

*Phylloscopus* Boie, *Isis von Oken*, vol. 19, pt. 10, 1826, col. 972. Type by monotypy, "*Syl. trochilus* Lath." = *Sylvia trochilus* Linnaeus.

The included forms will stand as follows:

*Phylloscopus borealis kennicotti* (Baird).

*Phylloscopus trochilus acredula* (Linnaeus).

#### FOSSIL LIST

433. The genus *Urubitinga* Lafresnaye becomes *Hypomorphnus* Cabanis, *Arch. für Naturg.*, vol. 10, pt. 1, 1844, p. 263. Type, by original designation, *Falco urubitinga* Linnaeus. See Peters, *Check-list Birds World*, vol. 1, 1931, p. 244. The species listed in the A. O. U. *Check-List*, p. 433, becomes *Hypomorphnus enecta* (Wetmore).

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## STABILITY IN ZOOLOGICAL NOMENCLATURE

BY FRANCIS HEMMING\*

IN his recent paper 'Birds collected during Captain James Cook's Last Expedition (1776-1780)' (*Auk*, 67: 66-88, 1950) Dr. Erwin Stresemann identified a number of previously unrecognized species of birds described and named by Gmelin in 1788 and pointed out that under a strict application of the Law of Priority these identifications would involve the substitution of unknown Gmelin names for nine species and six subspecies of birds, the currently accepted names for which have been in use, "mostly unchallenged" for, in many cases, over 100 years. In submitting these conclusions, Dr. Stresemann expressed the view (p. 87) that some determined step should be taken to prevent well-known and long-established names of this kind from being overthrown for purely technical nomenclatorial reasons. Dr. Stresemann stated that he would be only too glad if some legal way could be found to lock up what he terms his "excavated antiques" in a museum's drawer. He accordingly suggested that these 15 cases should be examined by some International Committee of nomenclature.

Dr. Stresemann's suggestion prompts me, as Secretary to the International Commission on Zoological Nomenclature, to recall that for many years there has existed precisely the kind of international machinery that he has in mind, for as long ago as 1913 the International Congress of Zoology conferred upon the International Commission on Zoological Nomenclature plenary powers to suspend the normal operation of the rules in the International Code of Zoological Nomenclature in cases where the Commission is satisfied that the strict application of the Code would lead to greater confusion than uniformity. At the same time the Congress also established an 'Official List of Generic Names in Zoology' for the purpose of stabilizing the position of well-known generic names. In a number of important cases use

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has been made of the foregoing provisions and stability has thus been secured for the names in question. Nevertheless, a great deal of name-changing continued during the inter-war years, a process which, as Dr. Stresemann observes and is evident from the correspondence reaching the Commission from many sources, has led to an ever-growing demand, both from systematists and from workers in the applied biological fields, that more effective means should be found to secure stability in zoological nomenclature. The whole question was considered with great care both by the International Commission and also by the International Congress of Zoology at their joint meeting held in Paris in July, 1948.

On the general question the Congress took the view that it was important that whatever solution might be adopted should be one which, prior to its adoption, had been widely canvassed among representative groups of specialists in the various groups of the Animal Kingdom, in order that the measures to be adopted should be such as to command the widest possible support from the general body of zoologists. On the other hand, the Congress considered that this question was of such importance and urgency that definite decisions thereon should be taken at the next meeting of the Congress, which is due to be held at Copenhagen in 1953. The Congress accordingly instructed me to take steps during the intervening period to ascertain the views of representative groups of zoologists with a view to the submission to the Congress at its next meeting of a scheme that would be generally acceptable. In pursuance of the duty so entrusted to me, I am, therefore, most anxious to receive expressions of opinion and suggestions on this subject from scientific institutions, learned societies, and individual zoologists.

The International Congress at Paris (and the International Commission as its adviser on questions of nomenclature) felt, however, that there were certain directions in which existing machinery could and should at once be improved. The Congress accordingly decided to add to the 'Official List of Generic Names in Zoology' a corresponding 'Official List of Specific Trivial Names in Zoology,' in order that a start might be made without further delay in building up a list of names of species (and subspecies) that were officially recognized and were not to be changed without prior reference to the International Commission on Zoological Nomenclature. At the same time the Congress established "Official Indexes" for the recording, respectively, of rejected and invalid generic and specific trivial names, it being unanimously agreed that "Official Indexes" of this kind formed an indispensable counterpart to the "Official Lists" of valid names. In reach-

ing these decisions, the Congress expressly instructed the International Commission to take every step in its power to foster the development of these "Official Lists" and "Official Indexes." The Commission is accordingly anxious to receive applications on this subject. A note has been prepared giving full particulars of the bibliographical and other data which should be included in such applications, copies of which are available to any specialists contemplating the preparation of applications of this kind.

The mechanism described above is well calculated to secure stability for names which are valid under the Code or which are currently believed to be so, for, under a decision taken by the Paris Congress a name once placed on either of the "Official Lists" is not to be discarded in favor of some other name even if later it is found that under the Law of Priority it is not the oldest available name for the genus or species concerned, unless and until the Commission, on having the relevant considerations placed before it, so directs. It may be expected therefore that, as the number of names stabilized in this way increases, these "Official Lists" will play an increasingly important role in preventing well-known names from being changed or used in some sense other than that commonly accepted, as the result of further examination of the older and still imperfectly understood zoological literature. There remains, however, the class of case referred to by Dr. Stresemann where a well-established name, that has not been stabilized through being placed on the appropriate "Official List" is found to be invalid as a junior synonym (or in some cases as a junior homonym). For such names availability and, consequently, stability can be secured only by the use by the Commission of its plenary powers. The Paris Congress recognized, however, that there is a danger that, once a name, however well known, is shown to be invalid, specialists will normally tend to abandon the use of that name, believing that by so doing they are promoting ultimate stability in the nomenclature in their respective groups. In order to ward against this danger and to prevent the position in any given case from being prejudiced pending the consideration of the whole matter by the International Commission, the Paris Congress decided to insert in Article 25 (Law of Priority) of the Code a *Recommendation* urging authors, on discovering that a well-known name is invalid or, in the case of a generic name, that the type species is some species other than that commonly accepted as such, at once to bring the facts to the notice of the International Commission and, pending a decision by the Commission, to refrain from changing existing nomenclatorial practice in the case concerned.

When at Monaco in 1913 the International Congress of Zoology

decided to confer upon the International Commission plenary powers to vary the application of individual provisions in the Code for the purpose of avoiding confusion and promoting stability, that decision was taken in the form of a resolution adopted by the Congress in Plenary Session. The fact that this procedure was adopted rather than the insertion of a new Article in the Code dealing with this matter is, however, purely formal, being a distinction without a difference, for both the Code itself and the Plenary Powers Resolution of 1913 draw their authority from an identical source, namely a decision taken by the Congress in Plenary Session. Nevertheless, the view was advanced in Paris that one of the reasons why a larger number of applications for the use of the plenary powers had not been submitted to the International Commission was that some zoologists, though sincerely anxious to promote stability in the nomenclature of their special groups, had been deterred from making application for the use of the plenary powers for this purpose in the mistaken belief that the status of the Plenary Powers Resolution of 1913 was in some way inferior to the status enjoyed by the Code itself and, therefore, that each successive use of the plenary powers tended to undermine the authority of the Code as a whole. In order to remove this stumbling-block, in so far as it had operated to restrict the submission of applications for the use of the plenary powers, the Paris Congress (acting on the advice of the Commission) decided to adopt two measures, each designed to emphasize the identity of status of the provisions relating to the plenary powers on the one hand and, on the other hand, the provisions already incorporated in Articles in the Code. The Congress accordingly decided: (1) to insert in the Code a new Article embodying (in a slightly amended form) the provisions relating to the plenary powers which had hitherto been recorded only in the Resolution adopted by the Congress in 1913; and (2) to attach to the Code as a Schedule a list of all the individual decisions taken (or hereafter to be taken) by the Commission under the plenary powers. In future, therefore, it will be absolutely clear that the provisions relating to the plenary powers are as much a part of the Code as any of its other provisions.

Full particulars of all the decisions in regard to zoological nomenclature taken by the Paris Congress, on the advice of the Commission, will be found in the Official Record of the Proceedings of the International Commission on Zoological Nomenclature at its Session of Meetings held in Paris in July, 1948, which is now in press and will shortly be published as volume 4 of the Commission's *Bulletin of Zoological Nomenclature*. The purpose of the present note is merely

to draw attention to those of the decisions of the Congress which are specially concerned with the problem of promoting stability in zoological nomenclature. It will be seen from the particulars so given that the Congress was deeply impressed with the importance and urgency of the present problem but that at the same time the Congress recognized that the complexity of the problem was such that altogether exceptional measures ought to be taken to ascertain the general wishes of specialists before any definite proposals were formulated for submission to the Congress. It was with this two-fold consideration in mind that the Paris Congress decided at once to take certain action for strengthening and developing existing mechanisms (in the directions indicated in the present note) but to postpone until their next meeting the consideration of the underlying fundamental issue, namely how to reconcile the application of the Law of Priority retroactively to 1758 with the practical needs of securing stability in zoological nomenclature. It was the earnest hope of the Congress that the fullest advantage would be taken of this interval both by systematists and by workers in the field of applied biology to make known their views as to the nature of the solution to be sought and the means best calculated to secure that end, in order that the Report on this subject, to be prepared by the Secretary for the consideration of the Commission and the Congress, should be based on the widest possible knowledge of the wishes of interested specialists.

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London, N. W. 1, England, February 27, 1950.*