

Nomenclature to use its plenary power to overrule the Principle of Priority in this particular case and to give the name *oxyacanthae* Frey, 1855, as published in the binomen *Lithocolletis oxyacanthae*, precedence over the name *pomonella* Zeller, 1846, as published in the binomen *Lithocolletis pomonella* Zeller, 1846.

Additional references

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I am writing to support the application of Dr Paolo Triberti of the Museo civico di Storia Naturale in Verona (Case 3376) on the proposed conservation of the specific name *Lithocolletis oxyacanthae* Frey, 1855 (currently *Phyllonorycter oxyacanthae*; Insecta, Lepidoptera) by giving it precedence over *Lithocolletis pomonella* Zeller, 1846.

Given the widespread use of the name *Phyllonorycter oxyacanthae* (Frey) since the description of the species and its consistent use with regard to host plant association, and given the continuous confusion regarding the meaning of the name *Lithocolletis pomonella* Zeller over time, I believe that this application is warranted and that the International Commission on Zoological Nomenclature should use its plenary power to overrule the Principle of Priority in this case to give the name *Lithocolletis oxyacanthae* Frey, 1855 precedence over the name *Lithocolletis pomonella* Zeller, 1846.

Comment on the proposed precedence of *Chelodina rugosa* Ogilby, 1890 (currently *Macrochelodina rugosa*; Reptilia, Testudines) over *Chelodina oblonga* Gray, 1841

(Case 3351; see BZN 63: 187–193, 64: 68)

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One of the reasons for the Principle of Priority is to protect good taxonomic work presented to science from being overwritten by future errors. This is relevant to current problems in Australian turtle names.

The case in question is one where a name, *Chelodina oblonga*, was correctly applied for 136 years. It has a valid type specimen that is extant in the collection of the Natural History Museum, London, as figured in Thomson (2000). Furthermore, the

type is diagnosable using discrete characters. This name was incorrectly applied in an unpublished thesis in 1967, now 40 years ago. That same year a popular press book made the same error, and this has been perpetuated until Thomson (2000) demonstrated the error.

Savage (2007) believes that using the lectotype of *Chelodina colliei* Gray, 1856 (BMNH 1947.3.5.91) as the neotype for *Chelodina oblonga* Gray, 1841, would be a justifiable means of salvaging an error in the name of conservation of current usage. *Chelodina colliei* is an available name with a lectotype and a complete type series.

Gray's descriptions actually contain a valid diagnosis which, when viewed in the light of the discoveries in Thomson (2000), are actually differential diagnoses of discrete characters that make sense when one looks at these species, not to mention that the type specimen is figured in the description. Creating a neotype for *Chelodina oblonga* would mean that the name-bearing type and the diagnosis in the description would be at odds with each other.

In gauging the amount of disruption caused by what I have proposed it is important to note that half the species of turtles in Australia have been described since 1980, and all but one of these since 1994. All publications older than 10 years are so out of date nomenclaturally that it is important to have all recent descriptions to hand to sort out which species is being discussed. It is important to note that by reversing the precedence of *Macrochelodina rugosa* and *Macrochelodina oblonga* only one name would be changed. *Chelodina colliei* would become valid for the Western Australian species, and all Gray's original intentions and descriptions would remain valid. Further, there is an available name for the differentially diagnosable western population of *Macrochelodina rugosa* should it be required in the future.

A further complication is the effect on the name *Macrochelodina* Wells & Wellington, 1985. The original type species of this genus was *Chelodina oblonga*. Their intention, as discussed in Iverson et al. (2001), was to describe the *Chelodina* B group of species (which includes *Macrochelodina rugosa*). Iverson et al. (2001) proposed *Macrochelodina rugosa* as the type species, justifying this on the grounds that the types represented the same species and it would avoid confusion. It could be argued that Iverson et al. could not do this and that the proposal of the lectotype of *Chelodina colliei* as the neotype of *Chelodina oblonga* would erect a monotypic genus for the Western Australian species that would be valid, leaving the *Chelodina* B group in a paraphyletic arrangement. Setting the neotype removes the only real justification Iverson et al. had for proposing the change of type species in the first place. The setting of a neotype, although outwardly attractive, would actually create more work in itself – work that would not need to be done if the names were just put back the way they were supposed to be and the way they were for 136 years until 40 years ago.

In summary, I think it is important to appreciate that the conservation of the current usage of a name is not always the best option. It is important to look at all the consequences and weigh up the outcomes, which is what I did in the original proposal to the Commission. It is important to allow the Code to work the way it is intended, as authors who have presented to science in good faith have the right to have their work, when proven valid, recognized. My original proposal was intended as a balance between conservation, the recognition of valid taxonomic works of historical significance, and the prevention of unintended arrangements occurring. Hence, I stand by my original proposal in Case 3351.