OPINION 1104 RELATIVE PRECEDENCE OF CORNUFER TSCHUDI, 1838, AND PLATYMANTIS GUNTHER, 1858 (AMPHIBIA SALIENTIA)

RULING.-(1) Under the plenary powers

(a) All fixations of type-species for the genus Cornufer Tschudi, 1838, hitherto made are hereby set aside and the nominal species Halophila vitiensis Girard, 1853, is hereby designated as

type-species of that genus;

(b) the specific name unicolor Tschudi, 1838, as published in the binomen Cornufer unicolor, and all uses of that name prior to its publication by Stejneger, 1904, in the binomen Eleutherodactylus unicolor, is suppressed for the purposes of both the Law of Priority and the Law of Homonymy;

(c) the generic name *Platymantis* Günther, 1858, is to be given precedence over the generic name *Cornufer* Tschudi, 1838, by any zoologist who considers that the type-species of those two

nominal general belong to the same taxonomic genus.

2. The following generic names are hereby placed on the Official List of Generic Names in Zoology with the Name Numbers specified:

(a) Eleutherodactylus Duméril & Bibron, 1841 (gender, masculine), type-species, by monotypy, Hylodes martinicensis Tschudi, 1838 (Name Number 2056);

(b) Platymantis Günther, 1858 (gender, masculine), typespecies, by subsequent designation by Zweifel, 1967, Platymantis pliciferus Günther, 1858, with an endorsement that it is to be given precedence over Cornufer Tschudi, 1838, by any zoologist who considers the type-species of those nominal genera to belong to the same taxonomic genus (Name Number 2057);

(c) Cornufer Tschudi, 1838 (gender, masculine), typespecies, by designation under the plenary powers in (1) (a) above, Halophila vitiensis Girard, 1853, with an endorsement that any zoologist who considers the typespecies of this genus and of Platymantis Günther, 1858, to belong to the same taxonomic genus shall give precedence to Platymantis over Cornufer (Name Number 2058).

(3) The following specific names are hereby placed on the

Official List of Specific Names in Zoology with the Name Numbers specified:

(a) martinicensis Tschudi, 1838, as published in the binomen Hylodes martinicensis (specific name of typespecies of Eleutherodactylus Duméril & Bibron, 1841) (Name Number 2632);

(b) corrugatus Duméril, 1853, as published in the binomen

Hylodes corrugatus (Name Number 2633);

(c) inoptatus Barbour, 1914, as published in the binomen Leptodactylus inoptatus (Name Number 2634);

(d) unicolor Stejneger, 1904, as published in the binomen Eleutherodactylus unicolor (Name Number 2635);

(e) vitiensis Girard, 1853, as published in the binomen Halophila vitiensis (specific name of type-species, by designation under the plenary powers in (1) (a) above, of Cornufer Tschudi, 1838) (Name Number 2636).

(4) The specific name unicolor Tschudi, 1838, as published in the binomen Cornufer unicolor, as suppressed under the plenary powers in (1) (b) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1034.

HISTORY OF THE CASE Z.N.(S.) 1749

An application for the suppression of the generic name Cornufer Tschudi, 1838 was first received from Dr Richard Zweifel (American Museum of Natural History, New York) on 28 March 1966. It was sent to the printer on 13 June 1966. The subsequent history is explained in the following report which was prepared by Dr L.B. Holthuis (then Vice-President of the Commission) at the request of Dr W.D.L. Ride (then President of the Commission) and sent to the members of the Commission when they were invited to vote on the case.

REPORT BY DR HOLTHUIS

1. The original application in this case was submitted by Dr. Richard Zweifel (1966, Bull. zool. Nom. vol. 23: 167, 168). It concerned the generic name Cornufer Tschudi, 1838 (type-species, by monotypy Cornufer unicolor Tschudi, 1838), which until 1966 had been used for a genus of ranid frogs and was considered close to or synonymous with the genus Platymantis Günther, 1858 (type-species, selected by Zweifel, 1967, Platymantis pliciferus Günther, 1858). Zweifel (1966) showed that the type specimen of Cornufer unicolor Tschudi is not a ranid frog but that it belongs to the family

LEPTODACYLIDAE and should be placed in the genus Eleutherodactylus Duméril & Bibron, 1841.

The consequences of this discovery were that:
a. The genus until then named Cornufer Tschudi, 1838, should have to bear a different name, either Platymantis Günther, 1858 (if Platymantis pliciferus is considered to belong to Cornufer auct.) or a new name.

b. The genus which until then had been known as Eleutherodactylus Duméril & Bibron, 1841, should have to bear the

name Cornufer Tschudi, 1838.

c. The species name Eleutherodactylus unicolor Stejneger, 1904, becoming a junior homonym of Cornufer unicolor Tschudi,

1838, had to be replaced.

In order to prevent confusion Dr. Zweifel, in the above cited application requested the Commission to suppress for the purposes of the Law of Priority, but not for those of the Law of Homonymy, both the generic name Cornufer Tschudi, 1838, and the specific name unicolor Tschudi, 1838 (as published in the binomen Cornufer unicolor). Dr. Zweifel's application was unanimously supported by the Nomenclature Committee of the American Society of Ichthyologists and Herpetologists (1967, Bull. zool. Nom. vol. 24 (3): 192).

The granting of this request would result in the total suppression of the generic name Cornufer, which then could not be used for any zoological genus. A further consequence would be the impossibility of using the specific name unicolor in the genus Cornufer or in genera that are considered synonymous with it (in the present case also the genus Eleutherodactylus). Although the total suppression of Cornufer was according to the intention of Dr. Zweifel, the action concerning the specific name unicolor ran counter to Dr. Zweifel's clearly stated intention of saving the name Eleutherodactylus unicolor Stejneger, 1904. The incorrect wording of the proposal concerning the name unicolor was at that time overlooked.

2. Darlington, Inger, Mayr and Williams (1967, Bull. zool. Nom. vol. 24: 192) while agreeing with Zweifel that the widely used name Eleutherodactylus had to be saved, did not want to see the generic name Cornufer disappear. In order to retain it for the genus of ranid frogs for which it had so far been used, they proposed that the Commission should designate under its plenary powers the species Halophila vitiensis Girard, 1853, to be the type-species of the genus Cornufer Tschudi, 1838. Their reason for wishing to save Cornufer was that that name had been widely used in zoogeographic and taxonomic literature, and until 1966 had been used by all authors dealing with the genus, whether or not they

considered Platymantis Günther, 1858, a subjective synonym.

3. On 12 June 1968 the Secretary sent a voting paper (V.P.(68)17) to the Commission requesting them to cast their vote either for Dr. Zweifel's (1966) original application, or for the emended form of it submitted by Dr. Darlington, et al. (1967). The Commission adopted (19 votes to 2) the solution advocated by Darlington et al.

4. During the voting period the Secretary discovered that the wording in the concrete proposals of both alternatives was such that one of the objects of both Zweifel's (1966) and Darlington's (1967) namely the validation of the specific proposals, Eleutherodactylus unicolor Steineger, 1904, could not be attained

(see the last part of par.1 above).

Thereupon the Secretary, acting under Art. IIIC (12) of the By-Laws, suspended the case, considering that the aspect of it, which asked for the preservation of the name Eleutherodactylus unicolor Stejneger, had been insufficiently considered in the voting paper. The Secretary therefore decided to call for a new vote on an emended voting paper.

5. As explained by the Secretary, a regrettable delay caused him to reopen the case only as late as 1975, when he placed it in its entirety before the Commission and the zoological public (Melville,

1975, Bull. zool. Nom., vol. 32(1): 52-55).

6. One of the unexpected consequences of the long delay in reopening the case proved to be that in the meantime (1967-1975) herpetologists had followed Zweifel in rejecting the name Cornufer and in using the name Platymantis for the ranid genus in question; the name Cornufer was not used at all during that 9 year period. This fact was brought forward by Melville in reopening the case.

7. In Melville's (1975:54-55) new presentation of the case the original proposal by Zweifel (but corrected to allow for the validation of Eleutherodactylus unicolor Stejneger) was indicated as Alternative A, and the proposal by Darlington et al. (corrected in

the same way) as Alternative B.

8. Two reactions to Melville's account were subsequently published: Mayr (1975, Bull. zool. Nom. vol. 32: 78-79) strongly supported Alternative B. Tyler (1976, Bull. zool. Nom., vol. 32: 201) supplied additional evidence that the name Platymantis in the period 1967-1975 had completely replaced Cornufer, and he advocated the adoption of Alternative A. Also the Nomenclature Committee of the American Society of Ichthyologists and Herpetologists indicated that their views on the case had not changed, so that they can be considered to support Alternative A.

The above is a complete review of the published evidence in this case.

9. In a number of letters addressed to the Secretary and the President, Commissioner Mayr raised the following objections to

the procedure followed by the Secretary in the present case.

a. In the first place Dr. Mayr thought that the vote on the substance of the proposal (viz., whether or not the generic name Cornufer should be suppressed) was in no way influenced by the discovery of the error in the voting paper (which error concerned only the status of the specific name Eleutherodactylus unicolor Stejneger), and that therefore this vote should stand and no new vote should be taken on this part of the proposal.

b. In Dr. Mayr's opinion the use of the name Platymantis in preference to Cornufer after 1968 was illegal; his argument was based on Article 80 of the Code, which states that when a case is under consideration by the Commission, existing usage is to be

maintained until the decision by the Commission is published.

c. As the By-Laws in certain points are obscure, Dr. Mayr asked the President to make a Ruling defining the meaning of the term "during voting" in By-Laws Art. IIIC (12), in order to make certain whether the Secretary could call for a new vote on a case after most of the votes on the original voting had already been cast.

d. Dr. Mayr also asked for a Ruling by the President stating whether, if under Art. IIIC (12) of the By-Laws a new vote is called for, this vote should concern the entire case, or only that part that

is influenced by the "new facts" found.

10. The President's Rulings in answer to Dr. Mayr's request

were the following (dated 24 June 1976).

a. On the point raised by Dr. Mayr in Par. 9 c above the President ruled that "during voting" has to be interpreted strictly, meaning "between and including the two dates shown on the voting paper". As the Secretary stated that he discovered the error during this period, his action cannot be disqualified on that account.

b. On the point raised in par. 9 d above the President ruled that the evidence uncovered by the Secretary did not, strictly speaking, justify his calling for a new vote, and that an opinion on the case incorporating the result of the vote of 12 June - 12 September 1968, should be prepared, unless the Commission authorized the Secretary to have a new vote called on this case.

c. Thirdly the President ruled that the following procedure is

to be applied in this case:

The Secretary to issue a Voting Paper:

(i) seeking suspension of By-Law IIIA (2) (d) to allow the Secretary to withhold issuing an Opinion consequent upon the vote taken on Z.N.(S.) 1749;

(ii) conveying to the Commission its earlier decision and seeking either

(a) confirmation of it, or

(b) adoption of one of three alternatives.

11. The President thereupon, with the approval of the Secretary and Dr. Mayr, requested me to draw up the text to accompany the Voting Paper mentioned in par. 10 c above, myself not being directly involved in the controversy around this case. I accepted and now submit to the Commission the requested text, which I have drawn up as objectively as possible.

12. Having sketched in the previous paragraphs the history of the case up to the present moment, I will continue now to discuss the various actions requested from the Secretary in par. 10 c, which

will be found in the accompanying Voting Paper.

13. The reasons for the withholding of an Opinion consequent upon the 1968 vote taken on Z.N.(S.) 1749 (as mentioned in par. 10 (c) (i) above) are obvious. Under this Opinion the specific name unicolor Stejneger, 1904 (as published in the binomen Eleutherodactylus unicolor) would become an invalid junior homonym of the specific name unicolor Tschudi, 1838 (as published in the binomen Cornufer unicolor), a result that all parties involved in this case sought to avoid. As a consequence the Secretary, immediately upon publication of the Opinion, has to start an action trying to get the Commission to publish a new Opinion cancelling part of the first, in order to validate the specific name unicolor Stejneger. By withholding the Opinion and calling a new vote on the emended proposals, time, printed space, and money can be saved and the same end achieved, while the other way might cause the Commission to be held to ridicule by the zoological public.

14. If the Commission allows the Secretary to withhold the Opinion on the 1968 vote and to call for a new vote on emended proposals, three alternatives will be offered under the new vote. Two of these alternatives are set out in *Bull. zool. Nom.* vol. 32 (1975): 54, 55 as Alternative A and B, except that there should be added to par. (1) (b) of both, after the words "Cornufer unicolor", the following words "and all usage of this name prior to the publication of the name Eleutherodactylus unicolor Stejneger, 1904". These two alternatives, which are the subject of the present

controversy, will be dealt with here first.

15. The controversy reflected by the two Alternatives A and B centres round the question whether or not the generic name Cornufer be allowed to stand in the sense in which it was used prior to 1967.

16. In Alternative B the arguments in favour of making the generic name Cornufer the valid name for the genus, to which it

usually has been applied, are:

a. Until 1954 the generic names Cornufer and Platymantis were both widely used for two supposedly distinct ranid genera. In 1954, in a major revision, Inger (1954, Fieldiana Zool., 33) synonymized the two genera, and the name Cornufer was then used for the combined genus. Most herpetologists adopted this taxonomic and nomenclatural view, a few continued after 1954 to consider the genera distinct and used the pre-1954 nomenclature. Only in 1967 the name Cornufer was shown to apply to a leptodactylid frog. From 1838 to 1967 thus the name Cornufer was uninterruptedly in use for the ranid genus or for part of it. The name Platymantis was in general use up to 1954, and between 1954 and 1967 replaced by Cornufer by those authors who considered the genera synonymous (e.g., by Brown (1965, Breviora: 218), who listed all the species).

b. In 1968 the Commission voted (19 to 2) to designate a type species for *Cornufer* to make its continued use in the until then accepted sense possible. The vote was not published and the decision of the Commission therefore not legalized, because an error was discovered in the voting paper, which error had nothing to

do with the status of the generic name Cornufer.

c. As until 1968 the name *Cornufer* has been continuously used for the genus or part of it, and as the Commission in that year agreed to validate this name, it seems illogical and wrong to change the vote now.

d. The name *Cornufer* was not only used in herpetological literature, but was also well known in zoogeographic literature as it denoted a genus of frogs with a very peculiar distribution (New Guinea, Solomon Islands, Fiji). Therefore changing this name will also have repercussions in zoogeography.

e. The fact that the generic name *Platymantis* since 1967 has been used by all herpetologists in preference to *Cornufer* is illegal according to Article 80 of the Code, and therefore should be

disregarded.

f. For authors who do not recognize the synonymy of the generic names *Cornufer* auct. and *Platymantis* Günther under the present Alternative the two names can both be used, while under Alternative A a new game should then have to be proposed for *Cornufer* auct.

17. In Alternative A the arguments in favour of totally

suppressing the generic name Cornufer are the following:

a. In 1966 Zweifel (1966, Bull. zool. Nom. vol., 23: 168)

already stated that the "use of the name Cornufer for the ranid frogs has not achieved stability", while after 1967 that name has been rejected by all herpetologists publishing on the genus, as they were under the impression that the name was invalid (between 1967 and 1976 21 papers using the name Platymantis for the genus have been published, not a single author used Cornufer in that period).

b. The name *Platymantis*, far from being an obscure name, was widely used before 1954, when *Platymantis* and *Cornufer* were considered distinct genera. *Platymantis* was only replaced by *Cornufer* in the short period from 1954 to 1967, when the two genera were synonymized by most herpetologists and the name

Cornufer was thought to be the valid name for the genus.

c. The action of authors to use the name *Platymantis* after 1967 cannot be considered illegal as *Platymantis* was a widely used generic name; even in the period 1954-1967 some authors, still considering the two genera distinct, used *Platymantis* for one. There

was therefore an existing usage of Platymantis.

- d. The fact that the Commission in 1968 voted for the retention of the name Cornufer for Cornufer auct., shows that the Commission by so doing made an error of judgement, as the practice showed that the acceptance of the name Platymantis for the genus was both immediate and universal. It is fortunate therefore that the Commission now still has the opportunity to rectify its error.
- e. Platymantis, like Cornufer, has been used in zoogeographic treatises, e.g., by Wallace (1876, The geographic distribution of animals, 2: 419) and Darlington (1957, Zoogeography: 507), showing both names to be important in zoogeography. The genus occupies such a restricted area that its distribution illustrates only a small facet of the whole zoogeography, and the change of its name will certainly not cause an enormous upheaval in zoogeographic literature.
- f. It seems a retrograde step to reinstate a name which has been rejected by all authors of the last decade, and such an action by the Commission may be regarded by zoologists as unnecessarily pedantic and might be interpreted to show that the Commission has lost contact with reality.

18. The third alternative (Alternative C) was suggested by the President and has the same effect as Alternative A, except that it allows authors, who think *Cornufer* auct. and *Platymantis* to be distinct genera, to use the generic name *Cornufer* for one of them. This action does away with the objection raised in par. 16 f above.

19. The above account gives a short outline of the present case. Commissioners are urged to consult the parts of the Bulletin

of Zoological Nomenclature referred to here (i.e., 1966, vol.23 (4): 167, 168; 1967, vol. 24(3): 192; 1975, vol. 32 (1): 52-55; 1975, vol.32 (2): 78-79; 1976, vol. 32 (4): 20) for detailed arguments

about the various aspects of the case.

20. The ruling given by the President and quoted in paragraph 10c was made redundant by a revision of the By Laws at the Bangalore meeting of the Commission. Under By Laws 24 and 25, the Council has voted to cancel the vote on V.P. (68)17. The way is therefore now open for the Commission to take a new decision on the case by voting for one or other of the following three courses of action:

Alternative A

(1) to use its plenary powers

(a) to suppress the generic name Cornufer Tschudi, 1838, for the purposes of the Law of Priority but not for those of the

Law of Homonymy;

(b) to suppress for the purposes of both the Law of Priority and the Law of Homonymy the specific name unicolor Tschudi, 1838, as published in the binomen Cornufer unicolor, and all the usages of this name prior to the publication of the name Eleutherodactylus unicolor Stejneger, 1904;

(2) to place on the Official List of Generic Names in Zoology

(a) Eleutherodactylus Duméril & Bibron, 1841 (gender: masculine) type-species, by monotypy, Hylodes martinicensis Tschudi, 1838;

(b) Platymantis Günther, 1858 (gender: masculine) type-species by subsequent designation by Zweifel, 1967,

Platymantis pliciferus Günther, 1858;

(3) to place on the Official List of Specific Names in Zoology

(a) martinicensis Tschudi, 1838, as published in the binomen Hylodes martinicensis (specific name of the type-species of Eleutherodactylus Duméril & Bibron, 1841);

(b) corrugatus Duméril, 1853, as published in the binomen Hylodes corrugatus [the oldest available name for the type-

species of the genus Platymantis Günther, 1858];

(c) inoptatus Barbour, 1914, as published in the binomen Leptodactylus inoptatus [the oldest available name for Cornufer unicolor Tschudi, 1838];

(d) unicolor Stejneger, 1904, as published in the binomen

Eleutherodactylus unicolor;

(4) to place on the Official Index of Rejected and Invalid Generic Names in Zoology the generic name Cornufer Tschudi, 1838,

as suppressed under the plenary powers in (1) (a) above;

(5) to place on the Official Index of Rejected and Invalid Specific Names in Zoology the specific name unicolor Tschudi, 1838, as published in the binomen Cornufer unicolor, and all usages of this name prior to the publication of the name Eleutherodactylus unicolor Stejneger, 1904.

Alternative B

(1) to use its plenary powers

(a) to suppress all designations of type-species for the genus *Cornufer* Tschudi, 1838, prior to the decision now to be taken and, having done so, to designate *Halophila vitiensis* Girard, 1853, as the type-species of that genus;

(b) as (1)(b) in Alternative A above;

(2) to place on the Official List of Generic Names in Zoology

(a) and (b) as in A above;

(c) Cornufer Tschudi, 1838 (gender: masculine), type-species, by designation under the plenary powers in (1) (a) above, Halophila vitiensis Girard, 1853;

(3) to place on the Official List of Specific Names in Zoology

(a) to (d) as in A above;

(e) vitiensis Girard, 1853, as published in the binomen Halophila vitiensis (specific name of the type-species, under the plenary powers, of Cornufer Tschudi, 1838);

(4) as (5) in A above.

Alternative C

(1) to use its plenary powers

(a) as in B above;

(b) as in A and B above;

(c) to rule that the generic name *Platymantis* Günther, 1858, be given precedence over the generic name *Cornufer* Tschudi, 1838, by those authors, who consider the type-species of these two nominal genera to belong to the same taxonomic genus;

(2) to place on the Official List of Generic Names in Zoology

(a) as in A and B above;

(b) as in A and B above, with the addition of the following words: with the annotation that this generic name shall be given precedence over *Cornufer* Tschudi, 1838, by those authors who consider the type-species of these two nominal genera to belong to the same taxonomic genus;

(c) as in B above, with the addition of the following words: with the annotation that authors who consider the typespecies of this nominal genus and of *Platymantis* Günther,

1858, as belonging to the same taxonomic genus, shall give precedence to the generic name *Platymantis* over that of *Cornufer*.

(3) and (4) as in B above.

DECISION OF THE COMMISSION

On 1 July 1977 the members of the Commission were invited to vote under the Three-Month Rule, in Part 1, for or against the use of the plenary powers in this case, and in Part 2, for one of the three alternatives offered by Dr Holthuis. At the close of the voting period on 1 October 1977 the state of the voting was as follows:

Part 1

Affirmative votes - twenty (20) received in the following order: Vokes, Eisenmann, Melville, Willink, Heppell, Starobogatov, Mroczkowski, Holthuis, Nye Rohdendorf, Binder, Corliss, Dupuis, Welch, Cogger, Brinck, Bayer, Sabrosky, Ride, Kraus

Negative Votes - none (0).

Part 2

For Alternative A - two (2): Cogger, Sabrosky

For Alternative B - three (3): Heppell, Dupuis, Brinck

For Alternative C - fifteen (15) received in the following order: Vokes, Eisenmann, Melville, Willink, Starobogatov, Mroczkowski, Holthuis, Nye, Rohdendorf, Binder, Corliss, Welch, Bayer, Ride, Kraus.

Professor Habe returned a late affirmative vote in Part 1 and a vote for Alternative B in Part 2. Professor Alvarado returned a late Affirmative Vote in Part 1 and a vote for Alternative A in Part 2.

No voting papers were returned by Commissioners Bernardi,

Tortonese or Lemche.

ORIGINAL REFERENCES

The following are the original references for the names placed on Official Lists and an Official Index by the ruling given in the present Opinion:

Cornufer Tschudi, 1838, Classif. der Batrachier [preprint of Mém.

Soc. Sci. Nat. Neuchâtel, vol. 2]: 28

corrugatus, Hylodes, Duméril, 1853, Ann. Sci. nat. (Zool.) (3) vol. 19: 176

Eleutherodactylus Duméril & Bibron, 1841, Erpétologie Générale, vol. 8: 620

inoptatus, Leptodactylus, Barbour, 1914, Mem. Mus. comp. Zool. Harvard, vol. 44: 252

martinicensis, Hylodes, Tschudi, 1838, Classif. der Batrachier [preprint of Mem. Soc. Sci. nat. Neuchâtel, vol. 21:37, 77

Platymantis Günther, 1858, Cat. Batrach. Sal. Brit. Mus.: 90, 93 unicolor, Cornufer, Tschudi, 1838, Classif. der Batrachier [preprint of Mém. Soc. Sci. nat. Neuchâtel, vol. 2]: 28

unicolor, Eleutherodactylus, Stejneger, 1904, Report U.S. Nat.

Mus. for 1902: 597

vitiensis, Halophila, Girard, 1853, Proc. Acad. nat. Sci. Philadelphia, vol. 6: 423.

The following is the original reference to a designation of type-species for a nominal genus accepted in the ruling given in the present Opinion:

of Platymantis pliciferus Günther, 1858, for Platymantis Günther,

1858 by Zweifel, 1967, Copeia (1967): 120

CERTIFICATE

I certify that the votes cast on voting paper (77)11 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1104.

R.V. MELVILLE

Secretary
International Commission on Zoological Nomenclature
London
3 October 1977



International Commission on Zoological Nomenclature. 1978. "Opinion 1104. Relative precedence of Cornufer Tscudi, 1838, and Platymantis Gunther, 1858 (Amphiba Salienta)." *The Bulletin of zoological nomenclature* 34, 222–233.

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