

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 487

Validation under the Plenary Powers of the generic names
Gempylus Cuvier, 1829 (Class Pisces) and *Acinaces*
Gerstaecker, 1858 (Class Insecta, Order Coleoptera)

LONDON :

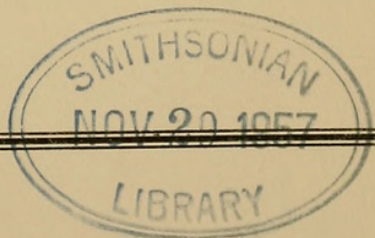
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 487

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(12th August 1953)

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(29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th
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Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 487

VALIDATION UNDER THE PLENARY POWERS OF THE
GENERIC NAMES "GEMPYLUS" CUVIER, 1829 (CLASS
PISCES) AND "ACINACES" GERSTAECKER, 1858
(CLASS INSECTA, ORDER COLEOPTERA)

RULING :—(1) The following action is hereby taken
under the Plenary Powers :—

(a) The generic name *Acinaces* Agassiz (J.L.R.), 1846
(Class Pisces) is hereby suppressed for the
purposes both of the Law of Priority and of the
Law of Homonymy.

(b) The under-mentioned names are hereby suppressed
for the purposes of the Law of Priority but not
for those of the Law of Homonymy :—

(i) the generic name *Acinacea* Bory de St. Vincent,
1804 (Class Pisces) ;

(ii) the specific name *notha* Bory de St. Vincent,
1804, as published in the combination
Acinacea notha (Class Pisces).

(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) *Gempylus* Cuvier (G.L.C.F.D.), 1829, as protected
by the suppression under the Plenary Powers in
(1)(a) above of the generic name *Acinacea* Bory
de St. Vincent, 1804 (gender : masculine) (type
species, by monotypy : *Gempylus serpens*
(G.L.C.F.D.), 1829) (Class Pisces) (Name No.
1226) ;

- (b) *Acinaces* Gerstaecker, 1858, as validated by the suppression under the Plenary Powers in (1)(a) above of the generic name *Acinacea* Bory de St. Vincent, 1804 (gender : masculine) (type species, by selection by Strohecker (H.F.) (1953) : *Acinaces lebasii* Gerstaecker, 1858) (Class Insecta, Order Coleoptera) (Name No. 1227).

(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) *serpens* Cuvier (G.L.C.F.D.), 1829, as published in the combination *Gempylus serpens* (specific name of type species of *Gempylus* Cuvier (G.L.C.F.D.), 1829) (Class Pisces) (Name No. 1432) ;
- (b) *lebasii* Gerstaecker, 1858, as published in the combination *Acinaces lebasii* (specific name of type species of *Acinaces* Gerstaecker, 1858) (Class Insecta, Order Coleoptera) (Name No. 1433).

(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) *Acinaces* Agassiz (J.L.R.), 1846, as suppressed under the Plenary Powers in (1)(a) above (Name No. 1050) ;
- (b) *Acinacea* Bory de St. Vincent, 1804, as suppressed under the Plenary Powers in (1)(b)(i) above (Name No. 1051) ;
- (c) *Lucoscombrus* Van der Hoeven, 1858 (a junior objective synonym of *Gempylus* Cuvier (G.L.C.F.D.), 1829) (Name No. 1052).

(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 471 :—

notha Bory de St. Vincent, 1804, as published in the combination *Acinacea notha*, as suppressed under the Plenary Powers in (1)(b)(ii) above.

(6) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 194 :—

GEMPYLINAE Goode & Bean, 1895 (type genus : *Gempylus* Cuvier (G.L.C.F.D.), 1829).

(7) 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 228 :—

ACINACEIDAE McCulloch (A.R.), 1929 (type genus : *Acinacea* Bory de St. Vincent, 1804) (invalid under *Declaration* 20 because the name of type genus suppressed under the Plenary Powers (in (1)(b)(i) above)).

I. THE STATEMENT OF THE CASE

On 17th March 1955 Mr. Denys W. Tucker (*British Museum (Natural History), London*) submitted to the International Commission on Zoological Nomenclature a preliminary application designed to provide a valid basis for the continued use of the generic name *Gempylus* Cuvier, 1829 (Class Pisces). Following correspondence with the Secretary certain revisions were made

in the application relating to the present case, and these led to the submission on 14th June 1955 of the following definitive application :—

Proposed use of the Plenary Powers to suppress the generic name “Acinacea” Bory de St. Vincent, 1804, and the specific name “notha” Bory de St. Vincent, 1804, as published in the combination “Acinacea notha”, for the purpose of making the generic name “Gempylus” Cuvier, 1829, and the name “serpens” Cuvier, 1829, as published in the combination “Gempylus serpens”, the oldest available names for the genus and species concerned (Class Pisces)

By DENYS W. TUCKER, B.Sc.

(British Museum (Natural History), London)

The object of the present application is to ask the International Commission to use its Plenary Powers to suppress the generic name *Acinacea* Bory de St. Vincent, 1804 (*Voy. Isles Afrique* 1 : 93) and the specific name *notha* Bory de St. Vincent, 1804, as published on the same page in combination with the foregoing generic name, thereby making the generic name *Gempylus* Cuvier (G.L.C.F.D.), 1829 (*Règne Anim.* (ed. 2) 2 : 200) and the name *Gempylus serpens* Cuvier, 1829 (*loc. cit.* 2 : 200) the oldest available names for the genus and species concerned (Class Pisces, Order Percomorphi, family GEMPYLIDAE). Opportunity is taken to clarify the status of the name *Lemnisoma thyrsoideum* Lesson, 1831 (*Voy. Coquille, Zool.* 2 (No. 1) : 160), as regards which, however, no action is called for on the part of the Commission. A short history of the circumstances pertaining to the three names follows.

2. The name *Acinacea notha* Bory de St. Vincent is a borderline case so far as binominal nomenclature is concerned. The author introduces it under the name “l’acinacée bâtarde”, subsequently giving the Latinised form of the generic name thus : “Acinacée (*Acinacea*)”. He then proceeds to categorise it as follows :—

Acinacea (notha) *pinnulis supra, infraque sextis ; dentibus quinque in mandibulo superiori . . .*

In the case of a new species the author follows a similar practice throughout, giving the generic name in the usual way in italics and following it with the specific name in bracketed lower case letters. Linnean species are conventionally listed and it appears probable that the author comprehended, and in his own way applied, the principles of binominal nomenclature. The description is accompanied (Atlas : pl. IV, fig. 2) by a figure readily identifiable with the fish generally known as *Gempylus serpens* Cuvier.

3. The name *Acinacea* Bory de St. Vincent has never passed into general use. Agassiz (J.L.R.), 1846 (*Nomencl. zool. Index univ.* : 4) published the emendation *Acinaces* (a senior homonym of *Acinaces* Gerstaecker, 1858 (*Monogr. Endomych.* : 178) in the Coleoptera (Class Insecta)). Agassiz's emendation has also not been accepted. In 1940 (*Class. Fishes* : 483), however, Berg gave the name ACINACEIDAE as an alternative to GEMPYLIDAE, and Whitley, in 1951 (*Rec. Austral. Mus.* 22 : 398), sought to revive the name *Acinacea* in place of *Gempylus* and to substitute the name ACINACEIDAE for GEMPYLIDAE. Whitley's recommendations have so far been ignored outside Australia.

4. The name *Lemnisoma thyrsitoides* Lesson, [1831], was published in a work which bears the date " 1830 " and for this reason it has usually been assumed that the name *Gempylus serpens* Cuvier, 1829, has priority. Fowler, 1905 (*Proc. Acad. nat. Sci. Philad.* 1904 : 767), however, mistakenly attributed the publication date " 25 July 1827 " to Lesson's name *Lemnisoma* and consequently sought to supplant *Gempylus* with *Lemnisoma* (at the same time erecting the family and subfamily LEMNISOMIDAE and LEMNISOMINAE). It is evident that Fowler must have consulted Sherborn & Woodward, 1901 (*Ann. Mag. nat. Hist.* (7) 7 : 391) for the dates of issue of the *Livraisons* of the Zoologie Section of the *Voy. Coquille* and must accidentally have noted the date of the *Livraison* embracing page 160 of volume 1 instead of that of the same page of volume 2. In fact from a second paper by Sherborn & Woodward (1906, *Ann. Mag. nat. Hist.* (7) 17 : 336) it is apparent that the name *Lemnisoma* dates not from 1827 nor even from 1830, as the title-page of the volume suggests, but from 12th November 1831. This name is therefore a junior subjective synonym of *Gempylus* Cuvier, 1829. Similarly the name *thyrsitoides* Lesson, as published in the combination *Lemnisoma thyrsitoides*, is a junior subjective synonym of *Gempylus serpens* Cuvier, 1829. The only authors who have followed Fowler's lead appear to be Jordan & Evermann, 1905 (*Bull. U.S. Fish. Comm.* 23 : 179), except that the *Zoological Record* for 1905 adopted the family name LEMNISOMIDAE. This was done, however, for the sole purpose of recording Fowler's paper. Fowler himself subsequently reverted to the use of the name *Gempylus serpens* Cuvier (see Fowler, 1928, *Mem. B.P. Bishop Mus.* 10 : 135 ; *id.*, 1936, *Hongkong Nat.* 7 : 75 ; *id.*, *Bull. amer. Mus. nat. Hist.* 70 : 636).

5. The nominal species *Gempylus serpens* Cuvier, 1829, was founded on an illustration of *Serpens marinus compressus lividus* Sloane, 1707 (*Voy. Jamaica* : pl. 1, fig. 2). Cuvier & Valenciennes, 1831 (*Hist. nat. Poiss.* 8 : 211) erected a second nominal species *Gempylus coluber* on what appears to have been the holotype of *Lemnisoma thyrsitoides* Lesson. Posterity has decided unanimously that the name *G. coluber* Cuvier & Valenciennes is a junior subjective synonym of *G. serpens*.

6. At this point is it desirable to consider the position of the generic name *Lucoscombrus* Van der Hoeven, 1858 (*Handb. Zool.* 2 : 161), which as originally published contained two nominal species : *Gempylus serpens* Cuvier, 1829 ; *Gempylus coluber* Cuvier & Valenciennes, 1831. No type species was designated by Van der Hoeven and none has been selected by any subsequent author. As has already been explained, the foregoing specific names are regarded by all authors as being subjective synonyms of one another. From a practical point of view the genus *Lucoscombrus* Van der Hoeven is therefore monotypical. In order finally to dispose of this name I now select *Gempylus serpens* Cuvier to be the type species of this genus, which thus becomes objectively identical with *Gempylus* Cuvier, 1829. (The work in which the name *Lucoscombrus* was published appeared in two editions, the first with a Dutch title, the second with a German title. The first edition appeared in 1828 and the second in 1855. The foregoing generic name would have priority over *Gempylus* Cuvier if it had appeared in the first as well as in the second edition. In order to clear up this point, the copy of the rare First Edition in the Library of the British Museum at Bloomsbury has been consulted. This examination shows that at the point where, if at all, this name would have appeared, i.e. in the discussion of the *Scomber* (2 : 237), Van der Hoeven treated *Gempylus* as a subgenus of *Scomber* and made no mention of the name *Lucoscombrus*¹. This latter name ranks for priority therefore only from the Second Edition of 1855.)

7. In addition, there is a generic name, *Zyphothyca* Swainson, 1839 (*Hist. nat. Fishes* 2 : 174), which is a junior subjective synonym of *Gempylus* Cuvier, 1828, through having *Gempylus coluber* Cuvier & Valenciennes as its type species by monotypy. Though not required taxonomically, *Zyphothyca* Swainson is a nomenclatorially available name and accordingly no action in regard to it is called for on the part of the Commission.

8. At first the genus *Gempylus* was placed either in the family TRICHIURIDAE or the family SCOMBRIDAE. Goode & Bean, 1895 (*Oceanic Ichth.* : 193) were the first authors to erect a family-group taxon for *Gempylus*, for which they founded the GEMPYLINAE as a subfamily of the SCOMBRIDAE. Regan, 1909 (*Ann. Mag. nat. Hist.* (8) 3 : 70) up-graded the GEMPYLINAE to full familial status as the GEMPYLIDAE.

¹ Further investigations undertaken at a later stage showed that the First Edition of Van der Hoeven's work was published in Parts and that the Part containing the name *Scomber* and associated names was not published until 1830. For more detailed particulars see paragraph 11 of the present *Opinion*.

9. It is thus apparent that *Gempylus* Cuvier has enjoyed almost universal acceptance since 1829, the subfamily GEMPYLINAE since 1895 and the family GEMPYLIDAE since 1909. It is desirable that this situation should be stabilised, the more so since the family GEMPYLIDAE includes fishes of considerable economic importance and with a growing literature.

10. I therefore ask the International Commission :—

- (1) to use its Plenary Powers for suppressing the under-mentioned names for the purposes of the Law of Priority but not for those of the Law of Homonymy :—
 - (a) the generic name *Acinacea* Bory de St. Vincent, 1804, and the emendation thereof *Acinaces* Agassiz (J.L.R.), 1846 ;
 - (b) the specific name *notha* Bory de St. Vincent, 1804, as published in the combination *Acinacea notha* ;
- (2) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Gempylus* Cuvier (G.L.C.F.D.), 1829 (gender : masculine) (type species, by monotypy : *Gempylus serpens* Cuvier (G.L.C.F.D.), 1829) ;
- (3) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *serpens* Cuvier (G.L.C.F.D.), 1829, as published in the combination *Gempylus serpens* (specific name of type species of *Gempylus* Cuvier (G.L.C.F.D.), 1829) ;
- (4) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
 - (a) the generic names specified in (1)(a) above, as there suppressed under the Plenary Powers ;
 - (b) *Lucoscombrus* Van der Hoeven, 1858 (a junior objective synonym of *Gempylus* Cuvier, 1829) ;
- (5) to place the under-mentioned specific name on the *Official Index of Rejected and Invalid Specific Names in Zoology* : *notha* Bory de St. Vincent, 1804, as published in the combination *Acinacea notha*, and as suppressed under the Plenary Powers under (1)(a) above ;
- (6) to place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* : GEMPYLINAE Goode & Bean, 1895 (type genus : *Gempylus* Cuvier (G.L.C.F.D.), 1829) ;

- (7) to place the under-mentioned family-group name on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* : ACINACEIDAE Berg, 1940 (type genus : *Acinacea* Bory de St. Vincent, 1804, a name suppressed under the Plenary Powers under (1)(a) above).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt in March 1955 of Mr. Tucker's preliminary application, the question of the validation of the generic name *Gempylus* Cuvier, 1829, was allotted the Registered Number Z.N.(S.) 923.

3. Publication of the present application : The present application was sent to the printer on 23rd August 1955 and was published on 30th December 1955 in Part 9 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Tucker, 1955, *Bull. zool. Nomencl.* **11** : 285—288).

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 issued on 30th December 1955 in Part 9 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Mr. Tucker'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 seven ento-

mological serials in Europe and America. Public Notice was given also to the Committee on Zoological Nomenclature of the American Society of Ichthyologists and Herpetologists.

5. Comments received : The publication of the present application in the *Bulletin of Zoological Nomenclature* and the issue of Public Notices (paragraph 4 above) regarding the possible use of the Plenary Powers elicited comments from two points of view, the first being concerned with the problems of ichthyological nomenclature directly raised in Mr. Tucker's application, the second with certain repercussions on nomenclature in the Order Coleoptera (Class Insecta) involved incidentally in the application submitted. Under the first of these heads notes of support were received from seven ichthyologists, all resident in the United States. The communications so received are reproduced in paragraphs 6 and 7 below. On the entomological implications a supplementary proposal was submitted by Mr. J. Balfour-Browne (*British Museum (Natural History), London*) in a paper which is reproduced in paragraph 8 of the present application. One specialist in the group of the Coleoptera immediately concerned later signified his support for Mr. Balfour-Browne's supplementary application. The letter so received is reproduced in paragraph 9 below. No objection either to the proposals relating to ichthyological nomenclature submitted by Mr. Tucker or to the proposals relating to coleopterological nomenclature submitted in Mr. Balfour-Browne's supplementary application were received from any source.

6. Support for Mr. Tucker's proposals relating to the generic name "Gempylus" Cuvier, 1829 (Class Pisces), received from six members of the Committee on Zoological Nomenclature of the American Society of Ichthyologists and Herpetologists : On 14th September 1956 Dr. W. I. Follett (*California Academy of Sciences, San Francisco, California, U.S.A.*), as Chairman of the Committee on Zoological Nomenclature of the American Society of Ichthyologists and Herpetologists, addressed the following letter to the Office of the Commission intimating his support and that of five other members of the above Committee for the proposals relating to the generic name *Gempylus* Cuvier, 1829, and associated

names (Class Pisces) submitted to the Commission by Mr. Denys W. Tucker in the present case (Follett (W.I.), Miller (R.R.), Peters (J.A.), Savage (J.M.), Wilimovsky (N.J.), & Smith (H.M.), 1956, *Bull. zool. Nomencl.* **12** : 315—316) :—

View of the Committee on Zoological Nomenclature of the American Society of Ichthyologists and Herpetologists

On 3rd June 1956, I requested the members of the committee on zoological nomenclature of the American Society of Ichthyologists and Herpetologists to send me their comments on Mr. Denys W. Tucker's application for use of the Plenary Powers to suppress the generic name *Acinacea* Bory de St. Vincent, 1804, and the specific name *notha* Bory de St. Vincent, 1804, for the purpose of making the generic name *Gempylus* Cuvier, 1829, and the name *serpens* Cuvier, 1829, the oldest available names for the genus and species concerned.

I can now report that the members of this Committee are unanimous in their support of Mr. Tucker's application.

NOTE BY EDITOR : The following statements prepared by individual members of the Committee referred to above were communicated by its Chairman, Dr. W. I. Follett in his letter from which an extract of the opening portion has been given above.

(i) By ROBERT RUSH MILLER

(University of Michigan, Ann Arbor, Michigan, U.S.A.)

I have read the application by Denys Tucker which you recently forwarded and find myself in full agreement with his proposal that the International Commission use its Plenary Powers as requested by him.

Indeed, I am most grateful to Mr. Tucker for going to the trouble and care to point out this situation and asking for a ruling from the Commission.

(ii) By JAMES A. PETERS

(Brown University, Providence, Rhode Is., U.S.A.)

I have read Mr. Denys W. Tucker's request to the International Commission carefully and feel that it would be in the best interests of stability in nomenclature to support his proposal. Therefore, I would be in favour of our committee sending a letter indicating our unanimous support of said proposal to the Commission.

(iii) By DR. JAY M. SAVAGE

(*University of Southern California, Los Angeles, U.S.A.*)

In so far as I can determine from the material presented in the *Bulletin of Zoological Nomenclature*, I must say that I tend to favour Mr. Tucker's application for conservation of *Gempylus serpens*. If the ichthyological members of the Committee have some arguments to the contrary I would be interested in hearing them. Otherwise I would vote for the application by Tucker.

(iv) By NORMAN J. WILIMOVSKY

(*Stanford University, Stanford, California, U.S.A.*)

In my opinion we should endorse the requests of Mr. Tucker contained on pages 287—288 of the *Bulletin of Zoological Nomenclature* in using the Plenary Powers in suppressing the *Acinacea notha* and placing *Gempylus serpens* on the *Official List* of accepted names.

(v) By HOBART M. SMITH

(*University of Southern California, Los Angeles, U.S.A.*)

The application pertaining to *Acinacea notha* has my approval, at least on general principle, although I am not familiar with the precise situation.

(vi) By DR. W. I. FOLLETT

(*California Academy of Sciences, San Francisco, U.S.A.*)

I have heretofore expressed grave doubt as to the advisability of substituting the frequently subjective criterion of usage for the objective and automatic criterion of priority. However, at the 1953 Copenhagen Congress, it was demonstrated that a substantial majority of our colleagues, particularly in Europe, favoured adherence to usage, and, pursuant to their mandate I myself participated in the unsuccessful attempts to formulate a so-called "principle of conservation". Mr. Tucker's application involves a situation that might well be governed by such a principle, had it been possible to devise one that was generally acceptable in full detail. Pending further efforts toward this end, in connection with the forthcoming draft of the revised Rules, it would appear that the Plenary Powers afford the only available means of attaining the result that is generally desired in the present case. In furtherance of a uniform philosophy of nomenclature, I therefore vote in favour of Mr. Tucker's carefully prepared application.

7. Support for Mr. Tucker's proposals relating to the generic name "*Gempylus*" Cuvier, 1829 (Class Pisces) received from Carl L. Hubbs (Scripps Institution of Oceanography, University of California, La Jolla, California, U.S.A.) : On 5th October 1956 Dr. Carl L. Hubbs (*Scripps Institution of Oceanography, University of California, La Jolla, California, U.S.A.*) addressed the following letter to the Office of the Commission in support of the proposals relating to the generic name *Gempylus* Cuvier, 1829, and associated names (Class Pisces) submitted to the Commission by Mr. Denys W. Tucker in the present case (Hubbs (C.L.), 1956 (*Bull. zool. Nomencl.* **12** : 316)) :—

If it is not too late I wish to offer full support on each of the seven requests made by Denys W. Tucker. I have also been studying this group of fishes, and am rather familiar with the literature thereon. Mr. Tucker has correctly indicated the general usage, and I feel sure that nearly all ichthyologists will favour affirmative action of his requests. Stability in these cases is doubly desirable since the names he favours have gotten into general and popular literature to a considerable extent.

Mr. Tucker has expressed the cases involved in full detail and with sound logic.

8. Supplementary application relating to the entomological issues raised in the present case submitted by J. Balfour-Browne (British Museum (Natural History), London) : On 15th May 1956 Mr. J. Balfour-Browne (*British Museum (Natural History), London*) submitted to the International Commission an application supplementary to that submitted by Mr. Tucker in regard to the generic name *Gempylus* Cuvier, 1829 (Class Pisces), in which he explained that in the Order Coleoptera (Class Insecta) the generic name *Acinaces* Gerstaecker, 1858, was in general use, notwithstanding that it was a junior homonym of the name *Acinaces* Agassiz, 1846, one of the names of genera in the Class Pisces, the suppression of which for the purposes of the Law of Priority but not for those of the Law of Homonymy had been asked for by Mr. Tucker. In order to provide a valid basis for the use of the name *Acinaces* Gerstaecker, 1858, in Coleoptera, Mr. Balfour-Browne asked that the application submitted by Mr. Tucker be varied so as to provide for the suppression of the

name *Acinaces* Agassiz, 1846, in the Class Pisces for the purposes of the Law of Homonymy as well as for those of the Law of Priority. The supplementary application so submitted was as follows (Balfour-Browne (J.), 1956, *Bull. zool. Nomencl.* **12** : 181—182) :—

Proposal relating to the generic name “*Acinaces*” Agassiz, 1846 (Class Pisces) supplementary to Mr. D. W. Tucker’s application in regard thereto, designed to protect the generic name “*Acinaces*” Gerstaecker, 1858 (Class Insecta, Order Coleoptera)

By J. BALFOUR-BROWNE, M.A.

(*British Museum (Natural History), London*)

My attention has been drawn to an application at present before the International Commission submitted by Mr. D. W. Tucker under the Reference Number Z.N.(S.) 923 for the purpose of validating the name *Gempylus* Cuvier, 1829 (Class Pisces) (1955, *Bull. zool. Nomencl.* **11** : 285—288). For the reasons set out below I am submitting the present supplementary application for the purpose of protecting the generic name *Acinaces* Gerstaecker, 1858 (*Monogr. Endomych.* : 178) (Class Insecta, Order Coleoptera), the future status of which is involved in Mr. Tucker’s application.

2. In the above application Mr. Tucker asks for the suppression by the International Commission of the generic name *Acinacea* Bory de St. Vincent, 1804, and its invalid emendation *Acinaces* Agassiz, 1846. At the same time he points out the latter name is a senior homonym of the name *Acinaces* Gerstaecker, 1858, in Coleoptera. Under a Directive issued by the International Congress of Zoology, where a name is suppressed solely for the purpose of permitting the usage of a later name for the same taxon, the suppression is to be limited to suppression for the purposes of the Law of Priority and is not to affect the status of the name concerned for the purposes of the Law of Homonymy. Accordingly, in the present case Mr. Tucker asks that the generic names proposed by Bory de St. Vincent and Agassiz respectively should be suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

3. It is recognised that the procedure prescribed by the Congress in this matter serves a valuable purpose by preventing a name which has been rejected in one group as a junior homonym of a name in some other group from being suddenly validated by the suppression of the senior homonym under the Commission’s Plenary Powers. In

the present case, however, the foregoing procedure would cause unnecessary name-changing in the Order Coleoptera in which the name *Acinaces* Gerstaecker, 1858, though (as shown by Mr. Tucker) invalid as a junior homonym of *Acinaces* Agassiz, 1846, has been in continuous use for nearly one hundred years.

4. The nominal genus *Acinaces* Gerstaecker, 1858, was proposed to include four previously undescribed species, of which one was *Acinaces lebasii* Gerstaecker, 1858 (: 179). No type species was designated in Gerstaecker and none was selected by any subsequent author until in 1953 (in Wytsman's *Genera Ins.* 210 : 85) Professor H. F. Strohecker of the University of Miami, the specialist in this group in the United States, so selected the species specified above. There is no junior synonym of *Acinaces* Gerstaecker and accordingly if that name were to remain a junior homonym of *Acinaces* Agassiz, it would be necessary not only to abandon the practice of a century but in addition to publish an entirely new name for this genus. It is accordingly proposed that the opportunity presented by Mr. Tucker's application should be taken for regularising the position of the generic name *Acinaces* Gerstaecker by expanding Mr. Tucker's proposal in regard to the name *Acinaces* Agassiz, 1846, so as to provide for its suppression for the purposes of the Law of Homonymy as well as for those of the Law of Priority.

5. The generic name *Acinaces* Gerstaecker has not been taken as the base for a family-group name and accordingly no family-group-name problem arises in this case. This genus is currently placed in the family ENDOMYCHIDAE.

6. For the reasons set forth above I now submit to the International Commission the following as an application supplementary to that already submitted by Mr. Tucker, namely :—

- (1) that the proposal for the suppression of the generic name *Acinaces* Agassiz, 1846, under the Commission's Plenary Powers submitted by Mr. D. W. Tucker in paragraph 10(1)(a) of his application Z.N.(S.) 923 (*Bull. zool. Nomencl.* 11 : 287) be extended to include such suppression for the purposes of the Law of Homonymy as well as suppression for the purposes of the Law of Priority ;
- (2) that the under-mentioned generic name be placed on the *Official List of Generic Names in Zoology* : *Acinaces* Gerstaecker, 1858 (gender : masculine) (type species, by selection by Strohecker (H.F.) (1953) : *Acinaces lebasii* Gerstaecker, 1858) ;

- (3) that the under-mentioned specific name be placed on the *Official List of Specific Names in Zoology* : *lebasii* Gerstaecker, 1858, as published in the combination *Acinaces lebasii* (specific name of type species of *Acinaces* Gerstaecker, 1858).

9. Support for J. Balfour-Browne's supplementary application on the entomological implications of the application regarding the generic name "Gempylus" Cuvier, 1829 (Class Pisces) submitted in the present case : On 30th April 1956 Dr. H. F. Strohecker (*University of Miami, Coral Gables, Florida, U.S.A.*) addressed the following letter to the Office of the Commission in support of the supplementary application on the entomological implications of the application regarding the generic name *Gempylus* Cuvier, 1829 (Class Pisces) submitted in the present case (Strohecker, 1956, *Bull. zool. Nomencl.* **12** : 190) :—

I wish to communicate to you my concurrence in Mr. J. Balfour-Browne's proposal that the generic name *Acinaces* Gerstaecker, 1858 (type species, by selection by myself (1953) : *Acinaces lebasii* Gerstaecker, 1858) be placed on the *Official List of Generic Names in Zoology* and that the name *lebasii* Gerstaecker, as the specific name of the type species of the above genus, be placed on the *Official List of Specific Names in Zoology*.

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

10. Issue of Voting Paper V.P.(57)26 : On 15th March 1957 a Voting Paper (V.P.(57)26) was issued in which the Members of the Commission were invited to vote either for, or against, the proposal relating to the generic name *Gempylus* Cuvier, 1829, and associated problems on ichthyology as set out in Points (1) to (7) in paragraph 10 on pages 287—288 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*] as supplemented by the entomological proposals set out in Points (1) to (3) in paragraph 6 on page 182 of Volume 12 of the *Bulletin of Zoological Nomenclature* [i.e. in the paragraph numbered as above in the paper reproduced in paragraph 8 of the present *Opinion*].

11. Report by the Secretary on the date of publication of the work by J. van der Hoeven entitled "Handboek der Dierkunde" with special reference to the date of publication in that work of the generic name "Gempylus": During the Prescribed Voting Period in respect of Voting Paper V.P.(57)26 the attention of the Secretary was drawn by Professor J. Chester Bradley to a passage in paragraph 6 of the application submitted by Mr. Tucker which appeared to imply that the name *Gempylus* had been employed by J. van der Hoeven in his *Handboek der Dierkunde* in 1828, i.e. a year earlier than the date on which it had been published by Cuvier. Immediate enquiries were instituted in regard to this matter by the Office of the Commission, since, if in fact the name *Gempylus* had been published by van der Hoeven before it had been published by Cuvier, some recasting of the proposals then before the Commission would have been required. Fortunately, however, the investigations so undertaken clearly established that the portion of van der Hoeven's *Handboek* containing the name *Gempylus* was not published until after that name had been published by Cuvier. Accordingly, no modification in the proposals submitted in this matter was called for. In order, however, to obviate the risk of any subsequent misunderstandings in regard to the foregoing matter the Secretary on 21st June 1957 executed the following Minute setting out in detail the results of the investigation carried out and gave directions that the Minute so executed be included in the *Opinion* dealing with the present case. The text of the foregoing Minute is as follows :—

Report on the date of publication of J. van der Hoeven's "Handboek der Dierkunde", with special reference to the date of publication in that work of the generic name "Gempylus" (Class Pisces)

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

(Secretary to the International Commission on Zoological Nomenclature)

The purpose of the present Minute is to place on record the date of publication of the work by J. van der Hoeven entitled *Handboek der*

Dierkunde, with special reference to the date of publication in it of the generic name *Gempylus* (Class Pisces).

2. The question of the possible relevance of the above work to the problems involved in the present case arose during the discussions which preceded the submission to the International Commission of Mr. Denys W. Tucker's application. In a Second Edition of the above work published in 1858 under the German title *Handbuch der Zoologie* van der Hoeven introduced a new generic name *Lucoscombrus*. That name, as so published, was, Mr. Tucker then explained, a junior synonym of the generic name *Gempylus* Cuvier, but, if van der Hoeven had included this name in the original Dutch edition a question of priority as between the names *Lucoscombrus* van der Hoeven and *Gempylus* Cuvier would arise, for the Dutch edition of van der Hoeven's book was recorded in the *Catalogue of the Library of the British Museum (Natural History)* as having been published in the period 1828—1833. That edition is lacking in the above library but fortunately there is a copy in the library of the British Museum at Bloomsbury. It was accordingly arranged that this copy should be examined by the Office of the Commission. That examination showed that in this Dutch edition van der Hoeven did not make use of the generic name *Lucoscombrus* which accordingly ranks for priority only from the German edition of 1858. This information, which completely disposed of any threat to *Gempylus* from the name *Lucoscombrus*, was communicated to Mr. Tucker, by whom it was incorporated in paragraph 6 of his application to the Commission.

3. Unfortunately, it was not recognised at the time that there would still remain a problem in relation to the authorship to be attributed to the generic name *Gempylus* if the relevant portion of van der Hoeven's *Handboek* was published as early as 1828, for in that event that name would take priority over the same name as published in Cuvier in 1829. My attention was drawn to this aspect of the case by Professor J. Chester Bradley during the voting on Voting Paper V.P.(57)26. Immediately upon the receipt of Professor Bradley's communication I investigated the point raised as a matter of urgency, for, if in fact the name *Gempylus* had been published by van der Hoeven before it was published by Cuvier, the proposals submitted in the present case would have needed remodelling in certain respects.

4. A further investigation of the information derivable from the copy of van der Hoeven's *Handboek* in the library of the British Museum at Bloomsbury showed that publication actually started in 1827, i.e. one

year earlier than the commencing date cited in the *Catalogue of the Library of the British Museum (Natural History)* (paragraph 2 above). Of the two Volumes in which this work was published the first dealt with the Invertebrates, the second with the Vertebrates. Each volume was published in two Parts, which appeared on different dates. The two Parts of Volume 1 (Invertebrates) were published in 1827 and 1828 respectively; the two Parts of Volume 2 (Vertebrates) were published in 1830 and 1833 respectively. Part 1 of Volume 2, which comprised the first 350 pages of that volume, included the treatment of the Class Pisces. It is in this Part that van der Hoeven dealt with the genus *Scomber* (: 237) and, as he considered, its subgenus *Gempylus* (: 238). We see therefore that van der Hoeven's treatment of the name *Gempylus* dates only from 1830 and is thus a year later in date than the publication of that name by Cuvier. This generic name is therefore correctly attributable to Cuvier, 1829.

5. In the light of the investigation described above, it is seen that no adjustment is required in the actual proposals submitted for decision with Voting Paper V.P.(57)26. The particulars relating to van der Hoeven's *Handbook der Dierkunde* in paragraph 6 of the application are, however, incomplete and in part, incorrect. Accordingly, in order to obviate any misunderstandings which might otherwise arise, I now, as Secretary, direct that the present Minute be incorporated in the *Opinion* to be prepared giving effect to the decision taken by the Commission on the foregoing Voting Paper.

12. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 15th June 1957.

13. Particulars of the Voting on Voting Paper V.P.(57)26 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)26 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) :*

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

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned, two (2) :*

Miller² ; Hankó.

14. Declaration of Result of Vote : On 16th June 1957 Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)26, 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. Discovery of an older bibliographical reference for the family-group name based on the generic name "Acinacea" Bory de St. Vincent, 1804 (Class Pisces) : During a final review of the documentation relating to the present case in anticipation of the preparation of the Ruling to be given in the *Opinion* embodying the decision taken by the International Commission by its vote on Voting Paper V.P.(57)26 particulars came to light of an earlier publication of a family-group name based upon the generic name *Acinacea* Bory de St. Vincent, 1804 (Class Pisces), than that by Berg, 1940, previously believed to be the oldest reference for such a name. The existence of this name was

² After the close of the Prescribed Voting Period a late affirmative vote was received from Commissioner Miller.

brought to the notice of the Office of the Commission by Mr. Tucker, the specialist by whom the portion of the application in the present case relating to the generic name *Gempylus* Cuvier, 1829, had been placed before the Commission. The earlier name so discovered had been published by A. R. McCulloch in 1929 in a paper entitled "A Check-list of the Fishes recorded from Australia, Part II". The reference for this name is McCulloch (A.R.), 1929, *Mem. Aust. Mus.* **5** : 258. In the circumstances so disclosed Mr. Hemming, as Secretary, on 26th June 1957 executed a Minute directing that in the Ruling to be prepared for the *Opinion* giving effect to the decision taken by the International Commission by its vote on the Voting Paper cited above, the reference ACINACEIDAE McCulloch, 1929, be substituted for the reference ACINACEIDAE Berg, 1940, as the reference to the place where a family-group name based upon the generic name *Acinacea* Bory de St. Vincent, 1804, was first published.

16. Preparation of the Ruling given in the present "Opinion" : On 27th June 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.(57)26, subject to the correction of the bibliographical reference for the family-group name ACINACEIDAE, as specified in the Minute executed by the Secretary on 26th June 1957 (paragraph 15 above).

17. 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* :—

Acinacea Bory de St. Vincent, 1804, *Voy. Isles Afrique* **1** : 93

Acinaces Agassiz (J.L.R.), 1846, *Nomencl. zool. Index univ.* : 4

Acinaces Gerstaecker, 1858, *Monogr. Endomych.* : 178

Gempylus Cuvier (G.L.C.F.D.), 1829, *Règne Anim.* (ed. 2) **2** : 200

- lebasii*, *Acinaces*, Gerstaecker, 1858, *Monogr. Endomych.* : 179
- Lucoscombrus* van der Hoeven (J.), 1858, *Handb. Zool.* **2** : 161
- notha*, *Acinacea*, Bory de St. Vincent, 1804, *Voy. Isles Afrique*
1 : 93
- serpens*, *Gempylus*, Cuvier (G.L.C.F.D.), 1829, *Règne Anim.* (ed. 2)
2 : 200

18. The following is the reference for the selection of a type species for the genus *Acinaces* Gerstaecker, 1858, specified in the Ruling given in the present *Opinion* :—

Strohecker (H.F.), 1953, in Wytsman's *Gen. Ins.* **210** : 85

19. No family-group-name problem was involved in the entomological section of the case dealt with in the present *Opinion*. The corresponding problems arising in connection with the ichthyological section of this case were dealt with in the application submitted, that information, as regards one of the names concerned being supplemented by the information specified in paragraph 15 of the present *Opinion*. The following are the original references for the family-group names placed by the Ruling given in the present *Opinion* on the *Official List* and *Official Index* respectively of names of taxa belonging to the family-group category :—

ACINACEIDAE McCulloch (A.R.), 1929, *Mem. Aust. Mus.* **5** : 258

GEMPYLINAE Goode & Bean, 1895, *Oceanic Ichth.* : 193

20. 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.

21. The present *Opinion* shall be known as *Opinion Four Hundred and Eighty-Seven (487)* of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Seventh day of June, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING



International Commission on Zoological Nomenclature. 1957. "Opinion 487 Validation under the Plenary Powers of the generic names *Gempylus* Cuvier, 1829 (class Pisces) and *Acinaces* Gerstaecker, 1858 (class Insecta, order Coleoptera)." *Opinions and declarations rendered by the International Commission on Zoological Nomenclature* 17, 119–142.

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