

alights on a dead twig, her weight or the action of her wings snapping it off. She then carries it off in her feet. Last May 23d a Swift flew to a willow near where I was standing, and snapped off a dead twig in the same manner." This is precisely the performance which Mr. Fuerter's drawing represents. — ELLIOTT COUES, *Washington, D. C.*

Probable First Description of *Empidonax flaviventris*. — It would seem unlikely that two such common birds as the Least and the Yellow-bellied Flycatcher could have slipped through the fingers of Wilson, Nuttall, and Audubon, and remained to be discovered by the Messrs. Baird in 1843. Of the two, the Yellow-bellied is the brightest colored and best marked in comparison with the Small Green-crested — the only one of the three which was characterized in Wilson's time; both Traill's and the Least being less likely than the Yellow-bellied to be discriminated from the Green-crested in those times. I find in Nuttall a notice which, it seems to me, can hardly be anything else than an indication of *E. flaviventris*. This is as follows, with italics for the most significant phrases :

"NOTE. We are acquainted with a third small species [of flycatcher] allied to the present [*Tyrannula pusilla* Sw.] and *acadica*, but distinguishable by the *superior brightness* of its plumage; being olive-green above *and on the flanks*. Rump, *and beneath the wings* almost *sulphur-yellow*, with a brightish bar also on the wings. This species does not appear to migrate much to the north of New York State." Nutt., *Man.*, orig. ed., Vol. II, 1834, App., p. 568.

Nuttall is here speaking of no imaginary bird, and not compiling a notice from somebody else. He knows such a bird, and he describes it at first hand — perhaps from memory, perhaps from observation in life without a specimen; but at any rate, his bird is a fact, and as such must be accounted for. He is also dealing with a true Flycatcher — not with any Warbler, or Vireo, or even Fly-catching Warbler of his genus *Sylvania* — all of which he is perfectly able to discriminate from any species of "*Muscicapa*" or "*Tyrannula*." In the orig. ed., I, 1832, he has the Phœbe, the Wood Pewee, the Olive-sided, and the Small Green-crested, all put and by themselves, showing that he understands this group as something apart from Warblers, etc. In the Appendix to his Vol. II, 1834, when he had got hold of the Fauna Boreali-Americana, he adds to his list of true Flycatchers *Tyrannula pusilla* Sw., and *Tyrannula richardsonii* Sw., between which two species he interpolates the 'note' I have just cited. This fixes the position of his new bird as a 'Tyrannuline,' and I do not see what else it can be than *Empidonax flaviventris*; the description is a fairly good one, and certainly fits *flaviventris* better than it does any other species. Nuttall gives no name to his new bird, and in fact cancels his 'note' in his 2d ed., 1840, where the case drops out of sight altogether; so that no nomenclatorial question is raised. But this fugitive 'note,' tucked away in the appendix to his Water Bird volume of 1834, and then disappearing seems to embody a curious bit of early history, worth pausing a moment to consider. — ELLIOTT COUES, *Washington, D. C.*