

ANOTHER BLOW—MIGRATORY BIRD LAW HIT HARD.

The Chicago Daily Law Bulletin of date January 20th, 1915, contains the announcement that Judge Treiber of the United States District Court for the Eastern District of Arkansas, declared the Migratory Bird law, passed by congress on March 4th, 1913, invalid. The learned judge in his decision, states that while he recognizes the force of the contention of the Federal authorities that only by national legislation can the migrating birds of the country be preserved, yet he says that this is not a matter for the courts, but for the people by amending the constitution of the United States.

The decision was rendered in the case of United States vs. Shauver, and is reported in 214 Federal Reporter, page 154. In this decision, Judge Trieber quotes and discusses many decisions pro and con, but all of them are clearly in line with his decision in the Shauver case, and a careful examination and study of his honor's decision convinces one that it is sound and that an appeal to the Supreme Court of the United States would avail nothing.

Article 5 of the Constitution of the United States provides that the constitution may be amended whenever two-thirds of both the house and the senate shall deem it necessary and shall propose amendments to the constitution or upon the application of the legislatures of two-thirds of the several states, congress shall call a convention for proposing amendments, which amendments in either case shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states or by conventions in three-fourths thereof as the one or the other mode of ratification may be proposed by congress.

The friends of the birds should stir up the members of congress from their respective districts and the same methods should be used with the representatives and state senators in the different states, and as the law of March 4th, 1913, declared invalid by Judge Trieber was undoubtedly the result of the same kind of agitation, there ought to be no difficulty in having an amendment providing in substance that birds and animals *ferae naturae* are by the constitution given to and declared to be the property of the United States, and in this way obviate the objection raised by Judge Trieber that nothing in the present United States constitution waives the common law right of the different states to all birds and animals *ferae naturae*.

Most of the laws passed by the different states for the protection of game, contain in some part thereof, the statement that birds and animals *ferae naturae* are the property of the state, but as this is merely declaratory of the common law, it has very little force ex-

cept to make written, that which was unwritten under the common law.

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PUBLICATIONS RECEIVED.

Five papers by Arthur A. Allen, Ithaca, N. Y. From *Bird-Lore: At Home with a Hell-Diver; On the Trail of the Evening Grosbeak*. These are intimate studies of the species, profusely illustrated from photographs. The *Paramo of Santa Isabel*, from "The American Museum Journal," January, 1915, being an account of the author's experiences in this interesting region in South America, illustrated from photographs. Two from the Cornell Reading-Courses, *Birds in their Relation to Agriculture*. These papers are in furtherance of the commendable university extension work of the College of Agriculture of Cornell University. Other state universities might well introduce more of this sort of extension work in part repayment for the support given to these institution by the whole people in taxes.

U. S. Department of Agriculture publications: *Some Common Birds Useful to the Farmer*, by F. E. L. Beal, *Farmer's Bulletin* No. 630; *Food of the Robins and Bluebirds of the United States*, by F. E. L. Beal, *Professional Paper* No. 171; *Preliminary Census of Birds of the United States*, by Wells W. Cooke, No. 187; *Bird Migration*, by Wells W. Cooke, No. 185. These papers and many others are continued evidence that our government officials are not unmindful that the nation's welfare is bound up in the intelligence of the people who compose it.

Several papers from the pen of Henry Oldys, under the caption, "Current Items of Interest," published by the Audubon Society of the District of Columbia, deal with the general question of bird conservation.

A series of papers in the *Outer's Book*, by Dr. R. W. Shufeldt, "American Bob-whites and Quails," in the September, October, November, and December numbers. These papers deal with the descriptions of all of the species, with some life history notes.

Bird-Lore, August-September, 1914, to May-June, 1915.

Bluebird, September, 1914, to June, 1915.

Nature-Study Review, September, 1914, to May, 1915.

The Oregon Sportsman, September, 1914, to May, 1915.

The Condor, September-October, 1914, to May-June, 1915.

The Victorian Naturalist, September, 1914, to April, 1915.

The Guide to Nature, September, 1914, to May, 1915.

The Oriole, June and August, 1914.