

I was within fifteen and twenty feet of the birds when counting them, and at this distance the chestnut-colored under tail coverts, gray breast and underparts, and large size, were all plainly apparent.

It will be interesting to learn whether there are other stations of record upon the Pacific slope this winter. Until the present time our winter has been dry. Bailey Mountain Chickadees, Slender-billed Nuthatches, Blue-fronted Jays, and Townsend Solitaires have been seen right here in town. A fellow collector and member of the Cooper Club, Gordon Nicholson of Ontario, who has observed the Bohemian Waxwings with me here, has taken special pains to examine the flocks of Cedar Birds in Upland and Ontario, without detecting a single Bohemian Waxwing among them up to this time.

This appears to be the southernmost point of record for the species in North America as well as the first recorded instance for the Pacific slope of southern California. It is noteworthy also in that there was such a large number of the birds present.—WRIGHT M. PIERCE, *Claremont, California, February 25, 1920.*

Western Evening Grosbeak in Southern California.—On the afternoon of November 2, 1919, during a very cold spell following a storm with much snow in the mountains nearby, I was walking through Smiley Heights Park in Redlands, when the tinkling notes of a chickadee drew my attention to a small cedar or cypress directly at the side of the road. To my astonishment it looked like an animated Christmas tree, for there were not only a half dozen Mountain Chickadees (*Penthestes gambeli baileyae*) clinging to the twigs and fluttering in the branches, but as many Red-breasted Nuthatches (*Sitta canadensis*) running on the trunk of it and the neighboring tree, while ornamenting the outer branchlets were at least a dozen Western Evening Grosbeaks (*Hesperiphona vespertina montana*), male and female.

I had never before seen them in southern California and could not believe my eyes at first, but the size and beak were right, and the coloring, particularly that of the males, was unmistakable, for I had become very familiar with them in Oregon. They were industriously peeling away the hard outer shell of the cedar nuts and feasting upon the seeds within. The afternoons of the two following days, November 3 and 4, I went again at the same hour and found both times a pair of the grosbeaks, a male and a female, in the same tree, eating the seeds as before. They seemed entirely unafraid and let me stand for an hour both days directly beneath them not ten feet away. The second day they finally flew away toward the west, but on the third day they were still eating seeds when I left. I was prevented from going again before a week passed and then could find no trace of them and have never seen them since, even though colder weather followed at Thanksgiving.—LILIAN ZECH, *Redlands, California, February 29, 1920.*

Western Evening Grosbeak in the San Francisco Bay Region.—It is apparently a great asset to have a tall maple tree hanging full of winged seeds in an Oakland garden, for on February 27, 1920, at eight o'clock in the morning, I saw four Western Evening Grosbeaks (*Hesperiphona vespertina montana*) in that tree, and they ate the seeds steadily until nearly twelve o'clock. Two of them were much yellower than the others, and one was quite a little smaller. Next morning at the same time they came again, and I telephoned two members of the Cooper Club to come and enjoy them with me, but they stayed only an hour and a half.—JANE L. SCHLESINGER, *Oakland, California, March 3, 1920.*

Probable Breeding of the Aleutian Tern in Southeastern Alaska.—In southeastern Alaska on the Situk River Flats, near Yakutat, from July 18 to 23, 1916, and during the first week of July, 1917, and at the Alek River Flats (Dry Bay) sixty miles easterly, on July 6 and 7, 1917, among the common Arctic Terns that were obviously breeding, were many Aleutian Terns (*Sterna aleutica*), comprising perhaps thirty per cent of the tern population. They showed as much concern over the presence of an intruder as did the Arctic Terns, and there is every reason to believe them to have been breeding in company with the more common *paradisaea*, although neither eggs nor young of either were found during brief searches at these late dates. During one of the short searches on the Situk Flats in 1916, one Aleutian Tern repeatedly struck the writer's hat, all the

while uttering its complaining note. Thus, with reasonable certainty of success, the Aleutian Tern may be looked for as nesting as far east as Dry Bay, which, so far as the writer knows, is far to the eastward of any previous record of its breeding.—ERNEST P. WALKER, *Phoenix, Arizona, February 7, 1920.*

Dusky Warbler at Berkeley, California.—On February 23, 1920, Dr. William F. Bade handed me a recently dead Dusky Warbler (*Vermivora celata sordida*) which he had just picked up in his backyard at 2616 College Avenue, Berkeley. The feathers in a spot on the throat and on the forehead were gone, as if slugs had been at work on the bird, so that it must have met its death the preceding night or before. Upon skinning, I found wounds in the body which suggested that it had encountered the claws of a cat. The bird was a female in good feather. It was somewhat discolored by town soot, so that it had probably been living in the well-known smoke belt of Berkeley and Oakland for some time, perhaps wintering here. The specimen is preserved in the Museum of Vertebrate Zoology as no. 40396 of its bird collection, and authenticates the occurrence of the Dusky Warbler a little farther north than heretofore reported. The two other stations for the San Francisco Bay region are Hayward and Palo Alto—occurrences in December, January and February (see *Pac. Coast Avif.*, no. 11, 1915, p. 146). The northernmost breeding point for this warbler so far as known is Santa Rosa Island, below Point Concepcion. Part of the *winter* habitat of the bird thus lies some 260 miles to the northward of its *summer* range, as well as over 100 miles to the westward.—J. GRINNELL, *California Museum of Vertebrate Zoology, Berkeley, March 22, 1920.*

Range of the Magpie in New Mexico.—On December 28, 1919, I saw a Magpie (*Pica pica hudsonia*) in a willow swamp on the banks of the Rio Grande near Bernardo, New Mexico. I have also seen the species this winter near Tome, and for several winters near Peralta. On October 13, 1918, I saw a large number west of Alameda. They are plentiful in summer near Valley Ranch, New Mexico, and in Rio Arriba County are found throughout the year.

Bernardo, as nearly as I know, is the southernmost point of record. I have never seen one in the Rio Grande Valley proper in summer; apparently they do not breed south of Valley Ranch, on the upper Pecos.—ALDO LEOPOLD, *Albuquerque, New Mexico, February 21, 1920.*

EDITORIAL NOTES AND NEWS

Frank S. Daggett died in Redlands, California, April 5, 1920. In his death the Cooper Club has lost one who was a member almost from the inception of the organization and who in many ways was an important factor in the development of the Club. The Southern Division in particular will miss the presence of a member always faithful in attendance at the meetings, and ready, with helpful counsel and personal effort, in the various problems that the Club has faced. An account of Mr. Daggett's life will appear in the next issue of THE CONDOR.

The Supreme Court of the United States has recently handed down a decision upholding the constitutionality of the Migratory Bird Treaty Act. This opinion was delivered in judgment of a bill in equity brought by the State of Missouri to prevent a game warden of the United States from attempting to enforce the Act and the regulations made by the Secretary of Agriculture. Ornithologists will cordially endorse

the "common sense" summary in the last paragraph of the Court's decree, that: "Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action in concert with that of another power. The subject matter is only transitorily within the State and has no permanent habitat therein. But for the treaty and the statute there soon might be no birds for any powers to deal with. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed."

The National Parks Service is this year inaugurating a system of instruction in natural history for visitors to Yosemite National Park. Two members of the Cooper Club will conduct this work during the season of 1920. Through coöperation with the California Fish and Game Commission, Dr. H. C. Bryant will give instruction from June 1 to August 31. Dr. L. H. Miller, Department