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UNPALATABLE CONSEQUENCES OF CERTAIN RULES

C. X. Furtado (Singapore)

It is not rare to find botanists who treat nomenclatural problems subjectively and present an objective discussion in a false perspective.

Ross, (Taxon 7(9): 365. 1958) suggested a modification of the rule of superfluous names when applied to a new combination, the basionym of which has the correct epithet for the taxon under consideration. His aim was to remove from the Code a flaw which obviously goes against the spirit of the legislation. In my limited experience with taxonomy I have yet to find a systematist who, while accepting the type method, would reject as illegitimate (impriorable) a new combination like *Chloris radiatus* (L.) Sw. (1788) merely because, while instating it, an older, priorable binomial, *Andropogon fasciculatum* L. (1753), was wrongly quoted as a synonym. In this case Ross cannot be considered as a botanist who has broken or disregarded a provision of the Code; rather he seeks the cooperation of his fellow botanists in order to make the wording of the pertinent article conform to its spirit and give thereby a due regard to what seems to be the best nomenclatural procedure current at present. In the example quoted he proposes that *Ch. radiatus* (L.) Sw. be retained as the correct name to the taxon whose oldest priorable epithet is found in *Agrostis radiata* L. (1759) and from which *Andropogon fasciculatum* L. has been excluded.

However, Fosberg (Taxon 9(8): 243. 1960), who attaches great importance to the logical consequences of the strict wording of the rules in the Code and who seemingly condemns such proposals as made by Ross, objects when he is shown that a strict application of the wording of certain other rules would also outlaw the procedures he defends. He assumes that the procedures which make the names like *Serianthes grandiflora* Benth. (1846) and *Pseudotsuga taxifolia* (Poir.) Rehd. (1938) the correct ones for these species despite the existence of earlier illegitimate names *S. grandiflora* Benth. (1844) and *Ps. taxifolia* [Lamb.] Britton (1889), are fallacious and inadmissible today. However a critical analysis of the cases will show that precisely since the 1950 Congress such later names have to be accepted as the correct ones for the respective taxa concerned and cannot be rejected as later homonyms of the earlier similar names.

Non-homonymous, similar typonyms

Prior to the 1950 Congress, I persistently opposed the rulings given in similar cases by Sprague and his collaborators on two grounds: (1) that the definition of the term "later homonym" was defective in the Code as shown by general practice, and (2) that, while validating a new nomenclatural entity, Arts. 42(2) and 44(2) of the 1935 Code admitted references to previous valid descriptions only if they were published *under another name*. But Sprague, who disagreed with such views, proposed the deletion of the words "under another name" from these two Articles; and the 1950 Congress not only voted for the deletion of these words, but also refused to alter the definition of "later homonym" (see Arts. 48, 52 & 74 of the 1952 Code). In other words the "conscientious decisions of hundreds of botanists" legitimised the reasoning of Sprague and his colleagues, which had seemed somewhat "fallacious" under the 1935 Code.

It is better to note here that *Pseudotsuga taxifolia* (Poir.) Rehd. (1938) was not the case of an alteration of circumscription or misinterpretation by an author. The combination was based on a legitimate basionym, *Abies taxifolia* Poir. (1804), which was instated by citing the illegitimate *Pinus taxifolia* Lamb. (1803), non Salisb. (1796). Since the Congresses from 1950 onwards refused to alter the definition of

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the later homonym, *Ps. taxifolia* (Poir.) Rehd. (1938) has to be admitted as the correct name for the taxon not only because *Abies taxifolia* Poir. (1804) is its earliest priorable name but also because, under the Code, *Ps. taxifolia* (Poir.) Rehd. is not a later homonym of *Ps. taxifolia* [Lamb.] Britton, as both have the same type. Yet the latter combination is a superfluous name under the new Code (from 1935 onwards) because BRITTON, unaware of the existence of *Abies taxifolia* Poir., and following the Paris Laws (1867) had ignored the priority of two names *Abies mucronata* Rafin. (1832) and *Abies douglasii* Lindl. (1833) and had adopted as correct the epithet of the illegitimate combination *Pinus taxifolia* Lamb. (1803), non Salisb. (1796). This procedure was also correct under the Vienna Code (1905) referred to by FOSBERG.

Reference under the same name

Now, in the case of *Serianthes grandiflora* Benth. (1844), if, in ignorance of BENTHAM'S binomial, DOE had in 1845 described *S. grandiflora* Doe basing it on BENTHAM'S holotype specimen, then the latter would have been a later typonym. If the rule of superfluous names were not in the Code, *S. grandiflora* Benth. (1844) would have been adopted as the correct name for the taxon from which *Acacia myriadenia* Bert. has been removed, and DOE'S binomial would have been relegated as a later synonym. But since the rule of superfluous names renders BENTHAM'S binomial illegitimate and also since, under Art. 64-2 (1956), the name instated by DOE cannot be rejected as a later homonym because both are typonymous, *S. grandiflora* Doe (1845) would have been the correct name for the taxon, and FOSBERG should accept this decision since he invokes the fact that the Congresses since 1950 have repeatedly confirmed the retention of the definition of the "later homonym" as originally embodied in 1935.

In the absence of DOE'S assumed binomial, however, ROE could have validated a new legitimate name in 1845 by referring to its previous description by citing the following expression: "*S. grandiflora* Benth. (1844) minus *Acacia myriadenia* Bert." FOSBERG himself admits that this is a permissible reference for validating *S. dilmyi* Fosb. (1959). Does this mean that ROE is free to adopt *S. grandiflora* Roe as a new name by giving the same reference?

Under the 1935 Code, the application of the general rule (Art. 37) was limited in the case of species by Art. 44(2) which required that the reference to the previous description should be *under another name* and so ROE could not have validated the binomial by that citation. But, as said above, this provision was altered in 1950 by deleting the phrase from the Arts. 42(2) and 44(2) (Cf. Arts. 48(2) and 52(2) of the 1952 Code); and since this alteration rendered Art. 52(2) superfluous because of the general provision in Art. 32 of the 1956 Code (= Art. 37 of 1935 & Art. 42 of 1952), this clause is now omitted from Art. 43. This means that ROE can now instate the new name *S. grandiflora* Roe (1845) by the aforementioned citation and, for reasons given above, it cannot be rejected as a later homonym of its earlier typonym.

Now retrospectively, we have to admit that in 1846 BENTHAM divided his *S. grandiflora* Benth. (1844) into two parts, and employed *S. grandiflora* Benth. (1846) for *S. grandiflora* Benth. (1844) minus *Acacia myriadenia* Bert., transferring the latter synonym as the basionym of *S. myriadenia* (Bert.) Benth. (1846). As employed in 1846 *S. grandiflora* Benth. is neither a superfluous name, nor a later homonym of the illegitimate *S. grandiflora* Benth. (1844), nor even a later synonym of *A. myriadenia* Bert. (= *S. myriadenia* (Bert.) Benth.). One might perhaps invoke Art. 47 (1956) which deals with the authorship of names when diagnostic characters or circumscription are altered, and FOSBERG has apparently this rule in mind when he

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treats *S. grandiflora* Benth. (1844) and *S. grandiflora* Benth. (1846) as one and the same name. But this Article does not deal with the cases when the names or epithets have to be rejected as illegitimate (Arts. 63-71) and new ones have to be adopted under the priority rule (Arts. 45 & 72 of the 1956 Code). In fact Art. 72 NOTE permits the adoption of an epithet from a rejected, illegitimate name if there is no obstacle to its exployment in the new sense, and provides for treating the epithet thus adopted as new.

In view of the amendment by the 1950 Congress and the explicit affirmation of the Congress on the rule of later homonym, to which FOSBERG refers, *S. grandiflora* Benth. (1846) has therefore to be accepted as the correct name for *S. grandiflora* Benth. (1844) excl. *Acacia myriadenia* Bert. FOSBERG sees that such procedures are undesirable and "unpalatable" to systematists; but the remedy does not lie in ignoring the pertinent rules to make unjustified assumptions or in rejecting suggestions for amending the rules that would prevent such unpalatabilities.

Venerability of the superfluous rule

Another consideration might be made here. In my previous note (Taxon 9(5): 147. 1960) I had stated that the rule of superfluous names was a new one, being first proposed at the Cambridge Congress (1930) and confirmed at Amsterdam in 1935. But FOSBERG asserts that it was already in the Vienna Code (1905), so that it is not just to nullify lightly a rule that has acquired the venerability of over fifty years. Unfortunately the full Vienna Code is not available to me for consultation; but I fail to notice it in the "Recueil des Documents" submitted to the Brussels Congress (1910). In the Provisional Code (1929) prepared by the British Botanists for the Cambridge Congress (1930) it is stated that their Art. 64 (which became Art. 60 in the 1935 Code and, with some alterations, Art. 64 in the 1956 Code) was a replacement of Art. 51-1 of the Vienna Code, which in French read thus:

"Art. 51: Chacun doit se refuser à admettre un nom dans les cas suivants:

1°. Quand ce nom est appliqué dans le règne végétal à un groupe nommé antérieurement d'un nom valable."

As far as I am aware this Article in the Vienna Code was never considered in the terms of "superfluous names" as defined by the British Botanists in 1929 and as found incorporated into the subsequent Codes. Besides at the time a name "non valable" could be treated as if it had no status so as to permit the re-employment of a validly published name legitimately for another taxon without creating an illegitimate, later homonym. Also prior to the 1930 Congress there seems to have been no explicit ruling on the nomenclatural types. In the Introduction to the Provisional Code (1929), the British Botanists state the following:

"(1) The *type method* is explicitly introduced into the code." [The principle was accepted by the Brussels Congress (1910) but not embodied in the Articles concerned, the British Botanists stated.]

"(4) All *later homonyms* are now rejected (unless they are Nomina generica conservata), except where the earlier homonym was a nomen nudum."

Further, in discussing the correct name of the Douglas Fir, which, under the "Kew Rule," was known as *Pseudotsuga douglasii* (Lindl.) Carr. (1867), SPRAGUE and GREEN (Kew Bull. 79: 1938) show that the priority principle that existed in the Paris "Lois" (1867) and later embodied as a rule in the Vienna Code (1905), obliged botanists to accept "the earliest specific epithet of each species (except where the resulting combination was already in use for another species)", and so made *Ps. taxifolia* (Lamb.) Britton (1889) as the correct name for the fir even though its basionym was a later homonym. Here the two authors confirm that it was the Cambridge Congress (1930) that adopted the new rules denying the priorability to later homo-

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nyms and to superfluous names, and making *Ps. taxifolia* (Poir.) Rehd. (1938) as the correct name to the fir despite the prior existence of an earlier typonymous name *Ps. taxifolia* [Lamb.] Britton (1889).

In view of this I fail to see how any rule or rules in the 1905 Code could have had the same force as the rule of superfluous names in the 1935 Code or could deprive a name of its priorability when, in amending its circumscription, the synonym or synonyms that had made it "superfluous" were excluded from it.

ZUR NOMENKLATUR DES GATTUNGSNAMENS FILAGO L. 1753

Josef Holub und Jindrich Chrtek *

Im Laufe des taxonomischen Studiums einiger tschechoslowakischer Vertreter der Gattung *Filago* konnten wir feststellen, daß der Gattungsname *Filago* L. 1753, vom nomenklatorischen Standpunkt aus betrachtet, seiner üblichen Verwendung in der heutigen botanischen Literatur nicht entspricht. Der Name *Filago* wird jetzt zur Bezeichnung einer Gruppe von Arten verwendet, die bei der ersten Veröffentlichung des Gattungsnamens *Filago* L. 1753 nicht als Arten dieser Gattung angeführt wurden (*F. arvensis, F. gallica, F. germanica, F. minima, F. spathulata* u.a.m.). Den Gegenstand dieses Artikels bildet die Geschichte des Gattungsnamens *Filago* L. 1753, die Problematik der Typisierung dieses Namens und die Lösung der Frage der Zweckmäßigkeit seiner Konservierung in der Auffassung der heutigen Autoren.

Die Geschichte des Namens FILAGO *L. 1753*

LINNÉ (1753) veröffentlichte den Gattungsnamen *Filago* in seinem Werk "Species plantarum" auf p. 927. Unter diesem Gattungsnamen reihte er an dieser Stelle nur zwei Arten ein, und zwar *Filago pygmaea* L. und *Filago maritima* L. Im Anhang zu diesem Buche (Appendix, p. 1199), der hinter dem Hauptteil des Buches folgt, fügte Linné zu den beiden Arten noch die Art *Filago pyramidata* L. hinzu. In weiteren Nachträgen (Addenda), die hinter dem Index des Buches abgedruckt sind, stellte er sodann aus der Gattung *Gnaphalium* die Arten *Gnaphalium montanum* L., *G. arvense* L. und *G. gallicum* L. zur Gattung *Filago*. Gleichzeitig verband er hier die im Appendix veröffentlichte Art *Filago pyramidata* L. mit der Art *Gnaphalium germanicum* L. Die Beschreibung der Gattung *Filago* ist ein Jahr später (LINNÉ, 1754) im Werke "Genera plantarum" ed. 5., p. 397 veröffentlicht, wobei Linné seinen Schüler P. LOEFLING als Autor des Gattungsnamens *Filago* bezeichnete.

LOEFLING (sec. GREEN in HITCHCOCK et GREEN, 1929) führt später (1758) in der Arbeit über das Ergebnis seiner Spanienreise "Iter hispanicum" nur zwei Arten der Gattung *Filago* an, u. zw. *Filago pygmaea* L. und *Filago pyramidata* L.

In der zweiten Ausgabe der "Species plantarum" versetzte LINNÉ (1763) die Art *Filago maritima* L. aus der ursprünglichen Gattung zur Gattung *Athanasia* L. Die restliche Artenzusammensetzung der Gattung *Filago* entspricht in diesem Werke beinahe der heute üblichen Auffassung der Gattung *Filago*, mit Ausnahme der Arten *F. pygmaea* L. und *F. leontopodium* (L.) L., die heute nicht mehr in diese Gattung einbezogen werden. Im Werke "Genera plantarum", ed. 6., p. 450. 1764, erweiterte

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*) Aus der Nomenklatorischen Kommission der Tschechoslowakischen botanischen Gesellschaft in Prag.

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