

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

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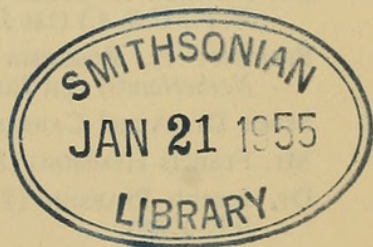
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 311

Validation, under the Plenary Powers, of the specific name
asper Lamarck, 1819, as published in the combination
Pecten asper (Class Pelecypoda)



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 311

A. The Officers of the Commission

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

President : (Vacant).

Vice-President : Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*).

Secretary : Mr. Francis Hemming (*London, England*).

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).

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (*Vice-President*) (1st January 1944).

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (1st January 1944).

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (28th March 1944).

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (23rd April 1944).

Dr. William Thomas CALMAN (*Coulsdon, Surrey, England*) (1st January 1947).

Professor Béla HANKÓ (*Békéscsaba, Hungary*) (1st January 1947).

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (1st January 1947).

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

Senor Dr. Angel CABRERA (*Eva Peron, F.C.N.G.R., Argentina*) (27th July 1948).

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

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th July 1948).

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 (*Department of Systematic Zoology, Warsaw University, 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).

OPINION 311

VALIDATION, UNDER THE PLENARY POWERS, OF THE SPECIFIC NAME "ASPER" LAMARCK, 1819, AS PUBLISHED IN THE COMBINATION "PECTEN ASPER" (CLASS PELECYPODA)

RULING :—(1) Under the Plenary Powers, the under-mentioned specific names are hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy: (a) *scaber* Pulteney, 1813, as published in the combination *Pecten scaber*; (b) *triplicatus* Pulteney, 1813, as published in the combination *Pecten triplicatus*.

(2) The specific names specified in (1) above, as there suppressed under the Plenary Powers, are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* as Name Nos. 78 and 79 respectively.

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* as Name No. 175: *asper* Lamarck, 1819, as published in the combination *Pecten asper*.

I.—THE STATEMENT OF THE CASE

On 28th February 1949 Dr. W. J. Arkell (*Sedgwick Museum, Cambridge University, Cambridge*) submitted an application for the use of the Plenary Powers to suppress certain little-used names for the purpose of providing a valid basis for the use of the specific name *asper* Lamarck, 1819, as published in the combination *Pecten asper* (Class Pelecypoda). Correspondence ensued between the Secretary and Dr. Arkell on certain points arising

in connection with this application, but these were cleared up on 23rd August 1950, when the following application was submitted to the Commission :—

Proposed use of the Plenary Powers for the purpose of making the trivial name “*asper*” Lamarck, 1819, as published in the binominal combination “*Pecten asper*”, (Class Pelecypoda) the oldest available name for the species in question

By W. J. ARKELL, M.A., D.Sc., F.R.S.
(Sedgwick Museum, Cambridge University, Cambridge)

1. *Pecten asper* Lamarck (1819 : 167, 180) is a common and characteristic fossil of the Upper Greensand all over England and Europe. For 130 years it has been known by no other name.

2. This name was used as a zonal index by Barrois (1876 : 14), since when the Zone of *Pecten asper* has appeared in numerous text-books and in the official memoirs of the Geological Survey, especially the great stratigraphical memoir on the Cretaceous rocks (Jukes-Browne, 1900 : 62, etc.) and in Woods' monograph on the British Cretaceous Lamellibranchia (: 186, pls. xxxv—vi).

3. In 1940, Dr. L. R. Cox discovered (Cox, 1940 : 125) that the species named *Pecten asper* by Lamarck in 1819 had been described and figured six years earlier in an obscure publication by Pulteney (1813 : 107, 108, figs. 4, 5) as *Pecten scaber* and *Pecten triplicatus*. He adopted the former name on account of page priority, and it appears to be the valid name.

4. Although the fossil *Pecten asper* has been superseded by an ammonite as a better zonal index, it is still an important stratigraphical fossil, and it occupies a place in the history of stratigraphy which makes a change of name at this late date extremely undesirable as being calculated to cause confusion in nomenclature without serving any useful purpose.

5. I accordingly ask the International Commission on Zoological Nomenclature (1) to use its Plenary Powers to suppress the trivial names *scaber* Pulteney, 1813, as published in the binominal combination *Pecten scaber*, and *triplicatus* Pulteney, 1813, as published in the binominal combination *Pecten triplicatus*, (2) to place the foregoing trivial names on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology*, and (3) to place the trivial name *asper*

Lamarck, 1819, as published in the binominal combination *Pecten asper*, on the *Official List of Specific Trivial Names in Zoology*.

References :

- Barrois, C., 1876. *Recherches sur le terrain crétacé supérieur de l'Angleterre et de l'Irlande*, Lille
- Cox, L. R., 1940. "Cretaceous Mollusca described by R. Pulteney in the second edition of Hutchins' *History of Dorset* (1813)", *Proc. malacol. Soc., Lond.* **24** : 121
- Jukes-Browne, A. J., 1900. "Cretaceous Rocks of Britain", vol. 1, *Mem. geol. Survey*
- Lamarck, J. P. B., 1819. "*Hist. nat. Anim. sans Vertèbr.*", **6** (1) : 167, 180
- Pulteney, R., 1813. "Catalogue of the birds, shells, and some of the more rare plants of Dorsetshire", in Hutchins' *History of Dorset* (ed. 2)
- Woods, H., 1899—1903. "A monograph of the Cretaceous lamellibranchia of England" (Palaeontographical Soc.)

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : On the receipt of Dr. Arkell's application, the question whether the Plenary Powers should be used for the purpose of providing a valid basis for the use of the specific name *asper* Lamarck, 1819, as published in the combination *Pecten asper* (Class Pelecypoda) was allotted the Registered Number Z.N.(S.) 408.

3. Support received from Dr. L. R. Cox (British Museum (Natural History), London) : On 11th September 1950 Dr. L. R. Cox (British Museum (Natural History), London) wrote the following letter in support of the present application :—

Thank you for your letter of 23rd August referring to the application for the protection of the names *Gryphaea virgula* and *Pecten asper*.

Certainly the two names to which the present applications relate are so well known that they should be among the first to be protected.

4. *Publication of the present application* : The present application, together with Dr. Cox's comment, was sent to the printer in December 1950. These were published on 4th May 1951 in Triple-Part 6/8 of volume 2 of the *Bulletin of Zoological Nomenclature* (Arkell, 1951, *Bull. zool. Nomencl.* 2 : 236—237 ; Cox, 1951, *ibid.* 2 : 238).

5. *Issue of Public Notices* : Under the revised arrangements approved 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 4th May 1951, both in Triple-Part 6/8 of volume 2 of the *Bulletin of Zoological Nomenclature*, the Part in which Dr. Arkell's application was published, and also to the other prescribed serial publications. In addition, Public Notice was given to certain palaeontological serial publications in Europe and America. The publication of these Notices elicited the three comments which are reproduced in the immediately following paragraphs.

6. *Support received from Dr. R. Ph. Dollfus (Muséum National d'Histoire Naturelle, Paris)* : On 25th June 1951, Dr. R. Ph. Dollfus (Muséum National d'Histoire Naturelle, Paris) submitted to the Commission a letter commenting upon a number of current applications. The following is an extract from the foregoing letter of the passage in which Dr. Dollfus indicated his support for the present application (Dollfus, 1952, *Bull. zool. Nomencl.* 6 : 212) :—

Je suis pour la conservation de *Gryphaea virgula* Deshayes, 1831, et *Pecten asper* Lamarck, 1819.

7. *Objection received from Professor Dr. C. R. Boettger (Natur-Museum u. Forschungs-Institut Senckenberg, Senckenberg-Anlage, Frankfurt a. M., Germany)* : On 27th August 1951, Professor Dr. C. R. Boettger (Natur-Museum u. Forschungs-Institut Senckenberg, Senckenberg-Anlage, Frankfurt a. M.) submitted to the Commission, through Professor Dr. Robert Mertens of the same Institution, a statement in which he

commented upon a number of applications then before it. The following is an extract from the foregoing statement of the passage in which Dr. Boettger expressed himself as being opposed to the present application :—

Auch in diesem Fall halte ich eine Abweichung von den Nomenklaturregeln nicht für unbedingt notwendig und bin für strikte Durchführung der Priorität.

8. *Communication received from the Joint Committee on Zoological Nomenclature for Paleontology in America* : On 9th April 1952 there was received a large number of letters commenting on various applications previously published in the *Bulletin of Zoological Nomenclature* from Professor G. Winston Sinclair (then of the *University of Michigan, Ann Arbor, Michigan, U.S.A.*), Chairman of the Joint Committee on Zoological Nomenclature for Paleontology in America. Included among these was a letter reporting that the members of the Committee were equally divided on the present application, five being in favour of it and five being against it. The foregoing letter was dated 6th February 1952, and its late receipt was apparently due to a decision to defer the despatch to the Commission of the letters containing comments by members of the Joint Committee until all the letters in question had been prepared. By the date on which this letter was received, the Prescribed Period of Public Notice had expired and the Voting Paper (V.P.(52)31) relating to the present case had been prepared. It was therefore impossible to include in that Voting Paper a reference to Professor Sinclair's letter, but when the Voting Paper was despatched (on 9th May), a supplementary sheet containing the particulars furnished by Professor Sinclair was issued to the Members of the Commission, who were thus placed in possession of the views of the members of the Joint Committee at the same time that they received the Voting Paper relating to the present case. The following is the text of Professor Sinclair's letter :—

The Joint Committee on Zoological Nomenclature for Paleontology in America has considered this subject, and I wish to inform you that, being polled, they voted : To support the petition (five) : (1) Katherine V. W. Palmer ; (2) Bobb Schaeffer ; (3) Bryan Patterson ; (4) J. Marvin Weller ; (5) John B. Reeside, Jr. To oppose the petition (five) : (1) Don L. Frizzell ; (2) Siemon W. Muller ; (3) A. Myra Keen ; (4) John W. Wells ; (5) G. Winston Sinclair.

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

9. *Issue of Voting Paper V.P.(52)31* : On 9th May 1952, a Voting Paper (V.P.(52)31) was issued in which the Members of the Commission were invited to vote either for, or against, the proposal “ relating to the name *asper* Lamarck, 1819, as published in the combination *Pecten asper*, as specified in Points (1) to (3) in paragraph 5 at the foot of page 236 in volume 2 of the *Bulletin of Zoological Nomenclature* ” [i.e., paragraph 5 of the application 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 9th August 1952.

11. *Particulars of the Voting on Voting Paper V.P.(52)31* : The state of the voting on Voting Paper V.P.(52)31 at the close of the Prescribed Voting Period was as follows :—

(a) *Affirmative Votes had been given by the following sixteen (16) Commissioners (arranged in the order in which Votes were received)* :

Hering ; Dymond ; Calman ; Hankó ; Bonnet ;
Lemche ; Vokes ; do Amaral ; Pearson ; Bradley ;
Boschma ; Hemming ; Esaki ; Riley ; Mertens ; Stoll ;

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

Cabrera ;

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

Jaczewski.

12. *Declaration of Result of Vote* : On 10th August 1952, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(52)31, 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. On 23rd March 1954 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.(52)31.

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

- asper*, *Pecten*, Lamarck, 1819, *Hist. nat. Anim. sans Vertèbr.*
6 (1) : 167, 180
scaber, *Pecten*, Pulteney, 1813, in Hutchins' *History of Dorset*
(ed. 2) : 107, fig. 4
triplicatus, *Pecten*, Pulteney, 1813, in Hutchins' *History of Dorset*
(ed. 2) : 108, fig. 5

15. As the present case is concerned only with certain specific names and no question of the status of generic names is involved, the question of placing names on the *Official List of Family-Group Names in Zoology* does not arise.

16. At the time of the adoption of the Ruling given in the present *Opinion*, the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression "trivial name" and the *Official List* reserved for recording such names was styled the *Official List of Specific Trivial Names in Zoology*, the word "trivial" appearing also in the title of the *Official Index* reserved for recording rejected and invalid names of this category. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression "specific name" was substituted for the expression "trivial name" and corresponding changes were made in the titles of the *Official List* and *Official Index* of such names (1953, *Copenhagen Decisions zool. Nomencl.* : 21). The

changes in terminology so adopted have been incorporated in the Ruling given in the present *Opinion*.

17. 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.

18. The present *Opinion* shall be known as *Opinion* Three Hundred and Eleven (311) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Third day of March, Nineteen Hundred and Fifty-Four.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

NOTE TO SUBSCRIBERS

The present volume [Volume 8] will be complete on the publication of Part 29 containing the indexes, title page, etc. This concluding Part is now in course of preparation, and will, it is hoped, be published at an early date.

The volume preceding this volume, namely Volume 7, will be published on 28th December, 1954.



International Commission on Zoological Nomenclature. 1954. "Opinion 311 Validation, under the Plenary Powers, of the specific name *asper* Lamarck, 1819, as published in the combination *Pecten Asper* (class Pelecypoda)." *Opinions and declarations rendered by the International Commission on Zoological Nomenclature* 8, 365–374.

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