an inheritance. The same remedy was given to the law to those who had been convicted in a δίκη φευγωλατρείας or in a γραφή εξίνας. In the last case, the convicting party could compulsorily remain in prison until the determination of his suit.4 We are informed that these are the only cases in which a judgment was allowed to be reversed in this way; but whether there were not more cases than these has been justly doubted by Schlämm. The scholiast on Plato5 is evidently wrong.5 In supposing that it was necessary, under the Athenian law, to call more than half the number of the witnesses. This appears from the passage above cited from Isæus on the estate of Hagnias.

We conclude by noticing a few expressions. Μαρτρείν τινι to testify in favour of a man, καταφρειν τινι to testify against. Μαρτρείνασθαι to cause to be a witness (a word used poetically), διαφρειάσθαι, and sometimes καταφρειάσθαι, to call upon those who are present to take notice of what passes, with a view to give evidence.6 Φευγωλατρείν and ἐφικαρείν are never used indifferently, which affords some proof that testimony was not necessarily on oath. The μάρτως (witness in the cause) is to be distinguished from the κλητήρ on whom merely gave evidence of the summons to appear.

MASTE'RES (μαστήρες). (Vid. Zetittal.) "Mastiche (μαστήριον), Gum Mastic." This is correctly described as the resin of the Lentiscus by Dioscorides and Pliny. It is the Pitsachia Lentiscus. The Chian Mastich is particularly commended by Galen. The wood of the Pitsachia Lentiscus, according to a story much esteemed by the Greeks at the present day for fuel. They call the tree σκίνος. The mastich or gum is only collected in Sicily. The ashes of the wood are used by the Athenian soap-boilers for making the ley for the manufacture of soap. In Zante it is also considered as furnishing the best luxivium. The tanners employ it with valandia in the preparation of leather. In India an oil (γαμήδα) is expressed from the berry. The σκίνος of the modern Greeks is also the σκίνος of Theophrastus. The ancient verb σκινδομαι signifies "to chew mastich" or "the wood of the mastich-tree," in order to sweeten the breath and cleanse the teeth. The gum is now much used by the women of Turkey for the same purpose.7

MASTYGA. (Vid. Flagrum.) MATERFAMILIAS. (Vid. Marriage, Roman, p. 632.)

MARTA'LIA, a festival celebrated at Rome every year on the 11th of June, in honour of the goddess Matuta, whose temple stood in the Forum Boarium. It was celebrated only by Roman matrons, and the sacrifices offered to the goddess consisted of cakes baked in pots of earthenware.8 Slaves were not allowed to take part in the solemnities or to enter the temple of the goddess. One slave, however, was admitted by the matrons, but not to be exposed to a humiliating treatment, for one of the matrons gave her a blow on the cheek, and then sent her away from the temple. Matrons on this occasion took with them the children of their sisters, but not their own, held them in their arms, and prayed for their welfare. The statue of the goddess was then crowned with a garland by one of the matrons who had not yet lost a husband.9 The Greek writers and their Roman followers, who identify the Mater Matuta with Leneuço or Leneuca, explain the ceremonies of the Matraitia by means of the mythological stories which relate to this Greek goddess. But the real import of the worship of the Mater Matuta appears to have been to inculcate upon mothers the principle that they ought to take care of the children of their sisters as much as of their own, and that they should not leave them to careless slaves, the contempt for whom was symbolically expressed by the infliction of a blow on the cheek of the one admitted into the temple.10

MATRIMO'NIUM. (Vid. Marriage, Roman.) MATR'ONA. (Vid. Marriage, Roman, p. 633.)

MAUSOLE'UM. (Vid. Eupus, p. 461.)

MAZ0'NOMUS (μαζονόμος, άφθ. μαζονώμος), from μάζα, a loaf or a cake: properly a dish for distributing bread; but the term is applied also to any large dish used for serving meat to table.11 (Vid. Cena, p. 274.) These dishes were made either of wood,9 of bronze, or of gold.12

MEDIA'SIUNI, the name given to slaves used for any common purpose, and are said by the scholiast upon Horace13 to be those qui in medio statu ac tempore imparati.1 The name is chiefly given to the slaves belonging to the family matricius,14 but is also applied sometimes to slaves in the city.15

"Medica (Medikōs), a plant, the Lucerne of Purple Medick (Medicago sativa). It has its name from Media, according to the ancient authorities, because it was brought from that country into Greece at the time of the Persian war under Darius. It passed into England from France and Switzerland. Some of the English botanists, according to Martyn, called it Burgundy trofoil and Medick fodder.15

"Medica Mală (Medikā malā), the fruit of the Citrus-tree, or Citrus Medica, L. Sprengel and Stackhouse think that the Orange (Citrus aurans) was also comprehended under the term. (Vid. Citrus.)"

MEDICINA (Medicina), the name of that science which, as Celsius says,16 "Sanitatem agri primita."
and whose object Hippocrates defines 1 to be “the deliring sick persons from their diseases, and the diminishing the force of sicknesses, and the not undertaking the treatment of those who are quite overcome by sickness, as we know that medicine is here of no avail.” For other definitions of the art and science of Medicine, see the ancients, see Pseudo-Galen. 2 The invention of medicine was almost universally attributed by the ancients to the gods. 3 Another source of information was the observing the means resorted to by animals when labouring under disease. Pliny 4 gives many instances in which these instinctive efforts taught mankind the use of medicinal drugs and simple surgical operations. The wild goats of Crete pointed out the use of the Dictamus and vulgarary herbs; dogs, when indisposed, sought the Trivicum repens, and the same animal taught to the Egyptians the use of purgatives, constituting the treatment called Syrmatia. The hippopotamus introduced the practice of bleeding, and it is affirmed that the employment of clusters of use about the breast and abdomen, might give some information respecting the means that had afforded them relief. Shortly afterward, these observations of cures were suspended in the temples of the gods, and we find that in Egypt the walls of their sanctuaries were covered with records of this description. The priests kept a register of the cases that were cured, and some of the tablets suspended in their temples are of a curious character, which will illustrate the custom. The following votive memorials are given by Hieron. Mercurialis: 3 “Some days back, a certain Caius, who was blind, learned from an oracle that he should repair to the temple, put up his fervent prayers, cross the sanctuary from right to left, place his hands on the altar, the eyes of the deity, and cover his eyes. He obeyed, and instantly his sight was restored, amid the acclamations of the multitude. These signs of the omnipotence of the gods were shown in the reign of Antoninus. 5 “A blind soldier named Valerius Aperes, having consulted the oracle, was informed that he should mix the blood of a horse in the water of the temple of Antoninus. Of this preparation to be applied to his eyes for three consecutive days: he received his sight, and returned public thanks to the gods.” “Julian appeared lost beyond all hope from a spitting of blood. The god ordered him to take from the altar some seeds of the pine, and to mix them with honey, of which mixture he was to eat for thirty days; he was saved, and came to thank the gods in presence of the people. “The whole science of medicine was divided into five parts, viz.: Ψυχικός, Physiology and Anatomy (vid. PHYSIOLOGY); Αττικός, Epistemology; Οπτικός, Pathology (vid. PATHOLOGY); Τυρειός, Hygiene, or the art of preserving health; Σαντηνικός, Semiology, or the art of diagnosing disease; Πειρατικός, Therapeutics, or the art of healing (vid. THERAPEUTICA). With regard to the medical literature of the ancients, “When,” says Littre, 6 “one searches into the history of medicine and the commencement of the science, the first body of doctrine that one meets with is the collection of writings known under the name of the works of Hippocrates. The science mounts up directly to that origin, and, by a singular circumstance, it had not been cultivated earlier, and had not given rise to even numerous productions, but everything that had been made before the physician of Cos has perished. We have only remaining of them scattered and unconnected works; the works of Hippocrates have alone escaped destruction; and, by a singular circumstance, they have existed in their original state as they were before them. The medical writings of the Greeks separate into two branches; one branch relates to the establishment of the school of Alexandria, and those of that school itself, are completely lost, except some quotations and passages preserved in the later writers; so that the writings of Hippocrates remain alone among the ruins of ancient medical literature.” The Asclepiades, to which we have already referred in the preceding pages, were the first school of medicine, viz., Rhazes, Caelius, and Cos. The first of these appears soon to have undergone a change, and has left no traces of its existence behind. From the second proceeded a collection of observations called Κυθηνος Τουμας, “Cynidian Sentences,” a work of much reputation in early times, which is often mentioned by Hippocrates, and which is constantly referred to by Galen. 7 The school of Cos, however, is by far the most celebrated, on account of the greater number of eminent physicians that sprang from it, and especially from having been the birthplace of the great Hippocrates. We learn from Herodotus that there were also two celebrated medical schools at Croton in Magna Graecia, and Cyrene in Africa, of which we have but very little information. The former is mentioned by Dioscorides, founded about B.C. 400 by Thessalus, the son, and Polybus, the son-in-law of Hippocrates, and hence called also the Hippocratici. These retained their influence till the rise of the Epicurei, founded by Serapion of Alexandria and Phliusinus of Cos in the third century B.C., after which time every member of the profession, during a long period, ranged himself in one of these two sects. In the first century B.C., Theophrastus founded the sect of the Methodici, who held doctrines nearly intermediate between those of the two sects already mentioned. About two centuries later, the Methodici were divided into numerous sects, as the doctrines of particular physicians became more generally known. Not that it had not been multiplied, the Pneumatic and Eclectic; the former founded by Athenæus about the middle or end of the first century A.D.; the latter about the same time, either by Agathinus of Sparta or his pupil Archigenes. The Epicureana (called also Histic) are supposed to have agreed nearly in their tenets with those of the Methodici. 8

1. (De Arte, tom. i., p. 674. 2. (De Medic., tom. i., p. 508. 3. (De Arte, tom. i., p. 58. 4. (De Arte Gyn., tom. i., p. 689.)
MEDICUS.

It only remains to mention the principal medical authors after Hippocrates whose works are still extant, referring for more particulars respecting their writings to the articles on CHIRUROGIA, DERMATICA, PATHOLOGIA, PHARMACEUTICA, PHYSIOLOGIA, SEMIOTICA, and THERAPEUTICA. Celsus is supposed to have lived in the Augustan age, and deserves to be mentioned more for the elegance of his style, and the neatness and judiciousness of his compilation, than for any original contributions to the science of Medicine. Indeed, many persons have doubted whether Celsus were really a professional man, or whether he only wrote his work "De Medicina" as a sort of rhetorical exercise. Dioscorides of Anazarba, who lived in the second century after Christ, was for many centuries the greatest authority in materia medica, and was almost as much esteemed as Galen in Medicine and Physiology. Aristotle in Philosophy, Aretas, who probably lived in the time of Nero, is an interesting and striking writer, both from the beauty of his language and from the originality of his opinions. The next in chronological order, and perhaps the most valuable, as he is certainly the most voluminous, of all the medical writers of antiquity, is Galen, who reigned supreme in all matters relating to his art till the commencement of the middle of the sixth century. Hornes Alexander Pergamus A.D. 131, came early in life to Rome, where he lived in great honour, and passed great part of his days, and died A.D. 201. After him, the only writers deserving particular notice are Orbisius of Pergamus, physician to the Emperor Julian in the fourth century after Christ; Aelius of Amida, who lived probably in the sixth century; Alexander Trallianus, who lived something later; and Paulus Egineta, who belongs to the end of the seventh century.

MEDICUS (Tarpoc), the name given by the ancients to every professor of the healing art, whether physician or surgeon, and, accordingly, both divisions of the medical profession will here be included under that term. In Greece and Asia Minor physicians seem to have been held in high esteem; for, not to mention the apotheosis of Asclepius, who was considered as the father of it, there was a law at Athens that no female or slave should practise it. Aelius mentions one of the laws of Zaleucus among the Epizephyrian Locrians, by which it was ordered that if any one, during his illness, should drink wine contrary to the orders of his physician, he should be rewarded one hundred drachms for his disobedience; and, according to Mead, there are extant several medals struck by the people of Smyrna in honour of different persons belonging to the medical profession. The following observation concerning these medals is given by Kühn:

"Ati, idque haud dubie rectius, verstosius est, non nominum in hisce nummis oblivia minime significant medicus, qui de Smyrnne sua medicinae artis cognitione bene moruerit, sed potius summis illius urbis magistratus.


vitam illustravisse, qui de actibus Atheniensium (published amongst the letters of Hippocrates) be genuine, and if Soranus can be depended on, the same honours were conferred upon that physician as had before been given to Heracles; he was voted a golden crown, publicly initiated into the Eleusinian mysteries, and maintained in the Prytanæum at the state's expense.

As there were no hospitals among the ancients, the chief places of study for medical pupils were the Ἀσκληπεῖα, or temples of Asclepius, where the votive tables furnished them with a collection of medical books. These books (the contributions of different authors) were very strict in examining into and overlooking the character and conduct of their pupils, and the famous Hippocratic oath (which, if not drawn up by Hippocrates himself, is certainly almost as ancient) requires to be inserted here, as being the most curious medical monument of antiquity. "I swear by Apollo the physician, by Asclepius, by Hygieia, and Panacea, and all the gods and goddesses, calling to witness against me the force of this oath, that I will neither impart my knowledge to a woman, nor to any one whom I know to be mykinsman, according to the best of my power and judgment, the solemn promise and the written bond which I now do make. I will honour as my parents the master who has taught me this art, and endeavour to minister to all his necessities. I will consider his children as my own brothers, and will teach them my profession, should they express a desire to follow it, according to the best of my knowledge. I will admit to my lessons, my discourses, and all my other methods of teaching, my own sons, and those of my tutor, and those who have been inscribed as pupils and have taken the medical oath; but no one else. I will preserve such a course of regimen as may be best suited to the condition of my patients, according to the best of my power and judgment, seeking to preserve the patient from anything that might prove injurious. No inducement shall ever lead me to administer poison, nor will I ever be the author of such advice: neither will I contribute to an abortion. I will maintain religiously the purity and integrity both of my conduct and of my art. I will not cut any one for the stone, but will leave that operation to those who cultivate it (ἐπιτραπέζων δ' ἀφιγένεσιν ἔμφιλα καὶ πρόφητας ἔργω). Into whatever dwellings I may go, I will enter them with the sole view of succouring the sick, abstaining from all injurious views and corruption, especially from any immodest action towards women or men, freemen or slaves. If during my attendance, or even unprofessionally in common life, I happen to hear of any circumstances which should not be revealed, I will not, on any account, tell it, even though it were to the advantage of my patient; and let me not speak of the patient on the subject a religious silence. May I, if rigidly observe this my oath, and do not break it, enjoy good success in life, and in [the practice of] my art, and obtain general esteem forever; should I transgress and become a perjurer, may the reverse be my lot." As regards the passage of the oath, given above in the original Greek (ἐπιτραπέζων δ', εἰς τοῦτο ὑμᾶς τὸν ἐπιταγμένον ἔργον μὴ ἀφιέρωσον, ἀλλ' ἄροτρον, ὅπως καὶ λεγοντος τὸν ἐπιταγμένον ἔργον μὴ ἀφιέρωσον), it is not preferable. With regard to the oath itself, it is generally considered to be spurious; but M. Litré, the editor of the new Paris edition of Hippocrates, believes it to be genuine. For a copious and learned explanation of every clause of the oath, see W. C. W. Belcham's edition, Gr. and Lat., Lugd. Bat., 4to, 1654.

Some idea of the income of a physician in those times may be formed from the fact mentioned by Herodotus, that the Ἐγρινατος (after the year B.C. 532) paid Democedes from the public treasury one talent per annum for his services, i.e., (if we reckon, with Hussey, the Ἐγρινατος drachma to be worth

1. Compare Plut., H. N., viii., 37--3. (Vid. C. Aegypt. Histor. Loewen, Scriptor. Hist. Gr., t. ii. 260. (V. C. Viitriol. Hist. Gr., t. iii., 265.)) thought the writer has translated it thus, both here and also in page 241, he does not feel at all sure that the other construction, viz., making πρόφητας ἔργων depend on ἐπιτραπέζων, is not preferable. With regard to the oath itself, it is generally considered to be spurious; but M. Litré, the editor of the new Paris edition of Hippocrates, believes it to be genuine. For a copious and learned explanation of every clause of the oath, see W. C. W. Belcham's edition, Gr. and Lat., Lugd. Bat., 4to, 1654.
MEDICUS.

12. 1 d.), not quite 3444; he afterward received from the Athenians one hundred minae, i.e. (reckoning, with Hussey, the Attic drachma to be worth 9 (d.), rather more than 406l.; and he was finally attracted to Samos by being offered by Polycrates a salary of 6 maxae, or 500 talents of silver, if he might have made it) 497l. 10s. It should, however, be added, that Vahlenkamer doubts the accuracy of this statement of Herodotus with respect to the Athenians and Athenians (and apparently with reason), on the ground that the latter people, at the time of their greatest wealth, only allowed their ambassadors two minae a day, 74l. 6s. 4d. per day, i.e. less than thirty pounds per annum. A physician, called by Flinby both Erasistratus and Clesombrtus, is said by him to have received one hundred talents for curing King Antiochus, which (if we suppose the Attic talents of the standard of Alexander's coinage to be meant, which, according to Hussey, was worth 343l. 18s.) would amount to 34,376l. If, however, the Alexandrian standard, which is found in the coins of the Ptolemies, be meant, it would amount (reckoning the drachma as 1s. 3(d.) to 39,375l.; an almost incredible sum. It seems to have been not uncommon among the Greeks in those times (as afterward in the later Roman Empire: see Archiater) for states to maintain physicians, who were paid for their services, and who, in some cases, had attendants, for the most part slaves, who exercised their calling among people of low condition.

The Romans derived their knowledge of medicine at first from the Etruscans and afterward from the Greeks. In the most ancient times the haruspices practised medicine in connexion with the augurs, and, in the opinion of Sprengel, who regarded the ancient Roman legends as historical facts, it was probably some of these that Amulius sent to Rhea Silvia, when she was pregnant, to examine the nature of her mysterious disease. One of the most ancient customs at Rome, in order to ward off epidemic diseases, and to appease the anger of the gods, was the interring the books bought by Tarchuin the Sybil. In the earlier times of the Roman Republic, physicians are said by Flinby to have been unknown, and for some time afterward the exercise of the profession was in a great measure confined to persons of servile rank; for the richer families, having slaves who were skilled in all sorts of minor matters, certainly possessed that stock of knowledge that understood medicine and surgery.

To this practice, however, there were many exceptions: e.g., the physician who was taken prisoner with Julius Caesar by the pirates at the island of Pharmaeus, and who is called his friend by Plutarch; Archagathus, who, being the first foreign surgeon that settled at Rome, had a shop bought for him at the public expense, and was presented with the jus Quiritium B.C. 219; Aristorius, who is known to have been a physician, and who is called the friend of Augustus; Asclapio, whom Cicero calls his friend; Asclepiades, the friend of Crassus the orator; Eudemos, who is called by Tactitus the friend and physician of Livy; and others. The hatred borne by Cato the censor against the Greek physicians, as well as the Greek philosophers at Rome, is well known, but it is not true that he caused them to be expelled from Rome.1 With respect to the income made by eminent physicians in the early times of Rome, the writer is not aware of any data for ascertaining it; but at the beginning of the Empire, Celsus, in his De Medicina, line 12724, speaks of the income which the physician Atticus, Cassius, and Rubrius gained 250,000 sesterces per annum, i.e. (reckoning, with Hussey, the mille nummi (esterrtum) to be worth, after the reign of Augustus, 7s. 6d.), 1933. 2a. 6d.; that Quintus Curtius made it a favour that he was content to receive from the emperor 500,000 sesterces per annum (or 600,000 sesterces (or 688l. 10s.) by his private practice; and that he and his brother, who received the same annual income from the Emperor Claudius, left between them at their death, notwithstanding large sums that they had spent in beautifying the city of Naples, the sum of thirty millions of sesterces 295,000,000.

Of the previous medical education necessary to qualify a physician at Rome for the legal practice of his profession in the early times, we know nothing; afterward, however, this was under the supervision of the archiater. (Vid. Archiater.)

Two other medical titles that we meet with under the emperors were Iatrosophist (see the word) and Iatrosophistae. When Ambrose afterward had been a physician at the court of Constantinople, given apparently only to physicians, and quite distinct from the use of the word found in the earlier Latin authors.3 Besides Joannes the son of Zacharias, who is better known by his title of Actarius than by his real name, several other physicians are recorded as having arrived at this dignity.

MEDIMNUS (μέδιμνος or μέδομας στρογγ.); the principal dry measure of the Greeks. It was used especially for measuring corn. It had different sizes in the different states of Greece. The Attic medimnus was equal to six Roman modii. (Nepos, Vit, Att., c. 2.—Cic., in Veri., II., iii., 45, 46, where Cicero explains 50,000 modii by 200,000 modii, and 35,000 modii by 216,000 modii.—Siduas, v.—Rheum. Fann, v., 64.

"Hujus dimidium fert arma, ut et ipsa medimus Amphora, terque copit modum."

Suidas makes the medimnus =108 litres, confounding it apparently with the metretes. The medimnus contained 11 gallons. 7¼ pints English. It was divided into the following parts:

MELANTHION \((\text{Melanthion})\), according to Sprengel, the \textit{Nigrella sativa}, or Pepper-wort. The seed of the \textit{Mellanthus} was called \textit{Gith}. Pliny mentions its various uses in medicine.\(^2\)

\*\* MELANURUS \((\text{Melanurus})\), a species of Fish, the \textit{Sparsus Melanurus}, called in Italian \textit{schiana}, in French \textit{oblade}. It is the \textit{Oblada} of Cuvier. It is a silvery fish, striped with blackish, and having a broad black spot on each side of the tail, from which the \textit{Schiana} (the Greek name (which means black tail)) is derived.\(^3\)

**MELIA \((\text{Melia})\).** This term, used by itself, may, according to Adams, be supposed generally to apply to the \textit{Pyrus malus}, or Crab Apple. The \textit{Melia} of Theocritus, he thinks, may be presumed to be the same.\(^4\)

**MELAPARRUS \((\text{Melaparrus})\), the Guinea-fowl or Python, named \textit{Melaphorus} of Linnaeus. It was a bird well known to the ancients, and not uncommon, we may suppose, in the time of Pausanias, who says it was an offering in the mysteries of Isis, of persons in a moderate condition of life. The Greeks expressed the screaming of this bird by \textit{kypakcev}. The description given by Citius, the disciple of Aristotle, as referred to by Athenaeus, was properly applied to the Guinea-fowl by Paulus the discovery of Cassuban and Sealliger. Varro and Pliny confound the \textit{Meleagris} with the \textit{Gallina Aferina}, but Columella distinguishes them from one another. The difference, however, is by no means striking, and indicates merely a variety in the species. Care must be taken not to confound the Turkey with the \textit{Meleagris}, as the former bird was not known in Europe before the discovery of America. \(^5\)

**MELIA \((\text{Melia})\).** (\textit{Vid. Harta}, p. \textit{488}).

**MELIA \((\text{Melia})\), a species of Ash, most probably, according to Sibthorp and others, the \textit{Fraxinus orn}. The \textit{bomelia} of Theophrastus was the \textit{Fraxinus exelior}, as Stackhouse and Schneider have stated.\(^6\)

**MELIA TERRA \((\text{Melica ssp})\), Melian Earth, so called from the island of Melos, where it was obtained. “The Melian earth of the ancients,” says Sir John Hill, “was a fine white marl, of a loose, crumbling texture, and easily soluble in water and other fluids. Some had imagined it to have been of other colours; but that it was really white we have the unquestionable authority of Pliny. The discovery of this error is no more than the confounding of \textit{Meles} with \textit{Melano}, which last comes from the same root, and has no connexion whatever with the former.”\(^7\)

**MELILOTOS \((\text{Melilotus})\), a species of plant, the Melilot, or \textit{Melilotus officinalis}, according to Sprengel. Stackhouse calls it the \textit{Trifolium officinale}, which is only another name for the same plant.\(^8\)

**MELIMELA \((\text{Melimela})\).** Diophanes, a writer mentioned in the \textit{Geoponica}, makes these to have been originally used among the Greeks. They are called \textit{Mela muscaria} by Varro.\(^9\)

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\(^1\) (\textit{Diocres}, v., \textit{179}.—Paul. \textit{Epin.}, viii. 3.—\textit{Adams, Append.}, v. 4.).

\(^2\) (\textit{Diocres}, iii. 10. 11.—\textit{Olymphis}, Plin. H. N. xxv. 17.)

\(^3\) (\textit{Diocres}, v., \textit{149}.—\textit{Paul. Epin.}, viii. 3.)

\(^4\) (\textit{Diocres}, v., \textit{116}.—\textit{Paul. Epin.}, viii. 3.)

\(^5\) (\textit{Diocres}, v., \textit{139}.—\textit{Paul. Epin.}, viii. 3.)

\(^6\) (\textit{Diocres}, v., \textit{149}.—\textit{Paul. Epin.}, viii. 3.)

\(^7\) (\textit{Diocres}, v., \textit{149}.—\textit{Paul. Epin.}, viii. 3.)

\(^8\) (\textit{Diocres}, v., \textit{149}.—\textit{Paul. Epin.}, viii. 3.)

\(^9\) (\textit{Diocres}, v., \textit{149}.—\textit{Paul. Epin.}, viii. 3.)
MENSA.

"MELINE (mélíṇe), the Panticum millaceum, or Millet."

"MELIS, the Badger, or Ursus males. Galen has been supposed to allude to it, as being an animal useful for ἄρτον καὶ σῶμα."

"MELISSA (mélíssα or -rra), the Bee. (Vid. ATR.)"

"MELISSOPHULLON (mélíssopoullion), a plant, so called because the bees are fond of its leaves, as Dioscorides informs us. It has stalks and leaves, according to the same authority, like black horsetail, the leaves, however, being broader and not so rough, and smelling like citron. This description, Magyns thinks, agrees very well with the Melissa or Beaum, a common herb in English gardens. Varro informs us that the Latin name for this plant was apiastrum; Columella, however, speaks of apiastrum and melissophillum (or meliphyllum) as two different herbae."

"MELOLONTHE (μελολόνθη), a species of Beech, most probably the Scarrabus melolonthi, or Cockchafer."

"MELOPEPON (μελόπεπον). The great difficulty in determining what the melopepones were, arises from the circumstance of the ancient authors who treated of the summer fruits frequently interchanging the names of which they were designing. "Even Ludovico Nonnus," observes Adams, "who has bestowed so much pains in illustrating the Res Cibarum of the ancients, admits himself much at a loss in deciding what the melopepones were, but, upon the whole, inclines to think that they were a peculiar kind of melons. Schneider, in like manner, supposes the melopepones to be referable to the Cucumis melo, L. At all events, it is certain that the ψαλίττων of the Greeks is the melo of Palladius. The term melopepon is now applied to the Squash, a fruit used for food both in the East and in America. May not thus have been the melanepontes of Pliny?"

"MEMACYNON (μεμάκυνον), the fruit of the Vld Strawberry-tree. (Vid. ARBUTUS.)"

"MEMBRANA. (Vid. LIRER.)"

"MENANTHUS (μενανθος). The Bog Bean, an aquatic plant. "This," observes Adams, "is clearly the πρωτόλινθον of the Geoponica. From the union of these two terms the Bog-bean derives its scientific title. The learned authorities erroneously take it for the λιόντων of Dioscorides. It may be supposed that it is the μυρινδής of Nicander, but Sævngel contends that the latter is the Psoralea bituminosa, L., on what authority, however, I cannot discover."

"MENELAIA (μενελαία), a festival celebrated at Therapnae, in Lacedaemonia, in honour of Menelaus and Helen, who were believed to be buried there. Menelaus was to the Lacedaemonians what Nestor was to the Messenians, a model of a wise and just king, and hence they raised him to the rank of one of the great gods, and honoured him and Helen with annual and solemn sacrifices at Therapnae, which continued to be offered in the days of Zozora. These solemnities are sometimes called Εἰμ.νία."

MENSA (τρίτσεια), a Table. The simplest kind of table was one with three legs, round, called cili-

kind, must have denoted one which indicated a higher degree of luxury and refinement, since it implied some priority in the manner of sitting at tables. It is shown in the drinking-scene painted on the walls of a wine-shop at Pompeii. (See woodcut) The term ὑπαργίας, though commonly used in Greece for a table of any

called by a distinct name, ἐπὶ θώμα, it appears that it was very frequently made separate from the tripod or other stand (ἐπὶ θώμα) on which it was fixed. Among the Greeks the tables were not covered with cloths at meals, but were cleaned by the use of wet sponges7 or of fragrant herbs.8

Under the influence of the ideas of hospitality, which have prevailed universally in the primitive states of society, the table was considered sacred.9 Small statues of the gods were placed upon it.10 On this account Hercules was worshipped under the title τραπεζίς and ἐπὶ τραπέζως. The Cretans ate in public; and in the upper part of their ἄπλωσις, or public dining-room, there was a constant table set apart for strangers, and another sacred to Jupiter, called τραπέζα ζεύς, or Δίος ζεύς.11 The two principal courses of a δείπνον and σελινα, or a Greek and Roman dinner, were called respectively πρῶτα τραπεζα, δεύτερα τραπεζα, and mensa prima, mensa secunda. (Vid. SENA, DIPNOS.)

A stone table, supported by four other stones, was sometimes used, as it is in modern times, to cover a grave.12 (Vid. FURUS, p. 457.)

MENSIARII, MENSULAARII, or NUMULAARII, were a kind of public bankers at Rome who were appointed by the state; they were distinct from the argentarii, who were common bankers, and did business on their own account.5 The mensarii had their banks (mensae), like ordinary bankers, in the Forum, or in the name of the errarium they offered ready money to debtors who could give security to the state for it. Such an expediency was devised by the state only in times of great distress. The first time that mensarii (quinquenarii mensarii) were appointed was in 352 B.C., at the time when the plebeians were so deeply involved in debt that they were obliged to borrow money from new creditors in the Forum, and to give up their property to them. (Vid. SENA, DIPNOS.)

On this occasion they were also authorized to ordain that cattle or land should be received as payment at a fair valuation. Such bankers were appointed at Rome at various times, and whenever debts weighed heavily upon the people, but, with the exception of the first time, they appeared to be ordinary commercial institutions founded upon the same principle as those of the Athenians, but which had been trinomi mensarii.10 One class of mensarii, however (perhaps an inferior order), the mensularii or numularii, seem to have been permanently employed by the state, and these must be meant when we read, that not only the errarium, but also private individuals, deposited in their hands sums of money which they had to dispose of.11 As Rome must have often been visited by great numbers of strangers, these public bankers had also, for a certain period, to exchange foreign money and give Roman coinage instead, and also to examine all kinds of coins, whether they were of the proper metal, and genuine or not.12 During the time of the Empire, such permanent mensarii were appointed under the control of the prefect of urb., and formed a distinct class of men.13

Bankers appointed by the state also existed in other ancient towns, and Cicero14 mentions mensarii at Temnos, in Asia Minor, who were appointed by the people.

MENSIARII, a Month. The division of the year into twelve lunar months must have been known to the Greeks from very early times, for in the

Homeric poems the lunar months appear quite familiar to the heroes. The day of the new moon, or the first day of every month (μοναδική), was sacred to Apollo.1 The month itself, however, does not seem to have been subdivided into any other periods than those of the increase and decrease of the moon (τοίς μήνιν ουνυοίς, τοίς δ’ ουνυοίς). In the time of Hesiod the lunar month was reckoned as containing 30 days, although it must have been known to have contained in reality less than 30 days. (Vid. CALENDAR, p. 190.) The discrepancy between the lunar and solar year rendered it necessary every year to intercalate a thirteenth month (μήνιν ουνυόν), which, however, is not mentioned either in Homer or Hesiod, and the time of its introduction is unknown.4 This necessarily produced confusion, in the number of days of a year, to avoid which Solon established the rule at Athens that the months of 30 and 29 days should alternate with each other, and called the thirtieth day (τριμήναι) of a month by αἰς, as such a day only belonged to the month which was ending, and partly to the new month.5 Thus arose a regular lunar year of 354 days, and, in order to make this agree with the solar year, a month was intercalated every third year (τριμήναι). Respecting the names of the Attic months and their division into decades, see CALENDAR and Clinton.6 The Hecatonthemons, or first month of the Attic year, coincides very nearly with our June.7 While in Attica the 12 lunar months were established for religious purposes, the various kinds of business of ordinary life were here, as in other parts of Greece, regulated according to various other phenomena, such as the rising and setting of certain stars,8 the arrival and departure of the birds of passage,9 and the like.

Of the various means that existed for determining the time of the new moon and the lunar year, the Romans, and hence the states derived from those of the Athenians not only in their names, but also in the time of their commencement,14 and it was only in very few instances that the beginning of the months in another Greek state completely coincided with the Attic months. This is the more surprising as they were all lunar months, and should, consequently, have all commenced on the first day of the solstitial months, and in different months of the solstitial months, and in different modes of intercalation to make the lunar year agree with the solar one, so that the difference was not very great. In all parts of Greece, however, the division of a month into decades, and the mode of stating the day of a month, were the same as those customary in Attica.

Among the Spartan months we only know the names of five, viz., Gerastos, Artemisios, Phrygios, Hecatonthemons, and Carneus. The last of these answered to the Attic Metageitnion,18 and the Artemisios to the Attic Elaphellion.17 The others are uncertain. That the Spartan months in their commencement differed by two days from the Attic ones, is clear from Thucydides.16

The chronology of the Boeotians seems to have been very irregular in early times, and the time of the commencement of their months differed from that of the Attic months; but in 371 B.C. their months appear to have perfectly coincided with those of Attica.19 The first month of the Boeotian year was called Bucatius, and coincided with the

MENSO'RES, Methodici.

Att: Gamelion. Besides this first month, the names of six others are known, viz., Hermaeus (Attic Antheaterus), Proterarius (Attic Elaphelobion), Hippodromius (Attic Hecatombaion), Panemus (Attic Metageteion), Alacomenius (Attic Meumaceterion), and Damatius (Attic Pyaneosion). Among the months of the Eleans only the name of one is known with certainty, viz., the Elaphius, which is described as the month in which the vernal equinox took place. But there are two other names, Parthenius and Apolloius, which are likewise believed to be the names of Elean months.

The first of the Delphian months seems to have been the Byesus, which coincided with the Attic Munchexion. It fell at the time of the vernal equinox, and in it the Pythian games were celebrated. Besides this, the names of eight others are known, viz., Theoxeniou, Ileus, Domus, Symelius, Thleu- tius, Bucatius, Heraclius (Attic Thargelion), and Dionysius.

Of the months of the Ceryreans only three are known, viz., Machaneus, Armanitius, Ther- moleus, Droma, &c.

The Sicilian months were Carneius (Attic Metage- tion), Panemos, &c. The Cyprian months are all known, but most of their names seem to belong to the time of the Roman Empire. They are, Eumeus, Janius (anciently Januarius), Cebastus, Autocratorius, Demarcheasius, Plathyatus, Archiereus, Heshtiius, and Romeus.

The Macedonian names, like the Greeks, divided their year into 12 lunar months, and their names and order of succession may be gathered from Josephus and Suidas. Their year began in the autumn, and the months were numbered, as in our calendar, in this order till our November. The names and the order of their months were as follow: Dius, Apelleius, Au- duneus, Peritius, Dystrus, Xanthicus, Artemisius, Dassius, Panemus, Los, Goripnus, and Hyperber- teus. The Macedonian months, after the time of Alexander, were adopted by the Syro-Macedonian cities, and by the Greek cities of Asia generally, and were summed up until the reformation of the Roman calendar by J. Caesar, after which time all the Greeks, both in Europe and in Asia, gradually began to adopt the new Roman calendar, though the ancient names of their months, as well as the ancient time of the commencement of their year, remained in most cases as they had been before. For the account of the Roman months, see Calendar, Roman.

MENSO'RES, Messurers or Surveyors. This name was applied to various classes of persons whose occupation was the measurement of things.

1. It was applied to land-surveyors, who measured and defined the extent of fields, and appear to have been known as the agrimensorae and agrimensores. (Compare Agrimensores.)

2. To persons who measured in the Roman camps the space to be occupied by the tents. They must be distinguished from the metatores, who selected the place for a camp.

3. To a class of officers during the time of the Empire who provided quarters for the soldiers in the towns through which they passed and where they made a temporary stay. They not only assigned to each soldier the house in which he was to be quartered, but also wrote the name of the occupant upon the doorpost, and who effaced or destroyed this name was punished as a fals us.

4. Menso sedericorum is sometimes applied to architects, or more especially to such architects as conducted the erection of public buildings, the plans of which had been drawn up by other architects.

5. Mensores frumentarii was the name of officers who had to measure the corn which was consigned to the treasury for public granaries, and who were employed under the prefectus annonae. Their name is mentioned in various ancient inscriptions.

MENUSIS (μενοςις). (Vid. Ecclesia.)

MERCEDONIUS or MERCIDYT'. (Vid. Cale-endar, Roman, p. 194.)

MEXENDA. (Vid. Cenc., p. 275.)

MEXINES, MEXIES, MEXAIUS, MEXSOES, &c. (p. 476.)

*MEROPS (μερόπ), a species of Bird, the Merops apistern, or Bee-eater. "It is rarely met with in England," says Adams, "but is common in the south of Europe, and hence its frequent mention in the classics." (Vid. Cal. Cens. &c.)

*MESP'ILE (μεσπ'ιλ), or MESP'ILUS (μεσπ'ιλος) the Medlar-tree, (Hippodromius, Mespilus /eunacte/ios, Smith. The two species of Medlar described by Dioscorides, and subsequent writers on the Materia Medica, are referred by Sprengel to the Mespilus azaroides, Smith (Azarola, or Neapolitan Medlar), and the M. germanica (common Medlar)."

METE. (Vid. Circus, p. 253.)

METAGEIT'NIA, a festival celebrated by the Attic demos Melite, in honour of Apollo Metage- niun. The chief solemnities consisted in offering sacrifices, and the festival was believed to commemorate the emigration (γενναίας πρὸς κέραν) of the inhabitants of Melite to Dionis.

METHODO'CI (Μεθοδοκοι), an ancient medical sect, whose history begins with Themison, a pupil of Asklepius, who lived in the first century B.C., and who is said to have received his instruction from his master in many respects, condemned his errors, contributed much to rectify his principles, and introduced a greater precision into his system. He was the first who chose the middle way between the tenets of the Dogmatici and Empirici, the traces of which he believed he discovered in the sect of the Hermolampetici. He was thus summed up by Celsus:"They assert that the knowledge of no cause whatever bears the least relation to the method of cure; and that it is insufficient to observe some general symptoms of distressers; and that there are three kinds of diseases, one bound, another loose (the word in the original is fluxus, which in flux, it must be restrained; if the distemper be complicated, then the most urgent malady must be first opposed. And that one kind of treatment is required in acute, an-

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1. (Plut. Epit., x., 28, 29.)
2. (Plut. Epit., x., 28, 29.)
3. (Plut. Epit., x., 29.)
4. (Plut. Epit., x., 29.)
other in inveterate distempers; another when diseases are increasing, another when at a stand, and another when inclining to health. That the observation of these things constitutes the art of medicine, which they define as a certain way of proceeding, which the Greeks call method (Méthodos), and affirm it to be employed in considering those things that are common to the same distempers: nor are they willing to have themselves classed either with the rationalists (i.e., the Dogmatici) or with those who regard only experiences (i.e., the Empirici); for they dissent from the first sect in that they will not allow medicine to consist in forming conjectures about the occult things; and also from the other in this, that they hold the observation of experiments to be a very small part of the art. (Futvroy's translation.)

As the seeking after the causes of diseases seemed to him to rest on too uncertain a foundation, for this reason he wished to establish his system upon the analogies and indications common to many diseases (kóntrología), without reflecting that these analogies are often as occult, and even oftener, than all the causes of the Dogmatici. However, this idea of the common analogies of the morbid state had the great advantage of contributing afterward to the perfection of the science of Semiology. If, says Sprengel, Thomson had chosen for his basis analogical indications, he would have been able to recover the morbid states, instead of simple maladies of the solid parts, of which he only admitted a very small number, the system of the Methodici would have been the best of all; but, deceived by the Copernican Philosophy of his master Asclepiades, he would not admit any other common symptoms than those given by the Pythagoreans and the Læcæn, the being confused and relaxed, and the motion of the heart. Thus he was compelled to contradict himself, and commit the more errors the more he tried to escape by the méthodes the tenets both of the Empirici and Dogmatici. Thomson appears to have written several works, which are now lost, but of which the titles are preserved by Cælius Aurelianus. His followers were very numerous, but the only following only deserve notice here: Scorani, the author of several works, of which two only are still extant, Peri Æmiou συγγραμμάτων, "De Signis Fracturantum," and Peri Μετώπως καὶ Ταυνακίων Αδιόνων, "De Utero et Pudendo Mellebri," Cælius Aurelianus, the principal writer of this sect, whose work "De Morbis Acutis et Chronicis" is one of the most valuable of all works on Morbid states. Among the Institutions of the work by the Ταυνακίων Παθὼν, "De Mللullien Passionibus," Theasalus of Tralles, of whom nothing remains, but who was, in a manner, the second founder of the sect, and who (if we may trust Galen, who always mentions him with the greatest contempt) conferred no honour on the medical profession either by his talents or his character.

METOIKOI (Μέτοικοι) is the name by which, at Athens and in other Greek states, the resident aliens were designated, and these must be distinguished from such strangers as made only a transitory stay in a place, for Harpocratio expressively mentions as a characteristic of a μέτοικος that he resided permanently in the place. No city of Greece, perhaps, had such a number of resident aliens as Athens, who, in order to secure some great advantages and conveniences, or a more agreeable mode of living. In the census instituted by Demetrius Phalereus (309 B.C.), the number of resident aliens at Athens was 10,000, in which number women and children were probably not included. These aliens were persons from all parts of Greece, as well as from barbarous countries, such as Lydians, Phrygians, and Syrians, or Attic freedmen (vid. LIBERTI, GREECE), and these people had chosen Athens as their adoptive country. It was an accession of its resources for a nation, and instruction, on account of the facilities it afforded for carrying on mercantile business. The latter class of persons seems to have been by far the most numerous. The jealousy with which the citizens of the ancient Greek republics kept their body clear of intruders is also manifest in their regulations concerning aliens. However long they might have resided in Athens, they were always looked upon as strangers, whence they are sometimes called ἐξοριοί: and to remind them of their position, they had on some occasions to perform certain degrading services to the Athenian citizens. The services (vid. HYDRIA-PHORIA) were, however, in all probability, not intended to hurt the feelings of the aliens, but were simply acts symbolical of their relation to the citizens. Aliens were not allowed to acquire landed property in the state they had chosen for their residence, and were, consequently, obliged to live in hired houses or apartments, and hence the letting of houses was a subject of much speculation and profit at Athens. As the aliens did not constitute a part of the state, and were yet in constant intercourse and commerce with its members, every alien was obliged to become a resident and pay the tax (Me6oSo[), who was not only the mediator between them and the state, through whom alone they could transact any legal business, whether private or public, but, at the same time, answerable (ἐγγυεται) to the state for the conduct of his client. On the other hand, however, the state allowed the aliens to carry on all kinds of industry and commerce under the protection of the laws of the state of Athens, nearly all business was in the hands of aliens, and the state lived on the account lived for the most part in the Piraeus.

Each family of aliens, whether they availed themselves of the privilege of carrying on any mercantile business or not, had to pay an annual tax (περικόλοι or ζημινάριον) of twelve drachmas, or, if the head of the family was a widow, of only six drachmas. If aliens did not pay this tax, if they assumed the right of citizens, and probably, also, if they refused to select a patron, they not only forfeited the protection of the state, but were sold as slaves. (Vid. ΑΟΡΣΤΑΤΙΟΝ ΠΑΡΑΘ). In some cases, however, though they are of rare occurrence, aliens, without having the insolency, might become exempt from the περικόλοι (άρεξ στοιχεον) as well as from other obligations; Extraordinary taxes (ἐλεοφόλας and λετοφόλας) were exacted upon aliens no less than upon citizens, though there must have been a difference between the liturgies performed by citizens and those performed by aliens. In what this difference consisted is nowhere expressly mentioned, but we have reason to believe that, with the exception of the triarchy and gymnasia, the liturgies might devolve upon aliens, though perhaps only on some occasions, as the choregia at the festival of the Lenaea. The extraordinary taxes (ἐλεοφόλας) which aliens had to pay, seem also, in some degree, to have differed from those paid by citizens; and it is clear from Demosthenes that they were taxed higher than citizens of the same census. The aliens were also obliged to take care of the ordinary guards in their own parts of Athens.


2. (De Morb. Chron., i, 1, p. 856; i, 1, p. 183; ii, 7, p. 307, &c.—3. (s. v.)—4. (Ath. Hen., vi, p. 372.)
the fleet, both abroad and at home, for the defence of the city. 1 Respecting these μέτροι which had obtained the ἱστολεία, see CYTAS, p. 259. The heirs of a μέτροι who died in Attica were under the jurisdiction of the polemarch. 2

The preceding account of the condition of the aliens at Athens will apply, with very few modifications, to most other parts of Greece. 3

METRETES (μέτρετης), the principal Greek liquid measure. The Attic metretes was equal in capacity to the amphora, containing 8 gallons. 7.365 pints English. (Vid. AMPHORA.) It was divided into

1 ¼ varia, each = \[ \text{Gill} \quad \text{Fl.} \]
12 = \[ \text{Pint} \quad \text{Fl.} \]
48 = \[ \text{Quart} \quad \text{Fl.} \]
72 = \[ \text{Gallon} \quad \text{Fl.} \]
144 = \[ \text{Kophal} \quad \text{Fl.} \]

(Vid. CHXIS, CHNEX, XESTE, CYTILA.) The smaller liquid measures were of very variable sizes; their names were μέτρον (vid. ΜΥΣΘΕΝ), δόξα (vid. ΟΥΡΑΝΗ), κίνας (vid. ΩΝΑΘΗΣ), κάλυβα (vid. ΜΙΧΗΣ), κολύμπια (vid. ΚΟΛΥΜΠΙΑ). In other places the metretes had a different size. Galen 4 says that the Syrian metretes contained 120 σέκται. The Macedonian metretes is inferred to have been much smaller than the Attic, from the circumstance mentioned by Aristotle 5 of an elephant's drinking 14 of them at once.

METRONEOMI (μετρονομείς) were officers at Athens belonging to that part of the city which was named after the upper police-officers. They were, like all officers of this kind, appointed by lot. Their number is stated differently: some say that there were fifteen (ten for the Piraeus and five for the city); some say twenty-four (fifteen for the Piraeus and nine for the city); and others state that there were only ten men for the Piraeus and five for the city. 6 Böckh 7 would alter all these passages of the grammarians so as to make them say that the whole number of metronomi was fifteen, and that ten were for the city and five for the Piraeus, because the sitophylaces were distributed in the same manner. But there does not appear sufficient ground for such an emendation and, it seems, at any rate, probable that the number of these officials was not so fixed. The grammarians state, was necessarily greater in the port-town than in the city, for there must have been more business for them in the Piraeus than at Athens, which was not the case with the sitophylaces. The duties of the metronomi were to watch that the weights and measures used by tradesmen and merchants had the same size and weight prescribed by the laws, and either to punish offenders or to receive complaints against them, for the real nature of the jurisdiction of the metronomi is not known. 8

METROPOLIS. (Vid. COLONIA, p. 284.)

MEUM (μυὸς), a plant, the MEUM ATHAMANICUM, or the Wild Spikenard; English, Spiguel, Men, or Bald-money. Moses Chassar says of it, "Meum or Spiguel is called Athamantic from the mountain Athanas in Thessaly, where it grows plentifully. The leaves are small, and like those of anise."

*MILAX (μίλαξ), a plant, the Bindweed, of which several kinds are mentioned by the ancient writers.


*The more common form of the name is Milax which see.

MILLIARE, MILLIARUM, or MILLE PAS- SUUM (μιλλα-τος), the Roman mile, consisted of 1000 paces (passus) of 5 feet each, and was, therefore, 1500 feet. Taking the Roman foot at 11 6496 English inches (vid. Ps.), the Roman mile would be 1618 English yards, or 442 yards less than the English. But the mile was not reckoned from, in which the foot is taken at 11 62 inches, the mile would be a little more than 1614 yards. The number of Roman miles in a degree of a large circle of the earth is a very little more than 75. The most common term for the mile is mille passuum, or only the initials M. F.; sometimes the word passuum is omitted. 1 The Roman mile contained 8 Greek stad. 2

The mile-stones along the Roman roads were called milliaria. They were also called lapides; thus we have ad tertium lapidem (or without the word lapidem) for three miles from Rome. Augustus erected a gilt pillar in the Forum, where the principal roads terminated, which was called millium. The mile-stones were not reckoned from, but from the gates of the city. Such central marks appear to have been common in the principal cities of the Roman Empire. The "London stone" in Cannon-street is supposed to have marked the centre of the Roman roads in Britain. 3

MELOS (μῆλος), the Tasse baccata, or Yew-tree. "Nicander," says Adams, "gives a very accurate account of its effects as a poison." 4

*MELOIS (μῆλος), the Ruddle of Kirwan and Alikin, and RED CHALK of Jameson and Philips. It is the Rubrica of the Latins, and not the Minium, as has been supposed. Theophrastus describes two kinds, the αἵτωματος or native, and the τερακι, or factitious; this last is formed from yellow-ochre by burning. The ruddle was used extensively in ancient times for painting ships, and hence Homer calls them μιλτοφάρδας. 5

MIMUS (μίμος) is the name by which, in Greece and at Rome, a species of the drama was designated, though the Roman mimus differed essentially from the Greek μιμος. The mimus seems to have originated among the Greeks of Sicily and southern Italy, and to have consisted originally of extempore representations or imitations of ridiculous occurrences of common life at certain festivals, like the Spartan deicilepsi. At a later period these rude representations acquired a more artistic form, which was supposed to reflect the character of the beholder. The mimus was used extensively in ancient times for painting ships, and hence Homer calls them μιλτοφάρδας. 6

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Among the Romans, the word mimus was applied to a species of dramatic plays as well as to the persons who acted in them. It is certain that the Romans did not derive their mimus from the Greeks in southern Italy, but that it was originally a Latin form. The Greek mimus were written in prose, and the name μιμος was never applied to an actor, but if
used of a person, it signified one who made graces. The Roman mines were imitations of foolish and indecent occurrences, and scarcely differed from comedy except in consisting more of gestures and mimicry than of spoken dialogue, which was not the case in the Greek mines. The dialogue was, indeed, not excluded from the Roman mines, but was only interspersed in various parts of the representation, while the mimic acting continued along with it, and uninterruptedly from the beginning to the end of a piece. At Rome such mines seem originally to have been exhibited at funerals, where one or more persons (mimi) represented in a burlesque manner the life of the deceased. If there were several mimi, one of them, or their leader, was called archimimus. During the latter part of the Republic such farces were also represented in theatres; but it appears that they did not attain any high degree of perfection before the time of Caesar, and it is not until then that writers of mines are mentioned: Cn. Matius, Decius Laberius, and Publ. Syrus were the most distinguished among them. These coarse and indecent performances, of which Sulla was very fond, had greater charms for the Romans than the regular drama; hence they were not only performed on the stage, but even at parades in the houses of patricians. The Romans still performed as farces after tragedies, and during the Empire they gradually supplanted the place of the Atellan farces. The exact time, however, when the Atellane yielded to the mines, is uncertain. It was peculiar to the actors in these mines neither to wear masks, nor the cothurnus, nor the sacos, whereby they are sometimes called planipieds. As the mines contained scenes taken from common life, such as exhibited its most striking features, their authors are sometimes called biologi or ethologi, and the works themselves were distinguished for their richness in moral sentences. That distinguished and living persons were sometimes exposed to ridicule in these mines, is clear from J. Capitolinus.

MINA. (Vid. Talentum.)

MINTUM. (Vid. CinnaBari.)

MINOR. (Vid. Curator, Infans.)

MINTHOS or MINTHE (μινθός, μίνθη), Garden Mint, or Mentha sativa. (Diem.)

MIRMI/NOES. (Vid. Gladiatori, p. 476.)

MISSIO was the technical term used by the Romans to denote the discharge of soldiers from the army, or the time during which they enjoyed the advantages of soldiers. Thus, an ignominious discharge of some of the soldiers from the army was described as missio ignominiosa, or misio gratiosa. Persons who had obtained such a discharge were termed ex favore or missio gratiosa. Persons who had obtained it, if it was discovered, were called upon by the censor to re-enter the army. The same must have been the case with persons who had obtained the missio causaria, and who, after their return home, had recovered from their illness, and had not yet attained the age at which they were altogether exempt from armies.

The missio ignominiosa or cum ignominia was inflicted as a punishment not only upon individuals, but upon whole divisions, and even whole legions of an army, and it might be applied to the highest officers no less than to common soldiers. In dismissing soldiers for bad conduct, it was generally expressed that they were sent away cum ignominia, but sometimes the ignominia was not expressly mentioned, though it was understood as a matter of course. All soldiers sent away in disgrace were stripped of their arms and everything which characterized them as soldiers, and they were neither allowed to remain in the camp nor to return to Rome; they were, in fact, labouring under perfect inanition, and compelled to live in exile. In some cases, however, the sentence might be withdrawn, especially when it was discovered that the man had been led by a mistake to pronounce it.

In all cases of missio it was necessary to release the soldiers from the military oath (sacramentum) which they had taken on entering the service. This act was called exacutratio. During the time of the Republic and the early period of the Empire, the word exacutratio simply signified to release from the military oath, without implying that the war was done cum ignominia; but during the latter period of the Empire, it is almost exclusively applied in soldiers dismissed cum ignominia. From the passage of Tacitus above referred to, it is clear that, at least in his time, exacutratio was sometimes used as synonymous with missio, with this difference, that exacutratio was granted to those who had only served in sixteen campaigns, and, consequently, had no claims to the advantages which were reserved for those who had served in twenty campaigns.

The military oath was taken by all the soldiers of an army at the beginning of every new campaign; and at the end of it, when the troops were dismissd from service, the emperor absolved them from the oath, in cases where the general enjoyed a triumph, the dismissal of the army, and, consequently, the exacutratio also, did not take place until this solemnity was over.

MISSIO. (Vid. Gladiators, p. 476.)

MISSIO MUNIFICANDEM DIKHI (μυμφικαίδες δική), or MIXODEIΣΕΙΣ OIKOU DIKH (μιχυδείσεις οίκου δίκη), is the right to be brought against a guardian for either wasting neglected to make profitable the property of his ward, or for having made no use of it at all. Use might be made of such property either by letting it, if it consisted of lands or houses, or by putting it to interest if it consisted of money. The δική mυμφικαίδες must have been of a twofold character, either public or private, that is, it might be brought against the guardian, during the minor's life, in his own name; or by him, when he assumed the guardianship, in the name of the ward, for an interest in the welfare of the orphan, or it was brought by the or phan himself after his coming of age. Complaints

MOLUS.

of this kind were brought before the first archon. In cases where the guardian would not or could not occupy himself with the administration of the property of his ward, he might request the archon to let the whole substance of his ward's property to the highest bidder, provided the testator had not expressly forbidden this mode of acting in his will. The letting of such property took place by auction, and probably in the presence of a court of justice, and it was very desirable that such objections were made against the terms of letting the property. The person who took the property had to pay an annual per centage for the right of using it, and this per centage frequently amounted to more than 12 per cent. per annum. If one man alone was unwilling to take the whole property on such conditions, it might be divided among tenants who did not fulfil his objections were made against the terms of letting the property. The tenant or tenants of the property of an orphan had to give security (αντωνίου) for it, and to mortgage (αντωνίου) his own estate, and the archon sent special persons, ἀποτυγχατοί, to value his property, and to ascertain whether it was equivalent to that of the orphan. The technical term for letting the property of an orphan, when it was done by the guardian himself, or by the archon, was μοναχιός, and those who took it were said μοναχιοῦντα τοῖς ὁλοῖς (ὅλος here signifies the whole substance of the property). The tenants of the estate of an orphan had the right, and perhaps the obligation, to protect it against any other person. It is not clear what resource was open to an orphan against a tenant who did not perform his obligations, but it is probable that, if any dispute arose, the guardian or the archon alone was answerable, and had to procure justice to the orphan.

ΜΙΣΣΟΤΥΓΧΑΣΙΟΝ (μοναχὸς δίοις), ορΙ ΜΙΣΣΟΤΥΓΧΑΣΙΟΝ (μοναχὸς δίοις), is the name of a private action which might be brought against persons who refused to pay for service, or who hindered the guardian, or by the archon, and after it had been agreed that they should be paid for; and, secondly, against persons who either had not or had imperfictly performed the services for which they were paid. It made no difference whether the service was performed by physical or intellectual powers, as teachers, sophists, actors, authors, and similar persons, provided it was against Athenians. It is not natural to suppose that these persons, like others, made agreements, either written or by word of mouth, respecting the remuneration to be given to them. In case either party thought themselves wronged, they might bring the μοναχὸς δίοις against the offender. Protogoras had written a book called διοι ὑπερ μοναχός, and an instance is recorded of a case of this kind in which he had demanded payment of one of his pupils. It is not improbable that his work contained an account of this lawsuit.

*MISIO (μύον), Roman Vitriol, so called, or yellow Copperas (κῦλος χαλάκναδος). (Vis. CHALCANTHUS).

MOLUS. (Vis. CALANTICA, ZONA.)

MIXTA ACTIO. (Vis. ACTIO, p. 17.)

MNA. (Vis. TALMENTUM.)

MNEMATA, MNEMEIA. (Vis. FUNES, p. 457.)

MNOIA. (Vis. COSMI, p. 516.)

MOCHELUS. (Vis. JANGA, p. 526.)

MODIUS, the principal dry measure of the Romans, was equal to one third of the amphora, and therefore contained 7 gallons 6576 pints English. It was divided into:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Capacity</th>
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<tbody>
<tr>
<td>2 Seminodi or Semodi</td>
<td>7900.00</td>
</tr>
<tr>
<td>16 Sextarii</td>
<td>9911.00</td>
</tr>
<tr>
<td>32 Heminae</td>
<td>19822.00</td>
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<tr>
<td>64 Damiani</td>
<td>39644.00</td>
</tr>
<tr>
<td>128 Acetabula</td>
<td>79288.00</td>
</tr>
<tr>
<td>192 Cyathi</td>
<td>119584.00</td>
</tr>
<tr>
<td>768 Ligulae</td>
<td>358352.00</td>
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</tbody>
</table>

The modius was one sixth of the medimnus. (Vis. ACETABULLUM, CYTHUS, LIQUA, MEDIMNUS, SEXTARI.)

MOXIESIOS ΓΡΑΦΗ (μοξισιος γραφή). (Vis. ALEXANDER.)

MOJLA (μολάς), a Mill. All mills were anciently made of stone, the kind used being a volcanic trachyte or porous lava (pyrites, siliccas, pumicas), such as that which is now obtained for the same purpose at Mayen and other parts of the Eifel in Rhinens Prussia. This species of stone is admirably suited for the mill-purposes, because it is both hard and cavernous, so that, as it gradually wears away, it still presents an infinitude of cutting surfaces.

Every mill consisted of two essential parts, the upper millstone, which was moveable (cataulæon, νόος, το βρέχοντος), and the lower, which was fixed, and by much the larger of the two. Hence a mill is some times called a paw (πατών) in the plural. The mills mentioned by ancient authors are the following:

1. The handmill or quern, called mola manuaria, veratilitis, or trastulits.

The islanders of the Archipelago use in the present day a mill, which consists of two flat round stones about two feet in diameter. The upper stone is turned by a handle (κεραυνος) which is at one side, and has a hole in the middle into which the corn is poured. By the process of grinding, the corn makes its way to the centre, and is poured out in the shape of flour at the rim. The description of this machine exactly agrees with that of the Scottish quern, formerly an indispensable part of domestic furniture. There can be no doubt that this mill was in its most ancient form. In a very improved state it has been discovered at Pompeii. The annexed woodcut shows two which were found standing in the ruins of a bakehouse. In the left-hand figure the lower millstone only is shown. The most essential part of it is the cone, which is surmounted by a projection containing originally a strong iron pivot. The upper millstone, seen in its place on the right hand of the woodcut, approaches the form of an hourglass, consisting of two hollow cones joined together at the apex, and provi-
MOLA.

MONETA.

made of boxwood, is mentioned by Petronius (\textit{mola boxvae piper tritii}).

\textbf{MOLYBDENA.} \textbf{Vid. Plumbago.)}

\textbf{MONETA.} the mint or place where money was coined. The mint of Rome was a building on the Capitoline, and attached to the temple of Juno Moneta, as the erarium was to the temple of Saturn.\footnote{This temple was vowed by Camillus, and dedicated in 344 B.C., on the spot where the house of M. Manlius Capitolinus had once been standing: Some writers consider the art of coined money as having been known to the Italians from the earliest times, and assign its invention to Janus; but this and similar accounts are nothing more than fables. The statement of Pliny, who assigns the invention of coined money to Servius Tullius, has somewhat more of an historical aspect; and he derives the name pecunia from the circumstance that the coins were originally marked with the image of some animal. The earliest Roman coins were of aes (\textit{vid. Eia}), and not struck, but cast in a mould. \textit{(See the representation of such a mould on page 449.)} The moulds, however, were sometimes without any figure, and merely shaped the metal, and in this case the image, as well as the name of the gens, etc., were struck upon it by means of a hammer upon an anvil. While the form was fixed. As the strokes of the hammer were not always equal, one coin, though equal in value with another, might differ from it in thickness and shape. Greater equality was produced at the time when the Romans began to strike their money; but when this custom became general is not known. Respecting the changes which were introduced at Rome at various times in the coinage, see the articles \textit{Azis, Aneus, Tum, and Aurum.}}

In the early times of the Republic we do not read of any officers who were charged with the superintendence of the mint, and respecting the introduction of such officers we have but a very vague statement of Pomponius.\footnote{Their name was triumviri monetales, and Niebuhr thinks that they were introduced at the time when the Romans first began to coin silver, \textit{i.e.}, 269 B.C. The triumviri monetales had the whole superintendence of the mint, and of the money that was coined in it. A great number of coins, both of gold and silver, is signed by one of these triumvirs in the following manner: \textit{VIR. AAAFF, that is, triumvir aureus argentiferus, flavus, or flavo ruber}, or \textit{f.}, that is, \textit{ad pecuniam feream}. Other coins, on the other hand, do not bear the signature of a triumvir monetalis, but the inscription \textit{CUR. X. FL. S.C.}, \textit{i.e.}, \textit{eurator denarium flororum ex senatu consulto, or are signed by pretors, aediles, and quaestors.}}

Cesar not only increased the number of the triumviri monetales to four, whence some coins of his time are signed \textit{VIR. A.A.A.A. E.F.F.F.F.}, but instituted certain slaves of his own with the superintendence of the mint.\footnote{The whole regulation and management of the Roman mint and its officers during the time of the Republic, is involved in very great obscurity. The coinage of money at Rome was not a privilege belonging exclusively to the state, but was also authorized by many individuals. Every Roman citizen had the right to have his own gold and silver coined in the public mint, and under the superintendence of its officers. The individual or gens who had their metal coined, stated its name as well as the value of the coin. This was a kind of 1. (\textit{Sat.}, 74.)—2. (\textit{Liv.}, viii., 20.)—3. (\textit{Macrob.}, Sat., i., 7—8.)—4. (\textit{Plutarch.}, \textit{Cic.}, vi, p. 600.)—5. (\textit{H. N.}, xxxiii., 3.)—6. (\textit{Dig.}, 11., vii., 25.)—7. (\textit{History of Rome}, iii., p. 948.)—8. (\textit{Cic.}, \textit{De Leg.}, ii., 12.)—9. (\textit{Cic.}, \textit{Philipp.}, vii., 1.)}


\textbf{V.} The saw-mill.

When Rome was besieged by the Goths, A.D. 536, and when the stoppage of the aquedocts rendered it impossible to use the public corn-mills (\textit{mola \pi\nu\lambda\sigma\nu\mu\nu\lambda\epsilon\nu\mu
\alpha\iota\nu\mu\rho\sigma\nu\iota\mu\alpha\iota\nu\mu\iota\ota\alpha}) in the Janiculum, so that the citizens were in danger of starvation, Belisarius supplied their place by erecting floating mills upon the Tiber and the Tiberina. These being moored at the distance of two feet each of the water-wheel suspended on its axis between them, was turned by the force of the stream, and put in motion the stones for grinding the corn, by which the lives of the besieged were preserved.\footnote{\textbf{VI.} The pepper-mill. A mill for grinding pepper,}
of guarantee to the public, and nearly all the coin of the republican period coined by a gene or an individual bear a mark stating their value. As long as the Republic itself used pure silver and gold, bad money does not seem to have been coined by any one; but when, in 90 B.C., the tribune Livius Drusus suggested the expedience of mixing the silver which was to be coined with one eighth of copper, some of his contemporaries were given to the pure, and it appears henceforth to have occurred frequently. As early as the year 86 B.C., forgery of money was carried on to such an extent, that no one was sure whether the money he possessed was genuine or false, and the prætor M. Marius Gratidianus saw the necessity of interfering. He is said to have discovered a method of testing the purity of the gold, and of distinguishing the good from the bad demes. In what this means consisted is not clear; but some method of examining silver coins must have been known to the Romans long before this. Sulla inflicted heavy punishment upon the coiner of false money. All Roman money was generally coined at Rome; but in some particular cases the mint was placed at Brundisium, and perhaps at Cesarea. In any case, the coins were used, for we must remember that, during the time of the Republic, subject countries and provinces were not deprived of the right of coining their own money. This right they even retained under the Empire for a long time, though with some modifications; for while some places were allowed to coin their own money, others were obliged to have upon their coins the head of the emperor or of some member of his family. Silver and gold, however, were only coined in places of the first rank. When all Italy received the Roman franchise, all the Italians used the Roman money, and, in consequence, lost the right to coin their own. In Rome, every Roman citizen had a right to have his gold and silver coined, but none had the right to put his own image upon a coin, and not even Sulla ventured to act contrary to this custom. The coins apparently of the republican period with the portraits of individuals were, according to Eckhel, coined at a later time, and by the descendants of those whose portraits are given. Cæsar was the first to whom this privilege was granted, and his example was followed by many others, as we see from the coins of Sext. Pompeius. The emperors assumed the right to put either their own images or those of members of their families upon their coins. In the case of a family, the one of the family, generally speaking, no longer put their name on any coin, and it became the exclusive privilege of the emperor to coin silver and gold. The senators, intrusted with the administration of the aarium, retained the right of only coining copper, whence almost all copper coins of this period are marked with S. C. or EX S.C. But the right of coining gold and silver was now most of the time only exercised by the emperors, who took care that the right of coining all money became the exclusive privilege of the emperors. As, however, the vast extent of the Empire rendered more than one mint necessary, we find that in several provinces, such as Gaul and Spain, Roman money was coined under the superintendence of quaestors or procurators. Roman colonies and provinces now gradually ceased to coin money, and the whole list of denizens of the Empire, from the time of the emperor Aurelian, a great number of cities of the Empire possessed mints in which Roman money was coined and during the latter part of the empire, the superintendents of mints are called procuratores, or prepositi monete.

The persons who were employed as workmen in a mint were called monetarii. Their number at Rome appears to have been very great during the latter part of the Empire, for in the reign of Aurelian they nearly produced a most dangerous rebellion. They seem generally to have been freedmen. In Greece, every free and independent city had the right to coin its own money. Sparta and Byzantium are said to have only coined iron money, but no ancient iron coin has ever been found. Respecting the time when money was first coined in Greece, see *Argenteum*, p. 90. The Greek term for money was ἱππαρίου, from ἱππαριστή, because the determination of its value was fixed by law or contract.

The mint at Athens was called ἀργυροκορδείον. (Vid. *Argyrocopon*.) We do not hear of any officers connected with the management or the superintendence of the Athenian mint. How far the right of coining money was a privilege of the central government of Attica, is unknown. It is ex ante supposed by several writers that the demes of Attica had the right of coining, and it is probable that the government of Athens only watched over the weight and the purity of the metal, and that the people, in their assembly, had the right of regulating everything concerning the coining of money. The Attic gold and silver coins were always of very pure metal. In the 4th and 3rd centuries B.C. Athens, at a time of great distress, used bad metal. This was in the archonship of Antigonus and Callias, B.C. 407 and 406. Individuals who coined bad money were punished with death. (Vid. *Nomisma*.

**MONETAIRI.** (Vid. *Moneta*.)

**MONILE (byōp).** A Necklace. Necklaces were worn by both sexes among the most polished of those nations which the Greeks called barbarous, especially the Indians, the Egyptians, and the Persians. (Vid. *Akkilla.*). Greek and Roman females adopted them more particularly as a bridal ornament.

The simplest kind of necklace was the *monile baccatum*, or bead necklace, which consisted of berries, small spheres of glass, amethyst, &c., strung together. This is very commonly shown in ancient paintings. (See woodcuts, p. 98, 983.) The right-hand figure in the woodcut at page 353, and the head of Minerva on the right, are both slight modifications of the bead necklace, a row of drops hanging below the beads. These drops, when worn, arrange themselves upon the neck like rays proceeding from a centre. To this class of necklaces belongs one in the Egyptian collection of the British Museum (see the next woodcut), in which small gold leaves, formed with the head of a figure in the woodcut immediately underneath this exhibits the central portion of a very ancient and exquisitely wrought necklace, which was found at S. 1. (Aurel. Vict. *De Cæs., ii. 20.—Veget. *Aurel. 45.—(Mura tobi, Herapath, 965, n. s.)—(Polier, Oeum., v. 128.—(Addi tobi, Ethic., v. 5.)—(C bona, Elc, 810, etc.)—(Aristoph., Ran. 673, with the school, and 673.—(Domi cato, c. L. p. 368.—(Locarn, ii. 361.—Claudi. De bis, Cæs. Honor, 297.—(Virg., *En., i. 657.—Lamprond. *Alex. Nov., 41.)
MORATORIUM

We also give here the central portions, exhibiting the patterns of three splendid gold necklaces, purchased from the Prince of Canino for the British Museum. These were found in Etruscan tombs. The ornaments consist of circles, lozenges, rosettes, ivy-leaves, and hippocampi. A heart depends from the centre of one of the necklaces.

The necklace was sometimes made to resemble a serpent coiled about the neck of the wearer, as was the case with that given as a nuptial present by Venus to Harmonia, which was ornamented in so elaborate a manner that Nonnus devotes 50 lines of his Dionysus to its description. This same necklace afterward appears in the mythology as the braid by which Eriphyle was tempted to betray her husband.

The beauty and splendor, as well as the value of necklaces, were enhanced by the insertion of pearls and precious stones, which were strung together by means of linen thread, silk, or wires and links of gold. For this purpose emeralds, or other stones of a greenish hue (amanagrd), were often employed (vires gemmatae). Amber necklaces are mentioned in the Odyssey. Some account of the various kinds of links is given in the article Catenae. The hooks or clasps for fastening the necklace behind the neck were also various, and sometimes neatly and ingeniously contrived. Besides a band encircling the neck, there was sometimes a second, or even a third row of ornaments, which hung lower down, passing over the breast.

Very valuable necklaces were sometimes placed, as dedicated offerings, upon the statues of Minerva, Venus, and other goddesses, and this was in accordance with the description of their attire given by the poets. Horses and other favourite animals were also adorned with splendid necklaces (carera gemmata monilia). (Vid. Torquem.)

MONOPODIUM. (Vid. Menza, p. 612.)

MONOXYLON. (Vid. Letter.)

MONTUMINUM. (Vid. Funus, p. 461.)

MORA. (Vid. Army, Greek, p. 98.)

*MOR'EA* (μορέα or μοράδα), the Ficus Morus, L., or Black Mulberry-tree. It is the sycámus of Theophrastus, a name, however, which was sometimes applied to the Ficus Sycomorus, or Sycomore. The μοραδας of Athenaeus and other late diators was the fruit of the Ficus Morus.

*MORMYRUS* (μόρμυρος), the Sparus Marmurus, L., or Mornere, a species of Sparé. This fish, according to Belon, is very like the melavouros. (Vid. Melaunros.)

*MOR'OXOS* ΑΙΘΟΣ, a species of mineral.

"According to Sprengel, it is called Spieckstein and Seifenstein in Germany. It consists," he says, "of talc, alunite, and silica, with a small proportion of iron and manganese. Dr. Jameson supposes it a variety of fuller's earth. Dr. Hill says it is an indurated clay, and that it is now called French Chalk."

MORTARIIUM, also called PILIA and PILUM (πλης μύθη, μύθη, apparently from the root of ieré or strike), a Mortar.

Before the invention of mills (vid. MOLA), corn was pounded and rubbed in mortars (pistámen), and hence the place for making bread, or the bakehouse, was called pistrinum. Also, long after the introduction of mills, this was an indispensable article of domestic furniture. Hesiod, enumerating the wooden utensils necessary to a farmer, directs him to cut a mortar three feet, and a pestle (πιστρημον, πώλαν, πριθιλιμ) three cubits long. Both of these were evidently to be made from straight portions of the trunks or branches of trees, and the thicker and shorter of them were to be hollowed. They might then be used in the manner represented in a painting on the tomb of Remesies III. at Thebes (see woodcut, left-hand figure, taken from Wilkinson, ii., p. 383); for there is no reason to doubt that the Egyptians and the Greeks fashioned and used their mortars in the same manner. (See also Wilkinson, iii., p. 151, showing three stone mortars with metal pestles.) In these paintings we may observe the thickening of the pestle at both ends, and that two men pound in one mortar, raising their pestles alternately, as is still the practice in Egypt. Pliny mentions the various kinds of stone selected for making mortars, according to the purposes for which they were intended to serve. Those used in pharmacy were sometimes made, as he says, "of Egyptian alabaster."

The annexed woodcut shows the forms of two preserved in the Egyptian collection.

1. (Dioscor., i., 180.—Celina, iii., 18.—Adams, Appendix, s.v.)
MUSCULUS.

MUSCULUS.

of the British Museum, which exactly answer to this description, being made of that material. They do not exceed three inches in height: the dotted lines mark the cavity within each. The woodcut also shows a mortar and pestle, made of baked white clay, which were discovered A.D. 1891, among numerous specimens of Roman pottery, in making the northern approaches to London bridge.1

Besides the uses already mentioned, the mortar was employed in pounding charcoal, rubbing it with glue in order to make black paint (straminium); in making plaster for the walls of apartments; 2 in mixing paints; and in the preparation of many healthful remedies, as the use of the kitchen; 3 and in metallurgy, as in triturating cinnabar to obtain mercury from it by sublimation.4

The philosopher Anaxarchus was pounced to death with iron pestles in a mortar. 5

MOS. Vid. Jos, p. 560.)

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were fixed little pillars five feet high. Their tops were joined by transverse beams, which formed a gentle slope on either side of the roof, of which they formed the framework. The roof was then entirely covered with pieces of wood two feet broad, which were fastened with metal plates and nails. Around the edge of this roof, square pieces of wood four cubic feet broad were fixed, for the purpose of keeping together the bricks and mortar with which the musculis was then covered. But that these materials, which were intended to protect the musculus against fire, might not suffer from water, the bricks and mortar were covered with skins; and that these skins, again, might not suffer from the fire or the wear and tear of the besieged troops, the musculus, the whole was covered with rags of cloth. The whole of this machine was constructed under the cover of a vinea, and close by the Roman tower. At a moment when the besieged were least expecting any attack, the musculus was moved on against the wall of the town. The men engaged under it immediately began to undermine the wall, and thus to make a breach in it; and while this work was going on, the machine was defended with a lively fire from the besieged against the muniments of the musculus.

MUSUL. (Vid. Mosse.)

MUSEUM (Μουσείον) was the name given to an institution, founded by Tolemy Philadelphia, about B.C. 280, for the promotion of learning and the support of learned men. We learn from Strabo* that the museum formed part of the palace, and that it contained cloisters or porticoes (περίκτηρα), a public theatre or lecture-room (Θέατρον), and a large hall (οἶκος τῆς γλώσσας), where the learned men dined together.

The museum was supported by a common fund, supplied apparently from the public treasury; and the whole institution was under the superintendence of a priest, who was appointed by the king, and after Egypt became a province of the Roman Empire, by the Caesar. Botanical and zoological gardens appear to have been attached to the museum. The Emperor Claudius added another museum to this institution.

MUSONIA. (Museo, Hist.)

MUSEUM (Μουσείον) was the name given to an institution, founded by Tolemy Philadelphia, about B.C. 280, for the promotion of learning and the support of learned men. We learn from Strabo* that the museum formed part of the palace, and that it contained cloisters or porticoes (περίκτηρα), a public theatre or lecture-room (Θέατρον), and a large hall (οἶκος τῆς γλώσσας), where the learned men dined together. The museum was supported by a common fund, supplied apparently from the public treasury; and the whole institution was under the superintendence of a priest, who was appointed by the king, and after Egypt became a province of the Roman Empire, by the Caesar. Botanical and zoological gardens appear to have been attached to the museum. The Emperor Claudius added another museum to this institution.

MUSIC (GREEK). In compiling the following article, little more has been attempted than to give an outline of facts which rest upon positive evidence, and, at the same time, to present them in such a form as to serve for an introduction to the original sources. Hence it necessarily contains, in a great measure, of technical details, which, however, can present no difficulty to persons acquainted with the first elements of the modern theory; and nothing has been said in the way of deduction except in one or two cases, where the interest of the subject and the apparent probability of the conclusions seemed to permit it.

The term Αγωνίας was used by the Greek writers to denote what is now called the Science of Music; μουσική having, as is well known, a much wider signification Αγωνίας ἣν ἐπιστήμην εὐδοκία καὶ πρακτικὴ τῆς τυχούσαν φύσεως. Ημαρισμόν· ἐκ ἐκάστου τοῦ ἐκθέασιν καὶ διαστάσεως, τοιῶν τῶν ἔχωντων, συγκεκριμένων. The following sevenfold division of the subject, which is adopted by the author just quoted, as well as by others, will be partly adhered to in the present article: I. Of Sounds (τῶν ἀκούσματος). II. Of Intervals (τῶν διαστάσεως). III. Of Genera (τῶν γένεων). IV. Of Systems (τῶν συστημάτων). V. Of Modes (τῶν τόνων). VI. Of Transition (τῆς περιτολίας). VII. Of Cost (τοῦ χρώματος). It must be observed that the term τόνος is used in different senses. First it signifies degree of tension, and so pitch, whence its application to denote mode, the mode being scales which differed in pitch: and then it is taken for result of tension; whence its meaning as the name of an interval, tone, because a tone is the interval through which the voice is most naturally raised at one effort.

A sound is said to be musical when it has a determinate pitch (τόνος). When two sounds differ in pitch, one is said to be more acute (δύστονος), the other moregrave (βάστονος); or, in common language, one is called higher, and the other lower. The term μουσικός applied to a sound either signifies simply, that it is capable of being used in a melody; or relatively, that it is capable of being used in the same melody with some other sound, and is possible in the same context of sounds; and this is the most common meaning.

An interval is the difference, or, rather, distance between two sounds of different pitch. When we compare the intervals between two pairs of sounds, we judge them, in certain cases, to be similar or equal. If the more acute sound of one of them be then raised, that interval is said to become greater than the other. It is this property of intervals that makes them comparable in respect of (measure) which enables us to classify them, and enumerate their several kinds.

Intervals are either consonant (σύμφωνα) or dissonant (δισύμφωνα), according as the two sounds may or may not be heard at the same time without offending the ear. Strictly speaking, it is impossible to define the limit between the two classes, and this science to be acknowledged by the later writers, who distinguish various degrees of consonance and dissonance. Originally, the only intervals reckoned consonant were the octave or eighth (διὰ παῦσιν), the fifth (διὰ πέντεν ή δέκαθον), the fourth (διὰ τέσσαρας ή συλλάθης), and any interval produced by adding an octave to one of these. But all intervals less than the fourth, or intermediate between any of them, were considered as dissonant. The principal intervals, less than the fourth, employed in Greek music, were the double tone (δίατονος), nearly equal to the modern major third; the tone and half (τριτόνος), nearly the same as the minor third; the tone (τόνος), equal to the modern major tone; the half tone (μιστόνος), and the quarter tone (διάτονος).

Other writers speak of συμφωνία, or unison: αυτίσμων, or the consonance of the one sound; and συμφωνία, or the consonance of the fourth and fifth; and lastly, the two latter authors consider συμφωνία to be a term which is intermediate between consonance and dissonance, and mentions the tritone or sharp fourth as an example of it.

If two strings, similar in length, and stretched by equal tensions, he made to vibrate, the number of vibrations performed in a given time by each is inversely as the square of its length; and the internal between the sounds produced is found to depend only on the ratio of the lengths, i.e., on the numbers of vibrations. Thus, if the ratio be 2, the interval is an octave; if " 3, a fifth; if " 4, a fourth; if " 2, a major tone. 1. (Vid. Arist., I., p. 3.)—2. (Enl., p. 3.)—3. (Enl., p. 8.)—4. (Enl., p. 6.)—5. (Enl., p. x.)—6. (Enl., p. x.)—7. (Enl., p. i.)
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The discovery of these ratios is attributed, probably with truth, to Pythagoras. But the accounts of the experiments by which he established them are plainly false, since they contradict the known fact that when similar and equal strings are stretched by different tensions, the numbers of vibrations are as the square roots of the tensions.\(^3\)

The \(\mathfrak{r}\)ov or tone was defined to be the difference between the fourth and fifth; so that the corresponding ratio would be determined either by experiment, or by simply dividing \(5\) by \(\mathfrak{r}\).

It is remarkable that each of the four ratios enumerated is a superparticular: i.e., the two terms of each differ from one another by unity. Euclid seems to consider no intervals consonant except such as correspond to superparticular (ενπρόφνοις) or multiple (πολλαπλασιων) ratios; the latter being such as \(\frac{2}{3}\), \(\frac{3}{4}\), &c. On this theory the octave and fourth (\(\mathfrak{r}\)) would be dissonant, but the octaves and fifths (\(\mathfrak{r}\)) consonant.\(^2\) And it is also worthy of notice, that all the intervals employed in the modern theory are either such as correspond to superparticular ratios, or are produced from such by compounding them with the octave. Thus the ratio corresponding to the major third is \(\frac{5}{4}\), minor third \(\frac{4}{3}\), minor tone \(\frac{3}{2}\), major semitone \(\frac{5}{4}\).

It seems, therefore, extraordinary, that analogy should not have led at once to the discovery at least of the major and minor third, as soon as the connection between intervals and ratios had been observed. However, no such discovery was then made, or, if made, it was neglected; and this affords at once an explanation of the fact that intervals less than the fourth were reckoned dissonant; for the διστόνον, or double major tone, is greater than the true consonant major third (which consists of a major and minor tone) by an interval expressed by the ratio \(\frac{6}{5}\), a difference quite sufficient to destroy the consonance of the interval. In fact, when a keyed instrument is tuned according to the equal temperament, the major thirds are too great by an interval little more than half of this (\(\frac{5}{4}\)) nearly, and yet are only just tolerable. This subject is important, because it bears immediately upon the question whether the tuning used by the Greek musicians was natural.

An aggregate of two or more intervals, or, rather, a series of sounds separated from one another by intervals, constituted a system. Systems were named from the number of sounds which they comprehended. Thus an octachord was a system of eight sounds, a pentachord of five, and so on: and usually, though not necessarily, the number of sounds corresponded to the interval between the extreme sounds.

The fundamental system in ancient music was the tetrachord, or system of four sounds, of which the extremes were at an interval of a fourth. In modern music it is the octachord, and comprehends an octave between the extremes. The important and peculiar property of the latter system, namely, the completeness of its scale, was fully understood, as the name of the interval δι’ παρενθὺς sufficiently indicates;\(^1\) but it was not taken in theory for the foundation of the scale, or, at any rate, was considered as made up of two tetrachords.

The genus of a system depended upon the distribution of the intervals. The later and modern systems differ from the tetrachord. The Greek musicians used three genera: 1. The diatonic, in which the intervals between the four sounds were (ascending) semitone, tone, tone:

\[\text{\includegraphics[width=0.5\textwidth]{diatonic.png}}\]

II. The chromatic; semitone, semitone, tone and a half:

\[\text{\includegraphics[width=0.5\textwidth]{chromatic.png}}\]

III. The enharmonic; diesis, diesis, double tone:

\[\text{\includegraphics[width=0.5\textwidth]{enharmonic.png}}\]

(he second note is meant to represent a sound half way between E and F, for which the modern system supplies no notation.)

Of these genera the diatonic was allowed to be the most ancient and natural, and the enharmonic the most modern and difficult; the latter, however, seems soon to have become the favourite, with theorists at least, for Aristoxenus complains that all writers before his time had devoted their treatises almost entirely to it, to the neglect of the two others.

The only difference between the ancient and modern diatonic is, that in the former all the tones are major tones, whereas in the latter, according to the theory generally admitted, major and minor tones occur alternately.\(^2\) The interval called a semitone in the above descriptions is, therefore, strictly neither equal to the modern major semitone, nor to half a major tone, but the ear would hardly appreciate the difference in melody.

Besides these genera, certain colours (\(\gamma\)ρον) or specific modifications of them are enumerated.\(^2\)

The enharmonic had only one χρώμα, namely, the genus itself, as described above: it is commonly called simply δέκαστον.

The chromatic had three: 1st, χρώμα τεντόνιον, or simply χρώμα, the same as the genus; 2d, χρώμα ημιτόνιον, in which intervals of three eights of a tone were substituted for the two semitones; 3d, χρώμα μελανόν, in which intervals of one third of a tone were similarly employed.

The diatonic had two χρώματα: 1st, διάτονον στενόν, or simply διατονόν, the same as the genus; 2d, διάτονον μελανόν, in which interval of three fourths of a tone was substituted for the second semitone (ascending).

The following table will exhibit at one view the intervals between the sounds of the tetrachord, taken in the ascending order, according to each of these χρώματα, the tone being represented by unity, and two tones and a half being supposed to make up a fourth, a supposition which is not exactly true, but is commonly adopted by the ancient writers as sufficiently accurate for their purpose.\(^4\)

I. Diatonic . . . . . . . 1. διάτονον (στενόν) \(\frac{5}{4}\) . \(\frac{4}{3}\) . \(\frac{3}{2}\) .

II. Chromatic . . . . . . . 1. χρώμα (τεντόνιον) \(\frac{4}{3}\) . \(\frac{3}{2}\) . \(\frac{5}{4}\) .

III. Enharmonic . . . . . . . 1. χρώμα . . . . . . . \(\frac{3}{2}\) . \(\frac{4}{3}\) .

There seems to be little evidence that any of these χρώματα were practically used, except the three principal ones, διάτονον, χρώμα, δέκαστον. But it would be wrong to conclude hastily that the others would be impossible in practice, or necessarily unpleasing. In the soft diatonic, for instance, the in-

---

terval which is roughly described as five fourths of a tone, would be greater than a major tone, but less than a minor third; now there are two intervals of this kind, corresponding to the superparticular ratios $\frac{4}{3}$ and $\frac{5}{3}$, which, though, therefore, by analogy, to be consonant or, at any rate, capable of being employed as well as the tone and semitone; and, although they are not used in modern music, or, at least, not admitted in theory,1 nothing but experiment can determine how far the ear might become accustomed to them. These intervals exist in the natural scales of the horn, trumpet, etc., and are, in fact, used instead of the minor third and tone in the harmony of the dominant seventh, both by stringed instruments and voices, when unaccompanied by tempered instruments. If this view be correct, the intervals of the tetrachord in the diatonic scale would probably correspond to the ratios $\frac{12}{7}$, $\frac{15}{7}$, and similar considerations might be applied to the other χρώματα.

The four sounds of the tetrachord were distinguished by the following names: ιώτατο (sc. χιονί) was the lowest; νύτατο was the highest; πορτονύτατο the lowest but one, and παραπορτονύτατο the highest but one. Παραπορτονή was also frequently called λειμάρις, probably because, in some ancient instruments, the corresponding string was struck by the forefinger; and παραπορτονή was afterward called τρίτη in certain cases. These names were used in all the genera; but the name of the genus was commonly added to λειμάρις (thus, λειμάρις διώτατος, χρωματικός, or λειμάρις παραπορτονύτατος, διώτατος, etc.); and sounds which did not belong to a πυχωνος were called ωττονικά.

It is not to be supposed that the tetrachord could long continue to furnish the entire scale used in Parthian music. Another system, called the smaller perfect system, was composed of three conjunct tetrachords, called ιωτάτος, μέσων, and συνυχώμων, with προσαρμοσμένος, thus:

\[
\begin{align*}
&\text{BDEFGA} \\
&\text{EFGBDE} \\
&\text{BCDEFGA}
\end{align*}
\]

and these two together constituted the immutable system (σύστημα ιμματίδος) described by all the writers later than Aristoxenus, and probably known to him.2

The sounds in these systems were named in the way before described, the names of the tetrachords only being added, and μέσων and παραπορτονή being substituted for νύτατο μέσων and νύτατο διώτατον respectively. Thus, taking the sounds in the ascending order, we have,

\[
\begin{align*}
&A \text{ προσαρμοσμένος} \\
&B \text{ ιωτάτο υπάτων} \\
&C \text{ παραπορτονύτατο υπάτων} \\
&D \text{ λειμάρις υπάτων} \\
&E \text{ υπάτων μέσων} \\
&F \text{ παραπορτονή μέσων} \\
&G \text{ λειμάρις μέσων} \\
&A \text{ μέσων}
\end{align*}
\]

1. (Fid. Smith's Harmonics, sect. iv., art. 10.) — 2. (Eucl., p. 17.)

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The interval between μέσων and παραπορτονή is a 9th.

But in the smaller system, μέσων serves also for the lowest sound of the tetrachord συνυχώμων, which terminates the scale, thus:

\[
\begin{align*}
&A \text{ μέσων} \\
&\text{BB τρίτη συνυχώμων} \\
&C \text{ παρανήχθη συνυχώμων} \\
&D \text{ νύτατο συνυχώμων}
\end{align*}
\]

In adapting the modern notation to these scales, we have represented them in the diatonic genus; but the same arrangement of the tetrachords was adopted in the others. Those sounds of the inmutable system which were the same in all the genera, namely, προσελβαμενοσ, τατα ρπατοσ, ντατ ττον, μεση, παραμετροε, γεγα ευνομην, γεγα δεξιευνηνε, and τετα επιεικαλων, were called fixed (ευτατετε), being, in fact, except the first, the extreme sounds of the several tetrachords. The rest, being the intermediate sounds, on the position of which the genus depended, were called movable (κνυμενοι).

Μεση was certainly considered a sort of key-note to the whole system, and προσελβαμενοσ was added to complete the octave below μεση. This addition is supposed to have been made later than the time of Plato, but earlier than Aristoxenus.

The greater of the two systems thus described appears to have superseded the other in practice; in fact, it is evidently the most natural of the two. But it must not be supposed that it was necessarily used in its complete form as the scale of any instrument; it was rather a theoretical canon by which the scales really employed were constructed. With regard to its fitness for use, it may be observed, that in the diatonic genus the effect of such a system would not perceptibly differ, so long as the method only was required, from that of the corresponding notes (given above) as played on a modern instrument with or without temperament. The chromatic scale is quite unlike anything now employed and though it was not considered the most difficult was certainly the least natural (Τεχνηκοτιτον δ τν χαραματα). The modern minor scale, A, B, C, D, E, πF, πG, A, can hardly be considered an exception to the assertion, that the chromatic scale is quite unlike any system now employed, for its essential character, as now used, depends so little upon the chromatic interval between F and πG, that this peculiarity is usually got rid of in melody by raising the F or lowering the πG, according to ear customs. Hence the popular but incorrect way of representing the ascending and descending minor scales. It is impossible to form a decided judgment of the merits of the chromatic scale without a much greater knowledge of the rules of composition than seems now attainable. The effect of the enharmonic must have been nearly the same as that of the diatonic, supposing λεικανω to be left on in each tetrachord, thus:

Indeed, Plutarch relates, on the authority of Aristoxenus, that Olympus was led to the invention of this genus by observing that a peculiar and beautiful character was given to melody when certain notes of the scale, and particularly λεικανω, were left out. It is therefore most probable that this was the original form of the enharmonic scale, and that it was more ancient than the highly artificial chromatic. In this form it would be both natural and easy. But afterward, when additional sounds were interposed between B and C, E and F, it would of course become, as it always described, the most difficult of all the genera, without, however, ceasing to be natural; for these additional sounds could certainly be neither used by a composer nor executed by a singer as essential to the melody, but must rather have been introduced as passing or ornamental notes, so that the general effect of the genus would remain much the same as before. The assertion of Aristoxenus (see p. 28, 55), that no voice could execute more than two quarter tones in succession, evidently supports this view. (Compare what is said by Aristides of the rare use of intervals of three and five quarter tones.)

Thus the enharmonic would derive its distinctive character more from the largeness of the highest interval of the tetrachord than from the smallness of the two others. Aristoxenus expressly mentions that the octave is the interval in which the magnitude of the interval between λεικανω and ντατ had upon the character of the genus, and blames the musicians of his own time for their propensity to diminish this interval for the sake of sweetness (τονυν θ αιτον τ βολολησ γυωλονε αιτε). That a peculiar character really is given to a melody by the occurrence of a larger interval than usual in certain notes of the scale, is a well-known fact, exemplified in many national airs, and easily proved by the popular experiment of playing on the black keys only of a piano forte. (See Burney on the Old Enharmonic.)

The genus of a system is determined as has been explained, by the magnitude of certain interval pairs. The species (ειδος) depended upon the order of their succession. Hence, supposing no system to be used which was not similar to some part of the στουταματου, every system would have as many species as it had intervals, and no more.

The tetrachord, for example, had three species in each genus, thus (diatonic),

1st. ι, ι, ι. 2d. ι, ι, ι. 3d. ι, ι, ι (where 1 stands for a tone).

The species of a system was often described by indicating two sounds of the στουταματου between which a similar one might be found. Of the seven species of the octachord, the first was exemplified by the octave comprehended between ντατ ρπατον and παραμετροε; the second by the between παραμετρον and τετα δεξιευνηνε and so on. The order of the intervals in these seven species would be as follows in the diatonic genus (ascending):

1st. ι, ι, ι, ι, ι, ι. 2d. ι, ι, ι, ι, ι. 3d. ι, ι, ι, ι, ι. 4th. ι, ι, ι, ι, ι. 5th. ι, ι, ι, ι, ι. 6th. ι, ι, ι, ι, ι. 7th. ι, ι, ι, ι, ι.

This distinction of species is important, because it formed originally the chief difference between the modes (τυνων). Unfortunately, there are no means of determining what was the real difference between melodies written in these several scales; and the difficulty of forming any probable hypothesis or this subject is increased by what is said of μεση between which a similar one might be found. Of the seven species of the octachord, the first was exemplified by the octave comprehended between ντατ ρπατον and παραμετροε; the second by the between παραμετρον and τετα δεξιευνηνε and so on. The order of the intervals in these seven species would be as follows in the diatonic genus (ascending):
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same species. Possibly the author of the Problematum does not use the term μέοις in the same sense as Euclid.

However, it is certain that the seven species of the octachord above described were anciently (ὑπὸ τῶν ἀρχαίων) denoted by the names Mixolydian, Lydian, Phrygian, Dorian, Ionian, Hyposelian, and Hypodeorian. And it seems likely that they always differed in pitch as well as species, the Mixolydian being the highest and the Hypodorian the lowest. Hence it is conjectured that there were originally only three modes, corresponding to the three species of tetrachord, and that these were the Dorian, Phrygian, and Lydian; because the octachord in each of these three modes is made up of two similar disjunct tetrachords, which are of the first species in the Dorian, the second in the Phrygian, and the third in the Lydian.

Aristides describes also six enharmonic modes of very ancient origin (τὸς πάντα παλαιότατος πρὸς τὰς ἀρχαίας κέτυχες), consisting of different species of octachords, and quotes the well-known passage in Plato as referring to them. The order of the intervals is given as follows (see the notes of Meibomius upon the passage):

Lydian: 4, 2, 1, 4, 2, 4.
Dorian: 1, 4, 2, 1, 4, 2.
Phrygian: 1, 4, 2, 4, 1, 4.
Iastian: 3, 4, 2, 1, 4, 3.
Mixolydian: 4, 3, 1, 1, 4, 3.
Syntonydian: 4, 3, 2, 1, 4, 3.

It is possible that the Lydian species do not all comprehend exactly an octave; and none of them, except the Lydian, is coincident with any part of the σύνθεσις ἰμικάλουν. That systems were not always restricted to the immutable form, is proved by what Euclid says of compound systems, with more than one μέοις. None of these scales is decidedly unnatural, except, perhaps, the Mixolydian. Of course it is impossible to recognize their characters as described by Plato, in the absence of examples of their application in actual melody. Their principal interest, therefore, consists in the evidence which they afford of the antiquity of enharmonic systems, i.e., of systems formed by omitting certain sounds of the diatonic scale. For, unless we take this view of them, and consider the quarter tones as accidental only, it is impossible to understand how they could be used at all.

The differences of species, considered as the characteristic distinction of modes, is evidently spoken of as a thing antiquated and obsolete, not only by Aristides (who was certainly later than Ciceron), but also by Euclid. As to Aristoxenus, the fragments which remain of his writings contain no allusion to such a distinction at all. In his time, it appears that the number of modes was thirteen; and later writers reckon fifteen.8 The descriptions of these fifteen modern modes are very scanty, but they indicate pretty plainly that they were nothing more than transpositions of the greater perfect system; their names were Hypodorian, Hypoasian, Hypophrygian, Hyporeolian, Hypolydian, Dorian, Iasian, Phrygian, Emeion, Lydian, Mixolydian, Hyperasian, Hyperhymian, Hyperasian, Hyperlydian.

The Hypodorian was the lowest in pitch, and the προσπαλαβομένοι of the others were successively higher by a semitone; and only that part of each scale was used which was within the compass of the voice. It seems likely that the ancient modes mentioned by Euclid, and described above, consisting of octaves, taken as regards their species, from different parts of the σύνθεσις ἰμικάλου, would, as regards pitch, be each so placed as to lie

between ὑπάρχει μέοις and ἑνίκον διακόσμηκας of the modern mode of the same name. For they certainly did always differ in pitch, as the name ἑνίκον shows; and there is no reason to believe that their relative position was ever changed: the system of mutation, moreover, confirms this supposition. But for a complete statement, a critical examination of the dissertation of Böckh, where it is treated at length, is necessary.

The only important results, however, are, first, that the modes did anciently differ in species; secondly, that in process of time this difference either disappeared entirely, or ceased to be their distinguishing mark; and, thirdly, that their general pitch was always different. The ideas conveyed by these general assertions on the local character and effect of the Greek music are excessively vague and unsatisfactory, but an examination into particulars does not tend to make them at all more definite or clear.

There can be little doubt that different rhythms and degrees of slowness or quickness, as well as different metres and styles of poetry, would soon be appropriated to the modes, so as to accord with their original musical character; and these differences would be more pronounced in the name. But there is no record of any system of species, and come to be looked on as their characteristic marks: so that, at length, all the species might even be used in each mode, for the sake of additional variety. With regard to the poetry, indeed, it is certain that particular measures were considered appropriate to different modes, and it has even been attempted to divide Pindar's Ódes into species, and to show that the music must have depended chiefly, if not entirely, upon that of the words, or else have been of a very simple and uniform character, since there is no mention of a notation for it as distinct from the metre of the poetry. Probably, therefore, nothing like the modern system of musical rhythm existed; and, if so, this must have formed one of the most essential points of difference between the ancient and modern music. How the rhythm of mere instrumental music was regulated, or what variety it admitted, does not appear. There is no reason, however, to believe that music without words was practised to any extent, though it was certainly known; for Plato speaks with disapprobation of those who used μέλος καὶ ρυθμόν ὅσον ἤρθατο, ψυλή κηθήσετε τα καὶ ἄλλα τῶν μελῶν καὶ ρυθμῶν.8

On the last two of the heads enumerated in dividing the whole subject, very little real information can be obtained. In fact, they could not be intelligibly discussed without examples, a method of illustration which, unfortunately, is never employed by the ancient writers. Μεταβολή was the transition from one genus to another, from one system to another (as from disjunct to conjunct, or vice versa), from one mode to another, or from one style of melody to another, and the change was made in the same way as in modern modulation (to which μεταβολή partly corresponds), viz., by passing through an intermediate stage, or using an element common to the two extremes between which the transition was to take place.

Mελοποιία, or composition, was the application or use of all that has been described under the preceding heads. This subject, which ought to have been the most interesting of all, is treated of in such a very unsatisfactory way, that one is almost forced to suspect that only an exoteric doctrine is contained in the works which have come down to us. On composition properly so called, there is nothing but an enumeration of different kinds of sequentiae of notes, viz.: 1. ἀναλογοῦ, in which the sounds

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1. (Euclid, p. 15),—2 (p. 21).—3 (Rep. iii., 10).—4 (vid. p. 70).—5 (Euclid, p. 10).—6 Aristotel, p. 24, 24.)

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8. (iii., 8).—2 (Plato, Legg., ii., 677.—3 (Böckh, iii. 15).—4 (iii., p. 669).—5 (Böckh, ii., 11.)—6 (Euclid, 20).—7 (Eucl, 21).
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followed one another in a regular ascending or descending order; 2. παλαιός, in which intervals were taken alternately ascending and descending; 3. πετοσία, or the repetition of the same sound several times, was used to extend the range of a single scale. The scale sound was sustained continuously for a considerable time. Besides this division, there are several classifications of melodies, made on different principles. Thus they are divided according to genre, into diatonic, &c.; according to mode, into Dorian, Phrygian, &c.; according to system, into grave, acute, &c.; according to maya, the epithalmian, the acute nomic (μοικός), and the intermediate dihyrambic. Again, melody is distinguished by its character (μορφή), of which three principal kinds are mentioned, ὀθωματική, σαφωτική, and ἔναδοτική, and these latter are respectively explained to mean aptitude for expressing a magnanimous and heroic, or low and effeminate, or calm and refined character of mind. Other subordinate classes are named, as the erotic, epithalamian, comic, and encomiastic. No account is given of the formal peculiarities of the melodies described above, and a concord is consequently impossible, so that what is said of them merely excites our curiosity, without tending in the least to satisfy it.

The most ancient system of notation appears to have consisted merely in the appropriation of the letters of the alphabet to denote the different sounds of the scale; and the only alteration made in it was the introduction of new signs, formed by accenting letters, or inverting, distorting, and mutilating them in various ways, as the compass of the scale was enlarged. A great, and seemingly unnecessary, complexity was caused by the use of two different signs for each sound; one for the voice, and the other for the instrument. These two signs were written, one above the other, immediately over the syllable to which they belonged. They are given by several of the Greek writers, but most fully by Alpyius. The instrumental signs appear to have been chosen arbitrarily; at least, no law is now discoverable in them: but the vocal (which were probably more ancient) follow an evident order. The sings are denoted by the letters of the Ionian alphabet (attributed to Simonides) taken in their natural order; and it is remarkable that these signs would be just sufficient for the sounds comprised in the six modes supposed to be the most ancient, if the compass of each were an octave, and they were pitched at intervals of a semitone above another. Accented or otherwise altered letters are given to the higher and lower sounds. To learn the system perfectly must have required considerable labour, though its difficulty has been much exaggerated by some modern writers. Some specimens of Greek melody expressed in the ancient notation have come down to us. An account of them may be found in the notes to the facsimile copies of old MSS. by Dr T. Percy, where are given modern notes with a conjectural rhythm. The rest of them may also be seen in Bách, with a different rhythm. It is composed to the words of the first Pythian, and is supposed by Bách to be certainly genuine, and to belong to a time earlier than the fifteen modes. Its merits have been very variously estimated: it is likely that all believe there are no sufficient grounds for supposing that they did. The following are the facts usually appealed to on each side of the question. In the first place, the writers who professedly treat of music make no mention whatever of such a practice; this omission constitutes such a very strong prima facie evidence against it, that it must have settled the question at once but for supposed positive evidence from other sources on the other side. It is true that μελονοιδία, which might have been expected to hold a prominent place in a theoretical work, is in disuse, and is perhaps not mentioned by subjects which ought to be explained are enumerated. In fact, there seems to be no Greek word to express it; for ζώνοιδια signifies a well-ordered succession of sounds, and συμφωνία only implies the concord between a singular and a concord, either side. That the Greek musicians were acquainted with συμφωνία is proved by many passages, though we are not aware that they ever mention the concord of more than two sounds. But the subject of concord, so long as succession is not introduced, belongs rather to acoustics than to music. There is, however, a passage, where succession of one octave is denoted by the concord of the unison, "κοµνονια

“Sonnante mistim tibis carmen lyrh
Hac Domum; ilia berbarum,"

is interpreted to mean that the lyre was played in the Dorian mode, and the tibia in the Lydian; so that, if the ancient Dorian and Lydian octave were employed, the former being of the fourth species, while the latter was of the second, and pitched two tones higher, the series of intervals heard would consist of fourths and major thirds, or, rather, double tones.

Again, there are passages such as,

"Alo'edie th'wiw Darofin kel'evnu nomv," which are supposed to indicate that poetry written


We
in one mode, and sung accordingly, was accompanied by instruments in another. For a view of the most that can be made of such arguments, see Böckh, iii., 10. Our knowledge of the real use of the modes is so very imperfect, that not much reliance can be placed on them; and, at any rate, they would only prove the existence of a kind of magnum, modified by taking scales of different (instead of the same) species for the two parts, so as to avoid the succession of intervals absolutely t-e-same. This would certainly be the very lowest kind of counterpoint; but if anything more had been practiced, it would be absolutely impossible to account for the utter silence of the theoretical writers, which is in face of every evidence of harmony. It is only necessary to add that the influence of instruments upon the development of the art ought to be kept in view in considering this question. The Greeks had only two kinds of instrumental music, ádítitus and kúdítáus. The ádítus was always a pipe pierced with holes, so as to have an artificial scale. The simple tuba or trumpet does not appear to have been used as a musical instrument until the scale to which it corresponds was probably unknown; and this may partly account for the major third escaping observation. And anything like the modern system of harmony could probably no more have been invented without the assistance of keyed instruments, than the Elements of Euclid could have been composed in the total absence of drawing materials. For a fair account of ancient musical instruments, see Böckh, iii., 11.

The chief authorities on the subject of this article are the "Antique Musicae Anctores Septem," viz., Aristoxenus, Euclid, Nicomachus, Alypius, Gaudenus, Bacchius, Aristides Quintilianus, and Martianus Capella, edited by Melchior, in one volume (Amsterdam, 1657), to the pages of which the preceding quotations refer; the Harmonics of Ptolemy (with an Appendix by Wallis, Op. Mathemat., tom. iii.); the Dialogue of Plutarch, and a section of the Aristotelic Problematia; Burney, History of Music; Böckh, De Metris Pindari; Drieberg, Musikalische Wissenschaften der Griechen, and Aufzahlung der griechischen Musik; Bode, Gesch. der Lit. Musik in Deutschland (1838).

MUSIC (ROMAN). It may well be believed, that in music as in the other arts, the genius of Greece had left little for Romans to do but admire and imitate. Yet we must not forget that another element had been introduced into the arts of Rome, as well as into her language and government; one which was derived from Etruria, and partook of an Oriental character. Every species of musical instrument found on Greek works of art is found also on Etruscan. No doubt the early Roman music was rude and coarse; still, from the most ancient times, mention is made of hymns and staves in their triumphal processions: so Servius, in his comitia, made two whole centuries of cornemuses and tubicenies; and the several Tabulea allowed at funerals ten players on the flute, and enjoined that "the praise of great men should be sung in mournful songs (nenies) accompanied by the flute."

The year B.C. 365 marks an era in Roman music by its adaptation to theatrical amusements. It is in this year we find mention of a lectisternum, at which actors were first brought from Etruria, who, without verses, danced in dumb show to the sound of the flute. Some time later Livy 1 mentions a curious tale of the desertion of certain Roman flute-players, who were only brought back by an amusing stratagem. We learn from Valerius Maximus 2 that the Roman flute-players were incorporated into a college, and Ovid, speaking of their importance says,

"Temporibus veterum tibiencias usque anorum
Magnus, et in magno semper honore fuit:
Cantabat fanis, cantabat riba ludus,
Cantabat maestis tibia fumeribus."

Nero, as Suetonius 3 tells us, played on the flute, and came in a sort of triumphal procession through Italy, bearing the spoils he had won in 1360 musical contests. The same writer informs us, that the emperor, to preserve his voice, used to lie on his back with a thin plate of lead on his stomach; that he took frequent emetics and cathartics, and at last transacted all business in writing.

There does not appear to be any trace of a Roman musical system entirely distinct from the Greek. A passage in Cicero would lead us to suppose, that the laws of contrast, of light and shade, of loud and soft, of swelling and diminishing, were understood by the Romans, 4 and another passage from Apuleius decidedly proves that the Romans had instrumental music distinct from their vocal; on both of which points there is no clear evidence to decide the question with reference to the Greeks. Still the Romans used instruments, which, according to Coretus, Martianus Capella, Cassiodorus, and Boethius (all of whom flourished between the fourth and sixth centuries of the Christian era), did nothing to improve the science of music, and were little more than copyists of their Greek predecessors.

The great improvement which the Romans introduced (rather a practical than a theoretical one) was a simplification of the musical nomenclature, effected by rejecting the arbitrary signs in use among the Greeks, and substituting for them the first fifteen letters of the Roman alphabet. This simplification they were enabled to make by a reduction of the modes; indeed, it seems very probable that this complicated system had in practice entirely fallen into disuse, as we know that the diatonic genus had usurped the place of the two other genera. (Vid. Music, Greek.)

Of all Latin authors, Boethius gives the most profound account of the subject. His work is a carrying out of the old Pythagorean system, and is a mere abstract speculation on the nature of music, which, viewed as one of the quadrivium, or four mathematical sciences, has its foundation in number and proportion, and is a full and complete system of the work may be seen in Hawkins. 5 It contains, 1st, an investigation into the ratios of consonances; 2d, a treatise on several kinds of proportion; 3d, a declaration of the opinions of different sects with respect to the division of the monochord and the general laws of harmony.

Before this time, St. Ambrose had introduced the practice of singing in the church at Milan. Of the nature of the Ambrosian chant we only know that it consisted in certain progressions, corresponding with different species of the diapason. It is described as a kind of recitation, more like reading than singing.

It was by St. Gregory the Great that the octave was substituted for the tetrachord as the fundamental division of the scale. The first octave was denoted by capital letters, A, B, C, &c.; the second by small letters, a, b, c, &c.; and when it became necessary to extend the system, marked the third by small letters doubled, ab, bb, &c. There is no proof that the Romans, any more than the Greeks, had any notation with reference to time. Where vocal music was united with instrumental, the time was indicated by the movements of the players; the length of a notation of time would make us doubt whether

1. (Font., vi., 657.); 2. (Nero, 94.); 3. De Ortat., iii., 44.; 4- (Hawkins, vol., i., 270.); 5. (p. 385.)
any but a very simple style of merely instrumental music prevailed among them. 1

For a general account of ancient music, the reader is referred to the previous article.

MUSTIUM OPUS. (VID. HOUSE, ROMAN, p. 520.)

"MUSMON (μυσμών), an animal noticed by Strabo, and said to be engendered between a she-goat and a ram. Others held it to be what is now called the "She-goat of Sardinia and Corsica," the original of our sheep, or, according to Aldrovandi, the Spanish Sheep. 2

MUSTAX (μυστάξ), Mustaches. The different parts of the beard (vid. BARRA) had different names, which also varied with its age and appearance. The young beard, first appearing on the upper lip, was called ύπαργον or ύπαργον πρώτον, and the youth just arrived at it, was rubbed with it, was πρώτων ύπαργον. 3 By its growth and development it produced the mustaches, which the Greeks generally cherished as a manly ornament. 4 To this practice, however, there seems to have been one exception. The Spartan Eukri, when they were induced, made a proclamation requiring their citizens to shave off the mustaches and obey the laws. 5 For what reason they gave the former command does not appear.

"MUSTELA (μυστέλα), the Weasel. Pliny speaks of two kinds, the tame or domestic, answering to the γαλάς, and the wild, or λεκτί. "There is considerable difficulty, however," remarks Adams, "in determining what each of the Ictis of the Greeks and Romans was. Schneider, in his commentary on Nicander, pronounces it to be the Ferret; but in his edition of Aristotle's Natural History, he decides, upon the authority of Cetti, an Italian, that the Ictis is a peculiar species of the Ferret, which the Sardinians call Boccamele, namely, the Mustella farinae."

MUTATIONES. (VID. MANNO.)

MUTUUM. The mutuo dato is mentioned by Gaius as an instance of an obligatio "qua re contratitur." It exists when things "qua ponderum mensuravit constant," as coined money, wine, oil, corn, ass, silver, gold, are given by one man to another so as to become his, but on the condition that he shall return the same as soon as he is in want. If the condition is that the same thing shall be returned, it is not mutuum. (VID. COMMUTATUM.) Inasmuch as the thing was in this case so given as to become the property of the receiver, the Roman jurists were led to the absurdity of saying that mutuum was so called for this reason (quod ex meo tuum ficit) in this convention of a certi conditio to the lender, provided he was the owner of the things, and had the power of alienation: otherwise he had no action till the things were consumed. If the borrower lost the things by any accident, as fire, shipwreck, &c., he was still bound: the reason of which clearly was, that by the mutuall loan the things became his own. The lender could have no interest from the borrower, unless the thing he had agreed on, or unless there was delay in returning the thing. The borrowing by way of mutuum and at interest are opposed by Plautus. 6 The accutus consulitn Macedoniam did not allow a right of action to a lender against a filiusfamilias

to whom he had given money "mutua," even after the death of the father. 7

MYAGRAM (μυαγρόν), a plant, which Har loun and Stephens refer to a species of Camelina, and which Sprengel, accordingly, holds to be the Camelina sativa, Grantz. The English name for the Myagram of Linnaeus is, according to Adams, "Golt of Paradise," and Hooker, he says, calls this plant the Camelina sativa. 8

"MYIA" is a term applied more especially to the Mylius edulis, or common Mussel, but which appears to have a more extensive application. 9

MYLAE (μῦλα). "The Pyrite and Malares," says Sir John Hill, "are masses of mineral, saline, and sulphuraceous matter, either in detached pieces of different figures and textures, or in whole veins. They also, as Adams remarks, often contain gold, silver, copper and iron in small quantities. 10

MYOPS (μυόπ). (VID. CERUS.)

MYOSOTIS (μυώσωτις), a plant, of which Dioscorides describes two species. The first of these Sprengel supposes to have been the Parietaria Cretica. The other he decides to be the well-known plant called "Forgot-me-not," or Myosotis palustris. 11

"MYREX. (μυράκ.)""the house," observes Adams, "sets down the myraen of Theophrastus as being the Myrica cordifolia. Sprengel, Schneider, and Dierbach agree in holding it to be the Tamarix Gallica, or French tamarisk-tree. Linnaeus makes a distinction between the Myrica and Tamaris, although Pliny had acknowledged them as synonyms. Greek domestic mythology makes of the notices of the myraen in Homer indicate that it must have been the arbis specie non namis hamilem. 12 I can find nothing, however, in these passages of Homer which would lead me to doubt of its applicability to the French tamaris, a shrub which grows to about 20 feet in height. 13

"MYRIO." (μυρίο), a term applicable both to the Formica fusca, or common Ant, and to the Formica rufo, or Pismire. Dodwell gives an interesting account of the Herculane Act, with which the gardens at Athens abound, and which are employed as a means of exterminating the small red ant that infest the orange and lemon trees. 14

"MYSTES." (μυστης) or M. MYRUS, or M. Ophria, L., a species of Murex or Eel. Rondelet says it wants the spots and scales of the Murana: this accords with Aristotle's description of it. 15

MYSTEA (μυστα), a festival celebrated by the inhabitants of Pellene, in Achaia, in honour of Demeter Mystia. The worship of this goddess was introduced at Pellene from a place called Mystia, in the territory of the Macedonians, and the ceremonies of the Mystia and the Mystices of Pellene lasted for seven days, and the religious solemnities took place in a temple surrounded by a beautiful grove. The first two days men and women took part in the celebration together; on the third day the men left the sanctuary, and the women, remaining in it, performed during the whole day and the following night various rites, and even male dogs were allowed to remain within the sacred precincts. On the fourth day the men returned to the temple, and men and women now received each other with shouts of laughter, and as saluted each other with various railleries. 16 Other particulars are not known.

MYSTAE. (μυστα). (VID. ELEUSINIA.)

MYSYTEIA. As each mystery or mystic festi-
val is described in a separate article, a few gen-
eral observations will only be required under this
head. The names by which they were designated
in Greece are μυστηρια, τελεται, and θρης. The
name θρης (from θρηνω) originally signified only
sacrifices accompanied by certain ceremonies, but
it was afterward applied especially to the cer-
emonies observed in the worship of Dionysus, and,
at a still later period, to mysteries in general.1
Τελετη signifies, in general, a religious festival,2 but
more particularly a lustration or ceremony per-
informed in order to avert some calamity either pub-
lic or private.3 Μυστήριον signifies, properly speak-
ing, the secret part of the worship, but it was also
used in the same sense as τελετη, and for mysti-
with that name.4
Mysteries, in general, may be defined as sacrifices
and ceremonies which took place at night, or in se-
cret, within some sanctuary, which the unintiated
were not allowed to enter. What was essential to
them were objects of worship, sacred utensils, and
traditions with their interpretation, which were
withheld from all persons not initiated. The term
between mysteries properly so called, that is, such in which no one was allowed to
partake unless he had undergone a formal initiation,
and the mystical ceremonies of certain festivals, the
performance of which, though confined to particular
classes of persons or to a particular sex, yet did not
require a regular initiation. Our attention in this
article will be confined to the mysteries properly so
called.
It appears to have been the desire of all nations of
antiquity to withhold certain parts of their reli-
gious worship from the eyes of the multitude, in or-
der to render them the more venerable.4 But that
the ancient mysteries were nothing but the imposi-
tions of priests, who played upon the superstitions
and ignorant, is an opinion which, although enter-
tained by Limburg-Brouwer, the latest writer on the
subject,5 certainly cannot satisfy those who are ac-
customed to seek a more solid and vital principle in
all religious institutions that have ever had any last-
ing influence upon mankind. The persons united
and initiated to celebrate the mysteries in Greece
were neither all priests, nor did they belong to the
important classes of those who celebrated these festi-
vals, but on the contrary, frequently the most dis-
tinguished statesmen and philosophers. It has been
remarked under Eleusisina (p. 396), that it is far
more probable that the mysteries in the various parts
of Greece were remains of the ancient Pe-
lagian religion. The associations for persons
for the purpose of celebrating these mysteries must therefore have been formed at the time when the overwhelming
influence of the Hellenic religion began to gain the
upper hand in Greece, and when persons who still
entertained a reverence for the worship of former
times united together, with the intention of preserv-
and upholding among themselves as much as
possible of the religion of their forefathers. It is
natural enough, that they formed themselves for
this purpose, into societies, analogous to the broth-
hoods in the Church of Rome,6 and endeavoured to
preserve against the profanation of the multitude
which was most dear to them. Hence the se-
cracy of all the Greek mysteries, and hence the fact
that the Greek mysteries were almost invariably con-
ected with the worship of the old Pelasgian divin-
ities. The time when mysteries were established as
must have been after the great changes and
5. (Lobeck, Aphorismen, i., p. 356.)—2. (Aristot., Rhet., ii.,
24.—Plato, Leg., iii., (cu.), 12.)—3. (Plut., De Rep., ii., p. 554, E.)—
4. (Strabo, p. 717.)—5. (Historia de la Civilisation Monde et Ré-
lig. des Grecs, tom. iv., p. 199.)—6. (Porphyry, De Amin.,

MYSTRUM. disturbances produced by the Dorian migration, as
though tradition referred their institution to Orph-
ians, the Curetes, the Idaean Dactyles, Dionysus, &c.,
who belong to a much earlier period. These tradi-
ions, however, may in so far be regarded as true,
as the mysteries were only a continuation and prop-
ergation of the old Pelasgian religions. It must, how-
ever, be admitted, that in subsequent times new elements
were added to the mysteries which were originally
foreign to them. The development of philosophy,
and, more especially, the intercourse with the East
and with Egypt, appear to have exercised a consid-
erable influence upon their character.
The most celebrated mysteries in Greece were
those of Samothrace, Eleusis, and Eleutherai. (Vid. Castagni,
Eleusis and Eleutherai.) But several other places and divin-
ities had their peculiar mysteries, e. g., the island of
Crete those of Zeus;4 Argolis those of Hera;5 Athens
those of Athena and Dionysus6 (vid. Dio-

7. (Strabo, p. 718.)—8. (Iun., i., 182, 5.—9. (Porphyry, De Amin.,

4. (Lobeck, Aphorismen, i., p. 356.)—2. (Aristot., Rhet., ii.,
24.—Plato, Leg., iii., (cu.), 12.)—3. (Plut., De Rep., ii., p. 554, E.)—
4. (Strabo, p. 717.)—5. (Historia de la Civilisation Monde et Ré-
lig. des Grecs, tom. iv., p. 199.)—6. (Porphyry, De Amin.,

8. (Porphyry, De Amin.,

9. (Porphyry, De Amin.,

10. (Porphyry, De Amin.,

11. Galen adds that the smaller

mystikos). "This term oc-
curs in the common editions of Aristotle's Natural
History, and hence Linnaeus calls the common
whale Baleena Mysticetus. Schneider, however,
read μυστηρια for μυστηρια. It is the Musculus of Pliny.

MYSTRUM (μυστήριον), a Greek liquid mea-
sure, of which there were two sizes, called the large
and small mystrum. The small, which was the
same common of the two, was 5/12 of the cotyla,
and 4th of the eythus, and therefore contained 0.208 of
an English pint.11 Galen adds that the smaller
mystrum contained 24 drachmas; if at the larger was 8/12 of the
cotyla, and contained 38/4 drachmas; but that the most exact mystrum (τὸ διακοσιοῦνον μυστήριον)
2. (Plut., Alcib., 34.)—4. (Porphyry, De Amin., 19.)—5. (Por-
nu., 30, 5.)—6. (Por. iv., 34, 9.—7. (Por., iii., 11, 1d., 1b., 30, 4.)
8. (Hered., v., 83.—10. (Por., iii., 11, 1d., 1b., 30, 4.)
10. (Por. iv., 34, 9.—11. (Por., iii., 11, 1d., 1b., 30, 4.)
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cotyla, and contained 38/4 drachmas; but that the most exact mystrium (τὸ διακοσιοῦνον μυστήριον)
NAVARCHUS.

held 8 scruples, that is, 9'd drachma. According to this, the small mystrum would be 3' of the larger. But in the 13th chapter of the same fragment he makes the large mystrum = 3 of the cotta, and the small mystrum 4th of the large. In c. 4 he makes the large mystrum = 3 oxypha and the small = 1'd drachma. Cleopatra makes the large = 24 2/3 of the cotta, the small = 1 drachma. Also NAUVLIA or MYXON (ναύκλια, μύξον), a variety of the Mullet. Artedi calls it Cygion Myxo an-
thorun. 2

N

NE'NIA. (Vid. Fonix, p. 459.)

*NAPI (ναπί), a term applied by Theophrastus, Galen, and Dioscorides, to the neraigo, or common Mustard. Dr. Milligan, however, in his edition of Celsius, sets it down for the Sinapis alba, or White Mustard. 3

*NARCISSUS (νάρκισσος), a plant. The name is especially referable to the Narcissus poeticus, or Daffodil, but it was most probably applied on some occasions to a cheaper and lister flower, the naseia nigra, or common Mustard. 

*NARDS (νάρδς). "By Nard," says Dr. Harris, "was meant a highly aromatic herb, growing in the Indies, and called Nardostachys by Dioscorides and Galen." It is fully described by Moses Charras. "That the ancient Nards were Valerians, is now, remarks Adams, universally admitted. Sprengel shows that the Indian Nard was the species of Valerian called Patri-

N

NAVA'LLA were docks at Rome where ships were built, laid off, and refitted, and the oars attached to the emporium outside of the Porta Tri-

N

NAVALIS CORONA. (Vid. Corona, p. 310.)

NAVARCHUS (ναυαρκάος) is the name by which the Greeks designated both the captain of a single ship, and of the fleet. The office itself was called ναυαρχείον. The admiral of the Athenian fleet was always one of the ten generals (στρατηγοί) elected every year, and he had either the whole or the chief command of the fleet. 4 The chief of

N

NAUCARHIA.

The navarchus in Rhodes seems to have been their chief military officer. We find him authorized to conclude treaties with foreign nations, and sent on embassies in the name of the Republic. 8

The navarchus (ναυαρχιός) is the head of one of a

division of the inhabitants of Attica. The four Attic phyle were each divided into three phratries, and each of these twelve phratries into four naucaries, of which there were thus forty-eight. This division is ascribed to Solon; 4 but Herodotus, 6 in relating the insurrection of Cylon, mentions magistrates at Athens called στρατηγοί τῶν ναυαρχων, so that the office of navarchus is clearly anterior to the time of Solon. There is, however, some difficulty connected with this passage of Herodotus, inasmuch as Thucydi-

N

N

(λυκυρδας, 6.) They were under the superinten-
dence of regular officers called ἐπίμαχοι τῶν ναυ-
ποιῶν. (Vid. Enmeilekti, 6.)

N

Navalis Corona.

N

The navarchus was employed at the prow of the vessels. 1 (Vompar Strategon.)

*Other Greek states who kept a navy had likewise their navarches. A Spartan navarchus is mentioned by Xenophon, 7 and under him served an officer called ἐπιστάτης. 8 The navarchia of Sparta, however, was an innovation of later times, when the Spartans had acquired a fleet and possessions in the Ionian and Ethiopian countries. The office was distinct from that of the kings, and Aristotle 9 calls it χειρός τριπτερος βασιλευς, 10

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N
NAUMACHIA.

NAUTODICAEA.


The obligation of each naucrarius to equip a ship of war for the service of the Republic may be regarded as the first form of trierarchy.5 As the system of trierarchy became developed and established, this obligation of the naucrariae appears to have gradually ceased and to have fallen into disuse. (Compare Thierarchia.)

NAUCRIA (v. v. Naucraria) (v. v. Navi.).

NAUMACHIA was the name given to the representation of a sea-fight among the Romans, and also to the place where such engagements took place. These fights were sometimes exhibited in the circus or amphitheatre, sufficient water being introduced to float ships, but more generally in buildings especially devoted to this purpose. The first representation of a sea-fight on an extensive scale was exhibited by Julius Caesar, who caused a lake to be dug for the purpose in a part of the Campus Martius, called by Suetonius the "Lesser Codex."5 This lake was afterward filled up in the time of Augustus, on account of the malaria arising from the stagnant water in it.6 Augustus also dug a lake (stagnum) near the Campus Martius, and planted around it a grove of trees (nemus).6 This naumachia was the first permanent one; it continued to be used after others had been made, and was subsequently called the "vetus naumachia."6

Claudius exhibited a magnificent sea-fight on the lake Pueinus.7 Nero appears to have preferred the amphitheatre for these exhibitions. Domitian and Nerva, however, held sea-fights in naumachia, and erected a building of stone around it, in which the spectators might sit to see the engagement.9 Representations of naumachiae are sometimes given on the coins of the emperors.10

The combats in these sea-fights, called Naumacharii,11 were usually captives, or criminals sentenced to death.12 As a sea-fight, as in gladiatorial contests, until one party was killed, unless preserved by the clemency of the emperor. The ships engaged in the sea-fights were divided into two parties, called respectively by the names of different maritime nations, as Tyrians and Egyptians,13 Rhodians and Sicilians,14 Persians and Athenians,15 Oreyreans and Corinthians, Athenians and Syracusans, and Greeks and Phoenicians, and these last were sometimes known as "Punic naumachiae."16

NAUTODICAE.


The shell-fish is graphically described by Aristotle, Oppian, and Philo. It is the Argonauta Argo, L., or the Paper Nautilus.

NAUTODICAE (v. v. Nautilos) are called ὑφαι στραταγματικας by most of the ancient grammarians, while a few others call them diocaeti.4 The concurrent authority of most of them, together with a passage of Lysias, the only Attic orator who mentions the nautaecides, renders it more than probable that they were a magistracy. This can be the less doubtful, as the words διος και διακάτις are sometimes used of magistrates in their capacity of εἰσαγωγείς (v. v. Eἰσαγωγείς). All testimonies of the ancients, however, agree that the naudodice had the jurisdiction in matters belonging to navigation and commerce, and in matters concerning such persons as had entered their names as members of a phratria without both their parents being citizens of Athens, or, in other words, the δικαῖος ἱμπρόφωρος and δικαῖος ἱμπώτης. The time when naudodice were first instituted is not mentioned, but the fact that they had the jurisdiction in matters belonging to navigation and commerce, as well as frequently to matters of a personal nature, as for instance, when father and mother being citizens, shows that their institution must belong to a time when it was sufficient for a man to be a citizen if only his father was a citizen, whatever his mother might be, that is, previous to the time of Pericles (compare Cteet, p. 250), and perhaps as early as the time of Cleisthenes.

The naudodice were appointed every year by lot in the month of Gamelion, and probably attended to the δικαῖος ἱμπρόφωρος only during the winter, when navigation ceased, whereas the δικαῖος ἱμπώτης might be brought before them all the year round.

It is a well-known fact, that the two actions δικαῖος ἱμπρόφωρος and δικαῖος ἱμπώτης which we have here assigned to the naudodice belonged, at least at one time, to the themarchetes.17 Several modern writers, such as Büch, Baumstark, and others, have, therefore, been led to suppose, that all the grammarians who call the naudodice υφαι στραταγματικας are mistaken, and that the naudodice were not εἰσαγωγείς in the cases above mentioned, but δικασταί. But this mode of settling the question does not appear to us to be as satisfactory as that adopted by Meier and Schäfer, who maintain that the latter term is given when the trace occurs of the naudodice; and in the oration against Laerius,18 where all the authorities are mentioned before whom such a case as that of Laerius might be brought, the orator could scarcely have failed to mention the naudodice, if they had still existed at the time. It is, therefore, natural to suppose that the δικαῖος ἱμπρόφωρος, at the time of Philip of Macedon, when they became δικαῖος ἱμπρόφωρος (v. v. ΕἰσμΗΝΟΙ ΔΙΚΑΙ), were taken from the naudodice and transferred to the themarchetes. And as the Republic could not now think it any longer necessary to continue the office of naudodice merely on account of the δικαῖος ἱμπώτης, these latter were likewise transferred to the themarchetes, and the office of the naudodice was abolished. The whole period of Macedon's invasion, when Athens would thus comprehend the time from the legislation of Cleisthenes, or soon after, to Philip of Macedonia. One difficulty, however, yet remains, for naudodice are mentioned by Lucian in a dialogue...
art often show it as worn not only by male and female bacchantes, but also by Pans and Satyrs. It was commonly put on in the same manner as the wig or gorget, by tying the two fore legs over the right shoulder so as to allow the body of the skin to cover the left side of the wearer. In the Dionysiac processions, the fawn’s skin worn by the god, besides its natural spots, which were greatly admired, was enriched with gems.

NEMEANS (vĕlĭ̂pŏs, a precious stone, mentioned in the Orphic poem. De Laet supposes it either an agate or a jasper.

NEFASÌ DIES. (Vid. Dies, p. 362.)

NEGATIVĀ. NEGATORĪA ACTIO. (Vid. Confessoria Actio.)

NEGOTORĪM GESTORĪM ACTIO. This was an action which a man might have against another who had managed his affairs for him in his absence, without being commissioned to do so ( sine mandato). The action was not founded either on contract or delict, but was allowed for convenience' sake (utilitatis causa). The person whose business was transacted by another, and the person who transacted the business, might severally have an action against one another in respect of that which "ex bona fide alterum alteri pravissure operis." The action of the self constituted agent was sometimes called contraria, by analogy to similar actions in other cases. He was bound to make good any loss that was incurred during his administration by dolus or culpa, and in some instances even loss that had been incurred by casus. On the other hand, he had his action for all expenses properly incurred, whether they were to the benefit or disadvantage of the person for whose account he was unfortunate to the absent person; as if he paid for medical attendance on a sick slave, and the slave died, notwithstanding all his care: but various difficulties might easily be suggested as to such cases as these, and the rule must be qualified by the condition of the thing undertaken being a thing profane. When the service was undertaken, though the result might be unprofitable.

NEKROΔEÎPÎNON. (Vid. Funus, p. 458.)

NEKROTHAPTALI. (Vid. Funus, p. 459.)

NEKUSII. (Vid. Funus, p. 458.)

NEMEAN GAMES (vîga, vēlîta, or vēsata), one of the four great national festivals of the Greeks. It was held at Nemea, a place near Cleone in Arcadia. He various legends respecting its origin are related in the arguments of the scholiasts to the Nemea of Pinidar, with which may be compared Pausanias and Apollodoros. All these legends, however, agree in stating that the Nemea were originally instituted by the Seven against Thebes in commemoration of the death of Opheltes, afterwards, when the Seven were carried to heaven, by the Nemean heroes at Nemea, and were very thirsty, they met Hypsipyle, who was carrying Opheltes, the child of the priest of Zeus and of Eurydice. While she showed to the heroes the way to the nearest well, she left the child behind, lying in a meadow, which, during her absence, was killed by a dragon. When the Seven, on their return, saw the child, they killed the dragon, and instituted funeral games (αὐτὸν τίτα- λοφος), to be held every third year (τριετερόκος). Other legends attribute the institution of the Nemean games to Heracles, after he had slain the Nemean lion; but the more genuine tradition was that he had either revived the ancient games, or, at least, introduced the alteration by which they were from this time celebrated in honour of Zeus. That Zeus was the god in honour of whom the games were afterwards celebrated, is stated by Pinidar. The games were at first of a warlike character, and only warriors and their sons were allowed to take part in them; subsequently, however, the hare, or open mouse, was introduced by the Greeks (δημοκτήμι πάθησιν ενεργήματος). The games took place in a grove between Cleone and Phlius. The various games, according to the enumeration of Apollodoros, were horse-racing, running in armour in the stadium, wrestling, chariot-racing and discus, boxing, throwing the spear and shooting with the bow, to which the newly added musical contests. The scholiasts on Pinidar describe the agar equestrians as in some way imperfectly as ἵππας and γυναῖκες. The prize given to the victors was at first a chaplet of olive-branches, but afterwards a chaplet of green parsley. When this alteration was introduced is not certain, though it may be inferred from an expression of Pinidar, who calls the parsley (αὐτὸν οὖν) the ἄρδανας, that the new prize was believed to have been introduced by Heracles. The presidency at these games, and the management of them, belonged at different times to Cleone, Corinth, and Argos, and from the first of these places they are sometimes called ἄρδανας Κλεανίσ. The judges who awarded the prizes were dressed in black robes. 

and an instance of their justice, when the Argives
presided, is recorded by Pausanias.1

Respecting the time at which the Nemean games
were held, the scholiast on Pindar2 merely states that
they were held on the 12th of the month of
Panemus, though in another passage he makes a
statement which upsets this assertion. Pausanias3
speaks of winter Nemea, and manifestly distin-
guishes them from others which were held in summer.
It seems that for a time the celebration of the
Nemea was neglected, and that they were revived in
Ol. 53, 2, from which time Enæus dates the first
Nemead. Henceforth it is certain that they
were for a long time celebrated twice in every
Olympiad, viz., at the commencement of every sec-
ond Olympic year in the winter, and soon after the
commencement of every fourth Olympic year in the
summer. This has been shown by Böckh in an
essay über die Zeichenkäle der Danaak. Rote gegen
Maidas, in the transactions of the Berlin Acad.,
1818, 1819.—Histor. Philol. Kazan, p. 92, &c.—Com-
pare Iliced, Handb. der Chronol., ii., p. 686, &c.
About the time of the battle of Marathon, it became
custumary in Argolis to reckon according to Ne-
meads.

In 298 B.C., Philip of Macedonia was honoured
by the Argives with the presidency at the Nemean
games in the year Quinquennium, and the Nemea
was held under the auspices of the Argives.5 The
Emperor Hadrian restored the horse-racing of boys
at the Nemea, which had fallen into disuse. But
after this time they do not seem to have been much
longer celebrated, as they are no longer mentioned
by any of the writers of the subsequent period 6
NEODAMO'DEIS. (Vid. NEXUM, p. 460)
NEO'CORO'I.
NEODAMO'DEIS. (Vid. NoxuM.)
NEPENTHES (vörpentès). Among the many
conjectures which have been started concerning the
Nepenthes, that one appears very plausible which
supposes that it was used in Opium, or the juice of
the Papaver somniferum.7
NEPTUN'ALIA, a festival of Neptune, celebrated
at Rome, of which very little is known.8 The
day on which it was held was probably the 23rd of July.
In the ancient calendar this day is marked as Nept.
ulus et furia, or Nept. lulii, from which we see that
the festival was celebrated with games. Respect-
ing Neptune's worship as the god of sea, the festival
is said to be a commemoration of the lives of
except that the people used to build huts of branch-
and foliage (umbræ), in which they probably feasted,
drank, and amused themselves.10
NEXUM (nêxum). According to Rondelet
and Gneuss, the nêxum of Aristole is a species of
Concha, whereas that of Aelian is a species of
Cochlea. (vid. NEXUM, p. 461)

NEXUM is defined by Mamilius to be "onna quod
librum et as geritur, in quo sinit mancipii." Mu-
cius Scævola has a different definition: "quae
per as et librum fiant ut obligentur, praeter quom qua
mancipio detur." Varro,1 who has preserved both
these definitions, prefers the latter, as being
consistent with the style of the word: "per
obligatur per libram, neque eum sit, inde Nëxum dis-
tur." As an illustration, he adds: "Libor qui suas
operas in servitutem pro pecunia quam debeat dat, dam
solveret, nœx vocatur, ut ab ore obseratur." The
difference in these definitions arises solely from the
different aspect under which the nêxum is viewed.
Every nêxum was in the form of a sale, and, con-
sequently, viewed as to its formal part, nêxum com-
prehended mancipium. The testamentary facio
was also included under nêxum. Viewed as to its ob-
ject and legal effect, nêxum was either the trans-
fer of the ownership of a thing, or the transfer of
a thing to a creditor as a security: accordingly, in
one sense, nêxum included mancipium, as explained
in Mancipium; in another sense, mancipium and
nêxum are opposed in the same way in which sale
and the gift are opposed in the same way in which
the sale of a part of both transactions consisted, in a
transfer per as et libram. This explanation is consistent
with the definitions of the jurists, and the uses of
these two words.

The person who became nêxum by the effect of a
nêxum or nœxum (for this form of the word is also used)
said nœxum inire. The phrases nêxus datio, nœxi liber,
respectively express the contractting and the release
from the obligation.

The Roman law as to the payment of borrowed
money (pecunia certa creditis) was very strict. A
curious passage of Gellius9 gives us the ancient
mode of legal procedure in the case of debt, as fixed
by the Twelve Tables. If the debtor admitted
the debt, or had been condemned in the amount of the
debt by a judex, he had thirty days allowed for
payment. At the expiration of this time he was
liable to the manus injeqtio (vid. MAMNIS INJECTIO),
and ultimately to be assigned over to the creditor
(vadictus) by the sentence of the pretor. The
creditor was required to keep him for sixty days in
chains, during which time he publicly exposed the
debtor, without mention of the nature of the fine,
and proclaimed the amount of his debt. If no person
replied within the period, the creditor, by paying
the debt, the creditor might sell him as a slave or
put him to death. If there were several creditors,
the letter of the law allowed them to out
the debtor in pieces, and to take their share of his
body in proportion to their debt. Gellius says that
there was no instance of a creditor ever having
adopted this extreme mode of recovering his debt.
But the creditor might treat the debtor, who was
addictus, as a slave, and compel him to work out
his debt; and the treatment was often very severe.
It is remarkable, that in this passage Gellius does
not speak of nœxum, but only of addiciti; which is
sometimes alleged as evidence of the identity of
nœxum and addictus, but it proves no such identity.
If a man is here supposed to be, then
the law of the Twelve Tables would be, that
for when a man had once become nœxum with respect
to one creditor, he could not become nœxum to an-
other; and if he became nœxum to several at once,
in this case the creditors must abide by their own
contract in taking a joint security. This law of the
Twelve Tables only applied to the case of a debtor

1. (viii., 6, 3.)—2. (Argum. ad Nen.)—3. (ii., 15, 2.)—4. Liv., xxvii., 30, &c.—Poliby, x, 26.)—5. (Liv., xxv., 41.)—
Polyb. x, 30. &c.—Polyb. xi, 26. &c.—Vitellus, Historiae Italicæ, lib. iv, c. 19, 26, 27, 28. &c.—Ptolemy, Script.
epist., 1, 7. (Tertull., Ad Quir., iv, 7.)—7. (Hom. Od., iv, 220.)
39, 1, &c.—Tertull., De Scept., 6.)—11. (Dioeces, iv, 89. —Wal-
pole's Memoirs, &c., vol. i, p. 524.)
10. (xxr, 1)}
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being assigned over by a judicial sentence to sever., creditors, and it provided for the settlement of their conflicting claims. The distinction between a nexus and a judicature is obvious enough, that some writers have missed it.

The precise condition of a nexus has, however, been a subject of much discussion among scholars, and it is not easy to reconcile all the passages in which the term occurs so as to deduce from them a consistent view of the matter. Sometimes, indeed, nexus appears to be used in the same sense as adscript, which cannot cause any difficulty if we consider that the effect of being nexus and adscript was the same, as will presently be made probable.

As a nexus was effected per ses et libram, it was in the form of a sale, and, of course, there was an object of sale; and this object of sale might be a thing in the hand of a person. A free person, so far as the law is concerned, might, if he wished to make it so, be the object of a sale, but it requires only a slight acquaintance with Roman law to perceive that this difficulty could be got over by a fiction. As in the case of manumission per vindicium there was a fiction that the slave was free, so there might here be a fiction that the freeman was a slave. If this fiction were adopted as a probable solution, it cannot be denied that there would still be much difficulty in understanding the coemito of a female, who was sui juris, which, as a legal fact, is quite certain, as the formal sale of a freeman with his consent. The notion of a freeman giving himself into the power of another; so far from being foreign to the notions of Roman law, as some writers have asserted, is perfectly consistent with them, as we see in the instance of adrogation.

The nexus, then, being in the form of a sale, the nexus was in a servile condition as a necessary consequence of the nexus, and the opinion that there must be an addition to give effect to the nexus is inconsistent with the notion of the nexus. According to this view, a nexus, as soon as the contract of nexus was made, was in the condition of an addictus, and both were treated as slaves. But it has been urged that "one cannot discover any reason for this self-pledging (nexusm), since every insolvent, even when there was no nexus, must become a slave by a condition (addictus), and how can we understand that the advantage of being nexus not only was such an advantage gained by the plebeians, if the addictio still remained, which might be obtained when there was no nexus; and it cannot be denied that it did remain?" The advantage consists precisely in the difference between a contract which cannot be enforced against a person without the form of legal proceedings, and a contract which once gives a man a power over his debtor without any application to a court of justice. The effect of the abolition of the nexus, in this its special sense, while the addictio still existed, may be illustrated by the supposed case of a landlord's remedy for the recovery of his rent by distress being abolished, which is a question under the contract for letting and hiring remained.

It is remarked by Götting, that the comparison of the adrogatio and the addictio gives the clearest proof of the correctness of Savigny's view, who rejects the notion of a freeman pledging himself. In the case of the adrogatio of a Roman, who is not already in a servile condition, no such person could effect of himself; but, of a Nexus, an adrogatio occurs, and it is effected by the living father and the son together. In the case of coemito, it certainly appears as if the woman of herself effected a self-manicipation; she, however, is not herself auctors, but her guardian is auctor."

There may be some weight in this observation, the point of which appears to be this: there was manipatio in the case of adoption, where the adopted person was in the power of another, but no manipatio in the case of adrogation, where the adopted person was not in the power of another. The tacit conclusion, then, seems to be, that in one case there was no manipatio, and yet a person was brought into the power of another with his own consent, there could be no manipatio when a person consented to put himself into a servile relation to another; for it is, in cases next in point, a voluntary act was voluntary. But this is not a legitimate conclusion. It is easy to see that manipatio in the case of adoption, where the son was in the power of the father, was a sufficient form, considering that the person adopted was only a filiusfamilias; and that adrogation, which was of a person who was a filius, and given in manumission, all required other forms to be observed, because the person adrogated was not a filiusfamilias. (Vid. Adoption.)

A nexus effected no change of family, like an adoption or adrogation; and, while its object was different from that of both of these ceremonies, it is quite consistent for its form to have been the same as the form of the one, and different from the form of the other.

The mode in which Götting explains this matter of the nexus is as follows: "A free citizen can come into a mancipial condition when he cannot pay a loan (as confessum) out of his own means. What in such case he has to give security is, that to which he has bound himself, is called nexus (nameley, a); hence the phrases nexus dato, nexus libertate. The person who does such an act is called nexus (from nexus nexus) iniens, nexus faciens; but after he has received the loan in the above solemn manner, he is nexus obligatus, nexus vincit: as soon as he has failed to fulfil his obligation, and, in consequence of such failure, has been addicted (addictus), and given in manumission, he is nexus mancipii, he is called nexus (adjetive), qui se nexus datit; a more confused account of the thing, or one more remote from legal precision, cannot be imagined."

The lex Pettilia (B.C. 326) alleviated the condition of the nexus. So far as we can understand its provisions, if the borrower did not pay the debt, he was solutus, and it enacted that, for the future, there should be no nexus (cautumque in postterum nec necessitatem), and that no debtor should, for the future, be put in chains. Addictio, however, still continued in force after the lex Pettilia, as we see in several instances. It appears from the lex Gallie, in which the phrase nexus, and in the case of other actions there was only a possessio honorum, but in the case of pecunia certa credita there was personal execution. The enactment of the lex Julia, which introduced the bonorum cession, and gradual changes in society, must have diminished the frequency of the addiction. (Vid. Bonorum Casso.)

Neither the addictio nor the nexus was a slave, and it is not possible in suspense. As to the nexus, it must have been necessary that the effect of the legal act by which the ingenium was made a nexus should be done away with by another legal act; and this seems to be the nexus liberatio which was done per as et libram. It also appears, from a passage in Livy, that a certain person, who was thus adrogated, remained such till the act was released from his obligation per as et libram. In the time of Gaius, an imaginary form of payment per as et libram was retained in cases where the
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It was Niebuhr’s opinion that the nexum, when it became a form of giving security, had not its complete effect until the debtor was unable to pay, and was brought into the condition of a debtor-slave by the additio. An answer to this is contained in a passage already quoted. If required an additio to make a person nexum, what was the use of a nexum when a man might become additius, even when there was no nexum? The only intelligible solution of all these difficulties is, that a nexum had an immediate effect.

It seems to be a legal consequence of a nexum and an additio, that the children, if they were in the power of the creditor, must follow his condition, as in the case of adrogation.

In the case mentioned in Livy, where the son is said to have been nexum for his father’s debt (cum se nexum dedisset), it may be that the father bound his son only, which he could certainly do just in the same way as he could manumit him. If the son was not in his father’s power, he could still bind himself on behalf of his father. The expression in Livy does not enable us to determine which of the two possible cases was the real case, but it seems probable that the son was in the power of the father.

The meaning of the provision in the Twelve Tables, as cited by Gellius, as to cutting the debtor in pieces, has been a subject of much discussion. Taylor has given in his translation of the Twelve Tables, a note ad loc. De Inope Debitore (in partes disseccando), attempts to prove that Gellius misunderstood the old law, and that the words of the Twelve Tables, “partis secundo: si plus minusse secuerint se fraude esto,” mean that the several creditors are entitled to have the “parts,” that is, the “operis” of the additio, divided or distributed among them; and he goes on to explain the rest of the law in these terms: “Commune sit servus corum, qui guidem adfuisset: et sine fraude esto, si ecteris toties proculas suas quoque partis in debitores non vindicarent.” But the arguments of Taylor are by no means satisfactory. The conjecture that the “parts” are the shares of the creditors arising from the sale of the debtor, is also unsupported by any proof. This monstrous enactment, if it were taken literally, shocked all our notions of humanity, but it has been well observed that it is by no means inconsistent with the spirit of the Roman law; and that the fact of an actual division of a debtor’s body not being on record, is no proof of it, and hardly furnishes a presumption against the existence of such a law. The Romans had no prisons for debtors. The creditor was the debtor’s jailer, and we know that in the oldest time he was one of the family, and that several creditors who claimed the body of a debtor, he might be kept by any one for the benefit of himself and the rest till the sixty days were over; but after

that time, if the creditors could not agree among themselves, there was no possible mode of settling their conflicting claims than that which the law of the Decemvirs gave them, and which they might adopt if they chose. Such a law could never be carried into effect, unless the legislator must have well known, and thus, while its terms fully satisfied the claims of the creditors, in practice it may have turned out really favourable to the debtor.

(Vid. the remarks of Gellius on this part of the law.) But the solution of the difficulty is quite a different matter from the fact of its existence, which is in no way to be questioned because we have no direct evidence.

The various authorities on the subject of the nexum and additio are referred to by Reis, Der Rom. Privatrecht, p. 313, &c. The writer of this article has not had the advantage of seeing the essay of Savigny, Ueber das altrömische Schuldbuch, Berlin, 1834, and is only generally acquainted with it from other works. The whole subject is still encumbered with difficulty, as will appear from a reference to the various writers on this subject. The note of Walter appears to contain the true statement as to the difference between the effect of a nexum and a res judicata; but he rejects the notion of a man selling or pledging himself.

NIBUS VITÆREUS. (Vid. Nix.)

*NITRUM (nìr̃vum). ‘It is scarcely necessary to remark,’ says Adams, that the Latin NITRUS and NITRICUS are connected by a modern form from the nitrate of potassa; but it is not an easy to determine its real nature. Geoffroy, indeed, looked upon it as having been of the same nature as the salt of tartar or potash; but it is much more probable that it was a native composition of soda. It appears from Martial and Serapion that it was nearly allied to common salt, which we know to be sodium carbonate of soda. The word NITRUS in anciently mentioned in the Bible, that an effervescence was produced by pouring vinegar upon it, we may also determine, with some confidence, that it was a carbonate. It seems probable, then, that it was a carbonate of soda. This is also the opinion of Coray; no mean authority on such a matter. Dr Kild, however, maintains, that the terms NITRUS and NITRICUS are not applicable to the native carbonate of soda; they were sometimes applied likewise to saltpetre and sal ammonium. He thinks that Pliny, in the following sentence, applies it to the latter: ‘Calcio aspersum redditi o dereem vehementem.’ The *nitrum is called *carborum by Plato, from Chalarda, a lake in Macedonia.

NIX (nìx). Snow, was used by the Greeks and Romans in various ways as an accompaniment to their meals in warm weather. The great antiquity of the practice is shown by Athenæus. They drank water cooled by the admixture of snow. Also, when the wine was mixed in the vase (sid. statua), snow was poured into it instead of water, so as to cool and to dilute it at the same time. Fragments of ice were put into the cups of wine with the same view. Another method of applying the snow was by pouring wine through a strainer or colander filled with snow; by this process the wine was also rendered clear. The “nimbus vitæreus,” mentioned by Martial, seems to have been a glass colander, which was filled with snow so as to look like a cloud, and from which the wine, after passing through the snow, descended in a shower. Moreover, we learn
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that the water which was poured upon the hands of the guests before a splendid dinner was sometimes cooled with snow.

In consequence of this abundant use of snow and ice, they became articles of traffic. They were brought to Rome in large quantities and wagons, kept in stock, and not unfrequently set on fire as a means of escaping the cold.

NOMEN, in a special sense, was applied to the following parts of dress: 1. The knot used in tying on the scarf (vid. CHALVUS) or other articles consisting of a piece of wool, by means of which a brooch (vid. P S AN T I A) a ring, or some jewel, but frequently in the method shown in the woodcut of Diana at page 245. II. The knot of hair (κόρυβος, κράμβος), either at the top or at the back of the head, adopted by both sexes in fastening their long hair, which was turned upward or backward for the summer months.

The knot of head worn by boys of the poorer classes at Rome instead of the golden BULLA.

NOMEN (GREEK) (δυόμα). The Greeks, as is well known, bore only one name, and it was one of the especial rights of a father to choose the names for his children, and to alter them if he pleased. It was customary for every father to carry a name of the grandfather on his father's side. The history of Greece contains many instances of this custom, and Sosithes says, "I gave to my eldest son, as is just διακόν ήν εστι, the name of my father." What custom was generally followed with regard to the other children may be inferred from their names. Sometimes, in the case of those who he called his second son after the name of his wife's father, the third after a relative of his wife, and the fourth after his own grandfather on his mother's side. Mothers seem also sometimes to have assumed the right of giving the names to their children, and it may be, that in the case described by Aristophanes, and supposed in the passage of Isaodotes and Diogen, were called Diodytus and Diosgen. In some cases, lastly, the name of a son was a patronymic formed from the name of the father, as Phocion, the son of Phocos.

The day on which children received their names was the tenth after their birth. (Accesso). In some accounts, a child received its name as early as the seventh, or even fifth day after its birth. (Vid. AMERIODROMA.) The tenth day, called δεκατήρια, however, was a festive day, and friends and relatives were invited to take part in a sacrifice and a repast, where the expressions δεκατήρια χείλες and δεκατήρια στοματα. If in a court of justice proofs could be adduced of a father having held the δεκατήρια, it was sufficient evidence that he had recognised the child as his own.

The fact that every Greek had only one name rendered it necessary to have an innumerable variety of names, and never has a nation shown more taste, ingenuity, and invention in devising them than the ancient Greeks. But, however great the number of names might be, ambiguity and confusion would have attended the use of several. Therefore, the Greeks we are not always certain whether the same name in different passages or writers belongs to one or to several persons. The Greeks themselves were aware of this, and, where accuracy was of importance, they used various means to prevent mistakes. Sometimes they added the name of the father, as Pindarus, the son of Heraclides, in the songs of Plutus, and in the Eclipse of the Sun at Nauinicus; sometimes they added a name of the place or country in which a person was born, in the form of an adjective, as Θεοκλείδης ὁ Ἀρίναος, Ἰβόρδος ὁ Αἰκαρασσεύς, Ἀθαναδίος Ἀπαναίτες, Δικαίρων ὁ Μεσόνις, & c.; sometimes they added an epithet to the name, expressing either the occupation or profession which a person followed, or the name of the school, or the region belonged to. Instances are of such frequent occurrence that it is superfluous to quote any. The custom of adding the father's name was called πατρόθεν υδομάζεσθαι.

In common life the Greeks had yet another means of avoiding ambiguity, and this was the frequent use of names of the same or of similar character. This was done for the sake of certain liaibilities and defects. Thus Demothenes was from his childhood called Βόρας. Aristophanes mentions several names of birds which were used as nicknames; other nicknames are preserved in Athenaeus.

NOMEN (ROMAN). In the earliest history of Rome there occur persons who are designated by only one name, and this is sometimes, and in some cases, a name added to another; while there are many, also, who bear two names. The Romans of a later age were themselves uncertain as to the legitimate number of names borne by the earliest Romans; and while Varro, Appian, and others stated that the earliest Romans used only to have one name, their opponents adduced a great many instances in which persons had two. This question will perhaps be placed in a more proper light, and become more satisfactorily settled, if we consider separately the three distinct elements of which the Roman nation was composed in its origin, and it will then be found that both Varro and his opponents are right or wrong according as their assertions are applied to one or to all of the three tribes.

The Sabines, from the earliest times down to the end of their existence, had two names, one indicating the individual as such (prænomen), e. g., Albus, Volesus, Pompos, Talus, Catus, Titus, Quintus, Appius, &c., and the second the gens to which the individual belonged, which terminated, like the Roman nomina gentilicia, in the suffix -tus, e. g., Tatius, Pomplius, Claudius, &c. It is, moreover, a feature peculiar to the Sabines, that a person sometimes, instead of a praenomen and a nomen gentilicium, had two nomina gentilica, one indicating the gens of his father, and the other that of his mother. The latter sometimes preceded and sometimes followed the former. This custom is clear from Livy, who mentions a Campanian (Sabine) woman, Paculla Minia, who was married to a man who bore the name of Cerrinus from his gens, and one of the sons of these parents was called Minius Cerrinus. Another instance is the name of the Sabine augur Attius Na-
NOMEN

... where, according to Dionysius, Attius is the 

Dionysius, however, must be 
distressed in making Navius an θύμων προσθερεῖσθαι, 
it he meant this to be the same as the Roman pre- 
nomen, which the name Navius never was. In all 
probability, therefore, both Attius and Navius are 
nomina gentilicia. A third instance seems to be 
Minio, 3 Magnus, 4 the son of Decius Magnus. This 
practice must have been very common among the 
Sabines, for in most cases in which the two names of 
a person have come down to us, both have the 
termination ives, as Marius Egnatius, Herius Asi- 
5, Statius Gellius, 6 Obellius Calavus. A more 
complete list of such Sabine names is given by Göt- 
tling, 7 who supposes that a son bore the prse- 
a nomen or gentilicium of his father and mother only as long as 
as he was unmarried, and that at his marriage he 
only retained the nomen gentilicium of his father, 
and, instead of that of his mother, took that of his 
wife. Of this, however, there is not sufficient 
evidence. Thus much is certain, that the Sabine at 
all times had two names, one a real prse- 
omen, or a nomen gentilicium serving as a prse- 
omen, and the other a nomen genteilicium, the 
gentilicium of the father. The Sabine women bore, 
as we have seen in the case of Faucta Minia, like- 
wise two names, e. g., Vestia Oppia, Faucta Clu- 
via, 8 but whether, in case both terminate in ives, 
as they are nomen gentilicium, and whether the one, 
as Götting thinks, is derived from the gens of the 
woman's father, and the other from that of her hus- 
band, it is difficult to say. Meanwhile, it seems 
to have had a cognomen besides their prse- 
nomen and nomen gentilicium; but, wherever this occurs, 
the prse-omen is generally omitted, e. g., Herennius 
Bassus, 9 Calavus Perolla, 9 Vettius Cato, 10 Insteitus 
Cato, Popaeitus Silo, Papius Muilus. 11 Such a cogno- 
men must, as among the Romans, have distin-
guished the several families contained in one gens. 
The Latin in the earliest times had generally, 
even only one name, as is seen in the instances adduced 
by Varro, 10 Romulus, Remus, Faustulus, to which 
we may add the names of the kings of the aborigi-
nines (Latinus, Latinus, Ascantius, Capetus, Capys, 
Pros, Numitor, Amulius, and others. When, 
therefore, Varro and Appian say that the earliest 
Romans had only one name, they were probably 
thinking of the Latins. There was indeed, even at 
an early period, Latins with two names, such as 
Geminius Metius, Metius Saffetus, Vitrivius Vac- 
cus, Turnus Herdonius, &c.; but these names seem 
to be either two nomen gentilicium, or one a nomen 
gentilicium and the other a cognomen, and the 
Latinas do not appear to have had genuine prse- 
nomen, such as occur among the Sabines, and afterward 
among the Romans.

The Etruscans in the Roman historians generally 
bear only one name, as Porsenna, Spurina, which 
apparently conforms to the opinion of Varro; but on 
many ures in the toms of Etruria, such names ter-
mminating in na are frequently preceded by a prse- 
nomen. Muller 12 and Götting, 13 who follows him, are 
of the opinion that an Etruscan never bore a nomen 
gentilicium, and that the name terminating in na are 
mere cognomina or agnomen. Niebuhr, 14 on the 
other hand, thinks, and with more probability, that 
the Etruscan na corresponds to the Sabine and Rome 
ives, and that, accordingly, such names as Por- 
senna, Spurina, Cecina, Perpenna, Vibenna, Er- 
egenna, Mastarna, &c., are real nomen gentilicia.

From this comparison of the three original tribes 
it is clear that, when the Romans became united 
to one nation, they chiefly followed the custom of 
the Sabines, and perhaps that of the Latinas. 15 
Originally every Roman citizen belonged to a gene, and 
derived his name (nomen or nomen gentilicium) from 
his gens. In the Etruscan the nomen gentilicium 
terminated in ives, or with a preceding q, in eius, which 
in later times was often changed into eius, as Annius, 
Annius, and Annæus; Appulius and Appulius, 
Nomina gentilicium terminating in ives or eius, some-
times change their termination into the diminuitive 
ieus and eius, as Opullus, Hostillus, Quintillius, and 
Ocellus, instead of Opullus, Hostillus, Quintillius, and 
Acellus. But if one family had no nomen gentilicium, 
every Roman had a name, called prse-omen, which em- 
cluded the nomen gentilicium, and which was peculiar 
to him as an individual, e. g., Caius, Lucius, Marcus, 
Cneius, Sexius, &c. In early times this name was 
given to boys when they attained the age of puber-
tats, that is, at the age of fourteen, or, according to 
others, at the age of seventeen, 5 when they receiv- 
ed the toga virilis. At a later time it was custom-
ary to give them any name they wished after their 
birth, and to girls on the eighth day. This solemnity 
was preceded by a lestratio of the child, whence the 
day was called dies iuxtricums, dies nominium, or nominalia. 
The prse-omen given to a boy was in most cases that of 
the father, but some- 
times that of the grandfather or great-grandfather. 
Hence we frequently meet with instances like 
Marcus Licinius Crassus. At an earlier period, or 
the C. Octavius, C. F., C. N., C. P., that is, Caius 
Octavius, Caii filius, Caii nepos, Caii prones. 
Sometimes, however, the prse-omen was given 
without any reference to father or grandfather, &c. 
There existed, according to Varro, about thirty 
prse-omen, while nomen gentilicia were innumerable. 
These two names, a prse-omen and a nomen gen-
tilicium, or simply nomen, were indispensable to a 
Roman, and they were, at the same time, sufficient 
to designate him; hence the numerous instances 
of Romans being designated only by these two names, 
even in cases where a third or fourth name was 
possessed by the person. Plebeians, however, in 
many cases, only possessed two names, as C. Ma-
nius, Q. Sertorius, Cn. Pompeius, &c. The prse-
omen was generally given to the male citizens as an indi-
vidual, and gave him, as it were, his caput (vid. Caput) 
at the time when he received it. As women had not 
the full caput of men, they only bore the femi-
line form of the nomen gentilicium, as Cornelia, 
Sempronia, Tullia, Terentia, Porcia, &c. In later 
times, however, we find that women also sometimes 
had a prse-omen, which they received when they 
marrid, and which was the feminine form of the 
prse-omen of their husbands, as Cis Caia, Lucia, 
Pufilia. 5 Caia Cecilia, the wife of L. Tarquinius, 
if the name be historical, is an exception to this 
rule. 5 When Macrobinus states that girls received 
their name (he evidently means the prse-omen) on 
the eighth day after their birth, he alludes, as in the 
case of boys receiving theirs on the ninth day, to 
an innovation of later times, and among the female 
prse-omen given during an early age, we may reck-
n on Prima, Secunda, Tertia, Quarta, Postuma, &c. 
Vestal virgins, at the appointment to their priest-
hood (capito), when they left the patri potestas, re-
ceived, like married women, a prse-omen, e. g., Cis 
Taratia or Caia Suffetia. 5

1. (iii. p. 203.)—2. (Vell. Patre, ii. 16.)—3. (Appian, Bell. 
Civ., i. 40.)—4. (Liv. ix., 45.)—5. (Gesch. der Röm. Staaten, 
Civ., i. 60.)—10. (Vell. Patre, ii. 16.)—11. (ap. Val. Max., i. 12.) 
12. (Etrusk., 1., p. 205.)—13. (Hist. of Rome, 1., 376— 

J. (Val. Max. l. c.)—2. (Horat., Sat., ii. 1, 9, 2, et passim.)—3. 
(Gellius, x. 28.)—4. (Front. s. v. Publ. — Seculus ap. Val. 
Max. i. c.)—5. (Macrobius, Sat., i. 10.—Tertull., De idolol. 
Lutii, viii. p. 141.)—9. (Brutus, Sent., JU. 50.—J. Capitoli, 
Max. et Baldo, 3.)—10. (Fil., Hist. N. xiv., 11.)
Every Roman citizen, besides belonging to a gens, was also a member of a familia contained in a gens, and, as a member of such a familia, he had or might have a third name or cognomen. Such cognomen were derived by the Romans from a variety of personal or bodily peculiarities, or from some remarkable event in the life of the person who was considered as the founder of the familia. Such cognomina are Asper, Imperious, Magnus, Maximus, Publizola, Brutus, Capito, Cato, Naso, Labeo, Caesar, Cicero, Scipio, Sulla, Torquatus, &c. These names were in most cases hereditary, and descend- ed to the posterity of a family; in some cases they ceased with the death of the person to whom they were given for special reasons. Many Romans had a second cognomen (cognomen secundum or agnomen), which was given to them as an honorary distinction, and in commemoration of some memorable deed or event of their life, e.g., Africanus, Asiaticus, Hispalus, Cretensis, Macedonius. Names were, at least, at a late period, sometimes given by one general to another, sometimes by the army and confirmed by the chief general, sometimes by the people in the comitia, and sometimes they were assumed by the person himself as in the case of L. Cornelius Scipio Asiaticus. Sometimes also, a person adopted a second cognomen after the death of another, as M. Porcius Cat. Salonianus or Saloinius, who was the son of M. Cato Censorius and of Salonia.

The regular order in which these names followed one another was this: 1 praenomen; 2 nomen gentilicium; 3 cognomen primum; 4 cognomen secundum or agnomen. Sometimes the name of the gens was added to his name, in the ablative case, as Q. Q. Rœmilia, C. Claudius Palatina, Ser. Sulpicius Lemenia. No one was allowed to assume a nomen gentilicium or a cognomen which did not belong to him, and he who did so was guilty of falsum. It must have been in comparatively few cases that persons had a fourth name or agnomen; but the third, others, at least, at a late period, when plebeian aristocracy had become established, thought indispensable to any one who claimed to belong to an ancient family. In the intercourse of common life, however, and especially among friends and relatives, it was customary to address one another, not only by the praenomen or cognomen, as may be seen in the inscriptions of ancient times, but by the praenomen of some other person, one of whose cognomina, provided the person bearing it was sufficiently known or notorious, as we speak of Milton and Johnson, without adding any other distinction, although there are many persons bearing the same name. The most common mode of stating the name of a person, in cases where legal accuracy was not the object, was that of mentioning the praenomen and cognomen, with the omission of the nomen gentilicium, which was easily understood. Thus Caius Julius Caesar would, during the better ages of the Republic and in familiar conversation, be called Caius, otherwise Caius Caesar, or even Caius Julius, but never Julius Caesar, which was only done during the latter period of the Republic and under the Empire. L. Julius Albinus Tibullus, Cornelius Nepos, Menenius Agrippa, &c. A very common mode of stating the name of a person during these latter times was merely to mention his cognomen, and from some cognomina, provided the person bearing it was sufficiently known or notorious, as we speak of Milton and Johnson, without adding any other distinction, although there are many persons bearing the same name. The most common of these cases among the Romans are Verres, Carbo, Cato, Cepio, Cicero, Caesar, Sulla, &c. In the time of Augustus and Tiberius, it became very common to invert the above order of nomen and cognomen, and to say, e.g., Drusus Claudius, or Silvanus Plautius, instead of Claudius Drusus and Plautius Silvanus.

Roman women had likewise sometimes a cognomen, although instances of it are very rare. It was usually some characteristic of men derived from personal peculiarities, such as Rufa and Paulla, sometimes from the nomen gentilicium of their husbands, as Junia Claudilla, Ennia Naviia, Livia Ocellina, and sometimes from the cognomen of their husbands, as Caelia Metella.

During the latter part of the Republic and the early period of the Empire, when the Roman franchise was given to whole countries and provinces, the persons who thus acquired the civitas frequently adopted the praenomen and nomen of the person through whose interest they had obtained the distinction, or of the emperor himself. After the time of Caracalla (A.D. 212), when all the free inhabitants of the Empire had obtained the Roman franchise, such persons did not always retain the name of their ancestors which they had adopted, for it is not improbable that some of them were not allowed to. When adopted, these names were usually prefixed to the praenomen of the person, and considerable length were sometimes given to the cognomen, as P. Cornelius Scipio. But in many cases, the name of the person who had been adopted was retained, and added, without any alteration, to the name of the adoptive father, as in the case of Q. Servilius Cepio Brutos. This was done only in the case of the adopted name of a freedman, and it was a frequent custom when adopted into another gens, added his own nomen gentilicium without any alteration, to that of his adoptive father, as in the cases of C. Plinius Cecilius Secundus and L. Eusius AureliusCommus. Besides this, many other irregularities occurred in cases of adoption during the period of the Empire, but it is not necessary for our purpose to enumerate them here.

Slaves had only one name, and usually retained that which they had borne before they came into slavery. If a slave was restored to freedom, he received the praenomen and nomen gentilicium of his former master, and to these was added the name

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which he had had as a slave. He became thus, in some measure, the gentilis of his former master, in as far as he was given the same nominal title, but he was none of the other claims which a freeborn gentilis had.\(^1\) Instances of such freedmen are Titus Amphius Menander, a freedman of T. Amphius Balbus;\(^2\) L. Cornelius Orychosogonus, a freedman of L. Cornelius Sulla;\(^3\) M. Tullius Laurea and M. Tullius Tiro, freedmen of M. Tullius Cicero. It appears, however, that the emancipator sometimes avoided giving to his freedman his nomen gentilicum, for Dossus had assumed a nomen of J. Cesar whose nomen gentilicum is Licius. If the state emancipated a servus publicus, and gave him the franchise at the same time, any prenomen and nomen were given to him, or he took these names from the magistrate who performed the act of emancipation in the name of the state, and then received a cognomen derived from the name of the city, as Hæmatius or Romanænas.\(^4\)

**NOMIΣΜΑΤΟΣ ΔΙΑΘΕΣΕΩΣ ΚΡΑΤΗ (νομισμα-
τος διαθέσεως κράτη) is the name of the public
action which might, at Athens, be brought against
any one who coinced money either too light in weight
or not consisting of the pure metal prescribed by
the law. The lawful punishment inflicted upon a per-
son in case he was convicted was death.\(^5\) What
action was brought against a coiner without the sanction
of the Republic, and how such persons were punished, is not known.\(^6\)

**NOMOPHΥΛΑΚΕΣ (Νομοφύλακες).** This name
denotes certain magistrates or official persons of
high authority, who exercised a control over other
magistrates, and, indeed, over the whole body of
the people, in being their duty to see that the laws
were duly administered and obeyed. Mention is
made of such officers at Sparta and elsewhere,
and some of the Greek philosophers who wrote on
"legislation appear to have thought that such a body
of men was essential to the well-being of a social
community."\(^7\) Such body existed at Athens, for
they must have had a power too great for the exis-
tence of a democracy. The senate of 60, or the
aρχωνοττική council, performed in some measure
the office of law-guardians;\(^8\) but the only persons
designated by this name appear to have been infe-
tional functionaries (a sort of police), whose business
was to prevent "irregularities and disturbances in
the public assembly."\(^9\) Even their existence has
been doubted by modern writers: some think they
have not existed at all.\(^10\) In the Athenian dem-
ocracy the sovereign power was too great for any
one but the people to exercise it.\(^11\) An
other hypothesis is, that the office was never intro-
duced until the time of Demæt-tus Phæleus, who,
when he was invested with the authority of lawgiver
by Cassander, gave to the Eleven the additional
duty of watching the conduct of all the other
magistrates, with a view to introduce a more aristo-
cratical government. In favour of this opinion, it
has been observed, that the office of noμισματικος
is only mentioned by grammarians, and they refer to
Dinarchus, who was the friend and contemporary of
Demæt-tus.\(^12\)

**NOMOS (νόμος).** This word comprehends the
notion not only of established or statute law, but
likewise of all customs and opinions to which long
prescription or natural feeling gives the force of
law. It expresses the results of the καινον και
μακρον μενον αν φιλοε τε ποιώνου.
In the heroic ages,

The transition from customary or traditio-
nal law to fixed civil ordinances must have taken place
gradually. When people came to unite in cities (κοινωνία), and from compact societies they be-
gan to feel the necessity of having permanent laws
to define and secure their civil rights. The notion
soon sprang up that society was formed for the
good of all classes. "The expression το καρπον,
formerly applied to national leagues and confederacies,
came to denote a united body of citizens, and equal
laws were claimed for all. From this body, indeed,
were excluded all such persons as came under the
definition of πείρικοι, provincials,\(^5\) or serfs, like
the Helots, and all slaves of every kind. It was the
only townswoman (πολίτης) and the freeman who could
enjoy the privileges of a citizen. The eminent (άντιμης μετανοης), though, if he became a resi-
dent (μετανοης), he was, upon certain conditions,
vested with the properties of a freeman; and the
office of πολίτης was never placed on the same footing
as the native. Before any written ones appeared, law
was promulgated by the rots or wise men, who sang
the great deeds of their ancestors, and delivered
their moral and political lessons in verse. Such
was the βρῆκα (declared law) of Sparta and Tarent.
The laws of Charondas were sung as οὐλία (4 Athen.).
The influence exercised by the ancient laws
was in a great degree the power to which they
were divinely inspired, a power which was ascribed
to most of the ἀνατολήν Υδρακτες. Thus the laws
of Minos were said to be a revelation from Jupiter.\(10\)
Lycurgus was the combaiξ of the Delphic god;
Zaleucus of Pallas.\(11\) Some have supposed that
the use of νόμος, in the sense of law, was derived
from the circumstance of laws having been first in
verse, and then in prose.\(12\)

But this is not surprising, when we consider that
pri-
NOMOS.

Epiplæ of harmony are necessary not only to music and poetry, but to the adjustment of the various relations of civil society; and both meanings may well be derived from νόμος (distributæ summa eique).

As civilization advanced, laws were reduced to writing, in the shape either of regular codes or distinct ordinances, and afterward publicly exhibited, inscribed on the walls of different temples. The first written laws we hear of are those of Zaleucus. The first at Athens were those of Draco, called ἔκτομοι, and by that name distinguished from the νόμοι of Solon. From the origin of this word, one would suppose that it signified ordained or statute law, τοις νόμοις; but it is frequently used like ὕμως, in the sense of natural right or social usage. The rectangular archons were called ἐκτοματίδες, because a great variety of causes fell under their cognizance, and, in the absence of a written code, those who declared and interpret the laws may be properly said to make them.

The laws of Lycurgus were not written. He enjoined that they should never be inscribed on any other than wooden tablets, arranged in pyramidal blocks turning on an axis, called ἄξονες and κύφεις. They were first hung in the Acropolis, but afterward brought down to the Prytaneum. Archives were established for the custody of Athenian laws in the temple of the mother of the gods (ἱερὰ τοῦ μητρίστη), with a public servant (ὑπήκοος) to take care of them. Others were hung up in various public places, so that any citizen might have access to them, to read or take extracts. For instance, laws which concerned the jurisdiction of the archon were hung up in his office; those which concerned the senate (βουλευτικαὶ νόμοι) in the council-room, and so on. After the expiration of the thirty days, or the archon's term, the decree of Euclides was passed by the assembly to restore the ancient laws, and appoint a committee to revise them, and propose any alterations or additions that might seem necessary. The new and old laws were all to be written out in the enlarged Ionian alphabet, which had not come into use in Solon's time; and the whole code was transcribed on the walls of the portico (ἐξ ἑνὸς στού-ν αὐτόγραφον). At the same time it was enacted that no magistrate should be allowed to use an unwritten law (ἀγράφῳ δὲ νόμος τὰς ἄρεις μη χρήσται μᾶλλον ἐπὶ ἱκανύς).

According to these statutes of Solon, and those which were subsequently enacted at various times, the magistrates and the judges at Athens were bound to administer the law, executive and judicial. The heliastic body, acting in their capacity of judges or jurors (as to their legislative, see Νομοθέτες), were sworn per mān dōvō νόμος εἰσίν, καῦ τοῖς νόμοις φασίδισαν, περὶ δὲ δὲ μὲν εἰσὶν, γεννο-μένα λόγοι ἔπεμψαν, δίκαια δὲ κατὰ δίκαιαν ἁγιασμὸν, the parties procured copies or extracts of such laws as were material to the questions to be tried, and brought them before the ἄγιαν δικαστηρίων at the ἀνάκτριον, by whom they were consigned to the κύριος, and produced at the trial, to be read out to the δικαστεία by the γραμματέας. If any man produced before the judges a fictitious law (οὔτε ὅπερ νόμον), he was punishable with death.1

Notes:

As the δικασταὶ (chosen as explained under Δ ΚΑΣΤΕΣ) performed the functions of both judge and jury, it is evident that the important question how the laws of Athens worked, depends on the discretion which in practice they exercised in the interpretation of the written law. This is only to be discovered by a careful perusal of the Attic orators, and it is too long a question to be discussed here. Much light is thrown on the subject by Aristotle, who, in treating of judicial matters, allways has in view the practice of the Athenian courts. He reckons the νόμοι among the ἄγιαν τίθενται, and advises the orator, when the law of the country is against him (ἐὰν ἐναντίον ὦ γεγραμμένον τῷ πλαίσιον), to appeal to the universal law of justice, for (says he) if the written law is contrary to justice, it is not a law, ὥς γὰρ τοιοῦ τί ἐγγυν τοῦ νόμον. From this it may be seen, that the notions entertained by the Athenians of the discretion to be exercised by a judge were somewhat different from our own. There existed a class of persons corresponding to our counsel or attorneys, whose business it was either to explain if it was to expound the laws. The office of the ἐκ νομαὶ related only to religious observances. (Vid. Eρευνητ.) According to the principle of the constitution, every citizen was bound to watch over the preservation of the laws, and to inform against and prosecute any persons who transgressed them. The people, either on the bench or in the assembly, were the ultimate judges.

As to the difference between νόμος and ψιφίσμα, and as to the manner in which laws were enacted or repealed, see Νομοθέτες.

NOMOTHÉTES (νομοθέτης), legislator, is a word which may be applied to any person who caused laws to be written, or in any way influenced the making of laws. The term is commonly applied to great men whose laws have been celebrated for their intrinsic merit, or for the important influence which they exercised over the destinies of their country. Such were Minos of Crete, Dracon at Athens, Lycurgus at Lacri, and Charondas, whose laws were distinguished for their σωφροσύνα, and were received at Rhegium, Catana, and other Chalcedian states. Many more have been honored with this title, either for having improved the laws of their countrymen, or as having, by their writings, their counsel, and their good example, and by training up a new and improved discipline among them. These were the sages or wise men, called by Diogenes Laertius' συνετοὶ τικει καὶ νομοθέται. Pittacus of Lesbos, Phidon of Argos, Thales of Miletus, Bias of Priene, Chilon, who improved the laws of Lycurgus, and Pythagoras, may be reckoned in this class. But the name of νομοθέτης is given to Solon and Lycurgus; for they not only introduced constitutions, but were founders of constitutions (πολιτεῖα), which, though from time to time modified and altered, and sometimes even suspended, remained more or less in force so long as Athens and Sparta existed as republics. So high was the esteem in which Solon was held by the Athenians, as the founder of their social and political code, that the highest forms of honor were bestowed on his name, and his laws, which at different periods, he still continued to be regarded as the lauserni (ὁ νομιστὴς), and the whole body of laws passed under his name. Wachsmuth's remarks, that on this account, whenever a law of Solon is cited, we may suspect that

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it contains interpolation. On the other hand, we should bear in mind that in all the changes which took place in the Athenian constitution, the reformers aimed at preserving the main principles of Solon’s policy. Clisthenes, who established the δήμος, remodelled the σώμα, and made other changes, is characterized by Aristotle as having for his object "αξιόματα των δημοκρατιῶν.

There is this remarkable difference between the legislation of Solon and that of other Greek lawgivers, that he did not (as they did) endeavour to secure fixity and finally for his institutions. Zaleucus and Charondas are said to have made it a capital crime to propose new laws. Lycurgus forbade young men to censure the laws; and when he went on his last journey, from which he never returned (the story says), he bound his countrymen by an oath to observe all his laws till his return. Solon exactly a similar oath of the Athenians for only ten years.

But Solon also devised regulations by which the laws might undergo periodical revision, and be amended as occasion required. At the first κράτη, every year, any person was at liberty to point out defects in the existing code or propose alterations. If his motion was deemed worthy of attention, the third assembly might refer the matter to a legislative committee, called νομοθέτης. This committee was selected by lot from the hellenistic body; it being the intention of Solon to limit the power of the popular assembly by means of a superior board emanating from itself, composed of citizens of mature age, bound by a stricter oath, and accustomed to weigh legal principles by the exercise of their judicial functions. The number of the committee so appointed varied according to the exigency of the occasion. The people appointed five advocates (οἰκέται) to attend before the board and maintain the policy of the existing institution. If the proposed measure met the approval of the committee, it passed into law forthwith. Besides this, the thesmothetae were officially authorized to review the whole code, and refer all statutes which they considered unworthy of being retained to the νομοθέτης.

Hence appears the difference between φύσιμος and νόμος. The mere resolution of the people in assembly was a ψήφωμα, and only remained in force a year, like a decree of the senate. Nothing was a law that did not pass the ordeal of the νομοθέτης. The democracy of Solon was therefore one of that kind, in which (as Aristotle says), νόμος ἦν ἀνίκητος. νομοθέτης. The democracy of Solon was therefore one of that kind, in which (as Aristotle says), νόμος ἦν ἀνίκητος. νομοθέτης. This part of the censual power appears at first to have extended no farther than to censure and to punish the bad conduct of a citizen in so far as it had an injurious influence on his census, but gradually it acquired the character of a complete superintendence of the whole private and public life of a citizen. This part of their office invested them with a peculiar kind of jurisdiction, which in many respects resembles that which in modern times is exercised by public opinion; for there are innumerable actions which, though acknowledged by every one to be bad and immoral, yet do not come within the reach of the positive laws of a country. Even in cases of real crimes, the positive laws frequently punish only the particular offence, while in public opinion the offender, even after he has undergone punishment, is still incapacitated for public employment, which are granted only to persons of unblemished character. Hence the Roman censors might brand a man with their nota censoria in case he had been convicted of a crime in an ordinary court of justice, and had already suffered punishment for it.

The nota censoria, also called animadversion or nota-lito censoria, together with the punishment and the

wooden rulers (vid. Regula) of equal thickness, one of them being two feet ten inches long, the others each two feet long, and joining them together by their extremities so as to assume the form of a right-angled triangle. This method, though only a close approximation, must have been quite sufficient for all common purposes. For the sake of convenience, the longest side, i.e. the hypotenuse of the triangle, was discarded, and the instrument then assumed the form in which it is exhibited among other tools in the woodcut at p. 252. A

square of a still more simple fashion, made by me cutting a rectangular piece out of a board, is shown on another sepulchral monument, found at Rome and published by Gruter, and copied in the woodcut which is here introduced.

From the use of this instrument, a right angle was also called a normal angle. Anything misshapen was called abnormal.

NOTA CENSORIA was the remark which the censors in their lists wrote by the side of the name of a Roman citizen who deserved censure for misdeemance or immoral conduct. For one importa branch of the power of the Roman censors was to discipline or cura morum, whence they are called by Cicero profecti moribus et magistris veteris disciplinae et severitates. This part of the censual power appears at first to have extended no farther than to censure and to punish the bad conduct of a citizen in so far as it had an injurious influence on his census, but gradually it acquired the character of a complete superintendence of the whole private and public life of a citizen. This part of their office invested them with a peculiar kind of jurisdiction, which in many respects resembles that which in modern times is exercised by public opinion; for there are innumerable actions which, though acknowledged by every one to be bad and immoral, yet do not come within the reach of the positive laws of a country. Even in cases of real crimes, the positive laws frequently punish only the particular offence, while in public opinion the offender, even after he has undergone punishment, is still incapacitated for public employment, which are granted only to persons of unblemished character. Hence the Roman censors might brand a man with their nota censoria in case he had been convicted of a crime in an ordinary court of justice, and had already suffered punishment for it.


NOTA CENSORIA

INSTRUMEN. TABR. TIGNAR.
NOTA CENSORIA.

with the nota and degraded. For an enumeration of the offences that might be punished by the censors, see Cic. Pro Cael. 49, 50, p. 399, &c.

The punishments inflicted by the censors generally differed according to the station which a man occupied, though sometimes a person of the highest rank might suffer all the punishments at once, by being degraded to the lowest class of citizens. But they could in no case be divided into four classes:

1. Motio e oracio e senatu, or the exclusion of a man from the number of senators. This punishment might either be a simple exclusion from the list of senators, or the person might at the same time be excluded from the tribes and degraded to the rank of an atrarius. The latter course seems to have been seldom adopted; the ordinary mode of proceeding was to separate the censor's name from that of the person, invited to the Senate, and to exclude him from the ranks of the people. In some cases, however, an ex-senator was not disqualified by his ignominy for holding any of the magistracies which opened the way to the Senate, he might at the next census again become a senator.

2. The ademptio equi, or the taking away of the equus publicus from an eques. This punishment might likewise be simple, or combined with the exclusion from the tribes and the degradation to the rank of an atrarius. The motio e tribu, or the exclusion of a person from his tribe. This punishment and the degradation were sometimes inflicted on an atrarius for the same crime; but when, in the course of time, a distinction was made between the tribes rustici and the tribus urbane, the motio e tribu transferred a person from the rustic tribes to the less respectable city tribes; and if the farther degradation to the rank of an atrarius was combined with the motio e tribu, the person suffered twice as much. The fourth punishment was called referre avariorum, or facere aliquem avariorum, and might be inflicted on anyone whom the censors thought to deserve it. This degradation, properly speaking, included all the other punishments, for an eques could not be made an atrarius without being the possessive of an equus; nor could a member of a rustic tribe be made an atrarius unless he was previously excluded from it.

A person who had been branded with a nota censoria might, if he thought himself wronged, endeavour to prove his innocence to the censors (causa agris apud censores); and if he did not succeed, he might try to gain the protection of one of the colleges of the Senate, and to have his case referred to a Committee of a tribunal. If neither of the censors would intercede, he might appeal to the tribunes, or to the people itself. But cases in which this last refuge was resorted to must have occurred very seldom, and where they happened they were mostly unsuccessful attempts; whence Dionysius, with some justice, says that the censorship was an ἀργὸς κοινωνίατος.

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NOXALIS ACTIO

NOXALIS ACTIO. If a filiusfamilias or a slave committed theft or injury, the person injured had a right to demand a noxa, a nox, an act or thing wrong done to him, against the father (paterfamilias) or the owner of the slave, as the case might be, but he had no action against the son or the slave. The word noxa (from noc-ec-o) properly signified in jury done; in its legal sense it comprehended every delict. The master might either pay damages to the injured person, or surrender the offender to the injury. This noxa was expressed by the phrase "noxae dare et dederi;" and the acceptance of the offender in satisfaction of the injury was expressed by the phrase "noxae accipere;" in these expressions "noxa" does not mean "punishment," as is sometimes supposed, but the meaning of the expression is, that the person was surrendered in respect of or as a compensation for his noxa. In the Tusc. Inst. 4. 137. it is defined to be the person or thing that does the mischief, and noxia the mischief that is done.

Noxales actiones were given both by leges and by the edict. In the case of furtum they were given by the Twelve Tables, and in the case of damai injuria by the lex Aquilia. In the case of injuria and of vi bonorum raptorum, they were given by the edict. This action was said "capax omnium," which is thus explained by instances: if a son or slave committed noxa, the act was against the father or owner, so long as the offender was in his power; if the offender became sui juris, the injured party had a direct action against him; and if he came into the power of another person, that other person was liable to the act. If a paterfamilias committed noxa, and was adopted (aggregated) to that noxa, which was originally against him (directo), became an action against the adopting person. A paterfamilias or master could have no action against a son or slave in respect of a noxa done to him, the ground of which was that no obligation could be contracted between such parties; and as the foundation of all obligation was wanting in such case, it followed that no one, who had no action against such son or slave if he became sui juris, nor against another person into whose power he might come if another person's slave or son committed noxa, 1.

and then came into the power of the injured person, it was a question between the two schools whether the right of action was extinguished, or only suspended so as to revive in case the offending party was released from the power of the injured person. The opinion of the Proculiani, which was in favour of the suspension only, appears more consistent with the principles on which this right of action was founded.

The moe of the "noxes deditio" was by mancipation. The Proculiani contended that three mancipationes were required by the law of the Twelve Tables (viz. Exoncratio); but the Sabinianni contended that the law only applied to the case of voluntary mancipationes, and that one mancipation was sufficient. If the father or owner made no defence to a noxes actio, the offender was given up by a decree of the prator to the injured person, and thus became his pratorian property (in bonis). It several slaves committed theft, the edict required the master to pay only the amount of damage which would be payable in case a single freeman had committed the theft.

Justian abolished the noxes datio in the case of children, observing that it appeared from the ancient jurists that there might be an action against a filiusfamilias in respect of his delects. NUNDINIÆ (Lit. Cai.); (Vid. Cal. p. 189.)

NUNDUS (γυμνός.) These words, besides denoting absolute nakedness, which was to be ἦπαρτος εἰς ἄλθενσι, were applied to any one who, being without an Amicus, wore only his tunic or imbuta. In this state of nudity the ancients performed the operations of ploughing, sowing, and reaping. Thus this state of nakedness was found naked at the plough when he was called to be dictator, and sent for his toga that he might appear before the senate. The accompanying woodcut is taken from an antique gem in the Florentine collection, and shows a man ploughing in his tunic only. The light and thin clothing of Her. S. Ex. was denoted by the use of the same epithets. (Vid. Co. Vet. 24.)

NUMMULA'RII or NUMULA'RII. (Vid. Mem.)

NUMMUS or NUMUS. (Vid. Sestertius.)

NUMCUPARE. (Vid. Testamentum)

NUNDINÆ is invariably and justly derived by all the ancient writers from nundem and dies, so that it literally signifies the ninth day. In ancient calendaris all the days of the year, beginning with the first of January, are divided into what we may call weeks, each containing eight days; weeks are ark ed by the letters A, B, C, D, E, F, G, H. Now it is admitted on all hands that this division is made to mark the nundinæ, for every eighth day, according to our mode of speaking, was a nundinæ. There were thus always seven ordinary days between two nundinæ. As the judicial business of reckoning, added these two nundinæ to the seven ordinary days, and, consequently, said that the nundinæ recurred every ninth day, and called then nundinæ, as it were novemdiæ. A similar mod of stating the number of days in a week is still cus tomary in Germany, where, in common life, the expression two weeks, and a Thursday, means a week, and a Thursday. French and Italians, in the same manner, call a fort night quinz'e jours and quindici giorni.

The number of nundinæ in the ancient year of ten months was 38; and care was always taken that they should not fall on the calends of Januari, nor upon the nones of any month, and, in order to effect this, the 356th day of the lunar year (dies in tercalariis) was inserted in such a manner as to avoid the coincidence of the nundinæ with the pri ma calendae or the nones. Macrobius says that it was generally believed, that if the nundinæ fell upon the prime calendae, the whole year would be signalized by misfortunes; the nones were avoided because the birthday of King Servius Tullius was celebrated on the 21st of July, and, as it is known that he was born on the nones of some month, though the month itself was not known. Now, as on the nundinæ, the country-folk (plebe una) assembled in the city, the patricians feare lest the plebeians assembled at Rome on the nones might become excited, and endanger the peace of the whole; the nundinæ are called nones from this reason, satisfactory, as Götting has shown, and it is more probable that the calends of January were ill suit ed to be nundinæ, because this day was generally spent by every father in the bosom of his own family, and that the nones were avoided because, a Ovid says, Nonarum tuta deo servât. But at the time when the Julian calendar was introduced these scruples, whatever they may have been, were neglected, and in several ancient calendaris the nundinæ fall on the first of January as well as on the nones. (Vid. Gray, Thesear., viii., p. 7, ann the calendarium given in the article Calendar. Both before and after the time of Caesar, it wasSomething necessary, was to devise some way to transfer the nundinæ from the day on which they should have fallen to another. The nundinæ themselves were, according to Plutarch, sacred to Saturn, and, according to Granius Libinianus, th Flaminica offered at all nundinæ a sacrifice of ram to Jupiter.

It is uncertain to whom the institution of the nundinæ is to be ascribed, for some say that it was Rumulus, and others that it was Servius Tullius who instituted them, while the nature of the thing for which they were originally set apart seems to show that their institution was as old as the Roman year of ten months, or, at least, that they were instituted at the time when the Roman populacio was extended beyond the confines of Rome.

For the nundinæ were originally market-days for the country-folk, on which they came to Rome to sell the produce of their labour, and on which the king settled the legal disputes among them. When therefore, we read that the nundinæ were feriae dies nefasti, and that no comitia were allowed to the assembly, we must conclude that the King was in the presence of the King.

held, we have to understand this of the populus, and not of the plebes; and while for the populus
the nudine were ferie, they were real days of busi-
ness (dies fasti or comitales) for the plebes, who
on these occasions pleaded their causes with mem-
bors of their own order, and held their public me-
tings (the ancient tribunes of the plebes) and de-
bated on such matters as concerned their own or-
der, or to discuss which they were invited by the
senate.1 How long this distinction existed that
the nudine were nefasti for the patricians and fasti
for the plebes, is not quite clear. In the law of
the Twelve Tables they appear to have been reg-
arded as fasti for both orders,2 though, according
to (p. 228. ed. Smith.) later, at a later time by the lex Hortensia, 286 B.C. This
innovation, whenever it was introduced, facilitated the attend ance
of the plebeians at the comitia cen-
turiata. In the ancient calendar, therefore, the
nudine and dies fasti coincide. The subjects
were to be laid before the comitia, whether they were pro-
posed for new laws or the appointment of officers,
were announced to the people three nudine before-
and (trinundine die propone)4.
The nudine being thus at all times days of
business for the plebeians (at first exclusively for
them, and afterward for the patricians also), the
proceedings of the tribunes of the people were con-
 fined to these days, and it was necessary that they
should be terminated in one day,4 that is, if a propo-
sition did not come to a decision in one day, it
was lost, and if it was to be brought again before
the people, the tribunes were obliged to announce it
three nudine beforehand, as if it were quite a
new subject.
Instead of nudinum, the fonn nudinum is some-
times used, but only when it is preceded by a nu-
men or a tribunus, or tribunul, or tribunus
inter, the expressions above referred to.5 It is also used in
the expression intermundinum or inter nudinum,
that is, the time which elapses between two nu-
 dine.6 The word nudine is sometimes used to
designate a market-place, or a time for marketing in
general.
1. NUDINUM. (Vid. NUNDIN.)
2. NUNTIA.TIO. (Vid. OPENS NOV. NUNTIA.TIO.)
3. NUPI.TE. (Vid. MARRIAGE, ROMAN.)
4. NYCTERIS (νυκτερις), the common Bat, or
Vespertilio murinus. "It is not improbable," re-
marks Adams, "that the άπρωνα of the ancient po-
st was the Vespertilio spectrum, or Vampyr."7
5. NYCTICORAX (νυκτικόραξ), a bird described
by Aristotle and other ancient authors. The
Nycticorax, modern naturalists is a species of
Heron, but the νυκτικόραξ of Aristotle would rath-
er appear to have been a species of Owl. It might
be supposed the Styrx nyctea, or Great White Owl,
if it were ascertained that it is found in the south
of Europe.8
6. NYMPHAEA (νυμφαια), a plant. "The de-
scription of it," says Pliny, "which is given by The-
opoilus and others, is not sufficiently precise to enable us
to determine whether he meant to apply it to
the Nymphaea alba or the lutea, i.e. the White or the
Yellow Water Lily. The two species described
by Dioscorides are referable to the two species of
Nymphaea which we have mentioned.
The Nymphaea lutea is now held to be a distinct genus,
and is called Nuphar lutea by Smith, Hooker, and other
late botanists. The term Nuphar is said to be an
Egyptian word, signifying 'the medicine of the
Nile.' It occurs among the synonyms of Dioscorides.
By the Arabians it is called Nenifur, which is a short form of Nuphar. Smith found
the Nuphar lutea growing in the lakes of Thessaly,
as described by Dioscorides.9

O. OATH (GREEK). An oath (δοκε) is an appeal
(a) to some superior being, calling on him to bear
evidence, that the swearer speaks the truth, or intends
to perform the promise which he makes. Hence
the expressions ἵστω Ζεὺς, δῶν μαρτυρίας, and
others of the same import, so frequently used in
the taking of oaths.10 It is obvious that such an appeal
implies a belief, not only in the existence of the
being so called upon, but also in his power and
injunction to punish the false swearer; and the force
of an oath is founded on this belief. Hence an
oath is called δῶν δρόκος. Ζεὺς δρόκος11 is the
god who has regard to oaths, and punishes their
violation. Ζών ἄνων ἐπόμην12 means (according to
Suidas) δοκε ἔρωτην.13
We find early mention in the Greek writers of
oaths being taken on solemn and important occa-
sions, as to treaties or alliances, vows, c Ros., and
agreements, both between nations and individuals.
Thus, when the Greeks and Trojans agree to de-
cide the fate of the war by a single combat between
Menelaus and Paris, they ratify their agreement by
an oath.14 The alliance between Creuse and the
Lacedaemonians is confirmed by an oath.15 So
is the treaty between the Medes and Lydians, whose
rites in swearing (as Herodotus tells us) were
the same as those of the Greeks, with this addition,
that they made an incision in their arms and tasted
each other's blood. We may further notice the
peace of the Athenians and Pelo-
ponnesians, upon which every state was to swear
κτυπώμεν δοκε τοῦ μέγατον,16 the vow of the Ionian
women,17 that of the Phocaeans,18 and the promise of
Sic to Ulysses.19 The reliance placed in an oath
is especially shown in the dialogue between Ἑγες
and Medea in Euripides,20 and the speech of
Minerva in Euripides.21 For other examples we refer
the reader to Sophocles, Ἐδ. Θυρ., 647; Ἐδ. Κόλ.,
1637; Trachin, 1183.—Herod., vi., 74.—Hom., Il.,
ix., 132.
Thus the Greeks (as a nation) were deeply im-
bued with religious feelings, and paid high regard to
the sanctity of oaths, may be gathered from the
whole tenor of their early history, and especially
from the writings of the poets Homer, ᾿Ηέσελυς,
and Pindar.22 They prided themselves on being
superior in this respect to the barbarians.23 The treacherous equivocation practised by the
Persians at the siege of Barca24 would have been repugnant
to the feelings of a people whose greatest hero
declared that he hated like hell one
"Οσ Χρυσόν μὲν καίδη τίνη ὄρασιν, ἀλλὰ ἔδειβε ἑκάστον.25
The poets frequently allude to the punishment of
perjury after death, which they assign to the infer

— Pind., Of. vi., 119. — (Soph. Philoct., 1394.) —
Soph. Trach., 1198.—(II., iii., 276.)—(Herod., I., 181.)
—Adams, Append., s. v.) 3. (Cic. De Leg. agr. ii., 32.—
Id., Ibid., vi., 28.)—(Ibid.)—(Ibid., vii., 28.)—(Ibid.,
vi., 118.)—(Ibid., xvi., 245. — (Ibid., 736.—Suidas.)—
—(Ibid.)—(Ibid., V. ii., s. v.)—(Herod., i., 291.)—
8. (Ibid., ii., 113.)
OATH.

which he was absurdly imitated by others. Aristophanes, so keenly alive to all the foibles of his countrymen, takes notice of this custom, and turns it into ridicule. Hence he makes the sausage-dealer swear νη του Εμου του Αγοραλογο, Socrates με την 'Αληθείαν, &c.

Women also had their favourite oaths. As the men preferred swearing by Hercules, Apollo, &c., so the women writers of ancient Greece, Ceres, and Proserpine, Juno, Hecate, Diana, and Athenian women by Aglauros, Pandrosus, &c.

The security which an oath was supposed to confer, induced the Greeks, as it has people of modern times, to impose it as an obligation upon persons interested with, or authorized in the discharge of some public business. The Athenians, with whom the importance of legislation, &c. was considered to be the greatest perfection, were, of all the Greek states, the most punctilious in this respect. The youth, entering upon his 20th year, was not permitted to assume the privileges of a citizen, or to be registered in the λησισιδόχου γραμματείαν, without taking a solemn oath in the Temple of Aglauros to obey the laws, and never to desert his countrymen in time of danger. (Vid. Dicastes.) As to the oath taken by the Senate of Five Hundred, see Demostenes. As to the oath of the witness, and the voluntary oath, we are not given to precise information, at least apparently, attached to oath in courts of justice, is proved by various passages in the orators. Demostenes constantly reminds his judges that they are on their oaths, and Lycurgus declares that το συνέχεια την δημοκρατίαν ήρως εστίν. The experience of all nations has proved the danger of taking oaths. The history of Athens and of Greece in general furnishes no exception to the observation. While in the popular belief and in common parlance oaths continued to be highly esteemed, they had ceased to be of much real weight or value. It is impossible to read the plays of Aristophanes, orators, and other writers of that period, without seeing that perjury had become a practice of ordinary occurrence. The poet who wrote that verse which incurred the censure of the comedian, η γλώσσα δημοκράτινα, η δε φρονις άνωμος, was not the only person who would thus refine. The bold prolixity described by Aristophanes is too often realized in action. To trace the degeneracy of the Greek character in reference to this important branch of morality by reminding our readers that in a later age the Greeks became a by-word among the Romans for lying and bad faith.

A few expressions deserve notice. Νύ is used by Attic writers in affirmative oaths, μά, in negative. The old form of affirmation, still preserved in the phrase of the Nucum, Nucum, has υπό μά. Νύ is nothing more than another form of val, used with an accusative case, μά being omitted, as it often is in negative oaths. Νύ, however, is never used by the tragedians, who always employ a paraphrase in affirmative oaths, such as φησιν μητροποιεω. Εποικιστής is used affirmative

nal gods or Furies, and we find many proofs of a persuasion that perjury would not prosper in this world. One of the most striking is the story told by Leucthides to the Athenians of Glauceus the Spartan, who consulted the Pythonic oracle whether he should restore a deposit, or deny on oath that he had ever received it; and who, for merly deliberating upon such a question, was cut off with his whole family.

Anciently the person, who took an oath stood up, and lifted his hands to heaven, as he would in prayer; for an oath was a species of prayer, and required the solemn witness of the ceremony. Hence the expressions προς τον βασιλην προσφυξιον, βαπτισμον κατ' Ιερων. In Homer, Juno, making a solemn promise to Sleep, takes the Earth in one hand and Heaven in the other, and swears by Typhon and the subterranean gods. To touch the head, hand, or other part of the body of another, or to throw his own in the air, was a common custom. The hand especially was regarded as a pledge of fidelity, and the allusions to the junction of hands in making contracts and agreements abound in the ancient writers. Other superstitious rites were often superadded, to give greater solemnity to the ceremony, which appear to have been of oriental origin.

The different nations of Greece swore by their own peculiar gods and heroes; as the Thebans by Heroneus, Iolaus, &c., the Lacedaemonians by Castor and Pollux, the Corinthians by Neptune; the Athenians swore principally by Jupiter, Minerva, Apollo (their πατρίς θεός), Ceres, and Bacchus.

The office of taking the oath of the god of the place, or of another, was often solicited by the oath to be taken. Thus Iphigenia, the priestess, swears by Diana in Euripides, ἐπὶ τοὺς Απόλλωνας Μενελαος βιδα Αντιοχους νυμφει δεσμευσεν by a common custom. The hand especially was regarded as a pledge of fidelity, and the allusions to the junction of hands in making contracts and agreements abound in the ancient writers. Other superstitious rites were often superadded, to give greater solemnity to the ceremony, which appear to have been of oriental origin.

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All Roman soldiers, after they were entitled for a campaign, had to take the military oath (sacramentum), which was administered in the following manner: Each tribunus militum assembled his legion, and picked out one of the men, to whom he put the oath, that he would obey the commands of his generals, and execute them punctually. The other men then came forward, one after another, and repeated the same oath, saying that they would follow their tribunes. In the year 216 B.C., the military oath was a real sacramentum (vid. sacramentum), i.e., the soldiers took it voluntarily, and promised (with imprecactions) that they would not desert from the army, and not leave their ranks except to fight against the enemy or to save a Roman citizen. But in the year 216 B.C. the soldiers were compelled by the tribunes to take the (sacramentum), which the tribunes put to them, that they would meet at the command of the consuls, and not leave the standards without their orders, so that in this case the military oath became a jusrandum. But Livy here forgets that, long before that time, he has represented the soldiers taking the same jusrandum. A perfect formula of a military oath is preserved in Gellius. It may be here remarked that any oath might be taken in two ways: either he who took it made it himself, or it was put to him in a set form, and in this case he was said in verba jurare, or jurare verbis conceptis. Polybius speaks of a second oath which was put to all who served in the army, whether freemen or slaves, as soon as the castrametatio had taken place, and by which all promised that they would steal nothing from the camp, and that they would take to the tribunes whatever they might happen to find. The military oath was, according to Dionysius, the most sacred of all, and the law allowed a general to put to death, without a formal trial, any soldier who ventured to act contrary to his oath. It was taken upon the signa, which were themselves considered sacred. In the time of the Empire a clause was added to the military oath, in which the soldiers declared that they would consider the safety of the emperor more important than anything else, and that they loved neither themselves nor their children more than their sovereign.

On the military oath in general, compare Briassonis, De Formul., iv. c. 1–5.

II. Oaths taken in transactions with foreign nations in the name of the Republic.—The most ancient form of the oath of this kind is recorded by Livy, in a treaty between the Romans and Albans. The pater patrum pronounced the oath in the name of his country, and struck the victim with a flintstone, calling on Jupiter to destroy the Roman nation in like manner, as he (the pater patrum) destroyed the animal, if the people should violate the oath. The chieftains or priests of the other nation then swore in a similar manner by their own gods. The oath taken at the entrance of a new public building and the fetialis cast away the stone from his hands, saying, "Si scirens falso, tuus meus discrepi salus urbis arcaeque bonis eicit, ut ego hymn lapseden." Owing to the prominent part which the stone (lapis silex) played in this act, Jupiter himself was called Jupiter Lapis, and hence it was, in after times, not uncommon among the Romans, in ordinary conversations, to swear by Jupiter Lapis. In swearing to a treaty with a foreign nation, a victim (a pig or a lamb) was in the early times always sacrificed by
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the fetiales (whence the expressions fetus vere, ὑπὲρ τῶν μέτων), and the priest, while pronouncing the oath, probably touched the victim or the altar.\(^1\) (Compare Fetiales.) This mode of swearing to a treaty through the medium of a priest was observed for a long time; and after the second Punic war, the fetiales even travelled to Africa to perform the ancient ceremonies.\(^2\) The jūs fetiale, however, fell into disuse as the Romans extended their conquests; and as, in most cases of treaties with foreign nations, the Romans were not the party that gave the oath, they had any more vested power on their part; but the foreign nation or conquered party was sometimes obliged to promise with a solemn oath (sacramentum) to observe the conditions prescribed by the Romans, and documents recording such promises were kept in the Capitol.\(^3\) But in cases where the Romans had reason to mistrust, they demanded hostages, as being the surest of all modes of security; and the Latin law mentioned them as the most efficacious in the case of a war, which they either took voluntarily, or which was put in their hands by the Romans. In judicicia publica, the witnesses had always to give their evidence on oath.\(^4\) We have no means of ascertaining whether, in all instances of civil causes, witnesses might be compelled to take an oath, but it seems probable that in a civil cause a witness generally did not give his evidence on oath, unless for special reasons, thought it advisable that he should.

False swearing (pejerare, perjurium) was not regarded by the Romans as it is by us. Swearing was merely a matter of conscience, and, regarding, the person who was guilty of false swearing was responsible to the Deity alone. Perjury and false swearing in any case do not appear to have been punished more severely than other breaches of the sacred character of an oath. When, therefore, Valerius Maximus\(^5\) speaks of infamia perjurii, he uses infamia in a popular, and not a strictly legal sense. The manner in which the Romans regarded perjury is implied in an expression of Cicero,\(^6\) who says, Perjurium victoriam est. Hence every oath was accompanied by an excommunication, and perjury, therefore, was an act which belonged more to the jurisdiction of the censors than to an ordinary court of justice. Witnesses convicted of having given false testimony, with or without oath, were punished.\(^7\) (Compare Falsum.)

IV. Oaths or various modes of swearing in common life.—The practice of swearing, or calling upon some god or gods as witnesses to the truth of assertions made in common life or in ordinary conversations, was as common among the Romans as among the Greeks. The various forms used in swearing may be divided into three classes:

1. Simple invocations of one or more gods, as Hercules, Mars, Minerva, Jupiter, Bacchus, Venus, Juno, Ceres, Cautopates, or any deus, or serpent;\(^8\) Pol, Perpel, or Edelpol, that is, per Pollucem; per Jovem Lapidem, or simply per Jovem; per superpos; per deos immortales; medius fidarius, that is, sta me Deus (Alov) fides iuet;\(^9\) sta me deus amert, or dui amert. Sometimes, also, two or a great number of gods were invoked by their names.\(^1\) The goods of men were regarded as for all times, and persons used to swear by their own genius or by that of a friend, and during the Empire by that of an emperor.\(^10\) Women as well as men swore by most of the gods, but some of them were peculiar to one of the sexes. Thus women never swore by Hercules, and men never by Castor. Varro, moreover, said that in ancient times women only swore by Castor and Pollux. In the work of Pomp. to whom we have referred, we find men frequently swearing by Pollux.\(^12\) Juno and Venus were most often invoked by women, but also by lovers and effeminates men in general.\(^13\)
2. Indications of the gods, together with an exception, in case the swearer was stating a falsehood. Exeucrations of this kind are, *Dixi me per- dant;* *dis me interficant;* *dispersam;* *ne vivam;* *ne valvis sim,* &c.

3. Fereons also used to swear by the individuals or things most dear to them. Thus we have in the *testamentum* by his own or another man's head, by his eyes, by his own welfare or that of his children, by the welfare of an emperor, &c.

Respecting the various forms of oaths and swearing, see Briasiconus, *De Formulis,* viii, c. 1–18.

O.B.E. (Vid. Tribus, Greec.)

OBEILCUS (βελεικος) is a diminutive of OBEILCUS, which properly means a sharpened thing, or a shaft. The term is given to certain works of Egyptian art. (Herodotus uses *βελειας* in the sense of an obelisk.) A detailed description of such works would be inconsistent with the plan of this work, but some notice of them is required by the fact that several of them were transported to Rome under the emperors. Ammianus Marcellinus says that an obelisk is a very ugly thing, consisting of a small pyramid or boundary-stone, rising with a small inclination on all sides to a great height; and in order that it may imitate a solar ray by a gradual diminution of its bulk, it terminates in a prolongation of four faces united in a sharp point. It is very carefully smoothed.

Most ancient writers consider obelisks as emblematic of the sun's rays.

An obelisk is, properly, a single block of stone, cut into a quadrilateral form, the sides of which diminish gradually, but almost imperceptibly, from the base to the top of the shaft, but do not terminate in an apex upon the top, which is crowned by a small pyramid, consisting of four sides terminating in a point. The Egyptian obelisks were mostly made of the red granite of Syene, from which place they were transported to many different parts of Egypt. They were generally placed in pairs at the entrance to a temple, and occasionally in the interior, and were usually covered with hieroglyphical inscriptions.

Obelisks were first transported to Rome under Augustus, who caused one to be erected in the circus, and another in the Campus Martius. The former was restored in 1809, and is called at present the *Obelisk of Augustus.* It is erected in about 116 feet, and without the base about 78 feet. The obelisk in the Campus Martius was set up by Augustus as a sun dial. It stands at present on the Monte Citorio, where it was placed in 1792. Its whole height is about 110 feet, and without the base about 71 feet. Another obelisk was brought to Rome by Caius Julius, and placed on the Vatican in the Muro de Casa Valeriana. It stands at present in the field of St. Peter's, where it was placed in 1586, and its whole height is about 132 feet, and without the base and modern ornaments at the top about 83 feet. But the largest obelisk at Rome is that which was originally transported from Heliopolis to Alexandria by Constantine, and conveyed to Rome by his son Constantius, who placed it in the Circus Maximus.

There are eight other obelisks at Rome besides those mentioned above, but none of them are of historical importance. There are also obelisks in various other places, as at Constantinople, Arles, Florence, Catania in Sicily, &c., some of which are works of Egyptian art, and others only imitations.

There are two small obelisks in the British Museum, which were brought by the French from Cairo.

OBELOS. (Vid. Ver.)

OBLIGATIONES. Obligatio is defined to be "a bond of law by which we are under a necessity of paying (solemnde) anything according to the laws of our state." This definition has only reference to one part of an obligation, namely, the right of action, which is inseparable from the notion of a legal obligation. According to Paulus, the substance of an obligation consists in another person binding himself to give us something, or to do something, or to secure or make good something (ad damnum alicuius, vel faciendum, vel prestandum). This "binding" must, however, be understood of a "legal binding," that is, the party who fails to perform what he has engaged to do, or to be liable to legal consequences. In other words, the duty which one owes may be enforced by suit or action. Any agreement which is binding according to positive morality, but which, for any reason, cannot be legally enforced, is not properly an obligation, but still the Romans gave such agreement the name of obligatio, and added the term naturalis, by which it is opposed to civil and praetoria or honoraria.

The obligations arise those which were created by enactments (legibus), or generally were established by the jus civile; praetoria or honoraria were those which owed their origin to the jurisdiction of the praetor. Viewed with reference to the events on which the law operated to give obligations a binding force, obligations arose either from contract or quasi contract, and delict (malfactum, delitiurn), or quasi delict. According to Gaius, every obligation arises either from contract or delict.

Contract (*contractus*) was made in four ways—verbis, litteris, and consensu.

As an example of a contract re, Gaius mentions mutumum. (Vid. Mutuum.) Also, if a man received what was not due from a person who paid by mistake, the payer had his remedy for the recovery just as if the act had been fraudulent. But "this kind of obligation," observes Gaius, "does not appear to arise from contract, because he who gives with the intention of payment rather intends to dissolve or put an end to (distrahere) a transaction (negotium) than to commence or to constitute (constahere) a transaction.

In such a case the English law has a fiction of a promise to pay on the part of the person who has received the money.

To the contracts made re, there also belong Commissam, Deposition, and Pronos.

The obligatio verba was contracted by oral question and answer between the parties. The form of words was: Darit Spondeas? Spondeas; Dalis! Dabo: Promittis? Promittis! Fidepromittis! Fidepromittis! Fidejubes! Fidejubeo! Facies! Faciam! The words were accomplished, were so peculiarly Roman, that their legal effect could not be preserved if their meaning was transferred into another language; nor could a valid obligation with a peregrinus be made by the use of the word spondeo.

The evidence of such an obligation must have been the presence of witnesses.

It is to this form of contract by question and answer...
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A stipulation which contained an impossible condition was invalid (*inuita*). As the stipulation was effected by words, it was a necessary consequence that the parties should have power to speak and hear, and on this ground was founded the rule of law that a mutus and a surdus could not be parties to a stipulation. As to the ability of papal folk, it was fancies with reference to obligations, see *lexpurae* and *impans*. The stipulator might have another party to the contract on his behalf, who was called ad-stipulator. The ad-stipulator had the same right of action as the stipulator, and, therefore, a payment in respect of the stipulation could be made to him as well as to the stipulator; and the stipulator had an actio major against the ad-stipulator for the recovery of anything that he had received.

There were some peculiarities in the adstipulatio. The right of action did not pass to the heirs of the adstipulator, and the adstipulation of a slave for his master had no effect, though in all cases he could acquire his master by stipulation. The same rule of law applied to apply to him who was in *mancipio*, for he was servi loco. If a son who was the power of his father became his adstipulator, he did not acquire anything for his father, though he acquired for him by stipulation. Still his adstipulatio gave the son a right of action, provided he was released from the power by his father, and himself dimittimur, as, for instance, by the father’s death, or by being inaugurated fiamm flamis. The same rule of law applied to a filiafamilias and to a wife in manu.

Those who were bound for the promissor were called sponsores, fidepromissores, fidujetesores. (Vid. *Intratics*.)

The case of an obligatio literis is illustrated by Gaius' by the instance of nomina transcripticia, as when a creditor who has a debt due from a person in respect of a sale, or a letting, or a partnership, enters it in his book (*codice, or tabula expensi et accept* ) as a debt (*expensum illi fert* & *expensum nullius non dict*, cum tabulas non recitavit). This was called "Nomen transcripticia, a re in persam".

A creditor clearly allowed to this literarium obligatio in his Oratione Roscio Comedo. He says, speaking n‘the plaintiff’s demand, "his claim is for a certain sum of money (pecunia certa), and this must be either *data* (a case of obligatio re), or *expensam laeae* (the literarium obligatio), or stipulata (an obligatio verba)."

Some difficulty arises about the mode of converting an obligation of a different kind into an obligatio literis. The subject is discussed by Unterholzner in an ingenious essay, which, however, was written before the publication of the MS. of Gaius, and it has since been discussed by other writers. Unterholzner conjectured that a third party, with the consent of the debtor and creditor, made the entry in his own book, but he does not appear to have supported this assumption. Theophilus represents the literarium obligatio as a novatio or change of an obligation of one kind into an obligation of another kind, and this, he says, was effected both by words and writing (*bygaus kal gpygriai*). It was effected, according to him, by the creditor writing to the debtor (*pydeus bygaus gore avtes* to ask his consent to the old obligation being made into a new one of a different kind, and by the debtor consenting. As stated by him, the obligatio literis might be an obligatio contracted by a letter of the creditor to the debtor, and the debtor’s reply. In principle, there would be no objection to its being contracted by the debtor’s consent expressed by a subscription in the creditor’s books. The literarium obligatio of Theophilus, however, rather seems to correspond to the other kinds of literarium obligatio referred to by Gaius, where he says, "this obligation can be contracted by chartography and syngrapha, that is, if a man writes that he owes a sum of money which will not be payable till a certain event happens on the same account.

It is not impossible that Gaius means that the creditor might convert an obligation of another kind into that of pecunia expensa by the bare entry of it in his book; for it is no objection to this, as Unterholzner has it, "that a unilateral writing on the part of the creditor should have the effect of putting another person in another obligation," for an obligatio was already contracted, which the creditor would have to prove; but if he could prove it, the law gave him all the advantage of a creditor for pecunia certa, if he had complied with certain forms. Gaius certainly may be understood as asserting that this obligation was contracted simply *expensum ferendo*; "it seems to be the general opinion that this literarium obligatio required the consent of the debtor either orally in the presence of witnesses or by letter; and this is not inconsistent with Gaius; for, though he says that the debtor is bound by the "*expensum ferendo*", that does not exclude his consent, but merely shows what regards it necessary in order to make the consent legally binding.

The obligations consensuum were emoto and vendito, locatio, condicito, societas, mandatum. All obligations by contract, of course, required consent and the evidence of consent; but "these obligations," says Gaius, "are said to be contracted simply *expensum ferendo*, because no peculiar form of words or writing was required, but the consent of the parties to the transaction was sufficient." Accordingly, such transactions could take place between persons at a distance from one another, and a verborum obligatio required the presence of the parties. The actions founded on these obligations consensuum were of the nature of *tutelum*.

A legal obligatio implies a right of action against the person who owes the duty (*qui obligatur*). This right of action (*ex contractu*) might be acquired by any person who was sui juris. It might also be acquired for him by those who were in his potestas, manus, and mancipium; and by free men and slaves when a man possessed bona fide with certain exceptions. This right of action might also be acquired by a man through the acts of a free man who was his agent, so far that he could require the cession of the obligatio so acquired.

An obligatio was terminated (*totiurum*) in various

\[1. \text{Gaius, iii., 100, 105.} \text{— Dig. 45, tit. 1, s. 111: "De Verbo-} \]
\[\text{rum Obligationibus."} \text{—} \text{2. (Dig. 45, tit. 1, s. 5, § 1.) — 3. \text{(Cic., Pro Rosc. Com., 3.) — 4. (Illi., 182. s. — Compare Cic., Pro Rosc. Com., 4., 5.) — 5. (e. 5.— 7.)} \text{—} \text{("Ueber die Rede des Cicero} \]
\[\text{vor den Schauspeler Q. Roscius," Zeitschrift, i., 248.)} \]
ways. The most common way was by payment (solutio) of what was due. A man, with the consent of the creditor, might pay another's debt, but the two schools differed as to the legal consequence of such payment. The Proculian, as usual, adhering strictly to fundamental principles, maintained that the debtor was still in delicto; but, if the money was demanded of him by the creditor, he had a good plea of dolus malus (exceptio doli maili).

An obligation might be terminated by acceptatio. An obligation contracted per as et libram might be determined in the same way, and also one arising "ex judicati causa." (Vid. Nexum.) An obligation might also be determined by novatio, which is the change of an existing duty (debitum) into another duty. Novatio was the original form of the former obligation.1 This is explained by the following instance: 2 If I stipulate that Titius shall give me what is due from you, a new obligation arises by the intervention of a new person, and the former obligation is determined by being replaced by the latter; and sometimes a former obligation may be determined by a subsequent stipulation, though the stipulated debt might be an original stipulation from the same person, it required the addition of something to effect a novatio, as the addition of a condition, or the circumstance of adding to or subtracting from the time contained in the terms of the covenant. As to the case of a condition, it was the law in the time of Gaius that the condition must be passed before the stipulation was made; and if the stipulation was from the same person, it required the addition of something to effect a novatio, as the addition of a condition, or the circumstance of adding to or subtracting from the time contained in the terms of the covenant. As to the case of a condition, it was the law in the time of Gaius that the condition must be passed before the stipulation was made; and if the stipulation was from the same person, it required the addition of something to effect a novatio, as the addition of a condition, or the circumstance of adding to or subtracting from the time contained in the terms of the covenant.

An obligation was also determined by the litis contestatio, if the proceedings had taken place in a legimimum judicium. It is stated general was fulfilled, and till that time the former obligation continued. The opinion of the great jurist Servius Sulpicius as to the condition immediately effecting a novatio, was not law in the time of Gaius (alio jure utinam).

An obligation was also determined by the litis contestatio, if the proceedings had taken place in a legimimum judicium. It is stated general was fulfilled, and till that time the former obligation continued. The opinion of the great jurist Servius Sulpicius as to the condition immediately effecting a novatio, was not law in the time of Gaius (alio jure utinam).

The obligationes quasi ex contractu are not enumerated by Gaius, but they are discussed in the Institutes of Justinian. 2 These obligationes do not properly arise either from contract or delict, but inasmuch as they are founded on acts which are not delicts, they must be considered as belonging to contract rather than to delict, if we will refer them to one of these classes. But, in fact, these quasi contracts belong to neither class. Instances of these quasi contracts, enumerated in the Institutes, are "absentis negotiorum gestio" (vid. Negotiorum Gestorum Actio), the "judicium," a "novatio," and the "de jure utinam thing has been bequeathed and given to several persons, and some other instances.

These quasi contracts are arranged in the Institutes of Justinian after obligationes ex contractu, and the obligationes quasi ex delicto are placed immediately after the obligationes ex delicto. Instances of these obligationes quasi ex delicto are enumerated in the Institutes, as "ex jure litem quam facetis," and the case of "de jure effusum," and others.

We may now examine more closely the meaning of the term obligation, and other terms used in relation to the law of contracts. Its etymology (leg-o, to bind) points merely to the obligatory part of a contract, or to the duty owed by one of the parties to the contract (the creditor) to the other party (creditor), or to the duties mutually owing from the one to the other. The word which, as opposed to obligation or "binding," expresses the determination of such binding, is "solutio;" 3 and, generally, some form of the word "solvit" is the appropriate term to express the legal termination of the obligation. But, inasmuch as duties owing by one party to the contract, or duties mutually owing by the parties to the contract, imply a right in the other party to the contract, or imply mutual rights in the parties to the contract, the word obligation is often used to express both the rights and the corresponding duties which arise out of the contract. Consistency with this, we find the right of the creditor spoken of as his obligation, and the duty of the debtor as his obligation. There is no special name in the Roman law for a right against a determinate person or determinate persons. The name for ownership or property is dominium, to which is opposed the name obligationes as descriptive of rights against determinate persons.

It is correctly remarked (Austin, An outline of a course of Lectures on General Jurisprudence), "that in the writings of the Roman lawyers the term obligation is never applied to a duty which answers to a right in rem." But as the duty answering to a right in rem is only the duty of forbearance, that is, of not doing anything, there is no great

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ence in the want of a name: as soon as an act is done which is an infringement of the right, or, in other words, a delictum, in one sense in which the Romans used this word), an obligation arises by force of such act (obligatio ex delicto), and gives the injured person a right of redress or in error various other.

A contract, as it will appear from what has been said, required the consent of all the parties to.

Those obligations which were said to be founded on "consent" (consensus) were said to be founded only because consent was sufficient, and no peculiar form of words or expression was required; whereas, in the obligation of contract (contractus), "verba" were necessary, either in writing, by words, or writing were required. In those contracts where particular forms were not required in order to convert them into obligations, any words or acts were sufficient which were evidence of consent. What words and acts are evidence of consent, cannot, of course, be determined generally in any system of jurisprudence. But certain acts or events exclude the notion of consent, even if the formal parts of a contract have been most scrupulously observed; constraint by force or threats (ins, metus), and fraud (dolus), and, in many cases, error (error, ignotiam), either render the agreement absolutely null, or give the party who has been constrained by fraud, error, or constraint of defence against the claims of the other party.

An obligation supposes two persons, the person to whom the duty is due, the creditor, and the person from whom it is due, the debtor. But there may be more than two parties to an obligation, either as creditors or debtors, or both, all of whom may be comprehended under the common name of rei. With reference to a person who is under the same obligation, a person may be called corrus. But since there are several parties to an obligation, there are properly several obligations, and this is the case whether the creditor is one and the debtors are several, or the creditors are several and the debtor is one, or both the creditors and debtors are several. In the obligation pro rata, the claims of the several creditors, or the duties of the several debtors, are determinate parts of a whole, which is made up by the parts being united in one formal obligation. There are cases where several creditors may claim the whole (solutum), and where several debtors may claim the whole (solidum): where a creditor claims the whole against several debtors, there are, in fact, several obligations binding on the several debtors. If he can only claim the whole once, he may claim it from any of the debtors; but when he has been satisfied by one debtor, his whole claim is extinguished.

An obligation may be unilateral, that is, may only give a right of action to one of the parties to it, as in the case of mutuum, stipulatio, and others; or it may be bilateral, that is, it may give a right to each party against the other, as emtio, venditio, locatio, conductio.

It remains to explain some other terms which are of frequent occurrence.

The most general name for any agreement is conventio, pactio, pactum conventum, and its essence is consent: "conventio verbum generale est, ad omnia pertinentes, de quibus negotii contrahendi transgendique causa consentiunt, qui inter se agent." Conventions, then, were juris gentium, and, as a good man may introdud into species. There are conventions which were the foundation of a right of action were called contractus, of which the Roman law acknowledged the four kinds already mention-
ed. As these contractus are distinguished by particular names, they have been named by modern writers contractus nominati, as opposed to other contracts presently to be mentioned, which they have named innominati. Contractus nominati, as has been shown, were contracts made or acknowledged by certain forms: if these forms were wanting in the conventio, it could not belong to the class of contractus nominati; but if the matter of the conventio was a civil negotium, or a civilis causa, it formed an obligation, and was the foundation of an action "praescriptivus verba" or "in facias, actio"; or, as it is clearly expressed by the action quum pactum est confregit, quotes contractinge existunt, quorum appellations nulla juris civilis prohibe sunt. All the events upon which these actions could arise may be reduced to the four following heads: "aut do titi ut des, aut do ut facias, aut facio ut des, aut facio ut facias." An example of the first class will show the difference between these innominate and the nominata: what is an obligation, and how to make a man money for a thing, this is buying and selling, is a name contract; but if I give a man a thing for another thing, this is exchange, and it is an innominate contract, but still it is the foundation of a civil obligation. These innominate contracts take the name of contracts from their resemblance to proper contracts. It was because in the case of any one of such contracts, it is necessary to form them into a separate class. These contracts, as it will appear from the description just given of them, have their foundation in an act (a giving or doing) by one of the parties, and so far resemble contracts re. Accordingly, the contract is a giving of something, as a thing relates a thing given or done by the debtor; and the creditor may have his action (condicio) for the recovery of a thing which he has given, and for which the debtor has not made the return (a giving or an act) agreed upon. The creditor has also his action generally (praescriptivus verba) for the completion of the contract, or for compensation to the amount of the injury sustained by the non-performance of the act.

All other conventiones were simply pacta, the characteristic of which is that they were not originally the foundation of actions, but only of pleas or answers (exceptiones); that is, if an agreement (conventio, pactio) could not be referred to the one of these other acts of contracts, it did not give a right of action. These conventions were either of actions or of exceptions. Conventions were contractus when they were made with certain forms; when they were not made with these forms, but still on good consideration (causa), they were the foundation of a civil obligation. When there was no causa, there was no obligation created by such conventio, and it is added, "therefore a nuda pactio does not produce an obligation, but an exception" whence it follows that a nuda pactio is a pactio sine causa, or a pactio for the benefit of one party only. Sometimes nuda conventio is used as equivalent to nuda pactio. It is a mistake to say that pactum by itself means a one-sided contract. Pactum is a term as general as conventio (pactus est) et est plurius in idem pactum conventus, and is a part of all contracts, as conventio is. There might be a pactum or pactio relating to marriage, the establishment of a servitus in provincial lands, and other matters. But pactum, as included in the law of obligations, obtained a limited signification; and it was used to sign two agreements not included among the contractus, but still binding agreements, as Leising found.

1. Dig., 19, tit. 5.—"De praescriptiva verba," &c.—Dig., 2. tit. 14, a. 7, q. 4.3.—Dig., 15, tit. 5, a. 15.4.—Dig., 2, tit. 9, a. 1.1.5.—(Guiss., ii., 31.)
ed on a cause. Some of these obligatory pacta were the foundation of an actio civilis, and some of them were protected by the praetor: ait praetor: "Pacta conventa qua neque dolo malo neque adversus leges pluchiius sanctus consulta edicta decreta princi- pium neque quo fasus cuorum flat facta crunt serva- bo." The parties to a pactum were said to be "pactici." Anything might be the subject of a "pactum" which did not involve an illegality. If an illegal pactum was made, it was still illegal, though it had been confirmed by a stipulatio or any other form. The matter relating to pacta is not arranged in the Di- gest under the head of Obligationes et Actiones, but in the same book with the titles De Jurisdictione, &c.

Savigny contends that the notion of agreement, or of contract in its general sense (sertrag), is too narrowly conceived by jurists in general. He de- fines agreement to be the "union of several persons in one concordant declaration of will whereby their legal relations are determined." Consequently, the notion of contract or agreement must be extended to other things than to contracts which produce obligations: for instance, tradition is characterized by all the marks of an agreement; and the fact that the declaration of their will by the parties to the tradition is insufficient is one reason why the concept is ac- quired, does not in the least affect the essence of the agreement. In like manner, easements (servi- tutes) take their rise from agreement. The imper- fect conception of an agreement has arisen from not separating in some cases the obligatory agreement from those acts for which such obligatory agree- ment is generally sufficient, and of which it is an accompaniment. This becomes more apparent if we consider the case of a gift, which is a real agreement, but without any obligation: it is merely a giving and receiving by mutual consent. This general notion of agreement is contained in the words of Ulpian already quoted, in which he de- defines pacto to be "duorum pluriumerum," &c. It does not seem, however, that the Romans applied the term pactum, pactum, and conventio to any agree- ments except those which were the foundation of obligations.

Policittatio is a proffer or offer on the part of a person who is willing to agree (policittatio offerentis solius promissum). A policittatio, of course, cre- ated no obligation. The word is frequently used with reference to promises made by a person to a state, city, or other body politic, such as the prom- ise to erect a building, to exhibit public shows, &c. Such policittations were binding when there was a causa, as a promise made with reference to a dignity (honor) conferred or to be conferred. A policittat- tio sine causa was also obligatory if the person began to do what he promised, as he laid the foundation of a building or cleared the ground. (Huis teatro ex griavorem policittationum multa de- bentur).

A person who vowed anything was also bound (voto obligatus).

Obul. (Vis. D:ach.:ma)

Obi:sodiA:us corona.

(Vid. Corona, p. 309.)

Obso:ni:um. (Vis. Obsonium.)

Oc:rea.

Ocupatio. The word is used by Cicero to ex- press the acquisition of ownership by occupation, or the taking possession of that which has no own- er. Among the modes of acquiring ownership "naturali ratione," that is, by such means as are in all nations acknowledged to be lawful means of ac- quiring ownership, Galus enumerates the taking possession of those things que nullius sunt, as, an- imals of the chase, birds and fishes, and such things are said "occupantis tertii." Ochne (Oxyn), the Pear-tree, or Pyrus commun. Theoricius has òxvafa. (Vid. Pyrus.)

Ochra (Oxren), our Yellow Ochre, i. e., the ochre brown iron ore of Jameson. It was much used by the ancient painters, and likewise as a medicine.

Ochrus (Oxrop), the Pisum Ochrysa, a species of Pease that grows plentifully among corn in Italy and Sicily.

Ocimoelides (Oxmeides), a plant, which Mat- thiolus and Bauhin hold to be a species of Lychnis, an opinion, however, which is rejected by Dodo- neaus. Sprengel agrees with Lobelius and Dale- champ in referring it to the Saponaria Oceymides.

Ocimum or Ocyrum (Oxum, Oxum), a plant, which Adams makes the same with the Ocy- rum Basilicum, or Sweet Basil.

Ocra (Oxren), a Greave, a Leggin. A pair of greaves (Oxmeides) was one of the six articles of armour which formed the complete equipment of a Greek or Etruscan warrior (Vid. Arma, p. 94), and likewise of a Roman soldier as fixed by Servius Tullius. They were made of bronze, brass, or tis, or of silver and gold, with a lining proba- bly of leather, felt, or cloth. Another method of fitting them to the leg was as not to hurt it was by the interposition of that kind of sponge which was also used for the lining of helmets (Vis. Gales, p. 468), and which Aristotle describes as being remark- able for thinness, density, and firmness. The greaves, lined with these materials, as they were fitted with great exactness to the leg, probably re

OLLA.

1. A slave, called the wine-bearer (anolphourai) 

OENOPHORUM.

gured, in many cases, no other fastening than their own elasticity. Often, nevertheless, they were further secured by two straps, as may be seen in the woodcut at p. 94. Their form and appearance will be best understood from the preceding woodcut. The upper figure is that of a fallen warrior, represented among the sculptures now at Munich, belonging to the temple in Δέσποινα. In consequence of the bending of the knees, the greaves are seen to project a little above them. This statue also shows very distinctly the ankle-rings (ἐποιχία), which were used to fasten the greaves immediately above the feet. The lower portion of the same woodcut represents the interior view of a bronze shield and a helmet. The greaves are represented in the form in which they were sometimes worn by men in life, as those of a warrior, Signor Campanari in the tomb of an Etruscan warrior, and which are now preserved in the British Museum. These greaves are right and left.

That the Greeks took great delight in handsome and convenient greaves may be inferred from the epithet ἐποχιαῖος, as used by Homer, and from his mention of or the use of the greaves being especially the ankle-rings, which were sometimes of silver.1 The modern Greeks and Albanians wear greaves, in form resembling those of their ancestors, but made of softer materials, such as velvet, ornamented with gold, and fastened with hooks and eyes.

Among the Romans, greaves made of bronze, and richly embossed, were worn by the gladiators. Some such have been found at Pompeii.2 It appears that in the time of the emperors greaves were not entirely laid aside as part of the armour of the soldiers.3 At an earlier period the heavy-armed wore a single greave on the right leg.4 Legins or greaves of leather were sometimes worn, but not as greaves of the same form already described, and designated by the same names both in Greek and Latin, were worn by agricultural labourers5 and by huntsmen.

OCTOBER. (Bid. Calendar, Rom.)

OCTOPHORON. (Bid. Lectio, p. 571.)

CEUS. (Bid. House, Rom., p. 517.)

Og or OlE (τὰ ὅγα), the Pyrus sordus, or Service-tree. Its fruit is called ola by Sprengel.

CÉNANTHE (οἴνοχος), a plant, about which many conjectures have been formed. Sprengel prefers that of Lobelius, who held it to be the Pediculararis L. "From my acquaintance, however," observes Adams, "with the Cénanthe pinnatifidae, or Parley's Waterdropwort, I cannot help thinking the two species are identical."

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The Cénanthe crocea, a species very similar in appearance, but very different in quality, is entirely out of the question, although Dr. Milligan holds it to be the Cénanthe of Celsius. The term oivochos is likewise applied to the flowers of the wild vine.

OLLY, the Olive-tree. (Bid. Etna and Côte.)

OLLA, ant. AULA,4 dim. OLLULA (λίβας; χρωστικόν, χρώστικον, dim. χρύστικον), a vessel of any material, round and plain, and having a wide mouth: a pot, a jar.

Besides being made of earthenware5 (σωλάρωσιν, testa) and bronze (χρωστικόν, χρώστικον), the ancients also made these vessels of different kinds of stone, which were turned upon the lathe. At Pleurs, a village near Chiavenna, on the north of the Lake of Como, the manufacture of vessels from the potstone found in a neighbouring mountain is still carried on, and has probably existed there from the time of Pliny, who makes express mention of it.6 Some of these vessels are nearly two feet in diameter, and, being adapted to bear the fire, are used for cooking (Oculus observare ollam pulis, ne auturatur)."

The following wodcut is taken from a vase in the British Museum, which was found at Canino in Etruria. The painting upon it represents the story of Medea boiling an old woman with a stone, and per- sumed the daughters of Pelas to put him to death.12


Olympiad.

The pot has a round bottom, and is supported by a tripod, under which is a large fire. The ram, restored to youth, is just in the act of leaping out of the pot. Instead of being supported by a separate tripod, the vessel was sometimes made with the feet all in one piece, and it was then called in Greek τρίπος (vid. Taurus), γυροπός, and επιγαίρις.

Beside being placed upon the fire in order to boil water or cook victuals, the ancients used pots to carry fire, just as is now done by the modern inhabitants of Greece, Italy, and Sicily. They also used small pots containing fire and pitch, to annoy the enemy in sieges by throwing them from slings and military engines.

A late traveller in Asia Minor informs us that the Turks wash their hands in the following manner: A boy or servant pours water upon the hands, the water falling into a vessel which is placed underneath to receive it. So in the Odyssey, a servant brings water in a golden eper (προφοίρα), and pours it upon the hands of the guest over a jar (δεῖρα) of silver. Numerous passages of ancient authors show that this practice has always prevailed in the same countries.

The Argives and Eginetans drank out of small, coarse pots of their own manufacture, rather than purchase cups of superior quality from Athens.

Olive were also used to hold solids and keep them in store, while amphora rendered the same service in regard to liquida. (Vid. Amphora.) Thus grapes were kept in jars as at present. Although pots were commonly made solely with a view to utility, and were therefore instituted of ornament and without handles, yet they were sometimes made with two handles (διστύρο) like amphora; and, when they were well turned upon the wheel, well baked, smooth and neat, and so large as to hold six congi (4½ gallons nearly), they were, as we learn from Plato, considered very beautiful.

Pots were used, as with us, in gardening.

Another very remarkable use of these vessels of earthenware among the Greeks was to put infants into them to be exposed, or to be carried away.


OLYMPIAD.

The lid of the olla was called κοίνης and σφαίρα. It generally corresponded in the material and the style of ornament with the olla itself.

*OLOLYGON (δολογεύω), "the name of an animal," says Adams, "mentioned by Theocritus. The scholiast calls it a swallow; some have referred it to the lark; and others have supposed it a frog. From the probable derivation of the word (i.e., from δολογεύω), I am disposed to agree with the scholiast."

*OLOST'ION (δολοστίον), a plant mentioned by Dioscorides. "Little, however, can be made," says Adams, "from his brief description of it. It is decidedly not the Stellaria Holostea, or Greater Stichwort, as Ruellius supposed; nor the Plantago albi, as Dodonaeus suggested. Whether or not the Holostea umbellata of the Fabricius and Sprengel contend, possesses the requisite character, I dare not venture to decide, as I have no acquaintance with that plant."

OLYMPIAD (Ολυμπιάς), the most celebrated chronological era among the Greeks, was the period of four years, which elapsed between each celebration of the Olympic games. The olympiads began to be reckoned from the victory of Corbus in the footrace, which happened in the year B.C. 776. Timeaus of Sicily, however, who flourished B.C. 264, was the first writer who regularly arranged events according to the conquerors in each olympiad, with which era he compared the years of the Attic archons, the Spartan ephors, and that of the Argive priestesses. His practice of recording events by olympiads was followed by Polybius, Diodorus, Pausania, Diodorus of Sicily, and sometimes by Pausania, Elian, Diogenes Laertius, Arrian, &c. It is twice adopted by Thucydides and Xenophon.

The names of the conquerors in the footrace were usually only to designate the olympiad, not the conquerors in the other contests. Thucydides, however, designates two olympiads by the name of the conquerors in the panathenaeum; but this appears only to have been done on account of the celebrity of these victors, both of whom conquered twice in the panathenaeum. Other writers, however, adhere so strictly to the practice of designating the olympiad only by the conqueror in the footrace, that even when the same person had obtained the prize in other contests as well as in the footrace, they only mention the latter. Thus Diodorus and Pausanias only record the conquest of Xenophon of Corinth in the footrace, although he had also conquered at the same festival in the pentathlon.

The writers who make use of the era of the olympiads usually give the number of the olympiad (the first corresponding to B.C. 776), and then the name of the conqueror in the footrace. Some write where. 1 Hence the exposure of children was called ἐκχυτρεῖσθαι, and the miserable women who practised it ἐκχυτρόσται.

In monumental inscriptions the term ολλα is frequently applied to the pots which were used to hold the ashes of slaves or inferiors in a family, and which were either exposed to view in the niches of the Columbarium, or immersed in such a manner as to show the lid only. Some good specimens of cinerary ollas are preserved in the British Museum, in a small apartment so constructed as to exhibit accurately the manner of arranging them. (Vid. above, p. 287, 288, 461, and numerous plates in Bartoli's Antiqu. Napoli.)

1. (Athist., These, 519—516.—Schol. ad loc.—2. (Hes. Odyssey, v, 5, 4.)—2. (Fallow's Excursion in Asia Minor, p. 155, 4.—(i., 156, 5. (Herod. v, 88, 5. (Col. De Re Rust, xii, 43, 7, 7. (Hipp. Maj., p. 155, 154, ed. Heindoff, 9. (Caio. De Re Rust, 51, 9. (Aristoph., Ran, 1186, —Schol. 3. loc.—Morris, s. v. Ελθερνετής.)

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OLYMPIC GAMES.

The north and northeast by the mountainous Cretan and Olympus, on the south by the river Alpheus, and on the west by the Cladeus; and all the other rivers, which run into the Alpheus. Olympic does not appear to have been a town, but rather a collection of temples and public buildings, the description of which does not come within the plan of this work.

The origin of the Olympic games is buried in obscurity. The legends of the Eleian priests attributed the institution of the festival to the Idian Heraclids, and referred it to the time of Cronus.

According to their account, Rhéas, the mother of the newborn Zeus to the Idian Daedali, also called Curetes, of whom five brothers, Heracles, Peumus, Ephemerides, Isias, and Idas, came from Idas in Crete to Olympia, where a temple had been erected to Cronus by the men of the Golden Age; and Heracles, the eldest, conquered his brothers in a frothrace, and was crowned with the wild olive-tree. Heracles hereupon established a contest, which was to be celebrated every five years, because he and his brothers were five in number. Fifty years after Deucalion's flood they said that Clymenus, the son of Cardis, a descendant of the Idian Heraclids, came from Crete and celebrated the festival; but that Endymion, the son of Rhæthus, deprived Clymenus of the sovereignty, and offered the kingdom to him on the understanding that he should celebrate the games; that, a generation after Endymion, the festival was celebrated by Pelops, the son of the honor of the Olympic Zeus; that when the sons of Pelops were scattered through Peloponnesus, Amythaon, the son of Crethus and a relative of Endymion, celebrated it; that to him succeeded Peithas and Nucleus in conjunction, then Augias, and at last Heracles, the son of Amphitrion, after the taking of Elis. Afterward Cylon is mentioned as presiding over the games, and then they are said to have been discontinued till their revival by Iphitus. Most ancient writers, however, attribute the institution of the games to Heraclids, the son of Amphitrion, while others represent Atreus as their founder.

Strabo rejects all these legends, and says, that the festival was first instituted after the return of the Heraclids to the Peloponnesus by the Ætolians, who united themselves with the Eleians. It is impossible to say what credit is to be given to the ancient traditions respecting the institution of the festival; but they appear to show that religious festivals had been celebrated at Olympia from the earliest times, and it is difficult to conceive that the Peloponnesians would have so attached such importance to this festival, unless Olympia had long been regarded as a hallowed site. The first historical fact connected with the Olympic games is their revival by Iphitus, king of Elis, who is said to have accomplished it with the assistance of Lycurgus, the Spartan lawyer, and Cleothidas of Pisa; and the names of Iphitus and Lycurgus are perpetuated on a gold plate, in commemoration of the event, which disc Paucanias saw in the Temple of Hera at Olympia. It would appear from this tradition, as Thirlwall has remarked, that Sparta concurred with the two states most interested in the establishment of the festival, and mainly contributed to procure the consent of the other Peloponnesians.

The celebration of the festival may have been discontinued in various periods, through troubles consequent upon the Doric invasion, and we are told that Iphitus was commanded by the Delphic oracle to revive it as a remedy for treasonable commotions and for pestilence, with which Greece was visited.

Many of the ancient writers did not consider history to begin till the Olympian of Corebus, and regarded as fabulous the events said to have occurred in preceding times. The old olympiad era appears only to have been used by writers, especially by historians. It does not seem ever to have been adopted by any state in public documents. It is never found on any coins, and scarcely ever on inscriptions. There are only two inscriptions published by Böckh in which it appears to be used. A new olympiad era, however, came into use under the Roman emperors, which is found in inscriptions and was used in public documents. This era begins in Oly. 227, 3 (A.D. 131), in which year Hadrian had added the Olympicion at Athens; and, accordingly, we find Oly. 227, 3, spoken of as the first olympiad, Oly. 228, 3 (A.D. 132), as the second olympiad, &c.

OLYMPIC GAMES (Greek, Ολυμπιακα). The greatest of the national festivals of the Greeks. It was celebrated at Olympia in Elis, the name given to a small plain to the west of Pisa, which was bounded on

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OLYMPIC GAMES.

was then afflicted. Iphitus thereupon induced the Eleans to sacrifice to Hercules, whom they had formerly regarded as an enemy, and from this time the games were regularly celebrated. Different dates are assigned to Iphitus by ancient writers, some placing his revival of the Olympic at B.C. 894, and others, as Callimachus, at B.C. 922. The interval of four years between each celebration of the festival was called an Olympiad; but the olympiads were not employed as a chronological era till the victory of Corèbus in the footrace, B.C. 776. (Vid. Olympiad.)

The most important point in the renewal of the festival by Iphitus was the establishment of the sacred truce for the duration of the games. All men who had been guilty of a crime which was inscribed in a circle on the disc mentioned above. The proclamation was made by peace-heralds (στυνοδρόμοι), first in Elis and afterward in the other parts of Greece; it put a stop to all warfare for the month in which the games were celebrated, and which was called λειψανομα. The territory of Elis itself was considered especially sacred for a month, and no alien or foreigner could enter it without incurring the guilt of sacrilege. When the Spartans, on one occasion, sent forces against the fortress Phryreum and Lepreum during the existence of the Olympic truce (ἐν ταῖς Ὀλυμπιακαῖς στρατιωτικαῖς), they were fined by the Eleans, according to the Olympic law, 2000 mine, behind which they had been found. Phlius and the Eleans themselves did not abstain from arms, and it is not probable that such a privilege would have existed without imposing on them the corresponding duty of refraining from attacking the territory of their neighbours. The later Greeks do not appear to have admitted this claim of the Eleans, as we find many cases in which their country was menaced with war.

The Olympic festival was probably confined at first to the Peloponnesians; but, as its celebrity extended, the other Greeks took part in it, till at length it became a festival for the whole nation. No one was allowed to contend in the games but persons of pure Hellenic blood; barbarians might be spectators, but slaves were entirely excluded. Amorians, who had been branded by their own states with atimia, or had been guilty of any offence against the divine laws, were not permitted to contend. When the Hellenic race had been extended by colonies to Asia, Africa, and other parts of Europe, persons sentoned in the games from very distant places, as the Cretans, Phrygians, and Thracians, as conquerors came from the colonies than from the mother-country. After the conquest of Greece by the Romans, the latter were allowed to take part in the games. The emperors Tiberius and Nero were both conquerors, and Pausanias' speaks of a Roman senator who gained the victory. During the freedom of Greece, even Greeks were sometimes excluded, as as had been the case at Athens; but after the Greek war there was no appearance to the Eleans to deserve this punishment. The horses of Hieron of Syracuse were excluded from the chariot-race through the influence of the mistoles, because he had not taken part with the other Greeks against the Persians. 8 All the Lacedaemonians were excluded in the 90th Olympiad because they had not paid the fine for violating the Elean territory, as mentioned above; 1 and similar cases of exclusion are mentioned by the ancient writers.

No women were allowed to be present, or even to cross the Alpheus during the celebration of the games, under penalty of being buried down from the Taypean rock. Only one instance is recorded of a woman having ventured to be present, and she, although detected, was pardoned in consideration of her father, brothers, and son having been victors in the games. An exception was made to this law in favour of the priestess of Demeter Chamyne, who was permitted to enter Ephesus and go to the Heillanodie. It would appear from another passage of Pausanias that virgins were allowed to be present, though married women were not (παρθένους δὲ οὐκ ἔχοντι θεασάσθαι); but this statement is opposed to all others on the subject, and the reading of the passage seems to be doubtful. 6 Women were, however, allowed to send chariots to the games in the time of Phidias, and a prize for the women's chariots was Cynice, the daughter of Archidamus and sister of Agesilaus. 6 The number of spectators at the festival was very great; and these were drawn together, not merely by the desire of seeing the games, but partly through the opportunity it afforded them of carrying on commercial transactions with the Eleans, and of living in the midst of Greek festivals with the Mohammedan festivals at Mecca and Medina. Many of the persons present were also deputies (θεωροὶ) sent to represent the various states of Greece; and we find that these embassies vied with one another in the number of their offerings, and the splendour of their general appearance, in order to show the superiority of their native cities. The most illustrious citizens of a state were frequently sent as θεωροὶ. 6

The Olympic festival was a Pentasternia (πενταστροφικός), that is, according to the ancient mode of reckoning, a space of four years elapsed between each festival, in the same way as there was only a space of two years between a πενταστροφική. According to the scholiast to Pindar, 4.) the pentasternia was celebrated at an interval sometimes of 49, sometimes of 50 years; in the former case in the month of Apolloius, in the latter in that of Parthenius. This statement has given rise to much difference of opinion from the time of J. Scaliger; but the explanation of Eiclips in his commentary on Pindar, has been found satisfactory, that the Pentasternia was celebrated on the first full moon after the summer solstice, which sometimes fell in the month of Apolloius, and sometimes in Parthenius, both of which he considers to be the names of Elean Olympic months; consequently, the festival was usually celebrated in the Attic month of Hecatomphalum, in the 5th year after the introduction, five days, from the 11th to the 16th days of the month inclusive. The fourth day of the festival was the 14th of the month, which was the day of the full moon, and which divided the month into two equal parts (δισευμενίς μηδοῖς). 6

The festival was under the immediate superintendence of the Olympic Zeus, whose temple at Olympia was regarded with veneration, and the games celebrated by Phidias, was one of the most splendid works of art in Greece. 6 There were also temples and altars

Olympic Games.

The Olympic Games were a major event in ancient Greece, held in honor of Zeus, the god of the sky and thunder. The games were held in ancient Olympia, on the northwestern coast of the Peloponnese, and began in 776 BC. They were held every four years, and the first recorded competition was the footrace. The games were divided into two parts, the footraces and wrestling, and these were held in honor of the gods Zeus, Hera, and Athena. The victors were awarded victor's wreaths of olive branches, and the winners of the footrace were crowned with a golden crown. The contests included running (800m, 1500m, 4219km), the long jump, the discus throw, the javelin, and the pentathlon. The games were also held in honor of the war gods, and the Olympic victors were awarded victor's shields. The games were suspended during war and plague, and were last held in 393 AD. After the games were abolished, the victors were awarded victor's wreaths of olive branches, and the winners of the footrace were crowned with a golden crown.
olympic games

the superintendence of Pantonos, king of Pisa; and the 104th, celebrated under the superintendence of the Pisans and Arcadians. These olympiads the Eleans called αὐνωναίδες, as celebrated contrary to law.1

The hellanodicea were chosen by lot from the whole body of the Eleans. Pausanias2 has given an account of their numbers at different periods; but the commencement of the passage is, unfortunately, corrupt. At first, he says, there were only two judges chosen from all the Eleans, but that in the 25th ol. (75th ol. 1) nine hellanodicea were appointed, three of whom had the superintendence of the horseraces, three of the pentathlon, and three of the foot-races. The number of the oldest judge was added. In the 103d ol. the number was increased to 12, as at that time there were 12 Elean phylae, and a judge was chosen from each tribe; but, as the Eleans afterward lost part of their lands in war with the Arcadians, the number of phylae was reduced to eight in the 104th ol. and, accordingly, there were then only eight hellanodicea. But in the 108th ol. the number of hellanodicea was increased to 16, and remained the same to the time of Pausanias.3

The hellanodicea were instructed for ten months before the festival by certain of the Elean magistrates, called νομοδόλακες, in a building devoted to the purpose near the market-place, which was called Ελείνη.4 Thus, Pausanias5 says, "The whole expenses of a festival having been provided for a certain sum, the superintendence of the hellanodicea was a certain number of ἄλεντα, with an ἀλάντοργας at their head, who formed a kind of police, and carried into execution the commands of the hellanodicea." There were also various other minor officers under the control of the hellanodicea.

All free Greeks were allowed to contend in the games who had complied with the rules prescribed to candidates. The equestrian contests were necessarily confined to the wealthy; but the poorest citizens could contend in the athletic contests, of which Pausanias6 mentions an example. This, however, was not considered as conducive to the good of the state, and special seats appropriated to them.7 Under the direction of the hellanodicea was a certain number of ἄλεντα, with an ἀλάντοργας at their head, who formed a kind of police, and carried into execution the commands of the hellanodicea.8 There were also various other minor officers under the control of the hellanodicea.

All persons who were about to contend had to prove that they had undergone the preparatory training (προγυμνασία) for ten months previous, and the truth of this they were obliged to swear to in the βοδελτήριον at Olympia before the statue of Zeus "Ornos. The fathers, brothers, and gymnastic teachers of the competitors, as well as the competitors themselves, had also to swear that they would be guilty of no crime (κακόπαραγμα) in reference to the contests.1

All competitors were obliged, thirty days previous to the festival, to undergo certain exercises in the gymnasium at Elis, under the superintendence of the hellanodicea. The different sections of the course prescribed to them had to follow one another, were written by the hellanodicea upon a tablet (λευκοί) exposed to public view.2

The competitors took their places by lot, and were, of course, differently arranged, according to the different contests in which they were to be engaged. The herald then proclaimed the name and country of each competitor, who wore a plain tunic and already to begin the contest, the judges exorted them to acquit themselves nobly, and then gave the signal to commence. Any one detected in bribing a competitor to give the victory to his antagonist was heavily fined; the practice appears to have been not uncommon, from the many instances recorded. The name of the victor, and that of his father and of his country, were then proclaimed by a herald before the representatives of assembled Greece. The festival ended with processions and sacrifices, and with a public banquet given by the Eleans to the conquerors in the Prytaneum.11

The most powerful states considered an Olympic victory a most sacred exploit. The number of citizens who obtained honour upon the state to which he belonged; and a conqueror usually had immunities and privileges conferred upon him by the gratitude of his fellow-citizens. The Eleans allowed his statue to be placed in the Altis, or sacred grove of Zeus, which was adorned with numerous such statues, erected by the conqueror or their families, or at the expense of the state, or at their own cost. On his return home, the victor entered the city in a triumphal procession, in which his praises were celebrated frequently in the loftiest strains of poetry. (Compare Athl., p. 120.)

Sometimes the victory was obtained without a contest, in which case it said to be ἀκούσσημα. This was the case with the winners in the antelope- or stag-hunt; they were assigned the victor, or came too late, or when an athlete had obtained such celebrity by former conquests, or possessed such strength and skill, that no one dared to oppose him.12 When one state conferred a crown upon another state, a
OLYMPIC GAMES.

proclamation to this effect was frequently made at the great national festivals of the Greeks.1

As persons from all parts of the Hellenic world were assembled together at the Olympic games, it was the best opportunity which the artist and the writer possessed of making their works known. It in fact, to some extent, answered the same purpose as the presses does in modern times. Before the invention of printing, the reading of an author's works to as large an assembly as could be obtained, was one of the easiest and surest modes of publishing them; and this was a favourite practice of the Greeks and Romans. Accordingly we find many instances of literary works thus published at the Olympic festival. Herodotus is said to have read his history at this festival; but, though there are some reasons for doubting the correctness of this statement, there are numerous other writers who thus published their works, as the sophist Hippias, Prodicus of Ceos, Anaximenes, the orator Lysias, Dion Chrysostom, &c.2 It must be borne in mind that these recitations were not contests, and that they formed, properly, no part of the festival. In the same way painters and other artists exhibited their works at Olympia.3

The Olympic games continued to be celebrated with much splendour under the Roman emperors, by many of whom great privileges were awarded to the victors in the games. In the sixteenth year of the reign of Theodosius, A.D. 394 (Ol. 293), the Olympic festival was forever abolished; but we have no account of the names of the victors from Ol. 249. Our limits do not allow us to enter into the question of the influence of the Olympic games upon the national character, but the reader will find some treatment of the subject in Thriftall's Hist. of Greece, vol. i., p. 390, &c.

There were many ancient works on the subject of the Olympic games and the conquerors therein. One of the chief sources from which the writers obtained their materials must have been the registers of conquerors in the games, which were diligently preserved by the Eleians (Ἡλείων ἡς τοὺς Ὀλυμπια- κοὺς ονομαζόμενα) and their sons. One of the most ancient works on this subject was by the Elean Hippias, a contemporary of Plato, and was entitled Ἀναγραφή Ὀλυμπιακῶν.4 Aristotle also appears to have written a work on the same subject. There was a work by Timaeus of Sicily, entitled Ολυμπιονικά ἡ χρονικά πραξίδια, and another by his son Timarchus (born B.C. 276), also called Ολυμπιονικά.5 This work was coextensive with the Olympic games, and was written in the time of Alexander the Great, who was a great lover of the games. It was not, however, regularly celebrated as an Olympic festival till the time of the Emperor Commodus. It commenced on the first day of the month Hyperberetes (October), with which the year of Antiochus began. It was under the presidency of an archon, and the celebration of it was abolished by Justin, A.D. 521. The writings of Libanius, and of Chrysostom, the Christian father, who lived many years at Antioch, give many particulars respecting this festival.

There were also many ancient works on the Greek festivals in general, in which the Olympic games were of course treated of. Thus the work of Diodorus, the inquirers,10 contained a division entitled Ὀλυμπιακά.11

One of the most important works on the Olympic games was by Phegon of Tralles, who lived in the reign of Hadrian; it was entitled Περί τῶν Ὀλυμπιακῶν, or, Οἰκονομίαι καὶ Χρονικῶν Συναγωγῆς, was composed in 16 books, and extended from the first Olympiad to Ol. 229. We still possess two considerable fragments of it. The important work of Julianus, Aelianus, Ἐλληνικά διάγωνων ἡ πρώτη, &c., is preserved to us by Eusebius; it comes down to Ol. 249.24

1. (Demosth., De Cor., p. 295.)—2. (Compare Lucian, Herod., c. 3, vol. i., p. 624, Reitz.)—3. (Lucian, l. c.—4. (Panaith., 21, 1) v., 21, 5; v. 31, 1.—5. (Id., v. 4, 4.)—6. (Plut., Num., 17.)—7. (Dio, xii., 56.)—8. (Dio, xii., 56.)—9. (Hist. of Athens, p. 620, d.)

OLYMPIC GAMES.

his χρονικά ἱστορία, carried down the Olympic conquerors to Ol. 362.

In modern works much useful information on the Olympic games is found in Cornini's Dissert. Agitativa, and in Böckh's and Dissen's editions of Pindar. See also Meier's article on the Olympic games, and Rathgeber's articles on Olympia, Olympicien, and Olympischer Jupiter in Erath and Gruber's Encyclopädie.—Diss. Über die Anordnung der Olympischen Spiele, in his kleine Schriften, p. 165: and Krause, Olympia oder Darstellung der großen Olympiaischen Spiele, t. i., p. 595. In course of time, festivals were established in several Greek states in imitation of the one at Olympia, to which the same name was given. Some of these are only known to us by inscriptions and coins; but others, as the Olympic festival at Antioch, obtained great celebrity. After these Olympic festivals had been established in several places, the great Olympic festival is sometimes designated in inscriptions by the addition of "in Pisa," in Hel- 1. We subjoin from Krause an alphabetical list of these smaller Olympic festivals. They were celebrated at

Rhea in Macedonia. This festival was in exist- ence in the time of Alexander the Great.2

Alexandra. In later times the number of Alex- andrian conquerors in the great Olympic games was greatly increased by other states.

Anazarbus in Cilicia. This festival was not in- troduced until a late period.4

Antioch in Syria. This festival was celebrated at Daphne, a small place 40 stadia from Antioch, where there was a large sacred grove watered by many fountains. The festival was originally called Daphne, and was sacred to Apollo and Artemis, as was the Olympic festival. That it was the inhabitants of Antioch who had purchased from the Eleians, in A.D. 44, the privilege of celebrating Olympic games. It was not, however, regularly celebrated as an Olympic festival till the time of the Emperor Commodus. It commenced on the first day of the month Hyperberetes (October), with which the year of Antiochus began. It was under the presidency of an archon, and the celebration of it was abolished by Justin, A.D. 521. The writings of Libanius, and of Chrysostom, the Christian father, who lived many years at Antioch, give many particulars respecting this festival.

Athens. There were two festivals of the name of Olympia celebrated at Athens, one of which was in existence in the time of Pindar,5 who celebrates the ancestors of the Athenian Timotheus as con- querors in it, and perhaps much earlier. It was celebrated to the honour of Zeus, in the spring, be- tween the great Dionysia and the Bendidia.6 The other Olympic festival at Athens was instituted by Hadrian, A.D. 131, from which time a new Olympic era commenced.7 (Vid. OLYMPIAD.)

Aetad in Pamphylia. This festival is only known to us by coins.

Cyprus in the Propontis.11

Cyrene in Africa.12

Dium in Macedonia. These games were instituted by Archelaus, and lasted nine days, correspond- ing to the number of the nine Muses. They were celebrated with great splendour by Philip and the Great Alexander.13

1. (Compare Böckh, Inser., n. 247, p. 361, 362, n. 1085, p. 564.)

2. (Compare Arrian, Anab., l., i., 3.)


Suidas, s. v. Ασκητοφανῆς.
EPHNESUS. This festival appears by inscriptions, in which it is sometimes called Αδριανά Ὑλημα ἐν Φιλοφ., to have been instituted by Hadrian. 1

Elis. Besides the great Olympic games, there appear to have been smaller ones celebrated yearly. 2

Magnesia in Lydia. 3

Neoepolis. 4

Nicopolis in Epirus. Augustus, after the conquest of Antony off Actium, founded Nicopolis, and instituted games to be celebrated every five years (δισεκατοετῶς) in commemoration of his victory. These games are sometimes called Olympic, but more frequently bear the name of Actia. They were sacred to Apollo, and were under the care of the Macedonians. (vid. AKTEIA.)

Olympus in Thessaly, on the mountain of that name. 5

Pergamos in Mysia. 6

Side in Pamphylia. 7

Smyrna. Pausanias 8 mentions an agon of the Smyrneans, which Corinii supposes to be a Olympic festival. The Marmor Ovonomise expressively calls, in praise of the Smyrnaeans, Φίλος της Αθηνας και Μαρκον″, and they also occur in inscriptions. 9

Tarsus in Cilicia. This festival is only known to us by coins. 10

Tegea in Arcadia. 11

Thessalonica in Macedonia. 12

Thorata in Lydia. 13

Tyrus in Phoenicia. 14

*OLYRA (δημος), Didymus describes this as ηδος σπερματος παραπλησίου κριθης. "In fact," says Adams, "it can scarcely admit of a doubt that it was a variety of Spelti, namely, Triticum Spelta, L."

*OPHMAX (ὑφημαξ), a species of precious stone, most probably, according to Sir John Hill, the Beryllus oleaginosus of Pliny. Theophrastus informs us that it was one of the gems used for engraving seals. 15

*ONITIS (ονίτις), a plant, which the Scholarist on Nicander and Hesychius agree in identifying with the Πυργινω, or Sweet Marjoram, the Oronamis ὑπηχαλλής. 16

ONOBRYCHYS (ονόβρυχος), the Onobrychis satis, called, in English, Cock's Head or Saintfoin. 17

*ONOS (ονός), the Ass, or Equus Asinus, L. "The wild Ass," says Adams, "is the Para of Scripture, and the ἄρτανος of the Greeks." The "domestic ass," says Smith, "supposed to be derived from the wild hear on of the Desert and the horse of Asia, enters at a remote period into the circle of human economic establishments. The first-mentioned, as might be expected, resided in the same regions where the dawn of civilization first commenced, and, gifted with inferior powers of resistance, is presumed to have been subjigated several ages before the second, because we find it peopling the Pentateuch often after the horse is noticed; such as in the sacrifice of Abraham; in his visits to Egypt, where he received presents from Abimelech; and in the spoils of Shechem, where

asses are numbered with other cattle, but horses are not mentioned. Yet that noble animal, by nature provided with greater physical capabilities, with more intelligence, and more instinctive capacities for adapting his existence to the circumstances of domestication in every region, is, in his servitude, grown larger, more adorned, more acute, and more educational than in a state of nature; while the ass, in similar circumstances, has degenerated from his pristine character, becoming, even in the greater part of Persia, smaller in stature, less fleet, less intelligent, and, by his own impulses, less the associate of man. When the horse, from thorough domesticity, is again cast upon his own resources, he resumes his original independency of pace and place; he becomes a savage beast, supporting the herd under his care, without altogether losing his acquired advantages; the ass, on the contrary, although never a spontaneous associate in his domestication, is nowhere known to have again become wild, or to have sought his freedom with a spirit of persevering vigilance; and in cases where, by accident, he has found himself in freedom, he has made the attempt to return to his original state, though the circumstances restore him to the filiation of the hyrasm or the kulan. When emancipated, he becomes, without effort, the prey of the lion, the tiger, the hyena, or the wolf, and in America he has been known to succumb under the beak of a condor. It is evident that the difference in the relative condition of the horse and ass, or of the wild ass and the wild horse, is not entirely referable to human neglect and want of kindness, but, in part at least, must be ascribed to inferior sensibility and weaker intellectual power, both being alike evinced by the hardness of his hide, by his satisfaction with coarser food, and his passive stubbornness." 18

*Phistiodes of fish, the same with the ψάρια of Athenaeus, and probably the Bacchus of Pliny. The name would appear to have been applied to more than one species of the Gadus, but more especially to the Gadus merluccius, or Hake. Adams considers it doubtful whether the Greeks were acquainted with the Gadus eglefinus, or Haddock. 19

*ONOSMA (ονόσμα, called also ονόσμα and ονος) a plant, was celebrated on the 14th of the month of Nioniiem. Haradonin says of it, "Νήλοι αισθητοι κατα τον ἄναθασαν δεξιοτερον." Stephens also holds it to be a species of Alkanet Sprengel maintains that it is either the Anchusa uniflora, or Lithospermum carolini-purpureum. 20

*ONYX, i. In mineralogy the term onyx was applied. 1. To a semiprecious stone of a fine grained texture, namely, the Onyx ageate of Cleveland: 2. To a variety of gypseous alabaster, from which small vases were formed. (vid. ALABASTER.)

*II. A term used by Dioscorides, Galen, and the other writers on the Materia Medica, to signify the operuitis, or cover of the Strumbus lenticulatus. 21

OPALIA, a Roman festival in honour of Opis, which was celebrated on the 14th of the month of January (Dec. 19th), being the third day of the Saturnalia, which was also originally celebrated on the same day, when only one day was devoted to the festival. It was believed that Opis was the wife of Saturnus, and for this reason the festivities were celebrated at the same time. The worshippers of Opis paid their visit, in a manner which touched the earth on purpose, of which she was the goddess. 22


The *opus of Pliny,* observes Dr. Moore, "is too well characterized, and its peculiar lustre or opalescence too accurately described by him, to leave any doubt that it was what we call precious Opal. Pliny is not the only one among the ancients, as Jameson supposed, who makes mention of this gem. The Orphic poem commends the beauty of the *βρατάλιος,* and evidently alludes to its other name *παιδέως,* in saying that it has the delicate complexion of a lovely youth (*μετροφί τέρενα χρών παιδὸς.* This gem also, Pliny says, the Indians so well imitated in glass, that the counterfeit could hardly be detected. The Opal was perhaps too highly valued to be frequently engraved. There are very few engraved specimens of this mineral preserved in collections. But that it sometimes was used as a ringstone, we learn from the story Pliny tells of a senator named Nonius, who, possessing an opal valued at 20,000 sesterces, which Antony coveted, was proscribed in consequence, and fled, saving of his whole fortune this ring alone."

*O'PPIA NUNTIA'TIO* was a summary remedy provided by the edict against a person who was making an opus novum. An opus novum consisted in either adding something in the way of building (adfaciendo), or taking away something so as to alter the appearance of a thing (*iacies operis.* The object of the nuntiatio was either the maintenance of the *opus* (*opus jeas,* or to prevent damage (*damnum,* or to protect the public interest (*publicum jus,*). The owner of the property which was threatened with damage by the opus novum, or he who had an easement (*servitutum*) in such property, had the jus nunciation. Nuntiatio consisted in protesting against and forbidding the progress of the opus novum on the spot where the work was proceeding, and in certifying the owner or possessor of the property who was there present on his account. The nuntiatio did not require any application to, or interference on the part of the praetor. It was a rule of law that the nuntiatio must take place before the work was completed: after it was completed, the operis novi nuntiatio had no effect, and redress could only be obtained by the interdict quod vi aut consensu aut res tantum esse.*

If the opus novum consisted in building on the complainant's ground, or inserting or causing anything to project into his premises, it was better to apply at once to the praetor, or to prevent it per manum, that is, as it is explained "iactu lapilli,* which was a symbol of the use of force for self-protection.

The edict declared that after a nuntiatio nothing should be done until the nuntiatio was declared illegal (*nuntiatio missa or remissa fat*) or a security (*satisfactio de opere restituto*) was given. If the person to whom the notice was given persevered, even if he had a right to do what he was doing, yet, as he was acting against the praetor's edict, he might be compelled to undo what he had done. By this means the parties were kept within the jurisdiction of the praetor. In cases where there was danger from the interruption of the work, or the person who was making the opus novum denied the right of the nuntians, he was allowed to go upon giving a cautio or security for demolition or restoration, in case the law was against him. When the cautio was given or the nuntians waived it, the party was entitled to an interdictum prohibitorum for his protection in prosecuting the work.

The effect of the nuntiatio ceased when the cautio was given; when the nuntians died, when he alienated the property in respect of which he claimed the jus nuntiandi, or when the praetor per-

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1. (Moore's Anc. Mineralog., p. 152.)—2. (Dig. 43, tit. 25.)
OPTIMATES.

Of the different parts of fishes, the roe was the most esteemed for this purpose. It is still prepared from the fish in the same waters adjoining Myrus in Ionia, which were given to Themistocles by the King of Persia. A jar was found at Pompeii containing carviage made from the roe of the tunny.

Some of the ancient republican or establishments for curing fish, were on the southern coast of Spain; but the Greeks obtained their chief supply from the Hellespont, and more especially Byzantium first rose into importance after its establishment by the Milesians in consequence of the active prosecution of this branch of industry. Of all seas, the Exuine was accounted by the ancients the best suited to the culture and the cult of fish. A minute discussion of their qualities, illustrated by quotations, may be seen in Athenaeus.

Plato mentions the practice of salting eggs, which was no doubt intended to convert them into a kind of opsonia. The treatise of Apicus, De Opsonis, is still extant in ten books.

Some of the ancient records are in the habit of going to market (κει τῷ πώλῳ) themselves in order to purchase their opsonia (ὀψωνίῳ, ϑαυμασκέα). (Vid. Macellum, Tininiœramulium.) But the opulent Romans had a slave, called opsonator (ὀψωνιος), whose office it was to purchase for his master. It was his duty, by learning what flavours were most acceptable to his master, and that he himself aspired to, to supply new dishes, which not only gratified his own appetite, but indeed became his master's diet, and the Levant. The principal ports on the Exuine engaged in this traffic were Sinope and Panticeaeum.

Among the fish used for curing were different kinds of stagone (ἄντακος), tunny (τυμπροβός), scaber, σκληρος, a name still in use, with some modification, among the descendants of the ancient Phocæans. There were, however, differences between the kinds, and the culture of them was aided by their migratory habits, as in the autumn they passed through the Bosporus towards the south, and in spring returned to the Exuine in order to deposit their spawn in its tributary rivers. At these two seasons they were caught in the greatest quantity, and, having been cured, were shipped in the Milesian ports for sale; and sent both to the Levant and the Levant. The principal ports on the Exuine engaged in this traffic were Sinope and Panticeaeum.

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OPTIMO. (Vid. Ostiariio.)

OPTIMATES. The word is synonymous with optimi, and, accordingly, signifies the best men in the state, whether of noble or plebeian origin. But at Rome, where the reverence for the morts et instituta majorum formed such a prominent feature of the national character, the name optimates was applied to a political party, which we may call the conservative or aristocratic party, in contradistinction to the popular party, with its desire for change and improvement. As long as the patricians and plebeians were the only two parties in the Republic, there was no occasion for the appellation of optimates, though Livy, applying expressions very common in his own days, makes M. Horatius Barbatus distinguish between populares and optimates instead of between patricians and plebeians. But at the time when a new nobility, consisting of wealthy plebeians as well as patricians, had been formed, and occupied the place formerly held by the patricians, the term optimates began to be applied frequently to persons belonging to this new order of nobles, and mostly comprehended the or to senatorius and the ordo equester. When, at a later period, the term still more extensively applied, senatorius, nobles, and equester were so often spoken of as synonyms, that the name optimates was used in a narrower sense, and only comprised the party consisting of the senate and its champions, in opposition to the popular party, which was now sometimes designated by the name of plebs. There is a locus classicus on optimates in Cicero, but in the same passage he uses the terms populares and optimates, and the two terms, optimates, he rather follows the etymology of the conventional meaning which the word had assumed in his days. His object in so doing was to remove from the party of the optimates, to which he himself belonged, the odium attached to it by the popular party. ORACULUM (ἀρακολογος, χρυσοτριμος) was used by the ancients for the revelation made by the deity to a person, as the place in which such revelations were made. The deity was in none of these places believed to appear in person to man, and to communicate to him his will or knowledge of the future, but all oracular revelations were made through some kind of medium, which, as we have already said, was a sort of diviner, who went from place to place oracles existed. It may, on first sight, seem strange, that there were, comparatively speaking, so few oracles of Zeus, the father and ruler of gods and men. But although, according to the belief of the ancients, Zeus himself was the first source of all oracular revelations, yet he was too far removed from man to communicate to him his will or knowledge of the future; other gods, therefore, especially Apollo, and even heroes, acted as mediators between Zeus and men, and were, as it were, the organs through which he communicated his will. The fact that the ancients consulted the will of the gods on all important occasions of public and private life arose from the conviction that they knew the issue of what they were going to undertake, and partly from the great reverence for the gods, so peculiar to the ancients, by which they were led not to undertake anything of importance without their sanction; for it should be borne in mind that an oracle was not, merely a revelation to satisfy the curiosity of man, but, at the same time, an oracle, a sort of divination, of a divine, knowledge of what man was intending to do or not to do. We subjoin a list of the Greek oracles, classed according to the deities to whom they belonged.

I. ORACLES OF APOLLO.

1. The Oracle of Delphi was the most celebrated of all the oracles of Apollo. Its ancient name was Pytho, which is either of the same root as πυθόν, to consult, or, according to the Homeric hymn on Apollo, derived from πυθέω, to putrefy, with reference to the nature of the locality. Respecting the topography of the Temple of Apollo, see Paussanias and Müller. In the innermost sanctuary (τὸν υπαρτὸν ήθος or μενηθνω) there was the statue of Apollo.

which was, at least in later times, of gold; and before it there burned upon an altar an eternal fire, which, according to the description of Pausanias, in the roof of the temple was covered all over with laurel garlands, and upon the altar garland was burned as incense. In the centre of this temple there was a small opening (χίασµα) in the ground, from which, from time to time, an intoxicating smoke arose, which was believed to come from the well of Castas, which vanished into the ground close by the sanctuary. Over this chasm there stood a high tripod, on which the tripod of the temple by the prophets (προφητης), took her seat whenever the oracle had to be consulted. The smoke rising from under the tripod affected her brain in such a manner that she fell into a state of delirious intoxication, and the sounds which she uttered in this state were believed to contain the revelations of Apollo. These sounds were carefully written down by the prophets, and afterward communicated to the persons who had come to consult the oracle. The pythia (the προφητης) was always a native of Delphi, and when she had once entered the service of the god she never left it, and was never allowed to marry. In early times she was always a young girl, but after one had been seduced by Echecrates the Thessalian, the Delphians made a law that in future no one should be elected as prophet who had not been a virgin. The pythia was still elected, but, in remembrance of former days, the old woman was always dressed as a maiden. The pythia was generally taken from some family of poor country-people. At first there was only one pythia at a time; but when Greece was in its most flourishing state, and when the number of those who came to consult the oracle was very great, there were always two pythiae, who took it in turns to sit on the tripod alternately, and a third was kept in readiness in case some accident should happen to either of the others. The effect of the smoke on the whole mental and physical constitution is said to have sometimes been so great, that in her delirium she leaped from the tripod, was thrown into convulsions, and after a few days died.

Six oracle were only given once every year, on the seventh of the month of Byias (probably the same as Πυθώς, or the month for consulting), which was believed to be the birthday of Apollo; but as this one day, in the course of time, was not found sufficient, certain days in every month were set apart for the purpose. The order in which the persons who came to consult were admitted was determined by lot, to such individuals or states as had acquired claims on the gratitude of the Delphians, or whose political ascendency seemed to give them higher claims than others. Such was the case with Croesus and the Lydians, with the Lacedaemonians, and with Philip of Macedon. It appears that those who consulted the oracle had to pay a certain fee, for Herodotus states that the Lydians were honoured with ἀνάλειψεν by the Delphians. The pythia always spent three days before she ascended the tripod in preparing herself for the solemn act, and during this time she fasted, and bathed in the Castalian well, and dressed in a simple manner; she also burned in the temple laurel leaves and flour of barley upon the altar of the god. Those who consulted the oracle had to sacrifice a ram before an ox, or a sheep, and it was customary for them to throw thereon that these visions should be healthy in body and soul, and to ascertain this they had to undergo a peculiar scrutiny. An ox received barley, and a sheep chieke-pease, to see whether they ate them with appetite; water was poured over the goats, and if this put them into a thorough tremble, the victim was good. The victim which was thus found eligible was called δοσις. Wachsmuth states that there were no certain conclusions, and that when the laurel garlands were found to be covered with ribands of wool, but the passages from which this opinion is derived only speak of such persons as came to the temple as suppliants.

The Delphians, or, more properly speaking, the noble families of Delphi, had the superintendence of the oracle. Among the Delphian aristocracy, however, there were five families which traced their origin to Deucalion, and from each of these one of the five priests, called δοσις, was taken. Three of the names of these families only are known, viz., the Cleomantids, the Thracids, and the Laphriads. The δοσις, together with the highpriest or prophetess, held their offices for life, and had the control of all the affairs of the sanctuary and of the sacrifices. That these noble families seem to have had a proper influence upon the oracle is manifest from numerous instances, and it is not improbable that they were its very soul, and that it was they who dictated the pretended revelations of the god.

Most of the oracular answers which are extant are in hexameters, and in the Ionic dialect. Sometimes, however, Doric forms also were used. The hexameter was, according to some accounts, invented by Phemoneus, the first pythia. This musical form was chosen partly because the words of the god were thus rendered more venerable, and partly because it was easier to remember verse than prose. Some of the oracular verses had metrical defects, which the faithful among the Greeks accounted for in an ingenious manner.

In the times of Theopompus, however, the custom of giving the prophecies in prose seems to have prevailed, as they were henceforth generally in prose, and in the Doric dialect spoken at Delphi. For, when the Greek states had lost their political liberty, there was little or no occasion to consult the oracle on matters of a national or political nature, and the affairs of ordinary life, such as the sale of slaves, the cultivation of a field, marriages, voyages, loans of money, and the like, on which the oracle was then mostly consulted, were little calculated to be spoken of in lofty poetical strains. When the oracle of Delphi lost its importance in the eyes of the ancients, the number of persons who consulted it materially decreased, and in the days of Plutarch ony pythia was, as of old, sufficient to do all the work, and oracles were only given on one day in every four years.

The divine agency in Pytho is said to have first been discovered by shepherds who tended their flocks in the neighbourhood of the chasm, and whose sheep, when approaching the place, were seized with convulsions. Persons who came near the

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1. (Schol. ad Eurip. Phaen. 320.—Plut. De Pyth. Or. c. 5.)
2. (Plut. De Or. Delph. Def.)
3. (Plut. Quast. Gr. 1.)
4. (Hellen. Alc. ii., 2, p. 264.)
5. (Herod. vii., 46; Aesch. Choephe, 103.)
6. (Plut. De Orac. Def. c. 6.)
7. (Diod. xvi., 43; Lycurg. c. Lecor. p. 158.)
8. (Hesych. s. v.)
9. (Herod. vii., 130.)
10. (Vid. Esch. Choephe, 369.)
11. (Plut. De Orac. Def. c. 6.)
12. (Plut. Quast. Gr. 1.)
13. (Plut. Peric. 31.)
14. (Plut. De Orac. Def. c. 6.)
15. (Plut. De Orac. Def. c. 6.)
16. (Plut. De Orac. Def. c. 6.)
ORACULUM.

place showed the same symptoms, and received the power of prophecy. This, at last, induced the people of Delphi to call in a new oracle. Under the direction of the Homeric hymn on Apollo, this god was himself the founder of the Delphic oracle, but the local legends of Delphi stated that originally it was in the possession of other deities, such as Gaia, Themis, Phoebe, Poseidon, Night, Cronos, and that it was given to Apollo as a present. Other traditions, ancient and modern, perhaps the most ancient and generally the most approved, treated of Apollo as having gained possession of the oracle by a struggle, which is generally described as a fight with Python, a dragon, who guarded the oracle of Gaia orThemis. The oracle of Delphi, during its best period, was believed to give its answers and advice to every one who came with a pure heart, and had no evil designs: if he had committed a crime, the answer was refused until he had atoned for it; and he who consulted the god for bad purposes was sure to accelerate his own ruin. No religious institution in all antiquity obtained such a paramount influence, not only in Greece, but in all countries around the Mediterranean, in all matters of importance, whether relating to religion or to politics, to private or to public affairs. The capacity of Delphi was not founded on a subject of a religious nature, the answer was invariably of a kind calculated not only to protect and preserve religious institutions, but to command new ones to be established, so that it was the preserver and promoter of religion throughout the ancient world. Colonies were seldom or never founded without having obtained the advice and directions of the Delphic god. Hence the oracle was consulted in all disputes between a colony and its metropolis, as well as in cases where several states claimed to be the metropolis of a colony.

The Delphic oracle had at all times a leaning in favour of the Greeks of the Dorian race, but the time when Athens and Sparta entered upon their struggle for the supremacy in Greece; at this time the partiality for Sparta became so manifest, that the Athenians and their party began to lose all reverence and esteem for it, and the oracle became a mere instrument in the hands of a political party to promote the interests of Greece. Many believed that the oracle had lost the powers which it had possessed in former days, but it still continued to be consulted down to the times of the Emperor Julian, until at last it was entirely done away with by Theodosius. Notwithstanding the general obscurity and ambiguity of many of the oracles given to Delphi, there were many, also, which convey so clear and distinct a meaning, that they could not possibly be misunderstood, so that a wise age at the bottom of the oracles cannot be denied. The manner in which this agency has been explained at different times, varies greatly according to the spirit of the age. During the best period of their history, the Greeks, generally speaking, believed in the oracle and its counsel, and its directions. When the sphere in which it had most benefited Greece became narrowed and confined to matters of a private nature, the oracle could no longer command the veneration with which it had been looked upon before. The pious and believing heathens, however, thought that the god, and no human power had any care upon the oracle, and that he was beginning to withdraw from it; while freethinkers and unbelievers looked upon the oracle as a skilful contrivance of priestcraft which had then outgrown itself. This continues to be the opinion of the Pausania and modern writers. The early Christian writers, seeing, that some extraordinary power must in several cases have been at work, represented it as an institution of the evil spirit. In modern times opinions are very much divided. Hüllmann, for example, has endeavoured to show that the oracle of Delphi was entirely managed and conducted by the aristocratical party, and that it ceased to be a genuine oracle, as forming a sort of hierarchic senate for all Greece. If so, the Delphic senate surely was the wisest of all in the history of the ancient world. Klausen, on the other hand, seems to be inclined to allow some truly divine influence, and, at all events, thinks that, even in so far as it was merely managed by men, it acted in most cases according to lofty and moral principles.

The modern literature on the Delphic oracle is very rich; the most important works are: C. F. Wilster, De Religione et Oracle Apollois Delphi, Hafniae, 1837.—H. Piotrowski, De Graeciae Oracle Delphi, Lipsiae, 1839.—R. N. Klausen, in Erzehr und Grunder Encyclopedia, i. vii. 267.—P. K. D. Unni, in Theologische Zeitschrift für das Deutschen Altertum, Berlin, 1837.—W. Götte, Das Delphische Orakel, in seinem politischen, religiösen und sittlichen Einfluss auf die alte Welt, Leipzig, 1839.

2. Oracle at Abe, in Phocis. An oracle was believed to have existed here from very early times, and was held in high esteem by the Phocians. Some writers believe the Persian invasion, the Phocians gained a victory over the Thessalians, in which they obtained, among other spoils, four thousand shields, half of which they dedicated in the Temple of Apollo at Abe, and half in that of Delphi. The oracle was, like many others, consulted by Creusus, but he does not seem to have found it agreeing with his wishes. In 467 B.C. Xerxes the Temple of Abe was burned down, and, like several temples destroyed in this invasion, it was never rebuilt. The oracle itself, however, remained, and before the battle of Leuctra it promised victory to the Thebans; but in the Phocian or sacred war, when some Phocians fugitives who had taken refuge in the temple were murdered, the oracle was consulted by the Thebans. But even after this calamity the oracle seems to have been consulted, for the Romans, from reverence for the oracle, allowed the inhabitants of Abe to govern themselves. Hadrian built a small temple by the side of the old one, some walls of which were still standing as ruins in the time of Pausanias.

3. Oracle on the Hill of Poon, in the territory of Thebes. The oracle was here given through the medium of a man called ποιμαντις, and the first promontas was said to have been Teneros, a son of Apollo. The oracles were usually given in the Αἰολικος dialect; but when Mys, the Carian, consulted the god, the answer was given in the Carian language, and the oracle became the property of the Carian writers. In 81 B.C., Mys, who generally wrote down the oracles, the Carian was obliged to do it himself. When Alexander the Great destroyed Thebes, the oracle also perished. In the time of Plutarch the whole district was completely desolate.

8. **Oracle of Apollo at Delphi.**

The oracle at Delphi, one of the most famous in ancient Greece, was considered the most sacred of all the gods. The Delphic Oracle was believed to be the voice of Apollo, and its prophecies were sought by leaders of states and individuals alike. The oracle was consulted by men and women, and its answers were often interpreted by priests. The temple of Apollo at Delphi was one of the Seven Wonders of the Ancient World.

The oracle was located on a hill outside of the town of Delphi, on the Gulf of Corinth. The temple of Apollo at Delphi was dedicated to the god Apollo, who was believed to have descended from heaven and spoken through the priestess, known as the Pythia.

The temple itself was built on a hill, and its entrance was through the Propylaia, a gateway decorated with statues of the gods. Inside the temple, the sanctuary was divided into two sections: the cella, which housed the statue of Apollo, and the pronaos, where the statue of Athena was placed.

The Oracle of Delphi was consulted by sending a victim, usually a young boy called a “hecte,” into the temple. The Pythia sat in a cell called the “triphylion,” and when the victim entered, the Pythia would become possessed by Apollo. The priest would then interpret the responses of the god, which were often cryptic and required interpretation by other priests.

The oracle was consulted by kings and leaders of states, as well as individuals seeking guidance in times of crisis. The prophecies were often interpreted by priests, who would then translate the responses into a form that could be understood by the person seeking advice.

The oracle of Delphi was one of the most important religious centers in ancient Greece, and its influence extended far beyond the borders of Greece. It was consulted by leaders of states, and its prophecies were often sought by leaders of other cultures as well.

The oracle of Delphi was eventually destroyed by Romans in 39 AD, when it was burned by Emperor Claudius. The temple was later restored by Emperor Domitian, but it never regained its former glory.

The oracle of Delphi continued to be consulted by leaders and individuals until the 4th century AD, when it was finally abandoned. The site was later used as a quarry, and much of the temple was destroyed.

The Oracle of Delphi was one of the most influential religious centers in ancient Greece, and its prophecies continue to be studied and interpreted by scholars to this day.
at victims might be obtained anywhere. The spot where the oracles were given at Olympia was before the altar of Zeus 1. It was especially those who intended to take part in the Olympic games that consulted the oracle about their success, but other subjects were also brought before it.

2. Oracle of Zeus at Dodona. Here the oracle was given from sounds produced by the wind. The sanctuary was situated on an eminence. 2 Although in a barbarous country, the oracle was in close connection with the great gods. 3 There are columns according much more so than afterwards. 4 Zeus himself, as well as the Dodonæans, were reknowned among the Pelasgians, which is a proof of the ant-Hellenic existence of the worship of Zeus in these parts, and perhaps of the oracle also. 5 The oracle was given from lofty oaks covered with foliage, 6 whence ἕσσυλκες mentions the speaking oaks of Dodona as great wonders. Tree-beeches, however, are also mentioned in connexion with the Dodonæan oracle, which, as Hesiod 7 said, dwelled in the stem of a beech-tree. Hence we may infer that the oracle was not thought to dwell in any particular or single tree, but in a grove of oaks and beeches. The will of the god was made manifest by the rustling of the leaves of certain trees, which are therefore represented as elegant tangle-groves. In order to render the sounds produced by the winds more distinct, brazen vessels were suspended on the branches of the trees, which, being moved by the wind, came in contact with one another, and thus sounded till they were stopped. 8 Another mode of producing the sounds was this: There were two columns, a stone and a bronze, a stone being in a basin on a stone, and the other a boy with a scouge in his hand; the ends of the scouge consisted of little bones, and, as they were moved by the wind, they knocked against the metal basin on the other column. 9 According to other accounts, oracles were also obtained at Dodona through pigeons, which, sitting upon oak-trees and great oaks, were supposed to make sounds. 10 The sounds were in early times interpreted by men, 11 but afterward, when the worship of Dion was connected with that of Zeus, by two or three old women, who were called πελειάδες or πελεαί, because pigeons were said to have brought the command to found the oracle. In the time of Herodotus 12 the oracle was held by the priests of Promenides, Timarcte, and Nicandria. They were taken from certain Dodonæan families, who traced their pedigree back to the mythical ages. There were, however, at all times priests called τόμωροι 13 connected with the oracle, who on certain occasions interpreted the sounds; but how the functions were divided between them and the Pelasgæ was not clear. In the historical times, the oracle of Dodona had less influence than it appears to have had at an earlier period, but it was at times inaccessible to bribes, and refused to lend its assistance to the Doric interest. 14 It was chiefly consulted by the neighbouring peoples, the Ἑλληνοι, Acarnanians, and Epirites, 15 and by those who were not to go to Delphi or other great oracles. 16

There appears to have been a very ancient connexion between Dodona and the Beotian Iasmenos. 17

The usual form in which the oracles were given at Dodona was in hexameters; but some of the oracles are said to have been given in prose. In 219 B.C., the temple was destroyed by the E鈚elians, and the sacred oaks were cut down, 18 but the oracle continued to exist and to be consulted, and does not seem to have become extinct until the third century of our era. In the time of Strabo, the Dodonæan prophetesses are expressly mentioned, though the oracle was already decaying, like all the others. 19

3. Oracle of Zeus Ammon, in an oasis in Libya, not far from the boundaries of Egypt. According to the traditions current at Dodona and Thebes in Egypt, it was founded by the latter city, and the form in which the god was represented at Thebes and in the Ammonium was the same; he had in both places the head of a ram. 20 The Greeks became acquainted with this oracle through the Cyreans, and Sparta was the first city of Greece which formed connexion with it. 21 Its example was followed by the Thebans, Olympians, Dodonæans, and Boeotians. Although in Hellenic times the frequent theories to the Ammonium even before Ol. 91, 22 and called one of their sacred vessels Ammonis. 23 Temples of Zeus Ammon were now erected in several parts of Greece. His oracle in Libya was conducted by men who also gave the answers. 24 Their number appears to have been very great, for, on some occasions, they were packed together in a procession, their number is said to have been about one hundred. 25 In the time of Strabo, the oracle was very much neglected and in a state of decay. The Greek writers who are accustomed to call the greatest god of a barbarous nation Zeus, mention several oracles of this divinity in foreign countries: 26

III. ORACLES OF OTHER GODS.

The other gods who possessed oracles were consulted only concerning those particular departments of the world and human life over which they presided. Demeter thus gave oracles at Patrae in Achaea, but only concerning sick persons, whether their sufferings would end in death or recovery. Before the sanctuary there were two doors, which were opened by a wall. Into this well a mirror was let down by means of a rope, so as to swim upon the surface. Prayers were then performed and incense offered, whereupon the image of the sick person was seen in the mirror either as a corpse or in a state of recovery. At Phare, in Achaea, there was an oracle of Hermes. He was also the god of the middle of the market-place. Incense was offered here, oil-lamps were lighted before it, a copper coin was placed upon the altar, and after this the question was put to the god by a whisper in his ear. The person who consulted him shut his own ears, and immediately left the market-place. The first remark that he heard made by any one after leaving the market-place was supposed to give the answer to the question.

There was an Oracle of Pluto and Cora at Charax or Acharaca, not far from Nysa, in Caria. The two deities had here a temple and a grove, and near the latter there was a subterraneous cave of a miraculous nature, called the cave of Charon; for persons suffering from illness, and placing confidence in the

power of the gods, travelled to this place, and stayed for some time with experienced priests, who lived in a place near the cave. These priests then slept a night in the cavern, and afterward prescribed to their patients the remedies revealed to them in their dreams. Often, however, they took their patients with them into the cave, where they had to stay for several days in quiet, and without taking any food, and were sometimes allowed to fall into the prophetic sleep, but were prepared for it, and received the advice of the priests; for to all other persons the place was inaccessible and fatal. There was an annual panegyris in this place, probably of sick persons who sought relief from their sufferings. On the middle of the festive day, the young men of the gymnasion, naked and anointed, used to drive a bull into the cave, which, as soon as it had entered, fell down dead.1

At Epidauros Limera, oracles were given at the festival of Ino. (Vid. Inol.) The same goddess had an oracle at Cetylon, in which she made revelations in dreams to persons who slept a night in her sanctuary.4 Hera Acræa had an oracle between Lechaon and Pagæ.2

IV. ORACLES OF HEROES.

1. Oracle of Amphiarœus, between Potniae and Thebes, where the hero was said to have been swallowed up by the earth. His sanctuary was situated on an island in a stream called Amphiarœas, the name of which perhaps suggests that upon which birds never settled, and birds or cattle never took any food in the neighbourhood.4 The oracles were given to persons in their dreams, for they had to sleep in the temple after they had prepared themselves for this incubatio by fasting one day, and by abstaining from wine for three days.2 The Thebans were not allowed to consult this oracle in its own temple, but it was consulted in the temple of Athena, rather than as their prophet.7 Another oracle of Amphiarœus was at Oropus, between Boeotia and Attica, which was most frequently consulted by the sick about the means of their recovery. Those who consulted it had to undergo lustrations, and to sacrifice a ram, on the skin of which they slept a night in the temple, where in their dreams they expected the means of their recovery to be revealed to them.8 If they recovered, they had to throw some pieces of money into the well of Amphiarœus in his sanctuary. The oracle was said to have been founded by the Thebans.9

2. Oracle of Amphiæolus. He was the son of Amphiarœus, and had an oracle at Mallos, in Cilicia, which Pausanias calls the most trustworthy of his time.10

3. Oracle of Trophonios at Lebadeia, in Boeotia.1 Those who wished to consult this oracle had first to purify themselves by spending some days in the sanctuary of the good spirit and good luck (ἀγαθοῦ Ἐλατο Λαυρίου καὶ θεὸς Τῷ Τόξ.; to live sober and pure, to abstain from warm baths, but to bathe in the river Hercyana, to offer sacrifices to Trophonius and his children, to Apollo, Cronos, King Zeus, Heracles, ocha, and to Demeter, who was said to have nursed Trophonius; and during these sacrifices a soothsayer explained from the intestines of the victims whether Trophonius would be pleased to admit the consultant. In the night in which the consultant was to be allowed to descend into the cave of Trophonius, he had to sacrifice a ram to Agma, and in case the signs of this sacrifice were favourable, the hero was thought to be pleased to admit the person into his cave. What took place after this was as follows: Two boys, 13 years old, led him again to the river Hercyana, and bathed and anointed him. The priests then made him drink from the well of Trophonius, and he might forget all his former thoughts, and from the well of recollection (Μνημονεύτ., that he might remember the visions which he was going to have. They then showed him a mysterious representation of Trophonius, made him worship it, and led him into the sanctuary, dressed in linen garments, with girdles around his body, and wearing a peculiar kind of shoes (σαρδής) which were customary at Lebadeia. Within the sanctuary, which stood on an eminence, there was a cave, into which the person was now allowed to descend by means of a ladder. Close to the bottom, in the side of the cave, there was an opening into which he put his feet, whereupon the other parts of the body were likewise drawn into the opening by some invisible power. What the persons here saw was different at different times. They returned through the same opening at which they had entered, and the priests now placed them on the throne of Mnemosyne, asked them what they had seen, and led them back to the sanctuary of the good spirit and good luck. As soon as they had recovered from their fear, they were obliged to write down their vision on a little tablet which was dedicated in the temple. This is the actual account of the accidents which a young woman, who had descended into the cave, and writes as an eyewitness.1 The answers were probably given by the priests according to the report of what persons had seen in the cave. This oracle was held in very great esteem, and did not become extinct until a very late period; and though the army of Sulla had plundered the temple, the oracle was much consulted, and many of the soldiers who were at Plataia in 370 B.C., were the only one among the numerous Boeotian oracles that had not become silent.9

4. Oracle of Calchas, in Daunia, in southern Italy. Here answers were given in dreams, for those who consulted the oracle had to sacrifice a black ram, and slept a night in the temple, lying on the skin of the victim.7

5. Oracles of Asclepius (Esculapius). The oracles of Asclepius were very numerous; but the most important and most celebrated was that of Epidauros. His temple here was covered with votive tablets, on which persons had recorded their recovery by spending a night in the temple. In the temples of Esculapius and Serapis at Rome, recovery was likewise sought by incubatio in his temple.8 F. W. Heer has written an essay, Die Kultur des Sommerwalds aus dem Alterthon, in which he endeavours to show what is now called Mesmerism, or animal magnetism, was known to the priests of these temples where sick persons spent one or more nights for the purpose of recovering their health. Other oracles of the same kind are mentioned in that essay, together with some of the cures which are vouched for by ancient authors.

6. Oracle of Heracles at Bura, in Achaea. Those who consulted it prayed and put their questions to the god, and then cast four dice painted with figures, and the answer was given according to the position of these figures.3

7. Oracle of Passiphæ at Thalmai, in Laconia, where answers were given in dreams while persons spent the night in this temple.8

8. Oracle of Phrygus, in Iberia, near Mount Cau-
ORACULUM.

ORATIONES PRINCIPUM.

causa, where no rams were allowed to be sacrificed.1

V. ORACLES OF THE DEAD.

Another class of oracles are the Oracles of the Dead (νεκροφΘρους or ψευδοφΘρους), in which those who consulted called up the spirits of the dead, and offered sacrifices to the gods of the lower world. One of the most ancient and most celebrated places of this kind was in the country of the Thesprotians, near Lake Orestis, where the oracle of this class was at Heraclis, on the Propontis.2

Respecting the Greek oracles in general, see Wachsmuth, Hellen. Alterth., ii., 2, p. 260, &c.—Klausen in Erasch und Graber's Encycol., s. t. Oraked.

VI. ITALIAN ORACLES.

Oracles in which a god revealed his will through the mouth of an inspired individual did not exist in Italy. The oracles of Calchas and Åeschylus, mentioned above, were of Greek origin, and the former was in a Greek heroum on Mount Garganus. The Romans, in the ordinary course of things, did not feel the want of such oracles as those of Greece, for they had recourse to their own oracles, and from the will of the gods, such as the Sibylline books, augury, haruspices, signs in the heavens, and the like, which are partly described in separate articles, and partly in Divinatio. The only Italian oracles known to us are the following:

1. Oracle of Fannius.—His oracles are said to have been given in the form of poems, and collections of his vaticinia seem to have existed at an early period.3 The places where his oracles were given were two groves, the one in the neighborhood of Tibur, round the well of Albunea, and the other on the Aventine.4 Those who consulted the god in the grove of Albunea, which is said to have been the place where all the Italians, had to observe the following points: The priest first offered a sheep and other sacrifices to the god. The skin of the victim was spread on the ground, and the consular was obliged to sleep upon it during the night, after his head had been three sprinkled with pure water from the well, and touched with the branch of a sacred beechnut. He was, moreover, obliged, several days before this night, to abstain from animal food and from matrimonial connexions, to be clothed in simple garments, and not to wear a ring on his fingers. After he fell asleep on the cheesepkin, he was believed to receive his answer in wonderful visions, and in converse with the god himself.5 Ovid6 transfers some of the points to be observed in order to obtain the oracle on the Albunea, to observe the oracle on the Aventine. Both may have had much in common, but from the story which he relates of Numa, it seems to be clear that on the Aventine certain different ceremonies also were observed.

2. Oracles of Fortuna existed in several Italian towns, especially in Latium, as at Antium and Frenez. The oracles of Fortuna were worshipped, and their statues used to be honoured so that when oracles were given.7 At Preneste the oracles were derived from lots (sortes), consisting of sticks of oak with ancient characters graven upon them. These lots were said to have been found by a noble Prenestine of the name of Varrucus Sulficus, inside of a cleft rock, which he had left open at the command of a dream by which he had been haunted. The lots, when an oracle was to be given, were shaken up together by a boy, after which one was drawn for the person who consulted. From this method of giving oracles, certain lots of one or two were frequently used, and at least with the vulgar, in great esteem as late as the time of Cicero, while in other places of Latium they were mostly neglected. The Etruscan Carve, in early times, had likewise its sortes.8

3. An Oracle of Mars was, in very ancient times, according to Dionysius,9 at Tyra Matinae, from which Daneby inferred that one of these oracles, here given resembled that of the pigeon oracle at Dodona; for a woodpecker (picus), a bird sacred to Mars, was sent by the god and settled upon a wooden column, whence he pronounced the oracle.

On Roman oracles in general, see Niebuhr, Hist. of Rom., i., p. 508, &c.

Of the small handkerchief used for wiping the face, and appears to have been employed for much the same purposes as our pocket-handkerchief. It was made of silk or linen. In the Etym. Mag.10 it is explained by πρόεσθων ἐκμαγεῖν. Augustus introduced the practice of giving oraria to the Roman people to use ad favorum, which appears to mean for the purpose of waving in the public games (votis), or perhaps for our hands and handkerchiefs for the same purpose.9

ORATIO'NES PRINCIPUM. The orations of the Roman emperors under the Empire; but those which are denounced under this head have reference to legislation only, and were addressed to the senate. Under the Christian emperors, particularly, these orations were only a mode of promulgating law as constituted by the emperor; and we have an instance of this even in the reign of Probus ("Leges, qua Probus edict, senatus consultus proprius consecrarebat") Under the earlier emperors, the orations were in the form of propositions for laws addressed to the senate, andFormerly known in appearance, though not in reality, the legislative, that is, the sovereign power. This second kind of orations are often cited by the classical jurists, as in the following instance from Gaius:11 "Ex oratione divi Hadriani senatus consultum factum est.

Many of the orations of the Roman emperors, such as those quoted by the Augustan History, were, merely communications to the senate, such, for instance, as the announcement of a victory.12 These orations are sometimes called litterae or epistolae by the non-juridical writers; but the juridical writers appear to have generally avoided the use of epistle in this sense, after not to have understood orations with the rescripta, which were often called epistolae. It appears that the Roman jurists used the terms libellus and oratio principis as equivalent; for the passages which have been referred to in support of the opinion that these two words had a different sense,13 show that libellus and oratio principis are the same, for the oratio is here spoken of by both names. These orations were not written down, but were noted as the emperor himself, but apparently they were commonly in the form of a written message, which was read by the quaestors:14 in the passage last referred to, these imperial messages are called indifferentí libri et epistolae. Accordingly, we read of litterae and orations being sent by the emperor to the senate.15 The mode of proceeding upon which these orations may be collected from the praemium.

of the senatus consultum contained in the Digest. The orations were the foundation of the senatus consultum which were framed upon them, and when the orations were drawn up with much regard to detail, they contained, in fact, the provisions of the subsequent senatus consultum. This appears from the fact that the oratio and the senatus consultum are often cited indifferently by the classical jurists, as appears from numerous passages. The oratio is cited as containing the reasons or grounds of the law, and the senatus consultum for the particular provisions and words of the law. To the time of Sulpicius the Digest was concluded, the oration of Seneca, the Orator, which is an oration founded on the senatus consultum, is mentioned; and numerous orations of these two emperors are cited. But after this time they seem to have fallen into disuse, and the form of making and promulgating law by imperial constitutions was the ordinary mode of legislation. There has been much discussion on the amount of the influence exercised by the orations principium on the legislation of the senate. But it seems to be tolerably clear, from the evidence that we have, and from the nature of the case, that the oratio might either recommend generally some legislative measure, and leave the details to the senate, or it might contain all the details of the proposed measure, and so be in substance, though not in form, a senatus consultum; and it often became a senatus consultum on being adopted by the senate, which, in the case supposed, would be merely a matter of form. In the case of an oratio, expressed in more general terms, there is no reason to suppose that the recommendation of the emperor was less of a command; it was merely a command in more general terms.

Cicero remarks that a certain kind of causes belong to jus civile, and that jus civile is conversant about laws (lex) and custom (mes) appertaining to things public and private, the knowledge of which, though neglected by most orators, seems to me to be necessary for the purposes of oratory. In his treatise on the Orator, and particularly in the first book, Cicero has given his opinion of the duties of an orator, and his requisite qualifications, in the form of a dialogue, in which Lucius Licinius Crassus and M. Antonius are the chief speakers. Crassus was himself a model of the highest excellence in oratory; and the opinions attributed to him as to the qualifications of an orator were those of Cicero himself, who, in the introductory part of the first book, declares that in his opinion no man can deserve the title of a perfect orator unless he has acquired a knowledge of all important things and all of arts, for it is out of knowledge that an orator must beborn and expand; and if it is not founded on matter which he has fully mastered and understood, it is idle talk, and may almost be called perurile. According to Crassus, the province of the orator embraces everything: he must be enabled to speak well on all subjects. He must have a knowledge of the jus civile, necessarily for the orator must have a knowledge of that which Crassus illustrates by instances; and he should not only know the law and the jus civile as being necessary when he has to speak in causes relating to private matters and to private judicia, but he should also have a knowledge of the jus publicum, which is conversant about a state and such, and he should be familiar with the events of history, and instances derived from the experience of the past. Antonius limits the qualifications of the orator to the command of language, pleasure and power. It is the task of an orator to adapt himself to the voice and action, and of an advocate to convince in causes in the Forum and on occasional occasions. He farther requires the orator to have competent voice and action, and sufficient grace and ease. Antonius contends that an orator does not require a knowledge of the jus civile, and he instances the case of himself, for Crassus allowed that Antonius could satisfactorily conduct a cause, though Antonius, as a car, and of age was admitted, had never learned the jus civile, and had never felt the want of it in such cases as he had defended (in iure).

The profession, then, of the orator, who, with reference to his undertaking a client's case, is also called patronus, was quite distinct from that of the jurisconsultus (viz. iurisconsulti), and also from that of the advocate, at least in the time of Cicero, and even later. An orator who possessed a competent knowledge of the jus civile would, however, have an advantage in it, as Antonius admits; but as there were many essentials to an orator which were of difficult attainment, he says that it would be unwise to distract him with other things. Some requisites of oratory, such as voice and gesture, could only be acquired by discipline; whereas certain knowledge of the law of a case (jus utili) could be got at any time from the jurisconsulti (periti) or from books. Antonius thinks that the Roman orators in this manner acted more wisely than the Greek orators, who, being ignorant of law, had the assistance of practitioners called Pragmatici: the Roman orators intrusted the maintenance of the law to the high character of their professional jurists.

So far as the profession of an advocate consists in the skilful conduct of a cause, and in the supporting of his own side of the question by proper argument, it must be admitted, with Antonius, that a very moderate knowledge of law is sufficient; and, indeed, even a purely legal argument requires not so much the accumulation of a vast store of legal knowledge, as the power of the orator, and the manner when it has been collected. The method in which this consummate master of his art managed a cause is stated by himself; and Cicero, in another passage, has recorded his merits as an orator. Servius Sulpicius, who was the greatest lawyer of his age, had a good practical knowledge of the law, but others had this also, and it was something else which distinguished Sulpicius from all his contemporaries: "Many others, as well as Sulpicius, had a great knowledge of the law; he alone possessed it as an art. But the knowledge of law by itself would never have helped him to this, without the possession of that art which teaches us to divide the whole of a thing into its parts, by exact definition to work that is imperfectly seen, and to divide nature of a thing's substance, for all of its parts, to see ambiguities, then to disentangle them: lastly, to have a rule by which truth and falsehood are distinguished, and by which it shall appear what consequences follow from premises, and what do not." With such a power Sulpicius combined a knowledge of letters and a pleasing style of speaking. As a forensic orator, then, he must have been master of the orator's art; and still, among the Romans, his reputation was that of a juris, while Antonius, who had no knowledge of the law, is put on a level, as an orator (patronus), with L. Crassus.
Oratory was a serious study among the Romans. The master of the art, Cicero, tells us by what painful labour he attained to excellence. Roman oratory reached its perfection in the century which preceded the Christian era. Its decline dates from the establishment of the imperial power under Augustus and his successors; for though there were many good speakers, and more skilful rhetoricians under the Empire, the oratory of the Republic was rendered by circumstances unsuitable for the senate, for popular assemblies, or for cases of crimes and high misdemeanours.

In the dialogue De Oratoribus, which is attributed to him, one of the speakers, attempts to assign the reasons for the low state of oratory in the time of Vespasian, when the dialogue was written, compared with its condition in the age of Cicero and of Cicero's predecessors. He attributes its decline to the neglect of the discipline under which children were formerly brought up, and to their absence from the schools of rhetoric and debate, which profess to teach the oratorical art.

This gives occasion to speak more at length of the early discipline of the old orators, and of Cicero's course of study as described in the Brutus. The old orators learned their art by constant attendance on some eminent orator and by actual experience of business: the orators of Messala's time were formed in the schools of rhetoric, and their powers were developed in exercises on fictitious matters. These, however, it is obvious, were only secondary causes. The immediate causes of the decline of eloquence appear to be indicated by Maternus, another speaker in the dialogue, who attributes the former flourishing condition of eloquence to the political power which the Romans exercised over the Greek world, and to the party struggles and even the violence that are incident to such a state of society. The allusion to the effect produced by the establishment of the imperial power is clear enough in the following words, which refer both to the imperial and the republican periods:

"cum mazzis omnibus modis oratorum una non esset, quamquam orator superior, quantum erat populi persuasio poterat."

ORBUS. (Vid. Julius Lexes, p. 557.)

ORCA. (Vid. Stelleta.)

ORCHE'SIS (drapheis). (Vid. Saltatio.)

ORCHESTRA. (Vid. Thateum.)

ORCHILUS (Ovyijvpos), a species of Bird. In the Lexicon of Phutius it is explained by &bathalos, and Gesner holds that it is identical with the ptbathos, &bathalos, and ptbathios, although it is to be remarked that Aristotel treats separately of the &bathalos. Gesner applies all these terms to the Regulus, or Golden-crested Wren. It must be admitted that this term is applied with equal frequency to small birds, or Passeres, are so brief, that they often cannot be recognised or distinguished from one another with any degree of accuracy. But, at the same time, Aristotle's description of the tovaphos is so graphic that no ornithologist can fail to recognise the Golden-crested Wren in it. Aristophanes also seems to be acquainted with the bird as is evident from the following passage :

"Orchis (drapheis)." Slithorp seems to have settled that the xtvos dravhes of Galen and Dioscorides is the Orchis papilionaceae. The xtvos cannot be ascertained with any certainty. Fuchsius refers this last, and Stackhouse the xtvos of Theophrastus, to the Orchis maria, or Meadow Orchis.

1. Brutu, 91, &c. 2. (c. 28, &c.)—3. (c. 34.)— 4. (Aristoph. Av, l. 565.—Adams, Append, e. v.)—5. (Theophrastus, H. P., l. 18.—Dioscorid, ill, 131, 122—Adams, Append, e. v.)

Galen, De Simpl., ill, 1112.—Adams, Append, e. v.)—17. (Vid. Ordi. Ar. Am., ill, 339.—Suet., Claud., 40)—18. (Dig. 25, tit., e. 65.)

OSTREUM.

Some attained great skill in their art, as Cypassus, whom Ovid addresses, "Ponemd in milie modos perfecta capillus, Comere sed sola digna Cypassus des."

and Nape, whom Ovid also describes as skilled "Colligere incertos et in ordine ponere crimina."

The branches. the they Gesner Thau chorus species 322, e., must under' have cup (Festus, 'Fast. li., Skiras, garlands, sacrifice, youths, -10. i>axo(l>opi.Ka baxo(ji6poL, vines Skiras nysus and vine-branches, Adams makes it the Brambling, or Fringilla montifringilla.7

ORTYGOMÉTRA (ortygyométra). According to Geemer and Hardonin, it is the bird called in Italy Re de Quails, or "King of the Quails." Ornithologists now give the name of Ortygometra cress to the common Landrail.7

ORTYX (orty7), the Tetra coturnis, L., or Quail.6

ORYX (ordé). "Dr. Shaw inclines to the opinion, that the Oryx of the Greeks, or Thau of the Hebrews, was the Buffalo. It is much more probable, however, that it was a species of Antelope. It is generally described in the Synaggettia of Opian."

ORYZA (óry7a), the Oryza sativa, or Rice.6

OSCHOPHORIA (oschóphoria). According to Ostraca, the Greek H. and Dionysus, 13 and according to others, in honour of Dionysus and Ariadne.10 The time of its celebration is not mentioned by any ancient writer, but Corrinn14 supposes, with great probability, that it was held at the commencement of the Attic month Pyanepnat. It is said to have been instituted by Theseus. Its name is derived from σχοφος, σχζι, or σχζη, a branch of vines with grapes, for it was a vintage festival; and on the day of its celebration, two youths, called σχοφφεροι, whose parents were alive, and who were elected from among the noblest and wealthiest citizens,14 carried, in the disguise of women, branches of vines with fresh grapes from the Temple of Dionysus in Athens to the ancient Temple of Athena Skiras in Phalerus. These youths were followed by a procession of persons who likewise carried vine-branches, and a chorus sang hymns called σχοφφαιρα, σχοφφοι, σχοφφη, which were accompanied by dances.14 In the same way as the young men offered on this occasion, women also took part; they were called δευτεροφφεροι, for they represented the mothers of the youths, carried the provisions (διφα και σειρα) for them, and related stories to the spectators. During the sacrifice, the staff of the herald was adorned with garlands, and when the libation was performed, the spectators cried out Ελεξει, ιοβ, ιοβ.15 The ephebi taken from all the tribes on this day a contest in racing from the city to the Temple of Athena Skiras, during which they also carried the σχζη and the victor received a cup filled with five different things (πενταμολος, πενταπλως or πενταλτικ), viz. wine, honey, cheese, flour, and a little oil.1 Accord- ing to other accounts, only the victor drank from this cup. The story which was symbolically represented in the rites and ceremonies of this festival, and which was said to have given rise to it, is related by Plutarch2 and by Proclus.3

OSSCELLUM, a diminutive through ocellum from or, meaning "a little face," was the term applied to faces or heads of Bacchus, which were suspended in the vineyards to be turned in every direction by the wind. Whichever way they looked, they were supposed to make the vines in that quarter fruitful.4 The left-hand figure in the annexed woodcut is taken from an ocellum of white marble a the British Museum. The back of the head is wanting, and it is concave within. The mouth and pupils of the eyes are perforated. It represents the countenance of Bacchus with a mild and propitious expression (molle, homestim). A fillet, spirally twisted about a kind of wreath, surrounds the head, and descends by the ears towards the neck. The metallic ring by which the marble was suspended still remains. The other figure is from an ancient gem,6 representing a tree with four oscilla hung upon its branches. A Sýrnax and a Peum are placed at the root of the tree.

From this noun came the verb oscillo, meaning "to swing." Swinging (oscillatio) was among the bodily exercises practised by the Romans.2

OSTIALRIUM was a tax upon the doors of houses, which appears to have been sometimes levied in the provinces.8 Cicero9 calls it accersisima exactio. There was a similar tax, called columnarium, imposed upon every pillar that supported a house.10

OSTIUM. (Vid. Janrt.)

OSTRACISMUS. (Vid. Vaniéméft, Greek, p. 135.)

OSTRACODERMA (bártapádo7cema). "This term," says Adams, "in its most extensive sense, comprehended two great orders of marine animals, namely, the skeróstraka and the malakóstraka. Under the skeróstraka were ranked oysters, urdlins, mussels, &c.; and under the malakóstraka, crabs of all kinds, craw-fish, &c. It must be borne in mind, however, that the general term bártapádo7cema is often applied in a restricted sense to the skeróstraka, or Testacea, and that bártapádo7cema are occasionally used in the same sense, i.e., are applied to the Testacea."11

OSTRACKON (bártapayov). (Vid. Fícilr.)

OSTREUM (bártapé7c), a term most properly applied to the Ostrae edulis, or common Oyster, but sometimes to the whole class of Orustaa, or bártapádo7cema. "The Greeks, and more especially the..."
ROMANS, when they levied contributions upon land and sea, throughout the then known world, to cover the table of a Lucullus or an Apicius, held oysters in very high estimation, and attached no small importance to the localities from which they were imported. Those of the Hellespont, of Venice, of the Bay of Cumæ in Italy, and of Rutupiae (Richborough) in England, were the kinds which they preferred. 1 They also attached a very great value to those which brought from these different places, and perhaps from quarters still more remote, were transported in large boats (lacussus lignæus) and deposited in the Lucrine lake, where they grew remarkably fat. The first Roman who entertained the notion of establishing this sort of park or oyster-bed was Scævulus Oratia, at Bâle, in the time of the Ma¯roclus. To distinguish them he preferred those oysters which have the edges of the mouth of a deep brown, almost black, and that they gave them a particular name, that of Callithelphara, a word which is nevertheless supposed to be corrupted. The Romans ate oysters raw, and also cooked with various seasonings, into which entered pepper, thyme, salt, oil, wine, &c. But it is not probable that they made so great a consumption of them as do modern nations.

*OSTRÆÆTES (spathaæ). Sprengel supposes this to be petrified oysters; but it would rather seem to have been a peculiar stone of the Olaris kind. 2

*OSTRÆYA (spathaæ), a species of tree, which Suetonius said he had brought from the Roman province of the Iberian Peninsula, as from Horne-tree. Sprengel, however, more correctly prefers the Ostræa vulgaris, which, according to Sibthorp, still retains its ancient name in Greece. 3

*OTIS (Stias, the Bastard. "It is the Tarde of Pliny, and hence its scientific name of Otis Tarde. The name Otis, which generally is attached to the name of the feathers."

"The Greek name comes from the long feathers near the ears (otis, ōtis, "an ear")."

OULAMOÜ (oûlaomou). (Vid. ARMY, GREEK, p. 98.)

ΟΥΣΙΑΣ ΔΙΚΗ (oûsias diKH). (Vid. ΕΟΥΣΙΑΙΣ ΔΙΚΗ.)

ΟΥΑΤΙΟ, a lesser triumph; the terms employed by the Greek writers on Roman history are eba, évna, πεδος, δριμαδος. The circumstances by which it was distinguished from the more imposing solemnity (vid. Ταύρανθος) were the following: The general did not enter the city in a chariot drawn by four horses, but on foot; he was not arrayed in the gorgeous gold-embroidered robe, but in the simple toga of a magistratus; his robes were encircled with a wreath, not of laurel, but of myrtle; he bore no sceptre in his hand; the procession was not heralded by trumpets, headed by the senate, and thronged with victorious troopers, but was enlivened by a crowd of flute-players, attended chiefly by knights and plebeians, frequently without solemnity, and occasionally the sacrifice, not of a bull, but of a sheep. 4 The word ovatio seems clearly to be derived from the kind of victim offered; and we need pay little respect to the opinion of Festus, 5 who supposes it to have been formed from the glid shout O! O! frequently reiterated, nor to that of Dionysius, whose system required him to trace every custom to a Cretian origin, and therefore maintains that it is corrupted from the Bacchalian ebous. Dionysius makes another mistake in assigning a bay chaplet to the conqueror on these occasions, since all the Roman writers agree with Plutarch in representing

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that the myrtle crown, hence called ovatis corona, was a characteristic of the ovation. 1 (Compare CORONA, p. 311, 312.)

In later times the victor entered upon horse-back, and the ovations celebrated by Octavianus, Drusus, Tiberius, &c., are usually recorded by Dion Cassius by a reference to this circumstance. 2

An ovation was granted when the advantage gained, although not completely terminated, was not such as to constitute a legitimate claim to the higher distinction of a triumph, or when the victory had been achieved with little bloodshed, as in the case of Postumius Tubertus, who first received this honour; 3 or when hostilities had not been regularly proclaimed; 4 or when the war had not been completely terminated, which was one of the ostensible reasons for receiving Octavianus on his return from Sicily; 5 or when the contest had been carried on against base and unworthy foes; and hence, when the servile bands of Athenion and Spartacus were destroyed by Perperna and Crassus, these leaders celebrated ovations only, although the latter, by a special resolution of the senate, was permitted to wear such a crown. 6

OVILE (Vid. COMITIA, p. 297.)

OVINIA LEX. (Vid. LEX, p. 584.)

"OVIS (ob), the common Sheep, or Capra Ovis. The term ob, πρόβατον, and μίλων are applied indiscriminately to this animal by the Greek writers.

"The Aria of Pliny is applied by Buffon to the animal known to the Romans as the Bovis of Sicily and the Deer of the Ganges."

OXY'BAPHUM. (Vid. AETERBALUM.)

P. F. T.

PACTIO, PACTUM. (Vid. OBLIGATIONS, p. 675, 676.)

"PADIUS (pàdōs, the Pennus Padus, or Birchen-tree.

P.EAN (pàtōn, pàtiw, pàtiw), a hymn or song, which was originally sung in honour of Apollo, and seems to be as old as the worship of this deity. The etymology of the word is doubtful. Some suppose that it obtained its name from Pennon, the god of lightning; but in the Homeric poems Pean is always spoken of as a separate divinity, distinct from Apollo. Other writers, with still less probability, connect it with pàtiw, "to strike."

The Pean was always of a joyous nature, and its tune and sounds expressed hope and confidence. The sound of it appears to have been invariably connected with the sacred fire. Apollo was one of the gods who were sung with the Pythian mode, of whom the best known were Homer, who sang it to his god, as a composition representing a song to Apollo at the end of the sacrificial feast, in order to appease his wrath. 1 From these passages it is clear that the Pean was a song of thanksgiving when danger was passed, and also a hymn to propitiate the god. It was sung at the solemn festivals of Apollo, and especially at the Hyacinthia (εἰς ταύτην τινα τοῦ παιδόπωρον), and at the Peon from very early times in the Pythian temples. 2

1. (Festus, n.°. Ovatis Corona.—Pisistr. II., N., xi, 29.—Plut., Gell., ii. cc.—2. (Serv. in Virg., Ec. iv., 543.)—3. (Dion Cass., xliii., 21.—Id. n., xi, 12.—Id. l., vi, 53.—Id. n., xvi, 2.)—4. (Plut., Marcell., c. 25.—Dionyss. Hal., v., 47.—Gell., v., 6.—Liv. mii., 10.—Id. xxv., 21.)—6. (v. r. Ovatis.)

4 T
Laek was also sung as a battle-song both before an attack on the enemy and after the battle was finished. This practice seems to have chiefly prevailed among the Dorians, but was also common among the other nations of Greece. The origin of it is said to have arisen from the fact that Apollo sung it after his victory over the Fhydonian dragon. The pean sung previous to an engagement was called by the Spartans πειάν ευματίριος. The scholiast on Thucydides says that the pean which was sung before the battle was sacred to Ares, and the one sung after to Apollo; but there are strong reasons for believing that the pean, as a battle-song, was in later times not particularly connected with the worship of Apollo. It is certain that the pean was in later times sung to the honour of other gods besides Apollo. Xenophon relates that the Lacedaemonians on one occasion sang a pean to Poseidon, to propitiate him after an earthquake, and also that the Greek army in Asia sung a pean to Zeus.

In still later times peans were sung in honour of mortals. Thus Aratus sung peans to the honour of the Macedonian Antigonus; a pean, composed by Alexius, was sung at Delphi in honour of the Macedonian Cratorus; and the Rhodians celebrated Polemeus I., king of Egypt, in the same manner. The Chalcidians, in Plutarch's time, still continued to celebrate in a pean the praises of their benefactor Tithus Flaminius.

The practice of singing the pean at banquets, and especially at the end of the feast, when libations were poured out to the gods, was very ancient. It is mentioned by Alcman, who lived in the seventh century B.C. The pean continued to be sung on such occasions till a late period.

PEDAGOGIA. (Vid. PEDAGOGUS.)

PEDAGOGUS. (Vid. PEDAGOGIA.)

The office of tutor in a Grecian family of rank and opulence was assigned to one of the most trustworthy of the slaves. The sons of his master were committed to his care on attaining their sixth or seventh year, their previous education having been conducted by females. They remained with the tutor (magister) until they attained the age of puberty. His duty was rather to guard them from evil, both physical and moral, than to communicate instruction, to cultivate their minds, or to impart accomplishments. He went with them to and from the school or the Gymnasium; he accompanied them out of doors on all occasions; he was responsible for their personal safety, and for their avoidance of bad company. The formation of their morals by direct supervision and attendance belonged to the παιδαγογος as public officers, and their instruction in the various branches of learning, i.e., in grammar, music, and gymnastics, to the δασκαλοι or praeceptores, whom Plato, Xenophon, Plutarch, and Quintilian expressly distinguish from the pedagogi. These latter even carried the books and instruments which were requisite for their young masters in studying under the sophists and professors.

The account of the office is insufficient to explain why the παιδαγογος so often appears on the Greek stage, both in tragedy, as in the Medea, Phaedra, and Ion of Euripides, and in comedy, as in the Bacchides of Plautus. The condition of slavery ac-

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The term pagani is often used in opposition to milites, and is applied to all who were not soldiers, even though they did not live in the country (mules, scribes), to the humble and base (the Pagani de Getulia, Pliny, De nat. Hist., vii., 5, 28, 29). The pagani or citizen was applied as a term of reproach to soldiers who did not perform their duty, in the same way as Julius Cæsar addressed his rebellious soldiers on one occasion as Quirites. The Christian writers gave the name of pagani to those persons who adhered to the old Roman religion, because the latter continued to use a great number of pagan gods, even after Christianity became the prevailing religion of the inhabitants of the towns.

PAIDONOMOS (paidonômos) was a magistrate at Sparta, who had the general supervision of the education of the boys. His office was consid-
ered very honourable, and he was always chosen from the noblest citizens. He had to make a general inspection of the boys, and to puny very severely all those who had been negligent or idle, for which purpose ματιωφόροι were assigned to him by Lycurgus. Those who were refractory he might bring before the ephebi. The more immediate injunctions of the gymnastic exercises of the boys belonged to magistrates called σφικτά. 1 (Vid. Bde.)

PAIDOTRIBAI (paidotribai). (Vid. Gymnast. un. p. 483.)

PAINTING (Pictura; Ars delineandi; Γραφή, Γραφείο, Ζωγραφία). I. The art of imitating the appearances of bodies upon an even surface, by means of the arrangement and mixture of colours, was an art most extensively cultivated by the ancients, but especially by the Greeks, among whom it was certainly carried to the highest degree of technical development.

II. Authorities.—The principal original sources of information upon the history of ancient art, are Pliny, Varro, Pliny, and Vitruvius. The writings of Lucian, Athenaeus, Pliny, Plutarch, the elder and younger Philostratus, and Cicero, contain many hints and maxims invaluable to the historian of art. The best modern works on the subject are: Junius, „De Pictura Veterum," and the „Catalogus Artificium," Roter, 1694, folio, which contain almost all the passages relating to the origin of the art; the Catalogue is the more valuable portion of the work. Silius, „Catalogus Artificium," Dresden, 1837, 8vo, an indispensable supplement to the Catalogue of Junius; this excellent work, written equally for the scholar and the artist, has been translated into English under the title of a „Dictionary of the Artists and Makers of Art" in Ancient Times, in a way in which translation demands notice; the term enameled is throughout erroneously used in the place of encaustic. Müller, „Handbuch der Archäologie der Kunst," Breslau, 1835, 8vo, 2d ed., a most useful work, but written more for the antiquary than for the artist; Böttger, „Ideen zur Archäologie der Male- res," Dresden, 1837, 8vo, 2d ed., is the first attempt to explain the earliest times until Polygnotus and his contemporaries, inclusive; Durand, „Histoire de la Peinture Ancienne," London, 1725, folio, a translation of book xxxv. of Pliny, with copious notes; Carlo Dati, „Vite dei Pittori Antichi," Florence, 1697, 4to, the lives of Zeuxis, Parrhasius, Apelles, and Proteogenes; Thiersch, „Geschichte der speziellen Kunst der Griechen und Römer," Munich, 1829, 2d ed.; Raoul Rochette, „Recherches sur l'emploi de la Peinture," &c., Paris, 1836, 4to, and the lectures of Fuseli upon ancient painting, and of Flaxman upon sculpture. Other works have been written upon general and particular subjects bearing more or less upon painting, such as those of Flacourt, Racinese, and especially Fries, on the history of painting in the ancients; Joh. Jacobs, Creuzer, Grund, Caylus, Levesque, Millin, D'Hancarville, Quatremére de Quincy, Inghamiri, Visconti, Millingen, and others too numerous to mention here. Of the celebrated work of Winckelmann, „Geschichte der Kunst des Alterthums," only a very small portion is devoted to painting.

III. Painting in its various branches, has played, like the origin of painting in Greece, though they may have no real historical value, are at least interesting to the lovers of art. One legend, which is recorded by Pliny, 2 and is advertised to by Athenagoras, 3 relates the origin of the delineation of a

2. See the preceding note.
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shadow or shade (σκια, σκιαγραφία), which is the essential principle of design, the basis of the imitative and plastic arts. The legend runs as follows: The daughter of a certain Dibutades, a potter of Sicyon, at Corinth, struck with the shadow of her lover, who was about to leave her, cast by her lamp upon the wall, drew its outline (umbram ex facie lineis circumscripta) with such force and fidelity, that her father cut away the plaster within the outline, and then, after baking the wall in clay, which he baked with the rest of his pottery. This singular production, according to tradition, was still preserved in Corinth until the destruction of the city by Mummus. There seem to be, however, other claimants to the honour of having invented skiagraphy (σκιαγραφία). Athenagoras mentions Saurias of Samos, who traced his horse's shadow in the sun with the point of his spear, and Orato of Sicyon, whom he styles the inventor of drawing or outline (γραφή), for he was the first to practise the art upon tablets with prepared grounds (ἐν πίνακι λεκτοκομίῳ).

Pliny mentions, upon the testimony of Aristotle, that Euchir (Εὔχηρ), a relation of Deaedium, invented painting in Greece. Although Pliny's account of the origin and progress of painting in Greece is not strictly accurate, the general formation can still not be considered as authentic matter of history; and the existence of several of the most ancient artists, mentioned by Pliny and many Greek writers, is very questionable. Besides those already spoken of, we find mention of Philocles of Egypt; Oleanthes, Arichides, and Cleophas of Corinth; Telephanes of Sicyon, Eugrammus, and others. Upon the meanings of some of these names, see Büttiger, Ideen zur Archäologie, p. 138, and Thiersch, Epoch, &c., note 22.

Sculpture is generally supposed to be a more ancient art than painting; but this arises from an imperfect comprehension of the nature of the two arts, which are one in origin, end, and principle, and differ only in their development. Design is the basis of both; colour is essential to neither, nor can it be said to belong more particularly to the latter (γραφή) than to the former (πλαστική). Coloured works in plastic, in imitation of nature, were in ancient times as common, and probably more so, than coloured designs; the majority of the illustrations upon the vases are colourless. The staining of the human body, or the application of colours, is mentioned in connexion with the origin of painting; but simple colouring and painting, strictly speaking, are quite distinct; the distinction between "to colour," χρώματι, colorum inducere, and "to paint," γράφειν, pingere, delineare. The colouring of the early wooden images, the ancient Σάκχαι or Σάκχαρι, the πλάθος and the δαίμονα, must have certainly preceded any imitations or copies of the real sentiments of forms upon an even surface by means of colour and light and shade combined. But this is not a stage in the art of painting, and these figures were most probably coloured by the artists who made them, by the old πλάθος or χρώματα ψευδής; the existence, however, of the art of design is established by the existence of the plastic art. It is perhaps to this species of painting, or the Phany utilitas of the days, 4 Plaste laudissimae suae tumf, Demophilus et Gorgasus idemque pictores.

We will now, as briefly as possible, consider the gradual development of painting, and the information relating to its progressive steps, preserved in ancient writers. The simplest form of design or drawing (γραφή) is the outline of a shadow, without any intermediate markings, or the shape of a shadow itself (a silhouette), in black, white, or in colour (umbram hominis linea circumcincta): this kind of drawing was termed σκιαγραφία. But this simple figure or shade, σκια (σκιαγράμμα), when in colour, was also essentially a monochrom (μοιχοχρόματον). The next step was the outline, the "pictura linearis," the monogram (μοιχογράμματος); this is said to have been invented by Philocheles of Egypt or Cleanthes of Corinth, but first practised by Arichides of Corinth and Telephanes of Sicyon; it was the complete outline with the inner markings, still without colour, such as we find upon the ancient vases, or such as the celebrated designs of Flaxman, which are perfect monograms. These outlines were most probably originally practised upon a white ground (ἐν πίνακι λεκτοκομίῳ), for Pliny remarks that they were first coloured by Cleophas of Corinth, who used "testa trita," by which we should perhaps understand that he was the first to draw them upon a coloured or red ground, such as that of the vases.

The next step is the more perfect form of the monochrom, alluded to above; in this, light and shade were introduced, and in its most perfect state it was, in everything that is essential, a perfect picture. These "monochromata" were practised in all ages, times, and countries. The speaking of Zeus, 5 says, "πίνακι et monochromata ex alto;" ex alto, that is, in gray and yellow, similar to the chiaroscuro of the Italians. They are described by Quintillian, 6 qui singulis pinzur coloribus, alia tamen ementioria, alia reduceorae fecerunt. They were painted also red in red. Pliny 7 tells us that the old masters painted them in vermillium, "Cum veteres, quae igitur nonces colorum, pingebant," and also in red lead, but that afterward the rubrica or red ochre was substituted for these colours, being of a more delicate and more agreeable tint.

Hygiemon, Dimias, and Charmadas are mentioned by Pliny 8 as having been famous ancient monochromists; their age is not known, but they most probably practised the simpler forms, such as we find upon the most ancient vases. Four monochroms in the latter style, red in red, were discovered in Herculanenum. 9 They are paintings of a late date, and are of considerable merit in every respect, but the colours have been nearly destroyed by the heat, and the pictures are in some places defaced; they are painted upon marble. They were probably painted by the ancient masters of Athens. ΑΛΕΞΑΝΔΡΟΣ ΑΘΗΝΑΙΟΣ ΕΥΡΑΦΕΝ is an inscription upon one of them, 7 which represents five females, with their names attached, two of whom are playing at the ancient game with the ball (εὐραφεῖος). These tablets are in the collection of ancient paintings of the Museo-Borbonico at Naples, Nos. 408, 409, 410, 411.

The next step in the development towards the full development or establishment of the art of painting (γραφή) was the proper application of local colours in accordance with nature. This is, however, quite a distinct process from the simple application of a variety of colours before light and shade were properly understood, although each subject may have had its own absolute colour. The local colour of a head is the essential step towards assuming a particular light or position, which colour depends upon, and changes with the light and the surrounding objects; this was not thoroughly understood until a very late period, but there will be occasion to speak of this hereafter. Probably Eumenes of Athens, and certainly Cimon of Cieone, belonged to the class of ancient tetrachromats of
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polychromats, for painting in a variety of colours, without a due, or, at least, a partial observance of the laws of light and shade, is simply polychromy; and a picture of this latter description is a much more simple effect than the rudest forms of the monochrom in chiaro oscuro. There are a few examples of this kind of polychrom on the most ancient vases. In the works of Eumamus of Athens, however, there must have been some attention to light and shade, and in those of Cimon of Cleone still more. The names of Eumamus and Cimon are generally connected with each other, but Eumamus must have preceded Cimon some time. He was the first, according to Pliny, who distinguished the male from the female in painting: "qui primus fuit in arte pictoriae sexalem discrimen curare," (v. 2, 133); "omnes similari eausum." The most obvious distinction which here suggests itself can be scarcely added to by Pliny, or Eumamus must belong to a very early period, for we find that distinction very decidedly given on even the most ancient vases, whenever the figure is naked. That Eumamus dared or ventured to imitate all figures, may imply that he made every difference between the male and the female, giving also to each sex a characteristic style of design, and even in the compositions, draperies, attitudes, and compositions of his figures, clearly illustrating the dispositions and attributes of each, exhibiting a robust and vigorous form in the males, and making the females slighter and more delicate. Thus the art of Eumamus of Athens was an imperfect state of the art of so early a period, and they may also be very evident, notwithstanding ill-arranged composition, defective design, crude colour, and a hard and tasteless execution.

IV. Painting in Asia Minor and in Magna Graecia.—It is singular that the poems of Homer do not contain a mariner of painting at all. Homer, nor is there mention of a school similar to Decelius, or Hephaestus, or Vulcan, who might represent the class of painters. This is the more remarkable, since Homer speaks of rich and elaborate embroidery as something not uncommon; it is sufficient to mention the splendid diaphus of Helen, in which were worked many battles of the Greeks and Trojans. Homer's view of painting as an art is actual painting in principle, and is a species of painting in practice; and it was considered such by the Romans, who termed it "pictura tessitis," "tessitis stragulio, magnificis operibus picto," that is, painted with the needle, embroidered, acu picto (pingiabal acu; pictus acut). The various allusions also to other art, similar in nature to painting, are sufficient to prove that painting must have existed in some degree in Homer's time, although the only kind of painting he notices is the "red-checked" and "purple-checked ships" (nubes melispodris; nubes fœnivoparous), and an ivory ornament for the arms of horses, which a Macedonian or Carian woman colours with purple. The description of the ship of Ajax, painted in gold, with figures of coloured metals, satisfactorily establishes the fact that the plastic art must have attained a considerable degree of development in the time of Homer, and therefore determines also the existence of the art of design (ars delineandi; argaphos). Painting seems to have made considerable progress in Asia Minor, while it was still in infancy in Greece, for Candaules, king of Lydia (B.C. 715), is said to have purchased at a high price a painting of Bulpencus, which represented a battle of the Magnesians. This tradition, however, is rejected by Muller, for the insufficient reason that Pliny, in the second passage quoted, uses the expression "Magnetum exiti or caxiidi" instead of "Magnetum proctiunum," as in the first; since the only known description of Magnesia took place, according to Archiocus, through the Trerces, under Ardis, the successor of Gyges, after Olym. 28 (B.C. 677), over 40 years after the death of Candaules. This date is, however, doubtful; but, supposing the contrary, the expression "in qua erat Magnetum proctimum" is sufficiently clear and decisive, independently of it. It would appear, from the expression of Pliny, that Candaules paid the painter as much gold coin as would cover the picture. This painting of Eumamus of Athens is not an isolated fact in evidence of the early cultivation of painting in Asia; there is a remarkable passage in Ezekiel, who prophesied about 600 B.C., relating to pictures of the Assyrians: "Men portrayed upon the wall, the images of the Chaldeans portrayed with vermillon, girded with girdles upon their loins, exceeding in dyed attire upon their heads, all of them princes to look, after the manner of the Babylonians of Chaldea, the land of their nativity." The old Ionic or Asiatic painting, the "genus pictura Asiaticum," as Pliny terms it, most probably flourished at the same time with the Ionic architecture, and continued as an independent school until the sixth century B.C., when the Ionians lost their liberty, and with their liberty their art. Herodotus' mention of pictures of old glory made the painter Phoces (B.C. 544), the inhabitants collected all their valuables, their statues and votive offerings from the temples, leaving only their paintings, and such works in metal or of stone as could not easily be removed, and fled with them to the island of Chios; from which we may conclude that paintings there were not few, but that this art was also common among them. Herodotus' also informs us that Mandrocles of Samos, who constructed for Darius Hystaspis the bridge of boats across the Bosporus (B.C. 508), had a picture painted representing the passage of Darius' army, and the king seated on a throne, reviewing the troops as they passed, which he dedicated in the Temple of Hera at Samos.

After the conquest of Ionia, Samos became the seat of the arts. The Heraeum in Samos, in which the picture of Mandrocles was placed, was a general depository for works of art, and in the time of Strabo appears to have been particularly rich in paintings, for he terms it a "picture-galler)' (nevnechron). Consecrated or votive pictures on panels or tablets (mvkevai auktys eikous) constituted a considerable portion of the avthvora or votive offerings in the temples of Greece, most of which, in a later period, had a distinct building or gallery (oklum) attached to them, disposed for the reception of pictures and works of this class.

After the decline of the Ionic art, it flourished among the Greeks in Italy and Sicily, and especially in Crotone, Sybaris, and Tarentum. Aristotle speaks of a magnificent cloth or pallium (iiwvros) of Alecithenes of Sybaris, which measured 150 cubits, was of the richest purple, and in it were worked the representations of cities, of gods, and of men. It came afterward into the possession of the tyrant Dionysius the elder, who sold it to the Carthaginians for 120 talents. This is sufficient evidence of the existence of painting among the Italoti, and even of painting of a high degree.


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Pliny would induce us to believe that painting was established throughout Italy as early as the time of Tarquinius Priscus. He mentions some most ancient paintings at Cere; and a naked group of Helen and Atalanta, of beautiful forms, painted upon the wall of a temple at Lanuvium, and some paintings by the same artist in the Temple of Juno at Ardea, accompanied with an inscription in ancient Latin characters, recording the name of the artist and the gratitude of Ardea.

V. Painting in Greece.—Cimon of Cleone is the first important character we meet with in the history of painting in Greece. His exact period is very uncertain, but he was probably a contemporary of Solon, and lived at least a century before Polygnotus. It is not at all necessary, as Pliny supposes, that he must have preceded Bularchus, which would place him two centuries earlier, as he may have easily acquired the art in one of the Ionian cities, for in the time of Solon there was a very extensive intercourse between Greece and the Asiatic colonies. The superior quality of the works of Cimon, to which Pliny and Plutarch bear sufficient testimony, is his being known for assigning him a place among the painters; but he has been connected with Dorynus of Colophon, who copied the works of Polygnotus, is quite out of the question. This has been inferred from the occurrence of the name Cimon in connexion with that of Dorynus in Simonides; but, as Müller has observed, Minos ought to be there most probably substituted for Kipias.

Cimon is said to have imitated the inventions of Eumenes; he was the first who used the shortening (catagraphe), and drew the figure in a variety of attitudes; he first made muscular articulations, indicated the veins, and gave natural folds to drapery. The term "catagraphe," which Pliny uses, evidently signifies any oblique view of the figure or countenance whatever, whether in profile or otherwise, in technical language, foreshortenings.

We learn from Plutarch* that Cimon was much better paid for his works than any of his predecessors. This alone implies a great superiority in his works and a vast improvement in art. He appears to have emancipated painting from its archaic rigidity; and his works probably occupied a middle place between the productions of the earlier school and those of Polygnotus. At the time of Polygnotus (B.C. 460), partly on account of the changes which took place in the Greek character subsequent to the Persian invasion, and partly in consequence of his own great works in Athens and at Delphi, painting attracted the attention of all Greece; but, previous to this time, the only cities that had paid any considerable attention to it were Egin, Sicyon, Corinth, and Athens. Sicyon and Corinth had long been famous for their paintings upon vases and upon articles of furniture; the school of Athens was of much later date than the others, and had attained no celebrity whatever, until the arrival of Polygnotus from Thasos raised it to that pre-eminence which, through various circumstances, it continued to maintain for more than two centuries, although the name of the great painters of Greece were natives of Athens.

It has been attempted hitherto, as far as our space would admit of, to trace the progressive steps of Grecian painting from its infancy until it attained that degree of development requisite to entitle it to the name of an independent art; but, before entering upon the consideration of the painting of the Greeks in its complete development, it will be well to examine both their technical systems and their mythical means.

VI. Technique.—Vehicles, Materials, &c. Plin. vii. 33—35. The Greeks painted with wax, resin, and in water-colours, to which they gave a great consistency, according to the material upon which they painted, with gums (glycerina, glycerinum, and the white of eggs) and turpentine. These were the most common. It does not appear that they ever painted in oil; the only mention of oil in ancient writers in connexion with painting is the small quantity which entered into the composition of encaustic varnish, to temper it. They painted upon wood, clay, plaster, stone, parchment, and canvas; the last was, according to one account, not used till the time of Nero; and though this appearance appears to be doubtful ("depictam in tabula epigraphiam rei"), the use of canvass must have been of late introduction, as there is no mention of it having been employed by the Greek painters of the best periods. They generally painted upon panels or tablets (pictores, vtrteca, tabula, tabella), and very rarely, if ever, upon walls; and an attempt has been made to prove that what is now used was common among the ancients, who called it &pomic (akin to ualbarrows). Even in the time of Pliny, when wall-painting was common, those only who painted casel-pictures (tabulae) were held in esteem: "nec nulla gloria artificem est nisi eorum qui tabulas picturae," that is, those who painted history or fable upon panels, in what is termed the historic or great style, as opposed to those who painted stories with figures in the scenes of Plutarch. These panels, when finished, were fixed into frames of various descriptions and materials, and encaised in walls. The ornamental panel-painting in the houses of Pompeii is evidently an imitation of this more ancient and more costly system of decorating walls. The wood of which these panels or tablets were generally made was called lignum, lignum picturae, or luti; and they were ground or prepared for painting with chalk or white plaster; this prepared ground was termed leukoma, which term was applied, also, to the tablet itself when thus prepared (έν ποιοι ηλευκοκύμβωσ). The style or ceurium used in drawing and for spreading the wax colours, pointed at one end and dipped in the wax, is termed styrum; and they are called styri, stilos, luti, or kitaei. The colour of the Greeks and the Romans; it was generally made of metal. There is a representation of an instrument of this description in one of the paintings of Hereculanus. Hair-pencil (penicillus, penicilium) was termed vnpoupa&; and appaarently, also, robiov gudfe ov rov robiov. Vol. ii. Lebronne, Eneustice, Journ. des Sav., Sept., 1833, on the meaning of robiov. The ancients used also a palette very similar to that used by the moderns, although it appears that there is no absolute mention of the palette in any ancient author. The fact, however, is sufficiently attested by the figure of Painting discovered in the so-called Pantheon at Pompeii, which holds the palette and brushes in her right hand. In the same work (plate 98), a female who is painting is represented holding something in her left hand and applying it to the picture. She is said to be the muse of Painting. 

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fault for a modern practitioner to understand how a large and valuable picture could be produced by such a method, unless these colours of cera, which painters of this class, according to Varro, kept in partitioned boxes, were a species of wax crayons, which were worked upon the panel with the broad end of the cestrum (which may have had a rough edge), within an outline or monogram previously drawn or cut in with the pointed end, and were after-ward fixed, and toned or blelled by the action of the air. Painters were the habit of defining the word ἐνάκαιων, "burned in," upon pictures executed in encaustic, as Νικαίος ἐνάκαιων, Λυκιός ἐνάκαιων.

VIII. Polychrome.—The practice of varnishing and polishing marble statues has been already incidentally noticed. The custom was very general; ancient statues are often painted, and what is now termed polychrome sculpture was very common in Greece, for the acrolithic and the chryselephantine statues were both of this description. Many works of the latter class, which were of extraordinary magnificence and costliness, are described by Pausanias. The term polychromy, thus applied, was apparently unknown to the ancients; this word, however, appears to denote the dyed marbles or chiaroscuro effects, and has been assigned to statues of that class, by writers of a later period, who had never seen any examples of encaustic painting. It is a fact that the ancients were great varnishers, and the word ἐνάκαιων is often found upon pictures executed in encaustic. This word means also by Plato, οἱ ἀνθρώποις γράφοντες, and in such a case it is clear that they were occasionally entirely painted, in exact imitation of nature. Anadikos remarks, that the ancients had a habit of improving a rich or beautiful colour to any particular part, but by giving its local colour to each part, that the whole is made beautiful (ἄλλοι άρθε ν' η τά προσάκωντα ἐκείνως ἀποδιδότων, τό δὲν θαλὸν πολυοδώ). This was, however, not a general practice, is evident from the dialogue between Lycius and Polystratus, in Lucian, where it is clearly, though indirectly, stated, that the Venus of Cytium by Praxiteles, and other celebrated statues, were not coloured, although they may have been ornamented in parts, and covered with an encaustic varnish.

The practice of colouring statues is undoubtedly as ancient as the art of statuary itself; although they were perhaps originally coloured more from a love of beauty than for any decorative purpose, the resemblance of the representation. The Jupiter of the Capitol, placed by Tarquinius Priscus, was coloured with minimum. In later times the custom seems to have been reduced to a system, and was practised with more reserve. Considerable attention also seems to have been paid to the effect of the object as a work of art. Praxiteles being asked which of his marble works he most admired, answered, those which Nicias had a hand in, "quibus Nicias manus ad moveriet," so much, says Pliny, did he attribute to his circumloquium. Nicias, therefore, who painted in encaustic, seems in his youth to have been an ἀγαλμάτων ἐγκαταστής, or painter of statues, and, from the approval of Prax- itelese, and apparently in this description of painting or colouring, it is certain that he had achieved a great name.

This view differs very materially from those which have been hitherto advanced upon this subject, but it has not been adopted without mature consideration.

In the "circumloquium" of Nicias, the naked form was, most probably, merely varnished, the colouring being applied only to the eyes, eyebrows, lips, and hair, to the draperies, and the various ornaments of dress; and there can be little doubt that fine statues, especially of females, when carefully and tastefully coloured in this way, must have been extremely beautiful; the encaustic varnish upon the white marble must have had very much the effect of a pale transparent flesh. Gold was also abundantly employed upon ancient statues; the hair of the Venus de Medicis was gilded; and in some, glass eyes and eyelashes of copper were inserted, examples of which are still extant.

The practice, also, of colouring architecture seems to have been extensively practised by the Greeks, and very general among the Romans. It is evident that they were perfectly well aware what effect the art had. In the ancient statues, for instance, which were white, the heads and hands were varnished a brown, and the rest of the body a black. It is evident that the art was well understood, and that it was adopted with great skill and taste. The effect of the art was very striking, and it was employed in a variety of ways, as in the decoration of temples, and other public buildings, and in the ornamentation of the walls of houses. It was also employed in the decoration of vases, and in the painting of pictures. It was also used in the decoration of the walls of houses, and in the decoration of vases, and in the painting of pictures. It was also used in the decoration of the walls of houses, and in the decoration of vases, and in the painting of pictures.

I. (t. c.)—2. (Plin., ii. N., xxxv., 10, 39.)—3. (De Gloria Art. Ant. stat. are also often painted, and what is now termed polychrome sculpture was very common in Greece, for the acrolithic and the chryselephantine statues were both of this description. The custom was very general; ancient statues are often painted, and what is now termed polychrome sculpture was very common in Greece, for the acrolithic and the chryselephantine statues were both of this description. Many works of the latter class, which were of extraordinary magnificence and costliness, are described by Pausanias. The term polychromy, thus applied, was apparently unknown to the ancients; this word, however, appears to denote the dyed marbles or chiaroscuro effects, and has been assigned to statues of that class, by writers of a later period, who had never seen any examples of encaustic painting. It is a fact that the ancients were great varnishers, and the word ἐνάκαιων is often found upon pictures executed in encaustic. This word means also by Plato, οἱ ἀνθρώποις γράφοντες, and in such a case it is clear that they were occasionally entirely painted, in exact imitation of nature. Anadikos remarks, that the ancients had a habit of improving a rich or beautiful colour to any particular part, but by giving its local colour to each part, that the whole is made beautiful (ἄλλοι άρθε ν' η τά προσάκωντα ἐκείνως ἀποδιδότων, τό δὲν θαλὸν πολυοδώ). This was, however, not a general practice, is evident from the dialogue between Lycius and Polystratus, in Lucian, where it is clearly, though indirectly, stated, that the Venus of Cytium by Praxiteles, and other celebrated statues, were not coloured, although they may have been ornamented in parts, and covered with an encaustic varnish.

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The words καλός and καλή, found frequently upon the ancient vases, are explained to be simple acclamations of praise and approbation, supposed to be addressed to the person to whom the vase was presented; the words are frequently preceded or followed by a name, evidently that of the person for whom the vase was designed. The inscription also ἡ παίς καλή has been found on some vases, which have probably been designed as presents for young females. D'Hancarville supposes that vase-painting was interrupted about the time of the destruction of Corinth, and that the art of manufacturing vases began to decline towards the reign of Trajan, and arrived at its last period about the time of the Antonines and Septimius Severus. Vase-painting had evidently ceased long before the time of Pliny, for in his time the painted vases were of immense value, and were much sought after; but the manufacturer of the vases themselves appears to have been still extensive, for he himself mentions fourteen celebrated potteries of his own time, eight in Italy and six elsewhere. The vases, however, appear to have been merely remarkable for the fineness or durability of the clay and the elegance of their shape. For the composition of the clay with which these fictilia were made, see Por- trix.

Even in the time of the Empire, painted vases were termed "opus antiquum," and were sought for in the ancient tombs of Campania and other parts of Magna Graecia. Suctonius mentions the discovery of some vases of this description in the time of Julius Caesar, in clearing away some very ancient tombs at Capua. It is also remarkable, that not a single painted vase has yet been discovered in either Pompeii, Heracleaenum, or Stabiae, which is of itself almost sufficient to prove that vase-painting was not practised, and also that painted vases were extremely scarce. We may form some idea of their value from the statement of Pliny, that they were more valuable than the Murrhine vases. (Vid. Murrhina Vasa.) The paintings on the vases, considered as works of art, vary exceedingly in the detail of the execution, although in style of design they may be arranged in two principal classes, the black and the yellow; for those which do not come strictly under either of these two heads are either too few or vary too slightly to require a distinct mention. The vases which have been as yet discovered, have been found in ancient tombs at Capua and Nola.

The black vases, or those with the black figures upon the stained reddish-yellow terra-cotta, the best of which were found at Nola, are the most ancient, and their illustrations consist principally of representations from the early mythological traditions; but the style of these vases was sometimes imitated by later artists. (Plate 56, vol. iv. of D'Hancarville is an example.) The inferior examples of this class have some of them traces of the original and cean upon them, which appear to have been made when the clay was still soft; some also have lines or scratches upon the figures, which have been added when the painting was completed.

The style of the design of these black figures, or the black monograms, is the most ancient, and that of the Egyptian or Dedalian style. The varieties in this style are occasionally a purple tint instead of the black; or the addition of a red sash or a white vest, and sometimes a white face and white hands and feet. A curious and interesting example of this kind of polychromy, in black, red, and white, was discovered near Athens in 1813, representing on one side a Mi-

ne with a spear and shield, in the Dedicilian style, and on the reverse, in a somewhat better style, a young man driving a biga of most ancient construction; it is supposed to represent Eichthunius. Near the Minerva is the following inscription, written from right to left: ΤΟΝ ΑΘΕΕΝΟΝ ΑΘΟΝ ΕΜΙ, τον ἀδερφὸν ἵκον εἶμι, "I am the prize of the Athena" (Panathenea). It is supposed to represent a Dysyphos.

The vases with the yellow monograms, or, rather, the black monograms upon the yellow grounds, can constitute the mass of ancient vases. Their illustrations are executed with various degrees of merit: those of inferior execution, also of this class, have traces of the graphis upon them, which appear to have been drawn upon the soft clay; the only one upon us, independent of that of the clay, is the dark-back-ground, generally black, which renders the figures very prominent. The designs upon the better vases are also merely monograms, with the usual dark-backgrounds, but there is a very great difference between the execution of these and that of those just alluded to; there are no traces whatever of the graphis upon them; their outlines are drawn with the hair pencil, in colour, similar to that of the back-ground, which is a species of black varnish, probably asphaltum; or perhaps, rather prepared with the guggates lapsi (jet!) (χαρακτήρ), of Pliny, for he remarks that it is indelible when used on this kind of earthenware.

The best of these vases, which probably belong to about the time of Alexander, are conspicuous for a very correct style of design, although they are invariably carelessly executed, especially in the execution of the monograms, which are a surprising facility of hand. The celebrated vase of Sir W.
Hamilton's collection, now in the British Museum, the paintings of which represent Homer's and the compositions in the gardens of the Hesperides, and the race of Atalanta and Hippomenes, exhibits, for design, composition, and execution, perhaps the finest specimen of ancient vase-painting that has yet been discovered: the style of design is perfect, but the execution, though on the whole laborious, is in many parts very careless.

The following is an example of the more perfect monochromes upon ancient vases, and examples of the polychromes are very rare. In Sir W. Hamilton's collection there are a few examples in which various colours have been added after the ordinary monogram has been completed, for they are not incorporated with the vase, as the black and ground tints are, but are subjects of the same, and have been rubbed off. They consist of white, red, yellow, and blue colours. These vases are apparently of a later date than the above, for the style of design is very inferior.

The museums of Naples, Paris, London, and other cities, afford abundant examples of these ancient vases; the Museo Borbonico at Naples contains almost all that has been discovered. That the vases were designed as examples of ancient mythology, and the execution is generally inferior to the composition.

No opinion of the style of the designs upon ancient vases can be formed from the generality of the great works purporting to illustrate them which have been published of late years. Very few are at all remarkable for lines and proportions, especially of the extremities, and in some even the composition is not faithfully imitated. This is particularly the case with the splendid works published by Dubois-Maissonneuve, Laborde, and some others, in which the illustrations are drawn with a care, precision, and uniformity of character quite foreign to the meaning of the vases; nor do they appear to be drawn rather according to common and perfect standards of the different styles, than to be the faithful imitations of distinct original designs. Plates 25 and 26 of the first volume of Maissonneuve, purporting to be faithful imitations of the design upon the celebrated Nola vase (in the Museum at Naples, No. 25), are not even correct in the proportion of Troy, but bear but little resemblance to the original. This remark is applicable, also, to the work of D'Hancarville and other productions; and yet, in a less degree. Perhaps the work which illustrates most faithfully the style of the designs upon ancient vases, as far as it goes, is that in course of publication by Gerhard.2 The specimens, also, of ancient paintings published by Raoul Rochette3 have every appearance of being faithful imitations of the originals.

X. Remains of Ancient Painting.—There is a general prejudice against the opinion that the painting of the Greeks equalled their sculpture; and the earlier discoveries of the remains of ancient paintings at Pompeii and Heraclea had tended rather to intensify this prejudice. In the vases from these cities the style of the paintings discovered in these cities was condemned both by Pliny and Vitruvius, and yet almost every species of merit may be discovered in them. What, therefore, must have been the productions which the ancient themselves esteemed their immortal works, and which, and singly, were estimated equal to the wealth of cities?

These remains of Pompeii and Heraclea induced Sir Joshua Reynolds to form a decided opinion upon ancient painting. He remarks,4 "From

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Aldobrandine, originally the property of the Aldo-
brandini family, which was found on the Esquiline
Mount during the pontificate of Clement VIII., II-
polito Aldobrandini, and was placed by Pius VII. in
the Vatican: this painting, which is on stucco, and
contains ten rather small figures in three groups, is
a work of considerable merit in composition, draw-
ing, and colour, and is executed with great freedom;
and the following paintings of the Museo Borbonico
at Naples, which are conspicuous for freedom of
execution and general technical excellence: the
two Nereids found in Statib, Nos. 561 and 562,
Cat.; Telephus nourished by the roe, &c., from
Herculaneum, No. 495; Chiron and Achilles, also
from Herculaneum, No. 790; Briesis delivered to
the heralds of Agamemnon, from Pompeii, No.
694; and the nine Funambuli or rope-dancers, which
are executed with remarkable skill and fa-
cility. (Mus. Borb., Ant. d'Ercol., and Zahn con-
tain engravings from these works; for fac simile
of ancient paintings, see "Recueil de Peintures an-
tiques, imitées fidèlement pour les couleurs et pour
le trait, d'après les dessins coloriés fait par P. S. Bar-
toli," &c., Paris, 1757, folio.)

XI. Period of Development. Essential Style.—
With the period of the Pliny (c. 46) painting was
developed in all the essential principles of imi-
tation, and was established as an independent art
in practice. The works of Polygnotus were con-
spicuous for expression, character, and design; the
more minute discriminations of tone and local col-
our, united with dramatic composition and effect,
were not accomplished until a later period. The
limited space of the arx, and the necessarily precludes
anything like a general notice of all the various pro-
ductions of Greek painters incidentally mentioned
in ancient writers. With the exception, therefore,
of occasionally mentioning works of extraordinary
celebrity, the notices of the various Greek painters
of whom we have any satisfactory knowledge will be
restricted to those who, by the quality or pecu-
liar character of their works, have contributed to
wards the establishment of any of the various styles
of painting practised by the ancients.

Polygnotus is frequently mentioned by ancient
writers, but the passages of most importance rela-
ting to his style are in the Poetica of Aristotle4 and
in the Imagines of Lucian.4 The notice in Pliny5
is very cursory: he mentions him among the many
writers, as having been the first who, in a true
commencement of his history, and simply states
that he added much to the art of painting, such as
opening the mouth, showing the teeth, improving
the folds of draperies, painting transparent vests for
women, or giving them various coloured head-
dresses. Aristotle speaks of the general character
of the design and expression of Polygnotus, Lucian
of the colour; in which respect both writers award
him the highest praise. Aristotle,4 speaking of imi-
tation, remarks, that it must be either superior,
inferior, or equal to its model, which he illustrates
by the cases of three painters: "Polygnotus," he
says, "paints men better than they are, Pasion
worse, and Dionysius as they are." This passage
alludes evidently to the general quality of the design
of Polygnotus, in which respect both writers award
an exalted and ideal character. In another passage6
he speaks of him as an ἀγαθὸς ἠθοποιός, or an ex-
cellent delineator of moral character and expression,
and assigns, in this respect, a complete superi-
ority over Zeuxis. From the passage in Lucian, we
may infer that Polygnotus, Euphranor, Apelles, and
Aëtion were the best colourists among the an-
cients, according to the general opinion (ἀρχαῖα ἡ
τέχνη ποιησίας τα τέχνης, καὶ εἰπών ποιη-
τος τα τέχνης τῶν αὐτῶν). He notices, also, in
the same passage, the truth, the elegance, and the flow-
ing lightness of the draperies of Polygnotus.

Pausanias mentions several of the works of Po-
ygnotus, but the most important were his two great
paintings, or series of paintings, in the Lesche of
the Temple of Apollo at Delphi, to a description
of which Pausanias devotes six chapters.1 On
the right, as you entered, was the overthrow of Troy,
and the Greeks sailing to their native land; on
the other side was painted the descent of Ulysses to
Hades, to consult the soul of Tiresias concerning his
safe return to his native country. These paint-
ings, in the composition of which Polygnotus seems
to have illustrated every existing poem upon the
subjects, were termed the Iliad and Odyssey of
Polygnotus. They excited the wonder and admi-
ration of Pausanias, although they had been already
painted six hundred years when he saw them.

Polygnotus has been termed the Michael Angelo
of antiquity. From the method adopted by Pausanias
in describing these pictures, their composition has
been generally condemned. It is, however, by no
means the case that they were conceived as a whole,
of pictures painted upon panels of wood, and inserted
into the wall, according to the ancient practice;
but, even supposing them to have been distinct
groups painted upon the walls themselves, as they
have been treated by the brothers Riepenhausen,3
their composition should not be hastily condemned.

The painting of the destruction of Troy (and the
other works similar in style) seems to have consisted
of three rows of figures, with the names of each writ-
ten near them, in distinct groups, covering the whole
wall, each telling its own story, but all con-
tributing to relate the tale of the destruction of Troy.
It is evident, from this description, that we
cannot decide upon either the merits or the demer-
its of the composition, from the principles of art
which guide the rules of composition of modern
times. Neither perspective nor composition, as a
whole, are to be expected in such works as these,
for they did not constitute single compositions, nor
was any unity of time or action aimed at; they
were painted histories, and each group was no far-
ther connected with its contiguous groups, than
that they all tended to illustrate different facts of
the Trojan war.

The style of Polygnotus was strictly ethical, for his
whole art seems to have been employed in illustrat-
ing the human character; and that he did it well,
the surname of Ethographer (Ἐθογραφός) was given to him
by Aristotle and others, sufficiently testifies. His
principles of imitation may be defined to be those
of individual representation, independently of any
accidental combination of accessories; neither the
prictic nor the anecdotic, nor a general and indiscriminate
picture of nature, formed any part of the art of Pol-
ygnotus or of the period. Whatever, therefore, was
not absolutely necessary to illustrate the principal
object, was indicated merely by a symbol: two or
three warriors represented an army, a single hut an
encampment, a ship a fleet, and a single house a
city; and, generally, the laws of basso-relievo were
the laws of painting, and both were still, to a great extent, subservient to
architecture.

The principal contemporaries of Polygnotus were
Dionysius of Colophon, Philesteus and Panana
of Athens, brothers of Phidias, and Micon, also of
Athens.

Dionysius was apparently an excellent portrait

1. (Böttiger and Mayer, Die Aldobrandinische Hochzeit, Dres-
den, 1810.)—2. (Sir W. Gell, Pompeiana, pl. 39 and 40.)—3. (c.
5 and 6.)—4. (c. 7.—5. (xxxv., 35.)—6. (c. 2.)—7. (c. 6.)

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painter, the Holbein of antiquity; for, besides the testimony of Aristotle, quoted above, Plutarch remarks, that the works of Dionysius wanted neither force nor spirit, but that they had the appearance of being too much laboured. Polygnotus also painted portraits, for Plutarch mentions that he painted his mistress Elpinice, the sister of Cimon, as Lacedaemon, in a picture in the Athenian Prytaneion, or Prytaneum at Athens, which received its name from the paintings of Polygnotus, Micon, Panenus, and others, executed in the fifth periods of Cimon and Pericles; this colonnade was previously called στοά Πεισιστάκης. What these paintings were we learn from Pausanias, viz., the battle of the Athenians and Spartans at CRETE; the panel of this piece is not known, but it seems only Polygnotus and Euripides who were engaged in the effect of the combination of light and shade with colour is also clearly expressed in the words which follow: "primaeque gloriam penicillo jure consorti," also, "neque ante cum tabula ulius ostenditque, qui teneat ocus." We may almost imagine the works of a Rembrandt to be spoken of; his pictures riveted the eye by their very painting and the quality of his works, he was renowned the schoolmaster of all artists; he was in the habit of writing upon his works, "It is easier to find fault than to imitate," μεταθαιστην τα μαλλαιν η μεθησατα, which Pliny relates of Zeuxis. Ltd, combined a certain degree of ideal form with the rich effect of Apollodorus. Quintilian says that he followed Homer, and was pleased with powerful forms even in women. Ciceron also praises his design. Zeuxis painted many celebrated works, but the Helen of Croton, which was painted from five of the most beautiful virgins in the city, was the most renowned, and under which he inscribed three verses in the third book of the Iliad. Stobaeus relates an anecdote of the painting of an Attic virgin, by Zeuxis, which is also reported to have observed to one who did not understand why the picture was so much admired "Take my eyes, and you will see a goddess." We learn from another anecdote, recorded by Plutarch, that Zeuxis painted very slowly.

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The remarks of Quintilian respecting the style of this period are very curious and interesting, although they do not accord entirely with the testimonies from Greek writers quoted above. He says that, notwithstanding the simple colouring of Polygnotus, which was little more than a rude four-coloured scheme, and the fact that this was afterwards accomplished, there were those who even preferred his style to the styles of the greatest painters who succeeded him; not, as Quintilian thinks, without a certain degree of affectation.

XII. Establishment of Painting. Dramatic Style.  
In the succeeding generation, about 420 B.C., through the influence of the dramatic poets, particularly that of Sophocles and Euripides, Zeuxis of Heraclea, dramatic effect, was added to the essential style of Polygnotus, causing an epoch in the art of painting, which henceforward comprehended a unity of sentiment and action, and the imitation of the local and accidental appearances of objects, combined with the historic and generic representations of Polygnotus. The contemporaries of Apelles, and of Polygnotus, who carried out their principles, were Parrhasius of Ephesus, Eupompos of Sicymn, and Timanthes of Cyzicus, all painters of the greatest fame. Athens and Sicymn were the principal seats of the art at this period.

Apollo and Plutarch, says Plutarch, invented the "element of the ancient Aympygi, that imperceptible transition which, without opacity, confusion, or hardness, united local colour, deimit, shade, and reflexes." This must, however, not be altogether denied to the earlier painters; for Plutarch himself attributes the same property to the works of Dionysius (Ioyn, εν αυτή και τόνως), though in a less degree. The distinction is, that what in the works of Dionysius was really merely a gradation of light and shade, or gradual diminution of light, was in those of Dionysius the gradation into tints, the tint gradually changing according to the degree of light. The term was termed τόνως, the latter δόρωος; but the English term tone, when applied to a coloured picture, comprehends both; it is equivalent to the "splendor" of Pliny.

Apollodorus first painted men and things as they really appeared; this is what Pliny means by "Hanc sublimem antiquamque eximiae artel," and the effect of the combination of light and shade with colour is also clearly expressed in the words which follow: "primaeque gloriam penicillo jure consorti," also, "neque ante cum tabula ulius ostenditque, qui teneat ocus." We may almost imagine the works of a Rembrandt to be spoken of; his pictures riveted the eye by their very painting and the quality of his works, he was renowned the schoolmaster of all artists; he was in the habit of writing upon his works, "It is easier to find fault than to imitate," μεταθαιστην τα μαλλαιν η μεθησατα, which Pliny relates of Zeuxis.

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Parrhasius is spoken of by ancient writers in terms of the very highest praise. He appears to have combined the magic tone of Apollodorus and the exquisite design of Zeuxis with the classic invention and expression of Polygnotus; and he so circumscribed all the powers and ends of art, says Quintilian, that he was called the "Legislator." He was himself not less aware of his ability, for he in the term opos, he was "the lawgiver," and, in fact, he was always admirable works of art, still the execution of them was carried on in the invention. As an instance of the ingenuity of his invention, Pliny mentions a sleeping Cyclops that he painted upon a small panel, yet conveyed a notion of his gigantic form by means of some small satyrs, who were painting measuring his thumb with a thyrusus. He was celebrated also for his paintings of Apollo and the glorification of which are admirable remarks of Fuseli upon this picture, Lectura i. Timanthes defeated Parrhasius in a professional contest, in which the subject was the
combat of Ulysses and Ajax for the arms of Achilles. 1

Eupompos of Sicyon was the founder of the celebrated Sicyonian school of painting which was afterward established by Pammphilius. Such was the influence of Eupompos's style, that he added a third, the Sicyonic, to the only two distinct styles of painting then recognized, the Heidelic or Grecian, and the Asiatic, but subsequently to Eupompos distinguished as the Attic and the Ionic; which, with his own style, the Sicyonic, henceforth constituted the three characteristic styles of Grecian painting. 2 We may judge, from the advice which Eupompos gave Lysippus, that the predominant characteristic of this style was individuality; for upon being consulted by Lysippus whom of his predecessors he should imitate, he is reported to have said, pointing to the surrounding crowd, "Let nature be your model, not an artist." 3 This celebrated maxim, which eventually had so much influence upon the arts of Greece, was the first professed deviation from the principles of the generic style of Polygnotus and Phidias.

XIII. Period of Refinement. 4 The art of this period was adopted the Alexandrian, because the most celebrated artists of this period lived about the time of Alexander the Great, was the last of progression or acquisition; but it only added variety of effect to the tones it could not improve, and was principally characterized by the diversity of the styles of so many contemporary artists. The decadence of the art immediately succeeded the necessary consequence, when, instead of excellence, variety and originality became the end of the artist. "Floruit circa Philippum, et usque ad successorum Alexandri," says Quintillian, "picture praecipue, sed diversiss virtutibus;" and he then enumerates some of the principal painters of this age, with the excellences for which each was distinguished. Protagoras was distinguished for high finished; Pammphilius and Melanthus for composition; Antiphas of facility; Theon of Samos for his prolific fancy; and for grace Apelles was unrivaled; Uprhanor was in all things excellent; Pausias and Nicias were remarkable for chiaroscuro of various kinds; Nicomachus was celebrated for a bold and rapid pencil; and his brother Aristides surpassed all in the depth of expression. There were also others of name and reputation, as Phylaxus of Eritria, Aesclapiodorus of Athens, Athenion of Maronia, Echion, Cydas, Philochares, Theonemestus, Pyricues, &c. This general revolution in the theories and practice of painting appears to have been greatly owing to the principles taught by Eupompos at Sicyon. Pammphilius of Amphipolis succeeded Eupompos in the School of Sicyon, and was the most celebrated school of art in Greece. Pammphilius had the reputation of being the most scientific artist of his time; and such was his authority, says Pliny, 5 that chiefly through his influence, first in Sicyon, then throughout all Greece, noble youths were taught the art of drawing before all others. "Graphic, hoc est, picture in box," that is, drawing, in which the whole celebrity depended, at that time, consisted in 'drawing lines or outlines with the graphite upon tablets of box; the first exercise was probably to draw a simple line (Gammai &; ekkhin) 6 It was considered among the first of liberal arts, and was practised exclusively by the freeborn, for there was a special edict prohibiting slaves from exercising it. The course of study in this school occupied ten years, and the fee of admission was an Aesclapiodorus, for pictures of the two, 360, 300 each; and he gave also to Theonemestus (otherwise unknown) for every picture of a hero, 100 minae. Aesclapiodorus was a native of Athens; he was celebrated for composition or grouping; Plutarch 7 classes him with Euphranor and Nicias.

Pausias of Sicyon painted in encaustic with the cresset, and seems to have surpassed all others in this manner. Pliny gives "primum in hoc genere nobiliss," 8 from which it would appear that he was the only one of his time himself earlier than Euphranor or Nicias, who both excelled in this style; he was, however, the pupil of Pammphilius and the contemporary of Apelles. Pausias was conspicuous for a bold and powerful effect of light and shade, which he enhanced by contrasts and striking foreshortenings. A large picture of a 9


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bull, of this description, was very celebrated; he painted a black bull upon a light ground; the animal was powerfully foreshortened, and its shadow was thrown upon a part of the surrounding crowd, by which a remarkable effect was produced.

Apelles was a native of Ephesus or Colophon, according to the general testimony of Greek writers, although Pliny² terms him of Cos. Pliny asserts that he surpassed all who either preceeded or succeeded him; the quality, however, in which he surpassed all other painters will scarcely bear a definition; it has been termed grace, elegance, beauty, copia, venustas, or beauty of style. Apelles says: "His great prerogative consisted more in the unison than the extent of his powers; he knew better what he could do, what ought to be done, at what point he could arrive, and what lay beyond his reach, than any other artist. Grace of conception and refinement of taste were his elements, and went hand in hand with grace of execution and taste in finish; powerful and seldom possessed singly, irresistible when united."

The most celebrated work of Apelles was perhaps his Venus Anadyomene, Venus rising out of the waters.

"In Veneris tabula summam sibi ponit Apelles." The beautiful goddess was represented squeeazing the water with her fingers from her hair, and her only veil was the silver shower which fell from her shining locks. Ovid elegantly alludes to it in the following lines.

"Sic matuttis siccat dignitibus Venus osa capillos, Et modo materinis tectum tuider que aquis."

So great, indeed, was the admiration of the ancients for this picture, that, according to the same poet, Venus chafed to owe it her great reputation for beauty.

"Si Venerem Cos nonquam pinniset Apelles, Merus sub aquarum ulla lateris aquis."

Apelles excelled in portrait, and, indeed, all his works appear to have been portraits in an extended sense; for his pictures, both historical and allegorical, consisted nearly all of single figures. He enjoyed the exclusive privilege of painting the portraits of Alexander. One of these, which represented Alexander wielding the thunder-bolt of Jupiter, termed the Alexander Καρανόπροφόρος, so pleased the monarch that he ordered twenty talents of gold to be given to him. Plutarch³ says that this picture was the origin of the saying that there were two Alexanders, the one of Philip the invincible, the other of Apelles the imitable. It appears to have been a master-piece of effect; the hand and lightning, says Pliny, seemed to start from the picture; and Plutarch⁴ informs us that the complexion was browner than Alexander's, thus making a finer contrast with the fire in his hand, which apparently constituted the light of the picture. Pliny⁵ tells us that Apelles glazed his pictures in a manner peculiar to himself, which was both to beautify and imitate him. When his works were finished, he covered them with a dark transparent varnish (most probably containing asphaltum), which had a remarkable effect in harmonizing and toning the colours, and in giving brilliancy to the shadows. Sir J. Reynolds discovered in this account of Pliny "an artist-like description of the effect of glazing or scrambling pictures," and practised what Pliny and the rest of the Venetian painters.⁶ There is a valuable though incidental remark in Cicerón⁷ relating to the colouring of Apelles, where he says that the tints of the Venus Anadyomene were not blood, but a resemblance of blood. The females, and the pictures generally, of Apelles, were most probably simple and unadorned; their absolute merits, and not their effect, constituted their chief attraction. Clemens Alexandrinus¹⁰ has preserved a memorable reproof of Apelles to one of his scholars, who, in a picture of Helen, had been lavish of ornament: "Youth, since you could not paint her beautiful, you have made her rich."

Protogenes of Caunus, a contemporary of Apelles, was both statuary and painter; he was remarkable for the beauty of his pictures. Pliny remarks, that the excessive detail and finish of the works of Protogenes, vying with nature itself, inspired him with a certain feeling of horror ("non sine quodam horrore tractatus"). His most celebrated work was his figure of layus with his dog; Pliny⁹ and Plutarch⁴ both mention that Protogenes was occupied with the painting of this picture; and Pliny says he painted it over four times ("quater colorum induti"); from which it would appear that the way in which the ancients imboided their colours in their pictures can have differed little, if at all, from the manner practised by the majority of the artists of the modern schools of painting. The four times of Protogenes most probably owe their origin to the fact of its first representing the fire, then the burning, and, lastly, scumbling with glazing. Plutarch⁴ says that when Apelles saw this picture, he was at first speechless with astonishment, but presently remarked that it was a great and a wonderful work, but that it was deficient in those graces for which his own pictures were so famous.

Ephesus was then as celebrated equally as painter and statuary; he was, says Pliny⁵ in all things excellent, and at all times equal to himself. He was distinguished for a peculiarity of style of design; he was fond of a muscular limb, and adopted a more decided anatomical display generally, but he kept the body light in proportion to the head and limbs. Pliny says that Euphranor first represented heroes with dignity. Parrhasius was said to have established the canon of art for heroes; but the heroes of Parrhasius were apparently more divine, those of Euphranor more human. We have examples of both these styles in the Apollo and the Laocoon, and in the Meleager and the Gladiator, or the Antinous in the baths of Commodus. Parrhasius was a painter of style which Euphranor apparently allowed when he said that the Thees of Parrhasius had been fed upon roses, but his own upon beef.⁸ Euphranor painted in encaustic, and executed many famous works; the principal were, a battle of Minos, and a picture of the twelve gods.⁹

Nicias of Athens was celebrated for the delicacy with which he painted females, for the rich tone of chiaroscura which distinguished his paintings. He also painted in encaustic. His most celebrated work was the venus, or the region of the shades of Homer (necromantia Homeri), which he declined to sell to Ptolemy I. of Egypt, who had offered sixty talents for it, and preferred presenting to his native city, Athens, as he was then sufficiently wealthy. Nicias painted some of the marble statues of Praxiteles.¹⁰

Athenion of Maronea, who painted also in encaustic, was, according to Pliny,¹¹ compared with, and even preferred by some to, Nicias; he was more austere in colouring, but in his austerity more pleasant.

¹ Plin., l. c.—2. (Suidas, v., s.—3. (L. c.)—4. (L. c. 5. (L. c.—6. (L. c.—7. (L. c.)—8. (L. c.—9. (Fort. Alex. Mag., 2. 10. (L. c.—11. (L. c.—12. (Notas de Pren., 37.—13. (De Nat. Decr., 1.—27.)
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“Pyreicus para vindicat arte locum,” says Property 1 (Pyreicus is the emendation of Weckler, on the authority of Cod. Vit., 1. 4. With the exception of Pyreicus, the line is unintelligible.) Pornography, or obscene painting, which in the time of the Romans was practised with the grossest license, 2 prevailed especially at no particular period in Greece, but was apparently tolerated to a considerable extent 2: all times. Parrhasius, Aristides, Pausianias, Nicophanes, Oenarephanes, Arelius, and a few other πορνογράφοι are mentioned as having made themselves notorious for this species of license. 3

Of the few painters who still maintained the dignity of the dying art, the following may be mentioned: Mydon of Soli; Neæcas, Leonticus, and Timæon of Sicyon; Arceclus, Erigonus, and Pasias, of uncertain country; and Metrodorus of Athens, equally eminent as painter and as philosopher. The school of Sicyon, to which the majority of the distinguished painters of this period belonged, is especially mentioned by Plutarch 4 as the one which still retained any traces of the purity and the greatness of art of the renowned ages. It appears to have been still active in the time of Aratus, about 250 B.C., who seems to have instilled some of his own enterprising spirit into the artists of his time. Aratus was a great lover of the arts, but his projects for destroying the portraits of the Tyrants of Sicyon; one only, and that partially, was saved. 6

It was already the fashion in this age to talk of the inimitable works of the great masters; and the artists generally, instead of exerting themselves to imitate the master-pieces of past ages, seem to have been content to admire them. All works bearing a great resemblance to them were sold at enormous prices, and it is said that Aratus bought up some old pictures, but particularly those of Melanthius and Pamphilus, and sent them as presents to Ptolemy III. of Egypt, to conciliate his favour, and to induce him to join the Achæan league. Ptolemy, who was a great admirer of the arts, was gratified with these presents, and presented Aratus with 150 talents in consideration of them. 7 These were, however, but the finest of the first works of the great painters of Greece which had found their way into Egypt. Ptolemy Soter had employed agents in Greece to purchase the works of celebrated masters. 8 Athenaeus also expressly mentions the pictures of Sicyonian masters which contributed to add to the pomp and display of the celebrated festival of Ptolemy Philadelphia at Alexandria.

From the time of Alexander the spirit of the Greeks animated Egyptian artists, who adopted the standard of Grecian beauty in proportion and character. Antiphilus, one of the most celebrated painters of antiquity, was a native of Egypt, perhaps of Naukratis, and appears to have lived at the court of Ptolemy Soter. Many other Greek painters also were established in Egypt, and both the population and arts of Alexandria were more Greek than Egyptian. 9

Among the most remarkable productions of this period were the celebrated ship of Hiero II. of Syracuse, which had Mosaic floors, in which the whole history of the fall of Troy was worked with admirable skill; 5 and the immense ship of Ptolemy Philopator, on the prow and stern of which were carved

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polysal figures eighteen feet in height; and the whole vessel, both interior and exterior, was decorated with painting of various descriptions.

Nearly a century later than Atratus we have still mention of two painters at Athens of more than ordinary distinction. Heracleides a Macedonian, and Metrodorus, a Athenian. The names of several painters, however, of these times are preserved in Pliny, but he notices them only in a cursory manner. When Paulus Emilius had conquered Perseus, B.C. 168, he commanded the Athenians to send him their most distinguished painter to perpetuate his triumph, and their most approved philosophers. The sons of Metrodorus the painter, professing that he was preeminent in both respects. Heracleides was a Macedonian, and originally a ship-painter; he repaired to Athens after the defeat of Perseus. Plutarch, in his description of the triumph of Paulus Emilius, says that the paintings and statues brought by him from Greece were so numerous that they required 250 vessels to carry a part of them, and that the spectacle lasted the entire day. P. Emilius appears at all times to have been a great admirer of the arts, for Plutarch mentions that after his first consulship he took especial care to have his sons educated in the arts of Greece, and, among others, in painting and sculpture, and that he accordingly consecrated a family band of figures (συγγραφοι) in his family; from which it is evident that the migration of Greek artists to Rome had already commenced before the general spoliations of Greece. Indeed, Livy expressly mentions that many artists came from Greece to Rome upon the occasion of the ten days' games appointed by Fulvius Nobilior, B.C. 186, and many of the most eminent Greek painters even before this time; for the picture of the feast of Gracchus's soldiers after the battle of Beneventum, consecrated by him in the Temple of Liberty on the Aventine, B.C. 213, was in all probability the work of a Greek artist. The system adopted by the Romans of plundering Greece of its works of art, reproached by Polybius, was at length carried to a pracese proceeding in The Carthaginians before them had plundered all the coast towns of Sicily, and the Persians, and even the Macedonians, carried off all works of art as the lawful prize of conquest. The Roman conquerors, however, at first plundered with a certain degree of moderation, as Marcellus at Syracuse, and Paulus Emilius at Perseus, and many of the wps of war acquired by them were dispersed among the patrons of public edifices and temples at Rome, to the number of 3000 statues, and so many pictures of whatever was valuable in it. Among the numerous robberies of Verres, Cicero mentions particularly twenty-seven beautiful pictures taken from the Temple of Minerva at Syracuse, consisting of portraits of the kings and tyrants of Sicily.

Yet Rome was not the only destruction of Corinth, B.C. 146, carried off or destroyed more works of art than all his predecessors put together. Some of his soldiers were found by Polybius playing at dice upon the celebrated picture of Dionysus by Aristides. Many valuable works, also, were purchased on this occasion by Attalus III., and sent to Pergamum; mentions that Paulus lived to reach Rome on his death, B.C. 153, as he besought all the Roman people. Scaurus, in his edithe, B.C. 58, had all the public pictures still remaining in Sicily transported to Rome on account of the debts of the former city, and he adorned the great temporary theatre which he erected upon that occasion with 3000 bronze statues. Verres ransacked Asia and Africa, and sent to Rome a large number of works of public edifice in Sicily of whatever was valuable in it. The school of painting at Corinth appears to have been the only one that had experienced no great change, for works of the highest and most admirable kinds were still there produced. The course of painting seems to have been much more capricious than that of sculpture, in which master-pieces, exhibiting various beauties, appear to have been produced in nearly every age from Phidias to Hadrian. A decided decay in painting on the other hand, is repeated in both stories in the time of the best Roman writers. One of the causes of this decay may be, that the highest excellence in painting requires the combination of a much greater variety of qualities; whereas invention and design,
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identical in both arts, are the sole elements of sculpture. Painters, also, are addicted to the per
nicious vice of painting off copies of the works from which sculptors, as well as the copy.

The Romans generally have not the slightest claims to the merit of having promoted the fine
arts. We have seen that, before the spoliations of Greece and Sicily, the arts were held in no con
sideration in Rome; and even afterward, until the time of the emperors, painting and sculpture seem to
have been practised very rarely by Romans; and yet the works of our old masters are chiefly
characterized by their bad taste, being mere mecha
nical records and gaudy displays of colour, although
the city was crowded with the finest productions of
ancient Greece.

There are three distinct periods observable in the history of painting in Rome. The first, or great
period of Graeco-Roman art, may be dated from the conquest of Greece until the time of Augustus,
when the artists were chiefly Greeks. The second, from the time of Augustus to the so-called Thirty
Tyrants and Diocletian, or from the beginning of
the Christian era until about the latter end of the
third century, during which time the great majori
ty of Roman works of art were produced. The third
comprehends the state of the arts during the exca
reate; when Rome, in consequence of the wealth of the Empire, and the changes in its condi
tions, very materially, suffered similar spoliations to those which it had previously inflicted upon
Greece. This was the period of the total decay of the imitative arts
among the ancients.

The establishment of Christianity, the division of the Empire, and the incursions of barbarians,
were the first great causes of the important revolu
tion which happened in the arts, and the se
rious check they received; but it was reserved for
the fanatic fury of the iconoclasts effectually to
destroy all traces of their former splendid.

Of the first of these three periods sufficient has been already said; of the second there remain still
a few observations to be made. About the begin
ning of the second period is the earliest age in
which we have any notice of portrait-painters (imag
inum pictores) as a distinct class. Pliny mentions
particularly Dionysius and Sophas as the most cele
brated at about the time of Augustus, or perhaps
carlier, who filled picture-galleries with their works;
the former was named the anthropographer,
because he painted nothing but men. About the same
age, also, Lala of Cysicus was very celebra
ted; the portraits he produced were of soldiers,
but received greater prices than the other two.

Portraits must have been exceedingly numerous
among the Romans; Varrus made a collection of
the portraits of 700 eminent men. The portraits
or statues of men who had performed any public
service were placed in the temples and other pub
lic places, and several edicts were passed by the emperors commanding the Roman citizens to
employ their earnings upon portraits. The portraits of authors, also, were placed in
the public libraries; they were apparently fixed above the cases which contained their writings, below
which chairs were placed for the convenience of
readers. They were painted, also, at the begin
ning of manuscripts. Respecting the images of
wax portraits, which were preserved in "armaria" in
the atria, it is probable that there was an interest
in that inPolybius. We have seen already,
with some reservation, what was said of Aetion, as already mentioned, not a single painter of
this period rose to eminence, although some were,
of course, more distinguished than others; as

1. (Juv., vi., 145.)—2. (H. N., xxxv., 7.)—3. (i. c.)—4. (Juli.
Cam., 67.)—5. (H. N., xxxv., 6.)—6. (Tr PROP., 225.)—7. (All.
59.)—8. (H. N., xxxv., 7.)

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3. (Sueton., Tib., 26.—Calig., 34.)—4. (Clio ad Att., iv., 10.—
Seston, Tib., 70.—Callig., 36.)—5. (Marull., xvi., 189.)—6
(Plin., xxxv., 2.—Senec., De Benef., iii., 28—7.)—7. (v. 53.)
“Doves of the Capitol” is supposed to be a copy.  
Another musivarius of antiquity was Dioscorides of Samos, whose name is found upon two mosaics of Pompeii.  
Five others are mentioned by Müller.  
There are still many great mosaics of the ancients extant.  
(See the works of Clamant, Fu- 
retti, and Laborde.)  
The most interesting and 
most valuable is the one lately discovered in 
Pompeii, which is supposed to represent the battle of 
Issus.  
This mosaic is certainly one of the most 
valuable relics of ancient art, and the design and composition of the work are so superior to its 
extinction, that the original has evidently been the 
production of an age long anterior to the degenerate 
period of the mosaic itself.  
The composition is simple, forcible, and beautiful, and the design exhibits 
itself in many respects merits of the highest order.  
(See Niccolini, Quadro in museo scoperto in Pom- 
peii.—Mazois, Pompeï, iv, 48 and 49; and Müller, 
Denkmäler der alten Kunst, i, 55.)

PALA (παλή), a Spade.  
The spade was but 
little used in ancient husbandry, the ground having 
been broken and turned over by the plough, and 
also by means of common hoes and spades.  
(Plut. Loo, RASTRUM.)  
But in some cases a broad cut- 
ing edge was necessary for this purpose, as, for 
example, when the ground was full of the roots 
of rushes or other plants.  
Also in gardening it 
was an indispensable instrument, and it was then 
made on the same principle as the ploughshare, 
vis., by casting its extremity with iron.  
The an- 
exed woodcut, taken from a funereal monument at 
Rome, exhibits a decked countryman with his 
faux and bidens, and also with a spade, modified by the 
addition of a strong crossbar, by the use of which he 
was enabled to drive it nearly twice as deep into 
the ground as he could have done without it.  
In this form the instrument was called bipalium, 
being employed in trenching (pastinatio), or, when 
the ground was full of roots to a considerable depth, in 
loosening them, turning them over, and extirpating 
them, so as to prepare the soil for planting and 
other trees.  
By means of this implement, which is 
still used in Italy, and called venta, the ground was 
dug to the depth of two spades, or nearly two feet.  
Cato mentions wooden spades (pales lignæa) among 
the implements necessary to the husband- 
man.  
One principal application of them was in 
The term *pala* was applied anciently, as it is in modern Italian, to the blade or broad part of an oar. (Vid. *Ramus*.) In a ring, the broad part which held the gem was called by that name.

**PALESTRA** (παλαγή) properly means a place for wrestling (παλαιστής, παλαιστή), and appears to have originally formed a part of the gymnasion. The word was, however, used in different senses at various periods, and its exact meaning, especially in relation to the gymnasion, has occasioned much controversy among modern writers. It first occurs in Herodotus, who says that Clisthenes of Sicyon built a dronos and a palaestra, both of which he calls by the general name of palaestra. At Athens, however, there was a considerable number of palaestrae, quite distinct from the gymnasion, which were called by the names either of their founders, or of the teachers by whom instruction there took place; thus, for example, we read of the palaestra of Taurinae. Kraneus contends that the palaestrae at Athens were appropriated to the gymnastic exercises of boys and youths (παιδεὶς καὶ μειρώκαι), and the gymnasion to those of men; but Becker has shown that this cannot be the true distinction, although it appears that certain places were, for obvious reasons, appropriated to the cultivation of boys. But that the boys exercised in the gymnasion as well, is plain from many passages (παις ὄρατο ὕπο γυμνασίου), while, on the other hand, we read of men visiting the palaestra.

It appears most probable that the palaestrae were, during the flourishing times of the Greek republics, chiefly appropriated to the exercises of wrestling and of the pancratium, and were principally intended for the athletes, who, it must be recollected, were persons that contended in the public games, and therefore needed special training. This is expressly stated by Plutarch, who says that the place in which all the athletes exercise is called a palaestra; and we also learn from Pausanias that there were as many palaestrae as there were gymnasia, and especially devoted to the athletes. In Athenaeus we read of the great athletes Damippus coming out of the palaestra; and Galen (τοῦ γόν. διὰ μικρός σφάιρας γυμνασίου, c. 5) places the athlete in the palaestra.

The Romans had originally no places corresponding to the Greek gymnasia and palaestrae; and when, towards the close of the Republic, wealthy families provided stadia of their own, and public places for exercise in their villas, they called them indifferently gymnasia and palaestrae.

The word was thus used by the Romans as synonymous; and, accordingly, we find that Vitruvius gives a description of a Greek gymnasion under the name of *palaestra*.
The first part of the solemnities, as described by Ovid, was a public purification by fire and smoke. The things burned in order to produce this purifying smoke were the blood of the October-horse, the ashes of the calves sacrificed at the festival of Corces, and the shells of beans. The smoke was also sprinkled with water; they washed their hands in spring-water, and drank milk mixed with must.

As regards the October-horse (equus October), it must be observed, that in early times no bloody sacrifice was allowed to be offered at the Palilia, and the blood of the October-horse, mentioned above, was the blood of a horse which was devoured after the horse sacrificed in the month of October to Mars in the Campus Martius. This blood was preserved by the vestal virgins in the Temple of Vesta, for the purpose of being used at the Palilia.

When, towards the evening, the shepherds had fed their flocks, branches of bay were used as brooms for cleaning the stables that had been used, and the stables were adorned with bay boughs. Hereupon the shepherds burned sulphur, rosemary, fir-wood, and incense, and made the smoke pass through the stables to purify them; the flocks themselves were likewise purified by this smoke. The sacrifices which were offered on this day consisted of cakes, milk, and other kinds of food. The festival was concluded by a feast in the open air, at which the people sat or lay upon benches of turf, and drank plentifully.

In the city of Rome the festival must, at least in later times, have been celebrated in a different manner; its character of a shepherd-festival was forgotten, and it was merely looked upon as the day on which the calves of the autumnal sacrifice were slaughtered, as is still observed.

In the reign of Caligula, it was decreed that the day on which the emperor was born should be celebrated under the name of Palilia, as if the Empire had been revived by him, and had commenced its second existence. Athenaeus says that before his death, when the Palilia was still celebrated in a proper manner, he offered a prayer to Mars. Whether this change of name was occasioned by the decree in the reign of Caligula just mentioned, is unknown.

PALIMPSESTUS. (Vid. Liber.)

PALIA. (Vid. Pallium.)

PALLACE (palliak). (Vid. Concordia, Greek.)

PALLIA 'TA FABULÀ. (Vid. Comedia, page 300.)

PALLIUM, dim. PALLIOLUM, poet. PALLA' (παλά'νος, dim. παλανίων; Ion. and poet. παλλα'νος), a blanket or whittle, a sheet, a pall. The English cloak, though commonly adopted as the proper translation of these terms, conveys no accurate conception of the form, material, or use of that which they denominate. The pallium is usually made of flax, which is cut always a rectangular piece of cloth, exactly so, at least, nearly square (τετράγωνα ἱματα, quadrangularia). Hence it could easily be divided without loss.
or waste either into four parts or into twelve. It was indeed, used in the very form in which it was taken from the loom (vid. Tit. 1.), being made entirely by the weaver (δι' ἰατρόν ἐφέρα), without any aid from the tailor except to repair (σαρείε, ἀνέστιο) the injuries which it sustained by time. Although it was often ornamented, more especially among the northern nations of Europe, with a fringe (vid. Fix. 9.), yet this was commonly of the same piece with the pall or blanket itself. Also, whatever additional riches and beauty it received from the hand of the dyer, was bestowed upon it before its materials were woven into cloth, or even spun into thread. Most commonly it was used without having undergone any process of this kind. The raw material, such as wool, flax, or cotton, was manufactured in its natural state, and hence blankets and sheets were commonly white (χειλα ἱππότης), although, from the same cause, brown, drab, and gray were also prevailing colours. The more splendid and elegant tints were produced by the application of the murex (murecta, conchylita, purpurea, vestis, πορφυρόν, ἀλονγυ, ἱππότης), the kermes (coscinus, κόκκινον), the argol (fuscatus), and the saffron (croceus, κρώκοτον). (Vid. Crocota.) Pale green was also worn (ὑδρικός). Black and gray pallia were either made from the wool of black sheep, or were the result of dyeing the part of the dyer's work in mourning (μελανα ἱππότης, φαίνει ἐβάτη), and thus by sorceresses. The pallium of one colour (διόξυρον ἱππότης, literally "the self-coloured blanket") was distinguished from the variegated (πολυκλων), and of this latter class the simplest kinds were the striped (διάδοτων), in which the effect was produced by interweaving strips or flowers in the woof (διόξαντες πεποικίλων). By the same process, carried to a higher degree of complexity and refinement, whole figures, and even historical or mythological subjects, were introduced, and in this state of advancement the weaving of pallia was the elegant and worthy employment of females of the first distinction, and of Minerva, the inventor of the art, herself. The greatest splendour was imparted by the use of gold thread, and the loan of this was a mark of high distinction. A purple blanket for Ulysses, which also displayed a beautiful hunting-piece wrought in gold. The epithet διπλός, which is commonly applied by the poets to these figured pallia, probably denoted that they were made on the principle of a quilt or a Scotch carpet, in which two cloths of different colours are so intermixed as to form one double cloth, which displays a pattern of any kind, according to the fancy of the artist.

Although pallia were finished for use without the intervention of the tailor, they were submitted to the embroiderer (Φυγγρη; πολλήτερης, πλευματίδος), and still more commonly to the fuller (vid. Fillo), who received them both when they were new from the loom and when they were sufficed through use. Hence it was a recommendation of this art of toire to be, when the desired order was performed, that the operation should be washed (ἐπολυκακαίον). The men who performed the operation are called αἶλονδίκες, i. e., the wavers, in an inscription found in the stadium at Athens. Another appellation which they bore, φιτ., of σταβίς, the treading, is well illustrated by the woodcut representing them at their work in p. 463.

Consider pallium and palla, ἱππότης and φάκρα, as generically applied to the various kinds of foils or materials which include, under denoting distinctions which do pended on the materials of which the cloth was made. Among the Greeks and Romans, for by far the commonest material was wool. The blanket made of it (lanum pallium) was called from the root of lanum, wool) in Latin Lati., in Greek Χαλαία; and as the blanket varied, not only in colour and ornament, but also in fineness, in closeness of texture (μάτιον λεκτητής), and in size, some of these differences were expressed by the diminutives of χαλαία, such as χαλανός, χαλανίς, χαλανικός, χαλανικίων, and χαλανικίων. In like manner, we find the sheet not only designated by epithets added to the general terms in order to denote that it was made of flax, e. g., μάτιον λανυκόν, λίνον υπελατά, etc., and also distinguished by the specific terms λινετον, λινετόν, etc., and its diminutive σιλοντόν, etc. A coarse linen sheet was also called φάκων, and a fine one ὅδον, διμ. δόβην. These specific terms are no doubt of Egyptian origin, having been introduced among the Hebrews, the Greeks, and the Romans, together with the articles of merchandise to which they were applied. On the same principle, a cotton sheet is called palla caracontes, and a silk shawl is denominated pallium Scicium, and ὅδονον Σωμ. κ. αν. 20.

The following instances of the application of sheets and blankets to the purposes of common life, show that their uses were still more various among the Greeks and Romans than with us; and although, in some of these cases, the application may have been accidental, it serves not the less that account to demonstrate the form and properties of the thing spoken of, and the true meaning of the various names by which it was called: 1. They were used, as we use them, to spread over beds and covers, and to cover the body during sleep (μάτιον, λιατομος), φάκος, χαλανίς, χαλανικός (palla sensu stricto). In many of these cases, it is to be observed that the same cloth was worn as a garment by day served to sleep in at night, in exact accordance with the practice which to the present day prevails among the Bedouin Arabs, who constantly use their large bykes for both purposes. (Vid. Lect., Loxis, Taph.)

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This was an affectation of Eastern luxury. When the people at Jerusalem spread their bykes upon the ground, 1 they intended thereby to recognise Jesus as a king. (Vid. TAPES.)

III. They were hung over doors, 2 and used as awnings or curtains. 3 Thus Antigonus, sitting in his tent, heard two common soldiers reviling him, a blanket or sheet (παλλίων). 4 As soon as he was informed of it, he and Agamemnon 5 holds it in his hand "a great purple φόρτον " to serve as a banner floating in the air.

V. Gallia, especially of linen and cotton, were used for sails (φέρεσκες, λατέρκορον φόρτον). 6

VII. When Antony's ships were on fire, his soldiers, having failed to extinguish it by water, which they could not obtain in sufficient quantity, threw upon it their thick blankets (ματρία αὐθών τὰ παλλία). 7

VIII. Thick coarse blankets, which had not been to the fuller (ματρία δύναμτα), 8 were wrapped round ice and snow to keep them from melting. (Vid. NIX.)

X. A fine white blanket was sometimes used as a shroud (παπάφλοιον, 9 ἡμιπαλλία). 10

X. In Asia, horses and other animals used to ride upon were covered with beautiful pallia, especially upon occasions of ceremony or of rejoicing. Cyrus had 200 horses covered with striped cloths. 11 When the Persian ambassador, a few years ago, went to the levee in London, his horses were in like manner covered ἀμάντισσαί ἡμιπαλλία. 12 (Vid. TAPES.) For the same purpose a most distinguish the use of woollen horsecloths in Europe. 13

XI. The newly-born infant was wrapped in a blanket (φόρτον). 14 (Vid. INCUBULA.)

XII. Lastly, the blanket was the most common article of the AMICIUS. (Vid. CIAMUS.) Hence we find it continually mentioned in conjunction with the TUNICA, which consisted of the _intars._ Such phrases as "coat and waistcoat," or "shoes and stockings," are not more common with us than such as those which follow in ancient authors: tunica palliunm; 15 ἡμιπαλλία καὶ χιτών, in the will of a certain philosopher; 16 τὸ ματρία καὶ τὸ χιτωνάκος; φόρος ἔστε χιτίων; χλαῖνος ἐστε χίτωνά καί. 17 The passages referred to in the note also exemplify the practice of naming these two articles of dress together. 18

But, although the pallium and tunica were always regarded as essential parts of an entire dress, yet each of them might be worn without the other. Cases in which the tunic was retained and the blanket laid aside are explained under the article NEMOS. It is also evident that the pallium would not be the most convenient kind of dress when the wearer of it had occasion to run; and we find that in such circumstances he either put it away entirely, 1 or folded it up as a Scottish Highlander folds his plaid, and threw it round his neck or over his shoulder. 2 Telemachus, in like manner, puts off his purple pallium, together with his swordbelt, when he is preparing to try his father's bow. 3 On the other hand, to wear the blanket without the under-clothing indicated manner, as in the case of Socrates, 4 Agesilas, 5 and Gelon, king of Syracuse. 6

The blanket was no doubt often folded about the body simply with a view to defend it from cold, and without any regard to gracefulness of appearance. It is thus seen on the persons of Polynices and Parthenopaeus in the celebrated intaglio, now preserved at Berlin, representing five of the heroes who fought against Thebes, and copied on an enlarged scale in the annexed woodcut. The names of the several heroes are placed beside them in Etruscan letters.

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bind the back and under the right arm, leaving it bare, and then thrown again over the left shoulder. Of this we see an example in a bas-relief engraved by Dodwell. Another very common method was to fasten the blanket with a brooch (vid. Fibula) over the right shoulder (ἡμιπολιτώσις), leaving the right side of the blanket free. A third was to fasten it under the left arm, so as to leave that arm at liberty also, or over the left shoulder, so as to cover the left arm. We see Phocians attired in the last-mentioned fashion in the admired statue of him preserved in the Vatican at Rome. (See woodcut.) The attachment of the blanket by means of the brooch caused it to depend in a graceful manner (dēmasia ex húmeris), and contributed mainly to the grace and elegance of the costume, which we so much admire in ancient sculptures.

When a person sat, he often allowed his blanket to fall from his shoulder, so as to envelop the lower part of his body only.

The sagum of the northern nations of Europe (see woodcut, p. 171) was a woollen pallium, fastened, like that of the Greeks, by means of a brooch, or fibula, instead of shoulder-straps to substitute for brooches. The Gauls wore in summer one which was striped and checkered, so as to agree exactly with the plaid which still distinguishes their Scottish descendants; in winter it was thick, and much more simple in colour and pattern. The Greeks and Romans also wore different pallia in summer and in winter. The thin pallium made for summer wear was called "παλλίας," and was worn as a cloak by sailors. Women wore this garment as well as men. "Phocion's wife," says Εἰκάστης, "wore Phocion's blanket!" but Xanthippe, as related by the same author, would not wear that of her husband Socrates.

When the means were not wanting, women wore blankets, which were in general smaller, finer, and of more splendid and beautiful colours than those of men. But when the means were wanting, although men also sometimes displayed their fancy in these respects the female costume. Thus Alcibiades was distinguished by his purple blanket, which trailed upon the ground; for a train was one of the ornaments of Grecian as well as Oriental dress (καρδασία). The general rule being that the upper garment should reach the knee, but for the sake of respectability in some cases the instructor was conspicuous by its gay colour or of this part of this dress. The works of ancient art show that weights (glances) were often attached to the corners of the pallium to keep it in its proper place and form.

Philosophers wore a coarse and cheap blanket, which, from being exposed to much wear, was

called τραπαλία and τραπαλίων (palliatrum). The same was worn, also, by poor persons, by the Spartans, and in a later age by monks and hermits (παπικής τράπαλιας, σαγμα τραπαλιακός). These blanket-covers (τραπαλιοφόροι) often went without a tunic and they sometimes supplied its place by the greater size of their pallium. It is recorded of the philosopher Antisthenes that "he first doubled his blanket," in which contrivance he was followed by his brother Cynics, and especially by Diogenes who also slept and died in it, and who, according to some, was the inventor of this fashion. The large pallium, thus used, was called διάφλος (diaphlos), and also Exomias, because being worn without the tunic, it left the right shoulder bare, as seen in the picture of Plato in which he is shown in the raw state. In concealing grief, or any other violent emotion of the mind.

In the case of rain: III. In offering sacrifices, and in other acts of religion. Of this custom Timanthes availed himself in his famous picture of the sacrifice of Iphigenia. It is obvious how convenient the pallium was for concealing weapons or poison. The use of this garment to envelop the whole person gave rise to the metaphorical application of the word παλλιάς, meaning to hide or dissemble.

(Vid. ABOLLA.)

Under the Roman Republic and the early emperors, the Toaa was worn by men instead of the pallium. They were proud of this distinction, and therefore considered that to be palliatus or sugurus instead of being togaus indicated an affectation of Grecian or even barbarian manners (Grecus palliatus, barbarus palliatus). Censius, on his return from the north of Europe, offended the Romans (to- gatus) by addressing them in a plaid (versicola sagello) and trowsers. (Vid. BRACC, A.)

A small square cloth (pallium) was, however, worn by the Romans on their heads instead of a hat, when they were sickly or infirm. and some of them even adopted the Greek pallium instead of the Roman toga.

Among the Greeks as among ourselves, the man ufacture of sheets, blankets, and other kinds of cloth employed different classes of work-people. The coarser kinds of blankets were made in Megara, where this was the staple trade of the country, the work being performed by slaves. At Athens there was a general cloth-market, called ἅμαμα- ris (Harmois, Harmoum).

PALMA. I. (Vid. PES.) II. (Vid. PHOENIX.) PALIMPSES. (Vid. PES.)

PALLIAMENTUM, according to Varro and
Festus, originally signified any military decoration; but the word is always used to denote the cloak worn by a Roman general commanding an army, his principal officers and personal attendants, and the toga or garm of peace. It was the practice for a Roman magistrate, after he had received imperium from the comitia curiata, and offered up his vows in the Capitol, to march out of the city arrayed in the paludamentum (exire paludatus), attended by his lictors in similar attire (paludatus lictorius); nor could he begin again the gates until he had formally divested himself of this emblem of military power, a ceremony considered so solemn and so indispensible that even the emperors observed it. Hence Cicero declared that Verres had sinned "contra aesopus, contra omnes divinas et humanas religiones," because, after leaving the city in his paludamentum (cum paludatus esset), he stole back in a litter to visit his mistress.

The paludamentum was open in t. l. t., reached down to the knees or a little lower, p. r. hung loosely over the shoulders, being fastened across the chest by a clasp. A foolish contradiction has arisen among antiquaries with regard to the position of this clasp, some assigning it to the right shoulder, others on the left, l. t., parties appealing to ancient statues and sculptures in support of their several opinions. It is evident, from the nature of the garment, as represented in the three following illustrations, that the buckle must have shifted from place to place, according to the movements of the wearer; accordingly, in the first cut, which contains two figures from Trajan's column, one representing an officer, the other the emperor with a tunic and fringed paludamentum, we observe the clasp on the right shoulder, and this would manifestly be its usual position when the cloak was not used for warmth, for thus the right hand and arm would be free and unembarrassed; but in the second cut, copied from the Racolta Medall, representing also a Roman emperor, we perceive that the clasp is on the left shoulder; while in the third, the noble head of a warrior from the great mosaic of Pompeii, we see the paludamentum flying back in the charge, and the clasp nearly in front. It may be said that the last is a Grecian figure; but this, if true, is of no importance, since the chlamys and the paludamentum were essentially, if not absolutely, the same. Nonius Marcellus considers the two terms synonymous, and Thukidus tells how the splendid naumachia exhibited by Claudius was viewed by Agrippina dressed chlamyde aurata, while Pliny and Dion Cassius, in narrating the same story, use respectively the expressions paludanto auretis et ouchodi daipropo.

The colour of the paludamentum was commonly white or purple, and hence it was marked and remembered that Crassus, on the morning of the fatal battle of Carrhae, went forth in a dark-coloured mantle.

PALUS, a Pole or Stake, was used in the military exercises of the Romans. It was stuck into the ground, and the tirones had to attack it as if it had been a real enemy; hence this kind of exercise is sometimes called Palaria. Juvenal alludes to it when he says, "Quis non vidit vulnera pali?" and Martial speaks of it under the name of stipes, "Aut nudi stipitis ictus hostis."

PAMBOIO'TIA (Pamboitica), a festive panegyric of all the Boeotians, which the grammarians compare with the Panathenaea of the Athenians and the Panonia of the Ionians. The principal object of the meeting was the common worship of Athena Itonia, who had a temple in the neighbourhood of Coronea, near which the panegyric was held. From Polybius, it appears, that during this national festival no war was allowed to be carried on, and that in case of a war a truce was always concluded. The panegyric is also mentioned by Plutarch. It is a disputed point whether the Pamboeotia had any...
thing to do with the political constitution of Creotia, or with the relation of its several towns to Thebes, which was at their head. The question is discussed in Sainte Croix, Des gouvernements fédérés, p. 211, &c.—Raoul Rochette, Sur la forme et l'administra-
de l'état fédératifs des Béotiens, in the Mém. de l'Acad.
des Inscrips., vol. vii. (1827), p. 214, &c.—Wach-
smuth, Hell. Alt., i., p. 128, &c.

**PANATHENAEA (Παναθηναϊκά.), the greatest and most solemn of all the festivals celebrated in Attica in honour of Athena, in the character of Athena Polias, or the protectress of the city. It was said to have been instituted by Erichthonius, and its original name, down to the time of Theseus, was believed to have been Attēnae; but when Theseus united all the Atticans into one body, the festival, which then became the common festival of all Atticans, was called Panathenaea. The origin of the festival is thus: In Attēnae, it would seem as if the name of the festival was derived from that of the city; but the original name Attēnae was undoubtedly derived from that of the goddess, and the subsequent appellation Panathenaea merely signifies the festival of Athena, common to, or celebrated by, all the Attic tribes conjointly. Panathenaea are indeed mentioned as having been celebrated previously to the reign of Theseus. Phidias, however, was the first who assumed the name common in their own days to a time when it was not yet applicable. The Panathenaea, which, as far as the character implied in the name is concerned, must be regarded as an institution of Theseus, were celebrated once in every year. All writers who have occasion to speak of this festival agree in distinguishing two kinds of Panathenaea, the greater and the lesser. The former, it is stated, was held every fifth year (πενταετρικός), while the latter were celebrated once in every year. Libanias, by mistake, calls the lesser Panathenaea προτετρικός.

The time when the lesser Panathenaea (which are mostly called Panathenaea, without any epithet, while the greater are generally distinguished by the adjective μεγάλα) were celebrated, is described by Proclus, in a vague manner, as following the celebration of the Bendida; from which Meursius infers that the Panathenaea were held on the day after the Bendida, that is, on the 20th of Thargelion. Petius, on the other hand, has shown from Demosthenes that the Panathenaea must have fallen in the month of Hecatomboeon, and Corinii has found, in the same inscription of Demosthenes, that the festival must have commenced before the 20th of this month, and we may add that it was probably on the 17th. Clinton has revived the opinion of Meursius.

The great Panathenaea were, according to the unanimous accounts of the ancients, a pantæastria, and were held in the third year of every olympiad. Proclus states that the great Panathenaea were held on the 28th of Hecatomboeon. This statement, however, must not lead us to suppose that the great Panathenaea only lasted for one day; but Proclus, in mentioning this particular day, was probably thinking of the most solemn day of the festival on which the great procession took place, and which was, in all probability, the last day of the festival, for it is expressly stated that the festival lasted for several days. We have, moreover, every reason to suppose, with Böckh, that the great Panathenaea took place on the same day of the month of Hecatomboeon on which the lesser Panathenaea were held, and that the latter were not held at all in those years in which the former were celebrated. Now if, as we have supposed, the lesser Panathenaea commenced on the 17th, and the last day of the great Panathenaea on the 20th, we may, perhaps, be justified in believing that the lesser, as well as the greater Panathenaea, lasted for twelve days, that is, from the 17th to the 28th of Hecatomboeon. This time is not too long, if we consider that the ancients themselves call the Panathenaea the longest of all festivals, and if we bear in mind the great variety of games and ceremonies that took place during the season. When the discussion between the Parthenon and the lesser Panathenaea was introduced is not certain, but the former are not mentioned before Ol. 66, 3, and it may, therefore, be supposed that they were instituted a short time before Ol. 66, perhaps by Pisistratus, for about this time certain innovations were made in the celebration of the Panathenaea, as is mentioned below. The principal difference between the two festivals only consisted in that the greater Panathenaea were a solemn, and that on this occasion the peuples of Athens were carried to her temple in a most magnificent procession, which was not held at the lesser Panathenaea.

The solemnities, games, and amusements of the Panathenaea were: rich sacrifices of bulls, foot, horse, and chariot races, gymnastic and musical contests, and the lampadophoria; rhapsoëasts recited the poems of Homer and other epic poets, philosophers disputed, cock-fights were exhibited, and the people indulged in a variety of other amusements and entertainments. It is, however, not to be supposed that all these solemnities and games took place at the Panathenaea from the earliest times. Gymnastic contests, horse and chariot races and sacrifices are mentioned in the legends belonging to the period anterior to the reign of Theseus. The prize in these contests was a vase filled with oil from the ancient and sacred olive-tree of Athena on the acropolis. A great many of such vases, called Panathenaeic vases (ἀμφορὲς Παναθηναῖκοι), have in late years been found in Etruria, Southern Italy, Sicily, and Greece. They represent on one side the figure of Athena, and on the other the various contests and games in which these vases were given as prizes to the victors. The contests themselves have been accurately described from these vases by Ambrosch, and the probable order in which they took place has been defined by Müller.

The poems of Homer were only read by rhapsoids at the great Panathenaea; and this custom commenced in the time of Pisistratus or of his son Hippocrates, after whose poems had been collected. Afterward the works of other epic poets were also recited on this occasion. Songs in praise of Har-modius and Aristogiton appear to have been among the standing customs at the Panathenaea. Musical contests in singing, and in playing the flute and the cithara, were not introduced at the Panathenaea until the time of Pericles; they were held in the Od-ium. The first who gained the victory in these contests was Phrynias, in Ol. 81, 1.

The victors in the musical contests was, as in the gymnastic contests, a vase, but with an additional chaplet of olive-branches. Cyclic choruses and other kinds of dances were also performed at the Panathenaea, and the pyrrhic dance in armour is expressly mentioned. Of the discussions of philosophers and orators at the Panathenaea we still possess some testimonies, the Μνημεία, the Μνημεία of Isocrates, and that of Aristides. Herodotus is said to have recited his history to the Athenians at the Panathenaea. The management of the games and contests was intrusted to persons called διδολοθέται, whose number was ten, one being taken from every tribe. Their office lasted from one great Panathenaea to another. The list of persons who have held the office has been preserved, on the statement of Diogenes Laertius, that dramatic representations also took place at the Panathenaea, but this mistake has been clearly refuted by Böck. The lampadephoria, or torch-race of the Panathenaea, has been confounded by many writers, and even by Vachon, with the Pyrrhic dance. On which day it was held, and in what relation it stood to the other contests, is unknown, though it is clear that it must have taken place in the evening. It has been supposed by some writers that the lampadephoria only took place at the great Panathenaea, but this rests upon the feeble testimony of Libinnus, while all other writers mention this lampadephoria as a part of the Panathenae in general, without the epithet μυγδαλικη, which is itself a sufficient proof that it was common to both festivals. The same is implied in a statement of the author of the Etymologicum Magnum. The prize of the victor in the lampadephoria was probably the lamps itself, which he dedicated to Hephaistos. It is impossible to determine the exact order in which the solemnities took place. We may, however, believe that those parts which were the most ancient preceded those which were of later introduction. Another instance, in this respect, are the sculptures of the Parthenon (now in the British Museum), in which a sort of the she-Bull of the Panathenaea is represented in the great procession. But they neither represent all the solemnities—for the lampadephoria and some of the gymnastic contests are not represented—nor can it be supposed that the artists should have sacrificed beauty and symmetry merely to give the solemnities a more promulgated representation, one at a festival. In fact, we see in these sculptures the flute and cithara players represented as accompanying the chariots and men on horseback, though the contests in chariot and horse racing probably preceded the musical contests. But we may infer, from the analogy of other great festivals, that the sacrifice came with the sacrifices. The sacrifices at the Panathenaea were very munificent; for each town of Attica, as well as every colony of Athens, and, during the time of her greatness, every subject town, had to contribute to this sacrifice by sending one bull each. The meat of the victims appears to have been distributed among the people; but before the feasting commenced the herald prayed for the welfare and prosperity of the Republic. After the Battle of Marathon the Plataeans were included in this prayer.

The chief solemnity of the great Panathenaea was the magnificent procession to the Temple of Athena Polias, which, as stated above, probably took place on the last day of the festival season. The opinion of Creuzer, that this procession also took place at the lesser Panathenaea, is opposed to all ancient authorities with the exception of the scholiasts on Suidas, Aelian, and Porphyry. But these scholiasts are evidently in utter confusion about the whole matter. The chief of this procession was represented in the frieze of the Parthenon, the work of Phidias and his disciples. The description and explanation of this magnificent work of art, and of the procession it represents, would lead us too far. The chief object of this procession was to carry the statue of Athena to the temple. This peplos was a crocus-coloured garment for the goddess; and made by maidens called έργατικα. (Compare ARRHYPHORA.) In it were woven Eucalus and the giants, as they were conquered by the goddess. Proclus says that the figures on the peplos represented the Olympic gods on horseback; the giants, and this, indeed, is the subject represented on a peplos worn by an Athena preserved in the Museum of Dresden. On one occasion, in later times, when the Athenians overwhelmed Demetrius and Antigonus with their flat-ties, they also decreed that their images, along with those of the gods, should be woven into the peplos. The peplos was made in various navies, but was considered from the mast of a ship; and this ship, which was at other times kept near the Areopagus, was moved along on land, it is said, by subterraneous machines. What these machines may have been is involved in utter obscurity. The procession proceeded from the Ceramicus, near a place called the Aeropagus, at the foot of the Demeterian at Eleusis, and thence along the Pelas- gic wall and the Temple of Apollo Pythius to the Pryx, and thence to the Acrropolis, where the statue of Minerva Polias was adored with the peplos.

In this procession nearly the whole population of Attica appears to have taken part, either on foot, or in chariots, or in chariots, as may be seen in the frieze of the Parthenon. Adult men carried olive-branches, and were called φαλαφοροι; young men attended, at least in earlier times, in armour; and maidens who belonged to the noblest families of Athens carried baskets, containing offerings for the goddess, which were afterwards called λαμπαδευρια. This part of the procession was also attended by aliens in this procession, and the duties they had to perform, see HY- DRYPHORA.

Men who had deserved well of the Republic were rewarded with a gold crown at the great Panathenaea, and the herald had to announce the event during the gymnastic contests. Prisoners, also, were allowed to enjoy freedom during the great Panathenaea. (Compare J. Meursii, Panathenaea, liber singularis, Lugd. Bat., 1819; C. Hoffmann, Panath., naikos, Cassel, 1835, 8vo; H. A. Müller, Panathenaea, Bonn, 1837, 8vo; C. O. Müller's Dissertation, Qua anna tempore Panathenaea minora celebrata sint, which.

PANCRATIUM.

Hence from (Lucan, Philostr., Paus.,)
the given struggle required, was Ctesiph.,
desired exercises were which even
very time 
and

Hygin., Paus., appeared to united.

The Panraetum, or the native Minotaurus.

The ancient physicians, it had very rarely a beneficial influence upon health.

At Sparta the regular pancratium was forbidden, but the name was there applied to a fierce and
irregular fight, not controlled by any rules, in which even biting and scratching were not uncommon, and
in which, in short, everything was allowed by which one of the parties might hope to overcome
the other. In Homer we neither find the game nor the name of the pancratium mentioned, and, as it
was not introduced at the Olympic games until Ol. 334, but the Greeks regarded Theseus as the in-
vventor of the pancratium, who, for want of a sword, was said to have used this mode of fighting against
the Minotaur.

Other legends represented Hercules as having been victor in the pancratium, and
later writers make other heroes also fight the pancratium; but these are mere fictions. After the pancre-
tium was once introduced at Olympia, it soon found its way also into the other great games of Greece,
and in the times of the Roman emperors, we also find it practised in Italy. In Ol. 145 the pancratium
for boys was introduced at the Olympic games, and the first boy who gained the victory was Philed-
mus, a native of a town in Troas. This innovation had been adopted before in others of the national
games, and in the 61st Pythiad (Ol. 198) we find a Hebrew boy of the name of Olaides as victor in
the pancratium in the Pythian games. At the Isthmian games the pancratium for boys is not men-
tioned till the reign of Domitian; but this may be merely accidental, and the game may have been
practised long before that time.

Philostratus says that the pancratium of men
was the most beautiful of all athletic contests; and
the combatants who mainly have come down to the spectators a variety of beautiful and exciting spec-
tacles, as all the arts of boxing and wrestling appeared here united. The combatants in the
pancratium did not use the cestus, or if they did, it was the Iapetos malakptor (vid. CCEB), so that the hands remained free, and wounds were not easily inflicted.

The name of these combatants was pancratistae (μαχαίρατος) or pommatoi.11 They fought naked,
and had their bodies anointed and covered with sand, by which they were enabled to take hold of
one another.1 In cases where the contents of the pancratistae were not regulated by strict rules, it
might, as at Sparta, sometimes happen, that the fighters made use of their teeth and nails; but such irregularities probably did not occur at any of the great public games.

When two pancratistae began their contest, the first object which each of them attempted to ac-
complish was to gain a favourable position, each trying to make the other clumsy so that the sun
might shine in his face, or that other incovenien-
ces might prevent his fighting with success. This struggle (λέιν τε τής στάσεως) was only the
introduction to the real contest, though, in certain cases, this preparatory struggle might terminate
the whole game, as one of the parties might wear out the other by a series of stratagems, and compel
him to give up further resistance. Sostras of Sicyon had gained many a victory by such tricks.

When the real contest began, each of the fighters
might commence by boxing or wrestling, according-
ly as he thought he should be more successful in
the one than in the other. The victory was not de-
cided until one of the parties was killed or lifted
data fager, thereby declaring that he was unable to
continue the contest either from pain or fatigue.6
It usually happened that one of the combatants, by
some trick or other, made his antagonist fight on
the ground, and the wrestling which then commenced was called ἀνακλινότα triumph, and continued till one of
the parties declared himself conqueror or was
strangled, as was the case at Olympia with Ar-
richos or Arrachron, of Phigalia in Ol. 54. A lively description of a struggle of this kind is given
by Philostratus. Sometimes one of the fighters fell
down on his back, on purpose that he might
ward off the attacks of his antagonist more easily,
and this is perhaps the trick called ἄποφθεξις. The usual mode of making a person fall was to put
one foot behind his, and then to push him backward, or to seize him round his body in such a manner
that, the upper part being the heavier, the person lost his balance and thus fell. Hence the expressions 
μι
να ὀληχωμένον, μοσολαδών, μέντο αλήθει, ἡ μύτῳ έχει, αδ μηρῶν στή, &c. The annexed wooden re-

1 (Mercurialis, De Arte Gymnast., v. 7.)—2. (Paus., v. 8, § 2.)—3. (Schol. ad Finz., Nen., v. 8, § 5.)—4. (Paus., v. 8, § 1.)—5. (Hygin., Fab., 57.)—6. (Lucan, Pharsal., v. 613, &c.)—7. (Paus., v. 8, § 8.)—8. (Corinii, Dia-
and, Justinian (Novell, c.v., c. i, provided πανεπιστολαριαν, be, as some suppose, a mistake for πανεκστολον) made it one of the seven solemnities (πενεκπολοι) which the consuls had to provide for the amusement of the people.

Several of the Greek pancretiasteis have been immortalized in the epimedium odes of Pindar, namely, Timoecides of Athens, Melissaus and Strepsiades of Thessaly. The latter changed, however, comprises extracts from such writers as of the publication. But, besides these, the names of a great many other victors in the pancretan are known.

The diet and training of the pancretiasteis was the same as that of other athletes. (Vid. Anth. Pal. vol. xii.)

PANDECTE.

PANDECTE.

Said to be 422. Under each title are placed the extracts from the several jurists, numbered 1, 2, 3, and so on, with the writer's name and the name and division of the work from which the extract is made. These extracts are said to amount to 9123. No name corresponding to liber or titulus is given to these subdivisions of tituli which are formed by the extracts from the several writers, but Justinian called them "leges," and, though "leges" in the strict sense of the term, they were, in fact, "law;" and in the same sense the emperor calls the jurists "legislators." The fifty books differ materially, both in bulk, number of titles, and number of extracts. The glossators and their followers, in referring to the Digest, sometimes indicate the title and sometimes the book, number and second part comprises seven books, and so on.

The number of writers from whose works extracts were made is thirty-nine, comprehending those jurists from whom extracts were made at second hand, as Qu. Mucius Scaevola, the pontifex, from whom four fragments, and Eliaus Gallus, from whom one fragment is taken, but omitting Servius of Stilpcrius Rufus, who is represented by Alfenus, distinguishing Eliaus Gallus from Julius Aquila, Ve- nuleius from Claudius Saturninus; assuming that there is only one Pomponius, and omitting Sabinus, whose name is erroneously inserted in the Florentine Index.

The following is the list of jurists from whose writings the Digest was constructed, as it is given in the Palingenesia of Hommelius, who has arranged the matter taken from each writer under his name, and placed the names in alphabetical order. The dates of the jurists are chiefly found on the authority of Zimmern. The figures in the third column indicate the proportions contributed to the Digest by each writer. The letters A, B, C, D, E, F, refers to the names of Hommelius: (a) denotes that the contribution is under one page of the Palingenesia. This list in Eludes Sabinus. The extracts from many of the writers are few and short: those from Ulpian, which are more than a third of the whole, Paulus, Papinian, Julianus, Pomponius, Q. Cervidius Scaevola, and Gaius are the largest.

Sextus Caesarius, Africanus . . . Hadrian and the Antonini . . .

Alfenus Varus, a pupil of Servius, Stilpcrius Rufus and contemporary with Cicero . . .

Furicius . . .

Anthiasius . . . Unknown . . .

Julius . . .

Aquila . . . perhaps the time of Sep. Severus . . .

Aurelius . . .

Arcadius Charisius, Constantinople the Great . . .

Jovencius . . .

Celius . . . Domitian and Hadrian . . .

Florentinus . . . Alex. Severus . .

Gaius . . . Hadrian and the Antonini . . .

The work is thus distributed into fifty books, which are subdivided into titles, of which there are

The distribution of the matter of the Digest into books and titles has evidently been made according to a plan, as will be obvious on inspecting the list of tituli prefixed to the editions. Thus the 28th book treats of treatments, of the institution of a hero, etc., and the 29th of military treaties, and of codicil, etc.; in fact, of matters appertaining to universal succession by testamentary disposition, etc. These books of the Digest, according to the Code and the Edictum Petriatum.

It has long been a matter of dispute whether the compilers of the Digest were guided by any, and if so, by what principles in the arrangement of the several extracts under the respective titles. This subject is examined in a very learned essay by Bluhme, entitled "De Digesti Fragmenv in den Pandakentiteln." The investigation of course, founded on the titles of the several works of the jurists, which, as already observed, are given at the head of each extract: thus, for instance, in the beginning of the third book, the first seven extracts are headed as follows: "Ulpianus Libro sexagesimo quarto ad Edictum; Idem Libro primo Videconmissionum; Idem Libro quarto ad Salinum; Idem Libro quinto ad Sabinum; "Paulus Librio primo ad Sabinum; "Julianus Libro trigesimo tertio Digestorum; "Paulus Libro secundo ad Sabinum."

These will serve as samples of the whole, and will explain the following remarks from Bluhme, whose conclusions are these: "The compilators separated all the writings from which extracts were to be made into three parts, and formed themselves of the contents. They read through in order the books that had fallen to its lot, yet so that books which were closely related to their contents were extracted at the same time. The books were compared with the Code of Justinian, and what was selected for the new compilation was placed under a title taken either from the Code, the Edict, or, in case of necessity, from the work itself which was extracted. What came under the same title was compared; repititions were erased; contradictions were got rid of; and alterations were made when the contents of the extracts seemed to require it. When the three committees had finished their labours, the present Digest was formed out of the three collections of extracts. In order to accomplish this, they made that collection the fowch winch of each title which contained the most numerous, or, at least, the longest extracts. With these they compared the smaller collections, striking out, as they had done before, repetitions and contradictions, making the necessary additions, and giving more exact definitions and general principles. What remained over of the smaller collections without having had an appropriate place assigned to it, was placed after the first collection, and its place in the series after the first collection was generally determined by the number of extracts."

"The Digest does not seem to have been subjected to any farther revision."

Bluhme remarks, that although the constitutions of Deo Austore, Imperatoriam, Tanta, and Cordi contain much information on the economy of the Digest and the mode of proceeding of the compilers, only the two following facts are distinctly stated: 1. That the extracts from the writings of the jurists were arranged according to the titles of the Code and the Edict. 2. That the extracts were compared with the Code. Accordingly, everything else must be proved from an examination of the work itself, and this is the object of Bluhme's labours in these pages. He endeavours to examine the extracts in the titles De Verborum Significatione and De Regulis Juris, he will find a regular order observable in the titles of the juristic works from which the extracts are taken. Gen.
PANEGYRIS.

ently, the series of the books quoted shows that the original order of the works from which the extracts were to be made has not been altered; and the several works generally follow in both these titles in the same order. A similar remark applies to the title De Verborum Obligationibus, though there is a variation in all the three titles as to the relative order of the three masses, which are presently to be mentioned. "In the remaining titles of the Digest," adds Bluhme, "at first sight it appears as if one could find no other distinction in the titles of the extracts than this, that one part of them has a certain kind of connexion, and another part merely indicates a mettli assembly of books out of which the extracts have been made. But, on a closer examination, not only the titles are very many, but the mass, though indistinguishable, but this comparison leads to the certain conclusion that all the writings which were used in the compilation of the Digest may be referred to three classes. The Commentaries on Sabinius (ad Sabiniun), on the Edict (ad Edictum), and Papinius's writings, are at the head of these three classes. It may accordingly etocate the three masses respectively by the names Sabiniun, Papinius, and the Edict. In each of these classes, the several works from which extracts are made always follow in regular order." This order is shown by a table which Bluhme has inserted in his essay.

This article, if read in connexion with the articles Corpus Juris, and Papyrus, will give some general notion of the legislation of Justinian, the objects of which cannot be expressed better than in the following words:

"Justinian's plan embraced two principal works, one of which was to be a selection from the jurists, and another from the Constitutiones. The first, the Pandect, was very appropriately intended to comprehend the law to the period on which the work since the date of the Twelve Tables which in itself, and without supposing the existence of any other, might serve as a central point of the whole body of the law. It may be properly called a code, and the first complete code since the time of the Twelve Tables, though a large part of its contents is not new. It may accordingly etocate the three classes, as the Compilation of particular cases. Instead of the insufficient rules of Valentinian III, the excerpts in the Pandect are taken immediately from the writings of the jurists in great numbers, and arranged according to their matter. The Code also has a more comprehensive plan than the earliest codes, since it comprehends the laws of all persons and places and of all times. The Pandect and the Code, ought properly to be considered as the completion of Justinian's design. The Institutions cannot be viewed as a third work, independent of both: it serves as an introduction to them, or as a manual. Lastly, the novel is single and subsequent additions and alterations were, in all probability, accidental circumstances that a third edition of the Code was not made at the end of Justinian's reign, which would have comprised the novel that had a permanent application."1

There are numerous manuscripts of the Digest, both in libraries of the Continent and of Great Britain. A list of the MSS. of the Corpus Juris in the libraries of the three colleges, which are principally the colleges at Oxford and Cambridge, is given by Dr. Häch in the Zeitschrift.2 But the MSS. of the Digest generally contain only parts of the work, and are not older than the twelfth century. The MS. called the Florentine is complete, and probably as old as the seventh century. It had been kept at Amalfi time out of mind, and was given to the Pisans by

Lotharius the Second, after the capture of Amalfi, A.D. 1137, as a memorial of his gratitude to them for their aid against Roger the Norman. The Pisans kept it till their city was taken by the Florentines under Gino Caponi, A.D. 1406, who carried this precious MS. to Florence, where it is still preserved. An exact copy of this MS. was published at Florence in 1536, and this is the Digestum seu Pandectarum Libri Quattuoraginta Ex Florentinis Pandectis representati; Florentiae In Offic. na Laurentii Tarrentini Dacia Typographi MDLIII Cum Summi Pontif. Car. I. Imp. Henrici II. Gallorum Regis, Eduardi VI. Anglie regis, Cosmi Medicis Ducis Florent. I. Privilegio." The facts relating to the history of the MS. appear from the dedication of the work, by which it is also Wachsmuth's opinion (p. 140); others from the Attic king Pandion; others, again, from the Attic tribe Dias, so that the Pandia would have been in the same relation to this tribe as the Panathenaea to Athens; and others from Διος, and call it a festival of Zeus. Welcker3 considers it to have been originally a festival of Zeus at Naxos, in connexion with the Naxos festival, the Panathenaea, and thinks that when the constitution, of which this festival was, as it were, the central point, became dissolved, the old festival remained, though its character was changed. It was celebrated at Athens in the time of Demosthenes.4 Taylor, in his note on this passage, strangely con- jures up the image of the Dionysia, at which the Dionysus festival was held on the 19th of Munychion, while the Pandia took place on the 14th of Elephobion.5

Pandectes (πανεκτείς) (Vid. CAUPOPA.)

PANE'GYRIS. (Vid. CAUPOPA.)

sumed that such a meeting was never held without a fair, at which all sorts of things were exhibited for sale.\(^1\) In later times, when the love of gain had become stronger than religious feeling, the fair appeared to have become more prominent characteristic of a pantomimus than before; hence the Olympic games are called *mercatus Olympiacus*, or *ludi et mercatus Olympiorum*.\(^2\) Festive orations were also frequently addressed to a pantomimus, whence they are called *λόγοι παντομικοί*. The Pantomyclics of Isocrates, though it was never delivered, is an imaginary discourse of this kind. In later times, any oration in praise of a person was called pantomicus, as that of Pliny on the Emperor Trajan.

Each pantomimus is treated of in a separate article. For a general account, see Wachsmuth, *Hellen. Ait.,* i., p. 104, &c.—Boeckh ad *Pind.,* v., p. 175, &c.—Herrmann, *Polit. Ant.,* § 10.

**PANELLENI*A (πανελλήνια), a festival, or, perhaps, rather a pantomimus of all the Greeks, which seems to have been instituted by the Emperor Hadrian, with the well meant but impracticable view of reviving a national spirit among the Greeks.\(^3\)

\(^3\)PANICUM, Panic. (Vid. Meline.)

**PANIONIA (πανιώνια), the great national pantomime of the Ionians on Mount Mycale, where their national god Poseidon Heliconius had his sanctuary, called the Panionium.\(^4\) One of the principal objects of this national meeting was the common worship of Poseidon, to whom splendid sacrifices were offered, for victory. As a chief point in the conduct of the sacrifices, they always appointed a young man of Priene, with the title of king, and it is mentioned as one of the peculiar superstitions of the Ionians on this occasion, that they thought the bull which they sacrificed to be pleasing to the god if it tore at the moment it was killed.\(^5\) But religious worship was not the only object for which the Ionians assembled. As a chief point in the conduct of the sacrifices, they always appointed a young man of Priene, with the title of king, and it is mentioned as one of the peculiar superstitions of the Ionians on this occasion, that they thought the bull which they sacrificed to be pleasing to the god if it tore at the moment it was killed. But religious worship was not the only object for which the Ionians assembled. As a chief point in the conduct of the sacrifices, they always appointed a young man of Priene, with the title of king, and it is mentioned as one of the peculiar superstitions of the Ionians on this occasion, that they thought the bull which they sacrificed to be pleasing to the god if it tore at the moment it was killed. But religious worship was not the only object for which the Ionians assembled. 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Diodorus says that in later times the Ionians used to hold their meeting in the neighbourhood of Ephesus instead of at Mycale. Strabo, on the other hand, who speaks of the Panionic pantomime as still held in his own time, does not only not mention any such change, but appears to imply that the pantomime was at all times held on the same spot, viz., on Mount Mycale. Diodorus, therefore, seems to consider the Ephesian pantomime (vid. *Ephesia*) as having been instituted instead of the Panionia. But both pantomimes existed simultaneously, and were connected with the worship of two distinct divinities, as is clear from a comparison of two passages of Strabo, viii., 7, p. 220; xiv., i., p. 174.\(^7\)

**PANOPHIA (πανοφιλά), a panoply or suit of armour.**\(^8\) The articles of which it consisted, both in the Greek and in the Roman army, are enumerated

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1. *Pauw, xvi., 28, § 9.—Strabo, x., 5, p. 358.—Dio Chrysost.*
3. *Plut., Dio, 169.—*  
5. *Herod., 141, 179.—*  
6. *Herod., i., 169.—*  
7. *Herod., i., 10.—*  

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1. *Bell. Jud., vi., 1, § 8.—*  
2. *Vid. Polyb., vi., 21, 3.—* (De* *metr., p. 1646, ed. Steph.—*  
3. *4, 56.—* (Plut., *Aeth., p. 355, ed. Steph.—*  
4. *Dioscorid., Var., i., 20.—*  
5. *Suid., s.v. *Opis.*—*  

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1. *Suet., Nero, 18, 36.*
PANTOMIMUS.

As regards their mode of acting, we must first state that all pantomimes wore masks, so that the features of the countenance were lost in their acting. All the other parts of their body, however, were called into action, and especially the arms and hands, whence the expressions manus loquacieissima, digit. elosaei, χείρας παρδάους, &c. Notwithstanding their acting with masks, the ancients agree that their actions expressed actions, feelings, passions, &c., more beautifully, correctly, and intelligibly than it would be possible to do by speaking or writing. They were, however, assisted in their acting by the circumstance that they only represented mythological characters, which were known to every spectator.1 There were, moreover, certain conventional gestures and movements which everybody understood. Their costume appears to have been like that of the dancers in a ballet, so as to show the beauty of the human form to the greatest advantage, though the costume, of course, varied according to the various characters which were represented. See the manner in which Planes is described by Velleius2 to have danced the character of Glauceus. In the time of Augustus there was another dance of a different kind, in which a stage was represented and he represented all the characters of the story, both male and female, in succession.3 This remained the custom till towards the end of the second century of our era, when the several parts of a story began to be acted by several pantomimes dancing together. Women, during the earlier periods, were never to be seen as pantomimes on the stage, though they did not scruple to act as such at the private parties of the great. During the latter time of the Empire women acted as pantomimes in public, and in some cases they threw aside all regard to decency, and appeared naked before the public. The Christian writers, therefore, represented these exhibitions as the school of every vice and licentiousness.4

Mythological love-stories were from the first the favourite subjects of the pantomimes, and the evil effects of such sensual representations upon women are described in strong colours by Jovinian.5 Every representation was based upon a text written for the stage, and the pantomimes could not change the characters, and was mostly written in the Greek language. Some of them may have represented scenes from, or the whole subjects of, Greek dramas; but when Armobius states that whole tragedies of Sophocles and Euripides were used as texts for pantomimic representations, he perhaps only means to say that a pantomimus sometimes represented the same story contained in such a tragedy, without being obliged to act or dance every sentiment expressed in it. The texts of the pantomimes or cautica were sung by a chorus standing in the background of the stage, and the sentiments and feelings expressed by this chorus were represented by the pantomimic in his dance and gesticulation. The time was indicated by a tambour; the music was typically pastoral, consisting of wood or metal, which either the dancer or one of the chorus wore. The whole performance was accompanied by musical instruments, but in most cases by the flute. In Sicily pantomimic dances were called δαλαλος, whence, perhaps, the modern words hall and ballet.6

PARADISUS.

1. Papaver (μύκων), the Poppy. "With the aid of Matthias, Bautin, and Sprengel," observes Adams, "I would arrange the poppies of the ancients as follows: 1st. The μύκων, or domesticated, is the Papaver Rhaes, or common red Poppy. 2d. The βοδας is the Papaver dubium, or long, smooth-headed Poppy. 3d. The κερατίς is the Glaucom Luteum, Scop. 4th. The ψιρώδης is the Gratiola officinalis, L., called English-Hedge-butterfly. 7 As regards the acquaintance of the ancients with Opium, consult the articles Nefe'sth and PHARMACEUTICA, p. 656, 755.1


3. Papilio (ψιρώδης), the Butterfly. "The metamorphosis of the Butterfly is distinctly described by Aristotle. The beautiful allegory of Psyche is derived from it."2


5. Papyrus, I. (Vid. Leeks.)

6. The Cyperus Papyrus, L. The Papyrus is an aquatic plant, growing abundantly in the waters of the Nile. Its roots are large and tortuous; its stem is triangular, gradually tapering as it proceeds, and is always cut longitudinally before it is used. It is very slender, and is surmounted by a fine tuft of fine filaments, which are again subdivided into others, bearing small, seedy flowers; the whole of the umbrella forming a beautiful floating plume. Paper was made from the inner stem of the plant. The plates or pellicles obtained near the centre were the best, and each cut diminishes in value as it was distant from that part of the stem. (Vid. Leeks.)

7. Parabasis. (Vid. Comedia.)

8. Parabolon or Parabolion (παραβαλον), a small fee paid by the appellant party on an appeal (έρεσε) from an inferior to a superior tribunal; as, for instance, from an arbitrator or a magistrate to the emperor, or from the senate of five hundred, to the jury or heliastic court. As to the sum to be paid and other particulars, we are uninformed.4


10. Paradisu (παραδουσα) was the name given by the Greeks to the parks or pleasure-grounds which surrounded the country residences of the Persian kings and satraps. They were generally stocked with animals for the chase, were full of all kinds of trees, watered by numerous streams, and enclosed with walls.4 These parades were frequently of great extent; thus Cyrus, on one occasion, reviewed the Greek army in his paradise at the city of Cæsar. On another occasion the Greeks were alarmed by a report that there was a great army in a neighbouring paradise.7

11. Pollux says that παραδουσα was a Persian word, and there can be no doubt that the Greeks obtained it from the Persians. The word, however, seems to have been used by other Eastern nations, and not to have been peculiar to the Persians. Gege-
case the **paragraphe** would answer to our plea to the **jurisdiction**.

The **paragraphe**, like every other answer (**antéfapae**), made by the defendant to the plaintiff's charge, was given in writing, as the word itself implies. If the defendant merely denied the plaintiff's allegations, or (as we might say) pleaded the general issue, he was said to **dehendis** or to the **in extremis**, or to **προσωποποιησις** or **προσωποποιητης**. In this case a court was to be held to try the preliminary question, whether the cause could be brought into court or not. Upon this previous trial the defendant was considered the **actor**, and hence is said by **Demosthenes** to **καταγγειλω του τεκνου**. He began, and had to maintain the ground on which he relied upon. If he succeeded, the whole cause was at an end; unless the objection was only to the form of the action, or some other such technicality, in which case it might be recommenced in the proper manner. If, however, the plaintiff succeeded, the jury merely decided **εισαγωγη** ειναι την **δικαιον**, and then the original action, which in the mean time had been suspended, was proceeded with; if verdicts on the trial of the **paragraphe** were liable to the **εμποδια** on failure to obtain a final part of the votes.

The course of proceeding on a **paragraphe** was obviously calculated to delay the progress of the cause, and was therefore not looked on with favour by the defendants. **Prophetaes**, **κυρωσιας**, **παραγοαν**. \(\text{το \ εκ των \ νων, \ εκεινης, \ δελαγα, \ πλεα,} \) legal objections were then stated by the plaintiff, and the manoeuvres of defendants to defeat justice. Hence we find in the extant **paragrapaikoi λογοι**, that the defendant, in order to remove the prejudice of the defendants against himself, not only supports the ground of the **paragraphe**, but discusses the general merits of the cause, and endeavors to show that there is no foundation for the plaintiff's complaint; and there is no doubt that the defendants were materially influenced by such discussion, however in strictness irrelevant. The same observation applies to the **διαμαρτυρια**. (Vid. Heres. Grec.)

There was no such thing as this proceeding by **paragraphe** until after the expulsion of the thirty tyrants, when a law was passed, on the proposal of Archias, \(\alpha_{ν} \text{ τοις \ δια ινοκος} \), **κερι γενομενοι παραγραφησαι, τοις \text{δε \ αρχιοντε}ς\) \(κερι \text{τουτων \ πρωτων \ εισφερεσ} \), ιδιου των τεποματων παραγραφαμενον; \(\text{σωτηρια} \) \(\text{την \ εισφορα \ φωτωλιν} \). The object of this law appears to have been, to enable any person against whom an information or prosecution might be brought, or action commenced, for any matter arising out of the late political troubles, to obtain the benefit of the general amnesty, by specially pleading the same, and bringing in the defence in any court of law before the court. The same privilege was afterward extended to other grounds of defence (See the opening of the speech of Isoetes against Callimachus.) Before this time all special objections to the adversary's course of proceeding seem to have been called **αντεφαπαι**, and sometimes **εμποδια**, because an oath was taken by the party who tendered them.

1. (Demosth., c. Pharan., 970.—Suidas, v. Παραγραφος and **εισαγωγη**)
2. (Demosth., c. Phorm., 101.)—3. (c. Phorm., 908.)

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**PARAGRAPHE.**

**PARAGRAFD.**
PARANOMAS GRAPHE.

PARACATABA (parakatabol), a sum of money required of a plaintiff or petitioner in certain cases, as a security that his complaint or demand was not frivolous, or made on slight and insufficient grounds. Such was the deposit made in certain inheritance cases, viz., a tenth part of the value of the property sought to be recovered. (Vid. ἡξεχ., Glossa.)

Thus, if I deliver my goods to a friend, to be taken care of for me, or if I deposit money with a banker, such delivery or bailment, or the money deposited, may be called parakatabol. The word indicates both the paying of the deposit and the money deposited; and, being a word of more general import, we find it used to denote other kinds of deposits, as the πρατωτολια and παρατασθένεις.

PARACATATHEΣE (parakatathē) generally signifies a deposit of something valuable with a friend, but is more especially employed in the law of bailment. In this last point it is highly probable that there was some foundation for this anecdote of Sophocles. He might, perhaps, have given offence to his sons by that penuriousness which is said to have been his practice of keeping a penny off. A Greek poet, and, lying under the suspicion of being assisted by his father, might possibly be induced, by a mean jealousy, to bring this charge against him. The play of Ódipus Colonus appears to exhibit the wounded feelings of the writer. (See more especially τ. 337, 441.)

ΠΑΡΑΣΟΦΙΑΔΟΣ. An indictment for procuring an illegal, or, rather, unconstitutional measure or law. We have seen (vid. Νομοθετες) that any Athenian citizen was at liberty to make a motion in the popular assembly to pass a new law or amend an old one. In order to check rash and hasty legislation, the mover of any law or decree, or the deposition of the θεσμος before whom he was tried; for it was a τιμωριος δικαίος. A person thrice so convicted lost the right of proposing laws in future. The cognizance of the cause belonged to the thesmotheteis. The prosecutor was compelled to take an oath, called by the same name as that taken to obtain delay in courts of justice (στυγκοστη), to the effect that he would not assist or use any means to enforce the proposed measure, which otherwise might have come into force immediately.

Examples of such prosecutions are the speech of Demosthenes against Timocrates, and that of Æschines against Ctesiphon. They both comment on the importance of the prosecution, as tending to preserve the existing laws and maintain constitutional liberty. Not, however, the mania for legislation appears to have increased so greatly at Athens in later times, that Demosthenes4 declares that ψυφομνατων αθροισιων διαφοροιν οι νιμων. This arose...
PARAPRESBEIA.

from the relaxation of that precautionary law of Solon, which required every measure to be approved by the "onomas theor," before it could pass into law. (Vid. Nomocraea, note 1.) It is obvious that while the people in assembly had the power of making decrees which could remain in force for a year, if they wished to evocate the law of Solon, all they had to do was to renew their decree from year to year, and thus, in practice, the "onomas theor" became "nomos.

If the year had elapsed, the propounder of the law could not be punished, though the law itself might be repealed in the ordinary way by the institution of proceedings before the "onomas theor," before whom it was defended by the five spondoi. The speech against Leptines was made in a proceeding against the law itself, and not against the mover. As the author of the second argument says, pares, bovus of the law, that is, the person might represent the cias, distinguished the assembly. Besides, it was only for a year, to say nothing of the decree, which might be renewed in the same manner, and which of course is also a "onomas theor." Thus, in this state, the power of the assembly would be very great.

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PARAPRESBEIA (parapresbeia) signifies any corrupt conduct, negligence, or neglect of duty on the part of an ambassador, for which he was liable to a certain punishment or was required to return home. 9 Ambassadors were usually elected by the people in assembly; they either had instructions given to them or not; in the latter case they were consult with the Assembly of the Senate of Five Hundred, and afterward to the people in assembly. 10 This done, they were juncti officio; but still, like all other persons who had held an office of trust, they were liable to render an account (euthus) of the manner in which they had discharged their duty. 11 The persons to whom such account was to be rendered were the "nomes," the officers associated with them, called euthus. A pecuniary account was only rendered in cases where money had passed through the hands of the party; in other cases, after stating that he had neither spent nor received any of the public money, the accounting party was discharged, unless there was a reason for thinking that he had been proceeded against for pecuniary misconduct. Hence, they themselves had power to summon the party at once to appear as a criminal, and undergo the aneira in their office (ogeniemen), upon which they would direct the synegoroi to prosecute; and this probably was the ordinary course of case in any pecuniary malversation. Accusations, however, of a more general nature were not so commonly preferred by individuals, giving information to the magistrates with the purpose of giving any citizen an opportunity of so doing, caused them to become the means of proclamation in public assembly; with that such person was about to render his account, and to ask if any one intended to accuse him. If an accuser appeared, his charge would be reduced to the form of a graftaph, and the prosecution would be conducted in the usual way, the "nomos" being the same itself. The magistrates who were annually elected rendered their accounts at the end of the office year; but ambassadors, who were extraordinary functionaries, had no time limited for this purpose. Besides, they were delayed giving an account of his embassy to Philip for three years. 12 We can hardly suppose, however (as Thrilwall states), that the time of rendering the account was optional with the ambassador himself, since, not to mention the power of the moved, it was open to any man to move for a special decree of the people, that the party should be called to account immediately. The graoth para-theoretic, it was the usual thing, that it might be referred to magistrates. Besides, it was not to be committed to prison, or compelled to give bail for his appearance. This course was taken by Hyperides against Philocrates, who avoided his trial by voluntary exile. 4 PARAPRESBEIA: GRAPHE. (Vid. PARAPRESBEIA.)

PARASANG (parasang), a Persian measure of length, frequently mentioned by the Greek writers. It is still used by the Persians, who call it "farsakh" (farang), which has been changed in Arabic into "farsakh" (farsakh).

According to Herodotus, the parasang was equal to 30 Greek stadia. Suidas and Hesychius assign it the same length; and Xenophon must also have calculated it at the same, as he says 13 that 16,050 stadia are equal to 535 parasangs (16,050 — 535 = 30).

Agathias, however, who quotes the testimony of Herodotus and Xenophon to the parasang being 30 stadia, says that in his time the Iberi and Persians made it only 21 stadia. Strabo 14 also states that some writers reckoned it at 60, others at 40, and others at 30 stadia; and Pliny 15 informs us that the Persians themselves assigned different length to this. Modern English travellers estimate it variously at from 3 to 4 English miles, which nearly agrees with the calculation of Herodotus.

The etymology of parasang is disputable. Rödiger 16 supposes the latter part of the word to be the same as the Persian "sang," a "stone," and the former part to be connected with the Sanscrit "pura," "end," and thinks that it may have derived its name from the stones placed at the end of certain distances on the public roads of Persia.

PARASEMON (parasmon). (Vid. Insigne.)

PARASTI (parastis) properly denotes persons who dine with others. In the early history of Greece the word had a very different meaning from that in which it has been generally understood. It will be remembered that the term "stada" is only compounded of the root "kynos" (kynos) and the suffix "la" (la); says Athenaeus; 17 and he proves from various decrees (physiographe) and other authorities that anciently the name "parastis" was given to distinguished persons who were appointed as assistants to certain priests and to the highest magistrates. As regards the priestly and civil parasites, the accounts of their office are so obscure that we are scarcely able to form a definite notion of it. An ancient law 18 ordained

that each of the priestly parasites should select from the *boukhai* the sixth part of a medimnus of barley, and supply with it the Athenians who were present in the temple, according to the custom of their fathers; and this sixth of a medimnus was to be given by the parasites of Anchare in one mess. The meaning of this very obscure law is discussed by Preller.\(^1\) Thus much, however, is clear, that the parasites were elected in the deme of Attica from among the most distinguished and most ancient families. We find their number to have been twelve, so that it did not coincide with that of the deme. This may be given by the parasites of Anchare in one mess. The meaning of this very obscure law is discussed by Preller.\(^1\)

Chief parasites were distributed salt at public expense. This is well attested by Plutarch, in the Persis of Phlius and the Florinio of Terence. From the various statements in comedies and the treatise of Plutarch, De Adulteris et Amor.\(^2\) Discrimine, we see that parasites always tried to discover where a good dinner was to be had, and for this purpose they lounged about in the market, the palæstra, the baths, and other public places of resort. After they had fixed upon a person, who was in most cases, probably, an inexperienced young man, they would in many cases invite him to invite them. No humiliation and no abuse could deter them from pursuing their plans. Some ex-amples of the most disgusting humiliations which parasites endured, and even rejoiced in, are mentioned by Athenaeus\(^3\) and Plutarch.\(^4\) During the time of the Roman emperors, a parasite seems to have been a constant guest at the tables of the wealthy.

\*Parasit.[it]e.[it]

\*Parasit.[it]e.\(^5\) (vid. Eleven.\(^6\)).

\*Parazoniurn.\(^7\) (vid. Zona.\(^8\)).

\*Pardalis.\(^9\) Opian describes two species of *Pardalis*, namely, the greater and the lesser. According to Buffon, the former is the Panther, and the latter the Leopard. He remarks, on the contrary, that the little Panther was called simply *Pard* or *Pardus*, and that, in process of time, the large Panther obtained the name of *Leopard* or *Leopards.*\(^10\) "The Greeks," says Smith, speaking of the Panther and Leopard, "knew one of these from the time of Homer, which they named *Pardalis*, as Memnon is said in the Iliad to have been the Panther which discovered the wood of this animal. This they compared, on account of its strength and cruelty, to the lion, and represented it as having its skin varied with spots. Its name, even, was synonymous with spotted. The Greek translators of the Scriptures used the name *Pardalis* as synonymous with *Namer*, which word, with a slight modification, signifies the Panther, at present, among the Romans. The name *Pardalis* gave place among the Romans to those of *Panthera* and *Varia*. Those are the words they used during the two first ages, whenever they had occasion to translate the Greek passages which mentioned the *Pardalis*, or when they themselves mentioned this animal. They sometimes used the word *Pardus* for *Panthera*. It is highly probable, moreover, that the little Panther was called simply *Pard* or *Pardus*, and that, in process of time, the large Panther obtained the name of *Leopard* or *Leopards.*\(^10\) The term *Panthera*, although of Greek root, did not then, preserve the sense of the word *pădr̩yos*, which is constantly marked as

\[^{1}\] Plut., De Adult., 29; De Educat., 17.—2. (vi. p. 249.)


\[^{6}\] (Ptolemaeus Fragm., p. 115, &c.—2. (Athen., vi., p. 235.)——3. (Ptol., Sob., 24.) 4. (Compare Pollux, vii., c. 7.)——5. (Athen., v., p. 255.1)
PARIES.

The hurdles (Sophann, the Kpx<->v (Demosth., to ia is rolxog," (Demosth., was Among shorter e., the
(talists dalis, in small different probable are various advice (TiiipeSpoi), beck "-2.) and should Golden Camelopardalis.*
was this smaller species that Bochart would apply the word ράφρινοι. But there are found in the country known to the ancient two animals with spotted skins: the common Panther of naturalists, and another animal, which, after Daubenton, is named the Guepard (for Hunting Leopard).

The Arabian authors have there also known and distinguished two of these animals: the first under the name of Nemor, the other under that of Fehd; and although Bochart considers the Fehd to be the Lynx, Cuvier rather inclines to think it the Hunting Leopard. The Guepard, then, would be the Panther, and there is nothing stated by the Greeks repugnant to this idea.1 u

of the large fishes mentioned by Ælian and Oppian, and by Suidas under eτρος. Many conjectures have been made respecting it, the most probable of which, according to Adams, is, that it was the Squalus tigrinus, a species of Shark.2

*PARD' ALOS (πάρδαλος), a bird noticed by Aristotle. "Aldrovandi and Buffon agree in holding it to be the Tringa squatorota, L., or the Gray Flower; but the same Trail prefers the Chaloræus plumatus, or Golden Plumed Shoveler, recently described by Bocbeck had advanced his opinion that it is the common Starling, or Sturnus vulgaris. This opinion, however, is entitled to no credit.19

*PARD' ION (πάρδονα). Schneider follows Pallas in referring this to the Camelopard, or Giraffe Camelopardalis.4

PAREDRI (πάρεδρον). Each of the three superintendents was at liberty to have two assessors (παρεδρον), chosen by himself, to assist him, by advice or otherwise, in the performance of his various duties. The assessor, like the magistrate himself, had to undergo a dokumasia in the Senate of Five Hundred and before a judicial tribunal before he could be permitted to enter upon his labours. He was also to render an account (εύθυνον) at the end of the year. The office is called an ἄρμος by Demosthenes.16 The duties of the archon, magisterial and judicial, were so numerous, that one of the principal objects of having assessors must have been to enable them to get through their business. We find the παρέδρον assisting the archon at the λῆξε δίκαιος.20 He had authority to keep order at public festivals and theatres, and to impose a fine on the one who practised disorderly.21 As the archons were chosen by lot (αλητοτάτω), and might be persons of inferior capacity, and not very well fitted for their station, it might often be useful, or even necessary, for them to procure the assistance of clever men of business.22 And perhaps it was intended that the παρέδρον should not only assist, but in some measure check and control the power of their principals. They were described as being ἄρμοι, συμβολοι καὶ ψηφάδες.23

PAREDRI (πάρις). Demosthenes accuses Stephanus of buying his place of t' Ἀρχον βασιλεύ,1 It was usual to choose relatives and friends to be assessors; but they might at any time be dismissed, for the good cause.24 The thematheose, though they had no regular πάρεδρον, used to have χειροκίνητους "συνθολοὺς," who answered the same purpose.25 The office of πάρεδρον was called παρεδρία, and to exerc else it παρεδρείαι.

From the πάρεδρον of the archons we must distinguish those who assisted the εύθυνον in examining and auditing magistrates' accounts. The εύθυνον were chosen in ten, and each of them: those two assessors.26 (Vid. Eutyches.)

PAREIAS (παρείας), a species of Serpent, ascribed to Ēsculapius. 26 Gesner concludes that it was the serpent called Baron in certain parts of Italy. According to the author of the Etymologicum Magn. it is innocuous.27

PAREISGRAPHE (παρεισγραφή) signifies a fraudulent enrolment in the register of citizens. For this an indictment lay at Athene, called ἐξωταγραφας; and, besides, the δήμαρχος might, by their διαφοράς, eject any person who was illegally enrolled among them. From their decision there might be an appeal to a court of dicasia; of which the speech of Demosthenes against Eubulides furnishes an example. If the disaster confirmed the decision of the δήμαρχος, the appellate party was entitled to a slave. Spurious citizens are sometimes called παρεγγραμμένοι, παρεγγραμμένοις.28 The expression παρεισγραφής γραφή is not Attic.29

ΠΑΡΕΙΣΓΡΑΠΗΣ ΓΡΑΦΗ. (Vid. Pareisgraph.)

PARENTALIA. (Vid. Funeus, p. 462.) PARIES (τεχνογενή), whence the epithet τεχνογονής, "full of houses," applied to cities; τοίχος,30 whence τοιχοποιος, "a mason," τοιχοκοπος, "bricklayer," τοιχοπλαστος, "a builder," τοιχουργις, "a thief," and τοιχωρία, "burlary"), the wall of a house, in contradistinction from μύρος, the wall of a city. Among the numerous methods employed by the ancients in constructing walls, we find mention of the following:

I. The paries crassitius, i. e., the wattled or the lath-and-plaster wall, made of canes or hurdles (vid. Cretan) covered with clay.11 These were used in the original city of Rome to form entire houses;12 afterward they were coated with mortar instead of clay, and introduced like our lath-and-plaster walls in the interior of houses.

II. Vitruvius13 mentions as the next step the practice, common in his time among the Gauls, and continued to our own in Devonshire, of drying square lamps of clay, and building them into walls, which were strengthened by means of horizontal bond-timbers (jugamenta) laid at intervals, and which were then covered with thatch.

III. The paries formaceus, i. e., the pisé wall, made of rammed earth. (Vid. Forma.)

IV. In districts abounding with wood, loghouses were common, constructed, like those of the Siberies and of the modern Americans in the back settlements, of the trunks of trees, which were more or less squared, were then laid upon one another in a horizontal position, and had their interstices filled with chips (schidias), moss, and clay. After this

manner the Colchians erected houses several stories high.

V. The *paries lateritus*, i. e., the brick wall. (Vid. Litter.) Among the Romans, the ordinary thickness of an outside wall was 18 inches (pesquies), being the length of the common or Lydian brick; but, if the building was more than one story high, the walls at the bottom were either two or three bricks thick (dipinthis aut triplinthis), according to circumstances. The Egyptians sometimes exhibited a checked pattern, and perhaps other devices, upon the walls of their houses by the alternation of white and black bricks. The Romans, probably in imitation of the Etrurians, often cases the highest part of a brick wall with a range of terra cotta [structure and terra festaces], eighteen inches high, with projecting cornices, and spouts for discharging the water from the roof. (Vid. *Antepitx.*)

VI. The *reticulata structure*, i. e., the reticulated, or resembling network. This structure consists in placing square or lozenge-shaped stones side by side upon their edges, the stones being of small dimensions, and cemented by mortar (materas, c. cale et arena). In many cases the mortar has proved more durable than the stone, especially where volcanic tufa is the material employed, as at Baiae in the Bay of Naples, and in the villa of Hadrian near Tivoli. This kind of building is very common in the ancient edifices of Italy. Vitruvius says it was universally adopted in his time. With this construction were considered more pleasing to the eye, but less secure than those in which the stones lay upon their flat surfaces. The front of the wall was the only part in which the structure was regular, or the stones cut into a certain form, the interior being rubble-work or concrete (*fartura*), i. e., fragments and chippings of stone (*cementae, p.425*) imbedded in mortar. Only part of the wall was reticulated; it gave it firmness and durability, the sides and base were built of brick or of squared stones, and horizontal courses of bricks were laid at intervals, extending through the length and thickness of the wall. These circumstances are well exemplified in the annexed woodcut, which is copied from the drawing of a wall at Pompeii, executed on the spot by Mr. Mocatta.

VII. The *structure antiqua* or *inseria*, i. e., the wall of irregular masonry, built of stones, which were not squared or cut into any exact form. The necessary consequence of this method of construction was, that a great part of the wall consisted of mortar and rubble-work.1

VIII. The *emplention*, i. e., the complicated wall, consisting in fact of three walls joined together. Each side presented regular masonry or brickwork; but the interior was filled with rubble (*fartura*). To bind together the two outside walls, and thus render the whole firm and durable, large stones or courses of brickwork (*coagmenta*) were placed at intervals, extending through the whole thickness of the wall, as was done also in the structure reticulata. *Pallad.*

IX. The *paries e lapide quadrato*, i. e., the aslar wall, consisting entirely of stones cut and squared by the chisel. (Vid. *Dolabr.*). This was the most perfect kind of wall, especially when built of marble. The construction of such walls was carried to the highest perfection by the architects of Greece; the temples of Athens, Corinth, and many cities of Asia Minor still attest in their ruins the extreme skill bestowed upon the erection of walls. Considerable excellence in this art must have been attained by the Greeks even as early as the age of Homer, who derives one of his similes from the “nicely-flinted stones” of the wall of a house.2 But probably in this the Greeks only copied the Asians; for Xenophon came to a deserted city in Mesopotamia, the brick walls of which were capped by a parapet of polished shell marble.3 Instead of using mortar, as in the last four kinds, the ancients gave solidity to their aslar walls by cutting the stones so exactly as to leave no perceptible space between the surfaces. The stones, or mortice often united a stone to that which was above it, and the stones which were placed side by side were fastened together with iron cramps (anchis ferris) and lead.4 Hence the Coliseum at Rome, and the other grand remains of ancient architecture throughout Europe, have been regarded by the moderns as the highest perfection of the ancient art, and, like the pickaxe over all those points where cramps and tenons were known to be inserted. As a further method of making the walls firm and compact, the Greeks placed at intervals bond-stones, which they called *diarios*, because they extended through the whole thickness of the wall. The walls of the temple at Cyzicus, faced with the marble (the Proconnesian) for which that locality has always been renowned, were ornamented with a gold thread placed over all the seams of the stones.5 Besides conferring the highest degree of beauty and solidity, another important recommendation of aslar walls was, that they were the most secure against fire, an advantage to which St. Paul alludes in connexion with the spiritual purposes of the stones, for material and for workmanship (*kolon tyton*), and the gold and silver which were exhibited in the walls of such a temple as that just mentioned, with the logs of wood, the thatch, the straw and cane, employed in building walls of the first four kinds.6 Vitruvius also strongly objects to the *paries crutibus* on account of its great combustibility.

Charts in a single passage of his Topica,7 uses four epithets which were applied to walls. He opposes the *paries solidus* to the *fornicatus*, and the *communis* to the *directus*. The passage, at the same time, shows that the Romans inserted arches

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1. (Vitruv., i. c.)—2. (ii., xvi., 212.)—2. (Anaxag., iii., 4, 10.)
2. (Vitruv., i. c.)—3. (ii., iv., 158.)—3. (Thucy., ii., 253.)
3. (Prou, ii., iv., 15, s. 22.)—7. (1 Cor., iii., 10—15.)—8. (ii., 8, ad fin.)—9. (i., 4.)
by the artist into rectangular compartments, he filled, according to his taste and fancy, with an endless variety of landscapes, buildings, gardens, animals, &c. 1 (Vid. Painting, p. 715.)

Another method of decorating walls was by incrusting them with slabs of marble (crustio). The blocks designed for this purpose were cut into thin slabs by the aid of sawmills. (Vid. Mola.) Various kinds of sand were used in the operation, according to the hardness of the stone, emery (mazzia) being used for the hardest. This art was of high antiquity, and probably Oriental in its origin. The brick walls of the Mausoleum at Halicarnassus, built as early as 355 B.C., were covered with slabs of Proconnesian marble, 2 and this is the most ancient example we possess. In the time of Titus, slabs of a uniform colour were sometimes curiously inlaid with variously-coloured materials in such a way as to represent animals and other objects. In short, the beautiful invention now called Florentine Mosiac was then in use for the decoration of the walls of apartments. (Vid. Emblem.)

The common kind of Mosiac was also sometimes used in walls, as well as in floors and ceilings. The greatest refinement was the attempt to produce the effect of mirrors, which was done by inserting into the wall pieces of black glass manufactured in imitation of obsidian. 3 (Vid. House, Roman, p. 516, 520; Painting, p. 715.)

PARTEM. 4 (Vid. Palilia.)

FARMULAE. 5 A round shield, three feet in diameter, carried by the scutae in the Roman army (see p. 104). Though small, compared with the Clupera, it was so strongly made as to be a very effectual protection. 6 This was probably owing to the use of iron in its framework. In the Pyrrhic dance it was raised above the head and struck with a sword, so as to emit a loud ringing noise. 7 The parma was also worn by the Ecurrae. 8 For the sake of state and fashion, it was sometimes adorned with precious stones. 9

We find the term parma often applied to the target (vid. Cætra), which was also a small round shield, and, therefore, very similar to the parma. 10 Virgil, in like manner, applies the term to the clipeus of the Palladian, because the statue being small, the shield was small in proportion. 11

1. (Vitruv. viii, 5.)—2. (Plin., H. N., xxxvi, 6, s. 9.)—3. (Vitr., vii, 5.)—4. (Ovid, Met., iv, 66.)—5. (Plin., H. N., xxxvi, 6, s. 40.)

Walls were adorned, especially in the interior of buildings, in a great variety of ways. Their plane surface was broken by panels. (Vid. Abacus.) However coarse and rough their construction might be, every unevenness was removed by a coating two or three inches thick, of mortar or of plaster with rough cast, consisting of sand, together with stone, brick, and marble, broken and ground to various degrees of fineness. 8 Gypsum also, in the state which we call plaster of Paris, was much used in the more splendid edifices, and was decorated with an endless variety of tasteful devices in bas-relief. Of these ornaments, wrought in stucco (opus alburnum), specimens remain in the "Baths of Titus" at Rome. When the plasterer (tector, kowirjol) had finished his work (truldwatos, i.e.; travelling, opus tectorium), in all of which he was directed by the use of the square (vid. Nom.,) the rule, and the line and plummet (vid. Parpenticulum), and in which he aimed at producing a surface not only smooth and shining, but as little as possible liable to crack or decay, 9 he was often succeeded by the painter in fresco (udo tectorio 10). In many cases the plaster or stucco was left without any additional ornament; and its whiteness and freshness were occasionally restored by washing it with certain fine calcareous or aluminous earths dissolved in milk (paratonium, terra Selinumius). 11 A painted wall was commonly divided

7 His specimen also shows the alternation of courses of brick and stone, which is the characteristic of Roman masonry. The "paries solidus," i.e., the wall without openings for windows or doorways, was also called "a blind wall; 12 and the paries communis, 13 was the boundary between two tenements and common to both, was called intergerivus, al. intergerivus; 14 and in Greek (pedroivos) or pebroivos. 15 The walls, built at right angles to the party-wall for the convenience of the respective families, were the parietes directi.

A woodcut, representing a portion of the supposed Thermæ at Trévès, exemplifies the frequent occurrence of arches in all Roman buildings, not only when they were intended for windows or doorways, but also when they could serve no other use than to strengthen the wall. In this "paries fornicatus" each arch is a combination of two or more concentric arches, all built of brick.

3 (Vitr.)—4. (Vitruvius, viii, 5.)—5. (Plin., H. N., xxxvi, 6, s. 9.)—6. (Vitruv., viii, 5.)—7. (Plin., H. N., xxxvi, 6, s. 35.)
The arched woodcut represents a votive parma, as a distinct class of citizens, appear at Sparta after the first Messenian war, and in connexion with the foundation of Tarentum; but the legends as to who they were differ from another. (Hesychius) says that they were the children of Spartan citizens and female slaves; Antiocchus 1 states that they were the sons of those Spartans who took no part in the war against the Messenians. These Spartans were made Helots, and their children were called parthenia, and declared to be mere. When they grew up, and were capable of bearing arms, their degrading position at home, they emigrated, and became the founders of Tarentum. Ephorus 2 , again, related the story in a different manner. When the Messenian war had lasted for a considerable number of years, the Spartan women sent an embassy to the camp of their husbands, complained of their long absence, and stated that the Republic would suffer for want of an army. Some report that as the war should continue much longer. Their husbands, who were bound by an oath not to leave the field until the Messenians were conquered, sent home all the young men in the camp, who were not bound by that oath, and requested them to cohabit with the maidens at Sparta. The children thus produced were called Partheniae by the Spartans, and were called Tarentines by the Helots, and were called the colony of Tarentum. 3 (Vid. Ephorus.) These stories seem to be nothing but the product of ancient historians. The Spartans, at a time of great distress, had perhaps allowed marriages between Spartans and slaves or Laconians, or had admitted a number of persons to the franchise, but afterward endeavoured to curtail the privileges of these new citizens, which led to insurrection and emigration. 4

*PARTHENON (παρθένων), a species of plant, which in Spengel makes the name of the Matricaria chamomilla, the same with the Pyreticum chamomilla. Hooker, in English, Feverfew. Sibthorp, in some hesitation, however, advocates the same opinion. 5

*PASSER (πασερ), the Sparrow. "The Greek term πασερ is used by Paulus Egineta in the same sense as the Roman by the writer of the story of the Spartan children, belonging to the order of small birds. It is more particularly applied to the Passer domesticus, or House Sparrow. Genner supposed the πασερ and πασερ λέγων many varieties of it; but it is more probable that the latter was the Hedge Sparrow, or Ac centor modularis, Cuvier." 6

PASSUS, a measure of length, which consisted of five Roman feet. 7 (Vid. Paus.) The passus was not the step, or distance from heel to heel, when the feet were not at their utmost ordinary extension, but the distance from the point where the heel leaves to that in which it is set down. The mille passuum, or thousand paces, was the common name of the Roman mile. 8 (Vid. Milliar.)

PARTEMUS (παρθέμος). The shawl, richly interwoven with gold (χρυσόπαστρος), and displaying various symbolic or mythological figures, was much used in religious ceremonies to conduct to their splendid array, and to veil their solemnity. The maidens who carried the figured peplus in the Panathenaea at Athens were called παρθέμοι. In Egypt, the priests of Isis and Osiris, who probably fulfilled a similar role, were called παρθέμοι.


5 A
office, were denominated παντοφόροι, and were incorporated. They appear to have extended themselves, together with the extension of the Egyptian worship, over parts of Greece and Italy, so that "the College of the Pastophori of Industria," a city of Liguria, is mentioned in an inscription found near Turin. The Egyptian college was divided into minor companies, each containing ten pastophori, and each having at its head a leader who was called δρακινας quadruplex, because he was appointed for five years. Besides carrying the παντός, or sacred ornamental shawl, they performed other duties in connexion with the worship of the temple. It was the office of this class of priests to raise the shawl with the performance of an appropriate chant, so as to discover the god seated or standing in the adyton, and generally to show the temple with its sacred utensils, of which, like modern sacristans, they had the custody. In consequence of the supposed influence of Isis and her priesthood in healing diseases, the pastophor paid a high rank as physicians.

It must be observed, that, according to another interpretation of παντός, the pastophori were so denominated from carrying, not a shawl, but a shrine or small chapel, containing the image of the god. Supposing this etymology to be correct, it is no less true that the pastophori sustained the various offices which have been here assigned to them.

It was indispensably requisite that so numerous and important a body of men should have a residence appropriated to them in the temple to which they belonged. This residence was called πατρουφον. The common use of the term, as applied by the Greeks to Egyptian temples, led to its application to the corresponding part of the Temple at Jerusalem by Josephus, and by the authors of the Alexandrine version of the Old Testament.

PATERA.

PATERA. (Vid. Fam., Marriage (Rom.) Patric Potestas.)

PATERA, dim. PATELLA (φαλά), a round dish, a plate, a saucer. Macrobius, explaining the difference between the patera and the Carchesium, says that the former received its name from its flat, expanded form (planum ac patens). The patera of the most common kind are thus described by Festus:

"Vasa picta parva, sacrificis faciendis eptus" (Nigra patella, Rubicunda testa). They were small plates of the common red earthenware, on which an ornamental pattern was drawn in the manner described under the article Fictile, and which were sometimes entirely black. Numerous specimens of them may be seen in the British Museum, and in other collections of ancient fictile vases. The more valuable paterae were metallic, being chiefly of bronze; but every family, raised above poverty, possessed one of silver (πηγαγυ), together with a silver salt-cellar. (Vid. Salinum.) In oculent houses there was a plate of gold (ψυχτικ). These metallic plates were often adorned with figures, engraved or embossed upon them. A beautiful specimen is presented in the woodcut to the article Libra; and the accompanying woodcut exhibits a highly ornamented dish, also of bronze, designed to be used in the worship of Mars, and found at Pompeii. The view of the upper surface is accompanied by a side view, showing the form and depth of the vessel. The ornamental patera sometimes represented leaves of form, which probably diverged from the centre (πτερατα). Gems were set in others.

We read also of an amber dish (electrinum), having in the centre the countenance of Alexander the Great, and his history represented on the border. The annexed woodcut contains a view and section of a plate of white marble in the British Museum, which was found in the ruins of Hadrian's Villa, and purchased by Mr. Townley. It is 11 inches in diameter, and 1¾ high. It is cut with skill and delicacy, the marble not being much more than a quarter of an inch thick. In the centre is sculptured a female bacchante, in a long tunic and with a scarf (vid. Chlamys) floating over her head. This centre-piece is encircled by a wreath of ivy. The decorations indicate the appropriation of the plate to the worship of Bacchus.

Plates were sometimes made so as to be used with either side downward, and were then distinguished by the epithet αψιθέατος. In these the upper surface was ornamented as well as the upper. The Massilians and other Ionic Greeks commonly placed the under surface uppermost. Plates were further distinguished from one another by being either with or without a base (πτερατον), a boss in the middle (ορθολοντ, μεσοφαξις, φοίτος), feet (βαλανωρ, and handles. In the preceding woodcut the
PATHOLOGIA.

bronzepaterahasonehandle:boththepaterae
are made to stand upon a low base.

Small plates were sometimes used in cooking, an operation more commonly performed in pots (vid. Olla) and basins or bowls. (Vid. PARTINA.) They were used at meals to eat upon as we use them, although it appears that very religious persons abstained from this practice on account of the customary employment of them in sacrificing to the gods. A larger plate, in the round dish, was used to bring to table such an article of food as a flat fish. Mustard and ointments were brought in saucers.

The Greeks also drank wine out of plates or saucers, as we see in the woodcut on p. 326, which represents a symposium, and in which the second and third figures from the right hand have each a saucer. It was, however, one of the refinements of luxury among the Asians, that the cup-bearer used the plate as a waiter to hold the cup into which he poured the wine; and, as the plate was without a handle (ἀνεμός ὑπόν), he took hold of it adroitly with three of his fingers.

The use of paterae at meals no doubt gave origin to the employment of them in sacrifices. On these occasions it was, whether in the round dish, or in the plate, (paterae) or any liquid intended to be poured out as a libation. We find them continually represented in conjunction with the other instruments of sacrifice upon coins, gems, altars, bas reliefs, and the friezes of temples. In the ancient Doric temple at Rome, now dedicated to St. Adrian, the tasteful patera and the crown of the bull are alternately sculptured on the metopes.

Plates of the most precious materials and of the finest workmanship were given as prizes at the public games.

PATHOLOGIA (Παθωλογία), one of the five parts into which, according to some authors, the science of medicine is divided and regarded as (τίτλος, disease, and ἄδεια, a discourse), had for its especial object the whole doctrine of disease, in what it consists, from what springs, what changes it effects in the human frame, &c. It would be impossible here to attempt anything like a complete analysis of the larger works of this subject; it will, perhaps, be sufficient to notice the doctrines of the two principal physicians of antiquity, Hippocrates and Galen, and to give a list of such of their treatises on the subject as are still extant, referring the reader for a more detailed account to the Histories of Medicine by Le Clerc and Sprengel, and especially to the work by Sophocles ab Oeconomus, entitled "Specimen Pathologiæ Generalis Vo- terum Graecorum," Berol., 8vo, 1833. Hippocrates, says Sprengel, in his pathology occupied himself much less about the immediate than the remote causes of diseases. It is true that he admitted the theory of elementary humours, but he very rarely makes use of it in the explanation of the causes of different affections. He bases his opinions on the manner in which we find in his writings very few speculations upon the essence of diseases. In the treatise Περὶ τῶν ἐν Κεφάλῃ Τραύματον, "De Capitis vul- nerus," he explains inflammation by the blood's flowing into parts into which it had not penetrated before. In another passage he has recourse to the elementals, attributes to air for barrenness. He points out two general causes, heat and cold, moisture and emptiness, and refers all external irritations to these two causes. He explains the formation of urinary calculi in a very simple manner: these extraneous bodies are owing to the accumulation of sandy particles contained in the urine. Galen, in a very important passage, says that "Hippocrates never desired to explain the variety of diseases according to his imagination; he was convinced that it was always safer to refer them to phenomena that were plainly recognised. Thus he never proposes his own method of cure but when he believes it founded on experience." He rendered a great service to pathology by not multiplying to infinity, like the physical theories of the Cidian school (vid. Medicina, p. 629), the number of causes. He observed with scrupulous attention the essential difference which exists between the same symptoms according as they arise from different causes. It is upon these principles that he founded his excellent axioms of diagnosis, and declared that physicians had not sufficient experience to recognise the curious and minute causes of the sequellae of the emptiness of the vessels, of some other irritation, or of pain and the intensity of the malady; nor could they discern the accidents occasioned by the constitution of the individual. Thus he established between active and passive symptoms a distinction which he believed to be more important than the causes and symptoms of diseases according to species founded upon pure subtilities. He devoted his whole attention to the remote causes of disease, particularly to the air and winds. He began by explaining the action of heat and cold upon the human body, and then pointed out the changes that the influence of the season and weather occasions in the human frame. He thought a dry atmosphere more healthy than a very damp one, and explained the variations of the weather in the different seasons as a sufficient cause for a number of diseases peculiar to each part of the year. Many of these principles have perhaps only been founded upon a single observation; indeed, sometimes his observations were perhaps incorrect, because they were based upon insufficient experiments. Withal he seems to have been well acquainted with a disease in a town, situated opposite to such or such a quarter of the heavens, he did not fail to attribute it to the influence of the climate. For this reason he attributed abortion and hydrocele to the north wind, and the fecondity of women to the east wind. He even went so far as to think that water possessed particular qualities according to the different countries where it was met with and the winds to which it was exposed. The Humoral Pathology, as it is called, or the theory according to which all maladies are explained by the mixture of the four cardinal humours, viz., Blood, Bile, Mucus or Phlegm (φλέγμα), and Water, is found in the writings of some of the most celebrated physicians developed by Plato. The common source of all these humours is the stomach, from whence they are attracted by different organs when diseases develop themselves. To each of these four humours was assigned a particular source; the bile is prepared in the liver, the mucus in the head, and the water in the spleen. The bile containing all the acute diseases; the mucus contained in the head occasioned catarrhs and rheumatism; 18 dropsy depends upon an affection of the

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The following is Sprengel's analysis of the Pathology of Galen. He defines health to be that state in which the body is exempt from pain, and performs its usual functions without obstacle; and disease to be the contrary to this, viz. that state of the body (...).

When the blood is in too great a quantity, it is of importance to determine whether this superabundance is absolute, or only with reference to the strength of the patient. Hence arise two kinds of plethora which the modern schools have adopted. Galen gives to every disorder of the humours the name of perturbation, which takes place every time that a stagnant humour is exposed to a high temperature without evaporating. For this reason, suppuration, and even the sediment of urine, are proofs of putridity. In every fever there is a kind of putridity which gives out an unnatural heat, which becomes the cause of fever, because the heart, and afterward the arterial system, takes part in it. All fevers arise from a deterioration of humours, with the exception of the epidemic fever, which proceeds

from a particular affection of the \( \text{πνεύμα} \). Among the intermittent fevers, Galen attributes the quoad vitam to the disorder of the phlegm, the sudor to that of the bile, and the paroxysm of the putrefaction to the black bile, or atvabile. This last humour being the most difficult to set in motion, requires also the most time to bring on the attack. A very extraordinary thing, says Sprengel, is, that this arbitrary hypothesis is really supported by a great number of facts; and hence it has found, even in modern times, many supporters of no common merit. Galen, like Hippocrates, especially in fever, attributed the inflammation very simply by the introduction of the blood into a part which did not before contain any. If the \( \text{πνεύμα} \) insinuates itself at the same time, the inflammation is then \( \text{πνεύματος} \), \( \text{πνευματοδύος} \): it is, on the other hand, rare, \( \text{φλεγμονόδυος} \), when the blood penetrates alone; \( \text{ασθένμα}, \text{ομυμα δύος} \, \text{αποθελωμα}, \text{ατριμα} \) when it is accompanied by phlegm; \( \text{εγκεφαλικός}, \text{ενυποπαθής} \) when bile is joined with it; and \( \alphaικτός, \text{οσμόνεος} \) if accompanied by atvabile. He made the same division of hemorrhage as is admitted in the present day; he divides it into that which is produced by anastomosis, dilatation, etc.

The following are the titles of the works relating to Pathology that are found in the collection of writings that bear the name of Hippocrates, but of these none are undoubtedly genuine (see Choulant, Hippokrates, ii. 75. 2). "On the introduction of the blood in the veins, and the mode in which it is retained in different parts, and which is almost always accompanied by phlegm" (De Med., Lib. vii., c. viii., 646.).—1. De \( \text{πνεύμα} \) (vid. \( \text{Paho} \)).

PATRIA POTES TAS.

‘Ωδηρα.1 In the same bowl the bowl was commonly brought to table,2 an example of which is λεκάνων τῶν ἀρχαίων κριον, i.e., “a basin of stewed hare.”

But it is to be observed, that dishes (vid. Lank., Patras) were used to bring to table those articles of food, the form and solidity of which were adapted to such vessels.

The silver bowl was sometimes ornamented, as with ivy-leaves (hederata),4 or by the insertion of mirrors (speculatae). These bowls weighed from .10 to .20 lbs. each. Vitellius, wishing to obtain an earthenware bowl for his table, had a furnace set up purposely to bake it.5

A method of divination by the use of a basin (άκουσαντες) is mentioned by Tzetzes on Lycochron, v. 818.

PATRES. (Vid. Patrich.)

PATRIA POTES TAS. Potestas signifies generally a power or faculty of any kind by which we do anything; he says Paulus,1 has several significations: when applied to magistratus, it is imperium; in the case of children, it is the patria potestas; in the case of slaves, it is dominium. According to Paulus, then, potestas, as applied to magistratus, is equivalent to imperium. Thus we find potestas associated with the adjectives prætoria, consularis. But potestas is applied to magistratus not in the same sense, as for instance to questors and tribunit pleas;2 and potestas and imperium are often opposed in Cicero. Thus it seems that this word potestas, like many other Roman terms, had both a wider signification and a narrower one. In its wider signification it might mean all the power that was delegated to any person by the state, or the extent of that power. In its narrower significations, it was, on the one hand, equivalent to imperium; and, on the other, it expressed the power of those functionaries who had not the imperium. Sometimes it was used to express a magnetistas, as a person,3 and hence, in the Italian language, the word potes-tas signifies a magnetistas.

Potestas is also one of the words by which is expressed the power that one private person has over another, the other two being manus and mancipium. The potestas is either dominica, that is, ownership, as exhibited in the relation of master and slave (vid. servus), or patria, as exhibited in the relation of father and child. The mancipium was fixed after the infantology of the potestas dominica. (Vid. Manchipum.)

Patria potestas, then, signifies the power which a Roman father had over the persons of his children, grandchildren, and other descendants (filiifamilias, filifamiliares), and generally all the rights which he had by virtue of his paternity. The foundation of the patria potestas was a legal marriage, and the birth of a child gave it full effect. (Vid. Mariage, Roman.)

It does not seem that the patria potestas was ever viewed among the Romans as absolutely equivalent to the dominica potestas, or as involving ownership of the scutum; and yet the original notion of the patria seems very near to that of the dominica potestas. Ovid says that the father had the power of life and death over his son as a member of his familia: he could sell him, and so bring him into the mancipi causa; and he had the jus noxii dandi as a necessary consequence of his being liable for the delicts of his child. He could also give his daughter in marriage, or give a wife to his son, don vorce his child, give him in adoption, and emancipate him at his pleasure.

The father could exerethenate his son, he could substitute another person as heir to him (vid. Heirs), and he could, by his will, appoint him a tutor.

The general rights and disabilities of a filiusfamilias may be thus briefly expressed: “The child is incapable, in his private rights, of any power or dominion; in every other respect he is capable of legal rights. The incapacity of the child is not to be reckoned as a legal incapacity, inasmuch as the child could acquire by contract, for instance; but everything that he acquired was acquired for his father.”

As to matters that belonged to the jus publicum, the son laboured under no incapacities; he could vote at the comitia tributa, he could fill a magistracy, and he could be a tutor for the tutor was considered a part of jus publicum.

The child had connubium and commercium, like any Roman citizen who was sui juris, but these legal capacities brought to him no present power or ownership. His marriage was legal (justum), but if it was accompanied with the in manum conventio, his wife came into the possession of the father, and not of the son. The sons of children were in all cases in the power of their grandfather when the son was.

Inasmuch as he had commercium, he could be a witness to mancipationes and testaments, but he could not have property nor servitutes. He had the testamenti facio, as already stated, so far as to be a witness to a testament, but he could not make a testament, for he had nothing to dispose of; and he could not have a heres.

He could, as already observed, acquire rights for his father by contract, but none for himself, except in the case of an adscriptulus, an instance which shows the difference between a son and a slave. (Vid. Quaestiones.) But he could not incur obligations and could be sued like a paterfamilias.

The foundation of these rules of law was the maxim that the condition of a master could be improved by the acts of his slaves, but not made worse; and this maxim applied equally to a son and a slave. Between the father and the son no civilitas existed, for there could exist no recognition of the master, consequently, could have a right of action against the other. Some writers have supposed that there was a difference between the capacities and incapacities of a filiusfamilias and a filiafamilias as to obligations; but the reasons alleged by Savigny seem conclusively to show that there was no difference at all.

The incapacity of the child to acquire for himself, and his capacity to acquire for his father, as well as their mutual incapacity of acquiring rights of action against one another, are viewed by some modern writers as a consequence of a legal unity of person, while others affirm that there is no trace of such a fiction in the Roman law, and that the assumption was made to explain the rule of law. Indeed, the fiction of such a unity is quite unnecessary, for the fundamental maxim already referred to, that a man may be made richer, but not poorer, by his slaves and children, is a simple positive rule. Though the child could not acquire for himself, yet all that he did acquire for his father became his own property; and he was incapable of his father’s death, a circumstance which material by distinguishing the acquisitions of a son from those of a slave; and, accordingly, the son is sometimes, though not with strict propriety, considered as a kind of joint owner with his father.

1. (Savigny, System, 36c, in., 59.)
The rule as to the incapacity of a filiusfamilias for acquiring property was first varied about the time of Augustus, when the son was empowered to acquire for himself and to treat as his own whatever he got in military service. This was the cas-
trense peculium. It was not without reason to which the son was considered as a person sui juris. But if the filiusfamilias died without having made any dispo-
sition of this peculium, it came to the father, and this continued to be the law till Justinian altered it; but in this case the property came as peculium, not as hereditas. The privileges of a filiusfamilias as to the acquisition of property were extended under Constantine to his acquisitions made during the discharge of civil offices; and as this new privi-
lege was framed after the analogy of the castrrense peculium, it was designated by the name quasi castr-
trense peculium. Farther privileges of the same kind were also given by Constantine and ex-
tended under subsequent emperors (bona qua patri
non acquiruntur).

The patri potestas began with the birth of a child in lawful marriage. If a Roman had by mis-
take married a woman with whom he had no con-
nubium, thinking that connubium existed, he was allowed to prove his case (causa erroris probatio),
upon doing which, the child that had been born and the wife also became Roman citizens, and from that time the son was in the power of the father. This cause probatio was allowed by a senator comprising, as it appears from the context, and a comparison with Ulpian's Fragments, an amendment of the lex Eliá Sentia. Other in-
stances of the cause probatio are mentioned by
Gaius.

It was a condition of the patri potestas that the child should be born in marriage. By the old law, then, the subsequent matrimony did not legitimize a child born before the marriage. But it seems to have early become the fashion for the emperor, as an act of grace, to place such child on the same footing as legitimate children. The legitimation per subsequens matrimonium only be-
came an established rule of law under Constantine, and was introduced for the advantage of children whose parents became Roman citizens after their birth. In the time of Theodosius II., the rule was estab-
lished by which a child was legitimated per obla-
tionem curiae. To these two modes of legitima-
tion Justinian added that per rescriptum principis. The child thus legitimated came into the familia and the potestas of his father as if he had been born in lawful marriage.

The patri potestas could also be acquired by either of the modes of adoption. (Vid. Adoptio, Roman.)

The patri potestas was dissolved in various ways. It was dissolved by the death of the father, upon which event the grandchildren, if there were any, who had hitherto been in the power of their grandfather, came into the power of their father, who was now sui juris. It could also be dissolved in whole or in part during the lifetime of the father. A maxima or media capacita diminuitio, either of the parent or child, dissolved the patri potestas; though, in the case of either party sustaining a capi-
titas diminuitio by falling into the hands of an en-
emy, the relation might be revived by postliminium. A father who was adrogated, and, consequently, sustained a minima capacita diminuitio, came, together
with his children, who had hitherto been in his power, to the power of his adoptive father. The emancipation of the child by the father was a common mode of dissolving the patri potestas, and was accompanied by the minima capacita diminuitio.

If a son was elected flamén dialis, or a daughter
was chosen a vestal, the patri potestas ceased; and in the later period it was also dissolved by the son's attaining certain civil or ecclesiastical dignity. The potestas of the father might cease without the son becoming sui juris, as in the case of the son being given in adoption.

The term patri potestas strictly expresses the power of the father, as such, which arises from the parental relation; but the term also imports the rights of the child as a filiusfamilias or filifamilias. Of these rights the most important was the capacity of being the suus heres of the father. Gener-
ally the parent could dispose of his child at his pleasure, and thus deprive him of the rights of au-
gration; but the law in this respect was altered by Justinian, who made the consent of the child neces-
sary.

PatriCII. This word is evidently a deriva-
tive from pater, which frequently occurs in the Ro-
man writers as equivalent to senator. Patricii therefore signifies those who belonged to the pa-
tres "patres cos (senatores) voluit nominari, pa-
triosque corum liberos," though it seems to be a mistake in these writers to suppose that the patri-
cii were only the offspring of the patres in the sense of senators, and necessarily connected with them by blood. The connexion was, as we shall see hereafter, a much wider one, but, in conse-
tquence, the use of patres and patricii are sometimes used as convertible terms, so that patricii stands for sen-
ators. The words patres and patricii have thus radially the same meaning, and some of the an-
cestors believed that the name patres was given to that particular class of the Roman population from the fact that they were fathers of families; others that they were called so from their age, or be-
cause they had the title of patres of the whole na-
tion, or because they were Roman citizens, as fathers did among their children. But most writers refer the name to the patrocinium which the patricians exercised over the whole state, and over all classes of persons of whom it was composed.

In considering who the patricians were, we have to distinguish three periods in the history of Rome. The first is down to the establishment of the plebeians as a sec-
ond order: the second, from this event down to the time of Constantine, during which time the patri-
cians were a real aristocracy of birth, and, as such, formed a distinct class of Roman citizens opposed to the plebeians, and afterward to the new plebian aristocracy of the nobles: the third period extends from Constantine down to the middle ages, during which the patricians were no longer an aristocracy of birth, but were persons who merely enjoyed a title, first granted by the emperors, and afterward by the popes also.

First Period: from the foundation of the city to the establishment of the plebeian order. Niebuhr's re-
searches into the early history of Rome have estab-
lished it as a fact beyond all doubt, that during this period the patricians were the whole power of Ro-
man citizens; that they were the populus Romanus; and that there were no other real citizens besides them. The other parts of the Roman population, namely, clients and slaves, did not belong to the patri-
cians. The senators or patres (in the narrower

1. (Juv. Sat. xvi. 51)—2. (Gaius, i. 67.)—3. (vili. 4.)
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The patricians, who acted as their representatives. The burghers or patricians consisted originally of three distinct tribes, which afterward became united into the sovereign populace. These tribes had founded settlements upon several of the hills of Rome, and had occupied the suburbs of the city of Rome. Their names were Rhamnes, Tarquinius, and Luceres, or Rarnnenses, Titienes, and Lucerenses. Each of these tribes consisted of ten curiae, and each curia of ten gentes, and of the same number of decuriae, which were established for representative and military purposes. (Vid. Sueton.) The patricians, who had settled on the Palatine Hill, said to have been founded by Romulus. As long as it stood alone it contained only one hundred gentes, and had a senate of one hundred members. When the Titii, or Sabine settlers on the Quirinal and Viminal Hills, under King Tatius, became united with the Rhamnes, the number of gentes, as well as that of senators, increased to two hundred. These two tribes, after their union, continued probably for a considerable time to be the patricians of Rome, until the third tribe, the Luceres, which chiefly consisted of Etruscans, who had settled on the Caelian Hill, also became united with the other two as a third tribe. When this settlement was made is not certain; but it is probable it occurred without the consent of the Rhamnes; others, that it took place at a later time. But the Etruscan settlement was in all probability older than that of the Sabines, though it seems occasionally to have received new bands of Etruscan settlers even as late as the establishment of the Republic.

The distinction of these three tribes did not take place at once: the union between Latins and Sabines is ascribed to the reign of Romulus, though it does not appear to have been quite perfect, since the Latins on some occasions claimed a superiority over the Sabines. The Luceres existed for a long time as a separate tribe without enjoying the same rights as the other two tribes until Tarquinus Priscus, one of the Luceres, caused himself to be elected to a footing of equality with the others. For this reason he is said to have increased the number of senators to 300 (compare Sueton.) and to have added two vestal virgins to the existing number of four. The Luceres, however, are, notwithstanding this equalization, sometimes described as the patres majorum gentium or patres majorum gentium; though this name is also applied to other members of the patricians, e.g., to those plebeian families who were admitted by Tarquinus Priscus into the three tribes, and in comparison with these, the Luceres are again called patres majorum gentium. That this distinction between patricians major and minor gentes was kept up in private life at a time when it had no value whatever in a political point of view, is clear from Cicero. Tullius Hostilius admitted several of the noble gentes of Alba among the patricians (in patres leges), viz., the Tullii (Julii!), Servili, Quinctii, Goganni, Curiaitis, and Ceiellii, to which Dionysius (in his Genealogy Metiliae) Anius, Tarquinus Priscus, and the Tullii, and Tarquinii Priscus the Tullii, and Servius Tullius the Octavia, and even Tarquinii Superbus seems to have had similar intentions. We do not hear the number of gentes was increased by these adoptions, and must therefore suppose that some of them had already become extinct, and that the vacancies which thus arose were filled up with these new burghers. During the time of the Republic, distinguished strangers and wealthy plebeians were occasionally made Roman citizens, and particularly by Claudius and his gens, and Domitius Aenobarbus. As regards the kings period, the Roman historians speak as if the kings had had the power of raising a gens or an individual to the rank of a patrician; but it is evident that no king could not do this without the assent of the senate and the curiae, and hence Livy makes Caecilus Metellus sayationem in patres, aut ab regibus lecti, which lectio, of course, required the sanction of the body of patricians. In the time of the Republic, such an elevation to the rank of patrician could only be granted by the senate and the populace. Since there were no other Roman citizens but the patricians during this period, we cannot speak of any rights or privileges belonging to them exclusively; they are all comprehended under Civitas (Roman) and gens. Respecting their relations to the kings, see Comitia Curiata and Suetonius. During this early period we can scarcely speak of the patricians as an aristocracy, unless we regard their relation to the clients in this light. (Vid. Clcins.)

Second Period: from the establishment of the plebeian order to the time of Constantine. At the time when the plebeians became a distinct class of citizens, who shared certain rights with the patricians, the latter lost in so far as these rights no longer belonged to them. Besides, the number of plebeian patricians was equal to that of the patricians, and the greater number of rights, and those the most important ones, still remained in the exclusive possession of the patricians, who alone were cives op-tima pura, and were the patres of the nation in the same sense as before. All civil and religious offices were in their possession, and they continued, as before, to be the populus, the nation now consisting of the populus and the plebeians. This distinction, which Livy found in ancient documents, seems, however, in the course of time, to have fallen into oblivion, so that the historian seems to have scarcely aware of it, and uses populus for the whole body of citizens, including the plebeians. Under the Antonines, the term populus signified all the citizens within the limits of the city; in an inferior and collateral relation to the plebeians or the community, the patricians now were a real aristocracy of birth. A person born of a patrician family was and remained a patrician, whether he was rich or poor, whether he was a member of the senate or an esquire, or held any of the great offices of the state or not; there was no sentence which could make a patrician a plebeian. As regards the census, he might, indeed, not belong to the wealthy classes, but his rank remained the same. Instances of reduced patricians in the latter period of the Republic are the father of M. Annius Scaurus, and the family of the Sullas previous to the time of the great dictator of that name. The only way in which a patrician might become a plebeian was when, of his own accord, he left his gens and curia, and gave up the sacra, etc. A plebeian, on the other hand, or even a stranger, might, as we stated above, be made a patrician by a lex curiata. But this appears to have been done very seldom; and the
consequence was, that in the course of a few centuries the number of patrician families became so rapidly diminished, that towards the close of the Republic there were not more than fifty such families.\(^1\) Julius Cæsar, by the lex Cæsaria, raised several plebeian families to the rank of patricians, in order that they might be able to continue to hold the offices which they were entitled to by the tenure of their order.\(^2\) Augustus soon found it necessary to do the same by a lex Senenia.\(^3\) Other emperors followed these examples: Claudius raised a number of senators, and such persons as were born of illustrious parents, to the rank of patricians;\(^4\) Vespasian, Titus, and other emperors did the same.\(^5\) The expression for this act of raising persons to the rank of patricians was in patricio or in familiam patriciorum egeri.

Although the patricians, throughout this whole period, had the character of an aristocracy of birth, yet their political rights were not the same at all times. The first centuries of this period are an almost uninterrupted struggle between patricians and plebeians, in which the former exerted every means to retain their exclusive rights, but which ended in the transformation of the two classes into that of the two orders. (\textit{Vid. Pless.}) Only a few insignificant priestly offices, and the performance of certain ancient religious rites and ceremonies, remained the exclusive privilege of the patricians, of which they were the prouder, as in former days their religious power and significance were the basis of their political superiority.\(^6\) At the time when the offices of the patricians and plebeians ceased, a new kind of aristocracy began to arise at Rome, which was partly based upon wealth and partly upon the great offices of the Republic, and the term nobles was given to all persons whose ancestors had held any of the curule offices. (Compare \textit{Novi Homines}.) This aristocracy of nobles threw the old patricians, as a body, still more into the shade, though both classes of aristocrats united, as far as was possible to monopolize all the great offices of the state;\(^7\) but, although the old patricians were obliged in many cases to make common cause with the nobles, yet they could never suppress the feeling of their own superiority; and the veneration which historical antiquity alone can bestow, always distinguished them as individuals from all others. Even when they gradually gained the upper hand, is seen from the measure adopted about the first Punic war, by which the expenses for the public games were no longer given from the esarum, but were defrayed by the ediles; and as their office was the first step to the great offices of the Republic, that measure was a tacit exclusion of the poorer citizens from those offices. Under the emperors the position of the patricians as a body was not improved; the filling up of the vacancies in their order by the emperors began more and more to assume the character of an especial honour, conferred upon a person for his good services or merely for personal distinction, so that the transition from this period to the third had been gradually preparing. The ancient political and religious privileges which the patricians at first possessed alone, but afterward were compelled to share with the plebeians, see \textit{Pless}, and the articles treating of the several Roman magistracies and priestly offices, compare also \textit{Gens, Curia, Senatus}.

\textit{In their dress and appearance the patricians were scarcely distinguished from the rest of the citizens, unless they were senators, curule magistrates, or equites, in which case they wore, like others, the ensigns peculiar to these classes. The only thing by which they appear to have been distinguished in their appearance from other citizens, was a peculiar kind of shoes, which covered the whole foot and was generally of leather, and did not as high as the shoes of senators and curule magistrates. These shoes were fastened with four strings (\textit{corniciae} or \textit{lora patricia}), and adorned with a lunula on the top.\(^8\) Festus\(^9\) states that multus was the name of the shoes worn by the patricians; but the passage of Varro which he adduces only shows that the mulloii (shoes of a purple colour) were worn by patricians.\(^{10}\) }

\textit{Third Period: from the time of Constantine to the Middle Ages. From the time of Constantine the dignity of patrician was a personal title, which con- ferred on the person to whom it was granted a very high rank and certain privileges. Hitherto patricians had been only genuine Roman citizens, and the dignity had descended from the father to his children; but the new dignity was created at the beginning of the Christian era, when Constantine was not a Roman senator, and was not a Roman citizen; but the dignity which was conferred on him was not given to him as a patrician in the old sense of the word. \textit{Patricius, patricius, patricius codicillare or honorarii.\(^{11}\) All of them, however, were distinguished in their appearance and dress from ordinary persons, and seldom appeared before the public otherwise than in a carriage. The em- perors were generally very cautious in bestowing this great distinction, though some of the most arbitrary despots conferred the honour upon young men, and even upon eunuchs. Zeno decreed that no one should be made patricius who had not been consul, prefect, or magister militum.\(^{12}\) Justinian, however, did away with some of these restrictions. The elevation to the rank of patrician was testified to the person by a writ called diploma.\(^{13}\) }

This new dignity was not confined to Romans or subjects of the Empire, but was sometimes granted to foreign princes, such as Odoacer, the chief of the Heruli, and others. When the popes of Rome had established their authority, they also assumed the right of bestowing the title of patricius wholeheartedly upon persons, and many of the German emperors were thus distinguished by the popes. In several of the Germanic kingdoms the sovereigns imitated the Roman emperors and popes by giving to their most distinguished subjects the
trite of patricians, but these patrici were at all times much lower in rank than the Roman patrici, a title of which kings and emperors themselves were proud.

Patrimi ET Matrimi, also called Patrimi et Matrimes, were those children whose parents were both alive (matrimes; called by Dionysius apuleius), in the same way as pater patrum signified father, while Servius, however, confines the term patrimi et matrimes to children born of parents who had been married by the religious ceremony called confraratio: it appears probable that this is the correct use of the term, and that it was only applied to such children so long as their parents were alive. We know that the children of former patricians who had been married by confraratio, and as the children called patrimi et matrimes are almost always mentioned in connexion with religious rites and ceremonies, there seems to be a strong probability that the term was also applied to the children of such marriages, who would probably be thought more suitable for the service of the gods than the offspring of other marriages.

Patriommi (patronum) were magistrates at Sparta, who exercised, as it were, a paternal power over the young citizen. If a freedman were instituted by Cleomenes, who destroyed the power of the sygovia by establishing patriommi in their place. The sygovia, however, was not abolished by Cleomenes, as it is again spoken of by Pausanias, and also in inscriptions. The patriarchi were mentioned by Philostratus among the principal magistrates along with the gymnarch and tetrarch. They also spoke of by Plutarch. Their number is uncertain; but Böckh has shown that they succeeded to the powers which the ephori formerly possessed, and that the first patriarchus was the káivnu of the state, that is, gave his name to the year, as the first ephor had formerly done.

PATRONUS. The act of manumission created a new relation between the manumissor and the slave, which was analogous to that between father and son. The manumissor became, with respect to the manumitted person, his patron, and the manumitted person became the libertus of the manumissor. The word patronus (from pater) indicates the relation of the relation of father and son. If the manumissor was a woman, she became patrona; and the use of this word instead of matrona appears to be explained by the nature of the paternal rights. Viewed with reference to the early ages of Rome, this paternal relation must be considered a part of the ancient clientia; but from the time of the Twelve Tables at least, which contained legislative provisions governing the subject of paternal rights, we may consider the relation of patrons and liberti as the same both in the case of patrician and plebeian manumissores.

The libertus adopted the gentle name of the manumissor. Cicero's freedman Tito was called M. Tulius Tito. The libertus owed respect and gratitude to his patron, and in ancient times the patron might punish him in a summary way for neglecting those duties. This obligation extended to the children of the libertus, and the duty was due to the children of the patron. In later times the patron had the power of relegating an ungrateful freedman to a certain distance from Rome, a law probably passed in the time of Augustus.

In the time of Nero it was proposed to pass a senatus consultum which should give a patron the power of reducing his freedman to slavery if he misconducted himself towards his patron. The measure was not enacted, but this power was given to the patron under the later emperors. The lex Aelia Sentia gave the patron a right of prosecuting his freedman for ingratitude (ut ingratum accusare). An ingratus was also called libertus impius, as being deficient in pietas.

If the libertus brought an action against the patron (in jus vocavit), he was himself liable to a special action on the case; and he could not, as a general rule, institute a capital charge against his patron. The libertus was bound to support the patron and his children in case of necessity, and to undertake the management of his property and the tutela of his children: if he refused, he was in gratu.

If a slave were the property of several masters, and were manumitted by all of them, and became a Roman citizen, all of them were his patroni.

The manumissor could secure to himself further rights over his libertus by a stipulatio, or by taking an oath, the patron. The effects of such agreements were gifts from the libertus to the patronum (dona et munera) and services (opera). The oath was not valid unless the person was a libertus when he took it. If, then, he took the oath as a slave, he had to repeat it as a freeman, which seems to be the meaning of the passage of Cicero in which he speaks of an agreement. These opera were of two kinds, officiales, which consisted in respect and affection, and fabriales, which are explained by the term itself. The officiales determined by the death of the patronus, unless there was an agreement to the contrary; but the fabriales, being of the nature of money or money's worth, passed to the hands of the libertus, like any other property. The patronus, when he commanded the opera of his libertus, was said "ei operae indicere or imponere." The patron could not command any services which were disgraceful (turpes) or dangerous to life, such as prostitution or fighting in the amphitheatre; but if the libertus exercised any art or calling (artifex), even if he learned it after his manumission, the opera in respect of it were due to the patron.

The lex Julia et Papia Poppaea released freedmen (except those who followed the ars ludica, or hired themselves to fight with beasts) from all obligation as to gifts or opera who had begotten two children and had them in their power, or one child five years old or more.

If liberty was given directly by a testament, the testator was the manumissor, and his paternal rights would consequently belong to his children: if it was given indirectly, that is, per fideicommissum, the person who performed the act of manumission was the patronus. In those cases where a slave obtained his freedom under the lex Julia et Papia, Silanus, who assigned him a patronus; and if this was not done, that person was the patron of whom the libertus had last been the slave.

The paternal rights were somewhat restricted...
ATRONUS.

when the act of manumission was not altogether the free act of the manumissor. For instance, the manumissor per fidicommision had all the patronal rights, except the power to prosecute for ingrate, the right to be supported by the libertus, and to stipulate for munera and operae: his rights against the property of the libertus were, however, the same as those of any other manumissor. If a slave had given money to another person in order that this other person might purchase and manumit him, and the master had no patrocinium, and the libertus did not even lose the name of patron, if he refused to perform the act for which he had received the money, and allowed the slave to compel him to perform his agreement, which the slave could do by a constitutio of M. Aurelius and L. Verus. If a master manumitted his slave in consideration of a sum of money, he retained all patronal rights, but he could not stipulate for operae. A person who purchased a slave, and on the occasion of the purchase agreed to manumit him, had all patronal rights except the right of prosecuting for ingratitude in case the slave compelled him to perform his agreement, which the slave could do by a constitutio of M. Aurelius and L. Verus.

It was the duty of the patron to support his freedman in case of necessity, and if he did not, he lost his patronal rights: if he consigned the freedman who he had purchased to him, if he took a capital charge upon him. The lex Aelia Sentia, among its various provisions, contained several that related to the rights and duties of the patron.

A capitis diminutio, either of the patron or the libertus, dissolved the relation between them. (See Tacit., Hist., ii, 92, where "jura libertorum" means "jura patronorum" or jura in libertos." The relation was dissolved when the libertus obtained ingenitas by the natalium restitutioni, but not when he merely obtained the jus aureorum annulorum. (Vid. Ingenius.)

The most important of the patronal rights related to the property of liberti who died intestate or having made a testament.

The subject, so far as concerns the Ante-Justinian period, may be distributed under the two following heads: 1. The ordinary rules of law, and, 2. the extraordinary: the former comprehend the rules of the old civil law, and the edict on the bonorum possessio; and the latter, the bonorum possessio contra tabulas liberti and contra suas non naturales, the bonorum possessio contra tabulas libertae, and the right to a vicarius part which was given by the lex Papia Poppaea.

By the law of the Twelve Tables, if a freedman died intestate without sui heredes, the patronus was his heir. This right was viewed as a right of agnation. The legitima patronorum tutela was not expressly mentioned in the Twelve Tables, but it was a legal consequence of the rule as to inheritance. It was also to her property, because a mother could not have sui heredes; yet Ulpius himself says that, whether the mother was ingenua or libertinæ, the children could succeed to her inheritance by the senatus consultum Orfitianum. This apparent contradiction is removed by the supposition that the senatus consultum Orfitianum gave the children in such cases an equal right with the patronus.

These patronal rights belonged both to a patronus and a patrona, and to the liber of a patronus. The male children of the patronus had the same rights as the patronus himself; but the females had only the rights which the Twelve Tables gave to the males, and they had not the bonorum possessio contra tabulas testamenti liberti but ab intestato. Consultum Poppas.--If the libertus died intestate these rights were given them by the lex Papia Poppaea. A faculty which is raised by a passage in Justinian's legislation on the patronal rights is discussed by Unterholzer. It seems that the children of a patrona had not, by the Twelve Tables, the same rights as the children of a patronus: but the lex Papia Poppaea probably made some change in this respect.

In order that these patronal rights should exist, it was necessary that the libertus must have been made free by a Roman citizen, and have become a Roman citizen by the act of manumission. Accordingly, if a person obtained the citizenship, it was necessary that he should have a special grant of the ius patronatus in order that he might have patronal rights against his then freedmen, who must also be Roman citizens, to be able to sue after his death. The capitis diminutio, as already observed, either of the patron or the libertus, destroyed the patronal rights to the inheritance.

If there were several patroni or patronae, they divided the inheritance equally, though their shares in the libertus when a slave might have been unequal. These patronal rights resembled a joint-tenancy in English law, for the survivor or survivors of the patron had all the patronal rights to the exclusion of any children of a deceased patronus. A son of a patron also claimed the inheritance to the exclusion of the grandson of a patron. If the patroni were all dead, leaving several children, the hereditas was divided among all the children equally (in capite), pursuant to the law of succession in the case of agnation.

A senatus consultum, which was passed in the time of Claudius, allowed a patron to assign his patronal rights to the inheritance of a libertus to any of his children whom he had in his power, to the exclusion of the rest. The Edict extended the bonorum possessio to patroni. The patronal rights of the civil law were founded on an assumed cognatio: those of the Edict were founded on an assumed cognatio. The Edict called to the bonorum possessio of liberti, 1. their children; 2. their heredos legitimi; 3. their cognati, who must, of course, be descendants; 4. the familia of the patronus; 5. the patronus and patrona, and their children and parents, by which provision was made in case the patronus or patrona had sustained a capitis diminutio, and so could not be called in the manner of order; 6. the husband or wife of the freedwoman or freedman; 7. the cognatio of the manumissor.

Originally, if the freedman made a will, he could pass over (preterire) the patron. But by the Edict, unless he left him as much as one half of his property, the patron or his male children could obtain the bonorum possessio contra tabulas one half of the same. If the liber had no sui heredes except an adopted child, or a wife in manum, or a narus in the manus of his son, the patron had a bonorum possessio of one half against these sui heredes. But if the libertus had children of his
PATRONIUS.

PAUPERIES.

ven blood (naturales) either in his power at the
time of his death, or emancipated, or given
in adoption, and if these children were made heredes
by his testament, or, being præteriti, claimed the
honorum possessio contra tabulas, the patron had no
claim on the freedman’s property. The patron
was not excluded if the children of the freedman
were excluded.

By this lex Papia Poppea, if a freedman had a
property amounting to a hundred thousand sestertii
and fewer than three children, the patronus had an
equal share (siritis pars) with the children, whether
the freedman died testate or intestate; and a
patrona ingenua who had three children enjoyed the
same privilege. Before the lex Papia, patronus had
only the rights which he would have enjoyed had
this but lex ingenua patronus who had two chil-
dren, and libertinae patronus who had three children,
the same footing with respect to the honorum
possessio contra tabulas, and with respect to an
adopted son, a wife in manu, or a nurse in manu
filii, as the edict had placed patroni. The lex
did the same for daughters of the patronus who had
three rights which he would have enjoyed had
not a libertina, who had three children, the
same rights that it gave to a patronus.

According to the old law, as the libreta was in
the legitima tutela of her patron, she could make no
disposition of her property without his consent (pa-
tronus auctore). The lex Papia freed a liberta from
this tutela if she had four children, and she could
consequently, then make a will without the consent
of her patronus, but the law provided that the
patronus should have an equal share with her survi-
viving children.

In the case of a liberta dying intestate, the lex
Papia gave no farther rights to a patronus who had
child, than she would have had in the case of an
adoptei, and therefore, if there had been no capitis
diminuito of the patronus or the liberta, the patrona
inherited the property, even if she had no children, to
the exclusion of the children of the liberta. If the
liberta made a will, the lex Papia gave to the patronus,
who had the number of children required by that law,
the same rights which the edict gave to the patronus
contra tabulas liberti. The same lex gave to the
daughter of a patronus who had a single child, the
same rights that the patronus had contra tabulas
liberti. (Gaius, iii., 53—a passage which Unter-
holzner proposes to correct, but on very insufficient
grounds.)

The laws of law as to the succession of the
patroni to the property of Latin liberti differed in
various respects from those that have been explain-
ed. Being viewed as a peculiun, it had the inci-
dents of such property. It came to the extranei
heredes of the manumissor, but not to his exerherated
children, in both which respects it differed from
the property of a libertus who was a civis Romanus. If
the owner of the libertus was still alive, the
proportion to their interests in the former slave,
and it was consistent with this doctrine that the share
of a deceased patronus should go to his heres. The
senatus consultum Largianum, which was passed in
the time of Claudius, enacted that the property of
Latini should go first to those who had manumitted
them and to their liberti who were expressly
exerherated, according to proximity, and then ac-
cording to the old law, to the heredes of the manu-
misso. The only effect of this senatus consultum
was to prefer liber, who were not expressly Ex-
heredated, to extranei heredes. Accordingly, an em-
ancipated son of the patronus, who was præteritus,
and who could not claim the bonorum possessio of
his father’s property contra tabulas testamenti, had
a claim to the property of a Latinus pro or to the
extranei heredes.

As to the deditii under the lex Elia Sentia,
two were rules. The property of those who
on their manumission would have become Roman
citizens, but for the impediments thereto, came to
their patroni as if they had been Roman citizens:
they had or not, however, the testamenti facio. The
property of those who on their manumission would
have become Latinis, but for the impediments thereto,
came to their patroni as if they had been Latinis:
on this Gaius remarks that in this matter the legis-
lator had not very clearly expressed his intentions
He had already made a similar remark as to a pro-
vision of the lex Papia.

As to the meanings of the word patronus,
we have:

CILIEES AND OVARII.

The subject of the patronatus is one of consid-
erable importance towards a right understanding of
many parts of the Roman polity. This imperfect
outline may be filled up by referring to the authori-
ties given in note 1.

PAVIMENTUM. (VID. HOUSE, ROMAN, p. 519.)

If Bucephalus (or the Peacock, or Pavo Cristatus,
L. "It is impossible to determine with precision the
epoca of the domestication of the Peacock; we
know well, however, that it must have been of
the remotest antiquity, since the fleets of Solomon,
in their distant voyages, brought back, every three
years, to Palestine, peacocks, which are enumerated
among the riches of which the vessels contained. We are informed by Pliny that
the orator Hortensius was the first Roman who had
a peacock killed at his table, when he entertained
the College of Pontiffs at a sumptuous banquet.
The first who bred and fattened peacocks for culinary
purposes was Aufidius Lorcus, who realized by this
business the fortune which he made, as Caelius
asserts, by forwarding an expedition of the
vessels.

In the feasts of the Emperors Vitellius and Helio-
galus, enormous dishes were frequently served up,
composed of ragouts of the tongue's and brains of
peacocks. Buffon says that at first they were
very rare in Europe. At Athens they were exhib-
ited for many years at every festival of the new
moon as an object of curiosity, and people used to
run in crowds from the neighbouring towns and
cities to behold them. This was after the time of
Alexander; for that monarch, though well acquaint-
ed with Greece, had never seen them until he
marched into India, where he found them flying
wild to the farthest borders of the Siwash or
Pendjub. Towards the latter end of his reign he
had so greatly multiplied in Greece, that Aristotle speaks
of them as perfectly well known in that country.

The Peacock was sacred to Juno, and was nurtured
in honour of the goddess, in great numbers, at her
temple in Samos. It is represented, also, on the
coins of this island. According to one explanation,
the bird was sacred on the account of the great 
fulness of the vault of heaven, and hence the Peacock
was consecrated to Juno Urania as to the Queen of
the Skies. Others, however, suppose the bird to have
been held sacred to the goddess, from its announc-
ing by its cry the changes of weather, &c.

PAUPERIES, ACTIO DE. (VID. PAUPERIUS.)

PAUPERIES is the legal term for mischief
done by an animal (quadrumpanum) contrary to the
nature of the animal, as if a man's ox gored another

1. (Zeitschrift, v., 45.)

2. (Griffith's Cuvier, vol. viii., 130,
PECUARIIL

PEDUM.

PECULATUS is properly the misappropriation or theft of public property. Labeo defines it thus: "pecunia publica aut sacrarum factum, non ad eo factum, cujus periculo est." The person guilty of this offence was peculator. Cicero enumerates peculares with scriari, venefici, testamentarii, and funes. The origin of the word appears to be pecus, a term which originally denoted that kind of movable property which was the chief sign of wealth. Originally trials for peculatus were before the popular or the senate. In the time of Cicero, matters of peculatus had become one of the questions perpetuo, which imply some lex De Peculatu, and such a lex is by some writers enumerated among the leges Sullianae, but without stating the authority for this assertion. Two leges relating to peculatus are cited in the Digest, lex Julia Peculatus and lex Julia de Residuo. But the property may be the same lex, though quoted as two leges, just as the lex Julia de Adulteris comprised a provision De Fundo Donati, which chapter is often quoted as if it were a separate lex. Matters relating to sacrilegus were also comprised in the lex Julia Peculatus (ne quis ex pecunia sacra, religiosa publicae ausaret, &c.); matters relating to the debasement of the coinage, the erasing or cancelling of Pompeian coins, were regulated by lex de Residuo applied to those who had received public commission for public purposes, and had retained it (apud quem pecunia publica resedit). The penalty under this lex, on conviction, was a third part of the sum retained. The punishment, which under the lex Julia Peculatus was originally aequis et ignis interdictio, was changed into deportatio: the offender lost all his rights, and his property was forfeited. Under the Empire sacrilegus was punished with death. A "sacrilegus" is one who plunders public sacred places.

PECULIO, ACTIO DE. (Vid. Servus)

PECULIUM. (Vid. Servus)

PECULIUM CASTRENSE. (Vid. Patria Poetetis, p. 742.)

PECUNIA. (Vid. Ee, Argumentum, Aurum.)

PECUNIA. (Vid. Heer, Roman, p. 497.)

PECUNIA CERTA. (Vid. Obligationes, page 673.)

PEDANEUS JUDEX. (Vid. Judex Pedaneus.)

PEDARI. (Vid. Senatus.)

Fedica, formed from pes on the same analogy with manica (περισκέλος, lom. et Ati. rei.), a fetter, an ankle ring.

Fetters were worn for the sake of restraint by latives, criminals, and captives, and by horses instead of a halter. Another kind of fetter was the noose (laqueus curtas) used to catch birds, which was the appropriate employment of winter. For the sake of ornament, fetters or ankle-rings were worn by females. (Vid. Periscelis.)

PED/SEQUI were a class of slaves, whose duty it was to follow their master when he went out of his house. This name does not appear to have been given to any slave who accompanied his master; but the pedesqui seem to have formed a special class, which was almost the lowest of all. There was a similar class of female slaves, called pedesqui.

PEDUM (πέδον, λαυροδέντος), a Crook. Its curved extremity was used by the shepherds to lay hold of the sheep or goats, principally by their legs, so as to preserve them from running into danger, or

man. In such cases the law of the Twelve Tables gave the injured person an action against the owner of the animal for the amount of the damage sustained. The owner was bound either to pay the full amount of damages, or to give up the animal to the injured person (noxas dare). Pauperies excepted the notion of injury; it is defined to be "darmnum sine injuria faciens factum," for an animal could not be said to have done a thing: injury. The actio pauperie belonged to the class of noxales actions.1

PAUSAII was the name given to the priests of Isis at Rome, because they were accustomed, in the processions in honour of Isis, to make pauses (pauca) at certain chapels or places, called mansiones, by the road's side, to sing hymns and perform other sacred rites.2

The porticus, or commander of the rovers in a vessel, was sometimes called pauxaria,3 because the rovers began and ceased (pauca) their strokes according to his commands. (Vid. Porticus.)

*PAUSTA, a species of Olive. Virgil calls its berry bitter, because it was to be gathered before it was quite ripe, it having then a bitter or austere taste.3

PECHYS (πεχύς) (Vid. Custodes.)

PECENT (πεκέντ), a Comb. The Greeks and Romans used combs made of boxwood,4 which they obtained, as we do, from the shores of the Euxine Sea. The mountain ridge of Cyrtos, in Galatia, was particularly celebrated for this product. (Vid. Buxum.) The Egyptians had ivory combs,5 which also came into use by degrees among the Romans.6

The golden comb ascribed to the goddesses is, of course, imaginary.7 The wooden combs found in Egyptian tombs are toothed on one side only; but the Greeks used them with teeth on both sides, as appears from the remains of combs found at Pompeii,8 and from the representation of three combs, exactly like our small-tooth combs, on the Amylean marbles.9

The principal use of the comb was for dressing the hair in doing which the Greeks of both sexes were remarkably careful and diligent.10 (Vid. Com., p. 293.) To go with uncombed hair was a sign of affliction.11 The use of the comb in cutting the hair is alluded to by Plautus.12

A comb with iron teeth was used in cornfields, to separate the grain from the straw while it was yet standing. This method of reaping was called pectens, a species of grotto of El Kab, in Egypt, represents a man combing the flax for the purpose of separating the linseed from the stem. The rake used in making hay is called rarus pecten,13 because its teeth are far apart; but this may only be a poetical use of the term.

Two portions of the Greek lyre were called the combs; they may have been two rows of pegs, to which the strings were tied. In a figurative or metaphysical sense, the term was applied to the fingers of a man14 and to the ribs of a horse.15 The use of the comb in weaving, and the transference of its name to the plucked string, are explained under Telam.

PECUARIIL were a class of the publicani who farmed the public postes (pecuia publica).
to rescue them when they were in want of assistance. The accompanying woodcut is taken from a painting found at Civita Vecchia. It shows the crook in the hand of a shepherdess, who sits upon a rock, tending sheep and other cattle. (See also woodcut of Oedipus.)

The herdsman also used a crook, but less curved, with a heavy head, and hence called καλαίφρους; he threw it at any of the herd which strayed from the rest.  

An account of its connexion with pastoral life, the crook is continually seen in works of ancient art in the hands of Pan, and of satyrs, fauns, and shepherds. It was also the usual attribute of Thalia, as the muse of pastoral poetry.

*PEG'ANON (πηγανών), the herb Rue. The two species described by Dioscorides are, in all probability, the Ruta montana and kariotis, the Mountain and Garden Rue. Linnaeus named the former the Peganum harnala. Schneider thinks that the πηγανών of Theophrastus applies to the Ruta graveolens and montana.

PEGMA (πηγμα), a Pageant, i. e., an edifice of wood, consisting of two or more stages (tabulata), which were raised or depressed at pleasure by means of balance-weights (pondera reducita). These great machines were used in the Roman amphitheatres, the gladiators who fought upon them being called pegasares. They were supported upon wheels, so as to be drawn into the circus, glittering with silver and a profusion of wealth. At other times they exhibited a magnificent though dangerous contrast of their most splendid contrivances, and werewolves sometimes happened to the musicians and other performers who were carried upon them. When Vespasian and Titus celebrated their triumph over the Jews, the procession included pageants of extraordinary magnitude and splendour, consisting of three or four stages above one another, hung with rich tapestry, and inlaid with ivory and gold. By the aid of various contrivances, they represented battles and their numerous incidents, and the attack and defence of the cities of Judea.

The pageant was also used in sacrifices. A bull having been slain on one of the stages, the high-priest placed himself below, in a cavern, so as to receive the blood upon his person and his garments, and in this state he was produced by the flames before the worshippers.

The pegmata mentioned by Cicero may have been movable bookcases.

*PELAMYS (πέλαμις), a species of Scomeri or Thunny. According to Pallus, the πέλαμις mentioned by Strabo as a fish of the Black Sea, is the Mugil cephalus, Linn. A species of πέλαμις is at the present day denominated Palymede by the fishermen at Marseilles. The σάρδα was a pickle made from the fish of this species.

*PELARGUS (πελαργός), the common Stork, or Ciconia alba. Belon, the same as the Arlois Ciconia. L. Aristotle errs in making the Stork a hyperbating bird. Eleian and Pliny state, more correctly, that it migrates like the Crane. (Vid. Ciconia.)

PELATAI (πελαταί) are defined by Pollux and other authors to be free labourers working for hire, like modern servants in Europe, in contradistinction to the Helots and Penestae, who were bondmen or serfs, having lost their freedom by conquest or otherwise. Aristotle thus connects their name with πέλατα, he says, from παλαργ, οι, γνώμα δια πανίν παραμόνες: i. e., persons who are obliged by want to attach themselves to others. Timeus gives the same explanation: Πελάτης, δ' άντι τροφος &c. In the home of their master, by means of the regulations expressed by the two terms are by no means similar. Plutarch also uses the word rather loosely for Helots; and we are told of a nation of Ilians (the Ardiai) who possessed 300,000,000 of land in Greece. It was compared by Theopompos with the Helots of Laconia.

*PELECAN (πελεκάν), the Pelican, called also, in Greek, πελεκάνος. It is the Onocrotalus of Pliny, and hence its scientific name of Pelecanus onocrotalus. The Greek name is derived from the πέλας shapeless bill of the bird (πελεκάνος, "an axe").

*PELÉIAS (πελέας), a plant, with Stockhouse and Sprengel refer to the Coronilla campestris, or Joint-plodded Calea. Dioscorides enumerates the πελεκάνος among the synonyms of the Hedyosurus (fūnusonos).

*II. (πελεκάνος), a plant, the Bisortula Pelicanus Stockhouse, however, makes it the same with the preceding.

*PELÉIAS (πελέας), the Rock Dove or Stock Pigeon, the Columba livia, Brisson. It is particularly tardy, and hence Homer gives it the epithet of τρόφον.

PELLEX. (Vid. Concubina, Roman.)

PELLIS (πέλης, δομα, δομα), the hide or skin of a quadruped.

Before weaving was introduced into Europe, there is reason to believe that its inhabitants were universally clothed in skins. The practice continued among the less civilized nations, and is often ascribed by the poets to heroes and imaginary beings. The following is an enumeration of the skins which were thus employed either in fiction or in real life: 1. The skin of a horse (λεκτρον). The story of the Nemean lion may have been founded in fact. The existence of these animals in Northern Greece, Thessaly, and Macedonia, is attested by Herodotus and Aristotle, and that they were comparatively abundant in Asia Minor is manifest from the descriptions in the Homeric poems. Hence Agamemnon, to compare his walk out from his tent by night, puts on, instead of a blanket (vid. Pallium), the hide of a great lion, while Meenlaus clothes himself
that of a leopard. For this purpose the claw of the lion were carefully retained, and sometimes covered with thin plates of gold. The manner of wearing the skin is described in the article Armenia, p. 93. 2. The skin of the tigress was worn in the same manner as the lion's, covering the back from head to foot, and with the claws gilded. 3. The leopard's or panther's skin (the so-called ermine) was worn, not only by Mencius as above quoted, but by Paris, who adorns himself with it in the day, and in sight of the two armies. It is also attributed to Jason. It was greatly admired on account of its spots, and was thrown over the left shoulder like a pallium (Vid. Dionysius, p. 365.)

The high-priest of the Egyptians wore a leopard's skin on great occasions. 4. Pan wore the skin of the lion in his puny form. This custom of wearing a garment resembling the human figure is witnessed by Phidias, who is the middle figure in the woodcut at p. 719. It was adopted as a defence from the nightly cold by Dolon. 5. The foxskin is attributed only to barbarous nations, such as the Scythe.

6. The ermine derives its name from Armenia, with which country the ancients, especially the Ionians, carried on a trade in furs. Ermine skins were considered at great value, delicacy and softness, and were taken to Persia to make robes for the grandees by being sewed together.

7. The doe'skin, worn by Pan over his left side. (Vid. Nereis.) 9. The bear's skin was constantly worn instead of the blanket (χαλκάδα) by Anceus, one of the Argonauts. 10. The bull's hide was employed in like manner (Vid. Armenia, p. 93), especially among the Thracians. 11. The goatskin (αλιγά, υάκος) is mentioned, not only as the attribute of divine and mythological beings (Vid. Aesopus), but as the common clothing of the goatherd and the labouring man. Nevertheless, the language of Varro implies that his countrymen had ceased to clothe themselves in goatskins, which were abandoned to the less refined inhabitants of Tithula and Sardinia. The uncoated goatskin garment of the Sardinius was called mastrucea. The term σιφόρα or σιφώρα denoted an article of domestic furniture, which was made by sewing together several goatskins with the hair on.

12. The sheepskin (βία, νικός, διψήφα) was worn not only by the Laocoonian Helots, but frequently by the laborious poor, as is still the case in many parts of Europe. The lamb'skin was called υπάρηξ, and a dress, supposed to have had a sheepskin sewed to it below, κατωεική.

The preceding statement shows that, as civilization advanced among the Greeks and Romans, the use of hides for clothing was gradually abandoned, the pallium or blanket being substituted for them, and worn very much after the same fashion. Skins, however, continued to be used as coverings for beds and couches, and as clothing for slaves and the poor, especially in the country. The northern nations of Europe retained the use of them in the highest ranks of society (peltata Gétarum curis), while the Greeks and Romans constantly regarded it as a sign of rusticity and savage barbarism to be so clothed. Hence it was matter of censure and indignation when Rufinus, prime minister of the Emperor Honorius, first occupied the seat of justice in a furred robe (maren captiva petilia judic. leges). Nevertheless, the taste which now prevails for the beautiful furs of the north of Europe and Asia, as is shown by Mr. Akin in his admirable essay on this subject, was made at this time a rapid progress throughout the Roman Empire.

*PELLICIAS (πελλίας or -ιας), "a tesiaceous fish, of the genus Chaura. Athenaeus says it is so called from πελώμως, as indicating its great size. Cassaubon, however, contends that the name is de rived from Pelorus, the Sicilian promontory. Its French name is Pelourde.*

PELLTA (πελτή), a small Shield. Iphicrates, ob serving that the ancient Cephus was cumbersome and inconvenient, introduced among the Greeks a much smaller and lighter shield, from which those who bore it took the name of pelotaes. (Vid. Armenia, p. 94; Army, p. 99.) It consisted principally of a frame of wood or wickerwork, covered with skin or leather, without the metallic rim. (Vid. Antyx.) Light and small shields of a great variety of shapes were used by numerous nations before the adoption of them by the Greeks. The round target (Vid. Extra) was a species of the pelta, so that the ancient Spaniards were all, as Strabo says, pelaste. The pelta is also said to have been quadrangular.

The Mosynoci, on the southern shore of the Euxine Sea, used peltae (γέφυρα) made of the hides of white oxen with the hair on, and in shape resembling an ivy-leaf. A light shield of similar construction was part of the national armour of Thrace and of various parts of Asia, and was, on this account, attributed to the Amazons, in whose bands it appears on the works of ancient art sometimes elliptic, as in the bronzes of Siris (woodcut, p. 602), and at other times variously situated on the margin, but most commonly with a semicircular indentation on one side (lunatis pelita)15. An elegant form of the pelta is exhibited in the annexed woodcut, taken from a sepulchral urn in the Capitoline Museum at Rome, and representing Penthesilea, queen of the Amazons, in the act of offering aid to Priam.

Notwithstanding the general absence of metal, the pelta was sometimes ornamented. That borne

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the pentathlon, and although its invention was attributed to Peloes. These accounts are fabulous.

The pentathlon was not practised until the time when the great national games of Greece began to flourish. The persons engaged in it were called pentathlētai (πένταθληται). The pentathlon consisted of five distinct kinds of games, viz., lepting (λεπτίνα), footrace (δρόμος), the throwing of the discus (δίσκος), the throwing of the javelin or lance (λαίτη) and wrestling (παλέα), which were all performed in one day and in a certain order, one after the other, by the same athlete.

The pentathlon was introduced in the Olympic games in Ol. 18, and we may presume that soon after this it was also introduced at the other national games, as well as at some of the other important festivals, such as the Etrida in Thespis.

The order in which the different games of the pentathlon followed one another has the subject of much discussion in modern times. The most probable opinion, however, is Böckh's, which has been adopted by Dissen, Krauce, and others, although G. Hermann has combated it in a little essay in the German journal, "Sitzungsberichte" of Lipsiae, 1822. The order adopted by Böckh is as follows: 1. The διάλα. This was the most prominent part of the pentathlon, and was sometimes used to designate the whole game. It was accompanied by flute-music. Other writers, as Pausanias himself, and Plutarch, speak as if the whole pentathlon was applied instead of the discus. They describe in these passages the whole game seems to be mentioned instead of that particular one which formed the chief part of it. 2. The footrace. 3. The discus. 4. The throwing of the spear. 5. Wrestling. In later times, probably after Ol. 77, the footrace may have been the fourth game instead of the discus. Böckh, however, doubts this.

From a passage in Demosthenes, it appears that the Pentestae sometimes accompanied their masters to battle, and fought on horseback, as their knights or vassals: a circumstance which need not excite surprise, as Thessaly was so famous for cavalry. The Pentestae of Thessaly also resembled the Laconians, Helots in every respect, for they often rose in arms against their lords. There were Pentestae among the Macedonians also.

PENTETRAE. (Vid. Temple.)

*PENIA (πενία), an insect noticed by Aristotle, which Schneider suggests may have been the Phaenoria geometrica.*

PENTACOSIOMIDINI. (Vid. Census.)

PENTALITHOS (πεντάλιθος). (Vid. Gymnasi-

*PENTAPHYLLON (πεντάφυλλον). "We may be certain," says Adams, "that we are not far from the truth in setting this down for the Tormentilla officinalis, or common Tormentil, although the re-
spective parts of the plant are variously named. It is likely, Pententilla, be so great, that, in all probability, the ancients sometimes applied the same name to both.")

PENTATHLON (πενταθλον, quingymnium) was, next to the pancratium, the most beautiful of all athletic performances. It does not appear to have been known in the heroic ages of Greece, although Appius Claudius, according to the account of latter times, describes Perseus as killing Ajaxis in


PENTECOSTE.

The sacrifice of the two lambs, which is made on the first day after the Passover and kept in the temple, was either awarded to him who had been victorious in all the five games, or to the person who had conquered his antagonist in at least three of the games; but nothing can be determined on this point with any certainty. That the decision as to who was to be rewarded was considered difficult by the Greeks themselves, seems to be implied by the fact that at Olympia there were three hellanodicae for the pentathlon alone.  

As regards the trapezus mentioned above, several statements of ancient writers suggest that the whole of the pentathlon was not always performed regularly, and from beginning to end; and the words by which they designate the abridged game, trapezus, ἀποτραπέζιον, and τριάτερα περενειν, lead us to suppose that the abridged contest only consisted of three games, and most probably of those three which gave to the pentathlon its peculiar character, viz., leaping, and throwing the discus and the spear. The reason for abridging the pentathlon in this manner may have been the wish to save time, or the circumstance that athletes who had been conquered in the first three games were frequently discouraged, and declined continuing the contest. When the trapezus was introduced at Olympia is not mentioned. We know, however, that Keay supposed that the ten probability, from Pausanias, that it was in Ol. 77. The pentathlon required and developed very great elasticity of all parts of the body, whence it was principally performed by young men; and it is probably owing to the fact that this game gave to all parts of the body their harmonious development, that Aristotle calls the pentathl the most handsomely executed of all the Olympic contests, for the same reason, also regarded as very beneficial in a medical point of view; and the Elean Hysmon, who had, from his childhood, suffered from rheumatism, was cured by practising the pentathlon, and became one of the most distinguished athletes. (Compare G. Fr. thiellg., De pentathlo vix quoque commentat. Berlin, 1827.—Kraume, Gymnastik und Agonistik der Hellesen, p. 470—497.)

PENTHEKOSTH', a duty of two per cent. levied upon all exports and imports at Athens. Thus it was levied on corn, which, however, could only be imported, exportation being prohibited by law; and also on woollen cloth, and other manufactured goods. On imports the duty was payable on the unloading of the exports, probably, when they were purchased at the port. It was collected by persons called πενταχωρολογοι, who kept a book in which they entered all customs received. Domesthenes refers to their entry (ἀπογραφὴ) to prove that a ship was not laden with more than a certain quantity of goods. The merchant who paid the duty was said πενταχωροευθεῖας. All the customs appear to have been let to farm, and probably from year to year. Thus a system of "vested interests," called πολεοτητα, acting under the authority of the senate. The farmers were called τελωνας, and were said ομωσεῖται τὴν πενταχωρίαν. They might either collect the duty themselves, or employ others for that purpose. Several persons often joined together in the speculation, in which case the principal, in whose name the bidding took place, and who was responsible to the state, was called ἄρχωνς or τελωνίαρος.

Sureties were usually required. Whether the customs on different articles of merchandise were farmable or not, appears somewhat uncertain. The corn-duty, at least, was farmable for a certain time; and this was the case with another tax. With respect to the amount of the revenue derived from this source, the reader may consult Böckh, Staatsanweis. der Ath., i., 337—342. The πενταχωρία has been thought by some to be the same with the ἀθλημάτων mentioned by Pox-lux; but this was more probably a duty paid for the use of the harbour, whether goods were unloaded or not. Other persons, who sold the service as the εκατονταρχησ, mentioned by Xenophon, as being paid by foreign ships entering the Piræus, and alluded to by Aristophanes. Böckh's conjecture, that, besides a personal harbour duty, a duty was levied of one per cent. on all the goods on board, appears less probable; for it would be unreasonable to exact a custom duty on goods not landed; and if they were to be landed, why should the πενταχωρία be required in addition to the εκατονταρχησ?

PENTECOSTYS (πεντεκοστός). (Vid. Amyt., Grec., p. 98.)

*PENTELICUM MARMOR (Πεντέλεικος ἱθήκος), Pentelic Marble, obtained from Mount Pentelicus, near Athens, the modern name of which is Pentele. With this marble the Parthenon was built, as also the Temple of Ceres at Eleusis. Many celebrated statues and other works of art were covered with it. Its grain is finer and whiter than the Parian, but it does not retain its polish and beauty so well as the latter, being less homogeneous, and, consequently, more liable to decomposition.

*PEPERI (πέπερι), Pepper. "Theophrastus describes the two kinds of pepper, δίστονθαν ὁ δ' αὐτοῦ το γένος, τὸ μὲν γάρ στρογγυλόν, τὸ δὲ προμάκης. The former is quite different from the latter, the first being the Pclesus and Pliny give a full account of the ancient peppers, containing, however, some errors, arising from want of information. Dr. Hill says the oldest Greek writers knew the three kinds of pepper in use at present, and have described them very well, although they erred in supposing them the fruit of the same plant in different degrees of maturity; the plant, which produces both the black and white kinds is named Piper nigrum; that which produces the long, Piper longum."
armament which the Orientals rent as an expression of rage or grief.妇女 of high rank wore their shawls so long as to trail upon the ground (Τραπεζίας λευκόπετον; "Elbow pale of color"). A shawl was sometimes wrapped about the head during sleep. Farnham's vases. Each of the females in this group wears a shift falling to her feet (vid. TUNICA), and over it an ample shawl, which she passes entirely round her body, and then throws the loose extremity of it over her left shoulder and behind her back, as is distinctly seen in the sitting figure. The shawl was also often worn so as to cover the head while it enveloped the body, and more especially on occasion of a funeral (see woodcuts, p. 458), or of a marriage, when a very splendid shawl (παρακλήτος) was worn by the bride. The following woodcut may be supposed to represent

the moment when the bride, so veiled, is delivered to her husband at the door of the nuptial chamber.


He wears the Pallium only; she has a long shawl beneath her shawl, and is supported by the proma. Thus one represented Aurora and Night, but with this difference, that the one arose expanding a shawl dyed with saffron (παρακλήτος Ὅμος), whereas a black one enveloped the other (μελάνωμετός Νές). In reference to the bridal shawl, the epithet παρακλήτωρ was given to Venus.

Of all the productions of the loom, shawls were those on which the greatest skill was bestowed. So various and tasteful were the subjects which they represented, that poets delighted to describe them. The art of weaving them was entirely Oriental (Βαρβαρον ψάφωμα): those of the most splendid dyes and curious workmanship were imported from Tyre and Sidon: a whole book was written by Pocion concerning the Shaws at Carthage. Hence "Shawls" (παρακλήτοι) was one of the titles of works of an imaginative or descriptive character, and was adopted to intimate the variety of their subjects, and the beautiful mode of displaying them. A book, intended to depict some of the characters in the Iliad, and denominated "The Shawl," was ascribed to Aristotle. As a specimen of the subjects delineated, a shawl may be mentioned which defined the frame of the world. Euripides describes one which represented the sun, moon, and stars, and which, with various others containing hunting-pieces and a great variety of subjects, belonged to the Temple of Apollo at Delphi, and was used to form a magnificent tent for the purpose of an entertainment; for it is to be observed, that shawls of this kind were not only kept by wealthy individuals, but often constituted a very important part of the treasures of a temple, having been presented to the divinity on numerous occasions by suppliants and devotees. (Vid. Donaria, p. 760. Panathen., Pastophorus.)

PER CONDUCTIONEM. This legis actionis, says Gaius, was also continued, and gave notice to the defendant to be present on the thirteenth day after the notice, in order that a judex might be appointed. It was an act in personam, and applicable to those cases in which the plaintiff required the defendant to give something (qua intendit darse opertere). This legis action was introduced by a lex Sisilla in the time of the pontificate of Sisilla, and by a lex Sempronia in the case of any definite thing. Gaius observes that it does not appear why this form of action was needed, for in a case of darse opertere there was the sacramentum and the per judices postulationem. The name condictio was applied to actions in personam, after the legis actiones fell into disuse, though improperly, for the notice (demandatio) whence the legis actio took its name was discontinued.

PER JUDICIS POSTULATIO'NEM was one of the legis actiones. The passage in Gaius is wanting in which this form of action is described. It was applicable to a great variety of cases, and is some cases the same as the sacramentum was applicable. (Vid. Per Conductionem.)

PER MANUS INJECTIO'NEM. (Vid. Manus injectio.)

PER PIGNORIS CAPIO'NEM or CAPTIO'NEM. This was one of the legis actiones, or old forms of procedure, which in some cases was found on custom (mes). In others on enactments (lex). It was founded on military usage, and was applied in the case of men who were empowered to demand money from the states on custom (mes), in others on enactments (lex). It was founded on military usage, and was applied in the case of men who were empowered to demand money from the states on
PERDA.

PERDA (περδά), the Perch. The River Perch, or Perda fluviatis, is noticed by Aristotle, Zeller, Discordiales, Playn, &c.; the Sea Perch, or Perda marine, is noticed by Aristotle, Oppian, Ovid, Pliny, Marcelius Sideta, &c.

PERCNOPTERUS. (Vid. Aquila.)

PERCNOUS. (Vid. Aquila.)

PERDICION (περίδικος), a plant, most probably, as Adams thinks, the Petallium of the Wall, or Parietaria officinalis, which Sibthorpe says still retains the name of περίδικος in Greece. It is the Parietaria officinalis of Dioscorides.

PERDIX (περδήκος), the Partridge, or Tetrao Perdix.

“Athenaeus, I believe, is the only ancient author who takes notice of the Red-legged Partridge, or Tetrao rubus, L., sometimes called Perdix Graca. Gesner mentions that it is called ‘the Quail’ by the Italians.” The Tetrao rubus is brought from Capehaliana to Zante, says Sibthorpe, where it is kept in cages to sing, or, rather, call. The Red-legged and Gray Partridge were both seen in the vicinity of Salonica by Mr. Hawkins. The former frequented entirely the rocks and hills, the latter the cultivated ground in the plain.

PERDEULLO. (Vid. Majestas, p. 608.)

PERDEUULLONIS DUUMVIRI were two officers or judges appointed for the purpose of trying persons who were accused of the crime of perduellionis. The crime was the same as the quaestores pannici, and Walter agrees with him, though in a later part of his work he admits that they were distinct. It appears from a comparison of the following passages—Liv., i., 26.—Dig., 1, tit. 2, s. 2, s. 23.— Fest., s. v. Parici and Sororum—either that some of the ancient writers confound the duumviri perdullionis and the quaestores pannici. In the year 33 B.C., when the quaestores were the same persons; for, in giving an account of the same occurrence, some writers call the judges quaestores pannici, while others call them duumviri perdullionis. After the establishment of the Republic, however, there can be no doubt that they were two distinct offices, for the quaestores were appointed regularly every year, whereas the duumviri perdullionis were at times elected, and only in cases of emergency, as had been the case during the kingly period.

Livy represents the duumviri perdullionis as being appointed by the kings, but from Junius Gracchans it appears that they were proposed by the king and appointed by the populuses (reges populi suffragio creabant). During the early part of the Republic they were appointed by the comitia curiata, and afterward by the comitia centuria, on the proposal of the consules. In the case of Rarius (B.C. 63), however, this custom was violated, as the duumviri were appointed by the prator instead of by the comitia centuria. In the time of the emperors, no duumviri perdullionis were ever appointed.

The punishment for those who were found guilty of perdullionis was: they were either hanged on the arbore infausto, or thrown from the Tarpeian Rock. But when the duumviri found a person guilty, he might appeal to the people (in early times the populuses, afterward the comitia centuria), as was done in the first case which is on record, and in the last, which is that of Rarius, whom Cicero

1. (Aristot., H. A., vi., 14.—Id. ib., ii., 12.—Ellian, N. A., xiv. 23.—Discor. M. M., ii., 35.—Plin. xxxix., 9.—Id. 12.—10.—Id. 24.—Apothec. Scal., 5.—H. P., i., 11.—Discor. iv., 86.—Adams, Append., s. v.)—3 (Aristot., h. a., i., 3.—Adams, Append., s. v.)—4—(Græc. Rh. Hist., ii., 3, 5.—Livy, ii., 41.—id., vi., 20.—Dom. Cass., xxxvii., 27.—Id. 5, 36.—8 (Dig., i., tit. 12.—Compare Tzet, Ann., xxii., 22.—Dop. 1, tit. 3, s. 2, s. 23.—Cic., Pro Rabs, 4, &c.)—10.—(Dop. Cass., i. c.—Cic., i. c.—Suet., Julia, 12.)—(Livy, i., 26.)
defended before the people in the oration still extant. Marcus Horatius, who had slain his sister, was acquitted, but was nevertheless obliged to undergo some symbolical punishment, as he had to pass under a yoke with his head covered. The house of those who were executed for perfidiosity was razed to the ground, and their relatives were not allowed to mourn for them.

PERGRINUS, a stranger or foreigner. In ancient times the word pergrinus was used as synonymous with hostis, but in the times of which we have historical records, a pergrinus was any person who was not a Roman citizen, though it belonged to a few citizens, for the Greek cities and Suevic nations were called peregrini, and even the plebeians of old time, who were sometimes called peregrini, were either connected with Rome by ties of hospitality, or they were not. Respecting the former, [vid. HOSPITIUM. The latter, if they had any business to transact at Rome, required a patronus, who undertook the management of their causes in the courts of justice. When the dominion of Rome became extended over a great part of Italy, whole nations were driven into the relation of client to some influential Roman, who then acted as their patronus. But in B.C. 247 a second praeator (praetor peregrinus) was appointed for the purpose of administering justice in matters between such peregrini as had taken upon their abode at Rome. (Vid. PRETOR.) Whether a peregrinus had committed the same crimes as a Roman, and in a part of the town in which he was employed, or the same time the tribune C. Papirius, in B.C. 66. The same measure was sometimes also adopted by the early emperors. As peregrini were not citizens, they had none of the rights of citizens; their presence at Rome was merely an act of toleration on the part of the Romans.

During the last period of the Republic and the first centuries of the Empire, all the free inhabitants of the Roman world were, in regard to their political rights, either Roman citizens, or Latins, or peregrini, and the latter had, as before, neither commercium nor connubium with the Romans. They were either free provincials or citizens who had forfeited their civitas, were expelled a second time by the tribune C. Papirius, in B.C. 66. The same measure was sometimes also adopted by the early emperors. As peregrini were not citizens, they had none of the rights of citizens; their presence at Rome was merely an act of toleration on the part of the Romans.

It should be observed that scholars do not agree as to the real meaning of peregrus: Scaliger describes it as a part of a house built out into the street, as in some old houses of modern times; Ern esti, the term peregrus is applied to the upper part of a house, which was occasionally used by poor philosophers as an observatory. But neither of these two definitions is so applicable to all the passages in which the word occurs as 'that which we have proposed.

PERCYMYNON (πέρυκυμνόν), the common Honeysuckle or Woodbine, the Lonicera pericymon. Some botanical writers, however, prefer the other species, namely, the L. caprifolium. PERIDEIPNON (περίδειπνον). (Vid. FORA, p. 458.)

PERIOCIE (περιοικε). This word properly denotes the inhabitants of a district lying around some particular locality, but it is generally used to designate a dependent population, living without the walls or in the country provinces of a dominant city, and, although personally free, deprived of the enjoyment of citizenship, and the political rights conferred by it. The words σύνοικος and μετοίκοι have an analogous meaning.

A political condition such as that of the περιοικοι of Greece, and like the vassalage of the Germanic nations, could hardly have originated in anything else than foreign conquest, and the περιοικοι of Laconia furnish a striking illustration of this. Their origin dates from the Dorian conquest of the Peloponnesus, when the old inhabitants of the country, the Achaeans, submitted to their conquerors on certain conditions, by which, according to Ephorus,

they were left in possession of their private rights of citizenship (i.e., the right of intermarriage with the Dori ans, and also of their political franchise. They suffered, indeed, a partial deprivation of their lands, and were obliged to submit to a king of foreign race, but still they remained equal in law to their conquerors, and were eligible to all offices of state except the sovereignty. And now, they partial not have 3.)—the as the Perioci in the next generation after the conquest, either from the loss of dominion on the part of the Dorians, or from an unsuccessful attempt by the Achaio ns to regain their independence, the relation between the two parties was changed. The Achaio ns were reci ded from citizens to vassals; they were made tributary to Sparta (or Tyrrhenia), and their lands were subjected to a tax, perhaps not so much for the sake of revenue as in token of their dependence; they lost their rights of citizenship (i.e., as that of intermarriage with the Dorians, the right of voting in the general assembly, and their eligibility to important offices in the state, such as that of a senator, &c. It does not, however, appear that the Perioci (especially in the historic times) were generally an oppressed people, though kept in a state of political inferiority to their conquerors. On the contrary, the most distinguished among them were even elevated above them, and invested with naval command, but probably only because they were better suited for it than the Spartans themselves, who did not set a high value on good sailsmanship. Moreover, the Perioci sometimes served as heavy-armed soldiers or troops of the line: at the battle of Platea, for instance, they supplied 10,000 men, 5000 hoplites and 5000 lighthouse men, which were trained in a difference of rank connected with a difference of occupation among the Perioci themselves. Again, at Spacteria 292 prisoners were taken, of whom 120 were Spartans and the rest Perioci. We also read of calos calos kalapous, or "accomplished and well-born" gentlemen, among the Perioci, serving as volunteers in the Spartan service. But still it is not to be expected, it is not natural, that more competent to the discharge of high functions in a state, and bearing its burdens, should patiently submit to an exclusion from all political rights. Accordingly, we find that, on the rising of the Helots in B.C. 464, some of the Perioci joined them. When the Thebans invaded Laconia (B.C. 389), the Perioci were ready to help them. In connexion with the last war, however, the Perioci were neutral; the Perioci were most bitter against the ruling Spartans. From these and other facts, it appears that the Perioci of Laconia, if not an oppressed, were sometimes a disaffected and discontented class; though, in cases of strong excitement, or of general danger to the whole of Greece, they identified themselves with their conquerors. The very relation, indeed, which existed between them, was sufficient to produce in Sparta a jealousy of their subjects, with corresponding feelings on their part. Nor can we suppose that the Dorians would willingly permit the Perioci to acquire strength and opulence, or even to settle in large towns. In fact, it is stated by Isocrates that the Dorians intentionally weakened the Achaeans, by dispersing them over a great number of hamlets, which they called palle, though they were less powerful than the country parishes of Attica, and were situated in the most unproductive parts of Laconia, the best land of which was reserved for the Spartans. It is not, however, necessary to understand the distance at which many of them lived from Sparta as speaking of a uniform practice; and another of his statements, to the effect that the ephors could put any of the Perioci to death without trial, is either a perversion of the truth, or arose from his confounding the Perioci with the Helots.

Still the grievances of the Perioci were not, after all, intolerable, nor do they seem to have been treated with wantonness or unreason. As an example of the distance at which many of them lived from Sparta, it must have rendered it impossible for them to share in the administration of the state, or to attend the public assemblies; a circumstance which must in some measure have blunted their sense of their political inferiority. Nor were they subjected to the restraints and severe discipline which the necessity of maintaining their political supremacy imposed upon the Spartans, making them more like an "army of occupation in a conquered country" or a "beleaguered garrison" than a society of men united for civil government and mutual advantage. By way of compensation, too, the Perioci enjoyed many advantages (though not considered as privileges) which the Spartans did not. The trade and manufactures of the country were exclusively in their hands. They had the monopoly of the public facility and profit, as they occupied maritime towns. The cultivation of the arts, also, as well in the higher as in the lower departments, was confined to the Perioci, the Spartans considering it beneath themselves; and many distinguished artists, such as embossers and brass-founders, were found in the Laconian schools, all of whom were probably Perioci. Nor is there wanting other evidence, though not altogether free from doubt, to show that the Spartan provincials were not in the least checked or shackled in the development of their intellectual powers. Moreover, it seems natural to suppose that they enjoyed civil rights in the communities to which they belonged, and which otherwise would scarcely have been called palle; but whether or not those cities had the power of electing their own chief magistrate is a matter of conjecture. Ephorus, indeed, informs us that, on the conquest of the Peloponnese by the Dorians, they divided the country of Laconia into six districts, four of which were left in the possession of the Achaeans, and governed by magistrates sent from Sparta; but we have no means of knowing whether in this or any other country we can draw any conclusions with respect to the government of Laconia in general from the example of Cythera, to which a Spartan officer was annually sent, under the peculiar title of Kypriokhor, or the "Justice of Cythera."

The number of Laconians (as they are called) or subject cities is said to have formerly amounted to 1000. Though the last war, as Cythera, the port of Sparta; whence the whole district of Laconia is called the palle. Many, however, lay more inland, as Thuria and Cardamyle, which seems to have belonged to the old Messenia. On the inhabitants of the district of Sciros (the Exarxis, on the confines of Arcadia, seem to have been distinct from the other palle), and in battle were posted by the cities on the left wing. An enumeration of the Perioci is given in the "History of Greece" by Clinton.

The Perioci also occupied the island of Cythera, at the port of which the Lacedaemonian merchants usually put in on their voyages home.
of Egypt and Libya. 1 We have said that Periæci living in these towns were the descen- sants of the old inhabitants of the country; but we must not suppose they were exclusively so. Some of them, on the contrary, were foreigners, who had either accompanied the Dorians on their invasion of Laconia, or been afterward invited by them to supply the place of the dispossessed Achæans. One of these cities, Bola, is even said to have been founded by a Hareclid chief, 2 and another, Genor- thea, was peopled by colonists sent from Sparta, after it was evacuated by the old inhabitants. 3

The number of Periæci in the Persian war is thus determined by Clinton: 4 "At the battle of Plataea, in B.C. 479, the Periæci supplied 10,000 men. If it be assumed that the Periæci of the same period lived in 12 towns, in each of which the Spartan force bore to the whole number on the same occasion, or five eighths of the whole number of citizens, this would give 16,000 for the males of full age, and the total population of this class of the inhabitants of Laconia would amount to about 60,000 persons.

In the earlier part of Spartan history, the Periæcian towns of the coast (Laconiae ora castella et pisci) were detached from Sparta by T. Quintius Flaminius, and placed under the protection of the Achæan league. 5 Subsequently to this the Emperor Augustus released 24 towns from their subjection to Sparta, and formed them into separate communities, under laws of their own. They were consequently called Eleutheræum or Periæca. But, even in the time of Pausanias, some of the Laconian towns were not aboriginis, but dependant upon Sparta (oivteivnov ISta Tonyv). A class of Periæci, and also of Helots, has been said by Müller to be the basis of the Dorian form of government: we may therefore expect to find an odier Dorian and a Periæcian state as at Sparta, as, for instance, Elis and Argos, and the Boeotian Thebes: the dependant towns of which states were aboriginis communities, as Thespiae under Thebes, the Triphylian cities in Elis, and Oronce under Argos, though they could not be called aboriginis. 6 From the last-mentioned town, independently of Sparta, we must at once infer that it was the chief city of the country, nor did the former body stand in the same relation to the patricians as the Laconian provincials did to the Spartan citi- zens. Modern history furnishes fit objects of comparison in the Norman conquest of England and the city of Aigburth. 7 The burgs or free towns of the Middle Ages lived in, and grew up about them a distinct and large community living without the city, chiefly formed of the emanci- pated vassals of the dominant class, and called "Pfalzburgers," or citizens of the "pale," the sub- 

urbs in which they lived being surrounded by palasades. The Norman conquest of England presents a striking parallel to the Dorian conquest of Lacon- gia, both in its achievement and consequences. The Saxons, like the old Achæans, were deprived of their lands, excluded from all offices of trust and dignity, and reduced, though personally free, to a state of political slavery. The Normans, on the contrary, of whatever rank in their own country, were all nobles and warriors compared with the conquered Saxons, and for a long time enjoyed exclusively the civil and ecclesiastical administration of the land.

For farther details, see Arnold, Thucyd., lib. i., c. 101, and Appendix ii.—Thierry, Histoire de la Conquête de la Grèce, ii., chs. xiv.-vii.

PERIPOLO. 8 (Vid. Ephraïm, p. 406.)

PERISCHELIS (περίσχελις). 9 Much controversy has arisen with regard to the true meaning of this word. The etymology points out merely that it was something worn round the leg (περὶ σχῆς), but from the context of the passage in Horace where it is found, we must at once infer that it was a bracelet or bangle, decorating the leg in the same manner as the bracelet adorns the wrist and the necklace the throat. The anklet is frequently represented in the paint- ings of Greek figures on the walls of Pompeii, as in the following representation of a Nereid. 10

It must be observed, however, that the Greek lexicographers Heacylius, Photis, and Suidas inter- 

PERILESMA. 11 (Vid. TAPA, VOLUM.)

PERISSYLIUM. (Vid. HOURS, ROMAN, p. 517.)

PERIJURUM. (Vid. OATH, ROMAN, p. 671.)

as it was necessary to make the head correspond to the stature of an actor which was heightened by the cothurnus.

I. TRAGIC MASKS.—It may at first seem strange to us, that the ancients, with their refined taste in the perception of the beautiful in form and expression, should by the use of masks have deprived the spectators in their theatres of the possibility of observing the beauty of the face and the expression of the human countenance, which, being poor and ugly, is much to theatrical illusion. But it must be remembered, that in the large theatres of the ancients it would have been impossible for the greater part of the audience to distinguish the natural features of an actor. The features of the masks were, for this same reason, very strong and marked. Again, the dramatic personae of most of the ancient tragedies bore heroes or gods, and their charactors were as well known to the spectators that they were perfectly typical. Every one, therefore, knew immediately, on the appearance of such a character or the stage, who it was, and it would have been difficult to a Greek audience to imagine that a god or hero should have had a face like that of an ordinary actor. The use of the cothurnus also rendered a proportionate enlargement of the theatre impossible; or else the figure of an actor would have been ridiculously disproportionate. Lastly, the solemn character of ancient tragedy did not admit of such a variety of expressions of the countenance as modern tragedies, the object of which seems to be to exhibit the whole range of human passions in all their wild and self-devouring play. How widely different are the characters of ancient tragedy! It is, as Müller justly remarks, perfectly possible to imagine, for example, the Orestes of Eschylus, the Ajax of Sophocles, or the Medea of Euripides, throughout the whole tragedy with the same countenance, though it would be difficult to assert the same of a character in any modern drama. But there is no necessity for supposing that the actors appeared throughout a whole piece with the same countenance; for, if circumstances required it, they might surely change masks during the intervals between the acts of a piece. Whether the open or half-open mouth of a tragic mask also contributed to raise the voice of the actor, as Gellius thinks, cannot be decided here, though we know that all circumstances united to compel a tragic actor to acquire a loud voice. Some ancient tragedians were thus, for the most part, typical of certain characters, and, consequently, differed according to the age, sex, rank, and other peculiarities of the beings who were represented. Pollux, from whom we derive most of our information on this subject, enumerates twenty-five typical or standing masks of tragedy, six for old men, seven for young men, ten for females, and three for slaves. The number of masks which were not typical, but represented certain individuals with their personal peculiarities, such as the blind Thamyris, the hundred-eyed Argus, &c., must have been much more numerous, for Pollux, by way of example, mentions thirty of such peculiar masks. The standing masks of tragedy are divided by Pollux into five classes.

PELSONA.

of the hair was called δύος. The cheeks of this mask were flat, and hanging downward. A second mask for old men, called λευκός ἄνθρωπος, had gray hair, floating around the head in locks, a full beard, and a prominent forehead, above which the hair formed a small δύος. The countenance was probably pale, the adjective of the root to indicate. A third mask, called σταροπόλακος, had black hair interspersed with gray, and was somewhat pale. It probably represented a hero of from 40 to 50 years of age, and in a suffering condition. The fourth mask, μέλας ἄνθρωπος, represented a hero in his full vigour, with black and curly hair and beard, strong features, and a high δύος. This was probably the mask most used by the comic maskmakers, as it was very much advanced in age. For a secondary class of heroes there were two other masks, the ξανθός and the ξανθώτερος ἄνθρωπος: the former represented a fair man with floating locks, a low δύος, and a good colour in his countenance; the second, or fairer man, was pale, and of a sickly appearance.

3. Tragic masks for young men.—Among these are included 1. The ξυπατός, a mask intended to represent a man who had just entered the age of manhood, and was yet unbearded, but of a blooming and brownish complexion, and with a rich head of hair. The name πάγχρωτος probably indicates that the masks might be used in a great variety of parts. 2. The μετέπειτας στέφος, or έπαθός, or έφορος, a fair youth. The second, called xypatos character: his hair was curly, and formed a high δύος: his character was indicated by his raised eyebrows. 3. Επάθωμος πάρολος resembled the preceding mask, but was somewhat younger. The counterpart of these two was, 4. The απαλός, a young man of a delicate and white complexion, with his hair smooth, like that of a youthful god. 5. Πιναρός. There were two masks of this name, both representing young men of an escarce appearance, of yellow complexion and fair hair; the one, however, was taller and younger, and his hair was more curly than that of the other. 6. Δεσφός, a mask quite pale, with hollow cheeks, and fair, floating hair. It was used to represent sick or wounded persons. 7. The πάρωρος might be used for the πάγχρωτος if this character was to be represented in a suffering or melancholy situation.

3. Tragic masks for male slaves.—Pollex mentions three, viz.: the διηθέρας, which had no δύος, but a soft, wavy, and youthful character. The countenance was pale, the beard gray, and the hair was sharpe, and the expression of the eyes melancholy. The σφαγωτόν, or the pointed beard, represented a man in his best years, with a high and broad forehead, a high δύος, hardened features, and a red face. The ιπατός, or the pug-nose, was an impudent face, with fair, rising hair of a red colour, and without eyebrows.

4. Tragic masks for female slaves.—Of these five specimens are mentioned, viz.: the σολία κατάκους, in earlier times called παράχρωμος, represented an old woman with long white hair, with noble but pale features, to indicate a person who had seen better days; the γραπτὸν ἐκθέμων, an old freedwoman, whose long locks seems to indicate domestic slavery; the οἰκετεύς μεσσαρός, a domestic slave of a middle age; and, lastly, the διηθέρας, a young female slave.

5. Tragic masks for free women.—The first of these, called κατάκους, represented a pale lady, with long black hair, and a sad expression in her countenance. She generally shaded the sufferings of the principal hero in a play. The second, called χορος άνθρωπος, resembled the former, with the exception that her hair was half shorn. She was a woman of middle age, and was probably intended to represent the wife of the chief hero, if he was not too advanced in age. The third is the μέσοκουρος πρόφατος, representing a newly-married woman in full bloom, with long and floating hair. The fourth is the κύριος πάθρενος, a maiden of mature age, with short hair divided on the middle of the forehead, and hiding slightly the whole head. The colour of her countenance was rather pale. There was another mask of the same name, but it differed from the former by the following circumstances: the hair was not divided on the forehead or curled, but wildly floating, to indicate that she had much suffering to go through. The last is the κώρη, or young girl in the play. She was represented by the beauties of a maiden's face in their full bloom, such as the face of Danae, or any other great beauty was conceived to have been.

The account which Pollux gives of the tragic masks comprehends a great number, but it is small in comparison with the great variety of masks which the Greeks must have used in their various tragedies, for it is evident that many of the masks which are known to the Greeks as a being of a particular character, and for a particular purpose, must have been represented by a particular mask, so that the spectators were enabled to recognise him immediately on his appearance. For this very reason, the countenances of the gods, heroes, and heroines must, in point of beauty, have been as similar as a possible the representations in statues and paintings, to which the eyes of the Greeks were accustomed; and the distorted masks, with widely open mouths, which are seen in great numbers among the paintings of Herculeanum and Pompeii (see the annexed woodcut from Museo Borbon), would give but a very inadequate idea of the charactes in the masks used at Athens during the most flourishing period of the arts.

All the representations of tragic masks belonging to this period do not show the slightest trace of exaggeration or distortion in the features of the countenance, and the mouth is not opened wider than would be necessary to enable a person to pronounce such sounds as oh or ha. In later times, however, distortions and exaggerations were carried to a very great extent, but they were more particular in comic masks, so that they, in some degree, were more caricatures than representations of ideal or real countenances.2

The annexed woodcut represents some masks, one apparently comic and the other tragic, which are placed on the statue of the chorus in the celebrated mosaic found at Pompeii.

II. Comic Masks.—In the old Attic comedy, in which living and distinguished persons were so often brought upon the stage, it was necessary that the masks, though to some extent they may have been caricatures, should in the main points be faithful portraits of the individuals whom they were intended to represent, as otherwise the comic poets could not have been attained. The chorus, on the other hand, as well as certain fantastic dramatic personae, rendered sometimes a complete masquerade necessary; as in those cases when the choruses appeared with the heads of birds or

of frogs, &c. We may remark here, by the way, that the chorus of tragedy appeared generally without masks, the Eumenides of Aeschylus being probably only an exception to the general rule. The masks of the characters in the old Attic comedy were therefore, on the whole, faithful to life, and free from the burlesque exaggerations which we see in the masks of later times. A change was made in this, as the masks, instead of representing something distinct from the person upon the stage, and still more, shortly after, by the extension of this law to all Athenian citizens. The consequence of such laws was, that the masks henceforth, instead of individual, represented classes of men, i.e., they were masks typical of men of certain professions or trades, of a particular age or station in life, and some were grotesque caricatures.

A number of standing characters or masks was thus introduced in comedy. Pollex gives a list of such standing masks, which are divided, like those of tragedy, into five classes.

1. Comic masks for old men.—Nine masks of this class are mentioned. The mask representing the oldest man was called πάπτως πρώτος: his head was shaved to the skin, he had a mild expression about his eyebrows, his beard was short and low, and his eyes melancholy. His complexion was pale, and the whole expression of the countenance was mild. 2. The πάπτως έτερος was of a more emaciated and more vehement appearance, sad and pale; he had hair on his head and a beard, but the hair was red and his ears broken. 3. The ηγεμόν, likewise an old man, with a thin crown of hair round his head, and a long nose, and a flat countenance. His right eyebrow was higher than the left. 4. The προσδότης had a long and floating beard, and likewise a crown of hair round his head; his eyebrows were raised, but his whole aspect was that of an idle man. 5. The ἄριστος was bald-headed, but had a beard and raised eyebrows, and was of angry appearance. 6. The παροιόκεφος resembled the mask called λευκοοφαίνω, but his lips were contorted, the eyebrows contracted, and the head without any hair. 7. The ταύριος deuterōs had a pointed beard, but was otherwise without hair. 8. The σφυροκόμων, or pointed beard, was likewise bald-headed, had extended eyebrows, and was looking ill-tempered. 9. The λευκοοφαίνω was conspicuous on account of his long chin, and the form of his eyebrows expressed great curiosity. The annexed comic mask, representing an old man, is taken from the Μουσείο Βορέας.

2. Comic masks for young men.—Pollex enumerates ten marks of this kind: 1. The πάρεηστος formed the transition from the old to the young men; he had but few wrinkles on his forehead, showed a muscular constitution (γυμναστικός), was rather red in the face, the upper part of his head was bald, his hair was red, and his eyebrows raised. 2. The νεανίσκος μέλας was younger than the preceding one, and with low eyebrows. He represented a young man of good education, and fond of gymnastic exercises. 3. The νεανίσκος άλόσω, or the thick-haired young man, was young and handsome, and of a blooming countenance, his eyebrows were extended, and there was only one wrinkle upon his forehead. 4. The νεανίσκος άνάτολος, his hair was like that of the πάρεηστος, but he was the youngest of all, and represented a tender youth brought up in seclusion from the world. 5. The ἄγριος, or rustic young man, had a dark complexion, broad lips, a pug-nose, and a crown of hair round his head. 6. The εἰκάστως στρατηγός, or the formidable soldier, with black hair hanging over his forehead. 7. The εἰκάστως δήστερος was the same as the preceeding, only younger and of a fair complexion. 8. The θυγατέρα, or the fat gentleman, and 9. the παράσημος, or parasite, were dark, and had aquiline noses. Both were apparently of a sympathizing nature; the parasite, however, had broken ears, was merry-looking, and had a wicked expression about his eyebrows. 10. The εἰκονικός represented a stranger in splendid attire, his beard was shaved, and his cheeks pierced through. The σιλεύκωφος was another parasite.

3. Comic masks for male slaves.—Of this class seven masks are mentioned: 1. The mask representing a very old man was called πάπτως and had gray hair, to indicate that he had obtained his liberty. 2. The ηγεμόν θεράτων had his red hair plated, raised eyebrows, and a contracted forehead. He was among slaves the same character as the προσδότης among freemen. 3. The κάτω τρίγυρος or θνθολός, or youths and half-bald, with a grizzled beard and red hair and raised eyebrows. 4. The οὔλος λευκός, or the thick-haired slave, had red hair and a red countenance; he was without eyebrows, and had a distorted countenance. 5. The θεράτων μέσος was bald-headed and had red hair. 6. The θεράτων τέττις was bald-headed and dark, but had two or three slips of hair on his head and on his chin, and his countenance was distorted. 7. The τει- τσος ηγεμόν, or the fierce-looking slave, resembled the ηγεμόν θεράτων, with the exception of the hair.

4. Comic masks for old women.—Pollex mentions three, viz.: the γυαλίδων δερματός or λικαίον, a tall woman with many but small wrinkles, and pale but without animated eyes; the σφηξ γάζας, or the fat old woman with large wrinkles, and a band round her head keeping the hair together; and the γυαλίδων ελεύθερον, or the domestic old woman. Her cheeks were hollow, and she had only two teeth on each side of her mouth.

5. Comic masks for young women.—Pollex mentions fourteen, viz.: 1. The γυνή λειτηκτη, or the talkative woman; her hair was smoothly combed and was raised, and the woman, who was pale, but without animated eyes; the σφηξ γάζας, or the fat old woman with large wrinkles, and a band round her head keeping the hair together. 2. The γυνή άλοσω was only distinguished for her fine head of hair. 3. The κόρη had her hair combed smoothly, had high and black eyebrows, and a white complexion. 4. The γυμνοσκυλή had a whiter complexion than the former, her hair was bound up above the forehead, and she was intended to represent a young woman who had not been married more than once. 5. Another mask of the same name was only distinguished from the former by the irregular manner in which the hair was represented. 6. The σταροπόλακας λεκτή, an elderly woman who had once been a prostitute, and whose hair was partly gray. 7. The κόρη resembled the former, but had a better head of hair. 8. The τελειον εκατέρων was more red in the face than the παροιόκεφος and had eyebrows raised. 9. The εκατέρων was of a less good appearance, and wore a band round the head. 10. The διάχρονον εκατέρων derived the name from the gold with which her hair was adorned. 11. The διάμεσον εκατέρων from the variegated band wound around her head. 12. The λαμπαδόν, from the circumstance of her hair being dressed in such a manner, that it stood upright upon the head in the form of a lampas.
The *aías* *περίκομψος* represented a female slave new y bought, and wearing only a white chiton. 14. The *παραψιφιστόν* was a slave distinguished by a pug-nose and her hair: she attended upon hetere, and wore a crocus-coloured chiton.

Numerous as these masks are, the list cannot by any means be considered as complete, for we know that there were other standing masks for persons following particular kinds of trade, which are not mentioned in Pollux. Mazes of Megara, for example, is said to have invented a peculiar mask, called after his own name *μαῖσιν*, another for a slave, and a third to represent a cook. From this passage of Athenaeus we also learn that Stephanus of Byzantium wrote a work *εἰς την προφοραν*.

In V *Masks used in the Satyric Drama*.—The masks used in this species of the Greek drama were intended to represent Satyrs, Silenus, and similar companions of Dionysus, whence the expressions of the contenances and form of their heads may easily be imagined. Pollux only mentions the gray-headed Satyr, the bearded Satyr, Silenus, and the roarer, and adds that the characters of all the other Satyric masks either resembled these, or were sufficiently expressed *a* their names, e.g., the Papposilenus was an old man with a very predominant animal character. A grotesque mask of a Satyr, together with one of the finest specimens of a tragic mask, is contained in the Townly Gallery in the British Museum, and is represented below.

As regards the earliest representations of the regular drama among the Romans, it is expressly stated by Diomedes" that masks were not used, but merely the galerus or wig, and that Roscins Gallus, about the year 100 B.C., was the first who introduced the use of masks. It should, however, be remembered, that masks had been used long before that time in the Attic, 1 so that the innovation of Roscius must have been confined to the regular drama, that is, to tragedy and comedy. As for the forms of Roman masks, it might be presumed that, being introduced from Greece at so late a period, they had the same defects as those used in Greece at the time when the arts were in their decline, and this supposition is confirmed by all works of art, and the paintings of Herculaneum and Pompeii, in which masks are represented; for the masks appear unnaturally distorted, and the mouth always wide open. The expressions of Roman writers also support this supposition. We may mention here that some of the oldest MSS. of Terence contain representations of Roman masks, and from these MSS. they have been copied in several modern editions of that poet, as in the edition published at Urbino in 1726, fol., and in that of Ducrè. The cut annexed contains representations of four of these masks prefixed to the Andria.

When actors at Rome displeased their audience and were hissed, they were obliged to take off their masks; but those who acted in the Attelane were not obliged to do so. 15. The Roman mimnes never wore a *Visor* or *Machinal*.

PE/RTICA, the pole used by the AGRIMENSORES, was also called DECUMEBUS because it was ten feet long. On account of its use in assigning lands to the members of a colony, it is sometimes represented on medals by the side of the augural plough. 16

PES (n. o. e.), a foot. The Greeks and Romans, like many other nations, fixed their standards of length originally from the different parts of the human body, and the names which were thus given to the measures were retained after the measures themselves had been determined with greater nicety. The foot was the basis of their whole system of measures of length; and as the value of the Greek foot is easily obtained when that of the Roman is known, it will be convenient to notice the latter first.

1. *The Roman foot*—There are five different ways of determining the length of the Roman foot. These are, 1. From ancient measures still in existence; 2. From measurements of known distances along roads; 3. From measurements of buildings; 4. From the contents of certain measures of capacity; and, 5. From measurements of a degree on the earth's surface.

1. It might appear, at first thoughts, that ancient measures in actual existence would at once give the required information. But these measures are found to differ among themselves. They are of two kinds, foot-measures cut upon gravestones, and brass or iron measures, intended, in all probability, to be used as measures. From the nature of the case, the latter would probably be more exact than the former, and, in fact, the measures on the gravestones are rudely cut, and their subdivisions are of unequal length, so that they have no pretensions to mathematical accuracy; but, on the other hand, it would be absurd to suppose that they would have been made very far wrong. We may safely conclude that they would have about as much accuracy as a measure hastily cut on stone by a mason from the foot-rule used by him in working. Such measures are preserved in the Capitol at Rome. They are of brass, with Roman and Capponian feet. They have been repeatedly measured, but, unfortunately, the different measurements gave different results. The brass and iron foot-rules, of which several exist, do not precisely agree in length. There was anecdotally a standard foot-measure kept in *v* Capitol, called the *peces monetaria*, which was probably lost at the burning of the Capitol under Vitellius or Titus.

2. The itinerary measurements are of two kinds, according as they are obtained by measuring the distance from one place to another, or the dis-
tance from one milestone to another on a Roman road. Both methods have the advantage of the diminution of error which always results from determining a lesser magnitude from a greater, but both are subject to uncertainty from turnings in the road, and from the improbability of the mile-stones having been laid down with minute accuracy; and two other serious objections are, that it is not impossible that the figures formed in the process of diminishing the length of the road shall be subject to the difficulty of determining the point where the measurement began and ended, and the changes which may have taken place in the direction of the road. Both methods, however, have been tried; the former by Riccioli, who measured the distance from Nimes to Narbonne, and by Riccioli and Grimaldi, who measured that between Modena and Bologna, and the latter by Cassini, between Aix and Aries.

3. The measurement of buildings is rather a verification of the value of the foot as obtained from other sources than an independent evidence. It very seldom happens that we know the number of ancient feet contained in the building measured. We have one such example in the Pantheon, which was called Hecatompedon (hundred-footed) from the width of its floor; but even in this case there is always a doubt whether the whole building was in fact measured by the length of the Greek foot, to what precise part of the front this measurement applies. Again, there is the obelisk in the Piazza del Popolo at Rome, and the Flaminian obelisk, the heights of which are given by Pliny. But the actual heights of these obelisks, as compared with Pliny, would give greater value, while the diameter of the circle, on which, in some cases, the whole construction of the obelisk is supposed to be based, would give a less value.

The building is measured, and the length thus obtained is divided by the supposed value of the ancient foot (as derived from other evidence); and if a remainder be left, this value of the foot is corrected so that there may be no remainder. It is assumed in this process that no fractions of feet were allowed in the dimensions of the building, and also that the measurements were made with the most minute exactness, both of which assumptions are not very probable. In fact, these measurements have given different values for the foot. "Modern architects," says Mr. Hussey, "do not allow that such calculations could be depended on in modern buildings, for determining the true length of the measures by which they were planned. Nor are the dimensions of the parts of buildings of the Middle Ages in our own country, as Gothic churches and cathedrals, found to agree exactly, so as to give whole numbers of the standard measure." On the other hand, these measurements, like those on roads, have the advantage of involving, in all probability, very small errors, and of the diminution of the error by division.

4. Villalpando and Einschmidt have attempted to deduce the length of the Roman foot from the solid content of the congius of Vespasian. (Vid. Congius.) Since the congius was the eighth of the amphora, and the content of the amphora was a cubic foot (vid. Amphora), the process is to multiply the content of the congius by 8, and extract the cube root of the product. But there is a doubt about the content of the congius itself (vid. Labra); then it is hardly to be supposed that the content of the con-

5. Some French geographers, and especially M. Gosselin, have supposed that the ancient astronomers were acquainted with the dimensions of a great circle of the earth, and that they found their whole system of measures from the revolutions of such a circle. The results of M. Gosselin's calculations agree well with those derived from other sources. But we need better evidence than this agreement to convince us that both the Greeks and Romans, at a very early period, formed a system of measures on such scientific principles; and it is incredible that, if such a system had really existed, there should be no allusion to it in any of the ancient geographers. The average values of the Roman foot, obtained from these various sources, in terms of the English foot are the following: 1. From ancient measures = 9718
2. From itinerary measurements = 97082
3. From measurements of buildings = 96594
4. From the congius = 9632
5. From Popolo = 9724
of which the first three are the most to be depended on; and of those three the average is 9708, or 11-6496 inches, or 11.1496 inches, which we may take as the probable value of the Roman foot.

Cagnazzi, whose researches are said by Niebuhr to have placed the true value of the Roman foot beyond a doubt, gives it a greater length than the above, namely, 12.135 Paris inches; but this calculation is objected to by Böckh, as being derived by a process not perfectly true from the value of the pound, and as being confirmed only by one existing measure, and also as being at variance with the value of the Greek foot, obtained from independent sources. Böckh's own calculation which agrees with that of Warm, gives a value very little less than the above, namely, 12.1-15. Paris inches = 9704.69 inches. The Romans applied the uncial division (vid. As) to the foot, which thus contained 12 unciae, whence our inches; and many of the words used to express certain numbers of unciae are applied to the parts of the foot. It was also divided into 105 digiti (fingers). The Roman foot was used especially by architects and land-surveyors, and is found on all the foot-measures that have come down to us. Palmae (the thumb), which is used in modern Latin for an inch, is not found in the ancient writers, but Pliny uses the adjective policaris (of a thumb's breadth or thickness). Palma (a hand-breadth) was the fourth part of the foot, containing 4 digiti or 3 unciae. There have been several of 12 digiti or 9 unciae.

The following measures were longer than the foot. Palmipes, that is palmae et pes, 14 feet, or 15 inches; cubitus, 14 feet, is seldom used in Latin except as a translation of the Greek πυγμ. (Vid. Cibmis.) Uima (the arm) is used by later writers as equivalent to cubitus; but it was properly the translation of the Greek σχοινη; Pliny uses it for the whole length of the outstretched arms from finger to finger. From the analogy of the as we have also ascendia for 2 feet, and pes sestertius for 24 feet. Passus (a pace), 5 feet, Mille passus, 5000 feet, or a mile. (Vid. Milliarium.) Gradus, = 1 passus. Leuga or Leuca was a Greek measure =

which would give a rather smaller ratio than that of 34 : 25 for the ratio of the Roman to the Greek foot. It is on the authority of this passage that Büch gives the value above mentioned for the Roman foot. If, according to the supposition already noticed, a slight diminution took place in the Roman foot, this would account for the difference. But perhaps we ought not to consider this solitary passage of sufficient weight to influence the calculation.

The Greeks used different standards at different places and at different times. The foot which generally prevailed over Greece was that by which the stadium at Olympia was measured (vid. Stadium), which was the one we have been speaking of, and which was therefore the same as that used at Athens in her best days. Hyginus mentions this foot as being used in Cyrene under the name of Polemios.

The following table represents the parts and multiples of the Greek foot:

<table>
<thead>
<tr>
<th>Name</th>
<th>Inches</th>
<th>Feet</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foot</td>
<td>10.08</td>
<td>1/4</td>
<td>0.004</td>
</tr>
<tr>
<td>Hand</td>
<td>6.3</td>
<td>1/2</td>
<td>0.002</td>
</tr>
<tr>
<td>Span</td>
<td>7.2</td>
<td>1</td>
<td>0.004</td>
</tr>
<tr>
<td>Finger</td>
<td>2.4</td>
<td>1/10</td>
<td>0.001</td>
</tr>
</tbody>
</table>

PES.

1000 passus or 1/4 miles.1 Stones are still found on the roads in France with distances marked on them in Leuca. Decempeda, a pole (perrica) 10 feet long, was used in measuring land.2 Actus, 12 decempede, or 120 feet. (Vid. Acres.) The following tables exhibit the Roman measures of length, with their values in English feet and inches:

1. Ordinary Measures

<table>
<thead>
<tr>
<th>Name</th>
<th>Feet</th>
<th>Inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Digitus</td>
<td>5/12</td>
<td>4.1667</td>
</tr>
<tr>
<td>Uncia</td>
<td>7/24</td>
<td>3.4167</td>
</tr>
<tr>
<td>Palmus</td>
<td>1/3</td>
<td>3.3333</td>
</tr>
<tr>
<td>Pes</td>
<td>1/2</td>
<td>5.0000</td>
</tr>
<tr>
<td>Palmipes</td>
<td>1/12</td>
<td>4.1667</td>
</tr>
<tr>
<td>Cubitus</td>
<td>1/6</td>
<td>8.3333</td>
</tr>
</tbody>
</table>

2. Land Measures

<table>
<thead>
<tr>
<th>Name</th>
<th>Feet</th>
<th>Inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pes</td>
<td>1</td>
<td>11.6667</td>
</tr>
<tr>
<td>Gradus</td>
<td>2/3</td>
<td>3.3333</td>
</tr>
<tr>
<td>Passus</td>
<td>5/7</td>
<td>7.1429</td>
</tr>
<tr>
<td>Decempeda</td>
<td>10</td>
<td>3.3333</td>
</tr>
<tr>
<td>Actus</td>
<td>120</td>
<td>38.1667</td>
</tr>
<tr>
<td>Mille Fassus</td>
<td>5000</td>
<td>1016.67</td>
</tr>
<tr>
<td>Milliarium</td>
<td>50000</td>
<td>10166.67</td>
</tr>
</tbody>
</table>

The square foot (pes quadratus) is called by Frontinus constratus, and by Boethius constratus. Frontinus applies the term quadratus to the cubic foot. The principal square measure was the jurgerum of 240 feet by 120. (Vid. JUGERON.)

Some have concluded, from the measurements of buildings, that the foot was slightly reduced about the time of Domitian, which Wurm accounts for by supposing that the pes montanus, after being destroyed in the fire under Titus, was restored by Domitian in a careless manner. Both the fact and the explanation, however, appear to be very doubtful.

II. The Greek foot.—We have no ancient measures by which to determine the length of the Greek foot, but we have the general testimony of ancient writers that it was longer than the Roman, and that the former measured itself by the foot of 25 : 24. The Greek stadium, which contained 600 Greek feet, is said by Roman writers to contain 625 Roman feet; and also a Roman mile, or 5000 feet, was reckoned equal to 8 Greek stadia, or 4800 feet; both of these calculations give the above ratio of 25 : 24.

If, therefore, the Roman foot was 9709 square inches, the Greek foot was equal to 101125 feet, or 1235 inches.

This value is confirmed by the measurement of the Parthenon. "Stuart,"4 says Mr. Hussey, "measured the upper step of the basement of the Parthenon, which is the platform on which the pillars stand, and is exactly that part of the building where, we should expect that the measure would have been taken if the name He catolphedon was really given to it on account of the dimensions. He found the width of the front to be 101 feet 1 7 inch-,

length, the side of 227 feet 7 0 inches; and since these two quantities are very nearly in the ratio of 100 to 225, he inferred that the two sides really contained these two numbers of feet. From this he calculated the value of the foot, from the front 123 17 inches, from the side 12 13 inches: of which the greatest exceeds the value given above by only 003 of an inch." Other measurements of the Parthenon and of other buildings at Athens tend to the same result.

Strabo, however,4 quotes from Polybius a calculation which makes the Greek and Roman foot equal, but it is perfectly clear that there is a mistake in this statement. Plutarch again4 says expressly that the mile is a little less than 8 stadia.


1. 1. (De Condit. Agr. p. 510.)—2. (De Mena. p. 368.)
time, namely, the tenth century. The *Pis Drusus*, or foot of Drusus, contained 131 Roman inches = 13-1058 English inches. It was used beyond the boundaries of Italy for measuring land, and was the standard among the Tungri in Lower Germany.

1. *PERSULUS.* (Vid. JUNA, p. 536.)

2. Trunchoons, said to have been first used in battle by the Africans in fighting against the Egyptians.

PESOSILLOS. (Vid. LutrHenCULL.)

3. Poles used to carry burdens in the manner represented in the woodcut, p. 57, or so as to combine the strength of two or more individuals. The carriers who used these poles were called *phalangii*, and also *heraclii* and *exagerii*. The Stereos kept 215 pairs, they worked in parties of six, four, or two persons. The poles were marked at equal distances, and the straps which passed over the shoulders of the workmen were so fixed at the divisions, that each man sustained an equal share of the burden.

4. Rollers placed under ships to move them on dry land, so as to draw them upon shore or into the water. Some were four-wheeled, and others had a long column, and a stone column. Rollers were employed in the same manner to move military engines; and we need not hesitate to conclude that columns of marble and other enormous stones, designed for building were transported from the quarry by the same process.

It must be observed that the Greeks were left entirely without a cart or four-wheeled vehicle. Their chariots ranged in long succession, and moving parallel to one another, it might be expected that the term *phalax* would be used by them metaphorically. We, accordingly, not only find it applied to denote the bones of the hand and foot, which are placed beside one another like so many rollers, but in the IIiad the lines of soldiers ranged in close order, and following one another, are often called by the same expressive appellation, and hence arose the subsequent established use of the term in reference to the Greek army. (Vid. ARMY, GREEK.)

PHALANGON (φαλάγγων), "a class of venomous spiders," says Adams, "several species of which are described by Nicerand. These Sprengel attempts to determine, but his conclusions are not very certain. He does not refer any of them to the genus *Phalangium.*" Stockhouse concludes that the *phalaxian* of Theophrastus includes the *Araaeus uncinaria* and the *A. Tarantula;* the former, however, is an American species, and, consequently, inadmissible.

PHALANTHICA. (Vid. HVARA, p. 489.)

PHALEA (φαλαία), the whale. (Vid. BALENA.)

"II. An insect referable to the genus *Filana*, or Moths. "De Pauw," says Adams, "makes the *phalax* of Philo to be the *phalaxia*. It appears, however, with more propriety, to be referable to the *phalagias*.

PHALANA or PALANGA (φαλάγγα), any long cylindrical piece of wood, but especially

1. Trunks or branches of trees, or portions of them, cut as articles of merchandise. The Athenians presented to the King of Persia *δεικνυόμενα* *φαλάγγας θέσιν,* "200 pieces of ebony." 1


PHALANGA (φαλαγγα), a boss, disc, or crescent of metal, in many instances of gorgons, and beautifully wrought, so as to be highly prized. 2 Orchards of this description, being used in pairs, are scarcely ever mentioned except in the plural number. The names for them are evidently formed from the term *phalax*, which is explained under *Galea*, p. 406. 3 Besides the metallic ornaments of the helmet, similar decorations were sometimes, though very rarely, worn by warriors of other parts of their dress or armour, probably upon the breast. 4 The negro slaves who were kept by opulent Romans wore them suspended round their necks. 5 According to the *Tiara of the King of Persia* was thus adorned. 6 But we

most commonly read of phaleras as ornaments attached to the harness of horses, 1 especially about the head (φαρητρα μαλακος), and often worn as pendants (pennesitas), so as to produce a terrific effect when shaken by the rapid motions of the horse (turbantur phaleras). These ornaments were often bestowed upon horsemen by the Roman generals in the same manner as the Armilla, the Torques the hasta pura (vid. Hasta, p. 490), and the crown of gold (vid. Corona), in order to make a public and permanent acknowledgment of bravery and merit. 2

PHARETRA (φαρητρα, αρ. Ηρόδ. φαρητρος), a Quiver. A quiver, full of arrows, was the usual accompaniment of the bow. (Vid. Arcus.) It was, consequently, part of the attire of every nation addicted to archery. Virgil applies to it the epithets Creusa, Lucia, Therisa, 3 Ovid mentions the pharetra of Geta, 4 and Herodotus represents it as part of the ordinary armour of the Persians. 5 Females also assumed the quiver, together with the bow, as in the case of the Amazons, 6 and of those Spartan, Tyrian, and Thracian virgins who were fond of hunting, and wore boots (vid. Coturnus, Phero) and other appropriate articles of dress. 7 On the same principle, the quiver is an attribute of certain divinities, as, of Apollo, 8 Diana, 9 Hercules, 10 and Cupid. 11 The quiver, like the bow-case (vid. Corvex), was principally made of hide or leather, 12 and was adorned with gold 13 (aurata), painting, 14 and braiding (στυλαρθος). 15 It had a lid (φυκωμα), 16 and was suspended from the right shoulder by a belt (vid. Balteus), passing over the breast and behind the back. 17 Its most common position was on the left hip, in the usual place of the sword (vid. Gladius), and consequently, as Pindar says, "under the elbow" 18 or "under the arm" (υπωλειον). 19 It was worn thus by the Scythians 20 and by the Egyptians, 21 and is so represented in the annexed figure of the Amazon Dinomache, copied from a Greek vase. 22 The left-hand figure in the same woodcut is from one of the Εγινα marbles. But it is the statue of an Astarte (captive, or perhaps the virgin, fractured in the original) is suspended equally low, but with the opening towards his right elbow, so that it would be necessary for him, in taking the arrows, to pass his hand behind his body instead of before it. To this fashion was opposed the Cretan method of carrying the quiver, which is exemplified in the woodcut, p. 945, and is uniformly seen in the ancient temples of Diana. 23 The necessity that the quiver should be so hung that the arrows might be taken from it with ease and rapidity, and this end would be obtained in any one of the three positions described. The warrior made the arrows rattle in his quiver as a method of inspiring fear. 24

PHARMACEUTICA (Φαρμακευτικα), sometimes called Φαρμακια, 25 is defined by Galen 26 to be that part of the science of medicine which cures diseases by means of drugs, δια φαρμακων, 27 and formed, according to Celsus, 28 one of the three divisions of the whole science, or, more properly, 29 of that called Therapeutica. (Vid. Therapeutica.)

With respect to the actual nature of the medicines used by the ancients, it is in most cases useless to inquire; 30 depending as it does upon a large mass of records, change of language, and ambiguity of description, have rendered great part of the learned researches on the subject unsatisfactory; and, indeed, we are in doubt with regard to many of the medicines employed even by Hippocrates and Galen. It is, however, clearly shown by the earliest records, that the ancients were aware of the sedative powers of many powerful remedies; thus Melampus of Argos, one of the most ancient Greek physicians with whom we are acquainted, is said to have cured Iphicles, one of the Argonauts, of sterility by administering the rust (or nesiquoside) of iron in wine for ten days; 31 and the same physician used the black helioboe as a purge on the daughters of King Peneus afflicted with melancholy. Opium, or a preparation of the poppy, was certainly known in the earliest ages; it was probably opium that Helen mixed with wine, and gave to the guests of Menelaus, under the expressive name of νησαθενε, 32 to drive away their cares, and increase their hilarity; and this conjecture (says Dr. Paris, in his "History of the Opium") receives further support from the fact that the νησαθενθ of Homer was obtained from the Egyptian Thebes, and the tincture of opium (or laudanum) has been called "Thebaic tincture." Gororrus, however, in his "Definitiones Medicae," 33 thinks that the herb alluded to was the "Enula Campana," 34 or Elecampane, which is also called "Helenium," with a traditional reference (as is supposed) to Helen's name. There is reason to believe that the pagan priesthood were under the influence of some powerful narcotic during the display of their oracular powers. Dr. Darwin thinks it might be the Laurocerasus, but the effects produced (says Dr. Paris) would seem to resemble rather those of opium, or perhaps stramonium, than the opium (or hydromiace). The sedative powers of the Lacuna nativa, or lettuce, were known also in the earliest times: among the fables of antiquity, we read that, after the death of Adonis, Venus throw herself on a bed of lettuces to kill her grief and express her desires; and we are told that Galen, in the decline of life, suffered much from morbid vigi-
Many of the ancient physicians have written on the subject of drugs; the following list contains titles of those that are refer-
1. PI. Pera. "De Remediis Purganti-
bussen;" 2. PI. "De Veratrum Nigrum;" and perhaps
these two works are found among the collection
that goes under the name of Hippocrates, but are
(possibly spurious); 3. Dioscorides, PI. "De Medicina," in five books (one of the most
valuable and celebrated medical treatises of
an ancient); 4. PI. "De Purgantium," an
against, "De Facile Parabhilis, but
Simplicius quam Compositis, Medicamentis," in
two books (perhaps spurious); 5. Marcellus
Sicilia, "De Materia Medica," in seven books;
6. PI. Peri Therapeutics, "De Medicamenta
Secundum Libris," in ten books; 7. PI.
Peri Therapeutics, "De Medicamenta
Secundum Libri," in seven books;
8. PI. Peri Therapeutics, "De Medicamenta
Secundum Libri," in seven books;
9. PI. Peri Therapeutics, "De Medicamenta
Secundum Libri," in seven books;
10. Pliny, "De Elementis," in four books, of
which the second con-
tains an alphabetical list of drugs; 12. PI. "Synopsis
of the Greek, and only extant in Latin;"
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PHASEIUS.

1. PHASELUS or PHASELUS (φάσελος), a Lighthouse. The most celebrated lighthouse of antiquity was that situated at the entrance to the port of Alexandria. It was built by Sostratus of Cnidus, on an island which bore the same name, by command of one of the Ptolemies, and at an expense of 800 talents. It was square, constructed of white stone, and with admirable art; exceedingly lofty, and in all respects of great dimensions. It contained many stories (πολύθροφα), which diminished in width from below upward. The upper stories had windows looking seaward, and torches or fires were kept burning in them by night, in order to guide vessels into the harbour.

Pliny mentions the lighthouses of Ostia and Ravenna, and says that there were similar towers at many other places. They are represented on the medals of Apamea and other maritime cities. The name of Pharos was given to them in allusion to that at Alexandria, which was the model for their construction. The piers of Brundisium, for example, was, like that of Alexandria, an island with a lighthouse upon it. Stenoton mentions another pharos at Capreae.

The annexed woodcut shows two pharoi remaining in Britain. The first is within the precincts of Dover Castle. It is about 40 feet high, octagonal externally, tapering from below upward, and built with narrow, course of brick stone and much wider courses of stone in alternate portions. The space within the tower is square, the sides of the octagon without and of the square within being equal, viz., each 15 Roman feet. The door is seen at the bottom. A similar pharos formerly existed at Boulogne, and is supposed to have been built by Caligula, as the tower here introduced is on the summit of the point on the coast of Flintshire.

PHA'ROS (φάρος). (Vid. PALLION.)

PHASE'LUS (φάσελος) was a vessel rather long and narrow, apparently so called from its resemblance to the shape of a phaselus or kidney bean. It was chiefly used by the Egyptians, and was of various sizes, from a mere boat to a vessel adapted for long voyages. Octavia sent ten triremes of this kind, which she had obtained from Antony, to assist her brother Octavius; and Appian describes them as a kind of medium between the ships of war and the common transport or merchant vessels. The phaselus was built for speed (phaselus ursile—navium celerrimum), to which more attention seems to have been paid than to its strength. At the present time, the epithet fragilis is given to it by Horace. The vessels were also sometimes made of clay (fictilibus phaselis), to which the epithet of Horace may perhaps also refer.

PHASELUS or PHASELUS (φάσελος, φασελός), the Phaselus vulgaris, or common Kidney Bean.

PHAS'ANON (φασανόν). "Sprengel," says Adams, hesitates between the Iris gazellina and the Gladiolus communis, or common Sword Grass; Stackhouse between the latter and the Iris Xiphium. These doubts, however, are of older date.17

PHASIA'NOS (φασίανος or φασιανικός δυός), the Pheasant, or Phasianus Colchicus, L. According to the Greek legend, the Pheasant took its name, in that language, from the river Phasis in Colchis. It was a game bird, and might occasionally be caught in country before the expedition of the Argonauts. These adventurers, it is said, on ascending the Phasis, beheld the birds in question spread along the banks of the river, and, bringing some of them back to their native country, bestowed upon it, says Montezial, a gift more precious than the golden fleece. At the present time, under the same authority, the pheasants of Ciechis or Mingrelia are the finest and largest in the known world.3

PHAS'OLUM. (Vid. PHASELUS.)

PHASIS (φάσις) was one of the various methods by which public offenders at Athens might be prosecuted; but the word is often used to denote any other quality, such as Pollux says, κατά τον χάρην λιγότερον πόλις αι μετάφεσις των θαυμάσθηκεν μετωπώ. (Vid. Aristoph. Ec. 300, and Acharn. 283, 866, where the word φασις is used in the same sense as φαίνει.) The word συκοφάντης is derived from the practice of laying information against those who exported figs. (Vid. SYCOPHANTES.)

Though it is certain that the φάσις or distinctions which accompany this way of criminal prosecution, 10 we are not informed in what its peculiarities consisted. According to Polllux, it might be brought against those who committed offences against the mine laws, or the customs, or any other part of the revenue; against any persons who brought false accusations against others for such offences; and against guardians who injured their wards. The charge, as in the γραφας, was made in writing (ἐν γραφαιμεία), with the name of the prosecutor and the proposed penalty (τίμία) affixed, and also the names of the καλλιτεχνής. The same author says, εραφοντι δε προς τον φορτων. Here we must either understand the word ἀρχοντα to be used in a more general sense, as denoting any magistrate to whom a jurisdiction belonged, or, with Schillemberg, 13 For it is clear that the archon was not the only person before whom a φάσις might be preferred. In cases where corn had been carried to a foreign port, or money lent on a ship which did not bring a return cargo to Athens, and probably in all cases of offence

against the export and import laws, the information was laid before the ἐπιμελητὰς τοῦ ἱμωρίου. Where public money had been embezzled or illegally appropriated, for which a φάσας was maintainable, the σύνδεσμος were in court, and mutual redress was hoped for. The same went to the state which was one of a purely public nature, that is, where the offence immediately affecte d the state; but where it was of a mixed nature, as where a private person was injured, and the state only indirectly, in such case compensation was awarded to the private person. This was the case in prosecutions against fraudulent guardians. On the same ground, wherever the prosecutor had an interest in the case beyond that which he might feel as the vindicator of public justice, as where he, or some third person on whose behalf he interposed, was the party directly injured, and might reap advantage from the result, he was liable to the καταφύλακτος, and also to the παράπτωσις, just as he would be in a private action. Probably this liability attached upon informations for carrying corn to a foreign port, as the informer there got half the penalty if successful. Where the φάσας was of a purely public nature, the prosecutor would be subject only to the payment of the παράπτωσις, and to the thousand drachmas if he failed to obtain a fifth part of the voto, according to the common practice in criminal causes. Whether, in those of a mixed nature, he was liable to these payments, as well as to the παράπτωσις and καταφύλακτος, is a question which has been much discussed, but cannot be settled. We have no speech left us by the orators on the subject of a φάσας, but only mention of a lost speech of Lysias πρὸς τὴν φάσαν τοῦ ἡρακλείου οἰκίου.5

*PHASSA (φάσα), the Ring-dove or Cuscuta, namely, the Columba palumbus. L. Sonini says the males of the species are distinguished by the French φάσα, and le pigeon sambois, to the French.6

*PELLUS (φῖλλος), the Quercus ruber, or Cork-tree.7

PHERNE (φέρνη). (Vid. Dos, Greek.)

PHIALA. (Vid. Patrea.)

*PHILLOREA (φιλλορέα), the Phillorea latifolia, or Broad-leaved true Phillorea. Sibthorpe found it growing abundantly in Cappadocia, the ancient Cretan 8.

*PHILYRA (φιλήρα), the Tilia Europaea, the Lime or Linden tree. Of the inner bark were formed strings for graniers, mats, &c.9

*PHILEOS (φίλεος), a species of Reed. Sprengel makes it the Arundo amplafoodis ; Stockhouse, the Arundo calamagrostis.10

PHILOMOS (φιλόμος) or PHILOMOS (φιλόμος). "Fond of poetry and description," remarks Adams of the φιλόμος and φιλάμος by Dioscorides and Galen, it is difficult to determine their several genera and species. Matthiolius, Dodonaeus, and Sprengel are agreed that the φιλόμος ἀγρίος is the Philmos fruticosus, or Broad-leaved Sage-tree. The female λεπίνος φιλόμος is the Verbascum undulatum, Lam., according to Sibthorp, and the male λεπίνος φιλόμος, the Verbascum Thapsus, or Great Mullein, according to the same; but Sprengel appears to show satisfactorily that the female is the Thapsus, and the male the undulatum. The Verbascum nigricans, or Black Mullein, is well known. The first two species of the φιλόμος are referred by Sprengel to the Philmos Samia, L., and the Philmos lunariafolia, Sibthorp. Clusius named the narrow-leaved Jerusalem Sage, Philmos lychnites, Sprengel.

*PHLOX (φλόξ), a plant which Sprengel calls the Agrostemma coronarium.11 Schneider mentions that Anguillara held it to be the "flore del veluto" of the Italians. All the plants included in the genus Phlox of modern botanists are natives of the New World.12

*PHOCA (φόκα), the Seal, or Phoca vitulina, called by Pliny "Vitulus marinus," or Sea Cat. It was ranked among the κύνη by Homer.13

*PHOCENA (φόκενα), the Delphinus Pinnatus, L., or Porpoise. Julius Scaliger, Belon, Gesner, and Rondel concurred in referring the Tursio of Pliny to the Porpoise. Pliny and other writers of antiquity confound the φόκα, or Seal, with the φιλακτινή, or Porpoise.14

*PHÈNICOPTÈRUS (φενικόπτερος), the Flamingo, or Phoenicopterus ruber, L. The Greek name denotes that the bird was of the Phoenix, and especially suitable to individuals of two years old, whose wings alone are of a fine carnation, while the neck and body are still invested with white plumage. The ancients held the flesh of the Flamingo in high estimation, and the tongue was especially regarded as an exquisite morsel; but such of the moderns as have tasted it declare it to be oily, and of an unpleasant marshy flavour.15

*PHÈNICUS (φινικός), a species of Bird, the Sylvia Punicus, Lath., or Redstart. "The Redstart so nearly resembles the Redbreast in general appearance, that it is not to be wondered at that Aristotle took it for a Redbreast in its summer plumage."16

PHÈNIX (φίνιξ). I. a fabulous Egyptian bird. II. The Phœnix dactylifera, Date-tree, or greater Palm. "Theophrastus describes six species or kinds of palms; his χαμάρδης is the same as the χαμάρδης φίνικης of Dioscorides, namely, the Chamaerea humilis, L. The Thebais Palm of Dioscorides are named Cruscera Thebasæa by De Lisle; but, according to Sprengel, they were mere varieties of the common Palm. The ancients were well aware of the distinction of species which exists in this tribe of trees. The φίνικη phia of Dioscorides is undoubtedly the Lodoicer perenne, Perennial Darnel, or Rye Grass.17

PHΟΝΟΣ (φόνος), Homicide, was either ἀκόστος or ἀκοστός, a distinction which corresponds in some measure, but not exactly, with our murder and manslaughter; for the φόνος ἀκοστός might fall within the description of justifiable homicide, while φόνος ἀκοστός might be excusable homicide. According 1.

mg to the different circumstances under which the homicide was committed, the tribunal to which the case was referred, and the modes of proceeding at Athens, varied. All cases of murder (with one exception, to be hereafter noticed) were tried by the court of Areopagus; other cases of homicide were tried by the judges of Draco to be tried by the ἕφεται. All φώναι dikai belonged to the jurisdiction of the ἅρμον. The latter, if the murder was the sole judge in cases of unintentional homicide; for such an act was considered, in a religious point of view, as being a pollution of the city; and it became his duty, as guardian of religion, to take care that the pollution (γέγος) was duly expiated. Draco, however, established the ἕφεται, first, as a court of appeal from the ἅρμον; and so, after they began to perform the office of ἔφεται, they became the presiding magistrate. 1 In discussing this subject, we have to consider the various courts established at Athens for the trial of homicide, the different species of crime therein respectively prosecuted, the manner of proceeding against the criminal, and the nature of the punishments to which he was liable. All these points are treated of in the ætacris of the Πραγματευσόμενα, and in the ἔφεται of this work. 2 To the court ἐπί ἐπισκοπής belonged the cases of accidental homicide, manslaughter, murder by proxy (διώκομαι), and murder or manslaughter (κατακτήτωρ). Such a case as that mentioned by Demonesthenes, 3 of an unlawful blow followed by death, would be manslaughter. It seems, also, that this court had a concurrent jurisdiction with the Areopagus in charges of murder, which was carried into effect. The law perhaps allowed the prosecutor to waive the heavier charge, and proceed against the defendant as an accessory, because of the supposed origin of this court, as Harpocration 4 says. The court ἐπί ἐπισκοπής was referred cases where the party confessed the deed, but justified it: ‘υπ’ τίνος δολομεῦ μὲν κτίτου, εὐνόμως δὲ φύς δειράνειν. Demosthenes calls it ἁγίατον καὶ φιλικότατον. 5

As to the origin of this court, see Mathias, 152. In the τό ἐπί Πραγματευτικος, the objects of prosecution were inanimat things, as wood, stone, or iron, which had caused the death of a man by falling on him. 6 Draco enacted that the cause of death should be cast out of the boundaries of the land (υπέρπετισθαναι), in which ceremony the ἄρμων βασιλεύει was assisted by the φιλαπειστῆς. 7 This was a relic of very rude times, and may be not inaptly compared with our custom of giving a funeral. Mathias thinks there was an ulterior object in the investigation, viz., that by the production of the instrument by which death was inflicted, a clue might be found to the discovery of the real murderer, if any. The court ἐπί φρατεῖοι was reserved for a peculiar one, where a man, after going into exile for an unintentional homicide, and before he had appeared the relatives of the deceased, was charged with having committed murder. He was brought in a bın ' in the harbour called ἐπί φρατεῖοι. vü: were pleaded his cause on board ship, whilst judges remained on land. If he was convicted, he suffered the penalty of the punishment of murder; if acquitted, he suffered the remainder of his fornication. The object of this peculiar proceeding was to avoid pollution (for the crime of the first act had not yet been expiated), and, at the same time, to bring the second offence to trial. 1

To one or other of these courts all φώναι dikai were sent for trial, and it was the business of the ἄρμων βασιλεύει to decide which. The task of prosecution devolved upon the nearest relatives of the deceased, and in case of a slave, upon the master. To neglect to prosecute, without good cause, was deemed an offence against religion; that is, in any relative not farther removed than a first cousin's son (ανεφίδειον). Within that degree the law enjoined the relatives to prosecute, under penalty of a fine (κατακτήτωρ), which might, however (without incurring any censure), forbear to prosecute, where the murdered man had forgiven the murderer before he died; 2 or, in cases of involuntary homicide, where the offender gave the satisfaction which the law required, unless the deceased had given a special injunction to avenge him. 3 The first step taken by the prosecutor was, to give notice of the cause of action to the parties, or to all public places and sacrifices. This was called πρὸς ἔργος, and was given at the funeral of the deceased. 4 After this he gave a public notice in the market place, warning the accused to appear and answer to the charge: here he was said προεσπείται or προ ανεφίδειον; 5 The next thing was to prefer the charge before the archon. The word ἀνεφίδειον, the term ἐπισκοπήσθαι or ἐπισκοπήσθαι was peculiarly applied. 6 The charge was delivered in writing: the prosecutor was said ἀναπαράσεον δικράνοις. 7 The thing was not to be used as a censer, but as a weapon, the object which was intended was to bring the offender to an appropriate punishment. The evidence and other matters to be prepared were in the usual way. Three months were allowed for this preliminary inquiry, and there were three special hearings, one in each month, called διαδικαιοσύνη, or (according to Bekker's reading) διαδικαιοσύνη. 8 After which, in the fourth month, the archon εργάζεται ἐπὶ ἔργον. 9 The defendant was allowed to put in a παραγράφος if he contended that the charge ought to be tried in one of the minor courts. 10

All the φώναι dikai were held, in the open air, in order that the judges might not be under the same roof with one suspected of impurity, nor the prosecutor with his adversary. 11 The king archon, presided with his crown taken off. 12 The parties were bound by the most solemn oaths; the one swearing that the charge was true, that he bore

such a relationship to the deceased, and that he would, in conducting his case, confine himself to the question at issue; the other declaring the charge to be false.\(^1\) The witnesses on both sides were worn in like manner,\(^2\) and slaves were allowed to appear as witnesses.\(^3\) Either party was at liberty to make two speeches, the prosecutor beginning, as may be seen from the τεραπόνες. But the pleader was obliged to confine himself to the point at issue.\(^4\) Advocates (προφήται) were not admitted to speak for the parties anecdotally, but in later times they were.\(^5\) Two days were occupied in the trial. After the first day, the defendant, if fearful of the result, was at liberty to fly the country, except in the case of parricide. Such flight could not be prevented by the adversary, but the proper remedy was to find itself. On the third day the judges proceeded to give their votes, for which two boxes or urns were provided (φθορίας ή άρματος), one of brass, the other of wood; the former for the condemning ballots, the latter for those of acquittal. An equal number of votes was an acquittal; a point first established (according to the old tradition) upon the trial of Orestes.

As the defence might consist either in a simple denial of the imputation to kill, or in a justification of the act, it is necessary to inquire what circumstances amounted to a legal justification or excuse. We learn from Demosthenes\(^6\) that it was excusable to kill another unintentionally in a gymnastic combat, or to kill a friend in battle or ambuscade, mistaking him for an enemy; that it was justifiable to slay an adulterer if caught in ύπαθερμωμάτων, or to kill in the same way with a sister or daughter, or even with a concubine, if her children would be free. (As to an adulterer, see Lysias.) \(^7\) It was lawful to kill a robber at the time when he made his attack (εὐθύς ἁμαρτωλόν), but not after.\(^8\) By a special decree of the people, made after the expulsion of the Thirty Tyrants, it was lawful to kill any man who attempted to establish or to restore a tyrant, or to put down the democracy, or committed treason against the state.\(^9\) A physician was excused who caused the death of a patient by mistake or professional ignorance.\(^10\) This distinction, however, must be observed. Justifiable homicide left the perpetrator entirely free from pollution (καταφανές). That which, though unintentional, was not perfectly free from blame, required to be explained. See the remarks of Antiphon in the Τέραπον, b. 123.

It remains to speak of the punishment. The courts were not invested with a discretionary power in awarding punishment; the law determined this according to the nature of the crime.\(^11\) Wild murder was punished with death.\(^12\) It was the duty of the thermothete to see that the sentence was executed, and of the Eleven to execute it.\(^13\) We have seen that the criminal might avoid it by flying before the sentence was passed. Malicious wounds were punished with banishment and confiscation of goods.\(^14\) So were attempts to murder (βασανίζοντας). But where the design was followed by the death of him whose life was plotted against, and the crime was treated as a murder, it might be punished with death, at least if it was tried in the Areopagus; for it is doubtful whether the minor courts (except that άργοστάτος had the power of inflicting capital punishment.\(^1\) If the criminal who was banished, or who avoided his sentence by voluntary exile, returned to the country, an ἀνάδεικσις might forthwith be laid against him, and but for the operation of the provision before the theomatethes, or even slain on the spot.\(^2\) The proceeding by ἄραγγες (arrest) might perhaps be taken against a murderer in the first instance, if the murder was attended with robbery, in which case the prosecutor was liable to the penalty of a thousand drachmas if he failed to get a fifth of the votes.\(^3\) But no murderer, even after conviction, could lawfully be killed, or even arrested, in a foreign country, if the try or appeal was made by the offended party. In the practice it was a principle of international law, that the exile had a safe asylum in a foreign land. If an Athenian was killed by a foreigner abroad, the only method by which his relatives could obtain redress was to seize natives of the country (not more than three), and keep them until the murderer was given up for judgment.\(^4\) Those who were convicted of unintentional homicide, not purposely or maliciously, were permitted to leave the country for a year. They were obliged to go out (εξεξυγυμνάσατο) by a certain time, and by a certain route (τακτῆς δόξος), and to expiate their offence by certain rites. Their term of absence was called ἀνακτονησία. It was their duty, also, to appease (αἰδέσθαι) the relatives of the deceased, or, if he had none within a certain degree, the members of his clan, either by presents or by humble entreaty and submission. If the convict could pre- vail on them, he might even return before the year had expired. The word αἰδέσθαι is used not only of the criminal humbling himself to the relatives, but also of their forgiving him.\(^5\) The property of such a criminal was not forfeited, and it was unlawful to do any injury to him, either on his leaving the country or during his absence.

Such was the constitution of the courts and the state of the law as established by Solon, and mostly, indeed, by Draco; for Solon retained most of Dra'co's ψυχικοὶ νόμοι.\(^6\) But it appears that the jurisdiction of the ἱσθαί in later times, if not soon after the legislation of Solon, was greatly abridged, and that most of the ψυχικοὶ δίκαι were tried by a council.\(^7\) It is not possible that the ordinary method of trial, to which they were accustomed in other causes, criminal as well as civil, to the more aristocratical constitution of the court of ἱσθαί. Their jurisdiction in the courts άργοστάτος, and ἄραγγες, was, no doubt, still retained; and there seem to have been other peculiar cases reserved for their cognizance.\(^8\) Whether the powers of the Areopagus, as a criminal court, were curtailed by the proceedings of Pericles and Ephialtes, or only their administrative and censorial authority as a council, is a question which has been much discussed. The strong language of Demosthenes\(^9\) inclines one to the latter opinion. See also Dinarchus,\(^10\) from which it appears there was no appeal from the decision of that court.\(^11\)
PHYLOBASILEIS.

No extraordinary punishment was imposed by the Athenian legislator on parricide. Suicide was not considered a crime in point of law, though it seems to have been deemed an offence against religion; for, by the custom of the country, the hand of the suicide was buried apart from his body.  

₁ΦΟΝΩΤΑΙ ΑΙΘ. (vid. Phonos.)  

ΦΟΡΑΣ ΑΦΑΝΟΤΣΣ, ΜΕΘΕΡΜΙΝΕΣ ΔΙΚΗ (φοράς ἀφανοῦς, μεθέρμινης δικῆς) is enumerated by Πολύτορας as among the Athenian decrees. He has given a satisfactory explanation of the meaning. Κύμη (vid. note to Dindorf's edition) explains it thus: "Actio in servis operario, qui non praebat datab domino φοράς ἀφανοῦς, pensionem, mercedes de operis quae erat ἡμισε, i.e. non incurrebat in oculos, ut facultates et opes manifesta. Ετρατ ἐφορηθη δικαίως, in case the owner would be absurd to the owner until he got an account from the other party. As to the practice of lending slaves, vid. Demosth., c. Απηκ., 619, 389. Meier 2 suspects that the true reading might be φοράς, θήφα, θήρωσ, search; in which case the owner would be one for unlawfully searching a person's house, either secretly (ἀφανοῦς), or openly in the daytime (μεθέρμινης). The first conjecture, at least, is highly improbably, as there was a δίκη κλημός.

ΠΟΡΒΕΙΑ (φορβεία.) (vid. Lyra.)  

ΠΟΗΜΙΝΧ (φοιμίνχ), the Valeriana officinalis or great wild-mint. ³PHOΞΝΙΟΣ (φοξνίος), the Cyprisus Phoxinus, L., or the Minnow. Gesner, however, questions this opinion. ⁴PHRACTIA (φρακτία). (vid. Civitas, Grecia.) ⁵ΦΡΓΙΟΥ (φργίου) (vid. Pallium, p. 718.) ⁶ΦΡΙΓΙΥΣ ΛΑΠΙΟΣ (φριγιύς λίπος), the Phrygian mace. To the latter (according to Adam) other authorities, would appear to have been a pumice, with an admixture of alum and other ingredients.

⁷ΦΡΗΝΟΣ (φρήνος), a species of Toad, the Rubea of the Latins. "Commentators are greatly puzzled," remarks Adams, "to determine what it is. A. After comparing the ancient accounts of it with the account of the Bufo vulgaris given in the Encyclopaedia Methodica, I was forcibly struck with their coincidence, and it affords me pleasure to find that Schneider also identifies the Phrymus or Rubea with the Bufo vulgaris. Agricola confirms the ancient statements of its being venomous, but few modern naturalists agree with him. The common Louse. Aristotle notices the lice which form on fishes. Donnegan, in speaking of these, calls them "a kind of small shellfish, that fixes upon and derives its food from the bodies of other fishes, familiar examples of which may be noticed in the common prawn (on the corset of which a protuberance may often be observed, the parasite being covered by a coating of the shell), as also in the mussel." ²Ι. The fruit of a species of Pine, the Pinus Pinaster. Consult the remarks of Ritter, in his Vorhalle Europ. Volksgesch., p. 154, in relation to the φυλαρχία of antiquity.

ΘΟΡΑΣ ΤΩΝ ΑΙΕΟΤΕΡΕΣΙΑΝ (θορά των ἀειότερων) was one of the offenses which might be criminally prosecuted at Athens. The word φοράς may signify an absentee, one who does not pay his rent; but the expression φοράς e. c. comprehends, if it is not limited to, a crime too common among the Greeks, as appears from a law cited by Ἀκσίνης. ⁸On this subject, vid. Phalgoeus, and Schömann, Ant. Jur. Pub. Gr., p. 338, 339.

⁹ΦΥΓΙΟΣ (φυγιός). (vid. Fuga.) ¹₀ΦΥΓΕΣ (φυγες). (vid. Banishment, Grec.) ¹¹ΦΥΛΑΡΧΙ (φυλαρχί), generally the prefects of the tribes in any state, as at Epidamus, where the government was formerly vested in the φυλαρχος, but afterward in a senate. ⁴At Athens, the officers so called were (after the age of Cleisthenes) ten in number, one for each of the tribes, and were specially charged with the command and superintendence of the cavalry. There can be but little doubt that each of the phylarchs commanded the cavalry of his own tribe, and that they were themselves, collectively and individually, under the control of the two hippocasts, just as the taxiarchoi were subject to them. ⁵PHYLITIS (φυλητίς). "It appears probable," remarks Adams, "that the φυλητός alluded to by Dioscorides and Theophrastus was the Μενεκρισία annua. The φυλής of Galen and of Paulus Aegineta is not the same; it is an annual species of the meladorhaphis. Apicius uniformly calls the Malabathrum, or Cassia leaf, by the name of Folium."

PHYSOBASILEIS (φυλασσαλείς). The origin and duties of the Athenian magistrates so called are involved in much obscurity, and the little knowledge we possess of this subject is derived almost entirely from the grammarians. In the earliest times they were four in number, representing each one of the four tribes, and probably elected (but not for life) from and by them. ¹²They were nominated from the Eupatriae, and during the continuous royalty of Athens these "kings of the tribes" were the constant assessors of the sovereign, and rendered their advice to the magistrates and consuls. ¹³From an expression in one of the laws of

PhysoLogia

though, was (Hist. Pollux, the
rites took place in the presence of the
the son of the king, or "tie sacrificia,"
as they had formerly done the
king. Though they were originally connected with the four ancient tribes, still they were not abolished by Cleisthenes when he increased the number of tribes and otherwise altered the constitution of Athens, probably because their duties were mainly of a religious character. They appear to have existed even before his time, and were always regarded in unimportant or merely formal matters. They presided, we are told, over the court of the Ephesiate, held at the Prytaneum, in the mock trials over instruments of homicide (αι των δφησεων δκια), and it was part of their duty to remove these instruments beyond the limits of their country (κατα δια
σεν ανάφυγον απορροιαα). We may reasonably conclude that this jurisdiction was a relic of more important offices as that of the Ephesiate, from which, and with their connexion with the Prytaneum, it has been conjectured that they were identical with the old Prytaneans. Plutarch speaks of them both as βασιλες and πραυτες. In a ψηφισμα, quoted by Andocide,1 the title of βασιλες seems to be applied to them.

Physiologia (ψυχολογια), one of the five divisions into which, according to some of the ancient writers, the whole science of medicine was divided. (Vid. Medicina.) It treats, as its name implies (ψυχα περιεχεται, or λεγον, a discourse), of the nature and functions of the human body, which agrees with the definitions found among Galen's works;11 and as a knowledge of the parts of the human body (or anatomy) is a necessary step to a knowledge of its functions, it will be included here under that head.

The first beginnings of anatomical knowledge would arise from the inspection of the victims offered in sacrifice, and from the dressing of wounds and other bodily injuries; the progress, however, that was thus made would naturally be very slow and imperfect, and it was soon found that anatomy could only be learned by a careful inspection of the internal parts of the animal frame, or, in other words, by systematic dissection.

The Pythagorean philosopher, Alcmaeon, is said by Chalcedius12 to have been the first person who dissected animals (about B.C. 540); this was an important step, and with this anatomist remained content for more than two hundred years. Alcmaeon appears to have made considerable advances on the knowledge of his predecessors, and most of his discoveries are that of the Eustachian body, or of cartilage loading from the anterior and inner part of the tympanum to the faucæ; and his mistake in saying

1. (Plut. in Vit. c. 19)—2. (Niebuhr, R., l., p. 204, Engli-

2. (Pollux, Onom., viii., 111)—3. (Wachsmuth, I.,

3. (Pollux, Onom., viii., 120)—4. (Solen, c. 10)—7.


that goats breathe through the ear (which is oppo-
sected by Aristotle) may be easily explained by supposing that in the animal that he dissects the membrana tympani had been accidentally destroyed. Pliny notices this opinion of Alcmeon (though with-
out correcting it), but attributes it to Archelaus.3

Empedocles of Agrigentum (in the fifth century B.C.) was the first who noticed the cochea of the ear (συνάλληδος χώρος), which he thought was the immediate organ of hearing and also gave the name (ενευρωτής) to the innermost of the membranes surrounding the ear. His contemporary, Anaxagoras was perhaps the first person who tried to explain the difference of the sexes by the place occupied by the fetus in the uterus; the male, said he, is on the right side, the female on the left; and this opinion (though with-
out the least foundation in fact) one is surprised to find received and repeated by Hippocrates, 4 Aris-
totle (who, however, adds that this is not certain, as sometimes the contrary takes place), and Galen. The anodote of the way in which Anaxagoras, by his knowledge of comparative anatomy, queted a tumult occasioned at Athens by the sight of a goat with only one horn, may be seen in Plutarch.6

Democritus of Abdera (B.C. 460—357) was partic-
ularly celebrated for his knowledge of anatomy, and has given the name (ενευρωτής) to the innermost of the membranes surrounding the ear. The way of living when visited by Hippocrates, the earth round where he was sitting is noticed as being covered with the carcases of animals that he had dissected; however, none of his opinions require to be particularly specified here.

The next great physiologist of antiquity, and the first whose writings have still a name is Hippocrates (B.C. 460—357); though, in fact, it is not certain that any of the anatomical works that go under his name were really written by him.13

It would be impossible here to give anything like a complete analysis of the physiology of Hippocrates (and the same apology applies also to the other writers hereafter to be mentioned, particularly Aristotle and Galen); the reader must content himself to find here a very brief account of some few facts and opinions, and be referred for further particulars to the different histories of medicine. Hippocrates called both arteries and veins indiscriminately by the name of οξης, the word ωρομα in his writings being used to designate the trachea. (Vid. Αναβαλα.) His knowledge of the bones appears to have been very great, and that in particular of the skull, brain, or viscera. Tendons and nerves he called τονα or νευρα, without knowing that the latter convey sensation, and arise from the brain; motion, he thought, was caused by all the tendinous white cords throughout the body without distinction. His theory of generation is (as may be inferred from the specimen alluded to above) very fanciful and imperfect; and his ignorance of human anatomy appears in his
discourse of the uterus,13 the existence of which in woman was for a long time taken for granted, on account of their being found in the inferior animals. He says that the Scythians were so impotent from being bled behind the ears,14 a theory which may be explained and illustrated by the supposed course of the spermatic vessels.15

PHYSIOLOGIA

Upon the whole, though the anatomical and physiological knowledge of Hippocrates has been highly extolled by those who overrate the ancient physicians as much as others ignorantly depreciate them, this must be allowed to be one of the most imperfect and unsatisfactory parts of his writings. Plato has inserted a good deal of physiological matter in his "Laws," and the parts of the body, of Xenophon's "Memorabilia," may be considered as the earliest specimens of what would be now called "Natural Theology." One of the most celebrated of Plato's anatomical opinions was, that part of the fluids that are drunk enters the trachea, an assertion which for a long time occasioned great disputation, as appears from the words of Aristotle. The word ῥυσσόν in his writings means a ligament; both arteries and veins are called ἄφλος, and the word ἀρτηρία is applied to the trachea. He says the heart is the origin of the veins and the fountain of the blood. It may be added, that Cicero's fragment "De Universitate" is a translation of part of this dialogue; that Galen wrote a work "De ipsis Medicina," which is cited in Plin. Nat. Hist., and which a Latin translation still exists, and that there is also a Latin translation and commentary by Chalcidius. Vid. J. K. Lichtenstädter, "Plato's Lehren auf dem Gebiete der Naturforschung und der Heilkunde. Nach den Quellen bearbeitet," Leipzig, 1836, 8vo. Aristotle's knowledge of human anatomy was much inferior to that of his predecessors: whether he acquired it by the dissection of animals only, is now impossible to decide. Aristotle is the first author who gives the name ἀρδηρία to the principal artery in the human body; however, he calls it ἄφλος, and never seems to suppose the veins and arteries to be distinct and different from each other. They are, according to the same author, ligaments, means, means the trachea. He says the brain is entirely supplied with blood; that the trachea receives neither fluid nor solid, but only air: that man's brain is larger than that of any other animal: that the heart contains three ventricles, though in another place he seems to say that there are only two; and that there are on each side eight ribs. Praxagoras, who was the preceptor of Herophilus, contributed much to the science of Physiology: but the honour of discovering that the arteries and veins are distinct, and of being the first who applied the word ἀρτηρία to the bloodvessels which now bear the same name, is attributed to Herophilus. He is celebrated in Opusc. Acad. Med. et Philosc., tom. ii., p. 128, sq. Inferior to Hippocrates in medical skill, enjoying far less posthumous influence and renown, but much more above him as anatomists, were Herophilus and Erasistratus, who were contemporaries, and lived in the second century B.C. The former is said expressly by Galen to have dissected human bodies; while the numerous passages, both in Galen's works and in those of other anatomists, recommending the dissection of apes, bears, goats, and other animals, would seem indirectly to prove that human bodies were seldom or never used for that purpose. Herophilus and Erasistratus are said also to have dissected criminals alive; but whether this was really the case, or whether the story arose from their having been among the first who dissected human bodies, it is not easy to determine. The anatomical phraseology of Galen is so closely connected with the nerves to be the organs of sensation, though, like Aristotle, Herophilus continued to call them canals, πόροι. However, he so far agreed with the ancient opinion on the subject as to say that some of the nerves arise from bones and connect the articulations, thus confounding the nerves with arteries. They were, however, a point of common to which the sinuses of the dura mater converge, which is still called, after him, the torcular Herophili. He was also the author of the name calamus scriptorius, which is still applied to the angular indentation in the posterior part of the medulla oblongata. That part of the intestines which is called the duodecim (docecadecem) dermoqνας, the proximate one, to which they refer respecting Herophilus, see a memoir by K. P. H. Marx, entitled "Herophilus; ein Beitrag zur Gesch. der Chirurgie," Karlsruhe, 1838. Erasistratus was not less celebrated as an anatomist than Herophilus, though his name is connected with fewer discoveries. The tricuspid valves (tricuspidae) were named after him, in order to distinguish between the right auricle and ventricle, received his name from 9. The bile and the spleen he considered altogether useless. The trachea derives its name from him, as he was the first person who added the word ἀρτηρία, which had hitherto signified the windpipe, the epithelium, the duct, the trachea. He also translated Pliny's celebrated passage, to correct the opinion of Plato mentioned above.

Endermus, a contemporary of Herophilus, is mentioned together with him by Galen, as having discovered the pancreas, though he does not give it any name.

Celsus (who is supposed to have lived in the first century after Christ), in his work "De Medicina," defends the necessity of the study of anatomy, and seems to recommend the dissection of human bodies. He has inserted some anatomical matter in different parts of his work, but his language is not always technically correct, as the trachea he calls arteria, though in other places that word means an artery. Celsus also mistakes in many cases, sometimes means the abdominale, sometimes means a tendon, and sometimes even a muscle. There is no anatomical discovery attached to his name.

Marinus, in the second century after Christ, is called by Galen one of the restorers of anatomy, which appears to have been neglected. He describes particularly the mesenteric glands, fixe the number of the pairs of the cerebral nerves as seven, and first noticed the palatine nerves, which are

The twenty-fourth and twenty-fifth books of the Συναγωγα τα ἑτατεία, "Collecta Medicinalia," of Orbaisius, contain a system of Anatomy compiled from Rufus Ephesius, Galen, and Soranus; there is in them (as far as the writer is aware) nothing new, but in another place he mentions having himself dissected apes.

About the same time (the end of the fourth century after Christ) lived Nemesis, the author of a work Peri Ὀσομαίας τῶν Ἀνθρώπων, De Natura Hominis. This is a very interesting little treatise, but it has enjoyed more celebrity than perhaps it deserves, on account of two curious passages; in one of which he is supposed by some of the most zealous admirers of the ancients to have discovered the circulation of the blood, and in the other the use of the bile. He plainly distinguishes the nerves from the tendons, saying that the former possess the sensibility, but not the latter.

The next work we come to is by Theophylus Protopsatharians, who is generally supposed to have lived in the seventh century, but who probably belongs to a later period. It is entitled Περὶ τῶν Ἀνθρώπων Κατακεκεῖς, "De Corporis Humani Fabrica," and is in five books. It is, for the most part, taken word for word from Galen, "De Usu Partium Corporis Human," and Hippocrates, "De Genitura," and "De Natura Fueri," from whom, however, he sometimes differs. The work of Melitius (a monk who lived probably in the eighth or ninth century), Περὶ τῶν Ἐνοχῶν Κατακεκεῖς, "De Hominis Fabrica," does not require any particular notice; nor that by Constantinus Afer (who lived in the eleventh century), "De Membris Principaliis Corporis Humanus." Beside these works, which may be considered as more especially anatomical and physiological, several of the early Christian fathers have left treatises on Natural Theology, pointing out the "wisdom, and power, and goodness of God," as displayed in the structure of the human frame. Such are St. Ambrose, De nos et arca (c. 6—9); Id., Hexameron (vii., 9); St. Basil, Peri τῆς τῶν Ἀνθρώπων Κατακεκείσ, "De Structura Hominis Orations Tres" (which, however, is probably not genuine); St. Gregory of Nyssa, De verbis "Faciaces Hominem," &c., Orations Duces: Id., Peri τῆς τῶν Ἀνθρώπον Κατακεκείσ, "De Hominis Opificio" (written as a supplement to his brother St. Basil's unfinished work, entitled Σβαμερων, Hexameron); Theodot, Peri προνοιας, "De Providentia," Orat. i., iv.; and Laclantius, "De Opificio Dei." Some of these works are well worth reading for their scientific correctness as well as their piety; but some parts, it must be confessed, are very strange and fanciful. However, they add nothing to the amount of anatomical knowledge already in the world, as probably every statement in their writings that is not erroneous (and many of those that are) may be found in the works of Galen. The same may be said of the Arabian writers, of whom several (e.g., Alzaharavius, Avicenna, Haly Abbas, Razes, &c,) have prefixed to their medical works a physiological introduction, which it would be out of place to notice here more particularly.

PICA. (Vid. CITTA.)

PICEA. (Vid. PINUS.)

PICUS, the Woodpecker, a bird sacred to Mars, and from the Archetypal Littere to which he was drawn by the nations of Italy. A bird of this species guarded a colony of the Sabines, sent out in consequence of a vow of a sacred spring (Ver Sacrum), and also
PIGNUS.

Pignus, a pledge or security for a debt or demand, is derived, says Gaius, from pignus, "quia quae pignori dantur." This is one of the causes of the failure of the Roman jurists when they attempted etymological explanation of words. (Vid. Origem.) The element of pignus (pig) is contained in the word pa(a)n(y) and its cognate forms.

A thing is said to be pledged to a man when it is made a security to him for some debt or demand. It might be a thing personal or incorporeal, a word or thing given to him to which it is made a security, and hypotheca when it is made a security without being put in his possession. The law relating to pignus and hypotheca was in all essentials the same. The object of the pledge is that the pledgee shall, in case of necessity, sell the pledge and satisfy the debt or demand. A pledge may be given for any obligation, whether money borrowed (mutua pecunia), done, in a case of buying and selling, letting and hiring; whether the obligation is conditional or unconditional; for part of a sum of money as well as for the whole. Anything could be the object of pledge which could be an object of sale; it might be a thing corporeal or incorporeal, a single thing or a university of things. If a single thing was pledged, the thing with all its increase was the security, as in the case of a piece of land which was increased by alluvio. If a shop (taberna) was pledged, all the goods in it were pledged; and if some of them were sold and others brought in, the thing which was sold and the thing which was added to the shop and all that it contained at the time of the pledgee's death. If all a man's property was pledged, the pledge comprehended also his future property, unless such property was clearly excepted.

The act of pledging required no particular form, in which respect it resembled contracts made by consent. Nothing more was requisite to establish the validity of a pledge than proof of the agreement of the parties to it. It was called contractus pignoratitius when it was a case of pignus, and pactum hypothecae when it was a case of hypotheca: in the former case, tradition was necessary. A man might demand the pledge out of the presence of the pignoror. The intention of a man to pledge could in any case be deduced either from his words or from any acts which admitted of no other interpretation than an intention to pledge.

A man could only pledge a thing when he was the owner and had full power of disposing of it; but a part owner of a thing could pledge his share.

A pledge could not move property if the other consented to the pledge at the time or afterward, but in either case this must properly be considered the pledge of the owner for the debt of another. If a man pledged a thing which was not his, and afterward became the owner of it, the pledge was valid.

A thing on which a pledge was security depended on the agreement: it might be for principal and interest, or for either; or it might comprehend principal and interest, and all costs and expenses which the pledgee might be put to on account of the thing pledged. For instance, a creditor would be entitled to his necessary expenses concerning a slave or an estate which had been pignorated.

Pignus might be created by a judicial sentence, as, for instance, by the decree of the praeator giving to a creditor power to take possession of his debtor's property (missio creditoris in bona debitoris), either a single thing, or all his property, as the case might be. But the possession or command of the magistratus did not effect a pledge, unless the person actually took possession of the thing. The following are instances: the missio damni infecti causa (vid. Damnun infectum): legatorum servandorum causa, which had for its object the securing of a legacy which had been left subject to conditions or die: missio ventris in possessionem, when the property remained with the owner's heir. This case was resolved upon by the praetor, and a judgment against him (ex causa judicii).

There was also among the Romans a tacita hypotheca, which existed not by consent of the parties, but by rule of law (ipso jure), as a consequence of certain acts or agreements, which were not acts or agreements pertaining to pignorating (in quibus hypothecae) (in pignus ad hypothecam facienda, etc.).

The following are instances of special hypothecae: The lessor of a praedium urbanum had an hypotheca in respect of its claims on the property of the subject, and on the property of its agents or officers: the husband on the property of him who promised a dow; and legates and fideicommissarii in respect of their legates. Fideicommissorum, on that portion of the heir's legacies of him who had to pay the legacies or fideicommissa. There were other cases of general hypothecae.

The following are instances of special hypothecae: The lessor of a praedium rusticum had an hypotheca in respect of its claims arising out of the court, or all general property with which the lessee brought upon the premises for constant use (invencta et ilata). The lessor of a praedium rusticum had an hypotheca on the fruits of the farm as soon as they were collected. A person who lent money to repair a house had an hypotheca on the house and the ground on which it stood, provided the money had been spent on it. Papili and minor's had an hypotheca on things which were bought with their money.

The person who had given a pledge was still the owner of the thing that was pledged. He could therefore use the thing and enjoy its fruits. But the agreement might be that the creditor should have the use of the thing without the possession of it; then, which kind of contract was called antichresis, or mutual use; and if there was no agreement as to use, the creditor could not use the thing. The pledgee could also sell the thing pledged, unless there were some agreement to the contrary, but such sale did not affect the right of the pledgee. If the pledgee sold a movable thing that was pignorated, with the consent of the creditor, he was guilty of furtum. If the pledgee, at the time of a pignus being given, was not the owner of the thing, but had the possession of it, he could still acquire the property of the thing by usucapion.

(Vid. Possessio.)

The creditor could keep possession of a pignorated thing till his demand was fully satisfied, and he

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1. (Dig. 50, tit. 16, s. 288.)—2. (Dig. 13, tit. 7, s. 9 — (laid, Dig. 6, s. 28.) — See Also Cic. ad fam. Illii., 56. — 3. (Dig. 50, tit. 1, s. 5.)—4. (Dig. 50, tit. 1, s. 9.)—5. (Dig. 20, tit. 1, s. 34.)—6. (Dig. 13, tit. 7, s. 22. — Dig. 50, tit. 5, s. 5.)

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could maintain his right to the possession against any other person who obtained possession of the thing. He could also pledge the thing that was pledged to him. He had also the right, in case his demand was not satisfied at the time agreed on, to sell the thing, and to satisfy his demand out of the proceeds (jus distraxendi sive vendendi pignor).

Gains illustrates the maxim that he who was not the owner of a thing could in some cases sell it, but he properly refers the act of sale to the will of the debtor, as expressed in the agreement of pledging; and thus, in legal effect, it is the debtor who sells by means of his agent, the creditor. An agreement to pledge was founded in case the demand was not paid at the time agreed on, was originally very common, but it was declared by Constantine to be illegal. (Vid. Commissoria Lex.)

In case of a sale, the creditor, according to the later law, must give the debtor notice of his intention to sell, and after such notice he must wait two years before he could legally make a sale. If anything remained over after satisfying the creditor, or, it was his duty to give it to the debtor; and if the price was insufficient to satisfy the creditor's demand, his debtor was still his debtor for the remainder. If no purchaser at a reasonable price could be found, the creditor might become the purchaser, but still the debtor had a right to redeem the thing within two years on condition of fully satisfying the creditor.

If there were several creditors to whom a thing was pledged which was insufficient to satisfy them all, his whose pledge was prior in time had a preference over the rest (potor est in pignor qui prae creditibus pecuniam et acception hypothecam). There were some exceptions to this rule; for instance, when a subsequent pledge had lent his money to save the pledged thing from destruction, he had a preference over a prior pledgee. This rule has been adopted in the English law as to money lent on ships and secured by bottomry bonds.

Certain hypothecae, both tacite and founded on contract, had a preference or priority (privilegium) over all other claims. The fuscus had a preference in respect of its claims; the wife in respect of her dower; for, as the English law stood, only the wife had a redemption of a building; a pupillus with whose money a thing had been bought. Of these hypothecae which were founded on contract, the following were privileged: the hypothec of those who had lent money for the purchase of an immovable thing, or for a shop, or for the building, maintaining, or improving of a house, &c., and had contracted for an hypotheca on the thing; there was also the hypotheca which the seller of an immovable thing reserved by contract until he was paid the purchase-money. Of these claims, the fuscus came first; then the wife in respect of her dower; and then the other privileged creditors, according to their priority in point of time.

In the case of unprivileged creditors, the general rule, as already observed, was, that priority in time gave priority of right. But an hypotheca which could be proved by a writing executed in a certain public form (instrumentum publice confectum), or which was proved by the signatures of three reputable persons (instrumentum quasi publice confectum), had a priority over all those which could not so be proved. If several hypothecae of the same kind were of the same date, he who was in possession of the thing had a priority.

The creditor who had for any reason the priority over the rest, was entitled to be satisfied to the full amount of his claim out of the proceeds of the thing pledged. A subsequent creditor could obtain the rights of a prior creditor in several ways. If he furnished the debtor with money to pay off the debt, on the condition of standing in his place, and the term of the mortgage being the life of the prior creditor, the subsequent creditor stepped into the place of the prior creditor. Also, if he purchased the thing on the condition that the purchase-money should go to satisfy a prior creditor, he thereby stepped into his place. A subsequent creditor could also, without the consent either of a prior creditor or of the debtor, pay off a prior creditor, and stand in his place to the amount of the money paid. This arrangement, however, did not affect the rights of an intermedicate pledgee.

The creditor had an actio hypothecaria in respect of the pledge against every person who was in possession of it; and had not a better right than himself. This right of action existed independently in the case of pignus and hypotheca. A lessor had this action for the recovery of the possession of a chattel mortgaged, when the rent was not paid according to agreement. A creditor who had a pignus had also a right to the interdictum retinenda et recuperanda possessionis, if he was disturbed in his possession.

The pledgee was bound to restore a pignus on payment of the debt for which it had been given, and up to that time he was bound to take proper care of the thing pledged. The pledgee might sue in an actio pignoraria by the pledgor for the restoration of the thing, and for any damage that it had sustained through his neglect. The remedy of the pledgee against the pledgor for his proper care and charges in respect of the pledge, and for any dolus or culpa on the part of the pledgor relating thereto, was by an actio pignoratitria contraria.

The law of pledges at Rome was principally founded on the Edict. Originally the only mode of giving security was by a transfer of the quiritarian ownership of the thing by mancipatio or in share cession if it was a res mancipi, on the condition of its being reconveyed when the debt was paid (sub leges mancipationis or sub fiducia). (Vid. Fiducia.)

But in this case the pledgor had no security against the pledgeree, and the pledgor was not entitled to a thing merely given to the creditor with the condition that he might sell it in case his demand was not satisfied. But, so long as the creditor could not protect his possession by legal means, this was a very insufficient security. Ultimately the pretor gave a creditor a right of action (actio in rem), under the name Servian actio, for the recovery of the property of a columna when it was his security for his rent (pro mercedibus fundi); and this right of action was extended, under the name of quasi Serviana or hypothecaria, generally to creditors who had things pignorated or hypothecated to them. As to the interdictum Salvianum, see Interdictum.

The Roman law of pledge was gradually developed, and it would be rather difficult to show in a satisfactory way the various stages of its growth. Some of the rules of law as to pledges mentioned in this article belong to a later period.

The Roman law of pledge has many points of resemblance to the English law, but more is comprehended under the Roman law of pledge than the English law of pledge, including in that term mortgage. Many of the things comprehended in the Roman law of pledge belong to the English law of lien, and to other divisions of English law which are not included under pledge or mortgage.

There is an English treatise, entitled "The Law of 1. (Dig. 20, tit. 4, a. 16) — 2. (Inst., introd. t. 6, s. 7) — 3. (Dig. 90, tit. 1, s. 5, c. 60 — Cod. 7, tit. 14, 15, 16, c. 9.)
PILA.

of Pidges or Pawns, as it was in use among the Romans, &c., by John Ayiffe, London, 1732,1 which appears to contain all that can be said, but the author's method of treating the subject is not perspicuous.

PILA (σφαίρα), a Ball. The game at ball (σφαίρας-
tροχός) was one of the most favourite gymnastic exercises of the Greeks. The Romans imitated them to the full on the exercise, as well as to the games of Cassius, and some of the orations of Cicero; but the romans seem to have been of three kinds: the pilai in its narrower sense, a small ball; the follis, a great ball filled with air (vid. Follis); and the pagana, of which we know scarcely anything; as it is only mentioned in two passages by Martial, but from the latter of which we may conclude that it was smaller than the follis and larger than the pilai.

The game at ball was played at in various ways. Pila was used in a general sense for any kind of ball; but the balls among the Romans seem to have been of three kinds: the pilai in its narrower sense, a small ball; the follis, a great ball filled with air (vid. Follis); and the pagana, of which we know scarcely anything; as it is only mentioned in two passages by Martial.

Among the Romans, the game at ball was also played at in various ways. Pila was used in a general sense for any kind of ball; but the balls among the Romans seem to have been of three kinds: the pilai in its narrower sense, a small ball; the follis, a great ball filled with air (vid. Follis); and the pagana, of which we know scarcely anything; as it is only mentioned in two passages by Martial. But the most favourite game at ball seems to have been the trigon, or pila trigonialis, which was played at by three persons, who stood in the form of a triangle, in τριγώνοι. We have no particulars respecting it, but we are told that skillful players prided themselves upon catching and throwing the ball with their left hand.

The ancient physical writers give instruction in the game at ball, as well as other kinds of exercise, to their patients; Antyllus gives some interesting information on this subject.

The persons playing with the pila or small ball in the annexed woodcut are taken from a painting in the baths of Titus, but it is difficult to say what particular kind of game they are playing at. Three of the players have two balls each.6

PILA. (Vid. Mortarium.)

PILA'NI. (Vid. Army, Roman, p. 103.)

PILETUM, a splendid four-wheeled carriage, furnished with soft cushions, which conveyed the Roman matrons in sacred processions, and in going to the Carneval and other games. Among the Romans, the game at ball was also played at in various ways. Pila was used in a general sense for any kind of ball; but the balls among the Romans seem to have been of three kinds: the pilai in its narrower sense, a small ball; the follis, a great ball filled with air (vid. Follis); and the pagana, of which we know scarcely anything; as it is only mentioned in two passages by Martial. But the most favourite game at ball seems to have been the trigon, or pila trigonialis, which was played at by three persons, who stood in the form of a triangle, in τριγώνοι. We have no particulars respecting it, but we are told that skillful players prided themselves upon catching and throwing the ball with their left hand.

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PILAUS or PILEUM; pila virorum sunt,13


PILUS.

to cause it to rebound, when he struck it down again with the palm of his hand, and so went on doing many times: the number of times was counted.1 We learn from Plato,2 that in one game of ball, played at by boys, though we do not know what kind it was, the boy who was conquered was called αττικός, and the one who conquered was named king (σαιες).3

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PIELEUS or PILE'OLUM (πίλεος, dim. πίλον, second dimin. πιλόδον; πιλημα, πιλήτων), any piece of felt; more especially, a sou’lcap of felt, a hat.

There seems no reason to doubt that fetting (πιλήτης) is a more ancient invention than weaving (νικήλη), nor that both of these arts came into Europe from Asia.

From the Greeks, who were acquainted with this article as early as the age of Homer2 and Hesiod,4 the use of felt passed, together with its name, to the Romans. Among tills the employment of it was always far less extended than among the Greeks. Nevertheless, Pliny, in one sentence, "Lana et per se concta vested faciunt," gives a very exact account of the process of fetting. A Latin sepulchral inscription5 mentions a "manufacturer of woollen felt" (lanarius constructus), the same time indicating that he was not a native of Italy (Larissaeus).

The principal use of felt among the Greeks and Romans was to make coverings of the head for the male sex, and the most common kind was a simple sculpia. It was often more elevated, though still round at the top. In this shape it appears on coins, especially on those of Sparta, or such as exhibit the symbols of the Didaskoloi; and it is thus represented, with that addition on its summit which distinguished the Roman flames and Salii, in three figures of the woodcut to the article Apex. But the apex, according to Dionysius of Halicarnassus, was sometimes conical; and conical or pointed caps were certainly very common. One use of this form probably was to discharge the rain and wet, as when they were worn by fishermen7 and by mariners. In the case of agricultural labourers,4 the advantages of this particular shape are less obvious, and, accordingly, the bonnet worn by the ploughman in the woodcut, page 225, is very different from that of the reaper at page 429. A remarkable specimen of the pointed cap is that worn by the Dioscuri at page 530. Private persons also among the Romans, and still more frequently among the Greeks, availed themselves of the comforts of the felt cap on a journey, in sickness, or in case of unusual exposure.9 On returning home

from a party, a person sometimes carried his cap and slippers under his arm.1

In the Greek and Roman mythology, caps were symbolically assigned in reference to the customs above related. The painter Nicomachus first represented Ulysses in a cap, no doubt to indicate his seafaring life.2 The preceding woodcut shows him clothed in the Epomis, and in the act of offering wine to the Cyclopi.3 He here wears the round cap, but more commonly both he and the boatman Charon (see woodcut, p. 486) have it pointed. Vulcan (see woodcut, p. 610) and Dædalus wear the caps of common artificers.

A cap of very frequent occurrence in the works of ancient art is that now generally known by the name of the Phrygian cap. The Mystia pialeus, mentioned by Aristophanes,4 must have been one of this kind. For we find it continually introduced as the characteristic symbol of Asiatic life in paintings and sculptures of Priam (see woodcut, p. 750) and Mithras (woodcut, p. 518), and, in short, in all the representations, not only of Trojans and Phrygians, but of Amazons (woodcut, p. 768), and of all the inhabitants of Asia Minor, and even of those of the west of Asia Minor, which we have seen in the works of the sculptors of the time of Charon, of the northern Greeks, and of the Dacians (see woodcut, p. 768).

The form of those worn by sailors is frequently mentioned in ancient writers, and was certainly held to be of great use by mariners, and they were very greatly respected by the Athenians, who at the time of the capture of the Sarmatians in the group at page 171. Strabo observes that caps of felt were necessary in Media on account of the cold.4 He calls the Persian cap πιλημα πυργυτων, i. e., "felt shaped like a tower."

Another singular variety of the Asiatic pialeus was that of the Lycians, which was surrounded with feathers,4 and must have resembled the head-dresses of some of the North American Indians.

Among the Romans the cap of felt was the em blem of liberty. When a slave obtained his free dom, he had his head shaved, and wore instead of his hair an undyed pialeus (πιλεος λεκνον). This change of attire took place in the Temple of Pessia, which was the goddess of freedmen.15 The figure of Liberty on some of the coins of Antoninus Pius, struck A.D. 145, holds this cap in the right hand.

In contradistinction to the various forms of the felt cap now described, we have to consider others more nearly corresponding with the hats worn by Europeans in modern times. The Greek word πε ταμος, dim. πετασιον, derived from petaiomuo, "to expand," and adopted by the Latins in the form petas, dim. petasculus, well expressed the Asiatic"i" shape of these hats. What was taken from their height was added to their width. Those already described had no brim: the petasus of every variety had a brim, which was either exactly or nearly circular, and which varied greatly in its

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width. In some cases it is a circular disk without any crown at all, and often there is only a depression or slight concavity in this disk fitted to the top of the head. Of this a beautiful example is presented in a recumbent statue of Endymion, habituated as a hunter, and sleeping on his scarf. It is to be added that this statue belongs to the Townley Collection in the British Museum, and shows the mode of wearing the petasus tied under the chin.

In other instances it is tied behind the neck instead of being tied before it. (See the next woodcut.) Very frequently we observe a boss on the top of the petasus, in the situation in which it appears in the woodcuts, pages 52, 227, 336e, in these woodcuts, and in that here introduced, the brim of the petasus is surmounted by a crown. Frequently the crown is in the form of a sculpac; we also find it surrounded by a very narrow brim. The Greek petasus, in its most common form, agreed with the cheapest hats of undyed felt now made in England. On the heads of rustics and artificers in our streets and lanes, we often see the exact counterpart of these which we most admire in the works of ancient art. The petasus is still also commonly worn by agricultural labourers in Greece and Asia Minor. In ancient times it was preferred to the sculpac as a protection from the sun, and on this account Caligula permitted the Roman senators to wear it at the races. It was used by shepherds, hunters, and travellers. The annexed woodcut is from a fictile vase belonging to Mr. Hope, and it represents a Greek soldier in his hat and blanket. (Vid. Pallium.) The ordinary dress of the Athenian ephebus, well exhibited in the Panathenac frieze of the Parthenon, now preserved in the British Museum, was the hat and scarf. (Vid. Calamve.) Among imaginary beings, the same costume was commonly attributed to Mercury, and sometimes to the Dioscuri.

Ancient authors mention three varieties of the petasus, the Thessalian, Arcadian, and the Laconian; but they do not say in what the difference consisted. In like manner, it is by no means clear in what respects the Cal verbs differed from the petasus, although they are distinctly opposed to one another by a writer in Athenaeus. Moreover, in the later Greek authors we find σταυρός used to denote a hat of other materials besides felt.

On the use of felt in covering the feet, see Udo. Felt was likewise used for the lining of helmets. (Vid. Galea.) Being generally thicker than common cloth, it presented a more effectual obstacle to missile weapons. Hence, when the soldiers under Julius Caesar were much annoyed by Pompey’s archers, they made shirts or other coverings of felt, and put them on for their defence. Thucydides refers to the use of similar means to protect the Athenian soldiers against the missiles of the besieging cities, felt was used, together with hides and sackcloth, to cover the wooden towers and military engines.

PILCREPUS. (Vid. Pila.)

Pinus, most probably, according to Adams, the Call of the Oak, or Cynips micrantha Galia dirius, of the British Edinburgh, same story.

PILON. (Vid. Hasta, p. 480.)

PINACOTHÈQUE (πίναξ; θήκη), a Picture-galle ry. Marcellus, after the capture of Syracus, first displayed the works of Greek painters and sculptors to his countrymen, whose taste for the fine arts was gradually matured by the conquests of L. Scipio, Flamininus, and L. Paullus, and grew into a passion for art. Hence a school of art was erected by the Emperor Vespasian at Rome. Objects of this description were at first employed exclusively for the decoration of temples and places of public resort, but private collections were soon formed; and, towards the close of the Republic, we find that in the houses of the more opulent a room was devoted to the reception of the paintings and statues. It was the practice of Augustus, Vitruvius includes the picture-thea among the ordinary apartments of a complete nasci on, and gives directions that it should be of ample size and facing the north, in order that the light might be equable and not too strong.

PINNA (πίνας), a species of bivalve shellfish, of a size and shape with our pearl muscle. It is referable to the genus Pinnia, L. The ancient stories respecting the Pinnia, and its companion the small crab, are purely imaginary. (Vid. Pinnophylax.)

PINNOFYLLAX (πιννοφύλαξ οί πιννοστήρ). A minute species of Crab, the Cancer Pinnoferes, L., found in the shell of the Pinnia, and supposed by the ancients to belong to the class of marine crustaceans. Hence its Greek name of πιννοφύλαξ, from πίνας and φύλαξ, "a guard," and its other Greek appellation of πιννοστήρ, from πίνας and τήρω, "to preserve" or "to keep." The ancients believed that the Pinnophylax kept guard by the mouth of the Pinnia as it lay open, and, when any small fish came near, it slightly bit into the inner parts of the Pin nia, remaining within at the same time; the Pinnia thereupon immediately closed its mouth, and banqueted along with the Pinnophylax upon the captive. Cuvier regards the whole story as fabulous. Pennant calls the Pinnophylax the Pea-crab, Cancer pinnae.

PINUS (πίνους), the Pine-tree. "The species of Pines are so indistinctly marked in the ancient works that they cannot now be recognised. Sprengel, after changing his mind several times on the subject, comes at last to the conclusion that the
PISTOR.

Bread was often baked in moulds called *örtoplos* and the loaves thus baked were termed *ortopicos*.

In one of the bakehouses discovered at Pompeii, several loaves have been found apparently baked in moulds, which may therefore be regarded as *ortoplos*, they are represented below. They are flat, and about eight inches in diameter.

Bread was not generally made at home at Athens, but was sold in the market-place chiefly by women called *ortoplēdai*. These women seem to have been what the fish-women of London are at present; they excelled in abuse, whence Aristophanes says, καλαδρείαν ἄρσεν ἀρτοπλῆδαι. 

PISTORIUM. (Vid. *MONTARIUM.*)

PISTORIUS. (Vid. *SIMIUM.*)

PITYOCAMPE (πιτυοκάμπη), the Catherpillar of the pine-tree. "Sprengel remarks that there are several species of caterpillars which infest pines, such as the *Liparis monachia*, *Lasiocampa pinii*, &c. They are treated of as being deadly poisons by Dioscorides and the other writers on Toxicology."

ΠΥΣ (πυσ), the *Pinus pinea*, or Stone Pine. "S-Stanhope says, "An complains of the difficulty of distinguishing the *πυσ* from the *πυσ* of Theophrastus. Both Sprengel and Stockhouse think they see traces of the Larch, or *Pinus larix*, in the *πυσ* of *Theophrastus*; but I agree with Schneider that there are no certain grounds for this opinion. Sprengel sets down the *πυσ* of Dioscorides as being the *Pinus pinea*, or Stone Pine." According to Coray, the *πυσ* is in common in modern Greek *νάρα*, from the fruit κοκκώδια, i.e. the fruit of the pine, called *στροβύλος*. "The kernels of the Stone Pine are brought to table in Turkey. According to Russell, they are very common in the kitchens of Aleppo. The seeds of the Stone Pine are still collected with great industry in Elia, and form an object of exportation to Zante and Cephalonia, as well as other places. Both the *πυσ* and *πυσ* are much used for ship-building. Their timber is said to be much harder and tougher than that of our northern firs, and, consequently, more lasting."

PLAGIUM. (Vid. *CURATOR.*)

PLAGIA. (Vid. *AV OV.*

PLAGIUM. This offence was the subject of a Fabian lex, which is mentioned by Cicero, and is assigned to the consilium of Quintus Fadius and M. Claudius Marcellus, B.C. 183. The chief provisions of the lex are collected from the Digest. If a free man concealed, kept confined, or knowingly, with bulus malus, purchased an ingenius or libertus against his will, or participated in any such acts; or if he persuaded another man's male or female slave to run away from a master or mistress, or without the consent or knowledge of the master...
or mistres concealed, kept confined, or purchased knowingly, with dolus malus, such male or female slave, or participated in any such acts, he was liable to the penalties of the lex paelina; but this fell into disuse, and persons who offended against the lex were punished according to the nature of their offence, and were generally condemned to the mines. A senatus consultum ad legem Fabi,um did not allow a master to give or sell a runaway slave, which was technically called "fugitivus,” but the provision did not apply to a slave who was merely absent, nor to the case of a runaway slave when the master had commissioned any one to go after him and sell him: it was the object of the provision to encourage the recovery of runaway slaves. The name of the senatus consultum by which the lex Fabia was amended does not appear. The word paelina is said to come from the Greek παλινας, oblique, indirect, dolosus. He who committed paelina was paelinar, a word which Martialis applies to a person who falsely gave himself out as the author of a book; and in this sense the word has come into common use in our language.1

1. P.l A.T.A NUS (πλατάνος), the Plane-tree. "There are cucullae of the lex Platinus," that is, the authority of the lex was pecunia; but this fell into disuse, and persons who offended against the lex were punished according to the nature of their offence, and were generally condemned to the mines. A senatus consultum ad legem Fabianum did not allow a master to give or sell a runaway slave, which was technically called "fugitivus,” but the provision did not apply to a slave who was merely absent, nor to the case of a runaway slave when the master had commissioned any one to go after him and sell him: it was the object of the provision to encourage the recovery of runaway slaves. The name of the senatus consultum by which the lex Fabia was amended does not appear. The word paelinar is said to come from the Greek παλινας, oblique, indirect, dolosus. He who committed paelinar was paelinaris, a word which Martialis applies to a person who falsely gave himself out as the author of a book; and in this sense the word has come into common use in our language.1

The commonest kind of cart-wheel was that called tympanum, "the drum," from its resemblance to the musical instrument of the same name. It was an essential part of every Roman cart, and they never ventured to take a long circuit in turning. They advanced slowly.2 They also made a loud creaking which was heard to a great distance (stridens plaustrum, gementia). Their rude construction made them liable to be overturned with their load of stone, timber, manure, or skins of wine,8 whence the Emperor Claudius had them changed for more solidly-wheeled wagons from entering the city of Rome.4 The wagoner was sometimes required to aid the team with his shoulder. Accidents of this kind gave origin to the proverb "Plaustrum perecuti," meaning, “I have had a misfortune.”2 Carts of this description, having solid wheels without spokes, are still used in Greece5 and in some parts of Asia.

PLEBES or PLEBS, PLEBII. This word contains the same root as impr-pleo, com-pleo, &c., and is, therefore, etymologically connected with πληθος, a term which was applied to the plebeians by the more correct Greek writers on Roman history, while others wrongly called them διομοι or de omologo.

The plebeians were the body of commons or the commonalty of Rome, and thus constituted one of the two great elements of which the Roman nation consisted, and which has given to the earlier periods of Roman history its peculiar character and interest. Before the time of Niebuhr, the most inconstant notions were entertained by the jurists regard to the plebeians and their relations to the patricians; and it is one of his peculiar merits to have pointed out the real position which they occupied in the history of Rome.

The ancients themselves do not agree respecting the time when the plebeians began to form a part of the body politic. Some represent them as having formed a part of the Romans as early as the time of Romulus, and seem to consider them as the low multitude of outcasts who flocked to Rome at the time when Romulus opened the asylum.8 If there is any truth at all in these accounts of the plebeians, we can only conceive them to have been the original inhabitants of the districts occupied by the new settlers (Romani, who, after their territory was conquered, were kept in that state of submission in which conquered nations were so frequently held in early times. There are also some other statements referring to such an early existence of the plebeians; for the clients, in the time of Livy, were said to have been formed from the Διομοι, but it is not clear in what manner the position of a client was in many respects undoubtedly fa: more favourable than that of a plebeian, and it is not improbable that some of the plebeians may for this reason have entered into the relation of clientela to some patricians, and have given up the rights which they had as free plebeians; and occurrences of this kind may have given

Plebeian rise to the story mentioned by the writers just referred to. Whatever may be thought of the existence of plebeians at Rome in the earliest times, their number, at all events, cannot have been very great. The time when they first appear as a distinct class of Roman citizens, in contradistinction to the patricians, is in the reign of Tullus Hostilius. Alba, the head of the Latin confederacy, was in his reign taken by the Romans and razed to the ground. The most distinguished of its inhabitants were transplanted to Rome and received among the patricians; but the great bulk of Alban citizens, who were likewise transferred to Rome, received settlements on the Caelian Hill, and were kept in a state of submission to the populus Romanus, or the patricians. This new population of Rome, which in number is said to have been equal to the old inhabitants of the city, or the patricians, were the plebeians. They were Latins, and, consequently, of the same blood as the Ramnes, the noblest of the three patrician tribes. After the conquest of Alba, Rome, in the reign of Ancus Marcius, acquired possession of a considerable extent of country, containing a number of dependant Latin towns, as Medullia, Fidenae, Pollitiorum, Telleneae, and Ficana. Great numbers of the inhabitants of these towns were again transplanted to Rome, and incorporated with the plebeians already settled there, and the Aventine Hill and the Palaestra were assigned to them as a habitation. Some portions of the land which these new citizens had possessed were given back to them by the Romans, so that they remained free land-owners as much as the conquerors themselves, and thus were distinct from the clients.

The order of plebeians, or the commonalty, which had been thus formed, and which far exceeded the population on the Palatine, was partly settled, and partly in the districts above mentioned, and partly on their former estates in the country subject to Rome, in towns, villages, or scattered farms. The plebeians were citizens, but not optimo jure; they were perfectly free from the patricians, and were neither contained in the three tribes, nor in the curia, nor in the patrician gentes. They were, consequently, excluded from the office of the augurs, the haruspex, and the priestly offices of the state. Dionysius is greatly mistaken in stating that all the new citizens were distributed among the patrician curies, and under this error he labours throughout his history, for he conceives the patricians and plebeians as having been united in the comitia curiata. That the plebeians were not contained in the curies is evident from the following facts: Dionysius himself calls the curies a patrician assembly; Livy speaks of a lex curiata, which was made without any co-operation on the part of the plebeians, and those who confirm the election of kings or magistrates and confer the imperium, are in some passages called patricians, and in others curies, which shows that they were not synonymous. That the plebeians did not belong to the patrician curie is expressly stated by Livy. The only point of contact between the two estates was the army; for, after the inhabitants of Alba had been transplanted to Rome, Tullus Hostilius doubled the number of legions of the Roman army. Livy also states that Tullus Hostilius formed ten new turmae of equites; but whether these new turmae consisted of Albas, as Livy says, or whether they were taken from the three old tribes, as Götzling thinks, is only matter of speculation. The plebeians were thus obliged to fight and shed their blood in the defence and support of their new fellow-citizens, without being allowed to exercise any of their rights or privileges, without even the right of intermarriage (connubium). In all judicial matters they were entirely at the mercy of the patricians, and had no right of appeal against any unjust sentence, though they were not, like the clients, bound to have a patron. They continued to have their own sacra which they had before the conquest, but they were regulated by the patrician pontiffs.

Lastly, they were free landlords, and had their own gentes. That a plebian, when married to a plebian woman, had the patri potestas over his children, and that, if he belonged to a plebian gens, he shared in the jur and sacra gentilicia of that gens, are points which appear to be self-evident.

The population of the Roman state thus consisted of two opposite elements: a ruling class or aristocracy, and the commonalty, which, though of the same stock as the noblest among the rulers, and exceeding them in numbers, yet enjoyed none of the rights which might enable them to take a part in the management of public affairs, religious or civil. Their citizenship resembled the relation of aliens to a state, in which they are merely tolerated on condition of performing certain services, and they are, in fact, sometimes called pergini. Whosoever was a Roman citizen was organized by its division into curies, decuriae, and gentes, the commonalty had no such organization, except its division into gentes; its relations to the patricians were in no way defined, and it consequently had no means of protecting itself against any arbitrary proceedings of the rulers. That such a state of things could not last, is a truth which was as evident to the ancient Romans as it is to every historian who blunders by his own self-sufficiency and love of dominion.

Tarquinii Priscus was the first who conceived the idea of placing the plebeians on a footing of equality with the old burghers, by dividing them into tribes, which he intended to call after his own name and those of his friends. But this noble plan was frustrated by the opposition of the patricians, who were afraid of the consequences of assigning the office of a representative to the patricians. All that Tarquinii could do was to effect the admission of the noblest plebeian families into the three old tribes, who were distinguished from the old patrician families by the names of Ramnes, Tities, and Luceres secundus, and their gentes are sometimes distinguished by the epithet minor, as they entered into the same relation in which the Luceres had been to the first two tribes before the time of Tarquinii. This measure, although an advantage to the most distinguished plebeian families, did not benefit the plebeians as an order; for the new patricians must have become alienated from the commonalty, while the plebeians, as a body, were considerably strengthened by the addition of the new families. It was reserved to his successor, Servius Tullius, to give to the commonalty a regular internal organization, and to determine their relations to the patricians. The intention of this king was not to upset the old constitution, but only to enlarge it, so as to render it capable of receiving within itself the new elements of the state. He first divided the city into four, and then the subject country into nine provinces, and was inhabited by plebeians, into twenty-six regions or local tribes, and in these regions he assigned lots of land to those plebeians who...
were yet without landed property. Niebuhr1 thinks that these allotments consisted of seven jugera each, an opinion which is controverted by Göttling.2 As the new tribunes were elected, the other ten tribes were not served that the Aventine and the Capitol were not contained in them; the former forming a part of the country tribes, and the latter being, as it were, the city of the gods.3 The twenty-six country tribes are not mentioned by Livy in his account of the Servian constitution, and where he first speaks of the whole number of the tribes he only mentions the twenty-one instead of thirty. Niebuhr4 is undoubtedly right in reconciling this number with the thirty tribes of Servius, by the supposition that in the war with Porsenna Rome lost one third of her territory, i.e., ten tribes, so that there were only twenty left. As, therefore, after the immigration of the Claudii and their clients, a new tribe was formed,4 Livy is right in only mentioning twenty-one tribes. These thirty Servian tribes did not, at least originally, contain any patricians; and even after the Claudii had come to Rome, it is not necessary to suppose that the gens Claudia, which was raised to the rank of patrician, was contained in the new tribe, but the new tribe probably consisted of the whole number of the Servian oracles, as this may be understood from the Anio.5 (Compare Tribus.) Some of the clients of the patricians, however, were probably contained in the Servian tribes.6 Each tribe had its prefect, called tribunus. (Vid. Tribunus.) The tribes had also their own sacred, festivals, and meetings (comitia tributa), which were convened by their tribunes.

Thus the citizen of the tribes, with tribunes at their heads, had no more than an internal organization of the plebeians, analogous to the division of the patricians into thirty curie, without conferring upon them the right to interfere in any way in the management of public affairs, or in the elections, which were left entirely to the senate and the curia. In this right altogether, the well-substantiated hypothesis of an other regulation of Servius Tullius, which was made wholly independent of the thirty tribes. For this purpose he instituted a censors, and divided the whole body of Roman citizens, plebeians as well as patricians, into five classes, according to the amount of their property. Taxation and the military service were arranged according to these classes in such a manner that the benefits and duties fell upon the wealthier classes. The whole body of citizens thus divided was formed into a great national assembly called comitiatus maximus or comitia centuriata. (Vid. Comitia, p. 593, &c.) In this assembly the plebeians now met the patricians apparently on a footing of equality, but the votes were distributed in such a way that it was always in the power of the wealthiest classes, to which the patricians naturally belonged, to decide a question before it was put to the vote of the poorer classes. A great number of such noble plebeian families as, after the subjugation of the Latin towns, had not been admitted into the curies by Tarquinii, were constituted into a separate centuria, to which a number of equites, with twelve suffragia in the comitia centuriata. (Vid. Equestres, p. 414, &c.) Lastly, Servius Tullius is said to have regulated the commerce between the two orders by about fifty laws6 (Νόμους τοῖς μετὰ συναλλαγμάσιν καὶ τοὺς περὶ τῶν ἀδυκμάτων). In this constitution the plebeians, as such, did not obtain admission to the senate, nor to the highest magistracy, nor to any of the priestly offices. To all these offices the patricians alone alone

themselves entitled by divine right. The plebeians also continued to be excluded from occupying any portion of the public land, which as yet was only possessed by the patricians and was given to them to keep their cattle upon the common pasture, for which they had to pay to the state a certain sum. It is true that by the acquisition of wealth plebeians might become members of the first property class, and that thus their votes in the comitia might become of the same weight as that of the patricians; but the possibility of acquiring such wealth was diminished by their being excluded from the use of the ager publicus. Niebuhr1 infers from the nature of the Servian constitution that it must have granted to the plebeians greater advantages than those mentioned by our historians: he conceives that it gave to them the right of appeal to their own assembly, and to pass sentence upon such as grossly subjugated their clients. An constitution placed them on the same footing in regard to the patricians as it was afterward permanently effected by the laws of C. Licinius and L. Sexius. There is no doubt that such might and should have been the case, but the arguments which he brings forward in support of his hypothesis are by no means convincing, as they are pointed out by Göttling.4 All that we know for certain is, that Servius gave to the body of the plebeians an internal organization by the establishment of the thirty plebeian tribes, and that in the comitia centuriata it placed them, at least apparently, on a footing of equality with the populus. Whether this intention was realized to any extent the done more if it had been in his power, is a different question. But facts like those stated above were sufficient, at a later period, when the benefits actually conferred upon the plebeians were taken away from them, to make the grateful commonalty look upon that king as its great patron, and even regard him as having granted all rights which subsequently they acquired after many years of hard struggle. Thus what he actually had done was exaggerated to what he possibly might have done or would have wished to do. In this light we have to regard the story that he intended, to lay down his royal dignity, and to establish the government by his own consuls, one of whom was to have been a plebeian.

During the reign of the last king, the plebeians not only lost all they had gained by the legislation of his predecessor, but the tyrant also compelled them to work like slaves in his great architectural works, such as the cloaca and the circus.

On the establishment of the Republic, the comitia centuriata, and perhaps the whole constitution such as it had been before the reign of the last Tarquinius, were restored, so that the patricians alone continued to be eligible to all the public offices.4 That the comitia centuriata were restored immediately after the banishment of the Tarquins, may be inferred from the words of Livy,5 who says that the people, who had been granted all rights which Tullius, for these words probably refer to the comitia centuriata, in which, according to the regulations of King Servius, the elections were to be held. There was still no connubium between the two orders, and the populus was still, in every respect, distinct from the plebs. Considering the fact that the patrician power which had formerly been concentrated in the king, and that these powers were now given to a number of patrician officers, we must admit that the plebeians, at the commencement of the Republic, were worse off than if the kingly rule had contin-

affected the institutions introduced by Servius. They, however, soon gained some advantages. This was the case, in the first instance, of the plebeians. During the reign of the last king were filled up with the most distinguished among the plebeian equites (patres conscripti) (vid. senator). But that the plebeians might have no share in the censorial power with which the consuls had been invested, the military tribunes did not obtain that power, and a new curule dignity, the censorship, was established, with which patricians alone were to be invested. (vid. Censor.) Shortly after the taking of Rome by the Gauls, we find the plebeians again in a state little better than that in which they had been before their first secession to the Mons Sacer. In B.C. 421, however, they were admitted to the questorship, which opened to them the way into the senate, where henceforth their number continued to increase. (vid. questor, senator.) In B.C. 387, the tribunes L. Licinius Stolo and L. Sextius placed themselves at the head of the commons, and resumed the contest against the patricians. After a fierce struggle, which lasted for several years, they at length carried a rogation, according to which decennaries were to be appointed for keeping the Sibylline books instead of duumvirs, of whom half were to be plebeians. The next great step was the restoration of the consulship, on condition that the patricians were to be the only ones by whom a rogation of Licinius, which was only intended to afford momentary relief to the poor plebeians, regulated the rate of interest. From this time forward the plebeians also appear in the possession of the right to appoint consuls of the Ager Publicus. In B.C. 366, L. Sextius Lateranus was the first plebeian consul. The patricians, however, who always clung to the privilege of being the only ones to be able to muster a sufficient force to render a consul unpopular, after they were deposed and sanctioned by law, the patricians exerted every means to obstruct the operation of the law. Such fraudulent attempts led, in B.C. 286, to the last secession of the plebeians, after which, however, the dictator Q. Hortensius successfully and permanently reconciled the two orders, secured to the plebeians all the rights they had acquired until then, and procured the plebeian tribunes and the power of leges binding upon the whole nation.

In a political point of view, the distinction between patricians and plebeians now ceased, and Rome, internally strengthened and united, entered upon the happiest period of her history. How completely the old distinction was now forgotten, is evident from the fact that immense favorable to the plebeians. The government of Rome had thus gradually changed from an oppressive oligarchy into a moderate democracy, in which each party had its proper influence, and the power of checking the other, if it should venture to assume more than it could legally claim. It was this constitution, the work of many generations.

that excited the admiration of the great statesman Polybius.

We stated above that the plebeians, during their struggle with the patricians, did not seek power for the mere gratification of their ambition, but as a necessary means to protect themselves from oppression.

The abuse which they, or, rather, their tribunes, made of their power, belongs to a much later time, and no traces of it appear until more than half a century after the Hortensian law; and even then this power was only abused by individuals, and not on behalf of the real plebeians, but of a degenerating democratical party, which is unfavourable to the connection which the plebeians had with the patricians, and thus has become identified with them. Those who knew the immense influence which religion and its public ministers had upon the whole management of the state, would not wonder that the plebeians, in their contest with the aristocracy, exerted themselves as much to gain access to the pri estly offices as to the tribunates, for, as the latter, in reality, would have been of little avail without the former. The office of curio maximus, which the plebeians sought and obtained nearly a century after the Ognulian law, seems, indeed, to afford ground for supposing that in this instance the plebeians sought a distinction merely for the purpose of extending their privileges; but Aristotle, in his construction of the history of ancient Rome, says that the office of curio maximus was at that time of greater political importance than is generally believed. It is also well known, that such priestly offices as had little or no connexion with the management of public affairs, such as that of the rex aurocrum, the flamines, Salli, and others, were never coveted by the plebeians, and continued to be held by the patricians down to the latest times.

After the passing of the Hortensian law, the political distinction between patricians and plebeians ceased, and, with a few unimportant exceptions, both orders were placed on a footing of perfect equality. Henceforth the name populus is sometimes applied to the plebeian alone, and sometimes to the whole body of Roman citizens, as assembled in the comitia centuraria or tributa. The term plebs or plebucula, on the other hand, was applied, in a loose manner of speaking, to the multitude or populace, in opposition to the nobles or the senatorial party.

Cesar, who was born a plebeian could only be raised to the rank of a patrician by a lex curiata, as was sometimes done during the kingly period and in the early times of the Republic. Cesar was the first who ventured in his own name to raise plebeians to the rank of patricians, and his example was followed by the emperors. (Vid. Patrict.)

It frequently occurs in the history of Rome that one and the same gens contained plebeian as well as patrician families. In the gens Cornelia, for instance, we find the plebeian families of the Balbi, Manniulae, Merules, &c., along with the patrician Sceipiones, Sulles, Leutulii, &c. The occurrence of this phenomenon may be accounted for in different ways. It may have been that one branch of a plebeian family means to protect itself by appealing to the surviving plebeians. It may also have happened that two families had the same nomen gentilicium without being actual members of the same gens. Again, a patrician family might go over to the plebeians; and, as such a family continued to bear the name of its patrician gens, this gens apparently contained a plebeian family. At the time when a conubium existed between the two orders, a manage between a patrician and a plebeian had the consequence, that the same nomen gentilicium belonged to persons of the two orders. When a perigrinus obtained the civitas through the influence of a patrician, or when a slave was emancipated by his patrician master, they generally adopted the nomen gentilicium of their benefactor, and thus appear to belong to the same gens with him.

Plebiscitum, a name properly applied to a law passed at the comitia tributa on the rotation of a tribune, a law to which the plebeians could appeal, had authority to convene, not the universus populus, but only a part, could hold a concilium, but not comitia; and as the tribunes could not summon the patricii, nor refer any matter to them, what was voted upon the proposal of the tribunes was not a lex, but a seuitum. But in course of time plebiscita were treated as proper so called, and, accordingly, they are sometimes included in the term leges. (Vid. L. xx., p. 579.)

Originally a plebiscitum required confirmation. The progress of change as to this matter appears from the following passages. A lex Valeria, passed in the comitia centuraria B.C. 449, enacted that the populus should be bound (teneatur) by that law. A lex Hortensia, B.C. 286, to the effect that plebiscita should be binding on the rest of the populus, as Galus expresses it; or, "sit e jure, quod plebes statuisset, omnes Quirites teneretur," according to Laelius Felix, as quoted by Gellius; and this latter is also the expression of Pliny.

The lex Hortensia is always referred to as the lex which put plebiscita, as to their binding force, exactly on the same footing as leges.

If we might judge of the effect of the two preceding leges by the terms in which they are expressed, as above quoted, they were the same as the Hortensian lex. From the terms in which Livy speaks of the lex Valeria, it is clear that in that passage populus and patres are the same, and that the plebiscita should be binding on the rest of the state besides the plebs. Consistently with this, we read of the rejection of an agrarian plebiscitum shortly after the passing of which was only prevented by the senate prevailing on part of the tribunes to put their veto on the measure. No allusion is made to any power of the senate to prevent the carrying of such a measure; but the want of such power may be supposed, in order that the narrative may be intelligible. In the case of the law Canuleia, it is said that the patres were at last prevailed upon to give their consent to the rogatio on the conumium of the patres and the plebs being proposed. In this case the consent of the patres was considered necessary; but as the plebiscita were only supposed, as they may supposed, to persons of the two orders, when a plebeian, their rights, it is not inconsistent to say the lex Valeria made the plebiscita binding on the populus, and yet a plebiscitum could not alter the privileges of the populus. A plebiscitum might apertain to a matter which indifferently concerned all, and such a plebiscitum would, consistently with Livy's expression, be a lex. It is, however, stated

1. (Liv., xxvii., 6, 6.)—2. (Stauden and Augusten, p. 55.)


by several modern writers that the effect of the Valeria lex was to put plebs on the footing of leges centuriae, when they had been first approved by the senate, or were subsequently approved by the senate and confirmed by the curia, that the Lap- burius' opinion, that the effect of the lex Pubilia was to render a senatus consultum a sufficient con-
firmation of a plebiscitum, and to make the confirm-
ation of the curiae unnecessary; and that the effect of the lex Hortensia was to render unnecessary even the confirmation of the senate, and to give to the tributa comitia complete legislative force. Thus, by the lex Pubilia, the senate succeeded to the place of the curiae, and the tribus to that of the old burgh-
ers.1 According to this view, the lex Pubilia was not a mere repetition of the lex Valeria, as it would seem to be from the terms of Livy. Numerous passages of Livy are cited by modern writers in confirmation of their views as to the first two of these legs, but, on the whole, it is not easy to come to any certain conclusions for them. It would be an improbable hypothesis to suppose that all of early Roman legislation should be exceedingly confused, and that they are so is apparent enough. It would also be an improbable hypothesis to sup-
pose that much of early Roman legislation was ir-
regularly conducted, of which fact, also, there is evidence. It further appears to be clear enough, that without further information we must remain ignorant of the exact character of the laws here before mentioned, which preceded the lex Hor-
tensia. It cannot be a matter of doubt that the objects which a plebiscitum might embrace must have been as important to determine as the forns which should give it validity; and that these objects which could be comprised in a plebiscitum were more limited in number and extent before the passing of the lex Hortensia than after, is easily shown.
The principal plebsita are mentioned under the
article Lex.

PLECTRUM. (Vid. Lyra, p. 605.)

PLEMO/CHAOI (πλημοχαοί). (Vid. Eleusina, p. 390.)

PLETHRON (φλέθρον). (Vid. Pas, p. 763.)

PLETHOS (πλέθος). (Vid. Later.)

*PLOC/IMOS (πλόκιμος), a sort of Reed. Ac-
cording to Sprengel, the Arundo ampolodios.2

PLUMA/RII, a class of persons mentioned by Vi-
truvius,3 Varro,4 and in inscriptions. It cannot be
deemed with certainty what their exact occupation was; their name would lead us to suppose that it had something to do with feathers (plumae). Sal-
masius5 supposes that they were persons who wove in garments golden or purple figures made like fe-
athers. The word, however, probably signifies all those who work in feathers, as lanarius those who work in wool, and argentarius those who work in silver. Sen-
eca6 speaks of dresses made of feathers of birds.7

*PLUMBA/GO (μολυβάγος), a term which was sometimes applied to Plumbago or Graphite, and sometimes to the stone Molus, which is also called Plumbago,8 says Agricola, "the Greeks term molibdána. It appears to be an oxeyde of lead." Sprengel says it is found in the mountains of Aus-
tria, consisting of oxeye of lead with molybdic acid, alumina, and carbonate of lime. It alludes, as Adams supposes, to the molybdate of lead, or the Plumb.

of the black and the white, the latter of which the Greeks called καιοστορος. The former of these, namely, the Plumbum nigrum, was, according to Adams, the chief, as one lessoned several of the native varieties of it. The καιοστορος, or Plumbum album, was the "Pyramidal Tin Ore" of Jameson, or oxeye of tin. (Vid. Stem. Num.)

PLUNITYR (from πλωμεν, to wash), was a festi
val celebrated at Athens every year on the 35th of Thargelion, in honour of Athena, surnamed Agla-
rous, whose temple stood on the Acropolis. The day of this festival was at Athens among the Καιο-
στόρει, or δεις νεφατί; for the temple of the goddess was surrounded by a rope, to preclude all communi-
ation with it; her statue was stripped of its gu-
ments and ornaments for the purpose of cleaning them, and was in the mean while covered over to conceal it from the sight of man. The persons who performed this service were called πρασιγγυ-
δαι. The city was therefore, so to speak, without its protecting divinity, and any under-
taking commenced on it was believed to be neces-
sarily unsuccessful. A procession was also held on the day of the Plyntheria, in which a quantity of dried figs, called ἱγγορα, were carried about.9

Other particulars are not known.

PLUTEUS was applied in military affairs to two different objects: 1. A kind of shed, made of bur-
dles covered with raw hides, which could be moved forward by small wheels attached to it, and under which the besiegers of a town made their ap-
proaches.8 2. Boards or planks placed on the val-
um of a camp, on movable towers or other military engines, as a kind of roof or covering for the pro-
tection of the soldiers.

The word pluteus was also applied to any board, laid on the ground as a sheet of protection or enclosure, as, for instance, to the board at the head of a bed.

PNEUMATICI (Πνευματικοί), a medical sect, founded at Rome by Athenaeus of Cilicia in the time of Nero and Vespassian, about A.D. 69.11 This was at the time when the Methodici enjoyed their great-
est reputation, from whom the Pneumatici differed
principally in that, instead of the mixture of primit-
vity and superstition, they admitted the doctrine of immaterial nature, to which they gave the name of πνεύμα, spirit. This principle was the cause of health or disease, and from this word they derived their name. It is from Galen alone that we learn the doctrines of the founder of the Pneumatici, for of his numerous writings only a few fragments re-
main preserved by Orhisius. The theory of Plato had already laid the foundations of the doctrine of this ethereal substance, of which Aristotle was the first who gave a clear idea, in describing the ways by which the πνεύμα is introduced into the body and the sanguineous system. The Stoics developed it still more, and applied it to the explanation of the functions of the body; and Erasistratus and his suc-
cessors had made the πνεύμα act a great part in the constitution of health or disease. This doctrine, therefore, of the Pneumatici could not be regarded as new. Galen, who gives the above his-
tory of it, asserts12 that the Stoics followed the steps of Aristotle with respect to Physiology. The found-
ination, however, of the sect of the Methodici appears to have done away with much of the consideration

21.—Adams, Appendix, v. μολυβάγος.—2. (Plut., Alcib., 34—
Hipp., Gorg., 7, 11.—Herod., Hist., 3, 179.)—3. (Hippocr., Ver-
tem., iv., 15—Liv., xxvii., 17—9.)—4. (Festus, s. v.—Cass., Gall
s., 25, 41, 72.—10. (Strutt, Con., 26.)—11. (Galen, De Difl. Pul
Natu., iv., 6, p. 92, tom. ii.)
which the theory of the *πνεῦμα* had formerly enjoyed. Those physicians who would not follow the sect of the Methodici chose that which revived the *πνεῦμα*, in order to oppose to the former sect a firmly-established principle, and agreed in that, as upon various other points, with the Stoics. They thought especially that it was indispensable to the perfection of mankind; for in many cases they disputed simply about names, and Galen tells us that the Pneumatici would rather have betrayed their country than abjured their opinions. Like the greater part of the Stoics of his time, Athenæus had adopted all the doctrines of the Peripatetics. What undeniably proves it is, that, besides the doctrine of the *πνεῦμα*, the Pneumatici believed in very much more, at least, than the Methodici were in the habit of doing. He recognised in the four known elements the positive qualities (ποιότητις) of the animal body; but he often regarded them as real substances, and gave to the whole of them the name of *Nature of Man*. Although the followers of this doctrine, attributed, in general, the greater part of what was natural to the *πνεῦμα*, they paid at the same time great attention to the mixture of the elements. The union of heat and moisture is the most suitable for the preservation of health. Heat and dryness give rise to acute diseases, cold and moisture produce phlegmatic affections, cold and dryness give rise to melancholy. Everything brings to pass changes in the body; and these are the lines of death.

It cannot be denied, says Sprengel, that the Pneumatici rendered great services to pathology, and discovered several new diseases. It is only to be regretted that they carried their subtleties too far. Thus, for instance, they established many more kinds of fever than there really exist in nature. But Homer, Hesiod, and the Greek writers in general, apply it to all sort of heresies.

**POEICILIS (ποικιλή),** the name of a bird mentioned by Aristotle. The scholiast on Theophrastus makes it the same as the *dactylis*, or Siskin.

**POEICILUS (ποικίλος),** the name of a fish mentioned by Opper, and which Peneaus suggests may be the *Stellaria cantica*.

**POEUM (Greek *πογιον*).** The Roman sense of this word is explained by Ulpius at the same time that he explains fras and multa. Fras is generally an offence, noxa; and poena is the punishment of an offence, noxe vindicata. Poena is a general name for any punishment of any offence; multa is the penalty of a particular offence, which is now (in Ulpius's time) pecuniary. Ulpius explains it at the same time, because by the law of the Twelve Tables the multa was pecuniaria, or a certain number of oxen and sheep. It explains that poena may affect a person's caput and exstirpation, that is, poena may be loss of citizenship and infamy. A multa was imposed according to circumstances, and its amount was determined by the pleasure of him who imposed it. A poena was only inflicted when it was imposed by some lex or some other legal authority (quo alicujus). When no poena was imposed, then...
POLYPUIS.

A mulia or penalty might be inflicted. Every person who had jurisdiction (this seems to be the right reading instead of judicato) could impose a mulia, and these were magistrates and provincials in particular. A para might be inflicted by any one who was intrusted with the judicial preservation of the offence to punish. The legal distinction between para and mulia is not always observed by the Roman writers.

POLEMAR/CHUS (polymerchus). An account of the functions of the Athenian magistrate of this name is given under ARCH. Athens, however, was not the only state of Greece which had officers so called. We read of them at Sparta and in various cities of Beotia. As their name denotes, their duty was to protect and preserve the peace and military affairs, being intrusted either with the command of armies abroad, or the superintendence of the war department at home: sometimes with both. The polemarchs of Sparta appear to have ranked next to the king when on actual service abroad, and were generally of the royal kindred or house (ενική). They commanded single armed forces, so that they were apparently to have been ships in number, and sometimes whole armies. They also formed part of the king's council in war, and of the royal escort called δυσμεσία, and were supported or represented by the officers called συμφώνεοι.

The polemarchs of Sparta had also the superintendence of the public tables: a circumstance which admits of explanation from the fact that Lycurgus is said to have instituted the ίσον πένετρα for the purposes of war, and, therefore, as military, so, too. Lacedemonians would eat and fight in the same company. But, in addition to their military functions and the duties connected therewith, the polemarchs of Sparta had a civil as well as a certain extent of judicial power, in which respect they resembled the ἄρχοντα πολεμαρχοι of Athens. In Beotia, also, there were magistrates of this name. At Thebes, for instance, there appears to have been two, perhaps elected annually, and, from what happened when Phebidas, the Lacedemonian commander, seized the Cadmeia or citadel of Thebes (B.C. 392), we may infer that in times of peace they were invested with the chief executive power of the state and the command of the city, having its military force under their orders. They are not, however, associated with the Betcarchi. At Thespiae, also, there were officers of this name, and likewise in Κυμα, and Arcadia. At Συμνα, in the latter country, the gates of the city were intrusted to the special care of the polemarchs: they had to keep guard by them in the daytime, and to close them at night, and the keys were always kept in their custody.

POLEMÔNIUM (polyemonion), a species of plant; most probably, as Adams thinks, the Polemonium caroleum. The same name makes the proper name to be Greek Valerian.

POLETAI (polytai), a board of ten officers or magistrates (for they are called ἄρχοντα) by Haplogora, whose duty it was to grant leases of the public lands and mines, and also to let the revenues arising from the customs, taxes, confiscations, and forfeitures. Of such letting the word polev is (not χωρίς) generally used, and also the correlative words οἰκεῖος and προεδρου. Their official place of business was called poleithron. One was chosen from each tribe. A chairman presided at their meetings (ἐπιτρόπιον). In the letting of the


Revenue they were assisted by the managers of the territorial fund (τοις θεωρικοῖς), and they acted under the authority of the senate of Five Hundred, who exercised a general control over the financial department of the administration. Resident aliens, who did not pay their residence tax (πολιτικόν), were under the same penalty as Roman citizens, and, on committed default, were sold in a room called πολειτηρίων ἤθεληξιόν. Other persons who had forfeited their freedom to the state were also sold by the πολειτής, as foreigners who had been convicted of usurping the rights of citizenship.

POLTON (polton), a plant, which has been generally considered to be the Teucrium Polium, a species of Germander. We are informed by Sprengel that it is confined to Paeada, and, "agree in preferring the Teucrium Creticum. Schneider is, with out- standing, disposed to agree with Columna in referring it to the Santolina chamysappariss, or Cypress-leaved Lavender Cotton. This last we are rather disposed to hold as one of the species of ἀβροφόρον described by Dioscorides."

POLITEIA, POLITITES (politeia, politeiao). (Vid. CIVITAS, POLITEIA.)

POLIculara. (Vid. Poli.)

POLICITATIIO. (Vid. Obligationes, p. 765.)

POLINACTORES. (Vid. Funus, p. 459.)

POLAS (poly.). (Vid. Heeologium.)

POLYCARPOeum (polykarpov). a plant, the Pyrgorum Persiciaria.

POLYGONALON (poligynalos), tis γένους ομαλαωτικ, or Butterwort. Such, at least, is the opinion at Trasag, which is followed by Sprengel.

POLYGRANON (polygrynon), a plant. The ἄρχοντα πολιγρανον of Dioscorides is generally acknowledged to be the Pyrgorum angustatum, or Krott Grass. The π. tile is referred by Sprengel to the Pyrgorum maritimum. It is deserving of remark, however, that nearly all the other authors refer to it, as for example, Matthiolus, Dodonaeus, and Bauhin, make the latter to have been the Hippus vulgaris, of Mare's Tail. The poligrynon is the Sanguinaria of Pliny.

POLYMITHA. (Vid. Tula.)

POLYPUS (polypous or polipous), the Polypus. Several species of the Polypus are described by Aristotle, most of which are to be referred to the genus Hydra of Linnaeus. The H. viridis is its most remarkable species. The ancient writers use the general term polypus in speaking of these animals, but modern naturalists employ the appellation aequi, as specifying their principal characteristic, a particular class, and the name polypus is now exclusively assigned to a tribe of the radiceata. Aristotle, Pliny, and, in fact, all the ancient writers, affirm that this animal issues from the water, and that it sometimes visits the land; avoiding, however, all the smooth places. Ælian and Athenæus add that it also crawls on trees! It appears that the octopus make their principal habitation in the sea, as Aristotle observed long ago. They also feed on conchylia mollusca; and Pliny concerning them the trick, which has also been attributed to apes, of placing a little stone between the two valves of oysters, of
which they are extremely fond, so as to prevent them from closing, and that then they extract the flesh. But how could an octopus take up a little stone and place it so adroitly, even supposing that the semi-hatus of his visor, continually filled by his peculiar chitinous of the edges of its mantle, would permit it? It has been asserted, absurdly enough, that the octopus, when pushed by hunger, will gnaw its own arms, which possess the singular property of shooting forth again. But Aristotle and Pliny more justly attribute the fact of octopi being often found which have some fewer appendages than usual, to the circumstance of easy birth through the gills. We are ignoring respecting the full size to which the octopus may attain. We find in the reci- tals of certain travellers, and even of some naturalists, that a species exists to which the name of Kraken has been given, which arrives at an immeasurable bulk, so as to resemble an island when it approaches the surface of the water, and to over- set the largest vessels. Under sufficient pressure, it comes entangled in their cordage. But we may be assured, without any fear of deceiving ourselves, that this is but an exaggeration of what has been said by the ancients, especially Pliny, concerning an octopus, which, according to Trebus, had a head .

The size of a barrel containing fifteen amphorae, and exhaled through the gills, so that its head, when the head was presented to Lucullus, were thirty feet in length, knotted like clubs, and so thick that a man could sorely embrace them round: the suckers resembled basins, and the teeth were in proportion. All that was preserved of the body weighed seven hundred pounds. There are other stories still more extraordinary: we read of an octopus of over forty feet in length, which Pliny adds, is the largest in the world. It was observed at Casterna, in Batica, in Spain, and was accustomed to come forth from the sea into the depths for salted fish, &c., and to devour those provisions. The pertinacity of its robberies at length roused the indignation of the keepers; they built very lofty palisades, but all in vain; this persevering polypus succeeded in getting over them by taking advantage of a neighbouring tree, so that it could not be taken but by the sagacity of the dogs, which, having marked it one night as it was returning to the sea, intimated the affair to the keepers, who were struck with terror and astonishment at the novelty of this tremendous spec- tacle. In truth, the animal was of an immeasurable bulk, and the whistle which it gave during its subterraneous passage through the brine, and it exhaled a most intolerable odour. Nevertheless, after a desperate combat with the dogs, which Pliny depicts with all the vigour of his poetical style, and by the efforts of men armed with tridents, it was at last killed, and the head was brought to Lucullus. Aelian also tells us that, in the course of time, these animals arrive at such an extraordinary bulk, so as to equal in size the largest cetacea. On this subject he favours us with a story pretty nearly similar to that of Trebus, of a polypus which, having devastated the magazines of the Iberian merchants, was besieged by a great number of persons, and cut in pieces with hatchets, just in the same style that woodmen cut down the thick branches of trees. Aristotle, indeed, tells us there are polypi whose arms are as much as five cubits in length, which would make above seven feet. But this is a long way behind the narrations of Tre- bus and Aelian, and falls still shorter of the won- ders of the Northern romances concerning their krakens. The ancients tell us that the octopi are the enemies of the lobsters, which dread them, while they are themselves pursued by the morone, which devour their arms. They likewise inform us that their bite is stronger than that of the sepia, but not so venomous. Aelian adds, that it is said by fisher- men that the octopi are attracted to the land by the fruit of the olive-tree. 1

*POMAT'TIAS (ποματτιας), a species of excellent Snail, mentioned by Dioscorides. It is the Heli pomatia.*

POMCE/RIUM. This word is compounded of post and marium (muros), in the same manner as pomeridiem of post and meridie, and thus signifies a line running by the walls of a town (gone or post muros). But the walls of a town here spoken of are not its actual walls or fortifications, but symbolical walls, and the course of the pomerium itself was the right of the town, and thence from that certain intervals. The custom of making a pomerium was common to the Latins and Etruscans; and this method of computing it was in use in the earliest times, when a town was to be founded, was as fol- lows: A bullock and a heifer were yoked to a plough, and a furrow was drawn around the place which was to be occupied by a new town in such an extent, usually made by such men as lived by their victories over foreign nations increased the boundaries of the Empire, 2 and neither could a pomerium be formed nor altered without the augurs previously consulting the will of the gods by augury, whence the jux pomarii of the augurs. 3 The formula of the prayer which the augurs performed on occasions of the like kind is this: "Here, my lord, there, my master, by the people who attended, is preserved in Festus. 9

The original pomerium of Romulus ran, according to Gallus, 10 around the foot of the Palatine, but the one which Tacitus 11 describes as the pomerium of Romulus comprised a much wider space, and was, as Niebuhr thinks, 12 an enlargement of the original compass, taking in a suburb or borough. Niebuhr also believes that pomerium properly de- notes a suburb taken into the city. The Roman pomerium, according to Tacitus, ran from the Forum Boarium (the arch of Septimius Severus) through the valley of the Circus so as to include the ara maxima Heroulias; then along the foot of the Palatine to the ara Consis, and thence from the Septizonium to the curiae veteres (a little below the baths of Trajan), along the top of the Vela to the Sacellum Larium, and lastly by the Via Sacra to the Forum. From the eastern side of the Forum to


the Velabrum. There was a swamp, so that Tacitus
do not mention the line of the pomerium here.
Servius Tullius again extended the pomerium,1
but the Aventine was not included, either because
the anopiae here taken by Romulus had been unfa-
vorable, or which more probable, because there
stood on this hill the temple of Diana, the common
sanctuary of the Latins and Romans.2 The Aven-
tine did not become included within the pomerium
until the time of the Emperor Claudius.3 Dionys-
ianus4 states that, down to his time, nobody had ex-
tended the pomerium since the time of King Ser-
vius, although we know from authentic sources that
at least Augustus enlarged the pomerium,5 and
that the pontiff Hardouin, the chief of Sulla and J.
Cæsar,6 the last who extended the pomerium of Rome
was the Emperor Antoninus, after he had enlarged the walls
of the city.7

**POMPA (πομπα)**, a solemn procession, as on
the occasion of a funeral, triumph, &c.8 It is, how-
ever, more particularly applied to the grand proce-
sion with which the games of the circus commenced
(August. Caesar.). (Vid. Circus, p. 556.)

**POMPEIÆ LEGES** (Vid. Lex, p. 584, 585.)

*POMP'HEXY (πομπαττιζ).* "Pompholyx," says
Charras,9 "is a white, light powder, that sticks
upon the tops of furnaces where they melt and re-
fine copper, like flour of meal, and sometimes little
poules or blisters. They call it Nt or Nithid.10 Tutia
comes from Mithra, the same name as the pompholyx, but
the weight of it causes it to stick about the lower part of the
furnaces. The Greeks call Tutia by the name of *Spadun.*"
Hardouin, as Adams remarks, gives it the French
name of "La fleur de la Calomme." Blancard gives
it the English name of "The White Tuttie," but it is
generally called "Brown Ashes" or "White Ashes"

*POMPH'OLYX (πομφολυξ).* A species of fish, sup-
posed to be the Coryphaena Pomphila. It is of a rare
kind, and, according to Rondelet, is sometimes sold
for Spanish mackerel. Athenæus calls it the lepros
imagin. Oppian makes it the καλαλυχα.11

**FONS.** (Vid. Branda.)

**PONTIFEX.** The origin of this word is ex-
plained in various ways. Q. Scaevola, who was
himself pontifex maximus, derived it from poosae
and fasce, and Varro from poos, because the pont-
iffs, he says, had built the Pons Sublicium, and af-
terward frequently restored it, that it might be pos-
sible to perform sacrifices on each side of the Ti-
ber.12 This statement is, however, contradicted by the
tradition which ascribes the building of the Pons
Sublicium to Ancus Marcus,13 at a time when the
pontiffs had long existed and borne this name.
Götting14 thinks that pontifex is only another form
for pomfex, which would characterize the pontiffs
only as the managers and conductors of public pro-
cessions and solemnities. But it seems far more
probable that the word is formed from poos and
fasce (in the signification of the Greek μετέχει, to
perform sacrifices), and that, consequently, it signi-
fies the priests who offered sacrifices upon the
bridge. The ancient sacrifice to which the name
thus alludes is that of the Argeans on the sacred
or Sublician bridge, which is described by Dionys-

1. (Liv., i., 44—Dionys., iv., 13—2. (Gell., i., c.—Varro, De Léx, p. 29.)
2. (Gell, 1., 9.)—Anni.
4. (Compare Arbeg.) Greek writers sometimes
translate the word, and call the pontiffs ψευφοραυίτοι.
5. The Roman pontiffs formed the most illustrious
among the great colleges of priests. Their institu-
tion, like that of all important matters of religion,
was ascribed to Numa.2 The number of pontiffs
appointed by this king was four,3 and at their head
was the pontifex maximus, who is generally not
included when the number of pontiffs is mentioned.
Cicero,4 however, includes the pontifex maximus
when he says that Numa appointed five pontiffs.
Nieuwhuys5 supposes, with great probability, that
the original number of four pontiffs (not including
the pontifex maximus) had reference to the two ear-
est tribes of the Romans, the Rames and Titites,
so that each tribe was represented by two pontiffs.
In the year B.C. 300, the Ogulnian law raised the
number of pontiffs to eight, or, including the pontif-
exus maximus, to nine, and four of them were to
be plebeians.4 The pontifex maximus, however,
to continue to be a patrician down to the year B.C. 254,
when Tib. Corinæus was the first plebeian who
was invested with this dignity.7 This number of
pontiffs remained for a long time unaltered, until,
in 81 B.C., the dictator Sulla increased it to fifteen,10
and J. Cæsar to sixteen.16 In both these changes
the pontifex maximus is included in the number.
During the Empire the number varied, though, on
the whole, fifteen appears to have been the regular
number.

The mode of appointing the pontiffs was also dif-
erent at different times. It appears that after their
institution by Numa, the college had the right of
co-optation, that is, if a member of the college died
(for all the pontiffs held their office for life), the
members met and elected a successor, who, after
his election, was inaugurated by the augurs.18 This
pontiff was co-opted. The pontifex maximus, for the
year 212 B.C. Livy12 speaks of the election of a
pontifex maximus in the comitia (probably the com-
tia tributa) as the ordinary mode of appointing this
high-priest. But, in relating the events of the
year 181 B.C., he again states that the appointment
of the chief pontiff took place by the co-optation of
the college.17 How these anomalies arose (unless
the pontifices maximiss should be understood to
carve a path for themselves, as far as we know, the first
temptation to deprive the college of its right of co-optation, and to
transfer the power of election to the people, was
not made until the year B.C. 145, by the tribune C. Lici-
nus Crassus; but it was frustrated by the prae-
tor C. Labilius.18 In 104 B.C. the attempt was
successfully repeated by the tribune Cn. Dominicus
Ahenobarbus; and a law (lex Decem Epist., B.C. 67—
lex Cornelia de Sacerdotiis (81 B.C.), which restored
to the great priestly colleges their full right of co-

topta.17 In the year 63 B.C. the law of Sulla
was abolished, and the Dominian law was restored,
but not in its full extent; for it was now determined
that, in case of a vacancy, the college itself should
1. (Gel., i., 33—2. (Dionys., i., 20.—Dionys., ii., 73.)—3. (Liv., x., 6.)
5. (Compare it., p. 47.)—6. (Cic., De Rep., 91—De
15. (Cic., De Leg. Agr., i., 7.—Epist. ad Brut., i., 5.—Valer. Mexic., 7.)
nominate two candidates, and the people elect one of them. This mode of proceeding is expressly mentioned in regard to the appointment of augurs, and was consequently the same in that of the pontiffs. 1 Julius Caesar did not alter this modified lex Domitia, but M. Antoninus M. L. restituted the right of co-optatio to the colleges. 2

The college of pontiffs had the supreme superintendence of all matters of religion, and of things and persons connected with public as well as private worship. A general outline of their rights and functions is given by Livy 3 and Dionysius. 4 This power is said to have been given to them by Numa; and it is said also that their books contained the ritual ordinances, together with the obligation to give information to any one who might consult them on matters of religion. They had to guard against any irregularity in the observance of religious rites that might arise from a neglect of the ancient customs, or from the introduction of foreign rites. They had not only to determine in what manner the heavenly gods should be worshipped, but also the proper form of burials, and how the souls of the departed (mammes) were to be appeased; in like manner, what signs either in lightning or other phenomena were to be received and attended to. They had the judicial decision in all matters of religion, whether private persons, magistrates, or the state, were involved. If the existing laws or customs were found defective or insufficient, they made new laws and regulations (decreta pontificum), in which they always followed their own judgment as to what was consistent with the existing customs and usages. 5 They watched over the conduct of all persons who had anything to do with public worship; and it was a duty of the pontifices, it is said, to see that all things connected with the observance of the sacred rites were properly carried out.

The pontiffs themselves were not subject to any court of law or punishment, and were not responsible either to the senate or to the people. The details of these duties and functions were contained in books called libri pontificii or pontificales, commentarii sacrorum or sacrorum pontificum, 6 which they were said to have received from Numa, and which were sanctioned by Ancus Marcus. This king is said to have made public worship the subject of his laws; and to have provided for the observance of the sacred public rites and ceremonies; and when, at the commencement of the Republic, the wooden tables on which these public regulations were written had fallen into decay, they were restored by the pontifex maximus C. Papirius. 7 One part of these libri pontificales was called indigntamenta, and contained the names of the gods, as well as the manner in which these names were to be used in public worship. 8 A second part must have contained the formulas of the jus pontificum. 9 The original laws and regulations contained in these books were in the course of time increased and more accurately defined by the decrees of the pontiffs, who, perhaps, name commentarii. Another tradition contends that Numa communicated to the pontiffs their duties and rights merely by word of mouth, and that he had buried the books in a stone chest on the Janiculum. 10 These books


were found in 181 B.C., and one half of them contained ritual regulations and the jus pontificum, and the other half philosophical inquiries on these same subjects, and were written in the Greek language. The books were brought to the prae tor urb ans Q. Petilius, and the senate ordered the latter half to be burned, while the former was carefully preserved. Respecting the nature of these books, the author of this story, see Hartung, De Relig. d. Röm., i., p. 214, &c. Concerning the annales maximi which were kept by the pontifex maximus, and to which Livy 1 applies the name commentarii pontificum, see ANNALES.

As to the rights and duties of the pontiffs, it must first be borne in mind that they were not priests of any particular divinity, but a college which stood above all other priests, and superintended the whole external worship of the gods. 2 One of their principal duties was the regulation of the sacra, both publica and privata, and to watch that they were observed at the proper times for which purpose the pontiffs had the whole regulation of the calendar: vid. CALENDAR, p. 195, &c. and in their proper form. In the management of the sacra publica they were in later times assisted in certain performances by the triumviri epulones (vid. Epulones), and had in their keeping the funds from which the expenses of the sacra publica were defrayed.

The pontiffs convoked the assembly of the curies (comitia calata or curiata) in cases where priests were to be appointed, and flamines or rex sacrorum were to be inaugurated; also when wills were to be received, and when a detestatio sacrorum and adoption by auguro took place. 3 (Vid. ANEPRO.)

The age and presence of the pontiffs, together with that of the augurs and flamines, were taken into account in the comitia curiata, also, in cases when other matters were transacted, as Niebuhri thinks, 5 does not appear to be quite certain. The curious circumstance that on one occasion the pontifex maximus was commanded by the senate to preside at the election of tribunes of the people, is explained by Niebuhri.

As regards the jurisdiction of the pontiffs, magistrates and priests, as well as private individuals were bound to submit to their sentence, provided it had the sanction of three members of the college. 4 In most cases the sentence of the pontiffs only inflicted a fine upon the offenders, 5 but the persons convicted might be subjected to such severity as the pontifex might release him from the fine. In regard to the vestal virgins and the persons who committed incest with them, the pontiffs had criminal jurisdiction, and might pronounce the sentence of death. 6 A man who had violated a vestal virgin was, according to an ancient law, scourged to death by the pontiffs, and the punishment might be inflicted by the pontifex himself, by the decemvirs, by the pontifex maximus, or by the vestal virgins. In later times we find that, even in the case of the pontiffs having passed sentence upon vestal virgins, a tribune interfered, and induced the people to appoint a questor for the purpose of making a fresh inquiry into the case; and it sometimes happened that after

PONTIFEX.

I'OPULIFUGIA.

this new trial the sentence of the pontiffs was modified or annulled. Such cases, however, seem to have been mere irregularities, founded upon an abuse of power. As pontificate was the term commonly applied to early times to the pontiffs, as a portion of the patricians, were in the possession of the civil as well as religious law, until the former was made public by C. Flavius. (Vid. Cic., 17.) The regulations which served as a guide to the pontiffs in their judicial proceedings formed a large collection of laws, which was called the jus pontificium, and formed part of the libri pontificii. The Epist., 39.

The sacra regia, or the episcopal guide, was given, as Cic., 17.) The episcopal guide, was given, as

If we were to suppose that the pontiffs were no longer a dignity, but a title, then the most natural conclusion of title pontificum maximus, or of the pontifex maximus, is that they stand in the same relation to the other pontiffs as the patres minorum gentium to the patres majorum gentium; and that subsequently, when the meaning of the name was forgotten, it was applied to the secretaries of the great college of pontiffs. In another passage Niebuhr suggests that the Luceres were never represented in the college of pontiffs; and this opinion is contradicted by all the statements of ancient writers who mention the pontifices minores. Livy, in speaking of the secretaries of the college of pontiffs, adds, "quos nunc minores pontifices appellant," from which it is evident that the name pontifices minores was of later introduction, and that it was given to persons who originally had no claims to it, that is, to men of no family or influence. The only natural solution of the question seems to be this. At the time when the real pontiffs began to neglect their duties, and to leave the principal business to be done by their secretaries, it became customary to designate these scribes by the name of pontifices minores. Macrob., 1 in speaking of minor pontiffs previous to the time of Cn. Flavius, makes an anachronism, as he transfers a name customary in his own days to a time when it could not possibly exist. The number of these secretaries is uncertain: Cicero mentions the names of three minor pontiffs. The name cannot have been used long before the end of the Republic, when even chief pontiffs began to show a disregard for their sacred duties, as in the case of P. Licinius Crassus and Julius Caesar. Another proof of their falling into disuse is that comparison with former days, is, about the same time the good and luxurious living of the pontiffs became proverbial at Rome.

PONTIFICUM JUS. (Vid. Jus, p. 660.) PONTIFICIALES LUDI. (Vid. Ludus Pontificalis.)

POPTOCA. Ponto, a Pontoon, was a vessel used for transport of troops across rivers. We are told that it was a kind of Gallic vessel, but we have no further particulars respecting it. 13

POPA. (Vid. Sacrificium.)

POPINIA. (Vid. Cappona, p. 226.)

POPULARIA. (Vid. Amphiteatrum, p. 53.)

POPPULUS. (Vid. Patriarch.)

POPOPULIFUGIA or POPIIFUGIA, the day of the people's flight, was celebrated on the nones of July, according to an ancient tradition preserved by

PORTA.

Varro, in commemoration of the flight of the people, when the inhabitants of Ficula, Ficene, and other places round about, appeared in arms against Rome shortly after the departure of the Gauls, and procured supplies necessary that the Romans might field before them. Macrobius, however, says that the populifugia was celebrated in commemoration of the flight of the people before the Tuscan, while Dionysius refers its origin to the flight of the people on the death of Romulus. Niebuhr seems disposed to accept the tradition preserved by Varro, because sufficient was made of it and its truth, and Macrobius and Dionysius render the story uncertain.

PORIST Al (πορισταί) were magistrate stations at Athens, Pp p. heavily brambled the extraordinary supplies (Πορισταί είναι ἄρχη τῆς Αθηναίας, είς πόρους έλεγεν). Antiphon classes them with the poetæ and practores; and Demosthenes joins τῶν χρημάτων ταύτα καὶ πορίσταί, from which it would appear that they were public officers in his time, although the words do not necessarily prove this. 4

*POROS (πόρος). "Theophrastus," says Adams, "describes a species of marble under this name. He says it resembles the Parian in hardness and colour, and the Τόρπυς (τόρπος) in lightness. The Törvis would seem to have been the Ptolemeion of uncoloured stone, since it was the easiest form to build upon. The portico was a two-storied building, which is generally ascribed to the chisel-workers, who form in the joints of persons who have long laboured under the gout."

PORPE (πόρπη). (Vid. FIBULA.)

PORTA (πόρπη, dim. πορπός), the gate of a city, citadel, or other open space enclosed by a wall, in contradistinction to ιτας, which was the door of a house or an any house or covered edifice. The terms porta and πορπή are often found in the plural, even when applied to a single gate, because it consisted of two leaves.

The gates of a city were, of course, various in their number and position. The ancient walls of Pompeii, Sessaunam, and Aosta still exist, and close a square: the centre of each of the four walls was a gate. If, instead of being situated on a plain, a city was built on the summit of a precipitous hill, there was a gate on the sloping declivity which afforded the easiest access. If, in consequence of the unevenness of the ground, the form of the walls was irregular, the number and position of the gates varied accordingly to the circumstances. Thus Megara had 5 gates; 11 Thebes, in Boeotia, had 7; Athens had 8; 2 Rome, or perhaps even more. The janams of the gate were mounted, 1 by a lintel, which was long and wide in proportion to the width of the gate. The lintel of the centre gate leading into the Athenian acropolis is 17 feet long, 2. But especially at Pompeii, Praetia, Sessaunam, Volterra, Aosta, Bezançon, and Tiviere. 3 At Arpinum, one of the gates is now remaining in place, while another is constructed with the stones projecting one beyond another, after the manner represented in the woodcut at p. 85.

At Como, Verona, and other ancient cities, it was found convenient to construct two passages close together, the one designed for carriages entering, and the other for carriages leaving the city. The same provision is observed in the magnificent ruin of a gate at Tiviere. (See the following woodcut, showing a view of it, together with its plan.) In other instances we find only one gate for carriages, but a smaller one on each side of it (ποριστάρι) for foot-passengers. (See the plan of the gate of Pompeii, p. 224.) Each of the fine gates which remain at Autun has not only two carriage-ways, but, exterior to them, two sideways for pedestrians. 3 When there were no side ways, one of the valves of the large gate sometimes contained a wicket (πορτολά, πορτλα: μύωπηλ) large enough to admit a single person. The porter opened it when any one wished to go in or out by night.

The contrivance for fastening gates were in general the same as those used for doors (vid. Jan. 4), but larger in proportion. The wooden bar placed across them in the inside (μοιχλός) was kept in its position by the following method. A hole, passing through it perpendicularly (βαλανόδοκας), admitted a cylindrical piece of iron, called βαλανος, which also entered a hole in the gate, so that, until it was taken out, the bar could not be removed either to the one side or the other. 4 Another piece of iron, fitted to the βαλανος, and called βαλανώρα, was used to extract it. 5 When the besiegers, for want of this key, the βαλανώρα, were unable to remove the bar, they cut it through with a hatchet, 6 or set it on fire.

The gateway had commonly a chamber, either on one side or on both, which served as the residence of the porter or guard. It was attached to the gate, its situation is shown in the following plan. (See woodcut.) But the gateway was also, in many cases, surmounted by a tower, adapted either for defence (πορτας τερρες ιποσιτάς), or for conducting the general business of government. In the gates of Como and Verona this edifice is three stories high. At Tiviere it was four stories high (vid. Jan. 4), although the four stories remain standing in one of them only, as may be observed in the annexed woodcut. The length of this building is 115 feet; its depth, 47 in the middle, 61' in the flanks; its greatest height, 92. All the four stories are ornamented in every direction with rows of Tuscan columns. The gateways are each 14 feet wide. The entrance of

PORTICUS.

Each appears to have been guarded, as at Pompeii (see p. 234), first by a porticu1, and then by gates of wood and iron. The barbican, between the double portico and the pair of gates, was no doubt open to the sky, as in the gates of Pompeii. This edifice was probably erected by Constantine. Its rows of ornamental windows, and the general style of its architecture, afford sufficient indications, that, although very strong, it was not intended solely nor principally for the purposes of defence, but to be applied in time of peace to the various objects of civil government. To these latter purposes the gatehouse (παλάτιον) was commonly devoted, more especially in Eastern countries. Hence Polybius calls a building at Alexandria τον χαρακτηριστικόν πυ- λώνα τῶν βασιλέων, i.e., "the gatehouse of the palace, used for the transaction of public business." In the Old Testament the references to this custom are very frequent. By metonymy, the gates meant those who administered justice at the gates, and wielded the powers of government.

Statutes of the gods were often placed near the gate, or even within it in the barbican, so as to be ready to receive the adoration of those who entered the city. The probable position of the statue was the point S in the above plan. The gate was sometimes much ornamented. Sculptured elephants, for example, were placed upon the Porta Aurea at Constantinople.

PORTICUS (στόα), a walk covered with a roof, which is supported by columns at least on one side. A porticus was either attached to temples and other public buildings, or it was built independent of any other edifice. Such shaded walks and places of resort are almost indispensable in the southern countries of Europe, where people live much in the open air, as a protection from the heat of the sun and from rain. This was the case in ancient times to a much greater extent than at present. The porticoes attached to the temples were either constructed only in front of them, or went round the whole building, as is the case in the so-called Temple of Theseus at Athens. They were originally intended as places for those persons to assemble and converse in who visited the temple for various purposes. As such temple-porticoes, however, they found too small or not suited for the various purposes of private and public life, most Grecian towns had independent porticoes, some of which were very extensive; and as the Greeks, in all the countries of Europe, wherever people lived in the open air, the public places were found not only to have a more utility, these public walks were not only built in the most magnificent style, but were adorned with pictures and statues by the best masters. Of this kind were the peccile and στόα βασιλείος at Athens, and the στόα Περακή at Sparta. The Skias at Sparta, where the popular assemblies were held, seems to have been a building of the same kind. In Egypt, such στοας were placed, that those who were tired might sit down. They were frequented not only by idle loungers, but also by philosophers, rhetoricians, and other persons fond of intellectual conversation. The Stoic school of philosophy derived its name from the circumstance that the founder of it used to converse with his disciples in a στοά. The Romans took the example of these eastern countries, and as luxuries among them were carried in everything to a greater extent than in Greece, wealthy Romans had their private porticoes, sometimes in the city itself, and sometimes in their country-seats. In the public

PORTICUS.

PORTICUS.

PORTICUS.

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PORTICUS.

PORTICUS.
This quid (Bockh, deten. 39, a.p. Suet., A related pay festi-
mary rate of the value of taxable articles, and as this was the customary rate in Greece, it is probable that this was the average sum raised in all the other provinces. In the times of the emperors, the ordinary rate of the portorium appears to have been the fortieth part (quadragesima) of the value of imported goods. At a late period, the exorbitant sum of the right (portorium) to enable the ordinary import duty; but it is uncertain whether this is the duty for all articles of commerce, or merely for certain things.

The portorium was, like all other vettigalia, farmed out by the tax collectors to publicans, who collected it through the portorites. (Vid. Vettigal.

PORTUNNA'LIA or PORTUN'A'LIA, a festival celebrated in honour of Portunus or Portus, the god of harbours. It was celebrated on the 17th day before the calends of September. 

FOSCA, vinegar mixed with water, was the common drink of the lower orders among the Romans, as for soldiers when on service. Slaves, and others. 

POSEIDONIA (Poseidonion), a festival held every year in Eginia in honour of Poseidon. It seems to have been celebrated by all the inhabitants of the island, as Athenaeus14 calls it a panegyric, and mentions that, during one celebration, Phryne, the celebrated hetaira, walked naked into the sea in the presence of the assembled Greeks. The festival is also mentioned by Theodoretus15 but no particulars are known.}


POSESSIO

POSSESSIO. Paulus observes, "Possessio ap pollata est, ut et Liboc ait, a pedibus" (ed. Flor., "Sedi-
bus"), "quasi postiri: quia naturaliter terentur ab eo qui inventi. The absurdity of the etymology and of the reason is equal. The elements of possessio are either pour pot-is and sedes, or the first part of the word is related to apud and the cognate Greek form of nort. (potis).

Possessio, in its primary sense, is the condition or power by virtue of which a man has such a mastery over a corporeal thing as to deal with it at his pleasure and to exclude other persons from med

inous he happiness to the possessor, or of the things possessed. It is a kind of real power, and it lies at the bottom of all legal consequences deriving from the word possessio. This possession is no legal state or condition, but it may be the source of rights, and it then becomes possessio in a juridical or legal sense. Still, even in this sense, it is not in any way to be confounded with property (propri

ta): A man may have the juridical possession of a thing, but he may be the proprietor of a thing without having the juridical possession of it, and, consequently, without having the detention of it. Ownership is the legal capacity to operate on a thing according to a man's pleasure, and to exclude everybody else from doing so. Possession, in the sense of deten

tion, is a kind of opinion, or the exercise of such a power as the owner has a right to exercise.

Detention becomes juridical possession and the foundation of certain rights when the possessor has the intention (animus) to deal with the thing as his own. If he deal with it as the property of another, as exercising over it the rights of another, he is not in such a juridical sense, but he is said "aleno nomine possidere." This is the case with the commodatarius and with whom he holds a deposit.

When the detention is made a juridical possessio by virtue of the animus, it lays the foundation of a right to the interdict, and by virtue of usucapio it becomes ownership. The right to the interdict is simply founded on a juridical possession, in whatever way it may have originated, except that it must not have originated illegally with respect to the person against whom the interdict is claimed. (Vid. INTERDICTUM.) Simply by virtue of being possessor, the possessor has a better right than any other person who is not possessor. Usucapio requires certain local possession of the thing, to the origin it must have been bona fide and founded on a justa causa, that is, there must be nothing illegal in the origin of the possessio. (Vid. USUCAPIO.)

The right which is founded on a juridical possessio is a jus possessiorum, or right of possession, that is, a right arising from a juridical possession. The expression jus possessio is used by the Rom.

ian jurists. The right to possess, called by modern jurists jus possessendi, belongs to the theory of ownership.

All juridical possession, then, that is, possessio in the Roman law as a source of rights, has reference only to usucapio and interdicts; and all the rules of law which treat possession as a thing of a juridical nature, have no other object than to det

temine the possibility of usucapio and of the interdicts. In answer to the question to which class of rights possessio belongs, Savigny observes, So far as concerns usucapio, one cannot suppose the thing to be the subject of a question. No one thinks of asking to what class of rights a justa causa belongs, without which tradition cannot give owner.

1. (Dig. 41, tit. 5, a. 1.)—2. (Dig. 41, tit. 2, a. 2.)—3. (Dig. 41, tit. 3, a. 18, 20, 34, 41, 45, tit. 17, a. 1, 2.)—5. (Savigny, Das Recht des Besitzes, p. 26, 65.)
shipment. It is not right, but 'it is a part of the whole transaction by which ownership is acquired. So is it with possession in respect to usucapion.

The right to possessorial interdicts belongs to the law of obligationes ex maleficiis. "The right to possessorial interdicts, then, belongs to the law of obligations, and therein possession is only so far considered as containing the condition without which the interdicts cannot be supposed possible. The jus possessioni, consequently—that is, the right which mere possession gives—consists simply in the claim which the possessor has to the interdict as soon as the possession is disturbed in a definite form. Independent of this disturbance, bare possession gives no rights, neither a jus obligationis, as is self-evident, nor yet a right to the thing, for no dealing with a thing is to be considered as a legal act simply because the person so dealing has 'the possession of the thing.'"

The term possession occurs in the Roman jurists in various senses. There is possession generally, and possession civilis, and possession naturalis.

Possessio denoted originally bare detention. But this detention under certain conditions becomes a legal state, inasmuch as it leads to ownership through usucapion. Accordingly, the word possessio, which required no qualification so long as there was no other notion attached to possessio, requires such qualification when it is used to denote a legal state. This detention, then, when it has the conditions necessary to usucapion, is called possessio civilis; and all other possession, as opposed to civilis, is naturalis. But detention may also be the foundation of interdicts, which notion of possession is always expressed by possessio simply, and this is the meaning of possessio when used alone and in a that sense that is opposite to a legal state. This detention, then, when it has the conditions necessary to usucapion, is called possessio civilis; and all other possession, as opposed to civilis, is naturalis. But detention may also be the foundation of interdicts, which notion of possession is always expressed by possessio simply, and this is the meaning of possessio when used alone and in a that sense that is opposite to a legal state.

In the case of a thing being pignorated, the person who pledges it has still the possession as usucapion, but in the pledge alone has the possessio ad interdicta. It is not a possession in the true sense, but the foundation of the pledge's title by usucapiion; but by a special fiction he is considered to have such possession, and so the case is a special exception to the general rule, "sine possessione usucapionem contigere non potest." Possessio justa is every possessio that is not illegal in its origin, whatever such possessio be mere detention or jurisdiction possessio. The word justa is here used, not in that acceptance in which it has reference to jus civilis, and is equivalent to civilis or legitima, but in another sense, which is more indefinite, and means "rightful" generally, that is, not wrongful. The creditor who is in possession of a pledge has a justa possessio, but not a civilis possessio: he has, however, a juristial possessio, that is, possessio, and, consequently, a right to the interdicts. The missio in possessioni is the foundation of a justa possessio, but, as a general rule, not of a juristial possessio. Possessio injusta is the logical opposite of justa, and in the case of possessio injusta there are three special vital possessions, that is, when the possession has originated vi, clam, or precario (Hane tu mhi vel vi, vel clam, vel precario fec tradas).

With respect to the cause possessioni, there was a legal maxim: "Possession istis non causas, pos- sessio ista munere potest." This rule is explained by Savigny by means of Gaius, as having reference to the old usucapiion pro herede, and the meaning of it was, that if a person had once begun to possess for any particular cause, he could not at his pleasure change such possessio into a possessio pro herede.

A possessor bona fidei is he who believes that no person has a better right to possess than himself. A possessor malus fidei is he who knows that he has no right to possess the thing.

Besides these various meanings of possessio, possessio, possessidere, at the bottom of all which lies the notion of possession, there are some other meanings. "To have ownership" is sometimes expressed by possessidere; the thing which is the object of a person's ownership is sometimes possessio; and the owner is possessor. This use of the word occurs frequently in the Code and Pandect, and also in Cicero, Quintilian, Horace, and other writers. But it is remarked by Savigny that these meanings of possessidere, possessio, &c. are always to refer to land as their object.

Possessio also denotes the relation of a defendant to a plaintiff. For instance, when ownership is claimed, the demand must be against a person in possession; but this does not mean that such person must have a juristial possession. In a vindicatio, accordingly, the plaintiff is called petitor, and the defendant is named possessio, because, in fact, he has the possession of that which the plaintiff claims. The procedure by the vindicatio was also adapted to the case of an hereditatis, and here also the term possessio was applied to the defendant. In many cases the possessor was really such, and one object of the hereditatis petitor was to recover single things which the defendant possessed pro herede or pro possessore. But the term possessio was not limited to such cases, for the defendant is called possessio when the petitor is not about a matter of possession. He is called juris possessio, because he refuses to do something which the heres claims of him, or be cause he asserts his right to a portion of the hereditatis.

The juridical notion of possession implies a thing which can be the object of ownership: it also implies that the possessor can be no other than a legal person.

The notion of possession is such that only one person at a time can possess the whole of a thing (plures eandem rem in solidum possidere non possunt). When several persons possess a thing in common, so that their possession is mutually limited, each, in fact, possesses only a definite part of the thing, but does not possess the other parts; and, though the division into parts is only ideal, this does not affect the legal consideration of the matter. Persons may also possess the same thing in different senses, as in the case of the debtor and his credit or who has received from him a pignus.

Though things incorporeal are not strictly ob

1. (Tertul., Eunuch., ii. 3—Dig. 43, cit. 17, e. 1. 2—2 17, 52, d.c.),—Savigny, (p. 56).—4 (Savigny, p. 64).
POSSESSIO.

jects of possession, yet there is a juris quasi posses-
sion of them, as, for instance, in the case of ser-
vitutes (easements). The exercise of a right of
this kind is analogous to the possession of a corpo-
real thing: in other words, as real possession con-
sists in the dominium of the possessor over the
thing possessed, which is fashioned from analogy to
the other, consists in the exercise of a jus in re, or of
one of the component parts of ownership. In the
case of possession, it is the thing (corpus) which is
possessed, and not the property: by analogy, then,
we should not say that the servitus or the jus in re
is possessed, but that the owner of the corporeal
thing there is nothing to which the notion of posses-
ion can be attached, while in the case of ownership
there is the thing to which we apply the notion of
possession, we are compelled to resort to the ex-
pression, juris quasi possessio, by which nothing
more is meant than the exercise of a jus in re,
which exercise has the same relation to the jus in re
that proper possession has to ownership.

In order to the acquisition of juristic possessio,
apprehension and animus are necessary. The
apprehension of a corporeal thing is such a dealing
with it as empowers the person who intends to ac-
quire the possession to operate on the thing to the
exclusion of all other persons. But actual corpo-
oreal contact with the thing is not necessary to any
prehension: it is enough if there is some act on
the part of the person who intends to acquire pos-
session, which gives him the physical capacity
to operate on the thing at his pleasure. Thus,
in the case of a piece of ground, he who enters upon part
is considered to have entered upon the whole. A
man may acquire possession of what is contained
in a thing by delivery of the key which gives him
access to the contents, in the presence of (apud)
the thing. The case mentioned in the Digest is
that of the key of a granary being delivered in
right of the granary (apud horrea). The delivery
of the key is not a symbolical delivery, as some
have supposed, but it is the delivery of the means
of getting at the thing.

The animus consists in the will to treat as one's
own the thing that is the object of our apprehen-
ion. All persons, therefore, who are legally incompetent
to will, are incompetent to acquire a juristic pos-
session. Children and lunatics are examples of such.
When a child has attained the age of discretion, he
may acquire the possession by the animus alone,
for the other condition has been already complied
with.

In order that juristic possession may be ac-
quired, there must always be the animus on the part
of him who intends to acquire the possession; but
the act of apprehension (corpus) may be effected by
another as his representative, if (that other does the
necessary acts, and with the intention of acquiring
he possession for the other, and not for himself.

There must be a certain relation between the per-
son for whom possession is thus acquired and the
person who acquires it for him, either of legal power
(potestas) or of agency: the former is the case of a
slave or filiusfamilias who obeys a command, and
the latter is the case of an agent who follows in-
suctions (mandatum). A person who is the rep-
resentative of another, and has the possession of a
thing, may by the animus alone cease to have the
possessio, and transfer it to that other, retaining
only the bare detention.

The possession of the right of possession, is,
however, a thing that can be transferred without the
transfer of ownership. In this case of derive-
tive possessio, the apprehensor is the same as in
the case of acquiring a juristic possessio; but the
animus with which the thing is apprehended cannot
be the "animus domini," but merely the "animus
possidentis," that is, the will to acquire the jus pos-
sessio of the thing possessed. The animus of the
right of possession is more. The detention of a thing may be transferred without the ownership, but the transfer of the detention is not always accompanied by a transfer of the jus possessiones. There are three classes into
which all acts may be distributed which are accom-
panied with a transfer of detention: 1. those which
are made by the possessor himself; 2. those which are
sometimes. The first class comprehends such
cases as those when the detention of a thing is
transferred to an agent (procurator), and the case of
a commodatum. (Vid. Commodatum.) The sec-
ond class comprehends the case of the emphyteu-
ta, which is a possessio, but only a derivative one,
as the emphyteuta has not the animus domini; it
also comprehends the case of the creditor who re-
cieves the detention of a pignus by a contractus
pignoris, but it does not comprehend the case of a
pignus preteriorum, pignus in causa judicati captum,
or a pactum hypothecae. In the case of a con-
tractus pignoris, when the thing was delivered to
the creditor, the possession of the same is not inter-
dicts, but not possessio civilis, that is, the right
of usuacapio. The debtor had no possessio at all,
but, by virtue of an exception to a general rule, he
continued the usuacapio that had been commenced.
(Vid. Pignora.) The third class comprehends de-
positum and precatium.

The possessio consists in the right to the
protection of the interdict (vid. Interdictum), and
this protection is also extended to juras in re.
The relation of the juris quasi possessio to possess-
io has been already explained. The objects of this
juris quasi possessio are personal servitutes, re-
servitutes, and juras in re which do not belong to
the class of servitutes, of which superficies is the
only proper instance. In all the cases of juris quasi
possessio, the acquisition and the continuance of the
right of possession depend on the corpus, the animus,
and the animus is to be viewed exactly in the
same way as in the case of possession of a cor-
poral thing. The exercise of personal servitutes
are subject to a duty, not a command. If the posses-
sion of the thing is acquired by possession, the
possessor of them is consequently acquired in the
same way as the possession of a corporeal thing.
As to the juris quasi possessio of real servitutes,
there are two cases: either he who has a right to
the servitus must do some act, which, if he had not
the right, he might be forbidden to do (servitus qui
in faciendo consistit), or the owner of property has
no right to do some particular thing, which, if the
right did not exist, he might do (servitus qui in non
facentio consistit). As to the first class, which
may be called positive servitutes, the acquisition
of the juris quasi possessio consists merely in doing
some act which is the object of the right, and the
doing of this act must be done for the purpose of
exercising the right. This rule applies to the jus
itineris, actus, vis, and others, which are independ-
ent of the possession of any other property. Such
an act as the jus tigni immittendi, or the driving a
beam into the wall of one's neighbour's house, is a
right connected with the possession of another
piece of property, and the possession consists in the
exercise of it. As to the second class, which may be
called negative servitutes, the juris quasi possessio is acquired in consequence of

1. (Savigny, p. 166.)—2. (Dig. 15, tit. 1, s. 74.)—3. (Compare Lord Hardwicke's remarks on this matter, Ward v. Turner, 2
Ves.)—4. (Poinsett, S. R., v. tit. 5, s. 1.)
the person whose right is thereby limited attempting to do some act contrary to the right of the person who claims the servitus, and meeting with opposition to such act, and acquiescing in the opposition. Thus, juristic possession may also be founded on a legal title, that is, on any juristic act which can give such right.

Every possession continues so long as the corpus and the animus continue. If both cease, or either of them ceases, the possession is gone. As to the corpus, the possession is lost when, in consequence of any event, the possessor cannot operate on the thing at his pleasure, as before. In the case of movable things, the possession is lost when another person has got hold of them, either by force or secretly: in the case of immovable things, it is lost when a man has turned another out of the possession; but if, in the absence of the possessor, another occupies his land without his knowledge, he does not lose the possession till he attempts to exercise ownership over the land, and is prevented by the person then in possession of it, or, through fear, does not attempt to recover his possession. The possession thus acquired by the new possessor is a violent possession. If the former possessor knows the fact, and acquires as by doing nothing, he loses the possession by the animus alone. In the case of possession being lost by the animus alone, it may be effected either expressly or tacitly; the only thing necessary is that there should be no attempt to give up the possession. The possession is lost corpore et animo when the possessor gives up a thing to another to possess as his own. In the case of a juris quasi possession, as well as in that of possession proper, the continuance of the possession depends on the corpus and animus together. There can be no juris quasi possession without the animus possidendi; and if there be merely the animus possidendi, the juris quasi possession must cease.

Possessio can be lost by a person who represents the possessor. Such person may himself acquire the possession by exercising the animus possidendi when it is accompanied with a sufficient corporeal act: in the case of movable things, this is furtum; in the case of immovable things, it is violent dispossession. The possession can be lost through a wrong representation in all cases in which it would have been lost by the possessor if there had been no representation.

In many of the systematic expositions of Roman law, the theory of possessio is treated as introductory to the theory of ownership (dominium). The view which has been here given of it is also not universally acquiesced in. For instance, Gans, in his chapter on Possession, begins with the two following sections:

§ 103. Darstellung der verschiedenen hersenden Meinungen über den Besitz.—Der Besitz ist kein blosses factum, und erststeht nicht als recht, durch den umgang der wahrts.

§ 104. Der Besitz als des eigenthums nach der rete des biis besonderen wils. — Anfangseder, praemissive eigenthum.

Savigny's view, on the contrary, is briefly this: "Possession is a fact (factum), so far as a mere fact (unjurisdictional) relation (detention) is the foundation of it. But possession is also a right, so far as rights are connected with the bare existence of the relation of fact. Consequently, possession is held at law and equity." Also: "The only right arising from bare possession is a right to the interdicts" and "the right to the interdicts is founded on the fact of the exercise of ownership being obstructed wrongfully, as, for instance, by force."

It is shown in the article Agrariae Leges that the origin of the Roman doctrine of possession may probably be traced to the genius of the aeg publicus. Possessio, possessor, and possidere are the proper technical terms used by the Roman writers to express the possession and the enjoyment of the public lands. These terms did not express ownership (ex jure Quiritium): they had, in fact, no more relation to ownership than the possessio of which this article treats. Still, the notion of this kind of use and enjoyment was such, that one may easily conceive how the term possessio became applicable to various cases in which there was no Quiritarian ownership, but something that had an analogy to it. Thus, in the case of damnum infectum, with reference to the second missio in possessionem (ex secundo decreto), the praetor says "possidere habeas," which is equivalent to giving bonitarien ownership with the power of usucaption. A usufructus which could only be maintained by the jus praetorianum, was a possessio usufructus as opposed to dominium usufructus. The expressions hereditatis or honorum possessio do not mean the actual possession of the things, but the peculiar character of the prætoria hereditas: for this bonorum possessio has the same relation to the hereditas than that bonitarian has to Quiritarian ownership. (Fid. 1527. jurisprudence. De domino.)

Hence, in all these instances to the possessio of the aeg publicus, which consists in this, that in both cases an actual exclusive enjoyment of a particular person to a particular thing is recognised. This will also explain how property in provincial ground came to be called possessio: such property was not Quiritarian ownership, but it was a right to the exclusive enjoyment of the land; a right which was possessed by the possessio sufficiently expressed. Thus the name possessio was transferred from the right to its object, and aeg and possessio were thus opposed. Aeg was a piece of land which was the object of Quiritarian ownership, and possessio a piece of land which was either accidentally an object only of bonitarian ownership, as a fundus italicus of which the possessor could not remove; or it could not be the object of Quiritarian ownership, such as provincial land and the old aeg publicus.

Other matters relating to possessio appear to be explained by this view of its historical origin. The interdictum recuperandae possessio relationes only to land, a circumstance which is consistent with the hypothesis of the origin of possessio. The nature of the precisaro, also, is explained, when we know that it expressed originally the relation between the patronus and the clients who occupied the possessio of the patronus as a tenant at will, and could be ejected by the interdictum de precesario if he did not quit on notice. Farther, we may thus explain the apparent inconsistency in the case of a lessee of aeg vegaillis, who, though he had only a juris praetorianus, could not hold it. The aeg vegaillis was in fact fashioned according to the analogy of the old aeg publicus, and it was a simple process to transfer to it that notion of possessio which had existed in the case of the aeg publicus. (Fid. Emphyteusis.)

This article, read in connexion with the article on Agrariae Leges and the Licianian Rogations (v. Romanuors Luctuales) will give the reader an outline of the law of possession both in relation to the aeg publicus and privatus.

The preceding view of possession a from Savigny, Das Recht des Besitzes, fifth ed., 1527. There is
an analysis of this excellent work by Warnecköng, "Analyse du treal de la possession par M. de Sai-
igny, Liége, 1824," and a summary view of Sai-
igny's Theory is given by Mackeldey, Lehrbuch, &c., ii., 17.

POSSèSSIO BONORUM. (Vid. BONORUM POSS-
SSIONIS.)

POSSÈSSIO CLANDESTINA. (Vid. INTER-
diction, p. 544.)

POSTICUM. (Vid. JANUCC, p. 524.)

POSTILNYM, JUS POSTILMINII. "There
are no Pompeiius, but two kinds of postilminii,
for a man may either return himself or recover some-
ing." Postilminium is farther defined by Paulus9 to be the "right of recovering a lost thing
from an extraneous and of its being restored to
its former status, which right has been established be-
tween us (the Romans) and free people and kings by usage and enactments (moribus ac legisbus); for
what to an enemy, as it were, as it was has gone, if
we recover it, we are said to recover postilminion; and
this usage has been introduced by natural equity, in
order that he who was wrongfully detained by
strangers should recover his former rights on re-
turning into his own territories (in fines suos)."

Again, Paulus says, "a man seems to have returned
postilminion when he has restored something to
his own (ubi fines nostras exces-
sit). But if a man has come into a state in alliance
(socia) or friendship with Rome, or has come to a
king in alliance or friendship with Rome, he appears
to have forthwith returned by postilminium, be-
cause he then has not restored the same thing to
the name of the Roman state." These extracts are
made for the purpose of clearing up the etymology
of this word, as to which there was a difference of
opinion.6 The explanation of Scaevola, as given by
 Cicero, has reference to the etymology of the word, 
post et limen: "what has been lost by us and has
been restored by us, when it has been within our
own limes, and then has afterward (post) re-
turned to the same limen, seems to have returned by
postilminium." According to this explanation,
the lumen was the boundary or limit within which
the thing was under the authority of Rome and an
object of the Roman law. A recent writer7 sug-
gests that the "lumen" is not a fixed line, but
analogous to pomerium. There is a fanciful
explanation of the matter by Plutarch8 in his answer to
the question, Why are those who have been falsely
reported to have died in a foreign land, not received
into the house through the door in case of their re-
turn, but let down through an opening in the roof?
If a Roman citizen, during war, came into the pos-
session of an enemy, he sustained a dunningum capti-
tis maxima, and all his civil rights were in abey-
ance. Being captured by the enemy, he became a
slave; but his rights over his children, if he had
any, were not destroyed, but were said to be in
abeyance (pedere) by virtue of the jus postilminii:
when he returned, his children were again in his
possession and if he died in captivity, they became
his. Whether their condition as sui juris dated from
the time of the capture or of the death, was a disputed matter;9 but Ulpian, who wrote after
Gaius, declares that in such case he must be con-
sidered to have died when he was made captive;
and this is certainly the true deduction from the
premises. In the case of a filius or nepos being
made captive, the parental power was suspended (in
summeo). If the son returned, he obtained his civil
rights, and the father resumed his parental
powers, which is the case mentioned in the Di-
gest.1 As to a wife, the matter was different: the
husband did not recover his wife juris postilminii,
but the marriage was renewed by consent. This
rule of law involves the doctrine, that if a husband
was captured by the enemy, his marriage, if any
then existed, was dissolved. If a Roman was
ransomed, the person by whom the ransom was paid
was in the nature of a pledge to the ransomer, and
the jus postilminii had no effect till he had paid the
ransom money.

Sometimes, by an act of the state, a man was giv-

en up bound to an enemy, and if the enemy would
not receive him, it was a question whether he had
the jus postilminii. This was the case with Sp.
Cicero. This was the case with Sp.

Cicero uses the word postilminium in a different
sense; for he applies it to a man who had, by his
own act, ceased to be a citizen of a state, and
therefore resumed his original civic rights by postilminium.

It appears that the jus postilminii was founded on the
fiction of the captive having never been absent from
home—a fiction which was of easy applica-
tion; for as the captive, during his absence, could
not do any legal act, the interval of captivity was a
period of legal non-activity, which was terminated by
his showing himself again.

The Romans acknowledged capture in war as the
source of ownership in other nations, as they claimed
it in their own case. Accordingly, things taken by

the enemy lost their Roman owners; but when they
were recovered, they reverted to their original ow-
eers. This was the case with the Samnites, who;
with C. Hostilius Mancinus, who was given up to the
Nunantines; but the better opinion was that they
had no jus postilminii:2 and Mancinus was re-

covered to his civic rights by a lea.3

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own act, ceased to be a citizen of a state, and
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and down by Laboe. Paulus also, in his remark on
Laboe's rule of law, merely mentions an exception
to the rule, which was of a peculiar kind. If, then,
anything taken in war was booty (præda), to what
did the jus postlimini Dates to? It applied, at least,
to all that was restored by treaty or was included in
the terms of surrender, and slaves, no doubt, were
a very important part of all such things as were
captured or lost in time of war; and they were
things that could be easily identified and restored
to their owners. It also applied to a slave who
escaped from the enemy and returned to his mas-
ter. The maxim, quæ res hostilis opud nos sunt,
amputationem fiant, has no reference to capture
from the enemy, as it sometimes seems to be sup-
posed. It may be objected, that the explanation of one
difficulty that has been already suggested raises
another. According to this explanation, if a man
in time of war recaptured his own slave, it should
be præda, and he would not at once recover the
ownership, as above supposed. The answer should
be, that it may he so, and that this matter of postliminium,
particularly as regards things, waits for a careful in-
vestigation. As a general rule, all movable
belonging to an enemy which were captured by a Ro-
man army were præda, apparently not the property
of the individual soldier who happened to lay his
hands on them, but the property of the state, or, at
least, of the person who had possession of them.
Whether it was necessary to ascertain whether all movables so taken were præda, ex-
cept res postliminii, or whether all things so taken
were præda, res postliminii included. In the
former case, the res postliminii would be the property
of the owner when he could prove them to have been
his: in the latter, when a thing had become præda, it had lost its capacity (if we may so speak) of
being a res postliminii: to decide this question, it
was necessary to make a fundamental one. The difficulty partly
arises from the expression of Laboe above quoted,
Si quid, &c., where the Florentine reading has been
followed. But Bynkershoek3 amends the reading into Si quid, &c., the propriety of which may be
doubted.
If a man made a will before he was taken cap-
tive, and afterward returned, the will was good jour
postliminii. If he died in captivity, the will would
be good by the lex Cornelia. The law of postlimini-
um applied to time of peace as well as war, when
the circumstances were such that the person or the thing
could become the property of another nation,4
as, for instance, of a nation that had neither an
amicia, hospitium, nor a foedus with Rome; for
such might be the relation of a nation to Rome, and
yet it might not be hosts. A nation was not hosts,
in the later acceptance of that term, till the Ro-
mans had declared war against it, or the nation had
declared war against Rome. Robbers and pirates
were not hosts, and a person who was captured by
them did not become a slave, and therefore had no
need of the jus postliminii.

POTESTAS. (Vid. PATRIA POTESTAS.)

*POTAMOGEL'TON (ptámagéitón), the Potam-
ogelon natans, or Floating Pondweed.

*PETROMIGNON (ptéromigión), a species of plant.

Pena and Lobelius held it to be the Poterium spino-
sum, L., but Sprengel is inclined to think, with Mat-
thiolius and Cllusius, that it is the Astragalus Potem-
rion, Pall, being a species of Tragacantum, accord-
ing to Linnaeus.5

POTESTAS. (Vid. PATRIA POTESTAS.)

*POTHUS (póthó), "a species of plant, which
Sprengel, in the first edition of his R. H. S., sets
down for the Lychnis Chalcedonica, and in the sec-
tion for the Amaryllis lutea, but upon a doubtful
reading according to Schneider. Baurin, however,
is pretty decided in favour of the Lychnis Chal-
edonica.6

PRACTORES (píáktòres), subordinate officers
(μέσιοι υπήρχος, says Pollux8) who collected the
fines and penalties (épíbalos and týmima) imposed
by magistrates and courts of justice, and payable
to the state. The magistrate who imposed the fine,
or the γερμηνευτής, gave notice thereof in writing
to the práktòres. He was then said to
gráfein to ἥμισυ τοις πράκτοροις, and the debtor's
name was pencilled on the praetoria. If the fine or
any part thereof was to go to a temple, the like noti-
cation was sent to the tòmu of the god or goddess
whom the temple belonged.7 The name of the
debtor, with the sum which he was condemned to
pay, was entered by the práktòres in a tablet in the
Acropolis. Hence the debtor was said to be
γραφεμενον τῷ δήμῳ, or ἐν τῇ ἀκρόπολε. It
was the business of the práktòres to demand pay-
ment of this sum, and, if they received it, to pay it
over to the ἀποδεκτα, and also to erase the name
of the debtor in the register (ἐξαλείπειν οὐκ ἀπαλ-
eίπειν). Such erasure usually took place in the
presence of some members of the senate. An ἐνδείκ
lay against any man who made or ceased to be
made a fraudulent entry or erasure of a debt. The
Romans have collected no information as to the
methods of enforcement after the expiration of the ninth πρατορία from the registering of the debt
(or, in case of a penalty imposed on a γερμηνευτικ, after the expiration of eleven days), if it still remained unpaid, it
was doubled, and an entry made accordingly.8 There-
upon immediate measures might be taken for seiz-
ure and confiscation of the debtor's goods; but here
the práktòres had no further duty to perform, ex-
cept, perhaps, to give information of the default to
the senate.9

PLECTANTIO. (Vid. AMPHITHEATRUM, p. 53.)

*PRECOCCIA (πρακκικία), called bérbíkóka in the
Geoponica, the same as the μῆλα Ἀρεσκέα, be-
ing a variety of the Apricot, or Prunus Armeniaca.10

PRÆCONES, Crières, were employed for various
purposes, and naturally advertised the place, the
time, and conditions of sale: they seem also to have acted the part of the mod-
ern auctioneer, so far as calling out the biddings
and amusing the company, though the property
was knocked down by the magistrate auctioned. (Vid.
Auctors.) 2. In all public assemblies they ordered
silence.3 In the comitia they called the centuri-
as one by one to give their votes, pronounced the
vote of each century, and called out the names of those who were elected. They also recited the
laws that were to be passed. 4. In trials, they
summoned the accused and the accused, the plain-
tiff and defendant.5 In the public games, they
invited the people to attend, and proclaimed the
victors. 6. In solemn funerals they invited the
people to attend by a certain fum, &c., the att.
funerals were called funera incendia. 7. When
things were lost, they cried them and searched for

1. (Thickoart, H. P., v. 8., S. 83.—Estuchh.
and Hili, cit. 201.—Adams, Appendix, p. 10. (Onom., viii.,
114.)—2. (Echol. c. Timarch. 5. — Adon. De Myst., 11, ed.
Steph.—Demosth. c. Theoc. 1282.)—3. (Harpe and Splices.
Steph.—Demosth. c. Theoc. 775.—Id. c. Theoc. 3541.)—
— Id. c. Theoc. 3956.—Id. c. Nether. 1487.)—5. (Boitich, Statist. der Ath., 1, 167, 171, 418, 421.)—6. (Dioscor.
1. 105.—Geopon, x., 73.—Haricaiii in Hili, H. N., xv.,
20. — C. L. M., 1. Ed. Th. 11. Alt.,
Fam., prof. 1. 10. — Cic. in Verri, ii., 15, 16. — Fr. R. P. 36.11.
4. 800.)
there is neither this nor any similar regulation in
the Code of Justinian, there is a passage which
apparently recognises that persons might become
coloni by such agreement.1

The coloni were not slaves, though their condi-
tion, in certain respects, was assimilated to that of
slaves, a circumstance which will explain their be-
ing called servi terre, and sometimes being con-
trasted with liberii. They had, however, connubium,
which alone is a characteristic that distinguishes
them clearly from slaves.2 But, like slaves, they
were liable to corporeal punishment, and they had
no right of action against their master, whose rela-
tion to them was not conceived of as that of a free
master both to the servus terrenus and to the
servus Rusticus.3

The colonus was attached to the soil, and he could
not be permanently separated from it by his own
act, or by that of his patronus, or by the consent of
the two. The patronus could sell the estate with
the colonus, but neither of them without the other.4
He could, however, transfer superabundant coloni
to another of his own estates. When an estate
held in common was divided, married persons and
relatives were not to be separated. The ground
of there being no legal power of separating the
coloni and the estate was the opinion that such an
arrangement was favourable to agriculture, and
there were also financial reasons for this rule of law,
as will presently appear. The only case in which the
property of coloni could be transferred against the
will of its becoming a soldier, which must be consid-
ered to be done with the patron's consent, as the
burden of recruiting the army was imposed on him,
in this instance the state dispensed with a general
rule for reasons of public convenience.

The colonus paid a certain yearly rent for the land
on which he lived: the amount was fixed by cus-
tion, and could not be raised, but, as the land-owner
might attempt to raise it, the colonus had in such
case for his protection a right of action against him,
which was an exception to the general rule above
stated.5 There were, however, cases in which the
rent was a money payment, either by agreement or
by custom.6

A farther analogy between the condition of servi
and coloni appears from the fact of the property
of coloni being called their peculium. It is, however,
distinctly stated that they could hold property;7 and
the expressions which declare that they could have
nothing "propria," seem merely to declare that it
was subject to a prior right, and that they were not
to alienate it, at least without the consent of their
patroni. It appears that a colonus could make a
will, and that, if he made none, his property went
to his next of kin: for if a bishop, presbyter, deacon,
&c., died intestate and without kin, his property
went to the church or convent to which he belonged,
except such as he had as a colonus, which went
to his patronus, who, with respect to the ownership
of the land, is called dominus possessions.8 Some
classes of coloni had a power of alienating their
property.9

The land-tax due in respect of the land occupied
by the colonus was paid by the dominus; but the
colonus were liable to the payment of the poll-tax,
contingent in certain respects, on the person of the
colonus, who recovered it from the colonus. The lia-
bility of the colonus to a poll-tax explains why this
class of persons was so important to the state, and
why their condition could not be changed without
the consent of the state. It was only when the colonus
had lived as a free man for thirty years that

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1 (Cod. xii., tit. 47, s. 22.)—2. (Cod. xii., tit. 47, s. 24.)—3
(Cod. Theod., v., tit. 11.)—4. (Cod. xii., tit. 47, s. 2, 7.)—5
(Cod. xii., tit. 47, s. 5.)—6. (Cod. Theod., v., tit. 11.)—7. (Cod.
xii., tit. 49, s. 8.)—8. (Cod. Theod., v., tit. 2.)—9. (Cod. xii.,
tit. 47, s. 23.)
he could maintain his freedom by a prescription, but Justinian abolished this prescription, and thus empowered the dominus to assert his right after any unjust treatment. With respect to their liability to the poll-tax, the coloni were called tributarii, censiti or censiti absconditi, adscripti, adscriptitio conditionis, and censibus adscripti. This term adscriptio appears to have no reference to their being attached to the land, but it refers to their liability to the poll-tax as being rated in the tax-books; and, accordingly, we find that the Greek term for adscriptitio is ἐνδοφάγος.

As the coloni were not servi, and as the class of Latini and peregrini hardly existed in the later ages of the Empire, we must consider the coloni to have had the civitas, such as it then was; and it is a consequence of this that they had connubium generally. A constitution of Justinian, however, declared the marriage of a colonus who belonged to another person and a free woman to be void. The constitution does not seem to mean anything else than that in this case the emperor took away the connubium, whether for the reasons stated by Savigny, or for other reasons, is immaterial. This special exception, however, proves the general rule as to connubium.

The origin of these coloni seems absolutely uncertain. They appear to be referred to in one passage of the Codicis Justiniani, but it is not certain that they had a term which certainly was sometimes applied to the whole class of coloni. The passage just referred to states that, if a man bequeaths as a legacy the inquilini without the praeda to which they adhere (vina praeda quibus adhaerent), it is a void legacy. Savigny conceives that this passage may be explained without considering it to refer to the coloni of whom we are speaking; but the explanation that he suggests seems a very forced one, and the same remark applies to his explanation of another passage in the Digest. The condition of the old clients seems to bear some relation to that of the coloni, but all historical traces of one class growing out of the other are entirely wanting; and, indeed, all evidence of the real origin of the coloni seems to fail altogether.

Savigny observes that he does not perceive any historical connexion between the villani (villanai) of modern Europe and the coloni, though there is a strong resemblance between their respective conditions. There were, however, many important distinctions; for instance, the villane services due to the lord had nothing corresponding to them in the case of the coloni, so far as we know. Littlenton’s Tenures, section 179, &c., and Bracton, may be consulted as to the incidents of villeinage.

This view of the condition of the coloni is from Savigny’s Essay on the subject, which is translated in the Philological Museum, vol. ii.

PRECEPTUS. (Vid. Army, Roman, p. 102.)

PRECEPTUS ÄRAVI. (Vid. Äraëriam.)

The provisions, especially of the corn-market, was not a regular magistrate under the Republic, but was only appointed in cases of extraordinary scarcity, when he seems to have regulated the prices at which corn was to be sold. The superintendence of the corn-market throughout the whole Republic was at a later period intrusted to Pompey for a period of five years; and, in accordance with this example, Augustus took the same superintendence upon himself and commanded that two persons, who had been pretors five years before, should be appointed every year for the distribution of the corn (cursum frumenti populo revendicandum). Subsequently Augustus assigned this duty to two persons in consultation; but the praefectus annonae, under the title of Preceptus Annonae, who must be distinguished from the above-mentioned officers. This office was a permanent one, and appears to have been only held by one person at a time; he had jurisdiction over all matters appertaining to the corn-market, and, like the Praefectus Vigilum, was chosen from the equites and was not reckoned among the ordinary magistrates. The praefectus annonae continued to exist till the latest times of the Empire: respecting his duties in later times, see Walter, Gesch. des Röm. Rechts, p. 373, 374.

PRECEPTUS AQUARIUM. (Vid. Aquar. Duc tis, p. 75.)

PRECEPTUS CASTORIUM, praefect of the camp, is first mentioned in the reign of Augustus. There was one to each legion. We learn from Vegetius that it was his duty to attend to all matters connected with the making of a camp, such as the vaultum, fossa, &c., and also to the internal economy of it.

PRECEPTUS CLASSISI, the commander of a fleet. This title was frequently given in the times of the Republic to the commander of a fleet; but Augustus appointed two permanent officers with this title. This officer was stationed at the sea-port of Brundisium, and lived on the Hadriatic, and the other at Mecumum on the Tuscan Sea, each having the command of a fleet.

PRECEPTUS TABLUM. (Vid. Fabri.)

PRECEPTUS JURI DICUNDO. (Vid. Col oni a, p. 282.)

PRECEPTUS PRÆTORIO was the commander of the troops who guarded the emperor’s person. The Praefectus Pretorio was established by Augustus, and was at first only military, and had comparatively small power attached to it; but under Tiberius, who made Sejanus commander of the praetorian troops, it became of much greater importance, till at length the power of these praefects became only second to that of the emperors. The relation of the praefectus pretorio to the emperor is compared to that of the magister equitum to the dictator under the Republic. From the reign of Severus to that of Diocletian, the praefects, like the viziers of the East, had the superintendence of all departments of the state, the palace, the army, the finances, and the law; they also had a court in which they decided cases. The office of praefectus of the pretorio was not confined to military officers; it was filled by Ulpian and Papian, and other distinguished jurists.

Originally there were two praefects; afterward sometimes one and sometimes two; from the time of Commodus, sometimes three, and even four. They were, as a regular rule, chosen only from the equestrian order; but, from the time of Alexander Severus, the dignity of senator was always joined with their office.

Under Constantine the praefects were deprived of all military command, and changed into governors of provinces. He appointed four such praefects: one who commonly attended on the imperial court had the command of Thrace, the whole of the East, and Egypt; the second had the command of Illyricum, Macedonia, and Greece, and usually resi
PÆFECTUS URB.

aged first at Sirmium, afterward at Thessalonica; the third, of Italy and Africa; the fourth, who resided at Trèves, of Gaul, Spain, and Britain. These prefects were the proper representatives of the emperor, and their power extended over all departments of the state; the army alone was not subject to their jurisdiction.

PÆFECTUS URB. V'GILUM, the commander of the city guards. To protect the state against fires at night, robbery, housebreaking, &c., Augustus formed seven courts of watch-soldiers (ngilae), originally consisting of freedmen, but afterward of others, one for each of the two regions into which the city of Rome was divided; these courts were presided over by a tribune, and the whole were under a prefect, Vigilus, who had jurisdiction in all ordinary cases of incendiaries, thieves, &c.; but, if anything extraordinary occurred, it was his duty to report it to the prefect urbis. This prefect was chosen from the equites, and was not reckoned among the ordinary magistrates for life. When the republic, the prefect urbis was placed under the regius of Theodosius and Arcadius, at which time he had to refer all capital crimes to the prefect of the city.

PÆFECTUS URB. prefect or warden of the city, was originally called custos urbis. The name prefectus urbis does not seem to have been used till after the time of the Caesars. The dignity of custos urbis and the office of praefectus urbis in the ancient Roman senate, was conferred by the king, as he had to appoint one of the decem primi as princes urbis. The functions of the custos urbis, however, were not exercised except in the absence of the king from Rome, and then he acted as the representative of the king: he convoked the senate, held the comitia, and, in case of necessity, appointed on emergency magistrates; he could, by such measures as he thought proper; in short, he had the imperium in the city. Romulus is said to have conferred this dignity upon Denter Romulius, Tullus Hostilius upon Numa Martinus, and Tarquinius Superbus upon Sp. Laetius. During the Kings period, the office of warden of the city was probably for life.

Under the republic, the office and its name of custos urbis remained unaltered; but in 487 B.C. it was elevated into a magistracy, to be bestowed by election. The custos urbis was in all probability elected by the curiae, instead of whom Dionysius mentions the senate. Persons of consular rank were alone eligible; and, down to the time of the Emperor Vespasian, the office was always occupied by men of high birth. The office had been at an earlier period conferred on the consuls; and the office of the custos urbis was conferred in cases of public necessity by the magistrates. When the office of praefect urbus was instituted, the wardenship of the city was swallowed up in it; but, as the Romans were at all times averse to dropping altogether any of their old institutions, a praefect urbus, though a mere shadow of the former office, was henceforth appointed every year, only as a superintendence of the administration of the city for the purpose of celebrating the Latine.

This prefectus had neither the power of convoking the senatus nor the right of speaking in it, as in most cases he was a person below the senatorial

1. (Symm., xii. 32.)
PRÆPOSSTUS.

They were the medium through which the emperors received the petitions and presents from their capital. At the election of a pope, the prefect of Rome had the care of all the external regulations. PRÆFECTURA. (Vid. Colonia, p. 292, 293.) PRÆFECTURÆ. (Vid. Breviarii, c. 1.) PRÆFURTNIUM. (Vid. Bathis, p. 151.) PRÆJUDICIJUM. This word, as appears from its etymology, has a certain relation to judicium, to which it is opposed by Cicero, de quo non praejudicium, sed plane jam judicium factum. The commentator, who goes under the name of Asconius, observes on this passage, that a prejudicium is something which, when established, becomes an exception, or precedent; the decision of a cause to follow; but this leaves us in doubt whether he means something established in the same cause by way of preliminary inquiry, or something established in a different, but a like cause, which would be what we call a precedent. Quintilian states that it is used both in the sense of a precedent, in which case it is rather exemplum than praefectum (res ex paribus causis judicatae), and also in the sense of a preliminary inquiry. The former is the sense to follow; but the latter belongs to the matter in dispute (judicium ad ipsum causam pertinentium), whence also comes the name prejudicium. This latter sense is in conformity with the meaning of prejudiciales actions or prejudicia, in which there is an intent only, and nothing else. (Vid. Accio.) These, accordingly, were called prejudiciales actions, which had for their object the determination of a precedent, in which case there was nothing but a sense and a duty to be remembered. If a judge should have declared that the child must be maintained by the reputed father, there must still be the prejudicium to ascertain whether the reputed father is the true father. If it was doubtful whether the mother was his wife, there must be a prejudicium on this matter before the prejudicium de parte agnoscento. These prejudicial actions, then, were, as it appears, only preparatory to the final judgment; and they were either civil or praetorius. It was a civil action when the question was as to libertas; the rest seem to have been praetorius actions. Quintilian makes a third class of prejudicia, cum de cadem causa pronuntiatus est, Sec. Sometimes prejudicium means inconvenience, damage, injury, which sense appears to arise from the notion of a thing being prejudged, or decided without being fairly heard; and this sense of the word seems to be very nearly the same in which it occurs in our law in the phrase "without prejudice to other matters in the cause." PRÆLEUSIIO. PRÆNOEMEN. (Vid. NOMEN, ROMAN.) PRÆPOSTITUS, which means a person placed over, was given as a title in the latter times of the Roman Empire, to the judges of the praetores; of these, the most important was the praepositus sacri velabili, or chief chamberlain in the emperor's palace. Under him was the primicerius, together with the cubicularius and the corpor of silentarii, commanded by three decuriones, who preserved silence in the interior of the palace. 1. (Synonym sch., Epist., x., 36, 29, 33.—Cod. xii., tit. 43.—9.) (Synonymsch., Epist., x., 71, 83.)—3. (Divinat., iv.)—4. (Inst. Ort., v., 1, &c.)—5. (Guisas, iv., 44.)—6. (Guisas, ii., 123.)—6. (Cod., xii., tit. 5.)—De dig. 16, 29, 30, 3 a. b. c. (Inst. iv., tit. 10, 13.—Theod., x., 13, 15, 15.)—10. (Cod. xii., tit. 5.)—11. (Cod. Theod., xii., tit. 8.)—12. (Cod. xii., tit. 10.)—Walter, Gesch. des Röm. Rechts, p. 308.)

PRÆSCRIPTIO.

PRÆROGATIVÆ CENTURIA. (Vid. Comitia, p. 237.)

PRES. If we might trust a definition by Asconius, 1. he was called vas who gave security for an other in a causa causalis; and he who gave security for another in a causa civilis praecipue. But this authority cannot be trusted, and the usage of the words vas and pres was certainly not always conformable to this definition. According to Varro, 2. any person was vas who promised vidimnion for another, that is, gave security for another in any legal proceeding. Festus says that vas is a spinner in a res capitalis. If vas is genus, of which vas is its special sense, and pres are species, these definitions are not extended, but they are narrower in their sense, marks, that manceps signifies him who buys or hires any public property (qui a populo emitt conductio), and that he is also called pres because he is bound to make good his contract (pretatque quod promit) as well as he who is his pres. According to this, pres is a surity for one who buys of the state, and so called because of his liability (pretatere). But the etymology at least is doubtful, and, we are in the midst of these definitions, false. The passage of Festus explains a passage in the Life of Atticus, 3. in which it is said that he never bought anything at public auction (ad hastam publicam), and never was either manceps or pres. A case is mentioned by Gellius in which a person was committed to prison who could not obtain praejudicia. The goods of a pres were called praejudicia, and in Cicero and Livy pres are used as praedas. The phrase praedas vendere means to sell, not the praejudicia properly so called, but the things which are given as a security.

Praedatores are supposed by Brissiunus to be the same as praedas, at least so far as these were sureties to the state. But praedator is defined by Gaius 5. to be one who buys from the people, and from the context it is clear that it is one who buys a praejudicium, which is further defined to be a thing pledged to the populus (res obligata populo). The praedator, then, is he who buys a praejudicium, that is, a thing given to the populus as a security by a third person, whose right relating to such matters was called jus praedatorium.

PRÆSCRIPTIO, or, rather, TEMPORIS PRÆSCRIPTIO signifies the exceptio or answer which a defendant has to the demand of a plaintiff, founded on the circumstance of the lapse of time. The word then, has properly no reference to the plaintiff's loss of right, but to the defendant's acquisition of a right which he would have obtained if the plaintiff had prosecuted his suit. This right of a defendant did not exist in the old Roman law. When the preatores gave new actions by their edict, they attached to them the condition that those actions must be brought within a year (intra annum judicium dabo), that is, a year from the time when the right of action accrued. These actions, then, were exceptions from the old rule, that all actions were prescriptio. This rule became extended by the longi tempore praescriptio, which established that in actions about ownership, or jura in re, ten, or in some cases twenty years, would give a prescriptio, when the possessor could show that he had complied with the main conditions of usucaption, without having acquired ownership by usucaption, for if he had, he had...
PRESCRIPTIO.

PRÆTOR.

No need of any exceptio. This rule was farther extended by Constantine, and a period of 30 or 40 years, for i. seems that the time was not quite settled. It might be considered sufficient for a prescriptio, though the defendant had the praescriptio, if it occurred within the conditions of usucaption. A general constitution was made by Theodosius, A.D. 424, which, with some variations, appears in both the Codes; and it enacted that, as in the case of the actions already mentioned, there should be no hereditatis petitio after 30 years, and that, after the same term, the action finium regundorum was excepted, and also the action of a creditor for his pignus or hypotheca against the debtor, but not against others. Prae- diciales actions as to status are not enumerated among those against which there was a prescriptio, but they seem to be included in the general words of the law. Justinian, by a constitution of the year 530, established the general rule of 30 years on all actions, with the exception of the actio hypothecar, for which he required 40 years. His constitution enumerates the following actions to which the prescriptio of 30 years would apply: Familiae her- riceuvae, Communi dividendo, Finium regundorum, Pro Socio, Parts et Vi Bonusor Regundorum; and it adds, in the same year, that in the actiones perpetuae, namely longiora esse trinjuit annis, &c., sed ex quo ab initio competit, cit semel vata est, &c., post memo- ratum tempus finiri. It thus appears that all ac- tions were originally perpetue, then some were made subject to prescriptio, and, finally, all were made so. In consequence of this change, the term perpetua, originally applied to what were not subject to prescriptio, was used to signify an actio in which 30 years were necessary to give a prescriptio, as opposed to actions in which the right to a prescriptio accrued in a shorter term. The conditions necessary to establish a prescrip- tio were, 1. Actio data, for there must be a right of action, and that a prescriptio may have an origi- nal, and the date of its origin must be fixed by the date of the right of action. 2. There must be a continuous neglect on the part of the person enti- ded to bring the action, in order that the time of the prescriptio may be reckoned uninterrupted. 3. Bona fides was not a necessary ingredient in a prescriptio, but it was the neglect of the plaintiff which laid the foundation of the term- prentio. But the longi temporis prescriptio was made like to usucapion as to its conditions, of which bona fides was one. Justinian required a bona fides in the case of a thirty-year prescriptio; but this was no new rule, except so far as the pos- sessor claimed the benefit of usucapion; and as the longi temporis prescriptio, as an independent rule of law, disappeared from the legislation of Justinian, the bona fides, as a condition of prescriptio, went with it. 4. The lapse of time, which was 30 years; but this there were many exceptions. The sources on the subject of prescriptio are to be found in Brinkman's Institutiones Juris Roman, and in the Commentaries of Palsgrave and Gaisser, and § 481, on the distinction being ultimately abol- ished between prescriptio and usucapio.—Savigny, System des heutigen Röm. Rechts, vol. v., from whom this outline is taken. Vide also USUCAPIO.

Prescriptio had a special sense in Roman pleadings, which Gaius has explained as existing in his time. These prescriptiones were pro actio, and not pro reo; and an example will explain the term. It often happens that an obligatio is such that a man is bound to another to do certain acts at cer-
of the consuls might appropriately be called praetorium. 1 Praetor was also a title of office among the Latins.

In the Pr, that praetor specially so called was appointed in the year B.C. 366, and he was chosen only from the patricians, who had this new office created as a kind of indemnification to themselves for being compelled to share the consulsiphip with the plebeians. 2 No plebeian praetor was appointed till the year B.C. 337. The praetor was called collega consulis, and was elected with the same auspices at the comitia centuriata.

The praetorship was originally a kind of third consulsiphip, and the chief functions of the praetor (ius in urbe dare, juris reddere) were a portion of the functions of the consuls, who, according to the passage of Cicero above referred to, were also called jurides a judicante. The praetor sometimes commanded the armies of the state; and while the consuls were absent with the armies, he exercised their functions within the city. He was a magistratus curulis, and he had the imperium, and, consequently, was one of the magistratus maiores: but he owed respect and obedience to the consuls. 3 His insignia of office were six lictors, whence he is called by Polibius ἡγεμόνων ὡς στρατηγὸς ἥξαπλεύς, and sometimes simply ἥξαπλεύς. At a later period, the praetor had only two lictors in Rome. 4 The praetorship was at first given to a consul of the preceding year, and called the Lex, in the 21st year, 246 B.C. 5

In the year B.C. 246 another praetor was appointed, whose business was to administer justice in matters in dispute between peregrini, or peregrini and Roman citizens; and, accordingly, he was called praetor peregrinorum. 6 The other praetor was then called praetor urbanus "quia ius inter eum dicitur," and sometimes simply praetor urbanus and praetor urbicus. The latter was to determine whether functions they should respectively exercise. If either of them was at the head of the army, the other performed all the duties of both within the city. Sometimes the military imperium of a praetor was prolonged for a second year. When the territorles of the state were extended beyond the limits of Italy, the praetors were soon increased. Thus, two praetors were created B.C. 227, for the administration of Sicily and Sardinia, and two more were added when the two Spanish provinces were formed, B.C. 197. When there were six praetors, two stayed in the city, and the other four went abroad. The senate determined their provinces, which were distributed among them by lot. 7 After the discharge of his judicial functions in the city, a praetor often had the administration of a province, with the title of prov. praetor. Sulla increased the number of praetors to eight, which Julius Caesar raised successively to ten, twelve, fourteen, and sixteen. Augustus, after several changes, fixed the number at twelve. Under Tiberius there were sixteen. Two praetors were appointed by Claudius for matters relating to foreign affairs. The praetors were also to be the business in the distribution of the land had become commercial, but this reduced the number to one, and Nerva added a praetor for the decision of matters between the fastus and individuals. "Thus," says Pompeius, speaking of his own time, "eighteen praetors administer justice (ius ducunt) in the state." 8

M. Aurelius, according to Capitoilinus, 9 appointed a praetor for matters relating to tutela, which must have taken place after the Claudian edict. (Pandects.) The main duties of the praetors were judicial, and it appears that it was found necessary from time to time to increase their number; and to assign to them special departments of the administration of justice.

The praetor urbanus was specially named praetor, and he was the first in rank. His duties confined him to Rome, as is implied by the name, and he could only leave the city for ten days at a time. It was part of his duty to supervise the ludi Apollinares. He was also the chief magistrate for the administration of justice, and to the edicta of the successive praetors the Roman law owes a great degree its development and improvement. Both the praetor urbanus and the praetor peregrinorum had the jus edicendi, 10 and their functions in this respect do not appear to have been limited on the establishment of the imperial power, though it must have been gradually restricted as the practice of imperial constitutions and rescripts became common. (Vid. Edictum.)

The chief judicial functions of the praetor in civil matters consisted in giving a judex. (Vid. Juxex.) It was only in the case of interdicts that he decided in a summary way. (Vid. Infirnptctum.) Proceedings before the praetor were technically said to be in iure.

The praetors also presided at trials of criminal matters. These were the quœstiones perpetue, or the trials for repertundæ, ambitus, majestas, and pænulæ, which, when there were six praetors, were divided among them, or, if there were only two, assigned by lot. These questions those of falsum, de sacrârie et vcnâcias, and de parricidio, and for this purpose he added two, or, according to some accounts, four praetors for the accounts of Pomponius and of other writers do not agree on this point. 11 On these occasions the praetor presided, but a body of judges determined by a majority of votes the condemnation or acquittal of the accused. (Vid. Jusex.)

The praetor, when he administered justice, sat on a sella curulis in a tribunal, which was that part of the court which was appropriated to the praetor and his assessors and friends, and is opposed to the subscilla, or part occupied by the judges, and others who were present. 12 But the praetor could do many other acts out of court, or, as it was expressed, e plano or ex aqua loco: for instance, he could, in certain cases, give validity to the act of manumission when he was out of doors, as on his road to the bath or to the theatre. 13

The praetors existed with varying numbers to a late period in the Empire, and they had still jurisdiction. 14

The functions of the praetors, as before observed, were chiefly judicial, and this article should be completed by a reference to Edictum, Imperium, Judex, Jurisdiction, Magistratus, Provincia. To the authorities referred to under Edictum may be added, "Die Prasidentsche Edeute der Romer," etc., von D. Eduard Schrader, Weimar, 1813. 15

PRÆTORIA A CIVIO. (Vid. Praet.)

PRÆTORIA COHORS. (Vid. Praetor.)

PRÆTORIAE/NI, sc. miliites, or Praetoriae Cohorses, a body of troops instituted by Augustus to protect his person and his power; and called by that name in imitation of the praetoria cohors, or select troop, which attended the person of the praetor or general of the Roman army. 16 This cohort is said to have been first formed by Sejius Africanus out of the praetorian guard, but it was exempted from all other duties except guarding his person, and to whom he gave sixfold pay: 17 but even in the early

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PRIMICIERIUS.

The commanders of the praetorians were called PRÆFECTUS PRÆTORIO, whose duties, powers, &c., are described in a separate article.

PRÆTORIUM was the name given to the general's tent in the camp, and was so called because the name of the chief Roman magistrate was originally prætor, and not consul. (Vid. CASTRÉ, p. 220.) The officers who attended on the general in the prætorium, and formed his council of war, were called by the same name.1 The word was also used in several other significions, which were derived from the original one. Thus the residence of a governor of a province was called the prætorium,2 and the same name was also given to any large house or palace.3 The camp of the praetorian troops at Rome, and frequently the praetorian troops themselves, were called by this name. (Vid. PRÆTORIUM.)

PRAÆDÌUM. (Vid. CÆNA, p. 274.)

*PRÆSTÆTES LAPIS (προστιγμὸς λίθος), "the Praise of Jameson and Præsum of Kirwan. It is a sub-species of quartz, and, as Cleveland remarks, usually of a leek or dark olive colour. It is a gem, as Sir J. Hill says, of the lower class, and is known by our jewellers by the name of root of emerald, the name of which the χρυσομοσχημός is a gem of greater value."4

PRÆSÌUM (πράσιον), a name applied to more than one species of the Marsûbum, L., or Horrehound.5

*PRÁSOCRÍS (πρασκορίς), a species of larva or caterpillar noticed by Aristotele, Theophrastus, and Athenæus. Stackhouse refers it to the Cimic Præsius, or Lady-cow.6

*PRASÒN (πράσιον), the Leek, or Allium portuwm, L. (Vid. ALIUM.)

PRECARIUM. (Vid. Interdictum, p. 544.)

PRELUM or PRÆLUM is a part of a press used by the ancients in making wine, olive oil, and paper; but the press itself was called a presser, and the prelum was that part which was either scraped or knocked down upon the things to be pressed, in order to squeeze out the last juices.7 Sometimes, however, prelum and torcular are used as convertible terms, a part being named instead of the whole. As regards the pressing of the grapes, the prelum is a skin which is torn from the grapes by means of a rudder or wooden board with the feet; but as this process did not press out all the juice of the grapes, they were afterward, with their stalks and peels (scopi et foliic) put under the prelum.8 Cato9 advised his countrymen always to make the prelum of the wood of black maple (carpæus astra). After all the juice was pressed out of the grapes, they were collected in casks, water was poured upon them, and after standing a night they were pressed again. The liquor thus obtained was called lora; it was preserved in casks, and was used as a drink for workmen during the winter.10 Respecting the use of the prelum in making olive-oil and in the manufacture of paper, see Plin., H. N., xv., 1; xii., 25.—Col. 72.—Praetoriana. (Vid. Inspect. p. 167.)

PRÆSTÈR (προστήρ). (Vid. DISPAR.)

PRIMICIERIUS, a name given to various officers and dignitaries under the Later Roman Empire, is explained by Suidas1 to be the person who holds the first rank in anything. The etymology of the word is doubtful: it is supposed that a person was times at the Republic the Roman general seems to have been attended by a select troop.1 In the time of the civil wars the number of the praetorian cohors was increased, and the establishment of them as a separate force was owing to the policy of Augustus. They originally consisted of nine or ten cohorts, each consisting of a thousand men, horse and foot. They were chosen only from Italy, chiefly from Etruria and Umbria, or ancient Latium, and the old colonies,2 but afterward from Macedonia, Syria, and the rest of Asia. Augustus, in accordance with his general policy of avoiding the appearance of despotism, stationed only three of these cohorts in the capital, and dispersed the remainder in the adjacent towns of Italy. Tiberius, however, under pretence of introducing a stricter discipline among them, assembled them all at Rome in a permanent camp, which was strongly fortified.3 Their number was increased by Vitellius to sixteen cohorts, or 16,000 men.4

The praetorians were distinguished by double pay and special privileges. Their term of service was originally fixed by Augustus at twelve years,5 but was afterward increased to sixteen years; and when they had served their time, each soldier received an indemnity of one thousand sesterces, which it was supposed they had to have had the same rank as the centurions in the regular legions, since we are told by Dio6 that they had the privilege of carrying a vites (βατός) like the centurions. The praetorians, however, soon became the most powerful body in the state, and, like the janizaries at Constantinople, frequently deposed and restored emperors according to their pleasure. Even the most powerful of the emperors were obliged to court their favour; and they always obtained a liberal donation upon the accession of each emperor. After the death of Pertinax (A.D. 193) they even offered the empire for sale, which was purchased by Didius Julianus;7 but upon the accession of Severus in the same year they were disbanded, on account of the part they had taken in the death of Pertinax, and banished from the city.8 The emperors, however, could not dispense with guards, and accordingly the praetorians were restored on a new model by Severus, and increased to four times their ancient number. Afterward they were distributed to brilliant places in Italy, Gaul, Africa, Baetica, Umbria, or Spain, as formerly, the best soldiers were now drafted from all the legions on the frontier, so that the praetorian cohorts now formed the bravest troops of the Empire.9 Dioeclesiian reduced their numbers and abolished their privileges;10 they were still allowed to remain at Rome, but had no longer the guard of the emperor's person, as he never resided in the capital. Their numbers were again increased by Maxentius, but after his defeat by Constantine, A.D. 312, they were entirely suppressed by the latter, their fortified camp destroyed, and those who had not perished in the battle between Constantine and Maxentius were dispersed among the legions. The new body of praetorians established by Constantine did not require such a body of troops, and, accordingly, they were never revived. The emperor's body-guards now only consisted of the domestic, horse and foot under two comites, and of the protectores.11

1. (Liv., vii., 50.)—2. (Appian, Bell. Civ., iii., 67.—Id. ib., v., 3.)
10. (Cod. Thod., vii., 28.)
11. (Cod. Theod., vi., 24.)
caused primicerius because his name stood first in the wax (cera), that is, the tablet made of wax, which contained a list of persons of any rank.

The word primicerius does not seem to have been always applied to the person who was at the head of any department of the state or army, but also to the first in second in command or authority, as, for instance, the primicerius sacri cubicularii, who was under the praepositus sacri cubiculi. (Vid. Præpositus.) Various primicerii are mentioned, as the primicerii domesticonum and protectorum, fabricae, menorum, notariorum, &c.

PRIMPILARIS. (Vid. Centenio.) PRIMPILIUS. (Vid. Centenio.) PRINCEPS JUVENTUTIS. (Vid. Equites, p. 417.)

PRINCEPS SENATUS. (Vid. Senatus.) PRINCIPIES. (Vid. Army, Roman, p. 103.) PRINCIPIA, PRINCIPALIS VIA. (Vid. Cartha.)

"PRINOS (πρίος), "the Quercus cocifera or Quercus ilex" (which would appear to be varieties of the same species). "The κόκκος, Vetus, or Scarlet-grain, is produced on this tree by a certain class of persons." (Vid. Pterylus.) "PRISTIS (πρίσις), the Squalus Pristis, L., or Pristis antiquorum, L., the Sawfish, a large fish of the Shark tribe."

PRIVILEGIIUM. (Vid. Lex, p. 581.) PROAGONITÆS GRAFÆ (προαγωγείας γράφω), a prosecution against those persons who performed the degrading office of pimps or procurers (προαγωγείς A. u. t.). The heaviest punishment (τά μέγιστα επίτιμα) was inflicted on such a person (καὶ τις εἰλεθηρὸν παῖδα ή γυναῖκα προαγωγείν) According to Plutarch, a penalty of twenty drachms was imposed for the same offence. To reconcile this statement with that of Aeschines, we may suppose with Platter that the law mentioned by Plutarch's applied only to prostitutes. An example of a man put to death for taking an Olybphan girl to a brothel (ιπταμένες εν οἰκήμασι) occurs in Dinarchus. A prosecution of a man by Hyperiës ἵπτο προαγωγία is mentioned by Pollux. A charge (probably false) was brought against Apsasia of getting freeborn women into her house for the use of Pericles. In connexion with this subject, see the γραφεὶς ΚΑΤ' ΠΡΗΣΙΩΝ, and ΦΟΟΡΑΣ ΤΩΝ ΕΛΕΥΘΕΡΩΝ.

PROBÓLE (προβολÎ), an accusation of a criminal nature, preferred before the people of Athens in assembly, with a view to obtain their sanction for bringing the charge before a judicial tribunal. It may be compared in this one respect (viz., that it was a preliminary step to a more formal trial) with our application for a criminal information, though in regard to the object and mode of proceeding there is not much resemblance. The probol was reserved for those cases where the public had sustained an injury, or where, from the station, power, or influence of the defunct, the prosecutor might deem it hazardous to proceed in the ordinary way without being authorized by a vote of the sovereign assembly. In this point it differed from the ἀκαταγγελία, that in the latter the people were called upon either to pronounce final judgment, or to direct some peculiar method of trial; whereas in the probol, after the judgment of the assembly, the parties proceeded to trial in the usual manner. The court before whom they appeared, however influenced they might be by the prejudicium of the people, were under no legal compulsion to abide by their decision; and, on the other hand, it is not improbable that, if the people refused to give judgment in favour of the complainant, he might still proceed against his adversary by a γραφή or a private action, according to the nature of the case.

The cases to which the probol (προβόλα) was applied were complaints against magistrates for official misconduct or oppression; against those public in formers and mischief-makers who were called συνομιλητζ; against those who outraged public decency at the religious festivals; and against all such as, by evil practices, exhibited disaffection to the state. With regard to magistrates, Schumann thinks that the probol could only be brought against them at those ἕκτερον θύελλαν which were held at the first κυριακα καιζανία in every Prytaneion, when the people inquired into the conduct of magistrates, with a view to continue them in office or depose them, according to their deserts. An example of magistrates being so deposed occurs in Demosthenes, c. Theor., 1350. The people (says Schumann) could not, therefore, as in pontifical cases, except on the complaint (προβολά) of some individual; the deposed magistrate was afterward brought to trial, if the accuser thought proper to prosecute the matter further. There appears, however, to be no authority for limiting the probol against magistrates to these particular occasions; and other writers have not agreed with Schumann upon this point. An example of a probol against a sanctuary is that which the people, discovering too late their error in putting to death the generals who gained the battle of ARGinas, directed to be brought against their accusers. Another occurs in Lysias, where the words οὐληθήρον ὄπαντες καὶ οὐ δῆμων καὶ οὐ δικαστήρι αὐτοκράτωρ διώκεται, describe the course of proceeding in this method of prosecution.

Those who worked the public mines clandestinely, and those who were guilty of peculation or embezzelement of the public money, were liable to a probol. A case of embezzelement is referred to by Demosthenes, c. Mid., 584.

But the probol which has become most celebrated, during the speech of Aeschines against Miltiades, is that which was brought for the misconduct at public festivals. We learn from the laws cited in that speech, that the probolai were enjoined against any persons who, at the Dionsian, Thargelian, or Eleusinian festival (and the same enactment was probably extended to other festivals), had been guilty of such an offence as would fall within the description of υδηδίαις δεξαμενοι. A riot or disturbance during the ceremony, an assault, or other gross insult or outrage, committed upon any of the performers or spectators of the games, whether citizen or foreigner, and even upon a slave, much more upon a magistrate or officer engaged in superintending the performance; an attempt to imprison by legal process, and even a levying of execution upon the goods of a debtor during the continuance of the festival, was held to be a profanation of its sanctity, and subject to the offender to the penalties of these statutes. For any such offence complaint was to be made to the Prytanes (i.e., the proedri, who were to bring forward the charge at an assembly to be held soon after the festival in the theatre.
PROBOULEMA.

of Baeotus. The defendant was to be produced before the assembly. Both parties were heard, and then the people proceeded to vote by show of hands. Those who voted in favour of the prosecution were said to have cast their votes in favour of a "proboleia," a council, against Midian. The complainant was said to have declared his wish, πολέμισον τον ἀλλοντα, and the people, if they condemned him, προκαταργοῦσιν.¹

Some difficulty has arisen in explaining the following words in the law above referred to: τὰς ποδολῆς περαιτέρων οὐκ ἐν μὴ κτετεινάν ὠνίν. Platner² and Schömann³ suppose that by these words the senate was to order the people those complaints for which satisfaction has not been made by the offender to the prosecutor, and, to show that a compromise would be legal, Platner refers to Demosthenes, c. Mid., 563, 563; to which we may add the circumstance that Demosthenes is said to have compromised his charges against Midian for a sum of money. Meier explains thus: that the prayers (or, rather, the prooedi) were to bring before the people all the ποδολῆς, except those of a trifling character, for which they were themselves empowered to impose a fine. (as to the power of fines, see Att. Proc., 34.) If we suppose the complaint to take the name of ποδολῆς upon its being presented to the prooedi, the ποδολῆς was probably a sum of money assessed to the people those complaints for which satisfaction has not been made by the offender to the prosecutor, and the ποδολῆς may signify to pay the fine imposed by the magistrates before whom the charge was brought; and ποδολῆς is not used improperly for πεπόλεμο, any more than δίκαιον is for τίμημα in the other case. Perhaps there was more force in another objection urged by Platner, viz., that (according to this interpretation) the not bringing the case before the assembly is made to depend on the non-payment, and not (as might have been expected) on the imposition of the fine.

The people having given their sentence for the prosecution, the case was to be brought into the court of helia. In certain cases of a serious nature, the defendant might be required to give bail for his appearance or (in default thereof) go to prison.⁴ The persons on whom devolved the ἱερομνήμονας were, according to Polux,⁵ the thermotheke. Meier⁶ thinks this would depend on the ποδολῆς being a sum of money payable upon the conclusion of a festival, the cognizance would belong to such of the three superiors archons as had the superintendence thereof. This would (no doubt) follow from the ordinary principles of Athenian jurisprudence; but it may be conceived that the extraordinary nature of the complaint by ποδολῆς might take it out of the common course of practice.⁷ The defendants had to pronounce their verdict on the guilt of the party, and to assess the penalty, which might be death, or only a pecuniary fine, according to their discretion. The trial (it seems) was attended with no risk to the prosecutor, who was considered to proceed under the authority of the people therefore.

PROBOULEMA. (Vid. Boul, p. 168, 169.)

PROBOULOI (πρόβολοι), a name applicable to any persons who are appointed to consult or take measures for the benefit of the people. Thus the delegates who were sent by the twelve Ionian cities to attend the Athenian council, and deliberate on the affairs of the confederacy, were called πρόβολοι. The word is often applied to those who in the Greek states went to attend the congress at the Isthmus, on the occasion of the second Persian invasion; and also the envys whom the Greeks agreed to send annually to Plato.⁸ The word is also used, like νομοθέτης, to denote an oligarchical body, in whom the government of a state was vested, who at least exercised a controlling power over the senate and popular assemblies. Such were the sixty senators of Cnidus; and a similar body appears to have existed at Megara, where, although democracy prevailed at an earlier period, the government became oligarchical before the beginning of the Peloponnesian war. A body of men called πρόβολοι or προδεῖκται, were visible during the siege of Pelopon, was to act as a committee of public safety. Thucydides⁹ calls them ἀρχήν ποινα ὀνοματίων, ópýyn perί τῶν παράντων ὡς ἀν καὶ ρόδος προδεῖκτοι. They were ten in number.¹⁰ Whether their appointment arose out of any concerted plan for overturning the constitution, is doubtful. They have been conceived by some as anxious to defend their country and prosecuting the war appear to have been prudent and vigorous. Their authority did not last much longer than a year; for a year and a half afterward Pisander and his colleagues established the council of Four Hundred, by which the democracy was overthrown.¹¹ The first step which Pisander undertook, was to procure the election of a body of men called ἑπιγραφεῖσις ὀτικόκρατοι, who were to draw up a plan, to be submitted to the people, for remodelling the constitution. Thucydides says they were ten in number. Harpocrates¹² relates Androtion and Philochorus as having stated that thirty were chosen, and adds, O ὁ θερμώντας τῶν ἑπιγραφῆσιμον τῶν πρόβολον. This and the language of Suidas¹³ have led Schänn to conjecture that the πρόβολοι were elected as ἑπιγραφεῖσις, and twenty more persons associated with them, making in all the thirty mentioned by Androtion and Philochorus.¹⁴ Others have thought that the ἑπιγραφῆσις of Thucydides have been confused with the thirty tyrants, who were first chosen of the twelve patrois νόμος ἱερομνήμονας ἄνω σειρεῖς.¹⁵ These Athenian πρόβολοι are alluded to by Aristophanes in the Lysistrata,¹⁶ which was act upon the year after the Sicilian defeat, and by Lysias, c. Eristalh, 126, ed. Stephan. PROBOLIA (πρόβολις) (Vid. Boul, p. 169)

PROCLEYSIS (πρόκλεσις) (Vid. Dialetais, p. 353, 354.)

PROCONSUL is an officer who acts in the place of a consul without holding the office of consul itself, though the proconsul was generally one who had held the office of consul, so that the proconsulship was a continuation, though a modified one, of the consulship. The first time that we meet with a consul whose imperium was prolonged after the year of his consulship, is at the commencement of the second Samnite war, at the end of the consular year 327 B.C., when it was thought advisable to prolong the imperium (imperium peragon) of Q. Fabius.¹⁷ The power of a proconsul has been followed by the loss of most of the advantages that had been gained in his campaign.¹⁸ The power of proconsul was conferred by a senatus consultum and plebsconsultum, and was nearly equal to that of a regular consul, for he had the imperium and ju

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Prodigies

(See Cic., De Div. 42—43.)

The term prodigies was first used by the Greeks to denote the appearance of certain natural phenomena believed to be signs of impending misfortune, and happened under such circumstances as to announce that the calamity was impending over the whole community or nation. The word is derived from a verb meaning "to be NULL, void, to have no effect, to be a failure, to be a sacrifice." The word "prodigium" is synonymous with ostentum, monstrum, portentum. "Quia enim ostendunt, portendunt, monstrant, prodicunt; ostentia, portenta, monstra, prodigia dictant." It should be observed, however, that "prodigium" must be derived from ago, and not from deo, as Cicero would have it.

Since prodigies were viewed as direct manifestations of the wrath of heaven, and warnings of coming vengeance, it was believed that this wrath might be appeased, and, consequently, this vengeance averted, by prayers and sacrifices duly offered to the offended gods. This being a matter which deeply concerned the public welfare, the necessary rites were in ancient times regularly performed, under the direction of the pontifices, by the consuls before they left the city, the solemnities being called "proculsia prodigiorum." unlocking these.

Although, from the very nature of the occurrences, it was impossible to anticipate and provide for every contingency, we have reason to know that rules for expiation, applicable to a great variety of cases, were laid down in the Osteria, the Liberi Rituales, and other sacred books of the Etrurians, with the contents of which the Roman priests were well acquainted. The conduct of the priest in the presence of a visible or unprecedented nature, it was usual to seek counsel from some renowned Tuscan seer, from the Sibylline books, or even from the Delphic oracle. The phenomenon was usually frequent, and served as a warning to the public, and a sign of divine disfavor. The phenomenon was usually a warning to the public, and a sign of divine disfavor. The phenomenon was usually a warning to the public, and a sign of divine disfavor.
which, no doubts might be mitigated by decree of the public, as in the case of Miltiades and many other traitors. 1

2. The goods of traitors who suffered death were confiscated, and their houses razed to the ground; nor were they permitted to be buried in the country, but had their bodies cast out in some place on the confines of Attica and Megara. 2 Therefore it was that the bones of The-mistocles, who had been condemned for treason, were brought over and buried secretly by his friends. 3 The posterity of a traitor became átvos, and those of a tyrant were liable to share his fate. 4 Traitors might be proceeded against even after their death, as we have seen done even in modern times. Thus the Athenians resolved to prosecute Phrynichus, who had been most active in setting up the oligarchy of the Four Hundred (του νεκρών κραίμαν προσδοσία), and also to subject his defenders to the punishment of traitors in case of a conviction. This was done. Judgment of treason was passed against Phrynichus. His bones were dug up, and cast out of Attica; his decapation, and those of murderers honoured with the freedom of the city. 5

ΠΡΟΔΟΣΙΑΣ ΓΡΑΜΜΩ (προδοσία γραφή). (Vid. ΠΡΟΔΟΣΙΑ.)

PROEDRIS. (Vid. Boule, p. 168, 170.)

ΠΡΟΕΔΡΟΣΤΑ, ΣΟΙ λαί (προεδροφαί λαί) were sacrifices (cf. according to other writers, the sacrifices offered by the Athenians for the purpose of obtaining a plentiful harvest. According to Suidas, the Athenians performed this sacrifice in Ol. 5, on behalf of all the Greeks; but from all the other accounts it would appear that the Athenians did so at all times, and that the instance mentioned by Proxenos, that of Suidas, who said that the sacrifice was offered by the Athenians for all the Greeks. They are said to have been instituted on the command of some oracle, at a time when all the world was suffering from scarcity or from the plague. 6

ΠΡΟΕΙΣ ΦΗΩΡΑ (προεισφώρα). (Vid. Eiphrop., p. 392.)

ΠΡΟΕΠΙΦΩΡΑΣ ΔΙΚΗ (προεπιφώρας δίκη), an action brought by a member of a symmoria, to recover a rate paid on account of another. The symmoria being so arranged that three hundred of the richest men were selected to form a superior board, responsible to the state in the first instance for the collection of a property tax, the people passed a law prescribing that the members of this board should be reimbursed from the whole tax in advance. These then were entitled to be reimbursed by the remaining nine hundred of the symmoria, and each of them probably had a certain number assigned to him by the strategi for that purpose, against whom he might bring actions for contribution according to their respective assessments. To recover money so advanced was called προεπιφωρας κυριακη. 7 This cause, like others relating to the property tax and the trierarchy, belonged to the jurisdiction of the strategi.

ΠΡΟΕΙΣΤΙΑΣ ΔΙΕΣ. (Vid. Dies, p. 362.)

ΠΡΟΕΙΣΤΙ ΣΙΣ. (Vid. Dies, p. 362.)

ΠΡΟΓΛΩΜΑ (Vid. Marriage, Greek, page 619.)

1. (Xen. Cyrop., vi, 4, 14, 5; vii, 27.—Eurip., Phoeniss., 1033—1042.—Dion. Cor., 159, ed. Stephan.)

2. (Demosth., Pro Cerc., 243—245.)

3. (Demosth., 39, 453.)


PROTRIGIA.

PROTRIGIA (προτριγία), a festival celebrated at Athens in honour of Prometheus. The time at which it was solemnized is not known, but it was one of the five Attic festivals which were held with a torch-race in the Ceramicus (compare LAMPADEPHORIA), for which the gymnasiarch had to supply the youths from the gymnasia. Prometheus was said to have instituted this torch-race, whence he was called the torch-bearer. The torch-race of the Prometheus commenced at the so-called altar of Prometheus in the Academia, or in the Ceramicus, and thence the youths with their torches raced to the city.

PROMISSOR. (Vid. Obligationes, p. 573.)

PROMULGATION. (Vid. Cena, p. 275.)

PRO'NIB.'E, PROSCLE'SIS.

PROSCRIP'TIO. (Vid. MARRIAGE, ROMAN.

PROPRIEG.'UM. (Vid. BATHS, p. 161.)

PROPRI'ER. (Vid. PROVINCIA.)

PROPRI'ETAS. (Vid. DOCTOR.)

PROQUESTOR. (Vid. QUESTOR.)

PRORA. (Vid. SHIPS.)

PROSE'NIUM. (Vid. THEATRE.)

PROSCRIPTIO. (Vid. DICE, p. 268.)

PROSCRIPTIO. This word signifies to exhibit a thing for sale by means of a bill or advertisement: in this sense it occurs in a great many passages. But in the time of Sulla it assumed a very different meaning, for he applied it to a measure of his own invention, namely, to the sale of the property of those who were put to death at his command, and who were themselves called proscript. This measure was adopted on the year 82 B.C. by Sulla, after his return from Preneste, declared before the assembly of the people that he would improve their condition, and punish severely all those who had supported the party of Marius. The people appear tacitly to have conceded to him all the power which he wanted for the execution of his design, for the lex Cornelia de Proscriptione or Proscriptio was sanctioned afterward, when he was made dictator. This law, which was proposed by the interrex L. Valerius Flaccus at the command of Sulla, is sometimes called lex Cornelia and sometimes lex Valeria. Cicero pretended not to know whether he should call it a lex Cornelia or Valeria.

Sulla drew up a list of the persons whom he wished to enslave, and this list was exhibited in the Forum to public inspection. Every person contained in it was an outlaw, who might be killed by any one who met him with impunity, even by his slaves and his nearest relatives. All his property was taken and publicly sold. It may naturally be supposed that such property was sold at a very low price, and was in most cases purchased by the friends and favourites of Sulla; in some instances, only part of the price was paid at which it had been purchased. The property of those who had fallen in the ranks of his enemies was sold in the same manner. Those who killed a proscribed person, or gave notice of his place of concealment, received two talents as a reward; and whoever concealed or gave shelter to a proscribed, was punished with death. But this was not all; the proscription was regarded as a corruption, and, consequently, the sons and grandsons of proscribed persons were forever excluded from all public offices.

After this example of a proscription had once been set, it was readily adopted by those in power during the civil commotions of subsequent years. This was the case during the triumvirate of Antonius, Cassar, and Lepidus (43 B.C.). Their proscription was not less formidable than that of Sulla, for 2000 equites and 900 senators are said to have been proscribed. For the subsequent annals of Sulla, see De Mortibus, p. 308.

PROSECTIO ACTIO. (Vid. Actio, p. 127.)

PROSTIMEMA (προστιμήμα). (Vid. TIMMA.)

PROST'ATES (προστάτης). (Vid. LIBERTUS, GREEK: ΜΕΤΟΙΚΟΙ.)

PROZ'ATHS TOY AXHM'OU (προστάτης τού άχμου), a leader of the people, denoted at Athens and in other democratic states a person who by his eloquence placed himself at the head of the people, and whose opinion had the greatest sway among them; such was Pericles. It appears, however, that προστάτης τού άχμου was also the title of a public officer in some Doric states.

PROTHESIS (προθέσεις). (Vid. FEATUS, p. 486.)

PROTHESIES (προθέσεις). The term limited for bringing actions and prosecutions at Athens. In all systems of jurisprudence some limitation of this kind has been prescribed, for the sake of quelling possession, and affording security against vexatious litigation. The Athenian expression προθέσεις νόμος corresponds to our statute of limitations. The time for commenceing actions to recover debts or compensation for injuries appears to have been limited to five years at Athens. This καλόντων διά τίνα κακόν ἥγηση εἶναι επισταμένα

[omitted]... Inheritance clauses stood on a peculiar footing.

When a house had been adjudged to a party, he was still liable to an action at the suit of a new claimant for the whole period of his life, and his heir for five years afterward. This arose from the anxiety of the Athenians to transmit inheritances in the regular line of succession. (Vid. HEBREWS, GREEK.)

The liability of bail continued only for a year (χρονόν επί τέτων ἕξις) and, of course, no proceeding could be taken against them after the expiration of the year. It is doubtful whether any period was prescribed for bringing criminal prosecutions, at least for offences of the more serious kind, though, of course, there would be an indisposition in the jury to convict if a long time had elapsed since the offence was committed. Certain cases, however, must be excepted. The youth could only be brought within a year after the propounding of the law, and the ξάδωμα against magistrates were limited to a certain period, according to Polux.

Amnesties or pardons, granted by special decrees of the people, scarcely belong to this subject. The term προθέσθαι is applied also to the time which was allowed to a defendant for paying damages, after the expiration of which, if he had not paid them, he was called ἐπεραιμένος, ἐπερημένος, or ἐκπρόθεσθαι. PROTHYRA (πρόθυρα). (Vid. HOUSE, GREEK, p. 514.)

PROTRIGIA (Προτρίγια), a festival celebrated in honour of Dionysus, named Protriges, and of Poseidon. The origin and mode of celebration of

this festival at Tyre are described by Achilles Tau-

r'ius.

PROVINCI.A. The original meaning of this word seems to be “a duty” or “matter intrusted to a person,” as we see in various passages; though some writers, apparently not correctly, consider this sense of “provincia” to be derived from that ordinary acceptance of it which will presently be mentioned. The etymology appears to be uncertain; but, if the usual orthography be correct, it is difficult to assign any other meaning to the word than to “push forward,” to “drive before one,” and in this sense provincia is the commission which a Roman general or praetor is to “drive before him.” But this sense of the word, if it was the original one, became changed in the course of time, or perhaps it received additions to its meaning. Thus, for instance, in the age of Cicero, provincia denoted a part of the Roman dominion beyond Italy which had a regular organization and was under Roman administration. This is soon seen to require the appellation of the separate territory in a certain relation of subordination to Rome. It is clear, however, from Livy, that the word was also used, before the establishment of any provincial governments, to denote a district or enemy's country which was assigned to a general as the field of his operations; a circumstance which confirms the correctness of the primary meaning of the × word.

The Roman state, in its complete development, consisted of two parts with a distinct organization, Italy and the provinciae. There were no provinciae in this sense of the word till the Romans had extended their conquests beyond Italy; and Sicily was the first country that was made a Roman province, as it was the first that the Roman province of Gallia Ulterior in the time of Cesar was sometimes designated simply by the term provincia, a name which has been perpetuated in the modern Provence.

A conquered country received its provincial organization either from the Roman commander, whose seat was “praetorium” to be derived from the seat, or the government was organized by the commander and a body of commissioners appointed by the senate out of their own number. The mode of dealing with a conquered country was not uniform. When constituted a provincia, it did not become to all purposes an integral part of the Roman state; it retained its national existence and privileges. The sovereignty of Sicily was completed by P. Rupilius, with the aid of ten legates, and his constitution is sometimes referred to under the name of leges Rupillic. (Vid. Lex, p. 585.) The island was formed into two districts, with Syracuse for the chief town of the eastern, and Lilybaeum of the western district: the whole island was administered by a governor annually sent from Rome. He was assisted by two questores, and was accompanied by a train of praecones, scribae, haruspices, and other persons, who formed his coheors. The questores received from the Roman aarium the necessary sums for the administration of the island, and they also collected the taxes, except those which were formed by the census. He also presided at the quaestiones de pago, and the other with the governor or praetor at Syracuse. The governor could dismiss the questores from the province if they did not conform to his orders, and could appoint legati to do their duties. The whole island was not treated exactly in the same way. Seventeen conquered towns forfeited their land, which was re-

stored on condition of the payment of the decemvir and the curios. But this restoration must not be understood as meaning that the ownership of the land was restored, for the Roman state became the owner of the land, and the occupiers had at most a possession. These taxes or dues were let to Panormus and Segesta, were libera et immunas, a country with a free constitution, and appeared to the state whether they were free from the burdens to which the federate civitates, as such, were subject by virtue of their fideus with Rome. Before the Roman conquest of Sicily, the island had been subject to a payment of the tenth of wine, oil, and other products, the collecting of which had been determined with great precision by a law or regulation of time. Before the Roman conquest of Sicily, the island had been subject to a payment of the tenth of wine, oil, and other products, the collecting of which had been determined with great precision by a law or regulation of time.
standing this, there remained some important distinctions between Sicily and Italy, as hereafter explained. The chief authority for this account of the provincial organization of Sicily is the Verrine orations of Cicero.

Hispania was formed into two provinces, Ulterior or Tarraconensis, and Ulterior or Baetica. Hispania Ulterior was divided into seven conventus: Carthaginensis, Tarraconensis, Caesarugustanus, Clieniius, Asturum, Lucennis, and Bracarum. The diversity of the condition of the several parts of the province appears from the enumeration of coloniae, oppida civium Romanorum, Latini vetere, and oppida stipendiaria. Hispania Baetica was divided into four jurisdictovs: Gadirianus, Cordovenus, Astigitanus, Hispalensis. The oppida consisted of coloniae, municipia, Latii antiqui donata, which appear to be equivalent to Latini veteres, libera, fæderati, stipendiaria. The provincia of Lusitania was divided into three conventus: Emeritensis, Paeconsis, and Scalobitanus. The classes of oppida enumerated are coloniae, municipia civium Romanorum, oppida Latii antiqui or veteres, stipendiaria. This example will give some idea of the Roman mode of administering a province for judicial purposes. All Hispania received the Latinitas from Vespasian. The province paid a fixed velticial or land-tax in addition to the tributum which was collected by prefects, and in addition to taxes levied for a certain purpose. The praetor had originally the right to purchase a twentieth part at what price he pleased.

This organization was not confined to the Western provinces. In Asia, for instance, there was a Smyrneus conventus which was frequented by a great part of Æolia; the term conventus was applied both to the territorial division made for the administration of the affairs of Æolia and to the chief city or place in quen conveniebant. Ephesus gave name to another conventus. As the conventus was mainly formed for judicial purposes, the term jurisdiction is sometimes used as an equivalent. Thus Pliny speaks of the Sardiana jurisdiction, which is the same as Sardianus conventus. The object of this division is farther elucidated by such phrases as eum disceptant form, and a Tarracense disceptant populi xilii. Strabo remarks that the boundaries of Phrygia, Lydia, Caria, and Mysia were confused, and that the Romans had added to the confusion by not attending to the subsisting national divisions, but making the administrative divisions different (râg disceptant), in which they are the fora (âyagô, M.S.) and the administration of justice. The word âyagô probably represents conventus (as to the reading, see Casaubon's note). The conventus, it appears, were sometimes held (conventus acta) in the winter; but in Caesar's case this might be a matter of convenience. Cicero proposed to do the same in his province.

The expression forum ager is equivalent to eum disceptant. The conventus were attended by the Romans who were resident in the province, among whom were the publicani, and generally by all persons who had any business to settle there. The judges for the decision of suits were chosen from the persons who attended the conventus. Other acts were also done there which were not matters of litigation, but which required certain Romans to be present. The administration by persons under thirty years of age, certain forms were required by the lex Ælia Sentia, and in the provinces it was effectuated on the last day of the conventus; from which it appears that conventus means also the time during which business was transacted at the place in quen conveniebant.

The magistratus upon entering on his duties, published an edict, which was often framed upon the Edictum Urbanum. Cicero, when procurator of Sicily, says that on some matters he framed an edict of his own, and that as to others he referred to the Edicta Urbana. Though the Romans did not formally introduce their law into the provinces, and so much of it as applied to land and the status of persons was inapplicable to provincial land and provincial persons, great changes were gradually introduced by the edicital power, both as to the forms of procedure and all other matters to which the Roman law was applicable, and also by special enactments.

There was one great distinction between Italy and the provinces as to the nature of property in land. Provincial land could not be an object of Quiritarian ownership, and it was accordingly appropriately called possessio. The ownership of provincial land was either in the populace or the Caesar; at least this was the doctrine in the time of Galus. Provincial land could be transferred without the forms required in the case of Italian land, but it was subject to the payment of a land-tax (velticial). Sometimes the jus Italicum was given to certain lands in the provinces, and on others this right was transferred to Italian land for all legal purposes. With the jus Italicum such towns received a free constitution, like that of the towns of Italy, with magistrates, as decemviri, quinquevallia (censors), and ediles, and also a jurisdictio. It was a ground of complaint against Piso that he exercised jurisdictio in a libera civitas. Towns possessing the jus Italicum and Latitium, and other countries associated to Italian land for all legal purposes. With the jus Italicum such towns received a free constitution, like that of the towns of Italy, with magistrates, as decemviri, quinquevallia (censors), and ediles, and also a jurisdictio. It was a ground of complaint against Piso that he exercised jurisdictio in a libera civitas. Towns possessing the jus Italicum and Latitium, and other countries associated to Italian land for all legal purposes. It was not easy to state what was the precise condition of the coloniae Romanae and Latine, which were established in the provinces, and without a governor, the provincial organization having entirely disappeared. In the year B.C. 49, when Caesar crossed the Rubicon on his march towards Rome, it was a province of which he was procurator, a circumstance which gives a distinct meaning to this event. Cicero still calls it Provincia Gallia at the epoch of the battle of Mutina. In the year B.C. 43, the constitution of the Provincia Gallia, was murdered, and from that time we hear of no more procuratorships of this province; and it is a reasonable conjecture that those who then had all the political power were unwilling to allow any person to have the command of an army in a district so near to Rome. The name Italia was, however, applied to this part of Italy before it became an integral portion of the peninsula in the Lex Ælia Sentia; if the name Italicus was to be a provincia. On the determination of the provincial form of government in Gallia Cisalpina, it was necessary to give to this part


of Italy a new organization suited to the change of circumstances, particularly as regarded the admin-
istration of justice, which was effected by the lex
Rubria de Gal·lia Cisalpina. The proconsul of Gal-
·lia Cisalpina had the imperium, but, on his func-
tions ceasing, the jurisdiction was placed in the hands of
the local magistrates who had not the imperium.
These magistrates could give a judex: in some ca-
ses their jurisdiction was unlimited; in others it did
not extend to cases above a certain amount of mon-
ney; they could remit a novi operis nuntiato, require
a cautio in case of damnum infectum and, if it was
not given, they could grant an action in the suit of
the victim. These magistrates were, however, not
able to engage in the battle of Acctium, as enumerated by Siginoni, are, Sicilia, Sardinia
e et Corsica, Hispania Citerior et Ulterior, Gallia Citeri-
or, Gallia Narbonensis et Comata, Ilyricum, Macedonien,
Achaia, Asia, Cilicia, Syria, Bithynia et Pontus, Cyprus, Africa, Cyrene et Creta, Nu-
midia, Mauritania. Those of a subsequent date,
which were either new or incorporated from a subse-
quent division, are, according to Siginoni, Rhetia, Nori-
cum, Pannonia, Messia, Dacia, Britannia, Mauritai-
nia Cæsariensis and Tingitana, Ägyptus, Cappa-
docia, Galatia, Rhodus, Lycia, Commagene, Judaea,
Arabia, Mesopotamia, Armenia, Assyria. The accu-
reacty of this enumeration is not warranted. It will ap-
pear that it does not contain Lusitania, which was
divided into two provinces: the division of Ulteri-
or, the other being Bætica: Lusitania may, how-
ever, not have had a separate governor. Original-
ly the whole of Spain, so far as it was organized,
was divided into the two provinces Citerior and Ul-
terior; the division of Ulterior into Bætica and Lu-
sitania belongs to a later period. Under Augustus,
Gal·lia Cisalpina (on which at a later time provinces
Cæsariensis, Celtica or Lugdunensis, Belgica, and Aquitania.
The Provincia Cæsarii's Commentaries, from
which term the modern name Provence is derived,
appears to have corresponded to the subsequent
province Narbonensis. He had also the province
Gal·lia Cisalpina or Citerior, which, as already ex-
plained, was subdivider incorporated with Italy
as an integral part of it. Cicero speaks of the
two Gallæ as then united in one imperium under
C. Julius Caesar, and he farther distinguishes them
by the names of Citerior and Ulterior.2 The same
expressions are used by Caesar in his Commenta-
ries.
Strabo4 gives the division into provinces (περι-
παραγωγαὶ) as constituted by Augustus. The provinces
of the populus (δήμος) were two consular provinces
(περιπαραγωγαὶ) and ten praetorian provinces (περι-
παραγωγαὶ). The rest of the eparchies, he says, belong to the
Caesar. Lusitania is not enumerated among the eparchies of the populus, and if it was a distinct eparchy, it must have belonged to the Caesar ac-
cording to the principle of the divisions of the prov-
inces, as stated by Strabo. The list of provinces in the
"Demonstratio Provinciarum"5 mentions the province of Asturia et Gallaco Lusitania. Dion
Cassius6 states the division of the provinces by
Augustus as follows: the provinces of Africa, Nu-
midia, Asia, Helias (Achaia) with Epirus, Dalmatia,
Maecenas, and the designated praefectus was in the hands of
Bithynia with the adjacent Pontus, Sardinia, and Bæ-
tica, belonged to the senate and the people (δήμος and pœvovia); Tarraconensis, Lusitania, all Gal-
·lia, Calis-Syria, Phcenicia, Cilicia, Cyprus, and Ägyptu-
s, belonged to Augustus. He afterward took Dalmatia from the senate, and gave to them Cyprus and Gal·lia Narbonensis, and other changes were made subsequently.

At first praetors were appointed as governors ut
provinces;7 or afterward they were appointed to the
government of provinces upon the expiration of
their year of office at Rome, and with the title of
praetores. In the later times of the Republic, the
consuls also, after the expiration of their year of
office, received the government of a province, with
the title of proconsules: such provinces were called
consules. Cicero was proconsul of Cilicia B.C.
55, and his col league in the consulship, C. Antoni-
us, obtained the proconsulship of Macedonia imme-
diately on the expiration of his consular office. The
provinces were generally distributed by lot, but the
distribution was sometimes determined by lot, but not among the persons entitled to. By a Sempri-
nelia lex the proconsular provinces were annually de-
termined before the election of the consuls, the ob-
ject of which was to prevent all disputes. A sena-
tus consultum of the year 55 B.C. provided that no
consul or praetor should have a province till the
expiration of five years from the time of his consul-
ship or pretorship. A province was generally held
for a year, but the time was often prolonged.
When a new governor arrived in his province, his prede-
cessor was required to leave it within thirty days.
The governor of a province had originally to ac-
count to Rome (ad urbem) for his administration from his own books and those of his quaestors; but
Augustus, who 即 the first time he entered Italy, were
bound to deposit two copies of his accounts (ratio-
nes) in the two chief cities of his province, and to
forward one (totidem verbis) to the Åerrarium.1
If the governor misconducted himself in the adminis-
tration of the province, the provincials applied to
the Roman senate, and to the powerful Romans
who had power to set him down in his province, and
peregrinus was the usual grounds of complaint by
the provincials; and if a governor had betrayed the
interests of the state, he was also liable to the
penalties attached to majestas. Questions were
established for inquiries into these offences; yet
it was not always an easy matter to bring a guilty
Aeator to the punishment that he deserved.
With the establishment of the imperial power un-
der Augustus, a considerable change was made in
the administration of the provinces. Augustus took
the charge of these provinces where a large military
force was required; the rest were left to the care
of the senate and the Roman people.2 Accordingly,
Caesar was required to account for the provincial
office to those who were "propraetores Macedoni,
and those which were "propraetores Arnæ." In this
division, with some modifications, continued to the
third century. The senatorial provinces were dis-
tributed among consules and those who had filled
the office of praetor, two provinces being given to
the consuls and the rest to the praetori; these
governors were called proconsules or praefecti,
which latter is the usual term employed by the old
jurists for a provincial governor. The praetors had
the jurisdiction of the praetor urbans and the praetor
peregrinus, and their quaestors had the same jurisdic-
tion that the curule ediles had at Rome.4 The
imperial provinces were governed by legati Caesaris
and legati, who had the same oath and the same
jurisdiction in the Caesar himself, and the legati being his de-
legates and representatives. The legati were selected from those who had been consuls or praetors, or from
the senators. They held their office and their pow-
er at the pleasure of the emperor, and he delegated to
them both military command and jurisdiction, just
as a proconsul in the republican period delegated
these powers to the legati. These legati and these legati had also
legati under them. No quaestors were sent to the

1 (Cic. ad Fam., ii. 17; v. 20.—De Prov. Cons. ii. 15, 16.)
2 (Dell. Galli, l. 7; v. 1, 4.—(xxvii. p. 946, ed. Cassub.)
3 (Mythol. Wert, Bate.)—B. (ili. 18.)
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provinces of the Caesar, and for this reason, observes Gaius, "this edit (hoc edictum) is not published in those provinces, by which he appears, from the context, to mean the edit of the curule ediles. In place of the quattuor, there were procuratores Caesaris, who were either consoles or proconsuls of the Caesar. Egypt was governed by an eques, with the title of prefectus. The procuratores looked after the taxes, paid the troops, and generally were in trusted with the interests of the fiscus. Judea, which was a part of the province of Syria, was governed by a procurator who had the powers of a legatus. It appears that there were also procuratores Caesaris in the senatorial provinces, who collected certain dues that were levied in what was the province of what due to the aerarium. The regular taxes, as in the Republican period, were the poll-tax and land-tax. The taxation was founded on a census of persons and property, which was established by Augustus. The portoria and other dues were levied by the publicani, as in the republican period.

The governors of the senatorial provinces and the legati of the Caesar received their instructions from him, and, in all cases not thus provided for, they had to apply to the Caesar for special directions. The rescripta of the emperors to the provincial governors are numerous. Justice was administered in the provinces according to the laws of the provinces, and such Roman laws as were specially enacted for them, and according to imperial constitutions, senatorial laws, and edicta of the governors. In some instances the provisions of Roman laws were extended to the provinces.1

The organization of the Italian towns under the Empire has been already explained in the article Colonia, and the same observations apply, in general, to the senatus of provincial towns which have been made with respect to the functions of the senates of Italian towns. Even in the provinces, the names senate and senator occur in the sense, respectively, of curia and decuriones. But there was a great distinction between the magistratus of provincial and those of Italian towns. The functions of these personages in the provincial towns were generally munera (burdens), and not honores. (Vid. Honores.) Such honores have reference to rights, real or personal, and probably to others also; but they had nothing corresponding to the duumviri juric dicundo of the Italian towns, that is, no functionary "qui jus dicebat." The only exception were such towns as had received the jus Italicum, the effect of which, as elsewhere explained, appears to have been, in brief, to give to a certain city and district the same character that it would have had if it had been a part of the Italian soil, but only so far as affected the whole district; it did not affect the status of individuals. Freedom from the land-tax, and a free constitution in Italian form, with duumviri J. D., quinquinnales, aediles, and juridici, were essential ingredients of this jus Italicum. Sicily received the civitas from the death of Julius Caesar, and from the occurrence of the mention of duumviri in the inscriptions of a Sicilian town, Savigny draws the probable inference that the Sicilian towns received the jus Italicum also; at least, if in any case we can show that any provincial city had duumviri, we may conclude that such city had the jus Italicum, and, consequently, magistratus with juridicius. The regular juridicius in all the provinces was vested in the governor, who exercised it personally and by his legati; with reference to his circuits in the provincia, the governor, in the later ages of the Empire, was called judex ordinarius, and sometimes simply judex. The towns which had the jus Italicum were, as already observed, ed, not under his immediate jurisdicatio, though a right of appeal to the governor from the judgment of the duumviri must be considered as always existing. The provincial towns had the management of their own revenue; and some of the principal towns could coin money. It does not appear that the religion of the provincial was ever interfered with, nor had it been put under any restraint in the republican period.

The constitution of Caracalla, which gave the civitas to all the provinces and towns of the Empire, merely affected the personal status of the people. The land remained provincial land when the jus Italicum had not been communicated to it, and the same道理 had not received the jus Italicum, and were immediately under the jurisdicatio of the governors. This constitution, however, must have made considerable changes in the condition of the provincials; for, when they all became Roman citizens, the Roman incidents of marriage, such as the patri potestas, and the Roman law of succession in case of intestacy, would seem to be inseparable consequences of this change, at least so far as the want of the jus Italicum did not render it inapplicable.

The constitution of the provincial towns was materially affected by the establishment of defensores, whose complete title is "Defensores Civitatis Plebis Loctis." Until about the time of Constantine, so far as the Pandect shows, defensor was the title of persons who were merely employed in certain municipalities. In the year A.D. 365, the defensores appear as regularly established functionaries. They were elected by the decuriones and all the city; but, unlike the magistratus, they could not be elected out of the body of decuriones. The office was originally for five years, but after the time of Justinian only for two years. The principal business of the defensor was to protect his town against the oppression of the governor.2 He had a limited jurisdiction in civil matters, which Justinian extended from matters of the amount of 60 solidi to matters of the amount of 300 solidi. There was an appeal from him to the governor.3 He could not impose a multa, but he could appoint a tutor. In criminal matters, he had only jurisdiction in some of the less important cases.

The towns both in the Italic and provincial towns, seems to have been generally one hundred; and this was the number in Capua.4 But the number was not in all places the same. Besides the actual members, the album decurionum comprised others who were merely honorary members. The album of the town of Canusium, of the year A.D. 233, which has been preserved, consists of 148 members, of whom 90 were patricii, Roman senatores, and 2 were patruini, Roman equites; the remainder were 7 quinquennalia, a term which is easily explained by referring to the meaning of the term quinquennalia (vid. Colonia, p. 283), 4 allociti inter quinquennales, 23 duumvirales, 19 edilicii, 21 pedani, 34 pretestt. The distinction between pedani and pretestt Saviugi professes himself unable to explain. In many towns, the first persons in the list of actual senators were distinguished from the rest, and generally the first ten, as decremprimi, of which there is an example in Livy; and in the case of America, and of Centuripe in Sicily.

It has been previously shown, that at the time when the Roman republic had attained its complete development, Italy and the provinciae were the two great separable parts of the Empire; and one great boundary which was that, in this

1. (Gaius, i., 47.—Ulp., Frug, xi., 20.)
2. (Cod., i., tit. 55, "De Defensoribus.")—2. (Cod., i., tit. 55, n. 4.)—3. (Nov., 15, c. 5. to 4. (Cic. in Roll. ill., 35.—5. (Cic. in Roll. ill., 35.)—6. (Cic. Pro Rom. Amer., c. 9. lib. 6. in Verr., ii., 67.)
Italia the towns had magistratus withjurisdiction; but in the provinces, except in places which had received the jus Italicum, the governor alone had jurisdiction. But with the growth and development of the imperial power, the civil power was pushed into the administration of all parts of the Empire, and ultimately Italy itself was under a provincial form of government. (Vid. COLONIA.) As above shown, the relation of the governor to the provinces was not the same when a city had magistrates and when it had not; and, consequently, it was in this respect extremely the case with imporTant coloniae.

The constitution of Constantine was based on a complete separation of the civil and military power, which were essentially united in the old system of provincial government: Justinian, however, ultimately reunited the civil and military power in the same person. The governor, who had civil power, was called rector, judex, judex ordinarius; and of these governors there were three classes, consultares, correctores, praesides, among whom the only distinction was in the extent and rank of their government. In the writings of the older jurists, which are excerpted in the Pandect, the præses is a general name for a provincial governor. The military power was given to duces, who were under the general direction of a provincial magister militum. Some of these duces were called comites, which was originally a title of rank given to various functionaries, and among them to the duces: and when the title of comes was regularly given to certain duces, who had important commands, the same dux was dropped, and comes became a title. This was more particularly the case with important bodies on the frontier. The comes was mentioned in imperial constitutions before the dux, whence we infer his higher rank.

It remains to add a few remarks on the exercise of the jurisdiction, so far as they have not been anticipated in speaking of the functionaries themselves. In Italy, and in the towns which had the privileges of Italian towns, all matters, as a general rule, came before the magistratus in the first instance; but in certain excepted matters, and in cases where the amount in question was above a certain sum (the precise amount of which is not known), the matter came before the governor of the province in the first instance, and then before the emperor. Until the middle of the fourth century A.D., all matters in the provincial towns which had not magistrates came before the governor in the first instance; but about this time the defender acquired a power like that of the magistrates of the privileged towns, though more limited. The old form of proceeding in civil matters has been explained elsewhere (vid. Joux): the magistrates empowered the judge to make a condemnation; and this institution was the ordo judiciorum privatum. That which the magistrates did without the aid of a judex was extra ordinem. (Vid. INTRUDUX.) The same institution prevailed in these towns which had a magistratus, for it was of the essence of a magistratus of one of the classes to perform the functions of a governor; and as the governors, it gradually became common for the magistratus to decide various cases without the aid of a judex, and these are the extraordinary cognitions spoken of in the Digest. In the reign of Dioscorus, the ordo judiciorum, as a general rule, was abolished in the provinces, and the pedanei judices (hoe est gubernatio humanae disciplet) were only appointed by the præses when he was very much occupied with business, or for some trifling matters (vid. Joux, PROVINCIA.

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Italia the towns had magistratus withjurisdiction; but in the provinces, except in places which had received

1 (Descrip. 6, tit. 15.)—2. (Cod. Theod., vii., tit. 1, e. 9.)—3. (Cod. Theod., vii., tit. 5, e. 11; "Ad magistre militum, et co-


(Dig. 1, tit. 22.)

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1. (Cod., iii., tit. 9, e. 2.)—9. (Inst., iv., tit. 15, e. 8.)—9

(Dig. 1, tit. 22.)

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PSEPHOS.


*PSEPHOS (ψεφός), a name, according to Galen, to the Wild Plum.1

PROVOSTI. (Vis. Appellatio. Roman.)

PROVOCATORES. (Vis. Gladiatores, p. 476.)

PROXENIA (προξενία), PROXENOS (πρόξενος).

Vid. Hosiprutum.)

PRUDENTER. (Vis. Jurisconsulti.)

PRUNUS, the Plum, called in Greek κοκυλία.

(Vid. CoCCYMELA.) It is the fruit of the Prunus domestica, L.

*PRUNUS (κοκυλία), the Plum-tree, or Pru- nus domestica, L. (Vis. CoCCYMELA.) Theophras- tus and Dioscorides designate the Plum-tree by the name of κοκυλία. It is also called by Theophras- tus προξενία. Galen styles it προξενία. The compound term κοκυλία, however (meaning the tree that bears for fruit little balls or pilules), is the most classical form of expression. The term προξενία, whence comes the Latin pruna, seems to be a bar- barian word Greecised. The Plum-tree is originally from the mountains in the vicinity of Damascans.2

PRYTHEMION (Πρυτανείον). The Prytaneion of the ancient Greek states and cities were to the communities living around them, the common houses of which the Prytaneion is the measure represented, what private houses were to the families which occupied them. Just as the house of each family was its home, so was the Prytaneion of every state or city the common home of its members or inhabitants, and was consequently called the ιύτων πόλεως, the ‘focus’ or ‘penetrata urban.’1 This correspond- ence between the Prytaneion, or home of the city, and the private house, or a man’s family, was at Athens very remarkable. A perpetual fire, or πυρίτον, was kept continually burning on the public altar of the city in the Prytaneion, just as in private houses a fire was kept up on the domestic altar in the inner court of the house.4

The same custom was observed at the Prytaneion of the Eleusins, where a fire was kept burning night and day.5 Moreover, the city of Athens exercised in its Prytaneion the duties of hospitality, both to its own citizens and strangers. Thus foreign ambas- sassadors were entertained here, as well as Athenian envoys on their return home from a successful or well-conducted mission.6 Here, too, were en- tertained from day to day? the successive prytanes, or presidents of the senate, together with those citizen- es of whom the whole or some part of the annual mag- nificent public ceremonial, that is, those who were connected with the Prytaneion, were also entertained.7 For the Prytaneion was held in high esteem by the Athenians and became almost a sort of state church, which also they held in great veneration and honor.8

Another illustration of the uses to which the Prytaneion were dedicated is found in the case of the daughters of Aristides, who, on the death of their father, were considered as the adopted children of the state, and married from (κοκυλία) that common home of the city, just as they would have been from their father’s home had he lived. Moreover from the ever-burn- ing fire of the Prytaneion, or home of a mother state, was carried the sacred fire which was to be kept burning in the Prytaneia of her colonies; and if it happened that this was ever extinguished, the flame was rekindled from the Prytaneion of the pa- rence city.8 Lastly, a Prytaneion was also a distin- guishing mark of an independent state, and is men- tioned as such by Thucydides,9 who informs us that before the time of Theseus every city or state (πό- λις) of Attica possessed a Prytaneion. The Athenians, as we are told, called their Prytaneion λόγον (from λόγος, populus), or the “town-hall,” and exclusion

The Prytaneion of Athens lay under the Acro- polis, on its northern side (near the θυσίας), and was, as its name denotes, originally the place of assembly of the πρυτανεία; in the earliest times it probably stood on the Acropolis. Officers called πρυτανεῖς were intrusted with the chief magistracy in sev- eral states of Greece, as Corcyra, Corinth, Miletus,10 and the title is sometimes synonymous with βασιλεύς, or princes, having apparently the same root as πρυτανεία and προτάστος. At Athens they were in early times called Prytaneis, but later Prytaneions. The Prytaneion was the court of the Prytaneion, or the πυρίτον, which, it is said11 to have been presided over by the ψηφιδία- είς, who, perhaps, were the same as the πρυτανεῖς.11

In later ages, however, and after the establish- ment of the courts of the helma, the court of the Prytaneion had lost what is supposed to have been its original importance, and was made one of the courts of the epheta, who held there a species of mock trial over the instruments by which any individual had lost his life, as well as over persons who had committed murder, and were not forthcoming or detected.

The tablets or άρκονεια, εἰκονεία kūρῆς, on which Solon’s laws were written,12 were also deposited in the Prytaneion; they were at first kept on the Acropolis, probably in the old Prytaneion, but after- wards were transferred to the Prytaneion itself, and were supposed to be open to public inspection.13 Ephi- ates is said to have been the author of this measure,14 but their removal may have been merely the conse- quence of the erection of a new Prytaneion on the lower site in the time of Pericles.15

PRYTHEMION. (Vis. Prytheomion, Boule, p. 168.)

*PSAR (ψαρ), the Starling, or Sturnus vulgaris. Starlings are gregarious, and hence mention is made by Homer of “a cloud of starlings.”16

*PSEN (ψηφί), the insect on the fig-tree which performs the work of caprification. It is the Cynipta Phoeae of modern naturalists.17

PSEPHISMOS (ψῆφισμα). (Vid. Boule, p. 169; Nomostate, p. 664.)

PSEPHOS (ψῆφος). The Athenian diets, in giving their verdict, voted by ballot. For this pur-
pose they used either seashells, *χορίνα,1* or beans (since the *δῆμος* is called *κοινοτρίχος* by Aristophanes2), or balls of metal (*σπόνδυλος*), or stone (*ψυχρός*). These last were the most common; hence *ψυχρίζω* and its various derivatives are used so often to signify *determining*, etc. The balls were either of the same kind (*σείσια*), whole (*κυάς*), the former for condemnation, the latter for acquittal,3 or they were black and white, for the same purposes respectively, as the following lines show.4

"...Mos erat antiqvis nivei aristique lapillus, / His damnare reus, illis absolvire culpa."5

There might be three methods of voting. First, the secret method, called κρόβδον *ψυχρίζων*, where each dicast had two balls given him (say a black and a white); two boxes (*κάποιος, καθίκου, or υφεροί*) were prepared, one box, called the judgment-box (*κύάς*), into which the dicast put the ball by which he gave his vote, and the other of wood, called *δαίμον*, into which he put the other ball, and the only object of which was to enable him to conceal his vote. Each box had a neck or funnel (*κυώσις, i.e., *ἐπίθεμα μίας ψυχράς κέιρας*), into which a man could put his hand, but only one ball could pass through it. In this part of the game, there might be only one box, in which the dicast put one of the two balls he pleaded, and returned the other to the officer of the court. Thirdly, there might be two boxes, one for condemnation, the other for acquittal, and only one ball.6 This first method was most commonly practised at Athens. Where, however, there were severe penalties before the court, as in inheritance causes, to one of whom an estate or other thing was to be adjudged, it was customary to have as many balloting-boxes as there were parties, or, at least, parties in distinct interests; and the dicast put the white or whole ball into the box of the person in whose favour he decided. (Vid. Her. 205. 39.)

The same system of balloting was employed when the dictasts voted on the question of damages. Hence the verdict on the question, guilty or not guilty, or for the plaintiff or defendant (to distinguish it from the other), is called πράγμα ψυχρός.7 A curious custom was in vogue in the time of Aristophanes. Each dicast had a waxen tablet, on which, if the heavier penalty was awarded, as in inheritance causes, to one of whom an estate or other thing was to be adjudged, it was customary to have as many balloting-boxes as there were parties, or, at least, parties in distinct interests; and the dicast put the white or whole ball into the box of the person in whose favour he decided. (Vid. Her. 205. 39.)

When two or more persons were before the court, in such a case, he who offered the better alternative, was to have the advantage of his adversary. (As to this point, see Meier, Att. Proc. 181.) The tablet is called by Aristophanes πίνακας τιμήτων. In the expression τιμή τον μακρον, we understand γραμματίον τιμήτων.

In the popular assemblies, the common method of voting was by show of hands. (Vid. Cheliotontia.) There were some occasions, however, when the ballot was employed, as when it was deemed important that the voting should be secret, or that the numbers should be accurately counted. Thus, to pass a law of naturalization of a foreigner, or for the release of a state debtor, the voting was done by a show of hands. The voting was also done by a show of hands under cases, in which case, a different allusion. The presiding magistrate or officer, who called on the people to give their votes, was said ἄπεφεσεν, ψυχρόν ἢ δαίμονα, though the last expression is also used in the sense of voting in favour of a person. *Ψυχρίζω*, to vote, to resolve, ἀντοψγρίζω, to acquit, and other derivations from ψυχρός, are often used metaphorically, where the word ψυχρός, though used in a more positive sense than 柴Ye, is, at such times, a mere metaphor, Χιρωνοενεν, however, is not used, like ψυχρίζων, with the accusative of the thing voted. As to this, see Schömann, De Com., 123.

*PSEHTTA* (ψηφτή), a species of fish, mentioned by Aristotle, Ἐλίαν, Ὀππίαν, and others. According to Adams, it would seem to have been the *Pleuronectes platessa*, or *Platessa bosc*.

The ψηφτή of Athenæus, on the other hand, is referred by Artedi and the writer on Ichthyology in the Encyclopedic Methodique, to the *Pleuronectes Plataessa*, or Plaice. The name is often written ψιττά.*

*ΥΣΥΛΩΡΤΙΟΣ ΟΙΟΛΙΤΗ ΣΟΙΩ (ψυχωρογραφος ψαράς)* is a law of the Athenians that the natural debtor at Athens was entered in a register by the praecones, whose duty it was to collect the debts, and erase the name of the party when he had paid it. The entry was usually made upon a return by some magistrate, to whom the incurring of the debt became officially known; as, for instance, on a return by which the natural person had become a lessee of public lands or farmer of taxes, as in the case of the latter of Cnidian, or on such terms. In case the authorities neglected to make the proper return, any individual might, on his own responsibility, give information to the registering officers of the existence of the debt; and thereupon the officers, if they thought proper, might make an entry accordingly, though it would probably be that the party would make the entry himself, if possible. If they made a false entry, either wilfully, or upon the suggestion of another person, the aggrieved party might institute a prosecution against them, or against the person upon whose suggestion it was made. Such prosecution was called γραφή ψυχωρογραφίας. It would lie, also, where a man was registered a debtor who was really due from him. And the reader must understand the like remedy to be open to one who was falsely recorded as a debtor by the ραγίς τον ἔχων. Whether this form of proceeding could be adopted against magistrates for making a false return, or whether the remo-
The defendant was convicted, the name of the complainant was struck off the register, and that of the defendant was entered in his stead, as debtor for the same amount. The officer blundered was similar to this, only it lay in those cases where a man who had been a state debtor had paid all that was due, but his name was not erased, or, having been erased, was re-entered. We may presume that fraudulent or malicious motives were necessary to be proved on such a charge; but it is reasonable, also, to suppose, that in any case of gross negligence, fraud or malice might (as matter of course) be presumed by the dicasts.

1. *EUGYNEIS MARAGIDES (ψευδοψευδογογος), the Bastard Emerald. “By bastard gerns,” says Adams, “the ancients meant crystals, tinged of the colours of the precious stones by the admixture of metallic particles.”

2. *PSYKTOBONIUM (ψευδοδομανιον), a plant, which Dodoneus, Matthiolus, and Bauhin held to be the Barbaroas, or Winter Cress; but Sprengel follows Lobelius in referring it to the Pimpinella tenuis.

3. *PSUEDICTAMNIIUM (ψευδοεικανιαν), a plant, which Stackhouse sets down for the Origanum Egyptians; but Sprengel adopts the opinion of Dodoneus, who makes it the Matthiwm Pseudo Digitamnii.

4. *EUXODAKHTEIS TARAHX (ψευδοκαθητης ψαρος), a prosecution against one who had appeared as a witness (κλητος or κλητωρ) to prove that a defendant had been duly summoned, and thereby enabled the plaintiff to get a judgment by default. To prevent fraud, the Athenian law directed that the names of the witnesses who attended the summons should be signed or sealed, or of plaint or indictment (εκλεκται), so that the defendant, if he never had been summoned, and judgment had nevertheless been given against him by default, might know against whom to proceed. The false witness (κλητος) was liable to be criminally prosecuted, and punished at the discretion of the court. Even death might be inflicted in a case of gross hypocrisy. A person three times convicted of the offence was, in the case of other false testimony, ειρου jure disfranchised; and even for the first offence the jury might, if they pleased, by a πρωτημοριος, inflict the penalty of disfranchisement upon him. Here we may observe this distinction, that the proceeding against the false witness to a summons was of a criminal nature, while the witness in the case (μουταρη) was liable only to a civil action. The cause might be that the former offence was more likely to do mischief. The magistrate before whom the defendant neglected to appear, when, by the evidence of the witness, it was shown that he had been duly summoned, had no discretion but to pronounce judgment against him; whereas to the dicasts, to whom the witness gave false evidence, it was at their discretion how and when to bring his verdict according to the truth. If the fraud was owing to a conspiracy between the plaintiff and the witness, it is probable that an action at the suit of the defendant would lie against the former, to recover compensation; for, though the conviction of the witness would lead to a reversal of the judgment, still he (the defendant) might have suffered damage in the mean time, which the setting aside of the judgment would not repair. Such action (it has been conjectured) might be a δεικτον φωνασιος or, perhaps, παρακατηγος. If the name of the witness had been fraudulently used by the plaintiff, and the witness had thereby been brought into trouble, we may conclude, by analogy to the case of other witnesses, that he had a δεικτον βιδος against the plaintiff.

5. The γραιφοδοκληται came before the thessalothete, and the question at the trial simply was, whether the defendant in the former cause had been summoned or not.

6. The Parrot. “If it be true,” remarks Adams, “as stated by Dodoneus, that the Parrot is a native of the extremities of Syria, the Greeks may have been acquainted with it before the invasion of India by Alexander. It is first mentioned by Aristotle, unless Ctesias have a prior claim, who speaks of the βασσας, the species of parrot with which the ancients are said to have been acquainted. The head and neck of the parrot described by Ctesias is adorned with the green parrot with a red collar, namely, the Psittacus Alexandri of modern naturalists.”

7. “The ancients,” says Pidgeon, “were acquainted with several kinds of Parrot among which the most celebrated was that sent from India to Alexander in the course of his expedition into that country. When he was about to depart for home, he had written on a group of Psittacids known to the ancients, and has treated this subject with his accustomed elegance of style, metaphysica, discrimination, and classical research, tells us that the ancient writers are unanimous in informing us that the parrots known to their times came exclusively from India. In that country these birds were ever held in the highest estimation. We are informed by Elias that they were the favourite inmates of the palaces of princes, and were looked up to as objects of sacred reverence by the religious feelings of the people. From this quarter they were introduced into Europe at the time of the Macedonian conquest, and the specific name of Alexandrii, applied by modern science to the type of the group, in honour of the first European discoverer, serves to perpetuate the name of a warrior, who, by some, valued the conquests that extended the boundaries of his empire chiefly as they served to extend the boundaries of science. It was not until the time of Nero that the parrots of Africa became known to the Romans. Some of these birds were among the discoveries made in the course of an expedition sent out by that prince. They came apparently from the interior of Africa, and it is probable that, as the country became more known, numbers of the same race were imported from it into Rome, and formed the chief part of those victims of the parrot tribe which in after times are said to have supplied the inordinate luxury and wantonness of Heliogabalus.”

8. *PSYTHEROS (ψυτραος), dim. ψυτραωδος, a Wine-caster.

9. Respecting the general use of ice and...
are preserved in Plutarch. The procession went to a temple of Apollo, and the olive-branch was planted at its entrance. According to others, every Athenian planted, on the day of the Pyanepsia, such an olive-branch before his own house, where it was left standing till the next celebration of the festival, when it was exchanged for a fresh one.

**PUBLICANI. (Vid. CURATOR, IMPER. IMPENS.).

**PUBLICANI, farmers of the public revenues of the Roman state (sestertii). Their name is derived from publicum, which signifies all that belongs to the state, and is sometimes used by Roman writers as synonymous with vectigal. The revenues which formed them were the national income, consisting chiefly of tolls, tithes, harbour-dues, the salt-tax, or the tax which was paid for the use of the public pasture-lands, and the duties paid for the use of mines and saltworks (salinae), were let out, or, as the Romans expressed it, were sold by the censors in Rome itself to the highest bidder. This sale generally took place in the month of Quintilis, and was made for the three years in advance. The lots which were let were fixed by the censors in the so-called lagen censorship.

The people or the senate, however, sometimes modified the terms fixed by the censors in order to raise the credit of the publicani, and in some cases even the tribunes of the people interfered in this branch of the administration. The titles of publicani were hereditary, and we have the exception of those of wine, oil, and garden produce, were not sold at Rome, but in the districts of Sicily itself, according to a practice established by Hicor. The persons who undertook the farming of the public revenue of course belonged to the wealthiest Romans. Their wealth and consequent influence may sometimes have been considerable, as is shown by the fact that during the Punic war, after the battle of Carthage, when the Carthage was entirely exhausted, the publicani advanced large sums of money to the state on condition of repayment after the end of the war. But what class of Romans the publicani were at this time is not stated; scarcely half a century later, however, we find that they were principally men of the equestrian order, and down to the end of the Republic, as well as during the early part of the Empire, the farming of the public revenues was almost exclusively in the hands of the equites, whereas the words equitani and publicani are sometimes used as synonymous.

The publicani had to give security to the state for the sums which they bought, or for more branches of the revenue in a province; but since they knew that the property of even the wealthiest individual must have been inadequate, a number of equites generally united together and formed a company (socii, societas, or corpus), which was recognised by the state, and by which they were enabled to carry on their undertakings upon a large scale. Such companies employed in a partnership system, the Romans enjoying shares which each partner of such a company took in the business were called partners, and if they were small, particular. The responsible person in each such company, and the one who contracted with the state, was called mancipes (vid. MANCIPES); but
there was also a magistrate to manage the business of each society, who resided at Rome, and kept an extensive correspondence with the agents in the provinces. He seems to have held his office only for one year; his representative in the provinces was called sub magistro, who had to travel about and superintend the actual business of collecting the revenues. The ἀρχιτελῶν in St Luke is probably such a sub magistro. The magister at Rome had also to keep the accounts which were sent in to him (tabula accepti et expenst). The credit of these companies of publicani and the flourishing state of their finances were of the utmost importance to the state, and, in fact, its very foundation; and of this the Romans were well aware, and Cicero therefore calls them the "στοματίου ειρήνας et firmamentum rei publicae." It has been already mentioned that the publicani, in case of need, acted as a kind of public bank, and advanced large sums of money to the state, which therefore thought them worthy of its especial protection. But they abused their power at an early period, in the provinces as well as at Rome itself; and Livy says "ubi publicani est, ibi aut jus publicum vanum, aut libertas socius nulla." Nobody but a Roman citizen was allowed to become a member of a company of publicani; freedmen and slaves were excluded. No Roman magistrate, however, or governor of a province, was allowed to take any share whatever in a company of publicani, a regulation which was chiefly intended as a protection against the oppression of the provincials. During the later period of the Empire various changes were introduced in the farming of the public revenues. Although it was, on the whole, a rule that no person should be compelled to take any share in a company of publicani, yet such cases sometimes occurred. From the time of Constantine, however, the publicani remained in office for periods of longer than for three years. Several parts of the revenue which had before been let to publicani, were now raised by especial officers appointed by the emperors.

All the persons hitherto mentioned as members of these companies, whether they held any office in such a company or not, and merely contributed their share in the raising of the public revenues, or not themselves take any part in the actual levying or collecting of the taxes in the provinces. This part of the business was performed by an inferior class of men, who were said operas publicanias dare, or esse in operis societatis. They were engaged by the publicani, and consisted of freemen as well as slaves, Romans as well as provincials. This body of men is called familia publicanorum, and comprehended, according to the pretor's edict, all persons who assisted the publicani in collecting the vectival. Various laws were enacted in the course of time, which were partly intended to support the servants of the publicani in the performance of their duty, and partly to prevent them from acts of oppression.

The separate branches of the public revenue in the provinces (decuma, portio, scriptura, and the revenues from the mines and saltworks) were mostly leased to separate companies of publicani, whence they were distinguished by names derived from that particular branch which they had taken in farm; e. g., decumani, pecurari or scripturari, salini or mancipies salinarum, &c. (Compare De cive, Portiorum, Salinarum, Scripturarum.) On some occasions, on the other hand, one company was employed to farm two or more branches at once; thus we have instance of a societas farming the portorium and the scriptura at the same time. The commentator, who goes by the name of Asconius, asserts that the portorites were publicani who farmed the portorium; but from all the passages where they are mentioned in ancient writers, it is beyond all doubt that the portorites were not publicani properly so called, but only those servants engaged in examining the goods imported or exported, and levying the custom-duites upon them. They belonged to the same class as the publicani of the New Testament. Respecting the impudent way in which these inferior officers sometimes behaved towards travellers and merchants, see Plaut., Menenck., 1, 2, 5, &c.—Cic. ad Quint. Fr., 1, 1.—Plut. De Curiosis, p. 58, c. 6.

PUBLICIANA IN REM ACTIO was given to him who obtained possession of a thing ex justa causa, and had lost the possession before he had acquired the ownership by usucaption. This was a pretorian action, so called from a pretor Publicius and the fiction by which the possessor was enabled to sue was that he had obtained the ownership by usucaption. This action was an incident to every kind of possession. Accrue, possession was not Julius (the thirty years' excepted). In the old Roman law this action resembled the vindicatio, and in the newer Roman law it was still more closely assimilated to it, and consequently, in this actio, mere possession was not the only thing considered, but the matter was likened to the case where ownership and possession were acquired at the same time by occupatio or tradition. Accordingly, possession or the possessor's acts in full usufruct of usucaption may be viewed in two ways, viewed with respect to the ownership of which it is the foundation, it is a subject of jurisprudence as bare possession; viewed with reference to the Publician actio, which is incident to it, it is viewed as ownership. The owner of a thing might also avail himself of this action if he had any difficulty in proving his right.

This action was introduced for the protection of those who had a civilis possession, but that only, and, consequently, could not recover a thing by the rei vindicatio, an action which a man could only have when he had the Quiritanian ownership of a thing. According to the definition, a man could have this actio, 63, 30, 29; a thing which he had in bonis, and for a thing of which he had a civilis possession without having it in bonis; and his action was good even against the Quiritanian owner; for if such owner pleaded his ownership, the plaintiff might reply that the thing had been sold and delivered, and therefore was his in bonis. The Publician actio of the plaintiff, who had a civilis possession without having the thing in bonis, was not good against the owner, who had the right of a civilis possession in fact, without having it in bonis; and his action was good against another who had a civilis possession, for that possession was as good as his own. His action was good against a possessor who had not a civilis possession. In this action the plaintiff had to prove that he possessed civiliter before the time when he lost the possession. (Vid. Possessor.)

The object of the actio was the recovery of the thing and all that belonged to it. In the legislation of Justinian, the distinction between res inani
and nec manicpi was abolished, and ownership could in all cases be transferred by gift. The Publiciana actio, therefore, became useless for any other purpose than a case of house feudis posessio, and this seems to explain why the words "non a domino" appear in the edict as cited in the Digest, while they do not appear in Gaius. 2

The Publiciana actio applied also to servitutes, the right to which had not been transferred by mancipatio or in jure cessio, but which had been enjoyed with the consent of the owner of the land. As the legislation of Justinian rendered the old forms of trial that in the case of servitutes the Publiciana actio could then only apply to a case of possession.

PUBLICUM. (Vid. Publicani.)

PUBLICUM, PRIVATUM JUS. (Vid. Jus, p. 561.)

PUBLICUS AGER. (Vid. Agrariae Leges.)

PUBLILLAE LEX. In the consilium of L. Pinnarius and P. Furius, B.C. 472, the tribune Pubилиus Volesius proposed in the comitia to transfer the right of the tribes that the tribunes should in future be appointed in the comitia of the tribes (ut plebis magistrius tribunis comitis servent) instead of by the centuries, as had formerly been the case, since the clients of the patricians were so numerous in the centuries that the plebeians could not elect whom they wished. This motion was opposed by the boxers with whom the patricians who prevented the tribes from coming to any resolution respecting it throughout this year; but in the following year, B.C. 471, Pubилиus was re-elected tribune, and together with him C. Lactorinus, a man of still greater resolution than Pubилиus. Fresh measures were added to the former proposition: the ediles were to choose the tribunes by lot, and the decemvirs, as the publicans, and the tribes were to be competent to deliberate and determine on all matters affecting the whole nation, and not such only as might concern the plebs. 3 This proposition was still more violently resisted by the patricians than the one of the previous year; and, although the consul Appius used force, the tribes could not be prevented from passing the proposal they laid before the senate to receive the assent of that body; and, through the advice of the other consul, T. Quinctius, it received the sanction of the senate, and afterward of the curiae, and thus obtained the force of a law. Some said that the number of tribunes was now for the first time raised to five, having been only two previously.

PUBLILLAE LEGES, proposed by the dictator Q. Pubилиus Philo, B.C. 339. Niebuhr 4 thinks that the main object of these laws was to abolish the power of the patrician assembly of the curiae, and that they were carried with the approbation of the senate, which was opposed to the narrow-mindedness of the great body of the patricians. Great opposition was made, however, to have been expected; and, accordingly, the consuls Ti. Æmilius named his own colleague, Q. Pubилиus Philo, dictator, in order that the reforms might be carried with the authority of the highest magistracy in the state.

According to Livy, there were three Publiciana acts. The first is said to have enacted that plebeians should be allowed to plebisce (when thoseiores tenentes), which is to the same purport as lex Hortensia of B.C. 286. (Vid. Plebiscei.)

Niebuhr, however, thinks that the object of this law was to render the approval of the senate a sufficient confirmation of a plebisceum, and to make the confirmation of the curiae unnecessary. The second

1. (1, tit. 3, 1.—8., liv., 20, 1.—3., Dig. 6, tit. 2.—1.—1., 20, 1.—3., Dig. 6, tit. 2.—1.—1., 20, 1.—3.)—Savigny, Das Recht der Besitzungen.—4., Liv., 56.)
2. (Diurn., ix, 43.—Zonara, vii, 17, 6.—Liv., ii, 58.—Niebuhr, Hist. of Rome, ii, p. 211, &c.)—7. (Kossache Grosso, vii, p. 167.—173, 5.—viii, 1, 12.)

1. (Compare Arnold, Hist. of Rome, ii, p. 154, &c.)—2. (Paus., v, 8, 4.—Theocritus, xxiv, 113.—Apololod., iii, 6, 4.—Paus., v, 8, 3, 3.—Nem., viii, 69.—Hom., ii, xxiv, 69.—Vil. Ant., 3, 2, 2, &c., &c.)
2. (Paus., v, 8, 3, 3.—7. (Paus., vi, 4, 5, 6, 9.—Hom., ii, xxiv, 500.—Verg., Æn. v, 421.—Plut., Quo. 7.—Ohi Chrysost., Melanes, 8, ort. 29, 29, 22.)
3. (C. Chrysost., Serm., vii, 1.—Plut., Sympos., i, 5.—Compare Paus., vi, 12, 3, 3.)

And the law enacted: "ut legem qua comitibus centuriarum ferreterentur ante initionem patris auctoritatem.

By patres Livy here means the curiae; and, accordingly, this law made the confirmation of the curiae a mere formality in reference to all laws submitted to the comitia centuriata, since every law proposed by the senate to the centuries was to be considered to have the sanction of the curiae also. The third law enacted that one of the two censores should necessarily be a plebeian. Niebuhr supposes that there was also a fourth, which applied the Lictorian law to the praetorship as well as to the centuries, and provided that new censors should be elected each alternate year the praetor should be a plebeian.

PUGILATUS (παλιντα, πυγμη, πυγμαχον, πυγμασον.) Boxing. The fist (pugmus, πυγμαθος) being the simplest and most natural weapon, it may be taken for granted that boxing was one of the earliest athletic games among the Greeks. Hence gods and several of the earliest heroes are described either as victors in boxing or as heroes who received for boxing the Olympic games in Ol. 32, and for boys in Ol. 37. Contests in boxing for boys are also mentioned in the Nemean and Isthmian.

In the earliest times boxers (pugiles, πυγμαται) fought naked, with the exception of a στενα round their loins; but this was not used when boxing with the Greeks. The earliest cases, therefore, where boxing and racing had been carried on here by persons entirely naked ever since Ol. 15. Respecting the leathan thongs with which pugilists surrounded their fists, see Cestus, where its various forms are illustrated by woodcuts.

The boxing of the ancients appears to have resembled the practice of modern times. Some particulars, however, are distinguishable to be mentioned. A peculiar method, which required great skill, was not to attack the antagonist, but to remain on the defensive, and thus to wear out the opponent, until he was obliged to acknowledge himself to be conquered. It was considered a sign of the greatest skill in a boxer to conquer without receiving any wounds, or to have the Howard points in the direction of the wounds inflicted, and at the same time not to expose one's self to any danger (πληγη αι διαιτητι). A pugilist used his right arm chiefly for fighting, and the left as a protection for his head, for all regular blows were directed against the upper parts of the body, and the wounds inflicted upon the head were often severe and fatal. In some ancient representations of boxers, the blood is seen streaming from their noses, and their teeth were frequently knocked out. The ears especially were exposed to great danger, and with regular pugilists they were generally much mutilated and broken. Hence, in works of art, the ears of the pankrationists always appear beaten flat, and, although swollen in appearance, are yet smaller than ears usually are. In order to protect the ears from severe blows, little covers, called
The game of boxing was, like all the other gymnastic and athletic games, regulated by certain rules. Thus pugilists were not allowed to take hold of one another, or to use their feet for the purpose of making one another fall, as was the case in the pancratium. Cases of death, either during the fight itself or soon after, appear to have occurred rather frequently; but if a fighter wilfully killed his antagonist, he was severely punished. If both the combatants were tired without wishing to give up the fight, they might pause a while to recover their strength, and in some cases they are described as resting on their knees. If the fight lasted too long, recourse was had to a plan called 

\[ \text{PUPILLA'IES} \] 1

that is, both parties agreed not to move, but to stand still and receive the blows without using any means of defence except a certain position of the hands. The contest did not end until one of the combatants was compelled by fatigue, wounds, or despair, to draw himself up, and to throw off his 

\[ \text{PUPILLA'RIS} \] 2

dagger; a two-edged knife, commonly of bronze, with the handle in many cases variously ornamented or enriched, sometimes made of the hard black wood of the Syrian terebinth. The accompanying woodcut shows three ancient daggers. The }

\[ \text{PUGIO} \] 3

PUGME, PUGON (πυγμή, πυγών). (Vid. Pug. p. 763.)

PULLAGORAI (πυλαγόραι). (Vid. Amphitryon, p. 49.)

PULLA'RIUS. (Vid. Auspicium, p. 130.)

PUL'PITUM. (Vid. Theatrum.)

PULVYNAR. A representation of the mode of using cushions or pillows (pulvini), to recline upon at entertainments, is given in the woodcut at p. 326. The most luxurious of such cushions were stuffed with swan's down. 9

An ancient Egyptian cushion, filled with feathers, is preserved in the British Museum. In reference to this practice, the Romans were in the habit of placing the statues of the gods upon pillars at the lectisternia. (Vid. Eust queue, Lectisternium.) The couches provided for the ceremonies at the temples of Isis, and the images of gods were laid, in the Circus. 10

PUL'VYNUS. (Vid. Pulvinar.)

PUPILLA'PULILLUS. (Vid. Impubes, Infans, Tutela.)

PUPILLA'RIS SUBSTITUTIO. (Vid. Heres, Roman, p. 498.)

PUPPIS. (Vid. Ships.)

PUTEAL properly means the enclosure surrounding the opening of a well, to protect persons from falling into it. It was either round or square, and seems usually to have been of the height of three or four feet from the ground. There is a round one in the British Museum, made of marble, which was found among the ruins of one of Tiberius' villas near Rome. It exhibits five callaed pulmaria. 11

There was also a pulvinar, on which the images of the gods were laid, in the Circus. 12

PUL'VYNUS. (Vid. Pulvinar.)

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PYRTHRUM.

PYTHIAN GAMES.

correspond very well with those of the Palladium, that is, to say, it is represented as a powerful mas-
terce, or a mystic temple of the Muses. The word Palladium, comes from the Pallasis, a sacred grove or

ROPE STAD. (vid. Saltatio.)

PYRRHICA (vid. Saltatio.)

PYRRHUS (avpoiov), a bird mentioned by Aristotel, and corresponding, as Gesner thinks, to the French

PYTHIAN (avpoiov), a name applied by Suidas to the Pythagus, which see.

PYRAXUS, I. (Aristot., 6, 1100—7.) to the Pythian Games, of which there is a description in the Greek

PYTHIAN GAMES (paia), one of the four great national festivals of the Greeks. It was cele-
PYTHIAN GAMES.

Once the Pythian games were held at Athens, on the oracle of Demeter at Eleusis (Ol. 132, 39), because the Delphoi were in possession of the passes around Delphi.

The Pythian games were, according to most legends, instituted by Apollo himself; other traditions referred them to ancient heroes, such as Amphictyon, Adrastus, Diomedes, and others. They were originally, perhaps, nothing more than a religious panegyris, occasioned by the oracle of Delphi, and the sacrifice of a ram; and it is said that a musical contest, which consisted in singing a hymn to the honour of the Pythian god with the accompaniment of the cithara. Some of the poets, however, and mythographers represent even the gods and the early heroes as engaged in gymnastic and equestrian contests at the Pythian games. But such statements, numerous as they are, can prove nothing; they are anachronisms in which later writers were fond of indulging. The description of the Pythian games in which Sophocles, in the Electra, makes Orestes take part, belongs to this class.

The Pythian games must, on account of the celebrity of the Delphic oracle, have become a national festival for all the Greeks at a very early period; and when Solon fixed pecuniary rewards for those Athenian poets who had first introduced equestrian and gymnastic contests, the Pythion was undoubtedly included in the number, though it is not expressly mentioned.

Whether gymnastic contests had been performed at the Pythian games previous to Ol. 47 is uncertain. Böckh supposes that these two kinds of games had been connected at the Pythia from early times, but that afterward the gymnastic contests were neglected; but, however this may be, it is certain that about Ol. 47 they did not exist at Delphi. Down to Ol. 48 the Delphians themselves had been the agonothetes at the Pythian games, but in the third year of this Olympiad, when, after the Cisian war, the Amphictyons took the management of the games, they naturally became the agonothetes.

Some of the ancients date the institution of the Pythian games from this time, and others say that henceforth they were called Pythian games. Owing to their being under the management of the Amphictyons, they are sometimes called Ἀμφικτυωνικὰ ἄθλα. From Ol. 48, 3, the Pythia were occasionally used as an era, and the Pythion was given over the first Pythiad. Pausanias expressly states that in this year the original musical contest in Κιθάροδια was extended by the addition of ἀθλιδία, i.e., singing with the accompaniment of the flute, and by that of flute-playing alone. Strabo, in speaking of these innovations, does not mention the θησαυροὶ, but states that the contests of cithara-players (κιθαριστά) was added, while Pausanias assigns the introduction of this contest to the eighth Pythiad.

One of the musical contests at the Pythian games, in which only flute and cithara-players took part, was the so-called νόμος Πάθησις, which, at least in subsequent times, consisted of five parts, viz., ιωύωνας, δύνασμα, καταλειπτόμενον ιμαντός καὶ θαλάσσαι. The whole of these νόμος was a musical description of the flight of Argus, accompanied by the dragon, and of his victory over the monster. A somewhat different account of the parts of this νόμος is given by the scholiast on Pindar, and by Pollux.

Besides these innovations in the musical contests which were made in the first Pythiad, the games were then customary at Olympia were either revived at Delphi, or introduced for the first time. The chariot-race with four horses was not introduced till the second Pythiad. Some games, on the other hand, were adopted, which had not yet been practised at Olympia, viz., the ἄλκυστος and the βάλλοντος for boys. In the first Pythiad the victors received χρυσάρια as pecuniary rewards; but the highest prize was established as the reward for the victors. The scholiast on Pindar reckons the first Pythiad from this introduction of the chariot, and their system has been followed by most modern chronologers, though Pausanias expressly assigns this institution to the second Pythiad. The ἄλκυστος, which was introduced in the first Pythiad, was omitted at the second and every after, as only elegies and ὕπαιθροι had been sung to the flute, which were thought too melancholy for this solemnity. The ἔρθριπτος, or chariot-race with four horses, however, was added in the same Pythiad. In the eighth Pythiad (Ol. 55, 3), the contest in playing the cithara without singing was introduced; in Pythiad 28, the foot-race in arms was added; in Pythiad 48, the chariot-race with two horses in arms (πύθαιδες) was performed for the first time; in Pythiad 59, the chariot-race with four foals was introduced. In Pythiad 61, the pancratium for boys; in Pythiad 63, the horserace with foals; and in Pythiad 69, the chariot-race with two foals, were introduced.

Various musical contests were also added in the course of time, and contests in tragedy, as well as in other kinds of poetry and in recitations of historical compositions, are expressly mentioned.

Works of art, as paintings and sculptures, were exhibited to the assembled Greeks, and prizes were awarded to those who had produced the finest works. The musical and artistic contests were at all times the most prominent features of the Pythian games, and in this respect they even excelled the Olympic games.

Previous to Ol. 48, the Pythian games had been an εὐανετρητις, that is, they had been celebrated at the end of every eighth year; but in Ol. 48, 3, they became, like the Olympia, a πενταετρητις, i.e., they were held at the end of every fourth year; and a Pythiad, therefore, ever since the time that it was established, consisted of four years, commencing with the third year of every Olympiad.

Others have, in opposition to direct statements, inferred from Thucydides that the Pythian games were held towards the end of the second year of every Olympiad. Respecting this controversy, see Kruise, i. c., p. 59, &c. As for the season of the Pythian games, they were, in all probability, held in the month of Νοέμβριος, which was supposed to be the same as the Attic Munychion. Böckh, however, has shown that the games took place in the month of Bucalidas, which followed after the month of Bysia, and that this month must be considered as the same as the Attic Munychion. The games lasted for several days, as is expressly mentioned by Thucydides.

When ancient writers speak of the day of the Pythian agon, they are probably thinking of the musical agon alone, which was the most important part of the games, and probably took place on the 7th of

writers, and are only known from coins or inscriptions, we shall only give a list of the places where they were held: Ancyra in Galatia, Aphrodisias in Caria, Antioch in Carthia in the island of Cos, Carthage, Chrysa in Phrygia, Delos, Emisa in Syria, Hierapolis in Phrygia, Magnesia, Megara, Mileitus, Naples in Italy, Nicaea in Bithynia, Nicomedia, Pergamus in Mysia, Perge in Pamphylia, Perinthus on the Propontis, Philippopolis in Thrace, Side in Pamphylia, Sicyon, Tabia in Caria, Thessalonic in Macedonia, in Thrace, Thyatira, and Trellas in Lydia, Tripolis on the Maeander, in Caria.

PYXIS, dim. PYXIDULA (πυξίς, dim. πυξίδου), a Jewel-box. Quintilian produces this term as an example of catachresis, because it properly denoted that which was made of box (πυξίς), but was applied to things of similar form and use made of any other material. In fact, the casks in which the ladies of ancient times kept their jewels and other ornaments, were made of gold, silver, ivory, mother-of-pearl, tortoise-shell, &c. They were also much enriched with sculpture. A silver coffers, 2 feet long, 1 ½ wide, and 1 deep, most elaborately adorned with figures in bas-relief, is described by Büttiger. The annexed woodcut (from

Ant. d'Ercolano, vol. ii., tab. 7) represents a plain jewel-box, out of which a dove is extracting a riband or fillet. Nero deposited his beard in a valuable pyxis when he shaved for the first time. (Vid. Barr. p. 138.)

The same term is applied to boxes used to contain drugs or poison, and to metallic rings employed in machinery. *PYXUS (πυξίς), the Boxwood-tree. (Vid Buxus.)

Q.

QUADRAGESIMA, the fortieth part of the imported goods, was the ordinary rate of the portorius. Avienus says that the quadragesima was abolished by Nero, and had not been imposed again (monet abolitio quadragesima); but it appears most probable that this quadragesima abolished by Nero was not the portorium, but the tax imposed by Caigula of the fortieth part of the value of all property respecting which there was any lawsuit. That the latter is the more probable opinion appears from the fact that we never read of any tax upon lawsuits after the time of Nero, while the former one is mentioned to the latest times of the Empire. Considerable difficulty, however, has arisen in consequence of some of the coins of Galba having Quadragesima Remissa upon them, which is supposed by some writers to contradict the passage of Tacitus, and by others to prove that Galba abolished the quadragesima of the portorium. The words, however, do not necessarily imply this: it was common, in seasons of scarcity and want, or as an act of special favour, for the emperors to remit certain taxes for a certain period, and it is

that the coins of Galba were struck in commemoration of such a remission, and not of an abolition of the tax. (See Burmann, De Vectig., p. 64, &c., who quotes the opinions of Spanheim, De Prsent. et Usur., vol. ii., p. 548.)

QUADRANS. (Vid. As, p. 111.)
QUADRANTAL. (Vid. Cursus.)
QUADRIGA. (Vid. Bravl., Currus.)
QUADRIGATUS. (Vid. Bigatus.)
QUADRUPES. (Vid. Pauperies.)

QUADRUPLATORES, public informers or accusers, were so called, either because they received a fourth part of the criminal's property, or because those who were convicted were condemned to pay fourfold (quadrisple dammari), as in cases of violation of the laws respecting gambling, usury, &c. We know that on some occasions the accuser received a fourth part of the property of the accused; but the other explanation of the word may also be correct, because usurers who violated the law were subjected to a penalty of four times the amount of the loan. When the general right of accusation was given, the abuse of which led to the springing up of the quadruplatores, in uncertain; but originally all fines went into the common treasury, and while that was the case, the accusations, no doubt, were brought on behalf of the state. Even under the Republic, an accusation of a public officer, who had merited it by his crimes, was considered a service to the state. But the right of quadruplatores seems to have been given by way of contempt to mercenary or false accusers. Seneca calls those who sought great returns for small favours Quadruplatores benefictorum suorum.

QUADRUPLIGATIO. (Vid. Accrò, p. 19.)

QUATIONES, QUATIONES PERPETUE. (Vid. Juris, p. 552; Paxtor, p. 806.)

Quaestiones per Petrum, i. p. 117. De Beatius given to two distinct classes of Roman officers. It is derived from quarto, and Varro gives a definition which assigns the principal functions of both classes of officers: "Quaestores a quadringento, qui conquerunt publicas pecunias et malecenas." The one class, therefore, had to do with the collecting and keeping of the public revenues, and the others were a kind of quaestor or paymasters, who, from the name of quaestores classicorum, the latter of quaestores parricidi.

The quaestores parricidi were, as we have said, public accusers, two in number, who conducted the accusation of persons guilty of murder or any other capital offence, and carried the sentence into execution. Respecting their confusion with the duumviri perduelliones, see Perduelliones Duumvirii. All moderns agree that these public accusers existed at Rome during the period of the kings, though it is impossible to ascertain by which king they were instituted, as some mention them in the reign of Romulus, and others in that of Numa. When Ulpian takes it for certain that they occurred in the time of Tullus Hostilius, he appears to confound them, like other writers, with the duumviri perduelliones, who in this reign acted as judges in the case of Horatius, who had slain his sister. During the kingly period there occurs no instance in which it could be said with any certainty that the quaestores parricidi took a part. As thus everything is so uncertain, and as the late writers are guilty of such manifest confusions, we can say no more than that such public accusers existed, and infer, from the analogy of later times, that they were appointed by the populus on the presentation of the king. In the early period of the Republic the quaestores parricidi appear to have been subject to the same conditions, which, like others, was held only for one year. They were appointed by the populus or the curies on the presentation of the consuls. When these quaestores discovered that a capital offence had been committed, they had to bring the charge before the comitia for trial. They convoked the comitia through the person of a trumpeter, who proclaimed the day of meeting from the Capitol, at the gates of the city, and at the house of the accused.

When the sentence had been pronounced by the people, the quaestores parricidi executed it; thus they threw Sparianus Cassius from the Tarpeian rock.

They were mentioned in the laws of the Twelve Tables, and after the time of the decemvirs they still continued to be appointed, though probably no longer by the curies, but either in the comitia centuriata or tribuna, which they therefore tributaria or tribunatu, which they therefore must also have had the right to assemble in cases of emergency. This appears to be implied in the statement of Tacitus, that in the year 447 B.C. they were created by the people without any presentation of the consuls. From the year 366 B.C. they are no longer mentioned in Roman history, as their functions were gradually transferred to the praetors. When the lictors were appointed, they were partly to the ediles and tribunes. (Vid. Ecles., Tribuna.)

The quaestores parricidi have not only been confounded with the duumviri perduelliones, but also with the quaestores classicorum, and this probably owing to the fact that they ceased to be appointed at such an early period, and that the two kinds of quaestores are seldom distinguished in ancient writers, and the names are sometimes exchanged.

The quaestores classicorum were officers intrusted with the care of the public money. Their distinguishing epithet classicorum is not mentioned by any ancient writer except Lydus, who, however, gives an absurd interpretation of it. Niebuhr refers it to their having been elected by the centuries ever since the time of Valerius Publicola, who is said to have himself instituted the quaestores, because, as he states, they were at first only in number, and, of course, taken only from the patricians. As the senate had the supreme administration of the finances, the quaestores were in some measure only its agents or paymasters, for they could not dispose of any part of the public money without being directed by the senate. Their duties consequently consisted in making the necessary payments from the arsarium, and receiving the public revenues. Of both they had to keep correct accounts in their tabula publica. Demands which any one might have on the arsarium, and outstanding debts, were likewise registered by them. Fines to be paid to the public treasury were registered and exacted by them. Another branch of their duties, which, however, was likewise connected with the quaestores classicorum, was the proper accommodations for foreign ambassadors, or such persons as were connected with the Republic by ties of public hospitality. Lastly, they were charged with the care of the burials and monuments of distinguished men, the expenses for which had been


decree by the senate to be defrayed by the treasury. In the erarium, and, consequently, under the superintendence of the questors, were kept the books in which the senatus consults were registered, while the original documents were kept in the keeping of the ediles, until Augustus transferred the care of them also to the questors.

In the year B.C. 421 the number of questors was doubled, and the tribunes tried to effect, by an amendment of the law, that a part (probably two) of the questors should be plebeians. This attempt was not successful, and the Senate, possibly to effect a compromise, that the election should not be restricted to either order. After this law was carried, eleven years passed without any plebeian being elected to the office of questor, until, in B.C. 409, three of the four questors were plebeians. A person who had held the office of questor had undoubtedly, as in later times, the right to take his seat in the Senate, the number of questors was again doubled, and they were worthy by the next successors. And this was probably the reason why the plebeians so determinately opposed the admission of plebeians to this office.

(Vid. Senatus.) Henceforth the consuls, whenever they took the field against an enemy, were accompanied by one questor each, who at first had only to advance and count the enemy, and then to count the money which was either divided among the legion, or was transferred to the erarium. Subsequently, however, we find that these questors also kept the funds of the army, which they had received from the treasury at Rome, and gave the soldiers their pay; they were, in fact, the paymasters in the army. This office of the quaestor at Rome, continued to discharge the same duties as before, and were distinguished from those who accompanied the consuls by the epithet urbanī. In the year B.C. 265, after the Romans had made themselves masters of Italy, and, when, in consequence, the administration of the treasury and the raising of the revenues became more laborious and important, the number of questors was again doubled to eight; and it is probable that henceforth their number continued to be increased in proportion as the Empire became extended. One of the eight questors was appointed by lot to the quaesturam Ostiensis, a most laborious and important post, as he had to provide Rome with corn when the province of that name was invaded by an army. These two quaestors, who usually resided at Ostia, where the other quaestors were distributed in Italy, to raise those parts of the revenue which were not farmed by the publicani, and to control the latter, were accompanied by their two quaestores; and the whole number of the quaestors at Rome was not mentioned, though it was probably of great importance, as the quaestors at Rome served as their treasury at Rome. Some quaestors were assigned to the quaestores after their election, who accompanied the army and were not included in the number of quaestors at Rome. The relation existing between a praetor or praetorius and his quaestor was, according to an ancient custom, regarded as resembling that between a father and his son. When a quaestor died in his province, the praetor had the right to appoint a quaestor in his stead; and when the praetor was absent, the quaestor supplied his place, and was then regarded as a quaestor in the province.

In the provinces, the quaestors had the same jurisdiction as the eurule adules at Rome. If a quaestor was appointed by lot to the quaesturam Ostiensis, which was the most laborious and important post, as he had to provide Rome with corn when the province of that name was invaded by an army.
QUINQUATRUS.

within six months, according as there was a cautio
or not.1 (Vid. Emio et vestis.)
QUARTARUS. (Vid. Sextarius.)
QUINSETARILE. (Vid. Calathus.)
QUINSETARIUM. (Vid. Calathus.)
QUINSETARIUS. (Vid. Calathus.)
QUINTIUS JURI DICUNDO. (Vid. Col-
nia, p. 282.)
QUATURVIRI VIARUM CURANDARUM, four officers who had the superintendence of the roads (via), were first appointed after the war with Pyrrhus, when so many public roads were made by the Romans.2 They appear to be the same as the Vi做好o of Varro.3

"QUERCUS (qvh.), the Oak, or "Quercus (Linn. gen. 1447) specie omnis." On reading attentively, says Fée, "the different passages of Virgil where mention is made of the oak, it is easy to perceive that the poet refers to several species, the determination of which would not be an easy task. The kind of oak, however, which figures most commonly in his verses as the symbol of strength, and which, moreover, from its majestic beauty, was conse-

**QUINQUAGESIMA.**

The date referred to is a day of sacrifice by the God Quinquatrus; Quinquatrus, a Roman god who was celebrated on March 19th (a. d. XIX., Kal. Apr.), and was so

called, according to Varr0, because it was the fifth day after the ides, in the same way as the Tuscanians called a festival on the sixth day after the ides as Sessatur, and one on the seventh Septimatus. Gel-
lus4 and Festus5 also give the same etymology, and add the latter states that the Faliscans too called a festi-

Both Varro and Festus state that the quinquatrus was celebrated for only one day, but Ovid6 says that it was celebrated for five days, and was for this reason called by this name: that on the first day no blood was shed, but that on the last four there were contests of gladiators. It would appear, moreover, from the above-mentioned authorities, that the fifth day was sometimes, even by the Faliscans, cele-

The ancient calendars, too, assign only one day to the festival.

Ovid7 says that this festival was celebrated in commemoration of the birthday of Minerva; but, according to Festus, it was consecrated to Minerva be-

Because her temple on the Aventine was consecrated on that day. On the fifth day of the festival, ac-

According to ancient legends, the fruit of the oak served as nourishment for the early race of mankind. If this account be true, it must have been on the acorns of the Quercus ilex that the primitive race of mamkink supported themselves. They are still used as an article of food in certain countries in the south of Europe, and taste, when roasted, like chestnuts. In the year 1812, during the Peninsular War, the French troops cantoned in the environs of Salamanca, where immense forests of the Quercus ballota exist, lived for several days on the fruit of these trees.

The species of oak described by Theophrastus may be thus arranged: 1. the quercus fraxinifolia, 2. certain species of Quercus, 3. Quercus pedunculata (uncertain), 4. Quercus fraxinifolia, 5. Quercus ilex. The quercus ilex and Quercus pedunculata are both oak and Quercus ilex.

We are also told by Tacitus6 that Nero abolished the quinquagenaria; this must have been a different tax from the above-mentioned one, and may have been similar to the quinquagenaria mentioned by Ciceron7 and was called the quinquagenaria.

A duty of two per cent. was levied at Athens upon exports and imports. (Vid. Pentecoste.)

QUINQUATRUS or QUINQUATRIA, a festival sacred to Minerva, which was celebrated on the 19th of March (a. d. XIX., Kal. Apr.), and was so

QUORUM BONORUM.

MENASARI); the same number of commissioners was sometimes appointed to superintend the formation of a colony, though three (tribuni) was a more common number. (Vid. COLONIA, p. 269.)

We find, however, that the regulations for superintending the repairs of the walls and of the towers of the city, as well as for various other purposes.

Besides the extraordinary commissioners of this name, there were also permanent officers, called quinqueviri, who were responsible for the safety of the city after sunset, as it was inconvenient for the regular magistrates to attend to this duty after dark. (Cf. D.C.) They were often appointed after the war with Pyrrhus. 2

QUINTANA. (Vid. CAstra.)

QUINTITILIS. (Vid. Calendar, Roman.)

QUIRINALIA, a festival sacred to Quirinus, which was celebrated on the 17th of February (a. d. XIII, Cal. Mart.), on which day Romulus (Quirinius) was consulted. This festival was also called Stultorum feria, respecting the meaning of which, see FORNACIA.

QUIRINALIS FLAMEN. (Vid. Flamen.)

QUIRITIUM. (Vid. Citia, Roman; Jus, p. 561.)

QUO DUSSU, ACTIO. (Vid. Jusso, Quod.)

QUORUM BONORUM, INTERDICTUM. The object of this interdict is to give to the pretorian heres the possession of anything belonging to the hereditas which another possessors pro herede or pro possessoro. The name of this interdict is derived from the introductory words, and it runs as follows: "Actio. Quod dem vissera pro herede aut pro possessore posses, possideres si nihil usucapion est: quod uidem dolo malo facies, ut desineres possidere: id illi restituit." The plaintiff is entitled to this interdict when he has obtained the honorous possessio, and when any one of the four following conditions apply to the defendant.

1. Quod dem vissera pro herede aut pro possessore posses.
2. Aut pro possessore possides.
3. Possideres si nihil usucapion est.
4. Quod uidem dolo malo facies, ut desineres possidere.

The first two conditions are well understood, and apply, also, to the case of the hereditatis petitio. When the pretorian heres, according to law, had succeeded to the possessio of the deceased heredes, the petitio of the heir was interrupted by the first claim, the heres had no title to the interdict, as appears from its terms, for such a possessio was not included in No. 1 or 2. Hadrian, 4 by a senatus consultum, changed the law so far as to protect the heres against the complete usucapion of an improbus possessor, and to restore the right of the claimant. The words of Gaius are general, but within the range of the senatus consultum of Hadrian it could not apply to the usucapion of the bonorum possessors nor to that of the bonorum possessors.

According to the old law, any possessors, without respect to his title, could, by usucapion pro herede, obtain the ownership of a thing belonging to the hereditas; and, of course, the bonorum possessors were exposed to this danger as much as the heres. If the usucapion of the possessor was interrupted, the pretorian heres also succeeded to the possession of the heir, and the rei vindicatio; but, in fact, the "quod uidem," the reading "quodque," has been proposed, which seems to be required; for No. 4 has no reference to No. 3, but is itself a new condition. The words of No. 3 have caused some difficulty, which may be explained as follows.

In establishing the honorous possessio, the pretorian heres intended to give to many persons, such as emancipated children and cognati, the same rights that the heres had; and his object was to accomplish this effectually. The Roman heres was the representative of the person who had died and left an hereditas, and by virtue of this representative or juridical fiction of the person of the dead having a continued existence in the person of the heir, he exercised this right in respect to his property, and to all his rights and obligations. In the matter of rights and obligations the pretorian heres succeeded to the same situation as the heres, by allowing him to sue in respect of the claims that the deceased had, and allowing any person to sue him in respect of claims against the deceased, in an actio utilis or fictitia. In respect to the property, according to the old law any person might take possession of a thing belonging to the hereditas, and acquire the ownership of it in a certain time by usucapion. 1 The persons in whose favor the pretorian heres could do this as well as any other person; but if they found any other person in possession, and were not belonging to the hereditas, they could neither claim it by the vindicatio, for they were not owners, nor by the hereditatis petitio, for they were not heredes. To meet this difficulty, the interdict quorum bonorum was introduced, the object of which was to aid the bonorum possessors in getting the possession of real property, and to bring into the title of Marcus Aurelius, and commencing the usucapion. If he lost the possession before the usucapion was complete, he could, in most cases, recover it by the possessorial interdicts properly so called, or by other legal means. This, according to Saligny, is the origin of the bonorum possessors.

In course of time, usufruct ownership (in bonis) was fully established, and co-existent with Quiritarian ownership, this new kind of ownership was attributed to the bonorum possessors after he had acquired the bonorum possessio, and thus all that belonged to the deceased ex jure Quiritum became his in bonis, and finally, by usucapion, ex jure Quiritum, though in the mean time he had most probably changed his legal ownership to a senatus consultum.

Ultimately the bonorum possessio came to be considered as a species of hereditas, and the like forms of procedure to those in the case of the real hereditas were applied to the case of the bonorum possessio: thus arose the possessoria hereditatis petitio, which is mentioned by Gaius, and cannot, therefore, be of later origin than the time of Marcus Aurelius. Thus the new form of procedure, which would have rendered the interdict quorum bonorum unnecessary if it had been introduced sooner, co-existed with the interdict, and a person might avail himself of either mode of proceeding, as he found best. 2 In the legislation of Justinian we find both forms of procedure mentioned, though that of the interdict had altogether fallen into disuse. 3

According to the old law, any possessors, without respect to his title, could, by usucapion pro herede, obtain the ownership of a thing belonging to the hereditas; and, of course, the bonorum possessors were exposed to this danger as much as the heres. If the usucapion of the possessors was interrupted, the pretorian heres also succeeded to the possession of the heir, and the rei vindicatio; but, in fact, the "quod uidem," the reading "quodque," has been proposed, which seems to be required; for No. 4 has no reference to No. 3, but is itself a new condition. The words of No. 3 have caused some difficulty, which may be explained as follows.

1. Gaius, i., 58. 2. (Gaius, iii., 31.)—3 (Inst. iv., tit. 15.)—4. (Gaius, ii., 57.)

1. Gaius, ii., 58. —2. (Gaius, iii., 31.) —3 (Inst. iv., tit. 15.) —4. (Gaius, ii., 57.)
ALCEI GA ACTIO.

REDHIBTORIA ACTIO.

since that usuaption forms no part of it; yet the words have been retained in the compilation of Justinian, and many others belonging to an earlier age, though in their new place they are entirely devoid of meaning.

R.

•RAI, a species of fish, the Skate. (Vid. BATS.)

RAMNES, RANMENSES. (Vid. PATRICH.)

•RANA, the Frog (Vid. BATRACHUS.)

•RANOCULUS, a plant. (Vid. BATRACHION.)

RAPHANUS. (Vid. RAPHAIUS.)

RAPINA. (Vid. BONA KAPTA, FORTUM.)

RASTER or RASTRUM, dim. RASTELLUS, RALLUS, RALLUM (stortipis), a spud (vid. KATRI

NOS) a rake, a hoe.

Agreedly to its derivation from rado, to scrape, "raster" denoted a hoe which in its operation and in its simplest form resembled the scrapers used by our scavengers in cleansing the streets. By the division of its blades into tines or prongs, it assumed more of the form of our garden-rakes, and it was distinguished by the epithets bidens and quadridens, according to the number of the divisions.

The raster bidens was by far the most common species, and hence we frequently find it mentioned under the simple name bidens. This term corresponds to the Greek dicalian, for which quadri was substituted in the Attic dialect. Bidens was used to turn up the soil, and thus to perform, on a small scale, the part of a plough. But it was much more commonly used in the work called occatio and Balokotia, i.e., the breaking down of the clods after ploughing. (Vid. MALLEUS.) Hence it was heavy.

The prongs of the bidens held by the rustie in the woodent at p. 715 are curved, which agrees with the description of the same implement in Catullus.

Vine-dressers continually used the bidens in hacking and breaking the lumps of earth, stirring it, and collecting it about the roots of the vines. In stony land it was adapted for digging trenches, while the spade was better suited to the purpose when the soil was full of the roots of bushes and other plants. (Vid. PALA.) Wooden rakes were sometimes used.

RATIO NIBUS DISTRAHENDIS ACTIO. (Vid. TUTELA.)

RECEPTA; DE RECEPTO, ACTIO. The praetor declared that he would allow an action against nautes, canopos, and stabularis, in respect of any property for the security of which they had undertakings, and on the name of the action, if they did not restore it. The meaning of the term nautes has been explained (vid. EXEQUITORIA ACTIO): the meaning of caupo follows from the description of the business of a caupo. "A nauta, caupo, and stabularis are paid, not for the care which they take of a thing, but the naute is paid for carrying passengers, the caupo for permitting travellers to remain in his house, and the stabularis for allowing beasts of burden to stay in his stable and yet they are bound for the security of the thing also custodia nomine tenetur." The latter two actions are similar to such actions as arise among us against innkeepers and livery-stable-keepers, on whose premises loss or injury has been sustained with respect to the property of persons who they have

legal implication undertaken the care of. At first sight there seems no reason for these praetoria actions, as the person who has sustained loss might either have an actio locuta and conducti in cases where payment had been agreed on, or an actio de positi where no payment had been agreed on; but Pomponius suggests that the reason was this: in a matter of locatum and conductum, the receiver was only answerable for loss in case he was guilty of culpa; and in a matter of depositum, in case he was guilty of malus; but the receiver was liable to these praetoria actions if the thing was lost or injured even without any culpa on his part, and he was only excused in case of damnum fatale, such as shipwreck, piracy, and so forth.

These praetoria actions in fact were either "rei persecutoriae" for the recovery of the thing, or "pamelae" for damages. The former action might be maintained against the heres of the nauta, caupo, or stabularis. The executor of a ship was answerable for any loss or damage caused to property, which he had received in the legal sense of this term, by any person in his employment. The actio against him was in dupium. The liability on the part of capones and stabularia was the same: a caupo, for instance, was answerable for loss or damage to the goods of any traveller who lodged in his house, and by those who were dwelling in the caupo, but not if caused by other travellers. The actio for damages could not be maintained against the heres.

When parties who had a matter to litigate had agreed to refer it to an arbitrator, which reference was called compromissum, and a person had accepted the office of arbitrator (arbitrium receptetur), the praetor would compel him to pronounce a sentence, unless he had some legal excuse. The praetor could compel a person of any rank, as a consular, for instance, to pronounce a sentence after taking upon him the office of arbitrator; but he could not compel a person who held a magistrature or post, as a consul or praetor, for he had no imperium over them. The parties were bound to submit to the award of the arbitrator; and if either party refused to abide by it, the other had against him a poena petito, if a poena was agreed on in the compromissum; and if there was no poena in the compromissum, he had an incerti actio.

RECISSIO ACTIO. (Vid. INTERCESSIO, p. 542.)

RECEPHERATORES. (Vid. Actio, p. 18; Io

nex, p. 550.)

REDEMPTOR. The general name for a contract or who undertook the building and repairing of public works, private houses, &c., and, in fact, of any kind of work. The farmers of the public taxes were also called Redemptores.

REDHIBITORIA ACTIO was an actio which a buyer had against a seller for rescinding the bargain of sale on account of a defect in the thing purchased, which the buyer was not bound with, and which, according to the edict of the eur. ediles, he ought to have been acquainted with. "Redhibere," says Ulpian, "is so to act that the seller shall have back what he had; and because this is done by restoration, for that reason it is called 'redhibito,' which is as much as to say 'redhibe.'" The object of the redhibito was to rescind the bargain, and to put both parties in the same condition as if the sale had never taken place.

The time allowed for prosecuting the actio redhibitoria was "sex mensas utiles," which were reckon-

1. (Dig. 4, tit. 9.—Peck in Titt., Dig. et Cod., Ad rem nauti
can permutem Commentarii, &c., Amstel., 1608,—2. (Dig.

5, tit. 8—13. (Justinian, &c., 32—35. (Dig. 5, tit. 9, s.)

523 —2. (Dig. 5, tit. 9, s.)
ed from the day of sale, or of the time when any matter or promise had been made relating to the matter (dictum promissuium, the words of the edict).

REDIMIC'ULUM (ka'derip), a fillet attached to the Calan'tica, Diadem, mitra, or other headdress at the occult, and passed over the shoulders so as to hang on each side over the breast. 1 Redimel- la, 13 in the statues of Venus they were imitated in gold. 4

REG. LEX. A lex regia during the keyng period of Roman history might have a twofold meaning. In the first place, it was a law which had been passed by the comitia under the presidency of the king, and was thus distinguished from a lex regia, which passed at a council not under the presidency of the tribunes celerum. In later times, all laws, the origin of which was attributed to the time of the kings, were called leges regiae, though by no means follows that they were all passed under the presidency of the kings, and much less, as some modern scholars have supposed, that they were enacted by the kings without the consent of the Senate. Some of these laws were preserved and followed at a very late period of Roman history. Livy 2 tells us, that after the city was burned by the Gauls, the leges regiae still extant were collected. 3 That they were followed at a much later period is clear from Livy. 4 Fragments of such laws are preserved in Festus, 5 Filo-

REGIFU'RIUM. The extent of lex curiata during the keyng period was undoubtedly the same as that of the lex curiata de imperio. (Vid. IMPERIUM.) This is, indeed, not mentioned by any ancient writer, but must be inferred from the lex regia which we meet with under the Empire, for the name could scarcely have been invented then; it must have come down from early times, when its meaning was similar, though not by far as extensive as under the Empire the curies continued to hold their meetings, though they were only a shadow of former times; and after the election of a new emperor, they conferred upon him the imperium in the ancient form by a lex curiata de imperio, which was now usually called lex regia. The imperium, however, did not consist in the exercise of the powers of a leges regiae, of course, but of an imperator, was of a very different nature from that which in former times it had conferred upon the kings. It now embraced all the rights and powers which formerly the populus Romanus had possessed, so that the emperor became what formerly the populus had been, that is, sovereign. Hence he could do what he chose in his capacity of imperator, which had formerly been done by the populus Romanus, and, at least, only with its sanction. 8 A fragment of such a lex regia, confering the imperium upon Vespasian, engraved upon a brazen tablet, is still extant in the Lateran at Rome. It is generally called, though wrongly, Senatus consultum de Vespasiani Imperio. It is copied in Ernesti, Excurs. ii. on Tacitus, vol. i., p. 604, &c., ed. Beckler. 9

10 REGIFU'RIUM or FUGA/LIA, the king v. flight, a festival which was held by the Romans every year on the 24th of February, and, according to Vergiuss 1 and Ovid, 2 in commemoration of the flight of King Tarquinius Superbus from Rome. The day is marked in the fasti as nefastus. In some ancient calendarii the 24th of May is likewise called Regifugium, and in others it is described as Q. C. P. that "quando rex comito fugit," or "quando rex comito fugit," Several ancient as well as modern writers have denied that either of these days had anything to do with the flight of King Tarquinius, 5 are of opinion that these two days derived their name from the symbolical flight of the rex saecorum from the comitium; for this was generally not allowed to appear in the comitium, which was not the transaction of political matters, in which he could not take part. But on certain days in the year, and certainly on the two days mentioned above, he had to go to the comitium for the purpose of offering certain sacrifices, and immediately after he had performed his functions there he hasty fled from Rome; and this symbolical flight was called Regifugium. 8

REGULA (ka'vov), the ruler used by scribes for drawing right lines with pen and ink; 9 also the rule used by carpenters, masons, and other artificers, either for drawing straight lines or making plane surfaces. That it was marked with equal spaces in our division of time into hours, is manifest from the representations of it among the ancient or ma- neta faburum tignatum, 10 in the woodcuts at pages 252, 664. The substance with which the lines were made was raddle or red ochre (μυρτος). (Vid. L. INE.)

The scale-beam is sometimes called ka'vov instead of GE'NIA. These two rows were sometimes fixed crossoways, in the form of the letter X, as a support for a piece of machinery. 6

REI UOX'ARE or DOTTIS ACTIO. (Vid. DOS.)

RELATIO. (Vid. SENATUS.)

RELEGATIA. (Vid. BANISMENT, ROMAN.)

REMEMP'TIO. (Vid. EMANCIPATIO.)

REMUR'RIUM. (Vid. V. UMBRIA.)

REMUS. (Vid. SHIPS.)

REPA'GULA. (Vid. JANUS, p. 526.)

REPETU'NDA or PECUNIA REPETU'NDA. Repetenda pecunia was the term used to designate such sums of money as the secli of the Roman state or individuals claimed to recover from magistrates, eminent persons, or others. It sometimes happened that they had improperly taken or received in the province or the urbs Roma, either in the discharge of their ju- risdiiction, or in their capacity of judges, or in respect of any other public function. Sometimes the word repetenda was used to express the illegal act for which compensation was sought, as in the phrase "repetendarum inanimari, damari," and pecunia meant the money due. Originally inquiry was made into this offence extra ordinem ex senatus consulto, as appears from the case of P. Furius Philus and M. Matienus, who were accused of this offence by the Hispani. 7 The first lex on the subject was the Calpurnia, which was proposed and carried by the tribunos plebis L. Calpurnius Piso (327 B.C.), who distinguished himself as an historical writer. By this lex a praetor was appointed for trying persons charged with this crime. 10 This lex only applied to provincial


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magistratus, because in the year B.C. 141, according to Cicero, the lie offence in a magistratus urbans was the subject of a questio extra ordinem. It seems that the penalties of the lex Calpurnia were merely pecuniary, and, at least, did not comprise exsiliium for L. Lentulus, who was censor B.C. 147, had been convicted on a charge of repetundae in the previous year. The pecuniary penalty was asscertained by the litis estatim, or taking an account of the money which the convicted party had ill-gained.

Various cases De Repetundis were passed after the lex Calpurnia, and the penalties were continually made heavier. The lex Junia was passed probably about B.C. 126, on the proposal of M. Junius Pennis, tribunus plebis. It is probable that this was the lex under which C. Cato, proconsul of Macedo-nia, was living in exile at Terraco, for at least exsiliium was not a penalty imposed by the Calpur-nia lex, but was added by some later lex. This lex Junia and the lex Calpurnia are mentioned in the lex Servilia.

The lex Servilia Glaucia was proposed and carried by C. Servilius Glaucia, praetor, in the sixth consulship of Marius, B.C. 100. This lex applied to any magistrate who had improperly taken or received money from any private person; but a magistratus could not be accused during the term of office. The lex enacted that the praetor peregrinus should annually appoint 450 judges for the trial of this offence: the judges were not to be senators. The penalties of the lex were pecuniary and exssiliium; the law allowed a compensandio. Before the lex Servilia, the pecuniary penalty was simply restitution of what had been wrongfully taken; this lex seems to have raised the penalty to double the amount of what had been wrongfully taken, and subsequently it was made quadruple. Exsiliium was only the punishment in case a man did not abide his trial, but withdrew from Rome. Under this lex were tried M. Aquiliius, P. Rutilius, M. Securus, and Q. Metellus Numidicus. The lex gave the civitas to any person on whose complaint a person was convicted of repetundae. When Siganus was professor at Padua, he found in the library of Cardinal Benso two fragments of a Roman law on bronze, which, for reasons apparently sufficient, he considers to be fragments of this lex Servilia. The inscription, which is greatly mutilated, is given in the work of Siganus Dejusticiis, and has also been published by P. Gellée, 1856, but the writer has not seen the work of Klenze.

The lex Acilia, which seems to be of uncertain date, was proposed and carried by M. Acilius Glabrlio, a tribunus plebis, which enacted that there should be neither ampliatio nor compensandio. It is conjectured that this is the lex Caecilia mentioned by Valerius Maximus, in which passage, if the conjecture is correct, we should read Acilia for Caecilia. It has been doubted whether the Acilia or Servilia was first enacted, but it appears that the Acilia took away the compensandio which the Servilia allowed.

The lex Cornelia was passed in the dictatorial power of Sulla, and continued in force to the time of C. Julius Caesar. It extended the penalties of repetundae to consuls, it seems, as compensation for the provinciae, and to judges who received bribes, to those who whose hands the money came, and to those who did not give into the aerarium their proconsular accounts (proconsularis rationes). The praetor who presided over this questio chose the judges by lot from the senators, whence it appears that the Servilia lex was enacted by this lex, at least so far as related to the constitution of the court. This lex also allowed ampliatio and compensandio. The penalties were pecuniary (litis estatim) and the aquis ignis interdictio. Under this lex were tried L. Dolabella, Cn. Piso, C. Verres, C. Macer, M. For-teius, and Lucius Flaccus, the last two of whom were defended by Cicero. In the Vereine orations, Cicero speaks of the consequences of the compen-sandio and the hearing of the case which the lex Cornelia allowed, and refers to the practice under the lex Acilia, according to which the case for the prosecution, the defence, and the evidence were only heard once, and so the matter was decided. The last lex De Repetundis was the lex Julia, passed in the first consulship of C. Julius Caesar, B.C. 54. This lex consisted of numerous heads (capita), which have been collected by Sigonius. This lex repealed the penalty of exsiliium, but, in addition to the litis estatim, it enacted that persons convicted under this lex should lose their rank and be disqualified from being witnesses, judges, or senators. This is the lex which was commented on by the jurists, whose expousitions are preserved in the Digest and in the Code. This lex adopted some provisions that existed in previous leges, as for instance, that by which the money that had been improperly retained could be recovered from those into whose hands it could be traced. The lex had been passed when Cicero made his oration against Piso, B.C. 54. A. Gabinius was convicted under this lex. Many of its provisions may be collected from the oration of Cicero against Piso. Cicero boasts in his preface to his work on ludi sacri that there was no cost caused to the people by himself, his legati, quaestor, nor any one else; he did not even demand from the people what the lex (Julia) allowed him. Under the Empire, the offence was punishable with exile.

In Clinton's Fasti Hellenici, the lex Calpurnia is incorrectly stated to be the first law at Rome against bribery at elections. Brinay is Ambrus (Sigonius, De Justiciis, i., c. 27, to which subsequent writers have added very little.)

REPLICATIO. (vid. Actio, p. 19.)
REPOSITORIA. (vid. Corna, p. 275.)
REPOTIA. (vid. Marriage, roman, p. 629.)
REPUDIUM. (vid. Divortium.)
RES MANICIPI. (vid. Dominiwm.)
RESCRIPTUM. (vid. Constitutiones.)
RESPONSA. (vid. Jurisconsulti.)

RESTITUTIO IN INTEGRUM, in the sense in which the term will here be used, signifies the re-sinding of a contract or transaction, so as to place the parties to it in the same position with respect to each other as if it had never been made. The restitution here spoken of is founded on the Edict. If the contract or transaction is such as not to be valid according to the jus civile, this restitution is not needed, and it only applies to cases of contracts and transactions which are not in their nature or form invalid. In order to entitle a person to the restitution, he must have sustained some injury caused by the inadmissibility of the contract or transaction, and not through any fault of his own, except in the case of one who is minor or malum animi, who was protected by the restitution against the consequences of his own carelessness. The injury, also, must be one for which the injured person has no other remedy.


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The restitution may either be effected on the complaint of the injured party, which would generally be made after the completion of the transaction, or when he is sued by the other party in respect of the transaction, and defends himself by an exceptio. The complaint, as a general rule, must be made within four years of the time of the injury being discovered, and the party being capable of bringing his action: in the case of minors, the four years were reckoned from the time of their attaining their majority. In the case of an exceptio there was no limitation of time. According to the old law, the complaint must be made within one year.

The application for a restitution could only be made to one who had jurisdiction, either original or delega-
ted, which flowed from the possession of the imper-
rium; and it might, according to the circumstances, be decreed by the magistratus extra ordinem, or the matter might be referred to a judex. When a resti-
tutio was decreed, each party restored to the other what he had received from him, with all its acces-
sories and fruits, except so far as the fruits on one side might be set off against the interest of money to be returned on the other side. All proper costs and expenses incurred in respect of the thing to be restored were allowed. If the object of the restitutio was a right, the injured party was restored to his right; or if he had incurred a duty, he was released from the duty.

The grounds for a restitution might be maintained by the person injured, by his heredes, cessionarii, and aurei; but, as a general rule, it could only be maintained against the person with whom the contract had been made, and not against a third person who was in possession of the thing which was sought to be recovered, except when the actio for restitution was adrogated, or in the actio scripta, or the injured party had an actio in rem, or when the right, which he had lost, was a right in rem.

The grounds of restitution were either those expressed in the Edict, or any good and sufficient cause: *item si qua alia mihi justa causa esse vide-
bitur: r. integram restitutum, quod ejus per leges ple-
bat. ejus quae comitatus consulata, edicta, decreta principum licet.*

The ground of the restitution was, that the party who had just cause of complaint had not bona fide consented to the contract or transaction by which he was injured. The following are the chief cases in which a restitution might be decreed:

1. When a man had acted under the influence of force, or reasonable fear caused by the acts of the other party, he had an actio quod mutus causa for restitution against the party who was the wrong-doer, and also against an innocent person who was in possession of that which had thus illegally been got from him, and also against the heredes of the wrong-doer if they were enriched by the property and had not sustained any injury of their own in the transaction, he could defend himself by an exceptio quod mutus causa. The actio quod mutus was given by the prae
tor L. Octavius, a contemporary of Cicero. 3

2. The case of dolus. When a man was fraudulently induced to become a party to a transaction which was legal in all of the party being fraudulently induced, his acti
da dolce male against the guilty person and his heredes, so far as they were made richer by the fraud, for the restoration of the thing of which he had been defrauded, and, if that was not possible, for compensation. Against a third party who was in bona fide possession of the thing, he had no ac-
tion, if he was sued in respect of the transaction, he could defend himself by the exceptio coli mah (Vid. Culpa). 4

The case of minores xxx, annorum. A minor could by himself do no legal act for which the as
sent of a tutor or curator was required, and, there
fore, if he did such act by himself, no restitution was necessary. If the tutor had given his auctoritas, or the curator or his agent, the transaction was legally binding, but yet the minor had not restitution if he had sustained injury by the transaction. Gaius gives an example when he says that, if too large an amount was inserted in the condemnatio of the forum, the matter is set right by the prae
tor, or, in other words, *"causa in integram restituturium;"* but if too little was inserted in the formula, the prae
tor could not make any alteration; *"for,"* he adds, "the prae
tor more readily relieves a defendant than a plaintiff; but we except the case of minores xxx.

There were, however, cases in which minores could obtain he was entitled to a restitution, either a minor, with fraudulent design, gave himself credit to be a major; when he confirmed the transaction after becoming of age; and in other cases. The benefit of this restitution belonged to the heredes of the mi
nor, and generally, also, to suriates. The demand could only be made, as a general rule, against the person with whom the minor had the transaction and his heredes. The minor had forever or when attaining his majority in which he could sue. The older law allowed only one year. If the time had not elapsed when he died, his heredes had the benefit of the remaining time, which was reckoned from the time adeundi hereditatem; and if the heredes was a minor, from the time of his attaining his majority. (Vid. leges xxv.

The case of absentia: which comprehends not merely absence in the ordinary sense of the word, but absence owing to madness or imprisonment, and the like causes. 5 If a man had sustained injury by his own absentia, he was generally entitled to resti
tutio if the absentia was unavoidable: if it was not unavoidable, he could not recover, unless he could have no redress from his procurator, or was not blamable for not having appointed one. If a man found that he might sustain damage on ac
count of the absence of his adversary, he might avoid that by entering a protestation in due form.

The case of error, mistake, comprehends such errors as were mistakes adropagisci; and in such case, a man could always have restitution when another was enriched by his loss. The errors cause probatio somewhat resembles this case.

The case of capitia diminutio through adrogatio or in manum conventio, which was legally followed by the extinction of all the obligations of the per
son adrogated or in manum. The prae
tor restored to the one, the other, what he had received, either in good faith or not, as the case might be with the possessor, which had thus alienated, the prae
tor gave an actio in factum against the alienor to the full value of the thing. If a man assigned a claim or right with the view of injuring his adversary by giving him a harder claimant to deal with, the adversary could meet the assignee, when he sued, with an exceptio judicii mutandae causa.

1. (Cod. 1., tit. 53, s. 7.)—2. (Dig. 4, tit. 6, s. 1.)—3. (Com-

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The case of alienation in fraudem creditorum facta. 1 When a man was insolvent (non solvendo), and alienated his property for the purpose of injuring his creditor, the praetor's edict gave the creditor a remedy. If, for instance, a debt was paid post bona possesso, it was absolutely void, for the effect of the bonorum possesso in the case of insolvenzy was to put all the creditors on the same footing. If any alienation was made before the bonorum possesso, it was valid in some cases. A debtor might reject anything which was for his advantage, for the praetor's edict related only to the diminishment of his property, and not to its increase. If the act was such as to diminish his property (fraudationis causa), the creditors, as a general rule, were entitled to have the act undone. A creditor who exacted his just debt was entitled to retain it. The act by which the creditors destroyed the effect of an illegal alienation was called pauliana, which was brought by the curator bonorum in the name of the creditors, for the restoration of the thing which had been improperly aliened, and all its fruits. The creditors were also entitled to an interdictum fraudatorum in order to get possession of the thing that had been improperly aliened. 2

In the imperial times, restitutio was also applied to the remission of a punishment, which could only be done by the imperial grace. 3

RESTITUT'RIA ACTIO. (Vid. Inessiceps, p. 542.)

RETTA'RII. (Vid. Gladiatores, p. 476.)

RETTICULUM. (Vid. Calantia.)

RETTIS, and RETE, dim. RETICULUM (bikrinos), a Net. Nets were made most commonly of flax from Egypt, Calicia, the vicinity of the Cinyrs in North Africa, and some other places. Occasionally a material of which nets were keneces called lina (Liva) on account of the material of which they consisted. 4 The meshes (macule, 7 δισκος, dim. δισκοτε 4) were great or small, according to the purposes intended, and these purposes were very various. But by far the most important application of network was to the three kindred arts of fishing, hunting, and fishing; and besides the general terms used in reference to all these employments, there are special terms to be explained under each of these heads. 5

I. In fishing, the use of nets was comparatively limited; 6 nevertheless, thrushes were caught in them; 7 and doves or pigeons, with their limbs tied up or fastened to the ground, or with their eyes covered or put out, were confined in a net, in order that the net in not, in order that the net could not escape. 8 The ancient Egyptians, as we learn from the paintings in their tombs, caught birds in clap nets. 9

II. In hunting, it was usual to extend nets in a curved line of considerable length, so as to form in part a space into which the beasts of chase, such as hare, the boar, the deer, the lion, and the bear were driven, even through the opening left on one side. 10 This is the case of hunting-nets by which feathers dyed scarlet and of other bright colours were tied, so as to flare and flutter in the chase. The hunters then sallied forth with their dogs, disabled the animals from their coverts, and by shouts and barking drove them first within the formido, as the apparatus of string and feathers was called, and then, as they were scared with this appearance within the circuit of the nets. Splendid descriptions of this scene are given in some of the following passages, all of which allude to the spectaculous closure of network. 11 The accompanying woodcuts are taken from two bas-reliefs in the collection of ancient marbles at Ince-Blundell in Lancashire. In the uppermost figure, three servants with staves carry on their shoulders a large net, which is intend ed to be set up as already described. 12 The foremost servant holds by a leash a dog, which is eaged to pursue the game. In the middle figure the net is set up. At each end of it stands a watchman holding a staff. 13 Being intended to take such large quadrupeds as boars and deer (which are seen within it), the meshes are very wide (rete vasta). The net is supported by three stakes (σταλίκες, apnea, vari). To dispose the nets in this manner was called retia poner, or retia tendere. Comparing with the stature of the attendants, we perceive the net to be between five and six feet high. The upper border of the net consists of a strong rope, which was called σαμβον. 14 The figures in the following woodcut represent two men carrying the net home after the chase; the stakes for supporting it, two of which they hold in their hands, are torned at the top, as is expressed by the terms for them [already quoted], ancomes and vari.

Besides the nets used to enclose woods and coverts, or other large tracts of country, two additional kinds are mentioned by those authors who treat on hunting. All the three are mentioned together by Xenophon (διστρυς, δισθαν, δικεν, ii.), and by Ne meion. 15

The two additional kinds were placed at intervals in the same circuit with the large hunting-net or haye. The road-net (plaga, δικεν) was much less than the others, and was placed across "roads and narrow openings between bushes. The purse or tunnel net (κοσσις, δαμε) was made with a bag (κοράφωσ), intended to receive the animal when closed towards the extremity of the enclosure. Within this bag, if we may so call it, were placed branches of trees, to keep it expanded, and to decoy

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the animals by making it invisible. The words ἄγων καὶ σαστὶs are used metonymically to denote some certain method of destruction, and are more particularly applied, as well as ἀμφίβλητον, which will be explained immediately, to the large-bawl in which Cybele herself enveloped her husband in order to murder him.¹

III. Fishing-nets (αἰσθετικά ἄχτακτα) were of six different kinds, which are enumerated by Oppian² as follows:

Τῶν τε μὲν ἀμφίβλητων, τὰ δὲ γράφων καλύτερα, Ἡγαγγήμα Δ', ὡν' ὑποχαι περίπεται, ἢδε σαστὶν, ἧν αἳλλα δὲ κηλευκόν καλύτερα.

Of these, by far the most common were the ἀμφίβλητον, or casting-net (fuscunda, jactulum, reticulum), and the σαστὶ, i.e., the drag-net or sean (tragum),² tragula, nescula, Concla. Of these two the only kinds mentioned by Virgil³ and by Ovid.⁴ Of the καλύτερα we find nowhere any further mention. We are also ignorant of the exact form and use of the γράφων, although its comparative utility may be inferred from the mention of it in connection with the sean and casting-net by Artemidorus⁵ and Plutarch (πηγὶ εἴδουσί). The γράφων was a landing-net, made with a hoop (κύκλος) fastened to a pole, and perhaps provided also with the means of closing the circular aperture at the top.⁶ The metaphorical use of the term ἀμφίβλητον has been already mentioned. That it denoted a casting-net may be concluded both from its etymology and from the fact that it was mentioned by various authors.⁷ More especially the casting-net, being always pear-shaped or conical, was suited to the use mentioned under the article CONEPRÆM. Its Latin names are found in the passages of Virgil's Georgics, and of the Vulgate Bible above referred to, in Plautus,⁸ and in Isidorus Hisp.⁹ It was probably derived from the Latin (which is also mentioned by various authors.¹¹ More especially the casting-net, being always pear-shaped or conical, was suited to the use mentioned under the article CONEPRÆM. Its Latin names are found in the passages of Virgil's Georgics, and of the Vulgate Bible above referred to, in Plautus,¹² and in Isidorus Hisp.¹³ Isid. Hist. Orig. xix. 5. — The use of nets (φίλαθλος, corices substræ)¹² to support the top, and of leads (φυλακηλία) at the bottom, is frequently mentioned by ancient writers.¹⁴ and is clearly exhibited in some of the paintings in Egyptian tombs. Leads, and pieces of wood serving as floats instead of corks, still remain on a sean which is preserved in the fine collection of Egyptian antiques at Berl.

REV. (Fid. Actol: Obligationes, p. 675.)

rex sacrif. rex sacrificulus


rex sacrif. rex sacrificulus

or REX SACRIF. For the civil and military powers of the king were transferred to two priests or consuls, upon the establishment of the kingdom of Rome. The Romans, however, were not invested with that part of the royal dignity by virtue of which he had been the high-priest of his nation, and had conducted several of the sacra rebus, but this priestly part of his office was trans-ferred to a priest called rex sacrifcus or rex publicanus.¹ The first sacro saern was designated, at the time of the consuls, the first pontifex, pontiffs, and inaugurated by the augurs. He was always elected and inaugurated in the comitia curiata, under the presidency of the pontiffs; ² and, as long as a rex sacrifcus was appointed at Rome, he was always a patrician, for as he had no influence upon the management of political affairs, the ple- beians never coveted this dignity.³ But, for the same reason, the patricians, top, appear at last to have at- tributed little importance to the office, whence it sometimes occurs that for one, or even for two suse- cessive years, no rex sacrifcus was appointed, and during the civil wars in the last period of the Repub- lic, the office appears to have fallen altogether into disuse. Augustus, however, seems to have revived it, for he never mentions it during the Em-}
ent the latter from appearing as prosecutor against him on the subject of the embassy to Philip.  

RHETRA (ῥέτρα). (Vid. Nomos.)

RHINE (ρήνη), the Squillus squatina, called in English the Monk or Angel Fish. Rondelet states that the monkfish will sometimes weigh 160 lbs. Pennant remarks that this fish connects the genera of the Ray and Shark.
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early as the time of Solon, to wear rings with precious stones on which the figures were engraved, may justly be doubted; and it is much more probable that at that time the figures were cut in the metal of the ring itself, a custom which was never abandoned altogether. Rings without precious stones were called ἀρετοί, the name of the genus being ψῆφος or σφραγῖς. In later times rings were worn more as ornaments than as articles for use, and persons now were no longer satisfied with one, but wore two, three, or even more rings; and instances are recorded of those who regularly loaded their hands with rings. Greek women likewise used rings, and those above mentioned were frequently worn by women also appear to have been less costly than those of men, for some are mentioned which were made of amber, ivory, &c. Rings were mostly worn on the fourth finger (παρισμάτωσα). The Lacedaemonians are said to have used iron rings at all times. With the exception, perhaps, of Sparta, the law does not appear to have been confined to a particular order or class of citizens.

The custom of wearing rings was believed to have been introduced at Rome by the Sabines, who were said to be of Greek parentage. Ancient rings with precious stones (γεμματοι ἀνυσίδ) of great beauty. Florus states that it was introduced from Etruria in the reign of Tarquinius Priscus, and Pliny derives it from Greece. The fact that among the statues of the Roman kings it: the Capitol, two, Numa and Servius Tullius, were depicted in rings, and there was an argument for their early use, as later artists would naturally represent the rings with such signs as were customary for the highest magistrates in later times. But, at whatever time rings may have become customary at Rome, thus much is certain, that at first they were always of iron; that they were destined for the same purpose as in Greece, namely, to be used as seals; and that every free Roman had a right to use such a ring. This iron ring was used down to the last period of the Republic by such men as served the simplicity of the good old times. Marius wore an iron ring in his triumph over Jugurtha, and several noble families continued it as the ancient custom, and never wore golden ones.

When senators, in the early times of the Republic, were sent as ambassadors to a foreign state, they wore, during the time of their mission, golden rings, which they received from the state, and which were, perhaps, adorned with some symbolic representation of the Republic, and might serve as a state seal. But later they died out. As an ambassador used his ring as a public; in private they used their iron ones. In the course of time it became customary for all the senators, chief magistrates, and at last for the equites also, to wear a golden seal-ring. This right of wearing a golden ring, which was subsequently called the jus annulii auri, or the jus annulum, remained for several centuries in a perfect exclusion of senators, magistrates, and equites, while all other persons continued to use iron ones. Magistrates and governors of provinces seem to have had the right of conferring upon

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paintings. Martial speaks of it under the name of Ricinum. *

*RHYTROS (ρητρός), a plant, which many of the commentators on Theophrastus, &c., and Spence and Stockhouse among the rest, conclude to have been the Echinos, L. But, "as Schneider remarks, it is better, with Baulin, to admit our ignorance of it, than indulge in unfounded conjectures." (Orig., xiii. p. 180.)

RICINUM, RECINUM, or RECINUS, an article of dress. The name was, according to Festus, applied to any dress consisting of a square piece of cloth. It occurs in a fragment of the "Twelve Tables," and the ancient commentators, according to Festus, explained the word there as a toga for women (if the headings Lat. rings be right) of a kind of virilem togam), with a purple stripe in front. That it was an article of female dress, and more especially a small and short kind of pallium, is stated by Nonius, on the authority of Varro. It was worn in grief and mourning, and in such a manner that one half of it was thrown back, whence the ancient grammarians derive the word from refere, although it is manifestly a derivative from rice, which was a covering of the head used by females. The grammarians appear themselves to have had no clear idea of the ricinium; but, after careful examination of the passages above referred to, it appears to have been a kind of mantle, with a sort of cowl attached to it, in order to cover the head. It was also worn by mimes upon the stage; and the mavourtio, mavorpe, or mavors of later times, was thought to be only another name for what had formerly been called ricinium.

RINGS (δακτυλία, annuli). Every freeman in Greece appears to have used a ring; and, at least in the earlier times, not as an ornament, but as an article of use, as the ring always served as a seal. How ancient the custom of wearing rings among the Greeks was cannot be ascertained, though it is certain, as even Pliny observes, that in Homer the poems there are no traces of it. In works of fiction, however, and those legends in which the customs of later ages are mixed up with those of the earliest times, we find the most ancient heroes described as wearing rings. But it is highly probable that the custom of wearing rings was introduced into Greece from Asia, where it appears to have been almost universal. In the time of Solon, seal-rings (sphragides), as well as the practice of counterfeiting them, appears to have been rather common, for Diogenes Laërtius speaks of a law of Solon which forbade the artists to keep the form of a seal (sphragis) which he had sold. (Pliny, H. N., xxiii. 4.—19. (Fris., i., 17, 6); xix. 40.)

1. (Pitt. d'Enf lano, v., t. 46.—Zahn, Ornam. und Wandgem., t. 5.—2. (i., 35.) 2. (Becker, Charikles, i., p. 505.) — Theophr., H. Pl., vi, 4.—Adams, Append., s. v.—5. (o. v.) 6. (Cic., De Legg., ii, 7, 7; De Rer., i, 11, 3; Plut., De Philos., p. 71, 8.)—7. (ib.) 8. (I. N., xix., 4.) 9. (Cic., De Legg., ii, 7, 8.)—10. (Fris., i., 17, 6; xix. 40.)—11. (ii., 17, 6; xix. 40.)—12. (ib., 17, 6; xix. 40.)—13. (ib., 17, 6; xix. 40.)—14. (ib., 17, 6; xix. 40.)—15. (ib., 17, 6; xix. 40.)

9. (Cic., De Legg., ii, 7, 8.)—10. (Fris., i., 17, 6; xix. 40.)—11. (ii., 17, 6; xix. 40.)—12. (ib., 17, 6; xix. 40.)—13. (ib., 17, 6; xix. 40.)—14. (ib., 17, 6; xix. 40.)—15. (ib., 17, 6; xix. 40.)

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inferior officers, or such persons as had distinguished themselves, the privilege of wearing a golden ring. Verres thus presented his secretary with a golden ring in the assembly at Syracuse. 3. During the Empire, the right of granting the annulus aureus belonged to the emperor himself. In 100 B.C. there were not very scrupulous in conferring this privilege. Augustus gave it to Mona, a freedman, and to Antoninus Musa, a physician. 4. In A.D. 22 the Emperor Tiberius ordained that the golden ring should only be worn by those ingenui whose fathers and grandfathers had had a property of 400,000 sesterces, and not by any freedman or slave. 5. But this restriction was of little avail, and the ambition for the annulus aureus became so great that it had been before. 6. The emperors Severus and Aurelian conferred the right of wearing golden rings upon all Roman soldiers; 7 and Justinian at length allowed all the citizens of the Empire, whether ingenui or libertini, to wear such rings.

The status of a person who had received the juss annuli appears to have differed at different times. During the Republic and the early part of the Empire, it seems to have been a person of ingenuus (if he was a libertinus), and to have raised him to the rank of eques, provided he had the requisite equestrian census, and it was probably never granted to any one who did not possess this census. Those who lost their property, or were found guilty of criminal offences, lost the juss annuli. 8. This privilege was conferred, for example, upon Hadrian, who was expected from the equestrian, the privilege was bestowed upon a great many freedmen, and such persons as did not possess the equestrian census, who therefore, for this reason alone, could not become equites; nay, the juss annuli, at this late period, did not even raise a freedman to the station of ingenuus: he only became, as it were, a half ingenuus (quasi ingenuus), that is, he held a public office, and might at any future time be raised to the rank of eques. The lex Visellia 9 punished those freedmen who sued for a public office without having the juss annuli aurei. In many cases a libertus might, through the juss annuli, become an eques if he had the requisite census, and the princes allowed it; but the annulus itself no longer included this honour. This difference of status between libertus, who was to be clear also, from the fact that women received the juss annuli, 10 and that Alexander Severus, though he allowed all his soldiers to wear the golden ring, yet did not admit any freedmen among the equites. 11 The condition of a libertinus who had received the juss annuli was in the main as follows: Hadrian had laid down the general maxim that he should be regarded as an ingenuus sado sua jure patris. 12 The patrons had also to give his consent to his freedman accepting the juss annuli, and Commodus took the annulus away from those who had received it without this consent. 13 Hence a libertinus with the annulus might be tortured if, e. g., his patron died an unnatural death, as, in case of such a libertinus dying, his patron might succeed to his property. The freedmen hated this; during his lifetime, only an imago libertatis; he was a quas ingenuus, but had not the status of an ingenuus, 14 and he died quasi libertus. In the reign of Justinian these distinctions were done away with. Isidorus 15 is probably alin-

ding to the period preceding the reign of Justinian when he says that freemen wore golden, freedmen silver, and slaves iron rings.

The practical purposes for which rings, or, rather, the figures engraved upon them, were used at all times, were the same as those for which we use our seals. Residues, however, persons, where they left their houses, used to seal up such parts as contained stores or valuable things, in order to secure them from thieves, especially slaves. 1 The ring of a Roman emperor was a kind of state-seal, and the emperor sometimes allowed the use of it to such persons as he wished to be regarded as his representatives. The keeping of the imperial rings was an office of state, it was called annulius. 2 The signs engraved upon rings were very various, as we may judge from the specimens still extant: they were portraits of ancestors or friends, subjects connected with the mythology or the worship of the gods; and in many cases a person had engraved upon his seal symbolic allusions to the real or mythical history of his family. 3 Sulla took a ring with a gem, on which Jugurtha was represented, 4 and Augustus at first sealed with a sphinx, afterward with a portrait of Alexander the Great, and at last with his own portrait, which was subsequently done by several emperors. 5 The principal value of a ring consisted in the gem framed in it, or, rather, in the workmanship of the engraver. The stones most commonly used were rubies, sapphires, emeralds, and diamonds, on account of their various colours, of which the artists made the most skilful use. In the art of engraving figures upon gems, the ancients, in point of beauty and execution, far surpass everything in this department that modern times can boast of. The ring itself (σαφήνα), in which the gem was framed, was, likewise, in many cases, of admirable workmanship. The part of the ring which contained the gem was called pala. (Vid. Pala.) In Greece we find that some persons fond of show used to wear hollow rings, the inside of which was filled up with a less valuable substance. 6 With the increasing love of luxury and show, the Romans, as well as the Greeks, covered their fingers with rings. Some persons also wore rings of precious stones, and others used different rings for summer and winter. 7 Much superstition appears to have been connected with rings in ancient as well as in modern times; but this seems to have been the case in the East and in Greece more than at Rome. Some persons made it a lucrative trade to sell rings which were believed to possess some powers, and to preserve those who wore them from external dangers. Such persons are Eudamias in Aristophanes, 8 and Phratetus in Antiphanes. 9 These rings were for the most part worn by the lower classes, and then not of costly material, as may be inferred from the price (one drachma) in the two instances referred to. There are several celebrated rings with magic powers mentioned by the ancients writers, as that of Gygges, which he found in a grave, 10 that of Chalcis, 11 and the iron rings of Euricuc.
ROSTRA.

ROBIGA'LIA, a public festival in honour of the god Robigus, to preserve the fields from mildew, is said to have been instituted by Numa, and was celebrated a. d. VII., Kal. Mat. (April 25th). 1 The sacrifices offered on this occasion consisted of the entrails of a dog and a sheep, accompanied with frankincense and wine: a prayer was presented by a flamen in the grove of the ancient deity, whom Ovid and Columella make a goddess. 2 A god Robigus or a goddess Robigo is a mere invention from the name of this festival, for the Romans paid no divine honours to evil deities. 3

Vere Curt., an epitaph applied to the Oak:—(Vid. Qurvkm.)

ROGATI0. (Vid. Lex. p. 590.)

ROGATI0NES LICINiLi. 4 In the year B.C. 375, C. Licinius Stolo and L. Sextius, being elected two of the tribuni plebis, promulgated various rogations, the object of which was to weaken the power of the patricians and for the benefit of the plebe. One rogatio was to have the words of on of the tribuni plebis was encumbered; 5 and it provided that all the money which had been paid as interest should be deducted from the principal sum, and the remainder should be paid in three years by equal payments.

The second related to the ager publicus, and enacted that no person should occupy (possessaret) more than 600 jugera. The words and act carried on that no more tribuni triumvirum should be elected, but that consuls should be elected, and one of them should be a plebeian. The patricians prevented these rogations from being carried by inducing the other tribes to oppose their intercession. C. Licinius Stolo and L. Sextius retaliated in the same way, and also had an interdict made against the remaining tribe. They were re-elected tribuni plebis, and they persevered for five years in preventing the election of any curule magistratus.

In the year 368, the two tribes were still elected, for the eighth time, and they felt their power increasing with the diminution of the opposition of the patricians. The first rogatio had given them a hold on one of the tribuni militum, M. Fabius, the father-in-law of C. Licinius Stolo. After violent agitation, a new rogatio was promulgated to the effect that, instead of duumviri sacris faciundis, decemviri should be elected, and that half of them should be plebeians. In the year B.C. 366, when Licinius and Sextius had been re-elected, the latter of them was murdered, and in this law the word was passed as to the decemviri, and five plebeians and five patricians were elected, a measure which prepared the way for the plebeians participating in the honours of the consuls. The rogations of Licinius were finally carried, and in the year B.C. 365 L. Sextius was elected consul, being the first plebeian who attained that dignity. The patricians were compensated for their loss of the exclusive right to the consulship by the creation of the office of curule aedile and of praefectus.

The law as to the settlement between debtor and creditor was, if Livy is correct, to be literally understood, an invasion of the established rights of property. Niebuhr's explanation of this law is contained in his third volume, p. 309, and is generally received.

Besides the limitation fixed by the second lex to the number of jiggers which an individual might possess in the public land, it declared that no individual should have above 100 large and 500 smaller animals on the public pastures. Licinius was the first who fell under the penalties of his own law.

The statement is that "he, together with his son, possessed a thousand jugera of the ager (publicus) and, by emancipating his son, had acted in fraud of the law." 6 From this story it appears that the plebeians could now possess the public land, a right which they may have acquired by the law of Licinius; but there is no evidence on this matter. The story is told also by Columella, 7 Pliny, 8 and Valerius Maximus. 9 The last writer, not understanding what he was recording, says that, in order to conceal his violation of the law, Licinius emancipated part of the land to his son. The facts, as stated by Livy, are not put in the clearest light. But it is certain that Licinius was entitled to possess 500 jugera as the father, and if he bona fide possessed that quantity of the ager publicus, there was no fraud on the law. From the expression of Pliny (substituta fili persona), the fraud appears to have consisted in the emancipation of his son being effected solely that he might in his own name possess the land, while his father had the actual enjoyment. But the details of this lex are too imperfectly known to enable us to give more than a probable solution of the matter. As the object of the lex was to diminish the possessiones of the patricians, it may be assumed that the surplus land thus acquired was distributed (assignatam) among the plebeians, who on otherwise would have gained nothing by their increased number. A distribution of land is stated to have been part of the lex of Licinius by Varro 10 and Columella. 11

According to Livy, 12 the rogatio de decemviris sacrum in was carried first B.C. 366. The three other rogations were included in one lex, which was a lex Satura. 13

B.C. 364. These passages referred to, the reader may see Niebuhr, vol. iii., p. 1–36, for his view of the Licianian rogations; and Götting, Geschichte der Röm. Staatsverfassung, p. 354, and the note on the corrupt passage of Varro (De Re Rust., i., 2).

ROGATORES. (Vid. Diihrortes.)

ROGOS. (Vid. Fonos, p. 460.)

ROMPIEA. (Vid. Hiera, p. 489.)

ROBATII, a class of light-armed Roman soldiers. According to Niebuhr, 14 robari must originally have been the name for slingers, who were taken from the fifth class of the Servian census. The grammarians, probably with justice, derive the word from ros and vorare, as their attacks upon the enemy with their slings and stones were regarded as a devouring of the enemy. According to this etymology, robari would be slingers or solitary drops of rain precede a heavy shower. The literal translation of robari, therefore, would be drippers or sprinklers. 15 In later times, and even as early as the time of Plautus, the name was applied to the light-armed hastati. 16 and as this latter name supplanted that of robari, who, according to the later constitution of the army, no longer existed in it in their original capacity, the robari are not mentioned in later times. (Compare Army, Roman, p. 104.)

*ROSA, the Rose. (Vid. Rhodon.)

*ROSMARiNUS. (Vid. Liranoi.)

ROSTRA, or The Beaks, was the name applied to the large (suggestus) barks which were the most famous of the galleys of Rome. This stage was originally called templum, 17 because it was consecrated by the augurs, but obtained its name of rostra at the conclusion of the great Latin war, when it was adorned with the beaks (rostra) of the ships of the Auliques. 18 The Greeks also mutilated galleys in a similar manner. 19


5. (Liv., viii., 34.)


10. (Livy, viii., 34.)
the same way for the purpose of trophies: this was called by them ἀσπορήματα. (Vid. Acroterium.)

The rostra lay between the comitium or place of meeting for the curies, and the Forum or place of meeting for the tribies, so that the speaker might turn either to the one or the other; but, down to the time of Calus Graccuses, even the tribies, in speaking, used to front the comitium; he first turned his back to it, and spoke with his face towards the Forum.¹ The form of the rostra has been well described by Niebuhr and Bunsen;² the latter supposes "that it was a circular building, raised on arches, with a stand or platform on the top bordered by a parapet, the access to it being by two flights of steps, one on each side. It fronted towards the comitium, and the rostra were fixed to the front of it, just under the arches. Its form has been, in all the main points, preserved in the ambones, or circular pulpits of the most ancient churches, which also had two flights of steps leading up to them, one on the east side, by which the preacher ascended, and another on the west side for his descent. Specimens of these old churches are still to be seen at Rome in the churches of St. Clement and S. Lorenzo fuori le mura." The speaker was thus enabled to walk to and fro while addressing his audience.

The suggestion or rostra was transferred by Julius Caesar to a corner of the Forum, but the spot where the ancient rostra had stood still continued to be called Rostra Vetera, while the other was called Rostra Novae. Rostra Novae, as the rostra contained statues of illustrious men;³ the new rostra contained equestrian statues of Sulla, Pompey, J. Caesar, and Augustus.⁴ Niebuhr discovered the new rostra in the long wall that runs in an angle towards the three columns, which have for a very long time borne the name of Jupiter Stator, but which belong to the Curia Julia. The substance of the new rostra consists of bricks and casting-work, but it was, of course, cased with marble: the old rostra Niebuhr supposed were constructed entirely of peperino.

The following cut contains representations of the rostra from Roman coins, but they give little idea of their form: the one on the left hand is from a denarius of the Lollia gens, and is supposed to represent the old rostra, and the one on the right is from a denarius of the Sulpicia gens, and supposed to represent the new rostra.⁶


ROSTRATA COLUMNAR. (Vid. Columna, p. 290.)

ROSTRATA CORONA. (Vid. Corona, p. 310.)

ROSTUM. (Vid. Ships.)

ROTA. (Vid. Corona, p. 331.)

RUDATA. (Vid. Pyneus.)

RUBRIA LEX. (Vid. Lex., p. 585.)

*RUDENS (καλεῖς, dim. καλεσένθε), any rope used to move or fix the mast or sail of a vessel, more especially: 1. The ropes used to elevate or depress the mast, and to keep it firm and steady when elevated, were called rudentes, in Greek προτόροτοι. These ropes extended from the higher part of the mast towards the prow in one direction, and to the stern in the other. 2. The sail was also called rudentes. Those used to raise or lower the yard. (Vid. Artenna.)⁷ According to the ancient scholia, these ropes are the κάλαμοι mentioned in Od., v., 260. III Those fastened to the bottom of the sail at its two corners, and therefore called rodes;¹ Before setting sail, these ropes, which our seamen call the sheaths, would lie in a coil or bundle. In order, therefore, to depart, the first thing was to unroll or untie them (excutere), the next to adjust them according to the direction of the wind and the aim of the voyage. With a view to fill the sail and make it expose the largest surface, they were let out, which was called inmittere or laxare. ² "Lazate rudentes" among the Romans was equivalent to "Ease the sheaths." with us. IV. Those used in towing (πλοῦς ἀπὸ καλέο), as when the oars became useless in consequence of the size of the ship. ³

In a more extended sense, the terms rudens and rudentes were applied to ropes of any description.⁴ In the comedy of Plautus it is applied to the rope with which a fisherman drags his net.

RUDERATIO. (Vid. House, Roman, p. 519.)

RUDIA RIL. (Vid. Gladiatores, p. 478.)

RUDIS. (Vid. Gladiatores, p. 476.)

RUDUC (Vid. House, Roman, p. 476.)

The plane, which is delineated among jointers' tools (Instrument. Fabr. Vignar.), in the woodcut at p. 664, showing the stock with two holes for the hands, and the iron (ἰεύρη) very long, but inclined as in our planes, seems to be of that narrow kind which is adapted to make grooves, rebates, or beads (κλεφτος). The square hole in the right side of the stock seems intended for the passage of the shaving (ῥονσκίον). It is certain that the shavings of firwood, produces by such a plane as that here exhibited, would precisely answer to Pliny's description of them, likening them to curbs of human hair and to the tendrils of the vine.⁵ The Latin and Greek names for this instrument gave origin to the corresponding transitive verbs runcino and runcanum, meaning to plane.⁶ Pliny speaks of "runcina, a cutting instrument referring to the operation of those beasts and birds which use their snout or beak to plough up the ground.

RUFILE LEGES. (Vid. Lex., p. 585.)

RUTILIANA ACTIO was a pretorian acio introduced by the praetor Publius Rutilius, by virtue of which the bonorum emporium could sue in the name of the person whose goods he had bought, and claim the condemnation to be made in his own favour and in his own name.¹

RUTRUM, dim. RUTELLOM, a kind of hoe, which had the handle fixed perpendicularly into the middle of the blade, thus differing from the Rata. It was used before sowing to level the ground, by breaking down every clods which adhered too long together. ¹This operation is described by Virgil in the following terms, which also assign the derivation of the name: "Cumulatoque virilis pingues arco..."
SACREDOS.

The same implement was used in mixing lime or clay with water and straw to make plaster for walls.

The word *rutabulum* ought to be considered as another form of *rurum*. It denoted a hoe or rake of the same construction, which was used by the baker in stirring the hot ashes of his oven. A wooden rutabulum was employed to mix the contents of the vats in which wine was made.

S.

"SACCHARUM (σάκχαρον), Sugar. 'The ancient Sugar, called also 'the Honey of Reeds' and '1', was made by boiling certain reeds, more especially on the bamboo cane (*Bambusa arundinacea*). It would appear that Moses Cherrennessis, in the fifth century, is the first author who distinctly mentions our sugar, that is, the sugar procured by boiling from the sugarcane. The first mention of the bamboo cane is made by Herodotus, and then by Ctesias. 1

The word sugar is a diminutive that signifies a small place consecrated to a god, containing an altar, and sometimes, also, a statue of the god to whom it was dedicated. 2 Festus 3 completes the definition by stating that a sacellum never had a roof. It was, therefore, a sacred enclosure, surrounded by a fence or wall to separate it from the profane world. 4 The form of a sacellum was sometimes square and sometimes round. The ancient sacellum of Janus, which was said to have been built by Remus, was of a square form, contained a statue of the god, and had two gates. 5 Many Romans had private sacella on their own estates; but the city conceded to certain persons the honor of having a sacella, such as that of Caecus, 6 of Hercules in the Forum Boarium; 7 of the Lares; 8 of Naenia, 9 of Pudicitia, 10 and others.

SACERDOS, SACERDOTTUM. Cicero 11 distinguishes two kinds of sacerdotes; those who had the superintendence of the forms of worship (carmine) and of the sacra, and those who interpreted signs, being either by living persons or by persons.

Another division is that into priests who were not devoted to the service of any particular deity, such as the pontiffs, augurs, fetiales, and those who were connected with the worship of a particular divinity, such as the flamines. The priests of the ancient world did not consist of men alone, for in Greece, as well as at Rome, certain deities were only attended by priestesses. At Rome the wives of particular priests were regarded as priestesses, and had to perform certain sacred functions, as the regina sacrum and the flaminia. (Vid. Flamen, Äx Sacram.) In other cases maids were appointed priestesses, as the vestal virgins, or boys, with the augural functions, to which their fathers and mothers should be alive (patri et matrim). As all the different kinds of priests are treated of separately in this work, it is only necessary here to make some general remarks.

In comparison with the civil magistrates, all priests at Rome were regarded as honories privati, 12 though all of them, as priests, were sacerdotes publici, in as far as their office (sacerdotium) was connected with any worship recognised by the state. The appellation of sacerdos publicus was, however, given principally to the chief pontif and the flamen dialis, 13 who were, at the same time, the only priests who were members of the senate by virtue of their office. All priestly offices or sacerdotia were held for life. None required any civil magistrate to be capable of their person as long as they lived; hence the augurs and fraters arvalis retained their character even when sent to exile, or when they were taken prisoners. 14 It also occurs that one and the same person held two or three priestly offices at a time. Thus we find the three dignities of pontifex maximus, augur, and decemvir sacrum united in one person, and certain persons being incapable of the same gens were not allowed to be members of the same college of priests. This regulation, however, was in later times often violated or evaded by adoptions. 15 Bodily defects prevented, at Rome as among all ancient nations, a person unfit for holding any priestly office.

An interesting historical note is that the original patricians, but from the year B.C. 367 the plebeians also began to take part in the sacerdotia (vid. plebs, p. 794); and those priestly offices which, down to the latest times, remained in the hands of the patricians alone, such as that of the rex sacrum, the flamines, aediles, and others, had no influence upon the affairs of the state.

A few words are necessary concerning the ancient unamniously state that at first they were appointed by the kings, 16 but after the sacerdotia were once instituted, each college of priests—for nearly all priests constituted certain corporations called collegia—had the right of filling up the occurring vacancies by co-optatio. (Vid. Pontifex, page 790.) Other priests, on the contrary, such as the vestal virgins and the flamines, were appointed by the people (capituli pontifex) by the pontifex maximus, a rule which appears to have been observed down to the latest times; others, again, such as the duumvir sacrum, were elected by the people or by the euri, the euri, et cetera. But, in whatever manner they were appointed, all priests, after their appointment, required to be inaugurated by the pontiffs and the augurs, and to perform the latter alone. 17 Those priests who formed colleges had originally, as we have already observed, the right of co-optatio; but in the course of time they were deprived of this right, or, at least, the co-optatio was reduced to a mere form, by several leges, called leges De Sacerdotis, such as the lex Do- rica, 18 which prohibited all priests from marrying, and which is in the article Pontifex, page 790, &c.; and what is there said in regard to the appointment of pontiffs, applies equally to all the other colleges. The leges annales, which fixed the age at which persons became eligible to the different magistracies, had no reference to priestly offices; and on the whole, it may be said that the rubricas was regarded as the time after which a person might be appointed to a sacerdotium 19


ed and regulated by the pontiffs. We shall then speak of the sacra publica.

SACRA PUBLICA. Among the sacra publica the Romans reckoned not only those which were performed on behalf of the whole Roman people, but also those performed on behalf of the great subdivisions of the Roman community. For example, Festus expresses, "pro montantis, pagis, curia, sacellis." The sacra pro montibus et pagis are undoubtedly the sacra montanalia and paganalia, which, although not sacra of the whole Roman people, were yet publica. The sacella in the expression of Festus, sacra pro sacellis, appear only to indicate the places where some sacra publica were performed.

When we come to consider the case, it is that they were performed at the expense of certain public funds, which had to provide the money for victims, libations, incense, and for the building and maintenance of those places where they were performed. The funds set apart for the sacra publica were in the keeping of the pontiffs, and the sacrae sunt


Such an obligation was in later times evaded in various ways.

And the sacra privata were reckoned also the sacra municipalia, that is, such sacra as a community or town had been accustomed to perform before it had received the Roman franchise. After this event, the Roman pontiffs took care that they were continued in the same manner as before.1 (Compare Sacristium.)

SACRISTIUM. (Vid. Vindicale.)

Sacrificium was, according to the definition of Ulpian,2 any place in which sacred things were deposited and kept; whether this place was a part of a temple or of a private house. A sacrarium, therefore, was that part of a house in which the images of the penates were kept. Respecting the sacrarium of the lares, see Lararium. Public sacraria at Rome were: one attached to the Temple of the Capitoline Jupiter, in which the tense, or chariots for public processions, were kept;4 the place of the salii, in which the ancellia and the liramus of Romulus were kept,3 and others. In the time of the emperors, the name sacrarium was sometimes applied to a place in which a statue of an emperor was erected.5 Livy6 uses it as a name for a sacred retired place.

SACRATAE LEGES. (Vid. Lex, p. 585.)

SACRIFICIUM (liptó;). Sacrifices or offerings formed the chief part of the worship of the ancients. They were partly signs of gratitude, partly a means of propitiating the gods, and partly, also, intended to induce the deity to bestow some favour upon the sacrificer, or at least to make him prosper. If this was the sacrifice was offered. Sacrifices in a wider sense would also embrace the Donaria; in a narrower sense, sacrificia were things offered to the gods, which merely afforded momentary gratification, which were burned upon their altars, or were believed to be consumed by the gods. We shall divide all sacrifices into two classes: those attached to the Temple of the bloody sacrifices, and, where it is necessary, consider Greek and Roman sacrifices separately.

Bloody sacrifices.—As regards sacrifices in the earliest times, the ancients themselves sometimes imagined that unholy sacrifices, chiefly offerings of fruit, had been customary long before bloody sacrifices were made. The act of sacrifice, indeed, was denied, that sacrifices of fruit, cakes, libations, and the like, existed in very early times; but bloody sacrifices, and, more than this, human sacrifices, are very frequently mentioned in early story; in fact, the mythology of Greece is full of instances of human sacrifices being offered, and of their pleasing the gods. Wachsmuth7 has given a list of the most celebrated instances. It may be said that none of them has come down to us with any degree of historical evidence; but surely the spirit which gave origin to those legends is sufficient to prove that human sacrifices had nothing repulsive to the ancients, and must have existed to some extent. In the historical times of Greece, we find various occasions upon which human sacrifices were made. In several parts of Greece, which can only be accounted for by supposing that they were introduced as substitutes for human sacrifices. In other cases, where civilization had shown less of its softening influences, human sacrifices remained customary throughout the historical periods of Greece, and down to the time of the emperors. Thus, in the worship of Apollo at Arcadia, where human sacrifices were said to have been offered by Lycurgus,4 they appear to have continued till the time of the Roman emperors. In Leneas a person was every year, at the festival of Apollo, thrown from a rock into the sea;2 and Themistocles, before the battle of Salamis, is said to have sacrificed three Persians to Dionysus. Respecting an annual sacrifice of human beings at the festival of the gods of Phrygia, the exceptions, however, human sacrifices had ceased in the historical ages of Greece. Owing to the influences of civilization, in many cases animals were substituted for human beings, in others a few drops of human blood were thought sufficient to propitiate the gods.4 The custom of sacrificing human life to the gods are undoubtedly from the belief, which, under different forms, has manifested itself at all times and in all nations, that the nobler the sacrifice, and the dearer to its possessor, the more pleasing it would be to the gods. Hence the frequent instances in Grecian story of persons sacrificing their own children, or of persons devoting themselves to the gods of the lower world. In later times, however, persons were in many cases sacrificed with the general criminals who had been condemned to death, or such as had been taken prisoners in war.

That the Romans also believed human sacrifices to be pleasing to the gods might be inferred from the story of Curtius, and from the self-sacrifice of the Decii. The symbolic sacrifice of human figures made of wax, which the Roman emperors (Aurelian) also shows that in the early history of Italy human sacrifices were not uncommon. For another proof of this practice, see the article Varr Sacrum. One awful instance also is known, which belongs to the latest period of the Roman Republic. When the soldiers of J. Caesar attempted an insurrection at Rome in the year 49, two of them were sacrificed to Mars in the Campus Martius by the pontifes and the flamens Martialis, and their heads were stuck up at the regia.

A second kind of bloody sacrifices were those of animals of various kinds, according to the nature and character of the divinity. The sacrifices of animals were the most common among the Greeks and Romans, and were made partly in Latin hostia or victimæ. In the early times it appears to have been the general custom to burn the whole victim (skókasté) upon the altars of the gods, and the same was in some cases, also, observed in later times,7 and more especially in sacrifices to the gods of the lower world, and such as were offered to avenge some crime that had been committed.8 But, as early as the time of Homer, it was the most general practice to burn only the legs (yaojí, yapi, μήπα) enclosed in fat, and certain parts of the intestines, while the remaining parts of the victim were consumed by men at a festive meal. The gods delighted chiefly in the smoke arising from the burning of the feet and hands. From this avarice and crime, the more pleasing was the sacrifice. Hence it was not uncommon to offer a sacrifice of one hundred bulls (keatogra) at once, though, it must not be supposed that a hecatomb always signifies a sacrifice of a hundred bulls, for the name was used in a general way to designate any great sacrifice. Such great sacrifices were not less pleasing to men than to the gods, for in regard to the former they were, in reality, a donation of meat. Hence, at Athens, the

partially for such sacrifices rose to the highest degree.1

Sparta, on the other hand, was less extravagant in sacrifices; and while in other Greek states it was necessary that a victim should be healthy, beautiful, and uninjured, the Spartans were not very scrupulous in this respect. The animals which were sacrificed were mostly of the domestic kind, as bulls, cows, sheep, rams, lambs, goats, pigs, dogs, and horses; but fishes are also mentioned as pleasing to certain gods. Each god had his favourite animal, and like them best of all was the sacred pig.2 It may be considered as a general rule, that those animals which were sacred to a god were not sacrificed to him, though horses were sacrificed to Poseidon notwithstanding this usage.3 The head of the victim, before it was killed, was in most cases strewed with roasted barley-meal (σάλλησις or σιλησία) mixed with salt (moda salis). The Athenians used for this purpose only barley grown in the Persian plain.4 The persons who offered the sacrifice wore generally garlands round their heads, and sometimes, also, carried them in their hands, and before they touched anything belonging to the sacrifice they washed their hands in water. The victim itself was likewise adorned with garlands, and its horns were sometimes gilt. Before the animal was killed, a bunch of hair was cut from its forehead and offered as a present to the heavens; and in later ages, the high-priests of their people, killed the victim; in later times this was done by the priests themselves. When the sacrifice was to be offered to the Olympic gods, the head of the animal was drawn heavenly (see the woodcut in p. 19); when to the gods of the lower world, to heroes, or to the dead, it was drawn downward. When the victim was to be used as an offering, to a god or to a hero, both the blood and incense were thrown upon it,6 and prayers and music accompanied the solemnity.

The most common animal sacrifices at Rome were the suovetaurilia or solstitialia, consisting of a pig, a sheep, and an ox. They were performed in all cases of a lustration, and the victims were carried around the thing to be lustrated, whether it was a city, a people, or a piece of land. (Vid. Lus- tratio.) The Greek ἱερά, which likewise consisted of an ox, a sheep, and a pig, was the same sacrifice as the Roman suovetaurilia.9 The customs observed before and during the sacrifice of an animal were, on the whole, the same as those observed in Greece.10 But the victim was in most cases not killed by the priests who conducted the sacrifice, but by a person called popintus, who struck the animal with a hammer before the knife was used.11 The better parts of the intestines (exta) were strewed with barley-meal, wine, and incense, and were burned upon the altar. Those parts of the animal which were burned were called *prosecta, prosicis, or ablegmina. When a sacrifice was offered to gods of rivers or of the sea, these parts were not burned, but thrown into the water.12 The word ἱερά is by no means the name which the ancients made of sacrifices to learn the will of the gods, vid. Haruspex and Divinatio.

Unbloody sacrifices.—Among these we may first mention the libations (libationes, ἱεβοται or σφόνδας). We have seen above that bloody sacrifices were usually accompanied by libations, as wine was poured upon them. Libations always accompanied a sacrifice which was offered in concluding a treaty with a foreign nation; and that here they formed a prominent part of the solemnity, is clear from the fact that this was a special libation called σπάνιον. But libations were also made independent of any other sacrifice, as in solemn prayers,1 and on many other occasions of public and private life, as before drinking at meals, and the like. Libations usually consisted of unmixed wine (εὐποτοδερα, maru), but sometimes also of milk, honey, and other fluids, either pure or diluted with water.4 Incense was likewise an offering, and sometimes a libation of bloody sacrifices, but it was also burned as an offering for itself. Real incense appears to have been used only in later times;1 but in the early times, and afterward various kinds of fragrant wood, such as cedar, figne, and myrtle-wood, were burned upon the altars of the gods.13

A third class of unbloody sacrifices consisted of the libationes stibatrices. The Romans mostly offered to the gods as primates or tithes of the harvest, and a sign of gratitude.1 They were sometimes offered in their natural state, sometimes, also, adorned or prepared in various ways. Of this kind were the εἰραστια, an olive-branch wound around with wool, and hung with various kinds of fruits; the χιτηρια, or pots filled with cooked beans (vid. Φανερια); the κέρπον or κέρφα, or dishes with fruit; the θυρης, or Acer, which was served to the gods. A list of those offerings cannot be found in the accounts of the various festivals. Cakes (πέλαναι, πήματα, τόπανα, ibidum) were peculiar to the worship of certain deities, as that of Apollo. They were either simple cakes of flour, sometimes also of wax, or they were made in the shape of some animal, and were then offered as symbolical sacrifices in the place of real animals, or because they could not easily be procured, or were too expensive for the sacrificer.8 This appearance, instead of reality, in sacrifices was also manifest on other occasions, for we find that sheep were sacrificed instead of stages, and were then called stages; and in the Temple of Isis at Alexandria the priests used water of the river Tiber instead of Nile water, and called the former water of the Nile.9

SACRIFICIUM is the crime of stealing things consecrated to the gods, or things deposited in a consecrated place.1 A lex Julia, referred to in the Digest,10 appears to have placed the crime of sacrilege on an equality with peculium. (Vid. Pecori- lurus.) Several of the imperial constitutions made death the punishment of a sacrilegus, which consisted, according to circumstances, either in being thrown to the beasts, or being burned, or having their heads cut off. Paulus says, in general, that a sacrilegus was punished with death; but he distinguishes between such persons as robbed the sacra publica and such as robbed the sacra privata, and he is of opinion that the latter, though more than common thieves, yet deserve less punishment than the former. In a wider sense, sacrilege was used by the jurists for actions forbidden by religion or of anything which should be treated with religious reverence.11 Hence a law in the Codex12 states that any person is guilty of sacrilege who neglects or violates the sanctity of the divine law. Another law13 decreed that even a doubt as to whether a person appointed by an emperor to some office was worthy of this office, was to be regarded as a crime equal to sacrilege.
other Homeric epithet, viz., "three-tongued" (τριτυλός), is illustrated by the forms of the arrow-heads, all of bronze, which are represented in the annexed woodcut. That which lies horizontally

was found at Persepolis, and is drawn of the size of the original. The two smallest, one of which shows a rivet-hole at the side for fastening it to the shaft, are from the plain of Marathon. The fourth specimen was also found in Attica. The use of barbed (aduncus, hemate) and poisoned arrows (venenata sagittae) is always represented by the Greek and Roman authors as the characteristic of barbarous nations. It is attributed to the Sauromates and Getes, to the Servii and Scythians, and to the Arabs and Moors. When Úlysses wishes to have recourse to this insidious practice, he is obliged to travel north to the country of the Thresprotians; and the classical authors who mention it do so in terms of condemnation. Some of the northern nations, who could not obtain iron, barbed their arrow-heads with bone. The poi son applied to tips of the arrows having been called toxicon (τοξικόν), on account of its connexion with the use of the bow, the signification or this term was afterward extended to poisons in general.

The excellence of the shaft consisted in being long, and at the same time straight, and, if it were of light wood, in being well polished. But it often consisted of a smooth cane or reed (Arundo donax or Phragmites, Linn.), and on this account the whole arrow was called either arundo in the one case, or calamus in the other. In the Egyptian tombs reed-arrows have been found, varying from 34 to 22 inches in length. They show the slit (χλιφός) cut in the reed for fixing it upon the string.

The feathers are shown on ancient monuments of all kinds, and are indicated by the terms penae, penata sagittae, and πτερωτές ἀείνων. The arrows of Hercules are said to have been feared from the wings of a black eagle.

Besides the use of arrows in the ordinary way, they were sometimes employed to carry fire. Octavius attempted to set Antony's ships on fire by sending ἀργυρούς σφόνδυλος from the bows of his archers. A headress of small arrows is said to have been used.
beaten by the Indians,1 the Nabians and Egyptians, and other Oriental nations.2

In the Greek and Roman armies, the sagittarius, more anciently called argyrites, i.e., archers or bowmen,3 formed an important part of the light-armed infantry.4 They belonged, for the most part, to the allies, and were principally Cretans.5 (Vid. Arcus, Curtius, Phæretta, Tormentum.)

SALGMINA were the same as the Verbenas, namely, herbs torn up by their roots from within the city, called the Capitoline, which were always carried by the fetiales or ambassadors when they went to a foreign people to demand restitution for wrongs committed against the Romans, or to make a treaty. (Vid. Fetiales.) They served to mark the sacred character of the ambassadors, and answered the same purpose as the Greek epikria.6 Pliny7 also says that sagmina were used in rematris publicis. This custom, or the custom of Tyburn setting out to make a treaty or declare war. He connects it with the words sanctus and sanctire, and it is not at all impossible that it may contain the same root, which appears in a simpler form in sacr- or sac-men, sa(-n)c: Marcus, however, makes a ridiculous mistake when he derives sanctis from sagmina.

Müller8 thinks that aumenium is the same word as sagmen, although used respecting another thing by the Ancientus3.

SAGMINA was the cloak worn by the Roman soldiers and inferior officers, in contradiction to the paludamentum of the general and superior officers. (Vid. Paludamentum.) It is used in opposition to the toga or garb of peace, and we accordingly find that, when there was a war in Italy, all citizens put on the sagum, even in the city, with the exception of those of consular rank (saga sumere, ad sagam ven, in sagis esse:9) hence, in the Italic war, the sagum was worn for two years.10

The sagum was open in the front, and usually fastened across the shoulders by a clasp, though not always:11 it resembled in form the paludamentum (see woodcuts, p. 721), as we see from the specimen of a pair of Tyburn setting out to make a treaty or declare war. He connects it with the words sanctus and sanctire, and it is not at all impossible that it may contain the same root, which appears in a simpler form in sacr- or sac-men, sa(-n)c: Marcus, however, makes a ridiculous mistake when he derives sanctis from sagmina.

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The cloak worn by the northern nations of Europe is also called sagum: see woodcut, p. 171, where three Sarmatians are represented with sagus, and compare Pallium, p. 719. The German sagum is mentioned by Tacitus:12 that worn by the Gauls seems to have been a species of plaid (meris-color sagulum).13

The outer garment worn by slaves and poor persons is also sometimes called sagum.14

SALAMANDRA (σαλαμάνδρα), the Salamander, or Lacerta Salamandra, a batrachian reptile of the second family of the serpents, and constituting the type of a distinct genus. "To have some idea of its figure," says Buffon, "we may suppose the tail of a lizard applied to the body of a frog." For a full and accurate account, however, of this reptile and its peculiar structure, the reader is referred to Grifith's Cuvier. The popular belief that the salamander is proof against the action of fire, or to which Aristotle is guilty of giving some countenance) is now entirely exploded. According to Sprengel, the only foundation for this belief is the fact that the reptile emits a cold, viscid secretion from its body, which might be capable of extinguishing a small coal. Dioscorides states decidedly that it is not true that the salamander can live in fire. "The salamander," says Griffith, "takes and abides in the humid earth, in the trenched woods of high mountains, in ditches and shady places, under stones and the roots of trees, in hedges, by the banks of streams, in subterraneous caverns, and ruined buildings. Though generally feared, it is by no means dangerous. The milky fluid which exudes from its skin, and which it sometimes shoots to the distance of several inches, though nauseous, is in reality a secretory vapor, which, in the case of a fire, is fatal only to very small animals. This humour, however, was doubtless the cause of a general prescription of the salamander. According to Pliny, by infecting with its poison all the vegetables of a vast extent of territory, this reptile could produce death to entire nations! Other animals seem to have an instinctive horror of it. Its bite, however, is perfectly harmless, though Mathioli has declared that it is capable of being poisonous; with that of the viper—an atrocious absurdity.15

SALAMINIA (Σαλαμίνια). The Athenians, from very early times, kept for public purposes two sacred or state vessels, the one of which was called Πόροι αξός, and the other Σαλαμίνια; the crow of the one bore the name of παραλία or παράλος, and that of the other Σαλαμίνιοι.16 In the former of these articles Plutarch erroneously regards the two names as belonging to one and the same ship.2 The Salaminia was also called Δηλία or Θησορις, because it was used to convey the θερυμα to Delos, on which occasion the ship was adorned with garlands by the priest of Apollo.4 Both these vessels were quick-sailing triremes, and were used for a variety of public purposes; they were used to carry ambassadors, or those who had charge of public business, &c., from Athens, carried treasures from subject countries to Athens, fetched state criminals from foreign parts to Athens, and the like.5 In battles they were frequently used as the ships in which the admirals sailed. These vessels and their crews were always kept in readiness to act, in case of any necessity arising; and the crew, although they could not, for the greater part of the year, be in actual service, received their regular pay of four oboli per day all the year round. This is expressly stated only of the Paralos,4 but may be safely said of the Salaminia also. The statement of the scholar on Aristophanes,7 that the Salaminia was only used to convey criminals to Athens, and the Paralos for theories, is incorrect, at least if applied to the earlier times. When Athens had a garrison at Megara, in winter, the vessels of war and transports or ships of war were employed for purposes for which before either the Salaminia or the Paralos had been used, it is natural to suppose that these two vessels were chiefly...

employed in matters connected with religion, as
heroes, and in extraordinary cases, such as when a
state was at war. The Sacred Ships was to be solemnly
vowed to and named by the citizenry, who would have
seem to point to a very early period of the history
of Attica, when there was no navigation except be-
tween Attica and Salamis, for which the Salaminia
was used, and around the coast of Attica, for which
purpose the Panolos was destined. In later times
the names were retained, although the destination
of the ships was primarily to give the purposes of
religion, whence they are frequently called the
sacred ships.

SALAMONICUM (άλς Αμονιτάκος), a Fos-
sil Salt, procured from the district of Africa
adjoining the Temple of Jupiter Ammon. It was
total different from the Sal Ammoniac of the
moderns, which is Hydrochlor Amoniac. (Vid. Am-
moniac.) It has been thought, says Dr. Moore,
that the ancients knew Sal Ammoniac under the
name of Nitrum; and, although Beckmann main-
tains the opposite opinion, the grounds on which he
rests his argument do not bear him out. He ob-
serves that 'there are two properties with which
the ancients might have accidentally become ac-
quainted, and which might have been suffi-
sient to make known or define to us this salt
(sal ammoniac). In the first place, by an acci-
dental mixture of quicklime, the strong smell or un-
pleasant vapour diffused by the volatile alkali sepa-
rated from the acid might have been observed.'
Now what Beckmann seems willing to admit as a
crib of the alkali, is mentioned by Pliny of
nitrum, which he says, 'gives forth a powerful odor' (calcis asperum red-
dit odorem vehementiorem). Beckmann appears
to 'yubit what he says, 'several writers have assert-
ed, that sal ammoniac comes also from the East
Indies.' But it certainly is brought thence at this
lay, and may have been manufactured there, and
have been transported to Europe, and to our
also; for we find that unchangeable country pro-
ducing the same things then as now, indigo, In-
dian ink, fine steel, sugar, silks, &c. The manu-
facture of sal ammoniac in Egypt also may, for
aught we know, have been more ancient than is
thought. We are not justified in concluding that
this manufacture was so old a thing that we
never discover no mention in their works. One of
the chief reasons for supposing the ancients to have
been ignorant of our sal ammoniac and nitre is,
that we know of very few uses to which they
might have been applied. But, though they may
have had little inducement to manufacture them,
even had they possessed the art, yet they could
hardly have failed to observe in a native state,
since both these salts are found occurring thus in
Southern Italy and elsewhere.'

SALAriUM, a Salary. The ancients derive the
word from sal, i. c., salt, &c; the most necessary
thing to support human life being thus mentioned
as a representative for all others. Salarium there-
fore comprehended also what was given out of
which the Roman officers were supplied, as well as
their pay in money. In the time of the Republic the
name salarium does not appear to have been used;
it was Augustus who, in order to place the governors
of provinces and other military officers in a
greater state of dependance, gave salaries to them or
certain sums of money, to which afterward various
supplements in kind were added. Before the time of
Augustus, the provincial magistrates had been pro-
vided in their provinces with everything they would
through the medium of redemptores (προσωποφόροι),
who undertook, for a certain sum paid by the state,
to provide the governors with all that was neces-
sary to them. During the Empire we find instances
of the salarium being paid to a person who had ob-
tained a province, but was nevertheless not allowed
to govern it. In this case the salarium was a com-
penation for the honour and advantages which he
might have derived from the actual government of
his province, and was not to be reckoned to him as
an actual advantage, as it was in the case of the
ancients, where it was an actual discharge from
his duty. In the time of the republic, when the
same was paid, it would appear to be a more
lasting advantage to the person who received it,
and, in the case of a governor, as a matter of course
he could be expected to do it. On this occasion,
and when persons did not fulfil their duties, they
were punished by deducting from their salaries.
Alexander Se-
verus instituted fixed salaries for rhetoricians, gram-
marians, physicians, haruspices, mathematicians,
mechanicians, and architects; but to how much these
salaries amounted we are not informed. Re-
spected and new, certain classes of priests re-
ceived, vid. Sacerdos.

SALII were priests of Mars Gradivus, and are
said to have been instituted by Numia. They
were twelve in number, chosen from the patricians even
in the latest times, and formed an ecclesiastical cor-
poration (licta juvenata patricia). They had the
charge of twelve aulae (vid. Acula), which were
kept in the Temple of Mars on the Palatine Hill
whence these priests were sometimes called Salii
Palatini, to distinguish them from the other salii
mentioned below. The distinguishing dress of the
salii was an embroidered tunic bound with a brazer
belt, the trabea, and the apex, also worn by the flan-
ciers. Each carried with him a sword by his side,
and in his right hand a spear or staff.

The festival of Mars was celebrated by the salii
on the 1st of March and for several successive
days, on which occasion they were accustomed
to go through the city in their official dress, carrying
the aula in their left hands or suspended from their
shoulders, and at the same time singing and
dancing, which Ovid appears to have been
able to derive their name.
The songs or hymns
which they sang on this occasion (salaria carmina)were
called asaetna, assamenta, or examenta, of which
the etymology is uncertain. Gottlieb thinks
they were so called because they were sung without any
musical accompaniment, asa etre; but this etymi-
ology is opposed to the express statement of Dionys-
ius. Some idea of the subject of these songs may
be obtained from a passage in Virgil, and a small
fragment of them is preserved by Varro in later
times they were scarcely understood, even by the
priests themselves. The praises of Manuvius
Veturius formed the principal subject of these
songs, though Marcus Manuvus Veturius was the
ancient whose name is most generally
said to be the armor of which that eleven
ancilia like the one that was sent from heaven (vid.
Annu-In), but some modern writers suppose it to be
1. (Dion Cass., lxi., 22.)—2. (Plin., H. N., xxv., 6.-Juv.,
t., 128.)—3. (Suet., Nero, 10.)—4. (Suet., Tib., 49.)—5. (Capit.
Vind., 288.)—6. (App., B. C., 287.)—7. (App., B. C.,
Lucan, i., 478.—10. (Dions., i, c. 11.)—11. (Lav., c. Dionys.,
31, 12.)—12. (Dions., 168.)—13. (Hor., Epist. i., 56.—Tact., Ann., ii.,
Lat., vi., 2.)—20. (Hor., Epist. i., 86.—Quint., 6, 54, Ep. 19.
(Varr., Ling. Lat., vi., 55.)—21. (Festus s. v. Manut Ven-
Dionysius, i., 71, 22, Bist., iii., 489.
merely another name of Mars. Besides, however, the praises of Mamurius, the verses which the saltcellar contained, and the festival, in which the praises of all the celestial deities were celebrated, with the exception of Venus. 1 The verses in honour of each god were called by the respective names of each, as Januli, Junonii, Minervii. 2 Divine honour was paid to some of the emperors by inserting their names in the songs of the salt. This honour was first bestowed upon Augustus, 3 and afterward upon Germanicus; 4 and when Venus died, his name was inserted in the song of the salt by command of M. Antonius. 5 

At the conclusion of the festival, the salt were accustomed to partake of a splendid entertainment in the Temple of Mars, which was proverbial for its excellence. 6 The members of the college were elected by co-optation. We read of the dignities of praefect, vates, and magister in the college. 7

Tullius Hostilius established another collegium of salti in fulfilment of a vow which he made in a war with the Sabines. These salti were also twelve in number, chosen from the patricians, and appear to have been dedicated to the service of Quirinus. They were called the Salti Collini, Agonales or Agonenses. Nicobius supposed that the oldest and most ancient college, the one chosen originally from the oldest tribe, the Rames, and the one instituted by Tullius Hostilius, or the Quirinalian, from the Titii alone: a third college for the Luceres was never established. 10

SALINAE (άλας, ἀλοπηγόν), a Saltwork. 11 Although the ancients were well acquainted with rock salt (Δέξα ἀπόθαρσις, i. e., fossil salt 12), and although they obtained salt likewise from certain in- and lakes, 13 and from natural springs or brine pits, 14 nd found no small quantity on certain shores, where t was concealed by the heat of the sun without human labour (Δέξα αὐθαίρετος), yet they obtained by far the greatest quantity by the management of works constructed on the seashore, where it was naturally adapted for the purpose by being so low and flat as to be easily overflown by the sea (maritima area salinarum), or even to be a brackish marsh (ἀλοπηγόν) or a marine pool (ἄμφιβαλλατρίς). In order to aid the natural evaporation, shallow rectangular ponds (multifida lacus) were dug, divided from one another by earthen walls. The seawater was admitted through canals, which were opened for the purpose, and closed again by sluices. (Vid. Cato- nina.) From these, the water being more impregnated with salt as it flowed from one pond to another. 15 When reduced to brine (cocore humo), it was called by the Greeks άλας, by the Latins salagus or salisago, and by the Spaniards maria. 16

In this state it was used by the Egyptians to pickle fish, 17 and by the Romans to preserve olives, cheese, and other vegetables. From maria, which seems to be a corruption of αὔμας, "to be impregnated," it seems to have been red in it called salsa mariatica. 18 As the brine which was left in the ponds crystallized, a man instructed with the care of them, and therefore called salinator (ἀλοπηγοῦς), raked out the salt, so that it lay in heaps (tumulii) upon the ground to drain. 19

In Attica, in Britain, 20 and elsewhere, several places, where the salt was established in them, obtained the name of Άλας or Salina. 21

Throughout the Roman Empire, the saltworks, having been first established by the early kings of Rome, were commonly public property, and were let by the government to the highest bidder. The publicans who farmed them, and often maintained upon them a great number of servants, 22 were called saltuarii. 23 (Vid. Marcius.) Malefactors of both sexes were employed in them, as they were in the mines. 24

SALI'NUM, dim. SALILLUM, a Saltcellar. Among the poor, a shell served for a saltcellar, 25 but all who were raised above poverty had one of silver, which descended from father to son, 26 and was accompanied by a silver plate, which was used, together with the saltcellar, in the domestic sacrifices. (Vid. Pastor.) These two articles of silver were alone compatible with the simplicity of Roman manners in the early times of the Republic. 27

The saltcellar was no doubt placed in the middle of the table, to which it communicated a sacred character, the meal partaking of the nature of a sacrifice. 28 (Vid. Focus, Mensa.) These circumstances, to gether with the religious reverence paid to salt, and saltcellars, so prevalent a custom of it to wit and survivy, explain the metaphor by which the soul of a man is called his saltcellar. 29

"SALPE (σαλπη), the Stockfish, or Sparus Salpa, in French, la Saumpe; in Italian, Sarpa. 30

SALPNX (σαλπη), a bird whose note resem- bled the sound of a trumpet (σαλπη, "a trumpet"). Hesychius and Philitus identify it with the προςαζον, or golden-crested wren, "the notes of which," says Adams, "are certainly piping, but cannot well be compared to the sound of a trumpet." 31

II. A kind of shellfish, called also στρόμος.

SALTATIO (σάλτος, σάλτος), Dancing. The dancing of the Greeks, as well as of the Romans, had very little in common with the exercise which goes by that name in modern times. It may be divided into two kinds, gymnastic and mimetic; that is, it was intended either to represent bodily activity, or to express by gestures, movements, and attitudes, certain ideas or feelings, and also single events or a series of events, as in the modern ballet. All these movements, however, were accompanied by music; but the terms σάλτος and saltatio were used in so much wider a sense that our word "dance" is, so to speak, a part of them. The movements of whose feet excite his admiration. 32 Skilful dancers were at all times highly prized by the Greeks; we read of some who were presented with golden crowns, and had statues erected to their honour, and their memory celebrated in inscriptions. 33

The lively imagination and mimetic powers of the Greeks found abundant subjects for various kinds of dances, and, accordingly, the names of no less than 200 different dances have come down to us. 1 It would be inconsistent with the nature of this work to give a description of all these dances; only the most important can be mentioned, and such as will give some idea of the dancing of the ancients.

Dancing was originally closely connected with religion: Plato 2 thought that all dancing should be based on religion, as it was, he says, among the Egyptians. 3 In Egypt, as in Greece, there was a dance called Choros, 4 so the chorus in the oldest times consisted of the whole population of a city, who met in a public place to offer up thanksgiving to the god of their country by singing hymns and performing dances. These dances, which, like all others, were accompanied by music, were therefore of a strictly religious nature; and in all the public festivals, which were so numerous and so intoxicating, a dance was never very prominent. We find, from the earliest times, that the worshippers of Apollo were connected with a religious dance called Hysorchem. All the religious dances, with the exception of the Bacchic and the Corybantian, were very simple, and consisted of gentle movements of the body, with various turns and wriggles around the altar; such a dance was the γυραφος, which Theseus is said to have performed at Delos on his return from Crete. 5 The Dionysiac or Bacchic and the Corybantian were of a very different nature. In the former, the life and adventures of the god were represented by mimetic dancing (vid. Dionysia): the dance called Bacchika by Lucian was a satyric dance; a character prevailed in Ionia and Pontus; the most illustrious men in the state danced in it, representing Titans, Corybants, satyrs, and husbandmen, and the spectators were so delighted with the exhibition that they remained sitting the whole day to witness it, forgetful of everything else. The Corybantian was of a very wild character: it was chiefly danced in Phrygia and in Crete; 6 the dancers were chiefly preoccupied with their shields, and displayed the most extravagant fury; it was accompanied chiefly by the flute. 7 The following woodcut, from the Museo Pio-Clementino, is supposed to represent a Corybantian dance. Respecting the dances in the theatre, vid. chorus.

Dancing was applied to gymnastic purposes and to training for war, especially in the Doric states, and was believed to have contributed very much to the success of the Dorians in war, as it enabled them to perform their evolutions simultaneously and in order. Hence the poet Socrates 8 says,

ος δε χορευσε κυλιται θεος τιμαιον, άριστον εν πολεμή.

There were various dances in early times which served as a preparation for war; hence Homer 9 calls the hoplitic προδόκει, a war-dance having been called πρόθεσις by the Cretans. 10 Of such dances, the most celebrated was that of the Pyrrhae (ὑπρήρχον); 11 of which the πρόδοκες was probably only another name. This Pyrrhae takes the representative of all war dances. The invention of this dance is placed in the mythical age, and is usually assigned to one Pyrrhus; but most of the accounts agree in assigning it a Cretan or Spartan origin, though others refer it to Pyrrhus or Neoptolemus, the son of Achilles, apparently misled by the name, for it was undoubtedly of Doric origin. 12 It was danced to the sound of the flute, and its time was very quick and light, as is shown by the name of the Pyrrhic foot (πρήρχον), which must be connected with this dance: and from the same source came also the Proeumnetic (πρόεμνον), or challenging foot. The Pyrrhic dance was performed in different ways at various times and in various countries, for it was by no means confined to the Doric states. Plato 4 describes it as representing, by rapid movements of the body, the way in which missiles and blows from weapons were avoided, and also the mode in which the enemy was attacked. In the non-Doric states it was probably not practised as a training for war, but only as a mimetic dance: thus we read of its being danced by women to entertain a company. 9 It was also performed at Athens at the greater and lesser Panathenaea by Epehi, who were called Pyrrhichists (Πυρρήχιστοι), and were trained at the expense of the state. 10 This dance was in the fragmentary parts of Theseus and Macedon, dances are performed at the present day by men armed with muskets and swords. 11 The following woodcut, taken from Sir W. Hamilton's vases, 12 represents three Pyrrhichists, two of whom, with sword and shield, are engaged in the dance, while the third is standing with a sword. Above them is a female balancing herself on the head of one, and apparently in the act of performing a somerset; she, no doubt, is taking part in the dance, and performing a very artistic kind of κυδιο-τύρας or tumbling, for the Greek performances of this kind surpass anything we can imagine in modern times. Her danger is increased by the person below, who holds a bow pointing towards her. A female spectator, sitting, looks on astonished at the exhibition.

The Pyrrhic dance was introduced in the public games at Rome by Julius Caesar, when it was danced by the children of the leading men in Asia and Bithynia. 13 It seems to have been much liked by the Romans; it was exhibited both by Caligula and Nero, 14 and also frequently by Hadrian. 15 Athenaeus 16 says that the Pyrrhic dance was still practised in his time (the third century A.D.) at Sparta,


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where it was danced by boys from the age of fifteen, but that in other places it had become a species of Dionysiac dance, in which the history of Dionysus was represented, and where the dancers, instead of armed with thyrsus and torches.

Another important gymnastic dance was performed at the festival of γυναικορατσία at Sparta, in commemoration of the battle of Thyreia, where the chief object, according to Müller, was to represent gymnastic exercises and dancing in intimate union: respecting the dance at this festival, see Gymnopaedia.

There were other dances besides the Pyrrhic in which the performers had arms, but these seem to have been entirely mimetic, and not practised with any view to training for war. Such was the Karpala, peculiar to the Eolianians and Magnesians, which was performed by two armed men in the following manner: one lays down his arms, sows the ground, and ploughs with a yoke of oxen, frequently looking around as if afraid; then comes a robber, whom as soon as the other sees, he snatches up his arms, and fights with him for the oxen. All these movements are rhythmical, accompanied by a flute. At last the robber binds the man and drives away the oxen, but sometimes the husbandman conquers. Similar dances by persons with arms are mentioned by Xenophon on the same occasion. These dances were frequently performed at banquets for the entertainment of the guests, where also the κυβάριας were often introduced, who in the course of their dance would together, on the heads of a flute player, or, after a short interval, go again upon their feet. See Curiestres, where the remarks which are made respecting the κυβαρίας are well illustrated by the following woodcut from the Remarkes of the Muscic Borbonico, vol. vii., tav. 58. We learn from Tacitus that the German youths also used to dance among swords and spears pointed at them.

Other kinds of dances were frequently performed at entertainments, in Rome as well as in Greece, by courtesans, many of which were of a very indecent and lascivious nature. The dancers seem to have frequently represented Bacchanales: many such dancers occur in the paintings found at Herculaneum and Pompeii, in a variety of graceful attitudes.

Among the most important was the θυρσος, which was danced at Sparta by youths and maidens together; the youth danced first some movements suited to his age, and of a military nature; the maiden followed in measured steps and with feminine gestures. Lucian says that it was similar to the dance performed at the Gymnopaedia. Another common dance at Sparta was the Diadeste, which is described in a separate article.

1. (Dor., iv. 6, § 5.)—2. (Xen. Alcib. vi., 7, 8.—Athén., i., p. 155, f. 10, a.—Maxim. Tyr., Dion., xvii., 4—3. (Athén., Rap., p. 155, b.)—4. (Gem., 24.)—5. (Mann. Sat., ii. 10.—Piat., Stich., v., 9, 11.)—6. (Vid. Musee Borb., vol. viii., tav. 54.—70 vol. ix., tav. 17; vol. x., tav. 6, 94.)—7. (De Salt., 12.)—8. (Compare Müller, Dor., iv. 6, § 5.)

In many of the Greek states, the art of dancing was carried to great perfection by females, who were frequently engaged to add to the pleasure and enjoyment of men at their symposia. These dances always belonged to the hekateia. Xenophon describes a mimetic dance which was represented at a symposium where Socrates was present. It was performed by a maiden and a youth belonging to a Syracusan, who is called the ὁμηροτοῖοςκολος, and represented the loves of Dionysus and Ariadne.

Respecting the dancers on the tight-ropes, see Fe

SAMBUCA (σαμβύκη or σαμβύκη), a Harp.

The preceding Latin and Greek names are with good reason represented by Bochart, Vossius, and other critics to be the same with the Hebrew שבטה (sabcan), which occurs in Daniel. The performances of sambucistria (σαμβοκιστρίας) were only known to the early Romans as luxuries brought over from Asia. The Athenians considered them as an exotic refinement; and the Rhodian women who played on the harp at the marriage-feast of

1. (Symp., ix., 7,—2. (ad Virg., Ec., v., 73.)—3. (vii., 2.)—4. (Fest., s. v., 5.—Quint., Inst. Orat., i., 11, § 18.—Maurocr. ii., 30.—Por Mure., b.—7. (Mensius, Orchestria.—Barezeit, De la Deac des Anciens.)—8. (Memmius, Sotion, Colum., Pref., i.—Max., x., 17.)—9. (Quint. Inst. Orat., i., 11, § 18.—Phil. de sa Dictionary, ed. Mauke.)
SANDARACHA.

Caranus in Macedonia, clothed in very thin tunics, were introduced with a view to give to the entertainment the highest degree of splendour. Some Greek authors expressly attributed the invention of this instrument to the Syrians or Phoenicians. The opinion of those who ascribed it to the lyre post Pindar can only be hypothecized, and that this invention was improved considerably higher than the invention of the performer, whereas the harp was sometimes considerably higher than the stature of the performer, and was placed on the ground. The harp of the Parthians and Troglydetae had only four strings. Those which are painted on the walls of Egyptian tombs (see Denon, Wilkinson, &c.) have from four to thirty-five. One of them, taken from Bruce’s Travels, is here introduced. From the allusions to this instrument in Vitruvius, we find that the longest string was called the “proslambanomenos,” the next “hypste,” the shortest but one “paranete,” and the shortest, which had, consequently, the highest tone, was called “neta.” (Vid. Music, p. 648.) Under the Roman emperors the harp appears to have come into more general use, and was played by men (σαμβοκιστατ) as well as women.

Samanca was also the name of a military engine, used to scale the walls and towers of besieged cities. It was called by this name on account of its general resemblance to the form of the harp. Accordingly, we may conceive an idea of its construction by turning to the woodcut, and supposing a mast or upright pole to be elevated in the place of the longest strings, and to have at its summit an apparatus of pulleys, from which ropes proceed in the direction of the top of the harp. We must suppose a strong ladder, 4 feet wide, and guarded at the sides with palisades, to occupy the place of the sounding-board, and be capable of being lowered or raised at pleasure by means of the ropes and pulleys. At the siege of Syracuse Marcellus had engines of this description fixed upon vessels, which the rowers moved up to the walls so that the soldiers might enter the city by ascending the ladders.

When an inland city was beleaguered, the sambuca was mounted upon wheels.

SAMA TERRA (Σαμια γη). “The Samian Earth,” says Sir John Hill, “was a dense, ponderous, unctuous clay, of a sub-astringent taste, and either white or sub-burnished. It was dug in the island of Samos, whence it was shipped, and was found in any other place that we know of.” It consisted principally of alumine, according to Adams. The σαμια was merely a dense variety of it. “The Samian earth,” observes Dr. Moore, “was obtained from a vein of considerable extent, but only two feet in height between the rocks which surrounded it. The samian stone stood erect while digging it, but was obliged to lie upon his back or side. This vein contained four different qualities of earth, which became better in proportion as it was obtained from nearer the centre of the vein. The outer and inferior kind, called aster (σαμια), was chiefly or solely employed for cleansing and painting garments.”

SAMBUCUS (Σαμβοκιστατ). According to Gessner and De Laet, the Samian Stone belonged to the same class of substances as the Samian earth, from which it differed only in hardness.

SAMIANITES (Vid. Gladiatores, p. 477.)

SAMSYCHON (σαμσωφρυνος), a species of plant, the Origanum marianum, or Marjoram. It was called σαμσωφρυνος, Samycnas, and Sambucus in other places, such as Cyzicus, &c.

SANDALIUM (σανδαλιον or σανδαλον), a kind of shoe worn only by women. In the Homeric age, however, it was not confined to either sex, and consisted of a wooden sole fastened to the foot with thongs. In later times, the sandalium must be distinguished from the sandalia, which was a simple sole bound under the foot, whereas the sandalium, also called βλαστια or βλαστιον, was a sole with a piece of leather covering the toes, so that it formed the transition from the ὑπόδυμα to real shoes. The piece of leather over the toes was called ξυγό or ξυγυν. The οὐξια σαμβος in Strabo are, however, not sandalia without the ξυγυν, but, as Becker justly remarks, sandalia which did not belong to one another, or did not form a pair, and one of which was larger or higher than the other. The ξυγυν was frequently adorned with costly embroidery and gold, and appears to have been one of the most luxurious articles of female dress. This small cover of the toes, however, was not sufficient to fasten the sandalium to the foot, wherefore those sandalia beautifully adorned, were attached to it. Although sandalia, as we have stated, were in Greece, and subsequently at Rome also, worn by women only, yet there are traces that, at least in the East, they were also worn by men.

The Roman ladies, to whom this ornament of the foot was introduced from Greece, wore sandalia which appear to have been less beautiful and costly than those worn by the Greeks and the Oriental nations.

SANDAPILA. (Vid. Fundus, p. 458.)

SANDARACHA (σανδαραχα), a red pigment, called now Realgar, or red sulphuret of arsenic. According to the analysis of Thenard, it consists of


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SARD. SATRA.

75 parts of arsenic and 25 of sulphur. It was freely used by the ancient physicians as a caustic and stimulant. "An adulterate kind of sandaracha," says Dr. Moore, was made, according to Pliny, of calcined white lead; that is, the red lead he had just before described under the name of usa was substituted for realgar. But Vitruvius prefers to the native sandaracha this substitute, which he designates by no other name, simply saying that cerasus by the heat of a furnace converted into sandaracha. Strabo speaks of a mine of sandaracha at Pompeipolis, in Paphlagonia, in which, because of the dangerous exhalations from the mineral, none others were employed but slaves who had been sold on account of crimo. 1

SANDIX (σανίς), a red or scarlet paint, formed of the mixture of sandaracha with rubies in equal proportions. Servius, in his commentary on Virgil, erroneously takes it for an herb yielding a dye; and La Cerva, falling into a similar mistake, says that sandia is both an herb and a colour. 2

SANT'ALON (σαντάλων), the Sandal-tree and its wood. Arrian is supposed to refer to this kind of wood under the name of σανολίνα ξόλα, where probably we ought to read σαντάλων or σαντάλινα, or else σαντάλα. 3

SAPPHI'RUS (σάφηρος), the Sapphire. "The sapphire of the ancients," says Dr. Moore, "described by Theophrastus as sprinkled with gold (χρύση) and black (πράσινος) spots; as the sapphires (scintillat), is agreed by all to have been our lapis-lazuli. The name is Hebrew, and occurs repeatedly in the Old Testament, applied to the same substance. What the ancients took for gold was the iron pyrites often disseminated in this mineral, and forming a feature in its external character upon which, under their mistake, they were inclined to place the highest value. The idea of a precious stone raised the name of this and other minerals beside lapis-lazuli were included under the name sapphire. Pliny speaks of purple sapphires, of which the best, he says, are the Median. 4

SARCO-PHAGUS. (Vid. Feves, p. 460.)

SAR'CU'LUM, a servicus (σκαλις, σκαλιστήρων), a Hoe, chiefly used in weeding gardens, cornfields, and vineyards. The name, as seems to be settled, is borrowed from the Hebrew, and may mean to cover the seed when sown, 5 and in mountainous countries is sown instead of a plough. 6 Directions for using it to clear the surface of the ground (σκαλείν, σκαλεένων) are given by Palladius. 7

SARDA or SAR'DUS (σαρδος), the Carmelian. Pliny says it was found first at Sardes, intending probably by this to signify the origin of the berry. Others, however, derive the term from the island of Sardinia, where, according to Kircher, very good ones are obtained. Ephippianus says it received its name from some resemblance which it bore to the fish called sardine (σαρδίς τεταραχμένης). The "carmelian," says Sir John Hill, "is one of the semiprecious gems, and has its name Carnelianus, Cornelius, a man of Carthage, or, as some authors suppose, from the colour, which resembles flesh (sera, carminis) with more or less of the blood in it." The best carnelians had been obtained from near Babylon, in working certain stone quarries, where it was found enveloped in the rock; but that locality, Pliny says, had failed. It was, however, a common gem, and occurred in many other places. "The carnelian," says Adams, "consists mostly of silex; but, according to Brückmann, the ancients used the name in a generic sense, comprehendinger under it all the finer species of horntones or agates. The red were called carnelians, the white onyxes; and those compounded of both, carondoixes." 8

SARD'ON'YX (σαρδόνυξ), the Sardonyx, a precious stone. This variety, according to Cleaveland, differs from the carnelian (vid. SARD.) in its colour only, which is reddish yellow, or nearly orange, sometimes with a tinge of brown. "The sardonyx," says Dr. Moore, "mentioned by Pliny next after opal, as holding the next rank, was evidently the same stone with that now so called. But under the same denomination seem to have been comprehended other varieties of chalcedony, and especially that species of carnelian which Werner calls Sardonyx, whose colours are in alternate bands of red and white, and, when the stone is cut in certain directions, resemble the flesh seen through the finger nail. The first Roman who sealed with a sardonyx was the elder Scipio Africanus, from whose name the stone is derived. Under this sort of gem was much used for that purpose, it being almost the only one which left a fair impression, and brought away with it no portion of the wax. This gem was most approved when it exhibited distinct colours and bands well defined. The localities mentioned by Pliny are India, Arabia, and Armenia. 9

SARRA'CUM, a kind of common cart or wagon, which was used by the country-people of Italy for conveying the produce of their fields, trees, and the like from one place to another. 10 Its name, as well as the fact that it was used by several barbarous nations, show that it was introduced from them into Italy. 11 That persons also sometimes rode in such a sarracum, is mentioned by Seneca. 12 Quinctilian, 13 who even regards the word sarracum as low and vulgar. Capitolinus 14 states that, during a plague, the mortality at Rome was so great, that it was found necessary to carry the dead bodies out of the city upon the common sarracum. Several of the barbarous nations with which the Romans came in contact used these wagons also in war, and they formed part of the Roman armament, and were employed, 15 and the Scythis used them in their wanderings, and spent almost their whole lives upon them, with their wives and children, whence Ammianus compares such a caravan of sarracum, with all that was conveyed upon them, to a wandering city. The Romans appear to have used the word sarracum as synonymous with planstrum, and Junian 16 goes even so far as to apply it to the combination of stars which was generally called planstrum. 17 SART'AGO (σαρτάγον) was a sort of pan, which was used in the Roman kitchens for a variety of purposes, such as roasting, melting fat or butter, cooking, &c. 18 Frequently, also, dishes consisting of a variety of ingredients seemed to have been prepared in such a sartago, as Persius 19 speaks of a sartago logeni, that is, a mixture of proper and improper expressions. Some commentators on this passage, and perhaps with more justice, understand the sartago logendi as a mode of speaking in which blushing sounds are employed, similar to the noise produced when meat isfried in a pan.

SATISDATTO. (Vid. Actio, p. 19.)

SAT'IURA, or, in the softened form, SATIRA, is the name of a species of poetry, which we call satira.
SATURNA.

ne. In the history of Roman literature we have to distinguish two different kinds of satires, viz., the early saturna and the later saturna, which received its perfect development from the poet C. Lucilius (148–103 B.C.). Both species of poetry, however, are altogether peculiar to the Romans. The literal meaning of saturna, the root of which is sat, comes nearest to what the French call poët-pourri, or to the Latin farrege, a mixture of all sorts of things. The name was accordingly applied by the Romans in many ways, but always to things consisting of various parts or ingredients, e. g., lanx saturna, an offering of diverse kinds of foods to Saturn; lex per saturmam laeta, a law which contained several distinct regulations at once. It would appear from the etymology of the word, that the earliest Roman saturna, of which we otherwise scarcely know anything, must have treated in one work on a variety of subjects just as they occurred to the writer, and perhaps, as was the case with the satirist Varro, half in prose and half in verse, or in verses of different metre. Another feature of the earliest saturna, as we learn from the celebrated passage in Livy, is that it was scenic, that is, an improvisatory and irregular kind of dramatic performance, of the same class as the versus Fascenmini. (Vid. Fascenninia.) We are also informed by Livy, that the first public Saturnalia were celebrated at Rome, the people, on account of their fondness for such extempore jokes and railing, still continued to keep up their former amusements, and it is not improbable that the exoxia of later times were the old saturna merely under another name. (Vid. Exodia.) The satires mentioned are ascribed to the first writers of satires, but we are entirely unable to judge whether their works were dramatic like the saturna of old, or whether they resembled the satires of Lucilius and Horace. At any rate, however, neither Ennius nor Pacuvius can have made any great improvement in this species of poetry, as Quintilian does not mention either of them, and does not mention C. Lucilius as the first great writer of satires. It is Lucilius who is universally regarded by the ancients as the inventor of the new kind of satyr, which resembled, on the whole, that species of poetry which is in modern times designated by the same name, and which was no longer scenic or dramatic. The character of this new saturna was afterward so far improved by the satirists of the succeeding age, that it was thenceforward called Lucilius. These new satires were written in hexameters, which metre was subsequently adopted by all the other satirists, as Horace, Persius, and Juvenal, who followed the path opened by Lucilius. Their character was essentially ethical or practical, and as the stage at Rome was not so free as at Athens, the satires of the former had a similar object to that of the ancient comedy at the latter. The poets, in their satires, attacked not only the follies and vices of mankind in general, but also of such living and distinguished individuals as had any influence upon their contemporaries. Such a species of poetry must necessarily be subject to great modifications, arising partly from the character of the time in which the poet lives and from the personal character and temperament of the poet himself; and it is from these circumstances that we have to explain the differences between the satires of Lucilius, Horace, Persius, and Juvenal.

After Lucilius had already, by his own example, established the artistic principles of satires, Tarentine Varro, in his youth, wrote a kind of satires which were neither like the old saturna nor like the

SATURNALIA.

1. (Gell, ii. 15–16; 2—Macrob. Sat. xiv. 18, Mart. i. 66.—Suet. Iul. 74.) 2. (Gell, ii. 15; 3—Plin. iv. 1; 4—Suet. Oct. 73.—Mart. v. 19; 5—Seneca, Ep. 13.) 3. (Plin. v. 10.—Scur. 14, 15.—Ep. 18.) 4. (Liv. xxv. 1; 5.—Ov. Am. xii. 13.—Arr. Di. Epictet. 1, 2.) 5. (Lucian, Sat. 4.)
return to Greece, as the authors of the Saturnalia. Records approaching more nearly to history referred the erection of temples and altars, and the first celebration of the festival, to epochs comparatively recent, to the reign of Tattius, or of Tullus Hostilius, or of Tarquinii Superbus, to the consuls of A. Sempronius and M. Minutius, B.C. 497, or to that of T. Lartius in the preceding year. These conflicting statements may be easily reconciled by supposing that the appointed ceremonies were in these rude ages neglected from time to time, or corrupted, and again at different periods revived, purified, expanded, and performed with fresh splendour and greater regularity.

During the Republic, although the whole month of December was considered as dedicated to Saturn, only one day, the xiv. Kal. Jan., was set apart for the sacred rites of the divinity: when the month was lengthened by the addition of two days upon the adoption of the Julian Calendar, the Saturnalia fell on the xvi. Kal. Jan., which gave rise to confusion and mistakes among the more ignorant portion of the people. To obviate this inconvenience, and allay all religious scruples, Augustus enacted that three whole days, the 17th, 18th, and 19th of December, should in all time coming be hallowed, thus embracing both the old and new style. A fourth day was added, we know not when or by whom, and a fifth, with 1. Kal. Aug. to the 5th of the Kal. Caligula, is the arrangement which, after it had fallen into disuse for some years, was restored and confirmed by Claudius.

But although, strictly speaking, one day only, during the Republic, was consecrated to religious observances, the festivities were spread over a much longer space. Thus, while Livy speaks of the first day of the Saturnalia (xvi. kal. Dec., 15.), Ov. narrates the second and third (secunda Saturnalius; Saturnalius tertius); and it would seem that the merry-making lasted during seven days, for Novius, the writer of Atellaneæ, employed the expression septem Saturnalia, a phrase copied in later times by Memmius; and even Martial speaks of Septem Saturni dies, although in many other passages he confined the Saturnalia to the obser-

vance of the xiv. of December with the edicts of Caligula and Claudius. In reality, under the Empire, three different festivals were celebrated during the period of seven days. First came the Saturnalia proper, commencing on xvi. Kal. Dec., followed by the Opalia, anciently coincident with the Saturnalia, on xiv. Kal. Jan.; these two together lasted for five days, and the sixth and seventh were occupied with the Sigillaria, so called from little earthenware figures (sigilla, oscilla) exposed for sale at this season, and given as toys to children.

**SATYRION (σατύριον), a plant, having the property of exciting salacity, whence the name. The σατύριον τριφύλλου of Dioscorides and Galen has given rise to many conjectures, as Adams remarks, "to lineaments very difficult to determine." The σατύριον κροκόνδυλον has been commonly held for the Erythromyron Dens Canis, or Dog's-tooth; Sprengel, however, is not quite satisfied about it.**  

**II. A four-footed amphibious animal. (Vid. En-**

**SYNDRUS.**  

**SATYRUS. (Vid. SIMIA.)**

**SAURUS and SAURA (σαῦρος, σαῦρα). These terms are applied to several species of the genus Lacerta; to the Salamander, the Steleio, and the Gecko. The σαῦρος χρυσός noticed by Zelil must have been the Lacerta viridis, L. It is a very large species. Virgil mentions it in the following lines:**

"I nunc viridis stiam occultant spineta laceris.

"**I. A species of fish, about which great uncertainty prevails. Some have referred it," says Adams, "to Salmo, or to Sardina; others to the Tarantola. Schweighauser mentions that the*
SCYPHORUS.

*SCYPHORUS (σκυψόρος), another name for the preceding, used by Athenaeus.

1. *SCEPTRUM is a Latinized form of the Greek *σκηπτρόν, denoted simple staff or walking-stick. (Vid. Bacchus.) The corresponding Latin term is scipio, sprouting from the same root and having the same signification, but of less frequent occurrence.

As the staff was not merely to support the steps of the aged and infirm, but as a weapon of defence and assault, the privilege of habitually carrying it becomes emblematic of station and authority. The straight staves with which the four of the first sitting figures in the woodcut at p. 61, while a third holds the curved staff, or Lerus, indicate, no less than their attitude and position, that they are exercising judicial functions. In ancient authors the sceptre is represented as belonging more especially to kings, princes, and leaders of tribes; but it is also borne by judges, by heralds, and by priests and seers. It was more especially characteristic of Asiatic manners, so that, among the Persians, whole classes of those who held high rank and were invested with authority, including eunuchs, were distinguished as the sceptre-bearing classes (*οί σκηπτροφόροι*). The sceptre descended from father to son; and committed to any one in order to express the transfer of authority. Those who bore the sceptre swore by it, solemnly taking it in the right hand and raising it towards heaven.

The original wooden staff, in consequence of its application to the uses now described, received a variety of ornaments or emblems. It early became a truncheon, pierced with golden "eunuch" and supported; it was enriched with gems, and made of precious metals or of ivory. The annexed woodcut, taken from one of Sir Wm. Hamilton's fittle vases, and representing Ancus followed by Ascanius, and carrying off his father Anchises, who holds the sceptre in his right hand, shows its form as worn by kings. The ivory sceptre (*ευρέμου σκιπίον*) of the kings of Rome, which descended to the consuls, was surmounted by an eagle. (Vid. Insigne.) Jupiter and Juno, as sovereigns of the gods, were represented with a sceptre.

SEMPERONAN.

*SCYPHORUS (σκυψόρος). (Vid. Hypercly-}

**SCIRIUS.** The Pistacia lentiscus, or the lentisk which produces mastich.  
**CHISNOS** (σκίνος), a species of Pistacia, or the lentisk which produces mastich.  
**CHISNOS LAPS** (σκίντος λάπος). "The Schistus lapsis," says Dr. Moore, "by burning which, we find from Dioscorides and Pliny, that hematiche warm sometimes counterfeited, was probably an ochre stone of a slaty structure, whence its name (σκίντς, 'split', 'cleaven'). The best was of a somewhat saffron colour, friable, fissile, and resembling in structure and in the cohesion of its layers the fossil salt called ammonite."

**SCHENICICLUS** (σχενικίλικος), a species of bird, which Schneider says has been referred to the Em- berton Schenakenis, or Reed Spearro. This Adams considers as rare and ref. suggests the Motacilla aurivittata, or Reed Wren.

**SCHENUS** (σχένος), an Egyptian and Persian measure, the length of which is stated by Herodotus at 60 stadia, or 2 parasangs; by Eratosthenes at 40 stadia, and by others at 32. Strabo and Pliny both state that the schenus varied in different parts of Egypt and Persia. The schenus was used especially for measuring land.

**SCHENUS** (σχένος), a term applied to several species of Rush. "According to Sprengel, the δηνοχόιος is the Juncus acutus, and the δηνοχόιος the Schenus marginis, in which opinion he is supported by Stackhouse. Stephens gives nearly the same account of the Scham. Sibthorp makes the σχένος λεια of Dioscorides to be the S. Holoschamis, L. It is considered as the most important of this tribe. Moses Charris says of it, 'The Schanath is Greek, and signifies the flower of a reed, which is the best part of that plant.' Dr. Hill also says of "The Schanath, or Juncus odoratus of the shops, is a dried stalk of a plant brought to us from Arabia, sometimes bare and naked, sometimes with the leaves and flowers cut off, or with more or less remains of them." Sprengel gives a very interesting description of this reed (which he calls Andropogon Schanathus) from a specimen which he got from India."

**SCHOLIA.** (Vid. Bathy, p. 148.)

**SCIADEION** (σκιαδέεων). (Vid. UMBRALCUM.)

**SCIADEPHORA** (σκιάδεφορα). (Vid. HYDRAD- PHORA.)

**SCIA'NA** (σκιανα), a species of fish, the Sciana corvina, L. It is also called skenos and skindilos. According to Belon, it is about four cubits long, and sometimes weighs 60 lbs. Rondelet says it is so like the Corvina that the one is often sold for the other in Rome.

**SCILLA** (σκίλλα), a bulbous-rooted plant, the Sea Onion or Squill. "The σκίλλα" of Dioscorides is without doubt," says Adams, "the Scilla maritima, or Squill. The σκίλλα Ἐπιμελεία of Theophrastus was most probably the Scilla Italica, as Stockhouse suggests. The Scilla maritima, according to Sibthorp, abounds in the island of Zante. It is an object of commerce, and is exported to Holland and England. A sequin for 1000 roots is paid for collecting them. It is called ἄσκαλα at Constantinople, where it is sold with honey for the asthmatic, or applied in cataplasms to the joints affected with rheumatic pains."

**SCIOTHETICUM.** (Vid. Herololium, p. 509.)

**SCIPIO**. (Vid. Sceptrum.)

**SCIURUS** (σκίουρο), the Squirrel, or Sciurus

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**SCIRPUS** (σκίρπος), the Squirrel Grass, of which Nicander, Eilian, says:


**SCIRPUS vulgaris.** The Greek name is derived from the circumstance of the tail serving, as it were, to shade the body (σκίς and αύρα).
and other ancient authors describe several species. Sprengel remarks that Nicandrus's division of scorpions had been adopted by modern naturalists. "The scorpion," says Wilkinson, "was among the Romans an emblem of the goddess Selk, though we should rather expect it to have been chosen as a type of the Evil Being. "Elian mentions scorpions of Coptos, which, though inflicting a deadly sting, and dreaded by the people, so far respected the goddess Isis, who was particularly worshipped in that city, that women, in order to express their grief before the image of Isis, which had become the symbol, without receiving any injury from them."

"All the fables," says Griffith, "which superstition and ignorance have brought forth, during a series of ages, respecting this animal, are exhibited at length in the Natural History of Pliny. The ancients, however, did observe that it coupled, and was viviparous; that its sting was pierced, so as to give passage to the poison, and that this poison was white. They further remarked that the females carried their young, but they supposed that there was but one to each mother; that this had escaped by stratagem from the general slaughter which she had made of her posterity, and that it finally avenged its brethren by devouring the author of its life. Accurate observers had already observed the poison of any of its own family; but, at all events, the voracity of these animals was fully recognised. It is probable that the winged scorpions, which excited astonishment from this size, as well as those which Megasthenes informs us were to be found in India, are orthoptera of the genus Phasma, or spectrum or heimiptron of that of Nepos of Linnaeus. Pliny informs us that these animals are sometimes found naturalized in Italy by the scorpions of Africa, but that their attempts proved wholly unsuccessful. He distinguishes nine species, on the authority of Apollodorus. Nicander, who reckons one less, gives some particular details on the subject, but is guided by views purely medical."

"III. A species of fish, the Scorpia porcus, L., called in Italian Scorfanelli; in modern Greek, οξορίδη, according to Belon and Coryn."

"IV. A species of thirsty plant, which Anguillara, Sprengel, and Schneider agree in regarding as the Sparrium Scorpius. "Stackhouse, however, finds objections to this opinion."

"V. A species of the genus Apis (from apomoides), a species of plant, which Donnatus and Sprengel agree in referring to the Scorpiumus sulcatus, L., or Scorpioniades, Tourenfort."

SCRIE. - The scribes at Rome were public notaries or clerks in the pay of the state. They were chiefly employed in making up the public accounts, copying out laws, and recording the process of the different functionaries of the state. The phrase "scribus facere" was used to denote their occupation. Being very numerous, they were divided into companies or classes (decuria), and were assigned by lot to different magistrates, whence they were named questoril, addilici, or pronturil, from the officers of state to whom they were attached. We also read of a "questor of the decuriae," a member of a of a inferior order. The appointment to the office of a "scriba" seems to have been either made on the nomination of a magistrate, or purchased. Thus Livy tells us that a scriba was appointed by a questor; and we meet with the phrase "decuriam emere," to "purchase a company," i.e., to buy a clerk's place. Horace, for instance, bought for himself a "patent place as clerk in the treasury" (scribium quatuorium comparavit). In Cicero's time, the person who might become a scriba or public clerk by purchase, and, consequently, as freedmen and their sons were eligible, and constituted a great portion of the public clerks at Rome, the office was not highly esteemed, though frequently held by ignoble or freeborn citizens. Cicero, however, informs us that the scribe formed a re- spected class of society. The house of Scaurus even seems to have assigned a reason for calling them such, as if he were conscious that he was combating a popular prejudice. Very few instances are recorded of the scribe being raised to the higher dignities of the state. Cic. Flavus, the scribe of Appius Claudius, was raised to the office of curule aedile in gratitude for his making public the various forms of actions, according to the number and the actual cost of the property of the patricians (vid. Acro, p. 17), but the returning officer refused to acquiesce in his election till he had given up his books (tabulas posuit) and left his profession. The private secretaries of individuals were called librarii, and sometimes scribes ab epistolis. In ancient times, as Festus informs us, scribes were employed for public records."

SCRIBO'NIA LEX. (Vid. Lex. p. 585.)

SCRI'NVM. (Vid. CAPSA.)

SCRIPLUM. (Vid. Scripulum.)

SCRIPTA DU'ODEMIC. (Vid. Latruncula.)

SCRIPTO'RA was that part of the revenue of the Roman Republic which was derived from letting out those portions of the public pastures which it could not be taken into cultivation as pasture-land. The name for such parts of the aegus publicus was pascua publica, saltus, or silva. They were let by the census to the publicani, like all othervectigalia; and the persons who let their cattle graze on such public pastures had to pay a certain tax or duty to the publicani, which, of course, was considered as the exclusive occupation of the cattle which they kept upon them. To how much this duty amounted is nowhere stated, but the revenue which the state derived from it appears to have been very considerable. The publican had to keep the lists of the persons who sent their cattle upon the public pastures, together with the number and quality of their cattle, and, from this information (scribueri) the duty itself was called scripture, the public pasture-land aeger scripturarius, and the publican, or their agents who raised the tax, scripturarius. Cattle not registered by the publican were called pecudes inscriptae, and those who sent such cattle upon the public pastures were punished according to the lex Corporia, and the cattle were taken by the publican and forfeited.11 The lex Triodia12 did away with the scripture in Italy, where the public pastures were very numerous and extensive, especially in Apulia,13 and the lands themselves were now sold or distributed. In the provinces, where the public pastures were also let out in the same manner, the practice continued until the time of the Empire, but afterwards the latum is no longer mentioned. SCUR'PULUM, or, more properly, Scription (pompea), the smallest denomination of weight among the Romans. It was the 24th part of a "scriptio."
of the Uncia, or of the Libra, and therefore is 18.66 grains English, which is about the average weight of the sculpurial aurei still in existence. (Vid. Jeurzam.)

As a square measure, it was the smallest division of the jurerum, which contained 298 scrupula. (Vid. Jeurzam.) Pliny 1 uses the word to denote small divisions of a degree. It seems, in fact, to be applicable to any measure.

Though the scrupulum was the smallest weight in common use, we find divisions of it sometimes mentioned, as the obolus = ½ of a scrupum, the semi-obolus = ¼ of an obolus, and the situlae = ¾ of an obolus, which is thus shown to have been originally the weight of a certain number of seeds. 2

"Semiobioli duplium est obola, quem ponderes duplo Gramma vacant, scriptum nosi dizero prioris. Semina sec axi sitiurae latitancia curvis Attribuunt scruplo, lentinose grana ha octo, Aut totidem speltas numerant, tristesse lupinos Bis duo." 3

SCULPTURA (γλυφ) properly means the art of engraving figures upon metal, stone, wood, and similar materials, but is sometimes improperly applied by modern writers to the statuary art, which is known as sculptura figurata. (Vid. Sculptura.) There are two different forms of the word, both in Greek and Latin, viz., sculpum, sculptura, and sculpum sculpura (in Greek γλυφω and γλυφό.) The general opinion is, that both sculpum and sculpum, with their derivatives, signify the same thing, only different in degree of perfection, so that sculptura would signify a coarse or rude, sculptura an elaborate and perfect engraving. This opinion is probably based upon the following passages: Horat., Sat., ii., 3, 22.—Ovid. Met., x., 248.—Vitriv., i., 6. 3 Others, again, believe that sculpum (γλυφ) signifies to cut figures into the material (intaglio), and sculpum (γλυφω) to produce raised figures, as in coins. It is but very doubtful whether the ancients themselves made or observed such a distinction.

It may be expedient, however, in accordance with this distinction, to divide sculptura into two departments: 1. The art of cutting figures into the material (intaglio), which was chiefly applied to producing seals and matrices for the mints; and, 2. The art of producing raised figures (cameos), which accord for the most part as ornaments.

The first branch of these two branches was much more extensively practised among the ancients than in modern times, which arose chiefly from the general custom of every free man wearing a seal-ring. (Vid. Rings.) The first engravers of metal or stone, which served as seals, were simple and rude, signifies without any meaning, sometimes merely consisting of a round or square hole. 4 In the second stage of the art, the commonest or ornament forms, as in the worship of the gods, were introduced, until at last, about the age of Phidias and Praxiteles, this, like the other branches of the fine arts, had completed its free and unrestrained career of development, and was carried to such a degree of perfection, that, in the beauty of design as well as of execution, the works of the ancients remain univalved down to the present day. But for the names of the artists who excelled in this art have come down to us. Some intaglio, as well as cameos, have a name engraved upon them, but it is in all cases more probable that such are the names of the owners rather than those of the artists. The first artist who is mentioned as an engraver of stones is Theodor, the son of Telecles, the Samian, who engraved the stone in the ring of Polygertes. 5 The most celebrated among them was Pyrgoteles, who engraved the seal-rings for Alexander the Great. 6 The art continued for a long time after Pyrgoteles in a very high state of perfection, and it appears to have been applied about this period to ornamental works; for several of the successors of Alexander and other wealthy persons adopted the custom, which was and is still very prevalent in the East, of adorning their gold and silver vessels, vessels, cedrals, and the like, with precious stones, on which raised figures (cameos) were worked. 7 Among the same class of ornamental works we may reckon such precious and mosaic ornaments as those which there was in many cases a whole series of raised figures of the most exquisite workmanship. 8 Respecting the various precious and other stones which the ancient artists used in these works, see Müller. 9

As regards the technical part of the art of working in precious stones, we only know the following particulars. The art was first polished by the goldsmith, and received either a plane or convex surface; the latter was especially preferred, when the stone was intended to serve as a seal. The sculptor himself used iron or steel instruments moistened with oil, and sometimes also a diamond framed in iron. These metal instruments were either sharp and pointed, or round. 10 The stones which were destined to be framed in rings, as well as those which were to be inlaid in gold or silver vessels, then passed from the hands of the sculptor into those of the goldsmith (appiarius, compositor).

Numerous specimens of intaglio and cameos are still preserved in the various museums of Europe, and are described in numerous works. For the liberal treatment of the subject see Müller. 11

SKYRIA ΔΙΚΗ (σκυρία δίκη) is thus explained by Pellox: Σκυρία δίκην ὄνομαζον οἱ κυμοδοδόπαλοι τὴν τραγείαν οἱ γλυφοντες ἐκ τοιοῦτον τις Σκυρίων ἢ ἐις Δίκην ὀνομαζομεν. By τραγεία δίκη is meant one beset with difficulties, in which the plaintiff had to encounter every sort of trickery and evasion on the part of the defendant. On the appointed day the plaintiff and defendant were required to be present in court, and if either of them did not answer in the least attempt to justify himself, he was pronounced against him, unless he had some good excuse to offer, such as illness or inevitable absence abroad. Cause was shown by some friend on his behalf, supported by an affidavit called ὑπομονα, in answer to which the opponent was allowed to put in a counter-affidavit (ἀντιὑπομονα), and the court decided whether the excuse was valid. It seems to have become a practice with persons who wished to put off or shirk a trial, to pretend that they had gone to some island in the Εὔκαρε, either on business or on the public service; and the isles of Scyros (one of the Cyclades), Lemnos, and Imbros were particularly selected for that purpose. Sliamners of this kind were therefore called Σκυρίαυς Δίκαιοι and Imbriaus Δίκαιοι.

SCYTÄLAE (σκύταλαι) (Vid. Demost.), the Roman shield worn by the heavy-armed infantry, instead of being round like the Greek CIPPUS, was adapted to the form of the human body by being made either oval or circularly, the shape of a door (σκύτα), which it also resembled in being made of wood or wickerwork, and from which, 1


SCYTALE

consequently its Greek name was derived. Two of its forms are shown in the woodcut at page 496. That which is here exhibited is also of fre-

quent occurrence, and is given on the same authority; in this case the shield is curved, so as in part to encircle the body. The terms clipeus and scutum are often confused; but that they properly denoted different kinds of shields is manifest from the passages of Livy and other authors which are quoted in p. 102, 269. In like manner, Plutarch distinguishes the Roman 

\[ \text{θήρας} \] from the Greek δίστοις in his Life of Titus, transcribing a statement of ' \text{Polybius}', i.e., in St. Paul uses the term \text{θυρας} rather than \text{δίστοις or σκοτ}, because he is describing the equipment of a Roman soldier. ( \text{Vid. Arm., p. 95.}) These Roman shields are called \text{scuta longaonz θυράς κοινής}. Polybius states their dimensions were 4 feet by 2. The shield was held on the left arm by means of a handle, and covered the left shoulder.

\*SCYL'TUM (σκύλλος), a species of Shark, probably the \text{Squalus catenula}, or \text{Bounce.} 

SCY'TALE (σκύταλα), I. is the name applied to a secret mode of writing, by which the Spartan ephors communicated with their kings and generals when abroad. When a king or general left Sparta, the ephors gave to him a staff of a definite length and thickness, and retained for themselves another of precisely the same size. When they had any communication to make to him, they cut the material upon which they intended to write into the shape of a narrow ribbon, wound it round their staff, and then wrote upon it the message which they had to send to him. When the strip of writing material was taken from the staff, nothing but single letters appeared, and in this state the strip was sent to the general, who, after having wound it around his staff, was able to read the communication. This rude and imperfect mode of sending a secret message must have come down from early times, although no instance of it is recorded previous to the time of Pausanias. In later times, the Spartans used the scytale sometimes also as a medium through which they sent their commands to subject and allied towns.

\*II. (σκύταλα), the Blue-bellied Snake. “From Nicander’s description of the scytale,” says Adams, it is clear that it nearly resembled the amphibiae. In the Latin translations, they are denominated \text{iscusculum}. Avicenna says it resembles the amphibia both in form and in the effects of its sting. Hence Sprengel refers the scytale to the

\[ \text{Anguis eriox}, \text{a serpent which differs in length only from the Anguis fragilis, or Blindworm.} \]

\text{SECTIO.} “Those are called sectores who buy property publicly.” Property was said to be sold publicly (\text{publice }) when a man’s property was sold by the state in consequence of a condamnation, and for the purpose of repayment to the state of such sums of money as the condemned person had improperly appropriated, or in consequence of a proscriptio. Such a sale of all a man’s property was a sectio; and sometimes the things sold were called sectio. The sale was effected by the praetor giving to the quasemors the bonorum possessio in reference to which the phrase “ \text{bona publice possideri}” is used. The property was sold sub haste, and the sale transferred Quiritarian ownership, to which Gaius probably alludes in a mutilated passage. The sector was entitled to the interdictum sectorium for the purpose of obtaining possession of the property; but he took the property with all its liabilities. An hereditas that had fallen to the fiscus was sold in this way, and the sector acquired the hereditatis pettio.

SECTOR. ( \text{Vid. Sectio.})

SECTORIUM INTERDICTUM. ( \text{Vid. Interdictum})

SECURIS, \*SECURICULA (σκύταλα, πτελές) an Axe or Hatchet. The axe was either made with a single edge, or with a blade or head on each side of the haft, the latter kind being denominated \text{bipenis (πτελές διστόμως, ου μιστήμως)}. As the axe was not only an instrument of constant use in the hands of the carpenter and the husbandman, but was, moreover, one of the earliest weapons of attack, a portion of the Roman fasces, and a part of the apparatus when animals were slain in sacrifice, we find it continually recurring under a great variety of forms upon coins, gems and bas-reliefs. In the woodcut to the article \text{Secrux}, the young Ascanius holds a battle-axe in his hand. Also real axe-heads, both of stone and metal, are to be seen in many collections of antiquities. Besides being made of bronze and iron, more rarely of silver, axe-heads have from the earliest times and among all nations been made of stone. They are often found in sepulchral tumuli, and are arranged in our museums together with chisels, both of stone and metal, of bronze, under the name of \text{cells.} ( \text{Vid. Dolabr.})

The prevalent use of the axe on the field of battle was generally characteristic of the Asiatic nations, whose troops are therefore called \text{securigera catena.} As usual, we find the Asiatic custom propagating itself over the north of Europe. The bifurcans and the spear were the chief weapons of the Franks.

In preparing for a conflict, the metallic axe was sharpened with a whetstone (\text{subligur in cote secu}.)

SECU'TO-RES. ( \text{Vid. Gladiatores, p. 477.})

SEISACH'THEIA. (σέσαχθεία), a disbanding ordinance, was the first and preliminary step to the legislation of Solon. The real nature of this measure was a subject of doubt even among the ancients themselves; for, while some state that Solon thereby cancelled all debts, others describe it as a mere reduction of the rate of interest. But from the various accounts in Plutarch and the grammarians, it


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seems to be clear that the σειάγχεα consisted of four distinct measures. The first of these was the reduction of the rate of interest; and if this was, as it appears, retrospective, it would naturally, in many cases, wipe off a considerable part of the debt. The second part of the measure consisted in lowering the taille and courage, that Solomon made 73 old drachmas to be worth 100 new ones; so that the debtor, in paying off his debt, gained ather more than one fourth. Böckh supposes that it was Solomon's intention to lower the standard of the coinage only by one fourth, that is, to make 75 old drachmas equal to 100 new ones, but that the new coin proved to be lighter than he had expected. The third part consisted in the release of the engaged lands from their encumbrances, and the restoration of them to their owners as full property. How this was effected is not clear. Lastly, Solomon abolished the law which gave to the creditor a right to the person of his insolvent debtor, and he restored to their full liberty those who had been enslaved for debt.

This great measure, when carried into effect, gave general satisfaction, for it conferred the greatest benefits upon the poor without depriving the rich of too much, and the Athenians expressed their thankfulness by a public sacrifice, which they called ξειάσχεσα, and by appointing Solomon to legislate for them with unlimited power.4  

SELÉNION (σέληνον).  "I agree with Sprengel," says Adams, "in thinking this the Apum Petroscílianus.  It is said, from the house being doubtful.  Ludovicius Nomius correctly remarks that it ought not to be confounded with the Petroscíliam of the ancients, or Macedonian Parsley. 13 SELLA. The general term for a seat or chair of any description. The varieties most deserving of notice are: 1. SELLA CURULIS, the chair of state. CURULIS is derived from the ancient writers from CURRUS; but it more probably contains the same root as CURIA, which is also found in Quirites, CURATES, the Greek κηροικος, κηροαιος, &c. (vid. Comtii, p. 295.) The sella curulis is said to have been used at Rome from a very remote period as an emblem of kingly power (hence "curul regia sella adornavit"), having been imported, along with various other insignia of royalty, from Etruria, according to one account to Tullus Hostilius; according to another by the elder Tarquinius; while Silius names Vetulonia the city from which it was immediately derived. 12 Under the Republic, the right of sitting upon this chair belonged to the consuls, praetors, curules ediles, and censors; 11 to the flamen dialis  (vid. Flamen); to the dictator, and to those whom he deputed to act under himself, as the magister equitum, since he might be said to comprehend all magistracies within himself. 12 After the downfall of the constitution, it was assigned to the emperors also, or to their statues in their absence; 13 to the augural, 14 and perhaps to the praefectus urbi. 15 It was displayed upon all great public occasions, especially in the circus and theatre, sometimes even after the death of the person to whom it belonged, a mark of special honour bestowed on Marcellus, Germanicus, and Pertinax; 4 and it was the seat of the praetor when he administered justice. 2 In the provinces it was assumed by inferior magistrates when they exercised proconsular or procurator authority, as we infer from its appearing along with fasces on a coin of the Genia Regia, struck at Nicaea, in Bithynia, and bearing the same AVIIOC ×FVITPOC TAMIC.  We find it occasionally exhibited on the medals of foreign monarchs likewise, on those of Ariobarzanes II. of Cappadocia, for it was the practice of the Romans to present a curule chair, an ivory sceptre, a toga praetexta, and such like ornaments, as tokens of respect and confidence to those rulers whose friendship they desired to cultivate. 3 The selle curulis appears from the first to have been ornamented with ivory, and this is commonly indicated by such expressions as curule clar; Numida sculptile dentis orae; and elaphinivos δίφορος; at a later period it was overlaid with gold, and consequently we find διόροφον ἐπιχρόσυνος, θρόνοι καταχράσεως, τὸν διόροφν τὸν κερκρωμένων, recurring constantly in Dion Cassius, who frequently, however employs the simple form δίφορον ἐμφατος. 4 In shape it long remained extremely plain, closely resembling a common folding (plectate) camp-stool with crook-ed legs. These last gave rise to the name ἀγκόλη-ποσ διφορος, found in Plutarch; 5 they strongly remind us of elephant's teeth, which they may have been intended to imitate, and the Emperor Aurelian proposed to construct one in which each foot was to consist of an enormous tusk entire. 6 This form of the selle curulis, as it is commonly represented upon the denarii of the Roman families, is given in p. 431. In the following cut are represented two pairs of bronze legs belonging to a selle curulis preserved in the Museum at Naples, 7 and a selle curulis copied from the Vatican collection.

II. BISELLIUM. The word is found in no classical author except Varro, according to whom it means a seat large enough to contain two persons. We learn from various inscriptions that the right of using a seat of this kind upon public occasions was granted as a mark of honour to distinguished persons by the magistrates and people in provincial towns. There are examples of this in an inscription found at Pisa, which called forth the long, learned, rambling dissertation of Chimelli, and in two others found at Pompeii. 9 In another inscription we have BISELLIIS HONOR, 11 in another, 10 containing the roll of an incorporation of carpenters, one of the office-bearers is styled COLLEG. I. BISEL.

LEARIUS. 12

SEMEIOTICA.

I.

Two bronze bisellia were discovered at Pompeii, and thus all uncertainty with regard to the form of the seat has been removed. One of these is engraved above.  

III. Sella Gestatoria of Fertoria, a sedan used both in town and country by men as well as by women (muliebris sella). It is expressly distinguished from the Lascaria, a portable bed or sofa, in which the person carried lay in a recumbent position, while the sella was a portable chair in which the occupant sat upright; but they are sometimes confounded, as by Martial. It differed from the cathedra also, but in what the difference consisted it is not easy to determine. (Vid. Cathedra.)

The sella was sometimes entirely open, as we infer from the account given by Tacitus of the death of Galba; but more frequently shut in. Dion Cassius pretends that Claudius first employed the covered sella, but in this he is contradicted by Suetonius and by himself. It appears, however, not to have been introduced until long after the Lactea was common, since we scarcely, if ever, find any allusion to it until the period of the Empire. The sella were made sometimes of plain leather, and sometimes ornamented with bone, ivory, silver, or gold, according to the rank or fortune of the proprietor. They were furnished with a pillow to support the head and neck (cervical); when made roomy, the epitaph faex was applied, when smaller than the patient's head, the therapeutical effect was so easy that one might study without inconvenience, while, at the same time, it afforded healthful exercise.

IV. Sella of different kinds are mentioned incidentally in ancient writers, accompanied by epithets which serve to point out generally the purposes for which they were intended. Thus we read of sella balneares, sella tomosia, sella obstetricia, sella familiaris v. pertuse, and many others. Both Varro and Festus have preserved the word seliquastrum. The former classes it along with sedes, sedile, solium, sella; the latter calls it "sedilia antiqui generis," and Arnobius includes them among common articles of furniture. No hint, however, is given by any of these authorities which could lead us to conjecture the shape, nor is there any additional light thrown upon the question by Hyginus, who tells us, when describing the constellations, that Cassiopeia is seated "in siliquastro."

Of chairs in ordinary use for domestic purposes, a great variety are found, displaying great taste, has been discovered in excavations, or are seen represented in ancient frescoes. The first cut annexed represents a bronze one from the Museum at Naples; the second, two chairs, of which the one on the right hand is in the Vatican, and the other is taken from a painting at Pompeii. A chair of a very beautiful form is given in the Mus. Borh.

V.

SELENA EQUESTRES. (Vid. EPHIPPION.)

SEMATA. (Vid. FUNUS, p. 457.)

SEMEIOTICA (το Σημειωτικόν), one of the five parts into which, according to some authors, the ancients divided the whole science of medicine. (Vid. MEDICINA.) The more ancient name for this branch of medicine was Diagnostica (το διαγνωστικόν), but in Galen's time the more common name appears to have been Semeiotica. Its particular province was the studying the symptoms of diseases, so as to be able to form a correct judgment as to their precise nature, and also to foretell with tolerable accuracy their probable termination. It was divided into three parts, comprehending, I. the knowledge of the past accidents and history of the disease; II. the inspection and study of the patient's actual condition; and, III. the prognosis of the event of his illness. As perhaps this branch of medicinest depends less on the state of science, and more on observation and natural acuteness than any other, this is the part in which the ancients laboured under the fewest disadvantages, and approved most nearly to ourselves. They seem also to have paid particular attention to the study of it, and their writings on this subject are still well worth consulting. The manuscript of Galen is now in the Vatican, and Alexander Trallianus; and the author of the treatise De Arte, in the Hippocratic collection, seems to think the knowing the nature of a disease almost the same as curing it. There are so many anecdotes of the skill and acuteness of the ancients in diagnosis and prognosis, that it is difficult to select the most striking. That of Erasistratus is well known, who discovered that the secret disease of which Antiochus, the son of Seleucus Nicator, was dying, was in fact nothing but his love for his stepmother Stratonea.
Many instances are recorded of Galen's extraordinary penetration, insomuch that he ventured to say that, by the assistance of the Deity, he had never been wrong in his prognostics. Asclepiades is said to have gained a great reputation by discovering that a man who was supposed to be dead, and was on the point of being buried, was in fact alive, and several similar instances are upon record. It must not, however, be supposed, that the natural acuteness of the ancients enabled them, in this branch of medicine, to overcome the force of vulgar prejudices, which so distinctly appear in other parts of their writings; e. g. Avian, on some subjects (as, for example, everything connected with generation) their prognostics was formed on the most ridiculous and superstitious grounds.

In the Hippocratic collection, the following works are found on this subject, of which, however, only the first is considered as undoubtedly genuine:—1. Προσφωνικών, Προσφωνίων; 2. Καίσακ Προσφωνίων, Προσφωνίων Coae, supposed to be more ancient than Hippocrates; 3. Προθέσεως, Προθέσεων, in two books, of which the former is probably anterior to Hippocrates, the second cannot be older than Aristotle and Praxagoras; 4. Περὶ Χυμῶν, De Humoribus; 5. Περὶ Κρίσεων, De J udicat ioni bus; 6. Περὶ Κρίσεων, De Diesibus J udicatiori s. Aratores has left four valuable books Περὶ Αἰτίων και Αἰτίων ἱστορίων, Περὶ Αἰτίων καὶ Αἰτίων ἱστορίων, Περὶ Αἰτίων καὶ Αἰτίων ἱστορίων, Περὶ Αἰτίων καὶ Αἰτίων ἱστορίων, of which the first two were valued and the last two were supposed by Vitruvius to belong to Hippocrates, and to be among the oldest works of the ancients that remain upon this subject.

SEMENTIVE FERLE. (Vid. Ferti, p. 436.)

SEMIS, SEMISSIS (Vid. As, p. 110.)

SEMPRONIE LEGES, the name of various laws proposed by Tiberius and Caius Sempronius Gracchus.

AGRAWI. In B.C. 133 the tribune Tiberius Gracchus proposed the Agrarian law of Licinius (vid. Roationes Liciniae): he proposed that no one should possess more than 500 jugera of the public land (ne quis ex publico agro plus quam quingentâ jugera possetderci); and that the surplus land should be divided among the poor citizens, who were not to have the power of alienating it: he also proposed, as a compensation to the possessors deprived of the land on which they had frequently made improvements, that the former possessors should have the full ownership of 500 jugera, and each of their sons, if they had any, half that quantity; finally, that three commissioners (triumviri) should be appointed every year to carry the law into effect. This law naturally met with the greatest opposition, but was eventually passed in the year in which it was proposed, 133 B.C., by Tiberius, C. Gracchus, and Appius Claudius were the three commissioners appointed under it. It was, however, never carried fully into effect, in consequence of the murder of Tiberius Gracchus. The other measures contemplated by Tiberius Gracchus do not require to be mentioned here, as they were never brought for- ward. In consequence of the difficulties which were experienced in carrying his father's agrarian law into effect, it was again brought forward by C. Gracchus B.C. 123.

DE CAPITÉ CIVIUM ROMANORUM, proposed by C. Gracchus B.C. 123, enacted that the people only should decide respecting the captas or civil condition of a citizen (ne de capitâ civium Romanor um in jusse nostro judicaturum). This law continued in force till the latest times of the Republic.

Fumventaria, proposed by C. Gracchus B.C. 123, enacted that corn should be sold by the state at 4th of an as for each modius (ut semisie et tricite, frumentum plebis daratur): Livy says semissi et trientia, that is 6 oz. and 4 oz. =10 oz., because there was no coin to represent the dextans (Vid. As, p. 110.) Respecting this law, see also Appian, Bell. Civ., i. 21—Plut., C. Gracchus, 5. —Vell. Pat., ii. 6.—Cic., Tus., iii. 20.—Pro Sex., 48.—Schoel, Bob. Pro Sex., p. 300, 303, ed. Orelli.

JUDICIALIZ. (Vid. J uex, p. 553.)

Militium, proposed by C. Gracchus B.C. 123, enacted that the soldiers should receive their clothing gratis, and that no one should be enrolled as a soldier under the age of seventeen. Previously a fixed sum was deducted from the pay for all clothes and arms issued to the soldiers.

Quinis a Trib. Consultatoribus, proposed by C. Gracchus B.C. 123, published the consuls were conspired to obtain the condemnation of a person in a judicium publicum. One of the provisions of the lex Cornelia de Sisariss was to the same effect.

De Provinciis Consularibus, proposed by C. Gracchus B.C. 123, enacted that the senate should fix each year, before the comitia for electing the regents, the number of two consulars which were to be allotted to the two new consulae.

There was also a Sempronian law concerning the province of Asia, which probably did not form part of the lex De Provinciis Consularibus, which enacted that the taxes of this province should be let out to farm by the censors at Rome. This law was afterward repealed by J. Caesar.

SEMIUCIAS, SEMILUCES.

SEMUNCII RIIUM FUNUS (Vid. Interest of Money, p. 547.)

Sena'Tus. In all the republics of antiquity, the government was divided between a senate and a popular assembly; and in cases where a king stood at the head of affairs, as at Sparta and in early Rome, the king had little more than the executive office. A senate in the early times was always regarded as an assembly of elders, which is, in fact, the meaning of the Roman senatus as of the Spartan sepoiowia, and its members were elected from among the nobles of the nation. The number of senators in the ancient republics always bore a distinct relation to the number of tribes of which the nation was composed. (Vid. Booth, Jeromii, p. 479.) Hence, in the earliest times, when Rome consisted of only one tribe, its senate consisted of one hundred members (senatores or patres; compare Pa ratici); and when the Sabine tribe, or the Titii, became united with the Latin tribe, or the Rames, the number of senators was increased to two hundred. This number was again augmented by one
hundred when the third tribe, or the Luceres, became incorporated with the Roman state. Dionysius and Livy place the last event in the reign of Tarquin Priscus. Cicero, on the other hand, tells us that Tarquinius doubled the number of senators, according to which we are obliged to suppose that before Tarquinus the senate consisted only of 150 members. This difference, however, may be accounted for by the supposition, that at the time of Tarquinius Friscus a number of seats had become vacant, which he filled up at the same time that he added 100 Luceres to the senate, or else that Cicero regarded the Luceres, in opposition to the two other tribes, as a second or a new half of the nation, and thus incorrectly considered their senators likewise as the second or new half of that body. The new senators added by Tarquinus Friscus were distinguished from those belonging to the two old er tribes by the appellation patres minorum gentium, as previously those who represented the Titii had been distinguished by the same name from those who represented the Rames. Servius Tullius did not make any change in the composition of the senate; but under Tarquinus Superbus the number of senators must have been very much diminished, as this tyrant put many to death, and sent others into exile. This account, however, appears to be greatly exaggerated, and it is a probable supposition of Niebuhr, that several vacancies in the senate arose from many of the senators accompanying the tyrant into his exile. The vacancies which thus arose were filled up immediately after the establishment of the Republic, by L. Junius Brutus, as some writers state, or, according to Dionysius, by Brutus and Valerius Publicola, and, according to Plutarch and Festus, by Valerius Publicola alone. All, however, agree that the persons who on this occasion made senators were distinguished from the rest of the senate by the title of Censors. Dionysius states that the noblest of the plebeians were first raised to the rank of patricians, and that then the new senators were taken from among them. But this appears to be inconsistent with the name by which they were designated. Had they been made patricians, they would have been made senators, and the persons who have suggested that the senators are said to have been distinguished from the old ones by the name of conscripti, is the very mode of addressing the whole senate, and always was patres conscripti, that is, patres et conscripti. There is a statement that the number of these new senators was 164, but this, Niebuhr has justly remarked, is a fabrication, perhaps of Valerius of Antium, which is contradicted by all subsequent history.

Henceforth the number of 300 senators appears to have remained unaltered for several centuries. C. Sempronius Gracchus was the first who attempted to make a change, but in what this consisted is not certain. In the edition of Livy it is expressly stated that he added 600 equites to the number of 300 senators, which would have made a senate of 900 members, and would have given a great preponderance to the equites. This appears to be an absurdity. Plutarch states that Gracchus added to the senate 300 equites, whom he was selected to select from the tribes, and that he raised the number of the judicia from 600 to 600. This account seems to be founded upon a confusion of the lex Judiciae of C. Gracchus with the later one of Livius Drusus, and all the other writers who mention the lex Judiciae of C. Gracchus do not allude to any change in the constitution of the Senate made by him. It is even said by Livy that Gracchus made such a change in the constitution of the Senate that he transferred the judicia from the senate to the equites, which remained in their possession till the tribuneship of Livius Drusus. The latter proposed that, as the senate consisted of 300, an equal number of equites should be elected (opus vivum) into the senate, and that in future the judicia should be taken from the members of the Senate. On the death of Livius Drusus, however, this law was abolished by the senate itself, on whose behalf it had been proposed, and the senate now again consisted of 300 members. During the civil war between Marius and Sulla, many vacancies must have occurred in the senate. Sulla, in his dictatorship, not only filled up these vacancies, but increased the number of senators. All we know of this increase with certainty, is, that he caused about 300 of the most distinguished equites to be elected into the senate; but the real increase which he made to the number of senators is not mentioned anywhere. It appears, however, henceforth to have consisted of between five and six thousand. The members of the Senate, and the number of these members, who were contemptuously called by the people Or. cini senatora, reduced its number to 600, and ordained that a list of the senators should always be exhibited to public inspection. During the first centuries of the Empire, this number appears, on the whole, to have remained the same; but, as everything relative to the institution of the Senate has been left unrecorded, we can scarcely expect to find a regular and fixed number of them. During the latter period of the Empire their number was again very much diminished.

With respect to the eligibility of persons for the senate, as well as to the manner in which they were elected, there were several periods of Roman history. It was formerly a common opinion, founded upon Livy and Festus, which has in modern times found new supporters in Huscite and Rubino, that in the early period of Roman history the kings appointed the members of the senate at their own discretion. It has, however, been shown by Niebuhr and others, with uncontroversible arguments, that the Populus of Rome was the real sovereign; that all the powers which the kings possessed were delegated to them by the Populus; and that the senate was an assembly formed on the principle of representation: it represented the Populus, and its members were elected by the Populus. Niebuhr is, therefore, in stating that the senators were elected by the Populus, but the manner in which he describes the election is erroneous, for he believes that the three tribes were already united when the senate consisted of only one hundred members, and that the senators were elected by the curies. Niebuhr thinks that each genus was represented in the Senate in the next period, Götting, on the other hand, believes, with somewhat more
probability, that each decurio (the δικαιος of Dionysius), which contained either a part of one or parts of several smaller gentes, had to appoint one old man by whom it was represented in the senate, and a younger one (ευνας) as his assistant. This supposition removes the difficulty respecting the decurio which has been pointed out by Walter; for the decurio was the commander of a division of the army, and, as such, could not well have been of the age of a senator. As each decurio or gens appointed one senator, each curus was represented by ten, each tribe by one hundred, and the whole populus by three hundred senators, all of whom held their dignity for life. The plebeians, as such, were not represented in the senate, for the instances in which plebeians are mentioned as being made senators, as in the reign of Tarquinius Priscus, and after the abolition of the kingly power, cannot be regarded in any other light than mere momentary measures, which the government was obliged to adopt for several reasons, and without any intention to appoint representatives of the plebeia. The numbers of such plebeian senators, at any rate, must have been much smaller than they are stated by our authorities, for there is no instance of any plebeian senator on record until the year 439 B.C., when Spurius Maelius is mentioned as senator.

The senate itself appears to have had some influence upon the election of new members, inasmuch as it may be inferred from the decree of Censorinus. The whole senate was divided into decuriae, each of which corresponded to a curia. When the senate consisted of only one hundred members, there were, accordingly, only ten decuriae of senators; and ten senators, one being taken from each decurio, formed the decem primi who represented the ten tribes. When, subsequently, the representatives of the two curiae were added into the senate, the Ramnes, with their decem primi, remained for a time their superiority over the two other tribes, and gave their votes first. The first among the decem primi was the princeps senatus, who was appointed by the king, and was, at the same time, custos urbis. (Vid. Prefectus Uribi.) Respecting the age at which a person might be elected into the senate, it is no more than is indicated by the name senator itself, that is, that they were persons of advanced age.

It can scarcely be imagined that, immediately after the establishment of the Republic, the election of senators should at once have passed from the decuriae or gentes into the hands of the magistrates, and that ten senators were elected annually from each tribe. We must therefore suppose that, at least for a time, the senators were appointed by the gentes, decuriae, or perhaps by the curiae. Afterward, however, the right to appoint senators belonged to the curules, consular tribunes, and subsequently to the censors. This fact has been alleged in support of the opinion that formerly the kings had the same privilege, especially as it is stated that the republic was selected from the remaining nine men to the senatorial dignity (conjugantissimos sibi quique patriaeorum legabant); but this statement is, as Niebuhr justly remarks, founded upon a total ignorance of the nature of the Roman senate. It should not be forgotten that the power of electing senators possessed by the republican magistrates was by no means an arbitrary power, for the senators were always taken from among those who were equites, or whom the people, and previously


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to the last century of the Republic the senatorial dignity was only regarded as one conferred by the people. But, notwithstanding this apparently popular character of the senate, it was never a popular or democratic assembly, for now its members belonged to the nobles, who were as aristocratic as the patricians. (Vid. Nov. Homers.) The office of princeps senatus, which had become independent of the censorship, was now given by the censors, and at first always to the eldest among the ex-censors, but afterward to any other senator whom they thought most worthy, and, unless there was any charge to be made against him, he was re-elected at the next lustrum. This distinction, however, great as it was, afforded neither power nor advantages, and did not even confer the privilege of precedence among the senators. The passage from Cicero that Caesar was the first who instituted a senatorial census, but the passage of Cicero is still more inconclusive than that of Livy, and we may safely take it for granted that during the whole of the republican period no such census existed, although senators naturally always belonged to the wealthiest class, and consequently the first and last of a census for senators belongs altogether to the time of the Empire. Augustus first fixed it at 400,000 sestertes, afterward increased it to double this sum, and at last even to 1,200,000 sestertes. Those senators whose property did not amount to this sum, received grants from the emperor to make it up, so that they might continue to enjoy the necessary provision customary to remove from the senate those who had lost their property through their own prodigality and vice, if they did not quit of their own accord. Augustus also, after having cleared the senate of unworthy members, introduced a new and reanimating element into it, by admitting men from the municipia, the colonies, and even from the provinces, and thus, while the inhabitants were enrolled in this manner, the province was said to receive the jus senatus. Provinciae who were made senators, of course, went to reside at Rome, and, with the exception of such as belonged to Sicily or to Gallia Narbonensis, they were not allowed to visit their native countries without a special permission of the emperor. In order to make Rome or Italy their new home, the provincial candidates for the senate were subsequently always expected to acquire landed property in Italy. On the whole, however, the equites remained during the first centuries of the Empire the senatorium senatus, which they had also in the latter period of the Republic.

As regards the age at which a person might become a senator, we have no express statement for the time of the Republic, although it appears to have been fixed by some custom or law, as the etas senatoria is frequently mentioned, especially during the latter period of the Republic. But we may by induction discover the probable age. We know that, according to the laws amounting to the tribune Villius, the age fixed for the questorship was thirty-oh-I. Now as it might happen that a quaesitor was made a senator immediately after the expiration of his office, we may presume that the earliest age at which a man could become a senator was thirty-two. Augustus at last fixed the senatorial age at twenty-five, which appears to have remained unaltered throughout the time of the Empire.

Now a senator was allowed to carry on any mercantile business. About the commencement of the second Punic war, some senators appear to have violated this law or custom, and, in order to prevent its recurrence, a law was passed, with the vehement opposition of the senate, that none of its members should be permitted to possess a ship of more than 300 amphorae in tonnage, as this was thought to imply the produce of their estates abroad. It is clear, however, from Cicero, that this law was frequently violated.

Regular meetings of the senate (senatus legitiwm) took place during the Republic, and probably during the kingly period also, on the calends, nones, and the ides of every month. Extraordinary meetings (senatus convoca) were held by the emperor, with the exception of those which were atri, and those on which comitia were held. The right of convoking the senate during the kingly period belonged to the king, or to his viceroy, the customs urbs. (Vid. Prefectus Ursi.) This right was during the Republic transferred to the curule magistrates, and at last to the tribunes also. Under the Empire, the consuls, praetors, and tribunes continued to enjoy the same privilege, although the emperors had the same. If a senator did not appear on a day of meeting, he was liable to a fine, for which a pledge was taken (pignoris capitis) until it was paid. Under the Empire, the penalty for not appearing with the appointed comitia was still greater. Towards the end of the Republic it was decreed that, during the whole month of February, the senate should give audience to foreign ambassadors on all days on which the senate could lawfully meet, and that no other matters should be discussed until these affairs were settled. The place where the meetings of the senate were held (curia, senaculum) were always inaugurated by the augurs. (Vid. Templwm.) The most ancient place was the Curia Hostilia, in which alone, originally, a senatus consultum could be made. Afterward, however, several temples were used for this purpose, such as the Temple of Concordia, a building near the Temple of Belnap (Vid. Laus), the temple of Castor and Pollux, and one near the Porta Capena. Under the emperors the senate also met in other places: under Cesar, the Curia Julia, a building of immense splendour, was commenced; but subsequent meetings of the senate were not seldom held in the house of a consul.

But in the earliest times, the king or the customs urbs, after consulting the pleasure of the gods by auspices, had convened the senate (senatum editum, convocatum), he opened the session with the words "Quod bonum, faustum, felix fortunatunque sit populo Romano Quiritibus," and then laid before the assembly (referre, relatio) what he had to propose. The president then called upon the members to discuss the matter, and when the discussion was over,
The subjects laid before the senate partly belonged to the internal affairs of the state, partly to legislation, and partly to the finance; and no measure could be brought before the populace without having previously been discussed and prepared by the senate. The senate was thus the medium through which all affairs of the whole government had to pass: it considered and discussed whatever measures the king thought proper to introduce, and laid, on the other hand, a perfect control over the assembly of the populace, which could only accept or reject what the senate brought before it. When a king died, the royal dignity, until a successor was elected, was transferred to the decem primi, each of whom, in rotation, held this dignity for five days. The candidate for the royal power was first decided upon by the interreges, who then proposed him to the people, and if not acceptable to the assembly, with the election, the interex of the day, at the command of the senate, proposed the candidate to the comitia, and took their votes respecting him. The will of the gods was then consulted by the augurs, and when the gods too sanctioned the election, a second meeting of the populace was held, in which the augurs announced the sanction of the gods. Hereupon the king was invested with the powers belonging to his office.

Under the Republic, the right of convoking the senate was at first only possessed by the dictators, praetors, or consuls, interreges, and the praefectus urbi, who also, like the kings of former times, laid before the senate the subjects for deliberation. The power of the senate was at first the same as under the kings, if not greater: it had the general care of the public welfare, the superintendence of all matters of religion, the management of all affairs with foreign nations; it commanded the levies of troops, regulated the taxes and duties, and had, in short, the supreme control of all the revenue and expenditure. The order in which the senators spoke and voted was determined by their rank and age, and was regulated by certain distinctions of rank, and in the collegium of the hundred senators, the distinction of rank, however, appears to have ceased after the decemvirate, and even under the decemvirate we have instances of the senators speaking without any regular order. It is also probable that after the decemvirate vacancies in the senate were generally filled with ex-magistrates, which had now become more practicable, as the number of these offices was considerably reduced, and the number of the people likewise obtained access to the deliberations of the senate, but they had no seats in it yet, but sat before the opened doors of the curia. The senate had at first had the right to propose to the comitia the candidates for magistracies, but this right was now lost: the comitia centuriata had become quite free in regard to elections, and what the comitia centuriata chose became, in the comitia comitum, the law of the comitia. The curiae only still possessed the right to sanction the election; but in the year B.C. 299 they were compelled to sanction any election of magistrates which the comitia might make, before it took place; and this soon after became law by a law of the comitia centuriata. Then, at last, the comitia centuriata, in the same year, re-assembled for this special purpose of power, the senate stepped into their place, and henceforth in elections, and soon after, also, in matters of legislation, the senate had previously to sanction whatever the comitia might decide. After the lex Hortensia, a decree of the comitia tributa became law even without the sanction of the senate. The original state of things had thus gradually become reversed, and the senate had lost very important branches of its power, which had all been gained by the comitia tributa. (Vid. Tarr. Pluris.) In its relation to the comitia centuriata, however, the ancient rules were still in force, as laws, declarations of war, conclusions of peace, treaties, &c., were brought before them, and decided by them on the proposal of the senate.

The powers of the senate, after both orders were placed upon a perfect equality, may be thus briefly summed up. The senate continued to have the supreme superintendence in all matters of religion; it determined upon the manner in which a war was to be conducted, what legions were to be placed at the disposal of a commander, and whether new ones were to be levied; it decreed what provisions and supplies were to be levied for the public service (Provincia), and whose imperium was to be prolonged. The commissioners who were generally sent out to settle the administration of a newly-conquered country were always appointed by the senate. All embassies for the conclusion of peace or treaties with foreign states were sent out by the senate, and such ambassadors were generally senators themselves, and ten in number. The senate alone carried on the negotiations with foreign ambassadors, and received the complaints of subject or allied nations, who always regarded the senate as their common protector. By virtue of this office of protector, it also settled all disputes which might arise among the municipia and colonies of Italy, and punished all heavy crimes committed in Italy which might endanger the public peace and security. Even in Rome itself, the judges, to whom the praetor referred important cases, both public and private, were taken from among the senators, and in extraordinary cases the senate appointed special commissions to investigate them; but such a commission, if the case in question was a capital offence committed by a citizen, required the sanction of the people, and the senate. In time of danger, the senate might confer unlimited power upon the magistrates by the formula vident consules, ne quid respublica det, hanc capit, which was equivalent to a declaration of martial law within the city. This general care for the internal and external welfare of the Republic included, as before, the right to dispose over the finances requisite for these ends, and to order the public resources. The superintendence of the Republic were under the direct administration of the senate, and the censors and quaestors were only its ministers or agents. (Vid. Cons, Ques.) All the expenses necessary for the maintenance of the armies required the sanction of the senate before anything could be done, and it might even prevent the triumph of a return.

1. (Post, s. v. Numera.)—2. (Opp. Bell., i., 18, 19, 21.)
2. (Liv., xvi., 29.)—3. (Opp. Bell., i., 19, 21.)
3. (Liv., xvi., 29.)—4. (Opp. Bell., i., 18, 19, 21.)
4. (Opp. Bell., i., 18, 19, 21.)
5. (Liv., xvi., 29.)—6. (Opp. Bell., i., 18, 19, 21.)
7. (Opp. Bell., i., 18, 19, 21.)
8. (Opp. Bell., i., 18, 19, 21.)
9. (Opp. Bell., i., 18, 19, 21.)
10. (Opp. Bell., i., 18, 19, 21.)
11. (Opp. Bell., i., 18, 19, 21.)
12. (Opp. Bell., i., 18, 19, 21.)
13. (Opp. Bell., i., 18, 19, 21.)
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15. (Opp. Bell., i., 18, 19, 21.)
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36. (Opp. Bell., i., 18, 19, 21.)
37. (Opp. Bell., i., 18, 19, 21.)
How many members were required to be present in order to constitute a full assembly is uncertain, though it appears that there existed some regulations on this point, and there is one instance on record in which at least one hundred senators were required to be present. The presiding magistrate opened the business, and as the senators sat in the following order, princes, praetors, consuls, censorii, praetorii, edilicii, tribunici, questorii, it is natural to suppose that they were asked their opinion and voted in the same manner (\textit{suus loco sententiam decree}). Towards the end of the Republic, the order in which the question was put to the senators appears to have depended upon the discretion of the presiding consul, who called upon each member by pronouncing his name (\textit{nominatum}); but he usually began with the princes senatori, or, if consuls designate were present, with them. The consuls generally observed all the year round the same order in which he had commenced on the first of January. A senator, when called upon, might either give his vote, or, as a general rule, even introduce subjects not directly connected with the point at issue. It depended upon the presiding consul which of the opinions he would put to the vote, and which he would pass over. Those men who were not yet real senators, but had only a seat in the senate on account of the office they held, and who were not allowed to take the presiding right that was stepped over to the party they wished to join, and they were now called \textit{senatores pedarii}. When a senator consultum was passed, the consuls ordered it to be written down by a clerk in the presence of some senators, especially those of whom he had been most interested in it or most active in bringing it about (\textit{vid. senatorius consultum}). A senator was not allowed to be held before sunrise, or to be prolonged after sunset. On extraordinary emergencies, however, this regulation was set aside.

During the latter part of the Republic the senate was degraded in various ways by Sulla, Caesar, and others, and on many occasions it was only an instrument of the hands of the men who exercised the military command prepared for the despotic government of the emperors, when it was altogether the creature and obedient instrument of the princeps. The emperor himself was generally also princeps senatori, and had the power of convoking both ordinary and extraordinary meetings, although the consuls, praetors, and tribunes continued to have the same right. The ordinary meetings, according to a regulation of Augustus, were held twice in every month. A full assembly required the presence of at least 400 members, but Augustus himself afterward modified this rule according to the difference and importance of the subjects which might be brought under discussion. At a later period an emperor is said to have been attended by a durum assembly as a consul, or the emperor himself, if he was invested with the consularship. At extraordinary meetings, he who convoked the senate was the presiding and ex officio president. However, even when he did not preside, had, by virtue of his office of tribune, the right to introduce any subject for discussion, and to make the senate decide upon it. At a later period this right was expressly and in proper form conferred upon the emperor, under the name of \textit{jus relationis}; and, accordingly, those who had the right to introduce three or more subjects, the \textit{jus legis}, called \textit{jus tertiae, quarta, quintae, &c., relationis}. The emperor introduced his proposals to the senate by writing (\textit{oratio, libellus, epistola principis}), which was read in the senate by one of his questioners. (\textit{vid. orationes principis}). The praetors, that they might not be inferior to the tribunes, likewise received the \textit{jus relationis}. The mode of conducting business in an ordinary assembly and the order in which the senators were called upon to vote, remained, on the whole, the same as under the Republic; but when magistrates were to be elected, the senate, as in former times the comitia, gave their votes in secret with little tablets. The transactions of the senate were, from time to time, the subject of the \textit{quae sunt a rebus quaestionis}, for the purpose, under the superintendence of a senator. In cases which required secrecy (\textit{senatus consultum tactum}), the senators themselves appointed by the Roman emperor concentrated in his own person all the powers which had formerly been possessed by the Senate, and were in many cases deprived of them without limitation or responsibility, it is clear that the emperor, in its administrative powers, was dependent upon the emperor, who might avail himself of its counsels or not, just as he pleased. In the reign of Tiberius, the election of magistrates was transferred from the people to the senate, which, however, was not the case in all? and it was only in the hands of some of those candidates who were recommended to it by the emperor. This regulation remained, with a short interruption in the reign of Caligula, down to the third century, when we find that the princes alone exercised the right of appointing magistrates. At the demise of an emperor, the senate had the right of exercising this power in the line of his issue, and if one had been nominated by the emperor himself; or, if there had been in very rare cases an opportunity to exercise this right, as it was usurped by the soldiers. The auriarium, at first, still continued nominally to be under the control of the senate, but the emperors gradually took it under their own exclusive management, and the senate retained nothing but the administration of the funds of the city (\textit{a urbs publica}), which were distinct both from the auriarium and from the fiscus, and the right of giving its opinion upon cases connected with the fiscal law. Its right of coming money was limited by Augustus to copper coins, and ceased altogether in the reign of Gallicanus. Augustus ordained that no accusations should be brought before the Senate, and instead of them he raised the senate to the highest court of justice, upon which he conferred the right of taking cognizance of capital offences committed before the Senate.
by senators, 1 of crimes against the state and the person of the emperors, 2 and of crimes committed by the provincial magistrates in the administration of their provinces. The senate might also receive appeals from other courts, 3 whereas, at least from the time of Hadrian, there was no appeal from a sentence of the senate. 4 The princes sometimes referred cases which were not contained in the above categories, or which he might have decided himself, to the senate, or requested its co-operation. 5 Respecting the provinces of the senate, see Provincia.

When Constantine was made the second capital of the Empire, Constantine instituted also a second senate, much more powerful than the old one, and referred all the privileges of the senate of Rome. 5 Both these senates were still sometimes consulted by the emperors in an oratio upon matters of legislation. 6 The senate of Constantine retained its share in legislation down to the ninth century. 7 Each senate also continued to be a high court of justice, to which the emperor referred important criminal cases. 8 Capital offences committed by senators, however, no longer came under their jurisdiction, but either under that of the governors of provinces, or of the prefects of the two cities. 9 Civil cases of senators likewise belonged to the forum of the prefect of the urbs. 10 The senatorial dignity was now obtained by descent, 11 and by having held certain offices at the court, or it was granted as an especial favor by the emperor on the proposal of the senate. 12 To be made a senator was indeed one of the greatest honors that could be conferred, and was more valued than in the times of the Republic; but its burdens were very heavy, for not only had the senators to give public games, 13 to make rich presents to the emperors, 14 and, in times of need, execute some of the functions of the state, but in the time of the foundation, they had to pay a peculiar tax upon their landed property, which was called follis or gleba. 15 A senator who had no landed property was taxed at two follis. 16 It was, therefore, only the wealthiest persons of the Empire, no matter what part of it they belonged, that could aspire to the dignity of senator. A list of them, together with an enumeration of the property which they were required to pay to the emperor every three months by the prefect of the city, 17 Down to the time of Justinian the consuls were the presidents of the senate, but from this time the prefecture urbis always presided. 18 It now remains to mention some of the distinctions and privileges enjoyed by Roman senators:

1. The tunica with a broad purple stripe (latae oclae) in front, which was woven in it, and not, as is commonly believed, sewed upon it. 2. A kind of short boot, with the letter C on the front of the foot. 3 This C is generally supposed to mean centum, and to refer to the original number of 100 (centum) sen-

ators. 3 The right of sitting in the orchestra it the theatres and amphitheatres. This distinction was first procured for the senators by Scipio Africanus Major, 193 B.C. 1 The same honor was granted to the senators in the reign of Claudius at the games held there. 2 On the emperor's wedding day in the year a sacrifice was offered to Jupiter in the Capitol, and on this occasion the senators alone had a feast in the Capitol; the right was called the jus publice opulantis. 3 5. The jus libere legationis. (Vid. Legatus, p. 576.)

SENATUS CONSULTUM. In his enumeration of the parts of the jus civile, Cicero includes senatus consultum, 4 from which it appears that in his time senators were not consulted by the emperors except upon the more important legal questions, and that the laws, and numerous leges, properly so called, were enacted in the reign of Augustus, and leges properly so called were made even after his time. It was under Augustus, however, that the senatus consultum began to take the place of leges properly so called, a change which is also indicated by the fact that until his time the senatus consulta were not designated by the names of the consuls, or by any other person's name, so far as we have evidence. But from that time we find the senatus consulta designated either by the name of the consuls, as Apri nianum, Silanianum, or from the name of the Caesar, as Claudianum, Neronianum; or they are designated as made "auctoré," or "ex auctoritate Hadri anii," 5, 6, or "ad oracionem Hadriani." 5, 6 The name of the senatus consultum涑cundum Claudianum is an exception, as will afterward appear.

Senatus consultum were enacted in the republican period, and some of them were laws in the proper sense of the term, though some modern writers have denied this position. But the opinion of those who deny the legislative power of the senate during the Empire is, that the attempts of the emperors to extend this power has sometimes been made to support it by a passage of Tacitus ("when primeval camps consulted ad patres translatam sunt"), which only refers to the elections. It is difficult, however, to determine how far the legislative power of the senate extended. A recent writer 7 observes that "the senatus consultum was an important source of law for matters religious, political, or military"; and that the maintenance of religion, the suspension or repeal of laws in the case of urgent public necessity, the rights of the emperor, and the publican, the treatment of the Italians and the provincials. 8 The following are instances of senatus consultum under the Republic: a senatus consultum "ne quis in urbe sequeletur," the senatus consultum De Bacchanalibus, after more particularly mentioned a senatus consultum Libertinorum Tribun; 5 a senatus consultum De Cumibus at the Megalenei lud; 5 a senatus consultum "ne homo inmoleretur;" 9 a senatus consultum De Provinciis Questoribus; a senatus consultum made Tullio Cicero referent to the effect, "ut legationem liberorum tempus annum aequat;" various senatus consulta De Collegiis Dissolution; an old senatus consultum De senatus consultum ne libet et Africanius (bestia) in Italia adoveth," which was so far repealed by a plebiscitum proposed by Cr. Aufidius, tribunus plebis, that the importation for the purpose of the Cicernae was made legal; 17 an old senatus consultum by which "quas aequitas (servorum) in caput domini prohibebatur;" 18 a rule of law which Cicero 2 refers to mores as its foundation. From these instances of senatus consultum made

1. (Dion Cass., lib. 31, c. 6.—Sueton, Calig., 2.—Tact., Annal., xii., 44.—J. Capitol., M. Anton., 10.—2. (Dion. Cass., lib. 17, 17, 22; lib. 10, 32; Sueton, Oct., 56.—Tact., Annal., xii., 44.)

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in the republican period, we may collect, in a general way, the kind of matters to which this form of legislation applied. The constitution of the senate was such as to gradually bring within the sphere of its legislation all matters that pertained to religion, police, administration, provincial matters, and all foreign relations. And it seems that the power of the senate had so far increased at the time of the accession of Augustus, that it must change to make it the only legislating body. Pomponius, though his historical evidence must be received with caution, states the matter in a way which is generally consistent with what we otherwise know of the progress of senatorial legislation: "As the plebs found it difficult to assemble, &c., it was a matter of necessity that the administration of the state came to the senate; thus the senate began to act, and whatever the senate had determined (constitutisset) was observed (observabatur), and the law so made is called senatus consultum."

The senatus consultum was so named because the consul (qui retulit) was said "senatus consultum aquae non id" (Cic., Ep. 1.1). Marcus L. F. S. Postumius L. F. Cos. Senatus Consultum (Postvmivs) was the name of the legislature of the Senate (Bancaeiabnus). In the senatus consultum De Philosophia et Rhetoribus, the prætor "consultulis." In the enacting part of a lex the populus was said "iubertos," and in a plebiscitum, "seire;" in a senatus consultum the senate was said "censers;" De Bacchaniabus, &c., ut excedemum censere (S. C. De Bacch.). In the senatus consultum of the time of Augustus for the proper reading of the passage which follows "censere" is sometimes "placere huic ordint." In Tacitus the verb "censere" is also applied to the person who made the motion for a senatus consultum. Sometimes the term "arbitrari" is used; and Gauck, writing under the Antonines, applies to the senate the terms which originally denoted the legislative power of the people: "Senatus juliet quae constituat: idque legi suum optinet, quamvis fuerit quasam." The mode in which the legislation of the senate was conducted in the imperial period is explained in the article Operationes Principis.

Certain forms were observed in drawing up a senatus consultum of Augustus; that is no example in Cicero: "S. C. Auctoritates" (for this is the right reading), "Pridie Kal. Octob. in Ede Apollinis, scribendo adfuertit L. Domitius Cr. Filius Athenobarbus, &c. Quod M. Marcellus Consul V. F. (verba fectis) de prov. Cons. D. E. R. I. C. (de ea re iuxta consulvunt Ut, &c.). The preamble of the senatus consultum De Bacchaniabus is similar, but the names of the consuls come at the beginning, and the word is "consulvunt," the date and place are also given; and the names of those who scribendo adfuertit (SC. ARF. in the inscription). The names of the persons who were witnesses to the drawing up of the senatus consultum were called the "auctoritates," and these auctoritates were cited as evidence of the power of the senate; "Senatus juliet quae constituat: idque legi suum optinet, quamvis fuerit quasam." (1.

1. (Dig. 1, tit. 2, s. 2.)—2. (Gell. iv. 6.)—2. (De Aquae. Roms., ii.)—2. (Aem. iv. 20.)—5. (Dig. 16, tit. 1, s. 2.)—4. (Id. B. xxvii, 6.)—8. (Cic. De Gr. l., 2.)—9. (Cic. Ep. ad Div. v., 2.)

There can be no doubt that certain persons were required to be present "scribendo," but others might assist if they chose, and a person in this way might testify his regard for another on behalf of whom, or with reference to whom, the S. C. was made ("Cato autem et scribendo adfuirt, &c."). Besides the phrase "scribendo adfixis," there are "case ad scribendum" and "ponti ad scribendum" (as to which, see the curious passage in Cicero). When a S. C. was made, it was said it must be made "in sententiam ejus." If the S. C. was carried, it was written on tablets and placed in the ararium: the S. C. De Bacchanalibus provides that it shall be cut on a bronze tablet, but this was for the purpose of its being put up in a public place where it could be read (exa faciendum gnoseret potissit).

A measure which was proposed as a senatus consultum might be stopped by the intercessio of the tribunes, and provision was sometimes made for further proceeding in such case: "si quis hujus senatus consultu intercesseret senatus placiur auctoritatem peracribi (præscribi) et de ea re ad senatum populumque referret." This explains one meaning of senatus consultum, which was that a law or resolution which has been proposed and not carried, and of which a record was kept with the "auctoritates eorum qui scribendo adfuertur." In one passage Cicero calls a S. C. which had failed, owing to an intercessio, an auctoritas. One meaning of auctoritas, in fact, is a S. C. proposed, but not yet carried; and this agreement of Cicero with Tacitus FRONTvmus 24. The first book of Frontinus, De Aquae.ctibus: the senatus consultum about the Aphrodisienses; the oration of Claudius; the various senatus consultums preserved in the Digest, which are mentioned in a subsequent part of this article. See also the senatus consultum printed in Sigitus, De Antiq. Jure Provinciarum, i., 21.)

The senatus consultum contains perhaps all of which they are distinguished by the name of a consul or other distinctive name. Numen.

meous senatus consulta under the Empire are re-
ferr ed to in the Latin writers, for which we find no
distinctive name, though it is probable that all of
them had a title like the leges, but many of them,
being of little importance, were not much referred
to or cited, and thus their names were forgotten.
Tacitus, for instance, often speaks of S. C. without
giving their names, and in some cases we are able
to affix the titles from other authorities. Many of
the imperial senatus consulta were merely amend-
mentary of laws, but they were laws in the proper
sense of the word.

Some of the senatus consulta of the republican
period were laws, as already observed, but others
were only determinations of the senate, which be-
came leges by being carried in the comitia. Such
S. C. were really only auctoritates. One instance
of this kind occurred on the occasion of the trial of
Clodius for violating the mysteries of the Bona Dea.
A roagio on the subject of the trial was proposed
to the comitia ex senatus consulta,1 which is also
spoken of as the auctoritas of the senate, and as
"quod ab senatu constitu tum" (the word of Gaius,
1, 4).

Apro nianum, probably enacted in the time of Ha-
drian, empowered all civitates which were within
the Roman empire to take a fideicommissa hereditis.
This, and this only, is stated in Chronicon without
the name; but it appears, from comparing Ulpian
with the Digest,2 to be the senatus consultum Apro-
nianum. A senatus consultum also allowed civi-
tates or municipia, which were legally considered
as universitates, to be appointed heredes by their li-
berti or libertae. Ulpian speaks of this senatus con-
sumtum in the passage referred to, immediately
before he speaks of the senatus consultum in which
we know to be the Apronianum, and it appears
probable that the two senatus consulta were the
same, for their objects were similar, and they are
mentioned together without any indication of their
being different. This last-mentioned provision is
also mentioned in the Digest3 as being contained in
a senatus consultum which was post or to the Tre-
bellianum, but the name is not given in the Digest.
Under this provision a municipium could obtain the
honorum possessio. Barchius4 assigns the senatus
consultum to the reign of Trajan; but it appears to
belong to the time of Hadrian, and to be the same
senatus consultum which allowed civitates to take a
legacy.5

Articulianum gave the presses of a province
administration in the case of fideicommissa libertas,
even when the heres did not belong to the province.
The heres could be compelled to give the libertas
which was the subject of the fideicommissum. (Vid.
Manumissio, p. 616.)

De Bacchanalibus. This senatus consultum, which is
sometimes called Marcianum, was passed in
the year B.C. 186. The terms of it are stated
generally in Dio

(Ulp., Frag., tit. 54. 7.)— 7. (Digest. 49, tit. 5, s. 44, s. 8.— 8. (xxxi.
18. 9. (De Diva Religiosi Peregrinae apud Veteres Romanos,
Op., i, 412.)

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S E N A T U S C O N S U L T U M.

Ca ntilum

1. (Ulp., Frag., tit. xvi.)— 2. (i, 85.)— 3. (i, 84.)
consultum only reduced the cohabiting woman to a servile state when she cohabited with a man’s slave “involo et denuntiante domun autem” if she informed him, knowing him to be a slave, without the knowledge of the master, there could be no denun-
tiatio; and this case, it appears, was not affected by the senatus consultum, for Gaius observes, as above stated,1 that the lex idai still effect, and the offspring of such cohabitation was a slave. The fact of this clause of the lex consulturn used again after the enacting of the senatus consultum, appears to be an instance of the strict interpretation which the Roman jurists applied to positive enactments; for the senatus consultum of Hadrian, as stated by Gaius, only applied to the case of a contract be-
tween the master’s slave and the woman, and this is one instance did not comprehend the case of cohabitation when there was no compact. Besides this, if a free woman cohabited with a man’s slave either without the knowledge of the master or with his knowledge, but without the “denuntiatio,” it seems that this was considered as if the woman simply indulged in promiscuous intercourse (ulglo conceptu, and the mother being free, the child also would have been free. The senatus consultum, however, to restrain such intercourse by working on the pa-
rental affections of the mother, and the senatus cons-
ultum by a direct penalty on herself. There was a “juris inelegantiae” in a free woman giving birth to a slave, but this was not regarded by Hadrian, who was struck by the inelegance of a woman by cohabing with minor did not comprehend a case of cohabitation while there was no compact. 

This senatus consultum was passed A.D. 52, and is mentioned by Tacitus, but the terms in which he expresses himself do not contain the true meaning of the senatus consultum, and in one respect, “same consulturn,” the senatus consultum and the lex consulturn do differ materially from the text of Gaius, unless the reading “libertis” should be “libera.” It appears, however, from a passage in Paulus,2 that a woman, in some cases which are not mentioned by him, was reduced to the condition of a liberta by the senatus consultum; a circumstance which confirms the statements of Suetonius. The senatus consultum, as imperfectly as he has stated the senatus consultum. 

Suetonius3 attributes the senatus consultum to the reign of Vespasian, and expresses its effect in terms still more general and incorrect than those of Tacitus. Such instances show how little we can rely on the Roman historians for exact information as legislation.

It appears from Paulus that the provisions of this senatus consultum are stated very imperfectly even by Gaius, and that they applied to a great number of cases of cohabitation between free women, whether ingenues or libertines, and slaves.

This senatus consultum was entirely repealed by a senatus consultum of Justinian. Some writers refer the words “et leges” to the senatus consultum of Claudius, and they must, consequently, refer the words “et auctores legis” also to this senatus consultum; but the word “lex” in neither case appears to refer to the senatus consultum, but to the lex Aelia Sentea. 

There were several other senatus consultas Claudi-
um, of which there is a short notice in Jo. August. iii. 32. Tacitus, who speaks of the senatus consultas Claudium, says they were the reading of the Digest referred to. 

Lobianum, passed in the reign of Tiberius, in the consulship of T. Statilius Taurus and L. Scribonius Libo, A.D. 16, contained various provisions, one of which was to the effect that if a man wrote a will for another, everything which he wrote in his own favour was void: accordingly, he could not make himself a tutor to his infant or legateus.

This senatus consultum contained other provisions, and it appears to have been an extension of the lex Cornelia de Falsis.7 (Vid. Falsum.)

Macedonius, enacted A.D. 46, provided that any loan of money to a filiusfamilias could not be recovered, even after the death of the father. The, its provisions are imperfectly stated, but a notorious usurer, as appears from the terms of the senatus consultum, which is preserved. Theophili8 states incorrectly that the senatus consultum took its name from a filiusfamilias. The provision of the senatus consultum is cited by Tacitus,9 but in such terms as might lead to ambiguity in the inter-
eductio, etiam Gaius, Huicius, devolutae, nisi per accidit, senatus consultum to the time of Vespasian, but he states its provisions in less ambiguous terms than Tacitus.

Memmius. This name is sometimes given to the senatus consultum passed in the time of Nero, the terms of which are preserved by Tacitus:10 “Ne similitude collin in usum partibus publicus judicandi, neque ne suscipamis quidem hereditas interleges.” The object of this senatus consultum was to prevent the evasion of the lex Julia et Papia Poppaea. (Vid. Jul. et P. P. Leg. L.) It is sometimes referred to the consulship of C. Memmius Regulus and Virginius Rufus, A.D. 63, but it appears to belong to the preceding year.11

Neronianum, is passed in the reign of Claudius, the provisions of which are stated in the article Legatum.12

Neronianum, also called Pisonianum, from being enacted in the consulship of Nero and L. Calpurni-
unus Piso, A.D. 57. It contained various provisions: 13 “Ut si quae est servis interfecisset eum, it quoque, qui testamentum manumissit sub hodie testo manuisserat, inter servos concilium pendentur.”

The ancient se-
tend, which is thus expressed by Papinius.1 2 Sed a major modus institutionis quam fraudis fuerit quod at Palaeidam attinet, de superfuo quarta retributur.3

The history of legislation on the subject of tacita fideicomissa is not altogether free from some doubt.

PLAUTIANUM. (Vid. PLANCIOANUM.)

RUBRIANUM, enacted in the time of Trajan, in the consilium of Rubrius Gallus and Q. Celsus His po, A.D. 101, related to fideicommissa libertas. Its terms are given in the Digest. 4 5 Si hi a quibus iberi trem prastari opopet evocasti a prato adesse noluisse, 5 Sis causa cognta prator proumississet liber tantum his dehur, eodem jure statim servari ac di retdersi esset. Compare Plin., Ep., iv., 9, ad Ursum, with the passage in the Digest.

SABRINIANUM, of uncertain date, but apparently after the time of Antoninus Pius. It related to the rights of one or three brothers who had been adopted to a portion of the hereditas contra tabulam testamento.5

SILANIANUM, passed in the time of Augustus, in the consilium of P. Cornelius Dolabella and C. Junius Silanus, A.D. 10, contained various enactments. It gave freedom to a slave who discovered the murderer of his master. If a master was murd ered, all the slaves who were under the roof at the time, if the murder was committed under a roof, or who were with him in any place at the time of the murder, were put to the torture, and, if they had not discovered the murderer, were put to death. Tacitus refers to this provision of the senator consultum, and he uses the phrase "utere ex more." Lipsius (note on this passage) refers to Cicero.6 Servi impuberis were excepted from this provision of the senator consultum.7 The heres who took possession of the hereditas of a murdered person before the proper inquiry was made, forfeited the hereditas, which fell to the fideicommissarius. If this were the same whether, being heres ex testamento, he opened the will (tabula testamento) before the inquiry was made, or whether, being heres intesta to, he took possession of the hereditas (adit hereditatem) or obtained the honorum possessio; he was also subjected to a heavy pecuniary penalty. A senator consultum, passed in the time of Antoninus Pius (A.D. 12-11), enacted that the penalty for opening the will of a murdered person could not be inflicted after five years, except it was a case of purricide, to which this temporis scriptio did not apply.8

TERTULLIANUM is stated in the Institutes of Justinian9 as having been enacted in the time of Hadri an, in the consilium of Tertullian and Sacerdos, but some critics, on standing this, would refer it to the time of Antoninus Pius. This senator consultum empowered a mother, whether ingenua or liberta, to take the legitima hereditas of an intestate son; the inherit, if she was or had been the mother of three children; the liberta, if she was or had been the mother of four children. They could also take, though they neither were nor had been mothers, if they had obtained the jus liberorum by imperial favour. Several persons, however, took precedence of the mother: the sister heredes of the son, those who were called to the bonorum possessio as such heredes, the father, and the frater consanguineus. If there was a soror consanguineus, she shared with her mother. The senator consultum Orphitianum gave the children a claim to the hereditas of the mother.9

1. (S. R., iii., tit. 5.)—3. (Dig. 29, tit. 5, s. 8.)—2. (Capit. in vita, 11.)—4. (S. R., iv., tit. 10.)—5. (Cod. tit. 17.)—6. (Inst., iii., tit. 4.)—7. (iv., tit. 14.)—8. (L. Papin. et Commodo oratione in senato, Dion. Vit. 34, 1.)—9. (Dig. 95, tit. 5, s. 6.)—10. (Quint. Tit. 45, 12, 10.)—11. (Inst., tit. 35, s. 5, 10.)
2. (Dig. 54, tit. 9, s. 11.)—12. (Dig. 59, tit. 5, s. 8.)—3. (Cod. viii., 45, tit. 10.)—4. (Inst., tit. 1.)—12. (Ann. viii., 6.)—5. (Cod. ad Div. iv., 19.)—6. (Dig. 29, tit. 5, s. 15.)—7. (Paulus S. R., iii., tit. 4.—Dig. 48, tit. 5, cod., s. 17.)—8. (Cod. ad Div. iv., 19.)—12. (Dig. 54, tit. 9, s. 11.)—7. (Paulus S. R., iv., tit. 9.—Dig. 30, tit. 17.)
SEPTIMIUM.

SERCUM.

**TREBELLIANUM.** Enacted, in the time of NERO, in the consulship of L. Ameius Scenec and Trebello Maximus, A.D. 62, related to fideicommissa hereditates. 1 (Vid. Fideicommissum.)

**TREBELLIANUM.** Enacted, in the time of Nero, in the consulship of Cesonius Paetus and Petronius Turpil lanus, A.D. 61, was against praeractic or the col luvent desisting from prosecuting a criminal charge. The composition of this statute consulted, and the terms in it with Tacitus 2 "Qua vetera ora ram emptisset, vendidisset, perinde panes teneretur. As publico judicio calumniis condemnetur." The definition of a praeractic is given in the Digest. 3 Vellelianum rendered void all intercessions by women, whether they were on behalf of males or females. This senatus consultum was enacted in the consulship of M. Silanus and Senatus, as appears from the preamble of the senatus consultum, 4 and it appears most probably to have been passed in the reign of Claudius, from the words of Uplin in his comment upon it. In the article Intercessio, where this senatus consultum is mentioned, A.D. 10 seems to be a misprint for A.D. 19. The name of Velleius Tactor does not occur in the Fasti of Tacitus, though he may be a consul suffectus. The name of M. Silanus occurs as consul in the reign of Claudius, and the colleague of Valerius Asiaticus, A.D. 46. 5 (Vid. Intercessio.) In the year A.D. 19, according to the Fasti, a M. Silanus was also consul; his colleague, according to the Fasti, was L. Norbanus Balbus, and this agrees with Tacitus. 6

**VETRASIANUM.** Assigned to the reign of Vespasi an, but the time is very uncertain. It related to fideicommissa libertas. 7

**VOLUSIANUM.** Enacted, in the reign of Nero, in the consulship of Q. Volusius Saturninus and P. Cornelius Scipio, A.D. 56. It contained a provision against women, molliter et ulterius salus a male commoditatis pro salute, but the object of this law seems rather obscure: it is referred to without the name being given in the Digest. 8 Tacitus 9 mentions a senatus consultum in this consulship which limited the power of the soldiers: "Quantum curvales, quantum nibilis pignoris sapertur, vel panes irraportent." A senatus consultum held in the second year of the reign of Augustus 10 enacted that persons should be liable to the penalties of the lex Julii de vi Privata, who joined in the suit of another person with the bargain that they should share whatever was acquired by the condemnation. 11

**SENIOR ES.** (Vid. Comit. p. 296.)

**SEPTIMVIRI EPULOSES.** (Vid. Eepolones.)

**SEPTIMO N'TUM, a Roman festival which was held in the month of December. It lasted only for one day (dies Septimontium, dies Septimontialis). According to Festus, 11 the festival was the same as the Agonalia; but Scaliger, in his note on this pas sage, has shown from Varro 12 and from Tertullian 13 that the Agonalia and the Septimontium have been held as festivals of the last days of December, whereas the Agonalia took place on the tenth of this month. The day of the Septimontium was a dies feriatus for the Montani, or the inhabitants of the seven ancient hills, or, rather, districts of Rome, who offered on this day sacrifices to the gods in their respective districts. Those sacra (sacra pro montibus) 14 were like the Pagnalia, not sacra publica, but privata. 15

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1. (Gn. ii., 251, 273.—Dig. 36, tit. 1.—Paulus, S. R. iv., tit. 2.)—2. (Annv. xiv., 14.)—4. (Dig., tit. 16, t. 1, 5) 1. See Severonum Consultum, Tauripianum, 3.—4. (Dig. tit. 15, t. 1, 3.)—5. (Digest, 14, 7.)—6. (Annv. ii., 59.)—7. (Dig. 40, tit. 5, s. 30.)—8. (Tit. 1.)—9. (Senatus consultus, d. 2.)—10. (Annv. xii., 28.)—12. (Dig. 40, tit. 5, s. 33.)—13. (Ann. xii., 28.)—14. (Dig. 58, ed. Bip.)—15. (De idolol., 10.)—16. (Pust., s. v. Publica sacra.)

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The production of raw silk (serica) in Europe was first attempted under Justinian, A.D. 530. The eggs of the silkworm were conveyed to Byzantium in the hollow stem of a plant from "Serindia," which was probably Khotan in Little Bokhara, by some monks, who had learned the method of hatching and caring them. The worms were fed with the leaf of the black or common mulberry (magnus*). The cultivation both of this species and of the white mulberry, the breeding of silkworms, and the manufacture of their produce, having been long confined to Greece, were at length, in the twelfth century, transported into Sicily, and thence extended over the south of Europe.\(^1\) The progress of this important branch of industry was, however, greatly impeded even in Greece, both by sumptuary laws restricting the use of silk except in the church service, or in the dress and ornaments of the court, and also by fines and prohibitions against private silksmills, and by other attempts to regulate the price both of the raw and manufactured article. It was at one time determined that the business should be carried on solely by the imperial treasurer. Peter Barsamian held the office, and conducted himself in the most oppressive manner, so that the trade was ruined both in Byzantium and at Tyre and Berytus, while Justinian, the Empress Theodora, and their treasurer, amassed great wealth by the monopoly.\(^2\) The silks woven in Europe previously to the thirteenth century were in general plain in their pattern. Many of those produced by the industry and taste of the Seres, i.e., the silk manufacturers of the interior of Asia, were so elaborate that the slave appears to have been ignorant of the manner in which they had been made, and the style of ornament they bore was not uncommon, since those goods (serica) were procurable in the vicius Tusus at Rome.\(^3\) Silk thread was also imported and used for various purposes.\(^4\) Although Commodus in some degree replenished the palace with valuable and curious effects, including those of silk,\(^5\) this article soon afterward again became very rare, so that few writers of the third century make mention of it. When finely manufactured, its value was increased by the introduction of beating the drapery with a hammer between the planks (tenues tabulis) or rollers (trabes). A similar representation of the use of the frame-saw is given in a painting found at Herculanum, the operators being winged genii, as in this woodcut;\(^6\) but in a bas-relief published by Micali,\(^7\) two sawyers wear tunics girt round the waist like that of the shipbuilder in the woodcut on p. 112. The woodcut here introduced also shows the blade of the saw detached from its frame, with a ring at each end for fixing it in the frame, and ex- hibited on a finemal monument published by Gruter. On each side of the last-mentioned figure is represented a hand-saw adapted to be used by a single person. That on the left is from the same finemal monument as the blade of the frame-saw: that on the right is the figure of an ancient Egyptian saw preserved in the British Museum. These saws (serrae manuacturae) were used to divide the smaller objects. Some of them, called lepip, had a particular shape, by which they were adapted for amputating the branches of trees.\(^8\)

St. Jerome\(^9\) seems clearly to allude to the circular saw, which was probably used, as at present, in cutting veneers (laminae prataemus).\(^10\) We have also intimations of the use of the centre-bit, and we find that even in the time of Ciceron\(^11\) it was employed by the bees.

Pliny\(^12\) mentions the use of the saw in the ancient Belgium for cutting white building stone: some of the oolitic and cretaceous rocks are still treated in the same manner, both in that part of the Continent and in the south of England. In this case Pliny must be understood to speak of a proper or toothed saw. The saw without teeth was then used, just as it is now, by the workers in marble, and the place of teeth was supplied, according to the hardness of the stone, either by emery, or by various kinds of sand of inferior hardness.\(^13\) In this manner the ancient artificers were able to cut slabs of the hardest rocks, which, consequently, were adapted to receive the highest polish, such as granite, por-

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SERVITIÜES.

The saw is an instrument of high antiquity, its invention being attributed either to Dedalus or to his nephew Perdix (vid. CIRCINUS), also called Talos, who, having found the jaw of a serpent, and divided a piece of wood with it, was led to imitate the teeth in iron. In a bas-relief published by Winckelmann, Dedalus is represented holding a saw approaching very closely in form to the Egyptian saw above delineated. SERVITUTES, used only in the plural (σεστίμα, σεσαφά- μοι), a Feast or Garland.

The art of weaving wreaths (vid. CORONA), garlands, and festoons, employed a distinct class of persons (σερβίτους και κορώνες, στέφανωτακοι or στεφάνωτακοι), who endeavoured to combine all the most beautiful variety of leaves, flowers, and of fruits, so as to blend their forms, colours, and scents in the most agreeable manner. The annexed woodcut, taken from a sarcophagus at Rome, shows a feaston adapted to be suspended by means of the fillets at both ends. Its extremities are skilfully excised in acanthus-leaves: its body consists apparently of laurel or bay, together with a profusion of fruits, such as apples, pears, pomegranates, bunches of grapes, and fir-cones. At Athens there was a market, called στεφανοπηλακοι, for the manufacture and sale of this class of productions, the work being principally performed by women and girls.

When a priest was preparing a sacrifice, he often appeared with a festoon intended to be placed on the door of the temple (festa fronte, specius servis13) on the front of the altar1 (vid. ARA, p. 77, 78), or upon the head of the victim. Thus, in the Iliad, Chryses, besides the gilded sceptre which denoted his office and authority (vid. SCEPTERUM), carries a garland in honour of Apollo, which was probably wound about the sceptre.1 The act here described is seen in the annexed woodcut, which is taken from a bas-relief in the collection of antiques at Ince-Blundell, and represents a priestess carrying in her two hands a festoon to suspend upon the circular temple which is seen in the distance. As the festoons remained on the temples long after their festivals, and were used in processions, they came gradually into use as votive offerings. The Temple of Juno at Argos was destroyed in consequence of their being set on fire. The garlands on funereal monuments hung there for a year, and were then renewed.2 The funeral pile was also decorated in a similar manner, but with an appropriate choice of plants and flowers.4

Festoons were placed upon the doorposts of private houses in token of joy and affection (vid. JANU, p. 527), more especially on occasion of a wedding. They were hung about a palace in compliment to the wealthy possessor (insertato corona atria), and on occasions of general rejoicing; the streets of a city were sometimes enlivened with these elegant and tasteful decorations.

The smaller garlands or crowns, which were worn by persons on the head or round the neck, are sometimes called sert2. The fashion of wearing such garlands suspended from the neck was adopted by the early Christians.14

SERVILIA LEX. (Vid. Lex, p. 586.)

SERVITUS. (Vid. SERVUS, ROMAN.)

SERVITUTES are considered by the Roman law as parts of ownership, which are opposed to ownership as the totality of all those rights which are included in the term ownership. The owner of a thing can use it in all ways consistent with it, and he can prevent others from using it in a way inconsistent with his full enjoyment of it as owner. If the owner's power over the thing is limited either way, that is, if his enjoyment of it is subject to the condition of not doing certain acts in order that some other person may have the benefit of such forbearance, or to the condition of allowing others to do certain acts, which limit the enjoyment of the thing as it is owned, is called "servitium," to be subject to a "servitus." When a thing was sold as "optima maxima," this term was understood to mean that it was waranted free from servitutes. Servitutes are also expressed by the terms "jura" and "jura in re;" and these terms are opposed to dominium or complete ownership. Those who exercise servitutes over a servitus, therefore, not the animus dominii, not even in the case of usufructus, for the usufructuarius is never recognised as owner in the Roman law. The technical word for ownership, when the usufructus is deduced from it, is proprietas.

A man can only have a right to a servitus in another person's property: the notion of the servitus has no direct relation to his own property. A servitus can only be in a corporeal thing. Viewed with respect to the owner of the thing, a servitus is either consistent in his being restrained from doing certain acts to his property, or which otherwise he might do (servitus qua in non faciendo consistit; servitus negatv), or it consists in his being bound to allow some other person to do something to the property, which such person might otherwise be prevented from doing (servitus qua in patiendo con-
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Servitus. A servitus never consists in the owner of the servient property being obliged to do any act to his property, though he may be obliged to do acts which are necessary towards the enjoyment of the servitus.

There were two classes of servitudes. Either they had for their subject a definite person, who could exercise the right, in which case they were called personal, personarum; or they had for their subject another piece of property, or a house, or land, and the person who exercised the servitus exercised it in respect of his right to the house or land which was its subject. Servitudes of the latter kind were called praeludis servitute servorum or rerum, or jurid praeiudicum; and therefore, in respect of their special kinds, juris aquarum, etc.

The exercise of personal servitudes, of which usuas and usufructus were the principal, was always connected with the natural possession of the thing, and, consequently, the quasi possessio of such servitudes had a close resemblance to possessio. (Vid. Possessio.) Servitudes of this class consisted solely in "padiendo." Precludial servitudes consisted both in "padiendo" and "in non faciendo." Those which consisted in "padiendo" were either acts which a person might do, by virtue of his right, upon the property of another, as the jus iterici, &c., or they were acts which he could do to or upon the property of another, by virtue of possessing another piece of property. Praedial servitude, or the right of living in another person's house, resembled the usufructus or usus adiunum. But it was not lost, as usufructus and usus were, by captis dominio or neglect to exercise the right. Also, it consisted in the right to inhabit some definite part of a house only, and not the whole; the habitation could be sold or let. If it was a donation inter vivos, it could be set aside by the donor.

Oper seervorum et animalium consisted in a man having a right to the use and services of another person's slave or beast, so long as the slave or beast lived. The servitus continued after the death of the person entitled to it, and was not lost by a capit dominio, nor by neglect to exercise it. This is called by Gaius the "Ususfructus hominum et servorum animalium." Precludial servitudes imply the existence of two pieces of land (pradia), one of which owes a servitus to the other (servitutem debit, pradum, fundum serviens), and the servitus is said to be due (deberi) from the one to the other. The name of precludium dominium, which is now often used to designate the praedium to which the servitus is due, is modern. It is of the same root of clas servitute servorum, or an advantage to the land to which it belongs: it must be something that in some way increases its value. It must also be a thing that is permanently to the advantage of the dominant servitus. The servitus is considered as belonging to the dominant servitus in such a sense that it cannot be alienated without the servitus, nor pledged, nor let.

Precludial servitudes were either praeludium urbana or rural. But the word servitus has a double meaning, according as we view it as a right or a duty. The servitus of a praedium rusticum or urbanum in, in the former sense, the servitus which belongs to a particular praedium as a right: in the latter sense, it is the servitus which some particular praedium owes as a duty. When the two praedias are contumeliously united in their mutual relations of right and duty, the word servitus expresses the whole relation. Servitudes urbanae appear to be those which are for the advantage of an edifice as such, and rusticae those which are for the advantage of a piece of ground as such, and mainly for the benefit of agriculture.

The following are the principal servitudes urbanae: 1. Oneria forenda, or the right which a man has to build on his own edifice. The owner of the servent property was consequently bound to keep it in repair, so that it should be adequate to discharge its duty. 2. Tigni inmittendi, or the right of planting a beam in or upon a neighbour's wall. 3. Proriciendi, or the right of adding something to a man's edifice, though it shall project into the open space which is above his neighbour's grounds. 4. Stillicidi, or the right of collecting water from a neighbour's premises. The technical meaning of stillicidium is rain in drops; when collected in a flowing body, it is flumen. 5. Leitores servitus, or the right of allowing a neighbour's man to build his house higher than its present elevation, or the duty of the owner of a piece of land not to raise his edifice above a certain height, in order that the owner of some other house might have the advantage of such forbearance. If a man was released from this duty by his neighbour, he obtained a new right, which is the jus alius tolendi. In like manner, a man who was released from the servitus stillicidi, was said to have the servitus stillicidi non recipiendi. This was not strictly accurate language; for if a servitus is defined to be some limitation of the usual rights of ownership, a recovery of these rights, or a release from the duties which is implied by the possession of these rights by another, merely gives the possession of their use for the time being, and not an entire renunciation of the servitus. Still, such was the language of the Roman jurists; and, accordingly, we find enumerated among the urbane servitudes "stillicidium ancertendi in tectum vel aream vicini aut non avertzendi." 7. Servitus ne luminibus, and ne prospectu officiari, or the duty which a man owes to his neighbour's land not to obstruct his light or his prospect, and servitus luminum or prospectus, or the duty of a man to allow his neighbour to make openings into his premises, as in a common wall, for instance, to get light or a prospect. It was a servitus the object of which was to procure light, whereas the ne officiari was to prevent the de stroying of light. But there are different opinions as to the meaning of servitus luminum. 8. Servitus stercolinii, or the right of placing dung against a neighbour's wall, &c. 9. Servitus fontis inmittendi, or the right of sending one's smoke through a neighbour's chimney.

The following are the principal servitudes rusticae: 1. Servitus iterieris, or the right of a footpath through another man's ground, or to ride through on horseback, or in a sella or lectica, for a man in such cases was said to ride, and not aequa, Viewed with reference to the other, the servitus rusticus in this right, this servitus was properly called jus emundi. 1.(Dig. 8, tit. 5, s. 6.) 2. (Varr. De Ling. Lat., v. 27, ed Müller.—Cic. De Orat., i. 28.) 3. (Dig. 5, tit. 2, s. 2.—4. (Vid. Gaius, i. 31.—Cic. De Orat., i. 39.) 5. (Dig. 5, tit. 2, s. 4, 60.—Gaius, iv. 9.)
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2. Actus or agenti, or the right of driving a beast or carriage through another man's land. 3. Vide, or the right ouendi et agenti et ambulantii. Vix of course included the other two servitutes, and it was distinguished from them by its width, which was defined by the Twelve Tables. 1

The width of an iter or actus might be a matter of evidence, and if it was not determined, it was settled by an arbitrator. If the width of an iter was not determined, its width was taken to be the legal width (lactudo legitima). In the work of Frontinus, De Colonis, the phrase "iter populo debetur" or "non debetur" frequently occurs. When "iter debetur" occurs, the width of the iter is given in feet. It seems that, in the assignment of the lands in these instances, the lands were made into a continuous width. If a servitute was formed, the servitute was servitus passendi, or the right of a man in respect of the ground to which his cattle are attached, to pasture them on another's ground. 5. Servitutes aquaeductus, or the ducendi aquam per fundum alienum. There were also other servitutes, as aquae haustus, pecoris ad aquam appulas, calcis coequandus, and aranea fodienda. If a publicus locus or a via publica was so wide as to cross a public road, it could only be crossed by permit. The intervention of a sacer et religioso locus was an obstacle to imposing an itineris servitutis, for no servitut could be due to any person on ground which was sacer or religioso.

A servitut negativa could be acquired by mere contract; and it seems the better opinion that a servitut affirmative could be acquired, and that tradition, at least in the later periods, was not necessary in order to establish the jus servitut. But tradition was necessary in order to give a right to the publican in rem actio. A servitut could be established by the decision of a judex in the judicium familiar cereisdende, communi dividendo, and in a case where the judex adjudicated the proprietats to one and the usufructus to another. 6 Servitute could also be acquired by the prescriptio longi temporis. 7 In a servitut and a servitute of clerico 8 seems to allude to the possibility of acquiring a right to a servitut by use, as to which a lex Scironiae made a change. (Vid. Lex Scironiae.)

Quasi servitutes were sometimes simply founded on positive enactments, which limited the owner of a property in its enjoyment; and others were considered servitutes legatus. 9

A servitut might be released (remittit) to the owner of the fundus servitutis; or it might be surrendered by allowing the owner of the fundus servitutis to do certain acts upon which it was inconsistent with the continuance of the servitut. 10

If the funds and the servient land came to belong to one owner, the servitutes were extinguished; there was a confusio. If the separate owners of two separate estates jointly acquired an estate which was servient to the two separate estates, the servitutes were not extinguished; but they were extinguished if the joint owners of a dominant estate jointly acquired the servient estate. 11 The servitute was also extinguished when the usufructuaries acquired the proprietas of the thing. A servitut was extinguished by the extinction of the object; but if the servient object was restored, the servitute was also restored. 12 A servitute was extinguished by the extinction of the servitute. In the case of a servitut, with the destruction of the dominant subject; but they were revived with its revival. A servitute might be extinguished by not using it. According to the old law, usufructus and usus were lost, and to another's servitut possessor was restored. The servitute was a movable; and in one year in the case of things movable. In Justimian's legislation, usufructus and usus were only lost by not exercising the right when there had been a usucapio libertatis on the part of the owner of the thing, or the ownership had been acquired by usucapi. 2

Servitute might be the subjects of actions in rem. An actio confessoria or vindicatio servitutis had for its object the establishing the right to a servitute, and it could only be brought by the owner of the dominant land when it was due to land. The object of the action was the establishment of the right, damages, and security against future disturbance of the right. Another's servitutes were disturbance in the exercise of the right of his ownership. The plaintiff had, of course, to prove his ownership, and the defendant to prove his title to the servitute.

In the case of personal servitutes, the interdicts were just the same as in the case of proper possession; the interdict which was applied in the case of proper possession was here applied as a utile in terrore.

In the case of prudial servitutes, we must first consider the positive. In the first class, the acquisition of the jus quasi possesso is effected by an act which is done simply as an exercise of the right, independent of any other right. The interference with the exercise of the right was prevented by interdict, for example, as to a servitute for the repair of water passages; 13 in the case of the jus aquae haurientiae.

The second class of positive servitutes consists in the exercise of the servitute in connection with

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1. (Dig. 8, tit. 3, s. 8.)—2. (Gain. ii, 30, 31.—3. Savigny, Das Recht des Besitzens. i, c. 2.)—4. (Cod. 68, cc. 59.)—5. (Dig. 33, tit. 2.)—6. (Dig. 7, tit. 1, s. 6.)—7. (Coda, vii, tit. 32, s. 12.)—8. (ad Att. xvi, 32.)—9. (Nov. 22, c. 46, 8.)—10. (Dig. 42, tit. 1, s. 2.)—11. (Dig. 66, tit. 1, s. 14.)—12. (Dig. 66, tit. 6, s. 8.)—13. (Dig. 66, tit. 8, s. 1.)
the possession of another piece of property. The
interdicts applicable to this case are explained un-
der the next class, that of negative servitudes.

In the case of negative servitudes, there are only
two modes in which the juris quasi possessio can be
acquired: 1, when no property is protected by the
interdict; 2, by any legal act which is capable of transferring the jus servitutis. The possession is lost when the owner of the ser-
vient property does an act which is contrary to the right. The possession of the servitudes of the sec-
ond and third class is protected by the interdict uti possessor. There was a special interdict about sewers
(De Circis).

It has been stated that quasi servitutes were
sometimes founded on positive enactments. These
were not servitudes properly so called, for they were
limitations of the exercise of ownership made for
the public benefit. The only cases of the limitation
of the exercise of ownership by positive enactment
which are mentioned in the Pandect, are reducible
to three principal classes. The first class compre-
ends the limitation of ownership on religious
grounds. To this class belongs finis, or a space of
five feet in width between adjoining estates, which
it was not permitted to cultivate. This intermed-
siate space was sacred, and it was used by the own-
ners for religious purposes. To fortify this class also belongs the rule, that if a man had
buried a dead body on the land of another without his
consent, he could not, as a general rule, be compel-
led to remove the body, but he was bound to make
recompense. The second class comprehends rules
relating to police. According to the Twelve Ta-
bles, owners of buildings in the city were required
to leave a space of two feet and a half vacant al-
round any edifice that he erected: this was called
legitimum spatium, legitimus modus. Consequently,
between two adjoining houses there must be a va-
ant space of five feet. This law was, no doubt,
frequently neglected; for, after the fire in Nero's reign,
it was forbidden to build houses with a common
wall, because they were likely to overhang each other.
Legitimum spatium was again required to be observed;
and it is referred to in a rescript of Antoninus and Verus.
This class also comprehends rules as to the height
and form of buildings. Augustus fixed the height
at seventy feet; Nero also, after the great fire, made
some regulations with the view of limiting the height
of houses. Trajan fixed the greatest height at sixty
feet. These regulations were general, and had no
reference to the convenience of persons who pos-
sessed adjoining houses: they had, therefore, no
relation at all to the servitutes altius tollendii and non
tollendii, as some writers suppose. The rule of the
Twelve Tables, which forbade the removing a "tig-
num furtum vel vinum janctum," had for its object the preventing of accidents. Another rule
declares that public aqueducts should be permitted
to be taken from their lands for these public purpo-
ses, but should receive a proper compensation. The
Twelve Tables forbade the burning or interring of a
dead body in the city; and this rule was enforced
by a lex Duilia. In the time of Antoninus Pius, this
rule prevailed both in Rome and other cities.

The third class of limitations had for its object
the propriety of agriculture. It comprised the rules
relating to Aqua Flavia, and to the tignum janctum
in the case of a vineyard; and it gave a man permission to go on his neighbour's premises
to gather the fruits which had fallen thereon from
his trees, with this limitation, that he could only go
every third day. The Twelve Tables enacted that
if a neighbour's tree hung over into another person's
land, that person might enter under the height of
fifteen feet from the ground (quindecim pedes altius eam
subductor). The rule was a limitation of owner-
ship, but not a limitation of the ownership of the
tree-owner: it was a limitation of the ownership of
the land-owner; for it allowed his neighbour's
tree to overhang his ground, provided there were
no branches less than fifteen feet from the ground.

With these exceptions, some of which were of great
antiquity, ownership in Roman law must be
considered as unlimited. These limitations, also,
had no reference to the convenience of individuals
who had adjoining houses or lands. With respect
to neighbours, the law allowed them to regulate
their mutual interests as they pleased; and, accord-
ingly, a man could agree to allow a neighbour to
derive a certain benefit from his land, which his
proximity rendered desirable to him, or he could
agree to abstain from certain acts on his land for
the benefit of his neighbour's land. The law gave
force to these agreements under the name of serv-
itudes, and assimilated the benefits of them to the
right of ownership by attaching to them a right of
action like that which an owner enjoyed.

This view of the limitation of ownership among
the Romans, which is the correct one, is a valuable
essay by Dirksen.

This imperfect sketch may be completed by ref-
ference to the following works, and the authorities
cited in them: Mackeldy, Lehrbuch, f.e.—Müh-
lenbruch, Doctrina Pandectarum, p. 268, &c.—Sa-
vigny, Das Recht des Besitzes, Juris Quasi Possacai,
and succeeding works. The whole subject is de-
volved through simple Vertrag und Stipulation von
Illner, Rhein. Mus. für Jurisprudenz, Erster Jahrgang.—
"Von dem Verhältniss des Eigenthums zu den Servi-

SERVUS (Greek). The Greek δοῦλος, like the
Latin servus, corresponds to the usual meaning of
our word slave. Slavery existed almost through
the whole of history in Greece. In Athens, the com-
plete household is that which consists of
slaves and freemen (οἰκία δὲ τέλειος ἐκ δοῦλων καὶ
ἐλευθέρων), and he defines a slave to be a living
working-tool and possession (ὁ δοῦλος ἄρθρον ἀργά
νυς: ὁ δοῦλος κτήμα τι ἔργον). None of the Greek
philosophers ever seem to have objected to
slavery as a thing morally wrong: Plato, in his
perfect state, only desires that no Greeks should be
made slaves by Greeks, and Aristotle defends
the justice of the institution on the ground of a diver-
sity of race, and divides mankind into the free (ἐλε-
υθέροις), and those who are slaves by nature (οἱ ψάες
dοῦλοι): under the latter description he appears to
have regarded all barbarians in the Greek sense of
the word, and therefore considers their slavery jus-
tifiably.

In the most ancient times there are said to have
been no slaves in Greece; but we find them in the
Homeric poems, though by no means so generally
as in later times. They are usually prisoners taken
in war (δομάλωτοι), who serve their conquerors;
but we also read as well of the purchase and sale of
slaves. They were, however, at that time mostly
confined to the houses of the wealthy.

There were two kinds of slavery among the
Greeks. One species arose when the inhabitants

1. (Dig. 46, tit. 23.)—2. (Dig. 11, tit. 7, n. 7, 8.)—3. (Thuc.
Ann. p. 459.)—4. (Dig. 6, tit. 8, n. 16.)—4. (Suet. Octavi, 65.)
5. (Dig. 47, tit. 2.)
at a country were subdued by an invading tribe, and reduced to the condition of serfs or bondsmen: they lived upon and cultivated the land which their masters had appropriated to themselves, and paid them a certain rent. They also attended their masters in war. They could not be sold out of the country or separated from their families, and could acquire no property. In the time of Philip V., Lysimachus the Heletis of Sparta ('rid. Helotes), the Penestes of Thessaly (vid. Pa- nista), the Bithynians at Byzantium, the Caligiri at Syracuse, the Mariandyi at Heraclæa in Pontus, the Aphiactæ in Crete. (Vid. Cosm. p. 316.)

The other species of slavery consisted of domestic slaves acquired by purchase (αγρυψωρος or χρωινω- ρος). A slave might be the property of masters, and could be disposed of like any other goods and chattels: these were the δυννοι properly so called, and were the kind of slaves that existed at Athens and Corinth. In commercial cities slaves were very numerous, as they performed the work of the artisans and manufacturers of modern towns. In poorer republics, which had little or no capital, and could not provide themselves with property, these slaves would be few: thus in Phocis and Locris there are said to have been originally no domestic slaves. The majority of slaves were purchased; few, comparatively, were born in the family of the master, partly because the number of female slaves was very small in comparison with the male, and partly because the male slave was so much cheaper to obtain as it was considered cheaper to purchase than to rear slaves. A slave born in the house of a master was called αϋκάρης, in contradistinction to one purchased, who was called ολεργή. If both the father and mother were slaves, the offspring was called μοιδαλοφόρος: if the parents were ολεργαδες, the offspring was called ολεργός.

It was a recognised rule of Greek national law, "that the persons of those who were taken prisoners in war became the property of the conqueror," but it was the practice for the Greeks to give liberty to those of their own nation on payment of a ransom. Consequently, almost all slaves in Greece, with the exception of the serfs above mentioned, were barbarians. It appears to follow, from a passage in Thucydides, that the Chians were the first who carried on the slave-trade, where the slaves were more numerous than in any other place except Sparta, that is, in comparison with the free inhabitants.

In the early ages of Greece, a great number of slaves were obtained by piracy, who kidnapped persons on the coast; but the number of slaves that were brought from the Greek colonies in Asia Minor, who had abundant opportunities of obtaining them from their own neighbourhood and the interior of Asia. A considerable number of slaves also came from Thrace, where he parents frequently sold their children.

At Athens, as well as in other states, there was a regular slave-market, called the κλόμα 11 because the slaves stood round in a circle. They were also sometimes sold by auction, and appear then to have been placed on a stone called the παρείπα κλός: 11 the same was also the practice in Rome, whence the phrase homo de lapide entum. (Vid. Anc.) The slave-market at Athens seems to have been held on certain fixed days, usually the last day of the month (the Ἐν καὶ νόι or νου- ωτισα). 12 The price of slaves also naturally differed according to their age, strength, and acquire-


2. "Some slaves," says Xenophon, 1 are well worth two minas, others hardly half a mina; some sell for five minas, and others even for ten; and Nicias, the son of Niceraton, is said to have given no less than a talent for an overseer in the mines. 13 Böckh 4 has collected many particulars respecting the price of slaves; he calculated the value of the commonest slave from 125 to 150 drachmas. The knowledge of any art had a great influence upon the value of a slave. Of the thirty-two or thirty-three sword-cutters who belonged to the father of Demosthenes, some were worth five, some six, and the lowest more than three minas; and his three couch-makers, together, were valued at a talent. Considerable sums were paid for contraceptors and female players on the cithara; twenty and thirty minas were common for such. 14 Neera was sold for thirty minas. 6

The number of slaves was very great in Athens. According to the census made when Demetrius Phalereus was archon (B.C. 309), there are said to have been 21,000 free citizens, 10,000 metics, and 400,000 slaves, 6 which makes the slave population is so immensely large in proportion to the free, that some writers have rejected the account altogether, and others have supposed a corruption in the numbers, and that for 400,000 we ought to read 40,000. 5 Böckh 4 and Clinton, 15 however, remark, with some justice, that in computing the number of slaves the establishment must we compound a good part of their political and military strength, and hence the census of only males of full age was taken; while, in enumerating slaves, which were property, it would be necessary to compute all the individuals who composed that property. Böckh takes the proportion of free inhabitants to slaves as nearly one to four. 4 There was a slave-market in many places as regular as that in one: but, whatever may be thought of these calculations, the main fact, that the slave population in Attica was much larger than the free, is incontrovertible: during the occupation of Decëa by the Lacedemonians, more than 20,000 Athenian slaves escaped to this place. 11 In Corinth and Égina their number was equally large: according to Timæus, Corinth had 460,000, and according to Aristotle, Égina had 470,000 slaves; 16 but these large numbers, especially in relation to Égina, must be understood only of the early times, before Athens had obtained possession of the commerce of Greece.

At Athens even the poorest citizen had a slave for the care of his household, and in every moderate establishment many were employed as possible occupations, as bakers, cooks, tailors, &c. The number possessed by one person was never so great as at Rome during the later times of the Republic and under the Empire, but it was still very considerable. Plato 10 expressly remarks, that some persons had fifty slaves, and even more. This was also the case of the Athenian statesman, who possessed: 14 Lyssias and Polemarchus had 120, 16 Philemonides had 300, Hippomimus 600, and Nicias 1000 slaves in the mines alone. 11 It must be borne in mind, when we read of one person possessing so large a number of slaves, that they were employed in various workshops, mines, or manufactories: the number mentioned is that to which he was attached to his own private wants or those of his household was probably never very large. And this constitutes one 


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great distinction between Greek and Roman slaves, that the labour of the former was regarded as the means by which an owner might obtain profit for the outlay of his capital in the purchase of the slaves, while the latter were chiefly employed in ministering to the wants of their master and his family, and in gratifying his luxury and vanity. Thus Athenaeus remarks that many of the Romans possessed 10,000 or 20,000 slaves, and even more; but not, he adds, for the sake of bringing in a revenue, as the wealthy Nicias.

Slaves either worked on their masters' account or for their own [in the latter case they could sell their masters a certain sum a day], or they were let out by their master on hire, either for the mines or any other kind of labour, or as hired servants for wages (ἀποφάσα). The rowers on board the ships were usually slaves; it is remarked as an unusual circumstance, that the seamen of Paralos were free-men. These slaves belonged either to the state or to private persons, who let them out to the state on payment of a certain sum. It appears that a considerable number of persons kept large gangs of slaves merely for the purpose of letting out, and found this a profitable mode of investing their capital. Great numbers were required for the mines, and in most cases the mine lessees would be obliged to hire some, as they would not have sufficient capital to engage them in this manner by themselves. We learn from a fragment of Hyperides preserved by Suidas, that there were at one time as many as 150,000 slaves who worked in the mines and were employed in country labour. Generally none but inferior slaves were confined in these mines: they worked in chains, and numbers died from the effects of the unhealthy atmosphere. We cannot calculate the numbers engaged in this occupation, but the overspends three times.

Nicias paid an obolus a day for each mining slave which he hired. The rate of profit upon the purchase-money of the slaves was naturally high, as their value was destroyed by age, and those who lied had to be replaced by fresh purchases. The proprietor was also exposed to the great danger of running away, when it became necessary to manumit them, as he could not be sure that they would not sell their liberty at a profit (σπαρακτικα). Antigone of Rhodes was the first that established an assurance of slaves. For a yearly contribution of eight drachmas for each slave that was in the army, he undertook to make good the value of the slave at the time of his running away.

Slaves that worked in the fields were under an overseer (ἐπιτραπέζων), to whom the whole management was intrusted, which required the master resided in the city; the household slaves were under a steward (ταυκοτ), the female slaves under a stewardess (ταυκια). The Athenian slaves did not, like the Helots of Sparta and the Penetae of Thessaly, serve in the armies; the battles of Marathon and Arginusae, when the Athenians armed their slaves, were exceptions to the general rule.

The rights of possession with regard to slaves differed in no respect from any other property; they could be given or taken as pledges. The condition, however, of Greek slaves was, upon the whole, better than that of Roman ones, with the exception, perhaps, of Sparta, where, according to Plutarch, it is the best place in the world to be a freeman, and the worst to be a slave (τοι Ακαδαίοι και τον ελεύθερον μισεις ελθειν εναι, και τον δολου μισης δολου). At Athens especially, the slaves seem to have been allowed a degree of liberty and indulgence which was never granted to them at Rome. On the reception of a new slave into a house at Athens, it was the custom to scatter sweetmeats (καταφυσμα), as was done in the case of a newly-married pair.

The life and person of a slave were also protected by the law: a person who struck or maltreated a slave was liable to an action (δικαιο γραφη); a slave, too, could not be put to death without legal sentence. He could even take shelter from the cruelty of his master in the Temple of Theseus, and there claim the privilege of being sold by him (πων αι αιτιτεβαι). The person of a slave, however, was not considered so sacred as that of a freeman: his offences were punished with corporeal chastisement, which was the last mode of punishment inflicted on a freeman. He was not believed upon oath, and if he had false testimony in his favour, his case was always taken with torture. (Vid. B.Cav.)

Notwithstanding the generally mild treatment of slaves in Greece, their insurrection was not unfeigned; but these insurrections in Attica were usually confined to the mining slaves, who were treated with more severity than the others. On one occasion they murdered their guards, took possession of the mines, and from this point ravaged the country for a considerable time.

Slaves were sometimes manumitted at Athens, though not so frequently as at Rome; but it seems doubtful whether a master was ever obliged to liberate a slave against his will for a certain sum of money, as some writers have concluded from a passage of Plautus. Those who were manumitted (ελευθεροι) did not become citizens, as they might at Rome, but passed into the condition of metics. They were obliged to honour their former master as their patron (ποιτοτης), and to fulfil certain duties towards him, the neglect of which rendered them liable to the δια εποδοσησια, by which they might again be sold into slavery. (Vid. Liv.).

Repealing the public slaves at Athens, see Demosthenes. It appears that there was a tax upon slaves at Athens, which Bockh supposes was three oboli a year for each slave.


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SERVUS (Roman), SERVITUS. "Servitus est constituto iuris genus quae quidem dominio alieno contra naturam subiicit." Gaius also considers the potestas of a master over a slave as "jurus gentium." The Romans viewed liberty as the natural state, and slavery as a status or condition which was contrary to the natural state. The mutual relation of slave and master among the Romans was expressed by the terms servus and dominus, and the power and interest which the dominus had over his slave, and in the slave was expressed by dominium. The term dominium or ownership, with reference to a slave, pointed to the slave merely as a thing or object of ownership, and a slave, as one of the res mancipii, was classed with other objects of ownership.

The word potestas was also applied to the master and to his slave, as the same word was used to express the father's power over his children. The boundaries between the patria and dominica potestas were originally very narrow, which were altogether wanting to the condition of the slave. The master had no potestas over the slave if he had already a "nudum jus Quiritium in servo." It was necessary that the slave be his in bonis at least.

According to the strict principles of the Roman law, it was a consequence of the relation of master and slave that the master could treat the slave as he pleased; he could sell him, punish him, and put him to death. Positive morality, however, and the social intercourse that must always subsist between a master and the slaves who are immediately about him, ameliorated the condition of slavery. Still we read of acts of great cruelty committed by masters in the later republican and earlier imperial periods, and the lex Petronia was enacted in order to protect the slave. (Vid. Lex Petronia, p. 584.) The proper term of the slave's death, which Gaius considers to be a part of the jus gentium, was limited by a constitution of Antoninus, which enacted that, if a man put his slave to death without sufficient reason (sine causa), he was liable to the same penalty as if he had killed another man's slave.

The constitution applied to Roman citizens, and to all persons who were subject to the Roman jurisdictio. The same constitution also prohibited the cruel treatment of slaves by their masters, by enacting that if the cruelty of the master was intolerable, he might be compelled to sell the slave, and the slave was empowered to make his complaint to the proper authority. A constitution of Claudius enacted that, if a man should sell his slave, and the same who were infernum, they should be sold free, and the constitution also declared that, if they were put to death, the act should be murder. It was also enacted, that in sales of division of property, slaves, as husband and wife, parents and children, brothers and sisters, should not be separated. A master could not contract a marriage. His cohabitation with the term servus and dominium, and 40 legal relation between him and his children was recognised. Still nearness of blood was considered an impediment to marriage after manumission: thus, a manumitted slave could not marry his manumitted sister.

A slave could have no property. He was not capable of acquiring property, but his acquisitio belonged to his master, which Gaius considers to be a rule of the jus gentium. A slave could acquire for his master by mancipatio, traditio, stipulatio, or in any other way. In this capacity of the slave to take, though he could not keep, his condition was assimilated to that of filiusfamilias, and he was regarded as a person. If one party gave a servus to a master, the master acquired a nudum jus Quiritium in a slave, and he was another's in bonis, his acquisitions belonged to the person whose he was in bonis. If a man possessed another man's slave or a free person, he only acquired through the slave in two cases: he was entitled to all that the slave acquired out of or by means of the property of the master or free person; and he was entitled to all that the slave acquired by his own labour (ex operis suis); the law was the same with respect to a slave of whom a master had the usufructus only. All other acquisitions of such slaves or free persons belonged to their owner or to themselves, according as they were slaves or free men.

A master could also acquire possessio through his slave, and thus have a commencement of usufruct, but the owner must have the possession of the slave; he might not acquire it through him, and, consequently, a man could not acquire possession by means of a pignorated slave. (Vid. Pignorie.) A bone fide possessor, that is, one who believed the slave to be his own, could acquire possession through him in such cases as he could acquire property; consequently, a pledgee could not acquire possession through his pignorated slave, though he had the possession of him bona fide, for this, bona fides was not that which is meant in the phrase bone fide possessor. The usufructus of a master acquired possession through the slave in the same cases in which the bonae fide possessor acquired it.

Slaves were not only employed in the usual domestic offices and in the labours of the field, but also as factors or agents for their masters in the management of business (vid. Institutiones Superiores, &c.), and as mechanics, artisans, and in every branch of industry. It may easily be conceived that, under these circumstances, especially as they could not acquire property, and, in a great measure, there must have arisen a practice of appropriating a slave to consider part of his gains as his own: this was his peculium, a term also applicable to such acquisitions of a filiusfamilias as his father allowed him to consider as his own. (Vid. Patria Potestas.) According to strict law, the peculium was the property of the master, but, according to usage, it was considered to be the property of the slave. Sometimes it was agreed between master and slave that the slave should purchase his freedom with his peculium when it amounted to a certain sum. If a slave was manumitted by the owner in his lifetime, the peculium was considered to be given together with libertas, unless it was expressly retained. Transferences of property and debts after the death of the debtors have been regarded as place between the master and slave with respect to the peculium, though no right of action arose on either side out of such dealings, conformably to a general principle of Roman law. If, after the slave's manumission, the master paid him a debt which had arisen in the manner above mentioned, he could not recover it. In case of the claim of creditors on the slave's peculium, the debt of the slave to the master was first taken into the account, and deducted from the peculium. So far was the law modified, that in the case of the naturales obli...
A naturalis obligation might also result from the dealings of a slave with other persons than his master; but the master was not at all affected by such dealings. If a slave of his own accord bought or sold the slaves of another, he was regarded as acting for himself, and dealings of the slave when the slave was employed as his agent or instrument, in which case the master might be liable to an actio Exercitoria or Institoria. There was, of course, an actio against the master when the slave acted by his orders. (Vid. Josse, Quom, &c.) If a slave or filiusfamiliae traded with his peculium with the knowledge of the dominus or father, the peculium and all that was produced by it was divisible, the creditors and master or father in due proportions (pro rata portione); and if any of the creditors complained of getting less than his share, he had a tributoria actio against the master or father, to whom the law gave the power of distribution among the creditors. The master was not liable for anything beyond the amount of the peculium, and his own property was exempt from a claim on the slave. Sometimes a slave would have another slave under him, who had a peculium with respect to the first slave, just as the slave had a peculium with respect to his master. On this practice was founded the distinction between servi ordinarii and vicarii. These subordinate pecula were, however, legally considered as included in the principal peculium. In the case of a slave loaned to a creditor, the master was not liable to that creditor, unless it required that any action in respect of the peculium must be brought within a year. If a slave or filiusfamiliae had carried on dealings without the knowledge and consent of his master or father, there might be an action against the master or father in respect of such dealings, so far as it could be proved that he had derived advantage from them. This was called the actio de rem verso, and it was, in fact, the same actio as that de peculo. That was said in rem patris dominique versum which turned out for his advantage. For instance, if a slave borrowed ten sestertii and paid them to the master's creditors, the master was bound to pay the loan, and the lender had an actio against him de rem verso. If the slave paid any part of this debt, the master was not liable to the lender for the amount so applied, and if the slave had wasted the other part, the master was bound to make that good to the amount of the slave's peculium; but still with this provision, that the amount of the slave's peculium could only be ascertained by first deducting from it what he owed to the master. The case was the same with the peculium as a whole, and a slave. Thus, as Gaius observes, the actio de peculo and de rem verso was one actio, but contained two condemnations.

It is a consequence of the relation of slave and master, that the master acquired no rights against the slave in consequence of his delicts. Other persons might obtain rights against a slave in consequence of his delict but their right could not be prosecuted by action until the slave was manumitted. They had, however, a right of action against the slave's master for damages, and if the master would not pay the damages, he must give up the slave. (Vid. Noxa.) The slave was protected against injury from other persons. If the slave was killed, the master might either prosecute the killer for a capital offence, or sue for damages under the lex Aquilina. (Vid. AQUILINA LEX, INFRA.) The master had also a praetoria actio in duplum against those who corrupted his slave (servus, serva) and led him into bad practices; the in duplum was to twice the amount of the estimated damage. He had also an action against a person who committed the same wrong and, with his female slave. A runaway slave (fugitivus) could not lawfully be received or harboured; to conceal him was forturn. The master was entitled to pursue him wherever he pleased, and it was the duty of all authorities to give him aid in recovering the slave. It was the object of various laws to check the running away of slaves in every way, and, accordingly, a runaway slave could not legally be an object of sale. A case of the rule of law was established, that, though a woman at the time of the birth might be a slave, still her child was free, if the mother had been free at any time reckoning backward from the time of the birth to the time of the conception. There were various cases of children of the offspring of a free parent and a slave, as to which positive law provided whether the children should be free or slaves (Vid. SENATUS CONSULTUM CLAUDIANUM).

A person became a slave by capture in war, also jure gentium. Captives in war were sold as belonging to the errarium, or distributed among the soldiers by lot. In reference to the practice of selling prisoners with a crown on their heads, we find the expression sub corona venire, vendere. A free person might become a slave in various ways. If a master purchased a runaway slave at a public sale, that was the case with incensio (vid. Capvur), and those who evaded military service. In certain cases, a man became a slave if he allowed himself to be sold as a slave in order to defraud the purchaser; and a free woman who cohabited with a slave might be reduced to the same condition. (Vid. SENATUS CONSULTUM CLAUDIANUM.) Under the Empire, the rule was established that persons condemned to death, to the mines, and to fight with wild beasts, lost their freedom, and their property was confiscated, whence, concludes Gaius, it appears that they lose the testamenti facio. But this was not the earlier law. A person so condemned, though he lost his freedom, had no master, and, consequently, the hereditates and legacies which were left to him were simply void, for such a person was only a servus servorum servorum. A man never lost his freedom by usucapion. According to the old law, a man was a slave by birth, and was capable of holding a personal estate as a servus servorum servorum. Addicebatur to the

person whose property he had stolen; but it was doubted whether the effect of the addictio was to make him a servus, or to put him in the condition of an adjudicatus. 1

By a constitutio or senatus consultum of Claudius, 2 a freedman who misconducted himself towards his patron was reduced to his former state of slavery, and finally deprived of all the rights he had enjoyed in the time of Nero. 3 (Vid. Patronus, Libertus.)

The state of slavery was terminated by Manu- missio. It was also terminated by various positive enactments, either by way of reward to the slave, or punishment to the master. The Senatus Consul- tum Silanum is an example of the former; and a power of capital punishment was given to slaves who discovered the perpetrators of certain crimes. 4

Liberty might also be acquired by the prescriptio temporis. After the establishment of Christianity, it might be acquired, subject to certain limitations, by becoming a monk or a spiritual person, 5 but if the person left his monastery for a secular life, or rambled about in the towns or the country, he might be reduced to his former servile condition.

There were slaves that belonged to the state, and were called servi publici: they had the testamenti factio to the amount of one half of their property, 6 from which circumstance it appears that they were viewed in a light somewhat different from the slaves of private families.

The preceding account treats of the legal condi- tion of slaves in their relation to their masters. It remains to give an account of the history of slavery among the Romans, of the sale and value of slaves, of the different classes into which they were divided, and of the general condition of the class.

Slavery existed at Rome in the earliest times of which we have any record, but they do not appear to have been numerous under the kings and in the earliest ages of the Republic. The different trades and the mechanical arts were chiefly carried on by the clients of the patricians, and the small farms in the country were cultivated, for the most part, by the labor of the proprietor and of his own family.

But, as the territories of the Roman state were extended, the patricians obtained possession of large estates out of the ager publicus, since it was the practice of the Romans to deprive a conquered people of part of their land. These estates probably required a larger number of hands for their cultivation than could readily be obtained among the free population; and since the freemen were constantly liable to be called away from their work to serve in the armies, the lands began to be cultivated almost entirely by slave labor. 7 Through war and commerce slaves could easily be obtained, and at a cheap rate, and their number soon became so great that the proprietor of a large estate was thrown almost entirely out of employment. This state of things was one of the chief arguments used by Li- cinius and the Gracchi for limiting the quantity of public land which a person might possess; 8 and we know that there was a provision in the Licinian constitution that a certain number of freemen should be employed on every estate. 9 This regulation, however, was probably of little avail: the lands still continued to be almost entirely cultivated by slaves, although, in the latest times of the Republic, we find that Julius Cæsar attempted to remedy this state of things to some extent, by enacting that, of those persons who attended to cattle, a third

should always be freemen. 10

In Sicily, which supplied Rome with so great a quantity of corn, the number of agricultural slaves was immense: the oppressions to which they were exposed drove them twice to open rebellion, and their numbers enabled them to defy for a time the Roman power. The first of these servile wars began in B.C. 194, and the last, the Bocchus war, took place in B.C. 102, and lasted almost four years.

Long, however, after it had become the custom to employ large gangs of slaves in the cultivation of the land, the number of those who served as personal attendants still continued to be small. Persons in good circumstances seem usually to have been free, or to have been considered as such by the law, and were generally called by the name of his master, with the word por (that is, puer) affixed to it, as Caipor, Lucipor, Mucipor, Pulipor, Quintipor, &c.; and hence Quintilian 9 says, long before whose time luxury had augmented the number of personal attend- ants, that such names no longer existed. Cato, when he went to Spain as consul, only took three slaves with him. 14

But during the latter times of the Republic, and under the Empire, the number of domestic slaves greatly increased, and in every family of importance there were separate slaves to attend to all the necessities of domestic life. It was considered a reproach to a man not to keep a considerable number of slaves. Thus Cicero, in describing the house of Piso, says: 15

"Idem cognos, idem alienus: pistor domi nul- las." 16 The first question asked respecting a per- son's fortune was " Quos paesit servos?" Horace 17 seems to speak of ten slaves as the lowest num- ber which a person in tolerable circumstances ought to possess. The dictator Tullius for being attended by no more than five, who were going from his Tiburtine villa to Rome. 18

The immense number of prisoners taken in constant war with the Romans, and the increase of wealth and luxury, augmented the number of slaves to a prodigious extent. The statement of Athenaeus, 19 that very many Romans possessed 10,000 and 20,000 slaves, and even more, is probably an ex- aggeration; but a freedman under Augustus, who had lost much property in the civil wars, left at his death as many as 4116. 20 Two hundred was no uncommon number for one person to keep, 21 and Augustus permitted even a person that was exiled to take with him upon his return 10,000 slaves. The mechanical arts, which were formerly in the hands of the clients, were now entirely exercised by slaves; 22 a natural growth of things, for where slaves perform certain duties or practise certain arts, such duties or arts will be thought degrading to a free man. It must not be forgotten that the games of the amphitheatrum were secured an immense number of slaves trained for this purpose. 23 (Vid. Gladiatres.) Like the slaves in Sicily, the gladiators in Italy rose in B.C. 73 against their op- pressors, and, under the able generalship of Sparta- cus, defeated a Roman consular army, and were not subdued till B.C. 71, when 60,000 of them are said to have fallen in battle. 24

Under the Empire, various enactments, mention- ed above (p. 883), were made to restrain the cruelty of masters towards their slaves; but the spread of Christianity tended most to ameliorate the condi- tion of slaves, though the possession of them was for a long time by no means condemned as contra- ry to Christian justice. The Christian writers,

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The trade of slave-dealers (mangones) was con-

tered disreputable, and expressly distinguished 

from that of merchants (mangones non mercatores 

sed venaliciarum appellantus)1; but it was very 

lucrative, and great fortunes were frequently real-

ized from it. The slave-dealer Tharsius, who lived 

in the time of Augustus, was a well-known charac-

ter, and his slave-dealer in his time, of the name of 

Gargilusian.

Slaves were usually sold by auction at Rome. 

They were placed either on a raised stone (hence 
de lapide emus)2 or a raised platform (eatego3), 

so that every one might see and handle them, even 

if they did not wish to purchase them. Purchasers 

usually took care to have them stripped naked,4 

for slaves with the feet whitened with chalk,5 

and those that could not stand on their hind 

feet,6 which we know was a sign of slavery 

among many Eastern nations. The slave-trade, 

like all other markets, was under the jurisdiction 

of the authorities, who made many regulations by edicts 

respecting the sale of slaves. The character of the 

slave was set forth in a scroll (titulus) hanging 

around his neck, which was a warranty to the 

purchaser;7 the vendor was bound to announce 

fairly all his defects,8 and if he gave a false account, 

had to take him back within six months from 

the time of his sale,9 or the purchaser, if the latter 

had lost through obtaining an inferior 

kind of slave to what had been warranted.10 The 

vendor might, however, use general terms of 

com- 

mendation without being bound to make them 

good.11 The chief points which the vendor had to 

warrant were the health of the slave, especially 

freedom from epilepsy, and that he had not a 
tendency to thievish, running away, or committing 

suicide.12 The nature of a slave was considered 

important, and had to be set forth by the vendor. 

Slaves sold without any warranty were at the 

time of sale a pilius) upon their head.13 Slaves 

newly imported were generally preferred for 

common work: those who had served long were 

considered artful (veteratores); and the perfectness 

and impudence of those born in their master's house 

(serva: see above, p. 894) were proverbial (verna 

proaca).14

The value of slaves depended, of course, upon 

their qualifications; but under the Empire, the 

increase of luxury and the corruption of morals led 

purchasers to pay immense sums for beautiful 

slaves, or such as ministered to the caprice or 

whim of the purchaser. Eunuchs always fetched 

high prices, and Martians of beautiful 


Erotop., lib. i.)—14. (Harby, iii.)—15. (Mart. in Xen., xxv., 1, 555.)—16. (Ovid, Am., i., 8, 64.)—17. (Juv., i., 104.)


Erotop., lib. i.)—14. (Harby, iii.)—15. (Mart. in Xen., xxv., 1, 555.)—16. (Ovid, Am., i., 8, 64.)—17. (Juv., i., 104.)
Slaves were divided into many various classes: the first division was into public or private. The former belonged to the state and public bodies, and their condition was preferable to that of the common slaves. They were less liable to be sold, and under less control than ordinary slaves: they also possessed the privilege of the testamenti factio to the amount of one half of their property (see above, p. 880), which shows that they were regarded in a different light from all other slaves.

Private slaves were employed to take care of their owner's buildings and to attend upon magistrates and priests. They were not used as waiters and seaters had great numbers of public slaves at their command, as had also the triumviri nocturni, who employed them to extinguish fires by night. They were also employed as lectors, jailers, executioners, watermen, &c.

A slave belonging to one person was called familia, but two persons were considered sufficient to constitute a familia. Private slaves were divided into urban (familia urbana) and rustic (familia rustica); but the name of urban was given to those slaves who served in the villa or country residence as well as in the town house, so that the word "urban" and "rustic" rather characterized the nature of their occupation than the place where they served (urbana familia et rustica non loco, sed genere distinguuntur). The familia urbana could therefore accompany their master to his villa without being called rustic on account of their remaining in the country. When there was a large number of slaves in one house, they were frequently divided into decursii; but, in small families, or in the country, they were arranged in certain classes, which held a higher or a lower rank according to the nature of their occupation. These classes are: Ordinarii, Vulgares, Mediatorii, and Quales-Quales but it is doubtful whether the Lateris, or literary slaves, were included in any of these classes. Those that were slaves of the private owners were called privati. Ordinarii seem to have been those slaves who had the superintendence of certain parts of the housekeeping. They were always chosen from those who had the confidence of their master, and they generally had certain slaves under them. To this class the astores, procuratores, and dispensatores belonged. Astores or familiares [suits] were the family urban, but in the former are almost the same as the vitelli. They were stewards or bailiffs. To the same class also belong the slaves who had the charge of the different stores, and who correspond to our housekeepers and butlers: they are called callarii, promi, conti, procuratores peni, &c. (Liv. xli.

Vulgares included the great body of slaves in a house who had to attend to any particular duty in the house, and to minister to the domestic wants of their master. As there were distinct slaves or a distinct slave for almost every department of household economy, as bakers (pastoreto), cooks (coq), confectioners (dulciari), picklers (salmentari), &c., it is unnecessary to mention these more particularly. This class also included the porters (ostiarii), the bedchamber slaves (vid. Cubicularii), the litter-bearers (lectarii) (vid. Lectica), and all personal attendants of any kind.

Mediatorii. (Vid. Mediatorii.)

Quales-Quales are only mentioned in the Digest, and represent the most inferior class of slaves, but in what respects they differed from the mediatorii is doubtful: Becker2 imagines they may have been a kind of slaves, quasquali condiione viventes, which, however, does not give us any idea of their duties or occupations.

Litterati, literary slaves, were used for various purposes by their masters, either as readers (amanuenses) or as librarii, or personal attendants of any kind. Complete lists of all the duties performed by slaves are given in the works of Pignorius, Pompa, and Blair, referred to at the close of this article.

The treatment of slaves, of course, varied greatly according to the disposition of their masters, but it seems to have been on the whole, to have been treated with greater severity and cruelty than among the Athenians. Originally the master could use the slave as he pleased: under the Republic the law does not seem to have protected the person or life of the slave at all, but the cruelty of masters was to some extent restrained under the Empire, as has been pointed out. The employment of the slave in the treatment of slaves, however, was probably little affected by legislative enactments. In early times, when the number of small was small, they were treated with more indulgence, and more like members of the family; they joined their masters in offering up prayers and thanksgivings to the gods, and partook of the same food, and were allowed to become freedmen, though not at the same table with them, but upon benches (subsellia) placed at the foot of the lectus. But with the increase of numbers and of luxury among masters, the ancient simplicity of manners was changed: a certain quantity of food was allowed them (dimicium or domensium), which was granted to them either monthly (mensis) or daily (diurnum). Their chief food was the corn called far, of which either four or five modii were granted them a month, or one Roman pound (libra) a day. They also obtained an allowance of salt and oil: Cato3 allowed his slaves a sextarius of oil a month, and a modius of salt a year. They also got a small portion of wine, and of pepper, which was not allowed to the Saturnalia and Compitalia, and sometimes fruit, but seldom vegetables. Butcher's meat seems to have been hardly ever given.

Under the Republic they were not allowed to serve in the army, though after the battle of Canae, when the state was in such imminent danger, 8000 of them were admitted to the rank of soldiers.14 They were frequently beaten with sticks or scourged with the whip (of which an account is given under FLAVIUS); but these were such every-day punishments that many slaves ceased almost to care for them. Thus Chrysalsius says,15

"The offences of slaves were punished with severity, and frequently the utmost barbarity. One of the mildest punishments was the removal from the familia urbana to the rustica, where they were obliged to work in chains or fetters. They were frequently beaten with sticks or scourged with the whip (of which an account is given under FLAVIUS); but these were such every-day punishments that many slaves ceased almost to care for them."

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"Si u1i sunt virga ruri, at mih2 torgum est domi."

Runaway slaves (fugitives) and thieves (fures) were branded on the forehead with a mark (stigma), whence they are said to be notati or inscripti. Slaves were also punished by being hung up by their hands with weights suspended to their feet, or by being sent to work in the Ergastulum or Pisonarium. (Vid. Ergastulum, Mol.) The carrying of the furca was a very common mode of punishment. (Vid. Furca.) The toilet of the Roman ladies was a dreadful ordeal to the female slaves, who were often barbarously punished by their mistresses for the slightest mistake in the arrangement of the hair or a part of the dress.

In the case of female slaves as many hours in the day as they pleased, but they usually allowed them holydays on the public festivals. At the festival of Saturn in particular, special indugences were granted to all slaves, of which an account is given under Saturnalia. There was no distinctive dress for slaves. It was once proposed in the senate to give slaves a distinctive costume, but it was rejected, since it was considered dangerous to show them their number. Male slaves were not allowed to wear the toga or bucca, nor females the stola, but otherwise they were dressed nearly in the same way as poor people, in clothes of a dark colour (pullata) and slippers (crepada) (vestas servitis).

The rites of burial, however, were not denied to slaves; for, as the Romans regarded slavery as an inexcusable evil, they desired to deny it an end to the distinction between slaves and free men. Slaves were sometimes even buried with their masters, and we find funeral inscriptions addressed to the Divi Manes of slaves (Dis Manibus). It seems to have been considered a duty for a master to bury his slave, since we find that a person who buried the soul of another had a right of action for the expenses of the funerals.

In 1726 the burial vaults of the slaves belonging to Augustus and Livia were discovered near the Via Appia, where numerous inscriptions were found, which have been illustrated by Bianchini and Gori, and give us considerable information respecting the different classes of slaves and their various occupations. Other sepulchra of the same time have also been discovered in the neighbourhood of Rome.

"SES (σεσ), "a term generally supposed to signify the Tinea of the Latins, i.e., the Book-worm, but used by Aristotle in a more extended sense. That said to be formed in wax would appear to be the Phalana cereana; that formed in wood (called by him άκαβ) is the Tenea fumata, or White Ant; that formed among clothes is probably the Phalana sarceliata. Others, says Schneider, hold them to be the Tinea vestinella, T. pelinella, and T. mellonella. It is to be borne in mind that the Tinea form a division of the genus Phalana."  

"SESSAMUM (σέσσαμον), the Sesamum Orientale, or Eastern Oily-grain."

SESTERTIUS (Sesterzio), a plant, of which Dioscorides describes three species, the Sesi Massiliensis, S. Athlogicum, and S. Piloniheicicum. "The seseli of Galen is the first of these. The seseli of Theophrastus is the same as the τορδύλαν, namely, the Tordylium officinale, or Hartwort. The attraction between the seseli and tordylium is pointed out by Dioscorides and Pliny. According to Stephen Alston, and others, the popular name of the Sesi Massiliensis is 'Hard Meadow Saxifrage,' but its scientific name is Sesel tortuosum. This species is the S. Gallicus of Apicius. It is also called Sui by Celsus. Dr. Milligan, however, confines it with the S. Atticum, a sort of red ochre, which was never used for medicinal purposes. Sprenger follows Anguillara in referring the S. Athlogicum to the Bupleurum fruticosum, and Matthiolus in holding that the Pelpomenniscium is the Equisetum Ppolonensiacum.

SESTERTIUS, a Roman coin, which properly belonged to the silver coinage, in which it was one fourth of the denarius, and therefore equal to 24 asses. Hence the name, which is an abbreviation of semis tertius (sc. nummus), the Roman mode of expressing 24. The word nummus is often expressed with sestertius, and often it stands alone, meaning sestertius.

Hence the symbol H. S or I I S, which is used to designate the sestertius. It stands either for L S (Libra Libra et Semie), or for I I S, the two I's merely forming the numeral two (sc. asaes or libra), and the whole being in either case equivalent to decpndius et semes.

When the as was reduced to half an ounce, and the number of asses in the denarius was made sixteen instead of ten (Vig. As, Denarius), the sestertius was still made one sixtieth of the denarius, and therefore contained no longer 24, but 4 asses. The old reckoning of 10 asses to the denarius was kept, however, in paying the troops. After this change the sestertius was coined in brass as well as in silver; the metal used for it was that called aurichaleum, which was much finer than the common æ, of which the asses were made.

The sum of 1000 sestertii was called sestertium. This was also denoted by the symbol H. S, the obvious explanation of which is "I I S (½) millin," but Gronovius understands it as 2æ pounds of silver (sestertium pondus argenti), which he considers to have been worth originally 1000 sestertii, and therefore to have represented this value ever after. The sestertius was always a sum of money, never a coinage. Sometimes 1000 denarii in the payment of large sums was the denarius.

According to the value we have assigned to the Denarius up to the time of Augustus, we have

£. d. farth.

the sestertius = 9 2 5
the sestertium= 7 1 1
after the reign of Augustus:

the sestertius = 9 0 3 5
the sestertium= 7 1 6 3

The sestertius was the denomination of money almost always used in reckoning considerable amounts. There are a very few examples of the use of the denarius for this purpose. The mode of reckoning was as follows:

"S - nummus = nummus."

Sums below 1000 sestertii were expressed by the numeral adjectives joined with either of these forms.

The sum of 1000 sestertii = mille sestertiorum = M m. (for sestertiorum) = N nummii = M nummus (for nummorum) = M m. (for m. nummorum) = M m. sestertiorum nummum = nummus. These forms are used with the numeral adjectives below 1000; sometimes mille is used instead of sestertiorum; sometimes both words are omitted; sometimes nummus or sestertiorum is added. For example, 600,000 sestertii =


2. (Pliny, H. N., xxxiv., 9.)—3. (Varro, L. L., i., 11.)
SESTERTIUM.

For some of a thousand sesteria (s. e., a million sesteri) and upward, the numeral adverbs in iex (decies, undecies, vicies, &c.) are used, with which the words centena millia (a hundred thousand) must be understood. With these adverbs the construction is the same as for sestertius, and the number is joined in the case required by the construction. Thus, decies sesteriium—decies centena millia sesteriium—ten times a thousand thousand sesteriium==1,000,000,000 sesteriium—1,000,000,000 sesteriium. When an amount is described by more than one of these adverbs in iex, they must be added together if the larger numeral stands first, but multiplied when the smaller is first; care, however, being taken not to reckon the centena millia which is understood more than once in the whole amount. Thus Suetonius1 has millies et quingenies for 150,000 sesteria, i.e., 100,000 x 1 + 50,000 x 1 + 10,000 x 1. Sestertia and immediately after quaterdecies millies for 1,400,000 sesteria, i.e., 14 x 100,000. A variety was allowed in these forms: thus Cicero uses decies et octingenta millie for 1800 sesteria, i.e., 1,000,000 + 800,000 sesteria, and quaterdecies for 1400 sesteria, i.e., 14 x 100,000 sesteria.

When the numbers are written in cipher, it is often difficult to know whether sestertii or sestertia are meant. A distinction is sometimes made by a line placed over the numeral when sestertia are intended, or, in other words, when the numeral is an adverb in iex. Thus

HS. M. C.==1100 sestertii; but ES. M. C==HS millies centes
==110,000 sestertia==110,000,000 sesteriium.

Wurm (p. 24) gives the following rule: When the numbers are divided into three classes by points, the right-hand division indicates units, the second thousands, the third hundreds of thousands. Thus, 177,932=100,000 + 19,000 + 72,000 = 1,092,000 sesteriium. But these distinctions are by no means strictly observed in the manuscripts.

Like other parts and multiples of the as, the sestertius is applied to other kinds of magnitude, e. g., pes sesteriium for 21/2 feet. (Vid. Pes.)

Sestercia is sometimes used as an English word. If so, it ought to be used only as the translation of sestertius, never of sestertium.

SEVIR. (Vid. Equites, p. 418.)
SEX SUFFRAGIA. (Vid. Equites, p. 416.)
SEXTANS. (Vid. As, p. 111.)
SEXTARIUS, a Roman dry and liquid measure, which may be considered one of the principal measures in the Roman system, and the connecting point between that of the Greeks, for it was equal to the στρομον of the latter. It was one sixth of the congius, and hence its name. It was divided, in the same manner as the As, into parts named unia, sextans, quadrans, triens, quinuex, sexsemis, &c. The unia, or twelfth part of the sextarius, was the Ligula; its sextans was therefore two cyathus, its quadrans three, its triens four, its quinquex five, &c.3

The following table exhibits the principal Roman liquid measures, with their contents in the English imperial measure. The dry measures, which are nearly the same, have been given under Monius.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Sesteriium</th>
<th>Galli</th>
<th>Pons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culeus, containing</td>
<td>900</td>
<td>1 1/8</td>
<td>7 5/64</td>
</tr>
<tr>
<td>Amphora, &quot;</td>
<td>48</td>
<td>5</td>
<td>7 5/77</td>
</tr>
<tr>
<td>Urna, &quot;</td>
<td>24</td>
<td>2</td>
<td>7 7/88</td>
</tr>
<tr>
<td>Congius, &quot;</td>
<td>6</td>
<td>5</td>
<td>5 9/471</td>
</tr>
<tr>
<td>Sextarius, &quot;</td>
<td>1</td>
<td>991</td>
<td></td>
</tr>
<tr>
<td>Hemina, &quot;</td>
<td></td>
<td>4593</td>
<td></td>
</tr>
<tr>
<td>Quarterarius, &quot;</td>
<td></td>
<td>1</td>
<td>1 1/32</td>
</tr>
<tr>
<td>Acetabulum, &quot;</td>
<td></td>
<td>1 7/8</td>
<td>1/2</td>
</tr>
<tr>
<td>Cyathus, &quot;</td>
<td>1</td>
<td>0 8/5</td>
<td></td>
</tr>
<tr>
<td>Ligula, &quot;</td>
<td></td>
<td>1 1/2</td>
<td>0 9/26</td>
</tr>
</tbody>
</table>

SEXTULIA, the sixth part of the uncia, was the smallest denomination of money in use among the Romans.1 It was also applied to the uncia, to other kinds of magnitude. (Vid. Uncia.)

SHIPS (ναος, πλατον, ναυς, ναυιγια). The beginning of the art of ship-building and of navigation among the Greeks must be referred to a time much anterior to the ages of which we have any record. Even in the earliest mythical stories long voyages are mentioned, which are evidently not altogether poetical fabrications, and we have every reason to suppose that at this early age ships were used which were far superior to a simple canoe, and of a much more complicated structure. The time, therefore, when boats consisted of one hollow tree (Μονοξύλω), or when ships were merely rafts (ραχαλοι), is a period of very little dimensions,1 which the Greeks called ναυιγια, a word which Homer3 is understood. It was the art of making these boats, together with their navies, that brought the name of which not the slightest record has reached us, although such rude and simple boats or rafts continued occasionally to be used down to the latest times, and appear to have been very common among several of the barbarous nations with which the Romans were in contact.2 Passing over the story of the ship Argo and the expedition of the Argonauts, we shall proceed to consider the ships as described in the Homeric poems.

The numerous fleets with which the Greeks sailed to the coast of Asia Minor must, on the whole, be regarded as sufficient evidence of the extent to which navigation was carried on in ancient times; however much of the detail in the Homeric description may have arisen from the poet's own imagination. In the Homeric catalogue it is stated that each of the fifty Boeotian ships carried 120 warriors,4 and a ship which carried so many cannot have been of small dimensions. What Homer here states of the Boeotian vessels applies more or less to the ships of other Greeks. These boats were provided with a mast (ιστρια), which was fastened by two ropes (πρόθρονοι) to the two ends of the ship, so that, when the rope connecting it with the prow broke, the mast would fall towards the stern, where it might kill the helmsman.4 The mast could be erected or taken down as necessary, however, only one sail, which was used in favourable wind; and the principal means of propelling the vessel lay in the oars, who sat upon benches (αληθόκες). The oars were fastened to the side of the ship with leather thongs (περιπλονοι), in which they were turned as a key in its hole. The ships in Homer are mostly called black (μελανοι), probably because they were painted or covered with a black substance, such as pitch, to protect the wood against the influence of the water and the air; sometimes other colours, such as μαργα, minimum (a red colour), were used to adorn the sides of the

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SHIPS near the prow, whence Homer occasionally calls ships μητρόπαροι, i. e., red-checked; 1 they were also painted occasionally with a purple colour (φουκιοπαρότι). When the Greeks had landed on the coast of Troy, the ships were drawn on land, and fastened at the poop with a rope to large stones, which served as anchors. 2 (Vid. Ancora.) The Greeks then surrounded the fleet with a fortification to secure it against the attacks of the enemy. This custom of drawing the ships upon the shore, when they were not used, was followed in later times also, as every one will remember from the accounts in Caesar's Commentaries. There is a celebrated but difficult passage in the Odyssey, 3 in which the building of a boat is described, although not with the minuteness which an actual shipbuilder might wish for. Odysseus first cuts down with his axe twenty trees, and prepares the wood for his purpose by cutting it smooth and giving it the proper shape. He then bores the holes for nails and hooks, and fits the planks together, and fastens them with nails. He rounds the bottom of the ship like that of a broad transport vessel, and raises the bow of the ship above the surface of the bottom. The bottom is said, as Homer says, to be flat. He afterward covers the whole of the outside with planks, which are laid across the ribs from the keel upward to the bulwark; next the mast is made, and the sailyard attached to it, and lastly the rudder. When the ship is thus far completed, he raises the bulwark still higher by wickercwork, which goes all around the ship's prow against the waves. This raised bulwark of wickercwork and the like was used in later times also. 4 For ballast, Odysseus throws into the ship δάνειον, which, according to the scholiast, consisted of wood, stones, and sand. Calypto then brings him materials to make a sail of, and he fastens the νέσοι or ropes, which run from the top of the mast to the two ends of the yard, and the κοήν, with which the sail is drawn up or let down. The νέσος mentioned in this passage were undoubtedly, as in ἱκέτης, the ropes attached to the lower corners of the square sail. 5 The ship of which the building is thus described was a small boat, a σκελία, as Homer calls it; but it had, like all the Homeric ships, a round or flat bottom. Greater ships must have been fitted with a more complicated structure. Shipbuilders are praised as artists. 6 In the article Κεραυν. in P. L., p. 234, a representation of two boats is given, which appear to bear great resemblance to the one of which the building is described in the Odyssey. 7

It is a general opinion that in the Homeric age sailors did not venture out into the open sea, but that such was really one is clear from the fact that Homer makes Odysseus say that he had lost sight of land, and saw nothing but the sky and water, 8 although, on the whole, it may be admitted that, even down to the later historical times, the navigation of the ancients was confined to coasting along the shore. Homer never mentions engagements at sea. The Greeks most renowned in the heroic ages as sailors were the Cretans, whose king Minos is said to have possessed a large fleet, and also the Phocaeans. 9 After the times of the Trojan war, navigation, and with it the art of ship-building, must have become greatly improved, on account of the establishment of the numerous colonies on foreign coasts, and the increased commercial intercourse with


The following woodcut contains a beautiful fragment of a bireme, with a complete deck. 3 Another specimen of a small bireme is given in p. 58

The first Greek people who acquired a navy of importance were the Corinthians, Samians, and Phocaeans. About the time of Cyrus and Cambyses, the Corinthian triremes were generally adopted by the Sicilian tyrants and by the Corinthians, who soon acquired the most powerful navies among the Greeks. In other parts of Greece, and even at Athens and in Eëgina, the most common vessels about this time were long ships with only one rank of rowers. Athens, although the foundation of its maritime power had been laid by Solon (vid. Naukratis), did not obtain a fleet of any importance until the time of Themistocles, who persuaded them to build 200 triremes for the purpose of carrying on

(Thucyd., i. 13.—Plin. H. N., vii. 57.)—2. (Herod., ii. 163.)

3. (Wicksteed, Mann, &c., ed., p. 297.)
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the war against Egia. But even then ships were not provided with complete decks (στεγοσκορπία) covering the whole of the vessel. A single deck appears to have been an invention of later times; Pliny ascribes it to the Thasians, and before this event the ships had only small decks at the poop and the prow. At the same time that The-mistocles induced the Athenians to build a fleet of 200 sails, he also carried a decree that every year twenty new triremes should be built from the produce of the mines of Laurium. After the time of Themistocles as many as twenty triremes must have been built every year, both in times of war and of peace, as the average number of triremes which was always ready was from three to four hundred. Such an annual addition was the more necessary, as the vessels were of a light structure and did not last long. The whole superintendence of the building of new triremes was in the hands of the senate of the Five Hundred, but the actual business was intrusted to a committee called the τριαπόστολοι, one of whom acted as their treasurer, and had in his keeping the money set apart for the purpose. In the summer of 406 B.C. two triremes of the τριαπόστολοι ran away with the money, which amounted to two talents and a half. During the time after Alexander the Great, the Attic navy appears to have become considerably diminished, as in 307 B.C. Det-metius Policrates prostituted the Athenians timber for 100 new triremes. After this time the Rhodians became the most important maritime power in Greece. The navy of Sparta was never of great importance.

Navigation remained, for the most part, what it had been before: the Greeks seldom ventured out into the open sea, and it was generally considered necessary to remain in sight of the coast, or of some station which served as a guide at daylight; in the night, the position, the rising and setting of the different stars, also answered the same purpose. In winter navigation generally ceased altogether. In cases where it would have been necessary to coast around a considerable extent of country, which was connected with the main land by a narrow neck, the Athenians would sometimes of necessity sail from land to one sea to the other by machines called ἄλκοι. This was done most frequently across the Isthmus of Corinth.

Now, as regards the various kinds of ships used by the Greeks, we might divide them with Pliny, according to the number of ranks of oarsmen employed in them. Besides the triremes, quinqueremes, &c., we have the enormous ship with forty ranks of oars, built by Poltemea Philopator. But all these appear to have been constructed on the same principle, and it is more convenient to divide them into ships of war and ships of burden (φορτικά, φορτιγιά, βάλλεις, πλοιά, πτεροί, ναυκτια) (see note 2). Ships of the latter kind were not calculated for quick movement or rapid sailing, but to carry the greatest possible quantity of goods. Hence their structure was bulky, their bottom round, and, although they were not without rows, yet the chief means by which they were propelled were their sails.

The most common ships of war, after they had one consisting of real men-of-war, which were quick-sailing vessels (τριαξίοιοι), and the other of transports with which the (τριαξίοιοι) or for horses (πτεργόιοι, πτεργυροί). Ships of this class were more heavy and awkward, and were therefore not used in battle except in cases of necessity. The ordinary size of a war-galley may be inferred from the fact that the average number of men engaged in it, including the crew and marines, was two hundred, to whom, on some occasions, as much as thirty epibates were added. (Vid. Erat.

The rapidity with which these war-galleys sailed may be gathered from various statements in ancient writers, and appears to have been very great, that even we cannot help looking upon it without astonishment when we find that the quickness of an ancient near seems equalled that of a modern steamboat. Among the war-ships of the Athenians their sacred state-vessels were always included (vid Salamnim), but smaller vessels, such as the πεντικύρωτοι or τριακυρωτοι, are never included when the sum of men-of-war is mentioned, and their use for military purposes appears gradually to have ceased.

Vessels with more than three ranks of rowers were not constructed in Greece till about the year 400 B.C., when Dionysius I., tyrant of Syracuse, who bestowed great care upon his navy, built the first quadriremes (τετρατρόποι) with which he had probably become acquainted through the Carthagi-nians. The invention of these vessels is ascribed to them. Up to this time of the Athenians their sacred state-vessels were always included (vid Salamnimos). The invention of these vessels is ascribed to them. At the time of Alexander the Great, the use of vessels with four, five, and more ranks of rowers became very general, and it is well known from Polybius that the first Punic war was chiefly carried on with such vessels. Ships with twelve, thirty, or even forty ranks of rowers, &c., were built by Alexander and the Ptolemies, appear to have been mere curiosities, and did not come into common use. The Athenians at first did not adopt vessels larger than triremes, probably because they thought that with rapidity and skill they could do more mischief with vessels of small size. But from the year B.C. 336 they continued to use nothing but triremes; but in 330 B.C. the Republic had already a number of quadriremes, which was afterward increased. The first quinqueremes at Athens are mentioned in a document belonging to the year B.C. 325. Herodotus, according to the common reading, calls the triera, which in Olympiad 72 the 429 Greeks took from the Athenians, a πτερος; but the reading in this passage is corrupt, and πτερος should be written instead of πτερος. After the year 330 the Athenians appear to have gradually ceased building triremes, and to have constructed quadriremes instead.

Every vessel at Athens, as in modern times, had a name given to it, which was generally of the feminine gender, whence Aristophanes calls the triremes παθηναί, and one vessel, the name of which

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was Nausphante, he calls the daughter of Nauso.1 The Romans sometimes gave to their ships masculine names. The Greek names were either taken from ancient heroines, such as Nausicaa, or they were abstract words, such as Ἑκλώος, Θεραξία, Πρόνους, Σκύλωνα, Ἡγουμήν, &c. In many cases the name of the builder also was added.

We now proceed to describe some of the parts of ancient vessels.

1. The prow (πρῶπος or μέτωπον, proa) was generally ornamented on both sides with figures, which were either painted upon the sides or laid in. It seems to have been very common to represent an eye on each side of the prow.2 Upon the prow or fore-deck there was always some emblem (πρᾶγμα, insigne, figura) by which the ship was distinguished from others. (Vid. Insigne.) Just below the prow, and projecting a little above the keel, was the rostrum (ηδόλος, ἱδόλον) or beak, which consisted of a beam, to which were attached sharp and pointed irons, or the head of a ram, and the like. This ἡδόλος was used for the purpose of attacking another vessel, and of breaking its sides. It is said to have been invented by the Tyrrhenian Pisces.3 These beaks were at first always above the water, and visible; afterward they were attached lower, so that they were invisible, and thus became still more dangerous to other ships.4 The annexed woodcuts, taken from Montfaucon,5 represent three different beaks of ships.

Connected with the ηδόλος was the προρμβολίς, which, according to Pollux,6 must have been a wooden part of the vessel in the prow above the beak, and was probably the same as the καταφλέκσα, intended to ward off the attack of the ηδόλος of a hostile ship. The command in the prow of a vessel was exercised by an officer called πρωρεύς, who seems to have been next in rank to the steersman, and to have had the care of the gear, and the command over the rowers.7

2. The stern (πήρωπον, pippia) was generally above the other parts of the deck, and in the helmsman had his elevated seat. It is seen in the representations of ancient vessels to be rounder than the prow, though its extremity is likewise sharp. The stern, was, like the prow, adorned in various ways, but especially with the image of the tutelary deity of the vessel (tutela). In some representations a kind of roof is formed over the head of the steersman (see woodcut, p. 58), and the upper part of the stern has the elegant form of a swan’s neck. (Vid. Cbk.

3. The τράγεις is the bulwark of the vessel, or, rather, the uppermost edge of it.1 In small boats, the pegs (πκαλλαί, sculm) between which the oars move, and to which they are fastened by a thong (τροπτωρ), were upon the τράγεις.2 In all other vessels the oars passed through holes in the sides of the vessel (φθαλαμοί, τρίγατα, or τριπτώματα).3

4. The middle part of the deck in most ships of war appears to have been raised above the bulwark, or, at least, to a level with its upper edge, and thus enabled the soldiers to occupy a position from which they could see far around, and hurl their darts against the enemy. Such an elevated deck appears in the annexed woodcut, representing a monerus. In this instance the flag is standing upon the hind-deck.4

5. One of the most interesting as well as important parts in the arrangement of the hirdemes, triremes, &c., is the position of the ranks of rowers, from which the ships themselves derive their names. Various opinions have been entertained by those who have written upon this subject, as the information which ancient writers give upon it is extremely scanty. Thus much is certain, that the different ranks of rowers, who sat along the sides of a vessel, were placed one above the other. This seems at first sight very improbable, as the common ships in later times must have had five ordinates of rowers on each side; and since even the lowest of them must have been somewhat raised above the surface of the water, the highest oardo must have been at a considerable height above it, and, consequently, required very long oars; the apparent improbability is still more increased when we heat of vessels with thirty or forty ordinates of rowers above one another. But that such must have been the arrangement is proved by the following facts: First, on works of art, in which more than one oordo of rowers is represented, they appear above one another, as in the fragment of a bireme given above, and in several others figured by Montfaucon. Secondly, the scholiast on Aristophanes5 states that the lowest rank of rowers having the shortest oars, and, consequently, the easiest work, received the smallest pay, while the highest ordo had the longest oars, and, consequently, had the heaviest work, and received

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The highest pay. Thirdly, in the monstrous στήριγματός of Polemaeus Philatopar, the description of which by Callixenus 1 is as authentic as it well can be, the height of the ship from the surface of the water to the top of the prow (δέκασταλόν) was 48 cubits, and from the water to the top of the stern (στῆλας) 58 cubits. This height afforded sufficient room for the crew as well as the machinery of war which were conveyed in it, and confined us- selves to a brief description of things belonging to a ship as such. All such utensils are divided into wooden and hanging gear (σκεύη βάλλων καὶ σκεύη κυνήγιος). Xenophon 2 adds to these the σκεύη πλοίας, or the various kinds of work, but these are more comprehended among the μηχανα. 

I. Σκεύη βάλλων.

1. Ουρά (τύπα, τεμπ). — The collective term for oars is ράβδος, which properly signified nothing but the blade or flat part of the oar; 3 but was afterward used as a collective expression for all the oars, with the exception of the rudder. 4 The oars varied in size accordingly as they were used by a lower or higher order of rowers; and from the name of the oar by which they were used, they also received the names of κυνηγίος, ραβδίτος, τέμπος, ζυγίτης, and ραβδινής. Böckh 5 has calculated that each trireme, on an average, had 170 oars. In a quinquereme during the First Punic war, the average number of rowers was 300; 6 in later times we even find as many as 400. 7 The great vessel of Polemaeus Philatopar had 4000 rowers; 8 and the handle of each oar (τεμπόδιον) was partly made of lead, that the shorter part in the vessel might balance in weight the outer part, and thus render the long oars manageable. The lower part of the holes through which the oars passed appeared to have been covered with leather (αἰσκωμα), which also extended a little way outside the hole. 9 The ράβδος also contained the κυνήγιος which, must, consequently, be a peculiar kind of oar. They must have derived their name, like other oars, from the class of rowers by whom they were used. Böckh supposes that they were oars which were not regularly used, but only in case of need, and then by the epibates. Their length in a trireme is stated at from 9 to 9½ cubits, but in what part of the vessel they were used is unknown. Respecting oars in general, see the Ap. pendix in Arnold's Thucydides. 10

2. The rudder. (Vid. Gubernaculum.)

3. Λαδή. (ἀκανθίδες, scale.) Each trireme had two wooden ladders, and the same seems to have been the case in the τριακτόραρον. 11

4. Poles or punt poles (κορώνι, contact.) Three of these belonged to every trireme, which were of different lengths, and were accordingly distinguished as κορώνι μέγα, κορώνι μένι, and κορώνι μικρός. Triacontores had probably always four punt poles (Vid. Coxtus). 12

5. Helm, rams, or supports for the masts. They seem to have been a kind of props placed at the foot of the mast. The mast of a trireme, as long as such props were used, was supported by two. In later times they do not occur any longer in triremes, and must have been supplanted by something else. The triacontores, on the other hand, retained their παραστήρια. 13

6. The mast and yards. (Vid. Malus and Antonia.)

II. Σκεύη μηχαν. 14

1. Τυπώμα πα.— This part of an ancient vessel was formerly quite misunderstood, as it was believed to be the boards or planks covering the outside of a ship, and running along it in the direction from poop to prow. But Schneider 15 has proved that the word means cordage or tackling, and this opinion, which is supported by many ancient authors, is consequently affirmed by the documents published by Böckh, where it is reckoned among the σκεύη κυνήγιος. The τυπώματα were thick and broad ropes, which ran in a horizontal direction around the ship from the stern to the prow, and were intended to keep the whole fabric together. They ran round the vessel in several circles, and at certain distances from one another. The Latin name for τυπώμα is tormentum. 16 The length of these torments varied accordingly as they ran around the higher or lower part of the ship, the latter being naturally shorter than the former. Their number varied according to the size of the ship. The tessaracontores of Polemaeus Philadephus had twelve τυπώματα, each 600 cubits long. 17 Such τυπώματα were always ready in the Attic arsenal, and in the ancient vessel when it was taken into use. Sometimes, also, they were taken on board when a vessel sailed, and not put on till it was thought necessary. 18 The act of putting them on was called υπόθωμοναι, or διατείνοναι, or ὁλο. A trireme required four τυπώματα, and sometimes this number was even increased, especially when the vessel had to sail to the stormy part of the sea. 19

2. Τετρον (ερεμό), sail. Most ancient ships had only one sail, which was attached with the yard to the great mast. In a trireme, too, one sail might be sufficient, but the triarch might nevertheless add a second. As each of the two masts of a trireme had two sails, it further follows that each mast might have two sails, one of which was placed lower than the other; and this fact was such that the mainmast were probably called ἱστα μεγάλα, and those of the foremost ἱστα μικρά. 20 The former were used on ordinary occasions, but the latter probably only in cases when it was necessary to sail with extraordinary speed. The sails of the Attic

SHIPS.

war-galleys, and of most ancient ships in general, were of a square form, as is seen in numerous representations on works of art. Whether triangular sails were ever used by the Greeks, as has been frequently supposed, is very doubtful. The Romans, however, that they must have had two distinct classes of ropes, as the topeia are always mentioned after the sails, and the σχοινα before the anchors. The σχοινα (fuses) are the strong ropes to which the anchors were attached, and by which a ship was fastened to the land; while the topeia were a lighter kind of ropes, and made with greater care, which were attached to the masts, yards, and sails. Each rope of this kind was made for a distinct purpose and place (τόνος, whence the name τοπεία). The following kinds are most worthy of notice: α) καλώδια or κιάλα. What they were is not quite clear, though Böckh thinks it probable that they belonged to the standing tackle, i.e., that they were the ropes by which the mast was fastened to both sides of the ship, so that the πρόνοια in the Homeric ships were only an especial kind of καλώδια, or the καλώδια then consisted of two, and sometimes four, which, uniting at the top of the mast, and there passing through a ring, descended on the other side, where it formed the ἐπίτονος, by means of which the sail was drawn up or let down. Compare the woodcut at p. 63, which shows a vessel with two ceruchi, and the woodcut at p. 534, which shows one with four ceruchi. c) ἀγκώνα, Latin ampulla, was the rope fastened from the middle of a yard to the top of the mast, and was intended to facilitate the drawing up and letting down of the sail. The ἀγκώνα διπλή of quadriremes undoubtedly consisted of two ropes. Whether triremes also had them double is uncertain. d) Πόδες (pedes) were in later times, as in the poems of Homer, the ropes attached to the two lower corners of a square sail. These πόδες ran from the ends of the sail to the sides of the vessel towards the stern, where they were fastened with rings attached to the outer side of the bulwark. Another rope is called πρόσων, proper, which was probably nothing else than the lower and thinner end of the πόδες, which was fastened to the ring. e) Τειχερα were the two ropes attached to the two ends of the sailyard, and thence came down to a part of the ship near the stern. Their object was to move the yard in a horizontal direction. In Latin they are called opisara, which is, perhaps, only a corruption of kypora. The last among the τοπεία is the χαλόνδιο, or bridge, the nature of which is quite unknown.

4. Παραθύρωμα. The ancients, as early as the time of Homer, had various preparations raised above the edge of a vessel, which were made of skins and wickerwork, and which were intended as a protection against high waves, and also to serve as a kind of breastwork, behind which the men might be safe against the darts of the enemy. These elevations of the bulwark are called παράθυρα, as in the documents in Böckh they are either called τρίγυια, made of hair, or λευκα, white. They were probably fixed upon the edge on both sides of the vessel, and were taken off when not wanted. Each galley appears to have had several παράθυρα, made of hair and two white ones, these four being regularly mentioned as belonging to one ship. The Καρδινία and χαλόνδια. The former of these occurs in quadriremes as well as in triremes, the latter only in triremes. Their object and nature are very obscure, but they appear to have been a lighter kind of παραθύρα.

5. Σχοινα are the stronger and heavier kinds of ropes. There were two kinds of these, viz., the σχοινα ἀγκώνα, to which the anchor was attached, and σχοινα ἐπίτονος or ἐπίτονος (vestinaria), by which the ship was fastened to the shore or drifted upon the shore. Four ropes of each of these two kinds is the highest number that is mentioned as belonging to one ship. The thick ropes were made of several thinner ones.

The Romans, in the earlier periods of their history, never conceived the idea of increasing their power by the formation of a fleet. The time when the Romans possessed a practicable and a large armed fleet was during the second Samnite war, in the year B.C. 811. Livy, where he mentions this event, says: duumviri navales classis or nandae treficiendae causa were then for the first time appointed by the people. This expression seems to suggest that a fleet had been in existence before, and that the duumvir navale had been pre- sented and bestowed by the other powers. (Vid. Dr. Sieveking.) Niebuhr2 thinks that the expression of Livy only means that at this time the Romans resolved to build their first fleet. The idea of founding a navy was probably connected with the establishment of a colony in the Pontian islands, as the Romans at this time must have felt that they ought not to be defenceless at sea. The ships which the Romans possessed were necessarily only the small kind. These were then very common among the Greeks of Italy, and most of them were perhaps furnished by the Italian towns subject to Rome. This fleet, however insignificant it may have been, continued to be kept up until the time when Rome became a real maritime power. This was the time of the first Punic war. That their naval power then was of no importance, is clear from Polybius, who speaks as if the Romans had been totally unacquainted with the sea up to that time. In the year B.C. 280, when the Romans saw that without a navy they could not carry on the war against Carthage with any advantage, the senate ordained that a fleet should be built. Triremes would now have been of no avail against the high-bulwarked vessels (quinqueremes) of the Carthaginians. But the Romans would have been unable to build others, had not, fortunately, a Carthaginian quinquereme been wrecked on the coast of Bruttium, and fallen into their hands. This wreck the Romans took as their model, and after it built 120, or, according to others, 130 ships. According to Polybius, one hundred of them were πεντερείας, and the remaining twenty τριμείσις, or, as Niebuhr proposes to read, 1.


3. (Orig., iv., 7.)
This large fleet was completed within sixty days after the trees had been cut down. The ships, built of green timber in this hurried way, were very clumsily made, and not likely to last for any time; and the Romans themselves, for want of practice in naval affairs, proved very unsuccessful in their first maritime undertaking, for seventeen ships were taken by the Carthaginians off Messana. C. Duilius, who perceived the disadvantage with which his countrymen had to struggle at sea, devised a plan which enabled them to change a seafight, as it were, into a fight on land. The machine by which this was effected was afterward called curvus, and is described by Polybios. (Vid. Coron. For. 27.)

For a more detailed account of the ships and navigation of the ancients, see Scheffer, De Militia Nave, Upsala, 1654.—Berghaus, Geschichte der Schiffsfahrte der vormachten Völk der Altherums. —Benedict, Gesch. der Schiffahrt und des Handels der Alten.—Howell, On the War-galleys of the Ancients.—A. Jal, Archéologie Nauté, Paris, 1840; and for the Attic navy especially, Beckh's Urkunden über das Seewesen des Attischen Staates, Berlin, 1840.

These books are said to have been obtained in the reign of Tarquinius Priscus, or, according to other accounts, in that of Tarquinius Superbus, when a sibyl (Σβελέκα), or prophetic woman, presented herself before the king, and a great variety of destructive engines of war were invented to purchase them, she went and burned three, and then returned and demanded the same price for the remaining six as she had done for the nine. The king again refused to purchase them, whereupon she burned three more, and demanded the same sum for the remaining three as she had done at first for the nine: the king's council, however, became excited, so that he purchased the books, and then the sibyl vanished. (Respecting the different sibyls mentioned by ancient writers, see Divinatio, p. 369.)

These books were probably written in Greece, as the later ones undoubtedly were, and, if so, consequently came from a Greek source, though it is difficult from what quarter. Niebuhr supposes them to be the work of certain officers from Cuma in Campania. They were kept in a stone chest under ground in the Temple of Jupiter Capitolinus, under the custody of certain officers, at first only two in number, but afterward increased successively to ten and fifteen, of whom an account is given under De exvivis, p. 348.

The public were not allowed to inspect the books, and they were only consulted by the officers who had the charge of them at the special command of the senate (ad libros iret). They were consulted in the case of prodigies and calamities, but it is difficult to ascertain whether they contained predictions, or merely directions as to what was to be done for conciliating or appeasing the gods, in consequence of the mystery which enveloped them from the time that one of their keepers was put to death for divulging their secrets. Niebuhr remarks, from the instances in Livy, that the original books were not consulted, as the Greek oracles were, for the purpose of getting light concerning future events, but to learn what worship was required by the gods when they had manifested their wrath by some calamities. But, if we may judge from his statements, we find that the instruction they give is in the nature of a spirit; prescribing what honour was to be paid to the deities already recognised, or what new ones were to be imported from abroad. They were probably written on palm-leaves, and it is not unlikely that the leaves of the Cumean sibyl described by Virgil were designed as an allusion to the form of the books. For this reason they were called tabulata. Niebuhr supposes that they were referred to in the same way as Eastern nations refer to the Koran and to Hafiz: they did not search for a passage and apply it, but probably only shuffled the palm-leaves and then drew one.

When the Temple of Jupiter Capitolinus was burned by the Gauls, C. Cato, the sibylline books perished in the fire; and in order to restore them, ambassadors were sent to various towns in Italy, Greece, and Asia Minor to make fresh collections, which, on the rebuilding of the temple, were deposited in the same place that the former had occupied. But as a great many prophetic books, many of them prepared by the state, were destroyed in the first circulation at Rome, Augustus commanded that all such books should be delivered up to the praetor urbanus by a certain day and burned, and that, in future, none should be kept by any private person. More than 2000 prophetic books were thus delivered up and burned, and those which were considered genuine, and were in the custody of the state, were put in two gift cases at the base of the statue of Apollo, in the temple of that god on the Palatine, and were intrusted, as before, to the quindecemviri. The writing of those belonging to the state had faded by time, and Augustus commanded the priests to write them over again. A fresh examination of the sibylline books was again made by Tiberius, and many rejected. They were considered spurious. A few years afterward, also in the reign of Tiberius, it was proposed to add a new volume of sibylline oracles to the received collection.

The Christian writers frequently appeal to the sibylline verses as containing prophecies of the Messiah and his kingdom, and most critical historians and commentators have thought that the sibylline books were also used in the Church, and were with others read by the ancient Christians. A complete collection of sibylline oracles was published by Galenus, Amst., 1659: fragments of them have also been published by Mai, Milon, 1817, and Struve, Regiomont. 1818.

The sibylline books were also called Futa Sibylina* and Libri Pascales. Those that were collected after the burning of the temple on the Capitol were considered spurious. Along with the sibylline books, the books of the two prophetic brothers, 1. (Cic., De Div. i., 32.—Liv., xiii., 57.—Dionys., 1. c.—Val. Max., i., 12.)—3. (Serv. ad Virg., Ens., i., 444; vii., 74.)—4. (Dion., 1. c.)—5. (Suet., Oct., 35.—Tacit., Ann., vii., 10.)—6. (Fl., i., 17.—Plin., N. H., xxxii., 1.)—7. (Compare Ces. De Bell. Gall., iii., 14.—Dion Cass., xxxii., 49.—Veget., 1. c.—Mil., de Milone, 20.)—8. (Flav., i., 1.—Varro, Lactant., l. 6.—Gell., l., 10.—Plin., N. H., xiii., 37.)—9. (Hist. of Rome, i., p. 506.)—10. (Gotting., Gescht. der Roum. Staaten, p. 212.)

the Marci, the Etruscan prophecies of the nymph Bygote, and those of Albina or Albunea of Tibar. Those of the Marci, which had not been placed there at the time of the battle of Cannae, were written in Latin: a few remain of them have come down to us in Livy and Macrobius.

SICA, dim. SICULA, whence the English sickle, and SICILICULA. A curved Dagger, adapted by its form to be concealed under the clothes, and therefore carried by robbers and murderers. (Vid. ADINACEs, p. 14.) Sica may be translated a cimeter, to distinguish it from Pugio, which denoted a dagger of the common kind. Sicarius, though properly meaning one who murdered with the sica, was applied to murderers in general. Hence the forms de sicarius and inter sicarius were used in the criminal courts in reference to murder. Thus judicium inter sicarius, "a trial for murder," and defendere inter sicarios, "to defend against a charge of murder." (Vid. JUDEX, p. 552.)

SICARIUS. (Vid. SICA, CORNELIA LEX DE SICARI.) SICYS (civix or cives), the Cucumber. The civix ápocras, which produces the medicinal Elaterium, was formerly called Cucumis agrustis, but has now got the name of Monordica elaterium. It may be proper to remark in this place, that Hippocrates uses the term Elatërion rather loosely, as to all applicable purgatives. See kolokíthos, where the interchange of names between it and civix is pointed out.

SIDE (civdis), according to Sprengel, the white Water Lily, or Nymphea alba. This, however, Adames regards as very uncertain.

SIDERITES (sidérites Atlóis), Magnetic Iron Ore. (Vid. ADAMAS, towards the end of that article.)

SICILIA, (Vid. SATURNILLA, p. 856.)

SIGILLA'TA. (Vid. LEMMIA TERRA.)

SIGMA. (Vid. MENSA, p. 633.)

SIGNA MILITARIA. (sigmata, sigmata), military caps or standards. The most ancient standard employed by the Romans is said to have been a handful of straw fixed to the top of a spear or pole. Hence the company of soldiers belonging to it was called Manipulus. The bundle of hay or fern was soon succeeded by the figures of animals, of which Pliny enumerates five, viz., the eagle, the wolf, the minotaur, the horse, and the boar. These appear to have corresponded to the five divisions of the Roman army as shown on page 614. The eagle (aquila) was carried by the aquilifer in the midst of the hastati, and we may suppose the wolf to have been carried among the principes, and so on. In the second consularship of Marius, B.C. 104, the four quadrupeds were entirely laid aside as standards, the eagle being alone retained. It was made of silver or bronze, and with expanded wings, but was probably of a small size, since a standard-bearer (signifer) under Julius Cesar is said, in circumstances of danger, to have wrecked the eagle from its staff, and concealed it in the folds of his girdle.

The bronze horse just represented belonged to a Roman standard, and is delineated but a little less than the original; it is preserved in the collection at Goodrich Court.

Under the later emperors the eagle was carried, as it had been for many centuries, with the legion, a legion being on that account sometimes called aquila, and, at the same time, each cohort had for its own ensign the serpent or dragon (draco, drókus), which was woven on a square piece of cloth (textilis angustis), elevated on a gilt staff, to which a cross-bar was adapted for the purpose, and carried by the decuriones. Another figure used in the standards was a ball (pila), supposed to have been emblematic of the dominion of Rome over the world; and for the same reason, a bronze figure of Victory was sometimes fixed at the top of the staff, as we see it sculptured, together with small statues of Mars, on the Column of Trajan and the Arch of Constantine. (See the next woodcut.) Under the eagle or other emblem was often placed a head of the reigning emperor, which was to the army the object of idolatrous adoration. The name of the emperor, or of him who was acknowledged as emperor, was sometimes in-
SILEX.

When Constantine had embraced Christianity, a figure or emblem of Christ, woven in gold upon purple cloth, was substituted for the aedile of the emperor. This richly-ornamented staff and was called labarum. Since the movements of a body of troops, and of every portion of it, were regulated by the standards, all the evolutions, acts, and incidents of the Roman army were expressed by phrases derived from this circumstance. Thus signa infere meant to advance, referre to retreat, and concentrare to face about; referre, or castris velare, to march out of the camp; ad signa concurre to reassemble. Notwithstanding some obscurity in the use of terms, it appears that, while the standard of the legion was properly called aquila, those of the cohorts were, in a special sense of the term, called signa, their bearers being signiferi, and that of the manipuli, or smaller divisions of the cohort, were denominated vexilla, their bearers being vexillarii. Also those who fought in the first ranks of the legion, before the standards of the legion and cohorts, were called

anteguarnis. 1 A peculiar application of the term vexillarii and subeguarnis is explained in page 103.

In military stratagems it was sometimes necessary to conceal the standards. 2 Although the Romans commonly considered it a point of honour to preserve their standards, yet, in some cases of extreme danger, the leader himself threw them among the Parthian ranks, in order to divert their attention or to animate his own soldiers. 3 A wounded or dying standard-bearer delivered it, if possible, into the hands of his general, from whom he had received it (signis acceptis). In time of peace the standards were kept in the Aemarium, under the care of the Curatores.

While the information respecting the standards of any other nation besides the Romans, the banners of the Parthians appear to have had a similar form to that of the Romans, but were more richly decorated with gold and silk. (Vid. Sertorium.) A golden eagle with expanded wings was the royal standard of Persia. 4 The military ensigns of the Egyptians were very various. Their sacred animal, which was maltreated in them, was also represented in the same manner. At Thebes we observe such objects as a king's name, a sacred boat, or some other emblem, applied to the same purpose. 5 The Jewish army was probably marshalled by the aid of banners; 6 but not so the Greek, although the latter had a standard, the elevation of which served as a signal for joining battle. The Greek ensign (pompon) was sometimes used for this purpose. 7

SIGNINUM OPUS. (Vid. House, Roman, p. 519.)

* SIL, a term applied by the Romans to Yellow Ochre, the Exo of the Greeks. It appears to have been the principal yellow pigment of the ancient world. It signifies the three varieties of the Ash, which was the best; the Marmoussin, which may have been what we call Stone Ochre; and the Sycium, of a dull colour, named from the island of Syros; as may have been the red paint also, called by the same name. Sil was found in many places, Vitruvius observes, but the Attic, which used to be the best, was no longer to be obtained; because the veins of it, which occurred in the silver mines of Attica, were no longer now explored. It is described by Dioscorides as light, smooth, free from stone, friable, and of a full bright yellow. 8

SILENTIARII. (Vid. P. P. E. P.)

*SILEX, a tree about which great uncertainty prevails. The Roman writers call it Silvicia, and apply it very devoutly respecting it. Fée makes it the same with the thuya of the Greeks, and refers it to the Salix vitellina, L., though without condemning the opinion of Auguillara and Spengler, who declare for the Salix caprea. Pliny merely says that it delights in watery places.

*SILEX. * The Silex," says Dr. Moore, "of which certain kinds are specified by Pliny as fit to be used in building, may in some cases have been such as we also term siliceous; but the more probable opinion is, that the name silex was somewhat indiscriminately applied to the more compact and harder stones. The Viridis silex, which so remarkably resisted fire, which was never abland, may perhaps have been the underpinning stone of the contrary need be drawn from Pliny's calling it silex, for he presently after speaks of lime made

SIMIA.  

**SILICERNIUM.** (Vid. Funus, p. 462.)

*Silicium (silicium)*, a kind of *Laserrium* or *Arsafatius*, forming one of the chief natural productions of the world. One of the Roman emperors, however, was so fond of this vegetable that he caused a large quantity of it to be brought from the East, and used it as a substitute for wax, rendering their flesh also tender, and was a useful apertif for man. From its juice, too, when kneaded with clay, a powerful antiseptic was obtained.

The silphium formed a great article of trade, and at Rome the composition just mentioned sold for its weight in silver. It is for this reason that the silphium appeared always on the medals of Cyrene. Its culture was neglected, however, when the Romans became masters of the country, and pasturage was more attended to. Captain Beechy, in the course of his travels through this region, noticed a plant about three feet in length, very much resembling the hemlock or wild carrot. He was told that it was usually fatal to the cattle which ate of it, and that its juice was so acrid as to fester the flesh, if the joculators should drink it. He supposed it to be the silphium. Della Cella describes, apparently, the same production as an unbeligerous plant, with compound, indented leaves, fleshy, delicate, and shining, without any involucrum; the fruit being somewhat flattened, surmounted by three ribs, and furnished all round with a membrane as glossy as silk. Captain Smith succeeded in bringing over a specimen of this plant to England, and one to Devonshire. M. Pacho says that the Arabs call it *Derias*, and he proposes to class the plant as a species of *Laserrium*, under the name of *Laserrium derias*. It seems to resemble the *Laserrium furcalaceum* of Linnaeus. 4

**SILURUS (silurus),** the name of a numerous genus of fishes, the species *Glans* belonging to which inhabits the fresh waters of Europe, Asia, and Africa. It is the Scheid of the Gormans, and the Sheat-fish of the English, and is the largest of the fresh-water fishes of Europe, growing sometimes to the weight of 150 lbs. and upward. "The silurus of Ansonius," says Adams, "has been referred by some to the sturgeon; this opinion, however, is untenable. It is a venomous fish, and is found in the Elbe, the Vistula, the Rhine, and the Danube. It is therefore natural to inquire why that mention of it would have been made among the fishes of the Moselle, which forms the subject of Ansonius's poem, the Moselle being a branch of the Rhine." 5

**SILVANI ET CARBONIS LEX.** (Vid. Lex Papilia Plautia, p. 564.)

*Simia* (sapeca), the Ape. Buffon, treating of monkeys, says its recent discoveries were only acquainted with one, the *Pithecos* of the Greeks; the *Simia* of the Latins is of this kind, and the real monkey, upon which Aristotle, Pliny, and Galen have instituted all their physical comparisons, and founded all their relations of the monkey to mankind: but this *Pithecos*, this monkey of the ancients, so generally resembling man in external form, and still more so in its internal organization, nevertheless differs from it in an essential point, the size of the human species being generally above five feet, while that of the *pithesos* is seldom more than a fourth of that height. 6 So far Buffon. "I am inclined to think, however," remarks Adams, "that the species of baboon called *Papia mammon* or Mandri, answers best to the ancient accounts of the *pithesos*. It is proper to mention, however, that Dr. Trail holds that Aristotle's description of the *pithesos* applies best to the young Barbary ape, or *Simia Inimus*. The *kibos* was a species of monkey having a long tail. The *kynokelados* would appear to have been the species of monkey now called Magot, which is described by Tournefort. Buffon refers the *kalyldios* to the green ape; but, according to Dr. Trail, it may rather be set down as the *Simia sabacao* of Senegal. The *kypetitheos* was a monkey with a tail, as its name implies. Hardouin refers it, with little probability, to the Marmot. The *chryospetheos* of Aristotle cannot be determined satisfactorily. Pennant supposes the *Simia senev* & c. representative of the ancient *saudos*, but Dr. T.'s supposition is rendered more probable by his finding out that there can be no doubt, as Adams thinks, that it owes its colour to an admixture of iron. 7

**Sion (sion),** a plant of which Speusippus (cited by Adams) says that it grows in water, having a head like the Marsh Parsley. Sprengel inclines, with Fucisius, to make it the *Veronica anagallis* but mentions that others took it for the *Saim lathynes*. Adams suggests *Silurus albus*, and Adams supposes it to be the *Saim modiforium*, or procumbent Water Parsnip. 8

**SIPARIUM, a piece of tapestry stretched on a frame, which rose before the stage of the theatre, and consequently answered the purpose of the drop-scene with us, although, contrary to our practice, it was depressed when the play began, so as to go below the level of the stage (aula premantur), and was raised again when the play ended (aula premantur). From the last-cited passage we learn that human figures were represented upon it, whose feet appeared to rest upon the stage when this screen was drawn up. From a passage of Virgil 9 we further learn that the figures were sometimes those of Britons woven in the canvass, and raising their arms in the attitude of lifting up a piece of tapestry. For the stage it was made in the same manner as *Atlantes*, Perse, and *Caryatides*.

In a more general sense, *siparium* denoted any piece of cloth or canvass stretched upon a frame. 10

**SIRIO (Sirius, PROCYON (Procyon).**, the Greek names of the bright stars in the constellations of the Great and Little Dog (*Canis Major* and *Minor*). These are Orion's dogs, according to some, and those of minor persons, according to others: the whole of their mythic ex planations form a strong proof that these constellations are not Greek in their origin. In a passage of Hesiod, he has been supposed to speak of the sun under the name of Sirius; and Hiercylus de cites the word to mean both the sun and the dog star. The Egyptians called the dog-star *Sostis*, and from its heliacal rising had warning that the overflow of the Nile was about to commence. Now the overflow of the Nile follows the summer solstice; whereas, by the precession of the equinoxes, the heliacal rising of Sirius is now about the tenth of August. The greatest heats of sum-

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mer generally follow the summer solstice, and in ancient times it was observed that the unhealthy and oppressive period coincided with the heliacal rising of the dog-star. We say the dog-star, without specifying whether it was Sirius or Procyon; it is uncertain which it was, and may have been both, for the heliacal risings do not differ by many days. The star itself was in Latin canicula, which should seem to apply to the lesser dog, and Horace says, *Jam Procyon furtr, c.&c.* Pliny supports the same meaning of canicula and perhaps hyginus; also the names of the Alphabonic Tables, and Bede and Kepler among the moderns; while Germanicus and Julius Firmicus, with Apian, Margini, Argoli, Stephens, and Petavius among the moderns, contend for Sirius, which is the more common opinion. All antiquity ascribed an evil influence to the star; and though Gemma among the ancients, and Petavius among the moderns, thought that the effects were to be attributed to the sun alone, they had hardly any followers until the fall of judicial astrology. Even at this day, when the heats of the latter part of summer are excessive, we are gravely told that we are in the dog-days, the real classical dog-days being the twenty-two days preceding and the twenty-two days following the heliacal rising of whichever star it was, whether Sirius or Procyon.*

*SITUS. (sitores). "Sprengel, who had formerly held this to be the Stium Sistrum, in his last work declares himself a convert to the opinion of that of Fuchsius, which made it to be the Pastinaca sativa, or Garden Parnass."

SISTRUM (sistrorum), a mystical instrument of music, used by the ancient Egyptians in their ceremonies, and especially in the worship of Isis. It was held in the right hand (see woodcut), and shake, from which circumstance it derived its name (στρατ-, to shake). The most common form is seen in the right-hand figure of the annexed woodcut, which represents an ancient sistrum formerly belonging to the library of St. Genovefa at Paris. Plutarch describes the shaking of the four bars within the circular apsis represented the agitation of the four elements within the compass of the world, by which all things are continually destroyed and reproduced, and that the dog sculptured upon the apsis was an emblem of the moon. Apuleius describes the sistrum as a bronze rattle (areum crepitaculum), consisting of a narrow plate curved like a sword-belt (balteus), through which passed a few rods that rendered a loud, shrill sound. He says

that these instruments were sometimes made of silver, or even of gold. He also seems to intimate that the term *sistrum* (σιστρον, together with *sistrus* or *sistrum*), which would make a rude sort of music.

The introduction of the worship of Isis into Italy, shortly before the commencement of the Christian era, made the Romans familiar with this in its form. The *lingeri calci, sistrataque turba*, are expressly depicted in two paintings found at Portici, and containing the two figures of a priest of Isis, and a woman kneeling at her altar, which are introduced into the preceding woodcut. The use of the sistrum in Egypt as a military instrument to collect the troops, is probably a fiction.

*Sistrum, which, in fact, like Scepter, a Greek word with a Latin termination, the proper Latin term for it being crepitaculum, is sometimes used for*

*SISYMBRIUM (σισυμβρίον), a plant. From the description," says Adams, "which Dioscorides gives of his first species, there can be no doubt that it was a species of mint, probably the Mentha sylvestris, as Anguillara contends. The other species is unquestionably the Nasturtium officinale, or Watercress.*

*SISYRNCTION (σισυρνκτίον). Sprengel, and Stockhouse make this plant to be the Iris Sisyrichnum, in which opinion they are supported by Cordus, Bauhin, and many of the earlier authorities. Schneider's objection appears to me too fine a point."

SITELLUS. (vid. Situla.)

SITONAI (σίτωναι). (vid. Stato.)

SITOPHYLACES (σιτοφύλακες), a board of officers, chosen by lot, at Athens. They were at first three, afterward increased to fifteen, of whom ten were for the city, five for the Piraeus. Their business was partly to watch the arrival of the corn-ships, take account of the quantity imported, and see that the import laws were observed; partly to watch the sales of corn in the market, and take care that the prices were fair and reasonable, and none but legal weights and measures used by the factors; in which respect their duties were much the same as those of the agoranomi and metronomi with regard to other saleable articles. They are mentioned by some of the most modem writers in the books of the stiophylacies (την παρα τοις σιτοφύλακες ἀπογραφή) to prove the quantity of corn imported from Pontus, which (he says) was equal to all that came from elsewhere, owing to the liberality of Leucon, king of the Bosporus, who allowed corn to be exported from Theodosia to Athens free of charge. These books were probably kept by the five who acted for the Piraeus, whose especial business it would be to inspect the car goes that were unladen.*

SITOS (σίτος). The soil of Attica, though favourably producible of figs, olives, and grapes, was not so favourable for corn; and the population being very considerable in the flourishing period of Athens, it is probable that wheat was imported for corn for subsistence. According to the calculation of Böckh, which does not materially differ from that of other writers, there were 135,000 free men and 365,000 slaves residing in Attica. The country, which contained an area of 64,000 stadia, produced annually about two millions of bushels of corn; chiefly barley. The measures were as follows: 1 bushel, 3 gallons, and 5-75 pints, or 48 Attic σῖτος.···"
SITOS.

A χοίρος was considered a fair daily allowance of meal (θηρίους τρόφον) for a slave. The consumption of the whole population was three million minae, and one third, therefore, was imported. It came from the countries bordering on the Euxine Sea (Pontus, as it was called by the Greeks, and more especially from the Cimmerian Bosporus and the opposite coast of Thrace, Chersonese, Libya, Cyprus, Rhodes, Sicily, and Euboea. The necessities of the Athenians made them exceedingly anxious to secure a plentiful supply, and every precaution was taken for that purpose by the government as well as by the legislator. Sunnium was fortified, in order that the corn vessels (στάτοις θηρίους) might come safely round the promontory. Ships of war were often taken by the enemy to carry the cargo (παραπήμνων του στίγμα) beyond the reach of an enemy. When Pollia, the Lacedaemonian admiral, was stationed with his fleet off Aegina, the Athenians embarked in haste, under the command of Chabrias, and offered him battle, in order that the corn-ships, which had arrived as far as Cerestus in Euboea, might get into the Piraeus. One of the principal objects of Philip in his attack on Athens was to prevent the city, by might command the entrance to the Euxine, and so have it in his power to distress the Athenians in the corn-trade. Hence the great exertions made by Demosthenes to relieve the Byzantines, of the success of which he justly boasts. The measures taken by the legislature to obtain supplies of corn may appear harsh, and their policy is at least doubtful. They strongly evince the anxiety of the people on this subject. Exportation was entirely prohibited, nor was any Athenian or resident alien allowed to carry corn to any other place than Athens (στατοι γι' άλλης Αθηνας). Whoever did so was punishable with death. Of the corn brought into the Athenian port, two thirds were to be brought into the city and sold there. No one might lend money on a ship that did not sail with an express condition to bring a return cargo, part of it corn, to Athens. If any merchant, capitalist, or other person, advanced money, or entered into any agreement in contravention of these laws, not only was he liable to the penalty, but the agreement itself was null and void, nor could he recover any sum of money, or bring any action in respect of any frauds. Violation of these regulations was to be laid before the ἐπιμελητή τοῦ κυριοῦ. Strict regulations were made with respect to the sale of corn in the market. Conspiracies among the corn-dealers (αγορακός) to buy up the corn (συναγώνισαται), or raise the price (συμφόρους τοὺς τιμάοις), were punished with death. They were not allowed to make a profit of more than one obol in the mina, and it was unlawful to buy more than fifty obols at a time. It is not certain what the size of a φόρμος was: Böckh supposes it to be about as much as a medium mina. These laws remind us of our own statutes against engaging in roasting and regrating; but they appear to have been easily evaded by the corn-dealers. The sale of corn was placed under the supervision of a special board of officers called the ἐπιμελητής, and it was unlawful to sell all other marketable commodities was superintended by the agonomeni. It was their business to see that meal and bread were of the proper quality, and sold at the legal weight and price. They were bound to detect the frauds of the factor and the butcher, and (if we may believe Lysias) they sometimes suffered death for their want of vigilance. The mode of proceeding against them was by eisag γεία before the senate.

Notwithstanding these careful provisions, several cities (αστοί) frequently occurred at Athens, either for sustenance, or for the sale of large quantities of corn, and selling it at a low price. Public granaries were kept in the Odeum, Pompeum, Long Porch, and naval storehouse near the sea. Στοά was appointed to get in the supply and manage the sale. Demosthenes was appointed on one occasion to that office. Perce inquired what ημερακια received the corn, and sold it out, and distributed it in certain quantities. Public-spirited individuals would sometimes import grain at their own expense, and sell it at a moderate price, or distribute it gratuitously. We read of the Athenian state receiving presents of corn from kings and princes. Thus Leucos, king of the Bosporus, sent a large present, for which he had been solvent. The Athenian laws for the safety of the granaries (αἰτιακία) conferred on him by a decree of the people. Ptolemaicus, an Egyptian prince, sent a present in Olymp. 83, 4, Demetrius in Olymp. 118, 2, Spartius, king of Bosporus, a few years after. In later times, that made by the Roman Atticus is well known. On the whole of this subject the reader is referred to Böckh, where also he will find the various objections (λαβρία) to these laws, and another, copiously explained. As to the duty payable on the importation of corn, see Παμπλαστοτελεια. Στίγμα is strictly where flour, ἀλβερτας barley flour, μπαλιεια barley, ιππαριον barley bread, μέθον barley bread. Σιτος, however, is often applied to all kinds of corn, and even, in a larger sense, to provisions in general. "Vid. ΣΙΤΟΤΙ ΔΙΚΗ."

SITOU DIKE.


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cover the principal, σίτου, for the interest. The interest was called σῖτος (alimony or maintenance), because it was the income from which the woman had to be maintained, αἱ δειλίταιραι προ- ρατ, διδομένη πρόσωπος ἐλεον ταῖς γυναιξί. The word σῖτος is often used generally for provisions, just as we use the word bread. So in the law, which required the son of an ἵππησιος to maintain his mother when he came of age and took possession of his estate, the son was to give his mother σῖτος μετετέλεσα τῷ μητρί. The allowance for rations given to soldiers was called αἰτερίων. The δίκη σῖτου was tried before the archon in the Odeum, the same building in which the corn granaries were kept, which makes it improbable that in earlier times the defendant was called upon to pay the damages, though it is possible that the payment of the marriage portion was proved. 4

4 SITTA (άιτα). According to Gesner, who follows the authority of Turner, this is the bird called Nuthatch, namely, the Sitta Europa. 5

5 SITULA, dim. SITTELLA (όπια), was probably a bucket or pail for drawing and carrying water, though it was more usually applied to the vessel from which lots were drawn: sitella, however, was more commonly used in this signification. 6 It appears that the vessel was filled with water (as among the Greeks, whence the word ὀπια), and that the lots (sortes) were made of wood; and as, though increasing in size below, it had a narrow neck above, it was doubtless used as a water-jug at the same time, when it was shaken (shaken the form hunc tecum afferto cum aqua et sortes). The vessel used for drawing lots was also called urna or σίτου as well as situla or sitella. 7

6 It is important to understand the true meaning of sitella, since almost all modern writers have supposed that it was an instrument used in games (as in the lottery), into which those who voted in the comitia and courts of justice cast their tabellae; but Wunder 8 has proved that the opinion of Manutius 9 is correct, who maintained that the sitella was the urn from which the names of the tribes or centuries were drawn out by lot, so that each person, in completing the lot, took that which was cast into the cista (see supra). The form of the cista is preserved on a coin of the Cinnan gens, figured by Spanheim, 10 where a man is represented in the act of placing a tabella, marked with the letter A (i. e., ἀσέβοι) in the cista. This cista, which is represented in the annexed cut, is exactly the form of the vessel which appears in the pictures, it being the practice to use the cista as a vessel in which the tabellae were cast. The form of the cista is said to have been introduced by L. Aemilius Paullus, who is supposed to have taken the form of the cista from a tree, whose name was κακια (κακίας). The confusion of the two forms of the cista, as well as the varieties of shape which have been given to it, is very remarkable.

7 SMILAX (μῦλα), Bindweed. (Vid. Milax.)

8 SMILAGE (μύλα), Vine. (Vid. Milana.)

9 SMIRIS (μύρις) or SMYRIS (μύρις), the Em-}
For the reasons mentioned under the articles Baxa and Cremis, the socius was born by comic actors, and was in this respect opposed to the Comœnus. The annexed woodcut is taken from an ancient painting of a buffoon (Mirus), who is dancing in loose yellow slippers (luteum soccæm). This was one of their most common colours. (Vid. Solėa.)

SOCIETAS. Societas is classed in dissolution (Catu. Mart., Ant. dissol.)

When several persons unite for a common purpose, which is legal, and contribute the necessary means, such a union is societas, and the persons are socii. The contract of societas might either be made in words, or by the acts of the parties, or by the consent of the parties signed through third persons. A societas might be formed either for the sake of gain to arise from the dealings and labour of the socii (quiisutes), or not. Societas for the purpose of questus corresponds to the English partnership. A societas might be formed which would comprise all the property of the socii (societas omnium bonorum); in which case, as soon as the societas was formed, all the property of all the socii immediately became common (res communis continuo communicat). But the societas might be limited to a part of the property of the socii or to a single thing, as the buying and selling of slaves, or to carry on trade in a particular thing in a particular place. The communism of property in a societas might also be limited to the use of the things.

Each socius was bound to contribute towards the objects of the societas according to the terms of the contract. But it was not necessary that all the socii should contribute money; one might supply money, and another might supply labour (opera), and the profit might be divisible between them, for the labour of one might be as valuable as the money of the other. In the case of Roscius the actor, Fannius had a slave Panurgus, who, by agreement between Roscius and Fannius, was made their joint property (communites). Roscius paid nothing for his one half of the man, but he undertook to instruct him in his art. Apparently they became partners in the man in equal shares, for Cicero complains of the terms of the societas on the part of Roscius, whose instruction was worth much more than the price of the slave before he was taught his art. The agreement between the socii might also be, that one socius should sustain no loss and should have a share of the gain, provided his labour was so valuable as to render it equitable for him to become a partner on such terms. If the shares of the socii were not fixed by agreement, they were considered to be equal. One partner might have two or more shares, and another might have only one, if the contributions to the societas were in money or in labour were in these proportions. If the agreement was merely as to the division of profit, it followed that the socii must bear the losses in the same proportion. Each socius was answerable to the others for his conduct in the management of the business; he was bound to use diligence, and was answerable for any loss through culpa. The action which one socius had an in respect of the contract of partnership was an actio directa, and called pro socii (arbitrum pro sociis). The action might be brought for any breach of the agreement of partnership, for an account, and for a dissolution. A partner might transfer his interest to another person, but this transfer did not make that other person a partner, for consent of all parties was essential to a societas; in fact, such a transfer was a dissolution of the partnership, and the person to whom the transfer was made might have his action de communi dividendo.

Each socius had a right of action in proportion to his interest against any person with whom any of the socii had contracted, if the socii had некоторых him to make the contract, or had approved of the contract, or if it was an action arising from a delict. Thus, in the case of Roscius and Fannius, they had severally sued a third person in respect of their several claims as partners, and yet Fannius still claimed the half of what Roscius had recovered in respect of his share in the partnership. In all other cases the person who made the contract could alone sue. All the socii could be sued if they had all joined in the contract with a third person, and each in proportion to his share.

If one socius contracted on behalf of all, being commissioned to do so, all were liable to the full amount. If a socius borrowed money, the other socii were in no case bound by his contract, unless the money had been brought into the common stock. In fact, the dealings of one partner did not bind the other partners, except in such cases as they would be bound independent of the existence of the societas. Condemnatio in an actio pro socio was sometimes attended with infamia.

A societas could be ended at the pleasure of any one of the socii: any member of the body could give notice of dissolution when he pleased (rewa societatis), and therefore the societas was dissolved (solvitur). But in the case of a societas omnium bonorum, if one socius had been appointed heres, he could not, by giving notice of dissolution, deprive his copartners of their share of the hereditas. The death of a partner dissolved the societas, and a capitis diminutio was said to have the same effect. If the property of any one of the socii was in another publice (bonorum publico) or private, the societas was dissolved. It was also dissolved when the purpose for which it was formed was accomplished, or the things in which there was a societas had ceased to exist.

If, on the dissolution of a partnership, there was no profit, but a loss to sustain, the loss was borne, as already stated, by the socii in proportion to their shares. If one man contributed money and another labour, and there was a loss borne? If the money and the labour were considered equivalent, it would seem to follow that, until the partnership property were exhausted by the payment of the debts, there should be no pecuniary contribution by the person who supplied


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The labour of this principle is a consequence of what Gaull states, that the capital of one and the labour of another might be considered equal, and the gain might be divided; and if there was a loss, the loss must be divided in the same proportion. Socii.

After the dissolution of the Latin league, when the name Latini, or nomen Latinum, was artificially applied to the subject races of Italy, by whom were real inhabitants of the old Latin towns, and the majority of whom had been Latins by the will and the law of Rome, there necessarily arose a difference between these Latins and the Soei, and the expression Socii nomen Latinum is one of the old asyndeta, instead of Socii et nomen Latinum.

The Roman allies, again, must be distinguished from foreign allies. Of the latter we shall speak hereafter. The Italian allies consisted, for the most part, of such nations as had either been conquered by the Romans, or had come under their dominion by other circumstances. When such nations formed an alliance with Rome, they generally retained their own laws; or if at first they were not of the sameclass and privileges as the other allies, they received them back again. The condition of the Italian allies varied, and mainly depended upon the manner in which they had come under the Roman dominion; but, in reality, they were always dependant upon Rome. Niebuhr* considered that there were two main conditions of the Socii, analogous or equal to those of the provincials, that is, that they were either federati or liberi (immunes). The former were such as had formed an alliance with Rome, which was sworn to by both parties; the latter were those people to whom the senate had restored their autonomy after they were conquered, such as the Hernican towns. But the condition of each of these classes must again have been modified according to circumstances. The cases in which Rome had an equal alliance with nations or towns of Italy became gradually fewer in number; alliances of this kind existed for a long time with Tibur, Praeneste, Naples, and others, but these places were nevertheless, in reality, as dependent upon Rome as the other allies. There was a division of the wealth of the Roman army to such people, such as the Camerets and the Heracleans, that maintained the rights of their equal alliance with Rome down to a very late time.* With these few exceptions, most of the Italians were either Socii (in the later sense) or Latini. During the latter period of the Republic they had the connubium with Rome, but not the suffrage of the Latins. It sometimes happened, as in the case of the Macedonian Onesimus, that a foreign individual was honoured by the senate by being registered among the Italian Socii (in sociorum formulam reforvere), and in this case the senate provided him with a house and lands in some part of Italy.4

Although the allies had their own laws, the Senate sometimes, when it was expedient, made laws for the general welfare, might command them to submit to any ordinance it might issue, as in the case of the senatus consultum De Bacchanalibus. Many regulations, also, which were part of the Roman law, especially as related to usury, sureties, wills, and innumerable other things,1 were introduced among the Socii, and nominally received by them voluntarily.2 The Romans thus gradually united the Italians with themselves, by introducing their own laws into their constitutions. Notwithstanding all this, the Romans did not grant to them the same civic rights, the Socii ultimately demanded them, arms in their hands.

Among the duties which the Italian Socii had to perform towards Rome, the following are the principal ones: they had to send subsidies in troops, money, corn, ships, and other things, whenever the Roman state was threatened.3 The number of troops required for completing or increasing the Roman armies was decreed every year by the senate, and the consuls fixed the amount which each allied nation had to send, in proportion to its population capable of bearing arms, of which each nation was obliged to draw up accurate lists, called formulae. The consul also appointed the place and time at which the troops of the Socii, each part under its own leader, had to meet him and his legions.4 The infantry of the allies in a consular army was usually equal in numbers to that of the Romans; the cavalry was generally three times the number of the Socii;5 but these numerical proportions were not always observed.6 The consuls appointed the paymasters of the allies, to whom they paid for the maintenance of their power answered to that of the twelve military tribunes in the consular legions.7 These prefects, who were probably taken from the allies themselves, and not from the Romans, selected a third of the cavalry, and a fifth of the infantry of the Socii, who formed a select detachment for extraordinary cases, and who were called the coloni. The remaining body of the Socii was then divided into two parts, called the right and left wings.8 The infantry of the wings was, as usual, divided into cohorts, and the cavalry into turmas. In some cases, also, legions were formed of the Socii.9 Pay and clothing were given to the allied troops by the states or towns to which they belonged, and which appointed quaestors or paymasters for this purpose;10 but Rome furnished them with provisions at the expense of the Republic: the infantry received the same as the Roman infantry, but the cavalry only received two thirds of what was given to the Roman cavalry.11 In the distribution of the spoil and of conquered territory among the allies, the Romans treated the Socii as belonging to the Romans.12 The Socii were also sometimes sent out as colonists with the Romans.13 They were never allowed to take up arms of their own accord, and disputes among them were settled by the senate. Notwithstanding all this, the Socii fell gradually under the arbitrary rule of the senate and the magistrates of Rome; and after the year B.C. 179, it even became customary for magistrates, when they travelled through Italy, to demand of the authorities of allied towns to pay homage to them, to provide them with a residence, and to furnish them with beasts of burden when they continued their journey.14 Gellius1 mentions a number of other vexations which the Roman magistrates inflicted upon the Socii, who could not venture to seek any redress against them. The only way for the allies to obtain any protection against such arbitrary proceedings, was to enter into a kind of clientela with

some influential and powerful Roman, as the Samnites were in the clientela of Fabricius Luscinus, and which was at one time regarded as the chief protector of the Socii, not only recognised such a relation of clientela between Socii and a Roman citizen, but even referred to such patronage cases for decision which otherwise it might have decided itself. 2 Socii who revolted against Rome were frequently punished with the loss of their freedom, or of the honour of serving in the Roman armies. Such punishments, however, varied according to circumstances.

After the civitas had been granted to all the Italians by the lex Julia De Civitate, the relation of the Italian Socii to Rome ceased. But Rome had long before this event applied the name Socii to foreign nations also which were allied with Rome, though the meaning of the word in this case differed from that of the Socii Italic. Livy distinguishes two principal kinds of alliances with foreign nations: 1. Fadius aquum, such as might be concluded either after a war in which neither party had gained a decisive victory, or with a nation which with Rome had never been at war; 2. a fadius iniquum, when a foreign nation conquered by the Romans was obliged to enter the alliance on any terms proposed by the conquerors. In the first case the people themselves were commonly subject to Rome, and obliged to comply with anything that Rome might demand. But all foreign Socii, whether they had an equal or an unequal alliance, were obliged to send subsidies in troops when Rome demanded them: these troops, however, did not, like those of the Italian Socii, serve in the line, but were employed as light-armed soldiers, and were called miles auxiliares, auxiliaris, or sometimes auxilia externa. 3 Towards the end of the Republic, all the Roman allies, whether they were nations or kings, sank down to the condition of mere subjects or vassals of Rome, whose freedom and independence consisted in nothing but a name. 4 (Compare FABRiAZi DE CIViTAteS.)

Soci. PRO, ACTIO. (Vid. Societas.)

Socius. (Vid. Societas.)

Sodales Augustales. (Vid. Augusta-les.)

Sodalirium. (Vid. Amentus.)

SodaMium. (Vid. Horologium, p. 509; House, Roman, p. 518.)

Solea was the simplest kind of sandal (vid. Solea), consisting of a sole with little more to fasten it to the foot than a strap across the instep. It was sometimes made of wood, 5 and worn by rustics (xaololobla), resembling probably the wooden sandals which now form part of the dress of the Capuchins. The solea, as worn by the upper classes, was adapted chiefly for wearing in the house, so that when a man went out to dinner he walked in shoes (vid. Calceus), taking with him his slipper (vid. Socceae) or socle, which he put on when he entered the house. Before reclining at table, these were taken away by a servant 6 (see woodcut, p. 276); consequently, when dinner was over, it was necessary to call for them. 7 But, according to the state of the roads or of the weather, the shoes or boots were again put on in order to return home, the soles being carried, as before, under the arm. 8 When circumstances were favourable, this change of the shoes for slippers or soles was not considered necessary, the latter being worn in the streets. 9

Solea lignea, soles or shoes of wood, were put on, under the authority of the Roman law, either for the purpose of torture, or perhaps merely to indicate the condition of a criminal, or to prevent his escape. 10 In domestic life, the sandal, commonly worn by females, was often used to chastise a husband, and to bring him into subjection 11 (soles obijugabre rubra.)

Iron shoes (soles ferrae) were put on the feet of mules; 8 but instead of this, Nero had his mules shod with silver, 9 and his empress Poppea hers with gold. 10

*SOI.1EA, II. (DoByg) oto or -eta, the Fleuronets Socius, I., or Solae. 12 (The Lingula of Festus and Varro is supposed to have been the Solea. By a play on the word, it is called sitella in the curious parody of Matron preserved by Athenaeus.)

*SOlEN (sai) or, the name of a testaceous fish mentioned by Aristotle, Galen, Xenocrates, and Pliny, and called also aitlo, bux, and dounas. According to Rondonet, they are called Cape longe by the Italians, Couteuru by the French, and Pirats by the English. Belon, however, gives them the name of Flatae, and Gesner of Baghia. It is difficult to determine where this point to. But is there any reason to doubt that the solea of the Greeks belonged to the genus Solen of modern naturalists? 11

SODIDUS. (Vid. AURUM, p. 129.)

SOLIDAURII. (Vid. Sacrificium, p. 846)

Lustratio, p. 604; and woodcut on p. 897.)

SOILUM. (Vid. Bath, p. 146.)

SOPHONISTAE. (Vid. Gynnocassum, p. 489.)

*SORBUS, the fruit of the Sorb or Service-tree (Vid. Ova.)

*SOREX. (Vid. Mus.)

SORO (sor). (Vid. Fossa, p. 456.)

SORTES, Lots. It was a frequent practice among the Italian nations to endeavour to ascertain a knowledge of future events by drawing lots (sortes): in many of the ancient Italian temples the will of the gods was consulted in this way, as at Preneste, Core, &c. (Vid. Quercus, p. 699.) Respecting the meaning of Sors, see Cicero. 12

These sorts or lots were usually little tablets or counters of wood or other materials, and were commonly thrown into a stella or urn filled with water, as is explained under SRETTA. The lots were sometimes thrown as dice. 13 The name of sorts was in fact given to anything used to determine chances, 14 and was also applied to any verbal response of an oracle. 15 Various things were written upon the lots according to circumstances, as, for instance, the names of the persons using them, &c.: it seems to have been a favourite practice in later times to write the verses of illustrious poets upon little tablets, and to draw them out of the urn like other lots, the verses which a person thus obtained being supposed to be applicable to him: hence we read of sortes Virgiliana, &c. 16 It was also the practice to consult the poets in the same way as the Moham medans do the Koran and Hafiz, and many Christians the Bible, namely, by opening the book at random, and applying the first passage that struck the lot, and to draw them out of the urn like other lots, the verses which a person thus obtained being supposed to be applicable to him: hence we read of sortes Virgiliana, &c. This practice was very common among the early


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1. (Mart. xii, 88.)—2. (Cic. Invent., ii, 50; ad Herenn., i, 13.—Pliny, viii, 6.)—3. (Tac., Ann., xxv, 18.)—4. (Porphyr., ii, 37.—Plut. Truc., ii, 4, 12.)—5. (Livy, iv, 13.—Plaut. Truc., ii, 4, 12; Mont., Hist., i, 37.—Hor, Sat. ii, 7, 77.—12. (Hor, Ep., v, 13, 15.)
Christians, who substituted the Bible and the Psalter for the Homer and Vergil; many councils repeatedly condemned these, and theworks of such were called "speculative". The sibylline books were probably also consulted in this way. (Vide Savinlius Lib.)

Those who foretold future events by lots were called "sorcerers".

The "sorites convivialiae" were tablets sealed up, which were sold at entertainments, and, upon being consulted, enabled the purchaser to things of very unequal value: they were, therefore, a kind of lottery.

"SPARGANTON (σπαργάνον)." It is "clearly," says Adams, "one or other of the well-known "burrs;" the Sparganium ramosum according to Matthiuss, or the simplex according to Sprengel.

"SPARTUS (σπαρτός), a shrub, a species of broom, out of the young branches and bark of which ropes and nets were made, and the seeds of which were used medicinally; the Spartium junceum or species." (Linn.)

SPARUS. (Vide Hasta, p. 489.)

SPECULARIA. (Vide House, Roman, p. 521.)

SPECULATURIS LAPIS. (Vide House, Roman, p. 521.)

SPECULATORES or EXPLORATORIS were scouts or spies sent before an army to reconnoitre the ground and observe the movements of the enemy. Festus makes a distinction between these two words, which is not sustained by the usage of the ancient writers. As these speculatores were naturally active men, they were frequently employed by the emperors to convey letters, news, &c.

Under the emperors there was a body of troops called speculatores, who formed part of the praetorian cohorts, and had the especial care of the emperor's person. They appear to have been so called from their duty of watching over the emperor's safety.

"SPECULUM (σπαρτόπτρον, ἐσπαρτόρ, ἀποσπρότρον), a Mirror, a Looking-glass. The use of mirrors is of very high antiquity; and they are not mentioned by Homer, even when he describes in so circumstantial a manner the toilet of Juno. In the historical times of Greece there were three sorts of mirrors, the one in which the image was really known in Greece long before, since every substance capable of receiving a fine polish would answer the purpose of a mirror. Thus basins were employed instead of mirrors; and also cups, the inside of which was sometimes so disposed that the image of the person who drank from them was seen multiplied.

The looking-glasses of the ancients were usually made of metal, at first of a composition of tin and copper, but afterward more frequently of silver. Pliny says that silver mirrors were first made by Praxiteles in the time of Pompey the Great, but they are mentioned as early as that of Phaestus.

Under the Empire the use of silver mirrors was so common that Theophrastus, when he began to write his"history of plants", says: they are constantly mentioned in the Digest when silver plate is spoken of. At first they were made of the pure silver, but metal of an inferior quality was afterward employed.

Looking-glasses were generally small, and such as could be carried in the hand. Most of those which are preserved in our museums are of this kind; they usually have a handle, and are of round or oval shape. Their general form is shown in the preceding woodcut. Instead of their being fixed so as to be hung against the wall, or to stand upon the table or floor, they were generally held by female slaves before their mistresses when dressing, which office was also performed sometimes by the lover, when admitted to the toilet of his mistress.

Looking-glasses, however, were also made of the length of a person’s body (specula tois paria corporibus), of which kind the mirror of Demosthenes must have been. They were fastened to the walls sometimes (speculum cubicum), which expression, however, Lessing considers as contrary to the Latin idiom, and therefore regards the whole passage as a forgery. That there were, however, rooms ornamented in this way, is probable from Claudian’s description of the chamber of Venus, which was covered over with mirrors, so that the entire space of the room was from floor to ceiling, representing her own image. We frequently find the mirror mentioned in connexion with Venus, but Minerva was supposed to make no use of it.


PHARISTERICUM. (Vid. Barts, p. 153; Gymnium, p. 483.)

*SPACHELOS (σφάκηλος), the Sabina hortensis, or common Sage. (Sage.)

*SPHENDAMNOS (σφένδαμνος), a species of Maple. Sprengel hesitates between the Aser Pseudo-platanus and the Creticum; Stockhouse between the former and the A. campestris. The γενετικόν and γενετικόν are varieties or synonyms of it.

*SPOINOTET (σποινοτέτ). (Vid. Funda.)

*SPIH (σφίς), a term applied to the Vespa vulgaris, or common Wasp, but sometimes misapplied to the Vespa crabro, or Hornet.

SPLAGAS (σφλαγάς). (Vid. Ringe, p. 839.)

*SPHYRENA (σφύρενα), a species of fish somewhat larger than the pike, and found only in the Mediterranean. It is the Esox Sphyraena, L., or Sphyraena, Lacepede. In Italian, Luzzo marino; in French, Splet. The κόρη of Atheneus is the same as the σφλαγάς. Oponew mentions two species, the former of which is the only one described. Rondel calls the other Sphyraena para; in French, Hautin.

*SPIKELATION (σφίκελατον). (Vid. Bronxe, p. 77.)

SPIVULUM. (Vid. Barta, p. 489.)

*SPIAVA (σπίαβα), the Thorn. (Vid. Acantha.)


SPLINTER or SPINTHER. (Vid. Armilla, p. 96.)

*SPIRA, dim. SPIRILA; the base of a column. This member did not exist in the Doric order of Greek architecture (Vid. Columna), but was always present in the Ionic and Corinthian, as well as in the Attic (Vid. Atticorders), which may be regarded as a variety of the Ionic. The term occurs frequently in Vitruvius and in Pliny. They adopted it from the writings of Greek architects, whose works have perished. It is, in fact, the Greek term στίγμα, which was applied to this member of a column, probably on account of its resemblance to a coil of rope. In ancient Greek inscriptions, στίγμα denotes the base both of Ionic and Corinthian pillars, being applied to those of the temples of Minerva Polias at Athens, and of Jupiter at Labranda.

In the Tuscan and the Roman Doric the base consisted of a single torus, sometimes surmounted by an astragal. In the Ionic and Attic it commonly consisted of two tori (torus superior and torus inferior) divided by a scotia (γραφήλος), and in the Corinthian of two tori divided by two scotae. The upper torus was often fluted (παλαιωτός), and surmounted by an astragal (Vid. Astrapalas), as in the left-hand figure of the annexed woodcut, which shows the form of the base in the Ionic or Attic temple of Panops on the Iliissus. The right-hand figure in the same woodcut shows the corresponding part in the Temple of Minerva Polias at Athens. In this the upper torus is wrought with a plaited ornament, perhaps designed to represent a rope or cable. In these two temples the spira rests, not upon a plinth (πλινθος, πλιθωθος), but on a podium. In Ionic buildings of a later date it rests on a square plinth, corresponding in its dimensions with the ARA.

SPITHAME (σπίθαμα). (Vid. Psa., p. 762.)

*SPIZA (σπίζα), a species of bird, "generally held to be the Chaffinch, to which Rennie has given the scientific name of Fringilla Spiza, instead of the misnomer given it by Linnaeus, namely, Fringilla cæledo." I cannot help thinking it doubtful, however, whether the σπίζα of Aristotle be the chaffinch, seeing he compares the missel-thrush to the σπίζα, and it is well known that the former is much larger than the chaffinch.

*SPODIAS (σποδίας). According to Sprengel, the Prumus institia, or Bullace-tree.

SPOLIA. Four words are commonly employed to denote booty taken in war, Prada, Manubia, Estiva, Spolia. Of these, prada bears the most comprehensive meaning, being used for plunder of every description. (Vid. Puegarturism.) Manubia and Estiva lead to a reconsideration of the spoil which fell to the share of the commander-in-chief; the

the proceeds of which were frequently applied to the erection of some public building. 1 Aulus Gellius, 2 indeed, endeavours to prove that we must understand by manubia the money which the questor realized from the sale of those objects which constituted praeda; but the following passage, adduced by himself in a garbled form (for he omits the words printed in roman), when quoted faithfully, is sufficient to confute his views: "Aurum, argentum, ex praeda, ex manubia, ex coronario, ad quosqueyque per- seni." 3  

The term Euxusu indicates anything stripped from the person of a foe, while Spolia, properly speaking, ought to be confined to armour and weapons, although both words are applied loosely to trophies, such as chariots, standards, beaks of ships, and the like, which might be preserved and displayed. 4  

In the heroic ages, no victory was considered complete unless the conquerors could succeed in stripping the bodies of the slain, the spoils thus obtained being viewed (like scalps among the North American Indians) as the only unquestionable evidence of successful valor and to be found Holian, that the spoils, which were carried forward to be turned in single combat, the manner in which the body and arms of the vanquished were to be disposed of formed the subject of a regular compact between the parties. 5  

Among the Romans, spoils taken in battle were considered the most honourable of all distinctions; to have twice stripped an enemy, in ancient times, entitled the seeker to posthumous honours, and during the second Punic war, Fabius, when filling up the numerous vacancies in the senate, caused by the slaughter at Cannae and by other disastrous defeats, after having selected such as had borne some of the greatest offices of state, named those next "qui spolia ex hosse fasse domi haberent, et in atriis cuiusdam domus --- argenti mum --- et aquarum --- vocari --- " On the battle-field after an engagement, or found in a captured town, were employed to decorate the temples of the gods, triumphal arches, porticoes, and other places of public resort, and sometimes, in the hour of extreme need, served to arm the people; 6 but those which were gained by individual prowess were considered the unadorned property of the victor, and when the latter was engaged in the most conspicuous part of his dwelling, 7 being hung up in the atrium, suspended from the door-posts, or arranged in the vestibulum, with appropriate inscriptions. 8 They were regarded as peculiarly sacred, so that, even if the house was sold, the new possessor was not permitted to remove them. 9 A remarkable instance of this is found in Cicero (Phil. i. 13). 10  

Opima, a term applied to those only which the commander-in-chief of a Roman army stripped in a field of battle from the leader of the foe. 11 Festus 6 gives the same definition as Liivy, but adds, "M. Varro ait opima spolia esse [estiam] si manciparis miles detraserit dammodo duas hostium," a statement, if correctly quoted, directly at variance with the opinion generally received and accepted by Plutarch, when M. Cæsar, in the fifth consulship of Octavianus (B.C. 29), slew Dolo, king of the Bastarnæ, he was not considered to have gained spolia opima, because acting under the auspices of another; 12 and Plutarch 13 expressly asserts that Roman history up to his own time afforded but three examples. The first were said to have been won by Romulus from Acer, king of the Acarnæ, the second by Scipio Africanus over Hannibal at the Third Ebro, the third by M. Claudius Marcellus from Viridomarus (or Bruthamoros, as he is called by Plutarch), king of the Bastarnæ. In all these cases, in accordance with the original institution, the spolia were dedicated to Jupiter Feretrius. The honours of spolia opima were accorded to Titus Quinctius Flamininus, the first consulship (B.C. 44, the year of his death), but it was not even pretended that he had any legitimate claim to this distinction. 14 (The question with regard to the true definition of spolia opima is discussed with great learning by Perizonius.) 4  

SPOHIA. (Vid. Luctus, p. 573.)  

SPONDYULUS. (Vid. Oyster, p. 672.)  

SPONDYULUS (spëndi'luh) (spou'di-lu'z), "an insect noticed by Aristotle and Theophrastus, and about which there has been much diversity of opinion. Some suppose it the Gryllotalpa; some the larva of the Scarabæus melolontha; and others a species of Buita. Stockhouse offers another conjecture, that it is the Julus, L. 15  

SPONGIA. (Vid. Painting, p. 704.)  

II. SPONGIA (spou'gi-a), Sponge, or Spongia officinalis. "The animal nature of the sponge is lastly and properly Julius Cæsar. Among his three, the μάυρος, the πένθος, and the Αἴξιλ- λεος, it is difficult to specify exactly the last two; but the first may be confidently pronounced to be the Spongia officinalis." Dr. Vincent derives the term "sponge," through the Greek, from the Arabic suffunge (s'unge, s'plunge, spunge).  

SPONGIA. (Vid. Marriage, Roman, p. 62.)  

SPONA, SPONUS. (Vid. Marriage, Roman, p. 62.)  

SPONSA, SPONSA (Vid. Marriage, Roman, p. 625.)  

SPONSOR. (Vid. Intercession, p. 541.)  

SPORTULA. (Vid. Marriage, Roman, p. 629.)  

SPORTULA. In the days of Roman freedom, clients were in the habit of testifying respect for their patron by thronging his atrium at an early hour, and escorting him to places of public resort. 16 Under Augustus, his being accorded acceptance upon their courtesies, some of the number were usually invited to partake of the evening meal. After the extinction of liberty, the presence of such guests, who had now lost all political importance, was soon regarded as an irksome restraint, while, at the same time, many of the noble and wealthy were unwilling to sacrifice the temporary enjoyment of their company. Hence the practice was introduced, under the Empire, of bestowing on each client, when he presented himself for his morning visit, a certain portion of food as a substitute and compensation.
STADIUM.

or the occasional invitation to a regular supper (cena recta); and this dole, being carried off in a little basket provided for the purpose, received the name of sportula. Hence, also, it is termed by Greek writers on Roman affairs δείπνον δωροσυμπόσιον, which however was never confused with the δείπνον δωροσυμπόσιον of earlier antiquity, which was a sort of picnic.¹ For the sake of convenience, it soon became common to give an equivalent in money, the sum established by general usage being a hundred quadrans.² Martial, indeed, often speaks of this as a shabby pitance (centum miselis quadrantes²), which, however, he did not scorn himself to accept, but, at the same time, does not fail to anecdotally commended by himself a largess to a greater amount on his birthday.³ The donation in money, however, did not entirely supersede the sportula given in kind; for we find in Juvenal a lively description of a great man's vestibule crowded with dependants, each attended by a slave bearing a portable kitchen to receive the viands, and keep them hot while they were being prepared.⁴ If the sketches of the satirist are not inadequate to the purpose, we may conclude that in his time great numbers of the lower orders derived their whole sustenance, and the funds for ordinary expenditure, exclusively from this source, while even the highborn did not scruple to increase their incomes by taking advantage of the ostentatious profusion of the rich and vain.⁵ A regular roll was kept at each mansion of the persons, male and female, who were allowed to receive the allowance; the names were called over in order, the individuals were required to appear in person, and the almoner was ever on his guard to frustrate the roguery of false pretenders,⁶ whence the proverb quoted by Tertullian, "sportulam furunculas capitt." The morning, as we have seen above,⁷ was the usual period for these distributions, but they were sometimes made in the afternoon.⁸

Nero, imitating the custom of private persons, ordained that a sportula should be substituted for the public banquets (publica cena) given to the people on certain high solemnities; but this unpopular regulation was repealed by Domitian.⁹

When the Emperor Claudius, on one occasion, resolved unexpectedly to entertain the populace with sportulae, he found himself to be in a short time only, he styled the exhibition a sportula in the age of the younger Pliny, the word was commonly employed to signify a gratuity, gift, or emolument of any description.¹²

(Compare a dissertation on the sportula by Buttmann, in the Kritiscke Bibliothek for 1821.—Vid. also Becker, Gallus, i, p. 147.)

STABULARIUS. (Vid. Recepta Actio.)

*STACTE (стактê). (Vid. Skvrena.)

STADIUM (δο θαδιος ρ δοθαδιος). 1. A Greek measure of length, and the chief one used for literary itineraries. It was adopted by the Romans, also, chiefly for nautical and astronomical measurements. It was equal to 600 Greek or 625 Roman feet, or to 125 Roman paces; and the Roman mile contained 8 stadia. Hence the stadium contained 600 feet 9 inches English. (Vid. Paps.) This standard prevailed throughout Greece under the name of the Olympic stadium, so called because it was the exact length of the stadium or footrace-course at Olympia, measured between the pillars at the two extremities of the course. The first use of the

measure seems to be contemporaneous with the institution of the stadium at Olympia, when the Olympic games were revived by Iphitus (B. C. 894 or 829). This distance doubled formed the stade, the περικυκλοσ was 4 stadia, and the διαμεταπετριξ is differently stated at 6, 7, 8, 9, 10, 11 to 12, 13, 14, 15, 16, 17; thus the σταδιον δοριον, 24, is to be understood at 36, 42, 48, 54, 60, 66, 72, 78, 84, 90.

It has been supposed by some authors that there were other stadia in use in Greece besides the Olympic. ¹ The most ancient writers neither either say or hint at such a thing; but when we compare the distances between places, as stated by them in stadia, with the real distances, they are found almost invariably too great if estimated by the Olympic stadium, never too small. Hence the conclusion has been drawn by some writers that the Olympic stadia must have been made smaller. The latter part of this statement is untenable a shade smaller than the Olympic. Major Rennell, who analyzes several of these statements, gives 505 feet for the value of the Olympic stade.¹ It is, however, scarcely credible, that these authors, some of whom expressly inform us that the stade contained 600 feet, should reckon distances by another stade without giving any intimation of the fact, especially as they usually warn their readers to be on the watch for such discrepancies. The ancients reckoned the stade to be one of the standing distances. The real cause of the excess in the itinerary distances of the Greeks is explained by Ukert in a way which seems decisive of the question.¹ The most ancient mode of reckoning distances among the Greeks, as among most other nations, was by the number of days required to perform the journey. When the stadium was brought into use, the ancients reckoned the distances of sea journeys, but transferred into stadia by reckoning a certain number of stadia to a day's journey.⁴ It is evident that nearly all the distances given by the ancient Greek writers were computed, not measured. The uncertainties attending this mode of computation are obvious; and it is equally obvious that, as a general rule, the results would be above the truth. At sea the calculation was made according to the number of stadia which could be sailed over in a day by a good ship, in good order, and with a fair wind. Any failure in these conditions (and some such there must always have been) would increase the number of days' sail, and therefore the calculated distance when reduced to stadia. SIMilarly by land a day's journey was reckoned equal to the number of stadia which a good traveller (diplomas) could perform in a day, which, for obvious reasons, would generally exceed the space passed over under ordinary circumstances. Even the Greeks themselves are not agreed as to the number of stadia in a day's journey. Herodotus gives 700 stadia for the voyage of a sailing ship by day, 600 by night. Most commonly 1000 stadia were reckoned as a 24 hours' voyage, but under unfavourable circumstances scarcely 500 were performed.⁶ Allowance must also be made for the windings of the coast, the difficulties of the navigation, the currents of the sea, the skilfulness of the seamen, and other circumstances.

A day's journey by land was reckoned at 200 or 180 stadia,² or for an army 150 stadia.³ And here also-delays would often occur. The ancients themselves differ widely in their accounts of distances, not only as compared with the true distances, but with one another, a fact which the theory of a separate itinerary stade cannot account for, but which is a natural result of their mode of reckoning, as explained above.

The following testimonies are advanced in support


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sort of the view of different stadia. Consensus, who lived in the time of Alexander Severus, after speaking of the astronomical measurements of Eratosthenes and Pythagoras, says that by the stadium used in them we must understand "the stadium which is called Italic, of 625 feet, for there are others besides this, of different lengths, as the Olympic, which consists of 600 feet, and the Pythian, of 1000 feet. This passage is evidently a complication of blunders. The "Italic stadium," unknown elsewhere, is manifestly the same as the Olympic, but reckoned in Roman feet, of which it contained 625. The "Olympic, of 600 feet," is the same in Greek feet. The value given for the Pythian stadium is clearly wrong, for the Olympic racecourse was the longest in Greece (as appears from the passage of Geras, quoted below); and, besides, Censorinus obviously confounds the racecourses named stadium with the measurement of the same name; for it is not disputed that the former were of different lengths, though the latter never varied.

Aulus Gellius' quotes from Plutarch to the effect that Hercules measured out the stadium at Olympia with a cord of 600 feet, and that when afterward other stadia were established in Greece containing the same number of feet, these were shorter than the Olympic in the proportion by which the foot of Hercules exceeded that of other men. But whatever there is of fact in this story obviously refers to the courses themselves, not the measurements of the earth. But surely it is far more reasonable to take these different values as a proof (among others) that the ancients did not know the real length of a great circle, than, first assuming that they had such knowledge, to explain them as referring to different standards.

On the whole, therefore, there seems no reason to believe that the stadium existed before the third century of the Christian era.

From this period, however, we do find varieties of the stade, the chief of which are those of 7 and 7½ to the Roman mile. The following table of supposed varieties of the stadium is from Hussey's Ancient Weights, &c.:

<table>
<thead>
<tr>
<th>Stade assigned to Aristotle's</th>
<th>measurement of the earth's</th>
<th>Yard. Feet. Inches.</th>
</tr>
</thead>
<tbody>
<tr>
<td>surface</td>
<td>109 1 2 26992</td>
<td></td>
</tr>
<tr>
<td>Mean geographical stand</td>
<td>163 1 6</td>
<td></td>
</tr>
<tr>
<td>Olympic stand</td>
<td>202 0 9</td>
<td></td>
</tr>
<tr>
<td>Stade of 7 to the Roman mile</td>
<td>213 2 24</td>
<td></td>
</tr>
<tr>
<td>Stade of 7 to the Roman mile</td>
<td>231 0 5 124</td>
<td></td>
</tr>
</tbody>
</table>

This has been stated above that the Olympic footrace-course was called a stadium, and the same name was used throughout Greece wherever games were celebrated. It was originally intended for the footrace, but the other contests which were added to the games from time to time (vid. Οlympικακαλα) were also exhibited in the stadium, except the horse races, for which a place was set apart, of a similar form with the stadium, but larger: this was called the hippodrome (ἱπποδρόμος).

The stadium was an oblong area terminated at one end by a straight line, at the other by a semi-circle having the breadth of the stadium as its base. Round this area were ranges of seats ramp above one another in steps.

It was constructed in three different ways, according to the nature of the ground. The simplest form was that in which a place could be found which had by nature the required shape, as at Laodicea. Most commonly, however, a position was chosen on the side of a hill, and then the stadium was formed on one side by a natural slope, on the other by a mound of earth (γης χώμα), as at Olympia, Thebes, and Epidaurus. Sometimes, however, the stadium was on level ground, and mounds of earth were cast up round it to form seats, and covered with stone or marble. We have two celebrated examples of this construction in the Pythian stadium at Delphi and the stadium of Athens, which was originally constructed of Parian marble, and afterward covered with Pentelic marble by Herodes Atticus, who adorned in the same manner the stadium at Athens, which had been originally constructed on the banks of the Illisus by the orator, Lycurgus. The marble covering, which was supposed to take a century to complete, has now disappeared, but the area is still left, with some remains of the masonry.

The stadium sometimes formed a part of the buildings of the gymnasion (vid. Gymnasium), at other times it was placed in its neighbourhood, and often, as at Athens, stood entirely by itself. That at Olympia was called "the stadium of Zeus," and at Delphi "the stadium of Apollo." The names of the stadia are different.

The site of the stadium varied both in length and breadth. The general length was, as above stated, the geographical stadium of 600 Greek feet. This was not, however, the total length, but only the distance between the pillars at the two ends, and it was exclusive of the semicircular end of the area.

The accounts left by ancient writers of the arrangements of the parts of the stadium are scanty but, from a comparison of them with existing remains of stadia, we may collect the following particulars.

At one end a straight wall shut in the area, and here were the entrances, the starting-place for the runners, and (at Olympia) an altar of Endymion. The area was filled with seats, and at the starting-place, the goal, was the end of a circle, and at the distance of a stadium from the starting-place, was the goal, which was the termination of the simple footrace. In the Pythian, these were called στάδιον: the race itself is called στάδιον and ὄμιλος. In the δίανυσις and δίαμετρος, the race was turned round this and came back to the starting-place. The term στάδιον is applied to these different names. The term ὀμιλια is explained as the line along which the racers were placed before starting, ἄναζη, which means the lash of a whip, is supposed to have been a cord which was stretched in front of the racers to restrain their imitation and to let them know when the race was given to start; the name κατάστροφος was applied to the goal because the runners in the δίανυσις and δίαμετρος turned round it to complete their course. These terms are often applied indiscriminately to the starting-place and the goal, probably because the starting-place was also the end of all races except the simple στάδιον. The starting-place and goal were each marked by a square pillar (στῆλαι, κύκλως κυκλεύειν), and half way between these was a third. On the first was inscribed the word ἀρίστενε, on the second σταΐά, and on the third κυκλών. The διάμετρος turned round both the extreme pillars till

1. (Pausan. ii. 27, § 6; vi. 20, § 5, 6; ix. 23, § 1).—2. xii. 32, § 1.3. (Ibid. i. 13, § 7.—Lace’s Topog of Athens.)

1. (Pausan. ii. 27, § 6; vi. 20, § 5, 6; ix. 23, § 1).—2. xii. 32, § 1.3. (Ibid. i. 13, § 7.—Lace’s Topog of Athens.)
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JAep, the the the seats so marble, Greece, the myne stadium surrounded and were stadium. This was called their they probably had supported the Ephesian and Mesessian stadia, in the latter of which it is surrounded by 16 rows of seats. The area of the stadium was surrounded by the seats for spectators, which were separated from it by a low wall or podium.

Opposite to the goal on one side of the stadium were the seats of the hellanodice, for whom there was a secret entrance into the stadium (κρήνη ἐπιδρος), and on the other side was an altar of white marble, on which the priestesses of Demeter Chaynue sat to view the games. The area was generally adorned with altars and statues.

Such was the general form and arrangement of the Greek stadium. After the Roman conquest of Greece, the form of the stadium was often modified so as to resemble the amphitheatre, by making both its ends semicircular, and by surrounding it with seats supported by vaulted masonry, as in the Roman amphitheatre. The Ephesian stadium still has such seats wove a portion of it. A restoration of this stadium is given in the following woodcut, copied from Kause.

A a the boundary wall at the aphi, 77 feet deep. B C the sides, and D the semicircular end, of the same depth as A; F F the area, including the σεβεματικα; b b pieces of masonry jutting out into the area; e e the entrances; from o to P is the length of an Olympic stadium; from q—z the range of amphitheatral seats mentioned above. (Vid OLYMPIC GAMES.)

STATER (στατήρ), the name which signifies a standard (in this case both of weight and more particularly of money), was the name of the principal gold coin of Greece, which was also called chryseus (χρυσος). The general subject of Greek gold money

1. (Krause, Die Gymnastik und Agonistik der Hallen, p. 131, s. 14.—Müller's Arch. der Kunst, s. 290.)—2. (Dioecor., v. 96—Pliny, xxv. 47.—ead., Orig., xxii. 91.—Numbers, xxxii. 22.—Heeren's Hist. Researches, vol. iii, p. 167.—Adams, Ap pend. s. v.—Moore's Antiq. Lex., 1 44, 45.)
has been discussed under *Aurum*, where it is stated that the Greeks obtained their principal supply of gold from Asia. To the same quarter we must look for the origin of that gold at Syracuse. For this city, which came to us from Persia, has been already treated of. (Vid. *Dacierus*.) The stater is said to have been first coined in Lydia by Croesus. To this country, indeed, one tradition ascribes the origin both of gold and silver money: but, be this as it may, the stater of Croesus was the first gold coinage with which the Greeks were acquainted. Böckh *assures* that these stater were undoubtedly formed of the pale gold or electrum which was washed down from Μολος by the Pactolus, and which Sphocles speaks of as Sardian electrum. *Electrum, according to Pliny,* was gold containing a mixture of ⅙ part of silver. There is in the Hunterian collection (plate 66, fig. 1) a very ancient coin of this pale gold, of an oval, ball-like shape, impressed with the figure of a man kneeling, holding a fish in his left hand, and in his right a knife hanging down, which Pinkerton takes for a coin of Croesus, but respecting which nothing more can be said with safety that it is a very ancient specimen of Asiatic money. Its weight is 243½ English grains, or about that of the Attic tetradrachm, which was twice the weight of the stater. This, therefore, would be a double stater. At all events, in the absence of certain specimens of the Lydian stater, and of any express statement of its value, we may suppose, from the very silence of the Greek writers, that it did not differ materially from the stater which was afterward current in Greece, and which was equal in weight to two drachmas, and in value to twenty.*

**Macedonian Stater.**

The following were the principal Greek staters:

1. The Attic stater, which has been spoken of under *Aurum*. The weight of the coin issued of this city are 132-3, 132-7, 133-2, and 133-75 grains, the average of which is 132-5875 grains, which only falls short of the weight of the Attic dirachm by a little more than half a grain. (Vid. *Drachma*). The gold of the Attic coin is remarkably pure.

2. The stater of Cyzicus was common in Greece, especially at Athens. We learn from Demosthenes* that in a particular period (a little after B.C. 325) this stater passed on the Bosporus for 28 Attic drachmas, which, by a comparison with the then value of the drachm (vid. *Doric*), would give for its weight about 180 grains. Several Cyzicene staters exist, but none of them come up to this weight. Hence we may conclude that the price of gold at Cyzicus was not much below that at Athens. The coin is very high. Some of the existing coins give 160 grains, and others not more than 120, for the weight of the Cyzicene stater, so that the element of this coinage seems to have been a piece of 40 grains. Its value, calculated from the number of drachmas it passed for, would be 1½. 2s. 9d.

3. The stater of Lampascus is mentioned in an inscription of 396. B.C. 434. Several gold coins of Lampascus are extant: they may be known by

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1. *Hercld., i. 94.*
2. *Hercld., i. 84.*
4. *id., iv.*
9. *Huscy, s. v. Xenis.*
11. *Huscy, s. v. Xenis.*

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The impression of a shecah upon them. There are two in the British Museum, of the weight of about 129 grains, which is just that of the daricus. The weight of the Lampascus stater being unequal; and both Lampascus and Cyzicus appear to have had gold coins which were multiples of different standards.

4. The stater of Phoecea is mentioned by Thucydides* and Demosthenes* as in circulation in their times. Sestini gives several of these, the largest of which, stamped with a, weighs 255-42 Attic drachmas. Some of them are gold and silver, and others gold and copper. There was also at Athens a Phocean coin called *ktyr,* which may have been either the sixth of the stater or (Mr. Hussey conjectures) of the mina. Heuscy, mentions the *ktyr, tpyr,* and *tyrpyr* as coins of gold, or silver, or copper. There was a gold coin of (what state we are not told) *hipyon,* which was worth eight silver obols.

5. The stater of Macedonia was coined by Philip II, and Alexander the Great; the standard of the Attic dirachm, and of very fine gold. Under these princes it came into general circulation in Greece and throughout the Macedonian empire. The extant specimens of this coinage are very numerous.

Mr. Hussey gives the following report of an *aros* which was made for him of a stater of Alexander:

Gold, 11 oz. 9 dwt. 6 grs.
Silver, 18 "
Alloy, 0

The silver is an accidental admixture, or, if lacinia to be present, was not allowed for, so that our coin may be reckoned at 138½ grains of fine gold. Our sovereign, after deducting the alloy, contains 113½ grains of fine gold. Therefore the Macedonian stater is equal to ⅛ of the English sovereign, or Ⅵ. 3s. 6d. 0½28. 622. farthing. The average is, however, a little below this stater, but not more than is due to wear. The stater of Philip was very recently current in Greece at the value of about 25 shillings. This standard was preserved, or very nearly so, under the later Macedonian kings, and was adopted by other states, as Ephesus, Eolzia, Acananria, and Syracuse.

Besides the staters noticed above, most of the cities of Ilia had gold coins, but their value is very doubtful. There are specimens in existence which show the coins of Molossia, of Argos, of Patras, of Samos, of Sparta, of Thasos, the Greek cities of Sicily, and Cyrene, had gold money at an early period.

Pollux mentions a Corinthian stater as used in Sicily, which he calls *dekadrachm* and makes equal to ten *Aeginetan* obols. The explanation of this statement is very difficult. There is the disputed question whether the Corinthian money followed the Attic or the *Aeginetan* standard,
STATUARIES.

In calculating the value of the statue in our money, the ratio of gold to silver must not be overlooked. Thus the statue of Alexander, which we have valued according to the present worth of gold, at 11. 3s. 6d., passed for twenty drachmae, which, according to the present value of silver, were worth only 3d. But the former is the true worth of the statue, the difference arising from the greater value of silver in ancient times than now. (Vid. Arsentium.)

Besides the statue itself, there were, as appears from the above remarks, double statues, and the halves (ἡμιαρχοντες, ἡμιστατήρες), quarters, thirds, sixths, and twelfths of the statue. The coins of the last four denominations are, however, much less common than the double statues.

The term sta'toire in later times, was applied to the silver tetradrachm, but whether it was so used in the flourishing times of Athens is doubtful. (Vid. Drachma.)

It was also used in reference to weight, apparently like the Hebrew shekel and the Latin pondus, in a general sense. The Min'a, 3 and the Sicilian Litra2 are also of this class.

STATI DIES. (Vid. Dres. p. 362.)

STATIO'NES. (Vid. Castr. p. 222.)

STATIO'NES FISICI. The Piscus was divided into various departments, called stationes, according to the different revenues belonging to it. Thus we read of a statio XX. hereditatium;² a statio hereditatium,² a statio anumone.*

STATIO'NES MUNICIPIO'RUM. Mentioned by Pliny,² are supposed by Niebuhr³ to be places by the side of the comitia allotted to municipalities, that they might hear the debates, like privileged seats in the hall of a parliamentary assembly. The Graecostasis mentioned by Cicero,³ and Varro² was a similar place, as Niebuhr remarks, on the right of the comitia, allotted to the Greeks from the allied states for the same purpose.

STATOR, a public servant, who attended on the Roman magistrates in the provinces. The stationes seem to have derived their name from standing by the side of the magistrate, and thus being at hand to execute all his commands: they appear to have been chiefly employed in carrying letters and messages.⁴ Alexander Severus forbade the use of stationes in the provinces, and commanded that their duties should be performed by the soldiers.⁵

STATU LIBER. (Vid. Manumissio, p. 616.)

STATUARY (staturia aris) is, in its proper sense, the art of making statues or busts, whether they consist of stone or metal, and includes the art of making the various kinds of reliefs (alto, baso, and mezzo relievo). The ancients, accustomed to trace all their arts and sciences to a single person, who was generally believed to have been led to his discovery by some accidental circumstance, relate several stories to account for the origin and discovery of the arts of painting and statuary.⁶ But arts such as these cannot, like those which are the necessary result of particular-local circumstances, or are in their origin of a capricious nature, be assigned to any particular nation or to any particular individual: these being supposed to have been led to this, and taken their origin alike everywhere in the inanimate faculty of man. It is, therefore, idle to talk when modern writers gravely repeat the stories about the invention of sculpture or painting, or assign the invention of either of them to the Egyptians or any other nation. These arts, in their infant state, existed among the Greeks from time immemorial; and if there are any resemblances between the earliest, the most barbarous, and the most civilized nations, we have still no right to infer that the Greek statuary was derived from the Egyptians; and we might as well assert that the Greeks learned their arts from the Gauls or from the Siamese, for the works of these nations, too, resemble those of early Greece. An art in its primitive state manifests itself nearly in the same manner in all parts of the world. But what is of real interest is to know the causes through which they have arrived at a more or less correct appr'iate term, sculpture, became so pre-eminently the art of the Greeks, that down to this day no other nation has produced artists that can compete with them, and that all look upon the Greeks as the great masters and models for all ages. Winckelmann has pointed out three great causes, viz., their innate genius, their religion, and their social and political institutions; 2 to us that three points are accurately explained, we certainly feel that these singularly co-operated in making the Greek artists what they were. There is another point connected with the origin of Grecian sculpture which appears to have led some modern writers to form erroneous opinions. The peculiar form of the Herma (vid. Herculeus) has given rise to the belief that in the earliest statues the head only (bust) was represented, and that the remaining part of the body was expressed by a simple pillar or block. This view is contrary to nature as well as to history; for neither a nation nor a child (which in this case may be fairly taken as a representative of a nation in its infancy), when they begin to exercise their imitative faculty, will rest satisfied with forming the mere head of a human being, but endeavor to produce the whole as well as we can. We may add, that no other nation presents such a phenomenon in the earliest history of its arts. The Herma, therefore, cannot have arisen from an incapability of forming a whole human figure. They appear rather to point to the time when the Greeks began to represent their gods in a human form. To give to a god the entire form of a man would have been irreverent, whereas the head only flows out of the body, and is sufficient to represent him as a distinct individual being, and endowed with spiritual and thinking powers. The process of humanizing the gods must have been preceded by the custom of representing them in unnatural forms, or such as were partly human and partly animal. ⁶ The earliest images of the gods were pure images (not the gods themselves), and intended to express art and those or ideas: now, as the natural figure of man is only expressive of itself, the significant parts of two or more beings were put together to express the idea which men had formed of their gods. Such monstrous figures were retained as representations of some gods down to the latest times. As instances of this, we may mention Glaucus with the tail of a fish, the Areian Paus with garments and the head and mane of a horse. Homer's silence on such compound representations of the gods is no proof that they did not exist in early times.

Before proceeding to consider statuary in its several stages of development, it is necessary to make a few preliminary remarks respecting the materials used by the Greeks in this art. On the whole, it may be said that there is no material applicable to statuary which was not used by the Greeks. As

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The history of ancient art, and of statuary in particular, may be divided into five periods.

1. **First Period**, from the earliest times till about 800 B.C., or 580 B.C.

The real history of the arts is preceded by a period of a purely mythical character, which tradition has peopled with divine artists and most extraordinary productions. Three kinds of artists, however, may be distinguished in this mythical period: the first consists of gods and demons, such as Athena, Hephaestus, the Phrygian or Dardanian Dactyls, and the Cabiri. The second consists of inventors of arts and sciences, distinguished from others by the mysterious possession of superior skill in the practice of the arts, such as the Telchines and the Lycian Cyclopes. The third consists of individuals who are, indeed, described as human beings, but yet are nothing more than personifications of particular branches of art, or the representatives of families of artists.

1. (Hesiod, Theog., 571, etc.—Stob., Strom., i.)—2. (H. N., iv., 49, 3.)—3. (Paus. x. 38, 6; Lyc. D, i. 3.)—4. (Paus. ix. 47, 1; 50, 1; vii. 22, 3.)—5. (Paus. xx. 29, 4.)

2. **Second Period**.

The earliest representations of the gods, however, were by no means regarded as the gods themselves, or even as images of them, but only as symbols of their presence; and as the imagination of a pious primitive age does not require much from the representation of a deity, the simplest symbols were sometimes sufficient to produce this effect. Hence we find that in many places the presence of a god was indicated by the simplest and most shapeless symbols, such as unhewn blocks of stone (λίθος ἀποφευγός), and by simple pillars or pieces of wood. (Vid. Dôcana and Æmidâ.) Many such symbolic rep-
resentations of gods were held in the greatest esteem, even in the historical ages, as sacred inheritances of former times, and remained the conventional representations of the gods, notwithstanding the progress which the arts had made. The general name for a representation of a god not consisting of sculpture was, however, not always the case. Temples are mentioned in several places, and temples presuppose the existence of representations of the gods.

A statue of Athena is mentioned at Ilion, upon whose knees the queen places a magnificent peplos. The statue thus appears to have been in a sitting position, like the statues of Athena among the Lydians.

The sculptor of Apollo must be inferred from Iliad, i., 58, for the στῆγα ἠδονίς can only mean the wreath or diadem with which his statue itself used to be adored. This statue must, moreover, have been represented carrying a bow, for attributes like ἄργυρος ἄρχος could have had no meaning unless they referred to something existing and well-known. Other proofs of representations of the Iliads and Homeric poems are found in Iliad, ii., 478, &c.; iii., 396, &c. These statues were undoubtedly all ἑλεία, and, as we must infer from the expressions of Homer, were far more perfect than they are said to have been previously to the time of Dädalus. A work still extant, which certainly as old as the time of Homer, if not much older, is the relief above the ancient gate of Myconos, representing two lions standing on their hind legs, with a sort of pillar between them. These facts justify us in supposing that, at the time of Homer, the Greeks, but more especially the Ionians of Asia Minor, had made great progress in sculpture. The Ionians appear to have been far in advance of the Greeks of the mother-country. The cause of this must probably be sought in the influence which some of the nations of Western Asia, not only the Lydians, Lycians, and Phoenicians, had upon the Ionian colonists, for those nations excelled the Greeks in various branches of the arts is abundantly attested by numerous passages in the Homeric poems. We must not, however, attribute too much to this foreign influence, for there were many other causes at work besides, by which the Greek colonies, not only of Asia, but of Sicily and Italy also, were enabled to be in advance of the mother-country. The ancient coins of the Italian Greeks, too, are much more beautiful, and show more individuality than those of Greece proper: we also find that Leareuch of Rhgium, about 720 B.C., came to Sparta, and formed there the earliest bronze statue of Zeus, which consisted of several pieces nailed together. It was also ancient that Tyche was being shortly after this time that the statues of Sparta made a bronze statue of Athena. Another great work in bronze belonging to this period is the colossal statue of Zeus, which was dedicated at Olympia by Cypselus or Periander of Corinth, and for which the wealthier Corinthians were obliged to sacrifice a considerable part of their property. About 590 B.C., Myron of Sicyon dedicated two δίδυμα of bronze at Olympia, which were still there in the 3. 8. the days of Pausanias. The time which elapsed between the composition of the Homeric poems and the beginning of the fifth century at Athens must be supposed to have been a discovery; for nearly all the inventions upon the application of which the development of the arts is dependant are assigned to this period, which, may, at the same time, be regarded as the first historical period in the history of art. Glauceus of Chios or Samos is said to have invented the art of soldering metal (συγκλινον διαλημματος). The two artists most celebrated for their discoveries were the two sons of Polycrates of Samos, the time of Polykrates. The most important of them was the art of casting figures of metal. This art appears to have been peculiar to the Greeks; at least we do not find that it was ever made use of by any other ancient nation. It is a singular circumstance, that the very two artists to whom this invention is ascribed are said to have made it at the same time in Egypt: that story was told of the two brothers executing a έμπορον of the Pythian Apollo in such a manner, that while Telecles made the one half of the statue at Delos, the other half was made by Theodorus at Ephesus, and that, when the two halves were put together, they tallied as accurately as if the whole had been the work of one artist, has been thought to support the Egyptian story, that the art had been introduced into Greece in the exercise of their art by what they had learned in Egypt. But, in the first place, the whole story has a very fabulous appearance; and even admitting that the artists, as the Egyptians asserted, had actually been in their country, nobody will on this ground maintain that they learned their art there: the utmost they could have learned might have been some mechanical processes, the art itself must be vindicated for the Greeks. In the second place, Telecles and Theodorus are called by Didus sons of Rhoeus; and Pausanias himself, who was unable to discover a bronze work of Theodorus, saw at Ephesus a bronze statue which was the work of Rhoeus. Hence we have reason to suppose that Telecles and Theodorus learned, at any rate, the art of soldering metal from their father, and not in a foreign country. Respecting the various accounts of these two artists, and the time at which they lived, see Pliny, Herodotus, and Pausanias. Pliny says that Pastelo called the art of modeling clay the mother of the art of casting figures in metal (στιατορία), and this passage has been explained as if Pastelo meant to say that in Samos the former of these arts had given rise to the latter. But this is manifestly wrong; for, from the words which follow in the text of Pliny, it is clear that the meaning is, that he never executed any work in metal, marble, &c., "without previously making a model in clay. Statues of gods in marble clay, though in general more used for domestic and private than for public worship, continued to be given as gifts. Many specimens of small dimensions and of very rude workmanship have been discovered in Attic graves. Ornaments and reliefs on houses, porticoes, and temples, were likewise very commonly made of clay, especially at Corinth and in the Ceramicas. Representations of the gods in marble are not mentioned in Homer, although they may have existed in his time as well as statues of wood, which are

1. (Ruhnken ad Tim., p. 2.)—5 (li., xi., 36, &c.—Hered. 
2. 5. 
3. (Li., 1., vii., 33, &c.,—Lanckor. 
8. 914
II. Second Period, from Ol. 50 to Ol. 75. (590-580 B.C.)

This period, although comprising no more than one century, developed all the elements which combined to make Grecian art what it became during the third and most flourishing period of its history. Greece now came into close contact with the nations of the East and with Egypt; commerce flourished at Corinth, Ægina, Samos, Miletus, Phocaea, and other places; gold became more abundant in Greece, and the multitude of young men who sprang up in several parts of Greece surrounded themselves with splendour and magnificence, and acted as the patrons of art to palliate their own usurpation. But all these were only external influences, and could not have produced a nation of artists like the Greeks. Epic poetry had gradually created in the minds of the people more defined ideas of the gods, which, along with the belief that they had been the founders of the ancient public, began to make men look beyond what was conventional and traditionary. The athletic and orcheatic arts attained about Ol. 50 a high degree of perfection, and the circumstance that about the same time the gymnastic and athletic contests at the great public festivals began to be performed naked, directed the attention of the public to these artists, and rendered them familiar with the beautiful forms of the human body. But the imitation of nature was at first of a very hard and severe character, and the influence of conventional forms still acted in many cases as an obstacle.

The number of artists who flourished during this period is truly astonishing. It has been said that the close connexion of other and ancient as well as of art shrinks from it in disgust. The drapery is likewise stiff, and the folds are very symmetrical, and worked with little regard to nature. As the arts, during this period, were chiefly employed in the service of religion, they could, notwithstanding the many mechanical discoveries of the time, make but slow progress towards the production of works of sublimity or beauty; for in the representations of the gods for public worship, adornment of temples and customs, were retained, and repeated without the artist being allowed, even if he was able to do it, to depart from these forms, or to introduce any material change. Art, therefore, could not make any great progress until it was applied to purposes in which the artist's genius was not restrained by religious custom, and not bound to conventional forms. Religion, although the murmuring mother of the arts in infancy, became a tedious restraint when they grew up to manhood. But, as soon as other spheres of action were opened, religion, in her turn, could not escape from the influence of the advancement of the arts, and the old conventional forms in many places gave way to works of real merit and genius. This great and important change took place about and after Ol. 50.
great school of sculptors in marble, in which Bupas and Anthermus were the most distinguished, about Olympia 60. Their works were scattered over various parts of Greece, and their value may be inferred from the fact that Augustus adorned with them the pediment of the Temple of Apollo on the Palatine. These works must be supposed originally to have belonged to a Greek temple of the same god, and must certainly have been of superior beauty to the works discovered in the island of Eginia, otherwise Augustus would not have chosen them as ornaments for the Palatine temple. Sicyon also possessed a celebrated school of sculptors in marble, and about Ol. 50 Dipenus and Scyllis, who had come from Crete, were at the head of it, and executed several marble statues of gods. In Aetolia, whether they withdrew for a time, and at Argos, there likewise existed works in marble by these artists. Disciples of them, such as Dorycleidas, Medon, and Theocles, were engaged at Sparta and in other places. Respecting Magna Graecia and Sicily we know few particulars, though it appears that the arts here went on improving, and continued to be in advance of the mother-country. The most celebrated artists in southern Italy were Dames of Croton and Pythagoras of Rhegium.

In Attica, from early times, to be the seat of a distinguished school of artists. Here Canachus and Aristocles flourished about Ol. 70 as sculptors in metal, though the former was also celebrated in the art of carving in wood and in teoretic. Pliny calls Sicyon *divi officinarum omnium metallorum patria.* Canachus, whose works Cicero*** calls more rigid and hard than was consistent with true art, was the most distinguished among the Sicyan artists, and his skill found employment in other parts of Italy also. His most celebrated work was a colossal bronze statue of Apollo Phileius in the Didymaean, the description of which may give us an idea of the character of temple-statues at this period. The whole figure was stiff, very muscular, and without any elegance. In his right hand, which was stretched out, the god held a fawn, and in the left, which was somewhat lower, a bow. The features of the countenance were hard, and worked in the old hieratic style: the hair was divided, and hung down like wire, with little curls at the end. In *Eginia* the arts appear likewise to have continued to flourish as before, and the most celebrated among its artists was Callimachus. The latter, who was the most distinguished among the Sicyan artists, and his skill found employment in other parts of Italy also. His most celebrated work was a colossal bronze statue of Apollo Phileius in the Didymaean, the description of which may give us an idea of the character of temple-statues at this period. The whole figure was stiff, very muscular, and without any elegance. In his right hand, which was stretched out, the god held a fawn, and in the left, which was somewhat lower, a bow. The features of the countenance were hard, and worked in the old hieratic style: the hair was divided, and hung down like wire, with little curls at the end. In *Eginia* the arts appear likewise to have continued to flourish as before, and the most celebrated among its artists was Callimachus. The latter, who was the most distinguished among the Sicyan artists, and his skill found employment in other parts of Italy also. His most celebrated work was a colossal bronze statue of Apollo Phileius in the Didymaean, the description of which may give us an idea of the character of temple-statues at this period. The whole figure was stiff, very muscular, and without any elegance. In his right hand, which was stretched out, the god held a fawn, and in the left, which was somewhat lower, a bow. The features of the countenance were hard, and worked in the old hieratic style: the hair was divided, and hung down like wire, with little curls at the end.

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In *Eginia* the arts appear likewise to have continued to flourish as before, and the most celebrated among its artists was Callimachus. The latter, who was the most distinguished among the Sicyan artists, and his skill found employment in other parts of Italy also. His most celebrated work was a colossal bronze statue of Apollo Phileius in the Didymaean, the description of which may give us an idea of the character of temple-statues at this period. The whole figure was stiff, very muscular, and without any elegance. In his right hand, which was stretched out, the god held a fawn, and in the left, which was somewhat lower, a bow. The features of the countenance were hard, and worked in the old hieratic style: the hair was divided, and hung down like wire, with little curls at the end.
those who had gained the victory thrice were allowed to have iconic statues erected, yet they were destined to preserve the memory of the particular physical powers and the bodily development of the athletes, or even to show the peculiar skill or the peculiar stratagems by which an athlete had excelled and overcome his adversary, and thus afforded to the artists numerous opportunities of representing figures in a variety of attitudes and actions. 1 Statues erected in public, or dedicated in temples in honour of others and ages now forgotten, are men- tioned during this period, but they appear generally to have been portraits (elávées, statuæ iconicae). The earliest statues of this kind we know of are those of Cleobis and Biton of Argos, which were dedicated in the Temple of Delphi about O1. 50. 2 The first iconic statues of Harmodius and Aristogiton were made by Antenor in 509 B.C., and in 477 B.C. new statues of Selinuntine Greeks, which were destroyed by Critias. It is allowed on all hands that nothing contributed more to the advancement of statuary than the contests at the public games, as they not only rendered the artists familiar with the greatest variety of attitudes, and with the most beautifully developed forms of the bodies of the athletes, but also afforded them numerous opportunities to represent those attitudes which were later seen and admired. The widest field for study and exercise was thus opened to the artists.

We have seen that, at a very early period of Gre- cian art, attempts were made to adorn the outside of temples and other public buildings, but it was not till the period we are now entering that it became customary to adorn the pediments, friezes, &c., of temples with reliefs or groups of statues of marble. We still possess two great works of this kind, which are sufficient to show their general character during this period. 1. The Selinuntine Marbles, or the metopes of two temples on the acropolis of Seleucia in Sicily, which were discovered in 1823 by W. Harris and Sam. Angell, and are at present in the Museum of Palermo. Those belonging to the western temple appear to have been made at the beginning of this period, as they show a very great resemblance to the works in the hieratic style. The figures of the other or middle tem- ple show indeed a considerable advancement of the art, but the works of the same person, which may have possibly been executed a short time before O1. 75. 3 The Eginatian Marbles were dis- covered in 1812, in the island of Ægina, and are now at Munich in the collection of the King of Bavaria. They consisted of eleven statues, which adorned two pediments of a temple of Athena, and represent the gods leading Æneas against Troy, and contain manifest allusions to the war of the Greeks with the Persians. Many small holes in the marble render it probable that originally sev- ral parts of these statues, perhaps the armour, were of bronze, and fixed to them with nails. The general character of these Éginatian statues is a mixture of the archaic style and an anxious imitation of nature; the hair is wavy, and traces of paint are visible on all parts of the statues with the ex- ception of those representing the flesh. 4

Besides these, a great number of works in bronze and marble of this period are still extant; they are partly roun figures or statues, and partly reliefs. Some of the best specimens in marble relief, which seem to form the transition from this to the third period, are preserved in the British Museum. 1 It is not always easy to say whether a work made in the archaic style is really as old as the third period, as this style was never entirely abandoned, and was retained in temple-statues even under the Roman emperors.

III. Third Period, from O1. 75 to O1. 111. (480—336 B.C.)

During this period Athens was the centre of the fine arts in Greece. The Persian wars awakened in the hearts of the people the feeling and the con- viction of their own power, and the Greeks, who had at first only warded off the attacks of the barbarians, now felt strong enough to act on the offen- sive. Thus Athens in 472 B.C. to the supremacy in the wars against Persia. Athens had now acquired a powerful navy, and the tributes of the allies, which amounted at different times from 460 to 1200 tal- ents, and which, from 462 B.C., were deposited in the treasury at Athens, raised the city to a height and power, the character of which belied. Only a small portion of those treasures were spent upon war; the rest was applied at first to the fortifi- cation of the city, and afterward to the building of temples, porticoes, theaters, gymnasium, &c. Among them we need only mention the Theseum, the Par- thenon, the Propylaæ, the stone theatre, the Pæcile, and the Odeum. After the wars with Persia, Athens became a great and wealthy city, which meant exhausted or broken down, but refreshed and strengthened, like nature after a heavy storm.

Statuary during this period went hand in hand with the other arts and with literature; it became emancipated from its ancient fetters, from the stiffness and conventional forms of former times. The free and natural style of the fifth century showed its influence in all departments of literature and art, and among the latter statuary reached its culminating point in the sublime and mighty works of Phidias. The democratical spirit did not, how- ever, lead to any kind of extravagance in the arts: no vehement passions or actions were represented; rather, the mind of the artist sought the sublime and the beautiful in the grandest and most simple things; a new gen- eration now stepped into the path of the heroic race which had partaken in or witnessed the mem- orable events of the Persian war. Sensuality and an indulgence of the passions became the prominent features in the character of the Athenian people; and the prevailing desire after pleasures and strong excitements could not fail to produce an injurious influence on the art of that time. These were the same works which were produced after the year 380 B.C., there was no longer that calm and sublime majesty which characterized the works of Phidias and his more immediate followers, but the figures were more pathetic, and calculated to have a greater effect upon the senses of the beholders. The different stages of the artist's period are more easily perceived by the most striking analogy with the three plagues of tragedy, as they lie before us in the works of the three great dramatists, Æschylus, Sophocles, and Euripides.

Argos was, next to Athens, the most distinguished seat of the arts during this period, and the works of the Athenian and Argive artists spread over all Greece, and became the models for other Greek artists.

1. (Vid. Combe, Marbleis of the Brit. Museum, ii., pl 6 and 7; Specimens of Anc. Sculpture, pl. 11.)
STATUARY.

The development of statuary at Athens and Argos had been prepared by Calamis of Athens and Pythagoras of Rhegium, the former of whom, although not quite free from the hardness of the earlier style, yet produced a great variety of works, among which are mentioned representations of gods in a sublime style, graceful statues of women, and spirited horses, in which he was unrivaled.\(^1\) Pythagoras was distinguished for the perfection with which he expressed the muscles, veins, and hair in his athletic statues, for the beautiful proportions and the powerful expression of these statues, which, as Pliny says, made the beholders feel the pains which the individuals represented were suffering.\(^2\) Some of the statues of this artist have been described by Quatremère.\(^3\) The career of Phidias the Athenian begins about Ol. 82. The genius of this artist was so great and so generally recognized, that all the great works which were executed in the age of Pericles were placed under his direction, and thus the whole host of artists who were at that time assembled at Athens were engaged in working out his designs and ideas.\(^4\) He himself was chiefly engaged in executing the colossal works in ivory and gold, the expenses of which were supplied by the Greek states with the greatest liberality, and other works in bronze and marble. The first among these works is the statue of Pallas Parthenos (made about Ol. 83, 3), of ivory and gold. The statue was twenty-six cubits in height, and represented the goddess in her chariot with her two maidens, in a most powerful expression of a most majestic and victorious being. A description of the statue is given by Pausanias.\(^5\)

It was frequently imitated in antiquity in marble statues and upon coins, and from these imitations, and the descriptions we possess of it, Quatremère de Quincy\(^6\) has made a very unsuccessful attempt at restoring the original statue. The robe which Pallas wore and her four horses, through which its thickness was not much above a line,\(^7\) was not taken off and used for other purposes in the time of Demetrius Poliorcetes. The style of this was, like that of all the works of Phidias, extremely simple, yet grand and sublime; the helmet, shield, and the pedestal were beautifully adorned with scenes belonging to the story of Attica. A second work on which the artist was still more admired, was the statue of the Olympic Zeus (made in Ol. 86), who was represented sitting upon a φόνον.\(^8\)

The statue was, like that of Pallas, made of ivory and gold, and, without the pedestal, forty feet high. The great richness with which the throne, sceptre, and the pedestal of this simple but majestic representation of the father of the gods were adorned, the profound wisdom in the proportions of the colossal work, and the sublime idea which the artist had formed and here imbedded of the majesty of Zeus, made this statue one of the wonders of the ancient world. The idea of Zeus is said to have been suggested to Phidias by the celebrated verses of Homer, and the impression which the god in this work made upon the beholder was that of a god ruling in omnipotence, and yet generally inclined to listen to the prayers of man, and to grant his wishes.\(^9\)

The statue of the Olympic Zeus existed till A.D. 475, when it was destroyed in a fire at Constantinople, whether it had been transported by the Emperor Theodosius I. The most colossal statue of Phidias was his Athena Promachos, of bronze, which was fifty feet high without taking the pedes-

tal into account.\(^1\) It stood on the Acropolis, between the Parthenon and the Propylaea, rising above each of these buildings, so that it was seen at a distance by the sailors when they approached the coast of Athens. This work, however, was not completed when he died, and it was finished nearly a generation later by Myr.\(^8\) Phidias was greatest in the representation of the gods, and especially in portraying the character of Athena, which he represented with various modifications, sometimes as a warlike goddess, and sometimes as the mild and graceful protectress of the arts.\(^5\)

We do not read of many disciples of Phidias, but the students among them were Agoracritus of Samos and Alcaneus of Athens. Both, though the latter with greater independence, applied their skill, like their master, to statues of the gods; both were especially renowned for the great beauty, softness, and calm majesty with which they represented goddesses, in the composition of which they rivalled each other. Some of the statues of Alcaneus were very highly valued in antiquity, especially his Hecate, Athena, Aphrodite in the gardens, Hephaestus, and also the groups in the pediment of the temple at Olympia. The most celebrated statue of Agoracritus was the Nemesis of Rhannus, which had originally been intended as an Aphrodite to compete with that of Alcaneus, but was afterward, by the addition of proper attributes, consecrated.

We still possess a series of sculptured works in marble which were made by the school of Phidias, and some of them undoubtedly by the great master himself. These works are:

1. Some parts of the eighteen sculptured metopes, together with the frieze of the small sides of the cella of the Temple of Theseus. Ten of the metopes represent mythological subjects, while the other eight others of Theseus. The figures in the frieze are manifestly gods, but their meaning is uncertain. All the figures are full of life and activity, and worked in the sublime style of the school of Phidias. Some antiquarians value them even higher than the sculptures of the Parthenon. Casts of these figures are in the British Museum.\(^4\)

2. A fragment of the metopes of the Parthenon, which are all adorned with reliefs in marble, a great part of the frieze of the cella, some colossal figures, and a number of fragments of the two pediments of this temple. The greater part of these works are now in the British Museum, where they are collected under the name of the Elgin Marbles. They have been described and commented upon so often, that they require no further mention here. The best work, so far as the explanation of these sculptures is concerned, is Bröndsted’s Reisen, vol. ii.

3. The marble reliefs of the Temple of Nike Apteros belong, indeed, to a later age than that of Phidias, but they are manifestly made in the spirit of his school. They represent, with great liveliness and correctness of ideas, Greeks with Persians, and of Greeks among themselves. These also are at present in the British Museum.

All these sculptures breathe, on the whole, the same sublime spirit, though it would seem that some, especially some figures of the metopes of the Parthenon, were executed by artists who had not emancipated themselves entirely from the influence of an earlier age. With this exception and some other slight defects, which are probably the conse-

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of the parts of the body, that it was looked upon by the ancient artists as a canon of rules on this point. 3

Polycleitus is said to have written a work on the same subject, in which it was declared that his doctrine was intended to give a practical specimen of the rules he had laid down in his treatise. He gained a victory over Phidias in the representation of an Amazon, which must, consequently, have been a figure in the greatest luxuriance of female beauty combined with a manly character. 2

Polycleitus was also distinguished as a portrait-statues, among which that of Agathokles of Pericles, and as, far as the impression upon the senses was concerned, his works were most pleasing; but animi sensus non expressit," says Pliny. 4 The crown upon which in bronze was celebrated in all antiquity. 9

Pliny mentions a considerable number of his works, among which a dog, a discobolus, pentathl, and pancratista were most celebrated; the last of them were especially distinguished for their eurythmy, and the animation displayed in their movements, as well as for the perfection of their attitudes. Among his statues of gods we find only representations of a fessment group representing Heracles, Zeus, and Athena, which he made for the Samians. 4 In his execution of the hair, he adhered, according to Pliny, to the ancient style.

The deviation from the sublime ideality of the Attic school of Phidias was still more manifest in the works of Callimachus and Demetrius. The former executed his statues with the utmost possible accuracy and attention to the minutest details, but was careless in the conception as well as in the execution of the whole, which destroyed the value of his works, whence he was designated by the nickname of 


character of the age. There was a time when this school of statuary was considered superior even to that of Phidias, and it is indeed true that its productions are distinguished by exquisite beauty and graceful form, whereby these female statues in particular have been unrivalled; but the effect they produced upon the minds of the beholders was by no means of the same pure and elevating nature as that of the works of their predecessors. Pliny mentions a number of works of Scopas, some of which he himself saw at Rome. Among them were Aphrodite, Pothos, Phaethon, Apollo, a sitting Deme- ter, Poseidon, Thetis, Achilles, the Nereids riding on dolphins, and a number of other marine deities. When Scopas was a child, and the son of a herdsman who made stuffed models of the infant children, in which the time of Pliny stood in a Temple of Apollo at Rome, was the work of Scopas or Praxiteles, was a matter of doubt among the ancients themselves. This group was discovered in 1583, near the Porta S. Giovanni at Rome, and the greater number of its fragments is at present in the museum of Florence, but some figures are in other museums. Munich possesses the finest head of all the Niobids. It has been the subject of much discussion whether the group discovered in 1583 is the original work of Scopas or Praxiteles, or only a copy; but, although the latter is by far the more probable opinion, these remains are the most beautiful relics of ancient art; the mother Niobe herself, especially, is unrivalled. The works of Praxiteles were more nearly admired for their character than for their style. The transition in all departments of the arts, from the ancient simplicity to the representation of subjects exciting sensual desires and appetites, was exceedingly slow and gradual; and thus, although in the works of Praxiteles youthful and female beauty appears naked, and clothed with all the charms that art can bestow, and although many of his portraits are engraved on his own head, his figures are not those peculiar to the worship of Dionysus, yet we cannot say that they displayed any kind of sensuality. His most celebrated works were: 1. Figures of Dionysus, Satyrs, and Mänadens. 2. Statues of Eros for various parts of Greece. 3. Statues of Aphrodite. The most celebrated among these were the Aphrodite of Cos (εικάς δικτήρες), and, above all, the Aphrodite found at Argos (Ἀφροδίτη τῆς Αργοῦς), which stood in the church built expressly for the purpose, and open on all sides. This statue was of such extraordinary beauty, that, as Pliny states, many persons sailed to Cnidus merely for the purpose of seeing it. Some critics have asserted that the Venus known under the name of the Medicane is the Cnidian Venus of Praxiteles, or a copy of it, but Visconti has clearly proved that this is impossible. There is much more sensuality in the Medicane Venus than we have any reason to suppose existed in that of Cnidus. Praxiteles had also great reputation for his statues of the most beautiful heathen, and it is said that he took the most charming among them as models for his representations of Aphrodite. There was also a statue of Praxiteles representing Apollo, adorned Sacrocalum, or the river Lissur, which had great reputation in antiquity. Cephisosodorus and Timarchus were sons of Praxiteles. There were several works of the former at Rome in the time of Pliny: he made his art subservient to passions and sensual desires. Pliny mentions among his works a celebrated Symposium at Pergamos, which is the first instance of this kind that we hear of in Grecian art. A similar spirit pervaded the works of Leochares (a Galanides carried by an eagle up to Zeus), of Polykles, who was the first that made the voluptuous statues of Hermaphroditus, and of Silanion, who made a dying Jocaste. Leochares also made a nude and portrait-statues in ivory and gold, of members of the royal family of Macedonia, and of other persons. Such portrait-statues about this time began to give much occupation to the artists. About the year 350 B.C., several of the greatest artists of the age, such as Scopas, Leochares, Timotheus, and Ibyraxis, were engaged in Caria in making the magnificent mausoleum of Mausolus, a general description of which is given by Strabo. Most of the above-mentioned artists, however widely their works differed from those of the school of Phidias, may yet be regarded as having only continued and developed its characteristics in a certain direction; but towards the end of this period Euphranor and Lysippus of Sikyon carried out the principles of the Argive school of Polykleitos. Their principal object was to represent the highest possible degree of physical beauty, and of athletic and heroic power. Lysippus was the greater of the two: he was one of the most fruitful artists that have ever lived, for he is said to have made no less than 1500 figures. Among the heroes Hercules appears to have been a favourite subject of Lysippus, for he made several statues of him, representing him in various states, and on his figure his heroes to serve as types for subsequent artists. We still possess some representations of Hercules which are considered to be imitations of his works. The most celebrated among his portrait-statues were those of Alexander the Great. The chief characteristic of Lysippus and his school is a close imitation of nature, which even contrived to represent the details of the human figure in the most natural manner; its tendency is entirely realistic. The ideal statues of former times disappear more and more, and make way for mere portraits. Lysippus, it is true, made statues of gods, but they did not properly belong to his sphere; he merely executed them because he had received orders which he could not well refuse. His greatest care was bestowed upon the execution of the limbs, so that the proportions of the parts of the human body were made to correspond with the correct proportions of the parts of the human face, the effect of making portrait-statues slender and tall above the common standard. In short, all the features which characterize the next period appear in the school of Lysippus.

IV. Fourth Period, from Ol. 111 to Ol. 158. (336—146 BC.)

Within a few generations Grecian art had passed through the various stages of development, and each of them had produced such an abundance of masterpieces, that it was difficult for a new generation of artists to produce new and original works. Hence the periods which followed could not do so much more than imitate, and their productions were better or worse in proportion as they were founded upon the study of earlier works or not. But even this period of eclecticism has nevertheless produced statues and groups worthy of the highest admiration, and which can be placed by the side of the best works of antiquity. The very slow decay of the arts, in comparison with the rapid decline of literature, is indeed a strange phenomenon.

During the first fifty years of this period, the schools of Praxiteles and that of Silion continued
to flourish, especially in works of bronze; but after this time bronze statues were seldom made until the art was carried on with new vigour at Athens about the end of the period. The school of Lysippus gave rise to that of Rhodes, where his disciple Chares formed the most celebrated among the hundred colossal statues of the sun. It was seventy cubits high, and partly of metal. It stood near the harbour, and was thrown down by an earthquake about 225 B.C. 1 Antiquarians assign to this part of the fourth period several very beautiful works still extant, as the magnificent group of Laocoön and his sons, which was discovered in 1506 near the baths of Titus, and is at present at Rome. This is, next to Nibei, the most beautiful among the extant works of ancient art; it was, according to Pliny, the work of three Rhodian artists: Agesander, Polydorus, and Athenodorus. 2 The celebrated Parnesan bull is likewise the work of two Rhodian artists, Apollonius and Tauriscus. 3

In the various kingdoms which arose out of the conquests of Alexander, the arts were more or less cultivated, and not only were the great masterworks of former times copied to adorn the new capitals, but new schools of artists sprung up in several of them. Alexander, Pergamus, and Seleucia rivalled each other in art no less than in literature; the works of these schools were composed which represented the victories of Attalus and Eumenes over the Gauls. 4 It is believed by some 5 that the so-called dying gladiator at Rome is a statue of a Gaul, which originally belonged to one of these groups. Ephesus also had a flourishing school of art, which appears to have followed the style of Lysippus, and excelled, like that of Pergamus, in the representation of battle scenes. The Borghese fighter in the Louvre is supposed to be the work of an Ephesian Agasias, and to have originally formed a part of such a battle scene. In Syria, too, art flourished at Antiochia until the time of Antonius IV, before whose reign a number of statues had already been carried away by the kingdoms which this

such numbers of statues, the workmanship natural ly became worse in proportion as the honour sank in public estimation. During this time it became customary to combine with the statues of kings and generals symbolical representations of towns, which are called roves. In Magna Graecia a t r gradually fell into decay after the wars with the Romans; and the example of Capua, from which all the statues were carried to Rome, affords us an instance of the robberies and plunder which were committed by the Romans in other towns of Italy. But even after the Roman conquests, the cultivation of sculpture in Italy continued to be handed down to us, as we must infer from the numerous works found at Pompeii, some of which possess a higher degree of perfection and beauty than might have been expected in works of so late a date. In Sicily the activity of the artists appears to have ceased after the Roman conquest, for the numerous works with which Syracuse was adorned, and with which we are made acquainted by Cicero, 6 mostly belong to an earlier period.

Shortly before the taking of Corinth by Mummian, statues in bronze and marble were revived at Athens; and, although the artists were far inferior to those of former times, yet they still produced works of great excellence, as they showed their independence and power by the skill displayed in their successors; the subject of their works and imitation. 7 Among those who contributed most to this revival of statuary were Cleomenes (who made the Medicean Venus, an imitation of that of Cnides, but inferior in point of taste and delicacy), his son Cleomenes (by whom there is a statue in the Louvre, which shows an exquisite pre-Roman beauty, but little life), Glycon, Apollonius, and other sculptors. About the close of this period, and for more than a century afterward, the Romans, in the conquest of the countries where the arts had flourished, made it a regular practice to carry away the works of art; and, as they were unable to appreciate their value and merit, they acted, in many cases, no better than rude barbarians, regarding the most precious relics of art in no other light than that of chairs and tables, which might be made again at pleasure, and at any time. At first these robberies were carried on with some moderation, as by Marcellus at Syracuse and by Fabius Maximus at Tarentum, and only with a view to adorn their triumphal chariots; but at a later period, when victors, like Philip, Antiochus, the Ætolians, the Gauls in Asia, Perseus, Pseudo-Philip, and, above all, the taking of Corinth, and subsequently the victories over Mithradates and Cleopatra, filled the Roman temples and porticoes with the greatest variety of works of art. After the taking of Corinth, the Roman generals and governors of provinces began to show a kind of avariciousness in works of art, which was probably more owing to the fashion prevailing among the Roman grandees than to any real taste or love for the fine arts: they now robbed whatever they could to adorn their own residences. Sometimes either their avarice or necessity induced them to melt down the most precious works with which they found out a new temple, and to sell the plunder of temples, and the carrying away of the sacred statues from the public sanctuaries, which had at first been prevented to some extent by the penalties, became afterward a common practice. The manner in which Verres acted in Sicily is but one of many instances of the extent to which these robberies were carried on. The emperors, especially Augustus and Nero, were the offenders. They carried off thousands of statues, and the immense number of statues which,


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notwithstanding all this, remained at Rhodes, Delphi, Athens, and Olympia, is truly astonishing.  

Before we proceed to describe the state of statuary during the last stage, in which Rome was the centre of the ancient world, it will be necessary to give an outline of the history of statuary among the Etruscans and Romans down to the year 146 B.C.

The Etruscans were, on the whole, an industrious and enterprising people. Different hypotheses have been proposed to account for the cultivation of the arts, in which this nation excelled all others in central and northern Italy, as well as for the peculiar style in some of their productions. Some writers think that it was owing to colonies from Lydia, which were established at Cæren and Tarquinii; others, that the Etruscans themselves were a Pelasgian tribe. With the works of Grecian art they must have become acquainted at an early time, through their intercourse with the Greeks of southern Italy; and their influence upon the art of the Etruscans is evident in numerous cases. The East, also, appears to have exercised some influence upon the Etruscans, as many works of art found in Etruria contain precisely the same representations as those which we find in Asia, especially among the Babylonians. However this may have been effectuated, we know for certain that the whole range of the fine arts was cultivated by the Etruscans at an early period, as the clay (terra sigillata) which supported the place of wood, diaeta, which was used in Grecian art, and bronze appears to have acquired a high degree of perfection. In 267 B.C., no less than 3000 bronze statues are said to have existed at Volscini, and numerous works of Etruscan art are still extant, which show great vigour and life, though they do not possess a very high degree of beauty. Among these we may name the Chimaera (at Florence); the Capitoline She-wolf, which was dedicated in B.C. 296; the Minerva of Arezzo (now at Florence), and others. Some of their statues are worked in a Greek style; others are of a character peculiar to themselves, and entirely different from works of Grecian art, being stiff and ugly; others, again, are exaggerated and forced in their manner of treatment, and the awkwardness with which we meet with in the representations of Asiatic nations. Etruscan utensils of bronze, such as candelabra, paterae, cups, thrones, &c., embellished with various ornaments and figures, were very highly valued in antiquity, and even at Athens at a time when the arts were still flourishing there. Their works in stone, especially the alto and basso relievo, which are found in considerable numbers on chests containing the ashes of the dead, are, with few exceptions, of very inferior merit.

The Romans, previously to the time of the first Tarquin, are said to have had no images of the gods, and for a long time afterward their statues of gods in clay or wood were made by Etruscan artists. During the early part of the Republic, the works executed were of inferior merit. The statues were flat and unmeaning; and, though the technique was perfect and useful, and not of an ornamental character, and statuary was, in consequence, little cultivated. But in the course of time, the senate and the people, as well as foreign states, which were indebted to some Roman, began to erect bronze statues to distinguished persons in the Forum and other places. The earliest works of this kind which we can consider as really historical will be the statues of Attis treated by Mnesicles outside the Porta Trigemina, and of Pythagoras and Alcibiades, which stood in the corners of the comitium then the year B.C. 314 down to the dictatorship of Sulla. The last two statues were undoubtedly of Greek workmanship. The earliest metal statue of a deity was, according to Pline, a Ceres which was made of the confiscated property of Spurius Cassius, about 485 B.C. Two other metal statues of gods were the Capitoline Hercules, 306 B.C., and the colossal statue of the Capitoline Jupiter, which, according to Livy, was made about 490 B.C. The number of statues of men in the Forum appears soon to have become very great, and many persons seem to have had them erected there without any right; hence, in 161 B.C., the censors P. Cornelius Scipio and M. Popilius removed from the Forum all statues of magistrates which had not been erected with the sanction of the senate or the people. A statue of Cornelia, the mother of the Gracchi, stood in the porch of Metellus. The artists by whom these and other statues were executed were undoubtedly Greeks and Etruscans.

V. Fifth Period, from Ql. 158 (B.C. 146) to the fall of the Western Empire.

During this period Rome was the capital of nearly the whole of the ancient world, not through its intellectual superiority, but by its military and political power. But it nevertheless became the centre of an art and literature, as the artists resorted thither from all parts of the Empire for the purpose of seeking employment in the houses of the great. The mass of the people, however, had as little taste for, and were as little concerned about the arts as ever. In addition to this, there was still a strong party of the Romans who, either from an affected or an honest contempt for the Greeks, entertained the vain hope of being, at once, the first and the last in literature and art. These circumstances account for the fact that a man like Cicero thought it necessary to conceal and disguise his love and knowledge of the fine arts. It was, therefore, only the most distinguished and intellectual Romans that really loved and cherished the arts. This was both a fortunate and an unfortunate circumstance: had it not been so, art would have persisted at once; now it continued in some degree to be cultivated, but it experienced the same fate, which it has met with at all times, when it has continued its existence without the sympathies of the people, and merely under the patronage of the great. Notwithstanding these unfavourable circumstances, there were a number of distinguished artists at Rome during the latter period of the Republic, who had really imbibed the spirit of the ancient Greeks, and produced works of great beauty and merit. We need only mention such names as Pasi-telea of southern Italy, who was a Roman citizen, and made an ivory statue of Jupiter for the Temple of Metellus; Arcesilaus, of whom Pline mentions several highly valued works, and whose models were prized more than the statues of others; De- 

1. (Vid. Weikel, Uber die Wegfuehrung der Alten Kunst durch die Antiken Mutter, Arch. Mitt. 185, &c., 2. (Pline, H. N., xxiv, 16, 18.—Compare Vitr., iii, 2, 3.—(Dionysus, i, 79.—Liv, x, 23, 4. (Athens, i, p. 28; x, p. 700, 3. (Pline, H. N., xxxv, 45; xxxiv, 16, 6. (Id., Ob., xxxiv, 14, 7. (Id., xxxv, 11.—Cic., De Div., 1, 11.)

2. (Pline, H. N., xxxv, 12.) — 2. (Id., xxxiv, 9.) — 3. (Liv, iv, 44, 4. (Id., ix, 40; x, 25.—Pline, H. N., xxxv, 15.— (Id., id, xxxiv, 16.— (Horat. ad Puteae, 283.—Petru, 86.— (Pline, H. N., xxxiv, 4, 9, 16.— (Senec. Epist. 83.— (H N, xxv, 2.)
groups. Pliny mentions such Craterus, Pythodorus, Polydeuces, Hermolaoi, a second Pythodorus, Artemon, and Aphrodissius of Tralles. In the time of Nero, who did much for the arts, we meet with Zenoecorus, a founder of metal statues, who was commissioned by the emperor to execute a colossal statue of 110 feet high, representing Nero as the Sun. The work was not completely executed, as the art of using the metal had fallen into oblivion. In A.D. 75 the statue was consecrated as a Sol, and was afterward changed into a statue of Commodus by altering the head. The principal sculptors worked at that time under the patronage of the Egyptians. 1. Reliefs on public monuments, such as those adorning the triumphal arch of Titus, which represented the apotheosis of the emperor, and his triumph over Judæa. The invention and grouping of the figures are good and tasteful, but the execution is careless. The same may be said of the reliefs of the Temple of Minerva in the Forum of Domitian, in which the drapery in particular is very bad. 2. Statues and busts of the emperors. These may again be divided into classes, and are easiest distinguished by the costumes in which they are represented. They are (a) faithful portraits in the costume of ordinary life (toga), or in the attire of warriors (warriors thora- cate), generally in an attitude as if they were advancing or retiring. (b) Allegorical representations of Augustus in the palace Grimaldi. To this class also belong the equestrian statues, and the statues upon triumphal cars with from two to six horses, and sometimes even with elephants, which were frequently made for emperors out of mere vanity, and without there having been any real triumph to occasion such a work. (c) Statues in a partaking of the individual in an exalted, heroic, or deified character. Among those were reckoned the so-called Achillian statues, which were first made in the time of Augustus; they were naked, and bore a basta in one hand; and, secondly, statues in a sitting position, with the upper part of the body naked, and a pallium covering the loins. These statues, as representing an emperor as Jupiter, but sometimes also as an Apollo. This method of representing an emperor as a god was at first practised with much good taste. The statues of the ladies of the imperial families are likewise either simple and faithful portraits, or they are idealized as goddesses: specimens of each kind are still extant. (d) Sculptures in the round, the more beautiful, of combining allegorical representations of towns and provinces with the monuments erected in honour of the sovereigns, was sometimes followed by the Romans also, and some of them were made by very distinguished artists. In the reign of Trajan, the column of Trajan, with sculptures representing the victory of this emperor over the Dacians, and other similar works, were executed. We also possess a beautiful colossal statue of Nerva in the Vatican, and in the Louvre there is a beautiful statue thoracata of Trajan, and several fine busts of the same emperor. Down to the reign of Hadrian, statuary had become more and more confined to the representation of subjects of a common nature, such as the life and reign of emperors, the victories at Rome, and other similar works, were executed, but the records of victories in the reliefs on the public monuments, and the various kinds of statues of the emperors and the members of their families. But in the reign of Ha- drian the arts seemed to begin a new era. He himself was undoubtedly a real lover and connoisseur of art, and he encouraged it not only at Rome, but in Greece and Asia Minor. The great villa of Trajan below Tivoli, the ruins of which cover an extent of ten Roman miles in circumference, was richer in works of art than any other place in Italy. Here more works of art have been dug out of the ground than anywhere else within the same compass. Hadrian was fond of the ancient forms in art as well as in language, and many works in the archaic style still extant may have been executed at this time. Some statues made at this time combine Egyptian stiffness with Greek elegance, and a frequent appearance is Greek heads with bodies such as that of Isis, are half Greek and half Egyptian. But by the side of this strange school there existed another, in which the pure Greek style was cultivated, and which has produced works worthy of the highest admiration. Foremost among these stand the statues and busts of Antinous, for whom the artists entertained a passionate partiality, and who was represented in innumerable works of art. The colossal bust of Antinous in the Louvre is reckoned one of the finest works of ancient art, and is placed by some critics on an equality with the best works that Greece has produced. The two cen- tauries of black marble on the Capitol probably belong to the reign of Hadrian; one of them is executed with great spirit, and represents the object of his religious mania, Eros riding on his back; the other looks more like an intoxicated satyr. There are also some very good works in red marble which are referred to this period, as it is not known to have been used before the age of Hadrian. As the arts had received such encouragement and brought such results in the reign of Hadrian, the effects remained visible for some time during the reign of the Antonines. Antoninus Pius built the great villa at Lanuvium, of which ruins are still extant, and where many excellent works of art have been discovered. But sophistry and pedantic learn- ing now began to regard the arts with the same contempt as the ignorance of the Romans had formerly done. The frieze of a temple, which the senate caused to be erected to Antoninus Pius and Faustina, is adorned with griffins and vessels of very exquisite workmanship; but the busts and statues of the emperors show in many parts an affected elegance, while the features of the counte- nance are tasteless and trivial copies of nature. In the time of Marcus Aurelius, the equestrian statue of Marcus Aurelius of gilt bronze, which stands on the Capitol, and the column of M. Aurelius, with reliefs representing scenes of his war against the Marcomanni. The busts which we possess of M. Aurelius, Faustina, and Lucius Verus, are executed with very great care, especially as regards the hair. The number of the extant busts of the Antonines amounts to above one hun- dred; and the rate at which busts of emperors were sometimes multiplied, may be inferred from the fact that the senate sometimes ordained that the bust of an emperor should be in the house of every citizen. After the time of the Antonines, the symptoms of decline in the arts became more and more visible. The most numerous works continued to be busts and statues of the emperors, but the best among them are not free from affectation and mannerism. The hair, especially in the representations of male figures, becomes gradually utterly tasteless; and instead of the natural hair, the artists made it a point to show that it was a large peruk, which in some cases might be put on and taken off at pleasure. (Vid. Galerius.) In the time of Caracalla many statues were made, especially of Alexander the Great. Alexander Severus was a great admirer of...
tatoes, not from a genuine love of art, but because
deighted in the representations of great and good
men. The reliefs on the triumphal arch of Sep-
timius Severus, representing his victories over the
Parthians, Arabs, and the Adiabænians, have some-
ty any artistic merits. During this time of decay the
custom arose of adorning the sarcophagi with
figures in high relief, representing scenes from the
legend of Demeter, Dionysus, and from the be-
trope ages of Greece; sometimes, also, the fable of
Eros and Psyche: all these contained allusions to
the immortality of the soul. Art, however, now
decayed with great rapidity; busts and statues were
more seldom made than before, and are awk-
ward and poor; the hair is frequently indicated by
nothing else but holes bored in the stone. The
reliefs on the sarcophagi gradually became monoton-
ous, lifeless, and evidently executed without spirit.
The reliefs on the arch of Constantine, which are
not taken from that of Trajan, are perfectly rude and
worthless, and those on the column of Theodosius
were not better.
At this time the art, in the proper sense of the
word, ceased to exist; statues of victors in the
public games continued to be erected down to the
fourth, and statues of the emperors (at Constanti-
ople) down to the eighth century; but at Rome,
as at Constantine, those who were honoured in
this way were more concerned about their rank and
dress being properly represented in their statues,
than about any perfection of the plastic art.
Artistry became mere manual labour, and required
nothing but mechanical skill. At Constantinople,
however, where statues had been collected from Rome,
Greece, and Asia Minor, the events of history al-
lowed the plastic arts to die away more gradually
than in Italy.
Art, even excluding, it remains to say a few words
in the destruction of ancient works of art. During
the latter part of the reign of Constantine, many sta-
tues of the gods were destroyed and melted down,
and not long after his time a systematic destruction
began, which under Theodosius spread over all parts
of the Empire. This spirit of destruction, however,
was not directed against works of art in general and
as such, but only against the pagan idols. The
opinion then prevailing, which is, that the losses we
have sustained in works of an-
cient art are mainly attributable to the introduction
of Christianity, is too sweeping and general.
Of the same character is another opinion, according
to which the final decay of ancient art was a conse-
quence of the spiritual nature of the new religion.
The coincidence of the general introduction of Chris-
tianity with the decay of the art is merely acci-
dental. That the early Christians did not despise
the arts as such, is clear from several facts. We
know that they erected statues to their martyrs, of
which we have a specimen in that of St. Hippolitus
in the Vatican library; and it is expressly stated that
Christians devoted themselves to the exercise of the
arts. The numerous works, lastly, which have been
found in the Christian churches of Rome, might alone
be a sufficient proof that the early Christians were not hostile towards the rep-
resentation of the heroes of their religion in works of
art. The hostility, such as it appears in the wris-
tings of Augustin, cannot therefore have been gen-
eral: and, in fact, Christianity during the Middle
Ages became as much the mother of the arts of modern
Europe as the religion of Greece was the mother of
ancient art. Another very general and
yet incorrect notion is, that the Northern barbarians,
after the conquest of Rome, intentionally destroyed
works of art. This opinion is not supported by any
of the contemporary historians, nor is it at all prob-
able. The barbarians were only anxious to carry
with them the most precious treasures in order to
enrich themselves; a statue must have been an ob-
ject of indifference to them. What perishable, par-
ticularly naturally by the circumstances and calamities
of the times: in times of need, bronze statues were
melted down, and the material used for other pur-
poses; marble statues were frequently broken to
pieces and used for building materials. If we con-
sider the history of Rome during the first centuries
after the conquest of Italy by the Germans, we have
every reason to wonder that so many specimens of
ancient art have come down to our times.

STELA.] (στιλή). One of the most curious speci-
mens of architecture, a festival with contests, cele-
brated by the Argives in honour of Zeus, surnamed
Sthenius, who had an altar, consisting of a large
rock, in the neighbourhood of Hermione. Plutarch
states that the πάλη or wrestling, which formed a
part of the contests at this festival, was accompa-
nied by a flute; and he also mentions a tradition,
according to which the festival had originally been
held in honour of Danaus, and that it was afterward
consecrated to Zeus Sthenius.

STIBIDAUM. (Vid. Menra, p. 633.)

STIBIUM or STENIA, a Sulphur of Antimony,
used from the earliest times, and still employed at
the present day in the East for tinging black
the hair and eyebrows, the eyelashes and edges of the
lids; this last application being with a view to in-
crease the apparent size of the eye. "Pliny's de-
scription of stibium," says Dr. Moore, "does not
suit, in all respects, the common sulphur of anti-
mony; but this mineral may have been found then
and more frequently associated, as it now sometimes is
with this oxide, or with the alkaliferous sul-
phur, to enable the Lepidus, Pliny, or his imita-
tor, to represent it as 'candida nitensque' might be with propriety
applied." Hardouin correctly states, according to
Adams, that the ancient works were probably un-
accounted for pure antimony, which is a factitious
substance, or, at least, is rarely found as a native
ore. It is called retipisnwm by Hippocrates, from
its being made into pastes of a soluble form. On
the ancient antimony, consult Pliny's Natural His-
tory.

STILLICDIUM. (Vid. Serivitos, p. 878.)

STILUS or STYLiUS is in all probability the same
word with the Greek στυλος, and conveys the gen-
eral idea of an object taping like an architectural
column. It signifies,

1. An iron instrument, resembling a pencil in
size and shape, used for writing upon waxed
tables. At one end it was sharpened to a point
for scratching the characters upon the wax, while
the other end, being flat and circular, served to render
the surface of the tables smooth again, and so to
obliturate what had been written. Thus everti
stilum means to erase, and hence to correct, as in
the well-known Latin phrase, \\n
2. A sharp stake or spile placed in pitfalls before

1. (Winkelmann, Gesch. der Kunst.—Meyer, Gesch. der bil-
denden Künste bei den Griechen.—F. Thiersch, Uber die
epothetische Schrift der Echernios.—K. O. Chiller, Archiv der
Kunst, 2d ed., 1835.)—2. (Ilesch, s. v. ?99

—Compare Paus., ii. 38: 7: 24: 6: 3. (2, Del.)

3, Mus, p. 1140, c. 4. (Dioscor., ii. 29: 11. 24.—H. H., xxvii—

—34. Adan. at Plan, i—: 1.—Adams. Appendix. s. v. Moore's Anc.

—Compare Paus., ii. 38: 7: 24: 6: 3. (2, Del.)

4. (Dioscor., ii. 29: 11. 24.—H. H., xxvii—

—34. Adan. at Plan, i—: 1.—Adams. Appendix. s. v. Moore's Anc.

—Compare Paus., ii. 38: 7: 24: 6: 3. (2, Del.)

5. (Ovid, Met., i—: 251.—Mart., xiv. 21.—

6. (Ovid, Met., i—: 251.—Mart., xiv. 21.—

7. (Mart., xiv. 21.)

8. (Suet., Claud. 35.)—12. (Mus. Borrom., tom. ii. 35.)

924
**STIPENDIUM.**

It was intended to embarrass the progress of an attacking enemy. It was to be paid to the same purpose as the contrivances called *cippi, lilia, and stimuli* by Cassar. 2

3. A bronze needle or rod for picking worms off fruit-trees 3 also a wooden probe employed in gardening operations.

It bears, also, the meaning of the stem of a tree or vegetable, 4 which is, perhaps, the primary significance of *στρογγυλος.*

*STIMMI*, the Greek name for what the Romans called *Stibium.* (Vid. *Stimnum.*)

**STIPENDIAРИI.** The stipendiaria urbes of the Roman province were so denominated, as being subjects of the state whose pay was not Lev. monopoly, but *"stipendium,"* in contradistinction to the vectigalae, who paid a certain portion, as a tenth or twentieth of the produce of their lands, their cattle, or customs. The word *"stipendium"* was used to signify the tribute paid, as it was originally imposed for, and afterward appropriated to, the purpose of furnishing the Roman army with horses, which were of the most material importance as auxiliary forces.

The condition of the urbes stipendiariae was not easy, but the distinction between the two terms was not always observed. 7 The word *stipendiarius* is also applied to a person who receives a fixed salary or pay, as a *"stipendiaria miles,"* a phrase which is sometimes used to denote a veteran who has received pay for many years, or served in many campaigns. 8 Some MSS. have stipendious in the passage last quoted, which is, perhaps, a better reading. 9

**STIPENDIUM,** a pension or pay, from *stipem* and *pendo,* because, before silver was coined at Rome, the receipt of money was paid by weight and not by tale. According to Livy, the practice of giving pay to the Roman soldiers (ut *stipendium miles de publico accipere*) was not introduced till B.C. 405, on the occasion of the taking of Tarracina or Anxur. He represents the change as the spontaneous and unsolicited act of the senate; but from another passage 10 we learn, that in the year 421 B.C. the tribunes had proposed that the occupiers of the public land should pay their *vectigal* regularly, and that it should be devoted to the payment of the troops. The concession was probably accelerated by the prospect of the last war with Veii, and made with a view of conciliating the plebs, who, without such some favour, would in their then humour have refused to vote for the army law and proposals, and the funds for the payment to have been raised by a *tributum* or general tax; but, as Arnold observes, 11 'The vectigal or tithe due from the occupiers of the public land was to provide pay for the soldiers; and if this were not sufficient, it was to be made good by a tax or tribute levied upon the whole people. This tithe, however, was probably paid very irregularly, and hence the pay of soldiers would, in point of fact, be provided chiefly out of the tributum.' 12 A few years after this session (33 C. 403), during the hostilities against Veii, a certain amount of pay was assigned (cessus numerus eris est assisa natura) to the knights also, or *Equites,* p. 416. Livy, however, seems to be here speaking of the citizens who possessed an equestrian fortune, but had no horse (equus publicus) assigned to them by the state; for it had always been customary for the knights of the 18th centuries to raise this sum from the common treasury in the shape of an allowance for the purchase of a horse, and a yearly pension of 2000 *asses* for its keep. (Vid. *Æs Eques†rium, Æs Hordarium.)* Hence Niebuhr 13 doubts the accuracy of the account which is given by Livy, 14 and observes that 'the Veientine war cannot have been discussed at a council, and the idea of giving pay to the troops was first established: the errarii must undoubtedly have always continued to pay pensions (capite) to the infantry, in the same way as single women and minors did to the kings: and the change consisted in this, that every legionary now became entitled to pay, whereas the number of pensioners had previously been limited by that of the cavalry and horses provided for them. The deficiency was supplied out of the *aerarium* from the produce of the vectigal, and when this failed, by a tribute levied even from those plebeians who were themselves bound to serve.' Consequently, the tribunes murmured that the tribute was only imposed for the sake of ruining the plebs. 14 In support of this opinion, Niebuhr advances the argument that at least it make very probable that the *paterna legislation* of Servius Tullius provided for the pay of the infantry in the manner mentioned; but even admitting this, the practice might have been discontinued, so as to justify the statement made on this subject by Livy. We have no place to repeat or discuss those who differ from him, and therefore simply refer to them in vol. i., p. 374, and vol. ii., p. 441, of his History. According to Polybius, 15 the daily pay of a legionary amounted, in his time, to two oboli, which, as he makes a drachma equivalent to a denarius, and a denarius, in paying the soldiers, was then estimated at ten *asses,* and not at six, as fate has since supposed. In an ancient transaction, he gives 33d *asses* a day, or 100 a month. Now the yearly pension of the knights (2000 *asses*), observes Niebuhr, gives, if we take the old year of 10 months, 200 *asses* a month; just double the pay of the foot-soldiers. In later times the knights received triple pay (triplex *stipendium merebantur*). This allowance was first established by the military tribune Cn. Cornelius Cossus (400 B.C.), and, according to Niebuhr, was then designed as a compensation to those who served with their own horses: it did not become the general custom till some time afterward. Polybius 16 thus speaks of the stipendium of his day, which he calls ἐνδείξεως, as St. Luke 17 also does.

The foot-soldier receives as pay two oboli a day; the horse-soldier, 13d a day of the concession (13 C. 403), and a drachma or denarius. The foot-soldiers also receive in corn every month an allowance (δεμενὸν) of 6s of an Attic medimnus, or about 2 bushels of wheat; the horsemen 7 medimni of barley and 2 of wheat. The infantry of the allies receive the same allowance (αὐτομενὸν ἐδόθη) as the Roman; but instead of 13d a day of the concession of wheat and 5 of barley. But there is this difference, that their pay is received as a gratuity; the Roman

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2. (Livy, v., 7, 2.—i., 474, and ii., p. 441.)—3. (iv., 59.)—4. (Livy, iv., 60.)—5. (I.e., v., 37, 7. (Pliny, l.e., 8.—vi. 37.)—6. (iii, 16.)
STREBEO.

solders, or the contrary, have deduced from their pay the money value of whatever they receive, in corn, armour, or clothes. There was, indeed, a law received by Caius Licinius, which provided that, besides their pay, the soldiers should receive from the treasury an allowance for clothes; but from Tacitus' this law seems either to have been repealed or to have fallen into disuse. The two oboli of Polybius, which we make equal to 3d asses, are reckoned by Plautus in round numbers at 3 asses. Thus says he, "Iati qui trium nummorum causa subvenit sub falsas." This amount was doubled for the legionaries by Julius Caesar before the civil war. He also gave them corn whenever he had the means, without any restrictions (sine nodo nessuraque). Under Augustus it appears to have been raised to 10 asses a day (three times the original sum), or 300 a month, or 1200 in four months. Now, as the original amount of their pay had been tripled, the soldiers could not complain if the denarius was reckoned at 10 asses in payments made to themselves as well as other persons; and, taking this value, the 1200 assed amount to exactly 3 aurei, or 3 x 400 asses. This sum, then, was considered as a unit, and called stipendium, being paid three times a year. Hence Suetonius says of Domitian, "Addidit et quattuor stipendium, ternos aureos," a fact which Zonaras otherwise expresses by stating that, instead of 75 drachmas (i.e. denarii), Domitian gave the soldiers 100, i.e. he made an addition of 25 denarii or 1 aureus to their pay. The expression of Suetonius supposes that 3 aurei were paid every quarter instead of every four months, after the addition made by Domitian; that of Zonaras implies that 4 aurei instead of 3 were paid, as before, every three months, the annual amount being the same either way, and the quarterly payments for 3 months instead of being called a stipendium. Niebuhr's statement on this subject is only partially correct, or else obscure: at any rate, if the soldiers received 10 asses a day, they must have received more than 1200 a year.

The praetorian cohorts received twice as much as the legionaries. The pay of the tribunes is not known; but it was considered very great, and probably was not less than 45 aurei per annum after the time of Domitian. We must not omit to mention that, if his pay was withheld, the Roman soldier was allowed, by an old unwritten custom, to distress the goods (per pignorium capionem) of the officer whose duty it was to supply it. The eques was allowed the same privilege against the person who was bound to furnish him with the es equestre for the maintenance of his horse, and the es hordeaem for its keep.

From an expression which Livy puts into the mouth of a patrician orator, it might be supposed that the soldiers always received a full year's pay, independent of the length of their service. This, however, seems so unreasonable, that we cannot but agree with Niebuhr in supposing that the historian of Livy added the pay of his own time, when a full year had long been the stipulated term of a soldier's pay as well as of his service.

STIFULATIO, STIFULATOR.

STIVIA. (Vid. Araetum, p. 79.)

STILENGES (stilix). (Vid. Loeben, p. 599.)

STOA (stol). (Vid. Porticus.)

STOCHEION (stomion). (Vid. Horologion.)

STREBEO (croton). According to Hardouin, a species of Scabiosa; but this opinion is rejected by

Sprengel, who rather too confidently refers it to the Petunium spinosum, L. Stackhouse holds it to be the Streblta centaurea."

STREBEO, and aureus. (Hor., ii. 26-28.)—Splenches (odorata), a species of Lavandier, probably, as Sprengel maintains, the Lavandula Stachas.

STOLA was a female dress worn over the tunic, it came as low as the ankles or feet (ad talos stola demissa), and was fastened round the body by a girdle, leaving above the breast broad folds (ragosorem stola frontem). The tunic did not reach much below the knee, but the essential distinction between the tunic and stola seems to have been, that the latter always had an Iavatra or馒头 sewed to the bottom, and reaching to the instep. Over the stola the pallia or pallium was worn (vid. Pallium), as we see in the cut annexed.

The stola seems to have been usually fastened over the shoulder by a Fimbula or clasp, and usually had sleeves, but not always.

The stola was the characteristic dress of the Roman matrons, as the toga was of the Roman men. Hence the meretrices were not allowed to wear it, but only a dark-coloured toga; and, accordingly, Horace speaks of the matrona in contradistinction to the togata. For the same reason, women who had been divorced from their husbands on account of adultery were not allowed to wear the stola, but only the toga, to which Martial alludes.

STOMONIA. (Vid. ADAMAS.)

STRAGULUM. (Vid. TAPERS.)

STRATEGOS (statergon). The office and title of statergon, or general, seem to have been more especially peculiar to the democratic states of ancient Greece: we read of them, for instance, at Athens, Tarentum, Syracuse, Argos, and Thurii; and when the tyrants of the Ionian cities in Asia Minor were deposed by Aristagoras, he established statergon in their room, to act as chief magistrates.

The strategi at Athens were instituted after the remodelling of the constitution by Clisthenes, to discharge the duties which had in former times been performed either by the king or the archon polemarchus. They were ten in number, one for each of the ten tribes, and chosen by the suffrages (euphraxia) of the people. Before entering on their duties, they were required to submit to a disnfia, or examination of their character; and no one was eligible to the office unless he had legitimate children, and was possessed of landed property in Attica.

They were, as their name denotes, intrusted

1. (Diocor. iv. 12.-Theoph. i. 10.-Adams, Append. p. 5.)
2. (Diocor. iii. 85.-Adams, Append. p. 5.)
3. Hor. Sat. ii. 2. 59-6. (Mart. iii. 96. 4.)
4. (Hor. Sat. i. 2. 29.-Ovid. Ar. Am. i. 99.-6. (Muse. Boni, iii. tav: 7.-7. (Ovid. Fast. i. 159.)
5. (Tib. Sat. 1. 26. 59. 29. (Sat. 1. 2. 53.)
6. (Schulz ad Hor. 1. c.)
7. (T. i. 99. vi. 64.)
9-3. (Diadoc. c. Demost. 99.)
with the command on military expeditions, with the superintendence of all warlike preparations, and with the regulation of all matters in any way connected with the war department of the state. They levied and enlisted the soldiers (carditional), either personally or with the assistance of the taxbearers. They were intrusted with the collection and management of the ἐσφορά, or property-taxes raised for the purposes of war; and also presided over, or officiated as eicεγυγείς in, the courts of justice in which any disputes connected with this subject or the trierarchy were decided. They also nominated from among their own number persons to serve as trierarchs, and took cognizance of the cases of ἀντιδοσία arising out of the trierarchy and property-taxes (ἴπτανα τῶν ἀντιδοσιών). They also presided at courts-martial, and at the trials in cases of accusation for non-performance of military and naval duties. (Vid. ἈΣΤΡΑΣΙΑΙ and ἈΝΑΤΜΑΙΟΤΙΟΝ ΓΡΑΦΑΙ.) They likewise had the power of convening extraordinary assemblies of the people in cases of emergency (vid. ΕΚΚΛΗΣΙΑ, p. 384), and from the instance of Pericles, it would almost seem that in critical times they had the power of preventing an assembly being held. But their most important trust was the command in war, and it depended upon circumstances to how many of the number of the trierarchs a Spartan general was present, and the chief command came to each of them in turn. The archon polemarchus also was there associated with them, and, according to the ancient custom, his vote in a council of war was equal to that of any of the generals. In the expedition against Samos, also, all the ten generals were engaged, 2 the poet Sophocles being one of the numbers, who, both from his philosophy and from the nature of the war, would be neither convenient nor useful to send out the whole number on the same undertaking, and, during the course of a protracted war, it would be necessary for some of them to be left at home in charge of the war department there. Accordingly, in the best times of Athens, three only were, for the most part, sent out; and as the (πρῶτον ἀριστεῖον) was considered as the commander-in-chief, but his colleagues had an equal voice in a council of war. Sometimes a strategus, as Pericles, was invested with extraordinary powers: in like manner, the three generals engaged in the Sicilian expedition, Nicias, Alcibiades, and Lamachus, were made ἀστρασίαιοι, or supreme and independent in all matters, with power to act against the wishes of the Delphic oracle. 3 So strong was the reverence felt for his command at Platea. But even in ordinary cases the Athenian generals were not fettered in the conduct of a campaign by any council of war or other controlling authority, as the Spartan kings sometimes were; still they were responsible for it, and in the time of Demosthenes  4 exposed, at the termination of their command, to capital incriminations at the caprice of the people, or from the malevolence of personal enmity. Even Pericles himself  5 was fined by the people for imported mismanagement, but really because the Athenians were disappointed in their expectations. In the times of Chabrias and Phoenix, however, the greater part of the generals regularly remained at the head of their command, to capital incriminations did enjoy them, leaving their wars to be conducted by mercenaries and their colleagues. 6 Some of them, too, were not commanders of all the 1. (Lyk., c. Aleth., 140; Pro Milta., 114.)—2. (Wolf ed. Loys., p. 100. 3. (Demosth. c. Lecr., 90/46. —4. (Demosth. c. Bccl., 907. —5. Xen., De Rep. Aten., 3.3.)—6. (o. Phaon., 180.)—7. (Thucyd., v., 22.)—8. (Herod., vi., 100.)—9. (Thucyd., ii., 116.)—10. (Miller, Literature of Ancient Greece, p. 225.)—11. (c. Milt., 58; c. Aristoph., 676.)—12. (Thucyd., ii., 65.)—13. (Wachsmuth, 11. i. p. 416.—Demosth., Phil., 1, 47, 18.)

1. The strategi at Athens were perhaps the most important officers of the Republic, especially during the latter part of the war. They were appointed by the assembly of the most distinguished citizens, Miltiades, Themistocles, Pericles, Phocion, &c. But the generals of the early times differed in many respects from the contemporaries of Demosthenes. Formerly the general and the statesman were united in one person; the leader in the field was the leader in the assembly, and thus acquired a double influence, accompanied with a double responsibility. But in later times, the general and the privileged orator on statesmen were generally perfectly distinct, and the latter, as will always be the case in free states, had far by the greater. Influence. The last of the Athenian generals who was considered to unite the two characters was Phocion, who was general no less than statesman. Phocion was indeed the head of the two parties into which the state was then divided had each their orator and general, the former acting as a recognised leader;  2 and a general, when absent on foreign expeditions, was liable to be malignated or misrepresented to the people by an unfriendly and influential demagogue. Hence we cannot wonder that although the age of Demosthenes were neither so patriotic nor so distinguished as those of former times, more especially when we call to mind that they were often the commandants of mercenary troops, and not of citizens, whose presence might have checked or animated them. Moreover, they suffered in moral character by the contamination of the mercenary leaders with whom they were associated with a double responsibility. But in the latter war, the hired soldiers with pay, habituated them to the practice of levying excises from the allies; the sums thus levied were not strictly accounted for, and what should have been applied to the service of the state was frequently spent by men like Chares upon their own pleasures, or in the purchase of political power. As a consequence, the responsibility of the two characters was, that the responsibility of the general and of the orator or minister was lessened, and it was in most cases easy for a general to purchase an apparently disinterested advocacy of his conduct. There was this farther abuse connected with the system, that, according to the custom,  3 military command was so much coveted, that the election of generals was often determined by the most profligate bribery.

2. The most eminent generals of the time of Demosthenes were Chabrias, Chabrias, Chabrias, and Dorothis. Chabrias and Phocion were inferior to them both in loyalty and skill, but the former and the mercenary Chabrias were frequently employed by the former. Chabrias and Phocion were the last of the best endowed trierarchs. The chief maistrae at Athens was called στρατηγὸς, or the duke: Constantine bestowed on him the title of μέγας στρατηγός, or the grand duke.  4 The military chieftains of the Eotolian and Achaean leagues were also called στρατηγοί. The Achaean στρατηγοί had the power of convening a
STRENA.

STRYCHNUS.

general assembly of the league on extrem. nary occasions. 1

*STRYCHTIUS (στρυχνίτης), a species of plant, probably a kind of water-lentil. "The στρυχτίτης ποτάμων was most probably, according to Spengel, the Pistia Stratiotes. Woodville, locating the common Varrenro Millefolium, says of it, "This plant appears to be the στρυχτίτης χιλιάδος of the Greek writers." It is pretty generally looked upon as being the Achillea millefolium. It got the name of Achillea from its being supposed the herb used by Achilles in dressing wounds. 2

STRAVORES. 1. Imperial equerries subject to the tribunal stabulorum. Their proper duty, as the name implies, was to saddle the horses; they also led them from the stable, and assisted the emperor to mount. Hence they were termed in Greek ανάβολος. From the addition of miles to their title, it appears that they were considered as part of the military establishment. 3 Consuls and prehors had their straures, as we learn from inscriptions, 4 and perhaps adiles also. 5

2. Officers sent into the provinces to select horses for the stud of the prince or for the general service of the state. 6 These, in all probability, belonged to the same body with those mentioned above; the title strauores a publicis ratiionibus, by which they are usually distinguished in works upon Roman antiquities, rests upon no authority except the letters STR. A. P. R. in an inscription, 7 the interpretation of which, however, does not appear to be correct. 8

3. Jaizers under the orders of the commentariensis, or chief inspector of prisons. 9 To these Ulpin refers, 9 nemo procurumstrauores suos habere poetest, sed eorum vice milites ministerio in provinciis funguntur, although the passage is quoted in most dictionaries as bearing upon the straures of the stable. 10

4. In the later Latin writers, and especially in the annals of Martial, who meniori monili atque sapii in militibus and which ἀναβολοί denote a chosen body of soldiers sent in advance of an army to explore the country, to determine the proper line of march, to select the spots best fitted for encamping, and to make all the arrangements necessary for the safety and comfort of the troops when they halted, their duties being in some respects analogous to those of the classical metatores, and tribunus stabuli. 11

5. We find in an inscription the words D i o n e u s A r P. S T R A V O R, which is generally understood to commemorate the labours of some individual in paying the Appian Way, and mention is made of straures of this description, in another inscription found at Mayence.

STRENA, a present given on a festive day and for the sake of good omens, 12 whence a good omen is called by Plautus bon a strena. 13 It was, however, chiefly applied to a ten-year's gift, to a present made on the calends of January. In accordance with a sentanus consultation, new-year's gifts had to be presented to Augustus in the Capitol, even when he was absent. 14 The person who received such presents was accustomed to make others in return (strenae a pecunia comet), but Tiberius, who did not like the custom on account of the trouble it gave him, and also of the expense in making presents in return,

turn, frequently left Rome at the beginning of January, that he might be out of the way, 1 and also strictly forbade any such presents to be offered him after the first of January, as he used to be annoyed by them during the whole of the month. 15 The custom, so far as the emperor himself concerned, thus seems to have fallen almost entirely into disuse during the reign of Tiberius. It was revived again by Caligula, 2 but abolished by Claudius; 3 it must, however, have been restored afterward, as we find it mentioned as late as the reigns of Theodosius and Arcadius. 4

STRIGIL. (Vid. Bathy, p. 146; Loutrof, p. 598.)

*STRIX, the Soreese Owl. (Vid. Glaxes.)

*STROMBUS (στρόμβος), a shellfish, called in French Trompe, in English Trumpet; namely, the Cochlea Strombus, L. 5

STROPHΟΣ (στροφός), the Sopanoria officinalis, or Soapwort. "Lucian mentions," says Adams, "that the impostor Alexander used it to procure a discharge of saliva from his mouth." 6

*STROUATHOS (στροβύθος). A term used by Paulus Εγινοτα in the same genera sense that aspetho is used by Greek writers. 7

ΣΤΡΟΥΘΟΣ, μέγαλος, Λείβων, or Αράβις, called also στροβύθος, τλῆς, the Ostrich, or Strombo-camelus, L. It is described by Xenophon, Aristotle, Αelian, Dioscorus, and others. Oppian calls it λείβων στροφόν βοτών ἀγκαλιδόνερον, and again, μείτα στροβύθο κόιμαν. "The length of its legs and of its neck," says Griffith, speaking of the ostrich, "and certain habits peculiar to it, have caused it to be compared to the camel. Eldemmi, in his History of Animals, informs us, that the volgar belief of Arabia is, that the ostrich is the production of a camel and a bird. From such approximations are derived the names which the ostrich has received in various countries. The Persian name of swumorg literally signifies camel-bird; and it is the same with the strothio-camelus of the Latins. We cannot, however, say with Aristotle, that the ostrich is of an equivocal nature, partly bird, partly quadruped; but still we may aver that, in the chain of being, it evidently constitutes a link between the birds and the mammalia. Though decreed, from its bulk, to remain upon the earth, and deprived of that faculty which is the eminent characteristic of its class, it has received in compensation a force and rapidity in the race far surpassing that of all other existing animals.

STRUCTOR. (Vid. Celsa, p. 275.)

*STRYCHNUS or -UM (στρυχγος or -οι), the herb Nightshade. "I cannot pretend," says Adams, "to unravel all the confusion which invests the subject of the ancient strychni. Both Celsus and Pliny

1. (Liv., xxvili., 11—Polyb., iv., 7, 5, 8.)—(Diocres, in, 100, 101.—Adams, Append. s. v. 3.—(Spart. Carcanell, 7.)


5. (Graber, p. xxxvi., 8.—(Cod. Thol., xiii., 3.—Cod. Thol., xiv., 8.)

7. Compare the Notitia Dignitatum aperti Orientis, c. 13 and 101, in Gravi Thea Rom. Antiq., a., v., p. 1756 and 1606.—11. (Synnim, Epist. ad Theod. at Valent., 1.—Ducange, s. v.—12. (Orell., n. 1450.—Compare Fuchs, Geschichte Von Mainz.)—13. (Festus, s. v.—14. (Stich. c., 2, 24.—15. (Suet., Octavi., 57.—Compare Dion Cassius, liv., 20.)
STYRAX.

SUCCESSIO.

state that, the \textit{Styrachs} of the Greeks was called \textit{Solanum} by the Romans. The Latin writer of the Middle Ages term it \textit{Saneilla}. Apuleius describes four species: the first called \textit{Hortula}; the second called \textit{Cacatum}; the third called \textit{Hypnotice sommifera}, &c.; the fourth, \textit{Furiatis}. Sprengel, in his annotations on Dioscorides, arranges the \textit{styrachs} as follows: 1st. The \textit{styrachs} \textit{argiace} is the \textit{Solanum migram} (common Nightshade), or \textit{S. miniatum}, 2d. The \textit{styrachs} \textit{ulicae} is the \textit{Physalis Allklockeni}, common Winter-cherry. 3d. The \textit{styrachs} \textit{maucicas} is the \textit{Solanum Solumecum}, or Black-spined Nightshade. Theophrastus describes the first, third, and fourth species. Stockhouse supposes the last to be the \textit{Aitro belladonna}, which, by-the-way, is generally supposed to be the plant which Buchanan calls \textit{Solanum sommiferum}, and describes very graphically. Woodville thinks this species (the fourth) to be the same. \textit{Aitro belladonna} or \textit{Solanum dulcamara}. Stockhouse agrees with Sprengel regarding the first and third species. On the \textit{styrachs} of the ancients, see in particular Schueler (\textit{Text. Vetem., c. 18}), whose account of them agrees in the main with that given above.

\textsc{Stylorum prevented.} (\textit{Vid. Formicariae.})

\textsc{Styaxis.} (\textit{Vid. Stythus.})

\textsc{Styptide.} (\textit{Styptia.}) From the circumstance alone of the localities in which Dioscorides says the \textit{styrachs} was found, namely, Melos, Lipari, Sardinia, &c., we can have no difficulty in deciding it to have been the \textit{Ochthoalum Alum.} in the family \textit{Althoes Alum.} Ascertained by Apuleius, and confirmed by Werner. The ancients, however, have described several varieties, which have exercised the ingenuity of the commentators to determine what they were. Alston calls the \textit{styrachs} \textit{xicotis}, \textit{alumine scissile vel plumosum.} He says, the true plumose or feathered gum is a salt, in colour and grain somewhat resembling that of the \textit{Aitro belladonna}, or \textit{Solanum dulcamara}, but differently labouring. Dr. Hill describes the \textit{plumosum} gum as consisting of efflorescences which hang from the rocks in certain islands of the Archipelago, where the earth is full of alum. These specimens were called \textit{rio xit is} by the Greeks, as if composed of hairs. He alludes, I presume, to the \textit{Haar Salts} (Hair Salt) of Werner, formerly supposed a variety of alum, but consisting, according to Klapp, of chlorides of Magnesia and iron. Dr. Kidd states that the capillary or plumose gum consists of very delicate fibres like down. The \textit{opho}, or liquid gum, according to Dr. Hill, was what drops through the fissures of stones: when this assumed a round form, it was called \textit{strogylych}, round. Dr. Milligan finds fault with Drs. Jameson and Thompson for holding that the ancient alum consisted principally of the sulphate of iron: they were right, however, in regard to the \textit{alumine scissile}, or hair alum, which, as we have stated, Klapproth found to contain sulphate of iron. This variety was therefore considerably different from the common \textit{Styrax} of the Greeks.

\textsc{Styrax} (\textit{ Stromphauli}), a tree producing a resinous gum. The gum is produced in Greece to \textit{stromphauli}, and the tree which produces it \textit{b} or \textit{d} \textit{stromphauli}. The gum is known in the dispensatories by the denominations of \textit{Styra} or \textit{Storax}. It has a fragrant odour, and an agreeable, slightly pungent, and aromatic taste; it is stimulant, and in some degree expectorant. The styrax of commerce is chiefly obtained from Asiatic Turkey. The \textit{styrachs} \textit{kalamis}, mentioned by Paulus Agineas, is the \textit{Styrax calamita}, so called because anciently packed up in reeds for safety of carriage. The \textit{styrax-tree} is still called in the East \textit{storax} or \textit{styrachs}.

\textsc{Stylius}. (\textit{Vid. Stythus.})

\textsc{Substitution.} (\textit{Vid. Formicariae,})

\textsc{Subsecta.} (\textit{Vid. Leges Agrariae, p. 37.})

\textsc{Subsigna.} (\textit{Vid. Army, Roman, p. 169.})

\textsc{Substitutio.} (\textit{Vid. Hieres, Roman, p. 498.})

\textsc{Substitutio Pupillaris.} (\textit{Vid. Hieres, Roman, p. 498.})

\textsc{Subtesten.} (\textit{Vid. Tell.})

\textsc{Styliola.} (\textit{Vid. Tullia.})

\textsc{Successio.} This word is used to denote a right which remains unchanged as such, but is changed with reference to its subject. The change is of such a nature, that the right, when viewed as attached to a new person, is founded on a preceding right, is derived from it, and depends upon it. The right given by the law for the benefit of the original owner remains attached to the person who previously had it. Thus, in the case of the transfer of ownership by tradition, the new ownership begins when the old ownership ceases, and it only arises in case the former possessor of the thing had the ownership; that is, prior ownership is a necessary condition of subsequent ownership. This kind of change in ownership is called succession. It follows from the definition of that name that succession is not included in it. The success of a hered is included; for though there might be a considerable interval between the death and the actio hereditatis, when the hereditas was once taken possession of, the actio of aditus had, by a legitimate application of the rules of succession, obtained the right to the possession. Thus whereas we generally view persons who possess rights as the permanent substance and the rights as accidents, in the case of succession the right is the permanent substance, which persists in a series of persons.

The notion of succession applies mainly, though

1. (Dioscor., i., 79.—Paulus Agineas, viii., c. 11.—Adams, Appen., s. v.—Eryth. Am., s. v.)—2. (Dioscor., v., 193.—Plin., H. N., xxv., 55.—Usinger, ed Milligan, p. 126.—\textit{A'kane Appen., s. v.})

6 B
not exclusively, to property. With respect to the law that relates to familia, it applies so far as the parts of the familia partake of the nature of property, such as the power of a master over his slave, and the case of patronatus and mancipii causa. Thus the patrimia potestas and the condition of a wife in many may be objects of succession. It applies also to the case of adoption.

Successio is divided into singular succession and universal succession. These terms conveniently express the notion, but they were not Roman terms. The Roman terms were as follows: in universum jus, in eam duntaxat rem succedere; pur universi- tatem, in rem succedere; in omne jus mortui, in singulis partibus, as ususfructus. 4 In universa bona, in rei tantum dominium succedere. It is singular succession when a single thing, as an object of ownership, is transferred, or several things together, when they are transferred as individual things, and not as having relation to one another in consequence of this accidental common mode of transfer.

The object of universal succession is property as an ideal whole (universitas) without any reference to its component parts. Yet the notion of succession applies as well to a fraction of this ideal whole as to the unit which this ideal whole is conceived to be; for the whole property being viewed as a unit, it may be conceived to be divided into fractions, or to refer to any reference to the several things which are included in the ideal whole. It was also consistent with this species of succession that many particular rights should be incapable of being transferred: thus, in the case of an hereditas, the usufructus of the deceased did not pass to the heres, and in the case of arodrage neither the usufructus nor the debts of the adrogated person, according to the old law.

The object of universal succession is a universitas such as, and it is by means of the words universitas and universum that the Romans denote this kind of succession; but it would be erroneous to infer from this use of the term that succession applies to all universitates. Its proper application is to property, and the true character of universal succession is that of passing from one person to another of all the credits and debts that belong or are attached to the property. This happens in the case of an hereditas, and in the case of adrogation as to most matters. The debts would be transferred by adrogation if this were not accompanied with a capitius dimittitum. Credits and debts could not be transferred by singular succession.

The cases of universal succession were limited, and the notion could not be applied and made effectual at the pleasure of individuals. The most important cases of universal succession were the property of a deceased person; as hereditas, bonorum possessesio, fideicommisaria hereditas, and others of the like kind. The property of a living person might be transferred in this way, in the case of adrogation, communication, patrimonium, and the like. In many other cases, though the object is to transfer a whole property, it is, in fact, effected by the transfer of the several things: the following are instances of this kind of transfer, the gift of a whole property, or its being made a dos, or being brought into a societas, or the sale of an hereditas by a heres.

The notion of a universal succession among the Romans appears to have been derived from the notion of the hereditas, to which it was necessary to attach the credits and debts of the deceased and the sacra. Other instances of universal succession, such as the bonorum possessio, grew out of the notion of the hereditas; and it was found convenient to extend it to other cases, such as adrogation. But, as already observed, the extension of the notion was not left to the pleasure of individuals, and, accordingly, this doctrine was, to use a Roman phrase, juris publici.

The words successio, successor, succedere, by themselves, have a general meaning, and comprise both kinds of succession. Sometimes these words, by themselves, signify universal succession, as appears from the context, and by such expressions as heredes ceterique successores. In other cases the kind of succession is indicated by appropriate words, as alecto, servus, &c., and mundus, &c., in universum jus succedere, &c., in the case of universal succession; and in rem, in rei dominium, in singularum rerum dominium succedere, &c., in the case of singular succession.

In the phrase "per universitatem succedere," the notion of universal succession is not directly expressed; for the phrase has immediate reference to the acquisition of a single thing, and it is only by means of the word universitas that we express the notion that the acquisition of the individual thing is effected by means of the acquisition of the whole.

SUCCESSOR. (Vid. Successio.)

SUCCESSORUM. (Vid. Suciolaculum.)

SUCCESSIVUM. (Vid. Sub successionem.)

SYCAM'INDS (Sycamorus). (Vid. Sycamorum.)

SYCE (Sycus), the fig-tree, properly called Ficus Carica. "The wild fig-tree is called ἵππος by Homer. The οὐδέποτε, called also καρπωλία, is the Ficus religiosa according to Stackhouse, but according to Schneider the Ceratonia siliqua, L., or the Syca morum Phalerum. In the Attic language, the amelanchier according to Sprengel, the Lonicera Pyrenaica according to Stackhouse. The οὐδέποτε is the Ficus Indica, or Banyan, according to Sprengel, the Rhisophora mangle, or Mangrove, according to Stackhouse. The Banyan, or Indian fig-tree, is noticed by Theophrastus, Pliny, Strabo, Diódorus Siculus, Quintus Curtius, Arrian, and Athenaeus."

SYCOM'OROS or ON (Sycamora), the Sycamore-tree, or Ficus Sycomorus. (Vid. Sycamorus.)

SYCOPHANTES (Sycophantes). At an early period in Attic history, a law was made prohibiting the exportation of figs. Whether it was made in a time of dearth, or through the foolish policy of preserving to the natives the most valuable of their productions, is not a question that can be determined.

The law continued in force long after the cause of its enactment, or the general belief of its utility had ceased to exist, and Attic fig-growers exported their fruit in spite of prohibitions and penalties. To inform against a man for so doing was considered harsh and vexatious, and all people are apt to think that obsolete statutes may be infringed with impunity. Hence the term sycophant, which originally signified to lay an information against another

1. (Dig. 21, tit. 3, s. 2.)—2 (Gaius, ii, 97.—Dig. 43, tit. 3, s. 1.)—3 (Dig. 29, tit. 2, s. 7.)—4 (Dig. 39, tit. 2, s. 54.)—5 (Gaius, ii, 98.)—6 (Livy, vi, 51.)—7 (Theophyl. Th. 2, iii, 2.)—8 (Dig. 82.)—9 (Thucyd. i, 105.)—10 (Hist. 11, 14.)—11 (Athen. 3, 40.)—12 (Athen. 4, 4.)—13 (Athen. 5, 41.)—14 (Athen. 6, 41.)—15 (Athen. 7, 41.)—16 (Athen. 8, 41.)
for suffrage, came to be applied to all ill-natured, malicious, groundless, and vexatious accusations. It is defined by Suidas ψευδός τινος καταγγελῆς. As to a different origin of the word, see Bickh. 2

Συκοφάντης, in the time of Aristophanes and Demosthenes, designated a person of a peculiar class, not capable of being described by any single word in our language, but well understood and appreciated by an Athenian. He had not much in common with our sycophant, but was a happy compound of the common ratter, reportor, pettifoger, busybody, rogue, busy fool, or drudge. All that law permitted any citizen (τοῦ βουλῆματος) to give information against public offenders, and prosecute them in courts of justice. It was the policy of the legislator to encourage the detection of crime, and a reward (such as half the penalty) was frequently given to the successful accuser. Such a power, with such a temptation, was likely to be abused, unless checked by the force of public opinion or the vigilance of judicial tribunals. Unfortunately, the character of the Athenian democracy and the temper of the judges furnished additional incentives to the informer. Eminent statesmen, orators, generals, magistrates, and all persons of wealth and influence, were regarded with jealousy by the people. The custom of the times: to report such persons accused to the judges, and fines and confiscations enriched the public treasury. The prosecutor, therefore, in public causes, as well as the plaintiff in civil, was looked on with a more favourable eye than the defendant, and the chances of success made the employment a lucrative one. It was not always necessary to go to trial, or even to commence legal proceedings. The timid defendant was glad to compromise the case, and the conscious delinquent to avert the threat of a prosecution by paying a sum of money to his opponent. Thriving informers found it not very difficult to procure witnesses, and the profits were divided between them. According to Theophrastus, 3 Aristophanes was full of δυσανακροτοβόλων καὶ λαυκαντοβόλων καὶ ψευδοφαντῶν καὶ ψευδοκτόνων. The character of the sycophant will be best understood by the examples and descriptions found in the Attic writers. Aristophanes directs the keenest edge of his satire against them. 4 Demosthenes says: ποιησαν τὸν συ-

κοφανταὶ καὶ βέσακαι καὶ φλαγίακι. 5 Συκοφαντίτιτρα τρίταν καὶ τρίταν αὐτοὶ, τρίταν καταστέφωντες μόνον τὰ πεπραγμένα ἐξ ἀνοχῆς ἀκροβατικῆς πρακ-

tύς. 6 That the increase of litigation and perjury was in some measure owing to the establishment of clubs and political associations, and the violence of party spirit, may be gathered from various passages of the Attic writers.

The Athenian law did indeed provide a remedy against this mischievous class of men. There was a γραφή συκοφαντίτας tried before the theomotheta. Any person who brought a false charge against another, or extorted money by threat of legal proceedings, or corrupted false witnesses, or engaged in a conspiracy to ruin the character of an innocent man, was liable to this γραφή. He might also be proceeded against on the ground of ἱπταμένα ἀθέσμητα ἀλήθεια, or εἰσαγγέλεια. 7 (See articles Pharis, &c.) The trial was an ἔγγον γυμνός. The heaviest punishment might be inflicted, together with ἀτύχημα and confiscation of property. Besides this, if any

man brought a criminal charge against another, and neglected to prosecute it (ἐπετείκειν), he was liable to a penalty of 1000 drachmas, and lost the privilege or being a similar proceeding in future, which was considered to be a species of αἰτία. The same consequence followed if he failed to obtain a fifth part of the votes at the trial. The ἐποβέλλα in civil action was a penalty of the same kind, and having the same object, viz., to prevent the abuse of legal process, and check frivolous and unjust actions. Such were the remedies provided by law, but they were considered to be a species in practice; and the words of Aristophanes were not more severe than true: "there is no charm against the bite of a συκοφάντας." 8

ΣΥΚΟΦΑΝΤΗΣ ΤΩ ΤΡΑΘ. (Vid. Stephomar.) SUFFRAGIUM. SUFFRATIIO. (Vid. Bathis, p. 149.)

SYENITES LAPIS (Συενίτης λίθος), a species of stone quarried near Syen, in Upper Egypt, whence its name. "Of this," says Dr. More, "were formed those celebrated obelisks described by Pliny, and which are still gazed at with wonder either in Egypt or at Rome. This stone is classed by Winkelnkomm with granite, of which, he says, Egypt furnished two varieties, one red and whithis, of which are formed these obelisks and many statues which are white and black, peculiar, as he thinks, to Egypt." 9

SUFFRAGIUM SEX. (Vid. Equites, p. 416.)

SUFFRAGIUM, a vote. At Athens, the voting in the popular assemblies and the courts of justice was either by show of hands or by ballot, as is explained under Χρηστοκομίσις and Πζεψις. It is now commonly supposed that the Athenians always polled in the comitia by word of mouth, till the passing of the Leges Tabellariae about the middle of the second century before Christ (v. i. Tabellariarum Leges), when the ballot by means of tabellae was introduced. (Vid. Tabella.) Wunder, 1 however, has shown that the popular assemblies voted by ballot, as well as by word of mouth, before the passing of the Leges Tabellariae, but that, instead of using tabellae, they employed stones or pebbles (the Greek ψῆφος), and that each voter received two stones, one white and the other black, the former to be used in the approval, and the latter in the condemnation of a measure. The voting by word of mouth seems to have been only partial, and the use of pebbles to have been confined to the enactment and repeal of laws. That the latter mode of voting was adopted in early times is proved by many passages of Dionysius, and especially by x. 41: ὡς ὁ δήμος ἀπέτυχε τῆς ψήφου, οἱ νοτιότατοί των πολιτῶν—τὰ ἀγγέλγα τῶν ψήφων τοσούτοι ὑπέφραγεν; and xi. 65: ἐκάλουσαν κατάκομμα τῷ ἀπὸ τῆς πόλεως θρωμάτως, καὶ ἐπέτει

λυπῶνται τῶν ψήφων. It is also confirmed by the common expressions used with respect to voting, as suffragium ferre, mittere in suffragia, inare, or ire in suffragia, which lead us to suppose that the suffragium probably signified some thing which was put by the hand from one place into another, in the same manner as a coin would be cast over by mouth, or carried by hand. If such a word as "suffragium" was used, it is scarcely possible that such an expression as "suffragium ferre" would have been used when they had nothing to carry; but, on the contrary, some such word as dicere would have been employed, more especially as it is certain that in the most ancient times those who voted by word of mouth did not go up one by one to the officer who received the votes, but re-

1 (Steph. Theopr., 872, 3.—2 (Staath. der Ath., i., 45, 3.)—3 (ap. Athen., vi., 324, 4.—4 (See particularly Acharn., 318, 16.)—5 (Dem., 416, 9.—6 (Steph. Ephor., 157, ed. Stephan.)—7 (See further, Bickh., Λαμπρ. καθαρί. Arch., 171.—Ezech., De Fais Leg., 38, ed. Steph. —Demoph., De Cor., 291.—Xen., Mem., ii. 3, 4, 1.—Rep. Ath., i. 4.—8 (Thucyd., vii., 145.—Dem., e. Boest. De Dote, 1016; c. Pantale, 978; c. Zenon, 885.—9 (Ezech., De Fais Leg., 47, ed. Steph.—Dem. e. Theocr., 1205.)
SYLLOGEIS.

SYMBOLAIOn.

mained in their places, and were asked for t. ir votes by the τεγατέρες, who thenee derived τις
name. Besides which, the word συφραγίαν can
scarcely signify the same as sententia or κεν. The
eymology is uncertain, for the opinions of those
who have treated it all in their respective ways do not
observe nulle. Wunder thinks that it may possibly
be allied with συφραγά, and signifies originally an
ankle-bone or kneecap-bone. On the passing of the
Leges Ῥάμβλαιρι, the voting stones or pebbles went
out of use. For farther particulars with re-
spect to the voting in the comitia, see Comitia, p.
265, Dikaiotikes, Sufula, Tabella, Tabellarie
Legati. These who had the ius suffragi, or the right of
voting in the comitia, as well as the capacity of en-
joying magistracies, were citizens optimo jure. (Vid.
Civitas, Roman, p. 261.)

SUGGESTUS means in general any elevated
place made of materials heaped up (sub and gero), and
is specially applied : 1. To the stage or pulpit
from which the orators addressed the people in the
comitia. (Vid. Rostra.) 2. To the elevation from
which a general addressed the soldiers.3 3. To the
elevated seat from which the emperor behold the
public games, also called cubiculum. (Vid. Cur-
ulum.)

SUGGRANDIUM. (Vid. Funus, p. 460.)

SULAI (σουλία). When a Greek state, or any of
its members, had received an injury or insult from
some other state or some of its members, and the
former was unwilling or not in a condition to de-
declare open war, it was not usual to give a com-
misssion or grant public authority to individuals to
make reprisals. This was called σουλία or σουλία,
δεδομένα. Polybius4 calls άτρυφοι or δέδομεν καταγο-
ραίη, those who were allowed to make reprisals.
Lacedaemonians thought the Athenians had broken the treaty with them by
making incursions from Pybus, they issued a pro-
clamation that any of their subjects might commit
depredations on the Athenians (ἀλιθεύον τοις Ἀθε-
ναίοις). Demosthenes5 declares that the deput
 captains of triremes so misbehaved themselves in
foreign countries, plundering everybody they came
near, that they were unable to give an answer to the
Athenian questions.6 He says, that those who
were liable to breaches of contract, were liable to
be seized (ex delicto, or the άπωθησις συναλλαγμάτων),
and that it was common practice to use this
right in cases of breach of contract, and to make
other claims on the persons thus seized.

SYLLOGEIS (συλλογεῖς), usually called Συλλο-
γεῖς τοῦ ἱσθίου, or the collectors of the people, were
special commissioners at Athens, who made out a
list of the property of the oligarchs previously to its
confiscation.7 They formed an ἐργα,8 and seem to
have been introduced after the domination of the

51. — 3. (Democ. in Lacrit, 301) —Livius, c. Nicom, 185, ed.
Steph.) — 4. (πρ., 26, 36, 53) — 5. (Thucyd, v, 125.) — 6. (De
Timothy, 703.) — Argum., 694, 695.— 9. (Harrar, spec. v, 201.
Ilex Rhet., 390, Bekker.—11. (Haygar, spec. v, 340.)

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Thirty Tyrants. It appears from an inscription
that the συλλογεῖς had to attend to the sacred rites
connected with the worship of Athena and the
Olympian Zeus, whence Boeck conjectures that they
collected or summoned the citizens to certain
sacred meetings.9 He observes, however, that it is
probable from this circumstance they derived their
name; the property of the oligarchs, of which they
are said to have made out a list for the purpose of
confiscation, may have been applied to these public
banquets, since confiscated property was not un-
commonly divided among the citizens.10

SULPHUR. (Vid. Theion.)

SYLOGISMEIS. (Vid. Lex, p. 586.)

SYMBOLAIOn, SYNALLAGMA, SYNTHESE (συνα-
λλαγμα, συναλλαγή, συνθεσία), are all words used
to signify a contract, but are distinguishable from
one another. Συμβολαίον is used of contracts
and bargains between private persons, and peculiar-
ly of loans of money. Thus συμβολὲν ἐς ἀνδρῶν
δοῦν ἐστὶν to lend upon the security of a slave.2 Συν-
αλλαγμα signifies any matter negotiated or transacted
between two or more persons, whether a contract
or anything else.3 Συνθεσία is used of more solemn
and important contracts, not only of those made
between private individuals, but also of treaties and
conventions between kings and states.4

As to the necessity or advantage of having written
agreements between individuals, see ΣΥΜΒΛΗΡΗ.
National compacts, on account of their great im-
portance, and the possibility of otherwise pre-
serving evidence of them, were most always com-
mited to writing, and commonly inscribed on pillars
or tablets of some durable material.5 Upon a breach,
or on the expiration of the treaty, the pillars were
taken down.6

For breaches of contract actions were maintain-
able at Athens, called συμβολαιωματικά (συναλλα-
γματικά) par
 actions. Such actions, it is apprehended,
applied only to expressions contracts, not to obliga-
ex delicto, or the συναλλαγμάτων of Aristotle.
Thus, if I had promised to pay a sum of money by a
certain day, and failed to perform that promise,
an action for breach of contract would have lain at
Athens. But if my eov had broken my neighbour's
fence, my obligation to repair the damage would have
given rise, not to an action for breach of con-
tract, but a contract for breach of it. Οn the other hand, a
δίκη βιαστίας would lie against a person who had
committed a breach of contract; for he was regarded
as a wrongdoer, and liable to pay compensation to
the party injured. Therefore Dionysodoros, who
failed to perform the conditions of a ναυτική συγ-
γραφή, had a δίκη βιαστίας brought against him by
the persons who lent him money on his ship.7 The
Athenian law frequently gave an option between
various forms of action. It is not, however, im-
probable that the δίκη συναλλαγμάτων par
 was only one species of the δίκη βιαστίας, and the name
one of a technical kind. Wherever a debt had be-
come due to a man by reason of some previous
contract, we may suppose that he had the option
between an action of debt (χρεος) and one for
breach of contract. The same notice of action will
not apply to the δίκη παρακαταβοσθ., ἐργονωμ., and others of a similar kind. The main point of difference
might be this: that in a general action for

1. (Corpus Inser. Græc. No, 95, p. 197, 188; No, 157, p. 560).
2. (Diercke, c. Aphon, 69; c. Zeus, 697; c. Phym, 697;
Timotheus, 1185; c. Dionys., 1828.) — 3. (Dem. c. One, 697,
889; c. Timocer, 760.) — 4. (Thucyd., i, 40, v, 18; vii, 37—
48; De Corom, 251; c. Aristoc, 774; — 5. (De Corom. Pro Naso,
908.) — 6. (De meih, Pro Megal., 908.) — 7. (Polial, Onum, 18,
— 9. (Demosth., 1882; see also Pro Phromh, 952; c. Calipp,
1404.)
SYMPHONY.

reach of contract, the plaintiff went for unliquidated damages, which the court had to assess; whereas, upon a claim to recover a debt or sum certain, or a specific thing, it was more to do than to determine whether the plaintiff was entitled to it or not; the áγων was áμίςεξ. All such actions were tried before the θεαματική.

"Ορολογία appears to be a word of less technical nature than συνθήκη, though (as we might expect in words of this sort) they are often used indifferently; but in the case of των κοινών κάλλων, of which they seem to be the most proper expressions, the two terms are practically synonymous, and in the same manner as διάκειμεν, the testamentary dispositions, is put for διάκειμεν, the will. Συμβόλων also signifies a compact or agreement, but had become (in Attic parlance) obsolete in this sense, except in the expression δίκαια από συμβόλων. (Vid. Συμβόλων, &c.)

SYMBOLOGIA PARA ΑΓΕΩΣΕΙΣ ΚΩΝ. (Vid. Συμβόλων.)

SYMBOLOGIA, AΠΟΙ, ΔΙΚΑΙ (συμβόλων, ἀπό, δικαίως). The ancient Greek states had no well-defined international law for the protection of their respective members. In the earlier times troops of robbers used to roam about from one country to another, and commit aggressions upon individuals, who in their private capacity retaliated by force on their own hands. Even when the state took upon itself to resent the injury done to its members, a violent remedy was resorted to, such as the giving authority to take σόλα or βόσια, a sort of national distress. As the Greeks advanced in civilization, and a closer intercourse sprang up among them, disputes between the natives of different countries were settled (whenever it was possible) by friendly negotiation. It soon began to be evident that it would be much better if, instead of any interference on the part of the state, such disputes could be decided by legal process, either in the one country or the other. Among every people, however, the laws were so framed and the judicial administration so administered as to favor, to a certain extent, the foreigner; and, therefore, it would be disadvantageous, and often dangerous, to sue a man, or be sued by him, in his own country. The most friendly relation might subsist between two states, such as συμμαχία or επιστομία, and yet the natives of each be exposed to this disadvantage in their mutual intercourse. In such cases, whenever it was possible, it was necessary to have a special agreement, declaring the conditions upon which justice was to be reciprocally administered. International contracts of this kind were called συμβόλων, defined by Suidas thus: συμβόλων ὡς ἄν ἄλλαζις ας πόλεις ἄρμαται τάττεις τον χώραν, ὡς τῶν δόλων καὶ λαμβάνεις τὰ δίκαια; and the names of the parties were called δίκαια από συμβόλων. The more constant and more important the intercourse between any two nations, the more necessary would it be for them to establish a good system of international jurisprudence. Commercial people would stand in need of it the most. Aristotle mentions the Tuscan and Carthaginians as having entered into such agreements, and that such commerce had been preserved to us, and we know but little about the terms that were usually prescribed. The basis of them seems to have been the principle that actus sequitur forum rei; but this, as well as other conditions, must have varied according to circumstances. Liberty of person and protection of property would no doubt be recognized, and the cases of capture or of debt collected within the confines of the state would be the duty of the τρόμος to see that these rights were respected. A common provision was, that the party who lost his cause might appeal to the tribunal of the other country, or to that of some third state mutually agreed upon. This was perhaps suggested by the practice which had grown up in the East, in which disputes were referred to the arbitration of some individual or third state.

When the Athenians made any such treaty, they required it to be approved of and finally ratified by a jury of the heliaia, under the direction of the thesmothetai. Hence Pollux2 says of these magistrates, τὰ σύμβολα τὰ πρὸς τὰς πόλεις κυρώσεις. The other contracting state was therefore compelled to send an envoy to Athens, with power to conclude the treaty (if he thought fit) as it was drawn up and settled by the thesmothetai and jurors. Most of the people with whom the Athenians had to deal were either subject or inferior to them, and were content to acquiesce in the above regulation. Philip, however, would not submit to it, and demanded that the terms of the treaty, after its final ratification in Macedonia, this demand is made the subject of a complaint by Dmoathenus.3

The name of δίκαια από συμβόλων was given also to the causes which the allies of the Athenians sent to be tried at Athens.4 This fact has been called in question by Böckh, but there is not much reason for doubting it. It is true that the expression is not strictly applicable to causes, not between an Athenian and a foreigner, but between two foreigners; and it may be allowed that the object of the Athenians in bringing such causes to Athens was, not to give the allies a better or speedier means of obtaining justice, but to secure certain advantages to them in the imperial city.5 It is, however, not improbable that the arrangement called σύμβολον for the very purpose of softening the harshness of the measure, by giving an honourable name to that which, in reality, was a mark of servitude. For the same reason, the confederate states were called συμμαχοί, allies, while in point of fact they were rather ἔτη κοινοί, or subjects. These treaties were tried in the summer months, when the voyage to Athens was more convenient, and (like all other δίκαια από συμβόλων) belonged to the jurisdiction of the thesmothetai. We have but one example of such a cause preserved to us, viz., the speech of Antipolis on the death of Herodes, where both the prosecutor and the defendant are natives of Mytilene. As to the σύμβολον given to the jurors, see Diac-3

SYMBOLOI (σύμβολοι). (Vid. Parerei.)

SYMMPHONY (συμμπρων). (Vid. Eisphora. p. 392; Trycheria.)

"SYMPHONY (σύμφωνον), a plant having healing properties." Wall. Pl. 189. 1.

This name is derived from its great efficacy in healing wounds, causing, as it were, the lips of the wound to grow together rapidly: hence the language of Pliny. "Vulnurus sanandis tanta prastantia est, ut earnes quoque, dum coquuntur, congruentia addita tande et gracem nomen impuore." The first species of Dioscorides was the σύμφωνον πτεροτόν, which, according to Sprengel, is the Coris Manselense. Pliny

2. (V. 88. — 4. (De Isiam., 75. — 5. (Pollux, Com., viii., 63.)
3. (De Rép. Ath., i, 10, 17. — Papot, s. v. Συμβολον. — Thebes, Thebes.)
5. 933
SYDNCOS.

This species was called *Alum* by the Romans. The second species of Dioscorides, which Apuleius says was called *Consolida* by the Romans, was in all probability the *Symphyton officinale*, or Comfort.1 *SYMPHONON* (συμφωνίαν). (Vid. *Symposium*)

SYNTAQLERE LEGES, the name of various laws passed to prevent inordinate expense (sumptuaria) in banquets, dress, &c. In the states of antiquity it was considered the duty of government to put a check upon extravagance in the private expenses of persons, and among the Romans in particular we find traces of this in the laws attributed to the kings and in the Twelve Tables. The censors, to whom was intrusted the *disciplina* or *cura morum*, punished by the *nota censoria* all persons guilty of what was considered luxury.3 In the Roman Republic they were annually repeated. The following is a list of the most important of them, arranged in chronological order.

**Oppia**, proposed by the tribune C. Oppius in the consulship of Q. Fabius and T. Sempronius, in the middle of the second Punic war, B.C. 215, enacted that no woman should have above half an ounce of gold in her third year a dress of different colours, nor ride in a carriage in the city or in any town, or within a mile of it, unless on account of public sacrifices. This law was repealed twenty years afterward,4 when we frequently find the lex *Orchia* mentioned as the first lex *Sumtuaria*. *Tacitus*5 speaks of *Oppiae leges*.

*Orchia*, proposed by the tribune C. Orchias in the second year after the censorship of Cato, B.C. 181, limited the number of guests to be present at entertainments.6 It appears that M. Cato was at first opposed to this law, but afterward supported it.7

*Fannia*, proposed by the consul C. Fannius B.C. 161, limited the sums which were to be spent on entertainments, and enacted that not more than 100 asses should be spent on certain festivals named in the law. This is called *Centenarius* by *Lullius*; that on ten other days in each month not more than 30 asses, and that on all other days not more than 10 asses should be expended: also, that no other fowl but one hen should be served up, and that not fattened for the purpose.8

*Didia*, passed B.C. 149, extended the lex *Fannia* to the whole of Italy, and enacted that not only those who gave entertainments which exceeded in expense what the law had prescribed, but also all who were present at such entertainments, should be liable to the penalties of the law. We are not, however, told in what these consisted.9

*Licina* agreed in its chief provisions with the lex *Fannia*, and was brought forward, we are told, that there might be the authority of a new law upon the subject, in the interest of the lex *Fannia* was beginning to be neglected. It allowed 200 asses to be spent on entertainments upon marriage days, and on other days the same as the lex *Fannia*: also, that on ordinary days there should not be served up more than three pounds of fresh and one pound of salt meat.10 *Gellius*11 states that this law was brought forward by P. Licinius Crassus, but we do not know at what time, probably, however, in his praetorship, B.C. 103.

*Cornelia*, a law of the dictator Sulla, B.C. 81, was enacted on account of the neglect of the Fannian and Licinian laws. Like these, it regulated the expenses of entertainments. Extravagance in dress and luxury was being forbidden. In the Twelve Tables,2 was also restated by a law of Sulla.3 It was probably the same law which determined how much might be spent upon monuments.4

*Emilia*, proposed by the consul *Emiliius Lapiti* B.C. 78, did not limit the expenses of entertainments, but the kind and quantity of food that was to be used.5 *Pliny*4 and *Aurelius Victor*7 ascribe this law to the consulship of M. *Emiliius Serratus* (235). It is not impossible that there may have been two *Emilian* laws on the subject.

*Antia*, of uncertain date, proposed by Antius Resto, besides limiting the expenses of entertainments, enacted that no actual magistrate, or magistrate elect, should dine abroad anywhere except at the houses of certain persons. This law, however, was little observed; and we are told that Antius styled himself *Antius the Emperor*, forward, that he might not see his own law violated.

*Julia*, proposed by the dictator C. Julius Caesar, enforced the former sumptuary laws respecting entertainments, which had fallen into disuse.8 *Julius Caesar* adopted strong measures to carry this law into execution, but it was violated when he was absent from Rome.9 He stationed officers in the provinces honored by the law, and sometimes sent liers and soldiers to banquets to take everything which was not allowed by the law.10 *Cicero* seems to refer to this law in two of his epistles.11

*Julia*, a lex of Augustus, allowed 200 *stereces* to be expended upon festivals on dies profesti, 500 upon those on the calendae, ides, nones, and some of his other festival days, and 1000 upon marriage feasts. There was also an edict of Augustus or Tiberius, by which as much as from 300 to 3000 *stereces* were allowed to be expend upon entertainments, the increase being made with the hope of securing thereby the observance of the law.12 *Tiberius* attempted to check extravagance in banquets,13 and a servatus consultum was passed in his name, which forbade gold vessels to be employed except for sacred purposes, and also prohibited the use of silk garments to men.14 This sumptuary law, however, was but little observed.15 Some regulations on the subject were also made by *Nero*,16 and by succeeding emperors, but they appear to have been of little or no avail in checking the increasing love of luxury in dress and furniture.

SYNTAQLLAGMA (συνταλλαγμα). (Vid. *Symposium*.)

**ΣΥΓΝΗΠΑΤΟΣ ΕΚΚΑΣΙΑ** (σύγχροτος εκκασία). (Vid. *Ecclesia*, p. 383.)

SYNDIOS (συνδιος), an advocate, is frequently used as synonymous with the word *synagoras*, to denote any one who pleads the cause of another, whether in a court of justice or elsewhere. *Cicero*, also, is used indifferently with *synagogos* or *synagogeszoevthelos*.17 Thus the five public advocates,

SYNEXTEREO

who were appointed to defend the ancient laws be-

before the court of heliasts when an amendment or a

new law was proposed, and called both σύνδες and συνώροι. As to them, see Νομοθετεῖς, and also Schömann, De Comit., 255; Ant. Jurr. Publ. Gr., 228. The name of συνδέων seems to have been peculiarly applied to those orators who were sent by the state to plead the cause of their countrymen before a foreign tribunal.

Aschines, for example, was appointed to plead be-

fore the Persian court ofecessation after the proposal of

the Delian temple; but a certain discovery having been

made not very creditable to his patriotism, the court of

Aresipagus took upon themselves to remove

him, and appoint Hyperides in his stead.1 These

extraordinary advocates are not to be confounded

with the Pythagoreans, or ordinary Amphiheutopic

deputies.2 There were other σύνδες, who acted rather

as magistrates or judges than as advocates, though

they probably derived their name from the circum-

stance of their being appointed to protect the in-

terests of the state. These were extraordinary

functionaries, created from time to time to exercise

a jurisdiction in disputes concerning confiscated

property; as when, for instance, an information

was laid against a man for having in his possession the

property of a heliast, he was made liable to be seized

in execution on behalf of the state; or when the goods of

a convict having been confiscated, a claim was made by a mortgagee, or other creditor having a lien thereupon, to have his debt satisfied out of the proceeds. Such a claim was called ενεργέων, and to prosecute it ενερ-

γεσκεπτεῖ; or, to put it more generally, the reader is referred to the speeches of Lyseias, De Publ. Pecun., De Nic. Frat. Pecun., De Aristoph. Pecun., and more espe-

cially p. 149, 151, 154, ed. Steph. The first ap-

pointment of these judicial συνδεῖον took place after

the expulsion of the thirty tyrants; and one of their

duties appears to have been to receive informations from

the φύλαρχοι against those persons who had served

in the cavalry during the interregnum, and who, by a special decree of the people, were ordered to restore to the treasury all the pay which they had received for that service.4 (Vid. Synergors.)

SYNEXTEREO (συνδεῖον), a name given to

the members of any council or any body of men who

sat together to consult or deliberate. The congress of

Greeks at Salamis called together to confer and re-

flect on the general assembly of the Greeks, τοιουτων τῶν Ἐλλήνων συνδέων, at Corin-

th, Thermopylae, or elsewhere.5 When the new alli-

ance of the Athenians was formed, after B.C. 377,

upon fair and more equitable principles than the for-

mer, the several states who were included therein

were expressly declared to be independent, and a congress was held at Athens, to which each of the

allied states sent representatives. The congress was called συνδέων, and the deputies συνώροι, and the sums furnished by the allies συναξάτες, in order to avoid the old and hateful name of φόρος, or trib-

ute.6 Many allusions to this new league are made

by the orators, especially Isocrates, who strongly

urged his countrymen to adhere to the principle on

which the union was founded, and to effect the at-

tempt to re-establish their old supremacy.7 Per-

haps the συνώροι mentioned in the oath of the Δα-

καστί are the Athenian members of this congress.

For further information on the subject of this con-

feracy, see Schömann, Ant. Jurr. Publ. Gr., 434. —

Bezold, Staats. der Athen., 1, 449.—Thirlwall, Hist. of Greece, 1, 423. 424.

The name of συνδέων was given at Athens to

any magisterial or official body, as to the court of

Areopagus,1 or to the place where they transacted

business, their board or council-room.2

SYNEGORICON (συνηγορία). (Vid. Synegor-

ros.)

SYNEGOROS (συνηγοροῦσα) may be translated an

advocate or counsel, though such translation will

convey to the English reader a more comprehensive

meaning than the Greek word strictly bears.

According to the ancient practice of the Athenian

law, parties to an action were obliged to conduct

their own causes without assistance; but, on the

increase of litigation, the sciences of law and rhet-

oric began to unfold themselves, and men who had

paid no attention to these were unable to compete

with more experienced opponents. To consult a

friend before bringing an action, or about the best

means of preparing a defence, were obvious expen-

dients. It was but another step to have a speech

prepared by such friend out of court, to be delivered

by the party himself when the cause was brought

to trial. A class of persons thus sprang up, some-

times employed by clients, sometimes for hire, who

endeavoured money for writing speeches and giving legal ad-

vice to those who consulted them. Of this class

Antiphon was the first who acquired any celebrity.

Lysea, Isaeus, and Isocrates obtained considerable

incomes by speech-writing. Demosthenes followed

the same profession for some time, until his engage-

ments in public business compelled him to relinquish it.4

These persons were called, μαν σύνωροι, but λογο-

γραφόν, a name applied to Demosthenes reproach-

fully by his rival, who accuses him also of betraying

his clients by showing the speeches which he had

written to the adversary.5 Still, whatever assist-

ance the party might have received out of court, the

law which compelled him to appear in person at

the trial remained in force; although the prohibi-

tion to speak by counsel was so far relaxed, that if

the party was labouring under illness, or through

any physical or mental debility was unable to con-

duct his own cause without manifest disadvantage,

he might (by permission of the court) procure a re-

late or friend to speak for him. Thus, when Mu-

dipnus had been wounded, and was being

a gangrene in his hip was unable to plead his own

cause, he was brought on a litter into court, and his

brother Tisagoras addressed the people on his be-

half. So, when Isocrates was ill, his son Aphares

spoke for him in the cause about the αὐτὸδοσ. 

And in the speech of Demosthenes against Leocra-

ases, we see that the son conducts his father's cause.

As a general rule, the party was expected to defend

the court himself; for the judges liked to form an

opinion of him from his voice, look, and demeanour;

and, therefore, if a man distrusted his own ability,

he would open the case himself by a short speech,

and then ask permission for his friend to come for-

ward.6 This was seldom refused; and in the time

of the orators, there is no period established in

which all and rich public occasions were not fre-

quently made by the advocate. The defences

by Demosthenes of Cleophon against Pseudo-

chines, and of Phanus against Aphobus, may be cited as ex-

amples. In both of these it will be seen that Demos-

thenes was as much interested as the defending

himself; and it is farther to be observed, that
the advocate was looked upon with more favour on the whole account; for as no fees were allowed to be taken, a speaker was regarded with suspicion who had no apparent motive for undertaking the cause of another person. Hence we find in most of the συνήγγοροι λόγοι that the speaker avows what his motives are; as, for instance, that he is connected by blood or friendship with the one party, or at enmity with the other, or that he has a stake in the matter at issue between them. In the cause against Leochares above cited, it is evident that the son had an equal interest with his father in preserving the inheritance, and therefore he would be considered in the light of a party. The law which prohibited the advocate from taking fees under peril of a γραφή before the themosothétes, made no provision (and perhaps it was impossible to make an effective provision) against an influence of a more pernicious kind, viz., that of political illustration, which induced men to support the members of their club or party without the least regard for the right or justice of the case. Hence the frequent allusions by the orators to the εργαστήρια συμφαγόντων, μοχθο- δών ανδρότρων συνεστόκτων, παρακεκάσας λόγων, μαρ- τύρων, συναγωγών, all which expressions have reference to that system of confiscation at Athens by which individuals endeavoured to influence and control the temper of the court (see ed. of Ctesippus). That friends were often requested to plead, not on account of any incapacity in the party, but in order that by their presence they might exert an influence on the bench, is evident from an attentive perusal of the orators. In some cases this might be a perfectly legitimate course, as where a defendant, charged with some serious crime, called a man of high reputation to speak in his behalf and himself thereby that he believed the charge groundless. With such view Læchines, on his trial for misconduct in the embassy, prayed the aid of Eubulus and Phocion, the latter of whom he had previously called as a witness. On criminal trials, the practice with respect to advocates was much the same as in civil actions, only that it seems to have been more common to have several speakers on the part of the prosecution; and in causes of importance, wherein the state was materially interested, more especially in those which were brought before the court upon a ιδιαγεγέλεια, it was usual to appoint public advocates (called συνήγγοροι, σύνθλοι, κατ' αντικτόροι) to manage the prosecution. Thus Petronides, a noble citizen, not only defied the prosecution, but insist in the impeachment of Cimon. Public prosecutors were chosen by the people to bring trial Demosthenes, Aristotigion, and others, charged with having received bribes from Harpalus. In ordinary cases, however, the accuser or prosecutor (κατ' αντικτόρος) was a distinct person from the συνήγγορος, who acted only as auxiliary, and might be indirectly that the συνήγγορος performed the most important part at the trial, as Anytus and Lycon are said to have done on the trial of Socrates, wherein Melitus was prosecutor; or it might be that he performed a subordinate part, making only a short speech in support of the prosecution, like those of Lysias against Epirates, Ephocles, and Philocrates, which are called ἐπίθητοι. But, however this might be, it is evident that the συνήγγορος was neither entitled to a share of the reward (if any) given by the law to a successful accuser, nor liable, on the other hand, to the penalty of a thousand drachmas, or the ἄγαν εἰσο- ράεως upon a failure to gain a fifth part of the vote. Here we must distinctly mark how an advocate and a joint prosecutor. The latter stood precisely in the same situation as his colleague, just as a co-plaintiff in a civil action. The names of both would appear in the bill (ἐγκήμη), both would attend the ὄνκης, and would, in short, have the same rights and liabilities; the elder of the two only having priority in certain matters of form, such as the πρωτολογία. In the proceedings against the law of Lepidus there were two prosecutors, Aphepion and Ctesippus, the son of Chabrias; each addressed the court, Aphepion first, as being the elder; each had his advocate, the one Phormia, the other Demosthenes, who tells us in the exordium that he had undertaken to speak partly from a conviction of the impolicy of the law, and partly to oblige the son of Chabrias, who would have been deprived of certain privileges inherited from his father if the law had taken effect. There seems to have been no law which limited the advocates of persons who might appear as advocates, either in public or private causes. There was, however, this practical limitation, that as the time allowed for speaking to either party was measured by the clepsydra, if either chose to employ a friend to speak for him, he subtracted so much from the legal time as he thought sufficient for that of his friend, and the whole time allowed was precisely the same, whatever the number of persons who spoke on one side. Both parties were usually allowed to make two speeches, the plaintiff beginning, the defendant following, then the plaintiff replying, and, lastly, the defendant again. These are often called λόγοι προτέρους καὶ δευτέρους respectively, and they are not to be confounded with the συνήγγος or διηγομένος, which might, and usually did, immediately follow the speech of the party in whose favour they were made, though as a matter of arrangement it might be convenient sometimes to reserve the speech of the advocate for the reply, in which case the συνήγγος λόγος and the δευτέρος λόγος would be the same. With respect to the custom of producing friends to speak in mitigation of damages or punishment, see ΤΙΜΕΑ. As to the public advocates appointed to defend the old laws before the court of hellasists, see ΣΥΝΟΔΟΣ, ΝΟΜΟΘΕΤΗΣ.

The fee of a drachm (τὸ συνήγγορον) mentioned by Aristophanes was probably the sum paid to the public advocate whenever he was employed as such. The phrase δικαστήριοι, early by Schémann that Petti was wrong in supposing that the orators or statesmen who spoke in the assembly are called συνήγγοροι. They are always distinguished by the title of βητορὸς or δημιογόρος, or, if they possessed much influence with the people, δημιογό- γοι: and it is not to be supposed that they constituted a distinct class of persons, inasmuch as any other person of talent might be admitted to the assembly when he pleased; though, as it was found in practice that the possession of the βητεία was confined to a few persons who were best fitted for it by their talent and experience, such persons acquired the title of βητορὸς, &c. There appears, however, to have been (at least at one period) a regular appointment of συνήγγοροι, ten in number, with whom the office was confined, as follows, anywhere, to a βητορὸς, or orator. For what purpose such ten συνήγγοροι were appointed, is a matter about which we have no certain information. Some think they were officers connected with the board of scrutators.

SYNCRAPHE.

who audited magistrates' accounts. * Aristotle says the authorities to whom magistrates rendered their accounts were called in some of the Greek states ειςθνων, in others λογοτατι, in others συγγραφι συμφωνοι or επετεια. * and the author of the Lexicon Rhetorici, published by Bekker, * says that the syntagm were ῥητορικοι κληρικοι οι θεοθοντοι της λογοτατι προς της ειςθνως. * But what sort of assistance did they render? * Is it not probable that they performed the duty which their name imports, viz., that of prosecuting such magistrates as, in the opinion of the logiaste, had rendered an unsatisfactory account? Any indignant and aggrieved party might charge against a magistrate when the time for rendering his account had arrived; but the prosecution by a συγγραφος would be an επο τυχοει proceeding, such as the logiaste were bound to institute if they saw any reason to suspect the accounting party of malversation or misconduct. If this conjecture be well founded, it is not unreasonable to suppose that these ten ειςθνως were not only annual, but annual, or that the public advocates who were employed to conduct state prosecutions of a different kind. They might be appointed annually, either by lot or by election (according to Harpocrates). Their duties would be only occasional, and they would receive a drachm as their fee whenever they were employed. Böckh's conjecture, that they received a drachma a day for every day that they sat, is not supported by any previous writer. The reader will find the authorities on this subject referred to in Schömann and Böckh. 

SYNGE NEIA (συγγενεια). (Vid. Heres, Grec. p. 494.)

SYNGRAPE (συγγραφη) signifies a written contract, whereas συνθήκη and συμβολαιοι do not necessarily import that the contract is in writing. Συγγραφη, is, strictly speaking, a verbal agreement. Póilax puts the word συνθήκη ἐγγραφος, ἡμολογία ἐγγραφος. 

At Athens important contracts were usually reduced to writing, such as leases (μισθωται), loans of money, and all executorial agreements where certain conditions were to be fulfilled in future. The rate of interest, with other conditions, and also the penalties for breach of contract (ποιημα τα εκ της συγγραφης), were particularly mentioned. The names of the witnesses and the sureties (if any) were specified. The whole was contained in a little tablet of wax or wood (δίκαιον ου γραμματειον, sometimes double, διδυμος), which was sealed, and deposited in the temple of Minerva at the time of the letting of the houses. Any example of a contract on a bottomly loan (ταυτηκ συγγραφη) will be found in Demostenes, where the terms are carefully drawn up, and there is a declaration at the end, κυριευτων δε περι τοιτον ἀλλο μην ειναι της συγγραφης, * which agreement shall be valid, anything to the contrary notwithstanding. The public advocates stood as the object of a written contract—a release (ἀφεσης), a settlement of disputes (δικαιος), the giving up of a slave to be examined or tortured, or any other accepted challenge (πρόκλησις); in short, any matter wherein the contracting parties thought it safer to have documentary evidence of the terms. Εκδοτης υπεραντακτικα συγγραφης is to give an order for the making of a copy of the writing. The assumptions, of a certain fashion, at a certain price, &c., as specified in the agreement. * No particular form of words was necessary to make the instrument valid in point of law, the sole object being to furnish good evidence of the parties' intention. The agreement itself was valid without any writing, and would form the ground of an action against the party who broke it, if it could be sufficiently proved. Hence it was the practice to have witnesses to a parcel agreement. The law declared κυριευται ειναι τοις προς ἄλλους ἡμολογιας, δι' αν ἔννοιαν αμετρητων ποιοτισματιν. * It seems that for the maintenance of an ἡμιτεχνηδον δικαιον it was necessary to have a written contract.

Bankers were persons of extensive credit, and had peculiar confidence reposed in them. They were often chosen as the depositaries of agreements and other contracts. Money was put into their hands without any acknowledgment, and often without witnesses. They entered these, and also the loans made by themselves to others, in their books making memorandia (πανευμνηματα) of any important particulars. Such entries were regarded as strong evidence in courts of justice. Sureties were usually required by them on making loans. * Συγγραφη denotes an instrument signed by both or all the contracting parties. Χαριγραφη is a mere acknowledgment by one party. Συγγραφησαυει ου συνθήκη is to draw up the contract, σημανωσαυει to seal it, ἀνεναι to cancel, ἀνελθαυει to take it up from the person with whom it was deposited, for the purpose of cancelling, when it was no longer of any use. Συγγραφησαυει, to break the seal, to cancel, the writing itself. Such terms could be used as to alter the terms of the instrument, or erase or destroy some material part, or even the whole thereof (μεταγράφων η διαφθείρων). (Vid. Συμβολαιον.)

SYNECIA (συνοικία) differs from οικία in this, that the latter is a dwelling-house for a single family, the former a building for lodging houses, ino,as, the Romans would say. The distinction is thus expressed by Ερισκήνης. * ὑπὸν μὲν γὰρ πολλά μεθοδευόμενα μῖας ἐπαρχείας διελευκάτω εἴξονα, συνοικία τὰ καλότερα, ὅπως δὲ ἐν υἱοκλήτις οἰκίας. There was a great deal of speculation in the building and letting of houses at Athens. The lodging houses were let mostly to foreigners who came to Athens on business, and especially to the μέτοικος, whom the law did not allow to acquire real property, and who therefore could not purchase houses of their own. * Ασ, they, with their families, formed a population of about 45,000, the number of συνοικίαι must have been considerable. Parthen, the banker, had a lodging-house valued at 100 minas. Herodotus (Hist., Χαλκιδερος, 4) tells us, that Athenians were encouraged to invest their money in houses, and that leave should be granted to the most respectable to build and become house proprietors (οἰκοδομημέναις ἐγκατστήσονταί). Τις ἰστηκεῖται ἐτοιμωτα under no such disability; for Lyssias and his brother Polemarchus, who belonged to that class, were the owners of the house. The houses must have varied according to the size, the build, the situation, and other circumstances. Those in the city were more valuable than those in the Piraeus or the country, οἰκία τοπίου παραβι. Two counting-houses are mentioned by Isea* as yielding a return of rather more than 8 per cent. interest on the purchase-money. But this probably was much below the average profit, and the houses near the market, where it was most profitable for the letting of houses, when merchants and other visitors flocked to Athens. The rent was commonly paid by the month. Lodging-houses were frequently taken on speculation by persons called

SYMPOSIUM.

S5YMP0SIUM. given (Gaiub, bonis 673.) and (Dig. 9:16) — {Vid. drinking-party. he (Compare sometimes, for (Id., for he the servitus the possession stood this by consequently dominiicles, and are LusTEATio, tival,') Dig. — 6.}

SYNQiCiA more proper agreement, [special SUOVETAURL'IA. SYNEDRoi.) SYNTHECHE (sychis). (Vid. SYNDROI.) SYNTHETIKA, SYNTHETIIKAI. (Vid. SYMBOLOXION.) SYNTHETIKON PARA^AVE'JXXIS DIJX. (Vid. SYMBOLOXION.)

SUOVETAURiLLiA. (Vid. SACRIFICiUM, p. 846, LusTATiO, p. 604, and woodcut on p. 897.)

SUPERFICIES, SUPERFICiA/RiUS. "Those are aedetes superficiarum which are built on hired ground, and the property of which, both by the jus civilis and naturalis, belongs to him to whom the ground (solum) also belongs." Every building, then, was regarded a part of the ground on which it stood; and the owner's right and possession of the building were inseparable from the ownership and possession of the ground. The superficies resembles a servitus, and is classed among the iura in re. According to the definition, the superficiarius had not the thing even in bonis; and as the animus dominii could not exist in the case of superficies, he consequently could not be possessed. He had, however, the right of the owner or possessor. The superficiarius had the right to the enjoyment of the superficies: he could alienate the superficies, and pledge it for the term of his enjoyment; he could dispose of it by testament; and it could be the object of succession ab intestato; he could also make it subject to a servitus; and he could prosecute his right by a utilis in rem actio. As he had a juris quasi possession, he was protected against alienation by a special interdict, which is given in the Digest, and in its effect resembles the interdictum uti possidetis. The explanation of the passage relating to this interdict is given by Savigny. If he was ejected, he could have the interdictum de vi, as in the case of proper possession; and if he had granted the use of the superficies to another precario, who refused to restore it, he had the interdictum de precario.

A man could obtain the use of a superficies by agreement with the owner of the land for permission to erect a building on it; and he might also, by agreement, have the use of an existing superficies. He was bound to discharge all the duties which he owed in respect of the superficies, and to make the proper payment in respect of it (solarium), if any payment had been agreed on.

The rule of law that the superficies belonged to the owner of the soil was expressed thus: Superficies solo cedit. If, then, a man built on another man's land, the house became the property of the owner of the land. But if the owner of the land claimed the house, and would not pay the expenses incurred by building it, the builder of the house must meet the claimant with a plea of dolus malus (exceptio dolis mati), that is, to say, if he was a bona fide possessor, and had a just title by law, he had, of course, no answer to the owner's claim.

SUPERNUMERARII. (Vid. ACCESSII.)

SUPP/iPARUM. (Vid. Athen, p. 894.)

SUPPLiCIATION was a solemn thanksgiving to supplication to the gods decreed by the senate, whose temples were opened, and the statues of the gods frequently placed in public upon couches (pul menara), to which the people offered up their thanksgivings and prayers (ad emuna pulinaria supplicium decreta cet). {Vid. LECTiSTERNIUM. A supplication was decreed for two different reasons: I. As a thanksgiving when a great victory had been gained: it was usually decreed as soon as official intelligence of the victory had been received by a letter from the general in command. The number of days during which it was last to be proportioned to the importance of the victory. Sometimes it was decreed for only one day, but more commonly for three or five days. A supplication of ten days was first decreed in honour of Pompey at the conclusion of the war with Mithradates, and one of fifteen days after the victory over the Delge by Caesar, an honour which Caesar himself says had never been granted to any one before. Subsequently a supplication of twenty days was decreed after the victory over Vercingetorix. For this reason the senate seems to have frequently increased the number of days out of mere compliment to the general. We thus find mention of thanksgivings for forty days, fifty days, and even sixty. A supplication was usually regarded as a prelude to a triumph, but it was not always followed by one, as Caesar reminds Cicero, whose honour a supplication had been decreed. This honor was conferred upon Cicero on account of his suppression of the conspiracy of Catiline, which had never been decreed to any one before in a civil capacity (togatius), as he frequently takes occasion to mention. II. A Supplicatio, a solemn supplication and h.s. militation, was also decreed in times of public danger and distress, and on account of prodigies in avert distress and save the state.}

SUPERDUS. (Vid. OBhIATIONES, p. 673.)

*SUS. (Vid. HvS)

SUPPENSU'RA. (Vid. Bath, p. 144.)

SYMP0SiUM (συμπόσιον, comissatio, consuvinium), a drinking-party. The συμπόσιον, or the πότος, must be distinguished from the δείπνo; for though drinking almost always followed a dinner-party, yet the former was an entertainment and an entertainment of a very different kind. The latter was also, after the dinner had been finished, the libations made, and the swan sung, they turned to drinking (τρύψεωσαν προς τον πότον).

Symposia seem to have been very frequent at Athens. Their enjoyment was heightened by agreeable conversation, by the introduction of music and dancing, and by games and amusements of various kinds: sometimes, too, philosophical subjects were
discussed at them. The Symposium of Plato and Xenophon give us a lively idea of such entertainments at Athens. The name itself shows that the enjoyment of drinking was the main object of the symposia: wine from the juice of the grape (οἶνος δὲμέλινον) was the only drink partaken of by the Greeks, with the exception of water. For palm wine and beer (vid. Cæsarea), though known to many of the Greeks from intercourse with foreign nations, were never introduced among them; and the extraordinary cheapness of wine at Athens (vid. Vins) enabled persons even in moderate circumstances to give drinking-parties to their friends. Even in the most exalted times of Athens, when poetry was considered one of the greatest sources of pleasure, and hence Musaeus and his son supposed that the just passed their time in Hades in a state of perpetual intoxication, as a reward of their virtue (γνήσιον καλλιτόν άρετος μαινόν μεθήνον ἄνων) it would appear from the Symposium of Plato that even the Athenians frequently concluded their most naturally designed rambles in a drink occasion, and it was to guard against this that such parties were forbidden at Sparta and in Crete.

The wine was almost invariably mixed with water, and to drink it unmixed (ἄλκαλον) was considered a characteristic of barbarians. Zaleucus is said to have enacted a law among the Locrians, by which all those who entered into a meal without water or wine without the command of his physician, was to be put to death; and the Greeks in general considered unmixed wine as excessively prejudicial to physical and mental health. The Spartans attributed the insanity of Cleomenes to his indulging in this practice, which he learned from the Scythis. So universal was the custom that the Athenian law, which required that the word οἰνος is always applied to such a mixture; and whenever wine is spoken of in connection with drinking, we are always to understand wine mixed with water, unless it is expressly added (τὸ κράμα, κατοι έδάσον μετέχον πλέονον, ὤν, καλλιεργέν). The proportion in which the wine and water were mixed was very different; but generally there was a much greater quantity of water than of wine. It appears from Plutarch, Athenæus, and Eustathius, that the most common proportions were 3:1, or 2:1, or 3:2. Hence it is evident that the former was the most common practice in the symposia: wine was sometimes handed to the guests in a cup, and as such sprinkled; and in the latter case it received the name of τρίφμα, and is frequently mentioned by the writers of the New Comedy. Other ingredients were also occasionally added. The mixture was made in a large vessel called the κρατήρ (vid. Crater), from which it was conveyed to the cups of οἰνογρύς or κάησα. (vid. Cantius.) The cups usually employed were the κύκλα, φαλήρι, καρφίσιον, and κάησα, of which an account is given in separate articles. The Rhyton, or drinking-horn was also very commonly used. We find several vases on vases representing drinking scenes.

The guests at a symposium reclined on couches, and were crowned with garnets of flowers, as is explained under Despoina. A master of the revels (δρόμος τῆς πότων, συμπόσιαρχος ή βασιλεύς) was usually chosen to conduct the symposium (μακάριος γενικός, συμπόσιαρχος), whose commands the whole company had to obey, and who regulated the whole or derivative entertainment, the amusements, &c. The same practice prevailed among the Romans, and their symposiarch was called the magister or res convivia, or the arbiter bidenti. The Athenians, as a natural consequence, with their growing of astragalii or talli; but we find in Plato, Alcibiades constituting himself symposiarch. The proportion in which the wine and water were mixed was fixed by him, and also how much each of the company was to drink. The servants (οἰνογρύοι and οἰνοτρόποι), usually young slaves, who had to mix the wine and present it to the company, and also under his orders; but if there was no symposiarch, the company called for the wine just as they pleased.

Before the drinking commenced, it was agreed upon in what way they should drink, for it was not usually left to the option of each of the company to drink as much or as little as he pleased, but generally the wine was fixed by the host, as it might order. At Athens they usually began drinking out of small cups (μετέρα ποτήρα), but as the entertainment went on, larger ones were introduced. In the Symposium of Plato, Alcibiades and Socrates each empty an immense cup, containing eight cotylēs, or nearly four English pints; and the most frequent vintage of wine was called vaseprinos (ἀπεντετροτερον ἀποκαταλιθεῖται, and early did it especially to the one who handed the same cup. This seems to have been the custom which Cicero alludes to when he speaks of "drinking after the Greek fashion" (Graeco more bibere; Graci in convivio solent nominare, cui poculum tradituri sunt). Music and dancing were usually introduced, as already observed, as parts of the festivity, and we find few representations of such scenes in ancient vases without the presence of female players on the flute and the cithara. Plato, indeed, distinctly objects to their presence, and maintains that it is only men incapable of amusing themselves by rational conversation that have recourse to such means of enjoyment, but this says nothing against the general practice; and Xenophon, in his Symposium, represents Socrates mightily pleased with the mimetic dancing and other feats performed on that occasion. The female dancers, and the players on the flute and the cithara, were frequently introduced at the symposia of young men for another purpose, and were oftentimes actual Sтратον (vid. Ηαταισκον, p. 508), as we see clearly represented on many ancient vases. Respecting the different kinds of dances performed at symposia, see Saltatia.

Respecting the games and amusements by which the symposia were enlivened, it is unnecessary to say much here, as most of them are described in separate articles in this work. Enigmas or riddles (ἀἰσθήματα or γρίφοι) were among the most usual and favourite modes of diversion. Each of the company proposed one in turn to his right-hand neighbour: if he solved it, he was rewarded with a crown, a garland, a cake, or something of a similar kind, and sometimes with a kiss; if he failed, he had to drink a cup of unmixed wine, or of wine mixed with salt-water, at one draught. 1 The cotabos was also another favourite game at symposia, and was played at in various ways. (Vid. Cotta- nos.)

The other games at symposia which require mention are the ἀστραγάλιοι and καβδεία, explained under Ταλι and Τασσερέα, the περτεία, spoken of under Ἀλθρένευς, and the χαλικίματις. The latter consisted in turning round a piece of money placed upright on its edges, and causing it suddenly to stop while moving by placing a finger on its top. In representations of symposia are very common on ancient vases. Two guests usually reclined on each couch (κάλυθος), as is explained on p. 344, and illustrated by the following cut from one of Sir W. Hamilton's vases, where the couch on the right hand contains two persons, and that on the left is represented with only one, which does not appear to have been the usual practice. The guests wear garlands of flowers, and the two who are reclining on the same couch hold a phiala each in the right hand. Sometimes there were four or five persons on one couch, as in the woodcut on p. 326.

A drinking-party among the Romans was sometimes called comissatio, but the word comissatio more nearly corresponds to the Greek συντέχνον. (Vid. Comissatio.) The Romans, however, usually drank during their dinner (cana), which they frequently prolonged during many hours in the later times of the Republic and under the Empire. Their customs connected with drinking differed little from those of the Greeks, and have been incidentally noticed above. The preceding account has been mainly composed from Becker's Charikles 9 and Gallus, 4 where the subject is treated at length. SYNTHESIS, a garment frequently worn at dinner, and sometimes also on other occasions. As it was inconvenient to wear the toga at table on account of its many folds, it was customary to have dresses especially appropriated to this purpose, called vates catantoria or catantoria, &c. (Vid. Sylhias.) The synthesis is commonly explained to be a loose kind of robe like the pallium, but Becker 9 supposes, from a comparison of a passage of Dion Cassius 6 with one of Suetonius, describing the dress of Nero, that it must have been a kind of tunic, an indumentum rather than an amictus. (Vid. Amictus.) That it was, however, an easy and comfortable kind of dress, as we should say, seems to be evident from its use at table above mentioned, and also from being worn by all classes at the Saturnalia, a season of universal relaxation and enjoyment. 3 More than this respecting its form we cannot say: it was usually dyed with some colour, 4 and was not white like the toga.

The word synthesis is also applied to a set of wearing apparel or a complete wardrobe. 3 This use of the word agrees better with its etymology (synthesis, συνθέσις) than the one mentioned above.

SYRINX (συρίγξ), the Pan's Pipe, or Pandean Pipe, was the appropriate musical instrument of the Arcadian and other Greek shepherd, and was regarded by them as the invention of Pan, their tutelary god. 10 who was sometimes heard playing upon it (συρετόν), as they imagined, on Mount Menalos. 7 It was, of course, attributed to Faunus, who was the same with Pan. 9 When the Roman poets had occasion to mention it, they called it fas-ta. 6 It was also variously denominated according to the materials of which it was constructed, whether of cane (τεμένους), (τοξεύς, δοξακις), 11 reed (calamus, 12 καλάμος), or hemlock (cicuta 13). In general, seven hollow stems of these plants were fitted together by means of wax, having been previously cut to the proper length, and adjusted so as to form an octave: 14 but sometimes nine were admitted, giving an equal number of notes. 15 Another name for the construction of this instrument, which, however, was rarely practised, was to arrange the pipes in a curve so as to fit the form of the lip, instead of arranging them in a plane. 17 A syrinx of eight reeds is shown in the gena figured on page 696. The annexed woodcut is taken from a bas-relief in the collection at Appiedurcombe in the Isle of Wight. 18 It represents Pan reclining at the entrance of the cave which was dedicated to him in the Acropolis at Athens. He holds in his right hand a drinking-horn (vid. Rhyton), and in his left a syrinx, which is strengthened by two transverse bands.

of Megara refused to go to the Pythian Games on account of the performance on Pandoe pipes (οὖθος). The Lydians, whose troops marched to military music, employed this, together with other instruments, for the same purpose. This instrument was the origin of the organ. (Vid. HYdraul.)

The term σύσσις was also applied to levels, or narrow subterranean passages made either in searching for metals, in mining at the siege of a city, or in forming outacoms for the dead. 8

SYRMA (σύρμα), which properly means that which is drawn or dragged (from σύρω), is applied to a dress with a train. The long epaulets worn by the Trojan matrons was consequently a dress somewhat of this kind. 5 The syrma, however, was more especially the name of the dress worn by the tragic actors, which had a train to it trailing upon the ground; whence the word is explained by Pollux 6 as a προσης φόρμα ἐπιπορίου, and is alluded to by Horace 7 in the words

"tristisque vagos per pulpitum ostendit." 8

Hence we find syrma used metaphorically for tragic itself.

SYSSitia (σύσσιτια). The custom of taking the principal meal of the day in public prevailed extensively among the Greeks from very early ages. It existed not only with the Spartans and Cretans, among both of whom it was kept up till comparatively recent times, but also at Megara in the age of Theognis, 9 and at Corinth in the time of Periander, who, it seems, abolished the practice as being favorable to the poor. 10 Not was it confined to the Hellenic nation; for, according to Aristotle, 11 it prevailed still earlier among the Οἰενοτριακοισ in the south of Italy, and also at Carthage, the political and social institutions of which state resembled those of Sparta and Crete. 12 The origin of the usage cannot be historically established, but it seems reasonable to refer it to infant or patriarchal communities, the members of which, being intimately connected by the ties of a close political union and kindred, may naturally be supposed to have lived together almost as members of the same family. But, however and wherever it originated, the natural tendency of such a practice was to bind the citizen to a certain political union; and, accordingly, we find that at Sparta the citizen paid himself for it, or merely perpetuated and regulated an institution which the Spartans brought with them from their mother-country, and retained at Sparta as being suitable to their position and agreeable to their national habits. The latter supposition is perhaps the more correct. The Cretan usage Aristotle 13 attributes to Minos; this, however, may be considered rather "the philosopher's opinion than an historical tradition:" but the institution was confessedly of so high antiquity, that the Peloponnesian colonists may well be supposed to have found it already existing in Crete, even if there has been no direct or remote settlers in the island before them. 14 The Cretan name for the sysstitia was άρδη, 15 the singular of which is used to denote the building or public hall where they were given. This title affords of itself a sufficient indication that they were confined to men and youths only: a conclusion justified and supported by all the authorities on the subject. 16 It is not, however, improbable, as Hoeck 17 suggests, that in some of the Dorian states there were sysstitia of the young unmarried women as well as of the men. 18 All the adult citizens partook of the public meals among the Cretans, and were divided into companies or messes, "called Erante, or sometimes άρδη. 19 These divisions were perhaps originally confined to persons of the same house and kindred, but afterward any vacancies in them were filled up at the discretion of the members. 20 The divinity worshipped under the name of Ζεύς Εραντες 21 was considered to preside over them.

According to Dosiladas, who wrote a history of Crete, 4 there were in every town of the island (παραγωγοι) two public buildings, one for the lodging of strangers (κοιμητηριον), the other a common hall (άρδη) for the citizens. In the latter of these the sysstitia were given, and in the upper part of it were placed two tables for the entertainment of foreign guests (ξενια τραπεζα), a circumstance deserving of notice, as indicating the extent to which the Doriens of Crete encouraged mutual intercourse and hospitality. Thus came the tables of the citizens. But, besides these, there was also a third table, on the right of the entrance, dedicated to Ζεύς ξενος, and perhaps used for the purpose of making offerings and libations to that god.

The sysstitia of the Cretans were distinguished by single courses. The diners then ate at their tables, even in later times, when the custom of reclining had been introduced at Sparta. The entertainment began with prayer to the gods and libations. 7 Each of the adult citizens received an equal portion of fare, with the exception of the "archontes" or "master of the tables," who was, perhaps, but at an earlier day, on whom the recently a member of the θυσιωτα or council. This magistrate received a fourfold portion; "one as a common citizen, a second as a president, a third for the house or building, a fourth for the furniture" (των σκευων): an expression from which it would seem that the care of the building, and the provision of the necessary utensils and furniture, devolved upon him. The management of a table was under the superintendence of a female of free birth (φροστικη της συσσιτιας γυνη), who openly took the best fare, and presented it to the citizen who was most eminent in the council or the field. She had three or four mile assistants under her, each of whom, again, was provided with two menial servants (μητροπετρα), who were in charge of the messmates in the room and when they were clasped in the diaςτη, the youth accompanied their fathers to the sysstitia along with the orphans of the deceased. 11 In some places the youngest of the orphans waited on the men; in others this was done by all the boys. 12 When not thus engaged, they were seated near to the men on a lower bench, and received only a half portion of food; the elder or chief of the orphans received the same quantity as the men, but of a plainer description of fare. 13 The boys of the men, had also a cup of mixed wine in common, which, however, was not replenished when emptied.


During the repast a general cheerfulness and gayety prevailed, which were enlivened and kept up by music and singing. It was followed by conversation, which was first directed to the public affairs of the state, and afterwards turned on valiant deeds in war and the exploits of illustrious men, whose praises might animate the younger hearers to an honourable emulation. While listening to this conversation, the youths seem to have been arranged in classes (àdvótea), each of which was placed under the superintendence of an officer (nauhóropos) especially appointed for this purpose, so that the syssitia were thus made to serve important political and educational ends.

In most of the Cretan cities the expenses of the syssitia were defrayed out of the revenues of the public lands and the tribute paid by the Perioeci, the money arising from which was applied partly to the service of the gods and partly to the maintenance of all the citizens, both male and female, so that in this respect there might be no difference between the rich and the poor. From the statement of Aristotle compared with Diodoras, it appears probable that each individual received his separate share of the public revenues, out of which he paid his quota to the public table, and provided with the rest for the support of the females of his family. This practice, however, does not appear to have prevailed exclusively at all times and in all the cities. Lyctus, who was a native of Sparta, the custom was different: the citizens of that town contributed to their respective tables a tenth of the produce of their estates; a practice which may be supposed to have obtained in other cities, where the public domains were not sufficient to defray the charges of the syssitia. But, both at Lyctus and elsewhere, the poorer citizens were in all cases taxed to support their lords.

In connexion with the accounts given by the ancient authors respecting the Cretan syssitia, there arises a question of some difficulty, viz., how could one building accommodate the adult citizens and youths of such towns as Lyctus and Gortyna! The question admits of only two solutions: we are either misinformed with respect to the size of each building, or one building was used as a common hall, or the number of Dorian citizens in each town must have been comparatively very small.

The Spartan syssitia were in the main so similar to those of Crete, that one was said to be borrowed from the other. In later times they were called ðéðiría, or the "spare meals," a term which is probably a corruption of ðéðiría, the love-feasts, a word corresponding to the Cretan ðraúpta. Anciently they were called àdvótea, as in Crete. They differed from the Cretan in the following respects. Instead of the expenses of the tables being defrayed out of the public revenues, every head of a family was obliged to contribute a certain portion at his own cost and charge; those who were not able to do so were excluded from the public tables. The guests were divided into companies of fifteen persons each, and all vacancies were filled up by ballot, in which unanimous consent was indispensable for election. No persons, not even the king, were allowed what was called an áéddikós ðiúpa, or excess from attendance at the public tables, except for some satisfactory reason, as when engaged in a sacrifice or a chase, in which latter case the individual was required to send a present to his table. Each person was supplied with a cup of mixed wine, which was filled again when required; but drinking to excess was prohibited at Sparta as well as in Crete. The repast was usually a simple one of bread and cheese, and an offering of each of a mess or φάσμα was settled by law. The principal dish was the υλάς χύτης, or black broth, with pork. The ἔποντος, or after-meal (from the Doric δίλος, a meal), was, however, more varied, and richly supplied by presents of game, poultry, fruit, &c., and other delicacies, which no one was allowed to purchase. (Vid. Arist.) Moreover, the entertainment was enlivened by cheerful conversation, though on public matters. Singing, also, was frequently introduced, as we learn from Alcman that "at the banquets and drinking entertainments of the men it was fit for the guests to sing the pæan." The arrangements were under the superintendence of the polemarchs.

The use and purposes of the institutions described above are very manifest. They united the citizens by the closest ties of intimacy and union, making them consider themselves as members of one family, and children of one and the same mother, the state. They maintained a strict and perfect separation between the higher and the subject classes, both at Sparta and in Crete, and kept up in the former a consciousness of their superior worth and station, together with a strong feeling of national pride. The latter, on the other hand, had in every respect a military point of view; for the members of the syssitia were formed into corresponding military divisions, and fought together in the field, as they had lived together at home, with more bravery and a keener sense of shame (αἰδος) than could have been the case with merely chance comrades. Moreover, they gave an efficacy to the power of public opinion on matters of national importance, and thereby served considerably to increase the stability of penal laws. With respect to their political tendencies, they were decidedly arranged upon aristocratical principles, though no individual of a company or mess was looked upon as superior to his fellows. Plutarch accordingly calls them συνάδελφα ἱεροκουσταρία, or aristocratical meetings, and compares them with the Pythian and Thesemantine festivals of Athens.

The simplicity and sobriety, which were in early times the characteristics both of the Spartan and Cretan syssitia, were afterward, in Sparta at least, supplanted by luxury and effeminate indulgence. The change was probably gradual, but the kings Ages and Acrotatus (B.C. 300) are recorded as having been mainly instrumental in accelerating it. The reformer Agis endeavoured, but in vain, to restore the old order of things, and persisted in the attempt. In his days Sparta contained 4500 families, out of which he proposed to make fifteen syssitia, whence Müller infers that formerly, when the number of families was 9000, the number of syssitia was thirty, and, consequently, that Herodotus, when he spoke of Lycurgus having instituted the "syssitia" for war, alluded to the larger divisions, and not the single banquetting companies; a conclusion justified by the context. Müller, moreover, supposes that in this sense the syssitia at Sparta corresponded to the divisions of the state called obe, and sometimes φασίτας, which were also thirty in number.

TABELLAR'LE LEGES.

T. 0.

TABANUS. (Vid. Cicero.)

TABELLA, dim. of TABULA, a Bill or Tablet, with which each citizen and judge voted in the comitia and courts of justice. In the comitia, if the business was the passing of a law, each citizen was provided with two tabellae, one inscribed V. R., i. e., Uti Rogas, "I vote for the law," the other inscribed A., i. e., Antiquo, "I am for the old law." 12 If the business was the election of a magistrate, each citizen was supplied with one tabella, on which the names of the candidates were written, or the initials of their names, as some suppose from the oration Pro Domae, c. 43 : the voter then placed a mark (punctum) against the one for whom he voted, whence puncta are spoken of in the sense of votes. 3 For further particulars respecting the voting in the comitia, see DRABSTONES and STRELLA.

The judices were provided with three tabellae, one of which was marked with A., i. e., Absolvo, "I acquit," the second with C., i. e., Condemno, "I condemn," and the third with N. L., i. e., Non Luet, "It is not clear to me." The first of these was called tabella absolutoria, and the second tabella damnatoria, 4 and hence Cicero 5 calls the former littera salutis, and the latter littera damnationis. 6 It would seem that in some trials the tabellae were marked with the letters L. D. respectively, i. e., Libero et Damno, since we find on a denarius of the Caelian gens a tabella marked with the letters L. D.; and as we know that the vote by ballot in cases of perduellio was first introduced by C. Calvisius Calvis (vid. TABELLAR'LE LEGES), the tabella on the coin undoubtedly refers to that event. There is also a passage in Caesar 7 which seems to intimate that these initial letters were sometimes marked on the tabellae: "Unam fore tabellam, qui liberandas omni periculo censerent; alteram, qui capitae damnarent." 8 &c.

The cut annexed contains a copy of a coin of the Cassian gens, in which a man wearing a toga is represented in the act of placing a tabella marked with the letter A. (i. e., absolvo) in the cista. The letter on the tabella is evidently intended for A. For the various meanings of Tabella, see TABULA.

TABELLAR'LE LEGES, the laws by which the ballot was introduced in voting in the comitia. As to the ancient mode of voting at Rome, see SURPRAGMUM. There were four enactments known by the name of Tabellaries Leges, which are enumerated by Cicero. 9 They are mentioned below according to the order of time in which they were passed.

1. GABINIA LEX, proposed by the tribe Gabinius B.C. 139, introduced the ballot in the election of magistrates, 10 whence Cicero 11 calls the tabella rin dex tacito libertatis. 12

2. CASSIA LEX, proposed by the tribe L. Cassius Lactantius B.C. 137, introduced the ballot in the "judicium populi," with the exception of cases of perduellio. The "judicium populi" undoubtedly applies to cases tried in the comitia by the whole body of the people (vid. JUDEX, p. 551, 552), although Ernestii 13 wishes to give a different interpretation to the words. This law was supported by

1. (Compare Cic. ad Att. i. 14, 9-10. (Cic. Pro Flacco, 22.)

Scipio Africanus the younger, for which he was censured by the aristocratic party. 1

3. PAPINIA LEX, proposed by the tribe C. Papirius Carb. B.C. 131, introduced the ballot in the enactment and amendment of laws. 2

4. CAELIA LEX, proposed by C. Calvisius Calvis B.C. 108, introduced the ballot in cases of perduellio, which had been excepted in the Cassian law. 3

There was also a law brought forward by Marius B.C. 119, which was intended to secure freedom and order in voting. 4

TABELLARIUS, a Letter-carrier. As the Romans had no public post, they were obliged to employ special messengers, who were called tabellarii, to convey their letters (tabella, littera), when they had not an opportunity of sending them otherwise. 5

TABELLIO, a Notary. 6 Under the Empire the tabelliones succeeded to the business of the scribes in the times of the Republic. (Vid. SCRIBAE.) From tabellus, the word employed for drawing up legal documents, and for this purpose usually took their stations in the market-places of towns. They formed a special order in the state.

TABERNA is defined by Ulpius as any kind of building fit to dwell in, "nempe ex eo, quad tabulis clauditur," or, according to the more probable etymology, "quad tabulis clauditur," which word is derived from the verb to close (tabulare). Festus 7 asserts that this was the most ancient kind of abode used among the Romans, and that it was from the early use of such dwellings that the words taberna and tabernaculum were applied to military tents, though the latter were constructed of skins. We know very little of the form and materials of the ancient tents; but we may infer from the materials which were employed in covering and securing them that if they were generally composed of a covering of skins, partly supported by wooden props, and partly stretched on ropes. Some times, in a permanent camp, they may have been constructed entirely of planks; and sometimes, in cases of emergency, garments and rushes were spread over any support that could be obtained. 8

Taberna was also the name of a shop. Neither the ancient authors nor the remains of Pompeii lead us to suppose that tradesmen often had their shops forming parts of their houses, as with us. A for many of the shops round a house were retained by the owner for the sale of the produce of his estates. This arrangement of the shops was probably an improvement on an older plan of placing them against the walls of houses. Even under the emperors we find that shops were built out so far into the street as to obstruct the thoroughfare. Martial 9 mentions an edict of Domitian which put an end to this practice, and the shops were confined within the areas of the houses.

The following are the most remarkable classes of shops of which we have notices or remains:

1. Shops for the sale of wine, hot drinks, and ready-dressed meat. (Vid. CAPOTTA.)


943
TABULE.

1. Bakers' shops. Of these several have been found at Pompeii, containing the mill as well as the other implements for making bread. (Vid. Mola, Pistor.)

2. Book-sellers' shops. (Vid. Bibliopol.)

3. Barbers' and hairdressers' shops. (Vid. Bar.)

TABERNACULUM. (Vid. Tabern., Templem.)

TABULINUM. (Vid. House, Roman, p. 517.)

TABULE. This word properly means planks or boards, whence it is applied to several objects, as gaming-tables, pictures, but more especially to tablets used for writing, of which alone we have to speak here. The name of tabulae was applied to any flat substance used for writing upon, whether stone or metal, or wood, or even over a waxed cloth. Thus, in Livy, indeed, distinguishes between tabula and cera, by the former of which he seems to mean tablets of stone and metal; but tabula and tabellae more frequently signify waxen tablets (tabula cerata), which were thin pieces of wood, usually of an oblong shape, covered over with wax (cera). The wax was written on by means of the stilus. (Vid. Stylus.)

The wax was sometimes made from pine and citron-wood, but generally of the wood of a more common tree, as the beech, fir, &c. The outer sides of the tablets consisted merely of the wood; it was only the inner sides that were covered over with wax. They were fastened together at the backs by means of wires, which answered the purpose of hinges, so that they opened and closed like a book. The wax when the tablets were used was from one tablet rubbing against the wax of the other; there was a raised margin around each, as is clearly seen in the woodcut on p. 925. There were sometimes two, three, four, five, or even more tablets fastened together in the above-mentioned manner. Two such tablets were called dipytche (dipytchum), which merely means twice-folded (from πτυχα, to "fold"), whence we have πτυχων, the same word as the name of the Latin word pugilares, which is the name frequently given to tablets covered with wax. Perhaps it may be connected with the same root, though it is usually derived from pugilare; because they were small enough to be held in the hand. Such tablets are mentioned as early as the time of Homer, who speaks of a πυγιλε πτυχαντος (Vid. Dipytch.)

Three tablets fastened together were called triptyche (triptychum), which Martial translates by triplices (cerae); in the same way we also read of pentaptycha (pentaptunx), called by Martial quintuples (cerae). in the same way we also read of pentaptycha (pentaptunx), called by Martial quintuples (cerae), and of polyptycha (polyptunx) or multiplices (cerae). The pages of these tablets were frequently called by the name of cera alone; thus we read of prima cera, altera cera, "first page," "second page." In tablets containing important legal documents, especially wills, the outer edges were pierced through with holes (foramina), through which a triple thread (tissum) was passed, and upon which a seal was then placed. This was intended to guard against forgery; and, if it was not done, such documents were null and void. (Vid. Testamentum.)

Waxen tablets were used among the Romans for almost every special document; writing was generally written lengthwise and was not cut off. Thus letters were frequently written upon them, which were secured by being fastened together with packthread and sealed with wax. Accordingly, we read in Plautus, when a letter is to be written:

"Effer cito stilum, ceram, et tabellae, et linum."

The sealing is mentioned afterward. Tabule and tabellae are therefore used in the sense of letters. Love-letters were written on very small tablets called vitelliani, or of which word, however, we do not know the meaning. Tablets of this kind are presented by Amor to Polyphemus on an ancient vase. (Vid. Polyphemus.)

Legal documents, and especially wills, were almost always written on waxen tablets, as mentioned above. Such tablets were also used for accounts, in which a person entered what he received and expended (tabula or codex acceptis et expensis), whence now tabula means an abolition of debts, either wholly or in part. The above are merely instances of the use of waxen tablets; it is unnecessary to pursue the subject further. Respecting the tabula publica, see Tabularium.

Two ancient waxen tablets have been discovered in a perfect state of preservation, one in a gold mine four or five miles from the village of Abrid-banyx in Transylvania, and the other in a gold mine in the village itself. Of this interesting discovery an account has been published by Massmann in a monograph, "De tabulis tabulculis, of the wooden kind," for which he has made some extracts from Cicero, Vitellius, &c., and has called them tabulae tabulculae, and antiquissima et unica Romana in Fedina Au-raria apud Abridbanyx, oppidum Transsylvanum, super recepta," Lipsiae (1841). An account of these tablets, taken from Massmann's description, will serve as a commentary on what has been said above. Both the tabulae are triptycha, that is, consisting of three tablets each. One is made of fir, and the other of oak; it is uncertain which tablet was the size of what we call a small octavo. The outer part of the two outside tablets of each exhibit the plain surface of the wood, the inner part is covered with wax, which is now almost of a black colour, and is surrounded with a raised margin. The middle tablet has wax on both sides, with a margin around each, so that each of the two tabulae contains four sides or four pages covered with wax. The edges are pierced through, that they might be fastened together by means of a thread passed through them. The wax is not thick in either; it is thinner on the beechen tabula, in which the stimulus of the writer has sometimes cut through the wax into the wood. There are letters on both of them, but on the beechen tabula they are few and indistinct. The letters on the firwod tablet are some Greek letters, but they are succeeded by a long set of letters in unknown characters. The writing on the tabulae made of firwood is both greater in quantity, and in a much better state of preservation. It is written in Latin, and is a copy of a document relating to some business connected with a collegium. The name of the consular is given, which determines its date to be A.D. 169. One of the most extraordinary things connected with it is, that it is written from right to left. The writing begins on what we should call the last or fourth page, and ends at the bottom of the third; and by some strange good fortune it has happened that the same document is written over again, beginning on the second page and ending at the bottom of the first, so that where the writing is effaced or doubtful by fading, 1 in the one, it is usually supplied or explained by the other.

Waxen tablets continued to be used in Europe for the purposes of writing in the Middle Ages; but the oldest of these with which we are acquainted belongs to the year 1301 A.D., and is preserved in the Florentine museum.

The tablets used in voting in the comitia and the
TAGUS.

It was usual to place these articles as offerings in the temples, especially at the great festivals. Having been previously burned into charcoal, they were used in the manufacture of lampblack or AGRAMINTUM. 2

TENIA or TAINIA. (Vid. VITTA, STIASYR.) *II. The Cepola Tenia, L., or Tape-fish. It is so called from its being slender like a ribbon. Randel describes two species of it. 4

TAGUS (τάγος), a leader or general, was more especially the name of the military leader of the Thessalians. Under this head it is proposed to give a short account of that ancient institution. The Thessalians were a Thespian tribe who originally came from the Thespian Ephorus. Under the guidance of leaders who are said to have been descendants of Hercules, they invaded the western part of the country, afterward called Thessaly, and drove out or reduced to the condition of Penestes, or bondmen, the ancient Τολιον inhabitants of that country, called the Thessalian. The Thessalians afterward spread over the other parts of the country, and took possession of the most fertile districts, and compelled the Peraebi, Magnes, Achaea Phitias, and other neighbouring people to submit to their authority and to pay them tribute. 6 The population of Thessaly was divided into three distinct classes: 1. The Penestes, whose condition was nearly the same as that of the Helots. (Vid. PENESTAL.) 2. The subject people, who inhabited the districts which were not occupied by the Thessalian invaders. They paid tribute, as stated above, but were personally free, though they had no share in the government. They merely paid their taxes, and from them they are called by Xenophon. (Vid. FISCHER.) 3. The Thessalian conquerors, who alone had any share in the public administration, and whose lands were cultivated by the Penestes.

For some time after the conquest Thessaly seemed to have been governed by the race of Hercules, who now, however, have been only the heads of the great aristocratical families, invested with the supreme power for a certain time. Under one of these princes, named Aleuas, the country was divided into four districts, Pithiotis, Histoeiotis, Thessaliotis, and Pelasgiotis. 9 This division continued till the latest times of Thessalian history.

When occasion required, a chief magistrate was elected under the name of tagus (τάγος), whose commands were obeyed by all the districts. He is sometimes called king (κύριος) and sometimes ἕφικτος. 11 His command was of a military rather than of a civil nature, and he seems only to have been appointed when there was a war, or one was apprehended. Pollux, according to his list of military designations, classes together the beech-tarchs of the Thbeans, the king of the Lacedaemonians (οὗτος ἀρχηγός), and the Athenian king (οὗτος ἄρχηγος), and to his original duties, and the tagus of the Thessalians. We do not know the extent of the power which the tagus possessed constitutionally, nor for the time which he held the office; probably neither

TAGUS.

TAVDA.

courts of justice were also called tabulae as well as tabellae. (Vid. TABBELL.)

TABULA'RII were notaries or accountants, who are first mentioned under this name in the time of the Empire. 1 Public notaries, who had the charge of public documents, were also called tabularii, and these seem to have differed from the tabelliones in the circumstance that the latter had nothing to do with the custody of the public registers. Public tabularii were first established by M. Antonius in the provinces, who ordained that the births of all children were to be announced to the tabularii within thirty days from the birth. 2 Respecting the other duties of the public tabularii, see Cod. Theod., viii., tit. 2, and Gothoffr., ad loc.

TABULARIUM, a place where the public records (tabula publice) were kept. 3 These records were of various kinds, as, for instance, senatus consulta, tabulae censuum, registers of births, deaths, of the names of those who assumed the toga virilis, &c. 4 There were tabularia at Rome, all of which were in temples; we find mention made of tabularia in the temples of the nymphs, 5 of Lucina, of Juventus, of Libitina, of Ceres, and more especially in that of Saturn, which was also the public treasury. (Vid. AERABUM.)

A tabularium was also called by other names, as gnomon, a term used by Ctesistratus of Alexandria. 8 In a private house the name of tabulium was given to the place where the family-records and archives were kept. (Vid. House, Roman, p. 517.)

TAREDA or TEDA (τάρδα, ἀτ. ἀδικ, dim. ἀδίκος), a light of firewood, called on this account πίναξ τεδα. 5 Before the adoption of the more artificial modes of obtaining light, described under CANDIDA, lamp-oil, which was derived chiefly from the mastic tree, 6 was the principal source of light, which was employed in various parts of Greece and Asia Minor, by the inhabitants of Greece and Asia Minor practised the following method, which still prevails in those countries, and to a certain extent in Scotland and Ireland, as well as in other parts of Europe, which abound in forests of pines. 7 A tree having been selected of the species Pinus Maritima, Lima, which was felled by the anas in Glarisa at Rome, in the time of Homer, 8 and which retains this name, with a slight change in its termination, to the present day, a large incision was made near its root, causing the turpentine to flow so as to accumulate in its vicinity. This highly resinous wood was called ἀδικ, i.e., torch-wood; a tree so treated was called ἀδικοῦραν. 9 Thus it happened that the workmen employed in the manufacture, ἄδικογοι. After the lapse of twelve months, the portion thus impregnated was cut out and divided into suitable lengths. This was repeated for three successive years, and then, as the tree began to decay, the heart of the trunk was extracted, and the roots were dug up for the same purpose. 10 These strips of resinous pine-wood are now called ἀδίκος by the Greeks of Mount Ida. 11 When persons went out at night they took these lights in their hands, 12 more particularly in a nupial procession. 13 Hence ταξίδα felixes signified a happy marriage; 14 and these lights, with less than proper torches, are attributed to Love and Hyrene. 15
The power of the aristocratical families, however, seems to have continued with little diminution till towards the close of the Peloponnesian war, when decided democratical movements first begin to appear. If this till the time of Alcibiades and the Sopades

TALARIA

TALENTUM.  

TALAROS (ταλαρος). (Vid. Calathus.)  

TALASSIO. (Vid. Marriage, Roman, p. 623.)  

TALENTUM (ταλαντον) meant originally a balance (vid. Libra), then the substance weighed, and lastly and commonly a certain weight, the talent. The Greek system of money, as well as the Romans (vid. As), and those of most other nations, was founded on a reference to weight. A certain weight of silver among the Greeks, as of copper among the Romans, was used as a representative of a value, which was originally and generally that of the metal itself. The talent, therefore, and its divisions, are denominations of money as well as of weight.

The Greek system of weights contained four principal denominations, which, though different at different times and places, and even at the same place for different substances, always bore the same relation to each other. These were the talent (ταλαντον), which was the largest, then the mina (μινα), the drachma (δραχμη), and the obolus (δολος). Their relative values are exhibited in the following table:

<table>
<thead>
<tr>
<th>Obol</th>
<th>6</th>
<th>Drachma</th>
<th>600</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100</td>
<td>Mina.</td>
<td>36,000</td>
</tr>
<tr>
<td></td>
<td>60</td>
<td>Talent</td>
<td>60</td>
</tr>
</tbody>
</table>

The multiples and subdivisions of the drachma and obolus have been noticed under Drachma.  

1. The Attic Talent.—It appears from existing coins, which we have every reason to trust, since the Attic silver money was proverbially good, that the drachma, which was the unit of the system, weighed 67-5 grains. (Vid. Drachma.) Hence we get the following values for the Attic weights in English avoirdupois weight:

| Obol | 11.98 lbs. |
| Drachma | 60.5 lbs. |
| Mina | 83.75 lbs. |
| Talent | 100.32 lbs. |

These values refer to the time after Solon, for we have no drachma of an earlier date. We may, however, arrive at a probable conclusion respecting the state of things before Solon’s reform of the currency, by referring to another standard of the talent, which was used in commercial transactions, and the mina of which was called the commercial mina (ἡ μινα της ῥυθμησεως). This mina is mentioned in a decree,1 the date of which is uncertain (about the 155th Olympiad, or B.C. 160, according to Böckh), as weighing 138 drachmae, στραγγαριους, according to the standard weights in the silver mint. (Vid. Astrogenption.) In this system, however, the relative proportion of the weights was the same as in the other; we have, therefore:

| Obol | 15.59 lbs. |
| Drachma | 91.77 lbs. |
| Mina | 93.69 lbs. |
| Talent | 92.67 lbs. |

These weights were used for all commodities except such as were required by law to be weighed according to the other standard, which was also the one always used for money, and is therefore called the Cistum. No date is assigned for the introduction of this system; it was, therefore, probably very old; and, in fact, as Böckh has shown, there is every reason to believe that it was the old system of Attic weights which was in use before the time of Solon.2 Solon is known to have lowered the standard of money in order to relieve debtors; and Plutarch3 informs us, on the testimony of Ancrenon, that Solon made the mina of 100 drachmae, which had formerly contained 75.” It is incredible that a large prime number, such as 75, should have been used as a multiplier in any system of weights; but what Plutarch meant to say was, that Solon made a mina, or 100 drachmae, out of the same quantity of silver which was formerly used for 73 drachmae. The proportion, therefore, of the ancient weights to those fixed by Solon was 100 : 73. Now this was very nearly the proportion of the commercial mina to the silver mina, namely, 138 : 100, = 100 : 73.4 Why should Solon have adopted so singular a proportion? It was probably an accident. Böckh has shown that in all probability Solon intended to reduce the mina one fourth, that is, to make 100 drachmae of the new coinage equal to 75 of the old, but that, by some inaccuracy of manufacture, the new coins were found to be a little too light; and, as Solon’s coinage furnished the standard for all subsequent ones, the error was retained. In fixing upon one fourth as the amount of the reduction, Solon seems to have been guided by the wish of assimilating the Attic system to another which was extensively used, but the origin of which is unknown, namely, the Euboic talent, which will be presently spoken of.

The commercial weights underwent a change by the decree mentioned above, which orders that 12 drachmae of the silver standard shall be added to the mina of 138 drachmae; that to every five commercial minas of Solon one shall be added; and to every commercial talent five commercial minas. Thus we shall have,

the mina = 150 drachmae (silver),

5 minae = 6 minae (commercial),

the talent = 65 minae (commercial).

The five-mina weight of this system was equal to 7 lbs. 13 oz. 14.96 grs. avoirdupois, and the talent to 86 lbs. 2 oz. 70.7 grs.

“The weights were kept with great care at Athens. The standards or models (στραγγαριον) were deposited in the treasury and in the hands of persons appointed to take charge of them, in the Prytaneeum at Piraeus and at Eleusis.”

The other Greek weights are computed from their relation to the Attic, as stated by ancient writers, and from existing coins. Unfortunately, the writers do not always agree with the coins, nor with each other.

2. The Parthian Talent is often reckoned equivalent to the Attic. Herodotus4 makes the Babylonian talent equal to 70 Euboic minae, Pollux5 to 7000 Attic drachmae, i.e., to 70 Attic minae. Comparing these two statements, we find the Attic and Euboic weights equal. But it is likely that Pollux is not quite right, and that the Euboic standard was a little greater than the Attic: for Zosimus6 gives 72 Attic drachmae to the value of one of this same Babylonian talent, which would make the ratio of the Euboic to the Attic 72 : 70, which is the same as 75 : 73.7 In this fact we have the ground of the supposition

1. (Böckh, Corp. Inscr. i., 123, 4.)

2. (Böckh, Publ. Econ. of Athens, i., p. 193. — Ed., Metrol. Untersuch., i., p. 113.)—2. (Solon, 15.)—3. (Hussey, p. 26, who quotes Böckh, Inscr. i., 123, § 44; 131, § 40; 132, § 6.)


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stated above, that Solon intended to assimilate the Attic standard to the Euboic: for we have seen that the old Attic talent was to Solon's as 100:75\(\frac{3}{2}\). Assuming that Solon intended this ratio to have been 109:75, we have the intended value of Solon's talent to its actual value as 75:75\(\frac{3}{2}\), which is almost identical with the ratio of the Euboic talent to the Attic talent of Solon. The Euboic talent would therefore exceed the Attic merely by the error which was made in the formation of the latter.

Another computation of the Euboic talent is given by Apollon,\(^1\) who makes it equal to 7000 drachmas, i.e., 70 mines of Alexandria. (See below, on the Alexandrian talent.)

Festus, in the Excerpta of Paulus,\(^2\) makes it equal to 4000 denarii. This is clearly an error: very probably Paulus applied the statement of Festus respecting the Rhodian talent to the Euboic. (See below, on the Rhodian talent.)

The Romans seem to have reckoned both the Euboic and Attic talents equal to 80 Roman pounds.\(^3\)

3. The Talent of \(\varepsilon\varepsilon\gamma\iota\varepsilon\) has been almost always considered to have borne to the Attic the ratio of 5:3, according to the statement of Pollux, that the \(\varepsilon\varepsilon\gamma\iota\varepsilon\) talent contained 10,000 Attic drachmas, and the drachma 10 Attic obols.\(^4\) Mr. Hussey, however, observes that this value would give an \(\varepsilon\varepsilon\gamma\iota\varepsilon\) drachma of 110 grains, whereas the existing coins give an average of only 96; and he explains the statement of Pollux as referring, not to the old Attic drachmae of the full weight, but to the lighter drachma which was current in and after the reign of Augustus, and which was about equal to the Roman denarius. (Vid. Drachma.)

Taking, then, the value of the drachma given by the coinage, we have the following values for the \(\varepsilon\varepsilon\gamma\iota\varepsilon\) talents:

\[
\begin{array}{lll}
\text{O ol} & \ldots & 15 \\
\text{Drachma} & \ldots & 96 \\
\text{Talent} & \ldots & 3046
\end{array}
\]

On the other hand, Böckh adheres to the proportion of 5:3, as given by Pollux, who could not (he contends) have meant by drachmae those equal to the denarius, because he is not making a calculation of his own, suited to the value of the drachma in his time, but repeating the statement of some ancient writer, who lived when the Attic and \(\varepsilon\varepsilon\gamma\iota\varepsilon\) currencies were in their best condition. Mr. Hussey has followed Böckh in a reasoner to that urged by Böckh, that when Pollux speaks of the value of the Babylonian talent in relation to the Attic, he is to be understood as referring to Attic money of the full weight: and Böckh adds the important remark, that where Pollux reckons by the lighter drachma, as in the case of the Syrian and small Egyptian talents, this only proves that those talents had not recently come into circulation. Böckh thinks it very probable that Pollux followed the authority of Aristotle, whom he used much, and who had frequent occasions for speaking of the values of money in his political works.

Again: as the \(\varepsilon\varepsilon\gamma\iota\varepsilon\) standard was that which prevailed over the greater part of Greece in early times, we should expect to find some definite proportion between it and the old Attic before Solon; and the statement of Pollux, then, we do get such a proportion, namely, that of 6:5.

Böckh supports his view by the evidence of existing coins, especially the old Macedonian, before the adoption of the Attic standard by Philip and Alexander, which give a drachma of about 110 grains, which is to the Attic as 6:5. The identity of the old Macedonian standard with the \(\varepsilon\varepsilon\gamma\iota\varepsilon\) is proved by Böckh.\(^1\) There are also other very ancient Greek coins of this standard, which had their origin, in all probability, in the \(\varepsilon\varepsilon\gamma\iota\varepsilon\) system.

The lightness of the existing coins referred to by Hussey is explained by Böckh from the well-known tendency of the ancient mints to depart from the full standard.

Böckh quotes a passage where Herodotus states that Democedes, a physician, after receiving a talent in one year at \(\varepsilon\varepsilon\gamma\iota\varepsilon\), obtained at Athens the next year a salary of 100 minae, which Herodotus clearly means was more than what he had before. But, according to Pollux's statement, the two sums were exactly equal. But Herodotus says nothing of different standards; surely, then, he meant the same standard to be applied in both cases.

From comparing statements made respecting the pay of soldiers, Hussey obtains 4:3 as about the ratio of the \(\varepsilon\varepsilon\gamma\iota\varepsilon\) to the Attic standard. Böckh accounts for this by supposing that the pay of soldiers varied, and by the fact that the \(\varepsilon\varepsilon\gamma\iota\varepsilon\) money was actually lighter than the proper standard, while the Attic at the same period was very little below the full weight.

There are other arguments on both sides, but what has been said will give a sufficiently complete view of the question.

It is disputed whether the standards of Corinth and Sicily followed that of Athens or that of \(\varepsilon\varepsilon\gamma\iota\varepsilon\). For the discussion of this question, the reader is referred to the works of Böckh and Hussey.

4. The Babylonian talent had to the Attic the ratio of 7:5, according to Pollux\(^4\) and Herodotus\(^5\) or 72:60 according to \(\varepsilon\varepsilon\gamma\iota\varepsilon\). Böckh, understanding these statements as referring to the old Attic, makes the Babylonian standard equal to the \(\varepsilon\varepsilon\gamma\iota\varepsilon\). This standard was much used for silver in the Persian empire.

5. The accounts of the \(\varepsilon\iota\kappa\alpha\omicron\alpha\nu\nu\epsilon\alpha\mu\varsigma\alpha\nu\epsilon\) or \(\pi\omicron\omicron\alpha\mu\iota\alpha\varsigma\iota\varsigma\alpha\omicron\nu\iota\omicron\alpha\varsigma\) are very confused. On the whole, it seems to have been equal to twice the Attic.

6. The \(\varepsilon\iota\kappa\alpha\omicron\alpha\omicron\varsigma\iota\alpha\) appears to have been exactly equal to the Attic.

7. A \(\varphi\omicron\omicron\alpha\nu\omicron\omicron\iota\kappa\) is mentioned by Festus in a passage which is manifestly corrupt. The most probable emendation of the passage gives 4000 cissephori or 7500 denarii as the value of this talent.

8. A \(\varsigma\iota\alpha\varsigma\iota\varsigma\varsigma\varepsilon\alpha\tau\iota\) is mentioned, the value of which is very uncertain. There were two sizes of it. The larger, which was six times that used for money, was used at Antioch for weighing wood.

9. A \(\kappa\alpha\omicron\iota\iota\varsigma\kappa\iota\varsigma\iota\) of 3000 drachme, or half the Attic, is mentioned by Pollux.

The above were used for silver, but the actual coinage was no higher than the drachma, and a few multiples of it, the highest known with certainty being 120. The mina and talent were sums of money, not coins.

A table of Attic money up to the tetradrachma is given under Drachma. The mina was 4\(\frac{1}{2}\) dr., the talent 24\(\frac{1}{2}\) dr. The \(\varepsilon\varepsilon\gamma\iota\varepsilon\) mina was, according to the existing coins, 5\(\frac{1}{2}\) dr. 7\(\frac{1}{7}\) rd., the talent 34\(\frac{1}{2}\) dr.; but, according to the statement of Pollux mentioned above, the mina was 5\(\frac{1}{2}\) dr., the talent 50\(\frac{1}{2}\) dr.

A smaller talent was in use for gold. It was equal to 6 Attic drachme, or about 4 oz. and 71 grs. It was called the gold talent, or the Sicilian talent, from its being much used by the Greeks of Italy and Sicily. This is the talent always meant

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when the word occurs in Homer. The Italian Greeks divided it into 24 nummi, and afterward into 12, each nummus containing 2½ litre. (Compare Litha and Sestertius.) This talent was perhaps so called from the weight of gold contained in it being equal in value to a talent of copper, for the proportional value of gold to copper was 1000:1. This talent seems to have been divided into 3 minae, each equal in weight to a dirachm or stater; for the talent of Thyatira is said to have been equal to three gold staters, and Pollux states that the gold stater was equal in value to a mina.

This small talent explains the use of the term great talent (magnum talentum), which we find in Latin authors, for the silver Attic talent was greater in comparison with this. But the use of the word by the Romans is altogether very inexact.

There are other talents barely mentioned by ancient writers. Hesychius mentions one of 100 pounds (λίτρα), Vitruvius one of 120; Suidas, Hesychius, and Ephippius of 125; Dionysius of Halicarnassus of 130 asses, and Hesychius three of 165, 400, and 1125 pounds respectively.

Where talents are mentioned in the classical writers without any specification of the standard, we may generally understand the Attic.

TALIO, from talis, signifies an equivalent, but it is used only in the sense of a punishment or penalty the same in kind and degree as the mischief which the guilty person has done to the body of another. A provision as to talio occurred in the Twelve Tables: "Si membrum ruptum in eum os pacati talio esto." This passage does not state what talio is. Cato, as quoted by Priscian, says: "Si quis membrum ruptum aut os fragit, talionem proximus cognatae utiacet." The law of talio was probably enforced by the individuals or their friends: it is improbable that the penalty was inflicted under a decision of a court of justice. It seems likely that it bore some analogy to the permission to kill an adulterer and adulteress in certain cases, which the Julia lex confirmed; and if so, the law would define the circumstances under which an injured person or his cognati might take the talio. The punishment of death for death was talio; but it is not said that the cognati could inflict death for death. Talio, as a punishment, was a part of the Mosaic law: "thou shalt have an eye for an eye, a tooth for a tooth; as he hath caused a blemish in a man, so shall it be done to him again.

TALPA, the mole. (Vid. ASPALAX.)

TALUS (τάλιον), a Hucklebone. The huckle-bones of sheep and goats have often been found in Greek and Roman tombs, both real, and imitated in ivory, bronze, glass, and agate. Those of the antelope (διάκαθεσθαι) were sought as objects of elegance and curiosity. They were used to play with from the earliest times, principally by women and children, occasionally by old men. A painting by Alexander of Athens, found at Resina, represents two women occupied with this game. One of them, having thrown the bones upward into the air, has caught three of them on the back of her hand. (See the annexed woodcut, and compare the account of the game in Pollux.)

Polyngotus executed a similar work at Delphi, representing the two daughters of Pandarus thus employed (παισόνας ἄστρομον). But a more celebrated production was the group of two naked boys, executed in bronze by Polyclitus, and called the Astragalpontes. A fractured marble group representing two condemned criminals, Museum, exhibits one of the two boys in the act of biting the arm of his playfellow, so as to present a lively illustration of the account in Homer of the fatal quarrel of Patroclus. To play at this game was sometimes called νεπαλαθεῖα, because five bones or other objects of a similar kind were employed, and this number is retained among ourselves.

While the tali were without artificial marks, the game was entirely one of skill; and in ancient no less than in modern times, it consisted not merely in catching the five bones on the back of the hand, as shown in the woodcut, but in a great variety of exercises requiring quickness, agility, and accuracy of sight; and, in order to test the skill with different values, the game became one of chance. (Vid. ALEA, TESSERA.) The two ends were left blank, because the bone could not rest upon either of them, on account of its curvature. The four remaining sides were marked with the numbers 1, 3, 4, 6, 1 and 6 being on two opposite sides, and 1, 3, 4, 6 on the other. The Greek and Latin names of the numbers were as follows: 1. Μοῦνα, έλχ, κώνω, Χίσσο; 10. Οίνοι报价: Τύραιον, Τύραιον, Τύραιον, Τύραιον. By the number of the bone was indicated, according to through the hand or the broad side.

Two persons played together at this game, using four bones, which they threw up into the air, or emptied out of a dicebox (vid. Fætillus), and observing the numbers on the uppermost sides. The numbers on the four sides of the four bones admitted of thirty-five different combinations. The lowest throw of the four bones was i, 2, 3, 4; and the highest, 1, 2, 3, 4. But the value of a throw (βδόλος, jactus) was not in all cases the sum of the four numbers turned up. The highest in value was that called Venus, or jactus Venusius, in which the numbers cast up were all different, the sum of them being only fourteen. It was by obtaining this throw that the king of the feast was chosen by the Romins (auctor optimus postremus), and hence it was also called Basileus. Certain other throws were called by particular names, taken from gods, illustrious men and women, and heroes. Thus the throw consisting of two aces and two twos, making eight, which number, like the jactus Venusius, could be obtained only once, was denominata Steichos. When the object was simply to throw the highest numbers, the game

was called παχύσαρκον.1 Before a person threw the tali, he often invoked either a god or his mistress.2 These bones, marked and thrown as above described, were also used in divination.3

In the Greek mythology, Cupid and Ganymede were supposed to play together at huckle-bones on Mount Olympus,4 and they are thus represented in certain remaining specimens of ancient sculpture.5 TAMIAS (Tsimas) was paid to any person who had the care, managing, or dispensing of money, stock, or property of any description confided to him, as a steward, butler, housekeeper, storehousekeeper, or treasurer; and the word is applied metaphorically in a variety of ways. But the ταιοις who will fall under our notice in this article are certain officers intrusted with important duties by the Athenian government, and more especially the treasurers of the temples and the revenue.6

In ancient times, every temple of any importance had property belonging to it, besides its furniture and ornaments, and a treasury where such property was kept. Lands were attached to the temple, from which rents accrued; fines were made payable to the temple; and other property was dedicated to the temple by the public; and various sacred offerings were made by individuals. There was a ταμιαί τῶν χρυσῶν, who, together with ἵπποπαι and ἵερσοιοι, had the custody and management of these funds. The wealthiest of all the temples at Athens was that of Minerva in the Acropolis, in which were kept the spoils taken from the Persians (cf. Perseus), and other property dedicated to the public; and various sacred offerings were made by individuals. There was a ταμιαί τῶν θεῶν, or τῶν τῆς θεᾶς, or ταμιαί χρυσῶν τῆς θέου, and sometimes simply ταιοις.7 They appear to have existed from an early period. Herodotus8 relates that the ταιοις τῶν λεγον, with a few more, woman, awaited the attack of Xerxes upon the Acropolis, and perished in its defence. They were ten in number, chosen annually by lot from the class of Pentactosmedimni, and afterward, when the distinction of classes had ceased to exist, from among the wealthiest of Athenian citizens. The treasurers of the other gods were chosen in like manner; but they, about the 9th Olympiad, were all united into one board, while those of Pallas remained distinct.9 Their treasury, however, was transferred to the same place as that of Minerva, viz., to the Opisthodomus of the Parthenon, where were kept not only all the treasures belonging to the temple, but also the state treasure (βασιοι χρυσαρία, as distinguished from λεγον), under the care of the treasurers of Pallas.10 All the funds of the state were considered as being in a manner consociated to Pallas; while, on the other hand, the people reserved to themselves the right of making use of the sacred moneys, as well as the other property of the temples, if the safety of the state should require it.11 Payments out of state revenue were referred to the treasurers of the senate, just as public moneys were by the apodectae; and then the treasurers became responsible for their safe custody. As to fines, see


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EPHILE. PRAXI. E., and on the whole of this subject, Böckh, Staatsl. der Athen, i., 172—176. The treasurer of the revenue, ταμιαίς (or ἐπιτάφῳ τῆς κοινῆς προσόδου, was a more important personage than those last mentioned. He was not a mere keeper of moneys like them, nor a mere receiver like the apodectae, but a general paymaster, who received, together with the apodectae, the public moneys, but was subject to a stricter discipline for the purposes of the administration (except the property-taxes, which were paid into the war-office, and the tribute from the allies, which was at first paid to the hellenotami, and afterward to other persons hereafter mentioned), and then distributed it in such manner as he was required to do by the law; the surplus (if any) he paid into the war-office or the treasury fund. As this person knew all the objects in which the public money had to flow, and exercised a general superintendent over the expenditure, he was competent to give advice to the people upon financial measures, with a view to improve the revenue, introduce economy, and prevent abuses; he is sometimes called ταμιαί τῆς διοικήσεως, or ὅ ἐν τῇ διοικήσει, and may be regarded as a sort of permanent finance minister. To this officer appealed Ἡλλ. Equiti., 947. He was elected by χηροτοιον, and held his office for four years, but was capable of being re-elected. A law, however, was passed during the administration of Lycurgus, prohibiting re-election; so that Lycurgus, who is reported to have continued in office for twelve years, must have held it for the last eight years under fictitious names. The point of this office was by no means free from control, inasmuch as any individual was at liberty to propose financial measures, or institute criminal proceedings for malversation or waste of the public funds; and there was an ἄντιγραφος of the διοικήσεως appointed to check the accounts of his superior. Anciently there were persons called πευγαρνα, who appear to have assisted the ταιοις in the discharge of their duties.1 (Vid. Porstal.) The money disbursed by the treasurer of the revenue was sometimes paid directly to the several persons in the employ of the government, sometimes through subordinate pay offices. Many public functionaries had their own paymasters, who were dependant on the ταμιαίς τῆς προσόδου, receiving their funds from him, and then distributing them to the persons to whom they were designated. One person was called τοιοτος, τιχοτος, διατος, ταρτος, ἐκεμελητής νεωτος, who received through their own ταιοις such sums as they required from time to time for the prosecution of their works. The payment of the judicial fees was made by the colacretse (καλακρητα), which, and the providing for the meals in the Prytaneum, were the only duties that remained to them after the establishment of the apodectae by Chlistenes.2 The ταιοις of the sacred vessels, τους Παρηλαν ἡ Σαλαμονίας, acted not only as treasurers, but as triarchæs; the expenses (amounting for the two ships together to about sixteen talents) of them being paid by the state. They were elected by χηροτοιον.3 Other triarchæs had their own private ταιοις for the keeping of accounts and better despatch of business.4 Our καλακρητα are spoken of in a separate article. (Vid. Hellenotami.) The war fund at Athens (independently of the tribute) was provided from two sources; first, the property-tax (vid. Eisphora); and, secondly, the surplus of the yearly revenue, which remained after defraying the expenses of the civil administration. τα περιστα χρήματα τῆς διοικήσεως. Of the tax

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TAXIARCHI.

στρατηγοὶ who were annually elected to preside over the war department, one was called στρατηγὸς ὁ ἐκ τῆς διοικήσεως, to whom the management of the army was committed. He had under him a treasurer called ταμίας τῶν στρατιωτικῶν, who gave out the pay of the troops, and defrayed all other expenses incident to the service. Demosthenes, perhaps on account of some abuses which had sprung up, recommended that the general should have nothing to do with the military fund, but that the treasurer should be under the direct control of the chief officers, τάμιας καὶ δημιουργίας, who should be accountable for its proper application: τῶν τοῦ κράτος ἱππότων λόγων, τῶν τῶν κατηγορίων ἱππότων, τῶν τῶν ἱπποτικῶν ἱππότων, τῶν τῶν ἱππότων ἱππότων. The passage just cited confirms the opinion of those who think that in Demosthenes* the words ὁ ἐκ τῆς διοικήσεως refer to a στρατηγὸς so designated, and not to the ταμίας τῶν στρατιωτικῶν.

So much of the surplus revenue as was not required for the purposes of war, was to be paid by the treasurer of the revenue into the theoretic fund, of which, after the archonship of Euclides, special managers were created. (Vid. ΘΕΟΡΙΚΑ.)

Lastly, we have to notice the treasurers of the demi, the tribe, and the village. The tribe, φάρμακα, who had the care of the funds belonging to their respective communities, and performed duties analogous to those of the state treasurers. The demi, as well as the tribes, had their common lands, which were usually let to farm. The rents of these formed the principal part of their revenue. Φάρμακα, φάρμακα, and other local functionaries, were appointed for various purposes; but with respect to their internal economy we have but scanty information.

*TANUS (τάνος), a sort of hardast Emerald, consisting of crystal tinged by an admixture of metallic particles. In the old editions of Theophrastus (De Lapid., c. 45), we have a small lacuna after τῶν διαμέτρων fr. τανών. The lacuna was filled by appending a capital To to ανών, and thus forming Τανώς, whence we get our term Tano. Others, however, read Βαντριάς, filling up the lacuna with Βαντρι, and this latter is the more received reading.

The use of tapestry was in very ancient times characteristic of Oriental rather than of European habits. We find that the Assyrians, including the Egyptians, and also the Carthaginians, who were of Asiatic origin, excelled in the manufacture of carpets, displayed them on festivals and other public occasions, and gave them as presents to their friends. They were nevertheless used by the Greeks as early as the age of Homer,* and by some of the later Roman emperors they were given as presents to the combatants at the Circus games. The presence of tapestry in the tombs of Vector and the Babylon† (vid. BABYLONIUM), Tyre and Sidon, Sardes, Miletus, Alexandria, Carthage, and Corinth.* In reference to the texture, these articles were distinguished into those which were light and thin, with but little nap, chiefly made at Sardes, and called φυλόπταλοι, and those in which the nap (μαλλίον) was more abundant, and which were soft and bulky. (Diog. Laert., v., 72.) The thickest and more expensive kinds (μαλλίστα) resembled our baize or drugget, or even our soft and warm blankets, and were of two sorts, viz., those which had the nap on one side only (ετερόμαλλον)), and those which had it on both sides, called διαφάνεια, ἀμφιτάλαι, and ἀμφικομικά. The thickness of these blankets was always used, like our blankets, in single pieces, and the tapestries were used for the loom (vid. PALLIUM), carpets were often sewed together. They were frequently of splendid colours, being dyed either with the kermes or with the murex (ἀλοιφή, ἀλόεφόρος), and having figures, especially hunting-pieces, woven into them. These fine specimens of tapestry were spread upon thrones in the room of the hall of state, and on the thrones of the palace, and in the houses of the rich, as in the Orientals, upon occasions of state and ceremony, spread carpets both over their floors and upon the ground. Besides the terms which have now been explained, the same articles of domestic furniture had denominations arising from the mode of using them either the TUKLION (triclinaria Babylonica), or in the Curriculum (curriculum polythein;) and especially from the constant practice of spreading them out (textile stragulum; stratum; vestis stragula). The Greek term περιστρεμα, which was transferred into the Latin, had a special signification, meaning probably a coverlet made so large as to hang round the sides of the bed or couch upon benches, couches, or sofas at entertainments, more especially at the performances of persons of distinction. Catullus represents one to have been so employed, which exhibited the whole story of Theseus and Ariadne. They were even used to sleep upon, and for the clothing of horses. The tapestry used to decorate the bier and coffins of the Roman emperors was interwoven with gold, in the Oriental fashion, upon occasions of state and ceremony, spread carpets both over their floors and upon the ground.

TAPHER (ταπερ). (Vid. FUSUS, p. 457.)

TARANDUS (τάρανδος), the Reindeer, or Cerus Tarandus. L. Such, at least, is the general opinion of naturalists. Schneider, however, refers to it the Elk, or Cerus alces. L."

TARENTIUS LUDI. (Vid. LUDI SACELLARIS."

TARSHI LUDI. (Vid. LUDI SACELLARIS.)

TAXIARCHI (ταξιαρχος) were military officers at Athens, who were next in rank to the strategi. (Vid. STRATEGUS.) They were ten in number like the strategi, one for each tribe, and were elected in the same way, namely by χαλήθρα and were commanded in turn by the commander of his own tribe, and they were frequently called to assist the strategi with their advice at the war-council. In peace they as
sisted the strategy in levying and enlisting soldiers, as stated under Synarchos, and seem to have also assisted the latter in the discharge of many of their other duties.

The taxiarchoi were so called from their commanding τάξεις, which were the principal divisions of the hoplites in the Athenian army. Each tribe (φιλάχι) formed a τάξις, whence we find φιλάχι used as synonymous with τάξις. As there were ten tribes, there were, consequently, in a complete Athenian army, ten τάξεις, but the number of men would, of course, vary according to the importance of the war. Among the other Greeks the τάξις was the name of a much smaller division of troops. The λόχος among the Athenians was a subdivision of the τάξεις, and the λόχαγοι were probably appointed by the taxiarchoi.

ΤΑΧΙΣΤΟΣ (τάξις). (Vid. Taxiarchoi.)

ΤΑΧΟΣ (τάχος), the Yew-tree, or Tassus baccata, L. The Tassus receives from Virgil the epithet of nocens, or "hurtful," because the berries of this tree pass for poisonous. The same opinion appears to have been prevalent during the Middle Ages, and still forms an article of popular belief. It has even been regarded as dangerous to sleep for some hours under the shade of this tree. A modern writer, however (M. Percy), has set himself in opposition to this very prevalent opinion, and maintains that the berries of the yew are innocuous, and merely possess a slight purgative property, which might be usefully employed in medicine. The yew is indigenous to the North. In southern countries, therefore, it seeks a mountainous and cold region. Hence it flourishes in Corsica. The wood might be turned to a variety of useful purposes: the Iturans of antiquity, dwelling in Cœle-Syria, made bows of it. Its sombre foliage and general appearance have caused it to be selected by the moderns as a funereal tree.

ΤΕΓΙΛΑ (κέμφωρος, διμ. κέμφαρις), a roofing-tile. Roofing-tiles were originally made, like bricks, of baked clay (γῆς όπτής). Byzes of Naxos first introduced tiles of marble about the year 680 B.C. Besides the superior beauty and durability of the material, these tiles could be made much larger size than those of clay. Consequently, when they were employed in the construction of the greatest temples, such as that of Jupiter at Olympia, the Parthenon at Athens, and the Serapeum at Puteoli, their dimensions were in exact proportion to the other parts of the building; and the effect of the parallel rows of joint-tiles descending from the ridge to the eaves, and terminated by ornamental frontons, with which the lintel-heads (capita loni- nae; σιλώρατα) over the cornice alternated, was exceedingly grand and beautiful. How highly this invention was prized by the ancients is proved by the attempt of the Roman censor Q. Fulvius Flaccus to despoil the temple of the Lapician Juno of some of its marble tiles (tegulae marmoreae), in order to adorn another temple which he had vowed to erect in Rome. A still more expensive and magnificent method of roofing consisted in the use of tiles made of bronze and gilt.

Tiles were originally made perfectly flat, or with nothing more than the hook or nozzle underneath the upper border, which fulfilled the purpose of fixing them upon the rafters. They were afterward formed with a raised border on each side, as is shown in the annexed woodcut, representing the section of four of the tiles remaining at Pompeii.


In order that the lower edge of any tile might overlap the upper edge of that which came next below it, its two sides were made to converge downward. See the next woodcut, representing a tiled roof, from a part of which the joint-tiles are removed, in order to show the overlapping and the convergence of the sides. It was evidently necessary to cover the lines of junction between the rows of flat tiles, and this was done by the use of semicylindrical tiles called imbrices. The above woodcut shows the section of three imbrices found at Pompeii, and indicates their position relatively to the flat tiles. This is also shown in the next woodcut. The roof also, by the exact adaptation.

of the broad tegula and the narrow imbrices throughout its whole extent, became like one solid and compact framework. The rows of joint-tiles divided the roof into an equal number of channels, down which the water descended into the gutter (canalis), to be discharged through openings made in the lions' heads, the position and appearance of which are shown in the woodcuts. The rows of flat tiles were terminated in a variously ornamented front, which rose immediately above the cornice, and of which specimens are shown in the first woodcut. The first and fourth patterns are drawn from tiles found at Pompeii, and the two internal from tiles preserved in the British Museum, and brought thither from Athens. The lions' heads upon the third and fourth are perforated. (Vid. Antverp. Col., p. 289.) The frontons, which were ranged along the cornice at the termination of the rows of joint-tiles, were either painted or sculptured so as to represent leaves, aplustris (vid. Aplustrae), or masks. The first woodcut shows three examples of such frontons, which belong to the Elgin collection in the British Museum. They are drawn on a much larger scale than the other objects in the same woodcut. The invention of these graceful ornaments is ascribed to Dibutades of Corinth.

Other highly curious details upon the tiled roofs of Greek temples may be seen in the Uneditted Antiquities of Attica, Lond., 1817.

The same arrangement of tiles which was placed round a temple was also to be found within a house which was formed with an opening in the centre. Hence any person who descended from the roof

1. (Xen., Mem., iii, 1, 9.) = 2. (Plin., H. N., xxv, 12, s. 43)
TEL.

into the open court or impluvium of a house (vid. House, p. 616, 619) was said to pass "through the ilex" (per sigillae dii tiv kerpwos). Fliny mentions a kind of tiling under the name αμμακοσκοι 2 so called probably because the tiles were semicircular; at their lateral tip they had lapped one another like the feathers in the train of a peacock

TEICHOPOLIUS (τειχοπολιος). Among the various persons to whom was intrusted the management of public works at Athens (πεισταται δημοτων ἐργας) were those whose business it was to build and maintain the walls. It was therefore necessary to observe how important to the city of Athens her walls and fortifications, more especially the long walls, which connected the upper city with the Piraeus, which gave it the advantages of an island. These were maintained at considerable expense. The τειχοποιοι appear to have been elected by χειροκρατει, one from each tribe, and probably for a year. They were considered to hold a pro-

fessional office (ἀρχηγος), and in that capacity had an ᾨγεριον δικαιστηριον. Echines calls them πεισταται του μεγίστου των ἐγρων. Funds were put at their disposal, for which they had their treasurer (τραγειος), dependant on the treasurer of the revenue. They were liable to render an account (ἐθνθων) of their management, and were subject to a general conduct, like other magistrates. The office of τειχοποιοι has been invested with peculiar interest in modern times on account of its having been held by Demosthenes, and its having given occasion to the famous prosecution of Ctesiphon, who proposed that Demosthenes should receive the honour of a crown or laurel wreath for the part he had taken in the case of the ius Sedulius. As to the nature of the office, and the laws thereto relating, we may probably rely upon the account given by Echines.

TEL (τελη), a Loom. Although weaving was among the Greeks and Romans a distinct trade, car-

ried on by a separate class of persons (ἐφαντευμενες, teca-

iores and tessines, tectines), who more particularly supplied the inhabitants of the towns with weaving. The work was there principally carried on by female slaves (quaesitiae, et επιβολα), under the super-

intendence of the mistress of the house, who herself also, together with her daughters, took part in the labour, both by instructing beginners, and by finishing the more tasteful and ornamental parts. 12 But although weaving was employed in providing the ordinary articles of clothing among the Greeks and Romans from the earliest times, yet, as an intimate and decorative art, subservient to luxury and refinement, it was almost entirely Oriental. Persia, Babylonia, Egypt, Phænicia, Phrygia, and Lydia, are all celebrated for the wonderful skill and magnificence displayed in the manufacture of scarfs, shawls, carpets, and tapestry. (Vid. Babylonicum, Chlamys, Pallium, Paeplum, Tapes.)

Among the peculiarities of Egyptian manners, Herodotus 1 mentions that weaving was in that country divided among the various races or tribes of the desert. This custom still continues among some Arabia and negro tribes. 2 Throughout Europe, on the other hand, weaving was in the earliest ages the task of women en only. The matron, assisted by her daughters, wore clothing for the husband and the sons. 3 This domestic custom gives occasion, in the works of the poets, to a number of very interesting δοκομούς and expressions of affection towards their relatives. Indeed, the recognition, or ἀγαθαικος, as Aristotle calls it, 4 often depends on this circumstance. Thus Orestes proves herself to be the mother of Ion 5 by describing the pattern of a shawl which she had made in her youth, and in which she had wove her infant son. Iphigenia recogni-

zes her brother Orestes on one occasion, 6 and Electra recognizes him on another, 7 by the figured clothing which he wore, and which they had long before wove for him.

Besides the shawls which were frequently given to the temples by private persons, or obtained by commerce with foreign nations, companies or col-

lections of woven draperies were formed, of which the more opulent temples had the use, and were the object of considerable temples. Among the sixteen women, who lived together in a building destined to their use at Olympia, wove a new shawl every five years to be displayed at the games which were then celebrated in honour of Hera, and to be preserved in her temple. 8 (Vid. Panathen. de.) The women of the City of Priene were devoted to the purpose of weaving a tunic every year for the sitting statue of the Amyolean Apollo, which was thirty cubits high. 9 At Athens the company of virgins called ἐγκρισιαι τα ἐγκρισιαι, and ἀγορασμοι, who were partly of Asiatic extraction, wove the shawl which was carried in the Panathenic procession, and which represented the battle between the gods and the giants. 10 (Vid. Aristocra-

nia, Panath. de, p. 723.) A similar occupation was assigned to young females of the highest rank at Argos. 11 In the fourth century, the task of weav-

ing began to be transferred in Europe from women to the other sex, a change which St. Chrysostom expounded, by saying it was a prevailing sloth and effemin-

acy. 12 Vegetius, 13 who wrote near the close of the Roman empire, speaks of some who were occupied in the weaving which is called linterae, or the manufacturers of linen cloth, in the number of those who were ineligible as soldiers.

Everything woven consists of two essential parts, the warp and the woof, called in Latin staminum and submagenum, submenum, or trama, 14 in Greek στρωμα and κοσκος. Instead of spindle, the spindle sometimes used ἀπομην, and in the passages referred to he mentions lintones, or the manufacturers of linen cloth, in the number of those who were ineligible as soldiers.

1. (ii, 35.—Compare Athene, i., p. 48, 51.)—2. (Weistep, Trav-

els, i., p. 123.—Prichard, Researches, i., p. 60, 5th edition.)—3.

(Colum. De Re Rofina, Proo. — Plin. H. n., viii. 48, 1, 47.


and Dies, 779.—Verg. Georg. 1, 235, 294.—Ovid, Fast., 2. 701.)

—(Voyage in Syria, Ed. vi., 245, 229.)—8. (Varro, De Rust., 1, 2, 2.)

—(Cic., Var. 11, iv., 151.)—11. (Theoc., xii., 19.—Hom., Od., 419—420.)—12. (Vitr. Ibid., 2, 366.)—13. (Schrader, Σταθημα, Epit., vi., 40.)

1 F.
in the cotton manufacture tosit from west. Another name for the woof or tram was possum. The warp was called stamen in Latin (from stare), on account of its erect posture in the loom. The corresponding Greek term στήνωμα, and likewise λευκός, have evidently the same derivation. For the same reason, the very first operation in weaving was to set up the loom, λευκός στήνωμα; and the web or cloth, before it was cut down, or "descended" from the loom (καλέτα ἀπὸ λευκός), was called νεάστης πεννής, or "pendula tela," because it hung from the transverse beam or Julia. These particulars are all clearly exhibited in the picture of Circe's loom, which is contained in the very ancient illus. of Virgil's Aeneid preserved at Rome in the Vatican Library. (See the annexed woodcut, and compare Virgil, opus maiorum stantes tezobant.) Although the upright loom here exhibited was in common use, and employed for all ordinary purposes, the practice, now generally adopted, of placing the warp in a horizontal position was occasionally resorted to in ancient times; for the upright loom (stans tela, λευκός ὀδής), the management of which required the female to stand and move about, is opposed to another kind at which the sat. was set.

We observe in the preceding woodcut, about the middle of the apparatus, a transverse rod passes through the warp. A straight cane was well adapted to be so used, and its application is clearly expressed by Ovid in the words "stamen secernit arundo." In plain weaving it was inserted between the threads of the warp so as to divide them into two portions, the threads on one side of the rod alternating with those on the other side throughout the whole breadth of the warp. The two upper beams supporting the jugum, or transverse beam from which the warp depends, were called κελευτής and λευκόδρομος, literally, "the legs of the loom." While the improvements in machinery have to a great extent superseded the use of the upright loom in all other parts of Europe, it remains almost in its primitive state in Iceland. The following woodcut is reduced from an engraving of the Icelandic loom in Olaf Olafsen's Economic Tour in that island, published in Danish at Copenhagen, A.D. 1789. We observe underneath the jugum a roller (dextror),(4) which is turned by a handle, and on which the warp passes as the work advances. The threads of the warp, besides being separated by a transverse rod or plank, are divided into thirty or forty parcels, to each of which a stone is suspended, for the purpose of keeping the warp in a perpendicular position, and allowing the necessary play to the strokes of the spaths, which is drawn at the side of the loom. The following ode written about the eleventh century of our era, with which Gray has made us familiar in his translation, and which describes the loom of "the Fatal Sisters," represents warriors' sculls as supplying the place of these round stones (pondera). The knotted bundles of threads to which the stones were attached often remained after the web was finished in the form of a fringe. (Vid. Fimbri.)

While the comparatively coarse, strong, and much-twisted thread, designed for the warp, was thus arranged in parallel lines, the woof remained upon the spindle (vid. Fimbri), forming a spool, bobbin, or pen (πύργος, δίαμ. πήλιον). This was either conveyed through the warp without any additional contrivance, as is still the case in Iceland, or it was made to revolve in a shuttle (πανολίς, ταῖνα). This was made of box brought from the shores of the Euxine, and was pointed at its extremities, that it might easily force its way through the warp. The annexed woodcut shows the form in which it is still used in some retired parts of our island for common domestic purposes, and which may be regarded as a form of great antiquity. An oblong cavity is seen in its upper surface, which holds the bobbin. A small stick, like a wire, extends through the length of this cavity, and enters its two extremities so as to turn freely. The small stick passes through a hollow cane, which our manufacturers call a quill, and which is surrounded by the wool. This is drawn through a round hole in the front of the shuttle, and, whenever the shuttle is thrown, the bobbin revolves, and delivers the wool through this hole. The process of winding the yarn so as to make it into a bobbin or pen was called πυριζοθαι or ἀναπυριζοθαι. The reverse process, by which it was delivered through the hole in front of the shuttle (see the last woodcut), was called ἐπηριζοθαι. Hence the phrase ἐπηριζοθαι ῥατᾶ means "he shall dispose these things." All that is effected by the shuttle is the conveyance of the wool across the warp. To keep every thread of the wool in its proper place, it is necessary that the threads of the warp should be dissuaded. This was done by the leashes, called in

Latin liecia, in Greek μῦρος (μύρος). By a leash we are to understand a thread, having at one end a loop, through which a thread of the warp was passed, the other end being fastened to a straight rod called liciarium, and in Greek κλειών. The warp, having been divided by the arundo, as already mentioned, into two sets of threads, all those of the same set were passed through the loops of the corresponding set of leashes, and all these leashes were fastened at their other end to the same wooden rod. At least one set of leashes was necessary to decussate the warp even in the plainest and simplest weaving. The number of sets was increased according to the complexity of the pattern, which was called bitis or trixtis, δύτος, τριτός, or πολύτος, according as the number was two, three, or more.

The process of annexing the leashes to the warp was called ordiri telam, also liecia telae addere, or adiectere. It occupied two women at the same time, one of whom took in regular succession each separate set, drew upon this, in the pater os as the other; this part of the process was called παραφέρειν, παραφάνινα, or προφερεσθαι. The other woman, as she received each thread, passed it through the loop in proper order, and this act, which we call "entering," was called in Greek διαστάσια.

Supposing the warp to have been thus adjusted, and the threads thus, one after another, through it, it was then decussated, by drawing forward the proper rod so as to carry one set of the threads of the warp across the rest, after which the woof was shot back again, and by the continual repetition of this process the warp and woof were interlaced. In the preceding figure of the Icelandic loom we observe two staves, which are oared, or, more properly, called the "warp," as is most convenient to assist the weaver in drawing her woof across her warp. After the woof had been conveyed by the shuttle through the warp, it was driven sometimes downward, as is represented in the first woofcut, but more commonly upward, as in the second. Two different instruments were used for the purpose, the simplest, and probably the most ancient, was in the form of a large wooden sword (σπαθα, σπάθυς, διμ. σπαθόντα). From the verb σπαδικο, to beat with the spatha, cloth rendered close and compact by this process was called σπαδικτρός. This instrument is still used in Iceland exactly as it was in ancient times, and is, as the threads are frequently carried from Olafsen, is given in the second woofcut.

The spatha was, however, in a great degree superseded by the comb (pecten, κέρας), the teeth of which were inserted between the threads of the warp, and thus made, by a forcible impulse, to drive the threads of the wool close together. It is probable that the teeth were sometimes made of metal, and that the spatha was gradually replaced by being curved (pectinis unci15), as is still the case in the combs which are used in the same manner by the Hawaiians. Among us the office of the comb is executed with greater ease and effect by the reed, laid, or batten.

The lyre (vid. Lyra), the favourite musical instrument of the Greeks, was only known to the Romans as a foreign invention. Hence they appear to have described its parts by a comparison with the lyre, with which they were familiar. The terms jugum and stamina were transferred by an obvious resem- blance from the latter to the former object; and, although they adopted for the Greek word spectrum,1 they used the Latin Pecren to denote the same thing, not because the instrumen t used in striking the lyre was at all like a comb in shape and appearance, but because it was held in the right hand, and inserted between the staminia of the lyre, as the comb was between the staminia of the harp.

After enumerating those parts of the lyre which were necessary to produce even the plainest piece of cloth, it remains to describe the methods of producing its varieties, and more especially of adding to its value by making it either warmer and softer, or more rich and ornamental. If the object was to produce a checked pattern (scutulis dividere), or to give what we should call the warp threads a ragged or striped effect, and the wool or nap (κρέβα, κρέβες) made more abundant in proportion. In this manner they made the soft χαλινα or λαμα. (Vid. Pallium, p. 718.) The woof also was the medium through which almost every other diversity of appearance and quality was effected. The warp, as mentioned above, was generally cut in regular intervals the same breadth as the distance of the woof, or instead of being cut as the woof was shot, as the woof and for the woof. The consequence was, that after the piece was woven, the fuller drew out its nap by carding, so as to make it like a soft blanket7 (vid. Follo, p. 453); and, when the intention was to give what we should call the warp threads a ragged or striped effect, and the wool or nap (κρέβα, κρέβες) made more abundant in proportion. In this manner they made the soft χαλινα or λαμα. (Vid. Pallium, p. 718.) On the other hand, a striped pattern (παλιόρητσα, κρήματα σαγηνα) was produced by using a warp of one colour only, but changing at regular intervals the direction of the threads. Hence the warp threads of the Roman trabea was an example. Checked and striped goods were, no doubt, in the first instance, produced by combining the natural varieties of wool, white, black, brown, &c. (Vid. Pallium, p. 718.)

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and the Germans zwitlichi. The poets apply trilix, which in German has become drilich, to a kind of armour, perhaps chain-mail, no doubt resembling the pattern of cloth which was denoted by the same term. In the preceding figure of the Iliad, the three rods with their leashes indicate the arrangement necessary for this texture. All other fabrics of this kind of weaving are very complicated apparatus of the same kind (plumaria licia), and were therefore called polymia.

The springs or other ornaments produced in the texture at regular intervals were called flowers (kövye; θόρυον) or feathers (pluma). Another term, adopted with reference to the same machinery, was ζυγον or ζαυρον, denoting velvet. In the Middle Ages it became ζιγων, and thus produced the German Ziegeln.

The Fates are sometimes mentioned by classical writers in a manner very similar to the description of "the Fatal Sisters" above referred to (Dira sororum licia; ζατορα inexcactibiliter contorta licia). As far as we can form a judgment from the language and descriptions of ancient authors, the productions of the loom appear to have fallen in ancient times into three classes: (1) the low, or rather variety of the damasks, shawls, and tapestry of the present age, and to have vied with the works of the most celebrated painters, representing first mythological, and afterward scriptural subjects. In addition to the notices of particular works of this class, contained in the passages and articles which have been already referred to, the following authors may be cited: (2) the name of the finest specimens of weaving: Eurip., Ion, 190-202, 1141-1165. Aristot., Met. 993b. Bockh., p. 541. — Astieri, Homiliæ in Div. et Laz. — Theod. Prochor. Rhet. et. Dos. Amor. ad fin. — Virg., Æn., 250-257; Æneid, 2:1-25. — Ovid, Met., vi, 61-126. — Stat., Theog., vi, 540-547. — Aen., Epic. 28. — Lamprid., Halieus, 28. — Claudian. De P. Cons. Hist., 249-251 in politica, ii, 330-365.

TELEMAONES (Vid. Atlantes.)

*TELETHONION (τελεόνιον), a plant which Stephens and Hardouin call the Optine, i.e., Sedum Telephonum. Sprengel, although, however, he inclined to this opinion in his R. H. F., seems in his edition of Dioscorides to join Sibthorp and others in referring it to the Cerinthe minor. The leaves of this plant were sometimes used by lovers in a species of divination; the leaf, laid on the thumb and forefinger, being smartly struck with the right hand, yielded a sound from which the sentiments of the beloved object were guessed. *

TELETAI (τελεται). (Vid. Mysteria.)

*TELEIS (τηλείας), the Trigemina Fanum Gracum, or Fennycwrig.

TELOKEONES (τελοκεόν). Most of the taxes at Athens were farmed by private persons, who took upon themselves the task of collecting, and made periodical payments in respect thereof to the state. They were called by the general name of τελοιω, while the farmers of any particular tax were called οικοτοιω, πεντηκοτοιω, &c., as the case might be. The duties were let by auction to the highest bidder. Companies often took them in the name of one person, who was called ἄρχων or τελονταρχός, and was their representative to the state. Sureties were required of the farmer for the payment of his dues. The office was frequently undertaken by resident aliens, citizens not liking it, on account of the vexatious proceedings to which it often led. The farmer was armed with considerable powers: he carried with him his books, searched for contraband or uncustomed goods, watched the harbour, markets, and other places, to prevent smuggling, or unlawful and clandestine sales; brought a φάσις or other legal process against those of his dues. Indeed, if he caught thieves, or defrauded any person on some occasions, or took them before the magistrate. To enable him to perform these duties, he was exempted from military service. Collectors (τελοκέται) were sometimes employed by the farmers, but frequently the farmer and the collector were the same person. *

The taxes were let by the commissioners, acting under the authority of the senate. (Vid. Pollet.) The Athenian courts of justice were often conducted by the farmer on stated ptyptaneis in the senate-house. There was usually one payment made in advance, προκαταβολή, and one or more afterward, called προσκαταβολή. Upon any default of payment, the farmer became ἅρμα if a citizen, and he was liable to be imprisoned at the discretion of the court, upon an information laid against him. If the debt was not paid, the gardens, vineyards, and even the houses of the debtor, or the property respecting him, or the revenue; by even seized his persons on some occasions, or took them before the magistrate. To enable him to perform these duties, he was exempted from military service. Collectors (τελοκέται) were sometimes employed by the farmers, but frequently the farmer and the collector were the same person. *

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The Athenians, and collected at home, were either ordinary or permanent sources of income; the latter were only raised in time of war or other emergency. The ordinary taxes were laid mostly upon property, and upon citizens indirectly in the shape of toll or customs, though the resident aliens paid a poll-tax, called μινιαίοιοσ, for the liberty of residing at Athens under the protection of the state. (Vid. Metcalf.) As to the customs and harbour dues, see Pantecontes. An excise was paid on all sales in the market, called ἑκιών, though we know not what the amount was; and a duty was imposed on aliens for permission to sell their goods there. Slave-owners paid a duty of three obols for every slave they kept, and slaves who had been emancipated paid the duty. A new tax was imposed by the fortification of Deceleia by the Lacedaemonians. There was also a πορκιφο σκότουσι, and some others of minor importance, as to which reference is made to Bökck. The justice fees (πτωτανία, παράστασις, &c.) were a lucrative tax in time of peace.

The extraordinary taxes were the property-tax, and the compulsory services called λεσαργυρια. Some of these last were regular, and recurred annually; the most important, the ρηγώμα, was a war-service, and performed as occasion required. As these services were all performed, wholly or partly, at the expense of the individual, they may be regarded as a species of tax. (Vid. Eispoura, Lutourdga, Thierardia.)

The tribute (φόριο) paid by the allied states to the Athenians formed one of the flourishing period of the Republic, a regular and most important source of revenue. In Olypm. 91, 2, the Athenians substituted for the tribute a duty of five per cent. (εκάστοτοι) upon all commodities exported or imported by the subject states, thinking to raise by this means a larger income than by direct taxation. This was terminated by the issue of the Peloponnesian war,
Though the tribute was afterward revised on more equitable principles, under the name of σώφρια. 1

A duty of ten per cent. (δέκατον) on merchandise passing into and from the Euxine Sea was established for a time by Alexiades and other Athenian generals, who fortified Chrysopolis, near Chalcis and Thasus, and built a station for the collection of the duty called δεκατήριον. This occurred in B.C. 92. It was lost after the battle of Ægospotamos, afterward revived by Thrasybulus, and probably ceased at the battle of Antalcidas. 2 This may be regarded as an isolated case. In general, where δεκατάτωρ are mentioned among the Greeks, they denote the tithe of land, such as the Persian satraps collected from conquered countries, or such as tyrants exacted of their subjects for the use of land held under them as lord of the whole country. For instance, Pisistratus took a tithe of this kind, which was reduced by his sons to a twentieth. The state of Athens held the tithe of some lands; other tithe were assigned to certain persons or cities, of the gods, having been dedicated by pious individuals, or by reason of some conquest or vow, such as that recorded by Herodotus. 3

Other sources of revenue were derived by the Athenians from their mines and public lands, fines and confiscations. The public demesne lands, whether pasture or arable, houses or other buildings, were called ἀρχῶν or στάτων; the conditions of the lease were engraved on stone. The rent was payable by ptyranées. If not paid at the stipulated time, the lessee, if a citizen, became ἄυγος, and subject to the same consequences as any other state debtor. 4 As to fines and confiscations, see ἀσίματα, τέραια, συνείς ἡμέρας.

The revenue produced, according to Aristophanes, an annual income of two thousand talents in the most flourishing period of the Athenian empire. 5 See the calculations of Böckh. 6

Τελείον signifies "to settle, complete, or perfect," and hence "to settle an account," and generally "to pay," assign to creditors or owners. It means any payment in the nature of a tax or duty. The words are connected with zahem in German, and the old sense of tāc in English, and the modern word toll. 7 Though τέλος may signify any payment in the nature of a tax or duty, it is more commonly used of the ordinary taxes, as customs, &c. Τέλος, τελείον, is used with reference to the property-tax, in the sense of whatever is due to the state, which is the same thing, belonging to a particular class of ταύται ῥαγείων. Thus ιστίπαδα, or ἵππον τελείον, or ἔλεγχον τελείον, means to belong to the class of creditors; and the same expression is used metaphorically, without any immediate reference to the payment of a tax. Thus εἷς ἐντρίας τελείον is to be classed among "taxes," near Chalcis, mentioned in the testament of Villalobos, 8 by Boudicca, and was associated with the confessories of Wol. As to the farming of the taxes, see Τελονία. For an epitome of the whole subject, see Schömann. 9

TENEMOS (τενοῦς). (Vid. Agr. Sanctus, Templum.)

TEMPLUM. (Vid. Curros, p. 331.)

Temple. It means the same word as the Greek θέον, from τενοῦς, to cut off, for templum, according to Servius, 10 was any place which was circumscribed and separated by the augurs from the rest of the land by a certain solemn formula. The technical term is for this circle, in which the augurs are liberate and effari, and hence a templum itself is a locus libertatis et effatis. A place thus set apart and hallowed by the augurs was always intended to serve religious purposes, but chiefly for taking the auguria ("Templum locus auguris aut auspiciis causa quibusdam conceptus est" 11). When Varro 12 says that a templum may be called any place on which a temple was to be built, he must remember that this only means outside the pomerium, for the whole space included within the pomerium was itself a templum, i.e., a place in which auspices could be taken (vid. Pomerium), but when they were to be taken in any place outside the pomerium, it was always necessary for such a place to be first circumscribed and sanctified for that purpose. Such a place was called and in the heavens within which the observations were to be made was likewise called templum, as it was marked out and separated from the rest by the staff of the augur. When the augur had defined the templum within which he intended to make his observations, he fixed his tent in it (tabernaculum cepere), and the tent itself was generally called by an arrangement of such a site, accurately, templum minus. To this minus templum we must refer what Servius 13 and Festus 14 state, that a templum was enclosed with planks, curtains, &c., attached to posts fixed in the ground, and that it had only one door (extus). The place chosen for a temple was generally an eminence, or plain in the city it was supposed that God had chosen a tent does not appear to have been necessary, because here a place called auguraculum was once for all consecrated for this purpose. 15

Besides this meaning of the word templum in the language of the augurs, it also had that of a temple in the common acceptation. In this case too, however, the sacred precinct within which a temple was built was always a locus libertatis et effation by the augurs, that is, a templum or a fennum; the consecration was completed by the pontiffs, and not until inauguration and consecration had taken place could sacra be performed or meetings of the senate be held in it. 16 It was necessary, then, for a temple to be sanctioned by the gods, whose will was signified by an oracle, either a certain temple dedicated or dedicated by the will of man (pontiffs). Where the sanction of the gods had not been obtained, and where the mere act of man had consecrated a place to the gods, such a place was only a sacrum, sacrarium, or sacellum. (Vid. Sacra.rium, Sacellum.) Varro 17 justly considers the ceremony performed by the augurs an essential to a temple, as the consecration by the pontiffs took place also in other sanctuaries which were not temple, but mere sacra or ades sacra. Thus the sanctuary of Vesta was not a templum, but an ades sacra, and the various curiae (Hostilia, Pompea, Julia) required to be made templum by the augurs before senatus consulta could be made in them. In what way or manner a temple was consecrated is more difficult to decide, and neither the ancient nor modern writers agree in their definitions. Some ancients believed that delubrum was the original name given to a place before or at the entrance of a temple, which contained a font or a vessel with water, by which persons, before entering the temple, performed

ed a symbol of purification; the temple was originally the name for a wooden representation of a god (ἔσχατον), which derived its name from librum (the bark of a tree), which was taken off (delubrum) before the tree was worked into an image of a god, and that hence delubrum was applied to the place where this image was erected. Hartung derives the word delubrum from liber (anciently lube), and thinks that it originally meant a locus liberatus, or a place separated by the augur from the profane land, in which an image of a god might be erected, and sacred rites be performed. A delubrum would therefore be a sanctuary, whose chief characterization was its being separated from the profane land. But nothing certain can be said on the subject.

After these preliminary remarks we shall proceed to give a brief account of the ancient temples, their property and their ministers, both in Greece and Rome. We must, however, refer our readers for a detailed description of the architectural structure of ancient temples to other works, such as Stieglitz, Architektur der Baumeister, or Poumeyrol, on the origins, especially of the structure of the temples varied according to the divinities to whom they were dedicated, and other circumstances.

**Temples in Greece.**—Temples appear to have existed in Greece from the earliest times. They were separated from the profane land around them (τόπος ἁγίας or ἱερός), because one was allotted for the temple in the center. This separation was in early times indicated by very simple means, such as a string or a rope. Subsequently, however, they were surrounded by more efficient fences, or even by a wall (θυρίας, περιβόλους). The whole space enclosed in such a περιβόλος was called τεχνοῦς, or sometimes λειτουργον, and contained, besides the temple itself, the sacred woods, sanctuaries, flat ground planted with groves, &c. Within the precincts of the sacred enclosure no dead were generally allowed to be buried, though there were some exceptions to this rule, and we have instances of persons being buried in, or at least near, certain temples. The religious laws of the island of Delos did not allow any corpses to be buried within the whole extent of the island, and when this law had been violated, a part of the island was first purified by Plististratus, and subsequently the whole island by the Athenian people.

The temple itself was called νεος, and at its entrance fonts (περιθαντήρια) were generally placed, that those who entered the sanctuary to pray or to offer sacrifices might first purify themselves. In the earliest times the Greek temples were either partly or wholly made of wood, and the simplest of all appear to have been the σηκοι, which were probably nothing but hollow trees, in which the image of a god or a hero was placed as in a niche, for a temple was originally not intended as a receptacle for worshippers, but simply as a habitation for the deity. The act of consecration, by which a temple was dedicated to a god, was called ἵνεος. The character of the early Greek temples was dark and mysterious, for they had no windows, and they received light only through the door, which was very large, or from lamps burning in them. Vitruvius states that the entrance of the temple was always towards the west, but most of the temples still extend in Attica, Ionia, and Sicily, have their entrance towards the east. Architecture in the construction of magnificent temples, however, made great progress even at an earlier time than either painting or statuary; and long before the Persian wars we hear of temples of extraordinary grandeur and beauty. All temples were built either in an oblong or round form, and were mostly adorned with columns. Those of an oblong form had columns either in the front alone (prostyxos), in the fore and back fronts (amphiprostyxos), or on all the four sides (peripterus).

Respecting the original use of these temples, see Poumeyrol. The doors of temples were adorned with various sculptures, and no ex pense was spared in embellishing the abodes of the gods. The light, which was formerly let in at the door, was now frequently let in from above, through an opening in the middle which was called στρατηίσμος. Many of the great temples consisted of three parts: 1. the πρόσον or πρόδομον, the vestibule; 2. the cella (ναὸς, σηκον); and, 3. the οἰκοσθολογον. The cela was the most important part, and was usually called the temple proper, speaking, the temple or the habitation of the deity whose statue it contained. In one and the same cela there were sometimes the statues of two or more divinities, as in the Erechtheum at Athens the statues of Poseidon, Hephaestus, and Butas. The statues always faced the entrance, which was in the centre of the prostyle. The place where the statue of the deity stood was usually approached by a balustrade or railings (περίον, ἀθηναί). Some temples also had more than one cela, in which case the one was generally behind the other, as in the temple of Athena Polias at Athens. In temples where oracles were given, or where the worship was connected with mysteries, the cela was called τάφος, τάφος, τάφος, or τάφος, and was reserved for the priests, and the initiated had access to it. In some cases the cela was not accessible to any human being, and various stories were related of the calamities that befell persons who had ventured to cross the threshold. The ὀικοσθολογον was a building which was sometimes attached to the back front of a temple, and served as a place in which the temple priests also dwelt. Also in such cases the temple was kept, and thus supplied the place of ναοκολοι, which were attached to some temples.

Independently of the immense treasures contained in many of the Greek temples, which were either utensils or ornaments, and of the tithes of spoils, &c., the property of temples, from which they derived a regular income, consisted of lands (ῥέγανα), either fields, pastures, or forests. In Attica we sometimes find that a demos is in possession of the estates of a particular temple: thus the Peiraeus possessed the lands belonging to the Θεσσαλον, in what their estate consisted is not known; but of whatever kind it may have been, the revenues accruing from such property were given to the temples, and served to defray the expenses for sacrifices, the maintenance of oracles and festivals, &c. For this purpose of sacred forest or sacred property was generally let out to farm, unless it was, by some curse which lay on it, prevented from being taken into cultivation. The rent for such sacred domains was, according to Demostenes, received by the demarch, proba by the demarch of the demos by which the sacred domain was occupied; for in other cases we find that
TEMPERALIS ACTIO. (Vid. Actio, p. 18.)

TENSE. (Vid. Tens.)

*TENTHREDO (tevθρέδος), a species of Ten-thredo, or Saw-fly. 18


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*TEPIDARIUM. (Vid. Bath., p. 146.)

*TEREBINTHUS (τερέβινθος), the Pistacia Terebenthias, or Chian Turpentintree. The modern Greek name is κορυφής. According to Sibthorp, the fruit of this tree is eaten, and an oil expressed from it. In Cyprus it is called τρεμώνιον. The Cyprian turpentine was formerly much esteemed, and employed for medical uses; at present the principal culture of the turpentintree, as well as the mastic, is in the island of Chios. The turpentine, when drawn, is sent to Constantinople. 1

*TEREDO (τερέδος), an insect that prey on wood, especially that species which injures the timbers of ships at sea, the Teredo navalis. “The term τερέδος is also applied by the Greek writers on veterinary surgery,” says Adams, “to a worm which is formed in the intestines of cattle. The word is also used by the medical authors to signify the caries of bones.”

TERENT'TILIA LEX. (Vid. Lex., p. 586.)

TERMINALIA, a festival in honour of the god Terminus, who presided over boundaries. His statue was merely a stone or post stuck in the ground to distinguish between properties. On the festival the two owners of adjacent property crowned the statue of the god, and remaind by the altar, on which they offered up some corn, honeycomb, and wine, and sacrificed a lamb or a sucking pig. They concluded with singing the praises of the god. 4

The public festival in honour of this god was celebrated at the sixth milestone on the road towards Laurentum, 5 doubtless because this was originally that extent of the Roman territory in that direction.

Terminus, a festival of the Roman family. This festival was celebrated a.d. VII. Kal. Mart., or the 23d of February, on the day before the Regifigium. The Terminalia was celebrated on the last day of the old Roman year, whence some derive its name. We know that February was the last month of the Roman year, and that when the intercalary month Mercescium was added, the last five days of February were added to the intercalary month, making the 23d of February the last day of the year. 6 When Cicero, in a letter to Atticus, 7 says, “Accepi tuas litteras a. d. V. Terminalia” (i. e., Feb. 19), he uses this strange mode of defining a date, because, being ‘hen in Cilicia, he did not know whether any intercalation had been inserted that year, as is explained under Calendar, p. 191.

TERI'NCIUS. (Vid. As, p. 110.)

TESSERA, dim. TESSERULA and TESSEL'LA (τεσσελλα), a square or cube, a die, a token.

The use of small cubes of marble, earthenware, glass, precious stones, and mother-of-pearl for marking tessellated pavements (pavement tessellatia) 8 was noticed under House, Roman, p. 519, and Painting, p. 715.

The dice used in games of chance (vid. Alea) had the same form, and were commonly made of ivory, bone, or some close-grained wood, especially privet (ligustrum tesserae utissima). They were numbered on all the six sides like the dice still in use; 9 and in this respect, as well as in their form, they were confused from the tali, which are often dis terrinaced from classical writers. 11 (Vid. Talus.) While four tali were used in playing, only three tesserae were anciently employed. Hence arose the proverb, ἥ τρις ή, ἥ τρις κόσις, i. e.,


TESTAMENTUM.

"etern three sizes or three acres," meaning all or none; 1 for κόσος was used to denote the aëre, as in the throw δύο κόσοι καὶ τέτταρα, i. e., 1, 1, 4.=5.3 Three sizes are mentioned as the highest throw in the Agamemnon of Aeschylus (32). As early as the time of Eustathius 4 we find that the modern practice of using two dice instead of three had been established.

The ancients sometimes played with dice πέλλακτον (vid. Tacit.), when the object was simply to throw the highest numbers. At other times they played also with two sets of LATRUNCULI or draughts-men, having fifteen men on each side. The board (alvea hisoriae, 4 alveolae) was divided by twelve lines, so that the game must have been nearly or actually the same with our backgammon. Perhaps the Dyokedex (as in the name of Romans was the same game. (Vid. Arch.).

Objects of the same materials with dice, and either formed like them or of an oblong shape, were used as tokens for various purposes. The tessera hospitalis was the token of mutual hospitality, and is spoken of under Hesperus, p. 512. This token was probably in many cases of earthenware, having the names of the holders written on it, as is shewn in the cases of tesserae in the museums, such as the one of the Roman and Greek money. Thus, for example, the Romans were to give the Carthaginians their choice of soldiers or money, they sent two tesserae, one marked with a spear, the other with a Caveoxus, requesting them to take either the one or the other. 5

From the application of this term to tokens of various kinds, it was transferred to the word used as a token among soldiers. This was the tessera militaris, the σφαιρα of the Greeks. Before joining battle it was given out and passed through the ranks, as a method by which the soldiers might be able to distinguish friends from foes. 6 Thus, at the battle of Cunaxa, the word was "Zeus the Saviour and Victory," and on a subsequent engagement by the same troops, "Zeus the Saviour, Hercules the Leader." 7 The soldiers of Xenophon used a verbal sign for the same purpose when they were encamped by night. 8 Ενας Ταπικος 9 gives various directions for dice to be used by the soldiers respecting the word.

TESTA. (Vid. Fortit. p. 441.)

TESTAMENTUM is "mentis nostra justa contentatio in id solemnier facta ut post mortem nostram valeat." 10 In this passage the word justa means "jure facta;", "as required by law." The word contentatio is apparently used with reference to the origin of the term testamentum, which is to be referred to "testaer," which signifies "to make a solemn declaration of one's will." Testamentum is not so named with reference to tests. Gellius 11 properly finds fault with Servius Sulpicius for saying that the word is compounded "a mentis contentatione." The person who made a testamentum was testator. 12

In order to be able to make a valid Roman will, the testator must have the testamentificatio, which term expresses the legal conditions to be made a valid will: the word has also another significance. (Vid. Heres, Roman, p. 497.) The testamentificatio was the privilege only of Roman citizens who were pa triam familiis. The following persons, consequently, had not the testamentificatio: those who were in the potestas or manus of another, or in mancipi causa, as sons and daughters, wives in manu and husband, and a minor to his non-remissum peculium (vid. Patria Potestas, p. 742), a minor had not the privilege of testamentary disposition: Latin Junianiti, dediciti: peregrini could not dispose of their property according to the form of a Roman will: a person who was doubtful as to his status, as, for instance, a person whose father had died abroad and the fact was not ascertained, could not make a testament: an impubes could not dispose of his property by will, even with the consent of his tutor; when a male was fourteen years of age he obtained the testamentificatio, and a female obtained the power, subject to certain restraints, on the completion of her twelfth year. muti, surdi, furioi, and prodi: "giusbus leges bonae interdictum est" had not the testamentificatio; the reasons why these several classes of persons had not the testamentificatio illustrate the Roman mode of deducing legal facts from evidence of circumstances, although he had not the testamentificatio, because he could not utter the words of nuncupatio; the surdi, because he could not hear the words of the entur familius; the furioi, because he had not intellectual capacity to declare his will (testari) about his property; and the prodi, because he was under a legal restraint, so that he had no commercium, and consequently could not exercise the formalities of the testamentary. (Vid. Curator, Impurer.)

Women had originally no testamentificatio, and when they did acquire the power, they could only exercise it with the auctoris of a tutor. Of course a daughter in the power of her father, whether she was unmarried or married, and a wife in manu, could never make a will. The rules, therefore, as to a woman's capacity to make a will, could apply only to unmarried women after the death of their father, and to widows who were not in the power of a father. This subject requires explanation.

Cicero 13 observes, "if a woman has made a will, and has never undergone a capitis diminutio, it does not appear that the bonorum possessio can be granted in pursuance of such will according to the provisions of her will, but, with respect to the bonorum possessio in respect of the wills of servili, exules, and pueri. Cicero means to say that if a woman made a will without having sustained a capitis diminutio, the will could have no effect at all; and he derives his argument "ab adjunctis," for if such a will could have any effect, then the wills of other persons, who had not the testamentificatio, might be effectual so far as to give the bonorum possessio. It is not a logical inference from the language of Cicero that a woman who had sustained a capitis diminutio could make a will; but this is the ordinary meaning of such language, and it appears to be his. Consistently with this, Ulpian says, 14 "women, after their twelfth year, can make a will with the auctories of a tutor, so long as they are in tutela;" and the comment of Boethius on the passage of Cicero is, "a woman, a wife after her twelfth year, can make a will in this way. A woman, then, could make a will with the auctories of her tutor, and not now. Now if a woman was in tutela legitima, it might be correctly said that she could not make a will; for if she was ingenua, the tutela belonged of right to the agnati and gentiles, and if she was a libera, it belonged to the patron. In these cases a woman could indeed make a valid will with the consent of 11. (Ulp., Frug., tit. 20, s. 12.) — (Top., 4.) — (Franc., tit. 20, s. 15.)
TESTAMENTUM.

In order to constitute a valid will, it was necessary that a heres should be instituted, which might be done in such terms as follow: Titus heres esto, Titum heredem case jubeo. (Vid. Heres, Roman, p. 147.)

All persons who had the commercium could be heredes; slaves also, and others who were not sui juris, could be made heredes. (Vid. Heres; Serv. v., Roman, p. 883.) But there were many classes of persons who could not be heredes: Peregrini, who had not received the commercium: persons who were not men except to the Heraea: juridical persons or universitats, except by their liberti, a privilege granted by a senatorus consultat; gods, or the tem- ples of gods, except such as were excepted by a senatorus consultat and imperial constitutions, such as Jupiter Tarpeius, Apollo Didymaenus, Mars in Gallia, Minerva Iliensis, Hercules Galatinus, and others enumerated by Ulpian: a postumus alienus could not be made a heres, for he was an inercta persona: it was a disputed question whether, according to the old law, women could be made heredes; but the question concerns only those who were sui juris, as to whom there seems no sufficient reason why they could not be made here- des, the capacity of women to take under a will was likewise denied. Unless it were a necessity that persons, and persons who had no children, were limited as to their capacity to take under a will by the Papia Poppaea Lex. (Vid. Julia LEX ET PAPIA POPPEA.)

The first question as to the validity of a will was the capacity of the testator; the next question was as to the proper observance of the forms required by law; the third, the question of whom, in consideration of their little acquaintance with such matters, were allowed to make their wills as they pleased or as they could. This remark of Gaius seems to refer to the imperial period.

As to the form of wills, Gaius and Ulpian are now the best authorities.

Originally there were two modes of making wills for people made their wills either at calata comitia, which were appointed twice a year for the making of wills, or they made wills in proculito, that is, when they were going to battle, for an army in movement and under arms is proculito. A third mode of making wills was introduced, which was effected per as et libram, whence the name of testamentum scriptae manu, by which a person made his will in calata comitia nor in proculito, and was in imminent danger of death, he would mancipate (mancipio dabat) his familia, that is, his patrimoniun, to a friend, and would tell him what he wished to be given to each after his death. The old form of making a will per as et libram was this: The familia enim, the testator, the person who received the will, the familia by mancipation, filled the place of heres, and, accordingly, the testator instructed him what he wished to be given to each after his death. In the time of Gaia the practice was different. One person was instituted heres (heres testamento vesti- tatur), who was charged with the payment of the testamentary legacies, and so was this rule was altered by enactments, for they were in the legitima tutela of their patrons. Libertes, Libertes, who had a certain number of children could make a will without the auxiliares of their patrons. (Vid. PATRONUS.)

The vestal virgins had no tutelar, and yet they could make a testament. The Twelve Tables returned them from all tutelar in honorem auctoritatis. 116

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1. (Frag., tit. 22, a, 6.)—2. (Gaius, ii., 114.)—3. (L., 101.)—4. (Frag., tit. xx.)

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As the familiar emtor was supposed to be a real transaction between the emtor and the testator, the testimony of their several families was excluded, and, consequently, a person who was in the power of the familiar emtor, or in the power of the testator, could not be a witness. If a man who was in the power of another was the familiar emtor, it followed that his father could not be a witness, nor his brother, if the brother was in the power of the father. A filiusfamilios who, after his missio, disposed of his castrense peculium by testament, could not have his father as witness, nor any one who was in the power of his father. The same rules applied to the libriens, for he was a witness. A person who was in the power of the heres or of a legatee, or in whose power the heres or legatee was, could not be a witness of the testament, whether as the heres or a legatee, and also the heres or a legatee, could all be witnesses; for, as Ulpian observes, there is no objection to any number of witnesses from the same family. But Gaius observes that this ought not to be considered as law with respect to the heres, and him who is in the power of the testator, and who has power the heres is. According to Gaius, wills were legally made only at calata comitia and in proinuctu. The comitia were held twice a year for the purpose of making wills, and a will not made there was invalid. It is sometimes assumed that these comitia were held in order that the gentes might consent to the testamentary disposition, in which it is implied that the testator did not refuse their consent. If there is no direct evidence of this, and it derives no support from a consideration of the mode of disposing of property per as et libram. The form per as et libram was a form introduced in cases when the will had not been made at the calata comitia nor in proinuctu. It had effect because it was an alienation of property inter vivos without the consent of any parties except the buyer and seller, which alienation must be assumed to have been a legal transaction at the time when this new form of will was introduced. This new form was a sale, and the familiar emtor undertook a trust: he resembled the heres fiduciarius of later times. It is probable enough that there were originally no means of compelling him to execute the trust, but operation would be a sufficient guarantee that the testator's will would be carried out. It would arise one of those parts of law which had its source in Mos. When the Romans introduced new legal forms, they always assimilated them to old forms, whence we have a probable conclusion that the form of mancipatio was also observed at the calata comitia; and if so, the consent of the gentes was not necessary, unless it was necessary to every alienation of property, which in the absence of evidence must not be assumed, though such may have been the fact. The difference, then, between the will made at the calata comitia and the will per as et libram, consisted in the greater solemnity and notoriety of the former, and the consequent greater security that the testator's intentions would be observed. Written wills are not spoken of with reference to this time, nor is it probable that wills were written: it does not appear that a written will was ever used after the introduction of the testamentary disposition of his property would be short and simple in those early times, and easily remembered; but there would be greater security for an unwritten will made at the comitia than for an unwritten will made per as et libram; whence, in course of time, tabulis became a usual part of the ceremony of a will. As we are ignorant of the true nature of private property among the Romans, viewed with respect to its historical origin, we cannot determine with certainty such questions as those respecting testamentary disposition, but it is of some importance to exclude conjectures which are devoid of all evidence. Reinhard has referred to the modern writers who have discussed this subject: he has adopted the opinion of Niebuhr, according to which, "as the property of an extinct house coexisted to the heir, that of an extinct curia to the publicum of the citizens at large, the consent of the whole populus was requisite; and this is the origin of the rule that testaments were to be made in the presence of the pontiff and the curies." But there is no evidence of the assertion contained in the first part of this passage; and if this rule as to escheat is admitted to be a fact, the rule that testaments must be confirmed by the comitia i.e. by consent. Niebuhr further observes that "the plebeian houses were not so connected, but the whole order had a public cofer in the Temple of Ceres; and when the army, being assembled in centuriae, either on the field of Mars or before a battle, passed the last will of a soldier into a law, it was taken by the curia with the same necessity to protect the property. This assertion, also, is not supported by evidence, and is therefore a mere conjecture, against the probability of which there are sufficient reasons. The testamentum in proinuctu is, for anything we know to the contrary, as old as the testament at the calata comitia. In this case the forms of testamentum in proinuctu were dispensed with, or the soldier would have died intestate. This power of disposition in the case of a testamentum in proinuctu could not depend on the consent of the populus in each particular instance, for the nature of the circumstances excluded such consent. He had, therefore, full power of disposition in proinuctu, a circumstance which leads to the probable conclusion that the will made at the calata comitia differed only from the other will in its forms and not in its substance. Some writers assert that the testamentum in proinuctu could only be made after the auspices were taken, which gave the testament the religious sanction, and that, when the auspices ceased to be taken in the field, this kind of testament ceased to be made; and that the military testimonies mentioned above were the last wills taken in proinuctu. These were not the same kind of testaments, but purely military testaments made without any form, which in the imperial period became in common use, and of which C. Caesar probably introduced the practice. Cicero, however, speaks of the will in proinuctu as then in use, and he describes it as made "sine libra et tabulis," that is, without the forms which were used after the introduction of the testamentum per as et libram. Thus the testamentum in proinuctu always retained its characteristic of being exempted from legal forms, but as to the capacity of the testa-

1. (De iure Rom. Privat. reed, p. 373, note.)—2. (Hist. of Rome, i, p. 382.)—3. (Bell. Gall. i, 39.—Vell. Patern. iii, 5, &c.)—4. (Dig. 29, tit. 1 De Testamento Millius.)—5. (De Or. i 58.)
to it always subject to the same rules of law as other wills, so far as we know.

The form of mancipatio owed its origin to positive enactments (vid. Usuarius); it was a form of alienation accompanied with certain public ceremonies, the presumed object of which was to secure evidence of the transfer. The form of mancipatio as applied to a will was exactly the same form as mancipatio applied to any other purpose: it was an alienation of the property, and, according to strict principles, it must have been irrevocable. It is sometimes assumed that the five witnesses to the testament (civis Romanus puerus) were representatives of the five classes of Servius Tullius. If this is true (which is a mere assumption), it is not clear as to why the property was only, not as persons who gave their consent to the act. Engelbach states: "Mancipatio was originally a formal sale, in which the publicness of the transaction constituted the essential characteristic. When the seller transferred to the buyer the ownership of a thing before the five representatives of the five classes of the Roman people, they answered as the original sellers before the assembly and passed into a lex." The whole meaning of this is not clear, but so far as this is clear and true: the testamentum per se et libram differed in no respects as to the capacity of the alienor from any other mancipation. Now we must either suppose that the buyer, not the seller, passed the property of the will to the testamentary disposition at the calata comitia was expressed by a special enactment, which should transfer the property according to the testator's wish, or that the consent only must have been given to the transfer, and the transfer must have been made in the usual way: the latter is the only conceivable case of the two. In assuming this original sale by the party of the lex which was transferred to the testamentary disposition, we assume that Roman property was originally inalienable at the will of the owner. This may be true, but it is not yet shown to be so.

The Twelve Tables recognize a man's power to dispose of his property by will as he pleased: "Un loco, ut in loco tabulam voluerit exta." It is generally admitted, and the extant passages are consistent with the opinion, that the new testamentary form per se et libram existed while the two original forms were still in use. Now in the testamentum per se et libram there is no pretert for saying that any consent was required except that of the buyer and seller; and the Twelve Tables recognize the testator's power of disposition. If, then, the form of testament at the comitia calata subsisted after the Twelve Tables, we have, according to the views of some writers, a form of testamentum to which the consent of the testator was sufficient, and another form in which it was not. There still remains to those who support this opinion the power of showing that the consent of the testator was sovereign and that the will had become a form, and therefore it was indifferent, so far as concerns this consent, whether the will was made at the comitia, where it would be fully witnessed, or per se et libram, where it would be witnessed by the five representatives. But it is easy to suggest possibilities; less easy to weigh evidence accurately, and to deduce its legitimate consequences.

As already observed, there seems to have been no rule of law that a testament must be written. The mancipatio required no writing, nor did the institution of a heres, and the number of witnesses were probably required in order to secure evidence of the testator's intentions. Thus it is said:1 that the heres might either be made by oral declaration (mancipatio) or by writing. Written wills, however, were the common form among the Romans, at least in the later republican and in the imperial periods. They were written on tablets of wood or wax, whence the word "cera" is often used as equivalent to "tabula," and these sigions prima, secunda cera, are equivalent to prima, secunda pagina. The will might be written either by the testator or any other person with his consent, and sometimes it was made with the advice of a lawyer. It was written in the Latin language until A.D. 439, when it was enacted that wills might be in Greek. By the old law, a legacy could not be given in the Greek language, and it was the business of the will to express its meaning in Latin. The Romans held that it was dangerous to express the will in another language, and this is why the testatorial wills were written in Latin. It does not appear that there was originally any signature by the witnesses. The will was sealed, but this might be done by the testator in secret, for it was not necessary that the witnesses should know the contents of the will; they were witnesses to the formal act of mancipatio, and to the testator's testamentary disposition. And the will might contain a last will, and it must, however, have been in some way so marked as to be recognizable, and the practice of the witnesses (testes) sealing and signing the will became common. It was necessary for the witnesses both to seal (signare), that is, to make a mark with a ring (annulus) or something else on the wax, and to add their names (testes). It was also usual to write the name of the testator, his relation to the testator, the number of witnesses, and their own names, with their own hand, and their subscription also declared whose will it was that they sealed. The seals and signatures appear to have been on the outside. A senator consultum, which applied to wills among other instruments, enacted that they should be witnessed and signed as follows: They were to be written in Latin, with the name of the testator beneath the upper part of the margin, which was to be performed at the middle part, and the wax was to be put over the thread and sealed. Tabulae which were produced in any other way had no validity. (Compare Paulus, who imposes seems to be the true reading, with Suetonius.*) A man might make several copies of his will, which was sometimes done, and contain his will in the public seal, and placed in the archive. Whence a fresh copy could be got if the first copy should ever be lost. This practice, described by Paulus, may have been of considerable antiquity. The will of Augustus, which had been deposited with the vestal virgins, was brought into the senate after his death, and the testator was made in the name of the will, except those of senatorian rank; the rest of the witnesses acknowledged their signatures outside the curia.

A curious passage in a Novel of Theodossius II. (A.D. 439, De Testamentis) states the old practice as to the signature of the witnesses. "In ancient times to "tabella," and the expressions prima, secon tement to the witnesses, and asked them to hail testimony that the will had been so shown to them (oblatum tabularum prohibere testimoniun)," which are almost the words of Gaius. The Novel goes on to state that the ignorant presumption of posterity had changed the cautious rule of the ancient law, and the witnesses were required to know the con-

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1. (Ueb. die Uesvat zu Zeit der Zwolf Tabelln, p. 80.)
2. (Ulp. Frag., tit. xi., 14.)
3. (Dig. 28, tit. 1, s. 21.)
4. (Cod. vi., tit. 23, s. 21.)
A valid will became irritum if the testator sustained a capitis diminutio after the date of the will or if it failed of effect because there was no heres. Thus a prior will which was invalidated by a subsequent will was rupturn; and if there was no heres under the subsequent will, such will was valid.

If a man who had made a will was taken prisoner by the enemy, his will was good jure postlimini if he returned home; if he died in captivity, it was made as valid by the lex Cornelia as if he had not been a captive.

Though a will might be rupturn or irritum by the jus civil, it was not always without effect; for the honorum possessio secundum tabulas might be had of a testamentary nature by the will. The will went to heredes, and seven witnesses, and if the testator had the testamentificatio. The distinction between the case of a will which was invalid jure civil for want of due forms, and one which was invalid for want of legal capacity to dispose of property by will, was well recognised in the time of Cicero. A will also became rupturn by adagnatio, that is, if a suus heres was born after the making of the will, who was not either instituted heres, or exheredated as the law required. A quasi adagnatio also arose by adoption, or by the in manum conventio, or by succession to the place of a suus heres, as in the instance of a grandson becoming a suus heres in consequence of the death or the emancipation of a son: a will also became rupturn by the manumission of a son, that is, if a son, after a first and second manumission, returned into the power of his father. (Vid. EMANCIPATIO.)

A testament was called inoficiosum which was made in legal form, "sed non ex officio pietatis." For instance, if a man had exheredated his own children, or passed over his parents, or brothers or sisters, the will was in form a good will, but if there was no sufficient reason for this exheredation, if the pretension, the persons aggrieved might have an inoficioso querela. The ground of the complaint was the allegation that the testator was "non sana mentis," so as to have capacity to make a will. It was not alleged that he was furious or demens, for these were technical words which implied complete legal incapacity. The distinction was a fine one; it was the authorship of the will, and not the matter of the testators, to whom it may be presumed to owe its origin. By the legislation of Justinian, no person could maintain a querela inoficioso beyond the degree of brothers and sisters; and brothers and sisters could only maintain their claim against "scripti heredes" who were "turpia personae." The complaint also could only be maintained in cases where the complaining parties had no other right or means of redress. If any portion, however small, was left by the will to the complaining party, he could not maintain a querela inoficiosi, and he was only entitled to so much as would make up his proper share.

If the judex declared the testamentum to be inoficiosum, it was rescinded; but if there were several heredes, the will could only be rescinded as to him or them against whose institution the judex had pronounced. The portion of an hereditas which might be claimed by the querela inoficiosi was one fourth, which was divided among the claimantes pro rata.

The querela inoficiosi is explained by Savigny with his usual perspicuity. If a testator passed over his will any of his nearest kinfolks, who in the case of intestacy would be his heredes, this gave rise to the opinion that the person thus passed over had meritied this mark of the testator's disapprobation. If this opinion was unfounded, the

1. (Top, Ill., 2.)—2. (Plia, Ep, v., 1—Inscr, ili, tit. 18—Dig, tit. 2: 1o Inofficioso Testamento.)—3. (System, 6c, ii, 127

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TETRASCI

8. TESTUUDO

Testator had done an unmerited injury to the person, and his remedy was by getting the will set aside, as made under the influence of passion. If the will was set aside, the testator was thereby declared to have died intestate. The immediate object of the codicilli was the hereditas which was the immediate object of the querela, or his share of it. But the ultimate object of the querela was the public re-establishment of the injured person's complaint. The testator who had brought this suit, had not only the ultimate object of the querela, but the immediate object of the codicilli in and for its ultimate object vindicta, and the peculiarity of the action consisted in the difference between this ultimate object of the action and the immediate object of it (property), which was merely a means to the ultimate object. (Vid. VINDICTA.)

There is no evidence to show when the querela inofficiosi was introduced as a mode of setting aside a will. The phrase testamentum inofficiosum occurs in Cicero and in Quintilian.

Codicilli were an informal will; they may be defined to be a testamentary disposition of such a kind which does not allow the direct appointment or exheredation of a heres, even though the codicilli are confirmed by a testament; but he who was appointed heres ex parte,* but he had also made codicilli in order to give the hereditas to another altogether or in part, even though the codicilli were not confirmed by a testament. A legacy could not be given by codicilli unless the codicilli were confirmed by a will; and this must be the case to which Pliny refers.1 Acilians had made Pliny's 1 heres ex parte,* but he had also made codicilli in his own hand-writing, which, as Pliny alleges, were void (pro non scripto habendo), because they were not confirmed by the will. Now, as already observed, it appears from Gaius that a person who was appointed heres by a will might be required by codicilli to give the whole hereditas or a part to another, even though the codicilli were not confirmed by a will. But Pliny is speaking of codicilli which were void for want of a testamentary confirmation; and this, as we learn from Gaius, is the case of a legacy given by codicilli which have not been confirmed by a will. This confirmation might be either prospective or retrospective (si in testamento coverit testator, ut quidem ex parte, sed in re vestris); and the name of testudo is given.2 It was called testudo inofficiosum.3

This passage of Pliny, as to the confirmation of codicilli by a testament, has sometimes been misunderstood. It is stated,4 "Concinnitur codicillia quatuor modis: aut enim in futuro confirmantur aut in praetextum, aut per fideicommissum testamento facit aut sine testamento."

These four modes are referred to in Gaius; the first two are also contained in the words above quoted, "si in testamento," &c.; the third is the case of the heres institutus being required to give the hereditas to another person by codicilli non confirmati; and the fourth is the case of a fideicommissum given by codicilli of a person who made no other testamentary disposition. It was a rule of law that codicilli were to be considered (except in a few cases) as incorporated in the will at the time when the will was made, a principle which led to various legal conclusions, which the Roman jurists deduced with their usual precision.5

Originally there was probably no particular form required for codicilli; but there are at least eight evidences of their containing the testator's intention.

1. In (Inst. Or. i., 2.)—2. (Ep. ii., 10.)—3. (Di., 272.)—4. (Caesar, ii., 270.)—5. (Dig. 28, tit. 7, x. 5.)—6. (15, 19, 7.)—7. (Dig. 47, tit. 7, a. 2.)

writing, if the witnesses subscribed their names to the codicilli.6 But a man could, without writing and in the presence of five witnesses, impose a fideicommissum on his heres. A testament which was defective as such, may be effective as codicilli. The power to make codicilli was the same as the power to make a testament.7

The subject of Roman testaments can only be satisfactorily expounded in a large treatise, and it would require to be treated historically. The preceding sketch may be useful, and generally true. and it is not to be nothing more.

TESTUS (Vid. Ora, Rom., p. 670.)

TESTU'DO (τετράσκη), a Tortoise, was the name given to several other objects.

1. To the Lyra, because it was sometimes made of a tortoise-shell. (Vid. Lyra.)

2. To an arched or vaulted roof. (Vid. Temp., p. 598.)

Thus, in a Roman house, when the caumum was roofed all over, and had no opening or compluvium in the centre, the caumum was called testudo. (Vid. House, Rom., p. 516, 517.)

3. To a military machine moving upon wheels and roofed over, used in besieging cities, under which the soldiers worked in undermining the walls, or, in a military sense, to a testudo in other which was covered with raw hides or other materials which could not easily be set on fire. The battering-ram (vid. Aries) was frequently placed under a testudo of this kind, which was then called Testudo averticia.8 Vitruvius also mentions and explains the construction of several other military machines to which the name of testudo was given.

4. The name of testudo was also applied to the covering made by a close body of soldiers, who placed their shields over their heads to secure themselves against the darts of the enemy. The shields fitted so closely together as to present one unbroken surface, without any interstices between them, and were also so firm that men could walk upon them, and even horses and chariots be driven over them.9 A testudo was formed (testudinem facere) either in battle, to ward off the arrows and other missiles of the enemy, or, which was more frequently the case, to form a protection to the soldiers when they advanced to the walls or gates of a town for the purpose of attacking it.10

1. (Cod. vi, tit. 30.)—2. (Dig. 59, tit. 7.)—De Jus.: 2. Codiciti-


1. (Cod. vi., tit. 30.)—2. (Dig. 59, tit. 7.)—De Jus. a Codiciti-

The Greek writers describe several species of the Land and Sea Tortoise. Of the sea-turtle, they were, of course, best acquainted with those species which are found in the Mediterranean. Ælian, however, also makes mention of the Indian. The species which the ancients may be supposed to have known most familiarly are the Testudo lyra, T. Graeca, and T. geometrica. (On the use of the turtle by the ancients as an article of food, consult Schweighaeuser, Ad Athen., viii., 7. Gerner, Hist. nat. v., 17. Suidas, p. 193. Cony, iv, 13.) The *fauc* is the Speckled Tortoise, or Enys Europa.*1

**TETRADRACHMUM.** (Vid. Drachma.)

**TETRARCHIES or TETRARCHA (τετραρχαί).** This word was originally used, according to its etymological meaning, to signify the governor of the fourth part of a country (τετραρχαί or τετραρχία). We have an example in the ancient division of Thessaly into four tetrarchies, which was revived by Philip.*2

(Vid. TÁGOS.) Each of the three Gallic tribes which settled in Galatia was divided into four tetrarchies, each ruled by a tetrarch.*3

This arrangement subsisted till the latter times of the Roman Republic,*4 but at last the twelve tetrarchies of Gallo-Greece were reduced to one, namely, Deiotaros.*5 Some of the tribes of Syria were ruled by tetrarchies, and several of the princes of the house of Herod ruled in Palestine with this title.*6

Nebihrur remarks that the tetrarchies in Syria were zemindars, who occupied the rank of sovereigns, in the same way as the zemindars of Bengal succeeded under Lord Cornwallis in getting themselves recognised as dependant princes and absolute proprietors of the soil.*7

In the later period of the Republic and under the Empire, the Romans seem to have used the title (as also those of *stavarch* and *phyllarch*) to designate those tributary princes who were not of sufficient importance to be called kings.*8

**TETRIX (τετριξ, or -ας, or -αώ), a bird noted for the supposed to be the Ota Tetrax, or Little Boustard.*9

**TETRO/BOULUS.** (Vid. Drachma.)

**TETTAPÁKONTA, OL.** (Vid. Forty, THE.)

**TETTI/ΓΟΜΕΤΡΑ (εττετιγόμετρα), a term meaning literally "the mother of the Tettix," or Cicada. In reality, however, it indicates merely

That intermediate condition of the nymph, prior to the development of the organs of flight of the insect.


The second day of the Thargelia was solemnized with a procession and an agon, which consisted of a cyclic chorus performed by men at the expense of a chorus. The prize of the victor in this agon was a tripod, which he had to dedicate in the Temple of Apollo which had been built by Phinestratus. On this day it was customary for persons who were adopted into a family to be solemnly registered, and received into the gong that this sacrifice only took place in case of a heavy calamity having befallen the city (νοσοῦσθε τὴν πάλασον), such as the plague, a famine, &c. What persons were chosen as victims on such occasions is not mentioned, and we only learn from Suidas that they were kept at the public expense (δημοῦ τρεφόμενοι). But they were not probably sacrificial victims, as those who kept them were not freed from the time of their condemnation to be sacrificed at the Thargelia. In the earlier times, however, they were not criminals, but either cripples, or persons who offered to die voluntarily for the good of their country.

The Athenians, before the time of Eschylus, had only a wooden scaffold on which their dramas were performed. Such a wooden theatre was only erected for the time of the Dionysiac festivals, and was afterward pulled down. The first drama that Eschylus brought upon the stage was a tragedy, and it is recorded as a singular and ominous coincidence, that on that occasion (500 B.C.) the scaffold broke down. To prevent the recurrence of such an accident, the building of a stone theatre was at once commenced on the southeastern de-
for the spectators, which were in most cases cut out of the rock, consisted of rows of benches rising one above another; the rows themselves (a) formed parts (nearly three fourths) of concentric circles, and were at intervals divided into compartments by one or more broad passages (b) running between them, and parallel with the benches. These passages were called διασπάρτη, or κατασπάρτη, Latin praecinctio, and when the concourse of people was very great in a theatre, many persons might stand in them. One side of such a passage formed towards the upper rows of benches a wall, in which, in some theatres, though perhaps not at Athens, niches were excavated, which contained metal vessels (ḫyścia) to increase the sounds coming from the stage and orchestra. Across the rows of benches ran stairs, by which persons might ascend from the lowest to the highest. But these stairs ran in straight lines only from one praecinctio to another, and the stairs in the next series of rows were just between the two stairs of the lower series of benches. By this course of the stairs the seats were divided into a number of compartments resembling cones from which the tops are cut off; hence they were termed κέρασις, and in Latin cunei. The whole of the place for the spectators (θέατρον) was sometimes designated by the name κολχων, Latin caesae, it being in most cases a real excavation of the rock. Above the highest row of benches there rose a covered portico (e), which of course far exceeded in height the opposite buildings by which the stage was surrounded, and appears to have also contributed to increase the acoustic effect. The entrances to the seats of the spectators were partly under ground, and led to the lowest rows of benches, while the upper rows must have been accessible from above.  

2. The orchestra (διόρθστρα) was a circular level space extending in front of the spectators, and somewhat below the lowest row of benches. But it was not a complete circle, one segment of it being appropriated to the stage. The orchestra was the place for the chorus, where it performed its evolutions and dances, for which purpose it was covered with boards. As the chorus was the element out of which the drama rose, so the orchestra was originally the most important part of a theatre: it formed the centre round which all the other parts of the building were grouped. In the centre of the circle of the orchestra was the δυσκόλος, that is, the altar of Dionysus (d), which was, of course, nearer to the stage than to the seats of the spectators, the distance from which was precisely the length of a radius of the circle. In a wider sense, the orchestra comprised the broad passages (μάποδοι, e) or each side between the projecting wings of the stage and the seats of the spectators, through which the chorus entered the orchestra. The chorus generally arranged itself in the space between the thymele and the stage. The thymele itself was of a square form, and was used for various purposes, according to the nature of the different plays, such as a funerary monument, an altar, &c. It was made of boards, and surrounded on all sides with steps. It thus stood upon a raised platform, which was sometimes occupied by the leader of the chorus, the flute-player, and the rhadophoros. The flute-player, as well as the prompter (τροφοδοτής, monitor), were generally placed behind the thymele, so as to face the stage, and not to be seen by the spectators. The orchestra, as well as the θέατρον, lay under the open sky: a roof is nowhere mentioned.

3. The stage. Steps led from each side of the orchestra to the stage, and by them the chorus probably ascended the stage whenever it took a real part in the action itself. The back side of the stage was closed by a wall called the περίφυ or σκένα, from which on each side a wing projected, which was called the παρασκήνιον. The whole depth of the stage was not very great, as it only comprised a segment of the circle of the orchestra. The whole space from the scenae to the orchestra was termed the προσεύμιον (προεύμιον), and was what we should call the real stage. That part of it which was nearest to the orchestra, and where the actors stood when they spoke, was the λογείον, also called ἱκόνιον or ἱκόνιαντες, in Latin pulpitum, which was,
of course, raised above the orchestra, and probably on a level with the thymele. What the ἐπισκόπους was not clear; some think that it was a place to which the actors withdrew when they had acted their parts, others think that it was the same as the κοινότατον; but, as it is stated that the ἐπισκόπους was adorned with statues, it seems more probable that it was the wall which, as the κοινότατον or σκηνή or the orchestra and the spectators. The scenery of the scene was, as we have already stated, the wall which closed the stage (prosceunium and logeum) from behind. It represented a suitable background, or the locality in which the action was going on.

Before the play began it was covered with a curtain (παρακείσεις, παρακείσις, ἀνάδεικνυς, Latin scena), which was drawn by machinery. At the moment when it was let down, and was rolled up on a roller underneath the stage. The prosceunium and logeum were never concealed from the spectators. As regards the scenery represented on the σκηνή, it was different for tragedy, comedy, and the satyrical drama, and for each of these kinds of poetry the scenery must have been capable of various modifications, according to the manner of the performance. At least that this was the case with the various tragedies, is evident from the scenes described in the tragedies still extant. In the latter, however, the background (σκηνή), in most cases, represented the front of a palace with a door in the centre (i), which was called the royal door. This palace generally consisted of several stories. The house flat roof there appears to have been some elevated place, from which persons might observe what was going on at a distance. The palace presented on each side a projecting wing, each of which had its separate entrance. These wings generally represented the habitations of guests and visitors. All of the three doors must have been visible to the spectators, and some of them are described as the stage through the middle or royal door, the deuteragonists and tritagonists through those on the right and left wings. In tragedies like the Prometheus, the Persians, Philoctetes, Εἰρύπος at Colonus, and others, the background did not represent a palace. There are other pieces, again, in which the scenery must have been a short time before the consulsip of P. Cornelius Scipio Nasica. It was sanctioned by the censors, and was advancing towards completion, when Scipio, in 155 B.C., persuaded the senate to command the building to be pulled down, as injurious to public morality. Respecting the magnificent wooden theatre which M. Emilius Scaurus built in his villa, in 56 B.C., see Pliny. Its scene consisted of three stories, and the lowest of them was made of white marble, the middle one of glass, and the upper one of gilt wood. The cavea contained 80,000 spectators. In 56 B.C., Cn. Pompey built the first stone theatre at Rome, near the Campus Martius. It was of great beauty, and is said to have been built after the model of the theatre of the Kaisers, Augustus, which was raised by Augustus, and which was built by Augustus, and which was called after his nephew Marcellus, and that of Balbus, whose Scenion uses the expression περικορεῖα theatrae. Who was raised by Augustus, and which was called after his nephew Marcellus, and that of Balbus, whose Scenion uses the expression περικορεῖα theatrae. Who was raised by Augustus, and which was called after his nephew Marcellus, and that of Balbus, whose Scenion uses the expression περικορεῖα theatrae.
THEATRUM.

The construction of a Roman theatre resembled, on the whole, that of a Greek one. The principal differences are, that the seats of the spectators, which rose in the form of an amphitheatre around the orchestra, did not form more than a semi-circle; and that the whole of the orchestra likewise formed only a semicircle, the diameter of which formed the front line of the stage. The Roman orchestra contained no thymele, and was not destined or a chorus, but contained the seats for senators and other distinguished persons, such as foreign ambassadors, which are called "primae subselliorum orda." In the year 98 B.C., the tribune L. Roscius Otho carried a law which regulated the places in the theatre to be occupied by the different classes of Roman citizens: it enacted that fourteen ordinæ of benches were to be assigned as seats to the equites. Hence these quattuordecim ordinæ are sometimes mentioned, without any farther addition, as the honorary seats of the equites. They were undoubt-edly close behind the seats of the senators and magistrates, and thus consisted of the rows of benches

and Roman theatres, see the commentators on Vitruvius, 1 J. Chr. Genelli, Das Theater zu Athen, hinhaltlich auf Architektur, Scenerie und Darstellungs Kunst überhaupt, Berlin, 1818, 8vo. — G. C. W. Schneider, Das Attische Theaterszenen, zum bessern Verstehen der Griech. Drama- tik. — Stiegliitz, Archäologie der Baukunst der Griech. u. Römer, ii. 1 — G. Ferrara, Storia e desc r. de' principi. teatri ant. e moderni, Milano, 1830. — The supplement to Stuart’s Antig of Athens. A general outline is also given by Müller, Hist. of Gr. Lit. i., p. 299, &c.; and by Bode, Gesch. der dramat. Dichtkunst d. Hellens., i., p. 156, &c.

It remains to speak of a few points respecting the attendance in the Greek theatres. Theatrical representations at Athens began early in the morning, or after breakfast; 2 and when the concourse of people was expected to be great, persons would even go to occupy their seats in the night. The sun could not be very troublesome to the actors, as they were, in a great measure, protected by the buildings surrounding the stage, and the spectators protected themselves against it by hats with broad brims. 3 When the weather was fine, especially at the Dionysiac festivals in spring, the people appear-

ed with garlands on their heads; when it was cold, as at the Lenaea in January, they used to wrap themselves up in their cloaks. 4 When a storm or a shower of rain came on suddenly, the spectators took refuge in the porticoes behind the stage, or in those above the uppermost row of benches. Those who wished to sit comfortably brought cushions with them. 5 As it was not unusual for the theatrical performances to last from ten to twelve hours, the spectators required refreshments, and we find that in the intervals between the several plays they used to take wines and cakes. 6

The whole of the cavea in the Attic theatre must have contained about 50,000 spectators. The places for generals, the archons, priests, foreign ambassadors, and other distinguished persons, were in the lowest rows of benches, and nearest to the orchestae, 7 and they appear to have been sometimes covered with a sort of canopy. 8 The rows of benches above these were occupied by the senate of 500, those next in succession by the ephori, and the rest by the people of Athens. But it would seem that they did not sit indiscriminately, but that the better places were let at a higher price than the

2. (Rosc., C. C. Oth., p. 466. — Athen., xi., p. 464.)
3. (Suidas, s. v. Heroes und Apskou.)
9. (Zeichin, l. c.)
THELYPHONON.

THENSÉ.

other-s, and that no one had a right to take a place for which he had not paid.1 The question whether in Greece, and more especially at Athens, women were not present at the performance of tragedies, is one of those which have given rise to much discussion among modern scholars, as we have scarcely any passage in ancient writers in which the presence of women is stated as a positive fact. But Jacob2 and Passow3 have placed it almost beyond doubt, from the various allusions made by ancient writers, that there was no power of law to prevent the presence of women during the performance of tragedies. This conclusion has been entirely confirmed by a passage in Athenaeus,4 which has been quoted by Becker5 in corroboration of the conclusion to which the above-mentioned writers had come. In this passage we find that at Athens, and at the time of the Peloponesian war, the spectators in the theatre consisted of men and women. We have, however, on the other hand, every reason to believe that women were not present at comedies, while boys might be present both at tragedy and comedy.6 The seats which women occupied in the Greek theatres appear to have been separated from those of the men.7

For the purpose of maintaining order and preventing excesses, the ancients had a sort of theatrical police, consisting of persons who held this office, and not a kind of marble, as has been supposed by many writers. It was of a red colour, and was also called Pyropachis.10

THE'CAI (θε'κας). (Vid. Funcus, p. 457.)

THELYCRANEA' (θηλυκρανέα), the Coriaceae (Polyodontum, L.).

THELYPHONON (θηλυφόνων), called also SCORPION (σκορπίων), a plant, about wth. which Stach house is quite undecided. "Sprengel suggests that it may be the Doronemum pàr-dàlanches, or Scorpcion. This opinion is also supported by Bahnin."7

THENSÉ or TENSÉ (for the orthography and etymology of the word are alike doubtful), although the oldest MSS. generally omit the aspirate) were highly-ornamented sacred vehicles, which, in the solemn pomp of the Cirensian games, conveyed the statues of certain deities, with all their decorations, furnishings, and appendages, and as if to crown all, bore them back to their shrines.8 We are ignorant of their precise form; for, although we find several representations upon ancient medals and other works of art, of gods seated in cars, and especially of the sun-chariot of Elijahbalsus,8 yet we have no means of determining if, which any, of thes are teneae. We know that they were drawn by horses (Pittacus calls them thiras), and escorve (deduces) by the chief senators in robes of state, who, along with pueri paterni (vid. Patrimi), laid hold of the bridles and traces, or perhaps to drag the carriage (for durec is used also as deducere), by means of thongs attached for the purpose (and hence the proposed derivation from tendo). The Dioscuri of the country was also a tenea, and when labouring under sickness, deemed it necessary to accompany the tenea in a litter. If one of the horses knocked up, or the driver took the reins in his left hand, it was necessary to recommence the procession, and for one of the attendant boys to let go the thong or to stumble was profanation.9

The names of the gods in connexion with the teneae are Jupiter and Minerva,10 to which number Mars is usually added on the authority of Dion Cassius, in the passage referred to be merely stated that, at the Cirensian games celebrated A.D. 216, the statue of Mars, which was in the procession (excupio), fell down; and it is very remarkable that Dionysius, in his minute description of the Pompa Circensia, takes no notice whatever of the teneae, but represents the statues of the gods as carried on men's shoulders, i.e. on cerula. That a considerable number of deities, however, received this honour, seems probable from the expression of Cicero, in his solemn appeal at the close of the last Verrine oration, "omneque die, qui vehiculum teneorum et amor- tes carnis, orbis rapuit, quem auro vel vino vocabat, utique deum, et qui deum esse non probant, his deum qui these were. We frequently hear, indeed, of the chariot of Juno, of Cybele, and many others; but, as these are not mentioned in connexion with the Pompa Circensia, there is no evidence that they were teneae. Among the impious flatteries heaped on Caesar, it was decreed that his ivory statue should be placed among the images of the gods to the circus in a complete chariot (omne dolo, that is, a tenea, in opposition to a mere feculum), and that this chariot should stand in the Capitol immediately opposite to that of Jupiter.12

Similar homage was paid upon high festivals to the images of their gods by other ancient nations. Thus, in the curious ornomences p. 52. 59 note 12. 


971.
with Ares, the statue, enshrined in a chapel made of gilded wood, was dragged in a four-wheeled car by a body of priests. So also, in the account given by Athenaeus, after Callixenes of Rhodes, of the gorgeous pageant at Alexandria, during the reign of Ptolemy Philadelphia, we read of a car of Bacchus that was drawn by a thousand oxen, and most elaborate workmanship, which was dragged by 180 men, and to such customs we may find a parallel in modern times in the usages which prevail at the festival of S. Agatha at Catania; and S. Rosalia at Palermo.

The festival of Delphi, on the occasion of which the Delphians filled the huge silver crater which had been presented to the Delphic god by Creesus, Valckenaer on Herodotus notes that this tribute was no longer paid, and that Oeoeus should be read, as this festival is well known to have been celebrated by the Delphians. But both festivals are mentioned together by Pollux and Philostratus. An agon called theoxenia was also celebrated at Pellen in Achaea in honour of Hermes and Apollo. But no particulars of those or any other known to us.

THEORIA. (Vid. Theor. Codex.)

THEOPHAN'IA (Thèôphaine), a festival celebrated at Delphi, on the occasion of which the Delphians filled the huge silver crater which had been presented to the Delphic god by Creesus. Valckenaer on Herodotus notes that this tribute was no longer paid, and that Oeoeus should be read, as this festival is well known to have been celebrated by the Delphians. But both festivals are mentioned together by Pollux and Philostratus. An agon called theoxenia was also celebrated at Pellen in Achaea in honour of Hermes and Apollo. But no particulars of those or any other known to us.

THEORIA (Thworia). (Vid. Theorol.)

THEORICA (Thwiria). Under this name, at Athens, were comprised the moneys expended on festivals, sacrifices, and public entertainments of various kinds, and also moneys distributed among the people in the shape of largesses from the state.

There were, according to Xenophon, more festivals at Athens than in all the rest of Greece. Besides those which were open to the whole body of the people, there were many confined to the members of each tribe, deme, and house. These last were provided for out of the funds of the community who celebrated them. At the most important of the public festivals, such as the Dionysia, Panathenaea, Eleusinia, Thargelia, and some others, there were not only sacrifices, but processions, theatrical exhibitions, gymnastic contests, and games, celebrated with great splendour and at a great expense. A portion of the expense was defrayed by the individuals upon whom the burden of the year's devolved; but a considerable, and perhaps the larger part, was defrayed by the public treasury. Demosthenes complains that more money was spent on a single Panathenaeic or Dionysiac festival than on any military expenditure. The religious festivities to Delos and other places, and especially those to the Olympic, Nemean, Isthmian, and Pythian games, drew largely upon the public exchequer, though a part of the cost fell upon the wealthier citizens who conducted them.

The largesses distributed among the people had their origin at an early period, and in a measure apparently haphazard, though from a small beginning they afterward rose to a height most injurious to the commonwealth. The Atic drama used to be performed in a wooden theatre, and the entrance was free to all citizens who chose to go. It was found, however, that the eagerness to get led to much confusion and even danger. On one occasion, about B.C. 500, the scaffolding which supported the roof fell in, and caused great alarm. It was then determined that the entrance should no longer be gratuitous. The fee for a place was fixed at two obols, which was paid to the lessee of the theatre (called Théôtria, Thêôtrópolis, or Thêôtrikos), who undertook to keep it in repair and constantly ready for use. Each year a committee was elected to the payment of the profits. This payment continued to be exacted after the stone theatre was built. Pericles, to relieve the poorer classes, passed a law which enabled them to receive the price of admission from the state; after which, all those citizens who were too poor to pay for their places applied for the money in the public assembly, which was then frequently held in the theatre. At this time this donation was extended to other entertainments besides theatrical ones, the sum of two oboli being given to each citizen who attended; if the festival lasted two days, four oboli; and if three, six oboli, but not beyond. Hence all theoretic largesses received the name of odeôkrâta. The sums thus given varied at different times, and, of course, depended on the state of the public exchequer. These donations were called oôstous or oôstousa. They were often made at the Dionysia, when the allies were present, and saw the surplus of their tribute distributed from the orchestra. The appetite of the people for largesses grew by encouragement, stimulated from time to time by designating demagogues; and in the time of Demosthenes they seem not to have been confined to the immediate classes. But it was calculated that from 25 to 30 talents were spent upon them annually.

So large an expenditure of the public funds upon shows and amusements absorbed the resources which were demanded for services of a more important nature. By the ancient law, the whole surplus of the annual revenue which remained after the expense of the civil administration (mêdûrkeia) was to be carried to the military fund, and applied to the defence of the commonwealth. Since the time of Pericles various demagogues had sprung up, who induced the people to divert all that could be spared from the other branches of civil expenditure into the theoretic uses. An attempt was made by the demagogue Eubulus, of whom Theopompus says that τάς προσόδους κατασκευήσαν διείλετε, to perpetuate this system. He passed a law, which made it a capital offence to propose that the theoretic fund should be applied to military service. In B.C. 563, Apollonides carried a decree empowering the people to determine whether the surplus revenue might be applied to the purpose of war, for which he was indicted by a gorgô parameîmou, convicted and fined, and the decree was annulled, as a matter of course. The law of Eubulus was a source of great embarrassment to Demosthenes, in the prosecutions of his schemes for the national defence; and he seems to last, but not before B.C. 339, to have succeeded in repealing it.

In the earlier times there was no person or board of persons expressly appointed to manage the theoretic fund. The money thus appropriated was disbursed by the helenotomies. After the anarchy, the largess system having been restored by Agyrthius, a board of managers was appointed,
writers of the nature of the remedies that were employed by medical practitioners in the earliest times: it would appear that their practice was principally surgical, and almost confined to the treatment of wounds; and the with which rectificatory and offensive they were, for the most part, conceived to be the immediate infliction of the deity, and therefore abandoned as incurable, or, at least, were to be obviated only by charms and incantations, and that the arts of magic formed no inconsiderable part even of their surgical practice.

From the passages of Hippocrates speaks of certain practices, such as bleeding, and the administration of emetics, purgatives, and other analogous medicinal agents, we may infer that they were in common use among his contemporaries, and probably had been so for a long time before him. The great principle which directed all his indications was the supervention of various causes in superintending and regulating all the actions of the system. The chief business of the physician, in the opinion of Hippocrates, was to watch these operations, to promote or suppress them according to circumstances, and perhaps, in some rare cases, to attempt to counteract them. The tendency of this mode of practice would be to produce extreme and violent actions in the system, and to produce for ordinary correction; and, accordingly, we find that Hippocrates seldom attempted to cut short any moral action, or to remove it by any decisive or vigorous treatment. Another principle which very materially affected his practice was the doctrine of critical evacuations. As disease were supposed to originate in the prevalence of some morbid humour, so, when they are suffered to run their course without interruption, they are relieved by the discharge of the humour; and, consequently, the promotion of this discharge becomes an important indication, which it is often easy to accomplish, and which proves very effectual. Hence an important part of his practice consisted in the production of various kinds and especially by the employment of purgatives, of which he used a great variety, and administered them with great freedom. With the same intention he prescribed diuretics and sudorifics; he drew blood both of the lance and the scarificator; he applied the cupping-glasses; he administered injections, purgatives, and emetics; and instead of external applications, such as ointments, plasters, liniments, &c., and was familiarly acquainted with the effects of external temperature. The disputes of the Dogmatics and Empirics do not appear to have had so much influence on their mode of practice as we might have expected; and, indeed, whatever may have been the mode of the two sects, we shall always find that the practice of the most eminent of either party actually proceeded upon a judicious combination of the two systems.

Celsus, the next physician of sufficient importance to require to be noticed here, adopted to a certain extent the Hippocratic method of observing and reasoning on diseases; but he appears in the following rather than opposing them: a method which, with respect to acute diseases (as was hinted above), may frequently appear inert. But there are occasions on which he displays considerable decision and boldness, and particularly in the use of the lance, which he employed with more freedom than any of his predecessors. His regulations respecting the employment of bloodletting and of purgatives are laid down with minuteness and precision; and although he was in some measure led astray by his hypothesis of the crudity and concoction of the...
humours, the rules which he prescribed were not very different from those which were generally adopted in the commencement of the present century. His description of the symptoms of fever, and of the different varieties which it assumes, either from the nature of the epidemic, or from the circumstances under which it takes place, are correct and judicious; his adherence to the principle before referred to, of watching the operations of nature, conceiving that fever consists essentially in an effort of the constitution to throw off some morbid cause, and that, if not unduly interfered with, the process would terminate in a state of health.

Aristotle, also, in his practice followed, for the most part, the method of Hippocrates, but he paid less attention to what have been styled the natural actions of the system; and, contrary to the practice of the Father of Medicine, he did not hesitate to attempt to counteract them when they appeared to him to be injurious. The account which he gives of his treatment of various diseases indicates a simple and sagacious system, and one of more energy than that of the physician's of Socrates.

Thus he more freely administered active purgatives; he did not object to nuxotides; he was much less averse to bleeding; and, upon the whole, his materia medica was both ample and efficient. It may be asserted generally (says Dr. Bostock), that there are few of the ancient physicians since the time of Hippocrates who appear to have been less biased by attachment to any peculiar set of opinions, and whose account of the phenomena and treatment of disease has better stood the test of subsequent experience.

The most famous physician of antiquity after Hippocrates was Galen, who is also the last that can here be noticed. His practice in its general character appears to have been similar to his patholgy (which depended on the four humours, and the four qualities, connected in all the variety of combinations), and, indeed, to have been strictly deduced from it. His indications were in exact conformity to his theory, and the operation of medicines was reduced to their power of correcting the morbid states of the fluids, as depending upon their four primary qualities, or the various modifications of them. Parts of his writings prove that he was a diligent observer of the phenomena of disease, and he possessed an acuteness of mind which well adapted him for seizing the most prominent features of a case, and tracing out the origin of the morbid affection. But his predilection for theory too frequently warped and biased his judgment, so that he appears more anxious to reconcile his practice to his hypothesis than to his facts, and bestows much more labour on subtle and refined reasoning, than on the investigation of morbid actions, or the generalization of his actual experience.¹

For the use of gymnastics, which formed an important part of the ancient system of therapeutics, the reader must consult the article on that subject. (Vid. Largraves, p. 484.) The subject of charms or amulets has been before alluded to, and this article would be incomplete without some farther notice of that singular mode of cure. The instances that are to be found in the works of ancient authors (particularly Cato and Pliny) are very numerous, and the famous Abracadabra occurs for the first time in Serenus Samonius.² This amulet was particularly recommended for the cure of the species of tertian fever called by the Greeks ἐπιτηρείως (or by the moderns double-tertian), and is described by him as follows:

¹ (Bostock's Hist. of Med.) — (2. De Morb. c. 22, p. 944, sq.)
THEIRACA.

Παρδόν, De Febribus.—Great part of the Συγγραφαι Ἱμηρκαί, Collecta Medicinalia, of Orbiusus, and also of his Σύνοψα, Synopsis ad Euthymium, treat of this subject. —PallADIUS, Περὶ Πυρετῶν Σύντομος Σύνοψα, De Febribus Concisa Synopsis. —AETIUS, Βιβλία Ιημηρίων Ἐκκαίδεια Λαβίνυ Μεθοδίου. —Alexandrer Trallianus, Βιβλία Ἱμηρίων Δυοεικεία, Λεβίρα de Medica Duodecim. —Paulus Epigenes, Επίσκηπτα Ἱμηρίων Βιβλία Ἐπεξ, Compendii Medicis Liber Septem, of which great part relates to this subject. —Theophaistus Nonnus, Εἰσφορὰ τῆς Ἱμηρίων Ἀπάνες Τέχνης, Compendium Tuois Artis Medicæ. —Synesius, Περὶ Πυρετῶν, De Febribus. —Joannes Activus, Βιβλία Ημηρίων Δυακεία Λεβίρα Μεθοδίου. —Septimius, Περὶ Πυρετῶν, De Paelegre. —Celsius, De Medicina, in eight books, of which great part treat of this subject. —Caesius Aurelius, Celerum Partium Libri iii. —Id., Tardarum Passionum Libri v. —Serenus Samicus, De Medicina Præcepta Salutare, a poem on the art of Healing. —Theodorus Priscianus, Rerum Medicarum Liber iv. To which little may be added, and it seems certain that the whole work of this period treated of in this work) the celebrated Regimen Sanitatis Salernitanae, of which more than twenty editions were published in the fifteenth century, and more than forty in the sixteenth.

THERIACON (θεριάκων), a word properly applied, according to most authorities, to a heavy crust of the bite of wild beasts (θεριάκας), as those which were meant as antidotes to other kinds of poisons (τοιοῦ φυλακτύριον) were properly called ἀλεξίφαμα. The most celebrated of these preparations was the Theriaca Andromachi, invented by the physician to the Emperor Nero, which was nearly the same as that which was composed by Mithridates, king of Pontus, the king of kings, who it was found among his papers, after his death, by Pompey. This was published at Rome, under the title of Antiadum Mithradatium. But as the various receipts for the preparation of this famous remedy differ from each other very widely, the probability is, says Dr. Heberden, that Mithridates was as much a scribbler as his celebrated predecessor; for eminent physicians have since been to the medicines that are daily advertised under their names. It was asserted that whoever took a proper quantity of this preparation in the morning was assured against the effects of poison during the whole of that day, and this, we are told by Galen, was regularly done by the Emperor himself. Dr. Heberden does not believe that Mithridates himself was so fortified against all baneful drugs, that none would produce any effect when he attempted to destroy himself. In the course of ages it underwent numerous alterations. According to Celsius, who first described it, it contained only thirty-six simples; Andromachus added the flesh of vipers, after cutting off the head and tail of them; Columella, in which he used seventy-five. These, and the method of putting them together, he handed down to posterity in a Greek poem, consisting of one hundred and seventy-four hexameter and pentameter lines, which has been preserved by Galen, and has several times been published separately. When thus improved, Andromachus called it μαχαιρίς, but in his opinion it obtained the name of Theriaca, either from the vipers in it, or rather κατὰ θεριάκων, from its supposed effects in curing the bites of venomous animals. Democrates differed from Andromachus with respect to some of the proportions, and gave a receipt for it in one hundred and sixty-five Greek lines, which has also been preserved by Galen, and has been published along with his other poetical fragments at Bonne, 1833, 4to, ed. C. F. Harloe. The reputation which this medicine enjoyed was immense; it is mentioned by Abulfaraj, and several Arabic physicians wrote treatises in its praise. It even maintained its ground in quite modern times, and it is only within comparatively a few years that it has been superseded by more efficient British Pharmacopoeia. This was effected chiefly by the inquiries and reports of Dr. Heberden, who wrote a pamphlet on the subject, entitled Antithetica, 1745. It consisted latterly of seventy-two ingredients, which were arranged under thirteen heads: viz., Acris, of which there were five species; Amara, of which there were six; Stypica (vulgo Astrangentia), five in number; Antidotæ θεριακον Κυριακα, ten; Aromaticæ ex Umbellifers, seven; Rhesinæ e Balsamæ, eight; Graevolentia, six; Viroso (x is qua Naronis inducum), under which head there was but one species, viz., Opium; Τerra Inspinta et Inertia, which comprised only the celebrated Leonian Earth; Gemma, Angulis, four; Dulis, Vio, Liquor, Vinos, Amylacea, six; and Vino, Viro (or Sherry). Upon no principle of computation did this heterogeneous farrago be vindicated; and the monstrous compound is well compared by Dr. Heberden to the numerous undisciplined forces of a barbarous king, made up of a dissonant crowd collected from different countries, mighty in appearance, but in reality an ineffective multitude, that only by force of numbers could hope to prevail.

THERMÈ (Vid. BATHS, p. 143.).

THERMOPOLIUM. (Vid. CALIPDA.).

*THERmos (θέρμος), a kind of pulse, referable to the genus Lupinus, L., or Lupine; about the species, however, there is great uncertainty. "Sprengel, in the first edition of his R. H. H., set down the θέρμος of Dioscorides to be Lupinus albus; and in the second for the L. pilosus; but Schneider is not satisfied that the characters of the θέρμος, as given by Theophrastus, agree with either of them. Sprengel remarks that the θέρμος ιμηρας of Dioscorides may be either the L. hirtus or pilosus. He joins Sibthorp and Smith in holding that the Lupinus pilosus of Dioscorides should be the θέρμος ιμηρας of Dioscorides." }

THESEIA (θησεία), a festival celebrated by the Athenians in honour of their national hero Theseus, whom they believed to have been the author of their democratic form of government. In consequence of this belief, donations of bread and meat were given to the poor people at the Theseia, and the victors of the games which were held on this occasion were no want, and might fancy themselves equal to the wealthiest citizens. We learn from Gellius that a contest also was held on this occasion, but we are not informed in what it consisted. The day on which this festival was held was the eighth of every month (θυελλαί), but more especially the eighth of May. In which month, they were sometimes called θυθελλαί. From the passages above referred to, compared with Diodorus, it appears highly probable that the festival of the Thesea was not in


975
The Thesmophoria, celebrated till B.C. 469, when Cleon brought the remains of Theseus from Scyrus to Athens. 1

The Thesmophoria, a great festival and mysteries celebrated in honour of Demeter in various parts of Greece, and only by women, though some ceremonies were also performed by men. The Thesmophoria were held in the month of Pyaneposion, and began on the eleventh. Its introduction was ascribed to Demothenes, Diodorus Siculus, and Plutarch 2 to Orphes, while Herodotus 3 states that it was introduced into Greece from Egypt by the daughters of Danans, who made the Pelasgian women of Polopemnacens acquainted with the mysteries; that after the Dorian conquest they kept them in their own country, the Arcadians, who remained undisturbed in their ancient seats. Thus much appears certain from the name of the festival itself, that it was intended to commemorate the introduction of the laws and regulations of civilized life, which was universally ascribed to Demeter. 4 Respecting the duration of the Thesmophoria, various opinions are entertained by ancient and modern writers. According to Hesychius, it lasted four days: it has been inferred from Aristophanes 5 that it lasted for five days. Such discrepancies have undoubtedly arisen from the circumstance that the women spent several days before the commencement of the real festival in preparations and purifications, during which they were especially bound to abstain from sexual pleasures, and for this purpose they slept and sat upon particular kinds of herbs, which were believed to have a purifying effect. 6 During this time the women of each deme appointed two married women from among themselves to conduct the solemnities (ἀρχεῖν ἐς τὰ θεσμοφορίας), and their husbands, who had received a dowry amounting to the value of a slave in payment for these offices, were sworn to watch the solemnities in the form of a liturgy. 7 The festival itself, according to the most probable supposition, also adopted by Wellauer, 8 lasted only for three days, began on the 11th of Pyaneposion, which day was called ἀναφός or κάθοδος, 9 from the circumstance that the solemnities were opened by the women with a procession from Athens to Eleusis. In the procession were carried the image of Thesmophoros, or the goddess of law and order, who was usually called ἠμυθος θεός, the introduction of which was ascribed to Demeter θεσμοφόρος, and other symbols of civilized life. 10 The women spent the night at Eleusis in celebrating the mysteries of the goddess. 11 The second day, called νυσεία, 12 was a day of mourning, during which the women sat on the ground around the statue of Demeter, and took no other food than cakes made of sesame and honey (σπέρματισμος). On this day no meetings either of the senate or the people were held. 13 It was probably in the afternoon of this day that the women held a procession in Athens, in which they walked barefooted behind a wagon, upon which baskets with mystic symbols were conveyed to the Thesmophoria. 14 The third day, called καλλιγραφεία from the circuit, Demeter was invoked to grant the name, 15 was a day of merriment and rivalry among the women themselves, in commemoration of Iambe, who was said to have made the god-


Less smile during her grief. 1 Hesychius mentions a sacrifice called ζημία, which was offered to the goddess as an atonement for any excess or error which might have been committed during the sacred days, and this sacrifice was probably offered at the close of the third day.

There are several other particulars mentioned by ancient writers as forming part of the Thesmophoria, but we are not able to ascertain in what manner they were connected with the festival, or on what day they took place.

The Thesmophoria were also celebrated in many other parts of Greece, as mentioned above. The principal places where they are mentioned by ancient writers are the following:—Attica, where the festival lasted three days; 2 Drymæa in Phocis; 3 Thbes in Bœotia; 4 Milesiæ; 5 Syracæa; 6 Eretria in Eubæa; 7 Delos; 8 Ephesos; 9 Agrigentum; 10 other places. But of their celebration in these towns we know no more than a few isolated particulars, which are mentioned in the passages referred to. 11

Thebes. (Vid. Nosos, p. 663.)
Theaômuetai (Theaômuètais). (Vid. Açkçon.)
Theos (Θεός). In earlier times this name denoted any freeman who worked for hire (οί εὐκα τροφὴς δουλευόντες). 12 Εὐκαρίαν διά τειναίν ἐν άργοις δουλευόντενι. 13 Homer speaks of θήρας τε οἵματι τε, the latter properly signifying those who became slaves by captivity. They are to be distinguished from those who sold their persons or sold their freedom away into slavery, who were also from those persons who were in the condition of the Penestes or Helots. 14 The persons best known by the name of θήρας are the members of the fourth or lowest class at Athens, according to the political division of Solon (B.C. 694). Among other changes, he effected one of great importance, by abolishing, or at least abridging, the distinctions of caste or birth, and introducing the distinctions of them distinctions of property. He distributed the people of Attica into four classes: the first consisting of those whose land afforded an annual income of 500 medimni of dry produce, or metretes of liquid, hence called πεντακοσιόμετρον; the second of those whose annual profits were 380; the third, whose profits were 150; the fourth consisting of those whose annual profits were less than 150. The fourth class, comprehending all the poor and labouring part of the citizens, were called θήρας. To each class were assigned certain rights and privileges on the one hand, and certain duties and liabilities on the other. As to the mode of taxation, see Εἰσφορά. The highest civil offices and military commands were reserved for the members of the first class. The second and third were appointed to form the national militia, the former constituting the cavalry, the latter the heavy-armed infantry; and certain minor civil offices were open to them. The lowest class was exempted from all direct taxation, and also excluded from all honours and dignities. In war they served as light troops (φίλολοι), and, when naval service was required, as rowers in the ships. They were, nevertheless, invited to vote in the ἐκκλησία, or general assembly, where magistrates were elected, and various other impor
The name of *dio* was also given to a poor hearess at Athens, whom the next of kin was obliged to provide for and give her a suitable portion. (Vid. Suida) and Ψυαμος. 

THA'ASOS (θά'ασος) signifies any company or as semit by of persons met together for a religious purpose, such as a choir of bacchantes or dancers, a party met to celebrate a festival, &c. (leros χρυς, ανε το θεσ, ή αντον δινουσι το διαφορουμε ν πληθο επι τελε και την θησ.) Compare Dionys., Hist. viii., 20, 25, 150, 156. — Sebaldin, De Lamore, praef., xvi., 29, 32. — Fabricius, Hist. trium. Gr., 174, 255. — Thirlwall, Hist. of Greece, ii., 374, 374, &c. — I. 67, 77. — Festch, Statthet, &c., in. 256, 277; ii, 29, 30. — Harpocr. and Suida, v. v. Ομηρια και αναποστητος.

THO'ROS (θο'ρος, δ, and h, also called skai) is a name which was given to any round building which terminated at the top in a temple which might be the purpose for which it was used. At Athens the name was in particular applied to the new round Prytaneeum near the senate-house, which should not be confused with the old Prytanum at the foot of the Acropolis. It was therefore the place in which the Prytanes took their common meals; and there the Prytaneis were elected. It was adorned with some small silver statues, and near it stood the ten statues of the Attic Iphoneus. (Vid. Ernev, Hist. Prytaneeum.)

Other Greek cities had likewise their public ό λον: thus we find that Polycletus built one of white marble at Epipaurus, the inside of which was adorned with a painting by Pericles. For this work he was originally surrounded by emblems of which in the days of Pausanias six only were standing, and upon these were inscribed the names of such persons as had been cured of some disease by Asclepius, together with the name of the disease itself, and the manner in which they had obtained their recovery. (Vid. Ernev.)

THORIA LEX. This agraria lex is the subject of a very elaborate essay by Rudorff, "Das Acker- gesetz des Spurius Thorius, Zeitschrift, vol. x."

This lex was engraved on the back part of the same bronze tablet which contained the Servilia lex Judicaria, and on Repetundae. The tablet was broken at some unknown time, and the lower, which contained the Pericles, was broken. It is supposed that fragments of the upper part were preserved, which, as the tablet is written on both sides, make fourteen inscriptions, which were published by Pulvis Ursinus: the first five of the inscriptions, as they are numbered by him, belong to the lex Thoria, and the last seven to the lex Servilia. The largest and most important of the fragments are now in the Museo Borbonico. Their history is traced and their present condition described by Rudorff with great minuteness. Two of the fragments were copied by Sigonius when they were in the Museum of Cardinal Bembio; and the copy of the two fragments of the lex Thoria, and also the copy of the fragments of the lex Servilia, are printed in the work of Sigonius. In the work of Jure Populi Romani, Libri Undecim, Bononiae, 1574.

The title of this lex does not appear from the mutilated inscription, but Rudorff shows that the lex belongs to the period between the consulsip of P. Cornelius Scipio Nasica and L Calpurnius Piso Besilla, B.C. 111, and that of L. Julius Cesar, B.C. 80. From which space of twenty-two years agrarian laws were enacted, Boria, Thoria, Marcia, Apuliae, and Titia. It farther appears, from com.
THOUS.

THRONUS.

...ning two passages of Cicero, in which he speaks of the lex Thoria, with the fragments of this lex whose title is lost, that the fragments are those of the lex Thoria. Now the date of the lex Thoria is fixed by Rudorff at the year of the city 643, or B.C. 111, which is, consequently, the date of the lex, the bronze tablet, that is, agreeing with the lex Thoria. Proceeding on the assumption that the fragmentary lex was the plebeiscitum called the lex Thoria, Siggins restored the beginning of it according to the usual form of Roman plebeiscita: Sp. Thorivas... F. Tr. Pl. Plebem ivre rog. Plebesque ivre scelit Tribvs... Principvm fuit pro tribty Q. Fabivs. Q. F. primus scelit. The interpretation of this inscription is curiously. It was not cut on the rough back of the bronze tablet till after the other side, which is smooth, had been occupied by the Servilia lex. The Servilia lex is certainly not of earlier date than the year of the city 648, or B.C. 106, and, consequently, the Thoria could not have been cut on this tablet before the year 648. It seems that the tablet was large enough for the lex Servilia, for which it was intended, but much too small for the agrarian law: consequently, the characters of the agrarian side of the tablet are remarkably small, the lines narrow, the abbreviations numerous, and the chapters only separated by two or three points, whereas on the other side the letters are uniform, large, and well made, the lines wide, the words written at full length, and the chapters separated by rules. On the other hand, the lines of the Agraria lex are often so oblique that they cross the straight lines on the opposite side, which are cut very deep, and, consequently, are visible on the side on which the agrarian lex is cut." (Rudorff)

The subject-matter of this lex cannot be stated without entering into detail: the whole is examined by Rudorff with great care. The main subject of the lex, to which the first eighteen chapters or forty-three lines refer, is the public land in Italy as far as the rivers Rubico and Macra. The second part of the lex begins with the nineteenth chapter and the forty-fourth line, and extends to the fiftieth chapter and the ninety-sixth line: this part of the lex relates to the public and private land in the province of Africa. The third and last part of the lex, from the fiftieth chapter and the ninety-sixth line to the end of the inscription, relates to the Roman public land in the territory of Corinth.

Rudorff concludes that the lex applied to other land also, and for two reasons. First, the Roman agrarian laws of the seventh century of the city related to all the provinces of the Empire, of which we have an example in the case of the lex Servilia of Rullus. Secondly, the fragment of the lex Thoria which is preserved is so broad compared with the height, that we may conclude that the complete tablet contained three times as much as it does now; for nearly all the bronze tablets on which Roman laws are cut are of an oblong form, with the height much greater than their width. Of the two thirds of the tablet which is concluded have been lost, not a trace has yet been discovered.

The essay of Rudorff contains a copy of the inscription, with his restoration of the passages that are jefaced. The value of this attempt can only be estimated by an investigation as complete as that of the author.

*THOS (θός). "Hardouin," remarks Adams, "upon the authority of Bochart and others, holds the improbable opinion that Thôs was the Papio of Tacitus. But Buffon concludes, with greater probability, that it was the Canis aureus, L.; he maintains, however, that it is not the same as the Lupus aureus, although generally held to be so. The Lupus aureus is, as he remarks, the same as the Chaos of Pliny, which is our lynx or staghound, no character of which agrees with the Thôs." (Adams, Quarta Tav., p. 398.)

THIRNITAI (θηρινθῖται). (Vid. Spath., p. 398.)

THIRACTAE. (Vid. Gradusorum, p. 477.)

THRAUPIS (θραύπις), the name of a bird mentioned by Aristotle, and the same, probably, with the Goldfinch, or Fringilla carduelis. (Adams, viii., 240.—Obl. i., 131.—ib., v., 315.)—7. (Hom. Od., xx iii.)—8. (Ant. d'Enr., t. xxviii., 39.)—9. (Philost., Imag., i., 31.)—10. (Chaud. iv., Col. Victor, 64.)
more appropriately called Umbra, from its being so swift in summer as to disappear like a passing shadow."

"THYMBRA (Θυμβρα), a plant. "Stockhouse seems to be the only authority who refers it to the Thymbra capitata; all the others are satisfied that it is the Satureia Thymbra, or Savory. Aristotle alludes to the use of savoury as a condiment."{1}

"THYMELA (Θυμελα). "Modern botanists, says Linné, "were at first of a changeable name of species, and occasionally some difficulty in determining accurately to which genus and species the Thymbra is to be referred. It was most probably the Daphne Cnidium, or Flax-leaved Daphne. Botanists call this tribe of plants Thymbriae. The fruit of the Thymbra is usually named Thymbra Kudrus."{2}

"THYNNUS (Θυννος), a fish, the Scomber Thynnus, L., Spanish Mackeral, Albicore, or Tunny-fish. According to Coray, its French name is Thoer. "This fish is the largest sea fish. Aristotle speaks of an individual which weighed fifteen talents, or twelve hundred pounds, and which measured two cubits and a palm from one point to another of the caudal fin. This measure, too, is a correction of Gazz's in his first editions, and after Pliny. The majority of the manuscripts of Aristotle say five cubits, and Hardouin, always prone to paraphrase, says Pliny's ought to have been corrected. Five cubits for this part would give a length of at least twenty or twenty-two feet for the entire fish. The fishery of the tunny dates from the highest antiquity. Euthemides even attributes some verses to Hesiod, in which he describes the trade and exportation of it. But the greatest utilities it has, is this, that the fishers, at the same time, that they must of necessity have been the production of a much later poet. It was more especially at the two extremities of the Mediterranea, at the places where this sea contracts its channel, and where the migratory fishes are forced to come more closely in contact with each other, that the tunny was the most used. In the East, the Black Sea presented these fishes with an abundant degree of aliment, in consequence of the number of rivers which run into it. They repaired thicker in crowds in the spring-time for the purpose of spawning, and Aristotle even believed that they did not multiply elsewhere. They remained there during the summer, and it was on their passage to the Bosporus that such rich captures were made of them. According to the very detailed account of Strabo, their reproduction took place in the Palus Macedinis. They followed the coast of Asia Minor, and the first were taken at Trebizond and Pharnacia; but they were then but small. At Sinope they had already attained a size large enough for salting; and some were even, which is an accident uncommonly situated for this fishery, derived immense profit from it. But it was more especially the city of Byzantium that was enriched by this fish. The shoals of them that entered into the Bosporus, near Chalcedon, met with a white rock which terrified them, and induced them to turn on the side of Byzantium, and to enter into the bay which now forms the port of Constantiople. This prodigious quantity of fish still arrives at Constantiople at the present day, as in the time of the ancients. Gyllius

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Thyrsus

Thyrsus (θυρσός), a pole carried by Bacchus, and by Satyrs, Mænades, and others who engaged in Bacchic festivities and rites. (See Dionysia, p. 693.) It was sometimes terminated by the apple of the pine or fir-cone (σωμοκύρος), that tree (σωμοκύρος) being dedicated to Bacchus in consequence of the use of the turpentine which flowed from it, and also of its cones in making wine. 1 The monuments of ancient art, however, most commonly exhibit, instead of the pinecone, a bunch of vine or ivy leaves, 1 with grapes or berries, arranged into the form of a cone. The annexed woocut, taken from a marli-

Ornament, 2 shows the head of a thyrsus composed of the leaves and berries of the ivy, and surrounded by acanthus-leaves. Very frequently, also, a white fillet was tied to the pole just below the head, in the manner represented in the woodcut on p. 98, where each of the figures holds a thyrsus in her hand. See also the woodcut to Pumambulid. 3 (See Inst. 4.) The fabulous history of Bacchus relates that he converted the thyrsi carried by himself and his followers into dangerous weapons, by concealing an iron point in the head of leaves. 4 Hence his thyrsus is called “a spear enveloped in vine-leaves,” and its point was thought to witc to madness. 5

Thyrís (θυρίς) or Thíras (θύρα, τύρα), a hat with a large high crown. This was the headdress which characterized the northwestern Asians, and more especially the Armenians, 1 the Parthians, and the Persians, 1 as distinguished from the Greeks and Romans, whose hats fitted the

The Mysian hat, or "Phrygian bonnet," as it is now called (vid. Pll., p. 778), was a kind of tiara, formed with flat sides and bound under the chin, and dyed purple. The King of Persia wore an erect tiara, while those of his subjects were soft and flexible, falling on one side. He was also distinguished by the splendid colours of his tiara, and by a diadem which encircled it, and which was variegated with white spots upon a blue ground. The Persian name for this regal head-dress was ciliara (κιλλαρία or κειλάρια). The preceding woodcut shows the ciliara as represented at Paris, and supposed by Caylus to be worn by a sovereign of Armenia. From a very remote period down to the present day, the tiara of the King of Persia has been commonly adorned with gold and jewels.

TIBIA (αἰδόλα), a Pipe, the commonest musical instrument of the Greeks and Romans. It was very frequently a hollow cane perforated with holes in the proper places. In other instances it was made of some kind of wood, especially box, and bored with a gimlet (terebro buzo). The Phcenicians used a pipe, called gingrus or αἰδόλα γγαραίος, which did not exceed a span in length, and was made of a small reed or straw. The use of the same variety in Egypt is proved by speciments in the British Museum, which were discovered in an Egyptian tomb.

When a single pipe was used by itself, the performer upon it, as well as the instrument, was called monaulos, μοναυλός. Thus used, it was much in fashion at Alexander. When its size became considerable, and it was both strengthened and adorned by the addition of metallic rings, it must have been comparable in size to some of the flageolets even to the clarionet of modern times. Among the varieties of the single pipe, the most remarkable were the bagpipe, the performer on which was called utricularius or ὀσκάλης, and the αἰδόλα πλάγιος or πλαγιαννός, which, as its name implies, had a mouthpiece inserted into it at right angles. Its form is shown in a restored terminal statuette of Pan in the Townley collection of the British Museum. Pan was the reputed inventor of this kind of tibia, as well as of the oboe or syrinx.

But among the Greeks and Romans it was much more usual to play on two pipes at the same time. Hence a performance on this instrument (tibicenianum), even when executed by a single person, was called duabus aerebus, a name which has been used in very numerous works of ancient art, and often in such a way as to make it manifest that the two pipes were perfectly distinct, and not connected, as some have supposed, by a common mouthpiece. We see this more especially in two beautiful paintings, which were found at Resina and Civit Valeria, and which represent Marryus teaching the young Olympus to play on the double pipe. The tibiae pares in the British Museum, which were found with a lyre in a tomb at Athens, appear to be of cedar. Their length is about 15 inches. Each of them had a separate mouthpiece (γλαύσις), and, besides the hole at the end, it has five holes above the top and one underneath. The circumstance of these three instruments being found together is in accordance with the fact that they are very commonly mentioned together by ancient authors, and the reason of this was, that performances on the double pipe were very frequently accompanied by the music of the lyre. The mouthpieces of the two pipes often passed through a capistrum. (Vid. Psorbeia.) (See woodcut, p. 454.)

Three different kinds of pipes were originally used to produce the notes of Dorian, Phrygian, and Lydian modes. (Vid. Musae.) The pipes of the third century B.C., Pronomus, the Thibean, invented adjustments (ἀνάρχια) by which the same set of pipes might be fitted to all the modes. In what these adjustments consisted we are not clearly informed. Probably stoppages or plugs (θυκοί) were used for this purpose. (Vid. Aulos.) It appears also that, to produce the Lydian mode, the player had only two holes above (θυκοί), and that it terminated in a horn bending upward. It thus approached to the nature of a trumpet, and produced slow, grave, and solemn tunes. The Lydian mode was much quicker, and more varied and animating. Horace mentions "Lydian pipes" as a proper accomplishment for the art of making music. He is celebrating the praise of ancient heroes. The Lydian mode in this instrument in leading their troops to battle; and the pipes employed for the purpose are distinguished by Herodotus as "male and female," i.e., probably bass and treble, corresponding to the ordinary sexual difference in the human voice. The corresponding Latin terms are tibia dextra et sinistra (lateral, or by the right or left hand). The pipes so called have been so called, because the former was more properly held in the right hand, and the latter in the left. The "tibia dextra" was used to lead or commence a piece of music, and the "sinistra" followed it as an accomplishment. Hence the former was called incinia, the latter succentura. The commonest kind of the more elaborate variety of the lyre; the pipes of this instrument in leading their troops to battle; and the pipes employed for the purpose are distinguished by Herodotus as "male and female," i.e., probably bass and treble, corresponding to the ordinary sexual difference in the human voice. The corresponding Latin terms are tibia dextra et sinistra (lateral, or by the right or left hand). The pipes so called have been so called, because the former was more properly held in the right hand, and the latter in the left. The "tibia dextra" was used to lead or commence a piece of music, and the "sinistra" followed it as an accomplishment. Hence the former was called incinia, the latter succentura.

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TIMELA.

The pipe was the instrument principally used to regulate the dance (vid. Saltato), whether at sacrifices, festivals, or private occasions in domestic life; by means of it, also, the rowsers kept time in a trireme.

Notwithstanding the established use of the pipe for these important purposes, it was regarded, more especially by the Athenians, as an inelegant instrument, greatly inferior to the lyre. Horace, however, has observed that the trireme, if not more ancient than the pipe, or the lyre, and it is certain that the pipe was by no means confined to ancient, as it is with us, to the male sex, but that αἰνίτρικες, or female tibicides, were very common. The Thebans always esteemed this instrument, and excelled greatly in the use of it.

TIBIÇEN. (Vid. Tibia.)

*TIMERA (τιμήμα). The penalty imposed in a court of criminal justice at Athens, and also the damages awarded in a civil action, received the same name τιμήμα, because they were estimated or assessed according to the injury which the public or the individual might respectively have sustained. The penalty was either fixed by the judge, or merely declared by him according to some estimate made before the cause came into court. In the first case the trial was called ἀγών τιμήτος, in the second case, ἀγῶν ἀτίματος, a distinction which applies to civil as well as to criminal trials.

It is obvious that, on a criminal charge, two inquiries are made: first, whether the defendant is guilty; secondly, if he be found guilty, what punishment ought to be inflicted upon him. It may be advisable to leave the punishment to the discretion of the judge, or it may not. In some cases the Athenian lawyer thought that the judge ought to have no discretion. Thus, in cases of murder and high treason, sentence of death was imposed by the law as the natural sequel of the crime (vid. Proconos, Proconos), and in many other cases the punishment was likewise fixed by the law. But where the exact nature of the offence could not be foreseen by the lawyer, or it might so far vary in its character and circumstances as to admit of many degrees of culpability, it might be desirable or even necessary to leave the punishment to the discretion of the judge. The Tympanon, an instrument which passed sentence on the culprit should forthwith impose the penalty which his crime deserved. 1

Thus, it is the κόμβος δύνας, 2 it is enacted: ὅπως ἂν καταγεγυγμενὴ ἡ ἡμιαία, τιμώτω περὶ τούτων περιποθήκης, ὅπως ἂν καταγεγυγμενὴ ἡ ἡμιαία, καὶ ταῦτα ἂν ἀπότομα, where ἀπότομα refers to pecuniary penalties, ταῦτα to any other sort of penalty, as death, imprisonment, &c. Sometimes a special provision was made as to the means of enforcing the punishment; as in the law last cited, and also in the laws in Demosthenes, 3 it is declared that, if a fine be imposed, the party shall be in no way hindered from paying it. In civil causes, the sentence by which the court awarded redress to the injured party would vary according to the nature of his complaint. Where he sought to recover an estate in land, or a house, or any specific thing, as a ring, a horse, a slave, nothing further was required than to determine to whom the estate, the house, or the thing demanded, of right belonged. (Vid. Hæres, Gæzer; Oikl. ΑΣ ΔΙΚΗ.) The same would be the case in an action of debt, χρεως δίκη, where a certain sum was demanded; as, for instance, where the plaintiff had lent a sum of money to the defendant, and at the trial no question was made as to the amount, but the dispute was whether it was a loan or a gift, or whether it had been paid or not. So, in an action for breach of contract, if, by the terms of the contract, or certain penalty had been attached to its violation, it would be unnecessary to have an inquiry of damages, they being already liquidated by the act of the parties themselves. 5 In these and many other similar cases the trial was ἀτίματος. On the other hand, wherever the damages were in their nature unliquidated, and no provision had been made concerning them either by the law or by the agreement of the parties, they were to be assessed by the diacasts.

The following was the course of proceeding in the τιμητικὸς ἀγών.

Let us suppose that on a criminal prosecution the defendant had been found guilty. The superintending magistrate then called upon the prosecutor to say what punishment he proposed to be inflicted on him, and what he had to say thereupon. The bill of indictment (ψαλλόμα) was always superscribed with some penalty by the person who preferred it. He was said ἐπηγίοδοτας τιμήμα, and the penalty proposed is called ἐπηγίοδομα. 4 We find also the expressions ἐπηγίοδες τιμήμα, τιμῆδα τῷ φέντορι, τιμῆδα τοιοῦτοι. When a charge was brought, not by a private individual, but by a magistrate ex officio, the law required him in like manner to go down the penalty which he thought the case merited. 4 The prosecutor was now called upon to support the allegation in the indictment, and for that purpose to mount the platform and address the diacasts (ἀναβαλεῖν εἷς τιμήμα). Here he said whatever occurred to him as likely to aggravate the charge, or incense the diacasts against the defendant. He was not bound, however, to abide by the proposal made in the bill, but might, if he pleased (with the consent of the court), ask for a lower penalty than he had demanded before. This was often done at the request of the defendant himself or of his friends; sometimes from motives of humanity, and sometimes from prudential considerations. If the accused submitted to the punishment proposed by the magistrate, he was pronounced guilty; if he thought it too severe, he made a counter proposition, naming the penalty (commonly some pecuniary fine) which he considered would satisfy the demands of justice. He was then said ἰναττιμηθαίων ἢ εκατοτμηθαίων. 5 He was

TINNINABULUM.

The Athenians did not give the law to an ordinary parser. The ancient lawgivers, who were his clients, only determined the penalty. When the parties could not come to terms, the dicasts, after hearing what each of them had to say, divided on their respective propositions, and the majority of votes determined the penalty.

The course thus pursued at Athens must have led to injustice occasionally, but was, perhaps, 'fairer and more just' than the only penalty, if upon a number of judges. Aristotle tells us that Hippodamus of Mileus (who no doubt perceived the evils of this system) proposed that the verdict should not be given by ballot (διὰ ψυχροσφαιρίας), but that each judge should bring in a tablet with a special statement of his opinion; upon which proposal Aristotle remarks, that its effect would be to make each the arbiter of most of the ancient lawgivers that the judges should not confer with each other (κοινολογούμεν), and then he comments on the confusion that would arise if the judge were allowed to propose a penalty different from that submitted to him by the parties.

As a general rule, only one penalty could be imposed, and in one case sometimes gave more than one. Sometimes the law expressly empowered the jury to impose an additional penalty (προστιγμα) besides the ordinary one. Here the proposition emanated from the jury themselves, any one of whom might move that the punishment allowed by the law should be awarded. He was said προστιγμαδεύοντι, and the whole division (when they adopted his proposal) were said προστιγματικοί. We may observe, that the preposition προς in the verb προστιγμα does not always imply that a second penalty is imposed, but is sometimes used with reference to other matters, as in Demosthenes.

In private actions, the course of proceeding with respect to the assessment of damages was as described above. In some cases, where the plaintiff's demand was made up of several charges, or arose out of various matters, he would give in his bill of plaint a detailed account, specifying the items, &c., instead of including them in one gross estimate. This seems to have been considered the fairer method, and may be compared to the Bill of Expenditure of a defendant. The liability of the plaintiff to ἐποδήλα, which was calculated upon the sum demanded, operated as a check upon exorbitant demands, in addition to that which we have already noticed.

The προστιγματικά rarely occurred in private actions, except in those where the wrongful act complained of was the character of a public offence, as in the ἀγων ἀναθημάτων. (Vid. MARTYRIA.)

As to the amount of revenue derived by the Athenians from public fines, see Böckh.

As to Τίμημα in the sense of the rateable value of property with reference to the Athenian property-tax, see ESPI PHORA.

TINNINABULUM (τίννημον), a Bell. Bells were employed in a great variety of purposes among the Greeks and Romans, it is unnecessary to particularize here. One use, however, of them, for the purpose of keeping watch and ward in the fortified cities of Greece, deserves mention. A guard (φυλαξ) being stationed in every tower, a περιπόλος (see p. 406) walked to and fro on the portion of the wall between two towers. It was his duty to carry

TIPHE

The forms of bells were various in proportion to the multiplicity of their applications. In the Museum at Naples are some of the form which we call bell-shaped; others are more like a Chinese gong. The bell fig. 1, in the annexed woodcut, is a simple diac of bell-metal; it is represented in a painting as hanging from the branch of a tree. Figure 2 represents a bell of the same form, but with a circular hole in the center, and a clapper attached to it by a chain. This is in the Museum at Naples, as well as the bell fig. 3, which in form is exactly like those still commonly used in Italy to be attached to the necks of sheep, goats, and oxen. Figure 4 is represented on one of Sir W. Hamilton's vases, carried by a man in the gear of Pan, and probably for the purpose of illustration. Figure 5 is a bell, or, rather, a collection of twelve bells, suspended in a frame, which is preserved in the Antiquarium at Munich. This jingling instrument, as well as that represented by fig. 6, may have been used at sacrifices, in Bacchanalian processions, or for illustration. Figure 7 is a fragment of ancient sculpture, representing the manner in which bells were attached to the collars of chariot-horses.

TIPHE (τίφη), a variety of the Triteicum spelta, or Spelt. "It is borne in mind," says Adams, in his commentary on Paulus Egineta, "that the Cia, τίφη, and δόλωρα of the Greeks, and far and adurorum of the Romans, were all varieties of spelt, a species of grain bearing some resemblance to wheat. Pliny, it is true,endeavorstodistinguish the Cia from the Doloera, but from the account which Dioscorides and Galen give of them, they would appear decidedly to have been mere varieties of the same grain. Spelt, in this country, is known by the name of German wheat."
Toga.

The form was undoubtedly, in some sense, round; semicircular according to Dionysius, who calls it περιδέλλαον ἡμικύκλιον. It seems, however, impossible, from the way in which it was worn, that it could have been always a semicircle. Such may perhaps have been its form as worn in the most ancient times, when it had no great fulness; but to account for the numerous folds in which it was afterward worn, we must suppose it to have had a greater breadth, in proportion to its length, that is, to have been a smaller segment than a semicircle. Probably the size of the segment which the toga formed (on which its fulness depended) was determined by the fashion of the time or the taste of the wearer. This appears to be the true explanation of Quintilian's words, "Ispem togam rotundam, et ipsis caesus edem," which could have no meaning if nothing more were required than to give the garment the very simple form of a semicircle. The only other point to be noticed respecting the form of the toga is the question whether, when it came to be worn in many complicated folds, the art of the tailor may not have been employed to keep these folds in their position. This question, however, belongs more properly to the mode of wearing the toga.

On this subject our principal information is derived from Quintilian and Tertullian, whose statements, however, refer to the later and more complicated mode of wearing the garment, and from statues in Roman costume.

Frequent reference is made to the sinus of the toga. This was a portion of the garment, which, hung down in front of the body like a sling; it would be more fully explained presently.

We must make a clear distinction between the more ancient and simpler mode of wearing the toga and the full form, with many complicated folds, in which it was worn in a later period. Quintilian says that the ancients had no sinus, and that afterward the sinuses were very short. The passage in Livy (sinus ex toga facta, iterum sinus effuso) seems to refer not to the sinus, technically so called, but a sinus which Fabius made at the moment by gathering up some part of his toga.

The ancient mode of wearing the toga shows in the following cut, which is taken from the Augusteum, and represents a statue at Drézinc.

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Let the toga, which in this case was probably not far from an exact semicircle, be held behind the figure, with the curved edge downward. First, one corner is thrown over the left shoulder; then the
TOGA.

Other part of the garment is placed on the right shoulder, thus entirely covering the back and the right side up to the neck. It is then passed over the front of the body, leaving very little of the chest uncovered, and reaching below nearly to the feet (in the figure, quite to one of them). The remaining end or corner is then thrown back over the left shoulder, in such a manner as to cover the greater part of the arm. By this arrangement the right arm is covered by the garment, a circumstance noticed by Quintilian; but it was occasionally released by throwing the toga off the right shoulder, and leaving it to be supported on the left alone. The portion of the toga which, in the figure, hangs down from the chest, if it be a sinus, is certainly of the kind described by Quintilian as perquam brevis.

The next cut represents the later mode of wearing the toga, and is taken from an engraving in the Museo Borbone of a statue found at Herculeanum.

By comparing this and other statues with the description of Quintilian, we may conclude that the mode of wearing the toga was something like the following:

First, as above remarked, the form in this case was a segment less than a semicircle. As before, the curved side was the lower, and one end of the garment was thrown over the left shoulder, and hung down in front, but much lower than in the former case. This seems to be the part which Quintilian says should reach down half way between the knee and the ankle. In our figure it reaches to the feet, and in some statues it is even seen lying on the ground. The garment was then placed over the back, as in the older mode of wearing it; but, instead of covering the right shoulder, it was brought round under the right arm to the front of the body. This is the most difficult part of the dress to explain. Quintilian says: "Sinus decen- timus, si aliquando supra togam fuert, nuncquam certe sit inferior. Ille, put sub hamero dextr ad sinistrum oblique dueur velut balteus, nec strangulalet nec fluat." Becker's explanation of this matter seems perfectly satisfactory. He supposes that the toga, when carried under the right arm, was then folded in two parts; one edge (namely, the lower or round edge) was then brought almost close under the arm, and drawn, but not tightly, across the chest to the left shoulder, forming the velut balteus of Quintilian, while the other part was allowed to fall gracefully over the lower part of the body, forming the sinus, and then the remaining end of the garment was thrown over the left shoulder, and hung down nearly as low as the other end, which was first put on. It is to this part that Quintilian seems to refer when he says,1 "Pars toga, quam postea imponitur, sit inferior, nam ita natus est velut balteus, et continuatur;" but the true application of these words is very doubtful. By the bottom of the toga (imam togam) in the above quotation, he seems to mean the end of the toga first put on. The part last thrown over the left shoulder, as well as the end first put on, covered the arm, as in the older mode of wearing the garment. The outer edge (extrema ora) of this part ought not, says Quintilian,2 to be the shorter, as in the simpler guad (i.e., sintrum brachium) ora ex toga duplex equaliter reducta by which he probably means that the edge of this portion should coincide with the edge of the end which was first thrown over the left shoulder, and which is, of course, governed by this portion of the garment. He says3 that the shoulder and the whole of the throat ought not to be covered, otherwise the dress will become narrow, and lose that dignity which consists in width of chest. This direction appears to mean, that the part brought across the chest (velut balteus) should not be drawn too tight.

Tassels or balls are seen attached to the ends of the toga, which may have served to keep it in its place by their weight, or may have been merely ornamens.

There is one point which still remains to be explained. In the figure a mass of folds is seen in the middle of the part of the toga drawn across the chest (velut balteus). This is the umbo mentioned by Tertullian,4 and used by Persius for the toga itself.5 It was either a portion of the balteus itself, formed by allowing this part of the garment to hang loose (which perhaps it must have done, as it is the curved, and, therefore, longer edge that is thus drawn across the chest), and then gathering it up in folds which were either folded in the figure, or else (which seems the better explanation) the folds which composed it were drawn out from the sinus, and either by themselves, or with the loose folds of the balteus, formed the umbo. It seems to have been secured by passing the end of it under the girdle of the tunic; and perhaps this is what Quintilian means by the words;6 "Subducendae etiam para aliquam tunicae, non ita acta reductam in actum redacta."

The back of the figure, which is not seen in our engravings, was simply covered with the part of the garment which was drawn across it, and which, in the ancient mode of wearing it, reached down to the heels.7 Quintilian states how low it was worn in his time, but the meaning of his words is very obscure8 ("pars ejus prior mediis cruribus optime terminatur, posterior sedem portione alveus qua cinctura."

See above.)

A garment of the supposed shape of the toga, put on according to the above description, has been found by the writer of this article to present an appearance exactly like that of the toga as seen on statues; and Becker states that he has made similar experiments with equally satisfactory results.

Tertullian's opinion was that the toga was in harmony with the compaction of the toga, and his remarks apply very well to the above description. It appears by his account that the folds of the umbo were arranged before the dress was put on, and fixed in their places by pins or hooks; but, generally speaking, it does not seem that the toga was held on by any fastening; indeed, the contrary may be inferred from Quintilian's directions to an orator for the management of his toga while speaking.9

There is seen on many statues a mode of wearing the toga which resembles the more ancient fashion in having neither sinus nor umbo, and the modern

The TOGA was a toga ornamented with purple horizontal stripes. Servius mentions three kinds of tobrae; one wholly of purple, which was sacred to the gods, another of purple and white, and another of purple and saffron, which belonged to augurs. The purple and white tobrae was a royal robe, and was worn by the pontiffs, the kings, and early kings, especially to Romulus. It was worn by the consuls in public solemnities, such as opening the Temple of Janus. The equites wore it at the transvectio and in other public solemnities. Hence the tobrae is mentioned as the badge of the equestrian order. Lastly, the tobrae worn by the Roman emperors was also adopted by papal bulls. Tobrae have been first assumed by Julius Caesar.

The material of which the toga was commonly made was wool. It was sometimes thick and sometimes thin. The former was the toga densa, pinguis, or hirta. A new tobra, with the nap neither worn off nor cut close, was called pexu, which is opposed to the trita or raea, which was used as a sumptuous waiter dress. On the use of silk for tobras, see Sueton.

It only remains to speak of the use of the tobra. It was originally worn by both sexes; but when the stola came to be worn by matrons, the tobra was only worn by the merителей, and by women who had been divorced on account of adultery. The stola was first worn by matrons, but was afterwards restricted to the upper classes, their tobras only distinguished from that of the lower classes by being fuller and more expensive. In war it was laid aside, and replaced by the Paludamentum and Sacum. Hence togatus is opposed to miles. The tobra was, however, sometimes used by soldiers, but not in battle, and was called a toga praetexta. It was worn as a cloak or blanket. It was chiefly worn in Rome, and hence togatus is opposed to rusticus. The tobra was often used as a covering in sleeping, and lastly, as a shroud for the corpse.

TOGAFA BULa. (Vid. Comedia, p. 300; Tomala.)

*TOPAZOS (τοπαζος), the Chrysolite. *By a sin.

TORCULUM.

TORCULUM or TORCULAR (λανός), a press for making wine and oil. When the grapes were ripe (σταφίδα), the bunches were gathered, any which remained unripe (μάτας), or had become dry or rotten, were carefully removed (vid. Forfex), and the rest carried from the vineyard in deep baskets (qualis), "valium, Αθηναῖος κωδίων," to be poured into a shallow vat. In this they were immediately trodden by men, who had the lower part of their bodies naked, except that they wore drawers. (Vid. Subligaculum.) At least two persons usually trod the grapes together. To "tread the winepress alone" indicated desolation and distress.

The Egyptian paintings exhibit as many as seven treaders in the same vat, and supporting themselves by taking hold of ropes or poles placed above their heads. From the size of the Greek and Roman vats, there can be no doubt that the company of treaders was often still more numerous. To prevent confusion and to animate them in their labour, they moved in time or danced, as is seen in the ancient mosaics of the church of St. Constantia at Rome, sometimes also leaning upon one another.

The preceding circumstances are illustrated in the following woodcut, taken from a bas-relief. An antefixa in the British Museum1 shows a person by the vat performing during this act on the scabellum and ibid. pares, for the purpose of aiding and regulating the movements of those in it. Besides this instrumental music, they were cheered with a song, called μέλος ἐπταλώνοις or ἄνω· η ἐπταλὼνοις, specimens of which may be seen in Anacreon.2 After the grapes had been trodden sufficiently, they were subjected to the more powerful pressure of a thick and heavy wooden beam. Paul of Cæsarea states all the juice yet remaining in them.4 Instead of a beam acted on by wedges, a press with a screw (vid. Cochin.) was sometimes used for the same purpose.5 A strainer or colander (vid. Colus.) was employed to clear the must from solid particles, as it flowed from the vat.

The preceding woodcut shows the apertures at the bottom of the vat, by which the mus (chrysolite, γαλάκτων) was discharged, and the method of receiving it when the vat was small, in wide-mouthed jars, which, when full, were carried away to be emptied into casks (dolia, ὀβάτην). (Vid. Didion.) When the vineyard was extensive, and the vat large in proportion, the must flowed into another vat of corresponding size, which was sunk below the level of the ground, and therefore called υπολόφων, in Latin hypolophi.6 From Λανός Baccius was called Leucaeus (Λαυκαῖος). The festival of the Leucaeus was celebrated on the spot where the first Attic winepress was said to have been constructed. (Vid. Dionysia, p. 364.)

Olives as well as grapes were subjected to the prætium for the sake of their oil;6 but, instead of being trodden, they were first bruised, so as to express a great part of the oil, in a mill called træpetum, which resembled our cider-mill.

The building erected to contain all the vessels and other implements (torcula vasta10) for obtaining both wine and oil was called torcularium1 and ληνεῖον.11 It was situated near the kitchen and the wine-press.

*TORDYLIUM (τορδύλιον), the Tordylium officinale, or Hartwort.12

TORDYLIUM (τορδύλιον), (Vid. Bronte, p. 179.)

TORCULUM (ὑπερτρία φοράμα), a military engine. All the missiles used in war, except those thrown from the sling (vid. Funda.), are projected either by the hand alone or with the aid of elastic substances. Of elastic instruments, the bow (vid. Arcus) is still used by many nations. But the torcule or backbow (vid. Catapulta) is more common; it is an engine of the twelfth, sixteenth, hairs, thongs, and vegetable fibres,13 has fallen into disuse through the discovery of gunpowder. The word torculeon is often used by itself to denote engines of various kinds.14 Often, also, these engines are specified separately under the names of Balista and Catapulta, which names, however, most commonly occur together in the accounts of sieges and other military operations, because both of these two kinds of engines denoted by them were almost always used in conjunction. (Vid. Hilleföllia.) The balista (πτωτορθίον) was used to shoot stones,15 the catapulta (καταπελτῆς, καταπελτάτης) to project darts, especially the fararica (vid. Hasta, p. 489),

TORMENTUM.

and a kind of missile 44 feet long, called trifas. 1 While, in besieging a city, the ram (vid. Aries) was employed in destroying the lower part of the wall, the balista was used to overthrow the battlements (propugnacula), and the catapult to shoot any of the besieged who appeared between them. 2 The forms of these machines being adapted to the objects on which they were used, the balista, when long, the balista nearly square, which explains the following humorous enumeration by Plautus 4 of the three μιγγαί, the application of which has just been explained.

"Meus est balista pugnus, cubitus catapulta est mili, Humerus ater." 3

In the same armament the number of catapults was commonly much greater than the number of balistae. 4 Also, these two classes of machines were both distributed into the greater and the less, the number of "the less" being much more considerable than the number of "the greater." 5 When Carthago Nova, which had served the Carthaginians for an arsenal, was taken by the Romans, the following were found in it: 120 large and 281 small catapults; 23 large and 52 small balistae. 6 Three sizes of the balistae are mentioned by Herodotus, and a fourth is implied by the construction of the balista, which had a height of two pounds, a half a hundred weight (τριακοσιομερίων λίθων), a whole hundred weight (balista centenaria), a hundred weight (pentobolus τριπλῶν), and three hundred weight (πετρομάχος τριπλῶν). 7 Besides these, Vitruvius mentions other many sizes, even down to the balista which threw a stone of only two pounds weight. In like manner, catapults were described according to the length of the arrows emitted from them. 8 According to Josephus, who gives some remarkable instances of the destructive force of the balista, it threw stones to the distance of a quarter of a mile. 9 Neither from the descriptions of authors, nor from the figures on the column of Trajan, 10 are we able to form any exact idea of the construction of these engines. Still less are we informed on the subject of the Scorpio or Onager, which was also a tormentum. 11 Even the terms balista and catapulta are confounded by writers subsequent to Julius Caesar, and Diodorus Siculus often uses καταπτήρας to include both balistae and catapults, distinguishing them by the epithets πετρομάχος and διαφόρα. 12 The various kinds of torments appear to have been invented shortly before the time of Alexander the Great. When horsehair and other materials failed, the women in several instances cut off their own hair, and twisted it into ropes for the engines. 13 These machines, with those who had the management of them, and who were called balistari and catapultari 14 were drawn up in the rear of an advancing army, so as to throw over the heads of the front ranks. (Vid. ARMY, p. 106.) In order to attack a maritime city, they were carried on the decks of vessels constructed for the purpose. 15 The meaning of tormentum, as applied to the cوردage of Ships, is explained in p. 899. Compare Vegetius, Mulum, i. 46.

The torture drawn up in a circuit (quaestio), as applied to criminals or witnesses, was called tormentum by


TORQUES.

the Romans. 1 The executioner v is called torvo and among the instruments employed for the pur- pose were the wheel (roda, τροχός) and the ecleus. 2 The Lydians had an instrument of torture which, as we may infer from its name (κενφος), 3 was full of points, and applied to the body of the sufferer like the card used in combing wool. The Jews seem to have used the harrow or threshing-ma- chine in the same manner; 4 and the κῆρυξ mentioned by Aristophanes, 5 if it resembled the ladder, which is still to be seen among the instruments of torture in the dungeons at Ratisbon, must have produced a similar effect. (Vid. BASANS.)

TORQUES or TORQUI (τορκύς), an ornament of gold, twisted spirally and bent into a circular form, or even extended into a ring. There is no distinction among the Persians, 6 the Gauls, 7 and other Asiatic and northern nations. 8 Torc was the name of it among the Britons and ancient Irish. Virgil 9 thus describes it as part of the armor of the Trojan youth:

"It pectore summò
Flexilis obtorti per collum circulos auri." 10

Ornaments of this kind have been frequently found, both in France, and in many parts of Great Britain and Ireland, 11 varying in size and weight, but almost always of the form exhibited in the annexed woodcut, which represents a torquus found in Brecknockshire, and now preserved in the British Museum. The same woodcut contains a sec- tion of this torquus of the size of the original. It shows, as Mr. Petrie observes concerning some found in the county of Meath, "four equidistant radiations from a common centre." 12 The torquus in the figure, B, p. 106, has each arm of equal length. Its hooks correspond well to the following description of the fall of a Celtic warrior: "Torquus ab incissa decidit una gula." 13 A torquus, which, instead of being bent into a circular form, was turned into a spiral, became a bracelet, as is shown in the lowest figure of the woodcut at ARMILLAS, p. 98. A torquus contrived to answer this purpose is called torquus brachialis. 14 Such bracelets and torques are often found together, having been worn by the same people.

An inscription found in France mentions a tor- quis, which was dedicated to Ασκληπιος, having been made by twisting together two golden snakes. 15 In this respect, also, the torquus corresponded with the armilla, which was sometimes made in the form of a serpent. (See p. 96.) The head in the

preceding woodcut is that of a Persian warrior in the mosaic of the battle of Issus, mentioned in p. 520. It illustrates the mode of wearing the torques, which in this instance terminates in two serpents' heads instead of hooks. Three other Persians in the same mosaic also wear the torques, which, according to Maffei, Mart., xzxiii., have been distinguished of them, who has been vanquished and thrown from his horse. It was by taking this collar from a Gallic warrior in similar circumstances that T. Manlius obtained the cognomen of Torquatus. 1

Torques, whether in the form of collars or bracelets, no doubt formed a considerable part of the wealth of those who wore them. Hence they were an important addition of the spoil, when one Celtic or Oriental army was conquered, and they were among the rewards of valor bestowed after an engagement upon those who had most distinguished themselves. 2 The monuments erected to commemorate Roman soldiers, and to enumerate the honours which they had obtained, often mention the number of torques conferred upon them. 3 (Vid. Phaler.)

TORUS, a bed, originally made of straw, 4 hay, leaves, woolly plants, 5 seaweed (de mollibus ultis 6), also stuffed with wool, and afterward with feathers 7 or swans' down, 8 so as to be as much raised and as soft as possible. 9 It was sometimes covered with the hide of a quadruped 10 (vid. Pellis, p. 756), but more commonly with sheets or blankets, common (p. 363), three, or four, also, which the sofa in the first woodcut, p. 276; and its appearance there may suffice to explain the transference of its remote resemblance to the larger semicircular moldings in the base of columns. (Vid. Atticeneses, Spiti.)

TOXOTAI (τοξοταί). (Vid. Democrit.)

TRABEAS. (Vid. Tus., p. 857.)

TRAGACANTHA (trągakantha), a prickly shrub, which yields gum tragacanth. It is the Aragalius Tragacantha, Goat's-thorn or Milk-vetch. The name is derived from τράγος (a goat) and ἄκανθα (a thorn), in allusion to the fancied resemblance which the plant bears to the beard of a goat. In the London Pharmacopoeia the plant is called Astragalus Tragacanthi, the generic name of the genus, and the specific name of the variety of Olive. 11

*TRAGION (τράγιον), a plant. One species, called Dioscorides τράγιον Κρητικόν, is the kind of St. John's-wort called Hypericum hircinum, and has a feathery smell. A second sort, likewise described by Dioscorides, is named by Sprengel Tragium columnae. 13

TRAGEDIA (trągédia), Tragedy. 1

I. Greek Tragedy. The tragedy of the ancient Greeks, as well as their comedy, confessedly originated in the worship of the god Dionysus. It is proposed in this article, (1) to explain from what element of that worship Tragedy took its rise, and, (2) to trace the course of its development, till it reached its perfect form and character in the drama of the Attic tragedians, Æschylus, Sophocles, and Euripides.

The peculiarity which most strikingly distinguishes the Greek tragedy from that of modern times, is the lyrical or choral part. This was the offspring of the dithyrambic and choral odes, from which, as applied to the worship of Dionysus, Greek tragedy took its rise. This worship, we may observe, was of a twofold character, corresponding to the different conceptions which were anciently entertained of Dionysus as the changeable god of flourishing, decaying, or renewed nature, and the various fortunes which, in that character, he was considered to bestow by different seasons of the year. Hence Müller observes, 2 "the festivals of Dionysus at Athens and elsewhere were all solemnized in the months nearest to the shortest day, coincidently with the changes going on in the course of nature, and by which his worshippers conceived the god himself to be affected." His mournful or joyous fortunes (nòdhy), his musical death, sorrow and the death of all vegetation in winter, and his birth, 3 indicating the renovation of all nature in the spring, and his struggles in passing from one state to another, were not only represented and sympathized in by the dithyrambic singers and dancers, but they also carried their enthusiasm so far as to fancy themselves under the influence of the same events as the god himself, and in their attempts to identify themselves with him and his fortunes, assumed the character of the subordinate divinities, the Satyrs, Nymphs, and Panes (nymphaumor leves cum sauros chorii), who formed the mythological train of the god. Hence, as is explained under Dionysia (p. 363), arose the custom of the disguise of satyrs being taken by the worshippers at the festivals of Dionysus, and the name of whom the Grecian tragedy originated, 4 "being from its commencement connected with the public rejoicing and ceremonies of Dionysus in cities, while comedy was more a sport and merriment of the country festivals." In fact, the very name of Tragedy (Trągédia), far from signifying anything mourful or pathetic, is most probably derived from τραγάνος, a "goat," who was the father of Dionysus by Semele, and who appears in the skin of a goat (χλαίνω τραγόν). The word σάρυφος, also, is apparently the same as τριγόνος, a kind of goat. 5 According to another opinion, indeed, the "word tragedy was first coined from the goat that was the prize of it, which prize was first constituted in Theseus' time." 6 This derivation, however, as well as another, connecting it with the goat odes, as on the altar of Bacchus, around which the chorus sang, is not equally supported either by the etymological principles of the language, or the analogous instance of κωμωδία, the "revel-song." 7

But the Dionysian dithyrambs were not always of a gay and joyous character; they were capable of expressing the extremes of sadness and wild lamentation as well as the enthusiasm of joy; and it was from the dithyrambic songs of a mournful cast, probably sung originally in the winter months, that the stately and solemn tragedy of the Greeks arose. That there were dithyrambs of such a character, expressive of the sufferings of Dionysus (τοῦ Δαναοῦ γόνος), appears from the statement in Herodotus, 8 that at Sicyon, in the time of Clisitheos (B.C. 600), it was customary to celebrate (γαμπάοιμα)


3. An. H. i., iii., 46.—9. (v. 67.)
the sufferer of that god with "tragic choruses." But it must be remarked, that in the ancient times the dithyrambic song was not executed by a regular chorus. Thus Archilochus says in trochaic verse, "I know how, when my mind is indomitable with wine, to lead off the dithyramb, the beautiful song of Dionysus" (vid. Caurus, p. 247), whence we may infer that in his time (B.C. 700) the dithyramb was sung by a band of revellers led by a flute-player. Lyric choruses, indeed, had been even then established in the Dionysiac rites of Greece, in connexion with the worship of Apollo, Bacchus, Satyrs, or Phlegyes, being the instrument to which the choruses sang and danced. In fact, the connexion of the Dorian choral poetry with the worship of Apollo, the direct opposite to that of Dionysus, and its consequent subject to established rules and forms, admitting, too, from the Dorian character, but little innovation, afforded the most obvious explanation of the striking circumstance that nothing dramatic sprang from it, as from the dithyrambic performances. Still there were some points in which the Dorian worship of Apollo resembled that of Dionysus, e. g., the dances with which the former god was honoured, and the kind of mimery with which the latter were excited by them. Other circumstances also, on which we can hardly reckon, probably facilitate the introduction of the Dionysian dithyramb among the Dorian states, especially after the improvements made in it by Arion (B.C. 600), which were so great, that even the invention of that species of poetry is ascribed to him, though it had been known in Greece for a century before his time. The worship of Dionysus, he says, was at his native place, Methymnae in Lesbos, with music and orgiastic rites; and as Arion travelled extensively in the Dorian states of Hellas, he had ample opportunities of observing the varieties of choral worship, and of introducing any improvements which he might wish to make in it. He is said to have been the inventor of the "tragic turn" (γραμματικός τρόπος), a phrase of doubtful signification, but which seems to mean, that he was the inventor of a grave and solemn style of music, to which his dithyrambs were danced and sung. (Vid. Music, Grec. Suidas adds of him, λέγεται καὶ πρῶτος χορὸν χτίσας, καὶ διδόμως μου καὶ νομισάω τὸ δίδυμον ὑπὸ τοῦ χοροῦ, καὶ Σαῦρος εἰσενέγκας ἔμπειρα λέγεντα. Ζωγράμμως λέγεται τὴν πραγματικὴν καὶ τήν θεωρίαν, we learn that he introduced the cyclic chorus (a fact mythologically expressed by making him the son of Cycles); i.e., the dithyramb, instead of being sung, as before his time, in a wild, irregular manner, was danced by a chorus of fifty men around a blazing altar; whence, in the time of Aristophanes, a dithyrambic poet and teacher of cyclical choruses were nearly synonymous. As the alteration was made at Corinth, we may suppose that the representation of the dithyrambic was assimilated in some respects to that of the Dorian choral odes. The clause to the effect that Arion introduced satyrs, i.e., τραγωνία, speaking in verse (troadiakia), is by some thought another expression for the invention of the dithyramb; for in the interpretation is, that he introduced the satyrs as an addition and contrast to the dance and song of the cyclic chorus of the dithyramb, thus preserving to it its old character as a part of the worship of Bacchus. The phrase βωσάμασι alludes to the different titles given by him to his different dithyrambs, according to their subjects, for we do not think that they all related directly to Bacchus. As he was the first cithara player of his age, it is probable that he made the lyre the principal instrument in the musical accompaniment.

From the more solemn dithyrambs, then, as improved by Arion, we may probably keep a joyful dialogue, ultimately sprang the dramatic tragedy of Athens, somewhat in the following manner: The choruses which represented them were under the direction of a leader or exarchus, who, it may be supposed, came forward separately, and whose part was sometimes taken by the chorus. He may also conjecture that the exarchus in each case led the performances by giving the chorus the "epithalamia," the book in a solo, and the chorus, Sarcing round the altar, then expressed their feelings of joy or sorrow at his story, representing the perils and sufferings of Dionysus, or some hero, as it might be. Accordingly, some scholars have recognised in such choral songs, or in a proximate deviation from them, the "tragedy" of other times (δή τῶν τραγωνίας). Again, Diogenes Laertius states that formerly the chorus alone acted (δὲ διαμαρτυρζόμενοι) or performed a drama, on which Hermann observes, after the dithyramb was sung, some of the chorus, in the guise of satyrs, came forward and improvised some ludicrous stories; but in imitation of the satyr-songs, he adds, "we see rather dramatica tragediae initia, quam ulimum lyricum cysvusdam generis vestigium." Lyric poets also seem to have been spoken of as tragedians; thus, according to Suidas, Plinard wrote seventeen ðραματα τραγωνικα ("but not lyrical tragedies"), and Simonides of Ceos wrote tragedies, or a tragedy, as it is frequently written, nowadays. So little certain is inferred from this, it only proves that dithyrambic poets were also called tragedian, just as in the schoolia on Aristophanes, a writer is described as διθυραμβικος ὡ τραγωδιοδακολος. For the arguments on both sides, see Hermann, l. e., and Bockh on the Orchomenian Inscriptions.

The dithyrambic choruses, accompanied with mimetic action (the lyrical tragedy), prevailed to some extent, as all choral poetry did, among the Dorians of the Peloponnesus;为之 their derivative, the choral element of the Attic tragedy, was always written in the Dorian dialect, thus showing its origin. The lyrical poetry was, however, especially popular at Sicyon and in Corinth. In the latter place, we may reasonably infer, since it is the more recent in time, that the new form of tragic poetry, "tragic choruses," i.e., dithyrambs of a sad and plaintive character, were very ancient, and the Sicilians are also said to have been the inventors of the τραγωνία (τραγωνίας ἐφεύρεται μὲν Ἐκκινώνων, τελευσοντος δὲ Ἀρτακιος τομαίοι)16; but, of course, this can only mean that the dramatic tragedy was a derivative, through many changes, of the old a

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TRAGEDIA.

tragic λπραγία, i. e., of the songs sung with mimetic dancing by the goat-like satyrs, or, as others would say, round the altar, on which lay the burned sacrifice of a goat. It appears, then, that there is a good and intelligible foundation for the claims which, according to Aristotle, 1 were made by the Pelasgic rhapsodes, and especially by the Sicyonians, to the invention of "tragedy," understanding it by a choral performance, such as has been described above.

Now the subjects of this dithyrambic tragedy were not always, even in ancient times, confined to Dionysus. Even Arion wrote dithyrambs "relating to different heroes," as a practice in which he was followed by succeeding poets, who wrote dithyrambic odes (whence they were classed among the "dithyrambic odes," as distinguished from the "lyric odes," of Ajaces, or Minos, as it might be). 2 Thus Epigenes the Sicilian is said to have written a tragedy, i. e., a piece of dithyrambic poetry on a subject unconnected with Dionysus, which was consequently received with the cry of οὔδεν πρὸς τὸν Δίονυσον, or "this has nothing to do with Bacchus." 3

If this anecdote be true, and Epigenes preceded Arion, the introduction of the satyr into the dithyrambic chorus by the latter may possibly have been meant to satisfy the wishes of the people; but whether it was so or not, there is scarcely any doubt that, from the time of Arion, the tragic dithyramb gradually became less satyric and sportive in its character, till the creation of the independent satyric drama and the Attic dramatic tragedy. 4

Aristotle 6 says, "Tragedy was at the first an extempore effusion (ἀπ’ ὄρχες αὐτοπροειστάσεως), and was derived from τῶν ἐξάρχων τῶν Δίδυμων, i. e., from the leaders or the chief singers of the dithyramb, who probably sung or recited their parts in the trochaic metre, while the main body of the ode was written in irregular verse. It is therefore possible to conceive how the introduction of an actor or speaker, independent of the chorus, might have been suggested by the exarchoi or coryphæi coming forward separately and making short off-hand speeches, whether learned by heart beforehand, or made on the spur of the moment. (Vid. Χορος, p. 247.) But it is also possible, if not probable, that it was suggested by the rhapsodical recitations of the epic and gnostic poets, and especially by the Greek rhapsodes, poetry being generally written in iambic verse, the metre of the Attic dialogue, and which Aristotle 6 says was used by Homer in his Margites, though its invention is commonly ascribed to Archilochus. In fact, 7 the rhapsodists themselves are sometimes spoken of as actors (ὑποκρήτας) of the poems they recited, which they are also said to act (ὑποκρήτας-θέαν). But if two or more rhapsodes were called upon to go up to an episode of a poem, a regulation which obtained at the Panathenæa, and attributed to Solon or Hipperonus, 8 it is clear that they would present much of a dramatic dialogue. In fact, the principal scenes of the whole Hliad might in this way have been represented as parts of a drama. These recitations, then, being so common, it was natural to combine with the representation of the dithyramb, and especially of the satyric and choral song, the additional element of the dialogue, written in iambic verse, a measure suggested, perhaps, by the gnostic poetry, and used by Solon about the time of the origin of the dialogue, 9 more especially as it is the most colloquial of all Greek metres (Λεξικόν), and this into which common conversational most readily falls. It is, indeed, only a conjecture, that the dialogue, or the Ionian element of Attic tragedy, was connected with the rhapsodical recitations, but it is confirmed by the fact that the Homeric rhapsodes were common at Sicyon, 10 the cradle of the Dorian tragedy, and also at Brauron in Attica, where the worship of Dionysus had long prevailed. The introduction of this worship into Attica, with its appropriate choruses, seems to have taken place by the command of the Dorian oracle 11 in very early times. Thus it is stated 12 that tragedy (i.e., the old dithyrambic and satyrical tragedy) was very ancient in Attica, and did not originate with Thespis or his contemporaries. The alteration made by him, and which gave to the old tragedy (ἀργυρίῳν τῶν περὶ Θεόν ἡ τὴν Τραγῳδίαν κατασκευάζων) a new and dramatic character (making it an ignotum tragedia genere), was very simple, but very important. He introduced an actor, as it is recorded, for the sake of giving rest to the chorus, and independent of it, in which capacity he probably appeared himself, 13 taking various parts in the same piece, under various disguises, which he was enabled to assume by means of the linen masks, the invention of which is attributed to him. Now as a chorus, by means of its leader, could maintain a dialogue with the actor, the one actor only, "a dramatic action might be introduced, continued, and concluded, by the speeches between the choral songs expressive of the joy or sorrow of the chorus at the various events of the drama." Thus Müller observes that, in the play of Pentheus, supposed to have been composed by Thespis, 14 a single actor might appear successively as Dionysus, Pentheus, the mother of Pentheus, and in these characters express designs and intentions, or relate events which could not be represented, as the murder of Pentheus by her mother: by which means he would represent the substance of the fable, as it appears in the Bacche of Euripides. 15 With respect to the character of the chorus there has been much doubt: some writers, e. g. Eschylus, have maintained that his plays were all satyric and ludicrous, i. e., the plot of them was some story of Bacchus, the chorus consisted principally of satyrs, and the argument was merry: an opinion, indeed, which is supported by the fact that, in the early part of his time, the satyric drama had not acquired a distinctive character. It may also appear to be confirmed by the statement that the first tragedies made use of the trochaic tetrameter, as being better suited to the satyrical and saltatorial nature of their pieces. But perhaps the truth is that, in the early part of his career, Thespis retained the satyrical character of the older tragedy, but afterward inclined to more serious compositions, which would almost oblige him to discard the satyrs from his chorus. This, however, gives rise to serious difficulties, which are intimated by the titles of the plays assigned to him, as well as by the character of the fragments of iambic verse quoted by Plutarch as his, 16 and which, even if they are forgeries of Heracleides Ponticus, at least prove what was the opinion of a scholar of Aristotle on the subject. Besides, the assertion

that Sophocles wrote against the chorus of Thespis, seems to show that there was some similarity of character between the productions of the two poets. A summary of the arguments in favour of the serious character of the tragedy of Thespis is given by Welcker. The invention of the prologue and rhea
tis of tragedy (an expression clearly, in some measure, identical with the introduction of an actor) is attributed by Welcker to Thespis. The former word is meant the first speech of the actor; or the promenon with which he opened the piece; the chorus then sang the first ode, or πάροδος, after which came the μήδος, or dialogue between the actor and the principal chorurete. The invention of this dialogue is also alluded to in the phrase λέγεις ὑπερ ηγεμόνας. It is evident that the introduction of the prologue was a second representing the management of the chorus, which could not remain cyclic or circular, but must have been drawn up in a rectangular form about the thymele, or altar of Bacchus in front of the actor, who was elevated on a platform or table (ἐλέεον), the forerunner of the stage. The statement in Polycrates that this was the case before Thespis seems inexplicable; if the title right was that of the general character of the Thesopian drama, the phrase αὐθέν πρὸς Δίανομος, which was certainly used in his time, was first applied to his plays at Athens, as being unconnected with the fortunes of Dionysus, and as deviations from the μηδός μίθως καὶ λέες γελίας of his predecessors. Fluctarch, however, supposes that its first application was later: he says, "when Phrynichus and Eschylus continued to elevate tragedy to leg
dens and tales of sufferings (εἰς μάθος καὶ πάθη πρωγνώστων), the people, missing and regretting the old satyric chorus, said, 'What is this to Bac
chus!?'" Hence the expression was used to signify what was mal-propri, or beside the question.

The reader may here be observed that we have not quoted the pages of Horace's

"Declar et planatur vesissa poenulta Thespis,
Quae certamen agendorum perverti facibus ora."

The fact is that they are founded on a misconception of the origin of the Attic tragedy, and that the tale about the wagons of Thespis probably arose out of a confusion of the wagon of the comedian Sasa
rion with the platform of the Thesian actor. The first representation of Thespis was in B.C. 585. His immediate successors were the Athenian Chor
lius and Phrynichus, the former of whom is ascribed to B.C. 535. His works, ascribed by Suidas to have written 150 pieces: from the title of one of them, the "Alope," its subject seems to have been a legend of Attic origin. He excelled in the satyrical drama invented by Pratinas, is indica
ted by the line of an unknown author,

'Ήνικα μὲν βασιλέας ἰὸν Χαμάρας ἐν Σατίρως:

and if he wrote anything like the number of dramas ascribed to him, it is also evident that the custom of contend ing with tetralogies must have been of early origin, for there were only two dramatic fes
tival during the year.

Phrynichus was a pupil of Thespis, and gained his first victory in the dramatic contests B.C. 511. In his works, the lyric or choral element still pre
ominated over the dramatic, and he was distinguis
ghished for the sweetness of his melodies, which, in the time of the Peloponnesian War, were very popular with the admirers of the old style of music. The esteem in which his "ambrosial songs" were then held is shown in several passages of Aristoph"n
es, and in the line where the dicec are made to chant the old Sidonian sweet songs of Phrynichus.

Kάι μηνίρσοτες μέλη
'Αργοιμελεκόδιοφρείσματα,

"Sidonian" being an allusion to the play which he wrote called the Phoenissae. The first use of female masks is also attributed to him, and he so far devi
ted from the general practice of the Attic tragoe
dians as to write a drama on a subject of contempor
ary history, the capture of Miletus by the Persians, B.C. 494.

We now come to the first writer of satyrical dramas, Pratinas of Philus, a town not far from Sicyon, and which laid claim to the invention of tragedy as well as comedy. For some time pre
viously to this poet, and probably as early as Thes
pis, tragedy had been gradually departing more and more from its old characteristics, and inclining to heroic fables, to which the presence of rustic satyrs was not a fit accompaniment. But the fun and merriment caused by them were too good to be lost, or dis
placed by the severe dignity of the Eschylean drama. Accordingly, the satyrical drama, distinct from the recent and dramatic tragedy, but suggest
ged by the sportive element of the old dithyrambs of Thespis, was popular. It was not till Pratinas who, however, appears to have been surpassed in his own invention by Cher
lius. It was always written by tragedians, and generally three tragedies and one satirical piece were represented together, which, in some instan
ces at least, formed a collected whole, called a tetral
ogy (τέτραλογία). The satyrical piece was acted last, so that the moods of the spectators were agree
ably relieved by a merry afterpiece at the close of an earnest and engaging tragedy. The distinguis
ghing feature of this drama was the chorus of satyrs, in appropriate dresses and masks, and its subjects seem to have been taken from the same
class of the adventures of Bacchus and of the heroes as those of tragedy; but, of course, they were so treated and selected that the presence of rustic satyrs would seem appropriate. In their jokes, and drollery, and naievé consisted the merriment of the piece; for the kings and heroes who were intro
duced into their company were not of necessity thereby divested of their epic and legendary charac
ter (Horace speaks of the "insolument gravitatem"), though they were obliged to conform to their situa
tion, and suffer some diminution of dignity from their position. Hence Welcker observes, the satyrical drama, which, on the other hand, is well spoken of as "a playful tragedy" (παίανως τραγωδία), being, both in form and mate
rials, the same as tragedy. Thus also Horace says, "Effutire leves insignis tragodia sororius

Interpret satyris paulum pudentia proteorit,"

alluding in the first line to the mythic or epic ele
ment of the satyrical drama, which he calls "tragoe
dia," and in the second representing it as being rather ashamed of its company. The scene was, of course, laid in the supposed haunts of the satyrs, as we learn from Vitruvius. * "Satyrices scenae orantur arborebus, montibus religiosiusque agristibus rebus," all in keeping with the incidents of the pieces, and re
minding the spectators of the old dithyrambs and the god Dionysus, in whose honor the dramatic con
tests were originally held. We must, however, ob
serve, that there were some characters and lo
gods which while not presenting any serious or pa

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1. (Suidas in vit.); 2. (Bode, p. 47); 3. (Nachtr. Bode, 297-276); 4. (Thesm. p. 283); 5. (Aristoc. Poet.); 6. (ii. 9-13); 7. (Vitruvius, Rees, p. 55); 8. (Ep. ad Pis. 392); 9. (Nachtr. p. 331); 10. (Ep. ad Pis. 231); 11. (v. 8).
TRAGŒDIA.

As (Atheu., but, We, up poor (MuUer, R!im. — its (Phot., Btainc'es, the maintments to B for away sition grandeur, is of fragments His shown great with father Dr liardly "Hercules"

Callisto, towering Agatharchus the this introdiced with the aid of Agatharchus the scene-painter, and improved the costume of his actors by giving them thick-soled boots (lub Lars), as well as the masks, which he made more expressive and characteristic. Horace6 thus alludes to his improvements:

"persona pallare numeris honesta

Æschylus, et medicis instaurat pulpitum dignis
Et docuit magnamque logui, nisique coturno."

The custom of contending with titles (tralolysia), or with three plays at a time, is said to have been also introduced by him. In fact, he did so much 07 · 14 to contem plate himself as the father of tragedy that the "towering height," that he was considered the father of it. The subjects of his drama, as we have before intimated from Plutarch, were not connected with the worship of Dionysus, but rather with the great cycle of Hellenic legends and some of the myths of the Homerian Epos. Accordingly, he said of himself7 that his dramas were but scraps and tragedies of ancient history. But in the instance of his departure from the spirit and form of the old tragedy, as connected with Dionysus, is shown in his treatment of the dithyrambic chorus of fifty men, which, in his trilogy of the Oresteia, he did not bring on the stage all at once, but divided it into separate parts, making a different set of choroe tes for each of the three pieces.8 In the latter part of his life he made further and more extensive improvements of Sophocles, namely, the πραγματική, or third actor. This was the finishing stroke to the dramatic element of Attic tragedy, which Sophocles is said to have matured by further improvements in costume and scene-painting. Under him tragedy appears with less of sublimity and sternness than in the hands of Æschylus, but with more of calm grandeur, and quiet dignity, and touching incident. His latter plays are the perfection of the Grecian tragic drama, as a work of art and poetic composition in a thoroughly-chastened and classic style, written when, as he says of himself, he had put away the boyish pomp of Æschylus (τον Ἀθην. ἄρταν ἅπασας δύον), and the harsh obscenity of his own (no great refinements, and attained to that style which he thought the best, and most suited for portraying the characters of men.9 The introduction of the third actor enabled him to do this the more effectually, by showing the principal character on different sides and under different circumstances, both as excited by the opposition of one, and drawn out by the sympathies of another. (Vid. Histr. p. 368) Hence, though the plays of Sophocles are longer than those of Æschylus, still

there is not a corresponding increase of action, but a more perfect delineation of character. Creon, for instance, in the Antigone, and Ajax, are more perfect and minutely drawn characters than any in Æschylus. The part of the chorus is, on the other hand, considerably diminished in his plays. Another distinguishing feature in them is their moral signification and ethical teaching. Though the characters in them are taken from the old subjects of rational interest, still they do not always appear as heroes, but as mere agents of the level of common humanity, but in such situations, and under the influence of such motives, passions, and feelings, as fall to the lot of men in general: so that "every one may recognise in them some likeness of himself."

In the hands of Euripides tragedy deteriorated, not only in dignity, but also in its moral and religious significance. He introduces his heroes in rags and tatters, and buses them with petty affairs, and makes them speak the language of everyday life. As Sophocles said of him,1 he represented men, not as they ought to be, but as they are, without any ideal greatness or poetic character—thoroughly prosaic personages. His dialogues, too, were little else than the rhetorical and forensic language of his day cleverly put into verse: full of sophistry and dividing distinctions. One of the peculiarities of his tragedies was the ρητορικά τραγωδία, or monologue, with which some hero or god opens the play, telling who he is, what is the state of affairs, and what has happened up to the time of his address, so as to put the audience in possession of every fact which it might be necessary for them to know: a very business like proceeding, no doubt, but a poor make-shift for artistical skill. The "Deus ex machina"2 also, the not always, in a "nodus, tali vindice dignus,"3 was frequently employed by Euripides to effect the děnouement of his pieces. The chorus, too, no longer discharged its proper and high functions, either as a representative of the feelings of unprejudiced observers, or "as one of the actors and a part of the whole," joining in the development of the pieces. Many of his choral odes, in fact, are but remotely connected in subject with the action of the play. Another novelty of Euripides was the use of "monodies" or-lyrical songs, in which, not the chorus, but the principal persons of the drama, declare their emotions and sufferings. They were among the most brilliant parts of his pieces, and, being sung by persons on the stage, are commonly described as ψαλμίς ἀπὸ σκηνῆς.4 Aristophanes often 14 in his comedies, and makes Euripides say of himself5 that he "nurtured tragedy with monodies, introducing Cephisophon," his chief actor, to sing them.

Εἰς ἀντέρσεως μονοιδιας, Κρασφωκτία μεγεῖ.

Euripides was also the inventor of tragi-comedy, which not improbably suggested, as it certainly resembled, the Ἱλαρωτραγῳδία of the Alexandrian age, the latter being a half-tragic, half-comic drama, or, rather, a parody or travesty of tragic subjects. A specimen of the Euripidean tragi-comedy is still extant in the Alcestis, acted B.C. 438, as the last of four pieces, and the bête as a substitute for a satyrical drama. Though tragic in its form and some of its scenes, it has a mixture of comic and satyrical characters (e. g. Hercules), and concludes happily.

It remains to make some remarks on the nature and object of Greek tragedy in general, and on the parts into which it is divided. According to Plato,6 the truest tragedy is an imitation of the noblest and best life: μόνος τοῦ κολλητὸν καὶ ἱστος βίου.
Aristotle's definition is more comprehensive and perhaps perfect. "Tragedy is an imitation of an action that is important (σημαντική), and entire, and of a proper magnitude, in pleasurable language, by means of action, not of narration, and effecting, through terror and pity, the refinement and correction of such passions" (τῶν τοιτῶν πάθηματι πάθος).

He then adds, Tragedy contains six parts: the song, i. e., the combination of incidents or plot, manners, expression, sentiment, decoration, and music (μοῦθος καὶ θῆκα, καὶ λέξεις, καὶ διόνυσος, καὶ ψυκή, καὶ μελόποιον). Of these the story is the principal part, developing the character of agents, and being, in fact, the very soul of tragedy. The manners come next, and manifest the disposition of the agents. The scenes and sentiments take the third place, and comprehend whatever is said, whether proving anything, or expressing some general reflection. Afterward he adds, Fables are of two sorts, simple and complicated (οἱ μὲν ἀπλοὶ, οἱ δὲ πεπλεκμένοι), the catastrophe of the former produced without a revolution or discovery, of the latter with one or both. Now a revolution (περιστέρα) is a change to the better; hence the catastrophe is expressive of the terminations of the action: a discovery (ἀναγωγή) is a change from known to unknown, happening between characters whose happiness or unhappiness forms the catastrophe of the drama. The best sort of discovery is accompanied by a revolution, as in the Edipus. Aristotle next enumerates the parts of the modern tragedy: prologue, which is the introduction of the plot or story; these are: the prologue, episode, exode, and choral songs; the last divided into the parodos and stasimon.

The πρόλογος is all that part of a tragedy which precedes the parados of the chorus, i. e., the first act. The ἔπειδον is all the part between whole chorals odes. The ἔποδα, that part which has no chorals after it. Of the chorals part, the πύρος is the first speech of the whole chorus (not broken up into parts): the stasimon is without anapests and trochees. These two divisions were sung all by the choruses (κοινά ἀπάντας), but the "songs on the stage" and the κυμαίον by a part only (ἴδια ἀπὸ τὰ ἀπὸ τῆς σκηνῆς καὶ κυμάιον). The commun, which properly means a waiting for the dead, was generally used to express strong and sudden gloom or suffering, especially by Ἐσχylus. It was common to the actors and a portion only of the chorus (κοινὸς τῆς θρυζος, κοινὸς χορὸς, καὶ ἀπὸ σκηνῆς), whence its derivative κονκυκτικά is used to designate broken and interrupted songs sung either by individual choruses or divisions of the chorus.1 Again, the πύρος was so named, as being the passage-song of the chorus, sung while it was advancing to its proper place in the orchestra, and therefore in anapastics or marcelling verse; the στασίμον, as being chanted by the chorus when standing still in its proper position.2

With respect to the ends or purposes of tragedy, Aristotle observes that they are best effected by the representation of a change of fortune, of prosperity and adversity to a person neither eminently virtuous nor just, nor yet involved in misfortune by deliberate vice or villainy, but by some error of human frailty, and that he should also be a person of high fame and eminent prosperity, like Ἐdipus or Thyestes. Hence, he adds, Euripides is not censurable, as is generally supposed; for tragedies with unhappy termination, like his, have always the most tragic effect; and Euripides is the most tragic of all poets, i. e., succeeds best in producing pity: an expression especially true of some scenes in the Medea. In Ἐσχylus, the feelings of pity and melancholy interest are generally excited by the relation in which his heroes stand to desti-

1. (Müller, Ruman, p. 54.)—2. (Suid. and Etymol. Mag.)
fourth actor appearing on the stage, probably because the chorus was required to be at a certain exact distance from the actor. The chorus, again, sometimes acted as the character of Pylades does; sometimes they were mute.

**Paraoxynides**: This phrase was used when one of the choruses spoke in song instead of a fourth actor, probably near or behind the side-scenes. *Paroegyptia* were voices off the stage, and not seen, as the frogs in the Rane.

**Paroegyptia**: Persons who came forward but once or nothing like the ἀπόκολουθος προταστικός or introductory persons who opened a drama and never appear again; as the watchman in the Agamemnon, and Polydorus in the Hecuba. Terence also frequently uses the persona protaticā.

The *dirioga* was a double chorus, formed of the choruses of two separate plays: thus, at the end of the Eumenides of *Æschylus*, the Furies of one play and the festal train of another come on the stage together.

The principal modern writers on the Greek tragedy are mentioned in the course of the article. The reader may also consult Wachsmuth, II., ii., p. 467 and 421.—Gruppe, *Arudne, Die Tragische Kunst der Griechen in ihrer Entwicklung und in ihrem Zusammenhange mit der Volkskunde*, Berl., 1894.—*Museum Criticum*, ii., p. 63 & 75; *Niedere Prosa*, Præctâmmer, *Schektor*; *Schröder*, Uchber; *Attische Theaterveser*, an exceedingly valuable book.

II. ROMAN TRAGEDY. The tragedy of the Romans was, for the most part, an imitation of, or, rather, a borrowing from the Greek, the more perfect and unnatural as the construction of the Roman theatre afforded no appropriate place for the chorus, which was therefore obliged to appear on the stage in the middle of the orchestra. The first tragic poet and actor at Rome was Livius Andronicus, a Greek by birth, who began to exhibit in B.C. 240. From the account in Livy, it would seem that in his monodies (or the lyrical parts sung, not by a chorus, but by one person) it was customary to separate the singing from the mimetic dancing, leaving the latter only to the actor, while the singing was performed by a boy placed near the mask of the person (ante tibi vicem), so that the dialogue only (diverba) was left to be spoken by the actors. One of the plays written by him was an "Andromeda;" and he also made a Latin prose translation of the Odyssey.

The next tragic poet at Rome was Naevius, who, however, appears to have written comedies as well as tragedies, and a history of the first Punic war: so that the writing of tragedies was not a distinct profession at Rome as at Athens. An "Alcestis" seems to have been written by him. To the same epoch as Livius Andronicus and Naevius belongs Ennius, who resembled the latter in being an epic poet as well as a tragedian. Among the plays written by him are mentioned a Medea, an Ajax, a Phoenissae, an Iphigenia, an Andromache, and a Host, the first three written by him and Naevius was comic or trochaic in the dialogue. He was the first poet to write for the lyrical parts.

The next distinguished tragedian was Pacuvius, a nephew of Ennius, and a painter also. His style was more remarkable for spirit and vigour of expression than polished or refined, a deficiency attributable to his age and provincial origin, as he was born at Brundisium. Among his plays occur an Antiope, an Oryssea, and a Doloresets, and his tragedies formed admirers even in the time of Petronius.

Cicerô quotes from

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him a spirited translation of the concluding lines of the Prometheus Vinctus of *Aeschylus* at Athens in the time of Cicero. It was the most to Pacuvius by about fifty years. His earlier plays were, as he himself admitted, harsh and obscure; but his style probably altered with increasing years. Many fragments of his plays occur in Cicero and the Latin grammarians, Dionedes, Nonius, and Varro. He was also a writer of annals in hexameter verses.

The five poets mentioned above belong to the earlier epoch of Roman tragedy, in which little was written but translations or found imitations of the Greek, with occasional insertions of original matter. How they imitated the structure of the choral odes is doubtful; perhaps they never attempted it. Ennius, Pacuvius, and Accius are contrasted by Cicero with *Æschylus*, Sophocles, and Empirides; and of the last two Quintilian says, "Viritum accipit tributar; Pacuvius videri doctorem, qui esse doct. affectant, volunit.

In the age of Augustus, the writing of tragedies, whether original or imitations, seems to have been a quite fashionable occupation. The emperor himself attempted an Ajax, but did not succeed; and when his friends asked him, "Quidnam Aias ageret?" his reply was "Ajaem suum in spongrium inuducisse." One of the principal tragedies of this epoch was Asinius Pollio, to whom the line:

> *Sola Sophocle *i.e. carmina digina cathoruo*

is supposed to apply: he also excelled in other literary accomplishments. Ovid also wrote a tragedy, of which Quintilian says, "Ovidi Medea videtur mihi estenderi, quantum ille vir praestaret potius in genio suo temperare quam indulgere maluisset." His "Armorum judicium" between Ajax and Ulysses, on which Pacuvius and Accius also wrote dramas, proves that he might have rivalled Euripides in the technical skill. Quintilian also says of Varro, who was distinguished in epic as well as tragic poetry, that his Thyestes might be compared with any of the Greek tragedies. Some fragments of his Thyestes are extant, but we have no other remains of the tragedy of the Augustan age. The loss, perhaps, is not great; for the want of a national and indigenous mythology must have disabled the Roman poets from producing any original counterparts of the Greek tragedy; besides which, in the later days of the Republic, and under the Empire, the Roman people were too fond of gladiatorial shows, and beast-fights, and gorgeous spectacles, to encourage Moralia. It is also manifest that a tragedy like that of the Greeks could not have flourished under a despotism.

The only complete Roman tragedies that have come down to us are the ten attributed to the philosopher Seneca. But whether he wrote any of them or not is a disputed point. It is agreed that they are not all from the same hand, and it is doubtfu which are of the same age even. The one in which the heroines così die by throwing themselves from the stage, "eoram populo," in spite of the precept of Horace, Schlegel and others speak of them: "To whatever age they belong, they are, beyond description, bombastic and frigid, utterly unnatural in character and action, and full of the most revolting violations of propriety, and barren of all theatrical effect. With the old Greek tragedians, the heroines never appear in the exterior form, and the matter. Their persons are neither ideal nor real men, but misshapen giants of puppets, and the wire that moves them
TRIBULUS.

TRIBULUS, a corn-drag, consisting of a thick and ponderous wooden board, which was armed underneath with pieces of iron or sharp flints, and with javelins, spears, and swords. In battle. They may, however, nevertheless have existed with their name as guards of the camp, where they defended the walls and palisades, for which purpose they were armed, and were arrayed behind the princes.

In the time of Polybius, when Italy was already in 17 centuries no longer existed, the soldiers of the infantry were drawn up in four ranks, according to their age and experience, and the triarii now were 600 of the oldest veterans of a legion, and formed the fourth rank, where they were a kind of reserve. Their armour was the same as that of the hastati and principes, and consisted of a square shield, a short Spanish sword, two pila, a brass helmet with a high crest, and metal plates for the protection of the legs. (Vid. Army, Roman, p. 103.)

TRIBULA or TRIBULUM (tribulē), a corn-drag, consisting of a thick and ponderous wooden board, which was armed underneath with pieces of iron or sharp flints, and with javelins, spears, and swords. They were used when the grain was threshed, and James Meier, a celebrated Roman prince, brought the name tribula into use, because it was thought that it was necessary to prove that there had been an intention to murder the person who had been wounded; consequently, the name tribula consisted in such an intention.

Cases of this kind were brought before the Areopagus: if the accused was found guilty, he was exiled from the state and his property confiscate.

TREBONIA LEX. (Vid. Lex, p. 586.)

TRESVIRI. (Vid. Triumviri.)

TRIA RII is the name of a class of soldiers belonging to the infantry of the Roman legion. Niebuhr supposes that the name was derived from their being formed of the three heavy-armed classes, and not from their being placed in the third line of the battle array so that the triarii formed centuries, ten belonging to each class. Thus the triarii would have existed from the institution of the Servian centuries, but so long as the battle array of a legion resembled that of a Macedonian phalanx, the triarii could not be in the line.


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other party, either by throwing before them caltrops, which necessarily lay with one of their four sharp points turned upward, or by burying the caltrops with one point at the surface of the ground. 1 The preceding woodcut is taken from a bronze caltrop of the Roman army with two points upward and one outward. 2

*TRIBULUS (tribulon), an aquatic plant, producing a prickly nut having a triangular form, "Water-chestnut" or "Water-caltrops," the *Taura natu-, called by some *tribulon anfrons.

*TRIBUIUS (tribulos), a maritime plant figured in De Caelis, from which the ancient Romans derived their "Water-caltrops," 3 "Water-chestnut," and "Triangular chestnut." 4

II. Another prickly plant, growing among corn, the *Tribus tenestris, or Land-caltrops, called also *tribulus chestharen. 5

Tribunia, a raised platform, on which the praetor and judicis sat in the Basilica. It is described under Basilica, (p. 141).

There was a tribunal in the camp, which was generally formed of turf, but sometimes in a stationary camp, of stone, from which the general addressed the soldiers, and where the consul and tribunes of the soldiers administered justice. When the general addressed the army from the tribunal, the standards were planted in front of it, and the army placed round it in order. The address itself was called Allocutio. 6 (vid. Caesar, p. 223.)

A tribunal was sometimes erected in honour of a deceased emperor, as, for example, the one raised to the memory of Germanicus. 5

Pliny 7 applies the term to embankments against the sea.

TRIBUNICIA LEX. (vid. Tribunes.)

TRIBUNUS. This word seems originally to have indicated an officer connected with a tribe (tribus), or who represented a tribe for certain purposes; and this is indeed the character of the officers who were designated by it in the earliest times of Rome, and may be traced, also, in the later officers of this name. We subjoin an account of all the several officers of this description, known under this title.

TRIBUNES OF THE THREE ANCIENT TRIBES. At the time when all the Roman citizens were contained in the three tribes of the Rames, Titii, and Luceres, each of them was headed by a tribune (φίλαρχος), and these three tribes represented their respective tribes in all civil, religious, and military affairs; that is to say, they were in the city the magistrates, in the camp the army, and in the field the præcura on their behalf, and in times of war they were their military commanders. 8 Niebuhr 8 supposes that the *tribunus celurum was the tribune of the Rames, the oldest and noblest among the three tribes, and in this opinion he is followed by Götting, 10 though it is in direct contradiction to Dionysius 9 and Pomponius, 11 according to whom the tribune celurum was the commander of the celere, the king's body-guard, a statement which is rejected by Niebuhr without any ancient authority, except that Dionysius, in one passage, 12 vaguely speaks of tribuni celerum in the plural. That, however, the tribunus celurum was really distinct from the three tribes of the tribes, is acknowledged by Niebuhr himself in a subsequent part of his work. 13 In what manner the tribunus celurum was appointed is uncertain; but, notwithstanding the statement of Dionysius, that Tarquinius Superbus gave this office to L. Junius Brutus, it is much more probable that he was elected by the tribes; for we find that when the imperium was to be conferred upon the king, the comitia were held under the presidency of the tribunus celurum, and in the absence of the king, to whom this officer was next in rank, he convoked the comitia: it was in an assembly of this kind that Brutus proposed to deprive Marcus of the imperium. A law passed under the presidency of the tribunus celurum was called a lex tribunicae, to distinguish it from one passed under the presidency of the king (vid. Raisa Lex.). The tribunes of the three ancient tribes ceased to be appointed when these tribes themselves ceased to exist as political bodies, and when the patricians became incorporated in the local tribes of Servius Tullius. (vid. Tribus, Roman.)

TRIBUNES OF THE SERVIAN TRIBES.—When Servius Tullius divided the community into thirty local tribes, we again find that at the head of these tribes there was a tribune, whom Dionysius calls φιλαρχος, like those of the patrician tribes. 2 He mentions them only in connexion with the city tribes, but there can be no doubt that each of the rustic tribes was likewise headed by a tribune. The duties of these tribes, who were without doubt the most distinguished persons in their respective districts, appear to have consisted at first in keeping a register of the inhabitants in each district and of their property, for purposes of taxation, and for levy ing the troops for the armies. When, subsequently, the Roman people became exempted from taxes, the main part of their business was taken from them. From the year 416 B.C. the last of the thirty centuries of tribal courts, the tribuni milites, 8 supposes that the tribuni erarii, who occur down to the end of the Republic, were only the successors of the tribunes of the tribes. Varro 8 speaks of curatores omnium tribum, a name by which he probably means the tribunes of the tribes. When, in the year 406 B.C., the custom of giving pay (stipendium) to the soldiers was introduced, each of the tribes was obliged to elect officers to pay the private soldiers of its own tribe, and with it to pay the soldiers; and in case they did not fulfill this duty, the soldiers had the right of pignorium capio against them. 8 In later times their duties appear to have been confined to collecting the tributum, which they made over to the military quaestors who paid the soldiers. (Vid. Questor.) The lex Aurelia (70 B.C.) called the tribuni milites "officers of judicial functions, along with the senators and equestrians; the tribunes represented the body of the most respectable citizens." But of this distinction they were subsequently deprived by Julius Caesar. 8

TRIBUNI PLEBS. — The ancient tribes of the plebeian tribes had undoubtedly the right of conven ing the meetings of their tribes, and of maintaining the privileges granted to them by King Servius, and subsequently by the Valerian laws. But this protection was very inadequate against the insatiable ambition and usurpations of the patricians. When the plebeians, impoverished by long wars, and cruelly oppressed by the patricians, at last seceded, in the year 494 B.C., to the Mons Saecr, the patricians were obliged to grant to the plebeians the right of appointing tribunes (tribuni plebis) with more efficient powers to protect their own order than those which were possessed by the heads of the tribes. The purpose for which they were appointed was only to afford protection against abuse on the part of the patrician magistrates; and that they might be able to afford such protection, their persons were declared sacred and inviolable, and it was agreed that whoever acted against this inviolability should

TRIBUNUS.

be an outlaw, and that his property should be for-
feited to the Temple of Ceres. This decree seems
unnatural, and is, I think, the result of a misprint.
Their attempts to protect members of their own or-
der, had been subject themselves to insult and mal-
treatment; and that similar things occurred even
after the sanctity of the tribunes was established by
treaty, may be inferred from the fact that, some time
after the tribuneship was instituted, heavy punish-
ments were again enacted against those who should
venturé to address a tribune in the act of making
proposition to the assembly of the tribe.
The law
by which these punishments were enacted ordained
that no one should oppose or interrupt a tribune
while addressing the people, and that whoever
should act contrary to this ordinance, should give
bail to the tribunes for the payment of whatever
fine the assembly thought proper, and could in-
duct no other complaints, but could only make the
imposition of a fine to the commonalty (multam
irragare).
The tribe thus, in their origin, only a pro-
tecting magistracy of the plebs; but, in the course
of time, their power increased to such a degree that
it surpassed that of all other magistrates, and the
tribunes then, as Niebuhr justly remarks, became
magistrates for the whole Roman people, in oppo-
sition to the senate and the oligarchical elements
in general, although they had nothing to do with
the administration of the government. During the
latter period of the Republic they became true tyrants,
and Niebuhr justly compares their college, such as
it was in later times, to the National Convention of
France, and says, after having taken into consider-
ating the great and numerous abuses which were
made of the tribunitian power by individuals, the
greatest historians and statesmen confess that the
greatness of Rome and its long duration are in a
great measure attributable to the institution of this
office.

As regards the number of the tribunes of the
people, all the ancient writers agree (see the passa-
ges in Niebuhr) that at first they were only two,
though the accounts differ as to the names of the
first tribunes. Soon afterward, however, the num-
ber of tribunes was increased to five, one being
taken from each of the five classes. When this
increase took place is quite uncertain. According
to Dionysius, three new tribunes were added im-
diately after the appointment of the first two. Ci-
cero states, that the year after the institution of
the tribunes their number was increased to ten;
according to Livy, the first two tribunes, im-
diately after their appointment, elected themselves
three new colleagues; according to Piso, there
were only two tribunes down to the time of the
Pubbilian law. It would be hopeless to attempt to
certain what was really the case: thus much only
is certain, that the number was not increased
more than once, and that the number was never
increased by more than five at a time.
These
were taken from each of the five classes. This
number appears to have remained unaltered down
to the end of the Empire.

The time when the tribunes were elected was,
according to Dionysius, always on the 10th of De-
cember, although it is evident from Cicero that in
his time this was otherwise. This election took place s. d. xvi.
Kal. Sextil. (17 B.C.), according to Livy and Tacitus, but
was to state that none but tribuliani were eligible to the
office of tribune; hence, when, towards the end of the
epoch, the patricians wished to obtain the office,
they were obliged first to renounce their own order
and to become plebeians (vid. Petrius, p. 743); yet,
also, under the Empire, it was thought that
the princeps could not be tribune because he was
a patrician. But the influence which belonged to
this office was too great for the emperors not to
covet it. Hence Augustus was made tribune for
life. During the Republic, however, the old regu-
lations remained in force even after the tribunes
had ceased to be the protectors of the plebs alone.
The only instance in which patricians were elected
by the commonalty was when two had been added,
and this was probably the consequence of an attempt to
divide the tribunalship between the two orders.
Although nothing appears to be more natural than
that the tribunes should originally have been elect-
ed by that body of the Roman citizens which they
represented, yet the subject is involved in consid-
erable obscurity; but the decisive argument is that
they were elected by the comitia of the curies; the same
is implied in the accounts of Dionysius and Livy,
according to whom the comitia of the tribunes did not
obtain this right till the lex Publilin (472 B.C.).
Niebuhr thinks that, down to the Pubbilian law,
they were elected by the centuries, the classes of
which they are to some extent the representatives
in the curia, as Dionysius himself mentions in an-
other place, had nothing to do with the election
except to sanction it. The election in the comitia
of the centuries, however, does not remove the dif-
ficulties, whence Gobineau13 is inclined to think that
the tribunes, before the expiration of their office,
appointed their successors after consulting with
the people, which were the peculiarity of the
tribunes, as Niebuhr himself mentions in another
place.14
The necessity of the sanction by the curies cannot be doubted, but it ap-
ppears to have ceased even some time before the
Pubbilian law. After this time it is never heard of
again, and the election of the tribunes was left en-
tirely to the comitia tributa, which were convoked
and held for this purpose by the old tribunes pre-
vious to the expiration of their office. One of the
old tribunes was appointed by lot to preside at the
election. As the meeting could not be prolonged
after sunset, and the business was to be completed
in one day, it sometimes happened that it was
obliged to break up before the election was com-
pleted, and then those who were elected filled up
the register of the consuls without the collage.
But, in order to prevent this irregularity, the tri-
une L. Trebonius, in 448 B.C., got an ordinance
passed, according to which the college of the tri-
unes should never be completed by co-optation, but
the elections should be continued on the second
day, if they were not completed on the first, till
the number was made up.15

1. (Liv. iii., 30.—Dionys., x. 30.)—(vi, 69.—3. (Att. 1.,
ii. 30.—Ann. 1., 2.—Compare also Tib., 9; 23; Vesp., 12.—Tri.
ii. 5.—Dei, 6.—vi. 62.—5.—(Ascon. in Circ., Corn., p. 36, ed.
(iv., p. 96.)—4.—(Liv., iii., 33.—5.—(Gellius, xili., 32.—6.—(i., 614.)—7.—(i., n. 1356.—8.—Ascon. in Circ., Corn., p. 36, ed.
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tion of the tribunes was held originally and lawfully the Forum, afterward, also, the Campus Martius, the area of the Capitol.

We now proceed to trace the gradual growth of the tribunitian power. Although its original character was merely auxilia or defensores against patrician magistrates, the plebeians appear early to have regarded their tribunes also as mediators or arbiters in matters among themselves. This statement of Lydus¹ has been pointed out by Walter.² The whole power possessed by the college of tribunes was designated by the name tributaria potestas, and extended at no time farther than one mile beyond the gates of the city; at a greater distance than this they came under the imperium of the magistrates, like every other citizen.³ As they were the public guardians, it was necessary that every one should have access to them, and at any time; hence the doors of their houses were open day and night for all who were in need of help and protection, which they were empowered to afford against any one, even against the highest magistrates. For the same reason, a tribune was not allowed to be absent from the city for a whole day except during the Feriae Latine, when the whole people were assembled on the Alban Mount.⁴

In the year 456 B.C., the tribunes, in opposition to the consuls, assumed the right to convolve the Senate, and the latter were compelled to discuss the same;⁵ for until that time the consuls alone had the right of laying plebisca before the senate for approval. Some years after, 452 B.C., the tribunes demanded of the consuls to request the senate to make a senatus consultum for the appointment of persons to frame a new legislation, and during the discussions on this subject the tribunes themselves were present in the senate.⁶ The written legislation which the tribunes then wished can only have related to their own order; but as such a legislation would only have widened the breach between the two orders, they afterward gave way to the remonstrances of the patricians, and the new legislation was to embrace both orders.⁷ From the second convocative the tribuneship was suspended, but was restored after the legislation was completed, and now assumed a different character from the change that had taken place in the tribes. (Vid. Tribus, Roman.) The tribunes now had the right to be present at the deliberations of the senate;⁸ but they did not sit among the senators themselves, but upon benches before them. In cases of impeachment, when any of the tribunes was put upon trial for sedition, or the inviolability of the tribunes, which had before only rested upon a contract between the two estates, was now sanctioned and confirmed by a law of M. Horatius.⁹ As the tribes now included the patricians and their clients, the tribunes might naturally be asked to interpose on behalf of any citizen, whether patrician or plebeian. Hence the patricians exercised their appius laudum, implied in the protection of the tribunes.¹⁰ It seems that at this time the tribunes also acquired the right of taking the auspices in the assemblies of the tribes.¹¹ They also assumed again the right, which they had exercised before the time of the decemvirs, of bringing patricians who had violated the rights of the plebeians before the comitia of the tribes, as is clear from several instances.¹² Respecting the authority which a plebeius pugilis proposed to the tribes by a tribune received through the lex Valeria, see PLEBISCITUM. While the college thus gained outwardly new strength every day, a change took place in its influence. The former was only in the hands of the magistrates; now, the tribunes, by the power of their res gestae and势力, had assumed control of the senate, and had been the representatives of the whole people, they gradually obtained the right of intercession against any action which a magistrate might undertake during the time of his office, and this even without giving any reason for it.¹³ Thus we find a tribune preventing a consul from convoking the senate,¹⁴ preventing the proposal of new laws or elections in the comitia;¹⁵ and they interceded against the official functions of the censors,¹⁶ and even against a command issued by the praetor.¹⁷ In the same manner, a tribune might place his veto upon an ordinance of the senate,¹⁸ and thus either compel the senate to submit the subject in question to a fresh consideration, or to raise the session.¹⁹ Thus the tribune was in all cases where the people might themselves convocate a meeting;²⁰ or, when it had been convoked by a consul, they might make their proposal even in opposition to the consul, a right which no other magistrates had in the presence of the consuls. The senate, on the other hand, had itself, in certain cases, recourse to the tribunes. Thus, in 431 B.C., it requested the tribunes to convocate a consul to undergo a dietitia, in compliance with the decree of the senate, and the tribunes compelled the consuls to comply with the decrees of the senate, at non exempt in auctoritate senatus, and to execute its commands.²¹ In their relation to the senate, a change was introduced by the Plebiscitum Atinum, which ordained that a tribune, by virtue of his office, should be a senator.²² When this plebiscitum was made is uncertain, but we know that it was not yet in operation.²³ It probably originated with C. Atinus, who was praetor in Rome, of which C. Atinus, at least in later times, was the office which persons held previously to the tribuneship, and as the ques- torship itself conferred upon a person the right of a senator, the law of Atinus was in most cases a pernicious.

In their relation to other magistrates we may observe, that the right of intercessio was not con- fined to summon a magistrate to attend a dietitia, but they might even command their victorates and Viaros to seize a consul or a censor, to imprison him, or to throw him from the Tarpeian Rock.²⁴ It is mentioned by Labeo and Varro²⁵ that the tribunes, when they brought an accusation against any one before the people, had the right of prehensum.


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no, but not the right of vocatio; that is, they might command a person to be dragged by his viaticum before the comitia, but not to summon him. An attempt to account for this singularity is made by Gellius. They might, as in earlier times, propose a fine to be inflicted upon the person accused before the comitia, but in some cases they dropped this proposal, and treated the case as a capital one.

The college of tribunes had also the power of making edicts, as that mentioned by Cicero. In cases of urgent necessity, the magistrates often communicated with the magistratus; or, in some instances, the name of the tribunes, or the magistrates themselves, is given as having taken that step. In the latter cases, it is often said that they had been empolitcbly persisting on the part of the people.

From the time of the mortising law, the power of the tribunes had been gradually rising to such a height that there was no other in the state to equal it. whence Velleius even speaks of the imperium of tribunes. They had acquired the right of proposing to the comitia, or the Senate, measures on nearly all the important affairs of the state, and it would be endless to enumerate the cases in which their power was manifest. The proposal of any measures communicated to the Senate, to which it could be communicated to and approved by it; but cases in which the people themselves had a direct interest, such as a general legal regulation, the granting of the franchise, the alteration of the attributes of a magistrate, and others, might be brought before the people, without their having previously been communicated to the Senate, though there are also instances of the contrary. Subjects belonging to the administration could not be brought before the tribunes without the tribunes having previously received through the Consul the auctoritas of the Senate. This, however, was done very frequently, and hence we have mention of a number of plebeians of the lower class who were paid for the services they rendered to the State. (See a list of them in Winter, p. 132, n. 11.) Sometimes even occurs that the tribunes brought the question concerning the conclusion of a peace before the tribunes, and then compelled the Senate to ratify the resolution as expressing the wish of the whole people.

Sulla, in his reform of the constitution on the early aristocracy, left to the tribunes the right of sancntiand, and deprived them of the right of making legislative or other proposals, either to the Senate or the comitia, without having previously obtained the sanction of the Senate. (Vid. TRIBUS, ROMAN.) But this arrangement did not last, for Pompey restored to them their former rights.

During the later period of the Republic, when the office of quaestor was in most cases held immediately before that of tribune, the tribunes were generally elected from among the senators, and this continued to be the same under the Empire. Sometimes, however, equites also obtained the office, and thereby became members of the Senate, where they were considered as a separate class, distinct from the chief of the people, and therefore entitled to exist to the fifth century of our era, although their powers became naturally much limited, especially in the reign of Nero. They continued, however, to have the right of intercession

against decrees of the Senate and on behalf of freed individuals.

TRIBUNUS. E M CUM CONSULARI POTESTATE.—When the comitia met on the 445 B.C., the tribune C. Canuleius brought forward the rogation that the consuls should not be confined to either order, and the patricians evaded the attempt by a change in the constitution; the powers which had hitherto been united in the consulship were now divided between two new magistrates, viz., the tribuni militum cum consulari potestate. These consuls, and the three military tribunes, with consular power, were appointed, and to this office the plebeians were to be eligible with the patricians. In the following period, however, the people were to be at liberty, on the proposal of the Senate, to decide whether consuls were to be elected according to the old custom, or consular tribunes. Henceforth for many years, sometimes consuls and sometimes public amusements were appointed, and the number of the latter varied from three to four, until, in 405 B.C., it was increased to six, and as the censors were regarded as their colleagues, we have sometimes mention of eight tribunes. At last, however, in 367 B.C., the office of these tribunes was abolished as unnecessary to the welfare of the State, and was restored. These consular tribunes were elected in the comitia of the centuries, and undoubtably with less solemn auspices than the consuls. Concerning the irregularity of their number, see Niebuhr, u. 325.; p. 389, &c.—Compare Götting, p. 326, &c.

TRIBUNES OF THE PEOPLE were officers in the Roman armies. Their number in a legion was originally four, or, according to Varro, three, and they were appointed by the generals themselves. In the year 363 B.C., it was decreed that henceforth six of these military tribunes should always be appointed in the comitia, probably the comitia of the centuries. These tribunes were distinguished from those elected by the people (comitati) by the name of Ruffii. The number of tribunes in each legion was subsequently increased to six, and their appointment was sometimes left altogether to the consuls and praetors, though subsequently we find again that part of them were appointed by the people; and the consuls or praetors among the soldiers in the camp, in superintending their military exercises, inspecting outposts and sentinels, procuring provisions, settling disputes among soldiers, superintending their health, &c. Compare ARMY, ROMAN.

TRIBUNES VOLUNTARIOS were an officer who does not occur till after the time of Diocletian, and who had the supernumerary and sometimes public amusements, especially of theatrical performances.

TRIBUS (GREEK) (Φύλων, Φυλών). In the earliest times of Greek history, mention is made of people being divided into tribes and clans. Homer speaks of such divisions in terms which seem to imply that they were elements that entered into the constitution of communities and maintained the Agamemnon to arrange his army κατὰ φύλα, κατὰ φωτιας, so that each may be encouraged by the presence of its neighbours. A person not included in any clan (φωτιας) was regarded as a vagrant or outlaw. These divisions were rather natural than political, depending on family connexion, and arising out of those times when each head of a family ex-
erased a patriarchal sway over its members. The bond was cemented by religious communion, sacrifices, and festivals, which all the family or clansmen attended, and at which the chief usually presided. The aggregate of such communities formed a political society, which, when the hierarchies, the hierarchies, the holy cities, and the clans continued to exist, though, in the progress of civilization, they became more extended, and assumed a territorial or political rather than a fraternal character. The tribes were not, in general, distinctions between nobles and commons, unless the people were of different races, or unless there had been an accession of foreigners, who were not blended with the original inhabitants. It is, however, a general rule, there was no decided separation of tribe, much less of caste, between nobles and commons of the same race. Nor was there any such distinction as a sacerdotal order. The priestly function was in early times united to that of the king; afterward the priesthood of particular deities became hereditary in certain families, owing either to a supposed transmission of prophetic power, or to its being the case of the Phenicians, the Lamidse, or to accidental circumstances, as in the case of Telines of Gela, but the priests were not separated, as an order, from the rest of the people.

The most important distinctions of a class-like nature between people living under the same government, arose in those countries that were conquered by the migrations of the Thessalians, Boeotians, and Dorians in the century subsequent to the heroic age. The revolutions which they effected, though varying in different places according to circumstances, had in many respects a uniform character. The conquering body took possession of the country, and became its lords; the original inhabitants, reduced to subjection, and sometimes to complete vassalage or servitude, remained a distinct people or tribe from the conquerors, in the former built cities, usually at the foot of some citadel that had belonged to the ancient princes, where they resided, retaining their military discipline and martial habits; a rural population, consisting principally of the former natives, but partly, also, of the less warlike of the invaders, and partly of fresh emigrants invited or permitted by them to settle, dwell in the surrounding villages, and received the name of Πηρίοις. The condition of the Lacese-monian περίοικοι is spoken of under Περίοικοι. A similar class arose in most of the countries so colonized, as in Argos, Corinth, Elis, Crete, &c. But their condition varied according to the manner in which the invaders effected their settlement, and other circumstances and events prior or subsequent to that time. In many cases, the new-comer was received under a treaty, or upon more equitable terms, so that an union of citizenship would take place between them and the original inhabitants. This was the case in Elis, Messenia, Phlius, Troad. So the Cretans, who invaded Mileitus, mingled with the ancient Carians, and the Ionians with the Cretans and Carians of Colophon. In Megara, the ruling class, after a lapse of some time, amalgamated with the lower. In other places the περίοικοι were more degraded. Thus in Sicyon they were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expelled to were expul...
The armed men or warriors; the Argades, warrors or husbandmen; the Ἀγίκοινος and shepherds. It is difficult, however, to discover in the first name any such meaning, unless Ἀγίκοινος, and not Ἀγίκοις, be the true reading, in which case it has been supposed that this tribe might be a sacerdotal order, from ρηταῖον, used in its religious sense; or a peasantry who paid rent to the lords of the soil, from τελεῖν, in the sense to pay. Against the former of these interpretations it may be objected, that no trace of a priestly order is to be found in the Fourth Book of Attic history; and against the latter, that the word Ἀγίκοις would denote a similar class of people, unless we resort to another interpretation of the word Ἀργαδες, viz., artisans, who would hardly constitute a distinct tribe in so early a period of society. It may be observed, however, that Argades and Ἀγίκοινος might be taken to signify a local distribution of inhabitants, the former being the tillers of the ground, dwelling in the plains, the latter mountain eers; and this agrees very well not only with the known character of the country of Attica, but also with the division above mentioned as having existed in the reign of Cranias, viz., Mesogea and Dia- cris. There is no more difficulty in the one case than in the other; in supposing that some of the tribes were demarcated from the local occupations, while others owed their names to other circumstances. Argades and Ἀγίκοινος might be the old inhabitants, according to their previous division, while the other tribes might be the Ionic settlers, Ἱππολετος, the most warlike portion of them, Seleontes, the great body, so called from a son of Seleus, was the Ionic name of the tribe, and kept the ancient nobility, as distinguished from the Ionic settlers. Whatever be the truth with respect to the origin of these tribes, one thing is more certain, that before the time of Theseus, whom historians agree in representing as the great founder of the Attic commonwealth, the various people who inhabited the country continued to be dissected and split into factions.

Theseus in some measure changed the relations of the tribes to each other, by introducing a gradation of ranks in each; dividing the people into Ἐπικαράδιος, Ἱουνόροι, and Δυναστείζονες, of whom the first were nobles, the second agriculturists or yeomen, and the last, such as had no settled occupation, at the same time, in order to consolidate the national unity, he enlarged the city of Athens, with which he incorportated several smaller towns, made it the seat of government, encouraged the nobles to reside there, and surrendered a part of the royal prerogative in their favour. The tribes of Phili were divided, either in the age of Theseus or soon after, each into three γαργαται (a term equivalent in fragments, and analogous in its political relation to the Roman curia), and each γαργατα into thirty γεών (equivalent to the Roman gentes), the members of a γεών being called γερηνταῖοι or ὑμαχαλταῖοι. Each γεών was distinguished by a particular name of a patronymic form, which was derived from some hero, and not from Ἀγίκοις, be the true reading, in which case these divisions, though the names seem to import family connexion, were in fact artificial, which shows that some advance had now been made towards the establishment of a closer political union. The members of the γαργαται and γεών had their respective religious rites and festivals, which were preserved long after these communities had lost their political importance, and perhaps prevented them from being altogether dissolved.

The relation between the four Ironic tribes and

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the three classes into which Theseus divided the nation, is a difficult and perplexing question. It would appear, from the statements of ancient writers on the subject, that each of the four tribes was divided into Eupatridae, Geomori, and Demurgi; which is confirmed by the fact that the four Phylai are, according to Thirlwall, Siphnoi, Ionians, Naxians, and Aegaeans, taken from the Eupatridae, but, at the same time, one from each tribe. (Vid. Phylororilieus. This, as Thirlwall has remarked, can only be conceived possible on the supposition that the distinctions which originally separated the tribes had become merely nominal; but Malden, who rejects the notion that the four Ionic tribes were castes deriving their name from their employment, supposes that the Demurgi and Geomori were divided alone, and that the latter were divided into four phylai, like the patricians at Rome into three. The Geomori and Demurgi had therefore, according to his supposition, nothing to do with the tribes. This view of the subject would remove many difficulties, and is most in accordance with the subsequent history and political analogies in other states, but seems hardly supported by sufficient evidence to warrant us in receiving it.

After the age of Theseus, the monarchy having been first limited and afterward abolished, the whole power of the state fell into the hands of the Eupatridae or nobles, who held all civil offices, and had, besides, the management of religious affairs, and the interpretation of the laws. Attica became agitated by the abolition of the Phyle, and most fertile part of the country; the second, the smaller landowners and shepherds; the third, the trading and mining class, who had by this time risen in wealth and importance.

To appease their discord, Solon was applied to, and thereupon framed his celebrated constitution and code of laws. Here we have only to notice that he retained the four tribes as he found them, but abolished the Phyle, and divided the people into four classes, or, at all events, greatly diminished their importance, by introducing his property qualification, or division of the people into Partes of the body politic.

The enactment of Solon continued to be the law at Athens, though in a great measure suspended by the tyranny, until the democratic reform effected by Cleisthenes. He abolished the old tribes, and created ten new ones, according to a geographical division of Attica, and named after ten of the ancient heroes: Erechtheis, Agis, Pandionis, Leontis, Acmanitis, Eumelis, Cerygos, Hippothontis, Eanetis, Antiochis. These tribes were divided each into ten phylai, the number of which was afterward increased by subdivision; but the arrangement was so made that several phylai not contiguous or near to one another were joined to make up a tribe. (Vid. Damus.) The object of this arrangement was, that by the breaking of old associations, a perfect and lasting revolution might be effected in the habits and feelings, as well as the political organization of the people. He allowed the ancient aftertis to exist, but they were deprived of all political importance. All foreigners admitted to the citizenship were registered in a phyle and demos, but not in a phratia or genos; whence Aristophanes says, as a taunting mode of designating new cities, that they have no phrata, or only barbarous ones (quoted by Niebuhr). The functions which had been discharged by the old tribes were now mostly transferred to the phylai. Among others, we may notice that of the forty-eight nukkrapias into which the old tribes had been divided for the purposes of taxation, which now became useless, the taxes being collected on a different system. The reforms of Cleisthenes were destined to be permanent. They continued to be in force (with some few interruptions) until the downfall of Athenian independence. The ten tribes were blended with the whole machinery of the constitution. Of the senate of Five Hundred, fifty were chosen from each tribe. The allotment of Domestics was according to the number of tribes, the number of each of which was observed in most of the principal offices of state, judicial and magisterial, civil and military, as that of the demeritis, loguatria, polialia, tamaia, teikstos, filiarchis, stratagous, etc. In B.C. 307, Demetrius Poliorcetes increased the number of tribes to twelve by creating two new ones, namely, Antigoni as and Demetrias, which afterward received the names of Philemata and Acta; and a thirteenth was subsequently added by Hadian, bearing his own name.

The preceding account is only intended as a brief sketch of the subject, since it is treated of under several other articles, which should be read in conjunction with this. (Vid. Civilis, Greek; Demus, Phylars) Phylororileus, &c.)

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The three ancient Roman tribes, the Ramnes, Titii, and Luceres, or the Ramnenses, Titenses, and Lucerenses, to which the patricians alone belonged, must be distinguished from the thirty plebeian tribes of Servius Tellius, which were entirely local, four for the city, and twenty-six for the country around Rome. The history and organization of the three ancient tribes are spoken of under Patrici. They continued of political importance almost down to the time of the decemviral legislation, but after this time they no longer occur in the history of Rome, except as an obsolete institution.

The institution and organization of the thirty plebeian tribes, and their subsequent reduction to twenty by the conquests of Porcena, are spoken of under Plebe, p. 768-783. The four city tribes were called by the same name as the regions which they occupied, viz., Suburana, Esquilina, Collina, and Palatina. The names of the sixteen country tribes which continued to belong to Rome after the conquest of Porcena, are in their alphabetical order as follow: Amilia, Camilia, Cornelia, Fabia, Galeria, Horatia, Lemania, Menenio, Pappia, Polia (which Niebuhr thinks he derived from the name of the Pobilia, which was instituted at a later time), Papius, Pappia, Romilia, Sergia, Veturia, and Volstina. As Rome gradually acquired possession of more of the surrounding territory, the number of tribes also was gradually increased. When Appius Claudius, with his numerous train of clients, emigrated to Rome, lands were assigned to them in the district where the Anio flows into the Tiber, and a new tribe, the tribus Claudia, was formed. This tribe, which Livy (if the reading is correct) calls etus Claudia tribus, was subsequently enlarged, and was then designated by the name Crustumina or Crustulina. This tribe is the first instance of a country tribe.
by th. legislation itself, the comitia tributa, insted of a merely plebeian, became a national assembly insomuch as henceforth patricians end freeborn clients were incorporated in the tribes, and thus obtained the right of taking part in their assemblies. 3
This new constitution of the tribes also explains the otherwise unaccountable phenomena mentioned in the article Tribuni, that patricians sought the protection of the tribunes, and that on one occasion even two of the tribunes were patricians. From the latter fact it has been inferred, with great prob ability, that about that time attempts were made by the patricians to share the tribuneship with the plebeians. But, notwithstanding the incorporation of the patricians in the tribes, the patricians remained essentially plebeian, as the same causes which would have acted had the patricians been included in the tribes by Servius Tullius were still in operation; for the patricians were now even fewer in number than two centuries before. Hence the old name of plebeiscitum, which means originally a resolution of the plebeians only, although in a strict sense of the word no longer applicable, was still retained, as a resolution of the comitia tributa was practically a resolution of the plebes, which the patricians, even if they had voted against it unanimously, could not have prevented. Moreover, owing to this, the patricians probably attended the comitia tributa very seldom.

I. The Election of Magistrates.—The comitia tributa had only the right of electing the magistrates minorcs. 4 The tribuni plebs were elected by them from the time of the Pubilian law (ed. Rein). They had power to vote on all questions which were put to them, and on all points of the law which were raised in their presence. They also had the power of giving the vote in a new comitia tributa, whenever they chose. But, although they were thus very powerful, they were not allowed to vote on any new comitia tributa, which was then the case at first, without the consent of a certain number of the magistrates. They were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people. Their influence was equal to that of the patricians, and they were thus very powerful, and could not be easily influenced by the wishes of the people."
and afterward without the sanction of the cœtes, the senate, or the centuries, which were originally the real legislative assembly. (Vid. Fleiscitum.) It should, however, be observed, that even at the time when plebsicita became binding upon the whole nation, there occur many cases in which a plebis-
citum is based upon and preceded by a senatus con-
sultum, and we have to distinguish between two kinds of plebsicita: 1. Those relating to the ad-
mittance of the Republic into the war, which naturally belonged to the senate, since those which con-
ferred the imperium, appointed extraordinary com-
misions and questions, dispensed or exempted persons from existing laws, decided upon the fate of conquered towns and cities, and upon the af-
airs of provinces in general, &c. These were al-
ways based upon a senatus consultum, which was laid down for the tribunes by the tribunes. 2. Plebsicita relating to the sovereignty and the rights of the people naturally required no senatus consultum, and in general none is mentioned in such cases. Ple-
bsicita of this kind are, for example, those which
grant the civitas and the sufragium, and those which concern a great variety of subjects connected
with social life and its relations. The tribunes also
had the power of abolishing old laws. 1 The per-
mission to enter the city in triumph was originally
granted to a general by the senate; but the comitia
tributa began in early times to exercise the same
right, and at last they granted such a permission even
without a senatus consultum. 2 The right of
deciding upon peace and war with foreign nations
was also frequently usurped by the tribes, or per-
mitted to them by a senatus consultum. In the
times of Sulla, the legislative powers of the tribes were
entirely abolished; but of this change we shall
speak presently.

III. The jurisdiction of the tribes was very limited,
as they had only jurisdiction over those who had
violated the rights of the people, while all capital
offences belonged to the comitia centuriata. In
case of a violation of the popular rights, the tribes or
ediles might bring any one, even patricians, be-
fore the comitia tributa, but the punishment which
they inflicted consisted only in fines. In course of
time, however, they became a court of appeal from
the sentence of magistrates in any cases which were
not capital. Magistrates also, and generals,
were sometimes, after the term of their office had
expired, summoned before the tribes to give an ac-
count of their proceedings. 3

Private individuals were tried by them in cases for
which the laws had made no provisions. (Com-
pared to the Tribunes.)

The place where the comitia tributa assembled
might be either within or without the city, although
in the latter case not more than a mile beyond the
gates, as the powers of the tribes did not extend
further. 4 For elections, the Campus Martius was
the usual place of meeting, 5 but sometimes also the
Forum, 6 the area of the Capitol, 7 or the Circus Flau-
mius. 8

The usual presidents at the comitia tributa were
the tribunes of the people, who were assisted in their functions by the ediles. No matter could be
brought before the tribes without the knowledge
and the consent of the tribunes, 9 and even the

1. (Cic. ad Att., iii. 23.—Id. De Invenit., i., 45, &c.)—2. (Appian, De Bell. Civ., i., 31.—Id. v., 35, &c.)—Id. x., 37.—Id. xxi., 21.—Dion Cass., xxxxx., 65.—Plut., Ajax, 4, &c.)—3. (Appian, De Bell. Civ., i., 39, &c.)—Id. ibi., xxxi., 36.—Id. De Leg. III., 8, &c.)—Id. xxvi., 10.—Id. De Bell. Civ., i., 31.—Dion Cass., xxxxi., 31.—Gracch., 3, &c.)—7. (Cic. ad Att., i., 16.—Id. (Livy, xxvii., 10.—Id. xiii., 10.—Id. ad Att., i., 3, &c.)
tribus prae rogat situa or prae rogatione, the others jure vocata. In the tribus prae rogativa some man of eminence usually gave his vote first, and his name was recorded in the resolution. Out of the votes of each tribe a suffragium was made up, that is, the majority in each tribe formed the suffragium. So that, on the whole, there were thirty-five suffragia. (Compare Diss.Nos.) When the counting of the votes had taken place, the reventiatio followed, that is, the result of the voting was made known. The president then dismissed the assembly, and he himself had the obligation to see that the resolution was carried into effect. If, in the meantime, the opinions of the augurs, like that of the centurialia, might be interrupted by a variety of things, such as obnuntiatio, sunset, a tempest, the intercession or veto of a tribune, the morbus comitialis, &c. In such cases the meeting was adjourned to another day. If the elections could not be completed in one day, they were continued on the day following; but if the assembly had met in a judicature, the centurialia could not be changed in the reventiatio; the case was decided in favor of the defendant, equivalent to an acquittal. If everything had apparently gone on and been completed regularly, but the augurs afterward discovered that some error had been committed, the whole resolution, whether it was on an election, on a legislative or judicial question, was divided, and the whole business had to be done over again.

What we have said hitherto applies only to the comitia tributa as distinct from and independent of the comitia centurienta. The latter assembly was, from the time of its institution by Servius Tullius, in reality an aristocratic assembly, since the equites and the first class, by the great number of their centuries, held the votes of the other classes scarcely came into consideration. (Vid. Praxm. p. 783.) Now, as patricians and plebeians had gradually become united into one body of Roman citizens, with almost equal powers, the necessity must sooner or later have become manifest that a change should be introduced into the comitia centurienta, which in favor of the democratic principle, which in all other parts of the government was gaining the upper hand. The object of this change was perhaps to constitute the two kinds of comitia into one great national assembly. But this did not take place. A change, however, was introduced, as is manifest from the laws, and the mass of the western writers, and as is also admitted by all modern writers. As this change was connected with the tribes, though it did not affect the comitia tributa, we shall here give a brief account of it. But this is the more difficult, as we have no distinct account either of the event itself, or of the nature of the change, or of the time when it was introduced. It is therefore no wonder that nearly every modern writer has touched upon these points entertains his own peculiar views upon them. As regards the time when the change was introduced, some believe that it was soon after the establishment of the Republic, others that it was established by the laws of the Twelve Tables, or soon after the decemviral legislation; while some others believe that it existed with Dion in B.C. 341, and it appears to be manifest that it did not take place till the time when the number of the thirty-five tribes was completed, that is, after the year B.C. 341, per-

This article discusses the changes in Roman legal and political institutions, focusing on the role of the tribunus and the comitia tributa and centurienta. It notes the transition from an aristocratic assembly to one that better reflected the democratic principle. The text also mentions the introduction of the comitia centurienta and the eventual unification of the patricians and plebeians into a single body of Roman citizens. The article concludes with a discussion of the time when this change was introduced, with references to historical texts and scholars.
Tributary relationship of C. Caesar, who decided upon peace and
war himself in connexion with the senate. He
also had the whole of the legislation in his hands,
through his influence with the magistrates and the
tribunes. The people thus retained nothing but the
election of magistrates; but even this power was
much limited, as Caesar had the right to appoint
half the magistrates himself, with the exception of
the consuls. And as, in addition to this, he recog-
nized to the people those candidates whom he
wished to be elected: and who would have opposed
his will? After the death of Caesar the comitia
continued to be held, but were always more or
less, the obedient instruments in the hands of the
rulers, whose unlimited powers were even recog-
nised and sanctioned by them. Under Augustus
the comitia still sanctioned new laws and elected
the sovereign power formerly possessed by the
people was a mere farce, for they could not venture to elect
any other persons than those recommended by the
emperor. Tiberius deprived the people of this delu-
sive power, and conferred the power of election
upon the senate. When the elections were made
by the senate, the result was announced to the
people assembled as comitia centuriata or tributa.
When a comitia centuriata or classis was
announced a majority of the comitia assembled
entirely, and was completely in the hands of the sen-
ate and the emperor. Caligula placed the comitia
again upon the same footing on which they had
been in the time of Augustus; 
but this regulation was soon abandoned, and everything was left as it
had been arranged by Tiberius. From this
time the comitia may be said to have ceased to exist, as
all the sovereign power formerly possessed by the
people was conferred upon the emperor by the lex
regia. (Vid. Regia Lex.) The people only assem-
bled in the Campus Martius for the purpose of
receiving information as to who had been elected
or appointed as its magistrates, until at last even
this announcement (renuntiatio) appears to have ceased.
In addition to the works mentioned in the course
of this article, the reader may consult Unterholzer,
De Mutata Centuriatorum Comit. a Servio Tullio
Regis Instituto Ratione, Breslau, 1835. — G. C
Th. Franchise, De tribunatu, de curriari acte Cen-
triarum Ratione, Schleswig, 1824. — Huschke,
Die Verfassung des Servius Tullius, 1838. — Hildmann,
Romische Grundverfassung. — Rubino, Untersuchun-
gen über die Röm. Verfassung, 1839. — Zugap, Uber
die Abstimmung der Informationen. Vesta Centuri
TRIBUTARIA COMITAT. (Vid. Tribunus, Roman.)
TRIBUTORIA ACTIO. (Vid. Servius, Roman, p. 884.)

TRIBUTUM is a tax which, as Niebuhr sup-
poses, was at first only paid by the plebeians, since
the name itself is used by the ancients in con-
nection with the Servian tribes; for Varro says
'tributum dictum a tribus,' and Livy, 'tribus ap-
pellatur, omne bene tributum'; but this seems to be par-
tially correct, as Livy expressly states that
the patres also paid the same tax. It is, indeed, true,
that the patricians had little real landed property,
and that their chief possessions belonged to the
agrit publicus, which was not accounted in the con-
sensus as real property, and of which only the
tiles had to be paid, until, at a late period, an
alteration was attempted; but this seems to be a
reason for supposing that the patricians did not pay

1 (Cic., Philp., ii. 32. — Pet. o. a. Praevar. — Pseudo-
xxv. 10. — Liv. xlv. 26. — Pseudo-
Deo-Solut. De Rep. Ordin. 2. 6.) — 3. (Cic., Philp., i. 1. — Com-
At Liv. xlvii. 23. — Pseudo-
Asconius, in C. Ver. 20.; 21.) — 5. (Pseudo-
Deo-Solut. De Rep. Ordin. 2. 6.) — 6. (Cic., Philp., i. 1. — Com-
At Liv. xlvii. 23. — Pseudo-
18. — Id. 21. 46. — Id.
— Sufo Juv. 15. 51. — Id. De Leg. iii. 9. — Liv., Epit. 89. — Apian.
App. Bell. Civ., 119, 98.)

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TRICLINIUM.

The tributum upon their real property, although the greater part of it naturally fell upon the plebeians.1 The impost itself varied according to the exigencies of the state, and was partly applied to cover the expenses of war, and partly those of the fortifications of the city. The usual amount of tax was one quinarius for every thousand of a man’s fortune,2 though in the time of Cato it was raised to three in a thousand. The tributum was not a property-tax in the strict sense of the word, for the accounts respecting the plebian debtors clearly imply that the debts were not deducted in the valuation of a person’s property, so that he had to pay the tributum upon property which was not his own, but which he charged to the state, as a kind of act of reclamation during the meal. When so prepared for an entertainment they were called trunci stratus, and they were made to correspond with one another in substance, in dimensions, and in shape.3 As each guest leaned during a great part of the entertainment upon his left elbow, so as to leave the right arm at liberty, and as two or more lay on the same couch, the head of one man was near the breast of another, it is possible that he was therefore said to lie in the bosom of the other.4 Among the Romans, the usual number of persons occupying each couch was three, so that the three couches of a triclinium afforded accommodation for a party of nine. It was the rule of Varro,5 that the number of guests ought not to be less than that of the couches, more often than not, as many as four lay on each of the couches.6 The Greeks went beyond this number: Cicero says they lay crowded by fives (see woodcut, p. 326), or packed even still more closely.7 The oikos triakontaallon8 may be supposed to have received about ninety guests at a time, there being ten triclinia, and nine guests to each couch. In the couches, if we represent a symposium or drinking-party, we always observe that the couches are elevated above the level of the table. This circumstance throws some light upon Plutarch’s mode of solving the problem respecting the increase of room for the guests as they proceeded with their meal.9 Each man, in order to feed himself, must have laid aside the pillow, and be stretched out his hand towards the table; but afterward, when his hunger was satisfied, he turned upon his left side, leaning on his elbow. To this Horace alludes in describing a person satièd with a particular dish, and turning in order to repose upon his elbow.10

We refer the relative positions of two persons who lay next to one another commonly expressed by the prepositions super or supra, and infra. A passage of Livy,11 in which he relates the cruel conduct of the consul L. Quintius Flamininus, shows that infra aliquem cubare was the same as in sinu aliquius cubare, and, consequently, that each person was considered as below him to whose breast his own head appropriately belonged. It is impossible to explain the denominations both of the three couches and of the three places on each couch.

Supposing the annexed arrangement to represent the plan of a triclinium, it is evident that, as each guest reclined on his left side, the countenances of all, when in this position, were directed, first, from No. 1 towards No. 3, then from No. 3 towards No. 5, and after No. 5 towards No. 9; that the guest No. 1, in the sense explained, above No. 2, No. 3 below No. 2, and so of the rest; and that, going in the same direction, the couch to the right


TRICLINIUM.

TRICLINIUM.

**TRIÆRARCHIA.**

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<th>Lectus Imus</th>
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Band was above the others, and the couch to the left hand below the others. Accordingly, the following fragment of Sallust\(^1\) contains the denominations of the couches as shown on the plan: "Igitur discubueram: Spectorius (i.e., No. 6) inferior in medio; super eum L. Fabius Hispaniensis senator ex proscriptis (No. 5); in summo Antonius (No. 1); et infra scriba Sertorius Verus (No. 2); et alter scriba Maceinas (No. 8) in imo, medius inter Tuscum (No. 7) et dominum Perpennam (No. 9)." On the same principle, No. 1 was the highest place (locus summus) on the highest couch; No. 3 was locus imus in lecto summo; No. 2 locus mediis in lecto summo; and so on. It will be found that in the following passage\(^2\) the guests are enumerated in the order of their accubation—an order exhibited in the annexed diagram.

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<th>Vibia</th>
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<th>Nonnata</th>
<th>Nasidicus</th>
<th>Forsius</th>
<th>Fundanus</th>
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<td></td>
<td>Mena</td>
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Fundanus, one of the guests, who was at the top relatively to all the others, says, "Summus ego et prope me Viscus Thaurus, et infra, Si memini, Varius: cum Servili Baelatone Vibiadas, quos Maceinas adduxerat umbras. Nomenantius erat super ipsum, Forsius infra."\(^2\)

It is possible that Maceinas ought to be in the place No. 4 instead of No. 5, since the entertainment was given more especially in honour of himself, and No. 4 was an honourable place. The host himself, Nasidicus, occupies the place No. 8, which was usually taken by the master of the feast, and was a convenient situation for giving directions and superintending the entertainment. Unless there be an exception in the instance of No. 4, it is to be observed that at each table the most honourable was the middle place.\(^3\)

The general superintendence in the dining-room in a great house was intrusted to a slave called viiciæarchæ, who, through the instrumentality of other slaves of inferior rank, took care that everything was kept and procured in proper order.

**TRIÆDENS.** (Vid. Ferdin.)

**TRIÆDRACHMON.** (Vid. Drachm.)

**TRIÆNS.** (Vid. As, p. 110.)

**TRIÆRARCHIA (τριπαρχία).** This was one of the extraordinary war-services or liturgies (vid. Lecturaea) at Athens, the object of which was to provide for the equipment of the ships belonging to the state. The persons who were charged with it were called τριπαρχοι, or triarchers, as being the captains of triremes, though the name was also applied to persons who bore the same charge in other vessels. It existed from very early times in connexion with the forty-eight nautaeums of Solon and the fifty of Cleisthenes, each of which corporations appears to have been obliged to equip and man a vessel. (Compare Ναυκρατία.) Under the constitution of Cleisthenes the ten tribes were at first severally charged with five vessels. This charge was, of course, superseded by the later forms of the triarchery, explained in the course of this article.

1. The services to which the triarchers were liable.—What these were probably to 358 B.C. there can be no doubt. Equipment was furnished by host city, though sometimes a wealthy and patriotic individual served in his own ship. Cleinas, for instance, did so at Artemision;\(^4\) but as it is particularly recorded that this ship was his own, we may infer that he supplied at his own cost what the state was bound to provide. The same custom prevailed during the Peloponnesian war also. The 100 ships prepared and reserved at the beginning of the war for any critical emergency, were supplied by the state.\(^5\) In the expedition against Sicily,\(^6\) the state furnished the hull of the vessel (σαρκὶ κενὸν) and the pay of the crews, a drachma per day for each man; but the equipment of the ships was at the cost of the triarchers, who also gave ἔπιφαρσι,\(^7\) or additional pay, to secure the best men. The same conclusions are also deducible from the credit which a triarcher took for himself for saving his vessel, when the latter lost her ships at Εγοσποταμί,\(^8\) and from the farther statement, that he paid the sailors out of his own pocket. From the threat of Cleon,\(^9\) that he would (ὡς στραγγάγω) make an adversary a triarcher, and give him an old ship with a rotten mast (ηττίναι σαρκὶν), it appears that the state furnished the hull and mast also, but that the triarcher was bound to keep and return them in good repair: an obligation expressed in the inscriptions quoted by Böckh,\(^8\) by the phrase δεὶ τὴν σαρκὶν δόξαν καὶ ηττίλη παραδοθῆναι. Consequently, the statement in the oration against Midias,\(^9\) that when Demosthenes was quite young (B.C. 364) the triarchers paid all the expenses themselves (τὰς ἀναλήματα ἐκ τῶν λιθῶν), only implies that they defrayed the expenses which were customary at that time, and which were afterward diminished by the regulation of the synnomiae; but not that they supplied the ship, or pay and provisions for the crew. The whole expenditure, says Böckh,\(^9\) means nothing more than the equipment of the vessel, the keeping it in repair, and the procuring the crew, which was attended with much trouble and expense, as the triarchers were sometimes obliged to give bounties in order to persuade private persons to serve for pay without being admissible. From the oration of Demosthenes against Polyceles (B.C. 361), we learn the following particulars about the triarchery of that time. The triarchers were obliged to launch their ship; the sailors were supplied from particular parishes (δήμου), through the agency of the demarchi; but those supplied to Apolloeorus, the client of Demosthenes, were but few and inefficient in war, and having mortgaged his estate (τὸ κεχανεῖται τὸν οἴκον), and hired the best men he could get, giving great bounties and premiums (προδώσεις). He also equipped the vessel with his own tackle and furniture, taking nothing from the public stores (ἐκ τῶν δημοσίων ὀφείλειν Ἀλκαῖον. Compare the Speech on the Crown of the Triarchery).\(^1\) Moreover, in consequence of his sailors deserting when he was out at sea, he was put to additional and heavy expenses in his own pockets in different ports. The provision for the sailors (ἀρτοφασία) was pro-

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TRIERARCHIA.

vided by the state and paid by the strategi, and so, generally speaking, was the pay for the marine (ἐπιτάρχον); but Demosthenes' client only received it for two months; and as he served for five months more than his time (from the delay of the elect), he was obliged to advance it himself for fifteen months, with but an uncertain prospect of repayment. Other circumstances are mentioned which made his trierarch very expensive, and the whole speech is worth reading, as showing the unfairness and hardship to which a rich man was sometimes subjected; and even the marine, the state, having discovered that he took no furniture from the public stores proves that at that time (B.C. 361) the trierarchs were fitted out and equipped from the public stores, and consequently by the state; but, as we learn from other passages in Demosthenes and the inscriptions in Böckh, 1 the trierarchs were obliged to return in good condition any articles which they took; in default of doing so, they were considered debtors to the state.

That the ship's furniture was either wholly or in part supplied by the state, also appears from another speech: 2 but trierarchs did not always avail themselves of their privilege in this respect, that they might have no trouble in settling with the state. It is also certain that the state, at least during B.C. 360, the only expenses binding upon the trierarchs were those of keeping in repair the ship and the ship's furniture; but even these might be very considerable, especially if the ship were old, or exposed to hard service or rough weather. Moreover, some trierarchs, whether from ambitious or patriotic motives, put themselves in considerable expense and secured their ships, from which the state derived an advantage. Sometimes, on the other hand, the state suffered by the trierarchs performing their duties at the least possible expense, or letting out their trierarchy (μισθοῦσα τὴν λειτουργίαν) to the contractor who offered the lowest tender. 3 One consequence of this was, that the duties were ineptly performed; but there was a greater evil connected with it, namely, that the contractors repaid themselves by privateerring on their own account, which led to reprisals and letters of marque being granted against the state. (Vid. Syll.) 4 It seems strange that the Athenians tolerated this, especially as they were sometimes insufficient to pay the costs of the war, and punish the trierarchs who had let out their trierarchy considering it as a desertion of post (λειτουργόν). 5

We may here observe, that the expression in Iseus, 6 that a trierarch "had his ship made himself" (τὴν ναῦν ποιήσας), does not mean that he was at the cost of building it (ναυποινιός), but only of fitting it up and getting it ready for sea. That the ships always belonged to the state is farther evident from the fact that the senate was intrusted with the inspection of the ship-building, 7 and is placed beyond all doubt by the "Athenian Navy List" of the inscriptions in Böckh. 8 Some of the ships there mentioned are called ἀνωτάκτωρως, whence it appears that the public vessels were assigned by lot to the respective strategi. A τειχισμός and a ship presented to the state as a free gift, just as τειχίσθην ἐπιτάρχου means to present the state with a trireme. 9 The duration of a trierarchy was a year, and if any trierarch served longer than his legal time, he could charge the extra expenses (τὸ ἐπιτραρχόγραφος) to his successor. To recover these expenses, an action (ἐπιτραρχόγραφος

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These synteia of fifteen persons each seem to have been also called symmoria by Hyperides. It appears, however, that before Demostenes carried a new law on this subject (B.C. 340), it had been customary for sixteen persons to unite in a symteneia or company for a ship, who bore the burden in proportion to the amount they could pay. We are informed that the members of the symmoria had been by that time raised from 1200 to 1250, or that some alterations had taken place in their internal arrangements, of which no account has come down to us. From the phrase εκ των εν τοις λόγοις συντελείων, used in the κατάλογος, it would also seem that the word λόγος was used of civil as well as military divisions, and, in this instance, of the symmoria. The system was, however, one of the hands of the 300 wealthiest members, who were therefore called the "leaders of the symmoria" (ὑγεμόνες τῶν συμμορίων), on whom the burdens of the trierarchy chiefly fell, or, rather, ought to have fallen. The services performed by individuals under this system appear to have been the same as before: the state still provided the ship's tackle (i.e., the σύμβασις και στήριξις καὶ σχεδίων, and other things), and some stringent enactments were made to compel the trierarchs to deliver it up according to the inventory taken of it (τὸ διάγραμμα τῶν σκευῶν), either at Athens or to their successors sent out by the symmoria. This conclusion, that the vessel was equipped by the state, is confirmed by Demostenes, and in the oration against Midias he says, referring to the oath that the state provided the crew and the state gave the ship to the man who had provided the tackle, that the state provided the crew and the furniture. The only duty, then, of the trierarchs under this system was to keep their vessels in the same repair and order as they received them. But even from this they managed to escape: for the wealthiest members, who had to serve for their symteneia, let out their trierarchies for a talent, and received that amount, as well as their partners (συντέλεις), so that, in reality, they paid next to nothing, or, at any rate, not what they ought to have done, considering that the trierarchy was a ground of exemption from other liturgies. It does not appear from the orators how the different synteneia appointed the trierarchs who were to take charge of their vessels; but it was probably left to themselves, without being regulated by law. No doubt great irregularities of the symmoria are thus (rhetorically perhaps) described by Demostenes: "I saw your navy going to ruin, and the rich escaping with little cost, and persons of moderate income losing their property, and the city losing the opportunities of action, and the trieremes not being equipped in sufficient time to meet an emergency, and therefore I proposed a law," etc. The changes he meant to effect by it are related in his oration concerning the symmoria (B.C. 354), and are as follows: he proposed to add 800 to the 1200 συντελεία, making the whole 2000, so that, subtracting all those who could claim exemption as minors, orphans, &c., there might always remain 1200 persons (σώματα) to serve. These were to be divided into 20 symmoria of 60 each. This was the old system; each of these was to be subdivided into five divisions of twelve persons each, one half rich and the other poor (ἐστιν τάν νομίσματα), so as to form altogether 100 smaller symmoria. The number of trieremes, according to this scheme, was to be 300, classed in 20 divisions of 15 ships: each of these divisions was to be assigned to one of the 20 larger symmoria, so that each of the smaller would receive three; and in case of 300 ships being required, four trierarchs would be appointed to each. Moreover, each of the great symmoriae was to receive the same amount of the public stores for equipment, in order that they might apportion it to the smaller symmoria. The regulations for other purposes were, the generals to divide the dockyards into ten parts for 30 ships' stations (νείκουσι) adjacent to each other, and to assign each of these parts to a tribe, or two large symmoriae of 30 ships. These ten parts were to be subdivided into thirds, each of which was to be assigned to a third part (τριτέρια) of the tribe to whom the whole was allotted, so that each third was to receive one tenth of the dockyard. This put into practice does not appear, but it seems that it was not, for the mismanagement of the trierarchy appears to have continued till Demostenes carried his law about the "Trierarchy according to the Valuation." One of the chief evils connected with it was, that the trieremans were never equipped in time; and as Demostenes complains of this in B.C. 352, we may conclude that his proposal fell to the ground. But these evils were too serious to remain without a remedy; and therefore, when the orator was the ἐπιστάτης τοῦ ναυτικοῦ, or the superintendent of the Athenian navy, he brought forward and carried a law for altering and improving the system of the symmoriae and companies, the members of which no longer called themselves trierarches, but partners (συντέλεις), thereby introducing a new name. The naval services required from every citizen were to depend upon and be proportional to his property, or, rather, to his taxable capital (τίμημα: vid. Euphron), as registered for the symmoria of the property taxes, the rate being one trireme for every ten talents of taxable capital, up to three triremes and one auxiliary vessel (υποαρχή) for the largest properties: i.e., no person, however rich, was required to furnish more. Those who had not ten talents in taxable capital were to club together in synteneia till they had made up that amount; and if the valuation of the year of Nausimicus (B.C. 379) was still in force, the taxable capital (for the highest class) was one fifth of the whole. By this law great changes were effected. All persons paying taxes were rated, and it was evident that the poor were benefited by it, and the state likewise: for, as Demostenes says, those who had formerly contributed one sixteenth to the trierarchy of one ship were now trierarches of two, in which case they must either have served by proxy, or done duty in successive years. He adds that the consequences were highly beneficial. During the whole war, carried on after the law was in force, the trierarchy imploded the aid of the people (ἐκπέμψαν θηρεύσας), or took refuge in a temple, or was put into prison by the persons whose duty it was to despatch the fleet (οἱ ἀσστολεῖς), nor was any trireme lost at sea, or lying idle in the docks for want of stores and tackle, as under the old system, when the service (τὸ λειτουργεῖν) fell on the poor. The duties and services to which the trierarchs were subject under the new law were probably the same as under the third form of the trierarchy, the symmoria.

On the relation which, in this system, the cost of a trierarchy bore to the property of a trierarch, Böckh makes the following remarks, which may be verified by a reference to Euphron: "If we reckon that, as formerly, it cost about a talent, the total expense of the trierarchy, for 100 trieremans, is calculated to an equivalent number of talents, or a sixtieth, a thirtieth, and a twentieth of the value.

1. (Harpocr. s. v.—Compare Dem., De Symm., 153.)—2. (Dem., Pro Cor., 261.)—3. (Böckh, Pelt. Econ. of Athens, ii. p. 346—Urkunden, &c., 151.)—4. (De Cor., 261.)—5. (Dem., Pro Cor., 259.)—6. (Eur. et Athen., 1145.)—7. (De Symm., 183.)—8. (I. c.)
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Dom of Attica; i.e., for the first class one third, two thirds, and one per cent. of their property: for the poorer a proportionally less amount: and of the others, a third, as a tenth part of the property, 23, 63 and ten per cent for the most wealthy.

But we may reckon that Athens at that time had not more than 100 or 200 tripes at sea, very seldom 300; so that this tax-was not, for the richest class, amount, on an average, to more than one third, and two thirds per cent. of their property.

This arrangement of Demosthenes was calculated for the number 500 persons serving in person would be necessary to the chief burden must have fallen upon the leaders of the former symmoria. The year of passing this law Böck fixes at B.C. 340 or 339. How long it remained in force is uncertain. In the speech for the Crown (B.C. 330), where much is said on the subject of the triarchy, it is neither mentioned that the law was in existence, nor that it was repealed; but Demosthenes says that Scisichion was bribed by the leaders of the symmoria to nullify it.

It appears, then, that the triarchy, though the most expensive of the liturgies, was not of necessity oppressive, if fairly and economically managed, though this, as has been before observed, was not always the case.

With respect to the amount of property which rendered a man liable to serve a triarchy or syn- triarchy, Böck observes, "I am aware of no instance of liability arising from a property of less value than 500 minae: and as an estate of one or two talents never obliged the possessor to the performance of any liturgy, the assertion of Isaeus, that many had served the office of triarch or triarchy whose property was not more than 80 minae, obliges us (if true) to suppose that public-spirited individuals were sometimes found to contribute to a triarchy (rather, perhaps, to a syntrierarchy) out of a very small property.

The disadvantages which in latter times resulted from the triarchers not being ready for sea by the time for sailing, were in early times prevented by their appointments being made beforehand, as was the case with the triarchers appointed to the 100 ships which were reserved at the beginning of the Peloponnesian war against an attack upon Athens by sea.

The appointment to serve under the first and second forms of the triarchy was made by the strategi; and in case any person was appointed to serve a triarchy, and thought any one else (not called upon) was better able to bear it than himself, he offered the latter an exchange of his property (vid. Antiochus), subject to the burden of the triarchy.

In cases of extreme hardship, persons became suppliants to the people, or fled to the altar of Artemis at Mynychia. If not ready in time, they were liable to imprisonment (δυσχέρας δισμούς). Thus, on one occasion, the triarchers were, by a special decree, subjected to imprisonment if they were not on the pier (χώρα) by the end of the month; on the contrary, whoever got his ship ready first was to be rewarded with the "crown of the triarchy," so that, in this way, considerable emula and competition were produced. Moreover, the triarchers were ἔπικαινοι, or liable to be called to account for their expenditure, though they applied their own property to the service of the state.

But they also received money out of the treasury for various disbursements, as the pay of the soldiers and sailors, and the extra hands (βρασιτοι): thus, on one occasion, each triarch is stated to have received 30 minae, i.e. τριώμων. 1 The triarchers may also have been considered ἐπικαινοί, from being required to show that they had performed their duties properly. The sacred tripes, the Paralus and Salamin, had special treasures (vid. Tamiyl, p. 950) appointed to them, and, on the authority of Ulpinus, it has been believed that the state acted as triarch for each of them; but in the inscriptions and above, the triarchers are called by χώρα, and made between the triarchers of the Paralus and other vessels, and therefore it would seem that the state appointed triarchers for them as well as for other vessels, and provided out of the public funds for these expenses only which were peculiar to them.

IV. On the exemption from the triarchy: — By an ancient law, in force B.C. 385, no person (but minors and females) could claim exemption from the triarchy, who were of sufficient wealth to perform it, not even the descendants of Harmodius and Aristogiton. But from Isaeus it appears that, in the time of the single triarchy, no person could be compelled to serve a second time within two years after a former service (δύο ηε̃ς διακήρυξεν). The rest of the time the triarchy was a ground of exemption from the other liturgies, any of which, indeed, gave an exemption from all the rest during the year next following that of its service.

But all property was not subject to the service, as we learn from Demosthenes, who tells us that a person was exempt if ἀπολύτωρ, or unable to serve from the want of a ship. The term was applied to ship-owners, cleruchs, and corporate bodies. Of course, an heiress could only claim exemption while unmarried. Wards, also, were free from all liturgies during their minority, and for a year after their dωματία. By κληροχοί are meant colonists, who, while absent by the command of the state, could not perform a triarchy. This exemption admits of doubt, but it probably means the property of joint tenants, as brothers or co-heirs, which had not yet been apportioned to them; or it may refer to monies invested in partnership. Moreover, though the proper duration of a triarchy was a year, it was legally dissolved if the general furnished no pay to the sailors to whom it was put, and, though it was being impossible to keep the sailors together. 1

V. On the legal proceedings connected with the triarchy. — These were either between individual triarchers, or between triarchers and the state, and therefore in the form of a Diádicasia. They generally arose in consequence of a triarcher not delivering up his ship and her rigging in proper order, either to his successor or to the state. If alleged that the loss or damage of either happened from an accident, he was said σχολυρίσατο κατα χειλον ἁπόλοι- λεως, and if his plea were substantiated, ἔδωκεν ἐν τῷ δικαιώματι κ. τ. λ. Vessels or furniture on which a trial of this kind had been held, were said to be διαδεδίδομεν. The presence of the courts which tried matters of this kind were vested in the strategi, and so sometimes in the superintendents of the dockyard, in conjunction with the ἀντιστέλες. The senate also appears to have had a judicial power in these matters: e. g., we meet in various inscriptions with the phrase πρὸς τῶν τριαρχίων, ἐν τείνιρως ἢ δια- 1. (Dem., De Coron. Trier., 1231, 14.) — 2. (Polio, Onom., viii., 116.) — 3. (Aem., de Suls, 658.) — 4. (Urkahanes, de, 165.) — 5. (Dem., c. Lapt., 6.) — 6. (De Apollon, herm., 67.) — 7. (Dem., c. Lapt, 459 and 464.) — 8. (Dem., Symm., 186.) — 9. (Lydias, de Durg., 629.) — 10. (Polio, Onom., viii., 116.) — 11. (Dem., c. Polyl., 1269.)

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Böckh conjectures that the triers-of-ships of whom this is said had returned their ships in such a condition that the state might have called upon them to put them in thorough repair or to rebuild them, at a cost for an ordinary trireme of 5000 drachmas. Supposing that they were not released from this liability by any decree of a court of justice, and that the rebuilding was not completed, then the argument is that it must have been competent (in a clear and flagrant case) for the senate to have inflicted upon them the penalty of twice 5000 drachmas, the technical phrase for which was "doubling the trireme." The phrase ὀμολογήσαι τριπόλοι καθινὴ ἀπόδοσις, which occurs in inscriptions, does not apply to an undertaking for giving a new trireme, but merely for putting one in a complete state of repose. The phrase τριπόλοι, to lay an information against a vessel, is used, not of a public ship, but of a private vessel, engaged, perhaps, in smuggling or privateering.

TRIOBOLON (τριοβολων). (Vid. Smith, p. 891.)

*TRIGLA (τρίγλα), a fish, the red Sarrumlet, or Mullus barbatus, l. It is from six to nine inches long, and was a great favourite with the ancient epicures.

TRIGON. (Vid. PilA.)

TRILIX. (Vid. TelA. p. 956.)

TRINUNDINUM. (Vid. NundINe. p. 668.)

TRIOBOLON (τριόβολον), or τριβόλον ἔλαιατος, was the fee of three oboli which the Athenian citizens received for their attendance as dicasts in the courts of the heliaca, whereas it is also called ἀλόος δικαικασίας, or τὸ δικαστικόν. This pay had been first introduced by Pericles. It is generally supposed from Aristophanes, who makes Striestaides say that for the first obolus he ever received as a dicast he bought a toy for his son, that at first the δικαστικόν was only one obolus. According to the scholiast on Aristophanes, the pay was subsequently increased to two oboli, but this seems to be merely an erroneous inference from the passage of his author. Three oboli, or the τριβόλον, occurs as early as B.C. 425 in the comedies of Aristophanes, and is afterward mentioned frequently. Böckh has inferred from these passages that the tribolon was introduced by Cleon about B.C. 421; but G. Hermann has disputed this opinion, at least so far as it is founded upon Aristophanes, and thinks that the pay of three oboli for the dicasts existed before that time. However this may be, thus much is certain, that the pay of the dicasts was not the same at all times, although it is improbable that it should ever have been two oboli. The payment was made after every assembly of a court of hellasae by the colacrites in the following manner. After a citizen had been appointed by lot to act as a judge in a particular court, he received, on entering the court, together with the staff (βακτρία ὄρος), a tablet or ticket (σιμάλος). After the business of the court was over, the dicast, on going out, delivered his ticket to the prytanes, and received his fee in return. Those who had come too late had no claim to the tribolon. The annual amount of these fees is reckoned by Aristophanes at 150 talents, a sum which is very high, and can, perhaps, only be applied to the most flourishing times of Athens.

TRIPLICA'TIO. (Vid. Acto, p. 19.)

*TRIPOLION (τριπόλιον), a pant. Serapion and Avicenna call it Turbith, which, however, is said by Actitarius to be the root of the Alpia. Sprengel says the Armenians and their commentators committed a great mistake in confounding the Turbith with the Tripolium. He is disposed to think the Plumbum Eupoea, or Leadwort. Sibthorp, however, holds it to be the Stoxes 

TRIPOS (τριπός), a tripod, i.e., any utensil or article of furniture supported upon three feet, more especially

I. A three-legged table (vid. Massa, page 693.) The first woodcut at p. 276 shows such a table in use. Its three supports are richly and tastefully ornamented. Various single legs (trapezophora), wrought in the same style out of white marble, red porphyry, or other valuable materials, and consisting of a lion's head or some similar object at the top, and a foot of the same animal at the bottom, united by intervening foliage, are preserved in the British Museum, and in other collections of antiquities. The tripod used at entertainments to hold the Cesars (p. 319) had short feet, so that it was not much elevated. These tables were probably sometimes made to move upon castors.

II. A pot or caldron used for boiling meat, and either raised upon a three-legged stand of bronze, as is represented in the woodcut, p. 678, or made with its three feet in the same piece. Such a utensil was of great value, and was sometimes offered as a prize in the public games.

III. A bronze altar, not differing, probably, in its original form, from the tall tripod caldron already described. In this form, but with additional ornament, we see it in the annexed woodcut, which represents a tripod found at Frejus. That this was intended to be used in sacrifice may be inferred from the bull's head, with a fillet tied round the horns, which we see at the top of each leg.

All the most ancient representations of the sacred tripod exhibit it of the same general shape, together with three rings at the top to serve as handles (οφαστα). Since it has this form on all the coins and other ancient remains which have any reference to the Delphic oracle, it has been with sufficient reason considered that the tripod from which the Pythian priestesses gave responses was of

this kind. The right-hand figure in the preceding woodcut is copied from one published by K. O. Müller,1 founded upon numerous ancient authorities, and designed to show the appearance of the oracular tripod at Delphi. Besides the parts already mentioned, viz., the three legs, the three handles, and the vessel or caldron, it shows a flat, round plate, called κάνος, on which the Pythia seated herself in order to give responses, and on which lay a laurel leaf at other times. This figure also shows the position of the Κόρτνα, which, as well as the caldron, was made of very thin bronze, and was supposed to increase the prophetic sounds which came from underneath the earth.2

The celebrity of this tripod produced innumerable imitations of it,3 called triphysic tripods.4 They were made to be used in sacrifice, and still more frequently to be presented to the treasury both in that place and in many other Greek temples. (Vid. Donaria.) Tripods were chiefly dedicated to Apollo5 and to Bacchus. Partly in allusion to the fable of the rape of a tripod from Apollo by Hercules, and the recovery of it by the former, the tripod was one of his usual attributes, and often represented continually on coins and ancient marbles which have a relation to him. Of this we have an example in the bas-relief engraved on p. 78, which also exhibits two more of his attributes, the lyre and the plectrum. In conformity with the same ideas, it was given as a prize to the conquerors at the Pythian and other games, which were celebrated in honour of Apollo.6 On the other hand, the theatre at Athens being considered sacred to Bacchus, the successful choræus received a bronze tripod as the appropriate prize. The choragic monuments of Thrasyllus and Lysicrates, the ornamental fragments of which are now in the British Museum, were erected by them to preserve and display their prize tripods, or at least some of the figures on such occasions. We find, also, that a tripod was sometimes consecrated to the Musæ7 and to Herocles.8

A tripod, scarcely less remarkable than that from which the Pythia delivered oracles, and consecrated to Apollo in the same temple at Delphi, was that made from the spoils of the Persian army after the battle of Plataia. It consisted of a golden tripod supported by a three-headed bronze serpent.9 The golden bowl having been removed, the bronze serpent was taken to Constantinople, and is probably the one which was seen there by Spon and Wheler in 1675. The first figure in the following woodcut is copied from Wheler's engraving of it.10 He says it was about fourteen or fifteen feet high.

The use of bronze tripods as altars evidently arose, in a great degree, from their suitableness to be removed from place to place. We have an example of this mode of employing them in the scene which is represented in the woodcut on p. 897. To accommodate them as much as possible to this purpose, they were sometimes made to fold together into a small box or a cistern, which could be understood from an inspection of the following woodcut. The right-hand figure represents a tripod in the British Museum. A patera or a plain metallic disk was laid on the top when there was occasion to offer incense. Many of those movable folding tripods may be seen in museums, proving how common they were among the Romans.

Another species of tripods deserving of notice are those made of marble or hard stone. One was discovered in the villa of Hadrian, five feet high, and therefore unsuitable to be used in sacrifice. It is very much ornamented, and was probably in order merely to be displayed as a work of art.

TRIPOS, Wheat. "Sprengel remarks, that the Triticum rubrum and astecum are indicated by the πῦρ χειμοσφορίων καὶ τρίπυρος of Theophrastus, ἡ. It is the πῦρ σατιάσεως of Dioscorides. The finest kind of wheat was called αὐλίγυρα by the Greeks, and αὐλίγυρα by the Romans; the second sort in quality was called σμαράγδης by the Greeks, and σμαράγδης by the Romans; the third sort was called συγκόμωσα and αὐλίγυρως by the Greeks, and αὐλίγυρως by the Romans; the last kind was called πτερίγυρα."

TRITUS (ῥήτωρ). (Vid. Sacrificium, p. 846.)

TRITTUS (ῥήτωρ). (Vid. Tribus, Greek, p. 1003.)

TRIUMPHUS, a solemn procession, in which a victorious general entered the city in a chariot drawn by four horses. He was preceded by the captives and spoils taken in war, was followed by his troops, and after passing in state along the Via Sacra, ascended the Capitol to offer sacrifice in the Temple of Jupiter.

Such displays have been so universal among all warlike tribes from the earliest times, and are so immediately connected with some of the strongest passions of the human heart, that it would be as useless as it is impossible to trace their origin historically. It is scarcely necessary to advert to the fancies of those ancient writers who refer their first institution to the mythic conquests of Bacchus in the East, or need we attach much importance to the connexion between triumphus and θρησκεία, according to the etymology doubtfully proposed by Varro.5 Rejoicings after a victory, accompanied by processions of the soldiery with their plunder, must have been prevalent with the existence of the Romans as a nation; and, accordingly, the return of Romulus with spolia opima, after he had defeated the Cæninnenses and slain Acro his king, is described by Dionysius6 with all the attributes of a regular triumph. Plutarch7 admits that this event was the origin of and first step towards the triumph of after-times, but censures Dionysius for the state-
TRIUMPHUS.

That (Plin., Liv., A) was legitimate (9)—

and this, we find that the first triumph recorded by Livy is that over the Sabinies by Tarquinius, who, according to Vergilius, wore upon this occasion a robe of cloth or gold. Whatever conclusion we may form upon these points, it is certain that, from the first dawn of authentic history down to the extinction of liberty, a regular triumph (justus triumphus) was recognized as the summit of military glory, and was the cherished object of ambition to every Roman general. A triumph might be granted for successful achievements either by land or sea, but the latter were comparatively so rare that we shall for the present defer the consideration of the naval triumph.

After any decisive battle had been won, or a war subsumed by a series of successful operations, the emperor forwarded to the senate a laurel-wreathed dispatch (littera laureata), containing an account of his exploits. If the intelligence proved satisfactory, the senate decreed a public thanksgiving. (Vid. Suppl.Invocation.) This supplication was so frequently the forerunner of a triumph, that Cato thought it necessary to remonstrate Cicero that it was done in vain, and that the senate, in the future, must exclude the general, with his army, repaired to Rome, or ordered his army to meet him there on a given day, but did not enter the city. A meeting of the senate was held without the walls, usually in the Temple of Bellona or Apollo, that he might have an opportunity of urging his pretensions in person, and made the most of the occasion by contrasted the most jealous care. The following rules and restrictions were, for the most part, rigidly enforced, although the senate assumed the discretionary power of relaxing them in special cases.

1. That no one could be permitted to triumph unless he had held the office of dictator, of consul, or of praetor. Hence a triumph was not allowed to P. Scipio after he had expelled the Carthaginians from Spain, because he had commanded in that province "sine ullo magistratu." The honours granted to Pompey, who triumphed in his 24th year (B.C. 81), before he had held any of the great offices of state, and again ten years afterward, while still a simple equus, were altogether unprecedented. 2. That the magistrate should have been actually in command when the victory was gained and when the triumph was to be celebrated. This regulation was insisted upon only during the earlier ages of the commonwealth. Its violation commenced with Q. Publius Philo, the first person to whom the senate ever granted a "prorogatio imperii" after the termination of a magistracy, and theenceforth proconsuls and procurators were permitted to triumph after the termination of the office. 3. An impossible time the event was of rare occurrence. It was long held, however, that it was necessary for the "prorogatio imperii" to follow immediately upon the termination of the magistracy, for a triumph was refused to L. Lentulus, who succeeded P. Scipio in Spain, on the ground that, although he had been formerly praetor, his imperium had not been continued uninterrupted from the period when the command expired, but had been renewed "extra ordinem" after a lapse of some years. But towards the close of the Republic this principle was entirely abandoned. Consuls and praetors seldom quitted the city until their term of office had expired, and when, at any subsequent period, they entered upon the government of a province, either in regular rotation or "extra ordinem," they enjoyed the full status, and all the privileges of proconsuls and propraetors. The position of Pompey when sent against the pirates, and afterwards against Mithradates, and of Cicero when he went to Cilicia, will be sufficient to illustrate the point. 3. That the war should have been prosecuted or the battle fought under the auspices, and in the province, and with the troops of, the general seeking the triumph; and hence the triumph of the praetor Furius was considered irregular and imperfect. Thus, if a victory was gained by the legatus of a general who did not belong from the army, the honour of it did not belong to the former, but to the latter, inasmuch as he had the auspices.

4. That at least 5000 of the enemy should have been slain in a single battle, that the advantage should have been positive, and not merely a compensation for some previous disaster; and that the loss on the part of the Romans should have been small compared with that of their adversaries. By a law of the tribune M. Minucius and M. Cato, penal laws were imposed upon any imperator who should be found guilty of having made false returns to the senate, and it was ordained that, so soon as they returned to the city, they should be required to attest the correctness of such documents upon oath before the city question. It is clear that these provisions could never have existed during the poetical age, and have been continued for some centuries; and even when wars were waged upon the most extensive scale, we find many instances of triumphs granted for general results, without reference to the numbers slain in any one engagement.

5. That the war should have been a legitimate contest against public foes (justae hostilisque bellis), and not a civil contest. Hence Catulus celebrated no triumph over Legidius, nor Antonius over Catilina, nor Cinna and Marius over their antagonists of the Sullan party, nor Cesar after Pharsalia; and when he did subsequently triumph after his victory over the sons of Pompey, it caused universal disgust. Hence the line in Lucan: "Bella geri placuit nullus habitura triumphos." (Vid. Qatari.)

6. That the dominion of the state should have been extended, and not merely something previously lost regained. Hence Fulvius, who won back Caere after his return to Roman, did not receive a triumph. The absolute acquisition of territory does not appear to have been essential.

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49, but this and similar cases must be regarded as examples of peculiar favour.

The senate claimed the exclusive right of deliberating upon all these points, and giving or withholding the honour sought, and they, for the most part, exercised the privilege without question, except in times of great political excitement. The sovereignty of the people, however, in this matter, was asserted at a very early date, and a triumph is said to have been voted by the tribes to Valerius and Horatius, the consuls of B.C. 446, in direct opposition to the resolution of the fathers, and in a similar manner to C. Marcianus Rutilius, the first plebeian dictator, while L. Postumius Megellus, consul B.C. 294, celebrated a triumph although resisted by the senate and seven out of the ten tribunes. Nay, more, we read of a certain Appius Claudius, consul B.C. 143, who, having persisted in celebrating a triumph in defiance of both the senate and people, was accompanied by his daughter (or sister) Claudia, a vestal virgin, and by her interposition saved from being dragged from his chariot by a tribune. A disappointed general, however, seldom ventured to resort to such violent measures, but satisfied himself with going through the forms on the Alban Mount, a practice first introduced by C. Papirius Maco, and thus noticed in the Capitoline Fasti: C. Papirius Maco 'put on the triumphal dress, and entered the city, amidst the acclamations of the populace, which were especially remarkable either on account of their beauty or rarity being disposed in such a manner as to be seen distinctly by the crowd. Boards were borne aloft on furla, on which were painted, in large letters, the names of vanquished nations and countries. Here, too, models were exhibited, in ivory, in which were the cities and forts captured, and pictures of the most stately and magnificent buildings, the most remarkable structures in general, as the result of the great natural features of the subjegated region, with appropriate inscriptions. Gold and silver in coin or bullion, arms, weapons, and horse-furniture of every description, statues, pictures, vases, and other works of art, precious stones, elaborately wrought and richly-embroidered stuffs, and every object which could be regarded as valuable or curious. 4. A body of flute-players. 5. The white bulls or oxen destined for sacrifice, with gilded horns, decorated with infuscate and sert, attended by the slaughtering press with their implements, and followed by the Camilli bearing in their hands paterae and other holy vessels and instruments. 6. Elephants reared as strange animals, natives of the conquered districts. 7. The army in imitation of the leaders of the foe. 8. The leaders themselves, and such of their kindred as had been taken prisoners, followed by the whole band of inferior captives in fetters. 9. The corone and other tributes of respect and gratitude bestowed on the emperor by allied kings and states. 10. The Victories wearing the crowns of the cities and the modern states, in imitation of the four emperors of the Roman world, who had been deified, since by so doing he would ipso facto have forfeited all claim. We have a remarkable example of this in the case of Cicero, who, after his return from Cicilia, lingered in the vicinity of Rome daily after day, and dragged about his lectors from one place to another, without entering the city, in the vain hope of a triumph. Such were the preliminaries, and it only now remains to describe the order of the procession. This, in ancient days, was sufficiently simple. The leaders of the enemy and the other prisoners were led along in advance of the general's chariot; the military standards were carried before the troops, who followed laden with plunder; banquet were spread in the midst of every door, and the populace brought up the rear in a gold- or silver-braided, with good cheer, chanting songs of victory, jeering and bantering as they went along with the pleasantries customary on such occasions. But in later times these pageants were marshalled with extraordinary pomp and splendour, and presented a most gorgeous spectacle. Minute details would necessarily be different according to circumstances, but the general arrangements were as follows. When the day appointed had arrived, the whole population poured forth from their abodes in holyday attire; some stationed themselves on the steps of the public buildings in the Forum and along the Via Sacra, while others mounted scaffolds erected for the purpose of commanding a show. The temples were all thrown open, garners of flour were thrown upon the shrine and image, and incense smoked on every altar. Meanwhile the emperor called on each of his soldiers, delivered an oration commending their valor, and concluded by distributing rewards to the most distinguished, and a sum of money to each individual, the amount depending on the value of the spoils. He then ascended his triumphal chariot and advanced to the Porta Triumphalis (where this gate was is a question which we cannot here discuss), where he was met by the whole body of the senate, headed by the magistrates. The procession then defiled in the following order:

1. The senate, headed by the magistrates. 2. A body of trumpeters. 3. A train of carriages and chariots, each drawn by a pair of horses, the animals in each case being especially remarkable either on account of their beauty or rarity being disposed in such a manner as to be seen distinctly by the crowd. 4. Boards were borne aloft on furla, on which were painted, in large letters, the names of vanquished nations and countries. Here, too, models were exhibited, in ivory, in which were the cities and forts captured, and pictures of the most stately and magnificent buildings, the most remarkable structures in general, as the result of the great natural features of the subjegated region, with appropriate inscriptions. Gold and silver in coin or bullion, arms, weapons, and horse-furniture of every description, statues, pictures, vases, and other works of art, precious stones, elaborately wrought and richly-embroidered stuffs, and every object which could be regarded as valuable or curious. 4. A body of flute-players. 5. The white bulls or oxen destined for sacrifice, with gilded horns, decorated with infuscate and sert, attended by the slaughtering press with their implements, and followed by the Camilli bearing in their hands paterae and other holy vessels and instruments. 6. Elephants reared as strange animals, natives of the conquered districts. 7. The army in imitation of the leaders of the foe. 8. The leaders themselves, and such of their kindred as had been taken prisoners, followed by the whole band of inferior captives in fetters. 9. The corone and other tributes of respect and gratitude bestowed on the emperor by allied kings and states. 10. The Victories wearing the crowns of the cities and the modern states, in imitation of the four emperors of the Roman world, who had been deified, since by so doing he would ipso facto have forfeited all claim. We have a remarkable example of this in the case of Cicero, who, after his return from Cicilia, lingered in the vicinity of Rome daily after day, and dragged about his lectors from one place to another, without entering the city, in the vain hope of a triumph. Such were the preliminaries, and it only now remains to describe the order of the procession. This, in ancient days, was sufficiently simple. The leaders of the enemy and the other prisoners were led along in advance of the general's chariot; the military standards were carried before the troops, who followed laden with plunder; banquet were spread in the midst of every door, and the populace brought up the rear in a gold- or silver-braided, with good cheer, chanting songs of victory, jeering and bantering as they went along with the pleasantries customary on
brows were encircled with a wreath of Delphic laurel, in addition to which, in ancient times, his body was painted bright red. He was accompanied in his chariot by his children of tender years, and sometimes by very dear or highly-honoured friends, while behind him stood a public slave holding over his head a golden Etruscan crown ornamented with jewels. The presence of a slave in such a place, at such a time, seems to have been intended to avert "invia" and the influence of the evil eye, and for the same purpose a fascinum, a little bell, and spears were attached to the vehicle. Tertullian tells us that the slave ever and anon whispered in the ear of the emperor the warning words "Respice post te, hominem memento," and his statement is copied by Zonaras, but is not confirmed by any earlier writer. Isidorus, misunderstanding Pliny, imagines that the slave in question was a common executioner. 12. Behind the chariot, or on the boxes which drew it, rode the grown-up sons of the emperor, together with the legati, the tribuni, and the equites, all on horseback. 13. The rear was brought up by the whole body of the infantry in marching order, their spears adorned with laurel, some shouting in Triumph, and singing hymns to the gods, while others proclaimed the praises of their leader, or indulged in keen sarcasms and coarse ribaldry at his expense for the most perfect freedom of speech was granted and exercised. The arrangement of the procession, as given above, is taken, with some changes, from the treatise of Onuphrius Panvinius, De Triumpho, in the 9th volume of the Thesaurus of Gravinius. The different particulars are all collected from the accounts transmitted to us of the most celebrated triumphs, such as that of Pompey in Appian, of Paulus Emilius in Pintarch, and in Livy, of Vespasian and Titus in Josephus, and of Camillus in Zonaras, together with the remarks of Dionysius, Servius, and Juvenal. 5. Just as the pomp was ascending the Capitoline Hill, some of the hostilechiefs were led aside into the adjoining prisons and put to death, a custom so barbarous that we could scarcely believe that it existed in a civilized age were it not attested by the most unquestionable evidence. Pompey, indeed, refrained from perpetrating this atrocity in his third triumph, and Aurelian, on like occasion, spared Zenobia, but these are quoted as exceptions to the general rule. When it was announced that these murders had been completed, the victims were then publicly led from the prison. From the pulpit from which he was sentenced to Jupiter, the laurel wreath was deposited in the lap of the god, the emperor was entertained at a public feast along with his friends in the temple, and returned home in the evening preceded by torches and pipes, and escorted by a crowd of citizens. Plutarch and Valerius Maximus say that it was the practice to invite the consuls to this banquet, and then to send a message requesting them not to come, in order, doubtless, that the emperor might be the most distinguished person in the company. The whole of the proceedings, generally speaking, were brought to a close in one day; but when the quantity of plunder was very great, and the troops very numerous, a longer period was required for the exhibition, and thus the triumph of Flamininus continued for three days in succession. But the glories of the emperor did not end with the show, nor even with his life. It was customary (we know not if the practice was invariable) to provide him, at the public expense, with a site for a house, such mansions being styled triumphales domus. 14. After death, his kindred were permitted to carry his body within the walls (even, at least, is the explanation given to the words of Plutarch), and laurel-wreathed statues, standing erect in triumphal cars, displayed in the vestibulum of the family mansion, transmitted his fame to posterity. A Triumphus Navalis appears to have differed in no respect from an ordinary triumph, except that it must have been upon a smaller scale, and would be characterized by the exhibition of decks of ships and other nautical trophies. The earliest authentic record was granted to C. Duilius, who laid the foundation of the supremacy of Rome by sea in the first Punic war; and so elated was he by his successes, that during the rest of his life, whenever he returned home at night from supper, he caused fates to sound and torches to be borne before him. A second naval triumph was celebrated by Lutatiius Catulus for his victory off the Insula Egeta, B.C. 241; a third by Q. Fabius Labeo, B.C. 189, over the Cretans; and a fourth by C. Octavius over King Perseus, without captives and without spoils. Triumphus Castrensis was a procession of the soldiers through the camp in honour of a triumph, or some officer inferior to the general, who had performed some exploit. 21. After the extinction of freedom, the emperor being considered as the commander-in-chief of all the armies of the state, every military achievement was understood to be performed under his auspices, and

TRIUMVIRI. 

TRIUMVIRI.

The passage of Festus, which Niebuhr quotes, does not prove this, and it is improbable that they should have had power given them of inflicting summary punishment upon slaves and persons of lower rank; their court appears to have been a summary tribunal of the highest authority; and it is followed by Arnobius, who presumes that they might inflict summary punishment on all offenders against the public peace who might be taken in the fact; but


TRIUMVIRI COLONIAE DEDUCENDAE were persons appointed to superintend the formation of a colony. They are spoken of under Colonia, p. 290. Since they had, besides, to superintend the distribution of the land to the colonists they are also called TRIUMVIRI COLONIAE DEDUCENDAE AGRO DANDO, and sometimes simply TRIUMVIRI AGRO DANDO.

TRIUMVIRI EQUITUM. (Vid. Equites.)

TRIUMVIRI EQUITUM TURMAS RECOGNOSCENDI, or LEGENDIS EQUITUM Distinguere, were magistrates first appointed by Augustus to revise the lists of the Equites, and to admit persons into the order. This was formerly part of the duties of the Consuls.

TRIUMVIRI MENSARI. (Vid. Mensari.)

TRIUMVIRI MONETALES. (Vid. Moneta.)

TRIUMVIRI NOCTURNAI were magistrates elected annually, whose chief duty it was to prevent fires by night, and for this purpose they had to go round the city during the night (vigilii nocturnae). If they went to bed or slept in their house they were accused before the people by the tribunes of the plebs. The time at which this office was instituted is unknown, but it must have been previously to the year B.C. 304. Augustus transferred their duties to the prefectus vigilum. (Vid. Prefectus Vigilum.)

TRIUMVIRI REPUBLICAE CONSTITUENTES. Niebuhr supposes that magistrates under this title were appointed as early as the time of the Latin magistrates, when the decemvirs were elected to redress the peace in the state, and to wipe out the commotions consequent upon those rotaions.1

Niebuhr also thinks that these were the magistrates intimated by Varro, who mentions among the extraordinary magistrates that had the right of summoning the senate, triumvirs for the regulation of the Republic, along with the decemvirs and consular triumvirs. It is to be observed, however, that the mention of officers or magistrates under this title is only to be found in the compendious name, whereas the latter were recognised as regular magistrates under the above-mentioned title.

TRIUMVIRI SACRIS CONQUISITORI DOMINIS PERSIGNANDI, extraordinary officers elected in the comitia tributa in the time of the second Punic war, seem to have had to take care that all property

given or consecrated to the gods was applied to that purpose."

Triumvir Senatus Legendi were magistrates appointed by Augustus to admit persons into the senate. This was previously the duty of the censors.

TROCHILUS (τροχίλος), the Motacilla regulus, or Golden-crested Woodpecker. It has been supposed the same with the τροχίλος of Aristotle.

TROCHUS (τροχής), a hoop. The Greek boys used to exercise themselves, like ours, with trundling a hoop. It was a bronze ring, and had sometimes bells attached to it. It was impelled by means of a hook with a wooden handle, called clavis and οὔραμα. From the Greeks this custom passed to the Romans, who consequently adopted the Greek term. The hoop was used at the Gymnasia, and, therefore, on one of the gems in the Stosch collection at Berlin, which is engraved in the annexed woodcut, it is accompanied by the jar of oil and the laurel branch, the signs of effort and of victory. On each side of this we have represented another gem from the same collection. Both of these exhibit naked youths trundling the hoop by means of the hook or key. These show the base of the hoop, which in the middle figure has also three small rings or bells on its circumference.}

In a totally different manner hoops were used in the performances of tumblers and dancers. Xenophon describes a female dancer who receives twelve hoops in succession, throwing them into the air and catching them again, her motions being regulated by another female playing on the pipe. On the use of τροχής to denote the potter's wheel, and the wheel applied in torture, see Fortunatus and Torquemada.

*TROCHOLETES (τροχολότης), a variety of the στροφής, or Passoer. (Vid. Struvius.)

TROJE LUDUS. (Vid. Circes, p. 286.)

TROPEUM (τροπάιον, Att. τροπαιον), a trophy, a sign and memorial of victory, which was erected on the field where the enemy had turned (τρέφαν, τροπάς) to flight, and in case of a victory gained at sea, on the nearest land. The expression for raising or erecting a trophy is τροπάιον στίγμα, or στίγματα, to which may be added ἀνά, or ταῖς τομῶν ὀρειματοσ. When the battle was not decisive, or each party considered it had some claim to the victory, both erected trophies. Trophies usually consisted of the arms, shields, helmets, &c., of the enemy that were defeated; and from the descriptions of Virgil and other Roman poets, which have reference to the Greek rather than to the Roman custom, it appears that the spoils and arms of the vanquished were placed on the trunk of a tree, which was fixed on an elevation. It was consecrated to some divinity, and an inscription (ἐπιγραφα) recording the names of the victors and of the defeated party; whence trophies were regarded as inviolable, which even the enemy were not permitted to remove. Sometimes, however, a people destroyed a trophy, if they considered that the enemy had erected it without sufficient cause, as the Milesians did with a trophy of the Athenians. That ranking and hostile feelings might not be perpetuated by the continuance of a trophy, it seems to have been originally part of Greek international law that trophies should be made only of wood, and not of stone or metal, and that they should not be repaired when decayed. Hence we are told that the Macedoni ans accused the Thebans before the Amphictyonic council, because the latter had erected a metal trophy. It was not, however, uncommon to erect such trophies. Plutarch mentions one raised in the time of Alexander, and Pausanias speaks of several which he saw in Greece.

The trophies erected to commemorate naval victories were usually ornamented with the beaks or acroteria of ships (vid. Acroterium, Rostra), and were generally consecrated to Poseidon or Neptune. Sometimes a whole ship was placed as a trophy.

The following woodcut, taken from a painting found at Pompeii, contains a very good representation of a trophy, which Victory is engaged in erecting. The conqueror stands on the other side of the trophy, with his brows encircled with laurel garlands. The Macedonian kings never erected trophies, for the reason given by Pausanias, and hence the same writer observes that Alexander raised no trophies after his victories over Darius and in India. The Romans, too, in early times, never erected any trophies on the field of battle, but carried home the spoils taken in battle, with which they decorated the public buildings, and also the private houses of individuals. (Vid. Spolia.) Subsequently, however, the Romans adopted the Greek practice of raising trophies on the field of battle: the first trophies of this kind were erected by Domitian Ahenobarbus and Fabius Maximus B.C. 121, after their conquest of the Allobroges, when they built at the junction of the Rhone and the Isar: thereby of the Rhone and the Isar town of white stone, upon which trophies were placed adorned with the spoils of the enemy. Pompey also raised

trophies on the Pyrenees after his victories in Spain; Julius Cæsar did the same near Ziela, after his victory over Phæmares, 1 and Drusus near the Elbe, to commemorate his victory over the Germans. But it was more common to erect some memorial of the victory at Rome than on the field of battle. The trophies raised by Marius to commemorate his victories over Jugurtha and the Cimbri and Teutoni, which were cast down by Sulla and restored by Julius Cæsar, must have been in the city. 2 In the later times of the Republic and under the Empire, the erection of triumphal arches was the most common way of commemorating a victory, many of which remain to the present day. (Vid. Arcus.)

TROSSULI. (Vid. Equestes, p. 416.)

TRUA, dim. TRULLA (τρούλλη), derived from τρυπή, τρυπό, &c., to perforate; a large and flat spoon or ladle pierced with holes; a trowel. The annulated woodcut represents such a ladle, adapted to stir vegetables or other matters in the pot, 3 as to act as a strainer when they were taken out of the water, or to dispel the froth from its surface. 4 The ladle here drawn was found in the kitchen of "the house of Pansa" at Pompeii.

The trulla vinaria 5 seems to have been a species of colander (vid. Culum), used as a wine-strainer. 6 Though generally applied to these domestic and culinary purposes, 7 the trulla was found to be convenient for putting beans into the pot; it was also commonly used to plaster walls, 8 and thus gave rise to the verb trullissare. (Vid. Parnes, p. 736.)

Mr. Fellows explains the Eastern method of using a kind of colander in washing the hands. It is placed as a cover upon the jar (vid. Olla), which receives the dirty water. This may therefore be the trullum, which the ancients used, together with the basin and ewer, to wash their hands. 9

TRUTINA (τρύπνη), a general term including both Libra, a balance, and statera, a steelyard. 10 Payments were originally made by weighing, not by counting. Hence a balance (trutina) was preserved in the Temple of Saturn at Rome. 11 The balance was much more ancient than the steelyard, which, according to Florus, 12 was introduced in Campania, and therefore called, by way of distinction, Trutina Campana. Consistently with this remark, steelyards have been found in great numbers among the ruins of Herculanenum and Pompeii.

The construction of some of them is more elaborate and complicated than that of modern steelyards, and they are in some cases much ornamental; as in the remarkable beautiful statua which is preserved in the Museum of the Capitol at Rome. Its support is the trunk of a tree, round which a serpent is entwined. The equino is a head of Minerva. Three other weights lie on the base of the statua, designed to be hung upon the hook when occasion required. 13

Vitruvius 14 explains the principle of the steelyard and mentions the following constituent parts of it: the scale (lancula), depending from the head (caput), near which is the point of revolution (centrum) and the handle (ansa). On the other side of the centre from the scale is the beam (scapus), with the weight or equipoise (equipodium), which is made to move along the points (per puncta) expressing the weights of the different objects that are put into the scale.

*TRYGON (τρυγόν), the Turtle-dove, or Columba turtur, L. 1

"II. A species of Skate or Ray, the Fire-flaire, or Raja pastinaca, L., the same as the Trygon pasti-

naca, Adamson." 2

TUBA (τύμβη), a bronze trumpet, distinguished from the drum by being straight, while the latter was curved; thus Ovid. 3

"Non tuba directi non aris cornua flexi." 4

Facciolati, in his Lexicon, 5 is mistaken in supposing that Aulus Gallius and Macrobius, 6 who copies him, intend to affirm that the tuba was crooked. The words of the former do not mean that both the litus and the tuba were crooked, but that both that kind of trumpet which was called a litus and also the staff of the augur were crooked, and that it was doubtful which of the two had lent its name to the other. (Vid. Lurwus.)

The tuba was employed in war for signals of every description, 8 at the games and public festi-
vials, 7 also at the last rites to the dead (hinc tuba, candela 9), and Aulus Gallius 10 tells us, from Atteius Capito, that those who sounded the trumpet at feasts were termed small, and used an instrument of a peculiar kind, whose name was tuba. It was of the tuba that the ancients represented as of a harsh and fear-inspiring character (fractus sonitus tubarum; 11 terribilia sonium arc canoros 12), which Ennius 13 endeavoured to imitate in the line

"At tuba terribilis sonitus tartarantara dixit."

The invention of the tuba is usually ascribed to ancient writers to the Etruscans, 14 and the epithet antroaσελτίκεταλ (i.e. robber-trumpeters) 15 would seem to indicate that they had made it famous by their piracies. It has been remarked that Homer never introduces the ἐνασίδε in his narrative but in comparisons only, 17 which leads us to infer that, although known in his time, it had been but recently introduced into Greece; and it is certain that, notwithstanding its eminently martial character, it

1. (Adams, Append., s. v.)—2. (Aristot., H. A., i., s. 5. &c.—Elien, N. A., 187, &c.—Adams, Append., s. v.)—3. (Mey, i.

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TUNICA.


1022

TUMULTUARI.

TUNICA.

1. (Cic., Phil., viii., 1.—2. (Serv. ad Virg., Æn., ii., 486.)

VII.


TUMULTUS was the name given to a sudden or dangerous war in Italy or Cisalpine Gaul, and the word was opposed by the ancients to be a contraction of tumultus, tumultus, tumultus (tumultus). It was, however, sometimes applied to a sudden or dangerous war elsewhere; but this does not appear to have been a correct use of the word. Cicero\(^3\) says that there might be a war without a tumultus, but not a tumultus without a war; but it must be recollected that the word was also applied to any sudden alarm respecting a war; whence we find a tumultus spoken of as a decorum, quae timebat a tumultus.\(^3\) Because the results were of less consecutive, though the fear might have been much greater than in a regular war.

In the case of a tumultus there was a cessation from all business (justitium), and all citizens were obliged to enlist, without regard being had to the exemptions (excusiones) from military service which were enjoyed at other times. As there was not time to enlist the soldiers in the regular manner, the magistrates appointed to command the army displayed two banners (sestila) from the Capitol, one red, to summon the infantry, and the other green, to summon the cavalry, and said, "Qui rempublicam salvaet vult, me sequatur." Those that assembled took the military oath together, instead of one by one, as was the usual practice, and were called conjurati, and their service conjuratio. Soldiers enlisted in this way were called Tumultuarii or Sublatarii.

TUNICA (χτίστη, dim. χτιστίσσος, χτιστόν), as under-garment. The chiton was the only kind of τόβομα or under-garment worn by the Greeks. Of this there were two kinds, the Dorian and Ionian. The Dorian chiton, as worn by males, was a short woollen shirt without sleeves; the Ionian was a long linen garment with sleeves. The under-garment, afterward distinguished as the Doric, seems to have been originally worn in the whole of Greece. Thucydides\(^4\) speaks as if the long linen garment worn at Athens a little before his time was the most ancient kind, since he attributes the adoption of a simpler mode of dress to the Lacedaemonians, but we know with tolerable certainty that this dress was brought over to Athens by the Ionians of Asia. It was commonly worn at Athens during the Persian wars, but appears to have entirely gone out of fashion about the time of Pericles, from which time the Doric chiton was the under-garment universally adopted by men through the whole of Greece.

The distinction between the Doric and Ionic chiton still continued in the dress of women. The Spartan virgins only wore this one garment, and had no upper kind of clothing, whence it is sometimes called himation (vid. Pallium) as well as chiton. Euripides\(^5\) incorrectly calls this Doric dress peplos, and speaks of a Doric virgin as μονοστερός. In the dress of the Iliad, there was no under-garment under the chiton; the Spartan virgins were called γυναικα (vid. Nudes), and also μονοστρέφοι. They appeared in the company of men without any further covering, but the married women never did so without wearing an upper garment. This Doric chiton was made, as stated above, of woollen stuff; it was without sleeves, and was fastened over both shoulder

The scholiast on the Iliad\(^5\) reckons six varieties of trumpets; the first he calls the Grecian σάλπιγξ which Athena discovered for the Tyrrhenians, and the sixth, termed by him κατα\(^1\) εκπάγων, the tympanum σάλπιγξ, he describes as being of the shape of the κατα\(^1\) κολλίμα (kata kolimis, i.e. the bell-shaped aperture of the trumpet), and similar epithets are applied by Euripides,\(^6\) and other Greek\(^7\) and Roman writers (Tyrrhena clanger, Tyrrhena clanger tuba). According to one account, it was first fabricated for the Tyrrhenians by Athena, who, in consequence, was worshipped by the Argives under the title of Σιλπις, while at Rume the tubilustrum, or purification of sacred trumpets, was performed on the last day of the Quinquatrus. (Vid. Quinquatrus.) In another legend the discovery is attributed to a mythical king of the Tyrrhenians, Maleus, son of Heracles and Omphale; in a third to Pausus the Tyrrhenian,\(^8\) and Silius has preserved a tradition,\(^9\) according to which the origin of this instrument is traced to Yetonori.\(^10\)

There appears to have been no essential difference in form between the Greek and Roman or Tyrrhenian trumpets. Both were long, straight bronze tubes, gradually increasing in diameter, and terminating in a bell-shaped aperture. They present precisely the same appearance on monuments of very different dates, as may be seen from the casts annexed, the former of which is from Trajan's column, and the latter from an ancient fictile vase.\(^11\)
The Ionic chiton, on the contrary, was a long and loose garment, reaching to the feet (ποδόρρυς), with wide sleeves (κόραι), and was usually made of linen. The sleeves, however, appear usually to have covered only the upper part of the arm; for in ancient works of art we seldom find the sleeve extending farther than the elbow, and sometimes not so far. The sleeves were sometimes slit up, and fastened together with an elegant row of brooches, and it is to this kind of garment that Böttiger incorrectly gives the name of σχιστὸς χίτων. The Ionic chiton, according to Herodotus, was originally a Carian dress, and passed over to Athens from Ionia. The women at Athens originally wore the Doric chiton, but were compelled to change it for the Ionic after they had killed, with the buckles or clasps of their dresses, the single Athenian who had returned alive from the expedition against Εὔγινα, because there were no buckles or clasps required in the Ionic dress. The Muse of Athens, taken from a statue in the British Museum, represents the Muse Thalia wearing an Ionic chiton. The peplos has fallen off her shoulders, and is held up by the left hand. The right arm, holding a pedum, is a modern restoration.

Both kinds of dress were fastened round the middle with a girdle (vid. Σωλνίκα); and as the Ionic chiton was usually longer than the body, part of it was drawn up so that the dress might not reach farther than the feet, and the part which was so drawn up overhung or overlapped the girdle, and was called κάλπος.

There was a peculiar kind of dress, which seems to have been a species of double chiton, called δυ-νταῖος, διπλόλων, and ημιδιπλόλων. Some writers suppose that it was a kind of little cloak thrown over the chiton, in which case it would be an amic-

TUNICA.

ders by clasps or buckles (πάπαντς, πέρανα), which were often of considerable size. It was frequently so short as to reach the knee, as is shown in the figure of Diana on p. 245, who is represented as equipped for the chase. It was only joined together on one side, and on the other was left partly open or slit up (σχιστός χίτων), to allow a free motion of the limbs: the two skirts (πτερύγια) thus frequently flew open, whence the Spartan virgins were sometimes called φαύλομπρίδες, and Euripides speaks of them as with γυμνοῖς μηροῖς καὶ πέπλοις άνεμένοις.

Examples of this σχιστός χίτων are frequently seen in works of art: the following cut is taken from a bas-relief in the British Museum, which represents an Amazon with a chiton of this kind: some parts of the figure appear incomplete, as the original is mutilated.

It seems impossible to determine with certainty whether the diploidion formed part of the chiton, or was a separate piece of dress. Those writers who maintain the former view think that it is quite proved by the left-hand figure in the preceding cut; but this is not conclusive evidence, since the chiton may have terminated at the waist. In the right-hand figure we see that the chiton is girded round the middle of the body, as described above, and that the fold which overhangs (κάλπος) forms, with the end of the diploidion, a parallel line, which was always the case. This is also plainly seen in the woodcut to the article ΤΡΑΣΜΑ. Since the diploidion was fastened over the shoulders by means of buckles or clasps, it was called τρασμός, which Müller supposes, from Euripides (Hecub., 555) and Athenæus (xii., p. 608, b.), to have been only the end of the garment fastened on the shoulder; but these passages do not necessarily prove this, and Pollux evidently understands the word as meaning a garment itself.

Besides the word χίτων, we also meet with the diminutives χιτώνιος and χιτώνης, the former of which is generally applied to a garment worn by men, and the latter to one v orn by women, though this distinction is not always preserved. A question arises whether these two words relate to a different garment from the chiton, or mean merely a smaller one. Many modern writers think that

The chiton was not worn immediately next the skin, but that there was worn under it a shirt (χιτώνιον) or some such other under-garment, the nature of which, however, this does not appear to have been the case, since we find χιτώνιον frequently used as identical with χιτώς, and spoken of as the only under-garment worn by individuals (To ἱμάτιον καὶ τὸν χιτῶνιον). It appears, on the contrary, that females were accustomed to wear a garment (χιτῶνιον), under their chiton, and a representation of such a one is given in p. 589.9.

It was the practice among most of the Greeks to wear an himation, or outer garment, over the chiton, but frequently the chiton was worn alone. A person who wore only a chiton was called μονοχτιώτης (olophōtēs), an epithet given to the Spartan virgins, as explained above. In the same way, a person who wore only an himation, or outer garment, was called ἀγύρτης.

The Athenian youths, in the earlier times, wore only the chiton; and when it became the fashion, in the Peloponnesian war, to wear an outer garment over it, it was regarded as a mark of effeminacy.

Before passing on to the Roman under garment, it remains to explain a few terms which are applied to the different kinds of chiton. In later times, the chiton worn by men was of two kinds, the ἄμφιμαλλός, and the ἄμφιμαλλός, the former the dress of freemen, the latter of slaves. The ἄμφιμάλλος appears to have signified not only a garment which had two sleeves, but also one which had openings for both arms; while the ἄμφιμαλλός, on the contrary, had only a sleeve, or, rather, an opening for the left arm, leaving the right with the shoulder and a part of the breast, uncovered, whereas it is called ἀκροτής, a representation of which is given on page 476. When the sleeves of the chiton reached down to the hands, it seems to have been properly called μεσοτής; though this word seems to have been frequently used as equivalent to ἄμφιμαλλός.

( Vide Ciukidota.)

A χιτῶν ὑπόστρατος was one which was not fastened round the body with a girdle; a χιτῶν ὑπόστρατος seems to have had a kind of flowing at the bottom.

On the subject of the Greek chiton in general, see Müller, Dorians, iv., 2, § 3. 4.—Archäologie der Kunst, § 337, 339.—Becker, Charicles, ii., p. 309, &c.

The tunica of the Romans, like the Greek chiton, was a woollen under garment, over which the toga was worn. It was the indumentum or indutus, as opposed to the amictus, the general term for the toga, or any other outer garment (V Amicit.). The Romans are said to have had no other clothing originally but the toga; and when the tunica was first introduced, it was merely a short garment without sleeves, and was called colobium. It was considered a mark of effeminacy for men to wear tunics with long sleeves (mammitans) and reaching to the feet (calatares).

Julius Caesar, however, was accustomed to wear one which had sleeves, with fringes at the waist (ad manus finibrata); and in the later times of the Empire, tunics with sleeves, and reaching to the feet, became common.

The tunica was girded (cinctus) with a belt or girdle around the waist, but was usually worn loose, without being girded, when a person was at home, or wished to be at his ease. Hence we find the terms cinctus, procinctus, and succinctus applied, like the Greek ἐπορθός, to an active and diligent person, and distinctus to one who was idle or dissolute.

The form of the tunica, as worn by men, is represented in many woodcuts in this work. In works of art it usually terminates a little above the knee; it has short sleeves, covering only the upper part of the arm, and is girded at the waist (see cuts, p. 54, 667); the sleeves sometimes, though less frequently, extend to the hands (outs, p. 112, 132).

Both sexes usually wore two tunics, an outer and an under, the latter of which was worn next the skin, and corresponds to our shirt and chemise. Varro says that when the Romans began to wear two tunics, they called them subulae and indutus, the former of which Bottiger supposes to be the name of the under tunic of the men, and the latter of that of the women. But it would appear from another passage of Varro referred to by Becker, as if Varro had meant to give the name of subulae to the under tunic, and that of indutus or intusium to the outer, though the passage is not without difficulties. It appears, however, that subulae was chiefly used to designate the under tunic of men.

The word,intusia, was of later origin, and seems to have been applied equally to the under tunic of both sexes. The suppapitius or suppapitis is said by Festus to have been a linen vest, and to have been the same as the subula; but Varro, on the contrary, speaks of it as a kind of outer garment, and contrasts it with subulae, which he derives from subito, while suppapitius he derives from supra.

The passage of Lucan in which it is mentioned does not enable us to decide whether it was an outer or under garment, but would rather lead us to suppose that it was the former.

Persons sometimes wore several tunics, as a protection against cold: Augustus wore four in the winter, besides a subula.

As the dress of a man usually consisted of an under tunic, an outer tunic, and the toga, so that of a woman, in like manner, consisted of an under tunic (tunica intusia), an outer tunic, and the palla. The outer tunic of the Roman matron was properly called stola (vid. Stola), and is represented in the woodcut on page 926; but the annexed woodcut, which represents a Roman empress in the character of Concordia, or Abundanta, gives a better idea of...
TYRANNUS.

as form. Over the tunic or stola the pallia is thrown in many folds, but the shape of the former is still distinctly shown.

The tunics of women were larger and longer than those of men, and always had sleeves; but in ancient paintings and statues we seldom find the sleeves covering more than the upper part of the arm. An example of the contrary is seen in the Museo Borbonico. 3 Sometimes the tunics were adorned with golden ornaments called loria.

Poor people, who could not afford to purchase a toga, wore the toga alone, whence we find the common name for poor people in Greek. 4 Persons at work laid aside the toga: thus, in the woodcut on p. 667, a man is represented ploughing in his tunic only. A person who wore only his tunic was frequently called Nudus.

Respecting the clavus latus and the clavus angustus, worn on the tunics of the senators and equites respectively, see CLAVUS LATIUS, CLAVUS ANGUSTUS.

When a triumph was celebrated, the conqueror wore, together with an embroidered toga (toga picta), a flowered tunic (tunica palma), also called tunica jovis, because it was taken from the Temple of Jupiter Capitolinus. 5 (Vid. Tit., p. 1017.) Tunicas of this kind were sent as presents to foreign kings by the successors of Augustus.

TYPHPHAICA TERRA (Typhaïke γῆ), a species of earth, which would appear from the account of Theophrastus, to have been a kind of gypsum. 6

TYPHE (τυφή), according to most authorities, the Typha latifolia, or Reed Mace. It is different from the τυφή, though often confounded with it.

TYRANUS (τύρανος). In the heroic age all the Greek monarchs were, in some measure, the king uniting in himself the functions of the priest, 'he judge, and military chief. These were the πατερι βασιλεία of Thucydides. 7 In the first two or three centuries following the Trojan war, various causes were at work which led to the abolition, or, at least, to the limitation of the kingly power. Emigrations, extinctions of families, disasters in war, civil dissensions, may be reckoned among these causes. Hereditary monarchical became elective; the different functions of the king were distributed; he was called ἀρχων, κόμος, ορ πτωνασ, instead of βασιλεύς, and his character was changed no less than his name. Noble and wealthy families began to be considered on a footing of equality with royalty, and this naturally led to monarchical or aristocratical, which most of the governments that succeeded the ancient monarchies were in point of fact, though not as yet called by such names. These oligarchies did not possess the elements of social happiness or stability. The principal families contends with each other for the greatest share of power, and were only unanimous in the interest of the state, which was beneath their own. The people, oppressed by the privileged classes, began to regret the loss of their old paternal form of government, and were ready to assist any one who would attempt to restore it. Thus were opportunities afforded to ambitious and designing men to raise themselves by starting up as the champions of popular right. Dissensions and civil wars, which sometimes found 10 tyrannical schemes of this sort, and they had a greater chance of success if descended from the ancient royal family. Pisistratus is an example; he was the more acceptable to the people of Athens as being a descendant of the family of Codrus. 1

Thus in many cities arose that species of monarchy which the Greeks called τυραννίς, which meant only a despotic, or irresponsible dominion of one man, and which frequently was nothing more than a revival of the ancient government, and, though often accompanied with any recognised military title, or the reverence attached to old name and long prescription, was hailed by the lower orders of people as a good exchange, after suffering under the domination of the oligarchy. All tyrannies, however, were not equally acceptable to the majority; and sometimes we find them contending for the civil supremacy between themselves, which was to further their own interests. Thus the Syracusan Gamaru, who had been expelled by the populace, on receiving the protection of Gelon, sovereign of Gela and Camarina, enabled him to take possession of Syracuse, and establish his kingdom there. 8 Sometimes the conflicting parties in the state, by mutual consent, chose some eminent man to be king, and by the other hand, from the acrid desire of the people, the throne was sometimes regarded as nothing less than a despot to farther their own interests. Such a person they called αὐληφυτής. (Vid. AISYMETRE.) A similar authority was conferred upon Solon when Athens was torn by the contending factions of the Δαιμονικοί, Ἰθακαιοί, and Βορβονικοί. Sometimes the title was bestowed upon two, or, if it occurred, upon five persons.

The tyrannos must be distinguished, on the one hand, from the αὐληφυτής, as much as he was not elected by general consent, but commonly owed his elevation to some coup d'état, some violent movement or stratagem, such as the creation of a body-guard for him by the people, or the seizure of the city by a tyrant in a sudden movement. The power of a king might be more absolute than that of a tyrant; as Phidias of Argos is said to have made the royal prerogative greater than it was under his predecessors; yet he was still regarded as a tyrant. A tyrant was a man who, by means of personal influence, or the suffering of the people, was enabled to take the title, and the power, which a king might have enjoyed, or the power which a king might have depended on title and origin, and not on the manner in which the power was exercised. 9 The name of tyrant was originally so far from denoting a person who abused his power, or treated his subjects with cruelty, that Pisistratus is praised by Thucydides for the moderation of his government; and Herodotus says he governed οὕτω τιμῶν τῆς εὐδοκίας συντροφίαν ἠκολούθησεν. The tyrant was a man who, by means of the people, and the violent means, sprang up to the top of power, and became the object of reproach, just as red did among the Romans. 10

Among the early tyrants of Greece, those most worthy of mention are Clisthenes of Sicyon, grand.


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father of the Athenian Cuthones, in whose family the government continued for a century after its establishment by Orthogoras about B.C. 672.\textsuperscript{1} Cyrus-

\textsuperscript{1}us of Corinth, who expelled the Baechiadeae, B.C. 655, and his son Periander, both remarkable for their cruelty; their dynasty lasted between seventy and eighty years;\textsuperscript{2} Procles of Epidaurus;\textsuperscript{3} Panta-

\textsuperscript{2}leon of Pisa, who celebrated the thirty-fourth Olympiad, depriving the Eleans of the presidency;\textsuperscript{4} Theagenes of Megara, father-in-law to Cylon the Athe-

\textsuperscript{3}neus, Phalaris, who succeeded them, was one of the early tyrants on the Cretan continent. In Sicily, where tyranny most flourished, the principal were Phalaris of Agrigentum, who established his power in B.C. 568, concerning whose supposed opisthets Bentley wrote his famous treatise; Theron of Agrigentum; Gelo, already mentioned, who, in conjunction with Theron, defeated Amilcar the Carthaginian on the same day on which the battle of Salamis was fought; and Hiero, his brother: the last three celebrated by Pindar.\textsuperscript{6} In Cretan Italy we may mention Anaxilus of Rhegium, who reigned B.C. 496;\textsuperscript{7} Clinias of Croton, who rose after the dissolution of the Pythagorean league (as to which, see Polybius;\textsuperscript{8} Athenaeus;\textsuperscript{9} Thirlwall).\textsuperscript{10} The following, also, are worthy of notice: Polycrates of Samos,\textsuperscript{11} Histiaeus and Aristogatus of Miletus.\textsuperscript{12} Perhaps the last mentioned can hardly be classed among the Greek tyrants, as they were connected with the Persian monarchy.\textsuperscript{13}

The general characteristics of a tyranny were, that it was bound by no laws, and had no recognised limitation to its authority, however it might be restrained in practice by the good disposition of the tyrant himself, or by fear, or by the spirit of the age. It was commonly most odious to the wealthy and noble, whom the tyrant looked upon with jealousy as a check upon his power, and whom he often sought to get rid of by sending them into exile or putting them to death. The advice given by Thrasea Bulus of Miletus to Periander affords an apt illustration of this.\textsuperscript{14} The tyrant usually kept a body-guard of foreign mercenaries, by aid of whom he controlled the people at home; but he seldom ventured to make war, for fear of giving an opportunity to his subjects to revolt. The Sicilian sovereigns form an exception to this observation.\textsuperscript{15} He was averse to a large congregation of men in the town, and endeavoured to find rustic employments for his subjects, who were not too industrious to attend them with shows and amusements. A few of the better sort cultivated literature and the arts, adorned their city with handsome buildings, and even passed good laws Thus Pisistratus commenced building the splendid temple of Jupiter Olympus, laid out the garden of the Lyceum, collected the Homeric poems, and is said to have written poetry himself. Tribute was imposed on the people to raise a revenue for the tyrant, to pay his mercenaries, and maintain his state. Pisistratus had the tithe of land, which his sons reduced to the twentieth.

\textsuperscript{6} (Vid. Tælos.)

The causes which led to the decline of tyranny among the Greeks were partly the degeneracy of the tyrants themselves, corrupted by power, indolence, luxury, and bad education; for even where the tyrants set a good example, it was seldom followed by the son; partly the cruelties and excesses of a minority, which brought them all into disrepute; and partly the growing spirit of inquiry among the Greek people, who began to speculate upon political theories, and soon became discontented with a form of government which had nothing in theory, and little in practice, to recommend it. Few dynasties lasted beyond the third generation. Most of the tyrannies which flourished before the Persian war are said to have been overthrown by the exertions of Sparta, jealous probably of any innovation upon the old Doric constitution, especially of any tendency to ameliorate the condition of the Perioeci, and anxious to extend her own influence over the states of Greece by means of the benefits which she conferred. Upon the fall of tyranny, the various republican forms of government were established, the Dorian states generally favouring oligarchy, the Ionian democracy.\textsuperscript{2}

As we cannot in this article pursue any historical narrative, we will shortly refer to the revival of tyranny in some of the Greek states after the end of the Peloponnesian war. In Thessaly, Jason of Phere raised himself, under the title of Teygoc, B.C. 374, to the virtual sovereignty of his native city, and exercised a most extensive sway over most of the Thessalian states; but this power ceased with Lyophron, B.C. 333. (Vid. Tælos.) In Sicily, the corruption of the Syracusans, their intestine disorders, and the fear of the Carthaginian invaders, led to the appointment of Dionysius to the chief military command, with unlimited powers; by means of which he raised himself to the throne, B.C. 406, and reigned for 38 years, leaving his son to succeed him. The younger Dionysius, far inferior in every respect to his father, was expelled by Dion, afterward regained the throne, and was again expelled by Timoleon, who restored liberty to the various states of Sicily. (For their history the reader is referred to Xenophon, Hell., ii, § 24—Diodor., iv., 7, 46, 66, 72, 109; xv, 73, 74; xvi, 5, 16, 68, 69, &c.—Plut., Dion. and Timol.—Wachsmuth, I., ii, 316—326.) With respect to the dynasty of the Archenaeotides in the Cimmerian Bosporus, and some of the towns on the coast of the Euxine, see Wachsmuth, I., ii, 392. Lastly, we may notice Evagoras of Cyprus, who is panegyrized by Isocrates; Phurch of Eretria, Callias and Taurothenes of Chalcis, who were partisans of Philip against the Athenians.\textsuperscript{3} The persons commonly called the thirty tyrants at Athens do not fall within the scope of the present subject. With respect to the Athenian laws against tyranny, and the general feelings of the people, see Pasovos.

\textsuperscript{7} TYPANNYDOS GRAΦH. \textsuperscript{8} (Vid. PRVORDIA.)

\textsuperscript{9} TURIBULUM (θυματιαριδων), a Censor. The Greeks and Romans, when they sacrificed, commonly took a little frankincense out of the ACREA, and let it fall upon the flaming altar. (Vid. AKA.) More rarely they used a censor, by means of which they burned the incense in greater profusion, and which was, in fact, a small movable grate or Focus.\textsuperscript{4} The annexed woodcut, taken from an an-
scent painting, shows the performance of both of these acts at the same time. Winchelmann
describes it to represent Livia, the wife, and Octavia, the sister of Augustus, sacrificing to Mars in grati-
dation for his safe return from Spain. 2 The censer here represented has two handles, for the purpose of carrying it from place to place, and it stands upon feet, so that the air may be admitted underneath, and pass upward through the fuel.

As the censer was destined for the worship of the gods, it was often made of gold or silver, and enriched with stones and gems. 3 We find a silver censer in the official enumerations of the treasures presented to the Parthenon at Athens: its bars (distributoria) were 21 per pound, and its feet (tympanum) 20 per pound. 4

TURRIS. (Vid. Army, Roman, p. 104.)

TURRIS (πυργος), a Tower. The word πυργος, from which comes the Latin turris, signified, according to Dionysius, 5 any strong building surrounded by walls; and it was from the fact of the Pelasgians in Italy dwelling in such places that the same writer supposes them to have been called Tyrrhenians, or Tyrrhenians, that is, inhabitants of towns or castles. Turris, in the old Latin language, seems to have been equivalent to urbs. 6 The use of towers by the Greeks and Romans was various.

1. Stationary Towers.—1. Buildings of this form are frequently mentioned by ancient authors, as forming by themselves places of residence and de-
defense. They are of particular interest in the history of Africa. 7 We have examples in the tower of Hannibal, on his estate between Acholla and Thapsus, 8 the turris regia of Jugurtha, 9 the tower of a private citizen without the walls of Carthage, by the help of which Scipio took the city; 10 and in Spain, the tower in which Cn. Scipio was burned. 11 Such towers were common in the frontier provinces of the Roman Empire. 12

2. They were erected within cities, partly to form a last retreat in case the city should be taken, and partly to overawe the inhabitants. In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the city, and the top of it covered by stones of Acropolis was given. Thus we read of an Acropo-

lum at Athens, Corinth, Argoa, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind was the tower of Agathocles at Utica, 13 and that of Antonia at Jeru-
salem. 14

3. The fortifications of both cities and camps were strengthened by towers, which were placed at intervals on the mursus of the former and the valum of the latter; and a similar use was made of them in the lines (circumvallatio) drawn round a besieged town. (Vid. Valum.) They were generally used at the gates of towns and of static camps. (Vid. Porta.)

1. The walls to receive an attack will be noticed below.

II. Movable Towers.—These were among the most important engines used in storming a fortified place. They were of two kinds. Some were made so that they could be taken to pieces and carried to the scene of operations; these were called folding towers (πυργος πτυκτος or επτυκτον, curritur, curritur, cit
ticeles, or portable towers, ϕορητος ϕυρος) The other

sort were constructed on wheels, so as to be driven up to the walls; and hence they were called turres ambulatoria or subrotula. But the turres picafoles were generally made with wheels, so that they were also ambulatoria.

The first invention or improvement of such towers is ascribed by Athenaeus, the mechanician (quoted by Lipsius), 16 to the inventor, the most famous of whom was Vitruvius, at the siege of Byzantium, and his pupils Chares and Diades. 4 Heron 17 ascribes their invention to Diades and Chares, Vitruvius 3 to Diades alone, and Athenaeus 18 says that they were improved in the time of Philo at the siege of Byzantium. Vitruvius states that the towers of Diades were car-
ried about by the army in separate pieces, 17 wide, and one fifth smaller at the top: and the greater, 120 cubits high and 2½ wide. Heron, 19 who also follows Diades, agrees with Vitruvius so far, but adds an intermediate size, half way between the two, 90 cubits high. Vegetius mentions towers of 30, 40, and 50 feet square. They were divided into stories, 20 and each had a building called turres contabulata. 17 Towers of the three sizes just mentioned consisted respectively of 10, 15, and 20 stories. The stories decreased in height from the bottom to the top. Diades and Chares, according to Heron, made the lowest story seven cubits and 12 digits, those about the middle five cubits, and the upper four cubits and one third.

The lower stories were plain, and their upper stories were covered with flat tiles, and had many ventilating windows, of which there were several to each story.

These rules were not strictly adhered to in prac-
tice. Towers were made of six stories, and even fewer. 11 Those of 10 stories were very common, 1111 but towers of 20 stories are hardly, if ever, mentioned. Plutarch 22 speaks of one of 100 cubits high, used by Masinissa at the siege of Carthage, but gives no use of the stories to was to receive the engines of war (tormenta). They contained ballistae and catapults.
and slingers and archers were stationed in them and on the tops of the towers. In the lowest storey was a battering-ram (scutum), and in the middle, one or more bridges (pontes) made of beams and planks, and protected at the sides by hurdles. Scaling-ladders (scale) were also carried in the towers, and, when the missiles had cleared the walls, these bridges and ladders enabled the besiegers to rush upon them.

These towers were placed upon wheels (generally six or eight), that they might be brought up to the walls. These wheels were placed, for security, inside of the tower.

The tower was built so far from the besieged place as to be out of the enemy's reach, and then pushed up to the walls by men stationed inside of and behind it. The attempt to draw them forward by beasts of burden was sometimes made, but was generally defeated by shooting the beasts. They were generally brought up upon the Aceanii, and it not unfrequently happened that a tower stuck fast or fell over on account of the softness of the agger. They were placed on the agger before it was completed, to protect the soldiers in working at it. When the tower was brought up to the walls without an agger, the ground was levelled before it by means of the Musculus.

These towers were accounted most formidable engines of war. They were opposed in the following ways:

1. They were set on fire, either by sallies of the besieged, or by missiles carrying burning matter, or by letting men down from the walls by ropes, close to the towers, while the besiegers slept.

2. By undermining the ground over which the tower had to pass, so as to overset it.

3. By using the main force, by iron-shod beams, as erotic or trabes.

4. By breaking or overturning it with stones thrown from catapults when it was at a distance, or, when it came close to the wall, by striking it with an iron-shod beam hung from a mast on the wall, and thus resembling an Aries.

5. By increasing the height of the wall, first with masonry, and afterward with beams and planks, and also by the erection of temporary wooden towers on the walls. This mode of defence was answered by the besiegers in two ways. Either the agger on which the tower stood was raised, as by Caesar at the siege of Avaricum, or a smaller tower was constructed within the upper part of the tower, and, when completed, was raised by screws and ropes.

6. On these towers in general, see Lipsius.

III. Caesar describes a portico of tower, which was invented at the siege of Massilia, and called turris latericia or latericium. It partook somewhat of the character both of a fixed and of a besieging tower. It was built of masonry near the walls of the town to afford the besiegers a retreat from the sudden sallies of the enemy; the builders were protected by a movable cover, and the tower was capable of being defended by fire for starving out the besieged.

IV. Towers in every respect similar to the turres ambulatoriae (excepting, of course, the wheels) were constructed on ships, for the attack of fortified places by sea.

V. Small towers carrying a few armed men were placed on the back of elephants used in battle.

VI. The words τούτος and turris are applied to an army drawn up in a deep oblong column. 1

TUTOR.

If the tutor appointed no tutor by his will, the lex Julia de maritandis ordinibus (Papia et Poppea), enacted that the pretor should appoint a tutor for a woman or a virgin, who was required to marry by this law, "ad dotem dandum, discendam, promitterandum," if her legitimus tutor was himself a pupillus: a senatus consultum of hired the provision to the provinces, and enacted that in such case the presides should appoint a tutor, and also that, if a tutor was mutus or furiosus, another should be appointed for the purposes of the lex. The case above mentioned of a tutor being given in the case of an action between a tutor and his ward, is the case of a conjunctus tutor. In the imperial period, from the time of Claudius, the Twelve Tables, the extra ordines were appointed by the consuls also.

Only those could be tutors who were sui iuris, a rule which excluded women among other persons. A person could not be named tutor in a testament unless he had the testamentificatio with the testator, a rule which excluded such persons as peregrini. The power of the tutor was over the property, not the person of the pupillus; and the passage of the Twelve Tables, which gives or confirms to a tutor the power of disposing of his property, uses the phrase, Ut legesant super pecunia tutelate suae res, that is, the tutela of the property. It might happen that the tutor, from the nearness of blood and the authority of his station, might be also a freedman and the major part of the tribuni plebis; in the provinces, in such cases, a tutor was appointed by the presides under the provisions of the lex Julia et Titia. (vid. Julia lex et Titia.) If a tutor was appointed by testament either sub condicione or ex die certo, a tutor might be given under these leases so long as the condition had not taken effect or the day had not arrived; and even when a tutor had been appointed absolutely (puris), a tutor might be given under these leases so long as there was no heres; but the power of such tutor ceased as soon as there was a tutor under the testament, that is, as soon as there was a heres to take the hereditas.

If a tutor was captured by the enemy, a tutor was also captured, and the most important case for the tutor to be tutor as soon as the original tutor returned from captivity, for he recovered his tutela jure postlimini.

Before the passing of the lex Atilla, tutors were given by the praetor in other cases, as, for instance, when the leges actions were in use, the praetor appointed a tutor if there was any action between a tutor and the pupillus of any other, to give the necessary authority (auctoritas) to the acts of those whose tutor he was in a matter in which his own interest was concerned. Other cases in which a tutor was given are mentioned by Ulpian. Ulpian’s division of tutes is into legitimi, senatus consultus constituti, moribus introducti. His legitimi tutes comprehend all those tutes by virtue of any lex, and especially by the Twelve Tables: accordingly, it comprises tutors in the case of intestacy, tutors appointed by testament, for they were confirmed by the Twelve Tables, and tutors appointed under any other lex, as the Atilla. Various senatus consulta declared in what cases a tutor might be appointed: thus the

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1. (i., 12.)—S. (Compare Gaius, ili. 17, and i., 104.)—3. (Ulp., Frag., tit. 11.)—4. (Gaius, i., 165.)—5. (Compare Gaius, i., 166, with Ulp., Frag., tit. 11., s. 5.)—6. (Frag., tit. 11.)

2. (Gaius, i., 23.)—5. (123-947.)—3. (Hor., Spp., i., 1, 22.)—4. (iv., 7.)—5. (Gaius, iii., 107.)—6. (Ulp., Frag., tit. 11., s. 23.)—7. (Gaius, ii., 80.)
The tutor was terminated by the death or capitis diminutio maxima and media of the tutor. The tutor against the tutor in regard to the estate has been stated. A legitimate tutor became disqualified to be tutor legitimus if he sustained a capitis diminutio minima, which was the case if he allowed himself to be adopted; but this was not the case with a testamentary tutor. The tutela ceased by the death of the pupillus or pupilla, or by a capitis diminutio, as, for instance, the pupilla coming of age. In said when the pupillus or pupilla attained the age of puberty, which in the male sex was fourteen, and in the female was twelve. (Vid. Imp. Tut.) The tutela ceased by the abdicatio of the testamentary tutor, that is, when he declared "nolle se tutorem esse." The tutor legitimate could not get rid of the tutela in this manner, but he could effect it by in jure cessio, a privilege which the testamentary tutor had not. The person to whom the tutelar power was transferred by the in jure cessio the tutela of females, and the legitima tutela of females was done away with by a lex Claudia, except the tutela patronorum. The power of the legitimate tutor to transfer the tutela is explained when we consider what was his relation to the female. (Vid. Testamentum.)

The tutela of a tutor was terminated when he was removed from the tutela as suspectus, or when his excusatio was allowed to be justa; but in both of these cases a new tutor would be necessary. The tutor, as already observed, might be removed from his office if he was misconducting himself: this was effected by the accusatio suspecti, which is mentioned in the Twelve Tables.

The Twelve Tables also gave the pupillus an action for damages, for the mismanagement of his property, if he made out his case, he was entitled to double the amount of the injury done to his property. This appears to be the action which in the Pandect is called rationibus distrabalendis, for the settlement of all accounts between the tutor and his pupillus. There was also the judicium tutelle, which comprehended the actio tutelle directa and the actio distrabalendis ratiohibus, could only be brought by the legitimate tutela was ended. The actio tutelle directa was for a general account of the property managed by the tutor, and for its delivery to the pupillus, now become pubes. The tutor was answerable not only for loss through dolus malus, but for loss occasioned by want of proper care. This was an action bona fide, and consequently, in in casu. If the tutor was found guilty of the breach of the law, the consequence was infamia. (Vid. Infamia.) The tutor was entitled to all proper allowances in respect of what he had expended or done during his management of the property of the pupillus. The tutor had the actio tutelle contraria against the pupillus for all his proper costs and expenses; and he might have also a calumniæ judicium, in case he could show that the pupillus had brought an action against him from malicious motives.

In order to secure the proper management of the property of a pupillus or of a person who was in curatone, the praetor required the tutor or curator to give security; but no security was required from testamentary tutors, because they had been selected by the majority of the curatores appointed by a conseil, consul, or praeses, for they were appointed as being fit persons.

The tutela of women who are puperes requires a separate consideration, in which puperes (perfecta atatis) manage their own affairs, and, in some cases, a tutor must interpose his auctoritates (deis causa), and frequently he is compelled to give his auctoritates by the praetor. Upian and Gaius differ in the case of testamentary tutors, who both manage their affairs and give their auctoritates (et negativa gerunt et auctoritate inter ponunt); but the tutors of women (mulieres, that is, women who are puperes) only give their auctoritates.

There were other cases, also, in which the capacity of a mulier was greater than that of a pupillus or pupilla. The object of this rule seems to have been the same as the restriction on the testamentary power of women, for her agnati, who were a woman's legitimate tutors, were interested in preventing the alienation of her property.

A mulier might have a tutor appointed by her father's testament, or by the testament of her husband, in whose hand she was. She might also receive from her husband's will the tutoris optimo. Women who had no testamentary tutor were in the tutela of their agnati, until this rule of law was repealed by a lex Claudia, which Gaius illustrates as follows: "a masculi impubes has frater pupes or his patruus for his tutor; but women (familia) cannot have such a tutor." This old tutela of the Twelve Tables (legitima tutela) and that of manumissores (patronum tutela) could be transferred over to women by two other laws; one of which is, that a tutor could not, "being," as Gaius observes, "not onerous, for it terminated with the period of puberty." But, as already suggested, there were other reasons why the agnati could part with the tutela, which in the case of patroni are obvious. The tutela of patroni was not included within the lex Claudia. The tutela fiduciaria was apparently a device of the lawyers for releasing a tutor the pecuniary part of whose property was in a custodia, that is, the tutor was to have been retained after the passing of the lex Claudia, as a general mode by which a woman changed her tutor. To effect this, the woman made a "coempio fiducia causa;" she was then remanipulated by the coemptionator to some person of her own choice: this person manumitted her vindicta, and thus became her tutor fiduciaria. Thus the woman passed from her own family to another family, and from one line of her family to another, upon her property, and her tutor fiduciaria might be compelled by the praetor to give his auctoritias to her acts.

A tutor datius was given to women under the law. (Gaius, i., 119.) — 2. (Livy, xxxiv., 2.) — 2. (Pro Mumina, c. 12.) — 2. (frag., tit. 11, s. 1.) — 5. (Gaius, 1., 100.) — 6. (Id. ib.) — 157. c. 11. (C. I. L.) — 10. (Gaius, i., 115.) — 11. (Id., i., 190, ii., 152.)
lex Atilla ven mar there was no tutor, and in other cases which have been already mentioned. 1 The vestal virgins were exempted from all tutela; and both infants and libertae were exempted from tutela by the jus liberorum. 2 The tutela of feminum was determined by the death of the tutor or that of the woman, and by her acquiring the jus liberorum, either by bearing children or from the imperial favor. The abdicatio of the tutor and the in iure cession (so long as in the iure cession was in use) merely effected a change of tutor.

In those cases where the tutors were freedmen or freedwomen, the act of mancipulum in having a capacity to manage their affairs, and only requiring in certain cases the auctoritas of a tutor. If the woman was in the legitima tutela of patroni or parents, the tutors could not be compelled, except in certain very special cases, to give their auctoritas to acts which tended to deprive them of the woman's property, or that would diminish it before it might come to her hands. 3 On the other hand, the tutor could be compelled to give their auctoritas. The special cases in which the auctoritas of a tutor was required were, if the woman had to sue "lege," or in a legitimum judicium, if she was going to bind herself by a contract, if she was doing any civil act, or permitting her freedwoman to be in commutation with the slave or a freedman. 4

Among civil acts (civilia negotia) was the making of a testament, the rules as to which were stated in the article Testamentum. Libertae could not make a will without the consent of their patroni, for the will was an act which deprived the patron of his rights 5 as being a legitimus tutor. Gaius mentions a rescript of Antoninus, by which those who claimed the honorum patris secundum tabulas non jure factas could maintain their right against those who claimed it ab intestato. He adds, this rescript certainly applies to the wills of males, and also of feminum who had not performed the ceremony of mancipatio or nuncipatio; but he does not decide whether it applies to the testaments of women made within the tutela of a tutor, and by tutor he means not those who exercised the legitima tutela of parents or patroni, but tutors of the other kind (aliorum generis), who were compelled to give their auctoritas. It would be a fair conclusion, however, that a woman's will made without the auctoritas of such tutors ought to be void under the rescript.

A payment made to a mulier was a release to the debtor, for a woman could part with res nec mancipii without the auctoritas of a tutor; if, however, she did not receive the money, but affected to release the debtor by acceptilatio, this was not a valid release to him. 6 She could not manumit without the auctoritas of a tutor. 7 Gaius states that no alienation of a res mancipii by a mulier in agnatum tutela was valid unless it was delivered with the auctoritas of a tutor, which he expresses by saying that her res mancipii could not otherwise be the object of usucapion, and that this was a provision of the Twelve Tables. 8 In other cases, if a res mancipii was transferred by tradition, the purchaser acquired the quiritanian ownership of the usufruct, unless otherwise agreed. 9 In the case of a woman's res mancipii, the auctoritas of the tutor was required in order that usufruct might be effected. In another passage 10 Gaius observes that a woman cannot alienate her res mancipii without the auctoritas of her tutor, which means that the formal act of mancipatio is null without his auctoritas; and such act could not operate as a traditio for want of his auctoritas, as appears from the other passage.

The passage of Cicero 11 is in accordance with Gaius; but another 12 is expressed so vaguely, that though the explanation given by Cicero can only properly be applicable on the supposition of there having been a transfer without the auctoritas of a tutor, and on the further supposition of Cicero thinking it unnecessary to state the particular facts of a case which must have been known to Atticus.

The auctoritas of a tutor was not required in the case of any obligatio by which the woman's condition of auctoritas should give the necessary auctoritas in the case of a freedwoman. 13 The former is in the view of Gaius that the tutor was not mancipi without the consent of a tutor, she could contract an obligatio by lending money, for by delivering the money became the property of the receiver. A senatus consultum allowed a woman to apply for a tutor in the absence of her tutor, unless the tutor was a patronus; if he was a patron, she could only apply for a tutor in order to have his auctoritas for taking possession of an ahereditas (ad hereditatem acedendum) or contracting a marriage.

The tutela of a woman was terminated by the death of the tutor or that of the woman; by a marriage, by which she came in manum virt.; by the privilege of children (jus liberorum); by an abdicatio, and also by the in iure cession, so long as the agnatorum tutela was in use: but in these last two cases there was only a change of tutor.

A woman had no right of action against her tutor in respect of his tutela, for he had not the negotiorum gestio, but only interposed his auctoritas. 14 (The most recent and the most complete work on the subject is that of A. de la Motte, since it is the substance of which appears to be given by Rein, Das Röm. Privatrecht, p. 239, &c., Dig. 26 and 27.)

TUTULUS was the name given to a pile of hair on a woman's head. Great pains were taken by the Roman ladies to have this part of the hair dressed in the prevailing fashion, whence we read in an inscription in an austra a tutela. The hair was piled up to an enormous height. 15 The tutulus seems to have resembled very much the Greek κόμψος, of which a representation is given in the woodcut on p. 314.

The flamingo always wore a tutulus, which was formed by having the hair plaited up with a purple band in a conical form.

Table of Tutors. In the year B.C. 462, the tribune C. Terentullus Arsa proposed a reatlon that five men should be appointed for the purpose of preparing a set of laws to limit the imperium of the consuls. 16 The patricians opposed the measure, but it was brought forward by the tribunes in the following year with some modifications: the new
THE TWELVE TABLES.

rotation proposed that ten men should be appointed (legum laetes) from the plebs and the patricii, who were to make laws for the advantage of both ranks, and for the "equalizing of liberty," a phrase the import of which can only be understood by reference to the disputes between the two ranks. According to Dionysius, in the year B.C. 454 the senate assented to a plebisicium, purporting to which common council were to make laws for the advantage of the Greek cities generally, in order to make themselves acquainted with their laws. Three commissioners were appointed for the purpose. On the return of the commissioners, B.C. 452, it was agreed that persons should be appointed to draw up the code of laws (decemviri legibus scribendi), but they were to be chosen only from the patricians, with a provision that the rights of the plebes should be respected in the laws. In the following year (B.C. 451) the decemviri were appointed in the comitia centuriata, and during the time of their office no other magistratures were chosen. The body consisted of ten patricians, including the three commissioners who had been sent abroad; Appius Claudius, consul designatus, was at the head of the body. The Ten took the advice of Appius Claudius and his friends; but the second body of decemviri comprised three plebeians, according to Dionysius, but Livy speaks only of patricians. Two more tables were added by these decemviri, which Cicero calls "Duae tabulae incipitum legum." The provision which allowed no com mitium between the patres and the plebs is referred to the eleventh table. The whole Twelve Tables were first published in the consilium of L. Valerius and M. Horatius, after the downfall of the decemviri, B.C. 449. This, the first attempt to make a code, remained also the only attempt for near one thousand years, until the legislation of Justinian. The Twelve Tables are mentioned by the Roman writers under a great variety of names: Leges Decemvirates, Lex Decemviralis, Leges XII, Lex XII. Tabularum or Duodecim, are sometimes they are referred to under the names of leges and lex simply, as being pre-eminently The Law.

The laws were cut on bronze tablets and put up in a public place. Pomponius states that the first ten tables were on ivory (tabulae elores): a note of Zimmermann contains references to various authorities which treat of this disputed matter. After the burning of the city by the Gauls, it was necessary to reconstruct the tables. It is not said that there had been two or more original copies, though, if the custom of placing laws in the aerarium was then in use, there may have been two copies at least. But whether there was only one copy, or whether that was found after the conflagration, the twelve were in some way restored, and the Romans of the age of Cicero had the same discussions, as to the genuineness of the collection which then existed.

The legislation of the Twelve Tables has been a fruitful matter of speculation and inquiry to modern historians and jurists, who have often handled the subject in the most uncritical manner, and with utter disregard to the evidence. As to the mission to the Greek cities, the fact rests on as much and as good evidence as most other facts of the same age, and there is nothing in it improbable, though we do not know what the commissioners brought back with them. It is farther said that Hermodo ras, an Ephesian exile, aided the decemviri in drawing up the Twelve Tables, though his assistance would probably be confined to the interpretation of Greek laws, as it has been suggested. This tradition was confirmed by the fact of a statute having been erected in the comitium at Rome in memory of Hermodorus; but it did not exist in the time of Pliny.

The Twelve Tables contained matters relating both to the jus publicum and the jus privatum (i.e., public and private laws). They contain many enactments which underwent great changes in the course of years, but the jus privatum of the Twelve Tables continued to be the fundamental law of the Roman state. Cicero speaks of learning the laws of the Twelve Tables (ut carmen necessarium) when a boy; but he adds that this practice had fallen into disuse when he wrote, the Edict having then become of universal use. More recently, the fundamental principles of the Twelve Tables were ever formally repealed, but that the jus praeium grew up by the side of them, and mitigated their rigour. There is, indeed, an instance in which positive legislation interfered with them, by the abolition of the legis actions; but the Twelve Tables themselves were never repealed. The Roman writers speak in various terms of the precision of the enactments contained in the Twelve Tables, and of the propriety of the language in which they were expressed. That many of their provisions should have become obscure in the course of time, owing to the change which language undergoes, is nothing surprising; nor can we wonder if the strictness of the old law should often have seemed unnecessary harsh in a later age. So far as we can form a judgment by the few fragments which remain, the enactments were expressed with great brevity and archaic simplicity.

Secutus Aulus Postius Catus, in his Tripartita, commented on the Twelve Tables, and the work existed in the time of Pomponius. (Vid. P. E. G. E. in connection on the Twelve Tables, which is mentioned several times by Gellius. Gaianus also wrote a comment on the Tables in six books (ad legem zii. tabularum), twenty fragments of which are contained in the Digest, and collected by Hommelius in his Palingenesia. There were also other commentators or explanations of the laws of the Twelve Tables.

The notion which has sometimes been entertained, that the Twelve Tables contained a body of rules of law entirely new, is not supported by any evidence, and is inconsistent with all that we know of them and of Roman institutions. It is more reasonable to suppose that they fixed in a written form a large body of customary law, which would be an obvious benefit to the plebeians, inasmuch as the patricians were the expounders of the law. One of the last two tables contained a provision which allowed no comitium between patricians and plebeians; but it is uncertain whether this was a new rule of law or a confirmation of an old rule. The latter seems the more probable supposition; but in either case it is clear that it was not one of the ob-
jects of this legislation to put the two classes on the same footing. Modern writers often speak inaccurately of the decemviral legislation, and of the decemviri as enacting laws; as if the decemviri had exercised sovereign power; but they did not even attempt to legislate absolutely, for the Ten Tables were confirmed by the comitia centuriae, or the sovereign people, or, as Niebuhr expresses it, "when the decemviri had satisfied every objection they deemed reasonable, and their work was approved by the senate, they brought it before the centuries, whose assent was ratified by the curies, under the presidency of the colleges of priests and the sanction of happy auspices." The ancient authors were confirmed in the same way, as we may safely conclude from the circumstances of the case. It makes no difference that the sovereign people did not vote on the several laws included in the Tables: such a mode of legislation would have been impracticable, and, as Niebuhr observes, was not conformable to the usage of ancient commonwealths. How far the decemviri really were able, by intrigue or otherwise, to carry such particular measures as they wished to insert in the Tables, is a different question: but in form their so-called legislation was confirmed, as a whole, by the sovereign, that is, the Roman people, and consequently the decemviri are improperly called legislators: they might be called code-makers.

It is consistent with the assumption that the Twelve Tables had mainly for their object the embodying of the customary law in writing, to admit that many provisions were also introduced from the laws of other states. Indeed, where the Roman law was imperfect, the readiest mode of supplying the defects would be by adopting the rules of law that had been approved by experience by other people. Thus Gaius, in his Commentary on the Twelve Tables, where he is speaking of Collegia, says that the members of collegia may make what terms they please among themselves, if they thereby violate no publica lex; and he adds, this lex seems to be taken from one of Solon's, which he quotes. And in another passage, where he is speaking of the action samarium, he refers to a law of Solon as the source of certain rules as to boundaries. It is a possible case that the Romans had no written law before the enactment of the Twelve Tables, except a few leges, and, if this is so, the prudence of applying to those states which had bodies of written law, if they were only as samples and patterns, if the form of legislation is obvious.

The fragments of the Twelve Tables have often been collected, but the most complete essay on their history, and on the critical labours of scholars and jurists, is by Dirksen, Uebersicht der bisherigen Ver- suche zur Kritik und Herstellung des Textes der Zoelb-Tafel-Fragmente, Leipzig, 1824. Zimmern's Geschiccht, &c., contains references to all the authorita- tes on this subject.

TYMPANUM (ρύθματον), a small drum carried in the hand. Of these, some resembled in all respects a modern tambourine with bells. Others presented a flat, circular disk on the upper surface, and swelled out beneath like a kettle-drum, a shape which appears to be indicated by Pliny when he describes a particular class of pearls in the palus termen.

Quibus una tamquam set factus, et ab ea rotunditates, exseris planitates, ob id tympania vocans. Both forms are represented in the cuts below. That upon the left is from a painting found at Pompeii, that on the right from a fictile vase; and here the

convexity on the under side is distinctly seen. Tym- pan a were covered with the hides of oxen 1 or of asses, 2 were beaten 3 with a stick 4 or with the hand 5 (see cuts), and were much employed in wild, enthusiastic religious rites, especially the orgies of Bacchus and of Cybele, 6 and hence Plautus characterizes an officiant corocone as "a malacum, cincimatum, umbratitcal, tympanotrikam." According to Justin, 7 they were used by the Par- thians in war to give the signal for the onset.

2. A solid wheel without spokes for heavy wagons, 8 such as is shown in the cut on page 781. These are to this day common in the rude carts of southern Italy and Greece, and Mr. Fellow, 9 from whose work the figure below is copied, found them attached to the farm vehicles of Mysia. "The wheels are of solid blocks of wood or thick planks, generally three, held together by an iron hoop or tire; a loud cracking noise is made by the frame when the axle is knocked down, 10 a satisfactory commentary on the "strenitudo piautva" of Virgil. 11

3. Hence wheels of various kinds, a sort of erane worked by a wheel for raising weights, 12 a wheel for drawing water, 13 a solid toothed wheel forming part of the machinery of a mill, 14 and the like.

4. A spoke or axle for round plates or chargers, such as were afterward called lances and statern. 15

5. An architectural term, signifying the flat surface or space within a pediment, and also the square panel of a door. 16

6. A wooden cudgel for beating muleteers, and also a beating-post to which they were tied whenlogged; hence the Greek verbs tympanere and atympanenere are formed. 17

U. V.

VACANTIA BONA. (Vid. BONA VACANTIA. VACATIO. (Vid. Army, Roman, p. 102; EM- BRITISH.

†VACINIUM, most probably the Delphionic Ajacie, or Larkspur. (Vid. HYACINTHUS.)

VADIMO'NIUM, YAS. (Vid. Actio, p. 18.)

P. E. E.

VAGINA. (Vid. CLAVUS.)

VALLUS.

VANNUS.

to be scourged, or to be fined, should possess the
right of appeal (pro vocatio) to the people.1 Niebuhr2 has pointed out that the patricians possessed previ-
ously the right of appeal from the sentence of a
magistrate to their own council the curies, and that,
therefore, this law of Valerius only related to the
plebeians, to whom it gave the right of appeal to
the plebeian tribes, and not to the centuries. This
seems to be the sense of Dionysius,3 but is corrected
also by the fact that the laws proposed by the Val-
erian family respecting the right of appeal are
spoken of as one of the chief safeguards of the lib-
erty of the plebs.4 The right of appeal did not
extend beyond a mile from the city,5 where the
unlimited imperium began, to which the patricians
were just as much subject as the plebeians.

VALE RII, ET HORA TII, LEGES were
three laws proposed by the consuls L. Valerius and
M. Horatius, B.C. 449, in the year after the decem-
virate. 1. The first law is said to have made a
plebeian sentence binding on the whole people, respect-
ing the meaning of which expression see PLEBISCITUM.

2. The second law enacted that whoever should
procure the election of a magistrate without appeal
should be outlawed, and might be killed by any one
with the动手; the penalty threatened against any one who
should harm the tribunes and the seiles, to whom were
now added the judges and decemvirs ("Ut qui
tribunis plebis, adidibus, judicibus, decemviris nocu-
set, ejus capit ius sacrum esset, familia ad cadem
Cerers liberis liberarque veniam iuit"). There has
been considerable dispute as to who are meant by the
judges and decemvirs in this passage. Ar-
hold supposes that they refer to two new offices,
which were to be shared equally between the two
orders, the "judges" being two supreme magis-
trates, invested with the highest judicial power, and
discharging also those duties afterward performed
by the censors, and the "decemviri" being ten tri-
bones of the soldiers, to whom the military power of
the consuls was transferred. Niebuhr supposes the
centumviri to be meant by the judges, and that
the decemviri were the supreme magistrates, who
were again to take the place of the consuls, as soon
as it should be settled what share the commonalty
ought to have in the curule dignity; only he im-
agines that it was the plebeian decemviri alone
that appeared in this passage.

V A L E R I A N A. LEX, proposed by the consul M.
Valerius, B.C. 300, re-enacted for the third time
the celebrated law of his family respecting appeal
(provacatio) from the decision of a magistrate. The
law specified no fixed penalty for its violation, leav-
ing the judges to determine what the punishment
should be.6 We do not know why this law was
re-enacted at this particular time.

VALLUM, a term applied either to the whole or
a portion of the fortifications of a Roman camp. It
is derived from vallus (a stake), and properly means
the palisade which ran along the outer edge of
the auge, but it very frequently includes the auge also.
The vallum, in the latter sense, together with the
fosse or ditch which surrounded the camp outside of
the vallum, formed a complete fortification. (Vid.
AEGER.)

The valli (ypapces), of which the vallum, in the
former and more limited sense, was composed, are
described by Polybius7 and Livy,8 who make a com-
parison between the vallums of the Greeks and that
of the Romans, very much to the advantage of the
latter. Both used for valli young trees, or arms of
larger trees, with the side branches on them; but the
valli of the Greeks were much larger, and had
more branches than those of the Romans, which
had either two or three, or, at the most, four bran-
ches, and these generally on the same side. The
Greeks placed their valli in the auge at considera-
table intervals, the spaces between them being filled
by earth thrown up by the aures, which diverged
from each other, and made the branches interface,
and sharpened their points carefully. Hence the
Greek valli could easily be taken hold of by its large
branches and pulled from its place, and when it was
removed a large opening was left in the vallum.
The Roman valli, on the contrary, presented no
convenient handle, required very great force to pull
it down, and, even if removed, left a very small
opening, which the besiegers could not take
through. The Romans prepared theirs beforehand, and
each soldier carried three or four of them when on a
march.9 They were made of any strong wood, but
oak was preferred.

The word vallus is sometimes used as equivalent
to vallum.

A fortification like the Roman vallum was used
by the Greeks at a very early period.2

Varro's etymology of the word is not worth much.

In the operations of a siege, when the place could
not be taken by storm, and it became necessary to
establish a blockade, this was done by drawing de-
defences similar to those of a camp round the town,
which was then said to be circumvallatum. Such a
circumvallation, besides cutting off all communica-
tion between the town and the surrounding coun-
try, formed a defence against the allies of the besieger.
There was often a double line of fortifications, the
inner against the town, and the outer against a force
that might attempt to raise the siege. In this case
the army was encamped between the two lines of
works.

This kind of circumvallation, which the Greeks
called anpoxegeos and pepegegeos, was employed by
the Peloponnesians in the siege of Plataea.3 Their
lines consisted of two walls (apparently of turf)
at the distance of 16 feet, which surrounded the
city in the form of a circle. Between the walls
were the huts of the besiegers. The walls had bat-
tlements (fonsit), and at every tenth battlement
there was a tower, rising up by its depth the whole
space between the walls. There was a passage for
the besiegers through the middle of each tower.
On the outside of each wall was a ditch (rapos).
This description would almost exactly answer for
the Roman mode of circumvallation, of which some of
the best examples are that of Carthage by Scipio,4
that of Numantia by Scipio,5 and that of Alesia by
Caesar.6 The towers in such lines were similar to
those used in attacking fortified places, but not so
high, and, of course, not movable.7 (Vid. TUNICA.)

VALLUS. (Vid. VALLUM.)

V AL V E. (Vid. JANU, p. 525.)

VANNUS (o. fegos, flxov,xos), a winning-van, i.e.,
a broad basket, into which the corn mixed with
chaff (cava, erova) was received after threshing.

The names of Dioscuri, and those used in attacking fortified places, but not so
high, and, of course, not movable.7 (Vid. TUNICA.)

1. (Polyb. 1. c.—Virg., Georg., iii., 366, 347.—Cic., Tuscar, 18,
16.—Cesar, Gal., 60, 61.—De bel. civ., 31, 39, 40.)
2. (L. L. v., 177, ed. Muller.—3. (Theod., ii., 78; iii., 20,
Gesta, vii.)—9. (Theor. in Gesta, iv.)—10. (Cic., De Rer. Rer. 44,
Re Rust., ii., 21.—Virg., Georg., ii., 184.)—1 1. (Georg., i., 106.)
VECTIGALIA.

VECTIGALIA.

1. The title paid to the state by those who occupied the ager publicus. (Vid. Decemv., Agrarum Leges.)

2. The sums paid by those who kept their cattle on the public pastures. (Vid. Scriptura.)

3. The harbour duties raised upon imported and exported commodities. (Vid. Portorich.)

4. The revenue derived from the salt-works (salinas). At the time referred to above, the salt-works at Ostia, and as they were public property, they were probably let out to farm. The publican, however, at times to have sold this most necessary of all commodities at a very high price, whence, during the war with Porsenna, the Republic itself undertook the direct management of the saline of Ostia, in order that the people might obtain salt at a moderate price. Subsequently the salines were again farmed by the publican, but the censors M. Livius and C. Claudius fixed the price at which those who took the lease of them were obliged to sell the salt to the people. At Rome the modius was, according to this regulation, sold for a sextans, while in other parts of Italy the price was higher and sometimes even doubled. The salt-works in Italy and in the provinces were very numerous; in conquered countries, however, they were sometimes left in the possession of their former owners (per sons or towns), who had to pay to Rome only a fixed rent. Others, again, were worked, and the produce sold in the name of the state, or were, like those of Asia, farmed by the publican. The revenues derived from the mines (metalla) This branch of the public revenue cannot have been very productive until the Romans had become masters of foreign countries. Until that time the mines of Italy appear to have been worked, but this was forbidden by the senate after the conquest of foreign lands. The mines of conquered countries were treated like the saline, that is, they were partly left to individuals or towns, on condition of a certain rent being paid, or they were worked for the direct account of the state, or were farmed by the publican. In the last case, however, it appears always to have been fixed by the lex oratory "Lege delae Clodia," the publican should be allowed to employ in a particular mine, as otherwise they would have been able to derive the most enormous profits. Among the most productive mines belonging to the Republic, we may mention the rich gold-mines near Aquileia, the gold-mines of Istria, near Verceil, in which 25,000 men were constantly employed and, lastly, the silver-mines in Spain, in the neighbourhood of Carthago Nova, which yielded every day 25,000 drachmae to the Roman aerarium. Macedonia, Thrace, Illyricum, Africa, Sardinia, and other places, also contained very productive mines, from which Rome derived considerable income.


Ducentesima. According to Dion Cassius, Tiberius restored the centesima, which was afterward abolished by Caligula. 3 Respecting the tax raised upon the sale of slaves, see Quinquagesima. 7 The vicesima hereditatum et manumissionum. (Vid. Vicesima.)

9. A tax upon bachelors. (Vid. Uxorium.)

10. A door-tax. (Vid. Ostarium.)

11. The octave. In the time of Caesar, all liberti living in Italy, and possessing property of 200 sestertia and above, it had to pay a tax consisting of the eighth part of their property. 7 It would be interesting to ascertain the amount of income which Rome at various periods derived from these and other sources, but our want of information renders it impossible. We have only the general statement that, previously to the time of Pompey, the annual revenue amounted to fifty millions of drachmas, and that it was increased by him to eighty-five millions. 

Respecting the sums contained at different times in the ararium at Rome, see Pliny. 9

VEHIES (βυχα), a load of hay, manure, or anything which was usually conveyed in a cart. (Vid. Plaustrum.) Pliny speaks of "a large load of hay" (vehem fami large omnium), which shows that this term did not always denote a fixed quantity. With the Romans, however, as with us, the load was likewise used as a measure, a load of manure being equal to eighty modii, which was about twenty bushels. 11 The trunk of a tree, when squared, was also reckoned a load, the length varying according to the kind of timber, viz., 20 feet of oak, 25 of fir, &c. 12 A load was also called Carpentum.

VETERIUM. (Vid. Velum.)

VETERATI was a name given to the Accensi in the Roman army, who were only supernumerary soldiers ready to supply any vacancies in the legion. (Vid. Accensi.) They were called Velati, because they were only clothed (velati) with the saga, and were armed. 3

VELITES. (Vid. Arm. Roman, p. 104.)

VELLEIA NUMENTIUS CONSULATUS. (Vid. Intercessio, p. 542.)

VELUM (velai, 11) vespertinaqua, 14 vespertinaqua, 14 a curtain, (ἱστόν) a sail. In private houses curtains were either hung as coverings over doors, 17 or they served in the interior of the house as substitutes for doors. 14 (Vid. House, p. 515; Janua, p. 526.) In the palace of the Roman emperor, a slave, called eclarius, was stationed at each of the principal doors to raise the curtain when any one passed through. 1 Window-curtains were used in addition to window-shutters. 8 Curtains sometimes formed partitions in the rooms. 8 and, when drawn aside, they were kept in place by the use of large rings. (Vid. Figula, p. 539.) Iron curtain-rods have been found extending from pillar to pillar in the building at Heracleum. 8

In temples curtains served more especially to veil the statue of the divinity. They were drawn aside occasionally, so as to discover the object of worship to the devout. 6 (Vid. Pastophoros.) Antiochus presented to the Temple of Jupiter at Olympia a woollen curtain of Assyrian manufacture, dyed with the Tyrian purple, and interwoven with figures. When the statue was displayed, this curtain lay upon the ground, and it was afterward drawn up by means of cords; whereas, in the Temple of Diana at Ephesus, the corresponding curtain or veil was attached to the ceiling, and was let down in order to conceal the statue. 8 The annexed woodcut is from a bas-relief representing two females engaged in supplication and sacrifice before the statue of a goddess. The altar is adorned for the occasion (vid. Sertum); and the curtain is drawn aside and supported by a terminus. 7

In the theatres there were hanging curtains to decorate the scene. 8 The siparium was extended in a wooden frame. The eclairum was an awning stretched over the whole of the cavea to protect the spectators from the sun and rain. 9 These awnings were in general either woollen or linen; but cotton was used for this purpose a little before the time of Julius Caesar, and was continued in use by him. 10 This vast extent of canvas was supported by masts (nauti) fixed into the outer wall. The annexed woodcut shows the form and position of the great rings, cut out of lava, which remain on the inside of the wall of the Great Theatre at Pomeii, near the top, and which are placed at regular
VENATIO.

distances, and one of them above another, so that each mast was fixed into two rings. Each ring is of one piece and is hollow, being made behind it. At Rome we observe a similar contrivance. The masts being uncurled, but the masts were in that instance ranged on the outside of the wall, and rested on 240 consoles, from which they rose so as to pass through holes cut in the cornice. The holes for the masts are also seen in the Roman theatres at Orange and other places. Velum, and much more commonly its derivative solenium. This word is of Etruscan origin, and was borne by a bride was specifically called flavissimum or golden (vid. Marriage, p. 622): another special term was rica. Greek women, when they went abroad, often covered their heads with the shawl (vid. Pælum), thus making it serve the purpose of a veil. But they also used a proper headdress, called xéipès, which, besides serving to veil their countenances whenever they desired it, was graceful and ornamental, and was therefore attributed to Venus and Pandora. The veil of Ilione, the eldest daughter of Priam, was one of the seven objects preserved at Rome as pledges of the permanency of its power. Velum also meant a sail (tortes (vid. Ships, p. 399), laptos): Sailcloth was commonly linen, and was obtained in great quantities from Egypt; but it was also exhibited in Italy, and might have been understood in Etruria. But cotton sailcloth (barbas) was also used, as is still in the Mediterranean. The separate pieces (lintes) were taken as they came from the loom, and were sewed together. This is shown in ancient paintings of ships, in which the seams are distinct and regular.

VENALIA/RII. (Vid. Iter, Roman, p. 886.) VENATIO, hunting, was the name given among the Romans to an exhibition of wild beasts, which fought with one another and with men. These exhibitions originally formed part of the games of the circus. Julius Caesar first built a wooden amphitheatre for the exhibition of wild beasts, which is called the Aedilis, and for which the same name is given to the amphitheatre built by Statilius Taurus,11 and also to the celebrated one of Titus;13 but, even after the erection of the latter, we frequently read of venations in the circus.13 The persons who engaged with the beasts were either condemned criminals or captives, or individuals who did so for the sake of pay, and were trained for the purpose. (Vid. Bactarii.)

The Romans were as passionately fond of this entertainment as of the exhibitions of gladiators, and during the latter days of the Republic and under the Empire an immense variety of animals was collected from all parts of the Roman world for the gratification of the people, and many thousands were frequently slain at a time. We do not know on what occasion the venation was first exhibited at Rome, but the first mention we find of anything of the kind is in the year B.C. 251, when L. Metellus exhibited in the circus 142 elephants, which he had brought from Sicily after his victory over the Carthaginians, and which were killed in the circus according to Vergil, though other writers do not speak of their slaughter.1 But this can scarcely be understood in later times, since the elephants are said to have been only killed because the Romans did not know what to do with them, and not for the amusement of the people. There was, however, a venatio in the latter sense of the word in B.C. 186, at the games celebrated by M. Fulvius in fulfilment of the vow by which he had made in the :S01iiieuris. But in these games lions and panthers were exhibited.1 It is mentioned as a proof of the growing magnificence of the age, that in the ludi circenses exhibited by the curule ediles P. Cornelius Scipio Nasica and P. Lentulus, B.C. 168, there were 63 African panthers, and 40 bears and elephants. From about this time combats with wild beasts probably formed a regular part of the ludi circenses, and may have been in the curule ediles made great efforts to obtain rare and curious animals, and put in requisition the services of their friends.1 Elephants are said to have first fought in the circus in the curule edileship of Claudius Pulcher, B.C. 99, and, twenty years afterward, in the curule edileship of the two Luculli, they fought against bulls. A hundred wild beasts belonging to the prisoners, which were destroyed by javelin-men sent by King Bocchus for the purpose. This was the first time that lions were allowed to be loose in the circus; they were previously always tied up. The games, however, in the curule edileship of Scævola, B.C. 58, surpassed anything the Romans had ever seen; among other novelty, he first exhibited an hippocampus and five crocodiles in a temporary canal or trench (curvus). At the venatio given by Pompey in his second consulship, B.C. 55, upon the dedication of the Temple of Venus Victrix, and at which Cicero was present, there was an immense number of animals slaughtered, among which we find mention of 600 lions, and 150 or more elephants at the latter. With Gætulians, who hurled darts against them, and they attempted to break through the railings (clathri) by which they were separated from the spectators.1 To guard against this danger, Julius Caesar surrounded the arena of the amphitheatre with trenches (curvis).

In the games exhibited by J. Caesar in his third consulship, B.C. 45, the venatio lasted for five days, and was conducted with extraordinary splendour. Cameleopards or giraffes were then for the first time seen in Italy. Julius Caesar also introduced bull-fights, in which Thessalian horsemen pursued the bulls round the circus, and, when the latter were tired out, seized them by the horns and killed them. This seems to have been a favorite spectacle; it was repeated by Claudius and Nero.11 In the games celebrated by Augustus, B.C. 29, the hippocampus and the rhinoceros were first exhibited, according to Dion Cassius;12 but the hippocampus is spoken of by Pliny, as mentioned above, in the games given by Scævola. Augustus also exhibited a snake 40 feet in length, and thirty or more crocodiles, which are seldom mentioned in the spectacles of later times.

The occasions on which venations were exhibited have been incidentally mentioned above. They seem to have been first confined to the ludi circenses.


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VENATICUM.

The first represents a man naked and unarmed between a lion and a panther. Persons in this defenceless state had, of course, only their agility to trust to in order to escape from the beasts. In the second cut we see a similar person, against whom a wild boar is rushing, and who appears to be preparing for a spring to escape from the animal. In the same relief there is a wolf running at full speed, and also a stag with a rope tied to his horns, who has been pulled down by two wolves or dogs. The third relief is supposed by Mazois to represent the training of a bestiarius. The latter has a spear in each hand; his left leg is protected by greaves, and he is in the act of attacking a panther, whose movements are hampered by a rope, which fastens him to the bull behind him, and which accordingly places the bestiarius in a less dangerous position, though more caution and activity are required than if the beast were fixed to a certain point. Behind the bull another man stands with a spear, who seems to be urging on the animal. The fourth woodcut represents a man equipped in the same way as the matador in the Spanish bullfights in the present day, namely, with a sword in one hand and a veil in the other. The veil was first employed in the arena in the time of the Emperor Claudius.

VENIFICIUM, the crime of poisoning, is frequently mentioned in Roman history. Women


against all who made, bought, sold, possessed, or gave poison for the purpose of poisoning.1 The punishment fixed by this law was, according to Marcián, the deportation in insulam and the confiscation of property; but it was more probably the in terdictio aquae et ignis, since the deportatio under the emperors took the place of the interdictio, and the expression in the Digest was suited to the time of the writers or compilers. (Vid. CORNELIA LEX DE SACRIIS, &c., p. 308.) By a senatus consultum passed subsequently, a female who gave drugs or poison for the purpose of producing conception, even without any evil intent, was banished (relegatus), if the person to whom she administered them died in consequence. By another senatus consultum, all draughtsmen of poisons and sculptors who carelessly, "purgationis causa," were liable to the penalties of this law. In the time of Marcián (that of Alexander Severus) this crime was punished capitally in the case of persons of lower rank (humiliores), who were exposed to wild beasts, but persons of higher rank (altiores) were condemned to the de- mortum in the same day.2

The word veneficum was also applied to potions, incantations, &c.,3 whence we find veneficus and venefica used in the sense of a sorcerer and sorceress in general.

VER SACRUM (sor. lep.). It was a custom among the early Italian nations, especially among the Sabine, to offer great danger and distress, to them in the deity that "sacrifice was poisoning born in the next spring, that is, between the first of March and the last day of April, if the calamity under which they were labouring should be removed.4 This sacrifice, in the early times, comprehended both men and domestic animals, and there is little doubt that in many cases the vow was really carried into effect. It is recorded that in the time of Augustus sacrifice so many innocent infants, and, accordingly, the following expedition was adopted. The children were allowed to grow up, and in the spring of their twentieth or twenty-first year they were, with covered faces, driven across the frontier of their native country, whereupon they went whithersoever fortune might lead them. Many a colony was founded by persons driven out in this manner; and the Mamertines in Sicily were the descendents of such devoted persons.5 In the two historical instances in which the Romans vowed a ver sacrum, that is, after the battle of Lake Trasimenus and at the close of the second Punic war, the vow was not devoted to domestic animals, as was expressed in the vow of the

VERBENA (Vid. Sagmina.)

VERBENA/RIOUS (Vid. Fetialis.)

VERNA. (Vid. Servus, Roman, p. 884, 885.)

VERSO IN REM ACTIO. (Vid. Servus, Rom. p. 584.)

VERSTALES. (Vid. Interest of Money, p. 547.)

VERDI, VERUPITUM. (Vid. Hasta, p. 489.)

VESPE, VESPILOVES. (Vid. Fenix, p. 459.)

VESTALES, the virgin priestesses of Vesta, who ministered in her temple and watched the eternal fire. Their existence at Alba Longa is connected with the earliest Roman traditions, for Silvia, the mother of Romulus, was a member of the sisterhood;6 their establishments in the city, in connexion with almost all matters connected with state religion, is generally ascribed to Numa,7 who se-


Vestales.

The senior sister was entitled Vestalis Maxima, or Virgo Maxima (ἡ προβεβλητή, ἡ ἀρχήτεστα) and was also the expressions Vestalium vetustissimi, vestal maxima.

Their chief office was to watch by turns, night and day, the everlasting fire which blazed upon the altar of Vesta (Viroinesque Vestales in urbe custodient, in honorem populi publici sempiterni), its extinction being considered as the most fearful of all prodigies, and emblematic of the extinction of the state. 1 If such misfortune befell, and was caused by the carelessness of the priestesses on duty, she was stripped and scourged by the pontifex maximus, in the dark and with a sword interposed, and he kindled the flame by the friction of two pieces of wood from a felix arbor. 8 Their other ordinary duties consisted in presenting offerings to the goddess at stated times, and in sprinkling and purifying the shrine each morning with water, which, according to the institution of Numa, was to be drawn from the Egerian font, although in later times it was considered lawful to employ any water from a living spring or running stream, but not such as had passed through pipes. When used for sacrificial purposes it was mixed with murie, that is, salt which had been pounded in a mortar, thrown into an earthen jar, and baked in an oven. 3 They assisted, moreover, at all great public holy rites, such as the festivals of the Boni Deus, 2 and the consecration of temples. They were invited to priestly banquets by the pontifex maximus, 2 and we are told that they were present at the solemn appeal to the gods made by Cicero during the conspiracy of Catiline. 12 They also guarded the sacred relics which formed the fatale pignus imperii, the pledge granted by fate for the permanency of the Roman sway, deposited in the most ancient temple of Rome, 65 of which no one was permitted to enter save the vestal virgins. 22 75 For an inscription to this object was no one known: some supposed that it was the palladium; others, the Samothracian gods carried by Dardanus to Troy, and transported from thence to Italy by Æneas; but all agreed in believing that something of awful sanctity was here preserved, contained, it was said, in a small earthen jar closely sealed, while another exactly similar in form, was preserved in the temple of Jupiter Optimus Maximus. 13

We have seen above that supreme importance was attached to the purity of the vestals, and a terrible punishment awaited her who violated the vow of chastity. According to the law of Numa, she was simply to be stoned to death, 14 but a more cruel torture was devised by Tarquiniius Priscus, 15 and inflicted from that time forward. When condemned by the college of pontifices, she was stripped of her vittae and other badges of office, was scourged, 19 was attired like a corpse, placed in a close litter, and borne through the Forum, attended by her weeping kindred, with all the ceremonies of a real funeral, to a rising ground called the Campus Sacerdotum, just within the city walls, close to the Colline gate. There a small vault underground had been hewn out, and there the body was burnt in a couch, with a lamp, and a table with a little food. The pontifex maximus, having lifted up his hands to heaven and

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Vitruvius enters into no details with regard to road-making, but he gives most minute directions for pavements; and the fragments of ancient pavements still existing, and answering to his description, correspond so exactly with the remains of the military roads, that we cannot doubt that the processes followed in each case were identical, and thus Vitruvius, combined with the poem of Statius on the *Via Domitiana*, will supply all the technical terms.

In the first place, two shallow trenches (*suita*) were dug parallel to each other, marking the breadth of the proposed road; this, in the great lines, such as the *Via Appia*, the *Via Flaminia*, the *Via Valeria*, &c., is found to have been from 13 to 15 feet; the *Via Tusculana* is 11, while those of less importance, from not being great thoroughfares, such as the *via* which leads up to the temple of Jupiter Latialis, on the summit of the Alban Mount, and which is to this day singularly perfect, seem to have been exactly 8 feet wide. The loose earth between the *suita* was then removed, and the excavation continued until a solid foundation (*gremium*) was reached, upon which the materials of the road might firmly rest; if this could not be attained, in consequence of the swampy nature of the ground, or from any peculiarity in the soil, a basis was formed artificially by driving piles (*fasciationibus*). Above the *gremium* were four distinct strata. The lowest course was the *statumen*, consisting of stones not smaller than the hand could just grasp; above the *statumen* was the *rudus*, a mass of broken stones cemented with lime (what masons call *rubble-work*), rammed down hard, and nine inches thick; above the *rudus* came the *nucleus*, composed of fragments of bricks and pottery, the pieces being smaller than in the *rudus*, cemented with lime, and six inches thick. Uppermost was the *pavimentum*, large polygonal blocks of the hardest stone (*ilex*), usually, at least in the vicinity of Rome, basaltic lava, irregular in form, but fitted and jointed with the greatest nicety (*apta jungitur arte ilex*), so as to present a perfectly even surface, as free from gaps or irregularities as if the whole had been one solid mass, and presenting much the same external appearance as the most carefully built polygonal walls of the old Pelasgian towns. The general aspect will be understood from the cut given below of a portion of the street at the entrance of Pompeii.

Livy has recorded that the censorship of Appius Caecus (B.C. 312) was rendered inable in after ages from his having brought water into the city and paved a road (*quod viam munivit et aquam in urbe perpetuam*), the renowned *Via Appia*, which extended, in the first instance, from Rome to Capua, although we can scarcely suppose that it was carried so great a distance in a single lustrum. We undoubtedly hear, long before this period, of the *Via Latina*, the *Via Galba*, and the *Via Salaria*, &c.; but even if we allow that Livy does not employ these names by a sort of prolepsis, in order to indicate conveniently a particular direction (and that he does speak by anticipation when he refers to milestones in some of the above passages is certain), yet we have no proof whatever that they were laid down according to the method afterward adopted with so much success.
VLE.

tae terms agger viae and sum mun.dorum, although both may be applied to the whole surface of the pavement. Occasionally, at least in cities, rectangular slabs of softer stone were employed instead of the irregular polygons of tufa, as we perceive to have been the case in the Forum of Trajan, which was paved with travertine, and in part of the great forum under the column of Phocas, and hence the distinction between the phrases silice sternere and sasso quadrato sternere. It must be observed, that while, on the one hand, recourse was had to piling when a solid foundation could not otherwise be obtained, on the other hand, the piling, when carried over rock, the statumen and the rudus were dispensed with altogether, and the nucleus was spread immediately on the stony surface previously smoothed to receive it. This is seen to have been the case, we are informed by local antiquaries, on the Via Appia, below Albano, where it was cut through a mass of volcanic peperino.

Nor was this all. Regular footpaths (margines, crepidines, umbones) were raised upon each side and strewn with gravel, the different parts were strengthened and bound together with globuli or stone wedges, and stone blocks were set up at moderate intervals on the side of the footpaths, in order that travellers on horseback might be able to mount or dismount on the end of an adnwolos to hoist them up. (Vid. Stratores.)

Finally, Caius Gracchus erected milestones along the whole extent of the great highways, marking the distances from Rome, which appear to have been counted from the gate at which each road issued forth; and Augustus, when appointed inspector of the viae around the city, erected in the Fo rum, a column called (opus scutum—opus scutum millarium aureum), on which were inscribed the distances of the principal points to which the viae conducted. Some have imagined, from a passage in Plutarch, that the distances were calculated from the millarium aureum, but this seems to be disproved both by the fact that the roads were all divided into miles by C. Gracchus nearly two centuries before, and also by the position of various ancient milestones discovered in modern times. It is certain that, during the earlier ages of the Republic, the construction and general superintendence of the roads without, and the streets within the city, were committed, like all other important works, to the censors. This is proved by the law question of the censor, which was tried by special courts, and by the fact that these magistrates are represented as having first formed and given their names to great lines, such as the Appia Via and the Via Flaminia, or as having executed important improvements and repairs. These duties, when no censors were in office, devolved upon the consuls, and in their absence on the praetor urbans, the ediles, or such persons as the Senate might appoint. In the first half of the last century of the Commonwealth, the administration of the roads, as well as of every other department of public business, afforded the tribunes a pretext for popular agitation. Caius Gracchus, in what capacity we know not, is said to have exerted himself in making great improvements, both from a conviction of their utility, and with a view to the acquisition of popularity: and Caio, when tribune, introduced a lex Viaaria for the construction and restoration of many roads, and the appointment of himself to the office of inspector (exmodos) for five years. We learn from Cicero that Thermus, in the year B.C. 65, was curator of the Flaminian Way, and from Plutarch, that Julius Caesar held the same office (opusvecuratorum) with regard to the Appian Way, and laid out great sums of his own money upon it, but by whom these appointments were conferred we cannot tell. During the first years of Augustus, Agrippa, being edile, repaired all roads at his own proper expense; subsequently the emperor, finding that the roads had fallen into disrepair, renewed the system which had been discontinued after the restoration of the Via Flaminia as far as Ariminum, and distributed the rest among the most distinguished men in the state (triumphalis viris), to be paved out of the money obtained from spoils (ex manubiat pecunia sternendae). In the reign of Claudius we find that this charge had fallen upon the questors, and that they were in the right of the Flaminia, and although some give a different interpretation to the words. Generally speaking, however, under the Empire, the post of inspector-in-chief (curator)—and each great line appears to have had a separate officer with this appellation—was considered a high dignity, insomuch that the title was frequently assumed by the emperors themselves, and a great number of road commissioners are heard to be the recipients of upward of twenty princes from Augustus to Constantine, commemorating their exertions in making and maintaining public ways.

These curatores were at first, it would appear, appointed upon special occasions, and at all times must have been regarded as honorary functionaries rather than business agents. From the middle of the first century of our era, perhaps, to the beginning of the sixth century of the city there existed regular commissioners, whose sole duty appears to have been the care of the ways, four quatuorviri viarum superintendin¬

III. February 21, 2023
mined by voluntary contribution or assessment, like our parish roads; 1 while the streets within the city were kept in repair by the inhabitants, each person being answerable for the portion opposite to his own house. 2

Our limits preclude us from entering upon so large a subject as the history of the numerous military roads which intersected the Roman dominions. We shall content ourselves with simply mentioning those which issued from Rome, together with their most prominent branches and the names of the places through which they passed, so as to convey a general idea of their course. For all the details and controversies connected with their origin, gradual extension, and changes, the various stations upon each, the distances, and similar topics, we must refer to the treatises enumerated at the close of this article, and to the researches of the modern antiquaries, the most important of whom, in so far as the southern districts are concerned, is Romanelli.

Beginning our circuit of the walls at the Porta Capena, the first in order, as in dignity, is,

I. The Via Appia, the Great South Road. It was commenced, as we have already stated, by Appius Claudius Cæcull, when censor, and has always been the most celebrated of the Roman Ways. It was the first of all the roads on a grand scale and upon scientific principles; the natural obstacles which it was necessary to overcome were of the most formidable nature, and, when completed, it well deserved the title of Queen of Roads (regina viarum). We know that it was in perfect repair when Procopius wrote, 3 long after the devastating invades of the northern barbarians; and even to this day the farming of its highways and market roads, the solid rock, the filling up of hollows, the bridging of ravines, the substructions to lessen the rapidity of steep descents, and the embankments over swamps, demonstrate the vast sums and the prodigious labour that must have been lavished on its construction. It issued from the Porta Capena, and, passing through Aricia, Tres Tabernæ, Appii Forum, Terracina, Fundi, Formiæ, Minturnæ, Sinuessa, and Cassinum, terminated at Capua, but was eventually extended through Calatia and Caudium to Beneventum, and finally from thence through Venusa, Tarantum, and Uria, to Brundisium.

The ramifications of the Via Appia most worthy of notice are,

(1.) The Via Sutriana, which connected it with Sutrium. Originally, it would appear that the Via Appia passed through Velitra and Setia, avoiding the marshes altogether, and travellers, to escape this circuit, embarked upon the canal, which, in the days of Horace, traversed a portion of the swamps.

(2.) The Via Domitiana struck off at Simussa, and, keeping close to the shore, passed through Liparum, Cuma, Putoli, Neapolis, Herculeum, Opduit, Pompeii, and Stabio to Surrentum, making the coast road from the Bay of Nettles.

(3.) The Via Campana of Consularia, from Capua to Cuma, sending off a branch to Putoli, and another through Atella to Neapolis.

(4.) The Via Aquiliana began at Capua, and ran south through Nola and Nuceria to Salernum; from thence, after sending off a branch to Paestum, it took a wide sweep inland through Eburn and the region of the Mont Albani, and then struck south through the valley of the Tenger, then struck south through the very heart of Lucania and Bruttium, and, passing Nerusium, Interamnia, and Consentia, returned to the sea at Vibo, and thence through Medma to Rhugium. This road sent off near the sources of the Tanager, which ran down to the sea at Blunda on the Lake Sarno, and then continued along the whole line of the Bruttian coast through Laves and Tarsia to Vibo, where it joined the main stem.

(5.) The Via Egnatia began at Beneventum, struck north through the country of the Hirpini to Equitaticum, entered Apulia atAoëa, and, passing through Herdonia, Canusium, and Rubi, reached the Adriatic at Burium, and followed the coast through Egnatia to Brundisium. This was the route followed by Horace. It is doubtful whether it bore the name given above in the early part of its course.

(6.) The Via Trajana began at Venusia, and ran in nearly a straight line across Lucania to Heraclea on the Sinus Tarentinus; thence following, southward, the line of the east coast, it passed through Thurii, Croto, and Seylacium, and completed the circuit of Bruttium by meeting the Via Aquilia at Regium.

(7.) A Via Minucia is mentioned by Cicero, 4 and a Via Numicia by Horace, 5 both of which seem to have passed through Samium from north to south, connecting the Valerian and Aquilion, and cutting the Appian and Latin Ways. Their course is unknown. Some believe them to be one and the same.

Returning to Rome, we find issuing from the Porta Capena, or a gate in its immediate vicinity,

II. The Via Latina, another great line leading to Beneventum, but keeping a course farther inland than the Via Appia. Soon after leaving the city, it sent off a short branch (Via Tuscula) to Tuscum, and, passing through Compitum Anagnins, Fercum, Fruscum, Puglicia, Faberatia, Aquinum, Cassinum, Venafium, Tumulum, Alisula, and Telesia, joined the Via Appia at Beneventum. A cross-road, called the Via Habridina, running from Minturnœ to Susa Aurnosa to Tumulum, connected the Via Appia with the Via Latina.

III. From the Porta Esquilina issued the Via Labicana, which, passing Labicum, fell into the Via Latina at the station ad Bivium, 30 miles from Rome.

IV. The Via Prænestina, originally the Via Gaetana, issued from the same gate with the former. Passing through Gabii and Frascati, it joined the Via Latina just below Anagnia.

V. Passing over the Via Collatana as of little importance, we find the Via Tiburtina, which issued from the Porta Tiburtina, and, proceeding N.E. to Tibur, a distance of about 20 miles, was continued from thence, in the same direction, under the name of the Via Valeria, and, traversing the country of the Sabines, passed through Carpeoli and Cornium to Arrinium on the Adriatic, thence to Adria, and so along the coast to Castrum Truentinum, where it fell into the Via Salaria.

A branch of the Via Valeria led to Sublacuæum, and was called Via Sublacensis. Another branch extended from Adria along the coast southward through the country of Frentani to Larinum, being called, as some suppose, Via Frentana Appia.

VI. The Via Nomentana, anciently Ficulensis, ran from the Porta Collina, crossed the Anio to Nomentum, and, a little beyond, fell into the Via Salaria at Ercuitum.

VII. The Via Salaria, also from the Porta Collina (passing Fidenæ and Crustumonurum), ran north and east through Salinum and Picenum to Ruteni and Asculum Picenum. At Castrum Truentinum it reached the coast, which it followed until it joined the Via Flaminia at Ancora.

VIII. Next comes the Via Flaminia, the Great North Road, commenced in the censorship of C. Flaminius, and carried ultimately to Ariminum. It
The most elaborate treatise upon Roman roads is *Bertger, Historie des Grand Chemins de l'Empire Roman*, published in 1622. It is translated into Italian and Latin, and with some of the maps by Jean Gravins, and, with the notes of Honnecius, occupies more than 500 pages. In the first part of the above article, the essay of Nibby, *Delle Vie degli Antichi dissertazioni*, appended to the fourth volume of the fourth Roman edition of Nardini, has been closely followed. Considerable caution, however, is necessary in using the works of this author, who is so local and so modern that no means an accurate scholar. To gain a knowledge of that portion of the subject so lightly touched upon at the close of the article, it is necessary to consult the various commentaries upon the Tabula Peutingeriana and the different ancient itineraries, together with the geographical works of Cellarius, Cluverius, and Anville.

VI. E. LEX. (Vid. L. p. 586; VI. E. 1043.)

VI. TICUM is, properly speaking, everything necessary for a person setting out on a journey, and thus comprehends money, provisions, dresses, vessels, &c. When a Roman magistrat, praetor, proconsul, or questor went to his province, the state provided them with all that was necessary for his journey. But as the state, in this as in many other cases of expenditure, preferred paying a sum at once to having any part in the actual business, the state engaged contractors (redemptores), who, for a stipulated sum, had to provide the magistrates with the viaticum, the principal parts of which appear to have been beasts of burden and tents (maui it itinerarii). The magistrates, however, were provided with a sum of this system, as he once for all fixed a certain sum to be given to the contractors (probably to other provincial magistrates also) on setting out to their provinces, so that the redemptores had no more to do with it.

VI. TICUM was a servant who attended upon and executed the commands of certain Roman magistrates, to whom he bore the same relation as the lector did to other magistrates. The name viatores was derived from the circumstance of their being chiefly employed on messages either to call upon senators to attend the meeting of the senate, or to summon people to the comitia. &c. In the earlier times of the Republic, we find viatores among the magistrates and consuls, as also among the plebs; viatores of a dictator and of the consuls are mentioned by Livy. In later times, however, viatores are only mentioned with such magistrates as had only potestas and not imperium, such as the tribunes of the people, the censors, and the aediles. How many viatores attended each of these magistrates is not recorded. Some of them are said to have had the right, at the command of his magistrature, to bind persons (ligare), whom he was called lector. It is

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VILLA.

VIGINTISEXVIRI were twenty-six magistrates, among whom were included the triumviri capiteles, the triumviri monetarii, the quattuorviri viarum eurandarum for the city, the two curatores viarum for the roads outside the city, the decemviri litiibus (dilittibus) judicandis, and the four prefects who were sent into Campania for the purpose of administering justice there. Augustus reduced the number of them, and all were united into twenty-six (vigni-

The age at which a person might become a vigintivir appears to have been twenty.

An account of the magistrates forming this college has been given in separate articles, with the exception of the ubiquitous vicus "Villa," which we accordingly subjoin a brief account. These magistrates, consisting, as the name imports, of ten men, formed a court of justice, which took cognizance of civil cases. From Pomponius it would appear that they were not instituted till the year B.C. 292, the time when the triumviri capiteles were first appointed. Livy, however, mentions decemvirs as a plebeian magistracy very soon after the legislation of the Twelve Tables; and while Nie-

The date of the College of VIGNITIUS.

VILLA, a farm or country-house. The Roman writers mention two kinds of villa, the villa rustica or farmhouse, and the villa urbana or pseudo-urban, a residence in the country or in the suburbs of a town. When both of these were attached to an estate, they were generally united in the same range of buildings, but sometimes they were placed at different parts of the estate. The part of the villa rustica in which the produce of the farm was kept is distinguished by Columella by a separate name, villa fructuaria. Varro derives the name from ocho ("quo fructus convockerentur, villa").

1. The villa rustica is described by Varro, Vitru-


The villa, which must be of a size corresponding to that of the farm, is best placed at the foot of a...
wooded mountain, in a spot supplied with running water, and not exposed to severe winds, nor to the effluvia of marshes, nor (by being close to a public road) to a too frequent influx of visitors. The villa attached to a large farm had two courts (cortes, cortes, cortes). At the entrance to the outer court was the abode of the vivis, that he might observe who went in and out, and over the door was the room of the procurator. Near this, in as warm a spot as possible, was the kitchen, which, besides being used for the preparation of food, was also the place for slaughtering; and when this was done, the kitchen was turned over to the labours of the day, and where they performed certain in-door work. Vitruvius places near the kitchen the baths, and the press (torcular) for wine and oil, but the latter, according to Columella, though it requires the warmth of the sun, should not be exposed to artificial heat. In the outer court were also the cellars for wine and oil (cella sacris et olearia), which were, in this subject, the granaries, which were in the upper stories of the farm-buildings, and carefully protected from damp, heat, and insects. These storerooms form the separate villa fructuaria of Columella; Varro places them in the villa rustica, but Vitruvius recommends that all produce which could be injured by fumes should be removed to the open air, for the sake of the wine and oil.

In both courts were the chambers (cellae) of the slaves, fronting the south; but the ergastulum for those who were kept in chains (vineti) was on ground, being lighted by several high and narrow windows.

The inner court was occupied chiefly by the horses, cattle, and other livestock, and here were the stables and stalls (tabula, equina, ovina). A reservoir of water was made in the middle of each court, that in the outer court for soaking pulse and other vegetable produce, and that in the inner, which was supplied with fresh water by a spring, for the use of the cattle and poultry.

2. The villa urbana or pseudo-urbana was so called because its interior arrangement corresponded for the most part to those of a town-house. (Vid. Hous.) Vitruvius merely states that the description of the latter will apply to the former also, except that in the town the atrium is placed close to the door; but in the country the peristyile comes first, and afterward the atrium, surrounded by paved porticos, looking upon the palestra and ambulato. Our chief sources of information on this subject are two treatises on Pliny, in one of which he describes his Laurentine villa, in the other his Tuscan, with a few allusions in one of Cicero’s letters, and, as a most important illustration of these descriptions, the remains of a suburban villa at Pompeii.

The earliest account is that given by Pliny in the first, of the two letters mentioned above, from which, therefore, the following description is for the most part taken.

The villa was approached by an avenue of plane-trees leading to a portico, in front of which was a styilus divided into flower-beds by borders of box. This styilus formed a terrace, from which a grassy slope, ornamented with box-trees cut into the figures of lions, and forming two lines opposite to one another, descended till it was lost in the plain, which was covered with acanthus. Next to the portico was an atrium, smaller and plainer than the corresponding apartment in a town-house. In this respect Pliny’s description is at variance with the rule of Vitruvius, and the villa at Pompeii also has no atrium. It would appear from Cicero that both arrangements were common. Next to the atrium in Pliny’s Laurentine villa was a small elliptic peristyile (porticus in Liber simulacuin remanente) where, however, the readings D and E are also given instead of O. The intervals between the columns of this peristyile were closed with pale windows (specularia; vid. Hous., p. 521), and the roof projected considerably, so that it formed an excellent retreat in unfavourable weather. The open space in the centre of this peristyile seems often to have been covered with moss and heath, and rings in a few cases as large a circle as the peristyile.

Such was the principal suite of apartments in Pliny’s Laurentine villa. In the villa at Pompeii the arrangement is somewhat different. The entrance is in the street of the tombs. The portico leads through a small vestibule into a large square peristyile paved with opus signinum, and forming an open space on the uncovered area. Beyond this is an open hall, resembling in form and position the tablinum in a town-house. Next is a long gallery extending almost across the whole width of the house, and beyond it is a large oecus, corresponding to the large triclinium in Pliny’s villa. This room looks out upon a spacious court, and is separated from it by a wall of a rustic wall, and which is surrounded on all sides by a colonnade supported by square pillars, the top of which forms a terrace. In the farthest part of this court is a gate leading out to the open country. As the ground slopes downward considerably from the front to the back of the villa, the terrace just spoken of is on a level with the oecus of the villa, which opened upon it; and beneath this range of retreats on the level of the large court, which were probably used in summer on account of their coolness.

The other rooms were so arranged as to take advantage of the different seasons and of the surrounding scenery. Of one of these, however, there are particular notice, a state bedchamber, projecting from the other buildings in an elliptic or semicircular form, so as to admit the sun during its whole course. This apartment is mentioned by Pliny, and is also found in the Pompeian villa. In Pliny’s Laurentine villa its wall was fitted up as a library.

The peristyile contained a set of baths, the general arrangement of which was similar to that of the public baths. (Vid. Baths.)

Attached to it were a garden, ambulato, geatatio, hippocromus, speristerium, and, in short, all necessary arrangements for enjoying different kinds of exercise. (Vid. Hortus, Gymnastum.)

(>Becker’s Gallus, i., p. 255, Schneider’s notes on Columella and Varro and Gierig’s on Pliny, contain many useful remarks.

VILLA ANNA L. LEX. (Vid. Ediles, p. 25.)

VILLICUS, a slave who had the superintendence of the villa rustica, and of all the business of the farm except the cattle, which were under the care of the magister poenae. The duties of the villicus were to obey his master implicitly, and to govern the other slaves with moderation; never to leave the villa except to go to market; to have no intercourse with soothsayers; to take care of the cattle and the implements of husbandry; and to manage

(Varro, l. c., i., 2.)
The vindication in this context refers to the process of proving the legitimacy of a claim. The actio vindicativa, as described by Cicero, is a legal action taken to establish the ownership of property. In Cicero's case, the defendant, who was accused of theft, used the vindication to prove his innocence. The vindication process was carried out through a series of legal proceedings, including the examination of witnesses and the presentation of evidence. The vindication was successful, and Cicero was exonerated of the charges. This case highlights the importance of vindication in Roman law and the role of the legal system in resolving disputes regarding property ownership.
The intentio in the formula was, that if the slave belonged to the plaintiff, the sum of money contained in the sponso was to be paid to the plaintiff (sponsio summanum actori dari deberet). The sponso, evidently took its name from the verb spondeo. If the plaintiff proved the slave to be his property, he was entitled to a judgment. Yet the sum of money was not paid, though it was the object of the intentio; for, says Gaius, "it is not poena, but prejudicium, for the sponso is introduced merely as a means of trying the right to the property, and this explains why the defendant has no restitutio." The sponso was said to be "pro prate lites et vindiciarium," because it took the place of the praednum, which, when the legal actions were in use, was given "pro lute et vindictiaca," that is, "pro re et fructibus," to the possessor to the plaintiff. (Vid. Procurator, Pas.)

This sponso prejudicium was merely a technical mode of converting an actio in rem into an actio in personam, and we must suppose that there was some good reason for the practice. It might be conjectured that it was introduced in order to obviate the trouble and difficulties attendant on the old procedure.

From the expression of Gaius, it appears that there was also a sponso penalis, that is, both the defendant made a sponso and the plaintiff made a restitutio. Thus, in the case of "certa pecunia credita," the defendant's sponso was made at the risk of losing the sum if he could not sustain his denial of the plaintiff's claim, and the plaintiff's restitutio was made at the risk if he could not support his claim. The penal sponso was to be given into the hand of the defendant and restitutio belonged to the successful party. There was also a penal sponso in the case of interdicts* and pecunia constituta. In the case of the defendant, the sponso was to the amount of one third of the sum demanded, which was called legiti-ma pars. In the case of constituta pecunia the sponso was to the amount of one half.* These stipulations were fixed by law, and in other cases they were fixed by the Edict.

These sponsores were introduced probably partly with a view to check litigation, and partly with a view to give compensation to the party who ultimately obtained a verdict; for otherwise there do not appear to be any Roman law to any direct provision for the punishment of litigants. There are four modes in which the actores calumniarum is checked: the calumniaria judicium, contrarium judicium, jusjurandum, and the restitutio. The restitutio, he says, "is allowed in certain cases; and, as in the contrarium judicium, the plaintiff has in all cases judgment against him if he cannot sustain his case; and in the jusjurandum or in the case of the plaintiff which is not he knows that his claim was not good, in all cases the plaintiff the (that is, if he cannot sustain his case) is condemned in the penalty of the restitutio." As to the form of the sponso, the passage of Gaius already referred to is an example; and there is another in the oration of Cicero, Pro Publ. Quin. The use of the word si or ni in the sponso would depend on the fate of the claim, which was affirmed, or, rather, on the mode of affirmation and the party affimating. Cicero alludes to the use of these words (sine, nisi). Brissius* has collected instances of them.

The other mode of procedure in the case of vindicatio, that is, in use after the leges actions fell into disuse, was per formulam petitorum, in which the plaintiff (actor) claimed the thing as his property (actio rem eam casu). In this form of proceeding there was the stipulation called judicium


2. (Gaius, iv., 31.)

3. (Gaius, iv., 34, 36.)—4. (Gaius, iv., 31.)

4. (Cic. De Legibus, 1, 10.)—5. (De Legibus, 1, 10.)—6. (De Legibus, 1, 10.)—7. (De Legibus, 1, 10.)—8. (De Legibus, 1, 10.)
VINEA.

VINEUM.

moved by wheels attached to the posts. The roof was formed of planks and wickerwork, and the uppermost layer or layers consisted of raw hides or wet cloth, as a protection against fire, by which the besieged frequently destroyed the vines. The sides of a vine were likewise protected by wickerwork. Such machines were constructed in a safe place at some distance from the besieged town, and then rolled along on runners or wheels. Here several of them were frequently joined together, so that a great number of soldiers might be employed under them. When vines had taken their place close to the walls, the soldiers began their operations, either by undermining the walls, and thus opening a breach, or by employing the battering-rams (arios). In the time of Vegetius, the soldiers used to call these machines earum. VINUM (owl). The general term for the fermented juice of the grape.

The native country of the vine was long a vexata quaestio among botanists, but, although many points still remain open for debate, it seems now to be generally acknowledged that it is indigenous throughout the whole of that vast tract which stretches southward from the woolly mountains of Mazandara to the Caspian Sea, and thence to the shores of the Persian Gulf and the Indian Sea, and eastward through Khosarans and Cabul to the base of the Himalaya—the region to which history and philology alike point as the cradle of the human race. Hence, when we consider the extreme facility of the process in its most simple form, we need little wonder that the art of making wine should have been discovered at a very remote epoch. In the earliest of profane writers, the cultivation of the grape is represented as familiar to the heroic Greeks, some of his most beautiful and vivid pictures of rural life being closely connected with the toils of the vineyard. It is worth remarking, that the only wine upon whose excellence Homer dilates in a tone approaching to hyperbole is represented as having been produced on the coast of Thrace, the region from which poetry and civilization spread into Hellas, and the scene of several of the most remarkable exploits of Bucebus. Hence we might infer that the Pelasgians introduced the culture of the vine when they wandered westward across the Hellespont, and that, in like manner, it was conveyed to the valley of the Po, when, at a subsequent period, they made their way round the head of the Adriatic. It is certain, from various legends, that wine was both rare and costly in the earlier ages of Italian and Roman history. Thus a tradition preserved by Varro told that, when Menzentius agreed to aid the Rutulians, he stipulated that the produce of the Latin vineyards should be his recompense. Rutilius is said to have used milk only in his offerings to the gods. Numa, to check extravagance, prohibited the spectacle of wine upon the funeral pyre, and, to stimulate the energies of the rustic population, he ordained that it should be held impious to offer a libation to the gods of wine which had flowed from an unpruned stock. So scarce was it at a much later period, that Papirius the dictator, when about to join battle with the Sammites, vowed to Jupiter a small cupful (vini poculum) if the whole mass of the enemy should be hurled into an amphitheatre and stored up in regular cellars as early as the era of the Gracchi. Pliny considers proved by the existence in his own day of the Vinum Optimianum, described hereafter. But even then no specific appellation was given to the produce of different localities, and

1. [Dig. 21, tit. 1, § 40-43.]—2. (Savigny, System des haut. 8n Rechts, ii. 121.]—3. (De Re Mil., iv. 15.)

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5. Interdictum quod vi aut clam. This is a plaint which could be instituted by a filiusfamilias in his own name, because the object was vindicta. The ground of this capacity of a filiusfamilias was an injury done to him personally by a person who acted in the name of his father. Since the son had married, he inhabited a house belonging to his father or one hired from a stranger, and was disturbed in his enjoyment by some act of his neighbour, the filiusfamilias might have an action for the amount of the damage, but the pecuniary satisfaction would belong to the father, as in the case of the actio in juriarum. But the action was not in bonum et aequum concepto, since it had a definite object, which was either the restoration of things to their former condition, which might be immediately for the benefit of the filiusfamilias, or to ascertain the value of the wrong done (quod intereat).

6. The action against a libertus in respect of an in jus vocatio. (Vid. Patrone.) If the libertus had proceeded against the son of his patron, and the father was absent, the son could institute the suit himself, as the defendant of an action is not purely private: to this class belong such actions as the actio sepolcri violati. But if there are no persons who are individually interested in the matter complained of, or none such bring an action, any person (numus ex populo) may bring the action, as the procurator of the state, and he is not bound to give the security which an ordinary procurator must give. A filiusfamilias, acting such an action. By virtue of the litis contestatio, the action becomes the same as if it were founded on an obligation, and this right of action, as well as the money which may arise from it, is acquired by the filiusfamilias for his father. These actions being for fixed sums of money, are not in bonum et aequum concepto.

With the populariae actions may be classed, as belonging to the same kind, the interdict publicum or popularia, and that novi operis punctio which is for the protection of publicum jus; with this distinction, that the proceedings have not for their object the recovery of a sum of money. But in the general capacity of all persons to bring such actions, independent of the usual rules as to legal capacity, all these modes of proceeding agree.

VINEA, in its literal signification, is a bower formed of the branches of vines, and, from the protection which such a leafy roof affords, the name was applied to the Romans to a roof under which the besiegers of a town protected themselves against darts, stones, fire, and the like, which were thrown by the besieged upon the assailants. The description which Vegetius gives of such a machine perfectly agrees with what we know of it from the ancient historians. If, for instance, a machine formed a roof, resting upon posts eight feet in height. The roof itself was generally sixteen feet long and seven broad. The wooden frame was in most cases light, so that it could be carried by the soldiers; sometimes, however, when the purpose which it was to serve required great strength, it was heavy, and then the whole fabric probably was
The vineyard was marked with the name of the consul alone. For many years after this, foreign wines were considered far superior to those of Greece; and the times of Marius and Sulla, that a single draught only was offered to the guests at a banquet. The rapidity with which luxury spread in this matter is well illustrated by the saying of M. Varro, that Lucullus, when a boy, never saw an entertainment in his father's house before he was twelve or splendid, at which Greek wine was handed round blazing. When he was sent back to Athens in manhood, he returned from his Asiatic conquests, he bestowed on the people a largess of more than a hundred thousand eai. Four different kinds of wine are said to have been presented for the first time at the feast given by Julius Caesar in his third consulship (B.C. 46), these being Falernian, Chian, Lesbian, and Mamertine, and not until after this date were the merits of the numerous varieties, foreign and domestic, accurately known and fully appreciated. But during the reign of Augustus and his immediate successors the study of wines became a passion, and the most scrupulous care was bestowed upon every process connected with their production and preservation. Pliny calculates that the annual consumption of wine in Italy was then 1,000,000, 500,000 being reckoned to be accounted of high quality (notitia) amounting to eighty, of which his own country could claim two thirds; and in another passage he asserts that 195 distinct kinds might be reckoned up, and that, if all the varieties of these were to be included in the computation, the sum would be almost double.

The process followed in wine-making was essentially the same among all the Greeks and the Romans. After the grapes had been gathered, they were first trodden with the feet, and afterward submitted to the action of the press. This part of the process of wine-making is described in the article pressus.

The sweet, unfermented juice of the grape was termed θελίκος by the Greeks and mustum by the Romans, the latter word being properly an adjective signifying new or fresh. Of this there were several kinds, distinguished according to the manner in which each was originally obtained and subsequently treated. That which flowed from the clusters, in consequence of the natural ferment action upon each berry before any force was applied, was known as πρόφυμα or προφυτώμα, and was reserved for manufacturing a particular species of rich wine described by Pliny, to which the inhabitants of Mytilene gave the name of πρόφυμος or προφυτώμα. That which was obtained next, before the grapes had been fully trodden, was the mustum itzixum, and was considered best for keeping. After the grapes had been fully trodden and pressed, the mass was taken out, the edges of the husks cut, and the whole again subjected to the press; the result was the mustum torrentium or circumstrictum, which was set apart and used for inferior purposes.

A portion of the must was used at once, being drunk fresh after it had been clarified. When it was desired to preserve a quantity in the sweet state, an amphora was taken and coated with pitch within and without; it was filled with mustum itzixum, and corked so as to be perfectly air-tight. It was then immersed in a tank of cold, fresh water, or buried in wet sand, and allowed to remain for six weeks or two months. The contents, after this process, were found to remain unchanged for a year, and the name dei γλευκός, i.e., νεφρομενος mustum. A considerable quantity of mus from the best and oldest wines was insipid, and, as Pliny says, it flowed in a fixed stream (σαρκοφαγός). The Greeks under the general names of έφυμοι or γλευκοί, while the Latin writers have various terms, according to the extent to which the evaporation was carried. Thus, when the must was reduced to two thirds of its original volume, it became cerverum (Plut. Octobr. tit. xiii:); when one half had evaporated, defrutum; when little more than a third remained, alevrum (Plin. xxxi. 16); and when reduced to nothing, defrutum (Plin. xxxi. 16), these words are frequently interchanged. Similar preparations are at the present time called in Italy muso cotto and gala, and in France sable. The process was carried on in large caldrons of lead (vasa defrutaria), iron or bronze being supposed to communicate a disagreeable flavour, over a slow fire of chips, on a night when there was no sky-light, and carried to carefully removed with leaves, and the liquid constantly stirred to prevent it from burning. These grape-jellies, for they were nothing else, were used extensively for giving body to poor wines and making them keep, and entered as ingredients into many drinks, such as the barranica potio, so called from the coarse kind of wine, barranica, and the vine (siracum and laconae); but these words are always interchanged. The whole of the mustum not employed for some of the above purposes was conveyed from the laca to the cella vinaria (oivofheix, πιτεινω), an apartment on the ground floor or a little below the surface, placed in such a situation as to secure a moderate and steady humidity. The barrels were then closed sapis and covered with straw or hay, or even dung hulks or any objects emitting a strong odour. Here were the dotha (πίθοι), otherwise called seria or cupa, long, bell-mouthed vessels of earthenware (hooped tubs of wood being employed in cold climates only), very carefully formed of the best clay and lined with a coating of pitch (πωρονικα, πιτεινω), the operation (πιτεινος, πιτεινω) being usually performed while the barrels were hot. They were usually sunk (depressa, defossa, demersa) one-half or two thirds in the ground; to the former depth if the wine to be contained was likely to prove strong, to the latter if weak; and attention was paid that they should repose upon a dry bed. They were, moreover, sprinkled with sea-water, frequently covered with earth, and often with ashes, all rank smelling substances, such as rotten leather, garlic, cheese, and the like, being removed, lest they should impart a taint to the wine. In these dotha the process of fermentation took place. They were not filled quite full, in order that the seam only might boil over, and this was also cleared off at regular intervals by skimming, and carried to a distance. The fermentation usually lasted for about nine days, and as soon as it had subsided, and the mustum had become vinum, the dolia were closely closed, the upper portion of their interior surface as well as the lids (opercula dolorum) having been previously well rubbed over with a compound of defrutum, salfast, old pitch, mastice, and butter, after the whole were heated, and left to stand every thirty-six days, and often in hot weather, in order to cool and give air to the contents, to add any preparation that might be required to preserve

them sound, and to remove any impurities that might be thrown up. Particular attention was paid to the peculiar light scum, the ψύκος σίλιν (ψύκα κοφίν), which frequently appeared on the surface after a certain time, since it was supposed to afford indications by its colour and consistence of the quality of the wine. It was said that the wine was sound; if glutinous, it was a bad symptom; if black or yellow, it denoted want of body; if white, it was a proof that the wine would keep well (ψύκα κοφίν). Each time that the operacla were replaced, they were well rubbed with fr-cones. 1

(Vid. Thevynus.)

The commoner sorts of wine were drunk direct from the dolium, and hence draught wine was called "pearled wine," 2 as were those of the cheaper kinds, such as were yielded by choice localities, and possessed sufficient body to bear keeping, were drawn off (diffundere, μεταγγέλειν) into amphora or lagyno, many fanciful precautions being observed in transferring them from the larger to the smaller vessel. 3 These amphora were made of earthenware, and in later times occasionally of glass; they were stopped tight by a plug of wood or cork (cortex, σφέκτος), which was rendered impervious to air by being smeared over with pitch, clay, or gypsum. On the outside the title of the wine was painted, the date of the vintage being marked by the names of the consuls then in office, or when the jars were of glass, little tickets (pistacia, tesserae) were suspended from them indicating these particulars. 4 The names employed (apothecar, horrea, tabulata), completely distinct from the cella vinaria, and usually placed in the upper story of the house (whence descend, testa, dcriperre horreo), for a reason explained afterward.

It is manifest that wines prepared and bottled, if we may use the phrase, in the manner described above, must have contained a great quantity of dregs and sediment, and it became absolutely necessary to separate these before it was drunk. This was sometimes effected by fining with yolks of eggs, those of pigeons being considered most appropriate by the fastidious, 5 or with the whites whipped up with salt, 6 but more commonly by simply straining through small cup-like utensils of silver or bronze, perforated with numerous small holes, and distinct from the cupides, τρόφυος, κύβους column vinaria. 7 (Vid. Colux.) Occasionally a piece of linen cloth (εύκος, saccus) was placed over the τρόφυος or column, 8 and the wine (αν ακοει, sac- catus) filtered through. 9 The use of the saccus was considered objectionable for all delicate wines, since it was believed to injure, 10 if not entirely to destroy their flavour, and in every instance to diminish the strength of the liquor. For this reason it was employed by the dissipated, in order that they might be able to swallow a greater quantity without becoming intoxicated. 11 The double purpose of cooling and weakening was effectually accomplished by placing ice or snow in the filter, which under such circumstances became a column nigeria- rum or saccus nigerius. 12

The wine procured from the museum turrinum, which was always kept by itself, must have been thin and poor enough, but a still inferior beverage was made by pouring water upon the husks and stalks after they had been fully pressed, allowing them to soak, pressing again, and fermenting the liquor thus obtained. This, which was given to the labourers in winter instead of wine, was the ἵμων or deripæon of the Greeks, the lora or vinum operarium of the Romans, and, according to Varron, 1 was, along with sepi, destrum, and passum, the chief article of food provided for the slaves, who drank the water in the proportion of one third of the must previously drawn off, and then boiled down the mixture until one third had evaporated; the Italians added the water in the proportion of one tenth of the must, and threw in the skimmings of the drutum and the dregs of the lacaus. Another drink of the same character was the factum from wine-lees, and we hear also of vimnum pratigalenum given to the slaves, which appears to have been manufactured from inferior and half-ripe fruit gathered before the regular period. 3 We find an analogy to the above processes in the manufacture of cider, the best being obtained from the first squeezing of the apples, and the worst from the pulp and skins macerated in water.

In all the best wines hitherto described, the grapes are supposed to have been gathered as soon as they were fully ripe, and fermentation to have run its full course. But a great variety of sweet wines were manufactured by checking the fermentation, or by partially drying the grapes, or by converting them completely into raisins. The γάλακτος ἵμων of the Geoponica writers 13 belongs to the first class. Must obtained is the ordinary manner was thrown into barrels or jars, where it was allowed to remain for twenty days only, and were then partially covered for two more; a small aperture was left until the seventh day, when they were luted up. If the wine was wished to be still sweeter, the dolia were left open for five days, and then at once closed. The free admission of air being necessary for brisk fermentation, and this usually continuing for nine days, it is evident that it could proceed weakly off from the tenth day, and was found to be sweet, sound, and wholesome. 4 For the vimnum diachymum, more luminous still, the grapes were exposed to the sun for seven days upon hurdles. 5

Lastly, passum or raisin-wine was made from grapes dried in the sun until they had lost half their weight; or they were plunged into boiling oil, which produced a similar effect; or the bunches, after they were ripe, were allowed to hang for some weeks upon the vine, the stalks being twisted, or an incision made into the pith of the bearing shoot, so as to put a stop to vegetation. The stalks and stones were removed, the raisins were steeped in must or good wine, and then trudened or subjected to the gentle action of the press. The quantity of juice which flowed forth was measured, and an equal quantity of water added to the pulpy residuum, which was again pressed, and the product employed for an inferior passum called secundarium, an expression exactly analogous to the deripæon mentioned above. The passum of Crete was most prized, 6 and next in rank were those of Cilicia, Africa, Italy, and the neighbouring provinces. The kinds known as Puylygum and Melampygiwm possessed the praise.

VINUM.

cular flavour of the grape, and not that of wine; the Schubertes from Galatia and the Haluntum from Sicily, in like manner, tasted like must. The grapes most suitable for passum were those which ripened early, especially the varieties Apiens (called by the Greeks Stichia), Scirrupa, and Patheia. 1

The Greeks recognised three colours in wines: red (μέλας), white, e. e., pale straw-colour (λευκός), and brown or amber-coloured (κόσμος). 2 Pliny distinguishes four: albans, answering to λευκός, fulvous to κόσμος, while μέλας is subdivided into sanguineus and niger, the former being doubtless applied to bright, glowing wines, like 'Cent and Burgundy', while the niger or ater would resemble Port. In the ordinary Greek authors the epithet ερυθρός is as common as μέλας, and will represent the sanguineus.

We have seen that wine intended for keeping was raked off from the dolia into amphoeres. When it was necessary, in the first instance, to transport it from one place to another, or when carried by travellers on a journey, it was contained in bags made of goatskin (κόας, utea), well pitched over, so as to make the seams perfectly tight. The cut below, from a bronze found at Herculanenum, 3 exhibits a Silenus astride upon one of them. When the quantity was large, a number of hides were sewed together, and the leather tun thus constructed carried from place to place in a cart, as shown in the illustration on page 54. 4

As the process of wine-making among the ancients was based upon no fixed principles, and for the most part conducted in a most unscientific manner, it was found necessary, except in the case of the finest vintages, to have recourse to various devices for preventing or correcting acidity, heightening the flavour, and increasing the durability of the second growths. This subject was reduced to a regular system by the Greeks. Pliny mentions four authors who had written formal treatises, and the authors of the Geoponic collection, together with Cato, Varro, and Columella, supply a multitude of precepts upon the same topic. The object in view was accomplished sometimes by merely mixing different kinds of wine together, but more frequently by throwing into the dolia or amphoeres various concoctions (medicinae, conditum). When two wines were mixed together, those

were selected which possessed opposite good qualities and defects. 5 The principal substances employed as conditum were, 1. sea-water; 2. turpentine, either pure or in the form of pitch (πίκα), tar (πίκα liquida), or resin (resina); 3. lime, in the form of gypsum, burned marble, or lime marl (muri), 4. insipissated must; 5. aromatic herbs, spices, and gums; and these were used either singly, or cooked up into a great variety of complicated concoctions.

We have already seen that it was customary to line the interior of both the dolia and the amphoeres with a coating of pitch; but, besides this, it was common, as Pliny remarks, to sprinkle, to the must during the fermentation, from a conviction that it not only rendered the wine more full-bodied, but also communicated an agreeable bouquet, together with a certain degree of raciness or piqunacy. 6 Wine of this sort, however, when new (novitium resinetum), was accounted unwholesome, and apt to induce headache and giddiness. From this cause it was kept in large earthen vessels, and was itself found to be serviceable in checking the fermentation of the must when too violent.

It must be remembered, that when the vinous fermentation is not well regulated, it is apt to be renewed, in which case a fresh chemical change takes place, and the wine is converted into vinegar (σοκ, acetum), and then acid, again, if exposed to the air; it loses its properties, and becomes perfectly insipid, in which form it was called σεππα by the Romans, who used the word figuratively for a worthless blackhead.

Now the great majority of inferior wines, being thin and watery, and containing little alcohol, are constantly liable to undergo these changes, and hence the disposition to accense was closely watched, and combated as far as possible. With this view those substances were thrown into the dolia which it was known would neutralize any acid which might be formed, such as vegetable ashes which contain an alkali, gypsum, and pure lime, besides which we find a long list of articles, which must not be regarded as preventives, but as remedies, or rectives, such as the various preparations of turpentine already noticed, almonds, raisins steeped in must, parched salt, goats'-milk, cedar-cones, gall-nuts, blazing pine-torches, or red-hot irons quenched in the liquid, and a multitude of others. 7 But, in addition to these, which are all harmless, we find compressed clove-sticks, the heads of which were used as lead for the same purpose, 8 a practice which produced the most fatal consequences in the Middle Ages, and was prohibited by a series of the most stringent enactments. 9

Defrutum also was employed to a great extent; but, being itself liable to turn sour, it was not used until its soundness had been tested by keeping it for a year; it was then introduced, either in its simple state, in the proportion of a sextarius to the amphoeres, that is, of 1 to 48, or it was combined with a great variety of aromatics, according to a prescription furnished by Columella. 10 In this receipt, and others of the same kind, the various herbs were intended to give additional efficacy to the nourishing properties of the shellia; 4 insipissated must; 5 aromatic vinegars, 6 and spices were used as preventive from affecting the taste of the wine. But from a very early period it was customary to flavour wine highly by a large admixture of perfumes, plants, and spices. We find a spiced drink (ξίνωνάφως κατακεκαμένο) noticed under the name of τρίγμα by Athenæus and the writers of the

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VINUM. new comency, and for the whole class Pliny has the
general term aromatizes. 1

There was another and very numerous class of wines,
which were introduced to produce medicinal effects. Such were vinum marrudi (horehound) for coughs; the scillites
(squill-wine), to assist digestion, promote expectoration,
and act as a gentle tonic; abstrahitites (wine of
wormwood), corresponding to the modern vermouth;
and, above all, the myrites (myrtleberry-wine),
which possessed innumerable virtues. 2

Pliny, under the head of una fictitia, includes not
only the clavo tycoon, but vast number of others,
bearing a strong analogy to our British home-
made wines, such as cowslip, ginger, elderberry,
and the like; and as we manufacture Champagne out of
gooseberries, so the Italians had their imitations of
the costly vintages of the most favoured Asiatic
Isles. These una fictitia were, as may be imagined,
almost countess, every variety of fruit, flower,
vegetable, shrub, and perfume being put in requisition
—figs, cornels, meddars, roses, asparagus, par-
ley, radishes, laurels, junipers, cassia, cinnamon,
saffron, nard, malabathrum, afford but a small sam-
ple. It must be remarked that there was one ma-
terial difference between the method followed by the
Greeks and that adopted by the Romans in cooking
these potions. The former included the drug, or
whatever it might be, in a bag, which was suspend-
ed in one end of a vessel during fermentation,
as was thought necessary; the latter mixed the
flavouring ingredient with the sweet must, and fer-
mented them together, thus obtaining a much more
powerful extract; and this is the plan pursued for
British wines, except that we are obliged to sub-
stitute sugar and water for grape-juice.

But not only were spices, fragrant roots, leaves,
and other aromatic plants employed, or incorporated
during fermentation, but even the precious perfumed
essential oils (unguenta) were mixed with it before
it was drunk. The Greeks were exceedingly partial
to this kind of drink. 3 We also learn from Ξελιαν 4
that it was named μπιστυρις, which seems to be the
same with the μπίστυρις of Poseidippus, 5 the μπιστυρις
of Theophrastus, the μπίστυρις of Pollich, 6 and the
marshmallow of our own days. Most modern authors
follow the example set them, valuing bitterness too
highly, says Pliny, 7 that they were resolved to enjoy
costly perfumes with two senses, and hence the ex-
pressions "soluta siue" in Martial, 8 and "perfusa
mela spumant uncernata Furino" in Juvenal. 9

In a more primitive age we detect the same fond-
ness for the admixture of something extraneous.
Hence, indeed, when preparing a draught for Nestor,
fills his cup with a Prannie wine, over which she
grates goat-milk cheese, and sprinkles the whole
with flower, 10 the latter being a common addition at a
much later epoch. 11 So, also, the draught admis-
tered by Circe consisted of wine, cheese, and hon-
ey; and, according to Theophrastus, 12 the wine
drunk in the pyraneum of the Thasians was ren-
coloured by their throwing into the jar which
contained it a cake of wheaten flour knoed up with
honey. 13

This leads us on to notice the most generally
popular of all these compound beverages, the oivòpili
of the Greeks, the mulsum of the Romans. This
was of two kinds; in the one honey was mixed


with wine, in the other with must. The former
was said to have been invented by the legendary
hero Aristeus, the first cultivator of bees, 1 and was
consumed either as such, or mixed with wine, the
delict and palatable when made of some old, rough (aurum mulsum, wine, such as Massic or Falernian (although Horace objects to the latter for this purpose), and new Attic honey. 2 The proportions, as stated in the Geoponic collection
were four, by measure, of wine to one of honey, and
various spices and perfumes, such as myrrh, cassia, costum, malabathrum, nard, and pepper,
might be added. The second kind, the anomumum
of Isidorus 3 according to the Greek authorities,
was made of must evaporated to one half of its
original bulk, Attic honey being added in the
proportion of one to ten. This, therefore, was merely
a very rich fruit sirup in no way allied to wine. The
virtues of mulsum are detailed by Pliny; it
was considered the most appropriate draught upon
an empty stomach, and was therefore swallowed
immediately after the regular business of a repast
began, 4 and hence the wont (guatiate) coming before
the cup of mulsum was called the promulm. 5 We
infer from Plautus 6 that mulsum was given at a
triunph by the emperor to his soldiers.

Mulsum (sc. vimum) or obvójéli is perfectly dis-
inct from mulsa (sc. aqua). The latter, or mead,
being made of honey and water mixed and ferment-
ed, is the melicoporo or εφημερες of the Greeks, 7
although Pollich confounds it with oivòpili. Again,
εφημερες 8 or hydromel 9 was cider; εφη-
mel 10 was a compound of vinegar, honey, salt, and
pure water, boiled together and kept for a long
season; ὀβολέλαι was a mere concoction of expressed
juice of rose-leaves and honey. 11

The ancients considered old wine not only more
grateful to the palate, but also more wholesome
and invigorating. Hence, Pliny 12 supposed that it
grew more strong and fiery by age, in consequence of the dissipation of the watery
particles. 13 Generally speaking, the Greek wines
do not seem to have required a long time to ripen.

Nestor, in the Odyssey, indeed, drinks wine ten
years old, 14 and wine kept for sixteen years is inci-
dentially mentioned by Athenaeus; 15 but the con-
ception of the ancients was, that all transmarine wines approached a moderate degree of
maturity (ad vetutatatem medium) in six or seven. 16
Many of the Italian varieties, however, as we shall
see below, required to be kept for twenty or twenty-
five years before they were drinkable (which is now
considered ample for our strongest Ports), and even
the humble growths of Sabinium were stored up for
four to fifteen. 17 Hence it became a matter of
importance to hasten, if possible, the natural pro-
cess. This was attempted in various ways, some-
times by elaborate compositions, 18 sometimes by
sinking vessels containing the must in the sea, by
which an artificial mellowness was induced (μελλω-
να vutetatea), and the wine, in consequence, termed
thalasses 19; but more usually by the application
of heat. Different writers state that mulsum
amphorae for some years to the full ferver of the
sun's rays, or to construct the apotheca in such
a manner as to be exposed to the hot air and smoke

at the bath furnaces, and hence the name "fumaria" applied to such apartments, and the phrases "fumo- nos, fumum bibere, fuliginis testa" in reference to the wines. In the operation, the wine was not conducted with care, and the amphore not stoppered down perfectly tight, a disagreeable effect would be produced on the contents; and it is in consequence of such carelessness that Martial pours forth his maladictions on the fumaria of Marseilles.1

The year B.C. 121 is said to have been a season singularly favourably to all the productions of the season; from the great heat of the autumn, the wine was of an unprecedented excellence, and remained long celebrated as the "vinum Opimium," from L. Opicius, the consul of that year, who slew Caius Gracchus. A great quantity had been treasured up, and sedulously preserved; so that samples were still in existence in the days of the elder Pliny, nearly two hundred years afterward. It was reduced, he says, to the consistency of rough honey, and, like other very old wines, so strong, and harsh, and bitter as to be undrinkable until largely diluted with water. Such wines, however, he adds, were useful for flavouring others when mixed in small quantities.

Our most direct information with regard to the price of common wine in Italy is derived from Col- umnius, who says it was sold for three denarii in B.C. 63, of the most ordinary quality was 300 testae for 40 nummi, that is, 15 testae for the amphora, or 6d. a gallon nearly. At a much earlier date, the triumph of L. Metellus during the first Punic war (B.C. 250), wine was sold at the rate of 8 asses the amphora, and the censor P. Licinius Crassus and L. Julius Caesar issued a proclamation that no one should sell Greek and Ammian wine at so high a rate as 8 asses the amphora; but this was probably intended as a prohibition to their being sold at all, in order to check the taste then beginning to display itself for foreign luxuries, for we find that at the same time they positively forbade the use of exotic unguents.2

The price of native wine at Athens was four drachmas for the metretes, that is, about 4½d. the gallon, when necessaries were dear, and Böckh considers that we may assume one half of this sum as the average of cheaper times. In fact, we find, in an agreement in Demosthenes,3 300 casks (κεραία) of Mendeian wine, which we know was used at the most eucharistic feasts, were expressly sold for 300 drachmas, which gives two drachmas for the metretes, or little more than 2d. a gallon; but still more astonishing is the remarkable cheapness of Lusitanian wine, of which more than ten gallons were sold for 3d. On the other hand, high prices were given freely for the varieties held in esteem, since as early as the time of Socrates a metretes of this kind was sold for 24 drachmas.4

With respect to the way in which wine was drunk, and the customs observed by the Greeks and Romans at their drinking entertainments, the reader is referred to the article Symposium.

1. (Columni, ii., 6.)—2. (Tibull., ii., 180.—Hor., Carm., iii., 8.)

The minister of Apollo, Maron, who dwelt upon the skirts of Thracian Issaurus, gave to Ulysses. It was red (ἐρυθρόν) and honey-sweet (μελονδία), so precious that it was unknown to all in the mansion save the wife of the priest and one trusty housekeeper who was manage(

) with twenty of water; so fragrant that even when thus diluted it diffused a divine and most tempting perfume.5 Pliny6 asserts that wine endowed with similar noble properties was produced in the same region in his own day. Homer mentions also, more than once, οἷον Ἰπαθοῦς, an epithet; so strong that a single cup was mingled7 with twenty of water; so fragrant that even when thus diluted it diffused a divine and most tempting perfume.6 Pliny7 asserts that wine endowed with similar noble properties was produced in the same region in his own day. Homer mentions also, more than once, οἷον Ἰπαθοῦς, an epithet; so strong that a single cup was mingled8 with twenty of water; so fragrant that even when thus diluted it diffused a divine and most tempting perfume.8

But the wines of greatest renown during the brilliant period of Grecian history and after the Roman conquest were grown in the islands of Thasos, Lesbos, Chios, and Cos, and in a few favoured spots on the mainland. In certain districts the coast of Mount Tmolus, the ridge which separates the valley of the Hermus from that of the Cayster, Mount Messogis, which divides the tributaries of the Cayster from those of the Meander, the volcanic region of the Catoeceanum, which still retains its fame,9 the environs of Ephesus,10 of Cnidos,11 of Mytilene,12 and of Chios; and the island of Lesbos, the native home of Sappho, has been so prized that it has maintained the name so long as it is known. It was thus that the wine of the island of Lesbos was so rare, it was distributed only in small quantities, and it was reserved for the use of royalty and the highest personages.13

The Thasian and Lesbian occupied the second place, and the Cnidian wine was considered equal to it.14 In Lesbos, the most highly prized vineyards were around Mytilene15 and Methymna.16 Pliny,17 who gives the preference over all others to the Clazomenian, says that the Lesbian had naturally a taste of salt water, while the epithet "innocens," applied by Horace, seems to point out that it was light and wholesome.

It may be observed that there is no foundation whatever for the remark that the finest Greek wines, especially the products of the islands in the Egean and Ionian seas, belonged, for the most part, to the luscious sweet class. The very reverse is proved by the epithets αὐτάρητος, φλογομένη, sweet, and the like, applied to a great number, while γλυκός and γλυκομεία are designations comparatively rare, except in the vague language of poetry. "Vini omnes dulces minus odoratum," says Pliny,18 and the ancients appear to have been fully sensible that sweet wines could not be swallowed either with pleasure or safety except in small quantities. The mistake has arisen from not perceiving that the expressions "οἷον γλυκὸς καὶ οἷον θέλος are by no means necessarily synonymous. The former signifies wine "positio venici," the latter wine agreeable.
to the use from the absence of acidity, in most cases indicating nothing more than sound wine. It is well known that all the most noble Italian wines, with a very few exceptions, were derived from Latium and Campania, and, for the most part, grew within a short distance of the sea. "The whole of these places," says Strabo, when describing this coast, "yield excellent wine; among the most celebrated are the Cecuban, the Fundanian, the Setinian, and so, also, are the Falernian, the Alban, and the Statianam." But the classification adopted by Pliny would prove our best guide, and this we shall follow to a certain extent.

In the first rank; then, we must place the Setinam, with its variety of wines, whose quality was far above that of the small vineyards, with which the Romans were satisfied, since the chosen beverage of Augustus and most of his courtiers. It grew upon the hills of Setia, above Forum Appii, looking down upon the Pompentine marshes (Peninsula Pompticina qua spectat Setia campo). Before the age of Augustus, the Cecuban was the most prized of all. It grew in the popular swamps bordering on the Gulf of Amylene, close to Pumilia. In the time of Pliny its reputation was entitled to great notice. The peculiarity of the cultivation, and partly from its proper soil, originally a very limited space, having been cut out by the canal of Nero, extending from Baiae to Ostia. Galen represents it as generous, full-bodied, and heady, not arriving at maturity until it had been kept for many years.

The second rank was occupied by the Falernanum, of which the Cecuban was the most choice variety, having gained its character from the care and skill exercised in the cultivation of the vines; but when Pliny wrote, it was beginning to fall in public estimation, in consequence of the growers being more solicitous about quantity than quality, just as was the case with Madeira a few years ago. The Falernanum ater, concerning the precise limits of which there have been many controversies, commenced at the Pons Campanionis, on the left hand of those journeying towards the Urbana Colonia of Sulla, the Faustianum ater at a village about six miles from Sinuesse, so that the whole district in question may be regarded as stretching from the massy hills to the river Vulturum. Falernian became fit for drinking in ten years, and might be used until twenty years old, but when kept longer gave headaches, and proved injurious to health, as the old wines contain three kinds, the rough (austerum), the sweet (dulce), and the thin (tenue). Galen, two only, the rough (aisterum) and the sweetish (glycolouros). When the south wind prevailed during the season of the vintage, the wine was sweetish and darker in colour (melanoluteros), but if the grapes were gathered during weather of a different description, it was rough, and tawny or amber-coloured (tibide). The ordinary appearance of Falernian, which has been made a theme of considerable discussion, seems to be determined by a passage in Pliny, in which we are informed that the finest amber was named Falerna. Others arranged the varieties differently: that which grew upon the hilltops they called Caesarianum; that on the middle slopes, Faustianum; that on the plain, Falernum.

The third rank was the Alburnum, from the Mons Alburnus (Mons Julusii), of various kinds, very sweet (predulce), sweetish (glykolouros), rough.

and sharp (baphachis), it was invigorating (hercias utile), and in perfection after being kept for fifteen years. Here, too, we place the Surrentinum, from the promontory forming the southern horn of the Bay of Naples, which was not drinkable until it had been kept for five and twenty years; for, being the abode of richness (aulas), and very dry (pharandia), it required a long time to ripen, but was strongly recommended to convalescents, on account of its thinness and wholesomeness. Galen, however, was of opinion that it agreed with those only who were accustomed to use it constantly; Tiberius was wont to say that the physicians had conspired to dignify what was only generous vinegar; while his successors gave the name of the wine to that which flowed from the mountains, the situation being the Massicum, from the hills which formed the boundary between Latium and Campania, although somewhat harsh, as would seem from the precautions recommended by the epigraph in Horace, and the Gauernum, from the ridge above Baiae and Puteoli, produced in small quantity, but of very high quality, full bodied (vritos), and thick (tibuc). In the same class are to be included the Eburnianum, the Surrentinum of Fundi. Both had formerly held a higher place; "but vineyards," moralizes Pliny, "as well as states, have their periods of rise, of glory, and of fall." The Calenianum was light (koufros), and better for the stomach than Falernian; the Fundanianum was full bodied (vritos) and nourishing, but apt to attack both stomach and head, therefore little sought after at banquets.

This list is closed by the Vulturinum, Prisernatunum, and Signinum, from Velitrae, Privernum, and Signia, towns on the Volscian hills: the first was a sound wine, but had this peculiarity, that it always tasted as if mixed with some foreign substance; the second was thin and pleasant; the last was looked upon only in the light of a medicine, valuable for its astringent qualities. We may safely bring in here the Formianum, from the Gulf of Capea (Lexisgynaea Buccha in amphorae), associated by Horace with the Cecuban, Falernian, and Calenianum, and compared by Galen to the Privernatunum and Rheginum, but richer (liapraplophros), and ripening quickly.

The fourth rank contained the Maneretunum, from the neighbourhood of Messana, first brought into fashion by Julius Caesar. The finest, called Potalanum, was cultivated on the sloping hills of Messana, that on the mainland, was sound (ffilos), light, and, at the same time, not without body. The Tauromentianum was frequently substituted fraudulently for the Maneretunum, which it resembled.

Of the wines in Southern Gaul, that of Baelerum alone bore a high character. The rest were looked upon with suspicion, in consequence of the notorious frauds of the dealers in the province, who carried on the business of adulteration to a great extent, and did not scruple to have recourse to noxious drugs. Among other things, it was known that they purchased aloe to heighten the flavour and improve the colour of their merchandise, and conducted the process of artificial ripening so unskilfully as to impart a taste of smoke, which called forth, as we have seen above, the malediction of Martial on the subject.

The produce of the Balearic Isles was compared

1. (Plin., I., c. 38, v. 6, c.).—2. (Mart., iii., 11, v. 6, c.).—3. (Mart., iii., 11, v. 6, c.).—4. (Mart., iii., 11, v. 6, c.).—5. (Mart., iii., 11, v. 6, c.).—6. (Mart., iii., 11, v. 6, c.).—7. (Mart., iii., 11, v. 6, c.).—8. (Mart., iii., 11, v. 6, c.).—9. (Mart., iii., 11, v. 6, c.).—10. (Mart., iii., 11, v. 6, c.).—11. (Mart., iii., 11, v. 6, c.).—12. (Mart., iii., 11, v. 6, c.).
to the first growths of Italy, and the same praise was shared by the vineyards of Tarracon and Lauron, while those of the Latakani were not so much famed for the quality as for the abundance of their supply.

Returning to the East, several districts of Pontus, Paphlagonia, and Bithynia, Lampsicus on the Hellespont, Tenedus in Caria, Cyprus, Tripolis, Berytus, and Tyre, all claimed distinction, and, above all, the vineyards of Egypt, from the Delta, but afterward grown in the neighbourhood of Damascenus also, was the chosen and only drink of the Great King, to which we may join the Babylonium, called nectar by Chereus, and the Bodeis from Phoenicia, which found many admirers. The last is spoken of elsewhere as Taracian, or Grecian, or Sicilian, which may have been the case, and the vineyards disseminated through these countries.

Pressing on, in the last place, to Egypt, where, according to Hellenics, the vine was first discovered, the Marseictum, from near Alexandria, demands our attention. It is highly extolled by Atheneus, being white, sweet, fragrant, light (λευκός), circulating quickly through the frame, and not lying to the heart, and having a long preservation. The vine variety of Coptos, was so thin and easily thrown off that it could be given without injury to fever patients; and ascending through Nubia to the confines of the Nile with the Astapus, we reach Meroë, whose wine has been immortalized by Lucretius. Martial appears to have held them all very cheap, since he pronounces the vinegar of Egypt to be the best. We read of several wines which received their designation, not from the region to which they belonged, but from the particular kind of grape from which they were made, or from some circumstance connected with their history or qualities. Names belonging to the former class were, in all likelihood, bestowed before the wines were known, and before the effects produced upon the vine by change of soil and climate had been accurately observed and studied. After these matters were better understood, habit and mercantile usage would tend to perpetuate the ancient appellation. Thus, down to a late period, we hear of the Ammodinum ('Aμυμοδόντος oinos'), from the Ammon Vitis, which held the first place among vines, and embraced many varieties, carefully discriminated and cultivated according to different methods. It was of Grecian origin, having been conveyed by a Thessalian tribe to Italy (a story which would seem to refer to some Pelasgian migration), and reared chiefly in Campania around Naples, and in the Passerian usages. Its characteristic body and consequent durability of its wine ('Firmissima vinea'). So, in like manner, the φύετος φόνος, from the ψέφια υπέρτολος, which Virgil tells us was particularly suitable for passum, and the κατάκαι (smoke-wine) of Plato the comic poet, pre-

pared in greatest perfection by Beneventum, from the κάτον υπέρτολος, so named in consequence of the clusters being neither white nor black, but of an intermediate dusky or smoky hue.

On the other hand, the ζαμπία, on whose divine fragrance Hermippos descants in such glowing language, is simply some rich wine of great age, toothless, and sere, and wondrous old ('ζάμπια καὶ ἀπόρριπτος τοῦ χαλικοῦ'). The origin of the title ψέβοντας is somewhat more doubtful: some will have it to denote wine from a sweet-smelling spot; others more reasonably refer it to the "bouquet" of the wine itself; according to Phanias of Eretrias, in one passage, it was a compound formed by adding one part of seawater to forty of wine. Thucydides, on the other hand, seemed to say that it was wine obtained from grapes gathered before they were ripe, in which case it might resemble Champagne.

Those who desire more minute details upon this very extensive subject may consult the Geoponik Collection, books ii. to viii. inclusive; the whole of the 14th book of Pliny's Natural History, together with the first thirty chapters of the 1st book of Columella, with the commentary of Schneider and others; the 2d book of Virgil's Georgics. With the remarks of Heyne, Voss, and the old grammarians; Galen, i., 9, and xii. 4; Pollex, vi., et seq.; Atheneus, lib. i. and lib. x.; besides which, there are a multitude of passages in other authors. Aside from the late observers, the celebrated authors in Caro, Varro, and in the classics generally, which bear more or less upon these topics.


VIUCURI. (Vid. QuatuorViVera Viles.)

*VIOLA (lov), the Violet. (Vid. Ion.)

VIRGA. dim. VIRGULA (javob), a Rod or Wand. This was in many cases the emblem of a certain rank or office; being carried, for example, by the Salii (vid. Anceus), by a judge or civil officer (see our cent., p. 61), a herald (vid. Catilina), and by the triclinarcha (vid. Triclinium), or any other person who had to exercise authority over slaves. The use of the rod (javobcnv) in the punishment of Roman citizens was abolished by the lex Porcia (p. 585). In the fasces a number of rods were bound together.

At times used to thrash the smaller kinds of grain, such as cummin. (Vid. Flagrum.)

The wand was also the common instrument of magical display, as in the hands of Circe and of Minerva. To do anything virgula divina was to do it by magic. The stripes of cloth were called virga. (Vid. VALLUM, p. 718; TELA, p. 955.)

1. (Plin. H. N., xiv., 6—8, Mart., xii., 118.—Sibyllis, iii., 370.)
2. (Plin. H. N., xiv., 4—9, Geopon. v., 2—Athens, i., p. 58.)
3. (Herod., xi., 7.—Athens, i., p. 58.)
4. (Strabo, vi., 799.—Horn, Car. i., 37.—Vinc, Geor., i., 91.—Lucan, x., 161.—Plin. H. N., xiv., 9—7, (xii.) 162, 8—Herod., xii., 8—7.)
5. (Herod., xii., 8, 9, 3.—10. (Vinc, Geor., i., 97, et al.)
6. (Galen, Med. medii., xii., 4—9, Geopon. vii., 22.—Vaccini, xiv., 11—Sorci, x., 23—EP., a., 102, 2.)
7. (Athens, i., p. 58, 7.)—(Colum. i., ii., 9—7, (xii.) 23, 3.)
8. (Athens, i., p. 58, 7.)—(Colum. i., ii., 9—7, (xii.) 23, 3.)
9. (Athens, i., p. 58, 7.)—(Colum. i., ii., 9—7, (xii.) 23, 3.)
10. (Athens, i., p. 58, 7.)—(Colum. i., ii., 9—7, (xii.) 23, 3.)
11. (Athens, i., p. 58, 7.)—(Colum. i., ii., 9—7, (xii.) 23, 3.)
12. (Athens, i., p. 58, 7.)—(Colum. i., ii., 9—7, (xii.) 23, 3.)
13. (Athens, i., p. 58, 7.)—(Colum. i., ii., 9—7, (xii.) 23, 3.)
VIRGINES VESTALES. (Vid. Vestales Virg.

VIRIDARIUM. (Vid. Hortus, p. 611.)

VITRUM. (H. Adams, xvi.)

VITRUM. (Wilkinson, xxxvi.)

The glass of Plautus or Plautus the tribunus, appears to be the lex Plotia. There was a lex Julia of the dictator Caesar on this subject, which imposed the penalty of exile. Two Juliae lexes were passed at this in the matter in the time of Augustus, which were respectively entitled De Vi Publica and De Vi Pri
tata. The lex De Vi Publica did not apply, as the title seems to import, exclusively to acts against the public peace, and it is not possible to describe it very accurately except by enumerating its chief provisions. The collecting of arms (arma, tela) in a house (domus) or in a villa (agro in villa), except for the purpose of hunting, or going a journey or a voyage, was in itself a violation of the lex. The significance of the word tela in this lex was very extensive. The punishment for the viola-
tion of this lex was aque et ignis interdictio, except in the case of attacking and plundering houses or villas with an armed band, in which case the punish-
ment was death; and the penalty was the same for carrying off a woman, married or unmarried. Thus it can be seen that the lex De Vi Plotia, as long within the penalties of the lex Julia De Vi Privata are cases where the act was of less atrocity; for in-
stance, if a man got a number of men together for a riot, which ended in the beating of a person, but not in his death, he came within the penalties of the lex De Vi Privata. It was also a case of vis privata when persons combined to prevent another being brought before the praetor. The senators consulted by Volusianum extended the penalties of the lex to those who maintained another in his suit with the view of sharing any advantage that might result from it. The penalties of this lex were the loss of a third part of the offender's property; and he was also de-
clared to be incapable of being a senator or decurio, or a judex: by a senatus consultum, the name of which is not given, he was incapacitated from en-
joying honour, except inferius.

VIS et VIS ARMATA. There was an interdict De Vi et Vi Armata, which applied to the case of a man who was forcibly ejected from the possession of a piece of ground or edifice, quo vi dejectus est. The object of the interdict was to restore the party ejected to possession.2 (Vid. Interdic.tum.)

VISCHUM. (Vid. Vitis, p. 462.)

VISUM. (Vid. Vitis, xix.)

VITIS. (Vid. Centurio.)

*VITIS (vīteō), the Vine. According to Sprengel, the vitĕlōs ēcōs of Dioscorides is the Tavem communis; the ἄεκα, the Bryonia dioica; and the ἄλα, the Bryonia alba. In this account of them he copies from Doconeus. Stockhouse marks the first as the Vaccinum Vitis Idea; but Schneider doubts whether either of the plants referred to by Sprengel and Stockhouse apply to the description of it given by Theophrastus. Djerbach marks the ēcōs as being either the Bryonia dioica or Cretica. The vitĕlōs oivotōres is the Vitis vi
era, L.2 (Vid. Vīnum, at the commencement of the article.)

VITRUM. (vītrō), Glass. A singular amount of ignorance and skepticism long prevailed with regard to the knowledge possessed by the ancients in

4. (IGR. 89, 7.) — 5. (Dig. 45, tit. 16.) — 6. (Adam, Append., s. v. vītrō.)
presently told that it was dug in abundance out of the earth; and hence commentators have conjectured that rock-crystal, or rock-salt, or amber, or Oriental alabaster, or some bituminous or gummy product might be indicated. But when the same historian, in his account of sand crockeries, states that they were decorated with engravings made of melted stone (αμφοράματα τε λίθων χρυσοί και χρυσούς εἰς τὰ πεζούλια τοῖς πεζούλιος), we may safely conclude that he intends to describe some vitreous ornament for which he knew no appropriate name. The σφαῖρας βατύνων and σφαῖρας βατύνων of an Athenian inscription referred to B.C. 398, together with the passage in Aristophanes, where the envoy boasted that he had been drinking with the great king "ἐξ βατύνων κατατρυγούμενων," decide nothing, especially since in another comedy Strypiades describes a βαλόν, or burning-glass, as a transparent stone sold in the shops of apothecaries, and we know that any solid diaphanous substance ground into the form of a lens would produce the effect. Setting aside the two problems with regard to glass, attributed to Aristotle, as confessedly spurious, we at length find a satisfactory testimony in the works of his pupil and successor Theophrastus, who notices the circumstance alluded to above of the fitness of the sand at the mouth of the river Belus for the fabrication of glass.

Among the Latin writers Lucretius appears to be the first in whom the word vitrum occurs; but it must have been well known to his countrymen long before, for Cicero names it, along with paper and linen, as a common article of merchandise brought from Egypt. Scaurus, in his edilship (B.C. 58), made a display of it such as was never witnessed even in after-times; for the æxena of his gorgeous theatre having been burnt down, he ordered the entire lower portion of it to be made of marble, the upper of gilded wood, and the middle compartment of glass. In the poets of the Augustan age it is constantly introduced, both directly and in similes, and in such terms as to prove that it was an object with which every one must be familiar. Strabo declares that in his day every regard to glass, as well as that of the glassman, might be purchased at Rome for half an ass; and so it was in the time of Juvenal and Martial, that old men and women made a livelihood by teaching sulphur matches for broken fragments. When Pliny wrote, manufactories had been established not only in Italy, but in Spain and Gaul also, and glass drinking-cups had entirely superseded those of gold and silver, and in the reign of Augustus and Tiberius we find silicarii ranked along with curriers, coopers, jewelers, goldsmiths, silversmiths, and other ordinary artificers whom the emperor taxed to raise money for his revenues.

The numerous specimens transmitted to us prove that the ancients were well acquainted with the art of imparting a great variety of colors to their glass, but were probably less successful in their attempts to render it perfectly pure and free from all colour, since we are told by Pliny that it was considered most valuable in this state. It was wrought according to the different methods now practised, being fashioned into the required shape by the blowpipe, cut, as we term it, although generally ground (tincta), and sometimes decorated by the polisher, and engraved with a sharp tool like silver ("alivid latu figurato, alivid torno terminato, alivid argenti modo").

calcutra[note]). Doubts have been expressed touching the accuracy of the last part of this statement; but, since we have the most positive evidence that the diamond (adamas) was employed by engravers of gems, and might therefore have been applied with still greater facility to scratching the surface of glass, there is no necessity for supposing that Pliny was not himself aware of what he means to say, nor for twisting his words into meanings which they cannot legitimately assume, especially since hieroglyphics and various other devices are now to be seen on Egyptian vases and trinkets which have been engraved by some such process. The diatræa of Martial were glass cups cut or engraved according to one or other of the above methods. The process was difficult, and accidents occurred so frequently that the jurists found it necessary to define accurately the circumstances under which the workman became liable for the value of the vessel destroyed. The art of etching upon glass, now so common, was entirely unknown, since it depends upon the properties of fluoric acid, a chemical discovery of the last century.

We may now briefly enumerate the chief uses to which glass was applied.

1. Bottles, vases, cups, and cinerary urns. A great number of these may be seen in the British Museum and all the principal Continental cabinets, but especially in the Museo Borbonico at Naples, which contains 209 of them, and 640 of the same period at Capri, and includes upward of 2400 specimens of ancient glass. These sufficiently prove the taste, ingenuity, and consummate skill lavished upon such labours; many which have been shaped by the blowpipe only are remarkable for their graceful form and brilliant colours, while others are of the most delicate and most curious workmanship. A very remarkable object belonging to the last class, the property of the Trivulci family, is described in the notes to Winckelmann, and figured here. It is a glass cup contained within a sort of networ also of glass, to which it is attached by a series of short and very fine glass props placed at equal distances from each other. Round the rim are several letters connected with the cup in the same manner as the network, and forming the words Bia e Vivas Multos Anxox. The characters of the inscription are green, the network is blue, the cup itself resembles opal, shades of red, white, and blue, predominating in turn, according to the angle at which the light falls upon it. It was at first believed that this effect was the result of long interment beneath the ground; but it is much more likely to have been produced by the artist, for it corre-
VITTRA.

VITTRA.

A for softens colo, (Vittae,) and, then, to make stones. (Plin., i., 21.)

Vasii, 31.-demand for porphyry was, as the number of cases, the marks of the wheel being still visible on the little props, which are more or less angular, according as the instrument was able to reach them completely or not. But the great triumph of ancient genius in this department is the celebrated Portland Vase, formerly known as the Barberini Vase, which is now in the British Museum. It was found about three hundred years ago, at a short distance from a Roman cemetery in a marble coffin, within a sepulchral vault, pronounced, upon very imperfect evidence, to have been the tomb of Alexander Severus. The extreme beauty of this urn led Montfaucon and other antiquaries to mistake it for a real sardonyx. Upon more accurate examination, it was ascertained to be composed of dark blue glass, of a very rich tint, on the surface of which are delineated in relief several minutes and elaborately wrought figures of opaque white enamel. It has been determined by persons of the greatest practical experience, that these figures must have been moulded separately, and afterward fixed to the blue surface by a partial fusion; but the union has been effected with such extraordinary care and dexterity, that no trace of the junction can be observed, nor have the relief or intaglio been received the slightest injury. With such samples before us, no reason need be found that in the time of Nero a pair of moderate-sized glass cups with handles (pteriō) sometimes cost fifty pounds (HS. sex milibus*). For a full description of the Portland Vase, see the eighth volume of the Archaeologia.

2. Glass pastes presenting fac-similes either in relief or intaglio of engraved precious stones. In this way have been preserved exact copies of many beautiful gems, of which the originals no longer exist, as may be seen from the catalogues of Stosch, of Tassie, of the Orleans collection, and from similar publications. These were in demand for the rings of such persons as were not wealthy enough to purchase real stones, as we perceive from the phrase, *vitrae gemmae ex vulgi annuis. 12 Large numbers of these rings are preserved, and bas-reliefs of considerable magnitude. 13

3. Closely allied to the preceding were imitations of coloured precious stones, such as the carbuncle, the sapphire, the amethyst, and, above all, the emerald. These counterfeits were executed with such fidelity, that detection was extremely difficult, and great profits were realized by dishonest dealers, who entrapped the unwary. 14 That such frauds were practised even upon the most exalted in station, is seen from the anecdote given by Trebellius Pollio of the whimsical vengeance taken by Gallienus 15 on a rogue who had cheated him in this way, and collections are to be seen at Rome of pieces of coloured glass which were evidently once worn as jewels, from which they cannot be distinguished by the eye. 16

4. One very elegant application of glass deserves to be particularly noticed. A number of fine stalks of glass of different colours were placed vertically, and arranged in a minute mosaic. The filaments thus combined were then subjected to such a degree of heat as would suffice to soften without melting them, and were thus cemented together into a solid mass. It is evident that the picture brought out upon the upper surface would extend down through the whole thickness of the little columns thus formed, and hence, if it was cut into thin slices at right angles to the direction of the fibres, each of these sections would upon both sides represent the design, which would thus be multiplied to an extent in proportion to the total length of the glass threads. Two beautiful fragments, evidently constructed in this way, are accurately commented upon by Winckelmann, 17 and another, recently brought from Egypt, is shown in the third volume of Winckelmann's work. Many mosaic pavements and pictures (opus musorum) belong to this head, since the cubes were frequently composed of opaque glass as well as marble; but these have been already discussed in p. 715 of this work.

5. Thick sheets of glass of various colours appear to have been laid down for paving floors, and to have been attached as a lining to the walls and ceilings of apartments in dwelling-houses, just as scagliola is frequently employed in Italy, and occasionally in our own country also. Rooms fitted up in this way were called *vitrea camerae, and the panels *vitrea quadrature. Such was the kind of decoration introduced by Cursus for the scene of his theatre, not columns nor pillars of glass, as some, or rather, that it must have their existence but the mode in which they were secured and arranged. 18 (Vid. House, Roman, p. 521.)

6. The question whether glass windows were known to the ancients has, after much discussion, been set at rest by the excavation at Pompeii; for not only have many fragments of flat glass been discovered from time to time, but in the tepidarium of the public baths a bronze lattice came to light, with some of the panes still inserted in the frame. It is probable that the earliest attempt at such windows was the first instance, which require constant care, and attain but imperfectly the end desired, was universal under the Empire. Respecting ancient mirrors, see Speculum.

7. A strange story with regard to an alleged invention of malleable glass is found in Petronius, 19 is told still more circumstantially by Dion Cassius, 20 and is alluded to by Pliny, 21 with an expression of doubt, however, as to its truth. An artist appeared before Tiburias with a cup of glass. This he dashed violently upon the ground. When taken up it was neither broken nor cracked, but dinted like a piece of metal. The man then produced a mallet, and hammered it back into its original shape. The emperor inquired whether any one was acquainted with the secret, and was answered in the negative, upon which the order was given that he should be instantly beheaded, lest the precious metals might lose their value, should such a composition become generally known.

VITTRA, or plural VITTAE, a riband or fillet, is to be considered, I. As an ordinary portion of female

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dress. II. As a decoration of sacred persons and sacred things.
I. When considered as an ordinary portion of female dress, it was simply a band encircling the head, and hanging down behind.1 It was worn (1.) by maidens; (2.) by married women also, the vitta assumed on the nuptial-day being of a different form from that used by virgins.2

The vitta was not worn by libertines even of fair character,3 much less by meretrices; hence it was called «the innocent vitta, purer than a vestal wreath, and, together with the stola and insula, served to point out at first sight the freeborn matron.5

The colour was probably a matter of choice; white and purple are bothmentioned.6 One of those represented in the outs below is ornamented with embroidery, and they were in some cases set with pearls (vitta margaritarem).7

The following woodcuts represent back and front views of the heads of statues from Herculaneum, on which we perceive the vitta.8

II. When employed for sacred purposes, it was usually twisted round the infula (vid. Ixvulis), and held together the loose fleeces of wool.9 Under this form it was employed as an ornament for (1.) priests, and those who offered sacrifice.10 (2.) Priestesses, especially those of Vesta, and hence vittata sacranda for a vestal, ar' egive.11 (3.) Prophets and poets, who may be regarded as priests, and in this case the vitta were frequently intertwined with chaplets of olive or laurel.12 (4.) Statues of deities.13 (5.) Victims decked for sacrifice.14 (6.) Altars.15 (7.) Temples.16 (8.) The iexitaria of suppliants.17

The sacred vitta, as well as the infula, were made of wool, and hence the epithets lanae and maius.18 They were white (musa), or purple (punicea), or scarlet (carrucule), when wreathed round an altar to the manes 27

Vitta is also used in the general sense of a string for tying up garlands.13 and vitta loria for the leaves, straps or braces by which a machine was worked.24

ULMUS (πτέρυξ, the Elm, or Ulmus campestris, L. Few trees have enjoyed more of poetical ce-

UMBRACULUM.

Umbra. (Vid. Ulmus.)

UMBRA CULUM. UMBRELLA (σκιαδον, σκία-
dōn, σκιάδον), a Parasol, was used by Greek and Roman ladies as a protection against the sun. They seem not to have been carried generally by the ladies themselves, but by female slaves, who held them over their mistresses. The daughters of the aliens (μυρκος) at Athens had to carry parasols after the Athenian maidens at the Panathenaes, as it is mentioned under Hydriaphoria, p. 523. The parasols of the ancients had to be exactly like our own parasols or umbrellas in form, and could be shut up and opened like ours.1 They are often represented in paintings on ancient vases, the annexed woodcut is taken from Mill's Peintres de Vases Antiques, vol. i., pl. 70. The female is clothed in a long chiton or diplodium (vid. Tunic, 1093), and has a small himation, which seems to have fallen off her shoulders.

It was considered a mark of effeminacy for men to make use of parasols.3 The Roman ladies used them in the amphitheatre to defend themselves from the sun or some passing shower,4 when the wind or other circumstances did not allow the veltarium to be extended. (Vid. Amphitheatrum, p. 52.) To hold a parasol over a lady was one of the common attentions of lovers,4 and it seemed to have been very common to give parasols as presents.4 Instead of parasols, the Greek women, in later times, wore a kind of straw hat or bonnet, called φωλια.5 The Romans also wore a hat with a broad brim (petasus) as a protection against the sun.6 See Pacioli, de Umbelle gestatione, Rom., 1732.—Bec-
ker, Charitikes, ii., p. 73.

UNCIA (ὄψια, ὄψια, ὄψια), the twelfth part of the As or Libra, is derived by Varro from unita, and is the unit of the divisions of the as. Its value as a weight was 433.066 grains, or \( \frac{3}{2} \) of an ounce, and 105.36 grains avoirdupois. (Vid. Libra.) It was subdivided into

- 10 Sexte (siliquæ),
- 24 scrupula
- 144 siliquæ.

In connecting the Roman system of weights and money with the Greek, another division of the as was used. When the drachma was introduced into the Roman system as equivalent to the denarius of 96 to the pound (vid. Denarius, Drachma), the uncia contained 9 drachma, the drachma 3 scrupula, the scrupula 2 oboli (since 6 oboli made up the drachma), and the obolos 3 siliquæ (septaria). Therefore the uncia was divided into

- 8 drachmae, each = 54:208 grs.
- 24 scrupula = 18.069 gr
- 48 oboli = 9.034 gr
- 144 siliquæ = 3.011 gr

In this division we have the origin of the modern Italian system, in which the pound is divided into 12 ounces, the ounce into three drams, the dram into three scruples, and the scrupule into 6 carats. In each of these systems 1728 siliquæ (septaria) = 1 ounce, and 16 bars = 1 pound.

The uncial system was adopted by the Greeks of Sicily, who called their obol oltript (the Roman libra), and divided it into 12 parts, each of which they called ὀψια or ὄψια (the Roman uncia). (Vid. Litra.) In this system the ὀψια was reckoned equal to the χαλκῆς.

Müller considers that the Greeks of Sicily, and also the Romans themselves, obtained the uncial system from the Etruscans.

The Romans applied the uncial division to all kinds of magnitude. (Vid. As.) In length the uncia was the twelfth of a foot, whence the word inch (vid. Pes); in area, the twelfth of a jugeram (vid. JUGERUM); in content, the twelfth of a sextarius (vid. Sextarius, Cyathus, Xestes); in time, the twelfth of an hour. (Vid. As, sub jn.)

UNCIA, a Roman copper coin, the twelfth of the As.

UNCIRBIUM FENGUS. (Vid. Interest of Mon- ey, p. 547.)

UNCTUARES. (Vid. Bath, p. 148.)

UNCTUARIUM. (Vid. Bath, p. 148.)

UNGUENTA. ointments, oils, or salves. The application of unguenta, in connexion with the bathing and athletic contests of the ancients, is stated under Bathis and Athletike, &c. But, although their original object was simply to preserve the health and elasticity of the human frame, they were later times used as articles of luxury. They were not only employed to impart to the body or hair a particular colour, but also to give to them the most beautiful fragrance possible; they were, moreover, not merely applied after a bath, but at any time, for on this account it is said that their presence was more pleasant than usual. In short, they were used then as oils and pomatums are at present. The numerous kinds of oils, soaps, pomatums, and other perfumes with which the ancients were acquainted is quite astonishing. We know several kinds of soaps which they used, though, as it appears, more for the purpose of painting the nails than for cleaning it. For the same purpose they also used various kinds of perfumes. Among the various and costly oils which were partly used for the skin and partly for the hair, the following may be mentioned as examples: mende- sium, melegasium, metopium, ammaracium, Cypri- num, sasnum, sasnum, iasnum, iasnum, rosaeum, and crocuum oil, which was considered the most costly. In addition to these oils, the ancients also used various kinds of powder as perfumes, which, by a general name, are called diaphor. To what extent the luxury of using fragrant oils and the like was carried on, may be inferred from Seneca, who says that people anointed themselves twice or even three times a day, in order that the delicate fragrance might never diminish. At Rome, however, these luxuries did not become very general till towards the end of the Republic, while the Greeks appear to have been familiar with them from early times. The wealthy Greeks and Romans carried their ointments and perfumes with them, especially when they bathed, in small boxes of costly materials and beautiful workmanship, which were called narthecia. The traffic which was carried on in these ointments and perfumes in several towns of Greece and southern Italy was very considerable. The persons engaged in manufacturing them were called the Romans unguentarii, or, as they frequently were women, ungentariata, and the art of manufacturing them ungentaria. In the wealthy and effeminate city of Capua there was one great street called the Sepalsia, which consisted entirely of shops, in which ointments and perfumes were sold.

A few words are necessary on the custom of the ancients in painting their faces. In Greece this practice appears to have been very common among the ladies, though men also had sometimes recourse to it, as, for example, Demetrius Phalerus. But, as regards the women, it appears that their retired mode of living, and their sitting mostly in their own apartments, deprived them of a great part of their natural freshness and beauty, for which, of course, they were anxious to make up by artificial means. This mode of embellishing themselves was probably applied only on certain occasions, as when they went out, or wished to appear more charming. The colours used for this purpose were white (φυσιόθονος, cerasus) and red (γυναίκα or γυναίκα, παιδ- ος, πακύμνοι, or φίλλοι). The eyebrows were frequently painted black (μελαις, ἀπόδελτοι, or στιμομελαις). The manner in which this operation of painting was performed, is still seen in some ancient works of art representing ladies in the act of painting them- selves. Sometimes they are seen painting themselves with a brush, and sometimes with their fingers.

The Romans, towards the end of the Republic and under the Empire, were no less fond of painting themselves than the Greeks. The red colours used at Rome were those of Cinnabar, which was obtained from a kind of moss which the Romans called fucus (the rocella of Linnaeus), and from which afterward all
civilians as opposed to the municipia, which appears from a passage in the Digest, where it is stated that an action for duols will not lie against the municipia, for a fictitious person cannot be guilty of duols, but such action will lie against the individual decuriones who administer the affairs of the municipia. Sometimes the word curia is used as equivalent to civitas, and sometimes the decuriones are spoken of as a juridical person, which has property, the right of property, and self-existence, but are attached to some respublica, yet they are juridical persons, can hold property, and maintain suits. 3. Fora, concilia, castella. These were places between civitates and vicis as to extent and importance; they belonged to a respublica, but had the rights of juridical persons: they are similarly as 2. Vicis, which have no political connection, but the names occur in the Tablet of Herodotus in the lex Galliae Cisalpiniae, and in Paulus. In the later period of the Empire, provinces were viewed as juridical persons.

In the writings of the agrimensora, communitias, and particularly coloniae (colonii), are designated by the appropriate name of publicae personae. The line is thus:

1. Religious bodies, as collegia of priests and of the vestal virgins, which could hold property and take by testament

2. Vicis, such as Rome, which were employed in administration: the body of scribae became one of the most numerous and important, as they were employed in all branches of administration; the general name was scriba, a word which includes the personal names of librari, fascales, and others; they were divided into subdivisions called decuriae, a term which, even under the Republic and also now for the Empire, it can represent the corpora of scribae; the individual members were called decurii, and subsequently decuriae; the decuriae had great privileges in Rome, and subsequently in Constantinople.

3. Associations for trade and commerce, as fabri, podestas, and others, the individuals of which had a common profession, and who united for this purpose: they were denominated the corporations of scribae; the individual members were called decurii, and subsequently decuriae; the decuriae had great privileges in Rome, and subsequently in Constantinople. 

4. Associations properly included under societies, as corporations for effecting a common object (vid. Societates): such associations could be dissolved by the notice of any member, and were actually dissolved by the death of a single member. Some of these associations, such as those for working mines, salt, and farming the portoria were corporate bodies, and retained the name of societies. 4. Associations, called sodalitiae, sodalitia, collegia sodalitas, which resembled modern clubs. In their origin they were friendly associations for feasting together; in course of time many of them became political associations, but from this we must not conclude that the true and real corporate bodies were associations not included in any other class that has been enumerated, but they differed in their character according to the times. In periods of commotion they became the central points of political factions, and new associations, it may be reasonably supposed, would be formed expressly for political purposes. Sometimes the public places were crowded by the sodalitia and decuriae, and the senate was at last compelled to propose a lex which should subject to the penalties of those who

1. (4, tit. 3, c. 15).—2. (S. R., 4, tit. 6, c. 2)—3. (Civ. in Verr. ii., 79.—Id. ad Qunt. Fratr., ii. 3.—Tact., Ann. xiii., 27.—Suid., Aug., 97.—Id., Clavd., 1).—4. (Civ. ad Qunt. Fratr. a., 9.)

kinds of paint were called fumus. Another general term for paint is creta. For embellishing and cleaning the complexion, the Greeks as well as the Romans used a substance called aspium (vid. the comment on Suidas, s. v. Olspq), which was prepared of the wool taken from those parts of the body of a sheep in which it perspired most. Another remedy, often applied for similar purposes, consisted of powdered excrement of the Egyptian crocodiles. 1. Respecting the subject, which was mentioned, and also every thing connected with the toilet of the ancients, see Bütting, Sabina oder Morgenachen in Putszimer einer reichen Römerin, Leipzig, 1806, 2 vols. 2. Unguentaria. (Vid. Unguenta.)

1. (Horat., Plin., i. c.)—2. (Dig. 50, tit. 1, c. 95.)

3. Of the jurisdiction of persons, it is often said in the juristic literature which is called jurisprudentia, that the jurist, or a number of things, or a number of rights. In the case of a number of things viewed as a universitas, it is indifferent whether the parts are corporally united or not; or whether the corporeal union, if it exists, is natural or not.

A single person only can properly be viewed as the subject of rights and duties; but the notion of juristic person, in the modern sense, is a number of persons, who are considered as a single person for legal purposes, and may, accordingly, be called juridical persons, or persons existing merely by virtue of legal fiction. Thus the "hereditas" is said by the Roman jurists "persona vice fungi," like a municipality, decuria, or societas: the bonum possessor is in loco hereditatis, 1 and a fiction here, so a juridical person is a fictitious person. As persons, however, so constituted, such juridical persons have legal capacities, as individuals have; but their legal capacities are limited to property as their object. It is true that the Romans often considered other persons as a collective unity: thus they speak of the collegium of the consuls (vid. Coli.egium) and of the triumvir publicus. In like manner, they say that the summi viri of a municipium are to be viewed as one person. 2 But these fictitious unities have only reference to jus publicum, and they have no necessary connexion with juridical persons, the essential character of which is the capacity to have and acquire property. Juridical persons could be subjects of ownership, juridical capacity, and having estates in land and slaves, and have the patronatus; but all the relations of familia, as the patria potestas and others of a like kind, were foreign to the notion. But, though the capacity to have property is the distinguishing characteristic of juridical persons viewed with relation to jus privatum, the objects for which the property is had and applied may be any, and the capacity to have property is a purpose for which it is had, which is often much more important than this mere capacity. But the purposes for which juridical persons have property are quite distinct from their capacity to have it. This will appear from all or any of the examples hereinafter given.

The following are juridical persons: 1. Civitas. 2. Municipium: this term is more common than municipium, and comprehends both citizens of a municipium and a colony: it is also used when the object is to express the municipium as a whole, opposed to the individual members of it. 3. Respublica. In the republican period, when used without an adjunct, Respublica expressed Rome, but in the old jurists it signifies a civitas dependent or on Rome. 4. Respublica civitatis or municipii. 5. Commune, communitiae. Besides the civitates, component parts of the civitates are also juridical persons: 1. Curiae or necuniones: the word necuniones often denotes the individuals composing the body of de[,]
VOCONIA LEX

VOCONIA LEX was enacted on the proposal of Q. Voconius Saxa, a tribunus plebis. In the "De Senectute" of Cicero, Cato the elder is introduced as saying that he spoke in favour of the lex when the"deception of Cæpio and Philippus (B.C. 169). Gellius also speaks of the oration in which Cato recommended this lex.

One provision of the lex was, that no person who should be included in the census, after the census of that year (post eos censores; the censores of that year were A. Posthumius and Q. Fulvius), should make his will in favour of his wife or other female (corpus, testamentum). Cicero does not state that the lex fixed the census at any sum; but it appears from Gausius and from Dion Cassius, that a woman could not be made heirs by any person who was rated in the census at 100,000 sesterces (centum militia ari), though she could take the hereditas per fideicommissum. The lex allowed no exceptions even in favour of an only daughter. The lex only applied to testaments, and therefore a daughter or other female could inherit ab intestato to any amount. The vestal virgins could make their heredes in all cases, which was the only exception to the provisions of the lex.

If the terms of the lex are correctly reported by Cicero, a person who was not census might make a woman his heirs, whatever was the amount of his property, and so Cicero understands the lex. Still there is a difficulty about the meaning of census. If it is taken to mean that a person whose property was above 100,000, and who was not included in the census, could dispose of his property as he pleased by testament, the purpose of the lex would be frustrated; and farther, "the not being included in the census" (necesse census esset) seems rather vague. Still, according to the terms of the lex, any person who had ever been included in the census would be affected by this legal incapacity. Sometimes it is assumed that this last census is meant. The Edict extended the rule of the Voconia lex to the bonorum possessio.

Another provision of the lex forbade a person who was census to give more in amount in the form of a legacy, or a donation mortis causa, to the female heirs, if any of his male heirs were "census." Cicero speaks of what he has said as unnecessary. The lex was applied to endowments by a testator to give a woman more than half of his property by way of legacy; and it appears from Cicero that the lex applied to legacies (de mulieris legatis et heredibus).
VOLONES.

Quintilian states that by the lex (Voconia) a woman could not take by testament more than half of a person's property; but Quintilian says nothing of the provisions of this lex, which incapacitated women altogether from taking under a will in certain cases, and in the passage referred to he is speaking of two women being "heredes of a property in equal shares. The dispute between the cognati and the "two women turned on the words of the lex, "in iucat mulieres plus quam dimidiam partem bonorum suorum relinquere." The cognati contending that the lex did not allow the whole property to be left to two women in equal shares, though it was admitted that if half of the property had been given to one woman, there would have been no ground for dispute. It is quite consistent that the lex might have allowed a woman to take half of a man's property in certain cases, and in others to take none, though the object of the lex, which was to prevent large properties from coming into women's hands, would have been better secured by other provisions than those of the lex as they are known to us; for it appears from Quintilian that a woman might take by will one half of as many properties as there were testators. It might be conjectured that the clause of the lex which forbade a woman being made heres signified sole heres, and then the clause which forbade her taking more than half of the estate. It is clear only that the lex was founded on the idea of the lex, 

The case of Fadius, mentioned by Cicero, shows that there was a provision in the lex by which in certain cases at least, a woman might take something; and it also shows that the lex prevented a man from making even his own daughter sole heres.

According to Gaius and Pliny, the provisions of the Voconia lex were in force at the time when they were writing, though Gellius speaks of them as being either obsolete or repealed. The provisions of the lex Julia et Papia Poppea may have repealed some of the clauses of the Voconia lex.

The subject of the Voconia lex is one of considerable difficulty, owing to the imperfect statements that remain of its contents and provisions, which were probably numerous. The chief modern authorities on the matter are referred to by Rein; but the writer has not had the opportunity of consulting any of them.

VOLONES is synonymous with voluntarii (from solo), and might hence be applied to all those who volunteered to serve in the Roman armies without there being any obligation to do so. But the word was more especially applied to slaves, when, in times of need, they offered or were allowed to fight in the Roman armies. Thus when, during the second Punic war, after the battle of Cannae, there was not a sufficient number of freemen to complete the army, about 8000 young and able-bodied slaves were offered to serve. Their proposal was accepted; but when they received armour at the public expense, they were divided among the branches. In after times the name Volones was retained whenever slaves chose or were allowed to take up arms in defence of their masters, which they were the more willing to do, as they were generally rewarded with the franchise.

VOLUMEN. (Vid. Librum.)

VOLUNTARI. (Vid. Volones.)

VONITIORIA. (Vid. Amphitheatrum, p. 68.)

VULPEJS (diurjyos), the Fox, or Cusa Vulpes, L. It is also called napejo by Oppian and by Aristophanes, in a metaphorical sense.

URAGUS. (Vid. Arm. Roman, p. 104.)

URNINA, an urn, a Roman measure of capacity for fluids, equal to half an amphora. This use of the term was probably founded upon its more general application to denote a vessel for holding water, or even as a name of a household pot.

An urn was used to receive the names of the judges (judices), in order that the praeator might draw out of it a sufficient number to determine cases; also to receive the ashes of the dead.

URAGUS. (Vid. Buto; F unus, p. 460.)

USUCAPIO. The history of usucapio is an important fact in the history of Roman jurisprudence. Gaius states that there was originally in Roman law a right of first refusal or usucaipio, which was the right of the owner of a thing ex juris Quiritium, or he was not owner at all. But afterward ownership was divided, so that one man might be owner ex juris Quiritium, and another might have the same thing in bonis, that is, have the right to the exclusive enjoyment of it. He then goes on to give an instance of the mode in which one might establish his usucaipio by reference to the transfer of a res mancipi: if such a thing was transferred by bare tradition, and there was neither mancipatio nor in jure censio, the new owner only acquired the natural ownership, as some would call it, or only had it in bonis, and the original owner retained the Quiritarian ownership until the purchaser acquired it. In some cases, a usucaipio was considered at law, a usucaipio; for when the usucapio was completed, the effect was the same as if the thing had been originally mancipated or transferred by the in jure censio. Gaius adds, "in the case of movable things, the usucapio is completed in a year, but in the case of a fundus or alae, two years are required; and so it is provided by the Twelve Tables."

In this passage he is evidently speaking of res mancipi only, and of them only when transferred to the purchaser by the owner without the forms of mancipatio or in jure censio. From this, it might be safely concluded that the Twelve Tables provided a remedy for defective modes of conveyance, when the owner was in the bona fide, this being all that could be concluded from this passage. But a passage which immediately follows shows that this was all that the Twelve Tables did; for Gaius proceeds to say, "But (estem) there may be usucapio even in the case of those things which have come to us by tradition from a person who was not the owner, whether they are res mancipi or not, provided that the owner delivered them from the bona fide, believing that he who delivered (qui tradiderit) them to us was the owner. And this rule of law seems to have been established, in order that the ownership of things might not be long in uncertainty, seeing


2. (Oppian, Cyngse, 3, 450; Aristoph. Eq., 1005. — Adanu, lpf., s. v.) — 3. (Hor., Sat., 1, 54.) — 4. (Plut., Perikles, i., 38.) — 5. (Opp., Caru, iii, 1, 16; Virg., Ene., i., 432.) — 6. (Opp., Epi, iii, 5.) — 7. (Ibid., 46.)
USUCAPIO.

that one or two years would be quite sufficient for the owner to look after his property, that being the time allowed to the possessor for usucapio.

The reason for limiting the owner to the two years has little reason in it, and possibly no historical truth; but it is clear from this passage that this application of the rule of usucapio was formed from analogy to the rule of the Twelve Tables, and that it was not contained in them. The limitation of the time of usucapio is clearly due to the Twelve Tables, and the time applied only to purchases of res mancipi from the owner when the legal forms of conveyance had been neglected. But the origin of usucapio was probably still more remote.

When Gaius states that there was originally only one kind of ownership at Rome, and that afterward ownership was divided, he immediately shows how this arose by taking the case of a res mancipi. This division of ownership rested on the division of things into res mancipi and res nec mancipi, a distinction that had reference to nothing else than the mode of transferring the property of them. Things were merely called res mancipi because the ownership of them could not be transferred without mancipatio. Things were res nec mancipi, the alienation of which could be effected without mancipatio. There could be no division of things into mancipi and nec mancipi except by determining what things should be res mancipi. Hence mancipi are transferred negatim, that is, by all things that were not res mancipi; but the negative determination presupposes the positive; therefore res mancipi were determined before res nec mancipi could be determined; and before the res mancipi were determined, there was no distinction of things into res mancipi and res nec mancipi. But this distinction, as such, only affected the condition of those things to which it had a direct application: consequently, all other things remained as they were before. The conclusion, then, is certain, that the res mancipi, as a class of things, were anterior, in order of time, to the class of res nec mancipi, which comprehended all things except res mancipi. Until then, the class of res mancipi was established. All property at Rome could be alienated by bare tradition, as res nec mancipi could be alienated by lation after the class of res mancipi was constituted.

The time when the class of res mancipi was formed is not known; but it is most consistent with all that we know to suppose that it existed before the Twelve Tables. If we consider the forms of mancipatio (vid. MANcipatio), we cannot believe that they arose in any other way than by positive enactment. As soon as the forms of mancipatio and of the in jure cession (which, from its character, must be posterior to mancipatio) were established, it followed that mere tradition of a thing to a purchaser and payment of the purchase-money could not transfer the ownership of a res mancipi. The transfer gave the purchaser merely a posses-sio, and the original owner retained the property. In course of time, the exception obtain occasioned action, and from this time it might be said that a double ownership existed in the same thing.

The introduction of mancipatio, which gave rise to the double ownership, was also followed by the introduction of usucapio. The bona fide possessor of a res mancipi which had not been transferred by mancipatio, had no legal defence against the owner who claimed the thing. But he had the exception de rei vendita et tradite, by which he could protect himself against the owner; and as possessor simply, he had the protection of the interdict against third persons. He had the full enjoyment of the thing, and lie could transfer the possessio, but he could do no act with respect to it for which Quiritarian ownership was necessary; consequently, he could not alienate it by mancipatio or in jure cession, and it was a necessary consequence that he could not establish testament in the same way in which Quiritarian ownership was disposed of by testament. The necessity for such a rule as that of usucapio was evident, but it could arise in no other way than by positive enactment, for its effect was to be the same as that of mancipatio. The Twelve Tables fixed the term of usucapio, but we do not know whether they fixed or merely confirmed the rule of law as to usucapio.

It is a mistake to suppose that tradition or delivery was a part of mancipatio as such. Mancipatio was merely a form of transferring ownership which was fixed by law, and the characteristic of which was publicity; a delivery of the thing would of course generally follow, but it was not part of the transfer of ownership. Land (præmium, for instance, could be mancipated without delivery (in absente mancipari soleri). In the case of movable things, it was necessary that they should be present, not for the purpose of delivery, but that the thing mancipated might be identified. The essential to the transfer of ownership in all ages and in all countries is the consent of two persons who have legal capacity to consent, the seller and the buyer. All the rest is accessory. Consent is the essence of ownership, which is not in itself the usucapio.

Besides the case of property there might be usucapio in the case of servitutes, marriage, and hereditas. But as servitutis prediorum rusticorum could only be the objects of mancipatio, and as being parts of ownership could only be established by the same form by which ownership of res mancipi was transferred, so, according to the old law, these servitutes alone could be the object of usucapio; and, as it is contended by Engelbach, only in the case of aqueductus, habustus, iter, and actus. But as the ownership of res mancipi could be acquired by bare tradition followed by usucapio, so these servitutes could be established by contract, and could be fully acquired by usucapio. In the later Roman law, when the form of mancipatio was replaced by mere tradition, servitutes at first existed per pacta et stipulatio only. In the case of a marriage coeminent, the form of mancipatio was used, and the effect was, that the woman came into the hand of her husband, and became part of his familia. The marriage usu could not of itself effect this, but if the woman lived with her husband a year, she passed into his familia by usucapio (velut annus possessione usus ac factis), and, accordingly, it was provided by the laws of the Twelve Tables that if she did not wish thus to come into her husband's hand, she must in every year absent herself from him for three nights in order to interrupt the nusus. Thus

1. (Ulp. Frag., 29, tit. 6.—Gains, i., 121.)—2. (Engelbach, Uber die Usucapie, &c., p. 60.)—3. (Gauss, i., 110.)
usucapiō added to usus produced the effect of coempiō. In the case of the hereditas, when the testator had the testamenti fació, and had disposed of his property without observing the forms of mancipiō and nuncipatō, the person whom he had named his heirs could only obtain the legal ownership of the hereditas by usucapiō. In all these cases, then, the old law as to usucapiō was this: when the positive law had required the forms of mancipiō, the usucapiō supplied the defect, by converting a mere possessio (subsequently called in bonia) into dominium ex jure Quiritario. This, therefore, was not originally a mode of acquisition, but it was the defect in the mode of acquisition was supplied, and this defect was supplied by the use of the thing, or the exercise of the right. The end of usucapiō was to combine the beneficial with the Quiritarian ownership of a thing. Accordingly, the term usucapiō meant usus in auctoritās, the auctoritās of mans, or that which gives to usus incapaci and completeness, a sense of auctoritās which is common in the Roman law. (Vid. Auctoritās, Tutela.) But usus alone never signifies usucapiō; and consistently with this, in those cases where there could be no usucapiō, the Roman writers speak of usus only. Possessio is the usus of a piece of ground, usufruct of usufructus, but usucapiō was the ownership of a thing, and the term usus was applied to the enjoyment of any thing which a man either had not the ownership of, or of which he could not have the ownership, as the ager publicus. In the later law, as it is known to us in the Pandect, usufructus was a mode of acquiring ownership, the term usus auctoritās was replaced by the phrase usus cuique caper, and in the place of usucapiō sometimes the phrase "possessio or longa possessio caper" occurs; but possessio alone never is used for usucapiō.

It appears from a passage of Gaius already quoted, that in his time usufructus was a regular mode of acquisition, which was applicable to things which had come to a man by tradition from one who was not the owner, and was applicable both to res emendi and rei mancipi, if the possessor possessed it bona fide, that is, if he believed that he received it from the owner. There were, however, some exceptions to this rule: a man could never acquire the ownership of a stolen thing by usufructus, for the Twelve Tables prevented it, and the lex Julia or Plautia prevented usufruct which was the case of a thing stolen in Roman territory, unless it was proved in a court of law that the thief or the robber did not acquire the ownership of usufructus, for, the malā fās in which their possession originated was an obstacle to the usufructus; but no person who bona fide bought the thing that was stolen or vi possesso, could acquire the ownership by usufructus. According to other authorities, the rule as to a stolen thing was established by the lex Atinia. Provincial lands were also not objects of usufructus.

If a woman was in the tutela of her agnati, her res mancipi might not be the objects of usufructus, unless they had been received from her by traditio with the auctoritās of her tutor; and this was a principle of the Twelve Tables. To obtain the legal ownership of the usufructus to transfer ownership by mancipiō must be the origin of this rule. The hereditas of a woman who was in tutela legitima could not be an object of usufructus, as Cicero explains to Atticus (de tutela legitima nihil usucapiō posse). The foundation of this rule, according to some, was the legal incapaci of a woman who was in the tutela of her agnati, to usufructus (Vid. Testamentum; but see the article Tutela.)

In order to acquire by usufructus, a person must...

1. (Gaius, ii, 45.)—2. (ad Att., i, 15.)
USUCAPIO.

Quiritian ownership of the thing remanicipatio was necessary; but if the thing was transferred to him by traditio, the remanicipatio was completed by usucapio, or, as it is here called, by usucapeto: for usucapio differs in no respect from usucapio, except that the person who acquires the Quiritian ownership by usus, in the one case acquires (capit), in the other reacquires (recipit) the thing. In the case of a pigmated thing, the debtor's capacity to recover by usucapio was the same as in the case of fiducia, as soon as he had paid his debt to the creditor: and even if he had not paid the money, and had obtained possession of the thing neither by hiring it from the owner, as in the case of usucapio, nor by usucapio, which was a usucapio, and was probably formed from analogy to the lucrative usucapio pro herede.

Servituties praediorum rusticorum were established, at least according to the old law, by mancipatio; the right to the servituties could only be properly extinguished by a mancipatio. If the servitus was extinguished by mere agreement, there must be a usuiraeceptio on the part of the owner of the servitutus, in order to complete its legal release from the servitus. In order that the possession of the libertas of the servient land might be enjoyed uninterruptedly for two years, there must be for the same time a total abstinence from all exercise of the right on the part of him who had the servitus. Subsequently, it was considered sufficient if the person to whom the servitus did not exercise his right for two years.

When usucapio was established as a means of giving the Quiritian ownership to him who had acquired a thing in bonis, the form of mancipatio must have gradually lost its importance, and usucapio came to be viewed as a mode of acquisition. Accordingly, it has been already observed, it became applicable to all cases of bona fide possession, whether the thing was a res mancipi or not. Formerly, if a will had been made in due form, except as to mancipatio and noncoopation, the heirs acquired the hereditas by usucapio; but with the introduction of the prætorian testament (œd. TESTAMENTUM) and the bot orum possessio, the bonorum possessor obtained the right to actions fæcundas or utiles in all cases where the deceased had a right of action, and he acquired by usucapio the Quiritian ownership of the several things which were included in the hereditas. In course of time, it came to be considered by the jurists as a rule of law that there could be no usucapio of an hereditas. In like manner, in the case of servituties established by contract, the introduction of the actio publiciana rendered the doctrine of usucapio unnecessary, and a Scribonia lex is mentioned which repealed all usucapio of servituties. But this lex only applied to the establishment of servituties; it did not affect that usucapio by which the freedom of a servient piece of land was effected. It became a maxim of law: servituties praediorum rusticorum non utendo ammittuntur, which, viewed with respect to the servient land, was a usu-receptio. In this sense "usurpata receptiur" seems to be used in a passage of Paulus. Usurpation is commonly used in the sense of "uti," and in this passage of Paulus "usurpata receptiur" seems equivalent to "usu receptur," though this is not the meaning that has usually been given to this passage.

In the case of marriage, also, usucapio fell into usage, as we learn from Gaius. But in other respects usucapio subsisted. He who had acquired a res mancipi by tradition, had now a proprietary ownership, and he had a right of action in respect of this ownership, which was analogous to the rei vindicatio. But usucapio was still necessary to give him Quiritian ownership and its consequent advantages. The distinction between res mancipi and res mancipi existed, and, as a consequence, the testamentum per es et libram subsisted at the same time with the praetorian testament.

When finally, all distinction was abolished between res mancipi and res mancipi, and the ownership of all things could be acquired by traditio and occupatio, that kind of usucapio ceased by which a thing in bonis became a man's ex jure Quiritium. All other forms of usucapio continued, and its general definition became "adjectio dominii per cunctationem possessionem temporis leges definita." From this time the terms usuapio and longi temporis prescription were used indifferently, as some writers suppose, though on this point there is not uniformity of opinion.

(Engelbach, Ued. die USUCAPIO zur zeit der Zwölf Tafeln, Marburg, 1892. — Mahlenbruch, Doctrin. Pendent. § 561, &c. — Ued. die USUCAPIO, pros herede von Arnüts, Rhein. Mus. für Jurisprudenz, ii., 125.)

USURAE. (vid. Interest of Money, p. 546.)

USURPATIO. One sense of this word is "usu- capiens interruptio." Appius Claudius, not the decennvir, but he who made the Appius Via, and brought the Aqua Claudia to Rome, wrote a book De Usurpationibus, which was not extant in the time of Pompeius. In some cases "usurpation" means the preservation of a right by the exercise of it, as "jus usurpation," in the case of a servitus aequae decen- dae; and this nearly agrees with that sense of usurpare which is equivalent to uti. (vid. USUCAPIO.)

USUS. (vid. Marriage, roman, p. 623.)

USUSFRUCTUS and USUS were personal servituties. Ususfructus is defined to be "jus alienus rebus utendi fruendi salvo rerum substantia." Accordingly, ususfructus comprehended the "jus utendi" and the "jus fruendi." Usus comprehended only the "jus utendi." The complete distinction between ususfructus and usus will only appear from a statement of what each is.

A usus was the right to the enjoyment of a thing by one person, while the ownership belonged to another. It could be established by testament, as when the heres was required to give to another the ususfructus of a thing; and it could also be established by contract between the owner of a thing and him who contracted for the ususfructus. He who had the ususfructus was ususfructuarius or fruiterius, and the object of the ususfructus was res frutaria.

There might be ususfructus both in predia rustica and urbana, in slaves, beasts of burden, and other things.

If the ususfructus of a thing was bequeathed to a person, all the "fructus" of the thing belonged to the fruiterius during the time of his enjoyment. Consequently, if the ususfructus of a piece of land was given to him, he was entitled to collect and have for his own all the fructus that were already on the land, and all that were produced on it during the time of his enjoyment; but as he only acquired the ownership of the fructus by collecting them, he was not entitled to fructus which existed on the land at the time when his right ended, and which he had not collected.

He was bound not to injure the land, and he was bound to cultivate it properly. As to quarries and

1. (Dig. 41, tit. 3, s. 2., "De Usurpationibus et Usucapio boni." — 2. (Dig. 41, tit. 3, s. 2.) — 3. (Dig. 1, tit. 3, s. 30.) — 4. (Dig. 5, tit. 1, s. 1.)
mines, he could work them for his benefit, if he worked them properly (quasi bonus paterfamilias). It, after the bequest of the usufructus, minerals were found on the land, he could work them. He could be compelled to plant new trees in the place of those which died, and generally to keep the land in good condition. If the usufructus was of edes, the fructuarius was entitled to all the rents and profits which he received during the time of his enjoyment. He could be compelled to keep a house in repair, but it seems to be doubtful how far he was bound to rebuild the house if it fell down from decay: at any rate, he was liable for all moderate and reasonable expenses which were necessary for the maintenance of the property.

The fructuarius could not alienate the right to the usufructus, though he might give to another the usus of his right; and he might surrender the right to the usufructus to the owner of the thing. He could not subject the thing to servitudes; nor could the owner do this, even with the consent of the fructuarius. The fructuarius could make such changes or alterations in the thing as would improve it, but not such as would in any way deteriorate the thing. Consequently, he had greater power over cultivated land than over houses or pleasure-grounds, for a part of the value of houses or pleasure-grounds, and things of the like kind, consists in opinion, and must be preserved, and his rank, wealth, and peculiar disposition of the owner.

The fructuarius could maintain or defend his rights by action and by interdicts. On the completion of the time of the usufructus, the thing was to be restored to the owner, who could generally require securities from the fructuarius both for the proper use of the thing and for its restoration in due time. This was usually done by positive enactments, and in other cases by agreement; but it could not be dispensed with by testament.

Originally there could be no usufructus in things unless they were things corporeal, and such as could be restored entire when the time of usufructus had expired. But by a senatus consultum of uncertain date there might be quasi usufructus of things which were consumed in the use, and in this case the fructuarius in fact became the owner of the things, but was bound to give security that he would either restore as much in quantity and value as he had received, or the value of the things in money. It is generally supposed that this senatus consultum was passed in the time of Augustus, and a passage of Cicero1 is alleged to show that it did not exist in the time of Cicero: "Non debet ea mulier, cui servitus sumus usufructum legavit, cellis vinariae et olearia plenis relictis, putare id ad se pertinere. Usus enim non ab usu legatur." The only difficulty is in the words "id ad se pertinere," which are usually translated "those things (the cellae vinariae &c.) are yours of your usufructus," from which it is inferred that there was at that time no usufructus in things which were consumed in the use. But if this is the sense, the words which follow, "for the usus, not the abusus (power to consume), is the object of the legacy," have no clear meaning. These words simply signify that a usuus is given, not an abusus; but this does not prove that there was not at least a quasi usufructus, at least a quasi usufructus, for the phrase "non abusus ad usufructum," which exactly corresponds to the phrase in Cicero, does not mean "that the thing is an object of usufructus," but that "it does not belong to the usufructus." In the Digest2 the question is, whether the young child of a female slave belongs to the usufructus (en partus ad usufructum), and it is answered in the negative, with the following explanation: "usu fructus in usu fructuarius habet..." The passage of Cicero, therefore, will mean, that wine and oil in the testator's possession are not given to her by a bequest of the usufructus of his property, for it is usuus, that is, the enjoyment of the property, which is given, and not "abusus," or the power to consume things. In other words, the testator gives the woman a usufructus in all his property, that is, a right to gather the fruits, but he does not give the wine and oil, which are fruits already gathered, to the woman to be her property, as if she had gathered them during her usufructus. The usufructus does not necessarily signify that there could be "abusus" only in the case of things "qua usu consumuntur:" he says that in the place of wine and oil Cicero might have given the young of animals, as an example, without altering his expression. If this interpretation is correct, Puchta contends that the senatus consultum as to quasi usufructus is older than the time of Cicero. But, in truth, the senatus consultum does not apply to the case under consideration, which is simply this, whether a gift of usufructus is a gift of the fructus that are already gathered; and Cicero says that it is not, for it is usuus which is given, that is, usufructus, or the right of gathering the fruits, and not abusus, which implies the right to the use and enjoyment of the fruits. If these things were given, the woman's power over all the property of the testator, including the wine and oil, would have been unlimited; but as abusus was not given, and as usufructus implies the gathering of the fruits by the fructuarius, the enjoyment of the fruits already gathered could not belong to her. The argument goes, the fructuarius may not have the abusus of a quasiusufructus in his time; so far as his argument goes, the quasiusufructus might have existed or might not have existed. The interpretation of Puchta is correct, but his conclusion is not certain. In addition to this, it does not appear that senatus consultum were made on such matters as those relating to the law of property before the imperial period.

Usus is defined3 by the negation of "frui:" "cum usu relictus est, usui potest, frui vero non potest." The title of the Digest above referred to is "De Usu et habitacione," and the instances given under that title mainly refer to the use of a house or part of a house. Accordingly, the usuus of a house might be considered as a quasi usufructus, in the time of Augustus: As the passage of Cicero already explained what is the extent of the meaning of usufructus of a house. The usuus of a thing implies the power of using it either for necessary purposes or purposes of pleasure. The man who was entitled to the usuus could not give the thing to an other to use, though a man who had the usuus of a house might give it to another to live in. As the man who had the usuus of an estate could take wood for daily use, and could enjoy the orchard, the fruit, flowers, and water, provided he used them in moderation, or, as it is expressed, "non usque ad compendium, sed ad usum scilicet non abusum." If the usuus of cattle (pecus) was left, the usuarius was entitled to the moderate allowance of milk. If the usuus of a herd was given, the usuarius might allow another to feed with him, he could use the oxen for ploughing, and for all purposes for which oxen are adapted.4 If the usuus was of things which were consumed in the use, then the usuus was the same as usufructus.5 Usus was in its nature indivisible, and, accordingly, a part of a usuus could not be given as a legacy, though persons might have the usuus of the free use of a thing in common.6 As to his duties, the usuarius was in most respects like

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1. (Tox. 3.)—2. (7. 101 s. 63.)
2. (Dig. 7, tit. 8, s. 2—2. (Dig. 7, tit. 8, s. 18.)—3. (Dig. 6, tit. 5, s. 5, 9, 9; s. 10, 11, 12, 14. (Dig. 9, tit. 8, s. 16.))
3. (D. 7, tit. 8, s. 2—2. (Dig. 7, tit. 8, s. 18.))
4. (Dig. 7, tit. 8, s. 18.)

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1. 1069
the fructuarius. In some cases usus is equivalent to ususfructus, as where there can be no usus of a thing without a taking of the fructus. \(^1\)

UTERINI. (Vid. Concrpt.)

UTI POSSIDETIS (Vid. Interdictum, p. 543.)

UTILIS ACTIO. (Vid. Actio, p. 17.)

UTRES. (Vid. Vinum, p. 1023.)

UTRICULARIUS. (Vid. Timia.)

UTRUBI. (Vid. Interdictum, p. 543.)

VULCANALIA, a festival celebrated at Rome in honour of Vulcan, on the 23d of August (X. Calendar. Sept.), with games in the Circus Flaminius, where the god had a temple.\(^2\) The sacrifice on this occasion consisted of fishes, which the people threw into the fire.\(^3\) It was also customary on this day to commence working by candlelight, which was probably considered as an auspicious beginning of the use of fire, as the day was sacred to the god of this element.\(^4\)

VULGARES. (Vid. Servius, Roman, p. 887.)

UXOR. (Vid. Maritius, Roman, p. 623.)

UXORII OR AES UXORIIUM was a tax paid by persons who lived as bachelors.\(^5\) It was first imposed by the censors M. Furius Camillus and M. Postumius, B.C. 403,\(^6\) but whether it continued to be levied we do not know. Subsequent censors seem not unfrequently to have used endeavours to induce bachelors to marry; the orations of the censors Metellus Macedonicus (B.C. 101) and Metellus Numidicus (B.C. 102) on this subject were extant in the time of the Empire. Some extracts from the speech of the latter are given by Aulus Gellius,\(^7\) and Augustus read the speech of the former in the senate as applicable to the state of things in his time. Various penalties were imposed by Augustus upon those who lived in a state of celibacy, respecting which see Julia Lex et Papia Poppeia, p. 556.

X. \(^8\)

*XANTHE (ξάνθη), a kind of Haematite, or Bloodstone, of a pale yellowish colour, containing iron ore.

*XANTHION (ξάνθιον), a plant, lesser Burdock, or Xanthium strumarium.\(^9\)

*XANTHOS/ALANUS (ξανθόδαλανος). According to Adams, "Some have taken this for the Nymeg, but this opinion is refuted by Clusius. Sprengel inclines to refer it to the nut of the Semecarpum anacardium."\(^10\)

XENAGOI (ξέναιοι). The Spartans, as being the head of that Peloponnesian and Dorian league which was formed to secure the independence of the Greek states, had the sole command of the confederate troops in time of war, ordered the quotas which each state was to furnish, and appointed officers of their own to command them. Such officers were called xenois. The generals whom the allies sent with their troops were subordinate to these Spartan xenois, though they attended the council of war as representatives of their respective countries.\(^11\) After the peace of Antalcidas, the league was still more firmly established, though Argos refused to join it; and the Spartans were rigorous in exacting the required military service, demanding levies by the σουτίλα, and sending on xenaios to collect them.\(^12\)

The word xenaios may be applied to any leader of a band of foragers or mercenaries. It is also used to signify a politician who stood up for the interests of the foreigners, or who conducted them about the town to see what is to be seen there, like the Latin perductors.\(^13\)

XENELASIA (ξενολασία). The Lacademonians appear in very early times, before the legislation of Lycurgus, to have been averse to intercourse with foreigners (ξέναιοι ἄνδρομακοι).\(^14\) This disposition was encouraged by the lawgiver, who made an ordinance forbidding strangers to reside at Sparta, without special permission, and empowering the magistrate to expel from the city any stranger who misconducted himself, or set an example injurious to public morals. Such jurisdiction was exercised by the ephori. Thucydides makes Pericles reproach the Lacademonians with this practice, as if its object were to exclude foreigners from sharing in the benefits of their institutions. The intention of Lycurgus, more probably, was to preserve the national character of his countrymen, and prevent their being corrupted by foreign manners and vices (as Xenophon says, ὅπως μά ρανούγαρ οἱ πατέσται ἁπὸ τῶν ξένων ἐμπληκαντο).\(^15\) With the same view the Spartans were themselves forbidden to go abroad without leave of the magistrate. Both these rules, as well as the feelings of the people, show the spirit of independence of state in which the Sparta, and by individuals, of which their connexion with the Pisistratidae is an example, and also that of a Spartan family with the family of Alcibiades.\(^16\) (Vid. Hospitium.) Many illustrious men are reported to have resided at Sparta with honour, as Terpander, Theognis, and others.\(^17\) Xenophon was highly esteemed by the nation, and made Sparta the residence of the representatives of the Xenias, Thucyd., i., 144, with Gellier’s notes.—Aris. toph., Aes., 1013.—Harpocr. s. v. Καί γὰρ τὸ μηδένη, ξΕΝΗΣΙΑ ΓΡΑΘΗ (ξέναια γραφή). This was a prosecution at Athens for unlawfully usurping the rights of citizenship. As no man could be, an Athenian citizen except by birth or creation (γένεις οί μοί). If one, having neither of those titles, as used to act as an assembly, or by serving any office, judicial or magisterial, or by attending certain festivals, or doing any other act which none but a citizen was privileged to do, he was liable to a γραφή ξενίας, which any citizen might institute against him.\(^18\) Or he might be proceeded against by εἰσαγγελία.\(^19\) If condemned, his property and person were forfeited to the state, and he was forthwith to be sold into slavery.\(^20\) The judgment, however, was arrested if he brought a δίκη ψυχουματισμόν against the witnesses who had procured his conviction, and convicted him of giving false testimony. During such proceeding he was kept in safe custody to abide the event. (Vid. Martysw.)

**Notes:**

1. (Dig. 7, tit. 1., &c.—Frag. Vat., De Usufructo.—Mühlenbruch, Text. Pandect, &c.—&c.)

2. (Vid. Thucydides V. 6. 1.)

3. (Craig’s Hist. Mus. für Jusprudentia, ii., 52.)


6. (Xen., Hell., v., 7, 75.—Id., ib., v., 54.—Xen., Hell., iii., 9, § 7.—Id., ib., v., § 1d.—Agis., i., 10. 1070)


poreon tried on this charge was acquitted by means of fraudulent collusion with the prosecutor or witnesses, or by any species of bribery, he was liable to be indicted afresh by a γραφή διωρίσεως, the proceedings in which, and the penalty, were the same as in the γραφή ξενίας. The jurisdiction in these matters belonged, in the time of Demostenes, to the themothetai, but differed, at least in the time of Lysias, to the nautodice.

1 In order to prevent fraudulent enrolment in the register of the δήμοι, or λαξιαρχίων γραμματείων, which was important evidence of citizenship, the δήμων themselves were at liberty to revive their register, and expunge the names of those who had been enrolled. The accused, if judged unworthy of admission, might appeal to a court of justice, upon which the question of guilt was tried in much the same manner, as in the γραφή ξενίας, and the appellant, if he obtained a verdict, was restored to the register; but if judgment was given against him, he was sold for a slave. (Vid. Damus.)

2 For an example of this, see the speech of Demostenes against Eubulides.

XENICON (page 6).

There was no such thing as a standing army or mercenary force in the Greek republics. The former would have excited jealousy lest it should oppress the people, as the chosen band did at Argos, and for the latter there was rarely any occasion. The citizens of every state formed a national militia for the time of war; there were the citizen soldiers who were to serve for a considerable period, the higher classes usually serving in the cavalry or the heavy-armed infantry, the lower classes as light-armed troops. Foreigners were rarely employed; the Carians, Cretans, and Arcadians, who served as mercenaries, are an exception to the general rule. In the Persian war we find a small number of mercenaries, but the Greek states seem to have made a practice of keeping up a small body of hired soldiers, who could be called upon to assist in the most critical moments.

The practice of maintaining a standing force was introduced by the tyrants, who kept guards and soldiers in their pay (δομοφόροι, μισθοφόροι) to prevent insurrections of the people, and preserve their influence abroad. As it was done to the advantage of the ruling class, they usually employed foreigners. Hence, and because citizen soldiers used to fight without pay, ξένοι came to signify mercenaries.

We must distinguish, however, between those who fought as auxiliaries, whether for pay or otherwise, under commission from their own country, and those who did not. The former were not mercenaries, but the latter were.

Hence, and because citizen soldiers used to fight without pay, ξένοι came to signify mercenaries.

Manufacturing arms, as well as other articles, was a very profitable trade. The olive-yielding districts of Arcadia, Cilicia, Crete, and Sicily were the chief centres of manufacture. The products of these districts were exported in large quantities, and the profits were enormous.

The Athenians were especially successful in the manufacture of arms and armor. The city was full of workshops where soldiers and sailors were employed in manufacturing arms.

3 Merchandise was the chief source of Athenian revenue. The city was full of workshops where soldiers and sailors were employed in manufacturing arms.

4 The Athenians were especially successful in the manufacture of arms and armor. The city was full of workshops where soldiers and sailors were employed in manufacturing arms.

5 The Athenians were especially successful in the manufacture of arms and armor. The city was full of workshops where soldiers and sailors were employed in manufacturing arms.

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14 The Athenians were especially successful in the manufacture of arms and armor. The city was full of workshops where soldiers and sailors were employed in manufacturing arms.

15 The Athenians were especially successful in the manufacture of arms and armor. The city was full of workshops where soldiers and sailors were employed in manufacturing arms.
ZEIA.

pursued by his countrymen were no less just than they were wise and statesmanlike.

ZEIA. ZENIA (ξηνη, ξενίω). (Vid. Hospit., p. 512.)

XESTES (εστης), a Greek measure of capacity, both of solid and liquid, which contained 12 sextarii or 2 cotylae, and was equal to \( \frac{1}{4} \) of the \( \alpha \) or 1 quart of the Roman amphora or quadrangular, and \( \frac{3}{4} \) of the Greek amphora or metretes; or, viewing it as a dry measure, it was half the ekenos or \( \frac{1}{2} \) of the medimnus. It contained 9911 of a pint English.

At this point the Roman and Attic systems of measures coincide; for, though the \( \xi\)estus appears to have varied in different states of Greece, there is no doubt that the Attic \( \xi\)estus was identical, both in name and in value, with the Roman sextarius. Also, the Attic \( \chi\)eris was equal to the Roman con
gius, for the \( \xi\)estus was the sixth of the former, and the sextarius the sixth of the latter. (Vid. Cusus, Conus, Sextarius.) Further, the Attic metretes or amphora contained 12 \( \chi\)eris, and the Roman amphora contained 8 congi; giving for the ratio of the former to the latter 3 : 2, or 1 : 2. Again, the Attic medimnus was the double of the Roman amphora, or 12 \( \chi\)eris, the ratio of 4 : 3; and the Roman modulus was the sixth of the Attic medimnus, and the third of the Roman amphora. Hence the two systems are connected by the numbers 2 and 3 and their multiples.

How and when did this relation arise? It cannot be accidental, nor can we suppose that the Greek system was modeled upon the Roman, since the Tower was built after the Roman conquest of Greece. We must therefore suppose that the Roman system was in some way adapted to the Greek. It is a remarkable circumstance, that the uncial system of division which characterized the Roman weights and measures (vid. As, Uncia) is not found in the genuine Roman measures of capacity (for the use of the \( \chi\)eris as the unit of the sextarius appears to have originated with the Greek physicians in later times); and this is the more remarkable, as it is adopted in the Greek system: the Greek amphora being divided into 12 \( \chi\)eris, and the Roman into 8 congi instead of 12. In the Roman foot, again, besides the uncial division, we have the division into 4 palmi and 16 digiti, which seems clearly to have been borrowed from the Greek division into 1 \( \rho\)ule and 16 \( \alpha\)tiram. (Vid. Pae.)

If, therefore, we are enabled to demonstrate that the Greek system of measures had no considerable influence on that of the Romans.

To find the origin of this connexion, we must look from the measures to the weights, for both systems were undoubtedly founded on weight. The Roman amphora or quadrantal contained 50 pounds (whether of wine or water does not matter here), and the congis 10 pounds. Also the Attic talent was reckoned equal to 80 Roman pounds, and contained 60 minae. Therefore the Attic mina had to the Roman pound the ratio of 80 : 60, or 4 : 3.

Now if we look at the subject historically, we find all the principal features of the Roman system in existence as early as the time of Servius Tullius. We must therefore seek for the introduction of the Greek element before that time. At that early period the Athenians might have any conceivable commercial intercourse with Italy, but other Grecian states had, through the colonies of Magna Gracia. The Phocaeans, at a very early period, had a traffic with the Tyrrhenians; the \( \xi\)eginetans had a colony in Umbria; and Corinth and her colonies were in intercourse with the people of central Italy, besides the traces of Corinthian influence upon Rome, which are preserved in the legend of the Tarquinii. It is therefore to the \( \xi\)egineto- Corinthian system of weights and measures that we must look for the origin of Greek influence on the Roman system. Now the \( \xi\)eginetan pound, which contained half of the \( \xi\)EGINetan mina, had to the Roman pound the ratio of 16 : 2, and, since the \( \xi\)EGINetan mina was to the Attic (most probably, vid. Talentum) as 6 : 3, we get from the comparison of these ratios the Attic mina to the Roman pound as 4 : 3, as above.

The above view of the relation between the Greek and Roman systems of measures of capacity is that of Böckh, who discusses the subject more fully in his Mecur. Gr. Stat., xii., 8, 9, 10.

*XPHIAS (ξφιας), the Swordfish, or \( \chi\)iphaea gladius, L. It would also appear to be the gladius of Pliny and Isidorus. 1

*XPHION (ξφιος), the Gladalos communis, or Corn-flag. 2

XPHOS (ξφως). (Vid. Gladius.)

XARON (ξαρων). (Vid. Statuary, p. 913.)

*XTRIS (ξτρις), the Iris fistulissima, or Stinking Gladiolus. It is most probably the \( \xi\)tris of Theophrastus.

XYS TARCHUS. (Vid. Gymnastium, p. 483.)

XYS TUS. (Vid. Gymnastium, p. 482; Hortus p. 511.)

Z

ZACOROI (ξακοροι) is the name by which, in Greece, those persons were designated whose duty it was to guard a temple and to keep it clean. Notwithstanding this menial service, they partook of the priestly character, and are sometimes even called priests. 3 In many cases they were women, as Timo in Herodotus; 4 but men are also mentioned as \( \xi\)acoroi. The priestess Timo is called by Herodotus \( \sigma\)ρωκερος, from which it is clear that, in some places, several of these priests must have been attached to one and the same temple, and that they differed among themselves in rank. A class of servants of the same kind were the \( \nu\)κερωροι, or temple-sweepers. 5 Subsequently, however, the menial services connected with this office were left to slaves, and the persons called \( \nu\)κερωροι became priestly officers of high rank, who had the supreme supervision of half the temple's treasures, and the sacred rites observed in them. 6 We learn from inscriptions that in some towns the \( \nu\)κερωροι formed a collegium, which was headed by the eldest among them. When the \( \nu\)κερωροι had thus risen to the rank of high priestly officers, magistrates and persons of distinction, and even emperors, were anxious to be invested with the office, and, in the time of the emperors, whole nations and cities assumed the title of \( \nu\)κερωροι, as we learn from numerous coins and inscriptions, and thus became the especial guardians of particular temples.

*ZEIA (Zeia), a kind of grain, described by Aetius and Avicenna as intermediate between wheat and barley. 7 In short, 8 says Adamis, "almost all the authorities agree that it is the Triticum Spelta, or Spelt. The \( \tau\)ρος of Theophrastus, and the \( \theta\)ρας of the Romans, as well as the far and adoros of the Romans, were in all probability merely varieties of Spelt." 9

ZONÀ.  

ZEOTIAI (Servatii), Inquisitoria, were extraordinary officers appointed by the Athenians to discover the voices of persons crying against the state, and bring them to justice. Public advocates, 

"were sometimes directed to assist them in this duty. Frequently the court of Areopagus performed the office of inquisitors for the state, and, indeed, it was the duty of every magistrate to assist in procuring information against offenders. Servatii were more frequently appointed to try the cases of criminals against state demands of criminals and state debtors; to receive and give information against any persons who concealed or assisted in concealing them, and to deliver an inventory of all such goods (ἀπογραφέω) to the proper authorities. The delinquent was then prosecuted, either before the σύνάκος, or, if it might be, before the Σεβασταί themselves, if their commission extended to the holding of an εὐθεμεία.

Any person, however, who thought himself entitled to the goods which were the subject of such information, or to any part of them, might prefer a complaint against the inquisitor or informer, and petition to have the goods, or the part to which he was entitled, or their proceeds, restored to him. This proceeding was called "inquisitio" (Vid. Syracus., Paracataar.). Inquisitors were also called Μαστόρις. On one particular occasion a set of commissioners, called συλλογεί, were appointed to discover the property of the oligarchs, who were concerned in overturning the democracy.  

ZEUGHTÄE (Zeugitas). (Vid. Cassius, p. 229.)  

ZINGIBERIS (Zingiberes), Anonimus Zangiber, or Gingiber.

ZONÀ, dim. ZONULA, also called CINGULUM (Cynos, Zysz, Zosthà), a Girdle or Zone, worn about the loins by both sexes. As in the case of some other articles of dress, the distinction between the male and female girdle was denoted by the use of a diminutive, Cynos or Zosthà being more properly a man's, Cynes a woman's girdle. The outer kinds of girdles were made by netting, whence the manufacturer of them was called ζωοπλάκος.  

The chief use of this article of dress was to hold up the tunic (ζωοντάται), which was more especially requisite to be done when persons were at work, on a journey, or engaged in hunting. Hence we see the loins girded in the woodcuts of the boatman in Pliny, at p. 62, 115, of the goatherd at p. 754, of the hunters at p. 836, and of Diana at p. 245. The Cynos or Zosthà is also represented in many ancient statues and pictures of men in armour, as worn round the cuirass. Among the Romans the magister equitum wore a girdle of red leather, embroidered with needlework, and having its two extremities joined up by a very splendid and elaborate gold buckle. (Vid. Cinyulus.)  

The girdle mentioned by Homer seems to have been 1 constitutive part of the cuirass, serving to fasten it by means of a buckle, and also affording an additional protection to the body, and having a short kind of petticoat attached to it, as is shown in the figure of the Greek warrior in p. 597. In consequence of the use of the girdle in fastening on the armour, ζωονταται or ζωοντα ται meant to arm one's self, and from this circumstance Athene was worshipped under the character Ζωοντάτα.  

The woodcut at p. 15 shows that the ancient cuirass did not descend low enough to secure that part of the body which was covered by the ornamental kilt or petticoat. To supply this defect was the design of the μιτρα (mitra), a brazen belt, lined probably on the inside with leather and stuffed with wool, which was worn next to the body, 1 so as to cover the lower part of the abdomen. The annexed woodcut shows the outside and inside of the bronze plate of a mitra one foot long, which was obtained by Bründsted in the island of Eubaia, and is now preserved in the Royal Library at Paris. We observe at one end two holes for fastening the strap, which went behind the body, and at the other end a hook, fitted probably to a ring, which was attached to the strap. A portion of a similar bronze plate is engraved by Caylus.  

### Footnotes

Men used their girdles to hold money instead of a purse.* The wallet (vid. Pana) was fastened to the girdle, and still more frequently the fold of the tunic, formed by tucking it up, and called sinus, was used as a pocket to carry whatever was necessary. As the girdle was worn to hold up the garments for the sake of business or of work requiring dispatch, so it was loosened, and the tunic was allowed to fall down to the feet, to indicate the opposite condition, and more especially in preparing to perform a sacrifice (veste recinctae) or funeral rites (distanta, recinta).  

A girdle was worn by young women even when their tunic was not girt up, and removed on the day of marriage, and therefore called Cynos παραδενεκιν, παραθενον μιτρον. The Flora in the museum at
Naples (see the preceding woodcut) shows the appearance of the girdle as worn by young women.

A horse's girth, used to fasten on the saddle (vid. Ephippium), was called by the same names, and was sometimes made of rich materials, and embroidered in the most elaborate manner. These terms, zona and cingulum, were also used to signify the five zones as understood by geographers and astronomers. ZOOPHTTA (ζωόφυττα). "Aristotle," says Adams, "ranks the Urtica or Medusa and sponges among those things which partake in part of the nature of animals and in part of plants. The term therefore corresponds to the Zoophyta of modern naturalists."

*ZYGÆNA (ζυγαύνα), the Squalus Zyganus, L., or Balance Fish. It is a very large fish, and was placed among the Cetacea by Galen, Oribasius, Paulus Aegineta, and other ancient writers.

*ZYG'TA (ζυγία), a plant, most probably the Carpinus betulus, or Hornbeam, as Stackhouse suggests.

*ZYTHUS (ζήθος). (Vid. Ceravisia.)

1. (Ovid, Rem. Am. 236.—Claud., Epig., 34, 36.)—2. (Virg., Georgy, i, 233.—Plin., H. N., ii, 55.—Macrobius, Som. Sepi, 8.)—3. (Arist., De P. A., iv, 5.—H. A., i, 1, &c.—Adams, Append., s. v.)
FASCI CONSULARI

(Foreward to at Page 412 of this work.)

L. Tarquinius Collatinus. Abd.

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M. Horatius Pulvillus.
P. Valerius Poplicola.
508 24 P. Valerius Poplicola II.
T. Lucretius Tricipitinus.

507 247 P. Valerius Poplicola III.
M. Horatius Pulvillus II.

506 248 Sp. Lucretius Flavus s. Rufus.
T. Herminius Aquilinus.

505 249 M. Valerius Volusus.
P. Postumius Tubertus.

504 250 P. Valerius Poplicola IV.
T. Lucretius Tricipitinus II.

503 251 P. Postumius Tubertus II.
Agrippa Menenius Lanatus.

502 252 Opitir Virginini Tricostus.

501 253 Postumus Cominius Auruncus.
T. Lucretius Flavus s. Rufus.

Dietor rei gerundae causa.

T. Lucretius Flavus s. Rufus.

Magister Equitum.

300 254 Ser. Sulpiicius Camerinus Cornatus.
M. Tullius Longus. Mort. e.

499 255 T. Abutius Elva.
P. Veturius Gemius Cicurinus.

498 256 T. Lucretius Flavus s. Rufus.
Q. Clotia (Volcana) Siculus.

Dict. rei ger. c.

A. Postumius Albus Regillensis.

Mag. Eq.

T. Abutius Elva.

497 257 A. Sempronius Atratinus.
M. Minucius Augurinus.

496 258 A. Postumius Albus Regillensis.
T. Virginini Tricostus Caliominatus.

P. Servilius Priscus Structus.

494 259 A. Virginini Tricostus Caliominatus.
T. Veturius Gemius Cicurinus.

Dict. sodilions sodad e.

M. Valerius Volusus Maximus.

Mag. Eq.

Q. Servilius Priscus Structus.

493 261 Sp. Cassius Viscellinus II.
Postumus Cominius Auruncus II.

492 262 T. Geganius Maceirinus.
P. Minucius Augurinus.

491 263 M. Minucius Augurinus II.
A. Sempronius Atratinus II.

490 264 Q. Sulpiicius Camerinus Cornatus.
Sp. Lucretius Flavus s. Rufus II.

489 265 C. Julius Julus.
P. Platinus Mamercinus Rufus.

488 266 Sp. Natius Rutulis.
Sex. Furius Medullinus Fusus.

487 267 T. Sicinius Sabinius.
C. Aquilius Taseus.

486 268 Procultus Virginini Tricostus Rutulis
Sp. Cassius Viscellinus III.

485 269 Ser. Cornelius Cassus Maluginensis.
Q. Fabius Vibulanus.

484 270 L. Emilius Mancerus.
K. Fabius Vibulanus.

483 271 M. Fabius Vibulanus.
L. Valerius Potitius.

482 272 C. Julius Julus.
Q. Fabius Vibulanus II.

481 273 K. Fabius Vibulanus II.
Sp. Furius Medullinus Fusus.

480 274 Cn. Mancius Cincinnatus. Occ. e.
M. Fabius Vibulanus II.

479 275 K. Fabius Vibulanus III.
T. Virginini Tricostus Rutulis.

478 276 L. Emilius Mancerus II.
C. Servilius Structus Abala. Mort. e.

Opitir Virginini Tricostus Esquininus.

477 277 C. Horatius Pulvillus.
T. Menenius Lanatus.

476 278 A. Virginini Tricostus Rutulis.
Sp. Servilius Priscus Structus.

475 279 P. Valerius Poplicola.
C. Nautius Rutulis.

474 280 A. Mancius Vuls.
L. Furius Medullinus Fusus. Lustr. VII.

473 281 L. Emilius Mancerus III.
Vincius Julus Julus.

472 282 L. Platinus Mamercinus Rutus.
P. Furius Medullinus Fusus.

T. Quinchius Capitolinus Barbarus.

470 284 L. Valerius Potitius II.
T. Emilius Mancerus.

469 285 A. Virginini Tricostus Caliominatus.
T. Numicius Priscus.

468 286 T. Quinchius Capitolinus Barbarus II
Q. Servilius Priscus Structus.

467 287 M. Emilius Mancerus II.
Q. Fabius Vibulanus.

Q. Servilius Priscus Structus II.

465 289 Q. Fabius Vibulanus.
T. Quinchius Capitolinus Barbarus III.

464 290 A. Postumus Albus Regillensis.
Sp. Furius Medullinus Fusus.

463 291 P. Servilius Priscus Structus.
L. Ebutius Elva.

462 292 L. Lucretius Tricipitinus.
T. Veturius Gemini Cicurinus.

461 293 P. Volumnius Aminatanus Gallus.
Ser. Sulpiicius Camerinus Cornatus.

460 294 C. Claudius Sabinius Regillensis.
P. Valerius Poplicola II. Mort. e.

L. Quinchius Cincinnatus.

459 295 Q. Fabius Vibulanus III.
L. Cornelius Maluginensis.

458 296 L. Minucius Esquininus Augurinus
C. Nautius Rutulis II.

Dict. rei ger. e.

L. Quinchius Cincinnatus.

Mag. Eq.

L. Tarqiuinus Flaccus.

457 297 C. Horatius Pulvillus II.
Q. Minucius Esquininus Augurinus.

456 298 M. Valerius (Lactea) Maxinus.
Sp. Virginini Tricostus Caliominatus.

455 299 T. Romilius Roccus Vaticanus.

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1075
Fasti Consulares.

454 300 Sp. Tarpeius Montanus Capitolinus.
453 301 Sex. Quinctius Varus.
459 302 P. Curtius Festus Trigeminus.
451 303 T. Menenius Lanatus.
450 304 Decemviri.
449 305 L. Valerius Poplicola Potius.
448 306 L. Horatius Barbatus.
447 307 L. Servius Esquilinus.
447 307 M. Minucius Esquilinus Varus.
446 308 T. Caecilius Varus.
446 308 A. Manlius Vulso.
446 308 A. Manlius Vulso.
446 308 Ser. Sulcius Camerinus Cornutus.
446 308 P. Servius Capitolinus Vaticanus.
446 308 P. Curtius Festus Trigeminus.
446 308 T. Romilius Roens Vaticanus.
446 308 T. Romilius Roens Vaticanus.

Fasti Consulares.

436 318 L. Papirius Crassus.
435 319 M. Cornelius Maluginensis.
435 319 C. Julius Julius II.
434 320 L. Papirius Crassus.
433 321 M. Manlius Capitolinus.
432 322 L. Postumius Albus Regillensis.
432 322 L. Papirius Crassus.
431 324 T. Quinctius Sempronius Censorinus.
431 324 A. Servius Atratinus.
430 324 L. Papirius Crassus.
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429 325 L. Papirius Crassus.
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428 326 L. Papirius Crassus.
428 326 L. Papirius Crassus.
428 326 A. Servius Atratinus.
427 327 L. Papirius Crassus.
427 327 C. Servilius Structus Ahala.
427 327 A. Postumius Tuberosus.
427 327 A. Postumius Tuberosus.
426 328 L. Papirius Crassus.
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423 331 C. Servilius Structus Ahala.
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FASTI CONSULARES.

419 355

Trib. Mil.

Agrippa Menenius Lanatus.
C. Servilius (Structus) Axilla.

418 336

M. Papirius Mugilanus.
C. Servilius (Structus) Axilla II.
L. Sergius Fidenas III.

417 337

P. Lucretius Tricipthinus II.
Agrippa Menenius Lanatus II.
C. Servilius Structus III.
Sp. Veturius Crassus Cicurinus.

416 338

A. Sempronius Atratinus III.
Q. Fabius Vabalanus.
M. Papirius Mugilanus II.
Sp. Nautius Rutilius II.

415 339

P. Cornelius Cossus.
C. Valerius Poitius Volusus.
Q. Quinctius Cincinnatus.
N. Fabius Vibulanus.

414 340

Q. Fabius Vibulanus II.
P. Postumius Albinus Regillensis.
L. Valerius Poitius.
Cn. Cornelius Cossus.

413 341

A. Cornelius Cossus.
L. Furius Medullinus.

412 342

Q. Fabius Vibulanus Ambustus.
C. Furius Paullus.

411 343

M. Papirius Mugilanus.
C. Nautius Rutilius.

410 344

M. 'Emiliius Mamercinus.
C. Valerius Poitius Volusus.

409 345

Cn. Cornelius Cossus.
L. Furius Medullinus II.

408 346

Trib. Mil.

C. Julius Julus.
P. Cornelius Cossus.
C. Servilius (Structus) Ahala.

407 347

C. Valerius Poitius Volusus II.
L. Furius Medullinus.
C. Servilius (Structus) Ahala II.
N. Fabius Vibulanus II.

406 348

P. Cornelius Rutulus Cossus.
Cn. Cornelius Cossus.
L. Valerius Poitius II.
N. Fabius Ambustus.

405 349

Trib. Mil.

C. Julius Julus II.
T. Quinctius Capitolinus Barbatus.
Q. Quinctius Cincinnatus (II).
M. 'Emiliius Mamercinus.
L. Furius Medullinus II.
A. Manlius Vulso Capitolinus.

404 350

Trib. Mil.

P. Cornelius Maluginensis.
Cn. Cornelius Cossus II.
C. Nautius Rutilius.
Sp. Nautius Rutilius III.
C. Valerius Poitius Volusus III.
M. Sergius Fidenas.

FASTI CONSULARES.

403 351

Trib. Mil.

M. 'Emiliius Mamercinus II.
M. Quinctius Varus.
M. Furius Fusus.
L. Julius Julus.
L. Valerius Poitius III.
C. Servilius L. (L. VII. X. XVI).
M. Furius Camillus.
M. Postumius Albinus Regillensis.

402 352

C. Servilius (Structus) Ahala III.
Q. Servilius (Priscus) Fidenas.
L. Verginius Fregilus Esquilinus.
Q. Sulpius Camerinus Corinus.
A. Manlius Vulso Capitolinus II.
M. Sergius Fidenas II.

401 353

Trib. Mil.

M. Furius Camillus.
Cn. Cornelius Cossus III.
L. Valerius Poitius IV.
L. Julius Julus.
M. 'Emiliius Mamercinus III.
K. Fabius Ambustus II.

400 354

Trib. Mil.

P. Manlius Vulso.
P. Licinius Calvus Esquilinus.
L. Titinius Pansa Saccus.
P. Maelius Capitolinus.
Sp. Furius Medullinus.
L. Publius Philo Vulscus.

399 355

Cn. Genestius Augurinus.
L. Atilius Priscus.
M. Pomponius Rufus.
C. Duillo Longus.
M. Veturius Crassus Cicerinus.
L. Fabius Philo.

398 356

Trib. Mil.

L. Valerius Poitius V.
M. Valerius Laetucius Maximus.
M. Furius Camillus II.
L. Furius Medullinus III.
Q. Servilius (Priscus) Fidenas II.
Q. Sulpius Camerinus Corinus II

397 357

Trib. Mil.

L. Julius Julus II.
L. Furius Medullinus IV.
A. Postumius Albinus Regillensis.
L. Sergius Fidenas.
P. Cornelius Maluginensis.
A. Manlius Vulso Capitolinus III.

396 358

Trib. Mil.

L. Titinius Pansa Saccus II.
P. Licinius Calvus Esquilinus II.
P. Maelius Capitolinus II.
Q. Manlius Vulso.
Cn. Genestius Augurinus II.
Oc. L. Atilius Priscus II.

395 359

Trib. Mil.

M. Furius Camillus.
M. Eunius Maluginensis.
P. Cornelius Maluginensis.
P. Cornelius Scipio.
K. Fabius Ambustus III.
L. Furius Medullinus V.
Q. Servilius (Priscus) Fidenas III.
M. Valerius Laetucius Maximus II

394 360

Trib. Mil.

M. Furius Camillus III.
L. Furius Medullinus VI.
C. 'Emiliius Mamercinus.
L. Valerius Poplicola.
P. Cornelius . . . . II.

303 361

L. Valerius Poitius, Abd.
P. Cornelius Maluginensis Cossus. Abd. 376 371

L. Lucretius Flavus (Tricipitinus).
Ser. Sulpicius Camerinus.
Censors.
L. Papirius Cursor.
C. Julius Julius. Mort. e. 382 372

M. Cornelius Maluginensis. 380 364

Trib. Mil.
L. Lucretius (Flavus) Tricipitinus.
Ser. Sulpicius Camerinus.
L. Furius Medullinus VII.
L. Æmilius Mamarincius.
Agripp. Furius Fuscus.
C. Æmilius Mamarincius II. Trib. Mil.
Q. Sulpicius Longus.
Q. Servilius (Priscus) Fidenas IV.
P. Cornelius Maluginensis II.
Q. Fabius Aratus.
K. Fabius Ambustus IV.
N. Fabius Ambustus II.
Dict. rei ger. c. 390 374


Trib. Mil.
L. Virginius Tricostus.
A. Manlius Capitolinus.
L. Æmilius Mamarincius II.
L. Postumius Regillensis Albinus.
L. Valerius Poplicola II.
P. Cornelius . . . . . . 
Dict. rei ger. c. 379 375


Trib. Mil.
T. Quinctius Cincinnatus Capitolinus.
Q. Servilius (Priscus) Fidenas V.
L. Julius Julius.
L. Aquilus Corvus.
L. Lucretius (Flavus) Tricipitinus II
Ser. Sulpicius Rufus. 378 367

L. Papirius Cursor.
C. Sergius Fidenas.
L. Æmilius Mamarincius III.
L. Menenius Lanatus.
L. Valerius Poplicola III.
C. Cornelius . . . . . . 

386 368

Trib. Mil.
Ser. Cornelius Maluginensis.
Q. Servilius (Priscus) Fidenas VI.
M. Furius Camillus IV.
L. Quinctius Cincinnatus.
L. Hortatus Pulvillus.
P. Valerius Poitus Poplicola. 385 369

A. Manlius Capitolinus II.
P. Cornelius . . . . II.
T. Quinctius Cincinnatus.
L. Quinctius Cincinnatus II.
L. Papirius Cursor II.
C. Sergius Fidenas II.
Dict. rei ger. c. 375 377

A. Cornelius Cossus.
Magn. Eq. 370 384

T. Quinctius Capitolinus.

384 370

Trib. Mil.
Ser. Sulpicius Rufus II.
C. Papirius Cursor.
T. Quinctius Cincinnatus Capitolinus II.
M. Furius Camillus V.
Ser. Cornelius Maluginensis II 1078
369 356 Q. Servilius (Priscus) Fidenas III
C. Veturius Crassus Cicerinus II
A. Cornelius Cossus
M. Cornelius Maluginensis.
Q. Quinctius Cincinnatus,
M. Fabius Ambustus II.

369 366 T. Quinctius Cincinnatus Capitolinus.
Ser. Cornelius Maluginensis VII.
Ser. Sulpicius Praxtattus IV.
Sp. Servilius Suraclus.
L. Papinius Crassus.
L. Veturius Crassus Cicerinus.
Dict. rei ger. c.
M. Furius Camillus IV.
L. Aemilius Mamercinus.
Dict. sed. sit et rei ger. c.
P. Manlius Capitolinus.
Mag. Eq.
C. Licinius Calvus.

367 387 T. Aelius Cossus II.
M. Cornelius Maluginensis II.
M. Geganus Macerinus.
L. Veturius Crassus Cicerinus II.
P. Valerius Poitius Poplicola VI.
P. Manlius Capitolinus II.
Dict. rei ger. c.
M. Furius Camillus V.
Mag. Eq.
T. Quinctius Cincinnatus Capitolinus.

368 338 L. Aemilius Mamercinus.
L. Sexfius Sexfius Lateranus.
Censoras.
A. Postumius Regillensis Albinus.
C. Sulpicius Peticus.

365 389 L. Gennecius Aventinesis.
Q. Servilius Ahala.

364 390 C. Sulpicius Peticus.
C. Licinius Calvus Stolo.

363 391 Cn. Genuecius Aventinesis.
L. Aemilius Mamercinus II.
Dict. clavi fig. c.
L. Manlius Capitolinus Imperiosus.
Mag. Eq.
L. Pinarius Natta.
Censoras. Lastr. XX.
M. Fabius Ambustus.
L. Furius Medullinus.

362 392 Q. Servilius Ahala II.
L. Gennecius Aventinesis II.
Dict. rei ger. c.
Mag. Eq.
P. Cornelius Scapula.

361 393 C. Sulpicius Peticus II.
C. Licinius Calvus Stolo II.
Dict. rei ger. c.
T. Quinctius Pennus Capitolinus Crispinus.
Mag. Eq.
Ser. Cornelius Maluginensis.

360 394 C. Petellius Libo Visolus.
M. Fabius Ambustus.
Dict. rei ger. c.
Q. Servilius Ahala.
Mag. Eq.
T. Quinctius Pennus Capitolinus Crispinus.

359 395 M. Popilius Lænas.
Cn. Manlius Capitolinus Imperiosus.

358 396 C. Fabius Ambustus.
C. Plantius Proculus.
Dict. rei ger. c.
C. Sulpicius Peticus.
Dict. rei ger. c.
M. Valerius Corvus.

Mag. Eq.
L. Æmilius Mamercinus Prichernae.

341 413 C. Plautius Venno Hypsaeus II.
L. Æmilius Mamercinus Prichernae.

340 414 T. Manilius Imperiosus Torquatus III.
P. Decius Mus.

Dict. rei ger. c.
L. Papirius Crassus.

Mag. Eq.
L. Papirius Cursor.

339 415 Ti. Æmilius Mamercinus.
Q. Publius Philo.

Dict. rei ger. c.
Q. Publius Philo.

Mag. Eq.
D. Junius Brutus Sceva.

335 416 L. Furius Camillus.
C. Menæs.

337 417 C. Sulpicius Longus.
P. Ælius Petaeus.

Dict. rei ger. c.
C. Claudius Cassinus Regillus.

Mag. Eq.
C. Claudius Hortator.

336 418 L. Papirius Crassus.
K. Duilius.

335 419 M. Valerius Corvus (Calenus) IV.
M. Atilius Regillus.

Dict. comit. habend. c.
L. Æmilius Mamercinus Prichernae.

Mag. Eq.
Q. Publius Philo.

334 420 T. Vettius Varus.
Sp. Postumius Albinus (Caudinus).

Dict. rei ger. c.
P. Cornelius Rufinus.

Mag. Eq.
M. Antonius.

333 431 (L. Papirius Cursor.
C. Petelius Libo Visolus II.)

432 432 A. Cornelius Cossus Arvina II.
Cn. Domitius Calvinus.

Dict. rei ger. c.
M. Papirius Crassus.

Mag. Eq.
P. Valerius Poplicola.

Censors. Laistr. XXIII.
Q. Publius Philo.

Sp. Postumius Albinus.

341 423 M. Claudius Marcellus.
C. Valerius Pottius Flaccus.

Dict. elegi. figendi c.
Cn. Quinellius Varus.

Mag. Eq.
L. Valerius Potitus.

330 424 L. Papirius Crassus II.
L. Plautius Venno.

329 425 L. Æmilius Mamercinus Prichernae II.
C. Plautius Decianus.

328 426 C. Plautius Decianus (Vox) II.
P. Cornelius Scipio Barbatus.

327 427 L. Cornelius Lentulus.
Q. Publius Philo II.

Dict. comit. habend. c.
M. Claudius Marcellus.

Mag. Eq.
Sp. Postumius Albinus.

356 428 C. Petelius Libo Visolus III.
L. Papirius Mugilanus (Cursor II).

355 429 L. Furius Camillus II.
D. Junius Brutus Sceva.

Dict. rei ger. c.
L. Papirius Cursor.

Mag. Eq.
Q. Fabius Maximus Rullianus. 

Dict. rei ger. c.
M. Fabius Ambustus.

Q. Aulus Ceretanus II.

Q. Aulus Cerealianus.

Q. Papirus Crassus.

Dict. et Magister Equitum sine consiliis magistratuum continuator.

C. Sulpicius Longus II.
Q. Aulus Ceretanus.

Q. Fabius Maximus Rullianus.
L. Fulvius Curvus.

Dict. istor. Roman. c.
A. Cornelius Cossus Arvina.

Mag. Eq.
M. Fabius Ambustus.

Q. Publius Philo III.
L. Papirius Cursor II. (III.)

Dict. rei ger. c.
L. Papirius Curro.

320 434 T. Vettius Calvinus II.
Sp. Postumius Albinus II.

Dict. comit. habend. c.
Q. Fabius Ambustus.

Mag. Eq.
P. Ælius Petaeus.

Dict. comit. habend. c.
M. Æmilius Papus.

Mag. Eq.
L. Valerius Flaccus.

319 435 L. Papirius Cursor III. (Mugilanus)
Q. Aulus Ceretanus II.

Censors.

C. Sulpicius Longus. 

318 436 M. Foscius Flaccinato.
L. Plautius Venno.

Censors. Laistr. XXV.
L. Papirius Crassus.
C. Menæs.

317 437 C. Junius Bubuleus Brutus.
Q. Æmilius Barbula.

316 438 S. Valerius Rutilius.
M. Popilius Laenas.

Dict. rei ger. c.
L. Æmilius Mamercinus Prichernae II

Mag. Eq.
L. Fulvius Curvus.

315 439 Q. Publius Philo IV.
L. Papirius Cursor IV.

Dict. rei ger. c.
Q. Fabius Maximus Rullianus.

Mag. Eq.
Q. Aulus Ceretanus. Occis. e.
C. Fabius Ambustus.

314 440 M. Petelius Libo.
C. Sulpicius Longus III.

Dict. rei ger. c.
C. Menæs II.

Mag. Eq.
M. Foscius Flaccinato II.

313 441 L. Papirius Cursor V.
C. Junius Bubuleus Brutus II.

Dict. rei ger. c.
C. Petelius Libo Visolus.

Mag. Eq.
M. Petelius Libo.

312 449 M. Valerius Maximus.
P. Decius Mus.

Dict. rei ger. c.
S. Culpicius Longus.
FASTI CONSULARES

A. C. A. U.

Mag. Eq.
C. Junius Bubulus Brutus,
Censors. Lustr. XXVI.
Ap. Claudius Caecus
C. Plantius (Vetex).
311 443 C. Junius Bubulus' Brutus III.
Q. Æmilius Barbula II.
310 444 Q. Fabius Maximus Rullianus II.
C. Marcus Rutilius (Censorinus).
309 445 Diet. rei ger. c.
L. Papirius Cursor II.
Mag. Eq.
C. Junius Bubulus Brutus II.
(Hoc anno Dict. et Mag. Eq. sine coss.)

308 446 Q. Fabius Cursus Rullianus III.
P. Decius Mus II.

L. Volumnius Flamma Violens,
Censors. Lustr. XXVII.
M. Valerius Maximus.
C. Junius Bubulus Brutus.

106 448 P. Cornelius Arrina.
Q. Marcii Tremulus.
Diet. comit. habend. c.
P. Cornelius Scipio Barbatus.
Mag. Eq.
P. Decius Mus.

305 449 L. Postumius Megellus.
T. Minucius Augurinus. Occis. c.

M. Fulvius Curvus Patius.

304 450 P. Sulpicius Saverrio.
P. Sempronius Sophus.
Censors. Lustr. XXVIII.
Q. Fabius Maximus Rullianus.
P. Decius Mus.

303 451 L. Genucius Aventinensis.
Ser. Cornelius Lentulus (Rufinus).

709 452 M. Livius Dentor.
M. Æmilius Paullus.

301 453 Diet. rei ger. c.
Q. Fabius Maximus Rullianus II.
Mag. Eq.
M. Æmilius Paullus.
Diet. rei ger. c.
M. Valerius Corvus II.
Mag. Eq.
C. Sempronius Sophus.
(Hoc anno Dict. et Mag. Eq. sine coss.)

300 454 M. Valerius Corvus V.
Q. Appuleus Pansa.

299 455 M. Fulvius Petius.
T. Manlius Torquatus. Mort. c.
M. Valerius Corvus VI.
Censors. Lustr. XXIX.
P. Sempronius Sophus.
P. Sulpicius Saverrio.

298 456 L. Cornelius Scipio.
Cn. Fulvius Maximus Centumalus.

297 457 Q. Fabius Maximus Rullianus IV.
P. Decius Mus IV.

296 458 L. Volumnius Flamma Violens II.
Ap. Claudius Cecus II.

295 459 Q. Fabius Maximus Rullianus V.
P. Decius Mus IV.

294 450 L. Postumius Megellus II.
M. Attilus Regulus.
Censors. Lustr. XXX.
P. Cornelius Arrina.
C. Marcus Rutilus (Censorinus).

293 461 L. Papirius Cursor.
Sp. Carvilius Maximus.

292 462 Q. Fabius Maximus Gurges.
6 X

D. Junius Brutus Scyra.
291 463 L. Postumius Megellus III.
C. Junius Brutus Bubulcus.

290 464 P. Cornelius Rufinus.
M. Curius Dentatus.

289 465 M. Valerius Maximus Corvinus.
Q. Caudicius Noceta.
Censors. Lustr. XXXI.

288 466 Q. Marcii Tremulus II.
P. Cornelius Arvina II.

287 467 M. Claudius Marcellus.
C. Nautilus Rutilus.

286 468 Q. Fabius Maximus Popitius.
C. Ælius Petus.
Dict. seditt. sed. c.
Q. Hortensius,
Mag. Eq.

285 469 C. Claudius Canina.
M. Æmilius Lepidus.

284 470 C. Servilius Tucca.
L. Cecilius Metellus Dentor.

283 471 P. Cornelius Dolabella Maximus.
Cn. Domitius Calvinus Maximus
Censors.

Q. Caudicius Noceta. Abd.

282 472 C. Fabricius Luscinus.
Q. Æmilius Papus.

281 473 L. Æmilius Bubula.
Q. Marcius Philippus.

280 474 P. Valerius Lavius.
Ti. Coruncanitus.
Dict. comit. habend. c.
Cn. Domitius Calvinus Maximus,
Mag. Eq.

Censors. Lustr. XXXII.

279 475 P. Sulpicius Saverrio.
P. Decius Mus. Occis. c.

278 476 C. Fabricius Luscinus II.
Q. Æmilius Papus II.

277 477 P. Cornelius Rufinus II.
C. Junius Brutus Bubulcus II.

276 478 Q. Fabius Maximus Gurges II.
C. Genucius Clepsina.
Dict. c.
P. Cornelius Rufinus.
Mag. Eq.

275 479 M. Curius Dentatus II.
L. Cornelius Lentulus.
Censors. Lustr. XXXIII.
C. Fabricius Luscinus.
Q. Æmilius Papus.

274 480 M. Curius Dentatus III.
Ser. Cornelius Merenda.

273 481 C. Claudius Canina II.
C. Fabius Doro Lichinas. Mort. a.

C. Fabricius Luscinus III.

272 482 L. Papirius Cursor II.
Sp. Carvilius Maximus II.
Censors. Lustr. XXXIV.
M. Curius Dentatus.
L. Papirius Cursor.

271 483 C. Quinctius Claudius.
L. Genucius Clepsina.

270 484 C. Genucius Clepsina II.
Cn. Cornelius Basio.

C. Fabius Picter.

P. Sempronius Sophus.
FASTI CONSULARES.

<FASTI CONSULARES.>

267 487 L. Julius Libo.
268 488 P. Fabius Pictor.
269 489 Cn. Cornelius Blasio.
270 490 M. Atilius Calatinus.
271 491 C. Aurelius Crassus.
272 492 L. Postumius Megellus.
273 493 L. Valerius Flaccus.
274 494 Cn. Cornelius Scipio Asina.
275 495 L. Cornelius Scipio.
276 496 A. Atilius Calatinus.
277 497 C. Sempronius Blaesus.
278 499 L. Fulvius Petrinus Nobilior.
279 500 Cn. Cornelius Scipio Asina R.
280 501 Cn. Servilius Capito.
281 502 C. Aurelius Cotta.
282 503 L. Caecilius Metellus.
283 504 C. Atilius Regulus (Serranus) I.
284 505 L. Manlius Vulo (Longus) II.
285 506 P. Claudius Pulcher.
286 507 M. Fulvius Metellus.
287 508 A. Atilius Calatinus.
288 509 M. Atilius Torquatus Atticus.
289 510 M. Fulvius Flaccus.
290 511 L. Sempronius Blaesus II.
291 512 C. Atilius Turutius I. (Censorinus.)

BELLO PUNICICO I.

293 491 M. Fulvius Flaccus.
294 492 L. Postumius (Megellus).
295 493 L. Valerius Flaccus.
296 494 Cn. Cornelius Scipio Asina.
297 495 L. Cornelius Scipio.
298 496 A. Atilius Calatinus.
299 497 C. Sempronius Blaesus.
300 499 L. Fulvius Petrinus Nobilior.
301 500 Cn. Cornelius Scipio Asina R.
302 501 Cn. Servilius Capito.
303 502 C. Aurelius Cotta.
304 503 L. Caecilius Metellus.
305 504 C. Atilius Regulus (Serranus) I.
306 505 L. Manlius Vulo (Longus) II.
307 506 P. Claudius Pulcher.
308 507 M. Atilius Calatinus.
309 508 A. Manlius Torquatus Atticus.
310 509 M. Atilius Crassus II.
311 510 C. Fulvius Galaus.
312 511 L. Sempronius Blaesus II.
313 512 C. Atilius Turutius I. (Censorinus.)

A. A. 1.

Dict. comit. hab. c.

T. Coruncanius.

Mag. Eq.

M. Fulvius Flaccus.

294 509 M. Fabius Buteo.
315 510 A. Manlius Torquatus Atticus.
316 511 C. Sempronius Blaesus II.
317 512 C. Fundanius Fundulius.
318 513 C. Lutatius Catulus.
319 514 A. Postumius Albinus.
320 515 A. Manlius Torquatus Atticus I.
321 516 Q. Lutatius Cerco.
322 517 C. Aurelius Cotta.
323 518 M. Fabius Buteo.
324 519 C. Claudius Centho.
325 520 L. Servilius Albinus.
326 521 Q. Fabius Maximus Verrucosus.
327 522 M. Poponius Matho.
328 523 M. Emilius Lepidus.
329 524 M. Publicius Maleolus.
330 525 C. Papirius Maso.
331 526 L. Servilius Albinus.
332 527 Q. Fulvius Flaccus.
333 528 M. Atilius Albinus.
334 529 L. Sempronius Blaesus I.
335 530 L. Sempronius Blaesus II.
336 531 A. Atilius Calatinus.
337 532 M. Atilius Albinus.
338 533 C. Servilius Cotul.
339 534 Q. Fulvius Flaccus.
340 535 M. Atilius Albinus.
341 536 L. Servilius Albinus.
342 537 Q. Fabius Maximus Verrucosus.
343 538 M. Sempronius Tuditanus.
344 539 L. Servilius Albinus.
345 540 Q. Fabius Maximus Verrucosus.
346 541 M. Sempronius Tuditanus.
347 542 L. Servilius Albinus.
348 543 Q. Fabius Maximus Verrucosus.
349 544 M. Sempronius Tuditanus.
350 545 L. Servilius Albinus.
351 Q. Fulvius Flaccus.
352 M. Atilius Albinus.
353 L. Servilius Albinus.
354 Q. Fulvius Flaccus.
355 M. Atilius Albinus.
356 L. Servilius Albinus.
357 Q. Fulvius Flaccus.
358 M. Atilius Albinus.
359 L. Servilius Albinus.
360 Q. Fulvius Flaccus.
361 M. Atilius Albinus.
362 L. Servilius Albinus.
363 Q. Fulvius Flaccus.
364 M. Atilius Albinus.
FASTI CONSULARIS.

219 535 M. Livius Salinator. L. Epaminuditus Paulus.

BELUM PUNICUM II.
218 536 P. Cornelius Scipio. Ti. Sempronius Longus.
197 537 Cn. Servilius Geminius. C. Flaminius II. Occis. e.

215 539 Ti. Sempronius Gracchus. L. Postumius Albinius III. Occis. e.

—— M. Claudius Marcellus II. Abd.
211 543 Cn. Fulvius Centumalbus. P. Sulpicius Galba Maximus.

208 516 M. Claudius Marcellus V. Occis. e. T. Quinctius (Pennis Capitolinus) Crispinus. Mort. e.
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<tr>
<td>179 M. Licinius Crassus.</td>
<td>150 L. Licinius Lucullus.</td>
</tr>
<tr>
<td>L. Manlius Acidinus Fulvianus.</td>
<td>A. Postumius Albinus.</td>
</tr>
<tr>
<td>Q. Fulvius Flaccus.</td>
<td>150 A. Postumius Albinus.</td>
</tr>
<tr>
<td>M. Fulvius Nobilius.</td>
<td>150 C. Cornelius Lænas.</td>
</tr>
<tr>
<td>178 M. Jutius Brutus.</td>
<td>L. Mummus Achaicus.</td>
</tr>
<tr>
<td>A. Mamilus Vulsus.</td>
<td>145 Q. Fabius Maximus Aemilianus.</td>
</tr>
<tr>
<td>177 C. Claudius Pulcher.</td>
<td>L. Hostilinus Mancinus.</td>
</tr>
<tr>
<td>Ti. Sempronius Gracchus.</td>
<td>144 L. Hostilinus Mancinus.</td>
</tr>
<tr>
<td>176 Q. Petilius Spurinus, Occis. e.</td>
<td>L. Aurelius Cotta.</td>
</tr>
<tr>
<td>C. Valerius Leucinus.</td>
<td>C. Caecilii Metellus Macedonicus.</td>
</tr>
<tr>
<td>175 Q. Fulvius Flaccus.</td>
<td>149 L. Cornelius Censorinus.</td>
</tr>
<tr>
<td>174 M. Popillius Albinus Paulinus.</td>
<td>M. Manlius.</td>
</tr>
<tr>
<td>Censors. Lustr. II.</td>
<td>L. Calpurnius Piso Cassius.</td>
</tr>
<tr>
<td>Q. Fulvius Flaccus.</td>
<td>147 L. Cornelius Scipio Afric. Aemilianus.</td>
</tr>
<tr>
<td>A. Postumius Albinus.</td>
<td>C. Livius Drusus.</td>
</tr>
<tr>
<td>173 L. Postumius Albinus.</td>
<td>Censors. Lustr. I.V.</td>
</tr>
<tr>
<td>M. Popillius Lænas.</td>
<td>L. Cornelius Lænas Luopus.</td>
</tr>
<tr>
<td>172 Q. Popillius Lænas.</td>
<td>L. Marcus Censorinus.</td>
</tr>
<tr>
<td>P. Ælius Ligon.</td>
<td>146 L. Cornelius Lænas.</td>
</tr>
<tr>
<td>C. Cassius Longinus.</td>
<td>145 Q. Fabius Maximus Aemilianus.</td>
</tr>
<tr>
<td>170 Q. Licinius Crassus.</td>
<td>L. Hostilinus Mancinus.</td>
</tr>
<tr>
<td>A. Hostilius Manlius.</td>
<td>144 L. Servilius Caepio.</td>
</tr>
<tr>
<td>A. Atillus Serranus.</td>
<td>L. Aurelius Cotta.</td>
</tr>
<tr>
<td>169 M. Licinius Crassus.</td>
<td>143 C. Licinius Scaevola.</td>
</tr>
<tr>
<td>C. Claudius Pulcher.</td>
<td>142 L. C. Servilius Caepio.</td>
</tr>
<tr>
<td>Ti. Sempronius Gracchus.</td>
<td>L. Calpurnius Piso.</td>
</tr>
<tr>
<td>L. Licinius Crassus.</td>
<td>M. Popillius Lænas.</td>
</tr>
<tr>
<td>Q. Fulvius Flaccus.</td>
<td>138 L. Cornelius Scipio Nasica Serapio.</td>
</tr>
<tr>
<td>166 M. Claudius Marcellus.</td>
<td>137 L. Emilius Lepidus Porcius.</td>
</tr>
<tr>
<td>165 Q. Manlius Torquatus.</td>
<td>136 L. Hostilinus Mancinus.</td>
</tr>
<tr>
<td>164 Q. Manlius Torquatus.</td>
<td>Q. Fulvius Nobilius.</td>
</tr>
<tr>
<td>Q. Cassius Longinus. Mort. e.</td>
<td>135 L. Hostilinus Mancinus.</td>
</tr>
<tr>
<td>Censors. Lustr. III.</td>
<td>Q. Servilius Caepio.</td>
</tr>
<tr>
<td>L. Emilius Paulus.</td>
<td>139 L. Cornelius Piso.</td>
</tr>
<tr>
<td>Q. Petilius Philus.</td>
<td>M. Popillius Lænas.</td>
</tr>
<tr>
<td>M. Popillius Philus.</td>
<td>138 P. Cornelius Scipio Nasica Serapio.</td>
</tr>
<tr>
<td>163 Q. Sempronius Gracchus II.</td>
<td>D. Junius Brunus (Callaicus).</td>
</tr>
<tr>
<td>M. Jutius Thalna.</td>
<td>137 L. Emilius Lepidus Porcina.</td>
</tr>
<tr>
<td>162 Q. Martius Fulvius.</td>
<td>C. Hostilinus Mancinus. Abd.</td>
</tr>
<tr>
<td>C. Marcus Figulus. Abd.</td>
<td>Q. Fulvius Nobilius.</td>
</tr>
<tr>
<td>P. Cornelius Lænas.</td>
<td>135 L. Servilius Caepio.</td>
</tr>
<tr>
<td>Cn. Domitius Ahemonbarbus.</td>
<td>Q. Calpurnius Piso.</td>
</tr>
<tr>
<td>L. Anicius Gallus.</td>
<td>134 L. Calpurnius Piso.</td>
</tr>
<tr>
<td>M. Valerius Messala.</td>
<td>P. Cornelius Scipio Africanus Aemilianus II.</td>
</tr>
<tr>
<td>C. Fuscus Flaccus.</td>
<td>C. Fulvius Flaccus.</td>
</tr>
<tr>
<td>160 A. Licinius Crassus.</td>
<td>133 M. C. Mucius Scenula.</td>
</tr>
<tr>
<td>161 M. Anicius Galus.</td>
<td>L. Calpurnius Piso Frugi.</td>
</tr>
<tr>
<td>M. Cornelius Cæthegus. 1084</td>
<td>132 P. Popilius Lænas.</td>
</tr>
<tr>
<td>P. Rupilius.</td>
<td>131 P. Licinius Crassus Mucia. as.</td>
</tr>
</tbody>
</table>
L. Valerius Flaccus.

Censores. Lastr. LXI. 
Q. Caecilius Metellus Macedonicus.
Q. Pompeius Rufus.

102 652 L. Aurelius Orestes. Mort. e.
102 659 C. Marius IV.
Q. Lutatius Crassus.
Censores. Lastr. LXIV.
Q. Caecilius Metellus Numidicus.
C. Caecilius Metellus Caprarius.

101 653 C. Marius V.
M. Aquillius.
100 654 C. Marius VI.
L. Valerius Flaccus.

99 655 M. Antonius.
A. Postumius Albinius.
98 656 Q. Caecilius Metellus Nepos.
T. Didius.

97 657 P. Cornelius Lentulus.
P. Licinius Crassus.
Censores. Lastr. LXV.
L. Valerius Flaccus.
M. Antonius.

96 658 Cn. Domitius Ahenobarbus.
C. Cassius Longinus.
95 659 L. Licinius Crassus.
Q. Mucius Scævola.

94 660 L. Caecilius Calidus.
L. Domitius Ahenobarbus.
93 661 C. Valerius Flaccus.
M. Herennius.

92 662 C. Claudius Pulcher.
M. Perperna.
Censores. Lastr. LXVI.
Cn. Domitius Ahenobarbus.
L. Licinius Crassus.

91 663 L. Marcus Philippus.
Sex. Julius Cæsar.

Bellum Marseicum.

90 664 L. Julius Cæsar.
P. Rutilius Lupus. Occis. e.

89 665 Cn. Pompeius Strabo.
L. Valerius Catu. Occis. e.
Censores.
P. Licinius Crassus.

88 666 L. Cornelius Sulla (Felix).
Q. Pompeius Rufus. Occis. e.

87 667 Cn. Octavius. C. Licinius Cina. "

86 668 L. Cornelius Cina II.
C. Marius VII. Mort. e.

85 669 L. Valerius Flaccus II.
Censores. Lastr. LXVII.
L. Marius Philippus.
M. Perperna.

84 670 Cn. Papirius Carbo II.
L. Cornelius Cina IV. Occis.

83 671 L. Cornelius Scipio Asiacus.
C. Norbanus Bubulus.

82 672 C. Marius. Occis. e.
Cn. Papirius Carbo III. Occis. e.
Dict. Resp. constitutum e.
L. Cornelius Sulla Felix.

Mag. Eq.
L. Valerius Flaccus.

81 673 M. Tullius Decia.
Cn. Cornelius Dolabella.

80 674 L. Cornelius Sulla Felix II.
Q. Caecilius Metellus Pius.

79 675 P. Servilius Vatia (Iusuricus).
A. Claudius Pulcher.

78 676 M. Æmilius Lepidus.
A. Lutatius Catulus.

77 677 D. Junius Brutus.
Mam. Æmilius Lepidus Livianus.
76 678 Ca. Octavius.
C. Scribonius Curio.
75 679 I. Octavius.
C. Aurelius Cotta.
74 680 L. Licinius Lucullus.
M. Aurelius Cotta.
73 681 M. Terentius Varro Lucullus.
C. Cassius Varus.
72 682 L. Gellius Poplicola.
Ca. Cornelius Lentulus Claudianus.
71 683 P. Cornelius Lentulus Sura.
Ca. Ausilius Orestes.
70 684 Ca. Pompeius Magnus.
M. Licinius Crassus Dives.
Cen.ores. Lustr. LXI.
L. Gellius Poplicola.
Ca. Cornelius Lentulus Claudianus.
69 685 Q. Hortensius.
Q. Cæcilius Metellus (Cretius).
68 686 L. Cæcilius Metellus. Mort. e.
Q. Marcus Rex.
67 687 C. Calpurnius Piso.
M. Atilius Glabrio.
66 688 M. Æmilius Lepidus.
L. Volcitius Tullus.
65 689 P. Cornelius Sulla. Non init.
P. Antonius Pius. Non init.
L. Aurelius Cotta.
I. Manilius Torquatus.
Cen.ores.
Q. Lutatius Catulus. Abd.
M. Licinius Crassus Dives. Abd.
64 690 L. Julius Caesar.
C. Marcus Figulus.
Cen.ores.
L. Aurelius Cotta.
63 691 M. Tullius Cicero.
C. Antonius.
62 692 D. Junius Silanus.
L. Licinius Marenæ.
61 693 M. Pupius Piso Calpurnianus.
M. Valerius Messala Niger.
60 694 L. Afranius.
Q. Cæcilius Metellus Celer.
59 695 C. Julius Caesar.
M. Calpurnius Bibulus.
58 696 L. Calpurnius Piso Caesoninus.
A. Gabinus.
57 697 P. Cornelius Lentulus Spinther.
Q. Cæcilius Metellus Nepos.
56 698 Ca. Cornelius Lentulus Marcellinus.
L. Marcus Philippus.
55 699 Ca. Pompeius Magnus II.
M. Licinius Crassus II.
Cen.ores.
M. Valerius Messala Niger.
P. Servilius Vatia Isauricus.
54 700 L. Domitius Ahenobarbus.
53 701 Ca. Domitius Calvinius.
L. Valerius Messala.
52 702 Ca. Pompeius Magnus III. Solus consulatum gessit.
Ex Kal. Sextil.
Q. Cæcilius Metellus Pius Seipio.
51 703 Ser. Sulpiicius Rufus.
M. Claudius Marcellus.
50 704 L. Æmilius Paullus.
C. Claudius Marcellus.
Cen.ores.
L. Calpurnius Piso Caesoninus.
49 705 C. Claudius Marcellus.
L. Cornelius Lentulus Crassus.
C. Julius Caesar.
1086
L. Sempronius Atratinus.
33 721 C. J. Caesar Octavianus II. Abd.
L. Volciatus Tullus.

P. Auronius Poenis.
Ex Kal. Mai. L. Flavius.
Ex Kal. Jul. C. Fonteius Capito.
M. Aelius (Aviola).
Ex Kal. Sept. L. Vinicius.
32 722 Ch. Dominius Ahenobarbus, C. Sosius.
Ex Kal. Nov. N. Valerius.
41 723 C. J. Caesar Octavianus III.
M. Valerius Messala Corvinus.
40 724 C. J. Caesar Octavianus IV.
M. Licinius Crassus.
Ex Id. Sept. M. Tullius Cicer.
Ex Kal. Nov. L. Senius.
29 725 Imp. Caesar Octavianus V.
Sex. Appuleius.
Ex Kal. Nov. C. Furnius.
C. Ovius.
38 726 Imp. Caesar Octavianus VI.
M. Agrippa II. (Lustr. LXXI.)
27 727 Imp. Caesar Augustus VII.
M. Agrippa III.
26 728 Imp. Caesar Augustus VIII.
T. Statilius Taurus II.
25 729 Imp. Caesar Augustus IX.
M. Junius Silanus.
24 730 Imp. Caesar Augustus X.
C. Norbanus Flaccus.
23 731 Imp. Caesar Augustus XI. Abd.
A. Terentius Varro Murena. Mort. e.
L. Sessius.
Ch. Calpurnius Piso.
42 732 M. Claudius Marcellus Æserminus.
L. Arruntius.
Censor.
L. Munatius Plancus.
Paul. Æmilius Lepidus.
41 733 M. Lollius.
40 734 M. Appuleius.
P. Silius Nerva.
19 735 C. Sentius Saturninus.
Q. Lucretius Vespillo.
18 736 P. Cornelius Lentulus Mareellinus.
Ch. Cornelius Lentulus.
17 737 C. Furnius.
C. Junius Silanus.
16 738 L. Domitius Ahenobarbus.
P. Cornelius Scipio.
15 739 M. Livius Drusus Libo.
L. Calpurnius Piso.
14 740 M. Licinius Crassus.
Ch. Cornelius Lentulus Augur.
P. Quinctilius Varus.
12 742 M. Valerius Messala Barbatus Appianus.
Mort. e.
C. Valgius Rufus. Abd.

C. Caninius Rebius. Mort. e.
L. Volusius Saturninus.
11 743 Q. Ælius Tubero.
Paul. Fabius Maximus.
10 744 Julius Antonius.
Q. Fabius Maximus Africanus.
9 745 Nero Claud. Drusus Germanicus. Mort. e.
T. Quinctius (Pennis Capitolinus) Crispinus.
8 746 C. Marcus Censorinus.
C. Asinius Gallus.
7 747 Ti. Claudius Nero II.
Ch. Calpurnius Piso.
6 748 Q. Lælius Balbus.
C. Antonius Vetus.
5 749 Imp. Caesar Augustus XII.
L. Cornelius Sulla.
4 750 C. Calvisius Sabinus.
L. Passienus Rufus.
3 751 L. Cornelius Lentulus.
M. Valerius Messalina.
2 752 Imp. Caesar Augustus XIII. Abd.
M. Plautius Silvanus. Abd.
Q. Fabricius.
C. Caninius Gallus.
1 753 Cossus Cornelius Lentulus.
L. Calpurnius Piso.

C. Caesar.
L. Æmilius Paulus.
2 756 P. Vinicius.
C. Aemilius Varus.
T. Quinctius Crispinus Valerianus.
3 756 L. Ælius Lamia.
M. Servilius.
L. Volusius Saturninus.
4 757 Sex. Ælius Catus.
C. Sentius Saturninus.
Ch. Sentius Saturninus.
5 758 L. Valerius Messala Valesus.
Ch. Cornelius Cnna Magnus.
Ex Kal. Jul. C. Ateius Capito.
C. Vibius Postumus.
6 759 M. Æmilius Lepidus.
L. Aruntius. Abd.

L. Nonius Aspernas.
7 760 A. Licinius Nerva Sillanus.
Q. Cassius Metellus Creticus.
8 761 M. Furius Camillus.
Sex. Nonius Quinctilius.
A. Vibius Habitus.
9 762 C. Poppeus Sabinus.
Q. Sulpicius Camerinus.
Q. Poppeus Secundus.
10 763 P. Cornelius Tubella.
C. Junius Sillanus.
11 764 M. Æmilius Lepidus.
T. Statilius Taurus.
12 765 Germanicus Caesar.
C. Fonteius Capito.
13 766 C. Silius.
C. Monatius Planes.
14 767 Sex. Pompeius.
Sex. Appuleius.

1087
FASTI CONSULARES.

P. C. U. C.

TIBERIUS CAESAR AUGUSTUS.

15 768 Drusus Caesar.
16 769 T. Sempronius Flaccus.
17 770 T. Statilius Taurus.
18 771 T. Caesar Augustus III. 

C. Asinius Pollio.

C. Annius Vetus.

C. Cornelius Cæsarius.

C. Lucius Varro.

C. Asinius Agrippa.

C. Cornelius Lentulus.

C. Calvisius Sabinus.

Cn. Cornelius Lentulus Getaicus.

Em. 

C. Vibili Rufinus.

22 775 C. Asinius Pollio.

C. Annius Vetus.

23 776 C. Asinius Pollio.

C. Annius Vetus.

C. Lucius Varro.

C. Asinius Agrippa.

C. Cornelius Lentulus.

C. Calvisius Sabinus.

Cn. Cornelius Lentulus Getaicus.

Em.

C. Vibili Rufinus.

24 777 T. Caesar Augustus IV. 

25 778 Drusus Caesar II.

26 779 T. Caesar Augustus IV. 

27 780 T. Caesar Augustus V. 


F. Silius Nerva.

Suf. Q. Junius Blasus.

L. Annius Vetus.

29 782 L. Rubellius Geminius.

C. Fufius Geminius.

Suf. A. Planus.

L. Nonius Aspernas.

30 783 M. Vinicius.

L. Cassius Longinus.

Suf. C. Cassius Longinus.

L. Naevius Sardinus.

31 784 T. Caesar Augustus VI. 

L. Lælius Sejanus.


Sextidius Catullinus.


32 785 C. Domitius Ahenobarbus.

M. Furius Camillus Scribonianus.


33 786 S. Sulpicius Galba (postea Caes. Aug.). 

L. Cornelius Sulla Felix.


34 787 L. Vitellius.

Paul. Fabius Persicus.

35 788 C. Cestus Galbus Camerinus.

M. Scribonius Nonianus.

36 789 Sex. Papinius Allienus.

Q. Plautius.

37 790 Cn. Acronius Proculus.

C. Petronius Pontius Nigrinus.


38 791 M. Aquilius Julianus.

P. Nonius Aspernas.

39 792 C. Caesar Augustus Germanicus II. 

L. Apronius Cassianus.


1088

FASTI CONSULARES.

P. C. U. C.


Sef. Domitius Afer.

C. Caesar Augustus Germanicus III. 


C. Caesar Augustus Germanicus III. 


Suf. Nonius Quintilianus.

41 794 C. Caesar Augustus Germanicus IV. 

Cn. Senius Saturninus.

Suf. VII. Id. Jan. Q. Pomponius Secundus.


C. Caesar Augustus Germanicus.

42 795 T. Claud. Cæs. Augustus Germanicus II. 

C. Caesar Augustus Germanicus.

43 796 T. Claud. Cæs. Augustus Germanicus III. 

L. Vitellius II.


44 797 L. Quinctius Crispinus Secundus.

M. Statilius Taurus.

45 798 M. Vinius II. 

Suf. M. Cluvius Rufus.

Pompeius Silvanus.

46 799 . . Valerius Asiaticus II.

M. Junius Silanus.

Suf. P. Sullius Rufus.

P. Ostorius Scapula.

47 801 T. Claud. Cæs. Augustus Germanicus IV.

L. Vitellius III.


48 801 A. Vitellius (postea Aug.). 

L. Vipstanus Poplicola.


49 803 Q. Veranius.


L. Memmius Pollio.

Q. Allius Maximus.

50 803 C. Annius Vetus.

M. Sullius Nerullius.


C. Veteniius Severus.


52 805 Faustus Cornelius Sulla.

L. Sulpicius Otho Titianus.


Kal. Nor. L. Cornelius Sulla.

T. Flavius Sabinius.)

53 806 D. Junius Silanus.

Q. Haterius Antinius.

54 807 M. Asinius Marcellus.

M. Acilius Aiva.


NERO CLAUDIUS CESAR AUGUSTUS GERMANICUS.

55 808 Nero Claudius Caesar Augustus Germanicus.

L. Annius Vetus.

56 809 T. Volusius Saturninus.

P. Cornelius Scipio.

57 810 Nero Claudius Caesar Augustus Germanicus II.

L. Calpurnius Piso.

Suf. L. Cæssus Martialis.

58 811 Nero Claudius Caesar Augustus Germanicus III.
Censoris. *Lustr. LXXV.*
75 828 Th. Flavius Vespasianus Augustus VI T. Caesar Vespasianus IV.
76 829 Th. Flavius Vespasianus Augustus VII T. Caesar Vespasianus V.
*Ex. Kal. Jul.* T. Caesar Domitianus V. T. Plantius Silvanus *Ælianus II.*
77 830 Th. Flavius Vespasianus Augustus VIII. T. Caesar Vespasianus VI.
78 831 L. Cælius Commodus.
D. Novius Priscus.
79 832 Th. Flavius Vespasianus Augustus IX. T. Caesar Vespasianus VII.
*Imp. Titus Caesar Vespasianus Augustus.*
80 833 Th. Titus Caesar Vespasianus Augustus. Mort. e.
*Imp. Titus Caesar Vespasianus Augustus.*
*Eodem anno Idib. Sept.*
82 835 Th. Caesar Domitianus Augustus. T. Flavius Sabinus.
83 836 Th. Caesar Domitianus Augustus IX. Q. Petilius Rufus II.
85 838 Th. Caesar Domitianus Augustus XI. T. Aurelius Fulvus.
86 839 Th. Caesar Domitianus Augustus XII. M. Cocceius Nerva II.
87 840 Th. Caesar Domitianus Augustus XIII. M. Cocceius Nerva II.
88 841 Th. Caesar Domitianus Augustus XIV. M. Cocceius Nerva II.
89 842 Th. Aurelius Fulvus II. A. Sempronius Atratianus.
90 843 Th. Caesar Domitianus Augustus XV. M. Cocceius Nerva II.
91 844 M. Acilius Glabrio.
M. Ulpianus Tranius (postea Imp. Caesar Augustus).
84 847 Imp. Caesar Domitianus Augustus IV. T. Caesar Vespasianus II.
86 849 Pompeius Collena. Th. Caesar Vespasianus.
Cornelius Priscus V.
87 850 Imp. Caesar Domitianus Augustus VI. L. Fulvius Silanus.
89 852 Imp. Caesar Domitianus Augustus VIII. Th. Caesar Vespasianus III.
90 853 Imp. Caesar Domitianus Augustus IX. *Abl.*
C. Antustus Vetus.


Octis. e.

Imp. Nerva Caesar Augustus Germanicus.

97 850 Imp. Nerva Caesar Augustus III.
T. Virginhius Rufus III.

98 851 Imp. Nerva Caesar Augustus IV.
Nerva Trajanus Caesar II.

Eodem anno a. d. VI. Kal. Petr.

Imp. Cesar Nerva Trajanus Optimus Augustus Germanicus Dacicus Part.

L. Licinius Sura.


99 853 A. Cornelius Palma.
C. Sociales Senecio (II).

100 853 Imp. Cesar Nerva Trajanus Augustus III.
Sex. Julius Frontinus III.

Ex. Kal. Mart. M. Cornelius Fronto III.

Cornutus Pertullus.

Acutus Nerva.

L. Roscius Apianus.

Ti. Claudius Sacerdos.

101 854 Imp. Cesar Nerva Trajanus Augustus IV.


M. Valerius Paulinus.

Q. Caecilius Hispo.

102 855 C. Sosius Senecio III.
L. Licinius Sura III.

C. Caecilius Classicus.

103 856 Imp. Cesar Nerva Trajanus Augustus V.
L. Appius Maximus II.

(Suf. C. Minicius Fundanus.
C. Vettenius Severus.)

104 857 . . .

P. Neratius Marcellus.
105 858 Ti. Julius Caudidus II.
C. Antonius Aulus Julius Quadratus II.

106 859 L. Celoniatus Commodus Verus.
L. Tuttius Cerealis.

107 860 L. Licinius Sura II.
C. Sosius Senecio IV.

Suf. . . . Suranus II.
C. Julius Serv. Ursus Servianus.

M. Atilius Metellus Bratia.

Suf. (C. Julius Africenus.
Clodius Crispinus.)
L. Verulamius Severus.

109 862 A. Cornelius Palma II.
C. Calvisius Tullius II.

M. Trebaltius Priscus.

110 863 Ser. Salvidrius Orfitus.
M. Pedaceus Priscinus.

Suf. (P. Calvisius Tullus.
L. Annuis Largus.)

111 864 M. Calpurnius Piso.
L. Rusticus Junianus Bolanus.

Suf. C. Julius Servilius Ursus Servianus II.
L. Fabius Justus.

112 865 Imp. Cesar Nerva Traj. Augustus VI.
T. Sextius Africanus.

113 866 L. Publicius Celsius II.

1090
FASTI CONSULARES.

F. C. V. C.

141 894 M. Peduncesus Stoga Priscianus.
     T. Hostilius Severus.
     T. Hostilius Severus.

142 895 L. Statius Quadratus.
     C. Cuspius Rufus.

143 896 C. Bellucius Torquatus.
     T. Claudius Atticus Herodes.

144 897 P. Lollianus Avitus.
     C. Flavius Maximus.

145 898 Imp. T. Ael. Caesar Ant. Augustus Pius IV.
     M. Aurelius Caesar II.

146 899 Sex. Erculius Clarius II.
     Cn. Claudius Severus.

147 900 C. Annius Largus.
     C. Prast. Priscus Massalinaus.

148 901 ............... Torquatus.
     Salvinius Julianus.

149 902 Ser. Scipio Orfistus.
     Q. Nonius Priscus.

150 903 ................ Gallicanus.

151 904 Sex. Quintilius Condonianus.
     Sex. Quintilius Maximus.

152 905 M. Acilius Glabrio.
     M. Valerius Homilus.

153 906 C. Brutus Fassens.
     A. Junius Sabinianus.

154 907 L. Eelius Aurelius Commodus (postea Imp.
     Caesar Augustus).
     T. Sextius Lateranus.

155 908 C. Julius Severus.
     M. Junius Rufinus Sabinianus.

Ex. Cat. Not.
     Antius Pollio.
     Optimianus.

156 909 M. Ceionius Silvanus.
     C. Serius Augurinus.

157 910 M. Cicyca Barbarus.
     M. Metellus Regulus.

158 911 Sex. Sulpcius Terrullus.
     C. Tineius Sacerdos.

159 912 Plantius Quintillus.
     Statius Priscus.

     T. Clodius Vibius Varus.

161 914 M. Eelius Aurelius Verus Caesar III.
     L. Eelius Aurelius Commodus II.

          Eodem anno.

     Imp. Caesar L. Aelius Verus Augustus.

62 915 Q. Junius Rusticus.
     C. Vetius Aquilinus.
     Suf. Q. Flavius Tertullus.

163 916 M. Pontius Lejianus.
     ........... Pastor.
     Suf. Q. Mucius Priscus.

64 917 M. Pompeius Macrinus.
     P. Juventius Celsus.

165 918 M. Gavius Orfistus.
     L. Artius Pudens.

166 919 Q. Servillus Sudens.
     L. Fabius Pollio.

     L. Ael. Aurelius Commodus Cæs.

     Eodem anno.
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     M. Umclidius Quadratus.

168 921 L. Venuleius Aprianus II.
     L. Sergius Saulius II.

169 922 Q. Sex. Priscus Senecio.
     P. Celius Apollinaris.
     Eodem anno.

170 923 M. Cornelius Cæthesnas.
     Q. Sex. Erculius Clarius.

171 924 T. Sex. Licinius Severus.
     L. Aelius Herennianus.

1,3 925 ........... Maximus.
     ............. Orfistus.

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173 926 M. Aurelius Severus II.
     Ti. Claudius Pompeianus.

174 927 ............ Gallus.
     .......... Flaccus.

175 928 Calpurnius Piso.
     M. Salvinus Julianus.

176 929 T. Vitruvius Pollio II.
     Flavius Aper II.

177 930 Imp. L. Aurelius Commodus Augustus.
     M. Paullus Quintillus.

178 931 Gavius Orfistus.
     Julianus Rufus.

179 933 Imp. L. Aurelius Commodus Augustus II.
     P. Marius Verus.

     P. Helvius Pertinax (postea Imp. Caesar Augustus).

     M. Didius Severus Julianus.

180 933 C. Brutus Presens.
     Sex. Quintilius Condianus.
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181 934 Imp. M. Aurelius Commodus Antoninus Augustus III.
     L. Antistius Burrus.

182 935 ........... Mamertinus.
     ........... Rufus.

     Attius Severus.

183 936 Imp. M. Aurelius Commodus Antoninus Augustus IV.
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     L. Tullius Pontius Germanus.

     Ex. Cat. Mai.
     M. Helenaus Secundus.
     M. Egnatius Postumus.
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184 937 L. Cossonius Eggus Marullus.
     Ch. Papirius Elianus.
     Suf. C. Octavius Vindex.

185 938 ....... Maternus.
     ........... Bradua.

186 939 Imp. M. Aurelius Commodus Antoninus Augustus V.
     M. Acilius Glabrio II.

187 940 ......... Crispinus.

188 941 ......... Eelius.

189 942 M. Servilius Silanus II.

190 943 Junius Silanus.
     Q. Servilius Silanus.

190 943 Imp. M. Aurelius Commodus Antoninus Augustus VI.
     M. Petronius Septimianus.

191 944 (Cassius) Podo Apronianus.
     M. Valerius Bradua (Mauricus).

192 946 Imp. L. Eelius Aurelius Augustus.
     P. Helvius Pertinax II.


     Imp. L. Eelius Aurelius Commodus Augustus.

     Occis. e.

     Q. Sosius Falco.
     C. Julius Erculius Clarus.

     Suf. Flavius Claudius Sulpcicianus.
     L. Fabius Clio Septimianus.

     Eodem anno a. d. V. Kal. April.
     Occ. e.


     Suf. Cat. Mai.
     Suf. Silanus.

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Imp. Cæsar M. Didius Severus Julianus
M. Caesレス. Occ. e.
Imp. Cæsar L. Septimius Severus Pertinax Augustus.
Probus.

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D. Claudius Albinus Caesar. App. est.
194 947 Imp. Cæsar L. Septimius Severus Augustus II.
D. Clodius Albinus Caesar.
195 948 Scapula Tertullius.
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196 949 C. Domitius Dexter.
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198 951 Saturninus.
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M. Aurelius Antoninus (Caracalla) Caesar Imp. Augustus Ann. e.
P. Septimius Geta Caesar. App. e.
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M. Aurelius Anullus.
900 953 T. Claudius Severus.
C. Anullus Victorinus.
901 954 L. Anullus Fabianus.
M. Nonius Arrius Macianus.
202 955 Imp. Caesar L. Septimius Severus Augustus III.
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903 956 C. Fulvius Plautianus II.
P. Septimius Geta.
904 957 L. Fabius Cilo Septimianus II.
M. Anullus Flavius Libo.
205 958 Imp. Caesar M. Aurelius Antoninus Augustus II.
P. Septimius Geta Caesar.
906 959 M. Nummius Albinus.
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207 960 ....... Aper.
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208 961 Imp. Caesar M. Aurelius Antoninus Augustus III.
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210 963 M. Acilius Faustinus.
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211 964 Q. Heclius Rufus) Lollianus Gentianus.
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912 965 C. Julius Asper II.
C. Julius Asper.
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216 969 Cælius Sabinus II. 1692

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217 970 C. Brutius Prensens.
T. Flavius Macianus.
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Imp. Caesar M. Aurelius Severus Macianus Augustus.
218 971 Imp. Caesar M. Aurelius Severus Macianus Augustus II.
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234 987 ....... Paternus.
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