

REJECTION OF OBSCURE PLANT NAMES UNACCEPTED WITHIN A CENTURY

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How to avoid or lessen the replacement of well established plant names through revival of old, abandoned names is a difficult problem of plant nomenclature. Several years ago, an informal note that I favored "amending the rules to disallow priority changes due to later discoveries in obscure books 100 years or more old" was published (W. A. Dayton, Jour. Forestry 41: 373. 1943).

In a discussion of the problem (A proposal to stabilize plant names. PHYTOLOGIA 2: 451-456. 1948), I proposed an addition to the International Rules of Botanical Nomenclature (Ed. 3. 151 p. Jena. 1935; Brittonia 6: 1-120. 1947), as follows:

"Article 63 bis. A name (of a taxonomic group) more than one hundred years old but which has not been accepted as valid, so far as known, by any subsequent author (exclusive of indexes of nomenclature) within the first one hundred years after publication (or by Jan. 1, 1950, in the case of a name published before 1850) must be rejected as a nomen extinctum if it is an earlier synonym or earlier homonym of any name otherwise valid and accepted in use."

This proposal was submitted to the Central Committee on Nomenclature of the American Society of Plant Taxonomists but was not approved by this Committee and was decisively rejected by the July of this Society. An effort has been made to clarify and recast my proposal and to meet the objections raised by this Committee.

Search into the history of codes of nomenclature revealed the following similar old proposal:

"Names of genera or species or varieties which after 100 years since their establishment have not been renewed by other botanists shall be prohibited to be renewed in the future."

It was published in 1893, and its author was none other than Otto Kuntze! This statement, also in French and German, appeared as an amendment to his own code of nomenclature (Kuntze, Otto. Rev. Gen. Pl. 3 (1): cccxiii. 1893). Even this noted reformer of botanical nomenclature and advocate of strict priority was willing to ignore names which had not been adopted by a second author within a 100-year period! When the International Rules were being prepared in 1905, Kuntze's same proposal was submitted (Briquet, John. Text Synopt. Congr. Internat. Bot. Vienna 34. 1905) but with the following addition

(my translation): "This rule is not retroactive; it goes into force now." Perhaps the addition was intended to exempt the names Kuntze had already revived. Anyway, his proposal received not a single vote of the International Commission in 1905 and did not become a part of the Rules.

Since Kuntze's rule was first proposed, the time interval for names more than 100 years old has doubled and now covers nearly a century, between 1753 and 1849. The need for a similar rule now is correspondingly increased.

The Berlin Rule that no name which had not come into general use within 50 years after publication need be taken up unless accepted by a recent monographer was similar also. It too was not incorporated into the International Rules.

My revised proposal, already submitted to the International Executive Committee for action at the Seventh International Botanical Congress in 1950, follows:

"Art. 63 bis. A name of a taxonomic group must be rejected as not effectively published if it neither has been accepted by a second author nor has been listed in an index of scientific names within the first 100 years after publication (or by Jan. 1, 1950, if published before 1850)."

Besides being simpler and clearer, this proposal differs from my previous one in not applying to names listed in the botanical indexes. Thus, any name in Index Kewensis, whether accepted or not, could not be rejected, even if not adopted by a second author. This limitation would protect the few names of taxonomic groups of small size or restricted geographic distribution which might pass a century known and indexed but dormant because later botanists had had no occasion to refer to them. The unindexed, unused names of Rafinesque would be exempted through listing in E. D. Merrill's Index Rafinesquianus, now in press. Similar, unindexed names of other authors not taken up by a second author within 100 years would be rejected, however. Some old unused varietal names may be affected. The starting date of 1950 is inserted merely to prevent the proposal from being retroactive (Art. 2).

For practical purposes, a name which has escaped indexes for 100 years and furthermore which has not been adopted by any other authors during that period has not been published. Thus, it is proper to disregard this name completely as not having been effectively published in the first place (Art. 36). Whether or not the work was rare or primarily for others than botanists, obviously something was wrong in the original distribution or circulation among botanists. Even in those cases where new names deliberately have been ignored by contemporary authors

because of prejudice or other reasons, later indexes should pick up these names within 100 years if the original publication reached representative botanical institutions (Art. 36).

Art. 63 bis should not be confused with proposals to conserve specific names. The only similarity is that under the latter a specific name discovered to lose priority to an obscure name more than 100 years old could be conserved through special action by an International Botanical Congress. Through restrictions of a century of time, absence of indexing, and lack of acceptance by a second author, Art. 63 bis could apply only to a very limited number of names of any category, while conservation of specific names could become of much broader application. As a general rule not requiring special, individual action on each name, Art. 63 bis is simpler. Instead of increasing the list of conserved names, Art. 63 bis also would eliminate the need for conservation of any additional generic or family names affected by names it rejects.

Of course, a botanist discovering a name more than 100 years old omitted from *Index Kewensis* and its supplements is not required to make any further search of botanical literature to determine whether the name was used again or indexed elsewhere. This name is automatically rejected under Art. 63 bis. Instead, the burden of proof is upon anyone wanting to revive an obscure old name which he has discovered. Before he could revive the name, he would be obliged to search through botanical publications and also to find the name listed in another index or accepted by a second author.

As an illustration, a taxonomist said that he had discovered an old, overlooked generic name with one specific name. He had hesitated to report the case and have the generic name in use conserved, because this action would result in revival and transfer of the older specific epithet. He wished for a means within the Rules for rejecting this old specific name. Under Art. 63 bis a published note citing the older generic and specific names as synonyms of the names in use and as rejected under Art. 63 bis would suffice. Conservation of the generic name in use would not be necessary. If another author should accept these older names in violation of Art. 63 bis, then this later publication after more than a century would be the date of effective publication (Art. 36). Then, indexes listing these names should indicate that this later date is the date of effective publication.

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Little, Elbert L. 1949. "Rejection of obscure plant names unaccepted within a century." *Phytologia* 3(3), 87–89.

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