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

Section 78, Pages 2311 - 2340

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

Date: June 1926-September 1929

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COPY

Topeka, Kansas, November 30, 1928.

Charles E. Collins, Prest.,
Franklin Blackleg Serum Company,
409 Exchange Building,
Denver, Colorado.

Dear Mr. Collins:

Your letter of the 23rd received and contents carefully noted. You have raised questions in your letter that were not brought out in our talk at the Dixon Hotel last Wednesday even.

I do not remember entirely how the relationship of activities was established between representatives of your company and representatives of this department. It was several years ago, and at that time this department had no direct connection with the arrangements, and was not recipient of any of the revenue derived from the service rendered. The records will show that Dr. E. W. Little represented this department in performing certain sanitary work at the stockyards at Kansas City, and the state paid him a small salary of $125.00 a month. He did considerable work for your representative at the yards for two or three years. I do not recall whether it was under Herrick, Young or who it was.

On suggestion of W. M. Henderson, who was in charge of the work of this department at the Kansas City yards, a plan was devised whereby the work was to be done through our Kansas City office, your representative of course was to pay for the service of blackleg vaccination, and the money was to go into the fund of the Kansas Livestock Association. This plan was approved by the board of directors of the association. I think the records will show it was conducted in this manner for several years without any check from perhaps any source. We had an accountant check the office at Kansas City two or three times, but with the exception of the accountant's report of 1923, everything was reported to be regular.

At that time we found that our representative, Dr. Little, was not accounting to us for all the money that was paid to him by your representative. A change was made and Little was dismissed. Dr. T. A. Fowler was given the position under Mr. Henderson, and I feel safe in saying that so far as the conduct of the office and its business affairs at Kansas City since that time, that it has been along very good business lines. If there has been irregularities in connection with the work by any of the representatives of this department, an annual check by a certified accountant has failed to disclose them,

Charles E. Collins --3--

Of course since the project was begun several years ago, the use of the blackleg serum and other bacterins and serums that have come into use, has increased to a great extent, and while we know to a certainty that the blackleg serum is a safe product and recommend its use highly, yet we are not convinced that other serums and bacterins such as hemorrhagic septicemia, mixed infection bacterins, etc., are of much value, and as you perhaps know, we are now conducting an experiment to determine the merits of these commercially manufactured bacterins and serums.

The privilege to sell biological serums and bacterins as a cure and a preventative for certain livestock diseases on a public market, is entirely in the hands of the stockyards company; no one would have a right to sell remedies of this kind at a public market any more than they would on your farm, did the stockyards company ofject to same. Of course whenever the federal or state governments by regulation requires that livestock be treated with certain serums, such as hog cholera serum, or cattle tested with tuverculin, then the stockyards company is required to provide facilities for sanitary officers, federal or state, to administer such serums and bacterins in compliance with these regulations. No federal or state regulation requires the vaccination of calves with blackleg serum, or the treating of cattle with any other serum or bacterin at a public market or elsewhere, excepting the use of tuberculin. So the project we have been conducting in Kansas City has been done because the stockyards company has seen fit to let us continue.

I have often wondered in the past few years why Missouri would permit the use of certain serums and bacterins on the Kansas City market, especially so when a representative of the Missouri sanitary organization stationed at the Kansas City market, is quite an extensive manufacturer of biological serums and bacterins. I am frank to say in my judgment, did not the close cooperative arrangement prevail between the sanitary authorities of Kansas and Missouri at the Kansas City market, Missouri would stop the commercial vaccination of livestock.

Since July 1923 I have fully understood, and I think the records will show that there was a very definite understanding as to the conduct of business between your company and our representatives. Your company was to furnish all serums and bacterisn, and ourrrepresentatives were to administer same at the Kansas City market, for which your company was to pay a specific charge per dose for the serum and bacterin uded. (The schedule of charges you are familiar with.) Representatives of this department were not to solicit business for your company, but wherever it was possible for them to turn business to your company, they were instructed to do so. They were also instructed not to turn any business to other conderns that handle competitive serums and bacterins with your company. So far as I know, the plan agreed upon has been strictly adhered to.

It is and has been the policy of this department and the Kansas Livestock Association to turn to your company all business they possibly could, which had to do with the serums and bacterins you are selling,

Charles E. Collins - 3 -

and I also know that this policy has been strictly followed, not only by our department's representatives, but also by the outstanding officers and members of the Kansas Livestock Association. This policy was followed for two reasons; first because of the writer's long personal acquaintance with you, and second, because of the business relationship that had grown up between your company and this department and the Kansas Livestock Association.

At this point I might say we have had very attractive propositions made to us to use biological serums and bacterins manufactured by other commercial concerns.

You state in the third paragraph of your letter that you are using hemorrhagic septicemia product which experience has proven to you to be as good as any on the market at any time, and that you expect our representatives to administer this serum for your customers, or that you will make other arrangements. As stated to you in our talk at the Dixon Hotel, if you have any knowledge of the representatives of this department using any other serums or bacterins on the Kansas City market or elsewhere, I want to know about it. You have failed to give me any specific case.

You state in the fourth paragraph of your letter that you have given the subject of vaccination a good deal of thought and that you have come to the conclusion that to continue your business "along ethical lines" that it will be necessary for you to have supervision over the inspectors who administer your serums and bacterins, in order that you can enforce necessary sanitary regulations. Of course I assume that you mean to enforce your own individual sanitary regulations. Your company would have no authority to enforce any sanitary regulations in so far as legal authority would be concerned, and of course we do not feel Charley, at this state of our life, that we are ready to turn over to any one supervision of representatives of this department for instructions from any other source, so far as enforcing sanitary regulations are concerned with which we have to do.

Again you state that there are many complaints at the yards about efficiency and manner of vaccinating and the results obtained. Of course no one is infallible, I am confident however that the work done by our representatives at the Kansas City market for your company is of the very best; surely the results show this to be a fact, and few complaints have come to me from you or your company or your representatives at the yards at any time. We have instructed and demanded of our representatives the highest grade of service, and I believe you have received it.

You state that our representatives have employed employes of your department to vaccinate calves, and paid them. Our help at Kansas City are instructed to employ help when needed, in order to efficiently dispatch the work. I did not know they were employing your employes until you told me. I take the position that whatever is paid to your help should go to your company, however that is a matter entirely with you and your employes. I have instructed our representatives at the Kansas City office not to employ representatives of your com-

Charles E. Collins - 4 -

pany in any capacity in so far as the work at the office is concerned until further notice. To be frank Charley, dont you think that it is not up to me to say what your employes should do, and that the instructions as to what they should do, should come from you?

The special services of the representatives of this department at Kansas City and Wichita have been discussed many times by the board of directors of our association; under the plan devised we have been able, through the graciousness of the stockyards company at both places, and in cooperation with your company, to conduct this work so that we could pay our representatives a fair and reasonable salary, and have during the past three years been able to do this and retain a small surplus.

Reading your letter as I do, I am of the opinion that you are not giving proper credit to this department and to the Kansas Livestock Association for the benefits your company derives from the help and influence of this department and the Kansas Livestock Association. If you feel that the help of the Kansas Livestock Association and this depart ent is of no consequence to your business, then you should try some other plan. Frankly however I think you should study well what might happen should our department and the Kansas Livestock Association cease functioning in cooperation with this work.

I have gone into this matter in considerable detail for the reason that after reading your letter I am constrained to believe you are not satisfied and would prefer to try another plan. I did not understand it in that way when we were talking last week at Kansas City. It seems to me like the work could continue to the mutual benefit of all parties concerned, but if you are dissatisfied, we do not want to insist that you continue further.

You spoke something about a check your company had given Dr. Fowler, and you would send it to me with a statement covering the transaction. You also stated you had evidence of where Dr. Fowler had solicited business for the Kinsley Laboratories and sold Kinsley products to one of your customers. You failed to mention either of these matters in your letter. I would like to have the facts in the case.

Assuring you that I shall welcome a letter setting our frankly your views, and with personal regards, I am

Very truly yours,

M/W

Secretary.

November 30, 1928.

Mr. M. H. Heberling,
R. F.D. #28
Topeka, Kansas.

Dear Sir:

Sometime ago Dr. D. E. Whatley sent to this office a record covering the retest of the cow which was classed as a reactor by him on January 27th, 1928. The retest record shows that the cow passed a clean test but Dr. Whatley advised that he thought you intended to send her to market and have her slaughtered.

In order that we may complete our records we will appreciate it if you will advise what you have done with your reactor.

Very truly yours,

Commissioner.

JHM.A

Oct. 6, 1928

Mr. M. H. Heberling,
R.F.D. #28,
Topeka, Kansas.

Dear Sir:

Referring to our telephone conversation of yesterday. I called the city milk inspector's office and find that Dr. Whatley is away on his vacation. However, I do not believe that it is necessary to bother Dr. Whatley about this case.

I note that in a letter to you under date of May 18th it was suggested that you could keep this cow if you wished until she brought her calf and then if you and Mr. Heidt, who up to that time claimed to be connected with the transaction, desired another test, that I would have Dr. Whatley make the test and have Dr. Christenson, veterinary representative of this department present when the test was made, and that Mr. Heidt could have Dr. Noller present if he wished. I also note that we suggested that you confer with Mr. Heidt and if he wished to have the cow retested in line with the suggestions made that the cow could be kept on your farm until she brought her calf. We will carry out our suggestions made to you at that time if you wish, otherwise, the animal must be disposed of in line with the law governing the disposal of reactor cattle. You can advise me as to what you want to do.

Very truly yours,

Commissioner.

JHM/M

Sept. 4, 1928

Mr. M. H. Heberling,
R.F.D. #28,
Topeka, Kansas.

Dear Sir:

In checking up our records in the office we find the record concerning the tubercular cow belonging to you over which there was some controversy with Mr. Heidt. The records are not finished. Will you advise us as to what has been done with the cow in question.

Very truly yours,

Commissioner.

JHM/M

May 18, 1928

Mr. M. H. Heberling,
R.F.D. #28,
Topeka, Kansas.

Dear Sir:

Answering yours of the 15th instant.

I have satisfied myself that there was no irregularity in the test of the T.B. cow and that Mr. Heidt has no grounds for complaint of the test not being properly made. I went over this matter carefully with Dr. Whatley and he assures me that every care was taken in the testing of your herd of cows and that the animal in question showed a positive reaction and that the test was made regularly in every way. Therefore, under the circumstances we will not make any change in the findings in this case and that the record will have to stand which shows this cow to be a tubercular reactor and that she must be disposed of in accordance with the law.

In this connection, however, since she has been held as long as long as she has and you state that she will likely bring a calf soon, she can be held until she brings the calf and for a short time thereafter. In fact if you and Mr. Heidt wish another test of this animal I will let Dr. Whatley make the test and I will have Dr. Christenson, a veterinary representative of this department be present when the test is made. Mr. Heidt can also have Dr. Noller present if he wishes. You might confer with Mr. Heidt and if he wishes to have the cow retested in line with the above you can hold her until she brings her calf and we will have her retested. Advise me as to this.

Very truly yours,

Commissioner.

JHM/M

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Topeka, Kan. May. 15-1928.

Mr. H. J. Mercer,

Sir; Referring to your conversation with Mr Heidt in which he stated that I said Mr Whatley let his needle slip out on this particular cow, "I did not say that." I was at the heads of all the cows while Mr Whatley applied the needle, and trusted to his ability to do the job right, All I do know and what I told Mr Heidt is that he stuck his finger while attempting to test one of the cows but I do not remember

which cow it was.
How I happened to
mention that to Nusbeidt
was, "In the course of
our friendly conversation
he asked me if I did
not think there was a
possibility that Whatley
could have made a wrong
stick someway with his
needle. I made a joke
of it by saying he stuck
himself once instead
of the cow. So he wasn't
further and suggested
maybe he did not sterilize
his needle thereafter, and thus
infected the cow —
Of course if you are

willing to allow her
tested again, I will
keep her till she freshens
as you suggested in your
letter of May 3. Because
she is good stock and
bred to a very good bull.
and the calf would be
worth saving.

If Noller tests her and
she comes clear, it will
put myself and Dr Whatley
in a bad light. Heidt
can claim then that
I was sorry of my bargain
in the court, and was
conniving to get her
off my hands by
faking a reactor but her

The truth is, "No one is any more sorry the cow reacted than I, because she was one of our best cows, and I really think myself, the way cows are selling $125-00 would not have been too much for her had she tested clear. I know cows not a bit better have sold higher than that.

I hope you will let me know what you choose to do at your earliest convenience

Respectfully
W H Heberling

May 4, 1928

Mr. M. H. Heberling,
R.F.D. #28,
Topeka, Kansas.

Dear Sir:

Referring to your letter of the 3rd instant.

Soon after you were in the office a few days ago I wrote Mr. Heidt asking him to explain to me just what he meant by his inference that the tuberculin test and appraisement of the cow in question was not honestly made. He was here in the office yesterday and gave as his explanation that you had told him that Dr. Whatley let the needle slip when he was testing this particular cow and that he had you holding the cow by the head so you did not get to observe much what was going on and that he had taken it from that the test was not properly made. That was the only reason he gave for his insinuation that the test was not properly made.

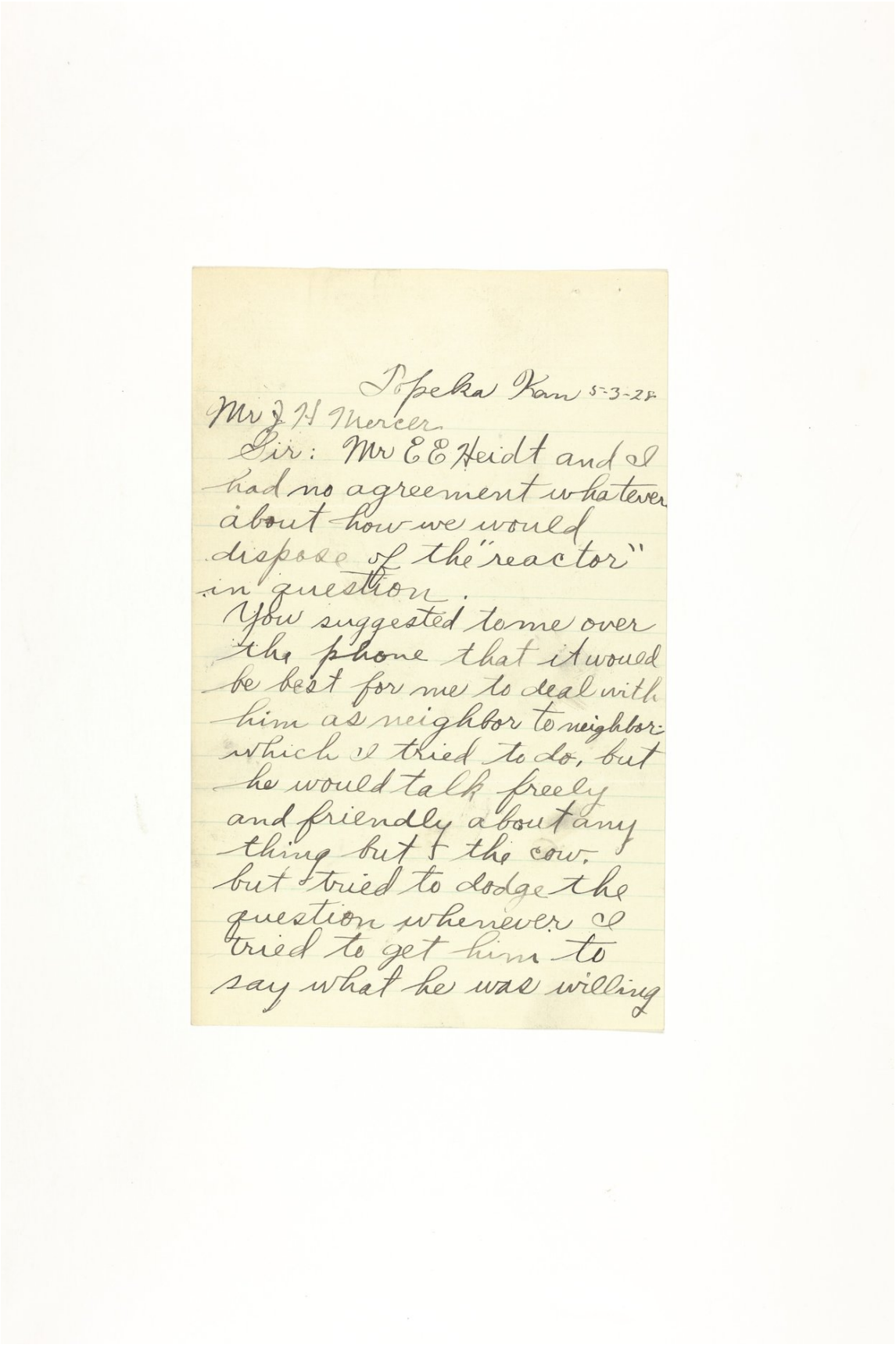
He also stated that he had in mind when he said the cow was appraised $10 less than she should have been that the day of his sale was a bad day and there were very few people present and that he considered that his cattle sold for from $10 to $20 a head less than they were worth, but disclaimed any thought or intention of accusing anyone of dishonesty. I told him I would take the matter up with Dr. Whatley and see what he had to say about the test. Since it has been quite awhile since the animal was tested, I may let him have Dr. Noller test the cow if he wants to but with no idea in mind of not having her disposed of as a reactor even though she passes a clean test. Would you prefer to have this cow sent to market now or hold her until she brings her calf?

Very truly yours,

Commissioner.

J M/M

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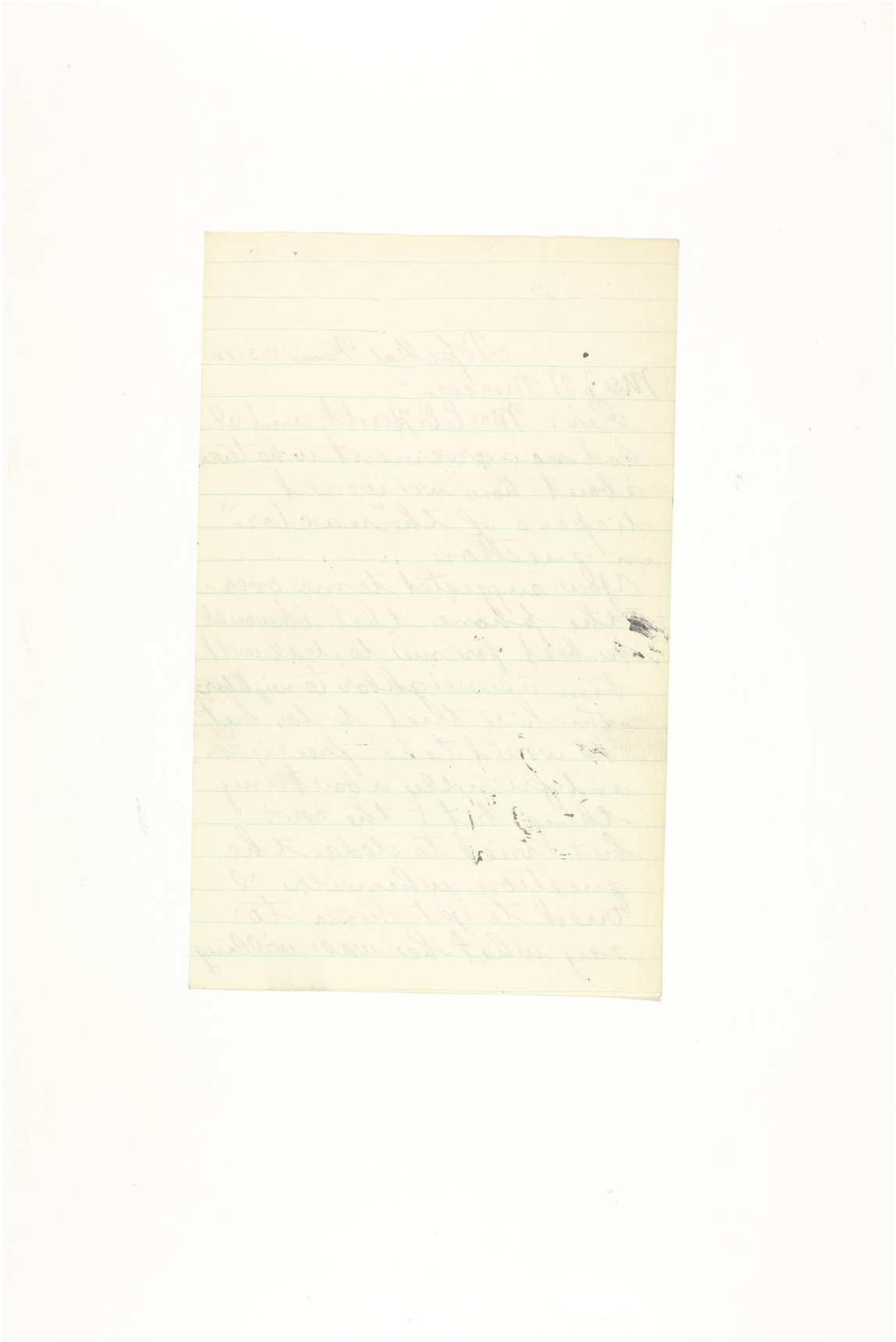
Topeka Kan 5-3-28

Mr J H Mercer

Sir: Mr E E Heidt and I had no agreement whatever about how we would dispose of the "reactor" in question.

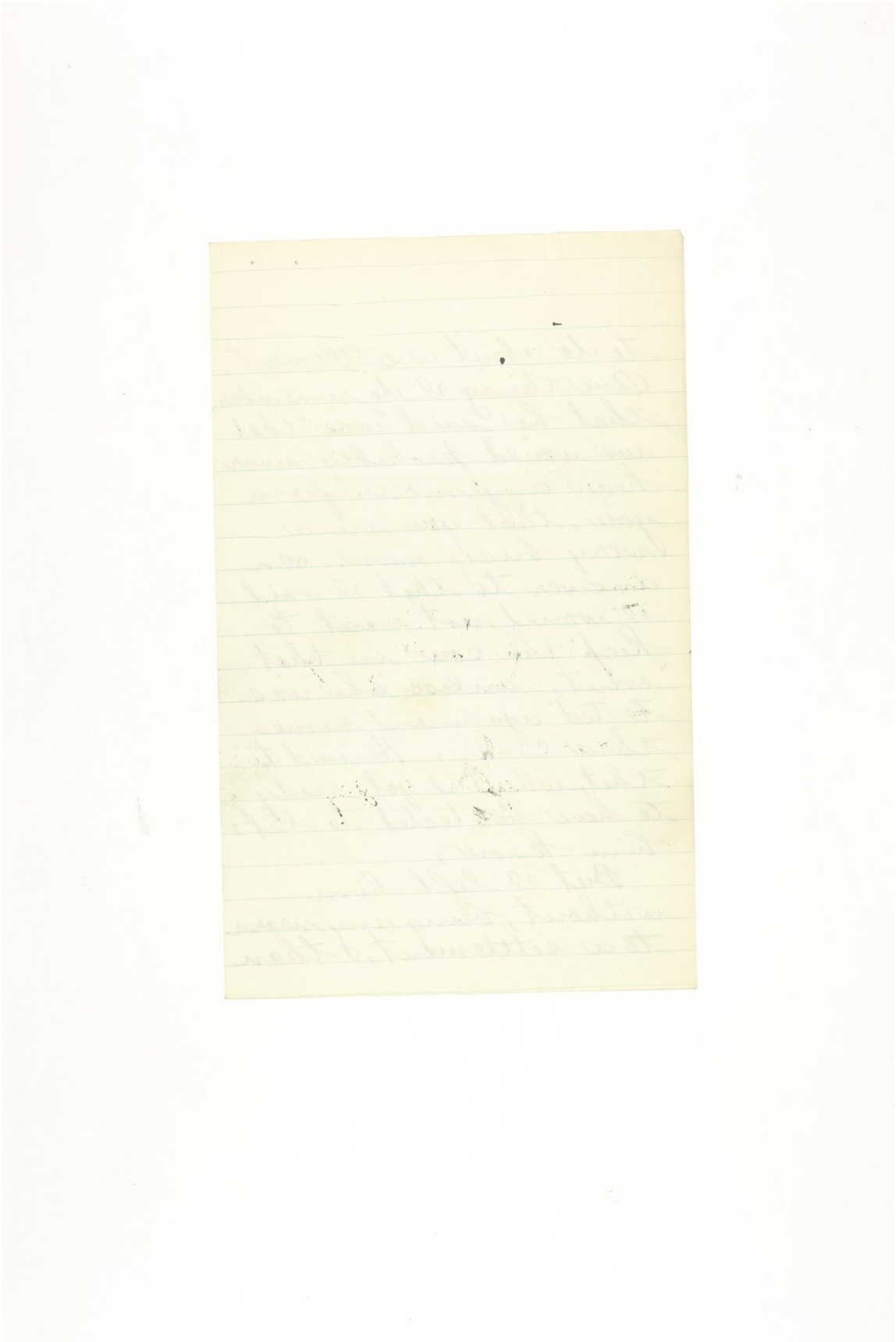
You suggested to me over the phone that it would be best for me to deal with him as neighbor to neighbor which I tried to do, but he would talk freely and friendly about any thing but the cow, but tried to dodge the question whenever I tried to get him to say what he was willing

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to do about a settlement
One thing I do remember
that he said was "that
we would probably never
hear any more from
you, that you are a
very busy man. On
answer to that I said
I would not want to
keep the cow in that
event, unless she was
tested again and came
thru clear. He said to
that, when I got ready
to have her tested to let
him know,
But I left him
without, being any nearer
to a settlement, I than

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before.
For my part, I do not want to keep the cow, because she reacted once and ~~the~~ I feel like it was a fair test. He intimates that there was crooked work about it, or inefficiency on the part of the Veterinarian, which looks absurd to me.

Respectfully
M H Heberling

April 27, 1928

Mr. E. E. Heidt,
R.F.D. #1,
Topeka, Kansas.

Dear Sir:

I have your letter of the 24th and note carefully all you say. I have no interest in this transaction as between yourself and Mr. Heberling only to see to it that the law, rules and regulations are complied with. The law requires the live stock commissioner to dispose of all tubercular reactor cattle reported to the department. You ask where I got the record that you refused to comply with the retest regulations. This information was furnished me by Mr. Heberling. No retest can be made of this animal unless it is so ordered by this department, and as stated to you over the telephone, unless you can show me that the test was not efficiently made, we would not grant a retest.

I do not like the postscript of your letter. You insinuate that the test was not honestly made and that the appraisement was not honestly made. This department is responsible for Dr. Whatley, since he could not test cattle for tuberculosis without authority from this office. Therefore, I demand that you make a specific charge that he did not make an honest test of the cow in question. Or in other words that he dishonestly disqualified her. Also explain what you mean by the statement that the animal was undervalued by at least $10.

Under the law a member of the board of county commissioners, the owner and a representative from this office make the appraisement of tubercular reactors. The appraisers of the cow in question were John Sutherin, chairman of the board of county commissioners, David Gray, deputy live stock commissioner and M.H. Heberling, owner. The appraisement was $90 and was based upon the statement of Mr. Heberling that that is the price he paid you for the cow just a few weeks ago. Therefore, if you sold the cow for $90 why do you state that she was under-valued $10. Please explain these matters to me. It is necessary for you to do this for the reason if there has been any irregularities in connection with the appraisement of this cow, this department is responsible and an investigation will be made accordingly.

Very truly yours,

JHM/M

Commissioner.

April 26, 1928

Mr. M. H. Heberling,
R.F.D. #28,
Topeka, Kansas.

Dear Sir:

Referring to our letter of the 16th instant.

I received a letter from Mr. Heidt in which he outlines his understanding with you in connection with the sale of the T.B. cow. He advises that he had sent you a copy of the letter. You might advise me as to whether or not you and Mr. Heidt have an understanding in line with his letter.

Very truly yours,

JHM/M

Commissioner.

Topeka, Kan.
4/24/28

Mr. J. H. Mercer,
Topeka, Kan.

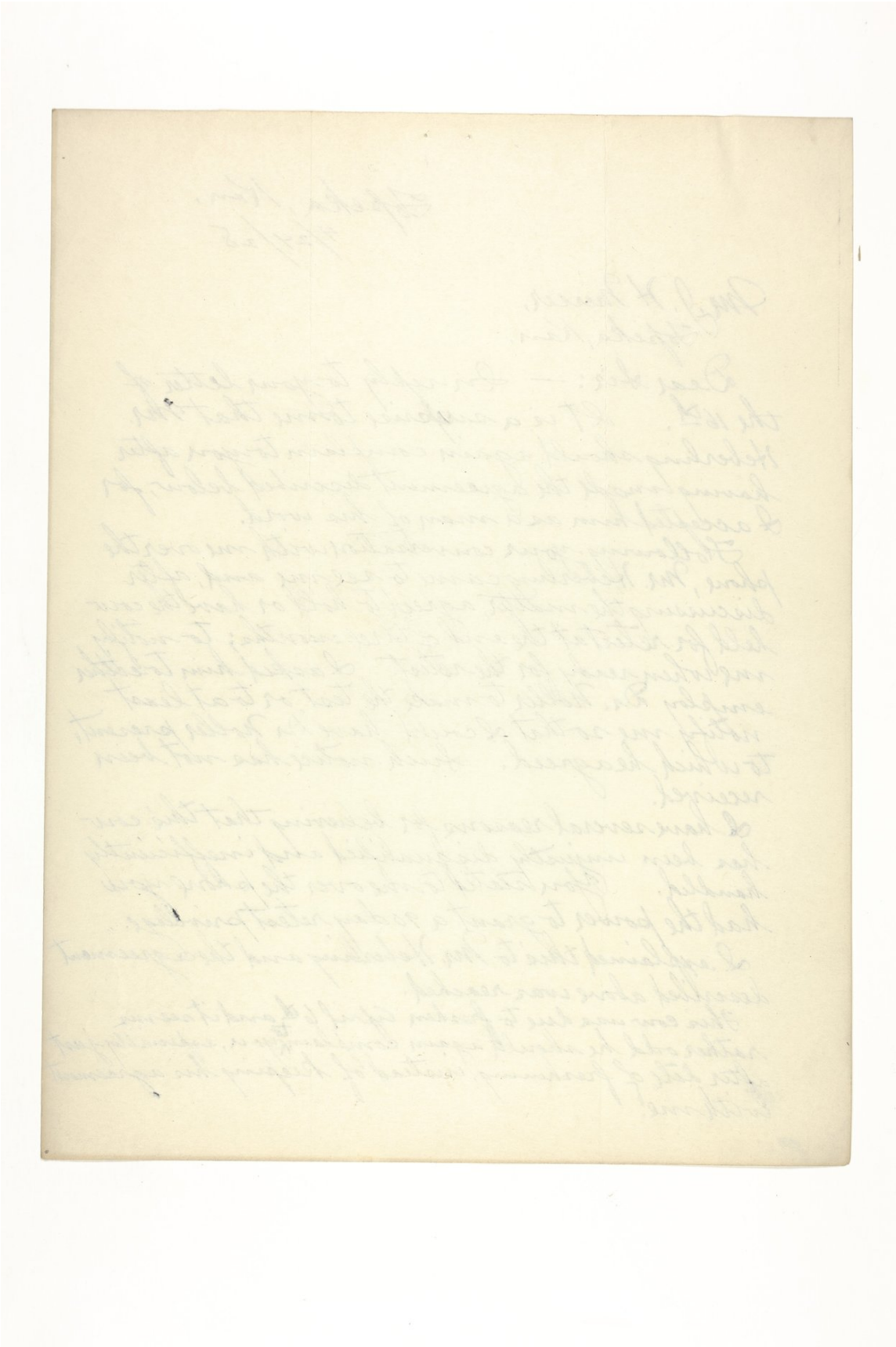
Dear Sir:— In reply to your letter of the 16th. It is a surprise to me that Mr. Heberling should again complain to you after having made the agreement described below, for I accepted him as a man of his word.

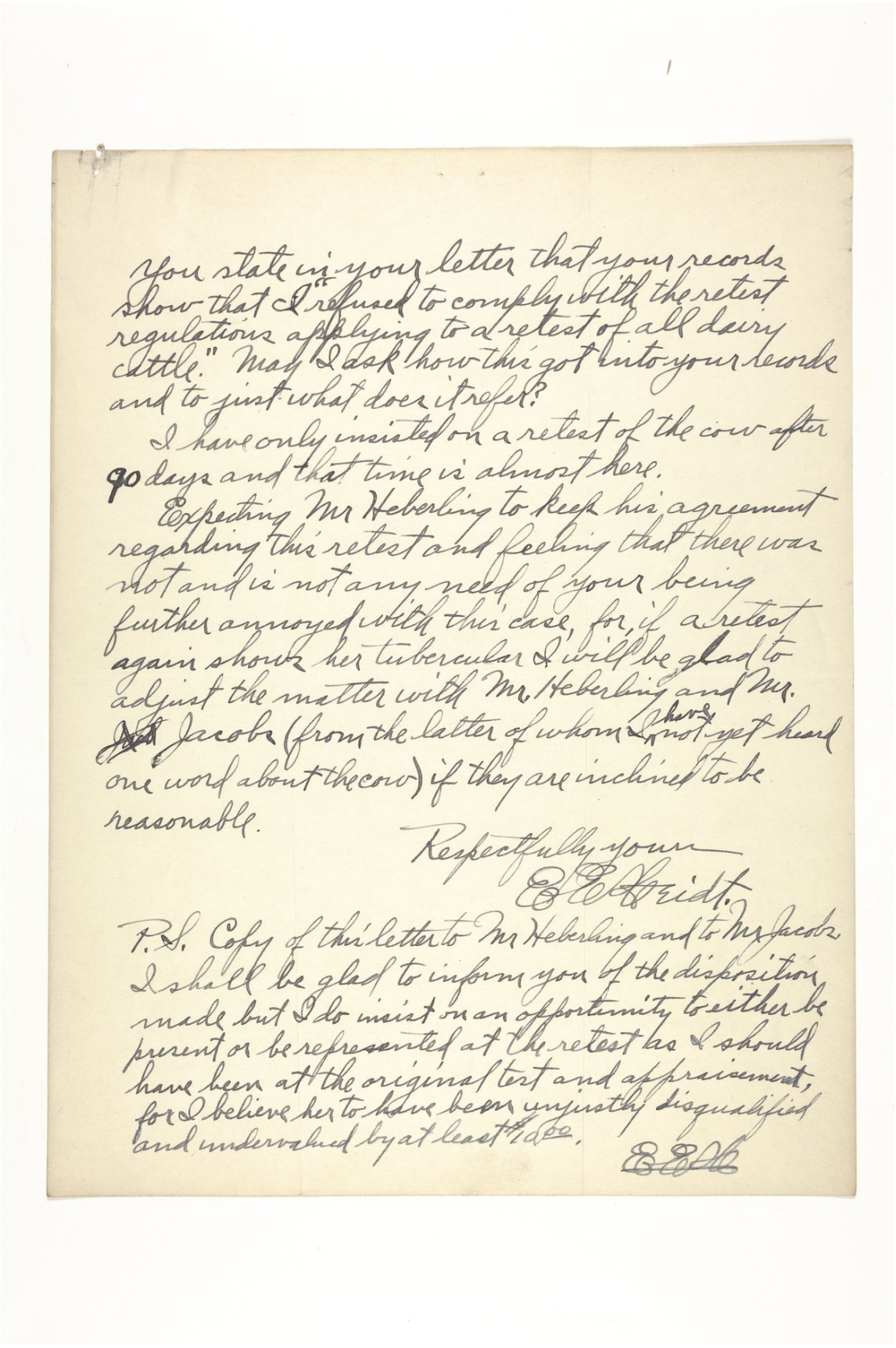
Following your conversation with me over the phone, Mr. Heberling came to see me and, after discussing the matter, agreed to hold or have the cow held for retest at the end of three months; to notify me when ready for the retest. I asked him to either employ Dr. Noller to make the test or to at least notify me so that I could have Dr. Noller present, to which he agreed. Such notice has not been received.

I have several reasons for believing that this cow has been unjustly disqualified and inefficiently handled. You stated to me over the phone you had the power to grant a 90 day retest privilege. I explained this to Mr. Heberling and the agreement described above was reached.

This cow was due to freshen April 6th and it seems rather odd he should again complain to you, especially just after date of freshening, instead of keeping his agreement with me.

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You state in your letter that your records show that I "refused to comply with the retest regulations applying to a retest of all dairy cattle." May I ask how this got into your records and to just what does it refer?

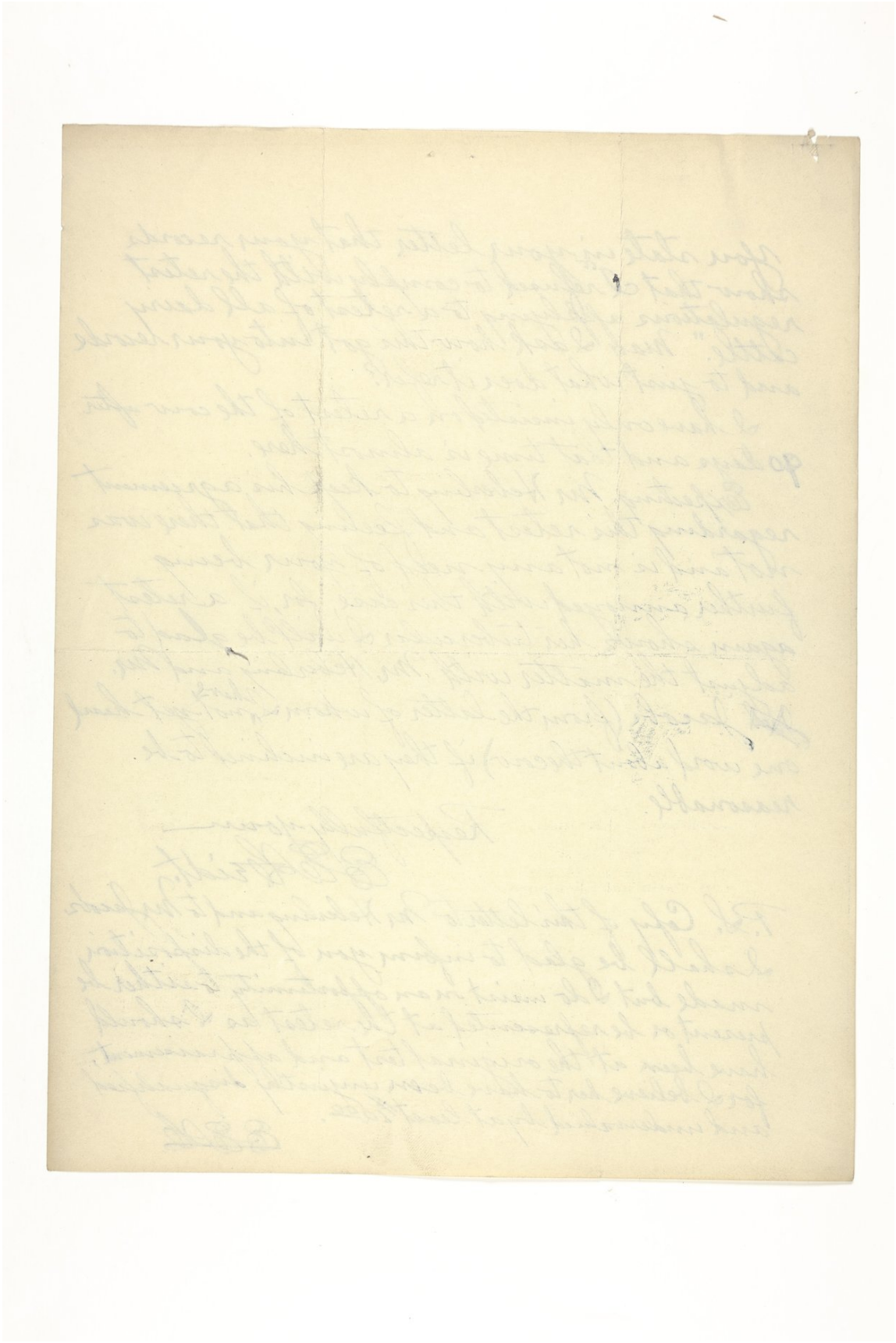
I have only insisted on a retest of the cow after 90 days and that time is almost here.

Expecting Mr Heberling to keep his agreement regarding this retest and feeling that there was not and is not any need of your being further annoyed with this case, for, if a retest again shows her tubercular I will be glad to adjust the matter with Mr Heberling and Mr. ~~Jacob~~ Jacobs (from the latter of whom I have not yet heard one word about the cow) if they are inclined to be reasonable.

Respectfully yours
E E Reidt.

P.S. Copy of this letter to Mr Heberling and to Mr Jacobs
I shall be glad to inform you of the disposition made but I do insist on an opportunity to either be present or be represented at the retest as I should have been at the original test and appraisement, for I believe her to have been unjustly disqualified and undervalued by at least $10.00.
E E R

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April 16, 1928

Mr. E. E. Heidt,
R.F.D. #1,
Topeka, Kansas.

Dear Sir:

It has been brought to my attention again by Mr. M.H.Heberling that he had consulted with you with respect to the adjustment of a loss on a cow that he recently purchased from you that was declared a tuberculosis reactor.

This animal has been appraised at $90 and Mr. Heberling, of course, will lose one-half of the appraised value, or $45. As I understand it he paid you $90 for the animal in question.

Our records show that you failed to comply with the provisions of the regulations which require all dairy cattle to be tuberculin tested before selling at either a private or public sale. Also that you refused to comply with the regulations applying to a retest of all dairy cattle. I suggested, to Mr. Heberling, and I think also to you over the telephone, that the thing to do in a case of this kind was to be neighborly and divide the loss. Of course, it is not the function of this department to enforce commercial contracts but where it is brought to our attention that the law of the state is violated by reason of a commercial sale then it is our purpose to take part in same. We do not desire to cause anyone any trouble in matters of this kind but we shall have to insist that you try and adjust this transaction with the party who purchased this cow and if you do not do so the only thing we can do is to turn the records over to the attorney-general, which I am sure you would not want done.

It is a good plan to apply the rule of settling matters of this kind as to what you would want done in case you had been the purchaser. If you had paid $90 for a milk cow and three weeks after she had been classed as unfit for milk purposes and the party selling you the cow had not complied with the law of the state, I am quite sure that you would demand a reasonable adjustment at least. I hope that you will see Mr. Heberling or Mr. Jacobs and settle this matter satisfactorily as between yourselves. Do this right away and let me know the results.

Very truly yours,

JHM/M

Commissioner.

April 19, 1928

Mr. H. H. Heberling,
R. F. D. 23,
Topeka, Kansas.

Dear Sir:

I am enclosing you a copy of a letter to Mr. Heidt that explains itself.

If Mr. Heidt does not confer with you and endeavor to settle this matter with you in due course of time, let me know.

You can take this cow down to the Wolff Packing House anytime you wish. Let us know the date you take her down. That will be all that will be necessary.

Very truly yours,

Commissioner.

JWH/M

Topeka Kans Mar 29-1928

Mr. J. H. Mercer.

Dear Sir: As per your request I am giving you an outline of my transactions with E.E. Heidt regarding the reactor cow in question.

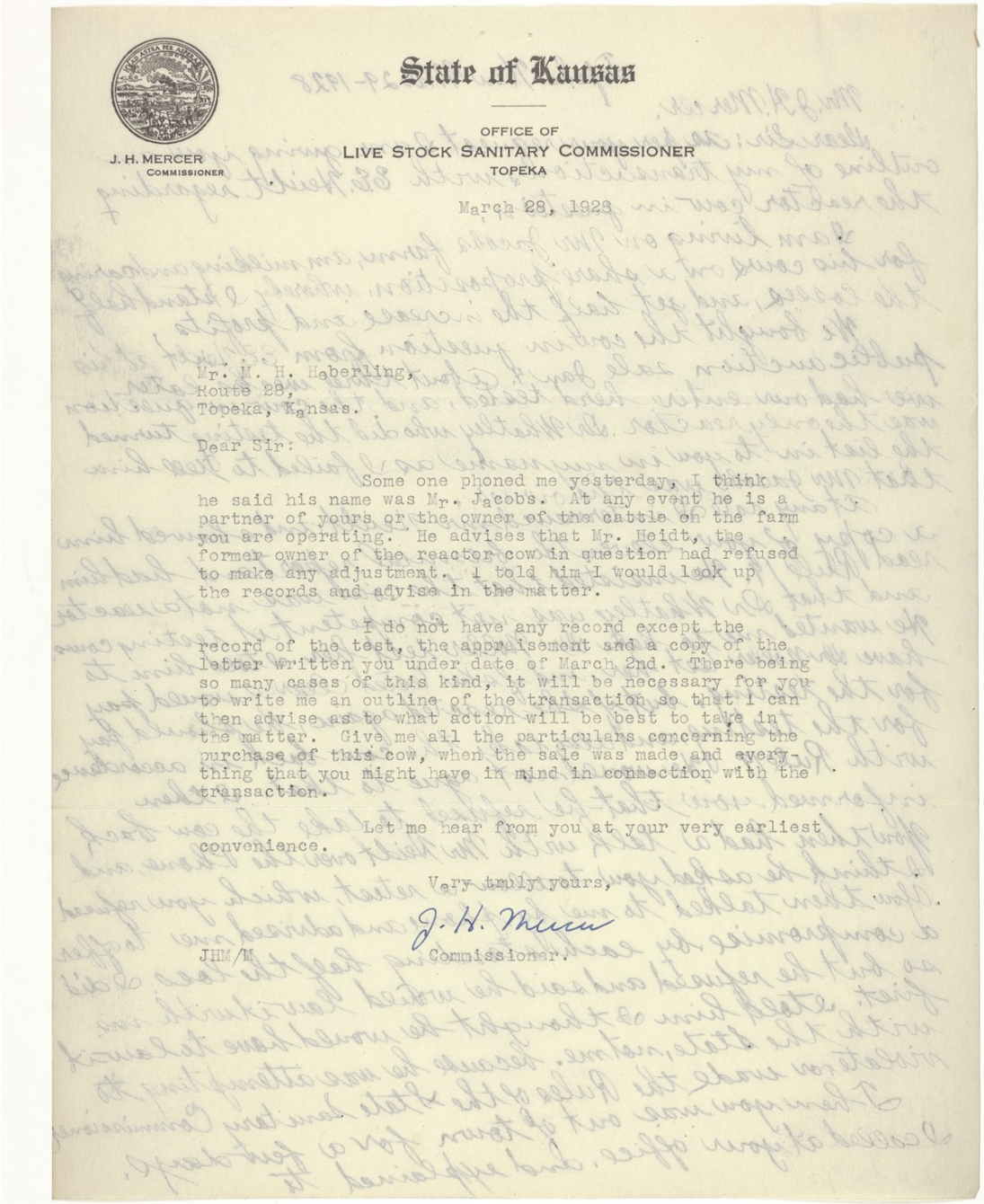
I am living on Mr Jacobs farm, am milking and caring for his cows on a share proposition, whereby I stand half the losses, and get half the increase and profits.

We bought the cow in question from E.E. Heidt at his public auction sale Jan 4. About three weeks later we had our entire herd tested, and the cow in question was the only reactor. Dr Whatley who did the testing turned the list in to you in my name as I failed to tell him that Mr Jacobs was the owner.

At any rate I interviewed mr Heidt and showed him a copy of your eleventh biennial report and had him read Rule 19. He insisted that the cow was not a reactor and that Dr Whatley was not competent at testing cows. He wanted me to have Dr Noller test her. I told him to have Dr Noller test her, and if she tested clear I would pay for the testing, but if she reacted again, he should pay for the testing, and also take the cow back in accordance with Rule 19. He would not agree to that. I then informed him that he refused to take the cow back. You then had a talk with Mr Heidt over the Phone, and I think he asked you to allow a retest, which you refused. You then talked to me by phone and advised me to offer a compromise by each standing half the loss. I did so but he refused and said he would law it with me first. I told him I thought he would have to law it with the State, not me. because he was attempting to violate or evade the Rules of the State Sanitary Commissioner.

When you was out of town for a few days, I called at your office, and explained to

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State of Kansas

OFFICE OF
LIVE STOCK SANITARY COMMISSIONER
TOPEKA

J. H. MERCER
COMMISSIONER

March 28, 1928

Mr. M. H. Haberling,
Route 28,
Topeka, Kansas.

Dear Sir:

Some one phoned me yesterday, I think he said his name was Mr. Jacobs. At any event he is a partner of yours or the owner of the cattle on the farm you are operating. He advises that Mr. Heidt, the former owner of the reactor cow in question had refused to make any adjustment. I told him I would look up the records and advise in the matter.

I do not have any record except the record of the test, the appraisement and a copy of the letter written you under date of March 2nd. There being so many cases of this kind, it will be necessary for you to write me an outline of the transaction so that I can then advise as to what action will be best to take in the matter. Give me all the particulars concerning the purchase of this cow, when the sale was made and everything that you might have in mind in connection with the transaction.

Let me hear from you at your very earliest convenience.

Very truly yours,

J. H. Mercer

Commissioner.

JHM/M

your secretary that Mr Heidt had refused to take the cow back or even stand half the loss.

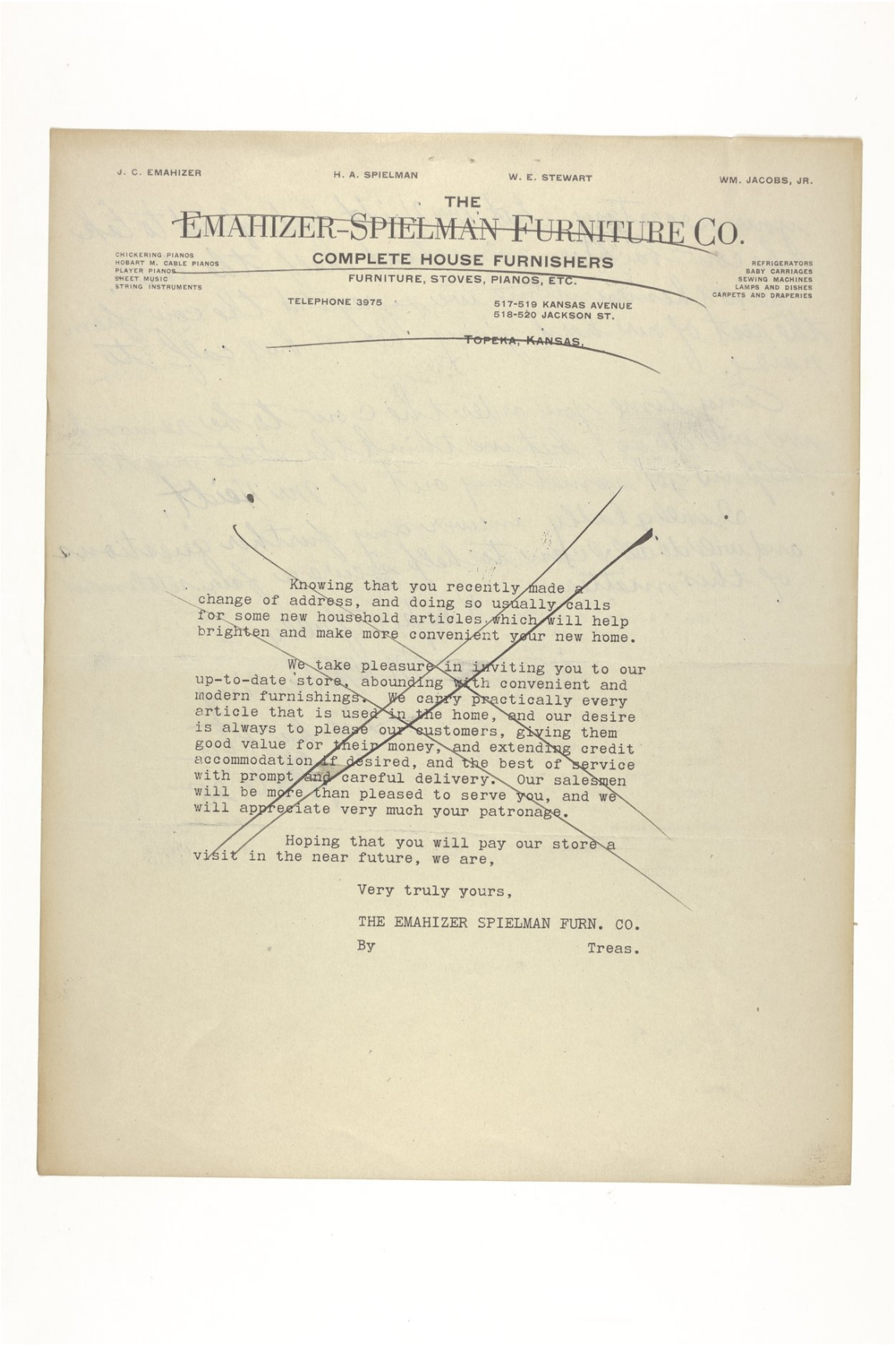
In the meantime we segregated the cow from the rest of our herd, giving her a bull calf to raise.

Any time you order the cow to be removed we will do so, but we think the State ought to help us get something out of Mr Heidt.

I will gladly answer any further questions and will do all I can to help secure a fair settlement of this matter.

Respectfully
M Weberling
Topeka Kan
Route 28

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



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Hoping that you will pay our store a visit in the near future, we are,

Very truly yours,

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By Treas.