

been described as *Lejeunea* subg. *Brachiolejeunea* Spruce (Trans. & Proc. Bot. Soc. Edinburgh 15: 75, 129. 1884) but without any reference to Spruce's earlier publication. Because Stephani & Spruce provided a description of *Brachiolejeunea plagiochiloides* that under Art. 42 is a descriptio generico-specifica of a monotypic genus the name would be validly published as a new genus. It is, however, to be treated as a new generic name based on Spruce's subgeneric name, despite the lack of reference to Spruce in the protologue of Stephani & Spruce."

"*Ex. n3*: When Sampaio published '*Schismatomma graphidioides* nob.' (Brotéria, Sér. Bot. 15(3): 140. 1 Dec 1917), he cited a synonym (*Platygrapha rimata* Nyl.) and from his taxonomic treatment was evidently intending to publish a new combination based on *Chiodecton graphidioides* Leight., but he made no mention of that name or of Leighton. Because otherwise *Schismatomma graphidioides* would be a valid but illegitimate nomen novum for *Platygrapha rimata* Nyl., it is to be treated as a new combination, *Schismatomma graphidioides* (Leight.) Samp., based on *Chiodecton graphidioides* Leight."

(226) In Art. 33.6, replace the first line by:

"On or after 1 January 1953, in any of the following cases, a full and direct reference to a work other than that in",

and delete the final phrase: ", even if published on or after 1 January 1953"

In considering the above proposals we have inevitably needed to compare the provisions of Art. 33.2 with those of 33.3 and 33.6, and we have liaised with K. Challis and U. Eggli who have prepared proposals (this number, pp. 855) to clarify the consequences of omission of only a basionym when the bibliographic reference is correctly given after 1 Jan. 1953. As noted above, this is different from the situation covered in Art. 33.2 and in Art.

33.6(d). There is, however, another similar eventuality which is still not covered in any part of the *Code*. This is that referred to by Greuter in the St. Louis discussion (Englera 20: 168. 2000), where somebody fails to validate an intended new combination or nomen novum under Art. 33.3 (perhaps failing to cite the year or page of a publication) but nonetheless provides the relevant information to validate the name as that of a new taxon, i.e. provides or refers to a Latin description and type. This possibility was already referred to in proposals for the 1969 Seattle Congress in *Regnum Vegetabile* 60: 49 (1969), but no decision on the status of such names has ever been taken. It is possible also that in a taxonomic revision an author might accidentally omit the information required to validate a new combination but cite a taxonomic synonym with all relevant data. In this case the intended new combination might appear to be published as a nomen novum with a type different from that of the intended new combination. It seems that we have three possibilities to resolve the matter. Firstly, we could rule that the name is not validly published since the author failed to satisfy Art. 33.3. Secondly, we could allow that the name is validly published with a type different from that of the intended basionym or replaced synonym, which would seem most unfortunate. Or thirdly we could rule that the intended new combination is validly published, which seems to be contrary to the spirit and intentions of Art. 33.3. We consider the first option to be the best, and make the following proposal.

(227) In Art. 33 (not in 33.2) insert a sentence:

"If on or after 1 January 1953 an author avowedly intends to publish a new combination or nomen novum but fails to provide the full information required under Art. 33.3, the name is not validly published even though the author may have at the same time provided other information which would validate the name."

(228–230) Proposals to amend Article 33

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In our work as indexers of plant names we have to deal with a great number of new combinations and thus with Art. 33. Since publication of the St. Louis *Code* we have noticed a tendency to treat new combinations published without a basionym, but with full basionym reference, as not validly published. In such cases, the authors swiftly re-published the new combinations with both basionym and basionym reference (for example, D. J. Dixon in *Austral. Syst. Bot.* 15: 245. 2002). This did not happen prior to publication of the St. Louis *Code*, implying that lack of a basionym was not seen as a problem if the full basionym reference was cited. This was raised by Gandhi at the St. Louis Congress (Englera, 20: 171. 2000). The problem seems to have arisen from the wording of Art. 33.4 which refers to "omissions", but it is not clear what is omitted, and Art. 33.3 which requires that the "basionym ... or the replaced synonym ... is clearly indicated and a full and direct reference given to its author and place of valid publication". Since Art. 33.3 requires "indication" of the basionym, this can be fulfilled merely by citation of a full reference, rather than citation of the basionym itself. We propose to amend Art. 33.4 to make this difference clear, and to add an example, since none of the current examples deal with omission of a name.

It is not our intention to encourage omission of basionyms, and we feel strongly that they should be included as part of the basionym citation, which is current practice in most cases anyway. Although one can find the basionym if the correct reference is cited, this is time-consuming, especially for botanists working in institutions without extensive libraries. A particular problem, especially with nomina nova, could arise when the page cited has more than one name which could be interpreted as the basionym or replaced synonym. An analysis of names from the *Index Kewensis* on CD-ROM has found approximately 130 new combinations published between 1971 and 1996 without basionym but with full basionym reference. It was not possible to check names published between 1953 and 1970 since the *Index Kewensis* did not record absence of basionym then. More recently, Hammer has deliberately published new combinations without basionyms (New Views Gen. Conophytum. 2002, also titled *Dumpling and his Wife*). It would not promote stability if these names were now treated as not validly published. Therefore, we propose to amend Art. 33.3 so that from a future date citation of both the basionym and basionym reference is a requirement for valid publication of a new combination.

(228) Add to Art. 33.3:

“33.3. A new combination, or an avowed substitute, published on or after 1 January 2007 is not validly published unless its basionym or replaced synonym is cited.”

(229) Add the following example after the current Ex. 4:

“Ex. 4bis. *Conophytum marginatum* subsp. *littlewoodii* (L. Bolus) S. A. Hammer (New Views Gen. *Conophytum*: 181. 2002, also titled *Dumpling and his Wife*) is validly published. Although Hammer omitted the basionym (*Conophytum littlewoodii*) he indicated it by citing the full basionym reference.”

(230) Reword Art. 33.4 as follows:

“33.4. Errors in the citation of the bibliographic reference to the basionym or replaced synonym, or in author citation (Art. 46) required under Art. 33.3, do not invalidate publication of a new combination or nomen novum, but omission of any of these items does invalidate them (but see Art. 33.2). Provided the other requirements of Art. 33.3 are met, omission of a basionym or replaced synonym, or an error in its rank, does not invalidate publication of a new combination or nomen novum prior to 1 January 2007.”

(231–232) Proposals to add examples to two articles of the Code concerning valid publication

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Examples make the Code more user friendly, particularly in cases where the wording may seem a bit vague or difficult to understand. I hope the Editorial Committee for the Code will get, or find themselves, good examples to add when the next Code is being edited. In this spirit I propose two additional examples to two articles:

(231) Add a further example to Art. 33.1:

“Tuckerman (in Proc. Amer. Acad. Arts 12: 168, 1877) described “*Erioderma velligerum* sub-sp. nov.”, but did not associate the subspecific epithet with that of any species, only indicating in the discussion features that distinguished it from *E. chilense* to which it was said to be “very near”. His intended subspecies name is not, therefore, validly published.”

This is useful to show that the word combination in this article, does not necessarily involve transfer of a pre-existing name as a new combination as represented by the present Art. 33 Ex. 2.

(232) Add a further example to Art. 34.1:

“The designation “*Sterocaulon subdenudatum*” proposed by Havaas (Bergens Mus. Årbok. 12: 13, 20. 1954) is not validly published in spite of being presented as a new species with a Latin diagnosis, since on both pages it was indicated to be “*ad int.*”

This would be useful to eliminate any doubt about what a provisional name is, and to point out that in these situations the “*ad int.*” (a rather common procedure in the past) is the most important factor in such cases.

(233–234) Some proposals to clarify the concept of ‘ascription of a name’

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Even though the Tokyo decisions regarding Art. 46 strengthened the uniform application of the rules, there are still a few points that deserve clarification. In 2001 and 2002, we discussed by email a large number of cases from several publications, with several colleagues joining in these discussions from time to time. It was evident that differing interpretations still exist in the application of this Article in instances where there was an ascription of the description or diagnosis of a new taxon to an author that differs from the author of the publication, but without explicit ascription of the name itself. The debate was focused on the question of whether there is indeed no ascription of the name, or if one could interpret that there is ascription of the name by implication. Art. 46, Ex. 5 appears to play a key role in the latter interpretation. This states:

“Ex. 5. The name *Brachystelma* was published by Sims

(1822) who by implication ascribed it to Brown and added “Brown, Mscr.” at the end of the generic diagnosis, indicating that Brown wrote it. The name is therefore cited as *Brachystelma* R. Br.”

In this example the concept of ‘ascription by implication’ is introduced. It may be argued, however, that Art. 46.3 does not permit such a concept as “ascription is the *direct* association of the name of a person or persons with a new name ...” (italics by us).

It is not surprising that the ICBN (Greuter & al. Regnum Veg. 138. 2000) seems to offer two directions to handle such cases. The Tokyo decisions were a compromise between rather different concepts for the use of ‘ex’ and ‘in’. For the sake of stability, we think that Art. 46.3 should prevail. It has received general recognition, and its strict application offers the only solution to continue with the generally accepted typification of many names.