

PROPOSED USE OF THE PLENARY POWERS TO SECURE THAT THE FAMILY-GROUP NAME FOR THE DIVERS (LOONS) SHALL BE "GAVIIDAE" COUES, 1903, THE OLDEST FAMILY-GROUP NAME BASED ON THE GENERIC NAME "GAVIA" FORSTER, 1788, THE NAME PRESCRIBED FOR THIS GENUS BY THE RULING UNDER THE ABOVE POWERS GIVEN IN "OPINION" 401

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The object of the present application is to place before the International Commission on Zoological Nomenclature a proposal that it should use its Plenary Powers to render the family-group name GAVIIDAE Coues, 1903, the oldest available family-group name for the Divers (Loons) by suppressing the earlier name URINATORIDAE (correction of URINATOIRES) Vieillot, 1816 (Class Aves). The present application arises out of a Ruling given by the International Commission under its Plenary Powers in *Opinion* 401 on an application submitted by the Standing Committee on Ornithological Nomenclature established in 1950 by the Tenth International Ornithological Congress, Uppsala (Meinertzhagen, for the Standing Committee, 1952, *Bull. zool. Nomencl.* 9 : 6-7). Since the above *Opinion* has only just been published (24th July 1956, *Ops. Decls. int. Comm. zool. Nomencl.* 13 : 1-64), it may be convenient to note that in it the International Commission used its Plenary Powers to suppress the generic name *Colymbus* Linnaeus, 1758, and to validate the name *Podiceps* Latham, 1787 (type species : *Colymbus cristatus* Linnaeus, 1758) as the generic name for the Grebes and *Gavia* Forster, 1788 (type species : *Colymbus immer* Brünnich, 1764) as the generic name for the Divers (Loons). At the time when the application dealt with in the foregoing *Opinion* was submitted, the Commission did not normally deal with the family-group-name questions involved in applications regarding generic names and it did not do so on this occasion. The problem dealt with in the present application accordingly only came to light later when the Commission came to consider the family-group-name problems involved in the *Colymbus* case.

2. Double usage of the family name "COLYMBIDAE" : Owing to the long-standing usage of the generic name *Colymbus* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 135) both for the Divers (Loons) and for the Grebes, it was only to be expected that this generic name should have been taken as the base for a

family name COLYMBIDAE for both these groups by ornithologists of the two schools of thought concerned. The earliest references for this name as used in each of the above senses are the following :—

- (a) COLYMBIDAE Shaw, 1824, *Gen. Zool.* 12 : 230 (type genus : *Colymbus* Linnaeus, 1758, incorrectly determined as the genus for the Divers) ;
- (b) COLYMBIDAE Coues, 1903, *Key N. Amer. Birds* (ed. 5) 2 : 104 (type genus : *Colymbus* Linnaeus, 1758, correctly determined as the genus for the Grebes).

3. Under *Declaration* 20¹ a family-group name is automatically suppressed under the Plenary Powers if the name of its type genus is suppressed under those Powers. Accordingly, since under the Ruling given in the Commission's *Opinion* 401 the generic name *Colymbus* Linnaeus, 1758, has been suppressed under the Plenary Powers, the same action involved the suppression of the family-group name COLYMBIDAE. This Ruling therefore terminates the existence of the family-group name COLYMBIDAE Coues, 1903. As objectively invalid names, both the name COLYMBIDAE Shaw, 1824, and the name COLYMBIDAE Coues, 1903, should now be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*.

(i) The Family-Group Name for the Divers (Loons)

4. Publication of the name "GAVIIDAE" by Coues in 1903 : It was not until the beginning of the present century that American ornithologists finally took the view that the oldest available generic name for the Divers (Loons) was *Gavia* Forster, 1788 (*Enchiridion Hist. nat.* : 38). This view was based on two premises, namely, (a) that, as shown by Stejneger (L.) in 1882 (*Proc. U.S. nat. Mus.* 5 : 43) the generic name *Colymbus* Linnaeus, 1758, so long used for the Divers, was not available for this genus, its type species being a Grebe, and (b) that the generic name *Urinator* Lacépède, 1799 (paragraph 5 below), which Stejneger had adopted for the Divers was a junior subjective synonym of *Gavia* Forster, 1788. The first author to carry this view to its logical conclusion by establishing a nominal family-group taxon based on the generic name *Gavia* Forster was Coues who in 1903 (*Key N. Amer. Birds* (ed. 5) 2 : 104) published the family name GAVIIDAE.

5. The generic name "Urinator" Lacépède, 1799 : At this point it is necessary to take account of the bearing on the present case of the generic name *Urinator* Lacépède, 1799 (*Tab. Mamm. Ois.* : 14) referred to in paragraph 4 above. This nominal genus was established without cited nominal species but

¹ Published in 1955 (*Ops. Decls. int. Comm. zool. Nomencl.* 10 : i-viii).

in [1802] (in Buffon, *Hist. nat.*, Quadr. 14 : 310, 311) nominal species were cited for this genus by Lacépède himself. Five such species were then placed in this genus, two on page 310 and three on page 311. The second of the three species cited on page 311 was *Colymbus glacialis* Linnaeus, 1766 (*Syst. Nat.* (ed. 12) 1(1) : 221). This nominal species was selected by Ogilvie-Grant, 1898 (*Cat. Birds Brit. Mus.* 26 : 486) as the type species of *Urinator* Lacépède. This nominal species is currently identified with *Colymbus immer* Brünnich, 1764. As under *Opinion* 401 the latter species has been designated as the type species of *Gavia* Forster, 1788, the generic name *Urinator* Lacépède, 1799, is a junior subjective synonym, of *Gavia* Forster, 1788.

6. The family-group name "URINATORIDAE" (correction of "URINATOIRES") Vieillot, 1816 : In 1818 (*Nouv. Dict. Hist. nat.* 27 : 120) Vieillot established as a "Famille" the nominal family-group taxon URINATOIRES. After giving the characters which he regarded as diagnostic for this taxon, Vieillot stated :—"Cette Famille compose des genres HELIORNE, GREBE et PLONGEON". Of these vernacular (French) generic names, "Plongeon" was the name applied to the Divers by French ornithologists in Vieillot's day. Earlier in the same paper (: 114) Vieillot had dealt with the genus "Plongeon", for which he had cited (as he considered) the equivalent Latin generic name *Colymbus* Linnaeus. The family-group name so published by Vieillot was introduced in the correct form URINATORIDAE in 1884 (*Water Birds N. Amer.* 2 : 444) by Baird, Brewer & Ridgeway who adopted the view put forward by Stejneger in 1882 (paragraph 4 above) that *Colymbus* Linnaeus was not available for the Divers (Loons) and that *Urinator* Lacépède, 1799, was the oldest available name for that genus and who completed the action implicitly required by Stejneger's conclusions by introducing the nominal family name URINATORIDAE for this genus in place of the no longer available name COLYMBIDAE.

7. The rival names "URINATORIDAE" (correction of "URINATOIRES") Vieillot, 1818, and "GAVIIDAE" Coues, 1903 : The family-group names URINATORIDAE (correction of URINATOIRES) Vieillot, 1818, and GAVIIDAE Coues, 1903, are, as we have seen, subjective synonyms of one another. Up to the year 1953 the valid name for the family-group taxon concerned would have been GAVIIDAE, for under Article 5 of the *Règles* as they existed at that time a family name had to be changed when the name of the type genus of the family had to be changed and in consequence the replacement under the Law of Priority of the name *Urinator* Lacépède, 1799, by the older name *Gavia* Forster, 1788, would have led automatically to the replacement also of the family name URINATORIDAE by the family name GAVIIDAE. The position in this matter was altered in 1953 as the result of a decision by the Fourteenth International Congress of Zoology, Copenhagen (1953, *Copenhagen Decisions zool. Nomencl.* : 36, *Decision* 54(1)(a)), which provided that "where the name of the type genus of a taxon belonging to the family-group has to be changed

because it is found to be either (i) a junior objective synonym or (ii) a junior subjective synonym, the name of the family-group taxon based on the name of that type genus is not to be changed". This decision had the praiseworthy object of limiting name-changing at the family-group-name level and it could serve that purpose whenever in the future it is necessary for either of the reasons given above to change the name of the type genus of a nominal family-group taxon. Unfortunately, however, this change in the *Règles* has in practice led to exactly the opposite result from that which it was intended to serve, for it has given rise to the emergence from synonymy of long-forgotten family-group names which have been enabled to displace well-known names in common use. This is exactly what would happen in the present case if the Commission did not intervene to prevent it. The re-emergence of the family name URINATORIDAE for the Divers would run counter to the object which the Commission set itself in *Opinion* 401, namely, the stabilisation of the Diver-name/Grebe-name problem on the basis of the acceptance of the names *Gavia* Forster and *Podiceps* Latham, and would open up a new era of name-changing in this group. It is accordingly recommended that in the interest of nomenclatorial stability and in completion of the settlement at the generic-name level by the Ruling given in the foregoing *Opinion*, the family-group name URINATORIDAE (correction of URINATOIRES) Vieillot, 1818, should be suppressed by the Commission under its Plenary Powers.

8. The specific name "arcticus" Linnaeus, 1758, as published in the combination "*Colymbus arcticus*" : Before leaving the Diver-name side of the present case, there is one further point which calls for attention. This is in connection with the specific name *arcticus* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 135), as published in the combination *Colymbus arcticus*, which is the oldest available name for the Black-throated Diver. Throughout the whole history of the *Colymbus* case the above name played an outstanding role, for of the species originally placed in the genus *Colymbus* by Linnaeus in 1758, the species so named was the only Diver (Loon), the remaining three species cited being all Grebes. Thus, it was the inclusion of *arcticus* in *Colymbus* in 1758 which alone provided the basis on which the claim that the name *Colymbus* should be used for the Divers and not for the Grebes was later built up. For these reasons it is perhaps a matter for surprise that, in making their application to the International Commission as to the species to be designated under the Plenary Powers to be the type species of the genus *Gavia* Forster, 1788, the genus in which the Divers are in future to be placed, the applicants passed over in silence the historical claims of the Black-throated Diver (*C. arcticus* Linnaeus, 1758) to be regarded as the typical representative of the Divers and instead recommended that the species to be designated as the type species of *Gavia* Forster should be the later-established nominal species *Colymbus immer* Brünnich, 1764, the Great Northern Diver. As already noted (paragraph 1 above) the recommendation so submitted was approved by the International Commission and the name *immer* Brünnich was placed on the *Official List of Specific Names in Zoology*. The name *arcticus* Linnaeus, 1758,

was not, however, placed on the *Official List* at the same time that the name *immer* Brünnich was entered thereon. This omission was an inadvertent breach of the General Directive by the International Congress of Zoology that the Ruling given in every *Opinion* is to be comprehensive in scope and is to deal with every name involved in the case submitted. It is accordingly recommended that this matter should now be regularised by the addition of the specific name *arcticus* Linnaeus, 1758, to the *Official List*.

(ii) The Family-Group Name for the Grebes

9. The Invalid Emendation "*Podicipes*" [Oken], 1839, of the generic name "*Podiceps*" Latham, 1787 : By its Ruling given in *Opinion* 401 the International Commission, as already noted (paragraph 1 above) has taken action under its Plenary Powers to secure that the generic name *Podiceps* Latham, 1787, with *Colymbus cristatus* Linnaeus, 1758, as type species, shall be the oldest available generic name for the Grebes. Before considering the question of the family-group name based on the foregoing name, attention must be drawn to an attempt which was made to emend the spelling of that name to *Podicipes*. The first author to have made this emendation appears to have been Oken in an anonymous note published in 1839 (*Isis* (Oken) 1839 : 673). This emendation was used by various later authors, including Saunders (H.) in 1889 (*Ill. Man. Brit. Birds* : 717), whose usage of this spelling was cited in the synonymy of *Podiceps cristatus* Linnaeus given in 1940 in Volume 4 of the *Handbook of British Birds* (: 85), by Ogilvie-Grant in 1898 (*Cat. Birds Brit. Mus.* 26 : 502) and by Coues in 1903 (*Key N. Amer. Birds* (ed. 5) 2 : 1051). There is no evidence in Latham's book that the spelling *Podiceps* was an Invalid Original Spelling and accordingly under the Rules laid down by the Fourteenth International Congress of Zoology, Copenhagen, 1953 (*Copenhagen Decisions zool. Nomencl.* : 43-44, *Decision* 71) the name *Podiceps* Latham is the Valid Original Spelling of this name and the name *Podiceps* [Oken] is an Invalid Emendation. This latter name should now be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*. Further, as pointed out by Professor L. W. Grensted, the Commission's Consulting Classical Adviser, in the Report attached to the present note as an Annexe, the emendation "*Podicipes*" would have been wholly invalid and unacceptable even if "*Podiceps*" had been an Invalid Original Spelling.

10. Family-Group Name based on the generic name "*Podiceps*" Latham, 1787 : The name for the family based on the generic name *Podiceps* Latham, 1787, has been spelled in a variety of ways by different authors. As a first step, therefore, the Commission's Classical Advisor, Professor Grensted, was asked to report on which was the correct spelling for this family name. Professor Grensted's Report which, as already noted, is attached to the present paper as an Annexe, shows that the correct spelling is *PODICIPITIDAE*. The

first author to establish a nominal family-group taxon based on the genus *Podiceps* Latham was Bonaparte, who in 1831 established this nominal taxon under the defectively formed name PODICEPINAЕ. It is necessary therefore to cite this name as "PODICIPITIDAE (correction of PODICEPINAЕ) Bonaparte, 1831". The correct spelling PODICIPITIDAE was propounded in 1903 by Coues (*Key N. Amer. Birds* (ed. 5) 2 : 1051, footnote), although he himself then used the spelling PODICIPEDIDAE. The correct spelling was used in 1940 in the *Handbook of British Birds* (4 : 85). The following are the original references for the various Spellings which have been published for this name :—

PODICEPINAЕ Bonaparte, 1831, *Saggio Destr. met. Anim. Vertebr.* : 62

PODICEPSINAЕ Gray (G.R.), 1840, *List Gen. Birds* [ed. 1] : 76

PODICIPINAЕ Bonaparte, 1838, *Geogr. comp. List Birds Eur. N. Amer.* : 64

PODICIPEDIDAE Ogilvie-Grant, 1898, *Cat. Birds Brit. Mus.* 26 : 502

Bonaparte (1831 and 1838) and Gray (1840) used the correct spelling *Podiceps* for this generic name, while (as already noted) Ogilvie-Grant (1898) used the Invalid Emendation *Podicipes* [Oken], this being, no doubt, the reason for the peculiar form adopted by him for the family name. The name PODICIPITIDAE (correction of PODICEPINAЕ) Bonaparte, 1831, should now be placed on the *Official List of Family-Group Names in Zoology*, while the following entries should be made on the corresponding *Official Index* :—PODICEPINAЕ Bonaparte, 1831 (an Invalid Original Spelling for PODICIPITIDAE), together with the following Erroneous Subsequent Spellings for the above name :—PODICEPSINAЕ Gray (G.R.), 1840 ; PODICIPINAЕ Bonaparte, 1838 ; PODICIPEDIDAE Ogilvie-Grant, 1898.

Recommendations

11. For the reasons set out in the present application it is recommended that the International Commission on Zoological Nomenclature should :—

- (1) use its Plenary Powers to suppress the under-mentioned family-group name for the purposes of the Law of Priority but not for those of the Law of Homonymy : URINATORIDAE (correction of URINATORES) Vieillot, 1818 (type genus : *Urinator* Lacépède, 1799) (paragraph 7) ;
- (2) place the under-mentioned family-group names on the *Official List of Family-Group Names in Zoology* :—
 - (a) PODICIPITIDAE (correction of PODICEPINAЕ) Bonaparte, 1831 (type genus : *Podiceps* Latham, 1787) (paragraph 10) ;
 - (b) GAVIIDAE Coues, 1903 (type genus : *Gavia* Forster, 1788) (paragraph 4) ;

(3) place the under-mentioned family-group names on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* :—

- (a) COLYMBIDAE Shaw, 1824 (type genus : *Colymbus* Linnaeus, 1758, incorrectly determined as the genus typified by *Colymbus immer* Brünnich, 1764 [The Great Northern Diver]) (invalid (i) under *Declaration* 28² because based upon an erroneously determined type genus and (ii) under *Declaration* 20 because the name of the type genus has been suppressed under the Plenary Powers) (paragraphs 2–3) ;
- (b) COLYMBIDAE Coues, 1903 (type genus : *Colymbus* Linnaeus, 1758, correctly determined as the genus typified by *Colymbus cristatus* Linnaeus, 1758 [The Great Crested Grebe]) (invalid under *Declaration* 20 because the name of the type genus has been suppressed under the Plenary Powers) (paragraphs 2–3) ;
- (c) PODICEPINAE Bonaparte, 1831 (type genus : *Podiceps* Latham, 1787) (an Invalid Original Spelling for PODICIPITIDAE) (paragraph 10) ;
- (d) PODICEPSINAE Gray (G.R.), 1840 (type genus : *Podiceps* Latham, 1787) (an Erroneous Subsequent Spelling for PODICIPITIDAE) (paragraph 10) ;
- (e) PODICIPINAE Bonaparte, 1838 (type genus : *Podiceps* Latham, 1787) (an Erroneous Subsequent Spelling for PODICIPITIDAE) (paragraph 10) ;
- (f) PODICIPEDIDAE Ogilvie-Grant, 1898 (type genus : *Podcipes* [Oken], 1839, an Invalid Emendation of *Podiceps* Latham, 1787) (an Erroneous Subsequent Spelling for PODICIPITIDAE) (paragraph 10) ;
- (g) URINATORIDAE (correction of URINATOIRES) Vieillot, 1818 (type genus : *Urinator* Lacépède, 1799) (first published in correct form as URINATORIDAE, by Baird, Brewer and Ridgeway, 1884) as proposed to be suppressed under the Plenary Powers under (1) above (paragraph 7) ;
- (h) URINATOIRES Vieillot, 1818 (type genus : *Urinator* Lacépède, 1799 (an Invalid Original Spelling for URINATORIDAE) (paragraph 7) ;

(4) place the under-mentioned specific name on the *Official List of Specific Names in Zoology* :—*arcticus* Linnaeus, 1758, as published in the combination *Colymbus arcticus* (paragraph 8) ;

(5) place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—*Podicipes* [Oken], 1839 (an Invalid Emendation of *Podiceps* Latham, 1787) (paragraph 9) ;

² The *Declaration* here referred to is now in the press.



Hemming, Francis. 1956. "Proposed use of the plenary powers to secure that the family-group name for the Divers (Loons) shall be "Gaviidae" Coues, 1903, the oldest family-group name based on the generic name "Gavia" Forster, 1788, the name prescribed for this." *The Bulletin of zoological nomenclature* 12, 240–246.

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