

## The Santa Cruz Island Vireo

BY JOSEPH GRINNELL

*Vireo mailliardorum* new species

CHARACTERS—Similar to *Vireo huttoni* of the mainland of California, but slightly inferior in size with especially smaller bill; coloration darker, more leaden olive above and a little more buffy yellow below posteriorly.

TYPE—♂ (in unworn adult annual plumage); No. 5425 Coll. J. G.; Friar's Harbor, Santa Cruz Island, California; September 1, 1903; collected by J. Grinnell.

## MEASUREMENTS (in inches)—

Collection	No.	Date	Sex	Wing	Tail	Tarsus	Culmen	Bill from nostril
J. Grinnell	5424	Sept. 1, '03	♀	2.35	2.15	.78	.40	.25
"	5425	" " "	♂	2.40	2.16	.71	.40	.25
"	5426	" " "	♂	2.38	2.14	.76	.39	.24
J. & J.W. Mailliard	3145	April 15, '98	♂	2.39	2.11	.76	.40	.25
"	3171	" 17, "	♀	2.27	2.06	.72	.39	.24
"	3218	" 21, "	♂	2.43	2.15	.72	.40	.25

DISTRIBUTION—Permanently resident on Santa Cruz Island, California.

REMARKS—Santa Cruz Islands lies about twenty miles off the coast of Santa Barbara county, California. Although it is so close to the mainland, a large number of its plants and more sedentary animals have proven to be peculiar. Mr. Joseph Mailliard during a visit to this island in 1898<sup>a</sup> secured three specimens of the above-described bird. Moreover he mentioned some of its points of difference as compared with the mainland *Vireo huttoni*; but his well-known conservative attitude in regard to slightly defined species deterred him from bestowing a name. During a recent visit to Santa Cruz Island I also found *Vireo mailliardorum* to be fairly numerous among the live-oaks in the canyons at the west end. Three specimens were obtained. The six skins at hand agree in the characters as outlined. The species is named for Messrs. Joseph and John W. Mailliard, whose conscientious work with western birds deserves at least this slight token of our recognition.

## CORRESPONDENCE

## The A. O. U. Model Law

TO THE EDITORS OF THE CONDOR:

DEAR SIR:—Under the head of 'Editorial Notes' in the September-October issue of THE CONDOR is a most surprising outburst of criticism and abuse of the A. O. U. 'model law' and, incidentally, of the A. O. U. Committee on Bird Protection, so evidently prompted by selfishness and so pervaded with ignorance and misconception of the real facts of the case that a word in reply seems desirable. The outcry<sup>1</sup> is against the clause granting permits to properly accredited persons for the collection of birds and their nests and eggs for strictly scientific purposes, which was inserted especially to allow "Ornithology to come in." "Take this feature away, says the writer,<sup>2</sup> "and it is a good law." He glories in the fact that his own State of California "is still free," and adds that "it is largely to this fact that its exceptional ornithological activity is due. We need a good bird law here, but we of the Cooper Club are not criminals and do not require to be bonded when we seek the festive song sparrow or chickadee."

The fact is overlooked that without this provision the ornithologists who merely collect birds, for scientific study, the pot hunter and the commercial bird trapper would all be in the same criminal category of law breakers, subject to arrest and punishment whenever detected.

<sup>3</sup> The hardship, heré editorially so grossly exaggerated, of taking out a bond and paying the trivial fee of one dollar a year, suffices to differentiate the ornithological collector from the criminal classes, and ensures his protection from the annoyance of arrest, to which he would otherwise be liable. The law cannot well otherwise discriminate such non-criminals as the members of the Cooper Club, or of the A. O. U., or other reputable bird students, from the pot hunter, the mil-

<sup>a</sup> Bulletin Cooper Orn. Club I, May 1899, p. 44.

linery collector, or the lawless boy or man who shoots birds or destroys their nests and eggs in pure wantonness.

This law was draughted by the A. O. U. Committee on bird protection in 1886 and was adopted by the State of New York the same year. Since that date, through my official connection with the American Museum of Natural History, I have had supervision of the issuance of the permits to collect birds, their nests and eggs for which it provides. <sup>4</sup>Fifteen years' experience enables me, therefore, to speak with some authority of its workings and it may be said that so far as bird students in New York are concerned the simple legal requirements connected with securing a permit and the nominal fee of one dollar, far from being considered a "hardship," are welcomed as a means of protection from indiscriminating game wardens.

Indeed, so desirable is the permit feature usually considered by ornithologists that with the single exception of California they have uniformly advocated the passage of the A. O. U. law, not only as a measure designed to protect birds from wanton destruction, but as a means of legalizing their own calling. The atmosphere of liberty-loving California, however, appears to stimulate a different feeling.

<sup>5</sup> Especial stress is laid, in the editorial in question, on the hardships inflicted on the non-resident who wishes "to go over the border" for a few weeks' collecting in a neighboring state. In most states and territories of the Union and of Canada the non-resident gunner is required, under current game laws, to take out licenses and pay special permit taxes to kill game, all in the alleged interest of game protection; but when we go to "seek the festive song sparrow or chickadee" in a neighboring state our editorial advocate of ornithological freedom resents any "bonded" hindrances believed to be for the public good. <sup>6</sup> Possibly our friends of THE CONDOR have some happy device for a bird law that will protect the little birds from all their human foes (which do not include the "better balanced ornithologists") and be not "un-American nor in any way trammel their dearly cherished ornithological freedom.

American Museum of Natural History,

New York City, Oct. 6, 1903.

J. A. ALLEN.

[Dr. Allen has indeed turned upon us the artillery of his strenuous rhetoric, and were his aim less careless we might feel inclined to betake ourselves to tall timber. We had not the slightest notion upon whose special preserves we were trespassing, when we penned the mild criticism, for which we are threatened with immediate annihilation. If the Doctor is pleased to term our editorial an "outburst," we might ask what especial epithet he would apply to his present communication. We would like to say at the outset, however, that our editorial *did not* abuse the A. O. U. Bird Law, nor the committee, even "incidentally," as anyone may see who takes the trouble even to skim over the criticism in question, and just why this positive assertion is made, we are at a loss to understand.

Dr. Allen's animadversions provide good reading for those who delight in the prospect of an impending tilt in polemics. Yet, candidly, we cannot see how anyone could distort our remarks so completely, as put forth such a reply. The only alternative left us is to conclude that our friendly critic is suffering from an aggravated case of "misconception" of the main point of our contention. Some of Dr. Allen's items have been numbered by us and will be referred to seriatim.

(1) Our "outcry" is most certainly *not* against the clause granting permits to properly accredited persons for the collection of birds and their nests and eggs, but is, as stated succinctly in the editorial, directed against the necessity of taking out a 200 dollar bond every time such a permit or license is obtained. We are heartily in favor of special permits, but not the bonds.

(2) This is what is called "abuse" a few lines above.

(3) We repeat that the taking out of a bond *is* an expensive hardship, and was not "grossly exaggerated." (See Mr. Nelson's communication on this point). We have no special objection to the \$1.00 license-fee, if it is a just fee, but exactly how the addition of a bond helps to discriminate between non-criminals such as reputable bird-students, and the other class, such as pot-hunters, our generalizing opponent of "ornithological freedom" does not specify. Pot-hunters are not recommended by two responsible ornithologists, nor do they bear special licenses.

(4) In passing we might casually ask our critic how many bonds have been forfeited during his fifteen years' experience in supervising the issuance of permits in New York state, and if any, were the parties each recommended by two well known ornithologists, as the law requires? We presume "bonds" are in force in New York, tho here again the Doctor dodges the issue.

(5) In answer to these points we recommend the careful perusal of Mr. Nelson's remarks, printed below.

(6) Yes, Doctor, even your friends of THE CONDOR can offer some timely suggestions for the improvement of the 'Model Bird Law' and we repeat the one already given gratuitously: strike out the bond feature from the clause pertaining to the issuance of licenses. This, we be-