Proposals to amend the Code

Under certain situations, Articles 9.1 (definition of holotype) and 9.2 (definition of lectotype) conflict as to whether a holotype was established or a lectotype is required. The conflict arises when three conditions are met: when (1) no gathering was indicated as “type,” (2) the original material consists of more than one specimen, and (3) only one specimen was used by the describing author, e.g., one of a set of duplicates.

Under these conditions, Article 9.1 says that the one specimen used by the describing author is the holotype. Although this specimen may not have been stated to be a type, if it was the only one used by the describing author then it is the holotype (Art. 9.1 of the Vienna Code). In contrast, Art. 9.2 implies that under such circumstances, when no holotype was indicated, a lectotype should be designated from among the original material. In this instance, Arts. 9.1 and 9.2 conflict as to what kind of nomenclatural type is involved because 9.1 allows “use” to establish the existence of a holotype whereas 9.2 permits a lectotype to be designated when no holotype was “indicated” at the time of publication.

The conflict is caused because Art. 9.1 includes the words “used by the author” for the single specimen or illustration used, whereas Art. 9.2 does not take into account that a holotype is present if it can be shown that the describing author used only a single specimen when a name was published. The conflict can be readily resolved by re-phrasing both articles as follows and by adding examples:

(158) Proposal to add a new article under Article 8

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Wu & al. in Taxon 59: 656. 2010 proposed to amend Article 9.15 by inserting: ‘On or after January 1, 2013, such designation is not effective unless a unique herbarium barcode or accession number of the sheet is cited after the indication of the herbarium or other collection’. This proposal is very well-intentioned but in our opinion barcoding or accessioning would not be possible in each and every recognized herbarium of the world over by 2013. Further this proposal would have wider implications if it is proposed in a modified way as follows:

(158) Insert a new Art. 8.6:
“On or after January 1, 2013, designations of a lectotype, neotype or epitype is not effective unless there is a statement that the specimen has been actually annotated as being the selected lectotype, neotype or epitype, or the unique accession number or bar code identification number of the specimen is cited, or a photograph of the specimen published, or some other means of unambiguous identification provided.”

Acknowledgements

We are grateful to the Director, Botanical Survey of India for his help and encouragement and to Dr. John McNeill for his constructive suggestions and refining the proposal.

(159–162) Proposals to amend Articles 9.1 and 9.2 to take into account a single specimen used, but not indicated as “type,” by a describing author(s), with examples

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Under certain situations, Articles 9.1 (definition of holotype) and 9.2 (definition of lectotype) conflict as to whether a holotype was established or a lectotype is required. The conflict arises when three conditions are met: when (1) no gathering was indicated as “type,” (2) the original material consists of more than one specimen, and (3) only one specimen was used by the describing author, e.g., one of a set of duplicates.

Under these conditions, Article 9.1 says that the one specimen used by the describing author is the holotype. Although this specimen may not have been stated to be a type, if it was the only one used by the describing author then it is the holotype (Art. 9.1 of the Vienna Code). In contrast, Art. 9.2 implies that under such circumstances, when no holotype was indicated, a lectotype should be designated from among the original material. In this instance, Arts. 9.1 and 9.2 conflict as to what kind of nomenclatural type is involved because 9.1 allows “use” to establish the existence of a holotype whereas 9.2 permits a lectotype to be designated when no holotype was “indicated” at the time of publication.

The conflict is caused because Art. 9.1 includes the words “used by the author” for the single specimen or illustration used, whereas Art. 9.2 does not take into account that a holotype is present if it can be shown that the describing author used only a single specimen when a name was published. The conflict can be readily resolved by re-phrasing both articles as follows and by adding examples:

(159) Amend Art. 9.1 to read (changes appear in bold):
“9.1. A holotype of a name of a species or infraspecific taxon is the one specimen (see Art. 8.2 and 8.3) or illustration (but see Art. 37.4) used by the author, or designated by the author as the nomenclatural type. As long as a holotype is extant, it fixes the application of the name concerned (but see Art. 9.13; see also Art. 10).

Note 1. Any designation made by the original author, if definitely expressed at the time of the original publication of the name of the taxon, is final (but see Art. 9.9 and 9.13). If the author used only one element, that one must be accepted as the holotype, and its duplicates (if any) accepted as isotypes. If a new name is based on a previously published description or diagnosis of the taxon, the same considerations apply to material included by the earlier author (see Art. 7.7 and 7.8).”

(160) Add the following examples following Art. 9.1:
“Ex. 1. When E. Tuckerman established Opegrapha oulocheila (Lich. Calif. Ore. & Rocky Mts.: 31. 1866) he stated that he had before him a “specimen, Schweinitz’s herbarium (Herb. Acad. Sci. Philad.),” Even though the term “type” or its equivalent was not used in the protologue, that specimen (PH) is the holotype.

mounted sheets (NDG sheet nos. 14949, 14950, 25187) is labelled to denote that collectively they constitute the holotype as required by Art. 8.3; therefore, a lectotype was later designated (NDG, sheet no. 14950; fide Reveal & Atha in Brittonia, in press).”

(161) Amend Art. 9.2 to read (changes appear in bold):

“9.2. A lectotype is a specimen or illustration designated from the original material as the nomenclatural type, in conformity with Art. 9.9 and 9.10, if no holotype was used or indicated at the time of publication, or if it is missing, or if it is found to belong to more than one taxon (see also Art. 9.12).”

(162) Add the following examples following Art. 9.2:

“Ex. 3. When E.L. Greene proposed Polygonum parryi (in Bull. Torrey Bot. Club 8: 99. 1881) he cited a C.C. Parry collection he had seen prior to its distribution. The distributed sheets bear a printed label with the expression “Polygonum parryi, Greene n. sp.” but sheets at both CAS and NDG have hand-written labels in Greene’s hand with basically the same information although the printed labels lack the location, “Yosemite Valley.” Because Greene clearly saw the unmounted material before its distribution, all of the individual sheets of this single gathering that were subsequently distributed are syntypes for which a lectotype (NDG, sheet no. 14532) was designated by Reveal & Atha (in Brittonia, in press).

“Ex. 4. When E.L. Greene proposed Persicaria oregana (in Leafl. Bot. Observ. Crit. 1: 31. 1904) he stated that he was aware of two specimens, one in his own herbarium (NDG) and a second at the Smithsonian Institution (US). The sheet in his own herbarium was annotated “Type” whereas the US sheet was not annotated by Greene. Even though there is no direct evidence that Greene used the US sheet to establish P. oregana, the fact that he mentioned it in the prologue is sufficient to require lectotypification.

“Ex. 5. When E. Tuckerman (in W. Darlington, Fl. Cestrica, ed. 3: 451. 1853) validated Endocarpon arboreum, citing a manuscript name of L.D. von Schweinitz, he stated “Hab. on trunks, &c.” Though the editor, E. Michener, stated that it was “only once found” this statement is not germane because he did not describe the name. There was no indication a single element was used, and therefore a lectotype was selected from the Schweinitz herbarium (PH; see Lendemer in Mycotaxon 90: 320. 2004). Although there is no direct evidence that Tuckerman used the Schweinitz material, there is evidence he had access to it from publications (Amer. J. Sci. Arts. 75: 427. 1858) and annotations on other Schweinitz specimens.”

(163–164) Proposal to amend Article 9.8 Note 4 and add a new example to Article 37

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Article 9.8 provides the possibility to correct misusage of type terminology, such that when a type is designated applying a term denoting a category of type in a sense other than that defined in Arts. 9.1–9.7, the designation may still be effective but with correction to the term that actually applies. This option is permitted with restrictions, however. The provisions of Art. 7.11 must be met for designation of lectotypes, neotypes and epitypes, and the provisions of Art. 37.6 for indication of a holotype clearly take precedence. Whereas the requirements of Art. 7.11 are made clear in Note 4 following Art. 9.8, it is not obvious from the Code that, for example, the correction of “lectotype” to “holotype” in an inadvertent validation of a name, that was not validly published because no type collection was indicated (Art. 37) cannot be effected for names published on or after 1 January 1990 because the requirement of Art. 37.6 would not be met. One can trace examples of such “lectotypifications” in some recent taxonomic publications; to make the Code easier in use, it is proposed that an explicit reference to Art. 37.6 be added to Art. 9.8 Note 4.

Possible correction of misapplications of the term “lectotype” for “holotype” in inadvertent validations attempted before 1 January 1990 is exemplified in Art 37 Ex. 3. A new example concerning restrictions in these corrections set by Art. 37.6 is proposed here.

(163) Expand Art. 9.8 Note 4 as follows (new text in bold):

“Note 4. Correction can be effected only if the requirements of Art. 7.11 (for correction to lectotype, neotype and epitype) are met and Art. 37.6 (for correction to holotype) does not apply.”

(164) Add a new example to Art. 37 after Ex. 3:

“Ex. 6 bis. “Dendrobium sibuyanense” Lubag-Arquiza & al. (in Philipp. Agric. Sci. 88: 484, fig. 1. 2005) was described with a living collection indicated as holotype. Since such type designations are precluded by Art. 8.4, the name was not validly published. It was not validly published later, when Lubag-Arquiza & Christenson (in Orchid Digest 70: 174. 2006) designated a published drawing as “lectotype”, contrary to Art. 37.6 that requires use of “holotype” starting from 1 January 1990. Valid publication was not effected also when Clements & Cootes (in Orchideen J. 2009: 27–28. 2009) published another name for this plant, “Euphlebium sibuyanense”, because their indication of this drawing as holotype was precluded by Art. 37.4 starting from 1 January 2007.”

Acknowledgements

I am grateful to John McNeill and Gill Perry for helpful discussions and suggestions concerning this proposal. John McNeill is also thanked for refining the ideas and improving the text of the proposal.