

OPINION 96

MUSEUM BOLTENIANUM

SUMMARY.—The Commission accepts the Museum Boltenianum 1798 as nomenclatorially available under the International Rules.

STATEMENT OF CASE.—Dr. C. Tate Regan of London submits the following case for opinion:

Are the names in the *Museum Boltenianum* to be accepted?

Museum Boltenianum is the title of a catalogue of the shells, minerals, and objects of art collected by Dr. Bolten. It was printed in 1798, after his death, by his family, who wished to sell the collections. Failing in their object to sell the collections as a whole the catalogue was reprinted in 1819, when the title-page states it is a catalogue of the shells, minerals, etc., which will be openly sold by J. Noodt on April 26 at 10 o'clock in the morning.

Bolten had his own system of nomenclature of shells and to make his names intelligible to intending purchasers one Roeding was employed to add the names in Gmelin's Edition of Linnaeus.

There is no author's name on the catalogue. No indication that it was published, or sold.

It was, in fact, a sale catalogue, doubtless distributed to likely purchasers, but without other circulation.

Opinion 51 seems to apply.

DISCUSSION.—In Opinion 51 the Commission has frankly admitted the extreme difficulty of clearly defining the word "publication" and it has expressed the opinion "that in some cases it is an easier matter to take a specific paper and decide the individual case on its merits, than it is to lay down a general rule which will be applicable to all cases."

The Museum Boltenianum has been discussed by Wm. H. Dall in Publication 2360 Smithsonian Institution (copies herewith submitted to members of the Commission) which is herewith made a part of Opinion No. 96.

The Secretary has submitted the case again to Dr. Wm. H. Dall and to Dr. Paul Bartsch, specialists in conchology. Dr. Dall has not changed the opinion he expressed in 1915 and he reports to the Secretary as follows:

It was not a sale-catalogue in the ordinary sense of being made for the purpose of selling, and the additions of Röding were a labor of love.

Bolten's names have been adopted by all first class workers in conchology, and I know of only one man, a German, who objects to them.

Since they are practically in universal use, any action invalidating them would be a calamity.

Dr. Bartsch concurs with Dr. Dall.

The Secretary has examined three prints of this Catalogue, one of 1798, a second of 1819, and a third of 1906.

If this case rested upon the edition of 1819, the Secretary would feel that there is distinct room for a legitimate difference of opinion on the question at issue, although he would find it very difficult to explain why an auctioneer's catalogue should contain detailed bibliographic references, the compiling of which probably cost much more than the price the collection would bring at auction.

The edition of 1798, however, bears all the earmarks of a carefully prepared manuscript intended to be printed as a permanent record with only incidental reference to sale. The Secretary is constrained to concur with Doctors Dall and Bartsch that this (first edition, at least) represents a scientific document rather than a sales catalogue, and the fact that the family of the deceased author wished to sell the collection seems to have its parallel in some modern zoological papers in which authors offer to exchange specimens (namely, to dispose of their specimens for a consideration); the fact that the return-consideration asked is specimens (with a money value) in one case and money itself in another case, appears to represent conditions identical in general but differing only in detail.

The Commission has the statement of two specialists in Conchology that "Bolten's names" "are practically in universal use" and that "any action invalidating them would be a calamity." On basis of this expert testimony combined with the fact that no formal necessity (under the Rules) appears to be present to indicate the necessity of rejecting the (first edition, 1798, of this) publication, the Secretary recommends that the Commission accept the *Museum Boltenianum*, 1798, as nomenclatorially available under the International Rules.

Opinion written by Stiles.

The foregoing Opinion was submitted to the Commission and a vote was taken with the following result:

Opinion concurred in by twelve (12) Commissioners: Apstein, Bather, Dautzenberg, Horvath, Jordan, D. S., Jordan, K., Kolbe, Monticelli, Skinner, Stejneger, Stiles, Warren.

Opinion dissented from by three (3) Commissioners: Annandale, Handlirsch, Loebenberg.

Not voting, three (3) Commissioners: Dabbene, Hartert, Hoyle.
Commissioner Annandale states:

I feel obliged to dissent from the opinion proposed in your circular letter No. 72. I think it necessary to give my reasons. In the first place I do not

agree with Dr. Dall that all first class workers on conchology have accepted the nomenclature of the Museum Boltenianum.

In the second place, the question is, as is acknowledged, an extremely difficult one and I do not believe in revising nomenclature that has been universally accepted for many years, in doubtful cases.

I should state, however, that my colleague, Dr. Baini Prashad, the only other zoologist in Asia but myself who has yet done considerable systematic work in malacology, is now prepared to accept the Boltenianum nomenclature, although he has not done so in his published papers up to the present.

Commissioner Handlirsch states:

Die Bolten'schen Namen sind nur in Amerika in "universal use"—in Europa keineswegs. Man sieht aus diesem Beispiele wieder, dass eine ausgiebige Liste von "nomina conservanda" ein Segen für unsere Wissenschaft wäre.

Commissioner Skinner states:

Dr. H. A. Pilsbry takes exception to the opinion on the ground of what "constitutes publication," a paucity of copies, not accessible to nearly contemporary writers, this making all the trouble.

The foregoing objections were submitted to the Commission and a new vote was taken with the following result:

Opinion concurred in by eleven (11) Commissioners: Bather, Chapman, Horvath, Jordan (D. S.), Jordan (K.), Monticelli, Neveu-Lemaire, Skinner, Stejneger, Stiles, and Warren.

Opinion dissented from by three (3) Commissioners: Apstein, Handlirsch, and Kolbe.

Not voting, four (4) Commissioners: Dabbene, Hartert, Hoyle, Loennberg.

NOTE BY SECRETARY.—During the proof-reading of Opinion 96, Dr. H. A. Pilsbry has submitted to the Secretary an elaboration of his views cited briefly by Commissioner Skinner. This document will be sent to the Commissioners.