

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

VOLUME 20. Part 11. Pp. 119—128

OPINION 544

Validation under the Plenary Powers of the family-group names MUNTIACINAE Pocock, 1923, and ODOBENIDAE (correction of ODOBAENIDAE) Allen, 1880 (Class Mammalia) (*Opinion* supplementary to *Opinions* 460 and 467 respectively)

LONDON :

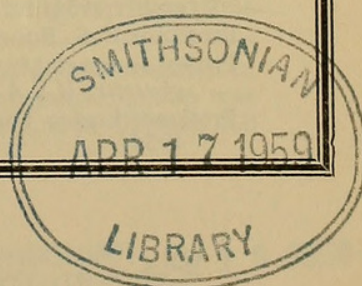
Printed by Order of the International Trust for
Zoological Nomenclature
and

Sold on behalf of the International Commission on Zoological
Nomenclature by the International Trust at its Publications Office
41, Queen's Gate, London, S.W.7
1959

Price Seven Shillings and Sixpence

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Issued 20th March, 1959



INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 544

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as prescribed by the International Congress of Zoology)

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Doc. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th October 1954)

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Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 544

VALIDATION UNDER THE PLENARY POWERS OF THE FAMILY-GROUP NAMES "MUNTIACINAE" POCKOCK, 1923, AND "ODOBENIDAE" (CORRECTION OF "ODOBAENIDAE") ALLEN, 1880 (CLASS MAMMALIA) ("OPINION" SUPPLEMENTARY TO "OPINIONS" 460 AND 467 RESPECTIVELY)

RULING :—(1) The under-mentioned family-group names are hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy :—

(a) CERVULINAE Sclater, 1870 ;

(b) ROSMARIDAE Gill, 1866.

(2) The under-mentioned family-group names are hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Numbers severally specified below :—

(a) MUNTIACINAE Pocock, 1923, as validated under the Plenary Powers in (1)(a) above (type genus : *Muntiacus* Rafinesque, 1815¹) (Name No. 258) ;

(b) ODOBENIDAE (correction of ODOBAENIDAE) Allen (J.A.), 1880, as validated under the Plenary Powers in (1)(b) above (type genus *Odobenus* Brisson, 1761¹) (Name No. 259).

(3) The under-mentioned family-group names are hereby placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* with the Name Numbers severally specified below :—

(a) CERVULINAE Sclater, 1870, as suppressed under the Plenary Powers in (1)(a) above (type genus : *Cervulus* Blainville, 1818) (Name No. 288) ;

(b) ROSMARIDAE Gill, 1866, as suppressed under the Plenary Powers in (1)(b) above (type genus : *Rosmarus* Brünnich, 1771) (Name No. 289) ;

(c) ODOBAENIDAE Allen (J.A.), 1880 (type genus : *Odobaeus* Fée, 1830, an Invalid Emendation of *Odobenus* Brisson, 1762) (an Invalid Original Spelling for ODOBENIDAE) (Name No. 290).

(4) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name No. 1239 :—

Odobaeus Fée, 1830 (an Invalid Emendation of *Odobenus* Brisson, 1762).

I. THE STATEMENT OF THE CASE

On 18th January 1957, Dr. T. C. S. Morrison-Scott (*Director, The Science Museum, London*), submitted the following application for the validation under the Plenary Powers of the family-group names based upon the generic names

¹ The only reason why the generic names *Muntiacus* Rafinesque, 1815, and *Odobenus* Brisson, 1762, were not placed on the *Official List* by the Ruling given in the present *Opinion* was that this action had already been taken in the case of *Muntiacus* Rafinesque in *Opinion* 460 and in that of *Odobenus* Brisson in *Opinion* 467.

Muntiacus Rafinesque, 1815, and *Odobenus* Brisson, 1762, respectively (Class Mammalia):—

**Proposed use of the Plenary Powers to validate the family-group names
“Muntiacinae” Pocock, 1923, and “Odobenidae” (correction of
“Odoboenidae”) Allen (J.A.), 1880, as the family-group names
for the genera containing the Barking Deer and the Walrus
respectively (Class Mammalia)**

By T. C. S. MORRISON-SCOTT, D.S.C., D.Sc.
(Director, Science Museum, London)

The present application is in the nature of a supplement to two applications relating to generic names in mammals in each of which the International Commission on Zoological Nomenclature was asked to use its Plenary Powers to validate a well-known generic name in common use. In the first of these applications the Commission was asked to provide a valid foundation for the generic name *Muntiacus* Rafinesque, 1815, as the name for the genus having *Cervus muntjak* Zimmermann, 1780, the Barking Deer, as its type species. In the second application the Commission was asked to validate the generic name *Odobenus* Brisson, 1762, as the name for the genus for *Phoca rosmarus* Linnaeus, 1758, the Walrus. The foregoing proposals have now been approved by the Commission, the former in *Opinion* 460, the latter in *Opinion* 467. By the Rulings given in these *Opinions* the names *Muntiacus* Rafinesque and *Odobenus* Brisson have been placed on the *Official List of Generic Names in Zoology* and the corresponding invalid names *Cervulus* Blainville, 1818, and *Rosmarus* Brünnich, 1771, on the *Official Index of Rejected and Invalid Generic Names in Zoology*.

2. It was not necessary to take account of family-group-name problems in applications relating to generic names at the time when I submitted my application regarding the generic name *Muntiacus* Rafinesque and when the Secretary submitted his Report on the name *Odobenus* Brisson. Accordingly this problem was not dealt with in either of these papers. As the *Règles* then stood, a family-group name followed the name of its type genus, and the validation by the Commission of the foregoing generic names would have meant automatically that MUNTIACINAE would have been the correct name for the subfamily of the family CERVIDAE containing the Barking Deer and that ODOBENIDAE would have been the correct name for the family containing the Walrus.

3. At this point it is necessary, however, to take account of one of the very few thoroughly unfortunate decisions taken by the Fourteenth International Congress of Zoology at Copenhagen in 1953, namely the decision that a family-group name based upon a generic name which has been rejected either as a junior objective synonym, or as a junior subjective synonym, of some other generic name is nevertheless itself to be retained (1953, *Copenhagen Decisions zool. Nomencl.* : 36, Decision 54(1)(a)). The proposal on which this decision was based ran entirely counter to long-established practice and for this reason was opposed at Copenhagen by Dr. L. R. Cox, myself and others who believed that it was extremely dangerous and, contrary to the hopes of its sponsors, was calculated to lead to far-reaching and extremely objectionable name-changing in family names. On the face of it, however, this proposal looked as though it would promote stability in family names even where, as is sometimes unavoidable, circumstances were to make a

change in the name of a type genus unavoidable. From this point of view the proposal offered attractions and it was on this account adopted by the Copenhagen Congress. On my return to London from the Copenhagen Congress I quickly found that my forebodings on this subject had been more than justified and that the general adoption of this rule would overturn large numbers of well established family names by raising up from the dead older names based on rejected generic names which on this account had long been relegated to synonymy. It is very much to be hoped that, when the next International Congress of Zoology comes to settle the text of the *Règles* as revised by the Paris (1948) and Copenhagen (1953) Congresses it will take the opportunity to expunge the disastrous provision here in question.

4. In the meantime it is necessary to consider what action should be taken in those cases, such as the present, where immediate action is essential. As regards this, I fully endorse the view expressed by Professor Robert Mertens of Frankfurt, when dealing with the generic name *Sphenodon* Gray, 1831, and its junior objective synonym *Hatteria* Gray, 1842, that the proper course is to ask the International Commission to use its Plenary Powers to prevent the long-forgotten name HATTERIIDAE Cope, 1864, from overturning the well-known name SPHENODONTIDAE Cope, 1870, merely by reason of its older date (Mertens, 1955, *Bull. zool. Nomencl.* **11** : 139-141). I was very glad therefore recently to see that the Commission had accepted the cogent views advanced in this case by Professor Mertens and that in *Opinion* 455 it had used its Plenary Powers to protect the name SPHENODONTIDAE from being cast into synonymy by the ill-conceived decision by the Copenhagen Congress discussed above.

5. The two cases here in question are exactly parallel to that in relation to *Sphenodon* Gray discussed in Professor Mertens's paper. Detailed particulars of the names involved in these cases are given in the following paragraphs.

6. Following the validation by the Commission of the generic name *Muntiacus* Rafinesque, the family-group name MUNTIACINAE Pocock, 1923 (*Proc. zool. Soc. Lond.*) **1923** : 207) ought certainly to be the name for the subfamily of the CERVIDAE containing this genus (see Ellerman & Morrison-Scott, 1951, *Checklist pal. ind. Mammals* : 355). Unfortunately, under Copenhagen Decision 54(1)(a) (referred to in paragraph 3 above) the name MUNTIACINAE Pocock is invalid by reason of having been published later than the name CERVULINAE Sclater, 1870 (*Proc. zool. Soc. Lond.* **1870** : 115), based upon the objectively invalid generic name *Cervulus* Blainville which (as already explained) has now been relegated to the *Official Index of Rejected and Invalid Generic Names in Zoology* by the Ruling given in the Commission's *Opinion* 460. In the days when *Cervulus* Blainville was accepted as the name for the genus containing the Indian Muntjak, the name CERVULINAE Sclater was widely used for this subfamily, but, when the name *Muntiacus* Rafinesque was introduced for this genus, Sclater's name CERVULINAE dropped out of use. In these circumstances it would be as illogical as it would be confusing if, following the decision of the Commission to use its Plenary Powers to protect the generic name *Muntiacus* Rafinesque as against its junior synonym *Cervulus* Blainville, it were necessary to revive that generic name as enshrined in the family-group name CERVULINAE at the expense of the name *Muntiacus* Rafinesque as used in the subfamily name MUNTIACINAE Pocock. Indeed such a proceeding would be in direct violation of the principle of maintaining stability in nomenclature expressly laid down by the Copenhagen Congress.

7. The case of the generic name *Odobenus* Brisson is so similar to that discussed above in relation to the name *Muntiacus* Rafinesque that a brief

summary of the facts will be sufficient. In this case also the family-group name ODOBAENIDAE Allen (J.A.), 1880 (*U.S. geol. geogr. Surv. Terr.*, Misc. Publ. 12 : 5, 17), based upon the generic name *Odobenus* Brisson now validated by the Commission, is of later date than the name ROSMARIDAE Gill, 1866 (*Proc. Essex Inst.* 5 : 7, 11), based upon the generic name *Rosmarus* Brünnich, 1771, now rejected by the Commission. It would clearly be a mockery of the principle of maintaining stability in nomenclature if, after the validation of the name *Odobenus* Brisson in compliance with that principle, the provision embodied in Copenhagen Decision 54(1)(a) were to be permitted to exhume the name ROSMARIDAE from the limbo of the past and to enthrone it in the place of the name ODOBAENIDAE currently in use for this family. I accordingly ask that the Commission should use its Plenary Powers to prevent so discreditable a situation from arising by suppressing the name ROSMARIDAE Gill under its Plenary Powers.

8. A word of explanation is necessary as to the spelling adopted by Allen for the family name for the Walrus which it will be noted he called ODOBAENIDAE and not ODOBENIDAE. The reason for this discrepancy is that in place of the Original Spelling *Odobenus* Brisson for the type genus of this family Allen used the emendation *Odobaenus* Fée, 1830 (*in* Linnaeus, *Syst. Nat.* (Ed. prim. reedit.) : 59). This was an Invalid Emendation, there being nothing in Brisson's *Regnum Animale*, to show that the "e" spelling in place of the "ae" spelling was "the result of an inadvertent error" (1953, *Copenhagen Decisions zool. Nomencl.* : 43-44, Decision 71(1)(a)(ii)). By another decision taken by the Copenhagen Congress (1953, *ibid.* : 37, Decision 57) a family-group name is not to be emended except where a Valid Emendation is made in the name of its type genus. Accordingly, the spelling ODOBAENIDAE used by Allen is an Invalid Original Spelling and is subject to automatic correction to ODOBENIDAE. The name ODOBENIDAE (correction of ODOBAENIDAE) Allen, 1880, should under the present proposals be placed on the *Official List of Family-Group Names in Zoology* and the Invalid Original Spelling ODOBAENIDAE Allen on the corresponding *Official Index*. At the same time the Invalid Emendation *Odobaenus* Fée, 1830, should be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*.

9. For the reasons set out above I now ask the International Commission on Zoological Nomenclature :—

(1) to use its Plenary Powers to suppress the under-mentioned family-group names for the purposes of the Law of Priority but not for those of the Law of Homonymy :—

(a) CERVULINAE Sclater, 1870 ;

(b) ROSMARIDAE Gill, 1866 ;

(2) to place the under-mentioned family-group names on the *Official List of Family-Group Names in Zoology* :—

(a) MUNTIACINAE Pocock, 1923, as validated under the Plenary Powers in (1)(a) above (type genus : *Muntiacus* Rafinesque, 1815) ;

(b) ODOBENIDAE (correction of ODOBAENIDAE) Allen (J.A.), 1880, as validated under the Plenary Powers in (1)(b) above (type genus : *Odobenus* Brisson, 1762) ;

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

(a) CERVULINAE Sclater, 1870, as suppressed under the Plenary Powers in (1)(a) above (type genus : *Cervulus* Blainville, 1818) ;

(b) ROSMARIDAE Gill, 1866, as suppressed under the Plenary Powers in (1)(b) above (type genus : *Rosmarus* Brünnich, 1771) ;

(c) ODOBAENIDAE Allen (J.A.), 1880 (type genus : *Odobaeus* Fée, 1830 (an Invalid Emendation of *Odobenus* Brisson, 1762)) (an Invalid Original Spelling for ODOBENIDAE) ;

(4) to place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—

Odobaeus Fée, 1830 (an Invalid Emendation of *Odobenus* Brisson, 1762).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Morrison-Scott's application the question of the validation of the family-group names based upon the generic names *Muntiacus* Rafinesque, 1815, and *Odobenus* Brisson, 1762, respectively (Class Mammalia) was allotted the Registered Number Z.N.(S.) 1187.

3. Publication of the present application : The present application was sent to the printer on 21st January 1957 and was published on 29th March of that year in Double-Part 2/3 of Volume 13 of the *Bulletin of Zoological Nomenclature* (Morrison-Scott, 1957, *Bull. zool. Nomencl.* **13** : 76-79).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51-56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 29th March 1957 (a) in Double-Part 2/3 of Volume 13 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Morrison-Scott's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given to four general zoological serial publications and to two specialist serials in Europe and America respectively.

5. No Objection Received : The publication of the present application and the issue of Public Notices in regard thereto elicited no objection to the action proposed from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P.(57)52 : On 11th October 1957 a Voting Paper (V.P.(57)52) was issued in which the Members of the Commission were invited to vote either for, or against, " the proposal relating to the family-group names for the genera for the Barking Deer and the Walrus as set out in Points (1) to (4) in paragraph 9 on page 79 of Volume 13 of the *Bulletin of Zoological Nomenclature* " [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

7. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 11th January 1958.

8. Particulars of the Voting on Voting Paper V.P.(57)52 : At the close of the Prescribed Voting Period, the state of the voting on the two proposals submitted with Voting Paper V.P.(57)52 was as follows :—

(1) Proposal relating to the family-group name based on the generic name “Muntiacus” Rafinesque, 1815

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Vokes ; Bonnet ; Mayr ; Bradley (J.C.) ; do Amaral ; Lemche ; Hering ; Dymond ; Prantl ; Riley ; Esaki ; Bodenheimer ; Boschma ; Hemming ; Mertens ; Hankó ; Jaczewski ; Miller ; Stoll ; Kühnelt ; Cabrera ; Sylvester-Bradley ; Tortonese ; Key ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

(2) Proposal relating to the family-group name based on the generic name “Odobenus” Brisson, 1762

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Vokes ; Bonnet ; Mayr ; Bradley (J.C.) ; do Amaral ; Lemche ; Hering ; Dymond ; Prantl ; Riley ; Esaki ; Bodenheimer ; Boschma ; Hemming ; Mertens ; Hankó ; Jaczewski ; Miller ; Stoll ; Kühnelt ; Sylvester-Bradley ; Tortonese ; Key ;

(b) *Negative Votes, one (1) :*

Cabrera ;

(c) *Voting Papers not returned :*

None.

9. Declaration of Result of Vote : On 12th January 1958, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)52, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that each of the proposals submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

10. Preparation of the Ruling given in the present “Opinion” : On 9th May 1958, Mr. Hemming prepared the Ruling given in the present *Opinion* and at

the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)52.

11. Original Reference for a Generic Name : The following is the original reference for the generic name placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* by the Ruling given in the present *Opinion* :—

Odobaeus Fée, 1830, in Linnaeus, *Syst. Nat.* (Ed. prim. reedit.) : 59

12. Original References for Family-Group Names : The following are the original references for the family-group names placed by the Ruling given in the present *Opinion* on the *Official List of Family-Group Names in Zoology* or, as the case may be, on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* :—

CERVULINAE Sclater, 1870, *Proc. zool. Soc. Lond.* **1870** : 115

MUNTIACINAE Pocock, 1923, *Proc. zool. Soc. Lond.* **1923** : 307

ODOBAENIDAE Allen (J.A.), 1880 (an Invalid Original Spelling for ODOBENIDAE)

ODOBENIDAE (correction of ODOBAENIDAE) Allen (J.A.), 1880, *U.S. geol. geogr. Surv. Terr.*, Misc. Publ. **12** : 5, 17

ROSMARIDAE Gill, 1866, *Proc. Essex Inst.* **5** : 7, 11

13. Compliance with Prescribed Procedures : The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the undersigned Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. " Opinion " Number : The present *Opinion* shall be known as *Opinion* Five Hundred and Forty-Four (544) of the International Commission on Zoological Nomenclature.

DONE in London, this Ninth day of May, Nineteen Hundred and Fifty-Eight.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING



International Commission on Zoological Nomenclature. 1959. "Opinion 544. Validation under the plenary powers of the family-group names Muntiacinae Pocock, 1923, and Odobenidae (correction of Odobaenidae) Allen, 1880 (Class Mammalia)." *Opinions and declarations rendered by the International Commission on Zoological Nomenclature* 20, 119–128.

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