OPINIONS AND DECLARATIONS RENDERED BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission


DIRECTION 38

Rejection for nomenclatorial purposes of the anonymously published work entitled Ornithologia britannica issued in 1771 and believed to have been written by Marmaduke Tunstall and matters incidental thereto (cancellation of Opinion 38)

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INTERNATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN DIRECTION 38

A. The Officers of the Commission

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

President: Professor James Chester Bradley (Cornell University, Ithaca, N.Y., U.S.A.) (12th August 1953)
Vice-President: Senhor Dr. Afranio do Amaral (Sao Paulo, Brazil) (12th August 1953)
Secretary: Mr. Francis Hemming (London, England) (27th July 1948)

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)

Professor H. Boschma (Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands) (1st January 1947)
Senor Dr. Angel Cabrera (La Plata, Argentina) (27th July 1948)
Mr. Francis Hemming (London, England) (27th July 1948) (Secretary)
Dr. Henning Lemche (Universitetets Zoologiske Museum, Copenhagen, Denmark) (27th July 1948)
Professor Tei-so 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)
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Dr. Norman R. Stoll (Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.) (12th August 1953)
Mr. P. C. Sylvester-Bradley (Sheffield University, Sheffield, England) (12th August 1953)
Dr. L. B. Holthuis (Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands) (12th August 1953)
Dr. K. H. L. Key (Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia) (15th October 1954)
Dr. Alden H. Miller (Museum of Vertebrate Zoology, University of California, Berkeley, California, U.S.A.) (29th October 1954)
Doc. Dr. Ferdinand Prantl (Národní Museum v Praze, Prague, Czechoslovakia) (30th October 1954)
Professor Dr. Wilhelm Kühnelt (Zoologisches Institut der Universität, Vienna, Austria) (6th November 1954)
Professor F. S. Bodenheimer (The Hebrew University, Jerusalem, Israel) (11th November 1954)
Professor Ernst Mayr (Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.) (4th December 1954)
Professor Enrico Tortonese (Museo di Storia Naturale "G. Doria", Genova, Italy) (16th December 1954)
DIRECTION 38

REJECTION FOR NOMENCLATORIAL PURPOSES OF THE ANONYMOUSLY PUBLISHED WORK ENTITLED "ORNITHOLOGIA BRITANNICA" ISSUED IN 1771 AND BELIEVED TO HAVE BEEN WRITTEN BY MARMADUKE TUNSTALL AND MATTERS INCIDENTAL THERETO (CANCELLATION OF "OPINION" 38)

RULING:—(1) It is hereby ruled that in the anonymous work published in 1771 under the title Ornithologia britannica the author, who is reputed to have been Marmaduke Tunstall, did not apply the principles of binominal nomenclature, that in consequence no new name published in the foregoing work acquired the status of availability in virtue of being so published and therefore that the acceptance of that work for nomenclatorial purposes signified in Opinion 38 was incorrect.

(2) In view of (1) the Ruling given in Opinion 38 is hereby cancelled for all except historical purposes.

(3) The title of the work specified in (1) above is hereby placed on the Official Index of Rejected and Invalid Works in Zoological Nomenclature with the Title No. 48.

(4) Attention is drawn to the action taken by the Commission by the Ruling given in Opinion 404 under which the generic name Pyrrhocorax [Tunstall], 1771, the only new generic name published in the Ornithologia britannica, was validated under the Plenary Powers and placed on the Official List of Generic Names in Zoology.
(5) 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) *Ampelis* Nozeman & Vosmaer, 1758 (a name published in a work rejected for nomenclatorial purposes) (Name No. 518); 

(b) *Columbus* [Tunstall], 1771 (an Erroneous Subsequent Spelling for *Columba* Linnaeus, 1758) (Name No. 519); 

(c) *Columbus* Linnaeus, 1758 (an Invalid Original Spelling for *Columbus* Linnaeus, 1758) (Name No. 520).


(7) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 944: — *oenas* Linnaeus, 1758, as published in the combination *Columba oenas* (specific name of type species of *Columba* Linnaeus, 1758).

### I. THE SUBJECT MATTER OF THE PRESENT “DIRECTION”

The present *Direction* contains a revised Ruling regarding the status for nomenclatorial purposes of the anonymously published work entitled *Ornithologia britannica* commonly attributed to Marmaduke Tunstall which was published in 1771. It will be

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recalled that, when on 1st September 1955 the Commission was invited on Voting Paper V.P.(O.M.)(55)22 to codify the Rulings in regard to the status of individual books and papers given by it in *Opinions* rendered up to the end of 1936, it was explained that further investigations were in progress in regard to the foregoing work and that in consequence it was not proposed on that occasion to submit any proposal for the codification of the Ruling given in *Opinion 38*, the *Opinion* in which in 1912 the Commission had previously dealt with the present subject. For various reasons the issue of the Voting Paper referred to above did not take place at as early date as had originally been expected with the result that the above Voting Paper was issued concurrently with the Voting Paper covering the Secretary’s promised Supplementary Report on the *Ornithologia britannica* of 1771. That Report, which was also submitted on 1st September 1955, was as follows:

Proposed cancellation of "Opinion" 38 and matters incidental thereto

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

(Secretary to the International Commission on Zoological Nomenclature)

Under decisions taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953 (Copenhagen Decisions zool. Nomencl. 24, Decision 24; ibid.: 23, Decision 23), an Official List of Works Approved as Available for Zoological Nomenclature and an Official Index of Rejected and Invalid Works in Zoological Nomenclature were established and the Commission was instructed to place on this new Official List and Official Index the titles of works which it had, in the one case, accepted and, in the other case, rejected for nomenclatorial purposes. The Commission has already complied with the above Directive as regards all Opinions rendered since 1936. Proposals are now being submitted, in connection with Voting Paper V.P.(O.M.) (55)22, to enable it to do so in respect of all Opinions rendered before the above date, except in the present case which it was considered could be more conveniently dealt with separately, and four others, which for various reasons are also dealt with separately.

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2. Opinion 38, with which the present paper is concerned, was published in 1912 (Smithson. Publ. 2060: 89—90) under the title "On the Status of the Latin Names in Tunstall, 1771". The work dealt with is a very slim large folio consisting of six unnumbered pages (T.P. and Verso blank, [1]—[4]). Its full title is as follows:—

"Ornithologia Britannica: seu Avium omnium Britannicarum tam Terrestrium quam Aquaticarum Catalogus, Sermone Latino, Anglico, & Gallico redditus: cui subjicitur Appendix, Aves alienigenas, in Angliam rara adventientes, complectens. The Title Page states that this work was "Printed for the Author by J. Dixwell in St. Martin's Lane" and bears the date "1771". The work is anonymous but is attributed to Marmaduke Tunstall (1743—1790).

3. This book consists entirely of a tabular presentation of the names for the British birds known to the author. The entry in these tables for each species contains four columns devoted to (i) the Latin name of the genus, (ii) a Latin name for the species, (iii) an English vernacular name, (iv) a French vernacular name. The work has no pretention to originality, being, as is clearly shown by the following footnote, no more than a compilation from earlier works:—"Nomina Latina vel ex Linnaeo vel ex ultima editione Zoologiae Britannicae, Gallica vero ornithologia Brissonii plerumque decerpta sunt". No bibliographical references are given for any of the 53 generic names cited and very few such references are supplied for the names used for species, there being references for only 14 of the Latin specific names and for one of the English names cited. Thus for 226 out of the 241 "species" recognised no bibliographical references are supplied. For fourteen of the species cited, polyverbal Latin specific names are employed.

4. It was recognised by the Commission that in this book Tunstall did not apply the principles of binominal nomenclature, it being stated in the Section of Opinion 38 headed "Discussion" that "the nomenclature is binary". That the Commission felt able to accept names in Tunstall's Ornithologia as possessing the status of availability was due to the fact that at that time it was guiding itself by the interpretation of Proviso (b) to Article 25 which it had given in 1910 in Opinion 20. In that Opinion it had ruled that the generic names but not the specific names, in the Zoophylacium Gronovianum of Gronovius were available, because, although that author had not applied the principles of binominal nomenclature, he had used a "binary" system of nomenclature, that is, he had realised that the scientific name for an animal must be so constructed as to recognise the twofold concept of genus and species. In Paris in 1948 the International Congress of Zoology rejected as defective the Ruling given in Opinion 20 and underlined its decision in this matter by substituting the expression "nomenclature binominae" for the expression "nomenclature binaire" wherever it occurred in the Règles. Following this decision the Commission during its Paris Session dealt with a number of its older Opinions in which the so-called "binary" system of nomenclature had been
recognised as conferring availability upon names published in the works concerned. Tunstall’s *Ornithologia* had not then been re-examined from the foregoing point of view, and accordingly the disposal of generic names published in that work was left over for later consideration.

5. It is necessary therefore to examine the generic names used by Tunstall, to see which of them require to be validated, now that, the *Ornithologia*, contrary to the statement in Opinion 38, is found to be unavailable for nomenclatorial purposes. It is here that a paradoxical situation is disclosed, for of the 46 generic names cited by Tunstall, 41 were first published by Linnaeus in 1758, 3 by Brisson in 1760, and one by Linnaeus in 1766. Thus one new generic name only was published in this work. The names concerned are:—

(1) *Names published by Linnaeus, 1758, forty-one (41)*:
- *Falco* ; *Strix* ; *Lanius* ; *Corvus* ; *Picus* ; *Jynx* ; *Cuculus* ; *Sitta* ;
- *Alcedo* ; *Certhia* ; *Tetrao* ; *Otis* ; *Columbus* ;
- (ex err. pro *Columbia*) ; *Turdus* ; *Sturnus* ; *Alauda* ; *Hirundo* ; *Motacilla* ;
- *Loxia* ; *Fringilla* ; *Emberiza* ; *Parus* ; *Ardea* ;
- *Scolopax* ; *Tringa* ; *Haematopus* ; *Charadrius* ; *Rallus* ; *Fulica* ;
- *Columbus* ; *Recurvirostra* ; *Alca* ; *Mergus* ; *Larus* ; *Sterna* ;
- *Procellaria* ; *Anas* ; *Pelecanus* ;
- *Coracias* ; *Upupa* ;
- *Platalea* ;

(2) *Names published by Brisson, 1760, three (3)*:
- *Gallinula* ; *Phaleropus* ;
- *Merganser* ;

(3) *Name published by Linnaeus, 1766, one (1)*:
- *Ampelis* ;

(4) *Name first published in Tunstall’s “Ornithologia”, one (1)*:
- *Pyrrhocorax*.

6. We see therefore that the only purpose to be served by validating Tunstall’s *Ornithologia* would be to provide a valid basis for the name *Pyrrhocorax* as the generic name for the Chough. That action is not now needed even for this purpose since in 1954 the Commission by its vote on Voting Paper V.P.(54)69 used its Plenary Powers to validate the name *Pyrrhocorax* [Tunstall] when dealing with Application Z.N.(S.) 492 (1952, *Bull. zool. Nomencl*. 9 : 53—61).

7. Both the name *Pyrrhocorax* and the name *Ampelis* were published in 1758 in Nozeman & Vosmaer’s *Gesl. Vogel.* : 1, 15 (*Pyrrhocorax*) 2, 25 (*Ampelis*) and, as Tunstall’s *Ornithologia* makes no pretension to being an original work, it is likely that Tunstall obtained these two names, if not direct from Nozeman & Vosmaer, at least from some book

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containing a reference to these names. Nozeman & Vosmaer were not binominal authors and the work referred to above has for this reason been rejected by the Commission in Opinion 241 (1954, Ops. Decl. int. Comm. zool. Nomencl. 5 : 13—22). Since the two names referred to above found their way into Neave's Nomenclator, they are liable to mislead the unwary and it is desirable therefore that they should both now be placed on the Official Index of Rejected and Invalid Generic Names in Zoology.

8. It will be observed that in paragraph 5(1) above the name Columbus, as used by Tunstall, is treated as being a variant, accidental or intentional, of Columba Linnaeus, 1758. That this interpretation is correct is shown by the fact that the three species cited by Tunstall under Columbus (Stock-Dove; Ring-Dove; Turtle-Dove) were all included by Linnaeus in his genus Columba. It is desirable that the name Columbus [Tunstall] be now disposed of by being placed on the Official Index as an Erroneous Subsequent Spelling. At the same time the generic name Columba Linnaeus, 1758 (Syst. Nat. (ed. 10) 1 : 162) (gender: feminine) (type species, by selection by Vigors, 1825 (Trans. linn. Soc. Lond. 14 : 481): Columba oenas Linnaeus, 1758, Syst. Nat. (ed. 10) 1 : 162) should be placed on the Official List of Generic Names in Zoology, and the name oenas Linnaeus, 1758, as published in the foregoing combination, should be placed on the Official List of Specific Names in Zoology. Finally, it would be well to take note that there is an even earlier invalid usage of the name Columbus, namely, that by Linnaeus himself in 1758 in his preliminary section entitled "Classis II. Aves. Caracteres Avium" (: 84) where he used this spelling for the genus numbered " 68 " which on page 134 he dealt with fully under the name Colymbus. This Invalid Original Spelling should now be placed on the Official Index. (No action is required in connection with the Valid Original Spelling Colymbus Linnaeus, 1758, for that name has already formed the subject of a decision by the Commission in its vote on Voting Paper V.P.(54)62)^.

9. The specific names cited by Tunstall have not been examined in detail, for even under the erroneous Ruling given in Opinion 20 (relating to the Zoophylacium of Gronovius), on which the Ruling given in Opinion 38 was based, the generic names only, of "binary but not binominal" authors, were acceptable. An inspection of Tunstall shows, it may be noted, that the great majority, if not all, the specific names which he cited in binominal combinations, as contrasted with his polyverbal specific names, were derived from Linnaeus. If any specific name were to be found to be currently accepted as from

^ The decision in regard to the generic name Colymbus Linnaeus, 1758, taken by the International Commission in its vote on Voting Paper V.P.(54)62 has since been embodied in Opinion 401 (1956, Ops. Decl. int. Comm. zool. Nomencl. 13 : 1—64).
Tunstall's *Ornithologia*, it would be necessary to treat that name as constituting a separate case, for that usage would not have been justified under the Ruling given in Opinion 38, even if that Ruling had been correct which, as shown in paragraph 4 above, it is now seen not to have been.

10. In the light of the particulars furnished above, I recommend the International Commission:

(1) to take note:

(a) that in the anonymous work published in 1771 under the title *Ornithologia britannica*, the author, who is believed to have been Marmaduke Tunstall, did not apply the principles of binominal nomenclature and therefore that the names published in the above work do not satisfy the requirements of Proviso (b) to Article 25 and accordingly that the acceptance of the above work for nomenclatorial purposes by the Ruling given in Opinion 38 was incorrect;

(b) that in the above work the only new generic name introduced was the name *Pyrrhocorax* which has already been validated under the Plenary Powers by the vote taken by the Commission on Voting Paper V.P.(54)69, when dealing with Application Z.N.(S.) 492 which was expressly concerned with that name;

(2) for the reasons specified in (1) above, to cancel Opinion 38 for all except historical purposes;

(3) to place the under-mentioned title on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*:

[Tunstall (M.)], 1771, *Ornithologia britannica*;

(4) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology*:

(a) *Pyrrhocorax* Nozeman & Vosmaer, 1758 (a name published in a work rejected for nomenclatorial purposes);

(b) *Ampelis* Nozeman & Vosmaer, 1758 (a name published in a work rejected for nomenclatorial purposes);

(c) *Columbus* [Tunstall], 1771 (an Erroneous Subsequent Spelling for *Columba* Linnaeus, 1758);

(d) *Columbus* Linnaeus, 1758 (an Invalid Original Spelling for *Columbus* Linnaeus, 1758);

(5) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology*:

*Columba* Linnaeus, 1758

^ See footnote 3.
(gender : feminine) (type species, by selection by Vigors (1825) : Columba oenas Linnaeus, 1758) ;

(6) to place the under-mentioned specific name on the Official List of Specific Names in Zoology :— oenas Linnaeus, 1758, as published in the combination Columba oenas (specific name of type species of Columba Linnaeus, 1758).

2. Registration of the present application : Upon the receipt of Mr. Hemming’s Report, the question whether the International Commission should give a revised Ruling on the status of Tunstall’s Ornithologia britannica of 1771 was allotted the Registered Number Z.N.(S.) 944.

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

3. Issue of Voting Paper V.P.(O.M.)(55)23 : On 1st September 1955, a Voting Paper (V.P.(O.M.)(55)23) was issued in which each Member of the Commission was asked (1) to state whether he agreed that, “in conformity with the General Directive relating to the recording on the various Official Lists and Official Indexes of decisions in regard to particular names and particular books issued to the International Commission by the Thirteenth International Congress of Zoology, Paris, 1948, and with the General Directive supplementary thereto issued to the Commission by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the entries on Official Lists and Official Indexes specified in paragraph 10 of the paper in regard to Tunstall’s Ornithologia britannica of 1771 numbered Z.N.(S.) 944 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in the paragraph numbered as above in the application reproduced in the first paragraph of the present Direction], together with the other recommendations specified in that paragraph, be approved”, and (2), if he did not so agree as regards any given item, to indicate the item concerned.

4. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 1st October 1955.
5. Particulars of the Voting on Voting Paper V.P.(O.M.)(55)23:
At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(55)23 was as follows:

(a) Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received):
Bodenheimer; Holthuis; Lemche; Hering; Riley; Mayr; Vokes; Miller; Prantl; Key; Esaki; Bradley (J.C.); Cabrera; Stoll; do Amaral; Boschma; Kühnelt; Hemming; Dymond; Sylvester-Bradley; Jaczewski; Tortonese; Mertens; Bonnet; Hankó;

(b) Negative Votes:
None;

(c) Voting Papers not returned:
None.

6. Declaration of Result of Vote: On 4th October 1955, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(55)23, signed a Certificate that the Votes cast were as set out in paragraph 5 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.

7. Preparation of the Ruling given in the present “Direction”: On 9th January 1956, Mr. Hemming prepared the Ruling given in the present Direction 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.(O.M.)(55)23, subject to the exclusion from the said Ruling of the addition of the name Pyrrhocorax Nozeman & Vosmaer, 1758, to the Official Index of Rejected and Invalid Generic Names in Zoology in view of the fact that in the meantime the said action had been taken by the Ruling given in Opinion 404^.

^ See Footnote 3 of the present Direction.
8. **Original References**: The following are the original references for the names placed on **Official Lists and Official Indexes** by the Ruling given in the present **Direction**: —

*Ampelis Nozeman & Vosmaer, 1758, Geslacht. Vogel.* (Dutch translation of Moehring, 1752, *Avium Genera*) : 1, 2, 25

*Columba Linnaeus, 1758, Syst. Nat. (ed. 10) 1 : 162*

*Columbus Linnaeus, 1758, Syst. Nat. (ed. 10) 1 : 84*

*Columbus [Tunstall], 1771, Ornith. brit. : [2]*

*oenas, Columba, Linnaeus, 1758, Syst. Nat. (ed. 10) 1 : 162*

9. The following is the reference for the selection of a type species for *Columba Linnaeus, 1758*, specified in the Ruling given in the present **Direction** :—*Vigors, 1825, Trans. linn. Soc. Lond. 14 : 481.*

10. **Family-group-name position**: The generic name *Columba Linnaeus, 1758*, placed on the **Official List of Generic Names in Zoology** by the Ruling given in the present **Direction** is the type genus of the well-known family COLUMBIDAE. It has not so far been possible to determine where this family-group name was first published. This matter is at present being investigated on a File numbered Z.N.(G.) 133, which has been specially opened for this purpose.

11. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present **Direction** 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.

12. The present **Direction** shall be known as **Direction Thirty-Eight** (38) of the International Commission on Zoological Nomenclature.

DONE in London, this Ninth day of January, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission on Zoological Nomenclature*

FRANCIS HEMMING

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