

two Ancient Murrelets (*Synthliboramphus antiquus*). I think this last is a record for San Pedro, as Mr. Grinnell informs me that this is the second record south of Santa Cruz Island, the other being a pick-up near San Diego.

These birds were badly stained with crude oil. I had great difficulty in removing it from an Auklet and an Ancient Murrelet which I saved. I used gasolene for cleaning, without injury to the feathers. The Sanderling was without wings, so was probably killed by some hunter. The other birds were apparently killed by the storm.

On February 8 I went down again and found two Brandt Cormorants, three Surf Scoters, one Ancient Murrelet, one Xantus Murrelet, one Cassin Auklet and one Rhinoceros Auklet. All



NEST AND EGGS IN SITU OF TOLMIE WARBLER IN MARIN COUNTY

Photographed by Joseph Mailliard

but the two Cormorants and one Scoter were in an advanced stage of decomposition and may have been a part of those observed on January 23. The Cormorants were the only ones free from oil.—HOWARD WRIGHT, *Pasadena, California*.

Nest of the Tolmie Warbler.—Mention is often made—as, for instance, twice in THE CONDOR, Vol. X, No. 4, by Gilman writing of New Mexico, and Rockwell of Colorado—of localities where the Tolmie Warbler is abundant, or at least common, in the breeding season; but it has never been my fortune to visit such a spot. Most of my observations on this species have been made at San Geronimo, Marin Co., California, where a few, a very few, pairs breed each year. The shyness of these birds and their habit of building near the ground in thick vines, in bunches of wormwood or thick clusters of tall ferns, make the discovery of a nest with eggs a

difficult matter, especially as they will abandon an uncompleted nest under very slight provocation. Those containing young are, of course, comparatively easy to locate by watching the parents carrying food. Most of my "finds" of this species have been entirely accidental.

The nest shown in the accompanying photograph was rather remarkably situated, and found as usual by accident. Altho these birds are naturally extremely retiring in their disposition, this nest was inside the right of way of the railroad running thru the Rancho San Geronimo and only about twenty-five feet from the track over which four or five passenger and freight trains passed each way every day. We use a wire of the railroad fence for telephonic purposes, and in the spring, when the growth of vines is especially rampant, we have more or less trouble from the grounding of the current by the vines coming in contact with the wire.

In the present instance, while driving along the county road parallel to the track, some three miles from headquarters, I noticed that some wild cucumber vines had clutched our wire in their disturbing embrace, and I jumped out of my buggy to remove them. This nest was on the farther side of the right of way, and it was in crossing from the track to the fence beyond that I flushed the parent by almost stepping on it. Quite a stream runs parallel with the railroad here, and some willows growing on its bank overhang the fence. The nest was placed near the ground in a low patch of wild blackberry vines under the edge of these willows. The instant the parent flushed I drew back and hid, waiting for her to return to the nest. She flew into the willows where she was soon joined by her mate, and their note—so much like the warning "twit" of the California Partridge—was repeated anxiously many times as they hopped about the neighboring trees before they were sufficiently reassured to return to the nest. Finally, however, the female edged toward her particular blackberry bush and all became quiet.

Except for the danger of having one's paraphernalia disturbed by the passing public this would have been an ideal place for a series of photographs as soon as the young were hatched, especially as the birds must have become used to more or less disturbance in such a noisy spot; but unfortunately my time was too much occupied to make the trial. The day after this discovery I brought my camera along with the result herewith submitted. It was necessary to cut away some of the vines on the camera side before the nest could be focussed, as it was practically hidden from sight.

It is more than possible that the noise of the passing trains had made this pair of birds bolder than the majority of their kind, as otherwise it is extremely improbable that they would have returned to their nest at all after the rude disturbance of a full grown man crashing thru their blackberry patch. The necessity of further disturbance from cutting away and disarranging the vines about the nest was too much for them, however, and the set was added to our collection. It was taken May 7, 1908; No. 4000-5-08, collection J. & J. W. Mailliard; incubation one-third. Nest composed of dry weeds and weed bark, lined with a few fine rootlets and a little horsehair; diameters 4 and 1¾ inches, depths 2¾ and 2.—JOSEPH MAILLIARD, *San Geronimo, California*.

The Status of the Hutton Vireo in Southern California.—I have come to the conclusion that *Vireo huttoni oberholseri* does not exist as a race separate from *Vireo huttoni huttoni*. And this, too, after my attempted demonstration to the affirmative conclusion (as presented in THE CONDOR VIII, November, 1906, pp. 148, 149)!

My reversal of opinion is due to the acquisition of more material from southern California, the most valuable of which in this connection are birds in fresh fall plumage from Orange County, and a number of additional specimens from San Diego County. My former statement that the only then available San Diego County example (taken in March) was exceptionally "leadened" was perfectly true. Furthermore I have at hand thru the courtesy of Mr. F. Stephens, three May examples from Witch Creek, the type locality of *oberholseri*; and three more June birds (adult) from the Santa Rosa Mountains. These are all quite appreciably paler than June and July adults from the vicinity of Monterey; the type locality of *Vireo huttoni huttoni*. But (and here is the crucial test) the September birds from Orange County (just as with those from Los Angeles County, as I previously pointed out), and which are in full, fresh plumage, are of exactly the same tints thruout as equally unworn birds from Monterey, Palo Alto and the Santa Cruz Mountains. (It must, of course, be borne in mind here that there is but the single annual molt in this species, in August.) Furthermore (and this clinches the evidence) an adult specimen (No. 2401, U. C. M. V. Z.) from the Santa Rosa Mountains is even paler than any of the Witch Creek birds; yet among the prevailing worn, light-colored feathers of the back are to be seen, just appearing, two or three bright green new feathers of the precise tint of the corresponding feathers in the new-plumaged Monterey birds.

The deduction from this is that the character of *oberholseri*, paleness, is adventitious and due to the greater rate of fading and abrasion to which the southern California birds are subjected.