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The Athenian Constitution

By Aristotle

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The Athenian Constitution

By Aristotle

Written 350 B.C.E

Translated by Sir Frederic G. Kenyon



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Section 3

Part 45

In former times the Council had full powers to inflict fines and imprisonment and death; but when it had consigned Lysimachus to the executioner, and he was sitting in the immediate expectation of death, Eumelides of Alopece rescued him from its hands, maintaining that no citizen ought to be put to death except on the decision of a court of law. Accordingly a trial was held in a law-court, and Lysimachus was acquitted, receiving henceforth the nickname of 'the man from the drum-head'; and the people deprived the Council thenceforward of the power to inflict death or imprisonment or fine, passing a law that if the Council condemn any person for an offence or inflict a fine, the Thesmothetae shall bring the sentence or fine before the law-court, and the decision of the jurors shall be the final judgement in the matter.

The Council passes judgement on nearly all magistrates, especially those who have the control of money; its judgement, however, is not final, but is subject to an appeal to the lawcourts. Private individuals, also, may lay an information against any magistrate they please for not obeying the laws, but here too there is an appeal to the law-courts if the Council declare the charge proved. The Council also examines those who are to be its members for the ensuing year, and likewise the nine Archons. Formerly the Council had full power to reject candidates for office as unsuitable, but now they have an appeal to the law-courts. In all these matters, therefore, the Council has no final jurisdiction. It takes, however, preliminary cognizance of all matters brought before the Assembly, and the Assembly cannot vote on any question unless it has first been considered by the Council and placed on the programme by the Prytanes; since a person who carries a motion in the Assembly is liable to an action for illegal proposal on these grounds.

Part 46

The Council also superintends the triremes that are already in existence, with their tackle and sheds, and builds new triremes or quadriremes, whichever the Assembly votes, with tackle and sheds to match. The Assembly appoints master-builders for the ships by vote; and if they do not hand them over completed to the next Council, the old Council cannot receive the customary donation-that being normally given to it during its successor's term of office. For the building of the triremes it appoints ten commissioners, chosen from its own members. The Council also inspects all public buildings, and if it is of opinion that the state is being defrauded, it reports the culprit to the Assembly, and on condemnation hands him over to the law-courts.

Part 47

The Council also co-operates with other magistrates in most of their duties. First there are the treasurers of Athena, ten in number, elected by lot, one from each tribe. According to the law of Solon-which is still in force-they must be Pentacosimedimni, but in point of fact the person on whom the lot falls holds the office even though he be quite a poor man. These officers take over charge of the statue of Athena, the figures of Victory, and all the other ornaments of the temple, together with the money, in the presence of the Council. Then there are the Commissioners for Public Contracts (Poletae), ten in number, one chosen by lot from each tribe, who farm out the public contracts. They lease the mines and taxes, in conjunction with the Military Treasurer and the Commissioners of the Theoric fund, in the presence of the Council, and grant, to the persons indicated by the vote of the Council, the mines which are let out by the state, including both the workable ones, which are let for three years, and those which are let under special agreements years. They also sell, in the presence of the Council, the property of those who have gone into exile from the court of the Areopagus, and of others whose goods have been confiscated, and the nine Archons ratify the contracts. They also hand over to the Council lists of the taxes which are farmed out for the year, entering on whitened tablets the name of the lessee and the amount paid. They make separate lists, first of those who have to pay their instalments in each prytany, on ten several tablets, next of those who pay thrice in the year, with a separate tablet for each instalment, and finally of those who pay in the ninth prytany. They also draw up a list of farms and dwellings which have been confiscated and sold by order of the courts; for these too come within their province. In the case of dwellings the value must be paid up in five years, and in that of farms, in ten. The instalments are paid in the ninth prytany. Further, the King-archon brings before the Council the leases of the sacred enclosures, written on whitened tablets. These too are leased for ten years, and the instalments are paid in the prytany; consequently it is in this prytany that the greatest amount of money is collected. The tablets containing the lists of the instalments are carried into the Council, and the public clerk takes charge of them. Whenever a payment of instalments is to be made he takes from the pigeon-holes the precise list of the sums which are to be paid and struck off on that day, and delivers it to the Receivers-General. The rest are kept apart, in order that no sum may be struck off before it is paid.

Part 48

There are ten Receivers-General (Apodectae), elected by lot, one from each tribe. These officers receive the tablets, and strike off the instalments as they are paid, in the presence of the Council in the Council-chamber, and give the tablets back to the public clerk. If any one fails to pay his instalment, a note is made of it on the tablet; and he is bound to pay double the amount of the deficiency, or, in default, to be imprisoned. The Council has full power by the laws to exact these payments and to inflict this imprisonment. They receive all the instalments, therefore, on one day, and portion the money out among the magistrates; and on the next day they bring up the report of the apportionment, written on a wooden notice-board, and read it out in the Council-chamber, after which they ask publicly in the Council whether any one knows of any malpractice in reference to the apportionment, on the part of either a magistrate or a private individual, and if any one is charged with malpractice they take a vote on it.

The Council also elects ten Auditors (Logistae) by lot from its own members, to audit the accounts of the magistrates for each prytany. They also elect one Examiner of Accounts (Euthunus) by lot from each tribe, with two assessors (Paredri) for each examiner, whose duty it is to sit at the ordinary market hours, each opposite the statue of the eponymous hero of his tribe; and if any one wishes to prefer a charge, on either public or private grounds, against any magistrate who has passed his audit before the law-courts, within three days of his having so passed, he enters on a whitened tablet his own name and that of the magistrate prosecuted, together with the malpractice that is alleged against him. He also appends his claim for a penalty of such amount as seems to him fitting, and gives in the record to the Examiner. The latter takes it, and if after reading it he considers it proved he hands it over, if a private case, to the local justices who introduce cases for the tribe concerned, while if it is a public case he enters it on the register of the Thesmothetae. Then, if the

Thesmothetae accept it, they bring the accounts of this magistrate once more before the law-court, and the decision of the jury stands as the final judgement.

Part 49

The Council also inspects the horses belonging to the state. If a man who has a good horse is found to keep it in bad condition, he is mulcted in his allowance of corn; while those which cannot keep up or which shy and will not stand steady, it brands with a wheel on the jaw, and the horse so marked is disqualified for service. It also inspects those who appear to be fit for service as scouts, and any one whom it rejects is deprived of his horse. It also examines the infantry who serve among the cavalry, and any one whom it rejects ceases to receive his pay. The roll of the cavalry is drawn up by the Commissioners of Enrolment (Catalogeis), ten in number, elected by the Assembly by open vote. They hand over to the Hipparchs and Phylarchs the list of those whom they have enrolled, and these officers take it and bring it up before the Council, and there open the sealed tablet containing the names of the cavalry. If any of those who have been on the roll previously make affidavit that they are physically incapable of cavalry service, they strike them out; then they call up the persons newly enrolled, and if any one makes affidavit that he is either physically or pecuniarily incapable of cavalry service they dismiss him, but if no such affidavit is made the Council vote whether the individual in question is suitable for the purpose or not. If they vote in the affirmative his name is entered on the tablet; if not, he is dismissed with the others.

Formerly the Council used to decide on the plans for public buildings and the contract for making the robe of Athena; but now this work is done by a jury in the law-courts appointed by lot, since the Council was considered to have shown favouritism in its decisions. The Council also shares with the Military Treasurer the superintendence of the manufacture of the images of Victory and the prizes at the Panathenaic festival.

The Council also examines infirm paupers; for there is a law which provides that persons possessing less than three minas, who are so crippled as to be unable to do any work, are, after examination by the Council, to receive two obols a day from the state for their support. A treasurer is appointed by lot to attend to them.

The Council also, speaking broadly, cooperates in most of the duties of all the other magistrates; and this ends the list of the functions of that body.

Part 50

There are ten Commissioners for Repairs of Temples, elected by lot, who receive a sum of thirty minas from the Receivers-General, and therewith carry out the most necessary repairs in the temples.

There are also ten City Commissioners (Astynomi), of whom five hold office in Piraeus and five in the city. Their duty is to see that female flute-and harp-and lute-players are not hired at more than two drachmas, and if more than one person is anxious to hire the same girl, they cast lots and hire her out to the person to whom the lot falls. They also provide that no collector of sewage shall shoot any of his sewage within ten stradia of the walls; they prevent people from blocking up the streets by building, or stretching barriers across them, or making drain-pipes in mid-air with a discharge into the street, or having doors which open outwards; they also remove the corpses of those who die in the streets, for which purpose they have a body of state slaves assigned to them.

Part 51

Market Commissioners (Agoranomi) are elected by lot, five for Piraeus, five for the city. Their statutory duty is to see that all articles offered for sale in the market are pure and unadulterated.

Commissioners of Weights and Measures (Metronomi) are elected by lot, five for the city, and five for Piraeus. They see that sellers use fair weights and measures.

Formerly there were ten Corn Commissioners (Sitophylaces), elected by lot, five for Piraeus, and five for the city; but now there are twenty for the city and fifteen for Piraeus. Their duties are, first, to see that the unprepared corn in the market is offered for sale at reasonable prices, and secondly, to see that the millers sell barley meal at a price

proportionate to that of barley, and that the bakers sell their loaves at a price proportionate to that of wheat, and of such weight as the Commissioners may appoint; for the law requires them to fix the standard weight.

There are ten Superintendents of the Mart, elected by lot, whose duty is to superintend the Mart, and to compel merchants to bring up into the city two-thirds of the corn which is brought by sea to the Corn Mart.

Part 52

The Eleven also are appointed by lot to take care of the prisoners in the state gaol. Thieves, kidnappers, and pickpockets are brought to them, and if they plead guilty they are executed, but if they deny the charge the Eleven bring the case before the law-courts; if the prisoners are acquitted, they release them, but if not, they then execute them. They also bring up before the law-courts the list of farms and houses claimed as state-property; and if it is decided that they are so, they deliver them to the Commissioners for Public Contracts. The Eleven also bring up informations laid against magistrates alleged to be disqualified; this function comes within their province, but some such cases are brought up by the Thesmothetae.

There are also five Introducers of Cases (Eisagogeis), elected by lot, one for each pair of tribes, who bring up the 'monthly' cases to the law-courts. 'Monthly' cases are these: refusal to pay up a dowry where a party is bound to do so, refusal to pay interest on money borrowed at 12 per cent., or where a man desirous of setting up business in the market has borrowed from another man capital to start with; also cases of slander, cases arising out of friendly loans or partnerships, and cases concerned with slaves, cattle, and the office of trierarch, or with banks. These are brought up as 'monthly' cases and are introduced by these officers; but the Receivers-General perform the same function in cases for or against the farmers of taxes. Those in which the sum concerned is not more than ten drachmas they can decide summarily, but all above that amount they bring into the law-courts as 'monthly' cases.

Part 53

The Forty are also elected by lot, four from each tribe, before whom suitors bring all other cases. Formerly they were thirty in number, and they went on circuit through the demes to hear causes; but after the oligarchy of the Thirty they were increased to forty. They have full powers to decide cases in which the amount at issue does not exceed ten drachmas, but anything beyond that value they hand over to the Arbitrators. The Arbitrators take up the case, and, if they cannot bring the parties to an agreement, they give a decision. If their decision satisfies both parties, and they abide by it, the case is at an end; but if either of the parties appeals to the law-courts, the Arbitrators enclose the evidence, the pleadings, and the laws quoted in the case in two urns, those of the plaintiff in the one, and those of the defendant in the other. These they seal up and, having attached to them the decision of the arbitrator, written out on a tablet, place them in the custody of the four justices whose function it is to introduce cases on behalf of the tribe of the defendant. These officers take them and bring up the case before the law-court, to a jury of two hundred and one members in cases up to the value of a thousand drachmas, or to one of four hundred and one in cases above that value. No laws or pleadings or evidence may be used except those which were adduced before the Arbitrator, and have been enclosed in the urns.

The Arbitrators are persons in the sixtieth year of their age; this appears from the schedule of the Archons and the Eponymi. There are two classes of Eponymi, the ten who give their names to the tribes, and the forty-two of the years of service. The youths, on being enrolled among the citizens, were formerly registered upon whitened tablets, and the names were appended of the Archon in whose year they were enrolled, and of the Eponymus who had been in course in the preceding year; at the present day they are written on a bronze pillar, which stands in front of the Council-chamber, near the Eponymi of the tribes. Then the Forty take the last of the Eponymi of the years of service, and assign the arbitrations to the persons belonging to that year, casting lots to determine which arbitrations each shall undertake; and every one is compelled to carry through the arbitrations which the lot assigns to him. The law enacts that any one who does not serve as Arbitrator when he has arrived at the necessary age shall lose his civil rights, unless he happens to be holding some other office during that year, or to be out of the country. These are the only persons who escape the duty. Any one who suffers injustice at the hands of the Arbitrator may appeal to the whole board of Arbitrators, and if they find the magistrate guilty, the law enacts that he shall lose his civil rights. The persons thus condemned have, however, in their turn an appeal. The Eponymi are also used in reference to military expeditions; when the men of military age are despatched on service, a notice is put up stating that the men from such-and such an Archon and Eponymus to such-and such another Archon and Eponymus are to go on the expedition.

Part 54

The following magistrates also are elected by lot: Five Commissioners of Roads (Hodopoei), who, with an assigned body of public slaves, are required to keep the roads in order: and ten Auditors, with ten assistants, to whom all persons who have held any office must give in their accounts. These are the only officers who audit the accounts of those who are subject to examination, and who bring them up for examination before the law-courts. If they detect any magistrate in embezzlement, the jury condemn him for theft, and he is obliged to repay tenfold the sum he is declared to have misappropriated. If they charge a magistrate with accepting bribes and the jury convict him, they fine him for corruption, and this sum too is repaid tenfold. Or if they convict him of unfair dealing, he is fined on that charge, and the sum assessed is paid without increase, if payment is made before the ninth prytany, but otherwise it is doubled. A tenfold fine is not doubled.

The Clerk of the prytany, as he is called, is also elected by lot. He has the charge of all public documents, and keeps the resolutions which are passed by the Assembly, and checks the transcripts of all other official papers and attends at the sessions of the Council. Formerly he was elected by open vote, and the most distinguished and trustworthy persons were elected to the post, as is known from the fact that the name of this officer is appended on the pillars recording treaties of alliance and grants of consulship and citizenship. Now, however, he is elected by lot. There is, in addition, a Clerk of the Laws, elected by lot, who attends at the sessions of the Council; and he too checks the transcript of all the laws. The Assembly also elects by open vote a clerk to read documents to it and to the Council; but he has no other duty except that of reading aloud.

The Assembly also elects by lot the Commissioners of Public Worship (Hieropoei) known as the Commissioners for Sacrifices, who offer the sacrifices appointed by oracle, and, in conjunction with the seers, take the auspices whenever there is occasion. It also elects by lot ten others, known as Annual Commissioners, who offer certain sacrifices and administer all the quadrennial festivals except the Panathenaea. There are the following quadrennial festivals: first that of Delos (where there is also a sexennial festival), secondly the Brauronia, thirdly the Heracleia, fourthly the Eleusinia, and fifthly the Panathenaea; and no two of these are celebrated in the same place. To these the Hephaestia has now been added, in the archonship of Cephisophon.

An Archon is also elected by lot for Salamis, and a Demarch for Piraeus. These officers celebrate the Dionysia in these two places, and appoint Choregi. In Salamis, moreover, the name of the Archon is publicly recorded.

Part 55

All the foregoing magistrates are elected by lot, and their powers are those which have been stated. To pass on to the nine Archons, as they are called, the manner of their appointment from the earliest times has been described already. At the present day six Thesmothetae are elected by lot, together with their clerk, and in addition to these an Archon, a King, and a Polemarch. One is elected from each tribe. They are examined first of all by the Council of Five Hundred, with the exception of the clerk. The latter is examined only in the lawcourt, like other magistrates (for all magistrates, whether elected by lot or by open vote, are examined before entering on their offices); but the nine Archons are examined both in the Council and again in the law-court. Formerly no one could hold the office if the Council rejected him, but now there is an appeal to the law-court, which is the final authority in the matter of the examination. When they are examined, they are asked, first, 'Who is your father, and of what deme? who is your father's father? who is your mother? who is your mother's father, and of what deme?' Then the candidate is asked whether he possesses an ancestral Apollo and a household Zeus, and where their sanctuaries are; next if he possesses a family tomb, and where; then if he treats his parents well, and pays his taxes, and has served on the required military expeditions. When the examiner has put these questions, he proceeds, 'Call the witnesses to these facts'; and when the candidate has produced his witnesses, he next asks, 'Does any one wish to make any accusation against this man?' If an accuser appears, he gives the parties an opportunity of making their accusation and defence, and then puts it to the Council to pass the candidate or not, and to the law-court to give the final vote. If no one wishes to make an accusation, he proceeds at once to the vote. Formerly a single individual gave the vote, but now all the members are obliged to vote on the candidates, so that if any unprincipled candidate has managed to get rid of his accusers, it may still be possible for him to be disqualified before the law-court. When the examination has been thus completed, they proceed to the stone on which are the pieces of the victims, and on which the Arbitrators take oath before declaring their decisions, and

witnesses swear to their testimony. On this stone the Archons stand, and swear to execute their office uprightly and according to the laws, and not to receive presents in respect of the performance of their duties, or, if they do, to dedicate a golden statue. When they have taken this oath they proceed to the Acropolis, and there they repeat it; after this they enter upon their office.

Part 56

The Archon, the King, and the Polemarch have each two assessors, nominated by themselves. These officers are examined in the lawcourt before they begin to act, and give in accounts on each occasion of their acting.

As soon as the Archon enters office, he begins by issuing a proclamation that whatever any one possessed before he entered into office, that he shall possess and hold until the end of his term. Next he assigns Choregi to the tragic poets, choosing three of the richest persons out of the whole body of Athenians. Formerly he used also to assign five Choregi to the comic poets, but now the tribes provide the Choregi for them. Then he receives the Choregi who have been appointed by the tribes for the men's and boys' choruses and the comic poets at the Dionysia, and for the men's and boys' choruses at the Thargelia (at the Dionysia there is a chorus for each tribe, but at the Thargelia one between two tribes, each tribe bearing its share in providing it); he transacts the exchanges of properties for them, and reports any excuses that are tendered, if any one says that he has already borne this burden, or that he is exempt because he has borne a similar burden and the period of his exemption has not yet expired, or that he is not of the required age; since the Choregus of a boys' chorus must be over forty years of age. He also appoints Choregi for the festival at Delos, and a chief of the mission for the thirty-oar boat which conveys the youths thither. He also superintends sacred processions, both that in honour of Asclepius, when the initiated keep house, and that of the great Dionysia-the latter in conjunction with the Superintendents of that festival. These officers, ten in number, were formerly elected by open vote in the Assembly, and used to provide for the expenses of the procession out of their private means; but now one is elected by lot from each tribe, and the state contributes a hundred minas for the expenses. The Archon also superintends the procession at the Thargelia, and that in honour of Zeus the Saviour. He also manages the contests at the Dionysia and the Thargelia.

These, then, are the festivals which he superintends. The suits and indictments which come before him, and which he, after a preliminary inquiry, brings up before the lawcourts, are as follows. Injury to parents (for bringing these actions the prosecutor cannot suffer any penalty); injury to orphans (these actions lie against their guardians); injury to a ward of state (these lie against their guardians or their husbands), injury to an orphan's estate (these too lie against the guardians); mental derangement, where a party charges another with destroying his own property through unsoundness of mind; for appointment of liquidators, where a party refuses to divide property in which others have a share; for constituting a wardship; for determining between rival claims to a wardship; for granting inspection of property to which another party lays claim; for appointing oneself as guardian; and for determining disputes as to inheritances and wards of state. The Archon also has the care of orphans and wards of state, and of women who, on the death of their husbands, declare themselves to be with child; and he has power to inflict a fine on those who offend against the persons under his charge, or to bring the case before the law-courts. He also leases the houses of orphans and wards of state until they reach the age of fourteen, and takes mortgages on them; and if the guardians fail to provide the necessary food for the children under their charge, he exacts it from them. Such are the duties of the Archon.

Part 57

The King in the first place superintends the mysteries, in conjunction with the Superintendents of Mysteries. The latter are elected in the Assembly by open vote, two from the general body of Athenians, one from the Eumolpidae, and one from the Ceryces. Next, he superintends the Lenaeon Dionysia, which consists of a procession and a contest. The procession is ordered by the King and the Superintendents in conjunction; but the contest is managed by the King alone. He also manages all the contests of the torch-race; and to speak broadly, he administers all the ancestral sacrifices. Indictments for impiety come before him, or any disputes between parties concerning priestly rites; and he also determines all controversies concerning sacred rites for the ancient families and the priests. All actions for homicide come before him, and it is he that makes the proclamation requiring polluted persons to keep away from sacred ceremonies. Actions for homicide and wounding are heard, if the homicide or wounding be willful, in the Areopagus; so also in cases of killing by poison, and of arson. These are the only cases heard by that Council. Cases of unintentional homicide, or of intent to kill, or of killing a slave or a resident alien or a foreigner, are heard by the court of Palladium.

When the homicide is acknowledged, but legal justification is pleaded, as when a man takes an adulterer in the act, or kills another by mistake in battle, or in an athletic contest, the prisoner is tried in the court of Delphinium. If a man who is in banishment for a homicide which admits of reconciliation incurs a further charge of killing or wounding, he is tried in Phreatto, and he makes his defence from a boat moored near the shore. All these cases, except those which are heard in the Areopagus, are tried by the Ephetae on whom the lot falls. The King introduces them, and the hearing is held within sacred precincts and in the open air. Whenever the King hears a case he takes off his crown. The person who is charged with homicide is at all other times excluded from the temples, nor is it even lawful for him to enter the market-place; but on the occasion of his trial he enters the temple and makes his defence. If the actual offender is unknown, the writ runs against 'the doer of the deed'. The King and the tribe-kings also hear the cases in which the guilt rests on inanimate objects and the lower animal.

Part 58

The Polemarch performs the sacrifices to Artemis the huntress and to Enyalios, and arranges the contest at the funeral of those who have fallen in war, and makes offerings to the memory of Harmodius and Aristogeiton. Only private actions come before him, namely those in which resident aliens, both ordinary and privileged, and agents of foreign states are concerned. It is his duty to receive these cases and divide them into ten groups, and assign to each tribe the group which comes to it by lot; after which the magistrates who introduce cases for the tribe hand them over to the Arbitrators. The Polemarch, however, brings up in person cases in which an alien is charged with deserting his patron or neglecting to provide himself with one, and also of inheritances and wards of state where aliens are concerned; and in fact, generally, whatever the Archon does for citizens, the Polemarch does for aliens.

Part 59

The Thesmothetae in the first place have the power of prescribing on what days the lawcourts are to sit, and next of assigning them to the several magistrates; for the latter must follow the arrangement which the Thesmothetae assign. Moreover they introduce impeachments before the Assembly, and bring up all votes for removal from office, challenges of a magistrate's conduct before the Assembly, indictments for illegal proposals, or for proposing a law which is contrary to the interests of the state, complaints against Proedri or their president for their conduct in office, and the accounts presented by the generals. All indictments also come before them in which a deposit has to be made by the prosecutor, namely, indictments for concealment of foreign origin, for corrupt evasion of foreign origin (when a man escapes the disqualification by bribery), for blackmailing accusations, bribery, false entry of another as a state debtor, false testimony to the service of a summons, conspiracy to enter a man as a state debtor, corrupt removal from the list of debtors, and adultery. They also bring up the examinations of all magistrates, and the rejections by the demes and the condemnations by the Council. Moreover they bring up certain private suits in cases of merchandise and mines, or where a slave has slandered a free man. It is they also who cast lots to assign the courts to the various magistrates, whether for private or public cases. They ratify commercial treaties, and bring up the cases which arise out of such treaties; and they also bring up cases of perjury from the Areopagus. The casting of lots for the jurors is conducted by all the nine Archons, with the clerk to the Thesmothetae as the tenth, each performing the duty for his own tribe. Such are the duties of the nine Archons.

Part 60

There are also ten Commissioners of Games (Athlothetae), elected by lot, one from each tribe. These officers, after passing an examination, serve for four years; and they manage the Panathenaic procession, the contest in music and that in gymnastic, and the horse-race; they also provide the robe of Athena and, in conjunction with the Council, the vases, and they present the oil to the athletes. This oil is collected from the sacred olives. The Archon requisitions it from the owners of the farms on which the sacred olives grow, at the rate of three-quarters of a pint from each plant. Formerly the state used to sell the fruit itself, and if any one dug up or broke down one of the sacred olives, he was tried by the Council of Areopagus, and if he was condemned, the penalty was death. Since, however, the oil has been paid by the owner of the farm, the procedure has lapsed, though the law remains; and the oil is a state charge upon the property instead of being taken from the individual plants. When, then, the Archon has collected the oil for his year of office, he hands it over to the Treasurers to preserve in the Acropolis, and he may not take his seat in the Areopagus until he has paid over to the Treasurers the full amount. The Treasurers keep it in the Acropolis until the Panathenaea, when they measure it out to the Commissioners of Games, and they again to the victorious competitors. The prizes for the victors in

the musical contest consist of silver and gold, for the victors in manly vigour, of shields, and for the victors in the gymnastic contest and the horse-race, of oil.

Part 61

All officers connected with military service are elected by open vote. In the first place, ten Generals (Strategi), who were formerly elected one from each tribe, but now are chosen from the whole mass of citizens. Their duties are assigned to them by open vote; one is appointed to command the heavy infantry, and leads them if they go out to war; one to the defence of the country, who remains on the defensive, and fights if there is war within the borders of the country; two to Piraeus, one of whom is assigned to Munichia, and one to the south shore, and these have charge of the defence of the Piraeus; and one to superintend the symmories, who nominates the trierarchs arranges exchanges of properties for them, and brings up actions to decide on rival claims in connexion with them. The rest are dispatched to whatever business may be on hand at the moment. The appointment of these officers is submitted for confirmation in each prytany, when the question is put whether they are considered to be doing their duty. If any officer is rejected on this vote, he is tried in the lawcourt, and if he is found guilty the people decide what punishment or fine shall be inflicted on him; but if he is acquitted he resumes his office. The Generals have full power, when on active service, to arrest any one for insubordination, or to cashier him publicly, or to inflict a fine; the latter is, however, unusual.

There are also ten Taxiarchs, one from each tribe, elected by open vote; and each commands his own tribesmen and appoints captains of companies (Lochagi). There are also two Hipparchs, elected by open vote from the whole mass of the citizens, who command the cavalry, each taking five tribes. They have the same powers as the Generals have in respect of the infantry, and their appointments are also subject to confirmation. There are also ten Phylarchs, elected by open vote, one from each tribe, to command the cavalry, as the Taxiarchs do the infantry. There is also a Hipparch for Lemnos, elected by open vote, who has charge of the cavalry in Lemnos. There is also a treasurer of the Paralus, and another of the Ammonias, similarly elected.

Part 62

Of the magistrates elected by lot, in former times some including the nine Archons, were elected out of the tribe as a whole, while others, namely those who are now elected in the Theseum, were apportioned among the demes; but since the demes used to sell the elections, these magistrates too are now elected from the whole tribe, except the members of the Council and the guards of the dockyards, who are still left to the demes.

Pay is received for the following services. First the members of the Assembly receive a drachma for the ordinary meetings, and nine obols for the 'sovereign' meeting. Then the jurors at the law-courts receive three obols; and the members of the Council five obols. They Prytanes receive an allowance of an obol for their maintenance. The nine Archons receive four obols apiece for maintenance, and also keep a herald and a flute-player; and the Archon for Salamis receives a drachma a day. The Commissioners for Games dine in the Prytaneum during the month of Hecatombaeon in which the Panathenaic festival takes place, from the fourteenth day onwards. The Amphictyonic deputies to Delos receive a drachma a day from the exchequer of Delos. Also all magistrates sent to Samos, Scyros, Lemnos, or Imbros receive an allowance for their maintenance. The military offices may be held any number of times, but none of the others more than once, except the membership of the Council, which may be held twice.

Part 63

The juries for the law-courts are chosen by lot by the nine Archons, each for their own tribe, and by the clerk to the Thesmothetae for the tenth. There are ten entrances into the courts, one for each tribe; twenty rooms in which the lots are drawn, two for each tribe; a hundred chests, ten for each tribe; other chests, in which are placed the tickets of the jurors on whom the lot falls; and two vases. Further, staves, equal in number to the jurors required, are placed by the side of each entrance; and counters are put into one vase, equal in number to the staves. These are inscribed with letters of the alphabet beginning with the eleventh (lambda), equal in number to the courts which require to be filled. All persons above thirty years of age are qualified to serve as jurors, provided they are not debtors to the state and have not lost their civil rights. If any unqualified person serves as juror, an information is laid against him, and he is brought before the court; and, if he is convicted, the jurors assess the punishment or fine which they consider him to deserve. If he is condemned to a money fine, he must be imprisoned until he has paid up both the original debt, on account of which

the information was laid against him, and also the fine which the court as imposed upon him. Each juror has his ticket of boxwood, on which is inscribed his name, with the name of his father and his deme, and one of the letters of the alphabet up to kappa; for the jurors in their several tribes are divided into ten sections, with approximately an equal number in each letter. When the Thesmothetes has decided by lot which letters are required to attend at the courts, the servant puts up above each court the letter which has been assigned to it by the lot.

Part 64

The ten chests above mentioned are placed in front of the entrance used by each tribe, and are inscribed with the letters of the alphabet from alpha to kappa. The jurors cast in their tickets, each into the chest on which is inscribed the letter which is on his ticket; then the servant shakes them all up, and the Archon draws one ticket from each chest. The individual so selected is called the Ticket-hanger (Empectes), and his function is to hang up the tickets out of his chest on the bar which bears the same letter as that on the chest. He is chosen by lot, lest, if the Ticket-hanger were always the same person, he might tamper with the results. There are five of these bars in each of the rooms assigned for the lot-drawing. Then the Archon casts in the dice and thereby chooses the jurors from each tribe, room by room. The dice are made of brass, coloured black or white; and according to the number of jurors required, so many white dice are put in, one for each five tickets, while the remainder are black, in the same proportion. As the Archon draws out the dice, the crier calls out the names of the individuals chosen. The Ticket-hanger is included among those selected. Each juror, as he is chosen and answers to his name, draws a counter from the vase, and holding it out with the letter uppermost shows it first to the presiding Archon; and he, when he has seen it, throws the ticket of the juror into the chest on which is inscribed the letter which is on the counter, so that the juror must go into the court assigned to him by lot, and not into one chosen by himself, and that it may be impossible for any one to collect the jurors of his choice into any particular court. For this purpose chests are placed near the Archon, as many in number as there are courts to be filled that day, bearing the letters of the courts on which the lot has fallen.

Part 65

The juror thereupon, after showing his counter again to the attendant, passes through the barrier into the court. The attendant gives him a staff of the same colour as the court bearing the letter which is on his counter, so as to ensure his going into the court assigned to him by lot; since, if he were to go into any other, he would be betrayed by the colour of his staff. Each court has a certain colour painted on the lintel of the entrance. Accordingly the juror, bearing his staff, enters the court which has the same colour as his staff, and the same letter as his counter. As he enters, he receives a voucher from the official to whom this duty has been assigned by lot. So with their counters and their staves the selected jurors take their seats in the court, having thus completed the process of admission. The unsuccessful candidates receive back their tickets from the Ticket-hangers. The public servants carry the chests from each tribe, one to each court, containing the names of the members of the tribe who are in that court, and hand them over to the officials assigned to the duty of giving back their tickets to the jurors in each court, so that these officials may call them up by name and pay them their fee.

Part 66

When all the courts are full, two ballot boxes are placed in the first court, and a number of brazen dice, bearing the colours of the several courts, and other dice inscribed with the names of the presiding magistrates. Then two of the Thesmothetae, selected by lot, severally throw the dice with the colours into one box, and those with the magistrates' names into the other. The magistrate whose name is first drawn is thereupon proclaimed by the crier as assigned for duty in the court which is first drawn, and the second in the second, and similarly with the rest. The object of this procedure is that no one may know which court he will have, but that each may take the court assigned to him by lot.

When the jurors have come in, and have been assigned to their respective courts, the presiding magistrate in each court draws one ticket out of each chest (making ten in all, one out of each tribe), and throws them into another empty chest. He then draws out five of them, and assigns one to the superintendence of the water-clock, and the other four to the telling of the votes. This is to prevent any tampering beforehand with either the superintendent of the clock or the tellers of the votes, and to secure that there is no malpractice in these respects. The five who have not been selected for these duties receive from them a statement of the order in which the jurors shall receive their fees, and of the places where the several tribes shall respectively gather in the court for this purpose when their duties are completed; the object being that

the jurors may be broken up into small groups for the reception of their pay, and not all crowd together and impede one another.

Part 67

These preliminaries being concluded, the cases are called on. If it is a day for private cases, the private litigants are called. Four cases are taken in each of the categories defined in the law, and the litigants swear to confine their speeches to the point at issue. If it is a day for public causes, the public litigants are called, and only one case is tried. Water-clocks are provided, having small supply-tubes, into which the water is poured by which the length of the pleadings is regulated. Ten gallons are allowed for a case in which an amount of more than five thousand drachmas is involved, and three for the second speech on each side. When the amount is between one and five thousand drachmas, seven gallons are allowed for the first speech and two for the second; when it is less than one thousand, five and two. Six gallons are allowed for arbitrations between rival claimants, in which there is no second speech. The official chosen by lot to superintend the water-clock places his hand on the supply tube whenever the clerk is about to read a resolution or law or affidavit or treaty. When, however, a case is conducted according to a set measurement of the day, he does not stop the supply, but each party receives an equal allowance of water. The standard of measurement is the length of the days in the month Poseideon.... The measured day is employed in cases when imprisonment, death, exile, loss of civil rights, or confiscation of goods is assigned as the penalty.

Part 68

Most of the courts consist of 500 members...; and when it is necessary to bring public cases before a jury of 1,000 members, two courts combine for the purpose, the most important cases of all are brought 1,500 jurors, or three courts. The ballot balls are made of brass with stems running through the centre, half of them having the stem pierced and the other half solid. When the speeches are concluded, the officials assigned to the taking of the votes give each juror two ballot balls, one pierced and one solid. This is done in full view of the rival litigants, to secure that no one shall receive two pierced or two solid balls. Then the official designated for the purpose takes away the jurors staves, in return for which each one as he records his vote receives a brass voucher marked with the numeral 3 (because he gets three obols when he gives it up). This is to ensure that all shall vote; since no one can get a voucher unless he votes. Two urns, one of brass and the other of wood, stand in the court, in distinct spots so that no one may surreptitiously insert ballot balls; in these the jurors record their votes. The brazen urn is for effective votes, the wooden for unused votes; and the brazen urn has a lid pierced so as to take only one ballot ball, in order that no one may put in two at a time.

When the jurors are about to vote, the crier demands first whether the litigants enter a protest against any of the evidence; for no protest can be received after the voting has begun. Then he proclaims again, 'The pierced ballot for the plaintiff, the solid for the defendant'; and the juror, taking his two ballot balls from the stand, with his hand closed over the stem so as not to show either the pierced or the solid ballot to the litigants, casts the one which is to count into the brazen urn, and the other into the wooden urn.

Part 69

When all the jurors have voted, the attendants take the urn containing the effective votes and discharge them on to a reckoning board having as many cavities as there are ballot balls, so that the effective votes, whether pierced or solid, may be plainly displayed and easily counted. Then the officials assigned to the taking of the votes tell them off on the board, the solid in one place and the pierced in another, and the crier announces the numbers of the votes, the pierced ballots being for the prosecutor and the solid for the defendant. Whichever has the majority is victorious; but if the votes are equal the verdict is for the defendant. Each juror receives two ballots, and uses one to record his vote, and throws the other away.

Then, if damages have to be awarded, they vote again in the same way, first returning their pay-vouchers and receiving back their staves. Half a gallon of water is allowed to each party for the discussion of the damages. Finally, when all has been completed in accordance with the law, the jurors receive their pay in the order assigned by the lot.



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