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- **Analysis of Texas Laws and Regulations**
- **Controlling the Movement and Sale**
- **of Livestock**

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## SUMMARY

Millions of head of livestock are sold annually in Texas and in other states. Numerous state and federal laws have been passed to regulate this movement and sale. This publication brings together many of the more important laws and regulations so that producers, selling agents, buyers and consumers may know the legal requirements to be observed and the protection provided.

Livestock are branded to establish permanent identification and to facilitate proof of ownership. Brand inspectors estimate that 25 percent or less of the cattle moved through Texas auctions and stockyards are branded. Percentages branded are even lower for other species. However, branding is still a common practice in some areas and the branding laws are still in force. Some of these brand laws are obsolete and the enforcement machinery is inadequate.

The only legally used brands and marks in Texas are those that have been recorded since October 1, 1943. Brands are recorded by counties and each county has a separate county brand which can be used in addition to the private brand. Since there is no state-wide system of recording brands, it is possible for different persons in other counties to use the same brand.

Branding in Texas originally was controlled in each county by a county brand inspector or inspector of hides and animals, and an entire chapter of statutes was enacted to control his activities. Very few counties now have this official. Most brand inspections are conducted by representatives of the Texas and Southwestern Cattle Raisers Association under authority granted by the United States Department of Agriculture. This act permits one state agency or duly organized state livestock association in a state to qualify to inspect cattle for identification purposes at posted markets and charge an inspection fee. The Association was given this authority because the State does not have a brand inspection agency.

Responsibility for the accuracy of all commercial, industrial and livestock scales lies with the State Commissioner of Agriculture. Legally each scale must be tested at least once annually. The State Weights and Measures Division has only three scale testing units and it is not possible to test all scales annually with these three units. This results in a considerable time lapse in testing for individual scales.

Most of the stockyards and auctions in Texas are operated under the supervision of the Packers and Stockyards Branch of the U. S. Department of Agriculture and must conform to the federal scale testing program. This requires two scale tests annually with standard-weight test loads in several successive stages. Private scale-testing companies under the supervision of federal representatives do most of this testing.

Scale operators are subject to state and federal supervision. Public weighers may be appointed, elected or independent. Most livestock weighers are independent and are selected by the employers. Many do not conform to existing statutes regarding bonding. Weighers at markets regulated by the Packers and Stockyards Branch must meet federal and state requirements.

Many statutes concern the prevention and control of livestock diseases. The Livestock Sanitary Commission of Texas has primary responsibility for intrastate problems, while the Animal Disease Eradication Branch of the U. S. Department of Agriculture handles the national program of animal disease eradication.

The Commission has authority to control livestock diseases in Texas but faces many difficulties. The Texas Animal Health Council, representing 29 agricultural, educational and civic groups, recommends a complete reorganization and expansion of the Commission program and staff and the recodification of the laws, rules and regulations.

Personnel of the Animal Disease Eradication Branch, U. S. Department of Agriculture, cooperate with the state group in controlling and eradicating brucellosis, tuberculosis, vesicular exanthema, sclerosis, fever ticks and other diseases and parasites upon request by the Commission. Both federal and state sanitary officials cooperate to enforce federal and state-of-destination regulations on interstate movement of livestock. Federal funds for some of the cooperative programs have been curtailed and the State must bear most of the future cost for these programs.

Little effort is exerted under existing State laws to control activities of auction operators, livestock dealers or auctioneers. However, most of this group has come under federal supervision and must meet pertinent requirements as to bonds, custodial accounts, charges, market practices and the like.

Division of responsibilities for the regulation and control of the movement and sale of livestock among state and federal agencies is currently uncoordinated. Federal activities have tended to increase when state regulations or appropriations for some of the cooperative programs are insufficient to deal with existing problems. It seems likely that continued attention must be given to matters of livestock identification, scale testing, disease control and eradication and regulations of public markets.



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# Analysis of Texas Laws and Regulations Controlling the Movement and Sale of Livestock

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## INTRODUCTION

SINCE THE LIVESTOCK INDUSTRY is one of the largest industries in Texas, its welfare concerns both producers and consumers. If the movement and sale of livestock are not controlled effectively by adequate state and federal laws and regulations, both consumers and producers can be hurt by careless and unethical operations of a few individuals. Illegal moving, weighing and selling of livestock can cost producers thousands of dollars each year. If not supervised and controlled adequately, the movement of diseased livestock into and out of the market places can jeopardize the entire industry. Discriminatory and unfair actions of buyers and sellers in the marketing of livestock also can cause monetary losses to other persons.

Laws and regulations have been enacted by the Texas Legislature and regulatory agencies of the state government in an attempt to regulate the movement and sale of livestock. These laws and regulations are brought together in this study so that producers, sellers, selling agents, buyers and consumers may know the legal requirements to be observed, the protection provided and the effectiveness of such laws and regulations. Conclusions may suggest changes in these laws and regulations to eliminate certain activities in the transportation and selling of livestock. It is possible that certain laws and regulations are obsolete, unenforceable and inadequate and that such laws do not provide for adequate supervision and enforcement.

Many federal laws and regulations also have been enacted to supervise and control the interstate movement and sale of livestock. Because the many livestock auctions and stockyards operate under federal supervision, the federal laws and regulations also were analysed.

## Purpose and Scope of Study

This study was conducted to determine whether the present laws and regulations provide: protection against livestock theft from farms and ranches; apprehension of thieves at markets; assurance of accurate weighing of livestock at markets; adequate control of diseases and parasites in livestock moving to and through markets within and out of the State; and adequate

control of the activities of livestock commission merchants, dealers and auctioneers operating at the markets or elsewhere.

## Procedure

The laws summarized in this study were obtained from *Vernon's Texas Civil and Penal Statutes* and the *Code of Federal Regulations*. Interpretations of certain laws were obtained from the offices of the State Attorney General and State Comptroller.

Information on brand inspections was obtained by interviewing some officials of the Texas and Southwestern Cattle Raisers' Association, auction market owners and a hides and animals inspector, and by observing several brand inspectors operating at auction markets and stockyards.

Information on the present procedures regarding scale testing and on public weighing in Texas was obtained by interviewing officials of the State Department of Agriculture and the Packers and Stockyards Branch of the USDA, and public weighers, by observing a state sealer and several public weighers at the markets and by collecting scale-testing data from the records of the above agencies.

Information on the livestock disease eradication and control programs for Texas was obtained by interviewing certain officials of the Livestock Sanitary Commission and Animal Disease Eradication Branch, USDA, and by observing some of the state and federal inspectors and veterinarians operating at the markets.

Information on present activities of the livestock commission merchants, dealers and auctioneers was obtained by interviewing selected officials of the Packers and Stockyards Branch, livestock commission merchants, dealers and auctioneers, by observing several commission merchants, dealers and auctioneers operating at the markets, and by corresponding with selected county judges regarding whether the livestock commission merchants operating in their counties were bonded.

The interview and observation methods of collecting data were used. The number of individuals interviewed or observed from each group was considered large enough to be representative of the group. In the case involving correspondence with county judges, selection was made on the basis of whether their counties had livestock auctions and were nonexempt from having elected brand inspectors.

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Conclusions were reached on the basis of comparison between the laws and regulations and what is actually being done by the agencies and some of the people involved.

## BRAND INSPECTIONS

The Spaniards brought the practice of branding to America, and their government granted and recorded brands which guaranteed the exclusive ownership of such marks to certain individuals. This system was adopted in Texas by the early settlers, and brand records were kept in the courthouses as they are today under present State laws.

The purpose for branding livestock is to establish proof of ownership. Tattoos and ear marks have been used alone and with brands, but brands have proved to be the most effective means of identification.

Brands and marks were designed to discourage theft of livestock by providing a ready method of identifying livestock. Brand inspectors have estimated that only about 25 percent of all cattle now going to market are branded.

As early as 1848, Texas cattlemen realized that a brand inspector was needed to cover movement and marketing operations to prevent theft of cattle. The State enacted legislation which authorized such an inspector to operate in each county.

The Texas and Southwestern Cattle Raisers Association and other livestock associations hired their own brand inspectors to protect the herds of their members. These inspectors do most of the brand inspecting, since the number of county inspectors has declined.

Texas still has brand inspectors operating on many markets, but three separate groups operate under different statutes. No uniform statewide brand inspection system exists. Some markets are covered by brand inspectors while other markets are not.

## Brand Laws

### LAWS REQUIRING BRANDS OR MARKS

#### Owner Branding

A statute on brands states, "Every person who has cattle, hogs, sheep, or goats shall have an ear mark and brand differing from the ear mark and brand of his neighbors, which ear mark and brand shall be recorded by the county clerk of the county where such animals shall be. No person shall use more than one brand, but may record his brand in as many counties as he deems necessary."<sup>1</sup> In effect, this statute requires that a person must have his livestock branded or marked, and that he can have only one brand or

mark registered in a county. It must differ from all other brands registered in that county. The brand or mark used must be recorded in the county clerk's office in each county where he has livestock. A failure to record renders the use of such brand or mark illegal, according to Penal Article 1460.<sup>2</sup>

In 1943, a statute (article 6899) was enacted to bring about a current record of all legally used brands and marks. This statute states, "All records of marks and brands heretofore made as provided in this chapter, except all county brands, shall become void and of no force and effect on the 1st day of October, 1943, and every person who has cattle, hogs, sheep or goats shall have his mark and brand recorded or re-recorded in accordance with article 6890 and 6898.<sup>3</sup> The legal owner of a brand and/or mark shall have a preferential right to record such brand and/or mark for a period of two years from the first day of October, 1943, but if such preferential right is not exercised within two years the same shall be forfeited and such brand and/or mark shall be subjected to registration by any person, and the first person to record the same shall be the owner of the same."<sup>4</sup> Therefore, at the present, all marks and brands recorded since the first day of October 1943 are the only legally used brands and marks in the State.

#### County Branding

In addition to the privately recorded brand, the law permits the use of a county brand. Article 6891 states that "each county shall have a brand for horses and cattle, said brand to be known and designated as the 'county brand'." Since individual brands are recorded on a county basis, there could be as many as 254 different livestock owners using the same brand or mark.

The use of the county brand facilitates identification of the livestock of two or more owners having the same brand.

The owner is given permission to use the county brand in Article 6892. It states that "the owners of all horses and cattle, in addition to their private brand, may place said county brand upon the neck of all horses and cattle owned by them."<sup>6</sup> Livestock owners are not required to use the county brands and very few have ever used them.

<sup>2</sup>"Other Offenses Relating to Stock," *Vernon's Texas Penal Code*, Art. 1460, p. 438. "Whoever shall mark or brand any unmarked stock with a mark or brand not upon record shall be fined not exceeding five hundred dollars."

<sup>3</sup>*Vernon's Texas Civil Statutes*, Art. 6898, p. 642, "The county clerks of the county courts in their respective counties shall keep a well-bound book, in which they shall record the mark and brands of each individual who may apply to them for that purpose, noting in every instance the date on which the brand or mark is recorded."

<sup>4</sup>*Loc. cit.*, Art. 6890, p. 638.

<sup>5</sup>*Ibid.* Art. 6891, p. 638.

<sup>6</sup>*Ibid.* Art. 6893, p. 641.

<sup>1</sup>"Marks and Brands," *Vernon's Texas Civil Statutes*, Art. 6890, p. 638.





Any person may drive or ship any animals to Mexico from any point on the coast of Texas or across the border if all such animals are passed by the inspector of the district at the point of shipment or at such place at which they are driven across the Rio Grande.<sup>18</sup>

*Marketed livestock.* A person who has purchased livestock is required to have in his possession a "bill of sale" from the seller as proof of ownership. The hides and animals inspector can check the cattle and can hold cattle until proof of ownership is established. Article 6983 outlines the duties of the inspector with respect to the requirement that the buyer have a bill of sale. It states, "Buyers of animals for sale, or shipment out of any county, or who shall buy same for slaughter shall at the time of purchasing and driving of same, procure a written bill of sale from owner or owners thereof. Such bill of sale shall distinctly enumerate the number, kind and age of animals sold, together with all marks and brands discernible thereon, and said animals before leaving the county in which they are gathered shall be inspected by the inspector of such county or his deputy."<sup>19</sup> Article 6978 also states that "the inspector will examine and inspect all hides or animals known or reported to him as sold. . . ."

*Livestock to be slaughtered.* Article 6978 states that the hides and animals inspector is required to "examine and inspect all animals driven or sold in his district for slaughter, packeries or butcheries; and shall keep records giving correct number, ages, marks and brands of all animals and hides inspected. . . ." He must require the buyers of animals bought for slaughter to "procure a written bill of sales from owner or owners. . . ." according to Article 6983.

If cattle are bought in one county and shipped to another for slaughter, the law requires that such animals be inspected in the county of origin. A court decision of December 8, 1897, clarified this point in the *Limburger vs. Barker Case*.<sup>20</sup>

#### Inspections Required at Livestock Auctions

All livestock auctions operating in the State are subject to state or federal supervision. In addition, many are subject to federal regulation. Under state requirements, the operators of auctions (livestock auction commission merchants) must insure that the livestock which go through their auctions are inspected in order to meet the state bonding requirements.

The livestock auction commission merchant is required to "keep a true and accurate record

of the description of all such livestock so sold at auction, which record shall be subject to be inspected by any citizen of Texas, which shall give a description of such livestock by color, probable age, and the marks and brands, if any there be and the location of said marks and brands. . . ." Records (brand and marks included) must be "made and kept as herein required for at least one year from the date thereof and shall be open to public inspection at all reasonable hours. . . ."

If there is a dispute of ownership of livestock offered for sale, the livestock auction commission merchant is required to "deposit the amount of net proceeds of disputed animals in some state or national bank in the town, city or county where his principal place of business is located and then promptly notify all interested parties of his actions."

The statutes do not specify that these auction operators use any particular brand inspector. They are free to perform the inspections themselves or to hire someone to perform this service.

#### Inspections Required at Posted Markets<sup>22</sup>

Since the public stockyards and many auction markets in Texas are posted under provisions of the Packers and Stockyards Act of 1921, the State Legislature, in 1953, passed an amendment<sup>23</sup> exempting these markets from the bonding requirements of the auction commission merchant. This action was taken to avoid duplication of requirements between state and federal statutes. Therefore, the State laws place no brand inspection requirements on federally supervised stockyards and auctions.

The Federal government exercises its right to control the livestock markets which handle interstate shipments. In July 1957, Texas had four major stockyards and about 106 auctions operating under federal supervision.

Under the Packers and Stockyards Act, a state agency or duly organized state livestock association can qualify to inspect for brands, marks and other identifying characteristics of all cattle at posted markets and charge a nondiscriminatory inspection fee.<sup>24</sup> The agency or association that qualifies is the only body authorized to provide brand inspection service on posted markets in the State. The Texas and Southwestern Cattle Raisers Association has qualified and is authorized to perform this service in Texas.

The authorized agency or association is required to keep records of the inspections performed which show a full description of brand, marks

<sup>18</sup>*Ibid.* Art. 6987, p. 705.

<sup>19</sup>*Ibid.* Art. 6983, p. 703.

<sup>20</sup>*Limburger vs. Barker*, 17CA602, 43SW. 616, p. 702, "Although cattle are inspected in the counties from which they were bought nevertheless the law requires them to be inspected again when sold for slaughter in another county."

<sup>21</sup>*Vernon's Texas Civil Statutes*, Art. 1287a, p. 850, and 1956 Cumulative Annual Pocket Part, p. 66.

<sup>22</sup>A posted market is any market operating under the provisions of the Federal Packers and Stockyards Act of 1921 as amended.

<sup>23</sup>*Ibid.* Pocket Part, Art. 1287a, p. 66.

<sup>24</sup>Code of Federal Regulations, 9 Part 201, Sec. 201.86.



and other identifying characteristics of livestock inspected in the State.<sup>25</sup> Maintenance of the identity of each consignment of livestock in holding pens at stockyards is required until all are inspected. Inspections must be conducted as soon as possible after the livestock are received in the yards.

### Inspections Required of Packers or Butchers

In 1866, a law was passed which states, "Each person in this state engaged in the slaughter and sale of animals for market shall make a regular sworn report to each regular meeting of the commissioners' court of the county, giving the number, color, age, marks and brands of every animal slaughtered by him since the last term of said court, to be filed with and kept on file by the county clerk. Each said report shall be accompanied by the bill of sale or written conveyance to the butcher for every animal that he has purchased for slaughter. If any of the animals slaughtered have been raised by himself, it shall be so stated in the report. . ."<sup>26</sup> In 1955, the 54th Legislature passed a penal statute giving added strength to the old law. It requires that "any slaughterer, whether local butcher or packer, who purchases or slaughters livestock in this state shall keep a record in a bound volume of all such livestock purchased or slaughtered by him . . .," giving a description of the livestock by "kind, color, sex, probable age, and the marks and brands and their location if there are any . . ."<sup>27</sup> It also requires him to keep a record of the seller of animals and of the vehicle which brought them to his place of business.

The above statutes make it necessary for butchers and packers (slaughterers) to inspect their animals for brands and for other identifying characteristics in order to comply with the law.

### Inspections Required of Country Dealers and Traders

In order for the country dealer or trader to legally take possession of the livestock he has bought, he must have a written transfer or bill of sale.<sup>28</sup> The bill of sale requires that the brands and marks be listed and recorded in the county clerk's office. The seller and the country dealer or trader must inspect the animals exchanged to obtain all the marks of identification for this required record.

### Brand Inspections Performed

The information on regulations governing brand inspectors and the inspection system of Texas was obtained through interviews with officials of the Texas and Southwestern Cattle Raisers Association and with several brand in-

spectors representing three different groups — elected county inspectors, Cattle Raisers Association inspectors and those employed by auction operations. Observations were made of each group of inspectors as they operated on the markets.

### MOVING LIVESTOCK

#### Hides and Animals Inspectors

Brand inspections are performed on some of the cattle about to be shipped out of the county or state. The elected brand inspectors perform such inspections in counties where they are located. At present, there are few elected inspectors in the State, and they are declining rapidly in number. Two counties that had such inspectors were exempted by the Legislature in 1957.

#### Cattle Raisers Association Inspectors

The Texas and Southwestern Cattle Raisers Association provides field inspections for livestock belonging to their members before departure from farms, ranches or shipping points. The field inspectors carry special commissions as Texas Rangers, which gives them full authority for law enforcement. They search for strayed or stolen animals, check shipping points and try to locate thieves when theft is reported to them. They are present at the loading of cattle moving out of their areas. They inspect brands to determine whether the shipper has title to all cattle offered for shipment. About 31 field inspectors are employed by the Cattle Raisers Association.

### MARKETING LIVESTOCK AT NONPOSTED MARKETS

Although nonposted auctions provide brand inspections, many such auctions are not making adequate inspections of livestock moving through

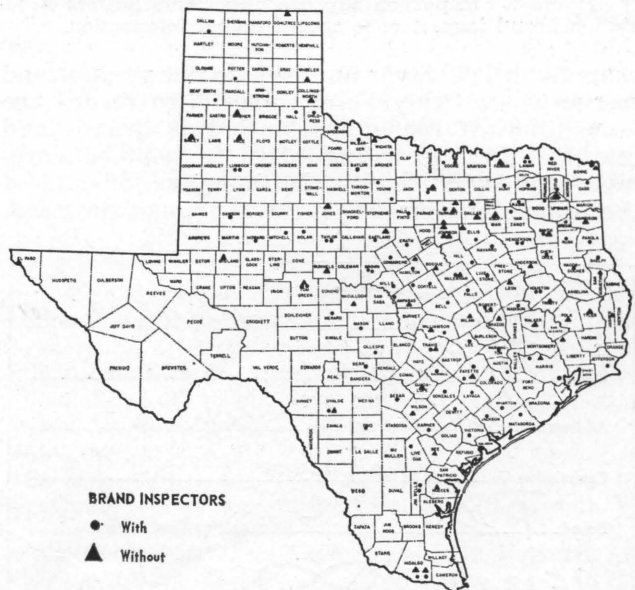


Figure 2. The location of all livestock markets having brand inspectors employed by the Texas and Southwestern Cattle Raisers Association. Source: Texas and Southwestern Cattle Raisers Association, Fort Worth, Texas.

<sup>25</sup>Ibid. Sec. 201.89.

<sup>26</sup>Vernon's Texas Civil Statutes, Art. 6904, p. 659.

<sup>27</sup>Vernon's Texas Penal Code, 1956, Cumulative Annual Pocket Part, Art. 1456a, p. 17.

<sup>28</sup>Vernon's Texas Civil Statutes, Art. 6903, p. 655.

H. K. Bowman  
 20 Harris Comm  
 1F1321

Decatur, Wise

Sample

∞ Prh 1 C  
 ∞ Krh 1 C  
 ∞ Mlsi lang C  
 ∞ TR rth 1 B  
 ∞ + - eh 1 C  
 ∞ B M rh 1 C  
 ∞ I eh 1 st.  
 ∞ Dresi 1 Hf.  
 ∞ 12 St + Hf Cfs  
 F. ∞ 3-21

Figure 3. Inspection slip used by Cattle Raisers Association brand inspectors to record proper information.

their facilities. Some auctions do not make brand inspections. Others hire someone to record the description of the animal including brands and marks. This recording often is handled carelessly and inaccurately. In some auctions, all of the brands and marks on cattle are not recorded.

FORM 01 "Sample"  
 No. \_\_\_\_\_ Date Aug. 28 1956

F. Name H. K. Bowman

Address Decatur, Wise

Commission Co. Harris

Brand: Prh 1 C No. Head 20

9F1321 ∞<sup>xox</sup>

F. L. HOTHAM CO., PRINTERS, FT. WORTH

Figure 4. Record slip filled out on each animal having a different brand listed on the inspection slip.

These discrepancies violate the present brand inspection and bonding laws.

Two of the nonposted auctions as of August 1957 had made agreements for inspectors of the Cattle Raisers Association to make required brand inspections.

#### MARKETING LIVESTOCK AT POSTED MARKETS

Posted markets which operate under federal brand inspection regulations are required to maintain proper inspections and brand records. Since June 14, 1941, the Texas and Southwestern Cattle Raisers Association has been the authorized agency in control of brand inspection activities at posted auctions and stockyards in the State. The Association was given this authorization because Texas does not have a state brand inspection agency.

The Association has hired market inspectors to cover the posted markets in the State. In 1957, about 45 inspectors were operating on 98 markets in Texas. Figure 2 shows the location of the posted and nonposted auctions where these inspectors operate. Even though the Association is required to furnish inspection service to all posted markets, it has been unable to do so, because of objections from some auction operators. Legal action has been taken against these operators for violating the Packers and Stockyards Act. The auction operators have countered this by filing a complaint with the Secretary of Agriculture asking that he revoke the Association's authorization to make brand inspections at their auctions.

The Association's market inspectors examine livestock for brands and marks according to regulations. Each consignment of cattle is checked before the market opens.

These inspectors keep accurate records. They use brand inspection slips specially designed for recording this information, Figure 3. The slips contain the name of the seller, town and county shipped from, commission company assigned to (if at stockyards), license number of vehicle, holding pen number, brands, ear marks and description of animal. Separate slips, Figure 4, are made for each brand, if more than one brand is involved. These slips are numbered and dated and carry the name of the seller, his address (town and county), the commission company selling livestock, brand and ear marks and the number of head. These slips are filed alphabetically by county according to type of brand and its variations. In some cases, inspectors have located missing cattle the same day they were shipped to market as a result of excellent inspections and record keeping. The Association has the only complete set of brand records in the State.

#### SLAUGHTERING LIVESTOCK

Many cattle purchased by local butchers, slaughter houses and packing plants never go through an auction or stockyard where brand in-



spections are made and recorded; they are bought direct at the plant. No inspections or records for identification purposes are made by the management of some of these businesses.

The officials of the Cattle Raisers Association have requested certain of these slaughtering establishments to perform brand inspections and keep a record of the identifying marks of cattle along with vehicle license numbers. A few have agreed to do so.

## LIVESTOCK MARKET SCALE TESTING AND PUBLIC WEIGHING

Weighing is an important factor in the marketing of livestock. Accurate weights are essential for the protection of both buyer and seller. Accurate weights are obtained by honest, capable weighers using accurate scales.

In Texas, the two agencies concerned with the accuracy with which livestock are weighed are the State Department of Agriculture and the Packers and Stockyards Branch of the U. S. Department of Agriculture. The State Department of Agriculture is responsible for supervising all scales and weighing in the State while the Packers and Stockyards Branch supervises weighing only at the markets under its supervision.

This study is limited to the scales operated by livestock auction commission merchants and public stockyards in Texas. The first step in analyzing the status of scale testing and public weighing activities at these markets in the state involved a study of the present state and federal statutes, rules and regulations providing for proper scale testing and proper weighing of livestock. The second step involved a study of the actual status of scale testing and weighing activities in Texas.

### Scale Testing

#### STATE LEGAL REQUIREMENTS

Testing of scales in the State is the responsibility of the Commissioner of Agriculture and his assistants.<sup>29</sup> He has the "power and authority to enforce or cause to be enforced"<sup>30</sup> all the laws controlling scale testing and sealing, and is required to "issue instructions and make rules and regulations"<sup>31</sup> as are necessary to enforce these laws. He is directed to appoint as many deputies to serve as sealers or inspectors of weights and measures as appropriations permit.<sup>32</sup>

To help pay for the scale testing program, the commissioner has the right and power to fix and collect a nominal fee which is "reasonable" and graduated according to the cost of the scale.<sup>33</sup>

<sup>29</sup>Weights and Measures Laws, Texas, 1952 Revision, State Department of Agriculture Bulletin, Art. 5709, p. 8.

<sup>30</sup>Ibid. Art. 5705, p. 7.

<sup>31</sup>Ibid. Art. 5708, p. 8.

<sup>32</sup>Ibid. Art. 5707, p. 7.

<sup>33</sup>Ibid. Art. 5728, p. 19.

#### Duties of Commissioner of Agriculture

It is the duty of the commissioner "to investigate conditions throughout the state with respect to weights and measures" and to make an annual report (with recommendations) to the governor and legislature.<sup>34</sup> It is his duty to supervise all the state and local sealers or inspectors in the performance of their official duties.<sup>35</sup> He is required to see that all scales are inspected and tested by a sealer "at least once each year or as much oftener as may be found necessary" by him.<sup>36</sup> The commissioner is required to establish tolerance and specifications for commercial weighing devices for use in Texas similar to the tolerances and specifications recommended by the National Bureau of Standards. These tolerances and specifications have the same force and effect as if enacted in law. If the tolerances and specifications are not followed, the commissioner is responsible for bringing legal action against the violating party.<sup>37</sup>

#### Duties of Sealers

Each sealer<sup>38</sup> is required to "carefully preserve all copies of the standards of weights and measures used by him in his inspection work, and to keep the same in good order, when not in actual use."<sup>39</sup> He is required to inspect all scales kept for purpose of sale or to be used by anyone.<sup>40</sup> After the sealer tests a scale and finds it to be accurate, he is required to seal or mark, under his name, such scale with appropriate device showing that the scale is accurate and the date of inspection. This device must be placed so as to be seen easily. He must condemn and seize and may destroy an inaccurate scale which in his judgment cannot be repaired. If it can be repaired, he is required to mark the scale with a tag reading, "Out of Order." After the scale has been repaired, a sealer is required to retest the scale to see if it is accurate before it can be used again.<sup>41</sup>

Sealers are required to make legal use of the seals in their possession. If any sealer seals a scale before testing it and making it conform to the standards of the state, he will be fined not less than \$25 nor more than \$200 and shall be suspended immediately from office.<sup>42</sup>

#### Duties of Owner or User of Scale

Every person, firm, or association of persons, using or keeping for use a scale within Tex-

<sup>34</sup>Ibid. Art. 5707, p. 7.

<sup>35</sup>Ibid. Art. 5722, p. 15.

<sup>36</sup>Ibid. Art. 5726, p. 17.

<sup>37</sup>Ibid. Art. 5714, p. 9.

<sup>38</sup>A sealer is one who tests and inspects scales for the commissioner of agriculture. He seals them with the state seal if they test to be accurate.

<sup>39</sup>Weights and Measures Laws, Texas, 1952, Revision, Art. 5723, p. 15.

<sup>40</sup>Ibid. Art. 5726, p. 17.

<sup>41</sup>Ibid. Art. 5727, p. 18.

<sup>42</sup>Ibid. Art. 1041, p. 40.

as is responsible for having the scale sealed and marked by a sealer and checked for correctness.<sup>43</sup> The scale then may be used or kept for use anywhere within the State for 1 year without being further tested.<sup>44</sup> An owner or user of a scale who fails or refuses to comply with the required specifications and tolerances for scales will be deemed guilty of a misdemeanor and, upon conviction, can be fined not less than \$200 nor more than \$10,000.<sup>45</sup>

If any scale owned or used by a person or group of persons has been inspected by a sealer, condemned for repair and tagged "Out of Order," it must be repaired or adjusted within 30 days. Until it has been repaired or adjusted and retested by a sealer, the owner or user must neither use nor dispose of the scale. The scale shall be held at the disposal of the Commissioner of Agriculture or any deputy or sealer. When the scale is repaired or corrected, the owner or user is required to notify the commissioner or his deputy or sealers and they must retest it. If it is found to be satisfactory, the sealer will remove the "Out of Order" tag and mark and seal it as being correct.<sup>46</sup> Anyone who removes or obliterates any tag or device placed on a scale by a sealer is liable to a fine of not less than \$10 nor more than \$200.<sup>47</sup> Conviction for use of inaccurate scales makes the owner or user guilty of a misdemeanor and he can be punished by a fine of not less than \$20 nor more than \$100 upon a first conviction and not less than \$50 nor more than \$200 upon the second or subsequent conviction.<sup>48</sup> Anyone who hinders or obstructs the sealers in the performance of their duties can be fined not less than \$10 nor more than \$200.<sup>49</sup> Anyone who refuses to permit testing of his scale can be fined not less than \$10 nor more than \$200.

#### FEDERAL LEGAL REQUIREMENTS<sup>50</sup>

Owners and market agencies of all auctions and stockyards under the supervision of the Packers and Stockyards Branch are required to maintain and operate scales used for weighing livestock in such a way as to insure accurate weights. These owners and market agencies must cause the scales to be tested properly by competent agencies at suitable intervals in accordance with instructions of the chief of the Packers and Stockyards Branch. His latest instructions state that a suitable interval between tests is not more than 6 months. In instances where tests and inspections disclose that a scale does not maintain its accuracy between tests or

<sup>43</sup>Ibid. Art. 5724, p. 15.

<sup>44</sup>Ibid. Art. 5725, p. 16.

<sup>45</sup>Ibid. Art. 5714, p. 9.

<sup>46</sup>Ibid. Art. 5727, p. 18.

<sup>47</sup>Ibid. Art. 1036, p. 32.

<sup>48</sup>Ibid. Art. 1037, p. 36.

<sup>49</sup>Ibid. Art. 1038, p. 39.

<sup>50</sup>Packers and Stockyards Act, 1921, as amended, United States Department of Agricultural Service and Regulatory Announcement 164, pp. 41-42, Revised, June '55.

is otherwise undependable or is mechanically deficient with regard to construction, installation, or maintenance, tests at lesser intervals may be required.

These livestock scales cannot be used until they have been found to be weighing accurately by a scales inspecting agency. If any repairs, adjustments, or replacements are made upon such a scale, it cannot be placed in use until it has again been tested and inspected.

The officials of the Packers and Stockyards Branch are required to furnish each stockyard owner, market agency or licensee with copies of their instructions on testing of scales.

#### STATUS OF STATE SCALE TESTING

The Division of Weights and Measures of the State Department of Agriculture has been designated by the Commissioner of Agriculture as the agency responsible for inspecting, testing and sealing or condemning scales used in Texas. This agency provided information concerning the personnel and equipment used, the frequency of scale tests made, the types of tests conducted, the results shown by scale tests, the retesting of scales subject to retesting and the common problems encountered.

#### Personnel and Testing Units

The State Weights and Measures Division employs three full-time sealers to operate three scale testing (truck) units. Before 1954 four units were in operation.



Figure 5. Truck unit and a 2,500-pound dolly loaded with three standard weights of 2,500 pounds.



TABLE 1. ANNUAL STATE SCALE TESTS AT TEXAS LIVESTOCK AUCTION MARKETS, 1951-56

Year	Number of scales		Percent tested
	Total <sup>1</sup>	Tested	
1951	160	36	22.5
1952	154	33	24.4
1953	148	18	12.1
1954	146	35	23.9
1955	147	43	29.2
1956	142	34	23.9
Total		199	

Total number of auction scales in state not under federal supervision.

Source: Weights and Measures Division, State Department of Agriculture, Austin, Texas.

The three testing units are used to test all platform scales including commercial, industrial and livestock scales. The estimated 500 livestock scales in the State are tested with only two of the three testing units, since the third is used entirely to test larger scales. The large unit has a test load of 20,000 pounds. The other two have test loads of 10,000 and 7,500 pounds, respectively, Figure 5. Limited appropriations prevent the agency from providing more than three units.

#### Frequency of Scale Tests

The statutes state that each scale is required to be tested once a year. Data obtained from the records of the State Weights and Measures Division covering 1951-56 show that, at the present rate of testing, it would take 4.1 years to test 150 auction market scales in the State. This is the average number which operated during the 6 years. During this period, according to the records, 52 scales were never tested and only 98 scales were tested one or more times, with an average lapse of 2.1 years between tests.

During the 6 years, only 199 original tests were made. This figure does not include retests. To meet the requirements of one test per scale a year, a total of 900 tests should have been made in the 6 years on the 150 auction scales. Table 1 shows the total number of auction scales located in the state and the corresponding number of tests made on these scales during the 6-years, 1951-56.

Figure 6 shows 150 auction markets which operated during 1956 and the location of 38 auction scales which were tested in that year. Testing was not concentrated in any one area. At present, the State is not following a regular schedule of testing all scales. The Weights and Measures Division has been testing first the scales of those who request such testing. Although many requests were made by private owners of vehicle scales and farm or ranch livestock scales, only a few of the auction owners consistently requested the services of the agency. U. S. military establishments have made many requests for tests of their vehicle scales. It is taking several years to test all the scales and

since 1950, a total of 52 auction scales has not been tested by the State.

During the fiscal year 1955-56, the three units tested a total of 1,648 livestock and vehicle scales, or an average of 546 tests per truck. Each truck made an average of 46 tests per month or one and one-half tests per day, including week-ends and holidays.

#### Types of Tests

The Commissioner of Agriculture has adopted the tolerances and specifications recommended by the National Bureau of Standards.<sup>51</sup> Thus, the sealers are required to use the shift test, the increasing and decreasing load test, and the sensibility reciprocal (SR) test.

The shift test is a special, supplementary test intended to disclose the weighing performance of a scale under off-center loading and to assist in evaluating the accuracy of performance and the correctness of adjustment of certain individual elements of the scale. This test is also called the corner or section test. The test weights are shifted from one corner or section of the scale to another and each time the weight indicated by the scale is observed and recorded, Figure 7. The recommended test load is up to one-half the capacity of the scale.

The increasing-load test is the normal basic performance test for a scale, in which observations are made while different amounts of test-weight load are successively added to the platform of the scale. The increments of test-weights

<sup>51</sup>Specifications, Tolerances and Regulations for Commercial Weighing and Measuring Devices for use in the State of Texas, TDA-M35, Vol. 1, Dec. '55.

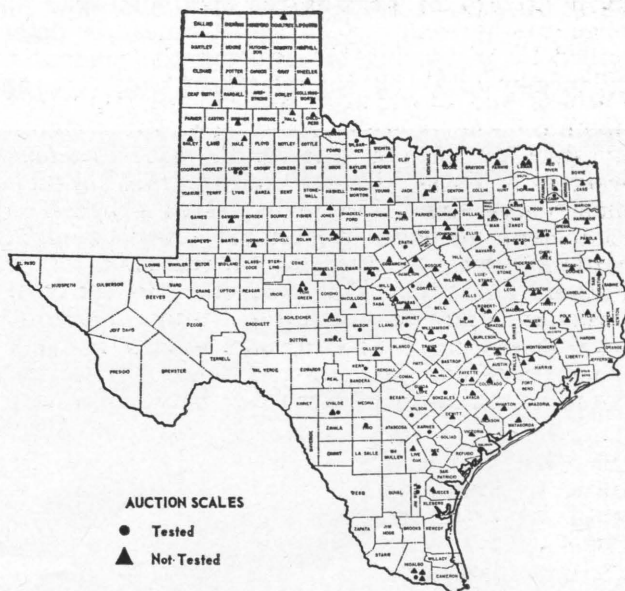


Figure 6. Auction markets where livestock scales were tested during 1956 by the State Weights and Measures Division of the State Department of Agriculture. Source: Weights and Measures Division, State Department of Agriculture, Austin, Texas.

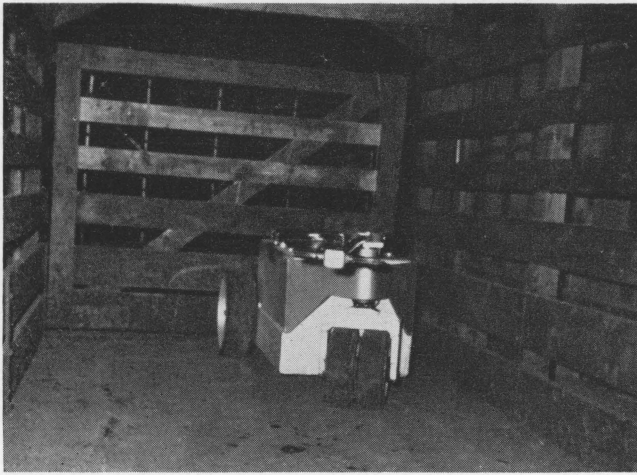


Figure 7. A 2,500-pound dolly on scale while shift (corner) test is being made.

are distributed or centered uniformly over the platform.

The decreasing-load test is a special supplementary test for automatic-indicating (dial) scales only, intended to disclose the general condition of the scale with respect to accuracy of fits, lost motion in connection and gear trains and weighing performance of the scale when loads are being reduced. No specified minimum or maximum test load is designated for either of these tests.

The sensibility reciprocal (SR) test is the change in load required to change the position of the rest of the indicating element or elements of a nonautomatic-indicating scale a definite amount at any load. This test determines the sensitiveness of the scale and is made in connection with the increasing-load test. Determinations are made at zero load and at the maximum load applied to the scale. The sensitiveness is determined by increasing or reducing the amount of balance weights on the platform until the ap-



Figure 8. State sealer seals the scale after it has been tested and found to be in tolerance.

propriate change in the rest point of the beam or balance indicator is obtained. The pounds of test load necessary to get the required distance of travel of the weigh beam pointer or indicator from its rest point cannot exceed twice the value of the minimum weigh beam graduation, which would be 10 pounds in most cases. Weigh beams equipped with balance indicators must have a total travel of not less than 0.25 inch. For scales without balance indicators but with stop limits, the weigh beam tip must travel from the horizontal position up or down between limits not less than 0.4 inch when the length of the weigh beam is 12 inches or less from the weigh beam fulcrum to the weigh beam tip, 0.5 inch with a 13 to 20-inch weigh beam, 0.7 inch with a 21 to 40-inch weigh beam, and 0.9 inch with a 40-inch or overweigh beam. This distance must be at least 8 percent of the length of the weigh beam for scales with weigh beams without stop limit.

Of the 199 tests made on auction scales, 196 were given the shift (corner or section) tests with a minimum load of 2,500 pounds, Figure 7. Two received a minimum shift test load of 5,000 pounds from the large truck unit. One received only 500 pounds of test load because the ground was too wet for heavier loads to be moved onto the platform. The 2,500-pound shift tests meet the requirements for auction scales that have a 5-ton capacity but not for larger scales.

Only 20 of 199 scale checks involved 5,000-pound tests, and only a few scale checks involved 7,500-pound tests. These were the only tests that could be considered to be increasing and decreasing load tests performed by the sealers. In most cases, these did not meet the test requirements.

Since limited use was made of the sensibility reciprocal (SR) test over the 6-year period, in many cases the required checks for the sensitiveness of a scale at zero and maximum loads were not made.

#### Results Shown by Scale Tests

Scales are condemned or sealed depending on the number of pounds they deviate from the test load as well as on the value of the SR test, Figure 8. The National Bureau of Standards allows a maximum tolerance of 2 pounds on old scales and 1 pound on new scales per 1,000 pounds of test load. Since most scales are old and since the usual test weight is 2,500 pounds, the maximum tolerance is 5 pounds. Table 2 summarizes the amount of deviation within and out of tolerance at 2,500 pounds by 196 tested scales during the six-years, 1951-56. These deviations were obtained by shift (corner) tests. Fifty-two of the 196 tests showed deviations greater than 5 pounds. These deviations ranged from 5 to 195 pounds with some concentration at 10.1 to 15.0 pounds. About half of the 144 scales tested within tolerance had deviations ranging from 2.6 through 5.0 pounds, which indicates how closely many additional scales came to being condemned.



TABLE 2. DISTRIBUTION OF SCALE TESTS BY DEVIATION FROM ZERO BALANCE, TEXAS LIVESTOCK AUCTION MARKETS, 1951-56

Deviation in pounds <sup>1</sup>	Number of tests <sup>2</sup>
Within tolerance	
0.0-5.0	144
Out of tolerance	
5.1-10.0	5
10.1-15.0	18
15.1-20.0	9
20.1-25.0	5
25.1-30.0	6
30.1-35.0	3
35.1 and over	6
<b>Total</b>	<b>196</b>

<sup>1</sup>Pounds of deviation from zero when tested with a 2,500-pound test load.

<sup>2</sup>These are the first tests made on each scale each year and do not include retests.

Source: Weights and Measures Division, State Department of Agriculture, Austin, Texas.

Considering the 199 original tests (including the 196), 10 additional scales were condemned either at the 5,000 test load or because they were not sensitive enough. This made a total of 62 scales condemned for repair. Condemnations per year ranged from 6 to 14, and the percentage condemned also varied widely, showing little improvement through the 6 years, Table 3.

#### Scales Subject to Retesting

Although the statutes require that all scales condemned for repair must be retested by a state sealer after being repaired, a comparison of scales retested with those condemned for repair indicates that only 41 of the 62 condemned scales were retested.

#### Scales Receiving Incomplete Tests

In comparing the tests made by the State with those recommended by the National Bureau of Standards, it could be said that all the tests made were incomplete and all scales were subject to retesting. On the other hand, if incomplete tests are considered only as those which were reported by the sealers, then the number of incomplete tests is limited. Bad approaches to the scale platforms and cleat boards higher than 1 inch

TABLE 3. SCALES CONDEMNED FOR REPAIR, TEXAS LIVESTOCK AUCTION MARKETS, 1951-56

Year	Tested	Condemned for repair	Percent condemned
1951	36	13	36.0
1952	33	14	42.4
1953	18	6	33.3
1954	35	9	25.7
1955	43	13	30.2
1956	34	7	20.6
<b>Total</b>	<b>199</b>	<b>62</b>	<b>31.0</b>

Source: Weights and Measures Division, State Department of Agriculture, Austin, Texas.

on the platforms prevented the proper amount of test weights from being used. Having cleat boards higher than 1 inch is a violation of the specifications of the National Bureau of Standards. Because of poor approaches and high cleat boards, 13 out of 36 scale tests were incomplete in 1951 and 37 of the 199 scale tests were incomplete during 1951-56, Table 4. This situation steadily improved through the years, perhaps because of dry weather. Considering condemned scales and those receiving incomplete tests, 99 of the 199 scales tested were subject to retesting.

#### Common Problems

The owners of many scales have disregarded some of the rules and regulations adopted by the Weights and Measures Division. Installation specifications have not been followed. Some owners have not provided proper access for moving weights to scales. Racks were not securely mounted on the scales nor was adequate clearance maintained around the outside of some racks. Fixed cleats higher than 1 inch were used on some scale platforms.

Many scales were not adequately protected against wind and weather. Water was found in some pits and others were not readily accessible nor deep enough for inspection purposes. Many of the scale parts were rusted and dirty.

An overall problem facing the State testing agency has been inadequate appropriations to operate the required testing program. Because they do not have enough testing units, the Weights and Measures Division has been unable to test all the scales in the State once a year as required by law.

#### New Developments

Approximately 95 additional auctions were placed under federal supervision during 1957. There are conflicts between the state and federal requirements in the number of times scales must be tested each year and in the types of tests used. Since the State testing agency has been unable to meet the State requirements, it cannot meet

TABLE 4. INCOMPLETE SCALE TESTS RELATED TO ALL SCALE TESTS, TEXAS LIVESTOCK AUCTION MARKETS, 1951-56

Year	Number of tests		Percent incomplete
	Total	Incomplete <sup>1</sup>	
1951	36	13	36.0
1952	33	9	27.2
1953	18	4	22.2
1954	35	7	20.2
1955	43	4	9.3
1956	34	0	0.0
<b>Total</b>	<b>199</b>	<b>37</b>	<b>18.5</b>

<sup>1</sup>Incomplete tests are those where bad approaches to scale or high cleat boards on platform prevented a completion of the test. (Only those mentioned in the remarks made by sealers on inspection reports.)

Source: Weights and Measures Division, State Department of Agriculture, Austin, Texas.

the stricter federal requirements, and these auctions will have to use independent testing agencies.

### STATUS OF FEDERAL SCALE TESTING

The Packers and Stockyards Branch of the U. S. Department of Agriculture supervises the federal scale testing program at livestock markets in Texas through the branch office at Fort Worth. A summary of the present status of the federal program is presented on the basis of the personnel and testing units used, the frequency of testing scales, the types of tests conducted, the results shown by scale tests, the scale retesting, and common problems encountered.

The scale test records for 1954-56 of the 10 federally supervised auctions were summarized for this review.

#### Personnel and Testing Units

The number of public and private units used for testing scales was so small 3 years ago that it was difficult to get the 10 federally supervised auction scales inspected the required two times per year. The present testing program is operating without difficulty. Several independent scale testing agencies in the State have been approved for testing on these markets. In certain cases during the past 3 years, the federal agency accepted some state agency tests on some of the 10 auction markets. Because the auctions were having difficulty obtaining qualified independent testing services, the federal authorities accepted the state tests, provided that a more complete test be made later.

Officials of the Packers and Stockyards Branch usually were present to witness tests and insure their adequacy and completeness.

#### Frequency of Scale Tests

The livestock auction owners or operators, who recently have become subject to the Federal Act, have been making the necessary arrangements for testing their scales. The testing and inspecting agencies have been following the latest official instructions to the limit of their ability.

All federally supervised market scales have been tested at least twice a year for the past 2 or 3 years. Some markets have had their scales tested even more frequently. The scales at the

TABLE 5. DISTRIBUTION OF 2,000-POUND BEAM SCALE TESTS BY DEVIATIONS WITHIN MAINTENANCE, AT FEDERALLY INSPECTED AUCTIONS IN TEXAS, 1954-56

Deviation in pounds	Number of tests <sup>1</sup>
0	20
.1-2.0	17
2.1-3.0	3
<b>Total</b>	<b>40</b>

<sup>1</sup>Does not include retests.

Source: Packers and Stockyards Branch, USDA, Fort Worth, Texas.

Union Stockyards in San Antonio and at the Fort Worth Stockyards in Fort Worth were tested every 3 months. Those at the Port City Stockyards at Houston were tested every 4 months. The scales at the Amarillo and Lubbock auctions were tested every 3 months.

The criteria used by the federal officials to determine the number of times a scale should be tested was the number of times the scale was used. If an auction had a sale 3 days a week where one scale handled 1,500 to 2,000 head of livestock, four tests a year were recommended.

#### Types of Tests

The federally supervised scales were tested with standard-weight test loads in several successive stages up to the maximum capacities at which the scales were used. The most common weights applied were 100-pound increments through 2,000 pounds. Weights were added at the rate of 1,000-pound increments through 10,000 pounds and at the rate of 5,000-pound increments through the maximum capacities at which the scales were used. Tests of individual components such as fractional bars, poises, notches and main levers, or sections, were performed as the weight loads were increased. Corner tests ranging from 2,500 to 5,000 pounds of test load were performed. Exact evaluations were made of the deviations which developed under various degrees of positions of platform loads.

#### Results Shown by Scale Tests

Test records were checked on the scales located at the 10 auctions. An evaluation was made of the amount of deviation from tolerance at the 2,000-pound test level reported on these scales. This is the nearest comparison that can be made with the State test at the 2,500-pound level. The maximum maintenance requirement of beam scales at federally supervised markets is one and five-tenths pounds per 1,000 pounds of test load, which is five-tenths pound per 1,000 less than the State requirement. Table 5 shows the distribution of beam scale tests by pounds of deviation within tolerance at the 2,000-pound load with the weights evenly distributed on the scale platform. The zero deviation was most common for 40 beam tests. Forty-three beam scales were tested in the 3-year period (1954-56). Of the 43 scales tested 40 were within the 3-pound tolerance at the 2,000 pound test level and 3 were out of tolerance. Their weight loads showed that four more of the 43 beam scales tested were out of tolerance—two at 200 pounds, one at 1,100 pounds, and one at 10,000 pounds test load.

For automatic-indicator or dial scales the maintenance tolerance is 6 pounds on the printer at the 2,000-pound test load. Thirty-six tests were made on this type of scales. Thirty-four of the 36 scales tested were within the 6-pound tolerance limit. Table 6 shows the distribution of dial scale tests by deviations within tolerance at the



TABLE 6. DISTRIBUTION OF 2,000-POUND DIAL SCALE TESTS BY DEVIATIONS WITHIN MAINTENANCE TOLERANCE, FEDERALLY INSPECTED AUCTIONS, IN TEXAS, 1954-56

Deviation in pounds	Number of scales <sup>1</sup>
0	22
.1-3.0	4
3.1-6.0	8
<b>Total</b>	<b>34</b>

Does not include retests.

Source: Packers and Stockyards Branch, USDA, Fort Worth, Texas.

2,000-pound load. Again, the zero deviation in pounds had the highest frequency. Five of the 36 scales tested were out of tolerance, but the 2,000-pound test revealed only two of these. The other tests showed one scale out of tolerance at 1,200 pounds and two at 3,000 pounds.

These results show that it was impossible to find all the scales out of tolerance at one test-load level, such as the 2,000-pound test. The need for testing at lower and higher weight levels is shown from a sample of the fluctuations in deviations on scales at various test loads. Table 7 shows these fluctuations in scale tests. Scales A and B are dial scales and C, D, E and F are beam scales. Note the fluctuation of the recorded deviations with the various test loads. For example, scale A had a deviation of minus 5 pounds at the 300-pound test level; zero at 1,200; 5 at 1,500; zero at 2,000; and minus 5 at 8,000 level. Scale C had 4 pounds of deviation at the 300-pound level; 1 at 600; 2 at 900; zero at 1,500; and 1 at the 2,000 pound level. This scale was out of tolerance at the lowest test load and well within tolerance at the 2,000 pound test load. The others showed similar fluctuations.

### Scale Retesting

Retests of scales declared out of tolerance were conducted immediately after adjustments or

TABLE 7. SCALE DEVIATIONS AT VARIOUS TEST WEIGHTS FOR SIX FEDERALLY INSPECTED AUCTION SCALES IN TEXAS, 1954-56

Pounds of test load	Sample of scales <sup>1</sup>					
	A	B	C	D	E	F
300	-5	0	4	3	0	0
600	-5	-5	1	0	0	0
900	-5	-5	2	0	-3	-5
1,200	0	0	0	0	-5	0
1,500	5	-5	0	-1	-5	-5
1,800	5	0	-1	0	-4	-5
2,000	0	-5	<sup>2</sup>	0	-4	-10
4,000	0	-5		<sup>2</sup>	-14	-20
6,000	0	5			<sub>2</sub>	<sub>2</sub>
8,000	-5	-5				
10,000	0	-5				

<sup>1</sup>Scales A and B are dial scales and C, D, E and F are beam scales.

<sup>2</sup>Highest test run before adjustment was made.

Source: Packers and Stockyards Branch, USDA, Fort Worth, Texas.

repairs were made. Of the 12 scales found out of tolerance, all were retested promptly by the testing agencies which performed the original tests. No evidence was found to indicate that any retests were necessary because of difficulties in getting test weights on the scale platforms.

### Common Problems

The most frequent cause of improper scale performance for beam type scales was worn or broken notches on the weigh beam bars. These worn notches appeared on the bars at the most common weight loads put on the scales. This caused some scales to be out of tolerance at that weight range. Platforms were often found rubbing against the sides of buildings or pit walls, dirty scales and pits were noted, and rusted or corroded bearings, not packed in grease, caused some deviations. On some scales the fractional poise, which is the weight mounted upon the weigh beam and used in combination with graduations, was worn and out of position.

A frequent problem in dial scales was friction in the dial head mechanism. Oil in the heads was low because of broken seals, and dirty bearings in the dial head caused binds and friction in the moving parts. The most common problem was the incorrect printing of weights by the mechanically operated printer even though the dial read correctly. This problem was caused by wrinkled printer ribbons and by printers getting dirty and gummed up.

### New Developments

The Federal Government posted about 95 more auctions in Texas in 1957, which makes a total of 106 posted auctions. This necessitates more testing units and personnel than have been available in the past. The additional testing units may be either private firms or the state agency. With 95 newly posted auctions, requiring at least two tests per year, there may not be enough testing units available.

## Public Weighing

### STATE LEGAL REQUIREMENTS

Any person who is engaged in the business of public weighing for hire and who issues a weight certificate or weight sheet which is accepted in the purchase and sale of livestock is known as a public weigher.<sup>52</sup> A public weigher must comply with the State statutes dealing with public weighing.<sup>53</sup>

### Types of Public Weighers

There are three general types of public weighers in Texas — appointed, elected and independent. The governor may appoint public weighers in every city and town where they are needed.

<sup>52</sup>Public Weighers Laws, Texas Revised Civil Statutes of 1925, Texas Department of Agriculture Bulletin, Art. 5680, p. 5.

<sup>53</sup>Ibid. Art. 5693, p. 11.

Counties which have no cities where the governor is authorized to appoint public weighers can elect public weighers in every precinct.<sup>54</sup> All owners of scales can weigh their goods for compensation if they are located in places which have no appointed or elected public weighers.<sup>55</sup> The owner who qualifies as a public weigher is known as an independent public weigher.

### Qualifications of Public Weighers

Only such persons who are qualified voters in the city of the precinct in which they are appointed or elected can be appointed, elected, or act as independent public weighers. They must be of good moral character and of unquestioned integrity, have a fair education and be able to keep an accurate set of books as required by the law.<sup>56</sup>

### Bonding Requirements

All public weighers are required to make bond to guarantee that they will perform their responsibilities in full. Appointed weighers must file with the county clerk a \$5,000 bond subject to approval by the Commissioner of Agriculture and payable to the State of Texas.<sup>57</sup> Elected weighers also must file with the county clerk a \$5,000 bond payable to the county judge and approved by the Commissioner's Court.<sup>58</sup> It is conditioned upon the faithful and impartial performance of the duties of their office with the provision that they will faithfully perform the duties of the office.<sup>59</sup> Independent weighers must file with the county clerk a \$2,000 bond approved by the Commissioner's Court.

### Approving Procedure

Elected and independent public weighers qualify through the county clerk and the Texas Department of Agriculture. The election of the elected weigher is certified to the Secretary of State by the county judge. The appointed public weighers qualify through both the Secretary of State and the Texas Department of Agriculture.

Appointed weighers can select and bond deputies who can be qualified through the Texas Department of Agriculture. Also, elected weighers can appoint bonded deputies who must qualify through both the county clerk and the Texas Department of Agriculture. Independent weighers are not authorized by law to appoint any deputies.

All public weighers, before assuming their duties, must file an Oath of Office with the county clerk of the county in which they are serving.<sup>60</sup> The Commissioner of Agriculture issues a

<sup>54</sup>Ibid. Art. 5683, p. 5.

<sup>55</sup>Ibid. Art. 5704, p. 15.

<sup>56</sup>Ibid. Art. 5684, p. 7.

<sup>57</sup>Ibid. Art. 5687, p. 8.

<sup>58</sup>Ibid. Art. 5688, p. 9.

<sup>59</sup>Ibid. Art. 5704, p. 15.

<sup>60</sup>Ibid. Art. 5689, p. 9.

Certificate of Authority to each public weigher who has met these requirements. The certificate must be issued at the time the state agency tests the scale. At such time, the weigher is also required to pay a scales inspection fee of \$5.<sup>61</sup>

### Terms of Office

The appointed and elected weighers serve a 2-year term. Independent weighers have no definite tenure, but all weighers are required to renew their certificates and pay the inspection fee annually.

### Supervision of Public Weighers

All public weighers are under the supervision of the Commissioner of Agriculture and all weighings made by them are subject to his approval.<sup>62</sup> When there is a dispute concerning weights registered by a public weigher, the Commissioner of Agriculture can review the case and pass judgment. The Commissioner is required to file with the county commissioner's court or the governor any specific charges alleging malfeasance, misfeasance, dishonesty, or incompetency on the part of any public weigher.<sup>63</sup> The Commissioner may order re-weighing of such products whose weights are disputed, if the complainant agrees to pay the re-weighing expense in advance.<sup>64</sup> The forms of weight certificates used by the weigher are prescribed by the Commissioner of Agriculture.<sup>65</sup>

### Specific Duties of Public Weighers

Every public weigher is required to use weight certificates as prescribed by the Commissioner of Agriculture. Such certificates signed by the weigher are *prima facie* evidence of the recorded weights. Weighers who issue false certificates may be prosecuted.<sup>66</sup> Weighers are required to keep correct and accurate records of all weights made by them in the manner prescribed by the Commissioner.<sup>67</sup> All public weighers are required to place their seal of office on all weight certificates issued.<sup>68</sup>

### FEDERAL LEGAL REQUIREMENTS<sup>69</sup>

The federal regulations require that stockyard owners and market agencies employ only competent persons of good character and known integrity to operate scales at posted markets. These owners or operators must require their employers to operate the scales in accordance with instructions of the chief of the Packers and

<sup>61</sup>Ibid. Art. 5695, p. 12.

<sup>62</sup>Ibid. Art. 5694, p. 11.

<sup>63</sup>Ibid. Art. 5702, p. 14.

<sup>64</sup>Ibid. Art. 5701, p. 13.

<sup>65</sup>Ibid. Art. 5796, p. 12.

<sup>66</sup>Ibid. Art. 1050, p. 17.

<sup>67</sup>Ibid. Art. 1049, p. 16.

<sup>68</sup>Ibid. Art. 5697, p. 12.

<sup>69</sup>Packers and Stockyards Act, 1921, as amended, United States Department of Agriculture Service and Regulatory Announcement 164, p. 42, revised June 1955.



Stockyards Branch. They are required to rotate such employees in their weighing assignments at stockyards operating three or more scales. Any person found operating scales incorrectly, carelessly, in violation of instructions, or in such manner as to favor or injure any party or agency through incorrect weighing or incorrect weight recording will be removed from his weighing duties.

The weighers must sign a legal form which states that they have read the official instructions issued under the authority of the Packers and Stockyards Act and agree to comply with such instructions. It also states that they are aware that it will be an offense against the United States for them to willfully make any false entry of weight or of other information on a scale ticket or other records kept by the employer.

### **STATUS OF STATE PUBLIC WEIGHERS**

Elected, appointed and independent public weighers operate within the State. Most of the livestock weighers are of the independent type. Appointed and elected weighers operate chiefly at the large terminal markets. Most of the independent weighers operate at livestock auctions.

#### **Qualifications**

The State law does not provide for setting up a system to determine the qualifications of a public weigher, especially in the case of the independent weigher. Checks are not made on the applicants' character or educational background before they are granted certificates of authority by the State Department of Agriculture.

#### **Bonding Requirements**

A few unbonded weighers are operating at local livestock auctions in Texas. Some weighers without bonds serve more than one auction. A number of weighers do not know that they are required to be bonded. Systematic checks are not made on weighers meeting the bonding requirement. The weighers who are not bonded are not guaranteeing that they will weigh accurately.

#### **Approving Weighers**

The State Department of Agriculture has a list of all public weighers who have been approved or certified as required by the Commissioner of Agriculture. There are people who are not approved and certified weighing livestock at markets.

The certificates of authority are not issued by the state sealers at the time they test the weigher's scales, as the law directs; they are mailed out by the office of the Commissioner of Agriculture. Prior to 1957, the certificates of authority were issued every 2 years instead of annually.

#### **Supervision**

The Commissioner of Agriculture has only a partial list of the livestock market weighers. No

system has been set up to insure that he knows who is weighing at these markets. As a result, the Commissioner does not know how many weighers are not meeting the bonding or other requirements.

The inspection fees are not collected from the weighers when the scales are tested, nor are the certificates of authority issued then. The exact fees charged by the livestock weighers are not set or known.

No instructions are sent out to each weigher pertaining to the scale balancing and sensitivity control or other general weighing procedure. However, rules and regulations are sent to all weighers or interested parties that deal with the weight certificates, seal of office and record of weights. In preparing weight certificates weighers are to follow the suggested form which accompanies these rules and regulations. The seal of office, which is necessary for legal certification, is not being used by the livestock weighers.

### **STATUS OF FEDERAL WEIGHERS**

Weighers at posted markets have been conforming to both federal and state requirements. Since the federal regulation does not require a bond, weighers are bonded under state law. All the weighmasters are held responsible for their actions. They have signed the legal form acknowledging that they know what is required of them as weighers. The weighmasters are not only under their own moral obligation to do the job right, but also under obligation to their employers, who are responsible for the actions of their weighmasters.

The weighers are kept informed of the latest instructions issued by the District Supervisor of the Packers and Stockyards Branch. The weighers have been rotated on assignments at specified yards according to the instructions of the supervisor.

There were no suspensions of weighmasters during 1957 in Texas.

## **HEALTH REQUIREMENTS GOVERNING INTRASTATE AND INTERSTATE MOVEMENT AND SALES OF LIVESTOCK**

Maintenance of healthy livestock concerns all Texans, those who depend on livestock for a livelihood as well as those who consume meat. Since Texas is the largest cattle, sheep and goat producing state, livestock disease prevention and control is of special importance. Inspection of livestock at the markets is essential in the prevention and control of disease. The two agencies in Texas concerned with livestock disease prevention and control are the Texas Livestock Sanitary Commission and the Animal Disease Eradication Branch of the U. S. Department of Agriculture.

This study is limited to the inspection system used by the two agencies to control the move-

ment and sale of livestock from farms and ranches through the markets within and without Texas. These two agencies have been given their responsibilities by legislative action of the state and federal governments. To analyze the status of the disease inspection activities of these agencies at markets and in the field, a study was made of existing state and federal laws, rules and regulations pertaining to disease prevention and control and of the present activities of the inspection agencies.

## State Requirements

### ADMINISTERING AGENCY

The Texas Livestock Sanitary Commission is the state agency with primary responsibility for controlling animal diseases in Texas. This agency was created in 1893.<sup>70</sup> The Livestock Sanitary Commission is composed of six commissioners appointed for overlapping terms of 6 years by the governor with Senate confirmation. One commissioner is designated as chairman. The commissioners are composed of one practitioner of veterinary medicine, a dairyman, a practical cattle raiser, a practical hog raiser, a sheep or goat raiser and a poultry raiser.<sup>71</sup> The commissioners determine the general policies of the Commission concerning administration of a program and adopt and promulgate rules and regulations necessary for the control and eradication of livestock diseases.<sup>72</sup> They appoint a director who executes policies and coordinates activities of the Commission. He has an administrative assistant who aids him and serves as acting director during his absence.

### Laws Administered

The laws under which the Commission operates are divided into three areas of control—laws governing the eradication of the fever-carrying tick, laws governing eradication of scabies among sheep and cattle and laws governing the eradication of contagious and infectious diseases. These laws pertain to livestock moving within the State and coming into the State. All rules and regulations made by the Commission are based on these laws.

The duties of the Commission are enumerated in the act which established it in 1893. It provides in part: "It shall be the duty of the commission provided for in the first section of this act to protect the domestic animals of this state from contagious or infectious diseases of a malignant character, whether said diseases exist in Texas or elsewhere; and for this purpose they are hereby authorized and empowered to establish, maintain and enforce such quarantine lines and sanitary rules and regulations as they may deem necessary. It shall be the duty of said com-

mission to cooperate with livestock quarantine commissioners and officers of other states and territories, and with the United States Secretary of Agriculture, in establishing such interstate quarantine lines, rules, and regulations as shall best protect the livestock industry of this state against Texas or splenic fever."<sup>73</sup>

The Commission was given broad powers to eradicate the fever tick under Penal Article 1525c, which was enacted in 1929. It provides in part: "It shall be the duty of the Livestock Sanitary Commission, provided in Article 7009, Revised Civil Statutes of 1925, to eradicate the fever-carrying tick (*Boophilus annulatus*) in the state of Texas and to protect all lands, territory, premises, cattle, horses, mules, jacks, and jennets in the state of Texas from said tick and exposure thereto, under the provision of this Act. Said Commission shall adopt necessary rules and regulations, to be proclaimed by the Governor of the State of Texas, for carrying out the provision of this Act."<sup>74</sup>

In 1927, a revised and consolidated act was passed to give the Commission the express duty and power to eradicate scabies among sheep and cattle. Penal Article 1525a, which is the basic act, provides in part: "The Livestock Sanitary Commission, or its chairman, is hereby authorized and empowered to direct in writing any person or persons, company or corporation owning, controlling, or caring for any sheep or cattle which are subject to being dipped under the provisions of this Act, to dip any or all of said sheep or cattle under the supervision of an authorized inspector of such commission in the dip or dipping solution hereinafter provided for the dipping of sheep and cattle, respectively, for the purpose of destroying, eradication, curing and removing such scabies or exposure thereto."<sup>75</sup>

The basic revised act which gives the Commission general authority to control and eradicate livestock diseases in the state is provided in Penal Article 1525b, passed in 1929. It provides in part: "It shall be the duty of the Livestock Sanitary Commission provided in Article 7009 Revised Civil Statutes of 1925 to protect all cattle, horses, mules, asses, sheep, goats, hogs and other livestock and all domestic animals and domestic fowls of this State from infection, contagion or exposure to the infections, contagious and communicable diseases enumerated in this Section, to wit: Tuberculosis, anthrax, glanders, infectious abortion, hemorrhagic septicemia, hog cholera, Malta fever, foot and mouth disease, rabies and other similar and dissimilar contagious and infectious diseases of livestock recognized by the veterinary profession as infectious or contagious; also rabies among canines, bacillary white diarrhea among fowls. Said Commission may at its discretion whenever it is deemed neces-

<sup>70</sup>Acts 23rd Leg., R. S., 1893, p. 70.

<sup>71</sup>Vernon's Texas Revised Civil Statutes, Pocket Part, 1956, p. 201.

<sup>72</sup>Acts 23rd Leg., op. cit.

<sup>73</sup>Ibid.

<sup>74</sup>Vernon's Texas Penal Code, Ch. 14, Art. 1525c. p. 497.

<sup>75</sup>Ibid. Art. 1525, p. 470.



sary or advisable also engage in the eradication and control of any disease of any kind or character that affects animals, livestock, fowls or canines regardless of whether said disease are infectious, contagious or communicable, and may establish necessary quarantines for said purpose."<sup>76</sup>

The 45th Legislature passed a law in 1937 requiring cattle found by an approved veterinarian to be infected with brucellosis to be branded with the letter "B" on the left jaw. All animals tested must be tagged with a tag placed in the ear, the number of which must be reported to the Livestock Sanitary Commission.<sup>77</sup> The same Legislature passed a law authorizing the State Health Department to fix specifications for grades of milk in Texas based upon and in harmony with those set forth in the current United States Public Health Service Milk Ordinance.<sup>78</sup> This ordinance provides that within 5 years after its suggested adoption, all milk and milk products for pasteurization shall be from herds certified by the State Livestock Sanitary Commission as following either Plan A or Plan B approved by the Animal Disease Eradication Branch for the control or eradication of brucellosis.<sup>79</sup> The State Health Department did not formally adopt the ordinance until July 1953 and established July 1958 as the final date of compliance and certification of herds.<sup>80</sup>

In 1939 the 46th Legislature made it unlawful for any person to sell or dispose of any cattle for milk purposes when he knows or has reason to believe said cattle are infected with brucellosis.<sup>81</sup>

In 1947 the 50th Legislature passed laws providing control of foot-and-mouth disease which gave the Commission broad quarantine powers and powers to prohibit movement of livestock.<sup>82</sup>

In 1953 the Legislature passed an amendment to the basic act of 1929 (Article 1525b) to control vesicular exanthema and other diseases of swine. It authorized the Commission to cooperate with the USDA in programs designed for eradication of these diseases and to regulate the cooking of garbage fed to swine.<sup>83</sup>

## INTRASTATE RULES AND REGULATIONS

### Fever Tick<sup>84</sup>

Movements of cattle are regulated according to three designated eradication areas—systematic eradication areas, free areas and inactive quar-

antined areas. The Commission designated these areas and they were proclaimed by the governor. The Commission set up regulations on issuance of permits, certificates and agreements to control the movement of livestock within and out of the designated areas. A permit or certificate must be issued by Commission inspectors before cattle can be moved from and within a tick eradication area. Inspectors cannot issue a certificate for movement of livestock from an inactive quarantined area until they have been dipped a sufficient number of times to free them entirely from infestation and exposure to the fever tick. Livestock cannot be moved into free areas from other areas unless certificates are issued. Livestock under local quarantine in a free area cannot be moved unless certified by an inspector.

All shipments of livestock within the State are subject to inspection by the Livestock Sanitary Commission or its authorized inspectors at any time or at any place enroute. The waybills of such shipments are subject to inspection by the Commission or its inspectors. All cars and vehicles which have carried exposed or infected animals must be cleaned and disinfected according to the specifications of the Commission to prevent the spread of the tick. Every county in a tick eradication area must conduct systematic eradication under the laws of the State and the rules and regulations of the Livestock Sanitary Commission of Texas until all premises and cattle within them are free of fever ticks and their exposure.

### Scabies<sup>85</sup>

All cattle, sheep and goats infested with or exposed to scabies must be dipped within 14 days from the date they are placed under quarantine or at such time as may be designated by the Commission, Figure 9. Exposed animals must be dipped once and infested animals twice at 10 to 14-day intervals, Figure 10. It is the duty of all owners or caretakers of all restricted livestock to

<sup>85</sup>Ibid. p. 49-53.



Figure 9. Livestock sanitary inspector checking for sheep scabies.

<sup>76</sup>Ibid. Art. 1525b, p. 479.

<sup>77</sup>Vernon's Texas Penal Code, Art. 1525d, p. 533.

<sup>78</sup>Vernon's Texas Civil Statutes, Art. 165-3, p. 336.

<sup>79</sup>Public Health Service, Milk Ordinance and Code, p. 13.

<sup>80</sup>State Health Department, Bureau of Food and Drugs, Texas Milk Grading and Labeling Law, Sec. 7, p. 16.

<sup>81</sup>Vernon's Texas Penal Code, p. 534.

<sup>82</sup>Ibid. Art. 1525f, p. 534.

<sup>83</sup>Vernon's Texas Penal Code, Art. 1525b, pp. 492-495.

<sup>84</sup>Rules and Regulations and Sanitary Laws of Texas, p. 15-43, 1946 edition.

prevent movements in violation of the regulations. If the disease is found among animals at the auctions or stockyards, such animals are required to be dipped and the portion of the yards through which they passed must be cleaned and disinfected under the supervision of personnel authorized by the Commission.

### Contagious and Infectious Diseases<sup>86</sup>

Cattle, sheep, goats, hogs and other domestic animals may move within the State without restrictions, except those from any premise under quarantine or from any premise upon which animals are sick or dying from any contagious or infectious disease. An authorized representative of the Commission will specify the conditions whereby exposed animals can move from infested premises. The Commission will prescribe the method of eradicating the disease and the method of cleaning the premises and vehicles.

The Commission can order animals infected with vesicular exanthema, foot-and-mouth disease, or hog cholera to be sold for immediate slaughter at public slaughtering establishments which maintain federal post-mortem inspections, or it may authorize such slaughter upon the owner's property or premises or other place under the direction of the Commission. After such sale and slaughter, the Commission is authorized to pay the owners of such animals out of funds appropriated by the Legislature for that purpose an amount not to exceed 50 percent of the appraised value of such animals after deducting the amount of salvage received for them, providing the owners have complied with all the rules and regulations of the Commission applicable to the particular animals.

It is unlawful for any person to feed garbage to swine unless such garbage has been heated to

<sup>86</sup>Ibid. Division Three, p. 62-87.

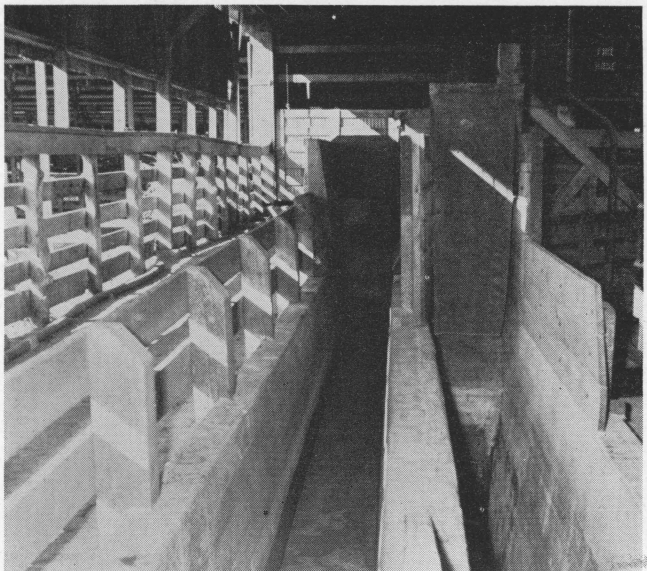


Figure 10. Dipping vat used by sanitary inspectors to dip sheep for scabies.

a temperature of 212° F. for 30 consecutive minutes within 48 hours prior to feeding. The term "garbage" includes all of the refuse matter, animal or vegetable, and all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods containing animal carcasses or parts thereof, and all waste material by-products of a restaurant, kitchen, cookery or slaughterhouse, and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, but shall not include material obtained from non-animal sources. This law does not apply to an individual who feeds his swine the garbage from his own household, farm, or ranch.

When the Commission has reason to believe that any livestock has been exposed to or is infected with tuberculosis, the premises and all livestock on such premises must be quarantined, subject to the tuberculin test by a veterinarian approved by the Commission. Animals showing a positive test must be removed from the herd and kept in a separate place.

Before tubercular reactors can be moved, the owners or caretakers must request in writing within 5 days after the cattle are proved to be tubercular, a permit from the Commission to move such animals to a slaughtering establishment where federal inspection is maintained. The quarantine upon such premises and cattle will be removed when the necessary tuberculin tests have been made upon the herd based on post-mortem findings of the cattle that reacted. That is, if the reactor shows slight or no visible lesions on postmortem, then it will be necessary for the herd to pass only one negative test. If the reactor shows extensive, well marked, or generalized lesions on postmortem, it will be necessary for the herd to pass three negative tests at 60-day intervals. Such tests must be made by a veterinarian of the Commission or the U. S. Animal Disease Eradication Branch if the herd owner is to be paid indemnity for reactors.

After a permit to move reactors to slaughter is received by the owner from the Commission, he can move them to the slaughtering establishments within 30 days. The day such cattle are shipped the owners must notify the Commission, giving the method of travel and identity of the vehicle used. He must also have written across the waybill "Tubercular Cattle for Immediate Slaughter"; he must notify the Commission company or party to whom he consigns such cattle that they are tubercular cattle for immediate slaughter, in compliance with the rules and regulations of the Commission and the Animal Disease Eradication Branch for the purpose of receiving indemnity under the law.

All tubercular reactors must be branded on the left jaw with the letter "T" with a hot iron by the veterinarian who tested such animals. He must also place a metal tag in the left ear bearing the legend "Reactor" on one side and a num-



ber on the other. The Commission must be notified within 24 hours after branding and tagging of each animal.

The laws governing cooperative tuberculin testing by the U. S. Animal Disease Eradication Branch and the Commission, under the tuberculosis-free accredited herd plan and the modified tuberculosis-free area plan and those governing the payment of indemnity for tubercular cattle slaughtered under these plans were passed by the 41st Legislature. The Commission also has adopted the rules and regulations of the Branch which govern such tuberculin testing.

The provisions of the accredited herd plan that relate to tuberculin tests, removal of reactors, cleaning, disinfecting and sanitation, shall apply to the modified accredited area plan. The area will be determined by both the Commission and the Branch in agreement with the cooperating agencies within the area. When the testing is started the area shall be placed under quarantine, and the rules and regulations of both the state and federal agency will be in effect.

All positive brucellosis reactors must be branded with the letter "B" 3 inches tall on the left jaw by the veterinarian conducting the test. When such reactors are moved to slaughter, they must be consigned to a Commission-approved slaughtering establishment for immediate slaughter.

The owner can qualify his herd to be a brucellosis-free accredited herd by signing an agreement with the Livestock Sanitary Commission covering one of the following plans: Plan A requires that the entire herd of cattle, including calves 6 months of age and older, pass at least three negative tests for a period of 1 year without any reactors or suspects being found. All reactors must be removed immediately from the herd, and all additions to the herd must be from brucellosis-free herds or animals that have passed at least two negative tests 60 days apart.

Plan B requires that all animals above the ages of 6 months be tested and all beef animals between the ages of 4 to 12 months and dairy animals between the ages of 4 to 8 months be vaccinated. Reactors may be maintained in the herd for 3 years from the date the first reaction is disclosed. Additions can be made the same way as in plan A and can also be made if the animals are vaccinated as calves and are negative to the test after they are past 30 months of age.

Plan C requires that all female beef calves between the ages of 4 to 12 months and dairy calves between 4 to 8 months be vaccinated. All animals in the herd that are not officially vaccinated must be replaced by vaccinated animals as soon as practicable.

Plan D is an official adult animal vaccination program. Before becoming accredited under it, the owner must sign under plan A.

Plans A and B are comparable to plans A and B of the U. S. Animal Disease Eradication Branch for eradication of brucellosis.

Slaughtering establishments which move hogs subject to cholera immunization and dairy cattle subject to the Bang's test from stockyards must obtain a special permit issued by the Livestock Sanitary Commission.

## INTERSTATE RULES AND REGULATIONS

### Fever Tick<sup>87</sup>

Cattle entering the State from federal or state fever-tick quarantine areas must be certified as being free from fever ticks or exposure thereto by an authorized inspector of the state of origin or of the U. S. Animal Disease Eradication Branch. A copy of the certificate must be attached to the waybill accompanying the shipment and a copy must be mailed to the Livestock Sanitary Commission of Texas.

### Scabies<sup>88</sup>

Cattle entering the State from federal or state scabies quarantine areas must be certified as being free from cattle scabies or exposure thereto by an authorized inspector of the state of origin or of the U. S. Animal Disease Eradication Branch. A copy of the certificate must be attached to the waybill accompanying the shipment and a copy must be mailed to the Livestock Sanitary Commission of Texas.

Goats must be accompanied by a certificate from an authorized veterinarian or from an authorized scabies inspector.

Sheep can enter the State only under permit or certificate issued within 10 days before shipment. The permit or certificate must be issued by a regularly employed, duly authorized sheep scabies inspector of the state of origin or by a duly appointed, acting sheep scabies inspector of the U. S. Animal Disease Eradication Branch, certifying that said sheep are free of scabies infection and exposure thereto and that said sheep have been dipped one time in wettable B. H. C. containing a Gama Isomer concentration of not less than .06 percent, within 10 days prior to date of shipment.

### Contagious and Infectious Diseases<sup>89</sup>

Livestock may be imported into the State for immediate slaughter purposes provided they are accompanied by a memorandum waybill or a certificate signed by the owner or shipper stating that the shipment is for slaughter purposes and consigned directly to recognized public stockyards under federal supervision or other yards specifically approved by federal and state sanitary authorities or slaughtering establishments maintaining federal post-mortem inspection.

<sup>87</sup>Division One, *op. cit.*, pp. 44-45.

<sup>88</sup>*Ibid.* Division Two, pp. 53-54.

<sup>89</sup>*Ibid.* Division Three, pp. 57-62.

Movement for purposes other than slaughter require the following: Movements of horses, mules and asses must be accompanied by official health certificate. Dairy type cattle or registered breeding cattle must be accompanied by a health certificate, showing negative tuberculin test within 30 days of entry. Cattle originating from an accredited tuberculosis-free herd may enter without a tuberculin test if accompanied by an official health certificate showing the tuberculosis-free herd certificate number, and if approved by the livestock sanitary official of the state of origin. Grade cattle of beef breeds may enter without tuberculin tests.

All cattle must be accompanied by an official health certificate showing a negative test for brucellosis within 30 days of entry, except as hereinafter provided: (1) Steers, spayed heifers and calves under 8 months of age, except dairy and purebred animals, may enter without restrictions. (2) Cattle from certified brucellosis-free herds and from modified brucellosis-free areas must be accompanied by an official health certificate. (3) Official vaccinates under 30 months of age, cattle of dairy breeds vaccinated between the ages of 4 through 8 months, and beef breeds vaccinated between the ages of 4 and 12 months may enter if they are properly identified and accompanied by an official health certificate showing vaccination. (4) Official vaccinates over 30 months of age may enter provided they are tested within 30 days of shipment and are found not to disclose reaction exceeding incomplete agglutination in a dilution of 1-100, accompanied by an official health certificate and a permit from the Livestock Sanitary Commission. (5) Bulls and female cattle of beef breeds may enter for feeding and grazing purposes only if accompanied by a permit from the Livestock Sanitary Commission. Cattle entering for such purposes shall be segregated or quarantined subject to testing requirements or until a permit is issued for movement to a recognized slaughtering establishment for immediate slaughter.

Goats for dairy purposes must be accompanied by an official health certificate showing negative test to tuberculosis and brucellosis within 30 days prior to shipment. A permit must be obtained from the Livestock Sanitary Commission to import sheep into Texas, except sheep billed to Fort Worth, San Antonio, Houston and Texarkana stockyards. Swine consigned to these stockyards or to slaughtering establishments maintaining federal supervision may enter without restrictions provided they are apparently healthy and do not originate in quarantined areas. All swine for breeding and feeding purposes must be accompanied by a health certificate, issued by a federal or a state approved veterinarian, certifying that hogs are free of symptoms of infectious and contagious diseases, that they have not been fed raw garbage and that each animal has been immunized with serum and virus more than 30 days prior to shipment or with serum alone within 10 days of shipping date, provided that each

animal is temperatured at time of injection and temperature does not exceed 104° F. or with modified live virus vaccine not less than 14 days prior to entry. Health certificates must also show that swine for feeding and breeding purposes, which originate in a public stockyard, have been dipped or sprayed in 2 percent solution cresol compound and that cars, trucks or crates were disinfected immediately prior to loading.

## Federal Requirements

### ADMINISTERING AGENCY

The Animal Disease Eradication Branch of the Agricultural Research Service, under the United States Department of Agriculture, handles the national program of animal disease eradication in Texas. The functions of this branch include determining the existence and extent of infectious, contagious and communicable diseases of livestock and poultry. It cooperates with state livestock disease control officials in planning and organizing national control and eradication programs. This may involve inspection, quarantine, testing, diagnosis, vaccination, condemnation, disposal, disinfection and other measures.

Under the basic law, the Secretary of Agriculture has given the Branch authority to administer laws and regulations governing interstate transportation of livestock and poultry, including the federal domestic animal quarantines and the 28-hour law, which was passed to insure humane treatment and prevent losses of transported livestock.

Since the federal laws and regulations administered by this agency affect the movement of cattle through Texas, a review of such laws and regulations is necessary. Regulations of the three major areas of control are included.

### FEDERAL REGULATIONS

When the Secretary of Agriculture determines that cattle or other livestock in any state are affected with any contagious, infectious, or communicable disease, a quarantine shall be established. This will cover any state, or portion of state, in which the disease exists, and will either absolutely forbid the interstate movement of livestock from the quarantined area or will indicate the regulations under which interstate movements may be made.<sup>90</sup> Then it becomes the job of the Animal Disease Eradication Branch, under the Secretary of Agriculture, to carry out the rules and regulations provided for in such disease eradication and control activities.

#### Fever Tick<sup>91</sup>

Interstate movement of infested or exposed livestock is prohibited until proper measures are taken to free such animals of the fever tick. Live-

<sup>90</sup>"Interstate Transportation of Animals and Poultry," Code of Federal Regulations, Part 71, Sec. 71.3 of General Provision, p. 105.

<sup>91</sup>Ibid. Part 72, Sec. 72.2-72.24, pp. 105-111.



stock in quarantined areas not eradicating ticks must be dipped twice, inspected and certified by an inspector of the Branch before they can be shipped. Those originating in areas where tick eradication is being conducted in cooperation with state authorities must be dipped once, inspected and certified. Livestock located on free premises in this area need to be inspected and certified by an inspector of the Branch. Livestock which have been dipped, inspected and certified are also subject to the regulations of the state of destination.

Cars or vehicles which have carried exposed livestock must be cleaned and disinfected in the manner prescribed in other regulations.

The livestock subject to the fever tick regulations are cattle, horses, mules and asses.

#### Scabies<sup>92</sup>

Cattle and sheep have about the same interstate requirements. Cattle and sheep to be shipped for slaughter must meet the following requirements: If such animals are affected prior to shipment, they must be dipped once in a specified solution before being shipped and must be slaughtered at an approved slaughtering establishment if not dipped again in 14 days. Exposed animals do not have to be dipped if shipped to an approved slaughtering establishment, but must be identified as "exposed sheep or cattle." Undiseased animals shipped from a quarantined area must be accompanied by a certificate issued by an approved inspector.

When the animals are shipped for purposes other than slaughter and are exposed to disease, they must be dipped once and identified while in transit. Unexposed and undiseased animals from quarantined areas must be accompanied by a certificate. Cattle going from a quarantined to a free area must also have a certificate. No animals may be shipped from stockyards without being certified as clean, and infected animals must be dipped.

Before infected sheep or cattle can be moved interstate, they must be dipped twice and identified while in transit. Unexposed sheep must be inspected and certified.

Regardless of the purpose for the shipment, all animals that are diseased and are exposed must have placards on the vehicles carrying them which read "dipped scabby cattle or sheep" or "exposed cattle or sheep for slaughter."

Cars and other vehicles, yards, pens, slides and chutes which have contained diseased or exposed cattle and sheep must be cleaned and disinfected in accordance with regulations.

#### Scrapie in Sheep<sup>93</sup>

Movement of exposed sheep from or through a quarantined area is prohibited except for move-

<sup>92</sup>Ibid. Part 73, Sec. 73.1-73.11, pp. 111-114, and Part 74, Sec. 74.1-74.25, pp. 114-118.

<sup>93</sup>Ibid. Part 79, Pocket Supplement, Sec. 79.1-79.5, pp. 72-73.

ment to an approved slaughtering establishment for immediate slaughter under conditions prescribed in advance by a Branch inspector. All facilities and vehicles which have carried sheep from quarantined areas must be disinfected. Sheep in quarantined areas that are exposed can be moved if first inspected and certified by an inspector of the Branch. Sheep may be moved in direct transit between points outside the quarantined area and through it without restriction.

#### Contagious and Infectious Diseases

*Hog cholera.*<sup>94</sup> Interstate movement of infected swine is prohibited. Movement of swine from stockyards for feeding, breeding or stocking purposes is prohibited unless they are temperatured, immunized and sprayed and moved to states requiring segregation or quarantine of such hogs for a period of not less than 3 weeks. Movement of swine from stockyards to slaughter is prohibited unless they are sent to an approved slaughtering establishment and are not diverted for any other purpose.

*Vesicular exanthema.*<sup>95</sup> Swine not fed raw garbage and not from a quarantined area have no restrictions. Those fed cooked garbage must have a certificate, except when moving from a stockyard in a clean area. Swine fed raw garbage from a nonquarantined area must be moved by permit or certificate to an approved slaughtering establishment for immediate slaughter. Swine from quarantined areas and those from clean areas moved to a clean stockyard in a quarantined area must have a certificate. Exposed or affected swine must be moved to an approved slaughtering establishment, under Branch seal, and accompanied by a representative of the Branch. The cars or vehicles which have carried exposed or affected swine must be cleaned and disinfected.

*Tuberculosis and paratuberculosis.*<sup>96</sup> Infected cattle can be moved to slaughter if they are "T" branded on the left jaw, accompanied with a certificate and a waybill marked "tubercular cattle," not shipped with healthy cattle unless a partition separates them, shipped to an approved stockyard or slaughtering establishment and slaughtered under Federal supervision. After delivery of shipment, the cars and vehicles must be disinfected.

Cattle for dairy or breeding purposes shipped from a modified accredited area must be accompanied by a certificate from a state or federal inspector.

Cattle from non-accredited herds or areas must receive a physical examination, a tuberculin test and a health certificate. Those being shipped to approved slaughtering establishments or public stockyards which have pens for cattle from non-

<sup>94</sup>Ibid. Part 76, Sec. 76.1-76.8, pp. 119-120.

<sup>95</sup>Ibid. Part 77, Sec. 76.25-76.37, Pocket Supplement, pp. 54-65.

<sup>96</sup>Ibid. Part 77, Sec. 77.1-77.8, pp. 120-122, and Part 80, Pocket Supplement, Sec. 80.3-80.9, pp. 73-75.

accredited areas can move without compliance with these requirements.

*Brucellosis.*<sup>97</sup> Domestic animals with brucellosis cannot be moved interstate unless they are branded with "B" on the left jaw, have a metal reactor tag in the left ear, have an official certificate and are moved directly to slaughter at federally inspected or approved plants or to a public stockyard for sale to such a slaughtering establishment. Cars and vehicles which have carried reactors must be cleaned and disinfected.

Cattle not known to be infected with brucellosis may be moved for purposes other than slaughter according to the following requirements: (1) There are no requirements for steers and spayed heifers nor for calves under 8 months of age. (2) Cattle from brucellosis-free herds and areas must have an official certificate. (3) Official vaccinates under 30 months of age at time of shipment can be moved into modified-certified brucellosis-free areas with an official certificate and a permit from a livestock sanitary official of the state of destination. Movement into all other areas requires only an official certificate. (4) Official vaccinates over 30 months of age at the time of shipment can move into modified-certified free areas after being tested within 30 days prior to movement and if no reaction exceeds incomplete agglutination in a dilution of 1:100. A permit from a livestock sanitary official of the state of destination and an official certificate are required. Animals must be placed under quarantine until found negative or slaughtered. All other areas require a negative test within 30 days of shipment plus an official certificate. (5) Nonvaccinates over 8 months of age moving into modified-certified free areas must first show a negative blood test within 30 days of shipment, receive a permit from state sanitary official of state of destination and have an official certificate. They also must be quarantined in the state of destination and if they are not found negative within 30 days, they must be slaughtered. If cattle originate in a herd under federal-state supervision and a herd blood test within the past 90 days revealed no reactors, animals can move without permit and quarantine, providing each animal shipped was negative to another test 30 days from the previous test within 30 days of shipment. An official certificate is required. All other areas require a negative blood test within 30 days of shipment plus an official certificate. (6) Bulls and female cattle of beef type moved for feeding or grazing purposes only can be moved into any area under an official certificate and a permit from a livestock sanitary official of the state of destination if that state has laws, rules or regulations providing for segregation and quarantine of such cattle.

Movement of cattle for immediate slaughter can be made if they are sent directly to slaughter

<sup>97</sup>Ibid. Part 78, Pocket Supplement, Sec. 78.1-78.16, pp. 65-72.

at a federally inspected or approved plant and are accompanied by a waybill or similar document or a certificate signed by the owner or shipper of the cattle.

Cattle may be moved directly to a public stockyard or one specifically approved if accompanied by a waybill or similar document or a certificate signed by the owner or shipper of the cattle.

## **Status of State Livestock Health Inspection System**

### **OPERATIONS OF LIVESTOCK SANITARY COMMISSION**

To describe the present status of the state livestock health inspection system, Livestock Sanitary Commission personnel and others were interviewed and the activities of several commission inspectors were observed. Information was collected on the present programs administered by the Commission. The activities in each inspection program are discussed, giving most of the attention to what is being done to prevent the outbreak and spread of diseases. The Commission has many problems which prevent its program from being fully effective.

#### **Personnel**

In November 1957, the Livestock Sanitary Commission had 54 employees, including two licensed state veterinarians and 36 "lay" inspectors. On September 1, 1957, for financial reasons, the Commission reduced the total number of "lay" inspectors from 83 to 36.

The other state veterinarians are under the direct supervision of a chief veterinarian. They are used in all phases of the Commission's inspection program. The chief veterinarian coordinates the Commission's activities with the 819 private veterinary practitioners in Texas and enlists their help in locating outbreaks of diseases and instituting measures for control of infectious and contagious diseases in livestock.

Though the "lay" inspectors are not licensed veterinarians, they are trained to detect fever ticks, scabies in cattle and sheep and symptoms of some of the infectious and contagious diseases, such as cholera and vesicular exanthema in hogs. These "lay" inspectors participate in all inspection programs operated by the Commission.

#### **Intrastate Market Inspection Program**

Since the Commission has recognized the danger of diseases being spread at marketing centers, it has made an effort to maintain some type of inspection at auctions and stockyards on intrastate movements of livestock. On October 10, 1957, state inspectors were withdrawn from the stockyards at Fort Worth, San Antonio, Houston and Texarkana. Since these yards have federally supervised inspectors, disease inspection work continues. The federal inspectors han-



the requirements for livestock moving intrastate as well as interstate from the stockyards. Stockyards and auctions have the same intrastate requirements on movements of livestock. Livestock can move through auctions and stockyards intrastate with very few restrictions placed on them.

Dairy type cattle are no longer required to be tested for tuberculosis and brucellosis nor hogs to be temperatured, vaccinated and sprayed for cholera before being shipped intrastate. The only observations that the "lay" inspectors make on livestock passing through auction markets are for Texas fever ticks on cattle, scabies on cattle and sheep, "B" or "T" brands on dairy type cattle having brucellosis or tuberculosis and symptoms of cholera in hogs. Federal inspectors make the same observations on livestock moving intrastate through stockyards.

In 1957, there were 153 livestock auction markets operating within Texas that were checked by Commission veterinarians and inspectors. At 12 of these auctions, located near the borders of the State, the Commission made plans to place state veterinarians to inspect livestock coming into the state and those moving intrastate. The other 141 auctions are divided among the "lay" inspectors so that each man has from three to five to inspect.

When cattle having a "B" or "T" branded on the left jaw are shipped to auctions or stockyards, the state or federal inspectors see that they are placed in quarantined pens and are consigned to approved slaughtering establishments. Cattle or sheep found infested with scabies and hogs with cholera are quarantined for prescribed treatment at the auction until declared free of disease, Figures 9 and 10. The sections of the yards through which these animals have passed are cleaned and disinfected.

Much livestock with diseases in the incubation stages pass through the markets and go back to farms and ranches. The State laws do not require such safeguards as testing of cattle for brucellosis and tuberculosis, and vaccination and spraying of hogs for cholera, at the markets or on the originating premises.

The method used by Commission inspectors for checking livestock for ticks, scabies and contagious diseases involves little actual physical inspection. The extent of such inspections consists of the inspector watching for symptoms of diseases as the livestock passes him. A more thorough inspection might reveal more ticky, scabby and diseased animals. Also, the diseases inspected for constitute only a small portion of the contagious and infectious diseases threatening the livestock industry of Texas.

#### **Interstate Market Inspection Program**

The primary reason that Commission veterinarians must be placed on 12 auctions near the border is to inspect cattle imported into the

State, in compliance with federal requirements relative to brucellosis control. These auction markets which handle out-of-state cattle are required to be approved by state and federal regulatory officials. Such auctions are required to maintain a brucellosis testing laboratory for testing animals in interstate commerce. A state veterinarian also is required to be at the auction market each sales day to inspect all livestock and to test animals moving interstate. They see that slaughter cattle go to the proper slaughtering establishments and enforce any other applicable state or federal requirement.

Livestock leaving Texas must meet the requirements of the state of destination. Some interstate livestock leave the State through auction markets. The Commission officials at auctions see that such animals meet the entrance requirements of the state of destination. Owners of such livestock may be required to have the livestock blood tested and obtain a health certificate before shipment, depending on the other state's requirements.

#### **Field Inspection Program**

For the purposes of this study, field inspections concern those activities of Commission inspectors and veterinarians which take place away from the markets. This includes checking for illegal movements of diseased livestock, setting up quarantines on farms and ranches, inspecting herds of sheep and cattle for ticks and scabies on farms and ranches, checking for illegal garbage feeding to hogs, tracing tubercular animals back to original premises, inspecting herds of livestock designated to move out of the state and checking livestock going to shows.

The Commission has divided the State into areas within which a livestock inspector and, in some cases, a state veterinarian operate. The areas were established to include three to five auctions in each. The inspector assigned to an area is responsible for checking all the field activities and the auction markets mentioned. The major problem currently is scabies in cattle and sheep. When the inspector finds a flock or herd infested with scabies, he is required to quarantine the premises and require the owners to dip the whole flock or herd until all animals are declared clean.

If Commission inspectors locate a herd of cattle with tuberculosis or a herd from which a tuberculin reactor originated, they must quarantine the herd and require the owner to have all the cattle tested for tuberculosis. Some reactors are located on killing floors and their origin cannot be determined.

The state and federal veterinarians have been working in a cooperative tuberculosis-testing program designed to redesignate counties as modified-accredited tuberculosis-free areas. If any herds tested by federal, state or private veterinarians have reactors, such herds are quar-

antined and reactors are sent to approved slaughtering establishments.

State and federal veterinarians and inspectors have been working on a more extensive voluntary brucellosis-testing program for the State. Efforts are being made to sign up owners under one of the three herd accreditation plans. The program is having its greatest success with dairymen who must clean up their herds. A selected test county, which has a high number of dairy cattle, recently demonstrated this fact. Well over 80 percent of the cattle were signed up under one of the plans in that county.

Although inspectors are required to report any illegal movements of livestock into and within the State that they find, they miss some because there are too few inspectors and their areas are too large. No system has been mapped out to cover all roads leading into the State. As a result, illegal movements of dairy cattle into Texas have presented a problem in controlling tuberculosis and brucellosis. The number of carriers has been increasing with many linked to imported animals.

Commission personnel had only one area under quarantine in November 1957. This is a fever tick quarantine area comprised of portions of eight counties and extends from the mouth of Devil's River in Val Verde county to the Gulf of Mexico. Earlier, it was necessary to quarantine four original premises and 27 adjacent premises where an outbreak of anthrax had occurred. This outbreak was stopped by the prompt action of Commission personnel.

Commission inspectors assist the federal inspectors in checking commercial garbage feeders, who are required to cook garbage containing animal matter in an effort to prevent an outbreak of vesicular exanthema and other diseases among swine. The two agencies have set up a garbage cooking program, financed mainly by the Federal Government. This program is still in its infancy even though it was started about 4 years ago.

During the show and fair season, the Commission inspectors have another responsibility in seeing that all show animals, except those going to slaughter, have health certificates approved by the Commission.

The Commission has not been fully successful in carrying out any of these field programs. The problems encountered by this agency indicate the reasons for these failures.

#### PROBLEMS OF THE COMMISSION

The Livestock Sanitary Commission faces many difficulties in eradicating livestock diseases and controlling movement and sale of exposed and diseased livestock in Texas. The Texas Animal Health Council, representing 29 agricultural, educational and civic groups, has recognized many of the problems facing the Commission.

It has recommended a complete reorganization and expansion of the Commission program and staff and the recodification of the laws, rules and regulations.<sup>98</sup>

The Commission has prepared a set of suggested new laws and amendments to the old laws which it feels should be enacted by the 55th State Legislature. The Commission feels that such changes are necessary in order for the State to have an effective livestock health program.

The cost to administer the changes in the old program has been outlined by the Commission. These changes and the costs have been presented to the Texas Animal Health Council for review.

#### Legal Problems

The basic Texas law passed for prevention and control of contagious and infectious diseases states that it is the duty of the Livestock Sanitary Commission to protect livestock from infection from such diseases as tuberculosis, brucellosis, cholera and vesicular exanthema,<sup>99</sup> yet, it has been unable to do so in some cases. In administering the laws for eradication of tuberculosis, the Commission, with the aid of the federal disease control agency, has done well considering the fact that the present laws do not provide for all owners to submit their cattle for the tuberculin test. On the other hand, the Commission has had difficulty in enforcing laws pertaining to brucellosis, hog cholera, vesicular exanthema and other diseases. The main reasons for the apparent failure are that the laws do not give the Commission enough specific authority to set up a program which will effectively eradicate the disease in question. The Commission can only write rules and regulations outlining an eradication program based on the state laws. Thus, making necessary changes in the old laws and passing new laws is the first step needed to help the Commission overcome its difficulties in eradicating brucellosis, cholera, vesicular exanthema and other diseases in Texas.

In the case of brucellosis, the state sanitary laws provide for a voluntary program which is a cooperative project arranged among owners, practicing veterinarians and the Commission. Owners can sign up under plans A, B, C or D to control or eradicate the disease from their herds. All tests and vaccinations are done by practicing veterinarians at the owners' expense. The Commission is required only to keep a record of the results of the tests and vaccinations. Very few of the herds brought under this program are beef cattle, and most of them are dairy cattle. Dairymen must sign up under one of the plans, because the Texas Health Department has adopted the U. S. Milk Ordinance and Code, which requires herds to participate under plan A or B before

<sup>98</sup>"A Recommended Animal Health Program for Texas," Texas Animal Health Council, June 8, 1956, (Mimeographed).

<sup>99</sup>Acts of 23rd Leg., *op. cit.*



owners can sell their milk as grade "A" milk. No effective pressure can be brought on the beef cattle industry under the present brucellosis laws. As long as there are infected beef cattle, keeping the dairy cattle free of the disease will be a continuous problem.

No ports of entry have been established and maintained to prevent diseased animals from entering the State. If intrastate programs are to be effective, protection from introductions of new sources of disease must be provided. Under present conditions no legal authority exists for political subdivisions (counties) to declare themselves as "control areas" against brucellosis and to force compliance with regulations necessary in areas of this type. Legislation providing this necessary authority seems to be one of the essential steps for more effective animal disease control.

No provisions are made for testing breeding animals going through public sales and back to the farm. In no other way can disease dissemination between herds in the state be controlled effectively.

The state laws do not provide for effective eradication of hog cholera. The Commission can quarantine premises or market places only where it has reason to believe exposed or affected animals exist. The Commission cannot institute control measures on a premise until it is quarantined. There is no controlled vaccination program on the farms or markets of the state.

The Commission is having difficulty in getting the garbage cooking program to work effectively. It is designed to help control and eradicate vesicular exanthema, cholera, foot and mouth disease and other swine diseases. Part of this difficulty results from the law's confusing definition of what constitutes garbage. The law states clearly that garbage is "all of the refuse matter, animal or vegetable, and all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods containing animal carcasses or parts thereof, and all waste material by-products of a restaurant, kitchen, cookery or slaughterhouse, and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, but shall not include material obtained from non-animal sources."<sup>100</sup> If this last clause is considered, commercial garbage feeders do not have to sign up under the program until the Commission has proved that their garbage comes from animal sources. As a result, the Commission has made an effort to get an opinion from the Office of the Attorney General to clarify this definition.

If the garbage cooking law were adequately enforced, there would no longer be a need for the use of the live virus hog cholera vaccine within the State. Laws could be passed outlawing the sale and use of such live virus hog cholera vaccine after the feeding of raw garbage has been effectively curbed. An intensive educational program could be carried on in conjunction with the

use of such restrictions. For the first few years it would be necessary to encourage the widespread use of killed vaccines and familiarize hog producers with the dangers of feeding even small amounts of uncooked garbage from the home kitchen to swine.

Scabies continues to exist in Texas livestock under the ineffective measures used in the past to control these diseases. The knowledge, material and organization exist for the complete eradication of these parasites.

The Commission has had to change its interstate regulations to conform with later federal regulations, but the state law upon which these regulations are based has not been changed. For example, the state law does not require quarantining range and stocker livestock shipped into the state for feeding and grazing purposes, but the federal regulation does require this. There is a conflict existing between the two, even though the Commission had an emergency proclamation signed by the Governor as a stopgap measure. Texas laws are not as strict on the movement of female cattle into the State as are those of other states.

States such as Illinois, Iowa, Indiana, Michigan, Pennsylvania, Arizona and New Mexico are cleaning up brucellosis. These states soon will join Wisconsin, Minnesota, Washington, Delaware and Connecticut, which are declared brucellosis free. Under the present law, the Commission will be handicapped in cleaning up the State.

Along with measures already mentioned in connection with other diseases, Texas needs a complete re-study of the laws and regulations pertaining to animal disease control. Many useful provisions exist that cannot be employed because of ambiguity in the laws, critical exceptions, conflicting laws, unenforceable provisions and lack of flexibility which prevent application to modern livestock farming methods.

#### Fiscal Problems

The present livestock disease control, inspection and eradication programs administered by the Livestock Sanitary Commission are inadequate to protect the estimated 65 million-dollar-a-year livestock industry in Texas. The federal and state disease control authorities feel that the current program is very inadequate.<sup>101</sup>

The present Livestock Sanitary Commission faces abolition by the 56th Legislature if the livestock industry of Texas does not prepare and support a plan for self-financing an animal health program for this State.<sup>102</sup> The Animal Health Council and the commission have been working to find a possible solution to this problem to submit to this legislature.

Appropriations made for the purpose of controlling and eradicating livestock diseases have

<sup>101</sup>Texas Animal Health Council, *op. cit.*

<sup>102</sup>Vernon's Texas Session Law Service, 55th Legislature, Ch. 385, p. 1026.

<sup>100</sup>Vernon's Texas Penal Code, Art. 1525b, p. 493.

been inadequate for years. In 1955, Texas ranked 47th among the states in appropriations for protecting health of livestock. The commission does not have adequate funds to employ enough livestock inspectors and veterinarians to conduct an adequate inspection and control program on the markets and in the field. The inspection force was cut in half in 1957 because the Commission was unable to pay them while carrying out other required programs. More veterinarians are needed. Office personnel is limited while the volume of record keeping is increasing.

The Legislature earmarks certain funds to be spent on each program of the Commission. The indications are that if the Commission were allowed more freedom to decide how much money to spend on each program, it could make better utilization of total funds. The Commission needs this flexibility because of the unpredictability of livestock disease outbreaks.

The Commission has had to depend on federal assistance to help finance a garbage cooking program, a tuberculosis control program and other control programs. Since Texas has not had an approved brucellosis program in operation, it has not received much assistance from large federal brucellosis control appropriations which have been available during recent years. Beginning the fiscal year (1957-58), these federal funds were cut drastically, so Texas will have to finance its own brucellosis program.

Funds appropriated and reserved for indemnity to owners of diseased livestock have been inadequate. Emergency requests have had to be made for such funds. This money must continue to be supplied in adequate amounts if certain diseases are to be held in check.

The eradication of tuberculosis has been successful, but in 1956 the number of cattle reacting to tests for the disease increased sharply. Because of low appropriations, the Commission has participated only to a minor extent in the past several years in testing cattle for tuberculosis for reaccreditation of the counties in the state. The federal agency has been supplying all the personnel and funds in an effort to keep the counties from losing their accreditation. Tests conducted by them show an increase in the disease. Illegal movements of diseased dairy type cattle into the State have contributed to this increase. Adequate funds for rapid followup of reactors to determine their origin and possible spread among contacts is the most urgent need. Closer supervision of ports of entry is just as important in tuberculosis as in brucellosis.

## **Status of Federal Livestock Inspection System**

### **OPERATIONS OF ANIMAL DISEASE ERADICATION BRANCH**

The Animal Disease Eradication Branch enforces federal and state-of-destination regulations on interstate movement of livestock. The

Branch also participates in authorized disease eradication and control work within the state by agreement with the Livestock Sanitary Commission. To determine the present status of the federal agency's disease inspection program and its other activities in the state, interviews were held with Branch officials, and observations were made of the activities of its inspection personnel. The same areas are discussed here as in the analysis of state activities.

### **Personnel**

The Branch has veterinarians and livestock inspectors employed in inspection work at stockyards and in the field. They work only on the four stockyards at Fort Worth, San Antonio, Houston and Texarkana, and with state personnel in various field activities.

### **Market Inspection Program**

The Branch does not participate in the intrastate market program except to enforce state requirements at the four stockyards. The main state requirement enforced is for all "B" and "T" branded brucellosis and tuberculin cattle to be sent to approved slaughtering establishments.

An adequate number of veterinarians and inspectors are located at each of the four stockyards. The federal as well as the state-of-destination regulations on interstate movements are strictly enforced by this personnel.

### **Field Inspections**

The Branch cooperates with the state Commission in controlling and eradicating brucellosis, tuberculosis, vesicular exanthema, scabies, fever ticks and other diseases. The Branch participates in this work only upon request by the Commission.

Since August of 1956, milk ring tests have been conducted by the Branch in all milksheds of Texas in an effort to detect dairy herds infected with brucellosis. The results indicated that 11,000 out of 19,000 herds tested have brucellosis reactors. The agency also is working on a voluntary, county brucellosis testing program with the state Commission.

The Branch cooperates with state personnel in redesignating counties as modified accredited tuberculosis-free areas. This is a continuing program, since a certain percentage of cattle in each county must be tested at regular 3-year intervals in order to maintain the status of accreditation. If the number of reactors found do not exceed one-tenth of 1 percent of cattle tested, then the time between tests is extended to a 6-year period. The Branch conducts practically all the testing in this program, since the Livestock Sanitary Commission lacks funds and personnel to give much assistance. Tests conducted by private veterinarians in the counties are being counted, thereby keeping some counties from losing their accreditation.



The Branch has spent thousands of dollars during 1957 and 1958 to help the state get a garbage cooking program in operation to control and eradicate vesicular exanthema and other swine diseases. By agreement with the Commission, they conducted a state-wide survey of commercial garbage feeding operations in an effort to locate all such feeders. Many have been brought under the program, and an inspection system has been put into operation to see that this program is continued. The program is still being supported by the federal agency.

Federal veterinarians and inspectors assist the state field inspection personnel in controlling and eradicating scabies, fever ticks and other diseases when outbreaks occur. They assist in establishing quarantine areas, appraising condemned animals and related activities.

Fever ticks and foot-and-mouth disease are watched for continually along the Mexican border by federal and state officials, and if outbreaks occur, they work together in control and eradication.

#### PROBLEMS OF THE BRANCH

Since the Branch is participating in field eradication programs at the Commission's request, it can do no more than the state laws permit. Working under state laws which are not adequate makes it difficult for the agency's help to be effective.

Appropriations used by the Branch to assist the states in certain programs have been reduced.

#### LEGAL REQUIREMENTS AFFECTING LIVESTOCK COMMISSION MERCHANTS, DEALERS AND AUCTIONEERS

Since most of the livestock moved within Texas by producers to auctions and stockyards are sold through the aid of livestock commission merchants, dealers and auctioneers, certain legal requirements have been enacted by the state and federal governments to control the activities of these three groups. The primary objective of such legal requirements is to assure for livestock producers open and competitive markets free from unfair trade practices.

This section summarizes the present state and federal laws and regulations bearing on the activities of livestock commission merchants, dealers and auctioneers at the markets operating in Texas and presents information on their present activities.

#### State Requirements

##### LIVESTOCK COMMISSION MERCHANTS<sup>103</sup>

Texas law defines a livestock commission merchant as any person, firm or corporation pursuing the business of selling livestock for a com-

mission or other charges. Country commission agents must be included, since the definition is not restricted to those operating at auctions and stockyards.

All commission merchants are required to be bonded by a solvent surety company with capital of not less than \$500,000 made payable to the county judge of the county where such commission merchants do business. The bond must then be filed in the office of the county clerk. The amount of the bond is based on the volume of business done during a 2-day average of the total number of business days. For the purpose of this computation 308 days are considered the number of business days in 1 year. This figure is used regardless of the number of days a stockyard or auction does business. The amount for the new bonds must be figured to cover the probable volume of business to be done for the first 12 months. In no case can the amount of the bond be less than \$2,000 nor more than \$50,000 plus 10 percent of the excess over that amount. If two or more merchants are working together at the same market, one bond can be used if valued at their combined purchases and sales.<sup>104</sup>

Livestock commission merchants who fail to keep and maintain said bond in full force and effect as required by such laws can, upon conviction, be confined in the penitentiary 1 to 2 years, or fined \$500 to \$5,000 or both fined and imprisoned.<sup>105</sup>

If the following conditions of the bond are not met by auction commission merchants, the bond can be declared void by the county judge: (1) Net proceeds must be remitted to the rightful owner within 48 hours after the sale of livestock. (2) The correct sum of the bond must be maintained. (3) Records must be maintained on the description of all livestock sold at the auction or stockyard, giving color, probable age and marks or brands with their location. (4) Quarterly reports of livestock sold must be made to the commissioner's court of the county where the commission merchant does business, giving the name of the consignor or person purporting to be owner and his address and the names and addresses of the person or persons purchasing such livestock. (5) The county judge must be given a written notice 10 days prior to terminating bond.<sup>106</sup>

Commission merchants who intentionally fail and refuse to remit the net proceeds to the rightful owner within 48 hours after close of the sale can, upon conviction, be imprisoned from 1 to 12 months or fined one to one thousand dollars or both.<sup>107</sup>

If any commission merchant fails to keep a certified copy of his bond conspicuously posted in the main office of his business, he can, upon

<sup>104</sup>Ibid. Art. 1282 and 1283, pp. 845-846.

<sup>105</sup>Vernon's Texas Penal Code, Art. 1499, p. 458.

<sup>106</sup>Vernon's Texas Civil Statutes, Art. 1287a, pp. 849-850.

<sup>107</sup>Vernon's Texas Penal Code, Art. 1502, p. 459.

<sup>103</sup>Vernon's Texas Civil Statutes, Art. 1281, p. 844.

conviction, be fined \$100 for each day of violation.<sup>108</sup>

All of the above provisions pertaining to bonding requirements do not apply to any livestock commission merchant who is regulated by the U. S. Department of Agriculture under the Packers and Stockyards Act; however, other requirements of the state presented below are binding on the commission merchant. The livestock auction commission merchant must keep an accurate record of livestock received by him for the purpose of sale by recording information concerning the motor vehicle and/or trailer or semi-trailer used in transporting livestock to and from livestock auctions. Such a record of vehicle must be on a form prescribed by the Livestock Sanitary Commission of Texas which shall show the name of the owner of such vehicle or vehicles, name of the owner of the livestock transported there, and the name, make and current highway registration number of such vehicle or vehicles. Such record must be prepared and made available by the commission merchant for public inspection within 24 hours after the receipt of any such livestock by him.

On livestock sold or otherwise disposed of, he must keep a record on another form prescribed by the Livestock Sanitary Commission showing the name and address of the purchases of such livestock, the destination thereof and the name and address of the owner of the vehicle or vehicles upon which the livestock are transported from the place of sale. Such a record must be prepared and made available by the commission merchant immediately after such livestock are sold and before they are removed from the place of sale. He must furnish the driver of the vehicle transporting the livestock away from the place of sale with a copy of such record and the driver of such a vehicle must keep it in his possession while transporting such livestock away from the place of sale and must exhibit it upon demand by a peace officer or enforcement officer.

Any person violating the provisions of these additional requirements will be deemed guilty of misdemeanor and, upon conviction, will be fined not more than \$200.

A copy of these records must be made and kept by the commission merchant for at least 1 year and must be open for public inspection at all reasonable hours. This does not apply to the private sales in which the livestock of only one individual, partnership, firm or corporation is offered for sale.<sup>109</sup>

Livestock commission merchants must pay an occupational tax for the privilege of pursuing the above occupation. The state tax is \$10 and the county tax is \$5.<sup>110</sup>

<sup>108</sup>Ibid. Art. 1503, p. 459.

<sup>109</sup>Vernon's Texas Civil Statutes, Art. 1287a, pp. 850-851.

<sup>110</sup>Vernon's Texas Civil Statutes, Art. 7047-A, p. 38.

## DEALERS

There are no state laws or regulations controlling the activities of livestock dealers at Texas markets. Dealers are those persons who engage in the business of buying or selling livestock at the livestock markets or in the country either on their own account for profit or as the employees or agents of the vendors or purchasers charging a commission for their services. In the latter case, dealers are order buyers. Dealers are required to pay an occupational tax for the privilege of pursuing such a business if they actually take possession of the livestock and charge a commission fee. They pay the same amount as commission merchants. If they are also commission merchants, they are exempt from paying the tax again.

## AUCTIONEERS

Auctioneers are all persons who auction property of whatever description for a fee, profit or percentage, whether said persons make auctioneering their principal or only business. Such persons are required to pay the state tax of \$10 and the county occupational tax of \$5.<sup>111</sup>

Auctioneers selling at auctions any horse, mule or ox without first requiring from the party for whom such sale is made a written statement signed by him of the manner in which and the name from whom he acquired such animal, or fails within 10 days after the sale to file with the county clerk of the county court such written statement, duly attested with his certificate containing an accurate description of animal sold, together with the name and resident of the seller and purchaser, may be fined not less than \$50 nor more than \$100.<sup>112</sup> Cattle, hogs, sheep, goats and other livestock are not included under this statute. This law was written when horses, mules and oxen were sold in large numbers at auctions.

## Federal Requirements

Livestock commission merchants, dealers and auctioneers are under federal supervision if they are working on posted markets that deal in interstate commerce.<sup>113</sup> Posted markets are those which have been placed under federal supervision. The owners of such market places are subject to all federal laws, rules and regulations pertaining to them in the Packers and Stockyards Act.

Since the owner, in many cases, may also be a commission merchant, requirements of both are discussed together. Such is true at auction markets.

The Packers and Stockyards Act of 1921 placed upon the Secretary of Agriculture the re-

<sup>111</sup>Ibid. Art. 7047, p. 13.

<sup>112</sup>Vernon's Texas Penal Code, Art. 1457, p. 435.

<sup>113</sup>Packers and Stockyards Act 1921, as amended, United States Department of Agriculture, Agricultural Service and Regulatory Announcement 164, June 1955.



sponsibility for regulation of the livestock and meat packing industry. The work is handled through 19 district offices of the Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture. The district offices determine the markets that are subject to the Act and also supervise them according to the rules and regulations of the Branch.

#### LIVESTOCK COMMISSION MERCHANTS<sup>114</sup>

Livestock commission merchants are called market agencies in the federal regulations, which define a market agency as any person who engages in the business of (1) buying or selling in commerce livestock on a commission basis or (2) furnishing stockyard (or auction) services. Such market agencies are referred to as commission merchants in this section. Agencies must be registered with the Secretary of Agriculture before they can operate on posted markets.

All commission merchants must be registered with the Secretary of Agriculture before they can operate on posted markets. They must carry a bond by a trustee suitable to the Branch based on their volume of business to assure farmers and ranchers that they will receive the net proceeds for the livestock they sell through such markets. All sales and purchases, during a period equivalent to 2 business days, based on the total number of business days in the previous 12 months or a part of such period will be the amount of the bond. The number of business days in a full year is 260. The minimum amount of the bond is \$5,000. Persons damaged may file suit against the commission merchant to recover on bond. Commission merchants registered as dealers must also file separate bonds to cover each operation.

Commission merchants are not allowed to use the money received from the sale of livestock for their own use, but it must be held in trust for the seller of the livestock until he cashes his check. Such money must be remitted to the rightful owners before the close of the next business day following the sale of livestock.

Every owner (commission merchant) is required to furnish reasonable and impartial stockyard (or auction) services. Such services deal with receiving, buying or selling on commission basis or otherwise, and marketing, feeding, watering, holding, delivering, shipping, weighing or handling livestock in interstate commerce.

The owners or commission merchants must: (1) have all scales tested at least twice a year; (2) furnish adequate facilities such as pens, scales and unloading chutes; (3) see that all livestock are sold under open and competitive conditions; (4) charge reasonable rates for stockyard (or auction) services and selling services; and (5) see that each farmer and rancher re-

ceives a full and true accounting covering the sale of his livestock by showing the buyer, number of head, weight, price, all expenses and the net amount. No commission merchant at stockyards or auctions is knowingly permitted to engage in any unfair, deceptive or unjustly discriminatory practices that would injure the farmer or rancher selling through the market.

The regulations place the responsibility on the commission merchant to stimulate and obtain active bidding from potential buyers for the livestock consigned to him by the sellers. He must maintain a position at all times in his relations with packers, dealers and others which will assure absolute loyalty to his sellers (consignors).

Except to see that the livestock consigned to them sells for what is considered the true market value, no commission merchants or their employees are permitted to buy livestock out of consignment. When bidding does not reach the true market value of the livestock, auction commission merchants can buy such livestock, but speculating in consigned livestock is forbidden.

The owners and commission merchants must keep complete and accurate records of livestock received, sold, shipped or disposed of each day and cannot destroy such records without the permission of the chief of the Packers and Stockyards Branch. Annual reports of such records are required of both owners and commission merchants. Failure to maintain such records as required will, upon conviction, result in a fine of not more than \$5,000 or imprisonment of not more than 3 years or both.

The market owners must set commission fees and yardage charges that meet the approval of the Packers and Stockyards Branch, where a copy must be kept on file.

Owners or commission merchants are not to knowingly make, issue or circulate any false or misleading reports, record or representation concerning livestock market conditions of the price or sale of any livestock. They cannot offer or give to any dealer, officer, agent or employee of the market any gift, payment, loan or otherwise except the established charges. Commission merchants cannot finance dealers. Neither can they permit a packer to have an ownership interest in, to finance or to participate in the management or operation of their business.

If any owner or commission merchant violates any of these regulations, formal disciplinary action can be taken through the U. S. Justice Department to inflict the penalty prescribed by law.

#### DEALERS<sup>115</sup>

A dealer is any person, not a commission merchant engaged in the business of buying or selling in commerce livestock either on his own account or as the employee or agent of the purchaser. Such person must register with the Sec-

<sup>114</sup>Ibid.

<sup>115</sup>Ibid.

retary of Agriculture on or before the date of commencement of operations giving his name, address and the character of his business. He must also be bonded to a suitable trustee in an amount determined by the volume of business but the minimum is \$5,000. Under such a bond the dealer (trader) is required to pay, when due, to the person or persons entitled, the purchase price for all of the livestock purchased by him at a public stockyard (or auction).

Dealers are not knowingly to make, issue or circulate any false or misleading reports, record or representation concerning livestock market conditions of the price or sale of any livestock.

No separately registered dealers can offer or give to any owner, officer, agent or employee of a commission company any gift, payment, loan or otherwise except the established charges for the furnishing of commission services. Dealers cannot have an ownership interest in, finance or participate in the management or operation of a commission company.

Every dealer engaged in purchasing livestock at posted stockyards or auctions must conduct his buying operations at such markets in competition with, and independently of, packers and other dealers similarly engaged. He cannot furnish information of his proposed buying operations to his competitive buyers.

It is unlawful for any dealer to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the receiving, marketing, buying or selling on a commission basis or otherwise, feeding, watering, holding, delivery, shipment, weighing or handling in commerce of livestock.

#### **AUCTIONEERS<sup>116</sup>**

Auctioneers are persons employed by the owner or commission merchant for the purpose of helping to sell the livestock to the highest bidder at auction markets. Auctioneers are required to strive to obtain the highest bid for the livestock sold through them, not favoring certain buyers.

The regulations forbid any employee of the owners or commission merchants to buy out of consignment for any purpose for their own individual accounts. Auctioneers help determine the sale or value of the livestock.

### **State Supervision**

Information was obtained by interviewing several auction commission merchants, dealers and auctioneers and by observing their activities at the markets.

#### **LIVESTOCK COMMISSION MERCHANTS**

Because the state law does not provide direct supervision of livestock commission merchants by any specific state agency, auctions not under the supervision of the Packers and Stockyards

Branch are not being supervised. In 1957, about 45 auctions were not under federal supervision.

Bonding requirements have not been met. In 1956, before five observed auctions had been placed under federal supervision, two had commission merchants which were not bonded. Correspondence with several county judges revealed that 2 out of 12 commission merchants in their respective counties were not bonded. Some who had bonds were not keeping the required amount based on the volume of sales. Fixing the amounts of such bonds and keeping them up to date are the responsibilities of the county judge of the county where such auctions are located.

Many auction commission merchants have not been keeping required records on vehicles and vehicle owners employed to transport the livestock to and from the auctions. Of five auctions checked only one was using the form prescribed by the Livestock Sanitary Commission giving all required information, such as the name of the owner of vehicle used, the name, make and current highway registration number of vehicle, and the name of the seller or buyer of livestock transported. Enforcement of these requirements rests with the peace officers of the county where such auctions are in operation.

Of the livestock commission merchants interviewed, none made quarterly reports of the names and addresses of both buyers and sellers of the livestock sold to the commissioner's court of their county.

No checks are made on the commission merchants to see if they are using the sellers' money for their own uses or to see how long they wait before making remittance to their sellers.

No checks are made by any official supervising authority on the commission rates charged by auction commission merchants to determine if such rates are fair and reasonable. Such checks are not required by state law. Commission rates are set by the commission merchant without the approval of any impartial supervising authority. They vary among different auctions.

#### **DEALERS**

Since there are no state laws specifically regulating the activities of livestock dealers at the non-posted markets, a comparison cannot be made between what they are actually doing and what the law requires. However, observations were made of the activities of several dealers. All auction operators (owners) are also commission merchants and dealers. Though commission men must be impartial, seeking only the interest of the sellers, many act as dealers for their own interests (accounts) or as employees or agents of purchasers, thereby becoming speculators.

Since the state does not require dealers to be bonded, neither the commission merchant nor the seller (producer) is protected from purchases made by dealers of questionable financial means. When large transactions are involved, the com-

<sup>116</sup>Ibid.



mission merchant may be placed in an unsound financial position if he accepts a bad check from a dealer buying livestock consigned to his auction. Commission merchants could require the dealers buying livestock at his auction to be bonded, but this might cause him to lose some buyers unless all commission merchants required dealers to be bonded. Some nonposted auction commission merchants have expressed their desire that dealers be registered, bonded and supervised by some authority.

### AUCTIONEERS

While all auctioneers pay an occupational tax which is collected by employees of the State Comptroller each year, some are also required to pay occupational taxes to local municipalities.

Auctioneers are ignoring the old statute which requires them to acquire a written and signed statement from sellers of horses, mules and oxen, giving the names of persons from whom such animals were acquired, and then to file such statements with the county clerk's office within 10 days after the sale. Since so few of these animals are sold today, this law is obsolete.

There are some auctioneers working at non-posted auctions who buy cattle out of consignments at the auction where employed and resell them at other markets. Though this action may be detrimental, no laws of the state forbid it. No check is made on these auctioneers to determine whether they are favoring certain buyers of the livestock they help sell.

### Federal Supervision

Federal supervision of livestock markets includes most of the auctions and all of the stockyards in Texas; Figure 11. Thus, the majority of the livestock commission merchants, dealers and auctioneers are under federal supervision. The Packers and Stockyards Branch office at Fort Worth, Texas, supervises posted markets to check on the operations of the owners, commission merchants, dealers, auctioneers and other employees. The type of supervision is described on the basis of information obtained by interview and observation.

### LIVESTOCK COMMISSION MERCHANTS

Commission merchants at posted stockyards and auctions must be bonded with a bond based on the volume of business. They must maintain custodial accounts, which include receipts from all livestock sold. Branch representatives examine and audit the records of the commission firms

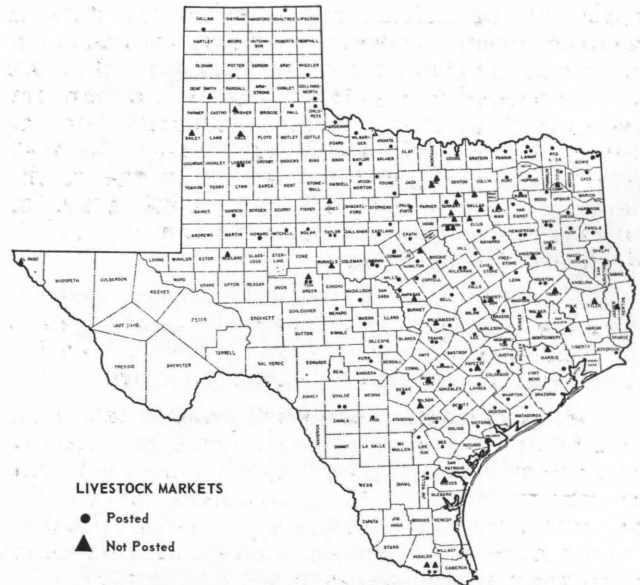


Figure 11. All auctions and stockyards operated in the State in 1957 where most livestock commission merchants, dealers and auctioneers operate. Source: Packers and Stockyards Branch, U.S. Department of Agriculture, Fort Worth, Texas.

or market agencies to determine financial soundness, establishment and use of custodial account, commission and yardage charges and evidence of unfair and deceptive practices. Such facilities as pens, scales and unloading chutes are checked for adequacy.

Auctions are checked regularly to see that the commission merchant does not speculate in consigned livestock. To determine this, Branch representatives require all commission merchants to keep adequate records of their transactions.

### DEALERS

All dealers who buy regularly at a market are required to furnish bond coverage. The Branch determines which dealer should be registered and bonded at "posted" auctions and stockyards. Their bonds are kept up to date on the basis of their volume of sales.

No dealers are known to be financed by commission merchants or vice versa.

### AUCTIONEERS

The Branch representatives are keeping close check on auctioneers and other employees of the market owners and commission merchants to see that they do not buy cattle out of consignment, favor certain buyers and such at the auctions or stockyards where they work.



Location of field research units of the Texas Agricultural Experiment Station and cooperating agencies

# State-wide Research



The Texas Agricultural Experiment Station is the public agricultural research agency of the State of Texas, and is one of ten parts of the Texas A&M College System

## ORGANIZATION

IN THE MAIN STATION, with headquarters at College Station, are 16 subject-matter departments, 2 service departments, 3 regulatory services and the administrative staff. Located out in the major agricultural areas of Texas are 21 substations and 9 field laboratories. In addition, there are 14 cooperating stations owned by other agencies. Cooperating agencies include the Texas Forest Service, Game and Fish Commission of Texas, Texas Prison System, U. S. Department of Agriculture, University of Texas, Texas Technological College, Texas College of Arts and Industries and the King Ranch. Some experiments are conducted on farms and ranches and in rural homes.

## OPERATION

THE TEXAS STATION is conducting about 400 active research projects, grouped in 25 programs, which include all phases of agriculture in Texas. Among these are:

- |                                      |                                 |
|--------------------------------------|---------------------------------|
| Conservation and improvement of soil | Beef cattle                     |
| Conservation and use of water        | Dairy cattle                    |
| Grasses and legumes                  | Sheep and goats                 |
| Grain crops                          | Swine                           |
| Cotton and other fiber crops         | Chickens and turkeys            |
| Vegetable crops                      | Animal diseases and parasites   |
| Citrus and other subtropical fruits  | Fish and game                   |
| Fruits and nuts                      | Farm and ranch engineering      |
| Oil seed crops                       | Farm and ranch business         |
| Ornamental plants                    | Marketing agricultural products |
| Brush and weeds                      | Rural home economics            |
| Insects                              | Rural agricultural economics    |
|                                      | Plant diseases                  |

Two additional programs are maintenance and upkeep, and central services.

*Research results are carried to Texas farmers, ranchmen and homemakers by county agents and specialists of the Texas Agricultural Extension Service*

AGRICULTURAL RESEARCH seeks the WHATS, the WHYS, the WHENS, the WHEREs and the HOWS of hundreds of problems which confront operators of farms and ranches, and the many industries depending on or serving agriculture. Workers of the Main Station and the field units of the Texas Agricultural Experiment Station seek diligently to find solutions to these problems.

*Today's Research Is Tomorrow's Progress*