

OPINIONS RENDERED BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

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OPINION 138

On the Method by which the Amendment to Article 25 of the International Code adopted at the Budapest Meeting of the International Zoological Congress, relating to the Replacement of Invalid Names, should be Interpreted

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NOTE:—Opinions One to One Hundred and Thirty-Three (Opinions 1-133) rendered by the International Commission on Zoological Nomenclature were not published by the Commission itself owing to lack of funds. Through the intermediary of Dr. C. W. Stiles, at that time Secretary to the International Commission, the Smithsonian Institution very kindly came to the aid of the Commission and agreed to publish the Opinions of the Commission in the *Smithsonian Miscellaneous Collections*. Unfortunately, all except a few of the most recent of the above Opinions are now out of print, and are therefore not obtainable by working zoologists. In order to remedy the serious position so created, it is proposed, as soon as funds are available, to reprint Opinions 1 to 133 as Volume 1 of *Opinions Rendered by the International Commission on Zoological Nomenclature*.



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OPINION 138.

ON THE METHOD BY WHICH THE AMENDMENT TO ARTICLE 25 OF THE INTERNATIONAL CODE ADOPTED AT THE BUDAPEST MEETING OF THE INTERNATIONAL ZOOLOGICAL CONGRESS, RELATING TO THE REPLACEMENT OF INVALID NAMES, SHOULD BE INTERPRETED.

SUMMARY.—In order to comply with Article 25 of the International Code as amended at the Meeting of the International Zoological Congress held in Budapest in 1927, it is necessary for an author publishing a new name in substitution for an invalid name, after giving the name to be replaced and its author, to cite also the year in which that name was published and to indicate the title of the work or journal in which the name to be replaced was first published, and, in all cases where the pages of the work concerned are numbered, to cite the number of the page on which the name to be replaced was printed.

I.—THE STATEMENT OF THE CASE.

This question was first raised by Dr. C. B. Ticehurst, Editor of the *Ibis*, in the following letter dated 5th August, 1935 :—

“ I should like to bring the following case before the International Commission on Zoological Nomenclature.

“ In the Bulletin of the British Ornithologists' Club, vol. 55 : 24, 1934, Mr. Mathews proposes (*inter alia*) :—

‘ *Trochalopteron touchena* for *T. yunnanensis* La Touche, 1922, not Rippon, 1906.’

“ According to the amended Rule 25, a definite bibliographical reference must be given. The question for the Commission to decide is whether ‘ La Touche, 1922 ’ can be said to be a ‘ definite bibliographical reference ’.”

II.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

2. The International Commission on Zoological Nomenclature gave consideration to this question in September, 1935, at their Meeting held in Lisbon during the Meeting of the Twelfth International Zoological Congress. At this Meeting the International

Commission unanimously adopted the following Resolution which was incorporated in their Report to the International Zoological Congress as paragraph 20 thereof :—

“ 20. *On the method by which the amendment to Article 25 of the International Code adopted at the Budapest Meeting of the International Zoological Congress, relating to the replacement of invalid names, should be interpreted.*—The International Commission have had under consideration the question of the interpretation of the amendment to Article 25 of the International Code adopted at the Budapest Meeting of the International Zoological Congress, which became operative on the 1st January 1931, and which lays it down that, when for any reason it is necessary to replace an existing name, either because it is a synonym or a homonym, the author proposing the new name must give ‘ a definite bibliographic reference ’ to the name to be replaced. An author giving such a new name would not comply with the above amendment to Article 25, if, after giving the name to be replaced, he were only to add such an expression as ‘ La Touche, 1922 ’. In order to comply with the Article as amended at Budapest, it is necessary for the author proposing the new name, after giving the name to be replaced and its author, to cite also the year in which that name was published and to indicate the title of the work or journal in which the name to be replaced was first published, and, in all cases where the pages of the work concerned are numbered, to cite the number of the page on which the name to be replaced was printed.”

3. The Report of the International Commission containing the foregoing paragraph was unanimously adopted at the Meeting of the Commission held on the morning of Wednesday, 18th September, 1935, and by the Section on Nomenclature at their Meeting held on the afternoon of the same day. The Report was accordingly submitted to the International Zoological Congress by which it was unanimously adopted at the Concilium Plenum of the Congress held on the afternoon of Saturday, 21st September, 1935, the last day of the Congress.

4. The Opinion as set out in the extract from the Commission’s Report quoted in paragraph 2 above was concurred in by the twelve (12) Commissioners and Alternates present at the Lisbon Meeting of the International Commission, namely :—

Commissioners :—Calman ; Hemming ; Jordan ; Pellegrin ; Peters ; and Stejneger.

Alternates :—do Amiral *vice* Cabrera ; Oshima *vice* Esaki ; Bradley *vice* Stone ; Beier *vice* Handlirsch ; Arndt *vice* Richter ; and Mortensen *vice* Apstein.

5. The Opinion referred to above was dissented from by no Commissioner or Alternate.

6. Subsequent to the Lisbon Meeting, the following four (4) Commissioners who were neither present at that Meeting nor were represented thereat by Alternates indicated that they desired their names to be added to the list of Commissioners

supporting the Opinion adopted at that Meeting :—Chapman; Fantham; Silvestri; and Stiles. In addition, the following four (4) Commissioners who were not present in person at the Lisbon Meeting of the Commission but were represented thereat by Alternates similarly indicated that they desired their names to be added to the list of Commissioners supporting the Opinion adopted at that Meeting :—Cabrera; Esaki; Richter; and Stone. Commissioner Bolivar y Pieltain was neither present at the Lisbon Meeting nor represented thereat by an Alternate; nor did he subsequently address any communication to the Secretary to the Commission in regard to this subject.

III.—THE DATE AS FROM WHICH THE PROVISIONS OF THE PRESENT OPINION ARE OPERATIVE.

7. The amendment to Article 25 of the International Code containing the phrase “definite bibliographic reference”, the meaning of which is defined in the present Opinion, was adopted by the International Zoological Congress at its Meeting held in Budapest in 1927. In order, however, to give zoologists ample warning of the change in the Code effected by the said amendment, the International Zoological Congress expressly laid it down that the said amendment was not to become operative until after the 31st December, 1930, *i.e.* that its provisions were to apply only to names published on or after the 1st January, 1931. Since the present Opinion does no more than clear up an ambiguity in the text of an amendment to the International Code, which became operative as from the 1st January, 1931 (inclusive), the explanation given in the present Opinion applies automatically as from the same date. The criteria laid down in the present Opinion apply, therefore, to every name published on or after the 1st January, 1931.

IV.—AUTHORITY FOR THE ISSUE OF THE PRESENT OPINION.

WHEREAS the By-Laws of the International Commission on Zoological Nomenclature provide that, except in cases involving the Suspension of the Rules, an Opinion is to be deemed to have been adopted by the said International Commission as soon as a majority of the Members of the Commission, that is to say ten (10) Members of the said Commission, have recorded their votes in favour thereof, provided that, where any proposed Opinion

involves a reversal of any former Opinion rendered by the Commission, such proposed Opinion should require the concurrence of at least fourteen (14) Members of the Commission voting on the same before such Opinion is to be deemed to have been rendered by the Commission; and

WHEREAS the present Opinion neither requires, to be valid, the Suspension of the Rules, nor involves a reversal of any former Opinion rendered by the Commission; and

WHEREAS sixteen (16) Members of the Commission have signified their concurrence in the present Opinion, twelve (12) either in person or through Alternates at the Meeting of the Commission held in Lisbon in September, 1935, and four (4) by subsequent adherence to the Resolution adopted in this matter at the said Meeting :

NOW, THEREFORE,

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, acting in virtue of all and every the powers conferred upon me by reason of holding the said Office of Secretary to the International Commission, hereby announce the said Opinion on behalf of the International Commission, acting for the International Zoological Congress, and direct that it be rendered and printed as Opinion Number One Hundred and Thirty-Eight (Opinion 138) of the said Commission.

In faith whereof, I, the undersigned FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, have signed the present Opinion.

DONE in London, this fourteenth day of August, Nineteen Hundred and Thirty-Nine, in a single copy, which shall remain deposited in the archives of the International Commission on Zoological Nomenclature.

*Secretary to the International Commission
on Zoological Nomenclature.*

FRANCIS HEMMING