

OPINION 87

THE STATUS OF PROOF-SHEETS IN NOMENCLATURE

SUMMARY.—Printer's proof-sheets do not constitute publication and, therefore, have no status under the International Rules of Zoological Nomenclature.

STATEMENT OF CASE.—Dr. Wm. H. Dall, of the U. S. National Museum, presents the following case for opinion:

Does the exhibition, to a few friends, of a proof-sheet for correction or expression of opinion, and not for publication or sale, containing a nude name, constitute publication and validation of a generic name forming part of the nude name? I enclose an example of such a case, which is claimed by some to validate the nude name.

Genus MEGASYSTROPHA Lea

Megasystropha Lea, Proc. Acad. Nat. Sci. Phila., 2nd ser., vol. 8, p. 5, Jan. 1864.

Type *Planorbis newberryi* Lea, 1858.

Carinifex W. G. Binney, Smithsonian Misc. Coll. No. 143, part 2, p. 74, Sept.

1865. Type *Planorbis newberryi* Lea, Proc. Acad. Nat. Sci. for 1858, p. 41.

December 9, 1863, Mr. W. G. Binney was engaged in preparing an account of the land and fresh water shells of the United States for the Smithsonian, and, desiring the opinion and criticism of his colleagues, he induced Professor Henry to send out a set of proof-sheets (not for sale) to a limited number of persons interested in the study of mollusks. In the preface to these sheets, Professor Henry, while explaining their purpose, remarks:

"As a mere proof which will undoubtedly receive many corrections, these pages should not be quoted as authority or referred to as a published work."

These proofs were in page form printed on one side of the paper and on the eleventh sheet occurs the absolutely nude name "*Carinifex newberryi* Lea."

There was, previously to this publication, an *Ancylus newberryi* Lea, 1858, a *Planorbis newberryi* Lea, 1858, a *Melania newberryi* Lea, 1860, and a *Goniobasis newberryi* Lea, 1863, but no *Carinifex newberryi*, nor in the proof-sheets referred to was there any indication which of the above species might be intended by Binney's *Carinifex newberryi*.

The first publication of the genus *Carinifex* occurs as indicated in the preceding synonymy in September, 1865. But Lea's name had been fully diagnosed and published January or February, 1864. It would seem that under the circumstances and according to the rules, *Megasystropha* should be accepted.

DISCUSSION.—The Secretary has verified the two printed references in question, namely, Lea 1864, p. 5, and Binney 1865, p. 74.

From the statement of the case it is obvious that the proof-sheets stated to have been sent out December 9, 1863, were intended neither as a permanent record nor as generally accessible nor as a published work. Accordingly they have no status of publication under the In-

ternational Rules of Zoological Nomenclature, and the Secretary recommends the adoption of the following Opinion by the Commission:

Printer's proof-sheets do not constitute publication and therefore have no status under the International Rules of Zoological Nomenclature.

Opinion written by Stiles.

Opinion concurred in by 14 Commissioners: Apstein, Bather, Dautzenberg, Handlirsch, Horvath, Jordan (D. S.), Jordan (K.), Kolbe, Loennberg, Monticelli, Skinner, Stejneger, Stiles, and Warren.

Opinion dissented from by no Commissioner.

Not voting, three Commissioners: Hartert, Hoyle, and Dabbene.