

2. The Gortyn Code

H. J. Roby, 'The Twelve Tables of Gortyn,' *Law Quarterly Review* 2 (1886) 135–52[†]

THE TWELVE TABLES OF GORTYN

In the summer of 1884 a discovery was made in Crete, which is of great importance for our knowledge both of early Doric Greek and of early law. A mill-stream at Hagioi Dekka had been lately shut off, and in the bed appeared some blocks with an inscription. The occupier directed the attention of an Italian scholar—Dr. Federico Halbherr—to it, who in July laid bare and copied a part. At his request Dr. Ernst Fabricius completed the work by the beginning of November. They each compared their copy with the original before it was again covered up, and communicated their copies to one another. Dr. Halbherr's copy of the whole was edited by Professor D. Comparetti, of Florence, in the *Museo Italiano di Antichità Class.*, i. pp. 233 foll. (also published separately); and Dr. Fabricius published his copy in *Mittheil. d. deutschen archeol. Instituts* at Athens, ix. pp. 363 foll. Dareste gave an account of it in *Bull. de Corresp. Hellen.*, 1885, pp. 301–317; and four editions have appeared in Germany in 1885, each with a translation and notes. Two, by H. Lewy and F. Bernhöft, are slighter productions; a third, by two Bonn professors, F. Bücheler and E. Zitelmann, contains a scholarly edition of the text by the former and thorough discussion of the law by the latter; and the last, by Joh. and Theod. Baunack, has elaborate discussions of the language. Meister has made some suggestions in Bezzenberger's *Beiträge*, x. 139 foll. I am chiefly indebted to Comparetti's facsimile and the two last-named admirable editions. Fabricius and Dareste I have not seen.

The inscription is on blocks of grey limestone forming part of a wall, which was itself probably part of a circular inclosure of about thirty-three mètres in internal diameter. The inscription is in twelve columns, and is nearly nine mètres long and 1.72 mètres high. There is a base of 0.26 mètre high: on this stand four rows of carefully hewn blocks containing the inscription, and a blank row above. A projecting pilaster bounds it on the right of the spectator, and the last column has space unfilled. From these facts and an old numbering in the margin we may infer that we have the whole inscription, excepting, indeed, the top left corner of col. ix., nearly the whole top of col. x., and the whole top of col. xii. When the mill-stream was made, part of the top row of blocks was removed or broken. The tops of cols. viii. (part), ix., and xi. were found a few years ago, and their contents are given in Roehl's *Inscr. Graec. Antiquissimae*.

Hagioi Dekka is near the ruins of Gortyn or Gortyna, a city mentioned by Homer, and, excepting Cnossus, at one time the most powerful town in Crete. As some other fragments of legal inscriptions have been found in the close neighborhood of ours, it was conjectured that this was the site of the law-court, and that the laws lined the walls.

The inscription is very clearly written in letters of about an inch high, and only in a few places, where the blocks join, is it mutilated or illegible. But it is in a dialect little known from other writings or inscriptions, and is written with an alphabet of only eighteen letters. The digamma is one: separate signs for Z, H, Ξ, Φ, X, Ψ, Ω are wanting. It is written βουστροφηδόν ('ox-turning-wise'), i.e. right to left and left to right alternately; of course, without intervals between the words and without any marks for breathing or accent. Hence in some parts there is some doubt what are the words; many forms are new to grammar, and some words are new to the lexicon.

On consideration of the alphabet, of the syntactical character, and of the legal expression, the date of the law is placed by Bücheler and others between the Roman XII Tables and Plato's *Laws*, i.e. cir. 450 to 350 B.C. Zitelmann inclines to the earlier limit. Now the Roman code is hardly known to us at all in an authentic manner. A few barely intelligible fragments, variously expressed by writers from four to six centuries later, and a few traditional statements, are all our real knowledge. This Cretan inscription lifts us at once over centuries of tradition and careless copying to a first-hand knowledge of one of the earliest European codes. The Twelve Tables of Gortyn (as we may fitly call them) by their extent and character take the lead of all legal inscriptions, either of Greece or Italy; and I have therefore thought that an English translation would be of interest to the readers of this journal. A summary of the principal matters may be useful. The details are better left to the words of the law itself. Many questions will occur to the reader, for which no solutions are at hand.

[†] [I have retained the original footnote numbering. The boldface numbers in the margins of the translated text are the column numbers of the original inscription. CD]

Three *classes of persons* are named in our law, freemen, clubless persons, and slaves. Their relative importance is roughly indicated by the scale of fines imposed for certain offences; e.g. a freeman has to pay one hundred staters, a clubless person ten staters, a slave half a stater; and, on the other hand, a slave committing the injury pays double the amount imposed on a freeman. Proportioned to the fine is the evidence required. A freeman clears himself from the charge of false accusation by that of his own oath and that of four compurgators: a clubless man requires two compurgators, a slave requires the oath of his lord and one other. In some cases freemen only are competent witnesses. Clubless persons are perhaps freedmen or other unprivileged citizens. Slaves in Crete, according to Athenaeus (vi. p. 263), referring no doubt to earlier sources than his own time, were of two kinds, city slaves purchased for money, and country slaves, who were former inhabitants enslaved by war. The latter class correspond very well to those called in our inscription οἰκεεῖς, which I have translated 'householders.' They—sometimes, at any rate—occupied separate houses, their marriages were recognized, they had their own goods, and in the last resort, in default of kin, they succeeded to the inheritance of their lord. Purchased slaves are also mentioned.

Three *distinctions of age* are recognized in males: ungrown, grown, and 'runners;' in females two only, ungrown and grown, with which terms 'unripe' and 'ripe' coincide, but relate specially to marriage. The age of puberty was clearly the division. Girls are deemed marriageable at twelve years old. A lad became a 'runner,' i.e. was admitted to the public athletic exercises, as we learn from other authorities, at seventeen years of age.

The code deals entirely with private law; and the family and family property occupy most of it. Especially the wife and daughter call for many provisions.

Rape and adultery are dealt with on the same lines. They are treated not as public wrongs but as matters for private compensation. A freeman is liable to pay one hundred staters; a slave in a like offence against a free person (both sexes are subjects for the offence) is liable for double that amount. If a man be taken in adultery (and 'adultery' perhaps includes unmarried as well as married women) notice is to be given to his kinsmen, if he be a freeman, to his lord, if he be a slave, and unless they redeem him in five days his captors may wreak their will on him. The possibility of the captor having played him false is provided for by his being put to his oath along with his friends (§ 2).

The *family* of free persons consists of man, woman, and children. The bond between man and woman seems to be loose. The woman's property is separate, and the man has at most a usufruct on her death until he marry again. There is no power of willing: the children, and eventually the kin or tribesmen, have a prospective title to the parent's property, and gifts by man to woman or by son to mother are restrained, lest the heir should be wronged. But during life the man is master of the children, and man, woman, and sons have each control of their own property, whether acquired by their own exertions or by inheritance, and each is responsible for his own debts. But there is a provision for recourse being had to the debtor's share of the family property in case of legal damages.

Otherwise no division is necessary while father and mother live; and any sale or pledge by any member of the other's property is forbidden and null. Women before marriage have apparently no control over property (§§ 5, 6, 12, 19).

The *separation of man and woman* may occur by divorce or by death. If a woman be divorced she can claim all her own goods brought to the marriage, and the half of what she has 'woven,' and the half of the produce of her property, and besides, if the man is the causes of the divorce, five staters. If she die childless, her representatives can claim the like (except the five staters). If her husband die leaving children, and she marries again, she can claim only her own goods and her husband's gifts. If he leave no children, she can claim in addition half of what she has woven, and a share with the husband's relatives of the produce (perhaps) of both her husband's and her own property. Careful provision is made against her carrying off anything belonging to her husband or children (§ 3).

On the *death of the father*, the property passes to the children: on the *death of the mother*, the father has control till his death or second marriage, but cannot sell or pledge without the consent of the children, being of full age. Afterwards it also passes to the children. The houses in the town, with their contents (i.e. probably the *instrumentum*), and the cattle fall to the sons. The rest of the property is divided among all the children, the sons taking two shares each, the daughters one each. If a daughter has received a dowry on marriage, she is excluded from the inheritance (§ 5).

In default of descendants (children, grandchildren, and great grandchildren are named), brothers, their children and grandchildren succeed. In default of those come sisters, their children and grandchildren. Then 'those belonging,' and last the family slaves (§ 5).

The *division of the goods inherited* is compulsory, if any desire it. The temporary possession is given to those desiring to divide: the division of animals (?), fruits, dress, and loose articles is made under the judge's arbitration. Other things are, in case of dispute, put up to auction, and the proceeds divided in the prescribed shares (§ 5).

If a father leave daughters only, they are *heiresses* to his property, and *have to be married* in accordance with law. The right to their marriage falls to their father's surviving brothers in order of age, eldest heiress to eldest brother, and so on; in default of such, then to the father's brothers' sons. No one had a right to more than one heiress. In default of these the right comes to applicants from the tribe, and eventually, under certain conditions, to any one the heiress chooses (§ 10).

If the heiress and the rightful claimant be too young to marry, she lives in her father's house, and he has half the produce of her property, but loses this if, when both are old enough, he refuse to marry. If she refuse him, or refuse to wait till he is grown, she retains the town-house and its contents, but forfeits to the disappointed claimant half of the other property (§ 10).

During her infancy the management of her property falls to the rightful claimant, if of age; if not, to her father's brothers; if there be no one belonging to her, then it falls to her father's brother¹ and her mother's brother, the person of the heiress being then under the mother's charge, or, after her death, under that of the mother's brother (§§ 10, 20).

It may be that a daughter has been already given in marriage by her father or brother, and afterwards, on their death, becomes heiress. If her husband be willing, she may still be married to the person 'belonging,' &c., and take with her all her property, if she has no children, and half if she has children. If she be a widow when she becomes heiress, she must marry, if she has no children; otherwise, she need not. (So I understand § 10.)

Special provisions (not mutilated) are made for cases of marriage with an heiress or dealings with her property otherwise than according to law (§ 10 fin.). The last clause of the inscription refers to the possible existence of special orphan-judges who would exercise control previously given to kinsmen (§ 20).

Adoption is freely allowed to grown men. It is to be made in the market-place from the rostrum when the citizens are assembled. The adopter has to give a dinner to his club. The adopter may, with the same publicity sever the connexion, but has to pay a sum of money into the law-court, to be handed over as a 'guest present' to him who ceases to be his son (§ 14).

An adopted son, if there are no natural children takes all the property, and has to perform (under penalty of forfeiture to the persons belonging) all the divine and human duties of the adopter. If there are natural children, he has only a daughter's share, and is not bound to perform the duties of the deceased (§ 14).

A *child* may be born *after divorce* of the mother. In this case a free woman has send the child to the father, and if he has no house, or cannot be found, or does not receive it, she may either put it away or rear it. If she has put it away without this notice, she has to pay 50 starters. Similarly a house holder has to send the child to the lord of the father, and if he does not receive it, her lord has the right of disposal, unless in a year's time she marry the same man again. Then the child is at the disposal of the man's lord.

The payment in this case is 25 staters. Provision is also made for the child of an unmarried householder (§ 4).

The *child of a free woman by a slave* is free or slave according (apparently) as the cohabitation takes place in her or his residence. The free children only have a right to her property (§ 8, mutilated).

The *seller of a slave* is liable for the slave's wrongful acts for some time after sale (§ 9).

A *person redeemed* at his own request *from slavery* in a foreign state is at the disposal of the redeemer, till he has reimbursed him (§ 7).

¹ Presumably this father's brother is already married, and therefore not 'belonging.'

Abduction before trial of any one claimed as slave or free is forbidden under penalties of a fixed sum, and so much for each day after three days (with a maximum of threefold the value?); and a similar provision is made for refusal to deliver after judgment has passed against the possessor. If, however, the slave has taken sanctuary, on formal summons and demonstration of the fact the penalty drops, and after a year the single value only need be given. Action in such matters cannot be taken against (nor, perhaps, by) one of the 'Rulers' during his tenure of office. In case of doubt the cause of freedom was to be favoured (§ 1).

Action to enforce the *obligations* (and rights?) of a deceased person for suretyship or a judgment debt, and some other cases, must be brought within a year (§ 11).

Creditors on a loan or judgment debt can *claim* the *surrender* of the property of the deceased if the persons 'belonging' refuse to satisfy them, but after surrender have no further claim (§ 17).

Creditors and suitors are also *protected against* any one making gifts which would leave the donor unable to satisfy them (§ 12).

A *judge is bound* to follow the evidence of witnesses, and to give credit to a denial on oath. In default of evidence he is himself to decide on oath. To provide due evidence many important acts are expressly directed to be done in the presence of a specified number of witnesses (two or three). Sometimes it is required that these witnesses should be freemen of full age ('runners, freemen').

The *sanctions of the law* are various. Fines, payable probably to the injured party, range from 200 staters to 1 obol. Things illegally removed have to be restored, together with the single or double value. Sales, pledges, gifts, promises, in contravention of the law or to the hurt of those subsequently entitled, are nullified.

In several places *reference* is made to other parts of this law and apparently also to previous laws. The application of the law is sometimes expressly limited to subsequent acts, and one passage (top of col. V.) gives a date, which may be that of the promulgation of this code.

The translation is intended to be faithful even at the expense of elegance, and not to be more or less definite and explicit than the original, except where the difference of the two languages makes it unavoidable. I have in most cases used the same word in English for the same word in Greek; but I have not distinguished between the three forms used for legal direction, viz. the infinitive (most frequent), the imperative, and the future indicative. The grammatical subject is often left to inference. XX I have translated both by 'but' and 'and'. The omission of this conjunction seems to be an indication of a new paragraph which is in the original often denoted also by a small space left blank. Bracketed words are not in the Greek at all. Italics denote that the translation is doubtful; a row of dots that some words are not certainly legible. I have often put dots where the editors have given more or less probable supplements. However tempting it may be to fill up blanks by conjecture, I have learnt from the history of Gaius' text that such restorations of more than a few letters are rarely right, and are apt to mislead¹. The Roman figures at the side denote the columns; the division into sections and paragraphs is my own.

The order of matters is as follows:—

- § 1. Claims to freedom or to possession of a slave.
- § 2. Rape, adultery, and the like.
- § 3. A woman's right to property after divorce or husband's death.
- § 4. A disposal of child born after divorce, or child of unmarried slave.
- § 5. Division of parents' property after death.
- § 6. Separate property of children and mother.
- § 7. Rights of redeemer in the redeemed captive.
- § 8. Status of child or free and slave parents.
- § 9. Responsibility for wrongful acts of a purchased slave.
- § 10. Marriage and property of heiress.
- § 11. Procedure in certain cases of suretyship and other obligations.
- § 12. Limitation of gifts in prejudice of those having claims.
- § 13. Prohibition to sell or pledge a pledged or disputed slave.

¹ See preface to Krüger and Studemund's second edition of Gaius, pp. x-xiii. VOL. II

§ 14. Adoption.

§§ 15–20. Supplementary provisions, viz.:—

§ 15. Supplementary to § 1.

§ 16. Duty of judge.

§ 17. Supplementary to § 11.

§ 18 „ „ § 3.

§ 19 „ „ §§ 3 and 12.

§ 20 „ „ § 10.

§ 1.

I. Whoever is going to contend¹ about a freeman or a slave, shall not lead him away before trial. And if he lead him away (the judge) shall adjudge (a fine of) ten staters in case of a freeman, five in case of a slave for leading him away, and shall judge that he let him go within three days. And if he shall not let him go, he shall adjudge (a fine of) a stater in case of a freeman, a drachm² in case of a slave for each day until he let him go, and with respect to the time the judge shall decide on oath.

And if he should deny leading him away, the judge shall decide on oath, unless a witness should declare.

And if the one contend that he is free and the other that he is a slave, the stronger shall be they who declare him to be free. And if they contend about a slave, saying each that it is his (slave), if a witness declare it, the judge shall decide according to the witness, but if they either declare for both or for neither, the judge shall decide on oath.

And if the possessor lose his suit, he shall let a freeman go within five days, but a slave he shall five back into hands (of his opponent). And if he let him not go or five him not back (the judge) shall adjudge him to win in case of a freeman fifty staters, and a stater for each day until he let him go, and in case of a slave ten staters and a drachm for each day until he give back into hands. And if the judge shall adjudge (a fine), there shall be exacted within a year a threefold³ or less, not more, and with respect to the time the judge shall decide on oath.

And if the slave, in whosoever case he has lost his suit, take sanctuary, (the defendant) summoning him in the presence or two witnesses, runners⁴, freemen shall point out (the fact) at the temple wherever⁵ he be in sanctuary⁶, either (the defendant) himself or another on his behalf; and if he summon not and point not out, he shall restore what has been written.

And if he even give him not back in the year, he shall besides restore the single values⁷, and if he die, while the suit is in contention, he shall restore the single value. And if (one when) Ruling⁸ lead away (a slave), or another lead away (a slave) of one Ruling¹, if he leave office, he shall contend, and if he lose his suit he shall restore . . . what has been written.

II.

To one that leads away (a slave) won in a suit . . . (or) pledged, there shall be no damage.

§ 2

If one lie by force with a freeman or freewoman, he shall restore a hundred staters, but if with (the man or woman) of a clubless² person, ten staters. If a slave (force) a freeman or freewoman, he shall

¹ I. e. at law. The word *μολεν* is new, and is applied to both parties.

² A drachm was half a (silver) stater. An *Aeginetan* stater was worth about 2s. 8½ d.

³ *τα τριτα*. If it means 'threefold' we must take it that the maximum sum to be exacted in a year was threefold the value of the slave. Lewy translates 'a third part'.

⁴ At seventeen years of age Cretans were admitted to the public athletic exercises.

⁵ Or 'however.'

⁶ *ναευει* from *ναός*

⁷ *τιμας* might be 'penalties,' and this translation would better suit the plural.

⁸ *κοσμιον*. Aristotle, *Pol.* ii. 7. §5, compares the ten *κόσμοι* of Crete with the five Ephori of Sparta; Cic. *R.P.* ii.33.

¹ 'On behalf of a Ruler' (Zitelner), but *κοσμιοντος* can hardly be that.

² *απεταιρος*. On the Cretan *ἐταιρίαι* see Athen. iv.22 (p. 143)

restore twofold, and if a freeman (force) a male or female householder³, five drachms; and if a male householder (force) a male or female householder, five staters.

If one should overpower by force an indoor⁴ slavewoman, he shall restore two staters, but if (he force) one already overpowered in the daytime, one obol⁵, but if in the night, two obols: and the slave shall be more sworn⁶.

If one attempt to lie with a freewoman in the hearing⁷ of a kinsman, he shall restore ten staters, if a witness should declare it.

If one be taken in adultery⁸ with a freewoman in (her) father's (house), or in (her) brother's, or in her man's he shall restore a hundred staters, but if in another fifty (staters). But if (he be taken) with the (woman) of a clubless man ten (staters) and if a slave (be taken) with a freewoman, he shall restore twofold; if a slave with a slave, five (staters).

And he shall give notice in the presence of three witnesses to the kinsmen⁹ of him that is taken to redeem in five days; and to the lord of a slave, in the presence of two witnesses. And if he shall not redeem, he shall be at the disposal¹⁰ of those who took him to deal with him however they will.

And if he say that he beguiled him, he took him shall swear in the case of the fifty staters or more, himself with four others, each imprecating upon himself, and in the case of the clubless man himself with two others, and in the case of the householder, his master with one other, that he took him in adultery and beguiled him not.

§3

III.

If a man and woman separate, she shall have her own things, which she had when she went to the man, and the half of the fruit, if it be from her won goods, and the . . . (part?) whatever it be (of) whatever she has woven, and five staters, if the man be the cause of the divorce¹; but if the man should say . . . the judge shall decide on oath.

But if she should bear off anything else of the man's, she shall restore five staters, and whatever she bear off, itself (shall she give back), and whatever she have taken away, itself shall she five back. And whatsoever things she shall deny (having taken), the judge shall adjudge the woman to deny on oath by Artemis, near the Amyclaeum near the Bowwoman². And whatever anyone shall take away from her³, after she has denied on oath, (he) shall restore five staters and the thing itself. And if a stranger join in *packing up*⁴, he shall restore ten staters, and twofold the thing itself, whatsoever the judge shall swear he has joined in *packing up*.

If a man should die, leaving children, if the woman will, she shall be wedded, having her own things, and whatever her man have given her according to what is written, in presence of three witnesses, runners, freemen; but if she bear off anything of the children's, there shall be right to sue.

³ Φοικέα ε Φοικεαν (acc.) 'serfs' = περίουκοι Arist. Pol. ii.7. §3. Lysias explains οἰκεὺς in a law of Solon's by θεράτων (c. Theomn. P.117)

⁴ ενδοθιδιαν, or as two words, '(a slave) of his own from indoors.'

⁵ Obol = one sixth of a drachm, or one twelfth of a stater.

⁶ ορικότεραν, i.e. have prior claim to swear (Ziteler)? have more title to credence?

⁷ ἀκευοντος καδεστα. The Cretans are said to have used 'hear' in the sense of 'keep.' Hence perhaps 'in the care of a relative.'

⁸ μοικιον = μοιχεύων may perhaps, as in Attic, not be confined to married women.

⁹ καδεσταις.

¹⁰ επι with dative

¹ κερεισιος = χηρεύσεως.

² Statue of Artemis with a bow.

³ The Greek has the simple dative. Ziteler takes it as 'for her.'

⁴ Others 'leading off.'

And if he leave her childless, she shall have her own things and of whatever she has woven the half, and of the fruit from within a share with those belonging⁵, and anything her man have given her as is written; but if she bear off anything else, there shall be right to sue.

And if a woman should die childless, there shall be given back to those belonging her own things, and the half of what she has woven, and the half of the fruit, if it be from her own things.

Guerdon⁶ if a man or woman will to give (they shall give) either dress or twelve staters or a piece of goods worth twelve staters, and not more. If a female householder be separated from a male householder in his life or by his death, she shall have her won things; but if she bear off anything else, there shall be right to sue.

§ 4


If a woman bear a child while divorced, (she) shall send it to the man to his roof¹ in the presence of three witnesses. And if he should not receive it, the child shall be at the mother's disposal to bring up or to put away; and the kinsmen and the witnesses shall be more sworn whether they sent the child.

And if a female householder bear a child while divorced (she) shall send it to the lord of the man, who wedded her, in the presence of two witnesses. And if he shall not receive it, the child shall be at the disposal of the lord of the male householder, and he that sent it shall be more sworn and the witnesses.

A woman divorced, if she should cast away a child before sending according to what is written, shall restore in case of a free (child) fifty staters, in case of a slave five-and-twenty, if she lose the suit. But if a man has no roof whither she shall send it to, or she do not see him, if she should put away the child, it shall be without damage (to her).

If a female householder unwedded should conceive and bring forth, the child shall be at the disposal of the lord of the father². But if the father should not be alive, it shall be at the disposal of the lords of the brothers.

§ 5

The father shall have power³ over the children and over the goods, over the division (thereof), and the mother over her  goods. While they live, it shall not be necessary to divide; but if one should be cast in damages, division shall be made to him that is cast damages as has been written.

And if one die, the roofs in the city and whatever is in the roofs, in which no householder houses, housing on the spot, and the cattle and the strong-footed⁴, such as are not a householder's shall be at the disposal of the sons, and all the other goods they shall well divide, and the sons as many soever as they be shall be allotted⁵ each two shares, and the daughters as many soever as they be, each one share.

(And they shall divide) the mother's things also, if she die, as

. And if there be no goods but there be a roof, the daughters shall have allotted to them, as has been written.

V. And if the father being alive will to give to her that is being wedded, he shall give according to what is written and not more. And to whomsoever he before gave or promised¹ this shall she have and not be allotted other things. Whatever woman has no goods either from her father's gift or her brother's or his

⁵ οἱ ἐπιβαλλόντες = οἷς ἐπιβαλλόντες (both expressions occur), i.e. those on whom a right or duty devolves by law, usually on the ground of kinship.

⁶ κομιστρά 'legacy,' Lewy; 'marriage-gift,' Comparetti; 'gift for funeral expenses, Bücheler; 'alimentation,' Bernhöft (who then translates 'or dress' instead of 'either dress'). It seems to mean simply 'a gift;' perhaps 'on parting:' so Zitelier doubtfully and Baunacks.

¹ στεγαν. (The word 'house' is wanted for οἶκος and its cognates.)

² According to Zitelman, 'the father of the female householder.'

³ τῶν τέκνων καρτερον εμεν

⁴ τα προβατα και τα καρταποδα. Are 'the strongfooted' horses and mules? Cf. μώνυξες ἵπποι. Or oxen? Or all large beasts? In Pind. *Ol.* xiii. 114, it means a 'bull.'

⁵ λανκακανεν = λαγχάνειν. It seems to be in fact, 'to take by inheritance.'

¹ ἐπεσπενσε which recalls the Roman *spondere*.

promise or by allotment *from the time that that*² the Aethalian troop, Kyllós and friends, were rulers³, these women shall have allotments, but for those previous there shall be no right to sue.

If a man or woman die, if there be children or children's children or children of these, they shall have the goods. And if there be none of these, but there be brethren of the deceased and brethren's children or children of these, they shall have the goods. And if there be none of these, but there be sisters of the deceased and sister's children, they shall have the goods. And if there be none of these, (then) to whomsoever it belongs, whenever it be⁴, they shall take the goods to themselves. And if there should not be any belonging, then whoever be the lot⁵ of the house, these shall have the goods.

And if (of) those belonging, some will to divide the goods and some do not, the judge shall adjudge all the goods to be at the disposal of those who will to divide, until they divide. And if, after the judge has adjudged it, (any one) by force *disturb*⁶ or lead away or bear off, he shall restore ten staters and the thing itself twofold. And (in respect) of mortals⁷ and fruit and clothing and bracelets and superficial⁸ goods, if they will not to divide shall decide on oath in reference to the matters in contention. And if in dividing the goods they do not agree about the division, they shall put up the goods for sale, and selling to whosoever offers most, they shall allot themselves (of) the value each the share belonging. And when they divide the goods, there shall be present three or more witnesses, runners, freemen.

VI. If he give to a daughter, (it shall be) according to the same (rules).

§ 6

While the father lives, no one shall by or take in pledge from the son (any) of the father's goods, but whatsoever he have himself acquired or had allotted to him, he shall sell if he will. Nor shall the father (sell or promise) the children's goods, whatever they have themselves acquired or had allotted to them, nor shall the man sell or promise the woman's, nor the son the mother's. And if any one should buy or take in pledge or obtain promise, and it is written otherwise than these writings are written¹ the goods shall be at the disposal of the mother and at the disposal of the woman, and he who sold or gave in pledge or promised shall restore twofold to him that bought or took in pledge or obtained promise, and if there be any other matter of damage, the single (value): and for matters previous there shall be no right to sue. And if the opposite contendant contend in respect of the thing, whatever they are contending about, that it is not the mother's or the woman's, he shall contend in whatever way it belongs (to contend) before the judge as each thing is written².

And if the mother die leaving children, the father shall have power over the mother's things, but shall not sell nor pledge unless the children being runners approve. And if one should buy or take in pledge otherwise, the goods shall be at the disposal of the children, and he that sold or he that pledged shall restore to him that bought or took in pledge the double of the value, and if there be any other matter of damage, the single (value). But if he wed another woman, the children shall have power over the mother's things.

§ 7

And if being held in bondage from a foreign state, and by his³ choice some one shall redeem him, he shall be at the disposal of the redeemer, until he pay back what belongs. And if they do not agree

² αἰ οκα = ἥ ὅτε, 'as when' Baunacks understand it 'as was prescribed when.'

³ Aristotle, *Pol.* ii.7. §§ 5-7, says the Cretans chose their rulers from certain clans, and that often the rulers were deposed by conspiracies either of their galleys or of private persons. Another Cretan inscription dates by the rule of the Aethalians (Cauer's *Delectus Inscr. Graec.*, No. 121, ed.2).

⁴ I.e. 'at whatever point in the line of succession.'

⁵ ο κλαρος, i.e. the whole number of house holders belonging to the family. Ephorus (as Athenaeus, vi. p. 263, tells us) said the Cretan slaves were called κλαρωται.

⁶ Or 'enter.'

⁷ 'Animals,' Baunacks; 'perishable things,' B. & Z.

⁸ ἐπιπολαιον is 'moveables' (see Liddell and Scott, s.v. ἐπιπλά)= *supellex*.

¹ I.e. if the contract is not according to the provisions of this law.

² I.e. he shall carry on the appropriate suit according to the specific requirements of the law.

³ I.e. the captive's.

about the amount, or (it be asserted) that he redeemed him without his³ choice, the judge shall decide on oath in reference to the matters in contention.

§ 8

? ?⁴ (if) coming to a freewoman he wed her, the children shall be free. But if a freewoman to a slave, the children shall be slave.

VII.

And if there be born from the same mother free and slave children, if the mother die, if there be goods, the free children shall have them; but if freemen should not be forthcoming, those belonging shall take them to themselves.

§ 9

If (one) after buying a slave from the marker shall not *export*¹ him within sixty days, if he have wronged any one before or after², there shall be right of suit to him that has acquired (him).

§ 10

An heiress³ shall be wedded to her father's brother, the eldest of those that are. And if there be more heiresses and father's brothers, (the second) shall be wedded to the next eldest. And if there be no father's brothers, but brothers' sons, (she) shall be wedded to one that is (child) of the eldest. And if there be more heiresses and more brothers' sons, (the next eldest heiress) shall be wedded to another who is next to him that is (child) of the eldest. And he that belongs shall have one heiress and not more.

And so long as he to whom it belongs to wed be unripe, or the heiress (be unripe), the heiress shall have the roof, if there be one, and he to whom it belongs to wed shall have allotted to him the half of the produce of all. And if he to whom it belongs to wed, being aloof from running⁴, will not, (though) grown, to wed her (though) grown, all the goods and the fruit shall be at the disposal of the heiress until he wed her. But if being a runner he to whom it belongs will not to wed her grown (and) willing to be wed, the kinsmen of the heiress shall contend⁵ and the judge shall adjudge him to wed within two months: and if he wed her not, as is written, she having all the goods (shall be wedded) to him that belongs if there be another. And if there should be none belonging, she shall be wedded to whomever she will of those of the tribe who ask.

VIII.

And if (when) grown she will not be wedded to him that belongeth, or he that belongeth be unripe, and the heiress the heiress shall have the roof, if there be one, in the city and whatever is in the roof, and having allotted to her the half of the other things she shall be wedded to another, whomever she will of those of the tribe who ask; and a portion of the goods shall be given to one⁶.

And if there should not be any persons belonging to the heiress as is written, she, having all the goods, shall be wedded to whomever of the tribe she will. And if no one of the tribe should will to wed her, the kinsmen of the heiress¹ not to wed her; and if one wed her within thirty days from the time they have (so) said, (well), but if not she shall wed another whomever she may be able.

And if, her father or brother having given her (in marriage), she become heiress, if he to whom they gave her being willing to wed, she should not be willing to be wedded, if she has had children, (then) having allotted to her (half) of the goods as has been written she shall be wedded to; but if there should be no children, having all (the goods) she shall be wedded to him that belongs, if there be one, and if not, (then) as has been written.

If a man should die leaving children to an heiress, if she will she shall be wedded to whomever of the tribe she can, but without compulsion. But if the dead man should leave no children, she shall be wedded

⁴ At least fourteen letters, which compose no intelligible words οεκειθεροτοναγ.

¹ περαιοσει. Bücheler takes it of 'fixing a limit;' so that otherwise the law limits responsibility to sixty days.

² Before or after the purchase ? or, as Zitelier prefers, the promulgation of this law ?

³ α πατροικος = ἡ πατρώουχος.

⁴ ἀποδρομος, i.e. is not yet old enough to belong to the public athletic classes. Cf. Hesych. v. ἀπάγελος.

⁵ I.e. bring an action against him.

⁶ I.e. to the first entitled to marry her (Baunacks).

¹ Probably to be supplied thus: 'shall announce in the tribe that no one wills to wed her.'

to him that belongs, as has been written. And if he to whom it belongs to wed the heiress should not be resident and the heiress be ripe, she shall be wedded to him that belongs², as has been written.

And (one) shall be heiress, if there be no father or brother from the same father. And over the working of the goods the father's brothers shall have power the half as long as she be And if while she is unripe, there should be no one belonging, the heiress shall have power over the goods and the fruit, and so long as she be unripe, she shall be brought up with her mother; and if there should not be mother, she shall be brought up with her mother's brothers.

IX. And if any should wed the heiress and it has been otherwise written . . . those belonging (if) he leave an heiress³ mother's brothers to pledge the sale shall be lawful, and the (if) any one should buy goods or take in pledge any of the goods of the, the goods shall be at the disposal of the heiress, and he that sold or pledged shall to him that bought or took in pledge restore, if she lose his suit, twofold, and if there be any other damage he shall besides restore the single value, as . . . and for matters previous there shall be no right to sue. And if the opposite contendant contend about the thing for which they are contending that it is not the heiress's, the judge shall decide on oath; and if he should win that it is not the heiress's, he shall contend, in whatever way it belongs (to contend) as each thing is written.

§ 11

If a man should die having become surety or having lost a suit, or owing *securities*¹, or having *cheated* or having *made an agreement*, or another to him², (he) shall contend in the course of the first year: and the judge shall give judgment in reference to the matters in contention. If he contend upon a suit won, the judge and the registrar if he be alive and a citizen, and the witnesses who belong (shall declare), and of a suretyship and of *securities*, and of *cheating* and of an *agreement*, those who belong shall declare as witnesses. And if they fail, he shall adjudge that (the plaintiff), himself on oath and the witnesses, shall win the single value³.

If a son become surety, so long as his father live, he shall be led away, himself and the goods, whatever he has acquired.

X. If any one do not give back [1½ lines broken] if grown witnesses declare, in case of a hundred staters or more, three (witnesses), in case of less as far as ten staters, two, in case of less, one, he shall give judgment in reference to the declarations made. And if the witnesses should not declare, . . . [2 lines broken] he shall either deny on oath or [15 lines wanting].

§ 12

. son to mother a hundred staters or less, but not more; and if (he) should give more, if those belonging will, they shall pay back the money and have the goods. But if any one should give while owing money, or when cast in damages or while a suit is in contention, if the remainder should not be of the worth of the damages, the gift shall be of no good.

§ 13

(One) shall not buy a man⁴ that is pledged, before he that pledged have redeemed⁵ (him) nor one who is under contention, nor receive (such as gift?), nor obtain promise (of him), nor take (him), in pledge. And if any one should do any of these things, it shall be of no good, if two witnesses should declare (it).

§ 14

Adoption shall be whenever⁶ any one will. Adoption shall be

² The next is legal succession.

³ The last line of col. viii, and the first ten of col. ix. are partly lost.

¹ ἐνκοιστανς. Cf. Hesych. κοῖον· ἐνέχυρον (Baunacks, and Leo *apud* Bernhöft).

² I.e. either 'another die in debt &c. to him (which however introduces to new position), or 'another be in debt &c. to the dead' (which introduces the case of the dead being creditor).

³ Baunacks take it, 'he shall adjudge their matters, and that the witnesses pay the single value.' I have followed Bücheler.

⁴ ἀντροπον = ἄνθρωπον, i.e. a man slave. So in § 15. Elsewhere 'man' represents ἀνερ.

⁵ Baunacks are right in reading ἀλλυσεται.

in the market-place, when the citizens are assembled, from the stone from which addresses are made. And the adopter shall give to his own club a victim and a pitcher of wine.

And if (the adopted) take over all the goods and there *dwell* not with him natural children, he shall perform the divine and human (duties) of the adopter and take them on himself as is written for natural children. And if he will not to perform them as is written, those belonging shall have the goods. But if there be natural children to the adopter, with the males (shall share) the adopted as the females have allotted to them from their brothers; and if there be no males but females, the adopted (male) shall have an equal share: and he shall not be obliged to perform the duties of the adopter and to take to himself the goods whatever the adopter have left; and more the adopted shall not come to.

XI.

And if the adopter should die without leaving natural children, the goods shall return to those who belong to the adopter.

And if the adopter (will?) he shall renounce in the market-place from the stone from which addresses are made, when the citizens are assembled. And he shall hand over . . . staters to the law-court. And the registrar shall give back as a guest-present to him that was renounced.

And a woman shall not adopt, nor shall an ungrown male.

And these shall be dealt with, as he has written these writings, and for matters previous, however any one be, there shall no longer be right to sue either for the adopted or against the adopted.

§ 15

Whoever leads away a man¹ before trial, shall always be received² (?).

§ 16

A judge, whatever it has been written he should judge according to witnesses or as denied on oath, shall so judge as has been written; and in respect of other matters he shall decide on oath in reference to the matters in contention.

§ 17

If (a man) die, owing money or having lost a suit, if those to whomsoever it belongs will to take over the goods, to restore for him the damages and the money to whomsoever he owes, they shall have the goods. And if they will not, the goods shall be at the disposal of those who won the suit or those to whom he owes the money, and other damage there shall be none to those who belong. And there shall be led away on account of the father the father's goods, and on account of the mother the mother's goods.

§ 18

A woman who ever separates from a man, if the judge shall adjudge an oath, shall deny on oath within twenty days in the presence of the judge. Whatever he imputes to her, he shall give notice (thereof) *at the commencement* of the suit to the woman and to the judge and to the registrar the fourth day before in the presence of

XII.

(14 lines wanting.)

§ 19

If a son gave goods to his mother or a man to a woman, as had been written before these writings, there shall be no right to sue; but for the future he shall give as has been written.

§ 20

Heiresses, if there be no orphan-judges, so long as they are unripe, shall be dealt with in accordance with what has been written. And *whenever*, there being no one belonging and no orphan-judges, and heiress be brought up with her mother, the father's brother and the mother's brother, who have been written, shall manage the goods and the produce, however they best can, until she be wedded. And she shall be wedded, when aged twelve years or older.

⁶ Others 'from whence,' i.e. from what family.

¹ ἀντροπον, i.e. a man slave.

² We should rather have expected: 'Any one may receive a man whom a suitor leads away before trial.' And so the sentence is generally understood.