

## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

### Section 33, Pages 961 - 990

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 Commission

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KANSAS  
HISTORICAL  
SOCIETY

**City Meat Market**

W. L. BRUNER, Prop.

SEDAN, KANSAS

April 1<sup>st</sup> 1927

Mr J. H. Mearns

Topeka Ks.

I received your letter a few days ago. but we had a funeral at that time in our family so it was impossible for to answer sooner. The hogs have quit dying, about all the sick ones died that was sick when

Dr. Dotson was here. as far as I know the medicine was all right. I want to know what you think about giving the hogs some more of the medicine in about 30 days.

Yours Resp<sup>t</sup>.

W. L. Bruner  
Sedan Kan.

## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

Livestock Exchange Building,  
Wichita, Kansas,  
March 24, 1927.

Mr. J. H. Mercer, Commissioner,  
State House,  
Topeka, Kansas.

Dear Sir:

Your letter of March 22nd at hand, in  
regard to the Bruner herd of hogs Sedan, Kansas.

This shipment of hogs were healthy at the time of vaccination and shipment, and remained so for about two weeks. This diseased condition of Necrotic Enteritis is generally recognized as a disease associated with filth and unsanitary surroundings, and in this connection I might state that Mr. Bruner had been purchasing old horses to feed to these hogs, having fed eight or ten head up to the time of my visit. It has been his practice to feed these old horses for sometime, even prior to receiving this shipment of hogs, and I believe they make a very valuable addition to the diet, as it has a high protein content, however there is a chance that some of these old horses may be diseased, and care should be taken to avoid feeding these carcasses that might be diseased. There was a portion of his lot that was a bad lobbolly, containing bones and portions of these old carcasses. The diseased condition in these hogs may have been started from picking up the infection from his own lots, however I am always suspicious of a public market, and from the fact that these hogs came from a public market, would lead me to suspect that this was the source of infection, but of course there is no way of definitely telling, as the hogs were in the best of health, and so far as we were able to ascertain, there was no evidence of sickness of any kind when they left the yards.

I advised Mr. Bruner that sanitary measures were very important in a diseased condition of this kind, and suggested that he fence off this mud hole and scatter lime over it, and if he continued feeding these old horses, to burn what was remaining of the carcasses after the hogs had fed from them for a few days.



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J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

Mercer, 2.

In regard to the medicine furnished by an Iowa firm, will state that it is very highly recommended by several hog feeders that have had considerable difficulty with bowel disturbance, and where fed according to directions, these feeders advise me that they have been able to completely control this most troublesome infection. I am enclosing herewith a phamplet containing the name of the firm and directions of feeding and etc.

Yours truly,

*H. F. Dutton*

HFD\*EL

## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

### DIRECTIONS FOR USING MARVEL MEDICINE (FOR HOGS)

#### HOW TO PREPARE FOR USE

Use clean barrel or tank. Put 15 gallons water in this barrel or tank, then add one quart MARVEL and mix, add one quart barrel salt and mix, last add three bushels whole oats and mix. This should soak at least ten hours before using. This amount should be used for each 25 head of 100 pound hogs for one day feeding.

#### BROOD SOWS

Starting month before farrowing time give sow one gallon of the medicated oats (prepared as directed above), once every other day along with other feeds. Continue this treatment until pigs are weaned. As pigs get large enough to start eating the oats, increase the amount so that all will have plenty.

This treatment will keep the sow free from infection of Necrotic Enteritis and many other troubles that cause so much disturbance with the pig crop. It will do away with scours in small pigs. You will notice a difference.

If sow is showing sickness, place on 3 day full feed of medicated oats, discontinue for 2 days and if necessary, 3 days more of the treatment, followed by one feed each day for a few days.

#### TREATING SICK PIGS

Give them all the medicated oats they will eat for 7 days. They must not be given other feeds or slop, but should have fresh water at all times close to feeding troughs. The oats must be given in clean troughs and should feed every 2 or 3 hours. Results depend upon the largest amount of the medicated oats you can get them to eat in the shortest length of time. After 7 days of this treatment put them back on their regular feeds gradually, giving them one feed of the medicated oats each day for a few days.

#### PREVENTIVE AND CONDITIONER

Feed the medicated oats once every 4 or 5 days using clean troughs. It is not necessary to take them off other feeds as they will leave other feeds for the medicated oats. It is advisable to follow this outline and not neglect them until they break.

#### AFTER WEANING PIGS

Start them with a 3 to 5 day treatment as outlined for sick pigs. Follow this by caring for as preventive and conditioner.

TRY IT. THEY WILL DO MUCH BETTER

#### STOCKER PIGS

If shipped in, upon unloading have oats mixed ready for feed. Give regular sick pig directions for 4 or 5 days if no sickness is noticed in herd. If sick, give full 7 day treatment. Put on regular feeds gradually, giving one large feed of medicated oats each day for few days along with other feeds. Then treat as preventive and conditioner.

GAIN FROM FIRST DAY WITHOUT  
BREAKS

BOWEN-SHIELDS CHEMICAL CO.  
18th and Broadway Council Bluffs, Iowa.



**NEW**  
**PRICE LIST**  
**MARVEL MEDICINE**

50 Gal. Marvel Medicine @ \$2.00	\$100.00
50 Gal. Steel Drum	5.00
Total	\$105.00

*For 300 or more head.*

30 Gal. Marvel Medicine @ \$2.10	\$63.00
30 Gal. Steel Drum	4.00
Total	\$67.00

*For not over 300 head.*

20 Gal. Marvel Medicine @ \$2.20	\$44.00
20 Gal. Steel Drum	3.50
Total	\$47.50

*For not over 200 head.*

15 Gal. Marvel Medicine @ \$2.30	\$34.50
15 Gal. Steel Drum	2.50
Total	\$37.00

*For not over 150 head.*

10 Gal. Marvel Medicine @ \$2.40	\$24.00
10 Gal. Steel Drum	2.00
Total	\$26.00

*For not over 100 head.*

5 Gal. Marvel Medicine @ \$2.50	\$12.50
5 Gal. Steel Can	1.25
Total	\$13.75

*For not over 50 head.*

3 Gal. Marvel Medicine & Container	\$8.00
No Refund on 3 Gal. Container.	

*For not over 30 head.*

*We will refund list price on containers returned prepaid in good condition.*  
All Prices F.O.B. Council Bluffs, Iowa.

**Bowen-Shields Chemical Company.**





## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

March 22, 1927

Dr. H. F. Dotson,  
Livestock Exchange Building,  
Wichita, Kansas.

Dear Doctor:

I have your report of the investigation of the Bruner herd of hogs near Sedan, Chautauqua county. You do not state in your report what caused the outbreak of the disease you refer to. In most all cases where this disease is reported it is in hogs that originate in public markets. Is it your opinion that these hogs were infected when they were vaccinated and shipped to Mr. Bruner.

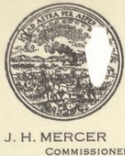
Also note your reference to the medicine prepared by a firm in Iowa that you recommended to Mr. Bruner. What is the remedy and what knowledge have you of its merits? If you have something that is good I would like to know what it is.

Very truly yours,

JHM/M

Commissioner.

## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

Livestock Exchange Building,  
Wichita, Kansas,  
March 18, 1927.

Mr. J. H. Mercer, Commissioner,  
State House,  
Topeka, Kansas.

Dear Sir:

As per your telephone instructions, I went to Sedan, Kansas, to investigate sickness in hogs belonging to Mr. W. L. Bruner. These hogs were purchased and vaccinated on the Wichita Yards, and shipped out February 22nd.

Mr. Bruner said that they did well up until the middle of last week, when they developed sickness, and 17 head had died up to the time of my visit. There were about 30 sick out of a shipment of 134 head. The diseased condition found was a very severe type of Necrotic Enteritis. I held post-mortem on one pig and the sick ones were manifesting a dark colored ill smelling diarrhoea streaked with blood. There was no evidence of complications.

In an adjoining lot he had some heavier hogs not belonging to this shipment, they were marketable and he was advised to dispose of them. Instructions given in regard to treatment and handling the sick hogs were as follows: Separate sick from the well and begin feeding all hogs blue vitral solution mixed with the drinking water, and add it to short slop which he was feeding, and a grain ration consisting of oats, that had been soaked in blue vitral solution for twelve hours. He also was advised to try a prepared medicine produced by a firm in Iowa, this to be fed in soaked oats. This remedy has been recommended to me very highly by practical hog feeders, and no doubt has considerable merit in controlling this condition. Sanitary measures including cleaning up hog lot and frequent disinfection were recommended.

Yours truly,

HFD\*EL

*H. G. Watson*



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

March 22, 1927

Mr. W. L. Bruner,  
Sedan, Kansas.

Dear Mr. Bruner:

A few days ago Mr. Cal Floyd of Sedan called me and advised that you were losing some hogs and asked that I send some one to make an investigation. I sent Dr. Dotson, a representative of this department located at Wichita. I have his report.

He advised that you recently purchased these hogs at the Wichita stock yards - that you had lost 17 head and that 30 more were sick. He diagnosed the disease as Necrotic Enteritis and prescribed treatment.

Will you please advise me as to the present condition of your hogs. I am asking for this information so that if the remedy prescribed by Dr. Dotson is not doing any good that we will investigate the case further.

Very truly yours,

JHM/M

Commissioner.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

April 4, 1927

Mr. David Gray,  
Tremont Hotel,  
Fort Scott, Kansas.

Dear Mr. Gray:

I have your report of the 2nd of the appraising work done in Bourbon county.

I note what you say with respect to Dr. Brown. Dr. Brown is a negro and perhaps some of those white chaps over there do not want him to test their cattle. However, he is just as much entitled to the work as anyone and I think you might mention to him that wherever anyone objected to him making the test that it would be all right for him to pass it up. There can be no question as to Brown's qualifications. I personally know that there are but few veterinarians in the state that stand higher in the profession so far as his knowledge of the profession is concerned than does Brown. I, therefore, feel that he is perfectly competent to make the tuberculin test and do it right. If this matter is brought to your attention again, tell them to write to this office and file their objections.

There is no retest granted on any herd unless it can be shown that the veterinarian making the test was negligent or that the animals were not all normal when the test was made.

You advised Mr. Drum correctly with respect to the pay the county commissioner is to receive for the part he takes in the appraisement of tubercular cattle in Bourbon county. Under the law he is entitled to his time and mileage and expense the same as he would be in rendering any other service as a county commissioner.

Miss Atchison will send you the record of all reactors in Bourbon county that have been filed up to last Saturday evening. These records will be sent you today or tomorrow. Should there any emergency come up in connection with the work that you want information on, phone us.

Very truly yours,

JHM/M

Commissioner.





## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
~~TOPEKA~~

Ft. Scott, Kansas  
April 2nd., 1927

Mr. J. H. Mercer  
State Livestock Commissioner  
Topeka Kansas.

Dear Mr. Mercer;

We have made fair time calling at the the appraising work yesterday and today, after our delay due to the heavy rains on Thursday. We have cleaned up all cases reported in the Scott, Marmarton, and Redfield districts and will ship a head from Redfield, and Ft. Scott Monday and Tuesday of next week. The shipping agents for the association will notify you by phone when the cattle are shipped. Things are going pretty well, but the Farm Bureau and many farmers are asking for additional veterinarians in view of the pasture situation. There has been some criticism of the methods of Dr. Brown among several owners of reactors, altho the officials speak highly of him. Some owners think Dr. Brown's methods loose and are not at all satisfied with his testing. Just what are our rules regarding a retest? Mr. Mooter at Marmarton has lost eight valuable Holsteins and thinks there is a mistake. I mention this because he requested it.

Mr. Drum who has been out with me, also requested that I ask you for your ideas about a compensation for the county commissioners who do this appraising. I have stated to him that as far as I know that this is a matter to be settled by the county commissioners, and that it is one of the duties of the county commissioners office.

Mr. T. J. VanSickle, bought 240 sheep in Kansas City, in November, and since getting them to his home at Fulton, the sheep have developed scab or mange and he has lost 24 head. He asked for advice relative to interstate shipment and states that he recieved no health certificate from the commission company when he bought the sheep. Personally I dont see how he managed to ship them out without the proper release from the yards, but believe that this condition should be reported. I have not seen the flock and cannot state their condition. He thinks the sheep must have been infected before shipping.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

The following appraisals have been made to date.

March 30th		
D.W. Rager	cow	\$80.00
Ed. Emerson	"	\$50.00
E.H. Bates	"	65.00
R.G. Campbell	2 "	95.00-75.00
Joe Braden	cow	65.00
E.L. Banwart	"	65.00
March 31st.	High water and roads impassable	
April 1st.		
Root & Hutchinson	cow	\$65.00
D.L. Rhoda	"	75.00
Newcomb & Johnson	"	40.00
T.H. Turner	"	70.00
A.E. Davis	"	50.00
D.C. Turner	3 cows,	60.00, 40.00, 40.00
C.M. Draper	Cow	75.00
CH. Bilyew	2 cows	60.00-40.00
H.A. Fulton	cow	70.00
Lloyd Biles	"	60.00
T.L. Thogmartin	"	55.00
April 2nd.		
W.E. Collins	2 cows	\$75.00--\$60.00
Robt. Shoemaker	cow	48.00
B.F. Harper	"	75.00
Daniel Murphey	"	60.00
C.T. McReyholds	"	78.00

Am sending the appraisal sheets under separate cover.

Respectfully yours

*David Gray*

Dewey Brillhart on April 1st, 2 cows \$60.00, \$50.00



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER

#####

Ft Scott, 3-31-27

Mr. J.H. Mercer  
State Livestock Commissioner  
Topeka Kansas.

Dear Mr. Mercer;

With Mr Drum, I started the work yesterday, but were seriously handicapped by the condition of the roads off the highways. It has been raining for the past 18 hours, and Mr. Drum, who lives in the country, was unable to get into town today. It has cleared now, and we hope to make a good showing tomorrow. At present the unimproved roads are almost impassable. Both Granfield and Mr. Kelly of the shipping association are cooperating in a fine manner. Mr. Kelly thinks he can assemble some of the cattle in thier respective shipping centers, and appraise them at the yards. If this can be done it will be a great saving of time. Conditions seem very good around Ft Scott and the cattle are all in better condition than in any county so far. Mr. Drum suggested the appointment of some one to represent the county commissioners in the event that he could not finish his allotted territory. Is such a substitution in accord with the rules?

In connection with the Banbury affair, referred to in your letter of yesterday, I deeply regret this error in my judgement, and appreciate your considerate attitude. In this connection, I might state that AUBel can be depended upon to say nothing, and I do not recall mentioning any names or details to Mr. Burns. I asked him for a general idea as to the valuations of polled and horned cattle.

I will submit a regular report on the cattle appraised in my next letter. I will need a supply of the county sheets and also another expense receipt book.

I am stopping at the Tremont.

Respectfully yours

David Gray  
Tremont Hotel  
Ft. Scott  
Kansas.

*David Gray*



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

April 8, 1927.

Mr. Roy Maybell, Undersheriff,  
Court House,  
Cottonwood Falls, Kansas.

Dear Mr. Maybell:

In accordance with arrangements made by Mr. West of this department in respect to the establishing of a state rabies quarantine in Chase County, I am sending to you under separate cover notices which are to be posted over the described area. Sheriff Burton agreed that you would take charge of and be responsible for the enforcement of the quarantine. A salary of \$100.00 per month to cover labor and mileage was agreed upon. Mr. West explained to all three county commissioners that the state would pay one half of this amount, or \$50.00, and the county the other half of your salary.

You will please have notices posted in prominent places over the quarantined area and advise all owners of dogs to securely tie or muzzle their dogs in compliance with the quarantine. It will be your duty to destroy dogs found running at large after due notice has been given to the residents of the district under quarantine. The question may be raised that when dogs are vaccinated against rabies then such dogs should be permitted to run at large. In all our state quarantines of this nature we make no exception to vaccinated dogs. They should be tied or muzzled the same as dogs which are not vaccinated.

Mayor John Campbell has been advised that the state has taken this action and I am sure he will gladly cooperate with your office in enforcing this quarantine in the city of Elmdale.

Please write this office once each week during the period of the quarantine, advising the situation, number of dogs killed and progress made. If further rabies outbreaks occur you may investigate and keep a complete record of same.

Thanking you for your cooperation, I am

Very truly yours,

WGW:MH

Commissioner.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

April 8, 1927.

Mr. J. H. Mercer,  
Topeka, Kansas.

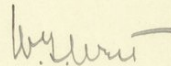
Dear Sir:

On April 5th, I called upon John Campbell, Mayor of Elmdale, Kansas and learned that on March 28th the dog of Ralph Drummond who lives 4 miles northeast of Elmdale became rabid and fought several dogs between the Drummond farm and Elmdale. The Elmdale marshal killed the dog. A positive report was made by the K.S.A.C. upon the head which was sent to the College laboratory by the county health officer, Dr. Woodhull of Cottonwood Falls. John Campbell issued a mayor's proclamation on April 4th requesting all dogs to be tied up or muzzled. Mr. Campbell requested a state quarantine to strengthen the city's action and to include outside territory.

I met with the county commissioners of Chase County, S. A. Venzer, Saffordville, Otto Triemer, Strong City and D. T. Nicholson, Cedar Point, on April 6th. They expressed their willingness to cooperate with the state in establishing a quarantine and agreed the situation was serious. After discussing the matter with county agent Gladfelter, Ex-sheriff Chas. Jacobs, Dr. Romigh, veterinarian, Under-sheriff Roy Maybell and Dr. Woodhull, all of whom expressed themselves in favor of state quarantine, I arranged with the county attorney to designate in legal terminology an area about six miles square including the probable district where exposure was greatest. I then arranged with Sheriff Burton to have Roy Maybell take over the work of enforcing the quarantine, advising that state quarantine notices would be sent as soon as I returned to Topeka.

A salary of \$100.00 per month was agreed upon, the state to pay one-half and the county one-half. This was explained to all three county commissioners. I telephoned John Campbell at Elmdale advising of the action taken and he expressed himself as being much pleased that the state was aiding.

Very truly,



WCW:MH



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

April 12, 1927

Mr. O. S. Reeves,  
Wilmot, Kansas.

Dear Sir:

After our conversation at Wichita I have gone over the records in your case and I can't see where Dr. Dotson was at fault in any way in permitting the shipment of the car of hogs in question. Under the circumstances it is not necessary for me to go into any detail or argument in connection with this matter.

The records show that the W.L. Halpin & Co., and a representative of the Witherspoon Commission Co., Mr. McComis, represented to Dr. Dotson that they were acting as your agents and that it was necessary for the hogs to be shipped off the yards since they could receive better attention by you on your farm than could be given the hogs at the public stockyards. He relied upon the statement of both Mr. Halpin and Mr. McComis that they were representing you and after examining the hogs he states emphatically that he could not declare them to be infected with a contagious or infectious disease and, therefore, would have no right to stop the shipment but stated that the hogs were not normal and that you should be advised accordingly.

It is my judgment that both Mr. Halpin and Mr. McComis were negligent in looking after your affairs. According to the records these hogs were shipped on February 11 and the account sales show that they were bought on February 3. The scale tickets show that you bought 35 of these hogs on February 2 and that W.L. Halpin & Co., bought the remainder on 71 head. The dates of the scale tickets are from February 1st to the 8th inclusive. The account sales show that 71 head were purchased by Witherspoon Commission Co., your account from W.L. Halpin & Co. on February 3rd at 13¢, 35 head were purchased from Bruce Jones, Inter-state, Stuart Commission Co., and one other firm I can't make out, prices varying from \$11.50 to \$12.50. I presume you have a copy of the account sales in question.

At any event, I understood you to say at the conference that you gave the order for the carload of hogs on February 2 and Mr. Halpin admitted that he told you that he could fill out the carload on the 3rd or 4th and the records show that the hogs were not shipped until the 11th. Therefore, holding these hogs on the public yards from the second until the 11th was no fault of the state of Kansas or Dr. Dotson but entirely in the hands of the parties to the transaction. It seems to me that this



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

-2-

is a matter entirely between yourself, the Witherspoon Live  
Stock Commission Co., and the W.L.Halpin Hog Co.

You can call on us for any help or  
records or assistance we can give you in this case.

Very truly yours,

JHM/M

Commissioner.





## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

Copy to Dr. Dotson.

March 26, 1927

Mr. O. S. Reeves,  
Wilmot, Kansas.

Dear Sir:

I have yours of the 21st and note care-  
fully same.

I don't know why your attorney would advise you that the state of Kansas would be responsible in this case. If Dr. Dotson, as a representative of this department, violated the sanitary law of the state, or the rules of the department, then the Live Stock Commissioner would be individually held liable for proven damages to you. But I cannot see how Dr. Dotson could be held liable for an act of your agent.

However, these are law points and I assure you that we will make a thorough investigation of this entire transaction and if the representative of this department has done you a wrong and is legally liable for any loss we will see to it that you are indemnified. The best way, I think, to handle this is for us to meet with the interested parties at the Wichita stockyards and I am planning now to be in Wichita Thursday of next week - the 31st, and I will be at the stockyards about 10 o'clock. Would like to have you meet me there. Should there anything come up in the meantime that will prevent me from being at Wichita on Thursday, I will wire you.

Very truly yours,

JHM/E

Commissioner.

## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

*See Reeves letter*

March 10, 1927

Dr. H. F. Dotson,  
Livestock Exchange Building,  
Wichita, Kansas.

Dear Doctor:

I notice on your monthly report of the activities of the Wichita office on your first item of receipts - "Feed charges for animal on test ..\$1.10; Expense,,Bedding and feed charges ..\$3.57. I don't know what this means. Feed charges and bedding charges are matters that should be attended to by the Wichita Union Stock Yards and is a matter that your office should have nothing to do with.

According to your report you are doing a lot of work but the cost seems excessive and appears to be very largely revenue for the Wichita Union Stock Yards. None of these costs enter into the overhead expenses of our operation at Kansas City. The first time I am in Wichita I will see if I cannot have some changes made which will eliminate in a way these excessive operating costs of our department.

I received your letter this morning with respect to the Stacey Reeves' sick hogs. Analyzing your statement, I am at a loss to understand why you admit negligence in this matter when you were dealing with Mr. Reeves' agent. I do not see where there was any need in your talking with Mr. Reeves before permitting the movement of the hogs. The state law prohibits the movement of live stock infected with a contagious or infectious disease and where your negligence occurred was to permit the movement of these hogs off the yards, especially all of the hogs that were sick.

It is suggested in cases of this kind hereafter that you take the matter up with this department and I believe by doing so you will eliminate the difficulty of these unpleasant things arising. Send me a copy of the permit you issued for the shipment of the hogs so that I will know whether or not we might be parties to a damage suit should Mr. Reeves decide to bring same.

Very truly yours,

JHM/M

Commissioner.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

Livestock Exchange Building,  
Wichita, Kansas,  
March 9, 1927.

Mr. J. H. Mercer, Commissioner,  
State House,  
Topeka, Kansas.

Dear Sir:

Referring to your letter of March 5th and supplementing my letter to you under date of March 2, in regard to a shipment of hogs off the Wichita market, to Mr. Stacey Reeves, Floral, Kansas.

There were 105 hogs in the shipment, and they were vaccinated here at the yards and were in a healthy condition at the time of vaccination. These hogs were held on the yards for a week or more following vaccination, before being shipped out. Inspection made at this time disclosed that some of them were sick. I took the matter up with the pig speculator, Mr. Ed Halvin, and the Witherspoon Commission Company, who was representing Mr. Reeves, and was advised that Mr. Reeves had been in and made the purchase himself out of first hands on a portion of these hogs, that the hogs were healthy when he purchased them, and therefore was his property, and the reason that the hogs were held for a week was in order to purchase more to go with them to make a full car load. The hog buyer for Witherspoon Commission Company stated that he was well acquainted with Mr. Reeves, having known him for a good many years, and he felt sure that Mr. Reeves would like to have these hogs down home where he could give them the proper care and treatment. I advised him that it was contrary to our regulations to permit sick hogs to move off the yards, but that I recognized the logic of his statement, and the desirability of the hogs being out where they could get sunlight and receive better treatment than could be given here at the yards.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

J. H. Mercer 2.

I advised them that if they would get in touch with Mr. Reeves and tell him the hogs were becoming sick, that we were holding up shipment on that account, and further advised him, if it was his desire to ship his hogs home knowing these conditions, where he could give them better care, that we would permit him to do so. Later in the day, the Commission Company came to me and advised that they had had a long distance call in for Mr. Reeves all day, but was unable to get through, that it was loading time, that a clean and disinfected car had been ordered and the hogs had been dipped and everything was in readiness to load the hogs out. I was lead to believe both by the pig speculator and the Commission Company, that on account of the condition of sale, the hogs belonged to Mr. Reeves whether they were sick or not, therefore I was confronted with the situation of a man having a car load of hogs here on the yards getting sick, located 60 miles from his farm, and the statement of the commission firm that they were positive that it would be Mr. Reeves desire to have the hogs shipped out where he could take care of them. I then advised them that I would permit the shipment to go forward with the understanding that I was dealing with Mr. Reeves through them as his agent.

In my letter to you under date of March 2, I advised you of making a trip to the Reeves farm, and investigated the condition of these hogs, at that time he had lost 17 head. I was talking to him again yesterday, and he stated that a total of 30 had died, and it seemed that the balance were sick, also about 75 head of native hogs were infected with this trouble now. The diseased condition in them at this time is a different condition than was in evidence when they were shipped out, at that time they seemed to have the hog flu, several of them were thumping and all of them had a bad cough.

## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

J. H. Mercer 3.

Mr. Reeves advised that this condition cleared up in a few days after they arrived home, that he lost 3 or 4 from pneumonia, and that the Necrotic Enteritis was a later development.

Mr. Reeves advised me that the Commission Company and the pig speculator both misinformed me in regard to the conditions of sale, that had he known these hogs were sick, he never would allowed them to be shipped, that he would never have paid for them. He takes the position that he has been unfairly dealt with by the Commission Company and by the pig speculator, and feels that they should reimburse him for his loss. In this connection it is plainly evident that I pulled a bonehead when I did not insist on having an understanding with Mr. Reeves personally, before permitting the hogs to go out, but at the time on account of the circumstances and the assurance from a man that I had known for several years, who was representing Mr. Reeves as his commission merchant, I felt it would be all right. I have talked to Mr. Reeves several times since these hogs went out and explained my negligence in the matter, he does not seem to blame me so much for letting the hogs go out under the circumstances, but at the same time he has sustained a very heavy loss, and in the light of later developments, I can see now where I should have never permitted the hogs to leave the yards, until I had personally talked to Mr. Reeves, even though it would have seemed an arbitrary procedure.

The nature of the disturbance in these hogs also had some bearing on my decision to let them go. A very large percentage that undergo the influence of shipping this time of year, seem to go through a hog flu which in itself seldom causes heavy losses, they will thump pretty badly for a few days and then get back on feed and clear up all right, and I expressed the opinion in my letter to Mr. Reeves under date of February 10th, the same day the hogs were shipped out, however hogs in this weakened condition have a very low resistance, and frequently contract Necrotic Enteritis, or there follows a vaccination break.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

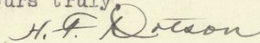
J. H. Mercer, 4.

Mr. Reeves advised me yesterday, that he had invited the Commission Company representative and the pig speculator here to come down to his farm next Sunday, to see the condition of the hogs, and he talked like they had agreed to come, and it may be that they will adjust the matter among themselves. I might add that everything possible is being done for the hogs.

I think I have covered the details of this matter pretty well, although it is hard to bring out all angles of a disputed question of this kind, without becoming so voluminous.

Should you hear from Mr. Reeves, and there is any additional information, we will be glad to supply it.

Yours truly,



HFD\*EL



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

March 12, 1927

Dr. H. F. Dotson,  
Livestock Exchange Building,  
Wichita, Kansas.

Dear Doctor:

I have yours of the 11th and note carefully same.

I still am of the opinion that the feeding and watering and care of cattle that are being held for the tuberculin test at the yards at Wichita is a stockyards service and that this department should have nothing to do with it whatever. However, as you state, the circumstances are peculiar and there might be some reasons for it being handled in the manner you state and we will let it go until the first time I am in Wichita when we will go over the matter thoroughly and have a complete understanding as to what should be done.

Referring again to the Reeves' case, I think you fully understand that it is one of the requirements of this department for you to safeguard in every way possible the owner or purchaser of live stock at the Wichita market, and you are not restrained from seeking information or imparting information in this direction. What I want to impress upon you is, however, the fact that admitting negligence would make it binding upon you for any loss an owner might sustain by reason of that negligence. You stated in your letter of the 9th "that you had pulled a bonehead" and had admitted negligence to Mr. Reeves. You no doubt know that I am under bond for any act that you commit that would hold either of us liable for damages and there would be no question should Mr. Reeves employ an attorney and bring suit for damages in this case if the attorney knew that you had admitted to me in a letter of your negligence that he would make us parties to the suit.

You will recall a case some time ago where you admitted to a purchaser of cattle on the yards that a certain number of the cattle were sick at the time you issued the shipping permit.

While I want you to use your good judgment in this matter and handle live stock in such a way that it will be to the best advantage of the owner and eliminate losses if possible, yet I do not want you to acknowledge or even intimate that you did so by reason of any negligence on your part. In the Reeves' case, you should not have let any diseased hogs been moved off the yards unless you had a signed agreement from the consignee or his agent that they wanted to move the diseased hogs for the purpose of eliminating further loss, and then if it was your judgment that it would eliminate further loss, you could permit the shipment under certain precautionary measures.

I am calling your attention to this for the reason that it is very important that you keep yourself on safe ground at all times.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

Dotson #2.

I expect to leave for Texas Monday evening and will be gone the rest of the week and as soon as I return within a few days I will make a trip to Wichita and will talk this matter over further with you.

Very truly yours,

JHM/M

Commissioner.

## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

Livestock Exchange Building,  
Wichita, Kansas,  
March 11, 1927.

Mr. J. H. Mercer, Commissioner,  
State House,  
Topeka, Kansas.

Dear Sir:

Replying to yours of March 10th.

The Stock Yards Company has set aside two pens for our use where cattle may be assembled by various owners to be tested. They do not make any charge whatever as a facility. Bedding is necessary this time of year, and occasionally it is necessary for us to purchase a bale of straw. The Stock Yards Company do not furnish bedding to anybody without being paid for it.

As stated above, we have been allowed two pens to use for testing purposes. Cattle to be tested are brought to these pens, after which they are removed to a Commission Company's alley where they are kept for the 72 hours, at the end of which time they are brought back to these pens for the test to be completed.

Occasionally somebody will neglect to take animals out of the test pen after the test has been started, in some instances we do not know who the owner is, and unless somebody ordered these animals fed and taken care of, they would be several days without feed. This does not happen very often, but when it does, it has been my practice to order feed and see that the stock get care, when the owner finally shows up, I simply collect from him for the feed that the Stock Yards Company collects from me when I order the hay. You will note that the \$1.10 is listed under revenue, that is the amount of feed we collected for, and is a part of the \$3.57 listed under expense. I know of no other way that this matter could be handled, and will make it a point to bring the matter up the next time you are down, and explain how our local situation here is.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

J. H. Mercer, 2.

In regard to our overhead expense, will say that I am in accord with your views in this matter, and have always felt that the Stock Yards Company was getting the lions share of our revenue, and from time to time I have called your attention to this matter.

I note what you say in regard to the Stacey Reeves hogs. Will state that there probably was no legal necessity of talking with Mr. Reeves personally before the shipment of hogs left the yards, but had I have talked to him, matters would not have been misrepresented, and he would have probably avoided this loss.

There is attached herewith a copy of the permit that we issued for the shipment of these hogs.

Yours truly,

*H. F. Dutton*

HFD\*EL

## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

April 13, 1927

Dr. H. F. Dotson,  
Livestock Exchange Building,  
Wichita, Kansas.

Dear Sir:

It might be a technical question as to whether or not you would be exempt from jury service. The constitution of Kansas exempts all state officers and you are a deputy state officer. Therefore, you might come under the exemption clause. However, I would not want to say.

I think it best for you to get in touch with Senator Hegler and have him go with you and call on Judge Alexander and advise him of the situation. Tell him of your connection and what your services are at the yards and even though we might get some one to take your place it would impair the service very much because it would be difficult now to get any one that would be familiar with the work at the Wichita yards.

I am sure if you will get Senator Hegler and have him intercede for you that you will have no trouble in being excused from jury service. You had best attend to this on receipt of this letter so if the Judge does not excuse you, you could call me by Friday or Saturday as we would have to delegate some one to take your place at the yards while you were gone.

I am writing Senator Hegler today in regards to another matter and I will incidentally mention the fact that you will confer with him with respect to this matter.

Very truly yours,

JHM/M

Commissioner.



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929



J. H. MERCER  
COMMISSIONER

### State of Kansas

OFFICE OF  
LIVE STOCK SANITARY COMMISSIONER  
TOPEKA

Livestock Exchange Building,  
Wichita, Kansas,  
April 11, 1927.

Mr. J. H. Mercer, Commissioner,  
State House,  
Topeka, Kansas.

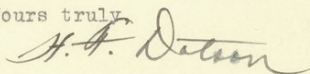
Dear Sir:

I have just received a jury summons  
to report to division number 1, District Court  
of Sedgwick County for two weeks jury service,  
beginning on Monday April 18th.

Kindly advise me whether I am exempt  
from jury service by statute, if not I am won-  
dering if a letter from you to Judge J. E.  
Alexander, Division number 1, District Court of  
Sedgwick County would not get me excused.

Kindly let me hear from you sometime  
this week in regard to this.

Yours truly,



HPD\*EL



## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

April 13, 1927

Hon. E. F. Hegler,  
306-S Wheeler Kelly Hagny Bldg.,  
Wichita, Kansas.

Dear Senator Hegler:

I had a talk with Attorney-general Smith this afternoon and he told me that he would call you by phone and try and arrange to pay you a small fee at least in the Bolton vs. Hagan & Songer case. I am leaving for Kansas City in a few minutes or I would wait until Mr. Smith talked with you and find out what arrangement you have made. I am sure however, that he will pay you all he can out of the funds he has available.

I just wrote Dr. H. F. Dotson, a representative of ours stationed at the Wichita yards and told him to get in touch with you and see if he could not be released from jury service next week. He writes me that he is subpoenaed to appear as a juror in Judge Alexander's court. He don't know whether he is exempt under the constitution or not, as he is a deputy state officer.

At any event I would appreciate it very much if you will assist him in getting a release from jury service. He is the only representative of the department stationed at the yards and it would impair the service very much over there for him to be off for a week or two.

Thanking you in advance for this favor and with personal regards, I am

Very truly yours,

Commissioner.

JHM/m





## Livestock Sanitary Commissioner's Office, correspondence, 1926-1929

BENJ. F. HEGLER  
A.V. ROBERTS  
HARRY G. CARLSON

LAW OFFICES

HEGLER AND ROBERTS

SUITE 306-7-8 WHEELER KELLY HAGNY BLDG.

WICHITA, KANSAS

April 6, 1927.

Hon. J. H. Mercer,  
Live Stock Sanitary Commissioner,  
Topeka, Kansas.

Dear Sir:                      IN RE: Bolton vs. Hagan & Songer.

This case is set for trial April 25th.

May be the present Attorney-General will  
not take the same view of this matter as the former  
one did. Supposing you take it up with him.

Yours truly,

BFH\*K