

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