

OPINION 125

Borus HERBST, 1797, AND *Borus* AGASSIZ, 1846, VS. *Borus* ALBERS, 1850

SUMMARY.—*Borus* Agassiz, 1846, is an emendation of, and therefore an absolute synonym of, *Borus* Herbst, 1797; *Borus* Albers, 1850, is a dead homonym.

STATEMENT OF CASE.—Dr. H. A. Pilsbry, of the Academy of Natural Sciences of Philadelphia, submits the following case for Opinion:

In *Archiv für Naturgeschichte*, Jahrg. 92 (for 1926), Abth. A, 8 Heft, July 1928, p. 66, E. Strand proposes to reject the name "*Borus* Albers, 1850", on account of *Borus* L. Agassiz, *Nomencl. Zool.*, 1846, in Coleoptera, and to replace it by *Corus* Jousseume, 1877.

Borus was suggested by Agassiz (*Nom. Zool. Index Univ.*, p. 49) as an emendation of *Borus* Herbst, 1797. Under present conditions the names *Borus* and *Borus* would be considered sufficiently different (Opinion 25 of the International Commission). In my opinion the original spelling of each name is all that need be considered; subsequent variants or emendations having no status in nomenclature. According to this view *Borus* Albers will stand.

"*Corus* (*Bulimus*) *valenciennensi*" (sic) was mentioned with other snails by Jousseume (*Bull. Soc. Zool. France*, vol. 2, p. 311, 1877), but without any intimation that the name was new. In the same paragraph and elsewhere in the same communication, new names proposed are so designated, and moreover are printed in heavy face type. It is clear, therefore, that "*Corus*" was a pen error or printer's error for *Borus*. Such an error seems the more likely as there are two mistakes in the name "*valenciennesi*" (a well-known species of *Borus*) in the same line. I do not think that such an evident error is available as basis for a new name.

Megalobulimus K. Miller, *Malak. Blätter*, vol. 25, p. 172, 1878, for *Borus* *garcia-moreni* Miller (= *B. popclairianus* var. *thammianus* v. Martens) is available for the *Borus* group in case *Borus* is rejected.

DISCUSSION.—This case was studied independently by Commissioner Bather, by the Secretary, and by Dr. Paul Bartsch of the United States National Museum. The opinions prepared by all three are in agreement. The opinion as worded by Commissioner Bather reads as follows:

By Art. 19, the name *Borus* Herbst should be preserved unless an error of transcription, a *lapsus calami*, or a typographical error is evident. Since the name is obviously the Greek *βόρος* none of these is evident.

But by Art. 8, Recommendation *a* and Appendix *f*, Herbst "should" have written *Borus*. Since this recommendation is based on the previous usage of both classical scholars and the early systematists (who were for the most part scholars), Agassiz was within his rights in emending to *Borus*.

If his right be disputed, then, since there is no possible question of an error of transcription, etc., *Borus* Agassiz is a synonym of *Boros* Herbst.

Borus Albers, it can hardly be doubted, is also a transliteration of *Boros*. If a correct name, it is a homonym of *Borus* Ag. If incorrect, it should be written *Boros* and so becomes a homonym of *Boros* Herbst. Art. 36, Recommendation, does not apply to this case.

Therefore according to strict application of Art. 34, and Opinion 83, *Borus* Albers is to be rejected.

The Secretary recommends that the Summary, as given above, be adopted as the Opinion of the Commission.

Opinion prepared by Bather, Stiles, and Bartsch.

Opinion concurred in by fourteen (14) Commissioners: Apstein, Bather, Cabrera, Chapman, Horvath, Ishikawa, Jordan (K.), Pellegrin, Richter, Silvestri, Stejneger, Stephenson, Stiles, Stone.

Opinion dissented from by no Commissioner.

Not voting, four (4) Commissioners: Bolivar, Handlirsch, Jordan (D. S.), Warren.

Commissioner Richter adds:

Ich stimme der Opinion zu.

Zur Discussion, Absatz 3, habe ich aber grundsätzlich zu bemerken: *Nichtbefolgung eines Ratschlags bei der Aufstellung eines Namens gibt kein Recht, den Namen nachträglich im Sinne dieses Ratschlags zu ändern.* Herbst, 1797, "should have written *Borus*"; wenn er aber *Boros* geschrieben hat, so hat Agassiz, 1846, nicht das Recht, *Boros* in *Borus* zu ändern.