



**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

VOLUME 15

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the International Commission on Zoological Nomenclature

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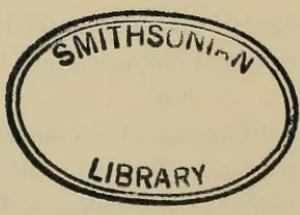
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FOREWORD

The present volume—the fifteenth of the present Series—contains the sixth instalment of *Opinions*, *Declarations* and *Directions* adopted by the International Commission on Zoological Nomenclature since the close of the Fourteenth International Congress of Zoology at Copenhagen in 1953. The present volume contains twenty-six *Opinions* (*Opinions* 436—461), one *Declaration* (*Declaration* 30), and one *Direction* (*Direction* 59). In addition, since the Copenhagen Congress nine other volumes in the present series have been completed and additional Parts issued for two others. The documents so published contain *Opinions* adopted by the Commission either in Paris in 1948 or in the period between the Paris and Copenhagen Congresses, together with *Directions* embodying the results of the survey of Rulings given in *Opinions* rendered prior to July 1948 undertaken by the Commission in accordance with a General Directive issued to it by the earlier of the foregoing Congresses. Publication started in January 1954 and accordingly the total number of *Opinions*, *Declarations* and *Directions* published during the three and a quarter years concerned amounts to three hundred and forty-six (346) (*Opinions*, 267 ; *Declarations*, 18 ; *Directions*, 61¹).

2. The *Opinions* included in the immediately preceding volume virtually completed the promulgation of decisions taken by the International Commission on applications published in Volume 9 of the *Bulletin of Zoological Nomenclature* and a start had been made in one *Opinion* (*Opinion* 435) with the promulgation of decisions taken on applications published in Volume 11 of the *Bulletin*, the next volume to be devoted to the publication of applications relating to individual cases. The present volume contains an instalment consisting of twenty-one *Opinions* based upon applications published in Volume 11 of the *Bulletin*. The *Opinions* in question are *Opinions* 437—440, 443—449,

¹ The *Directions* here referred to are *Directions* 1—61. It should be noted that the explanation of the apparent anomaly that, although one *Direction* (*Direction* 59) was published in the present volume, the total number of *Directions* published at the time of the close of the present volume (61) was the same as at the time of the close of the preceding volume (Volume 14) is provided by the fact that that volume was completed a little later than the present volume and that in consequence there had been published by that date a *Direction* (*Direction* 61) belonging to Volume 1(E) which had not been published at the time of the completion of the present volume.

451—455 and 457—461. The remaining five *Opinions* (*Opinions* 436 ; 441—442 ; 450 ; 456) are based upon applications published in earlier volumes of the *Bulletin*, *Opinions* 450 and 456 being based upon applications published in Volume 6 and *Opinions* 436 and 441—442 on applications published in volume 9 or on applications arising out of papers published in that volume. The publication of the decisions by the Commission based on applications published in Volume 6 of the *Bulletin* completes the treatment of two important cases, the settlement of which had in each case been delayed by the complexity of the problems involved. In the first of these *Opinions* (*Opinion* 450) the Commission brought to a close a long-standing cause of confusion and diversity of practice in the nomenclature of the principal genera of the Sub-Order Heterocera of the Order Lepidoptera (Class Insecta), while in the second of the *Opinions* concerned (*Opinion* 456) the Commission rejected for nomenclatorial purposes a work (*The Universal Conchologist* of Thomas Martyn) containing a large number of well-known names for genera of the Class Gastropoda but at the same time intimated its willingness to give consideration to applications, if submitted individually, for the validation of particular names in the book in question. The three *Opinions* based upon, or arising out of, applications published in Volume 9 of the *Bulletin* (*Opinions* 436, 441 and 442) also deal with cases of considerable complexity. The first of these *Opinions* (*Opinion* 436) was concerned with the final disposal of certain names included in two anonymous fragments of a work by S. A. Renier which had already been rejected by the Commission (in *Opinions* 316 and 427 respectively), the names in question being names which had been reserved by the Commission for further study in order that consideration might be given to the possibility that some of them ought to be validated under the Plenary Powers in the interests of nomenclatorial stability. The two other *Opinions* here in question (*Opinions* 441 and 442) were concerned with proposals for the validation under the Plenary Powers of names for certain well-known genera in the Order Diptera (Class Insecta) as from the date on which they had been published in a work (Geoffroy's *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris*) which had been rejected for nomenclatorial purposes by the Commission (in *Opinion* 228) as a work in which the author had not applied the principles of binominal nomenclature.

3. The single *Declaration* (*Declaration* 30) contained in the present volume contains a clarification of the meaning of the *Règles* in relation to the question of the generic name in combination with which a specific name is to be treated as having been published when the species so named is (a) placed in a previously established nominal genus and (b) also referred to a new nominal genus conditionally established.

4. The *Direction* (*Direction* 59) contained in the present volume is concerned with the settlement of a complex bibliographical problem (concerned with the collation and dating of the *Lepidopteri* volume by Costa of the work entitled *Fauna del Regno di Napoli*) which arose in connection with one of the included *Opinions* (*Opinion* 450) but which it was considered could be more appropriately dealt with separately in a *Direction* than in that *Opinion*. It may be noted that the present is the first volume in the present Series to have been published since the Copenhagen Congress of 1953 in which it has not been necessary for the Commission to add a *Direction* dealing with the family-group-name problems arising in connection with generic names placed on the *Official List* by Rulings given in *Opinions* included in the volume, all the problems arising in this field having on this occasion been dealt with in the *Opinions* directly concerned.

5. The present volume comprises 580 pages (T.P.—XX, i—xii, 1—530), (i)—(xviii). This volume is of substantially the same size as previous volumes.

6. Of the twenty-six *Opinions* included in the present volume one deals with names belonging to two different Classes of the Animal Kingdom and one deals simultaneously with names of a particular Class and with the status of an individual book, thus bringing the total number of cases up to twenty-eight. Several of the applications relating to these cases were submitted by more than one author and when account is taken of this fact, the total number of applicants is seen to amount to forty-two.

7. Three of the applications dealt with in the present volume were concerned with the status of books and the remaining twenty-

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five with individual names. Of this latter group, nineteen (76 per cent.) involved the use by the Commission of its Plenary Powers. The use of those Powers was not involved in the applications relating to the status of individual books.

8. The twenty-five applications relating to individual names dealt with in the *Opinions* published in the present volume, when grouped by reference to the Classes of the Animal Kingdom to which the genera or species concerned belong, are distributed as shown in the following table. In the same table the applications are arranged so as to distinguish those which involved the use of the Commission's Plenary Powers from those which did not.

TABLE 1

Distribution of applications (a) by Classes of the Animal Kingdom and (b) by whether they involved the use by the Commission of its Plenary Powers

<i>Name of Class</i>	<i>Number of applications</i>		
	<i>Involving the use of the Plenary Powers</i>	<i>Others</i>	<i>Total</i>
Chilopoda	1	—	1
Insecta	6	1	7
Gastropoda	—	1	1
Cephalopoda	1	—	1
Bryozoa	2	1	3
Brachiopoda	1	—	1
Ostracodermi	1	—	1
Pisces	—	1	1
Amphibia	1	—	1
Reptilia	1	—	1
Aves	3	1	4
Mammalia	2	1	3
Totals	19	6	25

9. When the forty-two applicants are arranged by reference to the countries in which they are resident, applications are seen to have been received from the following countries (arranged in alphabetical order) :—

TABLE 2

Distribution of applicants by country of residence

<i>Country of Residence</i>	<i>Number of applicants</i>
Czechoslovakia	1
Germany	2
New Zealand	6
Switzerland	2
United Kingdom	11
United States of America	20
Total	42

10. By the Rulings given in the *Opinions* comprised in the present volume, together with the Ruling given in the *Direction* referred to in paragraph 4 above, a total of 253 names have been added to the *Official Lists* and corresponding *Official Indexes* relating to specific names, generic names, family-group names, and

the titles of zoological works. The distribution of these entries is seen to be as follows :—

TABLE 3

**Additions to the “ Official Lists ” and “ Official Indexes ”
respectively**

<i>Category</i>	<i>Official Lists</i>	<i>Official Indexes</i>
Specific Names	43	14
Generic Names	38	53
Family-Group Names	23	76
Titles of Works	1	5
Totals	105	148

11. The twenty-five cases dealing with individual names published in the present volume contain 130 comments from interests specialists. In some instances these comments are joint comments from two or more specialists and in several cases specialists commented on applications which dealt with more than one Class of the Animal Kingdom. When account is taken of these facts, a total number of 159 specialists contributed comments in the present volume. In addition, 15 comments were received on the status on individual books.

12. If the comments relating to individual names are grouped according to the Class in the Animal Kingdom to which the genus

or species concerned belongs, the distribution of the comments is found to be as follows :—

TABLE 4

Distribution of comments on applications relating to individual names, by Classes of the Animal Kingdom

<i>Name of Class</i>	<i>Number of Comments</i>
Chilopoda	21
Insecta	44
Gastropoda	4
Cephalopoda	5
Bryozoa	6
Brachiopoda	3
Ostracodermi	4
Pisces	1
Amphibia	2
Reptilia	2
Aves	10
Mammalia	28
Total	130

13. When the authors of the comments contained in the *Opinions* published in the present volume are grouped by reference

to their country of residence, the distribution is found to be as follows :—

TABLE 5

Distribution of comments relating to individual names, by country of residence of the specialists concerned

<i>Country of Residence</i>	<i>Number of Comments</i>
Argentina	1
Australia	2
Belgium	1
Brazil	5
British West Indies	2
Canada	6
Denmark	1
Finland	1
France	1
Germany	7
Hawaii	1
India	1
Italy	2
Japan	3
Mexico	1
Netherlands	5
New Zealand	2
Poland	4
Switzerland	1
Taiwan	1
Union of Soviet Socialist Republics	1
United Kingdom	39
United States of America	71
Total	159

14. As in the case of preceding volumes in this Series, the Commission is indebted to Miss Mary Cosh, M.A., for the preparation of the indexes of the present volume. In style and scope these indexes follow exactly the models laid down for earlier volumes.

FRANCIS HEMMING

*Secretary to the International Commission
on Zoological Nomenclature*

28 Park Village East,
Regent's Park,
LONDON, N.W.1.

5th July 1957.

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VOLUME 15. Part 27. Pp. i—xii

DECLARATION 30

Clarification of the question of the generic name in combination with which a specific name is to be treated as having been published when the species so named was (a) placed in a previously established nominal genus and (b) also referred to a new nominal genus conditionally established



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Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova Italy*) (16th December 1954)

DECLARATION 30

CLARIFICATION OF THE QUESTION OF THE GENERIC NAME IN COMBINATION WITH WHICH A SPECIFIC NAME IS TO BE TREATED AS HAVING BEEN PUBLISHED WHEN THE SPECIES SO NAMED WAS (a) PLACED IN A PREVIOUSLY ESTABLISHED NOMINAL GENUS AND (b) ALSO REFERRED TO A NEW NOMINAL GENUS CONDITIONALLY ESTABLISHED

DECLARATION :—(1) Where an author, in publishing a name for a new nominal species, cites that name in combination with a previously published generic name but at the same time establishes conditionally a new nominal genus for the taxon so named, the specific name in question is to be treated as having been first published in combination with the previously published generic name.

Example : The specific name *gracilis* published by Lowe in 1843 for a new species of fish which was placed by him in the previously established genus *Seriola* but for which also he then established conditionally the new genus *Cubiceps* is to be treated as having been first published in the combination *Seriola gracilis*.

(2) An author who establishes a nominal species in the manner specified in (1) is to be treated (a) as having first published the name for that species in combination with the previously published generic name and (b) as having later transferred the species so named to the nominal genus then conditionally established for it.

Example : In the case cited in (1) above Lowe is to be treated as having first published the binomen *Seriola gracilis* and as having later transferred the species so

named to the genus *Cubiceps* then conditionally established, the name for the species thus becoming *Cubiceps gracilis* (Lowe, 1843) (a new combination for the name of the previously established nominal species *Seriola gracilis* Lowe, 1843).

I. THE STATEMENT OF THE CASE

On 2nd February 1955, Mr. Francis Hemming, as Secretary, submitted a request for a *Declaration* clarifying the question of the generic name in combination with which a given specific name is to be treated as having been published when the species so named was (a) placed in a previously established nominal genus and (b) also referred to a new nominal genus conditionally established. As explained in the application submitted, the need for a Ruling on this question had arisen in connection with an enquiry which had been received in the Office of the Commission in regard to a specific name in the Class Pisces which had been published in the foregoing manner.¹ The paper so submitted by Mr. Hemming was as follows :—

Request for a "Declaration" prescribing the combination to be attributed to the specific name of a nominal species established as belonging to one genus but for which at the same time another nominal genus is established conditionally

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The object of the present application is to ask the Commission to render a *Declaration* prescribing the combination to be attributed to the specific name of a nominal species established as belonging to

¹ For particulars of the case here referred to see *Opinion* 461 (: 475—484 of the present Volume).

one genus but for which at the same time another nominal genus is established conditionally.

2. The present problem was brought to notice by Mr. Denys W. Tucker (*British Museum (Natural History), London*) who in a letter dated 18th August 1954 raised it in connection with a specific name *gracilis* published by Lowe (R.T.) in 1843 (*Proc. zool. Soc. Lond.* 11 : 81—95) in the following circumstances. On page 82 of this paper Lowe dealt with the “Genus *Seriola* Cuv. & Val.”, this legend appearing as a heading for the portion which followed. Beneath this heading Lowe wrote the name “*Seriola gracilis*”, a name then introduced as the name for a new species. This was followed by a description of the species so named. In this description Lowe referred to the relationship of his new species (*Seriola gracilis*) to the species *Seriola bipinnulata* Quoy & Gaimard, 1825 (*Voy. “Uranie”* (Zool.) : 363). Lowe then added the following note :—“Still it is not unlikely that a comparison of the two fishes may warrant, on some future occasion, their separation from *Seriola* into a genus which may be called *Cubiceps* . . .” The question which arises in this case is whether the specific name *gracilis* Lowe, 1843, should be treated as having been originally published in the combination *Seriola gracilis* or in the combination *Cubiceps gracilis*.

3. The question posed above is not dealt with in the *Règles* and it is the object of the present application to make good this deficiency. The Commission and the International Congress of Zoology have both frowned upon the publication of names conditionally. The Commission did not feel justified in recommending the Congress to insert in the *Règles* a provision invalidating names published in this way and accordingly in 1948 on the proposal of the Commission a provision incorporating the Ruling given previously by the Commission in its *Opinion* 49 (1912, *Smithson. Publ.* 2060 : 112—113) that such names must be accepted as being available as from their original date of publication and authorship was adopted by the Thirteenth International Congress of Zoology (1950, *Bull. zool. Nomencl.* 4 : 144—145, Decision 17). At the same time however the Commission submitted a proposal to the Congress that there should be inserted in the *Règles* a *Recommandation* deprecating the publication of names conditionally. This also was approved by the Congress.

4. It appears to me that the logical course would be to treat a specific name such as *gracilis* Lowe, 1843 (paragraph 2 above) as having been published in combination with the generic name *Seriola* (i.e. in combination with the name of the previously established nominal genus in which it was placed by its author) rather than as having been published in combination with the generic name *Cubiceps* (the name of a nominal genus then conditionally established for the reception of that species, if later this generic separation was judged to be desirable on taxonomic grounds). The foregoing solution of this

problem is supported by Mr. Tucker, the specialist by whom (as noted above) the present problem was brought to the notice of the Commission.

5. I accordingly recommend the Commission to render a *Declaration* on the following lines :—

DRAFT DECLARATION :—Where an author, in publishing a name for a new nominal species, cites that name in combination with a previously published generic name but at the same time establishes conditionally a new nominal genus for the taxon so named, the specific name in question is to be treated as having been first published in combination with the previously published generic name and not in combination with the generic name of the new nominal genus then conditionally established. *Example* : The specific name *gracilis* published by Lowe in 1843 for a new species of fish which was placed by him in the previously established genus *Seriola* but for which also he then established conditionally the new genus *Cubiceps* is to be treated as having been first published in the combination *Seriola gracilis* and not in the combination *Cubiceps gracilis*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Mr. Hemming's application the question of the adoption of a *Declaration* clarifying the position of the generic name in combination with which a given specific name is to be treated as having been published when the species so named was (a) placed in a previously established nominal genus and (b) also referred to a new nominal genus conditionally established was allotted the Registered No. Z.N.(S.) 894.

3. Publication of the present application : The present application was sent to the printer on 4th February 1955 and was published on 31st May in the same year in Part 6 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Hemming, 1955, *Bull. zool. Nomencl.* **11** : 179—180).

4. Issue of Public Notices : Public Notice of the possible adoption of a *Declaration* in the terms proposed was given on 31st May 1955 in like manner as though the present application involved the possible use of the Commission's Plenary Powers (a) in Part 6 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Mr. Hemming's application was

published) and (b) to the other prescribed serial publications. In addition such Notice was given to four general zoological serial publications in Europe and America.

5. Comments received on the present application : Comments on the present application were received from two specialists :— (1) J. Marwick (*New Zealand*) ; (2) Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*). The comments so received are reproduced in the immediately following paragraphs.

6. Support from J. Marwick (New Zealand) : On 8th June 1955, Dr. J. Marwick (*New Zealand*) addressed a letter to the Office of the Commission in which he intimated his support for the present case as follows :—

I am also interested in the Commission making a general ruling as to genera introduced provisionally.

7. Support from Joshua L. Baily, Jr. (San Diego, California, U.S.A.) : On 7th October 1955, Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) addressed the following letter of support for the present case to the Office of the Commission :—

It seems to me to be an anomalous situation that the Commission and the Congress should both frown upon the publication of names conditionally, and at the same time decline to provide a rule by which such names could be invalidated, and immediately deprecate this practice.

Under the rules your petitioner had no other choice ; the course of action which he recommends is the only legal one, and yet it is a thoroughly objectionable one. It would seem to me wiser to reconsider the question of inserting a provision in the rules to invalidate such names, and providing that they could be available only after they were validated in some later publication.

8. No objection received : No objection to the adoption of a *Declaration* in the sense proposed for so long as names published conditionally are accepted as being available was received from any source.

9. Submission of a revised draft of the proposed "Declaration" : On 10th April 1956, Mr. Hemming, following correspondence with Professor J. Chester Bradley (*Cornell University, Ithaca, N.Y., U.S.A.*) prepared for the consideration of the International Commission on Zoological Nomenclature the following paper in the Annexe to which he set out a revised draft of the proposed *Declaration* which he recommended should be substituted for that previously submitted :—

Question of the generic name in combination with which a specific name is to be treated as having been published when the species so named was (a) placed in a previously established nominal genus and (b) also referred to a new nominal genus then conditionally established

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

The present paper is concerned with a proposal published in May 1955 (*Bull. zool. Nomencl.* **11** : 179—180) for the adoption by the International Commission of a *Declaration* clarifying the question of the generic name in combination with which a specific name is to be treated as having been first published when the species so named was (a) placed in a previously established nominal genus and (b) also referred to a new nominal genus then conditionally established.

2. The foregoing proposal arose out of an individual case in the Class Pisces which had been raised by Mr. Denys W. Tucker (*British Museum (Natural History)*) and it will be convenient to take the case so submitted as an example to illustrate the issue involved. In this case an author (Lowe) described a new species to which he decided to give the specific name *gracilis*. He decided to place this species in the genus *Seriola* Cuvier, (1816), but at the same time established conditionally a new nominal genus *Cubiceps* for the reception of this species. The question for decision is whether the name *gracilis* should be treated as having been published in the combination *Seriola gracilis* or in the combination *Cubiceps gracilis*. For the reasons explained in the published application it was recommended that the Commission give a Ruling that a name such as *gracilis* should be treated as having been published in combination with the previously existing generic name (*Seriola*) rather than in combination with the name of the new nominal genus (*Cubiceps*) conditionally established for the species concerned,

3. No objection has been raised to the adoption of a *Declaration* in the foregoing sense but Professor Chester Bradley has drawn attention to the fact that the wording proposed was not altogether satisfactory, for under that wording the conditionally established generic name might in certain cases become a *nomen nudum*. We have accordingly conferred together on the question of the drafting amendment required in order to overcome the foregoing difficulty. We have agreed that the best course will be (a) to omit the words "and not in combination . . . conditionally established" which appeared at the end of the suggested *Declaration* as originally proposed (: 180) and (b) to insert a new Section making clear what is the species to be regarded as having been included in the new nominal genus conditionally established.

4. The revised proposal agreed upon between Professor Bradley and myself is set out in the Annexe to the present note and is now submitted to the Commission for consideration.

ANNEXE

Revised Draft "Declaration"

(submitted jointly by Mr. Hemming and Professor Chester Bradley)

DRAFT DECLARATION :—(1) Where an author, in publishing a name for a new nominal species, cites that name in combination with a previously published generic name but at the same time establishes conditionally a new nominal genus for the taxon so named, the specific name in question is to be treated as having been first published in combination with the previously published generic name.

Example : The specific name *gracilis* published by Lowe in 1843 for a new species of fish which was placed by him in the previously established genus *Seriola* but for which also he then established conditionally the new genus *Cubiceps* is to be treated as having been first published in the combination *Seriola gracilis*.

(2) An author who establishes a nominal species in the manner specified in (1) is to be treated (a) as having first published the name for that species in combination with the previously published generic name and (b) as having later transferred the species so named to the nominal genus then conditionally established for it.

Example : In the case cited in (1) above Lowe is to be treated as having first published the binomen *Seriola gracilis* and as having later transferred the species so named to the genus *Cubiceps* then conditionally established, the name for the species thus becoming

Cubiceps gracilis (Lowe, 1843) (a new combination for the name of the previously established nominal species *Seriola gracilis* Lowe, 1843).

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

10. Issue of Voting Paper V.P.(56)23 : On 26th April 1956, a Voting Paper (V.P.(56)23) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the suggested adoption of a *Declaration* clarifying certain matters arising when a nominal genus is established conditionally as set out in the Annexe to the paper bearing the Registered No. Z.N.(S.)894 submitted by the Secretary simultaneously with the present Voting Paper" [i.e. in the Annexe to the paper reproduced in paragraph 10 of the present *Declaration*].

11. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 26th July 1956.

12. Particulars of the Voting on Voting Paper V.P.(56)23 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)23 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-three (23) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Vokes ; Miller ; Prantl ; Esaki ; Jaczewski ; Hankó ; Dymond ; Bonnet ; Bodenheimer ; Mayr ;

Lemche ; Boschma ; do Amaral ; Riley ; Mertens ;
Cabrera ; Stoll ; Sylvester-Bradley ; Tortonese ; Hemming ;
Kühnelt ; Hering ;

(b) *Negative Votes, one (1) :*

Key ;

(c) *On Leave of Absence, one (1) :*

Bradley (J.C.) ;

(c) *Voting Papers not returned :*

None.

13. Declaration of Result of Vote : On 27th July 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)23, signed a Certificate that the Votes cast were as set out in paragraph 12 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

14. Preparation of the present "Declaration" : On 3rd January 1957, Mr. Hemming prepared the present *Declaration* and at the same time signed a Certificate that the terms of this *Declaration* were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)23.

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Declaration* is accordingly

hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Declaration* shall be known as *Declaration Thirty (30)* of the International Commission on Zoological Nomenclature.

DONE in London, this Third day of January, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 16. Pp. (i)—(xviii)

DIRECTION 59

Determination (a) of the method to be followed in citing for the purposes of zoological nomenclature the several portions in which the *Lepidotteri* volume by Orenzio Gabriele Costa of the work entitled *Fauna del Regno di Napoli* were published, and (b) of the dates which for the foregoing purposes are to be assigned to each of those portions

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN DIRECTION 59

A. The Officers of the Commission

Honorary Life President: Dr. Karl JORDAN (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England*)

President: Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President: Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary: Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election,
as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th
July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw,
Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt
a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu
Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August
1953) (*President*)

Professor Harold E. VOKES (*University of Tulane, Department of Geology, New Orleans,
Louisiana, U.S.A.*) (12th April 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y.,
U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,
Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th
October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November
1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,
Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

DIRECTION 59

DETERMINATION (a) OF THE METHOD TO BE FOLLOWED IN CITING FOR THE PURPOSES OF ZOOLOGICAL NOMENCLATURE THE SEVERAL PORTIONS IN WHICH THE "LEPIDOTTERI" VOLUME BY ORENZIO GABRIELE COSTA OF THE WORK ENTITLED "FAUNA DEL REGNO DI NAPOLI" WERE PUBLISHED AND (b) OF THE DATES WHICH FOR THE FOREGOING PURPOSES ARE TO BE ASSIGNED TO EACH OF THOSE PORTIONS

RULING :—(1) It is hereby ruled that for the purposes of zoological nomenclature :—

- (a) the forty-eight portions of the *Lepidotteri* volume by Orenzio Gabriele Costa of the work entitled *Fauna del Regno di Napoli*, each of which is separately paged with Arabic pagination, are to be cited as though this volume had been published with continuous Arabic pagination, the page numbers so to be allotted, which are to be cited in square brackets ([. . .]), to be those specified in the Appendix (there styled Appendix 5) to the application reproduced in the first paragraph of the present *Direction* ;

- (b) the under-mentioned dates are to be assigned to the several portions in which the volume specified in (a) above was published :—

Pages numbered as prescribed in (a) above

Date to be assigned to pages cited in Col. (1)

(Note :—Dates cited in round brackets (parentheses) are printed on the bend of each of the sheets concerned; dates cited in square brackets have been determined by reference to external evidence.)

(1)	(2)
[1]—[314]	[1836]
[315]—[370]	(1848)
[371]—[402]	(1849)
[403]—[418]	(1850)
[419]—[442]	(1849)

(2) The title of the work specified in (1) above is hereby placed on the *Official List of Works Approved as Available for Zoological Nomenclature* with the Title No. 27, the entry so made to include an endorsement regarding (a) the system of pagination to be used in citing the pages of which the foregoing volume is composed and (b) the dates to be assigned to the several portions of that volume as prescribed in (1) above.

I. THE SUBJECT MATTER OF THE PRESENT “ DIRECTION ”

On 10th October 1956, Mr. Hemming, as Secretary, submitted to the International Commission on Zoological Nomenclature a Paper bearing the Registered No. Z.N.(S.) 462 in which he submitted for consideration recommendations for the addition to the *Official List of Family-Group Names in Zoology* of the family-group names based upon the names of certain genera in

the Sub-Order Heterocera of the Order Lepidoptera (Class Insecta) which were originally published by Linnaeus in 1758 as terms to denote groups of species within the genus *Phalaena* Linnaeus, 1758, and which had been validated as of subgeneric status from Linnaeus, 1758, by the vote taken by the Commission on Voting Paper V.P.(54)43. In the same paper Mr. Hemming recommended the addition to the *Official Index of Rejected and Invalid Family-Group Names in Zoology* of a series of incorrectly formed family-group names based upon the generic names referred to above. Among these names were four names (BOMBYCINI ; NOTTUINI ; TORTRICI ; PYRALIDI) published by Costa (O.G.) in the *Lepidotteri* volume of the work entitled *Fauna del Regno di Napoli*. Mr. Hemming pointed out that, as matters stood, the citation and dating of the various portions in which the foregoing volume was published offered the most formidable difficulties owing to the fact that the 442 pages of which that volume was composed consisted of no less than forty-eight separately paged fragments, some of which actually started on left-hand pages on the verso of pages constituting the concluding page of the immediately preceding fragment. In an Appendix (Appendix 5) to the above paper Mr. Hemming gave an enumeration of the fragments involved and recommended that the Commission, following a practice already adopted in similar cases, should allot to the forty-eight fragments involved a notional series of continuous page numbers in Arabic characters, thus rendering possible the adoption of an intelligible method for citing the pages on which the four family-group names referred to above were first published. The following is an extract of the relevant portion of the paper by Mr. Hemming discussed above :—

Family-group-name problems involved in the decision under the vote taken on Voting Paper V.P.(54)43 to validate as of subgeneric status as from Linnaeus, 1758, certain names in the Order Lepidoptera (Class Insecta) originally published as terms for groups of species within the genus "Phalaena" Linnaeus in 1758 or 1767

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

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16. Four of the Erroneous Subsequent Spellings for family-group names involved in the present case were published in 1832—1836

in the Lepidoptera (*Lepidotteri*) volume of the *Fauna del Regno di Napoli* written by Oronzio Gabriele Costa. This early work is of considerable interest, containing the original description of a number of new species now recognised as being taxonomically valid, together with many original observations in regard to other species. From the point of view, however, of the bibliographer this volume is a veritable nightmare. In all it comprises 442 pages numbered in Arabic numerals (together with the T.P. and preliminary matter numbered in Roman numerals, in all, twelve pages). The extraordinary feature of this work—and one which in my experience is fortunately unique—is that the main text with Arabic pagination is divided into no less than forty-eight sections, each beginning with a page numbered “1” and bearing no indication (by way of sheet marks or otherwise) by which any one of the forty-eight pages numbered as page “1” can be distinguished from any of the forty-seven other pages bearing the same page number. This appears to me to be one of those cases where without the introduction of some adventitious aid the difficulties involved in making an intelligible citation for any given page are quite insuperable. Accordingly, in order to overcome these difficulties, I have allotted continuous pagination to the whole of the arabic-paged portion of this work, the page numbers so allotted being cited in square brackets, this having proved to be the only method of overcoming similar difficulties in providing an intelligible system of notation for the enumeration of the 500 unnumbered plates in Jacob Hübner’s *Geschichte europaischer Schmetterlinge* and of the 491 unnumbered plates in the *Sammlung exotischer Schmetterlinge* of the same author (Hemming, 1937, *Hübner* 1 : 107—136, 401—412). The key to the system of notation so adopted in the present case is given in Appendix 5.

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APPENDIX 5

The “*Lepidotteri*” volume dated 1832—1836 of the work by Oronzio Gabriele Costa entitled “*Fauna del Regno di Napoli*”

Collation and Scheme for numbering the pages in a continuous series of Arabic numerals

The Lepidoptera (*Lepidotteri*) volume of the work entitled *Fauna del Regno di Napoli* was written by Oronzio Gabriele Costa, to whom also the work as a whole is attributable, except certain of the later volumes which were both written and edited by Achille Costa. This volume consists of 454 pages, of which 12 are paged in Roman numerals and 442 in Arabic numerals. There are also 38 coloured plates.

2. The portion of this volume bearing pages with Arabic numerals is divided into forty-eight separately paged sections, each beginning with a page bearing the numer "1". In four cases the pages so numbered are left hand pages actually printed on the back of the last page of the preceding separately paged section.

3. In these circumstances it is not surprising that the citation of bibliographical references to particular entries in this volume has hitherto led to almost insuperable difficulties and is doubtless one of the reasons why this work has been so widely ignored. It contains, however, a number of new names, the references to which for the foregoing reasons have usually been cited in an incomprehensible and often incorrect manner. This volume with its extraordinary and incoherent system of pagination offers indeed greater difficulties for the purposes of citation than if the pages were unnumbered, for in that event an arbitrary system of continuous pagination would long ago have been introduced, as for instance was done by myself for the purpose of providing a basis of reference for the 500 unnumbered plates in Jacob Hübner's *Geschichte europaischer Schmetterlinge* and to the 491 similarly unnumbered plates in the same author's *Sammlung exotischer Schmetterlinge* (Hemming, 1937, Hübner 1 : 107—136, 401—412). For the purposes of my own work I have devised a similar system for referring to the several portions of Costa's *Lepidotteri* volume of his *Fauna del Regno di Napoli*. The system so devised is as follows :—

System of pagination devised for the purpose of making references to the "Lepidotteri" volume of the "Fauna del Regno di Napoli" of Oronzio Gabriele Costa

Page numbers in Costa's "Lepidotteri"	Identification of the first page of the separately paged section cited in Col. (1)	Page numbers allotted to the separately paged section cited in Col. (1)
(1)	(2)	(3)
[1]—2—5	"Ordine X. Lepidotteri"	[1]—[5]
1—2—[3]— [4]—[1 blank]	"Famiglia prima. Lepidotteri Diurni o Parpaglioni"	[6]—[10]
	(Note : The first page of this Section starts on a left-hand page.)	
1—4	"Genere Papilione, <i>Papilio</i> , Lin."	[11]—[14]
1—11— [1 blank]	[The description of "P. Giasone, <i>P. nymphalis Jasius</i> " starts on this page.]	[15]—[26]

<i>Page numbers in Costa's "Lepidotteri"</i>	<i>Identification of the first page of the separately paged section cited in Col. (1)</i>	<i>Page numbers allotted to the separately paged section cited in Col. (1)</i>
(1)	(2)	(3)
1—2	[The description of "T. Issipile, <i>Th. hypsipyle</i> " starts on this page.]	[27]—[28]
1—30	[The description of "P. del Cratego; <i>Pap. Crategi</i> [sic]" starts on this page.]	[29]—[58]
1— [1 blank]	"Libythea"	[59]—[60]
1—2	"Limenitis"	[61]—[62]
1—23— [1 blank]	"Satyrus"	[63]—[86]
1—4	"Hesperias [sic]"	[86]—[90]
1—2	"Famiglia seconda. Lepidotteri Crepuscolari o le Sfingi di Lin."	[91]—[92]
1—22	"Genere Sfinge; <i>Sphinx</i> "	[93]—[114]
1—2	"Genere Progride, <i>Procris</i> , Fab. Latr."	[115]—[116]
1—34	"Famiglia terza. Lepidotteri Notturmi o le Falene di Lin."	[117]—[150]
1—24	"Notturmi. Quinta Sezione, Nottuini"	[151]—[174]
1—2	"Genere Piralide, <i>Pyralis</i> (1), Fabr."	[175]—[176]
1—2	"Sotto-genere Erminea; <i>Herminia</i> , Latr."	[177]—[178]
1—2	"Sotto-genere Ipena; <i>Hypena</i> (1), Schran."	[179]—[180]
1—4	"Sotto-genere Piralide; <i>Pyralis</i> (1), Schran."	[181]—[184]
1—4	"Di una Piralide originaria del Brasile"	[185]—[188]
1—2	"Sotto-genere Scopola; <i>Scopula</i> (1), Schrank"	[189]—[190]

<i>Page numbers in Costa's "Lepidotteri"</i>	<i>Identification of the first page of the separately paged section cited in Col. (1)</i>	<i>Page numbers allotted to the separately paged section cited in Col. (1)</i>
(1)	(2)	(3)
1—5	“ Sottero-genero Bote ; <i>Botys</i> Latr.”	[191]—[195]
1—2	“ Sottero-genero Asopia ; <i>Asopia</i> (1), Trtsk.” [Note : Page 1 of this Section is a left-hand page and is printed on the back of page 5 of the preceding Section.]	[196]—[197]
1—2	“ Sottero-genero Pirausta ; <i>Pyrausta</i> (1), Schrk.” [Note : Page 1 of this Section is a left-hand page and is printed on the back of page 2 of the preceding Section.]	[198]—[199]
1	“ Sottero-genero Ercina ; <i>Hercyna</i> (1), Trtsk.” [Note : The single page of which this Section is com- posed is printed on the back of page 2 of the preceding Section and is thus a left- hand page.]	[200]
1—6	“ Sottero-genero Ninfolia, <i>Nymphula</i> (1) Scrank [sic] ” [Note : This Section starts on a right-hand page, for, although the preceding Sec- tion started on a left-hand page, it consisted, as noted above, of only a single page, the verso of the last page of the preceding Section.]	[201]—[206]
1—2	“ Sottero-genero Ennichia ; <i>Ennychia</i> (1), Trtsk.”	[207]—[208]
1—4	“ <i>Galleria</i> (1) Fabr.”	[209]—[212]
1—24	“ Genere Tignuola, <i>Tinea</i> Latr.”	[213]—[326]

<i>Page numbers in Costa's "Lepidotteri"</i>	<i>Identification of the first page of the separately paged section cited in Col. (1)</i>	<i>Page numbers allotted to the separately paged section cited in Col. (1)</i>
(1)	(2)	(3)
1—8	"Sotto-genere Chillo ; <i>Chilo</i> (1) "	[237]—[244]
1—4	"Sotto-genere Fico ; <i>Phycis</i> (1), Fabr."	[245]—[248]
1—4	"Sotto-genere Lispe ; <i>Lispe</i> (1) "	[249]—[252]
1—8	"Sotto-genere Iponomeuta ; <i>Yponomeuta</i> (1) Latr."	[253]—[260]
1—4	"Sotto-genere Plutella ; <i>Plutella</i> (1) "	[261]—[264]
1— [1 blank]	"Sotto-genere Arpiale ; <i>Harpiterix</i> (1) "	[265]—[266]
1—2	"Genere Palpola ; <i>Palpula</i> (1) Trtsk."	[267]—[268]
1—4	"Sotto-genere Lampro ; <i>Lampros</i> (1) "	[269]—[272]
1—2	"Genere Adela ; <i>Adela</i> (1), Latr."	[273]—[274]
1—16	"Genere Ecofora, <i>Oecophora</i> (1), Latr."	[275]—[290]
1—4	"Genere Elachista : <i>Elachista</i> (1) "	[291]—[294]
1—8	"Sotto-genere Ornice, <i>Ornix</i> (1) "	[295]—[302]
1—4	"Genere Teroforo ; <i>Pterophorus</i> (1), Geoff."	[303]—[306]
[1]—4	"Indice de Lepidotteri del Regno di Napoli "	[307]—[310]
1—4	"Spiegazione delle Tavole che accompagnano questa prima parte di Lepidotteri "	[311]—[314]
1—104	"Geometrae "	[315]—[418]
1—8	"Bombicoidi " (<i>Acronycta</i> , etc.)	[419]—[426]
1—8	"Cocliopodi "	[427]—[434]
1—8	"Limacodes "	[435]—[442]

4. It must be noted also that it was not only in the case of the text that Costa adopted a peculiar method of notation, for he did the same thing when numbering the plates. The total number of plates known is thirty-eight. These were numbered with large roman numerals and were issued in six series, of which the first four commenced with "Tav. I". The two other series are incomplete and it is impossible to determine with what plate number they were intended to commence. These were as follows :—

- (1) Tav. I—VII The species figured are all butterflies. The explanations of these plates are given on page [311] (as numbered in paragraph 3 above), where these plates are grouped under the heading "Lepidotteri Diurni". These plates can therefore be cited without risk of confusion if the words "(Lep. Diurn.)" are inserted after the word Plate (or Tavola) and before the plate number.
- (2) Tav. I—XIV These plates all illustrate moths discussed (at the appropriate points) in the section of the text, the pages of which have been allotted the page numbers [91]—[306] in paragraph 3 above. The explanations of these plates are given on pages [311] to [314] of the "Spiegazione", where they are grouped under the heading "Lepidotteri Notturni". Following the system suggested in (1) for the first series of plates, these plates may safely be cited with the numbers as published, subject to the addition of the words "(Lep. Nott.)" before the plate number.
- (3) Tav. I—XIII These plates are all related to the 104 pages of supplementary text to which the page numbers [315] to [418] have been assigned in paragraph 3 above. These plates may be cited by adding the word "(Geom.)" before the plate number.
- (4) Tav. I One plate so numbered relates to the portion of the text, the pages of which have been assigned the numbers [419] to [426] in paragraph 3 above, i.e. the text relating to the "Bombicoidi". This plate may be cited by adding the word "(Bomb.)" before the plate number.
- (5) Tav. IV One plate so numbered relates to the section of the supplementary text headed "Cocliopodi", the pages of which have been assigned the numbers [427] to [434] in paragraph 3 above. The plate may be cited by adding the word

("Cocl.") before the plate number. There are no plates bearing the numbers I, II, or III relating to this part of the text.

- (6) Tav. XV ; } Two plates bearing the numbers "XV" and
Tav. XVI } "XVI" refer to the portion of the text headed "Limacodes", to which the page numbers [435] to [442] have been assigned in paragraph 3 above. This plate may be cited by adding the word "(Limac.)" before the plate numbers.

5. Most copies of the volume under consideration are incomplete, as might readily be expected, having regard to the almost insuperable difficulties which must have been encountered in collating the various fragments in which it was published. It is believed, however, that the collation given in paragraphs 3 (text) and 4 (plates) above includes all the portions which were published. It corresponds with that given by Hagen (H.A.) (1862, *Bibl. ent.* 1 : 142—143) and by Sherbon (C.D.) (1937, *J. Soc. Bibl. nat. Hist.* 1(2) : 45—47). The present collation has been made from a copy in the British Museum (Natural History), London. This copy is complete, except for the final eight-page section ("Limacodes") and its two accompanying plates (Tav. XV, XVI), the particulars relating to which have been taken from Hagen. It is evident that the volume as now known represents only a portion of that which Costa intended to publish and it is no doubt to this reason that the strange and apparently meaningless method adopted for numbering the last four plates issued must be attributed.

6. The dating of the various portions of this volume also offers great difficulties. Sherbon discovered that in the case of many of the volumes of the *Fauna del Regno di Napoli* the component sheets bore the date of issue printed in very small type so near to the folds of the sheets that in bound copies these were invisible, and their determination involving pulling to pieces the volumes concerned (Sherborn, 1910, *Ann. Mag. nat. Hist.* (8) 5 : 132). Later (1937, *J. Soc. Bibl. nat. Hist.* 1(2) : 35—47) Sherborn published the dates so ascertained. Unfortunately, in the case of the *Lepidotteri* volume the only sheets dated in this way were those of the supplementary text, i.e. the portions headed "Geometrae", "Bombicoidi" and "Cocliopodi" respectively. The dates so established show (1) that, in the case of the "Geometrae" section, pages 1 to 56 appeared in 1848, pages 57 to 88 in 1849 and pages 89 to 104 in 1850, and (2) that the "Bombicoidi" and "Cocliopodi" sections appeared in 1849. For the earlier portion of the volume no evidence is available beyond the date "1832—1836" which appears on the title page and the date "3 Maggio 1836" at the foot of the Dedication of the volume to the Prince of Salerno. The title page is, however, followed by a half-title reading "PARTE PRIMA—LEPIDOTTERI DIURNI, CREPUSCOLARI ED

ALCUNE FAMIGLEI DE'NOTTURNI". It is clear from this evidence that the portion of the volume up to page [314] (as numbered in paragraph 3 above) was complete by some date in 1836, the earliest portions having appeared in 1832. In these circumstances it is not possible to do more than assign the "[1832—1836]" to the foregoing portion of this volume. This means that for the purposes of the Law of Priority names published in this portion rank as from the end of 1836, the earliest date by which they are known to have been published.

2. Registration of the present action : At the time of the receipt of the paper by Mr. Hemming from which extracts have been given in the immediately preceding paragraph, the questions raised therein were allotted the Registered No. Z.N.(S.) 462, the number previously allotted for the consideration of the question of the addition to the *Official List* of the family-group names involved as the result of the validation, as of subgeneric status as from Linnaeus, 1758, of certain terms published in the *Systema Naturae* in that year to denote groups of species within the genus *Phalaena* Linnaeus, because, as it was then considered, certain of these family-group names had been first published by Costa in the work here under consideration. When for the reasons explained in paragraph 8 below it was decided to detach from the foregoing case the special problem raised by the *Lepidotteri* volume by Costa of the work entitled *Fauna del Regno di Napoli*, the latter problem was allotted the new Registered No. Z.N.(S.) 1178.

II. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

3. Issue of Voting Paper V.P.(O.M.)(56)23 : On 10th October 1956 a Voting Paper (V.P.(O.M.)(56)23) was issued to the Members of the International Commission in regard to the proposals submitted in the paper bearing the Registered No. Z.N.(S.) 462, in which the proposals set out in the paper reproduced in the first paragraph of the present *Direction* were then embodied as Appendix 5.

4. Withdrawal from the Scope of Voting Paper V.P.(O.M.)(56)23 of proposals submitted in relation to four-family-group names : On 2nd November 1956, Mr. Hemming, as Secretary, executed a Minute withdrawing from the scope of Voting Paper V.P.(O.M.) (56)23 the proposals submitted therewith in connection with four family-group names published in the *Lepidotteri* volume of Costa's *Fauna del Regno di Napoli*¹.

5. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 10th November 1956.

6. Particulars of the Voting on Voting Paper V.P.(O.M.)(56)23, other than on the proposals withdrawn from the scope of that Voting Paper by the Minute executed by the Secretary on 2nd November 1956 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(56)23, other than on the proposals withdrawn from the scope of that Voting Paper by the Minute executed by the Secretary on 2nd November 1956 referred to in paragraph 5 of the present *Direction* was as follows :—

(a) *Affirmative Votes had been given by the following twenty-two (22) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Vokes ; Sylvester-Bradley ; Tortonese ; Hering ;
do Amaral ; Esaki ; Stoll ; Lemche ; Mayr ; Prantl ;
Riley ; Boschma ; Mertens ; Key ; Jaczewski ; Dymond ;
Cabrera ; Kühnelt ; Bonnet ; Hemming ; Bradley (J.C.) ;

¹ The text of the Minute here referred to has been reproduced in paragraph 28 of *Opinion* 450, the *Opinion* in which has been embodied the portion of the decision taken by the International Commission on Voting Paper V.P.(O.M.) (56)23 which is concerned with the status of individual names. See also paragraph 8 of the present *Direction*.

(b) *Negative Votes :*

None ;

(c) *On Leave of Absence, one (1) :*

Bodenheimer ;

(d) *Prevented from voting by interruption of postal communications consequent upon political disturbances, one (1) :*

Hankó ;

(e) *Voting Papers not returned, one (1) :*

Miller.

7. Declaration of Result of Vote on Voting Paper V.P.(O.M.)

(56)23 : On 12th November 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(56)23, signed a Certificate that the Votes cast were as set out in paragraph 6 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

8. Separation of the decision in regard to matters relating to the "Lepidotteri" volume by Costa (O.G.) in the work entitled

“ *Fauna del Regno di Napoli* ” taken by the International Commission by its vote on Voting Paper V.P.(O.M.)(56)23 from the decisions in regard to certain family-group names and generic names taken by the Commission on the same Voting Paper : By a Minute executed on 12th November 1956 immediately after the signature of the Certificate declaring the result of the vote on Voting Paper V.P.(O.M.)(56)23 (paragraph 7 above) the Secretary executed a Minute giving directions that for the reasons there explained the decision taken by the Commission on the foregoing Voting Paper be divided into two portions, “ namely (a) that the portion relating to individual family-group names and to generic names be included in the *Opinion* embodying the decision previously taken on Voting Paper V.P.(54)43, in which certain of the generic names on which those family-group names are based were validated under the Plenary Powers and (b) that the portion of the decision relating to Costa’s *Lepidotteri* volume of the *Fauna del Regno di Napoli* be rendered separately in a *Direction*.”² In accordance with the directions given in the foregoing Minute the portion of the decision relating to family-group names and to generic names taken by the Commission by its vote on Voting Paper V.P.(O.M.)(56)23 has this day been embodied in *Opinion* 450,³ while the portion embodying the decision relating to Costa’s *Lepidotteri* volume of the *Fauna del Regno di Napoli* taken by the Commission by its vote on the foregoing Voting Paper has been embodied in the present *Direction*.

9. Addition to the “ Official List of Works Approved as Available for Zoological Nomenclature ” of the title of the “ *Lepidotteri* ” volume by Costa (O.G.) of the work entitled “ *Fauna del Regno di Napoli* ” : In the Minute executed on 12th November 1956 under which the decision taken by the International Commission by its vote on Voting Paper V.P.(O.M.)(56)23 was divided into

² The full text of the Minute from which the foregoing is a quotation is reproduced in paragraph 32 of *Opinion* 450.

³ Arrangements have been made for the publication of *Opinion* 450 and of the present *Direction* (*Direction* 59) in consecutive Parts of the current volume (Volume 15) of the “ *Opinions and Declarations* ” Series. *Opinion* 450 is accordingly being issued as Part 15 of the above volume simultaneously with the present *Direction*.

two portions, the one portion to be embodied in an *Opinion* and the other in a *Direction*, to which reference has been made in paragraph 8 above, the Secretary further directed " that, in accordance with the General Directive issued to the International Commission by the Fourteenth International Congress of Zoology, Copenhagen, 1953, regarding the recording of the titles of works on the *Official List of Works Approved as Available for Zoological Nomenclature*, the *Direction* referred to above [i.e. the present *Direction*] shall include a Ruling that the title of the foregoing volume by Costa [i.e. the *Lepidotteri* volume of the work entitled *Fauna del Regno di Napoli*] endorsed, both as to the method to be followed in citing the forty-eight fragments of which it is composed and as to the dates to be assigned to each of those fragments, in the manner prescribed in the decision taken by the Commission in its vote on Voting Paper V.P.(O.M.)(56)23 ".⁴

10. Preparation of the Ruling given in the present " Direction " :

On 16th November 1956, Mr. Hemming prepared the Ruling given in the present *Direction* and at the same time signed a certificate that the terms of that Ruling were in complete accord with those of the proposal relating (a) to the method to be followed in citing for the purposes of zoological nomenclature the several portions in which the *Lepidotteri* volume by Costa (O.G.) of the work entitled *Fauna del Regno di Napoli* were published and (b) to the dates which for the foregoing purposes are to be assigned to each of those portions approved by the International Commission in its vote on Voting Paper V.P.(O.M.)(56)23.

11. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Direction* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

⁴ See Footnote 2.

12. The present *Direction* shall be known as *Direction Fifty-Nine (59)* of the International Commission on Zoological Nomenclature.

DONE in London, this Sixteenth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 1. Pp. 1—24

OPINION 436

Addition to the *Official Indexes of Rejected and Invalid Names in Zoology* of certain names attributed to Renier (S.A.) as from 1804 and 1807 respectively (*Opinion* supplementary to *Opinion 427*)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 436

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(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election,
as prescribed by the International Congress of Zoology*)

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Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 436

ADDITION TO THE " OFFICIAL INDEXES OF REJECTED AND INVALID NAMES IN ZOOLOGY " OF CERTAIN NAMES ATTRIBUTED TO RENIER (S.A.) AS FROM 1804 AND 1807 RESPECTIVELY (" OPINION " SUPPLEMENTARY TO " OPINION " 427)

RULING :—(1) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

(a) *Names included in the anonymous work by Renier (S.A.) known as the " Prospetto delle Classe dei Vermi " and commonly attributed to the year 1804, a work rejected for nomenclatorial purposes as not having been duly published by the Ruling given in " Opinion " 316 :—*

(i) *Discoïdes* [Renier], [1804] (Name No. 814) ;

(ii) *Scolixedion* [Renier], [1804] (Name No. 815) ;

(b) *Names included in the anonymous work by Renier (S.A.) known as " Tavole per servire alle Classificazione e Connescenza degli Animali " and commonly attributed to the year 1807, a work rejected for nomenclatorial purposes as not having been duly published by the Ruling given in " Opinion " 427 :—*

(i) *Alcyonaria* [Renier], [1807] (Name No. 816) ;

(ii) *Cystia* [Renier], [1807] (Name No. 817) ;

(iii) *Rodens* [Renier], [1807] (Name No. 818) ;

(iv) *Tricelia* [Renier], [1807] (Name No. 819) ;

(v) *Tuba* [Renier], [1807] (Name No. 820) ;

(c) *Tuba* Oken, 1816 (a name published in a work rejected by the Ruling given in *Opinion* 417 for nomenclatorial purposes as having been published

- in a work in which the author did not apply the principles of binominal nomenclature) (Name No. 821) ;
- (d) *Tuba* Fabricius (O.), 1823 (a *nomen nudum*) (Name No. 822) ;
- (e) *Tuba* Barrande, 1848 (a junior homonym of *Tuba* Lea, 1833) (Name No. 823) ;
- (f) *Tuba* Quenstedt (F.A.), 1851 (a junior homonym of *Tuba* Lea, 1833) (Name No. 824) ;
- (g) *Tuba* Duchassaing & Michelotti, 1864 (a junior homonym of *Tuba* Lea, 1833) (Name No. 825) ;

(2) The under-mentioned specific names are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Names included in the anonymous work by Renier (S.A.) specified in (1)(a) above (a work rejected for nomenclatorial purposes by the Ruling given in "Opinion" 316) :—*
- (i) *nutans* [Renier], [1804], as used in the combination *Discoides nutans* (Name No. 367) ;
- (ii) *penulatum* [Renier], [1804], as used in the combination *Scolixedion penulatum* (Name No. 368) ;
- (b) *Names included in the anonymous work by Renier (S.A.) specified in (1)(b) above (a work rejected for nomenclatorial purposes by the Ruling given in "Opinion" 427) :—*
- (i) *armillatus* [Renier], [1807], as used in the combination *Rodens armillatus* (Name No. 369) ;
- (ii) *divisa* [Renier], [1807], as used in the combination *Tuba divisa* (Name No. 370) ;

(iii) *nivea* [Renier], [1807], as used in the combination *Cystia nivea* (Name No. 371).

(3) The under-mentioned names of genera belonging to the Class Gastropoda are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Tuba* Lea (I.), 1833 (gender : feminine) (type species, by selection by Cossmann (1912) : *Tuba alternata* Lea (I.), 1833) (Name No. 1039) ;
- (b) *Tubina* (Barrande MS.) Owen (R.), 1859 (gender : feminine) (type species, by monotypy : *Tubina armata* (Barrande MS.) Owen (R.), 1859) (Name No. 1040).

(4) The under-mentioned names of species belonging to the Class Gastropoda are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *alternata* Lea (I.), 1833, as published in the combination *Tuba alternata* (specific name of type species of *Tuba* Lea (I.), 1833) (Name No. 1111) ;
- (b) *armata* (Barrande MS.) Owen (R.), 1859, as published in the combination *Tubina armata* (specific name of type species of *Tubina* Owen (R.), 1859) (Name No. 1112).

I. THE STATEMENT OF THE CASE

The present *Opinion*, which is in the nature of a supplement to *Opinion* 427,¹ contains rulings by the International Commission

¹ Published in 1956 (*Ops. Decls. int. Comm. zool. Nomencl.* 14 : 281—310).

on Zoological Nomenclature as regards the status to be assigned to twelve names (7 generic names ; 5 specific names) out of a total of seventeen names (11 generic names ; 6 specific names) introduced by Renier (S.A.) in two works (the *Prospetto Class. Verm.* attributed to 1804 and the *Tavole serv. Class. Conn. Anim.* attributed to 1807) which have been rejected for nomenclatorial purposes (the former by the Ruling given in *Opinion* 316, the latter by that given in *Opinion* 427) which were expressly reserved for further consideration at the time of the adoption of *Opinion* 427. The proposals on which the decisions embodied in the present *Opinion* were based were submitted to the International Commission by the Secretary on 16th May 1956 in the following paper :—

Proposed addition to the appropriate " Official Indexes of Rejected and Invalid Names " of certain names introduced by Renier (S.A.) in the works " Prospetto Class, Verm." and " Tavole serv. Class. Conn. Anim." commonly attributed to the years 1804 and 1807 respectively and matters incidental thereto

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

The purpose of the present paper is to report to the International Commission the progress made in obtaining information regarding certain names which first appeared either in S. A. Renier's *Prospetto delle Classe dei Vermi* or in that author's *Tavole per servire alle Classificazione e Connescenza degli Animali*, works commonly attributed to the years 1804 and 1807 respectively, which were deliberately left over for further consideration by Dr. Myra Keen (*Stanford University, Stanford, California, U.S.A.*) in her application relating to the foregoing works (Keen, 1954, *Bull. zool. Nomencl.* 9 : 257—262).

2. It will be recalled that in the foregoing application Dr. Keen, after asking that the Commission should reject Renier's *Tavole serv. Class. Conn. Anim.* as not having been duly published and recommending that the majority of the new names in the foregoing work, together with certain names which had first appeared in the *Prospetto Class. Verm.*, should be placed on the appropriate *Official Indexes of Rejected and Invalid Names in Zoology*, proposed that action in the foregoing sense should be postponed in regard to a small number of the names in question in order to " provide an opportunity to specialists to submit

applications for the validation under the Plenary Powers” of any of the generic names concerned “ which may be shown to be in current use ” (: 262, paragraph 12(3)).

3. Dr. Keen’s application was published on 22nd October 1954 and on the same date Public Notice of the possible use by the Commission of its Plenary Powers for the validation of the names specified in this application was given in the prescribed manner. The necessary formal steps have thus been taken for the validation of any of the foregoing names if applications to that end were to be submitted by specialists and were to be approved by the Commission.

4. The names referred to in paragraph 2 above which Dr. Keen recommended should be placed before specialists for discussion were the following:—

- (1) Names included in Renier’s “ *Prospetto Class. Verm.* ”: *Discoides*; *Cerebratulus*; *Polycitor*; *Scolixedion*;
- (2) Names included in Renier’s “ *Tavole serv. Class. Conn. Anim.* ”: *Aglaja*; *Alcyonaria*; *Cystia*; *Rodens*; *Tricelia*; *Tuba*; *Tubulanus*.

5. In a Voting Paper (V.P.(55)2) issued on 19th May 1955 the Commission was invited to vote on all those parts of Dr. Keen’s application which were concerned with matters other than the status to be accorded to the names specified in paragraph 4 above. The proposal so submitted was approved by the Commission and an *Opinion* (*Opinion* 427)² embodying the decisions so taken has now been prepared.

6. The ground has thus been cleared for the consideration by the Commission of the problems relating to the eleven generic names which Dr. Keen had recommended for further consideration. In this, as in other similar cases, it appeared to me as Secretary to the Commission that it would not be sufficient merely to wait for specialists to respond to the Public Notices referred to in paragraph 3 above and that what was required was that this Office should itself examine the issues involved in concert with interested specialists. For help given in these investigations the Commission is particularly indebted to: (1) Dr. Henning Lemche (*Universitetets Zoologiske Museum, Copenhagen*), who has not only provided advice on names of taxa belonging to his own speciality but in addition has taken a great deal of trouble as regards other names in obtaining the views of specialists in the groups concerned; (2) Dr. L. R. Cox (*British Museum (Natural History), London*) who has furnished the most valuable advice in regard to a number of the names concerned and has also most kindly provided a large amount of bibliographical data in regard not only to the names here under discussion but also in regard to the names which

² This *Opinion* was published on 26th October, 1956 (*Ops. Decls. Int. Comm. zool. Nomencl.* 14 : 281–310).

in her application Dr. Myra Keen had recommended should at once be placed on the various *Official Indexes*. Finally, the Commission is much indebted to Dr. Keen who has followed closely the investigations undertaken in regard to the eleven generic names that had been reserved for further consideration and who is in agreement with the recommendations which are now submitted to the Commission for consideration.

7. The result of the investigations which have been undertaken are set out in the Annexes attached to the present paper, of which the first is concerned with names included in Renier's *Prospetto* and the second with names in his *Tavole*.

8. It will be seen from these Annexes that a *prima facie* case has been established for the use by the Commission of its Plenary Powers for validating four out of the eleven generic names included in the list submitted by Dr. Myra Keen, together with some or all of the specific names introduced by Renier for species placed by him in the genera concerned. In addition, a *prima facie* case has been established for the validation of one specific name in common use which was introduced by Renier in combination with a generic name which is not currently employed and which it is considered should not be validated. At the close of the investigations under discussion the two Registered Files which had been opened in 1954 for the consideration of all matters arising in connection with Dr. Keen's proposal that consideration should be given to the possible validation of certain names introduced by Renier in the *Prospetto* (Z.N.(S.) 832) and in the *Tavole* (Z.N.(S.) 897) were closed; the documents relating to the names which the investigation had shown should be rejected, i.e. those relating to the names dealt with in the present paper, were thereupon re-registered under the Number Z.N.(S.) 1091 and separate Files were opened for the further consideration of those names, the possible validation of which should, it was proposed, be investigated by the Commission in greater detail. The names so reserved and the Registered Files which have been opened for their consideration are as follows:—

(a) *Generic names and associated specific names:—*

- (i) *Cerebratulus* Renier, [1804]: File Z.N.(S.) 1095
- (ii) *Polycitor* Renier, [1804]: File Z.N.(S.) 1096
- (iii) *Aglaja* Renier, [1807]: File Z.N.(S.) 1092
- (iv) *Tubulanus* Renier, [1807]: File Z.N.(S.) 1094

(b) *One specific name:—*

- (v) *variopedata* Renier, [1807], as used in the combination *Tricelia variopedata*: File Z.N.(S.) 1093.

9. The information given in the Annexes to the present paper shows clearly, in my opinion, that there would be no justification for

the use of the Commission's Plenary Powers for validating any of the other names included in Dr. Myra Keen's list and I recommend that these names should all be placed on the appropriate *Official Indexes of Rejected and Invalid Names in Zoology*. In this recommendation I am supported by Dr. Cox, Dr. Keen and Dr. Lemche. In the case of one of the names concerned (*Tuba*) there are several homonyms which are objectively invalid, quite irrespective of the status of the name as used by Renier. Dr. Cox has suggested that these invalid homonyms should now be placed on the *Official Index*. At the same time he has recommended that the senior of these homonyms, *Tuba* Lea, 1833, which is an indisputably available name and is in current use for a genus of Gastropoda from the Eocene should be placed on the *Official List*. Finally, he has suggested that a similar course should be followed as regards a generic name (*Tubina* Owen, 1859) which has in the past sometimes been incorrectly treated as having been published as a substitute name for one of the invalid homonyms referred to above, but which is in fact the oldest name for a taxonomically valid genus.

10. The recommendations now submitted are as follows:—

(1) *Names recommended to be placed on the "Official Index of Rejected and Invalid Generic Names in Zoology"*:

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> (a) <i>Discooides</i> Renier, [1804] (b) <i>Scolixedion</i> Renier, [1804] (c) <i>Alcyonaria</i> Renier, [1807] (d) <i>Cystia</i> Renier, [1807] (e) <i>Rodens</i> Renier, [1807] (f) <i>Tricelia</i> Renier, [1807] (g) <i>Tuba</i> Renier, [1807] | } | <p>Names introduced in a work rejected for nomenclatorial purposes (V.P. (55) 2)</p> |
| <ul style="list-style-type: none"> (h) <i>Tuba</i> Oken, 1816 (published in a work rejected for nomenclatorial purposes by the Ruling given in <i>Opinion</i> 417) (i) <i>Tuba</i> Fabricius (O.), 1823 (a <i>nomen nudum</i>) (j) <i>Tuba</i> Barrande, 1848 (k) <i>Tuba</i> Quenstedt (F. A.), 1851 (l) <i>Tuba</i> Duchassaing & Michelotti, 1864 | } | <p>Junior homonyms of <i>Tuba</i> Lea, 1833</p> |

(2) *Names recommended to be placed on the "Official Index of Rejected and Invalid Specific Names in Zoology"* (names introduced in a work rejected for nomenclatorial purposes):

- (a) *nutans* Renier, [1804], as used in the combination *Discooides nutans*;
- (b) *penulatum* Renier, [1804], as used in the combination *Scolixedion penulatum*;

- (c) *armillatus* Renier, [1807], as used in the combination *Rodens armillatus*;
- (d) *divisa* Renier, [1807], as used in the combination *Tuba divisa*;
- (e) *nivea* Renier, [1807], as used in the combination *Cystia nivea*.
- (3) *Names recommended for addition to the "Official List of Generic Names in Zoology"*:
- (a) *Tuba* Lea (I.) 1833 (gender: feminine) (type species, by selection by Cossmann (1912): *Tuba alternata* Lea (I.), 1833) (Class Gastropoda);
- (b) *Tubina* Owen (R.), 1859 (gender: feminine) (type species, by monotypy: *Tubina armata* Owen, 1859); (Class Gastropoda);
- (4) *Names recommended for addition to the "Official List of Specific Names in Zoology"*:
- (a) *alternata* Lea (I.), 1833, as published in the combination *Tuba alternata* (specific name of type species of *Tuba* Lea (I.), 1833);
- (b) *armata* Owen (R.), 1859, as published in the combination *Tubina armata* (specific name of type species of *Tubina* Owen, 1859).

11. A word of explanation is needed as to the reason why in the bibliographical references cited in Annexe 2 for the later of the two works by Renier here discussed the title is cited in square brackets. The British Museum (Natural History), London, possesses a photostat reproduction of the only extant copy of this work now preserved in the library of the University of Padua. This copy was supplied by the University Authorities to the late C. D. Sherborn when he was preparing his great work the *Index Animalium*. Dr. L. R. Cox who has already placed on record (1954, *Bull. zool. Nomencl.* 9 : 265) that the title page of this copy is wanting, has since informed me (*in litt.*, 19th January 1956) that: "There is a note bound up with our photographic copy of the tables that 'the title here quoted [*Tavole per servire alla classificazione e conoscenza degli animali*] is copied from Engelman's *Bibl. Hist. Nat.*, p. 339'. The title quoted is given on the note in question as beginning with 'Tavole' [not 'Tavola'], as one would expect, as there are several tables . . . It would appear that no copy of the original title-page, if there ever was one, is now in existence."

The title quoted above is the title habitually attributed to this work and is clearly the title which should be employed. As explained above, it is, however, a reconstructed title obtained from a later author. It is for this reason that this title is here cited in square brackets.

12. The present Voting Paper is divided into two Parts. In Part 1 the Members of the Commission are invited to vote on the question of the admission to the *Official Indexes of Rejected and Invalid Names in Zoology* of the objectively invalid names specified in Sections (1) and (2) of paragraph 10 above. In Part 2 the Members of the Commission are invited to vote on the question of the admission to the *Official Lists* of valid names of the names specified in Sections (3) and (4) of the paragraph referred to above.

ANNEXE 1

Names included in Renier's "Prospetto della Classe dei Vermi" commonly attributed to the year 1804 which in Application Z.N.(S.) 688, paragraph 12(3)(a), Dr. Myra Keen recommended should not be rejected until an opportunity had been given to specialists to state whether the names concerned were in current use.

- (1) *Discoides* Renier, [1804], *Prospetto Class. Verm.* : XVI
Discoides nutans Renier, [1804], *Prospetto Class. Verm.* : XVI

Dr. Henning Lemche has reported (28th October 1954) that the generic name *Discoides* Renier has for a long time been a threat to the extremely well-known generic name *Pleurobranchus* Cuvier, 1804 (*Ann. Mus. Hist. nat., Paris* 5(28) : 275 and pl. 18) in Mollusca. The name is considered to be a *nomen dubium* and is not in use (Lemche ; Keen (: 259)). There is thus no case whatever for validating either this generic name or the specific name *nutans* Renier, the name of the sole species placed in this genus in the *Prospetto*.

- (2) *Cerebratulus* Renier, [1804], *Prospetto Class. Verm.* : XXI
Cerebratulus bilineatus Renier, [1804], *Prospetto Class. Verm.* : XXI
Cerebratulus marginatus Renier, [1804], *Prospetto Class. Verm.* : XXI.

In her original application Dr. Myra Keen reported (: 259) that she had been informed by Dr. Olga Hartman, specialist in Annelida, that

the name *Cerebratulus* is in use in Nemertes. Dr. Lemche has provided (27th May 1955) the following valuable supplementary note :—

Cerebratulus : This is the current name for a very important genus of nemertean of the family LINEIDAE. Even the specific name *marginatus* Renier is quoted in many textbooks. It is likely that this species will be found to be the type species of this genus, though definite information on this subject is not at present available. The following references show the use of the name *Cerebratulus* :—

Delle Chiaje, 1829, *Memoria* 4 : tav. 62, figs. 9 and 16

Hubrecht, 1886, *Challenger Rep.* 54 : 37

Claus-Grobbem-Kuhn, 1932, *Lehrbuch d. Zool.* (10th Ed.) : 534

Hyman, 1951, *The Invertebrates* 2 : 463

[Tokio Kaburaki & Shiro Okuda], 1953, *Nippon Dobutsu Zukan* (Revised Ed.) : 1472. [In this work the authors' names are given only in Japanese. The book itself has the subsidiary English title "Illustrated Encyclopedia of the Fauna of Japan (exclusive of Insects)". For the foregoing bibliographical particulars relating to this work I am indebted to Professor Teiso Esaki, to whom I applied for assistance].

I have been unable to find any other name for this genus.

This clearly is a case where in the interest of maintaining continuity and avoiding unnecessary name-changing it is desirable that a detailed statement of the case should be placed before the Commission before any decision is taken on the question whether the above names should be placed on the *Official Indexes of Rejected and Invalid Names in Zoology*.

(3) *Polycitor* Renier, [1804], *Prospetto Class. Verm.* : XVII

Polycitor crystallinus Renier, [1804], *Prospetto Class. Verm.* : XVII

Dr. Lemche has reported (27th May 1955) that the genus *Polycitor* Renier is the type genus of the subfamily POLYCITORINAE of the Tunicate family CLAVELINIDAE and that the binomen *Polycitor crystallinus* Renier is also in use. Dr. Lemche added that it was his intention to consult Dr. R. H. Miller (*Marine Station, Milport, Scotland*). On 16th February 1956 Dr. Lemche kindly communicated the following report which he had received from Dr. Miller :—

The names *Polycitor* Renier and *P. crystallinus* Renier are still in current use. The species has recently been reviewed and redescribed by Carlisle (1953, *Proc. zool. Soc. Lond.* Vol. 123, pt. 2, pp. 259—265), and there is no doubt, in my opinion, that any change in the generic name would cause confusion . . . The first occasion on which a name in the family-group level was established on the name *Polycitor* was :—Family POLYCITORIDAE Micharlson,

W., 1904, "Revision der compositen Styeliden oder Polyzoinen" (*Jahrb. Wiss. Anst. Hamburg*, Vol. 21, pages 2 and 83). On that occasion the name was used in the proper Latinised form.

The information supplied by Dr. Lemche and Dr. Miller shows clearly that the present case requires further investigation before either the generic name *Polycitor* Renier or the specific name *crystallinus* Renier is placed on the *Official Indexes of Rejected and Invalid Names in Zoology*.

- (4) *Scolixedion* Renier, [1804], *Prospetto Class. Verm.* : XX
Scolixedion penulatum Renier, [1804], *Prospetto Class. Verm.* : XX

In recording this name Neave (1940, *Nomencl. zool.* 4 : 150) was unable even to assign it to a given Phylum with any certainty, being forced to content himself with the notation "Verm. (*Inc. sed.*)". In her application Dr. Keen observed that, if the name *Scolixedion* Renier were to be accepted, it would displace the name *Serpulorbis* Sassi, 1827 (Class Gastropoda). This latter taxon was treated by Thiele (1931, *Handb. Mollk.* 1 : 483) as a subgenus of *Vermetus* Daudin, 1800. It is clear from the information collected that there would be no case for validating the generic name *Scolixedion* Renier.

ANNEXE 2

Names included in Renier's "Tavole per servire alle Classificazione e Connescenza degli Animali" commonly attributed to the year 1807 which in Application Z.N.(S.) 688, paragraph 12(3)(b), Dr. Myra Keen recommended should not be rejected until an opportunity had been given to specialists to state whether the names concerned were in current use.

- (1) *Aglaja* Renier, [1807], [*Tavole serv. Class. Conn. Anim.*]: Tav. VIII
Aglaja depicta Renier, [1807], [*Tavole serv. Class. Conn. Anim.*]:
 Tav. VIII
Aglaja tricolorata Renier, [1807], [*Tavole serv. Class. Conn. Anim.*]:
 Tav. VIII

Applications for the validation of the generic name *Aglaja* Renier under the Plenary Powers have been received independently from two different sources. It would therefore clearly be inappropriate for any action to be taken by the Commission in regard to this generic name, pending the consideration of the applications referred to above. The

same applies to the specific names *depicta* Renier and *tricolorata* Renier as used in combination with the foregoing generic name.

- (2) *Alcyonaria* Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] : Tav. IV

Dr. Lemche has drawn attention (27th May 1955) to the fact that the term *ALCYONARIA* has been used on a number of occasions to denote groups of Ordinal or Sub-Ordinal value in the Phylum Coelenterata. He states that it does not seem to have been used as a generic name and adds that its use in such a sense would be extremely unwelcome. In these circumstances there would clearly be no case for the validation of the name *Alcyonaria* Renier, [1807], under the Plenary Powers.

- (3) *Cystia* Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] : Tav. VII
Cystia nivea Renier, [1807], [*Tavole serv. Class. Conn. Amin.*] : Tav. VII

The generic name *Cystia* Renier was cited by Neave (1939, *Nomencl. zool.* 1 : 953) as the name of a genus of Mollusca. It was not mentioned, however, in Thiele's *Handb. d. Mollk.* of 1928 (Lemche, *in litt.*, 27th May 1955). Dr. Myra Keen stated in her application (: 259) that, if this name were to be re-introduced, it would displace the name *Limatula* Wood, 1839 (*Mag. nat. Hist.* (n.s.) 3 : 235). It is clear that there would be no justification for the use of the Plenary Powers to validate either the generic name *Cystia* Renier or the specific name *nivea* Renier as used in the combination with that generic name.

- (4) *Rodens* Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] : Tav. VI
Rodens armillatus Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] : Tav. VI

Dr. Lemche reported (27th May 1955) as follows : “ *Rodens* is said in Neave's *Nomenclator* to be a Polychaete, but as such it is absolutely unknown. The name appears never to have been used”. Clearly no case can exist for the validation of either of the foregoing names.

- (5) *Tricelia* Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] : Tav. VI
Tricelia variopedata Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] : Tav. VI

Dr. Keen stated (: 259) that she had consulted Dr. Olga Hartman, specialist in Annelida, who had informed her that the name *Tricelia*

Renier was a synonym of *Chaetopterus* Cuvier, 1830 (*Règne. Anim.* (ed. 2) 3 : 208) (Polychaeta). In these circumstances there would clearly be no advantage in validating the generic name *Tricelia* Renier.

On the other hand, the specific name *variopedata* Renier, as used in the combination *Tricelia variopedata*, is, Dr. Lemche reports (*in litt.*, 27th May 1955), the "very well-known name for an extremely strange polychaete which is known to most students of zoology because of its peculiar outline and strong powers of luminescence". Dr. Lemche added: "I think that it is essential to keep this specific name". Clearly the future disposal of this name is a matter which calls for consideration by the Commission.

- (6) *Tuba* Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] : Tav. VI
Tuba divisa Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] :
 Tav. VI

Dr. Lemche has reported (*in litt.*, 27th May 1955) as follows: "*Tuba divisa* Renier is a polychaete now generally known as *Myxicola infundibulum* Mont. There is no reason for preserving Renier's names". It is accordingly considered that there would be no justification for the use of the Commission's Plenary Powers on behalf of these names.

In commenting on this name, Dr. L. R. Cox (British Museum (Natural History)), after stating that, so far as he knew, the names *Tuba* Renier and *Tuba divisa* Renier had not been adopted in the group concerned, drew attention to the fact that the name *Tuba* had at later dates been introduced as the generic name for no less than three genera in the Class Gastropoda. The first of these was *Tuba* Fabricius (O.), 1823 (*Fortegnelse* : 80), which was a *nomen nudum*, for, although Fabricius cited certain specific names in connection with this generic name, he cited no author's name in connection with these specific names and the names concerned include such names as *fasciata*, which by 1820 had already been published in several genera of molluscs, for example, in the genera *Trochus*, *Turbo*, etc., and as regards which it is impossible to determine what were the nominal species which Fabricius intended to place in this genus, for which he gave no "indication" in words of any kind. The second name is *Tuba* Lea, 1833 (*Contrib. Geol.* : 127) and the third is *Tuba* Quenstedt, (F.A.), 1851 (*Handb. Petrefaktenkunde* : 422). In addition, there are also the following generic names consisting of the word *Tuba*, of which it is necessary to take account : (a) *Tuba* Oken, 1815 (*Lehrbuch Naturgesch.* 3(1) : 383) (a name published in a work rejected for nomenclatorial purposes by the Ruling given in *Opinion* 417, now in the press³) ; (b) the following names which are junior homonyms of *Tuba* Lea,

³ This *Opinion* was published on 1st September, 1956, (*Ops. Decls. Int. Comm. zool. Nomencl.* 14 : 1-42).

1833 (the first generic name consisting of the word *Tuba* to be validly published with an "indication"): (i) *Tuba* Barrande, 1848 (in Verneuil, *Bull. Soc. géol. France* (2) 5 : 376); (ii) *Tuba* Duchassaing & Michelotti, 1864 (*Natuurk. Verh. Wet. Haarlem* (3) 21 (No. 3) : 44).

Dr. L. R. Cox has recommended that all the names cited above, with the exception of *Tuba* Lea, which is an available name, should be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*. As regards *Tuba* Lea, 1833, Dr. Cox has advised as follows:—

The genus *Tuba* Lea (L.), 1833 was founded on three fossil species of Gastropod from the Eocene of Alabama. The name has been used quite widely and is in current use for species from the English Eocene. English palaeontologists (including Dr. F. E. Eames) whom I have consulted consider that *Tuba* Lea should be retained. I therefore recommend that it should be placed on the *Official List of Generic Names* and that the name of its type species should be placed on the *Official List of Specific Names*. The references are: *Tuba* Isaac Lea, 1833, *Contributions to Geology*: 127 (type species, by selection by M. Cossmann, 1912 (*Essais de Paléoconchologie comparée*, Livr. 9 : 13): *Tuba alternata* Lea, 1833 (: 128), Eocene of Alabama).

In the same report Dr. Cox, referring to the name *Tubina* Owen, 1859, which has in the past sometimes been treated incorrectly as a replacement name for *Tuba* Barrande, 1848, wrote: "The name *Tubina* was published by R. Owen in 1859 (*Ency. brit.* (8th ed.) 17 (Article on Palaeontology) : 111). Its type species by monotypy is *Tubina armata* (Barrande MS.), Owen, 1859 (*ibid.*: 111, Fig. 17). This generic name is the oldest name for the genus concerned and is in use for it. This name and also the specific name of its type species should be placed on the *Official Lists*".

- (7) *Tubulanus* Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] Tav. VI
Tubulanus polymorphus Renier, [1807], [*Tavole serv. Class. Conn. Anim.*] : Tav. VI.

In her original application (: 259) Dr. Keen stated that, according to Bronn's *Classen und Ordnungen des Thier-Reichs*, the genus *Tubulanus* Renier was the type genus of the family TUBULANIDAE in Nemertes. Dr. Lemche (in *litt.*, 27th May 1955), after confirming that the *Tubulanus* was the type genus of the family TUBULANIDAE, said that this was one of the best known Nemertean genera. Dr. Lemche then proceeded as follows: "On a very few occasions this genus has been called by the name *Carinella* Johnston, 1833, but, today as in the past, the name *Tubulanus* is the one known for the animals in question. The following references show the use of this generic name:—

Delle Chiaje, 1829, *Memoria* 4: Tav. 62, figs. 8 & 12 (*T. polymorphus* Renier)

Fauvel, 1928, *Faune de France* 16 : 77

Claus-Grobben-Kühn, 1932, *Lehrbuch d. Zool.* (10th Ed.) : 534

Hyman, 1951, *The Invertebrates* 2 : 497 (also the family name TUBULANIDAE)

[Tokio Kaburaki & Shiro Okuda], 1953, *Nippon Dobutsu Zukan* (Revised Ed.) : 1474” [In this work the authors' names are given only in Japanese. The book itself has the subsidiary English title “Illustrated Encyclopedia of the Fauna of Japan (exclusive of Insects)”. For the foregoing bibliographical particulars relating to this work I am indebted to Professor Teiso Esaki, to whom I applied for assistance.]

2. Registration of the present application : The names which form the subject of the present *Opinion* were first brought to the attention of the International Commission in an application submitted by Dr. Myra Keen which on receipt was allotted the Registered Number Z.N.(S.) 688. The major part of that application was concerned with the status of Renier's *Tavole serv. Class. Conn. Anim.* and it was only incidentally that in it Dr. Keen raised also the question of the possibility of the validation by the Commission of certain names in the same author's *Prospetto Class. Verm.*, a work which, together with a third work of Renier's known as the *Tavola alfabetica*, had already been the subject of an application (Z.N.(S.) 432) by Dr. L. R. Cox. For the purpose of dealing with the names covered by Dr. Keen's application, it was judged to be more convenient to restrict Commission File Z.N.(S.) 688 to matters connected with the *Tavole* and to open a new file (Z.N.(S.) 832) for the consideration of the names in the *Prospetto* which Dr. Keen had suggested should be preserved. In August 1952 a decision was taken by the Commission on Dr. Cox's application and in April 1954 that decision was embodied in *Opinion* 316, the File (Z.N.(S.) 432) on which that case had been considered being thereupon closed. In October 1955 a decision was taken by the International Commission on all aspects of Dr. Keen's application except those concerned with the seventeen names (of which six appeared in the *Prospetto* and eleven in the *Tavole*) which Dr. Keen had suggested should be reserved for further consideration. When in April 1956 the decision so taken was embodied in *Opinion* 427, the earlier Files Z.N.(S.) 688 and 832 were closed and a new Registered

Number, Z.N.(S.) 1091, was allotted for the consideration of the seventeen names which had been reserved for further examination.

3. Procedure adopted for the submission of the present case to the International Commission on Zoological Nomenclature for decision : The proposals put forward in the present application related to two very different types of case, namely : (1) proposals for the final rejection of certain names which had appeared in works by Renier which had already been declared to be unavailable in Rulings given by the Commission in *Opinion 316* and *Opinion 427* respectively and for the possible validation of which no support had been forthcoming, notwithstanding the issue of Public Notices relating to the possible use by the Commission of its Plenary Powers to validate the names in question ; (2) proposals for the addition to the *Official List of Generic Names in Zoology* and to the *Official List of Specific Names in Zoology* of certain available names in current use. In these circumstances the Secretary took the view that the proper course would be to divide the required Voting Paper into two Parts, in the first of which each Member of the Commission would be asked to state whether he agreed that no case had been established for the validation under the Plenary Powers of the Renier names dealt with in the application, while in Part 2 of the Voting Paper the Members of the Commission would be asked to vote either for, or against, the addition to the *Official Lists* of the available names in current use which had been recommended for such treatment in the application submitted.

II. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

4. Issue of Voting Paper V.P.(O.M.)(56)8 : On 16th May 1956 a Voting Paper (V.P.(O.M.)(56)8) was issued to the Members of

the Commission for the purpose of obtaining a decision on the proposals submitted in this case, the Voting Paper so issued being divided into two Parts in the manner explained in paragraph 3 above, namely :—

- (i) In Part 1 of the foregoing Voting Paper each Member of the Commission was invited to state whether he was “ of the opinion that there is no case for the validation by the Commission under its Plenary Powers (a) of any of the generic names attributable to Renier, specified in Section (1) of paragraph 10 of the paper bearing the Registered Number Z.N.(S.) 1091 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in the Section numbered as above in paragraph 10 of the paper reproduced in paragraph 1 of the present *Opinion*] or (b) of any of the specific names specified in Section (2) of the paragraph referred to above and accordingly ” whether he agreed “ that, in conformity with the General Directive relating to the placing of objectively invalid names on the *Official Indexes* established for the recording of such names issued to the International Commission by the Thirteenth International Congress of Zoology, Paris, 1948, and with the Directive supplementary thereto issued to the Commission by the said Congress in relation to the inclusion in the Ruling to be given in any particular case of decisions on all matters arising in connection therewith, the proposals set out in the said paragraph of the paper referred to above for the addition to the *Official Indexes of Rejected and Invalid Generic and Specific Names in Zoology* respectively of the generic and specific names there specified be approved ”, and, if in any given case he was not of the above opinion, to indicate that case.

- (ii) In Part 2 of the foregoing Voting Paper each Member of the Commission was invited to vote either for, or against “ the addition of the names specified in Sections (3) and (4) of paragraph 10 of the paper by the Secretary cited in Part 1 of the present Voting Paper to the *Official List of Generic Names in Zoology* and to the *Official List*

of Specific Names in Zoology respectively as there recommended”.

5. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 16th June 1956.

6. Particulars of the Voting on Part 1 of Voting Paper V.P.(O.M.)(56)8 : At the close of the Prescribed Voting Period, the state of the voting on Part 1 of Voting Paper V.P.(O.M.)(56)8 was as follows :—

(a) *Votes in favour of the rejection of all the names introduced by Renier specified in Sections (1) and (2) of paragraph 10 of the paper submitted concurrently with the foregoing Voting Paper (arranged in the order in which Votes were received) (twenty-four (24) votes) :*

Holthuis ; Stoll ; Vokes ; Mayr ; Bonnet ; Bodenheimer ; Dymond ; Hering ; do Amaral ; Mertens ; Lemche ; Key ; Esaki ; Miller ; Riley ; Bradley (J.C.) ; Hemming ; Kühnelt ; Tortonese ; Sylvester-Bradley ; Boschma ; Prantl ; Jaczewski ; Hankó ;

(b) *Votes in favour of the validation under the Plenary Powers of one or more of the names specified in (a) above :*

None ;

(c) *Voting Papers not returned, one (1) :*

Cabrera.

7. Particulars of the Voting on Part 2 of Voting Paper V.P.(O.M.)(56)8 : At the close of the Prescribed Voting Period, the state of the voting on Part 2 of Voting Paper V.P.(O.M.)(56)8 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Stoll ; Vokes ; Mayr ; Bonnet ; Bodenheimer ; Dymond ; Hering ; do Amaral ; Mertens ; Lemche ; Key ; Esaki ; Miller ; Riley ; Bradley (J.C.) ; Hemming ; Kühnelt ; Tortonese ; Sylvester-Bradley ; Boschma ; Prantl ; Jaczewski ; Hankó ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned, one (1) :*

Cabrera.

8. Declaration of Result of Vote : On 25th June 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P. (O.M.)(56)8, signed a Certificate that the Votes cast were as set out in paragraphs 6 and 7 above and declaring that the proposals submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

9. Preparation of the Ruling given in the present "Opinion" : On 4th October 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(O.M.)(56)8.

10. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Alcyonaria [Renier], [1807], [*Tav. serv. Class. Conn. Anim.*] :
Tav. IV

alternata, *Tuba*, Lea (I.), 1833, *Contrib. Geol* : 128

armata, *Tubina* (Barrande M.S.), Owen (R.), 1859, *Ency. brit.*
(8th Ed.) 17 (Article on Palaeontology) : 111, fig. 17

armillatus, *Rodens*, [Renier], [1807], [*Tav. serv. Class. Conn. Anim.*] : Tav. VI

Cystia [Renier], [1807], [*Tav. serv. Class. Conn. Anim.*] : Tav VII

Discoides [Renier], [1804], [*Prospetto Class. Verm.*] : XVI

divisa, *Tuba*, [Renier], [1807], [*Tav. serv. Class. Conn. Anim.*] :
Tav. VI

nivea, *Cystia*, [Renier], [1807], [*Tav. serv. Class. Conn. Anim.*] :
Tav. VII

nutans, *Discoides*, [Renier], [1804], [*Prospetto Class. Verm.*] :
XVI

penulatum, *Scolixedion*, [Renier], [1804], [*Prospetto Class. Verm.*] :
XX

Rodens [Renier], [1807], [*Tav. serv. Class. Conn. Anim.*] : Tav. VI

Scolixedion [Renier], [1804], [*Prospetto Class. Verm.*] : XX

Tricelia [Renier], [1807], [*Tav. serv. Class. Conn. Anim.*] : Tav. VI

Tuba [Renier], [1807], [*Tav. serv. Class. Conn. Anim.*] : Tav. VI

Tuba Oken, 1815, *Lehrbuch Naturgesch.* 3(1) : 383

Tuba Fabricius (O.), 1823, *Fortegnelse* : 80

Tuba Lea (L.), 1833, *Contrib. Geol.* : 127

Tuba Barrande, 1848, in Verneuil, *Bull. Soc. géol. France* (2)5 : 376

Tuba Quenstedt (F.A.), 1851, *Handbuch Petrefaktenk.* : 422

Tuba Duchassaing & Michelotti, 1864, *Natuurk. Verh. Wet. Haarlem* (3) 21 (No. 3) : 44

Tubina (Barrande M.S.) Owen (R.), 1859, *Ency. brit.* (8th Ed.) 17 (Article on Palaeontology) : 111

11. The reference for the type selection for the genus *Tuba* Lea, 1833, specified in Section (3)(a) of the Ruling given in the present *Opinion* is as follows: Cossmann (M.), 1912, *Essais de Paléoconchologie comparée*, Livr. 9 : 13.

12. **Family-Group Name Problems** : No family-group name problems arise in connection with names dealt with in the present *Opinion*.

13. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. The present *Opinion* shall be known as *Opinion* Four Hundred and Thirty-Six (436) of the International Commission on Zoological Nomenclature.

DONE in London, this Fourth day of October, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 2. Pp. 25—40

OPINION 437

Validation under the Plenary Powers of the generic name
Pachyceras Bayle, 1878 (Class Cephalopoda, Order
Ammonoidea) by the suppression of the name *Pachyceras*
Ratzeburg, 1844 (Class Insecta, Order Hymenoptera)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 437

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President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election,
as prescribed by the International Congress of Zoology)

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(1st January 1947)

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Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,*
Canberra, A.C.T., Australia) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th
October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November
1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,*
Massachusetts, U.S.A.) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 437

VALIDATION UNDER THE PLENARY POWERS OF THE
GENERIC NAME "PACHYCERAS" BAYLE, 1878
(CLASS CEPHALOPODA, ORDER AMMONOIDEA)
BY THE SUPPRESSION OF THE NAME
"PACHYCERAS" RATZEBURG, 1844
(CLASS INSECTA, ORDER
HYMENOPTERA)

RULING :—(1) Under the Plenary Powers the generic name *Pachyceras* Ratzeburg, 1844 (Class Insecta, Order Hymenoptera), is hereby suppressed for the purposes both of the Law of Priority and of the Law of Homonymy.

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers 1041 and 1042 respectively :—

- (a) *Pachyceras* Bayle, 1878, as validated under the Plenary Powers in (1) above (gender : neuter) (type species, by monotypy : *Ammonites lalandeanus* d'Orbigny, 1848) (Class Cephalopoda, Order Ammonoidea) ;
- (b) *Roptrocerus* Ratzeburg, 1848 (gender : masculine) (type species, by selection by Ashmead (1904) : *Pachyceras xylophagorum* Ratzeburg, 1844) (Class Insecta, Order Hymenoptera).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers 1113 and 1114 respectively :—

- (a) *lalandeanus* d'Orbigny, 1848, as published in the combination *Ammonites lalandeanus* (specific name

of type species of *Pachyceras* Bayle, 1878) (Class Cephalopoda, Order Ammonoidea);

- (b) *xylophagorum* Ratzeburg, 1844, as published in the combination *Pachyceras xylophagorum* (specific name of type species of *Roptrocerus* Ratzeburg, 1848) (Class Insecta, Order Hymenoptera).

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Nos. 826 and 827 respectively :—

- (a) *Pachyceras* Ratzeburg, 1844, as suppressed under the Plenary Powers in (1) above ;
- (b) *Lalandeites* Breistroffer, 1947 (a junior objective synonym of *Pachyceras* Bayle, 1878).

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name No. 125 :—PACHYCERATIDAE Buckman (S.S.), 1918 (type genus : *Pachyceras* Bayle, 1878).

I. THE STATEMENT OF THE CASE

On 10th April 1952, Dr. W. J. Arkell (*Sedgwick Museum, Cambridge University*) submitted to the International Commission on Zoological Nomenclature the following application for the suppression under the Plenary Powers of the generic name *Pachyceras* Ratzeburg, 1844 (Class Insecta, Order Hymenoptera) (Living), for the purpose of validating the well-known name

Pachyceras Bayle, 1878 (Class Cephalopoda, Order Ammonoidea) (Jurassic) :—

Proposed use of the Plenary Powers to validate the generic name “*Pachyceras*” Bayle, 1878 (Class Cephalopoda, Order Ammonoidea ; Jurassic) by suppressing the generic name “*Pachyceras*” Ratzeburg, 1844 (Class Insecta, Order Hymenoptera ; Living)

By W. J. ARKELL, M.A., D.Sc., F.R.S.

(*Sedgwick Museum, Cambridge University*)

The object of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers for the purpose of validating the long-established and well-known generic name *Pachyceras* Bayle, 1878 (Class Cephalopoda, Order Ammonoidea : Jurassic) by suppressing under the same Powers the generic name *Pachyceras* Ratzeburg, 1844 (Class Insecta, Order Hymenoptera : Living). The considerations involved in this case are set out below.

2. The generic name *Pachyceras* Bayle (1878 : pl. 43) has as its type species by monotypy *Ammonites lalandeanus* d'Orbigny (1848 : 477, pl. 175), from the Oxford Clay.

3. For more than seventy years this common and widespread genus has been known in the literature under the name *Pachyceras* Bayle, and it has never been referred to in geological works by any other name. The generic name *Pachyceras* is current in all monographs, treatises, and text-books of palaeontology and geology.

4. For the last thirty-six years *Pachyceras* has been type genus of a family PACHYCERATIDAE Buckman (1918 : xiii), which has been referred to in all works dealing with the classification of Jurassic ammonites (lastly in Arkell, 1950 : 363, as subfamily).

5. It was first revealed by Neave's "Nomenclator" (1940) that this generic name was preoccupied by *Pachyceras* Ratzeburg (1844 : table, 40, 217) a genus of the Order Hymenoptera.

6. The only worker who appears so far to have noticed that *Pachyceras* Bayle is an invalid name is Breistroffer (1947), who in a list of nomenclatorial corrections renamed it *Lalandeites*, with type species *Ammonites lalandeanus* d'Orbigny by original designation,

7. At the same time Breistroffer provided a new name ERYMNOCERATIDAE Breistroffer, 1947, for the family PACHYCERATIDAE Buckman, 1918 (*Erymnoceras* Hyatt, 1900, being another nominal genus included by Buckman in his family PACHYCERATIDAE).

8. In selecting the *Procès-Verbaux mensuels de la Soc. Sci. du Dauphiné* (26 an., no. 195, pages not numbered) as the channel for publishing this and other new generic and family names which palaeontologists all over the world are bound to adopt from the date of publication (April, 1947), Breistroffer seems to have overestimated the speed and extent of circulation of this serial. At least, although a specialist in Jurassic ammonites, who habitually watches literature-recording serials, I did not come across the paper until 1952. Its title and content had not then appeared in the *Zoological Record*. Meanwhile the generic name *Pachyceras* has been used in at least three more monographs dealing with ammonites of this and allied genera, by authors of three different nationalities (Swiss, French, British) : Jeannet, 1951 ; Basse, 1952 ; Arkell, 1952.

9. Neave's "Nomenclator" also showed that in 1848, in the second volume of the same work, Ratzeburg himself withdrew his *Pachyceras* of 1844, believing it to have been preoccupied by *Pachycerus* Schoenherr, 1823, and renamed it *Roptrocerus*. Since a difference of one letter is now considered enough to preclude two generic names being classed as homonyms, *Roptrocerus* Ratzeburg, 1848, falls as junior synonym of *Pachyceras* Ratzeburg, 1844, which is valid.

10. Considering the hardship that would be involved in a change of name for *Pachyceras* Bayle and PACHYCERATIDAE Buckman, I wrote early in 1952 to some leading entomologists, enquiring whether they would oppose an application for the suppression of *Pachyceras* Ratzeburg, 1844, in favour of *Roptrocerus* Ratzeburg, 1848.

11. Dr. G. J. Kerrich (*Commonwealth Institute of Entomology, London*) writes (18 Feb. 1952) : "*Pachyceras* Ratz. has come into use to some extent, but in the past it has been less used than *Roptrocerus* (or *Rhoptrocerus*). My personal opinion is that no strong objection would be raised to the suppression of *Pachyceras* Ratz., 1844, to enable the name to be used in the ammonites."

12. Dr. Ch. Ferrière (*Muséum d'Histoire Naturelle, Genève*) writes (26 Feb. 1952) that *Pachyceras* Ratz., 1844, was re-established in 1923 and since then has come back into general use in both Europe and America, and "although it would not bring very great confusion to come back to *Roptrocerus*, I do not think it would be convenient to change the name again . . . the name is now found in all the newest literature and catalogues . . . I do not know the importance of the ammonite genus *Pachyceras* Bayle, and it would be good and interesting

to put the question before the International Commission on Nomenclature". In a more recent communication (dated 18th April 1952) Dr. Ferrière, in acknowledging the receipt of the draft of the present application which I had sent him, wrote :—"As the question has been put forward, I am willing to agree with you and to support, if necessary, your proposition."

13. Dr. B. D. Burks (*U.S. Department of Agriculture, Bureau of Entomology and Plant Quarantine, Washington, D.C.*) writes (17th March 1952): "I would not, personally, have any objections to suppressing *Pachyceras* Ratzeburg, in favour of your ammonite usage, and using *Roptrocerus* instead for the chalcid. Most of the literature, especially in economic entomology, has *Roptrocerus*. I find in our files about 100 references using *Roptrocerus*, but only 25 under *Pachyceras*. In my opinion, a suspension of the rule of priority should not be made for the convenience of taxonomists alone (we can change name usages relatively easily), but if a scientific name has gotten into use in the non-taxonomic literature, as in text-books, in hand-books for the use of amateurs, in works on distribution and ecology, and the like, there is reason to consider retaining that name even though it does not have priority. It is for you to decide whether or not the name *Pachyceras*, as an ammonite, has been widely enough used that its change would work a genuine hardship."

14. In the light of these helpful letters from three of the leading specialists concerned with the group of insects to which *Pachyceras* Ratzeburg belongs, I have reviewed the geological literature in which *Pachyceras* Bayle is used and have decided to present the case for decision. Although aware that the name *Pachyceras* for an ammonite has at present no legal standing, I submit that it has been used in good faith by palaeontologists and geologists of all nations for so long and so widely that a change of name now would constitute a hardship and would cause confusion; and that although a replacement name was published in 1947, it appeared in a publication so obscure that other workers have not yet become aware of it, while entomologists already have in the name *Roptrocerus* a substitute name for use for the ichneumon which appears to be as familiar as *Pachyceras*, and which has been in use for over 100 years and has been used more often than *Pachyceras*.

15. Besides the recent works already mentioned, namely a general classification of Jurassic ammonites (Arkell, 1950) and monographs on faunas from Switzerland (Jeannet, 1951), Arabia (Arkell, 1952) and Madagascar (Basse, 1952), the name *Pachyceras* appears in such standard works on ammonites as Buckman (1918) and Roman (1938), and in geological survey memoirs on India (Spath, 1928) and on French North Africa (Lucas, 1942), as well as in the leading standard text-books of both geology (Haug, 1910) and palaeontology (Zittel, 1881—5 and all successive editions to the latest, Zittel, 1924).

16. I therefore appeal to entomologists to accept the inconvenience of reverting to the use of *Roptrocerus* Ratzeburg, 1848, instead of *Pachyceras* Ratzeburg, 1844.

17. Realising that, if the Commission decides to grant the present application, it will be necessary for it not only to place the generic name *Roptrocerus* Ratzeburg, 1848, on the *Official List of Generic Names in Zoology* but also to place on the *Official List of Specific Names in Zoology* the name of the type species of that genus or, if that is not the oldest available name for that species, whatever is the oldest name, I applied to Dr. Kerrich for the information needed to enable me to complete this part of the present application. Dr. Kerrich has kindly supplied the following particulars :—(1) The nominal genus *Pachyceras* Ratzeburg, 1844, was established with two included nominal species, both then described as new. These were :—(a) *Pachyceras xylophagorum* (: 218) and *Pachyceras eccoptogastris*, the latter being only briefly diagnosed by reference to the former. Neither of these nominal species was designated as type species of this genus. (2) The nominal genus *Roptrocerus* Ratzeburg, 1848 (2 : 209) was established as a substitute for *Pachyceras* Ratzeburg, 1844 (in the mistaken belief that it was a junior homonym of *Pachycerus* Schoenherr, 1826) and the same species were referred to it as had been referred to *Pachyceras* Ratzeburg, 1844. Again Ratzeburg did not designate a type species. (3) The first author to select a type species for either nominal genus was Ashmead who in 1904 (*Mem. Carnegie Mus.* 1(4) : 388) selected the nominal species *Pachyceras xylophagorum* Ratzeburg, 1844, to be the type species of *Roptrocerus* Ratzeburg, 1848.

18. I now ask the International Commission on Zoological Nomenclature :—

- (1) to use its Plenary Powers to suppress the generic name *Pachyceras* Ratzeburg, 1844, for the purposes both of the Law of Priority and of the Law of Homonymy ;
- (2) to place the under-mentioned names on the *Official List of Generic Names in Zoology* :—
 - (a) *Pachyceras* Bayle, 1878, as validated by the Ruling recommended in (1) above (gender : neuter) (type species, by monotypy : *Ammonites lalandeanus* d'Orbigny, 1848) ;
 - (b) *Roptrocerus* Ratzeburg, 1848 (gender : neuter) (type species, by selection by Ashmead (1904) : *Pachyceras xylophagorum* Ratzeburg, 1844) ;
- (3) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
 - (a) *lalandeanus* d'Orbigny, 1848, as published in the combination *Ammonites lalandeanus* (specific name of type species of *Pachyceras* Bayle, 1878) ;

- (b) *xylophagorum* Ratzeburg, 1844, as published in the combination *Pachyceras xylophagorum* (specific name of type species of *Roptrocerus* Ratzeburg, 1848) ;
- (4) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
- (a) *Pachyceras* Ratzeburg, 1844, as proposed under (1) above to be suppressed under the Plenary Powers ;
- (b) *Lalandeites* Breistroffer, 1947 (a junior objective synonym of *Pachyceras* Bayle, 1878) ;
- (5) to place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* :—PACHYCERATIDAE Buckman (S.S.), 1918 (type genus : *Pachyceras* Bayle, 1878).

References

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- Basse, E. 1952. Macrocephalidés du sud-ouest de Madagascar. *Mém. Soc. géol. France (n.s.)* **30** : 88, 91
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- Breistroffer, M. 1947. Notes de nomenclature paléozoologique. *Procès-Verbaux mensuels Soc. Sci. du Dauphiné*, 26 année, no. 195 (pages not numbered)
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- Lucas, G. 1942. Description géologique des Monts de Ghar Rouban et du Sidi el Abed, *Bull. Serv. Carte géol. Algérie*, (2) **16** : 365
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- Orbigny, A. d'. 1842—51. *Paléontologie française*, Terrains jurassiques, Céphalopodes
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- Zittel, K. A. 1924. *Grundzüge der Paläontologie* : 575

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Arkell's application the question of the use of the Plenary Powers for the validation of the generic name *Pachyceras* Bayle, 1878, was allotted the Registered Number Z.N.(S.) 670.

3. Publication of the present application : The present application was sent to the printer on 22nd November 1954 and was published on 31st January 1955 in Part 1 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Arkell, 1955, *Bull. zool. Nomencl.* 11 : 28—32).

4. Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56) Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 31st January 1955 (a) in Part 1 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Arkell's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given to a number of general zoological serial publications. Further, as the present case involved the name of an insect as well as the name of an ammonite, Public Notice was given to six entomological serials as well as to three palaeontological serials in Europe and America.

5. Comments received : The proposal submitted in this case was supported from the entomological side by the following three

specialists when the present application was in course of preparation, namely :—(a) Dr. G. J. Kerrich (*British Museum (Natural History), London*), whose communication is reproduced in paragraph 11 of the application submitted ; (b) Dr. Ch. Ferrière (*Muséum d'Histoire Naturelle, Genève*) (paragraph 12 of the application) ; (c) Dr. B. D. Burke (*U.S. Department of Agriculture, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.*) (paragraph 13 of the application). In addition, after the publication of Dr. Arkell's application two further communications were received in support of the action proposed, one from an entomologist and the other from an ammonite specialist. These communications are reproduced in the immediately following paragraphs.

6. Support received from Professor J. Chester Bradley (Cornell University, Division of Entomology, Ithaca, N.Y., U.S.A.) : On 2nd June 1955, Professor J. Chester Bradley (*Cornell University, Division of Entomology, Ithaca, N.Y., U.S.A.*) addressed a communication to the Office of the Commission commenting on a number of recently published applications, in which as regards the present application he indicated his support as follows :—
“ *Pachyceras* (Z.N.(S.) 670). Agreed.”

7. Support from Dr. D. T. Donovan (Department of Geology, University of Bristol, England) : On 14th November 1955, Dr. D. T. Donovan (*Department of Geology, University of Bristol, England*) addressed a letter to the Office of the Commission regarding two of Dr. Arkell's applications. Dr. Donovan's remarks concerning the present case were as follows :—

I agree with Dr. Arkell's contention that the ammonite name *Pachyceras* Bayle, 1787, is in universal and common use, and support his application for its validation, provided that the suppression of *Pachyceras* Ratzeburg, 1844 (Order Hymenoptera), does not cause undue inconvenience to entomologists. May I add my disapproval to that implied by Dr. Arkell in section 8 of his application, of the mode of publication of substitute names chosen by Breistroffer. In my view names proposed to replace well-known but invalid existing names should be published in a journal of national standing and international circulation.

8. No objection received : No objection to the use of the Plenary Powers in the manner proposed in this case was received either from the ammonite or from the entomological side.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

9. Issue of Voting Paper V.P.(55)14 : On 5th August 1955, a Voting Paper (V.P.(55)14) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the name *Pachyceras* Bayle, 1878, and associated names set out in Points (1) to (5) in paragraph 18 on pp. 31 to 32 in Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

10. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 5th November 1955.

11. Particulars of the Voting on Voting Paper V.P.(55)14 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)14 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Bodenheimer ; Holthuis ; Riley ; Vokes ; Stoll ; Hering ; Bradley (J.C.) ; Lemche ; Prantl ; Hankó ; Mayr ;

do Amaral¹; Esaki ; Kühnelt ; Dymond ; Sylvester-Bradley ; Key ; Jaczewski¹; Mertens ; Bonnet ; Hemming ; Miller ; Cabrera ; Boschma ; Tortonese ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

12. **Correction of the gender proposed to be assigned to the generic name "Roptrocerus" in the application submitted :** In returning their completed copies of Voting Paper V.P.(55)14, Commissioner do Amaral and Commissioner Jaczewski each indicated that, in his opinion, the neuter gender assigned to the generic name *Roptrocerus* Ratzeburg, 1848, was incorrect and that the correct gender of this name was the masculine gender. On receipt of these comments the following action was taken by the Secretary :—

(1) A Report was asked for from Professor L. W. Grensted, Consulting Classical Adviser to the Commission, who on 11th October 1955, reported as follows :—

I am sure that Senhor do Amaral is perfectly right. The principle is that which I followed in my article TRICHO CERIDAE in 1949 *Ent. mon. Mag.* 84 : 280, 281, where I shewed that names in "-cera" must be treated as feminine, and names in "-ceros" or "-cerus" as masculine. "*Roptrocerus*" is

¹This Commissioner when returning his Voting Paper indicated that in his view the correct gender for the name *Roptrocerus* was masculine and not neuter, the gender attributed to it in the application submitted. See paragraph 12 of the present *Opinion*.

in fact an adjectival noun, Latinised from a form *-κέρωσ* and not from *-κερωσ*. It comes under the principle of Copenhagen Decisions 84(3). The point is quite plain.

- (2) Following the receipt of Professor Grensted's report, Mr. Hemming, as Secretary, executed on 3rd November 1955, a Minute in the following terms :—

“ *Roptrocerus* ” Ratzburg, 1848 : *gender of generic name*

The Report dated 11th October 1955, received from Professor L. W. Grensted, Consulting Classical Adviser, shows conclusively that the correct gender for the generic name *Roptrocerus* Ratzburg, 1848, is, as stated by Commissioners do Amaral and Jaczewski, the masculine gender and not the neuter gender attributed to it in the application submitted in this case.

2. Accordingly, as Secretary to the International Commission, I now direct that the gender to be attributed to the foregoing name be corrected to the masculine gender and that that gender be treated as adopted by the International Commission when taking its decision in the present case.

13. Declaration of Result of Vote : On 5th November 1955, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)14, signed a Certificate that the Votes cast were as set out in paragraph 11 above, and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

14. Preparation of the Ruling given in the present “ Opinion ” : On 5th October 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)14, subject to the adjustment specified in the Minute executed by the Secretary on 3rd November 1955, reproduced in paragraph 12 of the present *Opinion*.

15. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

lalandeanus, *Ammonites*, d'Orbigny, 1848, *Paléont. franç.*, Terr. jurass., Céphal. : 477, pl. 175

Lalandeites Breistroffer, 1947, *P. V. mens. Soc. Sci. Dauphiné* 26 (195) (pages not numbered)

Pachyceras Ratzeburg, 1844, *Die Ichneumoniden* 1 : Table facing page 40, 217

Pachyceras Bayle, 1878, *Explic. Carte géol. France* 4 (Atlas) : pl. 43

Roprocercus Ratzeburg, 1848, *Die Ichneumoniden* 2 : 208

xylophagorum, *Pachyceras*, Ratzeburg, [March] 1844, *Die Ichneumoniden* 1 : 218

16. The following is the original reference for the family-group name placed on the *Official List of Family-Group Names in Zoology* :—PACHYCERATIDAE Buckman (S.S.), 1918, *Type Ammonites* 2 : xiii.

17. The following is the reference for the type selection for *Roprocercus* Ratzeburg, 1848, specified in Section (2)(b) of the Ruling given in the present *Opinion* :—Ashmead, 1904, *Mem. Carnegie Mus.* 1(4) : 388.

18. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

19. The present *Opinion* shall be known as *Opinion Four Hundred and Thirty-seven (437)* of the International Commission on Zoological Nomenclature.

DONE in London, this Fifth day of October, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 3. Pp. 41—50

OPINION 438

Validation under the Plenary Powers of the generic name
Rhinopteraspis Jaekel, 1919 (Class Ostracodermi)

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Issued 8th January, 1957

INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 438

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale, "G. Doria," Genova, Italy*) (16th December 1954)

OPINION 438

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "RHINOPTERASPIS" JAEKEL, 1919 (CLASS OSTRACODERMI)

RULING :—(1) Under the Plenary Powers the generic name *Archaeoteuthis* Roemer, 1855 (Class Ostracodermi) is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1043 : *Rhinopteraspis* Jaekel, 1919 (Class Ostracodermi), as validated under the Plenary Powers under (1) above (gender : feminine) (type species, by original designation : *Palaeoteuthis dunensis* Roemer, 1855).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1115 : *dunensis* Roemer, 1855, as published in the combination *Palaeoteuthis dunensis* (specific name of type species of *Rhinopteraspis* Jaekel, 1919).

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers 830 and 831 respectively :—

- (a) *Palaeoteuthis* Roemer, 1855 (a junior homonym of *Palaeoteuthis* d'Orbigny, [1850]) ;
- (b) *Archaeoteuthis* Roemer, 1855, as suppressed under the Plenary Powers under (1) above,

I. THE STATEMENT OF THE CASE

On 14th October 1954 Dr. Errol I. White (*British Museum (Natural History), London*) and Dr. H. W. Ball (*British Museum (Natural History), London*) submitted to the International Commission on Zoological Nomenclature the following application in which they asked for the suppression under the Plenary Powers of the generic name *Archaeoteuthis* Roemer, 1855, a name which had not been used since the paper in which it was first published, in order to validate its junior objective synonym, the well-established name *Rhinopteraspis* Jaekel, 1919 (Class Ostracodermi) :—

**Proposed use of the Plenary Powers to validate the generic name
“*Rhinopteraspis*” Jaekel, 1919, by suppressing the name
“*Archaeoteuthis*” Roemer, 1855 (Class Ostracodermi)**

By ERROL I. WHITE, Ph.D., D.Sc.

(*Department of Geology, British Museum (Natural History), London*)

and

H. W. BALL, B.Sc., Ph.D.

(*Department of Geology, British Museum (Natural History), London*)

The object of the present application is to seek the assistance of the International Commission on Zoological Nomenclature for preserving the well-established generic name *Rhinopteraspis* Jaekel, 1919, by the use of its Plenary Powers for suppressing its senior objective synonym *Archaeoteuthis* Roemer, 1855, a name which has been completely overlooked, not having been used since the time when it was first published. The facts of this case are summarised in the following paragraphs.

2. In 1855 (*Palaeontographica* 4 : 72) Roemer (F.) described a fossil from the Lower Devonian of the Eifel as the guard of a species of cuttlefish, for which also he established a new genus. He named this species *Palaeoteuthis dumensis*. In the same year, finding that the generic name *Palaeoteuthis* Roemer, 1855, was invalid, being a junior homonym of the name *Palaeoteuthis* d'Orbigny, [1850] (*Prodr. Paléont.* 1 : 327) Roemer published the substitute name *Archaeoteuthis* (1855, in Bronn, *Lethaea geogn.* (3rd ed.) 1 : 520). However, three years later T. H. Huxley pointed out (1861, *Quart. J. geol. Soc. Lond.* 17 : 163)

that the specimen described by Roemer was not a cephalopod guard, as Roemer had supposed, but was the ventral plate of a pteraspid "fish" (Ostracoderm) and referred it to the genus *Pteraspis* Kner, 1847, itself, since it showed, in his opinion, no characters of generic value to differentiate it from *Pteraspis*. (We may here note that the specimen is imperfect and incidentally that in the original paper it was figured upside down, and further that the ventral plates (or discs) do not show generic characters in most pteraspids.) Since the publication of Roemer's papers nearly one hundred years ago, the name *Archaeoteuthis* has not been used by any author. Up to 1919, the type species (*P. dunensis*) was referred either to *Pteraspis* or to its junior synonym *Scaphaspis* Lankester, 1865.

3. In 1919 O. Jaekel (*SitzBer. Ges. Naturf. Freunde Berlin 1919 : 74*) made *Palaeoteuthis dunensis* Roemer the type species of a new genus, to which he gave the name *Rhinopteraspis* on the ground of the characteristic dorsal armour found associated with ventral plates referable to the foregoing species. It has since been shown by Brotzen (1936, *Ark. Zool.* **28A** (No. 22) : 13) and by White (1938, *Quart. J. geol. Soc. Lond.* **94** : 85) that a number of forms share the outstanding characters of Jaekel's genus. These forms are of stratigraphical significance, and in consequence the name *Rhinopteraspis* has come increasingly into use.

4. In these circumstances it is recommended that the name *Rhinopteraspis* Jaekel, 1919, should be validated by the suppression of the name *Archaeoteuthis* Roemer, 1855, under the Plenary Powers, a name which has not been used since its original publication, is embarrassingly inappropriate, and, when first published, was accompanied by no generic characters relevant to the group to which it belongs. The International Commission is accordingly asked :—

- (1) to use its Plenary Powers for the purpose of suppressing the generic name *Archaeoteuthis* Roemer, 1855, for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (2) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology* : *Rhinopteraspis* Jaekel, 1919 (gender : feminine) (type species, by original designation : *Palaeoteuthis dunensis* Roemer, 1855) ;
- (3) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *dunensis* Roemer, 1855, as published in the combination *Palaeoteuthis dunensis* (specific name of type species of *Rhinopteraspis* Jaekel, 1919) ;

(4) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—

- (a) *Palaeoteuthis* Roemer, 1855 (a junior homonym of *Palaeoteuthis* d'Orbigny, [1850]) ;
- (b) *Archaeoteuthis* Roemer, 1855 (as suppressed under the Plenary Powers under (1) above).

5. The genus *Rhinopteraspis* Jaekel is not the type genus of a taxon belonging to any family-group and accordingly no question arises of placing any such name on the *Official List of Family-Group Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of the joint application by Dr. White and Dr. Ball the question of the validation under the Plenary Powers of the generic name *Rhinopteraspis* Jaekel, 1919, was allotted the Registered Number Z.N.(S.) 863.

3. Publication of the present application : The present application was sent to the printer on 22nd November 1954 and was published on 31st January 1955 in Part 2 of Volume 11 of the *Bulletin of Zoological Nomenclature* (White & Ball, 1955, *Bull. zool. Nomencl.* **11** : 66—67).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56) Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 31st January 1955 (a) in Part 2 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which the joint application by Dr. White and Dr. Ball was published) and (b) to the other prescribed serial publications. In addition such

Notice was given also to a number of general zoological serial publications and to certain palaeontological serial publications in Europe and America.

5. Support received : Support for the action proposed in this case was received from four specialists, two in the United Kingdom and two in Germany. The communications so received are reproduced in the immediately following paragraphs.

6. Support received from Dr. D. L. Dineley (University College of the South West, Exeter) : On 12th April 1955 Dr. D. L. Dineley (*University College of the South West, Exeter*) addressed the following letter of support for the present case to the Office of the Commission (Dineley, 1955, *Bull. zool. Nomencl.* **11** : 266) :—

I write in support of the recommendations made by E. I. White and H. W. Ball. The recommendations are, I am sure, perfectly reasonable and necessary. The genus *Rhinopteraspis* is likely to be of considerable importance in the study of Lower Devonian stratigraphy in Britain as work upon the British pteraspids continues and it is desirable that matters of nomenclature such as these be settled at the earliest date.

7. Support received from Professor Leonard J. Wills (Birmingham, England) : On 17th April 1955 Professor Leonard J. Wills (*Birmingham, England*) addressed the following letter of support for the present case to the Office of the Commission (Wills, 1955, *Bull. zool. Nomencl.* **11** : 266) :—

I would like to support the proposal by E. I. White and H. W. Ball to validate the name *Rhinopteraspis* Jaekel, by suppressing the name *Archaeoteuthis* Roemer, as I think this would be a considerable improvement for the reasons stated in their paper.

8. Support from Professor W. Gross (Humboldt-Universität zu Berlin, Germany) : On 25th April Professor W. Gross (*Humboldt-Universität zu Berlin, Germany*) intimated his support in the present case in the following terms :—

Dem Antrag der Herren Dr. E. I. White und Dr. H. W. Ball (Commission Reference Z.N.(S.) 863), den formal gültigen Namen

Archaeoteuthis Roemer (1855) durch den Namen *Rhinopteraspis* Jaekel (1919) zu ersetzen, stimme ich vollinhaltlich zu. Die Begründung des Antrages durch die genannten Autoren ist klar und überzeugend. Die Frage, ob die Erhebung der bisherigen Art *Pteraspis dunensis* zu einer neuen Gattung *Rhinopteraspis* notwendig ist, kann verschieden beurteilt werden. Sie betrifft aber nicht den Inhalt des Antrages. Wird die Abtrennung der Gattung durchgeführt, so ist der bereits vielfach genannte Name *Rhinopteraspis* unbedingt dem irreführenden und kaum in Gebrauch gewesenen Namen *Archaeoteuthis* vorzuziehen.

9. Support from Dr. Wolfgang Schmidt (Amt für Bodenforschung Landesstelle Nordrhein-Westfalen, Germany) : On 16th May 1955 Dr. Wolfgang Schmidt addressed a letter to the Commission in the following terms :—

Unter der Voraussetzung, dass die Bildung einer selbständigen Gattung für die bisher unter dem Namen *Pteraspis dunensis* Roemer, 1855, bekannte Art gerechtfertigt erscheint, stimme ich dem Ersuchen der beiden Autoren White & Ball zu.

10. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

11. Issue of Voting Paper V.P.(55)18 : On 9th November 1955 a Voting Paper (V.P.(55)18) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Rhinopteraspis* Jaekel, 1919, as set out in Points (1) to (4) in paragraph 4 on page 57 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

12. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 9th February 1956.

13. Particulars of the Voting on Voting Paper V.P.(55)18 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)18 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Vokes ; Bodenheimer ; Bradley (J.C.) ; Mayr ; Riley ; Dymond ; Prantl ; Sylvester-Bradley ; Lemche ; Esaki ; do Amaral ; Hankó ; Key ; Boschma ; Jaczewski ; Mertens ; Cabrera ; Stoll ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Hemming ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

14. Declaration of Result of Vote : On 10th February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P. (55)18, signed a Certificate that the Votes cast were as set out in paragraph 13 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

15. Preparation of the Ruling given in the present “ Opinion ” : On 18th October 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate

that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)18.

16. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Archaeoteuthis Roemer, 1855, in Bronn, *Lethaea geogn.* (ed. 3) 1 : 520

dunensis, *Palaeoteuthis*, Roemer, 1855, *Palaeontographica* 4 : 72

Palaeoteuthis Roemer, 1855, *Palaeontographica* 4 : 72

Rhinopteraspis Jaekel, 1919, *SitzBer. Ges. Naturf. Freunde Berlin* 1919 : 74

17. Family-Group-Name Aspects : It is explained in the application submitted in the present case that the generic name *Rhinopteraspis* Jaekel has not been taken as the base for a family-group name.

18. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

19. The present *Opinion* shall be known as *Opinion* Four Hundred and Thirty-Eight (438) of the International Commission on Zoological Nomenclature.

DONE in London, this Eighteenth day of October, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 4. Pp. 51—66

OPINION 439

Designation under the Plenary Powers of a type species
in harmony with accustomed usage for the genus
Anurophorus Nicolet, [1842] (Class Insecta, Order
Collembola)

LONDON :

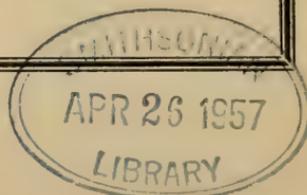
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 439

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*)
(12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, the Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova, Italy*)
(16th December 1954)

OPINION 439

DESIGNATION UNDER THE PLENARY POWERS OF A
TYPE SPECIES IN HARMONY WITH ACCUSTOMED
USAGE FOR THE GENUS "ANUROPHORUS"
NICOLET, [1842] (CLASS INSECTA, ORDER
COLLEMBOLA)

RULING :—(1) Under the Plenary Powers (a) all designations of type species for the genus *Anurophorus* Nicolet, [1842] (Class Insecta, Order Collembola) made prior to the present Ruling are hereby set aside and (b) *Anurophorus laricis* Nicolet, [1842], is hereby designated to be the type species of the foregoing genus.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1044 : *Anurophorus* Nicolet, [1842] (gender : masculine) (type species, by designation under the Plenary Powers under (1)(b) above : *Anurophorus laricis* Nicolet, [1842]).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1116 : *laricis* Nicolet, [1842], as published in the combination *Anurophorus laricis* (specific name of type species of *Anurophorus* Nicolet, [1842]).

(4) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid*

Generic Names in Zoology with the Name Number 832 : *Bourletia* Macgillivray, 1893 (a junior objective synonym of *Anurophorus* Nicolet, [1842]).

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 127 : ANUROPHORINAE Börner, 1901 (type genus : *Anurophorus* Nicolet, [1842]).

(6) The under-mentioned family-group name is hereby placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* with the Name Number 109 : BOURLETIINI Börner, 1932 (type genus : *Bourletia* Macgillivray, 1893) (invalid because the name of the type genus is a junior objective synonym of *Anurophorus* Nicolet, [1842], the name of the type genus of the older-established family-group taxon ANUROPHORINAE Börner, 1901).

I. THE STATEMENT OF THE CASE

The problem raised by the fact that the species which under the *Règles* was the type species of the genus *Anurophorus* Nicolet, [1842] (Class Insecta, Order Collembola) was a species quite out of harmony with current usage was first brought to the attention of the International Commission on Zoological Nomenclature, jointly with problems relating to the names of certain other genera in the Order Collembola, in a letter dated 27th November 1945 by M. Hermann Gisin (*Muséum d'Histoire Naturelle, Genève*). For various reasons it was not possible at that time either for M. Gisin or for the Office of the Commission to make any progress with this case and it was not until 23rd October 1954 that at length all outstanding questions were settled and M. Gisin was able to submit a definitive application. The application so submitted, which took account of the various decisions on matters

of procedure taken respectively by the Thirteenth (Paris) and Fourteenth (Copenhagen) International Congresses of Zoology, was as follows :—

**Proposed use of the Plenary Powers to designate a type species for
“ Anurophorus ” Nicolet, [1842] (Class Insecta, Order Collembola)
in harmony with accustomed usage**

By HERMANN GISIN

(*Muséum d'Histoire Naturelle, Geneva, Switzerland*)

The object of the present application is to ask the International Commission to use its Plenary Powers to designate for the genus *Anurophorus* Nicolet, [1842] (Class Insecta, Order Collembola) a type species in harmony with accustomed usage and thus to prevent this well-known name from disappearing in synonymy. The facts of this case are set out below.

2. In 1842 in a paper entitled “ Recherches pour servir à l'histoire des podurelles ” (*Neue Denkschr. allgem. schweiz. Ges.* 6 : 53) Nicolet established a nominal genus to which he gave the name *Anurophorus*. He placed two nominal species in this genus but did not designate either as the type species. These two species were : (1) *Anurophorus fimetarius* attributed by him to Linnaeus (i.e. identified with *Podura fimetaria* Linnaeus, 1758) though clearly Nicolet had a different species (*Podura ambulans* Linnaeus, 1758) before him ; (2) *Anurophorus laricis* nov. sp. (: 53).

3. At a meeting of the *Société entomologique de France* held in 1843 Lucas, at the request of the President (Milne Edwards), gave an account of the paper by Nicolet published in the previous year, in the course of which, speaking of the genus *Anurophorus*, he said that, this genus “ renferme deux espèces et dont celle qui peut être considérée comme type est : l'*A. fimetarius* . . . ; la seconde espèce est nouvelle : elle porte le nom d'*A. laricis* ”. (Lucas, 1843, *Ann. Soc. ent. France* (2) 1 : 276). Whether or not Lucas on this occasion intended to select a type species for this genus in a nomenclatorial sense, there can be no doubt that the words which he used constitute such a selection.

4. We have next to note that the true *Podura fimetaria* Linnaeus, is currently regarded as congeneric with *Podura ambulans* Linnaeus and that the latter is the type species of the genus *Onychiurus* Gervais, 1841, a name which has been placed on the *Official List of Generic Names in Zoology* as Name No. 722 by the Ruling given in the Commission's *Opinion* 291 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 8 : 99—114). Thus, the effect of Lucas's action was to make the

generic name *Anurophorus* Nicolet, [1842], a junior subjective synonym of *Onychiurus* Gervais, 1841.

5. On the other hand, specialists have almost completely ignored the selection made by Lucas and have treated *Anurophorus* as the name for the second of the two species placed in it by Nicolet, namely *Anurophorus laricis* Nicolet, [1842]. As Laing has observed, "Tullberg seems to have been the first to associate it [i.e., *Anurophorus laricis*] in a typical sense with *Anurophorus* a position which has been accepted by practically everyone, and culminating in a definite type-citation by Folsom (1937, p. 12)" (Laing, 1945, *Ent. nom. Mag.* **81** : 138).

6. Nevertheless, the action of Lucas left the species *Anurophorus laricis* Nicolet without a valid generic name until in 1893 (*Canad. Ent.* **25** : 313) Macgillivray published the name *Bourletia*, designating *A. laricis* Nicolet to be the type species of the genus so named. Although it is now over sixty years since the name *Bourletia* was published, specialists have with hardly an exception continued to use the name *Anurophorus* Nicolet for *A. laricis* Nicolet, and that generic name is now deeply embedded in the literature. Nothing but confusion and needless instability in nomenclature would result from the strict application of the normal Rules in this case.

7. The generic name *Anurophorus* Nicolet, [1842], is currently accepted as the basis for the name of a family-group. Two such names were published by Börner in 1901. These were : (1) the subfamily name AUROPHORINAE Börner, 1901, *Zool. Anz.* **24** : 341 ; (2) the tribe name ANUROPHORINI Börner, 1901, *Abh. naturw. Ver. Bremen* **17** : 42). Fortunately, no difficulty arises in determining the relative priority of these names, since the Part containing these names in the serial publications concerned bears in each case the exact date of publication. The relevant Part of the *Zoologischer Anzeiger* was published on 10th June 1901, while the relevant Part of the *Abh. naturw. Ver. Bremen* was not published until October 1901. The generic name *Bourletia* Macgillivray, 1893, which, under the present proposals, will become a junior objective synonym of *Anurophorus* Nicolet, 1842, was made the type genus of a tribe, BOURLETHINI, by Börner in 1932 (*in* Brohmer, *Fauna Deutschl.* (ed. 4) : 141). It is desirable that, as part of the general settlement of the present case, the Commission should place the name ANUROPHORINAE Börner, 1901, on the *Official List of Family-Group Names in Zoology* and the invalid name BOURLETHINI Börner, 1932, on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*.

8. For the reasons set forth above I accordingly now ask the International Commission on Zoological Nomenclature :—

- (1) to use its Plenary Powers to set aside all type selections for the genus *Anurophorus* Nicolet, [1842], made prior to the Ruling

now asked for, and, having done so, to designate *Anurophorus laricis* Nicolet, [1842], to be the type species of the foregoing genus ;

- (2) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Anurophorus* Nicolet, [1842] (gender : masculine) (type species, by designation, under the Plenary Powers, under (1) above : *Anurophorus laricis* Nicolet, [1842]) ;
- (3) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *laricis* Nicolet, [1842], as published in the combination *Anurophorus laricis* (specific name of type species of *Anurophorus* Nicolet, [1842]) ;
- (4) to place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* : *Bourletia* Macgillivray, 1893 (a junior objective synonym of *Anurophorus* Nicolet, [1842], as proposed in (1) above to be defined under the Plenary Powers) ;
- (5) to place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* : ANUROPHORINAE Börner, 1901 (type genus : *Anurophorus* Nicolet, [1842]) ;
- (6) to place the under-mentioned name on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* : BOURLETIINI Börner, 1932 (type genus : *Bourletia* Macgillivray, 1893) (invalid because the name of the type genus is a junior objective synonym of *Anurophorus* Nicolet, [1842], as proposed in (1) above, to be defined under the Plenary Powers, which is the type genus of the family-group taxon ANUROPHORINAE Börner, 1901).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt in 1945 of M. Gisin's preliminary communication in regard to the generic name *Anurophorus* Nicolet, the question so involved, jointly with questions relating to certain other generic names in the Order Collembola, was allotted the Registered Number Z.N.(S.) 199. Later, the present case was registered separately under the Number Z.N.(S.) 304,

3. Issue of Public Notices in 1947 : On 14th November 1947 Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given in the manner prescribed by the Ninth International Congress of Zoology, Monaco, 1913, in the Resolution by which it conferred the foregoing Powers upon the International Commission which later was embodied in *Declaration 5* (1943, *Ops. Decl. int. Comm. zool. Nomencl.* 1(A) : 31—40). The Public Notices so issued elicited comments from three specialists, one of whom (Harlow B. Mills) supported the action proposed and two (Frederick Laing ; F. Bonet) raised objections. In 1954 a letter of support was received from another entomologist (John T. Salmon). The communications so received are reproduced in the immediately following paragraphs.

4. Support received in 1948 from Harlow B. Mills (State Natural History Survey Division, Urbana, Illinois, U.S.A.) : On 23rd March 1948 Dr. Harlow B. Mills (*State Natural History Survey Division, Urbana, Illinois, U.S.A.*) addressed the following letter to the Office of the Commission in support of the action proposed in this case :—

1. *Podura* Linnaeus, with the type *Podura aquatica* Linnaeus and *Tomocerus* Nicolet, with the type *Tomocerus minor* Lubbock. While the suggestion may run counter to at least one previous ruling of the Commission and possibly to the best reasoning in the absence of actual type specimens, I am very much in favour of the suspension of rules to allow the use of the generic names *Podura* and *Tomocerus* as indicated by the types suggested. There has been approximately a century of usage of these generic names in this sense and a reshuffling of the names now would needlessly confuse the great body of literature which relates to these genera.

.

4. I favour the assigning of *Anurophorus laricis* Nicolet as the type of the genus *Anurophorus* for the same reasons which I have used in item number 1 above for *Podura* and *Tomocerus*.

5. Objection received in 1948 from Frederick Laing (British Museum (Natural History), London) : On 19th September 1948 Dr. Frederick Laing (*British Museum (Natural History), London*) addressed the following letter to the Office of the Commission

intimating his objection to the action proposed in the present case :—

The position of *Anurophorus* has already been dealt with by me, and Boerner has evidently covered much of the same ground as I did before changing over (in 1932) to *Bourletia*. The similarity of the word *Bourletiella* need occasion no trouble for there must be legions of generic names throughout zoology much more similar in spelling and sound.

6. Objection received in 1948 from F. Bonet (Escuela Nacional de Ciencias Biologicas, Mexico) : On 27th November 1948 Dr. F. Bonet (*Escuela Nacional de Ciencias Biologicas, Mexico*) addressed the following letter to the Office of the Commission intimating his objection to the action proposed in the present case :—

As stated by Laing (1945, *Ent. mon. Mag.*, **81** : 137) the genus *Anurophorus* was erected by Nicolet [1842] with two species, *A. fimetarius* Nic., and *A. laricis* Nic. ; the first definite citation of type was made one year later by Lucas (1843) who chose *A. fimetarius* Nic., and this action appears to meet all the requirements of the Rules. In 1847 Nicolet places his *fimetarius* [1842] (nec *Podura fimetaria* of L.) as synonyms of *ambulans* L., and this action has not been challenged by subsequent authors. Whatever may be specifically *A. fimetarius* Nic., there is no doubt that it is congeneric with *ambulans* L., type of *Onychiurus* Gervais, so *Anurophorus* becomes a synonym of *Onychiurus*. *Bourletia* Macgill., 1893, with *laricis* as type, becomes available as substitute for *Anurophorus* (full statement of case in Laing, *loc. cit.* **81** : 137—138).

Following Tullberg (1871), all subsequent authors for the past 80 years or so regarded *laricis* as generically different from *fimetarius* Nic., and *Anurophorus* has been consistently used as if its type were *laricis*, consciously avoiding its correct nomenclatorial standing. Thus, we are facing the change of a well-known and universally used name for a nearly unknown one. This may be very inconvenient indeed, but it is not likely to carry any confusion, because *Bourletia* was never used before in any other sense, in fact, never has been used after its proposal.

Therefore, I think that the strict application of the Rules must be enforced in this case.

7. Support received in 1954 from John T. Salmon (Victoria University College, Department of Zoology, Wellington, New

Zealand) : On 4th November 1954 Dr. John T. Salmon (*Victoria University College, Department of Zoology, Wellington, New Zealand*) addressed the following letter to the Office of the Commission in support of the action proposed in the present case :—

With regard to *Anurophorus*, I am quite in agreement with the designation of *laricis* as the type species of the genus, and I adopted this procedure in my *Keys and Bibliography to the Collembola* (1951, *Zool. Publ. Victoria Univ. Coll., Wellington, N.Z.* **8**, 82 pp.) in placing *Anurophorus* in the sub-family ANUROPHORINAE of the ISOTOMIDAE.

8. Publication of the present application : On 22nd November 1954 the application received from M. Gisin in the preceding month (paragraph 1 above) was sent to the printer, together with the communications received in 1948 from Harlow B. Mills (paragraph 4), Frederick Laing (paragraph 5), and F. Bonet (paragraph 6), and in 1954 John T. Salmon (paragraph 7). The foregoing documents were published on 31st January 1955 in Part 2 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Gisin, 1955, *Bull. zool. Nomencl.* **11** : 78—70 ; Mills, 1955, *ibid.* **11** : 70 ; Laing, 1955, *ibid.* **11** : 71 ; Bonet, 1955, *ibid.* **11** : 71 ; Salmon, 1955, *ibid.* **11** : 72).

9. Issue of Public Notices in 1955 : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56) Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 31st January 1955 (a) in Part 2 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which M. Gisin's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to certain general zoological serial publications and to seven entomological serial publications in Europe and America.

10. Comments received after publication in 1955 : The publication of the present application and the issue of the Public Notices specified in the immediately preceding paragraph elicited five comments in 1955, of which one was signed by two specialists,

All six of the specialists concerned supported the action proposed in the present case. The communications so received are reproduced in the immediately following paragraphs. No objection to the action proposed was received from any source.

11. Support received from Kenneth A. Christiansen (Northampton, Massachusetts, U.S.A.) : On 24th April 1955 Dr. Kenneth A. Christiansen (*Northampton, Massachusetts, U.S.A.*) addressed the following letter in support of three of M. Gisin's applications to the Office of the Commission (Christiansen, 1955, *Bull. zool. Nomencl.* **11** : 266—267) :—

I wish to support Dr. Gisin's three proposals concerning the taxonomy of Collembola. These proposals are Z.N.(S.) 303, 304, and 485 respectively. Below I shall deal briefly with each proposal separately.

.

Support for Z.N.(S.) 304 : This proposal only validates the procedure that has been followed by all taxonomists in the field. Any attempt to settle the name of *Anurophorus* along strict priority lines would be disastrous.

.

12. Support received from H. E. Goto (Imperial College of Science and Technology, London) and D. H. Murphy (University of Durham) : On 23rd May 1955 the following letter in support of M. Gisin's proposals was received from Dr. H. E. Goto (*Imperial College of Science and Technology, London*) and Dr. D. H. Murphy (*University of Durham*) :—

We should like to give our full support to the three undermentioned proposals made by M. Hermann Gisin to the International Commission on Zoological Nomenclature.

.

.

Proposed use of the Plenary Powers to designate a type species for *Anurophorus* Nicolet, [1842] (Class Insecta, Order Collembola) in harmony with accustomed usage.

13. Support received from Peter F. Bellinger (University College of the West Indies, St. Andrew, Jamaica) : On 26th June 1955

Dr. Peter F. Bellinger (*University College of the West Indies, St. Andrew, Jamaica*) intimated his support for the present application as follows :—

Anurophorus Nicolet, [1842] : I think it is imperative that this name be dealt with in one way or another under the Plenary Powers. The reason is that the type fixation by Lucas (*fimetarius*) does not dispose of the name with any certainty. The identification of *fimetarius* Nicolet with *ambulans* L., the type of *Onychiurus*, is possible but by no means certain. Nicolet's description and figures suggest, in certain respects, other species of *Onychiurus*, and one figure shows a furca much better developed than in any known member of the genus. If the Commission refrains from any action, *Bourletia* MacGillivray must be used for *laricis* Nicolet ; but the resurrection of *Anurophorus* for some species other than *ambulans* would still unfortunately, be possible. Since some action seems necessary, and since *Bourletia* has, so far as I know, been used by no other author, I am prepared to support Dr. Gisin's suggestion. Alternatively I believe that the complete suppression of *Anurophorus* is desirable.

14. Support received from R. Yosii (Biological Institute of the Yoshida College, University of Kyoto, Japan) : On 28th June 1955 Professor R. Yosii (*Biological Institute of the Yoshida College, University of Kyoto, Japan*) addressed the following letter to the Office of the Commission with regard to the present case :—

.

Since the genus *Anurophorus* has not yet been recorded from Far East, I am not in urgent necessity about the problem. It is yet reasonable to fix the present name *Anurophorus* as is suggested in the application.

.

15. Renewed support from John T. Salmon (Victoria University College, Department of Zoology, Wellington, New Zealand) : On 14th July 1955 Dr. John T. Salmon (*Victoria University College, Department of Zoology, Wellington, New Zealand*) addressed the following letter to the Office of the Commission,

reaffirming the support which in 1954 he had already given (paragraph 7 above) to the action proposed in the present case :—

I have just received from Hermann Gisin the three separates of his proposals to the International Commission regarding various generic and family names in the Collembola.¹ As I have already indicated to you, I am quite in favour of the fixing of the type species of *Anurophorus* as *Anurophorus laricis* Nicolet,

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

16. Issue of Voting Paper V.P.(55)19 : On 9th November 1955 a Voting Paper (V.P.(55)19) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the name *Anurophorus* Nicolet, [1842], and associated questions as set out in Points (1) to (6) in paragraph 8 on page 69 and the top of page 70 in Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

17. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 9th February 1956.

¹ The other cases here referred to by Dr. Salmon are those relating respectively to the names *Achorutes* Templeton, 1835, and *Entomobrya* Rondani, 1861. The decisions taken by the International Commission in these cases have since been embodied in *Opinions* 435 and 440 respectively.

18. Particulars of the Voting on Voting Paper V.P.(55)19 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)19 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Vokes ; Bodenheimer ; Bradley (J.C.) ; Mayr ; Riley ; Dymond ; Prantl ; Lemche ; Esaki ; do Amaral ; Hankó ; Key ; Boschma ; Jaczewski ; Sylvester-Bradley ; Cabrera ; Stoll ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Hemming ;

(b) *Negative Votes, one (1) :*

Mertens ;

(c) *Voting Papers not returned :*

None.

19. Declaration of Result of Vote : On 10th February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)19, signed a Certificate that the Votes cast were as set out in paragraph 18 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

20. Preparation of the Ruling given in the present " Opinion " : On 19th October 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate

that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)19.

21. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Anurophorus Nicolet, [1842], *Neue Denkschr. allgem. schweiz. Ges. Naturw.* **6** : 53

Bourletia Macgillivray, 1893, *Canad. Ent.* **25** : 313

laricis, *Anurophorus*, Bourlet, [1842], *Neue Denkschr. allgem. schweiz. Ges. Naturw.* **6** : 53

22. The following are the original references for the family-group names placed on the *Official List* and *Official Index* established for recording of the names of taxa belonging to the family-group category by the Ruling given in the present *Opinion* :—

ANUROPHORINAE Börner, [June] 1901, *Zool. Anz.* **24** : 341

BOURLETIINI Börner, 1932, in Brohmer, *Fauna Deutschl.* (ed. 4) : 141

23. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

24. The present *Opinion* shall be known as *Opinion* Four Hundred and Thirty-Nine (439) of the International Commission on Zoological Nomenclature.

DONE in London, this Nineteenth day of October, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 5. Pp. 67—82

OPINION 440

Validation under the Plenary Powers of the generic
name *Entomobrya* Rondani, 1861 (Class Insecta, Order
Collembola)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 440

A. The Officers of the Commission

Honorary Life President: Dr. Karl JORDAN (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England*)

President: Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President: Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary: Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election
as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th
July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw,
Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt
a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu
Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August
1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th
August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y.,
U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,
Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th
October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November
1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,
Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 440

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "ENTOMOBRYA" RONDANI, 1861 (CLASS INSECTA, ORDER COLLEMBOLA)

RULING :—(1) Under the Plenary Powers the generic name *Mydonius* Gistel, 1848, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1045: *Entomobrya* Rondani, 1861, as validated under the Plenary Powers under (1) above (gender: feminine) (type species, by selection by Börner (1903): *Degeeria muscorum* Nicolet, [1842]).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1117: *muscorum* Nicolet, [1842], as published in the combination *Degeeria muscorum* (specific name of type species of *Entomobrya* Rondani, 1861).

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Degeeria* Nicolet, 1841 (a *nomen nudum*) (Name No. 833) ;
- (b) *Degeeria* Nicolet, [1842] (a junior homonym of *Degeeria* Meigen, 1838) (Name No. 834) ;
- (c) *Mydonius* Gistel, 1848, as suppressed under the Plenary Powers in (1) above (Name No. 835).

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 128 : ENTOMOBRYIDAE Schäffer, 1896 (type genus : *Entomobrya* Rondani, 1861).

(6) The under-mentioned family-group names are hereby placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* with the Name Numbers severally specified below :—

- (a) DEGEERIADAE Lubbock, 1873 (type genus : *Degeeria* Nicolet, [1842]) (invalid because the name of the type genus is invalid, being a junior homonym of *Degeeria* Meigen, 1838) (name No. 110) ;
- (b) DEGEERIIDAE Tullberg, 1876 (type genus : *Degeeria* Nicolet, [1842]) (corrected form of the invalid name DEGEERIADAE Lubbock, 1873) (Name No. 111) ;
- (c) MYDONIIDAE Salmon, 1945 (type genus : *Mydonius* Gistel, 1848) (invalid under *Declaration 20* because name of type genus suppressed under the Plenary Powers in (1) above) (Name No. 112).

I. THE STATEMENT OF THE CASE

The problem raised by the fact that the well-established generic name *Entomobrya* Rondani, 1861 (Class Insecta, Order Collembola) is invalid, being a junior objective synonym of the long forgotten name *Mydonius* Gistel, 1848, was first brought to the attention of the International Commission on Zoological Nomenclature, jointly with other problems relating to the names of certain other genera in the Order Collembola, in a letter dated 27th November

1945 by M. Hermann Gisin (*Muséum d'Histoire Naturelle, Genève*). For various reasons it was not possible at that time either for M. Gisin or for the Office of the Commission to make any progress with this case and it was not until 5th November 1954 that at length all outstanding questions were settled and M. Gisin was able to submit a definitive application. The application so submitted, which took account also of the various decisions on matters of procedure taken respectively by the Thirteenth (Paris) and Fourteenth (Copenhagen) International Congresses of Zoology, was as follows :—

**Proposed use of the Plenary Powers to validate the generic name
“Entomobrya” Rondani, 1861 (Class Insecta, Order Collembola)**

By HERMANN GISIN

(*Museum d'Histoire Naturelle, Geneva, Switzerland*)

The object of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to validate the generic name *Entomobrya* Rondani, 1861 (Class Insecta, Order Collembola). This is a large genus of cosmopolitan distribution. The name *Entomobrya* has been in continuous use for over sixty years and no useful purpose would be served by discarding this name in favour of its senior synonym *Mydonius* Gistel, 1848. The history of this case is summarised below.

2. In 1841 (*Bibl. Univ. Genève* (n.s.) 32 : 384) Nicolet published the generic name *Degeeria* as a *nomen nudum*. In 1842 (*Neue Denkschr. allgem. schweiz. Ges.* 6(3) : 70) he re-published this name, this time with an indication, placing in it various species of Collembola, including a new species to which he gave the name *Degeeria muscorum* (: 73). Nicolet did not designate a type species for this genus. The name *Degeeria* Nicolet was, however, invalid, being a junior homonym of *Degeeria* Meigen, 1838 (*Syst. Besch. europ. zweifl. Insekt.* 7 : 249) (Class Insecta, Order Diptera).

3. Gistel was the first author to detect that the name *Degeeria* Nicolet was invalid and in 1848 he re-named it *Mydonius* (*Nat. Thierr.* : ix). This name of Gistel's was, however, completely overlooked. In 1861 Rondani, in his turn, observed that *Degeeria* Nicolet was an invalid homonym and gave it the substitute name *Entomobrya* (*Dipterol*,

ital. Prodr. 4 : 40). This is the name which has ever since been used for this genus.

4. The present genus remained without a type species until in 1903 (*SitzBer. Ges. Naturforsch. Freunde Berlin* 1903 (No. 3) : 178) Börner selected *Degeeria muscorum* Nicolet, [1842], to be the type species.

5. In 1945 Salmon drew attention to the fact that *Mydonius* Gistel, 1848, had priority over, and should replace, the well-known name *Entomobrya* Rondani, 1861 (*Trans. R. Soc. N. Zealand* 75 : 69). This course has not been adopted by other workers, and it is the purpose of the present request to prevent this change from being made.

6. The genus *Entomobrya* Rondani is currently accepted as the type genus of a family-group taxon. The first family-group name published for this taxon was DEGEERIADAE Lubbock, 1873, of which the type genus was *Degeeria* Nicolet, [1842], the name of which (as explained in paragraph 2 above) is an invalid junior homonym which was later replaced by the name *Entomobrya* Rondani, 1861 (paragraph 4 above). The family-group name for this taxon correctly based upon the generic name *Entomobrya* Rondani was first published by Schäffer in 1896 as ENTOMOBRYIDAE. In 1945 Salmon, who at that time used the generic name *Mydonius* Gistel, 1848, in preference to *Entomobrya* Rondani, erected the nominal family-group MYDONIIDAE. It is desirable that the family-group name ENTOMOBRYIDAE Schäffer, 1896, should now be placed on the *Official List of Family-Group Names in Zoology* and that the invalid names DEGEERIADAE Lubbock, 1873 (with the corrected version DEGEERIIDAE Tullberg, 1876) and MYDONIIDAE Salmon, 1945, should be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*.

7. I accordingly ask the International Commission :—

- (1) to use its Plenary Powers to suppress the generic name *Mydonius* Gistel, 1848, for the purpose of the Law of Priority but not for that of the Law of Homonymy ;
- (2) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Entomobrya* Rondani, 1861 (gender : feminine) (type selection, by selection by Börner (1903) : *Degeeria muscorum* Nicolet, [1842]) ;
- (3) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *muscorum* Nicolet, [1842], as published in the combination *Degeeria muscorum* (specific name of type species of *Entomobrya* Rondani, 1861) ;

(4) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—

- (a) *Degeeria* Nicolet, 1841 (*nomen nudum*) ;
- (b) *Degeeria* Nicolet, [1842] (junior homonym of *Degeeria* Meigen, 1838) ;
- (c) *Mydonius* Gistel, 1848, as suppressed under the Plenary Powers under (1) above.

(5) to place the under-mentioned-family-group name on the *Official List of Family-Group Names in Zoology* : ENTOMOBRYIDAE Schäffer, 1896 (*Mitt. naturh. Mus. Hamburg* **13** : 177) (type genus : *Entomobrya* Rondani, 1861) ;

(6) to place the under-mentioned names on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* :—

- (a) DEGEERIADAE Lubbock, 1873, *Monogr. Collemb. Thysan.* : 129 (type genus : *Degeeria* Nicolet, [1842]) (invalid, because the name *Degeeria* Nicolet, [1842], is invalid, as being a junior homonym, and has been replaced by the name *Entomobrya* Rondani, 1861) ;
- (b) DEGEERIIDAE Tullberg, 1876, *Oefvers. K. Vetensk. Acad. Forhandl.* Stockholm **33** (No. 5 : 31 (type genus : *Degeeria* Nicolet, [1842]) (corrected form of the invalid name DEGEERIADAE Lubbock, 1873) ;
- (c) MYDONIIDAE Salmon, 1945, *Trans. roy. Soc. N.Z.* **75** : 69 (type genus : *Mydonius* Gistel, 1848) (invalid because, as proposed in (1) above, the name *Mydonius* Gistel, 1848, is to be suppressed under the Plenary Powers).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt in 1945 of M. Gisin's preliminary communication in regard to

the generic name *Entomobrya* Rondani, the question so involved, jointly with questions relating to certain other generic names in the Order Collembola, was allotted the Registered Number Z.N.(S.) 199. Later, the present case was registered separately under the Number Z.N.(S.) 485.

3. Comments on the present application received prior to its publication in the "Bulletin of Zoological Nomenclature"; Communications in regard to the present case were received from three specialists prior to the publication of M. Gisin's application in the *Bulletin of Zoological Nomenclature*, two of whom supported the proposed validation of the generic name *Entomobrya* Rondani and one was opposed to that course.

4. Objection received in 1948 from Frederick Laing (British Museum (Natural History), London) : ON 19th September 1948 Dr. Frederick Laing (*British Museum (Natural History), London*) addressed the following letter to the Office of the Commission intimating his objection to the action proposed in the present case :—

The *Mydonius* question. This is quite straightforward and presents no unusual feature ; every active zoologist would make the change without reference to the Commission. Rondani—a dipterist—no doubt did not trouble to look closely into the position of the second *Degeeria* after having satisfied himself that the dipterous *Degeeria* was safe, and simply gave the preoccupied *Degeeria* Nic. the new name of *Entomobrya*, and probably Brook was pleased to bring it forward in England without any extended research into priority or anything else. Gistel's paper should have been known, but there was little indexing in those days (may I have another crack and say there has been little done in the Collembola even by modern workers?) and might easily have been overlooked. I was bringing it forward myself in future lists of changes that I had planned, had Dr. Salmon not done it. There is just one point—the genotype fixations. In my letters of 10th October 1945 and 5th December 1945 to Dr. Salmon I had put forward the suggestion that *muscorum* as type might give rise to less difficulty in interpretation than *nivalis* Nic., which may not be the same as *nivalis* Linn., but at the back of my mind I had the idea that the type had been fixed but could not quote chapter and verse. Now I can say, with my evacuated notes back into some sort of order, that the type is *muscorum* Nic. fixed by Boerner (*Stz. Gesellschaft Naturforsch. Freunde Berlin*, No. 3, March 1903 : 178). *Mydonius* would take the same type,

5. Support received in 1948 from Harlow B. Mills (State Natural History Survey Division, Urbana, Illinois, U.S.A.) : On 29th October 1950 Dr. Harlow B. Mills (*State Natural History Survey Division, Urbana, Illinois, U.S.A.*) addressed the following letter to the Office of the Commission in support of the action proposed in this case :—

I strongly endorse Dr. Gisin's request.

Although I haven't the original literature before me, the case for *Mydonius* seems to be incontrovertible if Salmon's information is correct (1945, *Trans. Roy. Soc. New Zealand*, 75(1) : 69) and if the Law of Priority is strictly followed.

I am not one of those who holds this Law in reverence in all cases, but I feel strongly that where it is not employed the only substitute is a ruling of the Commission. A ruling to suspend the Law should be made where a strict application will result in confusion rather than order. And order is not served, in my mind, if *Entomobrya* is discarded.

My reasons for supporting Dr. Gisin are as follows :—

1. *Entomobrya* is a clear cut, non-ambiguous species group.
2. It is a large genus.
3. It is cosmopolitan.
4. For about 60 years this has been the only name used for this species group and a large body of literature has been built up utilizing this name.
5. *Mydonius* has not been used for this group. There is no tradition of usage anywhere, and no body of literature. The prior use of this name was not rediscovered until 1945, it had been buried since 1838—for 107 years.

It therefore seems logical to me for the Commission to suppress *Mydonius* despite its prior value.

I hope that the Commission supports Dr. Gisin in this matter, but I shall use the name which the Commission ultimately designates.

6. Support received in 1954 from John T. Salmon (Victoria University College, Department of Zoology, Wellington, New

Zealand : On 4th November 1954 Dr. John T. Salmon (*Victoria University College, Department of Zoology, Wellington, New Zealand*) addressed the following letter to the Office of the Commission in support of the action proposed in the present case :—

In connection with *Entomobrya*, I think most Collembolan workers favour the suppression of *Mydonius* Gistel, although as I pointed out previously *Mydonius* is the correct name according to the Rules. However, the name has never been used except in a few papers of my own, and I have recently reverted to the use of *Entomobrya* pending the decision of the Commission, as this seemed to be favoured by practically all the workers in the Collembola excepting possibly Bonet of Mexico.

In view of the present attitude of the Congress of Zoology to these matters, I would be in favour now of retaining the name *Entomobrya* on the basis of usage, if this is possible.

In my paper *New Subantarctic Collembola* (1949, *Cape Expedition Series, Bulletin, Wellington, N.Z.*) No. 4, on page 40 I pointed out that the type *Entomobrya* had been fixed by Börner in 1903 as *E. muscorum* Nicolet. In view of this, it would seem that I am now in favour of both the proposals.

7. Publication of the present application : On 22nd November 1954 the application received from M. Gisin in the same month (paragraph 1 above) was sent to the printer, together with the communications received from Frederick Laing (paragraph 4), Harlow B. Mills (paragraph 5) and John T. Salmon (paragraph 6). The foregoing documents were published on 28th February 1955 in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Gisin, 1955, *Bull. zool. Nomencl.* **11** : 75—77 ; Laing, 1955, *ibid.* **11** : 78 ; Mills, 1955, *ibid.* **11** : 77 ; Salmon, 1955, *ibid.* **11** : 78).

8. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 28th February 1955 (a) in Part 3 of Volume 11 of the *Bulletin*

of *Zoological Nomenclature* (the Part in which M. Gisin's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to a number of general zoological serial publications and to seven entomological serials in Europe and America.

9. Comments received after publication in 1955 : The publication of the present application and the issue of the Public Notices specified in the immediately preceding paragraph elicited five comments in 1955, of which one was signed by two specialists. Three of the specialists concerned supported the action proposed in the present case. Of the others one gave a qualified support to those proposals and one was opposed to the action suggested. In addition, the specialist by whom the name *Mydonius* Gistel had originally been brought forward re-affirmed his support for the rejection of that name. The communications so received are reproduced in the immediately following paragraphs.

10. Support received from Kenneth A. Christiansen (Northampton, Massachusetts, U.S.A.): On 24th April 1955 Dr. Kenneth A. Christiansen (*Northampton, Massachusetts, U.S.A.*) addressed the following letter in support of the present and two others of M. Gisin's applications to the Office of the Commission (1955, Christiansen, *Bull. zool. Nomencl.* **11** : 266—267) :—

I wish to support M. Gisin's three proposals concerning the taxonomy of Collembola. These proposals are Z.N.(S.) 303, 304 and 485 respectively. Below I shall deal briefly with each proposal separately.

.

Support for Z.N.(S.) 485. In this case there can be no useful purpose served by a strict following of the rules of priority. Beyond the reasons advanced by Dr. Gisin I have in press a revision of the Nearctic members of *Entomobrya* which further establishes the usage of the name *Entomobrya*.

11. Support received from H. E. Goto (Imperial College of Science and Technology, London) and D. H. Murphy (University of Durham) : On 23rd May 1955 the following letter in support of

M. Gisin's proposals was received from Dr. H. E. Goto (*Imperial College of Science and Technology, London*) and Dr. D. H. Murphy (*University of Durham*) :—

We should like to give our full support to the three under-mentioned proposals made by M. Hermann Gisin to the International Commission on Zoological Nomenclature.

Proposed use of the Plenary Powers to validate the generic name *Entomobrya* Rondani, 1861 (Class Insecta, Order Collembola.)

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12. Qualified support received from R. Yosii (Biological Institute of the Yoshida College, University of Kyoto, Japan) : On 28th June 1955, Professor R. Yosii (*Biological Institute of the Yoshida College, University of Kyoto, Japan*) addressed the following letter to the Office of the Commission with regard to the present case :—

Since the alternation of the generic name *Entomobrya* to *Mydonius* is suggested by Dr. Salmon, Dominion Museum, New Zealand, it is perhaps preferable to adopt the application only after the concordance of him.¹ The alternation of *Entomobrya* to *Mydonius* would not bring too much disorder as in the case of the former two, since we have already experienced a case like it in renaming the collembolan genus *Cremastocephalus* to *Salina*.

13. Objection received from Peter F. Bellinger (University College of the West Indies, St. Andrew, Jamaica) : On 26th June 1955 Dr. Peter F. Bellinger (*University College of the West Indies, St. Andrew, Jamaica*) intimated his objection to the present application as follows :—

4. *Entomobrya* Rondani, 1861, and *Mydonius* Gistel, 1848. I believe that in this case no action by the Commission is necessary or desirable. The name *Mydonius* has clear priority ; the two names are objective synonyms, so no zoological confusion can arise from its use ; *Mydonius* is widely known through its use by Salmon (particularly in his *Keys and Bibliography to the Collembola*, 1951) and has been used by at least one other author (Baijal, 1954, *Agra Univ. J. Res.* 4 : 176). In this case I would prefer to see the Rules applied strictly.

¹ At the time when this letter was written Professor Yosii was not aware that Dr. Salmon had joined those specialists who advocated the conservation of the name *Entomobrya*. See paragraph 6 above.

14. Renewed support from John T. Salmon (Victoria University College, Department of Zoology, Wellington, New Zealand) : On 14th July 1955 Dr. John T. Salmon (*Victoria University College, Department of Zoology, Wellington, New Zealand*) addressed the following letter to the office of the Commission, reaffirming the support which in 1954 he had already given (paragraph 5 above) to the action proposed in the present case :—

I have just received from Hermann Gisin the three separates of his proposals to the International Commission regarding various generic and family names in the Collembola.² As I have already indicated to you, I am quite in favour of . . . the suppression of *Mydonius* in favour of *Entomobrya* and the fixing of *Degeeria muscorum* Nicolet as the type species.

III.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

15. Issue of Voting Paper V.P.(55)20 : On 9th November 1955 a Voting Paper (V.P.(55)20) was issued in which the Members of the Commission were invited to vote either for, or against, “ the proposal relating to the generic name *Entomobrya* Rondani, 1861, as set out in Points (1) to (6) in paragraph 7 on page 76 and continued on page 77 of Volume 11 of the *Bulletin of Zoological Nomenclature* ” [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

² The other cases here referred to by Dr. Salmon are those relating respectively to the names *Achorutes* Templeton, 1835, and *Anurophorus* Nicolet, [1842]. The decisions taken by the International Commission in these cases have since been embodied in *Opinions* 435 and 439 respectively.

16. The Prescribed Voting Period : As for the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 9th February 1956.

17. Particulars of the Voting on Voting Paper V.P.(55)20 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)20 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Vokes ; Bodenheimer ; Bradley (J.C.) ;
Mayr ; Riley ; Dymond ; Prantl ; Lemche ; Esaki ;
Mertens ; do Amaral ; Hankó ; Key ; Boschma ;
Jaczewski ; Sylvester-Bradley ; Cabrera ; Stoll ; Bonnet ;
Miller ; Tortonese ; Kühnelt ; Hemming ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

18. Declaration of Result of Vote : On 10th February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)20, signed a Certificate that the Votes cast were as set out in paragraph 17 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

19. Preparation of the Ruling given in the present "Opinion" :

On 19th October 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)20.

20. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Degeeria Nicolet, 1841, *Bibl. Univ. Genève* (n.s.) **32** : 384

Degeeria Nicolet, [1842], *Neue Denkschr. allgem. schweiz. Ges. Naturw.* **6(3)** : 70

Entomobrya Rondani, 1861, *Dipterol. ital. Prodr.* **4** : 40

muscorum, *Degeeria*, Nicolet, [1842], *Neue Denkschr. allgem. schweiz. Ges. Naturw.* **6(3)** : 73

Mydonius Gistel, 1848, *Nat. Thierr.* : ix

21. The following is the reference for the selection of a type species for the genus *Entomobrya* Rondani, 1861, specified in Section (2) of the Ruling given in the present *Opinion* : Börner, 1903, *SitzBer. Ges. Naturforsch. Freunde Berlin* **1903** (No. 3) : 178).

22. The following are the original references for the family-group names placed on the *Official List* and *Official Index* established for the recording of names of taxa belonging to the family-group category by the Ruling given in the present *Opinion* :—

DEGEERIADAE Lubbock, 1873, *Monogr. Collemb. Thysan.* : 129

DEGEERIIDAE Tullberg, 1876, *Oefvers. K. Vetensk. Acad. Fordhandl.*, Stockholm **33** (No. 5) : 31

MYDONIIDAE Salmon, 1945, *Trans. roy. Soc. N.Z.* **75** : 69

23. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature in virtue of all and every the powers conferred upon him in that behalf.

24. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty (440) of the International Commission on Zoological Nomenclature.

DONE in London, this Nineteenth day of October, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 6. Pp. 83—120

OPINION 441

Validation under the Plenary Powers of the names for five genera in the Order Diptera (Class Insecta) published in 1762 by Geoffroy (E.L.) in the work entitled *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris* (*Opinion* supplementary to *Opinion* 228)

LONDON :

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 441

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology)

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(1st January 1947)

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Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

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Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 441

VALIDATION UNDER THE PLENARY POWERS OF THE NAMES FOR FIVE GENERA IN THE ORDER DIPTERA (CLASS INSECTA) PUBLISHED IN 1762 BY GEOFFROY (E.L.) IN THE WORK ENTITLED "HISTOIRE ABREGEE DES INSECTES QUI SE TROUVENT AUX ENVIRONS DE PARIS" ("OPINION" SUPPLEMENTARY TO "OPINION" 228)

RULING :—(1) Under the Plenary Powers the under-mentioned generic names are hereby validated and the nominal species severally specified below are hereby designated to be the type species of the nominal genera concerned :—

<i>Generic name validated</i>	<i>Nominal species designated to be the type species of the genus specified in Col. (1)</i>
(1)	(2)
(a) <i>Stomoxys</i> Geoffroy, 1762	<i>Conops calcitrans</i> Linnaeus, 1758
(b) <i>Volucella</i> Geoffroy, 1762	<i>Musca pellucens</i> Linnaeus, 1758
(c) <i>Nemotelus</i> Geoffroy, 1762	<i>Musca pantherina</i> Linnaeus, 1758

- (d) *Scatopse* Geoffroy, 1762 *Tipula notata* Linnaeus,
1758
- (e) *Bibio* Geoffroy, 1762 *Tipula hortulana* Linnaeus,
1758

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Stomoxys* Geoffroy, 1762, as validated under the Plenary Powers under (1)(a) above (gender : feminine) (type species, by designation under the Plenary Powers as specified above : *Conops calcitrans* Linnaeus, 1758) (Name No. 1046) ;
- (b) *Volucella* Geoffroy, 1762, as validated under the Plenary Powers under (1)(b) above (gender : feminine) (type species, by designation under the Plenary Powers as specified above : *Musca pellucens* Linnaeus, 1758) (Name No. 1047) ;
- (c) *Nemotelus* Geoffroy, 1762, as validated under the Plenary Powers under (1)(c) above (gender : masculine) (type species, by designation under the Plenary Powers as specified above : *Musca pantherina* Linnaeus, 1758) (Name No. 1048) ;
- (d) *Scatopse* Geoffroy, 1762, as validated under the Plenary Powers under (1)(d) above (gender : feminine) (type species, by designation under the Plenary Powers as specified above : *Tipula notata* Linnaeus, 1758) (Name No. 1049) ;
- (e) *Bibio* Geoffroy, 1762, as validated under the Plenary Powers under (1)(e) above (gender : masculine) (type species, by designation under the Plenary Powers as specified above : *Tipula hortulana* Linnaeus, 1758) (Name No. 1050) ;
- (f) *Hirtea* Scopoli, 1763 (gender : feminine) (type species, by monotypy : *Hirtea longicornis* Scopoli, 1763) (Name No. 1051).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *calcitrans* Linnaeus, 1758, as published in the combination *Musca calcitrans* (specific name of type species of *Stomoxys* Geoffroy, 1762) (Name No. 1118) ;
- (b) *pellucens* Linnaeus, 1758, as published in the combination *Musca pellucens* (specific name of type species of *Volucella* Geoffroy, 1762) (Name No. 1119) ;
- (c) *pantherina* Linnaeus, 1758, as published in the combination *Musca pantherina* (specific name of type species of *Nemotelus* Geoffroy, 1762) (Name No. 1120) ;
- (d) *notata* Linnaeus, 1758, as published in the combination *Tipula notata* (specific name of type species of *Scatopse* Geoffroy, 1762) (Name No. 1121) ;
- (e) *hortulana* Linnaeus, 1758, as published in the combination *Tipula hortulana* (specific name of type species of *Bibio* Geoffroy, 1762) (Name No. 1122) ;
- (f) *longicornis* Scopoli, 1763, as published in the combination *Hirtea longicornis* (specific name of type species of *Hirtea* Scopoli, 1763) (Name No. 1123) ;

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Scathopse* Geoffroy, 1762 (invalid because an Invalid Original Spelling for *Scatopse* Geoffroy, 1762, as validated under the Plenary Powers under 1(d) above) (Name No. 836) ;

- (b) *Scathopsus* Latreille, 1796 (an Erroneous Subsequent Spelling for *Scatopse* Geoffroy, 1762, as validated under the Plenary Powers under (1)(d) above) (Name No. 837) ;
- (c) *Scathops* Meigen, 1803 (an Erroneous Subsequent Spelling for *Scatopse* Geoffroy, 1762, as validated under the Plenary Powers under (1)(d) above) (Name No. 838) ;
- (d) *Scatops* Meigen, 1804 (an Erroneous Subsequent Spelling for *Scatopse* Geoffroy, 1762, as validated under the Plenary Powers under (1)(d) above) (Name No. 839) ;
- (e) *Hirtea* Fabricius, 1798 (a junior homonym of *Hirtea* Scopoli, 1763) (Name No. 840) ;
- (f) *Bibio* Fabricius, 1775 (a junior homonym of *Bibio* Geoffroy, 1762, as validated under the Plenary Powers under (1)(e) above) (Name No. 841) ;
- (g) *Nemotelus* Fourcroy, 1785 (a junior homonym of *Nemotelus* Geoffroy, 1762, as validated under the Plenary Powers under (1)(c) above) (Name No. 842) ;
- (h) *Stomoxys* Fabricius, 1775 (a junior homonym of *Stomoxys* Geoffroy, 1762, as validated under the Plenary Powers under (1)(a) above) (Name No. 843) ;
- (i) *Volucella* Fabricius, 1794 (an Erroneous Subsequent Spelling for *Volucella* Geoffroy, 1762, as validated under the Plenary Powers under (1)(b) above) (Name No. 844) ;
- (j) *Volucella* Bechstein, 1800 (a junior homonym of *Volucella* Geoffroy, 1762, as validated under the Plenary Powers under (1)(b) above) (Name No. 845).

(5) The under-mentioned family-group names are hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Numbers severally specified below :—

- (a) BIBIONIDAE (correction of BIBIONITES) Newman, 1834 (type genus : *Bibio* Geoffroy, 1762) (Name No. 129) ;
- (b) SCATOPSIDAE (correction of SCATOPSITES) Newman, 1834 (type genus : *Scatopse* Geoffroy, 1762) (Name No. 130) ;
- (c) STOMOXYIDAE (correction of STOMOXIDAE) Meigen, 1824 (first published in correct form as STOMOXYIDAE by Brauer (F.) (1889) (type genus : *Stomoxys* Geoffroy, 1762) (Name No. 131) ;
- (d) VOLUCELLIDAE (correction of VOLUCELLITES) Newman, 1834 (type genus : *Volucella* Geoffroy, 1762) (Name No. 132).

(6) The under-mentioned family-group names are hereby placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* with the Name Numbers severally specified below :—

- (a) BIBIONITES Newman, 1834 (type genus : *Bibio* Geoffroy, 1762) (an Invalid Original Spelling for BIBIONIDAE) (Name No. 113) ;
- (b) SCATOPSITES Newman, 1834 (type genus : *Scatopse* Geoffroy, 1762) (an Invalid Original Spelling for SCATOPSIDAE) (Name No. 114) ;
- (c) STOMOXIDAE Meigen, 1824 (type genus : *Stomoxys* Geoffroy, 1762) (an Invalid Original Spelling for STOMOXYIDAE) (Name No. 115) ;
- (d) STOMOXYDINAE Bezzi, 1894 (type genus : *Stomoxys* Geoffroy, 1762) (an Erroneous Subsequent Spelling at subfamily name level for family name STOMOXYIDAE) (Name No. 116) ;

- (e) VOLUCELLITES Newman, 1834 (type genus : *Volucella* Geoffroy, 1762) (an Invalid Original Spelling for VOLUCELLIDAE) (Name No. 117) ;
- (f) HIRTAIDES Billberg, 1820 (type genus : *Hirtea* Fabricius, 1798) (an Invalid Original Spelling for HIRTEIDAE) (Name No. 118) ;
- (g) HIRTEIDAE (correction of HIRTAIDES) Billberg, 1820 (type genus : *Hirtea* Fabricius, 1798) (invalid because the name of the type genus is a junior homonym of another generic name (*Hirtea* Scopoli, 1763)) (Name No. 119).

I. THE STATEMENT OF THE CASE

On 20th August 1952 Dr. Alan Stone, Dr. Curtis W. Sabrosky, Dr. W. W. Wirth and Dr. R. H. Foote (all of the *Division of Insect Detection and Identification, Bureau of Entomology and Plant Quarantine, U.S. Department of Agriculture, Washington, D.C., U.S.A.*) submitted to the International Commission on Zoological Nomenclature an application for the validation under the Plenary Powers of six well-known generic names in the Order Diptera (Class Insecta) with priority as from the work by Geoffroy (E.L.) published in 1762 under the title *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris*. This work, it will be recalled, was rejected by the International Commission in 1948 as being one in which the author had not applied the principles of binominal nomenclature (1950, *Bull. zool. Nomencl.* 4 : 366—369).¹ In taking this decision, the Commission had added an open invitation to specialists to submit applications for the validation under the Plenary Powers of any generic names in the *Histoire abrégée*, the rejection of which would, in their opinion, lead to instability or confusion in the nomenclature of the group concerned. It was under this invitation that the

¹ In 1953 the decision here referred to was formally embodied in the Commission's *Opinion 228* (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 4 : 209—220).

application dealt with in the present *Opinion* was submitted by Dr. Stone and his colleagues. The application so submitted was as follows :—

A request for the use of the Plenary Powers to preserve the generic names in Geoffroy (1762) in the Order Diptera (Class Insecta)

By ALAN STONE, C. W. SABROSKY, W. W. WIRTH

and

R. H. FOOTE

(*Division of Insect Detection and Identification, Bureau of Entomology and Plant Quarantine, U.S. Department of Agriculture, Washington, D.C., U.S.A.*)

The decision of the Paris Congress to substitute the word "binominal" for the word "binary" in the Code, as applied retroactively to works that have long been accepted by taxonomists, will, in our opinion, cause many serious disturbances to stability and continuity. We accordingly disagree strongly with the decision taken at Paris, and feel that the previous wording of the Code, which has stood for nearly a half century, should have been left undisturbed. If problems existed in some groups, they could have been solved by exercise of the Plenary Powers of the Commission. However, we shall make no further issue of this, and we accept the decision, albeit reluctantly.

2. It becomes necessary, therefore, as the Commission itself has suggested (1950, *Bull. zool. Nomencl.* 4 : 368), to consider in the Order Diptera the status of the generic names uniformly accepted by dipterists as dating from Geoffroy.

3. The publication of immediate concern to us is the *Histoire abrégée des insectes qui se trouvent aux environs de Paris*. All of the dipterous names occur in the second volume. This work was first published in 1762 without indication of authorship and republished in 1764 with Geoffroy given as the author. While some of the publications listed below have cited the names in question as from 1764, Sherborn (*Index Animalium*) adopted the date of 1762, and this is apparently correct. If a generic name is credited to Geoffroy, it must date back to 1762. As a matter of record, however, in the following list of references we indicate by (o) that no date was given, by (*) that the date 1764 was used, and by (!) that some other erroneous deviation from Geoffroy, 1762, was employed. Unmarked references cite the date correctly as 1762.

4. We have reviewed Geoffroy's entire work and find only thirteen generic names of Diptera. These are first listed on pages 447—448 with the French vernacular names, followed by a diagnosis of each in French, and then on pages 449—450 the Latin names followed by Latin diagnoses. There follows a section describing the genera more fully, with descriptions of the included species. These species are not named binominally, though some can be identified by the citations to the Linnaean species. Of the thirteen generic names, six are proposed for the first time in this publication. These are as follows :—

(i) *Stratiomys* (: 449, 475). Eight species. Type species : *Musca chamaeleon* Linnaeus, the first species, by selection of Latreille, 1810.

(ii) *Stomoxys* (: 449, 538). One species. Type species : *Conops calcitrans* Linnaeus, monobasic.

(iii) *Volucella* (: 449, 540). Three species. Type species : *Musca pellucens* Linnaeus, the first species, by selection of Curtis, 1833.

(iv) *Nemotelus* (: 450, 542). Two species. Type species : *Musca pantherina* Linnaeus, the first species, by selection of Latreille, 1810 (as *uliginosus* L. and *marginatus* L.).

(v) *Scatopse* (: 450 and as *Scathopse* : 544—545). Two species. Type species : *Tipula notata* Linnaeus, the first species, by selection of Latreille, 1810. (The spelling *Scatopse* is preferred because it is currently and universally accepted, it has predominated in past years, and it has page precedence in the original.)

(vi) *Bibio* (: 450, 568). Five species. Type species : *Tipula hortulana* Linnaeus, the third species, by selection of Latreille, 1810.

5. The overthrow of these common, widely used, and important generic names, which are the oldest in the Order Diptera next to the Linnaean names, would be most unfortunate and would upset or threaten stability in these long-established names. At the present time, and throughout virtually all the history of dipterology, the six names have been accepted as dating from Geoffroy, with rare exceptions that are in most cases undoubtedly lapses or typographical errors (e.g. Curran, 1927, and Walker, 1851, see below, under *Stratiomys* : Curran, 1934, see below under General Works). If the Geoffroy names were to be eliminated, the consequences shown in the four immediately following paragraphs would result :—

6. A laborious search of the literature after 1762 would have to be carried out in order to determine the next use of each of these six names that would be acceptable under the Code, with the realisation that validation by citation in synonymy might also occur. We can

think of no more barren labour than such a search, which should have been totally unnecessary (see introductory paragraph) and is certainly unwanted and undesirable. The result of such a search would be to change the dates and authorship of the six names, changes which, though apparently not serious, would nevertheless mean incorrect citations for many years to come.

7. The change of date and authorship would raise the question of whether a type designation for a Geoffroy genus can be accepted as a designation for the same name when it is dated from some other author.

8. The change of date and authorship would mean that a different species might be eligible for fixation as type species, with a possible change of concept that would set in motion some confusing changes. For example, if *Bibio* Geoffroy is eliminated, the next use of *Bibio* appears to be* that of Fabricius (1775, *Systema Entomologiae* : 756—759), in which the fourteen included species are now scattered among much younger genera in the three families STRATIOMYIDAE, THEREVIDAE, and BOMBYLIIDAE. The generic name *Bibio* would thus supplant the name of some genus in another family. The fate of the family name BIBIONIDAE would no doubt be an argument in itself, but it certainly could not remain the BIBIONIDAE as we know the family today. *Volucella* offers another example, for the first valid use subsequent to Geoffroy (not counting references in specific synonymies) seems to be (1) that of Fabricius (1794, *Entomologia systematica* 4 : 412—413), who used *Voluccella* (note the difference in spelling !) for three species, all now placed in the genus *Usia* Latreille, 1804, in the family BOMBYLIIDAE. Thus the name *Volucella* (and subfamily VOLUCELLINAE) would disappear from the SYRPHIDAE where it has long been one of the largest and best known genera.

9. The change of date and authorship may mean, even for that early period in entomological activity, that the names would be antedated by others that are now placed in the synonymy of the Geoffroy names. Example : If *Stratiomys* is eliminated from Geoffroy (1762), the next valid name for that genus is *Hirtea* Scopoli, 1763 (*Entomologia carniolica* : 367, monobasic for *H. longicornis* Scopoli), a change which would also result in changing the family name STRATIOMYIDAE to HIRTEIDAE.

10. In view of the uniform acceptance of these six names as dating from Geoffroy, 1762, and in view of the grave difficulties, either already known or suspected, that would arise from the elimination of that work, we propose that the Rules be suspended and that these

* These changes appear to be necessary, from our perusal of well-known works such as those of Fabricius, Scopoli, De Geer, etc. It will be impossible to make categorical statements without an extensive search of the literature.

six generic names be dated for purposes of priority from Geoffroy, 1762, with the type species as given in paragraph 4 above.

11. As examples of the wide usage of these names of Geoffroy, 1762, we may cite the following general works² :—

- * 1862-64 Schiner, *Fauna austriaca*. Die Fliegen. 2 vols.
- o 1877 Schneider, *Enumeratio Insectorum norvegicum*. (All but *Bibio*.)
- o 1877 Van der Wulp, *Diptera neerlandica*. (All but *Stomoxys*.)
- * 1878 Osten Sacken, *Catalogue of the Described Diptera of North America*, 2nd Edition.
- * 1882 Scudder, *Nomenclator zoologicus*.
- 1902 Sherborn, *Index Animalium*.
- * 1902-10 Kertész, *Catalogus Dipteroorum*. (All but *Stomoxys*.)
- * 1903-07 Becker, Bezzi, Bischof, Kertész, and Stein, *Katalog der Paläarktischen Dipteren*. Vols. 1—3.
- * 1905 Aldrich, *A Catalogue of the North American Diptera*.
- o 1905-09 Wahlgren, *Svensk Insektfauna*. Tvavingar. Diptera. (All but *Stomoxys*.)
- 1910 Coquillett, *The Type Species of the North American Genera of Diptera*.
- o 1925 Johnson, *Fauna of New England 15*. List of Diptera or Two-Winged Flies.
- 1926-39 Schulze and Kükenthal, *Nomenclator Animalium Generum et Subgenerum*.
- o 1928 Johannsen, in Leonard, *A List of the Insects of New York*.
- o 1934 Curran, *The Families and Genera of North American Diptera*. (All but *Bibio*, which is credited to Latreille.)
- * 1936 Enderlein, *Die Tierwelt Mitteleuropas*, Band 6, Teil 3, Lief. 2, Abt. 16 (Diptera).
- o 1938 Brimley, *The Insects of North Carolina*.
- 1939-40 Neave, *Nomenclator zoologicus*, vols. 1 and 3.
- 1945 Kloet and Hincks, *A Check List of the British Insects*.
- o 1946 Stuardo, O., *Catalogo de los Dipteros de Chile*. (All but *Bibio*.)

12. Examples of the specialised publications that have used these names are as follows² :—

(i) *Stratiomys*

(Sometimes emended to *Stratiomyia*)

- ! 1851 Walker, *Insecta britannica*, Diptera 1 : 13. (Date given as 1784.)
- * 1895 Johnson, *Trans. Amer. ent. Soc.* 22 : 227

² For an explanation of the symbols attached to the dates of the papers cited in this paragraph see the latter part of paragraph 3.

- o 1907 Lundbeck, *Diptera danica*, Part 1, p. 40.
- * 1907 Brunetti, *Rec. Indian Mus.* **1** : 125.
- * 1909 Verrall, *British Flies* **5** : 146.
- o 1917 Malloch, *Bull. Illinois State Lab. nat. Hist.* **12** : 318
- * 1920 Brunetti, *Fauna of British India*, Diptera Brachycera **1** : 58. (It is interesting to note that the editor, Shipley, appended the following note : " In this work Geoffroy did not accept the binary system of nomenclature upon which all modern zoological classification is based ; it has therefore been ruled that all generic names therein proposed by him are just as invalid as pre-Linnaean names. The authorship of *Stratiomys* should thus be attributed to Fabricius ".)
- * 1923 Brunetti, *Rec. Indian Mus.* **25** : 115.
- ! 1927 Curran, *Trans. Roy. Soc. Canada*, 1927 Sec. V, p. 199. (As *Stratiomys* Latreille.)
- o 1930 Aubertin, *Dipt. Patagonia & S. Chile*, Part 5, fasc. 2, p. 97.
- * 1938 Lindner, *Die Fliegen der Palaearktischen Region*, Bd. **4**, Fam. 18. p. 47.

(ii) *Stomoxys*

- 1909 Austen, *African Blood-Sucking Flies*, p. 141.
- o 1911 Schnabl and Dziedzicki, *Die Anthomyiden*, p. 125.
- * 1919 Stein, *Die Anthomyidengattungen der Welt*, . . . Archiv. Naturgesch. A 1, **83**(1) : 102.
- o 1923 Séguy, *Faune de France*, Diptères, Anthomyides, p. 342.
- * 1928 Karl, *Die Tierwelt Deutschlands*, Teil **13**, Dipt. II, Muscidae, p. 14.
- 1932 Malloch, *Exotic Muscaridae* **36** (World revision of Muscidae, Stomoxydinae), Ann. & Mag. Nat. Hist. (10) **9** : 381.
- * 1937 Séguy, in Wytsman, *Genera Insectorum*, fasc. **205**, Diptera, Muscidae, p. 423.
- * 1939 Zumpt, *Das System der Stomoxydinae*, Verh. VII. Internat. Kongr. Ent. **3** : 1732.
- o 1948 James, *The Flies That Cause Myiasis in Man*, U.S. Dept. Agr. Misc. Publ. **631** : 132.

- * 1950 Miller, *Catalogue of the Diptera of the New Zealand Subregion*, p. 125.
- * 1950 Zumpt, *Key to the Stomoxydinae of the Ethiopian Region*, Anais do Inst. Med. Trop. **7** : 401.
- * 1951 Zimin, Muscidae, in *Fauna U.S.S.R.*, **18(4)** : 249.

(iii) Volucella

- ! 1851 Walker, *Insecta britannica*, Diptera **1** : 260 (Date given as 1776).
- * 1886 Williston, *Synopsis of North American Syrphidae*, p. 134.
- 1891 Williston, *Biologia centrali-americana*, Diptera **3** : 43.
- * 1901 Verrall, *British Flies* **8** : 482.
- o 1916 Lundbeck, *Diptera danica* **5** : 395.
- * 1923 Brunetti, *Fauna of British India*, Diptera **3** : 144.
- o 1928 Curran, *J. Fed. Malay States Museum* **14** : 160.
- * 1930 Shriaki, *Mem. Fac. Sci. Agric. Taihoku Imp. Univ.* **1** : 213.
- * 1930 Curran, *Amer. Mus. Novitates* **413** : 6.
- * 1932 Sack, in Lindner, *Die Fliegen der Palaearktischen Region*, Bd. **4**, Fam. 31 : 241.
- * 1933 Shannon and Aubertin, *Dipt. Patagonia & S. Chile*, Pt. **6**, fasc. 3, p. 167.
- * 1949 Hull, *Trans. zool. Soc. Lond.* **26** : 347.

(iv) Nematelus

- ! 1851 Walker, *Insecta britannica*, Diptera **1** : 25. (Date given as 1784.)
- o 1907 Lundbeck, *Diptera danica*, part 1, p. 23.
- * 1907 Brunetti, *Rec. Indian Mus.* **1** : 117.
- * 1909 Verrall, *British Flies* **5** : 113.
- o 1917 Malloch, *Bull. Illinois State Lab. nat. Hist.* **12** : 318.
- * 1923 Brunetti, *Rec. Indian Mus.* **25** : 87.
- o 1927 Curran, *Trans. Roy Soc. Canada*, **1927** Sec. V, p. 223.
- o 1930 Aubertin, *Dipt. Patagonia & S. Chile*, pt. 5, fasc. 2, p. 97 (in key).
- * 1938 Lindner, *Die Fliegen der Palaearktischen Region*, Bd. **4**, Fam. 18, p. 107.

(v) Scatopse

- * 1856 Walker, *Insecta britannica*, Diptera 3 : 140.
- * 1912 Brunetti, *Fauna of British India*, p. 179.
- * 1916 Melander, "The Dipterous Family Scatopsidae", *State College of Washington Expt. Sta. Bull.* 130 : 6.
- o 1921 McAtee, "District of Columbia Diptera", *Scatopsidae, Proc. Ent. Soc. Washington* 23 : 121.
- o 1925 Edwards, "A Synopsis of British Bibionidae and Scatopsidae", *Ann. Appl. Biol.* 12 : 268.
- o 1928 Duda, *Beitrag zur Kenntnis der aussereuropäischen Scatopsiden*, *Knowia* 7 : 259.
- o 1929 Duda, in Lindner, *Die Fliegen der Palaearktischen Region*, Bd. 2, Fam. 5, Scatopsidae, p. 9.
- o 1948 Hennig, *Die Larvenformen der Dipteren* 1 : 90.

(vi) Bibio

- * 1856 Walker, *Insecta britannica*, Diptera 3 : 134.
- o 1859 Bellardi, *Saggio di Ditterologia Messicana* 1 : 16.
- 1886 Osten Sacken, *Biologia centrali-americana*, Diptera 1 : 3
- * 1912 Brunetti, *Fauna of British India*, p. 166.
- o 1921 McAtee, "Notes on Nearctic bibionid flies", *Proc. U.S. Nat. Mus.* 60(11) : 6.
- o 1925 Edwards, "A Synopsis of British Bibionidae and Scatopsidae", *Ann. Appl. Biol.* 12 : 266.
- * 1930 Duda, in Lindner, *Die Fliegen der Palaearktischen Region*, Bd. 2, Fam. 4, Bibionidae, p. 38.
- * 1945 Hardy, "Revision of Nearctic Bibionidae . . .", *Kansas Univ. Sci. Bul.* 30 : 444.

13. The action which the International Commission on Zoological Nomenclature is now asked to take is therefore that it should :—

- (1) use its Plenary Powers to validate the under-mentioned generic names with the type species specified below :—

<i>Name of genus</i>	<i>Type species</i>
(a) <i>Stratiomys</i> Geoffroy, 1762, <i>Hist. abrég. Ins. Env. Paris</i> 2 : 449, 475 (gender : feminine)	<i>Musca chamaeleon</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 589
(b) <i>Stomoxys</i> Geoffroy, 1762, <i>ibid.</i> 2 : 449, 538 (gender : feminine)	<i>Conops calcitrans</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 604

- | <i>Name of genus</i> | <i>Type species</i> |
|--|--|
| (c) <i>Volucella</i> Geoffroy, 1762,
<i>ibid.</i> 2 : 449, 540 (gender :
feminine) | <i>Musca pellucens</i> Linnaeus,
1758, <i>Syst. Nat.</i> (ed. 10)
1 : 595 |
| (d) <i>Nemotelus</i> Geoffroy, 1762
<i>ibid.</i> 2 : 450, 542 (gender :
masculine) | <i>Musca pantherina</i> Linnaeus,
1758, <i>Syst. Nat.</i> (ed. 10)
1 : 590 |
| (e) <i>Scatopse</i> Geoffroy, 1762,
<i>ibid.</i> 2 : 450 (as <i>Scathopse</i>
on pp. 544—545) (gen-
der : feminine) | <i>Tipula notata</i> Linnaeus, 1758,
<i>Syst. Nat.</i> (ed. 10) 1 : 588 |
| (f) <i>Bibio</i> Geoffroy, 1762, <i>ibid.</i>
2 : 450, 568 (gender :
masculine) | <i>Tipula hortulana</i> Linnaeus
1758, <i>Syst. Nat.</i> (ed. 10)
1 : 588 |
- (2) place the six generic names specified in (1) above on the *Official List of Generic Names in Zoology* :
- (3) place on the *Official List of Specific Names in Zoology* the specific names of the six species specified in (1) above as the type species of the genera there enumerated ;
- (4) place the name *Scathopse* Geoffroy, 1762 (: 544—545) (an Invalid Original Spelling of the name *Scatopse* Geoffroy, 1762 (: 450)) on the *Official Index of Rejected and Invalid Generic Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of the application submitted by Dr. Alan Stone and his colleagues the question of the possible validation under the Plenary Powers of certain generic names in the Order Diptera published by Geoffroy in 1762 in the *Histoire abrégée* was allotted the Registered Number Z.N.(S.) 710.

3. Publication of the present application : The present application was sent to the printer before the meeting held by the

International Commission at Copenhagen in 1953 but owing to the pre-occupation of the Office of the Commission with the preparations for that Meeting it was not possible to publish this application before the temporary transfer of the Office of the Commission from London to Copenhagen. After the close of the Copenhagen Meeting the resources of the Office of the Commission up to the end of 1953 were devoted entirely to seeing through the press the work *Copenhagen Decisions on Zoological Nomenclature* and it was therefore not until the beginning of 1954 that it was possible to resume work on the publication of individual applications in the *Bulletin of Zoological Nomenclature*. The present application was published on 11th May 1954 in Part 8 of Volume 9 of the *Bulletin*, one of the three Parts first published on the resumption of publication after the Copenhagen Meeting (Stone *et al.*, 1954, *Bull. zool. Nomencl.* 9 : 241—246).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56) Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 11th May 1954 (a) in Part 8 of Volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by Dr. Stone and his colleagues was published) and (b) to the other prescribed serial publications. In addition such Notice was given also to four general zoological serial publications and to six entomological serial publications in Europe and America.

5. Support received from Dr. Maurice T. James (State College of Washington, Pullman, Washington, U.S.A.) : The issue of the foregoing Public Notices elicited support from Dr. Maurice T. James (*State College of Washington, Pullman, Washington, U.S.A.*), to whom a copy of the Public Notice had been sent in his capacity as Editor of the *Annals of the Entomological Society of America*. Dr. James's comment was concerned especially with the generic name *Stratiomys* Geoffroy, the first of the six names dealt with in the application submitted by Dr.

Stone and his colleagues. Later as explained in paragraph 9 below, the case of the name *Stratiomys* was detached from the present application for treatment as a separate case.³

6. No objection received : The issue of the Public Notices specified in paragraph 4 above elicited no objection to the use of the Plenary Powers in the present case from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(54)95 : On 26th November 1954 a Voting Paper (V.P.(54)95) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the six generic names for Diptera in Geoffroy, 1762, *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris*, as set out in Points (1) to (4) in paragraph 13 commencing on page 245 and ending on page 246 of Volume 9 of the *Bulletin of Zoological Nomenclature*" [i.e. in the Points numbered as above in paragraph 13 of the application reproduced in the first paragraph of the present *Opinion*].

8. The Prescribed Voting Period for Voting Paper V.P.(54)95 : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 26th February 1955.

³ The decision by the International Commission in regard to the foregoing name has this day been embodied in *Opinion* 442, in which the comment received from Dr. Maurice James has been included in paragraph 5. *Opinion* 442 is being published simultaneously with the present *Opinion* in the immediately following Part of the present volume.

9. Partial withdrawal from the scope of Voting Paper V.P.(54)95 of the proposals submitted therewith in relation to the generic name "Stratiomys" Geoffroy, 1762, and issue of directions as to the action to be taken as regards the matter so withdrawn : On 27th February 1955 Mr. Francis Hemming, as Secretary, executed the following Minute withdrawing from the scope of Voting Paper V.P.(54)95 the question whether as regards the name *Stratiomys* the foregoing Original Spelling or the Emendation *Stratiomyia* Macquart, 1838, be adopted and giving directions as to the manner in which the question so withdrawn should be dealt with :—

Partial withdrawal from the scope of Voting Paper V.P.(54)95 of the proposals submitted therewith in relation to the generic name "Stratiomys" Geoffroy, 1762, and issue of directions as to the action to be taken as regards the matter so withdrawn

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

I have this day reviewed the Votes received on Voting Paper V.P.(54)95 in relation to the proposed validation under the Plenary Powers of six names for genera in the Order Diptera published by Geoffroy (E.L.) in 1762 in the *Histoire abrégée* and the correspondence received in connection therewith and I find that, subject to the point of detail referred to below, the proposals submitted have been adopted by the International Commission by twenty votes in favour to one vote against. The one point on which there was not complete agreement among the Members of the Commission who voted in favour of these proposals was whether in the case of the first of the six generic names concerned the original spelling *Stratiomys* or the later emendation *Stratiomyia* should be accepted. On this question, the merits of which had not been debated in the application submitted in this case, Commissioner J. Chester Bradley has warmly advocated the acceptance of the Emendation *Stratiomyia* Macquart, 1838, while Dr. Curtis W. Sabrosky, one of the co-applicants in this case, whose view was invited on the question raised by Commissioner Chester Bradley, has advocated with equal warmth the adoption of the Original Spelling *Stratiomys*.

2. In these circumstances, as Secretary, I hereby direct as follows, namely :—

- (a) The validation under the Plenary Powers of the generic name *Stratiomys* Geoffroy, 1762, either in the foregoing Original

Spelling or in the alternative spelling *Stratiomyia* published as an Emendation therefor by Macquart in 1838, is to be regarded as having been approved by the Commission by its Vote on Voting Paper V.P.(54)95.

- (b) The question as to which of the foregoing Spellings is to be adopted for the foregoing generic name is to be regarded as an open question until an express decision thereon has been taken by the Commission.

10. Particulars of the Voting on Voting Paper V.P.(54)95, exclusive of the portion relating to the relative merits of the spellings "Stratiomys" and "Stratiomyia" withdrawn from the scope thereof by the directions given in the Minute executed by the Secretary on 27th February 1955 : At the close of the Prescribed Voting Period for Voting Paper V.P.(54)95 the state of the voting thereon, exclusive of the portion relating to the relative merits, as regards the first of the names involved, of the Original Spelling *Stratiomys* and the Emendation *Stratiomyia*, was as follows :—

- (a) *Affirmative Votes had been given by the following twenty (20) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Lemche ; Stoll ; Vokes ; Esaki ;
Dymond ; Bonnet ; Boschma ; Miller ; Key ; Hankó ;
do Amaral ; Hemming ; Riley ; Cabrera ; Kühnelt ;
Jaczewski ; Bradley (J.C.)⁴ ; Sylvester-Bradley ;

- (b) *Negative Votes, one (1) :*

Bodenheimer ;

⁴ Commissioner Chester Bradley voted negatively on the question of the acceptance of the Original Spelling *Stratiomys* Geoffroy as against the Emendation *Stratiomyia*, a question which, as explained in paragraph 9 of the present *Opinion*, was withdrawn from the scope of Voting Paper V.P.(54)95 for further consideration by the direction given in the Minute executed by the Secretary on 27th February 1955 in consequence of the representations in regard to the relative merits of the foregoing alternative spellings received during the Prescribed Voting Period for the above Voting Paper.

(c) *On Leave of Absence, two (2) :*

Mertens ; Prantl ;

(d) *Voting Papers not returned :*

None.

11. Declaration of Result of Vote on Voting Paper V.P.(54)95 :

On 27th February 1955 Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)95, signed a Certificate that the Votes cast were as set out in paragraph 10 above and that the proposals submitted with the foregoing Voting Paper had been duly adopted, subject, as directed by the Secretary in a Minute executed earlier on the same day (the text of which has been reproduced in paragraph 9 of the present *Opinion*), to the reservation for a further vote of the question whether, as regards the first of the generic names dealt with in those proposals, the Original Spelling *Stratiomys* or the Emendation *Stratiomyia* be accepted, and that the decision so taken on the above Voting Paper was the decision of the International Commission in the matter aforesaid. At the same time a new File bearing the Registered Number Z.N.(S.) 1086 was opened for the further consideration of the relative merits of the alternative spellings *Stratiomys* and *Stratiomyia*.

12. Separation of the case relating to the generic name

“ Stratiomys ” Geoffroy, 1762, from that relating to the other generic names published by Geoffroy in the same work dealt with in the application submitted in the present case : By a Minute dated 1st March 1955 Mr. Hemming, as Secretary, gave directions separating the case relating to the generic name *Stratiomys* Geoffroy, 1762, from that relating to the other generic names published by Geoffroy in the same work dealt with in the application submitted in the present case and prescribing that, when a decision had been taken by the Commission regarding the relative merits of the spellings *Stratiomys* and *Stratiomyia*, that decision, together with the decision to validate the foregoing name in one

or other of the foregoing spellings taken by its vote on Voting Paper V.P.(54)95, be embodied in an *Opinion* separate from that embodying the decision of the Commission in regard to the other generic names validated by the vote taken on the foregoing Voting Paper, the *Opinion* so to be rendered in regard to the name *Stratiomys* to be allotted the *Opinion* Number next following that allotted to the *Opinion* embodying the decision of the Commission in regard to the other names involved in the present application.⁵

13. Family-group name problems involved in the present application : All except one of the names included in the present application are the names of genera which are the type genera of currently accepted family-group taxa. At the time when this application was submitted the *Official List of Family-Group Names in Zoology* had not as yet been brought into existence by the International Congress of Zoology and accordingly no proposals for dealing with the family-group-name problems involved were included in the application. Early in 1956 discussions on this subject were opened by the Secretary with Dr. Sabrosky (one of the co-applicants) and with other leading specialists. These consultations were concluded in April 1956 and on 7th May 1956 the Secretary submitted to the International Commission a paper containing proposals on the foregoing subject, in which also he included certain other proposals designed to deal with various minor matters involved in this case on which proposals had not been included in the original application. The paper so submitted by the Secretary was as follows :—

Certain outstanding problems in connection with the recent validation of the names for certain genera in the Order Diptera (Class Insecta) as from Geoffroy, 1762

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

The purpose of the present note is to report to the International Commission on Zoological Nomenclature the stage reached in regard

⁵ The decision of the Commission in regard to the name *Stratiomys* Geoffroy has now been embodied in *Opinion* 442.

to an application for the validation under the Plenary Powers of certain names proposed by Geoffroy for genera of the Order Diptera (Class Insecta) in the work published in 1762 under the title *Histoire abrégée des Insectes qui se trouvent aux environs de Paris* which was rejected by the Commission in 1948 as being a work in which the author did not apply the principles of binominal nomenclature (*Opinion* 228).

2. The application referred to above was submitted by Alan Stone, C. W. Sabrosky, W. W. Wirth and R. H. Foote (all of the U.S. Department of Agriculture, U.S. National Museum, Washington, D.C., U.S.A.) and was published in May 1954 (*Bull. zool. Nomencl.* 9 : 241—246). This application had as its object the validation of six generic names in common use with type species in harmony with current practice. The generic names concerned were : (1) *Stratiomys* ; (2) *Stomoxys* ; (3) *Volucella* ; (4) *Nemotelus* ; (5) *Scatopse* ; (6) *Biblio*.

3. The foregoing proposals were submitted to the Commission for decision in November 1954 with Voting Paper V.P.(54)95. In the ensuing vote these proposals were approved by the Commission. During the Prescribed Voting Period Professor J. Chester Bradley raised, as regards one of the names concerned, an objection on a point which, though mentioned in the application submitted in this case, had not been debated in detail in that document. The name concerned was *Stratiomys* and the point raised by Professor Bradley was whether this spelling which is that used by Geoffroy in 1762, should be accepted or whether it would be more in harmony with current practice if the emended spelling *Stratiomyia*, first proposed by Macquart in 1838, were to be approved for this name. In the light of the information furnished by Professor Bradley I took the view at the close of the Prescribed Voting Period that the issue so raised was one which ought to be reserved for further consideration by the Commission. Accordingly, on 27th February 1955 I executed as Secretary a Minute directing (a) that the validation of the generic name *Stratiomys* Geoffroy, 1762, either in the foregoing original spelling or in the emended spelling *Stratiomyia*, was to be regarded as having been approved by the Commission by its vote on Voting Paper V.P.(54)95, and (b) that the question as to which of the foregoing spellings was to be adopted for the above generic name was to be regarded as an open question until an express decision thereon had been taken by the Commission.

4. The application with which the present note is concerned was submitted to the Office of the Commission before the meeting of the Fourteenth International Congress of Zoology at Copenhagen in 1953 and in consequence included no proposals for dealing with the family-group-name problems associated with the generic names which it was proposed should be validated by the Commission under

its Plenary Powers. In the light, however, of the General Directive given to the Commission by the foregoing Congress it is necessary that this matter should now be dealt with. Accordingly, I recently applied for advice on this subject to Dr. Sabrosky (one of the co-applicants in the present case) who, as I knew, had made a special study of family-group-name problems in the Order Diptera. The information so asked for was kindly furnished by Dr. Sabrosky in a letter dated 22nd March 1956, which forms the basis of the recommendations now submitted. We find that each of the generic names concerned with the exception of *Nemotelus* (which is currently placed in the same family as *Stratiomys* (*Stratiomyia*) has been taken as the base for a family-group name and that each of the names concerned is in current use. The original references for the names in question are as follows :—

- (a) BIBIONIDAE (correction of BIBIONITES) Newman, 1834, *Ent. Mag.* 2 : 379, 387
- (b) SCATOPSIDAE (correction of SCATOPSITES) Newman, 1834, *Ent. Mag.* 2 : 379, 387
- (c) STOMOXIDIDAE (correction of STOMOXIDAE) Meigen, 1824, *Syst. Beschr. zweifl. Insekt.* 4 : xi
- (d) VOLUCELLIDAE (correction of VOLUCELLITES) Newman, 1834, *Ent. Mag.* 2 : 379, 394

(Note :—Under a Directive issued by the International Congress of Zoology the International Commission, when placing a family-group name on the *Official List of Family-Group Names in Zoology*, is bound to enter that name as the name of a taxon of whatever rank within the family-group was assigned to it by its original author, irrespective of any views which may now be held on taxonomic grounds as to the category to which the taxon concerned should be assigned. Accordingly, when, as in the above cases, a name is published as the name for a family but the name is formed in an incorrect manner, it is necessary for it to be entered on the *Official List* with the termination approved for the names of families.)

5. The present opportunity is taken to draw attention to various minor matters connected with the present case on which action by the Commission is called for under the General Directives issued to it by the International Congresses of Zoology relative to the maintenance of the *Official Lists* and *Official Indexes* and to the measures to be taken by it to ensure that in any given case the Ruling to be given shall embrace all aspects of the case involved. The matters to which attention requires to be given under these heads are as follows :—

- (a) There is a family-group name HIRTEIDAE (correction of HIRTAEIDES) Billberg, 1820 (*Enum. Ins. Mus. Billb.* : 121

(type genus : *Hirtea* Fabricius, 1798, *Suppl. Ent. syst.* : 547) which is a senior objective synonym of the name BIBIONIDAE Newman, 1834. This family-group name is, however, invalid, as the name of its type genus (*Hirtea* Fabricius, 1798) is a junior homonym of *Hirtea* Scopoli, 1763 (*Ent. carn.* : 367).

- (b) The name *Bibio* Fabricius, 1775 (*Syst. Ent.* : 756) is a junior homonym of *Bibio* Geoffroy, 1762, validated by the Commission by its vote on Voting Paper V.P.(54)95.
- (c) The name *Nemotelus* Fourcroy, 1785 (*Ent. paris.* (2) : 502) is a junior homonym of *Nemotelus* Geoffroy, 1762, validated by the Commission by its vote on the Voting Paper referred to above.
- (d) The name *Scatopse* Geoffroy, 1762, which has been validated by the Commission by its vote on the above Voting Paper, was one of two Original Spellings. The other spelling, which has been rejected as an Invalid Original Spelling, was *Scathopse*.
- (e) The name *Stomoxys* Fabricius, 1775 (*Syst. Ent.* : 797) is a junior homonym of *Stomoxys* Geoffroy, 1762, validated by the Commission by its vote under the above Voting Paper.
- (f) The family-group taxon based upon *Stomoxys* Geoffroy, 1762, is (Dr. Sabrosky reports) currently treated as a sub-family of the family MUSCIDAE, the name being used in the correct form STOMOXIDINAE.⁶ Dr. Sabrosky reports that an incorrect form STOMOXYINAE has been used by some authors. The first use of this Erroneous Subsequent Spelling has not yet been determined but steps are being taken to obtain this information.
- (g) The name *Volucella* Geoffroy, 1762, validated by the Commission by its vote on the above Voting Paper, was used with the Erroneous Subsequent Spelling *Voluccella* by Fabricius in 1794 (*Ent. syst.* 4 : 412).
- (h) There is a name *Volucella* Bechstein, 1800 (*in* Pennant, *Uebers. vier-füss. Thiere* 2 : 352) in mammals which is a junior homonym of *Volucella* Geoffroy, 1762.

6. In view of the very voluminous character of the documents relating to the question of the relative merits of the spellings *Stratiomys*

⁶ Later it was found that this statement was based upon a misunderstanding and that the correct form for this family name is STOMOXYIDAE. See paragraph 3 of the paper by the Secretary dated 20th September 1956 reproduced in paragraph 18 of the present *Opinion*.

and *Stratiomyia*, which, as explained in paragraph 3 above, has been reserved for further consideration, it appears to me that it would serve the convenience of the Commission if that question were to be dealt with separately from the miscellaneous questions discussed in the present paper. I have therefore given directions that the documents relating to the *Stratiomys/Stratiomyia* problem be detached from the remainder of the papers relating to the present application and should be allotted the new Registered Number Z.N.(S.) 1086. This arrangement makes it possible in the present paper to seek decisions on all matters outstanding on the present case with the exception of that relating to the *Stratiomys/Stratiomyia*. Proposals on this latter question are submitted in the immediately following Voting Paper (V.P.(O.M.)(567),⁷ which is being submitted concurrently with the Voting Paper relating to the questions discussed in the present paper.

7. The proposal now submitted is that, in order to complete the action required in connection with the application relating to certain names for genera of Diptera published by Geoffroy in 1762 which have been validated by the Commission by its vote on Voting Paper V.P.(54)95 (exclusive of the portion relating to the name *Stratiomys* which has been reserved for further consideration), the International Commission should :—

- (1) place on the *Official List of Family-Group Names in Zoology* the four family-group names (BIBIONIDAE ; SCATOPSIDAE ; STOMOXIDIDAE ; VOLUCELLIDAE) as specified in paragraph 4 above, the names of the respective type genera (*Biblio* ; *Scatopse* ; *Stomoxys* ; *Volucella*) to be inserted at the appropriate points in the entries so to be made ;
- (2) place the under-mentioned family-group names on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*:—
 - (a) the four Invalid Original Spellings (BIBIONITES ; SCATOPSITES ; STOMOXIDAE ; VOLUCELLITES) as specified in paragraph 4 above ;
 - (b) HIRTEIDAE (correction of HIRTAIDES) Billberg, 1820 (type genus : *Hirtea* Fabricius, 1798) (invalid because the name of the type genus is a junior homonym of another generic name (*Hirtea* Scopoli, 1763)) (paragraph 5(a)) ;
 - (c) HIRTAIDES Billberg, 1820 (an Invalid Original Spelling for HIRTEIDAE) (paragraph 5(a)) ;
 - (d) STOMOXYINAE (an Erroneous Subsequent Spelling for STOMOXIDIDAE) (paragraph 5(f)) ;⁸

⁷ See Footnote 5.

⁸ See Footnote 6.

(3) place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—

- (a) *Hirtea* Fabricius, 1798 (a junior homonym of *Hirtea* Scopoli, 1763) (paragraph 5(a)) ;
- (b) *Bibio* Fabricius, 1775 (a junior homonym of *Bibio* Geoffroy, 1762) (paragraph 5(b)) ;
- (c) *Nemotelus* Fourcroy, 1785 (a junior homonym of *Nemotelus* Geoffroy, 1762) (paragraph 5(c)) ;
- (d) *Scathopse* Geoffroy, 1762 (an Invalid Original Spelling of *Scatopse* Geoffroy, 1762) (paragraph 5(d)) ;
- (e) *Stomoxys* Fabricius, 1775 (a junior homonym of *Stomoxys* Geoffroy, 1762) (paragraph 5(e)) ;
- (f) *Voluccella* Fabricius, 1794 (an Erroneous Subsequent Spelling of *Volucella* Geoffroy, 1762) (paragraph 5(g)) ;
- (g) *Volucella* Bechstein, 1800 (a junior homonym of *Volucella* Geoffroy, 1762) (paragraph 5(h)).

14. Issue of Voting Paper V.P.(O.M.)(56)6 : On 7th May 1956 a Voting Paper (V.P.(O.M.)(56)6) was issued in which each Member of the Commission was asked (1) to state whether he agreed " that, in conformity with the General Directive relating to the recording on the various *Official Lists* and *Official Indexes* of decisions in regard to particular names and particular books issued to the International Commission by the Thirteenth International Congress of Zoology, Paris, 1948, and with the General Directive supplementary thereto issued to the Commission by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the entries on *Official Lists* and *Official Indexes* relating to names in the Order Diptera (Class Insecta) specified in paragraph 7 of the paper numbered Z.N.(S.) 710 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in the paragraph numbered as above in the paper reproduced in paragraph 12 of the present *Opinion*] be made as proposed " and (2), if he did not so agree as regards any given item, to indicate that item.

15. The Prescribed Voting Period for Voting Paper V.P.(O.M.)(56)6 : As the foregoing Voting Paper was issued under the

One-Month Rule, the Prescribed Voting Period closed on 7th June 1956.

16. Particulars of the Voting on Voting Paper V.P.(O.M.)(56)6 :
At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(56)6 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Bradley (J.C.) ; Bodenheimer ; Holthuis ; Stoll ; Hering ; Vokes ; Mayr ; Dymond ; Prantl ; Key ; Bonnet ; Miller ; Mertens ; Lemche ; Esaki ; Jaczewski ; Riley ; Cabrera ; Hemming ; Hankó ; Kühnelt ; Tortonese ; Sylvester-Bradley ; Boschma ; do Amaral ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

17. Declaration of Result of Vote on Voting Paper V.P.(O.M.) (56)6 : On 15th June 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(56)6, signed a Certificate that the Votes cast were as set out in paragraph 16 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

18. Submission to the International Commission by the Secretary of a Supplementary Report in September 1956 : On 20th September 1956 Mr. Hemming, as Secretary, submitted to the International Commission on Zoological Nomenclature the following Supplementary Report in which he drew attention to the need for a minor adjustment, in the case of one name, of a decision taken by the Commission in its vote on Voting Paper V.P.(O.M.)(56)6 and in addition recommended for the sake of completeness the addition of certain further names to the *Official Lists* and *Official Indexes* :—

Supplementary Report on certain matters arising out of an application by Alan Stone, C. W. Sabrosky and others for the validation under the Plenary Powers of the names for six genera in the Order Diptera (Class Insecta) published by Geoffroy (E.L.) in 1762 in the “ Histoire abrégée ”

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

I regret that it is necessary once more to trouble the Members of the International Commission with matters arising out of the application by Alan Stone, Curtis W. Sabrosky and others for the validation under the Plenary Powers of the names of certain genera in the Order Diptera (Class Insecta) originally published by Geoffroy (E.L.) in 1762 in his *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris*.

2. The principal point to which it is necessary to draw attention is the form to be adopted for the family-group name based upon the generic name *Stomoxys* Geoffroy, 1762. In this connection it will be recalled that in the paper⁹ on this subject which I submitted to the Commission on 7th May last with Voting Paper V.P.(O.M.)(56)6 I reported (i) that the generic name *Stomoxys* Geoffroy had first been taken as the base for a family-group name in 1824 by Meigen who had published this name in the form STOMOXIDAE, (ii) that in addition to the form used by Meigen two other forms had been used, namely STOMOXIDIDAE and STOMOXYINAE, of which the former appeared to be the correct form. I added that I had so far been unable to trace by whom, when and where the first of these spellings had been originally published.

⁹ The paper here referred to has been reproduced in paragraph 13 of the present *Opinion*.

3. In order to clear up the foregoing matter I applied to Dr. Curtis W. Sabrosky (one of the co-applicants in the present case) and to Professor Dr. Hering (*Humboldt-Universität zu Berlin*). Dr. Sabrosky informed me that he was not in a position to throw any light on the point at issue, but fortunately Professor Hering was able to supply the information required. In the meantime I had come to entertain serious doubts as to whether the spelling STOMOXIDIDAE was (as stated in my Report of 7th May last) the correct form for the family name based upon the generic name *Stomoxys*. I accordingly invited Professor L. W. Grensted, Consulting Classical Adviser to the International Commission, to furnish a Report on this subject. The Report so furnished by Professor Grensted, which is annexed to the present paper as Appendix 1, shows (a) that the correct spelling for this family-group name at the family level is STOMOXYIDAE and (b) that there is no case either for the spelling STOMOXIDAE or for the spelling STOMOXYDIDAE. Professor Hering has since kindly informed me that the spelling shown by Professor Grensted to be the correct spelling for this name was first published by Friedrich Brauer in 1889 (*K. Denkschr. math.-naturwiss. Classe Akad. Wiss. Wien* 56 : 155). Professor Hering has also informed me that the first author to use the incorrect form STOMOXYDIDAE (in the subfamily form as STOMOXYDINAE) was Bezzi in 1894 (*Atti Sco. Veneto-Trentino Sci. nat. Padova* (2) 1(2) : 314). In these circumstances it is necessary to modify as follows the proposals submitted with my Report of 7th May last :—

- (a) To be placed on the *Official List of Family-Group Names in Zoology* : STOMOXYIDAE (correction of STOMOXIDAE) Meigen, 1824 (type genus : *Stomoxys* Geoffroy, 1762) [proposal in place of that in paragraph 8(1) of Report of 7th May 1956] ;
- (b) To be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* : STOMOXYDINAE Bezzi, 1894 (an Erroneous Subsequent Spelling at subfamily level for family name STOMOXYIDAE) [proposal in place of that in paragraph 7(2)(d) of Report of 7th May 1956].

4. Before leaving the subject of the family-group names involved in the present case, I must report that, when returning his copy of Voting Paper V.P.(O.M.)(56)6 Commissioner Sylvester-Bradley raised the question whether the form for the family-group name based on the generic name *Scatopse* Geoffroy, 1762 (the fifth of the names dealt with in the present application) should be not SCATOPSIDAE (the form recommended in my Report of 7th May last) but SCATOPSEIDAE. This suggestion I referred to the Commission's Consulting Classical Adviser, who on 30th August last furnished a Report (which is annexed to the present paper as Appendix 2) in which he showed that the spelling SCATOPSIDAE was certainly correct and that the spelling SCATOPSEIDAE would be incorrect. Professor Grensted added that the latter name

would imply that the name of the type genus was *Scatopseus* and not *Scatopse*. Since this matter has been raised, it would be convenient if the Commission would take this opportunity to reaffirm its previous decision that the spelling SCATOPSIDAE is the correct spelling for this family name.

5. It is necessary next to take note that in addition to the Invalid Original Spelling *Scathopse* (noted in my Report of 7th May last) the name which by its vote on Voting Paper V.P.(54)95 the International Commission has validated as from Geoffroy, 1762, with the spelling *Scatopse*, has been incorrectly spelled by later authors in three other ways. These Erroneous Subsequent Spellings, which are as follows, should now be placed on the *Official Index* :—

- (a) *Scathopsus* Latreille, 1796, *Précis Caract. Ins.* : 150
- (b) *Scathops* Meigen, 1803, *Mag. f. Insektenk.* (Illiger) 2 : 264
- (c) *Scatops* Meigen, 1804, *Klassif. zweifl. Insekt.* 1(1) : 105

6. Finally, I take this opportunity to refer to a point regarding the generic name *Hirtea* Fabricius, 1798, raised by Commissioner Jaczewski when returning his copy of Voting Paper V.P.(O.M.)(56)6. In this connection it will be recalled that in my Report of 7th May last I explained that the generic name *Hirtea* Fabricius, 1798, from which a family-group name was formed by Billberg in 1820 for the family-group taxon later established under the currently used name BIBIONIDAE with *Biblio* Geoffroy, 1762, as type genus, was invalid by reason of being a junior homonym of the generic name *Hirtea* Scopoli, 1763. The point put to me by Professor Jaczewski was that, if *Hirtea* Scopoli, 1763, was currently accepted as the name for a taxonomically valid genus, it should be placed on the *Official List* if this had not already been done, and that the position of the valid name for the genus to which in 1798 Fabricius gave the invalid homonymous name *Hirtea* should be examined from a corresponding point of view. I have since examined both these matters and in this matter I have received valuable help from Professor Hering. I now submit the following Report : (1) *Hirtea* Scopoli, 1763 (*Ent. carn.* : 367) (gender : feminine) is the name of a Stratiomyid genus having its type species (by monotypy) the nominal species *Hirtea longicornis* Scopoli, 1763 (*ibid.* : 367). The name *longicornis* Scopoli is currently regarded as the oldest available name for the species concerned. The name *Hirtea* Scopoli is an available name and is currently treated either (a) as the name of a separate genus in the family STRATIOMYIDAE or (b) as the name of a subgenus or (sometimes) as a synonym of, *Stratiomys* (or *Stratiomyia*) Geoffroy, 1762. (2) The name *Hirtea* Fabricius, 1798 (Family BIBIONIDAE) was established for a large collection of species which have now been distributed among various genera. Owing (presumably) to the name *Hirtea* Fabricius, 1798, being invalid as a junior homonym of *Hirtea* Scopoli, 1763, no type species appears to

have been selected for the nominal genus *Hirtea* Fabricius. That nominal genus is therefore at present indeterminate and in consequence it cannot be said that the nominal genus *Hirtea* Fabricius has ever been formally replaced. In view of the fact that this name is invalid as a junior homonym of Scopoli's earlier *Hirtea* it would in my view be a waste of time at this stage formally to select a type species for this genus for the purpose of making it identical with some later available (and taxonomically valid) name. Accordingly, I do not consider that any action is called for in connection with the name *Hirtea* Fabricius, 1798, beyond placing it on the *Official Index of Rejected and Invalid Generic Names in Zoology*, a course which has already been taken by the Commission in its vote on Voting Paper V.P.(O.M.)(56)6 (see Point (3)(a) in paragraph 7 of the paper issued with the above Voting Paper). In the case of *Hirtea* Scopoli, 1763, I agree that under the "Completeness-of-Opinions" Rule this name should now be placed on the *Official List of Generic Names in Zoology*. At the same time the specific name of its type species (*longicornis* Scopoli, 1763) should be placed on the *Official List of Specific Names in Zoology*.

7. The recommendations now submitted may be summarised as follows :—

- (1) that the decisions taken on Voting Paper V.P.(O.M.)(56)6 in regard to the form of the family-group name based on the generic name *Stomoxys* Geoffroy, 1762, be modified as recommended in paragraph 3 above ;
- (2) that the decision already taken to recognise SCATOPSIDAE as the correct form for the family-group name based on the generic name *Scatopse* Geoffroy, 1762, be confirmed (paragraph 4 above) ;
- (3) that the three Erroneous Subsequent Spellings for the generic name *Scatopse* Geoffroy, 1768, specified in paragraph 5 above be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* ;
- (4) that the following action be taken in connection with the generic name *Hirtea* Scopoli, 1763 (paragraph 6 above) :—
 - (a) The following entry to be made on the *Official List of Generic Names in Zoology* : *Hirtea* Scopoli, 1763 (gender : feminine) (type species, by monotypy : *Hirtea longicornis* Scopoli, 1763) ;
 - (b) The following entry to be made on the *Official List of Specific Names in Zoology* : *longicornis* Scopoli, 1763, as published in the combination *Hirtea longicornis* (specific name of type species of *Hirtea* Scopoli, 1763).

APPENDIX 1

Report, dated 29th June 1956, by L. W. Grensted (Consulting Classical Adviser to the International Commission on Zoological Nomenclature)

“ Stomoxys ” (Diptera) : family-group name for

Stomoxys (sharp-mouthed) is formed on the lines of a Greek adjective from *στόμα* and *ὄξυς* (sharp). In Classical Greek the genitive of *ὄξυς* in the masculine is *ὄξεος*, and so with the familiar adjectives (e.g. *tachys*, *ταχύς*, *-εος*). There is also a rare noun *ὄξυς*, *-ύδος* (or so the Lexicon says) found in Pliny (i.e. in a Latin form) and meaning (a) wood-sorrel and (b) a reed of some sort. The standard Latin Dictionary, Lewis & Short, gives this as “*oxyς*”—“*oxyς*”, again quoting Pliny. This, as it stands, gives some sort of precedent for treating the stem as *-oxy-*, in which case STOMOXYIDAE would be right, and it is, of course, convenient. There is no case for STOMOXIDAE or STOMOXIDIDAE. The real competitor is STOMOXEIDAE, based on the classical form (as in Plato) of the masculine genitive of adjectives of this type, e.g. *ὄξυς*, *βραδύς*, *βραχύς*, *ταχύς*. If, for example, we had *Tachys* (Coleoptera) to consider, it would be difficult to avoid TACHEIDAE, there being no Latin precedent to help us.

Certain Greek nouns in *-υς* (*-ys*) also come into the picture. Thus, *Clemmys* is *Κλεμμύς*, *-ύος* and would give CLEMMYIDAE. Forms ending in *-chelys* (e.g. *Macrochelys*), i.e. from *χέλυσ*, *-υος*, would give -CHELYIDAE. But *mus μῦς*, *-ύος* is in Latin as *mus* and MURIDAE is happily safe. Note how queerly the accents vary.

I think that STOMOXYIDAE can be sufficiently defended. It is also the form which gives the best connection with the name of the type genus.

APPENDIX 2

Report, dated 30th August 1956, by L. W. Grensted (Consulting Classical Adviser to the International Commission on Zoological Nomenclature)

“ Scatopse ” (Diptera) : form of family-group name for

I do not think there can be any alternative to the form SCATOPSIDAE in current use. The name *Scatopse* is curiously formed but it is Greek in its component parts and would come over into Latin as a Greek name ending in “*-ε*”. Such names (e.g. *Calliope*, *Meroë*, *Merope*, etc.) normally keep the Greek genitive “*-es*” in Latin. Occasionally they change to “*-is*”. In any case the Latin stem (for taxonomy) would certainly be “*Scatops-*”. The suggested form SCATOPSEIDAE would suggest a form *Scatopseus* or would mean treating *Scatopse* as a barbarism, which it is not. SCATOPSIDAE is certainly right.

19. Issue of Voting Paper V.P.(O.M.)(56)22 : On 20th September 1956 a Voting Paper (V.P.(O.M.)(56)22) was issued in which each Member of the Commission was asked (1) to state whether he agreed "that (a) in conformity with the General Directive relating to the recording on the various *Official Lists* and *Official Indexes* of decisions in regard to particular names and particular books issued to the International Commission by the Thirteenth International Congress of Zoology, Paris, 1948, and with the General Directive supplementary thereto issued to the Commission by the Fourteenth International Congress of Zoology, Copenhagen, 1953, and (b) by way of supplement to, and in part, of modification of, the entries on *Official Lists* and *Official Indexes* relating to names in the Order Diptera (Class Insecta) made under the vote taken by the Commission on Voting Paper V.P.(O.M.)(56)6, the further entries specified in paragraph 7 of the paper numbered Z.N.(S.) 710 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in the paragraph numbered as above in the paper reproduced in paragraph 18 of the present *Opinion*] be made as proposed", and (2), if he did not so agree as regards any given item, to indicate that item.

20. The Prescribed Voting Period for Voting Paper V.P.(O.M.)(56)22 : As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 20th October 1956.

21. Particulars of the Voting on Voting Paper V.P.(O.M.)(56)22 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(56)22 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-one (21) Commissioners (arranged in the order in which Votes were received) :*

Lemche ; Holthuis ; Stoll ; Bonnet ; Hering ; Jaczewski ; Vokes ; Mertens ; Dymond ; Bradley (J.C.) ; do Amaral ; Prantl ; Hankó ; Key ; Hemming ; Mayr ; Esaki ; Kühnelt ; Cabrera ; Sylvester-Bradley ; Riley ;

(b) *Negative Votes* :

None ;

(c) *On Leave of Absence, two (2)* :

Bodenheimer ; Tortonese ;

(d) *Voting Papers not returned, two (2)* :

Boschma ; Miller.

22. Declaration of Result of Vote on Voting Paper V.P.(O.M.)

(56)22 : On 20th October 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(56)22, signed a Certificate that the Votes cast were as set out in paragraph 21 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

23. Preparation of the Ruling given in the present " Opinion " :

On 22nd October 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposals approved by the International Commission (a) in its Vote on Voting Paper V.P.(54)95, subject to the exclusion from that Ruling of the portion of the decision so taken which relates to the validation of the generic name *Stratiomys* Geoffroy, 1762, which by a Minute executed by the Secretary on 1st March 1955 (to which reference has been made in paragraph 12 of the present *Opinion*) was reserved for embodiment in a separate *Opinion*,¹⁰ and (b) in its Vote on Voting Paper V.P.(O.M.)(56)6, as supplemented and, in part, modified by its Vote on Voting Paper V.P.(O.M.)(56)22.

¹⁰ See Footnote 2.

24. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Bibio Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris* 2 : 450, 568

Bibio Fabricius (J.C.), 1775, *Syst. Ent.* : 756

calcitrans, *Conops*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 604

Hirtea Scopoli, 1763, *Ent. carn.* : 367

Hirtea Fabricius (J.C.), 1798, *Suppl. Ent. syst.* : 547

hortulana, *Tipula*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 588

longicornis, *Hirtea*, Scopoli, 1763, *Ent. carn.* : 367

Nemotelus Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris* 2 : 450, 542

Nemotelus Fourcroy, 1785, *Ent. paris.* (2) : 502

notata, *Tipula*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 588

pantherina, *Musca*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 590

pellucens, *Musca*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 595

Scathops Meigen, 1803, *Mag. f. Insektenk.* (Illiger) 2 : 264

Scathopse Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris* 2 : 544—545

Scathopsus Latreille, 1796, *Précis Caract. Ins.* : 150

Scatops Meigen, 1804, *Klassif. zweifl. Insekt.* 9(1) : 105

Scatopse Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris* 2 : 450

Stomoxys Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris* 2 : 449, 538

Stomoxys Fabricius (J.C.), 1775, *Syst. Ent.* : 797

Voluccella Fabricius (J.C.), 1794, *Ent. syst.* 4 : 412

Volucella Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris*
2 : 449, 540

Volucella Bechstein, 1800, in Pennant, *Uebers. vier-füss. Thiere*
2 : 352

25. The following are the original references for the family-group names placed on the *Official List* and on the *Official Index* established for the recording of the names of taxa belonging to the family-group category by the Ruling given in the present *Opinion* :—

BIBIONIDAE (correction of the Invalid Original Spelling BIBIONITES Newman, 1834)

BIBIONITES Newman, 1834, *Ent. Mag.* **2** : 379, 387

HIRTEIDAE (correction of the Invalid Original Spelling HIRTAEIDES Billberg, 1820)

HIRTAEIDES Billberg, 1820, *Enum. Ins. Mus. Billberg.* : 121

SCATOPSIDAE (correction of the Invalid Original Spelling SCATOPSITES Newman, 1834)

SCATOPSITES Newman, 1834, *Ent. Mag.* **2** : 379, 387

STOMOXIDAE Meigen, 1824, *Syst. Besch. zweifl. Insekt.* **4** : xi

STOMOXYDINAE Bezzi, 1894, *Atti Soc. Veneto-Trentino Sci. nat. Padova* (2) **1**(2) : 314

STOMOXYIDAE (correction of the Invalid Original Spelling STOMOXIDAE Meigen, 1824) (first published in correct form as STOMOXYIDAE by Brauer (F.), 1889, *K. Denkschr. math.-naturwiss. Classe Acad. Wiss. Wien* **56** : 155)

VOLUCELLIDAE (correction of the Invalid Original Spelling VOLUCELLITES Newman, 1834)

VOLUCELLITES Newman, 1834 *Ent. Mag.* **2** : 379—394.

26. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in

dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

27. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-One (441) of the International Commission on Zoological Nomenclature

DONE in London, this Twenty-Second day of October, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

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OPINION 442

Validation under the Plenary Powers of the generic name
Stratiomys Geoffroy, 1762 (Class Insecta, Order Diptera)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 442

A. The Officers of the Commission

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President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

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(1st January 1947)

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Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

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(12th August 1953)

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(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova, Italy*)
(16th December 1954)

OPINION 442

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "STRATIOMYS" GEOFFROY, 1762 (CLASS INSECTA, ORDER DIPTERA)

RULING :—(1) Under the Plenary Powers (a) the generic name *Stratiomys* Geoffroy, 1762 (Class Insecta, Order Diptera) is hereby validated and (b) the nominal species *Musca chamaeleon* Linnaeus, 1758, is hereby designated as the type species of the above genus.

(2) The emendation *Stratiomyia* for *Stratiomys* Geoffroy, 1762, published by Macquart in 1838 is hereby rejected as an Invalid Emendation.

(3) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1052: *Stratiomys* Geoffroy, 1762, as validated under the Plenary Powers under (1)(a) above (gender: feminine) (type species, by designation under the Plenary Powers under (1)(b) above: *Musca chamaeleon* Linnaeus, 1758).

(4) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1124: *chamaeleon* Linnaeus, 1758, as published in the combination *Musca chamaeleon* (specific name of type species of *Stratiomys* Geoffroy, 1762).

(5) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Number 846:

Stratiomyia Macquart, 1838 (rejected under (2) above as an Invalid Emendation of *Stratiomys* Geoffroy (E.L.), 1762).

(6) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 133 : STRATIOMYIDAE (correction of STATIOMYDAE [sic]), Latreille, [1802—1803] (type genus : *Stratiomys* Geoffroy (E.L.), 1762) (first published in correct form as STRATIOMYIDAE by Loew (1860)).

(7) The under-mentioned family-group names are hereby placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* with the Name Numbers severally specified below :—

- (a) STATIOMYDAE [sic] Latreille, [1802—1803] (an Invalid Original Spelling for STRATIOMYIDAE) (Name No. 120) ;
- (b) the under-mentioned names, each of which is an Erroneous Subsequent Spelling for STRATIOMYIDAE (correction of STATIOMYDAE [sic]) Latreille, [1802—1803] :—
 - (i) STRATIOMIDAE Westwood, 1840 (Name No. 121) ;
 - (ii) STRATIOMYADAE Harris, 1841 (Name No. 122) ;
 - (iii) STRATIOMYDAE Latreille, 1803 (Name No. 123) ;
 - (iv) STRATIOMYDES [Leach], [1815] (Name No. 124) ;
 - (v) STRATIOMYDIDES Billberg, 1820 (Name No. 125) ;
 - (vi) STRATIOMYIIDAE Comstock (J.H.) & Comstock (A.B.), 1893 (Name No. 126) ;
 - (vii) STRATIOMYTES Blanchard (E.C.), 1845 (Name No. 127).

I. THE STATEMENT OF THE CASE

On 20th August 1952 Dr. Curtis W. Sabrosky (*United States Department of Agriculture, Agricultural Research Administration, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.*) submitted to the International Commission on Zoological Nomenclature on behalf jointly of Dr. Alan Stone, Dr. W. W. Wirth and Dr. R. H. Foote (all of the above Department) and of himself an application in which the International Commission was asked to use its Plenary Powers to validate six names for genera belonging to the Order Diptera (Class Insecta) published by Geoffroy (E.L.) in 1762. The first of these names was *Stratiomys*. It was stated in this application that this name was "sometimes emended to *Stratiomyia*" but the relative merits of these two spellings were not discussed. The actual proposal in relation to the generic name *Stratiomys* Geoffroy and the five other names concerned was summarised in paragraph 13 of the application submitted by Dr. Sabrosky. The following is an extract from the foregoing proposal of the portion relating to the name *Stratiomys* Geoffroy :—

13. The action which the International Commission on Zoological Nomenclature is now asked to take is therefore that it should :—

- (1) use its Plenary Powers to validate the under-mentioned generic names with the type species specified below :—

<i>Name of genus</i>	<i>Type species</i>
(a) <i>Stratiomys</i> Geoffroy, 1762, <i>Hist. abrég. Ins. Env.</i> <i>Paris</i> 2 : 449, 475 (gender : feminine)	<i>Musca chamaeleon</i> Lin- naeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 589
.	

- (2) place the six generic names specified in (1) above on the *Official List of Generic Names in Zoology* ;

- (3) place on the *Official List of Specific Names in Zoology* the specific names of the six species specified in (1) above as the type species of the genera there enumerated ;
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II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of the paper prepared by Dr. Sabrosky and his colleagues the question of validating the six generic names originally published by Geoffroy in 1762 dealt with therein was allotted the Registered Number Z.N.(S) 710. Later (paragraph 11 below) the portion of that application relating to the name *Stratiomys* Geoffroy, 1762, was detached from the remainder and was allotted the Registered Number Z.N.(S) 1086.

3. Publication of the present application : The application by Dr. Sabrosky and his colleagues dealing *inter alia* with the generic name *Stratiomys* Geoffroy was sent to the printer before the opening of the Fourteenth International Congress of Zoology, Copenhagen, 1953, but owing to the need for concentrating the resources of the Office of the Commission first upon preparations for that Congress and later upon seeing through the press the book *Copenhagen Decisions on Zoological Nomenclature* embodying the decisions in this field taken by that Congress it was found necessary in 1953 virtually to suspend work on the publication of Parts of the *Bulletin of Zoological Nomenclature*. Accordingly it was not until 11th May 1954 that the present application was actually published. It then appeared in Part 8 of Volume 9 of the *Bulletin* (Stone *et al.*, 1954, *Bull. zool. Nomencl.* 9 : 241—246).

4. Issue of Public Notices : In accordance with the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56) Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 11th May 1954 (a) in Part 8 of Volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the present application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to six entomological serials in Europe and America.

5. Support received from Dr. Maurice T. James (State College of Washington, Pullman, Washington, U.S.A.) : On 20th May

1954 Dr. Maurice T. James (*State College of Washington, Pullman, Washington, U.S.A.*), at that time Editor of the *Annals of the Entomological Society of America*, one of the serial publications to which the Public Notice referred to in paragraph 4 above had been issued, addressed a letter to the Office of the Commission in which he indicated as follows his support for the proposals submitted in the present case :—

Personally, I am greatly concerned as to proposal No. 6¹ and I wish to express my wish that this list of genera be added to the *Official List*. The one that concerns me particularly is *Stratiomys*. If this name dates from Geoffroy, 1762, the family name STRATIOMYIDAE will be saved ; but if it dates from Geoffroy, 1764 (*Hist. nat. des Ins.*), *Hirtea* Scopoli, 1763, will have priority. In my opinion, *Hirtea* is a very feebly founded genus and I do not believe it can be maintained on a zoological basis.

6. No objection to the use of the Plenary Powers received in this case : No objection to the use of the Plenary Powers for the purpose of validating the generic name *Stratiomys* Geoffroy, 1762 (or any of the other names dealt with in the application submitted by Dr. Sabrosky) was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(54)95 : On 26th November 1954 a Voting Paper (V.P.(54)95) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic names for Diptera in Geoffroy, 1762, *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris*, as set out in Points (1) to (4) in paragraph 13 commencing on page 245 and ending on page 246 of Volume 9

¹ The number here quoted by Dr. James is that under which the present case appeared in the Public Notices referred to in paragraph 3 above.

of the *Bulletin of Zoological Nomenclature*” [i.e. in those parts of the Points numbered as above which relate to the name *Stratiomys* Geoffroy, 1762, and have been reproduced in the first paragraph of the present *Opinion*].

8. The Prescribed Voting Period for Voting Paper V.P.(54)95 : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 26th February 1955.

9. Particulars of the Voting on Voting Paper V.P.(54)95 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)95 was as follows :—

(a) *Affirmative Votes had been given by the following twenty (20) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Lemche ; Stoll ; Vokes ; Esaki ; Dymond ; Bonnet ; Boschma ; Miller ; Key ; Hankó ; do Amaral ; Hemming ; Riley ; Cabrera ; Kühnelt ; Jaczewski ; Bradley (J.C.) (subject to a reservation in favour of the emendation *Stratiomyia*) ; Sylvester-Bradley ;

(b) *Negative Votes, one (1) :*

Bodenheimer ;

(c) *On Leave of Absence, two (2) :*

Mertens ; Prantl ;

(d) *Voting Papers not returned :*

None.

10. Question of the possible acceptance of the Emendation “Stratiomyia” in place of the Original Spelling “Stratiomys”

Geoffroy, 1762 : During the Prescribed Voting Period for Voting Paper V.P.(54)95 the Secretary to the Commission received a letter dated 16th December 1954 in which Professor J. Chester Bradley drew attention to the emendation *Stratiomyia* Macquart, 1838, commonly used in place of the Original Spelling *Stratiomys* Geoffroy, 1762, and intimated that it would, in his view, be desirable that the present opportunity should be taken to consider the relative merits of the above spellings, the former of which alone was familiar to him. Professor Bradley added that he had written a letter on this subject to Dr. Curtis W. Sabrosky, one of the co-applicants in the present case. During the later portion of the Prescribed Voting Period two further letters on the above subject were received in the Office of the Commission, namely (a) a letter dated 4th January 1955 from Dr. Sabrosky, and (b) a letter, with enclosure, dated 17th February 1955, from Professor Chester Bradley. In the first of these letters Dr. Sabrosky strongly supported the Original Spelling *Stratiomys* and in the latter Professor Chester Bradley strongly urged the claims of the emendation *Stratiomyia*.

11. Declaration of Result of Vote on the portion of Voting Paper V.P.(54)95 relating to the proposed validation of the generic name “Stratiomys” Geoffroy, 1762 : At the close of the Prescribed Voting Period in respect of Voting Paper V.P.(54)95 Mr. Hemming, as Secretary to the Commission, executed the following documents on 27th February 1955 :—

- (a) a Minute in which, after referring to the representations in favour of the emendation *Stratiomyia* Macquart, 1838, submitted by Professor Chester Bradley and taking note that the relative merits of this emendation and the Original Spelling *Stratiomys* had not been discussed in the original application submitted in this case, the Secretary gave the following directions in relation to the portion of the foregoing application relating to the generic name *Stratiomys*, namely :—
- (i) The validation under the Plenary Powers of the generic name *Stratiomys* Geoffroy, 1762, either in the foregoing Original Spelling or in the alternative Spelling *Stratiomyia*, is to be regarded as having been approved by the Commission in its Vote on Voting Paper V.P.(54)95 ;

- (ii) The question as to which of the foregoing Spellings is to be adopted for the above generic name is to be regarded as an open question until an express decision thereon has been taken by the Commission.
- (b) a Certificate in which, as Returning Officer for the Vote taken on Voting Paper V.P.(54)95, the Secretary certified that the votes cast were as set out in paragraph 9 above and declared that the proposals submitted in the foregoing Voting Paper had been duly adopted, subject to the reservation for a further vote of the question whether, as regards the first of the generic names dealt with in that proposal, the Original Spelling *Stratiomys* Geoffroy, 1762, or the Emendation *Stratiomyia* Macquart, 1838, be accepted, and that the decision so taken on the above Voting Paper was the decision of the International Commission in the matter aforesaid.

12. Separation of the case relating to the generic name "Stratiomys" Geoffroy, 1762, from that relating to the other generic names published by Geoffroy in the same work dealt with in the application submitted in the present case : By a Minute dated 1st March 1955 Mr. Hemming, as Secretary, gave directions separating the case relating to the generic name *Stratiomys* Geoffroy, 1762, from that relating to the other generic names published by Geoffroy in the same work dealt with in the application submitted in the present case and prescribing that, when a decision had been taken by the Commission regarding the relative merits of the spellings *Stratiomys* and *Stratiomyia*, that decision, together with the decision to validate the foregoing name in one or other of the foregoing spellings taken by the Commission's vote on Voting Paper V.P.(54)95, be embodied in an *Opinion* separate from that embodying the decision of the Commission in regard to the other generic names validated by the vote taken on the foregoing Voting Paper, the *Opinion* so to be rendered in regard to the name *Stratiomys* to be allotted the *Opinion* Number next following that allotted to the *Opinion* embodying the decision of the Commission in regard to the other names involved in the present application.²

² The decision taken by the International Commission in regard to the generic names here referred to has been embodied in *Opinion* 441, the *Opinion* immediately preceding the present *Opinion*.

13. Representations in favour of the Emendation “*Stratiomyia*” Macquart, 1838, as against the Original Spelling “*Stratiomys*” Geoffroy, 1762, submitted by Professor J. Chester Bradley : The following is the text of the letter dated 17th February 1955, in which (as explained in paragraph 10 above) Professor J. Chester Bradley set out his views in favour of the acceptance of the Emendation *Stratiomyia* Macquart, 1838, of the generic name published with the spelling *Stratiomys* by Geoffroy in 1762 :—

**Letter from Professor J. Chester Bradley, with enclosure
dated 17th February 1955**

I am afraid that it will get us into trouble if we legalise “*Stratiomys*” instead of “*Stratiomyia*”. The case seems to be another one where a few specialists in quite recent years have tried to reform an almost universally used spelling. If we go along with them, I feel sure that we will be followed only by specialists. I strongly urge that the decision on this case be delayed until the views of some leading general entomologists and dipterists of England and the continent can be ascertained.

There is even less reason to revert to the original spelling in this case than usual since the original spelling appeared in a rejected non-binominal work, and whatever action is taken will be under the Plenary Powers and will be bound by no rule.

Enclosure to Professor Chester Bradley’s letter

*The use of “*Stratiomys*” versus “*Stratiomyia*”*

Stratiomyia was an emendation introduced by Macquart in 1838.

The attached list is a cursory attempt to show what has been the usage during the past century in the more important general treatises and species catalogues, which mould public familiarity with a name and its usage.

The list seems to show a preponderance of usage of *Stratiomyia*. *Stratiomys* appears to have been used only by a limited few who have been meticulous in observing priority.

The wide usage set by text-books, and the form which the majority of zoologists have learned during their education cannot easily be changed, probably simply will not change. In fact a change is undesirable for it would cause an interruption between the general literature of the past and that of the future. The usage of specialists is of less importance, for they will know each spelling, and not be confused by either.

The family name based on *Stratiomyia* is STRATIOMYIIDAE, but it has sometimes been misspelled "STRATIOMYIDAE". The use of the latter spelling, if the generic name is not cited, therefore gives no certain clue as to whether the author would have adopted *Stratiomyia* or *Stratiomys*. On the other hand "STRATIOMYIIDAE" can only be derived from *Stratiomyia*.

	General Texts	Terminations used
1862	Schiner : <i>Fauna austriaca</i>	-mys
1893	Comstock : <i>Manual for Study of Insects</i>	-myia
1909	Berlese : <i>Gli Insetti</i>	-mys
1924	Comstock : <i>Introduction to Entomology</i>	-myia
1925	Handlirsch in Schroder : <i>Handbuch der Entomologie</i>	-myia
1926	Tillyard : <i>Insects of Australia and New Zealand</i>	-myiidae
1929	Lutz : <i>Field Book of Insects</i>	-myia
1930 & 1948	Imms : <i>Text Book of Entomology</i>	-myia
1931	Matsumura : <i>6,000 Insects of Japan</i>	-myia
1932	Szilady : <i>Tierwelt Deutschlands</i>	-myia
1936	Enderlein : in <i>Tierwelt Mitteleuropas</i>	-mys
1936	Kükenthal : <i>Handbuch der Zoologie</i> (In legend of a figure <i>Stratiomys</i> is used. The text uses <i>Stratiomys recte Stratiomyia</i> .)	-myiidae
1938	Lameere : <i>Précis de Zoologie</i> (Uses <i>Stratiomyia</i> in legend of three figures, <i>Stratiomys</i> once.)	-myia -mys
1942	Tillgren & Wallgren : <i>Svenska Insekten</i>	-mys
1942	Essig : <i>College Entomology</i>	-mys

		<i>Terminations used</i>
1948	Ross : <i>Text Book of Entomology</i>	-myia
1951	Grandi : <i>Entomologia</i>	-myia
1951	Grassé : <i>Traité de Zoologie</i>	-myiidae
1954	Borror & DeLong : <i>Introduction to the Study of Insects</i>	-mys

General Works on Diptera

1865	Loew : <i>Cent.</i>	-myia
1893	Strobl : <i>Dipt. Steiermark</i>	-myia
1896	Williston : <i>Manual of North American Diptera</i>	-myia
1909	Verrall : <i>British Flies, Stratiomyiidae</i>	-myia
1920	Brunetti : <i>Fauna of British India, Diptera</i>	-myia
1934	Curran : <i>Families and Genera of North American Diptera</i>	-mys
1938	Lindner : <i>Die Fliegen der Palaearktischen Region</i>	-myia
1951	Collyer & Hammond : <i>Flies of the British Islands</i>	-mys

Faunal Lists and Species Catalogs

1905	Aldrich : <i>Catalogue of North American Diptera</i>	-myia
1908	Kertész : <i>Catalogus Dipterorum, v. 3</i>	-myia
1910	Smith : <i>List of Insects of New Jersey</i>	-myia
1920	Britton : <i>Check list of the Insects of Connecticut</i>	-myia
1928	Leonard : <i>List of the Insects of New York</i>	-myia
1938	Brimley : <i>List of the Insects of North Carolina</i>	-myia
1940	Wu : <i>Catalogus Insectorum sinensium</i>	-myia
1945	Kloet & Hincks : <i>Check List of British Insects</i> (Incorrectly refer <i>Stratiomyia</i> to Agassiz, 1848.)	-mys
1946	Procter : <i>Mt. Desert Region Survey, List of Insects</i>	-mys

Papers by Dipterists		<i>Terminations used</i>
1895	C. W. Johnson used	-myia
1932 to date	} James (only U.S. Specialist on the family) used	-mys

14. Representations in favour of the Original Spelling "Stratiomys" Geoffroy, 1762, as against the Emendation "Stratiomyia" Macquart, 1838, submitted by Dr. Curtis W. Sabrosky : On 5th April 1956 Dr. Curtis W. Sabrosky (a co-applicant in the present case) submitted a full statement of his views in favour of the acceptance of the Original Spelling *Stratiomys* Geoffroy, 1762, as against the Emendation *Stratiomyia* Macquart, 1838. The communication so received was as follows :—

Letter from Dr. Curtis W. Sabrosky, with two Annexes and five Appendices, dated 5th April 1956

Dr. Bradley has kindly sent me a copy of his letter (with enclosures) regarding "*Stratiomys*" and "*Stratiomyia*". We deeply appreciate his courtesy in acquainting us with his objections to the spelling "*Stratiomys*".

Although his remarks are in connection with a Voting Paper, further discussion seems in order because his remarks will no doubt delay action on that name.

The following comments and enclosures are therefore submitted on the specific point of the spelling of the generic name in question, "*Stratiomys*" and "*Stratiomyia*". Several corrections to Dr. Bradley's lists are also appended, as a matter of record.

Dr. Bradley's statement (Bradley to Hemming, February 17, 1955³) that "*Stratiomyia*" is "an almost universally used spelling" is scarcely justified. See Appendices 1 and 2 for a list of general works that use

³ For the text of Professor Chester Bradley's letter see paragraph 13 of the present *Opinion*.

"*Stratiomys*", particularly the considerable number since 1923, besides the growing periodical literature which uses "*Stratiomys*". Dr. Bradley is not a dipterist, though he is a distinguished general entomologist. He had written me that he had never noted the spelling "*Stratiomys*" in actual use, and apparently this prior failure to note the spelling has influenced his impression of almost universal usage for "*Stratiomyia*". It is merely evidence of a common phenomenon, that a name or a spelling outside one's own orbit of immediate personal interest can pass unnoticed for a long time.

We object strongly to the third paragraph of his letter which argues that there is less reason to revert to the spelling "*Stratiomys*" because that "appeared in a rejected non-binominal work". That particular work has been universally and always accepted by dipterists, and it was an acceptable work under the old Code with the wording of "binary nomenclature". It was not until the Paris Congress (1948) amended the Code that Geoffroy's work suddenly and unjustifiably became a "rejected non-binominal work", but even then the Commission and Congress recognised that Geoffroy's work had been widely accepted and expressly invited specialists to apply to conserve names which had always been used from that work. If the situation is to be used as an argument in the way Dr. Bradley uses it, we are tempted to reopen the binary-binominal argument at London.

It is incongruous to condemn the spelling "*Stratiomys*" because it dates from Geoffroy's rejected work, while at the same time to agree to give the genus priority from that same work.

Dr. Bradley's statement that if the Commission legalises "*Stratiomys*" in line with usage of a "few specialists", "I feel sure that we will be followed only by specialists" is tantamount to admitting that the *Official List* is practically meaningless and powerless in influencing usage. That may be true, but it would be a damaging admission of defeat from the body which sponsors the *Official List*.

The fourth paragraph of Dr. Bradley's separate statement entitled "The Use of *Stratiomys* versus *Stratiomyia*" contains statements which are two-edged swords. He notes that the wide usage set by textbooks, and the form which the majority of zoologists have learned in their textbooks, "probably simply will not change". Yet if his "almost universal" usage of *Stratiomyia* be true, what a remarkable change took place from the *absolutely universal* usage of "*Stratiomys*" from 1754—1838! Furthermore, if his point of not changing be true, it could be argued with equal or even greater justice that most zoologists have learned the family spelling STRATIOMYIDAE and not STRATIOMYIIDAE (from "*Stratiomyia*") and that they "probably simply will not change". (See Appendices 1—5, and the summary

in Section 2 of my discussion, for evidence that the spelling “-MYIDAE” predominates now and always has, even among authors who use *Stratiomyia*.) The family name is far more generally used than the generic name, and I suspect that many more biologists, zoologists, and general entomologists have learned the family name of the soldier flies than have learned the name of the genus.

Incidentally, we note (a) that some of the old and some of the new textbooks of entomology use *Stratiomys*, “-MYIDAE” (cf. Essig, Borror & DeLong, Usinger *et al.*, Maxwell-Lefroy, Berlese), and (b) that some important modern manuals and checklists of flies have used *Stratiomys*, “-MYIDAE” (Curran, Verrall, Kloet & Hincks, Colyer and Hammond). Surely there must have been considerable learning of *Stratiomys*, “-MYIDAE” from those sources !

The argument that a change is undesirable because it would be an *interruption* between the general literature of the past and the future would be a good point if there had been a definite and prolonged hiatus since the last use of *Stratiomys*. But reference to my attached list of *Stratiomys* usage (Appendix 2) will show that that spelling *never* died out, that there were always authors and major works using the spelling, in addition to the fact that all of the pre-1838 classical works on Diptera used *Stratiomys*. We cannot refrain from remarking that the point about interruption would have been a perfect argument against any change from *Stratiomys* to *Stratiomyia* in the first place, as well as against the change from “binary” to “binominal” which called Geoffroy’s work into question.

The point that the usage of specialists is of less importance is also an argument against worrying at all about the spelling of the generic name. Unless a genus is of real importance *per se* (*Musca*, *Drosophila*, *Anopheles*, etc.), which *Stratiomys* is not, a generic name is mainly the concern of specialists. The general worker and non-dipterists are more concerned with family names. If most general workers know STRATIOMYIDAE rather than STRATIOMYIIDAE, as appears from the literature, then it would be easier for specialists to adopt *Stratiomys* and not *Stratiomyia*, rather than to try to sell the general worker on the change from “i” to “ii” in the family name.

We have thus considered Dr. Bradley’s arguments and have reviewed the situation with particular reference to the matter of usage. We are convinced that the spelling *Stratiomys* cannot be dismissed so easily, and we believe that there are strong reasons for not doing so. Accordingly, we wish to reiterate our belief that the spelling to be placed on the *Official List* should be *Stratiomys* which will properly yield the already widely used family spelling STRATIOMYIDAE.

I am also sure from the discussion at Copenhagen that the prescription-conservation principle was never intended to shield such cases as the present, where there has been continuous usage of at least some important degree. This is a far cry from the talk of fifty or sixty years of almost undivided usage (cf. "Copenhagen Decisions", Appendix 2, Documents 1 to 4), or of protecting established usage against the upsetting discovery of a century-old and forgotten work.

Annexe 1 to Dr. Sabrosky's letter

Corrections to Dr. Bradley's Lists

- 1925 Handlirsch, in Schroder's Handbuch.
Listed as "*-myia*" by Bradley. That spelling is used twice in the text, but three figures on p. 978 are all given as *Stratiomys*.
- 1948 Ross's Textbook uses "*-mys*", not "*-myia*", though the family name is given as "*-MYIIDAE*". Incidentally, Dr. Bradley states that "*-MYIIDAE*" can only be derived from *Stratiomyia*, which is technically correct, but when one is dealing with usage, anything can happen. The combination "*-mys*", "*MYIIDAE*" is used in seven works that I have seen (cf. Appendix 2).
- 1909 Verrall. British Flies, Vol. 5.
Listed by Bradley as "*-myia*" and "*-MYIIDAE*". I have paged through the entire work and can find no use of *Stratiomyia* for the genus other than a discussion in fine print on p. 148 in which he mentions the emendation and definitely rejects it in favor of *Stratiomys*.

The only uses of "*-MYIIDAE*" are on pp. 34, 35 and 40, the first in a direct quotation, the others in abstracts of older works. The spellings *Stratiomys* and "*-MYIDAE*" are used frequently throughout the work, the former no less than 56 times by actual count.

Annexe 2 to Dr. Sabrosky's letter

Discussion of "Stratiomys" versus "Stratiomyia"

1. USAGE OF STRATIOMYS

Usage of *Stratiomys* has never ceased but has been continuous to some degree. From 1754 to 1838 (date of the emendation *Stratiomyia*), *Stratiomys* was the only usage. (Cf. Appendix 1—"Pre-1838 Usage of *Stratiomys*", showing the classical works on Diptera; not a complete list, but sufficient to show the wide usage of *Stratiomys* in the

basic literature of Diptera.) This was a period when education in the classics was more general than at present, yet the scientists for over 80 years accepted *Stratiomys*.

After 1838 (cf. Appendix 2) the spelling *Stratiomys* certainly predominated for at least several decades, during which further classics in Diptera were published by Zetterstedt, Francis Walker, Rondani, Schiner, Licy, and others. Some of these, particularly Zetterstedt's *Diptera Scandinaviae* (14 vols.) and Schiner's *Fauna Austriaca* (2 vols.) exerted great influence for decades after their publication, and are still reference works of some significance.

In a middle period, usage of *Stratiomys* was continued by the general works shown and by the activities of such users of *Stratiomys* as the prominent dipterists Bigot in France, Brauer in Austria, Verral and Grimshaw in England, and Coquillett in the United States.

In modern times usage of *Stratiomys* has been increasing (cf. Appendices 2 and 3). A number of important works of the last thirty years have used that spelling. Living specialists and dipterists who have written most about the family are equally divided in their usage.

2. USAGE OF FAMILY NAME

Usages of the spelling STRATIOMYIDAE far outweighs that of STRATIOMYIIDAE (correctly derived only from *Stratiomyia*), even by authors who accept *Stratiomyia* (cf. Appendix 4). The preponderance of usage is shown by the following table, based on Appendices 2 through 5. Pre-1838 usage (Appendix 1) is omitted, as are the small number (20) of post-1838 works which use some ending other than "-MYIDAE" or "-MYIIDAE". None of these is an "ii" spelling, however, most of them being "-MYDES", or "-MYDAE". The $\frac{1}{2}$ — $\frac{1}{2}$ division refers to one work with divided usage.

	Appendix	Family Ending	
		-MYIDAE	-MYIIDAE
Separate works (post-1838)			
Using <i>Stratiomys</i>	2	30	7
Using <i>Stratiomyia</i>	4	25 $\frac{1}{2}$	17 $\frac{1}{2}$
Family Name Only	5	26	15
Periodical Literature, 1890 to date	3	222	107
Totals		303 $\frac{1}{2}$	146 $\frac{1}{2}$ *

(* Total actually 145 $\frac{1}{2}$; Handlirsch (1925) appears in two different lists, with use of both "-mys" and "-myia".)

3. IMPORTANCE OF THE GENUS AND FAMILY

The small importance of both genus and family does not justify special attention to the spelling

(a) *The genus is of little importance* except as the basis of the family name. It is chiefly Holarctic, and is unknown and the name unused throughout much of the world.

(b) *The family is only of moderate size* (1200—1500 species for the entire world, according to recent estimates). It does contain some conspicuous species often seen in collections. But in the world as a whole and even within the range of *Stratiomys*, entomologists and zoologists are more likely to be familiar with other genera such as *Odontomyia*, *Hermetia*, *Cyphomyia*, *Actina* and *Sargus* (*Geosargus*).

(c) For all practical purposes, there are only two *living specialists on the family* in the entire world, E. Lindner of Germany and M. T. James of the United States. The former uses *Stratiomyia*, “-MYIIDAE”, and the latter *Stratiomys*, “-MYIDAE”. Both have dealt with the world fauna. The latter has a slightly greater total of papers published and is a much younger man, and in the ordinary course of events can be expected to have many more years of publishing ahead of him. Dr. Lindner reached retirement age in 1953. Curran, Steyskal, G. H. Hardy, and Seguy have published a number of papers mentioning the genus or family; the first two use “-mys”, “-MYIDAE”, the last two “-myia”, “-MYIIDAE”.

(d) The whole family is of *practically no economic importance*. Examples :

(1) Review of Applied Ent., ser. A (Agric.) : Vols. 1—49 (1913—1952), only 2 references, one to *Stratiomys* (Supino, 1916), one to *Stratiomyia* (Cros, 1917).

(2) Review of Appl. Ent., ser. B. (Med. & Vet.) : Vols. 1—39 (1913—1951), only two references, both to *Stratiomyia* used in the same paper (1916).

(3) Index of American Economic Entomology, Vols. 1—12 (1905—1952) : a total of 33 references for the 48 years, and most of those are strictly taxonomic papers (23 of them by James, Curran and Steyskal) and actually not really a criterion of economic importance; 26 used the family name (25 as -MYIDAE) and 20 mentioned the genus (10 as “-mys”, 10 “-myia”).

(4) There is no mention of the family or any of its species in "Insects, The Yearbook of Agriculture, 1952", a compendium of information on economic entomology, especially in America.

(5) No species of the family appears on the latest list of "Common Names of Insects Approved by the American Association of Economic Entomologists" (1950), which contains 1205 species of insects of sufficient importance to receive some notice and official recognition.

(6) In *books on applied entomology*, there is no mention of either genus or family in an overwhelming proportion of those examined, which are summarised briefly in the following list. Obviously, if there is not even a mention in so many general works as these, the family is of no economic importance, and furthermore, no usage of any particular spelling is established or perpetuated as a result of teaching or study of these books.

* *Textbooks* : Bogdanov-Katkov (1928, 1931), Fernald (1935), Fernald and Shepard (1942), Miall (1902), O'Kane (1914, 1916), Osborn (1916), Rimskii-Korsakov (1949), Robinson and Jary (1929), Saalas (1949), Sanderson and Peairs (1915; 1921, 1931, 1941), Saunders (1900, 1909), Slingerland and Crosby (1919), K. M. Smith (1931, 1948), Wardle (1929), Wardle and Buckle (1923).

Manuals, Handbooks, and other books of economic insects (some of which may also be textbooks) : Balachowsky and Mesnil (1935—1936), Busvine (1951), Collinge (1912), Ealand (1915), Ebeling (1950), Fletcher (1914), Herrick (1925), Lengerken (1932), Lepigro (1951), Lopez *et al.* (1946), Mallis (1945), Maxwell-Lefroy (1906), Melis (1948), Molinari (1942), Osborn (1939), Palmer and Westell (1922), Paoli (1933), Quayle (1938), J. B. Smith (1909), Washburn (1918), Wood (1909), Wille (1943, 1952), Wolcott (1933).

(7) The family name only is briefly mentioned in a *few textbooks on applied entomology* which includes a general chapter on the Orders and families of insects. It is obviously included for completeness rather than because of economic importance, because it is not mentioned elsewhere in the chapters on economic insects.

STRATIOMYIDAE (4) : Evans (1943) in Tasmania, Leonardi (1900) in Italy (as "-MIDAE), Nüzslin and Rhumbler (1927, 4th ed.) in Germany, Williams (1931) in Hawaii.

STRATIOMYIIDAE (3) : Lochhead (1919) and Metcalf and Flint (1928, 1939, 1951) in America, Ramakrishna Ayyar (1940) in India.

* In order to save space, a complete reference has not been given for lists such as these. Under a given field of study, author and date for books will ordinarily enable them to be recognised and located when necessary.

(8) In the important field of *medical and veterinary entomology*, neither genus nor family is mentioned in such important textbooks as those by Matheson (1932), Herms (1923, 2nd ed.), and Brown (1953) in the United States ; Patton and Cragg (1913) and Patton and Evans (1929, 1931) in England ; Séguy (1924) in France ; Borchert (1954, in Germany ; and Roy and Brown (1954, 2nd ed.) in India.

The family name alone is briefly mentioned, because of rare cases of intestinal myiasis by larvae of *Hermetia*, in textbooks by Riley and Johannsen (1932, 1938) and Herms (1939, 3rd ed.) in the United States, and by Neveu-Lemaire (1938) in France, and in Smart's "Handbook for the Identification of Insects of Medical Importance" (1943, 1948), and James's "The Flies That Cause Myiasis in Man" (1948).

With this evidence of the minor importance of the family, in books devoted to medical entomology, one may be sure that books on public health, preventive medicine, and parasitology will not deign to mention it.

(e) In a great many *general books* on entomology and on general fields of zoology and biology, neither genus nor family rates even a mention.

Evolution and General Taxonomy : de Beer (1938), Dobzhansky (1937, 1941), Ferris (1928), Julian Huxley (1940, 1943), Jepson, Simpson and Mayr (1949), Mayr (1942), Mayr, Linsley and Usinger (1953), Richter (1948), Schenk and McMasters (1936, 1948), Shull (1936).

Textbooks of General Entomology : Balfour-Browne (1932), Ceballos (1953), Folsom (1913), Folsom and Wardle (1934), Imms (1942, 1949 : "Outlines of Entomology").

Textbooks of Special Fields of Entomology :

Morphology : A. G. Richards (1951), Snodgrass (1935), Snodgrass (1952).

Embryology : Hagan (1951), Johannsen and Butt (1941).

Physiology : Roeder (1953).

Pathology : Steinhaus (1946), Steinhaus (1949).

Ecology and Zoogeography : Allee *et al.* (1949), de Beaufort (1951), Elton (1947).

Miscellaneous Books on Entomology :

- Bastin (1913). Insects, Their Life-Histories and Habits.
 Brues (1946). Insect Dietary.
 Burr (1939, 1954). The Insect Legion.
 Carpenter (1928). The Biology of Insects.
 Chrystal (1937). Insects of the British Woodlands.
 Clausen (1954). Insect Fact and Folklore.
 Duncan and Pickwell (1939). The World of Insects.
 Hodgson (1946). Insects of the British Isles.
 Imms (1937). Recent Advances in Entomology.
 Imms (1947). Insect Natural History.
 McKeown (1935). Insect Wonders of Australia.
 Skaife (1953). African Insect Life.
 Snodgrass (1930). Insects, Their Ways and Means of Living.
 Step (1939). Marvels of Insect Life.
 Uvarov (1931). Insects and Climate.
 Wheeler (1923). Social Life Among the Insects.
 Zimmerman (1948). Insects of Hawaii, Vol. I (Introduction).

(f) Only the family is mentioned, sometimes very briefly and insignificantly, in a number of *general works*, a large majority of which use the spelling “-MYIDAE” (cf. Appendix 5).

(g) *Textbooks of General Zoology and General Biology*, with their necessarily abbreviated treatment of insects, apparently seldom if ever mention this genus and family. I have not made an extensive survey of this type of book, but found no mention of either genus or family in a number of modern textbooks.

Appendix I to Dr. Sabrosky's Letter*Pre-1838 Usage of “Stratiomys” in Separate Works*

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1775	Fabricius. Syst. Entomologiae	—
1776	„ Genera Insectorum	—
1781	„ Species Insectorum	—

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1787	Fabricius. Mantissa Insectorum	—
1794	„ Entomologia Systematica	—
1805	„ Systema Antliatorum	—
1810	„ Epitome Entomologiae Fabricianae	—
1895	Weber. Nomenclator entomologicus secundum Entomologiam syst. ill. Fabricii	—
1800	Meigen. Nouvelle Classification des Mouches à deux Ailes	—
1803	Meigen. Versuch . . . Gattungs-Eintheilung europ. zweifl. Insekten	—
1804	Meigen. Klassif. u. Beschreibung europ. zweifl. Insekten	—
—	Panzer. Fauna Germanica. Diptera	—
1806	Dumeril. Zoologie analytique	
1796	Latreille. Précis des caractères gen. des Insectes	—
1802, 1805	Latreille. Hist. nat. gen. et part. Crustacés et Ins., Vols. 3, 14	-MYDAE
1804	Latreille. In Deterville's Nouveau Dictionnaire, Vol 24 (Tableau Méthodique)	-MYDAE
1809	Latreille. Genera Crustaceorum et Insectorum, Vol. 4	-MYDAE
1810	Latreille. Considerations générales, etc.	-MYDAE
1807	Illiger. Revision of Rossi's Fauna Etrusca	—
1810	Fallén. Specimen entomologicum Novam Diptera, etc.	-MYDAE
1817	Fallén. Diptera Sueciae, Stratiomydae	-MYDAE
1815, 1830, 1832.	Leach, in Brewster's Edinburgh Encyclopedia	-MYDES
1819	Samouelle. Entomologist's Useful Compendium	-MYDAE
1822 (Vol. 3), 1838 (Vol. 7).	Meigen. Systematische Beschreibung europ. zweifl. Insekten	-MYDAE
1823	Duméril. Considerations générales sur la Classe des Insectes	—

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1824	Weidemann. <i>Analecta entomologica</i> . . .	—
1826	Macquart. <i>Insectes Diptères du Nord de la France</i>	-MYDAE
1830	Weidemann. <i>Aussereurop. zweifl. Insekten</i>	-MYDAE
1832	Cuvier's <i>Animal Kingdom</i> , Vol. 15 (English ed.)	—
1834	Macquart. <i>Histoire naturelle des Diptères</i> . I.	-MYDES

Appendix 2 to Dr. Sabrosky's letter

Post-1938 Usage of "Stratiomys" in Separate Works

(* marks the occasional use of -MYIIDAE)

[1838]	Zetterstedt. <i>Insecta Lapponica</i>	-MYDAE
1840	Westwood. <i>Introd. Modern Classif. Insects</i> , Vol. 2	-MYDAE
1840 (?)	Blanchard. <i>Hist. nat. des Animaux Articulés</i>	-MYTES
1841, 1852	Harris. <i>Report on Insects of Massachusetts Injurious to Vegetation (Stratyomys)</i>	-MYADAE
1842-1860	Zetterstedt. <i>Diptera Scandinaviae. (Stratiomys in several Vols., in 1842, 1849, 1852, 1855, 1859, 1860)</i>	-MYDAE
1846	Loew. <i>Fragmente zur Kenntnis der Arten einiger Dipterengattungen</i>	—
1848	F. Walker. <i>List Dipterous Insects, British Museum. Part I</i>	-MYDAE
1848	D'Orbigny. <i>Dict. universel d'hist.-nat.</i> , Vol. 12	-MYDES
1851	L. Dufour. <i>Recherches anatom. et physiol. sur les Dipteres</i>	-MYDES
1851	F. Walker. <i>Insecta Britannica</i>	-MIDAE
1856	Rondani. <i>Dipterologicae Italicae Prodomus</i>	-MYDAE
1857	Dallas. <i>Elements of Entomology, Outline of Nat. Hist. and Classif. of British Insects</i>	—
1857	(? author). <i>Tubular View of the Orders of Insects</i>	-MIDAE
1858	Osten Sacken. <i>Catalogue Diptera N. Amer. (1st ed.)</i>	-MYDAE

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1859-1862	Bellardi. Saggio di Ditterologia Messicana	-MYDEA
1860	Duméril. Entomologie analytique	—
1860	Loew. Die Dipteren-Fauna Südafrikas	-MYIDAE
1862	Schiner. Fauna Austriaca, Vol. I	-MYDAE
1863	Flint. A Treatise on Some of the Insects Injurious to Vegetation (revision of Harris, 1841)	-MYADE
1864-1865	Lioy. I Ditteri distribuiti secondo un nuovo metodo di classificazione naturale	-MYTI
1868	Schiner. Diptera of the "Novara Reise"	-MYDAE
1877	Siebke. Enumeratio Insectorum Norvegicorum	-MYDAE
1880	Packard. Guide to the Study of Insects (7th ed. seen, dated 1880)	-MYIDAE
1882, 1883	Brauer. Die Zweiflügler des k. Museums zu Wien, I, II	-MYIDAE
1886	Neuhaus. Diptera Marchica	-MYDAE
1890	Schoch. Fauna insectorum Helvetiae Diptera	-MYIDAE
1891	Bigot. Catalogue of the Diptera of the Oriental Region	-MYDI
1899, 1901	Sharp. Cambridge Natural History, Vols. 5 and 6 (Insects)	-MYIDAE
1901	Verrall. A List of British Diptera (2nd ed.)	-MYIDAE
1904	Henneguy. Les insectes : Morphologie, Reproduction, Embryogénie	"-MYIDES"
1908	Gibbs & Barraud. A preliminary list of Hertfordshire Diptera	-MYIDAE
1909	Berlese. Gli insetti	—
1909	Verrall. British Flies, Vol. 5 (Stratiomyidae, etc.)	-MYIDAE
1910	Coquillett. Type Species of North American Genera of Diptera. (<i>Stratiomyia</i> not even mentioned in this, one of the basic works in North American Dipterology.)	—
1914	White. The Diptera-Brachycera of Tasmania	-MYIDAE
1918	Comstock. The Wings of Insects (- <i>mys</i> twice in reviewing literature ; - <i>myia</i> adopted for his figure of wing)	
1921	Step. British Insect Life	-MYIDAE

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1923	Martini. Lehrbuch der medizinischen Entomologie	-MYIDAE
1923	Maxwell-Lefroy. Manual of Entomology	-MYIDAE
1924	Carpenter. Insects, Their Structure and Life. A Primer of Entomology	-MYIDAE
1925	Handlirsch. <i>In</i> Schröder's Handbuch (- <i>myia</i> also used)	*-MYIIDAE
1928	Carpenter. Life in Inland Waters. (Textbooks of Animal Biology, ed. by J. Huxley.)	—
1928 (2nd ed.)	Ulmer. Unsere Wasserinsekten	—
1928	Pearce. Typical Flies : A Photographic Atlas of Diptera	-MYIDAE
1929	Neumann. (revision of) Brehms Tierleben. VII. Insekten ("MYIDAE" in text ; "-MYIDAE" in Index)	-MYIDAE
1932	Petch and Maltais. A prelim. list of the Insects of the Province of Quebec. Part II. Diptera (revision of old Winn and Beaulieu list)	*-MYIIDAE
1932, 1951	Döderlein. Bestimmungsbuch für deutsche Land- und Süßwassertiere (2 editions)	-MYIDAE
1932	Metcalf and Flint. Fundamentals of Insect Life	*-MYIIDAE
1934	Curran. Families & Genera of N. Amer. Diptera	-MYIDAE
1936	Enderlein. <i>In</i> Tierwelt Mitteleuropas	*-MYIIDAE
1937	Robert. Les Insectes, II (<i>In</i> Les Beautés de la Nature)	—
1937	Hesse, Allee & Schmidt. Ecological Animal Geography	—
1938	Strickland. An Annotated List of the Diptera of Alberta	-MYIDAE
1939	Knowlton <i>et al.</i> Insects of Utah. Diptera (Utah Agr. Exp. Sta., Mimeog. Series)	*-MYIIDAE
1939, 1944, 1947	Wigglesworth. The Principles of Insect Physiology	—
1942	Tullgren and Wahlgren. Svenska insekter (not seen)	?
1942	Essig. College Entomology	-MYIDAE
1943	Thompson. A Catalogue of the Parasites and Predators of Insect Pests	—
1945	Kloet and Hincks. Check List of British Insects	-MYIDAE

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1945	Curran. Insects of the Pacific World	-MYIDAE
1946	Stuardo. Catalogo de los Dipteres de Chile	-MYIDAE
1946	Procter. Biol. Survey Mt. Desert Island Region	-MYIDAE
1946	Sandars. An Insect Book for the Pocket (uses <i>Stratiomyis</i>)	-MYIDAE
1948	Ross. A textbook of entomology	*-MYIIDAE
1948	Swain. The Insect Guide	-MYIDAE
1948	Usinger, <i>et al.</i> Biology of Aquatic and Littoral Insects (Syllabus for Teaching, U. of Calif.)	-MYIDAE
1951	Colyer & Hammond. Flies of the British Isles	-MYIDAE
1953	Linssen & Newman. The Observer's Book of Common British Insects and Spiders	-MYIDAE
1954	Borrer and DeLong. Introduction to the Study of Insects	-MYIDAE
1954	Brauns. Terricole Dipterenlarven	*-MYIIDAE

Appendix 3 to Dr. Sabrosky's letter

Periodical Literature, 1890 to date

The following summary is the result of a search through the excellent reprint collection of Diptera at the U.S. National Museum for all papers which mention the genus *Stratiomys*/*Stratiomyia* and/or the family based upon it. This is not a complete coverage of literature, of course, but it does represent a large and random sample. It was supplemented from the literature (by checking the *Zoological Record*) in the case of Lindner, the leading European specialist on the family, because we had relatively few reprints of his compared with a complete set from James. Thirteen other papers by Lindner were not seen, and according to *Zoological Record*, eleven of those used "-MYIIDAE" and two used "-MYIDAE".

Only literature subsequent to 1890 has been examined because our reprint file is greatest for those years, and thus affords a fairer random sample. If one surveyed prior to 1890, one would find greater proportionate use of *Stratiomys* because of the activity and influence of such dipterists as Schiner and Brauer in Austria, Bigot in France, Rondani and Liroy in Italy, Siebke in Norway, and Zetterstedt in Sweden, besides the example set by the older authors, such as Meigen, Fabricius and Latreille. For example, six reprints (1874—1887) by the prolific writer Bigot show the genus *Stratiomys* mentioned in all (family ending -MYDAE), one with a special argument against changing the spelling of *Stratiomys* (1887 or 1888, *Bull. Soc. ent. France*, p. ccv).

Survey of Periodical Literature, 1890 to date

(* living authors)

Author	No. of Papers	No. with Genus		No. with Family	
		"-mys"	"-myia"	"-MYIDAE"	"-MYIIDAE"
Becker, Th. (1900-19)	8	—	2	6	2
Bezzi (1912-26)	10	—	4	9	1
Brunetti (1907-27)	9	—	2	9	—
Cockerell (1894-1917)	6	2	1	6	—
Coquillett (1898-1909)	9	1	1	5	4
*Curran (1922-34)	20	5	1	19	—
Grimshaw (1898-1915)	9	1	—	7	2
*Hardy, G. H. (1920-51)	12	—	—	—	12
*James (1932-53)	49	8	—	48	1
Johnson, C. W. (1894-1929)	18	—	5	16	2
*Lindner (1923-51)	31	—	11	9	22
Meijere (1904-15)	10	—	—	9	1
Pleske (1901-30)	11	—	5	5	4
*Séguy (1929-39)	7	—	2	2	5
*Steyskal (1938-53)	9	2	—	9	—
All others (1890-1953) (88 authors)	126	5½	50½	63	51
Totals	344	24½	84½	222	107

Thus we see from the totals that of the sample of 344 papers which dealt in whole or in part with this genus and/or family, less than one-third mentioned the genus, whereas all but 15 mentioned the family by name. Of those which mentioned the genus, slightly less than four-fifths used "-myia", and slightly over one-fifth "-mys". Over two-thirds of the papers giving the family name used the form "-MYIDAE".

The use of *Stratiomys* has been growing in recent years, due of course to the activities of dipterists who use that form of the name. Summarizing :

	-mys	-myia
1890—1904 (20 years)	2	21
1905—1929 (25 years)	5½	40½
1930—1954 (25 years)	14	24

Appendix 4 to Dr. Sabrosky's letter

Family Name in Separate Publications which use "*Stratiomyia*"

Date	Author and Title	Ending of Family Name
1865	Loew. Centuriae	-MYIDAE
1877	Van der Wulp. Diptera Neerlandica	-MYIDAE

<i>Date</i>	<i>Author and Title</i>	<i>Ending of Family Name</i>
1878	Osten Sacken. Catalogue Diptera North Amer. (2nd ed.)	-MYIDAE
1881	Hutton. Catalogue New Zealand Diptera	-MYIDAE
1888, 1896, 1908	Williston. Manual N. American Diptera	-MYIDAE
1892	Giglio-Tos. Ditteri del Mexico	-MYIDAE
1893	Comstock. Manual for Study of Insects	-MYIIDAE
1893	Strobl. Diptera von Steiermark	-MYIDAE
1905	Aldrich. Catalogue N. American Diptera	-MYIDAE
1905, 1908	Kellogg. American Insects	-MYIDAE
1908	Kertész. Catalogus Dipteriorum, Vol. 3	-MYIIDAE
1910	Smith. List of Insects of New Jersey	-MYIDAE
1912	Sanderson and Jackson. Elementary Entomology	-MYIDAE
1920	Britton. Check List of Insects of Connecticut	-MYIDAE
1920	Brunetti. Fauna of British India, Diptera Brachycera	-MYIDAE
1921	Cole and Lovett. Annotated List of Diptera of Oregon	-MYIDAE
1923	MacGillivray. External Insect-Antomy	-MYIDAE
1924, etc.	Comstock. Introduction to Entomology	-MYIIDAE
1924, etc.	Imms. A General Textbook of Entomology (editions of 1930, 1934, 1948 seen)	-MYIDAE
1925	Handlirsch. In Schröder's Handbuch der Entomologie ("myia" twice in text ; "mys" three times in figures)	-MYIIDAE
1925	Johnson. List of Diptera of New Zealand	-MYIIDAE
1927	Johnson. Biol. Survey of Mt. Desert Region, The Insect Fauna	-MYIDAE
1928	Leonard. List of Insects of New York	-MYIIDAE
1928	Handel. Die Tierwelt Deutschlands, Diptera, II, Allgemeiner Teil	-MYIDAE

<i>Date</i>	<i>Author and Title</i>	<i>Ending of Family Name</i>	
1929	Lutz. Field Book of Insects (many re-printings and editions ; first in 1918 ; only 1929 checked)	-MYIDAE	
1931	Matsumura. 6000 Insects of Japan		-MYIIDAE
1932	Szilady. Die Tierwelt Deutschlands, Part 26	-MYIDAE	
1932, 1954	Brues & Melander. Classification of Insects		-MYIIDAE
1933	Weber. Lehrbuch der Entomologie	-MYIDAE	
1933	Stackelberg. Les mouches de la Partie Européenne de l'URSS		-MYIIDAE
1934	Karny. Biologie der Wasserinsekten	-MYIDAE	
1935	Johannsen. Aquatic Diptera, Part II		-MYIIDAE
1936	Kükenthal. Handbuch der Zoologie		-MYIIDAE
1938	Essig. Insects of Western North America		-MYIIDAE
1938	Lindner. Die Fliegen der Palaeark. Region		-MYIIDAE
1938	Brimley. List of Insects of North Carolina (Supplements, Brimley, 1942, and Wray, 1950, use family name only)		-MYIIDAE
1939	Jaques. How to Know the Insects	-MYIDAE	
1942	Frost. General Entomology		-MYIIDAE
1942	Portevin. Ce qu'il faut Savoir des Insectes		-MYIIDAE
1943	Smith, <i>et al.</i> Common Insects of Kansas	-MYIDAE	
1944	Matheson. Entomology for Introductory Courses ("MYIDAE" used in family key, p. 384, and in Index ; "MYIIDAE" used in discussion p. 408)	(-MYIDAE	-MYIIDAE)
1951	Peterson. Larvae of Insects, II	-MYIDAE	
1951	Séguy. Atlas des Diptères de France, Belgique, Suisse, Vol. I (vernacular names)		"-MYIIDES"

Appendix 5 to Dr. Sabrosky's letter

Separate Works using Family Name but not the Generic Name

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1880	Reed. Catalogue of Diptera of Chile	-MYIDAE

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1900	Leonardi. Gli Insetti Nocivi	"-MIDAE"
1901	Grimshaw. Diptera, in Fauna Hawaiiensis	-MYIDAE
1907	Froggatt. Australian Insects	-MYIDAE
1909	Maxwell-Lefroy. Indian Insect Life	-MYIDAE
1918	Ward & Whipple. Fresh-Water Biology	-MYIIDAE
1919	Lochhead. Economic Entomology	-MYIIDAE
1921	Carpenter. Insect Transformation	-MYIDAE
1926	Tillyard. Insects of Australia and New Zealand	-MYIIDAE
1926	Wellhouse. How Insects Live. An Elementary Entomology	-MYIIDAE
1927	Nüszlin & Rhumbler. Forstinsektenkunde	-MYIDAE
1927	Wolcott. Entomologie d'Haiti (vernacular names)	"-MYIDES"
1928, etc.	Metcalf & Flint. Destructive and Useful Insects (also 1939 and 1951 editions)	-MYIIDAE
1928	Curran. Diptera, in Insects of Puerto Rico and Virgin Is.	-MYIDAE
1930	Morgan. Field Book of Ponds and Streams	-MYIIDAE
1931	Williams. Handbook of the Insects and Other Invertebrates of Hawaiian Sugar-Cane Fields	-MYIDAE
1931	Chapman. Animal Ecology	-MYIDAE
1932, 1938	Riley and Johannsen. Medical Entomology	-MYIIDAE
1933	Saalas. Viljelyskasvien Tuho-ja Hyötyhyönteiset [Beneficial and Injurious Insects of Cultivated Plants (Finland)]	-MYIDAE
1935	Welch. Limnology	-MYIIDAE
1936	Wardle. General Entomology	-MYIDAE
1936, etc.	Wolcott. Insects of Puerto Rico (also 1941, 1951, all under different titles)	-MYIDAE

<i>Date</i>	<i>Author and Title</i>	<i>Family Ending</i>
1937	——. List of Families of Diptera in the “Fauna USSR.”	-MYIDAE
1939	Herms. Medical Entomology (3rd ed.)	-MYIDAE
1940	Clausen. Entomophagous Insects	-MYIIDAE
1940	Ramakrishna Ayyar. Handbook of Economic Entomology for South India	-MYIIDAE
1941	Lutz. A Lot of Insects	-MYIDAE
1942	Curran. <i>In</i> Diptera of Connecticut, Fasc. 1 (Key to Families)	-MYIDAE
1943, 1948	Smart. Handbook for Identifica- tion of Insects of Medical Importance	-MYIIDAE
1943	Evans. Insect Pests and Their Control [Tasmania]	-MYIDAE
1944, 1945	McKeown. Australian Insects, An Introductory Handbook	-MYIDAE
1946	Brewster <i>et al.</i> Life Stories of Australian Insects	-MYIIDAE
1948	Berg. Biol. Studies on the River Susaa [Denmark]	-MYIDAE
1949	Lindroth & Notini. Svenska Djur, In- sekterna [Swedish Animals, Insects]	-MYIDAE
1949	Urquhart. Introducing the Insect	-MYIIDAE
1949	Oldroyd. Diptera, Introduction. <i>In</i> Handbooks for Ident. of British Insects	-MYIIDAE
1950	Moreton. Guide to British Insects	-MYIDAE
1950	Hudson. Fragments of New Zealand Entomology	“-MIDAE”
1951	Grassé. Traité de Zoologie, Vol. X (Diptera by Séguy)	-MYIIDAE
1951	Bohart & Gressitt. Filth-Inhabiting Flies of Guam	-MYIDAE
1953	Gonzalez-Rincones & Guyon. Clasifi- cacion General de los Dipteros [Vene- zuela]	-MYIDAE
1954	Weber. Grundriss der Insektenkunde	-MYIDAE
1954	Gressitt. Insects of Micronesia, Vol. I, Introduction	-MYIDAE

15. **Submission to the International Commission of the problem involved in relation to the Original Spelling "Stratiomys" Geoffroy, 1762, and the Emendation "Stratiomyia" Macquart, 1838 :** On 7th May 1956, Mr. Francis Hemming, Secretary, submitted the following paper in which he laid before the International Commission the representations which had been received in favour of the Emendation *Stratiomyia* Macquart, 1838, and the Original Spelling *Stratiomys* Geoffroy, 1762, respectively and invited the Commission to make a choice as to which of these spellings be accepted :—

On the question whether the spelling "Stratiomys" or the alternative spelling "Stratiomyia" be accepted for the genus of the Order Diptera (Class Insecta) currently known by one or other of the above spellings

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The present paper is intended to place before the International Commission the question whether the spelling *Stratiomys* or the alternative spelling *Stratiomyia* be accepted for the genus of the Order Diptera (Class Insecta) currently known by one or other of the above spellings. The history of this case and the considerations relevant to the present issue are set out in the following paragraphs.

2. In August 1952 a request was received for the validation by the Commission under its Plenary Powers of the names of six genera of the Order Diptera as published by Geoffroy in 1762 in a work (the *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris*) which had been rejected by the Commission (in *Opinion* 228) as being non-binominal. This application was submitted jointly by the following four specialists on the staff of the U.S. Department of Agriculture, Agricultural Research Administration, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A. :—Alan Stone ; C. W. Sabrosky ; W. W. Wirth ; R. H. Foote. The generic names which it was asked should be validated as from Geoffroy, 1762, were : (1) *Stratiomys* ; (2) *Stomoxys* ; (3) *Volucella* ; (4) *Nemotelus* ; (5) *Scatopse* ; (6) *Bibio*.

3. Owing to the preoccupation of the Office of the Commission with preparations for the Copenhagen Congress of 1953 it was not until May 1954 that the above application was published (Stone *et al.*, 1954, *Bull. zool. Nomencl.* 9 : 241—246). Public Notice of the possible use by the Commission of its Plenary Powers in the present case was

given in May 1954 in the prescribed manner and in addition such notice was given also to certain general zoological serials and to a number of entomological serials in Europe and America. In November 1954 a Voting Paper (V.P.)(54)95 was issued in which the members of the Commission were invited to vote either for, or against, the application submitted in this case.

4. During the Prescribed Voting Period on the foregoing Voting Paper Commissioner J. Chester Bradley addressed a letter (on 17th February 1955) to myself as Secretary raising an objection as regards one of the names dealt with in the present application. The name concerned was *Stratiomys*, as regards which Commissioner Bradley urged that in the interests of stability the Emendation *Stratiomyia* should be accepted in preference to the Original Spelling *Stratiomys*.

5. At the end of the Prescribed Voting Period it was found that the proposals submitted with Voting Paper V.P.(54)95 had been approved by the Commission. At this point consideration was given by myself as Secretary to the development represented by the communication received from Commissioner Bradley during the Prescribed Voting Period. On this matter I took the view that a new situation had arisen as regards the generic name referred to in paragraph 4 above, for, although mention had been made in the original application (: 243) of the fact that the generic name *Stratiomys* Geoffroy had been emended by some authors to the spelling *Stratiomyia*—an emendation first published by Macquart in 1838 (*Mém. Soc. R. Sci. Lille* 1838(2) : 183)—the relative merits of these two spellings for this generic name had not been debated in that application. Accordingly, on 27th February 1955, I executed, as Secretary to the Commission, a Minute directing (a) that the validation of the generic name *Stratiomys* Geoffroy, 1762, either in the foregoing original spelling or in the emendation *Stratiomyia* was to be regarded as having been approved by the Commission by its vote given on Voting Paper V.P.(54)95, and (b) that the question as to which of the foregoing spellings was to be adopted for the above generic name was to be regarded as an open question until an express decision thereon had been taken by the Commission.

6. The principal documentation received in regard to the question of the spelling to be adopted is as follows :—

(a) *Letter with enclosure dated 17th February 1955 from Professor J. Chester Bradley :*

The letter dated 17th February 1955 with its accompanying enclosure received from Professor Chester Bradley is reproduced as Appendix 2 to the present paper.⁴ The general nature

⁴ The documents here referred to have been reproduced in paragraph 12 of the present *Opinion*.

of Professor Bradley's position in this matter may be judged from the following extract from his letter :—

“The case seems to be another one where a few specialists in quite recent years have tried to reform an almost universally used spelling. If we go along with them, I feel sure that we will be followed only by specialists.”

(b) *Letter with enclosures dated 5th April 1955 from Dr. Curtis W. Sabrosky (one of the original co-applicants in the present case) :*

On 5th April 1955, Dr. Curtis W. Sabrosky (one of the original co-applicants in the present case), to whom Professor Bradley had communicated a copy of his letter to me of 17th February 1955 (see (a) above), addressed to the Office of the Commission a letter with enclosures, in which he gave the grounds on which he advocated the acceptance of the spelling *Stratiomys* and at the same time traversed the arguments adduced by Professor Bradley in his letter of 17th February. Dr. Sabrosky's letter with its enclosures is reproduced as Appendix 3 to the present paper.⁵ The general nature of Dr. Sabrosky's position is summarised by him as follows in the penultimate paragraph of his letter :—

“We have thus considered Dr. Bradley's arguments and have reviewed the situation with particular reference to the matter of usage. We are convinced that the spelling *Stratiomys* cannot be dismissed so easily, and we believe that there are strong reasons for not doing so. Accordingly, we wish to re-iterate our belief that the spelling to be placed on the *Official List* should be *Stratiomys*.”

7. In addition to the massively documented contributions described in the immediately preceding paragraph, letters on this subject have been received from the following :—(1) Maurice T. James (*State College of Washington, Pullman, Washington, U.S.A.*) who writes : “I am thoroughly in accord with Mr. Sabrosky's comments and criticism of the Bradley proposal. . . . I certainly see no advantage in accepting the emended form (*Stratiomyia*) rather than the original form” ; (2) Commissioner N. D. Riley who writes : “*Stratiomyia* is the spelling familiar to me” ; (3) Mr. H. Oldroyd (*British Museum (Natural History)*) who writes : “Of the two workers on this group at the present time, James uses *Stratiomys*/STRATIOMYIDAE and Lindner uses *Stratiomyia*/STRATIOMYIIDAE. . . . My own inclination is to use *Stratiomyia*/STRATIOMYIIDAE.” ; (4) Dr. F. van Emden (*Commonwealth Institute of Entomology, London*) who writes : “I would be in favour of *Stratiomyia*, the two names obviously being intended to mean the same, i.e., a soldierly fly, but the form ‘-myia’ being correct and universally used.”

8. The form of the name to be adopted for the present genus will govern also the form of the family name based upon it. If the spelling

⁵ The documents here referred to have been reproduced in paragraph 14 of the present *Opinion*.

Stratiomys is accepted for the generic name, the family name will be STRATIOMYIDAE, while, if the spelling *Stratiomyia* is accepted, the family name will be STRATIOMYIIDAE. In either case under the decisions taken by the Copenhagen Congress the name will date from Latreille, (1802—1803). Latreille, who used the spelling *Stratiomys* for the generic name, cited the family name first in French and second in Latin in accordance with the practice of French zoologists of his day, the former being given as STRATIOMYDES, the latter by what is an evident printer's error as STATIOMYDAE. The following are (a) the original references for the two spellings, one or other of which, depending on the decision of the Commission at the generic-name level, will be the correct spelling and (b) the original references for a number of other spellings, of which one is an Invalid Original Spelling and the remainder are Erroneous Subsequent Spellings :—

- (i) *Two spellings, of which, depending on the decision by the Commission at the generic-name level, one will be the correct spelling and the other an Erroneous Subsequent Spelling :—*

(a) *Spelling recommended by Professor Bradley :*

STRATIOMYIIDAE (correction of STATIOMYDAE) Latreille, [1802—1803], *Hist. nat. gén. partic. Crust. Ins.* 3 : 445 (first published in correct form as STRATIOMYIIDAE by Comstock (J.H.) & Comstock (A.B.), 1893, *Manual Study Ins.* : 418, 455)

(b) *Spelling recommended by Dr. Sabrosky :*

STRATIOMYIDAE (correction of STATIOMYDAE) Latreille, [1802—1803], *Hist. nat. gén. partic. Crust. Ins.* 3 : 445 (first published in correct form as STRATIOMYIDAE by Loew, 1860, *Dipt. Fauna Südafrik.* : vii, 1)

(ii) *An Invalid Original Spelling :*

STATIOMYDAE Latreille, [1802—1803], *Hist. nat. gén. partic. Crust. Ins.* 3 : 445

(iii) *Erroneous Subsequent Spellings :*

STRATIOMYDAE Latreille, 1803, *Nouv. Dict. Hist. nat.* 21 : 246

STRATIOMYDES [Leach], [1815], in Brewster's *Edinburgh Ency.* 9 : 161 ; [1817], [*id*], *ibid.* 12 : 156

STRATIOMIDAE Westwood, 1840, *Introd. mod. Classif. Ins.* 2 : 531

STRATIOMYTES Blanchard (C.E.), 1845, *Hist. Ins.* 2 : 472

STRATIOMYADAE Harris, 1841, *Rep. Ins. Mass. injur. Veget.* : 408

STRATIOMYDIDES Billberg, 1820, *Enum. Ins. Mus. Billb.* : 115

9. The only matters connected with the present case on which decisions were not taken by the Commission in its vote on Voting

Paper V.P.(54)95 are (1) the question whether the spelling *Stratiomys* or the spelling *Stratiomyia* be accepted for this generic name (a question which was removed from the scope of the foregoing Voting Paper by the direction given in the Secretary's Minute of 27th February 1955, referred to in paragraph 5 above) and (2) the consequential question of the form for the corresponding family name (which was not dealt with in the foregoing Voting Paper). Full documentation on the foregoing matters is provided in the Appendices 2 and 3 to the present paper, namely, Appendix 2 (Professor Bradley's letter with enclosure of 17th February 1955)⁶ and Appendix 3 (Dr. C. W. Sabrosky's letter with enclosures of 5th April 1955).⁷ In the light of the information so provided the Commission is now asked to settle the points still outstanding in this case. For this purpose the Commission is invited in the annexed Voting Paper to vote for one or other of two opposing alternatives, the terms of which are set out in Appendix 1 to the present paper. Alternative "A" is the course recommended by Professor Bradley (*Stratiomyia* and STRATIOMYIIDAE). Alternative "B" is the course recommended by Dr. Sabrosky (*Stratiomys* and STRATIOMYIIDAE).

APPENDIX 1

Alternative Decisions submitted for consideration

Part 1: Alternative "A" (Bradley proposal for "*Stratiomyia*" and STRATIOMYIIDAE)

- (1) to accept the spelling *Stratiomyia* as the spelling for the genus for which the name was originally published by Geoffroy in 1762 with the spelling *Stratiomys* ;
- (2) to place the under-mentioned name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—*Stratiomys* Geoffroy, 1762 (an Invalid Original Spelling for *Stratiomyia*) ;
- (3) to place the under-mentioned name on the *Official List of Family-Group Names in Zoology* :—STRATIOMYIIDAE (correction of STATIOMYDAE) Latreille, [1802—1803] (type genus : *Stratiomyia* (emend. of *Stratiomys*) Geoffroy, 1762)
- (4) to place the under-mentioned names on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* :—
 - (a) STATIOMYDAE Latreille, [1802—1803] (an Invalid Original Spelling) ;
 - (b) the six Erroneous Subsequent Spellings specified in paragraph 8(iii) above) ;
 - (c) STRATIOMYIDAE Loew, 1860 (an Erroneous Subsequent Spelling) ;

⁶ See Footnote 4.

⁷ See Footnote 5.

Part 2 : Alternative "B" (Sabrosky proposal for "Stratiomys" and STRATIOMYIDAE)

- (1) to accept the Original Spelling *Stratiomys* Geoffroy, 1762, and to reject the emendation *Stratiomyia* ;
- (2) to place the under-mentioned name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—*Stratiomyia* Macquart, 1838 (an Invalid Emendation of *Stratiomys* Geoffroy, 1762) ;
- (3) to place the under-mentioned name on the *Official List of Family-Group Names in Zoology* :—STRATIOMYIDAE (correction of STATIOMYDAE) Latreille, [1802—1803] (type genus : *Stratiomys* Geoffroy, 1762) ;
- (4) to place the under-mentioned names on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* :—
 - (a) STATIOMYDAE Latreille, [1802—1803] (an Invalid Original Spelling) ;
 - (b) the Six Erroneous Subsequent Spellings specified in paragraph 8 (iii) of the annexed paper ;
 - (c) STRATIOMYIDAE Comstock (J.H.) & Comstock (A.B.), 1893 (an Erroneous Subsequent Spelling).

APPENDIX 2

Professor Chester Bradley's case for the acceptance of the Spelling "Stratiomyia" for the name published with the Spelling "Stratiomys" by Geoffroy in 1762

Letter with enclosure dated 17th February 1956

(NOTE : The documents which formed this Appendix have been reproduced in paragraph 12 of the present *Opinion*.)

APPENDIX 3

Dr. C. W. Sabrosky's case for the acceptance of the Original Spelling "Stratiomys" for the generic name so published by Geoffroy in 1762

Letter, with two Annexes and five Appendices, dated 5th April 1956

(NOTE : The documents which formed this Appendix have been reproduced in paragraph 13 of the present *Opinion*.)

16. Issue of Voting Paper V.P.(O.M.)(56)7 : On 7th May 1956 a Voting Paper (V.P.(O.M.)(56)7) was issued in which the Members of the Commission were invited to vote affirmatively on one or other of the following alternative courses of action, namely, "Alternative 'A' (Bradley proposal for *Stratiomyia* and STRATIOMYIIDAE) as set out in Part 1 of Appendix 1 of the paper bearing the Number Z.N.(S.)1086 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in Part 1 of Appendix 1 of the paper reproduced in paragraph 15 of the present *Opinion*] or Alternative 'B' (Sabrosky proposal for *Stratiomys* and STRATIOMYIDAE) as set out in Part 2 of Appendix 1 of the paper referred to above".

17. The Prescribed Voting Period for Voting Paper V.P.(O.M.)(56)7 : As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 7th June 1956.

18. Particulars of the Voting on Voting Paper V.P.(O.M.)(56)7 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(56)7 was as follows :—

(a) *In favour of " Alternative ' A ' " (adoption of the Emendation " Stratiomyia ") (arranged in the order in which Votes were received) (eight (8) votes) :*

Bradley (J.C.) ; Key ; Riley ; Cabrera ; Hankó ; Tortonese ; Boschma ; do Amaral ;

(b) *In favour of " Alternative ' B ' " (adoption of the Original Spelling " Stratiomys ") (seventeen (17) votes) :*

Bodenheimer ; Holthuis ; Stoll ; Hering ; Vokes ; Mayr ; Dymond ; Prantl ; Bonnet ; Miller ; Mertens ; Lemche ; Esaki ; Jaczewski ; Hemming ; Kühnelt ; Sylvester-Bradley ;

(c) *Voting Papers not returned* :

None.

19. Declaration of Result of Vote on Voting Paper V.P.(O.M.) (56)7 : On 15th June 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(56)7, signed a Certificate that the Votes cast were as set out in paragraph 18 above and declaring that the proposal submitted with the foregoing Voting Paper as Alternative " B " (adoption of the Original Spelling *Stratiomys*) had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

20. Preparation of the Ruling given in the present " Opinion " : On 27th August 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord (a) with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)95, in so far as that proposal was concerned with the generic name *Stratiomys* Geoffroy, 1762, and (b) with the terms of the proposal supplementary thereto styled " Alternative ' B ' " approved by the said Commission in its Vote on Voting Paper V.P.(O.M.)(56)7.

21. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

chamaeleon, *Musca*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 589

Stratiomyia Macquart, 1838, *Mém. Soc. Sci. Lille* **1838**(2) : 183

Stratiomys Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris* **2** : 449, 475

22. The following are the original references for the family-group names placed on the *Official List* and *Official Index* established for the recording of the names of taxa belonging to the family-group category by the Ruling given in the present *Opinion* :—

STATIOMYDAE Latreille, [1802—1803], *Hist. nat. gén. partic. Crust. Ins.* 3 : 445

STRATIOMIDAE Westwood, 1840, *Introd. mod. Classif. Ins.* 2 : 531

STRATIOMYADAE Harris, 1841, *Rep. Ins. Mass. injur. Veget.* : 408

STRATIOMYDAE Latreille, 1803, *Nouv. Dict. Hist. nat.* 21 : 246

STRATIOMYDES [Leach], [1815], in Brewster's *Edinburgh Ency.* 9 : 161 ; [*id.*], [1817], *ibid.* 12 : 156

STRATIOMYDIDES Billberg, 1820, *Enum. Ins. Mus. Billberg.* : 115

STRATIOMYIDAE (correction of the Invalid Original Spelling STATIOMYDAE Latreille, [1802—1803]) (first published in correct form as STRATIOMYIDAE by Loew, 1860, *Dipt. Fauna Südafrik.* : vii, 1)

STRATIOMYIIDAE Comstock (J.H.) & Comstock (A.B.), 1893, *Man. Study Ins.* : 418, 455

STRATIOMYTES Blanchard (C.E.), 1845, *Hist. Ins.* 2 : 472

23. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

24. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Two (442) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Second day of October, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 8. Pp. 163—174

OPINION 443

Designation under the Plenary Powers of a type species
in harmony with accustomed usage for the genus
Monticulipora d'Orbigny, October 1849 (Class Bryozoa)
(Ordovician)

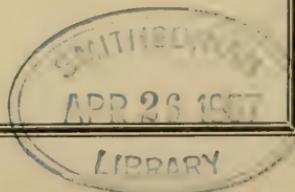
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 443

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N. Y., U.S.A.* (12th August 1953))

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N. Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N. Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 443

DESIGNATION UNDER THE PLENARY POWERS OF A
TYPE SPECIES IN HARMONY WITH ACCUSTOMED
USAGE FOR THE GENUS " MONTICULIPORA "
D'ORBIGNY, OCTOBER 1849 (CLASS BRYOZOA)
(ORDOVICIAN)

RULING :—(1) Under the Plenary Powers (a) all designations or selections of type species for the genus *Monticulipora* d'Orbigny, October 1849 (Class Bryozoa) made prior to the present Ruling are hereby set aside and (b) the nominal species *Monticulipora mammulata* d'Orbigny, [January 1850], is hereby designated to be the type species of the foregoing genus.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1053 : *Monticulipora* d'Orbigny, October 1849 (gender : feminine) (type species, by designation under the Plenary Powers in (1)(b) above : *Monticulipora mammulata* d'Orbigny, [January 1850]).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1125 : *mammulata* d'Orbigny, [January 1850], as published in the combination *Monticulipora mammulata* (specific name of type species of *Monticulipora* d'Orbigny, October 1849).

(4) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Number 847 : *Monticuliporella* Bassler, 1934 (a junior objective synonym of *Monticulipora* d'Orbigny, October 1849).

(5) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Number 372 : *frustulosa* d'Orbigny, October 1849, as published in the combination *Monticulipora frustulosa* (an Erroneous Subsequent Spelling for *pustulosa* Michelin, 1846, as published in the combination *Ceripora pustulosa*).

(6) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 134 : MONTICULIPORIDAE Nicholson, 1881 (type genus : *Monticulipora* d'Orbigny, October, 1849).

I. THE STATEMENT OF THE CASE

On 8th June 1951 Dr. R. S. Basler (*Smithsonian Institution, Washington, D.C., U.S.A.*) and Miss Helen Duncan (*United States Geological Survey, Washington, D.C., U.S.A.*) addressed a preliminary application to the International Commission on Zoological Nomenclature on the subject of the possible use of the Commission's Plenary Powers for the purpose of securing the continued use in its accustomed sense of the generic name *Monticulipora* d'Orbigny, 1849 (Class Bryozoa). Pressure of other work in the Office of the Commission made it impossible to make any progress with this case until towards the end of 1954 when consultations with the applicants were opened by the Secretary for the purpose of securing that the request made should cover all the matters with which by General Directives issued by the Thirteenth (Paris) and Fourteenth (Copenhagen) International Congresses of Zoology the International Commission is required to deal when taking decisions on applications in regard to individual names submitted to it for decision. These

consultations were completed on 12th January 1955 when the following definitive application was submitted to the International Commission :—

**Proposed use of the Plenary Powers to standardize the current use of
“ Monticulipora ” d’Orbigny, 1849 (Class Bryozoa, Order
Cyclostomata or Trepostomata, Family
“ MONTICULIPORIDAE ” Nicholson)**

By

R. S. BASSLER

(*Smithsonian Institution, Washington, D.C., U.S.A.*)

and

HELEN DUNCAN

(*United States Geological Survey, Washington, D.C., U.S.A.*)

The object of the present application is to validate the long-established usage of the generic name *Monticulipora* d’Orbigny, the name of one of the most widely discussed and applied genera of fossil Bryozoa during the last hundred years. This name was proposed by d’Orbigny in a little known publication wherein he named a European Jurassic species now belonging to the Order Cyclostomata as the type species. Since then various volumes and many individual papers have been concerned with *Monticulipora* under such titles as “The Problem of the Monticuliporoidea”, “The Genus *Monticulipora*”, etc., so that today these fossils, first supposed to be in part Tabulate corals, are regarded as Bryozoa either of the Order Cyclostomata or Trepostomata, the latter marked by the special internal structure of acanthopores, cystiphragms and diaphragms, known as monticuliporoid. Unfortunately, the literature upon the genus contains so many diverse applications of the name in Paleozoic stratigraphy and paleontology and so little mention in the Mesozoic that we feel the present somewhat unusual appeal should be made to the Commission to untangle the present-day taxonomic confusion. A short history of the name *Monticulipora* follows.

2. D’Orbigny Oct., 1849 (*Rev. Mag. Zool.* (2) 1 : 503) cites as type species of *Monticulipora* new genus, *M. frustulosa* d’Orbigny ; *Ceriopora pustulosa* Michelin, 1846, Jurassic of France.

3. D’Orbigny, [1850] (*Prod. Pal.* 1 : 25, 323, with printed date of 1849 in some volumes and 1850 in others, the latter containing an

added list of publications) lists with very brief remarks species of *Monticulipora* first from the Ordovician of Ohio and later the Jurassic of France. *M. mammulata* d'Orbigny, 1850 (: 25) the first mentioned Ordovician species was adopted as type species by practically all later students, probably unaware of the 1849 designation of the Jurassic *Ceriopora pustulosa*. No other author apparently save d'Orbigny has ever recorded any species of *Monticulipora* from the Mesozoic and d'Orbigny forgot his 1849 Jurassic type designation by creating two new genera based upon it and a synonymous species in 1854.

4. Edwards and Haime, 1851 (*Mon. Polyp. Foss. Ter. Pal.* : 267, pl. 19, figs. 1, 1a) describe and illustrate presumably a d'Orbigny type specimen of *M. mammulata* as *Chaetetes mammulata* which has the massive form of growth regarded by subsequent students as typical.

5. Edwards and Haime, 1854 (*Brit. Fossil Corals* : 265) recognize *Chaetetes mammulata* as *Monticulipora mammulata*.

6. D'Orbigny, 1854 (*Bry. Cret.* : 1013) does not mention *Monticulipora* again but instead cites its originally named type species of 1849 (*Ceriopora pustulosa* Michelin, 1846) as type species of the new genus *Nodicava* d'Orbigny, 1854, Jurassic of France.

7. D'Orbigny, 1854 (*Bry. Cret.* : 1013) proposed *Ceriopora corymbosa* Lamouroux, 1821 (of which *C. pustulosa* Michelin, 1846 is a synonym) as type species of still another new genus *Ceriocava* d'Orbigny, 1854, Jurassic of France, three genera now based upon *Ceriopora pustulosa* and *C. corymbosa*.

8. Nicholson, 1881 (*Genus Monticulipora* : 224, pl. 6, figs. 2, 2d), describes the frondescant growth-form of the Ordovician *Monticulipora mammulata* as *M. molesta* and (: 90) establishes MONTICULIPORIDAE the typical family of the present day Order Trepostomata.

9. Ulrich, 1882 (*J. Cin. Soc. Nat. Hist.*, 5 : 234, pl. 10, figs. 5, 5a) describes fully as *M. mammulata* the massive and frondescant forms of growth recognized as types by Edwards and Haime, 1851, and Nicholson, 1881.

10. Gregory, 1896 (*Cat. Foss. Bry. Brit. Mus.*—Jurassic) makes no mention of *Monticulipora* as a Mesozoic genus but cites d'Orbigny's 1849 type species *Ceriopora pustulosa* Michelin, 1846, as a synonym of *C. corymbosa* Lamouroux, 1821 and the latter as type species of d'Orbigny's *Ceriocava*, 1854.

11. Ulrich and Bassler, 1904 (*Smithson. misc. Coll.* 47 : 15, pl. 6, figs. 1—6) figure thin sections of the d'Orbigny type illustrated by Boule in 1906.

12. Boule, 1906 (*Ann. Pal.* : 5, pl. 1, figs. 10, 11, pl. 2, fig. 1) figures the type specimen of *Monticulipora mammulata* d'Orbigny, 1850 (= *M. mammulata molesta* Nicholson, 1881).

13. Basler, 1934, proposed *Monticuliporella* as a newname (*J. Wash. Acad. Sci.* 24 (No. 9) : 408) in advance of the publication of Pt. 67, Bryozoa, 1935 of *Foss. Catalogus* for *Monticulipora* as typified by *M. mammulata* d'Orbigny, 1850 of the Ordovician (Trepostomata) upon the conviction that d'Orbigny's *Monticulipora*, 1849, according to the rules of nomenclature must be maintained for his 1849 Jurassic type (Cyclostomata) as the only solution to the problem. This proved to be such an extreme case that the help of the Commission is now sought to reject the use of *Monticuliporella*.

14. In view of the above statements, the Commission is asked to consider our request that the originally cited type of *Monticulipora* d'Orbigny, 1849 (*Ceripora pustulosa* Michelin, 1846) causing most of the taxonomic trouble, be cancelled as such and replaced by *Monticulipora mammulata* O'drbigny, 1850, in harmony not only with most authorities and literature on the subject but also possibly with d'Orbigny himself judging from his post-1850 record. The classification will then fall readily in line with a minimum number of changes.

15. In order to give effect to the foregoing proposal, the International Commission is asked :—

- (1) to use its Plenary Powers (a) to set aside all designations or selections of type species for the genus *Monticulipora* d'Orbigny, Oct. 1849, made prior to the Ruling now asked for and (b), having done so, to designate *Monticulipora mammulata* d'Orbigny, [Jan. 1850] (Ordovician), to be the type species of the foregoing genus ;
- (2) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Monticulipora* d'Orbigny, 1849 (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b) above : *Monticulipora mammulata* d'Orbigny, [Jan. 1850]) ;
- (3) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *mammulata* d'Orbigny, [Jan. 1850], as published in the combination *Monticulipora mammulata* (specific name of type species of *Monticulipora* d'Orbigny, Oct. 1849) ;
- (4) to place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* : *Monticuliporella* Bassler, 1934 (a junior objective synonym of

Monticulipora d'Orbigny, Oct, 1849, as defined under the Plenary Powers under (1)(b) above) ;

- (5) to place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* : MONTICULIPORIDAE Nicholson, 1881 (type genus : *Monticulipora* d'Orbigny, Oct. 1849).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : On the receipt in 1951 of the preliminary communication from Dr. Bassler and Miss Helen Duncan the question of the possible use of the Plenary Powers to designate a type species in harmony with accustomed usage for the genus *Monticulipora* d'Orbigny was allotted the Registered Number Z.N.(S.) 550.

3. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 28th February in the same year in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Bassler and Duncan, 1955, *Bull. zool. Nomencl.* **11** : 90—92).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 28th February 1955 (a) in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by Dr. Bassler and Miss Helen Duncan was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to three palaeontological serial publications in Europe and America.

5. Support received from Dr. Madeleine A. Fritz (Curator, Division of Invertebrate Palaeontology, Royal Ontario Museum of Zoology and Palaeontology, Toronto, Canada): On 13th April 1955 Dr. Madeleine A. Fritz (*Curator, Division of Invertebrate Palaeontology, Royal Ontario Museum of Zoology and Palaeontology, Toronto, Canada*) addressed the following letter to the Office of the Commission in regard to the present case (Fritz, 1955, *Bull. zool. Nomencl.* **11** : 265):—

Use of the Plenary Powers (a) to set aside all designations or selections of type species for the genus *Monticulipora* d'Orbigny, Oct. 1849, made prior to the Ruling now asked for and (b), having done so, to designate *Monticulipora mammulata* d'Orbigny, [Jan. 1850], to be the type species: I am heartily in accord with the above proposal and should like my approval registered.

6. No objection received : No objection to the action proposed in the present case was received from any source.

7. Supplementary proposal in relation to the specific name "frustulosa" d'Orbigny, 1849, as published in the combination "Monticulipora frustulosa" : Following upon a suggestion received from Professor J. Chester Bradley Mr. Hemming, as Secretary, prepared the following note recommending that for the reasons there explained the specific name *frustulosa* d'Orbigny, 1849, should be placed on the *Official Index of Rejected and Invalid Specific Names in Zoology*. The note so prepared, which was later annexed as Note 4 to the Voting Paper issued in this case (paragraph 8 below) was as follows:—

4. A Minor Clarification : Commissioner Chester Bradley has pointed out with reference to paragraph 2 of the present application that, when in 1849 d'Orbigny established the nominal genus *Monticulipora*, he had no intention of renaming as *frustulosa* the type species previously named *pustulosa* by Michelin, his sole object being to cite the type species of his new genus, first in its new combination and, second, in the combination in which its name had originally been published (by Michelin). The so-called name *frustulosa* d'Orbigny is thus either a printers' error for *pustulosa* or an error made by d'Orbigny in copying Michelin's name. In either case, *frustulosa* is an Erroneous Subsequent Spelling for *pustulosa* and as such should now be placed on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(55)24 : On 9th November 1955 a Voting Paper (V.P.(55)24) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Monticulipora* d'Orbigny, 1849, as set out in Points (1) to (5) in paragraph 15 on page 92 of Volume 11 of the *Bulletin of Zoological Nomenclature* [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*], subject to the minor clarification specified in Note 4 overleaf" [i.e. in the Note numbered as above reproduced in paragraph 7 of the present *Opinion*].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 9th February 1956.

10. Particulars of the Voting on Voting Paper V.P.(55)24 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)24 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Vokes ; Bodenheimer ; Bradley (J.C.) ; Mayr ; Riley ; Dymond ; Prantl ; Lemche ; Esaki ; do Amaral ; Hankó ; Key ; Boschma ; Sylvester-Bradley ; Jaczewski ; Mertens ; Cabrera ; Stoll ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Hemming ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned* :

None.

11. Declaration of Result of Vote : On 10th February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55) 24, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present " Opinion " : On 30th October 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)24.

13. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

frustulosa, *Monticulipora*, d'Orbigny, October 1849, *Rev. Mag. Zool.* (2) **1** : 503

mammulata, *Monticulipora*, d'Orbigny, [January 1850], *Prodr. Pal.* **1** : 25

Monticulipora d'Orbigny, October 1849, *Rev. Mag. Zool.* (2) **1** : 503

Monticuliporella Bassler, 1934, *J. Wash. Acad. Sci.* **24** (No. 9) : 408

14. The original reference for the family-group name placed on the *Official List of Family-Group Names in Zoology* by

the Ruling given in the present *Opinion* is as follows :

MONTICULIPORIDAE Nicholson, 1881, *Structure Affin. Genus Monticulipora* : 90, pl. 6. figs. 2, 2d.

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Three (443) of the International Commission on Zoological Nomenclature.

DONE in London, this Thirtieth day of October, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 9. Pp. 175—190

OPINION 444

Validation under the Plenary Powers of the specific name
obscura Berezowsky & Bianchi, 1891, as published in the
combination *Larvivora obscura* (Class Aves)

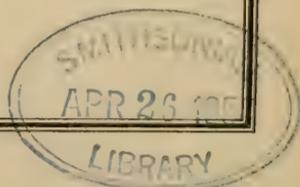
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 444

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*arranged in order of precedence by reference to date of election or of most recent re-election
as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CARRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th
July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw,
Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt
a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu
Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August
1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th
August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y.,
U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,
Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th
October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November
1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,
Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 444

VALIDATION UNDER THE PLENARY POWERS OF THE SPECIFIC NAME "OBSCURA" BEREZOWSKY & BIANCHI, 1891, AS PUBLISHED IN THE COMBINATION "LARVIVORA OBSCURA" (CLASS AVES)

RULING :—(1) Under the Plenary Powers the under-mentioned specific name is hereby suppressed for the purposes both of the Law of Priority and the Law of Homonymy : *obscura* Brehm (C.L.), 1831, as published in the combination *Cyanecula obscura*.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1126 : *obscura* Berezowsky & Bianchi, 1891, as published in the combination *Larvivora obscura*, as validated by the suppression under the Plenary Powers in (1) above of the senior secondary homonym *obscura* Brehm, 1831, as published in the combination *Cyanecula obscura* (Class Aves).

(3) The under-mentioned specific names are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *obscura* Brehm (C.L.), 1831, as published in the combination *Cyanecula obscura*, as suppressed under the Plenary Powers in (1) above (Name No. 373) ;

- (b) *hachisukae* Ripley, 1952, as published in the combination *Erithacus hachisukae* (a junior objective synonym of *obscura* Berezowsky & Bianchi, 1891, as published in the combination *Larvivora obscura*, as validated under the Plenary Powers in (1) above) (Name No. 374).

I. THE STATEMENT OF THE CASE

On 18th December 1954 Dr. Charles Vaurie (*The American Museum of Natural History, New York*) submitted the following application to the International Commission on Zoological Nomenclature for the validation under the Plenary Powers of the specific name *obscura* Berezowsky & Bianchi, 1891, as published in the combination *Larvivora obscura* (Class Aves) by the suppression of the senior secondary homonym *obscura* Brehm (C.L.), 1831, as published in the combination *Cyanecula obscura*:—

**Proposed use of the Plenary Powers to validate the specific name
“*obscura*” Berezowsky & Bianchi, 1891, as published in the
combination “*Larvivora obscura*” (Class Aves)**

By CHARLES VAURIE

(*The American Museum of Natural History, New York*)

The object of the present application is to ask the Commission to use its Plenary Powers for the purpose of validating the specific name *Obscura* Berezowsky & Bianchi, 1891 (*Aves Exped. Potanini Gan-su* : 97, pl. 1, fig. 2), as published in the combination *Larvivora obscura*, a name which is an invalid junior secondary homonym, in the genus *Luscinia* Forster, 1817, of the specific name *obscura* Brehm (C.L.), 1831 (*Handb. Naturgesch. Vögel Deutschl.* : 353), as published in the combination *Cyanecula obscura*.

2. The bird described as *Larvivora obscura* by Berezowsky & Bianchi is rare and in consequence the name *obscura* has not been cited often in the literature. It has, however, been in continuous use for sixty-one

years (i.e. up to 1952) and has been used in every ornithological standard work such as Sharpe, 1903, *Hand List of the Genera and Species of Birds* (4 : 157) ; Hartert, 1910, *Die Vögel der paläarktischen Fauna* (1) : 741 ; Smythies, 1953, *The Birds of Burma* : 104, and the entire Russian ornithological literature.

3. In 1952 (*Postilla*, New Haven No. 13 : 24), however, Ripley pointed out that the name *obscura* Berezowsky & Bianchi, 1891, is invalid by reason of being a junior secondary homonym in the genus *Luscinia* of the name *obscura* Brehm, 1804, and replaced it by the name *hachisukae* in the combination *Erithacus hachisukae*. The name *obscura* Brehm, however, has never once been used in ornithology since it was first published, for it is a junior subjective synonym of *cyanecula* Meisner, 1804 (*Syst. Verz. Vög. Schweiz.* : 30), as published in the combination *Sylvia cyanecula* (= *Luscinia svecica cyanecula* (Meisner)). Even as a synonym, the name *obscura* Brehm has apparently been cited only once, namely, by Hartert (1910, *Die Vögel der paläarktischen Fauna* (1) : 748). It should be noted also that in spite of his having cited this name as a synonym, Hartert (: 741) retained the name *obscura* Berezowsky & Bianchi in combination with the same generic name (*Luscinia*) as that under which he had cited *obscura* Brehm (as a junior synonym of *Luscinia svecica cyanecula*).

4. There is thus no danger whatever of the name *obscura* Berezowsky & Bianchi, 1891 (which as already explained has been in continuous use for over sixty years), being confused with the name *obscura* Brehm, which was a junior synonym of another name (*cyanecula* Meisner) at the time when it was first published and has not been adopted by a single author in the period of one hundred and twenty-three years which has since elapsed. In these circumstances it is considered that no useful purpose would be served by rejecting and replacing the name *obscura* Berezowsky & Bianchi and that the interests of stability in nomenclature will be promoted by the Commission using its Plenary Powers to prevent this change from taking place.

5. The present application is submitted to the Commission after consultation with, and in agreement with, Professor Ernst Mayr (*Museum of Comparative Zoology, Harvard University, Mass.*), and with my colleague Dr. Dean Amadon (*Museum of Natural History, New York*) who writes : " I am in full agreement with Dr. Vaurie and support the present application ".

6. For the reasons set out above, the International Commission is asked :—

- (1) to use its Plenary Powers to suppress the under-mentioned specific name for the purposes both of the Law of Priority and of those of the Law of Homonymy : *obscura* Brehm (C.L.), 1831, as published in the combination *Cyanecula obscura* ;

- (2) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology*: *obscura* Berezowsky & Bianchi, 1891, as published in the combination *Larvivora obscura* ;
- (3) to place the under-mentioned specific names on the *Official Index of Rejected and Invalid Specific Names in Zoology* :—
- (a) *obscura* Brehm (C.L.), 1831, as published in the combination *Cyanecula obscura* and as suppressed under the Plenary Powers under (1) above ;
- (b) *hachisukae* Ripley, 1952, as published in the combination *Erithacus hachisukae* (a junior objective synonym of *obscura* Berezowsky & Bianchi, 1891, as published in the combination *Larvivora obscura*).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Vaurie's application the question of the validation under the Plenary Powers of the specific name *obscura* Berezowsky & Bianchi, 1891, as published in the combination *Larvivora obscura*, was allotted the Registered Number Z.N.(S.) 876.

3. Support received from Ernst Mayr (Museum of Comparative Zoology at Harvard College, Cambridge, Mass., U.S.A.) and Dean Amadon (The American Museum of Natural History, New York) prior to the publication of the present application : As stated in paragraph 5 of the application submitted in this case, the action there recommended was supported both by Professor Ernst Mayr (*Museum of Comparative Zoology at Harvard College, Cambridge, Mass., U.S.A.*) and by Dr. Dean Amadon (*The American Museum of Natural History, New York*).

4. Publication of the present application : The present application was sent to the printer on 31st December 1954 and was

published on 28th February 1955 in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Vaurie, 1955, *Bull. zool. Nomencl.* **11** : 93—94).

5. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 28th February 1955 (a) in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Vaurie's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to thirteen ornithological publications in various parts of the world.

6. Comments received after the publication of the present application and before the issue of the Voting Paper in regard thereto : During the six-month period following the publication of the present application in the *Bulletin of Zoological Nomenclature* and the issue of Public Notices of the action proposed to be taken under the Plenary Powers in the present case three communications were received in the Office of the Commission. These were from : (a) Professor J. Chester Bradley (*Cornell University, Ithaca, N.Y., U.S.A.*), who as President of the Commission, supported the action proposed as being in harmony with the Principle of Conservation adopted by the Copenhagen Congress in 1953 ; (b) Professor J. Dillon Ripley (*Yale University, Peabody Museum of Natural History, New Haven, Connecticut, U.S.A.*), who, as an ornithologist, objected to the action proposed ; (c) Dr. C. L. Remington (*Yale University, Osborn Zoological Laboratory, New Haven, Connecticut, U.S.A.*) who, as a non-ornithologist, objected to the use of the Plenary Powers in the present case. The communications so received are reproduced in the immediately following paragraphs.

7. Support received from J. Chester Bradley (Cornell University, Ithaca, N.Y., U.S.A.) : On 2nd June 1955 Professor J. Chester

Bradley (*Cornell University, Ithaca, N. Y., U.S.A.*) wrote to the Office of the Commission, commenting on a number of recently published cases. His observations regarding the present case was as follows :—

This request seems to be in accordance with the Principle of Conservation agreed upon at Copenhagen.

8. Objection received from S. Dillon Ripley (Yale University, Peabody Museum of Natural History, New Haven, Connecticut, U.S.A.): On 13th October 1956 Professor S. Dillon Ripley (*Yale University, Peabody Museum of Natural History, New Haven, Connecticut, U.S.A.*) addressed the following statement to the Office of the Commission regarding the present case :—

I should like to state herewith my objection to the proposal made to the Commission by Dr. Charles Vaurie, 1955, *Bull. zool. Nomencl.* **11**(3) : 93—94, for the use of the Plenary Powers to validate the specific name *obscura* Berezowsky and Bianchi, 1891, as published in the combination *Larvivora obscura* (Class Aves).

As Dr. Vaurie states correctly, the name *Larvivora obscura* Berezowsky and Bianchi has been very seldom used in ornithological literature, as it refers to an obscure and little-known chat-like bird from West China of which less than a dozen specimens exist in museums of the world.

Unfortunately an older use of the name *obscura* exists. This is *Cyanecula obscura* C. L. Brehm, 1831 (*Handb. Naturgesch. Vög. Deutsch.* : 353). Both these names, the latter a form a Blue-throat, are now found in combination with the genus *Luscinia* Forster, 1817, or *Erithacus* Cuvier, 1800, depending on the taste of the systematic revisor, in which case the name of Berezowsky and Bianchi becomes an invalid secondary junior homonym.

Dr. Vaurie points out that the name *obscura* Berezowsky and Bianchi has been in continuous use for sixty-one years, from 1891, when it was published (*Ptitzi Kansuskago Puteshestviya G.N. Potanina* : 97, pl. 1, fig. 2) down to 1952 when I pointed out (*Postilla, Yale Peabody Museum. No. 13* : 24) that the name was pre-occupied, and proposed the substitute name, *Erithacus hachisukae*.

As I understand it this proposed use of the Plenary Powers comes under the Principle of Conservation which was approved at the

Copenhagen meeting and on which several drafts are set forth, (1953, CDZN, Appendix 2 : 119—122). My interpretation of the intent of these Plenary Powers is that their use should be reserved for cases in which hardship would be imposed on a considerable body of the scientific world, especially persons not concerned with taxonomy, but experimentalists or persons in related fields, as well as the laity, amateurs, who may use the names in field guides, etc

The use of the name *Larvivora obscura* Berezowsky and Bianchi has not been copious in ornithological literature. I find for it the following :—

1. (a) original description, 1891, tom. cit. supra.

(b) a redescription of *Larvivora obscura* by Karl Deditius, 1897, *Journ. f. Ornith.* 45 : 70, in discussing the publication of Berezowsky and Bianchi's work on Kansu birds.

(c) a discussion of the Berezowsky and Bianchi publication by H. E. Dresser and E. Delmar Morgan, 1899, *Ibis*, 5 (7th Ser.) : 273—274.

(d) Sharpe, R. B., 1903, *Hand List of the Genera and Species of Birds*, 4 : 157.

(e) Hartert, E., 1910, *Die Vögel der paläarktischen Fauna*, 1 : 741.

(f) Garthwaite, P. F., and Ticehurst, C. B., 1937, *Jour. Bombay nat. Hist. Soc.* 39 : 555.

(g) Smythies, B. E., 1953, *Birds of Burma* : 104. (Although I helped Mr. Smythies with the checking of the nomenclature of his volume, during the years 1947—1948 when the Manuscript was then in preparation, I had not at that time been appraised of the facts regarding the status of Berezowsky and Bianchi's name, and so was unable to advise him to modify it.)

Dr. Vaurie says that the name of Berezowsky and Bianchi is current in the entire Russian literature, but I have been unable to find it in those works of Buturlin, Dementiev, Portenko and Johansen which I have been able to consult.*

Dr. Vaurie states in his Application (*cit. supra.*) that the older name *obscura* Brehm has never once been used in ornithology since

* For the information of the Commission, I should explain that the authors cited are the principal authors now living who are currently writing about the birds of Siberia and adjacent areas. Thus a specialist, in this case an ornithologist, would understand that I was referring to the authors who would be expected to have mentioned this species by this name in their work. They are responsible for the main body of "Russian ornithological literature". Thus not finding this name used in their work is for me a significant fact.

it was first published, for it is a junior subjective synonym of *cyanecula* Meisner, 1804, now currently used in the combination *Luscinia svecica cyanecula* or *Erithacus svecicus cyaneculus*.

I find however, the following uses of the name *obscura* Brehm :

2. (a) original description, 1831, tom. cit. supra.

(b) Dubois, Ch. F., 1854, *Planches col. Oiseaux de la Belgique*, 1 : pl. 67a and p. 67a. In this instance the form *obscura* is recognised and is not a junior subjective synonym. The author points out in the place and description that this phenotype of the Blue-throat lacks the white chest band and tends to lack the white throat spot, and that he is uncertain whether Brehm's name thus refers to a separate species, or a separate variant.

(c) Brehm, 1855, *Naumannia*, 1855 : 280

(d) Seebohm, H., 1881, in *Cat. Birds Brit. Mus.* 5 : 311*

(e) Dubois, A., 1887, *Faunesdes Vertebres de la Belg.*, 1 : 330*

(f) Naumann, J. F., 1905, *Naturges. der Vög. Mitteleuropas*, 1 : 31, 35, 36, 43

(g) Hartert, E., 1910, *Die Vögel der paläarktischen Fauna*, 1 : 748*

(h) Ripley, S. D., 1952, *Postilla* No. 13 : 24, and Addendum to No. 13, 1954, *Postilla* : 1.

Dr. Vaurie notes that Hartert (tom. cit.) retains both names in combination with the same generic name. He assumes that this is evidence, especially in view of no other citations of Brehm's name having been made in the one hundred and twenty-three years that have elapsed since it was proposed, that there will never be any confusion between the two names. I can only point out that Brehm's name on the contrary has been cited a number of times, actually twice within the last fifty years, in 2(f) and (g) above. In this connection I had not noticed the occurrence of these two names in the same genus as both are so little known. I can only assume that Dr. Hartert's action was a slip on his part, as taxonomists are by no means infallible. In my case, the matter was pointed out to me by the late Marquess M. Hachisuka, and Marquis Y. Yamashina. The latter in a later communication to me of May 25, 1952, wrote :

* In the cases cited above, the name *obscura* Brehm was used only as a subjective junior synonym. S.D.R.

“ Hachisuka and I were working on pre-occupied names together and because this bird does not seem to have a substitute name I want (it to be named) as *Erithacus hachisukae* because Hachisuka was working on Chinese birds for over ten years and I think it is a good memory for him ”.

In view of the proven use of the name *obscura* C. L. Brehm, 1831, within the last fifty years, I recommend that *obscura* Berezowsky and Bianchi, 1891, be allowed to remain an invalid junior secondary homonym under the Rules.

9. Objection received from C. L. Remington (Yale University, Osborn Zoological Laboratory, New Haven, Connecticut, U.S.A.) : On 25th October 1955 Dr. C. L. Remington (*Yale University, Osborn Zoological Laboratory, New Haven, Connecticut, U.S.A.*) addressed the following letter to the Commission in regard to the present case :—

The purpose of this letter is to object to the proposal of Dr. Charles Vaurie that the specific name *obscura* Berezowsky and Bianchi, 1891, as published in the combination *Larvivora obscura*, be validated by the Commission by means of its Plenary Powers. I am not an ornithologist and am therefore commenting only on a general principle of the use of the Plenary Powers to suppress and validate names. The substance of my view, doubtless stated similarly before by many other systematists, is that senior homonyms should never be suppressed unless their retention would result in loss of a name of unquestioned establishment by usage and familiar to numerous biologists, particularly for use in fields other than taxonomy. Taxonomists are necessarily accustomed to unavoidable name changes, and the loss of a junior homonym familiar only to a small group of specialists in taxonomy should never be sufficient cause for validation by the Commission of such a junior homonym. The present case would be a particularly regrettable one for use of the Plenary Powers, because : (1) the name (and in a bibliographic sense, the bird) is of minor importance ; (2) the senior homonym has been used approximately as often as the junior homonym, according to Dr. S. D. Ripley ; and (3) a perfectly proper and routine proposal of a *nomen novum* had been published well in advance of Dr. Vaurie's petition and was even cited by him in that petition. I hope that the Commission will reject the proposal and will consistently guard against the weakening of the International Rules by unnecessary use of the Plenary Powers.

10. Receipt of two communications in regard to the present case after the expiry of the Prescribed Six-Month Waiting Period

and subsequent to the Issue of the Voting Paper in regard thereto : Two communications in regard to this case were received after the expiry of the Prescribed Six-Month Waiting Period and subsequent to the issue of the Voting Paper relating thereto (paragraph 13 below). These communications were from : (a) Professor Ernst Mayr commenting on the communications received from Professor Ripley (paragraph 8 above) and from Dr. Remington (paragraph 9 above) ; (b) Dr. Nagamichi Kuroda, President of the Ornithological Society of Japan, who objected to the action proposed in this case. These communications are reproduced in the immediately following paragraphs.

11. Comment received in November 1955 from Professor Ernst Mayr (Museum of Comparative Zoology at Harvard College, Cambridge, U.S.A.) : On 21st November 1955 Professor Ernst Mayr (*Museum of Comparative Zoology at Harvard College, Cambridge, Mass., U.S.A.*), who had previously intimated his support for the action proposed in the present case (paragraph 3 above) addressed the following letter to the Office commenting on the communications received from Professor S. Dillon Ripley and Dr. C. L. Remington (reproduced in paragraphs 8 and 9 respectively of the present *Opinion*) :—

There have been various disturbing features about this proposal. I can find no evidence in support of the statement that the two names *obscura* have been used with about equal frequency. In my searches through the literature I have not found a single employment of the name *obscura* Brehm in the primary literature since the original publication of this deadborn synonym.

There are two other aspects of this case which perhaps deserve attention. Mr. Remington perhaps does not realize the amount of bibliographic work done in ornithology and the fact that with just a little collaboration among ornithologists we can now have a completely stable nomenclature. The old name *obscura* was widely known among ornithologists but deliberately ignored as a *nomen oblitum*. It would have been an easy matter for Dr. Ripley to ask the Commission to place the universally used name on the *List* in line with the principle expressed later at Copenhagen as the Conservation Principle.

12. Objection received from Nagamichi Kuroda (Ornithological Society of Japan, Tokyo) : On 20th December 1955 Dr. Nagamichi

Kuroda (*Ornithological Society of Japan, Tokyo*) addressed the following letter regarding the present case to the Office of the Commission :—

It came to our attention that in the *Bull. zool. Nomencl.* **11**(3) : 93—94, 1955, Dr. Charles Vaurie has proposed to the Commission that they use their Plenary Powers to make the name *Larvivora obscura* Berezowsky and Bianchi a *nomen conservandum*, and place the earlier name *Cyanecula obscura* Brehm, as well as *Erithacus hachisukae* Ripley on the list of rejected names of species in zoology.

However, Brehm's name *Cyanecula obscura* has, in reality, been used in the following well-known scientific literature :—

(a) The original description, 1831. (b) Dubois, Ch. F., *Pl. col. des Ois. de la Belgique*, 1854, **1** : pl. 67a and p. 67a. (c) Brehm, 1855, *Naumannia*, 1855, p. 280. (d) Seebohm, H., 1881, in *Cat. Birds in Brit. Mus.*, 5, p. 311.* (e) Dubois, A., 1887, *Faune des Vertébrés de la Belgique*, 1, p. 330.* (f) Naumann, J. F., 1905, *Naturges. der Vög. Mitteleuropas*, 1, pp. 31, 35, 36, 43. (g) Hartert, E., 1910, *Die Vög. der paläarkt. Fauna*, 1, p. 748.*

It is merely accidental that no ornithologist had referred to the fact that the name *Larvivora obscura* Berezowsky and Bianchi is pre-occupied by *obscura* of Brehm until this was pointed out by Yamashina, Hachisuka and Ripley, who (the last named) has correctly proposed a new name, *Erithacus hachisukae*.

From the above, we recommend that *obscura* Berezowsky and Bianchi, 1891, be replaced by *Erithacus hachisukae* under the Rules, and thus would express opposition to Dr. Vaurie's proposal.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

13. Issue of Voting Paper V.P.(55)25 : On 9th November 1955 a Voting Paper (V.P.(55)25) was issued in which the Members

* In the cases cited above, the name *obscura* Brehm was used only as a subjective junior synonym.

of the Commission were invited to vote either for, or against, "the proposal relating to the specific name *obscura* Berezowsky & Bianchi, 1891, as published in the combination *Larvivora obscura*, as set out in Points (1) to (3) in paragraph 6 on page 94 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

14. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 9th February 1956.

15. Particulars of the Voting on Voting Paper V.P.(55)25 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55) 25 was as follows :—

- (a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Vokes ; Bodenheimer ; Bradley (J.C.) ; Mayr ; Riley ; Dymond ; Prantl ; Jaczewski ; Lemche ; Esaki ; Mertens ; do Amaral ; Hankó ; Key ; Boschma ; Sylvester-Bradley ; Cabrera ; Stoll ; Bonnet ; Tortonese ; Kühnelt ; Hemming ;

- (b) *Negative Votes, one (1) :*

Miller ;

- (c) *Voting Papers not returned :*

None.

16. Declaration of Result of Vote : On 10th February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)25, signed a Certificate that the Votes cast were as set out in paragraph 15 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

17. Preparation of the Ruling given in the present "Opinion" : On 9th November 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)25.

18. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

hachisukae, *Erithacus*, Ripley, 1952, *Postilla*, New Haven No. 13 : 24

obscura, *Cyanecula*, Brehm (C.L.), 1831, *Handb. Naturgesch. Vögel Deutschl.* : 353

obscura, *Larvivora*, Berezowsky & Bianchi, 1891, *Aves Exped. Potanini Gan-su* : 97, pl. 1, fig. 2

19. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

20. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Four (444) of the International Commission on Zoological Nomenclature.

DONE in London, this Ninth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 10. Pp. 191—198

OPINION 445

Rejection for nomenclatorial purposes of the work by
Eberhard (J.P.) entitled *Versuch eines neuen Entwurfs der
Thiergeschichte* published in 1768

LONDON :

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and

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Issued 29th January, 1957



INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 445

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Muzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernest MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 445

REJECTION FOR NOMENCLATORIAL PURPOSES OF THE WORK BY EBERHARD (J.P.) ENTITLED "VERSUCH EINES NEUEN ENTWURFS DER THIERGESCHICHTE" PUBLISHED IN 1768

RULING :—(1) The work by Eberhard (J.P.) published in 1768 under the title *Versuch eines neuen Entwurfs der Thiergeschichte* is hereby rejected for nomenclatorial purposes as being a work in which the author did not apply the principles of binominal nomenclature.

(2) The title of the work specified in (1) above is hereby placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* with the Title Number 51.

(3) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Number 848 : *Cebus* Eberhard (J.P.), 1768 (a name published in a work rejected for nomenclatorial purposes under (1) above).

I. THE STATEMENT OF THE CASE

Following correspondence with the Secretary on the question of the original reference for the generic name *Cebus* which had been placed on the *Official List of Generic Names in Zoology* in the period prior to the close of 1936, Dr. T. C. S. Morrison-Scott (*British Museum (Natural History), London*) on 20th

December 1954 submitted the following application to the International Commission on Zoological Nomenclature for the rejection for nomenclatorial purposes of the work by Eberhard (J.P.) published in 1768 under the title *Versuch eines neuen Entwurfs der Thiergeschichte* :—

Proposed rejection for nomenclatorial purposes of Eberhard (J.P.), 1768, “ Versuch eines neuen Entwurfs der Thiergeschichte ”

By T. C. S. MORRISON-SCOTT, D.S.C., M.A., D.Sc.
(*British Museum (Natural History), London*)

The purpose of the present application is to ask the International Commission to give a ruling rejecting for nomenclatorial purposes the work by Eberhard (J.P.) published in 1768 under the title *Versuch eines neuen Entwurfs der Thiergeschichte*. The facts are set out briefly below.

2. Not long ago Mr. Hemming informed me that, in the course of preparing the *Official List of Generic Names in Zoology* for publication in book form, he had noted that the name *Cebus* Erxleben, 1777, which had been placed on the *Official List* in the Commission's *Opinion* 91 was treated by Palmer (1904 : 166) as a junior homonym of *Cebus* Eberhard, 1768 (: 20). Mr. Hemming asked me if I would examine Eberhard's *Versuch* and advise the Commission whether in it Eberhard had applied the principles of binominal nomenclature and therefore whether the name *Cebus* Eberhard was an available name.

3. Eberhard's *Versuch* is an obscure book of great rarity of which there is no copy in the library of the British Museum (Natural History). There is however a copy in the main library of the British Museum at Bloomsbury. This I have now examined. I find that in this work Eberhard adopted a typically non-binominal nomenclature of the kind formerly known as “ binary ”, his nomenclature being similar to that used, for example, by Frisch in his *Natur-System* of 1777, which has already been rejected by the Commission in its *Opinion* 258 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 5 : 245—252). It is clearly necessary, in order to clear the position of *Cebus* Erxleben on the *Official List*, that the Commission should now give a Ruling rejecting Eberhard's *Versuch*, but, quite apart from this special reason, I would advocate the same course, for in the interests of nomenclatorial stability it is very important that these old non-binominal works should be

finally interred and that by this means an end put to the risk that later authors may bring forward other invalid names from them.

4. I accordingly recommend that the International Commission should :—

- (1) reject for nomenclatorial purposes the work by Eberhard (J.P.) published in 1768 under the title *Versuch eines neuen Entwurfs der Thiergeschichte*, as being a work in which the author did not apply the principles of binominal nomenclature ;
- (2) place the title of the foregoing work, as rejected in (1) above, on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* ;
- (3) place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—*Cebus* Eberhard, 1768 (a name published in a work rejected for nomenclatorial purposes).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Morrison-Scott's preliminary communication relating to the generic name *Cebus*, the question of the rejection for nomenclatorial purposes of the work by Eberhard published in 1768 under the title *Versuch eines neuen Entwurfs der Thiergeschichte* was allotted the Registered Number Z.N.(S.) 721.

3. Publication of the present application : The present application was sent to the printer on 31st December 1954 and was published on 28th February 1955 in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Morrison-Scott, 1955, *Bull. zool. Nomencl.* **11** : 95—96).

4. No objection received : No objection to the action proposed in this case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

5. Issue of Voting Paper V.P.(55)26 : On 9th November 1955 a Voting Paper (V.P.(55)26) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal for the rejection for nomenclatorial purposes of Eberhard's *Versuch* of 1768, as set out in Points (1) to (3) in paragraph 4 on page 95 and the top of page 96 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

6. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 9th February 1956.

7. Particulars of the Voting on Voting Paper V.P.(55)26 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)26 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Vokes ; Bodenheimer ; Bradley (J.C.) ; Mayr ; Riley ; Dymond ; Jaczewski ; Prantl ; Lemche ; Esaki ; Mertens ; do Amaral ; Hankó ; Key ; Boschma ; Sylvester-Bradley ; Cabrera ; Stoll ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Hemming ;

(b) *Negative Votes* :

None ;

(c) *Voting Papers not returned* :

None.

8. Declaration of Result of Vote : On 10th February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P. (55)26, signed a Certificate that the Votes cast were as set out in paragraph 7 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

9. Preparation of the Ruling given in the present "Opinion" : On 9th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)26.

10. Original Reference : The following is the original reference for a name placed on an *Official Index* by the Ruling given in the present *Opinion* :—

Cebus Eberhard (J.P.), 1768, *Versuch neuen Entwurfs Thiergesch.* :

20

11. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission

by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

12. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Five (445) of the International Commission on Zoological Nomenclature.

DONE in London, this Ninth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 11. Pp. 199—210

OPINION 446

Addition to the *Official List of Generic Names in Zoology*
of the generic name *Phorodon* Passerini, 1860 (Class
Insecta, Order Hemiptera)

LONDON :

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Zoological Nomenclature
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 446

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology)

- Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)
Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)
Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)
Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)
Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)
Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)
Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)
Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)
Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)
Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)
Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice President*)
Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)
Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)
Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)
Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)
Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)
Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)
Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)
Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)
Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)
Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)
Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)
Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)
Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)
Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova, Italy*) (16th December 1954)

OPINION 446

ADDITION TO THE "OFFICIAL LIST OF GENERIC NAMES IN ZOOLOGY" OF THE GENERIC NAME "PHORODON" PASSERINI, 1860 (CLASS INSECTA, ORDER HEMIPTERA)

RULING :—The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1054 : *Phorodon* Passerini (gender : masculine), 1860 (type species by original designation : *Aphis humuli* Schrank, 1801) (Class Insecta, Order Hemiptera).

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1127 : *humuli* Schrank, 1801, as published in the combination *Aphis humuli* (specific name of type species of *Phorodon* Passerini, 1860).

I. THE STATEMENT OF THE CASE

In July 1949 Professor F. C. Hottes (*Grand Junction, Colorado, U.S.A.*) addressed to the Office of the Commission a preliminary communication proposing the definitive acceptance of the specific name *humuli* Schrank, 1801, as published in the combination *Aphis humuli*, as the oldest available name for the species so named. The action proposed was contingent upon the acceptance by the International Commission on Zoological Nomenclature of a suggestion put forward in another preliminary communication which Professor Hottes had addressed to the Office of the Commission in May of the same year that the specific name *pruni* Geoffroy, 1762, as published in the combination *Aphis pruni*, should be validated by the Commission under its Plenary Powers. It was not possible at that time to proceed immediately with either of these proposals, it being necessary to await the publication of the Official Record of the Proceedings of the International Commission at its Session held in Paris in 1948, at which decisions had been taken as to the status of the work (*Histoire abrégée des Insectes qui se trouvent aux Environs de Paris*) in which the specific name *pruni* Geoffroy, 1762, had first been published and at which certain General Directives had been issued to the Commission by the Thirteenth International Congress of Zoology on questions relating to the procedure to be followed by it in dealing with applications relating to individual names. The publication in 1950 of the Official Record of the Paris Proceedings made it possible to make a start with the required revision of applications then awaiting attention and, in the two cases here under discussion, to prepare the requisite formal applications in regard to the matters raised in the preliminary communications in regard to those cases which, as explained above, had been addressed to the Office of the Commission by Professor Hottes in July and May respectively of the previous year. The necessary applications in regard to both cases were submitted to the International Commission on Zoological Nomenclature by Professor Hottes on 21st July 1951. Professor Hottes' application for the validation of the specific name *pruni* Geoffroy, 1762, as published in the combination *Aphis pruni*, has been reproduced in *Opinion 397* (1956, *Ops. Decls. int. Comm. zool. Nomencl.* 12 : 363—376) ; his application in regard to the specific name

humuli Schrank, 1801, as published in the combination *Aphis humuli*, was as follows :—

Proposed addition of the name “Phorodon” Passerini, 1860 (Class Insecta, Order Hemiptera), to the “Official List of Generic Names in Zoology” and of “humuli” Schrank, 1801, as published in the combination “Aphis humuli”, to the “Official List of Specific Names in Zoology”

By F. C. HOTTES

(Grand Junction, Colorado, U.S.A.)

The object of the present application is to ask the International Commission on Zoological Nomenclature to place the generic name *Phorodon* Passerini, 1860 (Class Insecta, Order Hemiptera) on the *Official List of Generic Names in Zoology* and the specific name *humuli* Schrank, 1801, as published in the combination *Aphis humuli*, the specific name of the type species of the foregoing genus, on the *Official List of Specific Names in Zoology*.

2. The generic name *Phorodon* Passerini, 1860 (*Gli Afidi* : 227) was published in a key of genera, in which the genus so named was characterised. Passerini designated *Aphis humuli* Schrank, 1801 (*Faun. boic.* 2(1) : 110) as the type species of this genus, using the formula : “Specie typica *Aphis Humuli* Schk.”.

3. It is accepted by specialists that the nominal species *Aphis humuli* Schrank, 1801, and the nominal species *Aphis pruni* Scopoli, 1763 (*Ent. carniol.* : 138) represent the same taxonomic species and therefore that, if the specific name *pruni* Scopoli, 1763, was an available name, it would be subjectively the oldest available name for this species and would therefore be its valid name. Hitherto, however, the name *Aphis pruni* Scopoli, 1763, has been treated as a junior primary homonym of the name *Aphis pruni* Geoffroy, 1762 (*Hist. abreg. Ins. Paris* 2 : 497).

4. In a preceding application (Z.N.(S.) 428) I have drawn attention to the fact that, under the general decision taken by the International Commission in Paris in 1948 regarding the status of names published by Geoffroy in 1762 in his *Histoire abrégée des Insectes qui se trouvent aux Environs de Paris* (1950, *Bull. zool. Nomencl.* 4 : 366—369), the specific name *pruni* Geoffroy, 1762, as published in the combination *Aphis pruni*, is seen not to be an available name. At the same time I have availed myself of the invitation extended by the International Commission, when giving the foregoing ruling, to submit an application that it should use its Plenary Powers to validate the specific name *pruni* Geoffroy, 1762, in order to avoid the confusion regarding the name of the Mealy Plum Aphid which (as I there explain) would

otherwise be unavoidable. On the grant of the foregoing application, the name *Aphis pruni* Scopoli, 1763, would definitely become what it has hitherto been treated as being, namely an invalid junior homonym of the name *Aphis pruni* Geoffroy, 1762. A further result would be that the specific name *humuli* Schrank, 1801, as published in the combination *Aphis humuli*, the specific name of the type species of *Phorodon* Passerini, 1860, would become the oldest name available subjectively as well as objectively for that species.

5. There is at present no family-group name based on the generic name *Phorodon* Passerini, 1860, currently in use.

6. In the light of the considerations advanced in the present application, I hereby request that, consequentially upon the grant of the application Z.N.(S.) 428¹ submitted in regard to the specific name *pruni* Geoffroy, 1762, as published in the combination *Aphis pruni*, the International Commission should also :—

- (1) place the generic name *Phorodon* Passerini, 1860 (gender of generic name : masculine) (type species, by original designation : *Aphis humuli* Schrank, 1801) on the *Official List of Generic Names in Zoology* ;
- (2) place the specific name *humuli* Schrank, 1801, as published in the combination *Aphis humuli* (specific name of type species of *Phorodon* Passerini, 1860), on the *Official List of Specific Names in Zoology* ;
- (3) place the specific name *pruni* Scopoli, 1763, as published in the combination *Aphis pruni* (a junior primary homonym of *Aphis pruni* Geoffroy, 1762, when validated under the Plenary Powers, as proposed in application Z.N.(S.) 428¹), on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt in 1949 of the preliminary communication from Professor Hottes

¹ The proposal here referred to was approved by the International Commission in its vote on Voting Paper V.P.(54)87 and the decision so taken has since been embodied in *Opinion* 397. See also paragraph 7 of the present *Opinion*.

referred to in paragraph 1 above, the question of the acceptance of the specific name *humuli* Schrank, 1801, as published in the combination *Aphis humuli*, as the oldest available name for the species so named was allotted the Registered Number Z.N.(S.) 430.

3. Publication of the present application : Professor Hottes' application for the validation of the specific name *pruni* Geoffroy, 1762, was sent to the printer in November 1952 but for the reasons explained in *Opinion* 397 was not actually published until May 1954 (Hottes, 1954, *Bull. zool. Nomencl.* **9** : 163—165). It would have been possible to send to the printer, and to publish, the application relating to the specific name *humuli*, 1801, as published in the combination *Aphis humuli*, at the same time as Professor Hottes' application relating to the specific name *pruni* Geoffroy, but, as the application in regard to the specific name *humuli* Schrank presupposed that a decision had already been taken by the International Commission in regard to the proposed validation of the specific name *pruni* Geoffroy, it was judged better to allow an interval to elapse after the publication of the application relating to the name *pruni* Geoffroy before arranging for the publication of the application relating to the name *humuli* Schrank. Accordingly, it was not until 31st December 1954 that the present application was sent to the printer. Publication took place on 28th February 1955 when the present application appeared in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Hottes, 1955, *Bull. zool. Nomencl.* **11** : 97—98).

4. Support received from Miriam A. Palmer (Colorado Agricultural and Mechanical College, Port Collins, Colorado, U.S.A.) : The publication of Professor Hottes' application in the present case elicited the following note of support dated 4th May 1955 from Professor Miriam A. Palmer (*Colorado Agricultural and Mechanical College, Port Collins, Colorado, U.S.A.*) (Palmer, 1955, *Bull. zool. Nomencl.* **11** : 267) :—

I wish to express my approval of the action proposed in application Z.N.(S.) 430 (*Phorodon* and *humuli*) by F. C. Hottes.

I hope that the International Commission will act favorably on this application.

5. No objection received : No objection to the action proposed in the present case has been received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P.(55)27 : On 22nd November 1955, a Voting Paper (V.P.(55)27) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Phorodon* Passerini, 1860, as set out in Points (1) to (3) in paragraph 6 on page 98 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the Points numbered as above in paragraph 6 of the application reproduced in the first paragraph of the present *Opinion*].

7. Withdrawal from the scope of Voting Paper V.P.(55)27 of the proposal submitted therewith for the addition to the "Official Index of Rejected and Invalid Specific Names in Zoology" of the specific name "pruni" Scopoli, 1763, as published in the combination "Aphis pruni" : On 30th November 1955 Mr. Hemming, as Secretary, executed the following Minute withdrawing from the scope of Voting Paper V.P.(55)27 the proposal submitted therewith for the addition to the *Official Index of Rejected and Invalid Specific Names in Zoology* of the specific name *pruni* Scopoli, 1763, as published in the combination *Aphis pruni*, having regard

to the fact that the action so proposed had already been taken by the Commission in its vote on Voting Paper V.P.(54)87² :—

Withdrawal from the scope of Voting Paper V.P.(55)27 of the proposal submitted therewith in relation to the specific name “*pruni*” Scopoli, 1763, as published in the combination “*Aphis pruni*”

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

On having occasion today to examine the File (Z.N.(S.) 428) containing the papers concerned with the application submitted by Professor F. C. Hottes regarding the proposed validation under the Plenary Powers of the specific name *pruni* Geoffroy, 1762, as published in the combination *Aphis pruni*, I realised that in one respect the action taken by the International Commission in its vote on Voting Paper V.P.(54)87 in relation to that case has anticipated and rendered unnecessary one of the recommendations submitted by Professor Hottes in his application (Z.N.(S.) 430) respecting the generic name *Phorodon* Passerini, 1860, and the specific name *humuli* Schrank, 1801, as published in the combination *Aphis humuli*, which forms the subject of the vote now in progress on Voting Paper V.P.(55)27.

2. The situation so disclosed has arisen in the following way. In his application regarding the specific name *pruni* Geoffroy, 1762, Professor Hottes did not include a proposal for the addition to the *Official Index of Rejected and Invalid Specific Names in Zoology* of the specific name *pruni* Scopoli, 1763, action in that sense having been included in the application which he had submitted in relation to the generic name *Phorodon* Passerini and the specific name *humuli* Schrank. In the course of the consideration by the Commission of the first of these applications, the view was taken, however, that it would be more convenient to deal with the name *pruni* Scopoli at the same time that its senior homonym *pruni* Geoffroy was validated under the Plenary Powers. In pursuance of this decision a proposal that the specific name *pruni* Scopoli, 1763, as published in the combination *Aphis pruni*, be placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* was incorporated in the proposal submitted with Voting Paper V.P.(54)87, and this proposal, in common with other

² See Footnote 1.

proposals submitted with that voting Paper, was approved by the vote taken by the Commission thereon.

3. In these circumstances the proposal that the specific name *pruni* Scopoli, 1763, as published in the combination *Aphis pruni*, should be placed on the *Official Index* which appeared as Point (3) in paragraph 6 of Professor Hottes' application regarding the generic name *Phorodon* Passerini and the specific name *humuli* Schrank, 1801, as published in the combination *Aphis humuli*, is no longer required, the desired action having already been taken by the Commission's vote on Voting Paper V.P.(54)87. Accordingly, as Secretary I hereby withdraw the foregoing proposal from the scope of Voting Paper V.P.(55)27.

8. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

9. Particulars of the Voting on Voting Paper V.P.(55)27 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)27, other than on the question withdrawn from the scope of that Voting Paper by the Minute executed by the Secretary on 30th November 1955 (the text of which has been reproduced in paragraph 7 of the present *Opinion*) was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Mayr ; Jaczewski ; Lemche ; Prantl ; Dymond ; Esaki ; do Amaral ; Hankó ; Key ; Boschma ; Sylvester-Bradley ; Mertens ; Cabrera ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Bradley (J.C.) ; Stoll ; Hemming ;

(b) *Negative Votes, one (1) :*

Bodenheimer ;

(c) *Voting Papers not returned* :

None.

10. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55) 27, signed a Certificate that the Votes cast were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

11. Preparation of the Ruling given in the present " Opinion " : On 10th November 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)27.

12. Original References : The following are the original references for the names placed on *Official Lists* by the Ruling given in the present *Opinion* :—

humuli, Aphis, Schrank, 1801, *Fauna boic.* 2(1) : 110

Phorodon Passerini, 1860, *Gli Afidi* : 227

13. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Six (446) of the International Commission on Zoological Nomenclature.

DONE in London, this tenth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 12. Pp. 211—224

OPINION 447

Rejection for nomenclatorial purposes of the original edition published at Philadelphia in 1791 and of the editions published in London and Dublin respectively in 1792 of the work by William Bartram entitled *Travels through North and South Carolina, Georgia, East and West Florida, the Cherokee Country, the extensive territories of the Muscogulges or Creek Confederacy, and the Country of the Chactaws*, as being a work in which the author did not apply the principles of binominal nomenclature

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 447

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)
Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*)
(12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova, Italy*)
(16th December 1954)

OPINION 447

REJECTION FOR NOMENCLATORIAL PURPOSES OF THE ORIGINAL EDITION PUBLISHED AT PHILADELPHIA IN 1791 AND OF THE EDITIONS PUBLISHED IN LONDON AND DUBLIN RESPECTIVELY IN 1792 OF THE WORK BY WILLIAM BARTRAM ENTITLED "TRAVELS THROUGH NORTH AND SOUTH CAROLINA, GEORGIA, EAST AND WEST FLORIDA, THE CHEROKEE COUNTRY, THE EXTENSIVE TERRITORIES OF THE MUSCOGULGES OR CREEK CONFEDERACY, AND THE COUNTRY OF THE CHACTAWS", AS BEING A WORK IN WHICH THE AUTHOR DID NOT APPLY THE PRINCIPLES OF BINOMINAL NOMENCLATURE

RULING :—(1) Both the original edition published at Philadelphia in 1791 and the later editions published in 1792 in London and Dublin respectively of the under-mentioned work by William Bartram are hereby rejected for nomenclatorial purposes as being editions of a work in which the author did not apply the principles of binominal nomenclature : *Travels through North and South Carolina, Georgia, East and West Florida, the Cherokee Country, the extensive territories of the Muscogulges or Creek Confederacy, and the Country of the Chactaws.*

(2) The title of the work by William Bartram specified in (1) as published in the editions there enumerated is hereby placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* with the under-mentioned Title Numbers :—

(a) Original Edition published at Philadelphia in 1791 (Title No. 52) ;

(b) Edition published in London in 1792 (Title No. 53) ;

(c) Edition published at Dublin in 1792 (Title No. 54).

(3) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name No. 849 : *Calandra* Bartram, 1791 (a name published in a work rejected for nomenclatorial purposes under (1) as a work in which the author did not apply the principles of binominal nomenclature.

I. THE STATEMENT OF THE CASE

On 20th December 1954 Mr. Francis Hemming (*Secretary to the International Commission on Zoological Nomenclature*) submitted to the International Commission the following application asking for the rejection, as a work in which the author did not apply the principles of binominal nomenclature both of the original edition published at Philadelphia in 1791 and of the editions published in 1792 in London and Dublin respectively, of the book by William Bartram entitled *Travels through North and South Carolina, Georgia, East and West Florida, the Cherokee Country, the extensive territories of the Muscogulges or Creek Confederacy, and the Country of the Chactaws* :—

Proposed rejection for nomenclatorial purposes of Bartram (W.), 1791, "Travels through North and South Carolina, Georgia, East and West Florida" and of later editions of the same work (a proposal based upon the papers of the late James Lee Peters)

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

At the time of the death of Dr. James Lee Peters, he and I were in correspondence in regard to the question of the status of new names in the book by William Bartram first published in 1791 under the title

Travels through North and South Carolina, Georgia, East and West Florida, the Cherokee Country, the extensive territories of the Muscogulges or Creek Confederacy, and the Country of the Chactaws.

2. So far as the Commission was concerned, this case first arose through the fact that work on an application (Z.N.(S.) 255)¹ relating to the generic name *Calendra* Schellenberg, 1798 (Class Insecta, Order Coleoptera) had shown that *Calandra* Fabricius, 1801, an early emendation of *Calendra* Schellenberg, had been anticipated in the Class Aves by the name *Calandra* published in Bartram's *Travels*. This led me to consult Dr. Peters, since, as Bartram's name *Calandra* had been applied to a North American bird, he would, I felt confident, be in a position to advise the Commission. In his reply, dated 28th October 1947, Dr. Peters wrote as follows:—"The American Ornithologists' Union Check-List Committee, of which I am a member, has voted not to accept any of Bartram's names, either generic or specific, on the grounds that Bartram is neither consistently binary or binominal".

3. In further correspondence Dr. Peters agreed that this question could not be allowed to rest where it then was, since, as generic names were involved, the question affected workers in all branches of the Animal Kingdom, it being necessary for such workers when considering questions of generic homonymy, to know whether the new names in Bartram's *Travels* possessed any status in zoological nomenclature. In a letter dated 24th February 1949, Dr. Peters wrote as follows:—

I have communicated with Dr. Alexander Wetmore, the Chairman of the American Ornithologists' Union Check-List Committee, in regard to the stand of this Committee on Bartram's avian names. The Committee considered only the bird names in the second edition of Bartram's *Travels*, issued in London in 1792, and the explanation of Francis Harper in the *Proceedings of the Rochester Academy of Sciences*, Vol. 8, Sept. 10, 1942, pp. 208—221, and the vote of the Committee after examining the proposals was in the negative with only one member voting in the affirmative. This, I think, is the information you wanted.

4. In view of the fact that, as shown by Dr. Peters, the present question had so far been considered only from the standpoint of avian nomenclature, it was clearly necessary as a first step to examine the treatment accorded by Bartram to names of animals belonging to other Classes of the Animal Kingdom. At that time I was unable to obtain access to a copy of Bartram's *Travels*, and other matters later intervened to prevent me from following up this matter. I have, however, now examined carefully the copy of the edition of this work published in London in 1792, belonging to the Zoological Society of London. This work is, as its title indicates, devoted to an account of the author's

¹ It is anticipated that the application relating to the above name will be published at an early date in Volume 13 of the *Bulletin of Zoological Nomenclature*.

travels. Scattered throughout the volume there are numerous observations on the plants and animals observed. The major observations on animals are gathered together in Chapter X of Part II of the work. This chapter bears in the Table of Contents but not in the text itself the following heading:—"Further account of the rattle snake—account and description of other snakes and animals—catalogue of birds of North America ; observations concerning their migration or annual passage from North to South, and back again." As the foregoing title suggests, the treatment accorded to the birds is much fuller and more ambitious in scope than that attempted for the animals belonging to other Classes. These include snakes, frogs, lizards, tortoises and mammals. For the most part these are cited under vernacular names only, here and there, however, a non-binominal name being given, such as the name "lepus minor, cauda abrupta, pupillis atris" given for the "rabbit". When we come to the "Catalogue" of birds, we find that a systematic arrangement is attempted, the birds being arranged in the following twelve groups, for each of which an English name is given and for all except two a Latin name also : (1) Strix. The Owl ; (2) Vultur. The Vulture ; (3) Falco, Eagle and Hawk ; (4) Milvus. Kite Hawk ; (5) Corvus. The Crow kind ; (6) Picus. Woodpeckers ; (7) Granivorous Tribes. Here follows the heading "Amphibious, or Aquatic Birds", which was apparently intended to serve as a major heading covering the remaining five groups which were :—(8) Grus. The Crane ; (9) Ardea. The Heron ; (10) Tantalus. The Wood Pelican ; (11) Querquedulae. Teal ; (12) Charadrus [sic]. The Plover kind. There is no consistency in the treatment accorded to the foregoing names. For example, in the first three groups (Strix ; Vultur ; Falco) these names are clearly used as generic names, every species placed in these groups being cited as belonging to the genera *Strix*, *Vultur* or *Falco*, as the case may be. In the remaining cases the arrangement adopted is similar to that in the lists given by Brisson in his *Ornithologie* of 1760, that is, the birds placed in the "genera" cited in the main headings appear under a variety of generic names. For example, of the four species cited under the heading "Milvus", three are cited as belonging to *Falco* and one as belonging to *Psittacus* ; of the eight species cited under the heading "Corvus", five are cited as belonging to *Corvus*, two as belonging to *Gracula* and one to *Cuculus*. The next group "Picus" embraces forty-two species, of which the first eight are cited under the name *Picus*, the remaining thirty-four being distributed over fourteen other genera (*Sitta* ; *Certhia* ; *Alcedo* ; *Muscicapa* ; *Alauda* ; *Oriolus*, etc.). The same lack of consistency is shown in the treatment of the actual names of species. Many of these are in strict binominal form, but this appears to be due more to accident than to any other reason, being attributable in most cases to the fact that the names used were copied from earlier works by authors who followed the binominal system. That Bartram himself was no binominalist is shown by the frequent use of names consisting of (a) a generic name, and (b) a string of Latin words used as a descriptive epithet. This may be illustrated by the following examples:—

(1) *Parus viridis guttore nigro* ; the green black throated flycatcher (: 290) ; (2) *Ardea purpurea cristata* ; the little crested purple or blue heron (: 291) ; (3) *Numenius pectore rufo* ; the great red breasted godwit (: 291) ; (4) *Anas fera torquata major* ; the great wild duck, called duck and mallard.

5. The next step was to examine the first edition of 1791 of Bartram's *Travels* in order to determine whether the names discussed in the preceding paragraph appeared in that edition as well as in the second edition of 1792. There is a copy of the first edition in the library of the British Museum (Natural History), in which library there is also a copy of the edition published in Dublin in 1792. An examination of these editions shows that they are practically identical with the London edition of 1792 and that in both the names cited in paragraph 4 of the present note and also the other names there referred to appear in exactly the same form. The system of nomenclature used in all three editions is identical.

6. I accordingly recommend that the Commission should pronounce against the availability of new names in the various editions of Bartram's *Travels*, in all of which the system of nomenclature is, as shown in paragraph 4 of the present application, non-binominal in character and therefore inconsistent with the provisions of Article 25 of the *Règles*. At the same time I recommend that the Commission should formally reject the name *Calandra* Bartram, 1791, (*Travels North and South Carolina, Georgia, East and West Florida* : 289) as being a name published in a work rejected for nomenclatorial purposes.

7. The recommendation now submitted is therefore that the International Commission should :—

- (1) give a ruling that neither in the original edition published in Philadelphia in 1791 nor in the editions published in London and Dublin respectively in 1792 of the work entitled *Travels through North and South Carolina, Georgia, East and West Florida, the Cherokee Country, the extensive territories of the Muscogulges or Creek Confederacy, and the Country of the Chactaws* did William Bartram apply the principles of binominal nomenclature and therefore that no name published in any of the editions of the foregoing work acquired the status of availability in virtue of being so published ;
- (2) place the title of the foregoing work as published at Philadelphia in 1791 and in London and Dublin respectively in 1792 on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* ;
- (3) place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—*Calandra*

Bartram, 1791 (a name published in a work rejected for nomenclatorial purposes).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : When in 1944 correspondence was entered into between the Secretary and Dr. James Lee Peters on the subject of the nomenclatorial status of Bartram's *Travels*, the problem involved was allotted the Registered Number Z.N.(S.) 256.

3. Publication of the present application : The present application was sent to the printer on 31st December 1954 and was published on 28th February 1955 in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Hemming, 1955, *Bull. zool. Nomencl.* **11** : 99—102).

4. Support received for the present application : Following the publication of the present application support for the action proposed was received from one specialist (Captain C. H. B. Grant (*British Museum (Natural History), London*) during the Prescribed Six-Month Waiting Period. After the close of that Period (and after also the issue of the Voting Paper in this case) a communication was received from Dr. W. I. Follett, Chairman of the Committee on Zoological Nomenclature of the American Society of Ichthyologists and Herpetologists, notifying the unanimous support of that Committee for the action proposed and giving extracts from the letters received from the six specialists concerned, together with comments from two other specialists who were consulted. The communications so received are reproduced in the immediately following paragraphs.

5. Support received from C. H. B. Grant (British Museum (Natural History), London) : On 4th March 1955 Captain C. H. B.

Grant (*British Museum (Natural History), London*) communicated with the Office of the Commission as follows :—

Re your proposal in *Bull. zool. Nomencl.* **11**(3) : 99 on Bartram's *Trav. Carolina*, see Sherborn, *Ind. Anim.* : xiii, 1902, who has already placed this work as [n.b.].

6. Support received from the Committee on Zoological Nomenclature of the American Society of Ichthyologists and Herpetologists : On 25th November 1955 Dr. W. I. Follett, Chairman of the Committee on Zoological Nomenclature of the American Society of Ichthyologists and Herpetologists forwarded to the Office of the Commission the views of the six members of that Committee and those of the two other specialists who were consulted with regard to the present case. The communication so received was as follows :—

The Committee on Zoological Nomenclature, of the American Society of Ichthyologists and Herpetologists, has voted unanimously in favor of your proposal (published in the *Bulletin of Zoological Nomenclature*, **11**(3), 1955, pages 99—102) that the book by William Bartram first published in 1791 under the title *Travels through North and South Carolina, Georgia, East and West Florida . . .*, and later editions of that work, be rejected for nomenclatorial purposes.

Excerpts from the correspondence of all committee members are the following :—

W. I. Follett (*California Academy of Sciences, San Francisco*) :

Members of the Committee . . . : This letter is intended to direct your attention to a paper entitled "Proposed Rejection for Nomenclatorial Purposes of Bartram (W.), 1791, *Travels Through North and South Carolina, Georgia, East and West Florida* and of Later Editions of the Same Work (A Proposal Based Upon the Papers of the Late James Lee Peters)", which was published by Mr. Francis Hemming in the *Bulletin of Zoological Nomenclature*, **11**(3), 1955, pages 99—102.

The proposed rejection is based on the fact that Bartram did not, in this work, consistently apply the principles of binominal nomenclature as required by the rule set forth in the *Bulletin of Zoological Nomenclature*, **4**(7/9), 1950, page 175, Conclusion 67.

Although I have not personally examined Bartram's work, and Mr. Hemming does not specifically state that it contains the names of fishes, I find no reason to doubt that it is the same work from which Dr. Francis Harper (*Copeia*, 1942, No. 1, page 50) exhumed the specific name *coronarius*, which most of us have since used for the species theretofore known as *Chaenobryttus gulosus* (Cuvier and Valenciennes).

In view of the relatively short period of time during which the name *coronarius* has been used, as contrasted with the period of more than a century during which the name *gulosus* was used for this species, I am not convinced that we should oppose the rejection of Bartram's work or that we should request the conservation of the specific name *coronarius*. Rather, I am disposed to welcome this opportunity to restore the name *gulosus*, which has had such extensive usage.

Will each of you please send me an expression of his views on this subject? . . . When our position has been determined we may wish to ascertain the consensus of a representative number of ichthyologists throughout the United States, before we submit our final report to Mr. Hemming. Do you favor such a poll?

Robert Rush Miller (*University of Michigan, Ann Arbor*):

This is in response to your letter of August 1 regarding the proposed rejection of Bartram's (1791) *Travels* . . .

I have examined the first edition of this work (published in Philadelphia) in order to verify that it is the volume in which Bartram proposed the name *Cyprinus coronarius* for the warmouth bass, as pointed out by Harper (*Copeia*, 1942, no. 1, p. 50). I also wished to determine whether any other new names were proposed for fishes, or for reptiles or amphibians. I could find none for fishes and Dr. Charles F. Walker, Associate Curator of Reptiles and Amphibians, in the University of Michigan Museum of Zoology, advises me that when Dr. Harper proposed to resurrect certain herpetological names from Bartram's book, Dr. Thomas Barbour disapproved and the paper was never published.

The ornithologists, and I believe the mammalogists too, have rejected this work. Since Bartram was not consistently binominal, the proposed official rejection by the Commission is well founded. I too welcome the return to the name *Chaenobryttus gulosus* (Cuvier) for the warmouth bass, and see no reason to request the preservation of the specific name *coronarius*.

I am not in favor of a poll to ascertain the consensus of a representative number of ichthyologists on this matter. As you say, the name *gulosus* was used for more than a century prior to 1942. I think the change back to *gulosus* can be effected without undue hardship to anyone.

Jay M. Savage (*Pomona College, Claremont, California*) :

With regard to Bartram's 1791 work, there can be little objection to suppressing the herpetological portions. Only one new name, *Testudo polyphemus*, is a valid binomial as published and this same name was subsequently applied to the same species by Daudin in 1803. In the event Bartram is outlawed the Daudin name would have priority and no name change could result.

In view of this situation, I strongly endorse the suggestion that the herpetological portions of Bartram's work be rejected.

Hobart M. Smith (*University of Illinois, Urbana*) :

In reply to yours of August 1 regarding suppression of Bartram's *Travels* of 1791, I refer to Harper's very pertinent paper ("Some works of Bartram, Daudin, Latreille, and Sonnini, and their bearing upon North American herpetological nomenclature") published in the *Amer. Mid. Nat.*, Vol. 23, 1940, pp. 692—723. Harper states (p. 695) that the only binominal name Bartram proposed in herpetology was *Testudo polyphaemus*, the Florida gopher tortoise. Presumably because Bartram did not follow the binominal policy consistently the name has with rare exception been attributed to Daudin (1801), who used the spelling *Testudo polyphemus*.

Harper presented a case for attribution of the name for this turtle to Bartram rather than Daudin. No one has accepted his defense as adequate, so far as I know; and in such important works as those of Schmidt (*Checklist N.A. herps*, 1953) and Carr (*Handbook of Turtles*, 1952) the name is still attributed to Daudin and is spelled *polyphemus*.

My point is only that, so far as herpetology is concerned, it is relatively immaterial whether Bartram's work is suppressed or not, and that therefore if there are pressing considerations pertaining to other groups they should receive priority over any considerations pertaining to herpetology. If no strong case can be made in any group for either course of action (suppression or not), or if the case favors suppression, it would be of some merit to point out that the least disturbing and most useful disposition, so far as herpetology is concerned, would be to suppress Bartram's work.

Supplementary Note from Hobart M. Smith :

The copies circulated to the ASIH committee on Zoological Nomenclature, of your letter of November 8 to Drs. Hubbs and Bailey, did not, I know, request any action by the members of that committee. Nevertheless, I thought the following comments might be of at least corroborative value somewhere along the line.

According to Harper (1940, *Amer. Mid. Nat.* 23 : 694) Bartram 1791 named only one reptile, *Testudo polyphaemus*, a name (in the form of *Testudo polyphemus*) usually attributed to Daudin, 1801 (or 1803, by error). Suppression of Bartram's work in taxonomy would serve only to clarify authorship of the name (some authors maintaining it should go to Bartram), in herpetology. So far as the latter field is concerned the door is open for whatever procedure is indicated as expedient in other fields.

Robert C. Stebbins (*University of California, Berkeley*) :

I go along with you in your position on Bartram's work.

Norman J. Wilimovsky (*Stanford University, California*) :

This is in reply to your letter of August 1, 1955 concerning the proposed rejection for nomenclatorial purposes of Bartram, 1791.

Perusal of this problem suggests that I follow your lead in the rejection of Bartram. However, I strongly recommend that both Dr. Reeve M. Bailey and Dr. Carl L. Hubbs be approached on this question as they have dealt more with the systematics of the sun-fishes than any other contemporary American worker.

Unless either Dr. Bailey or Dr. Hubbs should present a contrary argument I would move with you in the rejection of Bartram.

Letters written pursuant to Mr. Wilimovsky's suggestion that Dr. Bailey and Dr. Hubbs be consulted have elicited the following replies :

Reeve M. Bailey (*University of Michigan, Ann Arbor*) :

Bartram did not consistently apply the principles of binomial nomenclature, as suggested by Mr. Hemming, then of course I agree that the names should be rejected unless in specific cases confusion should result. In the latter case it might be desirable for the Commission to make special exceptions.

Few names of American fishes have been more stable than that of *Chaenobryttus gulosus* (Cuvier)*. During modern times no other name combination had been used until Harper resurrected the name *coronarius* of Bartram. From the viewpoint of my personal preference as well as the technical judgment in the case, a return to *Chaenobryttus gulosus* seems desirable. In case of doubt I hold for the retention of established usage.

Carl L. Hubbs (*University of California, La Jolla*) :

I approve the proposed suppression of Bartram, 1791.

* Note that the author is Cuvier, *in* Cuvier and Valenciennes.

7. No objection received : No objection to the action proposed in the present case has been received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(55)28 : On 22nd November 1955 a Voting Paper (V.P.(55)28) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the status of Bartram's *Travels* as set out in Points (1) to (3) in paragraph 7 on page 101 and the top of page 102 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under-the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

10. Particulars of the Voting on Voting Paper V.P.(55)28 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)28 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Mayr ; Jaczewski ; Lemche ; Prantl ; Dymond ; Esaki ; do Amaral ; Key ; Boschma ; Sylvester-Bradley ; Mertens ; Cabrera ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Bradley (J.C.) ; Stoll ; Hankó ; Hemming ;

(b) *Negative Votes, one (1) :*

Bodenheimer ;

(c) *Voting Papers not returned :*

None.

11. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)28, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present " Opinion " : On 10th November 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)28.

13. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Seven (447) of the International Commission on Zoological Nomenclature.

DONE in London, this Tenth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 13. Pp. 225—234

OPINION 448

Suppression under the Plenary Powers of the name *bei* Ridgway, - 1874, as published in the combination *Eremophila alpestris* var. *bei*, a name given to the Astrakan Horned Lark as the result of the misreading of a museum label (Class Aves)

LONDON :

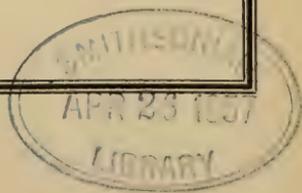
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 448

A. The Officers of the Commission

Honorary Life President: Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President: Professor James Chester BRADLEY (*Cornell University, Ithaca, N. Y., U.S.A.*) (12th August 1953)

Vice-President: Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary: Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N. Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N. Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 448

SUPPRESSION UNDER THE PLENARY POWERS OF THE NAME "BEI" RIDGWAY, 1874, AS PUBLISHED IN THE COMBINATION "EREMOPHILA ALPESTRIS VAR. "BEI", A NAME GIVEN TO THE ASTRAKAN HORNED LARK AS THE RESULT OF THE MIS-READING OF A MUSEUM LABEL (CLASS AVES)

RULING :—(1) Under the Plenary Powers the name *bei* Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, being a name published as the result of the misreading of a museum label, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

(a) *alpestris* Linnaeus, 1758, as published in the combination *Alauda alpestris* (Name No. 1128) ;

(b) *brandti* Dresser, 1874, as published in the combination *Otocorys brandti* (Name No. 1129).

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Number 375 :—
bei Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, as suppressed under the Plenary Powers in (1) above.

I. THE STATEMENT OF THE CASE

Among the problems submitted to the Colloquium on Zoological Nomenclature held at Copenhagen in 1953 in connection

with the Meetings of the International Commission on Zoological Nomenclature and of the Fourteenth International Congress of Zoology was the problem presented by the inadvertent publication of names through the misreading of museum labels. This problem was entered as Case No. 35 on the Agenda of the Colloquium. Two papers were submitted in connection with this item (Peters (J.L.), 1953, *Bull. zool. Nomencl.* **10** : 357—358 : Hemming (F.), 1953, *ibid.* **10** : 358—359). On the advice of the Colloquium, endorsed by the International Commission on Zoological Nomenclature, the International Congress decided not to make any express provision in the *Règles* for dealing with this problem, considering it more convenient that cases of this type should be dealt with by the International Commission on an *ad hoc* basis, as and when they should arise (1953, *Copenhagen Decisions zool. Nomencl.* : 65, Decision 119). Following the close of the Copenhagen Congress, Colonel Richard Meinertzhagen (*London*), considering that the misreading of a museum label which had led to the publication of the name *bei* Ridgway, 1874, in the combination *Eremophila alpestris* var. *bei*, was such an egregious example of the type of mistake which had been considered at Copenhagen that remedial action must be sought from the Commission, submitted on 12th January 1955 the following application for the suppression under the Plenary Powers of the name *bei* Ridgway, 1874, thus rendering the name *brandti* Dresser, 1874, as published in the combination *Otocorys brandti*, the name long used for the Astrakan Horned Lark the oldest available name for that bird :—

Proposed use of the Plenary Powers to prevent the disappearance in synonymy of the name used for the Astrakan Horned Lark for the last eighty years by the substitution therefor of the name “*bei*” published for that bird by Ridgway in 1874 as the result of the misreading of a museum label

By RICHARD MEINERTZHAGEN, D.S.O. (*London*)

The purpose of the present application is to ask the International Commission to use its Plenary Powers to provide a valid basis for the continued use of the name *brandti* Dresser, December 1874, as published

in the combination *Otocorys brandti*, for the Astrakan subspecies of the Horned Lark by suppressing the name *bei* Ridgway, Feb. 1874, as published in the combination *Eremophila alpestris* var. *bei*, as the result of the misreading of a museum label.

2. The present case was first brought to notice in a letter dated 11th June 1951 addressed by the late James L. Peters (*Museum of Comparative Zoology at Harvard College, Cambridge, Mass., U.S.A.*) to Mr. Francis Hemming, Secretary to the International Commission, the question of principle involved in which was placed on the Agenda for the Copenhagen (1953) nomenclature meetings as Case No. 35 (1953, *Bull. zool. Nomencl.* **10** : 357—359). The facts of this case are as follows :—

- (1) In 1869 the United States National Museum obtained a collection of bird skins from the dealer Wilhelm Schlüter. One of these was that of a Horned Lark (*Eremophila alpestris* (Linnaeus)=*Alauda alpestris* Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 166) which bore the label "Alauda alpestris/var. : bei Astrakan".
- (2) The foregoing label was misread by Ridgway as meaning that either the collector or the dealer from whom this specimen was obtained had given the manuscript name "bei" to the Astrakan subspecies of the Horned Lark. Ridgway published a description of this subspecies under this "name" in 1874 (*in* Baird, Brewer & Ridgway, *Hist. N. Amer. Birds*, Land Birds **2** : 141, 142). This appeared in February 1874.
- (3) In 1874 Dresser (*Hist. Birds Europe* **4**(32) : 397, 402) described the same subspecies of the Horned Lark under the name *Otocorys brandti*. The Part of Dresser's book containing this name appeared in December 1874.
- (4) The bird in question has ever since been known by Dresser's name *brandti* but technically that name is a junior subjective synonym of the name *bei* Ridgway which, as shown above, has ten months' priority.

3. When this case was considered by the Fourteenth International Congress of Zoology, Copenhagen, 1953, it was decided not to insert a provision in Article 25 denying availability to names of this kind, the Congress placing on record its view that such cases could be dealt with more conveniently by the use by the International Commission of its Plenary Powers (1953, *Copenhagen Decisions zool. Nomencl.* : 65, Decision 119).

4. It would, in my opinion, be a reproach to zoologists to permit the use as a scientific name of a term such as *bei* which owes its publication to a ridiculous mistake. Moreover, the acceptance of this name in place of *brandti* Dresser which has been in continuous use for over eighty years would clearly run counter to the principle laid down in the Preamble prefixed to the *Règles* by the Copenhagen Congress that one of the primary objects of the *Règles* is to promote stability in nomenclature and that the Commission's Plenary Powers exist for the purpose of dealing with cases where that object is threatened (1953, *Copenhagen Decisions zool. Nomencl.* : 22, Decision 19).

5. I therefore ask the International Commission :—

- (1) to use its Plenary Powers to suppress the name *bei* Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (2) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
 - (a) *alpestris* Linnaeus, 1758, as published in the combination *Alauda alpestris* ;
 - (b) *brandti* Dresser, 1874, as published in the combination *Otocorys brandti* ;
- (3) to place the name *bei* Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, as suppressed under the Plenary Powers under (1) above, on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : When as explained in paragraph 1 of the present *Opinion* consideration was first given to the question of the acceptability of names published inadvertently through the misreading of museum labels, the problem so involved was allotted the Registered Number Z.N.(S.) 577. When after the close of the Fourteenth International Congress of Zoology, Copenhagen, 1953, Colonel Meinertzhagen

decided to submit an application in regard to the name *bei* inadvertently published by Ridgway in 1874 for the Astrakan Horned Lark, the application so submitted was allotted the Registered Number Z.N.(S.) 817.

3. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 28th February in the same year in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Meinertzhagen, 1955, *Bull. zool. Nomencl.* **11** : 103—104).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers was given on 28th February 1955 (a) in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Colonel Meinertzhagen's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to thirteen ornithological serials in various parts of the world.

5. No objection received : Neither the publication of the present application in the *Bulletin of Zoological Nomenclature* nor the issue of the Public Notices specified in paragraph 4 above elicited any objection to the action proposed from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P.(55)29 : On 22nd November 1955, a Voting Paper (V.P.(55)29) was issued in which the Members

of the Commission were invited to vote either for, or against, "the proposal relating to the specific name to be accepted for the Astrakan Horned Lark, as set out in Points (1) to (3) in paragraph 5 on page 104 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

7. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

8. Particulars of the Voting on Voting Paper V.P.(55)29 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)29 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Mayr ; Jaczewski ;
Lemche ; Dymond ; Esaki ; Bodenheimer ; do Amaral ;
Key ; Boschma ; Sylvester-Bradley ; Mertens ; Cabrera ;
Bonnet ; Miller ; Tortonese ; Kühnelt ; Bradley (J.C.) ;
Stoll ; Hankó ; Hemming ;

(b) *Negative Votes, one (1) :*

Prantl ;

(c) *Voting Papers not returned :*

None.

9. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)29, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

10. Preparation of the Ruling given in the present " Opinion " : On 12th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)29.

11. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

alpestris, *Alauda*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 166

bei, *Eremophila alpestris* var., Ridgway, 1874, in Baird, Brewer & Ridgway, *Hist. N. Amer. Birds*, Land Birds **2** : 141, 142

brandti, *Otocorys*, Dresser, 1874, *Hist. Birds Europe* **4**(32) : 397, 402

12. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

13. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Eight (448) of the International Commission on Zoological Nomenclature.

DONE in London, this Twelfth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 14. Pp. 235—250

OPINION 449

Determination of the species to be accepted as the type
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Brachiopoda)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 449

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*)
(12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 449

DETERMINATION OF THE SPECIES TO BE ACCEPTED AS THE TYPE SPECIES OF THE NOMINAL GENUS "LAQUEUS" DALL, 1870 (CLASS BRACHIPODA)

RULING :—(1) It is hereby ruled (a) that no case has been established to show that, when in 1870 Dall (W.H.) established the nominal genus *Laqueus* (Class Brachiopoda), he misidentified the nominal species *Terebratula californiana* (Koch MS) Küster, [1844] which he then designated as the type species of the foregoing genus and (b) that the foregoing nominal species is therefore to be accepted as the type species of the genus *Laqueus* Dall, 1870.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1055 :—

Laqueus Dall, 1870 (gender : masculine) (type species, by original designation : *Terebratula californiana* (Koch MS.) Küster, [1844])

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1130 :—

californiana (Koch MS.) Küster, [1844], as published in the combination *Terebratula californiana* (specific name of type species of *Laqueus* Dall, 1870)

(4) The under-mentioned specific names, each of which is an Erroneous Subsequent Spelling for *californiana* (Koch MS.) Küster, [1844], as published in the combination *Terebratula californiana*, are hereby placed on the *Official Index of Rejected and Invalid Specific Names*

in Zoology with the Name Numbers severally specified below :—

- (a) *californica* (misattrib. to Küster) Sowerby (G.B.), 1846, as published in the combination *Terebratula californica* (Name No. 376) ;
- (b) *californiana* Troschel, 1849¹, as published in the combination *Terebratula californiana* (Name No. 377) ;
- (c) *californica* (Koch MS.) Carpenter, 1864, as published in the combination *Terebratula californica* (Name No. 378) ;
- (d) *californica* (Koch [MS.]) Dall (W.H.), 1870, as published in the combination *Terebratula californica* (Name No. 379).

I. THE STATEMENT OF THE CASE

The question whether the nominal genus *Laqueus* Dall, 1870 (Class Brachiopoda) should be regarded as having been established with a misidentified type species formed the subject of a preliminary enquiry addressed to the Office of the Commission by Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) on 26th March 1946. The International Commission was not well equipped at that time to deal with cases where later authors were of the opinion that the author of a nominal genus had misidentified the species which he then designated as the type species of that genus, the only guidance at that time available being the ambiguous and incomplete Ruling given in *Opinion 65* (1914, *Smithson. Publ.* 2256 : 152—169). Even if this had been the case, it would not have been possible for the Commission

¹ See paragraph 12 below.

to take up the present case at the time of the receipt of Dr. Baily's preliminary communication, for, as Dr. Baily agreed, serious bibliographical difficulties then remained to be solved in regard to the orthography and authorship of the specific name used by Dall in 1870 for the species which he then designated as the type species of his new genus *Laqueus*. Later these matters were investigated as opportunity offered with the result that the bibliographical difficulties referred to above were resolved by the autumn of 1950. By this time also firm guidance had been given to the Commission by the Thirteenth International Congress of Zoology as to the procedure to be followed in dealing with cases of genera reputedly based upon misidentified type species (1950, *Bull. zool. Nomencl.* 4 : 158—159). Other reasons intervened to prevent progress with the present case and it was until 3rd November 1954 that the following application was submitted to the International Commission on Zoological Nomenclature for consideration :—

Request for a Ruling as to the species to be accepted as the type species of the genus "Laqueus" Dall, 1870 (Class Brachiopoda)

By JOSHUA L. BAILY, Jr., Sc.D.

(*San Diego, California, U.S.A.*)

The object of the present application is to secure a decision from the International Commission regarding the species to be accepted as the type species of *Laqueus* Dall, 1870 (Class Brachiopoda), under the procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (see 1950, *Bull. zool. Nomencl.* 4 : 158—159) to be followed where a nominal genus is established, or is claimed to have been established, on the basis of a misidentified type species.

2. The generic name *Laqueus* was published by Dall in 1870 (*Amer. J. Conch.* 6 : 123), the type species of the genus so named being, by original designation, "*Terebratula californica* Koch". Koch never published such a name but in 1844 Küster (*in* Martini, *Syst. Conch. Cab.* (nov. ed.) 7(1) : pl. 2b, figs. 21—23) published the name *Terebratula californiana* Koch MS., and it is evident that this was the name which Dall intended to cite when he wrote the words "*Terebratula californica* Koch".

3. In 1921 (*Proc. U.S. nat. Mus.* 57 (No. 2314) : 347) Dall claimed that the species which in 1870 he had figured as "*Laqueus californica*

(Koch) ” was not correctly identified and belonged to a species to which no valid name had ever been given ; Dall accordingly gave the new name *Laqueus erythraeus* to the species which he had himself figured in 1870 under the name “ *Laqueus californica* Koch ” and which in 1864 Carpenter had cited as *Terebratula californica*. The species *Laqueus erythraeus* Dall was thereupon (1921) designated by Dall as the type species of *Laqueus* Dall, 1870, in place of the species “ *Terebratula californica* Koch ”, which in 1870 he had himself designated as the type species of this genus.

4. Thompson (1927, *Brachiopod. Morph. Gen.* : 258) discussed the attempt made by Dall in 1921 to change the type species of *Laqueus* and rejected it as incorrect under the *Règles*. At the same time he added that the two species concerned were so closely allied to one another that, even if Dall’s action in changing the type species had been valid, it would not have affected the previously accepted concept of the genus. Later authors have all endorsed Thomson’s conclusions and have unanimously rejected the claim advanced by Dall in 1921.

5. The present case is therefore one where a nominal genus is alleged to have been based upon a misidentified type species but where the species actually designated by the original author as the type species and the species later claimed to have been misidentified therewith are so close to one another that from the taxonomic point of view it would make no difference which of the two species concerned was accepted as the type species. It is clearly desirable that a definitive decision should be given as to the species which is to be accepted as the type species of *Laqueus* Dall, but in the circumstances it does not appear that any practical advantage would be served by asking the International Commission to undertake, in conjunction with specialists, a detailed investigation for the purpose of determining whether Dall’s (1921) claim that he had made an error of identification in 1870 was well founded. In the absence of such evidence, the Commission would be free—and indeed bound—to rule in favour of the acceptance of *Terebratula californiana* (Koch MS.) Küster, [1844] (i.e. the species bearing the name which Dall in 1870 miscited as “ *Terebratula californica* Koch ”) as the type species of *Laqueus* Dall by original designation. Such a decision would be in harmony with current practice and is therefore the course which I recommend.

6. The proposal which I accordingly submit is that the International Commission on Zoological Nomenclature should :—

- (1) give a ruling that, in view of the lack of sufficient evidence supporting the claim advanced by Dall in 1921 that, when in

1870 he designated a type species for the nominal genus *Laqueus* Dall, 1870, he had misidentified the species so designated, that species, namely *Terebratula californiana* (Koch MS.) Küster, [1844], is to be accepted as the type species of *Laqueus* Dall, 1870 ;

- (2) place the name *Laqueus* Dall, 1870 (gender : masculine) (type species, by original designation : *Terebratula californiana* (Koch MS.) Küster, [1844]) on the *Official List of Generic Names in Zoology* ;
- (3) place the specific name *californiana* (Koch MS.) Küster, [1844], as published in the combination *Terebratula californiana*, on the *Official List of Specific Names in Zoology* ;
- (4) place the under-mentioned specific name on the *Official Index of Rejected and Invalid Specific Names in Zoology* : *californica* Dall, 1870, as published in the combination *Terebratula californica* (an Erroneous Subsequent Spelling for *californiana* (Koch MS.) Küster, [1844], as published in the combination *Terebratula californiana*).

2. Supplementary Note furnished by Dr. Helen Muir-Wood (British Museum (Natural History), London) : At a certain stage in the course of the investigations into the bibliographical investigations referred to in the preceding paragraph, Mr. Hemming, as Secretary, decided that it would be of advantage to widen the scope of the consultations then in progress by consulting Dr. Helen Muir-Wood (*British Museum (Natural History), London*) as a leading specialist in the group concerned. Dr. Muir-Wood kindly agreed to assist in this matter and on 21st September 1950 communicated the following statement to the Office of the Commission :—

On the type species of the Brachiopod genus “*Laqueus*” Dall, 1870

By HELEN MUIR-WOOD, D.Sc.
(*British Museum (Natural History), London*)

(Enclosure to a letter dated 21st September 1950)

The name *Laqueus* was published by Dall in 1870 (*Amer. J. Conch.* 6 : 123) as the name of a subgenus of *Terebratella* with *Terebratula*

californica Koch as type species. The species is said to occur off Catalina I., California, at a depth of 80 fathoms, but this is quoted by Dall (1921 : 350) as type locality of *L. erythraeus*.

2. This species was, however, originally described under the name *Terebratula californiana* (Koch *in litt.*) Küster (therefore to be assigned to Küster and not Koch) in Nov. Ed. Martini, *Syst. Conch. Cabinet* 7(1) : 38, pl. 2b, figs. 21—23. The date of the plate is given in our copy as 1844, while the date of the text is said to be 1848 (see 1937, *J. Soc. Bibl. nat. Hist.* 1(4) : 97).

3. Dall in 1870 also refers to Sowerby, *Thes Conch.* 7 : 352, pl. 52, figs. 50—52, but this reference is incorrect and should be emended to read : Sowerby (G.B.), 1846, *Thes. Conch.* 1(7) : 352, pl. 70, figs. 50—52, where this species was described and figured under *Terebratula californica* Küst.

4. The species represented by the figures given by Küster and Sowerby is apparently the same.

5. Dall in 1877 (*Bull. U.S. nat. Mus.* 8 : 41) again quoted *T. californica* Koch as the type species of *Laqueus*, subgenus of *Terebratella*.

6. Davidson (1887, *Trans. linn. Soc. Lond. (Zool.)* (2) 4 : 111) quotes the type-species of *Laqueus* as *L. californicus* Koch, though in 1852 (*Ann. Mag. nat. Hist.* (2) 9 : 364) the species was listed as *Terebratula californiana* Koch, Küster. E. E. Deslongchamps in 1884 (*Bull. Soc. linn. Normandie* (3) 8 : 286) quotes *Laqueus* as a subgenus of *Terebratella* with *T. californica* Koch as type-species, and this is followed by Hall & Clarke in 1895 (13th *ann. Rep. State Geol. N.Y.* 1893 : 887), who used it as a distinct genus.

7. Dall in 1921 (*Proc. U.S. nat. Mus.* 57 (2314) : 347) quoted *Laqueus* as a separate genus, with, as its type-species, *L. californicus* Carpenter not Koch (= *Laqueus erythraeus* sp. nov.), to which species he refers his figures published in 1870 (namely pl. 7, fig. f ; pl. 8, figs. 9, 10) and also the species described by Carpenter in 1864 (*Suppl. Rep. Brit. Ass.* 1863 (33rd meeting) : 568, 574) as *Terebratula californica* and (on page 636) as *Waldheimia* (?) *californica*. Carpenter gave no figures and it is by no means clear what was the form to which he intended to refer.

8. Thomson (1927, *Brachiopod Morph. Gen.* : 258) quotes the type-species as *T. californica* Koch and refers to Dall's amendment of the

type species in a footnote, stating that this procedure is not valid but that it does not affect the concept of the genus. Schuchert & Levene (1929, *Foss. Catal.* 1(42) (Brach.) : 73) and Hatai in 1940 (*Sci. Rep. Tohoku Univ.* (2) 20 : 343) also give the type-species as *Terebratula californica* Koch without comment.

9. From this it appears that later authors have ignored Dall's emended designation of the type species in 1921, and that *Terebratula californiana* Küster, [1844], should be accepted as the type species of *Laqueus* Dall, 1870, by original designation.

3. Postscript added by Dr. Joshua L. Baily, Jr. to his application in December 1954 : In December 1954 Dr. Joshua L. Baily, Jr. communicated to the Office of the Commission a note which he had prepared in the light of the statement furnished by Dr. Helen Muir-Wood (paragraph 2 above), a copy of which had been communicated to him by the Secretary. This note, which was in the following terms, Dr. Baily asked should be attached to his application as a Postscript :—

I have read with great interest the note on the species to be accepted as the type species of *Laqueus* Dall which has been communicated to the Commission by Dr. Helen Muir-Wood, of which the Secretary has kindly sent me a copy. I am very glad to find that she supports the solution of this case advocated in my application.

Perhaps I may add that, as Dr. Muir-Wood has drawn attention to the publication by G. B. Sowerby in 1846 of the name *Terebratula californica* (attributed to Küster by Sowerby) it would, I think, be helpful to place this misspelling which anticipates that by Dall by twenty-four years on the *Official Index of Rejected and Invalid Specific Names in Zoology*. I would advocate the same treatment being given also to several other instances of the nomenclatorial combination *Terebratula californica* by Carpenter as follows :—

Terebratula californica Küster in Sowerby (G.B.), *Thesaurus Conchyl.* (18) : 352, pl. 70, f. 50—52, cited by Carpenter, 1857 *Report to the British Association for the Advancement of Science for 1856* : 289. This is the same reference to which Dr. Muir-Wood referred.

Terebratula californica Koch, mentioned by Carpenter without any further reference in *Supplementary Report to the British Association for the Advancement of Science for 1863* : 568, 586.

Terebratula californica Linsley in Troschel, 1847, *Archiv für Natur.* 2 : 99². Cited by Carpenter in *Supplementary Report to the British Association for the Advancement of Science* : 574.

2. So far as I am aware, the generic name *Laqueus* Dall has not been taken as a basis for a family-group name.

II. THE SUBSEQUENT HISTORY OF THE CASE

4. Registration of the present application : The case of the name *Laqueus* Dall, 1870, was originally brought to the attention of the Office of the Commission in a communication dealing also with the name *Magasella* published by the same author in the same paper. The joint communication so received was then allotted the Registered Number Z.N.(S.) 220. When later it was decided to separate these two cases, the foregoing Number was retained for *Magasella* Dall and the new Registered Number Z.N.(S.) 868 was allotted to the present case.

5. Publication of the present application : Dr. Baily's application, Dr. Helen Muir-Wood's supplementary statement and Dr. Baily's Postscript to his application were sent to the printer on 31st December 1954 and were published on 28th February 1955 in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Baily, 1955, *Bull. zool. Nomencl.* 11 : 117—118 ; Muir-Wood, 1955, *ibid.* 11 : 120 ; Baily, 1955, *ibid.* 11 : 118—119).

6. Support received from E. P. Chace and Elsie M. Chace (Natural History Museum, San Diego, California, U.S.A.) : On 10th May 1955 E. P. Chace and Elsie M. Chace (both of the *Natural History Museum, San Diego, California, U.S.A.*) jointly addressed a letter to the Office of the Commission on a number of cases which included the present case. The relevant extract of this letter is as follows :—

We fully agree with Dr. Baily that *Terebratula californiana* (Koch MS.) Küster is to be accepted as the type of *Laqueus* Dall, 1870, and

² For a correction of this reference see paragraph 12 of the present *Opinion*.

that the name *Laqueus* Dall, 1870, be placed on the *Official List of Generic Names in Zoology*.

That the specific name *californiana* (Koch MS.) Küster, 1844, be placed on the *Official List of Specific Names in Zoology*, and that the specific name *californica* Dall, 1870, be placed on the *Official List of Rejected and Invalid Specific Names in Zoology*.

7. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(55)32 : On 22nd November 1955 a Voting Paper (V.P.(55)32) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Laqueus* Dall, 1870, as set out (a) in Points (1) to (4) in paragraph 6 on page 118 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*] "and (b) in the Postscript added by the author on pages 118 and 119 of the above volume of the *Bulletin*" [see paragraph 3 of the present *Opinion*].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

10. Particulars of the Voting on Voting Paper V.P.(55)32 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)32 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Mayr ; Lemche ; Prantl ; Dymond ; Esaki ; Bodenheimer ; do Amaral ; Hankó ; Boschma ; Sylvester-Bradley ; Jaczewski ; Key ; Mertens ; Cabrera ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Bradley (J.C.) ; Stoll ; Hemming ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

11. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)32, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Correction of the reference given in the present application for the reputed name “ ‘Terebratula californica’ Linsley in Troschel, 1847 ” : On 11th November 1956 Mr. Hemming, as

Secretary, executed the following Minute, in which, after setting out certain bibliographical investigations which had been undertaken in the Office of the Commission in connection with the preparation of the present *Opinion*, he (a) showed that the name "*Terebratula californica* Linsley in Troschel, 1847" was a cheironym, (b) gave correct particulars for the name to which reference had been intended by the author who first cited the foregoing reputed but non-existent name and (c) issued directions that the corrected reference be inserted in the *Opinion* to be rendered in the present case :—

**Correction of the reference given in the present application for the reputed name "*Terebratula californica*" Linsley in "Troschel",
1847**

MINUTE by FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The routine checking of references undertaken in connection with the preparation of the *Opinion* required for the purpose of recording the decision regarding the type species of the genus *Laqueus* Dall, 1870, taken by the International Commission in its vote on Voting Paper V.P.(55)32 has disclosed the fact that the particulars derived from Carpenter, 1864, in regard to one of the names cited in the postscript to the present application is incorrect in almost every particular.³ The purpose of the present Minute is to give correct particulars regarding the name to which reference was intended, in order that in the *Opinion* concerned a correct reference for that name may be inserted in the paragraph enumerating the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling to be given in that *Opinion*.

2. The reference which it is now necessary to correct was quoted as follows from Carpenter in the application published in this case (Baily, 1955, *Bull. zool. Nomencl.* **11** : 119) :—

Terebratula californica Linsley in Troschel, 1847, *Archiv für Natur.* **2** : 99. Cited by Carpenter in *Supplementary Report to the British Association for the Advancement of Science* : 574

³ The reference in question was given in the Postscript, dated December 1954, annexed to the present application. This has been reproduced in paragraph 3 of the present *Opinion*.

3. The first indication that the foregoing reference was incorrect was provided by the abbreviation used for the title of the serial publication cited, there being no serial having a title which could be correctly cited in that manner. It seemed almost certain, however that the serial intended was the *Archiv für Naturgeschichte*, although it was evident that in that event either the date cited for the volume concerned or the volume number cited for it must be incorrect. Investigation showed that the anticipation that the serial intended was in fact the *Archiv für Naturgeschichte* was correct but that both the date attributed to that volume and the volume number cited for it were incorrect, the only correct portion of this part of the reference given being the page number (page 99). The paper in question proved to have been published in 1849 (and not in 1847) and to have appeared in Part 2 of Volume 15 of the *Archiv für Naturgeschichte* (and not in Volume 2).

4. The successful tracing of the paper in question disclosed unexpectedly two further errors in the reference given from Carpenter. First, the paper in question, though unsigned, was stated to have been written by the "Herausgeber" and the running heads of the pages in this portion of Part 2 of Volume 15 bore the name of Troschel, who, as is known, had in that year (1849) taken over the editorship of the *Archiv*, following the death of Erichson. The article contains, however, no reference whatever to Linsley who in the present context must be regarded as a phantom. The name with which we are here concerned must therefore be attributed not to "Linsley in Troschel" but to "Troschel" himself. Second, it must be noted that the article here under examination was expressly devoted to a notice recently published by Gray (cited as "Annals 2, Ser. II, p. 435"), and that, contrary to the statement made in the reference quoted in paragraph 2 of the present Minute, the species there under discussion was cited not as "*Terebratula californica*" but as "*Terebratula californiana*".

5. It will be seen from the particulars given above that the name "*Terebratula californica* Linsley in Troschel, 1847" is a cheironym and that the name to which the author responsible for the above reference intended to refer is:—

Terebratula californiana Troschel, 1849, *Archiv Naturgesch.* 15(2) : 99

6. Accordingly, as Secretary, I hereby direct that the corrected reference set out in the immediately preceding paragraph be substituted for the incorrect reference quoted in paragraph 2 of the present Minute in the Ruling to be given in the *Opinion* embodying the decision taken by the Commission in its vote on Voting Paper V.P.(55)32.

13. Preparation of the Ruling given in the present "Opinion" :

On 12th November 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)32, subject to the correction of the reference for one of the names concerned as directed in the Minute executed by the Secretary on 11th November 1956 (the text of which has been reproduced in paragraph 12 of the present *Opinion*).

14. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

californiana, *Terebratula*, (Koch *in litt.*) Küster, [1844], in Martini, *Syst. Conch. Cabinet* (New Ed.) 7(1) : pl. 2b ; *id.*, [1848], *ibid.* 7 : 38

californiana, *Terebratula*, Troschel, 1849, *Archiv Naturgesch.* 15(2) : 99

californica, *Terebratula*, (misattrib. to Küster) Sowerby (G.B.), 1846, *Thes. Conch.* 1(7) : 352, pl. 70, figs. 50—52

californica, *Terebratula*, Carpenter, 1864, *Suppl. Rep. Brit. Ass.* 1863 (33rd Meeting) : 568, 574

californica, *Terebratula*, (Koch [MS.]) Dall (W.H.), 1870, *Amer. J. Conch.* 6 : 123

Laqueus Dall, 1870, *Amer. J. Conch.* 6 : 123

15. Family-Group-Name Aspects : It was stated by the applicant in the Postscript, dated December 1954, annexed to his application (paragraph 3 of the present *Opinion*) that, so far as he was aware, the generic name *Laqueus* Dall, 1870, has not been taken as the base for a family-group name.

16. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Nine (449) of the International Commission on Zoological Nomenclature.

DONE in London, this Twelfth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 15. Pp. 251—328

OPINION 450

Suppression under the Plenary Powers of the generic name *Phalaena* Linnaeus, 1758, and validation as of subgeneric status (a) as from 1758, of the terms *Bombyx*, *Noctua*, *Geometra*, *Tortrix*, *Pyralis*, *Tinea*, and *Alucita* as used by Linnaeus for groups of species of the genus *Phalaena* and (b) as from 1767 of the term *Attacus* similarly published by Linnaeus and matters incidental thereto (Class Insecta, Order Lepidoptera)

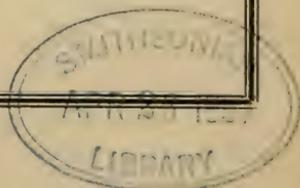
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 450

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(12th August 1953)

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Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

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(arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology)

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Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th October 1954)

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Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 450

SUPPRESSION UNDER THE PLENARY POWERS OF THE GENERIC NAME "PHALAEANA" LINNAEUS, 1758, AND VALIDATION AS OF SUBGENERIC STATUS (a) AS FROM 1758, OF THE TERMS "BOMBYX" "NOCTUA", "GEOMETRA", "TORTRIX", "PYRALIS", "TINEA" AND "ALUCITA", AS USED BY LINNAEUS FOR GROUPS OF SPECIES OF THE GENUS "PHALAEANA" AND (b) AS FROM 1767 OF THE TERM "ATTACUS" SIMILARLY PUBLISHED BY LINNAEUS AND MATTERS INCIDENTAL THERETO (CLASS INSECTA, ORDER LEPIDOPTERA)

RULING :—(1) The following action is hereby taken under the Plenary Powers :—

- (a) The generic name *Phalaena* Linnaeus, 1758, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.
- (b) Under the procedure laid down in the Ruling given in *Opinion* 124, (i) the names specified in Column (1) below are hereby validated as having the status of subgeneric names as from Linnaeus (1758), by whom they were published as terms denoting groups of species within the genus *Phalaena* Linnaeus, 1758, (ii) the nominal species specified in Column (2) below are hereby designated to be the type species of the nominal genera severally shown in Column (1), and (iii) it is hereby directed that the family-group

names to be used for the genera severally specified in Column (1) shall be the names specified in each case in Column (3) :—

<i>Generic name now validated under the Plenary Powers</i>	<i>Nominal species now designated under the Plenary Powers to be the type species of the corresponding nominal genus specified in Column (1)</i>	<i>Family-group name which under the Plenary Powers is to be used for the corresponding nominal genus specified in Column (1)</i>
(1)	(2)	(3)
(1) <i>Bombyx</i> Linnaeus, 1758	<i>Phalaena mori</i> Linnaeus, 1758	BOMBYCIDAE
(2) <i>Noctua</i> Linnaeus, 1758	<i>Phalaena pronuba</i> Linnaeus, 1758	NOCTUIDAE
(3) <i>Geometra</i> Linnaeus, 1758	<i>Phalaena papilionaria</i> Linnaeus, 1758	GEOMETRIDAE
(4) <i>Tortrix</i> Linnaeus, 1758	<i>Phalaena viridana</i> Linnaeus, 1758	TORTRICIDAE
(5) <i>Pyralis</i> Linnaeus, 1758	<i>Phalaena farinalis</i> Linnaeus, 1758	PYRALIDAE
(6) <i>Tinea</i> Linnaeus, 1758	<i>Phalaena pellionella</i> Linnaeus, 1758	TINEIDAE
(7) <i>Alucita</i> Linnaeus, 1758	<i>Phalaena hexadactyla</i> Linnaeus, 1758	ALUCITIDAE

(c) Under the procedure specified in (b) above, as extended by the Ruling given in *Opinion 279*, (i) the term *Attacus*, as published by Linnaeus in 1767 to denote a group of species within the genus *Phalaena* Linnaeus, 1758, is hereby validated as having the status of a subgeneric name as from Linnaeus, 1767 and (ii) the nominal species *Phalaena atlas* Linnaeus, 1758, is hereby designated as the type species of *Attacus* Linnaeus, 1767, as validated under (i) above.

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Bombyx* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b)(1) above (gender : masculine) (type species, by designation under the Plenary Powers under (1)(b)(1) above : *Phalaena mori* Linnaeus, 1758) (Name No. 1056) ;
- (b) *Noctua* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b)(2) above (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b)(2) above : *Phalaena pronuba* Linnaeus, 1758) (Name No. 1057) ;
- (c) *Geometra* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b)(3) above (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b)(3) above : *Phalaena papilionaria* Linnaeus, 1758) (Name No. 1058) ;
- (d) *Tortrix* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b)(4) above (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b)(4) above : *Phalaena viridana* Linnaeus, 1758) (Name No. 1059) ;
- (e) *Pyralis* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b)(5) above (gender : feminine) (type species, by designation under the

Plenary Powers under (1)(b)(5) above : *Phalaena farinalis* Linnaeus, 1758) (Name No. 1060) ;

- (f) *Tinea* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b)(6) above (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b)(6) above : *Phalaena pellionella* Linnaeus, 1758) (Name No. 1061) ;
- (g) *Alucita* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b)(7) above (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b)(7) above : *Phalaena hexadactyla* Linnaeus, 1758) (Name No. 1062) ;
- (h) *Attacus* Linnaeus, 1767, as validated under the Plenary Powers under (1)(c) above (gender : masculine) (type species, by designation under the Plenary Powers under (1)(c) above : *Phalaena atlas* Linnaeus, 1758) (Name No. 1063).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *mori* Linnaeus, 1758, as published in the combination *Phalaena mori* (specific name of type species of *Bombyx* Linnaeus, 1758) (Name No. 1131) ;
- (b) *pronuba* Linnaeus, 1758, as published in the combination *Phalaena pronuba* (specific name of type species of *Noctua* Linnaeus, 1758) (Name No. 1132) ;
- (c) *papilionaria* Linnaeus, 1758, as published in the combination *Phalaena papilionaria* (specific name of type species of *Geometra* Linnaeus, 1758) (Name No. 1133) ;
- (d) *viridana* Linnaeus, 1758, as published in the combination *Phalaena viridana* (specific name of type species of *Tortrix* Linnaeus, 1758) (Name No. 1134) ;

- (e) *farinalis* Linnaeus, 1758, as published in the combination *Phalaena farinalis* (specific name of type species of *Pyralis* Linnaeus, 1758) (Name No. 1135) ;
- (f) *pellionella* Linnaeus, 1758, as published in the combination *Phalaena pellionella* (specific name of type species of *Tinea* Linnaeus, 1758) (Name No. 1136) ;
- (g) *hexadactyla* Linnaeus, 1758, as published in the combination *Phalaena hexadactyla* (specific name of type species of *Alucita* Linnaeus, 1758) (Name No. 1137) ;
- (h) *atlas* Linnaeus, 1758, as published in the combination *Phalaena atlas* (specific name of type species of *Attacus* Linnaeus, 1767) (Name No. 1138).

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Phalaena* Linnaeus, 1758, as suppressed under the Plenary Powers under (1)(a) above (Name No. 850) ;
- (b) *Geometra* Paetel, 1875 (an Erroneous Subsequent Spelling for *Geomitra* Swainson, 1840, and a junior homonym of *Geometra* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b) above) (Name No. 851) ;
- (c) *Noctua* Linnaeus, 1764 (a *nomen nudum*) (Name No. 852) ;
- (d) *Noctua* Gmelin (S.G.), 1771 (a junior homonym of *Noctua* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b) above) (Name No. 853) ;

- (e) *Orneodes* Latreille, 1796 (a junior objective synonym of *Alucita* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b) above (Name No. 854) ;
- (f) *Tinaea* Geoffroy (E.L.), 1762 (a name published in a work rejected for nomenclatorial purposes by the Ruling given in *Opinion* 228 ; a junior objective synonym of *Tinea* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b) above) (Name No. 855) ;
- (g) *Tinea* Griffith, 1897 (an Erroneous Subsequent Spelling for *Taenia* Linnaeus, 1758 ; a junior homonym of *Tinea* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b) above) (Name No. 856) ;
- (h) *Tortrix* Oppel, 1811 (a junior homonym of *Tortrix* Linnaeus, 1758, as validated under the Plenary Powers under (1)(b) above) (Name No. 857).

(5) The under-mentioned family-group names, as validated under the Plenary Powers in (1)(b) above, are hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Numbers severally specified below :—

- (a) BOMBYCIDAE (correction of BOMBYCIDES) Latreille, [1802—1803] (type genus : *Bombyx* Linnaeus, 1758, as validated under the Plenary Powers in (1)(b)(1) above) (Name No. 135) ;
- (b) NOCTUIDAE (correction of NOCTUAEALITES) Latreille, 1809 (type genus : *Noctua* Linnaeus, 1758, as validated under the Plenary Powers in (1)(b)(2) above) (Name No. 136) ;
- (c) GEOMETRIDAE (correction of GEOMETRIDA) [Leach], [1815] (type genus : *Geometra* Linnaeus, 1758, as validated under the Plenary Powers in (1)(b)(3) above) (Name No. 137) ;

- (d) TORTRICIDAE (correction of TORTRICES) Latreille, [1802—1803] (type genus : *Tortrix* Linnaeus, 1758, as validated under the Plenary Powers in (1)(b)(4) above) (Name No. 138) ;
- (e) PYRALIDAE (correction of PYRALITES) Latreille, 1809 (type genus : *Pyrallis* Linnaeus, 1758, as validated under the Plenary Powers in (1)(b)(5) above) (Name No. 139) ;
- (f) TINEIDAE (correction of TINEITES) Latreille, 1810 (type genus : *Tinea* Linnaeus, 1758, as validated under the Plenary Powers in (1)(b)(6) above) (Name No. 140) ;
- (g) ALUCITIDAE (correction of ALUCITIDES) [Leach], [1815] (type genus : *Alucita* Linnaeus, 1758, as validated under the Plenary Powers in (1)(b)(7) above) (Name No. 141).

(6) The under-mentioned family-group name, as validated under the Plenary Powers in (1)(c) above, is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 142 :—

ATTACIDAE Burmeister, 1878 (type genus : *Attacus* Linnaeus, 1767, as validated under the Plenary Powers in (1)(c) above).

(7) The under-mentioned family-group names are hereby placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* with the Name Numbers severally specified below :—

- (a) BOMBYCIDES Latreille, [1802—1803] (an Invalid Original Spelling for BOMBYCIDAE) (Name No. 128) ;
- (b) the under-mentioned names, each of which is an Erroneous Subsequent Spelling for BOMBYCIDAE :—
- (i) BOMBYCITES Latreille, 1809 (Name No. 129) ;
- (ii) BOMBYXIA Rafinesque, 1815 (Name No. 130) ;

- (iii) BOMBYCODEA Burmeister, 1837 (Name No. 131) ;
- (iv) BOMBYCES Horsfield & Moore, [1838—1839] (Name No. 132) ;
- (c) NOCTUAELITES Latreille, 1809 (an Invalid Original Spelling for NOCTUIDAE) (Name No. 133) ;
- (d) the under-mentioned names, each of which is an Erroneous Subsequent Spelling for NOCTUIDAE :—
 - (i) NOCTUIDA [Leach], [1815] (Name No. 134) ;
 - (ii) NOCTUAEIDES Billberg, 1820 (Name No. 135) ;
 - (iii) NOCTUACEA Burmeister, 1829 (Name No. 136) ;
 - (iv) NOCTUELIDI Boisduval, 1829 (Name No. 137) ;
 - (v) NOCTUITES Newman (E.), 1835 (Name No. 138) ;
 - (vi) NOCTUARIAE Zetterstedt, 1840 (Name No. 139) ;
 - (vii) NOCTUARIA Gravenhorst, 1843 (Name No. 140) ;
 - (viii) NOCTUELIDES Duponchel, 1844 (Name No. 141) ;
 - (ix) NOCTUELITES Guenée, 1852 (Name No. 142) ;
 - (x) NOCTUES Swinhoe, 1890 (Name No. 143) ;
- (e) GEOMETRIDA [Leach], [1815] (an Invalid Original Spelling for GEOMETRIDAE) (Name No. 144) ;
- (f) GEOMETRITES Newman (E.), 1835 (an Erroneous Subsequent Spelling for GEOMETRIDAE) (Name No. 145) ;
- (g) TORTRICES Latreille, [1802—1803] (an Invalid Original Spelling for TORTRICIDAE) (Name No. 146) ;

(h) the under-mentioned names, each of which is an Erroneous Subsequent Spelling for TORTRICIDAE :—

- (i) TORTRICIDA [Leach], [1815] (Name No. 147);
- (ii) TORTRICIDES Billberg, 1820 (Name No. 148) ;
- (iii) TORTRICITES Newman (E.), 1835 (Name No. 149) ;

(i) PYRALITES Latreille, 1809 (an Invalid Original Spelling for PYRALIDAE, a spelling validated under the Plenary Powers in (1)(b)(5) above) (Name No. 150) ;

(j) the under-mentioned names, each of which is an Erroneous Subsequent Spelling for PYRALIDAE, validated under the Plenary Powers as specified in (i) above :—

- (i) PYRALIDA [Leach], [1815] (Name No. 151) ;
- (ii) PYRALIDES Billberg, 1820 (Name No. 152) ;
- (iii) PYRALIDIDES Zetterstedt, 1840 (Name No. 153) ;
- (iv) PYRALOIDI Guenée, 1845 (Name No. 154) ;
- (v) PYRALIDOIDAE Herrich-Schaeffer, 1856 (Name No. 155) ;
- (vi) PYRALIDIDAE Lederer, 1863 (Name No. 156);
- (vii) PYRALES Swinhoe, 1890 (Name No. 157) ;

(k) TINEITES Latreille, 1810 (an Invalid Original Spelling for TINEIDAE) (Name No. 158) ;

(l) the under-mentioned names, each of which is an Erroneous Subsequent Spelling for TINEIDAE :—

- (i) TINEIDA [Leach], [1815] (Name No. 159) ;
- (ii) TINEAEDES Billberg, 1820 (Name No. 160) ;
- (iii) TINEODEA Burmeister, 1837 (Name No. 161) ;
- (iv) TINEACEA Zeller, 1839 (Name No. 162) ;

- (v) TINEARIAE Zetterstedt, 1840 (Name No. 163);
- (vi) TINEARIA Gravenhorst, 1843 (Name No. 164);
- (vii) TINEAE Guenée, 1845 (Name No. 165);
- (m) ALUCITIDES [Leach], [1815] (an Invalid Original Spelling for ALUCITIDAE) (Name No. 166);
- (n) the under-mentioned names, each of which is an Erroneous Subsequent Spelling for ALUCITIDAE :—
- (i) ALUCITAEDES Billberg, 1820 (Name No. 167);
- (ii) ALUCITITES Newman (E.), 1835 (Name No. 168);
- (iii) ALUCITINA Zeller, 1841 (Name No. 169);
- (o) PHALAENIDAE (correction of PHALAENITES) Latreille, [1802—1803] (type genus : *Phalaena* Linnaeus, 1758) (invalid under *Declaration 20* because name of type genus suppressed under the Plenary Powers in (1)(a) above) (Name No. 170);
- (p) PHALAENITES Latreille, [1802—1803] (an Invalid Original Spelling for PHALAENIDAE) (Name No. 171);
- (q) the under-mentioned names, each of which is an Erroneous Subsequent Spelling for PHALAENIDAE :—
- (i) PHALAENIDES [Leach], [1815] (Name No. 172);
- (ii) PHALAENIDA [Leach], [1815] (Name No. 173);
- (iii) PHALENIDIA Rafinesque, 1815 (Name No. 174);
- (iv) PHALAENAEDES Billberg, 1820 (Name No. 175);

- (v) PHALAENOIDES Burmeister, 1829 (Name No. 176) ;
- (vi) PHALANODEA Burmeister, 1837 (Name No. 177) ;
- (vii) PHALANARIAE Zetterstedt, 1840 (Name No. 178) ;
- (viii) PHALANOIDEA Gravenhorst, 1843 (Name No. 179) ;
- (r) TINAEIDAE Corbet (A.S.) & Tams (W.H.T.), 1943 (type genus : *Tinaea* Geoffroy (E.L.), 1762) (invalid (i) because the name of the type genus was published in a work rejected for nomenclatorial purposes by the Ruling given in *Opinion* 228 as a work in which the author did not apply the principles of binominal nomenclature, and (ii) because its type genus has the same species as type species as *Tinea* Linnaeus, 1758 (validated under the Plenary Powers in (1)(b)(6) above) and this name is therefore a junior objective synonym of TINEIDAE (correction of TINEITES) Latreille, 1810, of which the latter genus is type genus) (Name No. 180) ;
- (s) ORNEODIDAE (correction by Meyrick (1895) of ORNEODIDES) Herrich-Schaeffer, [1843] (type genus : *Orneodes* Latreille, 1796) (invalid, as its type genus has as its type species the same species as *Alucita* Linnaeus, 1758 (validated under the Plenary Powers in (1)(b)(7) above) and this name is therefore a junior objective synonym of ALUCITIDAE (correction of ALUCITIDES) [Leach], [1815], of which the latter genus is type genus) (Name No. 181) ;
- (t) ORNEODIDES Herrich-Schaeffer, [1843] (an Invalid Original Spelling for ORNEODIDAE) (Name No. 182).

I. THE STATEMENT OF THE CASE

The present *Opinion* is concerned principally with the question of the validation under the Plenary Powers as of subgeneric status from Linnaeus, 1758 (*Syst. Nat.* (ed. 10)) of certain terms originally introduced to denote groups of species within the genus *Phalaena* Linnaeus, 1758 (Class Insecta, Order Lepidoptera). These and similar terms introduced by Linnaeus in other groups were rejected for nomenclatorial purposes by a Ruling given by the International Commission in *Opinion* 124 (1936, *Smithson. misc. Coll.* 73 (No. 8) : 1—2) which was later supplemented by a Ruling given in *Opinion* 279 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 6 : 179—188). In the first of these *Opinions* the International Commission indicated its willingness to give sympathetic consideration to applications for the validation under the Plenary Powers of such terms in cases where specialists could show that the rejection of such terms as not possessing subgeneric status would lead to serious confusion and name-changing. It was in consequence of the rejection of the terms of the class described above by the Ruling given in *Opinion* 124 that two of the applications dealt with in the present *Opinion* were submitted to the International Commission, while the third was put forward in response to the open invitation addressed to specialists in that *Opinion*.

2. The present *Opinion* deals comprehensively with the status of all the terms employed by Linnaeus to denote groups of species regarded by him as belonging to the genus *Phalaena*. There are in all eight such terms of which seven first appeared in 1758 in the Tenth Edition of the *Systema Naturae*, the eighth not appearing until the publication in 1767 of the Twelfth Edition of that work. In the first instance, separate applications were submitted to the International Commission in 1947 for the acceptance not as from Linnaeus, 1758, but as from Fabricius, 1775, of two of the terms concerned, namely *Bombyx* and *Pyralis*, subject, however, in each case to the use of the Plenary Powers to designate a type species in harmony with established usage. These applications were submitted by Dr. Jiří Paclt (at that time of the *Národní Museum v Praze, Prague, Czechoslovakia*, and now of *Bratislava, Czechoslovakia*). Later, Dr. J. G. Franclemont (at that time of

the *United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.*, and now of *Cornell University, Ithaca, N.Y., U.S.A.*) submitted a comprehensive application for the validation under the Plenary Powers as from Linnaeus, 1758, of all the terms concerned (including the two terms which Dr. Paclt had recommended should be accepted as from Fabricius, 1775), and for the validation also of one further term of a similar character published by Linnaeus in 1767. On the publication of Dr. Franclemont's application Dr. Paclt submitted a rejoinder in which he put forward a counter-proposal in opposition to portions of the plan submitted by Dr. Franclemont. The three applications so submitted together with Dr. Paclt's counter-proposal, are reproduced in the immediately following paragraphs.

3. Application relating to the generic name "Bombyx" as used by Fabricius in 1775 submitted to the International Commission by Dr. Jiří Paclt (Národní Museum v Praze, Prague, Czechoslovakia) in 1947 : On 8th May 1947 Dr. Jiří Paclt (*Národní Museum v Praze, Prague, Czechoslovakia*) submitted to the International Commission on Zoological Nomenclature an application for the acceptance as from Fabricius, 1775, of the generic name *Bombyx*, a term first published by Linnaeus in 1758 to denote a group of species in the genus *Phalaena* Linnaeus, 1758, and for the designation as the type species of the nominal taxon so recognised of the nominal species *Phalaena mori* Linnaeus, 1758. Subject to certain drafting amendments introduced at a later stage for the procedural reasons explained in paragraph 8 below, the application so submitted was as follows :—

Proposed use of the Plenary Powers to designate for "Bombyx" Fabricius, 1775 (Class Insecta, Order Lepidoptera) a type species in harmony with current nomenclatorial usage

By JIŘÍ PACLT
(*Bratislava, Czechoslovakia*)

Fabricius in 1775 (*Syst. Ent.* : 556) erected the genus *Bombyx* for a number of species, one of which (*Phalaena Bombyx mori* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 499) may be considered to have been selected as the type species by Oken in 1815 (*Lehrb. Naturgesch.* 3(1) : 714). The status of Oken's *Lehrbuch*¹ for nomenclatorial

¹ Oken's *Lehrbuch* has since been rejected for nomenclatorial purposes by the Ruling given by the International Commission in *Opinion* 417 (1956, *Ops. Decls. int. Comm. zool. Nomencl.* 14 : 1—42).

purposes has been questioned but, whatever may be the position in this regard, the name *Bombyx* has ever since Oken's time been used in the foregoing sense in almost all general, as well as special, works on pure zoology and in the various fields of applied science.

2. Unfortunately, however, Latreille was the first author to select a type species for this genus (Latreille, 1810, *Consid. gén. Crust. Arachn. Ins.* : 441) and the species which he so selected was totally different from that accepted by Oken and almost all later authors. The species selected by Latreille was "*pavonia* Fabr.", i.e. *Phalaena Bombyx pavonia* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 496), a species which is today placed in the genus *Eudia* Jordan, 1913, of the family SATURNIIDAE.

3. Latreille's selection of *Phalaena pavonia* Linnaeus to be the type species of *Bombyx* Fabricius led Berthold in 1827 (*in* Latreille, *Natur. Fam. Thierr.* : 480) to erect a new genus for *Phalaena mori* Linnaeus, to which he gave the name *Sericaria*. Two years later this generic name was used by Latreille himself (Cuvier's *Règn. anim.* (ed. 2) 5 : 404). Only a few subsequent authors have used the name *Sericaria* Berthold in preference to the name *Bombyx*.

4. I am of the opinion that it would be highly undesirable to disturb the use of the generic name *Bombyx* for *Phalaena mori* Linnaeus, having regard to the fact : (1) that that generic name has been almost universally used for *P. mori* Linnaeus for well over a century, and (2) that the strict application of the *Règles* would give rise to great confusion by transferring the generic name *Bombyx* to the genus now known as *Eudia* Jordan, 1913, and the family name BOMBYCIDAE to the family now known as SATURNIIDAE, which latter name would thus fall to the ground.

5. I accordingly ask the International Commission on Zoological Nomenclature :—

- (1) to use its plenary powers (a) to set aside all type selections for the genus *Bombyx* Fabricius, 1775, made prior to the decision now proposed to be taken, and (b), having done so, to designate *Phalaena mori* Linnaeus, 1758, to be the type species of this genus ;
- (2) to place the generic name *Bombyx* Fabricius, 1775 (gender of generic name : masculine), with the type species specified in (1) above, on the *Official List of Generic Names in Zoology* ;
- (3) to place the trival name *mori* Linnaeus, 1758 (as published in the combination *Phalaena mori*) (trivial name of type species of *Bombyx* Fabricius, 1775) on the *Official List of Specific Trivial Names in Zoology*.

4. Application relating to the generic name "Pyralis" as used by Fabricius in 1775 submitted to the International Commission on Zoological Nomenclature by Dr. Jiří Paclt (Národní Museum v

Praze, Prague, Czechoslovakia) in 1947 : On 12th October 1947 Dr. Jiří Paclt (*Národní Museum v Praze, Prague, Czechoslovakia*) submitted to the International Commission on Zoological Nomenclature an application for the acceptance as from Fabricius, 1775, of the generic name *Pyralis*, a term first published by Linnaeus in 1758, to denote a group of species in the genus *Phalaena* Linnaeus, 1758, and for the designation as the type species of *Pyralis* Fabricius, 1775, of the nominal species *Phalaena farinalis* Linnaeus, 1758. Subject to certain drafting amendments introduced at a later stage for the procedural reasons explained in paragraph 8 below, the application so submitted was as follows :—

Proposed use of the Plenary Powers to designate for “*Pyralis*” Fabricius, 1775 (Class Insecta, Order Lepidoptera) a type species in harmony with current nomenclatorial usage

By JIŘÍ PACLT
(Bratislava. Czechoslovakia)

In 1775 Fabricius established the genus *Pyralis* (*Syst. Ent.* : 645). From the species included in this genus by Fabricius, Latreille (1810, *Consid. gén. Crust. Arachn. Ins.* : 441) selected “*fagana* Fabr.” (i.e. *Pyralis fagana* Fabricius, 1781, *Spec. Ins.* 2 : 276) as the type species of this genus. Twenty-four years later, Stephens (1834, *Ill. Brit. Ins. Haust.* 4 : 25) regarded the genus *Pyralis* from a different point of view and selected *Phalaena Pyralis farinalis* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 533) to be the type species of this genus.

2. With very few exceptions authors have since Stephens’s time accepted *P. farinalis* Linnaeus as representative of the genus *Pyralis*. It would be highly undesirable at this date to disturb this usage.

3. The present proposal for the conservation of the generic name *Pyralis* in its accustomed sense deserves support for the following reasons : (1) The selection of *Phalaena farinalis* Linnaeus as the type species of this genus has been almost universally accepted by workers in this group for the last 120 years, and the family name PYRALIDIDAE based upon this generic name immediately evokes a clear idea of this important group of moths. (2) No author except Latreille in 1810 has ever applied the generic name *Pyralis* to the species *Pyralis fagana* Fabricius, which belongs to a different genus and family (genus *Diurnea* Haworth, 1811 ; Family GELECHIIDAE). For these reasons, I am of the opinion that the acceptance of Latreille’s type selection for the genus *Pyralis* would produce serious and quite unnecessary confusion.

4. I accordingly ask the International Commission on Zoological Nomenclature :—

(1) to use its Plenary Powers (a) to set aside all type selections for *Pyralis* Fabricius, 1775, made prior to the decision now proposed

to be taken, and (b), having done so, to designate *Phalaena Pyralis farinalis* Linnaeus, 1758, to be the type species of this genus ;

- (2) to place the generic name *Pyralis* Fabricius, 1775 (gender of generic name : feminine), with the type species specified in (1) above, on the *Official List of Generic Names in Zoology* :
- (3) to place the trivial name *farinalis* Linnaeus, 1758 as published in the combination *Phalaena Pyralis farinalis* (trivial name of type species of *Pyralis* Fabricius, 1775) on the *Official List of Specific Trivial Names in Zoology*.

5. Application for the validation under the Plenary Powers of the terms introduced by Linnaeus in 1758 and in one case in 1767 to denote groups of species assigned to the genus "Phalaena" Linnaeus, 1758, submitted to the International Commission by Dr. J. G. Franclemont (U.S. Department of Agriculture, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.) in 1950 : On 19th June 1950 Dr. J. G. Franclemont (*U.S. Department of Agriculture, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.*) submitted to the International Commission proposals for the validation under the Plenary Powers of the seven terms introduced by Linnaeus in 1758 to denote groups of species assigned by him to the genus *Phalaena* Linnaeus, 1758, and for validation of one similar term introduced by Linnaeus in 1767. The paper so submitted had then recently been published by the New York Entomological Society under the title "The Linnean Subgeneric Names of *Phalaena* (Lepidoptera, Heterocera)" (Franclemont, 1950, *J.N.Y. ent. Soc.* 58 : 41—53). Subject to certain drafting amendments introduced at a later stage for the procedural reasons explained in paragraph 8 below, the application so submitted was as follows :—

Proposed use of the Plenary Powers to validate as subgeneric names as from Linnaeus, 1758, certain terms published for groups of species within the genus "Phalaena" Linnaeus, 1758 (Class Insecta, Order Lepidoptera) (application submitted in response to the invitation given in "Opinion" 124)

By JOHN G. FRANCLEMONT

(*United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.*)

In 1758 in the tenth edition of the *Systema Naturae* Linnaeus established seven subdivisions of the genus *Phalaena*, which he named

Bombyx, *Noctua*, *Geometra*, *Pyrallis*, *Tortrix*, *Tinea* and *Alucita*. On page 496 is a key to the divisions, which would seem to establish the names of the divisions as available and of subgeneric value. However, in 1936 the International Commission on Zoological Nomenclature promulgated *Opinion* 124, the summary of which states: "The various Subdivisions of genera published by Linnaeus in 1758 are not to be accepted as of this date (1758) as of subgeneric value under the International Rules." Basically, *Opinion* 124 is inadequate, for although it settled certain troublesome problems, it created uncertainty and confusion in other groups in which the names of the Linnean subdivisions had been long accepted and well established². Apparently the Commission recognised this possibility, for it stated a willingness to take up individual cases in those groups in which the *Opinion* produced greater confusion than uniformity. There appears to be no logical way of "stretching" *Opinion* 124 to cover the works of Linnaeus subsequent to 1758, and even if that were done there would still remain the problem of determining the status of the Linnean names used by other authors. Inasmuch as the Commission made no reference to the status of the Linnean "subgeneric" names in any work later than 1758, although it must have been aware of at least some of them, it appears necessary to consider in detail the use of the various names subsequent to 1758, both by Linnaeus and by the authors that immediately followed him. Discussions, in chronological sequence, of the various works, which have a bearing on this problem are as follows:—

1760—Langius, J. J., Caroli Linnaei Systema Naturae . . . Editionem Decimam. . . I do not consider this a separate work, merely another printing of the original Tenth Edition, and not entitled to separate recognition nomenclatorially.

1761—Linnaeus, C., Fauna Svecica, Second Edition. In this work the seven subdivisions of *Phalaena* are used in the same sense as in 1758. If the names were accepted from this work, five of the seven would fall readily into their customary and recognised usages, while two, *Bombyx* and *Pyrallis*, would be used in unfamiliar associations. If we are to maintain the traditional usage of *Bombyx* as the generic name of the silk moth, it will be necessary for the International Commission on Zoological Nomenclature to use its Plenary Powers to suspend the Rules. Without doubt all workers in entomology would agree to this action, as there is perhaps no other name which has had the amount

² At its Session held in Paris in 1948 (Paris Session, 9th Meeting, Conclusion 40), the International Commission recognised that, as here stated by Dr. Franclemont, *Opinion* 124 was incomplete and, in consequence, in part, misleading. The Commission remedied this defect to some extent by extending the decision in *Opinion* 124 to all editions of the *Systema Naturae* of Linnaeus and also to the entomological works of Fabricius (J.C.) (see 1950, *Bull. zool. Nomencl.* 4 : 266—267). This decision was later incorporated in *Opinion* 279 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 6 : 179—188).

of literature built up around it as *Bombyx mori*. This action will be necessary, regardless of the author or the work from which the name is dated, because Blanchard selected *Phalaena Bombyx quercus* Linnaeus, 1758, as the type species of the genus in 1845 (*Histoire des Insectes* 2 : 373). This name species is the type species of *Lasiocampa* Schrank, 1802, the type genus of the Family LASIOCAMPIDAE. There is an earlier selection of *Phalaena Bombyx pavonia* Linnaeus as the type species by Latreille in 1810 (*Considérations générales sur l'Ordre naturel des Crustacés, des Arachnides et des Insectes* : 441). This I do not regard as valid, as I think it is excluded from consideration by the wording of the summary of *Opinion* 136 of the International Commission. Some workers accept the instances in which the word "ejusdem" was used by Latreille as falling within the meaning of "one only of the species included in the genus by the original author thereof". This particular point was one of the three questions submitted to the Commission on the 1810 Latreille type selections, but no answer was given. If *Pyralis* is accepted from this date, the type selection by Curtis in December 1834 (*British Entomology* 11 : 527) will be valid, as the species selected, *barbalis*, is included. This species was not included in *Pyralis* in 1758 ; it was not described until the following year by Clerck. Earlier Curtis had said, ". . . , it will be better to take the first species of Linnaeus as the type, . . ." (1829, *British Entomology* 6 : 288). Near the end of February 1834, Stephens (*Illustrations of British Entomology, Haustellata* 4 : 25) quoted Curtis's statement of 1829 and pointed out that the first species placed in *Pyralis* in 1758 was *farinalis* and that the first species placed in *Pyralis* in 1761 was *tentacularis*. Stephens thus gives us an idea of the ambiguity of Curtis's initial attempt to fix the type species of *Pyralis*. Unfortunately, Stephens did not at that time (February 1834) clearly select a type species for *Pyralis*, though criticising Curtis for not doing so, and when he finally selected *farinalis* as the type species of *Pyralis* in January 1835 (*Illustrations of British Entomology, Haustellata* 4 : 395), his action was ante-dated by Curtis's citation of *barbalis* as type species.

1761—Poda von Neuhaus, N., *Insecta Musei Graecensis*, . . . I can find no evidence as to which work appeared first in 1761, this or the Second Edition of the *Fauna Svecica*. However, if the names were used from this work, only three could be used in their traditional usages and four, *Bombyx*, *Geometra*, *Tortrix*, and *Alucita*, would be used in unfamiliar associations.

1762—Linnaeus, C., *Systema Naturae*, Eleventh Edition. This is a reprint of the Tenth Edition, and is said to abound in errors, but to have been recognised by Linnaeus as another edition of his work. I have not seen it, but I assume that it will not differ from the Tenth Edition. Thus if the names were used from this date, they would have the same application as if used from 1758.

1763—Scopoli, J. A., *Entomologia Carniolica*. . . . The subgeneric names are used in the plural at the head of sections of the genus *Phalaena*. If plural names were to be accepted³, the names would be available from this work.

1764—Linnaeus, C., *Museum Ludovicae Ulricaе*. In this work four of the names proposed in 1758 are used, namely, *Bombyx*, *Noctua*, *Geometra*, and *Pyrallis*. If these names were to be used as dating from this work, they would come to be applied in senses wholly foreign from any in which they have been used.

1767—Linnaeus, C., *Systema Naturae, Editio Duodecima Reformata*. The Twelfth Edition of the *Systema Naturae* is similar in construction to the Tenth Edition. All the names proposed as subdivisions of *Phalaena* in 1758 recur in the same sense in this work with the addition of one more, *Attacus*. As in 1758, a key to the divisions of *Phalaena* is given (: 809). If the names were used from this work they would have the same application as in Linnaeus, 1758.

1770, 1773 and 1782—Drury, D., *Illustrations of Natural History, Vols. 1, 2 and 3*. The subdivisions are used in an abbreviated form in this work, and are thus unrecognisable without reference to previous usage. If the names should be used from this work, none could be applied in the accepted sense, as this work deals with non-European species.

1775—Fabricius, J. C., *Systema Entomologiae*. From all the available evidence it appears that this work of Fabricius appeared earlier in the year 1775 than the *Ankündigung eines sytematischen Werkes von den Schmetterlingen der Wiener Gegend*. In his autobiography Fabricius says that his *Systema Entomologiae* appeared at Easter time in 1775.* The Denis and Schiffermüller work was not reviewed until 8th December 1775†, in the *Jenaische Zeitungen von Gelehrten Sachen*. The *Systema Entomologiae* is the first work in which the names appear in a strictly generic sense. If the names were to be accepted from this work, considerable confusion would arise. Fabricius used *Pyrallis* for the species which Linnaeus placed in *Tortrix*, placing the species which Linnaeus had under *Pyrallis* along with those he had under *Geometra* in *Phalaena*, and suppressing the Linnean names *Geometra* and *Tortrix*. In addition he employed *Alucita* of Linnaeus for part of *Tinea* of Linnaeus and for *Alucita* of Linnaeus he used *Pterophora* of Geoffroy. If *Noctua* in the insects were to be dated from this work, it would fall as a homonym of *Noctua* Gmelin (1771) in the birds.

* Julius Schuster 1928, *Linné und Fabricius zu Ihrem Leben und Werk* : 102. (Fascsimile.) F. W. Hope, 1845—1847, *Trans. ent. Soc. Lond.* 4 : Appendix. (Translation of Fabricius's autobiography.)

† L. B. Prout, 1900, *Ann. Mag. nat. Hist.* (7) 6 : 159

³ It was ruled by the International Commission in *Opinion* 183 in 1944 (*Ops. Decls. int. Comm. zool. Nomencl.* 2 : 13—24) that, in order to acquire availability, a generic name must be published in the nominative singular. This provision was incorporated into the *Règles* by the Thirteenth International Congress of Zoology, Paris, 1948 (see 1950, *Bull. zool. Nomencl.* 4 : 139—140).

1775—Denis and Schiffermüller, *Ankündigung eines systematischen Werkes von den Schmetterlingen der Wiener Gegend*. Like Fabricius's work the names are used in a strictly generic sense. If the names were accepted from this work, the same situation would be met with as would obtain in accepting the names from the *Fauna Svecica*.

2. Following is a discussion of each of the names with the citations of all pertinent type selections.

Attacus

Phalaena Attacus Linnaeus, 1767, *Systema Naturae* (ed. 12) 1 (2) : 808. 17 included species.

Type selections :

Phalaena Bombyx atlas Linnaeus, 1758=*Attacus atlas* (Linnaeus)

Selected by [Duponchel], 1842, in d'Orbigny, *Dictionnaire Universal d'Histoire Naturelle* 2 : 320

Phalaena Bombyx pavonia major=*Bombyx pyri* Schiffermüller=*Attacus pyri* (Schiffermüller)

Selected by Blanchard, 1845, *Historie des Insectes* 2 : 372

Cramer in 1775 (*Papillons exotiques* 1 : 12, 14) uses *Attacus* in the same manner as Linnaeus for the single species, *atlas*. The first use of *Attacus* in a strictly generic sense is by Germar, 1810 (*Systematis Glossatorum Prodrromus*, sect. 1 : 9). I have not been able to consult this work, and I am unable to determine the included species. This name does not fall within the wording of *Opinion* 124.⁴

Bombyx

Phalaena Bombyx Linnaeus, 1758, *Systema Naturae* (ed. 10) 1 : 495. 58 included species.

Type selections :

Phalaena Bombyx pavonia Linnaeus, 1758 (as : *Bombyx pavonia* Fab. ; ejusd. *B. quercus, mori*, etc.)=*Bombyx pavonia* Linnaeus

Selected by Latreille, 1810, *Considérations générales sur l'Ordre Naturel des Crustacés, des Arachnides et des Insectes* : 441. (See the discussion of this under "1761—Linnaeus, C., *Fauna Svecica*.")

Phalaena Bombyx quercus Linnaeus, 1758=*Bombyx quercus* Linnaeus
Selected by Blanchard, 1845, *Historie des Insectes* 2 : 373

Phalaena Bombyx mori Linnaeus, 1758=*Bombyx mori* (Linnaeus)

Selected by [Blanchard], 1846, in Cuvier, *Le Règne Animal* (Disciples, Edition) (Insectes) : pl. 151

⁴ This name does, however, come within the scope of *Opinion* 124 by the extension of that *Opinion* made by the Ruling given later in *Opinion* 279. See Footnote 2.

Should the Latreille type selections be considered valid, then *Bombyx* would fall in the SATURNIIDAE and would be isogenotypic with *Heraea* Hübner, 1806 and 1822, with type species *Bombyx carpinii* Schiffermüller, 1775 = *Phalaena Bombyx pavonia* Linnaeus, 1758 = *Heraea pavonia* (Linnaeus) and with *Eudia* Jordan, 1913, with type species *Bombyx pavonia* Linnaeus = *Eudia pavonia* (Linnaeus). If the 1845 type selection of Blanchard were to be accepted as final, *Bombyx* would replace *Lasiocampa* Schrank, 1802, the names being isogenotypic. The traditional type species of *Bombyx* is *mori*** , but this species was not selected as type species until 1846.

The first use of the name subsequent to 1758 is by Linnaeus, 1761 (*Fauna svecica* (ed. 2) : 291) for 48 species including *pavonia* and *quercus*, but not *mori*. The first use in a strictly generic sense is by Fabricius, 1775 (*Systema Entomologiae* : 556) for 13 species including *pavona*, *quercus* and *mori*.

Noctua

Phalaena Noctua Linnaeus, 1758, *Systema Naturae* (ed. 10) 1 : 508. 68 included species.

Type selections :

Phalaena Noctua typica Linnaeus, 1758 = *Noctua typica* Linnaeus.
Ipso facto. (See Article 30b of the Règles.)

Phalaena Noctua pronuba Linnaeus, 1758 = *Noctua pronuba* (Linnaeus).

By tautonomy. In the second edition of the *Fauna svecica* under species "1167 PH. NOCTUA *pronuba*" Linnaeus cites a reference to Goedart followed by "Noctua". This seems to fall within the bounds of the provisions for type species by tautonomy.

Phalaena Noctua pronuba Linnaeus, 1758 = *Noctua pronuba* (Linnaeus)
Selected by Latreille, 1810, *Considérations générales sur l'Ordre Naturel des Crustacés, des Arachnides et des Insectes* : 441.

Phalaena Noctua exclamationis Linnaeus, 1758 = *Noctua exclamationis* (Linnaeus)

Selected by Duponchel, 1829, in Godart, *Histoire Naturelle des Lépidoptères de France* 7(2) : 71

The first use of the name subsequent to 1758 is by Linnaeus in 1761 in the Second Edition of the *Fauna svecica* (: 305) ; 85 species are listed including *typica*, *pronuba* and *exclamationis*. The first use in

** *Sericaria* Latreille, 1829, in Cuvier, *Le Règne Animal* (ed. 2), 5 : 404, often used with *mori* as type, is incorrect as *mori* was not one of the originally included species.

a strictly generic sense in the insects is by Fabricius in 1775 in the *Systema Entomologiae* (: 590) ; 122 species are listed including *typica*, *pronuba* and *exclamationis*. This name has also been used in the birds, and I have considered all the references carefully, and I find the first valid usage in that group to be Gmelin's in 1771 in the *Novi Commentarii Academiae Scientiarum Imperialis Petropolitanae* 15 : 447, for *Noctua minor*=*Stryx accipitrina* Pallas, 1771. ††

In 1923, Barnes and Benjamin (*Contributions to the Natural History of the Lepidoptera of North America* 5 (pt. 2) : 55) stated that the long established and familiar family name NOCTUIDAE should be replaced by PHALAENIDAE. Their reasons were that *Phalaena* Linnaeus, 1758, and *Noctua* Linnaeus, 1758, were isogenotypic, having *Phalaena Noctua typica* Linnaeus, 1758, as type species (see Article 30b of the *Règles*), and that *Noctua* was in effect the typical subgenus of *Phalaena* (see Articles 9 and 29 of the *Règles*). The promulgation of *Opinion* 124 in 1936 (*Smithsonian Miscellaneous Collections* 73(8) : 1-2) has put their reasoning in an entirely different light, because these names no longer have the same type species, and one is free to select the type species of *Noctua*.

If we accept *Noctua* Linnaeus as of 1761, *typica* Linnaeus, 1758, cannot be construed as the type species because it is not a new species in this work (see Article 30b of the *Règles*). The type could be *pronuba* Linnaeus, 1758, by tautonymy and also as subsequently selected by Latreille in 1810. Duponchel's subsequent type selection of *exclamationis* Linnaeus, 1758, would be invalid. *Noctua* Linnaeus, 1761, would then take precedence over *Triphaena* Ochsenheimer with the same species, *pronuba*, selected as type species by Curtis in 1831 (*British Entomology* 8 : 348).

The generic name *Noctua** has had slightly varying applications within the sub-family AGROTINAE (recte NOCTUINAE) of the family of which it is the type genus. In America the name has been applied to the group of moths typified by the species related to *c-nigrum*; this was the usage of John B. Smith and was based upon the Guenée (1852) and Meigen (1829) use of the name. The correct name for this group is *Amathes* Hübner [1821] with type *Noctua baja* Schiffermüller.

†† Tams, 1935, *Insecta of Samoa*, Part 3, Lepidoptera, Fasc. 4, 171, refers to *Noctua* Linnaeus, 1766. In this usage (*Amaenitates Academicae*, 7 : 450) the name is a *nomen nudum*; it is a combination (*Noctua daurica*) of an undescribed species and an undescribed genus. The first date of this use is 1764 (*Dissertatio Academica Demonstrans Necessitatem Promovendae Historiae Naturalis in Rossia*, 16), and it should be credited to Karamyschew, not Linnaeus. It has no nomenclatorial validity.

* For a comprehensive discussion of *Noctua* see Grote, 1902. *Proc. Amer. phil. Soc.* 41 : 4—12. For a bibliography see Barnes and Benjamin, 1923, *Contributions to the Natural History of the Lepidoptera of North America*, 5 (pt. 2), 56—57.

Hampson, on the basis of the "first species rule," used the name *Noctua* with type species *strix* Linnaeus, 1758, in place of *Thysania* Dalman, 1825, and substituted the subfamily name NOCTUINAE for EREBINAE.

The recognition of the technically correct position of *Phalaena* and *Noctua* and the change of the family name NOCTUIDAE to PHALAEINIDAE has led to confusion and to the interjection of the name AGROTIDAE† as a substitute for PHALAEINIDAE. The inherent confusion lies in the application that the names *Phalaena* and PHALAEINIDAE had prior to the change made by Barnes and Benjamin in 1923. *Phalaena* was restricted by Fabricius in 1775 to include the species placed by Linnaeus in *Phalaena Geometra* and *Phalaena Pyralis*. Latreille, accepting this restriction, made his family PHALAEINITES (in Sonnini's Buffon, *Insectes*, in 1802, 3 : 411), and in 1810 (*Considérations générales sur l'Ordre Naturel des Crustacés, des Arachnides et des Insectes* : 441) he selected *Phalaena Geometra sambucaria* Linnaeus, 1758, as the type species of *Phalaena*. Leach in [1815] (Brewster's *Edinburgh Encyclopaedia*, 9 (pt. 1) : 134) proposed the tribe PHALAEINIDES in which he included five families—PHALAEINIDA, GEOMETRIDA, HERMINIDA, PLATYPTERCIDA and TORTRICIDA. The first two families equal the present family GEOMETRIDAE. Samouelle in 1819 (*Entomologist's Useful Compendium* : 252) combined the two names of Leach for the "Geometrids" and used PHALAEINIDAE. Curtis in his *British Entomology* published between 1823 and 1840 divided the species between GEOMETRIDAE and PHALAEINIDAE without any apparent reasons. Duponchel in 1829 and Guenée in 1857 used PHALAEINITES for the "Geometrids." Packard published his *Monograph of the Geometrid Moths or Phalaenidae of North America* in 1876. The name has been used by other workers, but almost always referring to the "Geometrids," never to the Noctuids. A small group of workers, who apply the "first species rule" rigidly, have asserted that the family name PHALAEINIDAE is the correct name for the family called SATURNIIDAE (Testout, *Bulletin Mensuel de la Société linnéenne de Lyon*, 1941 : 153).

If we accept the reinstatement of *Noctua* Linnaeus, 1761, as a name acceptable under the strict interpretation of the provisions of the *Règles* and the *Opinions* of the International Commission on Zoological Nomenclature, NOCTUIDAE could be used in place of the very ambiguous,

† The family name AGROTIDAE was proposed by Grote in 1895 (*Abhandl. naturwiss. Vereins zu Bremen* 14 : 43) to replace the family name NOCTUIDAE. Grote considered it arbitrary to begin zoological nomenclature with the tenth edition of the *Systema Naturae*, and thus, to his way of thinking, *Noctua* Linnaeus, 1758, was pre-occupied by *Noctua* Klein, 1753 (see 1896, *Can. Ent.* 28 : 65—66). Actually the first use of AGROTIDAE was by Heinemann in 1859 (*Schmetterlinge Deutschlands und der Schweiz*, 1 : 488) and was based upon, and equal in concept to, AGROTIDES of Rambur, proposed in 1848 (*Ann. Soc. ent. France*, 6 : 67). AGROTIDAE in the sense of Rambur and Heinemann is equal to the modern subfamily AGROTINAE (PHALAEINAE) *recte* NOCTUINAE.

though older, family name PHALAENIDAE. In view of the great amount of literature that has been built up for PHALAENIDAE in the sense of the Geometrid moths and because the use of the name for the Noctuid moths has had very little acceptance generally, I do not think it will contribute anything to stability to continue to advocate the use of PHALAENIDAE in place of NOCTUIDAE. As a family name NOCTUIDAE, proposed as NOCTUAELITES by Latreille in 1809 (*Genera Crustaceorum et Insectorum*, 4 : 224), has had universal usage for one concept, and it is still generally used by most workers other than those in England and in North America.

Geometra

Phalaena Geometra Linnaeus, 1758, *Systema Naturae* (ed. 10) 1 : 519.
75 included species

Type selection:

Phalaena Geometra papilionaria Linnaeus, 1758 = *Geometra papilionaria* (Linnaeus)

Selected by Duponchel, 1829, in Godart, *Histoire Naturelle des Lépidoptères de France* 7(pt. 2) : 106

The first use subsequent to 1758 is by Linnaeus in 1761 in the second edition of the *Fauna svecica* (: 332) for 81 species including *papilionaria*. The first use in a strictly generic sense is by Schiffermüller in 1775 in the *Ankündigung eines systematischen Werkes von den Schmetterlingen der Wiener Gegend* (: 95) for 191 species including *papilionaria*.

Pyralis

Phalaena Pyralis Linnaeus, 1758, *Systema Naturae* (ed. 10) 1 : 533.
8 included species

Type selections :

“First species of Linnaeus.”

Selected by Curtis, 1829, *British Entomology* 6 : 288

Phalaena barbalis Clerck, 1759 = *Pyralis barbalis* (Clerck)

Selected by Curtis, 1834 (December), *British Entomology*
11 : 527

Phalaena Pyralis farinalis Linnaeus, 1758 = *Pyralis farinalis* (Linnaeus)

Selected by Stephens, 1835 (January), *Illustrations of British Entomology* Haustellata 4 : 395

Tortrix fagana Schiffermüller, 1775 = *Pyralis fagana* (Schiffermüller)

Selected by Latreille, 1810, *Considérations générales sur l'Ordre Naturel des Crustacés, des Arachnides et des Insectes* : 441

The first use of *Pyralis* subsequent to 1758 is by Linnaeus in 1761 in the *Fauna svecica* (ed. 2) : 349 for 13 species including *farinalis* and *barbalis*. If the name were to be accepted from this work it would fall in the Noctuids and replace *Herminia* Latreille, the type genus of the subfamily HERMINIINAE. The first use of the name in a strictly generic sense was by Fabricius in 1775, *Systema Entomologiae* (: 645) for 57 species. These were the species which Linnaeus placed under *Tortrix*. If the name were to be accepted from this source, it would replace *Tortrix* or one of the closely related genera. Blanchard (1840 and 1845) was apparently the last worker to use *Pyralis* in the sense of Fabricius, but he also used *Tortrix* in the Linnean sense.

Tortrix

Phalaena Tortrix Linnaeus, 1758, *Systema Naturae* (ed. 10) 1 : 530. 24 included species

Type selection :

Phalaena Tortrix viridana Linnaeus, 1758 = *Tortrix viridana* (Linnaeus)

Selected by Curtis, 1839, *British Entomology* 16 : 763

The first use subsequent to 1758 is by Linnaeus in 1761 in the second edition of the *Fauna svecica* (: 342) for 40 species including *viridana*. The first use in a strictly generic sense was by Schiffermüller in 1775 in the *Ankündigung eines systematischen Werkes von den Schmetterlingen der Wiener Gegend* (: 125) for 104 species including *viridana*.

Tinea

Phalaena Tinea Linnaeus, 1758, *Systema Naturae* (ed. 10) 1 : 534. 56 included species

Type selection :

Phalaena Tinea pellionella Linnaeus, 1758 = *Tinea pellionella* (Linnaeus)

selection by Latreille, 1810, *Considérations générales sur l'Ordre Naturel des Crustacés, des Arachnides et des Insectes* : 441

The first use subsequent to 1758 is by Linnaeus in 1761 in the second edition of the *Fauna svecica* (: 352) for 95 species including *pellionella*. The first use in a strictly generic sense is by Geoffroy in 1762 in his

Histoire Abrégée des Insectes (2 : 25 and 173).⁵ In this work there are no *nomina trivialia* ; the species included under this name are represented by a descriptive polynominal phrase. Geoffroy spelled the name *Tinaea*.⁶ Fabricius first used the name with included *nomina trivialia* in 1775 in the *Systema Entomologiae* (: 655) for 66 species including *pellionella*.

Alucita

Phalaena Alucita Linnaeus, 1758, *Systema Naturae* (ed. 10) 1 : 542.
6 included species

Type selections :

Phalaena Alucita hexadactyla Linnaeus, 1758 = *Alucita hexadactyla* (Linnaeus)

Selected by Curtis, 1838, *British Entomology* 15 : 695

Tinea striatella Schiffermüller, 1775 = *Alucita striatella* (Schiffermüller)

Selected by [Blanchard] 1846, in Cuvier, *Le Règne Animal* (Disciples, Edition). Insectes : pl. 157

Phalaena Tinea De Geerella [recte *degeerella*] Linnaeus, 1758 = *Alucita degeerella* (Linnaeus)

Selected by Walsingham, 1911, *Biologia Centrali-Americana*, Insecta, Lepidoptera-Heterocera 4 : 89 (as the type of *Alucita* Fabr. nec *Alucita* Linnaeus)

The first use subsequent to 1758 was by Linnaeus in 1761 in the second edition of the *Fauna svecica* (: 370) for 7 species including *hexadactyla*. The first use in a strictly generic sense was by Fabricius in 1775 in the *Systema Entomologiae* (: 667) for 20 species. These were part of the species which Linnaeus included under *Phalaena Tinea*, thus if the name were used from this work it would come to be applied in a different association than the customary one.

CONCLUSIONS

3. In view of the uncertainty as to the work from which to date the generic names which first appeared as the names for groups of species within the genus *Phalaena* Linnaeus, 1758, and of the importance of maintaining these names and the family names based upon them in the same sense as that in which all the pertinent literature has been built up, the International Commission on Zoological Nomenclature is asked to take the following action, namely :—

⁵ The *Histoire abrégée* of Geoffroy has since been rejected for nomenclatorial purposes by the International Commission in its *Opinion* 228 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 4 : 209—220).

⁶ For a further discussion of the generic name *Tinaea* Geoffroy, 1762, see paragraph 13 of the paper reproduced in paragraph 26 of the present *Opinion* (: 308).

(1) use its Plenary Powers :—

- (a) to suppress the generic name *Phalaena* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 495) for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (b) under the procedure envisaged in *Opinion* 124 (i) to validate, as of subgeneric status, the names specified in Column (1) below, those names to be treated as having been published by Linnaeus on the pages of the Tenth Edition of the *Systema Naturae* and on the date specified in that Column, (ii) to designate as the type species of the subgenera concerned the species specified in Column (2) below, and (iii) to direct that the Families in which the subgenera specified in Column (1) are placed shall bear the names specified in Column (3) below :—

Name of subgenus and original reference thereto	Species designated as the type species of the subgenus specified in Column (1)	Name of Family in which subgenus specified in Column (1) to be placed (3)
(1)	(2)	(3)
(i) <i>Bombyx</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 495 (masculine)	<i>Phalaena Bombyx mori</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 499	BOMBYCIDAE
(ii) <i>Noctua</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 508 (feminine)	<i>Phalaena Noctua pronuba</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 512	NOCTUIDAE*
(iii) <i>Geometra</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 519 (feminine)	<i>Phalaena Geometra papilionaria</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 522	GEOMETRIDAE
(iv) <i>Tortrix</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 530 (feminine)	<i>Phalaena Tortrix viridana</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 530	TORTRICIDAE
(v) <i>Pyrallis</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 533 (feminine)	<i>Phalaena Pyralis farinalis</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 533	PYRALIDAE†
(vi) <i>Tinea</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 534 (feminine)	<i>Phalaena Tinea pellionella</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 536	TINEIDAE
(vii) <i>Alucita</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 542 (feminine)	<i>Phalaena Alucita hexadactyla</i> Linnaeus, 1758, <i>Syst. Nat.</i> (ed. 10) 1 : 542	ALUCITIDAE

* This involves the abandonment of the family names PHALAEINIDAE as used in America and AGROTIDAE as used in England.

† The form here proposed to be adopted for the name of this family is PYRALIDAE and not the emendation PYRALIDIDAE for reasons similar to those recently advanced by Hemming (1952, *Bull. zool. Nomencl.* 7 : 68—69) in regard to the family name PIERIDAE and its emendation PIERIDIDAE.

- (c) under the procedure envisaged in *Opinion* 124, as extended by the International Commission in Paris in 1948 (1950, *Bull. zool. Nomencl.* **4** : 266—267), (i) to validate, as of subgeneric status, the name *Attacus*, as from Linnaeus, 1767 (*Syst. Nat.* (ed. 12) **1** (2) : 808), and (ii) to designate *Phalaena Bombyx atlas* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) **1** : 495) to be its type species ;
- (2) place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—
- (a) the seven generic names validated under the Plenary Powers, as proposed in (1)(b) above with the type species there specified ;
- (b) *Attacus* Linnaeus, 1767, as validated under the Plenary Powers, as proposed in (1)(c) above, with the type species there specified ;
- (3) place the under-mentioned trivial names on the *Official List of Specific Trivial Names in Zoology* :—
- (a) the trivial names of the seven species specified in Column (2) of (1)(b) above ;
- (b) the trivial name *atlas* Linnaeus, 1758, as published in the combination *Phalaena atlas* (trivial name of type species of *Attacus* Linnaeus, 1767) ;
- (4) place the generic name *Phalaena* Linnaeus, 1758, as proposed, under (1)(a) above, to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Generic Names in Zoology*.

4. If the above actions are taken, it is believed that stability in the use of these names will result and that the growing confusion in the nomenclature of the Lepidoptera Heterocera will be materially reduced.

6. Counter-proposal in favour of the acceptance of the generic name “Phalaena” Linnaeus, 1758, submitted by Dr. Jiří Paclt in 1952 : As soon as the terms of Dr. Franclemont’s application (paragraph 5 above) had been finally settled, Mr. Hemming, as Secretary, communicated a copy of it to Dr. Jiří Paclt, in view of the fact that the proposals submitted by Dr. Franclemont

cut across those already submitted by Dr. Paclt and it appeared equitable that the latter should be afforded the earliest possible opportunity of commenting on Dr. Franclemont's plan. On 14th July 1952 Dr. Paclt communicated to the Office of the Commission a counter-proposal in which, after expressing objection to Dr. Franclemont's proposal in favour of the suppression under the Plenary Powers of the generic name *Phalaena* Linnaeus, 1758, he recommended that definitive approval of that name should be given by the International Commission by placing it on the *Official List of Generic Names in Zoology*. Subject to a few minor drafting points which were settled by Dr. Paclt in a letter dated 19th August 1952, the counter-proposal referred to above was as follows :—

**Dr. John G. Franclemont's proposal for the use of the Plenary Powers to suppress the generic name "Phalaena" Linnaeus, 1758, and to validate, as from 1758, the terms employed by Linnaeus for groups of that genus (Class Insecta, Order Lepidoptera):
proposed addition of "Phalaena" Linnaeus, 1758 to the "Official List of Generic Names in Zoology"**

By JIŘÍ PACLT

(Bratislava, Czechoslovakia)

I entirely disagree with Dr. John G. Franclemont's proposal (1952, *Bull. zool. Nomencl.* 6 : 304—312) for the validation, as of subgeneric status, of the terms used by Linnaeus in 1758, to denote the groups into which he divided the genus *Phalaena* Linnaeus, 1758⁷. My view in this matter is not confined to the particular terms discussed by Dr. Franclemont, but apply equally to all similar terms used by Linnaeus for subdivisions of genera established by him in 1758. See my paper on this subject published in 1947 (*Acta Soc. ent. Czechosl.* 44 : 37). For if we accept any of these terms as being the names of subgenera, we should be bound logically to adopt the same course by analogy in the case of the terms used by Linnaeus for subdivisions of the genus *Papilio*.

2. In the case of *Papilio* Linnaeus, 1758, there are six of these terms, namely :—(1) *Barbarus* ; (2) *Eques* ; (3) *Heliconius* ; (4) *Danaus* ; (5) *Nymphalis* ; (6) *Plebejus*. Of these the first two have been dis-

⁷ For Dr. Franclemont's application see paragraph 5 of the present *Opinion*

regarded for many years, but as regards each of the remainder we now have a generally accepted nomenclatorial usage, namely :—

<i>Heliconius</i> Kluk, 1802	Type species :	<i>Papilio charithonia</i> Linnaeus, 1758
<i>Danaus</i> Kluk, 1802	do.	<i>Papilio plexippus</i> Linnaeus, 1758
<i>Nymphalis</i> Kluk, 1802	do.	<i>Papilio polychloros</i> Linnaeus, 1758
<i>Plebejus</i> Kluk, 1802	do.	<i>Papilio argus</i> Linnaeus, 1758.

3. In these circumstances it will be evident that no useful purpose whatever would be served by validating as from 1758, the terms used by Linnaeus for subdivisions of the genus *Papilio* Linnaeus, 1758, and, indeed, that nothing but confusion would result from such action.

4. When we turn to consider the parallel problem presented by the terms used by Linnaeus in 1758 for subdivisions of the genus *Phalaena* Linnaeus, we find that, with a few exceptions these terms are generally accepted as generic names either as from Fabricius, 1775 (*Syst. Ent.*) or from Denis & Schiffermüller, 1775 (*Ankünd. syst. Werkes Schmett. Wienergegend*). The usages so accepted are as follows :—

<i>Bombyx</i> Fabricius, 1775	Type species :	<i>Phalaena mori</i> Linnaeus, 1758
<i>Geometra</i> Denis & Schiff., 1775	do.	<i>Phalaena papilionaria</i> Linnaeus, 1758
<i>Tortrix</i> Denis & Schiff., 1775	do.	<i>Phalaena viridana</i> Linnaeus, 1758
<i>Pyrallis</i> Fabricius, 1775	do.	<i>Phalaena farinalis</i> Linnaeus, 1758
<i>Tinea</i> Fabricius, 1775	do.	<i>Phalaena pellionella</i> Linnaeus, 1758
<i>Alucita</i> Fabricius, 1775	do.	<i>Phalaena pentadactyla</i> Linnaeus, 1758.

5. In the case of the names *Bombyx* and *Pyrallis*, the foregoing usage is not in strict accord with the requirements of the *Règles*. In these cases proposals have been submitted to the International Commission for the use of the Plenary Powers to validate existing usage. See my application Z.N.(S)288 on *Bombyx* Fabricius (1952, *Bull. zool. Nomencl.* 6 : 313—314)⁸ and Z.N.(S.)331 on *Pyrallis* Fabricius (1952, *ibid.*, 6 : 314—315).⁸

⁸ The applications submitted by Dr. Paclt in regard to the generic names *Bombyx* and *Pyrallis* have been reprinted in paragraphs 3 and 4 respectively of the present *Opinion*.

6. We have to note also that in the case of the term *Noctua* as used by Linnaeus to denote a group of the genus *Phalaena* there is (as in the case of *Papilio Eques*) a further problem which would require consideration, for it is clear that, if there were such a subgeneric name as *Noctua* Linnaeus, 1758, its type species would not be the same species as that of *Phalaena* Linnaeus, 1758, for the type species of *Noctua* Linnaeus, 1758, would be *Phalaena pronuba* Linnaeus, 1758, while that of *Phalaena* Linnaeus, 1758, is *Phalaena typica* Linnaeus, 1758.

7. In these circumstances I must ask why Dr. Franclemont wishes to disturb the well-established practice of ignoring all the terms used by Linnaeus in 1758 for subdivisions of genera then established. In this connection I must point out that Dr. Franclemont's proposals would involve the cancellation, or at least the modification, of the Commission's *Opinion* 124, which states: "The various subdivisions of genera published by Linnaeus in 1758 are not to be accepted as of this date (1758) as of subgeneric value under the International Rules".⁹

8. If in despite of *Opinion* 124 we were to accept the terms used by Linnaeus to denote groups of species within his genera as being names of subgeneric status as from 1758, we should be confronted with serious and quite unnecessary difficulties. For example, we should probably have to take special steps to preserve the name *Eques* Bloch, 1793, the name of a well-known genus of fishes, which, in the absence of such action, would fall as a junior homonym of *Eques* Linnaeus, 1758. Again, we should be confronted with such problems as those presented by the name "*Barbarus*" (properly *Papilio Barbarus*), the position as regards which was discussed by Tutt in 1905 (*Ent. Rec.* 17 : 211). No doubt also similar problems would arise in the case of groups of animals other than the Order Lepidoptera, with which alone we are here concerned. Unless serious reasons could be brought forward in favour of such a course, it would, indeed, in my opinion, be ridiculous to disturb the ruling given in *Opinion* 124, an *Opinion* which, though of relatively recent date, has made a substantial contribution to the central aim of the *Règles*, namely, the stabilisation of zoological nomenclature.

9. Finally, I must make it clear that I am strongly opposed to Dr. Franclemont's proposal for the suppression of the name *Phalaena* Linnaeus, 1758. Dr. Franclemont suggests that the family name (NOCTUIDAE) derived from the generic name *Noctua* is "long-established and familiar". In my view, however, there are two rivals of that family name: for many decades the family name AGROTIDAE has been

⁹ Attention is drawn to the comment later furnished by Dr. Franclemont rebutting, as being misconceived, the argument here used by Dr. Paclt, which is reproduced in paragraph 19 of the present *Opinion*.

used in Europe for the family in question. while in America the name PHALAENIDAE prevails.

10. Like the name *Papilio* Linnaeus, 1758, the name *Phalaena* Linnaeus, 1758, is a well-known name, even though it has often been used in an ambiguous way. I think it desirable that this name should now be officially recognised and I accordingly ask the International Commission to do this by placing this name on the *Official List of Generic Names in Zoology*. The request now submitted is therefore that the International Commission should :—

- (1) place on the *Official List of Generic Names in Zoology* the generic name *Phalaena* Linnaeus, 1758 (gender of generic name : feminine) (type species, under Rule (b) in Article 30 (use of the word *typica* as the trivial name of an included species) : *Phalaena typica* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 512) ;
- (2) place on the *Official List of Specific Trivial Names in Zoology* the trivial name *typica* Linnaeus, 1758, as published in the combination *Phalaena typica*) (trivial name of type species of *Phalaena* Linnaeus, 1758).

II. THE SUBSEQUENT HISTORY OF THE CASE

7. Registration of the applications received in regard to various aspects of the present case : Upon the receipt in 1947 of the applications submitted by Dr. Paclt the Registered Number Z.N.(S.) 288 was allotted to that relating to the name *Bombyx* Fabricius, 1775, and the Registered Number Z.N.(S.) 331 to that relating to the name *Pyrallis* Fabricius, 1775. When in 1950 Dr. Franclemont's comprehensive application in regard to all the terms introduced by Linnaeus to denote groups of species within the genus *Phalaena* Linnaeus, 1758, was received in the Office of the Commission, the case so submitted was allotted the Registered Number Z.N.(S.) 462. In the concluding stages of the consideration of the proposals put forward in the foregoing applications the two earlier Files were closed, the papers relating to Dr. Paclt's proposals regarding the names *Bombyx* Fabricius and *Pyrallis* Fabricius respectively being transferred to File Z.N.(S.) 462.

8. Drafting amendments on procedural grounds made in the applications submitted in the present case : It was not found possible to make any progress with the applications in regard to the names *Bombyx* and *Pyralis* respectively submitted by Dr. Paclt in 1947 before the meeting of the International Commission held in Paris 1948 concurrently with the Thirteenth International Congress of Zoology. The decisions on procedural matters, notably those relating to the placing on the appropriate *Official Lists* of all names accepted by the Commission in its *Opinions*, taken by the foregoing Congress necessitated a certain amount of redrafting in the case of all applications then awaiting attention by the Commission. No progress in this matter was, however, possible until after the publication in 1950 (*Bull. zool. Nomencl.* 4, 5) of the Official Record of the decisions taken in Paris in 1948 by the International Commission on Zoological Nomenclature and by the International Congress of Zoology respectively. Thereafter work was resumed on the applications which had been pending at the time of the Paris meetings, the Secretary entering into correspondence on outstanding points with the applicants concerned. In the case of the applications relating to the names *Bombyx* and *Pyralis* the necessary amendments were settled by Dr. Paclt in a letter dated 14th July 1952. The more general application submitted by Dr. Franclemont was received in the Office of the Commission in 1950 just after the publication of the Official Record of the Paris Meetings but had been prepared before the terms of the Paris decisions had been made public. Accordingly in the case of this application also some redrafting was required in order to bring it into line with the procedural decisions taken by the Paris Congress. These amendments were settled by Dr. Franclemont in a letter to the Office of the Commission dated 26th July 1952.

9. Support received for Dr. Franclemont's application prior to its publication in the "Bulletin of Zoological Nomenclature" : Prior to the publication of Dr. Franclemont's application in the *Bulletin of Zoological Nomenclature* particulars of support for the action there recommended were received by the Office of the Commission from the following sources, namely : (1) a letter dated 4th July 1950 from Dr. Eugene Munroe (*Division of*

Entomology, Department of Agriculture, Ottawa, Canada); (2) in a letter dated 4th January 1951 received from Dr. J. G. Franclemont, containing particulars of support received from other specialists :—

(a) Support received from Dr. Eugene Munroe in a letter dated 4th July 1950 (Munroe, 1952, "Bull. zool. Nomencl." 6 : 317) :

Mr. John G. Franclemont, of the United States National Museum, has sent me a copy of his paper on the Linnean subgeneric names of *Phalaena*, with the request that I study the arguments and recommendations presented, and make known my views on the subject to you, as Secretary to the International Commission.

I have read Mr. Franclemont's paper carefully. I have a special interest and knowledge only in the cases of *Pyrallis* and *Alucita*, but I have studied critically the discussion of the other names.

I am glad to say that I find nothing to add to the facts and opinions which Mr. Franclemont has presented, beyond my hearty commendation and warm support. I earnestly hope that the International Commission will see its way to following the recommendations outlined at the end of Mr. Franclemont's paper.

(b) Particulars of support from certain specialists communicated by Dr. J. G. Franclemont (extract from a letter dated 4th January 1951) :

I have checked with the ornithologists here at the Museum and they have furnished me with the following information: *Noctua* Gmelin, 1771, is a synonym of *Asio* Brisson, 1760; the respective types are the short-eared and long-eared owls. Whenever the name *Noctua* has been used by ornithologists it has usually been credited to Savigny with the date 1809. Sharp in the *British Museum Catalogue* credits *Noctua* to Savigny and makes no mention of the Gmelin use. It has been stated that this catalogue has governed to a great extent the use of names by ornithologists. Prior to 1926 and *Opinion* 124 any use in the birds would have been considered *ultra vires*. The name is not in use for any genus of owls and has apparently not been used for almost a century or more.

I have heard only from McDunnough, Forbes, Dos Passos, Munroe and Chermock, all have agreed to all the points requested. Clarke, Heinrich, Field and Capps at the Museum have also stated their acceptance of my suggestions for the fixing of the names. In addition, José Oiticica Filho, of Rio de Janeiro, Brazil also thought the proposal a step in the right direction. When I talked with McDunnough in New York last spring he was somewhat sceptical about the Commission being willing to give a subgenus precedence over a genus, but nevertheless agreed that *Noctua* and NOCTUIDAE were to be preferred to *Phalaena* and PHALAEINIDAE.

10. Publication of the applications submitted in the present case : Dr. Paclt's applications relating respectively to the names *Bombyx* and *Pyralis* and Dr. Franclemont's application dealing generally with the question of the possible validation under the Plenary Powers of the terms used by Linnaeus to denote groups of species within the genus *Phalaena* Linnaeus, 1758, were sent to the printer on 4th July 1952 and were published in Part 10 of Volume 6 of the *Bulletin of Zoological Nomenclature* on 29th August 1952 (Paclt, 1952, *Bull. zool. Nomencl.* 6 : 313—314 (*Bombyx*) ; *id.*, 1952, *ibid.* 6 : 314—315 (*Pyralis*) ; Franclemont, 1952, *ibid.* 6 : 304—312). Dr. Paclt's counter-proposal relating to the generic name *Phalaena* Linnaeus, 1758, which was received too late to be included in the same Part of the *Bulletin of Zoological Nomenclature* as the other papers relating to the present case, was published in the next available Part of the *Bulletin* and appeared on 30th December 1952 (Paclt, 1952, *Bull. zool. Nomencl.* 9 : 147—148).

11. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56) Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case either (i) for the purpose of designating type species for the genera *Bombyx* Fabricius, 1775, and *Pyralis* Fabricius, 1775, as recommended by Dr. Paclt or (ii) for the validation of the above and certain other terms as being of subgeneric status as from Linnaeus, 1758, and, in one case, the validation of such a term as from Linnaeus, 1767, and the suppression of the generic name *Phalaena* Linnaeus, 1758, as recommended by Dr. Franclemont,

was given on 29th August 1952 (a) in Part 10 of Volume 6 of the *Bulletin of Zoological Nomenclature* (the Part in which were published the two applications submitted by Dr. Paclt and also the application submitted by Dr. Franclemont) and (b) to the other prescribed serial publications. In addition, such Public Notice was given also to four general zoological serials and to eight entomological serials in Europe and America.

12. Comments received : The publication of the foregoing applications in the *Bulletin of Zoological Nomenclature* and the issue of Public Notices regarding the possible use by the International Commission of its Plenary Powers in connection therewith elicited a number of communications of various kinds, namely :—(1) communications from six specialists (U.S.A., three specialists ; Brazil, two specialists ; Netherlands, one specialist) in support of the proposals submitted by Dr. Franclemont ; (2) a note by the Secretary, with reference to Dr. Franclemont's proposal for the validation of the name *Tinea* as from Linnaeus, 1758, drawing attention to a paper published in 1943 in which two specialists had sought to bring forward the generic name *Tinaea* Geoffroy, 1762 ; (3) a note prepared by Dr. J. G. Franclemont in answer to criticisms made by Dr. Jiří Paclt of his proposal for the suppression under the Plenary Powers of the generic name *Phalaena* Linnaeus, 1758 ; (4) a letter from Dr. Franclemont making certain comments on the proposals relating to the names *Bombyx* and *Pyralis* submitted by Dr. Paclt. The communications so received are reproduced in the immediately following paragraphs.

13. Support for Dr. Franclemont's proposals received from Wm. T. M. Forbes (New York State College of Agriculture in Cornell University, Ithaca, N.Y., U.S.A.) : On 18th August 1952 Professor Wm. T. M. Forbes (*New York State College of Agriculture in Cornell University, Ithaca, N.Y., U.S.A.*) addressed to the Office of the Commission the following letter in support of the application submitted by Dr. Franclemont (Forbes, 1952, *Bull. zool. Nomencl.* 9 : 149) :—

I am writing you, at Dr. Franclemont's suggestion, in connection with his paper on the Linnean subgenera and their type species.

I feel that his solution, both as to names and as to type species, is highly advisable, with the possible exception of the name *Alucita*, which has been used as nearly equally in two different families, that I think it might be thrown overboard, by whichever formal suspension of rules is practicable.

14. Support received for Dr. Franclemont's proposals from Frederick H. Rindge (The American Museum of Natural History, New York) : On 4th September 1952, Dr. Frederick H. Rindge (*The American Museum of Natural History, New York*) addressed to the Office of the Commission the following letter in support of the application submitted by Dr. Franclemont (Rindge, 1952, *Bull. zool. Nomencl.* 9 : 151) :—

Recently I received a letter from Mr. Franclemont of the United States National Museum informing me that you are interested in obtaining the opinions of qualified workers on his paper entitled "The Linnaean Subgeneric Names of *Phalaena* (Lepidoptera, Heterocera)". As I have charge of the Lepidoptera collection here at the American Museum of Natural History, and as I work primarily with the moths, I believe I would qualify.

I agree with the conclusions expressed in the above-mentioned paper, and unless additional information is brought forth, I certainly hope that the Commission will take action on this question as indicated in this paper. Such action would certainly lead to a uniformity in the application of names in the Lepidoptera, and it would definitely lead to stability.

15. Support for Dr. Franclemont's proposals received from A. Diakonoff (Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands) : On 26th September 1952, Dr. A. Diakonoff (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) addressed the following letter to the Office of the Commission in support of Dr. Franclemont's application (Diakonoff, 1952, *Bull. zool. Nomencl.* 9 : 151) :—

Upon an invitation of Mr. Franclemont (addressed to Mr. Lempke) I am glad to comment upon his paper on the Linnean "Subgeneric Names", recently republished in the *Bulletin of Zoological Nomenclature* (6 : 304—312).

As you perhaps remember, I had the pleasure of discussing this paper with you during your visit to our Museum in August 1951; at that time I expressed myself entirely in agreement with Mr. Franclemont's views, and thought that a proposal to the International Commission on the lines recommended by Dr. Franclemont would be most useful, and would contribute to uniformity and stability of the nomenclature of Lepidoptera.

In the meantime I discovered that the validity of the well-known and familiar generic name *Tortrix*, and with it of the family name TORTRICIDAE (with which group I am especially concerned!) is seriously endangered. Dr. Obratsov of Sea Cliffe, N.Y., draws my attention to the fact that under the present Rules the first valid author of *Tortrix* appears to be not Thunberg, but Scopoli, 1777; consequently *Tortrix* might fall as a synonym of some horrible old name such as, e.g., *Heterognomon* Lederer, 1859 (*Wien. ent. Monatsch.* 3 : 242). To prevent this disaster I even more warmly advocate accepting Mr. Franclemont's proposals.

As to the familiar generic name *Tinea*, I may draw your attention to the paper by A. Steven Corbet and W. H. T. Tams published in the 1943 (*Entomologist* 76 (961) : 113—114), where those authors replace the name *Tinea* Linnaeus by that of *Tinaea* Geoffroy, 1762. Their view (and the changed spelling *Tinaea* and TINAEIDAE) has been accepted by several authors (among whom by myself), but it unavoidably leads to more confusion. The acceptance of Mr. Franclemont's proposals would put an end to this instability as well.

16. Support for Dr. Franclemont's proposals received from Cyril F. dos Passos (Research Associate, The American Museum of Natural History, New York) : On 14th October 1952, Dr. Cyril F. dos Passos (*Research Associate, The American Museum of Natural History, New York*) communicated to the Office of the Commission his views on the application submitted by Dr. Franclemont in the following terms (dos Passos, 1952, *Bull. zool. Nomencl.* 9 : 153—154) :—

I desire to support the application made to the International Commission on Zoological Nomenclature by Dr. John G. Franclemont (1952, *Bull. zool. Nomencl.* 6 : 304—312) to suspend the rules, to validate the following generic names of Linnaeus as of 1758 : *Bombyx*, *Noctua*, *Geometra*, *Pyralis*, *Tortrix*, *Tinea* and *Alucita*, to designate their type species, to suppress the generic name *Phalaena* Linnaeus, 1758, to give preference to its typical subgenus *Noctua* Linnaeus, 1758,

to declare NOCTUIDAE the correct name for the family, to validate one generic name of Linnaeus as of 1767, i.e., *Attacus*, and designate its type species, as set forth in detail in the said application, and in a paper published by Dr. Franclemont in 1950.

2. While *Opinion* 124 declares that the various subdivisions of genera published by Linnaeus in 1758, *Systema Naturae*, Tenth Edition, are not to be accepted as of that date as of subgeneric value under the rules, it was recognized that, if this *Opinion* would produce greater confusion than uniformity, the Commission would be prepared to consider individual cases submitted to them by the specialists concerned.

3. McDunnough's *Check List* (1938, 1939), which is in current use in North America and probably elsewhere, uses all the generic names involved in this application, as set forth by Dr. Franclemont, with the exception of *Noctua*, for which *Phalaena* is used. The generic names in question, with the exception of *Phalaena*, have been in constant use for a very long time. To upset their usage now would cause greater confusion than uniformity. While it is unfortunate to suppress one of the three original generic names (*Phalaena*) of Linnaeus, not to do so will only result in suppressing an almost equally well-known name (*Noctua*). There is, therefore, good reason for not adhering strictly to the rules in this case.

4. Dr. Jiri Paclt in the same number of the *Bulletin of Zoological Nomenclature* (6 : 313—315) under Commission's references Z.N.(S). 288 and Z.N.(S.)331 has made partial parallel applications for the proposed use of the Plenary Powers to designate *Phalaena mori* Linnaeus, 1758 to be the type species of *Bombyx* Fabricius, 1775 and to designate *Phalaena Pyralis farinalis* Linnaeus, 1758 to be the type species of *Pyralis* Fabricius, 1775, the only difference between Dr. Franclemont's application and that of Dr. Paclt in these two cases being that in the former application these generic names are credited to Linnaeus, 1758, rather than Fabricius, 1775, as in the latter application. While the work of Fabricius was the first in which these names were used in a strictly generic sense, Dr. Franclemont (1952, *tom. cit.* : 306) has pointed out that, if these names were to be accepted from this work, considerable confusion would arise when all the generic names involved in his application are considered. Consequently it is believed advisable to make a clean sweep of all later uses of these names and settle them all as of 1758. Commission's references Z.N.(S.)462, Z.N.(S.)288 and Z.N.(S.)331 could well be consolidated and considered as one.

5. In *Opinion* 158 the Commission considered such a case, as are involved in the three above-mentioned applications, recognized that an exception should be made for *Locusta* Linnaeus, 1758, and designated

the type species. *Opinion* 124 gives ample authority for granting this application and the case considered in *Opinion* 158 is a perfect precedent for a similar ruling in the instant case.

Literature Cited

Fabricius, Johann Christian

1775. *Systema Entomologiae, sistens Insectorum Classes, Ordines, Genera, Species, adiectis synonymis, locis, descriptionibus, observationibus.* Flensburg and Leipzig, Kortii, [32] + 832 pp.

Franclemont, John George

1950. The Linnaean Subgeneric Names of *Phalaena* (Lepidoptera, Heterocera). *J. New York ent. Soc.* **58** : 41—53

Linnaeus, Carolus [Carl von Linné]

1758. *Systema Naturae per Regna tria Naturae, secundum Classes, Ordines, Genera, Species, cum Characteribus, differentiis, synonymis, locis.* Editio decima, reformata. Stockholm, Laurentii Salvii, 1 : [4] + 824 pp.

1767. *Systema Naturae per Regna tria Naturae, secundum Classes, Ordines, Genera, Species, cum characteribus, differentiis, synonymis, locis.* Editio duodecima, reformata. Stockholm, Laurentii Salvii, 1 : [2] + 533—535, 356—357 [sic], 538, 359—360 [sic], 541—605, 506 [sic], 607—891, 902 [sic], 893—1328 + [36] pp.

McDunnough, James Halliday

1938. Check List of the Lepidoptera of Canada and the United States of America. Part I. Macrolepidoptera. *Mem. S. Calif. Acad. Sci.*, **1** : 1—272, 1—3 (corrigenda)
1939. Check List of the Lepidoptera of Canada and the United States of America. Part II. Microlepidoptera. *Mem. S. Calif. Acad. Sci.* **2** : 1—171

17. Support for Dr. Franclemont's proposals from José Oiticica Filho and R. Fereira d'Almeida, Museu Nacional, Rio de Janeiro, Brasil : On 15th January 1953, Dr. José Oiticica Filho addressed a letter to the Office of the Commission, with which he transmitted

the following statement prepared jointly by himself and Dr. R. Ferreira d'Almeida, supporting the application submitted by Dr. Franclemont in the present case :—

Support for Dr. J. G. Franclemont's proposal for the validation, as subgeneric names, of the terms applied by Linnaeus in 1758 to subdivisions of the genus "Phalaena" (Class Insecta, Order Lepidoptera)

By JOSÉ OITICICA FILHO and R. FERREIRA D'ALMEIDA
(*Museu Nacional, Rio de Janeiro, Brasil*)

We have received Franclemont's paper "The Linnaean subgeneric names of *Phalaena* (Lepidoptera, Heterocera)", published in the Journal of the New York Entomological Society, Vol. 58, March 1950, pages 41—53, with a request to send our views either pro or con to the Commission in London.

We have to say that after a careful discussion of Franclemont's paper we arrived at the same conclusions. We do think that if the Commission validates the names as proposed by Franclemont greater stability and less confusion will result in the nomenclature of the Lepidoptera Heterocera.

We think also that the suspension of Rules and the use of Plenary Powers must be done very sparingly. But every time that a paper, like the one under discussion, is written to put order in a badly written *Opinion*, like *Opinion* 124, we think that, we are concerned not with a suspension of Rules, but indeed with a correction of the *Opinion* under discussion.

That is exactly what happened with *Opinion* 124. It has been written without a careful examination of the problems in connection with the Linnean subgeneric names in Lepidoptera. The result has been that, if the suppression of the subgeneric names for the Rhopalocera resulted in the stabilisation of their nomenclature, the same did not happen with the Heterocera subgeneric names.

We agree therefore with Franclemont's conclusions and we support them, but we believe that they do not really constitute a newly proposed suspension of the Rules, but are rather a correction of a not very well written *Opinion*, namely, the *Opinion* 124.

18. Note by Francis Hemming, Secretary to the International Commission on the name "Tinaea" Geoffroy, 1762 : On 15th October 1952 Mr. Francis Hemming, Secretary to the International Commission, submitted the following note (i) drawing attention to a paper by Corbet & Tams published in 1943 in which it had been suggested that the generic name *Tinaea* Geoffroy, 1762, should be introduced in place of *Tinea* which under *Opinion* 124 was not available as from Linnaeus, 1758, and (ii) pointing out that this solution was impracticable because the work in which the foregoing name had been published by Geoffroy had since been rejected by the International Commission for nomenclatorial purposes (Hemming, 1952, *Bull. zool. Nomencl.* 9 : 152) :—

On the consequential action in regard to the generic name "Tinaea" Geoffroy, 1762 (Class Insecta, Order Lepidoptera) which would be needed in the event of approval being given to Dr. John G. Franclemont's proposal that the name "Tinea" should be validated under the Plenary Powers as from Linnaeus, 1758

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

In a letter supporting Dr. John G. Franclemont's proposal (1952, *Bull. zool. Nomencl.* 6 : 304—312) that the terms used by Linnaeus in 1758 to denote groups of species of the genus *Phalaena* Linnaeus, 1758 should be validated, Dr. A. Diakonoff has drawn attention (1952, *Bull. zool. Nomencl.* 9 : 151) to a paper by the late Dr. A. Steven Corbet and Mr. W. H. T. Tams (1943, *Entomologist* 76 : 113—114), in which those authors, in an attempt to secure a stable foundation, if not for the name *Tinea*, at least for a name closely resembling it, brought forward the proposal that this genus should in future be known by the name *Tinaea* Geoffroy, 1762 (*Hist. abrég. Ins. Env. Paris* 2 : 25, 173), for which they then selected *Phalaena Tinea pellionella* Linnaeus, 1758, to be the type species.

2. Geoffroy in his *Histoire abrégée* did not apply the principles of binominal nomenclature, using instead the system formerly known as "binary nomenclature". At the time when Corbet & Tams wrote their paper, the question whether a generic name published by a "binary", but not binominal author should be accepted as possessing any status of availability in virtue of having been so published was *sub judice*. The Corbet/Tams proposal relating to the name *Tinaea* Geoffroy was therefore necessarily provisional from the standpoint of the *Règles* until the underlying question of principle had been settled. In 1948 the International Congress of Zoology ruled against

the acceptance of generic names published by non-binominal authors (1950, *Bull. zool. Nomencl.* 4 : 63—66), and the Commission, which already had before it an application for a ruling on the availability of generic names first published in Geoffroy's *Histoire abrégée*, thereupon ruled that those names were not available¹⁰; the Commission added at the same time that it would be prepared to entertain proposals for the validation of individual generic names in this book, where it could be shown that confusion would otherwise arise and asked the Secretary to confer with interested specialists on this subject (1950, *ibid.* 4 : 366—369).

3. It will be seen that the use of the Plenary Powers would be needed to secure the validation of the name *Tinaea* Geoffroy, 1762, just as it would to provide a valid foundation for the name *Tinea* as from Linnaeus, 1758. From this point of view there is therefore nothing to choose between a proposal to validate *Tinaea* Geoffroy and one to validate *Tinea* Linnaeus. From the practical point of view the latter course has, however, important advantages, (1) because it would retain for this genus a name spelt in the traditional way (*Tinea*), avoiding the awkward and unaccustomed variant *Tinaea* and TINAEDIAE, and (2) because under it Linnaeus would become officially what he has long been unofficially regarded as being, namely, the author of this generic name.

4. Accordingly, my conclusion as between the two alternatives discussed above is that, if the Plenary Powers are to be used to regularise the position of this and the other important names covered by the application submitted to the International Commission by Dr. John G. Franclemont, the validation of *Tinea* as from Linnaeus, 1758, is greatly to be preferred to the validation, in its place, of *Tinaea* Geoffroy, 1762. I therefore recommend that, so far as this genus is concerned, the question on which consideration should be concentrated is whether in the interests of nomenclatorial stability the Plenary Powers should be used to validate the name *Tinea*, as of subgeneric status, as from Linnaeus, 1758, with *Phalaena Tinea pelliionella* Linnaeus, 1758, as type species. In the event of that proposal being approved the only action that would be called for, as regards the name *Tinaea* Geoffroy, 1762, would be to place it upon the *Official Index of Rejected and Invalid Generic Names in Zoology*, where, being an invalid name, it properly belongs.

19. Note by J. G. Franclemont in answer to the criticisms by J. Paclt of his proposal for the suppression under the Plenary Powers of the generic name "Phalaena" Linnaeus, 1758 : On 21st August 1952, Dr. J. G. Franclemont communicated to the Office of the Commission the following note in which he replied to the criticisms

¹⁰ See Footnote 5.

made by Dr. Jiří Paclt of the proposal which he had submitted for the suppression under the Plenary Powers of the generic name *Phalaena* Linnaeus, 1758 (Franclemont, 1952, *Bull. zool. Nomencl.* 9 : 149—150) :—

**On the proposed use of the Plenary Powers to suppress the generic name “*Phalaena*” Linnaeus, 1758 (Class Insecta, Order Lepidoptera) and to validate, as of subgeneric status, certain terms then used by Linnaeus for subdivisions of that genus :
reply to certain criticisms made by Dr. Jiří Paclt**

By JOHN G. FRANCLEMONT

(United States Department of Agriculture, Agricultural Research Administration, Bureau of Entomology and Plant Quarantine, Washington, D.C., U.S.A.)

I have seen Dr. Paclt's objection (Paclt, 1952, *Bull. zool. Nomencl.* 9 : 147—148)¹¹ to my proposal (Franclemont, 1952, *ibid.* 6 : 304—312) for a use of the Plenary Powers to validate the names used for the subgenera of *Phalaena* by Linnaeus in 1758¹². I feel that he has misunderstood the intent of my proposal. I do not wish to cancel or modify *Opinion* 124 ; I am merely acting within the intent of the published meaning of the *Opinion*, wherein it is stated : “. . . , but if any group of specialists finds that because of the literature on said group this *Opinion* will produce greater confusion than uniformity, the Commission is prepared to take up individual cases under the arguments which may be submitted”. If the Commission were to act favourably on these names, it would not impair *Opinion* 124 or its subsequent revision at Paris in 1948 ; it would not involve any names but those used as subgeneric categories by Linnaeus under *Phalaena* ; all other names, no matter what their status in Linnaeus, 1758, lie outside the boundaries of the question under consideration.

I cannot agree with the statement that “. . . , with few exceptions these terms are generally accepted as generic names either as from Fabricius, 1775 (*Syst. Ent.*) or from Denis and Schiffermüller, 1775 (*Ankünd. syst. Werkes Schmett. Wienergegend*)”. I think the reverse is true, for they are and were generally credited to Linnaeus with few exceptions. Fabricius does not credit the names to Linnaeus, but this can be readily understood because he has modified the application of the names in some cases, and he rather fancied himself as the originator of a new system. Denis and Schiffermüller credit the names

¹¹ Dr. Paclt's communication has been reproduced in paragraph 6 of the present *Opinion*.

¹² The application containing these proposals by Dr. Franclemont has been reproduced in paragraph 5 of the present *Opinion*.

to Linnaeus. The *Dictionnaire d'Histoire Naturelle* edited by d'Orbigny breaks with Latreille, who credited almost everything to Fabricius, by crediting the names to Linnaeus. Sherborn (*Index Animalium*, Pars prima (1758—1800) : 740) credits the names to Linnaeus and says : “. . . apparently used in a subgeneric sense”. The workers in the United States have always thought of the names as originating with Linnaeus. Staudinger, 1901, credits them to Linnaeus, but cites them from the 12th Edition instead of the 10th Edition of the *Systema Naturae*. As we all know, there was considerable discussion about whether to start with the Tenth or the Twelfth Edition, and it was the present Code that established the tenth edition as the starting point.

With regard to *Alucita* Fabricius, 1775 ; as I have pointed out, this was used for twenty species, part of which were included by Linnaeus under *Tinea* in 1758 and 1767, but none that he included under *Alucita*. The type species suggested by Dr. Paclt is not included by Fabricius ; it is under *Pterophorus* Fabricius, and this name must now date from Fabricius, 1775, because Geoffroy's work in which this name is first proposed is not binominal. Walsingham in the *Biologia centrali-americana*, Insecta, Lepidoptera-Heterocera 4 : 89, 1911, pointed out the two different uses of *Alucita* and selected as the type of *Alucita* Fabricius (nec *Alucita* Linnaeus) *Phalaena Tinea DeGeerella* (= *Alucita degeerella* (Linnaeus)).

With regard to *Phalaena* and *Noctua* ; see Article 9, which states that if a genus is divided into subgenera the name of the typical subgenus must be the same as the name of the genus. One of the subgeneric names used by Linnaeus in 1758 must be the typical subgenus of *Phalaena*. Barnes and Benjamin in the 1923, *Contributions to the Natural History of the Lepidoptera of North America* 5 (Part 2) : 55 have demonstrated that *Phalaena* Linnaeus, 1758, and *Noctua* Linnaeus, 1758, both proposed as new and with *Noctua* as a subgeneric category, are isogenotypic with *Phalaena Noctua typica* Linnaeus, 1758, as type (see Article 30, Rule (b)).

It comes as something of a surprise to learn that it was a well established practice to ignore the subgeneric names of *Phalaena* proposed by Linnaeus in 1758 and 1761, see my comments above on crediting of these names. The names were anything but ignored, they were used all or in part by all workers and credited to Linnaeus either directly or indirectly. Likewise to place the usage of *Phalaena* in the same class as that of *Papilio* is, to me, a misrepresentation of the facts, because *Phalaena* was all but abandoned in the early 1800's and the subgeneric terms, quite unlike those of *Papilio*, came to have more use than the generic term.

I would take issue with “ (as published in the combination *Phalaena typica*) ”, the original combination as published is “*P. Noctua typica*”,

Phalaena being abbreviated. I think we should be absolutely accurate in citing original combinations ; even if parts are suppressed by the action of the Commission, in such cases we should refer to the *Opinion* in which the suppression is made.

Finally with regard to the names NOCTUIDAE, AGROTIDAE and PHALAEINIDAE ; in my original paper I made some mention of the usage of these names. I have tried to find some basis for Dr. Paclt's statement that AGROTIDAE has been used in Europe for decades. The name seems to have had no vogue after Grote suggested the change in 1895 ; the present usage dates from Tams, 1935. Boursin was apparently the first worker on the Continent to change from NOCTUIDAE to AGROTIDAE, and this was in 1936. Kozhantshikov in 1937 (*Faune de l'URSS*, Insectes, Lépidoptères 13 (No. 3)) used NOCTUIDAE. Warren and Draudt in Volume 3 and Supplement of Seitz's *Grossschmetterlinge der Erde* published from 1909—1914 and 1931—1938 use NOCTUIDAE. Eckstein in 1920 in *Die Schmetterlinge Deutschlands* Band 3, uses NOCTUIDAE, so does Gaede in *Die Tierwelt Deutschlands*, 14, Schmetterlinge, oder Lepidoptera Part 2 Nachfalter (Heterocera). Macrolepidoptera". Bourgogne in the *Traité de Zoologie*, Vol. 10, fascicule 1 published in 1951 uses NOCTUIDAE, so does Viette, also of the Paris Museum, use NOCTUIDAE in his recent papers. Bang-Haas used NOCTUIDAE in his *Novitates Macrolepidopterologicae*, Vol. 1—5 published from 1926—1930. The *Zoological Record* did not change from NOCTUIDAE to AGROTIDAE until Vol. 81 for 1944 published in 1947 ; the separate Insecta part appeared a year early, 1946. Perhaps Dr. Paclt can cite the works I have overlooked, not that the above list is complete ; it merely represents the titles of works which are on my desk.

20. Comment by J. G. Franclemont on the proposal by J. Paclt for the recognition of the generic names " Bombyx " Fabricius, 1775, and " Pyralis " Fabricius, 1775 : On 18th September 1952, Dr. J. G. Franclemont addressed a letter to the Office of the Commission in which, *inter alia*, he commented as follows on the proposals submitted by Dr. Jiří Paclt in favour of the recognition of the generic names *Bombyx* Fabricius, 1775, and *Pyralis* Fabricius, 1775 (Franclemont, 1952, *Bull. zool. Nomencl.* 9 : 154—155) :—

In Part 10 of Volume 6 of the *Bulletin of Zoological Nomenclature* just received, I note a number of requests for use of the Plenary Powers of the Commission by Dr. Paclt. I am submitting the following comments on them.

Dr. Paclt's application Z.N.(S.) 288 (pp. 313—314)

Dr. Paclt's remarks about *Sericaria* are, I think, incorrect. The name was first used in the vernacular *Sericaire* [sic!], by Latreille in 1825 (*Familles naturelles du Règne Animal*, p. 474) in a descriptive key, but the name is coupled with *Notodonte* [sic!] without any means given for separating them. The Berthold 1827 work (Latreille's *Natürlich Familien des Thierrichs*) is merely a translation into German of the Latreille 1825 work. On page 480 we find the same key, the same coupling of the two names, but now in the Latin form as *Notodonta* and *Sericaria* [sic!]. There are no included species in either case. Since no way is provided to distinguish *Notodonta* from *Sericaria*, I do not regard the Berthold "proposal" of the name as falling within the meaning and intent of the *Règles* and *Opinions*. *Sericaria* is defined by Latreille in Cuvier, 1829 (*Le Règne Animal*, ed. 2, Vol. 5, p. 404), and there he includes a single species, "*Bombyx dispar* Fabricius", the Gypsy Moth.

Dr. Paclt's application Z.N.(S.) 331 (pp. 314—315)

I have commented elsewhere (1952, *Bull. zool. Nomencl.* 6 : 310)¹³ that *Pyrallis* Fabricius, 1775, is equal to *Tortrix* Linnaeus, 1758, and that it does not contain *farinalis*, the species that Dr. Paclt would have the Commission declare as type species.

21. Submission to the Commission by the Secretary of a note on the procedure proposed to be adopted in reaching a decision on the group of applications involved in the present case : In March 1954 Mr. Hemming, as Secretary, submitted to the International Commission a note in which, after describing the interlocking and mutually irreconcilable character of certain of the applications involved in the present case and giving particulars of the communications which had been received from specialists on various aspects of the foregoing applications, submitted the following note of the procedure which appeared to him, as Secretary, to afford the most convenient means for enabling the Commission to reach a series of orderly decisions on the complex of names involved in the present case :—

In the circumstances described above, I have, as Secretary, given careful consideration as to the manner in which the present case can most conveniently be submitted to the Commission for decision. The conclusion which I have reached is that the most convenient course—as well as the most correct course—in the circumstances will be to take a vote as between (1) Dr. Franclemont's comprehensive

¹³ For the passage here referred to see page 277 of the present *Opinion*.

proposal under *Opinion* 124 (Alternative "A") and (2) Dr. Paclt's counter-proposal relating to the name *Phalaena* Linnaeus (Alternative "B"). If Alternative "A" were to be adopted by the Commission that would carry with it not only the rejection of Dr. Paclt's counter-proposal relating to the name *Phalaena*, but also his proposals relating to the names *Bombyx* and *Pyralis*, which are in direct opposition to Dr. Franclemont's comprehensive proposal. If the Franclemont proposal were to be rejected by the Commission, a new situation would be created in which it would be necessary, in the light of the decision to retain the name *Phalaena*, to formulate separate proposals for each of the seven other names dealt with in the Franclemont proposal, and to provide an opportunity for specialists to comment upon the new proposals so formulated.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

22. Issue of Voting Paper V.P.(54)43 : On 24th March 1954 a Voting Paper (V.P.(54)43) was issued in which, in accordance with the procedural arrangements outlined in the paper by the Secretary quoted in paragraph 21 above, which was submitted to the Commission concurrently with the Voting Paper referred to above, the Members of the Commission were invited to vote "for the proposal relating to the name *Phalaena* Linnaeus, 1758, as set out either in ALTERNATIVE 'A' (i.e. the Franclemont proposal given in paragraph 3 on pages 311 and 312 of Vol. 6 of the *Bull. zool. Nomencl.*) or in ALTERNATIVE 'B' (i.e. the Paclt proposal given in paragraph 10 on page 148 of Vol. 9 of the *Bull. zool. Nomencl.*)". The document referred to above in connection with Alternative "A" is the application by Dr. Franclemont reproduced in paragraph 5 of the present *Opinion*, that referred to in connection with Alternative "B" being the counter-proposal by Dr. Paclt reproduced in paragraph 6 of the present *Opinion*.

23. The Prescribed Voting Period for Voting Paper V.P.(54)43 :
As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 24th June 1954.

24. Particulars of the Voting on Voting Paper V.P.(54)43 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)43 was as follows :—

(a) *In favour of "Alternative 'A'" (the Franclemont proposal specified in paragraph 22 above), nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Riley ; Holthuis ; Lemche ; Hering ; Vokes ; Bonnet ; Dymond ; Esaki ; Mertens ; Boschma ; Jaczewski ; Hemming ; Bradley (J.C.) ; do Amaral ; Hankó ; Pearson¹⁴ ; Stoll ; Cabrera ; Sylvester-Bradley ;

(b) *In favour of "Alternative 'B'" (the Paclt proposal specified on paragraph 22 above) :*

None ;

(c) *Voting Papers not returned :*

None.

25. Declaration of Result of Vote on Voting Paper V.P.(54)43 :
On 25th June 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)43, signed a Certificate that the Votes cast were as set out in paragraph 24 above and declaring that the

¹⁴ Commissioner Pearson exercised in this case the right conferred by the Thirteenth International Congress of Zoology in Paris, 1948, under which a Commissioner may, if he so desires, signify his willingness to support the view or the majority view, of other members of the Commission (1950, *Bull. zool. Nomencl.* 4 : 50—51).

proposal submitted as Alternative "A" in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

26. Family-Group-Name Problems involved in the present case :

The determination of the family-group names involved in the present case formed part of the proposal submitted by Dr. Franclemont in the present case and his proposals under this head, in common with the other proposals included in Dr. Franclemont's application, were approved by the Commission by its Vote on Voting Paper V.P.(54)43. At the time of the submission of that application the *Official List of Family-Group Names in Zoology* had not as yet been established by the International Congress of Zoology and Dr. Franclemont had not included in his application particulars as to the relative dates of publication of the family-group names concerned, this information not forming at that time an essential portion of any such application. The position was, however, radically changed by the action taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, to redefine the rules governing family-group names. Accordingly, after the close of the voting on the Voting Paper referred to above, Mr. Hemming, as Secretary to the Commission, initiated consultations with Dr. Franclemont and other specialists with a view to preparing the material needed to enable the Commission to complete this part of its decision in the present case. At the conclusion of these consultations Mr. Hemming prepared the following paper which he submitted to the Commission on 10th October 1956 :—

Family-group-name problems involved in the decision under the vote taken on Voting Paper V.P.(54)43 to validate as of subgeneric status as from Linnaeus, 1758, certain names in the Order Lepidoptera (Class Insecta) originally published as terms for groups of species within the genus "Phalaena" Linnaeus, 1758 or 1767

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The object of the present paper is to bring to the attention of, and to obtain decisions from, the International Commission on Zoological

Nomenclature regarding the family-group-name problems involved in an application for the validation as subgeneric names of certain terms used by Linnaeus in 1758 and 1767 for groups of species of the genus *Phalaena* Linnaeus, 1758 (Class Insecta, Order Lepidoptera) made under the invitation issued through the Ruling given in *Opinion* 124 on which, so far as the other questions involved are concerned, a decision was taken by the Commission by its Vote on Voting Paper V.P.(54)43. The circumstances of this case are set out in the following paragraphs.

2. The application referred to above, which was submitted by Dr. J. G. Franclemont (now of *Cornell University, Ithaca, N. Y., U.S.A.*), was published in the *Bulletin of Zoological Nomenclature*. 6 : 304—312. The chief purpose of this application was to secure from the Commission a decision as to the priority to be assigned to seven generic names, each of which formed the basis on which the moths (other than the hawk-moths) were first divided into families by the early entomologists. The greatest confusion had existed for many years regarding the status of these fundamental names and it was evident that without the intervention of the Commission this confusion was likely to endure indefinitely. The difficulty in this case arose from the fact that the words of which these generic names were composed were first published by Linnaeus in 1758 as terms to denote groups of species within the genus *Phalaena* Linnaeus and in the early days—and indeed for long after—had been treated as having been published by Linnaeus as subgeneric names in the above year. The problem presented by these inter-generic-specific-name terms, which was one of general application and affected zoologists in numerous groups, early attracted attention by reason especially of the fact that in certain cases Linnaeus had employed two such terms simultaneously and it was impossible to interpret these terms as names of subgeneric rank. Ultimately, this matter was brought to the attention of the International Commission which gave a Ruling in *Opinion* 124 that terms of the foregoing type were not to be accepted as being of subgeneric status as from Linnaeus, 1758, but that, where it appeared that confusion and name-changing would result from the application of this Ruling, zoologists should submit proposals to the Commission for the validation of the terms concerned as being of subgeneric status as from Linnaeus, 1758. It was under this open invitation that the present application was submitted by Dr. Franclemont.

3. The terms which Dr. Franclemont asked the Commission to validate under its Plenary Powers as from Linnaeus, 1758, and which were so validated under the vote referred to in paragraph 1 above, are set out in Column (1) of the Table given below, together with the names of the species which at Dr. Franclemont's proposal were then designated by the Commission to be the type species (Column (2)) of the genera respectively concerned. At the same time Dr. Franclemont asked, and the Commission agreed, that the corresponding family names should also be validated in the form shown in Column (3).

Decisions regarding six terms originally published by Linnaeus in 1758 to denote groups of species within the genus "Phalaena" Linnaeus, 1758, taken by the International Commission on Zoological Nomenclature by its vote taken on Voting Paper V.P.(54)43

<i>Generic names validated under the Plenary Powers</i>	<i>Species designated as type species of genus specified in Col. (1)</i>	<i>Family name validated for genus specified in Col. (1)</i>
(1)	(2)	(3)
<i>Bombyx</i> Linnaeus, 1758	<i>Phalaena mori</i> Linnaeus, 1758	BOMBYCIDAE
<i>Noctua</i> Linnaeus, 1758	<i>Phalaena pronuba</i> Linnaeus, 1758	NOCTUIDAE
<i>Geometra</i> Linnaeus, 1758	<i>Phalaena papilionaria</i> Linnaeus, 1758	GEOMETRIDAE
<i>Tortrix</i> Linnaeus, 1758	<i>Phalaena viridana</i> Linnaeus, 1758	TORTRICIDAE
<i>Pyralis</i> Linnaeus, 1758	<i>Phalaena farinalis</i> Linnaeus, 1758	PYRALIDAE
<i>Tinea</i> Linnaeus, 1758	<i>Phalaena pellionella</i> Linnaeus, 1758	TINEIDAE
<i>Alucita</i> Linnaeus, 1758	<i>Phalaena hexadactyla</i> Linnaeus, 1758	ALUCITIDAE

4. It was part of Dr. Franclemont's proposal that the generic name *Phalaena* Linnaeus, 1758, should be suppressed by the Commission under its Plenary Powers, this being a necessary corollary to the validation of the names listed above. In addition, the proposed validation of the name *Noctua* as from Linnaeus, 1758, in the Class Insecta, involved the invalidation of *Noctua*, as the name for a genus in the Class Aves, but this gave rise to no difficulty as the name *Noctua* is not currently used as the name for a genus of birds. Dr. Franclemont's proposals on these points were approved by the Commission at the same time that it validated the names shown in the foregoing list.

5. In the same application Dr. Franclemont asked the Commission to validate one other intermediate term published by Linnaeus for a group of species within the genus *Phalaena*. This differed from those discussed in paragraph 3 above only by reason of the fact that it was first published in 1767 in the Twelfth Edition of the *Systema Naturae* instead of in 1758 in the Tenth Edition of that work. The name concerned was *Attacus*. This proposal also was approved by the Commission by its vote on Voting Paper V.P.(54)43.

6. At the time of the submission of Dr. Franclemont's application the *Official List of Family-Group Names in Zoology* had not as yet been established by the International Congress of Zoology and in consequence bibliographical references for the family-group names which Dr. Franclemont asked should be validated by the Commission were not furnished in his application. When the submission of a Voting Paper to the Commission on Dr. Franclemont's application fell due, consideration was given to the question whether as a matter of procedure the submission of that case should be deferred until it was possible also to submit proposals on the family-group bibliographical name problems involved or whether it would be better to obtain a decision at once on the principal issues involved in that application, problems relating to family-group names being deferred. Of these alternatives the second seemed to me to be the more satisfactory and, as Secretary, I therefore decided in favour of the immediate submission of a Voting Paper on the principal issued involved in this case. In pursuance of this decision Voting Paper V.P.(54)43 was therefore accordingly issued on 24th March 1954. The determination of the original references for the family-group names involved in the present case would, as I realised, involve a considerable expenditure of time because of the antiquity of the names concerned, coupled with the general confusion which (as explained in paragraph 2 above) existed in the literature relating to the generic names involved and therefore still more in that relating to the family group-names based on those generic names. After some preliminary correspondence with Dr. Franclemont, I formed the conclusion that the best course would be for the required investigation of the literature to be carried out in the Office of the Commission and for the results when available to be submitted to some outside authority before being placed before the International Commission. I accordingly invited Miss D. N. Noakes, B.Sc., of this Office to undertake the necessary search, a task for which she was particularly well fitted because of the parallel investigations which she was already making for the purpose of determining the original references for the family-group names based upon generic names placed on the *Official List* in the period up to the end of 1936. On satisfying myself that Miss Noakes's investigations had carried this matter as far as was possible with the resources at the disposal of this Office, I submitted the results which she had obtained to Professor Dr. E. M. Hering (*Zoologisches Museum, Humboldt-Universität zu Berlin*), who, I knew, was in a particularly good position to advise on this subject. In a letter dated 9th July 1956 Dr. Hering replied that he had been unable to detect any bibliographical references earlier than those cited in Miss Noakes's Report and he recommended that those references should be accepted as the oldest references for the names concerned. Those references have accordingly been accepted as the basis of the proposals now submitted. At the same time Dr. Hering drew attention to certain additional Erroneous Subsequent Spellings for some of the family-group names concerned which he suggested should be dealt with in the paper to be submitted to the Commission.

7. In submitting for the consideration of the International Commission the results obtained from the investigations described above I find it necessary as a preliminary to refer briefly to the works of certain authors who published terms based upon one or another of the generic names involved in the present case which were treated by some later authors and catalogue-compilers as being names published for taxa belonging to the family-group but which do not appear to me to have been so regarded by their original authors. At the same time I have added particulars of works by certain other authors where similar problems arise. The notes so prepared are annexed as Appendix 1.

8. Although the search of the literature has been laborious, no appreciable difficulty has been encountered in determining the place where, and the date on which, the family-group names concerned were first validly published. The stage at which difficulty was met with was in the preparation of the list of Erroneous Subsequent Spellings to be recommended for addition to the *Official Index*. Bearing in mind the instructions which have been given to me by the Commission at various times I have endeavoured to make the list now submitted as complete as possible, but the fact that for two only of the categories (family and subfamily) in the family-group have terminations been prescribed by the International Congress of Zoology is a cause of difficulty in cases where an author published a name as the name for a family but used for the name in question a termination which is incorrect as a termination for a family name but is nevertheless a termination which is commonly or occasionally used to denote a taxon of some other category—e.g. a tribe—in the family group. In general, when dealing with Erroneous Subsequent Spellings, I have proceeded on the assumption (a) that every name which is formed from an incorrect stem and which therefore could not in any circumstances be used as the name of a family-group taxon of any category ought to be placed on the *Official Index* but (b) that in general a name which is formed from the correct stem but for which an incorrect termination is employed should not be placed on the *Index* in cases where the termination used is a termination which is commonly or sometimes employed for taxa belonging to some category within the family-group, other than the category for which the name in question was actually published, e.g. where an author published a name as the name for a family but instead of employing the prescribed termination “-IDAE”, applied some termination such as “-IDI” which is commonly used as the termination for names of taxa of the rank of a tribe.

9. Subject to the foregoing explanations I now submit for the consideration of the Commission the recommendations for the addition of family-group names to the *Official List of Family-Group Names in Zoology* set out in Appendix 2 and those for the addition of names belonging to the same category to the *Official Index of Rejected and Invalid Family-Group Names in Zoology* set out in Appendix 3.

10. There is a small number of objectively invalid generic names involved in the present case on which through inadvertence proposals

were not included either in Application Z.N.(S.) 462 (the application submitted in the present case) or with the Voting Paper (V.P.(54)43), with which that application was submitted to the Commission for decision. In accordance with the General Directive issued to the Commission by the International Congress of Zoology in regard to the disposal of objectively invalid names involved in particular applications, the names in question should now be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*. Particulars of those names, which are seven in number, are given in Appendix 4 to the present paper.

11. Of the generic names concerned, five are junior homonyms of names in the Order Lepidoptera which have been validated as from Linnaeus, 1758, by the vote taken by the Commission in the present case and the other two are junior objective synonyms of such names.

12. The names which are invalid as being junior homonyms themselves fall into three groups. Two are junior homonyms of names which were validly published for genera belonging to other groups in the Animal Kingdom, two are Erroneous Subsequent Spellings for other generic names of older date, and the fifth is little more than a reputed name. The two names which were published as names for genera in other parts of the Animal Kingdom are : (1) *Noctua* Gmelin, 1771 (Class Aves) ; (2) *Tortrix* Oppel, 1811 (Class Reptilia). No objection to the rejection of either of these names was received from interested specialists at the time when Public Notice was given of Dr. Franclemont's application. The first of these names is known not to be in use and it is believed that the second name has also been rejected in the group concerned. The question whether either of these names has been formally replaced or whether these names have merely disappeared in synonymy is now being investigated (on Commission File Z.N.(G.) 135), so that, if in either case a replacement name has been published, consideration may be given to the possible addition of that name to the *Official List*. The names which are mere Erroneous Subsequent Spellings for older names are : (3) *Geometra* Paetel, 1875 (Class Gastropoda) ; (4) *Tinea* Griffith, 1897 (Class Cestoda). The first of these is an Erroneous Subsequent Spelling for *Geomitra* Swainson, 1840, the latter for *Taenia* Linnaeus, 1758. The name *Taenia* Linnaeus was placed on the *Official List* by the Ruling given in *Opinion* 84, which was later confirmed under the Plenary Powers by the Ruling given in *Opinion* 272. The question whether corresponding action is required as regards *Geomitra* Swainson is now being investigated on the Commission File to which reference has already been made. The fifth and last of the names falling in this group is the name *Noctua* Linnaeus (or Karameschew)¹⁵, 1764 (Class Aves) which, as Dr. Franclemont showed in his application in the present case (1952, *Bull. zool. Nomencl.* 6 : 308, Note 4) possesses no

¹⁵ The question whether, in the case of theses for doctorates presented at the Universities of Uppsala and Lund in Sweden in the Eighteenth Century, new names should be attributed to the Professor or to the applicant for the doctorate is at present under investigation in Commission File Z.N.(S.) 1139.

status as it was published without a generic diagnosis and the single nominal species cited for it was at that time a *nomen nudum*.

13. The two generic names which are now recommended for addition to the *Official Index* on the grounds that they are junior objective synonyms of names of older date are : *Tinaea* Geoffroy (E.L.) (*Hist. abrég. Ins. Env. Paris* 2 : 25, 173) and *Orneodes* Latreille, 1796 (*Précis Caract. Ins.* : 148). The name *Tinaea* Geoffroy was brought forward in 1943 by Corbet & Tams in an effort to retain a somewhat similar name for the genus known as *Tinea* which had not then been validated by the Commission as from Linnaeus, 1758 (see Hemming, 1952, *Bull. zool. Nomencl.* 9 : 152).¹⁶ Even if this action had not since been taken by the Commission, the name *Tinaea* Geoffroy would nevertheless still have been invalid, for the Commission has ruling in *Opinion* 228 that the work by Geoffroy in which it was published is not available for nomenclatorial purposes, Geoffroy not having applied in it the principles of binominal nomenclature. The other name to be considered here, namely *Orneodes* Latreille, 1796 (which had been brought to the attention of this Office by Professor E. M. Hering), was, as first published in the *Précis*, the name of a nominal genus established without cited nominal species. The first author to cite such a species for this was Latreille himself who in [1802—1803] (*Hist. nat. Crust. Ins.* 3 : 418) so cited the single species *Phalaena hexadactylus* Linnaeus, 1758, which thus became the type species by monotypy. By one of the decisions taken by the Commission in the present case it validated the name *Alucita* as from Linnaeus, 1758, and designated the above species as the type species of that genus. By this action therefore the little-used name *Orneodes* Latreille has become a junior objective synonym of the much better known name *Alucita*.

14. I should add that in compiling the list of recommendations for the addition of names to the *Official Index of Rejected and Invalid Generic Names in Zoology*, I have deliberately omitted usages in the Lepidoptera by early authors—for example, by Denis & Schiffermüller (1775), Fabricius (1775) and others—of the seven generic names in that Order which the Commission has now validated under its Plenary Powers as from Linnaeus, 1758. I have taken this view because it is evident that those authors did not look upon themselves as introducing these names as new generic names of their own, looking upon themselves as doing no more than making use of names already introduced by Linnaeus.

15. The generic names discussed in paragraph 13 above (*Tinaea* Geoffroy, 1762, and *Orneodes* Latreille 1796) have both been taken as the basis for family-group names. These family-group names have both been included in Appendix 3 for addition to the *Official Index of Rejected and Invalid Family-Group Names in Zoology*, since in each case the family-group name in question is a junior objective synonym of the valid family-group name concerned, the respective type genera of these taxa having the same nominal species as type species.

¹⁶ The paper here referred to has been reproduced in paragraph 18 of the present *Opinion*.

16. Four of the Erroneous Subsequent Spellings for the family-group names involved in the present case were published in 1832—1836 in the *Lepidoptera (Lepidotteri)* volume of the *Fauna del Regno di Napoli* written by Oronzio-Gabriele Costa.¹⁷ This early work is of considerable interest, containing the original descriptions of a number of new species now recognised as being taxonomically valid, together with many original observations in regard to other species. From the point of view, however, of the bibliographer this volume is a veritable nightmare. In all it comprises 442 pages numbered in arabic numerals (together with the T.P. and preliminary matter numbered in Roman numerals in all, twelve pages.) The extraordinary feature of this work—and one which in my experience is fortunately unique—is that the main text with arabic pagination is divided into no fewer than forty-eight sections, each beginning with a page numbered “1” and bearing no indication (by way of sheet marks or otherwise) by which any one of the forty-eight pages numbered as page “1” can be distinguished from any of the forty-seven other pages bearing the same page number. This appears to me to be one of those cases where without the introduction of some adventitious aid the difficulties involved in making an intelligible citation for any given page are quite insuperable. Accordingly, in order to overcome these difficulties, I have allotted continuous pagination to the whole of the arabic-paged portion of this work, the page numbers so allotted being cited in square brackets, this having proved to be the only method of overcoming similar difficulties in providing an intelligible system of notation for the enumeration of the 500 plates in Jacob Hübner’s *Geschichte europaischer Schmetterlinge* and of the 491 plates in the *Sammlung exotischer Schmetterlinge* of the same author (Hemming, 1937, Hübner 1 : 107—136, 401—412). The key to the system of notation so adopted in the present case is given in Appendix 5¹⁸.

¹⁷ As the result of further consideration following a re-examination of the *Lepidotteri* volume of Costa’s *Fauna del Regno di Napoli* it was concluded that the family-group names used in that volume, though having the appearance in most cases of being badly formed Latinised versions of family-group names, should be regarded more properly as being vernacular names in the Italian language and as such ineligible for admission to the *Official Index of Rejected and Invalid Family-Group Names in Zoology*. The proposals in regard to these family-group names were accordingly withdrawn from the scope of the Voting Paper (V.P.(O.M.)(56)23) issued concurrently with the present paper by a Minute executed by the Secretary on 2nd November 1956. For the text of the Minute here referred to see paragraph 28 of the present *Opinion*.

¹⁸ Consequent upon the decision under which, as explained in Footnote 17 above, the proposals for the addition to the *Official Index of Rejected and Invalid Family-Group Names in Zoology* of certain family-group names included in the *Lepidotteri* volume of Costa’s *Fauna del Regno di Napoli*, the discussion of the bibliographical difficulties involved in that volume given in Appendix 5 of the above paper ceased to be relevant to the present case. It was accordingly decided to detach from the present *Opinion* the decision taken by the Commission in regard to the foregoing matter and to embody that decision in a *Direction (Direction 59)* concerned exclusively with that subject. Full particulars of the decision so taken are given in paragraph 32 of the present *Opinion*.

17. I have examined the applications independently submitted on various aspects of the present case by Dr. J. G. Franclemont (one application) and by Dr. J. Paclt (two applications) for the purpose of making sure that, when the Commission approved Dr. Franclemont's application, it took decisions also in regard to all the names dealt with in the applications submitted by Dr. Paclt, namely Application Z.N.(S.) 288 relating to the name *Bombyx* (Paclt, 1952, *Bull. zool. Nomencl.* 6 : 313—314) and Application Z.N.(S.) 331 relating to the name *Pyralis* (Paclt, 1952, *ibid.* 6 : 314—315). I find that the nominal species which Dr. Paclt recommended should be accepted as the type species of the foregoing genera, attributed, as he proposed to Fabricius, 1775, are in each case the species which the Commission has designated as the type species of the genus in question, as validated under the Plenary Powers with priority as from Linnaeus, 1758. Further, by the decision taken by the Commission the specific names concerned have now been placed on the *Official List of Specific Names in Zoology*. Fortunately, therefore, all the requisite action has already been taken.

18. The recommendations now submitted are that the International Commission on Zoological Nomenclature should :—

- (1) place on the *Official List of Family-Group Names in Zoology* the eight family-group names enumerated in Appendix 2 annexed hereto, each of which is the name of a family-group taxon having as its type genus a nominal genus, the name of which was validated by the Commission under its Plenary Powers by its vote on Voting Paper V.P.(54)43 ;
- (2) place on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* the invalid family-group names enumerated in Appendix 3 annexed hereto, each of which is an invalid name for one or other of the family-group taxa, the valid names for which it is proposed in (1) above should be placed on the corresponding *Official List* ;
- (3) place on the *Official Index of Rejected and Invalid Generic Names in Zoology* the invalid generic names enumerated in Appendix 4 annexed hereto, each of which is involved in connection with one or other of the generic names validated under the Plenary Powers in the vote taken on the Voting Paper referred to in (1) above.

APPENDIX 1

Particulars regarding certain reputed family-group names based upon generic names in the Order Lepidoptera which have been validated by the International Commission as from Linnaeus, 1758

1. *Leach (W.E.): Article on "Entomology" published in 1815 in Volume 9 of Brewster's "Edinburgh Encyclopaedia"*

In the above article (which was published anonymously) Leach divided the Order Lepidoptera into three "Sections", namely :

Diurna (containing the butterflies); Crepuscularia (containing the hawk-moths and burnets); Nocturna (containing the rest of the moths). In the same paper he erected a large number of "Families", for each of which he gave a name based upon that of an included genus and having the termination "-IDA". Many of these names are the oldest available names for the families concerned, e.g. PAPILIONIDA (=PAPILIONIDAE), LYCAENIDA (=LYCAENIDAE), GEOMETRIDA (=GEOMETRIDAE), etc. In addition, Leach recognised a category between his "Section" and his "Family" a category which he called a "Tribe". These so-called "tribe" names which were also based upon the name of an included genus were given the termination "-IDES". Thus, in addition to his "Family" "TINEIDA" Leach recognised a "Tribe" which he called "TINEIDES", in which he included his "Family" TINEIDA and his "Family" NEMOPHORIDA. It is not clear in what light Leach regarded his so-called "Tribes", but, as the concept of the superfamily had not at that time been thought of, his "Tribe" cannot, it seems to me, be properly regarded as having been a category belonging to the family-group. I have therefore not included these "-IDES" names in the list of names proposed to be placed on the *Official Index*. (In passing, it may be noted that in one case Leach introduced a new name (ALUCITIDES) for a "Tribe" which he did not subdivide into two or more "Families". In this case the reasonable course appears to be to regard this name as having been given to the sole included family as well as to the "Tribe". The name in question is the oldest name for a family-group taxon based upon the generic name *Alucita* Linnaeus, 1758, and it has been accepted as such.)

2. Hübner (J.), *Verzeichniss bekannter Schmettlinge* [sic], 1816—[1825]

Hübner had an extremely complicated system of classification devised by himself for categories above the generic level and it is very difficult to interpret the units recognised by this author in terms of currently accepted supra-generic categories, for between the Order and the genus he recognised no fewer than four categories (Phalanx; Tribus; Stirps; Familia). The names adopted for taxa belonging to these categories were hardly ever based upon the name of a genus recognised by Hübner in this work. In the case, however, of one of the generic names dealt with in the present case (*Bombyx*) Hübner did take a generic name as the base for the name of one of his supra-generic categories, BOMBYCOIDES (*Verz.*: 199), but this appears to have been quite accidental, as Hübner did not place the genus *Bombyx* in the taxon which he named BOMBYCOIDES. In any case the taxon BOMBYCOIDES was ranked by Hübner as a "Tribus", the second category below the level "Order" and therefore the third category in the hierarchy above the genus (called a "Coitus" by Hübner).

Whatever importance Hübner attached to the category "Stirps" he certainly did not treat it as a taxon belonging to the family-group as currently understood. The name *BOMBYCOIDES* Hübner, [1820], is therefore not included in the list of names now proposed to be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*.

3. Rennie (J.), 1832, *Conspectus of the Butterflies and Moths of the British Isles*

Rennie divided the moths into five groups. To each of these groups he applied a name based upon a generic name and having the termination "-INA". The taxa so recognised were: SPHINGINA; BOMBYCINA; NOCTUINA; GEOMETRINA; TORTRICINA. It is not clear in what light Rennie views the groups so established but it is evident that they were much higher in rank than the family-group category. I have therefore not included these "-INA" names of Rennie's in the list of names recommended for addition to the *Official Index*.

4. Swainson (W.), 1840, in *Lardner's Cabinet Cyclopaedia, Insects*

In this article Swainson recognised families and subfamilies to which he applied names with the correct terminations. In addition, however, he recognised a category above the family level, the names for taxa of which he formed by adding the termination "-IDES" to the name of a genus previously recognised by him as the type genus of a family. These names resemble those used by Rennie with "-INA" terminations in that they were certainly not used for taxa within the family group. I have therefore excluded these names from the recommendations now submitted for the addition of names to the *Official Index*.

5. Stainton (H.T.), 1854, *Insecta Britannica, Lep. Tineina*

In the above work Stainton gave in the introduction a synopsis of his ideas as to the major classification of the moths. He recognised a large number of families (having correctly formed names with the termination "-IDAE") as belonging to the Sub-Order Heterocera. In addition, however, he recognised nine "Groups" into which he assembled the families which he recognised. These "Groups" were given names based upon the names of the type genera of included families and for each Stainton used the termination "-INA". His system was thus similar in essentials to that adopted by Swainson in 1840 (No. 4 above). For reasons similar to those explained in connection with Swainson's article I do not consider that Stainton's "Group" names can be accepted as names given to taxa of the family-group. I have therefore excluded them from the list of names recommended for addition to the *Official Index*.

6. *Certain other names occasionally listed as names given to taxa belonging to the family-group*

In addition to the names discussed in the preceding Sections, there are a few other names based upon the generic names here in question which are sometimes listed in catalogues as having been published for taxa belonging to the family group but which, as is clear from an inspection of the works in which they were published, were in fact looked upon by their original authors as names for Sub-Orders or categories of analogous rank rather than as names for taxa of the family-group category. Examples of such names are provided by the following names: BOMBYCARIA Haeckel, 1896; NOCTUIFORMES Seitz, [1907]. Names of this type have also been excluded from the list of names recommended for addition to the *Official Index of Rejected and Invalid Family Group Names in Zoology*.

APPENDIX 2

Names proposed for addition to the "Official List of Family-Group Names in Zoology"

- (1) BOMBYCIDAE (correction of BOMBYCIDES) Latreille, [1802—1803], *Hist. nat. gén. partic. Crust. Arachn. Ins.* 3 : 404 (type genus : *Bombyx* Linnaeus, 1758, as validated under the Plenary Powers)
 - (2) NOCTUIDAE (correction of NOCTUAELITES) Latreille, 1809, *Gen. Crust. Ins.* 4 : 191, 224 (type genus : *Noctua* Linnaeus, 1758, as validated under the Plenary Powers)
 - (3) GEOMETRIDAE (correction of GEOMETRIDA) [Leach], [1815], in Brewster's *Edinburgh Ency.* 9(1) : 134 (type genus : *Geometra* Linnaeus, 1758, as validated under the Plenary Powers)
 - (4) TORTRICIDAE (correction of TORTRICES) Latreille, [1802—1803], *Hist. nat. gén. partic. Crust. Arach. Ins.* 3 : 415 (type genus : *Tortrix* Linnaeus, 1758, as validated under the Plenary Powers)
 - (5) PYRALIDAE (correction of PYRALITES) Latreille, 1809, *Gen. Crust. Ins.* 4 : 192, 228 (type genus : *Pyralis* Linnaeus, 1758, as validated under the Plenary Powers)
- (NOTE: By its vote on Voting Paper V.P.(54)43 the Commission under its Plenary Powers decided in favour of the above spelling as against the spelling PYRALIDIDAE for the family-group name¹⁹.)
- (6) TINEIDAE (correction of TINEITES) Latreille, 1810, *Consid. gén. Ordre nat. Anim. Class. Crust. Arachn. Ins.* : 347, 363 (type genus : *Tinea* Linnaeus, 1758, as validated under the Plenary Powers)

¹⁹ See paragraph 22 of the present *Opinion*.

- (7) ALUCITIDAE (correction of ALUCITIDES) [Leach], [1815], *Edinburgh Ency.* 9 : 135 (type genus : *Alucita* Linnaeus, 1758, as validated under the Plenary Powers)
- (8) ATTACIDAE Burmeister, 1878, *Descr. Phys. Rép. Argentine* 5 : 468 (type genus : *Attacus* Linnaeus, 1767, as validated under the Plenary Powers).

APPENDIX 3

Names proposed for addition to the " Official Index of Rejected and Invalid Family-Group Names in Zoology "

1. *Family-group names based on the generic name " Bombyx " :*
- (a) BOMBYCIDES Latreille, [1892—1803] (an Invalid Original Spelling for BOMBYCIDAE)
- (b) Erroneous Subsequent Spellings for BOMBYCIDAE (correction of BOMBYCIDES) Latreille, [1802—1803]:
- (i) BOMBYCITES Latreille, 1809, *Gen. Crust. Ins.* 4 : 190, 216
- (ii) BOMBYXIA Rafinesque, 1815, *Analyse Nature* : 127
- (iii) BOMBYCODEA Burmeister, 1837, *Handb. Nat.* (2) : 618
- (iv) BOMBICINI Costa, 1832—1836, *Fauna Regn. Napoli, Lepidott.*: [118], [122]
- (v) BOMBYCES Horsfield & Moore, 1858—1859, *Cat. Lep. Ins. Mus. E. India Company* : 2, 281
2. *Family-group names based on the generic name " Noctua " :*
- (a) NOCTUALITES Latreille, 1809 (an Invalid Original Spelling for NOCTUIDAE)
- (b) Erroneous Subsequent Spellings for NOCTUIDAE (correction of NOCTUAE LITES) Latreille, 1809 :
- (i) NOCTUIDA [Leach], [1815], *Edinb. Ency.* 9 : 134
- (ii) NOCTUAEIDES Billberg, 1820, *Enum. Ins. Mus. Billberg.* : 85
- (iii) NOCTUACEA Burmeister, 1829, *De. Ins. Syst. nat.* : 27
- (iv) NOCTUELIDI Boisduval, 1829, *Europ. Lep. Index meth.* : 101
- (v) NOTTUINI Costa, 1832—1836, *Fauna Regn. Napoli, Lepidott.*: [118], [151]
- (vi) NOCTUITES Newman (E.), 1835, *Grammar Ent.* : 176
- (vii) NOCTUARIAE Zetterstedt, 1840, *Ins. lapp.* : vi, 932

- (viii) NOCTUARIA Gravenhorst, 1843, *Vergleich. Zool.* : 167
- (ix) NOCTUELIDES Duponchel, 1844, *Cat. méth. Lep. Europ.* : 145
- (x) NOCTUELITES Guenée, 1852, *Hist. nat. Ins.*, Lep. **5** : 1
- (xi) NOCTUES Swinhoe, 1890, *Trans. ent. Soc. Lond.* **1890** : 217

3. Family-group names based on the generic name " Geometra " :

- (a) GEOMETRIDA [Leach], [1815] (an Invalid Original Spelling for GEOMETRIDAE)
- (b) An Erroneous Subsequent Spelling for GEOMETRIDAE (correction of GEOMETRIDA) [Leach], [1815] : GEOMETRITES Newman (E.), 1835, *Grammar Ent.* : 175

4. Family-group names based on the generic name " Tortrix " :

- (a) TORTRICES Latreille, [1802—1803] (an Invalid Original Spelling for TORTRICIDAE)
- (b) Erroneous Subsequent Spellings for TORTRICIDAE (correction of TORTRICES) Latreille, [1802—1803] :
 - (i) TORTRICIDA [Leach], [1815], *Edinb. Ency.* **9** : 135
 - (ii) TORTRICIDES Billberg, 1820, *Enum. Ins. Mus. Billberg.* : 90
 - (iii) TORTRICI Costa, 1832—1836, *Fauna Regn. Napoli*, Lepidott. : [118]
 - (iv) TORTRICITES Newman (E.), 1835, *Grammar Ent.* : 179

5. Family-group names based on the generic name " Pyralis " :

- (a) PYRALITES Latreille, 1809 (an Invalid Original Spelling for PYRALIDAE)
- (b) Erroneous Subsequent Spellings for PYRALIDAE (correction of PYRALITES) Latreille, 1809 :
 - (i) PYRALIDA [Leach], [1815], *Edinb. Ency.* **9** : 135
 - (ii) PYRALIDES Billberg, 1820, *Enum. Ins. Mus. Billberg.* : 92
 - (iii) PYRALIDI Costa, 1832—1836, *Fauna Regn. Napoli*, Lepidott. : [118]
 - (iv) PYRALIDIDES Zetterstedt, 1840, *Ins. lapp.* : vi, 969
 - (v) PYRALOIDI Guenée, 1845, *Europ. microlep. Index meth.* : 57
 - (vi) PYRALIDOIDAE Herrich-Schaeffer, 1856, *Syst. Bearbeit. Schmett. Europ.* **6** Syst. Lep. : 41
 - (vii) PYRALIDIDAE Lederer, 1863, *Wiener Ent. Monatschr.* **7** : 257
 - (viii) PYRALES Swinhoe, 1890, *Trans. ent. Soc. Lond.* **1890** : 268

6. Family-group names based on the generic name "Tinea" :

- (a) TINEITES Latreille, 1810 (an Invalid Original Spelling for TINEIDAE)
- (b) Erroneous Subsequent Spellings for TINEIDAE (correction of TINEITES) Latreille, 1810 :
 - (i) TINEIDA [Leach], [1815], *Edinb. Ency.* 9 : 133
 - (ii) TINEAEDES Billberg, 1820, *Enum. Ins. Mus. Billberg.* : 93
 - (iii) TINEODEA Burmeister, 1837, *Handb. Nat.* (2) : 618
 - (iv) TINEACEA Zeller, 1839, *Isis* (Oken) 1839 : col. 168
 - (v) TINEARIAE Zetterstedt, 1840, *Ins. lapp.* : vi, 990
 - (vi) TINEARIA Gravenhorst, 1843, *Vergleich. Zool.* : 167
 - (vii) TINEA Guenée, 1845, *Europ. microlep. Index meth.* : 68

7. Family-group names based on the generic name "Alucita" :

- (a) ALUCITIDES [Leach], [1815] (an Invalid Original Spelling for ALUCITIDAE)
- (b) Erroneous Subsequent Spellings for ALUCITIDAE (correction of ALUCITIDES) [Leach], [1815] :
 - (i) ALUCITAEDES Billberg, 1820, *Enum. Ins. Mus. Billberg.* : 92
 - (ii) ALUCITITES Newman (E.), 1835, *Grammar Ent.* : 180
 - (iii) ALUCITINA Zeller, 1841, *Isis* (Oken) 1841 : col. 865

8. PHALAENIDAE (correction of PHALAENITES) Latreille, [1802—1803], *Hist. nat. gén. partic. Crust. Arach. Ins.* 3 : 411 (type genus : *Phalaena* Linnaeus, 1758) (invalid under Declaration 20 because name of type genus suppressed under the Plenary Powers by vote taken on Voting Paper V.P.(54)43)

9. PHALAENITES Latreille, [1802—1803] (an Invalid Original Spelling for PHALAENIDAE)

10. Erroneous Subsequent Spellings for PHALAENIDAE (correction of PHALAENITES) Latreille, [1802—1803] :

- (a) PHALAENIDES [Leach], [1815], *Edinb. Ency.* 9 : 134
- (b) PHALAENIDA [Leach], [1815], *Edinb. Ency.* 9 : 134
- (c) PHALANIDIA Rafinesque, 1815, *Analyse Nature* : 127
- (d) PHALAENAEDES Billberg, 1820, *Enum. Ins. Mus. Billberg.* : 88

- (e) PHALAEINOIDES Burmeister, 1829, *De Ins. syst. nat.* : 27
- (f) PHALAEINODEA Burmeister, 1837, *Handb. Ent.* (2) : 620
- (g) PHALAEINARIAE Zetterstedt, 1840, *Ins. lapp.* : vi, 953
- (h) PHALAEINOIDEA Gravenhorst, 1843, *Vergleich. Zool.* : 167
11. TINAEDIAE Corbet (A.S.) & Tams (W.H.T.), 1943, *Entomologist* **76** : 113—114 (type genus : *Tinaea* Geoffroy (E.L.), 1762) (invalid (i) because the name of the type genus was published in a work (*Hist. abrég. Ins. Env. Paris*) rejected for nomenclatorial purposes by the Ruling given in *Opinion* 228, and (ii) because its type genus has the same species as type species as *Tinea* Linnaeus, 1758 and the name is therefore a junior objective synonym of TINEIDAE (correction of TINEITES) Latreille, 1810, of which the latter genus is the type genus)
12. ORNEODIDAE (correction by Meyrick (1895, *Handb. brit. Lep.* : 441) of ORNEODIDES) Herrich-Schaeffer, [1843], *Syst. Bearbeit. Schmett. Europ.* **1** : 14 (type genus : *Orneodes* Latreille, 1796) (invalid because the type genus has as its type species the same species (*Phalaena hexadactyla* Linnaeus, 1758) as *Alucita* Linnaeus, 1758, the type genus of ALUCITIDAE (correction of ALUCITIDES) [Leach], [1815], of which therefore the above name is a junior objective synonym)
13. ORNEODIDES Herrich-Schaeffer, [1843] (an Invalid Original Spelling for ORNEODIDAE)

APPENDIX 4

Names proposed to be placed on the "Official Index of Rejected and Invalid Generic Names in Zoology"

- Geometra* Paetel, 1875, *Fam. Gatt. Moll.* : 86 (Class Gastropoda) (an Erroneous Subsequent Spelling for *Geomitra* Swainson, 1840, and a junior homonym of *Geometra* Linnaeus, 1758, as validated under the Plenary Powers)
- Noctua* Linnaeus, 1764, *Dissert. Acad. demonstr. Necess. promov. Hist. nat. Rossia* : 16 ; republished in 1767 in *Amoen-Acad.* **7** : 450) (Class Aves) (published without a diagnosis with only an undescribed included nominal species ; a junior homonym of *Noctua* Linnaeus, 1758, as validated under the Plenary Powers)

Noctua Gmelin (S.G.), 1771, *Nov. Comment. Acad. Sci. imp. petrop.* **15** : 447 (Class Aves) (a junior homonym of *Noctua* Linnaeus, 1758, as validated under the Plenary Powers)

Orneodes Latreille, 1796, *Précis Caract. Ins.* : 148 (Class Insecta, Order Lepidoptera) (a junior objective synonym of *Alucita* Linnaeus, 1758, as validated under the Plenary Powers)

Tinea Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris* **2** : 25, 173 (Class Insecta, Order Lepidoptera) (published in a work rejected by *Opinion* 228 as being one in which the author did not apply the principles of binominal nomenclature ; a junior objective synonym of *Tinea* Linnaeus, 1758, as validated under the Plenary Powers)

Tinea Griffith, 1897, *Trans. ophthal. Soc. U.K.* **17** : 225 (Class Cestoda) (an Erroneous Subsequent Spelling for *Taenia* Linnaeus, 1758 ; a junior homonym of *Tinea* Linnaeus, 1758, as validated under the Plenary Powers)

Tortrix Oppel, 1811, *Ann. Mus. Hist. nat., Paris* **16(95)** : 377, 381 (Class Reptilia) (a junior homonym of *Tortrix* Linnaeus, 1758, as validated under the Plenary Powers)

APPENDIX 5

The “*Lepidotteri*” volume dated 1832—1836 of the work by Oronzio Gabriele Costa entitled “*Fauna del Regno di Napoli*”

Collation and Scheme for numbering the pages in a continuous series of Arabic numerals

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[**Note by the Secretary** : By the direction given in the Minute executed by the Secretary on 12th November 1956 (the text of which has been reproduced in paragraph 32 of the present *Opinion*) the decision taken by the International Commission (on Voting Paper V.P.(O.M.(56)23) on the questions relating to the *Lepidotteri* volume by Costa (O.G.) of the work entitled *Fauna del Regno di Napoli* raised in the present Appendix (Appendix 5) has been separated from the decisions on the other issues raised in that paper taken by the Commission (on the same Voting Paper) and has been recorded separately in a *Direction* (*Direction* 59). The document which formed Appendix 5

has been incorporated in *Direction 59*, and, in order to avoid repetition, has been excluded from the present *Opinion*.]

27. Issue of Voting Paper V.P.(O.M.)(56)23 : On 10th October, 1956 a Voting Paper (V.P.(O.M.)(56)23) was issued in which each Member of the Commission was asked to state (1) whether he agreed that, "in conformity with the General Directives relating to the recording on the various *Official Lists* and *Official Indexes* of decisions in regard to particular names and particular books issued to the International Commission by the Thirteenth International Congress of Zoology, Paris, 1948, and with the General Directive supplementary thereto issued to the Commission by the Fourteenth International Congress of Zoology, Copenhagen, 1953, (a) the entries as respects the family-group names involved in connection with the names of genera of the Order Lepidoptera (Class Insecta) validated under the Plenary Powers as from Linnaeus, 1758, by the vote taken by the Commission on Voting Paper V.P.(54)43 recommended in paragraph 18 of the paper bearing the Registered Number Z.N.(S.) 462 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in the paragraph numbered as above in the paper reproduced in paragraph 26 of the present *Opinion*] be made in the *Official List* and *Official Index* for the names of taxa belonging to the family-group as there proposed and that the other action there specified be also taken", and (2) that, if he did not agree as regards any given item, to indicate that item.

28. Withdrawal from the scope of Voting Paper V.P.(O.M.)(56)23 of the proposals submitted therewith for the addition to the " Official Index of Rejected and Invalid Family-Group Names in Zoology " of four family-group names published in the " Lepidotteri " volume by Costa (O.G.) in the work entitled " Fauna del Regno di Napoli " : On 2nd November 1956, Mr. Hemming, as Secretary, executed the following Minute in which for the reasons there explained he withdrew from the scope of Voting Paper V.P.(O.M.)(56)23 the proposals for the addition to the *Official Index of Rejected and Invalid Family-Group Names in Zoology* of four family-groups published in the *Lepidotteri* volume written by Costa (O.G.) in the work entitled *Fauna del Regno di Napoli* which had been submitted to the Commission in the paper bearing the Registered

No. Z.N.(S.) 462 concurrently with Voting Paper V.P.(O.M.) (56)23 :—

Withdrawal from the scope of Voting Paper V.P.(O.M.) (56)23 of the proposals submitted therewith in relation to four family-group names published in the "Lepidotteri" volume written by Costa (O.G.) in the work entitled "Fauna del Regno di Napoli"

By FRANCIS HEMMING, C.M.G., C.B.E.,
(Secretary to the International Commission on Zoological Nomenclature)

On 21st October 1956 Professor Tadeusz Jaczewski (*Institute of Zoology, The Polish Academy of Sciences, Warsaw*) addressed a letter to the Office of the Commission in which, with reference to certain proposals submitted with Voting Paper V.P.(O.M.) (56)23, he expressed the view that the family-group names used by Costa (O.G.) in the *Lepidotteri* volume of the work entitled *Fauna del Regno di Napoli* ought to be regarded as vernacular (Italian) names and not as names consisting of Latin or Latinised words.

2. Upon the receipt of Professor Jaczewski's letter I at once undertook a thorough re-examination of the book by Costa in question. Throughout that work—as was only to be expected from the date on which it was published—Costa consistently applied the principles of binominal nomenclature and the availability of generic and specific names used by him in it cannot be questioned. Both for generic names and for the names used for species (binomina) Costa consistently gave the name first in Italian and second in Latin, the Italian name being printed in Roman type, the Latin name being printed in italics. In the case of the names used for suprageneric taxa however Costa normally gave only one version and the question which it has been necessary to re-examine is the language to which the words used for these classes of name should be regarded as belonging. In considering this matter it is necessary to take account of the system of major classification adopted by Costa for the Lepidoptera. First, it must be noted that in common with many authors of his day Costa did not recognise Sub-Orders as such but divided the Order Lepidoptera into a number of major groups, applying to the category so recognised the name "Famiglia". These taxa were substantially equivalent to Sub-Orders, as will be seen from the fact that the "Famiglia prima" (: [6]) contained the whole of the butterflies and was thus identical with the modern Sub-Order Rhopalocera. In the case of the "Famiglia prima" Costa recognised only two genera and he did not interpose any family-group taxa between the "Famiglia" and the "Genere" in this case.

When we come to the moths we find that he recognised taxa belonging sometimes to one, sometimes to two, intermediate (family-group) categories. For his second "Famiglia" (: [91]), which corresponded broadly with the modern Sphingids, Costa recognised one such category which he called both by the name "Sezione" and by the name "Tribu". For the third "Famiglia" (: [118]), (which comprised the whole of the remainder of the moths) Costa adopted a two-level system. The lower of the categories so established was again termed a "Sezione" and the taxa so named are therefore of the same rank as those into which Costa had divided his "Famiglia II". The higher of the two categories within his "Famiglia III" was not given a distinctive name. Six such taxa were recognised the ten units of "Sezione" rank being distributed very unevenly between these major groups, four being placed in the first (Bombycini), two in the last (Tignuole) and one each in the remaining four groups. It has always seemed clear to me that the "Sezione" names should be regarded as Italian vernacular names and not as Latin or Latinised names, examples of names belonging to this group being provided by "Sfingidei" (: [92]) and "Terofori" (: [118]). When I considered this question prior to the submission to the Commission of the paper prepared in connection with Voting Paper V.P.(O.M.)(56)23 I took the view however that the names used by Costa for the major subdivisions of his "Famiglia III" ought to be regarded as being Latinised names. In the light of the re-examination which I have now carried out I have however reached the conclusion that these names also, like those used by Costa as "Sezione" taxa, ought to be regarded as being Italian vernacular names. I have formed this view, mainly on two grounds: (1) Having regard to the fact that Costa used Italian vernacular names and not Latin or Latinised names for taxa belonging to the categories which he called "Famiglia" and "Sezione" respectively, it is inherently unlikely that for the intermediate category (to which he gave no distinctive name) Costa would have adopted a different course by using Latin instead of Italian names; (2) Although the words "Bombycini", "Tortrici" and "Piralidi" have the appearance of being Latinised words, they might also with equal reason be regarded as being Italian words, while the names "Nottuini" and "Tignuole" can much more reasonably be regarded as being Italian words than as Latinised words. Under the Copenhagen Rules regarding family-group names a vernacular family-group name is not to be accepted, save in the special case where, in the opinion of specialists in the group concerned, this is specially desirable in the interests of nomenclatorial stability (1953, *Copenhagen Decisions zool. Nomencl.* : 35—36, Decision 53). No such special considerations arise in the present case, for none of the family-group names used by Costa are the first such names to have been based upon the generic names in question. I accordingly conclude that all the family-group names employed by Costa in the *Lepidotteri* volume of the *Fauna del Regno di Napoli* are vernacular (Italian) names, that in no case was the family-group name published by Costa the first such name to be published for a taxon having as its type genus the genus, the name of

which forms the stem of the family-group name in question and therefore that all the family-group names concerned must be regarded as possessing no status in zoological nomenclature.

3. Accordingly, as Secretary to the International Commission, I hereby withdraw from the scope of Voting Paper V.P.(O.M.)(56)23 the proposals submitted therewith for the addition to the *Official Index of Rejected and Invalid Family-Group Names in Zoology* of four-family-group names employed by Costa in the *Lepidotteri* volume of the *Fauna del Regno di Napoli*, namely the recommendations specified under the numbers 1(b)(iv), 2(b)(vi), 4(b)(iii) and 5(b)(iii) in Appendix 3 to the paper bearing the Registered Number Z.N.(S.) 462 submitted to the International Commission with Voting Paper V.P.(O.M.)(56)23.

29. The Prescribed Voting Period for Voting Paper V.P.(O.M.)(56)23 : As Voting Paper V.P.(O.M.)(56)23 was issued under the One-Month Rule, the Prescribed Voting Period closed on 10th November 1956.

30. Particulars of the Voting on Voting Paper V.P.(O.M.)(56)23, other than on the proposals withdrawn from the scope of that Voting Paper by the Minute executed by the Secretary on 2nd November 1956 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(56)23, other than on the proposals withdrawn from the scope of that Voting Paper by the Minute executed by the Secretary on 2nd November 1956 (the text of which has been reproduced in paragraph 28 of the present *Opinion*) was as follows :—

- (a) *Affirmative Votes had been given by the following twenty-two (22) Commissioners (arranged in the order in which Votes received) :*

Holthuis ; Vokes ; Sylvester-Bradley ; Tortonese ; Hering ; do Amaral ; Esaki ; Stoll ; Lemche ; Mayr ; Prantl ; Riley ; Boschma ; Mertens ; Key ; Jaczewski ; Dymond ; Cabrera ; Kühnelt ; Bonnet ; Hemming ; Bradley (J.C.) ;

(b) *Negative Votes :*

None ;

(c) *On Leave of Absence, one (1) :*

Bodenheimer ;

(d) *Prevented from voting by interruption of postal communications consequent upon political disturbances, one (1) :*

Hankó ;

(e) *Voting Papers not returned, one (1) :*

Miller.

31. Declaration of Result of Vote on Voting Paper V.P.(O.M.) (56)23 : On 12th November 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(56)23, signed a Certificate that the Votes cast were as set out in paragraph 30 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

32. Exclusion from the present " Opinion " of the portion of the decision taken on Voting Paper V.P.(O.M.)(56)23 which is concerned with the " Lepidotteri " volume by Costa (O.G.) of the work entitled " Fauna del Regno di Napoli " and incorporation in a " Direction " of the decisions in regard thereto taken on the foregoing Voting Paper : On 12th November 1956, immediately after having signed the Certificate referred to in paragraph 31 declaring the result of the vote taken on Voting Paper V.P.(O.M.) (56)23, Mr. Hemming executed the following Minute in which he gave directions that the portion of the decision taken on the

foregoing Voting Paper which related to certain family-group and generic names be incorporated in the same *Opinion* as that to be rendered for the purpose of giving effect to the decision on other parts of the same problem taken by the Commission by its vote on Voting Paper V.P.(54)43 but that the portion of the decision taken on the foregoing Voting Paper in relation to certain matters connected with the *Lepidotteri* volume by Costa (O.G.) of the work entitled *Fauna del Regno di Napoli* be rendered separately in a *Direction* :—

**Separation of the decisions taken on Voting Paper V.P.(O.M.)(56)23
in relation to the method to be followed in citing and in dating
for the purposes of zoological nomenclature the several
portions in which the “ Lepidotteri ” volume by Costa
(O.G.) of the work entitled “ Fauna del Regno di
Napoli ” was published from the decisions in
relation to certain family-group names
taken on the same Voting Paper**

MINUTE by FRANCIS HEMMING, C.M.G., C.B.E.,
(*Secretary to the International Commission on Zoological Nomenclature*)

I have this day had under consideration the question of the arrangements to be made for giving effect to the decisions taken by the International Commission in its vote on Voting Paper V.P.(O.M.)(56)23, having regard to the fact that, while the major part of those decisions are concerned with the status to be accorded to certain family-group names and generic names, one part is concerned with an entirely different type of subject, namely the method to be followed in citing and in dating for the purposes of zoological nomenclature the forty-eight separately-paged fragments which collectively constitute the *Lepidotteri* volume by Orenzio Gabriele Costa of the work entitled *Fauna del Regno di Napoli*.

2. I have come to the conclusion that the present is a case where the procedure to be adopted should follow the lines laid down by the Thirteenth International Congress of Zoology, Paris, 1948, when it directed that decisions by the International Commission on questions affecting the interpretation of the *Règles* are not to be embodied in *Opinions* dealing with the status of individual names but are to be rendered separately as *Declarations*. I am therefore of the opinion that, when the portion of the decision relating to family-group names and generic names taken by the Commission in its vote on Voting Paper V.P.(O.M.)(56)23 is embodied in the *Opinion* recording the decision

previously taken on Voting Paper V.P.(54)43 to validate under the Plenary Powers certain of the generic names on which the family-group names referred to above are based, the portion of the decision taken on the same Voting Paper which is concerned with the method to be followed in citing and in dating the various portions of the volume referred to in paragraph 1 of the present Minute should be excluded from that *Opinion* and that the portion of the decision so excluded should be rendered separately in a *Direction*.

3. Accordingly, as Secretary to the International Commission, I hereby direct that the decision taken by the Commission in its vote on Voting Paper V.P.(O.M.)(56)23 be divided into two portions in the manner indicated in paragraph 2 above, namely (a) that the portion relating to individual family-group names and to generic names be included in the *Opinion* embodying the decision previously taken on Voting Paper V.P.(54)43, in which certain of the generic names on which those family-group names are based were validated under the Plenary Powers and (b) that the portion of the decision relating to Costa's *Lepidotteri* volume of the *Fauna del Regno di Napoli* be rendered separately in a *Direction*. I further so direct that, in accordance with the General Directive issued to the International Commission by the Fourteenth International Congress of Zoology, Copenhagen, 1953, regarding the recording of the titles of works on the *Official List of Works Approved as Available for Zoological Nomenclature*, the *Direction* referred to above shall include a Ruling that the title of the foregoing volume by Costa, endorsed, both as to the method to be followed in citing the forty-eight fragments of which it is composed and as to the dates to be assigned to each of those fragments, in the manner prescribed in the decision taken by the Commission in its vote on Voting Paper V.P.(O.M.)(56)23, be entered on the above *Official List*.

33. Preparation of the Ruling given in the present "Opinion" :

On 16th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)43, as supplemented by the portion relating to family-group names and generic names of the decision taken by the Commission in its Vote on Voting Paper V.P.(O.M.)(56)23²⁰.

²⁰ Under the directions given in the Minute executed by the Secretary on 12th November 1956, the text of which has been reproduced in paragraph 32 of the present *Opinion*, the remaining portion of the decision taken by the Commission on Voting Paper V.P.(O.M.)(56)23 has been embodied in *Direction* 59, which is being published in the immediately following part of the present volume.

34. Original References : The following are the original references for the generic and specific names placed on the *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

- Alucita* Linnaeus, 1758, *Syst. Nat.* (ed.10) **1** : 542
- atlas, Phalaena*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 495
- Attacus* Linnaeus, 1767, *Syst. Nat.* (ed. 12) **1(2)** : 808
- Bombyx* Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 495
- farinalis, Phalaena*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 533
- Geometra* Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 519
- Geometra* Paetel, 1875, *Fam. Gatt. Moll.* : 86
- hexadactyla, Phalaena*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 542
- mori, Phalaena*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 499
- Noctua* Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 508 (Class Insecta)
- Noctua* Linnaeus, 1764, *Dissert. Acad. demonstr. Necess. promov. Hist. nat. Rossia* : **16** ; also 1767, *Amoen. Acad.* **7** : 450 (Class Aves)
- Noctua* Gmelin (S.G.), 1771, *Nov. Comment. Acad. Sci. imp. petrop.* **15** : 447
- Orneodes* Latreille, 1796, *Précis Caract. Ins.* : 148
- papilionaria, Phalaena*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 522
- pellionella, Phalaena*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 536
- Phalaena* Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 495
- pronuba, Phalaena*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 512
- Pyralis* Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 533

Tinaea Geoffroy (E.L.), 1762, *Hist. abrég. Ins. Env. Paris* **2** : 25, 173

Tinea Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 534

Tinea Griffith, 1897, *Trans. ophthal. Soc. U.K.* **17** : 225

Tortrix Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 530

Tortrix Oppel, 1811, *Ann. Mus. Hist. nat.*, Paris **16**(95) : 377, 381

viridana, *Phalaena*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 530

35. The original references for the family-group names placed on the *Official List of Family-Group Names in Zoology* by the Ruling given in the present *Opinion* are as set out in Appendix 2 to the paper by the Secretary dated 10th October 1956 reproduced in paragraph 26 above. The corresponding references for the family-group names placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* by the same Ruling are as set out in Appendix 3 of the foregoing paper.

36. At the time of the submission of the original application involved in the present case the name applicable to the second portion of a binomen was "trivial name". This was altered to "specific name" by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

37. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

38. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty (450) of the International Commission on Zoological Nomenclature.

DONE in London, this Sixteenth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 17. Pp. 329—338

OPINION 451

Use of the Plenary Powers to secure that the specific name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, shall be the oldest available name for the Dingo of Australia (Class Mammalia)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 451

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

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Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 451

USE OF THE PLENARY POWERS TO SECURE THAT THE SPECIFIC NAME "DINGO" MEYER, 1793, AS PUBLISHED IN THE COMBINATION "CANIS DINGO" SHALL BE THE OLDEST AVAILABLE NAME FOR THE DINGO OF AUSTRALIA (CLASS MAMMALIA)

RULING : (1) Under the Plenary Powers the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 1139 :—

dingo Meyer, 1793, as published in the combination *Canis dingo*.

(3) The specific name specified in (1) above, as there suppressed under the Plenary Powers, is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name No. 380.

I. THE STATEMENT OF THE CASE

On 27th September 1950, Dr. G. H. H. Tate (*The American Museum of Natural History, New York*) submitted to the International Commission on Zoological Nomenclature the following application in which he asked for the suppression under the

Plenary Powers of the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus*, in order to secure thereby that the specific name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, the name commonly used for the Dingo of Australia (Class Mammalia), should be the oldest available name for that species :—

Proposed use of the Plenary Powers to validate the specific name “Dingo” Meyer, 1793, as published in the combination “Canis dingo” as the name for the Dingo (Class Mammalia)

By G. H. H. TATE

(*The American Museum of Natural History, New York*)

The purpose of the present application is to ask the International Commission to use its Plenary Powers to preserve the specific name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, as the specific name for the Dingo of Australia.

2. The facts of this case are very simple. The generally accepted name for this animal is *Canis dingo* Meyer, 1793 (*Syst.-summ. Uebers. neust. Entdeck. Neuholland Africa* : 33). Recently, however, T. Iredale (1947, *Proc. Roy. zool. Soc. N.S.W.* 1946/1947 : 35) has discovered that the foregoing name for the Dingo is antedated by the hitherto totally overlooked name *Canis antarticus* Kerr, 1792 (*Anim. Kingd. zool. Syst. Linnaeus* : 136).

3. This discovery is extremely unfortunate, having regard to the desirability of retaining the specific name *dingo* Mayer for this well-known animal and the unnecessary confusion in nomenclature which would follow upon the displacement of this name by one which has never been used since the time when it was first published over a hundred and fifty years ago.

4. I accordingly ask the International Commission :—

- (1) to use its Plenary Powers to suppress the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus*, for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (2) to place the name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, on the *Official List of Specific Names in Zoology* ;

- (3) to place the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus* and as suppressed under the Plenary Powers under (1) above on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Tate's application, the question of the suppression under the Plenary Powers of the specific name *antarticus* Kerr, 1792, as published in the combination *Canis antarticus*, was allotted the Registered No. Z.N.(S.) 487.

3. Support received prior to publication from T. C. S. Morrison-Scott (British Museum (Natural History), London) : On 5th February 1955, Dr. T. C. S. Morrison-Scott (*British Museum (Natural History), London*) addressed a letter to the Office of the Commission in which he intimated his support as follows (Morrison-Scott, 1955, *Bull. zool. Nomencl.* **11** : 168) :—

I understand that Dr. G. H. H. Tate of the American Museum of Natural History, New York, has submitted an application to the International Commission on Zoological Nomenclature regarding the name of the Dingo of Australia.

Iredale wants to bring into use the name *Canis antarticus* Kerr, 1792, a virtually unknown name. I should like strongly to support Dr. Tate's appeal that the name *Canis dingo* Meyer, 1793, should be saved. It is by this latter name that the Australian Dingo has been known for years, and it would be irritating and absurd to upset the nomenclature of this animal after all this time.

May I at the same time beg colleagues who discover cases of priority of this sort to hurry their unfortunate finds off to the Commission for burial, rather than broadcast them. The *Règles* are intended to be our servants and not our masters, and it is sheer masochism to inflict unnecessary inconvenience on oneself in this way—to say nothing of the wear and tear on the tolerance of colleagues.

4. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 28th February in the same year in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Tate, 1955, *Bull. zool. Nomencl.* **11** : 121).

5. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature in the present case was given on 28th February 1955 (a) in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the part in which Dr. Tate's application was published) and (b) to the other prescribed serial publications. In addition such Notice was given also to a number of general zoological serial publications and to two serial publications concerned with mammalogy, one in Europe and one in America.

6. Comments received subsequent to the publication of the present application : The publication of the present application in the *Bulletin of Zoological Nomenclature* and the issue of the Public Notices specified in paragraph 5 above elicited comments from three zoologists. The authors of two of the communications so received expressed their support for the action proposed in the present case, while the author of the third intimated his objection to that action. The communications so received are reproduced in the immediately following paragraphs.

7. Support received from Joshua L. Baily, Jr. (San Diego, California, U.S.A.) : On 4th May 1955, Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) addressed the following letter to the Office of the Commission in support of the present application :—

Under the two numbers cited above the following names are discussed :—

Canis dingo Meyer, 1793 ; *Canis australia* Kerr, 1792 ; *Canis antarcticus* Kerr, 1792 ; *Canis antarcticus* Bechstein, 1799. The validation of the first two and the suppression of the last two requested.

Since there is no doubt at all as to the meaning of the first two, and since the last two are homonyms, which are always likely to be confusing, I am in agreement with both petitions, though for a slightly different reason than those advanced by the petitioners.

8. Support received from J. Chester Bradley (Cornell University, Ithaca, N.Y., U.S.A.) : On 2nd June 1955, Professor J. Chester Bradley (*Cornell University, Ithaca, N.Y., U.S.A.*) communicated to the Office of the Commission the following note in which he indicated the grounds on which he supported the action proposed in the present case :—

Canis dingo. Z.N.(S.) 487. Agreed, in accordance with the Copenhagen Principle of Conservation.

9. Objection received from Philip Hershkovitz (Chicago Natural History Museum, Chicago, Illinois, U.S.A.) : On 26th September 1955, Dr. Philip Hershkovitz (*Chicago Natural History Museum, Chicago, Illinois, U.S.A.*) addressed the following letter to the Office of the Commission in regard to the present case :—

According to the evidence presented, *Canis antarcticus* Kerr, 1792, is the earliest valid name for the Australian Dingo. Morrison-Scott objects to the use of this name and sponsors, instead, *Canis dingo* Meyer, 1793. It is significant that Morrison-Scott's objection¹ brushes aside two important considerations. The first is the Law of Priority. The second is the fact that *Canis antarcticus* is a current name.

Morrison-Scott's final argument against nomenclature by Rule is his exhortation for "colleagues who discover cases of priority of this sort to hurry their unfortunate finds off to the Commission for burial, rather than broadcast them. The *Règles* are intended to be our servants and not our masters, and it is sheer masochism to inflict unnecessary inconveniences on oneself in this way—to say nothing of the wear and tear on the tolerance of colleagues". It is only meet to reaffirm that the *Règles* are neither servants nor masters. They are

¹ The application in this case was, it will be recalled, submitted by Dr. G. H. H. Tate (*American Museum of Natural History, New York*). The passage here referred to is in the comment on that application by Dr. T. C. S. Morrison-Scott which is reproduced in paragraph 3 of the present *Opinion*.

a Code of conduct. Those who abide by the Code do not consult their personal convenience when nomenclatorial problems confront them nor are they intolerant of colleagues who find correct, logical and ready solutions for such problems in the Code.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

10. Issue of Voting Paper V.P.(55)33 : On 22nd November 1955 a Voting Paper (V.P.(55)33) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the specific name to be used for the Dingo (Class Mammalia) as set out in Points (1) to (3) in paragraph 4 on page 121 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

11. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

12. Particulars of the Voting on Voting Paper V.P.(55)33 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)33 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Mayr ; Jaczewski ; Lemche ; Prantl ; Dymond ; Esaki ; Bodenheimer ; Mertens ; do Amaral ; Hankó ; Boschma ; Sylvester-Bradley ; Key ; Cabrera ; Bonnet ; Miller ; Tortonese ; Kühnelt ; Bradley (J.C.) ; Stoll ; Hemming ;

(b) *Negative Votes* :

None ;

(c) *Voting Papers not returned* :

None.

13. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)33, signed a Certificate that the Votes cast were as set out in paragraph 12 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

14. Preparation of the Ruling given in the present " Opinion " : On 17th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)33.

15. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

antarticus, *Canis*, Kerr, 1792, *Anim. Kingd. zool. Syst. Linnaeus* :
136

dingo, *Canis*, Meyer, 1793, *Syst.-summ. Uebers. neust. Entdeck. Neuholland Africa* : 33

16. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly

hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-One (451) of the International Commission on Zoological Nomenclature.

DONE in London, this Seventeenth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 18. Pp. 339—346

OPINION 452

Addition to the *Official List of Specific Names in Zoology* of the specific name *australis* Kerr, 1792, as published in the combination *Canis australis*, as the oldest available name for the Falkland Islands Wolf (Class Mammalia)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 452

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CARRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

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Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N. Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale, "G. Doria," Genova, Italy*) (16th December 1954)

OPINION 452

ADDITION TO THE "OFFICIAL LIST OF SPECIFIC NAMES IN ZOOLOGY" OF THE SPECIFIC NAME "AUSTRALIS" KERR, 1792, AS PUBLISHED IN THE COMBINATION "CANIS AUSTRALIS", AS THE OLDEST AVAILABLE NAME FOR THE FALKLAND ISLANDS WOLF (CLASS MAMMALIA)

RULING :—The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 1140 :—

australis Kerr, 1792, as published in the combination *Canis australis*.

I. THE STATEMENT OF THE CASE

When on 27th September 1950, Dr. G. H. H. Tate (*The American Museum of Natural History, New York*) submitted to the International Commission on Zoological Nomenclature a request for the use of the Plenary Powers to secure that the name *dingo* Meyer, 1793, as published in the combination *Canis dingo*, should be the oldest available name for the Dingo of Australia which forms the subject of the Ruling given by the Commission in *Opinion* 451, he raised also the question of the use of those Powers to preserve the name *antarcticus* Bechstein, 1799, as published in the combination *Canis antarcticus*, for the Falkland Islands Wolf, by suppressing the senior subjective synonym *australis* Kerr, 1792, as published in the combination *Canis australis*. Later, not long before his death, Dr. Tate informed the Office of the Commission that he had formed the conclusion that it was already too late to preserve the name *antarcticus* Bechstein for the above species. The discussion of this subject was accordingly deleted from his application relating to the name to be used for the Australian Dingo. In order to bring the case to a close, the Secretary on 18th January 1955 submitted to the

International Commission the following paper in which, in conformity with the conclusion reached by Dr. Tate as to the need for accepting the name *australis* Kerr for the Falkland Islands Wolf, he suggested that that name should be placed on the *Official List of Specific Names in Zoology* :—

Proposed acceptance of the specific name “australis” Kerr, 1792, as published in the combination “Canis australis” as the name for the Falkland Islands Wolf

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

At the time when he proposed that the Commission should use its Plenary Powers to suppress the name *antarcticus* Kerr, 1792, as published in the combination *Canis antarcticus*, in order to preserve for the Dingo of Australia the well-known name *dingo* Meyer, 1793, as published in the combination *Canis dingo* (File Z.N.(S.) 487)¹, the late Dr. G. H. H. Tate (*The American Museum of Natural History, New York*) suggested also that the Commission should consider whether it was desirable in the interests of stability in nomenclature to suppress another specific name published by Kerr which had long been ignored but which had been found to be older than the name which had for many years been in use for the species in question.

2. The name referred to by Dr. Tate was the name *australis* Kerr, 1792 (*Anim. Kingd. zool. Syst. Linnaeus* : 144), as published in the combination *Canis australis*. This name applies to, and is the oldest available name for, the Falkland Islands Wolf. For a hundred and thirty years, however, this name was completely overlooked, the Falkland Islands Wolf being known by the name *antarcticus* Bechstein, 1799 (Pennant's *Uebers. vierfüssige Thiere* 1 : 271) as published in the combination *Canis antarcticus*.

3. The identity of the species represented by the two foregoing nominal species was established by Cabrera in 1931 (*J. Mammal.* 12 : 66). In the light of current zoological sentiment against the upsetting of long-established names by the resurrection of ancient names which have long been consigned to oblivion, it is unfortunate, as Dr. Tate pointed out, that an application was not made to the Commission for the suppression of the name *australis* Kerr immediately it was discovered that it antedated the established name *antarcticus* Bechstein. Now that twenty-five years have elapsed since the re-

¹ The decision taken by the International Commission in regard to the name here referred to has since been embodied in *Opinion* 451

appearance of the name *australis* Kerr, it is necessary to consider whether that name has during that period established itself sufficiently to make it unnecessary at this stage to attempt to save the name *antarcticus* Bechstein.

4. Shortly before his death Dr. Tate informed me that he had come to the conclusion that it was now too late to prevent the disappearance in synonymy of the name *antarcticus* Bechstein. The same view has been expressed by Dr. T. C. S. Morrison-Scott (*British Museum (Natural History), London*), whom I recently consulted on this subject. In his letter (dated 4th January 1955) Dr. Morrison-Scott noted that there was only one recent work on the mammals of South America as a whole; this is the work entitled *Mamíferos Sud-Americanos* by Cabrera & Yepes published in 1940, in which work the name *australis* Kerr was used for the Falkland Islands Wolf.

5. In view of the fact that this question was raised with the Commission by Dr. Tate, it seems desirable that a decision should now be taken on it. Having regard to the evidence summarised above it appears that the general feeling is that in view of the march of time the best course will be to accept the change of name made in this case. Accordingly, if this is found to be the general view, I recommend that the Commission should close this case by placing the specific name *australis* Kerr, 1792, as published in the combination *Canis australis*, on the *Official List of Specific Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : When in 1950, Dr. G. H. H. Tate raised the question of the specific name to be used for the Falkland Islands Wolf jointly with the question of the name to be used for the Dingo of Australia the two problems involved were allotted the Registered No. Z.N.(S.) 487. When later Dr. Tate abandoned the idea of asking for the use of the Plenary Powers to preserve the name *antarcticus* Bechstein for the first of these animals and it was decided to place before the Commission an application for the recognition of the name *australis* Kerr for that species by adding it to the *Official List of Specific Names in Zoology*, it was decided to separate these two cases by allotting to the new Registered No. Z.N.(S.) 898 to the

problem relating to the name to be used for the Falkland Islands Wolf, while retaining the original number (Z.N.(S.) 487) for the consideration of the question of the name to be used for the Dingo.

3. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 28th February in the same year in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Hemming, *Bull. zool. Nomencl.* **11** : 122—123).

4. Support received from Joshua L. Baily, Jr. (San Diego, California, U.S.A.) : On 4th May 1955, Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) addressed the following letter to the Office of the Commission in support of the present application :—

Under the two numbers cited above the following names are discussed ; *Canis dingo* Mayer, 1793, *Canis australis* Kerr, 1792, *Canis antarcticus* Kerr, 1792, *Canis antarcticus* Bechstein, 1799. The validation of the first two and the suppression of the last two are requested.

Since there is no doubt at all as to the meaning of the first two and since the last two are homonyms, which are always likely to be confusing I am in agreement with both petitions, though for slightly different reasons than those advanced by the petitioners.

5. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P.(55)34 : On 22nd November 1955 a Voting Paper (V.P.(55)34) was issued in which the Members of the Commission were invited to vote either for, or against, “ the proposal relating to the specific name to be accepted for the

Falkland Islands Wolf as set out in paragraph 5 on page 123 of Volume 11 of the *Bulletin of Zoological Nomenclature* ” [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

7. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

8. Particulars of the Voting on Voting Paper V.P.(55)34 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)34 was as follows :—

(a) *Affirmative Votes had been given by the following twenty (20) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Jaczewski ; Lemche ; Dymond ; Esaki ; Mertens ; do Amaral ; Hankó ; Boschma ; Sylvester-Bradley ; Key ; Cabrera ; Bonnet ; Kühnelt ; Bradley (J.C.) ; Stoll ; Hemming ;

(b) *Negative Votes, four (4) :*

Prantl ; Bodenheimer ; Miller ; Tortonese ;

(c) *Voting Papers not returned, one (1) :*

Mayr.

9. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)34, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted

and that the decision so taken was the decision of the International Commission in the matter aforesaid.

10. Preparation of the Ruling given in the present "Opinion" : On 17th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)34.

11. Original Reference : The following is the original reference for the name placed on the *Official List of Specific Names in Zoology* by the Ruling given in the present *Opinion* :—

australis, Canis, Kerr, 1792, *Anim. Kingd. zool. Syst. Linnaeus* : 144

12. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

13. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Two (452) of the International Commission on Zoological Nomenclature.

DONE in London, this Seventeenth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 19. Pp. 347—356

OPINION 453

Validation under the Plenary Powers of the generic name
Bombina Oken, 1816 (Class Amphibia, Order Anura)

LONDON :

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Issued 8th March, 1957

INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 453

A. The Officers of the Commission

Honorary Life President: Dr. Karl JORDAN (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England.*)

President: Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President: Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary: Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(arranged in order of precedence by reference to date of election or of most recent re-election
as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th
July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw,
Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt
a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu
Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August
1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th
August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y.,
U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,
Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th
October 1954)

Professor Dr. Wilhelm Kühnelt (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November
1954)

Professor Ernest MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,
Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 453

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "BOMBINA" OKEN, 1816 (CLASS AMPHIBIA, ORDER ANURA)

RULING :—(1) Under the Plenary Powers (a) the generic name *Bombina* Oken, 1816 (Class Amphibia, Order Anura) is hereby validated and (b) the nominal species *Rana bombina* Linnaeus, 1761, is hereby designated to be the type species of the genus so named.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 1064 :—

Bombina Oken, 1816, as validated under the Plenary Powers in (1)(a) above (gender : feminine) (type species, by designation under the Plenary Powers in (1)(b) above : *Rana bombina* Linnaeus, 1761).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 1141 :—

bombina Linnaeus, 1761, as published in the combination *Rana bombina* (specific name of type species of *Bombina* Oken, 1816).

I. THE STATEMENT OF THE CASE

On 20th April 1953, Professor Robert Mertens addressed a preliminary communication to the Office of the Commission on the question of the need for preserving for use in its accustomed sense the generic name *Bombina* Oken, 1816 (Class Amphibia), a name published in a work (*Oken's Lehrbuch der Naturgeschichte*), the status of which for nomenclatorial purposes was at that time *sub judice*¹. After correspondence with the Office of the Commission Professor Mertens decided to submit to the International Commission on Zoological Nomenclature an application in which, in anticipation of the rejection of Oken's *Lehrbuch*, the Commission would be asked to use its Plenary Powers, if that should prove to be necessary, for the purpose of preserving the generic name *Bombina* Oken. An application in this sense was formally submitted to the International Commission by Professor Mertens on 27th October 1954. The application so submitted was as follows :—

**Proposed use of the Plenary Powers to conserve the generic name
"Bombina" Oken, 1816 (Class Amphibia, Order Anura)**

By ROBERT MERTENS

(*Forschungs-Institut und Natur-Museum Senckenberg,
Frankfurt a. Main, Germany*)

The object of the present application is to ask the International Commission to take such action as may be necessary to protect the generic name *Bombina* Oken, 1816, for the genus of frogs commonly known by that name. This proposal is based on the following grounds.

2. In 1816 (*Lehrbuch Naturgesch. (Zool.)* 2 : 207) Oken established the genus *Bombina* for a genus of frogs. This genus is now considered to contain four species, two from Europe and two from East Asia. Since 1907 these species have been referred to under this generic name in numerous works, not only of a taxonomic, but also of a general

¹ The *Lehrbuch der Naturgeschichte* of Oken was later rejected for nomenclatorial purposes by the Commission by a decision which was subsequently embodied in *Opinion* 417 (*Ops. Decs. int. Com. zool. Nomencl.* 14 : 1—42).

zoological, character. These frogs are referred to also under this generic name in important comprehensive works in many languages, the name having been re-introduced into zoological literature by Leonhard Stejneger in his important work "Herpetology of Japan" published in 1907 (*Bull. U.S. nat. Mus.* 58 : 50). From the point of maintaining stability in the nomenclature of this group, it is important therefore that the name *Bombina* Oken should be preserved for use in its currently accepted sense. From the species included in this genus by Oken, Stejneger (1907 : 50) selected *Bufo igneus* Laurenti, 1768 (*Syn. Rept.* : 29, 129), a junior synonym of *Rana bombina* Linnaeus, 1761 (*Faun. svec.* (ed. 2) : 101).

3. Recently there has, however, been a tendency to reject generic names published by Oken in his *Lehrbuch* and at the present time the status of that work is under examination in accordance with a request addressed to the Secretary to the International Commission by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 365—366). I agree with the conclusion reached by Mr. Hemming in his Report on this subject (1954, *Bull. zool. Nomencl.* 9 : 193—201) that Oken did not apply the principles of binominal nomenclature in his *Lehrbuch der Naturgeschichte*². It is important therefore that the Commission should now protect the well-known generic name *Bombina* Oken.

4. The genus *Bombina* Oken, 1816, is not the type genus of a taxon belonging to the family-group and accordingly no question arises of placing any such name on the *Official List of Family-Group Names in Zoology*.

5. In the interests of stability in zoological nomenclature, I ask the International Commission :—

- (1) to preserve the generic name *Bombina* Oken, 1816, with *Rana bombina* Linnaeus, 1761, as type species, using for this purpose its Plenary Powers, if that course is found to be necessary in the light of the decision to be taken by it when the Commission comes to consider the Secretary's Report on the status of Oken's *Lehrbuch* ;
- (2) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* :—*Bombina* Oken, 1816 (gender : feminine) as conserved under (1) above (type species, by designation under (1) above : *Rana bombina* Linnaeus, 1761) ;

² This work was later rejected by the International Commission. See Footnote 1.

- (3) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology*:—*bombina* Linnaeus, 1761, as published in the combination *Rana bombina* (specific name of type species of *Bombina* Oken, 1816).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Professor Mertens' preliminary enquiry the question of preserving the generic name *Bombina* Oken, 1816, was allotted the Registered No. Z.N.(S.) 759.

3. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 28th February in the same year in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Mertens, 1955, *Bull. zool. Nomencl.* **11** : 132—133).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers was given on 28th February 1955 (a) in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Professor Mertens' application was published) and (b) to the other prescribed serial publications. In addition such Notice was given also to four general zoological serial publications and to one specialist serial.

5. Support received from Hobart M. Smith (Department of Zoology, University of Illinois, Urbana, Illinois, U.S.A.) : On

13th June 1955, Professor Hobart M. Smith (*Department of Zoology, University of Illinois, Urbana, Illinois, U.S.A.*) addressed the following letter to the Office of the Commission in support of the present case :—

I heartily concur with the proposal by Mertens (*Bull. zool. Nomencl.* **11** : 132—133) that *Bombina* Oken and *bombina* Linnaeus be preserved, as prescribed in the cited article.

6. No objection received : No objection to the action proposed in the present case was received from any source.

7. Note prepared by the Secretary in November 1955 on the relationship of the present application to the application submitted to the International Commission on the subject of the status of Oken's "Lehrbuch", the work in which the name "Bombina" was originally published : On 5th November 1955, Mr. Hemming, as Secretary, prepared the following note on the relationship at that date of the present application to the application submitted to the International Commission on the subject of the status of Oken's *Lehrbuch*, the work in which the name *Bombina* was originally published, for insertion in the Notes to be annexed to the Voting Paper to be issued in the present case in order to recall that, if the present application was to be granted, the use of the Plenary Powers would be required :—

At the time of the submission of the present application no Ruling had been given on the status of names in Oken's *Lehrbuch* and in consequence it was not certain whether, in order to preserve the name *Bombina* Oken, it would be necessary for the Commission to use its Plenary Powers. To protect the position in the event of the rejection of the *Lehrbuch*, Public Notice of the possible use of the Plenary Powers in the present case was given in the prescribed manner. Such Notice was given also to four general zoological serial publications and to one specialist serial. (The *Lehrbuch* has since been rejected by the Commission by its Vote on Voting Paper V.P.(54)91³, and the

³ By the decision taken on the foregoing Voting Paper Oken's *Lehrbuch* was rejected for nomenclatorial purposes. See Footnote 1.

use of the Plenary Powers will therefore be needed if the present application is to be granted.)

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(55)36 : On 22nd November 1955, a Voting Paper (V.P.(55)36) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Bombina* Oken, 1816, as set out in Points (1) to (3) on page 133 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

10. Particulars of the Voting on Voting Paper V.P.(55)36 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)36 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-three (23) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Mayr ; Jaczewski ; Lemche ; Prantl ; Dymond ; Esaki ; Bodenheimer ; Mertens ; do Amaral ; Hankó ; Boschma ; Sylvester-Bradley ; Key ; Bonnet ; Miller ; Tortonese ; Bradley (J.C.) ; Stoll ; Hemming ;

(b) *Negative Votes, two (2) :*

Cabrera ; Kühnelt.

(c) *Voting Papers not returned :*

None.

11. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)36, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present " Opinion " : On 21st November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)36.

13. Original References : The following are the original references for the names placed on *Official Lists* by the Ruling given in the present *Opinion* :—

Bombina Oken, 1816, *Lehrbuch Naturgesch.* (Zool.) 2 : 207

bombina, *Rana*, Linnaeus, 1761, *Faun. svec.* (ed. 2) : 101

14. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission

by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

15. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Three (453) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-First day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 20. Pp. 357—378

OPINION 454

Designation under the Plenary Powers of a type species
in harmony with accustomed usage for *Scolopendra*
Linnaeus, 1758 (Class Chilopoda)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 454

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*)
(12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova, Italy*)
(16th December 1954)

OPINION 454

DESIGNATION UNDER THE PLENARY POWERS OF A TYPE SPECIES IN HARMONY WITH ACCUSTOMED USAGE FOR "SCOLOPENDRA" LINNAEUS, 1758 (CLASS CHILOPODA)

RULING :—(1) Under the Plenary Powers (a) all type-selections for the genus *Scolopendra* Linnaeus, 1758 (Class Chilopoda) made prior to the present Ruling are hereby set aside and (b) the nominal species *Scolopendra morsitans* Linnaeus, 1758, is hereby designated to be the type species of the genus so named.

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

(a) *Scolopendra* Linnaeus, 1758 (gender : feminine) (type species, by designation under the Plenary Powers in (1)(b) above : *Scolopendra morsitans* Linnaeus, 1758) (Name No. 1065) ;

(b) *Lithobius* [Leach], [1814] (gender : masculine) (type species, by selection by Latreille, (1831) : *Scolopendra forficata* Linnaeus, 1758) (Name No. 1066).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

(a) *morsitans* Linnaeus, 1758, as published in the combination *Scolopendra morsitans* (specific name of type species of *Scolopendra* Linnaeus, 1758) (Name No. 1142) ;

(b) *forficata* Linnaeus, 1758, as published in the combination *Scolopendra forficata* (specific name of type species of *Lithobius* [Leach], [1814]) (Name No. 1143).

(4) The under-mentioned family-group names are hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Numbers severally specified below :—

- (a) SCOLOPENDRIDAE [Leach], [1814] (type genus : *Scolopendra* Linnaeus, 1758) (Name No. 143) ;
- (b) LITHOBIIDAE Newport, 1844 (type genus : *Lithobius* [Leach], [1814]) (Name No. 144).

I. THE STATEMENT OF THE CASE

On 1st June 1954 Dr. Ralph E. Crabill, Jr. (*Department of Biology, Saint Louis University, St. Louis, Missouri, U.S.A.*) addressed a preliminary communication to the Office of the Commission on the question of the need for securing the continued use of the generic name *Scolopendra* Linnaeus, 1758 (Class Chilopoda) in its accustomed sense. This led to the submission to the International Commission on Zoological Nomenclature by Dr. Crabill on 5th January 1955 of the following request for the use of the Plenary Powers for the purpose of designating for the foregoing genus of a type species in harmony with accepted usage :—

**Proposed use of the Plenary Powers to designate for the genus
"Scolopendra" Linnaeus, 1758 (Class Chilopoda) a type species
in harmony with accustomed usage**

By RALPH E. CRABILL, Jr.

(*Saint Louis University, St. Louis, Missouri, U.S.A.*)

The purpose of the present application is to ask the International Commission to use its Plenary Powers to designate for the genus *Scolopendra* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 637) (Class Chilopoda) a type species in harmony with accustomed usage and

thus to prevent the appalling dislocation in the nomenclature of this group, a dislocation which would extend to the family-name and ordinal-name levels, which would result if the normal provisions of the *Règles* were to be allowed to apply in the present case. The facts are set out briefly in the following paragraphs.

2. In 1758 Linnaeus recognised a single genus of chilopods, namely *Scolopendra* Linnaeus, to which he referred nine nominal species. Of these species, the third and fifth (both named on page 638) were *Scolopendra forficata* and *Scolopendra morsitans* respectively. Naturally, Linnaeus designated no type species. The first included species to be selected as the type species by a subsequent author was *Scolopendra forficata* Linnaeus which was so selected by Latreille in 1810 (*Consid. gén. Anim. Crust. Arach. Ins.* : 423, 112).

3. The foregoing type-selection for the genus *Scolopendra* Linnaeus is totally at variance with current usage, the species *Scolopendra forficata* Linnaeus being placed now (as shown in paragraph 4 below) in the family LITHOBIIDAE. In 1891 Pocock (*Ann. Mag. nat. Hist.* (6) 7 : 229) stated that *Scolopendra morsitans* Linnaeus, 1758, was the type species of *Scolopendra* Linnaeus. This statement was incorrect under the *Règles* in view of the prior action by Latreille in 1810, but it corresponded with the then well-established concept of the genus *Scolopendra*, a concept which has remained unchanged to this day. The genus *Scolopendra*, so interpreted, is the type genus of the family SCOLOPENDRIDAE, which was established by George Newport as long ago as 1844 (April 1844, *Proc. linn. Soc. Lond.* 1844(20) : 192 ; *id.*, [post-April] 1844, *Trans. linn. Soc. Lond.* 19 : 275).

4. In a paper published anonymously in [1814] (Brewster's *Edinburgh Ency.* 7(2) : 408) Leach established a new nominal genus to which he gave the name *Lithobius*. Leach placed in this genus a number of species, including *Scolopendra forficata* Linnaeus, 1758. He did not designate a type species for this genus. The first author to select a type species was Latreille who in 1831 (*Cours d'Entomol.*, Ann. 1 : 568) so selected *Scolopendra forficata* Linnaeus. This selection is in harmony with current usage, and this interpretation of the genus *Lithobius* forms the basis of the currently accepted family LITHOBIIDAE Newport (G.), April 1844 (*Proc. linn. Soc. Lond.* 1844(20) : 192 ; *id.*, [post-April] 1844, *Trans. linn. Soc. Lond.* 19 : 275, 360).

5. It will be seen from the particulars given in the preceding paragraphs that the generic names *Scolopendra* Linnaeus, 1758, and *Lithobius* [Leach], [1814], are objective synonyms of one another, that accordingly under the normal operation of the *Règles*, the name *Lithobius* [Leach] would disappear in synonymy, and the name *Scolopendra* Linnaeus would need to be used for the genus now universally known as *Lithobius*. Unless means can be found to preserve

the name *Lithobius* for the group of species now universally associated with it, the most devastating changes will be involved, these changes affecting not only two generic names but also two family-group names and the names of two of the four chilopod Orders. In that event not only would the well-known family currently called the LITHOBIIDAE lose that name, but—and this would be even more confusing—would need in future to be known by the name SCOLOPENDRIDAE. In that event also the Ordinal name Lithobiomorpha would disappear in synonymy. The genus now known as *Scolopendra* Linnaeus would probably have to be called by the name *Rhombocephalus* Newport, April 1844 (*Proc. linn. Soc. Lond.* 1844(20) : 193 ; [post-April] 1844, *Trans. linn. Soc. Lond.* 19 : 275) and the corrected family-group and Ordinal names for this genus would probably become RHOMBOCEPHALIDAE and Rhombocephalomorpha respectively. In other words, one hundred and forty years of terminology, which has become widely established in general, as well as in technical, works and which involves names which have become tokens of the Chilopoda for naturalists, would be overturned.

6. The incorrect nomenclature currently in use has become so firmly entrenched in the literature over so long a period of years that nothing but confusion would result if an attempt were now to be made to apply the ordinary rules in this case. I therefore now ask the International Commission :—

- (1) to use its Plenary Powers (a) to set aside all type-selections for the genus *Scolopendra* Linnaeus, 1758, made prior to the Ruling now asked for, and (b), having done so, to designate *Scolopendra morsitans* Linnaeus, 1758 to be the type species of the foregoing genus ;
- (2) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—
 - (a) *Scolopendra* Linnaeus, 1758 (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b) above : *Scolopendra morsitans* Linnaeus, 1758) ;
 - (b) *Lithobius* [Leach], [1814] (gender : masculine) (type species, by selection by Latreille (1831) : *Scolopendra forficata* Linnaeus, 1758) ;
- (3) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
 - (a) *morsitans* Linnaeus, 1758, as published in the combination *Scolopendra morsitans* (specific name of type species of *Scolopendra* Linnaeus, 1758) ;
 - (b) *forficata* Linnaeus, 1758, as published in the combination *Scolopendra forficata* (specific name of type species of *Lithobius* [Leach], [1814]) ;

(4) to place the under-mentioned family-group names on the *Official List of Family-Group Names in Zoology* :—

(a) LITHOBIDAE Newport, 1844 (type genus : *Lithobius* [Leach], [1814]) ;

(b) SCOLOPENDRIDAE Newport, 1844 (type genus : *Scolopendra* Linnaeus, 1758).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Crabill's preliminary communication in 1954 the question of the designation of a type species in harmony with accustomed usage for the genus *Scolopendra* Linnaeus, 1758, was allotted the Registered Number Z.N.(S.) 843.

3. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 28th February in the same year in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Crabill, 1955, *Bull. zool. Nomencl.* **11** : 134—136).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 28th February 1955 (a) in Part 4 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Crabill's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications.

5. Support received for the present application : The present application aroused an exceptionally large amount of support, no

less than twenty-four specialists notifying the Office of the Commission of their support for the action recommended in the present case. The distribution of these comments by countries was as follows: (a) U.S.A. (thirteen); (b) Canada (three); (c) Brazil (two); (d) England (two); (e) Finland (one); (f) Germany (one); (g) Hawaii (one); (h) Taiwan (one). The twenty-one communications in which these comments were received are reproduced in the immediately following paragraphs.

6. Support received from Nell B. Causey (University of Arkansas, Fayetteville, Arkansas, U.S.A.): On 14th April 1955 Dr. Nell B. Causey (*University of Arkansas, Fayetteville, Arkansas, U.S.A.*) sent the following letter of support to the Office of the Commission (Causey, 1955, *Bull. zool. Nomencl.* **11** : 268) :—

As a myriapodologist, I want to urge that the International Commission use its Plenary Powers as requested in Z.N.(S.) 843. Dr. Crabill's historical account of the case is correctly presented. There would indeed be systematic confusion if the normal provisions of the *Règles* were applied, although I am sceptical about its resulting in "devastating changes", which seems a term better associated with hydrogen bombs than with myriapods.

7. Support received from Clarence J. Goodnight (Purdue University, Lafayette, Indiana, U.S.A.): On 15th April 1955 Dr. Clarence J. Goodnight (*Purdue University, Lafayette, Indiana U.S.A.*) addressed the following letter of support to the Office of the Commission (Goodnight, 1955, *Bull. zool. Nomencl.* **11** : 268) :—

I am writing concerning the proposed disposition of the well-known chilopodous generic names *Scolopendra* Linnaeus and *Lithobius* Leach.

I believe that Dr. Ralph E. Crabill's proposed solution of this problem is valid and will result in greater stability than will a strict adherence to the Laws of Priority. As Dr. Crabill points out, if priority is followed in this case, the names of two well known families will be changed and the names of two of the four chilopod orders would also be changed. Further, there is a large amount of biological literature

involving animals in these two genera. Similarly there are names commonly in use among general zoologists and textbook writers. If these names should change, much of the literature would be unusable to the general zoologist without a thorough search of synonymy.

Therefore in the interests of stability, I hope that the International Commission will use its Plenary Powers to retain the names *Scolopendra* and *Lithobius* in the manner in which they are now commonly used. I hope you will view Dr. Crabill's request in a favorable light.

8. Support received from Katherine V. W. Palmer (Paleontological Research Institution, Ithaca, N.Y., U.S.A.): On 18th April 1955 Mrs. Katherine V. W. Palmer (*Paleontological Research Institution, Ithaca, N. Y., U.S.A.*) addressed the following letter of support to the Office of the Commission (Palmer, 1955, *Bull. zool. Nomencl.* **11** : 268—269) :—

Ralph E. Crabill, Jr., has asked, at your request, that I study and send comments to you in regard to his proposal, *Bull. zool. Nomencl.*, vol. 11, pt. 4, February 1955.

The proposal requests that the International Commission on Zoological Nomenclature use its Plenary Powers to set aside all type designations for the genus *Scolopendra* Linnaeus, 1758, prior to the Ruling asked for, including the type designation of Latreille, 1810, of *Scolopendra forficata* Linnaeus, 1758, for *Scolopendra* Linnaeus, 1758, and to designate *S. morsitans* Linn., 1758, type species of *Scolopendra* Linn., 1758. From the pertinent and concise information given in regard to the problem, it would certainly seem that to replace the established usage of the type species, *Scolopendra morsitans* Linnaeus, 1758, for *Scolopendra* Linnaeus, 1758, by the legitimate type species, *S. forficata* Linnaeus, 1758, would cause confusion and a great deal of extra work and writing to clarify the situation from the specific to the ordinal level.

I am not in favor of overruling the law of priority in the usual case but in a problem such as stated by Mr. Crabill, more harm would be done by a strict application of the rule than following long established usage. One point in this case which also is in favor of establishing by Plenary Power, *S. morsitans* Linnaeus, 1758, type species of *Scolopendra* Linnaeus, 1758, is the fact that, according to the data presented by Mr. Crabill, paragraphs 2 and 4, Latreille designated the same species *S. forficata* Linnaeus, 1758, for two different genera—for *Scolopendra* Linn., in 1810, and in 1831 for *Lithobius* Leach, 1814. If Latreille made an error of designation in his own writings and did not take the opportunity in 1831 to correct the later type designation

and restore the use of the prior designation for *Scolopendra* Linn., it would seem that the use of Plenary Powers to designate for the genus *Scolopendra* Linnaeus, 1758, a type species in harmony with accustomed usage would serve science to the best advantage.

9. Support received from four specialists in the American Museum of Natural History, New York, U.S.A.) : On 18th April 1955 four specialists in the American Museum of Natural History, New York, U.S.A. (Dr. Mont A. Cazier, Dr. C. H. Curran, Dr. Willis J. Gertsch and Dr. Frederick H. Rindge) sent the following letter of support to the Office of the Commission (Cazier *et al.*, 1955, *Bull. zool. Nomencl.* **11** : 269) :—

We have read with very great interest the separate entitled “ Proposed use of the Plenary Powers to Designate for the Genus *Scolopendra* Linnaeus, 1758 (Class Chilopoda) a Type Species with Accustomed Usage ”.

It is always a hardship when strict adherence to the rules makes it necessary to change familiar long used names for older legal ones. I have talked to all the members of our department and they are in complete sympathy with the aim of this application to maintain the genus *Scolopendra* in its familiar usage. We echo the words in the proposal that in this case nothing but confusion would result if an attempt were to be made to apply the ordinary rules.

We urge the International Commission to follow the recommendations of Dr. Ralph E. Crabill in section six of the separate.

10. Support received from J. L. Cloudsley-Thompson (University of London) : On 25th April 1955 Dr. J. L. Cloudsley-Thompson (*University of London*) addressed the following letter of support to the Office of the Commission (Cloudsley-Thompson, 1955, *Bull. zool. Nomencl.* **11** : 269) :—

I write in strong support of Dr. R. E. Crabill's suggestion that a type species be designated for the genus *Scolopendra* Linnaeus, 1758.

Every effort should be made to prevent the alarming possibilities envisaged by him in paragraph 5 which would result in absolute confusion if applied even by only a few workers on Chilopoda. The conventional nomenclature must be regularised as Dr. Crabill suggests.

11. Support received from John D. Dwyer (Saint Louis University, Saint Louis, Missouri, U.S.A.) : On 25th April 1955 Dr. John D. Dwyer (*Saint Louis University, Saint Louis, Missouri, U.S.A.*) addressed the following letter of support to the Office of the Commission (Dwyer, 1955, *Bull. zool. Nomencl.* **11** : 269—270) :—

With reference to Dr. Crabill's recent recommendation, I would like to express my approval of his proposal that the International Commission exercise its Plenary Powers as he outlined. It appears that this action will prevent a possible disruption of well-established names ; such changes would appear not to serve the cause of taxonomy in a positive manner.

12. Support received from W. Wayne Boyle (University of Hawaii, Honolulu, Hawaii) : On 25th April 1955 Dr. W. Wayne Boyle (*University of Hawaii, Honolulu, Hawaii*) addressed the following letter of support to the Office of the Commission (Boyle, 1955, *Bull. zool. Nomencl.* **11** : 270) :—

Dr. Ralph E. Crabill, Jr., has asked me to communicate to you my comments regarding his recent recommendation on chilopod nomenclature to the Commission.

Although I am not a chilopod specialist (my own interests lying with the Coleoptera and Acarina), Dr. Crabill's problem seems clear cut in all details. Indeed, it would appear that in just such cases the Plenary Powers of the Commission could be used to the best interests of zoological nomenclature. It is my considered opinion, therefore, that the Commission accept Dr. Crabill's recommendation in all details and duly act thereon under the Plenary Powers.

13. Support received from George E. Ball (University of Alberta, Edmonton, Alberta, Canada) : On 26th April 1955 Dr. George E. Ball (*University of Alberta, Edmonton, Alberta, Canada*) addressed the following letter of support to the Office of the Commission (Ball, 1955, *Bull. zool. Nomencl.* **11** : 270) :—

It is my opinion that Crabill's request to conserve the names *Lithobius* and *Scolopendra* as currently used is a reasonable one. I

heartily endorse the course of action that he suggests be taken and feel that Crabill is to be congratulated in this case for not adhering to the Rule of Priority.

14. Support received from Otto Kraus (Senckenbergische Naturforschende Gesellschaft, Frankfurt a. M., Germany) : On 27th April 1955 Dr. Otto Kraus (*Senckenbergische Naturforschende Gesellschaft, Frankfurt a. M., Germany*) addressed the following letter of support to the Office of the Commission (Kraus, 1955, *Bull. zool. Nomencl.* **11** : 270) :—

Hiermit unterstütze ich die von Herrn R. E. Crabill in *Bull. zool. Nomencl.* **11**(4) : 134—136 vorgeschlagene Lösung in der Angelegenheit *Scolopendra Lithobius*.

15. Support received from T. J. Spilman (United States Department of Agriculture, U.S. National Museum, Washington, D.C., U.S.A.) : On 29th April Dr. T. J. Spilman (*United States Department of Agriculture, U.S. National Museum, Washington, D.C., U.S.A.*) addressed the following letter of support to the Office of the Commission (Spilman, 1955, *Bull. zool. Nomencl.* **11** : 270) :—

This proposed exception to priority in subsequent type species selection appears well founded, and fulfilment of all four pleas will avoid an upheaval in chilopod nomenclature. I therefore, stand in agreement with the proposal and urge its adoption.

Plenary Powers, I feel, have been used much too often in the past and for many cases not warranting their usage. The Law of Priority should be set aside only in cases where *major* changes would occur or where long and widespread nomenclatorial usages would be affected. I would, therefore, plea for more restraint in use of the Powers.

16. Support received from Curtis W. Sabrosky (United States Department of Agriculture, U.S. National Museum, Washington, D.C., U.S.A.) : On 2nd May 1955 Dr. Curtis W. Sabrosky (*United States Department of Agriculture, U.S. National Museum,*

Washington, D.C., U.S.A.) addressed the following letter of support to the Office of the Commission (Sabrosky, 1955, *Bull. zool. Nomencl.* **11** : 271) :—

Dr. R. E. Crabill, Jr., has sent me a copy of his application on *Scolopendra* and asked for comments.

Although not directly interested in the group, my attention was drawn to the change in usage of family names, a reversal which would certainly contribute to confusion without any compensating gain. On this basis, I support the application.

I note that Dr. Crabill mentions ordinal names, but the Code does not provide that ordinal names be linked with family names and follow the latter in and out of synonymy. However, if the application is approved, this point will not cause any difficulty.

17. Support received from John C. Martin (Department of Agriculture, Belleville, Ontario, Canada) : On 5th May 1955 Dr. John C. Martin (*Department of Agriculture, Belleville, Ontario, Canada*) addressed the following letter of support to the Office of the Commission (Martin, 1955, *Bull. zool. Nomencl.* **11** : 271) :—

It has been my policy to follow the *Règles Internationales* with regard to zoological nomenclature realising that with the passage of time, little or much as the individual cases may require, the confusion which has and still exists in many quarters of this field of biological nomenclature would be resolved. However, one must not adhere stubbornly to an ideal, particularly if in order to bring it to pass, a chaotic state worse than the existing condition is brought into existence, especially if there are means of avoiding it. In the case of zoological nomenclature, the Plenary Powers of the International Commission provide such means of preventing additional chaos.

With regard to the problem in question (Z.N.(S.) 843) it is obvious that if the *Règles* were followed two well-known generic names, *Lithobius* Leach, 1814, and *Scolopendra* Linnaeus, 1758, two family-group names and the names of two of the four chilopod Orders would be affected. The present situation which has existed in whole or in

part for some one hundred and forty years has become widely established in technical and general works. Any change would cause much confusion and hence I support the four requests (*vide* Z.N.(S.) 843 Para. 6) made by Dr. R. E. Crabill, Jr.

18. Support received from Stanley I. Auerbach (Oak Ridge National Laboratory, Oak Ridge, Tennessee, U.S.A.) : On 5th May 1955 Dr. Stanley I. Auerbach (*Oak Ridge National Laboratory, Oak Ridge, Tennessee, U.S.A.*) addressed the following letter of support to the Office of the Commission :—

After reading Dr. Crabill's arguments for retaining the generic names *Scolopendra* and *Lithobius*, I fully agree with him. I think that Dr. Crabill is to be commended for pointing out this situation and making this serious attempt to rectify it. Those of us who have been working with the Chilopoda have taken it almost for granted that the names as now used were strictly according to the Rules. As he points out, if we were to adhere strictly to the Rules and transfer *Scolopendra* to *Lithobius* and *Lithobius* to synonymy, the results, as far as the specialists in the group are concerned, would be almost catastrophic. All of the major monographs written in the last 75 years are based on the usage which Dr. Crabill now asks the Commission to legalize.

In view of the foregoing, I urge that the Commission adopt Dr. Crabill's petitions.

19. Support received from Ernst Palmén (Zoological Institute, Helsinki University, Helsinki, Finland) : On 10th May 1955 Dr. Ernst Palmén (*Zoological Institute, Helsinki University, Helsinki, Finland*) addressed the following letter of support to the Office of the Commission (Palmén, 1955, *Bull. zool. Nomencl.* **11** : 271) :—

It is with great interest that I have read the paper by Dr. Crabill, and can but state that his suggestion seems quite acceptable. Obviously the change of the generic names would in this case cause extraordinarily great confusions, not only among specialists of the Chilopoda, but also among naturalists in general. There seems to be no reason why the Plenary Powers of the International Commission should not

be used in a case where the advantages of accepting Dr. Crabill's proposal are as obvious as in the present case. Therefore I would like to recommend his suggestion warmly. The matter has been described thoroughly in the communication by Dr Crabill and does not, in my opinion, need further comments.

20. Support received from Howard E. Evans (New York State College of Agriculture at Cornell University, Ithaca, N.Y., U.S.A.) : On 17th May 1955 Dr. Howard E. Evans (*New York State College of Agriculture at Cornell University, Ithaca, N. Y., U.S.A.*) addressed the following letter of support to the Office of the Commission :—

Dr. R. E. Crabill, Jr., of Saint Louis University, has asked me to write you concerning his application to the Commission regarding the generic name of *Scolopendra* (Chilopoda). I have read Dr. Crabill's arguments and wish to express my complete agreement with them. I feel that not to conserve the name *Scolopendra* in its traditional sense would result in a great deal of confusion, especially since this generic name is widely used in general biology.

21. Support received from Henry Dybas (Chicago Natural History Museum, Chicago, Illinois, U.S.A.) : On 27th May 1955 Dr. Henry Dybas (*Chicago Natural History Museum, Chicago, Illinois, U.S.A.*) addressed the following letter of support to the Office of the Commission :—

I have read Dr. Ralph Crabill's application concerning the names *Scolopendra* and *Lithobius* and wish to register my support for his request to the International Commission to exercise its Plenary Powers in this instance.

22. Support received from Walter W. Kempf (Seminário de Santo Antônio, Agudos, Brazil) : On 5th June 1955 Dr. Walter W. Kempf (*Seminário de Santo Antônio, Agudos, Brazil*) addressed the following letter of support to the Office of the Commission :—

I have received a paper by Dr. Ralph E. Crabill, Jr. (St. Louis, Miss., U.S.A.) published in the *Bull. zool. Nomencl.* containing an

application for the use of the Plenary Powers by the International Commission on Zoological Nomenclature in order to designate for the genus *Scolopendra* Linnaeus (1758) a type species in harmony with accustomed usage.

After having gone carefully over Dr. Crabill's application, I reached the following conclusions :

(1) The solution of the nomenclatorial problem, as proposed by the petitioner, doubtless necessitates the use of Plenary Powers by the International Commission. The type selection of *forficata* L. for *Scolopendra* L. (1758) by Latreille (1810, *Consid. gén. Anim. Crust. Arach. Ins.* : 423, 112) must be taken as valid both according to the Rules and to *Opinions* 11 and 136, and, furthermore, antedates the selection of the type species (*morsitans* L.) of current established usage.

(2) The use of the Plenary Power in this case is highly commendable, on account of the overwhelming evidence, contained in, and eloquently stated by, the petitioner's application, that here, "the strict application of the Rules would clearly result in greater confusion than uniformity".

Hence I am very much in favor of Dr. Crabill's application and wholeheartedly support his request, as stated in paragraph 6 in the above-mentioned paper.

23. Support received from Yu-hsi Moltze Wang (National Taiwan University, Taiwan) : On 22nd June 1955 Dr. Yu-hsi Moltze Wang (*National Taiwan University, Taiwan*) addressed the following letter of support to the Office of the Commission :—

After having read R. E. Crabill's application to ask the International Commission to use its Plenary Powers to designate for the genera

Scolopendra and *Lithobius* type species in harmony with accustomed usage, I agree with all his proposals.

24. Support received from W. R. M. Mason (Department of Agriculture, Ottawa, Canada) : On 24th June 1955 Dr. W. R. M. Mason (*Department of Agriculture, Ottawa, Canada*) addressed the following letter of support to the Office of the Commission :—

I have read the paper sent to me by Dr. Crabill of St. Louis University and find myself entirely in agreement with the views there expressed. I would be sorry to see the names *Scolopendra* and *Lithobius* altered in such drastic fashion as a strict application of the Rules would necessitate.

25. Support received from F. A. Turk (Camborne, Cornwall, England) : On 30th April 1956 Dr. F. A. Turk (*Camborne, Cornwall, England*) wrote a letter to the Office of the Commission in which, *inter alia*, he commented on the present case in the following terms :—

As you may know, I have also an interest in, and have published upon, the Myriapod Orders and recently Mr. R. E. Crabill of Missouri sent me his paper regarding the genus *Scolopendra*. I have read this carefully and in detail and I should like to record my opinion that the International Commission should act as Mr. Crabill asks. I agree with Mr. Crabill that failure to do this will result in appalling confusion in the nomenclature of the groups ; some of the earlier species of *Lithobius*, already obscure, would be placed in nearly inextricable confusion and, so far as I can see, to no good purpose.

26. Support received from Wolfgang Bücherl (Instituto Butantan, Sao Paulo, Brazil) : On 17th October 1956 Dr. Wolfgang

Bücherl (*Instituto Butantan, Sao Paulo, Brazil*) sent the following comment in support of the present application :—

Of course I will be inclined to adopt, after approbation by the members of the Commission on International Zoological Nomenclature, the names *Scolopendra* L., 1758, with the type species, *Scolopendra morsitans* L., 1758, and *Lithobius* [Leach], [1814], with the type species *Scolopendra forficata* L., 1758.

27. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

28. Issue of Voting Paper V.P.(56)1 : On 27th January 1956 a Voting Paper (V.P.(56)1) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Scolopendra* Linnaeus, 1758, as set out in Points (1) to (4) in paragraph 6 on page 135 and the top of page 136 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

29. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 27th April 1956.

30. Particulars of the Voting on Voting Paper V.P.(56)1 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)1 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Vokes ; Hering ; Mayr ; Kühnelt ; Lemche ; Bradley (J.C.) ; do Amaral ; Dymond ; Stoll ; Jaczewski ; Prantl ; Key ; Bodenheimer ; Bonnet ; Mertens ; Riley ; Sylvester-Bradley ; Hemming ; Hankó ; Tortonese ; Esaki ; Boschma ; Cabrera ; Miller ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

31. Declaration of Result of Vote : On 28th April 1956 Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)1, signed a Certificate that the Votes cast were as set out in paragraph 30 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

32. Substitution on the “ Official List ” of an older reference for the family-group name based on the generic name “ Scolopendra ” Linnaeus, 1758, than the oldest such reference previously ascertained : On 20th November 1956 Mr. Hemming, as Secretary, executed the following Minute directing the substitution on the *Official List of Family-Group Names in Zoology* of the name SCOLOPENDRIDAE [Leach], [1814] for the later name SCOLOPENDRIDAE Newton (G.), 1844, which it had previously

been proposed to enter on that *List* as the oldest family-group name based on the foregoing generic name :—

Substitution on the “ Official List ” of an older reference for the family-group name based upon the generic name “ Scolopendra ” Linnaeus, 1758, than the oldest such reference previously ascertained

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

Since the grant by the International Commission of approval to the proposals relating to the generic name *Scolopendra* Linnaeus, 1758, and associated names submitted to it in connection with Voting Paper V.P.(56)1, the routine check-up of the bibliographical references for the names concerned carried out in the Office of the Commission in connection with the preparation of the *Opinion* required for giving effect to the decision so taken has brought to light the existence of an older reference for the family-group name based upon the foregoing generic name than the oldest such reference previously ascertained. At the time of the submission of the foregoing Voting Paper it was believed that the oldest such reference was SCOLOPENDRIDAE Newport (G.), 1844. It has now been ascertained that the same name was published in [1814] by Leach in an anonymous article in Volume 7 (: 434) of the *Edinburgh Encyclopaedia*.

2. Accordingly, as Secretary, I hereby direct that the name SCOLOPENDRIDAE [Leach], [1814], be entered on the *Official List of Family-Group Names in Zoology* in place of the later name SCOLOPENDRIDAE Newport, 1844, the name previously proposed for entry thereon.

33. Preparation of the Ruling given in the present “ Opinion ” : On 22nd November 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)1, subject to the adjustment of the reference of the family-group name based on the generic name *Scolopendra* Linnaeus, 1758, in accordance with the directions given in the Minute executed by the Secretary on 20th November 1956, the text of which has been reproduced in the immediately preceding paragraph of the present *Opinion*.

34. Original References : The following are the original references for the generic and specific names placed on the *Official Lists* for names for taxa of those categories by the Ruling given in the present *Opinion* :—

forficata, *Scolopendra*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 638

Lithobius [Leach], [1814], in Brewster's *Edinb. Ency.* **7**(2) : 408

morsitans, *Scolopendra*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 638

Scolopendra Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 637

35. The following is the reference for the type selection for the genus *Lithobius* [Leach], [1814], specified in Section (2)(b) of the Ruling given in the present *Opinion* :—

Latreille, 1831, *Cours d'Entomol.*, Ann. **1** : 658.

36. The following are the original references for the family-group names placed on the *Official List* established for the names of taxa belonging to the family-group category :—

LITHOBIIDAE Newport (G.), April 1844, *Proc. linn. Soc. Lond.* 1844 (20) : 192 ; *id.*, [post-April] 1844, *Trans. linn. Soc. Lond.* **19** : 275, 360

SCOLOPENDRIDAE [Leach], [1814], in Brewster's *Edinb. Ency.* **7** : 434

37. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

38. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Four (454) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Second day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 21. Pp. 379—392

OPINION 455

Validation under the Plenary Powers (a) of the emenda-
tion to *Sphenodon* of the generic name *Sphaenodon*
Gray (J.E.), 1831, and (b) of the family-group name
SPHENODONTIDAE Cope, 1870 (Class Reptilia)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 455

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y.,
U.S.A.*) (12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent
re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*)
(27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw,
Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt
a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu
Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953)
(*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*)
(12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*)
(12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,
Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, California,
U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th
October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November
1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,
Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTENESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 455

VALIDATION UNDER THE PLENARY POWERS (a) OF THE EMENDATION TO "SPHENODON" OF THE GENERIC NAME "SPHAENODON" GRAY (J.E.), 1831, AND (b) OF THE FAMILY-GROUP NAME "SPHENODONTIDAE" COPE, 1870 (CLASS REPTILIA)

RULING :—(1) Under the Plenary Powers :—

(a) the emendation to *Sphenodon* of the generic name *Sphaenodon* Gray (J.E.), 1831, is hereby approved ;

(b) the family-group name HATTERIIDAE Cope, 1864 (type genus : *Hatteria* Gray (J.E.), 1842) is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 1067 :—

Sphenodon (emend. of *Sphaenodon*) Gray (J.E.), 1831
(gender : masculine) (type species, by monotypy :
Hatteria punctata Gray (J.E.), 1842)

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 1144 :—

punctata Gray (J.E.), 1842, as published in the combination *Hatteria punctata* (specific name of type species of *Sphenodon* Gray (J.E.), 1831).

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

(a) *Sphaenodon* Gray (J.E.), 1831 (an Original Spelling for *Sphenodon* rejected under the Plenary Powers in (1)(a) above) (Name No. 858) ;

(b) *Hatteria* Gray (J.E.), 1842 (a junior objective synonym of *Sphenodon* Gray (J.E.), 1831) (Name No. 859) ;

(c) *Rhynchocephalus* Owen, 1845 (a junior objective synonym of *Sphenodon* Gray (J.E.), 1831, and a junior homonym of *Rhynchocephalus* Fischer de Waldheim, 1806).

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name No. 145 :—

SPHENODONTIDAE Cope, 1870, as validated under the Plenary Powers in (1)(b) above (type genus : *Sphenodon* (emend. of *Sphaenodon*) Gray (J.E.), 1831).

(6) The under-mentioned family-group names are hereby placed on the *Official Index of Rejected and*

Invalid Family-Group Names in Zoology with the Name Numbers severally specified below :—

- (a) HATTERIIDAE Cope, 1864 (type genus : *Hatteria* Gray (J.E.), 1842) (a name suppressed under the Plenary Powers in (1)(b) above for the purposes of the Law of Priority but not for those of the Law of Homonymy) (Name No. 183) ;
- (b) RHYNCHOCEPHALIDAE Hoffmann, 1881 (type genus : *Rhynchocephalus* Owen, 1845) (invalid (a) because the name of its type genus is invalid as a junior homonym of another generic name and (b) because this name is a junior objective synonym of SPHENODONTIDAE Cope, 1870, the respective type genera of these family-group taxa having the same species as type species) (Name No. 184).

I. THE STATEMENT OF THE CASE

On 8th February 1954, Professor Robert Mertens (*Senckenbergische Naturforschende Gesellschaft, Forschungs-Institut u. Natur-Museum Senckenberg, Frankfurt a.M., Germany*) submitted to the Office of the International Commission a preliminary communication on the subject of the generic name commonly known as *Sphenodon* Gray, 1831 (Class Reptilia) and, consequent upon correspondence with the Secretary, he submitted the following

application in regard to the foregoing name to the International Commission on Zoological Nomenclature on 11th November 1954 :—

Proposed use of the Plenary Powers for the purpose (a) of validating the currently accepted emendation "Sphenodon" of the generic name "Sphaenodon" Gray (J.E.), 1831, and (b) of validating the family-group name "Sphenodontidae" Cope, 1870 (Class Reptilia)

By ROBERT MERTENS

(*Forschungs-Institut und Natur-Museum Senckenberg,
Frankfurt a. Main, Germany*)

The object of the present application is to ask the International Commission to use its Plenary Powers for the purpose of giving valid force to the currently accepted emendation *Sphenodon* for the generic name *Sphaenodon* Gray (J.E.), 1831. The facts of this case are set out briefly below.

2. In 1831 (*Zool. Misc.* (1) : 14), Gray (J.E.) gave the name *Sphaenodon* to the famous "Brückenechse" which he placed with the AGAMIDAE on the basis of a skull. He did not however then give a name to this species. In 1842, however, he gave this species the name *Hatteria punctata* (*Zool. Misc.* (2) : 72), thus making this nominal species the type species of *Sphaenodon* by monotypy.

3 There is no doubt that the word "Sphaenodon" is derived from the Greek word $\sigma\phi\eta\nu$ (= wedge) and that the spelling "Sphaenodon" is an error of transcription, the correct spelling being "Sphenodon". For this reason, nearly all later authors, notably Gray (1872) himself, have used the emended spelling *Sphenodon*, and the "Brückenechse" has been referred to under this name in many general works in recent years. Although I am, in general, a strong opponent of the emendation of names, I consider that in the case of the name for so well known an animal as the present it is desirable that the International Commission should validate the currently accepted form for its generic name.

4. There are two other nominal genera of which *Hatteria punctata* Gray, 1842, is the type species. The first of these is the genus *Hatteria* itself which was established by Gray on the same page (: 72) as that on which he published the name *Hatteria punctata*, which is the type species of this genus by monotypy. The second of these nominal genera is *Rhynchocephalus* Owen, 1845 (*Trans. geol. Soc. Lond.* (2)7 : 78).

In his 1845 paper Owen introduced this generic name in a very casual way and did not make it clear what was the species which he included in it. He discussed this genus again in 1853 (*Cat. Coll. Surgeons* 1 : 142, 143). The position in relation to the names *Sphenodon* and *Hatteria* was more fully discussed by Gray in 1869 (*Ann. Mag. nat. Hist.* (4)3 : 167). It is clear from these later papers that the type species of *Rhynchocephalus* Owen is *Hatteria punctata* Gray. Quite apart from the foregoing considerations, the generic name *Rhynchocephalus* Owen, 1845, is invalid by reason of being a junior homonym of *Rhynchocephalus* Fischer de Waldheim, 1806 (*Mém. Soc. imp. Nat. Moscou* 1 : 220). Accordingly, when the generic name *Sphenodon* Gray, 1831, is placed on the *Official List of Generic Names in Zoology*, its two junior objective synonyms *Hatteria* Gray, 1842, and *Rhynchocephalus* Owen, 1845, should be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*.

5. Each of the generic names discussed above has been made the basis of a family-group name, and it is desirable that the present opportunity should be taken to deal with this aspect of the present case also. First, the family-group name SPHENODONTIDAE Cope, 1870 (*Proc. amer. Ass. Adv. Sci.* 19 : 235) should now be placed on the *Official List of Family-Group Names in Zoology*. Second, the family-group name RHYNCHOCEPHALIDAE Hoffmann, 1881 (*in Bronn, Klass. Ordn. Thierr.* 6 (Abt. 3, Lief. 18/21) : 1065) (type genus *Rhynchocephalus* Owen, 1845, a junior objective synonym of *Hatteria* Gray, 1842, and of *Sphenodon* Gray, 1831) should be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*, as it is a junior objective synonym of SPHENODONTIDAE Cope, 1870.

6. We have now to consider the third of the family-group names concerned, namely HATTERIIDAE Cope, 1864 (*Proc. Acad. nat. Sci. Philad.* 1864 : 227) the type genus of which is *Hatteria* Gray, 1842, which, as shown above, is a junior objective synonym of *Sphenodon* Gray, 1831. The name SPHENODONTIDAE Cope, 1870, which is in current use for this family, is junior by six years to the name HATTERIIDAE Cope, 1864. Up to 1953, this would not have prevented the family in question from being known by the family name (SPHENODONTIDAE) based upon the oldest valid name for its type genus. Unfortunately, however, the Fourteenth International Congress of Zoology, Copenhagen, 1953, when revising the rules relating to family-group names, inserted a provision that "Where the name of the type genus of a taxon belonging to the Family-Group has to be changed because it is found to be either (i) a junior objective synonym or (ii) a junior subjective synonym, the name of the Family-Group taxon based upon the name of that type genus is not to be changed" (1953, *Copenhagen Decisions on Zoological Nomenclature* : 36, Decision 54(1)(a)). This decision represents a most unfortunate innovation and one calculated to cause much name-changing and confusion at the family-name level, and it is

much to be hoped that it will be reversed by the next (London, 1958) International Congress of Zoology. In the present case this decision, if applied, would lead to the rejection of the well-known family name SPHENODONTIDAE and its replacement by the long-rejected and inappropriate name HATTERIIDAE. In present circumstances the only way by which this result can be avoided is for the Commission to use its Plenary Powers to suppress the family-group name HATTERIIDAE Cope, 1864, thereby validating the accepted name SPHENODONTIDAE Cope, 1870. This course the Commission is therefore now asked to take.

7. I accordingly recommend that the International Commission should :—

- (1) use its Plenary Powers :—
 - (a) to validate the currently accepted emendation *Sphenodon* for the generic name *Sphaenodon* Gray (J.E.), 1831 ;
 - (b) to suppress for the purposes of the Law of Priority but not for those of the Law of Homonymy the family-group name HATTERIIDAE Cope, 1864 (type genus : *Hatteria* Gray (J.E.), 1842) ;
- (2) place the under-mentioned generic name on the *Official List of Generic Names in Zoology* :—*Sphenodon* (emend. of *Sphaenodon*) Gray (J.E.), 1831 (gender : masculine) (type species, by monotypy : *Hatteria punctata* Gray, 1842) ;
- (3) place the under-mentioned specific name on the *Official List of Specific Names in Zoology* :—*punctata* Gray, 1842, as published in the combination *Hatteria punctata* (specific name of type species of *Sphenodon* Gray, 1831) ;
- (4) place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* : *Sphaenodon* Gray (J.E.), 1831 (an Original Spelling rejected under the Plenary Powers under (1) above) ;
- (5) place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* :—SPHENODONTIDAE Cope, 1870, *Proc. amer. Ass. Adv. Sci.* **19** : 235 (type genus : *Sphenodon* (emend. of *Sphaenodon*) Gray (J.E.), 1831).
- (6) place the under-mentioned family-group names on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* :—
 - (a) HATTERIIDAE Cope, 1864 (type genus : *Hatteria* Gray (J.E.), 1842, as suppressed under the Plenary Powers under (1)(b) above) ;

- (b) RHYNCHOCEPHALIDAE Hoffmann, 1881 (type genus : *Rhynchocephalus* Owen, 1845) (invalid because a junior synonym of SPHENODONTIDAE Cope, 1870, the names of the respective type genera of these family-groups being objective synonyms of another).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Professor Mertens's preliminary communication, the question of the emendation to *Sphenodon* of the generic name *Sphaenodon* Gray (J.E.), 1831, was allotted the Registered Number Z.N.(S.) 811.

3. Publication of the present application : The present application was sent to the printer on 31st December 1954 and was published on 31st May 1955 in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Mertens, 1955, *Bull. zool. Nomencl.* **11** : 139—141).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers was given on 31st May 1955 (a) in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Professor Mertens's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to two specialist serials (published in Europe and America respectively).

5. Support received from Tadeusz Jaczewski (Warsaw, Poland) : On 12th June 1955, Professor Tadeusz Jaczewski (*Institute of Zoology, Polish Academy of Sciences, Warsaw*) addressed to the Office of the Commission the following letter in which, after

supporting the present application, he drew attention to two small omissions in the final paragraph in which the action which it was desired that the Commission should take had been summarised by the applicant (Jaczewski, 1955, *Bull. zool. Nomencl.* **11** : 304) :—

I wish to support to the full extent the proposition by Professor Dr. Robert Mertens, concerning the validation of the emended generic name *Sphenodon* Gray, 1831, and of the family-group name SPHENODONTIDAE Cope, 1870.

In particular I wish to support most strongly the opinion expressed by Dr. Mertens in paragraph 6 (pp. 140—141) of the above proposition, concerning the use of family-group names derived from generic names which proved to be synonyms. I quite agree with Dr. Mertens that it is to be hoped that the unfortunate Copenhagen Decision No. 54, point (1)(a), will be finally reversed by the next International Congress.

In my opinion the only way leading to reasonable stability of family-group names is through the previous stabilisation, i.e., placing on the *Official List*, of the names of the corresponding type genera of the families in question. I think that the Copenhagen Decision is manifestly contrary to the very principle of the type method which is taken as the basis for the formation of family-group names. I am unable to see any reasonable basis for the maintenance of family-group names derived from synonymous generic names which are liable to be placed at any time on the *Official Index of Rejected and Invalid Generic Names in Zoology* and thus become doomed to oblivion. I think *valid* family names based on *invalid* generic names are a very anomalous combination.

Returning to the proposition of Professor Dr. R. Mertens, I think that the generic names *Hatteria* Gray, 1842, and *Rhynchocephalus* Owen, 1845, should also be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*, as proposed at the end of paragraph 4 (: 140). This proposition is omitted, perhaps by mistake, in paragraph 7 (: 141).

6. Support received from Hobart M. Smith (University of Kansas, Lawrence, Kansas, U.S.A.) : On 8th July 1955, Professor Hobart M. Smith (*University of Kansas, Lawrence, Kansas, U.S.A.*) addressed the following letter of support to the Office of the Commission :—

Z.N.(S.) 811 (*Sphenodon*) : Approval is hereby registered for all the proposals 1—6 of the cited application.

7. No objection received : No objection to the action proposed in the present case was received from any source.

8. Preparation by the Secretary in February 1956 of a Supplementary Note on two minor aspects of the present case : On 7th February 1956, Mr. Hemming as Secretary prepared a note to be annexed as Note 5 to the Voting Paper then on the point of being issued in connection with the present application in which he drew attention to the fact that by an oversight, to which attention had been drawn by Professor Tadeusz Jaczewski (paragraph 5 above), two proposals on which the Commission would need to be asked to vote on that Voting Paper, though mentioned by the applicant in the body of the application (paragraph 4), had not been included in the summary given in the concluding paragraph (paragraph 7). The proposals in question were concerned with the addition of two objectively invalid generic names to the *Official Index of Rejected and Invalid Generic Names in Zoology*. These names were :—(i) *Hatteria* Gray (J.E.), 1842 (a junior objective synonym of *Sphenodon* Gray, 1831) ; (ii) *Rhynchocephalus* Owen, 1845 (a junior objective synonym of *Sphenodon* Gray (J.E.), 1831, and, in addition, a junior homonym of *Rhynchocephalus* Fischer de Waldheim, 1806).

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

9. Issue of Voting Paper V.P.(56)5 : On 29th February 1956, a Voting Paper (V.P.(56)5) was issued in which the Members of the Commission were invited to vote either for, or against, “the proposal relating to the generic name *Sphenodon* Gray, 1831, as set out in Points (1) to (6) in paragraph 7 on page 141 of Volume 11 of the *Bulletin of Zoological Nomenclature* [i.e. in the points numbered as above in paragraph 7 of the application reproduced in the first paragraph of the present *Opinion*], subject to the additional proposals specified in Note 5 overleaf” [i.e. in the Note referred to in paragraph 8 of the present *Opinion*].

10. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 29th May 1956.

11. Particulars of the Voting on Voting Paper V.P.(56)5 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)5 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Sylvester-Bradley ; do Amaral ; Bradley (J.C.) ; Hering ; Lemche ; Vokes ; Mayr ; Key ; Jaczewski ; Dymond ; Bodenheimer ; Mertens ; Esaki ; Boschma ; Hankô Riley ; Prantl ; Stoll ; Hemming ; Cabrera ; Tortonese ; Bonnet ; Kühnelt ; Miller ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

12. Declaration of Result of Vote : On 30th May 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)5, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

13. Preparation of the Ruling given in the present " Opinion " :

On 23rd November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)5.

14. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Hatteria Gray (J.E.), 1842, *Zool. Misc.* (2) : 72

punctata, *Hatteria*, Gray (J.E.), 1842, *Zool. Misc.* (2) : 72

Rhynchocephalus Owen, 1845, *Trans. geol. Soc. Lond.* (2) 7 : 78

Sphaenodon Gray (J.E.), 1831 [an Invalid Original Spelling for *Sphenodon* q.v.]

Sphenodon (emend. of *Sphaenodon*) Gray (J.E.), 1831, *Zool. Misc.* (1) : 14

15. The following are the original references for the family-group names placed on the *Official List* and *Official Index* of the names of taxa belonging to the family-group category :—

HATTERIIDAE Cope, 1864, *Proc. Acad. nat. Sci. Philad.* **1864** : 227

RHYNCHOCEPHALIDAE Hoffmann, 1881, in Bronn, *Klass. Ordn. Thier.* **6** (Abt. 3, Lief. 18/21) : 1065

SPHENODONTIDAE Cope, 1870, *Proc. amer. Ass. Adv. Sci.* **19** : 235

16. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly

hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Five (455) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Third day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 22. Pp. 393—418

OPINION 456

Rejection of the work by Thomas Martyn published in 1784 with the title *The Universal Conchologist* as a work which does not comply with the requirements of Article 25 of the *Règles* and which therefore possesses no status in zoological nomenclature and rejection also of a proposal that the foregoing work should be validated under the Plenary Powers

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 456

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 456

REJECTION OF THE WORK BY THOMAS MARTYN
PUBLISHED IN 1784 WITH THE TITLE " THE
UNIVERSAL CONCHOLOGIST " AS A WORK WHICH
DOES NOT COMPLY WITH THE REQUIREMENTS
OF ARTICLE 25 OF THE " REGLES " AND WHICH
THEREFORE POSSESSES NO STATUS IN
ZOOLOGICAL NOMENCLATURE AND
REJECTION ALSO OF A PROPOSAL THAT
THE FOREGOING WORK SHOULD BE
VALIDATED UNDER THE PLENARY
POWERS

RULING :—(1) It is hereby ruled that the work by Thomas Martyn published in London in 1784 under the title *The Universal Conchologist* does not comply with the requirements of Article 25 of the *Règles* and therefore that this work possesses no status in zoological nomenclature.

(2) The request that the names in the foregoing work be validated *en bloc* under the Plenary Powers is hereby rejected, but consideration will be given to applications for the validation of individual names as published in the above work, if submitted by specialists with adequate data regarding the names concerned.

(3) The title of the work specified in (1), as there rejected for nomenclatorial purposes, is hereby placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* with the Title No. 55.

I. THE STATEMENT OF THE CASE

On 19th October 1951 five New Zealand zoologists submitted to the International Commission on Zoological Nomenclature an application on the subject of the status of the specific names used by Thomas Martyn in *The Universal Conchologist*, a work which was published in London in four volumes and in more than one edition, the date of publication of the first volume of the first edition being 1784. The specialists by whom this application was submitted were: (i) R. K. Dell (*Dominion Museum, Wellington, New Zealand*); (ii) C. A. Fleming (*Geological Survey of New Zealand, Wellington, New Zealand*); (iii) C. R. Laws (*Department of Geology, Auckland University College, Auckland, New Zealand*); (iv) J. Marwick (*Geological Survey of New Zealand, Wellington, New Zealand*); (v) A. W. B. Powell (*Auckland Institute and Museum, Auckland, New Zealand*). In the paper so submitted the foregoing specialists (1) discussed the investigations of previous workers and themselves reached the conclusion that in *The Universal Conchologist* Martyn did not apply the principles of binominal nomenclature and therefore that new names used in it were not available for the purposes of zoological nomenclature, (2) drew attention to the fact that certain of the names in Martyn's book has been treated as the valid specific names for well-known species of New Zealand Mollusca for many years, and (3) asked that, without prejudice to the submission of parallel applications by Australian specialists in respect of Martyn names for species belonging to the Australian Fauna, the International Commission should use its Plenary Powers to validate the specific names given by Martyn to eighteen species of the New Zealand fauna. The application so submitted was subsequently expanded by the applicants in certain respects. In its final form it was submitted to the Office of the Commission on 19th May 1952. Later, for the reasons explained in paragraph 13 of the present *Opinion* it was decided to deal separately with the question on the one hand of the status to be accorded for nomenclatorial purposes to Martyn's book *The Universal Conchologist* and on the other hand with the question of the status to be accorded to the eighteen specific names which formed the subject of the remaining part of the application submitted by the specialists referred to above. The present *Opinion* is concerned only with the first of these subjects.

This portion of the subject was dealt with in paragraph 2 of the application submitted, the formal request made to the Commission on this subject being set out in paragraph 6(a). The foregoing portions of the application so submitted were as follows :—

Proposed use of the Plenary Powers to conserve specific trivial names of New Zealand Mollusca published in Thomas Martyn's "Universal Conchologist" (1784)

By

R. K. DELL

(Dominion Museum, Wellington, New Zealand)

C. A. FLEMING

(Geological Survey of New Zealand, Wellington, New Zealand)

C. R. LAWS

(Department of Geology, Auckland University College, Auckland, New Zealand)

J. MARWICK

(Geological Survey of New Zealand, Wellington, New Zealand)

and

A. W. B. POWELL

(Auckland Institute and Museum, Auckland, New Zealand)

.

2. Availability of names in Martyn's "Universal Conchologist" : According to Dall (1905 : 426), E. von Martens (1860) discussed Martyn's work and concluded that his generic names should be rejected but that his specific names might stand. Sherborn (1902) accepted Martyn's specific names. Dall himself (1905, 1907) after full discussion and a little hesitation accepted Martyn's generic and specific names. Iredale (1921) recorded discrepancies between different copies of Volume 4 of the *Universal Conchologist*. Winckworth (1929) re-examined the question of the availability of Martyn's names ; suggested " that the numerous small explanations required to read binominal

intention into his tables ask for more guess work than is reasonable"; and concluded "that one must most reluctantly disregard his beautiful work as far as nomenclature is concerned". Iredale (1930:77) wrote: "The acceptance of the names given by Martyn in the *Universal Conchologist* has been a source of much trouble, and Winckworth's conclusion that, as Martyn was not using a binominal nomenclature in the explanation to the plates, Martyn's names be rejected, is herewith confirmed. The beautiful figures provided by Martyn have never been excelled, but his proposed system of nominating them was never published, and the recognition of Martyn's temporary names has caused much confusion without creating any benefit." A. Myra Keen (1937:22) stated that "there is considerable room for doubting the nomenclatural availability of Martyn's species", but tentatively accepted one of his species "pending a decision by the International Commission on Zoological Nomenclature on the validity of Martyn's work". Powell (1946:64) noted that "the status of Thomas Martyn's names, *Universal Conchologist*, 1784, is in doubt, but it seems clearly a case for a ruling by the International Commission on Zoological Nomenclature", and continued to use Martyn's names pending a definite decision. The above opinions are quoted because it is difficult for the present writers, with limited library resources, to form an independent opinion of the availability of Martyn's work. It appears, however, that under strict application of the *Règles*, the names in Martyn's *Universal Conchologist* are not available under Proviso (b) to Article 25 and some parts of the work may also be invalid under the new provision concerning publication (*Bull. zool. Nomencl.* 4(7/9):218).

.

6. Application for the use of the Plenary Powers : In the light of the considerations set forth above and in order to avoid the confusion which would follow the strict application of the normal rules in the present case, the International Commission on Zoological Nomenclature is asked:—

- (1) to give a ruling that in his *Universal Conchologist* published in 1784 Thomas Martyn did not consistently apply the principles of binominal nomenclature, as required by Article 25 of the *Règles*, as amended by the Thirteenth International Congress of Zoology (see 1950, *Bull. zool. Nomencl.* 4:64—66) and therefore that no name published in the foregoing work acquires availability in zoological nomenclature in virtue of having been so published ;
-

References

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II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of the application referred to in the immediately preceding paragraph the question of the status to be accorded to Thomas Martyn's work entitled *The Universal Conchologist* and the possible use of the Plenary Powers for the purpose of validating the specific names published in that work for eighteen species of Mollusca belonging to the New Zealand Fauna was allotted the Registered Number Z.N.(S.) 634.

3. Publication of the present application : The application referred to above was sent to the printer on 22nd June 1952 and was published on 23rd July of the same year in Part 9 of Volume 6 of the *Bulletin of Zoological Nomenclature* (Dell (R.K.) *et al.*, 1952, *Bull. zool. Nomencl.* **6** : 273—277).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 23rd July 1952 (a) in Part 9 of Volume 6 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by Dr. Dell and his colleagues was published) and (b) to the other prescribed serial publications. In addition such Notice was given also to four general zoological serial publications and to certain specialist serial publications.

5. Comment received during the Prescribed Six-Month Waiting Period : During the Prescribed Six-Month Waiting Period following the publication of the application in this case no comments in regard to it were received until ten days before the close of that period a letter was received in the Office of the Commission (on 13th January 1953) from Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) asking that further time should be given for the examination of the issues raised by the foregoing application, in order to make possible the consideration of the question whether certain familiar specific names for other species introduced by Martyn in *The Universal Conchologist* ought also to be brought to the attention of the International Commission with a view to their validation under the Plenary Powers.

6. Request received in January 1953 from Joshua L. Baily, Jr. for a temporary postponement of the consideration of the present application in order to provide an opportunity for the submission of a counter-proposal: The following is the letter dated 8th January 1953 referred to in paragraph 5 above in which Dr. Joshua L.

Baily, Jr. asked for a temporary postponement of the consideration of the application submitted in this case, in order to provide an opportunity for the preparation and submission to the International Commission of a counter-proposal in relation to the matters dealt with therein¹ :—

This is to request that no other action be taken on the suppression of Martyn's *Universal Conchologist* until opportunity has been given for further examination of this work to see how many of its names might be placed on the *Official List* first.

Those who have petitioned for the suppression of this work in Application Z.N.(S.) 634 have also asked for the retention of many of the names in it. The fact remains that although this work does not comply with the requirements now embodied in the rules, the names proposed in it have come into general use, and are universally understood, and that to rule this work out now after nearly two centuries of use would compel many changes of names that would be undesirable and would be most confusing.

7. Extension in January 1953 of the Prescribed Waiting Period for a Period of one year : At the close of the Prescribed Six-Month Waiting Period on 23rd January 1953 the present case was reviewed by the Secretary who that day executed a Minute in which, (1) he took note that the only comment in relation to the present case received during the Prescribed Waiting Period was the letter from Dr. Joshua L. Baily, Jr. reproduced in paragraph 6 of the present *Opinion* which had then recently reached the Office of the Commission and in which an extension of the Waiting Period had been asked for with a view to the submission of a Supplementary Application, and (2) gave directions that for the reasons explained in (1) above the Prescribed Waiting Period for the present case be extended for a period of one year, so that instead of closing on 23rd January 1953 it should continue to run until 23rd January 1954.

8. Comments received after the extension of the Prescribed Waiting Period to January 1954 : During the twelve-month

¹ For the counter-proposal here foreshadowed see paragraph 10 of the present *Opinion*.

period following the extension of the Prescribed Waiting Period in the present case (paragraph 7 above) three communications were received in regard to the present case. In the first of these Dr. K. S. Misra (*Zoological Survey of India, Calcutta*) expressed the view that all specific names in *The Universal Conchologist* of Thomas Martyn were acceptable in so far as the descriptions given for the species concerned were correct and unambiguous. In the second Dr. Joshua L. Baily, Jr., writing jointly with Mr. S. Stillman Berry (*Redlands, California, U.S.A.*), (1) set out the view that *The Universal Conchologist* of Martyn could properly be regarded as complying with the requirements of Article 25 of the *Règles* and should therefore be accepted for nomenclatorial purposes but (2) added that, if the foregoing view were not to prove acceptable to the International Commission, it was desired that eleven specific names of Martyn's listed in a table annexed to that letter should be validated under the Plenary Powers. The third communication received was a letter from Mr. E. P. Chace (*Lomita, California, U.S.A.*), which was signed also by a number of other workers, in which the view was put forward that *The Universal Conchologist* of Martyn was a nomenclatorially available work and should, it was urged, be accepted as such. Shortly after the close of the Prescribed Waiting Period, as extended to 23rd January 1954 and before any further action had been taken on the present case a letter was received from Professor Harold E. Vokes (*The Johns Hopkins University, Baltimore, Maryland, U.S.A.*), a Member of the International Commission, in which (a) he expressed his agreement with the proposal that *The Universal Conchologist* should be rejected as not being available for nomenclatorial purposes which had been submitted by the applicants in the present case (paragraph 1 of the present *Opinion*), (b) criticised in detail the proposals submitted in the foregoing application for the validation under the Plenary Powers of the specific names for certain New Zealand species of Mollusca submitted with that application, and (c) asked that, when that application was submitted to the International Commission for decision, an opportunity should be provided for the taking of a vote on the question of the availability under Article 25 of the *The Universal Conchologist* as an issue separate from that raised by the proposal for the validation of the specific names for certain New Zealand species figured in the above work which had been included in the same application.

The documents discussed above are reproduced in the immediately following paragraphs.

9. Comment received from K. S. Misra (Zoological Survey of India, Calcutta) : On 22nd January 1953 Dr. K. S. Misra (*Zoological Survey of India, Calcutta*) addressed a letter to the Office of the Commission commenting upon four applications at that time before the International Commission, of which the fourth was the application with which the present *Opinion* is concerned. Dr. Misra's comment on this case was as follows :—

Martyn, 1784, Universal Conchologist (Ph. Mollusca) (Validation of the trivial names published in *arabicum . . . vermis*). All the trivial names may be validated in those cases where Martyn's diagrams of the species are correct and unambiguous.

10. Counter-proposal in favour of the acceptance of the work by Thomas Martyn entitled "The Universal Conchologist" as an available work submitted by Joshua L. Baily, Jr. (San Diego, California, U.S.A.) and S. Stillman Berry (Redlands, California, U.S.A.) : On 5th May 1953 Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) and Mr. S. Stillman Berry (*Redlands, California, U.S.A.*) submitted a letter containing a counter-proposal in which they asked that the International Commission should give a Ruling that the work entitled *The Universal Conchologist* should be accepted for nomenclatorial purposes as being a work which satisfied the requirements of Article 25 of the *Règles*. The letter so submitted was as follows :—

Letter dated 5th May 1953 addressed to the International Commission on Zoological Nomenclature by Joshua L. Baily, Jr. (San Diego, California, U.S.A.) and S. Stillman Berry (Redlands, California, U.S.A.)

Under the Commission's Reference Z.N.(S.) 634 you have published in Volume 6 of the *Bulletin of Zoological Nomenclature* at page 273 an application from five active students of the systematics of New Zealand Mollusca, asking that *The Universal Conchologist* by Thomas Martyn, published in 1784, be declared unavailable for nomenclatorial

purposes according to the Rules as set out in Volume 4 of the *Bulletin of Zoological Nomenclature* at pages 64—66, but that at the same time the Rules be suspended so that eighteen specific trivial names originated in this work might be validated and conserved, on the ground that they have come into universal use, and that their replacement by later published names "would cause more confusion than uniformity". These eighteen specific trivial names apply to well-known New Zealand Mollusca.

A similar situation holds with respect to names applied in this work to Pacific American Mollusca. Whether recognition should have been given these names in the first place is a question on which there is likely to be a great diversity of opinion, but which to the undersigned writers appears to be irrelevant. Martyn's names, whether originally proposed in accordance with the Rules or not, have come into universal use, and the statement that their replacement would cause greater confusion than otherwise, is just as applicable to Pacific American Mollusca as to those of New Zealand, and will probably be found to be equally applicable to all the species described in this work. We see no good reason for the sanctification of names pertaining to one area beyond those of another equally concerned area, and we feel, therefore, that the simplest and most efficient way to dispose of the problem offered by *The Universal Conchologist* would be to validate the work as a whole, and then to suppress the few objectionable names in it, if any such should be found to exist. Accordingly, one of the undersigned writers (Baily) wrote you on January 8th last,² requesting that action on this application be deferred pending a further examination of this controversial work. The opportunity to make such an examination has now arisen, as the other undersigned writer (Berry) is the owner of a copy, and accordingly the two of us have united in the following expression of opinion.

The objections urged against the recognition of Martyn's work are based upon two assumptions :

- (a) that the work is not consistently binomial ;
- (b) that it was not published in accordance with the meaning of that term as provided in the rules. (See *Bull. zool. Nomencl.* 4 : 218).

These objections must now be considered separately.

- (a) The rule requiring consistent binomiality was directed against such writers as Klein, Martini, and Chemnitz, all of whom

² For the text of the communication here referred to see paragraph 6 of the present *Opinion*,

decided to designate species by strings of adjectives, which were actually descriptive phrases, rather than names. In other words, these writers employed polynomial nomenclature. But Martyn's system was not polynomial, it was intended to be binomial, in theory at least; in actual practice, however, when he departed from binomialism he used a monomial system—many of his names are monomial. When Martyn used a noun as the specific trivial name in a binomial combination he tended to use it alone, leaving the reader in such cases to supply mentally the name of the genus, which was indicated by the content in most cases.

This is the principal ground upon which Martyn's binomiality is challenged. However, Martyn's offence, strictly speaking, was not that he used a non-binomial system of nomenclature but only that in citing a name that is essentially binomial he sometimes omits the generic term. In such cases the genus can readily be inferred from the content. Thus Martyn did not violate the spirit of the law, but only the letter, and that only if a strained interpretation be placed upon the law. Martyn apparently considered himself a binomial author and would doubtless be surprised if he could know that nearly two centuries after the publication of his work anyone considered him otherwise.

- (b) The charge that the work was not legally published is based upon the fact that very few copies of this work are exactly alike. Some of them lack plates that are present in others—that is to say, some (perhaps all) the known copies are defective. There is nothing in any one copy, as far as the undersigned writers are aware, that contradicts or is inconsistent with anything in any other copy. The fact that some copies are defective is hardly sufficient to justify suppression of the whole work, for the book appeared first nearly two centuries ago, and few questioned its acceptance until within the past few years. Had the acceptability of this work been seriously questioned during the first part of its existence its suppression at the present time might be accomplished with relatively little inconvenience, but in view of the fact that the names proposed in it have met with such general acceptance there seems to be no adequate reason for its suppression at this late date, upon which ground the undersigned writers feel that it would be preferable that the work be declared nomenclatorially available.

If, however, the International Commission should disagree with the views set forth hereinabove, we would like to request an alternative action, namely, that the eleven specific trivial names in the accompany-

ing table³ be validated separately and placed upon the *Official List of Specific Trivial Names in Zoology*. In fact, we would request this action whether *The Universal Conchologist* be accepted or rejected as a whole.

To summarize the above, we would request the International Commission to take the following action :—

- (1) to declare that the names published in *The Universal Conchologist* in 1784 by Thomas Martyn, are nomenclatorially available as from that date, without suspension of the rules, if possible, but under suspension of the rules if necessary ;
- (2) to validate separately, if necessary, each of the eleven specific trivial names of Pacific American Mollusca published in *The Universal Conchologist*, in the event that this work should be rejected by the Commission ; and
- (3) in any case to place each of the eleven specific names hereinabove referred to on the *Official List of Specific Trivial Names in Zoology*.

11. Request for the acceptance of the work by Thomas Martyn entitled "The Universal Conchologist" as a nomenclatorially acceptable work submitted by E. P. Chace and eleven other members of the Pacific Division of the American Malacological Union : On 8th July 1953 there was received in the Office of the Commission the following letter dated 3rd June 1953, signed by Mr. E. P. Chace (*Lomita, California, U.S.A.*) and eleven other members of the Pacific Division of the American Malacological Union, urging the acceptance of Thomas Martyn's work *The Universal Conchologist* as a nomenclatorially available work. The other signatories to this letter were : John Q. Burch (*Los Angeles,*

³ For the reasons explained in paragraph 13 below it was later decided to separate from one another the two problems involved in the application originally submitted (paragraph 1 above), namely (a) the question whether the work by Martyn entitled *The Universal Conchologist* is a nomenclatorially available work and (b) the question whether the specific names for certain New Zealand species of Mollusca which appeared in that work should, as recommended in that application, be validated under the Plenary Powers or be otherwise accepted for nomenclatorial purposes. The present *Opinion* is concerned only with the first of these questions, the second question still being under study. Accordingly, the Table containing the specific names of eleven nominal species established by Martyn in the above work, the acceptance of which was asked for by Dr. Baily and Mr. Berry has here been omitted, this question now being the subject of examination on Commission File Z.N.(S.) 1066 simultaneously with the study of the parallel proposals previously submitted in regard to the names of certain species of the New Zealand fauna.

California); William K. Emerson (*University of California, Berkeley, California*); Walter J. Eyerdam (*Seattle, Washington*); Ralph C. Fox (*Berkeley, California*); Wendell O. Gregg (*Los Angeles, California*); Leo G. Hertlein (*California Academy of Sciences, San Francisco, California*); Geo P. Kanakoff (*Los Angeles County Museum, Los Angeles, California*); Myra Keen (*Stanford University, California*); Allyn G. Smith (*Berkeley, California*); V. D. P. Spicer (*Centralia, Washington*); Harry H. Turver (*South Gate, California*)

Letter dated 3rd June 1953 signed by twelve members of the Pacific Division of the American Malacological Union

We, the undersigned members of the Pacific Division of the American Malacological Union, meeting in our annual convention at Asilomar, California in June, 1953, have been informed by one of our members, Dr. Joshua L. Baily, Jr., that a petition has been filed with the International Commission on Zoological Nomenclature, to which the Commission's Reference No. Z.N.(S.) 634 has been applied.

The purpose of this petition is to declare a book known as *The Universal Conchologist* written by Thomas Martyn and published in London in 1784 to be nomenclatorially unavailable, but that before it is rejected certain names in it which have met with general acceptance during the nearly two centuries which have elapsed since they were published and which are now universally understood should be made *nomina conservenda* by being entered on the official list being compiled by the International Commission for this purpose.

We are in agreement with the signers of this petition that there are certain irregularities in the way in which this work was published that make it imperative that its status be considered by the Commission and that an opinion be issued in which this specific work shall be dealt with alone.

We are also agreed that in order to stabilize nomenclature it is necessary that certain names be accepted and others rejected, and we can readily understand that names of both kinds might readily occur in the same work, so that the principle maintained by some scholars in the past that a book must inevitably be either accepted or rejected *in toto* is not tenable, nor is it reasonable.

We do not, however, agree on the selection of names to be preserved which has been made by the petitioners. They have requested that names of species found in the general area about New Zealand should be retained, and that names of species found elsewhere should be rejected.⁴ A geographic criterion of this sort, we believe, would prove to be very unsatisfactory, and we do not believe that it was the intention of the petitioners to ask for any such criterion. We believe that the petitioners selected these names which they found that they used the most frequently, and that because the petitioners lived in New Zealand the names which they used most frequently were of New Zealand species. We believe that had these petitioners lived in any other general area that the names for which they asked protection would have been those of species in that area. Because we reside on the Pacific Coast of the United States, we believe that the cause of the stabilization of nomenclature would be served by the conservation of those names applied by Martyn to Pacific American species, and we also believe that residents of any part of the world would feel the same way about the names of species of their own region. If this view be correct, then it would follow that the most efficient way to deal with this work would be to declare *The Universal Conchologist* available, and then to suppress by separation the undesirable names in it, should any such be found.

The reasons urged for the suppression of this work are based on two grounds—first, that the work was not published in accordance with the provisions set out in the *Bulletin of Zoological Nomenclature*, Vol. 4 : 218, and—second that it is not consistently binomial. We feel that the arguments on both grounds can be met. Let us consider them in order.

The only way in which this work fails to satisfy the requirements for publications seems to be that all copies are not exactly alike. The first edition of this work dates from 1784, and consists of two volumes, each with forty plates. Later editions have had as many as four volumes, each with forty or even more plates. The observed discrepancies have to some extent come about as the result of comparing copies of different editions, and differences between different editions

⁴ The signatories of this letter were under a misapprehension in believing that the New Zealand zoologists by whom the application had been submitted had asked that names published by Martyn in the work entitled *The Universal Conchologist* for species outside the New Zealand region should be rejected. The applicants made it plain in paragraph 5 of their application that they were aware that problems similar to those with which, as New Zealanders, they were confronted in connection with their own fauna, arose elsewhere but that they considered that it would be better that any application regarding the name of species not occurring in the New Zealand fauna should be brought forward by specialists in the area concerned (see Dell *et al.*, 1952, *Bull. zool. Nomencl.* 6 : 274).

of any work may always be expected. Those who have compared copies of this work almost always fail to state that they have used only the first edition, but in some cases it is obvious that later editions were used. It is difficult to assemble copies of this work for purposes of comparison ; it is a rare and valuable work generally kept under lock and key. We do not know that all the discrepancies reported are due to the comparisons made between different editions, but we know that some have come about in that way.

And if Martyn was not strictly binomial we must remember that neither was Linnaeus. In the 10th edition of the *Systema Naturae*, he used such nomenclatorial combinations as

Anomia Caput sepentis
 Mytilus Crista galli
 Conus Stercus muscarum
 Bulla Auris midae
 Turbo Tectum persicum
 Voluta Mitra episcopalis
 Voluta Mitra papalis

Today we amend the first five of these by joining the last two words with a hyphen, making them a single specific trivial name, but Linnaeus himself did not do this. And we do not amend the last two in this way. Today they are assigned to the genus *Mitra* and to hyphenate the last two words would give us *Mitra mitra-episcopalis*, etc. Instead we call this species *Mitra episcopalis* and credit it to Linnaeus, although using a specific trivial name which Linnaeus himself never used. It might be embarrassing to be asked to throw out Linnaeus on the ground that he was sometimes non-linnaean !

To summarize : We would request action by you to declare this work available for nomenclatorial purposes, on the ground that the names which it contains have been in general use for nearly two centuries and are universally understood, and that the technical defects upon which most objections to it have been based, have been greatly exaggerated.

On making this request we are acting as individuals, and do not express the views of the American Malacological Union or any other organization.

12. Communication received from Professor Harold E. Vokes (The Johns Hopkins University, Baltimore, Maryland, U.S.A.) :
 On 1st April 1954 Professor Harold E. Vokes (*The Johns Hopkins*

University, Baltimore, Maryland, U.S.A.) in which, after discussing in detail and criticising the proposals for the validation under the Plenary Powers of eighteen specific names for New Zealand Mollusca published in *The Universal Conchologist* of Thomas Martyn which had been included in the original application submitted in this case, he set out as follows his view on the question of the nomenclatorial status of the above work and asked that this question should be separated from that relating to the proposed validation of the specific names for certain New Zealand Mollusca published by Martyn in that work.

. . . I am here asking that the Voting Papers on the matter of Martyn's *Universal Conchologist* be so drawn as to permit a separate ballot on the matter of the suppression of this work for nomenclatorial purposes, and on the problem of "Suspension of the *Règles*" for the New Zealand species. I am in favor of the former, but against blanket suspension for all of the latter, for I feel that the evidence fails to show the need of such suspension.

13. Decision to divide into two portions the application submitted in the present case, one portion being concerned with the status of the work by Thomas Martyn entitled "The Universal Conchologist", the second with the status to be accorded to specific names for certain New Zealand species of Mollusca published in that work : By the time of the receipt of the letter from Professor Vokes of the letter from which an extract has been quoted in the preceding paragraph the Prescribed Waiting Period, as previously extended, had expired, and it seemed unlikely that any further light would be forthcoming on the question of the availability under Article 25 of the *Règles* of the work by Thomas Martyn published in London in 1784 under the title *The Universal Conchologist*. This portion of the application now under consideration thus appeared to have reached the stage at which it was ready for submission to the International Commission for decision. The position was, however, quite otherwise as regards that portion of the foregoing application which was concerned with the status to be accorded to the eighteen specific names for New Zealand species of Mollusca. For as regards these names it was necessary for the Office of the Commission to review the

position in regard to each of the names concerned in the light of the particulars furnished by Professor Vokes and, having done so, to enter into further discussions with the New Zealand zoologists by whom the proposals regarding those names had originally been submitted. Towards the close of 1955 considerable progress had been achieved, so far as concerned the names for the eighteen New Zealand species involved, but it seemed clear that some further time would need to elapse before it would be possible for the New Zealand applicants to furnish for the consideration of the International Commission a revised statement reviewing the situation as regards the eighteen names concerned in the light of the observations made by Professor Vokes. During the foregoing period no detailed application for the validation of names published in *The Universal Conchologist* for Pacific Coast species of Mollusca had been communicated to the Office of the Commission, the only information regarding the wishes of American specialists in this matter being that contained in the Summary Table annexed to the letter which on 5th May 1953 Dr. Joshua L. Baily, Jr. and Mr. S. Stillman Berry had submitted to the Commission. At this point the whole position as regards the present application was reviewed by the Secretary from the point of view of the procedure to be adopted for obtaining from the Commission decisions on the issues raised in the present case. Hitherto Mr. Hemming had hoped that it would be possible to secure revised proposals relating to the names for the New Zealand species involved in sufficient time to make it possible simultaneously to submit to the Commission two Voting Papers, each being concerned with one aspect of the present case, the first, dealing with the status to be accorded to *The Universal Conchologist* of Thomas Martyn, the second with the status to be accorded to the eighteen specific names for New Zealand Mollusca published in the foregoing work on which also proposals had been included in the present application, this second Voting Paper to invite a decision on alternative courses of action so drawn that one of the alternatives so submitted would provide a satisfactory basis for a vote, whatever the decision on the general question of the status of Martyn's book taken by the Commission on the earlier of the two Voting Papers in question. In the circumstances as they existed at the end of 1955 it was evident, however, that such a procedure would involve a considerable further delay in the submission to the Commission of a

Voting Paper on the question of the status to be accorded to Martyn's book *The Universal Conchologist*. Mr. Hemming took the view that no further delay in this matter could be justified and accordingly on 6th December 1955 he executed a Minute directing that the subject matter of the application Z.N.(S.) 634 which in October 1951 has been submitted to the International Commission by Dr. R. K. Dell and four other New Zealand specialists be divided so as to form two applications, the first, for which the Registered Number Z.N.(S.) 634 was retained, being concerned with the nomenclatorial status of the foregoing work by Thomas Martyn, the second, to which the new Registered Number Z.N.(S.) 1053, was allotted, being concerned with the names for the New Zealand species of Mollusca published by Martyn in the above book, the validation of which had been sought by Dr. Dell and his colleagues. As part of the foregoing arrangement, the question of the possible validation of certain names published by Martyn for Pacific Coast species of Mollusca, about which in May 1953 Dr. Baily and Mr. Berry had made a preliminary approach to the Commission (paragraph 10 above), was allotted a separate Registered Number (Z.N.(S.) 1066), being thus treated as constituting a separate case.

14. Submission to the International Commission in January 1956 of alternative proposals on the subject of the status to be accorded to the names published by Thomas Martyn in 1784 in the work entitled "The Universal Conchologist" : The procedural decisions described in the foregoing paragraph cleared the ground for the submission to the International Commission of proposals for determining the status to be accorded to names published by Martyn in 1784 in the work entitled *The Universal Conchologist*. Accordingly, on 27th January 1956 Mr. Hemming submitted to the International Commission the following paper in which he put forward for consideration alternative methods for dealing with the foregoing question, the first (Alternative "A") designed to give effect to the proposals submitted in 1951 by Dr. Dell and his colleagues, the second (Alternative "B") designed to secure in substance, though not in form, the object sought by Dr. Baily and Mr. Berry in the counter-proposal which they had

submitted in May 1953 and by Mr. E. P. Chace and his colleagues in the following month :—

Proposed determination of the status of names published in 1784 in the work by Thomas Martyn entitled “ The Universal Conchologist ”

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The present paper is concerned with a proposal relating to a book entitled *The Universal Conchologist* which was published in 1784 and of which further impressions were later issued. This application was published on 23rd July 1952 in Part 9 of Volume 6 of the *Bulletin of Zoological Nomenclature* (Dell (R.K.) *et al.*, 1952, *Bull. zool. Nomencl.* 6 : 273—277).

2. Two questions were involved in this application, namely :—

- (1) Does Martyn's *The Universal Conchologist* satisfy the requirements of Article 25 of the *Règles*? In other words, is this book available under the *Règles* for nomenclatorial purposes?
- (2) If the answer to the above question is in the negative, shall the specific names for certain well-known species of Mollusca found in New Zealand waters be validated by the Commission under its Plenary Powers?

3. The question whether *The Universal Conchologist* is a nomenclatorially available work is dealt with in paragraph 2 of the application submitted. Particulars are there given of the investigations undertaken by, and of the conclusions reached by, the following authorities by whom this subject has been examined; (1) von Martens (1860); (2) Sherborn (1902); (3) Dall (1905; 1907); (4) Iredale (1921); (5) Winckworth (1929). These authorities rejected *The Universal Conchologist* with the exception of von Martens, Sherborn and Dall, of whom the two first accepted only the specific names, while the latter, when accepting both classes of name, did so with evident hesitation. The authorities concerned drew attention (i) to discrepancies as between one copy and another of the above work and (ii) to the use of trinominals, showing that in it Martyn had not consistently applied the principles of binominal nomenclature as required by Article 25 of the *Règles*. On the question of fact there can, in my view, be no doubt that *The Universal Conchologist* fails to pass the tests imposed by Article 25 and therefore that new names in it are not available for nomenclatorial purposes.

4. Once the foregoing conclusion is granted, there are only two courses of action open to the Commission, namely :—

- (a) (i) to give a ruling that the work by Martyn entitled *The Universal Conchologist* published in 1784 does not satisfy the requirements of Article 25 of the *Règles* and accordingly that no name acquired the status of availability by reason of having been published in the above work and (ii) to place the title of the above work on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*.
- (b) (i) to give a ruling as in (a)(i) above that *The Universal Conchologist* of Thomas Martyn is not available for nomenclatorial purposes, but (ii) to use the Plenary Powers to validate that work and therefore (iii) to place the title of that work, so validated, on the *Official List of Works Approved as Available for Zoological Nomenclature*.

5. In May 1953, Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) and Mr. S. Stillman Berry (*Redlands, California, U.S.A.*) addressed a communication⁵ to the Office of the Commission discussing the objections which had been raised against the acceptance of Martyn's *The Universal Conchologist* as a nomenclatorially available work and asked that the Commission should pronounce in favour of the availability of the above work or alternatively should use its Plenary Powers to validate certain names published in it for West Coast species of Mollusca. In the following month Mr. E. P. Chace (*Lomita, California, U.S.A.*) with other members of the Pacific Division of the American Malacological Union, addressed a letter to the Commission in which, while admitting that there were certain technical nomenclatorial defects in *The Universal Conchologist* of Martyn, expressed the view that these had been greatly exaggerated by the critics of that work.⁶ Mr. Chace and his colleagues went on to recommend that, notwithstanding the foregoing defects, the Commission should "declare this work available for nomenclatorial purposes, on the ground that the names which it contains have been in general use for nearly two centuries and are universally understood". In the form in which it has been submitted this application is inadmissible, for, if the Commission is to give a ruling on the question whether a given book is nomenclatorially available, it is bound to consider that matter solely from the point of view of the provisions of Article 25. In considering such a matter, it is wholly irrelevant whether the book in question is markedly or only slightly at variance with the provisions of the *Règles* or whether, irrespective of the availability of the book, it is desirable that it should be accepted because of the

⁵ See paragraph 10 of the present *Opinion*.

⁶ See paragraph 11 of the present *Opinion*.

long-standing nature of the usage of names in that book. Such considerations, however, become relevant if the proposal before the Commission is that a book which is admittedly invalid should nevertheless be validated by the Commission under its Plenary Powers. Accordingly, in order to enable the Commission to take into consideration the applications submitted by Dr. Joshua L. Baily, Jr. and Mr. Stillman Berry and later by Mr. Chace and his colleagues, I here re-submit their proposals in the only form in which they can be so considered, namely, as a request that owing to the long standing and universal usage of many of the names in Martyn's book *The Universal Conchologist*, that work be validated by the Commission under its Plenary Powers.

6. On the question whether it is advisable that the names in *The Universal Conchologist* should be validated *en bloc* under the Plenary Powers, I must draw attention to the statement in paragraph 5 of the application that, so far as the Australian species are concerned, the rejection of *The Universal Conchologist* by Winckworth in 1929 led to the rejection of certain of the names in it by some specialists. It would appear therefore that the validation of *The Universal Conchologist en bloc* under the Plenary Powers, far from promoting stability in nomenclature, might actually lead to name-changing in certain cases. It is accordingly recommended, as a matter of procedure, that the Commission should not use its Plenary Powers to validate *en bloc* all the names in *The Universal Conchologist* and that, in so far as it may be desired to preserve certain of the names in *The Universal Conchologist*, the names concerned should be validated individually.

7. In accordance with the procedure adopted in previous similar cases it is proposed that the subject-matter of the Voting Paper now submitted should be confined to the question of the status to be accorded to names published in 1784 in Martyn's *The Universal Conchologist*. Further, it is proposed that on this subject the Commission should be invited to vote affirmatively on one or other of two opposing courses, namely :—

- (1) ALTERNATIVE "A" : Proposed rejection of *The Universal Conchologist* as not being available for nomenclatorial purposes, coupled with a refusal to validate *en bloc* all the names in the above work under the Plenary Powers—the title of the above work to be placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* ;
- (2) ALTERNATIVE "B" : Proposed validation under the Plenary Powers of the work by Thomas Martyn entitled *The Universal Conchologist* published in 1784, and the addition of the title of that work so validated to the *Official List of Works Approved as Available for Zoological Nomenclature*.

8. The question of the possible validation under the Plenary Powers of certain of the specific names for species of Mollusca of the New Zealand fauna which formed the second part of the application here under consideration, is being further investigated in conjunction with the applicants and a Voting Paper will be submitted as soon as possible.⁷

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

15. Issue of Voting Paper V.P.(56)4 : On 27th January 1956 a Voting Paper (V.P.(56)4) was issued in which the Members of the Commission were invited to vote either for "the proposal styled Alternative 'A' set out in paragraph 7(1) of the paper submitted by the Secretary simultaneously with the present Voting Paper [i.e. in paragraph 7(1) of the paper reproduced in paragraph 14 of the present *Opinion*] ((a) rejection of Martyn's *The Universal Conchologist* as not being available for nomenclatorial purposes, (b) refusal to use the Plenary Powers to validate *en bloc* all the names in the above work, (c) addition of the title of the above work to the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*)" OR for "the proposal styled Alternative 'B' set out in paragraph 7(2) of the paper submitted by the Secretary simultaneously with the present Voting Paper [i.e. in paragraph 7(2) of the paper referred to above] ((a) validation under the Plenary Powers of Martyn's *The Universal Conchologist* and (b) addition of the title of that work to the *Official List of Works Approved as Available for Zoological Nomenclature*)".

16. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 27th April 1956.

⁷ A Voting Paper (V.P.(O.M.)(57) 1) on this subject was submitted to the International Commission on 11th February, 1957 and voting is now in progress.

17. Particulars of the Voting on Voting Paper V.P.(56)4 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)4 was as follows :—

(a) *Votes in favour of “ Alternative ‘ A ’ ” had been given by the following nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Vokes ; Hering ; Mayr ; Lemche ; Bradley (J.C.) ; do Amaral ; Dymond ; Prantl ; Key ; Bonnet ; Mertens ; Riley ; Sylvester-Bradley ; Hemming ; Jaczewski ; Hankó ; Esaki ; Boschma ; Cabrera ;

(b) *Votes in favour of “ Alternative ‘ B ’ ”, five (5) :*

Kühnelt ; Stoll ; Bodenheimer ; Tortonese ; Miller ;

(c) *Voting Paper not returned, one (1) :*

Holthuis.

18. Declaration of Result of Vote : On 28th April 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)4, signed a Certificate that the Votes cast were as set out in paragraph 17 above and declaring that the proposal submitted with the foregoing Voting Paper as Alternative “ A ” had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

19. Preparation of the Ruling given in the present “ Opinion ” : On 24th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)4.

20. At the time of the submission of the present application the name applicable to the second portion of a binomen was "trivial name". This was altered to "specific name" by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

21. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

22. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Six (456) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Fourth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 457

Validation under the Plenary Powers of the generic
name *Hemiproche* Nitzsch, 1829 (Class Aves)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 457

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.* (12th August 1953))

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 457

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "HEMIPROCNE" NITZSCH, 1829 (CLASS AVES)

RULING :—(1) Under the Plenary Powers (a) the generic name published in the nominative plural as *Hemiprocnes* Nitzsch in 1829 is hereby validated in the form *Hemiprocne* (Class Aves) and (b) the nominal species *Hirundo longipennis* Rafinesque, 1802, is hereby designated to be the type species of the genus so named.

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Hemiprocne* Nitzsch, 1829, as emended from *Hemiprocnes*, and as validated, under the Plenary Powers in (1)(a) above (gender : feminine) (type species, by designation under the Plenary Powers in (1)(b) above : *Hirundo longipennis* Rafinesque, 1802) (Name No. 1068) ;
- (b) *Collocalia* Gray (G.R.), 1840 (gender : feminine) (type species, by original designation : *Hirundo esculenta* Linnaeus, 1758) (Name No. 1069) ;
- (c) *Streptoprocne* Oberholser, 1906 (gender : feminine) (type species, by original designation : *Hirundo zonaris* Shaw, 1796) (Name No. 1070).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *longipennis* Rafinesque, 1802, as published in the combination *Hirundo longipennis* (specific name of type species of *Hemiprocne* Nitzsch, 1829, as validated under the Plenary Powers in (1)(a) above) (Name No. 1145) ;
- (b) *esculenta* Linnaeus, 1758, as published in the combination *Hirundo esculenta* (specific name of type species of *Collocalia* Gray (G.R.), 1840) (Name No. 1146) ;
- (c) *zonaris* Shaw, 1796, as published in the combination *Hirundo zonaris* (specific name of type species of *Streptoprocne* Oberholser, 1906) (Name No. 1147)

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Hemiprocnes* Nitzsch, 1829 (an Invalid Original Spelling for *Hemiprocne*) (Name No. 861) ;
- (b) the under-mentioned names, each of which is a junior homonym of *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, as validated under the Plenary Powers in (1)(a) above :—
 - (i) *Hemiprocne* Nitzsch, 1833 (Name No. 862) ;
 - (ii) *Hemiprocne* Riemann, 1838 (Name No. 863) ;
 - (iii) *Hemiprocne* Nitzsch, 1840 (Name No. 864) ;
- (c) *Macropteryx* Swainson, [1831] (a junior objective synonym of *Hemiprocne* Nitsch, 1829, as validated under the Plenary Powers in (1)(a) above) (Name No. 865).

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name No. 146 :—

HEMIPROCNIDAE Oberholser, 1906 (type genus : *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, as validated under the Plenary Powers in (1)(a) above).

I. THE STATEMENT OF THE CASE

On 25th August 1952, Dr. John T. Zimmer (*The American Museum of Natural History, New York*) submitted a preliminary communication to the Office of the Commission on the subject of the possible validation as from Nitzsch, 1829, of the emended form *Hemiprocne* of the generic name then published in the nominative plural as *Hemiprocnes*. Following correspondence with the Secretary, Dr. Zimmer on 29th December 1954 submitted the following application on the above subject to the International Commission on Zoological Nomenclature :—

**Proposed use of the Plenary Powers to validate the generic name
“ Hemiprocne ” as from Nitzsch, 1829 (Class Aves)**

By JOHN T. ZIMMER

(*The American Museum of Natural History, New York*)

The object of the present application is to seek from the International Commission a Ruling in regard to the application to be given to the generic name *Hemiprocne*, doubts on this subject having called in question the names properly applicable to three distinct genera of birds, namely the Whiskered Tree-swifts, the Edible-nest Swiftlets, and the Collared Swifts.

2. Up to 1906 the generic name *Hemiprocne* was commonly treated as having been first published by Nitzsch in 1840 and was used for the Collared Swifts, while the Whiskered Swifts were referred to the genus *Macropteryx* Swainson, [1831] (*Zool. Illustr.* (2) 2(11) : pl. 47) (type species, by monotypy : *Hirundo longipennis* Rafinesque, 1802, *Bull.*

Sci. Soc. philomat. Paris No. 68 : 153). In 1906, however, Oberholser (*Proc. biol. Soc. Wash.* 19 : 67—69) advanced the argument that the name *Hemiprocne* ought to be accepted as from Nitzsch, 1829 (*Observationes de Avium Arteria carotide communi* : 31), where, however, it had appeared only in the nominative plural as “*Hemiprocnes*”. At that time there existed no clear provision in the *Règles* on the question whether, in order to be available, a generic name must actually have been published in the nominative singular and Oberholser took the view that this was not an essential requirement, guiding himself in this matter by Canon VI of the Code of Nomenclature of the American Ornithologists’ Union which accepted such plural usage as valid and provided (in the attendant remarks) for change to the required nominative singular. From the species cited by Nitzsch in 1829 for his “*Hemiprocnes*” Oberholser selected *Hirundo longipennis* Rafinesque, 1802 (cited by Nitzsch as “*Cypselus longipennis* Temminck”) as type species. Under this arrangement the name *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, became the oldest available name for the Whiskered Tree-swifts, the name previously used, *Macropteryx* Swainson, [1832], falling as a junior synonym. The removal of the name *Hemiprocne* from the Collared Swifts left that genus without a name. Oberholser accordingly published the new name *Streptoprocne* Oberholser, 1906 (*Proc. biol. Soc. Wash.* 19 : 69) for this genus, designating *Hirundo zonaris* Shaw, 1796 (in Miller, *Cimelia physica* : 100) as type species.

3. Oberholser’s arrangement came into general use, but has been found to be incorrect under the *Règles* on the basis of *Opinion* 183 (1944, *Ops. Decls. int. Comm. zool. Nomencl.* 3 : 13—24), which ruled that a generic name does not acquire a status of availability until it is published in the nominative singular. It is necessary therefore to examine the later literature for the purpose of determining as from what date and in what sense the generic name *Hemiprocne* was first validly published.

4. The first use of the name *Hemiprocne* subsequent to 1829 is also very questionable in character, though for different reasons. This was by Nitzsch (1833, *Pterylographia Avium* (1) : 21) who gave anatomical characters for a number of genera, including *Hemiprocne*, but did not cite any one character as distinguishing *Hemiprocne* from the other genera cited. Whether or not such indiscriminating treatment can properly be accepted as providing for the generic name *Hemiprocne* an “indication” as required by Proviso (a) to Article 25 of the *Règles* is a matter which can be settled only by the Commission. The name *Hemiprocne* as of Nitzsch, 1833, has generally been treated by subsequent authors as a *nomen nudum*, though, as Nitzsch gave characters jointly for this and other genera, it is not an absolute *nomen nudum*, though a virtual one. If this generic name were to be ruled available as from Nitzsch, 1833, for which no type selection has ever been made,

it would be possible to select a type species which would be in harmony with existing usage.

5. The name *Hemiprocne* was next used in 1838 (*Leitfaden für Realschulen und Gymnasien* : 34) when Riemann applied it to a single species "*H. esculenta*, die indianische Schwalbe". By this action the nominal species *Hirundo esculenta* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 191) became the type species, by monotypy, of the genus *Hemiprocne*, if Riemann is treated as the first author validly to publish this generic name. On this basis the name *Hemiprocne* would become the oldest available generic name for the Edible-nest Swiftlets and would replace the name *Collocalia* Gray (G.R.), 1840 (*List Gen. Birds* : 8), of which also *Hirundo esculenta* Linnaeus, 1758, is type species by monotypy.

6. In 1840 (*System der Pterylographie* : 31, 123) Nitzsch again used the generic name *Hemiprocne*, on this occasion in acceptable form. He cited two species as belonging to this genus. One of these species, then cited as "*Hirundo collaris* Temm." (i.e. *Hirundo collaris* Wied, 1820 (*Reise nach Brasilien* 1 : 75)) was selected by Gray (G.R.), 1855 (*Cat. Gen. Subgen. Birds* : 12) as the type species of the genus *Hemiprocne* Nitzsch, 1840. If this usage of *Hemiprocne* were to be accepted, that generic name would become the oldest available generic name for the Collared Swifts and would replace the substitute name *Streptoprocne* published by Oberholser in 1906 (see paragraph 2 above) ; for *Hirundo zonaris* Shaw, 1796, the type species of *Streptoprocne* Oberholser, is considered to be the same species as *Hirundo collaris* Wied, the type species of *Hemiprocne* Nitzsch, 1840.

7. Oberholser (1906, *Proc. biol. Soc. Wash.* 19 : 68) proposed the family name HEMIPROCNIDAE to replace the then current MACROPTERYGIDAE, basing the name on *Hemiprocne* (emend. of *Hemiprocnes*) of Nitzsch, 1829. HEMIPROCNIDAE thereupon came into general usage and is still current. Any change in the present application of the name *Hemiprocne* would, therefore, present an added source of confusion in family names. I can find no family names based on usages of *Hemiprocne* subsequent to 1829 which are herein proposed as *nomina rejecta*. The other two genera of swifts involved in the present petition belong to the family APODIDAE and their current generic names have had no family names based thereon as far as I can determine.

8. I have discussed the details of the present proposals with Dr. Dean Amadon of this Museum who agrees with the need for action and the solution advanced.

9. Under strict application of the *Règles*, except for the complication offered by the 1833 reference (paragraph 4 above), it appears that the name *Hemiprocne* must be credited to Riemann (1838) and replace

the name *Collocalia* for the Edible-nest Swiftlets, while the Whiskered Tree-swifts, now known as *Hemiprocne* would revert to the name *Macropteryx*, by which they were known prior to Oberholser's paper of 1906. If the Riemann (1838) usage as well as the earlier usages by Nitzsch were to be officially rejected, the name *Hemiprocne*, ranking from Nitzsch (1840) would replace *Streptoprocne* for the Collared Swifts, *Macropteryx* would become the name for the Whiskered Tree-swifts, and the Edible-nest Swiftlets would retain the name *Collocalia*. If however the Commission were to validate the name *Hemiprocne* as from Nitzsch (1829), that name would become the valid name for the Whiskered Tree-swifts, and the Edible-nest Swiftlets and the Collared Swifts would retain the names (*Collocalia* and *Streptoprocne*) by which they are currently known. In the interests of stability this is the course which I recommend the Commission to take. Such action would moreover be in harmony with the general principle laid down by the Commission that it is particularly desirable to prevent the changing of names as the result of changes in, or of new interpretations of, the *Règles*, for in the present case it was only the interpretation of Article 8 given in *Opinion* 183 (paragraph 3 above) which led to the displacement of the name *Hemiprocne* Nitzsch as the generic name for the Whiskered Tree-swifts.

10. The International Commission on Zoological Nomenclature is accordingly asked :—

- (1) to use its Plenary Powers to validate in the form *Hemiprocne* the generic name published in the nominative plural as *Hemiprocnes* by Nitzsch in 1829 with *Hirundo longipennis* Rafinesque, 1802, as type species ;
- (2) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—
 - (a) *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, as validated under the Plenary Powers under (1) above (gender : feminine) (type species, by designation under the Plenary Powers under (1) above : *Hirundo longipennis* Rafinesque, 1802) ;
 - (b) *Collocalia* Gray (G.R.), 1840 (gender : feminine) (type species, by original designation : *Hirundo esculenta* Linnaeus, 1758) ;
 - (c) *Streptoprocne* Oberholser, 1906 (gender : feminine) (type species, by original designation : *Hirundo zonaris* Shaw, 1796) ;
- (3) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
 - (a) *Hemiprocnes* Nitzsch, 1829 (an Invalid Original Spelling of *Hemiprocne*) ;

- (b) the under-mentioned names, each of which is a junior homonym of *Hemiprocne* (emend. of *Hemiprocnes*) Nitzsch, 1829, as validated under the Plenary Powers under (1) above :—(i) *Hemiprocne* Nitzsch, 1833 ; (ii) *Hemiprocne* Riemann, 1838 ; (iii) *Hemiprocne* Nitzsch, 1840 ;
- (c) *Macropteryx* Swainson, [1831] (a junior objective synonym of *Hemiprocne* Nitzsch, 1829, as validated under the Plenary Powers under (1) above) ;
- (4) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
- (a) *longipennis* Rafinesque, 1802, as published in the combination *Hirundo longipennis* (specific name of type species of *Hemiprocne* Nitzsche, 1829) ;
- (b) *esculenta* Linnaeus, 1758, as published in the combination *Hirundo esculenta* (specific name of type species of *Collocalia* Gray (G.R.), 1840) ;
- (c) *zonaris* Shaw, 1796, as published in the combination *Hirundo zonaris* (specific name of type species of *Streptoprocne* Oberholser, 1906).
- (5) to place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* : HEMIPROCNIDAE Oberholser, 1906 (type genus : *Hemiprocne* Nitzsch, 1829).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Zimmer's application the question of the validation under the Plenary Powers of the generic name *Hemiprocne* as from Nitzsch, 1829, was allotted the Registered No. Z.N.(S.) 709.

3. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 31st May in the same year in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Zimmer, 1955, *Bull. zool. Nomencl.* **11** : 142—145).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 31st May 1955 (a) in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Zimmer's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to thirteen ornithological serials in different parts of the world.

5. Support received from Dr. Dean Amadon (The American Museum of Natural History, New York) : Prior to the submission of the present application Dr. Dean Amadon (*The American Museum of Natural History, New York*) intimated his support for the action proposed in the present case and authorised Dr. Zimmer to include a note to this effect in the application (paragraph 8) submitted to the International Commission.

6. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(56)6 : On 29th February 1956 a Voting Paper (V.P.(56)6) was issued in which the Members of the Commission were invited to vote either for, or against, " the proposal relating to the generic name *Hemiprocne* Nitzsch, 1829, as set out in Points (1) to (5) in paragraph 10 at the foot of page 144 and continued on page 145 of Volume 11 of the *Bulletin of Zoological Nomenclature* " [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

8. Bearing on the present case of Decisions 78 and 79 taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, in regard to the formation and correction of generic names :

On 13th March 1956, Mr. Hemming, as Secretary, placed on Commission File Z.N.(S.) 709 the following Minute on the subject of the bearing which a minor inconsistency between Decision 78 and Decision 79 of the Fourteenth International Congress of Zoology, Copenhagen, 1953 would have had upon the present case if it had not been for the fact that in the application submitted Dr. Zimmer had asked that the object which he sought should be secured by the use by the International Commission under its Plenary Powers :—

An apparent inconsistency between Decisions 78 and 79 taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, in regard to the formation of generic names

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

Two members of the International Commission (Professor J. Chester Bradley ; Mr. P. C. Sylvester-Bradley) have drawn my attention, with reference to Dr. John T. Zimmer's application regarding the generic name *Hemiprocne* as published by Nitzsch in 1829 in the nominative plural as *Hemiprocnes*, to an apparent inconsistency between Decisions 78 and 79 taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953 (1953, *Copenhagen Decisions zool. Nomencl.* : 47—48) which will require to be considered by the Fifteenth International Congress of Zoology when it meets in London in 1958. In the first of these decisions the Copenhagen Congress reaffirmed without discussion a decision taken by the Thirteenth Congress in Paris in 1948 that the Ruling given in *Opinion* 183 that, in order to acquire availability, a generic name must first be published in the nominative singular should be incorporated in the *Règles* (1950, *Bull. zool. Nomencl.* 4 : 139—140). Under the decision so taken the foregoing provision adopted by the Paris Congress was included both by that Congress and by the Copenhagen Congress among the mandatory provisions of Article 8. Under the second of the Decisions referred to above (Decision 79) the Copenhagen Congress inserted in the *Règles* a provision under which any breaches of the mandatory provisions in Article 8 became subject to automatic correction. So far as concerns the mandatory provision embodying the Ruling originally given in *Opinion* 183, Decision 79 prescribing automatic correction is incapable of application in many cases, for, as is obvious, it is impossible in many cases to

determine what is the correct form for the nominative singular of a Latin noun if the only evidence available is a version of that word in some other case or number. The fact that Decision 79 was so drafted as to bring within its scope the portion of Decision 78 dealing with the foregoing matter was due solely to inadvertence.

2. The case raised by Dr. Zimmer illustrates very clearly the impossibility in certain cases of applying Copenhagen Decision 79 to the provision discussed above, for mere inspection of the nominative plural *Hemiprocnes* published by Nitzsch in 1829 would not be sufficient to establish beyond question that the nominative singular intended by Nitzsch was *Hemiprocne*, even though it might establish a high degree of probability that this was Nitzsch's intention.

3. Fortunately, the inconsistency in the record of the Copenhagen Decisions discussed in paragraph 1 above does not affect the particular case under consideration, for in his application Dr. Zimmer asked that the object which he sought should be attained by the use by the Commission of its Plenary Powers. In the present case therefore the question discussed above is of academic interest only.

9. The Prescribed Voting Period : As Voting Paper V.P.(56)6 was issued under the Three-Month Rule, the Prescribed Voting Period closed on 29th May 1956.

10. Particulars of the Voting on Voting Paper V.P.(56)6 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)6 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Sylvester-Bradley ; do Amaral ; Bradley (J. C.) ; Hering ; Lemche ; Vokes ; Mayr ; Key ; Dymond ; Bodenheimer ; Mertens ; Esaki ; Boschma ; Hankó ; Riley ; Stoll ; Hemming ; Cabrera ; Tortonese ; Bonnet ; Kühnelt ; Miller ; Jaczewski ;

(b) *Negative Votes, one (1) :*

Prantl ;

(c) *Voting Papers not returned* :

None.

11. Declaration of Result of Vote : On 30th May 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)6, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present "Opinion" : On 28th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)6.

13. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Collocalia Gray (G.R.), 1840, *List Gen. Birds* : 8

esculenta, *Hirundo*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 191

Hemiprocne (emend. of *Hemiprocnes*) Nitzsch, 1829, *Observat. Avium Arteria carot. communi* : 31

Hemiprocne Nitzsch, 1833, *Pterylographia Avium* (1) : 21

Hemiprocne Riemann, 1838, *Leitfaden f. Realschul. u. Gymnas.* : 34

Hemiprocne Nitzsch, 1840, *Syst. Pterylograph* : 31, 123

Hemiprocnes Nitzsch, 1829 [an Invalid Original Spelling for *Hemiprocne*, q.v.]

longipennis, *Hirundo*, Rafinesque, 1802, *Bull. Soc. Sci. philomat Paris* No. **68** : 153

Macropteryx Swainson, [1831], *Zool. Illustr.* (2) 2(11) : pl. 47
Streptoprocne Oberholser, 1906, *Proc. biol. Soc. Wash.* 19 : 69
zonaris, *Hirundo*, Shaw, 1796, in Miller, *Cimelia physica* : 100

14. The following is the original reference for the family-group name placed on the *Official List* of names for taxa of the family-group category by the Ruling given in the present *Opinion* :—

HEMIPROCNIDAE Oberholser, 1906, *Proc. biol. Soc. Wash.* 19 : 68

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Seven (457) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-eighth day of November, Nineteen Hundred and Fifty-six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 24. Pp. 433—442

OPINION 458

Determination of the interpretation of the nominal
species *Eschara vulgaris* Moll, 1803 (Class Ectoprocta)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 458

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History Zoological Museum, Tring, Herts., England)*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

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Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

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Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor ENRICO TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 458

DETERMINATION OF THE INTERPRETATION OF THE NOMINAL SPECIES "ESCHARA VULGARIS" MOLL, 1803 (CLASS ECTOPROCTA)

RULING :—(1) It is hereby directed that the nominal species *Eschara vulgaris* Moll, 1803 (Class Ectoprocta) is to be interpreted by the specimen illustrated by Moll (J.P.C.) as figures 10A and 10B on plate 3 of his work *Eschara ex Zoophytorum* (the specimen so figured being there shown as *Eschara vulgaris* var. α), the specimen so figured having been selected by Brown (D. A.) in 1952 to be the lectotype.

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Escharina* Milne Edwards (H.), 1836 (gender : feminine) (type species, by original designation : *Eschara vulgaris* Moll, 1803, as interpreted in (1) above) (Name No. 1071) ;
- (b) *Microporella* Hincks, 1877 (gender : feminine) (type species, by original designation : *Eschara ciliata* Pallas, 1766) (Name Number 1072).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *vulgaris* Moll, 1803, as published in the combination *Eschara vulgaris* and as interpreted in (1) above (specific name of type species of *Escharina* Milne Edwards (H.), 1836) (Name No. 1148) ;
- (b) *ciliata* Pallas, 1766, as published in the combination *Eschara ciliata* (specific name of type species of *Microporella* Hincks, 1877) (Name No. 1149).

(4) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 147 :—

MICROPORELLIDAE Hincks, 1880 (type genus :
Microporella Hincks, 1877).

I. THE STATEMENT OF THE CASE

On 14th December 1953 Dr. D. A. Brown (*University of Otago, Dunedin, New Zealand*) addressed a preliminary communication to the Office of the Commission regarding the interpretation of the nominal species *Eschara vulgaris* Moll, 1803 (Class Ectoprocta). Following correspondence with the Secretary Dr. Brown submitted to the International Commission on Zoological Nomenclature on 31st January 1955 the following application in which he asked for a Ruling that the foregoing species be interpreted by reference to the lectotype which he had designated in 1952 :—

Proposed addition to the “ Official List of Specific Names in Zoology ” of the specific name “ vulgaris ” Moll, 1803, as published in the combination “ Eschara vulgaris ” as determined by the lectotype selection made by Brown (D.A.) in 1952 (Class Ectoprocta)

By D. A. BROWN

(*University of Otago, Dunedin, New Zealand*)

The object of the present application is to ask the International Commission to stabilise the name *Eschara vulgaris* Moll, 1803 (*Eschara ex Zoophyt* : 55, 56) by placing the specific name *vulgaris* Moll on the *Official List of Specific Names in Zoology*. The nature of this case is explained in the following paragraphs.

2. The circumstances in which Moll established the nominal species *Eschara vulgaris* were rather peculiar, for he regarded it as being composed of two varieties which he styled “ var. α ” and “ var. β ”; he provided an indication and figures for each of these “ varieties ”, but he gave no indication or figures for the species itself. For the

first of his "varieties" he wrote "var. α labio inferiori [sic] fisso" and for the second "var. β labio inferiore integro". Both these "varieties" he illustrated on his plate 3, "variety" α as figs. 10A and 10B, "variety" β as figs. 11A—C.

3. Moll's two "varieties" have long been regarded as taxonomically distinct species. The name *vulgaris* Moll has been commonly used for Moll's variety α but that "variety" was not formally selected to be the lectotype of Moll's species until this was done by myself in 1952 (*Tertiary Cheilostomatous Polyzoa of New Zealand*: 228). Moll's "variety β " has been variously treated as being identical with, or as closely allied to, the taxon represented by the nominal species *Eschara ciliata* Pallas, 1766 (*Elench. Zoophyt*: 38), a species which is the type species of *Microporella* Hincks, 1877 (*Ann. Mag. nat. Hist.* (4) 20: 526). From a nomenclatorial point of view, however, the identity of Moll's "var. β " has ceased to be of importance now that his "var. α " has been selected to be the lectotype of his species *Eschara vulgaris*.

4. In 1836 Milne Edwards (H.) established the nominal genus *Escharina* (in Lamarck, *Hist. nat. Anim. sans Vertèbr.* (ed. 2) 2: 218, 230) and designated *Eschara vulgaris* var. α as the type species of this genus. Milne Edwards' action clearly indicated which of Moll's so-called "varieties" he desired should be the type species of this genus, but from the nomenclatorial point of view the nominal species *Eschara vulgaris* was at that time indeterminate and remained so until the lectotype selection made in 1952.

5. I accordingly now ask the International Commission:—

- (1) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology*:—
 - (a) *Escharina* Milne Edwards (H.), 1836 (gender: feminine) (type species, by original designation: *Eschara vulgaris*, Moll, 1803 (as defined by the selection by Brown (D.A.) (1952) of Moll's "var. α " as lectotype);
 - (b) *Microporella* Hincks, 1877 (gender: feminine) (type species, by original designation: *Eschara ciliata* Pallas, 1766);
- (2) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology*:—
 - (a) *ciliata* Pallas, 1766, as published in the combination *Eschara ciliata* (specific name of type species of *Microporella* Hincks, 1877);

- (b) *vulgaris* Moll, 1803, as published in the combination *Eschara vulgaris* and determined as in (1)(a) above (specific name of type species of *Escharina* Milne Edwards (H.), 1836).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Brown's preliminary communication the question of the interpretation of the nominal species *Eschara vulgaris* Moll, 1803, was allotted the Registered Number Z.N.(S.)792.

3. Publication of the present application : The present application was sent to the printer on 2nd February 1955 and was published on 31st May in the same year in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Brown, 1955, *Bull. zool. Nomencl.* **11** : 153—154).

4. Adoption of a drafting amendment as respects one part of the present application : Following the publication of the present application two members of the Commission (J. Chester Bradley ; Ernst Mayr) criticised as unfelicitous the wording employed in the present application at the point where the International Commission was asked to direct that the nominal species *Eschara vulgaris* Moll, 1803, be interpreted "by the selection by Brown (D.A.) (1952) of Moll's 'var. α ' as lectotype". It was then agreed that the wording of this part of the proposal should be so amended as to ask the Commission to give a Ruling that the foregoing nominal species be interpreted by the specimen illustrated by Moll as figures 10A and 10B on plate 3 of that author's work "*Eschara ex Zoophyt.*" (the specimen so figured being there shown as *Eschara vulgaris* var. α), the specimen so figured having been selected by Brown (D.A.) in 1952 to be the lectotype. A note on the foregoing verbal amendment of the present application was in due course attached as Note 2 to the Voting Paper issued in the present case (paragraph 6 below).

5. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P.(56)8 : On 29th February 1956 a Voting Paper (V.P.(56)8) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the specific name *vulgaris* Moll, 1803, as published in the combination *Eschara vulgaris*, as set out in Points (1) and (2) in paragraph 5 on page 154 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

7. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 29th May 1956.

8. Particulars of the Voting on Voting Paper V.P.(56)8 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)8 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Lemche ; do Amaral ; Bradley (J.C.) ; Vokes ; Mayr ; Key ; Dymond ; Bodenheimer ; Mertens ; Sylvester-Bradley ; Esaki ; Boschma ; Hankó ; Riley ; Jaczewski ; Prantl ; Stoll ; Hemming ; Cabrera ; Tortonese ; Bonnet ; Kühnelt ; Miller ;

(b) *Negative Votes* :

None ;

(c) *Voting Papers not returned* :

None.

9. Declaration of Result of Vote : On 30th May 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)8, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

10. Addition of a name to the " Official List of Family-Group Names in Zoology " : On 1st December 1956 Mr. Hemming as Secretary executed the following Minute directing the addition to the *Official List of Family-Group Names in Zoology* of the family-group name MICROPORELLIDAE Hincks, 1880, a family-group taxon having as its type genus the genus *Microporella* Hincks, 1877, a name which under the decision taken by the Commission by its Voting Paper V.P.(56)8 has been placed on the *Official List of Generic Names in Zoology* by the Ruling given in the present *Opinion* :—

**Addition of a name to the " Official List of
Family-Group Names in Zoology "**

By FRANCIS HEMMING, C.M.G., C.B.E.,

(*Secretary to the International Commission on Zoological Nomenclature*)

When recently I reviewed the case relating to the interpretation of the nominal species *Eschara vulgaris* Moll, 1803, consequent upon the completion of the Prescribed Voting Period in respect of Voting Paper V.P.(56)8, the Voting Paper issued in connection with the foregoing

case, my attention was drawn to the fact that there was no reference in the application to the questions at the family-group-name level involved in the proposal included in the application that the generic names *Escharina* Milne Edwards (H.), 1836, and *Microporella* Hincks, 1877, be placed on the *Official List of Generic Names in Zoology*.

2. I find on looking into this matter (1) that the genus *Escharina* Milne Edwards is not considered by specialists to be the type genus of a family-group taxon, being currently placed in the family SCHIZOPORELLIDAE (type genus: *Schizoporella* Hincks, 1877) but (2) that the genus *Microporella* Hincks, 1877, is currently accepted as the type genus of the family MICROPORELLIDAE Hincks, 1880 (*Hist. Brit. mar. Polyzoa* 1 : 204).

3. In order to make good the inadvertent omission from the present application of a proposal that the family-group name MICROPORELLIDAE Hincks, 1880, be placed on the *Official List of Family-Group Names in Zoology*, I now, as Secretary, hereby direct that the foregoing well-established family-group name be entered on the above *Official List*.

11. Preparation of the Ruling given in the present "Opinion" :

On 3rd December 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)8, subject to the adjustment in respect of a family-group name involved in this case specified in the Minute executed by the Secretary on 1st December 1956. The text of the Minute here referred to has been reproduced in paragraph 10 of the present *Opinion*.

12. **Original References :** The following are the original references for the names placed on *Official Lists* by the Ruling given in the present *Opinion* :—

ciliata, *Eschara*, Pallas, 1766, *Elench. Zooph.* : 38

Escharina Milne Edwards (H.), 1836, in Lamarck, *Hist. nat. Anim. sans Vertèbr.* (ed. 2) 2: 218, 230

Microporella Hincks, 1877, *Ann. Mag. nat. Hist.* (4) 20 : 526

vulgaris, *Eschara*, Moll (J.P.C.), 1803, *Eschara ex Zoophyt.* : 55, 56, pl. 3, figs. 10A, 10B [nec. figs. 11A—C]

13. The following is the reference for the lectotype selection for the nominal species *Eschara vulgaris* Moll, 1803, specified in the Ruling given in the present *Opinion* : Brown (D.A.), 1952, *Tert. Cheilostomatous Polyzoa New Zealand* : 228.

14. The following is the original reference for the name placed on the *Official List of Family-Group Names in Zoology* by the Ruling given in the present *Opinion* :—

MICROPORELLIDAE Hincks, 1880, *Hist. Brit. mar. Polyzoa* 1 : 204

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Eight (458) of the International Commission on Zoological Nomenclature.

DONE in London, this Third day of December, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 25. Pp. 443—454

OPINION 459

Validation under the Plenary Powers of the generic
name *Fistulipora* M^CCoy, 1849 (Class Bryozoa)

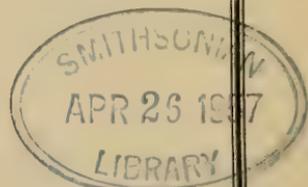
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 459

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale, "G. Doria," Genova, Italy*) (16th December 1954)

OPINION 459

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "FISTULIPORA" M^CCOY, 1849 (CLASS BRYOZOA)

RULING :—(1) Under the Plenary Powers the generic name *Fistulipora* Rafinesque, 1831, is hereby suppressed for the purposes both of the Law of Priority and of the Law of Homonymy.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1073 :—

Fistulipora M^CCoy, 1849 as validated under the Plenary Powers in (1) above (gender : feminine) (type species, by selection by Milne Edwards (H.) & Haime (1850) : *Fistulipora minor* M^CCoy, 1849) ;

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1150 :—

minor M^CCoy, 1849, as published in the combination *Fistulipora minor* (specific name of type species of *Fistulipora* M^CCoy, 1849) ;

(4) The generic name *Fistulipora* Rafinesque, 1831, as suppressed under the Plenary Powers in (1) above, is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Number 866.

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 148 :—

FISTULIPORIDAE Ulrich, 1882 (type genus : *Fistulipora* M^cCoy, 1849).

I. THE STATEMENT OF THE CASE

On 28th October 1947 Dr. J. Brookes Knight (*United States National Museum, Washington, D.C., U.S.A.*) communicated to the Office of the International Commission a statement prepared jointly by Miss Helen Duncan (*United States Geological Survey, Washington, D.C.*), Dr. Alfred R. Loeblich, Jr. (*United States National Museum, D.C.*) and Professor Raymond C. Moore (*University of Kansas, Lawrence, Kansas*) on the subject of the possible validation of the generic name *Fistulipora* M^cCoy, 1849 (Class Bryozoa). For various reasons it was not found possible at that time to proceed with the consideration of the present case but in 1954 correspondence between the Secretary and the applicants led to the submission to the International Commission on Zoological Nomenclature of the following revised application in which account was taken of various procedural requirements which since the preparation of the original communication in regard to this case had been imposed upon the International

Commission by General Directives issued to it by the International Congresses of Zoology :—

Proposed validation under the Plenary Powers of "Fistulipora" M^CCoy, 1849 (Class Bryozoa, Order Cyclostomata, Family Fistuliporidae)

By HELEN DUNCAN

(United States Geological Survey, Washington, D.C.)

ALFRED R. LOEBLICH, Jr.

(United States National Museum, Washington, D.C.)

and

RAYMOND C. MOORE

(University of Kansas, Lawrence, Kansas)

An unfortunate state of nomenclatural confusion has resulted from the recent discovery that the name *Fistulipora* M^CCoy, 1849, widely applied for nearly a century to a genus of the Paleozoic Bryozoa, is preoccupied by *Fistulipora* Rafinesque, 1831, an indeterminate fossil.

2. M^CCoy (1849, *Ann. Mag. nat. Hist.* (2) 3 : 130—131) defined *Fistulipora* and described two species, *F. minor* and *F. major*. In 1850 Milne Edwards (H.) and Haime (*Monogr. Brit. Fossil Corals* : lix) selected *Fistulipora minor* M^CCoy, 1849, as type species of the genus. Subsequently scores of species from America, Europe, Asia, and Australia have been described under or referred to M^CCoy's genus. *Fistulipora* M^CCoy is well established in an extensive literature as one of the most long-ranging and important genera of Paleozoic Bryozoa. The family FISTULIPORIDAE Ulrich (1882, *J. Cincinn. Soc. nat. Hist.* 5 : 156) derived its name from M^CCoy's genus, and genera included in the family as well as their most characteristic structural features are commonly designated "fistuliporoid".

3. The fact that *Fistulipora* M^CCoy is preoccupied was apparently first discovered by Lang, Smith, and Thomas (1940, *Index of Paleozoic Coral Genera* : 61), who furnished the information to Neave for inclusion in the Supplement to the *Nomenclator Zoologicus* (4 : 736), published in 1940.

4. In an obscure 8-page pamphlet entitled *Enumeration and Account of Some Remarkable Natural Objects of the Cabinet of Prof. Rafinesque, in Philadelphia ; Being Animals, Shells, Plants, and Fossils, collected by him in North America, between 1816 and 1831*, Philadelphia, 1831,

Rafinesque published on page 5 the following brief characterisation of his monotypic genus :—

- FISTULIPORA*, Raf. Differ [sic] from *Millepora* by being tubular.
1. *F. teres*. Cylindrical, nearly simple, smooth, pores round, nearly equal. Limestone of Kentucky.

Rafinesque classed this fossil in a group termed "Polypites or Erismites", but it is impossible to tell whether *Fistulipora teres* Rafinesque, 1831, referred to a coral, hydrocoralline, sponge, bryozoan, or to some other organism. It is highly improbable that the type specimen of the species was preserved or could be identified as such even if the specimen still exists. Biographers (1895, Call, *Life and Writings of Rafinesque* : 59—60 ; 1911, Fitzpatrick, *Rafinesque, a Sketch of his Life with Bibliography* : 43, 56) report that at the time of Rafinesque's death his collections had suffered much from neglect and his inability properly to care for them and that most of the mineral and conchologic materials were entirely without labels and were sold for mere trifles. Further, information on the locality and geologic formation is indeterminate, although it might be assumed that *F. teres* came from the "Limestone of Blue licks in Kentucky", the locality specified for the immediately preceding species *Milleporites verrucosa* Raf., known to be in an area of Ordovician rocks.

5. It seems doubtful whether Rafinesque's *Enumeration* should be considered adequate publication. It was apparently privately printed and, inasmuch as no price is indicated on the tract, probably was not offered for sale. Very few copies are known to have been preserved. Actually the "tract" purports to be little more than a list of specimens for sale, as is indicated by the author's statement in the introductory paragraph that "they have been conveyed at great expense to this City, and will soon be sent to Europe for sale, unless disposed of in the United States". It would be difficult, if not impossible, however, to demonstrate that this pamphlet should not be recognised as a *bona fide* publication inasmuch as other books and articles published at about the same time or earlier seem to belong in about the same category but nevertheless are considered to be validly published.

6. It cannot be disputed, however, that Rafinesque's *Fistulipora* is unrecognisable from the description, and as no illustrations were provided, the organism cannot be identified. The possibility of the labelled specimen or specimens of the type species *Fistulipora teres* being recovered is extremely remote. For all practical purposes, therefore, the name *Fistulipora* Rafinesque, 1831, for an organism of indeterminate zoological relationship, has no meaning.

7. On the other hand, *Fistulipora* McCoy, 1849, is by far the best known and most prolific of the genera that have been included in the family FISTULIPORIDAE. The suggestion (1944, Moore and Dudley,

Bull. Kans. geol. Surv. **52** : 254—255) that the name *Cyclotrypa* Ulrich, 1896 (Zittel, *Text-Book Palaeont.* (Engl. ed.) **1**, pt. 1 : 269) (genotype : *Fistulipora communis* Ulrich, 1890, *Geol. Surv. Illinois* **8** : 476) “ may contain a majority of the bryozoans that formerly have been placed in *Fistulipora* ”, does not satisfy zoological requirements, for *Cyclotrypa communis* (Ulrich, 1890), has structural features differing from those of *Fistulipora minor* M^CCoy and many allied species. Numerous species that have been referred to *Fistulipora* M^CCoy probably will be assigned to other genera when restudied. *Cyclotrypa* does not constitute a suitable repository for “ typical species ” of *Fistulipora* M^CCoy. Certainly the name *Fistulipora* Rafinesque, 1831, can find no practical application in paleontology, and its retention would produce a highly undesirable instability in bryozoan nomenclature.

8. The International Commission is accordingly asked :—

- (1) to use its Plenary Powers to suppress the under-mentioned generic name for the purposes both of the Law of Priority and for those of the Law of Homonymy : *Fistulipora* Rafinesque, 1831 ;
- (2) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Fistulipora* M^CCoy, 1849 (gender : feminine) (type species, by selection by Milne Edwards (H.) & Haime (1850) : *Fistulipora minor* M^CCoy, 1849) ;
- (3) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *minor* M^CCoy, 1849, as published in the combination *Fistulipora minor* (specific name of type species of *Fistulipora* M^CCoy, 1849) ;
- (4) to place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* : *Fistulipora* Rafinesque, 1831, as suppressed under the Plenary Powers under (1) above ;
- (5) to place the family-group name FISTULIPORIDAE Ulrich, 1882 (type genus : *Fistulipora* M^CCoy, 1849) on the *Official List of Family-Group Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of the application by Miss Duncan, Dr. Loeblich and Professor

Moore, the question of the validation of the generic name *Fistulipora* M^CCoy, 1849, was allotted the Registered Number Z.N.(S.) 324.

3. Publication of the present application : The present application was sent to the printer on 2nd February 1955 and was published on 31st May in the same year in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Duncan, Loeblich & Moore, 1955, *Bull. zool. Nomencl.* **11** : 155—157).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers was given on 31st May 1955 (a) in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by Miss Duncan *et al.* was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to three palaeontological serials in Europe and America.

5. Support from Madeleine A. Fritz (Royal Ontario Museum of Zoology and Palaeontology, Toronto, Canada) : On 18th July 1955 Professor Madeleine A. Fritz (*Royal Ontario Museum of Zoology and Palaeontology, Toronto, Canada*) sent the following letter to the Office of the Commission in support of the present application (Fritz, 1955, *Bull. zool. Nomencl.* **11** : 303) :—

Having worked rather extensively with the genus *Fistulipora*, as established by M^CCoy, and recognising the value of this prolific genus, I am naturally anxious to see the name retained as a member of the family FISTULIPORIDAE. It would seem most unwise and impractical to lose this widely known term and to employ the same for an obscure fossil type of uncertain affinities.

I heartily endorse the petition as set forth under clause 8, p. 157, of the above-mentioned publication,

6. Support from Joan Crockford (Radium Hill Project, Radium Hill, Australia) : On 28th September 1955 Miss Joan Crockford (*Radium Hill Project, Radium Hill, Australia*) sent the following letter to the Office of the Commission in support of the present case :—

With respect to this application, I wish to state that I favour validation of the generic name *Fistulipora* M^CCoy, 1849 : and I wish to add the comment that possibly a ruling could be made by the Commission, when considering this application, as to whether Rafinesque's Pamphlet entitled "Enumeration and Account of Some Remarkable Natural Objects of the Cabinet of Prof. Rafinesque, in Philadelphia ; Being Animals, Shells, Plants, and Fossils, collected by him in North America, Between 1816 and 1831 : Philadelphia, 1831 ;" was validly published, as is discussed in sections 4 and 5, pp. 155 and 156, of the application by Duncan, Loeblich, and Moore.

7. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(56)9 : On 29th February 1956 a Voting Paper (V.P.(56)9) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Fistulipora* M^CCoy, 1849, as set out in Points (1) to (5) in paragraph 8 on page 157 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 29th May 1956.

10. Particulars of the Voting on Voting Paper V.P.(56)9 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)9 was as follows :—

- (a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Lemche ; do Amaral ; Bradley (J.C.) ; Vokes ; Mayr ; Key ; Dymond ; Bodenheimer ; Mertens ; Sylvester-Bradley ; Esaki ; Boschma ; Hankó ; Riley ; Jaczewski ; Prantl ; Stoll ; Hemming ; Cabrera ; Tortonese ; Bonnet ; Kühnelt ; Miller ;

- (b) *Negative Votes :*

None ;

- (c) *Voting Papers not returned :*

None.

11. Declaration of Result of Vote : On 30th May 1956 Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)9, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present " Opinion " : On 4th December 1956 Mr. Hemming prepared the Ruling given

in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)9.

13. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Fistulipora Rafinesque, 1831, *Some remark. nat. Objects Cabinet Prof. Rafinesque* : 5

Fistulipora M^CCoy, 1849, *Ann. Mag. nat. Hist.* (2) **3** : 130

minor, Fistulipora, M^CCoy, 1849, *Ann. Mag. nat. Hist.* (2) **3** : 130

14. The following is the reference for the selection of a type species for the genus *Fistulipora* M^CCoy, 1849, specified in the Ruling given in the present *Opinion* :—Milne Edwards (H.) & Haime, 1850, *Monogr. Brit. Fossil Corals* : lix.

15. The following is the original reference for the family-group name placed in the *Official List* established for recording the names of taxa belonging to the family-group categories by the Ruling given in the present *Opinion* :—

FISTULIPORIDAE Ulrich, 1882, *J. Cincinn. Soc. nat. Hist.* **5** : 156

16. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Nine (459) of the International Commission on Zoological Nomenclature.

DONE in London, this Fourth day of December, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 26. Pp. 455—474

OPINION 460

Validation under the Plenary Powers of the generic name
Muntiacus Rafinesque, 1815, and designation for the
genus so named of a type species in harmony with
accustomed usage (Class Mammalia)

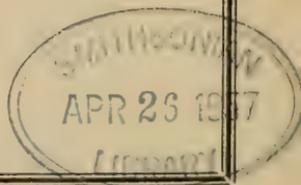
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 460

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election
as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th
July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw,
Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt
a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu
Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August
1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th
August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y.,
U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation,
Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th
October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November
1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge,
Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 460

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "MUNTIACUS" RAFINESQUE, 1815, AND DESIGNATION FOR THE GENUS SO NAMED OF A TYPE SPECIES IN HARMONY WITH ACCUSTOMED USAGE (CLASS MAMMALIA)

RULING :—(1) Under the Plenary Powers :—

- (a) the generic name *Muntiacus* Rafinesque, 1815, is hereby validated ;
- (b) the nominal species *Cervus muntjak* Zimmermann, 1780, is hereby designated to be the type species of the genus specified in (a) above.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 1074 :—

Muntiacus Rafinesque, 1815, as validated under the Plenary Powers in (1)(a) above (gender : masculine) (type species, by designation under the Plenary Powers in (1)(b) above : *Cervus muntjak*, Zimmermann, 1780).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 1152 :—

muntjak Zimmermann, 1780, as published in the combination *Cervus muntjak* (specific name of type species of *Muntiacus* Rafinesque, 1815).

(4) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name No. 867 :—

Cervulus Blainville, 1816 (a junior objective synonym of *Muntiacus* Rafinesque, 1815, as validated under the Plenary Powers in (1)(a) above.

I. THE STATEMENT OF THE CASE

On 12th January 1951, Dr. T. C. S. Morrison-Scott (then of *British Museum (Natural History)*, London and now *Director, Science Museum, London*), submitted to the International Commission on Zoological Nomenclature the following application for the validation under the Plenary Powers of the generic name *Muntiacus* Rafinesque, 1815 (Class Mammalia) and for the designation under the same Powers of a type species for the genus so named in harmony with established practice :—

Proposed use of the Plenary Powers to validate the well-known generic name "Muntiacus" in the Class Mammalia first published by Rafinesque in 1815

By T. C. S. MORRISON-SCOTT, D.S.C., M.A., D.Sc.
(*Department of Zoology, British Museum (Natural History), London*)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to provide a valid status for the well-known generic name *Muntiacus* (Class Mammalia) first published by Rafinesque in 1815 (*Analyse Nature* : 56).

2. The following is the text of the passage in which this name occurs in Rafinesque's *Analyse* :

“ Cornes solides, simples ou rameuses, permanentes ou caduques.
G.1. *Cervus* L. 2. *Muntiacus* R. do. sp. 3. *Giraffa* R. *Camelopardalis* L.”

3. In spite of the fact that Rafinesque gave some descriptive words for this group of genera as a whole, it must be admitted that he gave no indication by which the genera comprised in this group could be separated from one another. If he had cited any nominal species (the names of which had previously been published), the lack of a definition for these genera would not have invalidated the generic name in question (1950, *Bull. zool. Nomencl.* 4 : 78—80), but, as he did not do so, it must be admitted that *Muntiacus*, as published by Rafinesque, is a *nomen nudum*.

4. The name *Muntiacus* is in current use for the muntjaks and, unless it is validated, it will be necessary to substitute for it the name *Cervulus* Blainville, 1816 (*Bull. Sci. Soc. philomat. Paris* 1816 : 74), which would be a confusion unaccompanied by any advantage.

5. In order to avoid this result, and in the interests of stability, I ask the International Commission on Zoological Nomenclature :—

(1) to use its Plenary Powers to validate the under-mentioned generic name and to designate as its type species the species specified below :—

<i>Name of Genus</i>	<i>Species proposed to be designated under the Plenary Powers as type species of the genus specified in Col. (1)</i>
(1)	(2)
<i>Muntiacus</i> Rafinesque, 1815, <i>Analyse</i> : 56	<i>Cervus muntjak</i> Zimmermann, 1780, <i>Geogr. Gesch.</i> 2 : 131

(2) to place on the *Official List of Generic Names in Zoology* the generic name specified in Col. (1) in (1) above, with the masculine gender and with, as its type species, the species specified in Col. (2) ;

(3) to place the undermentioned specific name on the *Official List of Specific Names in Zoology* :—*muntjak* Zimmermann, 1780, as published in the combination *Cervus muntjak* (specific name of type species of *Muntiacus* Rafinesque, 1815).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Morrison-Scott's application, the question of the validation of the generic name *Muntiacus Rafinesque*, 1815, was allotted the Registered No. Z.N.(S.) 481.

3. Publication of the present application : The present application was sent to the printer on 4th February 1955 and was published on 31st May in the same year in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Morrison-Scott, 1955, *Bull. zool. Nomencl.* **11** : 167—168).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 31st May 1955 (a) in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Morrison-Scott's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to two mammalogical serials in Europe and America respectively.

5. Comments received : Following the publication of the present application in the *Bulletin of Zoological Nomenclature* and prior to the submission to the International Commission of a Voting Paper in respect of the present case comments on the proposal submitted were received from twenty-three specialists. Of these, twenty (20) supported the present application and three (3) were opposed to it. The distribution by countries of the specialists who furnished these comments was as follows :—

(a) *Specialists who supported the present application (twenty (20)) :*

Argentina (one) ; Australia (one) ; Belgium (one) ;
France (one) ; Germany (four) ; Italy (two) ; Netherlands

(two) ; Poland (one) ; U.S.S.R. (one) ; United Kingdom (four) ; U.S.A. (two).

(b) *Specialists who opposed the present application (three (3)) :*

Netherlands (two) ; U.S.A. (one).

The comments so received are reproduced in the immediately following paragraphs.

6. Support received from Miss E. M. O. Laurie (British Museum (Natural History), London) : On 21st February 1956, Miss E. M. O. Laurie (*British Museum (Natural History), London*) sent the following letter of support to the Office of the Commission :—

I wish to support most strongly the application by Dr. Morrison-Scott (1955, *Bull. zool. Nomencl.* **11** : 167—168) for the validation of the generic name *Muntiacus* Rafinesque, 1815 for the muntjaks. I understand that Dr. Hershkovitz has written to the Commission objecting to the use of *Muntiacus* and proposing the use of *Cervulus* Blainville, 1816. I can see no advantage in this proposal. The substitution of *Cervulus* for the well-known name *Muntiacus*, which is in current use, would be quite absurd as it could only lead to confusion.

7. Support received from Sir John Ellerman (London) : On 21st February 1956, Sir John Ellerman (*London*) sent the following letter of support to the Office of the Commission :—

I understand that Dr. T. C. S. Morrison-Scott has asked the International Commission to validate the generic name *Muntiacus* Rafinesque, 1815, for the Muntjak Deer. I beg to state that I am wholly in agreement with this request.

8. Support received from Erna Mohr (Zoologisches Museum, Hamburg, Germany) : On 23rd February 1956, Dr. Erna Mohr (*Zoologisches Museum, Hamburg, Germany*) sent the following letter of support to the Office of the Commission :—

I wish to support the application by T. C. S. Morrison-Scott regarding the validation of *Muntiacus*,

9. Support received from R. W. Hayman (British Museum (Natural History), London) : On 23rd February 1956, Mr. R. W. Hayman (*British Museum (Natural History), London*) addressed the following letter of support to the Office of the Commission :—

I wish to support strongly the application by Dr. Morrison-Scott (1955, *Bull. zool. Nomencl.* **11** : 167—168) for the validation of the generic name *Muntiacus* Rafinesque, 1815. I would regard Dr. Hershkovitz's proposal¹ for its replacement by *Cervulus* Blainville, 1816, as quite unnecessary and liable to lead to confusion, since the well-known name *Muntiacus* has been in current usage for many years.

10. Support received from F. C. Fraser (British Museum (Natural History), London) : On 24th February 1956, Dr. F. C. Fraser (*British Museum (Natural History), London*) sent the following letter of support to the Office of the Commission :—

My colleague Dr. Morrison-Scott has told me about the objection that has been raised to the use of the name *Muntiacus* Rafinesque, 1815². I hope that the substitution of *Cervulus* will be opposed by the Commission because in this matter I write as a non-specialist and should like in my work to continue to employ a name which has been in use in the Osteological Room for a very long time now. It is inscribed on labels, specimen boxes, cabinets, in our card index and in the works of reference used in the Section. It is not advancing zoological science one bit to make an alteration in the currently used generic name and I should be surprised if, in the international rules on nomenclature, you could not apply one which would make any change unnecessary.

11. Support received from A. C. V. van Bommel (Alkmaar, The Netherlands) : On 27th February 1956, Dr. A. C. V. van Bommel (*Alkmaar, The Netherlands*) sent the following letter of support to the Office of the Commission :—

With much interest I saw the application for the validation of the generic name *Muntiacus* by Mr. T. C. S. Morrison-Scott in the *Bulletin of Zoological Nomenclature*, 1955, **11** : 167.

¹ For the comment by Dr. Hershkovitz here referred to, see paragraph 26 of the present *Opinion*.

For the objection here referred to, see paragraph 26 of the present *Opinion*.

As I am specially interested in this genus, *vide* my review of the Indo-malaysian species (*Beaufortia* 16, May 7th 1952, pp. 1—22) I want to tell you that I can support the views of Mr. Morrison-Scott. Since the generic name *Muntiacus* was reintroduced by Lydekker in 1898 this name was used by 95 authors in publication on Indo-Australian Barking Deer. These publications are both scientific and what could be called popular science. The name was applied especially by authors on Indo-Australian Barking Deer because the name has been derived from the vernacular name "Mentjek" or "Muntjak" in common use in this part of the world.

Now perhaps it would have been better if Lydekker had not supported the name *Muntiacus* Rafinesque, this strictly taken being a *nomen nudum*. On the other hand it is impossible to suspect that Rafinesque had any other animal in view but the Barking Deer, the name being derived from a vernacular name. As things are at the moment I think it would be advisable to keep this well-known and commonly accepted name and not to replace it by a name hardly in use since 1898. As the Commission give us encouragement towards the stability of well-known names I think that in this case there is every reason to avoid a quite unnecessary change.

12. Support received from J. Dorst (Muséum National d'Histoire Naturelle, Paris) : On 27th February 1956, Dr. J. Dorst (*Muséum National d'Histoire Naturelle, Paris*) addressed the following letter of support to the Office of the Commission :—

J'ai appris qu'il était question de changer le nom de *Muntiacus* pour faire place au genre *Cervulus*, comme vient de le proposer le Dr. Herschkowitz.³

J'ai beaucoup de considération pour les travaux de cet excellent mammalogiste, mais je tiens à vous dire que je ne partage nullement son point de vue dans cette question. Je suis par contre d'accord avec le Dr. Morrison-Scott pour demander la validation du nom de *Muntiacus*, nom qui est trop connu pour être remplacé par un autre, même antérieur. La nomenclature zoologique doit être stabilisée autant que nous pouvons, vous connaissez d'a illeurs mon point de vue sur cette question, que j'ai déjà exposé dans *Mammalia* à plusieurs reprises. Il importe de conserver les noms sous lesquels les mammifères sont connus, pour a utant que seules des considérations de priorité sont en cause.

³ See Footnote 1 above.

J'espère que la commission de nomenclature se rangera au point de vue conservateur du Dr. Morrison-Scott.

13. Support received from S. Frechkop (Institut Royal des Sciences Naturelles de Belgique, Bruxelles) : On 1st March 1956, Dr. S. Frechkop (*Institut Royal des Sciences Naturelles de Belgique, Bruxelles*) addressed the following letter of support to the Office of the Commission :—

J'ai l'honneur de vous faire savoir que je m'allie au Dr. T. C. S. Morrison-Scott, du British Museum (Natural History), pour prier votre Commission de maintenir le nom générique *Muntiacus*.

14. Support received from H. von Boetticher (Naturwissenschaftliches Museum, Coburg) : On 3rd March 1956, Dr. H. von Boetticher (*Naturwissen-Schaftliches Museum, Coburg*) intimated his support for the present application as follows :—

I am in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

15. Support received from T. Haltenorth (Zoologischen Staatssammlung, München) : On 5th March 1956, Dr. T. Haltenorth (*Zoologischen Staatssammlung, München*) intimated his support for the present application as follows :—

I am in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

16. Support received from V. Tedesco Zammarano (Rome) : On 5th March 1956, Dr. V. Tedesco Zammarano (*Rome*) intimated his support for the present application as follows :—

I am in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

17. Support received from William H. Burt (Museum of Zoology, University of Michigan, Ann Arbor, U.S.A.) : On 5th March 1956, Dr. William H. Burt (*Museum of Zoology, University of Michigan, Ann Arbor, U.S.A.*) intimated his support for the present application as follows :—

I am in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

18. Support received from D. A. Hooijer (Rijksmuseum van Natuurlijke Historie, Leiden) : On 6th March 1956, Dr. D. A. Hooijer (*Rijksmuseum van Natuurlijke Historie, Leiden*) intimated his support for the present application as follows :—

I am in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

19. Support received from G. G. Simpson (American Museum of Natural History, New York) : On 6th March 1956, Dr. G. G. Simpson (*American Museum of Natural History, New York*) intimated his support for the present application as follows :—

I am strongly in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

20. Support received from A. Cabrera (La Plata, Argentina) : On 6th March 1956, Dr. A. Cabrera (*La Plata, Argentina*) intimated his support for the present application as follows :—

I am in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

21. Support received from W. Serafiński (Polskiej Akademii Nauk, Warsaw) : On 8th March 1956, Dr. W. Serafiński (*Polskiej*

Akademii Nauk, Warsaw) intimated his support for the present application as follows :—

I am in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

22. Support received from Klaus Zimmermann (Humboldt-Universität zu Berlin) : On 7th March 1956, Professor Klaus Zimmermann (*Humboldt-Universität zu Berlin*) sent the following letter of support to the Office of the Commission :—

In the question about the name *Muntiacus* Rafinesque, 1815, I would express my full agreement with the opinion of Dr. Morrison-Scott that *Muntiacus* should be retained and validated.

23. Support received from C. W. Brazenor (National Museum, Victoria, Australia) : On 19th March 1956, Dr. C. W. Brazenor (*National Museum, Victoria, Australia*) intimated his support for the present application as follows :—

I am in favour of the validation by the Commission of the generic name *Muntiacus* Rafinesque, 1815.

24. Support received from A. Toschi (Università di Bologna, Italy) : On 28th March 1956, Professor A. Toschi (*Università di Bologna, Italy*) sent the following letter of support to the Office of the Commission :—

I agree with Dr. Morrison-Scott's application for the validation of *Muntiacus*.

25. Support from V. G. Heptner (Zoological Museum, Moscow) : On 5th April 1956, Dr. V. G. Heptner (*Zoological Museum, Moscow*) addressed the following letter of support to the Office of the Commission :—

J'approuve la proposition de M. Morrison-Scott concernant de porter le nom *Muntiacus* sur la liste de *nomina conservanda*.

26. Objection received from P. Hershkovitz (Chicago Natural History Museum, U.S.A.): On 26th September 1955, Dr. P. Hershkovitz (*Chicago Natural History Museum, U.S.A.*) sent to the Office of the Commission a number of comments on recently published applications. His representations concerning the present case were as follows :—

In his application for validation of *Muntiacus* Rafinesque, 1815, Morrison-Scott admits that the name is a *nomen nudum*. He concludes, however, that unless *Muntiacus* " is validated, it will be necessary to substitute for it the name *Cervulus* Blainville, 1816 . . . which would be a confusion without any advantage ".

Many advantages accrue from compliance with the Rules. One is stability in nomenclature. Another is time and effort saved by not formulating proposals for use of the Plenary Powers by the International Commission.

Regarding *Cervulus* Blainville, perhaps it was not Morrison-Scott's intention to give the impression that the name has been ignored, that it never had currency and that its introduction into the literature at this time would unnecessarily complicate the work of taxonomists and compilers. The facts are these.

1. *Cervulus* Blainville was the generic name generally applied by all taxonomists, compilers and authors of textbooks from 1816 to 1915 when *Muntiacus* Rafinesque was uncritically used by Lydekker in his *Catalogue of the Ungulate Mammals in the British Museum (Natural History)* 4 : 10.

2. The *nomen nudum* *Muntiacus* Rafinesque was not used from its inception in 1815 until 1907 when Elliot validated it in his *Catalogue of the Collection of Mammals in the Field Columbian Museum* : 38. Elliot designated *Cervus muntjak* Zimmermann as type. The name *Cervulus* Blainville, with *Muntiacus* Rafinesque as an unavailable synonym, was used by Trouessart in the supplementary volume of his *Catalogus Mammalium*, published 1904. This may have been Elliot's source of misguided inspiration for use of *Muntiacus*.

3. The case in favour of *Muntiacus* is not properly presented by Morrison-Scott. He asks, in effect, and in deed, that the Commission use its Plenary Powers to give priority to the *nomen nudum* *Muntiacus* Rafinesque, 1815, rather than to the valid *Muntiacus* of authors, specifically, of Elliot, 1907.

4. It is the unique specific name *muntjak* Zimmermann and not the generic name that stabilizes the identity of the small deer universally known as the muntjak. Hence, use of the valid and widely used generic name *Cervulus* Blainville entails no confusion and re-establishes the stability disturbed by Elliot and his followers.

In conclusion, it is recommended that the Commission reject *Muntiacus* of Rafinesque and others, and place the name *Cervulus* Blainville, 1816, with type *Cervus muntjak* Zimmermann, on the *Official List of Generic Names*.

27. Objection received from A. M. Husson (Rijksmuseum van Natuurlijke Historie, Leiden) : On 27th February 1956, Dr. A. M. Husson (*Rijksmuseum van Natuurlijke Museum, Leiden*) addressed the following letter to the Office of the Commission :—

After having carefully studied the *Muntiacus-Cervulus* problem I arrived at the following conclusion.

The arguments to retain the name *Cervulus* are :

1. It is the valid name for the species.
2. The introduction of this name will not cause any confusion, since it never has been used for any other than the present genus.
3. The generic name *Cervulus* has been often used (especially by older authors) for the present genus. In Van Bemmels' revision of the Indo-Australian are references given to 17 authors in 18 publications before 1930 and 19 authors in 26 publications after 1930 using the name *Muntiacus*, and to 19 authors in 26 publications before 1930 and 5 authors in 6 publications after 1930 using the name *Cervulus*.
4. It is an euphonious name the use of which does not give rise to an unpleasant pseudo-tautonymy like *Muntiacus muntjak*.

The only argument in favour of the use of the name *Muntiacus* is that this name has been used in several of the recent checklists and catalogues (Ellerman & Morrison-Scott, Chasen, Simpson), and that in the last 20 years it has been used much more frequently than *Cervulus*.

In my opinion this argument (in favour of the name *Muntiacus*) is too weak to justify the use of the Plenary Powers, the more so since the Barking Deer is not an extremely common form and the publications on it are not very numerous.

28. Objection received from F. H. van den Brink (Noordwijk aan Zee, The Netherlands) : On 24th March 1956, Me. F. H. van den Brink (*Noordwijk aan Zee, The Netherlands*) intimated his objection to the present application as follows :—

I would be satisfied if the name *Muntiacus* Rafinesque, 1815, were to be replaced by the name *Cervulus* Blainville, 1816.

29. Supplementary proposal relating to the generic name "Cervulus" Blainville, 1816 : When the Voting Paper to be issued in the present case was in preparation, Mr. Hemming as Secretary prepared a note (a) drawing attention to the statement in paragraph 4 of the application submitted in this case that, if that application were to be rejected, it would be necessary to revert to the use of the generic name *Cervulus* Blainville, 1816, (b) stating that he had ascertained that the foregoing generic name would be a junior objective synonym of *Muntiacus* Rafinesque, 1815, if that name were to be validated by the Commission, since in 1904 (1904, *N. Amer. Fauna* 23 : 174) Palmer had selected as the type species of *Cervulus* Blainville the nominal species *Cervus muntjak* Zimmermann, 1780, the species which in the present application it was recommended should be designated by the Commission as the type species of *Muntiacus* Rafinesque. Mr. Hemming then recalled the General Directive issued by the Thirteenth International Congress of Zoology, Paris, 1948, under which the Commission is required to place on the appropriate *Official Index of Rejected and Invalid Names in Zoology* any objectively invalid name found to be involved in any case submitted to it. Mr. Hemming therefore recommended that, if the Commission were to decide in favour of the application submitted by Dr. Morrison-Scott, it should place on the *Official Index of Rejected and Invalid Generic Names in Zoology* the generic name *Cervulus* Blainville, 1816, which

under such a decision would have become a junior objective synonym of *Muntiacus* Rafinesque, 1815. The note so prepared by the Secretary was added as Note 4 to the Voting Paper subsequently prepared (see paragraph 33 below).

30. Support for the present application received after the submission to the International Commission of the Voting Paper relating to the present case : After the submission to the International Commission of the Voting Paper relating to the present case letters were received in the Office of the Commission from two specialists, asking that their support for the present application be placed on record. The letters so received are reproduced in the immediately following paragraphs.

31. Support received from Constantin C. Flerow (Paleontological Museum, Academy of Sciences of U.S.S.R., Moscow) : After the submission to the Commission of the Voting Paper referred to in the immediately preceding paragraph, Dr. Morrison-Scott (the applicant in the present case) forwarded to the Office of the Commission the following letter of support for the present application which he had received from Professor Constantin C. Flerow (*Paleontological Museum, Academy of Sciences of U.S.S.R., Moscow*) dated 30th April 1956 :—

Your view on the question about the name *Muntiacus* is right. There is no need to change this well-known and established name.

32. Support received from C. A. Gibson-Hill (Raffles Museum, Singapore) : On 1st August 1956, Dr. C. A. Gibson-Hill (*Raffles Museum, Singapore*) wrote the following letter of support in the present case :—

I should be grateful if you would record my name as supporting Mr. T. C. S. Morrison-Scott's application for validation of *Muntiacus*

Rafinesque, 1815. I did consider the matter in some detail about two years ago, when preparing an annotated checklist of mammals of the Malay Peninsula (now in the press), and then decided to follow Morrison-Scott in his *Checklist of Palearctic and Indian Mammals*—which as you know covers the whole of the mainland of Eurasia except the Malay Peninsula.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

33. Issue of Voting Paper V.P.(56)22 : On 26th April 1956, a Voting Paper (V.P.(56)22) was issued in which the Members of the Commission were invited to vote either for, or against, “the proposal relating to the generic name *Muntiacus* Rafinesque, 1815, as set out in Points (1) to (3) in paragraph 5 on page 168 of Volume 11 of the *Bulletin of Zoological Nomenclature* [i.e. as set out in the paragraph numbered as above in the application reproduced in the first paragraph of the present *Opinion*], with the addition specified in Note 4 overleaf” [i.e. the addition specified in paragraph 29 of the present *Opinion*].

34. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 26th July 1956.

35. Particulars of the Voting on Voting Paper V.P.(56)22 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)22 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Vokes ; Miller ; Prantl ; Esaki ; Jaczewski ; Hankó ; Dymond ; Bonnet ; Bodenheimer ; Mayr ; Mertens ; Lemche ; Key ; Boschma ; do Amaral ; Riley ; Cabrera ; Stoll ; Sylvester-Bradley⁴ ; Tortonese ; Hemming ; Kühnelt ; Hering ;

(b) *Negative Votes :*

None ;

(c) *On Leave of Absence, one (1) :*

Bradley (J.C.) ;

(d) *Voting Papers not returned :*

None.

36. Declaration of Result of Vote : On 27th July 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P. (56)22, signed a Certificate that the Votes cast were as set out in paragraph 35 above and declaring that the proposal submitted

⁴ Commissioner Sylvester-Bradley exercised in this case the right conferred by the Thirteenth International Congress of Zoology in Paris, 1948, under which a Commissioner may, if he so desires, signify his willingness to support the view, or the majority view, of other members of the Commission (1950, *Bull. zool. Nomencl.* 4 : 50—51).

in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

37. Preparation of the Ruling given in the present "Opinion" : On 6th December 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)22.

38. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Cervulus Blainville, 1816, *Bull. Soc. Sci. philomat. Paris* **1816** : 74

Muntiacus Rafinesque, 1815, *Analyse Nature* : 56

muntjak, *Cervus*, Zimmermann, 1780, *Geogr. Gesch. Menschen.*
2 : 131

39. Family-Group-Name Problem : At the time of the preparation of the application dealt with in the present *Opinion* it had not become the duty of the International Commission to take account of associated family-group-name problems when placing generic names on the *Official List of Generic Names in Zoology*. Accordingly, this aspect of the problem associated with the generic name *Muntiacus* Rafinesque was not dealt with in the application submitted. It has, however, since been ascertained that the genus so named is currently treated as the type genus of a subfamily MUNTIACINAE of the family CERVIDAE. The nomenclatorial problem so involved has been allotted the Registered No. Z.N.(S.) 1187, and Dr. T. C. S. Morrison-Scott has since submitted a proposal on this subject which will be published in the *Bulletin of Zoological Nomenclature* at an early date⁵.

40. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing

⁵ Dr. Morrison-Scott's application on this subject will, it is expected, be published towards the end of March, 1957 (*Bull. zool. Nomencl.* **13** : 76—79).

with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

41. The present *Opinion* shall be known as *Opinion* Four Hundred and Sixty (460) of the International Commission on Zoological Nomenclature.

DONE in London, this Sixth day of December, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 28. Pp. 475—484

OPINION 461

Addition to the *Official List of Generic Names in Zoology* of the generic name *Cubiceps* Lowe (R.T.), 1843, a name published conditionally for a species described simultaneously in the genus *Seriola* Cuvier (G.L.C.F.D.), [1816] (Class Pisces) (*Opinion* supplementary to *Declaration 30*)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 461

A. The Officers of the Commission

Honorary Life President : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*)

President : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*)
(12th August 1953)

Vice-President : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(1st January 1947)

Senor Dr. Angel CABRERA (*La Plata, Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*)
(12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)
(12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*)
(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*)
(6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova, Italy*)
(16th December 1954)

OPINION 461

ADDITION TO THE "OFFICIAL LIST OF GENERIC NAMES IN ZOOLOGY" OF THE GENERIC NAME "CUBICEPS" LOWE (R.T.), 1843, A NAME PUBLISHED CONDITIONALLY FOR A SPECIES DESCRIBED SIMULTANEOUSLY IN THE GENUS "SERIOLA" CUVIER (G.L.C.F.D.), [1816] (CLASS PISCES) ("OPINION" SUPPLEMENTARY TO "DECLARATION" 30)

RULING :—(1) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Cubiceps* Lowe (R.T.), 1843 (gender : masculine) (type species, by selection by Jordan & Evermann (1919) *Seriola gracilis* Lowe (R.T.), 1843) (Name No. 1075) ;
- (b) *Seriola* Cuvier (G.L.C.F.D.), [1816] (gender : feminine) (type species, by original designation : *Caranx dumerili* Risso (A.), 1810) (Name No. 1076).

(2) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *gracilis* Lowe (R.T.), 1843, as published in the combination *Seriola gracilis* (specific name of type species of *Cubiceps* Lowe (R.T.), 1843) (Name No. 1153) ;
- (b) *dumerili* Risso (A.), 1810, as published in the combination *Caranx dumerili* (specific name of type species of *Seriola* Cuvier (G.L.C.F.D.), [1816]) (Name No. 1154).

(3) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name No. 868 :—

Seriola Topsent, 1892 (a junior homonym of *Seriola* Cuvier (G.L.C.F.D.), [1816]).

I. THE STATEMENT OF THE CASE

On 18th August 1954, Mr. Denys W. Tucker (*British Museum (Natural History), London*) addressed a letter to the Office of the Commission in which he (a) explained that Lowe (R.T.) had in 1843 published a specific name (*gracilis*) for a new species of fish which he had placed in the genus *Seriola* Cuvier, [1816], but for which he had also established conditionally a new nominal genus to which he gave the name *Cubiceps*, and (b) enquired whether under the *Règles* the new specific name should be regarded as having been published in combination with the generic name *Seriola* Cuvier or in combination with the conditionally published name *Cubiceps* Lowe. It appeared to Mr. Hemming that the question so submitted was one which was not covered by any of the existing provisions in the *Règles* and he accordingly decided that his proper course was to lay the problem before the International Commission on Zoological Nomenclature with a request that it render a *Declaration* clarifying the *Règles* in this regard. In the paper which he then submitted Mr. Hemming recommended that in a case such as that described above the specific name should be treated as having been published in combination with the previously published generic name and not in combination with the new name conditionally published. The application so submitted to the Commission has been reproduced in *Declaration* 30¹ in which the Commission gave a Ruling in the sense indicated above. Concurrently with the submission

¹ The *Declaration* here referred to is being published simultaneously with the present *Opinion* as Part 27 of the present volume.

(on 2nd February 1955) of the foregoing recommendation Mr. Hemming submitted the following brief supplementary application asking that in accordance with the General Directives issued by the International Congress of Zoology the names involved in Mr. Tucker's enquiry which had been cited as examples in the application relating to the proposed *Declaration* should be placed on the appropriate *Official Lists* :—

Proposed addition to the " Official List of Generic Names in Zoology " of the generic names " *Seriola* " Cuvier (G.), [1816], and " *Cubiceps* " Lowe (R.T.), 1843 (Class Pisces)

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

The present application is in the nature of a complement to the immediately preceding application² in which a recommendation is submitted that the Commission should render a *Declaration* prescribing the combination to be attributed to the specific name of a nominal species established as belonging to one nominal genus but for which at the same time another nominal genus was conditionally established.

2. The foregoing application was illustrated by the specific name *gracilis* published by Lowe in 1843 for a new species of fish which that author placed in the genus *Seriola* Cuvier (G.), [1816]*., *Règn. Anim.* 2 : 315) but for which also he then established conditionally the new nominal genus *Cubiceps* Lowe, 1843 (*Proc. zool. Soc. Lond.* 11 : 82). The name *gracilis* was published on the same page as the generic name *Cubiceps*.

3. Under the General Directive given to the Commission by the International Congress of Zoology that it shall deal comprehensively with every case submitted to it and shall place on the appropriate *Official List* every name accepted by it as a valid name makes it necessary in connection with the foregoing case to consider whether the above names should be placed on the *Official List of Generic Names in Zoology*.

4. The generic names *Seriola* Cuvier and *Cubiceps* Lowe are both available names in the sense that they are not junior homonyms or junior objective synonyms of previously published generic names.

* For the date attributed to the *Règne Animal* see 1922, *Cat. Library Brit. Mus. (Nat. Hist.)* 6 : Add. et Corrig. : 26.

² The application here referred to has since been reprinted in *Declaration* 30. See Footnote 1.

Mr. Denys Tucker (*British Museum (Natural History), London*) by whom the problem discussed in paragraph 1 above was brought to the attention of the Commission, reports that both the foregoing names are currently accepted as being the names of taxonomically valid genera. Accordingly under the Directive given to the Commission both these names now fall to be placed on the *Official List*. The type species of *Seriola* Cuvier is *Caranx dumerili* Risso (A.), 1810 (*Ichth. Nice* : 175, pl. 6, fig. 20), by original designation; the type species of *Cubiceps* Lowe is *Seriola gracilis* Lowe, 1843, by monotypy.³ Mr. Tucker reports that both these names are the oldest available names for the species concerned. Both should therefore now be placed on the *Official List of Specific Names in Zoology*.

5. There is a junior homonym of *Seriola* Cuvier, [1816], namely *Seriola* Topsent, 1892 (*Résult. Camp. sci. Monaco* 2 : 8), an Emendation of *Seiriola* Hanitsch, 1889 (*Proc. Liverpool biol. Soc.* 3 : 170). This name should now be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*.

6. I accordingly now recommend that in compliance with the General Directive referred to in paragraph 3 above, the Commission should :—

- (1) place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—
 - (a) *Cubiceps* Lowe (R.T.), 1843 (gender : masculine) (type species, by monotypy³ : *Seriola gracilis* Lowe, 1843) ;
 - (b) *Seriola* Cuvier (G.), [1816] (gender : feminine) (type species, by original designation : *Caranx dumerili* Risso (A.), 1810) ;
- (2) place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
 - (a) *gracilis* Lowe, 1843, as published in the combination *Seriola gracilis* (specific name of type species of *Cubiceps* Lowe, 1843) ;
 - (b) *dumerili* Risso (A.), 1810, as published in the combination *Caranx dumerili* (specific name of type species of *Seriola* Cuvier, [1816]) ;
- (3) place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—*Seriola* Topsent, 1892 (a junior homonym of *Seriola* Cuvier (G.), [1816]).

³ See paragraph 9.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Mr. Tucker's enquiry in August 1954 the question so raised was allotted the Registered No. Z.N.(S.) 894. When later it was decided to deal separately with the question of principle raised by Mr. Tucker, the foregoing Registered Number was retained for that question and a new Registered Number (Z.N.(S.) 905) was allotted to the supplementary issue involved in connection with the disposal of the names cited as examples in the foregoing application.

3. Publication of the present application : The present application was sent to the printer on 4th February 1955 and was published on 31st May in the same year in Part 6 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Hemming, 1955, *Bull. zool. Nomencl.* **11** : 181—182).

4. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

5. Issue of Voting Paper V.P.(56)24 : On 26th April 1956 a Voting Paper (V.P.(56)24) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Seriola* Cuvier, [1816], and *Cubiceps* Lowe, 1843, as set out in Points (1) to (3) in paragraph 6 on page 182 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

6. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 26th July 1956.

7. Particulars of the Voting on Voting Paper V.P.(56)24 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)24 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Vokes ; Prantl ; Esaki ; Hankó ; Dymond ; Bonnet ; Bodenheimer ; Mayr ; Lemche ; Key ;⁴ Jaczewski ; Boschma ; do Amaral ; Riley ; Mertens ; Cabrera ; Stoll ; Sylvester-Bradley ; Tortonese ; Hemming ; Kühnelt ; Hering ; Miller ;

(b) *Negative Votes :*

None ;

(c) *On Leave of Absence, one (1) :*

Bradley (J.C.) ;

(d) *Voting Papers not returned :*

None.

8. Declaration of Result of Vote : On 27th July 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)24, signed a Certificate that the Votes cast were as set out in paragraph 7 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and

⁴ Commissioner Key had voted negatively on the proposal submitted with Voting Paper V.P.(56)23 relating to the proposed adoption of a *Declaration* regarding the generic name in combination with which a specific name is to be treated as having been published in cases where the species so named was simultaneously referred also to a new nominal genus established conditionally. In the present case this Commissioner indicated that in the event of the Commission taking an affirmative decision on the foregoing Voting Paper he desired to record an affirmative vote on Voting Paper V.P. (56)24 (the Voting Paper relating to the proposal dealt with in the present *Opinion*) but not otherwise. Since, as shown in *Declaration* 30, the proposal submitted with Voting Paper V.P.(56)23 was approved by the Commission (by twenty-four votes to one), Commissioner Key has been recorded as having voted affirmatively on Voting Paper V.P.(56)24.

that the decision so taken was the decision of the International Commission in the matter aforesaid.

9. Amendment of the entry proposed to be made on the " Official List " regarding the determination of the type species of the genus " Cubiceps " Lowe, 1843 : During the routine check-up of the bibliographical references undertaken in connection with the preparation of the Ruling to be given in the present case, a re-examination of Lowe's original paper strongly suggested that instead of having placed in the genus *Cubiceps* only the single species *Seriola gracilis*, Lowe had referred to that genus also the nominal species *Seriola bipinnulata* Quoy & Gaimard, 1825, though undoubtedly *Seriola gracilis* Lowe was the principal species which he had had in mind. It seemed doubtful therefore whether in fact, as stated in the application, the latter species could be regarded as the type species of *Cubiceps* Lowe by monotypy. The earliest definite type selection which it was possible to trace in the literature was, however, of that species, this selection having been made by Jordan & Evermann in 1919 (*Gen. Fish* (2) : 215). Enquiry from Mr. Denys W. Tucker (*British Museum (Natural History), London*) disclosed also that this species was currently accepted as the type species of *Cubiceps* Lowe and that the species *S. bipinnulata* Quoy & Gaimard had never been placed in *Cubiceps* after Lowe's time, having been placed either in *Elegatis* or in *Seriolichthys*, many such references being given by Weber & de Beaufort (1931, *Fish Indo-Austr. Archip.* 6 : 29). Mr. Hemming accordingly executed a Minute directing that, when *Cubiceps* Lowe, 1843, was entered on the *Official List* as the result of the vote taken in the present case, *Seriola gracilis* Lowe, 1843, should be entered as the type species of the genus so named " by selection by Jordan & Evermann (1919) " and not " by monotypy ", as previously proposed.

10. Preparation of the Ruling given in the present " Opinion " : On 3rd January 1957, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)24, subject to the formal adjustment specified in paragraph 9 above.

11. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Cubiceps Lowe (R.T.), 1843, *Proc. zool. Soc. Lond.* **11** : 82
dumerili, *Caranx*, Risso (A.), 1810, *Ichth. Nice* : 175, pl. 6, fig. 20
gracilis, *Seriola*, Lowe (R.T.), 1843, *Proc. zool. Soc. Lond.* **11** : 82
Seriola Cuvier (G.L.C.F.D.), [1816], *Règn. Anim.* **2** : 315
Seriola Topsent, 1892, *Résult. Camp. sci. Monaco* **2** : 8

12. The reference for the type selection for the genus *Cubiceps* Lowe, 1843, specified in the Ruling given in the present *Opinion* is as follows :—Jordan & Evermann, 1919, *Gen. Fish* (2) : 215.

13. It has been ascertained that neither of the generic names which has been placed on the *Official List* by the Ruling given in the present *Opinion* is currently regarded as being the type genus of a family-group taxon.

14. The name *Seriola* Topsent, 1892, is no more than an Invalid Emendation of the name *Seiriola* Hanitsch, 1889 (*Proc. Liverpool biol. Soc.* **3** : 170) (Spong.). The question whether under the General Directive relating to the completeness of *Opinions* the latter name ought to be placed on the *Official List of Generic Names in Zoology* is at present being investigated on Commission File Z.N.(G.) 135.

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Sixty-One (461) of the International Commission on Zoological Nomenclature.

DONE in London, this Third day of January, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

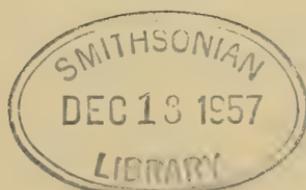
Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 29. Pp. 485—488

EXPLANATORY MINUTE

Family-group-name problems involved in the *Opinions* included in Volume 15 of the work *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature*



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**FAMILY-GROUP-NAME PROBLEMS INVOLVED IN THE
"OPINIONS" INCLUDED IN VOLUME 15 OF THE
WORK "OPINIONS AND DECLARATIONS
RENDERED BY THE INTERNATIONAL COM-
MISSION ON ZOOLOGICAL
NOMENCLATURE"**

By **FRANCIS HEMMING, C.M.G., C.B.E.**

*(Secretary to the International Commission on
Zoological Nomenclature)*

(Minute dated 6th June 1957)

Ever since the close of the Fourteenth International Congress of Zoology at Copenhagen in 1953 it has been customary during the publication of a volume belonging to the *Opinions and Declarations Series* to examine each *Opinion* as it is completed for the purpose of making sure that the Rulings given dealt with any family-group-name implications involved in connection with the names of genera placed in that *Opinion* on the *Official List of Generic Names in Zoology*. Whenever it was found that these matters had not been dealt with in the applications on which those *Opinions* were based and in consequence had not been dealt with in the Rulings given in the *Opinions* in question, immediate steps were taken by the Office of the Commission to obtain the requisite information. On the completion of the last of the *Opinions* to be included in the volume in question a paper was submitted to the Commission containing comprehensive proposals for dealing with all outstanding family-group-name problems. The decisions taken on such a paper were embodied in a *Direction* which formed the last Part of the volume prior to the concluding Index Part.

2. The procedure described above served a valuable purpose, especially in the years immediately following the Copenhagen Congress, for many of the applications dealt with in the *Opinions* rendered during that period had been prepared before the meeting

of that Congress and in consequence had not dealt with the family-group-name problems involved in connection with the generic names discussed in those applications. Thus, the inclusion at the end of a volume of a *Direction* dealing with these matters made good omissions which otherwise would have had to be dealt—much less conveniently—in some later volume.

3. Gradually as the requirements prescribed by the Copenhagen Congress became more widely known, applications to an increasing extent dealt with family-group-name problems in the required manner and the number of such problems on which it was necessary to obtain decisions from the Commission on the completion of each volume grew less and less. It is satisfactory to be able to note that in the case of the present volume all the *Opinions* included dealt fully with the family-group-name problems involved. For the present volume therefore no concluding *Direction* dealing with family-group-name problems is required. It is hoped that in the case of future volumes also no *Directions* of this type will be needed, the necessary action at the family-group-name level being taken in the *Opinions* concerned.

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 15. Part 30.

(Concluding Part)



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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

VOLUME 15. Part 30. Pp. 489—530
(also published with this Part : T.P.—XX)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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(16th December 1954)

Insertion of certain minor corrections in the "Official List of Family-Group Names in Zoology" and in the "Official Index of Rejected and Invalid Family-Group Names in Zoology"

Supplement to "Opinions" 431 and 450

MINUTE by FRANCIS HEMMING, C.M.G., C.B.E.,

Secretary to the International Commission on Zoological Nomenclature

The present Minute is concerned to secure minor adjustments in the Rulings given in *Opinions* 431 and 450 respectively which information received since the publication of those *Opinions* has shown to be necessary. The first of these relates to an entry on the *Official List of Family-Group Names in Zoology* in regard to the name of a family-group taxon belonging to the Class Gastropoda, the second to an entry on the same *List* relating to the name of a taxon belonging to the Class Insecta (Order Lepidoptera). In the second of these cases an adjustment is needed also in an associated entry on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*. The first of the above *Opinions* was published in 1956 (*Ops. Decls. int. Comm. zool. Nomencl.* **14** : 347—372), the second in 1957 in the present volume (: 251—328).

"Opinion" 431

2. It will be recalled that the central feature of the above case was the question of the determination of the species to be accepted as the type species of the foregoing genus, the species which was the type species under the *Règles* not being considered to be congeneric with the species currently treated as being the type species. By the Ruling given in the *Opinion* now in question current practice was validated by the designation under the Plenary Powers of *Helix itala* Linnaeus, 1758, to be the type species of this genus.

3. At the family-group-name level the earliest family-group name based upon the generic name *Helicella* was invalid because the type genus cited was not *Helicella* Férussac but the cheironym *Helicella* Lamarck, 1812. As the result of the consequent search of the literature the earliest validly published family-group name based upon the generic name *Helicella* Férussac which it was found possible to detect was HELICELLINAE Hesse, 1926, and this name was placed on the *Official List of Family-Group Names in Zoology* as Name Number 91 in *Opinion* 431, the *Opinion* dealing with this case.

4. A communication (dated 31st May 1957) has now been received from Mevr. W. S. S. van der Feen (van Benthem Jutting) (*Zoologisch Museum, Amsterdam, The Netherlands*) drawing attention to an older name—HELICELLINAE Ihering (H. von), 1909 (*Verh. zool.-bot. Ges. Wien* 59 : 429)—than HELICELLINAE Hesse, 1925, and expressing the view that this name should therefore be attributed to von Ihering (1909) and not to Hesse (1926).

“ Opinion ” 450

5. The item in the Ruling given in *Opinion* 450 which calls for consideration is the entry relating to the name BOMBYCIDAE (correction of BOMBYCIDES) Latreille, [1802—1803] made by Ruling (5)(a) in the foregoing *Opinion*. As regards this I have to report that the statement that Latreille used the spelling BOMBYCIDES is incorrect, being due to a slip in this Office which I regret. The spelling actually used by Latreille for the Latin version of this name was BOMBYCINAE. It must be noted that despite the termination “-INAE”, which under the current *Règles* is that prescribed for a subfamily name, this name was here used by Latreille as the name for what he called a “Famille”, a term equivalent in meaning to that of “family” as used in the *Règles*. In the circumstances the first step to be taken is to correct the entry in Ruling (5)(a) so as to read :—BOMBYCIDAE (correction of BOMBYCINAE) Latreille, [1802—1803].

6. Second, it is necessary to consider what consequential adjustment is needed in Ruling (7)(a) in the above *Opinion* where the name BOMBYCIDES Latreille, [1802—1803], was placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* as an Invalid Original Spelling for the name BOMBYCIDAE. That entry, being incorrect, will need to be replaced by an entry placing on the *Index* the name BOMBYCINAE Latreille, [1802—1803], as an Invalid Original Spelling for BOMBYCIDAE. Such an entry, unaccompanied by any explanation, might however give rise to misunderstanding in view of the fact that today, though not in Latreille's time, the termination “-INAE” is under the *Règles* a term of art denoting a taxon of subfamily rank. Clearly nothing should be done which might have the appearance of suggesting that the name BOMBYCINAE is not available as the name for the nominate subfamily of the family BOMBYCIDAE. The present problem is not a new one, it having arisen in 1955 at the tribe-name level in connection with the name ASTACINI published by Latreille in the same work as the name for a family-group taxon of full family rank, i.e. as the name for the family now known as ASTACIDAE. In this case, which was dealt with in *Direction* 12 (1955,

Ops. Decls. int. Comm. zool. Nomencl. 1(C) : 35—56), the Commission (a) placed on the *Official List of Family-Group Names in Zoology* the family-group name ASTACIDAE (correction of ASTACINI) Latreille, [1802—1803], and (b) placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* the name ASTACINI Latreille, [1802—1803] as an Invalid Original Spelling for ASTACIDAE, adding, however, an endorsement that the name ASTACINI was nevertheless “available as the name for a taxon belonging to any category in the family-group for which the termination ‘-INI’ may be considered appropriate”. The decision so taken by the Commission provides ample guidance as to the course which should be followed in the present case, namely that, when the name BOMBYCINAE Latreille, [1802—1803] is placed on the *Official Index* the entry so made should be endorsed by the addition of the words “but available as the name for the nominate subfamily of the family BOMBYCIDAE” after the words “an Invalid Original Spelling for BOMBYCIDAE”.

Directions now given

7. In the circumstance I now as Secretary hereby direct as follows, namely :—

- (1) that the name HELICELLINAE Ihering (H. von), 1909, be substituted for the name HELICELLINAE Hesse, 1925, in the *Official List of Family-Group Names in Zoology* in the entry thereon made by the Ruling given in *Opinion* 431 (paragraph 4) ;
- (2) that in the entry on the foregoing *Official List* relating to the family name BOMBYCIDAE Latreille, [1802—1803], made by the Ruling given in *Opinion* 450 the Original Spelling of the above name there incorrectly stated to have been BOMBYCIDES be corrected to BOMBYCINAE (paragraph 5) ;
- (3) that the entry on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* of the name BOMBYCIDES Latreille, [1802—1803] made by the Ruling given in the same *Opinion* be replaced by the following entry : BOMBYCINAE Latreille, [1802—1803] (an Invalid Original Spelling for BOMBYCIDAE but available as the name for the nominate subfamily of the family BOMBYCIDAE) (paragraph 6).

FRANCIS HEMMING

*Secretary to the International Commission
on Zoological Nomenclature*

24th June 1957

Corrigenda

- page 3. Ruling (1)(c), first line : substitute " 1815 " for " 1816 "
- page 9. Paragraph 10(h), first line : substitute " 1815 " for " 1816 "
- page 65. Paragraph 21, first line : substitute " Nicolet " for " Bourlet "
- page 87. Ruling (3)(a), second line : substitute " *Conops* " for " *Musca* "
- page 201. Ruling (1), line four : transfer " , 1860 " and " (gender : masculine) "
- page 238. Ruling (4)(b) : this name should be cited as " a junior primary homonym " and not as " an Erroneous Subsequent Spelling "
- page 254. Ruling (1)(6) column 1, second line : substitute " Linnaeus " for " Linaeus "
- page 256. Ruling (2)(f), first line : substitute " Linnaeus " for " Linneaus "
- page 258. Ruling (4)(h), first line : substitute " homonym " for " homonym "
- page 313. Appendix 2(1) and (4) : delete " *Arach.* "
- page 314. Appendix 3, Para. 1(a) : substitute " [1802—1803] " for " [1892—1803] "
- page 316. Item 8, line 2 : delete " *Arach.* "
- page 355. Paragraph 13, line 4 : substitute " 3 (Zool.) (2) : " for " (Zool.) 2 : "
- page 361. Paragraph 3, lines 12 and 13 }
page 377. Paragraph 36, lines 4 and 5 : } substitute " May " for " April "
- page 382. Ruling (4)(c), last line : Insert " (Name No. 860) " at end of line
- page 422. Ruling (4)(c), second line : substitute " Nitzsch " for " Nitsch "
- page 431. Paragraph 13, last line but one : substitute " *Bull. Sci. Soc.* " for " *Bull. Soc. Sci.* "
- page 473. Paragraph 38, line 4 : substitute " *Bull. Sci. Soc.* " for " *Bull. Soc. Sci.* "

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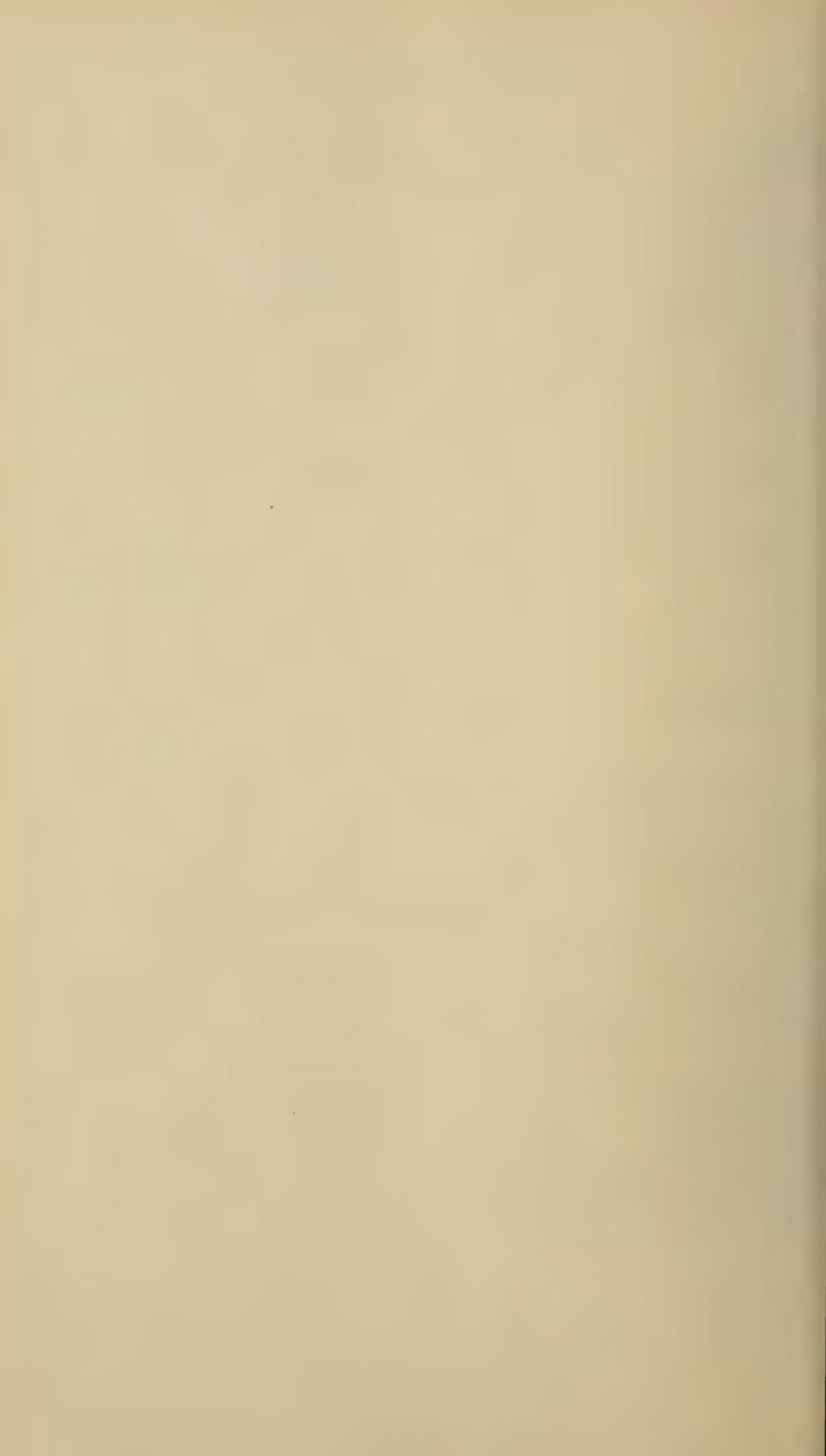
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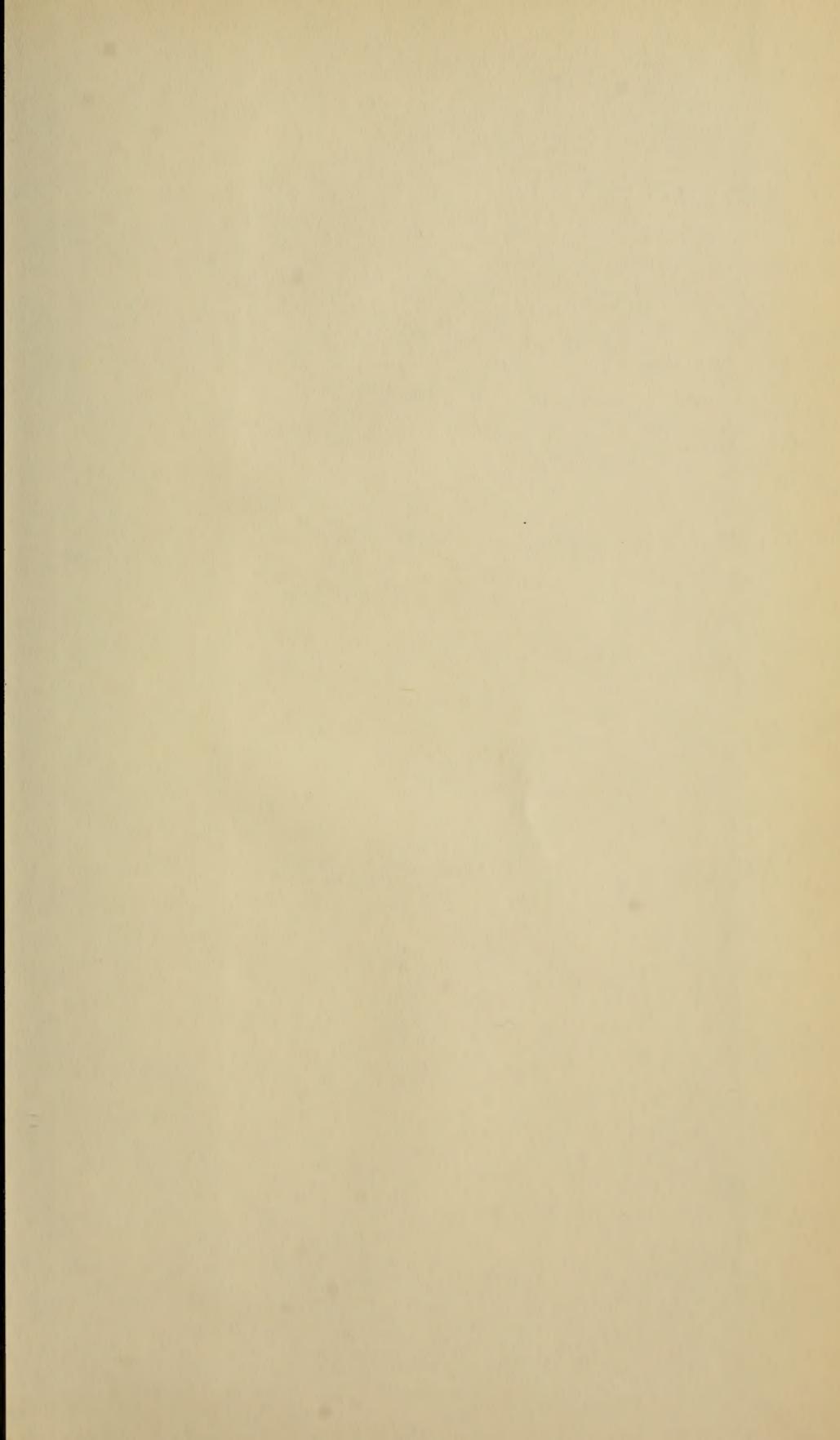
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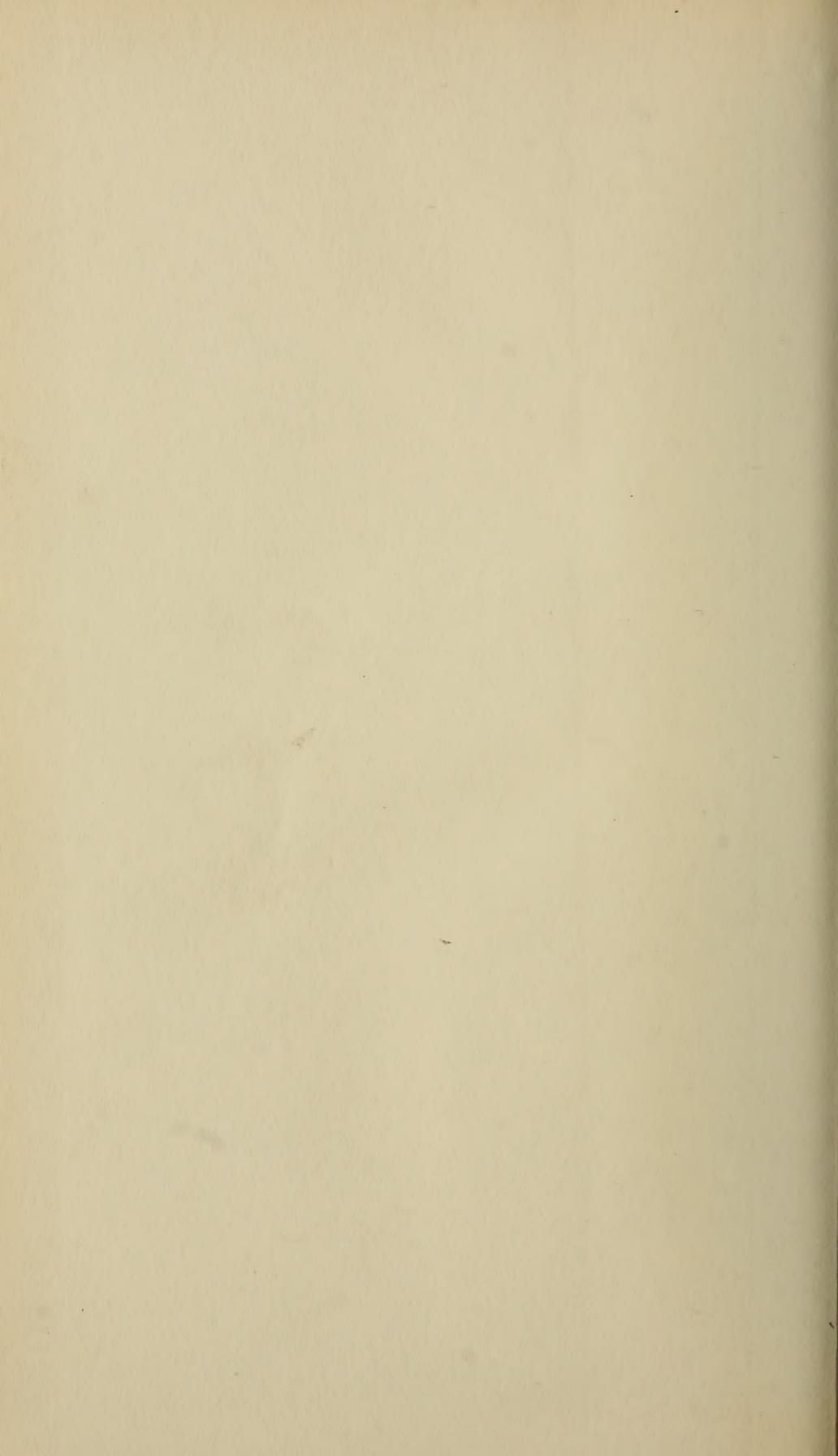
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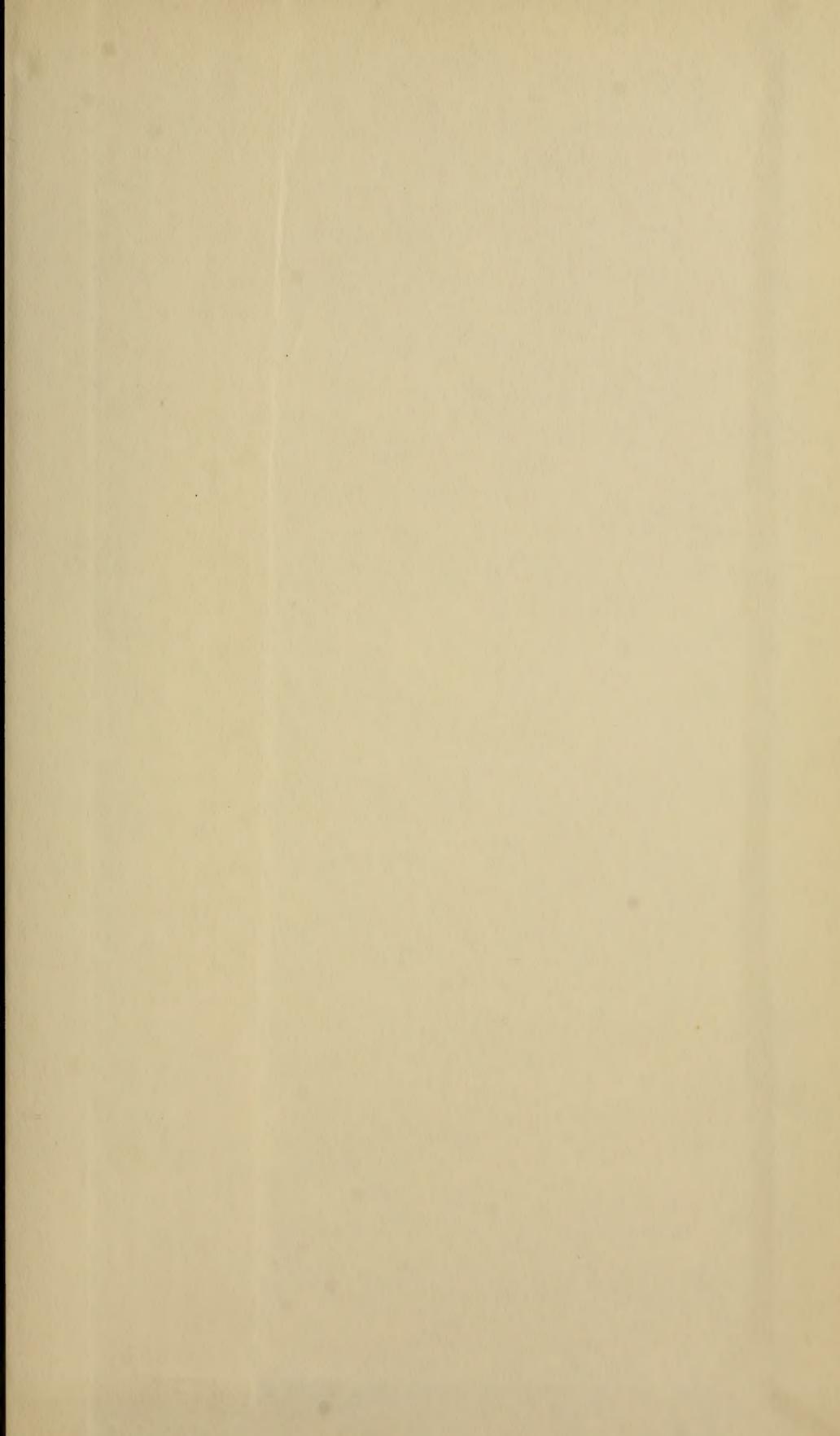
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