

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

Section 9, Pages 241 - 270

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

Callnumber: Livestock Sanitary Commissioner, Correspondence, 1926-1929

KSHS Identifier: DaRT ID: 310296

Item Identifier: 310296

www.kansasmemory.org/item/310296

KANSAS
HISTORICAL
SOCIETY



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

Page 2 - Board of County Commissioners - Oskaloosa

is paid on or before that date or charges filed in this office of collusion or fraud there is nothing else I can do but to file complaint through the Attorney General's office against your Board for the violation of an order of this department as set out in Chapter 47, Section 604 General Statutes of 1923, cited in my letter to you under date of February 11th.

I sincerely trust there will be no necessity for any such action. I would much prefer to adjust matters of this kind without difficulty rather than to be compelled to take any drastic action. Therefore, please let me hear from you on or before the date above mentioned, March 10th, 1926.

Thanking you in advance for your careful consideration of this matter.

Very truly yours,

J. H. Mercer
Commissioner.

JHM:P

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

CATTLE DEPARTMENT
 ROBERT B. PERRY
 RES. ROSEDALE 1929
 BEN W. PERRY
 HIGHLAND 0926
 HUBERT G. CHAMBERS
 WESTPORT 1440

BUYERS
 T. C. SWARTZ
 ELWIDGE 2770 M
 T. M. JENKINS

PROMPT SERVICE IN BUYING DEPARTMENT

LONG-PERRY

LIVE STOCK COMMISSION CO.

STRICTLY COMMISSION MERCHANTS

806-508 LIVE STOCK EXCHANGE

REFERENCES: INTER-STATE NATIONAL BANK
 STOCK YARDS NATIONAL BANK

BUSINESS PHONE MAIN 0488

HOG DEPARTMENT
 A. E. (ELTON) LONG
 BENTON 0130
 ROY WRIGHT

YARDMEN
 ALBERT LONG, JR
 JOE F. PERRY

SHEEP DEPARTMENT
 OSCAR MOODY

OFFICE
 RACHEL LONG

WE SELL CATTLE, HOGS AND SHEEP

KANSAS CITY, MO.. 1925

SOLD FOR ACCOUNT OF James L. Myers

R.R. FROM P.O. Gowker Ks

PURCHASERS	CATTLE	HOGS	SHEEP	WEIGHT	SOWS	STAGS	DOCK	PRICE	AMOUNT	TOTAL
<u>Moore</u>	<u>1 cow</u>			<u>1100</u>				<u>3.25</u>	<u>3575</u>	
<u>C 185543 - Ks 8129</u>								<u>diff</u>	<u>125</u>	<u>3450</u>
<u>Moore</u>	<u>1 cow</u>			<u>1070</u>				<u>3.25</u>		<u>3477</u>
<u>C 185544 - Ks 8127</u>										
	<u>2</u>									<u>1927</u>

CAR NO.	R.R. WEIGHT TRACK	WEIGHT CHARGE	RATE	AMOUNT
				<u>C&O</u>
				FREIGHT AND BACK CHARGES
				YARDAGE
				INSURANCE AND INSPECTION
				NAT. L. S. & MEAT BOARD FUND
				SUB. TOTAL
				FEED
				TOTAL STOCK YARDS CHARGES
				COMMISSION
				NET PROCEEDS

2.50

330

70

650

20

670

215

875

6052

S. YD. COUNT CASH

DEPOSITED

E. & O. E. CREDIT

USE OF

[illegible]

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



J. H. MERCER
COMMISSIONER

State of Kansas

OFFICE OF
LIVE STOCK SANITARY COMMISSIONER
TOPEKA

December 2nd, 1925.

Mr. Arthur Haynes,
Perry, Kansas.

Dear sir:

Referring further to the appraisement of the A. F. Myers two reactor animals.

Since talking with you a few days ago with respect to the appraisement of the Myers cattle Mr. Myers was in the office and I went over the matter very carefully with him also.

Mr. Myers states that he considers the value he placed on these two cows, \$135 and \$150 very reasonable and that he does not know where he could replace two head of as good cows for that amount of money but stated he wanted to be fair and reasonable in the matter and that while he felt he would not be receiving an equitable appraisement of the two cattle for less money he did not wish to be arbitrary in the matter but signed the appraisement with Mr. Burdick for valuation of \$250 on the two cows. He further stated that he would not make any concessions further but would abide by any decision the Live Stock Commissioner of the state might make.

Therefore, from the fact that there seemed to be a small difference in the judgment of Mr. Myers as to the value of the two cows I have reduced the value placed on one of Mr. Myer's animals to \$120 and the other at \$125, and have issued an order on the board of county commissioners of Jefferson county for \$61.49. This order is drawn in accordance with the arrangements with the federal government in paying indemnity on reactors found in herds of cattle on the accredited list under the cooperative plan of the federal and state government. The rule being to deduct the salvage from the total appraisement, divide the remainder by 3; the county paying one-third, the government

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

Page 2 - Mr. Arthur Haynes

one-third, providing it does not exceed \$25 on a grade or \$50 on a purebred and the owner stands one-third.

It seems to me that under the circumstances there should be no further contention on the part of anyone in the adjustment and settlement of the appraisal of the Myers cows, as you will note, it only means a difference of approximately \$10 to the county settling this on the basis I have over what it would be in settling it on the valuation you placed on the two reactor animals.

I am writing you with respect to this matter so you will fully understand we have made a very searching investigation with respect to this disputed appraisal and feel that the action we have taken is in fairness to all parties concerned.

Copy of this letter and copy of account sales is attached to the order sent Mr. Myers.

Very truly yours,

J. H. MERCER (Signed)

JHM:P

Commissioner.



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

T. E. Form 24 (Revised)

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF ANIMAL INDUSTRY

REPORT OF PROCEEDS OF SALE OF ANIMALS

TAG NUMBERS	DESCRIPTION OF ANIMALS, BREED AND MARKINGS	WEIGHT	PRICE PER COW	GROSS RECEIPTS	*EXPENSES	**NET PROCEEDS PAID TO OWNER OF EACH ANIMAL
0-185543						
Ks. 8129	COW	1100	3.25	3575	4.37	3138
0-185544				3450		
Ks. 8127	COW	1070	3.25	3477	4.38	3039
				6927	8.75	6052

Handwritten notes:
440
single
fryer
Pills
come
3.50
3.30
3.25
2.25

Date of slaughter 11-7, 192 5

I hereby certify that the animals described above were purchased or sold on the 7th day of November, 192 5, and that the amount or amounts above named under "Net proceeds paid to owner" is the net salvage from the said animals, and that I have actually paid to J. H. Mercer, Agent, or his agent, the said amount or amounts and no more.

I further certify that I have not, nor has any one for and in my behalf, given or agreed to give the said Agent any money or other thing of value whatsoever, otherwise than as stated above, in payment for the animals specified.

Long Perry Conula (Signature of purchaser or selling agent.)
Kansas City Mo (Address.)

Per A. G. Long (Full name.) Title Inspector

*The column "Expense" should show the total expenses of marketing, including charges for transportation, feeding, yardage, slaughtering, and commission for selling agents.
**The net proceeds from the sale of each animal must be shown.

GOVERNMENT PRINTING OFFICE 3-1023



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

T. E. Form 23-Revised.

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF ANIMAL INDUSTRY

STATEMENT of appraisal and claim for animals slaughtered in accordance with a cooperative agreement between the U. S. Department of Agriculture and the State, Territory, county, or municipality of Kansas.

A. F. Myers, Ozawie, Kansas, Oct 30, 1925

(Owner) (Address) (Date)

TAG NUMBER.	DESCRIPTION.	Sex.	APPRAISAL.	SALVAGE PAID.	DIFFERENCE.	AMOUNT DUE FROM—		
						United States.	State or Territory.	County or municipality.
<u>8127</u>	<u>Grade Holstein</u>	<u>Fe.</u>	<u>110.00</u>	<u>30.39</u>	<u>79.61</u>	<u>25.00</u>		<u>26.54</u>
<u>8129</u>	<u>Grade Holstein</u>	<u>Fe.</u>	<u>120.00</u>	<u>30.13</u>	<u>89.87</u>	<u>25.00</u>		<u>29.96</u>
TOTAL						<u>230.00</u>	<u>60.52</u>	<u>169.48</u>

WE HEREBY CERTIFY that on the 30 day of Oct, 1925, we appraised at the valuation set forth above the above-described 2 animals, the property of A. F. Myers, which appraisals to the best of our knowledge and belief are fair and just.

1. Appraisers: Arthur Hayes, Ozawie, Kansas, Co. Comm., Ozawie, Kansas

I HEREBY CERTIFY that the appraisal of the above-described animals is accepted by me and that the amounts due me from the United States, and the State, Territory, county, or municipality of Jefferson, as indicated above, are correct, and that upon receipt of said amount I have no further claims against the United States, State, Territory, county, or municipality of Jefferson, for said animals.

2. A. F. Myers, Ozawie, Kansas

(Owner) (Address)

I HEREBY CERTIFY that I am duly authorized to represent the State of _____, and that said State has paid or will pay to _____ \$_____ for the above-described animals as partial compensation to him or them because they were destroyed on account of being tuberculous.

3. _____

(Name) (Title) (Address)

I HEREBY CERTIFY that I am duly authorized to represent the county of Jefferson, and that said county has paid or will pay to A. F. Myers, \$56.50 for the above-described animals as partial compensation to him for them because they were destroyed on account of being tuberculous.

4. Arthur Hayes, Co. Comm., Ozawie, Kansas

(Name) (Title) (Address)

I HEREBY CERTIFY that the statements set forth in the claim above are true to the best of my knowledge and belief.

5. Date _____, 19____

Inspector in Charge,
Bureau of Animal Industry.

(SEE INSTRUCTIONS ON REVERSE SIDE.) 8-4275



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

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF ANIMAL INDUSTRY

STATEMENT of appraisal and claim for animals slaughtered in accordance with a cooperative agreement between the U. S. Department of Agriculture and the State, Territory, county, or municipality of _____

(Owner) _____ (State) _____ (County) _____ (Municipality) _____

No.	Description	Sex	Age	Appraisal	Salvage and Difference	Amount Due From—	
						State or Terr.	County or Municipality
1	Grade Holstein	♀	3	10.00			
2	Grade Holstein	♀	3	10.00			

INSTRUCTIONS FOR PREPARATION OF T. E. FORM 23.

1. The original copy must be forwarded to the bureau with the owner's claim on Department Form 5 voucher and the duplicate should be retained by the bureau inspector in charge who approves the claim. Additional copies may be prepared and furnished to the proper State, Territory, county, or municipal officials. Inspectors in charge should inform employees under their direction as to the number of extra copies required in the locality under their supervision.
2. The name and address of the owner should be plainly stated in the heading and the date following should be the date of appraisal.
3. In giving description of the animals, indicate whether they are pure bred or grade and give sex. If pure bred, give breed. A separate line must be used for each animal. The name and registration number of pure-bred animals may be given if required by the cooperating State, Territory, county, or municipality. The salvage reported should be the net salvage and the name of the payee should be indicated. In the column headed "Difference" should be stated the difference between the appraised value and the net salvage. The appraisal, salvage, difference and amount due should be given for each animal separately. All columns should be totaled. If space in the form is insufficient to report all the animals, use an extra sheet of paper ruled to conform with Form 23 and attach same thereto. It must be plainly indicated whether indemnity is paid or to be paid by State, Territory, county, or municipality, or by a combination of them.
4. The appraisal (certificate No. 1) must be signed by a representative of the bureau and the State, Territory, county, or municipality.
5. All spaces on the form should be properly filled out and all required signatures affixed before the claim is submitted to the bureau.
6. T. E. Form 24 should accompany this form.

8-4275

(Owner) _____ (State) _____ (County) _____ (Municipality) _____

I hereby certify that the appraisal of the above-described animals is accepted by me and that the amounts due from the United States and the State, Territory, county, or municipality are correct and that upon receipt of said amount I have no further claims against the United States, State, Territory, county, or municipality of _____

(Inspector) _____ (State) _____ (County) _____ (Municipality) _____

I hereby certify that I am duly authorized to represent the State or Territory and that said State has paid or will pay to _____ for the above-described animals as partial compensation to him or them because they were destroyed on account of being tubercular.

(Inspector) _____ (State) _____ (County) _____ (Municipality) _____

I hereby certify that the statements set forth in the claim above are true to the best of my knowledge and belief.

(Inspector) _____ (State) _____ (County) _____ (Municipality) _____

Date _____



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

CERTIFICATE OF APPRAISEMENT

This is to certify that we, the undersigned, have this day appraised at 125 + 125
dollars _____ horses (2) cattle, the property of
A. J. Myers of Oscar Kiser
Jaffar Khan County, Kansas, said animals being affected with the contagious
disease Tuberculosis, as diagnosed by Ker - McCallum

This appraisal is made under the provisions of Chapter 312, Session Laws of 1911.

Done at Escondido, this 30 day of Oct - 1928

Tag Nos.	Valuation.
8137	125.00 110.00
8139	125.00 120.00

(Signed) A. H. Powers Owner

Adjusted as per letter
Hesselt 13.16

Chairman County Commissioners.

Live Stock Commissioner.

By A. H. M. C. K. Deputy.

10-5894

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

STATE OF KANSAS
OFFICE OF LIVE STOCK SANITARY COMMISSIONER

ORDER FOR PAYMENT OF DISEASED LIVE STOCK

TOPEKA, KAN., March 23 1926

WHEREAS, On the 30th day of October 1925, one A. F. Myers
of Ozawie Jefferson County, Kansas,
did deliver to the undersigned, J. H. Mercer, State Live Stock Sanitary Commissioner
of the State of Kansas, two cows, said animals having been condemned on
the part of the State as being infected with the contagious disease tuberculosis, and appraised and disposed of in
accordance with the provisions of sections 5, 6, 7 and 8, chapter 312 of the Session Laws of 1911;

WHEREAS, Said animals having been appraised at the sum of Two Hundred Thirty Dollars
(\$230.00)

Is is therefore ordered that the said County of Jefferson shall pay to the
said A. F. Myers Fifty-six & 49/100 Dollars
(\$ 56.49) which is the amount of indemnity due the said A. F. Myers
under state and federal appraisement.

Live Stock Sanitary Commissioner.

STATE OF KANSAS,
County of JEFFERSON } ss.

A. F. Myers, of lawful age, being first duly sworn, upon oath
says that he has read the above and foregoing order of J. H. Mercer
State Live Stock Sanitary Commissioner, and that he knows the contents thereof, and that the statements therein
contained are true.

Subscribed in my presence and sworn to before me this.....day of.....192.....

Notary Public.

Commission expires.....192.....

11-1618



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

STATE OF KANSAS
OFFICE OF LIVE STOCK SANITARY COMMISSIONER

ORDER FOR PAYMENT OF DISEASED LIVE STOCK

TOPEKA, KAN., December 2 1925

WHEREAS, On the 30th day of October 1925, one A. F. Myers
of Ozawie, Jefferson County, Kansas,
did deliver to the undersigned, J. H. Mercer, State Live Stock Sanitary Commissioner
of the State of Kansas, two cows, said animal s having been condemned on
the part of the State as being infected with the contagious disease tuberculosis, and appraised and disposed of in
accordance with the provisions of sections 5, 6, 7 and 8, chapter 312 of the Session Laws of 1911;

WHEREAS, Said animal s having been appraised at the sum of Two Hundred Forty-five Dollars
(\$245.00)

Is it therefore ordered that the said County of Jefferson shall pay to the
said A. F. Myers, Sixty-one & 49/100 Dollars
(\$61.49) which is the amount of indemnity due the said A. F. Myers
under state and federal appraisement.

J. H. Mercer
Live Stock Sanitary Commissioner.

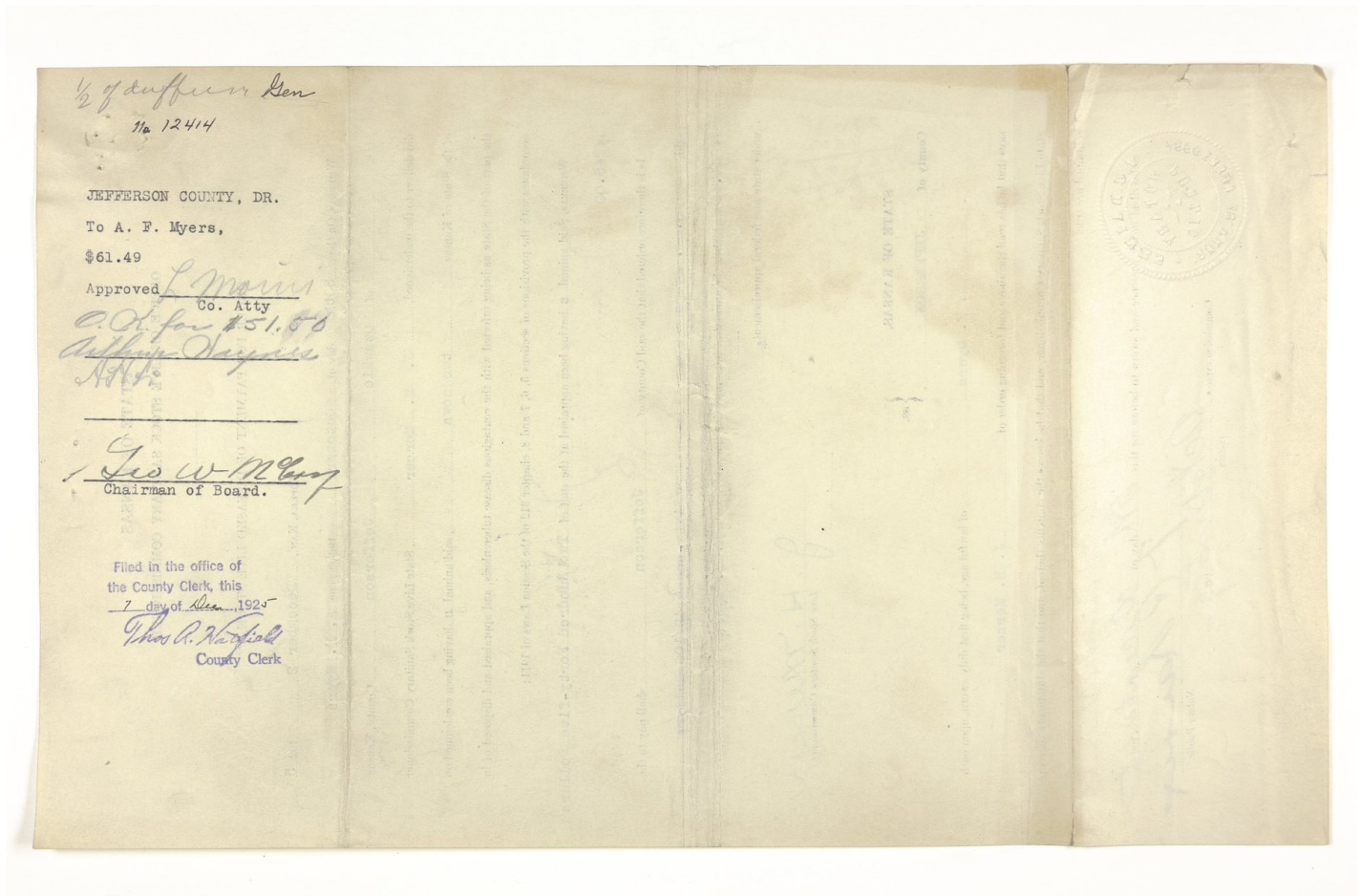
230
60.12
3)168.48
56.49

STATE OF KANSAS,
County of JEFFERSON, } ss.
A. F. Myers, of lawful age, being first duly sworn, upon oath
says that he has read the above and foregoing order of J. H. Mercer
State Live Stock Sanitary Commissioner, and that he knows the contents thereof, and that the statements therein
contained are true.

Subscribed in my presence and sworn to before me this 5th day of December 1925
A. F. Myers
Notary Public.
Commission expires October 5 1929 -

11-1513

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





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

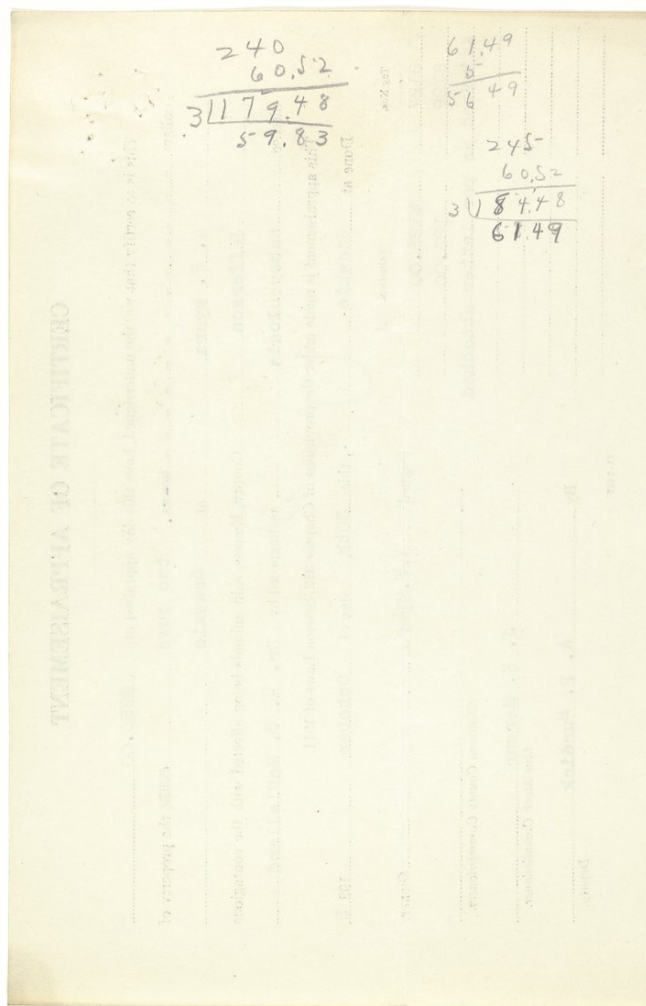
CERTIFICATE OF APPRAISEMENT

This is to certify that we, the undersigned, have this day appraised at.....\$250.00.....
dollars..... ~~horses~~ two cows ~~and~~, the property of
..... A. F. Myers of Ozawie
..... Jefferson County Kansas, said animals being affected with the contagious
disease tuberculosis, as diagnosed by Dr. C. B. McClelland
This appraisal is made under the provisions of Chapter 312, Session Laws of 1911.
Done at Ozawie, this 30th day of October 1925.

Tag Nos.	Valuation.	(Signed) <u>A. F. Myers</u> Owner.
<u>8127</u>	<u>\$125.00</u> Chairman County Commissioners. <u>J. H. Mercer</u> Live Stock Commissioner. By <u>A. P. Burdick</u> Deputy.
<u>8129</u>	<u>125.00</u>	
<u>Adjusted as per letter attached</u>		

11-1437

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



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

J. S. Mercer -

Wednesday Nov-4, I again saw
Arthur Haines commissioner of Jefferson
County concerning appraisement of the
A. F. Myers cattle. Tried again to get
Mr. Haines to recognize some other price
than his arbitrary price of \$100 x \$15 on
these cattle in order that any further
difficulty might be avoided. Mr. Haines
was even more arbitrary than before
and said the incident was closed as far
as the county was concerned. Cited Mr.
Haines to the Albright case. He said he
knew all about it and welcomed a
suit in order to see who was right.
Under the circumstances that Mr. Haines
is not willing to consider any appraise-
ment save his own, I am returning
appraisement signed by Mr. Myers

and myself for \$125 each which I think
more nearly represents the value of the
cattle than the arbitrary price of \$100 x 115
set by Mr. Haines, the price of \$125 each
being a compromise value, the average
of the values set by Mr. Haines, Mr. Myers
and myself.

Respectfully,
J. B. Bennett

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

Personal -

While in Ash Grove I saw Horace Phinney and went over the Haines-Myers appointment with him - Mr. Phinney says that Haines is the most bull headed man he has ever tried to work with in all his life and that it is practically impossible to do anything with him and that he has quite enough - He indicated that he hoped you would help Myers get a square deal out of him and that he too would be glad to help. He says that Myers ran against Haines for commissioner and that Haines has four or five political enemies near Perry who he has declared he should get even with and that Myers is one of them -

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

November 3, 1925.

Henderson & Fowler,
805 Live Stock Exchange,
Kansas City, Mo.

Dear Sirs:

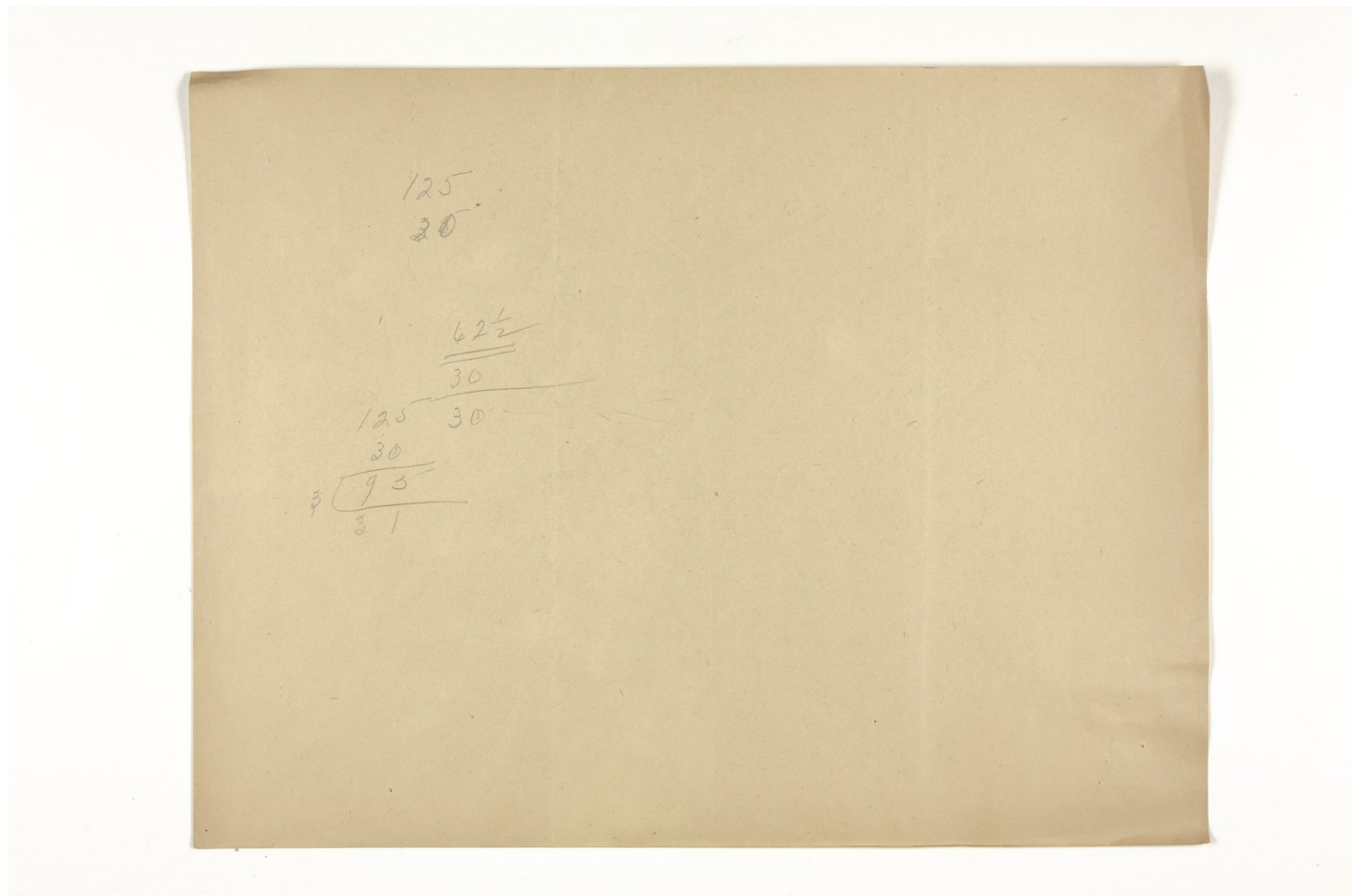
We are advised that two reactors--tag numbers 8127 and 8129--belonging to A. F. Myers of Ozawie, Kansas, are being shipped tonight to the Long-Perry Commission Company. These animals have been appraised so account sales and check should be sent to this office.

Very truly yours,

Commissioner.

A

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



Oct 31, 28.

J. H. Myers -

Am submitting report concerning the
A. F. Myers case, Perry submitted to me
for appraisement.

No agreement could be reached with
the county commissioner Mr. Arthur
Haines. Mr. Haines set his own price on
these two cows \$100 for No 8127 and \$115 for
No. 8129. These were both registered cows instead
of grade cows as per list submitted to me.
Mr. Myers thought the cows should be ap-
praised for \$150 + \$185. Later said he would
be satisfied with an appraisement of \$135 + \$150
= \$285. My estimate on the cows was \$25
each. Mr. Myers then agreed to take an
average of the price of Mr. Haines \$215 - my
price \$225 and his lowest price of \$285,
which figures as follows = $\frac{215 + 250 + 285}{3}$
= \$250. $\frac{1}{2}$ of \$250 = \$125. One half of \$250 = \$125
for each cow, the average price of all
estimates. Mr. Myers signed the appraisement
on this basis. Mr. Haines refused to sign
and told him, Myers, that it would

take a mandamus suit to compel the
County to pay the order. Mr. Haines was
very arbitrary in the matter and refused
to consider any price save his own \$100
+ 115. Mr. Myers was very fair and was
willing to make any kind of a fair ad-
justment but was not willing to let
Haines set an arbitrary price in his
cattle with no consideration for the other
members of the appraising board. The cows
are both registered Atchafalpa Lady May, Reg.
No. 366811 and Sunflower Flora Walter
Reg No 332384. Myers paid 200 for Sunflower
Flora Walter when a calf and raised the
other cow. Both cows are 10 yrs old, are
fresh now, the other to be fresh in
November. Both cows are in fair con-
dition not fat but in good milking
condition, and Mr. Myers said was a
6-gallon cow. Both animals Mr.
Myers said had had pink eye during

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

summer which had affected their flesh
a little. In my mind the appearance
of \$1.25 each is fair. Mr. Myers should not
be compelled to take an arbitrary price set
by Haines. On the other hand he could
hardly afford to fight a maintenance
suit to compel payment if the expense
of suit would have to be borne by him.
Also it would delay the date of getting his
money. I have advised him to con-
sult with you concerning what is
best to do. He lives at Perry and
will no doubt see you concerning
what is best to do. I advised him to
ship reactors to market as soon as possible
advising this office concerning same.

Resp-

A. F. Dunslick

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

March 16th, 1926.

Mr. Arthur Haynes,
Oskaloosa, Kansas.

Dear sir:

On February 28th I was called to Washington, D. C. in connection with an official matter and returned to the office Saturday, March 13th.

Since returning to the office I have had a talk with Mr. Burdick and also read a report he had filed with the office on date of March 9th, in which he stated that he had had a talk with you and that you requested that no action be taken by the Livestock Commissioner in connection with the A. F. Myers order until a further effort was made to settle the case satisfactorily to all concerned.

As stated to your board in a former communication, I would much prefer to help settle any controversy in a business like way rather than cause anyone trouble, therefore, I will delay any action in regard to this matter until March 23rd so that you can come up to the office and see me if you wish. I hope you will do this and you can bring Mr. Myers with you if you desire. It would be best for you to call me up and advise me when you will be here so I will be sure to be in the office.

Very truly yours,

JHM:P

Commissioner.



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

February 24th, 1926.

Board of County Commissioners,
Jefferson County,
c/o Thos. A. Hatfield, County Clerk,
Oskaloosa, Kansas.

Gentlemen:

Received a letter from Thos. A. Hatfield, County Clerk of Jefferson County, written under date of February 18th, advising of the action of your Board on that date concerning an order drawn by the Livestock Commissioner in favor of A. F. Myers for the payment of indemnity on two reactor cattle belonging to Mr. Myers.

I am very much surprised to note the action of your Board in this matter. The law has been fully explained in this case and I believe you understand same. The law is plain as to the duty of a Board of County Commissioners with respect to the payment of an order issued by the Livestock Commissioner for the payment of tubercular diseased cattle and the Supreme Court has passed upon the validity of the law. I do not wish to be arbitrary in this matter. Neither is it my disposition to cause anyone trouble but I have conferred with the Attorney General of the State and he advises that the only legal way that you could refuse to pay an order of this department for the payment of diseased livestock issued in compliance with the law would be to charge collusion or fraud on the part of the appraising board and no partial payment could be made on an order of this kind unless it was in compliance with an agreement made by all parties to the appraisement of the cattle in question.

I am going to give you plenty of time to give this case all the consideration you wish and make any further investigation you might wish in connection with same. Therefore, you may have until March 10th, 1926, to make up your mind as to what you will do and unless the order issued to Mr. A. F. Myers



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

Page 2 - Board of County Commissioners - Oskaloosa

is paid on or before that date or charges filed in this office of collusion or fraud there is nothing else I can do but to file complaint through the Attorney General's office against your Board for the violation of an order of this department as set out in Chapter 47, Section 604 General Statutes of 1923, cited in my letter to you under date of February 11th.

I sincerely trust there will be no necessity for any such action. I would much prefer to adjust matters of this kind without difficulty rather than to be compelled to take any drastic action. Therefore, please let me hear from you on or before the date above mentioned, March 10th, 1926.

Thanking you in advance for your careful consideration of this matter.

Very truly yours,

JHM:P

Commissioner.

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

February 24th, 1926.

Mr. A. F. Myers,
Ozawie, Kansas.

Dear Mr. Myers:

I am enclosing you copy of letter just written to the
Board of County Commissioners, Oskaloosa, which is
self-explanatory.

Very truly yours,

P

Commissioner.

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

February 24th, 1926.

Mr. H. T. Phinney,
Oskaloosa, Kansas.

Dear sir:

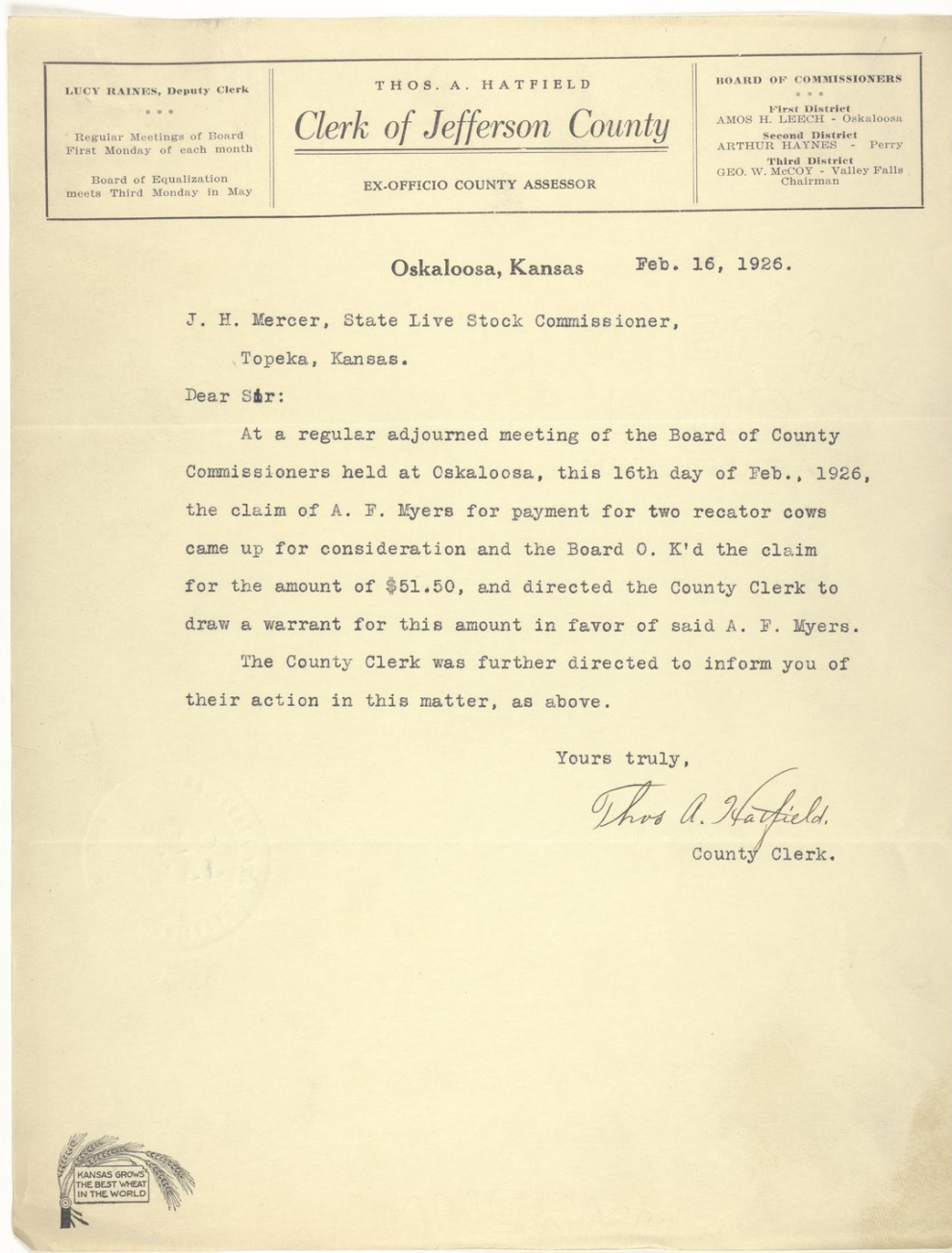
I am herewith enclosing you copy of letter written
to the Board of County Commissioners, Oskaloosa, which
is self-explanatory.

Very truly yours,

P

Commissioner.

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



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

February 11th, 1926.

Board of County Commissioners,
Jefferson County,
Oskaloosa, Kansas.

Gentlemen:

I am just in receipt of a letter from Mr. H. T. Phinney, Attorney of Oskaloosa, advising that he had appeared before your Board in the interest of A. F. Myers with respect to an order issued by this department for the payment of two reactor cattle belonging to Mr. Myers and that your Board had passed on the matter and had decided not to pay the order. He stated he had this matter up with your Board on the 8th instant and up to date we have had no notice from your Board with respect to the action taken in connection with the order drawn by this department in favor of Mr. Myers for his two reactor cows.

There have been no records filed in this office by your Board of County Commissioners giving any reason why you refuse to honor the order drawn by this department in favor of Mr. Myers other than that furnished by the county clerk of your county to the effect that Arthur Haynes considered the appraisement of the two head of cattle in question too high.

We do not recognize the Clerk's letter as an official act of your Board. We therefore demand that you honor the order of Mr. Myers for the payment of the two reactor cattle in question or furnish us official information setting out the reasons why you refuse to honor said order.

I call your special attention to Ch. 47, Section 604, General Statutes of 1923, which reads as follows:
"Except as otherwise provided in this act, any person who shall violate, disregard, or evade, or attempt to

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

Page 2 -

violate, disregard, or evade, any of the provisions of this act, or who shall violate, disregard, or evade, or attempt to violate, disregard, or evade, any of the rules, regulations, orders or directions of the live-stock sanitary commissioner establishing and governing quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than five thousand dollars*.

We are calling your attention to this matter for the reason that we do not wish to cause the Board of County Commissioners of Jefferson county any trouble whatever but to advise you that we will be compelled to enforce the state law of the department which we are under oath to do.

It might be advisable for you to consult your county attorney with respect to this matter. In any event let me hear from you within the next 7 days.

Thanking you for your careful consideration of this matter and for an early reply, I am,

Very truly yours,

JHM:P

Commissioner.