

and *Phytolacca asiatica* L. (Ridsdale in Manilal, Bot. Hist. Hort. Malab.: 189. 1980). In complete contrast, neotypes were designated for *Cordia glabra* L. (Miller in Taxon 53: 801. 2004) and *Renealmia polystachia* L. (Smith & Downs, Fl. Neotropica 14: 924. 1977) even though their protologues cited illustrations with doubt.

Article 52 Note 1 states that the “inclusion, with an expression of doubt, of an element in a new taxon, e.g. the citation of a name with a question mark [...] does not make the name of the new taxon nomenclaturally superfluous.” This Note makes sense in light of the fact that a name is only superfluous if the author “definitely included” the type of another name; a citation with doubt is not a definite inclusion. Similarly, Prop. 185 (Wiersema & al. in Taxon 71: 1339–1340. 2022) proposes that the inclusion of a name with doubt “is not in itself considered exclusion of its type” for purposes of Art. 48. While not expressly stated, this proposal and the suggested Example would provide that a name cited with doubt can be treated as the basionym. This also makes sense, because the author obviously “based” the new combination on that name by using the same epithet.

Because Art. 9.4 does not use “definitely cited”, one can argue that the better answer is that a specimen cited with doubt is original material. In addition, illustrations cited with doubt would appear to meet the criteria set forth in Art. 9.4(a) that the author “associated” the element with the name. However, a new rule mandating that elements cited with doubt are original material could result in nomencla-

tural disruption if there are no other elements of original material. Likewise, a rule that elements cited with doubt cannot be original material would be problematic if the only other element(s) of original material would result in nomenclatural disruption. Finally, the adoption of either rule would require new typifications for those names that had previously been typified in a contrary manner.

Rather than implement a blanket rule, the approach used in Art. 6.13 should be implemented here. Article 6.13 allows certain names to be treated as either names of new taxa or replacement names, depending upon their later typification. This approach would preserve previous typifications and would allow future authors to best decide how to treat elements cited with doubt.

#### **(361) Add the following sentence at the end of Art. 9.4:**

“9.4. [...]. If an author cites an element with an expression of doubt (e.g. the citation of a specimen or illustration with a question mark), the element may be treated as a syntype (if it is a specimen), an element under Art 9.4(a) (if it is an illustration) or not as original material. Decision on the status of such an element is to be effected by means of the appropriate type designation.”

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## **(362) Proposal to specify that in lectotype designation precedence be given to a part of the holotype that is not in conflict with the validating description or diagnosis**

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The procedure for choosing a lectotype is specified in Art. 9.12 of the *Shenzhen Code* (Turland & al. in Regnum Veg. 159. 2018), which rules that “In lectotype designation, an isotype must be chosen if such exists, or otherwise a syntype or isosyntype if such exists. If no isotype, syntype or isosyntype is extant, the lectotype must be chosen from among the paratypes if such exist. If none of the above specimens exists, the lectotype must be chosen from among the uncited specimens and cited and uncited illustrations that comprise the remaining original material, if such exist.”

However, Art. 9.12 does not provide for a situation where there is an existing holotype (e.g. one herbarium sheet) that is taxonomically mixed, consisting of (e.g.) two elements: one that fits the

validating description or diagnosis and the other that is in conflict with it. Therefore, a part of the holotype that fits the validating description or diagnosis should take precedence in lectotype designation over any other existing elements listed in Art. 9.12, including isotypes, syntypes, etc. We propose to amend the Article accordingly.

#### **(362) Amend Article 9.12 as follows (new text in bold, deleted text in strikethrough):**

“9.12. In lectotype designation, a **part of the holotype (if it is taxonomically mixed) that is not in conflict with the validating description or diagnosis must be chosen if such exists, or otherwise an isotype ~~must be chosen~~** if such exists, or otherwise a syntype

or isosyntype if such exists. ~~If no isotype, syntype, or isosyntype is extant, the lectotype must be chosen from among the, or otherwise~~ a paratype if such exists. If none of the above specimens exists, the

lectotype must be chosen from among the uncited specimens and cited and uncited illustrations that comprise the remaining original material, if such exist.”

## (363–368) Proposals regarding holotypes

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Article 9.1 of the *Shenzhen Code* (Turland & al. in *Regnum Veg.* 159. 2018) states that the holotype “is the one specimen or illustration (but see Art. 40.4) either (a) indicated by the author(s) as the nomenclatural type or (b) used by the author(s) when no type was indicated”. One immediate question is how to determine if the author used one specimen or illustration. In particular, should a single element cited in the protologue (without indication that it is the type) be treated as the holotype? The question was answered when Art. 9 Note 1 was revised in the *Shenzhen Code* to provide “If the author used only one specimen or illustration, either cited or uncited, when preparing the account of the new taxon, it must be accepted as the holotype, *but the possibility that the author used additional, uncited specimens or illustrations (which may have been lost or destroyed) must always be considered*” (emphasis added). Article 9 Ex. 2, apparently added to illustrate the new Note, makes it clear that it is almost impossible to meet the use test unless the author states that the element is the only one used.

Nonetheless, based on my discussions with other botanists, many users of the *Code* continue to believe that a single cited element is necessarily the holotype, even if not indicated as such by the author of the name. This view may well have originated in Art. 7 Note 1 of the *Berlin Code* (Greuter & al. in *Regnum Veg.* 118. 1988), which stated that “If the author included only one element, that one must be accepted as the holotype.” While the word “included” was later changed to “used” in the *Saint Louis Code* (Greuter & al. in *Regnum Veg.* 138. 2000), that change hardly made it apparent that a single cited element is not necessarily the holotype.

I had assumed this new language in Art. 9 Note 1 arose through the normal amendment process, i.e. a proposal printed in *Taxon*, addressed in the Synopsis of Proposals and voted upon by the Nomenclature Section of an International Botanical Congress, and that the Editorial Committee in turn added Ex. 2 as permitted by Div. III Prov. 7.11. However, there is nothing in the Synopsis of Proposals by Turland & Wiersema (in *Taxon* 66: 207–274. 2017) mentioning a proposal to amend Art. 9 Note 1. (The Synopsis includes every proposal, showing new text in bold and deleted text in strikethrough.) For that reason, it must be assumed the new language was added by the Editorial Committee, presumably to support the newly added Example and explain the use test.

While the *Shenzhen Code* gives the Editorial Committee full power to add or delete Examples, its powers to amend the Articles and Notes are limited. Division III Prov. 7.11 states that “The Editorial Committee is charged with the preparation and publication of the *Code* in conformity with the decisions approved by the relevant International Botanical Congress. It is empowered to make any editorial modification *not affecting the meaning of the provisions concerned* [...]” (emphasis added).

In my view, the new language in Art. 9 Note 1 affects the meaning of Art. 9.1(b). Turland & al. (in *Taxon* 69: 626–627. 2020) appeared to agree when they stated “In order to make clearer the circumstances under which a holotype can exist, the following amendments to Art. 9.1 and Art. 9 Note 1 are proposed. Note 1 is converted to an Article because it contains provisions not covered by other Articles and, as explained in the Preface of the *Shenzhen Code* (p. xxiv), ‘Notes have binding effect but, unlike Articles, do not introduce any new provision or concept.’” Because this language was added in the manner above, it should be deleted.

Equally if not more important, I see no value in considering the possibility of lost or destroyed elements. If they are lost or destroyed, they cannot be designated as a type, and that possibility is best ignored entirely, as are other remote possibilities. For example, Art. 9 Ex. 1 states that the use test is met because the author stated it was the only specimen used. That statement does not preclude the possibility that the author used an illustration or that the author failed to remember another specimen was used. In my view, if the possibility of lost or destroyed elements is considered, these other possibilities should be considered as well, and the use test should simply be deleted altogether. The better answer is to ignore these unknown possibilities.

### (363) Amend the second sentence of Art. 9 Note 1 as follows (deleted text in strikethrough):

“*Note 1.* [...]. If the author used only one specimen or illustration, either cited or uncited, when preparing the account of the new taxon, it must be accepted as the holotype, but the possibility that the author used additional, uncited specimens or illustrations ~~(which may have been lost or destroyed)~~ must always be considered. [...]”

In addition, if Prop. 008 (Turland & al., l.c. 2020) is accepted, delete “(which may have been lost or destroyed)” in the new Art. 9.1bis.