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THE RIGHTS OF MUNICIPALITIES IN REGARD TO THE TUBERCULIN TEST

The Question Reviewed before a Court of Law in the State of Wisconsin—Much Evidence of an Important Nature Submitted—What may be the Ultimate Outcome of the Situation in this Country.

HAVE municipal authorities the right to demand that the cows supplying milk to the municipality be tested with tuberculin and shown to be free from tuberculosis? A decision in a case tried recently in the United States to test this point indicates that they have.

What Canadian cities are beginning to demand is that the people who sell milk and cream to their citizens shall keep cows under sanitary conditions. Soon we may expect them to demand the use of the tuberculin test as some cities in the States are doing. In this connection there is pending, in the Supreme Court of the State of Wisconsin, an appeal from a decision of the Circuit Court for Milwaukee county, in an important case bearing upon the right of a city or municipality to prescribe, by ordinance or otherwise, rules and regulations for the production of milk sold or offered for sale within its limits, including the application of the tuberculin test.

The question is all the more pertinent in view of the findings of the Ontario Milk Commission. Members of the Commission estimated that over 125,000 cattle in the Province of Ontario are more or less tuberculous. These figures are the lowest estimate. It is feared that the true total would be nearer double that number.

TESTING MAY BECOME COMPLICATED.

Cities and towns are working up to that point where they are likely soon to demand that the cows supplying municipalities be tuberculin tested. At one of the sessions of the recent Canadian Medical Convention, Dr. J. G. Rutherford, Dominion Veterinarian, stated that the sale of milk from cows not known to be free from tuberculosis is a crime against society and that the community that permits the sale of such milk is an accessory to the crime. This statement has been given wide publicity through the city papers. It must be apparent, therefore, that ere long the tuberculin test will have to be applied to a great number, at least, of our dairy cows.

THE TEST RELIABLE.

Heretofore there has been wide-spread doubt as to the reliability of the tuberculin test. This probably is all that has prevented cities from demanding the use of the test before this. Dr. Rutherford has stated that he refused to consider that the application of the test to dairy cattle is impracticable. This matter of reliability of the

test will, in all probability, be investigated thoroughly by the International Commission on tuberculosis, members of which Canadian commission prize leading American and Canadian authorities. Should this commission whose deliberations are being watched with great interest, advise in favor of the general application of the test the fight will be on immediately and it will be general. The situation has become so critical and important that the governments of the two countries have united and appointed this commission with the object of finding a means of dealing with it.

In order that our readers may have an understanding of how the courts are likely to look on this matter, we publish herewith a condensed synopsis of the printed "case" submitted to the

and individual liberty!" that the tuberculin test is "worthless, impracticable, oppressive, burdensome and absolutely unnecessary for the protection of public health;" that the tuberculin test "is wholly unreliable, untrustworthy, and entirely worthless so far as being any guide or protection to the public as to whether or not the cows tested are free from tuberculosis or any other contagious disease." The court referred the case to a commissioner to take evidence on this subject.

EVIDENCE AGAINST THE TEST.

The evidence for the petitioners for an injunction, in brief, was as follows: Thirteen farmers testified to unsatisfactory experiences with the tuberculin test, some of their animals being condemned and no lesions being found in these animals at the slaughter house. Several of them testified that they had large families of children they drank freely of the milk and that none of them were in any way tuberculous.

Dr. Claud B. Morris of New York State, Veterinarian of the Borden Condensed Milk Company, gave at length details of testing and slaughtering a number of calves with which he was experimenting with bovo vaccination. These tests seemed to indicate the unreliability of the tuberculin test. He said: "If a person is going to rely wholly on tuberculin to determine whether a cow has tuberculosis or not, he will condemn a good many innocent cows." * * *

Any inflammatory condition existing in the animal body is sufficient to cause a reaction which would be interpreted as a typical tuberculosis reaction. I also found that an approach of strangers into a herd when it is undergoing a test will sometimes excite and assist the tuberculin and produce a higher temperature than if the excitement had been eliminated."

Dr. Henry L. K. Shaw, a practicing physician in New York City, who has the supervision in the course of a year of over a thousand children

in different hospitals, testified that "the tuberculin test in young children is not reliable. * * * The transmission of tuberculosis from the luvine to the human from drinking milk occurs in rare instances and when it does it never produces a progressive, fatal type of the disease."

Dr. Edward Moore, a veterinary surgeon of New York, testified that he had had much experience with cattle and had never been able to discover any correlation between the disease in the bovine and the human. "My opinion is that the disease is not transmissible. * * * I have never known of a case where a human being was affected by tubercle bacilli of a cow and got consumption. * * * The tuberculin test and a



Interior of Copenhagen Dairy

According to Mr. C. C. James, Deputy Minister of Agriculture for Ontario, who visited Denmark last summer, the city of Copenhagen has the best general supply of milk of any city of the world, and the retail price of milk is 5 to 6 cents a quart. Special attention has been paid by the Danish dairymen to the prevention and eradication of tuberculosis amongst their

Supreme Court of Wisconsin as already mentioned and which is reproduced from Hoard's Dairyman. It presents a fair abstract of the points made or sought to be made on both sides of the question.

THE VERDICT OF ONE COURT.

The city of Milwaukee, Wis., adopted an ordinance requiring cows outside of the city limits of Milwaukee, contributing to the local milk supply, to be tested with tuberculin and to be found free from tuberculosis as a prerequisite to their product being sold in the city. Some milk producers sought to enjoin the city from enforcing this ordinance, alleging that it authorized the taking of private property without due process of law; that it interfered with what are known as "common rights