

OPINION 118

Scalpellum gabbi WADE, 1926, A NOMEN NUDUM

SUMMARY.—The name *Scalpellum gabbi* Wade, 1926, is a *nomen nudum* as of 1926, since it is definitely made dependent by its author on hypothetical specimens. See Opinion 2.

PRESENTATION OF CASE.—By Mr. T. H. Withers, of the British Museum:

In United States Geological Survey, Professional Paper 137 (Bruce Wade: The Fauna of the Ripley Formation on Coon Creek, Tennessee), Washington, 1926, p. 191, an author, whose identity is uncertain, describes and figures two cirripede plates under the heading "*Scalpellum* sp."

Following the description is the following:

"These two plates were not found together, and it is impossible to say if they belong to the same species. Should additional specimens be obtained sufficient for establishing a new species, the species might very properly be called *Scalpellum gabbi* Wade, n. sp. . . ."

A ruling on the nomenclatorial status of the name *Scalpellum gabbi* is desired.

DISCUSSION BY COMMISSIONER BATHER.—This hypothetical or conditional proposal of new names is an action that has frequently received severe and well-merited censure. If it were possible to deny validity to the present name a more effective check might be placed on the practice. There do actually seem to be reasons for such a decision.

1. The identity of the author is uncertain. Though the author of the paper as a whole is Bruce Wade, the section on *Arthropoda* is ascribed by the table of contents and by its own heading (p. 184) to M. J. Rathbun. It is quite possible for Miss Rathbun to have quoted a MS. name from a label attached by the collector, Wade, in which case she might have written "*Scalpellum gabbi* Wade." On the other hand, *Scalpellum* is not included by Miss Rathbun in the list of forms that she discusses; her contribution is headed "Class Crustacea," and the description of *Scalpellum*, is headed "Class Eucrustacea," which may indicate a difference; the name "Wade" may signify the author of the section. In this state of uncertainty one might regard the author as anonymous, but, though this presumably would put the name out of court, I find no rule or opinion dealing with anonymity.

2. The two plates, which are different parts of the test, are described separately. Neither is taken as holotype; on the contrary, the writer declines to say that both belong to the same species, and there-

fore refrains from naming either. The next sentence implies that no species can be established until further material is collected, whence it follows that the holotype would be taken from that further material. Therefore the name *Scalpellum gabbi* is hypothetically attached to a specimen not yet known, and, for all one can tell, non-existent. "Names based on hypothetical forms have no status in nomenclature" (Opinion 2).

3. Although the separate plates are described and figured, the writer has attempted no diagnosis of a species, it being clear from his own words that he could not and would not formulate any specific concept. He does not even compare his specimens with any others.

This leaves the name *S. gabbi* without definition or description; and if we seek for an "indication" in the sense of Article 25a, we find, as already shown, that any possible type-specimen is unknown. The name is therefore a *nomen nudum*.

I conclude, therefore, that as a *nomen nudum* without status the name *Scalpellum gabbi* does not come into consideration. It follows that any author can use the name for any new species of *Scalpellum* (though such action would be most ill-advised), also that any author can give the name *S. gabbi* to either of the specimens figured in Prof. Paper, 137, and the author so doing will then rank as the author of the name.

SUMMARY.—In general terms: A specific name conditional on specimens unknown to its author has no status in nomenclature.

DISCUSSION BY SECRETARY.—The foregoing papers were referred to the United States Geological Survey and to Miss Mary J. Rathbun for comment with the following result:

Letter from George O. Smith, Director:

The case of nomenclature which involves the standing of the name *Scalpellum gabbi* Wade has been considered by the paleontologists of the Geological Survey, and they have prepared the two enclosed memoranda which show that they are in essential agreement that *Scalpellum gabbi* is a *nomen nudum* without standing. On the incidental question of authorship which has been raised they are agreed that Wade is the author of the name.

Memorandum from Miss Mary J. Rathbun:

I did not write the description of the *Scalpellum* and never saw it until it was published.

On page 184, the Order Decapoda *only* is ascribed to me. Apparently Mr. Wade expected that whatever was not definitely assigned to a different author would be attributed to himself. The "Contents" on p. II (which perhaps he did not make up) does not bear that out.

Memorandum from Paleontologists of the Geological Survey :

The suggestion made by Commissioner Bather that this name might be regarded as anonymous is unwarranted, for it is published as "*Scalpellum gabbi* Wade, n. sp.," and the published record must be accepted. Miss Rathbun's denial of authorship is confirmatory evidence on this point.

On the other hand, Commissioner Bather's opinion that the name can be disposed of as a *nomen nudum* seems to be justified. Most conditional new names could not be so summarily dealt with, but the author states that "should additional specimens be obtained sufficient for establishing a new species, the species might very properly be called *Scalpellum gabbi* Wade, n. sp." (italics ours).

- [Signed:] "In full agreement," George H. Girty, W. P. Woodring, P. V. Roundy, W. C. Mansfield, John B. Reeside, Jr.
 "I concur in the above statement," T. W. Stanton.
 "In my opinion the name '*Scalpellum gabbi*' is a *nomen nudum* and therefore for the present without standing." E. O. Ulrich.
 "The reasoning in this matter seems to be conclusive." Charles Butts.
 "The name should be considered a '*nomen nudum*' and without other standing." Edwin Rich.

Memorandum from L. W. Stephanson and C. Wythe Cooke :

The name *Scalpellum gabbi*, as it now stands has, in our opinion, no validity and can only be given validity by a revisor.

A revisor might select one of the specimens as holotype, in which case the name would apply to that specimen only, unless the revisor, or some subsequent author, could show that it exhibits a specific character or characters which would permit of its identification with other specimens.

The revisor probably would, through courtesy, credit the name to Wade, but he would be justified in claiming the credit for himself, or he would even be justified in ignoring Wade's name and applying an entirely new name to the species.

The Secretary has verified the original publication and concurs in the statement of premises and in the conclusion, and recommends that the Commission adopt the following :

SUMMARY.—The name *Scalpellum gabbi* Wade, 1926, is a *nomen nudum* as of 1926, since it is definitely made dependent by its author on hypothetical specimens. See Opinion 2.

Opinion prepared by Bather and Stiles.

Opinion concurred in by thirteen (13) Commissioners: Apstein, Bather, Chapman, Dabbene, Handlirsch, Hartert, Horvath, Ishikawa, Jordan (D. S.), Jordan (K.), Stiles, Stone, Warren.

Opinion dissented from by no Commissioner.

Not voting: Kolbe, Loennberg, Neveu-Lemaire, Silvestri, Stejneger.