

SUGGESTED ADOPTION BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE OF A "DECLARATION" CLARIFYING THE QUESTION OF THE AVAILABILITY OF A TRIVIAL NAME HAVING AS ITS ONLY "INDICATION" A QUALIFIED REFERENCE TO A PREVIOUSLY PUBLISHED TRIVIAL NAME

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(Secretary to the International Commission on Zoological Nomenclature)

(Commission's reference Z.N.(S.)349)

1. The application as originally submitted to the International Commission on Zoological Nomenclature by Dr. Angus M. Woodbury and Dr. Hobart M. Smith (University of Illinois, Urbana, Ill.) asking for a ruling on the question of the oldest available trivial name for the race of yellow rattlesnakes of the Colorado River Basin raised a question of principle which, under the decisions regarding procedure taken by the Thirteenth International Congress of Zoology, Paris, 1948 (see 1950, *Bull. zool. Nomencl.* 4 : 136-137) can be resolved by the Commission only by the adoption of a *Declaration* formally interpreting the provision of the *Règles* in question, the series "Opinions" being now reserved for decisions on individual nomenclatorial questions not involving any novel interpretation of the *Règles*.

2. *The question of principle at issue:* The question of principle raised by Dr. Angus M. Woodbury and Dr. Hobart M. Smith may be stated shortly as follows : Where a trivial name is published without any descriptive matter of any kind, the sole "indication" given being that the name in question is doubtfully or provisionally synonymized with another trivial name that has been duly published with a "description, definition or indication," is the trivial name so published (1) to be treated as having been published with an indication in virtue of the qualified synonymy given by its original author, or (2) is the name in question to be treated as having been published without an "indication" and therefore as a *nomen nudum* ?

3. *Restriction of question to status of trivial names published as questionable synonyms before 1st January, 1931 :* The provisions in Article 25 relating to what constitutes an "indication" for specific trivial names (either names for new species or substitute names to replace invalid specific trivial names) were (as is well known) considerably tightened up, with effect from 31st December, 1930 / 1st January, 1931, by the Tenth International Congress of Zoology, Budapest, 1927, by which a new proviso (Proviso (c)) was added to Article 25. Experience showed that this new proviso was in certain respects unduly restrictive in character, and, on the recommendation of the International Commission, the terms of this proviso were relaxed in various ways

by the Thirteenth International Congress of Zoology in Paris in 1948. Neither under the Budapest Proviso nor under the modification of that Proviso, approved by the Paris Congress (see 1950, *Bull. zool. Nomencl.* **4**: 68-71) could a trivial name possessing, as its sole "indication," a qualified (i.e., a doubtful or provisional) synonymization with a previously published trivial name be regarded as having been published with an "indication." Thus, any trivial name published in the foregoing manner *on or after 1st January 1931* is invalid (because it was published without an "indication") and accordingly possesses the status only of a *nomen nudum*. The question of principle upon which an answer is required in the light of Dr. Angus M. Woodbury and Dr. Hobart M. Smith's application is therefore confined to trivial names published *on or before 31st December 1930*.

4. Relevance of Article 31 of the "Règles" to the status of a trivial name published on or before 31st December, 1930, having as its sole "indication" a qualified synonymic reference to a previously published trivial name. It is important at this point to recall that at their meetings held in Paris, in 1948, both the International Commission and the International Congress gave special consideration to Article 31 of the *Règles*, the Article which prescribes the manner in which, on the analogy of Article 30 (which provides means for ascertaining the type species of a genus), the type specimen of a species is to be determined. It was agreed on all hands that the text of Article 31, as it existed at the time of the opening of the Paris Congress, was inadequate and obscure and it was for this reason that great attention was given to the devising of a revised text which would be both comprehensive in scope and clear in meaning. The recommendations agreed upon by the International Commission and which were subsequently approved by the Congress are recorded in the 11th Conclusion of the 4th Meeting of the International Commission during its Paris Session (see 1950, *Bull. zool. Nomencl.* **4**: 73-76). As will be seen by reference to the foregoing Conclusion, the purpose of the amendment of Article 31, so undertaken, was to set out in express terms the provisions relating to the determination of the identity of the taxonomic species represented by a given nominal species previously prescribed only obliquely by reference to the not altogether comparable provisions in Article 30. Under the reformed Article 31 provision is made for the selection, where no one specimen was originally designated or indicated as the holotype, of one of the original specimens (i.e., one of the syntypes) to be the lectotype of the species concerned, or, in certain circumstances, of a figure, illustration or previously published description cited in the original description of the nominal species concerned, to represent the lectotype. Article 31, as so revised, now contains an express provision (as the earlier text included by inference) for the exclusion of specimens, figures, illustrations and descriptions of certain categories from eligibility for selection either to be, or to represent, the lectotype of the species in question (provision analogous to Rule (e) in Article 30). This provision in Article 31 will be found in Conclusion 11 (2) (d) at the top of page 76 in vol. 4 of the *Bulletin*. This provision expressly excludes from eligibility for selection (i) to be, or (ii) to represent, the lectotype of a nominal species, a "specimen, illustration, figure, or description" that was "only doubtfully referred to the nominal species by its original author."

5. *A trivial name published without any descriptive matter, other than a qualified synonymic reference, invalid, because published without an "indication"*: When we apply the provision set forth above to the case of a trivial name published without any descriptive matter other than a qualified synonymic reference, we see at once that there is no means of providing for a nominal species so named a description (or reference) to represent the lectotype of that nominal species, for the sole reference given by the original author was given in a manner which excludes it from eligibility to be selected to represent the lectotype. In other words there is no means by which such a nominal species can be identified, for its name was published without an "indication" and is therefore an invalid *nomen nudum*.

6. *Procedure recommended*: Since (as we have seen) a decision in the form of an interpretative *Declaration* in regard to the status of a trivial name, which, when first published, was accompanied only by a qualified synonymic reference, is expressly asked for in the application by Dr. Angus M. Woodbury and Dr. Hobart M. Smith, it is suggested that, in the light of the considerations set forth in paragraphs 4 and 5 above, the International Commission on Zoological Nomenclature should render a *Declaration* in the terms set out below:—

Suggested "Declaration"

A trivial name published without descriptive matter of any kind, except a qualified (i.e. doubtful or provisional) synonymic reference to an older trivial name that had been validly published with an indication, definition or description, is to be treated as having been published without an "indication" for the purposes of Proviso (a) to Article 25. A trivial name so published is to be treated as a *nomen nudum*, possessing no status in zoological nomenclature.

ON THE PROPOSED SUPPRESSION OF THE TRIVIAL NAME "AJAX" LINNAEUS, 1758 (CLASS INSECTA, ORDER LEPIDOPTERA)

By WILLIAM D. FIELD

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(Commission's reference Z.N.(S.)192)

(Memorandum received under cover of a letter dated 30th July, 1951)

After reviewing the problem under discussion (Corbet, 1951, *Bull. zool. Nomencl.* 2 : 26-29), I find my thoughts reduced to four beliefs:—

- (A). It is clear that Linnaeus confused three species under the trivial name *ajax* (*Papilio ajax*): First, the species usually known as *Papilio glaucus* Linnaeus, which is the species described by Ray in the first reference listed by Linnaeus under *ajax* (Raj. ins. 111, n.2).



Hemming, Francis. 1951. "Suggested adoption by the International Commisison on Zoological Nomenclature of a "Declaration" clarifying the question of the availability of a trivial name having as its only "Indication" a qualified reference to a previously published trivial name." *The Bulletin of zoological nomenclature* 6, 103–105. <https://doi.org/10.5962/bhl.part.15997>.

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