

discussion, my idea being to ascertain whether the 1800 names would be considered valid.

The opinion of the Commission was delivered to me last May, and has lately been published among others in circular form by the Smithsonian Institution (Smithsonian Publication, No. 1989, p. 68, October, 1910).

The question is taken up in the following form :

"The question primarily before the Commission is whether Meigen's 'Nouvelle Classification' has been published or not."

Omitting the discussion, the conclusion is given in the following paragraph :

"In the face of this evidence submitted by Doctor Stejneger, it cannot be doubted that Meigen's paper has been published in the sense of the International Code, and the Secretary concurs with Doctor Stejneger in submitting to the Commission the motion that the Commission is of the opinion that the generic names in Meigen's Nouvelle Classification, 1800, must take precedence over those in his Versuch, 1803, in every case where the former are found valid under the International Code."

This motion was agreed to by eleven commissioners, four not voting; none voting in the negative.

After receiving this decision, on May 31, 1910, I wrote Mr. Stiles a letter, in which I said :

"I do not find that you have touched the point at issue. In my published articles on the matter, which I sent you, I did not dispute that the paper was published in 1800. The question is whether the 1800 names were accompanied with enough data to make them valid. And on this I still await a decision."

Mr. Stiles's reply concludes with the following paragraph :

"You summarize your point of view in the following sentence : 'The question is whether the 1800 names are accompanied with enough data to make them valid.' My view is that this is a question for you and other specialists to answer zoologically. The opinion in question as written is to the effect that they are *available*, and this is a question of the Code. Whether they are *valid* involves a question of systematic zoology, namely, can specialists recognize what is included under those names."

The foregoing facts will, I think, show that the Commission did not only not decide against my contention, but that the Secretary expressly says that the essential feature of the case does not lie within the jurisdiction of the Commission, and cannot be acted upon by them.