

OPINION 74

APSTEIN'S (1915) LIST OF NOMINA CONSERVANDA

SUMMARY.—The Commission has no power to adopt *en bloc* Apstein's list of proposed Nomina Conservanda, but is prepared to consider names separately upon presentation of reasonably complete evidence.

PRESENTATION OF CASE.—Commissioner Apstein has submitted to the Commission a list of Nomina Conservanda which was printed in the Sitzungsberichte der Gesellschaft Naturforschender Freunde zu Berlin, No. 5, Mai, 1915, pages 119-202, and which he suggests be used as basis for studies, the results of which can be submitted to the next International Zoological Congress. The printed document is herewith accepted as Presentation of Case, and reference is made to the printed list for details. Copies of the list have been mailed to members of the Commission, and the Secretary's Circular Letter no. 19, December, 1915, contains the correspondence on the subject, between Commissioner Apstein and the Secretary.

DISCUSSION.—An examination of different portions of Apstein's list shows clearly that although full data are not presented in respect to the individual names, many of the generic names quoted are valid under the Code, and in many cases the type species cited is correct. On the other hand, the list contains some names that are not valid under the Code, and in some cases the type species cited is not the correct genotype under the Code.

The list in question corresponds, nevertheless, to the general invitation issued by the Commission in its report to the Gratz Congress, to send to the Secretary of the Commission zoological generic names to be studied in connection with the preparation of an Official List of Generic Names, and whatever may be the individual opinion of zoologists in respect to the names in question, Commissioner Apstein has accomplished an excellent piece of work in compiling this list and thus bringing to the attention of the Commission a number of names that are, more or less, in general use by various zoologists.

It is equally clear, however, that the Commission has no authority either under the Rules, or under its Plenary Power, to act upon this list as a unit.

The Secretary has submitted several groups of names to specialists in the respective groups for special study, and has already placed some of the names before the Commission, for vote.

In order that definite action may be taken upon the general question concerning this list, the Secretary recommends that the Commission adopt as its Opinion the following:

(1) The Commission is not authorized, either under the Rules, or under the Plenary Power, to adopt *en bloc* the list of names presented by Commissioner Apstein.

(2) The Secretary is authorized and instructed to submit to the Commission for adoption in the Official List of Generic Names, any of the names in Apstein's (1915a) List for which he may be able to find proper authority under the Rules.

(3) The Commission invites Commissioner Apstein to submit full data respecting any name in said list which he considers should be adopted under the Plenary Power, said data to show that "a strict application of the Rules will result in greater confusion than uniformity."

(4) The Commission can, at least for the present, consider names under the Plenary Power only as individual cases, each name to be considered on its own merits.

(5) The foregoing paragraph (4) is not, however, to be construed as preventing the Commission from considering any given publication (article, book, or catalogue) as a whole, in which more than a single name is involved, all of which come under the same general conditions.

Opinion written by Stiles.

Opinion concurred in by 10 Commissioners: Allen, Bather, Blanchard, Hartert, Horváth, Hoyle, Jordan (D. S.), Jordan (K.), Skinner, Stiles.

Opinion dissented from by 1 Commissioner: Handlirsch.

Not voting, 7 Commissioners: Apstein, Dautzenberg, Kolbe, Monticelli, Roule, Simon, Stejneger.

Commissioner Apstein makes the following statement, which is concurred in by Commissioner Kolbe:

Die Liste der Nomina Conservanda (1915) habe ich als Antrag an die Intern. Nomenclatur Kommission für den nächsten Internat. Zoologen Congress eingereicht. Dass sie nicht auf dem Prioritäts-gesetz strikt basiert, geht aus dem Antrage (Zool. Anz., v. 46, 31. viii, 15) so wie aus der Einleitung zu der Liste hervor, liegt auch schon in dem Titel "Nomina Conservanda."

Die Liste bildet also ein Novum über das der nächste Internat. Zoolog. Congress zu beschliessen haben wird. Wenn die Nomenclatur-Regeln Ausnahmen (suspensions!) nur zulassen in dem Falle der Verwirrung und bei Larven, so sind die Regeln eben viel zu eng

gefasst und muss der nächste Intern. Zoologen Congress hiergegen Abhilfe schaffen.

Was Punkt 3 in Circular letter 32 betrifft, das ich "full data respecting any name in said list" vorlegen soll, so ist das 1, nicht möglich wegen des Umfanges der Arbeit, 2, nicht nötig, da es sich bei den Namen der Liste um ganz gebräuchliche Namen handelt die wie ich schon sagte, nicht auf strikter Priorität basieren sondern von einem anderen Standpunkt aus beurteilt werden müssen.