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with the regard of Jesse Benedict Carter

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THE REORGANIZATION OF THE ROMAN PRIESTHOODS
AT THE BEGINNING OF THE REPUBLIC.

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THE remarkable conservatism of the ancient Roman and the extraordinarily logical character of his mental processes are perhaps our two most valuable assets in the task of the historical reconstruction of the early history of the City of Rome. When that history comes out of the mists of the so-called "legendary period" and when our documents begin, — first in tombs and tufa, later in annals and chronicles — we are conscious at once that, so far as the organization of the state religion is concerned, we are confronted by certain curious anomalies almost in the nature of contradictions, which seem entirely out of place and which distort and change what would otherwise be a perfectly logical system.

The executive control of the organized state religion is in the hands of the College of the Pontiffs. This college consists primarily of the Pontiffs themselves, originally three in number, and, in a broader sense, of the Pontiffs, the Rex Sacrorum, the Flamines and the Vestal Virgins. But there is one peculiar thing about the Pontiffs themselves. They are not organized like other colleges, so that the individual has a certain voice. On the contrary, he exists merely as a counselor to the Chief Pontiff, who has all power and who acts for the entire college. In a word, he is the college. On the other hand, when we come to questions of rank and precedence, we have the anomaly that this great priest, the Chief Pontiff, who has extraordinary powers over all the members of the college, has a rank inferior to four of his entire subordinates. In the most solemn sacrifices of the state his place is usually fifth.

These and various other facts of a similar character prove beyond peradventure that the whole system as we find it in the Republic is a readjustment of previous and



very different conditions, and that it represents a compromise between two radically distinct social organizations. These facts have, of course, been noticed by scholars, and here and there in parentheses and footnotes allusion has been made to the earlier condition of affairs. But, so far as my knowledge goes, no attempt has been made to treat the matter on a large scale¹ and to draw a more or less complete picture of the original condition. It is the intention of this article to produce such a sketch, but before entering upon this task we should understand that such a sketch is at best a hypothetical reconstruction — such as are common in the field of natural science — that it cannot be proved point for point and that the test of it lies in the extent to which it explains later conditions. The probability of its truthfulness increases in direct ratio to the illumination which it casts upon the dark spots of the early Republican organization.

That the Roman Republic was preceded by a Kingdom is beyond the shadow of a doubt, even though the historical events of the Kingdom and the names of the kings themselves are involved in the greatest uncertainty. We also seem to be justified in assuming a twofold division of the Kingdom, a primitive period relatively free from foreign influence and a later period of considerable but not overwhelming Etruscan influence. It is not improbable that the office of the king was very much the same in both periods, but it will be wiser for us to confine our discussion to the Later Kingdom and to leave the pre-Etruscan epoch severely to itself.

The Rex, therefore, of this Later Kingdom, was the father of the people. He was the possessor in himself of the whole "Imperium", that sacred possession which was forever fought for in all subsequent time and which was later divided under ordinary circumstances into an infinite number of pieces and loaned, not given, to a number of individuals², and which had its own sacred seat in the bosom of the senate. He was not merely the head but the incarnation of all the activities of the state in both military and governmental affairs and in that large and important world of the Gods, which, in this connection, is our chief interest.

Religious life and religious consciousness in the days of the Kingdom were in the naturalistic stage where interest was centered in the physical question of fertility and procreation, and where the strongest instinct was that of physical self-preservation. The simple old-fashioned theory of the king as the father of the people and the queen as the mother, a theory so popular fifty years ago, is coming into its own again, after a temporary defeat in a campaign of pseudo-learning. The king was not only the executive head of all the religious activity of the state but he was in addition busied with special

¹ A small sketch was attempted by me, *Actes du IV^e Congrès International d'Histoire des Religions*, Leiden 1913, pp. 141 f.

² VARRO, ap. Gell. 13, 12, 6: *consules et ceteri qui habent imperium.*

priestly functions. These two sides of his religious life, later so carefully distinguished, were doubtless inseparable at first, and the realization of the distinction arose only at the moment when the political king ceased to exist. The deities to whom the King and the Queen were devoted in the solemn sense of special priests were Janus and Juno. It seems strange that the eyes of scholars have been so blinded by the glory that blazed later from the throne of Jupiter and Juno that there have been so few of them able to see that the pair Jupiter-Juno is really Greco-Etruscan and that Juno was originally paired not with Jupiter but with Janus. No clearer instance of this primitive connection of Janus and Juno can be found than their relation to what seems to be in many respects the most primitive of all the social divisions of Rome, namely the *Curiae*. Here the Rex and the Regina are constantly active, and especially in connection with Janus¹, Juno², and the kinswoman of Juno, the earth goddess Tellus³. The sacrifice on the Kalends of October, a day sacred to Janus, at the Tigillum Sororium was made to Janus Curiatius and Juno Sororia⁴. But the King and the Queen were active also on the occasion of the two great annual festivals of the *Curiae*. At the first of these festivals, the Fordicidia on April 15th, the Queen (the Virgo Maxima of our historical accounts), accompanied by the Vestals, performed a primitive and curious ceremony. The second of these festivals, the Fornacalia, was to be sure, *feriae conceptivae*, but it ended always on February 17th, and it is interesting to notice that on this last day (February 17th) it is the King (of course the Curio Maximus of our historical accounts) who presides.

But Janus and Juno were associated not only on October first in connection with the *Curiae* but also on the Kalends of every other month as well. "Romae quoque Kalendis omnibus, praeter quod pontifex minor in curia Calabra rem divinam Iunoni facit, etiam regina sacrorum, id est regis uxor, porcam vel agnam in regia Iunoni immolat, a qua etiam Ianum Iunonium cognominatum diximus, quod illi deo omnis ingressus, huic deae cuncti Kalendarum dies videntur adscripti" ⁵. It is interesting to note here the activity of the Regina and the reference to the Regia. One of the most difficult problems connected with the King is the question of where he lived. The tradition of the residence of the various kings is absolutely without value, except as an added proof of the poverty of Roman imagination⁶. It seems likely that the King lived in the Regia, the House of the King (Domus Regia), and certainly the headquarters of his activity were there. It was

¹ Cp. Ianus Curiatius, LIV. 1, 26, 13; DION. HAL. 3, 22; FESTUS, p. 297; PAUL., p. 307; and, in general, CARTER, *Rel. Life of Ancient Rome*, p. 11.

² DION. HAL. 2, 50, 3; FESTUS, p. 254, 25; *ep.* 64; cp. BOTSFORD, *Rom. Assemblies*, p. 9; ROSCHER, *Lex.*, II, 1, 596.

³ OVID. *Fasti*, 4, 634; LYD. *de Mens.*, 4, 49; WIS-SOWA, *Rel. u. Kult.*, Ed. 2, p. 192.

⁴ Cp. FESTUS, p. 297; DION. HAL. 3, 22, and the FASTI ARVALIUM, C. I. L. 1².

⁵ MACR. *S.* 1, 15, 19.

⁶ Cp. JORDAN, *Top.* I, 1, 155 ff.

in the Regia on January ninth that the King sacrificed a ram to Janus¹. It was probably in the Regia that the mysterious ceremonial took place when the Queen with the Vestals came and asked if the King was watching: *nam virgines Vestae certa die ibant ad regem Sacrorum et dicebant "vigilasne rex? Vigila!"*². But there were also other seats of his activity. Three times a year he performed a sacrifice in the Comitium, namely on February 24th, March 24th and May 24th. It has been suggested that the site of these sacrifices was none other than that group of monuments in the Forum, miscalled "the tomb of Romulus" or the "Lapis Niger"³. The so-called bases are in reality an altar for burnt sacrifice, and the stele with its difficult inscription and its reference to a rex and a calator would be the *lex arae*. The Regifugium of February 24th had, of course, nothing to do with the driving out of the kings, but was probably an ancient festival of purification where the King, taking upon himself the guilt of the people, fled from the altar. The ceremonies of March 24th and May 24th are marked in the Calendar Q R C F, which is an abbreviation for Q(uando) R(ex) C(omitavit) F(as)⁴, where we must understand *comitiavit* to mean "has come into the Comitium after completing the sacrifice"⁵; and the whole abbreviation means that after the king has finished the performance of the sacrifice and appeared in the Comitium, the religious character of the day changes and it ceases to be NEFAS and becomes FAS.

But the activity of the King and the Queen along religious lines was not confined to their functions as special priests of Janus, Juno and Vesta. They had important executive functions as well. The whole organization of the state religion seems to have been dependent upon the King. Even in the earliest period there seem to have existed side by side the two great activities, which were afterwards carried on by the college of the pontiffs and the college of augurs respectively. In the kingly period these two colleges existed merely in the rudimentary form of advisors to the King, who was himself entirely independent in his actions and in no wise bound by his councillors. Similarly the King and the Queen together were responsible for the worship of Vesta, and the Queen was assisted by the Vestal Virgins in the carrying out of the worship at the state hearth, but the Vestals were merely her assistants, and she represented them all and was herself in the power of her husband the King.

Then came the change. In place of this regal organization with its centralization of power, there came the spirit of the Republic, with its suspicion of the one-man imperium. How this all came about we do not know. Possibly, but not likely, the picturesque fiction

¹ The so-called *agonium*. Cp. OVID, *F.* 1, 318; LYD. *de Mens.* 4, 1 (and see REITZENSTEIN, *Poimandres*, p. 294); VARRO *L. L.* 6, 12; and in general W. FOWLER, *Rom. Fest.* p. 282; WISSOWA, *Rel. und Kult.* Ed. 2, p. 103.

² SERV. *A.* 10, 228.

³ Cp. CARTER, *A. J. A.* XIII (1909), pp. 19 ff.

⁴ VARRO *LL.* VI, 31 ff.: *dies qui vocatur sic quando rex comitiavit fas*, etc.

⁵ FESTUS, p. 259, 4.

of the wicked Tarquin is a reflection of the truth; possibly the change was a gradual one, and the Decemvirate may have been a transition stage from Kingdom to Republic, with the consuls of the pre-Decemvirate period themselves mere fictions. But eventually the reorganization was made, and, so far as we can tell, its main outlines were as follows: Doubtless the first impulse was to do away altogether with the King. The curse upon the office should include the name as well, but here arose a difficulty which was all the more real because it was typically Roman. It was a simple matter to establish the theory that the IMPERIUM belonged to the aristocracy and that it had its seat in the bosom of the Senate, and that the Senate could strip the King of every vestige of it, and loan it out to individuals in small pieces. This could be and was done, with the consequences that we shall see below. But there was one relationship which could in no wise be disturbed: that of the King to Janus. Here it was not even possible to suppose for a moment that any change would be welcome to the god. The whole essence of religious feeling rendered such a consideration sacrilegious. On such a matter 'it was not in the province of the augurs to consult the god. It was unhesitatingly taken for granted as an obvious and self-evident fact that the Rex and the Regina must live on forever both in name and in function so far as their activities as special priests were concerned. The Rex and the Regina must continue to make their sacrifice on the kalends of each month. The Rex must continue to perform the ancient ceremonials in the Comitium on February 24th, March 24th and May 24th. To be sure he might perhaps be called *Rex Sacrorum* from now on¹, but the *Rex* part must remain. It was the necessity of preserving the name that created all the difficulty. There must be still a *rex*; he must be honoured and respected. He must even be given the first place in the hierarchy of priests and the place of honour at banquets². The position must be for life³, and his person must be sacrosanct⁴. And yet he must not only be stripped of all political power but he must be effectually prevented from ever recovering any of it. He must be the most honored and the least powerful man in the state. He must be forbidden to hold any political office and to exercise any position of command; and with all this was the sugar-sweet casuistical explanation, — as King he had of course the highest office, and hence it would not be fitting that he should have any lower one. It is little wonder that powerful

¹ This was actually in all subsequent time the official form and is the only form found in the inscriptions, cp. *C. I. L.* VI 2123; VI 2124; XIV 2413; and in the *Lex Julia Municipalis C. I. L.* I 206, 62. In familiar language he was called *Rex Sacrificulus*, *Liv.* 2, 2, 1; 6, 41, 9; *Gell.* 10, 15, 21; *Festus*, p. 259; 293; 318. The expression in *Liv.* 9, 34, 12: *rex sacrificiorum*, is merely individual; and *Liv.* 40, 42, 8, *de rege sacrifico*, is doubtless to be emended into *de rege sacrific(ul)o*.

² *Festus*, p. 185: *ordo sacerdotum aestimatur deorum*

maximus quisque. Maximus videtur Rex, dein Dialis, post hunc Martialis, quarto loco Quirinalis, quinto Pontifex Maximus. Gell. 10, 15, 21: *Super flaminem Dialem in convivio, nisi rex sacrificulus, haut quisquam alius accumbit. Serv. A.* 2, 2: *non enim licebat supra regem Sacrificulum quemquam accumbere.*

³ *Dionys. Hal.* IV, 74, 4.

⁴ *Serv. A.* 8, 646: *quia occidi non poterat religione impediante: rex enim etiam sacrorum fuerat.*

men did not seek this office. It is easily understandable that the possessor of even a moderate degree of temporal power might desire to refuse this pinnacle of gilded nonentity. There was a famous case of this hesitation in the year B. C. 180¹, when a certain Lucius Cornelius Dolabella, one of the commanders of the fleet (*Duumvir navalis*), who was destined to protect the Adriatic coast from Ancona southwards, flatly refused to resign his office and accept the position of *Rex Sacrorum*. Thereupon the Pontifex Maximus fined him, and Dolabella appealed to the assembly of the tribes. The session of the assembly was broken off by the appearance of an unlucky omen. Under the circumstances the Pontiffs hesitated to compel him to accept office, and the second candidate on the list was appointed in his stead. It is little wonder under these conditions that in B. C. 210 the position was actually vacant for more than a year². To add to the solitary grandeur of his life, the *Rex Sacrorum* was hedged about by ceremonial. On holidays he was not only forbidden to work but in his presence all others were forbidden to work. There was even a crier to warn men of his approach and to forbid them to work in his sight³. And yet he was withal so important that certain events were actually dated by his sacral reign⁴. There was one feature of the grandeur which had belonged to the real king. He was not permitted to live in the "King's House" (*domus*) *Regia*. This was a common sense precautionary measure which was doubtless absolutely necessary at the beginning. It arose from that extraordinary sense of the influence of localities which was so characteristic of the ancient Romans and found its expression in the "Genius Loci" and the various *Fortuna* concepts. The house which had been the King's kept its name, the *Regia*, the King's house forever, but from now on it was the actual habitation of no one. The *Rex Sacrorum* had an especial house of his own but it was not the *Regia*⁵.

The Pontifex Maximus, the King's successor in the executive sphere, was not permitted to inhabit the *Regia*, but was housed instead in the *Domus Publica* close by⁶.

¹ Cp. Liv. 40, 42, 8 ff: de rege sacrifico subficiendo in locum Cn. Corneli Dolabellae contentio inter C. Servilium pontificem maximum fuit et L. Cornelium Dolabellam duumvirum navalem, quem ut inauguraret pontifex magistratu sese abdicare iubebat; recusantique id facere ob eam rem multa duumviro dicta a pontifice, deque ea, cum provocasset, certatum ad populum. Cum plures iam tribus intro vocatae dicto esse audientem pontifici duumvirum iuberent multamque remitti, si magistratu se abdicasset; ultimum de caelo quod comitia turbaret intervenit. religio inde fuit pontificibus inaugurandi Dolabellae. P. Cloelium Siculum inaugurarunt, qui secundo loco nominatus erat.

² Liv. 27, 6, 16: M. Marcius Rex Sacrorum mortuus est, et M. Aemilius Papus Maximus curio; neque in eorum locum sacerdotes eo anno suffecti.

³ MACROB. S. I, 16, 9: adfirmabant autem sacer-

dotes pollui ferias, si indictis conceptisque opus aliquod fieret, praeterea regem sacrorum flaminesque non licebat videre feriis opus fieri, et ideo per praeconem denuntiabant, nequid tale ageretur et praecepti neglegens multabatur.

⁴ E. g. PLIN. N. H. 11, 186: L. Postumio L. f. Albino rege sacrorum post CXXVI Olympiadem, cum rex Pyrrhus ex Italia decessisset, cor in extis haruspices inspicere coeperunt.

⁵ FESTUS, p. 293: (Via) sacra appellanda est a regia ad domum regis sacrificuli.

⁶ On the *Regia* and the *Domus Publica*, cp. JORDAN, *Top.* I, 2, 426; F. M. NICHOLS, *Archeologia*, vol. 50, pp. 227 ff., and *Journal of the British and American Archaeological Society of Rome*, vol. I, No. 3, 1886-1887, pp. 87 ff. Servius is in error (*A.* 8, 363) when he says: "domus --- in qua pontifex habitat, regia dicitur".

The introduction of the Pontifex Maximus brings us to the discussion of the second part of the readjustment. Thus far we have discussed the necessity of the preservation of the King in at least a certain shadow of his former greatness, and we have seen how this Rex Sacrorum was hedged about with such restrictions as tended to prevent his ever regaining any of the civil power which the real king had once possessed. This reminiscent King of the Republic had no other functions than those particular acts of worship which the gods, and especially Janus, had a right to receive at his hand. All the other activities of the King were taken from him and divided among a large number of persons. We are of course not concerned here with the civil and military functions but merely with the executive life of the King as exercised along religious lines. As we have seen above, one of the most primitive elements in the King's executive activity was his relation to the *Curiae*. In so far as his acts in this connection had to do with the worship of Janus, the Shadow King continued to perform them, but his function as presiding officer ceased and the *Curiae* appointed their own head, in the person of a new official, the Curio Maximus. It seems incorrect to speak of the King as having been himself the Curio Maximus; more likely he was here as everywhere simply the Rex without other title, the head of all the *Curiae*, in his own person the incarnation of them all. But now this part of his task was given to a man occupying a newly created position, the Curio Maximus. The incumbent was at first a Patrician¹, but in 209 a Plebeian was elected for the first time².

Venerable as was the connection of the King with the *Curiae*, the most important of his executive functions were in relation to the religion of the state. Here he was the chief priest, assisted to be sure by a council of priests, but, as we have seen, acting entirely independently of them. This part of the King's activities must be removed from him at once. The council becomes now independent. It takes, as it were, into its own bosom the power which the King had had, but the conservatism of religion immediately asserts itself. They may take over the power, but it was not a case of taking it back for they had not owned it originally, and so, though now they took it for a moment, they could not keep it, and it must be delegated at once to one of their own number, to whom was given the title of Pontifex Maximus. Thus was created the office of Pontifex Maximus, that man in whom were united the principal executive functions of the King.

The royal origin of the Pontifex is clearly seen in the aristocratic tradition attaching

¹ Liv. 3, 7, 6.

² Liv. 27, 8, 1-3: Inter maiorum rerum curas comitia maximi curionis, cum in locum M. Aemili sacerdos crearetur, vetus excitaverunt certamen patriciis negantibus C. Mamili Atelli, qui unus ex plebe petebat, habendam rationem esse, quia nemo ante eum nisi ex patribus id

sacerdotium habuisset. tribuni appellati ad senatum rem reiecerunt; senatus populi potestatem fecit: ita primus ex plebe creatus maximus curio C. Mamilius Atellus. On the Curio Maximus in general cp. BOTSFORD, *Rom. Assemblies*, p. 10; KÜBLER in P. W. IV, 1838.

to the office. At first he was not elected by the seventeen Tribes¹ but was chosen by the college itself², probably in the very earliest times on the basis of age³. He was like the King before him not merely the head of the college; he was himself the college. It was he and not the college who appointed the Rex Sacrorum, the Flamines and the Vestals and possessed even the right of compulsion⁴. He had the right of fining the Rex⁵ and the Flamines⁶ and of compelling them to resign their office and he possessed the power of life and death in the case of a vestal virgin guilty of incest⁷. He held office for life⁸.

But there was another important side to the executive activity of the old King, his functions as the head of the college of augurs. In a fashion similar to the solution achieved by the Pontiffs, the Augurs solved this problem⁹.

In our discussion of the Rex, consideration for the Regina has naturally fallen into abeyance. In general she was treated very much as the King was. The name was retained, with the addition of *sacrorum*, and she continued to perform the same priestly functions as she had always done; but her executive work was taken from her. The principle feature of this executive work was her connection with the Vestal Virgins.

¹ The first example of election by the Tribes is in B. C. 212, cp. Liv. 25, 5, 2.

² WISSOWA, *Rel. und Kult.*, Ed. 2, p. 508, 11, points out that we have no real proof of this, but it has usually and doubtless correctly been taken for granted.

³ The very name itself, Pontifex MAXIMUS, indicates this, cp. the Vestalis MAXIMA and Ovid's comment (*Fasti*, 4, 639): quae natu maxima virgo est.

⁴ As an example of the compulsory appointment of a Flamen Dialis (in order to help in the reformation of a dissipated youth), cp. Liv. 27, 8, 4-6 "et flaminem Dialem invitum inaugurari coegit P. Licinius pontifex Maximus C. Valerium Flaccum --- Causam inaugurari coacti flaminis libens reticuisse, ni ex mala fama in bonam vertisset. Ob adulescentiam negligentem luxuriosamque C. Flaccus flamen captus a P. Licinio pontifice maximo erat, L. Flacco fratri germano cognatisque alis ob eadem vitia invisus. Is, ut animum eius cura sacrorum et caerimoniae cepit, ita repente exuit antiquos mores, ut nemo tota iuventute haberetur prior nec probator primoribus patrum, suis pariter alienisque esset".

⁵ Liv. 40, 42, 9, the case of Lucius Cornelius Dolabella referred to above. The Pontifex fined him because Dolabella, having been appointed Rex, refused to resign his command in the navy.

⁶ In B. C. 189 the Pontifex Maximus P. Licinius engaged in an altercation with the Flamen Quirinalis Q. Fabius Pictor, in which the Pontiff came out victorious, cp. Liv. 37, 51: Priusquam in provincias praetores irent, certamen inter P. Licinium pontificem maximum fuit et Q. Fabium Pictorem flaminem Quirinalem, quale

patrum memoria inter L. Metellum et Postumium Albinum fuerat. Consulem illum cum C. Lutatio collega in Siciliam ad classem proficiscentem ad sacra retinuerat Metellus, pontifex maximus; praetorem hunc, ne in Sardiniam proficisceretur, P. Licinius tenuit, et in senatu et ad populum magnis contentionebus certatum. --- religio ad postremum vicit.

⁷ E. g. Domitian's desire to bury Cornelia alive; cp. PLIN. *Ep.* 4, 11, 5 f.: Fremebat enim Domitianus aestuabatque in ingenti invidia destitutus. Nam cum Corneliā, Vestalium maximam, defodere vivam concupisset, ut qui inlustrari saeculum suum eius modi exemplis arbitraretur, pontificis maximi iure seu potius immanitate tyranni, licentia domini, reliquos pontifices non in Regiam sed in Albanam villam convocavit.

⁸ DIO CASS. 49, 15, 3; 54, 15, 8; APPIAN *B. C.* V, 131; SUTTON. *Aug.* 31; and cp. WISSOWA, *Rel. und Kult.*, Ed. 2, p. 495, 1.

⁹ Our data in regard to the Augurs are much more incomplete. There can be little question that the College created one of their number the augur maximus though the actual title happens to occur only in two inscriptions from Numidia, where it represents only a yearly office. But the principle of seniority is characteristic of the Augurs. Cp. the well known words of Cicero, *De Senect.* 64: multa in collegio vostro praeclara sed hoc ----- in primis quod ut quisque aetate antecedit, ita sententiae principatum tenet, neque solum honore antecedentibus sed iis etiam, qui cum imperio sunt, maiores natu augures anteposuntur.

Her place was now filled by the appointment of a Virgo Maxima (the doyenne of the Vestals ¹). Here again conservatism and logic had their perfect work. As the Regina had been legally in the *potestas* of her husband, the Rex, so now in their new relationship the Virgo Maxima is in the *potestas* of the Pontifex Maximus ².

Thus the religious organization of the Republic stepped forward into the future. Old things had been done away, so far as old things could be done away with; and all things had become new in so far as all things could become new. And when the good citizens rested from their labours, and beheld their work and called it good, they would indeed have been interested, had they been able to look down the centuries, and see what the vicissitudes of these concepts of Rex and Pontifex Maximus were to be, and how they would once again be united in one person, the Pontifex Maximus of a new religion, the "Papa-Re" of new political conditions.

¹ Cp. OVID. *Fast.* 4, 639: quae natu maxima virgo est.

² The Virgo Maxima is not to be thought of as the daughter, but rather as the wife of the Pontifex Maximus; cp. WISSOWA, *Rel. und Kult.*, Ed. 2, p. 509, 5;

JORDAN, *Tempel der Vesta*, p. 47 ff.; DRAGENDORFF, *Rhein. Mus.* LI, 1896, 281 ff.; SANTINELLI, *Riv. di Fil.*, XXXII, 1904, 63 f.