OPINION 1153

GALAXIAS PLATEI STEINDACHNER, 1898, GIVEN NOMENCLATURAL PRECEDENCE OVER GALAXIAS DELFINI PHILIPPI, 1895, (PISCES) BY THE USE OF THE PLENARY POWERS

RULING — (1) Under the plenary powers it is hereby ruled that the specific name platei Steindachner, 1898, as published in the binomen Galaxias platei, is to be given nomenclatural precedence over the specific name delfini Philippi, 1895, as published in the binomen Galaxias delfini.

(2) The specific name platei Steindachner, 1898, as published in the binomen Galaxias platei, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2706, and with the endorsement that it is to be used in preference to the specific name delfini Philippi, 1895, as published in the binomen Galaxias delfini, whenever the two names are regarded as synonyms.

(3) The specific name delfini Philippi, 1895, as published in the binomen Galaxias delfini, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2707, and with an endorsement that it is not to be given priority over the specific name platei Steindachner, 1898, as published in the binomen Galaxias platei, whenever the two names are regarded as synonyms.

HISTORY OF THE CASE Z.N.(S.) 1877

An application for the conservation of Galaxias platei Steindachner, 1898, by the rejection of its unused senior synonym G. delfini Philippi, 1895, was first received from Dr R.M. McDowall (Fisheries Research Division, Wellington, New Zealand) on 22 January 1969. Dr McDowall supposed that the senior name could be automatically rejected under the provisions of Article 23b (of the 1961 Code); but as the application of that provision was obscure, and as it was then being examined by a committee of the Commission under Professor Ernst Mayr, publication of the application was deferred. A revised application asking for the suppression of G. delfini by the use of the plenary powers was eventually sent to the printer on 2 April 1973 and published on
10 October 1973 in *Bull. zool. Nom.* vol. 30, pp. 88-89. In both the original and the revised versions of his paper Dr McDowall had provided *prima facie* evidence in support of his case as required under Articles 23a-b, 79b. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory serials and to an ichthyological serial. The application was supported by Dr A.P. Andrews (*Tasmanian Museum*) and clarified by Dr Lemche, whose observations were published in *Bull. zool. Nom.* vol. 31, p. 8.

FIRST VOTE OF THE COMMISSION

On 10 February 1976 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1976)12 for or against the proposals set out in *Bull. zool. Nom.* vol. 30, p. 88 and as clarified in vol. 31, p. 8. At the close of the voting period on 10 May 1976 the state of the voting was as follows:

**Affirmative Votes** — thirteen (13) received in the following order: Melville, Holthuis, Mayr, Lemche, Eisenmann, Vokes, Willink, Tortonese, Mroczkowski, Corliss, Rohdendorf, Heppell, Bayer

**Negative Votes** — four (4): Sabrosky, Bernardi, Nye, Dupuis.

Late affirmative votes were received from Alvarado, Ride, Habe and Brinck. Binder and Erben were on leave of absence. No votes were returned by Kraus, Simpson and Starobogatov.

The following comments were returned by members of the Commission with their voting papers:

**Sabrosky:** 'The fact that so many authors uncritically accepted and followed Regan’s error is depressing.'

**Nye:** 'I should be willing to vote in favour of a ruling that *G. platei* should be given nomenclatural precedence over *G. delfini* by anyone treating them as conspecific, but I am not willing to vote for the suppression of a subjective synonym especially when there is no mention of the type specimens of the taxa concerned.'

**Bernardi:** 'Il ne semble pas s’agir ici de poisson présentant une importance économique. Je préfère appliquer la Loi de Priorité.

**Ride** (with a late vote): 'I consider that the relevant precedence procedure should be applied, if the applicant agrees.'

These comments were communicated to Dr McDowall, who agreed that the relative precedence procedure should be applied. Since that entailed a use of the plenary powers that had not been advertised it was necessary to prepare a fresh application. This was sent to the printer on 29 March 1977 and published on 31 August 1977 in *Bull. zool. Nom.* vol. 34, p. 80. Public notice of the
possible use of the plenary powers was given in the same part of the Bulletin as well as to the statutory serials and to 12 other serials. No comment was received.

DECISION OF THE COMMISSION

On 20 August 1979 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1979)11 for or against the proposals set forth in Bull. zool. Nom. vol. 34, p. 80. At the close of the voting period on 20 November 1979 the state of the voting was as follows:

Affirmative Votes – seventeen (17), received in the following order: Melville, Holthuis, Vokes, Alvarado, Mroczkowski, Willink, Trjapitzin, Tortonese, Hahn, Welch, Brinck, Bernardi, Bayer, Habe, Corliss, Nye, Cogger

Negative Votes – Dupuis, Heppell.

Sabrosky abstained. Late affirmative votes were returned by Kraus, Halvorsen and Starobogatov. Ride was on leave of absence. No vote was returned by Binder.

The following comments were sent in by members of the Commission with their voting papers:

Dupuis: ‘Je confirme mon vote contre de 1976 – et j’ajoute que le mélange de nomenclature et de taxinomie qu’on nous propose aujourd’hui n’est pas une pratique claire et heureuse.’

Heppell: ‘I vote for the original proposal requesting the suppression of G. delfini and for letting the vote on V.P.(76)12 stand. I also think the new voting paper should have clearly offered this option, as otherwise it seems that G. delfini will be placed on the Official List whichever way the Commission votes.’

ORIGINAL REFERENCES

The following are the original references for names placed on an Official List by the ruling given in the present Opinion:

CERTIFICATE

I certify that the votes cast on Voting Paper (79)11 were cast
as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1153.

R.V. MELVILLE
Secretary
International Commission on Zoological Nomenclature
London
8 January 1980