

IOWA COURT HANDS DOWN IMPORTANT DECISION ON TUBERCULIN COW TESTS

With Judge M. H. Kepler Presiding, Middle Western Jury Finds Many Irregularities in Federal Law. Trial of Case Required 12 Days.

A rural subscriber of The Democrat, who, incidentally, is one of the county's leading farmers and stockmen, asks this paper to publish in condensed form the decision on the tuberculin test which has recently been handed down by a State court in Mitchell County, Iowa. Following is a review of the case as taken from the Rural New-Yorker:

The case was filed in October, 1926, in the District Court of Iowa, by M. J. Loftis et al., plaintiffs, against M. G. Thornburg, et al., defendants, asking an injunction to restrain the defendant from subjecting plaintiff's cattle to the tuberculin test. After several motions had been argued, and a temporary injunction sustained, the case was set down for trial on its merits on June 11, 1928. It seems to have been an exhaustive trial, requiring 11 days to present the evidence which filled 833 typewritten pages.

And on May 31, 1929, the court filed its findings and decree records, and the complaint offered by both parties, and arguments of counsel.

Findings of the Court Condensed From Full Text

1—That tuberculin is a liquid substance made by growing live bacilli of tuberculosis on or in liquid favorable to its growth, composed of beef broth, glycerine and other ingredients. Evidence showed that when sufficient of the live bacilli have been grown, the entire liquid mass is heated 100 degrees Centigrade or 212 degrees Fahrenheit and afterwards is strained to eliminate the bacilli and leave the liquid. The bacilli themselves are micro-organisms so small that they must be magnified from 1,200 to 1,600 times to become visible. When these bacilli locate in a particular gland or place in the body pimples or tubercles are formed and the bacilli are surrounded with a fleshy substance which in many cases becomes fibrous and tends to encyst, and smother the bacilli and stop the spreading of the infection of the bacilli to other parts of the body.

2—The court further finds from the evidence that there is a difference between the presence of bacilli in the body and the disease of tuberculosis. Any subject may be infected with bacilli and still not have the disease of tuberculosis.

3—The court further finds that there are three organized ways of testing cattle with tuberculin: (a) The eye test; (b) the sub-dermal test also known as the temperature test; (c) the intra-dermal test, also known as the tail test. This is the test used and proposed to be used in Mitchell County and throughout the State of Iowa.

4—In the intra-dermal test, the reaction which the defendants claim indicates that the cow has tuberculosis, is evidenced by an inflammation or swelling which appears at the point where the hypodermic needle punctures the caudal folds of the skin beneath the tail.

5—The laws of Iowa in no place adopt the tuberculin test as a diagnostic agent to indicate whether or not the cattle have tuberculosis. Only the rules of the Bureau of Animal Industry of the Department of Agriculture authorize the use of the tuberculin test in the State of Iowa.

6—Only veterinarians appointed by the Department of Agriculture are allowed to make a test of cattle to determine whether they have tuberculosis. No other diagnostic test is recognized or permitted except the tuberculin test.

7—The only person who has authority under the rules to pass on the question as to whether a cow has reacted in a physical test is the agent of the department who made the test and his judgment is held to be final, and is given without hearing before any tribunal and with no right of appeal from the judgment of the tester.

8—If the cow is held by the tester to be a reactor the owner is barred from having a retest made and denied the use of any other diagnostic

She Swings a Sledge



Mrs. Natalie Holt, the woman blacksmith of Georgetown, Mass., has mounted her forge and anvil on a motor truck and goes from farm to farm repairing tools and machinery.

agent. The cow is condemned as a reactor under the rules that if a cow reacts a reactor it is always a reactor. In every case where the tester gives his judgment that reaction occurs, the owner has no right reserved to him under the law or the rules of the department. If the owner holds his cow longer than thirty days he loses his right to Federal compensation. If held 90 days the owner loses claim for compensation against the State. The evidence shows, and it is admitted by all parties, that the injection of tuberculin into a cow will render her immune to any further reaction for from 60 to 90 days. The court finds that the rules of the Department of Agriculture permit cattle owners in a testing area to allow the tested cattle in the trough with infected steers and feeding cattle of the butter and milk from such cows are used in the farmer's family. The rules will further provide that infected female cattle and bulls, for feeding and grazing purposes, may be shipped in the State if marked with the letter "F".

9—By the rules of the Department of Agriculture, a herd of cattle is accredited as tuberculosis-free when the members no longer react to the tuberculin test and continue to so resist the test for a certain length of time.

10—It was shown by the U. S. Department of Agriculture bulletins in evidence that animals may be so frequently treated with tuberculin as to establish a tolerance against its action and some of them will not react to the test.

11—Evidence shows that many medical authorities claim that the only sure way to determine that an animal is affected with tuberculosis bacilli is to have the animal slaughtered and the cultures subjected to a microscopic test and by attempted growth of the bacilli from cultures show their presence of absence.

12—The court finds that all the so-called tuberculosis-free herds are simply those which for one reason or another have failed to react to the tuberculin test for a certain number of times. Many of the cattle which have in fact the tuberculosis disease are immune to the reaction of tuberculin and fail to give any reaction. The evidence shows that many cattle passed by the tuberculin test as clean and afterwards slaughtered are condemned as tuberculous and tanked.

The evidence shows, almost without dispute, that the tuberculin test

very often does not point out such cattle as are spreaders of the tuberculosis disease; that is, cattle that are affected with generalized tuberculosis.

The court finds that some cattle which the inspectors claim to react to the tuberculin test, when slaughtered and examined appear to be free from the disease.

The court finds from the evidence in the case from 9 to 11 per cent. of the cattle condemned as reactors and afterwards slaughtered showed no lesions of tuberculosis.

The court finds from the evidence that the tuberculin test causes reaction in many cattle that are not afflicted with tuberculosis, and that under the practice of the Department of Agriculture these animals are slaughtered.

The court finds from the evidence that the tuberculin test has been used as a diagnostic agent applied to human beings to determine the presence or absence of tuberculosis and from 75 to 100 per cent. of adult human beings give a typical reaction to the test. The evidence shows that those who reacted of the test only about one in 50 did have the tuberculosis disease and died without contracting the disease.

The court finds from the evidence that from 90 to 92 per cent. of cattle condemned by the use of tuberculin test are from outward appearance among the most healthy and

vigorous cattle of the herd, and that on slaughter from 90 to 92 per cent. of the cattle reacting are by the inspectors pronounced healthy and their flesh is used for food.

The court further finds that the effect of the tuberculin test on different cows varies with the nature of the cow being tested—some cows apparently immune to the action of tuberculin, other cows are sensitive to its action.

The court finds that many cattle fail to react for some tests and that finally these cows do in fact react after repeated doses of tuberculin have been injected. It would either appear that repeated doses of tuberculin break down the resistance of the animal or that there may be some slight infection since the former test or tests. It would seem that 90 days or six months would not be sufficient time for so many individual animals to develop the disease of tuberculosis so as to be a menace.

The court finds that the Department of Agriculture and its agents in practice hold tuberculin to be infallible diagnostic agent and that reaction to the first test is not reviewed and no provision is made for a re-examination to determine the accuracy of the test, but the same is held to be final and the finding and judgment of the agent making the test is the only finding and judgment recognized by the Department of Agriculture. There is no appeal, and

the cattle owner is not given his day in court, but the cattle are condemned on the work of the tester, who not only makes the test but passes on the result of his work.

The court finds from the evidence that the injection of tuberculin into cow carcasses that have recovered from slight attacks of tuberculosis, or have encysted lesions, tends to break down the lesions, and to cause re-infection of the cows and sometimes cause generalized tuberculosis.

The evidence shows that some cows will react to the tuberculin test when not tuberculous, and there is some evidence to the effect that cows will react if they are coming in heat or when they have diarrhea, or when

they are excited, when they have some fever and when they are near calving time.

(CONCLUDED NEXT WEEK) GIVE FERTILIZER NEEDS OF DIFFERENT CROPS

A series of eight circulars containing fertilizer recommendations for the various types of soils of North Carolina has been prepared by C. B. Williams, H. B. Mann and A. S. Chace of the North Carolina Experiment Station at Raleigh. Copies of the circulars may be had free of charge by writing C. B. Williams, at State College.

Circular 41 deals with Watauga, Avery, Ashe and Alleghany counties.

Wilkes Hatchery Opens 1930 Season

February first. Make reservations for custom hatching. only \$3.00 per tray of 112 eggs. Place your order early for strong husky chicks from range grown flocks, purebred, State inspected and blood tested. Barred and White Rocks, R. I. Reds. Hatching eggs and poultry equipment.

WILKES HATCHERY NORTH WILKESBORO, N. C.

Check these features in the sensational new CHEVROLET SIX

The sensational value of the Greatest Chevrolet in Chevrolet History is based on definite points of superiority—which you can easily check for yourself. From its improved 50-horsepower six-cylinder valve-in-head engine, to its beautiful new bodies by Fisher—it sets a new standard of quality for the low-price field.

A few of Chevrolet's extra-value features are listed on this page. Check them over carefully. Then come in and drive this car. It will take you only a few minutes to find out why it is causing more comment and winning more praise than any Chevrolet we have ever shown. For it is a finer Six in every way—yet it sells—

--at greatly reduced prices!

- The ROADSTER \$495
- The PHAETON \$495
- The SPORT ROADSTER \$525
- The COACH \$565
- The COUPE \$565
- The SPORT COUPE \$625
- The CLUB SEDAN \$625
- The SEDAN \$675
- The SEDAN DELIVERY \$595
- The LIGHT DELIVERY CHASSIS \$365
- The 1½-TON CHASSIS \$520
- The 1½-TON CHASSIS, WITH CAB \$625

All prices f. o. b. factory, Flint, Michigan

A SIX IN THE PRICE RANGE OF THE FOUR



The COACH

HYDRAULIC SHOCK ABSORBERS
Four Delco-Lovejoy hydraulic shock absorbers on all models eliminate road shocks and increase comfort.

50-HORSEPOWER MOTOR
A great six-cylinder motor, increased to 50 horsepower, gives smoother, quieter operation, with greater power.

BRONZE-BUSHED PISTONS
The stronger, lighter pistons are bushed with high-grade bronze to provide smoother operation and longer life.

NEW HOT-SPOT MANIFOLD
A larger hot-spot manifold insures complete vaporization of fuel—improving performance and efficiency.

STRONGER REAR AXLE
Larger and stronger rear axle gears—made of the finest nickel steel—add to durability and long life.

NEW ACCELERATION PUMP
A new automatic acceleration pump provides the flushing acceleration which modern traffic necessitates.

WEATHER-PROOF BRAKES
Fully-enclosed, internally-expanding, weather-proof brakes assure positive brake action at all times.

GASOLINE GAUGE ON DASH
The instrument panel carries a new grouping of the driving controls—including a gasoline gauge.

NON-GLARE WINDSHIELD
The new Fisher body non-glare windshield deflects the glare of approaching headlights.

LARGER BALLOON TIRES
New, larger, full-balloon tires with smaller wheels improve roadability, comfort and appearance.

TWO-BEAM HEADLAMPS
Two beam headlights with foot rest.

AI DR
All close on ad sent to the

"VERY LATESTS"

By MARY MARSHALL

At this time of the year there is no better way to spend a rather generous check than by buying a fur scarf that will be useful now with a furless coat or suit and really indispensable in late winter and early



spring. The conventional fox scarf will surely enjoy a long reign of fashionable favor—and there are foxes to suit almost any purse.

This year there are various scarfs of flat fur such as lamb or caracul, ermine or Persian lamb that give distinction to suit or street dress. The illustration shows a scarf and muff bag made of brown and beige gal-yak.

SAVE SAFETY
REXALL
DRUG STORE

Breathe Your Cold Away With Vapure!

A few drops of Vapure on a gauze pad or handkerchief, inhaled deeply, will penetrate through the stuffiest cold, soothe the membranes and give you easy and pleasant relief. Start today. Vapure is sold only at the Rexall Store.

Boone Drug Co.
The Rexall Store
BOONE, N. C.

THE WORLD'S LARGEST CHAIN OF INDIVIDUALLY OWNED DRUG STORES

Boone Chevrolet Company
BOONE, N. C.
A SMOOTHER, FASTER, BETTER SIX