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1863.

Leaves unequally pinnate, about two inches long; leaflets in about six pairs, opposite, linear-lanceolate (half an inch or more in length).

Peduncles longer than the leaves, angular, minute subulate, bracts about as long as the pedicels, or one-third the length of the calyx; about nine-flowered, in a close capitate spike; flowers purple, large; calyx teeth subulate, as long as the tube, lower tooth diverging from the flower nearly to a right-angle, clothed with black hairs.

Banner oval, emarginate, one-third longer than the wings, the lateral margins recurved below, erect.

Legumes curved, acuminate and pointed with the persistent style, glabrous, colored and plane above upon the back, cells somewhat unequal or subtriquetrous, six to eight-seeded cells, or about sixteen-seeded.

July 7, 1861.

President in the Chair.

The following paper was read:

New Californian Animals. By J. G. Cooper, M. D.

Note.—The animals here described belong to the collection of the State Geological Survey, and brief diagnoses of them are published with the approval of Prof. Whitney, State Geologist, to secure for the survey the priority of description.

A. Species new to Science.

The first that I undertake to describe may possibly have been before described from Mexican or South American specimens, but as Mr. Cassin, of Philadelphia, is unable to identify it with any of them, I venture to name it:

Athene whitneyi—Whitney's Owl.

Spec. char.—Above light brownish gray, thickly spotted with angular pale brown dots, the most densely on head, but those on back largest; back also somewhat barred with waving lines of the same color. A concealed white collar on back of neck, forming a white bar across middle of feathers, which are plumbeous at base like the rest. Quills with three to six spots on each web, those on inner web white, as are those on the outer web of second, third and

fourth quills. Rest of spots light brown. A row of white spots on edges of lesser coverts, four on the upper, seven on the lower series, with a row of light brown spots between. A few white spots also on outer secondaries. A white stripe on outer row of scapulars, edged by large light brown stripes toward middle of back. Rest of wing feathers dark brown, the secondaries with light ashy dots toward their ends. Tail feathers colored like the quills, the light spots forming five broken bars, and another narrower bar at the tip. Wings and tail ashy brown beneath, with white bars; edge of wing white, a dark brown patch at end of coverts, which are elsewhere white, tinged with yellowish.

Stiff feathers above eye white, with black spots on middle of shafts. Feathers below orbit light brown, faintly barred with darker; bristles around bill black for their outer half. Chin and throat feathers white, their base black, and tips of lower series light brown, the white thus forming a broad crescent in front of the neck, extending between outer angles of orbits, somewhat broken at the median line, and edged with brown, darkest laterally. Sides of neck narrowly barred with ashy alternating with light and dark brown; a large white patch in front of neck, mottled with blackish. Breast imperfectly barred and blotched with the same colors, the brown forming large patches toward abdomen, margined with gray and white.

Sides more grayish, tinged yellow, flanks plumbeous. Tibial feathers narrowly barred with light and dark brown. Tarsal bristles white, those on toes yellowish, soles yellow, claws horn brown, bill pale green, (black with yellow edges when dry) iris bright yellow.

Length 6.25 inches; extent of wings, 15.25; wing from carpus, 4.50; tail, 2.25; tarsus, 0.90; middle toe, 0.60, with its claw, 0.70—inner lateral claw reaching to base of middle, outer to base of inner; hind toe and claw, 0.50; gape of bill, 0.45; height, 0.30; width at base, 0.40.

No. 208, male, (?) shot at Fort Mojave, lat. 35°, Colorado Valley, April 26th, 1861; the only one met with.

This owl is the smallest species yet discovered in the United States, being considerably less than the little *Glaucidium gnoma*. In colors it much resembles this species, but in generic characters differs essentially, being in these closely allied to *Athene*, though it might perhaps form a distinct genus. Not having access to any analysis of the South American genera, I have preferred to retain this bird in *Athene*.

The next, which is undoubtedly a new bird, I have dedicated to the interesting little daughter of my kind friend, Prof. S. F. Baird.

Helminthophaga lucia—Lucy's Warbler.

Spec. char.—Above light ash-gray, with partially concealed spot on vertex, and the upper tail coverts chestnut brown. Quills and tail tinged with brown, edges of primaries and coverts paler; beneath white, tinged with yellowish, this color extending to lores and around eyes, forming also a faint line above and behind them. Quills beneath plumbeous, tail feathers also, the outer edged with white internally, and with a white patch on inner web near the end. Iris brown, bill black above, bluish below, feet pale lead color. Length 4.25 inches; extent of wings, 6.50; wing from carpus, 2.25; tail, 1.50; tarsus, 0.65; middle toe and claw, 0.95; bill along ridge, 0.35; along gape, 0.45; depth at base, 0.15; width a little more. Specimens vary a little, over or under these measurements. Female differs in small size and duller colors only. Agrees very well in generic characters with the other species, but has the first quill shorter than the three next, and the tail shorter in proportion.

This is the second species of the genus discovered in New Mexico since the publication of Prof. Baird's Report on Birds, Vol. IX, P. R. R. Reports. The other, *H. virginia*, is figured and described in the volume of plates published by Baird, Cassin and Lawrence, to complete the illustrations of new birds of North America.

This bird was common at Fort Mojave, near lat. 35°, in the Colorado Valley, where it arrived about March 25th, and remained until I left there, the twenty-eighth of May. I saw none along the Mojave river, on the route westward. I collected five male specimens and one female.

Prof. Baird thinks with me that the following will undoubtedly prove a new species, after a comparison of specimens:

Xerobates agassizii—Agassiz Land-Tortoise.

Spec. char.—*Young*, with the carapax higher and more arching than in *X. carolinus*, the margin serrate all round, the primary disks of the scales projecting from a tenth to an eighth of an inch. Color of primary disks entirely pale yellow, the annual rings of growth only being dark brown. (Young just hatched probably all yellow.)

Remarks.—Closely resembles *X. carolinus*, the "Gopher" of Florida and the other Cotton States, of which no descriptions accessible are full enough to enable me to point out all the differences. But as another species intervenes between the range of that and this one, namely, *X. berlandieri* of Agassiz, found in Southern

Texas and Mexico, I feel confident that comparison of specimens will show constant distinctions between them. From *X. berlandieri* it differs even more than from *carolinus*. Besides the serrate margin, which is most distinct in my youngest specimens, (four years) while Agassiz's figure of the young has no serrations, and different coloration; it has but twenty-four instead of twenty-six marginal scales, (abnormal in his figured specimen?) and the primary disk of the vertebral scales is more than half as long (anteroposteriorly) as it is broad, instead of about twice as broad as long. The other scales also differ in details of form.

Three young specimens—a male of seven years age, two females of six and four years—obtained from the mountains of California, near Fort Mojave.

I take the liberty of naming this fine tortoise after the celebrated Zoölogist, whose work on the development, anatomy and classification of American Turtles (Contrib. to Nat. Hist. of U. S.) leaves nothing to be desired in these particulars. We may hope before long to see his descriptions of the genera and species, on which he has been engaged for several years, and which, like the tortoise itself, though slow in coming, will doubtless prove of solid worth and durable quality.

This is the first land tortoise ever found west of the Rocky Mountains, where but one species of the family is known to be common, the terrapin of our markets, (*Actinomys marmorata*, Agass). The latter I found within the great Utah basin, in the Mojave river, and have also heard of it near Carson Valley and the Upper Columbia river. Two or three other species live near the junction of the Gila and Colorado, and I hear that a land tortoise is common near the Gila, but whether this species or *X. berlandieri*, we do not know. I saw one full grown specimen in the possession of an Indian, but was unable to procure it. Broken shells are frequent on the higher parts of the mountains west of the Colorado, where the Pah-Utes eat them. Judging from these, it seems to attain a length of about a foot.

I obtained several other reptiles and fish which will probably prove new, but have not yet been able to determine them.

B. Known species new to the State of California.

MAMMALIA.

Vulpes velox, (Aud and Bach).—Swift or Kit Fox, Fort Mojave, one specimen.

Thomomys umbrinus, (Baird).—Sonora Gopher-rat, Mojave river bottoms and Cajon Pass.

Hesperomys austerus, (Baird).—Slate-colored wood-mouse, Fort Mojave, two specimens.

H. Sonoriensis, (Leconte).—Sonora wood-mouse, Mojave river.
Lepus callotis? (Wagler).—Texan hare, Fort Mojave.

BIRDS.

Sphyrapicus nuchalis, (Baird).—Red-necked Woodpecker, Fort Mojave, one female specimen.

S. williamsonii, (Baird).—Williamson's Woodpecker, Fort Mojave, one male, very rare.

Colaptes chrysoides, (Baird).—Malherbe's Flicker, Fort Mojave, a male and two females, the first known United States' specimens, rare.

Panyptila melanoleuca, (Baird).—White-throated Swift, Cajon Pass, one specimen, the third known to have been ever collected, rare in this State.

Chordeiles texensis, (Lawrence).—Texas Night Hawk, Fort Mojave and Mojave river, four specimens.

Tyrannus vociferans, (Swainson).—Cassins' King bird, Cocomongo Ranch, California, one specimen, common.

Empidonax traillii, (Baird).—Traill's Fly catcher, Fort Mojave and westward, common, two specimens.

Pyrranga aestiva? (Vieill).—Summer Red bird, Colorado Valley, common. Differs from eastern specimens only in larger size, and differs wholly in color from *P. hepatica*, as figured in P. R. R. Rep., Vol. X, etc. It seems to agree with specimens from Texas.

Ampelis garrulus, (Linn).—Large Waxwing, Fort Mojave, one specimen, most south-western locality recorded.

Vireo belli, (Aud).—Bell's Vireo, Mojave river. The first found west of Rocky Mountains, common, two specimens.

Harporynchus leontii, (Bonaparte).—Le Contes' Thrasher. Deserts along Mojave river, common, two specimens; the only one ever before obtained was Le Contes'.

Pooipiza bilineata, (Selater).—Black-throated Sparrow, Fort Mojave, common.

Spizella pallida, (Swainson).—Clay-colored Sparrow, Fort Mojave, common in April; the first found west of the Rocky Mountains, 2 specimens.

Pipilo chlorurus, (Baird).—Blanding's Finch, Fort Mojave, rare, two specimens.

[*Icterus cucullatus*, (Swainson).—Hooded Oriole. Many seen in interior valleys near San Bernardino. Obtained in Lower California by J. Xantus.]

[*Hydrochelida plumbea*?—Short-tailed Tern, or a new species,

with black breast and gray wings; seen flying over headwaters of Mojave river, near Cajon Pass, June 8th, 1856. The above has never been seen west of the Rocky Mountains.]

REPTILES.

Pituophis bellona, (Baird & Girard).—Churchill's Bull snake, Fort Mojave, common, one specimen.

Masticophis testaceus, (B. & G.)—Coppery Whip snake, Fort Mojave and Mojave river, common, three specimens. First of each found west of Texas?

Salvadora grahamiae, (B. & G.)—Graham's Salvadora, Fort Mojave, not rare, two specimens, first seen in the United States.

July 21, 1861.

President in the Chair.

The following manifestly new species of *Hosackia* was collected and presented by Dr. Andrews—specimen No. 116 of his collection:

H. macrophylla, (*Euhosackia*), Kellogg.—Fig. 38.—Stem erect, fistulous, flexuous, villous throughout, somewhat striate-angled; a foot or more in height.

Leaves long (four or five inches), sub-sessile; leaflets eighteen to twenty-one, somewhat alternate or sub-opposite (distributed about equally from base to apex) obovate, oblong, broadly cuncate, mucronate.

Stipules narrowly lanceolate, acuminate, foliaceous (one-quarter to one-half an inch long).

Peduncles short, (about one-third less than the leaves) umbel six to eight-flowered; pinnate, bracts large (two to three inches long), with seven to nine leaflets, situated a little above the middle of the peduncle, stipules lance-subulate, acuminate (form as in the cauline leaves, but narrower).

Flowers purplish, (together with calyx and pedicels) vexillum distant on a long claw and with the wings much longer than the obtuse keel. Teeth of the calyx minute, triangular, acute. Fruit unknown.

Dr. Kellogg read a description of a new species of *Ceanothus*, brought by Dr. J. A. Veatch from Washoe.

From: Peter Paul van Dijk <p.vandijk@conservation.org>

To: Anders Rhodin <RhodinCRF@aol.com>; James Parham <jfparham@gmail.com>

Subject: Cooper 1861

Date: Wed, Mar 3, 2010 10:21 am

Attachments: Goph_agass_1863_Cooper_SpNov.pdf (455K)

Gentlemen,

Attached Cooper's description of the Desert Tortoise. As you see, the wrapper for the entire volume is dated 1863, while the paper was read in 1861. Bob Murphy and Al Leviton have done all the researching to date this precisely, and have confirmed that the particular catern containing Cooper's description was printed and distributed in 1861 (the burrowing owl was described in the NEXT issue, and is dated as 1861 in ornithology).

I checked with Don Julio del Norte (i.e. Bob Murphy) and he wants the correct date to be used for the Redlist account and other publications by others, rather than reserving the novelty of date correction for his own paper (hopefully in print before the end of the year anyway). Green light to incorporate this into the 2010 TTWG Checklist.

Greetings from the 9-gate Ontario airport, so small it doesn't have wireless access....
Peter Paul