

## OPINION 70

THE CASE OF *LIBELLULA AMERICANA* L., 1758, VS. *LIBELLULA AMERICANUS* DRURY, 1773

**SUMMARY.**—In view of the fact that *Libellula americanus* Drury, 1773, is an evident *lapsus calami* for *Gryllus americanus*, the *lapsus* is to be corrected, and the specific name in this instance, *americanus* 1773, is not invalidated by *Libellula americana* 1758.

**STATEMENT OF CASE.**—A. N. Caudell presents the following case for opinion:

Shall the specific name *americanus* Drury, 1773, be suppressed in favor of *serialis* Thunberg, 1815?

The pertinent references are:

1770, Drury, Illustrations of Nat. Hist., vol. 1, plate 49.

1771, Linnæus, Mantissa Plantarum, p. 533.

1773, Drury, Illustrations of Nat. Hist., vol. 1, index.

1815, Thunberg, Mem. Acad. Imp. Sci., St. Petersburg, vol. 5, p. 241.

Drury, 1770, figured two locusts, but used no names except an indication that figure 2 of the plate was related to [or identical with<sup>1</sup>] *Gryllus tartaricus* of Linnæus.

Linnæus, 1771, refers to the above plate by Drury, and names figure 1 as *Gryllus ? squarrosus*.

Drury, 1773, in index, refers to the above work of Linnæus, quoting the name *squarrosus*, but the species is placed under the generic name *Libellula*. No. 2 of the plate is here given the specific name *americanus* and is, like the name *squarrosus* Linn., placed under *Libellula*.

Thunberg, 1815, described the species *Gryllus serialis*, which has been found to be a synonym of the above *americanus* of Drury.

In the tenth edition of Linnæus' Systema Naturæ, there is described a true dragon fly under the name *Libellula americana*, and thus the above combination of *Libellula americanus* by Drury apparently makes the latter a primary homonym. However, this inclusion of this species by Drury in the genus *Libellula* seems to be an error, or *lapsus calami*, for the following reason:

1. The insect *Gryllus tartaricus* of Linnæus, which Drury mentions in 1770 as related to his figure 2, is a locust, that is, the genus *Gryllus* as then used.

2. In the index of vol. 1 of Drury's Illustrations in 1773, mention is made of the reference of *squarrosus* to the genus *Gryllus* by Linnæus in 1771, and in the absence of other evidence there seems no reason to think Drury intended other than to follow him; *squarrosus* is figure 1 of the plate, and the second figure, *americanus*, also a locust, would clearly be treated the same.

3. The termination of the two species as appearing in the index, 1773, is "*us*," an ending agreeing with *Gryllus* but not with *Libellula*. It is to be noted, however, that Drury is not consistent in his termination, as in the index the names *cincta* and *squamosus* are included under the genus *Vespa*.

<sup>1</sup>"I have not seen it anywhere described unless the insect mentioned by Linnæus . . . is the same with this."

4. The previous plate, no. 48, contains only dragon flies, that is, the genus *Libellula*, and the mistake of failing to change the name of the genus to *Gryllus* for the species figured on plate 49, either by the author or the typesetter, seems easy.

5. Drury was an entomologist and one not likely to mistake a locust for a dragon fly, and thus not liable to place this large grasshopper in a Neuropterous genus.

The above reasons make it quite clear that the inclusion of *americanus*, at its first appearance, in the genus *Libellula* was an error or a *lapsus calami*, and Art. 19 is apparently an authority for setting aside such reference.

DISCUSSION.—The Secretary has, in the presence of A. N. Caudell, verified the facts submitted in respect to *Libellula americanus* Drury, 1773, index, as applied to plate 49, figure 2, of Drury, 1770, and is convinced that a *lapsus* for *Gryllus americanus* is present.<sup>2</sup>

The portions of the Code which come into consideration in this case are as follows:

ARTICLE 35.—A specific name is to be rejected as a homonym (1) when it has previously been used for some other species of the same genus. Examples: *Tænia ovilla* Rivolta, 1878 (n. sp.), is rejected as homonym of *T. ovilla* Gmelin, 1790.

ARTICLE 19.—The original orthography of a name is to be preserved unless an error of transcription, a *lapsus calami*, or a typographical error is evident.

In the Code of the American Ornithologists' Union, 1892, p. 47, Canon 33, which corresponds to Articles 34 and 35 of the International Code, reads as follows:

A generic name is to be changed which has previously been used for some other genus in the same kingdom; a specific or subspecific name is to be changed when it has been applied to some other species of the same genus, *or used previously in combination with the same generic name*. [Italics not in the original.]

By a strict construction of Canon 33 of the A. O. U. Code, the interpretation might be made that *Libellula americanus* 1773, even though a *lapsus*, is invalidated by *Libellula americana* 1758.

The case in question is one of several of its kind that has come to the attention of the Secretary, but this is the first instance in which the Commission has been requested to render a definite opinion upon cases of this nature.

<sup>2</sup> A reference to Drury, 1782 (Illustrations of Nat. Hist., vol. 3, p. xviii, footnote), has been brought to the attention of the Secretary. This reads: "The reader is desired to correct an error in the index, where this and the following insect are ranked among the *Libellula*, but should be among the *Grilli Locusta*." This quotation supports the opinion as written.

It is clearly the intent of the International Code, as shown by Article 19, to permit the correction of an evident error of transcription, a *lapsus calami* or a typographical error, and upon basis of this intention the Secretary recommends that the Commission adopt as its opinion the following:

In view of the fact that *Libellula americanus* Drury, 1773, is an evident *lapsus calami* for *Gryllus americanus*, the *lapsus* is to be corrected, and the specific name in this instance, *americanus* 1773, is not invalidated by *Libellula americana* 1758.

Opinion written by Stiles.

Opinion concurred in by 15 Commissioners: Allen, Apstein, Bather, Blanchard, Dautzenberg, Handlirsch, Hartert, Horváth, Hoyle, Jordan (D. S.), Jordan (K.), Monticelli, Skinner, Stejneger, Stiles.

Opinion dissented from by no Commissioner.

Not voting, 3 Commissioners: Kolbe, Roule, Simon.

Bather agrees with the conclusion but submits evidence from Durrant contained in footnote, p. 73.

Hartert adds: The Commission has nothing to do with the A. O. U. Code.

K. Jordan adds: Article 35 is not clear. The expression "previously used for some other species in the same genus" is too general. It should be stated that the species *nov* at the time and published in combination with the "same generic name" are meant.