

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

Section 44, Pages 1291 - 1320

This collection contains correspondence regarding indemnities for cattle killed by tuberculosis, concerns over the findings of veterinary inspection, discussion of an outbreak of rabies among Kansas dogs that affected cattle, complaints of veterinary treatments killing animals, and general discussion about livestock diseases. The correspondence is mostly between the Livestock Sanitary Commissioner and various livestock owners throughout Kansas.

Creator: Kansas. Livestock Sanitary Commissioner

Date: 1919-1924

Callnumber: Livestock Sanitary Commissioner, Correspondence, 1919-1924

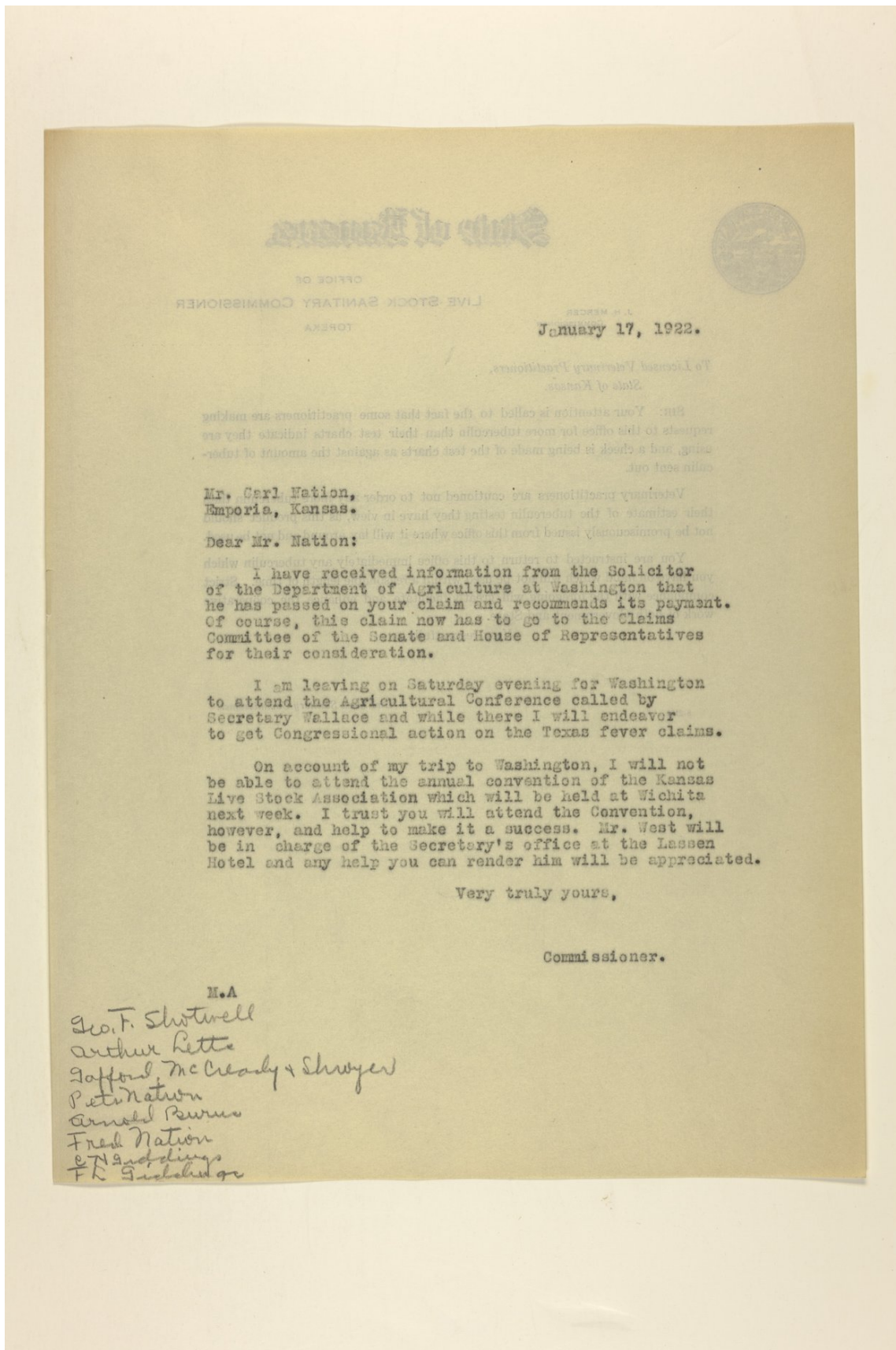
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Livestock Sanitary Commissioner's Office, correspondence, 1919-1924



Livestock Sanitary Commissioner's Office, correspondence, 1919-1924



State of Kansas

OFFICE OF

LIVE STOCK SANITARY COMMISSIONER

TOPEKA

J. H. MERCER
COMMISSIONER

*To Licensed Veterinary Practitioners,
State of Kansas.*

SIR: Your attention is called to the fact that some practitioners are making requests to this office for more tuberculin than their test charts indicate they are using, and a check is being made of the test charts as against the amount of tuberculin sent out.

Veterinary practitioners are cautioned not to order any more tuberculin than their estimate of the tuberculin testing they have in view, as this product should not be promiscuously issued from this office where it will lay around and not be used.

You are instructed to return to this office immediately any tuberculin which you have on hand which will not be used within a reasonable length of time. Strict compliance with the foregoing will greatly facilitate and enhance the coöperative work of both Government and State.

Very respectfully,

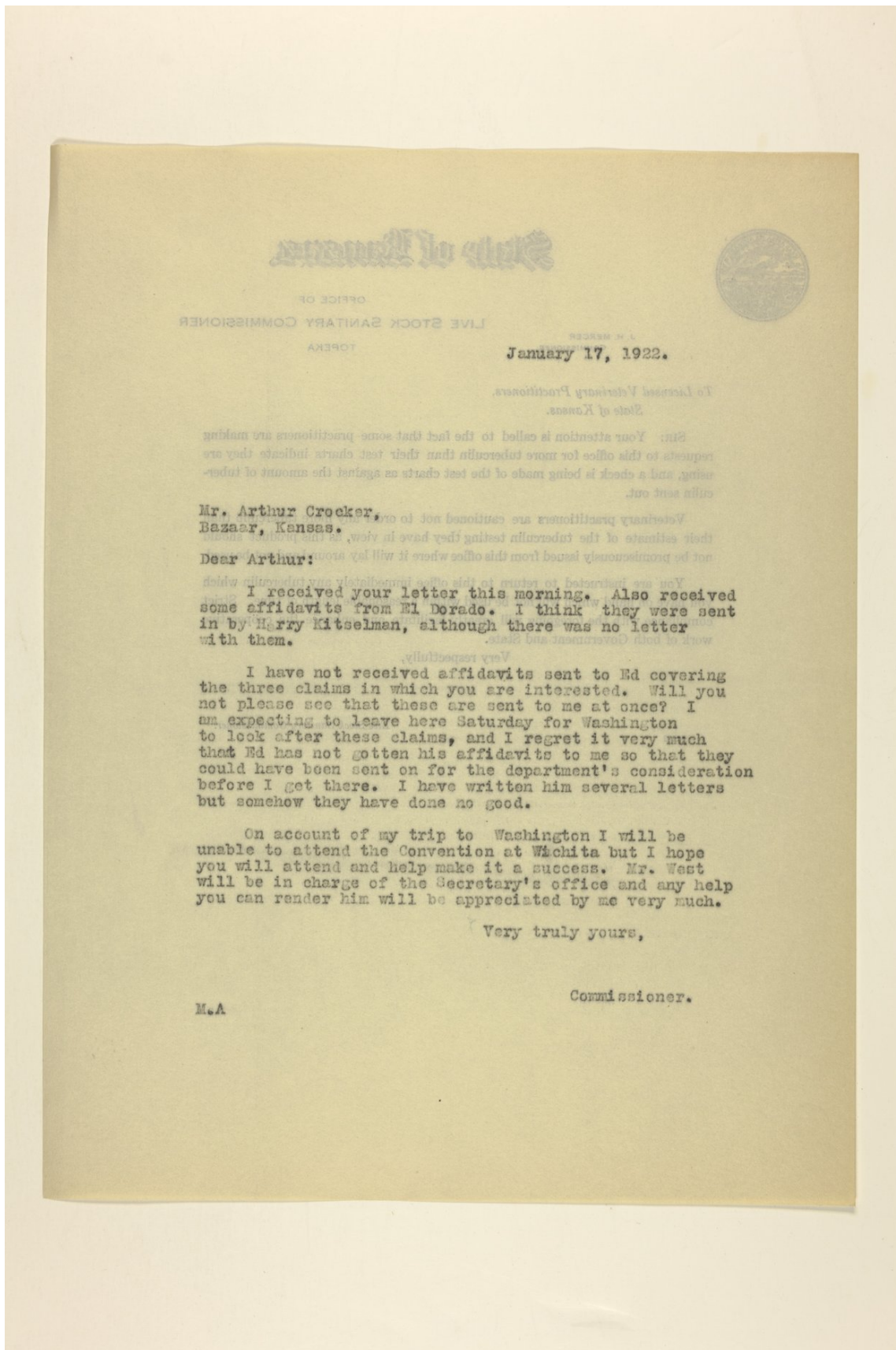
Live Stock Sanitary Commissioner.

8-2102

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[Handwritten notes in the bottom right corner, including "United Tail", "at the", "by hand", "of the", "of the", "of the", "of the"]

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924



Livestock Sanitary Commissioner's Office, correspondence, 1919-1924



State of Kansas

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Very respectfully,

Live Stock Sanitary Commissioner.

8-2102

Very truly yours,
J. H. Mercer
Commissioner

Enclosure

A-1

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

Bazar, Kas.
1/18th / 1922

J. H. Mercer
Topeka, Kas.

Dear Joe:

After talking with you Sunday I succeeded in getting Ed by phone at Lawrence, Mo. and he advised me that he had those papers with him and that he would attend to them at once. Fred Borthwick the bookkeeper as Ed tells me you called him this morning about the papers after which I again got hold of Ed as Ed directs and he

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told me that he had mailed the papers and you should get them this morning however I insisted on his calling you and he said he would and I hope he has and that you now have the necessary papers.

Do not suppose I can be in Wichita only the last day of the convention.

Truly yours,
Arthur Crocker

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

BAZAR KANS.

J.H. Mercer
Topeka Kans.
Dear Joe:

Since you called me I talked to the book-keeper at Bids and he advises me that he thinks Ed must have those papers with him as he had them laid out and said he was going to attend to it and the papers are gone, this was just before he left last Friday.

However I will try and locate him in Kans. City and find out something definite and have him communicate with you or show up.

Thanking you for the inquiry and the interest you are taking, I remain,

Very truly yours,

Arthur Crocker

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

January 21, 1922.

Mr. Dan C. Smith,
Union Stock Yards,
Wichita, Kansas.

Dear Mr. Smith:

I received your complimentary ticket to the Fat Stock Show and thank you very much for same. I am very much disappointed in not being able to attend the Show and our Convention next week. It was decided by the Board of Directors that I should attend the Agricultural Conference called by Secretary Wallace and I am leaving tonight for Washington.

Mr. West will be in charge of my office at Wichita and I hope that you will help him and Mr. Edwards in every way you can to make the Convention a success.

Again thanking you, I am

Very truly yours,

Secretary.

M.A

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

, January 23, 1922.

Mr. W.J. Tod,
Maple Hill, Kansas.

Dear Mr. Tod:

In line with our conversation when you were in the office a few days ago regarding the Kansas Live Stock Association and the coming Convention at Wichita, I have compiled my Annual Report and it will be read in the open convention on the first day. I have also made up a financial statement with a letter transmitting it to the Executive Committee with the suggestion that all business matters be left to the Executive Committee and the Board of Directors as heretofore.

I hope that the Convention will go ahead and have a good program and not adopt any new policies or change any of our old ones especially at this time. I trust very much that you will use your good influence in keeping down any excitement that might come up in connection with the Butler County affair. I know of nothing else that is likely to create a disturbance in the Convention.

I feel very much disappointed on account of not being able to be with all of you at Wichita, but I will do everything in my power in the interests of the farmers and live stock men at Washington. It remains to be seen however, whether there can be anything done.

With best wishes for a good meeting, I am

Very truly yours,

Secretary.

M.A

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

, January 23, 1922.

Mr. M. C. Campbell,
Wichita, Kansas.

Dear Mr. Campbell:

As you know, it was decided by the Board of Directors of our Association that I should attend the Agricultural Conference in Washington called by Secretary Wallace.

We have complied our annual report and also a short financial statement to be submitted to the Executive Committee. Mr. West will be in charge of our work at Wichita and I know that you will give him all the help possible to make the Convention a success. Of course, I am personally disappointed because I will not be able to attend the Convention, but hope I may be able to do some good in Washington.

It is my wish that there be no change in the policies of our Association's work or that any effort be made at this time to raise funds, but simply to refer all business matters to the Executive Committee and Board of Directors.

I hope you will assist in every way possible to carry out this program.

With best wishes for a good Convention, I am

Very truly yours,

Secretary.

M.A.

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924



J. H. MERCER
COMMISSIONER

State of Kansas

OFFICE OF
LIVE STOCK SANITARY COMMISSIONER
TOPEKA

January 27, 1922.

County Treasurer,
Johnson County,
Olathe, Kansas.

Dear Sir:

We are enclosing herewith account sales with check attached in the
amount of \$300.26, sent to this office by the
H. Thies & Sons, Kansas City, Missouri
covering net proceeds from the sale of thirteen reactors
originally belonging to:
A. B. Anderson, Merriam

These animals were recently condemned on account of being infected with
the contagious disease tuberculosis, and disposal has been made in accordance
with the law governing matters of this kind.

Kindly acknowledge with your official receipt for our files.

Yours very truly,

Commissioner.

Waa

9-879

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

KNOW ALL MEN BY THESE PRESENTS:

That, I, R.L. Allen, of Emporia, Lyon County, Kansas, do hereby name, designate and appoint J.H. Mercer of Topeka, Kansas, Secretary of the Kansas Live Stock Association, to be my true and lawful attorney in fact for the following purposes, to-wit:-

To manage and sign my name in connection with any and all matters pertaining to my Texas fever claim, as shown in Senate bill No. 854 against the United States Government, hereby confirming and ratifying each and every thing done by him herein under my name and the signing of my name by him in connection therewith is the same as if I were in person executing same.

Given under my hand at Emporia, Kansas, this ___ day of February 1922.

Ruben L Allen

STATE OF KANSAS,)
) SS.
LYON COUNTY.)

Before me appeared R.L. Allen, known to me personally and subscribed to the foregoing instrument and acknowledged same to be his voluntary act and deed this ___ day of February A.D. 1922.

W. H. Hulse
Notary public.

My Commission expires Feb'y 2nd., 1922.

Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

Feb. 2, 1922

Affidavit of J. H. Mercer In Re Claims of J. B. Granville and others against the Government of the United States for loss and damage occasioned by the outbreak of Texas fever in Chase and other counties in the State of Kansas, July, 1919, to October, 1919.

I, J. H. Mercer, a resident of Topeka, Kansas, do solemnly swear that at the time of the outbreak of Texas fever in Chase and other counties in the State of Kansas in 1919 I was Live Stock Commissioner of that State, which office I still hold, and as such Live Stock Commissioner I was charged by statute with the duty of enforcing quarantine regulations and controlling outbreaks of contagious, infectious, and communicable diseases among the live stock of that State.

Accordingly, when the outbreak of Texas fever was reported to my office in July, 1919, I assumed charge, in cooperation with the Bureau of Animal Industry of the Department of Agriculture, of the handling and controlling, in all particulars, of the outbreak of Texas fever and matters of quarantine, and otherwise took such action as was necessary to stamp out and prevent the spread of the disease.

I have a complete knowledge of all matters pertaining to the above-mentioned outbreak of Texas fever from the time it occurred until it was stamped out and the quarantine was raised. I have full knowledge of the details of the losses and damages growing out of the said outbreak of Texas fever as suffered by the respective claimants, which are contained in the brief, statement, and documents which have been by me submitted to the Secretary of Agriculture at the suggestion of the Chairman of the Senate Committee on Claims, Senator Spencer, for examination, report, and recommendation respecting such claims.

At a public meeting held at Emporia, Kansas, on August 2, 1919, Dr. R. A. Ramsey, Chief of the Inspection Division of the Bureau of Animal Industry of the Department of Agriculture, advised the stock raisers whose live stock were affected by the outbreak of Texas fever that they should keep an account of their losses and damages which they might suffer through this outbreak of Texas fever, to be subsequently presented to the Government in some form for allowance. After the outbreak had been stamped out and the quarantine was raised, I assisted these claimants in the making out of these claims and the presentation of the same to Congress, through Senator Curtis, and prepared the abstract and brief of the claims in connection therewith, which brief contained the claims as made out by the claimants for the respective amounts in each of the claims numbered 1 to 29, and two other claims, of R. L. Woods and G. F. Brough, respectively, which were subsequently presented in the same manner but not included in the abstract referred to.

These comprise the claims, the payment of which is recommended by the Secretary of Agriculture. The claims so recommended are just and valid claims of said parties, respectively, for loss and damage in the amounts as recommended by the Secretary of Agriculture.

Subscribed and sworn to before me this 2nd day of February, 1922.

Notary Public in and for the
District of Columbia.



Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

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Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

Hotel Raleigh,
Washington, D. C.,
February 4, 1922.

Hon. Arthur Capper,
United States Senate,
Washington, D. C.

Dear Senator:

In regard to the claims of J. B. Granville and others against the Government of the United States for loss and damage occasioned by the outbreak of Texas fever in Chase and other counties in the State of Kansas, July, 1919, to October, 1919, heretofore submitted and laid before the Claims Committee of the Senate, and by that Committee referred to a Sub-committee, of which you are Chairman, I beg to report as follows:

The letter of Senator Spencer, the Chairman of the Senate Committee on Claims, dictated in your presence when these claims were brought up for consideration at a meeting of your Sub-committee on the 2nd of November, 1921, was delivered to the Secretary of Agriculture, and the next day I had a conference with him in regard to the matter of making the investigation and reporting upon the claims as requested in Senator Spencer's letter, with the result that it was referred to the Solicitor of the Department of Agriculture. Delay has unavoidably resulted because of the fact that when the matter was submitted to the Solicitor there was certain additional evidence that he desired which it required time to get. That evidence has been obtained, so far as necessary, and is included in the report and recommendation of the Secretary of Agriculture respecting the claims.

On account of my official position and connection with the handling of this outbreak of Texas fever, and on account of my personal knowledge of the same and of the loss and damage sustained by these claimants, and in support of the same as unquestioned and valid claims against the Government, I have prepared an affidavit in support of said claims and enclose it herewith to be used by you in such manner as you may deem advisable.

Yours very truly,



Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

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Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

STATEMENT OF J. H. MERCER IN RE TEXAS FEVER CLAIMS.

I am making this statement in connection with the claims growing out of the Texas fever infection on account of my familiarity with the whole situation as a live stock producer myself and also on account of the fact that I was the state official who had entire charge of the quarantine and personally supervised a large amount of the eradication work.

In presenting a history of these claims I want to call the attention of the Committee to the regulations, both state and Federal, under which the cattle in question were moved from the Fort Worth stock yards in Texas to the grazing lands in the State of Kansas. I refer you to page 5 of my printed brief which you have before you in which is set forth section 3, paragraph 1, of the regulations of the Bureau of Animal Industry of the Department of Agriculture concerning the movement of southern cattle into what is known as northern clean territory. I also invite attention to page 8 of my brief quoting sections (a) and (b) of paragraph 5 of the same regulations.

The attention of the Committee is further invited to page 14 of my brief quoting Rule 1 of the Kansas State regulations relating to the admission of cattle into the state.

Before explaining the rules and regulations cited we think it necessary to explain to this Committee why the regulations were promulgated. For a number of years the Federal Government has designated certain territory in the United States as southern quarantine territory on account of Texas fever infection. The disease known as Texas fever originates by the transportation of cattle that might be infected with a tick from the southern part of our country to northern territory. This tick is known as the Texas fever tick, and is prevalent clear across the southern part of our country. The tick gets on the cattle in southern territory and if moved north without being destroyed it drops off that class of cattle, infests our northern cattle and infects them with what is known as Texas fever. For a long time it was not known how to prevent the spread of this disease through the movement of southern cattle to northern territory. Provision



Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

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was made, however, by the Federal Government whereby these southern cattle could be moved north for immediate slaughter in cars tagged as carrying southern tick infested cattle and to be unloaded only in pens provided for handling this class of cattle. The Government carried on experiments for several years to determine some means or plan whereby a system of dipping could be provided to destroy the ticks in order that the cattle could be moved north to what is called northern clean territory to feed lots and grazing lands. First a system of dipping in crude oil was provided, which worked very well. Later an arsenical dip was discovered, which seemed to be more efficient, and it is now being used in almost all cases in the cleaning of these tick infested cattle of the south for shipment north. I relate this little history of the tick in order to show to this Committee that the movement of cattle from the southern quarantine territory on account of ticks is entirely in the hands of the Federal Government. The regulations referred to provide the manner in which these cattle can be moved north for purposes other than immediate slaughter. The shipper or producer of live stock would be severely punished for the violation of any regulation of the Bureau of Animal Industry of the Department of Agriculture and would also be held liable for any losses that might occur on account of the movement of these cattle by not complying with the Federal regulations. So the question of moving these cattle from the south to the north rests, I say, entirely with the inspectors of the Bureau of Animal Industry of the Department of Agriculture, as set forth in the regulations quoted in my printed brief.

It is clearly shown that the shippers who brought the southern cattle from the Fort Worth stock yards in the spring of 1919 complied in every particular with both the federal and state requirements governing the movement of this class of cattle.

The contract made by Mr. Carl Nation with Saunders & Mars for about 3,000 head of these cattle sets forth that the cattle are to be delivered free on board the cars in what is known as the clean territory above the quarantine line in the Fort Worth stock yards, Saunders & Mars to have the cattle dipped under the supervision and direction of a Government inspector stationed at the yards for that purpose and after a permit



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was issued for their shipment. A copy of the permit you will find on page 13 of my printed brief. They also complied with the rules, regulations, and law of the State of Kansas when they secured a permit from the Government inspector at Fort Worth for the shipment of the cattle, as you will find in my brief at page 14, quoting Rule 1 of the Kansas regulations.

The other cattle purchased by Crocker Brothers and others were bought through commission merchants at Fort Worth acting as their agents and were handled in like manner as Carl Nation's cattle. These men were not at Fort Worth and of course depended entirely upon the Government inspector to protect their interests by requiring the cattle to be properly dipped before issuing a permit for their shipment into clean territory.

It is not disputed by anyone connected with the Bureau of Animal Industry, or elsewhere, that the shippers did not comply in every particular with the Federal law and regulations in the movement of these cattle. We know that there was no intention on the part of anyone connected with the handling of these cattle, or on the part of the Government agent, to permit these or any other cattle to come north without being thoroughly dipped and inspected. We have no way of determining just where the negligence arose, because the record shows that the cattle were dipped under the supervision of the Government inspector and a certificate issued for their shipment. It is a self-evident fact, however, that the ticks were not all destroyed, and it might be that there was a lack of close inspection after the dipping on the part of the Government inspector. I might also state that the Government agent directs the mixing of the dip and is supposed to test the strength of the dip himself. He supervises the manner in which the cattle are immersed in the dip, and then after a period of so many hours after they are dipped in the oil he is supposed to make a careful inspection of the cattle to ascertain whether there are any live ticks remaining on them. So in the inspections with reference to the dipping of these cattle in question, the dip was not sufficiently strong to destroy the ticks and evidently there was not a sufficiently careful inspection after

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the dipping to determine whether any live ticks remained on the cattle. As a result, on the 25th day of July, 1919, it was reported to the authorities of the State of Kansas that there was an outbreak of Texas fever among cattle located in the Paul Williams pasture in Marion County, Kansas. An investigation was hurriedly made and it was found that the Texas cattle bringing the tick into the State originated at the Fort Worth yards and that they were shipped into Marion County on the first of May, 1919. The brief shows that we at once wired the Government inspector in charge at the Fort Worth stock yards for a list of all shipments of southern cattle originating at these yards destined to Kansas points. The reply of Dr. Grafke, inspector in charge of the work of the Bureau of Animal Industry at Fort Worth is set forth at page 4 of my brief. A hurried inspection was made of all the cattle as furnished by Dr. Grafke and it was found that all of the herds that were shipped out of these yards to the Kansas pastures were more or less infested with fever ticks. Every effort was put forth by both Federal and State officials to control the disease. We wired Dr. Moler, Chief of the Bureau of Animal Industry at Washington, D. C., for help and he sent Dr. Ramsey, chief of the inspection department, and other representatives of the Bureau of Animal Industry to assist in the eradication of the trouble.

At a mass meeting in Emporia on August 2, 1919, attended by a large number of farmers and live stock producers of our state, Dr. Ramsey, chief of the inspection division of the Bureau of Animal Industry, stated that it was an unfortunate happening and asked everyone to keep an accurate account of all losses and expenditures made on account of the outbreak of the disease and to file such accounts with the Government so that they could be reimbursed. He expressed the opinion that Congress would pay all legitimate claims for losses incurred as a result of the outbreak of the Texas fever.

Soon after that meeting we instructed the state inspectors in charge of the eradication work in the Texas fever district, and also the owners of the cattle, as to Dr. Ramsey's suggestions concerning the necessity of keeping a very careful account of all losses and expenses incurred on account of the Texas fever infection. I might add here



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that the Bureau of Animal Industry in cooperation with the state officials of Kansas assisted in every way possible to clean up the trouble and make the losses as small as possible. While these claims amount to quite a large sum in the aggregate, had it not been for the activities of all interested the amount would have been many times greater, as there were a large number of cattle which were exposed to the tick infection.

As soon as the trouble was cleaned up in the State of Kansas all the owners of live stock who suffered losses on account of the disease were requested to submit to us a statement of their losses and expenses. They were carefully tabulated and are on file with your Committee. As a summary of each claim appears in my printed brief, I shall not encumber the record by repeating them here.

These claimants without fault of any sort on their part have suffered an unexpected loss occasioned directly and proximately by the introduction of the Texas fever, as to which they had no means of preventing and no means of preventing the loss which they suffered. The State and Federal Government took charge of the situation and, as the evidence shows, handled it admirably, preventing a very much greater loss if it had not been so handled. The claimants were in the track of the storm and have suffered not only the loss shown in their claims, but they have been impoverished at a time when they could least afford it. Not even interest has been added to these claims, which is invariably done in such cases, and the amount claimed is therefore far less than their loss. The prompt allowance and payment of these claims should in good conscience be made now without delay.

The legal liability having^{been} presented to the Solicitor for the Department of Agriculture and that having been conceded with respect to the claims and the amounts thereof, I shall not go into that matter. Should the Committee require it, that will be taken up by Judge S. H. Cowan, counsel representing these claimants.



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STATEMENT OF J. H. MERCER IN RE TEXAS FEVER CLAIMS.

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In presenting a history of these claims I want to call the attention of the Committee to the regulations, both state and Federal, under which the cattle in question were moved from the Fort Worth stock yards in Texas to the grazing lands in the State of Kansas. I refer you to page 5 of my printed brief which you have before you in which is set forth section 3, paragraph 1, of the regulations of the Bureau of Animal Industry of the Department of Agriculture concerning the movement of southern cattle into what is known as northern clean territory. I also invite attention to page 8 of my brief quoting sections (a) and (b) of paragraph 5 of the same regulations.

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It is clearly shown that the shippers who brought the southern cattle from the Fort Worth stock yards in the spring of 1919 complied in every particular with both the federal and state requirements governing the movement of this class of cattle.

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Livestock Sanitary Commissioner's Office, correspondence, 1919-1924

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was issued for their shipment. A copy of the permit you will find on page 13 of my printed brief. They also complied with the rules, regulations, and law of the State of Kansas when they secured a permit from the Government inspector at Fort Worth for the shipment of the cattle, as you will find in my brief at page 14, quoting Rule 1 of the Kansas regulations.

The other cattle purchased by Crocker Brothers and others were bought through commission merchants at Fort Worth acting as their agents and were handled in like manner as Carl Nation's cattle. These men were not at Fort Worth and of course depended entirely upon the Government inspector to protect their interests by requiring the cattle to be properly dipped before issuing a permit for their shipment into clean territory.

It is not disputed by anyone connected with the Bureau of Animal Industry, or elsewhere, that the shippers did not comply in every particular with the Federal law and regulations in the movement of these cattle. We know that there was no intention on the part of anyone connected with the handling of these cattle, or on the part of the Government agent, to permit these or any other cattle to come north without being thoroughly dipped and inspected. We have no way of determining just where the negligence arose, because the record shows that the cattle were dipped under the supervision of the Government inspector and a certificate issued for their shipment. It is a self-evident fact, however, that the ticks were not all destroyed, and it might be that there was a lack of close inspection after the dipping on the part of the Government inspector. I might also state that the Government agent directs the mixing of the dip and is supposed to test the strength of the dip himself. He supervises the manner in which the cattle are immersed in the dip, and then after a period of so many hours after they are dipped in the oil he is supposed to make a careful inspection of the cattle to ascertain whether there are any live ticks remaining on them. So in the inspections with reference to the dipping of these cattle in question, the dip was not sufficiently strong to destroy the ticks and evidently there was not a sufficiently careful inspection after



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the dipping to determine whether any live ticks remained on the cattle. As a result, on the 25th day of July, 1919, it was reported to the authorities of the State of Kansas that there was an outbreak of Texas fever among cattle located in the Paul Williams pasture in Marion County, Kansas. An investigation was hurriedly made and it was found that the Texas cattle bringing the tick into the State originated at the Fort Worth yards and that they were shipped into Marion County on the first of May, 1919. The brief shows that we at once wired the Government inspector in charge at the Fort Worth stock yards for a list of all shipments of southern cattle originating at these yards destined to Kansas points. The reply of Dr. Grafke, inspector in charge of the work of the Bureau of Animal Industry at Fort Worth is set forth at page 4 of my brief. A hurried inspection was made of all the cattle as furnished by Dr. Grafke and it was found that all of the herds that were shipped out of these yards to the Kansas pastures were more or less infested with fever ticks. Every effort was put forth by both Federal and State officials to control the disease. We wired Dr. Moler, Chief of the Bureau of Animal Industry at Washington, D. C., for help and he sent Dr. Ramsey, chief of the inspection department, and other representatives of the Bureau of Animal Industry to assist in the eradication of the trouble.

At a mass meeting in Emporia on August 2, 1919, attended by a large number of farmers and live stock producers of our state, Dr. Ramsey, chief of the inspection division of the Bureau of Animal Industry, stated that it was an unfortunate happening and asked everyone to keep an accurate account of all losses and expenditures made on account of the outbreak of the disease and to file such accounts with the Government so that they could be reimbursed. He expressed the opinion that Congress would pay all legitimate claims for losses incurred as a result of the outbreak of the Texas fever.

Soon after that meeting we instructed the state inspectors in charge of the eradication work in the Texas fever district, and also the owners of the cattle, as to Dr. Ramsey's suggestions concerning the necessity of keeping a very careful account of all losses and expenses incurred on account of the Texas fever infection. I might add here

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that the Bureau of Animal Industry in cooperation with the state officials of Kansas assisted in every way possible to clean up the trouble and make the losses as small as possible. While these claims amount to quite a large sum in the aggregate, had it not been for the activities of all interested the amount would have been many times greater, as there were a large number of cattle which were exposed to the tick infection.

As soon as the trouble was cleaned up in the State of Kansas all the owners of live stock who suffered losses on account of the disease were requested to submit to us a statement of their losses and expenses. They were carefully tabulated and are on file with your Committee. As a summary of each claim appears in my printed brief, I shall not encumber the record by repeating them here.

These claimants without fault of any sort on their part have suffered an unexpected loss occasioned directly and proximately by the introduction of the Texas fever, as to which they had no means of preventing and no means of preventing the loss which they suffered. The State and Federal Government took charge of the situation and, as the evidence shows, handled it admirably, preventing a very much greater loss if it had not been so handled. The claimants were in the track of the storm and have suffered not only the loss shown in their claims, but they have been impoverished at a time when they could least afford it. Not even interest has been added to these claims, which is invariably done in such cases, and the amount claimed is therefore far less than their loss. The prompt allowance and payment of these claims should in good conscience be made now without delay.

The legal liability having ^{been} presented to the Solicitor for the Department of Agriculture and that having been conceded with respect to the claims and the amounts thereof I shall not go into that matter. Should the Committee require it, that will be taken up by Judge S. H. Cowan, counsel representing these claimants.

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The record of claims of J. B. Glanville and others for reimbursement by the Government for losses sustained by the communication of Texas fever to their cattle and infection of their pastures and consequent quarantine in the year 1919 briefly show:

First. That Congress, by law, authorized and empowered the Secretary of Agriculture to issue regulations with respect to the movement of live stock interstate and the quarantining and handling of live stock that might be infected by a contagious or infectious disease.

Second. That the cattle that carried the Texas-fever tick into Kansas in the spring of 1919 were purchased under a contract with the Texas owner; that they were to be delivered through the quarantine pens of the Fort Worth Stock Yards dip under the supervision of Government inspector and a certificate issued by said Government inspector permitting the said cattle to be shipped interstate to the State of Kansas.

Third. That the owners of the Texas cattle complied with the provisions of the contract and delivered said cattle to the stock yards at Fort Worth where they dipped under the supervision of a Government agent; that the stock yards company complied with the requirements of the Government agent in furnishing the necessary dip and help with which to dip the cattle; that the railroad companies and the purchasers of said cattle, or their agents, complied with every requirement of the Government agent before shipping the cattle from the said stock yards; that the absolute control of the movement of the cattle in question was in the hands of the Government agent located at

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Fort Worth Stock Yards.

Fourth. That the State of Kansas, relying upon the correctness of the acts of the Government agent in controlling the dipping and inspection of said cattle, admitted them to the State of Kansas; that there were several thousand head of these cattle; that they were located in many pastures and mixed with different cattle in six different counties in the State of Kansas, and that in due course of time every shipment of cattle dipped in oil originating at the Fort Worth Stock Yards, with the exception of one, was shown to have carried Texas-fever tick into the State of Kansas and infected a large pasture area of the state, producing an outbreak of Texas fever among the native cattle in said area, causing a large death, sickness and other consequent losses as a result of the act.

Fifth. That at the outbreak of the disease the State of Kansas, under the authority of their live stock commissioner's department, quarantined the tick-infected area and in cooperation with the representatives of the Federal Bureau of Animal Industry made every effort possible to exterminate the disease by rigid quarantine, causing the building of dipping vats and every other precaution that could be taken in order to eradicate the disease; that at the time of the outbreak of the disease Dr. Ramsay, Inspector of the Inspection Division, of the Bureau of Animal Industry, advised the owners of live stock in the quarantined area to keep accurate statement of all their losses and submit same through their congressmen to the Government for adjustment.

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Sixth. That this was done in the nature of a bill prepared by Senator Curtis, of Kansas, and introduced in the Senate in the spring of 1920; referred by the Claims Committee of the Senate to the Department of Agriculture for report on same; that after more than a year of a searching investigation and hearings, compiling the evidence in connection with the claims by the Solicitor of the Department of Agriculture, their findings were submitted in the nature of a letter by the Secretary under date of February 3, 1922, admitting negligence on the part of the Government agent stationed at Fort Worth, and recommending that each claimant be paid a certain amount in dollars and cents as set up in said report; that this bill was passed by the Senate and is now in the hands of Claims Committee of the House.

Therefore the claimants are praying that Congress reimburse them for these losses on the record in the case showing admitted negligence of a Government agent; that the claimants do not maintain that the Government is a guarantor with respect to these claims, but that the Government is morally liable on the grounds of the admitted negligence and therefore should pay these losses.



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for any purpose. This action is by cooperation of the States and government, so that the States like Kansas where the tick will not live generally through the winter, admits the southern cattle only under the government inspection and certificate after compliance with the rules under government supervision to free the cattle of ticks. Any other course would be followed by the greatest disaster to the Kansas cattle and pasture owners, which the state prohibited and prohibits except under strict compliance with these rules. Likewise quarantine of the area where infection is taken, under the provisions of law quarantine regulations is required until the danger is passed.

All the parties claimants were wholly without fault or negligence, and being subjected to the quarantine in Kansas and by the joint work of the State and Bureau of Animal Industry, did what they had to do, incurred the expense and losses as the result. This applied to the parties shipping the cattle and the others alike. The cattle that were shipped of course did not have the fever, but like all exposed cattle were quarantined along with the others with which they had been intermingled, as were the pastures and adjoining pastures covering a large area, which in this case included many pastures in 6 counties where the cattle had been placed and into which they may have strayed from infected pastures. The total of over 200,000 cattle were in the quarantined area. It was continued only so long as necessary, and the disease which began in May was stamped out and pastures freed from time to time until it was all cleaned up before the middle of October, though some of the cattle had so suffered that they were not in fit condition, and were not marketed till in November.