

Chrismaxwellus: A new genus of Colubrid snake from south-west Africa.

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ABSTRACT

In 2000, Broadley and Schätti described a species Colubrid snake from Namibia which they called "*Coluber zebrinus*" in a publication backdated to 1997. That the generic placement was inappropriate was inferred by Broadley in 2012, who then placed the snake in the genus *Platyceps* Blyth, 1860 (type species *Coluber ventromaculatus* Gray, 1834).

A review of the morphological and molecular evidence finds this placement inconsistent when compared to the taxonomy of other colubrid snakes. As a result, the species *Coluber zebrinus* Broadley and Schätti, 2000 is placed in a new monotypic genus *Chrismaxwellus gen. nov.* that is formally named according to the Zoological Code (Ride *et al.* 1999) for the first time.

This new genus and two others, namely *Bamanophis* Schätti and Trape, 2008 and *Macroprotodon* Guichenot, 1850, shown to be closely related to one another in a number of recent phylogenetic studies including the online publication of Pyron, Burbrink and Weins (2013) are formally placed in a new tribe Chrismaxwelliini *tribe nov.*

Keywords: Taxonomy; snake; Colubridae; Africa; *Coluber*; *zebrinus*; *Platyceps*; New genus; *Chrismaxwellus*; new tribe; Chrismaxwelliini.

INTRODUCTION

In 2000, Broadley and Schätti described a species Colubrid snake from Namibia which they called "*Coluber zebrinus*" the description and holotype being from near the Cunene River, at Ruacana, western Owamboland, Namibia (17° 25' S, 14° 10' E). While the publication had the date of 1997 on the cover, it was in fact published in year 2000.

Uetz (2013) wrote:

"The University of Washington libraries received this issue of *Madoqua* in August 2000. The year of description might therefore be 2000 (this was confirmed by BROADLEY, pers. comm.). Description based on a single specimen."

While in this instance there was no apparent harm arising from this act of backdating the publication date, the practice of backdating dates of taxonomic publications is both reckless and unethical as it can lead to false claims of priority for nomenclatural purposes.

A recent example of this kind of action was seen in 2013 by the publication of an online draft paper published by Pyron, Weins and Burbrink, rushed onto the worldwide web on 29 April 2013, then hastily promoted to the world via a series of "Facebook" posts (e.g. Burbrink 2013a, 2013b) as a rough uncorrected copy of a paper set to be published in a print journal (in order to comply with the Zoological Code), itself with a publishing date backdated, at a later and unspecified date.

In the week following this (on 1 May 2013), one of the coauthors Frank Burbrink confirmed on Facebook that the paper had not in fact been published in hard copy (Burbrink 2013c) and therefore as it stood was not even compliant with the Zoological Code (Ride *et al.* 1999), even though the authors were clearly masquerading that it was (Burbrink 2013a, 2013b).

The then non-hard copy publication of the paper identified herein as Pyron *et al.* (2013) was further confirmed on 10 May 2013 by Robinson (2013).

The motivation for this rushed online publication was an improper attempt to mislead other people and unethically scoop naming rights for the newly named Boa Family Candoidea Hoser, 2013, that was in fact published in hard copy two days earlier (27 April 2013) in a journal with a cover date of 29 April 2013 (Hoser 2013a) and been promoted as such by Hoser on his private Facebook page that was being monitored by a close friend of the other Authors, namely Wolfgang Wüster (see Schleip 2013, Wüster 2013a, 2013b).

The later authors had agreed with the Hoser action elevating the genus *Candoia* Gray, 1842 as commonly recognized to the status of family level and had sought to name the same group of snakes as a new subfamily.

Another case of nomenclatural chaos and confusion was created when the Western Australian Museum published the description of "*Liasis stimsoni*" (Smith, 1985), in a publication backdated to claim date priority over Wells and Wellington

(1985) who had already scientifically described and named the same species as "*Antaresia saxacola*".

The nomenclatural error was perpetuated by the authors Underwood and Stimson (1990) and Shea and Sadler (1999), who wrongly claimed that the Wells and Wellington name was *nomen nudem*.

In terms of the species "*Coluber zebrinus* Broadley and Schätti, 2000" it's fairly short taxonomic history has been unstable.

Several other cases of taxonomic and nomenclatural instability, including some that have potentially put lives at risk involving venomous species, arising from unethical conduct by people trying to deliberately re-name valid taxa in breach of the Zoological Code (Ride *et al.* 1999) are dealt with by Hoser (2013b).

Bauer *et al.* (2001) continued to identify the taxon subject of this paper as *Coluber zebrinus* in a paper that described the third specimen of the species known.

That the generic placement for this taxon was inappropriate was suggested by Nagy *et al.* (2004) and acted upon by Broadley (2012) in a book review, where he placed it in the genus *Platyceps*.

However the taxon *Coluber ventromaculatus* Gray, 1834 is the type species of the genus *Platyceps* Blyth, 1860. This is a very morphologically different species with a type locality in Asia and not remotely similar to the taxon *zebrinus*, except superficially.

Hence a review of the morphological and molecular evidence published to date finds this placement inconsistent when compared to the taxonomy of other colubrid snakes.

Important relevant literature in terms of this species and genus, as well as closely related racer species within the genera *Bamanophis* Schätti and Trape, 2008 and *Macroprotodon* Guichenot, 1850, as shown in recent phylogenetic studies include Bauer *et al.* (2001), Boulenger (1913), Broadley (2012), Broadley and Schätti (2000), Carranza *et al.* (2004), Duméril *et al.* (1854), Geniez (2004), Geoffroy (1827), Guichenot (1850), Schätti and Trape (2008), Marias (2004), Nagy *et al.* (2004), Pyron *et al.* (2011, 2013), Tiedemann (1991), Uetz (2013), Wade (1988, 2001) and sources cited therein.

As a result, the species "*Coluber zebrinus* Broadley and Schätti, 2000" is placed in a new monotypic genus *Chrismaxwellus* *gen. nov.* that is formally named according to the Zoological Code (Ride *et al.* 1999) for the first time.

In turn this genus is placed in a newly named tribe *Chrismaxwelliini* *tribe nov.* also including the genera *Bamanophis* Schätti and Trape, 2008 and *Macroprotodon* Guichenot, 1850, formally named according to the Zoological Code (Ride *et al.* 1999) for the first time.

CHRISMAXWELLUS GEN. NOV.

Type species: *Coluber zebrinus* Broadley and Schätti, 2000

Diagnosis: As this genus is monotypic for the species "*Coluber zebrinus* Broadley and Schätti, 2000" this diagnosis for *Chrismaxwellus* *gen. nov.* is the same as for the species (see Broadley and Schätti, 2000 for the detail).

Chrismaxwellus *gen. nov.* is separated from all species of *Coluber* and *Platyceps* (as well as the genera *Bamanophis* Schätti and Trape, 2008 and *Macroprotodon* Guichenot, 1850) as recognized in 2013 by the following suite of characters: A small species of racer, currently only known from a small number of specimens and not known to exceed 70 cm. Physically typical of a racer with slender build, large eyes and a round pupil. It has 23 dorsal mid-body scale rows, approximately 195 or more ventrals, divided anal and about 90 divided subcaudals. There are nine supralabials with 5 and 6 entering the orbit; 2 preoculars and 2 postoculars; large loreal. There are 21-23 rows of scales around the neck and 19-17 anterior to the vent. The colour is grey above, becoming pale to white on the sides. There are numerous (usually well in excess of 60) irregular crossbars on the back that fade towards the tail as well

as dark ventral bars on the sides. The top of the head is uniform grey to brown and both the lips and snout are a yellowish or orange colour. The venter is white. The middle supralabials (number 2 and beyond) have dark markings on the posterior borders with most noticeable darkening towards the posterior supralabials. At the rear of the jaw and on the side of the head is a square dark brown mark, not reaching the top of the head and commencing at the labial line. It is in effect a part of a broken band. The first full dark cross-band is behind the skull on the upper neck being widest at the median line and narrowing on the flanks. At the fore-body the cross-bands and markings are dark brown, being almost black, but these fade along the body to become medium brown near the beginning of the tail. The light-brown (tending to white) patches between the irregular cross-bands at the fore-body darken slightly, which leads to a less contrasting pattern at the rear end of the body. The tail is effectively a medium brown colour with dark-blackish flecks.

The scientific name *zebrinus* is in recognition of the distinctive "Zebra-like" pattern of this taxon.

Importantly and as an alternative to the detailed diagnosis above, it should be remembered that *Chrismaxwellus* *gen. nov.* is separated from all species of *Coluber* and *Platyceps* most easily by distribution, as neither of the other genera occur in Namibia or nearby.

Distribution: Known only from North-west Namibia, south-west Africa and presumably occurs in immediately adjacent nearby Angola which has identical habitat and has been little collected by herpetologists.

Etymology: Named in honour of Melbourne, Victoria, Australia based lawyer Chris Maxwell, (now appointed to the Supreme Court of Victoria as a judge) in recognition of his public interest work as a lawyer. In year 2000, or thereabouts, the then Labor Attorney General, Rob Hulls breached the fundamental law of "double jeopardy" and charged me (Raymond Hoser) a second time for the alleged criminal offence of "Scandalizing the courts" an arcane and unused charge laid against me for bringing the legal system of the state into disrepute.

I had in fact won the first series of charges in front of Supreme Court Judge Bill Gillard, who quite appropriately referred to the fascist nature of the charges against me in his final judgment.

The basis of the Hulls charges (several) was the true and correct contents of two best-selling books about Victorian Police Corruption and entrenched endemic corruption in the Victorian Judiciary, at all levels titled "*Victoria Police Corruption*" (1 and 2) (Hoser 1999a, 1999b).

As mentioned already, the charges had been beaten earlier, in a case heard in front of Judge Bill Gillard in 2000, that was defended by myself through lawyer David Beach (now also appointed to the Victorian Supreme Court).

Normally under British/Australian law, a person charged with an offence once cannot be retried for the same charges.

In a breach of this rule, the Attorney General, Rob Hulls (known best as a Labor Party head-kicker), re-charged myself and had the case heard in front of fellow Labor Lawyer, Geoffrey Eames. Both Hulls and Eames had a long-running friendship going back many years so the result of the case being finalized against myself was effectively a predetermined outcome.

To ensure that no appeal could be successful, Hulls then elevated Eames to the Court of Appeal so that Hulls and Eames could effectively control that result as well.

Accordingly the appeal failed and I spent the next 10 years paying off the illegally imposed fines.

Defending me in this matter and without charging a cent was Barrister Chris Maxwell, assisted by lawyers Gabriel Keuk and Brenton O'Loughlin along with Barrister David Perkins (also acting *pro-bono*, meaning in the public interest).

Of note is that Hulls, through his lawyer, John Langmead, argued (and successfully to the Fabian Socialist Geoff Eames,

as judge) that truth was not a defence in terms of the charges I faced.

The legal precedent set is that anyone in Australia who discloses government or judicial corruption in the public interest cannot defend themselves if the state seeks to impose criminal sanctions against them, be this fines, imprisonment or both.

The charge as defined and now set as precedent carries no maximum penalty, effectively making the disclosure of truth about corruption in government in Australia a more serious offence than charges such as murder, rape or pedophilia (child sex).

Of relevance is that preceding these charges, the Hulls side lost a series of defamation proceedings in relation to the same books and statements within them.

These charges were successfully defended by David Beach on the basis that the entire contents (1,536 pages) of both books were 100 per cent true, this being confirmed by the Judge (Gillard) at the hearing and in his judgment.

Gillard also made strong statements against the idea of myself (Hoser) being charged for scandalizing the court, although Hulls ignored this published judgment and went ahead and broke all rules to re-charge me a second time for the offence/s.

Lawyers as a group have a justifiable reputation for being masters of hiding the truth using a combination of legal tactics and at times bare-faced lies and of having interest in little beyond extracting large amounts of money from vulnerable people. So when one or more lawyers break this stereotype, it is fitting that their efforts be recognized. Maxwell, Kuek and Perkins deserve this recognition and in this case it is fitting that a genus of snake be named after Chris Maxwell.

CHRISMAXWELLIINI TRIBE NOV.

(Terminal taxon: *Coluber zebrinus* Broadley and Schätti, 2000)

Diagnosis: A tribe of snakes divided into three genera, apparently diverged as a result of either aridification in the north of Africa, or unsuitable jungle habitat forming in central Africa. The tribe is best diagnosed by defining each of the component genera.

One or other of one of the following three:

1/ *Chrismaxwellus gen. nov.* is separated from all species of *Coluber* and *Platyceps* (as well as the genera *Bamanophis* Schätti and Trape, 2008 and *Macroprotodon* Guichenot, 1850) as recognized in 2013 by the following suite of characters: A small species of racer, currently only known from a small number of specimens and not known to exceed 70 cm. Physically typical of a racer with slender build, large eyes and a round pupil. It has 23 dorsal mid-body scale rows, approximately 195 or more ventrals, divided anal and about 90 divided subcaudals. There are nine supralabials with 5 and 6 entering the orbit; 2 preoculars and 2 postoculars; large loreal. There are 21-23 rows of scales around the neck and 19-17 anterior to the vent. The colour is grey above, becoming pale to white on the sides. There are numerous (usually well in excess of 60) irregular crossbars on the back that fade towards the tail as well as dark ventral bars on the sides. The top of the head is uniform grey to brown and both the lips and snout are a yellowish or orange colour. The venter is white. The middle supralabials (number 2 and beyond) have dark markings on the posterior borders with most noticeable darkening towards the posterior supralabials. At the rear of the jaw and on the side of the head is a square dark brown mark, not reaching the top of the head and commencing at the labial line. It is in effect a part of a broken band. The first full dark cross-band is behind the skull on the upper neck being widest at the median line and narrowing on the flanks. At the fore-body the cross-bands and markings are dark brown, being almost black, but these fade along the body to become medium brown near the beginning of the tail. The light-brown (tending to white) patches between the irregular cross-bands at the fore-body darken slightly, which leads to a less

contrasting pattern at the rear end of the body. The tail is effectively a medium brown colour with dark-blackish flecks.

The scientific name *zebrinus* for the only described species in this genus is in recognition of the distinctive "Zebra-like" pattern of this taxon.

Importantly and as an alternative to the detailed diagnosis above, it should be remembered that *Chrismaxwellus gen. nov.* is separated from all species of *Coluber* and *Platyceps* (as well as the genera *Bamanophis* Schätti and Trape, 2008 and *Macroprotodon* Guichenot, 1850) most easily by distribution, as neither of the other genera occur in Namibia or nearby, or:

2/ *Bamanophis* Schätti and Trape, 2008 is defined by the following suite of characters: Anterior subocular absent [present in other racers]; usually one comparatively large posterior subocular. Ten (or eleven) supralabials, fourth and fifth (sometimes fifth and sixth) entering eye. Dorsal scales smooth, with paired apical pits; 25-27 longitudinal scale rows on the neck (as measured from the 20th ventral), 29-33 scale rows at mid-body, 17 rows (only in males) to 19 rows prior to anal plate; usually two or three bilateral increases in the number of dorsal scale rows on anterior part of body; reductions after midbody confined to ventrolateral and lateral levels (including paravertebral rows). 229-265 ventral scales (with a clear-cut sexual dimorphism in Senegal); tail comparatively short, with 75-95 paired subcaudals. Dark "X-shaped" markings along the dorsum (pattern may be slightly different). 15-19 maxillary teeth, diastema distinct, last tooth laterally offset. Palatine process of maxillary well developed and laterally rounded, lateral process distinct. Crista basisphenoidea absent (usually present in other racers). Hemipenis spinose with intermittent barbed calyces, probably bulbous when everted (versus sub-cylindrical in others).

This monotypic genus restricted to western Africa (Sahel to Guinea Savanna); or:

3/ *Macroprotodon* Guichenot, 1850 is defined as follows: Attains a total length under 70 cm, including the tail, but usually under 50 cm, with a well-defined and horizontally flattened head, especially at the snout end. Small eye and oval pupil, which may appear vertically oval in bright light. Scales smooth with 19-23 dorsal mid-body scale rows, medium that is not rounded at the end, with all divided subcaudals; rostral low and slightly u-shaped, more than twice as wide as high, frontal not very narrow and of same width as supraoculars, 2 postoculars, no loreal, pre-ocular has a point on the upper edge at the upper level of the eye or slightly higher; no prominent brow ridge; anterior temporal usually single; largest upper labial (usually number 6) reaches or approaches the parietal and is considerably larger than it, 7-8 upper labials, 6 lower labials. Dorsal colour pattern varies and consists of small dark markings that form bars, streaks or some other kind of patterning. This may include a collar on the neck that may extend onto the head. Usually a dark streak runs from the nostril through the eye to the lower cheek. Belly colour may be yellow, pink, red or orange with or without weak markings or a bold black "diced" pattern which may consist of a central band or twin stripes.

Distribution: South-west Africa (*Chrismaxwellus gen. nov.*); Sahel to Guinea Savanna in West Africa *Bamanophis* Schätti and Trape, 2008; Northern Africa into southern Israel as well as far southern Europe (Spain/Portugal) *Macroprotodon* Guichenot, 1850.

Etymology: See for the genus *Chrismaxwellus gen. nov.*

Content: *Chrismaxwellus gen. nov.* (type genus); *Bamanophis* Schätti and Trape, 2008; *Macroprotodon* Guichenot, 1850.

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CONFLICT OF INTEREST

The author has no conflicts of interest in terms of this paper or conclusions within.

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