Proceedings of Investigating Committee on Pink Bollworm Infestation in Texas

---

Supplement

to

Senate Journal

Thirty-sixth Legislature—Third Called Session

SUPPLEMENT TO

SENATE JOURNAL

Thirty-sixth Legislature—Third Called Session

House of Representatives,
Austin, Texas,
Friday, May 21, 1920.

House Concurrent Resolution No. 1.

Mr. Veatch, chairman, submitted the following report of the Committee on Agriculture:

Austin, Texas, May 21, 1920.

Hon. R. E. Thomason, Speaker of the House of Representatives.

Sir: We, your Committee on Agriculture, to whom was referred House Concurrent Resolution No. 1, together with a substitute therefor offered on the floor of the House, beg leave to report that we have had said resolution and substitute under consideration and that we recommend the adoption of the following resolution in lieu of the original resolution as presented:

H. C. R. No. 1, Providing for an inquiry into the pink bollworm infestation in Texas and the need and extent of protective measures against this cotton pest and authorizing the appointment of a joint committee of the House and Senate to conduct such inquiry and determining the authority and duties of such committee.

Whereas, Administrative officials of the State performing the duties devolved by law upon the Department of Agriculture of the State and members of the Federal Horticultural Board, acting upon the authority conferred by the Congress of the United States upon the Federal Department of Agriculture, in the year of 1917, reported a certain area in this State, embracing in whole or in part the counties of Jefferson, Chambers, Hardin, Liberty, Galveston, Brazoria and Harris, infested with the Pectinophora Gossypiella, or pink bollworm, an insect pest declared highly destructive to the cotton plant; and as a result of the discovery of such insect pest by the said State and Federal authorities and upon their recommendation and in accordance with the statutes of the State for the control and eradication of the pink bollworm a zone was established covering the area named and no cotton was allowed to be planted therein during the year 1918 with the approval of the State officials charged with the administration of the pink bollworm law; and

Whereas, Investigation of the infested area during the fall and winter of 1918 and 1919 having failed to disclose the presence of the cotton pest, upon the recommendation of the Commissioner of Agriculture the non-cotton zone maintained during the year 1918 was changed to a regulated zone in which cotton was in accordance with the provisions of the statute grown under regulations during the year 1919; and

Whereas, Investigations made in the fall of 1919 in the fields of cotton grown that year under regulations having disclosed the presence of pink bollworm, the State Pink Bollworm Commission was convened and conducted a series of hearings in the infested area during the month of January, 1920, at the conclusion of which hearings the said commission united in a report recommending the continuance of the regulated zone for the year 1920; and

Whereas, In the early part of 1920, and shortly after the recommendation of the State Pink Bollworm Commission for a continuance of the regulated zone, some additional infestations were found outside the existing regulated zone, making an aggregate of fifty fields reported infested; and in addition to the infestations found in this State certain infestations were reported from Louisiana, indicating to the Federal Horti-

cultural Board a more widely distributed infestation, calling in the judgment of the said board for more stringent efforts at control and eradication of the pest than those deemed possible by them through the regulated zone, the said Federal Horticultural Board submitted to the Governor of the State urgent representations for the establishment of a closed zone covering all or part of the counties of Orange, Jefferson, Hardin, Jasper, Liberty, Chambers, Harris, Brazoria and Galveston; and

Whereas, The Secretary of Agriculture of the United States in a communication to the Governor of this State in support of the representations of the Federal Horticultural Board expressed the purpose of that official to declare a quarantine by the government of the United States against the cotton and cotton products of Texas unless such noncotton zone was established; and

Whereas, The said Federal Horticultural Board announced a hearing in Washington April 6th to hear representatives of Texas upon the question of the establishment of such noncotton zone, which hearing the Governor of this State attended, and at which time it is announced by the board an understanding was reached in accordance with which the Governor would convene the Legislature in special session for the purpose of amending the State Pink Bollworm Act so as to provide compensation for those growers prevented from planting cotton in the proposed noncotton zone, and to establish and maintain such closed zone, and to surround the said noncotton zone with an additional regulated zone, as the conditions which would avoid such quarantine against the cotton and cotton products of the State; and

Whereas, Governor W. P. Hobby in his message convening the Legislature says that it is called "to enact legislation which will make it possible to establish zones in which the growing of cotton may be effectively prohibited or regulated in areas infested with what is known as the pink bollworm, to the end of stamping out such infestation as a menace to the cotton industry of Texas, and to the end of preventing a quarantine against the interstate shipment of Texas cotton and cotton products by the Horticultural Board of the United States Government"; and

Whereas, The action contemplated by the authorities of the Federal Government is so extraordinary, drastic and unexampled and would impose upon Texas restrictions to commerce that must result in enormous loss in the value of its cotton crop, and in trade interferences; and

Whereas, The Governor has convened the Legislature in special session and has submitted to that body consideration of the entire subject of the proposed noncotton zone; of making provisions for compensation to cotton growers prevented under the law from producing cotton, and of taking such measures as may be deemed essential to avoid the contemplated action for a Federal quarantine against the cotton and cotton products of the State; and

Whereas, It becomes the duty of the Legislature to determine every material fact bearing upon the question of pink bollworm infestation in the counties named herein, and of providing for such action as the merits of the situation require; therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the public interest demands a full and impartial investigation be made by this Legislature of all the facts which show or tend to show the facts existing at the present time in the cotton fields of the counties of Orange, Jasper, Hardin, Jefferson, Liberty, Chambers, Harris, Brazoria, and Galveston respecting the cotton pest known as Pectinophora Gossypiella or pink bollworm; the destructive nature of such worm upon cotton production; the efforts at control and eradication in the fields of the said counties by administrative officials of the State of Texas and administrative officials of the government of the United States; the effect and value of such efforts at control and eradication of the said cotton pest; the extent of infestation at this time; the urgent representations of the Department of Agriculture of the United States through the Horticultural Board for the establishment and maintenance of a noncotton zone in all or part of such counties, and other restrictions represented by said board as essential to the protection against the pest, and the representation to the Governor of this State by the Secretary of Agriculture of the United States that unless such noncotton zone be established and maintained by the State in the area

claimed to be infested that such failure or refusal to maintain such zone would certainly invite a quarantine by the government of the United States against the cotton and cotton products of the State of Texas; to determine from the facts adduced through such inquiry whether and to what extent restrictions and protective measures are essential in the public interest and if, in the judgment of the said committee such restrictive measures as a noncotton zone is necessary for the protection of the cotton industry, to ascertain as near as may be practicable the amount necessary to be provided by appropriation for compensating cotton growers in the said counties prevented from producing cotton.

For the purpose of prosecuting such inquiry there is hereby appointed a joint committee composed of the Agricultural Committees of the House and Senate. The said committee shall organize by electing one of its members chairman and one secretary, and shall be authorized to employ such stenographers and clerks as deemed necessary, and to call upon the Sergeant-at-Arms of the House or Senate for service of process in the enforcement of its orders and shall be vested with all authority devolved upon investigating committee by Chapter 3 of Title 82 of the Revised Civil Statutes of the State of Texas of 1911. The said committee shall be and the same is hereby vested with the power to issue process, summon witnesses, to take and have taken depositions in such manner and with such notice as may be ordered, to require the production before it of books or documents for the purpose of securing testimony and with all the powers now inherent in the district courts of this State; each member of the committee shall be empowered to administer oaths and the method and procedure in collecting evidence deemed essential to the purposes of the investigation shall be in the discretion of the committee. Witnesses summoned to appear before the committee shall be paid in the same manner as is provided for witnesses summoned before committees of the House or Senate. The sessions of the committee shall be open and shall be held in Austin.

The report of the said committee shall contain a correct and accurate stenographic transcript of all proceedings had in and before the committee and the committee shall endeavor to furnish a copy of such proceedings daily to the Legislature for publication in the Journals of the respective houses.

The said committee in addition to making a report of the facts ascertained through its inquiries is hereby instructed to submit in connection with such report its conclusions and recommendations respecting the conditions represented to prevail in the area claimed to be infested with pink bollworm and of the action that should be taken by the Legislature in the protection of the public interest and the maintenance of the integrity of the authority of the State; and in the event the establishment of a non-cotton zone is deemed necessary to the adequate protection of the cotton industry to submit an estimate of the amount of money essential to be appropriated for compensating those persons in the counties affected by such non-cotton zone prevented from growing cotton by reason of the maintenance of such zone.

The necessary traveling and personal expenses, including witness fees, mileage, and all other expenses necessarily and properly incurred by the said committee under the authority conferred herein shall be paid from the contingent funds of the House and Senate upon accounts duly approved by the chairman of the said committee.

The committee is directed to extend an invitation to the Secretary of Agriculture of the United States and other administrative officials of the Federal government whose duties require special knowledge of the subject of this investigation, and to extend an invitation to all administrative officials of other cotton growing states of the Union whose responsibilities suggest an official interest in the information to be developed by this inquiry.

Respectfully submitted,
VEATCH, Chairman.

(Mr. Sentell in the chair.)

Mr. Darroch moved the previous question on the report and the main question was ordered.

Question recurring on the report, it was adopted.

The resolution as reported was adopted.

Senate Chamber,
Austin, Texas,
Friday, May 21, 1920.

The committee substitute for House Concurrent Resolution No. 1 was laid before the Senate by the President and read.

Senator McNealus moved to refer the resolution to the Committee on Agricultural Affairs, and that it be printed in the Journal.

Senator McNealus withdrew his motion to refer House Concurrent Resolution No. 1 to the Committee on Agricultural Affairs and that it be printed in the Journal with unanimous consent.

The resolution, House Concurrent Resolution No. 1, was adopted.

MONDAY, MAY 24, 1920.

MORNING SESSION.

The committee met at 10 o'clock A. M., the secretary called the roll, and a quorum being declared by the chairman.

Senator W. H. Bledsoe was nominated vice-chairman of the committee.

Motion was made and carried that the Attorney General be requested to furnish the committee a member of his staff to represent the committe.

Motion was made by Senator Gibson and carried that the chairman appoint a committee of two members of the Senate and three members of the House to meet with the attorneys on each side and arrange and plan a method of procedure.

The chairman appointed Senator Gibson and Senator Dean, and Mr. Smith, Mr. Raiden and Mr. Quicksall of the House on the committee.

General Wolters: I made this statement the other evening, but for the purpose of the record, those of us who are appearing here from the infected districts are not employed attorneys. We are simply here as a part of the committee sent by our people to look after their interests and in order that the Legislature may learn so far as we are able to present it to them the true situation. There is not a paid attorney here representing any of the farms or any industries involved.

The committee then recessed until 3 o'clock P. M.

AFTERNOON SESSION.

Senator Dean, chairman of the sub-committee appointed to recommend proceedure of the committee, reported as follows:

Austin, Texas, May 24, 1920.

Hon. R. L. McDowra, Chairman Joint Committee, Austin, Texas.

Sir: We, your special committee appointed to recommend the procedure and to whom was referred other matters in connection with the procedure in the investigation of the pink bollworm situation, report the following:

Procedure: (1) We recommend that the Departments of Agriculture, Federal and State, be and they are hereby requested to submit to the committee such evidence as is available showing the presence of the pink bollworm and the extent of the presence thereof in the different sections of Texas; the facts as to the danger to the cotton industry from infestation by the pink bollworm; the methods and legislative action necessary to exterminate or to control the pink bollworm, and the probable cost thereof, and to that end that the documentary and oral testimony including that of the experts of the two departments be submitted to the committee.

(2) That the citizens of the alleged infested areas and of the sections of the state contiguous to the alleged infested areas be and they are hereby requested to present their evidence, and that they also be requested to submit their recommendations as to the method and legislative action by which the situation should be met, and the probable cost thereof.

(3) That all evidence taken be, as required by the resolution under which the committee is proceeding, taken down in shorthand, transcribed and turned over to the public printer, and be printed as a supplement to the journals of the Senate and House from day to day.

(4) That all the sessions of the committee be had, unless otherwise determined by the committee, in the Railroad Commission hearing room, and that such sessions of the committee be held from time to time as may be determined by the committee.

(5) That upon the conclusion of the evidence the attorneys for all parties be invited to submit such argument as may be desired within

such limitations as to time as the committee may determine, and that thereupon the committee will resolve itself into executive session for the purpose of agreeing upon, formulating and presenting its report.

DEAN, Chairman.

The report was adopted.

The Chair: Now, gentlemen, I believe the next thing in order is to hear the report of the committee.

Senator Dean thereupon read the committee's report, which was adopted upon motion by Senator Wood.

The Chair: Are the attorneys ready to proceed with the taking of testimony?

Mr. Bryant: Yes, sir.

C. R. Triay and T. N. Watkins were thereupon sworn as official reporters.

Dr. W. D. Hunter was sworn as a witness for the Department of Agriculture, and testified as follows:

Direct Examination.

Questions by Mr. Bryant.

Q. Your name, please?

A. W. D. Hunter.

Q. Dr. Hunter, do you hold any official position with the Federal Government?

A. Yes, sir.

Q. What is that, please, sir?

A. Member of the Federal Agricultural Board, and specialist and Entomologist in the Bureau of Entomology.

Q. What is the business of the Bureau of Entomology of the Federal Government?

A. To study the habits and depredations of insects and prevent the losses that insects cause to the crops of the country.

Q. How long have you been with that board, Dr. Hunter?

A. I have been with the board since 1913, I believe, with the Bureau of Entomology, since 1900.

Q. Now, what board is that you speak of being with?

A. The Federal Horticultural Board.

Q. Horticultural board? What is the business of the Federal Horticultural board?

A. To administer the so-called plant quarantine act of 1912.

Q. What is your profession or avocation?

A. Entomologist.

Q. What is an entomologist, doctor?

A. An entomologist is a man who makes a study of insects.

Q. What, outside of your experience of nineteen years with the Bureau of Entomology, what is your training with reference to your profession?

A. A graduate of the University of Nebraska, in 1900—I mean 1895, the second degree after a post graduate course, two years in that institution.

Q. Is it a part of your duty as a member of the Bureau of Entomology to study the life and habits of insects that destroy cotton?

A. It is.

Q. Doctor, are you acquainted with the insect that is known in common parlance as "pink bollworm"?

A. Yes, sir.

Q. I wish you would tell the committee in your own way, something of the origin, habits and characteristics of the pink bollworm.

A. It is a large subject, judge. How much time have I?

Q. Proceed.

A. My object in asking the question, I might arrange my points.

Q. (Interrupting) I take it that this committee want to know all the facts, doctor, within your knowledge with reference to the pink bollworm, its origin, its habits, its characteristics, the countries that grow cotton that are affected by the pink bollworm, its destructive nature and character, etc.

A. All right sir. First, as to its origin—on the point of the origin of the pink bollworm: The history of the insect as far as we know it, begins with 1842 when a paper regarding it was presented before a scientific society in London. The specimens were sent to Dr. Saunders, a distinguished English entomologist, the one who presented them with notes from correspondents in India that this was an insect which caused considerable damage to the cotton crop of the country. That is the first note in the whole literature of entomology regarding this insect. Back of that, we know absolutely nothing about it. Some years later, it was reported from various parts of

Africa. It was reported from Egypt where it appeared about 1909 or possibly earlier, the exact date cannot be fixed now and it never will be possible, because this insect takes some time after the introduction in a new country to establish itself in sufficient numbers to cause damage to the cotton crops to make it noticed by the farmers or anyone else. From Egypt the insect has been traced to Brazil and to Mexico. It is also known to grow in the Hawaiian Islands, where it appears to have been introduced directly from India. It has been found in China; an agent of the Department of Agriculture, an experienced cotton man, was in China traveling extensively just last year. He found the pest spread throughout the cotton area in China, which follows parallels practically the same as the parallels the cotton belts in this country. In—it was introduced in Mexico, I state the date approximately, about 1911, or possibly '10. Its introduction in that country has been traced to the introduction of cotton seed from Egypt or rather to two introductions of cotton seed from Egypt.

Now, as to the habits of this insect: Primarily, it feeds upon the cotton plant and more especially upon the bolls of the cotton plant. This insect occurs in four stages.

Mr. ———: Pardon me, for a question: His delineation was very interesting but I want him to tell how it was introduced from America into Mexico. It seems that it must have come through Mexico and I would like for him, for the doctor, to tell how it made its first appearance in Mexico.

The Chair: If the doctor will do that, that is all right. I suggest, however, to the committee, from now on that we might wait until he gets through with his testimony and then ask questions.

Dr. Hunter: Thank you. That is a very good suggestion.

A. (Continuing) This insect occurs in four stages: The egg, the worm or larva, the pupa or chrysalis and the adult stage, which is a moth, very similar to the small insects which fly around electric lights here and elsewhere at this season of the year. These moths deposit eggs on the cotton plants and in some cases on other plants. These eggs hatch in a few days, the exact time depending upon the temperature. These worms which at first are white, soon assume a pinkish color, bore into the cotton boll and feed upon the contents of the boll, the developing lint as well as the seed. It takes in the neighborhood of twenty-five or thirty days for one generation of this insect to be produced, that is, the egg, the larva or the quiet stage, or chrysalis from which the moth emerges, so that in one season, exactly as is the case with the boll weevil, a great number of generations may be produced, so a few of the insects start out in the fall and during the spring it may lead to enormous numbers of them—a few of the insects starting out in the field during the spring may lead to enormous numbers of them in the fall, just exactly as is the case with the boll weevil. One important peculiarity of the life history of the pink bollworm, is that as cold weather comes on, a considerable number of the larvae instead of developing—going into the quiet stage and converting as moths, a quiet or resting—assume a quiet or resting stage, that is they live or may live for months or even years in this larva stage without taking any food. As a matter of fact, in our own experments of the Department of Agriculture, which has been perfomed in the Hawaiian Islands, the larva stage of the pink bollworm has been carried over for twenty-seven months; in Egypt similar experiments have been performed. Now, ordinarily that quiet stage is found in cotton seed, frequently the larvae spins a web and binds two seeds together and it is in that situation that it passes its long resting period. That is simply a device on the part of nature to bring about a spread and dissemination of the species. In some insects nature depends upon wing power. In the case of a pink bollworm, nature does not depend so much on higher development or power, as upon this prolonged stage during which by accident in primeval condition the washing of seeds down by rivers and so on and the natural artificial condition, the carrying of the seed in such condition, the insects may spread over a vast territory. Now, as to the introduction of this insect in the United States, I think that connects logically with what I have just said. The pink bollworm was introduced in Mexico about 1910, in shipments of Egyptian seed that

were brought to that country with the purpose on the part of the planters of improving the staple produced in that country. The Department of Agriculture promulgated a quarantine against cotton seed from foreign countries about 1912 or 1913, July 1st, it became effective. At that time it was not known that the pink bollworm appeared in this manner in Mexico. The Department of Agriculture had had explorers and entomologists in various parts of Mexico upon a number of occasions prior to about 1905. I, myself, have made several trips to northern and southern and central Mexico, making observations on cotton and other insects. At that time, the pink bollworm had not been introduced in Mexico. The condition immediately following, about 1905, was such that it was impossible to make any further exploration in that country. The demand was made upon the Department of Agriculture that it was only reasonable that after this embargo against foreign seed had been promulgated to admit from adjoining or nearby regions of Mexico, the seeds produced, which was greatly needed by the purchasers in this country. On that account, the original quarantine or embargo was modified in such a manner as to allow the cotton seed from Mexico for the purpose of crushing only. The receivers were to execute bonds, as they did, guaranteeing the immediate or early crushing of any Mexican seed received. At the same time, the Department attempted to send an agent into Mexico to be perfectly sure that the pink bollworm had not established itself there. It was not possible on account of the revolutionary conditions to send that man down. As the matter of fact, the sending of that Mexican seed to the United States was altogether due to a series of accidents, including the dynamiting of the ——— mill in the Laguna, the largest crushing establishment in the world, which with four or five others normally crushed all of the seed for use in Mexico. Without any knowledge in the department of the condition of the mill down there and the assuming that only the normal amount of seed for Mexico was coming to the United States, which was very small, very inconsiderable, indeed, this exception in favor of northern Mexico was made under the plans I have just stated and was at that point the sum of four hundred car-loads of seed from Mexico were admitted into United States and then through some eleven mills, scattered over the states. Does that carry the subject, judge, as far as you wanted to develop it at this time?

Senator Gibson: I would like for you to state the amount of destruction that has been brought about by this worm, what about the extent of its ravaging? What do you know about that?

Q. About its destructive nature?

A. Well, our sources of information are two: first, we have the publication of foreign governments, India, Egypt, Brazil, and others that have had to contend with the pink bollworm as an important cotton pest. In the second place the observations of either of the departments were sent first to the Hawaiian Islands and later to Mexico to study at first hand the actual state of affairs in those countries. Taking both those sources into consideration we have estimates of the losses to the crops running from seventeen per cent. up to sixty or eighty or even larger proportions of the crops. In Egypt where the pink bollworm has received more careful attention than any other country, statistics published by the Government indicate the loss of approximately seventeen per cent. It is very important in connection with the consideration of the Egyptian statistics to bear in mind the conditions surrounding cotton culture there. Egypt as you know is a treeless country where the cotton stalks and sticks as they call them there are in great demand for fuel. The fields are naturally cleaned every year by the natives for the supply of fuel that they furnish. The pink bollworm is frequently found. In fact the great majority of those who pass through the winter are found in the boll and only in partially opened bolls, in the scattered seed and seed cotton on the ground. All of that material is naturally and automatically collected by the natives and used for fuel. There is another consideration in Egypt that is also important; that is, that with these conditions as I have described them, with all the natural steps taken to reduce the reproduction of the pests, the Government there has found it necessary to enact very drastic laws towards the reduction

of the number of the insects. These laws require that all of the possible infested materials in the fields be collected by a certain date in the fall. It is regulated with reference to the climate of the country. In some parts it is about the 1st of December and in others it runs to the 1st of January. But, whatever the date is, under the law, the natives are required to bring all of the portions of cotton plants remaining in the field to compounds in the villages where they are pulled through rakes or otherwise, portions of bolls and burrs thus are removed, that material that could carry infestation is burned while the remainder of the plants are used for fuel. The Egyptian government also requires as a control measure, the cleaning of all establishments which are used for storing seeds for the purpose of preventing the flying of the parts out of stalks or seeds into the country. Another requirement is that all cotton seed used for planting anywhere in the country be fumigated with some chemical which will destroy the insects within. But the significant thing about the situation in Egypt is that the natural advantages they have there that operate toward the control of the pest and with these other steps which are required by law, still the last year's average estimates which were made, indicate the loss of seventeen per cent. of the crops. In Brazil the government has published statistics regarding the loss occuring there. These run from approximately thirty per cent. of the crop in one state to two-thirds of the crop in another state. In India, a report published by the British government last year indicated that the pink bollworm seemed to be in its ascendency again, that is, in some large districts, according to this report, as much as thirty per cent. of the crop had been destroyed. That was attributed to war conditions, the shortage of labor which resulted in careless handling of the fields, that is the fields were not as thoroughly cleaned up as they were under normal conditions. In the Hawaiian Islands our representative, Mr. Busck, conducted operations for some months about 1914. He found for some years before, there had been a rather flourishing condition of the cotton industry; the climate is perfectly adapted to the production of long staples. They had started in and developed the Sea Islands, caronovincia and other long staples cotton. About that time the pink bollworm made its appearance and was the primary factor in destroying or preventing the development of any cotton industry of any importance in the Hawaiian Islands. It is true that in one of the southern islands of the Hawaiian group cotton culture is being conducted today, but there's some five or six hundred acres of cotton managed by a company of Japanese who cultivated and planted and cleaned the fields according to Oriental methods similar to that followed in planting rice; that is, they put an amount of labor on it that would be utterly out of proportion to the amount of labor that an American farmer could put into his field. There, they are continuing to maintain a small production of cotton, but the reports indicate that it is doubtful whether they will keep up the fight very long. In Mexico, which is of the most direct interest in this connection, for two crop seasons, that is 1918 and 1919, we had three investigators making studies of the habits and life history of the pest and also of the amount of damage that it had done. They selected for those seasons, typical plantations in various parts of the Laguna and made detailed studies of the amount of fruit lost on definite groups of plants throughout the season. Without going into all the details—that may be necessary later—the sum and substance of their findings is that in the Laguna of Mexico approximately twenty per cent. of the crop is lost by depredations of the pink bollworm. In connection with the situation in Mexico, it is often said that no parallel can be drawn because that country is radically different climatically from the United States. It is true that that Laguna is several hundred miles south of us, but is is about four thousand feet higher than we are here and that difference in altitude fully offsets the difference in latitude. The truth is, in Mexico, where climatic records have been kept by a number of the planters, where our men have kept them for two years, the winter temperatures are just a shade lower than those temperatures; the winter temperatures, in the coast of Texas. So we have that sort of situation. That is what we know about the amount of damage that the pink bollworm does in the dif-

ferent cotton countries. We have a great amount of damage in India and a very great amount in the Hawaiian Islands and in Brazil; we have a smaller amount in Japan; we have a certain amount that I have described in Mexico. In those countries we have a variation in climatic conditions running from tropical and very humid to arid and rather cold like those in the Laguna. In other words, we know that this insect has considerable ability to adapt itself to extremely different climatic conditions. Some insects don't have that quality. Some are adaptable forms and some are not, but what we know indicates that the pink bollworm has considerable power of adaptation to different conditions. Our conclusion from that is that it would not have any particular difficulty in maintaining itself in the United States, although the conditions here are somewhat different from those in other countries where it has maintained itself. They are not radically different but the insect undoubtedly has power to accommodate itself to new conditions. We have a sample of that with which you are all familiar. The boll weevil which started in the Rio Grande section gradually spread over the United States, until it has now reached the Atlantic Ocean. That is an insect of tropical or subtropical origin. It was supposed by a great many people in the early nineties that the presence of the boll weevil in southern Texas was not a menace to the cotton crop of the State or to the country at large, because the insect could not maintain itself here. Of course, the boll weevil itself has overthrown that theory. We have the parallel showing what one insect can do. We have the pink bollworm with a known demonstrated greater adaptability to climatic conditions than the boll weevil itself; and therefore, it would not be reasonable to suppose that the pink bollworm would not be able to maintain itself in the United States.

Q. Just in what manner, Doctor, does it destroy the cotton?

A. It affects the cotton because it hits it at the vital point. What we are interested in, in the cotton, is the fruit, the bolls. That is exactly where the pink bollworm strikes, the larvae actually devours a certain amount of the lint before it is fully developed. When the lint becomes harder, it does not feed upon it, but when it is pulpy it feed upon the tissues; it feeds upon the seeds also; as a matter of fact, it prefers seeds to any other part of the boll; so that as the season goes along, the boll instead of opening with good cotton in it, either has two or three bolls with no cotton in it, or simply a mass of decayed matter, or in some cases is completely destroyed. In addition to the actual loss in weight, there's a reduction in the quality, because frequently when the lint has developed along toward maturity, the insect although not actually devouring it, by crawling through it, getting from one seed to another separates the fibers, chews the fibers in two, so that by collecting samples in Mexico and having them tested for their tensile strength and examined in other ways, it has been determined that what cotton the farmer does get out of the pink bollworm invaded field is of reduced quality. It destroys the seed in the first place, by preventing production by actually devouring a considerable quantity of them. It has also been found by recent investigation in Egypt, that the weight of the seed and the boll which does develop apparently has been reduced by reason of the general effect that the disturbance of the pink bollworm has upon the development of the boll. Our men in Mexico, in October and November of last year, weighed a large number of samples of seeds from the different pickings. The first picking down there begins about the first of September; then another picking comes along two or three weeks later. and a third and sometimes a fourth smaller picking. The first picking was comparatively lightly infested by the pink bollworm; the second was more heavily infested, and so on. By comparing equal bulks, that is, cubic metres, equal bulks of seed from these different pickings, they found that the pink bollworm had reduced the weight of the seed by approximately eight per cent.; that is, a metre of seed from the late pickings would weigh considerably less than a metre of seed from an early picking.

Q. Just in what way, Doctor, does this pink bollworm differ from the ordinary bollworm as to growing at different periods? Sometimes we don't have the regular bollworm in this country for sometimes a year or two in different sections. Just in a general way now, without going over

what you have said about the pink bollworm, does it differ from the ordinary bollworm that we are all used to in Texas?

A. Well, there are a great many insects that display different characteristics. The ordinary bollworm is an example of an insect which varies from season to season; it grows everywhere in Texas every year, but seldom does great damage in the same locality two years in succession. That is, that is an example of one class of insects. The boll weevil is rather a good example of another class of insects, which does more regular damage every year after year. In the case of the boll weevil, it varies; in the case of dry seasons it damages much less. What we have available in relation to the pink bollworm indicates a certain regularity of occurrence year after year; that is, it would be more like the boll weevil in this country. There would be fluctuations from season to season, but there would still be more constant damage, more constant than in the case of the ordinary bollworm.

Q. After this pink bollworm has once been fairly well established, is he easily eradicated from the cotton?

A. No, not at all; he has never been eradicated in any country, although efforts have been made. The trouble is those efforts have been undertaken after he has gained too much headway, covered too much territory.

Q. Doctor, have you done any research work in Texas for your department in reference to the pink bollworm?

A. The only research work we have done is to find him. Our research work has been done in Mexico and the Hawaiian Islands.

Q. Well now, what work have you done in Texas, what efforts have you expended in looking after the pink bollworm in Texas?

A. As soon as the shipment of the Mexican seed to the United States was known, we began a system of inspecting the cotton fields growing in the vicinity of the mills which had received that seed and also in a number of cases, points that had received hulls from those mills. We employed entomologists through the United States Civil Service Commission, who examined those places and continue to examine them now every year since 1917. We examine the fields in every place from which a report is received that the pink bollworm or some suspicious insect has been noticed by a farmer. In the course of a year, the State Department and our Department receive hundreds, if not thousands of letters from farmers to the effect that they think they have the pink bollworm, everyone of those reported cases is investigated carefully. We have continued the examination of these places where the original Mexican seed was received up to this date, and as a matter of fact, it is being continued right now.

Q. Have you personally been hunting for this pink bollworm in Texas?

A. Not very much. My duties have been generally administrative, but I have hunted for them, and have found them in Galveston, Chambers and other counties.

Q. Your department confers with the State Department of Agriculture and that Department with you in this work, do they not?

A. Yes, that is so.

Q. Where has the pink bollworm been found in Texas by your department, doctor?

A. At Hearne, in Chambers County, Jefferson, Orange, Liberty, Galveston, Brazoria and Harris counties, and in Brewster, Presidio and Ward counties.

Q. What part of the State is known as the Trinity Bay section?

A. It includes Liberty, Chambers, Brazoria, Galveston and Harris counties.

Q. You accounted a while ago for the first introduction of the pink bollworm in Texas by the shipment of cotton seed from Mexico to crushers in this State, to some eleven mills. Does that account for the presence of the pink bollworm in this State throughout?

A. It does not.

Q. How did the pink bollworm get into the Trinity Bay section, was any cotton seed shipped in there?

A. Cotton lint was shipped in there in 1915, some thousands of bales of Mexican cotton—stolen and sold in El Paso, and shipped to Galveston, and was around the docks there on the 15th of August, at the time of the tropical hurricane there where 27,000 bales of cotton altogether, including several hundreds of bales of Mexican cotton, that were

washed ashore. Many of those bales were broken open by the force of the water. The Mexican cotton contained an unusually large number of seed. Our investigation leads us to believe that the finding of the infestation clear around the outline of Trinity Bay is due to the washing ashore of the bales of Mexican cotton. The records of that cotton have been investigated very thoroughly; that is, the cotton was traced by waybills, numbers and marks, through various handlings, until it arrived at the docks in Galveston. The records became very complicated, because some of them were lost in the handling of them on the trial of that matter in the Federal Court. But it was possible to follow the cotton very thoroughly, however, it took three or four men a half year to get out the records fully to show us that there were some hundreds of bales of Mexican cotton which were washed ashore and never recovered, which would be sufficient to establish the pink bollworm in this area.

Q. Your Department has found the pink bollworms in all of these counties which you have mentioned?

A. Yes, sir.

Q. You cooperated with the State Department of Agriculture?

A. Yes, sir.

Q. Did you send out one man or more when you go to look for these pink bollworms? When you go into a man's field did you send one man or more?

A. We send several for the reason, first, that the State law requires that the finding by any inspector be confirmed by two other persons.

Q. By affidavits?

A. Yes, sir, by affidavits.

Q. All of these worms that have been found by you or your assistants, have they made the affidavits as required by the pink bollworm law of this State?

A. They have.

Q. That is, three of them make affidavit to that fact?

A. Yes, and the specimens themselves have been sent to Washington for examination by the best specialist, recognized authorities in the world for determination of insects of that character. The insects are sent back to Texas, and according to the terms of the statute filed in the State Department of Agriculture.

Q. The affidavits have all been filed with the State Department of Agriculture of this State?

A. Yes, sir.

Q. Have you any specimens of the pink bollworm with you here?

A. I have. Mr. Jenkins———. I have here some specimens of pink bollworm along with the specimens of the common bollworm and the boll weevil, and the scavenger worm, which is ordinarily found in cotton bolls throughout the State, and it is that scavenger worm generally resembling the pink bollworm which the entomologists have found for many years to be what the farmers and others commonly call the pink bollworm; this scavenger worm has been here for many years. These pink bollworms are not pink now, because the color has been destroyed by the preservative.

Q. How does the pink bollworm compare in size with the regular bollworm?

A. About one-tenth of the size.

Q. What is that you have in your hand?

A. It is a collection made largely all over Chambers County, they are pink bollworms. About half of these specimens were taken from a collection of one hundred and fifty pounds of bolls from a field at Smith Point in 1917. This lot of specimens were used in supplying material for our inspectors and the State entomologist for the purposes of comparison. We have put into this container a number of pink bollworms from Mexico, so that they are now mixed up, but orignally we had filled the contaners with pink bollworms from one hundred and fifty pounds of bolls of Texas cotton.

Q. How many worms are there?

A. You will have to count them.

Q. This question, please doctor, about the scavenger worm; that is a worm that a great many people mistake for the pink bollworm?

A. Yes, sir.

Q. How does it resemble the pink bollworm?

A. It is pink, and its body is divided into approximately thirteen segments. It differs, however, in a number of important structural characteristics. As a matter of fact it is a different animal; it differs from a pink bollworm just like an oak tree differs from a pine tree, or a horse differs from a cow. The scavenger

worm has a certain structure of its own, which is absolutely characteristic, just as the cloven hoof is characteristic among cows. The pink bollworm has another structure of its own, which makes it comparable to the hoof that is different among the animals; just like a crow is different from a duck.

Mr. Woods: When was the pink bollworm discovered in Egypt?

A. In 1909.

Mr. Bryant: I think you have done so, but for the benefit of those who didn't hear—give some of the distinct characteristics between the bollworm and the scavenger worm?

Senator Caldwell: Ask him to give the characteristic of the pink bollworm different from any other worm. I mean in looking at the worm itself, what are the distinctive characteristics that the eye sees, as between it and the pink bollworm?

Dr. Hunter: By examining the extremities of the legs, which are short protuberances on the underside, hardly to be recognized as legs. In the scavenger worm you will find a complete circle of spines uninterrupted at any point. Examine the leg of the pink bollworm and you will find similar spines, but they are not arranged in the same way; they are curved but it is open on one side, they never come together. They are different in the location of the hairs on the different parts of the body. There is a difference in the construction of the internal portions. The plainest visible difference is the structure of the legs.

Q. What method, if any, can be adopted to prevent the spread of the pink bollworm when it is found in small numbers.

A. The best method is undoubtedly to starve it out.

Q. How is that done, doctor?

A. By depriving it of cotton, by not planting cotton.

Q. Will the pink bollworm thrive on any other plant life except cotton?

O. It can hardly be said to thrive on other plants. It has been found feeding on other plants resembling cotton. You will find a statement along that line in our reports published by the Government, and in other government reports. It has been found feeding on okra, and other plants akin to cotton. Our men in Mexico found it feeding on those plants. They desired to find out whether the insect could pass from one year to the other on these plants which are related to cotton. In order to do that they erected a screen cage over a garden in which a number of okra plants were growing, and liberated some hundreds of specimens of adult pink bollworm moths in that cage. Later they found they had deposited eggs on the pods, and in some cases they found pink bollworm larvae feeding in the pods. They left them there in 1918, and in 1919 they planted okra again and let some volunteer okra grow there throughout the year 1919, to see if there was any carrying over from one season to another; they never found a single case of infestation in 1919. Our conclusion from that and from many other observations in Egypt and Mexico, a certain number of individuals might take okra or other plants and maintain themselves a short time, but there is absolutely no evidence in our findings, or findings published by anybody that would indicate that the species is able to carry over from one year to another on any other plant.

Q. In other words, if it carries over to perpetuate itself it must be on cotton?

A. Yes, sir.

Senator Woods: How did it originate?

A. Well, that goes so far back into antiquity I couldn't even speculate on that.

Mr. Bryant: You said the only way to exterminate this worm is by starving it out. Has your Department made any investigation as to how much area around an infested field you would have to establish to keep the worm from spreading. In other words, do you know where a field is infested how much area would have to be around that in which you didn't grow cotton?

A. It is not a matter that is susceptible of exact determination; it would depend on conditions and circumstances.

Q. The number of insects present would have an important bearing on that?

A. If you had ten millon moths in one field the chances are that some of them would go more than five miles would be considerable. But not many would go that far. If you had only a few hundred it might be that none out of that number

would go as far as five miles. The distance they will fly cannot be determined; it is more or less indefinite. They can take one short flight and rest awhile and then take another flight, and continue that more or less indefinitely.

Senator Woods: Does a strong wind tend to spread these moths for a long distance?

A. According to our observations winds are uncertain quantities in regard to the spread of this insect. It is not inclined to get up in the air and fly a considerable distance in a high wind. When there are high currents of wind it is more inclined to get shelter in the ground under the cotton plant. The more favorable condition would be when there is a mild wind.

Mr. Bryant: Has your department made any experiments, and demonstrations, tending to bear out your statement that the only way to exterminate this pink bollworm is by starving it to death?

A. We made one experiment in a case at Hearne, Texas, that seems to be important, where this plan was followed. This is a noncotton zone, so established and maintained by the cooperation of the farmers for two years; there has been no recurrence whatever of the infestation. We had inspectors there throughout the two seasons, in the noncotton zones, and they took out the volunteer cotton plants. We made inspections of cotton growing outside of the zone. They are still examining the bolls that have been collected just outside of the territory, and no appearance of infection has been found.

The examination was made on okra and other plants growing in the zone infested; no effort was made to eliminate okra or other plants that might under extreme circumstances support the insects for a short time.

Q. Your idea is then, that the only way to exterminate this pink bollworm in these counties in Texas where it has been found, is by starving it to death, or the establishment of a noncotton zone?

A. Yes, sir.

Mr. Bryant: Mr. Chairman, that is all the questions I care to ask the witness at this time, if the committee wants to ask him any questions they might do so.

The Chair: I think we had better have some understanding about that matter. I thnk I will suggest the other side go ahead and question the witness, and then after we get through with that on both sides then if there is any committeeman who wants to ask any questions, he can do so.

Senator Dean: I think that is a good suggestion.

Gen. Wolters: Mr. Chairman, Mr. Jackson of Brazoria County will conduct the examination.

Cross Examination.

Mr. Jackson: Q. You said in regard to your qualification, I believe, that you were a graduate of the University of Nebraska?

A. Yes, sir.

Q. What year did you graduate?

A. 1895.

Q. What course in that University did you take

A. A full course, the Master of Arts.

Q. Does that have anything directly to do with entomology?

A. The course I took did, yes.

Q. In what way

A. Three years through the study of entomology.

Q. Is that course similar to the ordinary course of Bachelor of Arts? It isn't a special course?

A. It was a special course, the one I took.

Q. A special course in entomology?

A. Yes, sir.

Q. During that time did you have occasion to note or study the pink bollworm?

A. I did not.

Q. Now, after your course there, where was your next course, where did you go from there?

A. I didn't go, I remained there for a post graduate course in the same institution.

Q. In what branch?

A. In entomology.

Q. Is the University of Nebraska an institution that gives special attention to entomology?

A. It was at that time, and is yet.

Q. In your connection with the department you began, you say, in 1900 with the Federal government?

A. Yes, sir.

Q. What was your particular line of work?

A. The investigation of the cotton boll weevil.

Q. When was the cotton boll weevil introduced in this country?

A. About 1892.

Q. From what place?

A. From Mexico.

Q. In what manner?

A. I don't know.

Q. Your investigation of the boll weevil then didn't reach the beginning point, or find its origin in the United States, other than the point from which it came? You don't know how it came?

A. No.

Q. What steps did you take to eradicate the boll weevil?

A. When I assumed the work the problem of eradication was out of the question; it had spread as far as Wharton County, Brazoria County, and over an enormous area in Texas, many counties being very large producers of cotton being involved.

Q. What steps did you take to control the boll weevil, if any?

A. We studied the life history of the insect, with reference to the control of the insect by insecticide and otherwise.

Q. Did you, or did you not, have a theory that this pest could be controlled by a natural enemy?

A. No, we investigated the possibility of control by natural enemies, and we came to the conclusion that nothing could be done along that line.

Q. Did you not, Dr. Hunter, or were you not instrumental, or did you not bring in a cargo, or a part of a cargo of Guatemalan ants to eat up the pest?

A. This was done by the department, but I had no direct connection with it.

Q. Isn't it a fact, Dr. Hunter, that you absolutely did bring these ants in yourself, even under the control of the department; didn't you bring them in, the Guatemalan ants, or attempt to bring them into Texas?

A. I did not.

Q. Did you then have charge of the Victoria Experiment Station?

A. I was at Victoria about 1901, 1902 or 1903.

Q. Did you not conduct an experiment station at that point?

A. I did.

Q. What methods did you work out, or attempt to work out for preventing the boll weevil there and elsewhere in Texas?

A. Seeing that insects had spread over so much territory that eradication was not feasible we divided our efforts in seeing what was the next best thing. Our experiments dealt with control by insecticide by the method of planting and times of planting, and did in fact every conceivable thing.

Q. Did you have the Guatemalan ant at Victoria?

A. I did not.

Q. But did your department have it there?

A. Yes, it did.

Q. Were you or your department restrained in the courts from landing that Guatemalan ant in Corpus Christi, or at other points on the coast?

A. We were not, so far as I know, not so far as my recollection goes.

Q. Do you know that you were not?

A. My recollection is that Mr. Ross Clark of Port Lavaca started proceedings, or started to file proceedings, but was advised by someone to drop it, and my recollection is that the case was never filed.

Q. From what place and through what port was the Guatemalan ant brought to Victoria to your farm?

A. It was brought through the port of New Orleans.

Q. That was an experiment of the department?

A. Yes, sir.

Q. Based upon a theory, wasn't it?

A. It was based on more than a theory.

Q. Well, it was based on a theory, wasn't it?

A. Well, I will say a theory in part.

Q. A theory in part. What was the rest?

A. In a great number of cases successful results have followed the introduction of parasites or enemies of infectious insects in this country.

Q. Did the Gautemalan ant eat up the boll weevil?

A. It did to a certain extent.

Q. Was it a successful experiment?

A. It was not.

Q. Did you have anything to do, Dr. Hunter, with the attempted eradication of the Russian thistle?

A. No, sir.

Q. Nothing at all?

A. No, sir.

Q. The Russian thistle, do you know the history of it?

A. Only in a very general way.

Q. Were experiments to eradicate it successful?

A. I don't know.

Q. Coming to the pink bollworm. You said that it was introduced, or at least was discovered, in 1842 in India. What records have you from constituted authority of its ravages and damages in India? We are getting at this; you have made statements, we want the proof of those statements from constituted authority.

A. In the Department Bulletin No. 725, our Department—

Q. What government?

A. Our department.

Q. Where is that authority? We would like to have the authority of the people in India.

A. In Bulletin No. 723 of the United States Department you will find a list of the sources of the information from India, and where the references are from.

Q. Have you those authorities at hand?

A. I have the list here.

Q. If you have those authorities we would like to have the evidence from the original sources?

A. I am afraid you will have to get them———

Q. It is easy to make a statement that such and such is the case and another thing entirely to present the proper evidence to prove that this is the case. We want to get the truth of this matter, whatever the result is, we want the whole facts. We want that from the original source.

A. I have in my library in Houston the greater part of the papers that have been written on the pink bollworm in all countries. Those papers have always been open to examination.

Q. I would like to ask you who or what country controls India? Is it England?

A. Yes, sir.

Q. Has England ever declared a noncotton campaign or anything to reduce this pest in India?

A. No sir, and it has spread over the whole country.

Q. Has England experimented by stopping the growing of cotton for any period of time in India?

A. It has not.

Q. Now, in India what degree of damage can you state from authority has occurred? We would like to have the records of the English government?

A. You can have the record to which I referred a moment ago. The loss in India last year ran up to eighty per cent.

Q. Is that from the English government?

A. Yes, sir, it is from the English government.

Q. In what portion of India?

A. The general region near Deconn.

Q. In 1842 the pink bollworm was discovered in India. Do you have any record of its having been searched for before that time?

A. No.

Q. Since 1842, and particularly in recent years, is it not a fact that the cotton production of India has materially increased year by year over the country?

A. I don't know whether it is a fact or not, my impression is that it is not a fact. I would have to examine the statistics.

Q. Well, unless you can show that it has decreased,—that is what we are looking for, the facts about the pink bollworm. Now, coming back to Egypt; you said that soon after it was transported to Egypt; when was it transported to Egypt, and how?

A. It is not known exactly when.

Q. How nearly can you state? You said in your direct examination that it was soon after?

A. No, I beg your pardon. I said about 1909 or 1910, or shortly after that, it was transported to Brazil.

Q. It was transported then, we will say in 1909 to Egypt,—that is when it was first found?

A. Yes, sir.

Q. What was the extent of the infestation when it was first found?

A. Limited to lower Egypt.

Q. Do you know Sir John Todd?

A. I do.

Q. Did you hear Sir John Todd lecture at the Houston auditorium some time since?

A. I did.

Q. Did he not qualify in your opinion as a man who knew the cotton business and an expert who knew his business?

A. He knows the cotton business, but there is a great deal about entomology that he doesn't know.

Q. Do you recall that he said that within two years from the discovery that the pest spread five hundred miles in enormous quantities?

A. I don't recall that statement.

Q. Now, coming back to Egypt, what kind of country in the way of climate is Egypt, Dr. Hunter?

A. It is generally arid, the seasons correspond more or less with ours in the cotton belt, they plant about the same time, and they have to irrigate.

Q. Does cotton live from year to year in Egypt as it does in Mexico?

A. In the lower regions it does, I don't know how general that is, however.

Q. How do you account, doctor, for the rapid spread in Egypt in the past two years after its discovery, as against the very slow spread, or a decrease in Texas, as the facts will develop, in two or three years?

A. You say how do I account for the rapid spread?

Q. Yes, as compared with the so-called rapid spread in this country?

Q. I have no reason for supposing that the spread was rapid.

Q. You heard the statement of Sir John Todd did you not, as to the immense spread in Egypt?

A. No.

Q. What are your records in regard to Egypt, as to the spread of the pink bollworm?

A. It has been slow and steady.

Q. Since 1909?

A. Yes, sir.

Q. What percentage of damage, Dr. Hunter, according to your record, was done in Egypt in 1909?

A. Approximately seventeen percent.

Q. That was the first year of its discovery?

A. About 1909.

Q. Yes?

A. I haven't records of that.

Q. Approximately, doctor?

A. None have ever been issued so far as I know.

Q. What is the first record of the damage in Egypt?

A. About 1915 or 1916.

Q. 1915 or 1916 was the first record of the damage, and what was the damage?

A. About twenty percent.

Q. Who estimated that?

A. Mr. E. F. Wilcox and Mr. Gough.

Q. What are their qualifications, Dr. Hunter, as authorities in this matter?

A. Very good.

Q. Have you their reports?

A. Yes, sir.

Q. With you?

A. They are in the office of the Department of Agriculture.

Q. Well, we will call for those later. I want to get something else here. How is this damage determined, by the failure in the yield per acre or an average over the area? For instance, if it produces four hundred pounds of cotton on one year, and there is a decrease to 380 or 350 or 300, is that the method of determining that?

A. That method is followed, but it is not the proper one, because cotton failures in yield from year to year on account of climate, or in Egypt on account of the amount of water available for irrigation. The usual method for determining that is to determine the loss on the individual plant.

Q. And how is that determined?

A. By counting the number of bolls that have failed to develop on account of infestation, and calculating how much that loss would amount to on an acre basis.

Q. Now, in determining the plants or bolls that did not mature, is that the idea?

A .Yes, sir.

Q. Don't you know, Dr. Hunter, that bolls fail to mature in cotton for various reasons, especially late in the year?

A. Yes, sir.

Q. Do you hold that the loss in the failure of bolls to mature in Egypt was due to the pink bollworm exclusively?

A. It was due to several causes, but when this calculation was made it was only bolls that showed unmistakable characteristic evidence of the pink bollworm that were taken into calculation. The number of bolls that were injured by other insects, and they have several other insects in that country, and certain others that were injured by fungous diseases and bacterial diseases were eliminated in that calculation.

Q. Who conducted those experiments?

A. Mr. Wilcox and Mr. Grough were the principal ones.

Q. Do you know or not of a man by the name of Dudgin, who has considerable to do with cotton?

A. I know him personally, he spent several weeks with me in Texas some weeks ago.

Q. Is he qualified as an expert along those lines?

A. Not altogether.

Q. Did you not testify in a hearing before Judge Ashe in Houston that yourself, Dr. Busck and Dr. Dudgin were the three established authorities on the pink bollworm?

A. I never testified about my own qualification, if you will eliminate that I will answer the question.

Q. I believe I recall that Dr. Busck testified to that.

A. Dr. Busck is the leading authority in the world. Mr. Dudgin is a specialist in one branch of entomology. Entomology with Dr. Dudgin is an avocation; he is primarily an agriculturalist. He is Director of Agriculture in Egypt.

Q. His statement in printed pamphlets would be worthy of consideration? His reports of agricultural conditions in regard to the pink bollworm and relating to cotton?

A. Not altogether, because certain statements made by Dr. Dudgin about the pink bollworm have been withdrawn by Dr. Dudgin himself.

Q. Does that disqualify a man?

A. It doesn't disqualify that man, I think it a very good quality, but it does show that certain statements made by him have failed of confirmation.

Q. But the statements in regard to losses in Egypt from the records of the Government, has he withdrawn those statements?

A. I don't know that he has.

Q. Now, along the line of withdrawing statements, did you not testify in the Albritton case that the cotton plant was the only known food and host plant of the pink bollworm?

A. I did not. The statement I made at that trial was that exhaustive examinations had been made in Texas of cotton and other kindred plants, and no infestation of these other plants had ever been noted.

Q. Also, at that time in Mexico, wasn't it repeated?

A. When was that trial?

Q. 1917, August or September.

A. Yes, the statement was true in Mexico, at that time.

Q. Still the theorists found themselves mistaken, and you have found other plants in which it will live and propagate?

A. The statement still stands that no infestation of these other plants has been found in Texas.

Q. We are not talking about infestation, we are talking about propagation. Haven't you made the statement in some of your bulletins, over your signature, that it would live and propagate in three or four members of the hibiscus family?

A. I don't remember that exact statement.

Q. May I read from your book, Dr. Hunter?

A. You certainly can.

Q. "Observations made in India, Egypt and Brazil show that the pink bollworm, under certain conditions, may propagate in plants other than cotton. These include okra, Indian hemp, hollyhock and related plants. In so far as okra and hollyhock are concerned, these observations have been confirmed by investigations made recently in Mexico by Mr. August Busck and his associates. In Texas, in addition to okra which is very commonly grown, there are four species of hibiscus even more closely related to cotton than okra, which might support the pink bollworm. These wild plants grow in large colonies, and are of very general occurrance." Did you make that statement? In other words it says propagate, you have it?

A. Read that whole paragraph.

Q. "The inspection made during the season in the noncotton zone have included the minute examination of many thousands of these plants. In cases all of the seed pods on large groups of the plants growing in the vicinity of pink bollworm infestations of the year before were examined with negative results." That is true isn't it?

A. Yes.

Q. You didn't find anything in those wild weeds and flowers and plants that grew in the vicinity of the infestations?

A. Yes, sir.

A. You examined, according to your statement, over three million cotton plants in the same neighborhood in addition to the wild flowers, and didn't find any other sign of it in 1918, isn't that true?

A. Yes, sir.

Q. At Smith's Point, where you found that bottle of worms, or part of them, you permitted fifty-six plants to mature, didn't you?

A. Yes, sir.

Q. In that 56 plants which you said were infested, seventy-five per cent in 1917, you didn't find a single worm, did you?

A. No, sir.

Q. Now, you have an inscription on this bottle, is this inscription true?

A. That may be the old label, what is it?

Q. "Collected December, 1917, filled by Colle Franklin, Smith Point, Texas. These pink bollworms were taken from 170 pounds of cotton." And now you say some of them came from Mexico?

A. That is the old label.

Q. Why didn't you change it?

A. I explained that was a general collection we used to supply the requests for experiments, their supply became depleted, we re-supplied them.

Q. This is the bottle that you are exhibiting here for the proof of infestation in Texas?

A. It is not. There is the proof of infestation in Texas. (Witness indicates another package on the table). I was asked if I had any specimens of pink bollworms with me.

Q. There is a label inside of the bottle, similar to the one on the outside?

A. I don't know.

Q. Look at that bottle, Dr. Hunter.

A. I cannot read the label inside of the bottle without taking it out.

Q. Who is Mr. Ballew?

A. He is known as an American entomologist. He is now entomologist for the Imperial Department of Agriculture for the West Indies.

Q. Is he a British officer?

A. Yes, sir.

Q. Is he competent?

A. He is a good man, he is competent.

Q. Are his statements worthy statements?

A. I think they are.

Q. If the testimony of Mr. Ballew in regard to Egypt would show that the decrease in the production of cotton per acre has been steady for the last twenty years, but that since the discovery of the pink bollworm this decrease has not been accelerated. would that statement be worthy of credit?

A. I don't know that statement, that the loss in Egypt amounts to seventeen per cent of the crop, that is Mr. Ballew's statement.

Q. I think his statement in his book is ten to about twelve per cent, but he says it is not accelerated. Would the war conditions have anything to do with it, the scarcity of labor and the extreme price of food material have anything to do with the decrease in the production of cotton?

A. In Egypt?

Q. Yes.

A. I am not familiar enough with the conditions there to say.

Q. Aren't you considered the greatest, or one of the greatest cotton experts in the world?

A. I am not by myself.

Q. By your associates?

A. I do not know, Mr. Jackson.

Q. There has been a great fluctuation in the price of cotton, owing to the war, it makes it considerably difficult to place a money value on the loss caused by the pink bollworm. It would be very difficult to give figures or show the loss resulting from the damages by this insect. It might be taken as ten per cent of the total crop for Egypt for the last two or three seasons; that is calculated on the amount of the failure of the last crop. Has England had control of Egypt during these years?

A. That is my understanding.

Q. Have they ever in all of that time prohibited the growing of cotton for this purpose, to stamp out the pink bollworm?

A. No, for the reason that when they found the pink bollworm was there it had spread over too much territory and such means could not be used.

Q. Didn't you testify a while ago that when first discovered the infestation was light?

A. It was light?

Q. So very light that no notice was taken of it until 1915. You say no records were made until 1915?

A. Considerable notice was taken, but exhaustive studies were not made of the amount of the injury until about 1915 or 1916.

Q. England is a country very careful, Dr. Hunter, is it not, with its agricultural department?

A. It is.

Q. Hasn't England as good experts in entomology as America?

A. They have very good ones, but there are a great many of them, including Mr. Dudgin, that came to this country to get what information they could get here about entomology.

Q. Why didn't they go to Egypt where the pest was?

A. I was speaking about the general subject of entomology.

Q. So far as the subject of the pink bollworm is concerned, I take it that England is practically the home, it is the Egyptian pink bollworm, that is the name of it?

A. Sometimes.

Q. Have you ever studied the subject of the pink bollworm in its home grounds, in Egypt?

A. No, sir.

Q. In Mexico you said that it was found in 1916? Am I correct in that?

A. In 1917, I believe,—no, 1916.

Q. I believe I note by one of your bulletins in 1913 you call attention to the fact of the pink bollworm and the danger of being imported into this country, did you not?

A. Yes, sir.

Q. Within a very short time a quarantine was maintained against Mexico, is that true?

A. Yes, sir.

Q. That was your first knowledge of it?

A. As I said, some moments ago, the quarantine was promulgated on July 1st, 1913, I think, then a few weeks after that, that quarantine was modified as to northern Mexico on account of the conditions which I described.

Q. At whose demand or request was that quarantine modified or changed, what caused it?

A. My recollection is that there were petitions from the Texas cotton seed crushers.

Q. Were you in charge of the department here at that time?

A. I was not in Texas at that time.

Q. Were you in charge of the direction of this part of the department at that time, wherever you were?

A. I was not.

Q. The Federal Government then relaxed its vigilance at the instance of the cotton seed crushers?

A. The Government modified its quarantine on account of the absence of information regarding the infestation by the pink bollworm in Mexico.

Q. Why was the quarantine put against Mexico in the absence of evidence that the pink bollworm was in Mexico?

A. It is the general rule in applying quarantines to make them very comprehensive and make exceptions as occasion would warrant.

Q. Do you mean to tell me that a quarantine is put on on a suspicion?

A. Sometimes it is.

Q. Then you will testify that without a knowledge that the pink bollworm was in Mexico the government quarantines Mexican seed, and Mexican cotton products?

A. The government quarantined against seed of all countries.

Q. Mexico included?

A. The department had investigated the cotton proposition in Mexico up to a few years before that time, and had found no facts there that didn't occur in this country.

Q. That relaxation of the quarantine comprehended a bond from the crushers, did it not?

A. Yes, sir.

Q. What was the condition of that bond?

A. As I remember, it was a $5,000.00 penalty for not crushing the seed promptly.

Q. Did they carry out the terms of this bond, and were those bonds actually executed by the millers?

O. So far as I know they were.

Q. How far do you know?

A. By talking with the proprietors of these mills.

Q. Which ones of them?

A. The mills at San Antonio, Grand View, Hearne, Beaumont, Houston, Wolfe City and Kaufman.

Q. Was the government officials or officers on the job seeing that those conditions were met?

A. They were.

Q. How do you account for the fact that seed from these mills instead of being crushed were used for seed?

A. In some instances it was probably stolen.

Q. Have you proof of that fact?

A. No proof.

Q. Then, why do you make it?

A. Because in one case where infestation is traceable to this Mexican seed the statement of the miller and our inspection indicated that the seed had been all crushed promptly, but the manager of the mill in that one case told me that in spite of all they could do the negroes had sometimes carried them away.

Q. What mill was that?

A. Beaumont.

Q. Would that be a violation of contract, doctor, if a man came in the night unbeknown to the miller and stole the seed?

A. I am not a lawyer; I cannot say.

Q. Here's your statement, doctor; "Likewise the investigation at Beaumont was found to be limited to the field planted in seed from the mill; this seed was used for this purpose in violation of an agreement on the part of the mill that it should be crushed immediately, which indicated that that contract was violated."

A. The contract provided for the crushing of the seed; if any of the seed was not crushed, it was in one sense a violation of the contract.

Q. Was the bond executed and collected———

Mr. Bryant: Mr. Chairman, I don't know, but it appears to me that is irrelevant and immaterial and would throw no light on this question as to whether these ginners complied with their bonds or whether these seed were stolen. I don't see any reason—how it is going to throw any light on this question. If the seed were planted in violation of the contract, that is not going to throw any light upon this.

Gen. Wolters: Mr. Chairman, the purpose of the investigation, among other purposes, is to ascertain the source of the infestation. We are told in a written report that it was probably due to the fact that an oil mill manager violated his agreement by not crushing the seed. We are told from the witness stand under oath that the seed were probably stolen. When the question is propounded as to proof of that, the statement comes that there is no proof, but it was indicated by statements made by the miller. If the statement in the report is correct that the infestation was caused because the miller did not comply with his contract but broke it, then we think that this committee and the people of Texas and the United States have a right to know why the great Department of Agriculture of the United States Government did not enforce that contract and make an example of a recalcitrant crusher. However, the main purpose is to ascertain the infestation, and we propose to show, as we are trying to do, that it is all based on probabilities and theories, and we are trying to find what we can do with reference to the matter. That seems to me a very pertinent inquiry.

The Chair: You understand that I was absent from the room while the questions were being asked, but from the statements that are made by the attorneys, I think under the conditions I will admit the questions; the questions are admissible.

Q. Was the bond executed and paid in that case of violation which you state in your pamphlet was made?

A. I don't know. The matter was referred to our Legal Department at Washington. I am not informed as to what steps were taken.

Q. That was at Beaumont?

A. At Beaumont.

Q. When was that seed shipped to Beaumont?

A. 1916 or '17.

Q. Was it shipped into Beaumont with the full knowledge of the United States Government and Agricultural Department, or your department under a contract of relaxation?

A. Yes, I think probably it was.

Q. Then, what is your reason for the statement that as soon at it was discovered that seed had been shipped into Texas from Mexico that immediate search was made in and around all of those mills?

A. Because it was. This discovery of the infestation in Mexico was made in November, 1917, or '16; November, 1916.

Q. November, 1916?

A. So these seed must be shipped in 1916, prior to November.

Q. Now, as to the infestation, have you any record of an infestation in Florida?

A. In Florida?

Q. Yes, sir.

A. No, sir.

Q. Not at all, prior to this time?

A. No. sir.

Q. Any report of it in any of your reports?

A. From Florida?

Q. Yes, sir.

A. No, sir.

Q. Have you any knowledge of an infestation in Louisiana?

A. I have.

Q. Where?

A. In Cameron, Jefferson Davis and Calcasieu Parishes.

Q. How many points of infestation in the three parishes or counties?

A. Approximately 10.

Q. Ten in three counties. To what degree was the infestation in the fields where found? How many

worms were found in those fields approximately?

A. In some of the fields, there was an average of one worm to three or four bolls.

Q. Have you a department report upon that with the affidavits of the people who found those infestations?

A. We have reports, but no affidavits. They are not required under the Louisiana law.

Q. Have you those reports in your possession?

A. They are in the Houston office.

Q. You came to testify in this matter, to lay this whole matter before this committee, did you not, doctor?

A. I did.

Q. Didn't you have reason to believe that those reports would be called for?

A. I had no reason to suppose that Louisiana reports would be called for.

Q. Now, when was that Louisiana infestation discovered?

A. About sometime early in February, 1920.

Q. 1920. In just 10 fields?

A. In more than ten fields; at ten points.

Q. At ten points. In how many fields?

A. I can't give you the exact figures; approximately, perhaps, fifty fields.

Q. Was there any report of that infestation the year before?

A. There was not.

Q. Doctor, where does it develop or where does your theory that that infestation come from?

A. I have not determined.

Q. I know, but I am asking you for what you are apparently able to give, I am asking you for a theory; you are an expert and you have a right to give an opinion.

A. There are several theories. One is that some of the foreign seed was brought in there some years ago and brought the infestation. Then another theory that seed from Chambers County or Jefferson County was carried over.

Q. And another theory, isn't it, doctor, and the one to which the Department holds, the Department of Louisiana, that that same infestation came from some more of that Mexican cotton that is said to have been washed ashore?

A. I think not.

Q. That is the accepted theory, is it not?

A. I have been in constant communication with the Louisiana people and I have never heard them propose it.

Q. I would say, doctor, we have a wire from the Secretary of Agriculture stating that this is his theory of the infestation, that some more of that Trinity Bay cotton washed ashore there. We have that telegram within the last few days from the Commissioner of Agriculture of Louisiana. I presume that perhaps you are familiar with that condition, inasmuch as you have been instrumental in finding it?

A. That theory was considered, but we found it probably untenable.

Q. Probably untenable. Why?

A. On account of the distance from Galveston.

Q. How far is that from the coast?

A. It is one hundred—something over one hundred miles from Galveston.

Q. Still, wouldn't you consider, doctor, if the Secretary of Louisiana gave that as his opinion, I mean, the Commissioner of Agriculture of Louisiana, that that would be worthy of credence or of consideration?

A. No, I would not.

Q. You would not. Well, in Texas; let's take up Hearne. When was the cotton seed shipped to Hearne?

A. From Mexico?

Q. Yes, sir.

A. In 1916.

Q. The winter of 1916. When was the first pink bollworm alleged to have been found at Hearne

A. In September, 1917, I think.

Q. September; what time in September?

A. September 5th. I can confirm that.

Q. You have made an exhaustive investigation of that, have you not, doctor, particularly of Hearne as being the first point?

A. Yes.

Q. How many experts have you had on the job there in the past three years?

A. Oh, at different times perhaps 50 men have been there.

Q. Now, when did you begin the investigation and hunt for that worm at Hearne, at what time?

A. About July, 1917.

Q. In July of 1917. And you

found him in September. Where did you find him from Hearne, from the mill?

A. About 20 yards from the mill.

Q. In a field?

A. In a cotton field.

Q. Do you know where that seed came from that planted that field?

A. I do not.

Q. Have you any way to trace that seed, to that mill?

A. It is probable that our records will show that.

Q. We don't want the probable, Dr. Hunter. We are after the things you know and leave the committee to say what is probable. You don't know where that seed came from?

A. No.

Q. Was that pink bollworm alleged in a boll when found?

A. It was.

Q. In a seed?

A. I don't know.

Q. Now, was that cotton stalk on which he was found in a row of cotton or was it volunteer?

A. My recollection is it was a row of cotton.

Q. In a row of cotton, showing that it came there from planting, from the planting of the field?

A. Yes.

Q. And then with all those experts and yourself, you say you failed to ascertain where the planter of that field got his cotton seed?

A. I don't say that; I said I have no recollection and in all probability our records will show.

Q. Very well, we would like to have your records for we want to know, because that is the crux of this proposition, the truth of this matter, not questioning your integrity but the fact of your knowledge in this matter. Now, how many more worms were found at Hearne that season?

A. I think the total number was 14 or 15.

Q. How much territory was covered in your investigation?

A. The territory up to 5 miles around the mill.

Q. A radius, you mean, of 10 miles.

A. A radius.

Q. A radius of five?

A. A diameter of ten.

Q. A diameter of ten and in all that territory were found 14 or 15 worms. How many men were engaged in that clean-up and investigation work, doctor?

A. As soon as we found any infestation, found one specimen, our inspector stopped looking. They did not proceed to determine the number of worms in that field.

Q. Why not?

A. Because the point was to determine the extent; how far these things had spread.

Q. How many fields did you find them in?

A. My recollection is five or six.

Q. Do you mean to say that it was immaterial with you whether there was one worm or a million in a field?

A. Yes.

Q. Why then did you go the trouble of picking out a plant at Smiths Point?

A. Picking out a plant?

Q. Something like a plant or half a plant, a great number, we'll say, at Smiths Point?

A. Those were picked out for the reason that we were employing a large number of men who had been drawn from various parts of the country on account of the emergency due to the planting of the pink bollworm, we wanted to give them some practice in actually finding and handling the pink bollworm, so we had 150 pounds of material collected in the field. on rainy days and at other times these men made examinations and observed the specimens they found.

Q. Now, I want to get that 170 pounds; I want to understand if this 170 pounds of bolls, do you know as they come from the plants, or 170 pounds of infested bolls picked here and there over that field?

A. They were collected by sending three negroes into the field with instructions to get each a sack or a certain number of sacks of bolls.

Q. Without any instructions as to infested bolls?

A. No, just bolls.

Q. Just bolls. Now, going on to the history, we digressed just a little, but getting back to Hearne, you made a noncotton zone at Hearne, a diameter of ten miles?

A. No.

Q. A diameter did you not say of ten miles, a radius of five?

A. No, we made the inspection of fields and delimiting the infestation up to 5 miles.

Q. Well, you established a non-

cotton zone at Hearne, did you not, how large?

A. The State of Texas did.

Q. Well, I understand.

A. A diameter of 2½ or 3 miles.

Q. A diameter of 2½ or 3; a diameter or a radius?

A. A radius, I should say.

Q. It has always been stated as three miles. I would like to have it definite for the record, that 2½ or 3, which ever it is.

A. I would have to look that up to be absolutely certain.

Q. That was in 1918?

A. 1918.

Q. Was there any cotton grown in that radius?

A. There was not to my knowledge.

Q. Was there any volunteer cotton made there in that radius?

A. No.

Q. Was there cotton planted in that radius in 1919?

A. No.

Q. Is there and has there since that time, been cotton growing in that radius?

A. Not since 1918.

Q. Then how do you know you starved the pink bollworm out in that radius?

A. Because volunteer cotton sprung up in 1918, and again in 1919; it was not allowed to mature as I just stated, but it was taken out and examined minutely.

Q. And you didn't find any in 1918?

A. No infestation.

Q. No infestation. That would go to the proof, would it not, that the bollworm wouldn't live over the winter, and come out again at Hearne; wouldn't you consider that evidence of that fact?

A. Not necessarily, no.

Q. Why not?

A. Because we have kept pink bollworms on ice in refrigreators in Washington for months———

Q. Oh, I know, but that is not on ice or a refrigreator, and neither is it in Washington. We are speaking of the natural conditions of the brute?

A. We have also found living pink bollworms in Galveston County after snow had been on the ground; colder than the winter———

Q. (Interrupting) Wait. We want to know when they had snow on the ground, we want to get that in the record clear when that snow was on the ground in Galveston.

A. I can give it to you approximately now and accurately when I look up the record. It was about January, 1918.

Q. January, 1918?

A. Approximately.

Q. Now, I would like to ask you, doctor, in connection with this Hearne matter: you found one worm in September, I believe you stated. Did you find a worm in Galveston, Brazoria or Harris county before the first day of October of any year? If so, give us the dates and your records.

A. I think none has been found.

Q. Do you not know, doctor, that our cotton crop in that locality is entirely matured at that time, and therefore, it could be of no damage?

A. No, my observation is that a good many bolls———

Q. (Interrupting) I say, matured? Not altogether picked.

A. A great many bolls open after the first of October.

Q. How far is your investigation and examination personally of cotton fields in those counties named during the past three years, examination of the fields themselves?

A. It has been rather extensive. I have been in several hundred fields.

Q. At what time of the year?

A. At all times, from planting time to December.

Q. Have you ever known, in the State of Texas, any damage done by the pink bollworm before September, before October?

A. No, the pink bollworm has not had any opportunity.

Q. No opportunity to be there after five years of residence?

A. After the expenditure of a million and a half dollars in reducing the infestation and destroying the insect.

Q. Destroying it. Have you destroyed it?

A. Destroyed a great many of them.

Q. If it is too early to find a pink bollworm in Galveston County on the 9th day of September, what damage can that pink bollworm do in Galveston County?

A. Under the present conditions and control measures that have been proposed, the infestation in Galveston or Brazoria counties on the first of last September would not be normal. Many insects have been destroyed by

the process of cleaning up the fields. In all probability, hundreds of thousands of them have been destroyed. That has reduced—

Q. (Interrupting) I say, in all probability they have been destroyed. Now, you have your experts and army, you say, why don't you know whether they have been destroyed or not?

A. I know that many have been destroyed in all.

Q. We are getting at this date, a pest that doesn t make its appearance until the first of October in a South Texas field, doctor, could it ever be a menace?

A. This pest has made its appearance in the fields in South Texas late in the season for the reason that it has been held in subjection by very expensive control measures.

Q. Well, if they were there earlier in the year, you could find them, could you not?

A. It all depends on the amount of searching.

Q. You recall that the Commissioners' Court of Galveston County called upon your department to come to Galveston County and inspect those fields, and that you replied—I am not writing this correctly,—on the 9th day or the 6th day, the 6th day or the 9th day of September,—that it is too early to consider the search for pink bollworms. Isn't that true?

A. No, my recollection is that my statement was to the Honorable Board of Commissioners that as their time was valuable—

Q. (Interrupting) I don't care for anything else about your letter, except that I want to know whether or not you made that statement.

Senator Gibson: Well, he should be permitted to answer the question.

A. I made the statement that on account of these conditions to which I have alluded several times, it would probably take a long time, some hours of hunting in the fields to find any specimens and if these gentlemen would wait for a few weeks the probabilities were that it would be a much easier matter to find the infestation.

Q. But that isn't the question. I asked whether or not you stated it was too early to consider the search for pink bollworms? If so, why?

A. If I made that statement it is for the reasons—

Q. (Interrupting) You are merely explaining the reasons for making that statement, is that the idea?

A. I probably made some statement to that effect with that explanation.

Q. Then with the request of your department with all its expensive machinery to come and look for pink bollworms, you are willing to wait until they should have multiplied and developed before you sought to find out whether or not these fields should be examined and destroyed?

A. When these gentlemen want the experience of finding the pink bollworms, I would like to make it as convenient for them as possible.

Senator Caldwell: I would like for the witness to explain why it was more convenient than it was early in the cotton time?

A. Because the insect breeds the successive generations from early in the season, like the boll weevil, it becomes more abundant later in the year. You might look for the boll weevil for many hours now in Central Texas without finding him. The breeding has been going on and within six weeks from now, or two months, it will be very much more easier to find; the same way with the pink bollworm; it grows in numbers as the season advances.

Q. I believe the technical term is the cycle; what is the cycle of the pink bollworm, that is, the time from the time the eggs are laid until it hatches?

A. In 17 to 20 days; sometimes more and sometimes less.

Mr. Jackson: Then, doctor, if it takes a number of scouts and experts five weeks, sav five experts five weeks in a 20-acre cotton patch to find two worms in October and November, what chance, doctor, in your theory has that thing to have enough cycles to amount to anything during the year?

A. There's a very good chance. It will develop from a few specimens, month after month and year after year, until it reaches large numbers.

Q. The question is, doctor, you say it will develop; that is your opinion, isn't it?

A. That is my opinion.

Q. Now then, the cotton washed off the wharf in 1915, didn't it, and that is five long years ago?

A. Yes.

Q. How many worms were found in those nine counties in 1919?

A. Something over 100; I don't know exactly.

Q. How many men did you have engaged in looking, locating and destroying that thing at one time, the highest amount of men that you employed in your department at one time?

A. The highest number was something over a thousand laborers destroying the cotton in the infested portions of it in the field.

Q. How many men you call scouts or experts, investigators?

A. In that section, I suppose we had 25.

Q. How many cars of seed were shipped to Hearne?

A. About 100, I think.

Q. How long, doctor, from the time it was shipped there, until it was crushed?

A. I can't give you the information, off-hand.

Q. How was it shipped, by what route, do you know?

A. That is in the records; I don't recall.

Q. Well, it would probably be only one way. It would come up the I. & G. N. Shipped loose in cars?

A. It was shipped unsacked.

Q. Unsacked; then it had practically across the State of Texas from the central line, had it not?

A. From Eagle Pass to Hearne.

Q. And as a result of 100 cars of seed from that time to this good day, 12 or 14 worms have been found?

A. We stopped finding them in the fields whenever any infestation was found. We did not determine the number of worms there.

Q. But doctor, in case there were myriads of them, as your theory of multiplication would indicate, there should be, if there were myriads of them, would it be difficult to find them?

A. My theory is not myriads of reproduction in a short time.

Q. Now, the other idea that you had, I believe you stated in one of your bulletins, that the Trinity Bay infestation cannot be traced to the mills and that you have that statement. You are still willing to stand by that, are you?

A. We have been unable to trace it to the mills.

Q. Have you any evidence in the world, doctor, that one single bale of cotton ever reached—not a theory, but have you any knowledge that any single bale ever reached the Texas mainland coast, Texas or otherwise?

A. We have it in this way: An absolutely certain definite record that a certain number of Mexican bales were on the dock at Galveston on August 15, 1915, and were not recovered.

Q. What report is that, doctor? Where is your authority for that?

A. An investigation made by our own men tracing the Mexican cotton through one handler to another.

Q. And how did they trace it?

A. By starting with the customs entry record, giving the bale marks or numbers in some cases, the consignees, destination, car numbers.

Q. Then you would trace all our infestation, I say ours, we belong to this group, and the Trinity Bay infestation, you would trace all of that to that cotton that was said to have washed ashore in Chambers county?

A. In Chambers, Galveston and possibly other counties.

Q. That cotton, that is, a lot of cotton washed ashore in Galveston county. Do you know, doctor, how far it is from the shore to where that would wash to the nearest cultivated land in Galveston county?

A. Not in Galveston county; it was within a few rods of the cotton fields in Chambers county.

Q. I understand, but in Galveston county, we have marsh lands all along the coast for miles. Have you any knowledge of any evidence tending to show, not showing, but tending to show that a bale of cotton washed ashore at or near Smiths Point?

A. We have.

Q. Mexican cotton, I mean, not cotton but Mexican cotton?

A. We have the testimony of various farmers around there, that cotton with pecular bagging, unlike anything that they had ever seen was washed ashore. That gives strong presumption to me that it was Mexican.

Q. Yes; do you know how the Mexican cotton was bagged, how it was and what kind of bales they are?

A. It is baled in various ways. A considerable portion of it is covered with bagging that is coarser than the ordinary jute bagging that is used in this country.

Q. But getting back to the ques-

tion, have you any evidence that any bale of Mexican cotton ever reached the vicinity of Smiths Point? That is a place, I will say to the committee, that those worms were said to have come from.

A. We have. This evidence with a large amount of cotton from Galveston, including a number with bagging such as is not generally used on American cotton were washed ashore at this point.

Q. Now, have you any evidence, why I say evidence I mean evidence that you can put up to this committee that any Mexican cotton washed away from Galveston at all?

A. I have.

Q. Can you produce it?

A. I can produce it.

Q. What kind of evidence, is it sworn evidence?

A. It is not sworn in its present form.

Q. Can you produce the men who located that cotton or found it to have been washed ashore?

A. The particular man in charge of that work left the service and is not now in our employ.

Q. If it were shown, doctor, by the records of the port that that cotton was shipped there in bond, and you know what that means, that every bale was accounted for, and that but six bales were washed overboard and they were recovered immediately and returned to the wharf and never got 50 yards from the wharf; if that was shown to you, what effect would it have on your theory of infestation?

A. The effect it would have on me would be that some mistake was made. I would have to have some very good evidence that the investigation on which your statement was based was as exhaustive or as complete as the one that the department made.

Q. Well, the record of the Master of the Port there would be fairly good evidence, wouldn't it really be more creditable than your department evidence made by hirelings of the department?

A. The records in that case were very involved on account of the fact that all this cotton was taken over by the government and pooled—

Senator Gibson: I want to ask one question right there; these bollworms were here; what is the object of trying to find out where they come from; I just want to know?

Mr. Jackson: I can answer this: The object of this inquiry is to show that the probabilities are that such worms as are here and as are held out to us as a menace and under which we are practically bankrupt have always been here and always will be here, and they were not brought from Mexico and that they were not washed in from the sea, that they were always here and always will be here and that they are in every part of Texas wherever they are looked for.

Senator Caldwell: I would like to ask the witness one question right there: Doctor, have you all ever looked for the pink bollworm in any cotton region in any place in the United States and failed to locate a trace of it?

A. What is that?

Q. Has your department ever made any investigation for the presence of the pink bollworm in cotton anywhere in the United States and failed to locate it?

A. Yes.

Q. Where and in what states and when?

A. In practically all states in the United States, because in the last three—two or three—years, reports have come from farmers that pink bollworms were found in their place; we have investigated all those reports and found them based upon the old ordinary bollworm or some other cotton pest, not the pink bollworm.

Q. Where were those investigations made? I say, were those investigations made in other states than Texas?

A. Yes.

Q. In what states?

A. Alabama, Mississippi, Louisiana, Florida, Georgia, South Carolina; I think all the Southern States.

Q. Louisiana and Texas are the only two states that you have ever located the presence of the pink bollworm?

A. Yes.

Senator Gibson: In all those cases that you have investigated or the department has investigated, you state, Wolfe City, that is up close to where I live, has any bollworms been found up there?

A. No, we have examined the cotton growing around Wolfe City for three years.

Q. You haven't found any anywhere in North Texas?

A. No.

Mr. Raiden: When did you begin your examinations in Wolfe City, doctor, about what date?

A. In July, 1917.

Q. July, 1917? Didn't you make a statement in Houston at one of the meetings there in 1918 that you had not made any inspections beyond the line at that time?

A. No, I did not, because we had been making numerous inspections around every one of these 11 mills which had received these seeds.

Mr. Jackson: Now, doctor, at Wolfe City, how many cars were shipped to Wolfe City?

A. A small number.

Q. When did you begin your investigation of Wolfe City?

A. About the first of July, 1917.

Q. Please state the extent of investigation, how many men employed and how long?

A. Each summer, '17, '18 and '19 from three to five men; they spent altogether approximately a month's time each season making these inspections at Wolfe City.

Q. Then according to your theory that they will lie for a long time, the infestation is likely to break out at Wolfe City at any time, under your theory?

A. Not at all likely, since it has not been found after this careful examination.

Q. Now, just a minute. You began your investigation in July, you say?

A. In July.

Q. And how long did it continue?

A. I don't know now.

Q. But you say a month each year, did you not?

A. No.

Q. How long did it continue during July of 1917, how long did that investigation of that year continue?

A. Our plan of making these inspections is to have a group of men, three or four or five visit one point like Wolfe City, work there for a week, then go on to Kaufman, put in a week there, and go to Grandview and put in possibly a week, and then rotate back to Wolfe City, bringing them back there for a second week about a month after the first.

Q. Now, Doctor Hunter, we want to know how long that rotation continues, in what month, and when, according to your records Wolfe City was examined. Was it examined in September, was it examined in October, was it examined in November? If so, to what extent?

A. The general plan was to make one examination—

Q. (Interrupting) We are not asking for your general plan, doctor. We are asking a fact, as to whether or not Wolfe City was examined. We don't care anything about your general plan.

A. My general plan will answer your questions very specifically. The examinations were extended over one week, approximately in each one of the months after July.

Q. Well, do you have to vary that plan?

A. In a general way, something like rains and other conditions.

Q. Isn't it a fact that you had 25 men in Wolfe City at one week at one time in July and August?

A. Yes.

Q. Did you find a pink bollworm?

A. No.

Q. When did you go back to Wolfe City? Let's be specific now.

A. In August.

Q. In August and how many men?

A. About 5 men for a week.

Q. And how many fields did you examine?

A. I can't give you the exact number; say half a dozen.

Q. How many bollworms did you find?

A. None, no pink bollworms.

Q. When were you at Wolfe City the next time?

A. The next month.

Q. In September, how long were you there?

A. Approximately one week.

Q. How many men?

A. About 5.

Q. How many fields examined?

A. I don't know.

Q. When were you there the next time?

A. The following month.

Q. Did you find a bollworm?

A. No.

Q. Not at all?

A. No.

Q. Were you there in October?

A. Yes, sir.

Q. How many men?

A. About 5 men.

Q. How many fields examined?

A. I don't know the exact number.

Q. Then you don't know the extent really to your own knowledge of the examination there? Were you there personally?

A. I have been there, yes.

Q. Were you there personally during those investigations?

A. Not all the time.

Q. Were you there at any time and did you assist and go in the fields and watch your men work?

A. I did.

Q. What sort of men were there, I mean in the way of competency?

A. In general, they were graduates of Southern Agricultural colleges.

Q. Were they experts in the pink bollworm hunt?

A. They were men that were given special training.

Q. And what is that special training, doctor?

A. The study and examination of specimens in the laboratory.

Q. Are they able to determine a pink bollworm if they would see one?

A. We don't depend upon them for determination.

Q. I asked you if they would be competent to determine a pink bollworm if they would find one?

A. Well, we—

Q. (Interrupting) I would like for you to answer that question, yes or no, doctor, if you please?

A. All these specimens are sent to the authorities at Washington.

Q. That is not answering my question. I asked you if those were men competent to determine a pink bollworm if you saw one?

A. There are only a half a dozen men in the world who are high authorities in the determination of a pink bollworm. In a case like this, we believe it is important to get authoritative determination, so instead of depending upon the determination of our field inspectors, we simply submit the specimens to the office and they go to Washington for a final examination.

Q. Do you submit every specimen you find to Washington?

A. Every specimen that resembles in even the remotest way the pink bollworm.

Q. Has each of those worms in that bottle been to Washington?

A. No.

Q. Then, how do you know they are pink bollworms?

A. Because I have compared them with specimens that were sent to Washington.

Q. Then I would ask you, doctor, if in your office less than three weeks ago if you told a Mr. Graham that you couldn't yourself determine a pink bollworm?

A. I don't recall that statement. I probably told him that I wouldn't consider my determination as absolutely final in a case where a quarantine or other matters depended upon it; I would get the authority from the Supreme Court.

Q. What I ask you, doctor, plainly, is whether or not you told Mr. Graham that you yourself couldn't determine a pink bollworm?

A. I have no recollection of telling Mr. Graham that.

Q. You will not say that you did not?

A. No, I will not say that I did not.

Q. And still you have been a pink pollworm expert since he was invented?

A. I don't claim to be a pink bollworm expert in the sense that my determination of a specimen is final.

Q. Do these inspectors submit all of the specimens of insects that they find in the field?

A. No, not all.

Q. Can those inspectors determine between that worm and what is known as the boll maggot or scavenger worm?

(A motion to recess until tomorrow morning at 9 o'clock a. m. was duly seconded and carried.)

TUESDAY, MAY 25, 1920.

MORNING SESSION.

The Chair: Gentlemen of the committee, you will please come to order. Before we start with the inquiry this morning, I want to reiterate what I said yesterday. I am asking the cooperation of the committee to expedite this hearing all we possibly can, and for us to break in and ask questions, anticipating the attorneys, I think it is entirely out of place. I assure you I am going to give everybody a chance to show all the matters they want to. If you have a question, make a note of it and then submit it to the attorney for the committee, and he will ask it, and if you will do that I think you will make better headway.

Gen. Wolters: I wish to state that this witness probably will consume more time than any other witness, and we hope to get through at the earliest possible time this morning. I want to state to the chairman and committee that from our knowledge of the situation that probably the ex-

amination of other witnesses, with the exception of one or two, will not take anything like the time consumed by this witness.

The Chair: Very well, gentlemen, let us proceed.

Dr. W. D. Hunter, a witness for the Department of Agriculture, resumed the witness stand for further examination and testified as follows:

Further Cross Examination.

Questions by Gen. Wolters:

Q. On yesterday you said that it was your recollection that there were five or six fields found infested by what you call pink bollworms near Hearne during 1917?

A. Yes, sir.

Q. I have here a copy of your records furnished to the commissioners court of Galveston County, which shows that on October 24, 1917, Morris Cohen, with Henry Cooper a tenant, H. L. Sanford, inspector, accompanied by affidavit on October 3rd, Mr. Riddle, Northwestern Compress Co., of Hearne, with Ivan Schiller, affidavit attached, those are the only two fields shown in that record. I will pass the record to you if you want it.

A. I have the record here, is that at the end of the statement?

Q. It is on the second page. The record here is given by counties. It is given here as Robinson County?

A. Well, it should be Robertson County. The apparent discrepancies are due to the fact that that list is primarily a list of affidavits which goes with the documentary evidence. In some cases I think you will find that records of infestation are given that are not supported by affidavit. There is one on that page, no affidavit filed. But this is primarily a record of the affidavits.

Q. Well, is this record correct, which your Department furnished to the commissioners court of Galveston County?

A. It is the list of affidavits.

Q. In some places it shows no affidavits?

A. It is a correct list as far as it goes.

Q. Have you any records showing places infested at Hearne in 1917?

A. Yes sir.

Q. Where is that record?

A. In the office at Houston.

Q. Why wasn't that record given to the commissioners court at Galveston?

A. This is a record of the documentary evidence.

Q. This covers all of the counties involved in 1917, and it was furnished to the commissioners court in 1919?

A. Well, as I say, it was primarily, as I recall, a list to accompany the affidavits. I was at Hearne at that time and I have a distinct recollection of finding specimens in five or six fields.

Q. You said the number found was fourteen or fifteen. That is a record taken from the reports of the United States Horticultural Commission located at Beaumont, the same being received this day by E. E. Scholl making headquarters at Houston, which shows infestation at Hearne; oil mill five worms, inspected in 1917, Hearne one mile south two worms; that was furnished on January 8, 1918.

A. It should be stated that the beginning of the work in connection with the Hearne infestation didn't involve careful elaborate records that it became necessary later to establish. The pink bollworm law hadn't become operative at the time of the outbreak at Hearne, and the procedure wasn't divided as it was later.

Q. Now the zone at Hearne, when was it put into effect?

A. In 1918.

Q. What was the extent of that zone?

A. Either two and a half or three miles radius from the mill.

Q. In 1919 was that zone changed?

A. Not to my knowledge.

Q. Isn't it a fact that it was changed, and that merely the town of Hearne, including the oil mill. and probably the patch were it was claimed near the oil mill infestation was found was included in the next zone?

A. My recollection is that the change that you describe was made with reference to 1920, not 1919.

Q. You told us about the experiment in Mexico yesterday, where okra that was infested was carried over a year, volunteer plants of okra came up, and no infestation was found in the volunteer plants? Did I understand you correctly?

A. Yes, sir.

Q. Now, then, at Smith's Point, in 1918, you permitted fifty-six or fifty-seven plants of cotton to grow as an experiment in 1916, wasn't it?

A. Yes, sir.

Q. And no infestation was found in that cotton?

A. None.

Q. With reference to the non-cotton zone in 1918, what territories did that include?

A. In the Trinity Bay section?

Q. Yes, that is what I have reference to.

A. All of Chambers, Jefferson, Galveston, portions of Brazoria, Harris, Liberty and Hardin Counties.

Q. Now, in that zone volunteer cotton did come up everywhere, did it not?

A. Very generally.

Q. There were planted how many fields that you designated as outlaw cotton?

A. Approximately one hundred and thirty.

Q. I think the exact number was one hundred and thirty-one. How many acres did they comprise?

A. My recollection is 1741.

Q. Were inspections made of that outlaw cotton?

A. Yes, some of it.

Q. And no alleged pink bollworms were found in that cotton in 1918?

A. None.

Q. Now with the volunteer cotton you gathered more than three million bolls did you not?

A. More than three million plants.

Q. With how many bolls averaging to the plant?

A. The records will show that, I haven't that before me, or in my mind but probably a million.

Q. Probably a million bolls?

A. Yes, sir.

Q. Haven't you somewhere stated that there were more than three million bolls examined?

A. I think the statement was three million plants.

Q. With all the fruit thereon?

A. Yes, sir.

Q. No infestation was found there?

A. None was found.

Q. So that in 1918 no infestation was found there in the outlaw cotton or volunteer cotton?

A. None.

Q. And that was after 1917, where the infestation was alleged to have been found in these various fields?

A. Yes, sir, and where the work of cleaning the fields had been carried on.

Q. And you attribute that to the clean-up you made?

A. In part.

Q. Well, if there is any other part we want to hear it, if you attribute it to the failure of the pink bollworm to appear the next year.

A. Nature deserves a certain amount of credit for the result; there is a natural process that causes insects to be reduced enormously by climatic conditions during the winter. Take the boll weevil for instance. Out of the thousands of insects that go into hibernation in the fall and winter only a few hundred of them come through to the next year. That thing is going on all the time.

Q. Now, with reference to other host plants, I invite your attention to the pamphlet issued by the United States Department of Agriculture, dated February 19th, 1920. C. L. Marlatt, Chairman. W. A. Orton, Geo. B. Sudworth, W. D. Hunter, Karl F. Kellerman, R. C. Althouse, Secretary. On page one hundred and nineteen is the following: "A very careful survey has been conducted of the malevaceous plants along the Rio Grande and elsewhere in Texas to determine the possibility of their serving as hosts for the pink bollworm. This included not only wild plants, but also some cultivated plants as species of hibiscus and hollyhock, and garden plantings of okra. In no case has the pink bollworm been found to infest any of these plants. In Texas, therefore, it so far has confined itself strictly to cotton, which is of very great importance in connection with the efforts to exterminate the insect by control of cotton. That the insect will feed at least on okra has, however, been shown by the experience in Egypt and this has also proved to be the case in Mexico, and by forcing, or in the absence of its natural host, it can be made to subsist on many of the other related plants." That is the statement sent out as late as February 19th, 1920?

A. That statement is still sent out.

Q. That still stands?

A. Yes, it still stands.

Q. And after being forced away from its natural host, it is the information of the entomologist concerning that matter, that it would probably infest plants that are local to the territory involved.

A. The belief of the entomologists is that under such forced conditions a few specimens would prob-

ably subsist for a short time, but would not be carried from one year to another, because we have failed in our efforts to accomplish that.

Q. But in 1917 to 1918 there were none found at Smiths Point where cotton, its natural host, was permitted to grow during 1918, that is true?

A. Yes, sir.

Q. The pink boll worm commission had a session in Houston which ended about January 17th, 1920, I suppose, that is the date given in the record, do you recall that fact?

A. Yes, I do.

Q. Were you present and participated in that meeting, as a member of the commission?

A. Yes, sir.

Q. The record discloses the following, after Mr. Trigg made some remarks, and then Dr. Hunter said: "Theoretically, the only way to exterminate the pink bollworm is to have an absolute noncotton zone. However, there would be opposition and from what I have ascertained from County Judges and others, there would be more cotton planted in violation of the law than there was planted in 1918. We would be confronted with continued opposition, and the infestation would be perpetuated. From the spirit of the people in the zone now, the noncotton growers would sympathize with those growing cotton unlawfully within the zone. What we want to do is to stamp out the pest with the means and the machines at hand, and I feel that with the cooperation of the farmers, the dangers could be minimized because of the fact that the fields are so isolated that there is no continuous cotton belt, like in the interior of the state. We can not expect to reduce the infestation without the cooperation of the people, and you all understand that should cotton be planted, the matter would be in the courts and it is doubtful as to whether or not we could prevent the development of the cotton during the season, and besides this, we could not have the cooperation of the people affected, but with a regulated zone we would secure their cooperation." That was your statement, was it not?

A. Yes, sir, and I also stated, to make the record full, that the only manner in which the cooperation and support of the people could be obtained would be to allow for a fair compensation that would occur in the noncotton zone. A noncotton zone was not feasible administratively unless there was an arrangement to offer the people a fair compensation for what they would suffer on account of not being allowed to raise cotton.

Q. What is your idea of fair compensation? We just as well go into that now.

A. I am not an expert along that line. In general terms I think, as I have always thought, that these people are entitled to a reasonable amount to offset losses in the noncotton zone; that is, they have an equity, the state owes them an obligation to pay them for as nearly as determinable between what they produce on other than cotton crops and what they would produce in case they plant cotton.

Q. By permission of your commission, yourself and the State Department of Agriculture, they planted cotton for 1920, and it is now being cultivated and growing, that is a fact, isn't it?

A. Yes, sir.

Q. If that cotton should be now plowed up and destroyed, what would be your idea of the compensation?

A. My idea in general is that the compensation should be on the basis of the production or prospective production, with an offset for values accruing from subsequent crops planted.

Q. It is a fact, is it not, that many of the farmers in that district are small farmers as compared with the interior farmers?

A. Yes, sir.

Q. And it is a fact that by reason of intense cultivation the yield is much greater than the average yield in the interior?

A. That is not my observation.

Q. Is it not a fact that in many instances the yield per acre in Brazoria County in the Alvin neighborhood, and in other neighborhoods, where there are small farmers having from six to ten and fifteen acres and twenty acres, that the yield is as much as a bale to the acre?

A. It has been that much in some years, but the average has not been near that much.

Q. They haven't raised cotton very long in that section of Brazoria County, have they?

A. They planted cotton there last

year and it produced nowhere near a bale to the acre.

Q. In the great cotton-growing county of Fort Bend the cotton production was reduced from about 58,000 bales down to about 15,000 on account of great rains?

A. 1915 was a small year, too.

Q. That was the Galveston storm year, was it not?

A. Yes, sir.

Q. And it destroyed the cotton that was then open in that entire section?

A. Yes, sir.

Q. As far up as Fort Bend, and up to Fayette County?

A. Yes, sir. 1917 and 1918 were the years of the great drouth in Texas, when the rainfall throughout the State was very small, and the rainfall in those counties was very much below the average, and the production in those counties where they ordinarily raise a large crop was very light.

Q. What was the production in these counties in these years?

A. It was comparatively large.

Q. 1915, that year that area was storm-swept and the cotton after being made was driven out of the bolls and driven into the ground?

A. I was not there in 1915, I don't know how much was produced.

A. You at least know that the Galveston hurricane hit us in 1915, about the 15th of August?

A. I don't know how much of the crop it hit.

Q. That is not the question. You at least know that the Galveston hurricane hit us in August, 1915?

A. Yes, sir.

Q. August 15, 1916. Now, the Pink Bollworm Commission in January, 1920, recommended a regulated zone, did it not?

A. Recommended a regulated zone until compensation could be provided.

Q. What date was that? What is the answer?

A. When the report of the Commission, I suppose the one you have in hand, was presented to the Governor———

Q. (Interrupting) Well, I would like for you to answer my question, doctor, and in order to get it, I will have to read this report. "We the Commission appointed under Section 15, of the Pink Bollworm Act of 1919, and each of us have investigated the pink bollworm situation in Harris County (similar statement made by each county represented), and have held public hearing duly advertised at Houston, Texas, at which meeting we have heard the testimony of investors and interested citizens and have investigated the reports and affidavits referring to this bollworm situation of the said County. From the investigation made, and the testimony heard, we have reached the conclusion that under the circumstances the regulated cotton zones as proclaimed by the Governor on the 24th day of April, 1919, should be maintained for the crop season of 1920, under the present existing rules and regulations, with such additional regulations as the circumstances may demand. We, therefore, recommend that the line of the present regulated cotton zone of Harris County, be maintained for 1920 and in any case when pink bollworms are found within five miles or less of the present regulated zone lines, that an additional ten miles be included around the present regulated zone lines opposite such infestation." Signed by the various members of the Commission, including yourself.

A. Correct.

Q. Now, that same regulation was put into effect in each one of the counties?

A. That regulation was not put into effect.

Q. Well, promulgated?

A. It was not promulgated.

Q. Doctor, isn't it in effect?

A. The Commission merely made the recommendation under the Statute to the Commissioner of Agriculture.

Q. And it has not been put into effect at all?

A. No, sir. My recollection is, my understanding is, it has not been put into effect.

Q. And we are not under regulation now down there?

A. Except as the regulated zone of 1919 continued.

Q. Well certainly, that is what you recommended and that is what was done, wasn't it?

A. I don't think any proclamation has been issued, I may be mistaken about that.

Q. Is it necessary to issue another proclamation when it simply continues automatically the other under the law?

A. That question has been debated by the attorneys to a considerable extent; I don't know.

Q. Let's make a short matter of it. You all regard it as regulated and are regulating us, aren't you?

A. Yes, sir.

Q. Doctor, when did you recede from this position after January 17, 1920?

A. Some time in February additional infestation was found in Orange County and in Louisiana.

Q. That was found in Orange County and in Louisiana?

A. And in Louisiana.

Q. What portion of Orange County?

A. Near Terry and somewhere within four miles north of the town of Orange.

Q. Now then on April 1, you changed your attitude about it, did you?

A. It was changed to this extent, that the new discoveries about infestation and the additional publicity that had been given this question throughout the State of Texas, seemed to make it possible to provide a noncotton zone on the basis of compensation for the year 1920. In other words, the problem was found to be a more serious one and extended over more territory than appeared at the time of the original hearing.

Q. Well, Orange was in the original hearing, was it not?

A. I think not.

Q. Orange was not included?

A. My recollection is that it was not; at least Louisiana was not.

Q. Now then, doctor, on April 10, 1920, the United States Department of Agriculture issued a Bulletin in which the following quarantine restriction—restrictive action as to Texas, is the sub-head. "The State of Texas will establish and enforce a noncotton area covering the regulated zones now in effect in southeastern Texas, with certain additions to include new points of infestation, which they have determined outside of the old quarantine line. This zone involved all or portions of the counties of Jefferson, Chambers, Galveston, Brazoria, Harris, Liberty, Ft. Bend, Jasper and Newton." Why was Orange County not named in that on April 10th, by your Department if you changed your attitude because of an alleged infestation found in Orange County in February?

A. If Orange County is not included in that list, it was through a clerical or typographical error.

Q. So that the Department of Agriculture of the United States Government sending out an official bulletin to the authorities of Texas, handles the matter in such a manner as to leave out an alleged infested County; are we to understand that?

A. That statement was drawn at Washington, I did not draw it myself and the only sensible conclusion is that through a clerical error Orange County was dropped out.

Q. (Reading) "Second. In addition to and surrounding this noncotton area, as a further factor of safety the State of Texas will establish and enforce a regulated zone of twenty-five miles in width. The growth of cotton in such regulated zones will be permitted under the restriction that the cotton shall be under the full control of the State Authorities in cooperation with the United States Department of Agriculture for the purpose of enforcing any safeguard that shall be determined to be necessary. Third. The State of Texas, will establish similar regulated zones of a ten-mile radius surrounding all oil mills in the State of Texas, which are known to have received during the last three years from the parishes in southwestern Louisiana now known to be invaded by this pest, seeds. Such points in Texas are now known to include Houston, San Antonio, San Marcos and Snyder." We understand from the message of the Governor that later and but a short time ago the Department recedes from that and instead of demanding that a ten-mile zone be placed around these oil mills that an observation post will be established?

A. That was the result of the collection of additional data regarding the amount of seeds which had gone to these mills and the time it was shipped.

Q. Now, doctor, when was that concession made and if you have the telegrams passing between yourself and the Horticultural Board up in Washington, we would like to have them?

(At this point motion was made by Senator Caldwell, duly seconded and carried that the Committee authorize the printing of twenty-four hundred copies to be divided—copies of the proceedings of this Committee, to be divided half and half between the House and the Senate.)

Q. Doctor, have you found the telegrams and correspondence?

A. I have the telegram on that subject from Washington dated May 14th.

Q. Doctor, where is the telegram from Washington on the subject?

A. I do not find a copy in the papers I have here.

Q. You did send a telegram on the subject?

A. I did.

Q. And you have not a copy with you?

A. No.

Q. We would like to have that telegram, doctor, and will ask you to furnish it to the Committee at the earliest practicable moment from your records in Washington.

A. All right, I will do it.

Q. Your telegram was dated when?

A. The same date as that.

Q. That was after my statement appeared in the public press inviting the attention of the people of Texas to the fact that this proposed legislation would affect many sections of the State, was it not?

A. It may have been after your statement had appeared, but it was before I had seen your statement.

Q. And yet you replied that Mr. Wolters was misinformed without giving the public the correct statement that is contained in the bulletin of April 10th, didn't you?

A. I gave the public this telegram.

Q. Doctor, what oil mills in Texas received seed from the alleged infested Parishes in Louisiana within the last three years?

A. The mills at San Antonio, San Marcos, Houston, Giddings, Snyder, and I think Ft. Worth; possibly there may be some others.

Q. What about Dallas?

A. Dallas also received seed.

Q. What about Quanah?

A. Quanah, in my recollection received one car in about 1918.

Q. What about New Braunfels?

A. New Braunfels received one car within that three years' period, according to my recollection.

Q. Have you a record of them?

A. I have a record over in the Department and the Department of Agriculture has a record, too.

Q. What about Livingston, not Livingston, Longview?

A. I have no recollection that the record shows the receipt of any seed at Longview.

Q. Didn't you trace a car—car there and didn't they claim that they had diverted the car without unloading it, sent it somewhere else in Texas?

A. I think that car is one that went either to New Braunfels or one of these other points.

Q. Isn't that true also of Cuero, a car shipped to Sugarland and diverted to Cuero and it was claimed it had not reached there, the last you heard of it?

A. I heard of a shipment to Cuero.

Q. Have you any knowledge of a shipment to Sugarland?

A. No, sir.

Q. Have no information on that subject?

A. I have not.

Q. Doctor, I would like for the record of those shipments to those mills—we would like to have the record of those shipments to those mills.

A. I will submit them tomorrow.

Q. Now, doctor, isn't it a fact that the recession with reference to the ten-mile zone around these mills, was made as a matter of expediency?

A. The concession was made not so much as a matter of expediency but as a matter of determination of the real danger at those points. Our investigation showed further that some seed had gone to these mills, various mills, apparently considerable quantity had gone to these mills and the shipment had been more or less continuous through this period of three years. Careful investigation which occupied several weeks at a time, examining railroad records, disclosed the fact that the shipments were by no means as numerous as we supposed that they might be. The danger incident to these shipments, therefore, became immeasuably less than it appeared it might be at the beginning.

Q. You conferred with the Governor of Texas about this subject after the bulletin of April 10th?

A. I did.

Q. And insisted on a concession being made with reference to those mills? Did the Governor not?

A. He did not.

Q. Didn't he request it?

A. De did not.

Q. What position did he take about it?

A. I don't remember. The Governor had prepared his preliminary draft of his message to the Legislature. He did me the honor of reading from that draft in which he had incorporated this original agreement to which you have referred. I told the Governor that the question of these zones around the various mills scattered over Texas was being considered by the Department and the additional evidence pending tended to minimize the danger at those points and had lead the Department about to the point of receding from

that requirement regulating zones around these places. The Governor said "Is that final?" I said, "I have no direct authority to speak on that point. Communicate with Washington and find out." I then sent the telegram and received this reply.

Q. Before you sent your telegram to Washington, you visited Dallas immediately before and conferred with the officials of the Chamber of Commerce at Dallas, didn't you?

A. I was in Dallas, yes. I don't know what the relation between any particular visit to Dallas—

Q. Well, I will put it up straight so we can't misunderstand it. Isn't it a fact that you went from Houston to Dallas and conferred with members of the Chamber of Commerce, who went up in the air because their seed was about to be placed in a ten-mile regulated zone?

A. I did not.

Q. You did not have a conference with them on that subject at all?

A. That subject, as far as I remember, did not come up because the people in the Chamber of Commerce were not up in the air.

Q. All right, I withdraw the "up in the air" because that is figurative. You did discuss it with them though?

A. I don't believe that subject came up.

Q. I would like for you to put your memory—get your memory and tell us whether it did or did not?

A. Well, I will say this, that it did not receive any special consideration. It may have come up incidentally. The matter I had to discuss with the Chamber of Commerce had no direct connection with these regulated zones, and was an entirely different matter.

Q. Now, doctor, we want to get some idea as to the plan, if the non-cotton-zone is imposed upon us, that would include what territory? First I will ask you this: withdraw that question Mr. Stenographer. You are now having a survey of that territory made?

A. The State Department of Agriculture, Mr. Davis' Department, is having a survey made.

Q. That survey for the non-cotton zone includes what territory?

A. That survey is being made for the purpose of making it possible to make some estimation, computation, as to the amount of cotton land that would be included in case the zone is established, including territories five miles beyond the outermost point zone know to be infested.

Q. That will include the city of Houston?

A. I think not. Where is our map, Mr. Mac?

Q. Now, I wish you would look at the map and see whether that includes the city of Houston?

A. I judge from the map that it would not.

Q. It is so important, doctor, we would not like to be judged—not locally, but to all the people in Texas.

A. That would not include the city of Houston.

Q. The regulated zone that is proposed, however, would include the city of Houston, would it not?

A. It would.

Q. Twenty-five miles. Now, the city of Houston is the greatest cotton market in Texas certainly, if not in the country? That is true, is it not? It is a concentration? It is a concentration point?

A. It is.

Q. Also the twenty-five mile zone would include the city of Galveston?

A. It would.

Q. That is the greatest export port, next to New York, in the United States, is it not?

A. Greater than New York.

Q. Greater than New York. Twenty-five per cent of the cotton raised in Texas—rather eighty-five per cent of the cotton raised in Texas goes through Houston and Galveston, does it not?

A. I think it does.

Q. And also of Oklahoma?

A. I don't know about that.

Q. Well, we will confine it to Texas and let Oklahoma take care of itself. Now, doctor, under a regulated zone, what do you do with reference to the cotton that is brought into the regulated zone, first, for export shipment?

A. Nothing whatever, unless it comes from a quarantined section—territory.

Q. I mean outside of an alleged infested district?

A. It is allowed to take its natural course.

Q. Now, what do you do with the cotton that is concentrated in Houston and in Galveston, stored there and compressed there and reshipped, reconsigned from there to the various markets of the world?

A. Cotton originating outside of the quarantined territory?

Q. Outside.

A. Do nothing.

Q. You would pay no attention to it at all?

A. No.

Q. That will be the effect of that, is that it?

A. The only cotton which would be affected by a regulated zone, would be that originating in quarantined territory.

Q. Now then, what do you do with the cotton that is in the regulated zone, the twenty-five mile zone, that is raised there?

A. Arrangements would be made according to our plans to cause that cotton to go into export channels and the seed to go to the City of Houston for the purpose of crushing.

Q. That is in the regulated zone, now?

A. It is.

Q. That would include the counties of Matagorda, Wharton, all of Ft. Bend, Waller, Montgomery, Jasper, Newton, San Augustine and possibly a part of Polk, would it not?

A. I don't know. That twenty-five mile limit has not been finally decided upon. That is subject to change and it may be a ten mile zone.

Q. Now, doctor, have you always handled cotton in the regulated zone in the manner that you now say this would be done?

A. We have.

Q. I invite your attention to the regulations relating to the growing of cotton under supervision, promulgated under authority of the Pink Bollworm Act, of 1919, by the State Agricultural Department of Texas.

No. 1. No cotton seed produced in a regulated or noncotton zone as defined by the Pink Bollworm Act of 1919, shall be planted.

No. 2. All seed cotton produced in zones or areas under regulation shall be ginned within the zone in which it is grown, or if no gin is available in such zone, it shall be transported and ginned at such gins as may be designated and under such specific authority as the Commissioner of Agriculture may issue.

No. 3. All seed cotton, lint, cotton seed, hulls or linters produced outside of a regulated zone which may be carried within the boundaries of a regulated or noncotton zone for any purpose shall be governed by the provisions of the Act and shall be transported and marketed only in accordance with specific authority issued by this office.

No. 4. Every person desiring to plant cotton in a regulated zone shall submit an application to this Department. The form for this application follows:

Application to plant and grow cotton in regulated zone.

.....(I assume the number of the zone is inserted there.) during the season of 1919, as provided for in the Pink Bollworm Act passed by the Thirty-sixth Legislature of the State of Texas.

1. Location of farm. Name of the county, the distance from nearest town or postoffice and how farm may be reached by road.

2. Name of owner of farm. Postoffice address.

3. Name of tenant or other person interested in the cotton to be planted. Postoffice address.

4. Estimated acreage of cotton to be planted on above farm.

5. If cotton is to be planted on more than one farm by applicant, state here the location of each farm and owner's name of each; also postoffice address of each owner.

6. Did the field to be planted to cotton this season have cotton on it last season? If so, state the number of acres.

7. Where was seed for planting secured for this season?

8. What cotton gin is nearest to each field to be planted to cotton?

.....

Owner.

.....

Tenant.

No. 5. No lint or seed produced in a regulated zone shall be shipped or offered for shipment except after specific authority therefor has been issued by this Department and may be shipped only through the ports of Houston, Galveston and Texas City and such other ports as may be designated hereafter by this office.

No. 6. All seed produced in regulated zones shall be crushed at points designated in the permits issued by this Department. The hulls from such seed shall not be shipped except under specific authority.

No. 7. All persons in any regu-

lated zone who desire to ship lint or seed shall make application to this Department on the following form:

Application for Permit to Ship Cotton or Cotton Seed from Regulated Zone.

Date Place

....

Commissioner of Agriculture, Austin, Texas.

I desire to ship (give No. of bales and marks, or tons of cotton seed) to ..... at .....

Respectfully,

.....

No. 8. In case infestation by the pink bollworm is found in any field growing in a regulated zone, no part of the crop shall be removed from the field except under specific authority of this Department.

Fred W. Davis,
Commissioner of Agriculture.

Austin, Texas, Apr. 24, 1919.

Now, under paragraph 3, all cotton is shipped, I will read it again so you may have it in mind: "All seed cotton, lint, cotton seed, hulls or linters produced outside of a regulated zone which may be carried within the boundaries of a regulated or non-cotton zone for any purpose shall be governed by the provisions of the Act, and shall be transported and marketed only in accordance with specific authority issued by this office." So that cotton concentrated in Houston or Galveston could only be shipped on specific authority of the Commissioner of Agriculture of Texas?

A. Unless an exception was made in the administration by the Commissioner of Agriculture.

Q. Then we would have to rely upon an exception made by the Commissioner of Agriculture?

A. Those regulations are not in effect now.

Q. They were in effect in 1919?

A. But regulations have to be made to suit the conditions, and now with a large cotton handling point like Houston or Galveston what would be possible on a small scale is not administratively possible on a large scale, and the Commissioner of Agriculture is considering with reference to Houston, simply just to provide for the establishment of cotton purchases under restrictions to certain listed permittees, those permittees will be selected by the Commissioner of Agriculture from a list of susceptible handlers, suggested by the growers themselves, and a permit will be issued to the man who wants to ship some cotton that will go to this dealer in Houston, who will execute an agreement with the Commissioner of Agriculture, under which that particular cotton will be exported. The control on the cotton will start when the cotton is grown under the restriction, and will follow that cotton to Houston and remain with it until it goes into export. All other cotton not originating in the quarantine will not be interfered with in the slightest. That is the plan that grows out of this original one that you have read, and which was adopted in what appears to me to be a very common sense method as applied to the direct conditions in Houston.

Q. Let me see if I understand you. If W. D. Cleveland & Sons, Gohlman, Lester & Co. in Houston, and a number of that character of houses who have been doing business in Texas for fifty years, more or less, Moody & Co., and Kempner in Galveston, decide to handle cotton from the farm on the interior they would have to get a permit?

A. If they desired to handle cotton from quarantine areas.

Q. They wouldn't have to have a permit to handle cotton from non-cotton areas?

A. No, sir.

Q. It would only be from the quarantine areas?

A. Yes, sir.

Q. Now, as to the twenty-five mile regulation zone they would have to have permits?

A. Yes, sir, whether it is twenty-five miles of less, or more.

Q. It is not claimed, even by you, in that twenty-five mile zone that a pink bollworm has been found?

A. No, sir.

Q. The dealers in Houston and Galveston would have to get a permit to handle cotton from those counties?

A. Yes, that is being considered.

Q. And the question of whether or not a particular house would get a permit would be left entirely to the discretion and judgment of the Commissioner of Agriculture?

A. Not at all.

Q. Who would it be left to?

A. Between them and the farmers or the handlers of the cotton.

Q. Suppose the farmer says I want to send my cotton to W. D. Cleveland & Sons in Houston, and suppose the commissioner says no, I won't give you the permission?

A. But the commissioner would never say that.

Q. That is an assumption of yours like many other assumptions?

A. No, sir, because the Commissioner has already approved W. D. Cleveland & Sons.

Q. I assume it would not be Cleveland & Sons, but take anybody?

A. The Commissioner would only require that those handling the cotton execute an agreement to place this quarantined cotton in export channels.

Q. If I understand you, you propose a system that would give the Commissioner of Agriculture of this state the power to take from any dealer the right to handle that cotton?

A. No, that is hardly a fair way to state it.

Q. Well, what else is it?

A. It is an expedient to enable the Commissioner of Agriculture to see that this cotton goes into export. Now nine-tenths perhaps of the cotton that goes into Houston goes into export. Houston is generally an export market; the domestic business is rather inconsiderable. All of the large dealers there could qualify as exporters, undoubtedly the Commissioner would grant them permits.

Q. Well, what about the little man, I am interested about him as well as the big fellow?

A. The little fellow has the exact advantages, and has a right to receive the same consideration as anybody else.

Q. You don't know who the Commissioner is going to be from time to time.

A. No, sir.

Q. So you are going to place in one man in the state of Texas the right to say how the farmer may ship his cotton, and who in the handling center may handle it?

A. I think you might state it that the quarantine cotton will go to the market where ninety per cent of the cotton is exported, and the only requirement that the Commissioner would make would be that the cotton take its regular course.

Q. And how would the department follow the cotton from the regulated zone to the concentrating point, and then to the shipping point?

A. From the railroad records, numbers, compress records and otherwise.

Q. They would see that it took that direction?

A. They would.

Q. That would have the effect of restricting the farmers in the regulated zone where no pink bollworm has yet even been found, or an alleged pink bollworm has been found by your scouts, to sending their cotton to certain markets, would it not?

Q. Where they would send that cotton, yes.

Q. And if thereby any depreciation in price is caused the farmer in the regulated zone would have to bear the burden?

A. Whether any designation was made against that cotton would depend upon the cotton dealers of Houston, and I don't think from what I know of the class of men there that there would be any discrimination.

Q. I think very highly of my fellow citizens of Houston, but they have livers and lights and guts like the rest of us. In Ward County who handled the cotton from the regulated district?

A. Cleveland & Sons, Gordon-Powell Co., and some others.

Q. How is the cotton in the Pecos country, you have a noncotton zone there?

A. A regulated zone.

Q. How is it handled?

A. Substantially in the way I have described. Those forms are given for the shipment of this cotton to this list of handlers in Houston.

Q. That is shipped in the seed to Houston to be ginned, isn't it?

A. No, sir, the seed is shipped only to El Paso.

Q. Is it ginned in the Pecos district?

A. Yes, sir.

Q. What cotton from the west has been shipped to Houston for ginning, if any?

A. No cotton from the Pecos valley. There was some shipped from either Presidio or Brewster County.

Q. That was shipped from Presidio or Brewster County in the Big Bend country over the Southern Pa-

cific to Houston, Texas, to be ginned?

A. It was.

Q. Carried in the seed through the largest cotton belt of south Texas?

A. Yes, sir.

Q. Through the Bohemian and German settlements between San Antonio and Houston?

A. If my recollection is correct it was only the cotton from Brewster and Presidio Counties that was shipped unginned, was before or at about the time the infestation was discovered in the Big Bend County.

Q. Well, as a matter of fact it was shipped through that vast area, through Medina County, through the cotton belt such as is west of San Antonio, and through Sabinal?

A. Some of it was shipped that way. There was very careful scouting along the railroad right of way.

Q. And you and your department and the State Department exposed probably hundreds of miles of cotton country in Texas to this alleged pest by carrying from the Big Bend country to Houston unginned cotton?

A. That was shipped previous to the time the infestation had been discovered in the Big Bend.

Q. Why was it shipped unginned if the pest wasn't discovered?

A. It wasn't shipped to a designated gin. It was before any sort of zone was established in the Big Bend.

Q. You mean it was shipped by the farmers?

A. It was.

Q. Wasn't it shipped to Danses' gin, a designated gin in Houston?

A. That gin may have been designated with reference to some other area, but at that time, according to my recollection there was no infestation in the Big Bend country, and no control being exercised over the cotton originating there.

Q. Was there a known pest out there in 1918, according to your recollection?

A. The first infestation was found in the Big Bend district about November or December, 1918.

Q. And in 1918 unginned and ginned cotton both was shipped out of that zone to Houston?

A. It was before the infestation was found.

Q. Under your permission, was it not?

A. No, that country was not under restrictions then.

Q. Now, with reference to the crop this year in that territory, have you been out on any of the farms?

A. I have.

Q. What is the stand of cotton this year?

A. Generally poor on account of the dry weather. In some localities it is very good.

Q. In the Alvin country they are now growing much cotton this year?

A. My impression is, I haven't made any special investigation, but there is a considerable amount planted and about to be planted.

Q. You have been out on some of the farms in the Fort Bend country?

A. Yes, sir.

Q. The stand is very fine there?

A. Along the Brazos River the stand is very good.

Q. Have you been in Liberty County?

A. Yes, sir. I was there last Saturday.

Q. The stand there is good, isn't it?

A. I saw some very poor stands.

Q. As a matter of fact, Dr. Hunter, we have had just recently heavy rains, have we not?

A. Yes, sir.

Q. And the prospects are regarded as good by the real farmers in that section?

A. I couldn't say that, because the real farmers know the hazard of planting cotton late on account of the boll weevil. It is late now, the cotton ought to have been planted several weeks ago, but it was not planted on account of the climatic conditions. It is late and therefore the prospects are not good.

Q. However the acreage is large?

A. I have no statistics on that.

Q. And they planted their crops this year under your authority?

A. No, not under my authority, I had no authority to authorize it.

Q. I know you want to be modest; I will say by the Pink Bollworm Commission of which you are a member?

A. Well, the Commissioner of Agriculture of the State.

Q. Did they do anything with reference to the matter without consulting you?

A. Yes, sir, they do and they have.

Q. Well, we are glad to hear that much, but we have no proof of it.

A. I think this discussion will continue to be profitable along that line, if you will keep it up.

Q. You cooperate with the State Department of Agriculture?

A. Yes, sir.

Q. And the cooperation consists of you telling them what to do, or what they must do, and they do it?

A. No, sir; not at all.

Q. You get your instructions from Dr. Marlatt, don't you?

A. I get instructions from him.

Q. And comply with them?

A. Sometimes I do, and sometimes I do not. In these cases the Department of Agriculture makes recommendations about certain conditions. Dr. Marlatt is here and he can speak for himself, but he has consistently required and followed the policy of being shown. If anything has to be done he insists on being shown that a certain thing is the proper thing to do.

Q. Coming to another branch: The law requiring that the inspector must make affidavit that he has found what he calls a pink bollworm?

A. It does.

Q. And he must have a witness when he finds the pink bollworm?

A. I think that is substantially the provisions of the law.

Q. Now, the policy has been to send three or more inspectors into a field, hasn't it?

A. No, sir, not always.

Q. All right, there may be exceptions, but the rule, the general rule, is that there are?

A. Yes, the general rule.

Q. If the Legislature, in its wisdom, thinks it necessary to require an inspector of the Department of Agriculture of this state to make an affidavit that he found a pest, witnessed by two persons, do you think that the spirit of the law has been complied with when those two persons are also inspectors, strangers to the community?

A. That is a matter on which I cannot speak for the Commissioner of Agriculture.

Q. Isn't it a fact that Jones, Smith and Brown, all inspectors, go into the field to look for pink bollworms, if Jones finds one he calls Smith and Brown and exhibits it to them, they are then the witnesses, now if Brown finds one he called Jones and Smith and they are the witnesses, and so on; that is practically the way it is worked?

A. No, sir, that is not the procedure. The procedure is that the three men go to a cotton field for the purpose of making an inspection. The leader of the party goes immediately to the house and attempts to find the owner or the tenant and invite him to go with the inspectors into the field. Those are instructions given to the inspectors. Sometimes the owner or tenant goes into the field, and sometime he, sometimes he happens to be there, in other cases both the owner and tenant are away, in such cases the inspectors make the examination themselves. Every effort is made to have the owner or tenant present.

Q. Have you got an affidavit or a written report from any farmer on what you call the Trinity Bay territory to the effect that he witnessed an inspector find a pink bollworm in the boll?

A. Those records are kept in the files of the Department of Agriculture, personally I don't know.

Q. Have you ever seen one?

A. I don't recall that I did.

Q. Do you know the name or address of a single farmer in that territory you could give us who will say that he has ever seen an inspector open a boll and show him the worm, or what purported to be a worm?

A. Yes, sir.

Q. Give us his name and address?

A. Mr. Bloom of San Leon.

Q. What are his initials?

A. That same thing may have happened in a great many cases, but it just happens that I know that particular case.

Q. Well, it may have been, but did it?

A. His initials are C. D. Bloom.

Q. Do you know any other?

A. That is the only one I have.

Q. Out of 3,500 fields that were inspected in 1917, and then 4,000 fields inspected in 1919, this is the only farmer that you know of?

A. That is the one I recollect, I don't carry those details of the record with me.

Q. You know the farmers have claimed that your inspectors haven't given them an opportunity to see them find a pink bollworm in a boll?

A. It is a fact that I have heard a report of that kind, and I have supplied repeated instructions to our inspectors to be careful in all cases where the landowner was present so he could see.

Q. These inspectors are not experts?

A. They are employed through the

Civil Service Department of the United States, which prescribes the qualifications.

Q. That is the Federal inspectors?

A. Yes, sir.

Q. Now the state inspectors, you took over the State inspectors for this work?

A. At the beginning on account of the emergency due to the sudden finding of the infestation a certain number of State Inspectors were taken over until they could qualify with the Civil Service Commission. If they didn't have that qualification we dropped them from our roll.

Q. The Civil Service does not require them to be expert or entomologists?

A. It requires that they shall have taken the regular prescribed course of entomology in the university, or at least have had two years work in actual quarantine work.

Q. Going back to this bottle or jar of preserved worms you had here yesterday: Those worms have never been in Washington?

A. They have never been to Washington, but they have been examined at Houston by Dr. Busck and Dr. Heinrich, who do the work in Washington.

Q. For the benefit of one member of the Committee, a large portion of these worms in that jar, which you claim to be pink bollworms, came from Mexico?

A. About half of them did.

Q. The others you claim came from Smith's Point?

A. They did come from there.

Q. Now, these inspectors, when they go out into the field to inspect, do they carry pink bollworms with them?

A. They carry observed specimens for two purposes; one is to be able to show the difference between the pink bollworm and the other bollworms.

Q. What is the other purpose?

A. The other purpose is to enable them to make comparisons, to enable them to eliminate specimens that look like pink bollworms, and to send in just pink bollworms, or ones that resemble it.

Q. Did I understand you to say that there are only six men in the world who can identify a pink bollworm?

A. There are about six, who are considered the final authority.

Q. Who are they?

A. August Busck at Washington, C. Heinrich of Washington, Lord Walsingham of England, Miss Mosher of the University of Illinois, Dr. Fernald of the University of Massachusetts.

Q. Who is the sixth?

A. Mr. Zeller.

Q. You are not then an authority?

A. I am not a specialist in the designation of insects of that character. We have insects constituting an enormous group, and they are divided up, and we have specialists in the different orders.

Q. Of course all of these methods that have been pursued with reference to the eradication of the alleged pink bollworm, both in this country and other countries, are experiments?

A. They are experiments based upon obvious facts.

Q. With reference to starving them, outside of that little zone at Hearne where they were found, from ten to fourteen, according to your record, seventeen, and your recollection was fourteen, there is no record of any other experiments of that kind?

A. There is a record of the Trinity Bay work, in which the infestation was enormously reduced.

Q. But the infestation was enormously reduced although cotton grew all over the district?

A. No, cotton didn't grow all over the district. It grew in spots.

Q. The volunteer cotton grew in practically every field?

A. The volunteer cotton was destroyed.

Q. Did you destroy the outlaw cotton in 1918, what you call outlaw cotton?

A. I did not.

Q. Did you clean the fields of the farmers who grew cotton?

A. The fields of the farmers were cleaned by the farmers themselves under a formal agreement with the State Department of Agriculture.

Q. But you didn't do it?

A. No, sir.

Q. These three million plants you examined were volunteer cotton plants?

A. Yes, sir.

Q. So at least there were three million plants in that district, volunteer cotton that you know of?

A. Yes, sir.

Q. And of course you didn't examine all of the plants?

A. All of these three million plants—

Q. I say you didn't examine all of the plants that grew voluntarily in the district?

A. We made an effort to look at all of the volunteer plants, beginning in June. The country was divided

into districts, sub-divided, and then placed in charge of these sub-divisions were placed inspectors, and very careful inspections were made to locate the fields which had been in cotton the year before. Some fields here and there may have been missed.

Q. In 1919 cotton was permitted to grow under regulations?

A. Yes, sir.

Q. At the end of 1919, beginning in October was it, or September?

A. In October.

Q. On October you found what you claimed were some pink bollworms, and continued to find a few until January?

A. Yes, sir.

Q. Something like a hundred?

A. Yes, sir.

Q. Is it not a fact that those were found in very small areas, in other words, they were not generally found? In a field, after careful examination, there would be only a few stalks involved?

A. They were found rather generally, as indicated on this map.

Q. I didn't ask that question. I understand that they were found in different places, and in different sections, in different counties; I mean where they were found there were only a few stalks involved?

A. The general plan we have always followed in this inspection work was followed there. That is, when the infestation was found we knew the pest was there; when one specimen was found we knew the infestation was there, so when the infestation was established in one field by one or a few specimens the men passed that field up and went on to others. The point was to determine the extent of the territory infested, and not the amount of the infestation in any particular territory or rather any particular field.

Q. Now, then, referring again to the control of cotton shipped into or through an infested district like Houston, the power would be vested in the Commissioner of Agriculture of the State to make the necessary regulations?

A. Yes, sir.

Q. And he would have the power and would exercise it?

A. He would.

Q. And therefore if he conceived the idea that a cotton regulation was not satisfactory he could promulgate another one?

A. He could.

Q. So that we would have no assurance as to what the regulation would be from time to time?

A. Only such assurance as you have from one of the departments of your government.

Q. In other words, the purpose is to let the Legislature, the representatives of the people, take from themselves the power to regulate by law, and fix that in an individual, who is a state officer?

A. As the people of Texas are doing all the time, still giving power to the administrative officers.

Q. I don't agree with you that they delegate such unlimited power, and vest autocratic powers as would vest in that instance, which would make him the judge, jury and executioner.

A. It would give him the authority to promulgate regulations with reference to the requirements of safety with reference to the feasability or administration.

Q. And the redress the citizen would have would be the courts?

A. Yes, sir.

Q. It would require the party to be harrassed by going into court if a Commissioner promulgated what was considered by those interested as an untenable regulation?

A. Yes, that undoubtedly would be the result.

Q. And he would have the power to promulgate any regulation he might conceive?

A. Yes, which was authorized by law.

Q. How long had your fifty men hunted at Hearne before they found a worm?

A. It didn't take fifty men to find the worm, it was found by one man who had been making investigations at Hearne for about two months.

Q. I understood you to say yesterday that fifty men at various times had searched at Hearne?

A. They have, but that searching has continued over 1917, 1918 and 1919, and is still under way.

Q. It took a man who found a worm two months to find it?

A. Yes.

Q. In how big an acreage, what area?

A. He searched various fields in the vicinity of the oil mill, from which the infestation originated. I cannot give an approximation of the acreage.

Q. Isn't it a fact that it is not the purpose to apply a noncotton zone on the Trinity Bay area for 1920?

A. I cannot answer that question because the power and the intent is not lodged in me, but in the Federal Government.

Q. Isn't it in your mind not to apply such a zone for 1920?

A. Is it proper for me to state my personal opinion?

The Chair: State your question again.

Gen. Wolters: What is in his own mind as to whether he will apply or help to apply a noncotton zone in 1920?

Mr. Bryant: I don't think there is any law authorizing him to do that.

Gen. Wolters: Well, if there is a law passed.

Senator Caldwell: Ask him if in his judgment a law ought to be passed applying a noncotton zone there for 1920.

Gen. Wolters: Well, Mr. Caldwell, that is not my purpose now. I asked him if it wasn't his intention not to apply a noncotton zone in that vicinity for 1920, even though the Legislature might pass a law that he might himself write.

The Chair: If I understand it right, he doesn't promulgate the rules and it is not necessary for him to answer the question.

Gen. Wolters: He is a member of the Pink Bollworm Commission. Nobody has asked the Legislature to pass a law to draw a red circle around a considerable number of counties. All they are asking you to do is to pass a law that will permit them to fix a zone in any locality where they find the pink bollworm.

Mr. Bryant: But he doesn't have that authority.

Gen. Wolters: He is a member of the Federal Pink Bollworm Commission; he is an official there cooperating with the State Department. Mr. Bryant, there is a noncotton zone law now.

Q. (By Gen. Wolters.) Is it in your mind that even with the legislation that is asked to be enacted to impose a noncotton zone on that territory for 1920?

Mr. Bryant: I don't think you ought to ask him that question, as to what he intends. You might ask him if he would recommend it.

Q. Well, all right, would you recommend it?

A. If the Legislature provides the necessary means of establishing and enforcing a noncotton zone on the basis of adequate compensation for the farmer my recommendation will be that a noncotton zone be established in 1920, as the necessary step in doing what we will want to accomplish, which is to stamp out the pink bollworm.

Q. Do you know Mr. T. A. Walton and Mr. W. B. Lanham of the A. & M. College?

A. I do.

Q. Did you in a conversation with them prior to the convening of this Legislature, with both or either of them, say that the only purpose you had was to bluff the Governor into calling a special sesion of the Legislature, and that you did not intend to apply a zone for 1920, but wanted the legislation so you could do it in 1920?

A. I did not.

Q. Or in substance?

A. I did not.

Q. Did you make any statement substantially like that?

A. I did not.

Q. You are certain you did not?

A. I am.

Q. Did you not meet Mr. Walton or Mr. Lanham, or both of them, after the Governor convened the Legislature and then say "Well, you see we got the Legislature." I am not undertaking to quote literally, but just substantially such a statement?

A. I saw Mr. Walton and Mr. Lanham and very likely I remarked casually that we were going to have a special session of the Legislature on the subject of the pink bollworm.

Q. My question was if they referred to a previous conversation in which you stated the purpose, as I have stated?

A. We have had several conversations on the basis of a special session of the Legislature.

Q. And you didn't say the purpose was to bluff the Governor into calling a special session in order to get a law for 1921, or anything like that?

A. I did not.

Q. Mr. E. B. Pickett of Liberty County is a resident member of Liberty County of the Pink Bollworm Commission, is he not?

A. I think he declined to serve.

Q. Was he a member?

A. He was appointed a member and my recollection is that he declined to serve, and said he was not qualified.

Q. You had a conversation with him about getting laws changed so as to provide compensation?

A. I asked his advice about the feasibility of legislation which would provide compensation.

Q. In that conversation didn't Mr. Pickett ask you whether you intended to apply a noncotton zone in 1920, and you said, no, in 1921?

A. I have no recollection of any such conversation.

Mr. Bryant: I don't see the object of this testimony. To save my life I cannot see the relevancy of it, as to whether he told these men these things. It appears to me that they are trying to lay a predicate to impeach a man about an immaterial matter. It is not relevant to the issues in this case, and I don't understand why counsel wants to consume all of this time in asking about a matter that does not bear on the issues that this Committee is trying to investigate and get at the truth of. I just want to suggest, Mr. Chairman, that I don't want to be put in the attitude of objecting to anything that is material, anything that will shed any light on this investigation. But to go out after these isolated conversations and what was the intention of the department in the future is immaterial.

Gen. Wolters: It seems to me that this evidence is very material. They have come with a statement to the Governor of Texas that unless the machinery is fixed whereby a noncotton zone can be established the Federal Department of Agriculture will find it necessary to quarantine all of the cotton and cotton products and seed products of the State of Texas, because of the alleged infestation in a few counties in one of the cultivated sections of the state. Now then, if that is done, he is a member of the Board of Horticulture, he is the Federal official in Texas who is administering the affairs of the Department of Agriculture in relation to the financial and agricultural interest of the State, and if in January and in February, or in April or even in May he was making statements that it was not the purpose to apply a noncotton zone for 1920, then we think we have a right to show it, so that this Committee may understand the importance or non-importance of their contention, that the only way that the pink bollworm can be eradicated is by a noncotton zone, which admittedly is at a terrific expense first to the farmers and the people involved, not merely by the loss of their crops, but the depreciation of their property values, and by placing taxes on all of the people of Texas if compensation is provided, and therefore it seems to me that it is a pertinent inquiry for this Committee to ascertain what this gentleman, who is the representative of that Board, has been saying to other men in Texas before he comes here.

The Chair: I shall have to overrule the objection of counsel.

Q. (By Gen. Wolters.) Now, immediately after the January meeting didn't you go to Mr. Pickett's office at Liberty and there have that conversation?

A. I had a conversation with him on the subject of compensation.

Q. Didn't you tell him it was not the purpose to have a noncotton zone for 1920, but to get the legislation for the future?

A. I have no recollection of having a conversation like that, but it is possible that he interpreted my conversation like that, because the question of having a noncotton zone in 1920 was dependent upon the question of getting a special session of the Legislature, but at that time a special session was not in prospect. The chances of having a noncotton zone in 1920 were much less then than they were a few weeks later.

Q. And that is because some worms were found in Orange County and some in Louisiana?

A. And because the State had waked up to the facts of the situation, that is, public sentiment.

Q. You mean that the propaganda issued from your office at the expense of the people of the United States, and the propaganda issued from the State Department, had aroused apprehension in the minds of the people?

A. I mean to say that the great channels of the people investigated the matter impartially, and as a result of that there was a certain amount of publicity, and then some of the officials of the A. & M. College investigated the matter, and that gave it still more publicity.

Q. You put on what you called a campaign of education?

A. Yes, sir.

Q. How much money have you spent today in enforcing the regulations and the clean-up work in the Trinity Bay district?

A. The entire work in Texas since its inspection has cost the Federal Government about a million and a half dollars.

Q. That is the entire state?

A. Yes, sir.

Gen. Wolters: I think that is all I

care to ask Dr. Hunter. Mr. Mead is here and represents the Big Bend district, and I am not familiar with that section, I will ask that he be permitted to interrogate the witness about that.

Q. (By Mr. Mead) Dr. Hunter, reference has been made to the Laguna district in Mexico. I don't think you explained the extent of that territory and its location, I wish you would please do so?

A. The Laguna territory in Mexico is about 250 miles south of the Rio Grande, and opposite Del Rio, Texas. It is the bed of a prehistoric lake, about fifty miles wide and a hundred miles long.

Q. At the nearest point to the river it is how far from the Rio Grande River?

A. I should say two hundred miles.

Q. What is the nature of the country between the Laguna and the Rio Grande, is it agricultural?

A. No, sir, it is grazing land, and mountainous.

Q. How many points in Mexico has the pink bollworm been discovered?

A. At many points, that is general throughout the Laguna; at Santa Rose Lia, in the State of Chihuahua, at San Carlos about twenty miles into Mexico opposite Del Rio, and also at Allende.

Q. What is the closest point to the border of Texas where there has been a discovery, outside of the Laguna?

A. At San Carlos.

Q. That is opposite Del Rio?

A. Yes, sir.

Q. How far?

A. Twenty-two miles by rail from Del Rio.

Q. When was that discovery first made?

A. I would have to look up the records, but it was approximately some time in 1917.

Q. That is in or near zone four?

A. Yes, sir.

Q. Now, zone five, that includes the counties of Presidio and Brewster; where is the Mexican infestation around that place?

A. The infestation was found immediately across the river in the vicinity of San Antonio, two or three miles from the river.

Q. How far approximately is that from the Laguna district?

A. I should say two hundred miles.

Q. How far from Del Rio?

A. 300 miles.

Q. Do you know where the pink bollworm came from that was found on the Traveno farm opposite Del Rio, did you trace it?

A. To this extent, that the Traveno manager had shipped a car load of seed from the Laguna district about 1916.

Q. Did you trace the origin of the pink bollworm that you spoke of being in the Big Bend country further than San Antonio, did you trace the origin of that?

A. Not definitely.

Q. How much infestation was there over there?

A. This infestation was found on only a few volunteer plants growing along an irrigation ditch. A small group of plants only.

Gen. Wolters: We introduce this telegram in evidence:

"Washington, D. C., May 14, 1920.
W. D. Hunter,
Avenue Hotel,
Austin, Texas.

Department accepts maintenance special observation zones without other restriction points in Texas receiving seed from Louisiana.

Marlatt."

Q. Why did you not inquire as to its origin?

A. We did.

Q. You did and couldn't find out?

A. No one knew. It is a very common occurrence for laborers to come down from San Juan River from the Laguna territory, it is an old trail over which thousands of Mexicans still travel from the interior of Mexico to the Rio Grande section.

Q. Yes, and San Antonio. You know where the village of San Antonio is, do you, just opposite the town of Candelaria. Candelaria is in Presidio County and San Antonio is just across the river, you know those places do you not?

A. Yes, sir.

Q. Now, that is not down the river, that is up the river, two or three hundred miles from the Laguna district, isn't it?

A. Yes, why, I think that is just about north of Laguna.

Q. Well, that is up towards El Paso. And your theory is that it might have gone up stream and got up to this little village of San Antonio?

A. No, not at all, but it might have been carried in seed or seed cotton such as Mexicans carry with them very frequently and which has been found infested at our border points.

Q. Doctor, isn't it a fact that you discovered the pink bollworm in Presidio County, before you discovered it on the opposite of the—opposite side of the river in Mexico in that vicinity?

A. It is.

Q. You didn't know they had any over there in Mexico, until you found it in Texas, that is a fact, isn't it?

A. That is a fact.

Q. Now, isn't it a fact that the law—that all they had across the river was a few seeds carried over there from the Texas side and planted there?

A. I don't know.

Q. You don't know that that is a fact?

A. I do not.

Q. You didn't know they took those few seed over there in a few infested bales from one little patch and that was taken by the Commissioner of Agriculture as a basis to throw both of those counties in a noncotton zone?

A. I did not know that. In fact, I think it is quite the contrary.

Q. But you don't know what is the origin of it there?

A. No, we know this, that a great many Mexicans travel from Laguna to San Antonio and we know that Mexicans have a habit of carrying seed cotton or cotton seed along with them for packing dishes and one thing and another and that the pink bollworm can be carried in cotton seed for a year or two years, and that it has actually been found in our border points in such seed in the possession of Mexicans.

Q. What investigation has been made up the river further towards El Paso in El Paso County towards searching for the pink bollworm?

A. That territory has been inspected very thoroughly.

Q. What inspection has been made across the river opposite El Paso County in Mexico?

A. Rather thorough inspections have been made over there, but very little cotton.

Q. You haven't found any over there?

A. No.

Q. How do you account for it that Mexicans, that there are a great deal many more Mexicans about El Paso County and across the river than there is down in this little farm settlement about San Antonio, is'nt there?

A. Yes.

Q. How do you account for it that those Mexicans would not carry some of those seeds and scatter them there also?

A. They do carry seed and we have—it is simply a matter of extent. I don't know and no one ever will know what contact was established between a lot of pink bollworms brought in by Mexicans and some cotton seed, cotton plants. Up in the other territory it just happens that a similar series of accidents have not occurred.

Q. Now speaking of the shipping of cotton away from that country, your records show as you stated here, your first discoveries were in December, 1918?

A. That is my recollection.

Q. You found the same infestation in the neighborhood of Presidio, the town of Presidio, did you not?

A. Yes, sir.

Q. And some at Candelaria also. There is a gin at Candelaria isn't there?

A. There was.

Q. There is no gin at Presidio?

A. No.

Q. Now you discovered that in 1918; there was cotton then in the field, and cotton then that had been picked and had not been picked in that country?

A. I don't know that there was; my recollection is that all or practically all all of the cotton had been shipped out.

Q. Don't you know, doctor, that you held up the bales of cotton up there in that country and wouldn't allow them shipped until you gave them a permit, the railroad would not ship it, don't you recall that you had a transaction with Mr. P. D. Anderson of Presidio County, of Presidio, before he could get permission to ship his cotton away from there, it was infested in the 1918 crop?

A. I have no recollection of that. That was undoubtedly handled by the State Department.

Q. Didn't you issue permits to Mr. Candelaria to ship his cotton from Marfa, didn't you have considerable correspondence with him about letting him ship his cotton?

A. That may or may not be.

Q. Then you were mistaken when you told Col. Wolters a while ago that you did not ship cotton over the Southern Pacific up in there in the 1918 crop?

A. I told Col. Wolters that cotton had been shipped, but my recollection was it was before or about the time of the infestation.

Q. You wouldn't have had anything done with it if it had not been after the discovery, you would not have been dealing with those people up there if it hadn't been the discovery of infestation in that country?

A. Yes, we concern ourselves with infestation wherever it occurs.

Q. I understand, but if you had not discovered the infestation you would not have interferred with him?

A. We would have no knowledge about it.

Q. Have you a record of the investigations that were made over the entire State of Texas in reference to the pink bollworm, the surveys that were made, have you got a record anywhere showing all of that?

A. I have.

Q. Well, you can show each county searched and the places searched in counties?

A. I have.

Q. Have you that available, I mean can you get it and furnish it here in this investigation?

A. Well yes, within a short time. I might have—I might not have it here with these papers, but it is available.

Mr. Moon: I would like for you to get that, doctor, so it can be used here in this investigation. That is all.

Further Cross Examination.
Questions by Gen. Wolters.

Q. Do you know where the seed came from that were planted on the Albritton place?

A. I do not.

Q. Yesterday, you testified with reference to the depreciation of seed from the original seed, that is from certain early seed to the end of the season, that the pink bollworm depreciated it eight per cent in weight?

A. Yes, sir.

Q. Now, doctor, isn't it a fact that the seeds from the early pickings are always heavier than that from the late cotton?

A. It is, I took that into consideration in our computation.

Q. And you don't figure that the depreciation from the first—seed from the first cotton and the seed from the last cotton amount to as much as eight per cent?

A. We allowed, I think, under the advice of some cotton seed men, the net loss in weight of five per cent. This eight per cent was in addition to that.

Redirect Examination.
Questions by Mr. Bryant.

Q. Doctor Hunter, you are familiar with the legislative history of the Pink Bollworm law, aren't you?

A. Rather.

Q. Now, when was the pink bollworm first discovered in Texas and called to the attention of the Department?

A. In September, 1917.

Q. What steps were taken by your Department, either by itself or in conjunction of the Department of Agriculture of this State to secure legislative authority to control the pink bollworm and what law was enacted, in response to your efforts?

A. The Department of Agriculture called Commissioner Davis into Conference at Washington and suggested the advisability of providing State legislation which would supplement the Federal and general legislation; there is a limitation to the powers of the Federal Government. Within the State certain control measures can only be provided by the State. The Federal Government made the proposal that it would furnish funds and means of safe-guarding the border, establishing a system of inspection and disinfection and would provide for the handling of any infestation that might occur in Texas. And legislation looking towards noncotton zones should be provided by the State.

Q. Now, when was the first Pink Bollworm law enacted in the State of Texas? Has the pink bollworm ever shown up in any other of the cotton States, or anywhere else in the United States, except Texas?

A. It never has. There have been reports sometimes in the newspapers of the occurrence of the pink bollworm in various States, but those have all been investigated with negative results.

Q. (By Senator Caldwell) I thought you said yesterday it had been found in Louisiana?

A. I am speaking of Louisiana and Texas collectively.

Q. (By Mr. Bryant) Doctor, state substantially, it don't make any difference, that law I think was passed in 1917. State substantially in order that we may have its history before us, the provisions of the first Pink Bollworm law, briefly.

A. There were two main provisions: One establishing a zone along the Rio Grande, comprising all the counties from El Paso to Cameron, in which upon the finding of infestation within a certain range in Mexico, noncotton zones could be established. The second provision, or set of provisions in that law, covered the establishment of noncotton zones when such were deemed necessary by the Commissioner of Agriculture anywhere within the State.

Q. Now that law was again amended by the 36th Legislature in 1919?

A. It was.

Q. What amendments were made in that law at that time, doctor?

A. The principal amendment was to provide for regulated zones, that is, zones in which cotton would be allowed to be grown under special provisions.

Q. Now when was the pink bollworm first discovered out in the Trinity Bay country?

A. In October, 1917.

Q. It was discovered down there when, doctor?

A. October, 1917.

Q. When was the noncotton zone established there?

A. In 1918.

Q. In 1918. All the cotton that was grown down there in 1918, was grown contrary to the provisions of the law?

A. It was.

Q. Doctor, that is a map of the Trinity Bay country, isn't it?

A. It is.

Q. I wish you would get up there for the benefit of the committee, doctor, and point out where the city of Houston is?

A. Here's Houston and here's Trinity Bay.

Q. Where is Galveston?

A. Here's the Island of Galveston and the city is here.

Q. Now, what is that red line drawn all around there indicating, doctor?

A. The limit of the noncotton zone in 1918.

Q. What do those red dots on there indicate?

A. The red dots indicate the fields which were found infected by the pink bollworm in 1917 and the first few weeks in 1918.

Q. Prior to the establishment of the noncotton zone?

A. Yes, sir.

Q. Under the first law—I see some other dots on there, black looking?

A. Black dots?

Q. Some red dots, what are those red dots?

A. The red ones are the ones I have just alluded to.

Q. Well, there are some yellow ones there?

A. The yellow ones are the fields which were planted in cotton in the so-claimed noncotton zone in 1918.

Q. And grown contrary to the law?

A. Yes.

Q. Was any effort made to keep those people from growing cotton contrary to the provisions of the law, during 1918?

A. There were.

Q. What efforts were made?

A. The first efforts made were in line with informing the people about the seriousness of the situation, the importance of their complying with the law. We organized meetings throughout that territory, all of the available men who were competent to handle such matters were detailed to hold meetings and interview the farmers, bankers, merchants and others and generally informed them and appealed to their minds about the importance of not planting cotton in the regions that were infested.

Q. They did plant cotton?

A. They did.

Q. Then you resorted to the courts to try to restrain them from growing the cotton?

A. I should say to make the connection that the people generally responded heartily to this appeal and probably three or four thousand acres that had been planted were ploughed out on our recommendation.

Q. You went into the courts with it?

A. Yes, sir.

Q. The cases finally reached the Court of Criminal Appeals late in the season?

A. Yes, sir.

Q. And at that time, the cotton had secured in these outlaw, as you designate them, cotton fields. An agreement was then had, wasn't there, doctor, with reference to that case and similar cases agreed to by the Department of Agriculture and those at interest, whereby that cotton was permitted to be gathered?

A. That is true.

Q. And entered into in the fall of 1918?

A. Yes, sir.

Q. What was the substance of that agreement?

A. That in consideration of being

allowed to market the cotton produced, the farmers would agree to clean their fields in a certain manner as prescribed by the Commissioner of Agriculture and would deposit at the rate of $20.00 per bale with the Commissioner of Agriculture to be forfeited in case the fields were not cleaned to the satisfaction of the Commissioner and also binding the farmers to comply with any orders or proclamation issued under the Pink Bollworm Act in the future.

Q. Anything said in that agreement about permitting the farmers to plant cotton in 1919 in that Trinity Bay section?

A. I think not.

Q. Wasn't the agreement had between the Department of Agriculture and the farmers in that noncotton zone that they would permit them to plant cotton in 1919 and if the pink bollworm was found in the cotton that had been planted in the fall, they would not plant any cotton for 1920?

A. My understanding is that the agreement was this, that the farmers bound themselves to comply with any requirements proposed under the Pink Bollworm law of the State at any time in the future.

Q. Was any bollworms, pink bollworms found in that district or noncotton zone in the fall of 1918?

A. None.

Q. Was any bollworms found there in the fall of 1919?

A. There was.

Q. About at how many different points in there was the pink bollworm found in the fall of 1919 and early in 1920?

A. I think altogether in fifty fields.

Q. In addition to finding pink bollworms in that noncotton zone, were there any found outside of the zone?

A. There were specimens found in Orange County and in Louisiana, of course. In Jasper County, I think comes into consideration on account of finding of specimens within a few miles in the adjoining counties.

Q. Doctor, how long have you known that section of the State, been familiar with the production of cotton in that Trinity Bay section?

A. I have been in that general territory off and on for nineteen years.

Q. Do you know about what the average acreage of cotton in that zone is, the average acreage planted annually to cotton?

A. That is not determinable, not determinable exactly. It varies very greatly from year to year.

Q. Now, does the Federal Government keep an accurate record of the amount of cotton produced in each and every county that produces cotton in the United States?

A. It does.

Q. Have you that report as to the cotton production in this particular area of these counties?

A. I have.

Q. You have that report, have you?

A. Yes, sir.

Q. Now that district embraces, doctor, what counties? That noncotton zone embraces—

A. (Interrupting) Jefferson—

Q. Does it embrace all of Jefferson?

A. All of Jefferson.

Q. All right, all of what other counties?

A. All of Chambers and Galveston.

Q. Parts of what counties?

A. Parts of Brazoria, Liberty, Harris, Ft. Bend, Jasper and Newton. Also Hardin and Orange.

Q. Now, are you prepared to tell this committee about what part of Brazoria County is embraced in this zone?

A. I would say that approximately twenty-five per cent.

Q. What part of Liberty?

A. Practically all of Liberty.

Q. Of Harris?

A. I have estimated about sixteen per cent of the area of the county.

Q. Fort Bend?

A. About two per cent, two or three.

Q. Jasper?

A. Two per cent.

Q. Newton?

A. Two per cent.

Q. Hardin?

A. About fifty per cent.

Q. Orange?

A. Well, practically the entire county.

Q. Now, that is the percentage of these respective counties that embrace in this noncotton zone as it exists today?

A. Well, it is in the quarantined area of the noncotton zone which is under consideration.

Q. Under consideration. That embraces the entire territory?

A. It does.

Q. Does that include the proposed five or ten or twenty-five mile zone beyond the limits of the present infestation?

A. It includes a five-mile zone

approximately beyond the outermost point of infestation.

Q. It takes in the entire area that is infested and then a line five miles out from there?

A. Yes.

Q. And the outermost fields all around there, include all of these counties or a portion thereof?

A. Yes.

Q. Have you taken the cotton statistics as furnished by the Federal Government and made an estimate as to the usual yield of the cotton in this zone for the last four or five years?

A. I have for the last twenty years.

Q. Have you that in such shape as you can proportion it to each of these counties?

A. I have.

Q. So that if a noncotton zone was established, how it will affect each of these counties?

A. I think I have it in suitable form for that?

Q. Doctor, I wish you would read that, please, sir, to the committee.

A. Well, sir, that is the way it looks, it is rather a bad subject for reading. Simply eight or ten columns of number of bales produced. Perhaps it would serve your purpose to give you the substance, the total of it.

Q. All right, doctor, that is all right.

A. On the basis of including all of Chambers, Jefferson, Galveston, Orange and Liberty Counties, twenty-five per cent of Brazoria and these various percentages of the other counties that were mentioned, ginnings reported by the census, and these are the statistics of the bales ginned.

Q. Taken annually?

A. Taken annually for all of those parts of those counties. The average for the years of 1914 to 1918 has been 7367 bales.

Q. Grown in this—

A. (Interrupting) Proposed—

Q. (Interrupting) Quarantined zone?

A. Yes, sir?

Q. I wish you would file that with the stenographer so it can go in the record.

(The paper referred to was thereupon received in evdence and copy of same is attachd hereto marked "Exhibit No. 1.")

Q. Doctor Hunter, General Wolters asked you about your qualifications to identify the pink bollworm. You stated you were not a specialist. You have given about how long to the study of the pink bollworm and its habits and characteristics?

A. I have been engaged in that work along with other lines of work since 1917.

Q. Do you know of any man who has had more experience in the field in this kind of work than yourself in this country?

A. I know of several men who have had a great deal more experience with the pink bollworm than I have. They have been in the countries where it exists in great numbers. My only experience with it has been in Texas where it is in very few numbers.

Q. Doctor, you could not be positive every time about the identification of the pink bollworm. A pink bollworm brought to you, pickled, you wouldn't be so certain of its identification?

A. If a pink bollworm was brought to me exactly as it is found in the field in the boll with its characteristic evidence of its work and the specimen along with it, would be one thing and a specimen preserved in a bottle away from the indications of the nature of its work would be quite a different thing. I would not rely upon my own judgment as to the identity of that finally.

Q. Well, who identifies these pink bollworms when they have been found by your inspectors in the field?

A. They are identified by specialists in the National Museum at Washington.

Q. Who are those specialists?

A. Mr. Heinrich and August Busck.

Q. Are they two of the men that you said awhile ago, that you enumerated as a part of the known experts on the pink bollworm.

A. They are preeminently the authorities in that group.

Q. Now doctor, the pink bollworm law provides that when the person who made the examination disclosing the presence of the pink bollworm shall also make a statement in writing setting forth among other essential information, the following facts, the date when such examination was made, names of two or more responsible persons who were present when such examination was made, and several other things,

the locality where it was found, etc. Now, what is the custom of your department with reference to this affidavit, when one of your inspectors finds a pink bollworm in a cotton field?

A. Whenever an inspector finds a specimen that he thinks is or may be the pink bollworm, he gives it a number, the first one he finds is No. 1, he places that number with his name in a vial containing it, he also writes a card four by six inches in which he gives that specimen number, the place of collection, date and other particulars. The specimen and the note receive corresponding numbers and are sent to the Houston office. The specimens themselves are sent to Washington for determination.

Q. Then in Washington, what do they do with them?

A. They put them under a microscope and give them pretty special preparation that may be necessary, study them minutely and determine whether they are the pink bollworm or not.

Q. Then what is done with them?

A. They make the report to us.

Q. Well, do they send that worm back to you?

A. They do.

Q. Then you keep that worm, do you?

A. Yes, sir.

Q. Or do you turn it over to the Department of Agriculture?

A. We have kept the specimens collected by our own men in the Houston office. Just now they are here in the Department of Agriculture.

Q. When do the field men make this affidavit as to the finding of these pink bollworms, before he sends it off for identification or immediately upon his depositing the worm with you?

A. He makes the affidavit when the final determination is made.

Q. He reports he found the worm to you, with the worm, you send it to Washington?

A. Yes, sir.

Q. The identification is there determined and turned back to you; then he makes the affidavit that he found this worm and gives the names of the two witnesses who were present when the worm was found?

A. Yes, sir.

Q. And all the other requirements, provided for by the law as to where he found the worm, whose farm, the owner thereof, and so forth. Now, you have a specimen of each worm that is found in all of these respective fields of point within the state?

A. We have.

Q. About how many specimens, individual specimens have you there, doctor?

A. About one hundred, something over one hundred.

Q. Now take one of them out, please, sir, and hold it up here so that the committee can see and tell them where that was found?

A. This specimen was found at Anahuac, Texas, 11-15-19, Greer, No. 30. That is the inspector.

Q. It doesn't say in what field that was found?

A. No, sir, the inspector's numbers connect—

Q. (Interrupting) Is there a number on that bottle?

A. Inside the bottle.

Q. Inside the bottle. Now, that refers to a complete record?

A. It does.

Q. Now, all those other individual specimens are kept in that way?

A. They are.

Q. It is not your understanding of the law that it requires three men to swear to the finding of the pink bollworm, if one is found, only one man, the man that finds it makes the affidavit and he gives the names of the two other men who were present at that time?

A. That is my understanding.

Q. Doctor, you stated awhile ago that you thought the best way to eradicate this pink bollworm in this Trinity Bay section would be by the establishment of a noncotton zone and that if the Legislature authorized it or made the appropriation that you would recommend that a noncotton zone be established in 1920, in the entire infested zone?

A. I did.

Q. You mean by that, the cotton that is already planted out there, that you would have it ploughed up and destroyed?

A. I do.

Q. That would be the effect of it?

A. Yes, sir.

Q. How long, doctor, do you think it would take to stamp out entirely the pink bollworm in that section under a noncotton zone law?

A. It will take two or three years.

Q. What effect would it have to

permit the cotton that is being grown there now to mature and not start a noncotton zone until 1921 or prohibit the planting next year?

A. It would have the effect of allowing a certain amount of spread of the insect into new territory. As long as it is there in one stage it is a hibernating insect with chances and opportunity for it to get out.

Q. Is it your opinion that this pest cannot be destroyed by a noncotton zone, I mean a regulated—

A. (Interrupting) It is.

Q. A regulated zone?

A. In my opinion it cannot be eradicated by a regulated zone.

Q. What would be the result, doctor, in your opinion, if no action is taken to stop the spread of the pink bollworm, what effect would it have upon the cotton industry of the State and of the South?

A. It would undoubtedly cause serious reduction in the amount of cotton purchased in Texas. The exact reduction cannot be indicated. I don't know and no one knows. It might be as much as it is in Egypt, it might be more or it might be less. I think I am safe in stating the loss would be not less than ten per cent of the crop and might be more than double that.

Q. You haven't any idea how long it would take that pink bollworm if unmolested down there to spread all over the State and through the cotton growing States of the country?

A. I could only conjecture on that. It might take it ten years—

Q. (Interrupting) Well, if any action is taken this year, do you think that worm will spread so by next year that it cannot be controlled?

A. It might be possible to control it next year under a similar plan, but at considerable greater expense. What would be lost very largely would be the efforts that have been made up to this time, the money that has been put into the work.

Q. Yes, now you stated awhile ago that the Federal Government had spent a million and a half dollars in its effort to retard the progress of this pink bollworm in Texas.

A. I presume the Government is still willing to spend even larger sums than that if necessary to stamp it out, undoubtedly.

Q. Do you know the attitude of the Government with reference to further expenditures of money for this purpose either with or without the cooperation of the State Government?

A. The attitude of the Government so far as I know is to make adequate apropriations provided there is a suitable program, a feasible program as the basis. I don't think the Federal government, I am sure, would ever be willing to continue enormous expenditures of money in the cleaning of fields, thereby hoping to keep the pest in a certain degree of control, but if the proposition is to stamp this insect out in a short time comparatively in a few years at a large expense as against allowing it to spread and have perpetual losses and perpetual expense of control measures, that the Federal government will support drastic steps toward immediate control.

Q. In other words, the longer the pink bollworm is permitted to run without any interference, the greater is the danger for its spread?

A. Exactly.

(A recess was thereupon taken until 2 o'clock p. m., the 25th instant.)

TUESDAY, MAY 25, 1920.

AFTERNOON SESSION.

Dr. W. D. Hunter, called as a witness by the Department of Agriculture, resumed the stand and testified as follows:

Further Cross Examination.

Q. (By Gen. Wolters.) Dr. Hunter, how many acres are now planted in cotton in the territory included in this proposed zone, or in the present zone, the regulated zone?

A. I have no way of determining that, I don't know.

Q. How many square miles are in that zone?

A. I haven't figured that out.

Q. Has it ever been figured?

A. I think I have, but I don't recall the figures of it.

Q. Is it as much as 5,400, exclusive of Orange County?

A. It must be.

Q. That is exclusive of Orange County?

A. Yes, sir.

Q. This morning in answer to the question of the Attorney General did I understand you to say that if the pink bollworm should spread over

Texas that it would probably, that the damage would probably be ten per cent?

A. My estimate is that it would probably cause a minimum damage of ten per cent; possibly considerably more.

Q. It might be less?

A. I don't know.

Q. Because of the climatic conditions in the northern part of the State?

A. My estimate is regardless of the climatic conditions, the minimum would be ten per cent.

Q. That is purely an estimate?

A. Yes, sir.

Q. Are you still keeping the Wolfe City mill under observation?

A. Yes, sir.

Q. Assuming that you should find what you call a pink bollworm in the vicinity of the Wolfe City mill, would you recommend a noncotton zone there?

A. I think I would.

Q. And you would for each other infested place you would find in the State?

A. Not unless it should be found in a large number of places.

Q. Then you would recommend, I presume, a noncotton zone taking in the borders of the State of Texas?

A. I would not.

Q. You wouldn't deem that feasible?

A. Not feasible.

Q. You told us this morning that you receeded from your position to regulate this zone after January 17th, because of new infestation found in Orange?

A. Yes, and in Louisiana, and for other reasons.

Q. Now, on February 7th, 1920, after the recommendation of the Pink Bollworm Commission had reached the Horticultural Board in Washington, Dr. Marlatt wrote a letter to the Governor of Texas, urging that the Pink Bollworm Commission reopen the matter, with a view of adopting a noncotton zone?

A. He did.

Q. After February 7th, had additional infestation been discovered in Orange and Louisiana?

A. I don't know as to that.

Q. Now then, after that time did you visit Mr. Minsen, a farmer living on the mainland in Galveston County?

A. I visited him on a number of occasions, I don't know the dates.

Q. Did you on that occasion visit Mr. Minsen and urge him to use his influence with the Governor of Texas, and get prominent citizens in Galveston to write and see the Governor and influence him against opening the subject with the Pink Bollworm Commission?

A. Against opening the subject, unless it was on the basis of an amended law which would give compensation for losses.

Q. You now say you added that qualification at that time?

A. Yes, sir.

Q. You visited Galveston with Mr. Minsen?

A. Yes, sir.

Q. He did get a number of citizens to telegraph the Governor urging that he did not reopen the matter, but continue the regulated zone?

A. I don't know what Mr. Minsen did. The proposition I placed before him was as I have outlined.

Q. And that was after the infestation was discovered in Orange and Louisiana?

A. I am not sure as to the date.

Q. You referred several times this morning to having estimated as to the fifty mile regulated zone, outside of that, the agricultural department in its bulletin of April 10th says: "The State of Texas must have a 25 mile noncotton zone around the proposed regulated zone." Have you now receded from that with reference to the 25 mile zone?

A. The 25 mile zone has in fact since the date of that announcement been under consideration. We have been collecting data and statistics relating to the feasibility of administering a zone twenty-five miles, fifteen miles and ten miles wide.

Q. But they believe in this Federal Bulletin of April 10, 1920, that they must have a 25 mile regulated zone?

A. I don't know as to that, I didn't read the bulletin.

Q. Did you never read it, you heard me read it this morning.

A. Yes, I heard it read.

Q. This is what it says: "In addition to and surrounding this noncotton zone as a further factor of safety, the State of Texas will establish and enforce a regulated zone of 25 miles in width. The growth of cotton in such regulated zone will be permitted under the restriction that the crop shall be under the full con-

trol of the State authorities in co-operation with the United States Department of Agriculture for the purpose of enforcing any safeguard that shall be determined to be necessary." That language requires no construction by either a lawyer or an entomologist.

A. No sir.

Q. Now, are you considering receding from that?

A. The board is considering any possible modification which will meet the requirements of safety.

Q. I am very glad to hear that. That 25 mile zone includes Fort Bend and Austin counties, does it not?

A. It includes a considerable portion of Fort Bend, I don't know whether it would strike Austin County or not, surely not much.

Q. There has never been a pink bollworm found in Fort Bend County has there?

A. No, sir.

Q. You pointed out this morning on the map a field that was planted in 1918 in violation of the regulations within the prescribed zone, you called it outlaw cotton. Was there a single pink bollworm found in any field during 1919 that was grown in outlaw cotton during 1918?

A. I would have to examine the records minutely to determine that.

Q. We would like to have the records because we deem that important. Here was cotton grown in 1917 and worms were found. Now in 1918 there was cotton grown, in 1919 cotton was grown, and if there were no worms found we think it is very important.

A. I can submit a statement on that by tomorrow or next day.

Q. We would like to have the original reports of that, Dr. Hunter. With reference to the number of acres you say you have no way to determine;—here is "The Work in the United States Against the Pink Bollworm" by W. D. Hunter, reprinted from the Journal of Economic Entomology, volume 12, No. 2, 1919. Page 169. "The area included 38,000 acres of cotton in 1917. The territory has suffered several agricultural catastrophes, including the failure of the citrus industry, although the region is normally too humid for cotton, there has been two dry years which had enabled the farmers to produce unusual crops, and this fact gave cotton in general estimation an importance which it cannot be said to deserve. With war prices for the staple, the general state of the public mind at the suggestion of a non-cotton zone can be well imagined." That is your work?

A. Yes, sir.

Q. Then you got from somewhere that it was 38,000 acres.

A. The question in regard to acreage this morning was with reference to the normal acreage planted.

Q. I asked you a while ago how many acres were planted there now, and you said you didn't know, and I could easily understand how you couldn't, but I was trying to arrive at what it was in other years.

A. That 38,000 acres is based on the record of the cleaned-up fields, and other sources.

Q. That did not include Orange County?

A. No, sir.

Q. I will ask you to get up that record.

A. I am not exactly clear as to what record you want.

Q. What I want is whether any of the farms on which outlaw cotton was grown in 1918 were infested in 1919.

A. I understand that.

Q. I understand, of course, that some of the volunteer cotton—that in 1918 no worms were found in the outlaw cotton, but there was some found in the volunteer cotton?

A. Yes, sir.

Q. In other words, there was not a worm found in 1918?

A. Yes, sir.

Q. And some were found late in 1919?

A. In October, 1919.

Q. Dr. Hunter, after the bulletin of April 10, 1920, and I asked this question without any reflection on anybody concerned, because the parties have a right to come when their interests are involved, did you have any conversation or conferences with seed crushers in this State with reference to paragraph 3 that proposes to put a ten mile zone around mills that had received seed from Louisiana?

A. I did not.

Q. None?

A. No, sir.

Q. Nowhere?

A. No, sir, I do not recollect a single one.

Q: No correspondence, by wire or telephone?

A. There were a few letters or

telegrams, perhaps a half dozen altogether.

Q. Can we get those letters and telegrams, and your replies?

A. You can.

Gen. Wolters: Mr. Chairman, with the exception of some examination when these records come, we have no further questions at this time.

Senator Woods: Mr. Chairman, I have some questions I would like to ask if there is no objection.

The Chair: Very well, Senator Woods, you may proceed.

Q. (By Senator Woods.) It is in evidence in regard to these shipments of cotton seed from Mexico in the winter of 1916 that a certain number of carloads were shipped to Kaufman County. Has Kaufman County been under observation?

A. Continuously from about July 1, 1917.

Q. Have you ever discovered any pink bollworms up there?

A. No, sir. The inspectors are still working in that section.

Q. Have all of these counties to where seed was shipped been under inspection?

A. Yes, sir.

Q. Then the pink bollworm has not been discovered north of Hearne?

A. That is the northermost point.

Q. And the number of pink bollworms discovered in Hearne in 1917 ranged from some five to fifteen worms?

A. Yes, sir.

Q. In regard to the propagation of these worms, it is through the eggs laid by the moth?

A. Yes, sir.

Q. About how many eggs would only one moth during a period of days deposit?

A. From one to two hundred.

Q. If you discovered from ten to fifteen of these pink bollworms within a limited section near Hearne, that would indicate a very limited number of moths, would it not?

A. It would.

Q. Now in the discovery and identification of any small number or large number, of bollworms, there would be a very large number of suspected bollworms found would there not?

A. Not a large number, a small number.

Q. A small number?

A. Yes.

Q. Take this five, ten or fifteen real pink bollworms discovered at Hearne, have you any idea or any information regarding how many pseudo bollworms were found?

A. I don't know.

Q. Then it is extremely difficult to tell whether the worm is a pink bollworm, or an ordinary bollworm.

A. It can only be determined finally by very careful examination.

Q. By microscopic examination?

A. Yes, sir.

Q. You have numberless inquiries, not only from Texas, but from other Southern States, indicating that some people think they have discovered the pink bollworm?

A. Yes, sir.

Q. And you have turned all of those down with the exception of the few that have been found in Texas and Louisiana?

A. Yes, sir, we found that they were not real pink bollworms.

Q. You found the number that come into your department?

A. Yes, sir.

Q. How many for 1917, the total?

A. Well, we had something like three thousand from one field at Smith's Point, and in addition to that several hundred more. I don't remember the exact number, from other fields.

Q. That was in 1917?

A. In 1917 and the first few weeks in 1918.

Q. What others did you find in 1918?

A. No others were found in 1918, except in the winter of 1917-1918.

Q. None later than February 1, 1918?

A. About February 1st, or a little later.

Q. None during the entire year of 1918 after about February 1st?

A. After February 1st, none were found.

Q. In 1919, how many were found?

A. About 127.

Q. Up to date in 1920?

A. This 120 estimate of mine includes those that have been found since October, 1919, up to date.

Q. 120 from October, 1919, up to date?

A. Yes, sir.

Q. Was the inspection in 1918 pretty thorough?

A. Yes, sir, quite thorough.

Q. Have you sufficient information upon which to base a suggestion as to what extent this pink bollworm might be expected to flourish north of

Hearne, or north of the middle section of the State?

A. We have observations made in Mexico where the winter temperatures are practically the same as those at Hearne. In that portion of Mexico, the insect has thrived. In addition to that, you must consider of course, that under force insects coming into the country gradually go through a process of acclimating itself. That is exactly what occurred in the case of the boll weevil. In a few years after its appearance it acquired a state where it could thrive in sections where before it became acclimated it would have died.

Q. Your estimate of a damage of ten per cent is based upon a larger damage in the southern portion of the state than would exist in the northern part, does that mean that in the south part of the state, the acreage has decreased?

A. Yes, sir.

Q. Has any estimate been made of the damage done to the crop by the Mexican boll weevil?

A. A great many estimates have been made.

Q. It is much more serious than ten per cent?

A. Yes, they have gone as much as twenty-five per cent and even higher.

Q. It varies from year to year?

A. Yes, sir.

Q. What probability is there that the pink bollworm would vary from year to year.

A. It would undoubtedly fluctuate from year to year.

Q. Is it affected by the seasons, the heat and the dryness?

A. Just the reverse of the case of the boll weevil would be the case of the pink bollworm. The dry weather is the boll weevil's weather, but the dry weather would not be a special check on the pink bollworm. There would in all probability be a more uniform damage from the pink bollworm than from the boll weevil.

Re-Direct Examination.

Q. (By Mr. Bryant.) Now, Doctor, as I understand when you go into a field, you search until you find a specimen. If that specimen is confirmed as a pink bollworm, you don't search there any more. You don't try to catch every worm in that field?

A. Not at all, the object of the inspection is to determine the extent of the infestation and not the degree of the infestation.

Senator Gibson: Mr. Chairman, I would suggest that probably Dr. Hunter would like to make a volunteer statement of his own, and if he should desire to do so, I think now would be a very good opportunity.

Mr. Bryant: Senator Woods desires to know if after you have found a worm in the field if you don't then make an exhaustive search to see if there are any more worms in that particular field?

A. We do not, in that particular field.

Q. You look in adjoining fields?

A. Yes, and try to determine how much territory is involved.

Cross Examination.

Q. (By Gen. Wolters.) The law requires that a thorough search be made to determine the degree of the infestation.

A. The nature and extent of the infestation. Our interpretation of that may be wrong, but the most important thing we can do is to determine over how much territory in Texas the infestation is spread.

Q. Your finding for 1918 shows 1288, you now say 3,000, but your report 1288?

A. I don't remember about that. In all probability the number 1288 was reported in connection with the general distribution, and had no reference to the number of specimens found for the purposes of inspection in any one field.

Q. (By Mr. Brown, interrupting.) I would like to ask a few questions, if you please. You say in 1918 you made an examination of some of the fields that were planted in that year. About how many of those fields did you make an examination of?

A. Of all the fields planted in cotton in 1918?

Q. Yes.

A. That I don't know. I would say, Mr. Brown, that forty or fifty of those fields were examined.

Q. Why were they not all examined?

A. Because it was necessary to make examinations over a very wide extent of territory. Those fields were located in groups, and the examination of one field reflected in the situation in regard to infestation in a considerable locality including a number of fields. The examination of

all of the fields would have required ten times as many men as we have. The important thing according to our assumption was to determine if the infestation had extended.

Q. Did you examine the fields in Liberty County?

A. Our agents examined the fields in Liberty County.

Q. Are you sure?

A. Quite positive.

Q. Is it not a fact that you instructed them to not examine those fields?

A. It is not.

Q. Are you sure you did not?

A. Yes, sir.

Q. Did you have any field examined in Liberty County in 1918?

A. I don't remember.

Q. Was your department requested to examine those fields and keep them in charge?

A. Not to my recollection.

Q. Didn't I myself use all the efforts I could to have your department examine those fields and keep track of those fields?

A. I remember talking over the subject on several occasions, it is quite likely that you did.

Q. Don't you think under the circumstances all these fields being what is termed outlaw fields that the department in trying to get rid of a pest and knowing that that county was supposed to be infested, that it would have been absolutely necessary to keep those fields under investigation?

A. No, sir, I don't think that follows. The infestation obviously would be found close to the fields that were in cotton the year before. And where infestation was found we concentrated our efforts where it would be most reasonable to suppose we would find the infestation. It happened in the whole territory west of the Trinity River that a very few fields, in fact, I think it was only one or two that were planted in cotton in 1918 were in cotton in 1917, therefore, it was obvious that the important thing to do with the men and time at our disposal, was to examine the volunteer cotton.

Q. Is it not a fact that you went right around those fields and pulled up all the volunteer cotton and they could not get them to go into the fields to examine that cotton?

A. No, sir. In many cases, they did not go into the fields because the farmers objected, and a number of fields were examined.

Q. I would like for you to point out some of those black spots on that map, what are they? There are two in Liberty County, what are those?

A. West of Devers about three miles, south of Ames, and then Moss Bluff, one mile east of Liberty, and one mile north of Dayton, and another one mile south of Dayton.

Q. You notice another one east of the one you pointed to?

A. At Nome.

Q. Yes.

A. That is in Jefferson County.

Q. Around those two places where there wasn't any cotton to amount to anything, only just one or two fields, will you give me the conditions surrounding those places?

A. In some cases they are in timber, that is, originally, and in some cases they are on the prairies.

Q. Aren't they practically surrounded by rice land and marsh land, and there is very little cotton raised there?

A. That is true in Jefferson County and a portion of Liberty County.

Q. Is it not a fact that in all of these cases that where you found the worms, that you found them right around timber and swamp lands?

A. No, that is not the case.

Q. I think that you will find this to be the case, especially in my district. What I want to bring out is that where these fields are, that it is where this wild cotton or hibiscus is found?

A. No, sir, not at all. They are found generally throughout the district, regardless of these plants or rice farms. We find them generally.

Q. Isn't that a fact in Liberty County, where these are found, is right close to timber and right close to some of those marshes?

A. I think it is true in Liberty County because it is generally timbered.

Q. Well, not all of it?

A. Well, generally speaking it is a wooded country.

Q. You were speaking about cotton that was found to have been distributed from Beaumont. You said that Negroes took the seed out from the mill. How did you trace that to the places where you hunted for it on the farms to find whether there were pink bollworms there?

A. By interviewing the farmers,

and we inspected all, or practically all, of the cotton farmed in Jefferson County. We interviewed the farmers as to the source of the seed that was planted.

Q. Did you find any seed from that mill that was sold to the farmers for planting?

A. We found no record, as I remember, of the sale of seed.

Q. Did you find a farm north of me about fifteen miles owned by Mr. Christensen where you hunted especially because you found seed from Beaumont had been planted there?

A. We made special investigation at the Christensen place on account of the shipment of hulls from the Beaumont mill to that field.

Q. Instead of seed?

A. My recollection is that it was just hulls.

Q. How did you account for there being no infestation? Especially in Liberty County where there was cotton planted in 1918, how did you account for there being no infestation in 1919?

A. I don't think that is generally the case. Where we found infestation in 1919, in all cases I looked into, there is a record of cotton having been planted in either 1917 or 1918. In some cases it is true we found infestation in 1919 on land which possibly had not been planted in cotton within a term of years.

Q. Isn't it a fact that in Liberty County in thrity-three farms, I think possibly a little more than that, how do you account for thirty-three farms in Liberty County that were in cotton in 1918, and those fields examined and nothing found in 1918, and nothing found in 1919, and every case where the pink bollworm was found in 1919, it was where there wasn't anything planted in 1918, how do you account for that?

A. You will have to do that. In the infestations found in 1919, . . . they were frequently very close to farms that had been planted in 1918. Especially in the case of one farm that is north of Dayton. There was just a turnrow between that field and the one that was planted in cotton in 1918.

Q. That is true on the west side of the river, but you take it on the other side of the river?

A. Well, every one of those cases that our agents have visited farmers where every case of infestation was found in 1919, and in every case except possibly one a clear record has been established of the planting of cotton in 1918 or 1917, within a short distance and in one case in the Devers Wood which you have referred to, while there is no proof that we have been able to find a trace of planting of cotton within a short distance, there is proof of the carrying and feeding of considerable quantity of hulls from the Beaumont mill. That is the case in the Hastings field in the Devers Wood. There has been no cotton on that land for several years, but at a distance of about a mile there is a logging camp, which uses oxen and they use hulls for feed, and have done so for many years.

Q. Do you think it is probable that there is pink bollworm outside of this territory to a considerable extent?

A. I do not.

Q. Did you turn down a car of seed cotton for Louisiana planted up at Lockhart on the ground that it was not suitable for seed because it might be infested?

A. No, sir, I didn't have any authority to do that.

Q. Didn't Mr. Wilson, Secretary of Agriculture of Louisiana, state to you that he had a car of seed from Lockhart, stating that he had bought the seed for seed purposes, and asked you whether you would recommend that seed?

A. I remember that case clearly. That was in March of this year.

Q. Will you tell what answer you made to Mr. Wilson, Secretary of Agriculture?

A. I made the answer that we were making tracings and were determining how much seed from Louisiana had gone to various points in Texas, but we hadn't gone far. We found a few carloads of seed and were under the suspicion that the many carloads of Louisiana seed had gone to Texas and possibly to the Lockhart territory, consequently my advice to Mr. Wilson was that until we knew more than we were in position to know then, it would probably be safer, that he wouldn't be taking any chances, of limiting the chances of getting an infestation in Louisiana.

Q. (By Mr. Bryant) What do those black spots on that map represent?

A. Infestation by pink bollworms found in the winter of 1919-1920.

Q. (By Mr. Moon, interrupting) Following those shipments of cotton seed that have been referred to, have you found infestation scattered generally over the state, would you rec-

ommend a regulated zone over the state, if that is a fair question?

A. If that is a fair question, I will make this answer: Those tracings have been completed, and instead of finding a large amount we find a very small amount.

Q. Then if that infection should increase from a small amount to a large amount, then would you recommend a regulated zone all over the state?

A. That would depend on the circumstances.

Q. If the Legislature refuses to concur in the establishment of a noncotton zone in the cotton mentioned in the concurrent resolution, from which the authority for the organization of this committee is derived, then would you recommend a general quarantine of the state in the shipment of the seed? If that is a fair question, I don't care for an answer if it is not fair. Mr. Chairman, I think it is a fair question, I think this committee is entitled to an answer one way or the other for this reason: It is the whole purpose of this session of the Legislature to determine whether or not we will establish a noncotton zone. If we fail to establish that noncotton zone, we have been led to believe there would be a declaration of a general quarantine of cotton over the state. I think that question is in line, and as we have to depend on the Horticultural Board and the State Department here and its recommendations to the Horticultural Board, and the Horticultural Board to the Federal authorities, and as Dr. Hunter is a representative of that Horticultural Board, and it is for his recommendation and suggestion, if not his authority, that the regulated zone has been established, if his authority follows that far, it might follow to the establishment of a quarantine over the state.

Senator Bledsoe: It seems to me like this is putting Dr. Hunter in a peculiar position.

Mr. Moon: Independent of whether it is or not, I want a decision on my question.

The Chair: Well, it occurs to me if Dr. Hunter's relation to the Horticultural Board,—if he is a member of the Horticultural Board, and it is by the authority of the Horticultural Board that such recommendation be made, I think the question should be answered.

A. But that is not the case. The quarantines are established by the Secretary of Agriculture.

Q. (By Gen. Wolters) Upon the recommendation of whom?

A. The Chairman of the Federal Horticultural Board, but that gentleman is here and it seems to me like he is the proper person to make that statement.

Mr. Bryant: I am going to object to all this. Dr. Marlatt is the chairman of that board, and is here and will go on the stand as soon as Dr. Hunter leaves.

Senator Caldwell: I think Mr. Moon is after a pertinent inquiry. I think the information he is seeking to elicit, is the information I would like to have. I am like Mr. Moon, I don't want to ask this gentleman any improper question. I believe if the question was framed a little different it would get the information we want. I want to ask this gentleman, if he is coming here and is offered as a witness he has evidently studied the pink bollworm, and I would like to know your judgment. If the Legislature declines to establish a noncotton zone, is it your judgment that it is necessary to declare a quarantine against the State of Texas in order to protect the cotton industry in the other states.

A. All that I can say that it would be necessary for the Federal Horticultural Board to consider that. I haven't made up my mind, and I cannot say at this time, what my recommendation would be.

Q. Then as I understand from your study of the situation, at this time, up to date, you are not willing to say to this committee that a quarantine against the State of Texas, would be necessary, would or would not be necessary, if this Legislature adjourns without doing anything?

A. No, I am not in position to say.

Q. Whether it would or would not be necessary?

A. I am in a position to say this:

———

Q. I just want to know what you think about it, what your conclusion is as an expert, having studied the situation?

A. Well, a great many questions besides entomology are involved in that. The thing would have to be studied out by the board and the department of agriculture. I haven't made up my mind. I am not in position to say what would be necessary.

Mr. Moon: The recommendation to the Horticultural Board comes from the field workers ordinarily, does it not? The recommendation that goes

to the Horticultural Board comes to them from the field workers.

A. The recommendation to the Federal Horticultural Board is based on field conditions and field findings.

Q. Do those reports go through your department?

A. They do.

Q. Then would you not be the proper party to recommend a regulated zone or a noncotton zone or a quarantine?

A. I would not be the proper one to make a recommendation. I would be the proper one to present a discussion by the board and furnish them data and have it brought before them.

Q. You are not ready to give an answer as to whether or not you would recommend a general quarantine against the state if the Legislature refuses to establish a noncotton zone?

A. No, I am not in a position to answer that.

Q. (By Mr. Smith, interrupting) At what stage of the cotton is the egg laid, and what is the effect on the fruit, does it fall off, is it like the bollweevil?

A. This subject was gone into rather fully on yesterday. It may serve your purpose to say that the injury done by the pink bollworm is similar to that of the boll weevil. It more primarily destroys the bolls, while the boll weevil destroys the bolls and the squares indiscriminately.

Q. (By Senator Caldwell, interrupting) Have you offered any explanation as to why the outlaw cotton that was planted in the Trinity section in 1918, which you said this morning was gathered and marketed under an agreement with the department, contained no infestation during the year 1918? How do you explain that the infestation was in those fields in 1917 and that it was absent in 1919?

A. I expain it this way. In the first pace it is humanly impossible to determine in a large area like that how many pink bollworms there may be. In the examination of this volunteer cotton, although the work was done thoroughly, as thoroughly as possible, it is altogether likely that here and there some of the plants were allowed to grow and develop pink bollworms and consequently there might have been some propagating of the pink bollworm during the noncotton year. Now, there is another consideration—

Q. (By Senator Caldwell, interrupting) Now, as I understood during the year 1918 there was a good deal of what they call outlaw cotton in this country, that is farmers who planted their cotton and cultivated it in spite of the law and defied the department to plough up their cotton and those gentlemen marketed their cotton in the fall?

A. They did?

Q. Now, how much of that cotton was there?

A. About six hundred bales I think.

Q. And as I understood you this morning your department found no infestation in that cotton, whatsoever?

A. No.

Q. Sir?

A. No infestation, that is right.

Q. Now, that's what I want to get at, what character of explanation you offer that the infestation could have been there in 1917 and in 1918 they could have grown that many bales of cotton and no bollworms there and reappeared in 1919.

A. My first explanation is that there was an infestation there; that was overlooked; take a territory one hundred and twenty-five miles long and fifty or sixty miles wide, to get out all the volunteer cotton is an undertaking of enormous magnitude. So there is one possibility, that is, there was some breeding there during the season of 1918, but if it is not—but that is not the only explanation. It is a well-known fact that has been establisned by experiments in various countries that this pink bollworm in the larva stage can live from one season to another quietly without feeding on cotton. There is in Egypt and the Hawaiian Islands specimens that have been put in glass vials that have been given neither food nor water and living in the quiet stage until the next year.

Q. Now, then, that accounts for the infestation in 1919 as being carried over from 1917, are probably multiplied in volunteer cotton in 1918?

A. Both possibilities.

Q. Now, then, have you any explanation to offer as to the entire absence of any trace of the pink bollworm in those six hundred bales of cotton that were marketed under that agreement with your department, why it was that no worms should have appeared in that amount of cotton in the year 1918?

A. One explanation is that the in-

festation was very greatly reduced by the cleaning up of the fields.

Q. At the end of the year 1917?

A. 1917. We know that we burned up a great many larvae. It was a frequent occurrence to go to the field where the stalks were being piled up—in addition to that it is humanly impossible to determine in one season's scouting whether the insect is absolutely absent in such a large territory as was involved; it may have been there.

Q. Now, there is one other question that I want to ask. That question was touched on this morning, the question of dealing in a regulated zone twenty-five miles, taking in the towns of Houston and Galveston. I understand your statement this morning to be that cotton originating, cotton, cotton seed and its products originating in nonregulated zones would not be affected at all?

A. That was my statement.

Q. Would that continue to be true if cotton seed from a nonregulated zone were shipped into Houston and crushed, would your department make any regulation as to the reshipment of the hulls from that seed back into the nonregulated zone?

A. It would make a regulation in all probability regarding the disinfection of the hulls originating from seeds from the infested territory or the quarantined territory.

Q. Well, that would be true as to any cotton or cotton seed products that moved from Houston to Galveston back into nonregulated zones?

A. No, it would be true only of products originating in the regulated zone.

Q. Well, how would your department, then, be able to say that cotton seed or cotton seed hulls coming from seeds which originated in a nonregulated zone crushed in the same mill that has crushed seed from the regulated zone was not affected with the pink bollworm?

A. Because we would work from the other end and supervise the handling of the seeds from the regulated zones.

Q. If the seeds from the regulated zones were crushed in the same mills with the seeds from the nonregulated zones, necessarily the seeds from the nonregulated zones would have to be supervised by your department?

A. No, not necessarily, because it has been found perfectly feasible to make special crushes,—

Q. To keep them separated?

A. (Continuing) Of a small amount of seed unloaded in special conveyors and crushed immediately. Our recommendation is going to be that when seed from a regulated zone is received in any mill it be given that special treatment. If necessary to hold it over for long, to store it in a separate portion of the warehouse, but as soon as possible to crush it and in the process of handling and manufacture to so treat the hulls that the pink bollworm will be destroyed by some process of possibly fumigating or heating and after that has been done under supervision, which deals only with this coming from the regulated zones, is made sufficient, our idea is to let it go without any further restrictions.

Q. (By Mr. Bryant) How many of those black spots are there, doctor?

A. Fifty, I think.

Q. (By Mr. Neal) I would like to ask the doctor a question or two. He exhibited a specimen of worms to us yesterday. I would like to ask if that specimen of worms is exactly of the same line of descent as the pink bollworm found in Egypt and if he answers affirmatively, I want to know how he knows that.

A. I stated in effect that the specimens exhibited was identically the same species as the one found in Egypt.

Q. Who said that?

A. My authority for that is certain men at Washington who are specialists on this group of insects, to whom the Egyptian entomologists as well as those of other countries send their cotton insects of this group for determination. They are recognized by their special studies, by the publication they have made as "The Authorities in the World."

Q. This particular specimen would—which you exhibited, has been examined by those particular entomologists?

A. There are some, I think it was one hundred specimens, that were examined in that way.

Q. Another question, doctor. Have you attempted any insecticides in destroying this worm as you found it on the cotton?

A. We have in Mexico.

Q. None in Texas?

A. None in Texas.

Q. Were the efforts effective?

A. They were not effective. Failures.

Q. Do you believe there is a worm in the world that can't be killed with poison?

A. I do.

Q. There is absolutely proof from poisonous insecticides?

A. There are insects which, on account of the nature of their work cannot be reached by poison.

Q. Is this a peculiar instance of that kind?

A. This seems to be an instance of that kind.

Q. Because of what fact?

A. Because of the fact that it feeds inside of the boll of the cotton plant.

Q. Well, that egg has to be on the outside before it gets into the inside?

A. The egg is deposited on the outside of the boll. As soon as the larvae hatches it bores into the bolls or very shortly thereafter. The difficulty with poisoning seems to be the difficulty of injecting something into the plant which would poison the sap so that the insect feeding within the boll would devour the poison.

Q. Well, I will ask you if it is not the principle of philosophy and truth in entomology that worms when deprived of their choice food will migrate to areas where their favorite food may be found, is that a fact?

A. It is not a general rule. There are cases of that kind.

Q. Well. now, why won't they do that? Tell me of a single instance where any living thing will not migrate and go to places where it may find its choice and favorite food, why won't it do that?

A. There are many instances; the boll weevil is one.

Q. Why the boll weevil hunts cotton fields.

A. When deprived of coton it will attempt to sustain itself on something else, but these other substances don't sustain life.

Q. I know, therefore, he hunts cotton?

A. And if he don't get cotton, he dies.

Q. Has any remedy other than starvation been found a success in the exterminating of the worm?

A. No, sir.

Mr. Raiden: Doctor, did I understand you this morning to say that 120 covered the number of pink bollworms found last year and up to this time this year?

A. Approximately 120 in Texas.

Q. Well now then, another question; in 1916 and '17 didn't you find a great deal more worms than that?

A. We did.

Q. Well, why then did you come to the Legislature of the State and ask for this radical legislation at this time?

A. For the reason that the infestation had been reduced at considerable expense by the Federal Government. It now seems possible to complete the job. The basis for that is the fact that the job seems to be completed at Hearne by a certain scheme which we propose to advocate in this other territory. The insect is at the low ebb; that is admitted by everyone. This is the strategic point. If it is not going to be eradicated in this territory—if it is ever going to be eradicated in this territory, it will be now because the chances are now more in favor of eradication than they will be later.

Q. Another question, doctor; you have reduced the number by these restrictions that the Horticultural Department has put on the farmers in the cultivation of cotton, have you not?

A. To some extent they have been reduced by these restrictions but the great reduction has been the result of cleaning up the fields, a process of gathering by hand every particle of cotton on the ground and on the plant and burning it.

Q. Doctor, I have spent all my life in the production of cotton, and I am considered a pretty fair cotton man. There have been times when my fields have been so infested with bollworms, the army worm and the boll weevil that it looked like I would not make anything; in fact, I have got $43.00 rent off of 105 acres of land that was worth $200.00 an acre and yet, it didn't scare me and keep me from planting another crop and trying, and it looks like that 120 pink bollworms, that is all your department has found for a year, is so little and insignificant that it is not necessary to take this unusual alarm. I will excuse you.

A. Yes, if you will allow me; let's draw an analogy with the boll weevil. You, by special skill and ability as a farmer, may control that

insect by cultural methods, it may be a less important pest on your property than it is generally; maybe that is the case. The loss varies with the skill of the farmer, but speaking generally, that insect does a very large amount of damage throughout Texas and other States. Now, that is admitted. In 1892, that insect appeared in the United States in very small numbers, in the small territories compared about the same with the territory infested by the pink bollworm at this time. The boll weevil was not stopped and spread, and has done endless damage throughout the country. The pink bollworm if it does the same thing, and it is only reasonable to suppose that it will spread the way the boll weevil did, will add one other pest to these numerous ones you mentioned, that the American cotton farmers have to contend with. The other countries in the world have their cotton pests. The principal one is the pink bollworm. The principal one in this country has been the boll weevil, which does not grow in those other countries. In a certain sense the balance as far as the production of cotton is concerned throughout the world has been maintained by the depredation of one set or sets of in-insects in other countries. And another insect in this country. Now, the possibility in this case is that the great limiting factor as far as insects are concerned in other countries will come in here and do damage on top of damage by the boll weevil, so the concrete question before the farmers and before this Legislature is whether the people of Texas want to take the chance that is involved there. We have an incipient invasion, it is beginning, it is beginning exactly like the boll weevil infestation began. We know the significance of that invasion. Do you want another?

Senator Gibson: Doctor, how long were you here when this boll weevil started?

A. I was not here.

Q. Well, do you know whether any steps were taken to stop the progress of the boll weevil which appeared on the border?

A. The recommendation was made by the Assistant Secretary of Agriculture who came to Austin for that purpose, that steps be taken to prevent the invasion of Texas by the boll weevil.

Senator Gibsan: At that time it entered into competition with the prize fight, the Secretary of State said they paid more attention to the prize fight than they did to the boll weevil.

Mr. Moon: Awhile ago we were talking about the seeds that had been shipped from place to place and I asked a question in regard to the quarantine on that proposition. Did I understand you to say it was a small amount of seed that had been shipped or a small amount of infestation following that shipment?

A. A small amount of seed.

Q. Now, what would you consider a small amount of seed? That is from a standpoint of—

A. (Interrupting) That is a few car loads.

Q. A few car loads. Do you feel like a few car loads would not be sufficient seeds to scatter the infestation?

A. We know this, answering your question rather indirectly, that in 1916, car load lots running from thirty up to one hundred and fourteen were shipped to eleven Texas mills. Actual infestation has resulted from only two of those shipments.

Q. Two of those shipments?

A. That seems to indicate that a large number—a large amount of seed is to say the least—has to say the least resulted or is more likely to result in infestation, that is as the number of car loads decreases the possibility of infestation is lessened.

Q. Then with that small per cent of infestation following that large amount of seed, does it appear to you that the regulation concerning this shipment of cotton seed is rather drastic?

A. Not at all. We have something to consider in addition to the carrying of the insects in the seed; that is the flight of the moth.

Q. (Mr. Raiden.) Now, I would like to ask one question there: Weren't those seeds shipped under your supervision and direction?

A. No, sir.

Q. At that time didn't the Agricultural Department have a quarantine against Mexican seed?

A. It did not.

Q. (Senator Cousins.) Doctor, suppose we would stamp out the pink

bollworm in Texas and the pink bollworm would thereafter, in Mexico right across the Rio Grande, appear, is it possible that bollworm would cross the Rio Grande and get in Texas cotton fields again?

A. It is not probable. It is much more likely that it may be carried across in seed. But the Department of Agriculture has established inspection service and fumigation houses where all baggage and other freight that can possibly have been contaminated with cotton seed can be treated with poisonous gases to prevent that.

Q. (Gen. Wolters.) In response to Mr. Raiden's question, you said that when the Mexican cotton seed was shipped in there was no quarantine. Your report shows that the protection of the United States against the pink bollworm was first seriously considered by the Department of Agriculture in April, 1913, "When the writer brought to the attention of the Federal Horticultural Board the strong possibility that the pest might be introduced at any time in cotton seed from Egypt or other infested countries. Shortly thereafter a quarantine was promulgated to take effect on July 1, 1913. This quarantine prohibited the importation into the United States of cotton seed of all species and varieties and cotton seed hulls from any foreign locality, except the Imperial Valley in the State of Lower California in Mexico, where the cultivation of cotton is continuous with the growth of the crop in California. In August of the same year an amendment was issued which provided for the entry under regulations, for milling only, of cotton seed for certain additional northern states in Mexico." So it was under quarantine and under regulation at the time in 1916 when the four hundred cars were brought in out of the Leguna district?

A. It was, but not under embargo.

Q. But the question Mr. Raiden asked you was whether it was under quarantine and your answer was it was not.

A. The question as I interpreted it was whether there was an embargo on foreign seed including Mexico.

Mr. Pickett: As representing the same people that Mr. Brown spoke for, may I ask three questions and three alone, relative to the same situation?

The Chair: Yes, sir.

Q. (Mr. Pickett.) Dr. Hunter, you said that you applied to Mr. Wilson of Louisiana—Secretary Wilson, advising against his purchase of a car of seed from Lockhart, didn't you?

A. I did.

Q. The Joe Hastings farm in Devers Wood, was planted during 1919 from Lockhart seed, wasn't it?

A. It was.

Q. It was, wasn't it?

A. I think it was.

Q. Then, as a man of your expert knowledge, will you under oath give us an opinion between these two propositions: Was it more probable that the Hastings farm became infested in having been planted for at least twelve years before and it not being nearer by at least three miles of any other cotton farm, was it more probable that the Hastings farm, then, became infested by the seed which served for the planting, obtained from a firm at Lockhart, Texas, than it was that it became infested from the hulls which originated more than a mile away?

A. I think that it was much more local———

Q. Much more local which?

A. That the infestation came from the hulls. For this reason, that the hulls were scattered over the ground a distance of about a mile away. There is this other consideration that no infestation had been found in the vicinity of Lockhart, in the vicinity of Lockhart. Now, at Lockhart there is a peculiar situation or condition; that has developed into a great seed country and a great deal of seed is concentrated from various parts of the State there for distribution. At the time this matter came up we had not traced all the shipments of the Louisiana seed, and there was a possibility that some of those shipments had gone to Lockhart and might be distributed for plant purposes—planting purposes.

Q. Isn't it true that the O'Brien farm was planted in seed which came from Georgia last year and you found infestation there?

A. And there was cotton planted there or nearby.

Q. Nearby?

A. Very nearby, I recollect in either 1917 or 1918.

Q. But the seed came from Georgia,—(Interrupted)

Q. (By Mr. Caldwell) Doctor, is it your opinion at this time that the establishment of a noncotton zone in the Trinity Bay section is absolutely necessary and that it is the only remedy that can be applied to effectually eradicate the presence of the pink bollworm?

A. It is, but I must add that we can make no absolute guarantee—

Q. I say, that is your opinion at this time?

A. (Continuing) That it will do the work, yes.

Q. Now, if you have not already stated this, can you tell us in what other section of the state it is your opinion at this time that a noncotton zone should be established for that reason?

A. A noncotton zone should be established, should be continued at Hearne.

Q. Anywhere else?

A. Should be continued along the Rio Grande through the counties of Maverick, Val Verde and Kinney.

Q. Now, you presented to the committee this morning a statement that you had prepared showing the average cotton production in the Trinity Bay section for the last five or six years, amounting to something like seven thousand and some odd bales. Now, have you prepared and can you give us the benefit of the same character of information in these other sections of the state in which you now think a noncotton zone should be established?

A. I can.

Q. Well, will you give that to us?

A. I will.

Q. (By Mr. Brown) Now, isn't it a fact that all of the cotton seed from the infested territory there was shipped to Houston and crushed under the supervision of the Government so that it would be almost impossible for them to get hulls at those mills that would come from Beaumont that would be infested seed?

A. A great deal of the seed produced in 1917 was milled at Beaumont. The mill at Beaumont burned down in about November, 1917, November or December, but prior to that time, large quantities of seeds from the eastern portions of the infested territory were milled there.

Q. Well, now, doctor, isn't that a fact that where you find that this bollworm lives over it is in seed that has been preserved or in store, isn't it in seed that is live seed, isn't it a fact that you claim that they won't live on live seed?

A. It has been held over without any seed whatever, that is, the larvae without any seed to feed upon, have been placed in glass vials.

Q. Well that is where it is preserved, where it don't come in contact with the weather. Do you think that hulls from 1917 could lay on the ground in the wet country that we have down there, where we have about seventy inches of rainfall, could lay over and come out two years afterwards?

A. As long as the insect has been carried over twenty-six months and under conditions of confinement which are not favorable to it, placing an insect in a small glass vial, doesn't place it under favorable conditions, if it would do that under unfavorable conditions, I think it can live over as you have stated.

Senator Caldwell: Mr. Chairman, I would like to ask the doctor this question.

The Chair: All right.

Q. (By Senator Caldwell) Doctor, am I correct in my understanding that while it is your opinion that it is necessary to establish these noncotton zones that you suggest an investigation of the situation at this time, does not warrant you in saying that that will eradicate the pest?

A. That is our position exactly.

Q. That you think it is necessary, that you think it is the most effective means?

A. That it is the only known step that you can take.

Q. To eradicate it?

A. Yes.

Q. At the same time you are not in a position to say that it will guarantee the eradication of the pest?

A. We are not.

Q. (By Mr. Moon) Now, doctor, this morning if my memory serves me correctly, we were talking about the damage done to the Texas cotton crop by the pink bollworm. If I understood you, you estimated—your estimate of the damage without regulation would be ten per cent on the cotton crops in Texas?

A. A minimum.

Q. That would be a minimum?

A. It might be larger.

Q. The maximum is liable to be how much above that?

A. Is likely to be double that.

Q. Double that. Then on that basis, how long do you believe that that condition would remain at twenty per cent damage to the cotton crop?

A. A damage of ten to twenty per cent would exist so far as we know forever.

Q. Do you believe then, that the pink bollworm would ever entirely destroy the cotton crop in Texas, but would just damage it about twenty per cent? On the maximum basis?

A. Yes, sir, exactly.

Q. (By Gen. Wolters) Doctor, where is the greatest danger in the carrying, in the lint or in the seed?

A. In the seed.

Q. What per cent do you estimate?

A. What per cent of the total danger?

Q. Yes, sir.

A. Lint is only of importance as it carries seed with it, either inside the bale or attached to the bagging.

Q. Well, it would probably be, the danger, ninety-nine per cent in the seed, wouldn't it?

A. It would probably.

Q. The seed is easily fumigated is it not, disinfected?

A. No, sir.

Q. It is not?

A. Not easily, you—

Q. You do fumigate it?

A. In small lots. In small lots it can be fumigated.

Q. Now, doctor, it is a fact that cotton is shipped to New England from Egypt and that the United States Government maintains fumigating plants in New England to fumigate the imported cotton from Egypt, does it not?

A. No, sir, Egyptian cotton is shipped to New England ports and is fumigated as the condition of entry.

Q. But it is is disinfected and fumigated?

A. Yes, sir.

Q. At what price to the cotton?

A. Approximately $4.00 per bale.

Q. Isn't it three?

A. It takes, originally it took three. It may take four later.

Q. You did fumigate seed in the Trinity Bay territory did you not?

A. We have, small lots of seed.

Q. Small lots of seed and allowed the farmers to take it home?

A. That has been done.

Q. Now, the crushing and the milling doesn't take care of the matter of fumigation itself?

A. Not necessarily.

Q. Making it into cotton seed hulls?

A. No. the insects that get into the crushing, of course, are killed, but danger arises from the seed that go through the hullers and are discharged into the chutes with the hulls.

Q. The hull itself is not dangerous?

A. The hull, only as it may have seed intermixed.

Q. Seeds in what?

A. Seeds intermixed.

Q. (By Senator Gibson.) Doctor Hunter, I want to ask you how you arrive at the conclusion that twenty per cent of the damage would be the maximum damage to cotton if this pink bollworm is allowed to take its course. Now, for instance, I know that the bollworm will clean up practically, especially in fields where it started, I have seen whole fields of fifty acres that wouldn't make a bale, you have too, Mr. Raiden and you have seen the boll weevil absolutly clean it up. Now, how did you arrive at the conclusion that the pink bollworm would just destroy a maximum of twenty per cent. if allowed to take its course?

A. Well, I am expressing the matter only in very general terms as based upon what we know of the injuries that have been done in other countries. There's something similar to that, which would take place here. Now the condition in those countries are varied and the injury varies from seventeen per cent. in some of those to sixty-five or eighty per cent. in others. Judging by the damage in counties where the climate is more nearly like ours, we could estimate a loss in the neighborhood of twenty per cent.

Q. (By General Wolters.) Doctor, it has been in that Trinity Bay territory according to your contention for five years, it has done no damage there has it?

A. It has done some damage there.

Q. You mean there has been a loss of cotton depreciation?

A. In 1917 before control measures were undertaken the farmers told us of considerable losses. In fact, the insect was discovered in that region by reason of the fact that

the injury had attracted the attention of the farmers.

Q. Isn't it a fact that in 1917 was the biigest crop that they made in that territory for twenty years, until 1918?

A. I don't know as to that.

Q. Well, your record you introduced here this morning, doesn't it show that?

A. The season of 1917 was one of the most favorable climatic records.

(Witness excused.)

Senator Bledsoe: Mr. Chairman, before another witnes is placed on the stand I want to make a suggestion. I have no desire on earth except that we have the fullest and most complete investigation that can be had. Looking to that, I understand that the rules with reference to the introduction of evidence for the District Court were adopted to be followed here as near as possible. One of those rules is that an attorney in charge of a witness or conducting an examination must complete his examination and we are going to save a lot of time now when Counsel, if when they have got a witness up there, will go ahead and finish with the witness and not be butting in. I am saying this in all frendliness for I am just trying to suggest that Counsel complete his investigation and then turn the witness over to the other man and unless there is something unforseen or some circumstance that he couldn't and didn't state before that he be not permitted to conduct a further examination.

Senator Caldwell: I want to ask the Senator from Lubbock if it isn't a fact that while that is a rule in the district courts—did you ever see a judge enforce it?

Senator Bledsoe: I have paid more than one fine for violating it and I think probably the Senator from Travis has had the same experience.

Gen. Wolters: We certainly want to expedite the hearing and very naturally when questions are asked, we having studied this matter to some extent, other matters that throw light on it occur to us and I want to assure the Senator and the Committee that we won't infringe upon the Committee nor upon the rules, but when we see it necessary for the enlightenment of the Committee, why we shall ask the privilege to do so from now on.

Senator Rector: It seems to me that we are conducting this like a trial in court. We have got an issue up or supposed to have an issue and I don't think the issue has ever been put before this Committee in a way that they all understand it. A few of them may, but I for one, don't exactly understand the issue that we are trying and the extent of that issue. I understand that the issue stated by the State is in our Journals, that is a request of the Commission that has charge of this bollworm question in the State, has requested that the district which is now regulated and infested shall be changed into a noncotton growing district and the reason that they ask that change, I believe, from their first request that it be continued as a regulated district, is that the Secretary of Agriculture is going to declare a quarantine of the State of Texas, and for that reason perhaps, that may be the reason why they suggest that we change it from a regulated district to a noncotton growing district. Now then, if that is the case I don't think that there is any question before this Committee as to what the Secretary of Agriculture is going to do. The Secretary of Agriculture is going to declare a quarantine in the State of Texas, unless this Legislature creates a noncotton growing district. This proposition that is put before us and we are bound to take it for granted that cotton quarantine will be established, if we don't change it from a regulated district to a noncotton growing district and we might think—the Legislature might think that a regulated district was adequate and sufficient and that it was not necessary to form a noncotton growing district and prohibit the raising of cotton in that district if it were not for the fact that the quarantine would perhaps do an immense harm to the State. Well now, if that is just an empty threat, if you don't happen to know whether the Secretary of Agriculture is going to do that or not, that question ought not to have anything to do with our consideration and I think we ought to further know just what a state quarantine means, we ought to know what the extent of that quarantine means, whether it quarantines against the cotton belt, whether it quarantines against the United States, or whether

we can carry our cotton out by Galveston if we take it out by seaport: and study the point in that way. Can we bring it back into the United States into northern ports and if we do, will it be subject to inspection or to the rules governing quarantine against Egypt, do we come under that regulation or what is the effect of it? What is the result of this quarantine on the State? Those, as I understand it, are not questions to be produced in evidence here, but we want to know those before we start into it.

The Chair: Those questions will all be determined I feel like, from the testimony that is being given and the questions answered here. We are making this investigation for the benefit of the Committee, and, of course, for the Legislature as a whole, and it seems like acting under the resolutions that we are we have well defined lines of investigation, that is whether there is infestation, it seems to me like the questioning naturally goes to develop that one question and a very important question for the Committee and for the Legislature and the extent of infestation if there be infestation and the method of control of infestation and as to whether there are other plants, etc., upon which it can subsist. Those questions have all been asked and I am sure that we have other authority that a little later, who possibly will come on the stand this evening, who will be in a position to touch upon the quarantine question merely for the information of the State.

Senator Rector: I suggest that Doctor Hunter was on the stand and he couldn't state whether any State quarantine would be issued or not, or justified or not. He said they didn't —we haven't the Secretary of Agriculture of the United States here. I don't know that we have anybody that represents him here that would speak for him and I think that is one of the most important questions we have.

Mr. Bryant: Let me state this for the benefit of the Committee. Evidently the Senator has overlooked Dr. Marlatt, Chairman of the Horticultural Board is here at the invitation perhaps of the Committee and has made arrangements to present to the Governor a communication from the Secretary of Agriculture that ought to have been presented the first thing, but owing to the absence of the Governor, formal arrangement was made to deliver that letter to the Governor on Thursday morning. Evidently he will submit it to the Legislature. Now, as to these issues, it appears to me that the subcommittee appointed by this committee on yesterday morning to draft a plan of procedure as outlined the three issues to be determined by this Committee. This report of the Committee was adopted, of the sub-committee was adopted by the Committee, it says, "We recommend that the Department of Agriculture, Federal and State, be and they are hereby requested to submit to the Committee such evidence as is available as showing the presence of the pink bollworm and the extent of the presence thereof in the different portions of Texas. Second, the fact as to the danger to the cotton industry from infestation by the pink bollworm. Third. The methods and legislative actions necessary to exterminate or to control the pink bollworm and the probable cost thereof and to that end that the documentary and oral testimony including that of the two departments be submitted to the Committee." No one witness can furnish all the testimony. I want to have Dr. Marlatt and Mr. Scholl and Mr. Chapman sworn at this time.

Dr. Charles L. Marlatt, a witness in behalf of the Department of Agriculture, was sworn and testified as follows:

Direct Examination.

Questions by Mr. Bryant:

Q. State your name to the Committee, please, sir.

A. Doctor Charles L. Marlatt.

Q. Do you hold any Federal position at this time, doctor?

A. I am connected with the Department of Agriculture in Washington. I hold a position there of Chairman of the Federal Horticultural Board. I am also connected with the Bureau of Entomology, acting Chief of that Bureau at the present time.

Q. What is the relation, doctor, of the Bureau of Horticulture and the Bureau of Entomology to the Agricultural Department?

A. Well, the Bureau of Entomology has charge of all the research and practical work that the Department of Agriculture does with respect to injurious insects, insects injurious to farm products, and it conducts research into the life histories of those

insects and it takes into consideration methods of control and it experimentally demonstrates those methods and it looks to the adoption by farmers and fruit growers of the country of those methods. The Federal Horticultural Board was created by an Act of Congress in 1912, to take charge of all quarantine activities or regulations or orders under which movements of plants are regulated, both as to entry into this country and as to interstate movement for the purpose of preventing movement or entry into this country from foreign countries of any new or dangerous insects or plant disease. It has in hand all the quarantine work of the Government in relation to the plants, and all the control work in relation to the movement and traffic in plants both as to import and domestic traffic. The domestic traffic control necessarily is limited to interstate control which is the extent to which Federal control can go. The interstate internal movement naturally and properly comes under the police powers of the State concerned.

Q. Doctor, I believe there are five members of the Board of Horticulture of which you are Chairman. At least two of these members must be Entomologists. Doctor Hunter is one. Who is the other?

A. I represent the other Entomologist on the Board.

Q. Doctor, have you had experience with this pink bollworm, the investigation and study of its history, life, character, habits, etc?

A. I have followed very closely all the work that the Department has done and that the Federal Horticultural Board has done with this insect from the beginning and have been familiar with and kept abreast of all the reports; have written some of them on the subject and am fully acquainted with the status of this insect both as to the Department's activities and its government. I also have a fair knowledge of the literature and the facts surrounding it in other countries.

Senator Caldwell: Mr. Chairman, I don't like to interrupt but it occurs to me that possibly Dr. Marlatt would prefer to make a preliminary statement.

Mr. Bryant: I am going to get to that right now.

Q. Doctor, the Committee would be glad to have you make a statement to it, not only concerning the functions of the Horticultural Board but state its result of this investigation with reference to the pink bollworm and the attitude of the department towards the pink bollworm situation in Texas generally. You may make a general statement.

A. Well, gentlemen, I think I may feel a little more comfortable if I am on my feet for a few minutes. I am here at the invitation of the Governor of Texas to represent the Secretary of Agriculture and by direction of the Secretary to represent him. I propose to present his formal communication to the Governor and to the members of this Legislature in accordance with the plans which have been arranged, I believe next Thursday morning on the 27th. I have not been definitely advised it will be Thursday morning but it is my understanding. I don't think it is necessary for me to say that I am here and the members of the Board who are with me are here for the sole purpose of giving you the information which you would like to have. We have no axe to grind. We are not trying to force a quarantine on Texas. We are not trying to force a noncotton zone on Texas. We are simply trying to state the facts, put them down so you can see them, then you—then let you take what action you wish to take. The action which the Department shall therefore take necessarily shall be somewhat based on the action which you take, but I shall come to that in a moment. Now I have been asked by Counsel here for your Committee to give a general statement about the activities of the Federal Horticultural Board. That subject has already been covered to a considerable extent in the examination of Dr. Hunter. It may be going over the subject a little for a second time and I shall not be very long on that subject.

The United States got along for some hundred years or more, a hundred years and a quarter nearly, without any control on of plants either as to plants—either as to imported plants or material or as to domestic control between colonies or states. In the course of that period a vast number of pests, insects and fungus got into the country from foreign sources and now affect our crops from one end of the country to the other. We started with clean hands here, at least with clean soil, and if we had had the forethought, if our forefathers had had the forethought, or the thought to protect themselves, this country might today be free from one hundred important

pests it now has. The need of quarantine action against these pests coming in constantly was earnestly felt by many men engaged in control work of diseases of plants and pests. This control took its first positive form in an effort to get legislation in about 1898, at a time when there was a scare went over the country on account of this San Jose scale, a serious enemy of orchard trees, about which probably some of you know something, they failed, it had a struggling life before Congress for five or six years but finally failed. Again in 1908 or 1909, we found suddenly that we were receiving from France thousands of egg masses and pests, the egg masses of the Egyptian Moth and egg masses of the Brown Tail moth. These were coming in thousands, each egg mass had a thousand or more eggs in it and each mass of the other insects had about half a thousand worms in it. We had no means of stopping it. All we could do was to beg the railroad companies to notify us of the arrival and where they took it, and beg the state to take some action to stop the thing. That led to another action. Fortunately or unfortunately I broke into that, took charge of it and to make a long story short it was a long fight with opposing us the nursery men and others. It was a four years' fight to get that legislation through Congress. I made a point with the Secretary of Agriculture of that period that if this law was passed that I should be free from any consideration in its administration, my efforts in that direction unfortunately for me were not availing and I was appointed promptly to take charge of the administration of that law which was passed by Congress in August, 1912, and is known as the Plant Quarantine Act. That law provides for a board to administer the Act and five persons to be selected from the Department of Agriculture, two from the Bureau of Entomology, two from the Bureau of Plant Industry and one from the Bureau of Forestry, or at least all three Bureaus of the Department, and the Board is organized as I have mentioned. The act, I may say, also, and perhaps it will be of some interest to these men, provides specifically that the members of this Board shall serve without compensation, that is without additional compensation. We are doing all this work gratis. Now, in the seven years of the enforcement of this Act, we have established some twenty odd, nearly thirty, quarantines, and restricted orders of the movements of plants. Fourteen or fifteen of those are—fourteen or fifteen of those are foreign, control the entry of foreign products. Some of them are orders which permit the entry of foreign products under regulation. Others are quarantines that are prohibitive and absolutely stop the importation of those articles. Then we have a whole lot of domestic quarantines which control the interstate movement of plants, which have some special danger attached. If there is ever a quarantine against Texas, Federal, on a large scale, which I hope will never happen, it will be one of those domestic, internal quarantines, and it will answer some questions that was asked a moment ago, it will have no effect on Texas, other than to put such control or restrictions as may be determined to be necessary on the movements, moving outside of the state, or from the state into another state. There will be no point in our prohibiting Texas from shipping its goods through Galveston to the ends of the earth, but there might be a necessity if they went out through Galveston and wanted to get back to Boston, it would probably be necessary for them to submit to the same restrictions and the same costs and the same examination that the Egyptian cotton, for example, must meet. We are now administering these twenty-odd quarantines and they cover a whole lot of products that are of large importance; a few products of minor importance. The big questions are those that affect cotton, for example, all the cotton that comes into this country, as Dr. Hunter has told you, is limited to enter certain northern ports to keep it away from the south and protect the south; it must all pass in from permits which we issue. We control it from the time it lands at the port of entry until it is consumed at the cotton mills. The mills that use it are even watched. There is a vast volume of work connected with it. It lands at Boston, where it comes in, it passes through those large fumigation houses, some of them cost one hundred and fifty million dollars to erect, for fumigation of the bales. They fumigate all bales and fumigate those bales that are as hard as

the table so that it passes the poison into the center of the bale. The Board itself has worked out a method that is far more effective and efficient than the world has ever dreamed of and we feel that the cotton which comes through the ports of San Francisco, Seattle, Boston, Portland, has been sufficiently safeguarded. We don't stop there, however, we follow that cotton to the mill and see that that cotton is safeguarded until it actually enters into the manufactory. So much for the cotton, foreign cotton. We have quarantines that control the entry of foreign corn and wheat, corn on account of certain mildews, which we believe, if entered in this country, which grow in the Orient and if entered in this country might be a very serious factor, more than a serious factor, might largely affect our corn crop which is the great crop of the country. We have quarantines which protect the country from wheat diseases, from foreign sources. We have got quarantines that protect our country from potato diseases and regulate or prohibit, in some cases prohibiting, and in others regulating, the entry of potatoes. We have quarantines that protect our country from the entry of all sorts of nursery stock and ornamental stock. There are altogether, as I say, some twenty-odd of these quarantines. Among the domestic quarantines in these various states are also covered wheat and the potato. There is a district in Pennsylvania and West Virginia that is infested with a new potato disease which is considered the most dangerous potato disease in the world. That is being quarantined in cooperation with the state. Some of these new wheat diseases, one of which is the worst enemy, appropriately called the "Takeall", has gained a foothold in southern Illinois and in Indiana. That is one field that is being controlled by cooperation of the Department and the states concerned. We have quarantined that product. We protect the western half of the United States against the eastern half of it, protect the great pine forests of the Rocky Mountain and the coast ranges from the "Blister Rust" which is established in the east. These are simply types of quarantines that we are enforcing. This work in Texas is only one of these many items which we have in charge. Now, in Texas, in relation to this pink bollworm, I think it has already been pointed out, the history of the same, but what we are doing now, what the Board is now doing for Texas comes under two or three topics which I will briefly mention. First. The border service. That was the first thing we did when the bollworm was discovered in the Laguna district in Mexico. We established a border quarantine service to protect Texas from any possible entry of this insect from Mexico. We promptly stopped the movement of seed from Mexico and we took up this regulation and control which Dr. Hunter has described, but this border quarantine service has grown and developed until now we have a service equipment and a force of men out there at every important port of entry between Mexico and the United States. There isn't a thing that comes across from Mexico that isn't subject to control or disinfection. We have huge car houses, the biggest disinfecting plants that the world has ever seen at some of these ports. We have at these ports plants that will take fifteen railroad cars at a time. They run right in on the track. They have been built by the railroad company and these fifteen cars are fumigated at one time. We propose to build those houses large enough to take care of the traffic if Mexico should come into a better situation as the result of the recent political situation there. We may have to enlarge these, one at El Paso, one car house to fifteen car houses. That involves a large amount of work. It involves a great expenditure by the Federal Government. We have an appropriation from Congress of $100,000.00 to buy insecticides for fumigation work on the border. That simply pays for the poison that we use in this work. That will give you some idea of the extent and volume of the work that we are conducting there, that is for the sole purpose of keeping this pest, the pink bollworm, from getting over into—from getting further entry into Texas or the United States. Do you suppose we would spend that amount of money if we thought the pink bollworm was a myth? I may come to that later. Congress has granted all the money we have asked for, for work in Texas following the determination of the infestation in the southeastern part of this state. We have gone to Congress and said,

"We don't know how much money we want, give us all we need, give us all we ask for and if we don't spend it, it will go back to the Treasury." A very unusual case to go to Congress, niggardly as Congress usually is; they have granted this request because they realize this is a question of prime importance. They have given us altogether $400,000.00 for that work. This doesn't include the port work that I have mentioned at Portland, New York, Seattle and Boston. They have given us each year, both Houses have agreed to the sum as I understand it, approximately $500,000.00 for the continuation of this work. We only asked for three originally, but this new development led us to ask for more and if we need $500,000.00 more before the year is up, Congress will give it provided and conditioned on Texas doing what she ought to do and what she must do to make our work worth while. Otherwise, we will have no object in spending that money. We would have no object in further trying to protect the State of Texas. That is what we are doing here under the pink bollworm appropriation for Texas. Louisiana now comes into it. Now, I think it might be helpful to this committee, and my idea is that the committee wants all the help we can give it and I would like, therefore, to make a brief statement of the point of view of the Department.

Now, I am going to read the Secretary's letter, if that is the wish of the Governor and this Legislature, but what I shall say now, shall not be necessarily what is in the letter. The Secretary will make his own statement to you through that letter, but he does not go fully into the subject and hence I would like to make a statement here that may clear the atmosphere a little bit and give some information that has been asked for on the subject of this pink bollworm, the Department's point of view towards it and what you may look forward to as the probable action of the Department. Now, I have listened here with much interest and I confess with a little amusement to the long debates and the series of questions that have been asked, the purpose of which was not, —I could scarcely believe the purpose until it was frankly announced by one of the attorneys who proposed to prove that the pink bollworm did not exist in Texas, there was no such thing probably, but at least it did not exist in Texas. Now, I should like to help him all I can to prove that point, but I am going to say to him that he is doomed to failure. The existence of the bollworm in Texas cannot be disproved by this Committee or by the Attorneys. You might just as well try to disprove the existence of the Washington Monument, or the Capitol at Washington or the Capitol in which we are now in. It is here and it has been determined and recognized as being here by all the experts of the world who are competent to determine it. The court proceeding will not invalidate that determination. It is here. The bottle full of worms which you saw here, were pink bollworms. How do we know? Dr. Hunter has explained why we know it, that is, worms have been determined by the best experts of the world. Furthermore, we have had these worms, these same pink bollworms, from most of the countries that are unfortunate enough to be afflicted with this pest. We have them from Egypt, we nave them from Hawaii, we have them from China and we have them in quantities from Mexico. They are all the same worms, easily identified by these experts as the same insect. Just for illustration, one of our enthusiastic agricultural explorers went to Egypt just a year ago. He went there to bring home new date palms; being an enthusiast he saw or heard of some fine special cotton seed; not being specially posted on all the restrictions on the importation of cotton seed, he concluded that was a thing to bring into the United States. It was about a peck of seed. We got any quantity of living Egyptian pink bollworms from that seed and have them in alcohol, and burned the rest. We have an ample supply of the genuine article from Egypt. One of our explorers recently in China hunting for the Chinese—hunting new Chinese cotton for possible introduction into the United States, brought in a series of seed carefully sealed. I suppose there were fifeen or twenty of these samples. They were all seized by the Federal Horticultural Board, given an examination and in a large precentage of these samples, we found the pink bollworm, the identical pink bollworm, which we

got from Egypt, which we got from Hawaii and which we got from Mexico in large numbers and which we got from Texas. The fact of the existence of the pink bollworm, you can accept as final. You may go on with this testimony for weeks, but you will not disprove the fact of the existence of the pink bollworm in Texas. You will not convince the authorities of any one of the surrounding States that the pink bollworm does not exist here. You will not have any influence on the judgment and knowledge of the Federal Department of Agriculture and the authorities and experts of this country and of the world. I think that might be said finally and emphatically. I think that subject ought to be closed. I think you are too enlightened men to go on thrashing out something that will yield you nothing except a discredit, on the chance that you—on the point that you can make legitimately and which you should make legitimately. Now, as to the damage by this insect in Texas. You had a good deal on that. It may be your purpose to bring evidence to show that this insect has not created any loss to the farmers of Texas. I will be very glad to have you produce that evidence. I will go on the witness stand and give my evidence to the same effect. So far as I know, the damage to Texas is not worth talking about, it is a bagatelle. It is true that down at Smiths Point, late in the season they found five per cent infestation of bolls. It was mentioned just now that was the biggest cotton year of this district. I have no doubt it was. I take your word for it. I don't know. It is not a matter of my information. The pink bollworm at that time was a newcomer, if our theory of its origin is correct. It had only been here for two years. It was just beginning to get a hold. It was just in its infancy. It had not had time enough, it had not had chance enough to do anything. The damage recently discovered in Louisiana probably in the worst fields, is of an equivalent amount to that at Smiths Point. The same fact holds. It is in its incipiency and even there the infestation had not reached a point to indicate anything at all of the possible future importance of the pest to cotton. The second consideration to that matter was from the moment that the insect was found in Texas, the Government has been destroying every vestige of cotton in which it might live, in which it might hibernate and has destroyed probably ninety-eight per cent of the insects by that process. We have, therefore, by the fact of the just beginning incipiency of the invasion by the expenditure of large sums of Federal money, we have kept the insect down to a point where it is negligible in its damage. We agree and we emphatically agree with the fact that the insect has not done damage enough to make a story about. The future may have a very different story for us, however. We have several considerations which you have a right to present and to have explained, argued and proved, if possible, in relation to future damage. Is it going to do this country the damage it has done in Egypt, which it has done in Hawaii, and even which it has done in Mexico for example. That is a fair question. The initial cost—the estimated economical inportance of this insect to cotton depends altogether—it must be determined on that, the work and the control and the effort at extermination, if it is never going to amount to anything, why spend money and work to exterminate something that is trivial? That is a fair question.

Now, this insect has not had a chance to demonstrate what it can do in this country. It had a few years untrammeled in the Trinity Bay district. It has gotten to large numbers in very few points in that district. In most of the districts when it was found it was apparently scattering in numbers. It was just beginning to make a stand. We have, therefore, the possibility in this country of only making an estimate based on the facts and on knowledge of other countries. I think Dr. Hunter has covered that fairly well. I don't know that there is much need of my adding anything to it. I think it has been emphasized that a large percentage of this—of these tropical insects which come to this country and which we hope are going to be controlled climatically, disappoint us in that hope. We can mention a great many which come in that way and which we hope to limit to the present tropical insects that we have been disappointed. The boll weevil is one and there are others which have moved across the country slowly until it has reached

Canada. The common house centipede is another which has come up from Mexico and now invades all the houses in New England. There are various corn borers which came across from the cane belt and now invade our corn fields as far north as Viriginia. They were all tropical insects but they have not remained so. They have acclimated themselves and changed to other conditions. Now, the countries which are most like ourselves in raising cotton are China and this Laguna district in Mexico. Dr. Cooke, who was in China last year, said he found this insect as far north in China as cotton is grown in this country; the latitudes are similar, cotton culture is along similar latitudes; the insect was found as far north in China as cotton is grown in this country and practically as far north as it is grown in China. That is significant. The significance of the Laguna district has already been mentioned. Now, while on that subject and it is pertinent I think to it, there has been a good deal of talk here and apparently a good deal of effort made to show that this insect only begins to operate sometime in October or November. What is it doing all the summer time? I mean—hiding away somewhere? Not at all. It is working from the time that the moth appears in the early summer until that period. It simply happens that the insect is so rare that we have not been able to find it as a rule until that period. It begins its work in the cotton according to the Egyptian authorities even before there is a bloom or a stalk. It begins on the stalk or the leaves, often has stayed there occasionally but the moment there is a bloom, that is its normal food and it abandons every other part of the plant for those parts. Now, I have here a record which has just come to me of an investigation of the rate of damage, the rate of decrease in the Laguna. We had three men there and have had them there for two or three years, making the thorough study of this insect there, where we could do it safely without risk to our own culture. Laborers or men were sent into seven different fields, seven different fields were chosen representative of the district, and men were sent into these fields each month, August, September, October, November, to collect one hundred bolls at random. These were ignorant men, laborers. They made no selection. They selected one hundred bolls at random from each field, these bolls, seven hundred bolls were taken to the laboratory and carefully examined. In August, I will not read the whole figures, I will simply give the average, and they run fairly uniform. In August, there were 15.9, we'll say sixteen worms found to the one hundred bolls. They were there in August, that was before the crop had been harvested at all, sixteen worms to one hundred bolls. In September, they had grown in numbers to 156 worms to the 100 bolls. That is right in the height of the season. October came, in the height of the season's picking, that number had grown to 687 to the 100 bolls, 687 worms to the 100 bolls in October. In November, it had grown slightly more, to 724 to the 100 bolls. The year before 100 bolls picked at random in one of the fields yielded 900 larvae. There you have a record of increase. It shows what the insect was doing early in the season. Some of you gentlemen would like to know about that. I gather that from the kind of questions that were being asked. It will be noticed that there were 16 of these in August, that there was 156 in September, which was an average of a worm and a half or something more to the boll. That doesn't mean that every boll was infested, some of these bolls might have had three or four worms in them. In October there was an average of over six worms to a boll, 687 worms out of 100. In November the average was over seven worms to every boll. Now, that is in the Laguna where the climate is similar to Texas. I think we can safely say that that is significant. I am not saying that we are going to have a loss and an increase like that. I hope that I am a reasonable man. I don't want to make a statement that is purely imaginary, but we have a right to judge of these things. We are here as intelligent men to know the facts as they are and see what it means to us, but it shows there were enough worms in September to do material damage to the crop in its height. There were enough worms in October to practically annihilate the crop and the same thing in November. As a matter of fact, the second crop in the Laguna, which is a much more important crop in that district, much more so than here, was annihi-

lated by the pink bollworm. The damage in Egypt has been discussed enough I think. In relation to that damage, however, I think it is worth while to emphasize the question that damage in Egypt is not a damage that happened, but it is a damage in spite of intensive control work such as we have put forth here in Texas and could not afford to pay for here in Texas, where it would cost you $20.00 an acre under the labor charges that obtain here. So that the damage of seventeen per cent or more, there are various estimates running up to twenty, is so much over and above the cost of production, which is very large.

Now, the other point and the final point is the one that is perhaps of the greatest interest to us here. Can we exterminate this pink bollworm in Texas and in the United States? Are there measures or methods by which we can accomplish that result? There again, as Dr. Hunter has said, we can't give you any promises. We can't give an affidavit that this pink bollworm is going to be exterminated. We know, or we think we know—we believe, to speak more accurately, that we can exterminate this pest by starvation, by eliminating its favorite food and in Texas, so far as we know, its only food. Our reason for that belief are the facts that have been presented to you, the practical extermination of the insect. We hope it is final and complete at Hearne, but we are going on with them to make sure. The practical extermination in one year's work in the Pecos Valley; last year there was only a single worm found in that whole valley. On account of the thorough going clean up work that was done the year before and possibly aided by climatic conditions and by the fact of irrigation. We have in the Laguna here the work of one year. It evidently reduced this insect, I don't know what per cent, probably seventy-five or eighty or ninety per cent, one year's work. We believe that if no cotton had been grown in that district in 1919, that job would have been practically completed. There would have been a large measure of probability of extinction. We wouldn't say it would have been exterminated. The large difficulty is, people get tired, they say the insect has been exterminated, why go on? But I think with Congress back of us and the State of Texas back of us, we could have gone on at least for another year and then my theory would have been to have tried it out for three years, keeping that district under intensive control and most intensive inspection and try it out after three years, not after one. Now, we tried it out as to one year, with this result. Now, I want to go three years and try it out and then that particular question, after three years I would hope there wouldn't be fifty points, but one or two. Then we could take care of those one or two individually. Then we wouldn't have to go over the whole district again. We would probably have the whole district under observation, but that is the probable course of action if success is ultimately achieved. Now, the question is, is it worth while to do this? Is it worth while to burden these farmers here, I think if I lived down in Liberty county, or some other county, I would join Mr. Brown here or my friend T. R. Wood, and I am a human being like the rest of you, and I would make the fight of my life to see if the Federal Government or the State Government was justified in putting me out of my business. I have the greatest respect for Mr. Brown and Mr. Buckaloo and Mr. Nichols, all citizens of yours whom I have met and talked with. The very fact that this insect, that this insect is of no importance if that thing occurred there by thousands where we found one specimen, if we could find a thousand specimen where he found one miserable worm, I would be willing to say we'd start a fight right now because if there were thousands there, there were a thousand opportunities for its getting away. It had only one chance in a thousand of getting out of the district. The very point of your contention, therefore, is as to the location of the damage and as to the scarcity of the pest. I would give you my right hand and say "go to it," that is my business and yours; I hope you succeed in that, because that gives us the chance to exterminate the insect. Our chance of success rests, therefore, in its scarcity and the control work that the Government has already done; and the Government has not been niggardly in that work and as I said as long as we can get such cooperation the work is worth while. If we don't take this step now, it is practically abandoning the effort. Now, you may say that you can take it up again next year. Do you fancy for a moment that you will take it up again next year? You have broken through the power of the Federal Government, you have broken through the moral con-

science of the Federal Government in this matter, you have grown your cotton; do you fancy the lure of cotton will be any less strong next year? The fences will all be broken down. You can go through them again very readily. The fight has to be won now or it is lost forever. In addition to that, you have here a vast district and I appreciate somewhat its extent because I have gone over most of it and it is nearly the size of the State of Kentucky, it is no trivial or mean affair to have a vast district there, you have a large population in it, this movement in and out, streams of people across it, if you allow those fields of cotton to mature and the pink bollworm that has now got some renewed foothold there to go on multiplying be—for four or five generations, perhaps each generation becoming a thousand by fall and have a big storm blow across your State, the story is finished. There is only one way to take hold of a thing of this kind and that is to take hold of it firmly and at once and finish with it. I can give here something perhaps that has been often quoted, the statement that the former Secretary of Agriculture, a one-time citizen of your State, made, that the difficulty of the proposition is no reason for not undertaking it, if you believe it worth while. Now, this is a difficult proposition. I cannot guarantee success. We believe that the experience we have had at Hearne and here at Trinity, indicates more than a fair chance of success. We know that if we do not take this chance now, we will never have that opportunity again. Now, is it worth while, the cotton crop of Texas was worth this last year, someone advised me, if you are able to sell it, I see in the morning's paper that you were not able to sell, $600,000,000.00. Am I correct in that? That is the statement that has been made to me. Now, some of you gentlemen have been rather thinking that a ten per cent or a twenty per cent loss was after all something that you might bear. What does that mean to Texas? That gets into hundreds of millions for Texas, one hundred and twenty millions at twenty per cent, sixty millions at ten per cent. Are you willing to lose that without spending $500,000.00 to try to prevent it? I can't believe that to be possible. Texas is only a part of the United States. It is one big cotton producing—one of the big cotton producing States of the Union, probably the biggest, certainly the biggest; but the cotton crop of this country is some few million in value on the present prices, something like that. A ten or twenty per cent loss on two billion dollars nearly gets up to the figures we have got accustomed to hearing. Now isn't it worth while to take the opportunity that you have now to make this test and if it succeeds you will have saved yourself that loss in one or two years. We hope forever. We are going to strengthen this line along the Texas border. Congress has given me an extra one hundred thousand dollars to help strengthen this line. We hope to exterminate the pink bollworm in Mexico. We can do it there easier than we can here for this reason. That Laguna area is a circumscribed area where cotton is grown, if we have the cooperation that we have had from Texas hitherto and which we hope to continue to have and that we are now getting in an unmeasured and enthusiastic way from Louisiana, we may be able to free this country of the pest. Congress has felt so strongly about that they have actually given us money to spend in foreign countries, and that is an almost unheard of thing, but we haven't been able to spend it. Conditions have not permitted it.

Now, I am willing to tell you the point of view of the Department. I am not bashful about that. I think you want to know and I think you ought to know and I was sent down here to give you that information. The Department issued a notice of hearing for all of Texas and all of Louisiana on account of the pink bollworm; that didn't mean a threat to Texas at all. It meant,—all quarantine matters if you have been familiar with the matter, you will find that we do not single out Texas and Louisiana to give them extraordinary treatment. It was simply necessary to bring the whole State into consideration at the hearing so that we could if necessary take up any portion of the State, which might need attention. It does not mean that we necessarily at that time intended to establish a quarantine that affects the entire cotton crop of Texas and everything that related to it and all the carrier's that function in its movement. But as a result of that hearing which was conducted in Washington and which a great many of your people attended and at a subsequent conference at which a large number of your people were present and which we had in the Secretary's of-

fice, we reached certain conclusions as to what ought to be done. We came to a general agreement as to those conclusions both on the part of your State officers and on the part of representatives of Louisiana. We had all sides of that matter presented. We had the noncotton zone advocates there, who made strenuous speeches for the noncotton zones. We had representatives of the regulated zones there who made strenuous speeches for the regulated zones. Presented that matter fairly and I think that the hearing given, the main hearing which occupied two days, allowed opportunity for all sorts of evidence and magnified the magnificence of Texas, which certainly does not need magnifying, but we got rid of that in two days. Then we had this more intimate consultation in the Secretary's office at which we got down to the bottom of the facts. Now, I have got a full stenographic report of that hearing here in Texas and I have wired the Secretary for permission to liberate it. I think it would be very useful to this Commission and you can make such use of it as you see fit, but you will get there all of the facts after we had weeded out all the chaff. I hope it will be very useful to all of you to have that document. I hope you will be able to see it later on. As the result of that conference we came to an agreement which has been sent down to Texas. We still believe that that agreement should be carried out. We found from Dr. Hunter's examination that the movement of seeds to these Texas points, that the danger there was of a certain character and we could control it by making these observation points for a year or more, most of these points have been under observation right along since the beginning of the work, but with that exception that program is the program of the Department of Agriculture today. Now, if Texas carries out that program the Department will carry out that part of our program. The Department's quarantine will be purely and merely supplementary to the Texas quarantine and action and the Department will cooperate with Texas in the enforcement of those quarantine regulations. The Federal money will help in that work and as an offset the State money will have to make the reimbursement which I think the farmers should have. I think the farmers have a right to a grouch and a very serious grouch and I think the duty of the State is very plain to me and if I may be permitted to emphasize that point I think the farmers should be provided for. Now, if Texas fails in this matter, the Department will be bound to go on with its program.

The Secretary has stated that without question or doubt the Department program will proceed. The Secretary feels that he has a duty to the surrounding states as well as to Texas. Now, it would be a very sad moment for us if we are forced to go ahead with that program. Whether we went ahead with it or not would really make no difference to Texas. Six states have already quarantined against Texas and the other six withheld their quarantine at my earnest solicitation to wait to see what the Federal quarantine would be, this promise and this cooperation of Texas would bring about. In other words, you would be surrounded by a ring of state quarantines which would have just about the same effect as the Federal quarantine. We have no control over the State quarantine. It is a state function. This state convention at which all the state quarantines were determined upon was held without my knowledge. I didn't know it was done. It was at no suggestion from me or the Secretary at Washington. It was purely a matter with these men which they took up in the interest of safeguarding their work. They will go ahead with that work, we can't stop them, nor can you. I have here telegrams from men who knew we were having this meeting here. Here is one from Mr. Hines of Alabama. It puts the situation very frankly. It announces the fact that they have withheld their quarantine or made it very mild on account of the promise of Texas to act, but it indicates that if Texas does not act, Alabama must take the action which she originally contemplated, I have the same from Arkansas. These come to me by chance not addressed to me but they were handed to me, they were addressed to Mr. Hunter. They came, I believe, in response to a request that we made of Mr. Hines to come down here because we wanted to discuss with him this question of regulated zones. He had made the condition in his state quarantine that there should be such regulated zones established in Texas.

While we wish to modify those regulated zones in the interest of Texas and inasmuch as he made that a condition of his Alabama quarantine, we thought that if he came down here the more liberal point of view of the department was the most just one under the circumstances and this telegram came in answer to that. So, gentlemen, I stated for your information, not as a threat, because there is no threat in the business. We hope that there will be no occasion for any action, but the department of Agriculture, the Secretary of Agriculture has authority from Congress to do certain things under certain circumstances. He is bound to do it if he lives up to his trust. He has said that he would rather never have been Secretary of Agriculture if through any fault or failure of his this insect becomes widespread throughout the south. If he felt that through neglect on his part of work or duty that he could have performed under the authority given him by Congress and the powers given him by Congress, that this result should have happened he would have looked upon his occupancy of the Secretary of Agriculture as the mistake of his life or words to that effect. Now, gentlemen, I have tried to put this matter plainly, I hope that I have made myself clear on the attitude of the department and if I have not I shall be very glad to answer questions. I trust, however, that I shall not be inflicted with the length of grilling that my friend, Hunter, has just gone through.

Q. (By Senator Woods) Would the doctor object to outlining before this committee what is involved in this—in these state quarantines, what would be involved in this Federal quarantine? That is, to just what extent it would interfere with the movement of cotton or cotton products.

A. I intended to cover that but in the haste of talking that slipped my mind. The state quarantine may not be severe to you but it simply means that you can't send your products into those states. That is a matter, however, for court decision, just how much authority they can exercise over such movements remains to be seen. A thousand precedents indicate powers and some indicate doubtful powers, but there is no question at all but what the state can exercise this, they can destroy anything that comes into the state which they believe to be infested and the chances are that your shippers will not care to take that risk. They can't prevent the movement of this material probably into states from Texas to New England, a direct movement, that is Interstate powers and those are Federal. These gentlemen here who are legally minded can tell you more about that than I can. I think I have been enforcing the Federal laws and I have some inkling about that. The Federal Government can prevent the movement out of Texas. I think I did cover that brieny. They can't prevent your sending your goods by rail to New England or to any other state or part of the country. I don't know whether we could prevent you sending it abroad, but we are not going to do it. We don't want to raise that question. I don't think we could. Certainly we don't want to. We would not put the least possible restriction on the movement of goods from Texas. If that time should ever come, I am delighted to know that the normal movement out is eighty or ninety per cent. I fancy the chief difficulty would come with your cotton seed, the cotton seed hulls, rather than with the lint. You could send your lint, we would let you send your lint just as we do the seed from Mexico, around by water to New York and pay tariff and the price of disinfection. Someone asked the price. I said it is $3.50 for a bale. It fluctuates, it may be around $4.00 for a large bale but the Egyptian bale which is rather a small bale, the normal charge is $3.00 per bale which includes the whole cost of the thing, the handling at the fumigation plant and even the loading on the cars after disinfection. So it covers a little more than the actual fumigation at the car.

Q. (By Senator Woods) Well, I understood from a previous statement of yours that under a Federal quarantine there would be a restricted movement and under certain regulations.

A. (Interrupting) Well, I just made this statement on the supposition that the Federal quarantine would have to be declared against the State of Texas. Of course, if Texas does what we expect her to do and what we hope she will do, we will be able to limit the Federal quarantine to the same territory

which is covered by the state quarantine. The cotton then, maybe nine-tenths or perhaps ninety-nine one hundredths of the cotton of Texas, can then move in its normal way. I am told that only about one per cent of the cotton of Texas was grown in this district.

Q. (By Mr. Pickett) There wouldn't be any to move then?

A. There wouldn't be any to move in the controlled districts. All the balance of Texas would be free to move in any direction which the cotton people demanded as formerly. That is what we hope will be the result of these conferences and this action of this Legislature.

Q. (By Senator Woods) Doctor, if this Legislature should not take that action, then Texas would be regarded as a whole as an infested district, would it?

A. If Texas took no action to cooperate with this department to exterminate this pest, Texas as a whole would be an infested district very shortly and theoretically at once, because we would have no control over the movement of these products from any point in Texas. They might go to all these points the very next day after you withdraw your work. Of course, if you still maintain a quarantine there that was effective and efficient it is possible that there might be some modification of the Federal quarantine. It is a matter that I cannot answer. It would depend altogether upon the facts of movement and on the confidence which the Department of Agriculture had in the control which the State was exercising. Personally I do not believe that the Department —the Federal Government at Washington would be willing to go on spending money here to help Texas, when Texas refuses to help Congress. We could spend, I suppose, a million dollars. That is a good deal of a guess. It is a better guess though than any—I venture to say that a million dollars will be more than the average profits of these farmers every year, perhaps two or three times, I am not counting the total value of the cotton, I don't know how much it would be but their average of profit. That is a mere guess. I don't put that down as a fact.

Gen. Wolters: I will state, doctor, if you will permit me that the establishment of a noncotton zone would not merely involve the loss to the farmer of the cotton crop, in our section it would be practically impossible to keep negro labor to grow any other crop than cotton, with the result that our farms would be abandoned and would grow up not only in weeds, but an undergrowth. That would be the general condition resulting in a far more greater damage in the value of the land than would be the cotton that we would not be permitted to raise.

Witness: I judge from conversations I have had with farmers, Judge, there is much truth in what you say. It is a bad situation that might, to a more or less extent, arise. How much that effect would follow, of course, remains to be seen. As I understand it, this district grows corn as much as cotton and some other crops—

Gen. Wolters: No.

Witness: Several farmers told me they grew corn when I went through the district.

Gen. Wolters: That is to a small extent true, where they have very small farms and very intensive in their cultivation.

Witness: But I am willing to admit from my slight acquaintance in the district and talking with farmers who tell the same story about holding Negro labor that is used to cotton and know nothing and care nothing for anything else. They would lose their labor. I think there is much truth in that. Perhaps it will affect land values. But I can't see how it will do otherwise. It will not be a permanent blight. Here is the question. If we exterminate this pest, if we are successful as we believe it will be, wont that add to the land values of that part of the State and to all of Texas immeasurably more than you would lose for that particular brief period.

Gen. Wolters: We have had come to us, doctor, for the past year many people from northern States who have bought land making cash payments and deferred payments, that are, of course, maturing and will mature. That is also true of people from other southern States and other sections of Texas who have moved among us, that is true of our natives, a new generation branching out and that condition is true, to a very large extent, in some of these counties. What will become of those people with the depreciation of the land

that is going on? It involves absolute bankruptcy for many of those people. That is what is confronting us.

Witness: That is a very serious matter and we will have to consider.

Gen. Wolters: We are not an unreasonable people, we think that we are good Americans. We want to cooperate in any way we can, but we can't quite be convinced that it is necessary to bankrupt us in order to eradicate this pest, especially in view of the success the Department has had in the past and in that connection I think that the doctor misunderstood, it has not been contended that we will prove that there is no bollworm there, but it is contended and we, as far as I am concerned, merely repeating the contentions of practical intelligent farmers who have lived in that community for many years, that it was always there and they add that we expect to show at this hearing that this Mexican cotton washed ashore is a very fantastical idea and does not exist in fact. That one theory at least can be shown and is not at this point of infestation or the cause of infestation.

Witness: I hope you will substitute a correct theory.

Gen Wolters: The correct theory that we have, sir, and speaking for myself merely, adopted from conversation with experienced farmers, is that this worm has been in that country for many, many years, periodicaly coming and periodically going.

Witness: Do you extend that theory to Egypt and to Mexico?

Gen Wolters: I am not informed about Egypt and Mexico, sir, but I am simply stating what practical farmers, whose judgment is certainly worthy of consideration, whose integrity is not to be questioned as their neighbors view it and, of course, I look on an expert, one who is proficient in his calling and a farmer who is proficient and successful is an expert as a farmer.

Witness: I have the greatest respect for the farmers of this district. I have found them a very intelligent class of farmers. I have not met as many of them as I would like to meet and I appreciate the fact that the farmer whose idea is that, probably has that idea honestly, but that doesn t go, he is not an expert in any sense. He is not an expert in insects. He is an expert in cotton and corn and other crops, but he is not an expert on insects. I have noticed the evidence in the records of the hearings that have been had down here, I read those hearings, all of that goes over my desk. I read a great deal of testimony of witnesses in a sort of court proceeding had down here in a sort like this, you cannot make a determination under those conditions, that was all a farce. You hand me a pink bollworm, there is a bottle full of them now, several hundred of them, if I didn't know the history of those worms I would think they were boll worms, but if I went out into the field and found that worm, and I find its peculiar method of going into the bolls, and its manner of going from one section of the boll to the other, and had a certain knowledge of its structure I could identify it. For instance, you buy an apple, you bite into it and you find a worm, as you have done many times when you were a boy, you don't have to go to the Department of Agriculture to tell that it is an apple worm, because you find it in the apple, you know it is an apple worm. We know there are several worms in apples, and they look very much alike, but if you have a doubt in your mind you want to find out whether it is the pomonella species or something else you couldn't tell. You get a dollar bill from a man, you don't think of it, but put it in your pocket, and if you were asked to tell whether it was a counterfeit you couldn't tell, I couldn't tell either; there are only two or three experts in the Treasury Department who can tell. You could look at them and you would think they are good; it is interesting to look at the collection of bad dollars in the Treasury Department in Washington, there are any number that you or I would say were good, and lots of them get by, and it takes an expert to tell the real ones. I am glad to say, however, that ninety-nine per cent of our money is good. The farmer is not an expert, he is the man that takes the dollar and puts it in his pocket. There are a half dozen worms that work in cotton which look very much like the ordinary bollworm. Dr. Hunter had an exhibit here showing worms from the seventh heaven down to hades; that little fellow in hades was the bollworm. The farmer doesn't know

the difference, and he is honest in that statement when he says it is a bollworm.

Gen. Wolters: Dr. Marlatt, the farmer in our section has had other experiences with your department. He first started in that section to raise the fragrant cape jassamine, which he shipped to the north and east to spread its fragrance over the land, and along came a gentleman from your department and said there was a white fly which was raised on the cape jassamine, and he said there was nothing to do but eradicate it, and there was no way to get rid of it but to kill the cape jassamine, and you killed it. Then we found we could grow oranges in that section, and grow them profitably. At a great expense we began to grow them, they matured early and it was a profitable crop; then your agents came along and said we had the canker and the State Department came and dug them up and destroyed them. There was one man who said no, there is no constitutional provision which says you can destroy my property without due process of law, and he restrained them, and the Supreme Court has sustained him in his contention within the past month. Your agents said that orchard would all be dead in twelve months, here is a picture of a small portion if it, taken this last week, it is flourishing and existing there yet, your canker theory didn't pan out. Now you come to us and tell us that the only way to kill the pink bollworm you have to destroy us financially. And following that up, you might as well say that if you wanted to destroy dandruff, on some of the gentlemen who are more fortunate than myself, you will have to cut off the head.

Dr. Marlatt: We are after efficiency, and if it is possible we don't believe in cutting off a man's finger or his toe either, but we don't want to do a half job down here which would result in the maintenance of this pest pot in South Texas.

Gen. Wolters: You found a method of spraying against the white fly, and they are doing it now after it is too late, and you are finding a method to use against the canker. With reference to the eradication of the pink bollworm, you didn't find any in 1918, although the cotton grew volunteer over the district, and 1700 acres grew at outlaw throughout the several counties of the district, in 1919 you found only 120 worms—

Mr. Bryant: Don't interrupt the witness. If you want to testify, be sworn. We want Dr. Marlatt to tell us the facts in order that he may aid the Legislature of Texas to arrive at a solution of this matter without destroying our business.

Mr. Moon: The gentleman awhile ago when he said he didn't care to a line of grilling as Dr. Hunter had been subject to, do you mean by that that the members of the committee are not to ask him any questions?

Dr. Marlatt: Not at all, I would be glad to answer any questions I can.

Mr. Jackson: Under the regular course this witness belongs to the Attorney General.

Mr. Bryant: If the Secretary of Agriculture can stop the shipment of this cotton, hay and other products to other States;—I understand the quarantine would be applicable to the shipment of cotton seed and hulls and meal and all by-products, would that apply to these other agricultural products and to merchandise?

A. I wish to assure you that no quarantine that will be established, and I assure you I hope that it won't take that course, that in the exercise of the power and authority given to the Secretary by Congress, that it will be exercised to the very least amount; nothing will be brought under the regulation that cannot be shown to carry the pest. I couldn't give the details now, because that will depend on the developments in Texas.

Q. You spoke of fumigation of stations along the border of Texas to prevent infection from Mexico; could Texas, if quarantined, by the Federal Government, establish those kind of plants along its borders and fumigate its products, cotton seed, meal, and other stuff that would be quarantined on its border, and ship it to other States?

A. If we followed the course we did with Mexico we would prohibit it. In the case of Mexico we prohibited the importation of cotton lint, cotton seed and cotton seed hulls. We permitted the entry from Mexico of two cotton products, cotton cake and oil. The cakes must come in solid cakes itself, from one certain licensed mill in Mexico; it comes in cars that have been thoroughly cleaned of all cotton seed, it

is examined before it is loaded to the cars; it comes to the border in Mexican cars and is transferred to American cars, and if cotton seed is found in the car the cake is rejected.

Q. I didn't get clearly the power of the Secretary of Agriculture as to a quarantine against Texas. I want to know just how far it can go?

A. The law is very broad. The Secretary can quarantine any article or vehicle which he thinks might be necessary. For instance, take the quarantine against the brown tail moth, or Egyptian moth; in that instance we quarantined nursery stock, forest products, railroad ties, telegraph poles and even the very stakes that are cut in the woods to be put on the freight cars, and even the chips from a match factory, the whole thing is quarantined. Stones taken from the fence in the pasture land by some man who wants to take it to his home in Iowa as a sort of memento of his ancestry, those cannot be moved. In other words, the Secretary has a right to quarantine anything or any vehicle that might contain any infestation.

Mr. Woods: Before the attorney, Mr. Wolters, undertakes to examine the gentleman I would like to ask this question, I think probably he would have touched it himself if it had occurred to him. You are familiar with the conditons, I will admit you are familiar with the conditions, in regard to the pink bollworm and the law governing your body, what would be the minimum suggestion, I won't say requirement, of the Department of Agriculture in regard to the action of Texas dealing with this pink bollworm question; that is as to the establishment of noncotton zones or regulated zones, what are the minimum suggestions, and if those suggestions are later met with, would the meeting of those suggestions avoid the necessity of a Federal quarantine, and leave it to the determination of the State quarantines?

A. I think I covered that question in my statement. If this noncotton zone is established and the borders along this district are regulated, the width has been fixed at twenty-five miles say, I suggest that we would be glad to accept it. It is possible to fix a law to cover the work necessary in Texas, the other things have been taken care of; the Pecos region and the Big Bend district have been taken care of, and if these things are taken care of by proper legislation and compensation and sufficient administration, the control of the Department will be practically the same as the last control. This plan was discussed and agreed upon by us in Washington.

Q. You say properly carried out?

A. Such enabling legislation as would make it possible for you to do these things I have mentioned.

Q. Those things consist of establishing noncotton zones and regulated zones?

A. Yes. I have read the draft of your late cotton bollworm law, I read it this morning, it seems to cover the matter very well, but I would like to make some suggestions later on.

The Committee adjourned until 9 a. m., Wednesday morning.

WEDNESDAY, MAY 26TH, 1920.

MORNING SESSION.

General Wolters: Mr. Chairman, before proceeding, I wish to correct the record. On yesterday, in speaking with Dr. Marlatt, I think probably my language was a little confusing, having in view that a remedy had been found for the white fly, I also stated that a remedy had been found for the cure of the citrus canker. The entomologists disclaim that they have found a remedy, but I will say that the citrus growers in our section claim they have remedies which they believe will cure the citrus canker, and in proof of this contention, they have continued to grow orange trees and other citrus plants.

Mr. Pickett: It is agreed before we proceed that I offer this statement and these exhibits. It being stated on yesterday that the clean-up method was to pull up the stalks and burn them later, they said that they gathered up the hulls and refuse and they scattered bolls, and I desire to put the physical exhibits into record.

Mr. Bryant: I don't think these gentlemen ought to take this irregular method of putting this evidence in now. Let them wait until their time comes.

General Wolters: Mr. Chairman, the only purpose of putting this in evidence now is because the plants are fresh.

Mr. Pickett: Simply and solely be-

cause the plants came in this morning through the mail, and they are fresh. It would be more sensible to put it in now, and we will identify them later on.

Mr. Bryant: We don't think counsel ought to testify and put it in the record as a matter of fact, I don't think counsel ought to occupy any different position than any ordinary witness. If they want to testify as to facts, and introduce this exhibit, they can do so at the proper time, and take the stand and introduce the exhibit. We ought to have some order to this procedure. Not that I care how many stalks they bring to this committee, but it ought to be done in the usual and ordinary way in order that we may facilitate this proceeding. You see as it is, it goes into the record and a man cannot tell whether the witness has been sworn or not.

Mr. Pickett: Counsel is not wanting to testify, nor interrupt in any way. A good common sense performance would entitle us to put this evidence in now, and it will be properly identified by the witness who brought it. I said that I offered it at this time simply because these cotton plants are fresh from the soil, having been pulled yesterday, so the committee could see it, and later the witness will identify it under oath.

The Chair: I think it would be out of order as we have a witness on the stand now and you are undertaking a line of evidence over an objection.

Mr. Pickett: We will bow to the Chairman's ruling and not consume any more time.

The Chair: Dr. Marlatt is present, you will please come to the stand.

Examination of Dr. Marlatt Resumed.

Q. (By Mr. Jasper) Dr. Marlatt, will you kindly state in what field of work and what portion of the United States your professional work has been for the most part in your professional line?

A. I have been in the Department of Agriculture thirty-one years, and the work I have had to do there has been therefore in its scope. The problems coming before the department in my specialties are in all parts of the United States, and in all territorial and insular possessions. We are conducting an experiment in Honolulu and another one in the Canal Zone, and other parts of the United States in connection with the Bureau of Entomology and in connection with the Horticultural Board. We are administering quarantines of one character and another from Maine to California, Hawaii and Porto Rico, and also in connection with the other governments, the work extends around the world. We are cooperating with all of the foreign governments that have any business with the United States. We have passed legislation and appointed officers to cooperate with us. All of this is a result of the quarantine act of 1912. We have been in touch with scientific men in all similar lines of work in all foreign countries.

Q. In your experience, kindly tell the committee what if any injurious pests you and your department have eradicated by starvation.

A. We have not eradicated any pests by starvation in this country of any importance. There is only one little instance that I know of great importance where eradication of insect was effected in that manner, and that is the case of the Colorado Potato Beetle in Germany. They adopted methods there in that country that we recommended in Texas. They stopped the growth of potatoes in those districts that were infected, and they did not permit anything to grow in those districts, they reduced the land to a fallow state, not even a weed was allowed to grow, and they even went so far as to cover the ground with kerosene oil. They went farther than was necessary, but this exterminated the Colorado Potato Beetle, and they have not had it in twenty-five years. That was something that has never been done here, and could not be done.

Q. That is one instance?

A. Yes, sir. Eradication has been effected in many instances on a minor scale, that is, orchards have been freed of a particular pest, but I mean a country-wide effort, that is the only instance.

Q. In your opinion as an expert, do you believe that if they had stopped the growing of potatoes in that section that they would have thereby exterminated that potato beetle?

A. That brings up a very interesting point. I will answer it. The potato beetle has a certain number of food plants, and it is necessary to take control in such work of the food

plants, but in the case of Germany, the other food plants of the beetle do not grow there. The ordinary food plant is one of our ordinary prairie weeds, and that weed has never been noticed in Germany. In that instance, if they had eliminated the potato, they would have rid themselves of the beetle, but they were not taking any chances.

Q. Does your department maintain that it would be proper or even possible to conduct an extermination campaign over the nine counties in Texas, with reference to vegetation as you have described in that section of Germany where they exterminated the potato beetle?

A. It would be possible, granted the men and money, but it would be absolutely unnecessary.

Q. Speaking hypothetically, if an insect lived on five or six different plants, and any one of those five or six plants should be exterminated, would that cause the extermination of that insect?

A. It would not. I take it for granted, Mr. Chairman, that I am here to give this committee information, that I was brought down here at the instance of your Legislature and the Governor of your state to give you information, and I take it for granted therefore that what you want is a full statement that will give you information that will enable you to form your judgment. The mere answer to a question which is carefully framed may confuse you, I don't say that they are trying to confuse you, but we have nothing to conceal, and I should like to be permitted to make a statement that would cover the situation which the question is aimed at. If I can do that, I can help you.

Mr. Jessup: The rule the Chairman has adopted, there is counsel here for the department, and they will bring out upon re-examination of the witness, and give him an opportunity to bring out the different points and give him an opportunity of further explanation upon any of these points which he wants to go into at length.

Mr. Bryant: I think it would save a good deal of time to let the doctor elucidate his answers now.

The Chair: What the committee wants is all the information you can give us. If you are asked a question, I don't think it would be necessary to answer yes or no, if you want to go further and elucidate on the matter it would be all right to do so, the Committee would be glad to have that information.

A. I take it for granted that you all have one honest purpose, and that is to get at the facts.

Q. (By Mr. Jasper) What is the general rule with reference to eradicating or keeping down injurious insects; to eradicate the pest or eradicate the particular thing upon which the pest operates, just the general rule?

A. There is no general rule; that is not a case of mathematics or algebra. Those things are settled on the conditions as they arise. Last year there developed in the great corn raising States of Illinois and Indiana what they called a disease of wheat and another disease of corn, and it was a very important and serious matter. They did exactly in that matter as we have done in Texas, and we have stopped the export of corn and wheat from those sections. Indiana took prompt measures in that matter and they had a law enacted; they did that because they believe that the growing of wheat is of such importance that that was the necessary thing in that case. The corn borer is another case, which I mentioned yesterday, which came from Europe, in broom corn from Italy. This corn borer has caused more excitement in the important corn growing districts than the bollworm has in the south. Congress is beginning to make appropriations for that work now. When we began investigating we found that broom corn had been distributed all over a number of states; we also found that it bred freely on over one hundred different plants, and its breeding was not easily discernible under ordinary observation. It had gotten beyond control before we found it. In that case we found a system of control by regulation; we are spending perhaps a half million dollars just to maintain those regulations. Yet conditions are very difficult; we have an infestation distributed at large in large numbers and a vast number of plants besides corn on which the pest can live and breed, and we realize the needs of the situation and try to meet them. But there is no uniform rule which we follow in those things.

Q. Do you endeavor in the majority of cases, would you say you work on the food plant in which the pest lives or breeds where it happens that there is only one?

A. That is not the rule except where we are attempting extermination. I overlooked a while ago to state in this

control work in the New England states, which now covers those states in a quarantine which would be about like the quarantine in Texas. The state and Federal authorities started in with the idea of extermination, and they spent about a million dollars a year, and at about the time they got the thing in hand and success was in sight they got tired and stopped, and didn't do anything for several years and in the meantime the insect had an opportunity to work unmolested and increased in large numbers, and when the state became aroused it was too late and the insect has been spreading ever since. There was one or two colonies of that insect that became established in New York and New Jersey and they were exterminated by those methods. When I spoke of extermination a while ago I was speaking of a country-wide extermination; but there was an extermination of those moths in New York and one near Cleveland and one in New Jersey.

Q. Was that by starvation?

A. That was done by intensive work, but that is an insect which you can see in the winter time, you can see it for twenty rods, there is a great patch of the yellow eggs, they are not hidden and it is easy to get at. We used common sense and not foolish things like the Germans did.

Q. Was that done by starvation or by working on the pest?

A. I have explained that, it was done by intensive work, by killing the egg patches.

Q. Were you a member of the Horticultural Board at the time there was a plan made to bring over some ants from Guatemala to Texas for the purpose of experimenting to see if that ant would destroy the boll weevil?

A. The Federal Horticultural Board was created by act of Congress in 1912.

Q. Were you a member of the Department of Agriculture when the Department undertook such an experiment, so far as you know or remember?

A. I have just stated that I was a member of the Department of Agriculture for thirty-one years. It seems to be that these questions are unnecessary.

Q. But do you remember about such an experiment as bringing the ants from Guatemala to Texas?

A. I do, I know all about it.

Q. Would you mind explaining to the committee just briefly about that experiment?

A. To repeat to some extent what you were told on yesterday by Dr. Hunter, one of our cotton experts in the course of his surveys in an effort to locate new cotton territory, observed this ant in Guatemala and he thought this ant was of possible use in controlling the boll weevil; his observations were that to some extent it fed on the weevil, and the idea occurred to him that it would be a good thing to introduce it to Texas, and that introduction was made by him. There was an appropriation obtained for that work. However, it was not done through the Department of Agriculture, but through the Bureau of Plant Industry. That was not done with the advice of the Department of Agriculture; that ant was investigated by Dr. Wheeler, who is the greatest ant expert in the world; he said he didn't believe it would be successful. Dr. Cooke was very anxious to try the ant, and he carried it on for years, and I think some of our people in Texas helped him, and the work finally demonstrated that the contention of the ant expert, Dr. Wheeler, was correct and the thing came to nothing. It was simply the try-out of a possibility.

Q. Well, it was an experiment, and that experiment proved a failure, isn't that a fact?

A. I have said it was.

Q. Isn't it a fact that those who urged trying out that experiment were professional men, able men and experts?

A. In their respective lines, but they knew nothing about ants, no more than you do, or the others, you are a lawyer, and you wouldn't know one ant from another.

Q. Isn't it a fact that those gentlemen were working particularly on the boll weevil and not on the ant, and the ant was an incident to their experiments?

A. No, they were not working on the boll weevil, they were working on the cotton plant as botanists.

Q. Would you give us the percentage of experiments with which you have been familiar that have proved successful?

A. Yes, I will be glad to.

Q. About what percentage proved successful?

A. The world in which you live today, the comforts you have, the lights in the room, the clothes you wear and the food you eat comes to you as the result of scientific experiments that were successful; they run into some billions I presume.

Q. The idea was to compare them with the experiments that have proven to be failures so far as they have come under your observance?

A. I will say this, that I have been advised that more money has been put into the holes in the ground in Texas and California than they have ever taken out in ore or oil, and I say the percentage of failures is vastly ahead of the successes in that line.

Q. I have before me the year book of 1918, commencing with the report of the Secretary of Agriculture, dated at Washington, November 15, 1918, extending over to page 73 and signed D. F. Houston, Secretary of Agriculture, with various sub-heads, among them commencing on page 38. "The Pink Bollworm of Cotton." Have you read that?

A. I don't know, this may be the first time I have seen it.

Q. I want to ask you if you are familiar with that report there, or prepared or helped to prepare it?

A. It is embarassing for me to answer that question.

Q. That is the reason I qualified it by saying prepared or helped to prepare it?

A. I don't think my name appears in it. I haven't contributed to the year book for a good many years. I have been too busy, it has been a good many years since I wrote a year book. In the Department we are supposed to know what is happening, and that book is put out for the public.

Q. Well, it was the report of the Secretary of Agriculture?

A. It is quite probable that I read that report at that time, that is the first few pages of the Secretary's report.

Q. Do you know who prepared that portion pertaining to the pink bollworm of cotton?

A. It was undoubtedly prepared in the Secretary's office, it was finally re-written and revised in the Secretary's office, presumably from my annual report of that year, as Chairman of the Federal Horticultural Board.

Q. Very well, that is all on that. You will recall that there was a hearing held by the Pink Bollworm Commission, held in Houston, Texas, on January 6, 1920, and that there was a further hearing on January 15th and 16th, 1920, in Galveston, Alvin and Houston?

A. The fact of the hearings in those cities, I wouldn't vouch for the dates. They were known to me, and the transcripts of the meetings were sent to my office, so far as they were made.

Q. There was a report of the result of that hearing reported to you, or to your office, as you have just stated. I find from a copy of the report of that Commission, which was read into the record on yesterday, and I will not read it in full at this time, but simply call your attention to the fact that the substance of that report was that a regulated zone in the Trinity Bay District should be continued substantially as last year. Now, will you tell the Committee what, if any, action you took upon receiving a report of the result of that hearing?

A. I can only tell the Committee in a general way, because I haven't the papers here, I don't remember the dates, hours and minutes, but the report of the Commission was sent to me I believe by telegram, and also in full by letter, that was a report of the Commission and what departments were represented on the Commission. It indicated the action was taken because of a sort of duress or pressure brought to bear on the Committee. I don't mean any violence, but the fact was brought to the Committee that the planters, regardless of what the Commission decided, in view of their past experience in the failure to get any reimbursement from the State, to plant cotton and would give no cooperation to the State or Federal authorities, but on the other hand that they were ready to plant cotton. Under a regulated zone they would cooperate, and under that duress or pressure as accepting the least of two evils the Commission consented, without getting reimbursements for the farmers, they accepted that situation and recommended it to the Department of Agriculture and the State Department. The Department in the Federal Government is exactly in the same relation to this problem in Texas as your Commissioner of Agriculture in this State, that was simply a regulation. The Department of Agriculture realizing the situation, I personally was there, and realizing that that would mean the end of the fight, I said we were not willing for the whole United States to give up the fight at this time, we are in the

midst of the fight, we see success, we are not going to give it up and run away; we have gone into the fight and we are in it to the finish. So, immediately upon the receipt of that report a telegram was sent indicating that intention on the part of the—That telegram, as I recall, was sent on the 7th of February, but it was followed up by a full letter of explanation and a long letter to the Governor, which has been published in your minutes. That information was brought to Texas on February 7th, and was widely published in your State, and was brought to the attention of the farmers in that district presumably, and the planting of cotton in that district was with a full knowledge of the circumstances and the position of the Department. There was no misunderstanding about it, we didn't quibble, we put it plainly.

Q. You didn't concur in that recommendation of that Pink Bollworm Commission?

A. I did not.

Q. But on the contrary you dissented from it?

A. Yes, as vigorously as I knew how.

Q. And very promptly, as soon as it came to your notice?

A. I think the same day.

Q. Then it was not on account of any additional infestation that was found after that Pink Bollworm Commission reported, that is not the position you took, is it, Dr. Marlatt?

A. I would have to have the date of that additional finding, that additional infestation. I cannot say that there were facts of additional infestation known at that time, but the main thing was the fundamental proposition involved; the same proposition would have been taken regardless of the additional infestation.

Q. The only influence the additional infestation had on that situation was to add additional reasons on which to stand?

A. No, it would not add additional reasons, it might take away all the reasons for it, that would depend on the amount of infestation. If it had taken in a half dozen states that would have taken away the whole reason, but the additional infestation was limited to no such circumstances; that did not materially affect the business of working out a successful issue.

Q. Of course we are familiar, and I take it that this Committee is for the most part familiar with the letter of February 7th to which you refer, and there is no issue on that. That letter was sent to your Governor by and in the name of the Secretary of Agriculture; Dr. Marlatt, that is the letter to which you refer?

A. No, sir, I refer to the letter over my own signature to the Governor of Texas; the date of that letter I don't recall but it was about that time, it followed the communication from the Commission. The Secretary wrote the Governor taking no action on the representations that had been made to him. The Secretary himself took up the matter and wrote a very vigorous letter at a later date.

Q. Anyway, the substance of the position of the Secretary is the same as yours, you took the same position you did in the communication, and the substance of that was that the State of Texas must establish and enforce a noncotton zone in the Trinity Bay region, or a statewide quarantine would be promulgated against Texas?

A. I prefer to have the letter read into the record if you want to know what the Secretary said.

Q. I just supposed you were familiar with the secretary's letter.

A. Then why ask the question?

Q. But your letter, I don't remember seeing it.

A. It is in the record. It is not necessary to repeat it.

Q. Very well, then, I withdraw the question. Then following up that line you called a hearing, at least there was a hearing called, and held in the city of Washington, on April 6th, 1920, and following that hearing of April 6th, 1920, which continued a few days, a letter was sent out of the Department of Agriculture dated April 10th, 1920, and stating among other things in Section No. 3 "The State of Texas will establish similar regulated zones of a ten mile radius around all oil mills in Texas which are known to have received seed during the last three years from the parishes of southwestern Louisiana, now known to be infested with this pest. Such points in Texas now known to include Houston, San Antonio, San Marcos and Snyder." Does your department adhere to that demand?

A. The position of the department is indicated in Dr. Hunter's

testimony, with which I agree. That was put in when we knew of a considerable movement of seed to these sections and we had no knowledge of the amount, nor of the time except that it was within the last three years. During the hearing in Washington that movement was being investigated, every carload of seed was investigated, what was done with it when it was shipped and the developments in that work indicated that a good deal of those seed went into the districts mentioned, and that the insect had gotten such a foothold in Louisiana, however there was no infestation in Louisiana three years ago. These districts are under careful investigation now, just like the points that got the Mexican seed, hence it seemed to the department trying to take a reasonable view and without any suggestion of any person from Texas or anywhere else, we decided to accept that situation and we presented those facts to several of the people from the south, including Dr. Hines of Alabama, and he said "I am willing to accept that for the State of Alabama." Therefore, in the interest of Texas, and in carrying out their dealings, which we hope characterizes our actions, we said we were willing to release that part of the agreement, still keeping these points under inspection, and not ask for any regulated zone until the actual facts of infestation should be established. All of that is established by Dr. Hunter's testimony in the case. The four hundred cars of seed from Mexico, they came in before the bollworm was established to any extent in the Laguna; there was very little infestation there, but that resulted in the establishment of the pest in only two cases out of eleven. In one of those cases, it was very small, but the other was a more aggravated case. There had been a distribution of the seed from the mill in violation of an agreement, either by sale of the seed, or by the seed being stolen from the mill; the records of the farmers show they got seed from this mill. That was the reason of our change of action with reference to these points in Texas. We do not propose to put on any restrictions that are not necessary in our judgment.

Q. Didn't you also think the Legislature of Texas would probably pass a law more favorable to your opinion as to what the law should be, with that demand withdrawn than it would with that demand in force?

A. That idea never occurred to me. If it had, I should not have acted on it. Our action is determined not by expediency but by necessity. If we get into the expediency business I am going to get out of it.

Q. You said yesterday afternoon that a hearing was held by the Federal Board in Washington, April 6th, and a few days following, and the first two days was a general public hearing, and after that you said the hearing was private, or an executive session or something to that effect?

A. Not at all, I made no such statement.

Q. As to the hearing after the first two days?

A. The public hearing was advertised in accordance with the requirements of the Federal Law. That public hearing was held in the National Museum Auditorium. The meeting was kept in open session until everybody had spoken; everybody present was given a chance to speak, and we closed the hearing only when nobody else desired to speak. After the hearing, the board naturally had to consider the matter that had been presented, and a good many men came into the office of the chairman of the board, most of them accidentally, but they were men who were vitally interested in the subject, and were taking an interest in the hearing. While we were discussing the matter, they came into the office, some of them I asked to come in, more than half of them came in of their own account, and everybody that came in was there. There were no locked doors or anything like that, and we discussed the matter for several minutes. I said I thought it would do us good, if we could discuss it with the Secretary; I telephoned him and he said he was busy, but that he could come over in about five minutes, and there was just a little the informal conversation, and we adjourned from my office to the office of the Secretary. There was nothing premeditated about it, the Secretary made an informal statement, as did I, and there was nothing premeditated in my statement. The men from Texas then had the floor about two hours, I think Dr. Hunter made a little statement, and I made just some formal statements and that was

all there was said. There was no discussion by us. It involves such men as Mr. Peteet, who represented the plan of regulated zones, and it involved discussion by Mr. Walton and Col. Ousley, who happened to come in. We did not invite any representative from Louisiana, but two or three drifted in. Dr. Hines was there from Alabama. It was pointed out that having had the benefit of a two days' discussion, the subject was much better in hand than in the public hearing where there was a good deal of eloquence and air thrashing, of which you will probably have more later on; we really got down more to the real issues. That was taken down and a stenographic report was made of it, and I have asked the Chairman of this Committee if he would like to have it, and you can have it if you want it, I think it would be a very beneficial document for you to have. It was not a hearing but an informal conversation as I have described.

Q. Don't you remember that you announced from the stage at the close of the public hearing, and called for several gentlemen, and among them was Dr. Hines, the President of the Southern Entomologists Association?

A. I remember distinctly that I invited some of them and some of them were not invited. In getting away from that large hearing in the auditorium, and getting into that conversation, we were ready to hear anybody that had anything to say.

Q. Did you invite any one from the territory claimed to be infested by the pink bollworm to that hearing?

A. I did not know the source of the gentlemen from Texas, but I invited two or three people from Texas, possibly half a dozen. I should have been glad to invite Mr. Nichols, Mr. Barkuloo and others. In fact I sent them to the Secretary's office later to have a conversation.

Q. The question I want to ask for information is why you didn't invite anyone from the infested territory?

A. I have answered that question. I said I was not aware of the origin of these gentlemen, and I thought from their conversation at the hearing they were from that section. Mr. Peteet and Mr. Walton apparently had been very intimately associated with that situation in your district, and they fully represented the district so far as I know and could see, and there were several others.

Q. Didn't you also specially call for Congressman Buchanan from Texas?

A. He asked me for a conversation personally, he asked me if he could come.

Q. During the course of that hearing you announced something of your opinion of a certain trial held in Houston, Texas?

A. Are you referring to the formal hearing or the conversation?

Q. The public hearing, that is the only part I heard, and you expressed your opinion concerning that trial growing out of this pink bollworm situation. Would you mind to tell the committee substantially what that expression was?

A. I have the transcript made by the stenographer at my room at the hotel. I shall be glad to bring it up here and put it in the record. I could not repeat it now, it would be a human impossibility, I do not even recall the facts or the circumstances.

Q. Let us pass from that to another thing. Can you tell us approximately when a pink bollworm was first found in Egypt, I don't care to go into that at any length, if you don't know I will not insist.

A. I know probably as well as anyone does. I was just wondering if the committee would like to have that thrashed over again.

Q. Just in general terms, I don't mean to go into that fully.

A. Well it was about 1908, or thereabouts, 1908 or 1909.

Q. And about what time in Mexico?

A. I am really not very much impressed with the desirability of giving dates offhand, but I would say that it must have been about 1912. I don't make any claim as to the accuracy of that statement, but within a year or two of that time one way or the other.

Q. About what time was the pink bollworm hunted in a scientific manner in Egypt and Mexico.

A. It is not such large game, it is not hunted in that sense, it is studied; if you mean when they began to study it in a scientific way,—the study began mildly when it was first found. The people in Egypt were not acquainted with the existence of the pest, and it didn't cause much attention in the first year or two, but in the second year there was much more study of it, and it has continued from that time until the present.

Q. With reference to the form of the well outlined regulated district as we have had it up to this time, if the State of Texas assures the department of agrculture that she will maintain a properly conducted quarantined district including all of the infested territory, with an additional border around the same of reasonable width, and under the state law and regulations of the state department or agriculture, guarding the interests of the people and property outside of that district in a well-conducted, vigilant and strict manner, what would be the occasion for any statewide quarantine against Texas, on the account of the pink bollworm infestation or menace?

A. May I state what I think you wish me to answer?

Q. Yes, answer in any way you want to.

A. You mean, that if the state establishes this district, that you will include nothing but the aggravated area in it.

Q. No, sir, I didn't include that.

A. Establishing a regulated district and including a certain area beyond that district would there be a need of a state quarantine?

Q. Yes, would there be any need, if so, why?

A. I answered that question yesterday in my statement, in which I said that the Department of Agriculture is doing nothing negatively towards that, any special proposition or restrictions which it will place on Texas, will depend on the needs of the case; necessity will determine the action of the department, and nothing more. Now, if Texas maintains this efficient regulation, there will be no need of a statewide quarantine. If the conditions are efficient and effective, not inefficient, not halfway efficient, nothing of that kind will be done. The necessity of the quarantine will be occasioned by inefficiency only. The means of the escape of this insect, from breeding in the summer, and with nothing to keep it from breeding if one of these coast storms should pass over, there would be a spread of the pest. The only thing to do is not to give it a chance to get out; if you do give it a chance to get out, as it will have unless it is handled under the proper conditions, the department might be forced to take action with reference to Texas.

Q. Do you recall Dr. Hunter's testimony to the effect that in a strong wind the moth of the pink bollworm would go down to the ground, or words to that effect? Might it go to the ground?

A. It is the belief of Dr. Busck, based on his studies in Hawaii and Mexico, the normal insect is not a strong flier, and seeks protection during a strong wind. It travels principally at night. In a mild wind, if this insect was like the cotton leaf worm the story would have been different, because every fall that leaf worm spreads north from Texas and on into Canada, we see thousands of them around our lamp posts in Boston every night; those things come from Louisiana in a few weeks. If this pink bollworm traveled in that manner the story would have been told, fortunately it does not travel like the other insects.

Q. Don't you have the same confidence in our State Department of Agriculture and state authorities to maintain a quarantine line in Texas the same as you have in the Federal authorities to maintain a quarantine line along the state line?

A. That is a rather embarrassing question to ask me, but the Federal authorities get a different kind of support. They have a much larger fund, and we are able to employ many more men; I don't say we employ better men, but where you have one we have maybe a hundred, and where you have a thousand dollars we may have five hundred thousand dollars. It is simply a question of support and selection of men. Texas has not given that support. It has not been necessary for Texas to give it, our Congress has been so liberal.

Mr. Jessup: That is all the questions I desire to ask. Col. Wolters wants to ask the doctor a few questions.

Q. (Examination by Gen. Wolters): The Federal Department cooperates with the State Department?

A. Yes, sir.

Q. Suppose the State of Texas puts on a regulated quarantine zone in that district, with the power fixed and the law so formed that the expeditious court facilities could be secured in case of an individual contesting it; where a field when found infested could be immediately or expeditiously destroyed and paid for;

with the most rigid regulations that can be applied, would there then be any necessity for a state quarantine? Before you answer I wish to explain a matter so the witness may get it, Mr. Chairman. We construed the law, and that is generally accepted by the bureau, now in the light of the decision in the Stockwell case that even if a noncotton zone should be applied this year, that before growing cotton can be destroyed, that if the farmer protests, he can go into the courts of the land, restrain the action under the due process provisions of the Constitution and have it determined by a court. If now that would take time in our ordinary channels of procedure, as it is said, very likely it would not be possible to destroy any cotton under any law in this zone that is now growing, assuming that the Legislature would enact a law in line with the existing law whereby they would create other provisions, the power of the citizen to go into court say upon five days notice, the courts of competent jurisdiction being made to be be open in vacation as well as term time, and that such case must be immediately tried and disposed of; limiting the right of appeal so far as the farmer is concerned, so if a court and jury finds that any cotton field ought to be destroyed that that can be finally settled and the compensation fixed. In other words, to make it as expeditious as is possible for the ingenuity of legislators to make it; then destroy any infested field, if one be found, and then destroying the cotton growing for a certain number of miles around that; wouldn't that be feasible, together with the other regulations and provisions that the regulated zone has heretofore provided?

A. I think that is a very fair and reasonable proposition, I am glad to say. I want to say in answer to that, however, that it requires more than an answer.

Q. I appreciate that.

A. There are a good many conditions that you have enumerated, you are a lawyer of standing in your community, and know the courts of the land and the details in the law; you have stated a case which I hope will be made universal in this country as to the law, but it has not been made. We would have to consider the possibilities of such a thing. I am perfectly willing to approve anything if you can carry out your promises. But the question would come up as to your ability, I suppose, under the laws of the United States to deprive a man of his property which the Constitution gives him. There is a question there, if you can present to me and accomplish all of these things, you will have to enumerate that; we will be willing to accept that as a working basis, but we will have to have that done and accomplished as a working condition before we will be willing to let this go on.

Q. Then, if the conference of the lawyers and including the Attorney General and our Commissioner of Agriculture, could determine upon a measure whereby we could avoid a noncotton zone, and at the same time assure a measure of safety such as I have indicated, that would be satisfactory without the imposition of a state quarantine?

A. There would have to be a good many conditions added to that.

Q. I apprecite that the details would have to be worked out?

A. An important consideration to that would be such surveys as would determine at the earliest possible moment the infestation. I don't think you realize what that means. In the first place, as you and your associates have pointed out, this insect is so small that it is very difficult to find evidence of its work until late in the season, however, that does not mean that it is not there; the first examination might not find it, it would require possibly days and days of search and it would cost many dollars to every field of cotton to carry out that search. Dr. Hunter searched one field for some two hundred days before he found an infestation, and he searched it an additional hundred days without finding any additional infestation; perhaps if he had spent another hundred days he might have found another infestation. To carry out this thing you have to know the infestation at the earliest moment; it would mean a vast expenditure of money to search perhaps hundreds or thousands of acres. Also the proceedings would be an annoyance to the people in that community.

Q. In 1917 you found 161 fields infested, assuming that there would be a court procedure, that would have been only 161. In 1919 you found

either forty-three or forty-five fields infested. It is not to be assumed that all farmers, particularly when they are convinced that their fields are infested, would contest it. In that connection the suggestion would be that the farmers themselves be afforded an opportunity to see and be present and be shown the infestation as it is found; those are all details that it would take too long to elaborate on here. I was trying to get at a starting point where this matter might be solved?

A. As I said, I am perfectly willing to admit any possibility if the conditions are all arranged and guaranteed. I am perfectly frank to say that I don't think there is any chance whatever that unless the operation be made proper it would be vastly more expensive and annoying to the farmers than a noncotton zone. You would have a vast amount of law suits, the people will not yield to these matters, and the insect will be found just at picking time, do you think those men will agree on the destruction of that cotton and a partial payment?

Q. We want a full payment for the growing crop, as may be determined as to its value by a proper proceeding. I think any farmer who is convinced that he has an infestation will not go to court. The trouble has been with the situation heretofore that the farmer has been ignored, he has not been afforded an opportunity to be convinced that there is an infestation; in other words to be perfectly plain, there has been a lack of diplomacy.

A. No doubt that occurs sometimes, it is in violation of the instructions, but I think you can appreciate that when we accumulate a force of young men from all parts of the country that some of them have a conceit, and you cannot control them.

Q. We appreciate that, at least I do. I simply wanted to get an expression from the doctor on that line with the hope that something can be worked out. I have nothing further at this time, Mr. Chairman.

The Chair: Is there any other gentleman who would like to ask any questions?

Mr. Pickett: I would like to ask about five questions.

Q. (By Mr. Pickett): As I understand you, a moment ago you explained that the four hundred cars of seed came from Mexico, and came at a time just prior to the spread of this pest, and that accounts for the probability that those few infested seed were contained in those cars, and you give that as a reason why the ten-mile zone around the mills had been receded from. Did I get your statement?

A. I made no mention about a zone. I simply said I thought the import of the insect was made from the Laguna in 1916; while there were a few fields infested with the insect when we discovered the pest for the first time, and they were sent to Washington for inspection. After that time we put a stop to the arrangement we had with Mexico with reference to the shipment of cotton seed. At that time the insect had only had two or three years start, and covered only a small area in the Laguna. We didn't know where the seed came from, we didn't know whether it came from that area at that time, and it was our good fortune that we didn't get a large infestation in Texas. As soon as we knew of it we had a half dozen men down here at every mill, to see that the seed were promptly crushed.

Q. Your bulletin No. 723 discloses that the infestation in Mexico began by the shipment of 126 sacks from Egypt, and only six tons in another instance coming from Egypt; that much seed could cause quite an extensive infestation in Mexico?

A. Well, the seed that came from Egypt was planted, it wasn't crushed, every insect went on the farms, and it was distributed more or less over the Laguna. I imagine a great deal of that seed was without infestation, so it took several years in the Laguna for the insect of get a foot-hold. I imagine the maximum damages has not yet been reached in the Laguna.

Q. That four hundred cars of seed from Mexico came from the 1916 crop?

A. I don't know what it came from.

Q. Your reports show that?

A. Well, if it does that is probably the case.

Q. Your report also says that Dr. Busck personally made the investigations in the early part of 1917, and that he found an infestation amounting to as much as thirty out of every forty bolls he found?

A. I think you have stated the case somewhat incorrectly.

Q. I will read from your book?

A. All right.

Q. "The Laguna in which the bulk of the total Mexican crop is produced, consists of about 1200 square miles." Reading from your bulletin of 1918, "Mr. August Busck, on a trip to Mexico in the early part of 1917, obtained samples of cotton seed from forty of the estates in that region. Thirty of these samples were found to be infested and later records indicated infestation on ranches from which no insects in the seeds were received." Now, the four hundred cars from Mexico came from some of the territory that Dr. Busck examined in the early part of 1917?

A. That is your statement, I haven't made any such statement.

Q. Your records show that the four hundred cars—

A. It shows that the seed came in in 1916, but the seed may have been ten years old.

Q. As a rule seed isn't held that long, is it?

A. We found that Villa had stolen some seed, I don't know how long he had had it.

Q. Well, say he had, it wouldn't probably be infested very much?

A. It wouldn't be infested at all.

Q. Wouldn't the seed become infested?

A. No, sir, they only get infested by getting into the boll.

Q. There would be no danger in shipping seed into an infested zone?

A. Only from indiscriminate intermixing.

Q. The infestation came from India to Egypt, and from Egypt to Mexico, and we got the pest from there, where it had been running from 1911 to 1916, five years—

The Chair: I think counsel is making more of an argument than he is asking a question.

Mr. Pickett: The only way you can get information from an expert is by a hypothetical question.

The Chair: Well, you were making an argument.

Mr. Pickett: I was merely enumerating the facts, on which I expect to ask a question. Wouldn't it be an indication that our climate was not a place where that worm would thrive if four hundred cars of seed from an infested territory where the infestation had run five years and didn't infest but a small area, and where they came from a territory where the infestation had spread extensively in four years?

A. Well you have presented what you purport to be a series of facts, most of which are incorrect.

Q. Well, those are based on your report, that don't bother me any, it isn't a reflection on me?

A. Well, the insect hadn't gotten to the Laguna in 1911. That is one fact that is wrong. The seed wasn't planted in the Laguna, and it doesn't say so in that report.

Q. Will you mind me interrupting you there so you can explain this plain English to me. "In Mexico the pink bollworm was introduced in 1911. During that season two importations of Egyptian seed were made. One consisted of 125 sacks and was planted near Monterey; the other, of 6 tons, and this was planted in the vicinity of San Pedro in the Laguna." My statement at which the thrust was made was merely a restatement of your printed bulletin printed in 1918 and I wish to state further that I am utterly ignorant about this except that which I learned from you and men like you—

A. (Interrupting.) Well sir, I am perfectly frank with you, I am willing to apologize.

Q. The first Texas man that ever got that far with you, too, isn't it?

A. I hope there will be many more if I have occasion. Now as to the facts: I had in mind that the importation of this seed, that it first went to Monterey and I accept the statement there as correct. That, I had overlooked. My recollection was that the first year, that was our first importation, I am sorry Dr. Hunter is not here, but I have no doubt but that is correct.

Q. Well, if the committee thinks I am burning time I am wiling to relieve you from the question.

A. It doesn't have any bearing on the fact more or less. The seed were first planted in Monterey, I had in mind it was all planted there, and then went to Laguna. According to this statement I am incorrect in that idea. That I will look into later on. The seed came from Egypt in those days according to the record. It was, as stated, planted, not crushed. It came from Egypt after the insects had been recognized in Egypt for three years or two years at least—two years; it was recognized in 1908, but I am not sure about that.

Q. The Record shows 1907.

A. Well, 1907. I might add there, just as an explanation to this committee, something I intended to suggest yesterday and which Dr. Hunter did not cover, that the introduction of this insect in Egypt was apparently plainly shown by the importation for a series of years there, 1907, 1908, and 1909, of vast quantities of unginned cotton from India. Almost the first time that large quantities of unginned cotton were taken to Egypt. This was taken to the southern delta of Egypt and ginned there and the first infestation was in that region where this unginned cotton had been brought to Egypt. The first infestation was found there in those seeds. Infestation spread very rapidly there. Egypt is a mere ribbon running up the Nile several thousand miles. The traffic is all one way, up and down, boat and rail. The same conditions, the movement of seed in foul cars and foul boats exist in this country. The movement of the insect, therefore, was rapidly spread, the spread of it was fairly rapid in that southern delta of Egypt. These are all matters of record. Official reports show that there was a good deal of infestation, as I recall it, and there was much opportunity, therefore, for infestation the second year. Now, that seed, however much it was infested, went into Mexico, and it was all put on land, it had every opportunity, every worm had its chance and its day in court. That's the fact in the case, I mean those are the conditions of the case. Now, in the case of Mexico, these seeds came to the United States, that were grown in 1916 or earlier. Dr. Hunter, stated that a good deal of it, almost the first time any large quantity of seed came from Mexico, and apparently last year from a good deal of it being sold by Villa. I don't say he kept it ten years. He may have. I don't make any point. That seed, however, came from the Laguna when the infestation was in its incipiency. It was not planted, except in one instance. That was the case in Beaumont. In all other cases it was promptly or fairly promptly crushed. We supervised the crushing as soon as we knew about it. The Department of Agriculture in cooperation with the Horticultural Board put a lot of men in Texas to supervise the crushing of these seeds. None of these conditions obtained in the Laguna. Whether it was begun in 1911 or 1912 doesn't cut much figure in the case.

Q. You classify the infestation as being in its incipiency when your chief expert, Dr. Busck, found heavy infestation in 1917?

A. Does he say heavy?

Q. You say heavy, as I understand it. That is, that is the inference at least that is dropped. I won't worry reading now.

A. Of course, Dr. Busck—

Q. (Interrupting) He don't use the word heavy. The word heavy was my own interpolation.

A. He had no opportunity to see the crop in 1916 at all.

Q. Here is what I drew the conclusion from (reading): Mr. August Busck, on a trip to Mexico in the early part of 1917, obtained samples of cotton seed from 40 of the estates in that region. Thirty of these samples were found to be infested and later records indicate infestation on ranches from which no insects in the seeds were received.

A. My recollection is that his survey was confined largely to a fair sized district in the seven districts of Laguna in the neighborhood of Laredo. I don't think we have ever been able to go up into the extreme northern end like that. It has not been safe to do so. We had, as I said the other day, three men down there, youngsters who are unmarried and willing to take the chance. They have been there for three years solid. It wasn't safe to go that distance. One whole block of laborers were wiped out one day there, where our men might just have—well, have been in a town there, by a group of bandits.

Q. If you should find infestation on three out of every four farms examined—

A. (Continuing) In a limited district in the southern end.

Q. (Continuing) I say, in our nine counties which are chiefly involved here, would you call that a slight or a heavy infestation?

A. I would call it a general infestation if I were choosing adjectives.

Q. If you wanted to determine the degree there and had in mind whether it was slight or excessive, would you then use a different adjective than general?

A. No, I use a different method. I go into the field and count the bolls,

as I said yesterday, to indicate the percentage in July and August and October, the only way to determine the percentage of infestation. For example, there was a pile of cotton seed at Laredo where our station was located in the spring of 1918 or 1919. I think it was 1919. We had need of a vast quantity of worms to put in our breeding cages to determine life history and so forth. We hired twenty or thirty Mexican boys—the photograph I saw showed twenty or thirty of these boys from seven to ten years old squatting around this cotton seed and they picked out forty thousand of these worms. Now, that might represent a heavy infestation. It might represent a fairly modest infestation. You can't tell. Anyway, the only way you can determine a thing of that sort is to determine the fact in the field, in the growing cotton.

Q. Doesn't your method then somewhat operate against the methods conducted under Dr. Hunter, to be satisfied as soon as one specimen was found, and then on to the next field?

A. He had a different purpose in view there. His purpose there was simply to determine the distribution, not the amount of infestation. In a similar case in New England and New York, in the case of a corn borer, we had a survey made by one of the men trying to determine the range of infestation, but the men went into the fields in the same way. As soon as they found that insect, they left that field and went to another and examined it to determine the range, but I had records kept. The records would show that the men hunted ten hours in that field before he found the infestation, or he hunted ten days for a township. In that ten days he examined two hundred and fifty fields before the infested one was found. That indicated to me in a general way the amount of infestation in a field or township and work was stopped in any field as soon as the first infested stalk was found. It indicated to me that the insect was rather widespread if found in many fields. Having to spend only an hour or a few minutes to find it in any field indicated to some extent its abundance. If he spent ten days examining fifty fields in a township before he found it, putting in ten hours before he found it in a field, it indicated its rarity in the township and in the field. Dr. Hunter was not trying to determine the amount of infestation. He was trying to determine the range of infestation, which is quite a different thing.

Q. Your men at Laredo told those people that the succeeding year they would raise no cotton crop, did they not, after they found the infestation?

A. I don't think so; I don't think we sent that kind of men down there.

Q. Of course, if you don't know, I wanted to elicit whether you knew. In order to get the record straight it is not probable that Villa kept seed for any length of time in view of the fact that he broke with the other chiefs in Mexico at the conference held at Aguas Calientes in 1915 and began independent operations and thereafter operated independently, it is not probable that he kept seed for any ten years prior to 1916?

A. "Ten years" is a figurative statement. The facts are, however, that irrespective of that, Villa's operations stopped communication with Mexico and in fact there has been no communication with El Paso, and I understand that the seed were there, whether it was in Villa's hands or in the farmer's hands, in stores in town.

Q. Isn't it a fact that the cotton seed was shipped in here because the big cotton mills in the Laguna district were destroyed by one or the other of the forces?

A. That was one of the factors. The relation of Villa to it was suggested in that and in the following years, because one of the big planters of the Laguna came to us and gave our men information that it was stolen seed, seed stolen from this plantation by Villa; en route the cars were taken.

Q. Villa would say it was taken for military necessities I presume?

A. I presume.

The Chair: The Senator from Fannin has the floor as well as access to the witness.

Senator Gibson: This question is of a good deal of importance and a good deal of concern to all of us. I live in North Texas, you know, and it has got me a little bit scared about this thing. I don't want it to come up there like the boll weevil did and clean us up, but I am not scared about the proposition but what I would want—but I wouldn't want or be in favor of destroying these people around here in the Trinity Valley District in order to save my own cotton crop but if I were going down a deep precipice or off a big hill I would rather go down step by step and gradually if it were possible than to jump off and thereby risk breaking my neck. Now it appears

from the investigation here so far that this matter has been handled so well by the authorities that there is actually less infection now than at the time work began. I believe it was stated yesterday, I believe, doctor, that you stated that one method of destroying this pest would be to erect some kind of a large disinfacting plant or something of that sort. Did you state that or not? I was out of the room at the time and someone discussing with me this question after the meeting said that statement was made?

Dr. Marlatt: No. I think there was a misunderstanding there. That had no relation to the marketing of cotton here in Texas. I said that we were disinfecting foreign cotton at the ports of entry, Boston and New York, San Francisco and Seattle in disinfecting plants. It would not be applied in any sense to control down here in Texas except similar disinfection of the actual lint.

Senator Gibson: Well, that eliminates one or two other questions that I expected to ask, but I did want to ask this question: has the Department any method in mind further than has been stated in the record so far of eliminating this pest, eradicating this pest, by control; in other words, without absolutely stopping the growth of cotton in these districts? Is there another method by which, now I take it gentlemen, I am just judging the remainder of this Committee like myself, take it that we have got two questions before us. Somebody asked about the issues yesterday. I think we have two issues, two questions; it looks that way to me and what I want to do is to drive directly at one or the other of them, whichever is the thing that should be done, and that is, one question is to control or regulate the district and stamp out the pest by that means or else follow out the suggestion of the Department of Horticulture and declare noncotton zones, collect a tax to re-imburse all these cotton growers in these districts. It appears to me that it has come up in just about that situation so far, and that is the point that I would like to drive at. It is a hard proposition to solve. We don't want to destroy these people down there. I can see a great many more evils coming to them than the mere destroying of this year's and next year's cotton crop. It seems—it means a great deal more than that. It means we are going to keep lots of people away from that territory to settle up that country that would move there otherwise, and it means a depreciation in the value of their land, but I believe this Legislature and this Committee wants to do the best thing for the State of Texas, the whole State, and the best thing for all concerned and I would like to hear—probably you have gone over that before, but I would just like for the doctor to make another statement in regard to the probability, without committing himself one way or the other, of regulating these zones so as to send out and gradually prevent this pest from spreading.

Dr. Marlatt: I have covered most of that. I am perfectly willing to make a brief statement covering it again. I wish to say, however, and that applies to myself as well as others, that illustrations by analogy may or may not be applicable, may not be pertinent. Now, this precipice sounds very good, but suppose you change your analogy now to a cancer. You would like to have a piece of it cut off this year and a piece of it cut off next year and work it along by easy stages, would you? The doctors claim that the great mortality from cancer is by putting off the operation. They say the mortality in this country from cancer is enormous. That is another analogy, I give it for what it is worth. Control has never exterminated any pest. Control means what I have said so frequently, here and elsewhere,—a little more gradual extension of the pest. We have controlled the boll weevil, we have controlled every pest that came into this country, but we have not exterminated any pests, as I stated a while ago, in this country, except as to limited districts. There isn't any pest however well established that cannot be exterminated from any limited district, as you recollect with the cattle tick here in the South. The same proposition is now holding in the citrus canker work. They have got it practically exterminated in Florida. It is going to be hundreds of millions of dollars benefit to that State. Texas is doing what—that is another matter. The citrus business may not be very important in Texas, may not be worth while, but control has never exterminated. It merely means a little bit more gradual spread and it may not put much check on the spread either. Control in Egypt perhaps reduced the percentage of damage, perhaps one-third or perhaps one quarter. They may have perhaps forty per cent damage and maybe seventy-five if they

didn't spend forty dollars an acre cost figured on the basis of control work. That is the difficulty of control work. It means, as I have said, it means giving up of the fight before you have had a chance to fight it out. You have the opportunity now. The control work of the Government gives you that opportunity. The newness of the attack gives you that opportunity. We have reached the stage where we can hope for control and it seems to me, as I said yesterday, worth while to spend a few hundred thousand dollars now, and the Government is spending more than the profits now to these farmers. I mean, if it were simply a question of saving money, the Government would not be a bit worse off if they paid these profits to those farmers on those crops and let it go. That is what the Government has put in, the Government has put in the full cost of these things now. The Government has refused to pay for crops destroyed, pay any amount for necessary work but they won't pay any amount for crops destroyed. They look upon that as a State matter, where the State should pay that as a matter of good faith to help the Government out. It seems to me worth while to do these things. These people should be paid for it and compensated but to their vast benefit if we succeed. This land isn't worth as much now on account of the pink bollworm as it was then. I wouldn't think of going down there and buying land (I perhaps ought not to say this) now, but if they cleaned up that land and knowing the good citizens who live down there, I should be perfectly willing to buy land down there and grow cotton and that will add enormously to the value of their land three years from now, if we succeed. That seems to me the crux of the situation.

Mr. Raiden: Mr. Chairman.

The Chair: Mr. Raiden.

Q. (By Mr. Raiden) Dr. Marlatt, you said, I believe, that we had controlled the Mexican bollworm?

A. I said we had attempted to.

Q. Well, all right. I want to say to this Committee that I saw more bollworms on my farm last week than I have ever seen all put together in my life, and I am an extensive cotton raiser. We have got them full grown. Now, doctor, I want to ask you a question with reference to exterminating the pink bollworm based on a statement that you made yesterday that you had disinfecting plants stationed in New York City and Boston. That you could put poison into the middle of a bale of cotton and disinfect it. Would it not be practical, would it or would it not, to establish some of these plants on a small scale in the infested districts and disinfect the seed at the gin and in the cotton at the infested district and prevent them from being shipped out of the district until they were disinfected, wouldn't that have a great tendency to check the spread of the pink bollworm?

A. It would, but it could not be done efficiently there for this reason: it would have a tendency to check it —and I use this word advisedly—but it would not prevent it, for this reason: it is not humanly possible to handle cotton seed, I said it is not humanly possible to handle cotton seed as it must be handled by labor there in the South and be sure that all the seed were sent through the mill.

Q. It does seem to me like that if the cars were properly cleaned and the seed disinfected before they were loaded—before they were allowed to move and the cotton disinfected, that it would be a permanent check to the bollworm.

A. Not a permanent but it would very much control it, very much control it.

Q. Well, you haven't tried a thing of that kind, have you?

A. Oh yes, we are operating now on fifty million dollars worth of cotton that comes from abroad.

Q. I go out into the farm and I examine the cotton and find the little brown moth that flies away like a partridge, I can tell he is a cotton worm, the cotton worm will follow him. There is another kind of moth that will fly away that I haven't got just exactly located so I have an extensive seeing these worms and from my knowledge I don't believe there is any particular way to destroy them in the fields at all and my method as a farmer to beat the worm is an early preparation of the soil and early maturing of the seed and rapid cultivation to beat the worm and the Mexican boll weevil and I raise some cotton every year.

A. You have got the right method.

Q. (By Senator Woods) Doctor, you gave us a very interesting statement early this morning in regard to

the very thorough methods which were used by the Germans some years ago in a successful effort to exterminate the potato bug. I don't recall that you stated the area covered by this experiment or whether you know the area?

A. I do not, but it was comparatively small. That method probably could not have been carried out through any large area.

Q. Such measures as that could not be carried out except in a limited territory?

A. It could be with men and money and power.

Q. Yes, but no ordinary—but under ordinary governing and social conditions?

A. No.

Q. So that I understand you don't recall that you ever knew what the actual territory, the amount of territory covered by this experiment was?

A. No, but I know it was very small. It may have been five acres, it may have been ten acres, it may have been one hundred acres, but it was small.

Q. (By Mr. Moon) Dr. Marlatt, I just wanted a little information on the quarantine; that is practically the only thing that can touch my section of the State.

A. The pink bollworm may touch it later on.

Q. I judge that the noncotton zone and twenty-five mile regulated zone that you have thrown around the noncotton zone represents the infestation?

A. I take it for granted that when you use "you", you mean the State of Texas?

Q. Certainly, that is what I mean. What I mean when I say that is that that noncotton zone is proposed by the Horticultural Board and that twenty-five mile regulated zone as thrown around there is also proposed by the Horticultural Board out of Washington together with the State of Texas, and am I correct in that?

A. Correct.

Q. Does that cover the infested area of Texas?

A. No, there are other areas in Texas that I announced yesterday.

Q. Those areas in Texas, it is not determined that they are infested but you have observation posts to determine that?

A. You are referring, I suppose, to those towns that received seed from Louisiana?

Q. Yes, sir.

A. Those are not determined as to infestation.

Q. You just have observation posts there?

A. But there are other places in Texas that have always been covered by quarantine.

Q. Then what I want to get at in harmony with your statement awhile ago that the seed that is supposed to have been boxed up in Mexico could come into Texas because of the fact that it was boxed up.

A. I didn't put in the "box" there. I said some of it may have been held there a considerube number of years. I said we didn't guarantee it was 1916 seed. That was the point I wished to make.

Q. The point I wish to make is cotton seed in bulk grown in an uninfested territory liable to be infested after it has been bulked?

A. Not unless it is within crawling distance of the worm, or some other place close to it.

Q. Does the same principle apply to cotton in the bale?

A. Absolutely, yes.

Q. Then would you consider something like four hundred miles or three hundred miles crawling distance of the worm?

A. Well, depending on whether it crawls on fourteen legs or on the two legs. It crawls on the two legs in a man's pocket, in the Mexican baggage, on wheels, in a car.

Q. That would lead us then to human fumigation, wouldn't it?

A. Well, it had led us to human examination. We have only fumigated one Mexican so far.

Q. The proposition, Doctor, is this: I will endeavor to get my question to you as respectfully as I can, and I take it for granted that the Horticultural Board comes to Texas to give us whatever benefit their experience in the matter had enabled them to gather. If that is their position I am very frank to say that I am in harmony with them?

A. Absolutely our position, sir.

Q. But if their position is to extend to us the grip of the iron hand in the velvet cloth I am not in harmony. Now the proposition that I want to know is this: is it in harmony with good business prin-

ciples to throw a general quarantine, not from a hypothetical basis but business basis as they exist today, is it a business principle to throw a quarantine, a general quarantine over the State when they are not in crawling distance of the worm, possibly three or four hundred miles from the infestation?

A. I have answered that, I think, two or three times.

Q. I don't remember to have listened very attentively.

A. I said that the Federal Horticultural Board will certainly not recommend anything to the Secretary of Agriculture that is not necessary.

Q. Then, doctor, what would you consider necessary?

A. If we find that the situation in Texas is such that the cotton quarantine need not cover the whole State, it will not be so recommended.

Q. It will not be so recommended?

A. No.

Q. Then we have in north Texas, something like the distance from my county to the central part of the State, something like three hundred miles. Then do you indicate to this Committee that you recommend that that quarantine do not extend beyond the central part of this State?

A. I don't know whether I should repeat this very provisional statement, in some sense a prophecy or prediction. I have repeated them twice or three times. I think I went into it quite in detail this morning and I recall that I covered the subject yesterday. The Department's attitude will be governed by the necessity; those necessities cannot be determined at this moment. If I were able to determine them, if I knew what Texas was going to do, if I could accept all these ifs and possibilities and suggestions and things that are going to happen sometime in the future and they are all a fact and something that I could rely on, then I could make a prediction or a prophecy, but I can only deal in the knowledge and the facts of today.

Q. Now, let's take a hypothetical proposition then: suppose that this Legislature refuses to throw a noncotton zone in Texas, there you have a concrete proposition. Then what would be your attitude, what would be the attitude of the Horticultural Board?

A. Well, it depends on what goes with that refusal.

Q. There will be regulations go with that refusal?

A. It would depend on the whole situation which your Attorney here presented awhile ago. He covered a part of the situation, a small fraction of it, but it would depend on the whole situation that would develop.

Q. Doctor, the question I want to get at is this and you can answer it on the proposition of yes or no.

A. I very seldom answer on a proposition of yes or no.

Q. That was the position that Secretary Daniels took in the investigation before Congress a few days ago when he was asked a question by a Senator and because of his exalted position he stated—

A. (Interrupting) My wish is to give information, not to conceal information.

Q. What I want to know is if there is a line drawn through the State of Texas, possibly the central part of the State, and there is no infestation north of that line and the Texas Legislature refuses to establish a noncotton zone, then will the Horticultural Board recommend a quarantine on that part of the State that is not affected?

A. I am very glad to give you a fair answer. It is my wish to give you a fair answer as far as facts and conditions enable me to do so.

Q. It seems to me, I will just make this statement and then I will be through. It seems to me that inasmuch as half the State of Texas will be in just exactly that attitude and that our vote will be determined very largely upon that very proposition, it appears to me that it is a legitimate question, and the gentleman can do as he pleases about answering it.

A. Well, I hope I have not caused you to feel hardly towards me, because I have nothing of the kind in my mind. I mean you put a question to me that is not capable of being answered by yes or no, or even very directly because we do not know what the conditions are going to be. Now, I said before that the Federal Horticultural Board,—the Secretary of Agriculture on the recommendation of the Federal Horticultural Board is not going to do anything that they don't believe to be

necessary and whatever the State of Texas does, we are going to be and do as little harm to the State of Texas as we can. There is nothing vindictive, if it was the Department ought to be abolished; if we have such a department, the department ought not to be in existence. The department is for the benefit and the help of the farmers of the country and whatever the conditions are it will be for the benefit and help of the farmers of the country. And whatever the conditions are it will be the least possible to be placed on Texas. I stated that if this insect was held to Texas and is so held why your point of view and wishes will undoubtedly be carried out. Does that answer the question?

Q. Yes, sir.

A. But there is a great deal in that condition.

Q. (By Mr. Garrett) May I ask a question there? I think perhaps Mr. Marlatt does not remember me. I visited him in his office several times as a member of the Sixty-third Congress. I think that the question that the gentleman from Red River County is getting at, Mr. Marlatt, is this: Is it the rule of the Department of Agriculture in laying down a quarantine to lay it down against the part of the State or must it lay it down against the State as a whole, as a fundamental proposition?

A. We have had such cooperation with States in every instance that we have been able to, wherever the trouble was limited in the State, definitely limited, and such limitation could be determined, to limit the Federal action to the invaded territory. Now, in some States our quarantines have gone beyond the actual territory even in those States because it is impossible to determine the true line of infestation. For instance, the corn borer quarantine covers in a sense the whole State of Massachusetts. It is applied in its concrete and drastic form to a portion of that State of Massachusetts. There are other quarantines that cover a whole group of States bounded on the west by the Dakotas and Nebraska and Kansas and so on. Most of these States have no infestation in them, that is the subject of quarantine, that is, the pine blister rust in that case. Here's a large group of States which haven't got the infestation at all.

Q. In looking at the map, perhaps what is in the gentleman's mind and my own, when you look at the map and measure the distance from the extreme northwestern portion of the state to the district where cotton is grown, it is much further from that portion of the state than it is even over to New Orleans, or it is to all of the state over on that side, on the east. Now, what the gentleman has in his mind and what I gathered from other representatives they have in their mind is that when they leave the infested district over here after you go one hundred miles north, if you are then beyond the entire ravage of the worm's crawling district—crawling capacity, you enter into, as it were, an entirely new state; then the line between Texas and Louisiana and the other states over there, permit them now for the moment to become imaginary lines, in any instance you will find that by laying a quarantine against the entire State of Texas that you have covered portions of the State of Texas where there is not and never has been any infestation, larger than the whole states of Louisiana and Mississippi combined, and what the gentleman has in mind is if under regulations by the cooperation of your Department this infested area and noncotton zone should be laid, this infested area should be well guarded; then would it be necessary or would it be probable that your department would ever think of laying a quarantine against all of that portion of the State of Texas that is not infested or would you come down to Texas and say to the Governor of Texas, we desire to lay a quarantine around or near that portion of the state that is infested and ask you to join with us in that and let the other part of the state alone. That is what the gentleman is driving at.

A. I appreciate the question and you have placed it very clearly. The action of the Department of Agriculture as I said, is based on existing conditions, not hypothetical ones. The department would have to act on existing conditions. It would be very glad to modify that action if you succeeded in getting these other conditions which you have suggested. I mean just now there isn't anything which would indicate in that proposition that it would prevent the

spread unknown to you and unknown to us of this insect throughout Texas each year. You propose to go on maintaining a pest pot there where perhaps this insect will breed this year by the hundreds of thousands. That means that you cannot, you cannot control there. If all the other conditions worked out and you were able to take a man's farm and destroy it within ten days after you find it infested—and you will destroy most of the farms in the district, I venture to say before you get through with the season,—why, there would be a system of control which would enable us to feel that perhaps you had mastered the situation there, but that has not been done. That is in the future. The department has to act on existing conditions and therefore we could not promise now on a mere hypothetical case.

Q. Well, then, I can get close to it I believe. If then, there should be no cotton zone declared in the infested area this year and this regulation should be had, then the question of putting a quarantine against the other portions of the state that is not infested would be dependent upon a report to your department of an investigation of that part of the state to see whether or not the infestation had spread to that part of the state and that you would not lay a quarantine against that portion of the state that had not yet been found to be infested?

A. We have already announced that if action is taken there which we believe will safeguard this district as much as it can be humanly safeguarded, that is a noncotton zone, because we don't consider the other any safeguard worth speaking of, we are perfectly willing to consider in that quarantine that district only and add to it from time to time only such districts as shall become known as infested districts, if such infestation should turn up. In other words, the state as a whole representing practically all the cotton crops of the state would be untrammelled so far as that cotton is concerned, and we have been advised that the state would harmonize their quarantine to the Federal quarantine so that there will be no trammel on the movement of cotton from Texas, except on seeds. I don't believe the other states would be willing to receive Texas seed.

Q. (By Senator Caldwell) I understand from your statement that the department has announced policies, if certain things are done. Now the question I want to ask is, has your department and are you willing to announce what your department will do in the event this Legislature takes no action on this situation as regards a quarantine against the State of Texas. I am speaking now as to the department. I ask you are you willing to announce what their action will be or can you announce it?

A. Well, I can announce what it probably will be. If the State of Texas takes no action and this thing remains open—

Q. (Interrupting) As it is now in the present condition?

A. (Continuing) Well, that is a different question. You said that if the State of Texas takes no action.

Q. I said if the Legislature of the State of Texas takes no action and should leave the matter as it now is?

A. As it now is?

Q. Yes, sir. Well, that is the question I wanted the information on.

A. That is substantially the question that I answered, I think.

Q. No, I don't want to be argumentative with you. I understood you to answer Mr. Garrett and Mr. Moon that if certain things were done by this Legislature that your department would take certain action?

A. Well, I understood those things to be substantially the maintenance of a regulated zone here.

Q. Yes, sir. If this Legislature declares a noncotton zone in certain sections of this state which are infested and a certain regulated zone in sections nearby, I understood you to say that your department had announced that it would declare a quarantine only against this regulated section. Now, I would like information on the other side of the question. Suppose this Legislature does nothing. Are you now willing or are you not in a position to announce what the attitude of your department will be upon the question of a Federal quarantine against the whole State of Texas, or will it be limited to a quarantine only against the infested area?

A. Well, I think I catch your point absolutely and I fail to see that it is different from the other. The

other question presented the fact, if the state maintains this thing as a regulated zone with a regulated exterior zone, which is just your proposition, then what will the Department of Agriculture do? Well, now I answered that. I said the Department of Agriculture's action would be dependent upon the method of enforcement of that and the results which might follow. In other words, the Department of Agriculture would probably take a quarantine action covering the State of Texas, limiting its effect perhaps for the time being to a certain district of Texas. This is purely a supposition and all depends upon the action of Texas, and extending it as new infestation might arise, but that is all conditioned on efficiency, on the effective doing of all these things. If that was not demonstrated, the Department of Agriculture would have to declare a quarantine covering probably the State of Texas, the only means of properly safeguarding other states, and supplementing the quarantine of these other states. As I pointed out yesterday the action by the department would not affect this situation here except to give more efficiency to the quarantine, because all of the other states have either declared such quarantines or are proposing them.

Q. I would like to ask this question. In your judgment as an expert from your study of the pink bollworm in the State of Texas as it existed the day before this Legislature convened, under the prevailing conditions at that time, in your judgment was it necessary for the Federal Government to declare a quarantine against the entire State of Texas, under the conditions that prevailed before this Legislature convened in session on the 20th day of May?

A. Well, we deemed it was, sir, of sufficient importance to issue a notice of hearing covering the entire State of Texas and Louisiana. That ought to be indicative.

Q. Now, I am not asking as to what the department concluded at that hearing, but I think it is a proper and a legitimate question to ask you as an expert witness now before this committee, from the information that you have in hand, was it your judgment at that time that a quarantine was necessary against the State of Texas to control the pink bollworm situation?

A. It was, absolutely.

Q. It was absolutely your judgment?

A. Absolutely.

Q. That it was necessary?

A. I wish to state, however, as I have already stated several times that quarantine is a word that has interpretations; that we would not put in that quarantine restrictions on Texas which we did not deem to be warranted. I mean necessarily it does not follow that because we quarantine the State of Texas that we are going to bottle it up. We would make the enclosure only such as may be necessary and we will permit movement from certain parts of the state.

Q. I asked Dr. Hunter this same question yesterday and he answered that he was not at this time prepared to say in his opinion that it was necessary. As I understand you, you say that it is necessary.

A. With the proviso that the quarantine, the term quarantine should not be interpreted as an absolute bottling up of the state.

Q. Well now, of course, there would be certain exceptions as to what the quarantine covered after it was declared. Now, there is one other question I want to ask. Has your department conducted any experiments or has it made any investigation to determine the question of whether or not the pink bollworm can live and thrive in Texas and do the damage to the crop in Texas if unmolested that it does in other states, in other countries where it exists?

A. You were present yesterday when we discussed that matter?

Q. I was present until about five o'clock, when I was called away on some business.

A. It may have been after that time that I discussed that matter, and my discussing of that was intended to indicate that we have no reason to hope that this insect will not do as much damage in the south here as it has done in any of the other countries where it has gained a foothold. In other words, it has done as much damage in the colder countries as it has in the hottest, with perhaps the exception of Hawaii. In Hawaii the conditions are such that it breeds the year around. It is a perpetual summer. I call attention to the fact that last year,

1919, our men in Laredo or in the Laguna, I should say, made examinations throughout the summer, month after month of seven fields collected to represent the territory generally.

Q. That was in the Laguna District?

A. That was in the Laguna district.

Q. Now, the question I asked, that would be sufficient to me if your statement is that climatic conditions are the same as they are here, there is no reason why the worm should not thrive just as well here as it did there?

A. The climatic conditions are those of an elevation of four or five thousand feet and that produces a condition which on the records is substantially similar to that of Texas—southern United States. If the insect thrives there, it would undoubtedly survive in Texas. The weevil has been driven back and killed out over that area during exceptional winters. Undoubtedly exceptional winters would do the same thing for the pink bollworm but the ordinary mild winter of your South here, the insects would undoubtedly survive. The records I think fully demonstrate that the mortality in the Laguna is negligible, the mortality of larvae in the Laguna is negligible. They don't die in winter from cold in the Laguna and I think we are entirely without support in the theory, any important support in the theory that this insect is not going to do for us, what it has done in other countries. In the Laguna as I said yesterday, and I think that is worth repeating, there was an average out of 100 bolls taken on those seven plantations, making 700 bolls examined, an average I should say, well the total ran up to 33, there were 33 larvae found in the 100 bolls in August, that is early in the season, that is before the cotton was gathered. In September there was an average of 156 worms to 100 bolls, the number went to 312 to the 100 bolls, that was in September. In October, that is still in the height of the crop, there was an average of nearly 700 worms to the 100 bolls in the seven plantations and in November over 700 worms to the 100 bolls that shows that they are in the Laguna, a climate similar to ours where it has had several years of unrestricted growth, being reinfested every year and lots of it carried over. You would have more than a worm and a half to the boll in September and seven worms to the boll practically in October and November. That might not affect you so much down there, the second crop is a very important one; but if you have in September an average of a worm and a half to the boll and in some of these cases it went up to 210 worms to the 100 bolls, that is over two worms to the boll, it shows a possibility of damage here in the South. As I said, in China the thing goes as far North as cotton is grown.

Mr. Brown: I would like to ask the doctor a few questions and I will try to make them very much to the point.

Q. (By Mr. Brown) I want to ask you who makes the examination of these pink bollworms in Washington?

A. They go to the National Museum where the Government maintains a body of experts and the experts in this class of Micro Lepidopetera are Mr. August Busck, a Dane who has been studying this subject for thirty-five years and is a World Authority, and Mr. Carl Heinrich, an American of German descent, you know from his name, who is a very keen man and who has been making a speciality of this subject for six or seven years, working with Dr. Busck.

Q. Well, are they in the office and make the examinations themselves?

A. They make the examinations themselves. It is not handled by anyone else. They go through my office, they come to me and are referred to the Museum.

Q. You consider that they are more fitted to make those examinations than Dr. Hunter that has been in the business for twenty years?

A. I should accept Dr. Hunter's determination of the pink bollworm without question if it was presented to him in the boll with all its characteristic work; I think you would or anyone else would be able to determine it in a day's examination. There is no technical examination necessary but if you have a little white larvae three quarters of an inch long sent to you in alcohol, that would look to you or me, or look to you or Dr. Hunter like exactly a half a dozen worms. You might think it was a pink bollworm

but you don't know, when you come to that point. There you have got to have technical knowledge of the worm. That technical knowledge you haven't got but you can acquire it by a little technical training and study. It is not beyond any human.

Q. We have one law, five entomologists to meet and pass on that. I know what the purpose of that in the law was, because we had a share in getting that in the law. It was that those entomologists should come on the ground where those were found and pass on them. When we had the meeting last fall I made that point that they were not there legally prepared to make a decision on that because they had nothing to pass on, as that was the purpose that they were for and I was turned down on it and I will say that was the purpose of what that was put in the law for; that they should come there and have five parties that were supposed to know this, pass on it at that time, right on the ground where it would be as fresh as they possibly could be. When it come to that time they found it was in Washington?

A. That was the fault of the law. The law was not drawn up by scientific men or a group of entomologists and they took the ground that this determination should be made in court. As I said yesterday, such determination cannot be made in court.

Q. Doctor, what kept these entomologists that were supposed to be capable of doing it, passing on it right there?

A. I should accept the determination of these entomologists and they would be right 999 times out of 1000, or 99 times out of 100. I should accept that determination as correct.

Q. Well, that was the purpose of the law?

A. Well, that was not sufficient. But where you bring it in court and say can you swear on oath that this worm is the pink bollworm, well, that is a different matter. A man would have to swear to the best of his knowledge and belief. You say, well can you swear it absolutely. Well, I cannot, but you have got to send it to Washington. Give me the tools and a good light and in the absence of these gentlemen who might interfere with my activities, I could make a record. I think any trained scientist could make it who has worked with insects. I don't think that knowledge is limited to Dr. Heinrich or Dr. Busck, but they are the men who have made a specialty of it. They can make it much easier than I can and in much less time and they have time to do it and I have not.

Q. I would like to make a statement and then I would like to ask a few more questions. The doctor stated that they had a second hearing in Washington and he notified me and the most representative men in that meeting, I will say that the regular meeting adjourned and they said that the hearing was ended. I didn't know anything further about that until the next day when I understood that he had had another meeting. Of course, I did not expect to be called in because I know I am not a representative man, because the farmers are not supposed to be representative men. Therefore, I did not suppose to be called in, but I discovered there was not one from our district that was called into that meeting although we had a judge of one of our courts in the county. He was not called in at that meeting. I stayed over the next day that I might,—after I found that that was a fact, that I might have a hearing before some of that Board and now I am going to ask a few questions: Did I not appear before you the next morning, doctor?

A. I think it was the next morning, Mr. Brown.

Q. Now, doctor, didn't I tell you practically, or present to you practically the same proposition that the judge had presented you here today in regard to that quarantine zone?

A. I wouldn't be surprised if you did, Mr. Brown. You presented it at the hearing and that was what you were up there to do and I fancy you said it over again. I, of course, can't vouch for it, but—

Q. (Interrupting) Didn't I tell you, doctor, that I was satisfied that there were people in that district that would not live up to it, that if they passed a nocotton zone, would carry it into the courts and I believed that you could maintain a quarantine under the present conditions better than you could if you insisted on making the nocotton zone?

A. I fancy you did, sir.

Q. Yes, sir, I certainly did tell you that. Now, doctor, there's just

two or three questions further that I wanted to ask you. You propose to put a twenty-five mile zone around this quarantine zone?

A. No, that was the original proposition.

Q. Yes, sir.

A. That was suggested in Washington and put out in that statement of May 10th, I believe?

Q. Yes, sir.

A. And I believe that is still under debate.

Q. And I told you that as far as we were concerned we were willing to be under any regulations that you saw fit. Now, doctor, didn't I tell you that I was satisfied and I could almost answer for my people that if it was left in a regulated zone that they would abide by the law absolutely, all they asked for, if cotton has to be destroyed that the money be in readiness so as to pay us for it and that was a fact.

A. I think you stated all those things, Mr. Brown. There is no question, no argument about it. I think very likely you did.

Q. Well now, doctor, the things stand just today as far as I am concerned as a member of the Legislature. The Legislature, I think, stands ready and our people stand ready to do everything they can do if this worm is here and can be exterminated to exterminate it, my people down there don't want to breed a pest if it is there. We are as much interested as anybody is. We are not certain that it is there. It might possibly be although we have not seen it. It might possibly be. We have—I believe my people down there are just as loyal people as we have in the State of Texas or in the United States, but I tell you we stand on just this basis: if we can't raise a crop down there, I tell you, this year, two years ago I could have rented a thousand acres or two thousand acres of land if I had had it in readiness. This year I have about three hundred acres and I can't get men to work it there in that territory, can't get men to even get my three hundred acres in, probably a third of it will have to lay out. I am just telling you my condition just because it represents the condition of the rest of the territory. If we don't raise cotton down there another year, you might as well say that it puts us back just as bad as we were with stock,—we had stock at one time but you put us back without any stock, without anything to do with. We want to improve our land. We have made ditches down there, drainage ditches. We are taxed to support them. The fact of the matter is we have bonded ourselves, we have indebted ourselves to improve our lands and we have got to maintain these things. If we don't raise cotton, it absolutely bankrupts us, at least a third of the people in that district, practically bankrupts them. I hadn't ought to argue this, at the same time, I am out of place I admit but under that condition, doctor, don't you think that this Legislature should go to work and put that zone, allowing us to go on with this crop as we have it, don't you think that it would be the Governor's duty to us and give us the consideration we have asked and just put the quarantine around this territory that you think necessary, make it as stringent as you can and I will guarantee you that my people will assist you in it. Don't you think that is the most feasible plan out of the business possible under the present conditions?

A. I would be only too glad to agree with you, Mr. Brown, in all of those propositions and I appreciate the point of view of the citizens of your district and your point of view and it is a very hard matter, we are put in a very hard position as a Board and a Department, to decide in a matter of this kind. It is not any easy thing to do. We are under our requirements as Federal officers bound to do what the laws and intentions of the Government are in relation to the creation of the Department and the condition of the position to carry out what is for the best interest of the country as a whole, and we, therefore, cannot allow ourselves, as much as we would like to, to waver from that duty and the execution of these orders by personal or local conditions. I think you will have to agree with that. I think that if you would put yourself in my position or the position of the Secretary of Agriculture you would feel just as he did, you would be very sorry that he was ever appointed Secretary of Agriculture or put in that exalted place in the Government if he felt that through some neglect of the authority and power given him to protect the country on account of

some local influences or conditions he had failed in that duty, he would be very sorry that he had ever accepted it, or been given the office and I think you ought to realize it is not an easy matter to do these things. We would like to take you by the hand and say we are going to allow you to grow cotton right along and we will do our best. If we could do that we would go home and sleep a good deal better on the train going up, but that's the situation. You have a region here which with its growing cotton becomes a pest pot. Now, if you would control by this quarantine and the State regulations everything, we would say go ahead, give you God's speed on it, but you can't control the movements by wagon, by trains, by labor, by storms,—of this business. The mosquito was driven from the yellow fever towns all over the country by winds and storms. You can't control a pest except by stamping it out and we controlled yellow fever and stamped it out and the South has been save for many years.

(By Gen. Wolters).

Q. We still have the mosquito though, haven't we?

A. You have the mosquito but you haven't the disease. We saved the people from the yellow fever.

Q. I don't know, my old negro friend in Louisiana when he was approached about mosquitoes bothering him and asked whether he wasn't afraid that the mosquitoes would give him the yellow fever, remarked that the appropriation had run out for that and therefore the danger of yellow fever had eliminated from Louisiana country. (Laughter) Doctor, I wish to make this suggestion or ask this question: Would the doctor prefer entering into a conference, assuming that those others I name would do so, with the Attorney General, the Commissioner of Agriculture of this State, and a representative from this citizen's committee, which if you are trying to work out a program that would bring efficient regulation and thus make it possible to avoid a quarantine on the part of the Federal Government of the districts affected, in cooperation with the State. I see that for this reason it is impossible and impracticable and it will be appreciated by me and by the members of the Committee to undertake a discussion of that sort with any large body of men. A few heads could get together, thresh out a program and if they could reach any definite plans then submit it to, of course, the Legislature; this Committee first, and then to the Legislature, who must be the final arbiter. I do that because you said a moment ago or awhile ago that if you thought there could be efficient regulation provided that then there would be no necessity for a Federal quarantine of the other portions of the State, as I recall your statement in substance?

A. In substance. It was more not the provision but execution.

Q. I understand that's the reason I call it a program because it includes execution.

A. I am here to be of service to the State in any matter that I can be used. There has been some criticism today by Mr. Brown of "Star Chamber" proceedings in Washington. I thought I explained this fully, how the men in this proceeding happened into my office. If you had happened in the day before you would have gone along with the rest of us. I see much advantage from special conference. I see no disadvantage. I am in your hands. If you wish to ask me to join such a conference and the other members of the Board with me, I will be glad to do so. I have not, however, the full representation of the State officials.

Q. I have not consulted with the State officials I have named. Of course, it is just a suggestion.

A. We have got to start somewhere when you are going to start anything and we have got to start some place.

Senator Gibson: I believe that the gentleman is on the right track. As a member of the Committee, I want to state that I heartily endorse the proposition. As I stated awhile ago this thing has resolved itself, it seems to me, into two horns of the dilemma, or possibly—but it is very doubtful in my mind whether this thing could be worked out absolutely according to the program adopted. I want to say this, that I am sorry that it is necessary to denominate this investigation as proponents and opponents of this measure because I believe that the Secretary of Agriculture, the doctor and all of these gentlemen concerned are looking out for the best interests of the

country, the best interest of the State, all concerned, but I don't see any way for us to work this out by discussing where this bollworm came from, where it was found and all this thing, because, according to the experts there is no use to deny that there are some of them here and it occurs to me that the solution of it is as stated by Gen. Wolters, that there ought to be a committee, I understand there is at least three members of this board present, is there not?

Dr. Marlatt: There are four.

Senator Gibson: That constitutes a majority and it occurs to me that if those members of the board would meet with a committee of the citizens and those at interest, that there would be some progress come out of it.

Gen. Wolters: My purpose was not to stop this investigation. I want that to continue. But I suggested the Attorney General because he is the chief law officer of the State, and, of course, the Commissioner of Agriculture, because he is executive officer for the State, and the main thing in my mind is to work out a law under which a program can be arranged that would be effective, and, of course, that requires the legal opinion of the Attorney General, I would think. I am just a lawyer but the Attorney General is the chief law officer of the State, and, therefore, ought to be the one to be consulted on that phase of it. I have got my own ideas about it of course. I think that possibly something can be accomplished.

Senator Gibson: Do you mean by that that this Committee, that hearing will go forward and the Committee in the meantime—

Gen. Wolters: We will go to work in the meantime, yes, sir, in a conference.

Senator Gibson: Now, what would be your suggestion? I want to make a motion in regard to it.

Senator Caldwell: What is the necessity of continuing the investigation?

Senator Gibson: I want to say this, that the Committee might adjourn pending the meeting of this Board, of this Committee, and they might reach a conclusion, which presented to the Committee would be accepted and they might be ready to report.

Gen. Wolters: The only purpose we have is that we have witnesses coming from that district, farmers, and, of course, if this matter can be solved that would end it. If we don't solve it, why we have lost a lot of time, the Committee has lost a lot of time.

Senator Gibson: This sub-committee can work a lot of time when this investigation committee is not in session. Mr. Chairman, I move, sir, that a committee of one lawyer and two farmers from the infested district and one from the House of Representatives and one from the Senate be appointed on that mixed committee and the Commissioner of Agriculture, of course, and the Attorney General would be naturally called upon, and meet with the Horticultural Board. Of course, it would include the Commissioner of Agriculture.

The Chair: If the Senator from Fannin will pardon the suggestion, you think one from the House and one from the Senate would be sufficient? I am only making the suggestion. Would it be a sufficient representative committee that its action would have force with the House and with the Senate that it should have?

Senator Woods: Suppose we amend that motion by making three members from the House and two from the Senate?

The Chair: The Senator from Navarro moves to amend your motion that the committee consist of two from the Senate and three from the House be appointed to this committee. It the amendment satisfactory? Do you accept it?

Senator Gibson: I accept his amendment.

The Chair: Are you ready for the motion as made by the Senator from Fannin and as has been amended by the Senator from Navarro, that is, that a sub-committee be appointed by this Committee to consist of three members of the House and two members of the Senate to confer with a like committee representing the property owners and the citizens from the infested district, the Attorney General of the State, the Commissioner of Agriculture, to confer with the National Horticultural Board with reference to a solution

of the question now under investigation. Substantially I believe that was the statement made. (The motion was voted upon.) The ayes have it and the motion is carried.

The Chair: From the Senate I will appoint Senator Cousins and Senator Woods as the two members from the Senate; from the House, Brown of Liberty, representing the citizens of South Texas, and Judge Fly and Mr. Veatch.

Senator Gibson: I don't want to interfere with the appointment but I think that the Senator from Wharton would be more directly interested than the—than Senator Cousins from Jefferson. Of course, we are all directly interested, you understand, but he is out of the district—

The Chair: Who is that out of the district?

Senator Gibson: Is he in the district? Maybe I am mistaken.

Judge Fly: Mr. Chairman, I call atention to the fact that I am not a member of your Committee here, just a spectator.

The Chair: Correct. I will leave you off then.

Senator Woods: Mr. Chairman, I beg to suggest that inasumuch as this motion came from Senator Gibson, I would be very glad if you would name him.

The Chair: In deference to him, I will be glad to do so.

Senator Gibson: I think if you go outside of this Committee—

The Chair: Well, we'll never get through with these appointments if you don't let the Chair appoint. I shall appoint Senator Gibson on that committee and Mr. Raiden from Fannin as the other member of the committee. Mr. Raiden, Mr. Veatch and Mr. Brown representing the House and Senator Gibson and Senator Cousins representing the Senate on that committee. I believe that completes the appointments.

Mr. Owen: I move gentlemen that the Chairman of this Committee be made also a member of this Committee, be added to it. (The motion was seconded, and carried.)

Motion made by Senator Woods and duly seconded to recess until 2 o'clock p. m., the 26th instant.

WEDNESDAY, MAY 26TH, 1920.
AFTERNOON SESSION.

General Wolters: Mr. Chairman, the committee of citizens, at a conference at the noon hour with the farmers, selected by the committee, Mr. Minson, from the mainland of Galveston County, and Mr. Nichols of Brazoria County, were selected as representatives, with myself as lawyer.

Mr. Owen: Mr. Chairman, I move that Mr. Bledsoe, the vice-chairman of this committee, be added to that committee.

The Chair: Gentlemen, you have heard the motion. All in favor of that motion, make it known by saying Aye. Motion carried.

E. E. Scholl called as a witness by the State Department of Agriculture, being duly sworn, testified as follows:

General Wolters: Mr. Chairman, the Attorney General invites my attention to the fact that the subcommittee's report calls for the record and I understand that the present witness probably has the file of the affidavits, and the report of the inspectors. It may be necessary to make some investigation of them, but I do not think they ought to make them a part of the record because it will encumber the record at a great expense and not be of much benefit to anybody. I think the needs of the situation might be met by having the affidavits filed here, but of course they would have to be returned to the department, as they are a part of their record.

Mr. Bryant: Well, we have certified copies of all those affidavits and they can be used here.

Q. (By Mr. Bryant) State your name to the committee.

A. Ernest E. Scholl.

Q. Where do you live?

A. San Marcos, Texas.

Q. Have you in the last few years been connected with the State Department of Agriculture?

A. Yes, sir.

Q. When did you first become connected with that department?

A. On the 13th of March, 1911.

Q. In what capacity, Mr. Scholl?

A. As entomologist and plant pathologist.

Q. How long did you remain with the department?

A. I remained with the depart-

ment in that capacity for about five years, and then I was made chief entomologist of the division of entomology, which I held until the first of April, 1920.

Q. You are no longer connected with the department, and haven't been since the first of this year.

A. No, sir.

Q. Are you an entomologist?

A. Yes, sir.

Q. What training and experience have you had in that line?

A. I am a graduate of the A. and M. College of Texas. I was instructor in entomology at A. and M. from 1906, until 1911.

Q. In 1911 you became identified with the State Department of this state as entomologist?

A. Yes, sir.

Q. And you remained in that department until the 1st of April of this year?

A. Yes, sir.

Q. Who has had charge of the investigation of the pink bollworm situation in this state in the department of agriculture?

A. I have to some extent.

Q What has been done by your department in a general way with reference to this pink bollworm situation in Texas, starting with the beginning and coming down to the present time?

A. In November, 1915, while I was conducting the state exhibit at the fair at Houston, I was advised by the Commissioner of Agriculture that he had a notification from the Secretary of Agriculture of the United States that the pink bollworm of cotton had been found in Mexico, and that a certain amount of cotton seed had been shipped into Texas to eleven cotton oil mills during the season of 1916, and I was advised to have as many inspectors as I could obtain to assist me in helping the Federal Inspector make an investigation of these mills to see that they were cleaned and that the seed would be crushed as soon as possible, and to make arrangements for future inspections around these mills. Upon my return to Austin, I secured specimens of the pink bollworm from Washington, in solution, and obtained as much literature as I could at that time for the purpose of acquainting myself and the inspectors of my department with this insect. All during the year 1917 inspectors and myself helped the Federal inspectors in every way we had the opportunity to do so, to inspect mills, assist in cleaning up all mills that received these seed from Mexico, and to inspect cotton mills in the vicinity of these mills. I also sent one of my men in the winter of 1916 or the early part of 1917, to the ports of entry along the Rio Grande River, to obtain any additional data on the shipment of cotton seed from Mexico into Texas. This data obtained by this man was practically the same as given by the Federal Department of Agriculture. In the summer of 1917 a series of meetings were held in the lower Rio Grande Valley, Brownsville and San Bernard and several other places in that section, with the view of discussing the advisability or inadvisability of a quarantine on certain areas of the valley. Those meetings in the lower valley were held on account of the notices sent out from Washington that it was considered the best thing to do to place a certain amount of the territory in the lower valley or along the Rio Grande in a noncotton zone for the purpose of keeping the pink bollworm from reaching this county from Mexico. I attended those meetings for the reason that I was appointed a delegate by the Commissioner of Agriculture and the Governor to obtain this data for the purpose of presenting it, with other delegates from Texas, to the Board at Washington. If I remember correctly those meetings were in July of that year. The Board meeting was held, or the hearing was held, and it wasn't deemed advisable at that time to put on the quarantine, although the State of Texas couldn't put on a quarantine at that time because there was no law which gave the state that authority.

Upon my return from Washington, I was consulted about the pink bollworm occasionally by members of the House for the purpose of getting such information as I had obtained to assist in drawing up the pink bollworm bill. Unfortunately, I was unable to give them at first very little information, because the only information I had at that time about the insect was what I had read, and I simply turned that literature over to the members who desired that information. In September, 1917, I received a telegram from Washington

notifying me that the pink bollworm of cotton had been found and identified from material taken at Hearne, Texas. If I remember the date correctly, and as the affidavits show here, it was about the 3rd day of September, 1917, when this worm was found.

Q. Is that the first worm that was found in Texas?

A. That was the first pink bollworm found in Texas. I at once telegraphed all of the inspectors I could get in touch with to proceed to Hearne in order to assist the Federal Government men, some of whom had already collected there, in making a very extensive examination throughout the territory around Hearne and into the Brazos Valley, so as to find and determine the extent or the limit of that infestation. I was busy with matters here, and I didn't go to Hearne until about the second or third day, at which time I joined forces and made an inspection in the Brazos Valley myself. At that time a number of fields that had become infested had been destroyed.

Q. Did you find any pink bollworms at Hearne yourself?

A. No, sir, I did not. I assisted as far as my time and funds would allow me in the clean up work at Hearne, and in the inspecton work, and I was out with Dr. Busck and Dr. Hunter and another member of the Federal force, making rather extensive inspections in the valley proper, and we failed to find any insects there. After my return to Austin I attended to my regular duties in the department, and I did nothing more on the pink bollworm work until probably the early part of October, or sometime in November, when I received a telegram to the effect that the pink bollworm had been found at Beaumont, and at Anahuac in Chambers County. I at once proceeded to those points, but I didn't find any pink bollworms in Beaumont, because I only spent a few hours there, and after which I proceded to Anahuac, and there I found the first pink bollworm that came to my attention in the field on the cotton. If you want to know the exact dates, I have those.

Q. That is not material, proceed.

A. Those pink bollworms were found in the presence of the owners of the fields. I also had with me a number of inspectors, possibly four or five. My duties here made it necessary for me to return to Austin, and it was agreed then between our department and the Federal department that the general plan of inspection as outlined between the two parties be supervised by the Federal authorities in charge, and my inspectors followed that work to a large extent under the Federal officials in charge of the work. In addition to my duties as regular entomologist, my duties consisted in preparing or getting ready such data as we had for the attorney general's department, to aid that department in preparing or getting ready for preparation a formal promulgation under the law which had then already been passed but was not in fact.

Q. That was in 1918?

A. That was in 1917. The law was passed in October, 1917, and didn't become effective until the 28th day of December, 1917. In the meantime, the work had to go on and preparations were made so as to carry out the provisions of the law. Up to that time extensive work was carried on as nearly as could be as required by law by agreement between the citizens of the infested territory and the officials in charge of the work. The pink bollworm acts of 1917 became effective and at its beginning carried with it an appropriation of ten thousand dollars to be used within two years' time, By arranging the items thought necessary to be spent under this appropriation it was found that I could appoint only three or four inspectors. These men were appointed and began working on the first of January, and after being appointed and having gotten their credentials, they at once proceeded to the infested area and began work at Alvin. We inspected a number of fields below Alvin and west of Alvin, but we never found anything at that point at that time. The day before my arrival at Alvin, two pink bollworms had been found in that section, one south of Alvin and one west of Alvin, in Winston's field. These worms were in the posssession of the chief scout of the Federal Department, and I saw them the night they were mailed to be identified at Washington. At the request of the chief scout to get a certain number of inspectors, to assist in finding the worms, I took several inspectors over to LaMart in Galveston County, where it was more easily

possible to find the worms. We inspected several fields east of LaMart, one of the fields I remember belonged to Ed Mills, and the other I think belonged to a man by the name of Pictola. In these fields, it was not hard to find a large number of worms in a short time. I found some six or eight in a short time.

Q. Were the owners of the fields present at that time?

A. No, sir, not at that time. After these men had the desired amount of experience in finding the worms, they were instructed to go in groups to make inspections, and at that time I advised them to always go to the home of the owner or tenant, and advise them of the purpose of the visit to the cotton field, and in a large measure, the inspecting work at that time followed the rule. Many things were done between then and the beginning of 1918, before January, when there was a meeting of State entomologists in Houston, for the purpose of ascertaining the extent of the infestation in that territory and what was being done with a view, as I understood it, to quarantine against Texas cotton, if they didn't find that we were using our best efforts to stamp out the pink bollworm, and the amount of clean up work being done. We satisfied them that it was being carried on as well as it could be, and on that date we again went to LaMart and made a number of inspections and the owner of the Mills field was present. He said that he had not been informed of the previous inspections, and was anxious to see a pink bollworm. A number of pink bollworms were found at that time, and I showed him one of two worms that I found myself. The picture was made of that investigation, and it is included in this report, showing Mr. Mills and a number of the inspectors. As in these previous examinations, although we felt reasonably sure these were pink bollworms, the specimens collected were sent to Washington for final determination, and were later reported to be pink bollworms.

Soon after the law became effective, I came back to Austin and assisted as far as possible in preparing the promulgation which gave the commissioner authority to destroy cotton fields in which the pink bollworm was found. That promulgation was issued on the 21st day of January, 1918. A number of hearings were held in the infested area and inspections were continued; but sometime previous to the point I have reached, the information was given out at a mass meeting as to what the penalty of a quarantine might be. The quarantine under consideration at that time was with reference to destroying the cotton fields and not with reference to a noncotton zone. That matter was taken up later. Inspections were continued and I took part whenever time would permit, and additional worms were found, some beyond the outline given at the mass meeting at Houston. I only found one visible worm in that additional inspection myself, I didn't spend very much time in that field. After these additional infestations were found, and affidavits were submitted to this department, the same together with a report were submitted to the Commissioner of Agriculture, giving a recommendation as to what should be considered as the noncotton zone as provided for by the law, under the law of 1917. The matter of placing the noncotton zone was not the work of one man, there were several men, both from the state and the Federal Department, that considered what might be a safe distance as a noncotton zone in that area. The affidavits submitted to the state department by myself, on January 5th, 1918, and all of the findings of the worms at Anahuac, indicated to my mind that a five-mile noncotton zone should be recommended and put on. The Federal Department requested at the Houston hearing of the Southern States Entomologists, that it would be safer to have a ten-mile noncotton zone. What I mean is a distance of ten miles in addition to the infected area, such to be included in the noncotton zone. It was finally agreed to compromise so far as possible, and taking into consideration the contour of the land and the direction of the wind and things of that kind, under those conditions it was finally considered to make the noncotton zone to run from five to ten miles, that is to let it vary between those distances according to the points mentioned. The survey of the territory had not been entirely in our hands, when the material was gotten up for the proclamation creating the noncotton zone. We went ahead, however, and on the 25th day of February, 1918, the noncotton zone proclamation was signed by Governor Hobby. While doing all of these things with reference to the southeastern territory, it had already been

agreed to put on a noncotton zone at Hearne, but due to the early finding of the worm at that point and due to the early destruction it was agreed among the officials that it was not necessary to put on the same distance at Hearne as would be required in the lower territory, consequently the area at Hearne was made smaller than the area in the southeastern part of the state. Quite a number of hearings were held within the area and two hearings were held outside of the state, which I attended. These hearings outside of the State were by quarantine officials who wanted additional information as to what the State of Texas, together with the Federal Department was doing in holding back or trying to stamp out this pest. Resolutions were passed at these hearings that they were satisfied that the noncotton zone as promulgated be carried out in addition to the clean up work that had been done, and it would not be necessary to quarantine against the Texas cotton crops. There is another point that I might bring in at this time, it came just a little before the quarantine officials meeting at Jackson, Mississippi, and that was that we received a notification from the Governor's office that he had a communication from the Secretary of Agriculture to the effect that pink bollworms were found at San Carlos, Mexico, within twenty-five miles of the Texas border. According to the law at that time, and also the present law, it was necessary for the Governor to have such report before him. I was therefore detailed to make investigation at San Carlos, which I did, with the Federal inspectors, and found pink bollworms there. They called for a quarantine against that territory, and on the same date that the proclamation was signed with reference to the Hearne and southeast part of the state quarantine proclamation, Zone No. 4,—I will have to stop there, and repeat part of what I have said, Quarantine Proclamation No. 2, which takes in the counties of Val Verde, Kinney, and Maverick, was issued on February 18th, 1918, that is the reason I said it was on the same day of the other proclamation, because there was a proclamation signed by the Governor on February 25th, placing additional territory in the lower area. After the noncotton zone had been established it was soon made known to me that certain planting would be made or was being made in that area.

Q. What area are you referring to?

A. In Zones Two and Three in the southeastern part of the state.

Q. The Trinity Bay Section?

A. Yes, sir. I cannot remember those dates, but at some time in the early part of the summer of 1918, I was requested to proceed to Liberty where a case was to be tried where a farmer had planted cotton in violation of the proclamation and although we had a ruling from the attorney general's department to the effect that the pink bollworm law of 1917 carried with it a sufficient penalty clause against the planting of cotton in the noncotton zone, the district judge at the court hearing at Liberty ruled that there was not a specific penalty provided for in that law and the farmer, who was under arrest at that time, was released. Knowing that it would possibly have the effect of encouraging of cotton by a large number of people in that section, a number of appeals were sent out by this state department and the Federal Department, and others interested in cotton growing. Through those appeals, a large amount of cotton was prevented from being planted, and that acreage was destroyed.

Q. Appeals sent to farmers in the Trinity Bay Section?

A. Yes, sir. However, according to my recollection, about seventeen hundred acres of cotton were allowed to grow in the Trinity Bay Section, and it was decided by the Attorney General's Department that the developments of this cotton should be stopped by the instituting of injunctions, or injunction suits. A case of that kind was tried with reference to fields of cotton in Harris County, and the owners of such fields, were ordered to destroy such fields, but it went to a higher court and later on the cotton was allowed to develop. During 1918, the inspectors of this department, working with the Federal inspectors, made examinations of volunteer cotton in the noncotton zone, and inspected a number of fields of cotton that were grown in violation in this area, with the result that no pink bollworms were found in 1918 in that section. I and some of my inspectors made numerous examinations and inspections of cotton fields throughout the state, for the purpose of ascertaining whether or not pink bollworms could be found elsewhere. I failed to find any pink bollworms in any part of the state until December 17th, 1918, when I found pink bollworms in the Big Bend

area of Texas, Banderia, Presidio and Pulvo. At Pulvo I had the only occasion to note any serious damage to cotton by the pink bollworm. I was unable to find any boll weevils or work of boll weevils there, but I found within small spots taking in possibly three or four cotton plants, as many as twenty-five or thirty worms within a few minutes time. I found some bolls that were all shot to pieces and no lint had developed, and I found some bolls where there was lint having all the seed eaten out, and the lint in the bolls was eaten out. In one boll I found six worms, and one inspector found one boll with as many as nine worms in it. Dr. Busck and Dr. Heinrich accompanied me.

Q. Those are the two experts from Washington?

A. Yes, sir.

Q. Did they identify those as pink bollworms?

A. They said that as far as they could see they were pink bollworms, and they would put them under the miscroscope and make the exact identifications, which they did later on.

Q. And they did identify them?

A. Yes, sir. Dr. Busck had made an examination of cotton fields at San Antonio, Mexico, opposite Candeleria, and stated to me that he found pink bollworms at that place. Soon after that, I made inspections in the Pecos Valley, but being there only two days I was unable to find any pink bollworms at that point. My purpose in going to Barstow and Pecos in the Pecos Valley was to find some connection with the Big Bend infestation, and the Pecos Valley. It was my idea that the infestation in the Big Bend had possibly come from Mexico, but there was no way for me to confirm that fact. An old Mexican in the Big Bend told me that a few years previous to coming there cotton seed had been received from Barstow and taken to the Big Bend.

Q. What County is Barstow in?

A. Ward County. I proceeded to Barstow and while there I found in talking to ginners there that seed developed in the Big Bend and had been taken to the ginners there, and they refused to buy it, and this same seed had been taken to Pecos and then to Barstow, and arrived there too late to be ginned in 1917, the gin being already closed down. This seed cotton was then stored there and remained until 1918 until it was ginned. It was my opinion that the infestation found around Barstow and near Pecos in 1918 originated from this shipment of seed cotton.

Q. Are there any gins in the Big Bend?

A. There is one gin in the Big Bend country at Candeleria that is all there was at that time. The Pecos Valley was finally quarantined, and was again quarantined in 1919, and placed in a regulated zone. The cotton grown in the Trinity Bay Section in 1918 was found to be of such an amount that it was not deemed advisable to destroy it, and by agreement between the various departments and the people in that section, this cotton was allowed to move under the supervision of the state and Federal authorities. The lint was exported and the cotton seed produced were taken to Houston and crushed. The main work in that connection that I had to do was to secure the data from the inspectors and from others like that and bring it to Austin and prepare it for the Attorney General and Governor and the Commissioner of Agriculture, so that the reports of this data would be available in the preparation of proclamations, and for that reason it was not possible for me to remain in the field all the time, and I also had my regular duties to perform in the Department. In 1919 an effort was made to amend the law, the pink bollworm law, so as to make a penalty clause and also to give a certain definite set of people on a commission the authority to recommend a quarantine, and the consequence of those efforts are incorporated in the pink bollworm law of 1919. In the early part of the work for 1919, after this work became effective, I was a member of that commission and acted at several hearings. The Trinity Bay Section was placed in a regulated zone in the spring of 1919, upon the recommendation of the pink bollworm commission for the reason that no pink bollworms were found in 1918, but it was thought by the Board as feasible at that time that a regulated zone would serve the purpose. In the Fall of 1919, pink bollworms were found in the Trinity Bay Section, and the first worms that we found were at Elvista in Chambers County. I was not in the fields at the time the worms were found, but upon my arrival at Houston, the worms had arrived from Beaumont, and I examined them, and convinced myself that they were pink bollworms, but in order to be sure I sent them to Washington and allowed them to take the regular course.

Q. Were they identified as pink bollworms?

A. Yes sir.

Q. By the experts at Washington?

A. Yes, sir.

Q. What date was that?

A. The date of those findings?

Q. In 1919, yes?

A. I haven't that data in this file, but I think it was really in November, 1919. Mr. McDonald has all of that information. After the finding of these worms, I made a number of inspections but was unable to find any pink bollworms myself, and I simply turned the inspection work over to my assistants, and instructed them to report to the Federal inspector and work under him. In the meantime, there were a number of conferences with reference to the steps to be taken with reference to the new infestation. In studying Section 10 of the pink bollworm act of 1919, it was agreed for the Commissioner to do as he saw fit as to those fields. Before going further, with the work,—

Q. What is the date of that?

A. There was no definite date, it was soon after the infestation of Jefferson County, soon after the specimens from Jefferson County had been identified as pink bollworms, it became necessary to proceed with the clean-up work; I don't remember the date, but it was sometime in November when I was in Houston for the purpose of making preparations for the clean-up. Before proceeding with the clean-up work, I wired the State Department of Agriculture for authority to do that. In order not to get the dates confused, I don't think it advisable for these other dates to be given unless we have the papers before us, and for that reason I will say soon after.

Q. Well, we don't care for the date, just the month.

A. I said a while ago that the infestation at Elvista was probably in the early part of November, but it seems from this telegram it must have been in October, because here is a telegram authorizing me to proceed, dated October 25th, 1919. On receipt of this telegram, I tried to proceed in accordance with the pink bollworm act in destroying the cotton in these fields. I went to Beaumont together with Dr. Hunter, and saw the County Judge who had been notified from this office that pink bollworms were in the Elvista section, and I requested him to proceed under Section 10, or under Section 6, to appoint an appraising committee and pass on the cotton in those fields that should be destroyed. After the appraising committee had been appointed, and had proceeded to make the appraisment of the fields, it was then destroyed by the Federal Government, or by the State men in cooperation with the Federal Government. This work was then carried on for a period of several months.

Q. When was this?

A. That was in the Fall of 1919, and it continued,—that is, I worked on it up until possibly the 1st of January, and I may have passed some of the work after that time.

Q. Is that when you destroyed cotton in the fields, did you destroy any cotton in the field in 1919?

A. I didn't destroy any myself, but I went through the procedure as required by law to have it destroyed, and it was destroyed. The procedure was to have the County Judge to appoint an appraising committee and fix the value of the cotton, and have the inspector go into the field with the clean-up gang and destroy the cotton and then the appraisal report was submitted to the Commissioner of Agriculture, who held the same until the inspector in charge reported that the fields were cleaned and the cotton destroyed, as provided for in this act, then this information was sent to the Comptroller with the certificate, stating that the work had been done, and that these farmers be compensated according to law.

Q. Did you destroy all the cotton that was—cotton fields where infestation was found in 1919? I understand there were some few fields where infestation was found?

A. I did not.

Q. Were they destroyed by anybody?

A. I cannot say whether they were or not.

Q. How many of those fields were destroyed?

A. I am unable to give you those figures offhand. Around Elvista I suppose there must have been twelve or fifteen fields. I went over most of those fields myself.

Q. Did you just destroy the fields where you found the infestation, or did you destroy the cotton in the adjoining fields?

A. Destroyed the cotton in the adjoining fields. When a pink bollworm was found in one field, instead of taking the next field, we skipped a few fields, so as to find how far the worm had gone, and the fields in sections like that where there were no fields close enough to the original field, they were not destroyed. Then there were a number of fields destroyed at Nederland in Jefferson County.

Q. Why were not the fields at all of these points of infestation destroyed, why weren't they all destroyed.

A. During the time of my work through the department, the fields were destroyed as fast as they were appraised, but there was some infestations found after my activities stopped and those fields were not destroyed during my time, they may be all destroyed now.

Q. The cotton was all practically gathered before the first of the year?

A. No, sir, it varied, in some sections where the ground was high and people could get into the fields a great deal of it was gathered but in other sections where the land was low and wet, it was impossible for the farmers to get into the fields, and some of the fields were not touched at all. In some cases fifty per cent. of the cotton had been picked, and in some cases the cotton picked out of these fields was still being held by the owners, it hadn't been moved. In the latter part of December, 1919, I went to St. Louis, where I attended the meeting of the Association of Economic Entomologists, and while up there it turned suddenly cold, and it gave me a bronchial trouble which put me in bed upon my return to Austin, and it was impossible for me to do any work for several weeks. The Pink Bollworm Commission hearings were being held in January, and as a member of the Commission, I was to attend, but on account of my sickness it was impossible for me to be there. There was very little work done by me in the Fall, after the first of January, 1920. I put in a great deal of my time in the office here for the purpose of getting all the data we had collected, tabulated, and other members of the department assisted me in taking care of the field work. I was able to attend the second series of hearings, one at Galveston, one at Alvin and one at Houston, sometime in January or February, but I was not a member of the Commission at that time. All during this time, up until last Summer, including the latter part of 1919, I worked on a pink bollworm bulletin or report which I submitted to the Department of Agriculture to be printed, the main body of the work was completed last summer and was submitted to the Department of Agriculture, but during the latter part of the year and this year I wrote up an Appendix and it is now in the hands of the printers.

Q. It has not been published yet?

A. No, sir. There are many other things which I did during that time which I think will be brought out better by examination.

Q. During all of the time, did your department cooperate with the Federal Government?

A. Yes, sir.

Q. You said awhile ago that the first worms found by you were found in the presence of farmers who owned the land?

A. Yes, sir.

Q. Can you give the Committee the names of these farmers and places where they lived?

A. I don't remember all the names, but the affidavits will show the men who were with me at that time. I remember one party at Anahuac, his name was Sundine. The other party I don't remember at this time.

Q. You mentioned several meetings of the Entomologists of the South, at which this pink bollworm situation was discussed. I presume you are acquainted personally with most of these entomologists from the cotton growing states?

A. I know practically all of them.

Q. Do you know their general opinion with reference to this pink bollworm situation in Texas, and whether they believe it exists here or not?

A. They believe that it exists here; they did at those meetings and they did at the meeting at St. Louis.

Q. When was that meeting?

A. In the latter part of December, 1919, and the first day of January, 1920.

Q. Have you discussed with them, the recommendations they were going to make to their respective Departments of Agriculture in the southern states with reference to the quarantine of the state, or the action

to be taken by their states against Texas, or this infected area?

A. Not at the St. Louis meeting. I have a faint recollection of a meeting of the quarantine officials at Houston sometime last Fall or during the winter, at which time the quarantine authorities of other states discussed the matter and I had the impression from those men that they would not at that time recommend any quarantine against the state.

Q. You have understood, then, that six states have quarantined Texas cotton, and that six other states are contemplating it?

A. Yes, sir.

Q. With your experience and knowledge in dealing with this pink bollworm situation in Texas, what is your idea as to the best method in controlling or eradicating the pink bollworm?

A. My opinion is that to eradicate the pest would be to put on noncotton zones, to take away the cotton for a number of years, as long as it may be deemed necessary to starve those worms out. In the matter of control, it could possibly be done by regulation and fumigation and methods of that kind.

Q. What do you think ought to be done with the Trinity Bay section where the greatest infection exists?

A. According to my opinion if compensation is to be extended to these farmers for what they have lost or might lose it would be to put on a noncotton zone.

Q. Whether the farmers are compensated or not, would not affect the spread of the worm, the worm would spread if the farmers were permitted to grow the cotton.

A. There would be many chances for it to spread if they were allowed to grow the cotton.

Q. What is your idea as to how much of that section should be put in a noncotton zone and how much should be in a regulated zone to control the situation?

A. It is a little hard for me to say just how much would be a safety zone beyond the point of infestation, but if the infestation is being found at all of these points, and is being found in bolls as has been reported to me in the last few days, it seems to me that the infestation is being found throughout the entire zone, and it seems to me like the entire territory ought to be included in the zone with possibly a zone of five or ten miles on the outside of that. It has never occurred to me that the regulated zone on the outside of this margin would do much more than to cause observation and rigid inspection, which has already been done on the outside of the margin.

Cross Examination.

Q. (By General Wolters) I don't know that I got you just right on your last statement. Do you mean a noncotton zone for the infested area, and then a five or ten mile noncotton zone around that? Or a five or ten mile regulated zone?

A. A noncotton zone in addition to the area infested.

Q. You would then suggest not only for the infested area to be a noncotton zone, but five or ten miles in addition, and then a regulated zone outside of that?

A. Yes, sir. Both, I mean the infested area would include in that section a line drawn from below Alvin,—

Q. Let's get this map up, this is getting interesting. We are getting into some virgin domain. Mr. Scholl, these present lines as drawn there, will you point them out as to the socalled infested district?

A. The socalled infested district now is included in the territory within this red line here, it goes on around this way and goes up to the Louisiana line. Now as I understand it, the black spots are infestations in 1919 and 1920; then according to my statement the infestation would be in all of the area included in the line drawn from the outermost black spots.

Q. It would be five miles from there?

A. Then a five-mile noncotton zone, I think five miles would be sufficient; that would include from these spots on the outer margin, then a regulated zone on the outside of that, but it is my opinion that if this noncotton zone be made wider than five miles it would not be necessary to have a very wide regulated zone outside of that.

Q. How wide?

A. I am unable to say, it seems to me that if a noncotton zone of five or ten miles be put on, a regulated zone of ten or fifteen miles would be sufficient.

Q. In 1918, there were seventeen

hundred and some odd acres planted in cotton in that territory?

A. Yes, sir, in all of it.

Q. That consisted of how many fields?

A. I haven't got the data, but I believe it was 143.

Q. There was a great deal of volunteer cotton that came up in those fields?

A. Yes, sir.

Q. Notwithstanding the fields had been cleaned up the year before, there was a great deal of volunteer cotton all over the area?

A. Yes, sir.

Q. Practically on every farm there was volunteer cotton, wasn't there?

A. I didn't visit every farm, but there was a great deal of volunteer cotton scattered through that section.

Q. There wasn't any pink bollworms found by anybody, Federal or State Authorities in 1918 in that territory?

A. No, not in that territory.

Q. What do you attribute that to?

A. I am unable to say unless it was due to the clean-up work by the Federal and State men in the early part of 1918 which prevented the infestation of this volunteer cotton, or the overlooking of slight infestations that may have been in that material.

Q. You don't mean to say that your inspectors or the Federal insepctors overlooked anything, do you?

A. I am not able to say. There may have been a possibility of overlooking a worm or two, but the chances are very remote.

Q. Now, that clean-up, while it was cleaned up it still left enough seed on the ground and enough roots on the cotton for the volunteer cotton to come as you stated a moment ago?

A. Yes, sir, some of the volunteer cotton came from the roots, and I judge some of it came from the seed.

Q. But notwithstanding that, no infestation was found in 1918?

A. Yes, sir.

Q. Do you know how many worms were found in 1919 and 1920?

A. Only from what I have heard in the testimony here.

Q. In 1919, the first worm you found was that at Elvista, and you found that in either October or November?

A. I didn't find that worm, it was found by one of the inspectors.

Q. That was the first one reported?

A. Yes, sir.

Q. The cotton down there is all gathered in October, isn't it?

A. According to my best recollection, most of it is gathered then, except some cotton I saw in 1917, which was still growing and developing at that time of the year.

Q. We don't rely very much on a top crop down there?

A. I don't know except in 1917, I saw some cotton which was growing on the plants in that section.

Q. How many worms were found at Hearne?

A. According to my recollection, it must have been six or seven.

Q. You say that Mr. Sundine at Anahuac was present when you found the worms in his field?

A. Yes, sir.

Q. How did you present the worm to him, where was the worm when he saw it?

A. It was in the seed when I showed it to him.

Q. When was the first worm found in the Alvin section, what year?

A. Sometime about the first of January, 1918, if I remember correctly, I have the data, I think it was the 27th or 28th of December, 1917.

Q. Now, Mr. Scholl, did you or your department permit any of this seed grown in the Trinity Bay territory to be shipped out during 1917, 1918 or 1919?

A. Although I was not directly in charge of the shipping of the material out of there, it was our intention to ship the material to the nearest point to the infested area, which was Houston, to be crushed.

Q. I don't know whether you are familiar with it, but I want to get the method of handling under the regulated zone, applying to the ten, fifteen or twenty-five mile regulated zone, as to how the farmers' crops would be handled there?

A. There is no provision in the law at the present time that provides for regulated zones in that area, but the law does provide for a regulated zone of not to exceed five miles.

Q. All right, let's take that.

A. The regulation as called for in the Pink Bollworm Act of 1919 shall cover the origin of the cotton seed to be planted, the growing and completion of that crop under supervision and the gathering and marketing of the same.

Q. Does your department designate the oil mill to which the seed purchased in a regulated zone is shipped and crushed?

A. Yes, sir.

Q. You designate the oil mill?

A. Yes, sir, or it is according to the regulation promulgated.

Q. Now, in that regulated zone, you have been shipping the seed to Houston?

A. In that area, yes.

Q. Is it the purpose to ship it to one mill?

A. No, sir, it is the purpose to ship it to more than one mill, if there is more than one mill available.

Q. Assuming that the regulated zone should extend to take in Fort Bend County, where no worm has been alleged to have been found, that is a big cotton producing county, it produces about sixty thousand bales a year, and in which a number of the State farms are located, there being a farm located at Richmond, what would be the policy of the department as to where the seed in that district would be shipped?

A. If Richmond has an oil mill, and that is nearest to the zone, it would be my judgment that the policy of the department would be to have the seed crushed at that mill.

Q. Would the owner of the seed be consulted about the matter and have any rights as to where he wanted to ship it?

A. Yes, sir, because before any of the regulations were applied the owner, so far as possible would be consulted.

Q. I asked that particularly because the State farms are in there and there is a large production of seed, and they will probably sell it in bulk.

A. I would like to add that I have no idea as to what the rule providing for regulations will be in a new regulated zone. What I have reference to mostly, and what I have had experience with, is the regulated zone under the present law.

Q. Under that law, you also had a provision that cotton carried into the zone from anywhere else or through it was under the supervision of the department, is that correct?

A. If I remember correctly, the regulations did provide that any cotton coming within any such regulated zone should be treated as cotton originating in the zone. I am not able to say definitely whether that is true.

Q. Now under that law you also had a provision that cotton carried into the zone from anywhere else or through it was under the supervision of the Department, is that not correct?

A. If I remember correctly the regulations to provide that any cotton coming within such regulated territory shall be considered the same as cotton originating within a zone, but I am not able to say definitely whether that is true.

Q. That was the regulation, was it not?

A. My recollection is it was.

Q. That is enforced now under the present regulated zones, that has never been revoked has it?

A. No, sir.

Q. So that if Houston and Galveston were placed in a regulated zone, cotton shipped from all over Texas and Oklahoma would come under the provision of the department, would it not, come under that restriction?

A. Provided they carry out the same rules in promulgating the new rules under the new regulatory statute.

Q. What is your opinion as to what should be done with these places where seeds have been shipped from alleged infested territory either in Mexico or Louisiana?

A. My opinion is that they should be carefully inspected throughout the growing season and as soon as the pink bollworm is found be placed under such zone as called for under the present law or under a new law.

Q. You live at San Marcos, I believe?

A. Yes, sir.

Q. You are in the seed business there, aren't you, now?

A. Yes, sir.

Q. San Marcos had a shipment of that cotton, did it not, the seed?

A. It had a shipment of cotton seed in 1918 from Louisiana.

Q. Now, Mr. Scholl, with reference to those shipments, did your department make inspections around

the oil mills to which seed was shipped from Mexico, in 1916?

A. Yes, sir, we began the work of inspection soon after I received a notification at Houston in November of 1916.

Q. How extensive was that inspection?

A. Only a general inspection for the simple reason that it was late and not much inspection work could be carried on at that time. The organization was not completed for inspection work then.

Q. All right, during 1917 did you make any inspection at Wolfe City?

A. I did not.

Q. Did you ever make any inspection at Wolfe City?

A. No, sir.

Q. Did you make any inspection around San Antonio?

A. Yes, sir.

Q. During 1917?

A. 1917.

Q. Any during 1918?

A. No, sir.

Q. 1919?

A. No, sir.

Q. Did you make any inspections around Giddings?

A. I did not.

Q. Were there any made, when I say "you" I mean your department.

A. Oh, I beg your pardon, the inspectors of my department were placed under the supervision of the Chief Inspector in charge of all the Federal men and I did not have anything to do with the organization of the inspection work although I was furnished with the different orders covering the organization which took in this inspection work. Now I have a report showing as to how much inspection, when it was done, my inspectors worked with a Federal man.

Q. So you haven't in mind about that?

A. Not in my mind. I furnish or turn over all reports to the State Department and they are held in files there.

Q. Do you recall the Shores' Farm in Zone 3?

A. Yes, sir.

Q. What kind of worm was it you found there?

A. I did not find any worm there at all.

Q. Who did?

A. Well, I had a report that Mr. McKinney of the Federal corps found a worm or maybe several worms in that field.

Q. That was a dead worm, wasn't it, or was it a black worm, which?

A. I don't recollect.

Q. Does your record show anything about it? I would like to know about that.

A. I will try to find that for you. I only have the data on that and Mr. McDonald, if you have the affidavit by McKinney of the Shores' field in Brazoria County of January 30, 1918?

Mr. McDonald: It is not here but in the office.

Q. What does that report there show about it?

A. This affidavit was on file with a list of affidavits on file in the Commissioner's office.

Q. What does that show about the number of worms found?

A. It does not give the number of worms, it only gives the date, the location of the field, the inspector and when the affidavit was made.

Q. Who was the inspector?

A. J. B. McKinney, a Federal inspector.

Q. Well, it was on the worm that was found on the Shores' farm that the whole zone there was prohibited from growing cotton in 1918?

A. As I remember there was an additional worm found; I am not positive about that, but the Shores' infestation was the occasion of the restriction of that territory, yes, sir.

Q. Now, isn't it a fact that there was one dead worm found and one black one?

A. That would be indicated on the affidavit.

Q. You are not sure about that?

A. No.

Q. And that was the infestation on which that zone was created and cotton prohibited to be grown in 1918?

A. Yes, sir.

Q. That was what was called the "Iowa Colony" in that neighborhood?

A. Yes, sir, that was in the Iowa Colony.

Q. Do I understand you to say December 30, 1917 or 1918?

A. The date of this affidavit?

Q. The date was, it was found?

A. January 30, 1918.

Q. Wasn't it found on March 31, 1918?

A. I will have to have the affidavit to get that.

Q. I thought you had those affidavits there?

A. Mr. McDonald has been having them for several days.

Mr. Bryant: Well, send for them.

Q. I will ask you, Mr. Scholl, how many inspectors did your department have?

A. At one time, they used to have only about six inspectors, but we sometimes called on the assistant entomologist of the department to do inspection work and members of the Nursery inspection department also assited in inspection work. Now, I have a list of several pink bollworm workers here, and there are fourteen.

Q. Where were they procured from?

A. Some of them were A. and M. college men. The chief inspector of orchards and nurseries is an A. and M. college graduate, got him out of college. Mr. ————, assistant entomologist at that time, and now plant pathologist, was at the university when I obtained his services. Mr. Forrest, T. C., has taken some work at college but is not a graduate.

Q. What college?

A. A. and M. college.

Q. I am going to ask you to read all of those?

A. Gano, C. S., an A. and M. graduate of Texas. Howe, W. N., is not a college man.

Q. What is his business?

A. He was in Mexico. I don't know what his business was when I first knew him, and had made a collection of insects and plant materials, was a very close observer, so he was put on as an inspector because we could not get any other man at that time. Meyer, J. V., an A. and M. College graduate. McDonald, R. E., Assistant Entomologist, he was a school teacher when we found him but had taken the biological work in California at Berkeley and he is a graduate, I understand, if I am not mistaken, of San Marcos Normal.

Q. They don't teach "Bugology" at San Marcos Normal, do they?

A. Not extensively. Reese, H. L., he is not a college man, did a certain degree of inspection work in connection with records—of keeping records of books and notes and date.

Q. What was his occupation?

A. He was—I think Mr. Chapman can tell more about that than I can He was recommended to me by Mr. Chapman and he knows where he was at that time.

Q. You don't know what his occupation was?

A. No, I have a recollection, a faint recollection that he was the bookkeeper in the Treasury Department. Zuber, N. D., was a graduate of A. & M. College in Texas and was plant pathologist during the time of this work and assisted us in the inspection work and Scholls, G. J., is a brother of mine and was put on on account of his knowledge of surveying and did some inspection work when time permitted, but ran the quarantine lines and things of that kind connected with the Civil Engineering. Cruse, A. R., took some work at the A. & M. College but did not finish it, did not receive a degree; but he did engage in entomological work for three years before he was made an inspector of this Department.

Q. (By Mr. Jackson) In what regard, what sort of Entomological work did he do that three years, what was the class of this work?

A. General control work of garden, field or orchard pests.

Q. In the field or in the office?

A. In the field.

Q. Then he was a field man.

A. He was also the tree surgeon of this Department, his work was that generally. Elliot, J. R., is not a graduate of any college as far as I know.

Q. (By Gen. Wolters) What is his occupation?

A. He was State purchasing agent when I first knew him and he was also Farmers' Institute Lecturer, if I remember correctly. He was put on on the tracing work principally. He did a certain amount of inspection work so as to give him an idea as to how the inspection work was done and what the nature of the insect was in the field, and then he was put on the tracing of cotton shipments on account of his ability as a bookkeeper. I think I have covered them all.

Mr. Jackson: Let me see that.

Witness: Mr. Powers is on there, the present Secretary of the Commission.

Q. You used some men who were engaged in the citrus work, too, didn't you?

A. Those men with the exception of Mr. Ayres were transferred directly to Dr. Hunter's division. They were not State workers. They were working in cooperation with the State but were as I remember now more directly

connected with the operation of the plant industry, the Federal Bureau.

Q. Was there a gentleman by the name of Mr. Campbell transferred?

A. I don't know on what force Mr. Campbell was or is?

Q. Do you know Mr. Campbell?

A. I know Mr. Campbell.

Q. What is his occupation?

A. I understand that his—if I remember correctly he is a nursery man and a grower.

Q. (By Mr. Jackson) You remember incorrectly then. He is a blacksmith, isn't he?

A. I don't know.

Q. I heard the man say the other day that he shod the first horse that was ever shod.

A. The only reason for making that statement—

Q. (Interrupting) Do you know Mr. Acton?

A. Acton?

Q. W. H. Acton, Walter?

A. No, sir, I don't know him.

Q. I want to finish just a little bit with Mr. Acton. Mr. Acton has been in the Department under you for a good many years in the citrus fruit canker and fly business?

A. No, sir, I haven't any knowledge of Mr. Acton at all.

Q. How long have you discontinued your work for the State?

A. Since the first of April of this year.

Q. How would it be that he would be in the employ of this Department in the destruction of citrus fruit and you not know it?

A. I have nothing to do with the citrus canker at all.

Q. Didn't you use to have?

A. I have nothing to do with the citrus canker at all.

Q. Not at all?

A. No, sir, when I was Pathologist, the citrus canker was not known.

Q. Wasn't you present in the citrus hearing with Fred W. Davis?

A. No, sir, I had nothing to do with it.

Q. I would like to ask you again about Howe, you know who he was?

A. I beg pardon?

Q. Howe?

A. Howe was an inspector in my division, pink bollworm inspector.

Q. Do you know where he came from and what his business was immediately before you hired him?

A. Immediately before I hired him, he was working for an automobile tire company in Ohio, but previous to that time I had known Mr. Howe in Brazoria County where he was engaged in trucking, if I remember correctly, and was assisting his father-in-law in running a hotel and livery stable.

Q. Isn't it a fact that he was hired originally while driving a jitney and became acquainted with the State bollworm work and became an expert while driving a jitney hauling the rest of the inspectors around, isn't that true?

A. I don't know.

Q. You don't know that that is not true, though?

A. No, sir. I don't know anything about it.

Q. He was running a livery stable with his father-in-law?

A. Yes, sir. If you will allow me to add, when Mr. Howe was at Brazoria, that was several years before the pink bollworm was in the State.

Q. It was?

A. Yes, sir.

Q. Do you know an inspector by the name of Hanson?

A. Yes, sir. I know one of the Hansons testified as an expert in the Alford trial.

Q. You remember him there?

A. Yes, sir.

Q. Do you know whether at that time how long he had been in the employ of the Department.

A. I don't recollect at the present time how long he had been in the employ.

Q. But a short time, do you know or do you not?

A. It seems to me like he had been working for that Department only a short time; he did not work for me.

Q. Do you know where he was hired, from what position he was hired? In other words, to refresh your memory, do you not know that he was a bank clerk in Austin.

A. Yes, sir, I do know that.

Q. Now, Mr. Scholl, the noncotton zone of 1918 or rather the regulated zone, I believe it was determined on about the 7th of January, 1918, was it not?

A. What zone was that?

Q. The regulated zone or a zone of some sort, the first action as you have testified?

A. Not a regulated zone, no, sir.

Q. What was it?

A. It was not designated as a regulated zone at that time; it was a quarantine.

Q. A quarantine?

A. Yes, sir.

Q. Upon what information was that declared, what was the information as to infestation, what legal information, I mean, at that time, affidavits, etc?

A. Yes, sir.

Q. Isn't it a fact that the authority under which this was declared were affidavits, certain affidavits?

A. Yes, sir, the authority was based on affidavits.

Q. Isn't it a fact that the authority upon which these affidavits, that the action upon which these affidavits were made, that the affidavits were signed three or four days after this action? In other words isn't it a fact that this action was taken before such affidavits were ever made? Aren't those affidavits dated the 12th of January?

A. I don't remember the date of the affidavits.

Q. Does the law require that before a quarantine can be made, certain facts must be set forth in legal proof or affidavits?

A. Mr. Chairman, Mr. Jackson gave a certain date awhile ago and it called for a regulated zone. In order to get the record straight I would like to look up the data on these dates and bring out the necessary facts. There was no quarantine confirmation signed by the Governor until January 21, 1918.

Q. I understand that, Mr. Scholl, but that is not what I am asking. A proclamation of quarantine signed by the Governor must be based on certain recommendations of the Commission, must it not?

A. Now, but not then.

Q. How was it made then?

A. It was rather general.

Q. You said it was based on legal proof in the form of affidavits, did you not?

A. I was under the understanding or the impression that you meant the proclamations that were issued later. We had at that time according to my opinion affidavits on hand. I would have to look up those dates, but we had the reports of the inspection work in hand also and with that data and following the old law, of which I have no copy but which was practically the same as Section 5, of the present law, is required that whenever the pink bollworm is found in any of its different stages in the State and outside of the zone on the border as provided for in Section 1, the Commissioner of Agriculture of this State shall immediately certify that fact to the Governor, who shall proclaim a special zone or quarantine district in which the shipments of material are regulated and the fields are destroyed.

Q. But I would ask you if that information was in your hands in writing at the time you made that recommendation for this?

A. The information was most evidently in my hands; otherwise, I could not have recommended it.

Q. What form of information did you have at that time?

A. I am unable to say unless I look up the record. It may have been affidavits or field reports, inspection reports.

Q. Isn't it a fact, Mr. Scholl, that you, in the presence of Mr. Hargraves at the Macatee Hotel opened the original package in which those reports and affidavits were after its recommendation was made? I just ask you to say yes or no.

A. I don't recollect it.

Q. Now, Mr. Scholl, as to your investigation of the Alvin district; when were you first at Alvin?

A. You mean after the pink bollworm—

Q. (Interrupting.) I mean you or your men looking for the pink bollworms at Alvin?

A. About the 28th day of December, 1917.

Q. Is that the first trip looking for pink bollworms at Alvin?

A. That is the first trip I made.

Q. First trip, but were the men or Federal men there previous to that date?

A. There were Federal men there several days before.

Q. Had they found anything at that time?

A. About the 27th day of December the worm was found in Ed Winston's field, if I remember correctly.

Q. The Ed Winston field, how far west of Alvin?

A. I can't say offhand, but it seems like about two or three miles west.

Q. The other field was the Dod or the Tod field?

A. Tod field.

Q. How far south of Alvin?

A. According to my judgment about four miles south

Q. What other infestation was found in the Alvin district or in

Brazoria County upon which this 1918 noncotton zone was based?

A. According to the records, the Shores field, which I think is in Brazoria County, it is west of the Winston field.

Q. How far from the Winston field is the Shores?

A. I don't remember offhand. I can possibly refresh my mind by looking at the map if you wish to know all this.

Q. I do.

A. (Looking at the map.) I should judge six or eight miles.

Q. How many men aproximately during that period were hunting pink bollworms in that district and for what length of time?

A. Approximately six men, not including those four that I brought in with me. The length of the inspection at that time is unknown to me if any. It seems to me like the men were there possibly a week or so before I joined them and then I inspected for some time after that.

Q. A considerable amount of time was consumed before that time, before the time of the finding?

A. I understand that they worked in that work several days before I came down, but I don't know how long.

Q. Then you saw that territory first on the 28th of December, 1917, I mean in regard to this work?

A. In regard to the pink bollworm, yes, sir.

Q. Yes, sir?

A. Yes, sir, if I remember correctly that is the first time I went to Alvin after the pink bollworm was found.

Q. As early as the 6th or 7th of January, about a week or less, you were advising the State or getting ready to advise, preparing your reports to advise a quarantine to be placed on that territory?

A. Yes, sir.

Q. Within a week?

A. Yes, sir.

Q. Do you believe, Mr. Scholl, that under the spirit of the law says you can make a thorough investigation, that you have done that?

A. According to the construction of the law at that time, it was my impression that it was necessary to put on a quarantine at once as required under Section 6, of the present law.

Q. Do you consider that a thorough inspection by your Department, not speaking of the Federal Department, but by your Department, this is a State law, not a Federal law?

A. The quarantine that was considered at the time was a quarantine to regulate the shipments and destroy the fields.

Q. I understand but without additional findings you practically noncotton zoned on us just the same?

A. Oh, no.

Q. Did you find any additional ones? You testify now that the three worms was all, still you put that on the next month?

A. You were discussing the Tod fields and the Winston field; then you bring in the Shores field?

Q. Yes.

A. The Shores field was brought in after the quarantine was signed by the Governor on the 21st of January, 1918. The Shores field was found a little bit later.

Q. Well it was testified a few minutes ago, you testified, December 30th. I think the notes will bear that out.

Gen. Wolters: No, January.

Mr. Jackson: All right, I take it back.

Witness: It is impossible, Mr. Chairman—

Q. (Interrupting) The question I intended asking is this: the law requires before anything of that kind shall be done, and equity requires, that a thorough investigation, I want to ask you if a thorough investigation of that was made before this was done?

A. The law at that time did not require that a thorough investigation be made before a quarantine be promulgated. Section 5 of the Act at the present time has practically the same wording or intention of the old law under which we were working at that time. The noncotton zone was not then considered. It was taken up after a more thorough examination was made.

Q. All right. Now, I want to ask you about the Finley farm. Did you testify about the Finley farm? Did you testify about the Finley farm and about Finley being arrested for planting the cotton?

A. I did not mention Mr. Finley's cotton.

Q. That was his name, the planter in Liberty County?

A. I understand his name was Finley.

Q. Do you know how much of a farm he had?

A. No, sir, I do not know.

Q. Do you know how much cotton was planted?

A. It was brought out at that case and according to my recollection it was about 125 acres.

Q. About 125 acres of cotton planted. Do you know anything of the yield of that farm?

A. I understand that the yield was good, I did not see it myself.

Q. It was good?

A. Yes, sir.

Q. Do you know whether or not any pink bollworm was found in that field in 1918?

A. I have no recollection of any being found.

Q. Don't you know there wasn't, because haven't you testified there was no pink bollworms found?

A. Oh, 1918?

Q. 1918?

A. No, sir, there was no pink bollworms found in 1918, according to my recollection.

Q. Was there a pink bollworm found in that field in 1919?

A. I did not do any inspecting in 1919.

Q. 1919, I beg your pardon.

A. 1919? It has not been reported to me.

Q. Don't you know there wasn't from common knowledge of the case, you certainly have been interested in this?

A. If I remember correctly I saw a report that there was an infestation there, or near there.

Q. I know, but was there any in that field?

A. I don't remember.

Q. The Finley field was grown, matured, picked and marketed, was it not?

A. In what year?

Q. In 1917, the year the man was arrested.

A. In 1918, yes, sir.

Q. 1918?

A. Yes, sir.

Q. Now, I have one more thing, you spoke of this place out on the border, Candelaria?

A. Candeleria. I inspected Candeleria in December of 1918, yes sir.

Q. Did you inspect a field of Mr. Kilpatrick's.

A. Yes, sir.

Q. Where is that from Candeleria?

A. It is immediately west, if I have the directions correctly, west of Candeleria.

Q. How far?

A. Oh, possibly a few hundred yards.

Q. Now, that was planted outside of the quarantine zone, wasn't it?

A. There was no zone at that time.

Q. There was one over further down the river, wasn't there?

A. There was no zone at all—well, there was at Del Rio at that time, yes, sir.

Q. This was about how far from the noncotton zone?

A. You refer to the Del Rio noncotton zone?

Q. Any noncotton zone in that neighborhood. Let me suggest, isn't it about forty miles?

A. Possibly about two or three hundred miles. I should judge about three hundred miles, maybe more.

Q. Do you know of Mr. Kilpatrick planting a field about several miles up the river from Candeleria, forty miles, perhaps?

A. There was a field planted at Taleris in 1919 by Mr. Kilpatrick which I think was about forty or fifty miles west of Candeleria.

Q. Do you know how far that is from the nearest cotton field to it?

A. I haven't been across there, but it seems from the map that I have examined, it must be about forty or fifty miles.

Q. Forty or fifty miles to the nearest cotton fields. Do you know whether or not that field is planted on virgin soil?

A. No, sir, I don't.

Q. You don't know that?

A. No, sir, I don't.

Q. But there were no cotton fields within forty miles of it, something like that?

A. That is—

Q. (Interrupting) Now, you inspected, his field was inspected and destroyed in 1919, wasn't it?

A. Yes, sir.

Q. Found heavily infested do you say, or do you know?

A. It was infested.

Q. It was infested and destroyed?

A. Yes, sir.

Q. Do you know where Mr. Kilpatrick got his seed?

A. From what Mr. Kilpatrick said the seed came from Terrell.

Q. Terrell, Texas?

A. But from what other records the inspectors got there was some seed hauled from the gin up the river and as stated by Mr. Kilpatrick, for feeding purposes. I don't know which seed was planted, the Terrell seed or the other seed.

Q. Do you know Mr. Kilpatrick?

A. Yes, sir, I know Mr. Kilpatrick.

Q. Wouldn't his statement as to where he got the seed be worth credit?

A. I can't vouch for that.

Q. Have you any reason to believe it was not?

Mr. Bryant: I don't think that is a proper statement.

A. I don't know him well enough to say.

Mr. Jackson: The witness is attempting to trace other seed in there and now if there is any reason why we should not believe Mr. Kilpatrick—

Mr. Bryant: (Interrupting) I don't believe that's a proper question.

The Chair: I think that question should be withdrawn.

Mr. Jackson: I withdraw it.

Q. Do you know of your own knowledge where this seed came from with which this field was planted?

A. No, sir, I can't say that I do know.

Q. Do you know from your report that they went to the place from which you state, Valentine, I believe, that he hauled those seed which he got from Terrell, that there was some seed spilled and some cotton came up?

A. There is such a report and I have read it.

Q. All right, was there found any infestation in that cotton?

A. According to the report of the Pink Bollworm Commission held at Marfa, there was and there is also a report by one of the inspectors stating that the plants were infested.

Q. Was there any statement as to where that seed came from?

A. With the exception of the fact that they were spilled from the seed hauled up there.

Q. Hauled over from Valentine, is that the station?

A. I am not able to say where that seed was hauled to, hauled from either.

Q. Then if that pink bollworm, if that field was planted from Terrell seed bought in north Texas, shipped to the railway station many miles from there, hauled over the mountains to this place, this field, and planted forty miles from another field, planted on virgin territory, how will you account for the presence of the pink bollworm?

A. The fact that it has not been established that all the cotton planted in this area came from Terrell.

Q. I state if it were established?

A. If it were established absolutely, why it would be pretty hard for me to say why the pink bollworm was found there.

Q. Wouldn't it support the theory then that the pink bollworm is scattered indiscriminately over the State of Texas and brought from various places in the seeds, or establish the fact that it lives from year to year in the wild plants about a field?

A. I can't say what fact it would establish.

Q. Wouldn't it tend to establish one fact or another—or the other?

A. According to the opinion of some people it might establish one fact and according to others it might establish another.

Q. I am talking about the opinion of a reasonable man, a field forty miles from any other field, a field that since the Lord made the world was never planted in cotton or anything else, a field that was planted in North Texas seed and part of that seed was spilled by the overturning of a wagon half way down as hauled through the mountains, never getting within twenty-five miles of another field, if both those fields were infested and the cotton in the field was in September, wouldn't it appear to you, not an Entomologist, but a reasonable man, that this either came in the seed from the north part of the State infested, or that it came from the individual plants in the field? I don't mean that an Entomologist is not a reasonable man, but I am speaking of an ordinary horse sense citizen?

A. I understand you, but I can't answer that question because there are so many conditions and facts come in there that I am unable to say what the facts might be.

Q. Isn't it a fact that practically every element of your explanation of the origin of the pink bollworm in Texas is absolutely, purely, fantastic theory?

A. I have made no explanations or any statements with reference to the origin of the pink bollworm in Texas.

Gen. Wolters: I now have presented to me the affidavit, Mr. Scholl, and I now want to ask you about it. I will read it. (Reading):

"State of Texas, County of Harris, to-wit: I, K. B. McKinney do solemnly swear that I am an experienced entomologist and that I was in the employ of the (Federal) (State) Federal Horticultural Board, connected with the scouting for pink bollworms in Texas at the time an outbreak of this insect occurred at Arcola, Texas, in Jan. 1918, and I hereby certify to the finding of the pink bollworm at Arcola, Texas, as follows:

1. Date when examination was made 30 day of Jan. 1918.

2. Name or names of person or persons present when the examination was made H. B. McKeown, W. N. Howe.

3. Locality where said pink bollworm was found—.

4. The name or names of the owners of the premises, Will Shores (Tenant.)

5. Extent of the infestation, (45 acres) very light.

5. (a) The number and description of the different localities infested,—

6. Necessary steps taken in dealing with the infestation and proper safeguards to be employed, notified State and Federal Authorities.

7. Any other information deemed necessary to be given preparatory to dealing with said infestation—.

(Signature) K. B. McKinney.
(Address) 415 Carter Bldg.,
Houston, Texas.

Subscribed and sworn to before me this the 12th day of February, A. D. 1918.

(Signed) A. F. Smith,
Notary Public,
State of Texas, County of Harris.
(Seal)

Q. (By Gen. Wolters) Who are McKeown and Howe?

A. McKeown was a Federal Inspector at that time, I don't know what he is doing now, and Howe was an Inspector of the State at that time.

Q. They were both inspectors?

A. Yes, sir.

Q. Mr. McKeown, what was his occupation before he went in the service?

A. He was a Federal Inspector at that time.

Q. Now the extent of infestation: you have got it here "very light?"

A. Yes, sir.

Q. Now, as a matter of fact, it was one dead worm, was it not? You heard a good deal of comment about that down in that country, didn't you?

A. I heard it was one or two worms, I am not sure.

Q. Now, just as a matter of practice and policy, wouldn't it be better to have these reports show the number of worms found?

A. The reports contain that generally but the affidavits do not, as a rule they don't, some of them include the exact number of worms found.

Q. (By Mr. Bryant) General Wolters has asked you about the qualifications of these several inspectors. I will ask you, Mr. Scholl, did you experience any difficulty in securing capable and competent and experienced men to do this kind of work on account of its nature and on account of the salary paid by the State for such services?

A. Yes, sir, I made a trip to A. & M. College for the purpose of getting a man but all the men graduates or the men who had any training in college who were approached with the salaries that I could pay at that time, would not consider them, and the appropriation of $10,000.00 indicated that would be used up in a short time and there would be no more State money and the men who had a chance preferred to enter the Federal work, where there was a chance for promotion and a better salary. Many of those men were college men.

Q. As a whole do you consider these men were capable and competent to do the work for which you hired them?

A. At that time they could make the inspections not as well as an entomologist or as a trained inspector, but they could find the worms after the practice that we gave them and after the instructions that we gave them, which consisted of showing them the worms in the laboratory and showing them how to work the microscope and study the characteristics of the worm and requesting them to read certain literature. Under these conditions they were able to go to work. We took a Federal man who was experienced to find the worms. However, they never passed on these worms, they would just simply submit them to the Department and finally submit to Washington for determination, they did not pass on the worms individually.

Q. Your Inspectors did not finally pass on and determine whether or not

the worms they found were pink bollworms, did they?

A. No, sir.

Q. The worms were sent to Washington for identification?

A. Yes, sir, if I remember correctly they were all sent to Washington.

Q. Your men worked under the supervision of the Federal Inspectors?

A. After I found that the best plan was to follow out a cooperative plan of inspection, I just simply turned the men over to the Federal man in charge.

Q. When they found the worms they made the reports to your office and the worm was sent to Washington and after confirmation from Washington that it was a pink bollworm they then made the affidavit?

A. That was the general rule and I endeavored to follow it out.

Senator Woods: I am interested in that cotton seed that is purported to have come from Terrell, Texas, and Mr. Scholl, in that connection I would like to ask of you: did you make a pretty thorough investigation to ascertain from whence that cotton seed came from, this Kilpatrick seed?

A. No, sir, the Federal Department took charge of the Big Bend and I understand that they have full records of what they ascertained or could ascertain with reference to the Terrell seed and the seed hauled from Candeleria.

Q. Well, this seed in which the cotton field was planted and this report that it came from Terrell, was this to the effect that the seed was shipped by rail to a certain point and from that point hauled to the field of planting?

A. According to my recollection, Senator, the report that I either heard verbally or read indicated that a certain amount of seed, or it was reported that—reported by Mr. Kilpatrick that a certain amount of seed was obtained in Terrell, high grade seed, and was shipped to Valentine and from there hauled to an adobe house or to a storage house somewhere along the river or near the river and the report that another report also indicated that a certain amount of seed, infested seed, was taken from the gin at Candeleria and hauled up the river and as reported by Mr. Kilpatrick for feed purposes and the information that I was able to obtain from Mr. Kilpatrick, which I do not know as to its accurateness, was as to the fact that this seed hauled up from the gin at Candeleria was hauled somewhere in the neighborhood of the Terrell seed where it was stored. Either a verbal or a written report later on after the infestation was found indicated to me that the cotton grown at Telaris was of the same nature, of the small Mexican type grown near Candeleria and not of the improved type as stated by Mr. Kilpatrick as having been obtained at Terrell.

Q. Well, if this cotton seed was shipped as was reported to you by rail from Terrell, that could have been ascertained?

A. That possibly has been ascertained.

Q. You are not familiar with the fact that it has been or not?

A. I can't answer that. Possibly the Federal man in charge or Dr. Hunter can possibly give you that fact.

Q. Then it is in evidence, Mr. Scholl, that there was cotton seed from Candeleria and those seed from Terrell and that those two cotton seeds or the two different kinds of cotton seed were either mingled together or stored near each other?

A. Yes, sir, that is the conclusion that I drew.

Q. (By Mr. Jackson) Now, Mr. Scholl, I ask you the question for the purpose of laying the predicate of proving the fact and I now here give you the notice to produce the evidence, the proofs of what you have stated as hearsay. We will produce the fact or expect to if our information is correct, just those facts as they were stated and you have stated that seeds to your information had been shipped below and stored at or near the place and merely wish to give you notice to be able to sustain that contention before this Committee. It is entirely unfair that all of this hearsay stuff be placed in the record. It is all right as a predicate, but that it be supported. Now, I wish to call your attention and ask you a question: if the seed had been placed here, could a pink bollworm have gone from the seed of one into the seed of the other?

A. According to the history of the insect that would not be possible but—

Q. (Interrupting) That is all.

A. Mr. Chairman, for the information of Mr. Jackson, I will say that I will try to obtain the reports

and as I told Senator Woods, I either read the reports or had them given to me verbally in my office.

Mr. Jackson: Well, in this case we will ask for more than letters and statements. We will ask for concrete evidence, this is too serious a thing, in fact the theory of the whole business can be disproved, your theory can be disproved entirely on this one point without anything else, if it can be established. Now, this committee is entitled to a fair unqualified proof one way or the other. If you can prove that this Mexican seed was planted, we will take our medicine; if you can't, you will take yours.

The Chair: Mr. Brown of Liberty is recognized.

Mr. Brown of Liberty: I would like to ask Mr. Scholl two or three questions.

Q. (By Mr. Brown of Liberty) I would like to ask if I came to you in about August, 1918 and requested of you that you examine the fields of cotton, my fields and fields of cotton in Liberty County that were planted in 1918?

A. Yes, sir, I don't remember the month but I remember you came to me and requested it.

Q. Did you also make arrangements with me for the meeting with the Secretary of Agriculture, Mr. Davis, on the same matter?

A. I think so.

Q. Did you make any examination of those fields?

A. I did not myself.

Q. Did you have any made of those fields?

A. If I remember correctly, one of my assistants made inspections, either around Dayton or Liberty in 1918.

Q. Have you any record of it?

A. That those inspections were made?

Q. Yes.

A. Yes, sir, and I will try to find those.

Q. I would like the records of those. Now, I want to ask one or two questions in regard to Hearne. Is it not a fact that all of the infestation of Hearne was in that little field right next to the oil mill there?

A. No, sir, the records show that there was another field or possibly two more fields that were found infested.

Q. Where were those other fields?

A. One that I may be nearly absolutely sure that we have a record on was approximately a quarter of a mile down the I. & G. N. track in a southeasterly direction.

Q. Do you have any reason for knowing why that was found in that field?

A. My opinion was that there was either more than one moth that emerged from the mill, if the mill was the original infestation, and migrated by flying to those cotton fields or there was possibly a second generation that came from the first infested field and in its natural disbursion took in the other field.

Q. How big a territory did you quarantine there?

A. The territory at Hearne is more or less irregular. We tried to follow as far as possible a distance of between two and a half and three miles with an extra precaution in the westerly or southwesterly direction. I stated that this was a southwesterly direction awhile ago, but if I remember corectly this was southwest of the field where this second field was infested and in that direction for the simple reason it was leading to the Brazos bottom, we took in more territory than we did on the east side because the east side was nearly entirely timber. We did not take as much distance there as we did towards the main cotton growing section in the bottom.

Q Why was it that you put only about two and a half or three miles at Hearne where you demanded in our territory from five to ten miles?

A. At that time the worms were very few in number, they were found according to our idea soon after they started their work and that was the agreement at that time, was considered at that time to be a reasonably safe distance considering the clean-up work that followed the early finding of the worm.

Q Will you take that stick and point out to a red dot right up on the west line up over there, up higher, right above you there?

A. This one?

Q. Yes, sir. How far is that from the line of your,—your zone line?

A. I should judge about three or four miles to this red line.

Q. Isn't it a fact that that is only about a mile or a mile and a half?

A. I never have been right across here, Mr. Brown, I am unwilling to say.

Q. Now, Mr. Scholl, I want to ask you why you only put about a mile and a half or two miles there on that place and take it in east Liberty County with the exception of that one place up there, that you put about thirty miles?

A. I know of no point where we put on a distance of thirty miles beyond the infestation.

Q. I think from Moss Bluff, up to the situation up there of that point where it was very questionable what you found, I think it was about thirty miles.

A. I don't remember the name of that town, it is near Dayton, had me to bring out for consideration an extension of this line instead of running it across here, where I originally placed it at the request of the officials.

Q. Why wouldn't you suppose it was just west of this other one as it was up there?

A. I did not understand you.

Q. Why wouldn't you throw the line as far west of that other one as you did up above?

A. You mean here?

Q. Yes, sir.

A. I want the Comittee to understand that I was not alone responsible for placing these lines. Several men were considering that and recommending it. The line running here took a direction along San Jacinto River, but there is a wide timber belt across here and taking that timber belt into consideration and the prevailing range running from here on up led us to consider this line as being reasonably safe as a quarantine line.

Mr. Hargrave: Mr. Chairman, I would like to ask a question.

The Chair: Mr. Hargrave.

Q. (By Mr. Hargrave.) Mr. Scholl, we have heard a great deal about the efficient experiment at Hearne as to the noncotton zone.

A. Yes, sir.

Q. In 1919, what was the extent of the noncotton zone at Hearne?

A. 1919, was the same as 1918.

Q. Isn't it a fact that in 1919 your lines were withdrawn to the city limits of Hearne?

A. Not until after the season of 1919, if I remember correctly, October, 1919, was when the recommendation of the committee was submitted to the Governor and the confirmation, if I remember correctly, was signed about that time.

Q. Professor, you don't usually look for these worms before October, do you?

A. Look for them all the summer.

Q. You have never succeeded in finding any though before October?

A. Often found them in September.

Q The only one found in Septemember was at Herne. all other worms found in Texas have been found between the 5th day of October and the 5th day of April?

A. The large number of them.

Q. Don't you think that in view of the protection of the Brazos river, the heavy growing cotton district of Texas, that was a little early to reduce the zone cotton line at Hearne?

A Mr. Hargrave, the reduction of the area in the fall of the year would not prevent the planting of cotton in the spring of 1920.

Q. What was the extent of the cotton acreage affected during the noncotton growing proclamation at Hearne from the oil mill a mile and a half, which was the extent of the quarantine line, one and a half miles south of the oil mill was the termination point of your cotton zone, how many acres of cotton land did that throw out of commission outside of the negro shacks of the employes at the mill, about how many acres do you think was cut out of growing cotton, fifty or seventy-five or one hundred acres?

A I would have to look at the map, Mr. Hargrave, to be able to say that.

Mr. Moon: Mr. Chairman, I would just like to ask one question.

The Chair: All right.

Q. (By Mr. Moon) Have you gentlemen ever made any experiment in regard to the different degrees of temperature to which the bollworm can be submitted and survive?

A. No experiments, Mr. Moon, only the observation that I had in the field.

Q. Now the object I had for that question, in my section of the State we have pretty severe winters and this pink bollworm being of tropical origin, it occurred to me that possibly he would not do any real business up in our country, and wouldn't afford the Horticultural Board the

pleasure of chasing him up there and we wanted to find out if you had had any experiments in your history of or could give us any history that could lead us to determine how much cold weather he could stand?

A. I am unable to say how much cold weather he could stand.

Mr. Raiden: I would like to ask the witness a few questions.

The Chair: Go ahead.

Q. (By Mr. Raiden) Mr. Scholl, it seems like, from the expert testimony that this Committee has had, that this infectation has come directly through the shipping of the seed from infested areas to clean areas. Now, had the Horticultural and Agricultural Department of the State and the Government adopted the policy to destroy all seed grown in these infested areas and disinfect the lint, in your judgment, don't you believe you would have had vast faster elimination of the pest than you have had under the present system?

A. It would possibly have reduced the numbers very much. I can't say whether it would have eliminated them entirely because there might have been some spilling of seed that could not have been prevented and that might have caused an infestation somewhere. At that time, Mr. Raiden, the State had no powers, no quarantine powers of any kind, absolutely none. We had no right to attach anything of that kind, when this seed was shipped in the State of Texas. had no right.

Q. Mr. Scholl, it seems from the testimony this morning that the Federal Government has spent large sums of money chasing these bollworms. Now, if they had established minor disinfecting points maybe at all the gins, if that wasn't possible at all the oil mills in these infested areas. It does seem to me as a practicable man, not an entomologist, that they could have killed out these pink bollworms?

A. They could have reduced them a great deal according to my opinion.

Q. (By Mr. Pickett) Then if such a process as Mr. Raiden, as you agree with, would rid us of the pest materially one year, wouldn't it have the same effect the next year and how many years would it take to have the same effect before such eradication would be stopped, just before you completely eradicated it?

A. I think always, judge, I don't think you would ever come to the unfinished point.

Mr. Jackson: I would like to ask that the form of my question to Mr. Scholl be changed to meet my question. I did not intend to impugn the common sense of Mr. Scholl, but from the standpoint of a practical man, common sense man, instead of from the standpoint of an entomologist only. There was no intention to cast any reflection and I didn't want it to go in the record that way.

The Chair: I am glad you made that correction Mr. Jackson.

Mr. Bryant: I just want to state, Mr. Chairman, to the Committee that the Bureau of Horticulture has had two witnesses on the stand, the Department of Agriculture, Mr. Scholl, who has had all of this work practically up to the 1st of April this year, to give the Department of Agriculture's views regarding this matter and unless the members of the Committee desire some particular witness connected with either of these Departments to be placed on the stand for the purpose of establishing some fact, particular fact, that we have no further testimony to offer at this time.

Mr. Moon: Well, Mr. Chairman, will the gentleman yield to a question?

Mr. Bryant: Yes, sir.

Mr. Moon: Do you mean by that statement that the Agricultural Department of Texas corroborated the evidence of the Horticultural Board?

Mr. Bryant: No, sir, but in order to show the activities of the Agricultural Department of Texas and the Department at Washington, we have had the representatives of both Departments upon the stand and they have no further witnesses to be put upon the stand unless you desire them.

Mr. Moon: That is what I wanted to get at.

Mr. Bryant: No, sir, not in corroboration, but that is the situation and the Resolution said that these gentlemen may present their testimony and we didn't think it would be complete unless the Department of Agriculture's position was stated. For that reason we put Mr. Scholl on the stand.

Senator Woods: Do you intend to put the Commissioner of Agriculture upon the stand?

Mr. Bryant: No, sir, not unless you want him. I didn't presume he had any information except what Mr. Scholl had, but he will come, Mr. Chapman or any of the rest of them.

The Chair: That is up to the Com-

mittee, if the Committee desires these men they will be placed on the stand. That is as much, Mr. Bryant, as you desire to place on the stand at this time?

Mr. Bryant: Yes, sir.

The Chair: Of course, that will depend upon the pleasure of the Committee now as to who else will be placed upon the stand.

Mr. Bryant: I say to these gentlemen at this time, want to call attention to the cotton, there will be no objection to calling attention to it, but the fact he wishes to introduce can not be introduced at the present time, but they can all inspect this cotton as volunteer cotton.

Mr. Pickett: I have nothing further to say about it; I said all I had to say about it.

Senator Gibson: I make a motion that we adjourn until tomorrow afternoon at 2 o'clock.

(The motion was carried. The Committee thereupon adjourned until 2 o'clock, p. m., May 27, 1920.)

THURSDAY, MAY 27, 1920.

AFTERNOON SESSION.

Mr. Pickett: By the advice of the Chairman of the Sub-Committee I am requested by General Wolters to inform the Committee that he is compelled to be absent this afternoon, or the greater part of the session, in conference with the Attorney General drafting at least a preliminary proposition of the bill that may be introduced. Gen. Wolters asked me to further state at the beginning of the meeting that all the other conferees appointed by the several bodies on this preliminary negotiation endeavoring to reach an adjustment of this question, will meet with him in Gen. Cureton's office, the Attorney General's office, at 8:30 tonight for further discussion of the bill that is being drafted.

The advocates of the farmers and citizens who are directly interested and involved by this proposed legislation, will begin their testimony by orderly and briefly offering some documentary evidence, chiefly by identifying it, and not troubling the Committee or having it read at this time. Mr. Bryant you are familiar with the recommendation made to the Commissioner of Agriculture?

Mr. Bryant: Yes, I know what that is.

Mr. Pickett: That recommendation appears on page eight of the House Journal of date Thursday, May 20th, 1920, and is signed by Ben. F. Chapman, Chairman, of Texas Department of Agriculture. W. D. Hunter, U. S. Department of Agriculture. H. J. Reinhard, Texas A. & M. College. J. M. Trigg, Jr., appointed by the Governor of Texas, and H. W. Barkuloo, Representative, Harris County. This recommendation is as follows:

"Houston, Texas, January 17, 1920.
Hon. Fred W. Davis,
Commissioner of Agriculture,
Austin, Texas.

Dear Sir: We, the commission appointed under Section 15, of the Pink Bollworm Act of 1919, and each of us have investigated the pink bollworm situation in Harris County, (similar statement made for each county registered), and have held public hearings duly advertised at Houston, Texas, at which meeting we have heard the testimony of inspectors and interested citizens, and have investigated the reports and affidavits covering the pink bollworm situation of the said county.

From the investigations made, and the testimony heard, we have reached the conclusion that under the circumstances the regulated cotton zone as proclaimed by the Governor on the 24th day of April, 1918, should be maintained for the crop season of 1920 under the present existing rules and regulations, with such additional regulations as the circumstances may demand.

We, therefore, recommend that the line of the present regulated cotton zone of Harris County be maintained for 1920, and in any case when pink bollworms are found within five miles or less of the present regulated zone line that an additional ten miles be included beyond the present regulated zone line opposite such infestations.

Respectfully submitted,
(Signed)
Ben F. Chapman, Chairman,
Texas Department of Agriculture
W. D. Hunter,
U. S. Department of Agriculture.
H. J. Reinhard,
Texas A. & M. College.
K. M. Trigg, Jr.,
Appointed by Governor of Texas.
H. W. Barkuloo,
Representing Harris County.

Mr. Pickett: It is agreed by the at-

torney general that we can use as though it was a formal certified copy, a statement taken from the United States Census Report, and approved by Mr. McDonald, simply by his signing his name to it without certifying to it officially. I will not read this at this time, but it shows the number of bales produced in Harris, Liberty, Brazoria, Fort Bend and Jasper Counties. This may be copied in the record and you gentlemen can read it later.

(The exhibit mentioned being as follows:)

18% in Zone	Harris	Liberty	25% in Zone Brazoria
1918	7746	3062	13007
1917	11028	3644	15866
1916	6489	1678	5372
1915	3239	1316	2456
1914	5226	2395	5043

5% in Zone	Ft. Bend	2% in Zone Jasper
1918	61266	1847
1917	47432	1120
1916	54165	1115
1915	13224	785
1914	19923	1547

Cotton Production (500 lb. bales) in Counties of Southeast Texas.

From Published Reports of United States Census Bureau.

Note: The following shows the care of each county which is tentatively being considered for inclusion in non-cotton zone.

Copies from Published Reports of United States Census Bureau.

R. E. McDonald.

May 22nd, 1920.

Mr. Pickett: Now then, as bearing on the place from whence the four hundred, or four hundred and forty-six, to be exact, cars of seed came from Mexico in 1916, we offer two paragraphs from Dr. Hunter's Pamphlet endorsed "The Work of the United States Against the Pink Bollworm." Reprinted from the Journal of Economic Entomology, Volume 12, No. 2, 1919, the paragraphs offered being on Page 166 and 167. They are short and I will read them.

"During all of this time, of course, it was not known that the pink bollworm existed in Mexico. Suddenly, however, on November 1st, 1916, specimens of the insect were received through Mexico City from a plantation in the Laguna District in the northern portion of the country. It developed that during 1916 about 400 carloads of Mexican seed had been shipped to Texas mills. Such shipments were unprecedented, and due entirely to the disturbances in Mexico, which had prevented the operations of the large mills in the Laguna which normally crushed all of the seed produced there."

"The Mexican seed shipped to Texas was received at eleven mills, located in various parts of the state, some of them in actual contact with continuous cultures of cotton."

Mr. Pickett: We now offer Paragraph from pages 21 and 22 of the bulletin known as Bulletin No. 723, Contribution from the Bureau of Entomology, L. O. Howard, chief, and the Federal Horticultural Board, C. L. Marlatt, chairman, the part introduced in evidence being as follows:

"On November 3, 1916, the situation was considered by the Federal Horticultural Board, and on November 4 an amendment of the regulations extending the quarantine to cotton seed and cotton from Mexico was issued by the department. An investigation was immediately started to determine the extent of the infestation in Mexico, and the number of shipments of cotton seed from that country to the United States. It was soon found that a large amount of Mexican cotton seed had been shipped to mills in Texas during the season of 1916. In previous years no Mexican cotton seed had been shipped to the United States, and it was only the disturbed conditions in Mexico and the unprecedented high price of seed in the United States which caused the seed mentioned to be forwarded to the United States.

"It was found that a total of 446 carloads of Mexican seed had entered the United States during 1916, prior to November 4th. These carloads went to mills at Beaumont, Pearsall, Kauffman, Hearne, San Antonio, Houston, Dallas, Wolfe City, New Braunfels, Grandview and Alice. The amounts varied from one carload, which went to Wolfe City, to 114 carloads which went to Beaumont. 93 carloads were shipped to Hearne and 69 to Kauffman, both located in regions where cotton is cultivated on every plantation."

Mr. Pickett: May I just ask Dr. Marlatt, from where he sits, without him taking the stand, if he will furnish us with those records relating to the investigations that were made in 1916 showing the exact places from which the seed were shipped? If you haven't that information, will you obtain it from the department?

Dr. Marlatt: I will be glad to give

you such information as we have, I cannot tell you how complete it is.

Q. I mean the information in which you base the statement in your bulletin, in order to determine from whence these seed came. From your bulletin, you evidently obtained such information and I want it to determine whether it was cotton seed obtained from the Laguna?

A. That information is all on file in the Houston office, which is under the direction of Dr. Hunter, because he was our agent in charge, and as to whatever evidence is available at this time, I will be only to happy to give it to you.

Q. You will endeavor to furnish it in record condition, so we can put it in the record?

A. Well, I will give you what we have.

Mr. Pickett: We now introduce in evidence a paragraph on page 40 of the year book of the Department of Agriculture published for the year 1918, that paragraph being as follows:

"The most encouraging feature of the year's work is the fact that not a single egg, larva or moth of the pest was found in either of the quarantined areas or elsewhere in Texas during the season of 1918. This would seem to indicate the effectiveness of the operation of last year, and furnishes a reason for expecting a complete extermination of the insect. If this result is achieved, it will be the largest successful entomological experiment of the kind in history."

Mr. Pickett: As bearing out our contention that the pest preserves itself, and not only exists but propogates as well when forced to exist on plants other than cotton, such as okra, Indian hemp, hollyhock and other plants, we desire to read the following paragraph from Dr. Hunter's pamphlet, entitled "The Work in the United States against the Pink Bollworm." The paragraph offered is on page 173, and is as follows:

"Observations made in India, Egypt and Brazil show that the pink bollworm, under certain conditions, may propagate in plants other than cotton. These include okra, Indian hemp, Hollyhock and related plants. In so far as okra and hollyhock are concerned, these observations have been confirmed by investigations made recently in Mexico by Mr.. August Busck and his associates. In Texas, in addition to okra which is very commonly grown, there are four species of Hibiscus even more closely related to cotton than okra, which might support the pink bollworm. These wild plants grow in large colonies and are of very general occurrence."

Mr. Pickett: From the pamphlet by Mr. Scholl, entitled method of procedure in pink bollworm eradication work in Texas, we offer the table at the conclusion of the pamphlet, which is as follows:

Areas in Texas Affected by the Pink Bollworm of Cotton.

Area in regulated zones 2 and 3:
1-3 of Brazoria County, 476 sq. miles 304,640 acres.
Chambers County, 648 sq. miles, 414,720 acres.
Galveston County, 438 sq. miles 280,320 acres.
1-3 of Hardin County, 281 sq. miles 179,840 acres.
1-5 of Harris County, 352 sq. miles 225,280 acres.
Jefferson County, 1109 sq. miles 709,760 acres.
1-2 of Liberty County, 581 sq. miles 371,840 acres.
Total zones 2 and 3, 3886 sq. miles 2,487,400 acres.
Area in regulated zones 67 and 68:
Reeves County, 2610 sq. miles 1,670,400 acres.
Ward County, 858 sq. miles 557,120 acres.
Total area zones 6a and 6b, 3468 sq. miles, 2,227,520 acres.
Total area zones 2 and 3, 3886, sq. miles, 2,487,400 acres.
Total in regulated zones, 7354 sq. miles, 4,714,920 acres.

W. H. Nichols, called as a witness, by the Farmers Committee, being duly sworn, testified as follows:

Q. (Examination by Mr. Jessup) What is your name, please?

A. W. H. Nichols.

Q. Where do you live?

A. My home is about midway between Houston and Angleton on the shell road, between those two places, in Brazoria County.

Q. What community is that commonly called?

A. Iowa Colony.

Q. What is your business?

A. I am a farmer.

Q. Tell the committee to what extent you are a farmer, approximately how many acres you cultivate? And the proportions of your farm?

A. I have four farms in that neighborhood, and an aggregate of some-

thing like five hundred acres in cultivation.

Q. The smallest one of these farms

A. 160 acres.

Q. And the largest one?

A. I have 350 acres in my home farm.

Q. I will get you in your own way to tell the committee briefly and pointedly where you came from, when you moved down there, about what time you went there, what other state or county or community you moved from, so they will understand your relation to the place.

A. You want to know where I was born?

Q. You may, I don't care.

A. I came directly from Hill County, Texas, out of the town of Hillsboro. I am a native born Texan. I bought the farm on which I live, but it wasn't a farm, I have developed it since that time, in 1911, and moved on it the following year. I believe that covers the question.

Q. Go a little more fully into the nature and character of the country on which you improved the farm, not only your own farm, but the character of the community, and the scope of country surrounding it.

A. Well, in 1911, as I said, I went there and bought this vacant land. I determined at that time that it was very good land, on which to build a home. I saw no prospect to have a nice community at that time, but very sparsely settled, but the newcomers came in very rapidly, and thereby a good many people from the northern states settled in there at that time, and we went to work altogether towards the building up of a community; we built churches and schools and then it was very apparent to us that we needed two important things, good roads and drainage. That country is a prairie, level country, in most instances black land, and we needed drainage, as I said, and roads. In that community, we voted bonds for two hundred and seventy-nine thousand dollars for drainage, which was put into the drainage, making it a very complete system. Mind you, I am talking about the community in which I lived, not the county. Following that, we voted one hundred and fifty-three thousand dollars, or maybe it was one hundred and fifty thousand dollars, for roads.

Mr. Bryant: I don't want to object to anything proper, but I don't see what this evidence has to do with the pink bollworm, if they have a million dollars worth of bonds, it don't make any difference, unless they are in the real estate business, and want that in the record. I would like for them to get down to the issue in this matter. I don't think the Agricultural Department either State or Federal, will insist that that is not a good country down there.

Mr. Jessup: I will concede that Mr. Nichols be brief and get down to the point, but the chair will remember the large latitude allowed the other side in their evidence and we don't want to take up any more time than is necessary, and we will not take up any more time than is necessary to develop the particular facts, and we would like that measure of liberality that has been extended to the other witnesses.

The Chair: While we have given considerable latitude to the investigation, it has always had a bearing on the question, you might say, in relation to this pink bollworm. That is as to whether it was a menace and we want to try to continue to do that as far as we can all along. Unless you can show us that this testimony is relevant and of importance to the facts we want to establish,—I hope you will make it as direct as possible.

Q. (By Mr. Jessup) Go ahead, you can tell in your own way what is bearing on this question, and the committee will be patient with you, don't feel too much cramped but just go right ahead.

A. The pink bollworm in our neighborhood has been so limited I cannot say a great deal, further than to say that in all of these years, in zone three, they have never reported but two worms, and those were not in consecutive years.

Q. That is the extent of the pink bollworm in the zone in which you live?

A. Yes, sir. Those were not brought to my knowledge; I know just the reports that have been developed in the former testimony.

Q. Then you couldn't talk much on that?

A. I can talk more about the noise that it has created.

Q. But it was sufficient, or the noise was sufficient, to keep you from growing a crop of cotton?

A. Yes, sir.

Q. I think with that the Chair will let you proceed.

Mr. Pickett: The witness can, I think, have his attention directed to a few salient points, which will meet Dr. Hunter's contention contained in

that pamphlet of his, in which he says that ordinarily that country is too humid and moist for a successful cotton crop. Mr. Nichols knows some of the facts with reference to the citrus canker in that section.

Mr. Bryant: You can go into that, but I don't know just how long this hearing is going to last.

Q. (Mr. Jessup) Go ahead, Mr. Nichols, in the language of a farmer, and not that of a lawyer.

A. Well, these lawyers might confuse me to where I don't know where to start and what to state.

Mr. Bryant: Nobody wants to confuse you, I just wanted you to testify about the pink bollworm situation, and whether it exists, its distinctiveness, and if you have any suggestion to make as to the proper legislation to control it. I just interrupted you because I thought your testimony was so plainly not on any issue in this case that we would never get through.

A. In answer to that, I don't know whether it is on the point or not, but my idea was that it had a considerable bearing on me as a farmer. This legislation that is proposed takes the money crop away from us, the farmers down there. It certainly would have a considerable amount of bearing on the amount of taxes, the payment of the amount of taxes we have to pay; so the only thought I had in mind was suggesting the amount of bond issues we have.

The Chair: I think it might be well for Mr. Nichols to touch on these questions that would effect him in that way. I think that would be a fair proposition, as showing the effect of such legislation.

Q. (By Mr. Jessup) In order to get you started off on the point as to the result of a noncotton zone in that community, if there should be another noncotton zone, go ahead and state what you think the result would be on those bond issues you have just referred to; the direct result of a noncotton zone on those improvements you have just mentioned?

A. A number of our farmers have already left the country and abandoned their homes as a result of the agitation and as the result of a noncotton zone. Speaking particularly of my own farming operations; I have some eight or ten houses occupied by people that are farming my land. I don't expect any thing else except that they will leave with a noncotton zone put on; in fact with the agitation that has already come about I have had to use some persuasive methods to get them to remain in some instances. I can only say that as a result of that that these places would be abandoned, and I with my own hands could not till this land, neither can I keep these places up unoccupied. I have no other means of revenue except from these farms, and I don't see the source or how I would get the money to pay these taxes.

Q. State about the adaptability of that country for the growing of cotton, that is, how good a cotton growing country?

A. Well, I think it is at least up to the average of the entire state that is planted in cotton. I believe I could go further and say it is above the average.

Q. State briefly how much cotton you made in some specific years, don't take all of the time, but just go hurriedly over it?

A. In 1915 my cotton produced one-third of a bale to the acre. I might add, too, that another one-third was destroyed by the storm of 1915. In 1916 the crop produced about one-third of a bale per acre. In 1917 my acreage over the entire farm was 525 pounds of lint cotton per acre. In 1918, fully as good a cotton year, I had one farm that was just across the quarantine line,—I had developed the land at home and was not expecting to plant cotton on the other farm, but when the quarantine was put on I moved some of my operations down there and planted cotton,—some of that cotton made a bale per acre in 1918, and the joining field to that the lady who owned it told me she weighed and kept an accurate account of the cotton raised, and that made more than 1800 pounds of seed cotton to the acre, and a great number of experienced farmers, a great many from Central Texas saw it, and it was the consensus of opinion that it was better than a bale of cotton to the acre.

Q. How much did you gather per acre in 1919?

A. That was this past year; I had on my place one hundred acres, and I sold twenty bales of cotton.

Q. Can you state the occasion for that small year?

A. The excessive rains throughout the entire season.

Q. During the first of these years you have just related was the drainage system put in, or about that time.

A. The drainage system was,—it must have been put in about 1913, that is, they were under construction then.

Q. Now, Mr. Nichols, state next

about what would be the result in financial losses of a noncotton zone in your community and the result of a noncotton growing zone if there should be a noncotton growing zone put on with reference to the other things than the loss of the specific cotton crop that you should be prohibited from growing?

A. I don't know that I quite understand that, Mr. Jessup.

Q. State what you understand would be the financial loss as a result of a noncotton growing zone?

A. Well, certainly every phase of our business activities would be affected materially.

Q. Of course there would be the loss of the cotton you would be prohibited from raising, that would be one item, what will some of the other items that would enter into that situation?

A. Our land values would be reduced to the minimum.

Q And the organization of your neighbors and others there in your community, what would become of them?

A. Well, it is certain that people are not going to remain there under those unbearable conditions that are proposed.

Q. Now, Mr. Nichols, take up the 1918 conditions, with reference to the noncotton growing zone that was put on in 1918, and tell in your own way how they affected you, and what you did in relation thereto?

A. Well, it was in the early part of 1918 that the quarantine was raised in our immediate section; I believe the records show as developed here yesterday, that the worm on the Shores place was found on January 1st, of that year. There was some discussion around about there, and I cannot indicate the date when the quarantine was put on, but it was some time after that. We did what we could to prevent the authorities from putting on the quarantine, that is in a persuasive way but to no avail, the quarantine was put on. That quarantine was in what is known as Zone Three, it extends from the Chocolate Bayou to the Brazos river. We, of course thought it rather far-fetched that this one worm, and as reports came to us that it was doubtful of identification and being dead also, that the quarantine should be put on, but nevertheless it was put on and after exhausting all efforts at our hands to get the quarantine stopped, I took the position that inasmuch as these men were agents of our government, that we should cooperate with them, and I turned over to them in order to help make it a sure enough noncotton growing zone. It developed soon that this law could not be enforced, there was no penalty to the law, and other reasons, I don't know, you lawyers know more about that than I do. I said to my neighbors, we will enforce it any way, and we had considerable support in that, however there was one man that could not be talked out of his cotton patch and I went to him after all other efforts had been exhausted, and got him to agree to the destruction of his cotton, and I asked him to make a price on the cotton patch, and he did and I gave him my personal check for the cotton that afternoon and telephoned Dr. Hunter's office in Houston that the cotton patch belonged to the neighborhood and that he was at liberty to destroy it forthwith. The next day a couple of workmen and two specialists came out and destroyed the cotton and that made our zone absolutely noncotton growing, excepting the volunteer cotton. The department men came through and took up the volunteer cotton, then the following year they gave us what they called a clean bill of health, and we were permitted then with restrictions to enter into the growing of cotton again.

Q. Now, that noncotton zone three, of 1918, was established on account of the finding of how many alleged pink bollworms?

A. One.

Q. And that one probably a dead one?

A. Yes, sir, it was reported to be dead and discolored.

Q. Was that on or in proximity to any one of your four farms?

A. No, sir.

Q. How far from the nearest one?

A. I judge it was three miles to the nearest point of my nearest farm.

Q. And Zone Three was in fact a noncotton growing zone in 1918?

A. Yes, sir.

Q. Did you observe circumstances over a considerable portion of the so-called noncotton zone for that year?

A. Only in a limited way, I drove the roads and in that way I observed a goodly portion of that other zone.

Q. Was that in fact a noncotton zone as yours was?

A. No, sir.

Q. Isn't it a fact that you did what the entomologists tried to do and failed in the way of having a noncotton growing zone; didn't you do

for them what they failed to do themselves?

A. Not I, but myself and my neighbors.

Q. I mean you and your neighbors associated with you?

A. Yes, sir.

Q. Did you attend the hearing before the Federal Horticultural Board in Washington on April 6th, 1920, and a few days following?

A. Yes, sir.

Q. Were you present at the close of the public hearing of that Board, on or about April 7th?

A. Yes, sir, I was.

Q. Will you tell the Committee in substance what announcement was made in connection,—pertaining to the closing of the public hearing, and any further hearing that was called or set to succeed that public hearing?

A. Well, Dr. Marlatt was presiding, and after the adjournment I walked up to his desk and most of the people had left and the Secretary to the Governor came up and said something to Dr. Marlatt, and Dr. Marlatt requested that the Governor be present at his office at a certain hour that afternoon, and then Dr. Marlatt called for Congressman Buchanan and someone else.

Q. Did he call for any representative of the territory in the alleged infested territory in Texas?

A. No, sir.

Q. At that time state what representatives from the alleged infested territory were present, so far as you remember?

A. Well, I recall only myself and you (Mr. Jessup).

Q. Tell the Committee what other representatives from the alleged infested territory were present at the public hearing in Washington?

A. Representative Brown was there and Mr. Barkuloo.

Q. Senator Lynch Davidson, was he there?

A. I am uncertain about Senator Davidson being at the closing of the hearing; he was there but whether he stayed until the adjournment, I could not say.

Q. He was present at that general public hearing?

A. Yes, sir.

Q. Did you mention Judge Gossett, President of the Federal Land Bank of Houston?

A. Yes, sir, he was there.

Q. In the fall of 1918, you purchased a good many cotton seed for planting, did you not?

A. Yes, sir.

Q. I wish you would tell the committee in your own way about the purchase and marketing of those seed?

A. The State Farm, the Blue Ridge State Farm, some few miles north of me, and almost between my place and Houston, had a magnificent cotton crop and I know the manager, Mr. Bob Smith, and he told me that these seed were from the Ferguson,—that the seed came that planting season from the Ferguson Seed Farm in North Texas. I asked him would he sell me cotton seed for planting purposes, and to supply my neighbors and others who might want the seed, and he said he would. I bought a hundred tons from him and stored them just outside of the quarantine line at Almeda in the warehouse. We advertised these seed and shipped them and delivered them out there to the farmers in general. I asked Bob Smith, the manager of the farm, that I be given the seed at mill prices, and he took the proposition up with the Department, the Penitentiary Commission, and they turned it down, saying that those were their choice planting seed, and most of them were being sold throughout Texas for that purpose, and I had to pay a premium over the mill prices in order to get them.

Q. Tell in your own way about the seed and the planting of the cotton crop on the Jim Smith place in 1919?

A. Jim Smith, a neighbor of mine, bought his planting seed out of these Blue Rridge planting seed from me.

Q. On this farm that it is alleged that a pink bollworm was found in 1919, or the winter of 1919-1920?

A. It is on the farm he cultivated, but he doesn't own it.

Q. Did the seed that went to plant that field come from this Blue Ridge seed that you have just related about?

A. Yes, sir.

Q. Tell about the relation of that field to the other fields, so the Committee can have a fair understanding of the relation of that field to the other fields?

A. That field since I have been there has not been in cultivation until the year 1919. It had been in cultivation in former years before I moved down there, as I understand, probably twenty years ago, been in cultivation and was broken out in the winter of 1919 and planted to cotton.

Q. That is the year 1919?

A. The land was broken out for planting purposes and planted in the spring of 1919?

Q. How far was that field from any

other cotton field, the nearest cotton field, Mr. Nichols?

A. It is not a great ways from that field to my home field, the cotton in my home field, some four or five hundred yards.

Q. How far was it from any field of cotton grown in 1918, that is how far was the Jim Smith field from the nearest cotton field of 1918?

A. It was more than five miles.

Q. (Examination by Mr. Jackson) Have you your account sales of cotton for 1917?

A. Yes, sir.

Q. Will you please submit that for the record?

A. Yes, sir, here it is.

Q. You have it there in your pocket?

A. Yes, sir.

Q. Is that a true and correct statement of the account sales of your cotton for 1917?

A. Yes, sir. That was furnished to me by the cotton broker who handled all of my cotton in 1917.

Q. How many bales does that show?

A. Seventy-five bales.

Q. Showing a total of over five hundred pounds to the bale, how much lint does it show?

A. It is footed up there and shows to be 535 pounds of lint cotton to the acre.

Q. Of ginned lint cotton to the acre?

A. Yes, sir.

Q. Did you use fertilizer in the production of that cotton?

A. No, sir.

Q. Is it or is it not a fact that cotton is the only profitable money crop you raise in your vicinity?

A. Yes, sir, I should say it was. I have been puzzling as to what I might plant in the event of a noncotton zone.

Q. What was the condition of that land, when you moved there, as to being wild land, or a wild country, or being settled with farms?

A. It was a sparsely settled country then.

Q. What is the condition now?

A. We have a considerable number of people there now.

Mr. Jackson: We now tender in evidence the account sales of Mr. Nichols' cotton for the year 1917, which he has identified. This exhibit being as follows:

Gordon, Sewall & Co., Inc.
Wholesale Grocers and Cotton Factors.

Account sales of 30 bales of cotton, for account of W. H. Nichols, Arcola, Texas.

1917	No.	Grade	Re-weight.
		Fwd.	25445
9/25	604	M	553
	582	St. M.	540
	593	"	560
9/25	645	BLM	531
9/22	686	M	529
	625	"	560
9/25	642	"	544
9/26	687	St. M.	562
	703	"	435
	711	"	550
	733	"	558
	694	"	515
9/28	751	"	598
	772	"	540
9/27	788	"	620
10/5	824	M.	586
	840	"	579
	779	"	580
10/2	860	"	535
	879	"	515
	880	"	618
10/8	920	"	565
	950	S.M.	530
	917	M.	565
10/15	994	S.M.	570
10/18	1065	"	545
10/25	1123	M.	524
11/1	1167	"	530
11/30	1294	St.M.	524
			41969

80 acres average yield 525 pounds per acre. In addition about thirty-five tons of seed at $66.00 per ton.

8/27	8	S.M.	504
	10	"	525
	13	"	524
8/22	35	"	580
	29	"	550
	17	"	590
	53	G.M.	562
8/25	158	S.M.	581
	142	"	593
	153	"	540
8/27	93	G.M.	550
	115	"	575
	81	S.M.	663
	178	"	570
	121	G.M.	585
	129	S.M.	585
9/1	190	"	578
9/7	355	M.	540
	362	"	572
	301	"	548
	364	St.M.	582
	264	M.	596
	284	"	555
	324	St.M.	585
	318	S.M.	625
	325	St.M.	560
	222	S.M.	591
	261	M.	555
9/8	388	St.M.	585
	406	"	530

	414	L.M.	540
	411	St.M.	572
9/13	432	"	645
	435	"	542
9/17	470	M.	550
	488	St.M.	567
	469	"	527
	464	"	556
	487	"	608
	489	"	595
9/19	516	St.M.	558
	529	M.	546
	514	St.M.	527
9/17	558	"	548
1/14/18	437	M.	545
			25445

Cross Examination.

Q. (Examination by Mr. Bryant) Does your land produce anything but cotton?

A. Yes, I grow some feed stuff.

Q. Do you grow any corn?

A. Very little.

Q. What else do you grow beside corn?

A. It is a very negligible crop.

Q. Cotton is the principal crop in your section?

A. Yes, sir.

Q. Does any corn, wheat, oats and sugar cane grow there?

A. I can grow some corn, but not on a commercial scale. Wheat and oats and sugar cane could not be grown with a profit.

Q. How many acres did you have in cotton last year?

A. The home farm had a hundred acres.

Q. On all of your farms, you said you owned five or six hundred acres, how many acres did you have on all of your farms?

A. There was about forty acres on the next farm down in cotton, and the next one was a sod place, just being developed, there was probably a hundred acres planted to cotton, but very little of that was ever worked out. On the other farm there was probably a hundred acres of cotton planted.

Q. About 340 or 350 acres?

A. Yes, sir.

Q. How many acres have you in this year?

A. About the same amount.

Q. How many bales did you raise last year off of this 350 acres?

A. Well, the hundred acres that I cultivated, I sold twenty bales from that; on the sod farm some three or four fellows farming that, and I don't believe any of them raised a bale, maybe altogether, in the aggregate, there would have been a bale. And on the 106 acre place where there was about 40 acres there was some two or three bales ginned off of that.

Q. If the State pays you the profit you would make on a crop of cotton would that not be all you could expect?

A. State that question again.

Q. I say if the State would pay you the profit you would make on a crop of cotton, wouldn't that be all you could hope for; if you were to plant all cotton, grow it and harvest it,—in other words, if the State pays you what profit you could make on a crop of cotton that is all you could hope for if you grew and gathered the crop yourself?

A. No, sir.

Q. So far as that item is concerned—?

A. I don't gather your meaning.

Q. Well, if you planted your field in cotton and made five thousand dollars clear above the cost of production and harvesting, and the state comes along and pays you $5000.00 aren't you fully compensated as to that one item of damage?

A. No, sir.

Q. Why not?

A. My organization has left me that keeps up these farms and keeps them going, and the depreciation in my property values would be a very important item to me and my community.

Q. And the loss of the labor, etc?

A. Yes, sir, it would be very difficult in two or three years to reassemble it.

Q. (By Senator Woods) I think you said you went to that section in 1911, did you not?

A. Yes, sir.

Q. At that time was cotton being planted in that neighborhood, and if so to what extent?

A. Only in very limited quantities, just patches here and there. I looked at those patches to judge whether or not it was a good cotton country.

Q. Then the five or six years from the time you went there until 1917, to what extent had cotton been planted in that section, about how many acres do you suppose were planted in that section in about 1917?

A. 1917, in that year the neighboring gin where I ginned, Mr. Hamilton's gin, ginned 999 bales of cotton. On the House plantation, I couldn't be accurate as to how many bales were ginned there, but certainly several hundred bales, and the Sandy Point gin

ginned in the neighborhood of 1500 bales.

Q. That is all in this Iowa Colony, that is the neighborhood?

A. Yes, sir, in Zone 3. We distinguish in that neighborhood,—for instance we have immediately west of us the House plantation, and the Graham plantation and the Tigner plantation, and a good many bottom farms, we didn't call them the Iowa Colony.

Q. These are in Zone 3?

A. Yes, sir.

Q. Could you make an estimate of how many acres were cultivated in that immediate section in cotton in 1917, would it be four or five thousand acres?

A. I believe it would be a little above that.

Q. How many farmers would be included in that zone in number?

A. It would range from very small farms to very large farms; the House plantation, on that they plant many hundreds of acres of land.

Q. Just give us the number of farmers, ignore the House plantation, and give the number of farmers, small and large, that are interested in that immediate section?

A. Some three or four hundred.

Q. Are they depending on that principally for a living?

A. Yes, sir.

Q. (By Senator Caldwell) You presented an account sales sheet, that shows the bales of cotton you sold in 1917, did you state how many acres that was grown on?

A. It is stated in the statement.

Q. How many acres of land did you have in cotton that year which produced this seventy-five bales?

A. Eighty acres.

Q. Where is that located?

A. On my home farm.

Q. How many years prior to 1917 had that eighty acres been planted in cotton?

A. That was the first year I ever planted cotton on a big portion of that land. There was one twenty-three acres that had been planted some four years in cotton prior to that.

Q. Four years next preceeding 1917?

A. It was planted in,—well, some cotton and some laying out and some just being developed.

Q There was eighty acres which you planted in cotton in 1917 which produced the seventy-five bales of cotton, now how many acres of that eighty was planted in cotton in 1916; in that eighty acres what number of acres was planted in cotton in 1916?

A. I think only one block of twenty-three acres.

Q. How many bales of cotton did you produce on this twenty-three acres in 1916?

A. I believe it was about nine bales?

Q. In 1915 how many acres out of this eighty acres were planted in cotton?

Q. Well, I couldn't tell, I cannot answer that exact as to the number of acres out of the eighty that was planted in that year.

Q. You cannot tell us how many acres then out of the eighty were planted in cotton in 1915?

A. Well, probably in 1915 there was thirty acres.

Q. How many bales of cotton did you get in 1915 off of that thirty acres?

A. I produced on that thirty acres eleven bales it is my recollection.

Q. Can you give us that same information as to 1914?

A. In 1914 I didn't pretend to gather the cotton raised, that is the year the price went down to six cents a pound, and the seed wouldn't pay for the ginning and picking and the expense of getting it gathered, and I didn't get it all out, I just abandoned it.

Q. Now, since 1917, in 1918, how many acres out of that eighty was planted in cotton?

A. That was a noncotton year.

Q. In 1919 how many acres was planted in cotton?

A. I don't believe there were more than thirty acres of that particular eighty acres.

Q. How many bales of cotton were produced on that in 1919?

A. Probably this would answer your question, Senator Caldwell, I had on that farm in 1919 about a hundred acres of land off of which I gathered twenty bales of cotton.

Q. In 1919 you gathered twenty bales of cotton off of one hundred acres?

A. Yes, sir.

Q. Talking about that House plantation, that is a fair average of your neighborhood of the character of farm and farming methods and crops produced, is it not?

A. No, sir.

Q. Is it not a representative farm of your community?

A. No, sir, for the very reason of its great area and the character of management on the scale they have to use.

Q. How many acres in that plantation?

A. I have been told there are ten thousand.

Q. And on account of the crop and the labor conditions they are not able to give the attention in the way of intensive cultivation that you have in the Iowa Colony?

A. No, sir, that is right.

Q. That is the case of any farm of that size?

A. I think so.

Q. Then, don't you think it is not a fair test to single out any certain thirty or forty acres and show its production in any particular year?

A. I think the eighty acres I grew in that year was a fair average if you include such farms as the House plantation.

Q. Isn't it a fact that this record of seventy-five bales which you produced for 1917 is the best record you could show since you have been in that country?

A. It is the best cotton crop—

Q. It is the best showing you have made since you have been there?

A. Yes, sir.

Q. On the House plantation what other crops do they plant besides cotton?

A. They plant some sugar cane.

Q. For the purpose of making sugar?

A. I think they ship it to a sugar mill.

Q. It is cane produced for sugar, not for feed?

A. Yes, sir.

Q. They don't make hay out of it?

A. Yes, sir, some.

Q. What other crops do they produce, corn?

A. They attempt to.

Q. What is the fair average acre yield on your farm for corn since you have been in that country?

A. It is very low.

Q. Well, what did you count on, on an average as a fair crop of corn on your place, twenty-five bushels?

A. I haven't lived up to that up to date.

Q. You haven't averaged twenty-five bushels year in and year out?

A. No, sir.

Q. Do you plant any milo maize?

A. No, sir.

Q. You have tried no crop except sugar cane, no hay and stuff of that kind?

A. Almost every year I have planted a small patch of oats and sorghum hay. I have seen the milo maize tried a number of times, it is not a successful crop.

Q. (By Senator Woods) Following up that eighty acres, during part of the time,—part of the time it was not in cotton, if in cultivation those years, what was it in?

Q. You understand, Senator Woods, that I commenced the development of that farm in the latter part of the year of 1912, and it is quite an undertaking to say,—well, in fact part of this eighty acres was the first crop I had been able to cultivate up to that time, because of a lack of means to develop it, and the lack of labor to handle it and the mule power.

Q. Well, during part of the time from 1912 to 1917, was any part of that eighty acres cultivated in any crop other than cotton?

A. Yes, sir, I had some corn patches on different blocks of that during those years.

Q. Did it do any good?

A. Not much, it was in the land, it didn't develop much corn.

Q. (By Senator Caldwell) You say in 1918 it was a noncotton year, you didn't plant this eighty acres in cotton?

A. Yes, sir, that is right.

Q. Did you plant it in anything in 1918?

A. Yes, sir.

Q. What did you plant?

A. Part of that eighty acres was planted in peanuts and part of it was in corn.

Q. Can you state how many acres in each, and what the result was, what the yield was, approximately, I don't care to be exact?

Q. Well there was probably fifty acres of that eighty planted in corn, and the fifty acres must have averaged thirty bushels of corn.

Q. During the year 1918, what did the peanuts do?

A. That is a little embarrassing to say just what they didn't do. I don't know how many acres I attempted to harvest of those peanuts, and eventually after I could recover

from my disgust I received a check for about $450.00.

Q. What was the difficulty about the harvesting, did you leave the greater portion of your crop in the field?

A. Yes, you leave a considerable portion in the field; that is a very difficult crop to cure and get to market, and on my land most of it is black land and the little knots of dirt near the size of the peanuts hung to the vine and in threshing there is no method yet that will separate the clods from the peanuts, and the markets don't want that character of stuff.

Q. Your greatest difficulty with the peanuts was not in the production but in not knowing a good method in harvesting, saving and marketing the crop; that was the difficulty, not that your land would not produce the peanuts, but you didn't have the methods and labor necessary, and other elements necessary to properly save and market that product?

A. I thought I had all the information that is distributed with reference to the harvesting of the peanut crop.

Q. But it didn't work in your case?

A. No, sir.

Q. (By Mr. Moon) Mr. Nichols, did you ever see any of the results of the pink bollworm's work in the fields of yourself and your neighbors?

A. Any devastation?

Q. Yes.

A. No, sir.

Q. In all your observations down there you never have been able to find any effect, disastrous or otherwise, that the pink bollworm had had on your crop?

A. No, sir, not only that, I have never seen one sitting in the boll being exhibited in these other places.

Q. Is there any man in your neighborhood that ever saw the representative of the Horticultural Board find a pink bollworm?

A. Actually find one?

Q. Yes.

A. Not that I know of.

Q. Then all you know,—of your knowledge you don't know that they have existed down there?

A. No, sir.

Mr. Moon: I don't know that I care to ask any more questions, but I just want to say a word in regard to the latitude allowed the witness, if you will permit me to make that statement, as a member of the Committee. We have had the Horticultural Board, or its representatives, and they have had every latitude on earth, from their common school education up to their courses in the different schools and their different State universities, and as to their special qualifications as entomologists, and they have gone, figuratively speaking, from the lightning bug in Egypt to the aurora borealis in the northern seas, and it appears to me that the witnesses from South Texas have been in contact with the entomologists, and from the character of witness this gentleman has made, it shows very plainly that they have been allowed to testify very much, and it appears to me that if we are going to consider results of this thing we must consider the condition of this country, their roads and schools, the manner in which those roads and schools were obtained, whether or not it was from land that was sufficient to carry these many hundred thousand dollars in bonds, and the amount of territory for road purposes and for school purposes, and whether or not these bonds are payable in the future, and whether or not the taxes are dependent upon the crops raised in the noncotton zone, and whether or not they would be able to meet those bonds. Those are things that enter into this proposition that we must know before we can arrive at a just method of compensation. I just wanted to express that as my sentiments, as my opinion in the matter and I believe that will meet with the sentiment and the opinion of most of the members of this Committee.

The Chair: Have we not given them that latitude, Mr. Moon?

Mr. Moon: Well, there was an objection raised and the gentleman started out to tell about his bonds and the manner in which his schools had been established and his roads established and the value of his land and one of the attorneys objected and the gentleman not being an expert witness was easily drawn from his position.

The Chair: I don't think that Mr. Moon would indicate or that I did not give to the gentleman the greatest latitude. When the question was first

sprung the only thing I desired to know was what was the tendency of certain testimony. Of course, we wanted to prove certain facts. I can see in a few minutes what the drift of the testimony was, while his attorney did not make that question clear and for that reason I only asked one favor that that class of testimony be as brief as possible and let's get back to the main facts.

Mr. Moon: No reflection whatever, on the Chairman. The proposition as I understood it, the proposition of the Attorney General's Department, should be brought down to the proposition of the pink bollworm. It seems that they know nothing about the pink bollworm, that they have got it only from a theoretical proposition and, therefore, you could not expect anything from the farmers on the pink bollworm.

The Chair: Mr. Brown first, Senator Caldwell.

Mr. Brown of Liberty: I would like to ask one or two questions.

Q. (By Mr. Brown of Liberty) I would like to ask if it had not been for the quarantine of 1918, how much more of your territory down there at the present time would probably have been under cultivation now?

A. I think a considerable amount, Mr. Brown.

Q. You have no idea what proportion?

A. No, sir, it stopped to a great extent the coming in of people.

Q. Can you give an idea how much this quarantine down there has depreciated the selling value of your land at the present time?

A. I know no land is selling with the agitation that is now on.

Q. You couldn't get any bid on it? What was it worth at the time the quarantine was first placed on it, what was the selling price?

A. Well, depending like any other community on a good many things, as the improvements and location and things like that. Some of it sold as high as $100.00, I believe.

Q. Would it bring about one third of that if you were compelled to sell it, could you get one third of that under the present conditions with quarantine?

A. Well, Mr. Brown, I don't see how I could answer that question, because I know of no one that's even thinking about buying the land.

Q. Well, I just wanted to get this point, it has depreciated the value of our land so that absolutely today we have got no valuation on land down there, that is the idea I wanted to get.

A. The valuations have been depreciating.

Mr. Hamilton: Mr. Chairman.

The Chair: Mr. Hamilton.

Mr. Hamilton: Mr. Nichols, you stated that you received $450.00 for peanuts?

A. Yes, sir.

Q. Can you approximate the number of acres that you had in peanuts?

A. I had about thirty acres in one block and ten or twelve in another.

Q. Was there any difference in the amount of production on those two blocks? Or in other words, how much could you estimate, how many acres did you make this $450.00 from?

A. Well, a great deal of that, of course, was not saved, I could not save, the peanuts made probably a very good crop, I don't know, twenty-five bushels per acre maybe.

Q. Can you approximate the net profit you received per acre for peanuts that you sold? How much of that $450.00 is net profit?

A. Well, I don't believe there is any net profit there.

Q. Now, can you state approximately your net profit above cost of production per bale on the eighty acres in 1917 when you made 75 bales?

A. I think I recall approximately a statement I rendered to the income tax man that the seed and the cotton on that farm brought me about $12,000.00, and that my expense of making that crop and gathering it was about $3,300.00.

Q. Your net profit then was $8,700.00 on eighty acres of land?

A. Yes, sir.

The Chair: All right. Any other questions?

Senator Caldwell: Mr. Chairman, I would like to ask the witness one question right there.

Q. (By Mr. Caldwell) You say your expense of cultivating the eighty acres that year was $3,300.00?

A. I said in gathering it.

Q. I mean in producing and marketing that cotton was about $40.00 an acre, that looked a little high.

A. My statement on that, I recall that offhand, not looking it up, as being $3,300.00. I think that is correct.

Q. You worked all of that crop by hired labor?

A. Yes, sir.

Q. It was all worked by hired labor?

A. Yes, sir.

Q. Now, the other question I wanted to ask was this. Say in 1918 was a noncotton zone year and you planted none of this eighty acres in cotton?

A. Yes, sir.

Q. Did you file a claim under the present bollworm law, under that on that cotton land?

A. No, sir. I have not any hope that the Legislature would fix it so I could get a claim on that.

Q. But the present law was such that no cotton was planted and you did not plough up any?

A. I did not plough up any.

Q. And you didn't have a claim under the present law, is that correct?

A. That is correct.

Mr. Raiden: Mr. Chairman, I want to ask the witness a question before Mr. Bryant. I was called out and had to be away awhile, but before I went away you testified you bought a neighbor's cotton crop and gave him your check for it. How much was in that field of cotton?

A. It seems to me like there was fifteen acres.

Q. Fifteen acres. You never have been reimbursed for that cotton?

A. Yes, sir, my neighbor, Mr. Palmer and maybe several of them here in the house chipped in after I had bought the crop and gave me their checks back and my part of it was $25.00 I think after all of them came in.

Q. How much did you pay if you don't mind telling for the fifteen acres?

A. About $300.00.

Q. What was the condition of that crop?

A. That crop was just well started.

Q. How high was the cotton?

A. Well, it had been chopped out, a part of it at least, and ploughed.

Q. (By Mr. Bryant) Mr. Nichols, on direct examination your attorney asked you some questions. I want to ask you some. I take it from what you say that you are an expert farmer. This Committee wants to get at the truth of this situation and the facts. We want to know, I want to ask you what you think about the existence or nonexistence of the pink bollworm in your immediate locality at this time?

A. What do I think about it?

Q. Yes, sir.

A. That would be unlawful for me to express my opinion about that.

Q. I ask you for your opinion and I would like to have it for the benefit of the Committee?

A. My opinion is this, Mr. Bryant, you want to bear in mind now the attitude I have assumed all the way through. I accepted the theory in the beginning that they had the worm cornered. That the noncotton growing zone would eliminate it and that it was an awful thing as stated in their literature and in the conversations with the experts, and I took the position that we, as good citizens, should not stand in the way of our country and our fellow citizens even though at a great sacrifice to us, and I cooperated to such an extent, so diligent in it that I have been accused by my neighbors of being a catspaw for the Department. Now, since that time I have learned a few things for myself about the pink bollworm. At that time I did not know that the Department had the power and quarantine in existence to prevent the 446 car loads of Mexican infested seed from coming into this country and I found that they did have an iron-clad quarantine that could have prevented all that and I found also while we were enjoying the leisure of a noncotton zone that the worm thrived in Louisiana, and it developed in the hearing at Washington that some of these farmers were growing long staple cotton there, and they had no gin to gin that character of cotton and they shipped it to Georgia for ginning and I found this Blue Ridge farm just a mile outside of the quarantine zone accepting their theory here, having a noncotton zone and on a virgin farm they find in my community of this pest cotton seed and those seeds have gone to practically, I judge practically every point in Texas. It was following a very dry year in Texas and there was a big howl for seed every where. That State farm raised thirty-eight hundred bales of cotton. I judge many hundred tons of those seed were shipped everywhere. I take the position that they have lost the fight and calling on my community to make further sacrifices is an imposition on the good faith of our community.

Q. Well, do you believe the pink

bollworm is down there in your community?

A. Well, now, Mr. Bryant, I have never seen the pink bollworm, but these gentlemen come on and say that it is there.

Q. Well now, if we accept the proposition that it is there, that it is in your community, then what is your idea about what is the best thing to do based upon your experience and knowledge of this situation for three or four years there, whether the proper way is to have a noncotton zone or a regulated zone? The Committee has heard the opinion of the experts and they are entitled to your opinion as an expert farmer, your views about this matter, they want to hear it.

A. Well it might be that I can qualify as an expert farmer in this day of experts. My experience with this pest, with the boll weevil, and he is Arch Angel of all our cotton enemies, is that we can continue to grow the crops with the pink bollworm here and the boll weevil both and my honest opinion is that the farmers might farm for years here and never know there was such a thing in existence if it was not for expert work being made by men from the college. Now, I have got considerable interest there for a little farmer and I expect to raise cotton there and I think I would be very short sighted to use my farm as an incubator for a pest that would absolutely destroy the cotton industry in my immediate section, not saying anything about my fellow citizens in the State. I have no dread for the pink bollworms. As testified by Dr. Marlatt, his cycle is thirty days. Now, Mr. Busch says thirty-six. Take either one of them. If you will give me twice his cycle I will raise about all the cotton I can get picked.

Q. Well Mr. Nichols, do you think this pink bollworm can be controlled by a regulated zone, are you in favor of a regulated zone or a noncotton zone or both or none of them? I understand you are speaking very much for your neighborhood, not for yourself individually but for your neighborhood?

A. Well, I am going to speak first for the State of Texas. Then I am going to speak for my neighborhood. I think so long as this pink bollworm agitation is aired and discussed before this Legislature and this stigma rests upon the State of Texas, state that the worm itself will, and as for my immediate neighborhood or for the State of Texas, I think the best thing that could happen would be an absolute repeal of every law pertaining to the pink bollworm. I don't think that it is expedient at this time to do it with the line the way you gentlemen as Legislators view this thing, but a regulated zone certainly would be the limit.

Q. When did you decide that a noncotton zone was not the best thing? Didn't you use to think a noncotton zone was the proper thing?

A. I accepted that thing for awhile.

Q. When did you change your mind Mr. Nichols?

A. Mr. Bryant, I thought I made that plain a bit ago when I said—

Q. (Interrupting) Well, that's what I want to get at, when did you make up your mind that a noncotton zone was not a proper thing to control the pink bollworm, how long since?

A. Well, my conversion probably did not occurr spontaneously. I arrived at that conclusion after studying the thing considerably. I have been absolutely opposed to a noncotton zone—noncotton growing zone this year.

Q. Well, weren't you a member of the—didn't you attend the pink bollworm commission meeting at Houston on the 1st of April?

A. Yes, sir.

Q. And didn't you recommend as a representative of your community a noncotton zone, providing the Legislature would pay the farmers for the destruction of the cotton?

A. I did and stated that I did that under duress, under the circumstances with many other things that happened there, not being my absolute opinion. It was not a question and the gentleman serving as chairman of the Pink Bollworm Commission did not state that this noncotton growing zone was for the purpose of exterminating the pink bollworm but for the purpose of avoiding a Federal quarantine.

Q. I see. Now, another question, Mr. Nichols. Suppose this Legislature would go upon the theory that they did establish a noncotton zone or that they permitted the growing of cotton in a regulated zone with

authority conferred upon the State officials to destroy cotton when it is found infested. What is your idea as to the proper basis of damages to be paid that farmer for the destruction of his cotton?

A. My idea, if you decide that to satisfy a good many interests in this matter that it must be put on or that the cotton should be destroyed that you should deal liberally with the farmers there for many reasons.

Q. Go ahead.

A. The first place you are going into a community of people that feel equally the outrages that have been perpetrated upon them and it is going to be very difficult to make them see the view point of the experts and it is not their misfortune, it is the State of Texas that is unfortunate to have such a stir and if, perchance, it is a menace to have it in the State, and it is not my business any more than it is a citizen's from Wolfe City, for instance, all these people should be taken care of absolutely to the last dollar.

Q. Well, now what is your idea, Mr. Nichols, we are trying to get at a basis here and this Committee wants to know your opinion as one who is vitally interested as a good farmer, on what basis do you think the State ought to settle with the farmer?

A. Individual farmer?

Q. Yes.

A. If it should become necessary to destroy any cotton crops, pay the full value of that crop.

Q. Well, how would you calculate its full value? Suppose first you don't permit him to plant the cotton in a noncotton zone, take that feature of it first. Now, what is your idea as to what would be a just and fair compensation to that farmer for not permitting him to plant his crop of cotton, his usual cotton?

A. I have not undertaken to work that problem out.

Q. Have you undertaken to work out the problem of damages where cotton has been grown and is all matured and worms are found in it in September or October before any of it has been harvested?

A. Well, I should say in that case that it would be determined at that time what this crop is worth and pay the man for it.

Q. Well, how would you determine it?

A. Well you can estimate the yield.

Q. Sir?

A. The yield could be estimated by competent expert farmers.

Q. All right. When the yield is established then what?

A. Then take the market prices and it would be fair I should say to deduct the picking price from that market price.

Q. And the ginning price?

A. Yes.

Q. No other recommendations along that line?

A. Well now, Mr. Bryant, you are speaking as I understand you not about a noncotton growing zone but about the destruction—

Q. (Interrupting) Yes, of cotton. You said you had no idea upon what basis that they ought to be permitted to grow cotton and we are now talking about the man who has been permitted to grow cotton and at the time of maturity it is discovered to be infested, and destroyed by the State. You think then that we could take the average yield, the average market price, deduct the cost of ginning and the cost of picking and that would be a fair compensation?

A. At this present time I don't see any other thing to enter into it, excepting the damages resulting to the farmers that was not directly—

Q. I will ask you another question. Suppose this State passes a noncotton zone either for this year or next year, you think the citizens of your community would live up to that law or would they plant and attempt to raise cotton in violation of the law? In other words would the people respond to the law and its enforcement be easy or would it be difficult?

A. I think it would be very difficult, sir.

Q. Do you know the opinion and sentiment of the people in your zone on this question, have you discussed it with them?

A. Yes, sir, I have.

Q. Is it the concensus of opinion that they are going to grow cotton, noncotton zone or no noncotton zone?

A. Well now, there is a difference, you want to bear in mind that the citizenship of any community is not all of the same mind.

Q. Certainly, I understand that.

A. Now, we have some men, there might be some men that would go to considerable length and you would have a great number of men that would do everything they could that is right and proper to do. It is not a question of violence, Mr. Bryant, but

I think that we have had a good many concrete examples, for instance, down there, some of my neighbors have had their orange groves grubbed up and other neighbors have had their china trees grubbed up and other neighbors have had their cape jassamines grubbed up and others have had their grape fruit grubbed up and it is developed now that no such right was delegated to anybody and they are in a bad frame of mind from that standpoint and they have got some idea that probably this other thing will not hold water in court and they have come to the point of believing that property rights may be sacred yet in this country.

Mr. Raiden: Mr. Chairman, I would like to ask Mr. Nichols a question or two.

The Chair: All right.

Q. (Mr. Raiden) Mr. Nichols, in the event that the Legislature should quarantine against your country for this year and next year in a noncotton zone,—well, I want to ask a question but I have to make a statement. What I want, gentlemen, is this, for instance give a man one hundred acres of land in cultivation. Do you believe that there ought to be a limit on that one hundred acres that he would be allowed to plant in cotton, that is for this year, the next and the following in the event we put on a noncotton growing zone, do you believe that this law should provide that he could not plant over a certain per cent of that land in cotton, do you think that would be fair to all the people of Texas? Don't you think it would?

A. Well, Mr. Raiden, that would be in a sense a partial noncotton zone.

Q. No. Yes, a noncotton zone in the event the Legislature prohibited you from growing any cotton at all. In the event you had one hundred acres, you would not ask the State to pay you for that one hundred acres and set aside a part of that land to be grown in cotton and pay you for a part of that land? Do I make myself plain?

A. I believe I understand your point, Mr. Raiden, that you would make as good a bargain with me, for instance, as you can and that if I was growing one hundred acres of cotton this year—

Q. (Interrupting) No, 100 acres in cultivation, you have 100 acres of land in cultivation. Now, what per cent of that ought the State to reimburse you for depriving you of growing cotton?

A. Well, not many farmers grow all, plant all their land to cotton.

Q. Well, about what per cent do they grow in cotton?

A. Well, probably 75 per cent.

Q. 75 per cent, all right. Now, do you believe it would be fair if we passed this bill, I being a farmer, I don't know whether it would be constitutional or not, but in the event we would pass this bill to reimburse you for the land that you were prevented from growing cotton on, don't you believe you ought to grow food and feed crops on that land and sell it and the State really pay you the difference between what the feed and food crops you grow and the actual cotton that you would put in?

A. Mr. Raiden, you are getting as theoretical as some experts.

Q. It is practical all right.

A. Let's see, that sounds all right, but what am I going to do with 400 acres of land where every man that I have got leaves me and goes ten miles to where he can grow all the cotton he wants to grow, what am I going to do, and nothing to feed it too, for instance.

Q. That might knock out the growing of the feed and the food crop, but you still wouldn't ask to be reimbursed for the whole 400 acres of land?

A. Why, we would get into a considerable argument here. Why? What is the trouble with my 400 acres of land. It is a noncotton growing zone you are talking about and I believe that if the State of Texas gets it in their heads that they want to enjoy the leisure of a noncotton zone, that they should pay for it.

Q. No, it is for the purpose of keeping the entire State quarantined, from being quarantined against, prohibiting me from shipping my cotton out if I should happen to grow any?

A. In that event there should be no reason why I should not grow cotton because we have no laws pertaining to anything but the pink bollworm itself. We would not go into some man's opinion as to what he is going to do if we are going to put on a noncotton zone, it would not get far in the courts.

Q. I realize and am fully in sympathy and favor of reimbursing you for a certain per cent of your land in the event that they do put on a noncotton growing zone, that the State should reimburse you for a reasonable percentage of your land

if you are prohibited from growing cotton.

A. Mr. Raiden, I will answer that this way. I can't conceive of a noncotton growing zone, I have been so long away from that that I don't conceive of it, but just for argument, with a noncotton growing zone on, when this Legislature pays that country or any other part of Texas for a noncotton growing zone, every dollar that it can think of, that it can put in, it is then only the crumbs from your table, and when you go to dealing with the people, taking their rights away from them and also a people that have suffered the outrages that we have up to this present time and then you undertake to deal miserly with them, why you have got a bad situation. I would not want to go back down there. I believe I would write for my wife to meet me somewhere else.

Mr. Smith: Mr. Chairman.

The Chair: Mr. Smith.

Q. (By Mr. Smith) In the year 1918, what did you plant on this eighty acres of cotton that you had in 1917?

A. Beg pardon?

Q. In the year 1918, you didn't plant this eighty acres in cotton that you had previously planted in cotton, this particular eighty acres?

A. No, sir.

Q. I never did get what that was planted in the year 1918, that you didn't plant in cotton?

A. I planted part of that in cotton and the other part to peanuts.

Q. (By the Member) Corn?

A. Corn, yes, that was a noncotton growing year.

Q. (By Senator Dean) Mr. Nichols, how long have you owned and had that eighty acres in cultivation?

A. Well, this is a part of the home place that I purchased in 1911.

Q. How much cotton did you grow on it in 1914?

A. In '14?

Q. Yes, sir.

A. I haven't the records at hand. I made a very good crop that year, but if you recall, Senator, the war broke out at that time and cotton prices went down to about six cents and some of it even went below that.

Q. I am well aware of that fact?

A. And the expense of gathering it and all that, I did not gather nearly all the cotton.

Q. You did not gather it? What did you get from it in '15?

A. In '15, we had a storm that year and I don't believe I had but about forty acres in cotton and I gathered eleven bales.

Q. Sixteen?

The Chair: For your benefit, Senator, you were not in here, I will state that every one of those questions have been asked and are in the record, unless you desire to go over it again.

Senator Dean: No, sir.

The Chair: They have all been asked and are in the record, all have been brought out very clearly.

Witness: Mr. Chairman, may I make a statement?

The Chair: Yes, sir, you are at liberty to make a statement.

Witness: Now, gentlemen of the committee, you are talking about paying and some gentleman asked me about had I put in a claim in 1918. Now, I have not put in any claim and none of my neighbors have put in any claim or anybody in that noncotton growing zone, but as a question of equity and justice and right—the right thing, I think we have a legitimate claim and when you get to considering the question of paying, why, just give that a little bit of attention.

Senator Caldwell: Mr. Chairman, I would like to have the gentleman explain a little further there, just how much he thinks that he and his neighbors ought to be paid in dollars and cents, how much of a legitimate claim he thinks he has for not growing cotton in 1918?

The Chair: All right.

Witness: Personally, I think I lost $15,000.00.

Q. On how many acres?

A. Well, I would have had about 150 acres in cotton.

Q. Do you think it would be legitimate if a noncotton growing zone were established for you to ask that you be reimbursed at the rate of $100.00 an acre per year?

A. Well, I produced more money than that in 1917, and '18 was a better cotton year than 1917.

Q. Do you think it would be fair for any farmer in a noncotton zone, if one should be established by the legislature, to claim $100.00 an acre damages for being prohibited from planting cotton? Do you think that would be a fair or legitimate claim for any farmer to make, $100.00 an acre?

A. That would depend, Senator.

Q. Under any circumstances?

A. Yes, sir.

Q. The best condition that you can imagine for the growing of cotton in your country?

A. And the price.

Q. If a noncotton zone should be established, do you think it would be fair and right for any farmer in your community to ask for $100.00 an acre damages for one year?

A. Well, it would be a matter of record as to what they would have made.

Q. Do you know any farmer in your country that assesses his land for taxation at $100.00 an acre?

A. Oh, no.

Q. Do you think that it would be fair and right for any farmer in your country to ask the State of Texas to pay him for one year's damages more money than he swears to the tax assessor it is worth?

A. Yes, sir.

Mr. Raiden: Right there, Mr. Chairman, I want to ask a question.

The Chair: All right.

Q. (By Mr. Raiden) Mr. Nichols, don't you think in the event you were prevented by the legislature enacting a law that would prevent you from growing cotton that the way to fix a fair valuation for the land that you were prohibited from growing cotton on would be a reasonable interest on the cash price of that land for that year? You now, don't have to cultivate it, don't have to prepare the soil, you don't have to do anything.

A. That is my worse damage, Mr. Raiden, that I don't have to do it.

Q. Why, I would be glad to be relieved of working it.

A. And let your farm lie out?

Mr. Raiden: One other question, Mr. Chairman, I want to bring out in regard to that.

The Chair: All right, Mr. Raiden.

Q. (By Mr. Raiden) Mr. Nichols do you ever rent any of your land for money rent?

A. No, sir.

Q. None in the community rents for money rent?

A. None that I know of.

Q. (By Senator Dean) Didn't you ignore entirely the cost of production of the cotton in your estimate of what the damage would be?

A. Well, in the statement I made about that I was probably damaged $15,000.00?

Q. Yes, sir.

A. No, I don't think so.

Q. Hasn't it been figured out that it cost about thirty to thirty-five cents a pound to make the cotton crop that year and had you figured that cost in would you have been damaged more than five or ten dollars an acre?

A. It would not have cost me thirty or thirty-five cents to raise my cotton. I can sight the previous figures on the eighty acres as a standard.

Q. (By Senator Caldwell) Do you know of any land anywhere in your country renting for money rent?

A. I don't believe I do, Senator.

Q. Do you know of anybody that owns land in what is called the "Iowa Colony" that don't live in Texas, that still lives back in Iowa, has not moved down here and settled on that land?

A. Well, I could not give you right offhand any details—

Q. (Interrupting) Now, I don't know whether this is the fact or not, but I am going to ask you whether it is or is not a fact. State whether or not it is a fact that a man can go down in your country and within a radius of sixty miles from your home rent all the land that he can get the labor to work for less than $3.00 an acre a year?

A. That is probably true. A farm like that could be found.

Q. If he can find land that is subject to cultivation?

A. Yes, sir.

Q. And rent all that he can get the labor and mule power to work for less than $3.00 per year in money rent?

A. Yes, sir.

Q. That is a fact, isn't it?

A. Yes, sir.

Q. (By Mr. Moon) Isn't it a fact that this condition of this wide range is due to the regulated zone and the probability of a noncotton zone?

A. I should think so, Mr. Moon, because we had a great many people coming in at that time and since this agitation has started, we have had a great many people leave.

Q. (By Senator Caldwell) In view of that question and the answer of the witness I would like to ask him this question: Hasn't that condition been true ever since 1911 and ever since you have been in that territory? That you could rent all the land that you could find the labor and other conditions to cultivate for less than $3.00 an acre, and wasn't that condition true for years before you ever heard of the pink bollworm?

A. I think you could have found such farms.

Q. Yes, sir.

A. That could have been rented for that.

Q. Before the pink bollworm had been heard of and since then, and

you still can rent it for that rent? (No answer.)

Q. (By Mr. Moon) And during that time, Mr. Nichols, cotton prices ranged from six to fourteen and sixteen and twenty cents?

A. Yes, sir.

Q. (By Mr. ——) Mr. Nichols, I am holding myself as nearly as I can in the position of a juror in this thing. And I believe the committee is doing that. I want to ask two or three questions. You stated awhile ago that you got $12,000.00 gross for your 1917 cotton crop of 75 bales?

A. About that figure.

Q. About that and you had eighty acres?

A. Yes, sir.

Q. How much is that an acre gross that you get off of that cotton?

A. That would be $133.00 per acres.

Q. Well, that into $12,000.00 would be $150.00?

A. Yes, $150.00.

Q. Now, you stated a little further along that it cost you $40.00 an acre to make and gather that crop and market it?

A. It cost me about $3,300.00. Now, figure it out, that would be about $40.00.

Q. Yes, about $40.00, now that $40.00 deducted from $150.00 would leave you about $110.00 net that you got off of that cotton, wouldn't it?

A. Yes, sir.

Mr. Moon: Mr. Chairman, I would like to ask the witness one more question in regard to the tax proposition.

The Chair: All right, Mr. Moon.

Q. (By Mr. Moon) The fact was brought out awhile ago in connection with the tax on land, on your land, you people render your taxes down there from the standpoint of sales value or the standpoint of production?

A. We render our land like the average Texan renders it.

Q. For what it is worth?

A. For what the tax assessor takes it at.

Q. Now, the question, Mr. Chairman, that I wanted to get at was this: the point was made a moment ago that men ought not to accept, people in that noncotton zone ought not to accept more from the standpoint of rent for their land than they rendered it on the tax roll.

The Chair: That is all right.

Mr. Moon: That was the drift that I got a moment ago.

Q. I want to ask the witness if the values of your land has not been greatly reduced by the regulated zone and would be reduced to a greater extent from a noncotton zone?

A. It certainly would?

Judge Jessup: Mr. Nichols, I want to ask you a question.

Q. (By Judge Jessup) With the school house bonds, the road bonds, the drainage bonds, your mortgages to the Federal Farm Loan Bank and other mortgages against the farms and land in your community, is it not a fact that a noncotton growing zone would amount in substance to the confiscation of your property and your home and mean actual bankruptcy to many of you?

A. I feel that it would, yes, sir.

Mr. King: Mr. Nichols, I would like to ask you a question.

The Chair: Judge King.

Q. (By Mr. King) Isn't that country down there good for raising something else than cotton?

A. Well, there are a few other things grown there, but not on any extensive scale.

Q. Wouldn't you think it is your duty, that if you are forbidden to raise cotton to go to raising the next best thing and the damage would be the difference between what you would get for cotton and corn or whatever you could make?

A. Well, that might be expensive to the state if they would undertake to pay us the difference between what we might raise and the things suggested that way, because in many instances it would be a net loss.

Q. It would be a net loss to raise anything else then, the country isn't good for anything but cotton?

A. I say in many instances.

Q. Well, just state to the committee what your country is good for, corn, cotton, wheat, and oats, lamb or mutton, or anything else?

A. Well, a man can raise some sheep down there, and he can raise some cattle.

A Member: A point of order, Mr. Chairman:

The Chair: What is the point of order?

A Member: The point of order is this. He has already gone over that and it is in the record.

Mr. King: Well, if he has gone over that, it will be in the journal.

Senator Caldwell: I would like to ask the Chairman for a piece of information. Under the present bollworm law we have a provision for the filing and preserving of claims for damages and my understanding is quite a number of those have been filed either in the Comptroller's office or in the Treasurer's office and I would like to ask somebody that has got the information—that is getting the information for this committee, if they can get us what claims are on file there now for damages which have been done, claims filed under the present law and which we will be expected to make an appropriation for.

The Chair: I believe I can state, in the Governor's message that that was included in the Governor's message, something like $40,000.00.

Mr. Pickett: The Governor's message referred to it as $32,000.00.

Senator Caldwell: Was the details of that shown?

Mr. Pickett: No, not in the Governor's message.

Senator Caldwell: What I wanted to know is the basis on which those damages were arrived at.

Mr. Bryant: The Secretary of Agriculture has it and will bring it in.

The Chair: Now I don't know, several here and some of the Committee possibly don't catch the import of a number of questions permitted to be asked here and what might be considered a wide range investigation, but these questions are very important that have been recently asked because we are instructed here in these resolutions of procedure that "the citizens of the alleged infested areas and of the sections of the State contiguous to the alleged infested areas be and they are hereby requested to present their evidence and that also be requested to submit their recommendations as to the methods and legislative action by which the situation should be met and the probable cost thereof." So the Committee has to make a report to the House and Senate upon these questions and these are very important questions to bring out. Now we are ready for the next witness.

Mr. Pickett: We next have an itemized statement sworn to by one of the sergeants evidently familiar with the fact showing where each shipment of cotton seed from the Blue Ridge Farm in 1918 was sent to. I will not trouble to tire the committee at this time, and offer the record to speak for itself and only state generally that they went to various Texas points, some of them as far north as Dallas and as far west as Ballinger and briefly, I will not let this first moment pass to say that I am sure our people are especially appreciative of the range which this examination has taken. Personally we had a timidity of going that far with the testimony as we did not know whether it would fall on the Committee as improper.

The Chair: I suppose it has been gone over with the attorney, there would be only one question in my mind about the admission of that and that would be it was supposed to have some bearing on the place of infestation. You have never established the fact that there was any infestation at the Blue Ridge Farm.

Mr. Pickett: Yes, but we established the fact that the seed from the Blue Ridge Farm infested a place in the quarantine zone and that this Smith farm in 1919 was planted from seed bought from the Blue Ridge Farm, and had not been planted for how many years before, Mr. Nichols?

Mr. Nichols: Well, it was an old farm.

Mr. Pickett: Well, approximately and briefly about how many years before was it since cotton was there?

Mr. Nichols: Well, probably ten years or twenty years.

The Chair: That is material if it was agreed to by the Attorney General. I don't question it.

Mr. Bryant: I don't think it proves or disproves a thing on earth. If he wants to put it in, let it go in.

The Chair: All right.

R. H. Benson, called as a witness by the Farmers' Committee, was sworn and testified as follows:

Direct Examination.

Questions by Mr. Brady:

Q. Will you give your name to the Committee?

A. R H. Benson.

Q. Where do you live, Mr. Benson?

A. Dickenson.

Q. How long have you lived at Dickenson?

A. Thirty-five years.

Q. Now, have you had any experience since living in Dickenson in the raising of cotton, Mr. Benson?

A. Yes, sir, I raise cotton, well, we raised some cotton back in 1910, a little. We had some negroes just raising on shares, my mother did, shortly after my father died, and then for a number of years we did not raise any until 1917, when I planted about 35 acres.

Q. About 35 acres?

A. Yes.

Q. What was your yield off of the 35 acres?

A. I ginned twenty-two and a half bales and one or two of those weighed 600 pounds, large bales.

Q. Now, was an investigation made of your field in 1917 by the Department?

A. Not that I know of. I understood it was reported that they had gone in my fields and found a pink bollworm and I went to those scouts and asked them and they denied it, they said they did not find any?

Q. Well, was any action taken by the Department with reference to the finding of that worm?

A. They put a quarantine on us.

Q. You were included in that quarantine?

A. Yes, sir.

Q. Were you there around your place or premises when any investigation was made of your farm?

A. No, sir, my farm was about a mile and a half from where I lived, east of town, and I had some men on the farm, I didn't live there.

Q. About when in 1917 was this investigation made?

A. I think it was along in January of 1918.

Q. Your crop had all been gathered then?

A. Oh, yes, I finished gathering my crop in October.

Q. When was you notified that a pink bollworm had been found in your field?

A. Well, about the time they found it it was just talked around the neighborhood that they had found one in my field and I went to the scouts, they were stopping over at Koehler's, boarding there, and I went to them and asked them and they said no they had not.

Q. Did you receive any official notice of any character about the finding of the worm in your field?

A. No, sir.

Q. Did you ever discuss with anyone else in the Department, besides the scouts, this finding of the worm?

A. No, I never did see anybody else, never saw anybody there but the scouts.

Q. Did you see any worm yourself that was alleged to have been found in your field?

A. No, sir.

Q. You were not present when any investigation was made?

A. No, sir. Before I heard they found that worm down in my field, I was in the depot that night and one of those scouts was in there and they were talking about a worm and he reached into his pocket and pulled out a botle and said, "Here's a pink bollworm," had it in a bottle of alcohol, he didn't say he found it in that neighborhood, he was just carrying it as a sample and from the way he talked I think he brought that worm there with him.

Q. How far is your place from town?

A. About a mile and a half, the farm I was working that year. I am living about the same distance now, but in a different place.

Q. Well, within a radius of about five miles of Dickenson about how many farms were there in cotton in 1917?

A. Oh, mighty near everybody, mighty near every farm had some cotton. Nearly everyone that I know of. I don't recall a farm that did not have cotton.

Q. Are you generally familiar with the average fields of the farms around in that vicinity?

A. Yes, sir.

Q. What do you think in your opinion those farms yielded that year around Dickenson?

A. Some of them made as much as a bale and a quarter an acre around Dickenson and these Italians have small farms anywhere from five to fifteen acres and they had been raising truck and strawberries until it got to where it was not worth anything, they could not sell the stuff, the strawberries were not worth anything, it got so there in the summer it was dry they couldn't get the plants and replant them and I have known of instances where they made a bale and a quarter to an acre.

Q. That land around Dickenson had that ever been extensively cultivated in cotton prior to that time?

A. Oh, there has always been some cotton planted there, but—

Q. The people as a whole around Dickinson, what have they had the most experience in?

A. Well, the most farming that was done there was trucking, the Italians raised vegetables and truck and strawberries and the people that had a little stock raised corn as much as they could without fertilizing and just feed stuff, that was about all. Some few of them raised a little cotton along when cotton was cheap, didn't pay much for it, until about 1917, when cotton went up. I got thirty cents for mine in 1917.

Q. About what part of 1917 did you have your crop all gathered?

A. About October.

Q. About October?

A. The latter part of October.

Q. And your field you say was investigated around the first part of January, 1918?

A. I think it was the first part of January or either December. I think it was the first part of January.

Q. What was the condition of your field at the time it was investigated, that is with reference to whether the stalks were standing or whether the fields were clean?

A. The stalks were all standing.

Q. All standing?

A. Yes, sir.

Q. Then in the year 1918, you raised no cotton?

A. No, I went that far, after I had raised a good crop of cotton, and saw what I could do, I went and bought 146 acres of land at $87.50 an acre and hired a man who had a tractor to plough it up for me, spent considerable money on it, bought my seed, sent off for my seeds, had my seeds and everything ready to plant and they put the quarantine on and I fed my seed up, give some away, one of the neighbors wanted to plant anyway and I let him have my seed and the rest of them I fed up, I did not plant any in 1918 only just some corn and a few sweet potatoes.

Q. Were there any pink bollworms on any farms in that immediate vicinity of your farm in 1918?

A. Well, they alleged they found one in a man's place, an Italian named Tamborella, that was the one nearest to me, three miles.

Q. You know Mr. Tamborella yourself?

A. I know a number of them but I have never been able to find out which one it is. There is, I think, three or four Tamborella families and I don't know which one it is.

Q. How many worms did they find in his field, if you know?

A. I think it was one.

Q. How many worms were found in the immediate vicinity of Dickinson, say within a radius of five miles?

A. Those two are the only ones I heard of.

Q. The one which they found and then later the nine they found and then the one they found in the Tamborella field?

A. Those are the only two I know of.

Q. When did you first learn or know that you were not permitted to plant cotton in 1918?

A. I couldn't say just when.

Q. About when?

A. I know I was already Monday morning to plant cotton.

Q. I don't remember whether they put the quarantine on previous to that or whether I decided just the Sunday before that not to plant it. A good many of them were going to plant and defy them about the quarantine.

Q. What character of notice did you get that you would not be permitted to plant any?

A. None, except that I just saw in the paper that there was a quarantine put on.

Q. Never officially notified in any way?

A. No, sir.

Q. Did you ever participate in any meeting or determine in any way whether any cotton field, either your field or any other cotton field was infested with the pink bollworm?

A. No, sir.

Q. Never called upon by the state department to testify or give any information at all?

A. No, sir.

Q. Where did you get your seed from that you planted in 1917?

A. They come from Bryan.

Q. From Bryan, Texas?

A. Yes, sir.

Q. Was there a bulk shipment or did you get yours yourself?

A. No, there was a bulk shipment. A neighbor of mine, his name is John Jongo, an Italian, he has some relatives in Bryan, and he got his seed through him and divided these seed with me. He told me he was going to get them and I told him to get

enough for me and he divided the seed with me.

Q. You know as a matter of fact, do you not, that Bryan is close, I believe, to Hearne, Texas, is it not?

A. I don't know. I don't know where Hearne is. I have been to Bryan and know where Bryan is, but I don't know where Hearne is. I have not looked it up on the map.

Q. You do know at least from hearsay or otherwise that worms were alleged to have been found at Hearne?

A. Yes, I read that in the paper.

Q. Have you any or can you give an idea, just approximate it yourself, of the amount of cotton that was raised in the Dickenson community, the number of bales, the number of patches, I mean in 1917?

A. No, I could not. There was a lot of cotton raised there that year.

Q. Where did you gin your cotton?

A. I ginned part of it at Alvin and part in Galveston. Well, I think I ginned it all at Galveston except maybe four bales or something like that I took to Alvin.

Q. There is no gin in the county at all except the one at Galveston?

A. That is the only one.

Q. What was the acreage you had around Dickenson in cotton in the year 1917, if you can approximate it?

A. I could not do it.

Q. Well, was cotton grown extensively that year or not?

A. Yes, there was more cotton that year. I will say two or three times as much as any other crop.

Q. As any other crop?

A. As any other crop, yes.

Q. Was the cotton in small farms or small patches or was there any large fields of cotton?

A. Well, the Italians all had small patches, from five to fifteen acres, and the American farmers, myself and Farmer and Mr. Rhodes and Judge Strong, and a number of them, some of them had as much as fifty, fifty acres.

Q. Mr. Farmer lives between Dickinson and LaMarque, about four miles from Dickenson?

A. Yes, sir.

Q. How much cotton did you have in?

A. I think about fifty acres maybe.

Q. You know anything about how many bales he made?

A. No, I don't. I heard he made something like thirty bales, but I don't know.

Q. Do you know about how much he had in cultivation that year?

A. He had about ninety acres.

Q. About ninety acres. How many scouts, if you know, did they have working in the Dickenson community in the fall of 1917 and January, 1918?

A. I don't know. There was about two or three cars full. They would go out in the morning about nine o'clock and they would come in about four in the evening. There were two or three cars of them.

Q. Did they investigate all the fields in cotton around Dickinson?

A. I don't think so. They had not been doing it. They never did it this year. This year there was three bales of cotton within a half a mile of me. When they come to clean up mine, I asked them if they had cleaned this up. They said no, and I asked them if they were going to and they said it wasn't enough to fool with.

Q. They did clean yours up, did they?

A. Yes, they cleaned mine.

Q. When did they clean yours up?

A. It was in the fall, sometime the latter part of the year.

Q. Before they found the worm?

A. You mean in 1917?

Q. Yes.

A. No, I only had that farm rented and after I had made a good crop of cotton I bought the other farm and I abandoned that field and I guess it was somewhere along in February before they cleaned that up

Q. They did clean that up?

A. Yes, sir.

Q. You were not living on the place when they did clean it up?

A. No.

Q. You had no conversation about the worm that is alleged to have been found?

A. No, when they cleaned it up there was no head man at all, they had a bunch of Italians and put an Italian foreman over them, and they come down once a week and paid them off.

Q. Just describe to the committee the general methods employed by the department in cleaning those fields, did they employ local men in that?

A. Yes, sir, they paid negro women three dollars a day and men four dollars. They were supposed to work eight hours. They paid as much as ten dollars a day and hauled them out to the field and back. They took them out and turned them loose. I know on my farm and two or three of my neighbors that nobody ever come and those fellows said they were through and left, nobody ever come with any authority—

Q. (Interrupting) The work was left entirely to someone of the local employees?

A. Last fall, I planted fifty acres of cotton. I planted more than that but it kept getting drowned out and I replanted it two or three times and some of it never did work out and what I did work out along in the summer, it kept dry and the worms took it.

Q. What worms do you mean?

A. The Army worms and I could not poison it because the showers would wash it off as fast as I put it on. I had very little cotton to save. I never did pick any at all. There were about thirty men and they started and I venture to say any two men could have cleaned it up in two days.

Q. Were all the fields cleaned up around the Dickinson community last year?

A. They cleaned up all that I know of except two or three patches within a half of mile of me. One had about five acres and another one about two. Well, I think both of those had about two acres. And they said it wasn't enough to fool with.

Q. Was an investigation of your field made last year?

A. No, sir. No, there never was a man come on my place last year.

Q. Was any worms alleged to have been found in your community last year?

A. None that I heard of. If there was I haven't heard of it.

Q. Have you any idea of the acreage in cotton last year around that community?

A. I would say that something like fifteen hundred acres in our community last year.

Q. Now, I believe you said you had lived there a number of years?

A. I was born and raised in Dickinson.

Q. Well, I wish you would just describe to the committee in your own way—I might state to the committee that Mr. Benson lives in a portion of Galveston County that I know is in the center of a district which has had a great deal of expericence with various kinds of plants, that is, as described by one of the witnesses awhile ago, cape jassamines and oranges and various things of that character which they have either had destroyed on them or found to be unsuccessful in the raising of them and I believe he would be able to give us useful information about whether or not the cotton crop around that particular community was a crop of any importance to the people of that County. Now, just describe in your own way, Mr. Benson, the experience had by the people around that community with reference to the various kinds of crops or fruit that they tried to raise?

A. Several years ago, I don't remember the exact date, they came in there and told us that we had some disease on our cape jassamines and we would have to chop them up. My mother is a great lover of flowers and she always had a number of flowers and she had some cape jassamine trees, seven or eight feet high, and they come there and chopped them down and it liked to have broke her heart. They did not stop at that. In a little while they come around, we had some orange trees, we had some satsuma oranges, then we had some old-fashioned sweet oranges that had been there ever since I can remember, we have owned and lived on the place possibly twenty-nine years and ever since I can remember that tree has been there, they chopped it down. They went all over the country and did the same thing. They went down to San Leon and our Congressman, that is, not our Congressman either, but the Congressman from Harris County, Mr. Eagle, I did considerable work for him, I have some teams and I ploughed and prepared a lot of land at San Leon and set in there an orange grove and spent considerable money setting out those orange trees and I saw them do it, they went down there and chopped those down, Mr. Bob Harwood of Arcadia, used to live there. They went all over the country. I had an uncle that had a beautiful orchard of satsuma oranges. They chopped those down. Now, they tell us they see now they made a mistake, that they could have sprayed those trees and saved them without chopping them down. About the bollworm, we don't believe we have got any bollworm. When they went in a man's field and

said they found it, they never called him in and showed it to him. They have not taken us into their confidence. I don't think there is a man in that place thinks there is any such thing as a bollworm there, with all due respect to Dr. Hunter and the rest of them.

Q. Now Mr. Benson, there has been some question about the adaptability of that country for the raising of cotton. I wish you would just state to the Committee what in your opinion is the belief in your community as to whether it can successfully raise cotton or not?

A. We claim that we can raise a bale of cotton to the acre with a fair season. We have got a heavy black land and if we get the right season we can do that. Of course, if it is too dry and we can't get our cotton up and get a stand,—but if we get our cotton up and get a stand and it is not drowned out by rain, we can raise a bale of cotton to the acre.

Q. Then do they feel that they would be subject to any financial loss if they are prohibited from growing cotton there?

A. Why, you could not sell an acre of land there now to save your neck.

Q. What is the reason?

A. If they put a noncotton zone on that country, land values won't be worth anything.

Q. How long have you been acquainted with this pink bollworm situation, since 1917?

A. 1917 was when they first started on it.

Q. Now, I wish you would just state generally whether you have any knowledge or not of any farmers in your community having been called in to aid in the investigations or called when the investigation has been concluded to view any worms that may have been found?

A. No, sir, there isn't a man in Galveston County that saw one of those worms except the ones that they carried around in a bottle.

Q. Did you ever notice any on your crop, Mr. Benson?

A. No, sir.

Q. What was the army worm that you spoke of awhile ago?

A. Oh, it is a kind of a caterpillar. He just eats the leaf. We only have those in the wet years, rainy years. In a dry year we don't have them at all. Last year was the first year I had seen them in a number of years.

Q. You are not troubled with them to any extent?

A. No, it is just a real wet year.

Q. Well now, in the event a noncotton zone were declared for that particular portion of the country, what damage in your estimation would be done to the country?

A. Well, I think that the people would just have to leave there. They made nothing last year. It rained last year and the people are in bad circumstances, if they put the noncotton zone on, they will have to go off to work, most all of them last winter had to go to Galveston to work on the docks or wharves or wherever they could get a job.

Q. Abandoned their farms?

A. Yes.

Q. What has been their experience in raising truck?

A. Well, it has gotten to where you can't sell it, no market for that. You can raise a few beans and get a little something for it, but if you have got it you can't sell it, that is the reason we quit raising it. We have only the market at Galveston and Houston and you can take a half a dozen wagon loads up there and flood the market or we can raise a little corn, which we all do, we have all got corn. I am planting thirty acres now. If you fertilize the land you can make about twenty-five or thirty bushels to the acre in a good season but we usually figure about twenty. But we have got no market for that. You can't sell it, just got to feed it to your stock. Peanuts, if you have got a sandy piece of land you can raise peanuts, twenty-five or thirty bushels of them to the acre, but if it turns off in the fall rainy then you cannot gather them, you cannot cure them. You have to have just a certain season for curing them. It is not a good crop. If you have the right fall and have sandy land you can raise them but if you have black land you can't raise them, it won't turn them loose, the dirt won't come off.

Q. About what year did the people around there start to raising cotton to any extent at all?

A. I think it was 1916 that they started. There had always been a little raised, just a few acres here and there maybe, or enough to make them a bale, make them a little cash money, but in 1916 when the price of cotton began to go up, they started to raising it. They knew they could raise it, but cotton was so cheap they did not want to fool with it.

Q. Was there then and is there now

a great amount of prairie land uncultivated throughout that country?

A. Lots of it, thousands of acres of it.

Q. Was there or was there not a tendency after cotton was beginning to be raised and they found it could be raised successfully after 1916, a tendency to cultivate these prairie lands?

A. Yes, sir. It was leased and bought. That I bought I paid $87.50 an acre for it. Raw land, in a raw prairie and I had to plough it up and fence it and improve it and I could not get $50.00 for it now improved if there was a noncotton zone put on.

Q. Do you know a man by the name of Mr. Hill who moved into that community?

A. Yes, sir. Mr. Hill and Mr. Knight, they are putting in something like a thousand acres. They own or represent several thousand acres of land. They are about three miles from me and they have put in about 1000 acres of cotton, 800 or 1000 acres. They came there from Texas last fall.

Q. Do you know a man by the name of Mr. Gill in League City?

A. Gill, yes, sir.

Q. Did he ever farm or did he ever raise oranges around League City?

A. He had one of the prettiest orange orchards that a man ever laid his eyes on.

Q. What became of his orchard, Mr. Benson?

A. I couldn't say. I suppose it was chopped down. It is gone. I don't know what become of it. He lives about five miles from me and I noticed in passing his place on the Interurban, it sets off a little ways, well, it comes up to the Interurban, his orchard is back about possibly three hundred yards from the Interurban and his orchard is gone. I don't know what become of it, I suppose it was chopped down.

Q. The question has been asked another witness and you might answer it since you come from a different community. What do you think is the opinion of the people down there around Dickinson with reference to this pink bollworm question, the citizenship of that place?

A. They don't believe there is any. They have not been shown. I guess I know about as much about it as any of them and I never saw any, only the one in the bottle and they never have, when they went in the fields, they never did show one to anybody that they found and they don't believe there is any there. Now, there's some men there that are a good deal older than I am, been raising cotton for years. I've got an Uncle that I guess is 75 years old. He says that the worm that they are talking about has been there ever since he can remember. There's an old negro there that is about the same age, that I don't think there ever was a year that he hasn't had cotton in the last fifteen years anyway, that I can remember, and he says that some worm has been there ever since he can remember.

Q. Mr. Benson, you have said in speaking about the discussion of various crops, at various times, of various kinds down in that community, you say they have destroyed them. Who do you mean by "they?"

A. The Government, I suppose; men who claim they work for the Federal Government.

Q. The Federal Government?

A. Or it might have been the State. The oranges and cape jassamines were destroyed by Bob Harwood. Last year he moved to Arizona. I don't know whether he worked for the State or for the Federal Government, but my understanding is he worked for the Federal Government.

Q. In 1918, you were told that the law prohibited you from raising cotton?

A. Yes, sir, I bought 146 acres of land, paid $87.50 an acre for the raw land unimproved, I ploughed it up and fenced it, bought my seed and was ready to plant cotton and I did not plant it. I just turned in and planted my corn and peanuts and got out of it just the best way I could.

Q. Now, in 1917, you said you made 22 bales of cotton, wasn't it?

A. Twenty-two and a half.

Q. Off of how many acres?

A. Between thirty and thirty-five, I would not be sure which.

Q. What was your net profit off of that cotton that year?

A. I never figured it.

Q. Have you any idea?

A. Well, no I have not.

Q. Have you any idea of the difference between the profit—

A. It cost me $1.25 to have it picked. It cost me hardly anything, I own my own team and I paid $1.25 a day for labor and they boarded themselves and it cost me practically nothing to make it except the picking and the ginning. The raising of the

cotton did not cost me hardly anything.

Q. Well, have you any idea about the difference between the profit made off of the cotton crop in 1917 and in the profits you made off of the other crop in 1918?

A. Oh, there's all the difference in the world. Peanuts, the only thing I could get out of them was to let the hogs eat them and we did not raise hogs down there and if you go and buy a hog you would have to pay as much for him as he is worth and after you fatten him you have got to sell him for about the same money.

Q. Now, what in your opinion is the state of mind of those people down there about whether or not they are going to raise cotton any more or what they are going to do, what they think about it?

A. Well, those that own their own farms are going to raise cotton unless they put them in jail. A number of them told me, I heard them say they are going to raise cotton or go to jail. They don't think they have had a square deal. They told us here in January that we could go ahead and plant cotton and I have got 115 or 120 acres, that is beginning to grow—well, I am not going to chop it down until I am paid for it. They told us to go ahead and plant cotton. Now, they say we must chop it down and I don't know what to do. I have gone to considerable expense to plant it.

Q. That is the early part of 1920, they told you you could raise cotton?

A. Yes, sir, they told us in January that we could raise cotton this year, to go ahead and plant it and we did it. Now, they tell us we have got to chop it down and if we do, it will ruin all of us.

Cross Examinations.

Questions by Mr. Bryant:

Q. What are you going to do if they pass a law requiring you to chop that cotton down and providing to pay you for it?

A. If they pay me for it, if I can't resort to the courts, I will let them chop it down, but if there is any recourse, why, I am going to take advantage of it.

Q. Well, what do you think they ought to pay you if they chop that cotton down, what do you think they ought to pay for it?

A. Right now, I could not say. I have got a good prospect. I have got a prospect now to make a bale to the acre. Whether the conditions will turn out, if the seasons hold, I will make that; if they don't, I can't tell.

Q. If they are going to chop it down now, you say you wouldn't let them chop it down if they don't pay you for it?

A. Well, they would have to arrive at it some way, I don't know, I am not offering a solution.

Q. Your neighbors down there, if I understand you correctly, are not going to obey the law if one is passed prohibiting them from growing cotton on that island or in your community?

A. Not unless they compensate them, they are not. I am willing for them to do this, take the average of cotton that has been raised in the Dickenson and my locality in the past, well say, 1916 or 1917, since they have been raising there and average it that way and I think this year, I can beat that, I can make a bale of cotton to the acre with the start we have got now.

Q. How are you going to arrive at that average?

A. I think you can go to the gin and find out how much cotton each man ginned and get at it that way.

Q. How are you going to arrive at how much they raised per acre.

A. That would be a little hard, you would just have to take their word for it.

Q. About how many acres of cotton was planted there in your neighborhood?

A. This year?

Q. Well, this year, yes.

A. Last year I would say something like 1,500 and this year there is at least 2,000 right in Dickenson.

Q. If I understand you correctly, the principal cost is the picking and ginning, it don't cost very much to raise cotton if I understand you correctly?

A. Well, other than preparing the ground, but this year the picking is going to be the biggest cost I imagine.

Q. You stated awhile ago that the scouts came down there and you asked them if they found any worms in your field and they said no. Who were those scouts?

A. I don't know.

Q. You don't know their names, you don't know where they were working, whether for the State Department of Agriculture—

A. I understand they were. I asked them who they were. I had seen them pass there, they had been pointed out to me as scouts and I knew they stayed in Koehler's and Koehler's place is right across where I ran a dairy. I am in the dairy business. I am right across the road. I went to them and asked them if they had found a worm and they said no.

Q. You have been growing cotton you say since 1910?

A. My mother and I when I was a kid raised a little. In 1917, was the first cotton I planted for myself.

Q. You grew cotton in '17, '18 and '19?

A. Not in '18. I did not plant a stalk of cotton in 1918.

Q. Do you know anything about what the average production was or has been for the last four or five years?

A. In 1918 they made a bale to the acre. There was a group of Italians in Dickenson. All the Americans there, when they put on the quarantine, they assured us that we had the pink bollworm and they led us to believe that and we were willing to cooperate with them and all the Americans chopped down their cotton, even after they had planted it. I had not planted but a brother that had planted, ploughed it up. Some Italians ploughed it up too, some that we could influence but some did not, some of them that did not made as much as a bale to the acre, some a bale and a quarter.

Q. In 1919?

A. Last year I don't suppose there was five bales of cotton made in Dickenson and there was possibly, I guess, 12 or 1500 acres planted.

Q. That is the principal crop, I presume?

A. The principal crop, yes, sir.

Q. And no other crop does well except cotton?

A. We can raise a little corn and a few sweet potatoes, something that you can eat or feed the stock but nothing that you can sell.

Q. Well, what did they raise before they started to raising cotton?

A. As I told you, they raised truck and it got to where you couldn't sell it; they raise strawberries they used to raise strawberries, I've seen the time that every evening there would be three cars of strawberries shipped out of Dickenson but it got so dry that the berries would all die in the summer and they could not get plants to replant them and they quit raising those. Then they couldn't raise the truck and I venture to say in the last five years there has been seventy-five families left Dickenson and those that stayed there, stayed because they were beginning to raise cotton. They were starving to death. They bought the land on time from Mr. Joseph Lobit and a number of those places have gone back. They never have been able to finish paying for them.

Q. You don't believe the pink bollworm exists on the island or in Galveston County?

A. No, sir, I don't.

Q. Well then, you haven't any opinion then as to the best way to regulate the worm because it does not exist?

A. No, sir, that is by me.

Q. You have no fixed idea as to what would be a just and fair basis for compensation to the farmers if they are not permitted to grow cotton?

A. I know that I can clear $100.00 an acre on cotton, if I have a good season.

Q. One year and another?

A. Well, I would not say one year and another, no, but I say that if we have a good season—any year that we have a good season.

Q. Oh, yes, most any section of this State will make a bale of cotton to the acre if they have the proper season and no bollworms?

A. The only thing that hurts us down there, it never gets too dry, we have a flat land and it is good, the only thing that keeps us from making a good crop is the rain. Dry weather don't hurt us at all. We have enough rain in the winter, if we can get our ground ploughed in the winter, we can make a crop without any rain.

Q. Do you know what the average rainfall is in Galveston County?

A. No, I don't know, about two or three feet, I think last year.

Q. Is that all the cotton there is grown in Galveston, is that grown around Dickenson?

A. No, I am just speaking for Dickenson. They raise cotton at

League City, quite a lot of it, Friendswood. I don't think there is any raised at Alcoma, but quite a lot at Hitchcock, LaMarque and San Leon.

Q. Are all those places now in the zone?

A. Yes.

Q. What years, for the benefit of the Department of Agriculture, when was it you say the State or the Federal agents, you think the Federal agents, required you to dig up the cape jassamines?

A. I couldn't say, it has been somewheres, oh, it might have been eight or ten years ago, it has been several years.

Q. And when did they have you dig up the orange trees?

A. Well, they have been doing that right along, till they started this cotton business, every year. They will go out and dig them up, cut the tops off of them and next year they will come out and cut them, never cut them out by the roots, they cut the trifolatta, then the nursery men brought the Satsuma. They cut that off to the ground, of course, they cut the Satsuma orange, but that trifolatta, it has an awful root on it, they come around every year and cut that off and there is still some left, there is a lot of that trifolatta there now, unbothered.

Senator Caldwell: Mr. Chairman.

The Chair: Senator Caldwell.

Q. (By Senator Caldwell) Mr. Benson, you say there is an old negro down there and a white man down there that says this worm has been there for fifteen years?

A. They say they have seen a worm in cotton ever since they can remember.

Q. How do you know that that is the worm called the pink bollworm?

A. I would not say it is the same worm.

Q. You said awhile ago on direct examination that these two residents said that this worm that those experts called the bollworm had been there for fifteen years. Now, what I want to know is how do you know that is the worm these experts have been talking about?

A. They just think so I reckon. This old negro came up there about twenty years ago from Grimes County, he used to farm up there and he has been there for sixteen or twenty years and he says there has always been a worm in cotton in the boll. You will find him in the fall in the boll. He says that is the same worm that he has seen in cotton ever since he can remember, ever since he has been raising cotton and he told them that.

Q. Now, about this crop that you raised there in 1917, I believe?

A. Yes, sir.

Q. On thirty or thirty-five acres you made twenty-two and a half bales of cotton?

A. Yes, sir.

Q. Well, what had you planted that land in in previous years?

A. I had not planted it.

Q. Was it raw land?

A. No, it was just old land, that I just rented. It was an old field that I don't suppose had been planted for years.

Q. Well, what did the fellow rent it for if he didn't plant it?

A. When I was a boy an old fellow used to rent it, I think he had some corn there.

Q. Had it been idle then for several years before you made that crop on it?

A. Yes, sir, it had been idle, laying out. I just rented it. I was doing certain work for the county and I finished the work I was on and I had the teams and had nothing for them to do and I went to planting cotton just for that purpose.

Q. You know whether any fertilizer had ever been used on that land before?

A. Not a bit. I can answer to that.

Q. Do you know that no fertilizer of any kind had ever been put on that land before?

A. I am positive of that.

Q. Now, in 1919, did you ever plant any cotton on that 35 acres?

A. I only rented it that one year. Then I bought that other land and moved away about three miles from there.

Q. Did you plant any cotton in 1919?

A. Last year, yes, sir.

Q. How many acres did you plant?

A. Well, I planted, I think, fifty acres, about.

Q. How many bales of cotton did you gin?

A. Not a one, never even picked a sock full. There was some cotton on it, but we had a storm in the fall and what was opened the storm blew it

out. If you recall the storm hit Corpus Christi and we got a pretty blow out of it, we must have got about a 75 mile gale out of that storm, just the tail end of it, but what I had planted blew out. I never picked a sack full.

Q. (By Mr. Raiden) Isn't it a fact that cotton is a very risky crop down there on account of excessive rains and high winds?

A. It has not been. Last year is the first failure we have made since 1915, prior to that I never paid any attention to it. We have made one failure since, 1919, four years.

Q. Now, then, I wish to ask you a series of questions: In the event the Legislature passes a law that will put you in a noncotton zone and you have 100 acres of land in cultivation, what is your judgment as to the payment you ought to have for that, you would be prohibited now from planting cotton, but you can grow anything else?

A. Well, it is too late for anything else.

Q. If we create that law it will extend over next year?

A. Well, now, take myself for instance. I have got 200 acres I bought 146 and then I rented 50 some odd, I have got about 200 acres some odd, I have got about 200 acres in cultivation and I have got about 150 acres in cotton and the balance being in corn and cane and sweet potatoes and going to plant some peanuts.

Q. Isn't it a fact that you planted a larger acreage to cotton this year than common, than you ever did plant before?

A. No, sir. Now, last year in 1918, I had 100 acres ready to plant and they put on that quarantine and I did not plant a grain last year. I was going to plant some, but it rained so I never could do it.

Q. Would you mind telling what you paid for your land?

A. $87.50 per acre for raw land

Q. How did you rent the fifty acres that you say you did rent?

A. I paid a couple of dollars an acre for it.

Q. That is the fair rental price, is it?

A. Lands rent there anywhere from one to fifteen dollars an acre. If it is fenced it costs you $15.00 an acre, that is unimproved raw land that you have to fence yourself and plough up and improve, why, you can get it anywhere from a dollar to three dollars an acre. They pay about a dollar and a half per acre.

Q. Now, in the event that a man had one hundred acres of that land that is fenced and improved ready for cultivation and the state says to you, you can't grow that cotton there for two years. Now, what do you think would be a fair price for the state to pay?

A. Well, I don't know. I am going to leave. I am going to leave if I can't raise cotton.

Q. Don't you believe that if you would get as a rental from the state government in a case like this that would be a fair investment on your investment, that it would be fair and satisfactory.

A. I don't know, I bought this land and haven't paid for it, and if they declare a noncotton zone I am going to turn this land back and go where I can raise cotton. They won't get a chance to pay me that way, because I am going where I can raise cotton.

Q. Now, I want to ask you one other question, do you believe that if you have 200 acres of land that if the state paid you interest on the entire 200 acres in the event you say you can grow cotton or on a reasonable percent of that?

A. No, I would not say that. Now, only a part of my land, somewhere around 100 or 125 acres is as much as I would put in cotton, no matter what happened or how much it was worth, because I am in the dairy business, and I have to raise feed, I ship milk, ship milk to Galveston right today. I am milking 26 cows. I have to have feed no matter what the state paid me, I would not put more than that in cotton.

Q. Now, one more question: Do you raise feed successfully on that land?

A. I can raise cane, raise an abundance of cane, but feterita, I can't. We cannot raise corn unless we fertilize. We cannot raise milo maize or any of that stuff. Sorghum cane or ribbon cane is about the only sure thing we can raise in the feed line since I can remember. We have always raised a little corn up there, papa used to plant anywhere from two to five acres, just as much as he could take his wagon and haul ma-

nure out of the barns and put a shovel full in the hills.

The Chair: Any other questions?

Q. (By Senator Caldwell). You say you raised some cotton in 1910?

A. No, I said several years back, way back there.

Q. Well, way back there your father rented some on shares to a negro?

A. No, my mother.

Q. After your father died?

A. Yes, sir.

Q. What did you quit raising cotton from that time up to 1916 for? What did you quit raising it for?

A. The place we have is possibly six miles from where we live. We rented to some negroes. They stayed there one year and left and then we sold the home and we never had any more home except about six acres that we lived on right in town. We did not have any more farm until I bought this land.

Q. (By Mr. Brady) Mr. Benson, wasn't it the opinion of the people down in that country for a number of years, say from five to 1910, just to make it specific, that cotton could not be raised successfully on that land?

A. Well, some of them throught that, but ever since I can remember there always has been some cotton grown.

Q. They never knew that they could raise cotton successfully until the past few years?

A. No.

Q. Since they have learned that they could raise cotton successfully?

A. We used to think that you had to have a farm in Brazos bottom to raise cotton.

Q. That accounts for the fact that cotton was not planted extensively in that country until 1916?

A. I can say this, I am familiar with the farmers in Dickenson. I have got a car and travel around with them most of the time; there is not any of them that put all their land in cotton. They are not doing it thinking the state is going to pay for it. I don't think there is one of them wants the state to pay for it, they just want to raise cotton.

Q. (By Mr. Bryant) You are pretty well acquainted in Galveston County, aren't you?

A. Yes, sir.

Q. Do you know a farmer down there by the name of John Darouzet?

A. I have heard of the gentleman.

(Motion was duly made and seconded and carried that the committee recess until nine-thirty o'clock tomorrow morning, the 28th instant.)

FRIDAY, MAY 28TH, 1920.

MORNING SESSION.

The Chair: Gentlemen, let the committee come to order. Mr. Secretary, did you have a statement to make to the committee?

Senator Cousins: Mr. Chairman, and Gentlemen of the Committee: Dr. Marlatt, in discussing the matter with the Court Reporter, he asked for a copy of his evidence before the committee, and wanted to correct it, I wouldn't say change it, but possibly in his hurried way of speaking he might not have made the record as he wanted it. The Court Stenographer came to me about it, and I couldn't tell him what to do, but I wanted to put it up to the committee. As I understand, the reporter let him have a copy of his evidence, and I think rightly so, and Dr. Marlatt made the changes of the grammar and things like that. Now, whether or not we are going to allow Dr. Marlatt to put himself on record as he wants it, or must the record remain as it was given there on the witness stand. I have given it some thought. Is that a correct statement, Mr. Triay?

Mr. Triay: Yes, sir.

Mr. Pickett: The matter was just brought to my attention before we assembled. I saw the physical outlines of the changes Dr. Marlatt desires to make, and as I only occupy a small position as to authority here, I wouldn't undertake there to announce our position on it, and I would like a little time before that is settled. While I don't want to be disrespectful, I haven't any particular notions about lese-majesty, Dr. Marlatt in my humble opinion looks like any other witness that swears on the stand, and his changes which alter the context of his testimony would be testimony utterly different from the testimony we listened to while he was on the stand, and at this time I desire to enter my protest against any change of the testimony.

The Chair: I will say that after Dr. Marlatt came to me this morning and told me what he had done, he

said all he wanted was to correct the statement; he said he talked rather fast and sitting up here in this place, that it was possible that the reporter didn't catch just the exact statement, that is the wording, and he wanted it stated in the record as it happened. He said it was stated in the record that he had said that the pink bollworm could be eradicated by control measures, and he said he never said anything like that. That is the sum and substance of his statement to me. Every member of the committee knows he did not say that. I said that in so far as that was concerned, if that be there I haven't any objection to any such correction, but that it will have to come up before the committee. I have just consulted with a lawyer here, I will admit I am not familiar with such matters. While it has been suggested to me that Dr. Marlatt be called in and let the reporter read the report as it is.

Mr. Pickett: Of course you could change it as you would change your minutes in the House, you could do that. The Chairman has not seen the report, it is quite bulky; he could submit the report to the committee and they could pass on it. I cannot agree with the statement of the Secretary and the Chairman that Dr. Marlatt's testifying was rapid, or that it was hasty; I never saw a man who took more time and expressed himself with more perfection than the learned gentleman did.

The Chair: To be fair to all parties, Dr. Marlatt told me that ordinarily he was tied up in these investigations for possibly half dozen times a year, and that frequently these transcripts are submitted to him for correction, it seems like that has been the custom, but the committee can take such action as it sees fit.

Senator Cousins: The printer was ready for the copy this morning and I asked Mr. Triay not to deliver it. So far as the correctness of the transcript is concerned; I have, in a great measure, been responsible for Mr. Triay being here, I have a great deal of confiedence in Mr. Triay and Mr. Watkins and their ability to get this proceeding right, and I wouldn't have it understood for a moment that I doubt that Mr. Triay getting this proceeding down as correct as any man in Texas, because we have tried him out in the courts; however, the doctor may have been talking faster than usual, and I am inclined to be charitable, and I just want to make that statement. I have the greatest confidence in Mr. Triay and his competency, and I don't want it understood as a reflection on his ability.

Mr. Moon: I suggest that Mr. Marlatt come back and get on the stand and correct his testimony under oath as he may desire.

Mr. Pickett: That is the only thing to do. I don't say but what a witness can change his testimony, but we want him to come back to the stand to do it.

The Chair: Would you have the reporter read that part of the statement from his transcript as it is prepared, and then let the changes be made. It wouldn't be necessary to go over the whole of the testimony.

Senator Dayton: Just read that part where the changes are made.

Mr. Moon: Dr. Marlatt can call for the changes he wants to make, and he can correct it under oath; I think that will relieve the committee of any responsibility.

Mr. Pickett: I have been requested to state for the farmers that are here, that they have been here some time, and they want to be disposed of as fast as possible, and I suggest that Dr. Marlatt is here for the hearing, and he isn't going to leave, and he can come here at any time, and I think we ought to proceed.

The Chair: I understand that Dr. Marlatt is now in conference with the Attorney General and let us proceed with the testimony of the other witnesses, and let Dr. Marlatt come in later. Call your witness, gentlemen.

W. R. Stockwell, called on behalf of the Farmers' Committee, being duly sworn, testified as follows:

Q. (By Mr. Jackson) State your name?

A. W. R. Stockwell.

Q. Where do you live?

A. At Alvin, Texas.

Q. How long have you lived there at Alvin?

A. Thirty-one years.

Q. Is Alvin, Texas, in this quarantine district?

A. Yes, sir.

Q. In what county?

A. Brazoria.

Q. What is your business?

A. Real estate and insurance.

Q. Are you familiar with the kinds of crops raised in the Alvin district?

A. Some little, yes.

Q. Are you familiar with the farming and farming interest there?

A. I think so.

Q. Are you familiar, Mr. Stockwell, with land values, and have been so familiar for many years?

A. Yes, sir, I have.

Q. What has been the effect of the pink bollworm agitation in and about that district surrounding Alvin?

Senator Dayton: Before he answers that question; what is the purpose of it?

Mr. Jackson: The purpose of this question is this, and the purpose of this line of questioning; it is intended to show the immense and staggering losses that have been already sustained and will be sustained by this method of quarantine and the proposed noncotton growing zone. It will probably show that cotton is a great crop in this locality, this point has been emphasized by the proponents of the measure attempting to show that the cotton interest in this entire district is practically insignificant. We wish to show by Mr. Stockwell and others that it is a growing industry, and to explain why it in former years was not a great industry. It is very pertinent I believe to this investigation, both for the benefit of our State and for the benefit of this Committee, if it is necessary to establish a measure of recompense.

Senator Dayton: As a member of this Committee I understand we are to get at the compensation these men are entitled to in the noncotton zone, and not the effect it has had upon the value of real estate, but the crop values.

Mr. Pickett: Our position is that we don't want a noncotton zone at all, and the line of this character of testimony is to show that there is no way to arrive at compensation for a noncotton zone, but when you get to destroying a crop in a regulated zone, that will be one line, but in a noncotton zone there couldn't be any way of arriving at an adequate compensation, that it is not controlled by one crop. It is evident by what has already happened, common sense shows that it will happen again if this noncotton zone is established.

The Chair: The Chair will state that in view of the fact that the Committee's counsel has undertaken to show the amount of cotton raised in that section, sometimes smaller crops and sometimes larger, and sometimes average crops, that it would be perfectly admissible for you to state and submit such testimony as you think necessary to balance against the other side. If you want to show that this cotton growing didn't continue, owing to the fact that we permitted this other testimony to go in I will let that in. There is another question about which there is a doubt in the Chair's mind, and that is about land values; I have been inclined to the belief at first that might be a consideration as to what effect a noncotton zone would have upon the values, and in arriving at just compensation in the event a noncotton zone is established.

Mr. Jackson: There were two reasons for this. If there should be a noncotton zone there should be compensation, and we take it that this compensation necessarily would be a staggering amount of money for each and every year. If you say that ten years ago there was a little cotton raised, and eight years ago there was a little cotton raised, it does not show up considerably, but we believe we can show that there would be a fifteen million dollar loss per year on cotton, without regard to land values. When you come to consider the farmers' loss you must take into consideration the depreciation of their property, there is no other way out of it. I don't believe the honorable gentlemen of the Texas Legislature will undertake to compensate the farmers without considering the depreciated property values.

Granting that the absolute necessity for this was shown, then it would come to a matter of the payment, and on the basis that we hope to show, there is absolutely no necessity for it, coupled with that the staggering cost of it, we shall submit these two things in conjunction to the committee.

The Chair: The Chair will rule that any testimony which tends to aid the Committee as to a basis of remuneration as admissible.

Q. (By Mr. Jackson.) Mr. Stockwell, answer the question, will the stenographer read the question?

(The stenographer reads the last question.)

A. The fact has been shown in several ways. There has been a depreciation of the land values, for one thing there has been a disconcerting of the organization, the planters not putting out and raising their crops, getting their crops pitched so to speak, in some cases this has been so discouraging as to cause settlers to leave the country.

Q. Have settlers in and about Alvin left there in considerable numbers.

A. Yes, sir.

Q. Were they or not among our best and most capable farmers?

A. Yes, sir, many of them were, some were not.

Q. Have you noted the course of business in talking among the farmers concerning the pink bollworm situation during the past two or three years. Have you made any investigation of this situation?

A. Yes, sir, I have made some investigation; I am compelled to be out over the community, and I should be familiar with it in my line of business.

Q. Have you seen what is called a pink bollworm?

A. Yes, sir.

Q. Where?

A. Mr. Halbert, one of the inspectors had one in a botle that he showed me.

Q. Have you seen one in a field or one in a boll?

A. No.

Q. Have you heard in your conversation with the many farmers whom you have talked to about it, any one who ever saw one?

Q. Yes, one, Cecil Finger said the inspector showed him one that was claimed to have been gotton out of a pile of cotton stalks in the field which were still in the field.

Q. Was that in a boll?

A. I don't know whether it was in or not, it possibly was in a lock of cotton which they said was found.

Q. You don't know?

A. No, sir.

Q. Have you had any experience with the State and Federal Departments of Agriculture in other matters besides that—in other words with reference to the citrus canker?

A. I had a dispute with the Department in regard to a citrus hedge I had a few years ago.

Q. What claim did the department make with reference to that?

A. They claimed it was a menace to the satsuma orange industry in that country.

Q. Did they order you to dig it up?

A. They may have ordered me to dig it up in the first instance but later they said they would dig it up.

Q. Did you permit them to dig it up?

A. No, sir.

Q. What was the result?

A. The result was that it wasn't dug up.

Q. What claims did the alleged experts make, as to the life of that hedge?

A. One inspector said I might as well allow it to be dug up, that it would be dead in six months anyhow. Another one said he was satisfied it would be dead by the following year, and a third one said it would be dead in a short time.

Q. Is it dead?

A. No, sir.

Q. What is its condition now?

A. It is as good if not better than it was then.

Q. How long ago has that been?

A. Three or three and one-half years.

Mr. Jackson: I anticipated gentleman's objection as to what this has to do with the question. It is a question of probabilities, upon which we are asked to bankrupt ourselves. It is a question of the infallibility of the opinion of an expert; it is testimony going to show that their theories are theories, and that in a majority of cases they are wrong. You all know the history of Dr. Cotton Mather, who was the greatest theological teacher in the country during his time, and he participated in the burning of witches in Massachusetts, but as time went on he decided that he was wrong, and annually he went to his congregation and asked their forgiveness for his wrongs, but those poor old women were dead. Now we are asked to plow up millions of dollars worth of cotton on a theory which will probably explode in two years.

The Chair: We have taken rather a wide range in this investigation, and I want to say to you gentlemen in regard to the statement you have just made, along the line of the investigation you are proposing, that if the Department had taken the position that this theory was infallible then your position would hold good. In other words, to make my-

self real clear to the Committee, it appears that in former years they said if they would cut down the citrus canker, or in other words, it would be necessary to destroy the citrus fruit to destroy the citrus canker, and as a matter of fact we know that can be done, that is the position I take. And the government has not said to the Legislature, or to you, that if you maintain a noncotton zone for three years you will destroy this pest, it is a theory, they admit that, they admit is an experiment. I don't feel like it is necessary to follow the line of questioning you are now proposing. It is getting out of the range to the extent that we never will finish this investigation. I want to be absolutely fair. I will make myself plain; unless the Government had taken the position that we can absolutely destroy the pest by a noncotton zone for three years, then I think your line of investigation is out of place.

Mr. Pickett: We are entirely satisfied with every attitude the Chair has taken, and we don't think he is far wrong now, but we do disagree with the Chairman, because he is making a technical distinction now, that even a lawyer would be proud of in a court room. Dr. Marlatt said in his talk before the House and Senate on yesterday that while he wouldn't make oath to it, because his conscience wouldn't let him make the statement that it was an experiment, but he would feel satisfied to make an oath that a three years noncotton zone would eradicate this pest, and in the same breath he says with the greatest sort of satisfaction how the Federal Department told Governor Culberson how to stop the boll weevil, and that it would have been stopped if we had done as they said, and then bring in the "I told you so." It is their best foot forward. They compare our situation now to the boll weevil and tie to that as an example, and to tie to that we tie to the most recent example, which is the opposite of what they said; as experts they told us this is going to happen, some believed them at first, but it didn't happen. Certainly this is pertinent as to their theory, as it is for them to press on you that if we had followed their advice about the boll weevil we would have been saved instead of being lost. We followed it in the canker. Most of us believe that the boll weevil would have gotten started anyhow, that God created him that way, and the Federal Department nor anybody else could have stopped him.

The Chair: I want to be absolutely fair with you, and for the present I will not make a ruling. Proceed with your examination.

Q. (By Mr. Jackson.) Have you a photograph of that hedge as it now stands?

A. There was one taken, but I don't happen to have it.

Q. Is that the protograph?

A. Yes, sir.

Q. When was it taken?

The Chair: Just one moment, I want to get the names of the Agricultural Committee that are present, please stand, will you, gentlemen.

Senator Dayton: Before you proceed, I think we better settle what we are going to investigate.

Mr. Veatch: There is a resolution in the House in which a great many of us are interested, will you excuse us until we can go and vote and return immediately?

The Chair: Do you make a motion to that effect?

Mr. Veatch: Yes, sir, I make a motion to that effect.

Senator Dayton: How long will you be gone?

Mr. Veatch: About fifteen minutes.

The Chair: Very well, gentlemen, the Committee will stand recessed for fifteen minutes.

Committee Re-convened.

Mr. Dayton: I don't want to be technical about anything at all, but I shall renew my objection to anything about this citrus hedge and the citrus canker, that is no relation between the citrus canker and the pink bollworm, they are not cousins, or forty-second cousins. They have called in a witness to discredit the Department of Agriculture and its employment and the destruction of the citrus canker, that has nothing to do with this matter, and if we commence on that the department would be entitled to bring in evidence to refute those charges, then we would be off the pink bollworm and on to the citrus canker. While I am willing for these witnesses to have latitude enough to show anything that will shed any light on the question at issue, I am not willing to let the bars down and go off on something else.

I suggest that the testimony be confined to the issue involved.

The Chair: We have here the resolutions submitted to our Committee by a sub-committee outlining a method of procedure, which says: "We recommend that the departments of agriculture, Federal and State, be and they are hereby requested to submit to the Committee such evidence as is available showing the presence of the pink bollworm and the extent of the presence thereof in the different sections of Texas; the facts as to the danger to the cotton industry from infestation by the pink bollworm; the methods and legislative action necessary to exterminate or to control the pink bollworm, and the probable cost thereof, and to that end that the documentary and oral testimony including that of the experts of the two departments be submitted to the committee." That is on behalf of the Department of Agriculture, both Federal and State. Second: "That the citizens of the alleged infested areas and of the sections of the State contiguous to the alleged infested areas be and they are hereby requested to present their evidence, and that they also be requested to submit their recommendation as to the method and legislative action by which the situation should be met, and the probable cost thereof." Now, this resolution was adopted by the Committee, and General Wolters, who represents the citizens of South Texas, and that Committee agreed to this. The Chair in consideration of the fact that if we allow such latitude as to bring into question the action of the Department in regard to the destruction of the citrus canker, will have to grant to the Department the opportunity to produce rebuttal testimony bearing upon the citrus canker, that is an absolutely fair construction, and I am bound to rule against the question pertaining to the action of the department with reference to the citrus canker, and I respectfully invite counsel to ask questions bearing upon the pink bollworm, its presence, methods of eradication and control, etc., and any question you might desire to ask that will give the Committee information as to losses sustained and methods of compensation will be admitted. I will have to rule against the questions as to the citrus canker. We would have to give the department an opportunity to bring in evidence, and we will never get through. The Committee is anxious to get through, the Legislature wants to get home; I am sure you will realize the situation. I wouldn't do the people of South Texas an injustice, I don't want to do that, but I cannot see that this evidence is necessary.

Mr. Brown: I think in view of that ruling, it is nothing but fair to the two Departments of Agriculture that all of this testimony with reference to the destruction of the citrus canker and of orange fruit and orchards and cape jassamine and that kind of stuff be stricken from the record. It has gone to a considerable length and in view of the recent condition of the testimony it would be nothing but fair to the Department for it to put on testimony in rebuttal of what has been set forth over our protest, and in view of that fact I think all of the testimony with reference to the action of the department as to the citrus canker and white fly and the destruction of orchards to be stricken from the record because it is foreign to the issue; the poison is in there unless you strike it out.

Mr. Pickett: Before the Chair rules we interpose our objection and make this further statement: as the Senator said it would tend to discredit the Department of Agriculture, that is true, in fact, it is discredited so far as our district is concerned and their ability to point out to us a method of procedure as to this noncotton zone. So far as the testimony of this witness is concerned, we feel that it ought to be permitted to stay in the record; it will probably not go any further, and if it does we may urge our position there at that time. But for the moment, at least, we would prefer to have it left in the record, because it is clearly legitimate, as we view it, for the reason that we take the position that the departments are in error in demanding a noncotton zone for the period of three years so as to complete the eradication of this pest. That in sustaining the position they make, the statement of the two experts of the Federal Department refer to successes they have made with other cases, with the potato bug, corn borer and many other pests, too many for a mind like mine to remember, and it was taken in perfect satisfaction by

everybody, but now, seen from our viewpoint, we try to show in one recent visible instance where they made a total failure, as we say, it has been proven. We say that this evidence is very important to our contention and is admissible.

Senator Dayton: I would like to ask you this question: if you let this testimony stand, don't you think it would be fair for the department to rebut that evidence and show they have made a success of the canker.

Mr. Pickett: Yes, sir.

Senator Dayton: This is the first time that I have been present and if I had been here I would have objected to this testimony by the experts.

Mr. Pickett: We did not object to that evidence, the position we take is that the examination would be somewhat more liberal than a regular court proceeding. This is one of the instances where we say we have them restricted. We have no animosity aginst the experts, we believe their heads are honest, but we think their theories are wrong. We think we should not be inflicted with a noncotton zone, we think that is the consensus of opinion, and if they could be satisfied with it would relieve us of listening to a lot of testimony. But I do believe that since that other testimony slipped in stating the successes they have made with other beetles and weevils, we ought to be permitted to show we have been seriously damaged, and that they made a failure in this instance. We do believe that for the present we ought not to have that restriction.

Mr. Bryant: If I remember that statement counsel refers to, it was brought out by counsel themselves, that is the testimony with reference to the control of other pests was brought out by questions of counsel to Dr. Marlatt.

Mr. Pickett: I think most of that came in the original statement of Dr. Marlatt, and then it was supplemented by questions from us and questions from you. I listened to it with a great deal of faith in the department, because I think they are a wonderful institution and have done wonderful work, but I believe all experts go to the extreme.

Senator Rector: I want to make a statement, not being committed to either side. I think we are called upon to change the law which now provides for a regulation of certain districts prescribed and we are asked to change that law and provide for a noncotton zone. That seems to be the issue. The Attorney General representing the State, is showing up the side of the question as to making that change. The other gentlemen from this infested district are opposing that change. The Committee is supposed not to be connected with the district in any way, and simply to be jurors wanting to get all the information they can. I think this is an experiment to be made under the advice of the Horticultural Bureau, and former experiments that have been made in this district would throw some light on the question of whether or not we ought to accept their experiment in the present case. We are not questioning their scientific knowledge, nor the correctness as to the existence of the pink bollworm, and the character of the bollworm, but we are questioning them as to the best means of regulation, whether by regulation or noncotton zones. We are called on to do something that we could only do in case there is a public menace, we could not interfere with the rights of an individual or a large number of individuals to cultivate what they please and conduct their own business as they see fit as long as they comply with the law. If they are creating a public menace, we could go to the extreme point of refusing to allow them to do it, and I think this suggestion is made as an experiment, and the Bureau has submitted the evidence as a justification of the experiment that they propose to make, and which they believe will be successful; they do not guarantee that, but we must determine with all the lights before us whether or not we believe that the experiment should be made. All of this evidence bears on the question as to the fallibility or infallibility of their views and theories; whether or not they have always proven correctly is a matter of general knowledge which the Legislature is supposed to know, with reference to these pests, and I think this Committee ought to have it. I don't see any reason for taking anything out of the record. If this examination would be interminable by going into issues not directly pertinent then the only reason for striking it out would be that we didn't have time. I don't think there is any use striking out any evidence unless it is entirely irrelevant. If it is, it is an entire waste of time, and it ought not to be admitted.

Mr. Jackson: Now, this question of

a noncotton zone will not of its nature be decided very materially upon the law of probability; it is upon the facts and history of the new conditions and upon the facts and history of their theories and methods that have been employed by the various departments, and their various degrees of success and failure. At the present time, we are operating under a regulated zone. There is a law now in force in the district by the consent and recommendation of the present board, which they are trying to reverse, at this time, under which thousands and thousands of acres of cotton have been planted and are now growing. This is under a regulated zone, which is in effect although only partially in force has, according to the statement of the department, reduced this infestation, and we may call it an infestation for the use of this hearing, in 1917 when they say there were many, many worms found, their reports show about twelve hundred and eighty, now they come and show us a bottle with a great many more in it which they say came part from one field and part from Mexico; now by regulatory method that has been reduced until they say there wasn't a worm found in 1918, and approximately only one hundred in 1919. We say it would be senseless to abandon the regulated zone on the theory that the noncotton zone would eradicate it when they have made such wonderful progress in a very incomplete clean up method, or method of control.

Senator Dayton: Mr. Chairman, will you excuse me, the Senate has sent for the members to come in. I would like for you to wait until I return, and I will go in and vote and come right back.

The Chair: Very well, we will stand at ease a few minutes.

(Committee reconvenes, after fifteen minutes recess.)

Senator Davidson: Mr. Chairman, there was some tangle in our Committee arrangement, and the Senate has just rescinded its action with reference to making the whole Senate members of this Committee, and the Committee is now composed of the Senate and House Agricultural Committee.

Mr. Chapman: Mr. Chairman.

The Chair: Mr. Chapman is recognized.

Mr. Chapman: The Department of Agriculture hardly thought it necessary to employ special counsel in the development of this hearing, or before the Committee. We have been using Mr. Bryant and shall continue to do so, and at this juncture as the representative of the department, having been with the department about five and one-half years and being very well acquainted with former employees, or some of them, especially the Commissioner of Agriculture, preceding that five and one-half years, I desire to make a few statemnts for the benefit of the Committee at this time, with reference to the white fly situation, and my information being practically all hearsay, or mostly hearsay—

Mr. Moon: (Interrupting) Mr. Chairman, do I understand the gentlemen is attempting to testify?

Mr. Chapman: I am under oath. My statement can be classified as testimony if you desire.

Gen. Wolters: If the Chairman please, I have no objection to the head of the department making a statement, but if he is going to be a witness he should be dealt with as any other witness, he should go on the stand and testify, and there is another witness on the stand at the present time.

The Chair: The purport of your statement is as to the admissibility of certain testimony? I think it would be admissible.

Mr. Chapman: The only statement I desire to make is this, in order to get the minutes of the Committee straight, according to my information whatever was done in Texas at all with reference to the control or eradication of the white fly was by the Texas Department of Agriculture, and the Federal Horticultural Board of the Federal Department of Agriculture, so far as my understanding goes, had nothing whatever to do with that. We assume all responsibility for whatever was done and desire that they be released, and we can bring testimony in here, if the Committee desires to have it supported by testimony to that effect. I desire further to say that the policy of the department with reference to the white fly was not absolutely the destruction of Cape Jasmines. There were two remedies offered, one was the destruction of the food plant and the other was a possible control afterwards worked out to be shown to be effective and worked out by the department, control and destruction by effective and efficient spraying.

In the matter of citrus canker, if evidence that has now been placed in the record remains, we shall and are prepared to produce witnesses to prove

that the policy pursued in Texas is exactly the policy pursued in Mississippi, in Louisiana, in Florida and in all of the other Southern States growing citrus fruits.

Gen. Wolters: (Interposing) And is the policy of the Horticultural Board, too, isn't it?

Mr. Chapman: I think so. We have the more eminent authorities found, I think, that can be found in the United States, and they are present, on the question of citrus canker from a scientific standpoint. We can bring forth evidence and testimony from that expert source as to what effect sprays will have and have had and whether or not there are other remedies than fire and ax. We have present now the citrus canker man of Florida, the citrus canker man of Mississippi, both of whom have been active in the eradication of this disease in that State, using the methods that are advocated by this department in this State, and they can testify as to whether it has been effective there or not, and we shall desire, if the Committee wishes to go into this matter, that we think is foreign to this question, we shall desire to bring forward the witnesses to support the general statements that I make here.

The Chair: All right, Mr. Moon.

Mr. Moon: Technically speaking, the people in South Texas perhaps didn't know the difference in the operation of the State Department and the operation of the Federal Department, but both operations have been on a heory, and it appears that South Texas has been operated on and by a theory, and it appears that that is the proposition that they are objecting to. Now, a point of information, if I understand the motion was to strike out a part of the record that has been produced here in regard to the citrus canker of South Texas. Am I correct in that?

The Chair: Yes, sir.

Mr. Moon: I am correct in that proposition?

The Chair: Yes, sir, the testimony referring to that.

Mr. Moon: And the Chair has ruled, has it, to strike it out?

The Chair: No, sir.

Mr. Moon: The Chair has not ruled?

The Chair: No, sir.

Mr. Moon: Thank you. We have listened for about 12 or 14 hours to testimony from one side of this question, which is the Horticultural Board, and injected once in a while by the State Department of Agriculture of the State of Texas, and they did not give any concrete propositions except in a few instances, and when there was a concrete proposition presented, it was presented in order to hold up a theory, for instance, the eradication of a potato bug in Germany, I believe, was referred to and it was pointed out to this Committee that the scientists of Germany had exterminated a potato bug. Now, no one objected to that proposition on irrelevancy, no one objected to it on a proposition of time, but we felt that we need all of the information that we could get. While the location was in Germany, and the operation was in Germany, we took the proper position that possibly it was applicable, if they might have to go to Germany upon which to base and perpetuate a theory that we would let them go to Germany for one concrete proposition. Then the people of South Texas began to present their testimony, and they took the position, if I do not misunderstand them, that a theory has been the base of operation. They have asked for the concrete testimony and only got a theory. Then when the South Texas people began to present the concrete operations of the Horticultural Board, and perhaps when they confused the State Department of Agriculture with the operation of the Horticultural Board, they knew not the difference possibly. The only thing they knew was they had been operated on just the same. They came there with a theory and they destroyed their orange orchards. It developed later that it was a mistake. That is the line of their testimony, that their personal property had been destroyed upon a theory and that theory when reduced to a concrete proposition was proved to be unfounded. Then we are presented with the cape jassamine proposition with the same idea and the same thought. Now then, this same theory comes and touches the life of the cotton farmer in South Texas, and I wish to say just here and the explanation will follow, if any man desires it, that the life of the cotton farmer in Texas is his cotton and the life of every board in the United States is the appropriation. (Prolonged applause). The proposition that I want to get to you, Mr. Chairman, is that we want information upon this line. I stand nearly five hundred miles from infestation, and we are entitled to know the operation of this Board, and I wish to submit to you this proposition,

that the manner in which men arrive at a conclusion is just as important as that conclusion. If I am to be governed by the conclusion and as a member of this committee, I want to know just how those men arrive at the conclusion that we have the cotton bollworm, and in order to get an analysis and in order to get the thing thoroughly fixed in our minds, we want to know how they have been operating upon these things in the future. If they took up the cape jassamine and on a theory destroyed it and that theory proved wrong, if they took up the citrus canker and destroyed the orange trees and afterwards that proposition proved to be wrong, they might be operating upon a theory now and tnat theory might be wrong and we want as full information as we can get.

Senator Dayton: I want to add an amendment to the motion of the Attorney General and that is that only this testimony relative to the citrus canker be stricken but this incident that Mr. Moon has related of the extermination of the potato bug in Germany, I want to strike out that evidence in this case.

Mr. Bryant: That was brought out by Gen. Wolters.

Senator Dayton: Well, I want that out of the record.

Mr. Bryant: That was brought out by them.

Senator Dayton: I want to get down to the issue as to the question of the pink bollworm and the questions that were permitted in that resolution.

The Chair: Are you through, Senator Dayton.

Senator Dayton: I want to add that amendment to the motion of the Attorney General, and then if you want to be heard on the motion I may have something to say on it, that all things except the matters in the resolution be excluded in the testimony.

Gen. Wolters: The matter of the potato bug came up in this way: the question was asked Dr. Marlatt whether there had been any instances where the pest had been eradicated by destroying the plant, and he cited that instance of the German potato bug. The question and the answer were very material, certainly, and we think that the record ought to stand that the only instance that he could cite was the one in Germany which involved approximately one hundred acres of land.

Senator Dayton: I understand that has been stricken out already.

Gen. Wolters: Sir?

Senator Dayton: My information was that that answer had been stricken from the record.

Gen. Wolters: I think it is very material to all concerned.

Senator Dayton: I don't think so, unless it could be shown that the potato bug and the pink bollworm proposition was the same.

Gen. Wolters: The proposition we made was that it had never been eradicated by the method proposed to eradicate pink bollworms by the noncotton zones and that was the proposition involved and that was the answer in response to that. Dr. Marlatt was invited to give us those instances and did it and I presume if there had been other concrete instances, he would have stated them.

Mr. Bryant: Now, let me make a statement, please, for the benefit of those members of the committee who were not present this morning when this question came up. When this question first came up, I think with Dr. Hunter, as to the operation and activity of the department on the citrus canker and the white fly, the activity in destroying the orchards of South Texas, my recollection is I objected to that matter as being irrelevant and immaterial and having no direct bearing on the issues of this case. I was overruled by the Chairman, or it was permitted. It went along until this morning, until the present witness on the stand began to testify about the activities of the department destroying the cape jassamine orchards, and the orange orchards, and so forth, in South Texas, when the Senator from Cooke interposed his objection and it was as to that character of testimony and it was sustained by tne Chair. It was then after the Chair had sustained the objection of the gentleman from Cooke that I made the motion to strike out all testimony that had been introduced along the line that was inquired about by counsel from the witness on the stand.

The Chair: Anyone else desire to make a statement? In making my ruling upon this proposition I am going to use just common sense, what we ordinarily term "horse sense" if

I have got it. I understand from the questioning that we are, you might say, discrediting or trying to discredit the theories of the Department as to the destruction of cape jassamines and the citrus canker on order of court to prove that the plant proposed in regard to the destruction of the cotton pest, the pink bollworm, is improper and will not accomplish results. Now, I have already made my ruling in regard to such testimony as that. I ruled that I did not think that such testimony as that was permissible from the simple fact that it throws us off at a tangent into you might say rebuttal testimony and establishing the fact as to whether the experiment is a failure in regard to the eradication of the citrus canker. You have got to determine that fact. We don't have that as a fact. That is a mere assertion before this house and I don't know that the plan proposed is a failure. In fact according to my understanding it is a success, but that has nothing to do with the case. If the Department had taken the position that it will establish a noncotton zone for a period of three years that it will absolutely eliminate the pink bollworm, then your argument would hold. But they have admitted it was an experiment. Of course, there's certain considerations that are to be given or considered, things to be considered, that it is probable and that possibly there are nine chances in ten that it will be successful. For that reason now, to get back to my ruling, I am asked to rule that this testimony be excluded. This testimony is before this committee already. I don't care, you might exclude that from the record and you are going to take it in your mind, you can't help from using that, it will have its influence on you in spite of the world, throw a great deal of trouble on this committee and if you want to appeal from the ruling, you can appeal from the ruling of the Chair, I am going to let that testimony stay in the record but maintain my ruling, that is, that we cannot take up this citrus canker proposition. Then if the Departments want to make some statement later, we will take that up.

Senator Dayton: We don't care to appeal. We want to get along with the matter and we understand in the future that we will confine ourselves to the issues.

The Chair: To the issue. All right.

Q. (By Mr. Jackson) Mr. stockwell, what is your experience and under your knoweldge of the values and past values, is your opinion of the percentage of depreciation in the farm property in the Alvin locality occasioned directly and indirectly by the pink bollworm activity and propaganda, what percentage of depreciation?

A. The prevailing opinion is about fifty per cent.

Cross Examination.

Questions by Mr. Bryant.

Q. How long have you been at Alvin?

A. Thirty-one years.

Q. You mean to tell this committee that since 1917 the land values have depreciated around Alvin fifty per cent?

A. Just about that.

Q. What is land worth there today?

A. I contracted a piece just before coming up here at $25.00 an acre.

Q. How close is that to Alvin?

A. About 3½ miles.

Q. Agricultural land in cultivation?

A. Sir?

Q. Land in cultivation?

A. No, sir.

Q. Raw land?

A. Yes, sir.

Q. What was that land worth in '17?

A. About $50.00 an acre.

Q. And you bought it for $25.00, you bought it or you sold it?

A. No, I sold it.

Q. You sold it for $25.00. You raise any cotton yourself?

A. Not personally, no. I am interested in some tenants, however, and have been from time to time.

Q. What is good agricultural land averagely improved worth around Alvin now?

Mr. Jackson: What improvement?

Q. (Continuing.) Well, land that is in cultivation without any improvements other than a fence around it?

A. It is worth from forty to seventy-five dollars an acre.

Q. What was it worth in '17?

A. It was worth more than that somewhat.

Q. Well, how much?

A. I couldn't say.

Q. Was it worth, any land around Alvin in '17 selling for $150.00 an acre?

A. I don't know that there was.

Q. Any selling for $100.00?

A. There may have been.

Q. Well, don't you know, you are acquainted with land values there?

A. There was very little selling in 1917.

Q. What was it worth in '18?

A. It was worth more. It was worth in '18 just about double what it is now.

Q. About double what it is now. What has caused the depreciation of that land? (Question continued.)

Q. The existence of the pink bollworm?

A. No, there has been a number of things that has entered into this, but the pink bollworm agitation has destroyed the morale of the people, that is where the main difficulty comes in in the value of the land now.

Q. The fact that the pink bollworm has been there and has depreciated the value of the land in your opinion as a real estate dealer fifty per cent?

A. No, I don't state that, Judge. I said it this way; that the pink bollworm together with the agitation and propaganda that has been put forward by the Department has caused a depreciation in values of about fifty per cent.

A. Well, if the pink bollworm had not been there, the propaganda would not have existed, would it?

A. Well, I think they found pink bollworms but I don't think the pink bollworm was there in sufficient numbers to give us any agitation like this that has been going on. I think it is all out of proportion to what they actually found. In other words, I think it is making a mountain out of a mole hill.

Q. Yes, but because they did find those few pink bollworms, they took steps they have to control it and eliminate it?

A. I will state this, that most of our folks don't believe that they found the worm. Personally, I believe they did.

Q. Do you know what the attitude of your people is with reference to raising cotton if a noncotton zone is established and prohibited to be grown there?

A. I did not get that.

Q. What is the attitude of your people down there with reference to growing cotton if this Legislature establishes a noncotton zone with compensations, adequate compensations to the farmer, for the destruction of his crop for the prohibiting of the growing of cotton crops in your community?

A. I believe the majority of them will comply with the law along that line, Judge. There are a few of them that would be stubborn and would not be inclined to comply and a few other would be discouraged and move out.

Q. What is your idea as the basis upon which the State should settle with the farmer for not permitting him to grow cotton in the event a noncotton zone is established?

A. Well, if I was on a commission to determine that, I would find out what amount of cotton they raised in that particular year in territory adjoining the noncotton zone and what it brought, how much it cost to raise it and to gin it and market it. I would use that as my guide to go by together with the experience of that particular territory in which they were prohibited, during former years. I think I would arrive at it along that line, sir.

Q. What would what they grew in former years have to do with it?

A. It would have this to do, there are a number of things that enter into the growing of cotton in a district and it is not the same in all districts. We have to determine about the seasons and about labor and about the growing, all of those things would have something to do with the value of the cotton at the end of the year.

Q. I see, well, if you would take a crop in an adjoining territory, which was similarly situated on the same kind of land, not so very far from there and take that as a basis, it would not be necesary to go into the average production in addition in former years would it?

A. Yes, it would. I will explain to you why, because that land down there is not all the same, not like that land around Dallas or up here in the black land belt, we have land there that is started, we have land that is sandy, we have land that is black, but I would want to know just

where the land was on which I was to make a crop so that I would know what the chances would have been for making the crop and how much it would have brought upon the particular classes of land.

Q. Yes, you would take the experience of a few former years?

A. Yes, sir.

Q. As a basis?

A. Yes, sir.

Q. (By Mr. Jackson.) Mr. Stockwell, just one question to make clear. You said that the land values are depressed. Do I understand you to say that the presence or the believed presence of the pink bollworm depressed that land or the agitation that was connected with it? In other words, did you ever hear a farmer say that he was afraid of the pink bollworm himself?

A. Oh, no, none of the farmers down there are afraid of the pink bollworm. All that is bothering them is the inspectors and the agitation.

Q. Isn't it a fact then that the agitation of the department and their noncotton zone are really what tend to lower the prices.

A. Yes, sir.

Q. (By Gen. Wolters.) Mr. Stockwell, referring back to the method of arriving at compensation, is it not a fact that farmers differ in their fields, their skill, their industry and ability and that has an effect on the production in the same community?

A. Indeed, so.

Q. One man, industrious and skillful with the same land, same seed, planted with the same kind of seed will make a larger crop than another man who is not as skillful, possibly not as industrious and careful as another, isn't that true?

A. That is true.

Q. Therefore, in arriving at compensation wouldn't that element, human element, have to enter into it?

A. It certainly would. I will state this in connection with that, gentlemen, that I am Secretary of the Farm Loan Association at that place with a membership of seventy-two farmers and that element is always considered in making appraisals for the Federal Loan Bank.

Q. Well, right on that subject, how many loans has the Farm Loan Bank in that community?

A. Well, each one of these members has a loan and then it has about seventy-two loans covering something like $130,000.00.

Q. Now, in addition to the Farm Loan Bank loans, are there other farmers in that section who owe money on their land?

A. Yes, sir.

Q. If deprived of growing cotton and the land depreciated according to your theory still under a noncotton zone how would those people pay for their indebtedness on the land?

A. Well, that is the question they are asking, everyone of them.

The Chair: Is Counsel through?

Mr. Raiden: I want to ask a question, please.

The Chair: Mr. Raiden is recognized.

Q. (By Mr. Raiden) I want to ask the witness if he doesn't think it would be easier to arrive at a conclusion of what the compensation should be to pay a reasonable money interest for the use of the land in the event a noncotton zone was established, just say, if your land was worth $20.00 an acre, if you would have what would be a reasonable interest on the amount of money invested in that land?

A. No, I don't think so.

Q. Well, why not?

A. Well, that enters into and brings up a number of things, one of which is this matter of depreciation through the demoralization of matters and the leaving of our tenants and the leaving of our labor for the cities for day labor on the pipe lines and on the wharves and elsewhere, where they go when they haven't got work that is steady and that they are sure of obtaining a livelihood from, on a farm. Now, there would be that for one thing that would be objectionable to giving them an ordinary interest on the money involved. Farmers are not money lenders, they are not bankers, they have not been skilled in that line, their heads are not shaped that way, they are only—their only knowledge of how to make a living is as a farmer and to make a bunch of money lenders out of a bunch of farmers would be all wrong, it would not work out well, the whole community would be demoralized and I think nearly every farmer there, if he was able to do that, would leave the community and go somewhere where he could farm also.

Q. Don't you believe under these

conditions and at this time that everybody ought to be willing to make a little sacrifice?

A. Well, if you would ask any of those farmers down there if he had made a sacrifice, they certainly would tell you that they had sacrificed to the limit. That's the way they all feel about it. They are all up on edge about it, the fact is, they are raw.

Q. (By Mr. Rector) What amount of land is in cultivation in Brazoria County, approximately?

A. Well, perhaps the answer for that portion where I live would be satisfactory to the senators.

Q. Well, if the same rule applies to the other portions, we want to get at the whole territory and come to a conclusion.

A. Yes, sir, well, as near as I can understand it from such information that has come to hand there is somewhere from seven to eight thousand acres planted in the Alvin territory this year. What I mean by that is the territory where the people come to our bank and on the rural delivery line and to our gin.

Q. That seven or eight thousand, what proportion of that is land in cultivation in that territory?

A. Well, it is hard to say. Now there is a number of things enter into that that makes it difficult. I would say perhaps it is about half of the land.

Q. About half of it?

A. About half of it.

Q. What is the balance of that land generally cultivated in?

A. Well, they usually raise cane and milo maize to a certain extent and peanuts and sweet potatoes, kaffir corn and quite a bit of broom corn and some corn also.

Q. Is it generally considered that these products are as remunerative as the raising of cotton?

A. No, sir.

Q. Well, what proportion of this territory is in cultivation anyway, how much of it is in cultivation?

A. Well, the territory immediately around Alvin is about 60 per cent and out, say four miles, and then after that it will gradually diminish down to 10 per cent.

Q. Well, taking the whole territory east of the Brazos in Brazoria County, about what per cent is in cultivation?

A. Something like 20 per cent.

Q. 20 per cent in cultivation?

A. I don't think more than that.

Q. And about 10 per cent in cotton. What is the use of the land that is not in cultivation, is it pasture land?

A. It is used as pastures and as dairy farmers mostly.

Q. Well, has the tendency then to reduce that pasture to tillable land, farming land, is that the course or trend of development in the country or do they expect that the grazing land will remain as grazing land?

A. Well, I will answer that yes, and then I will qualify it, if you permit me.

Q. Yes, sir, explain it, please.

A. It is like this, after the big crop that they raised in 1917, isn't it?

Q. I think it was.

A. 1917, there was a strong demand for land and places that had been out for years came back into cultivation and raw land was purchased and put into cultivation, that is, it was ploughed, then the noncotton zone I believe it was, came on in 1918 and as soon as that came on all prospect for ploughing up any more land and the tendency towards progress ceased absolutely and people became discouraged and could not think about selling any land, but it is just upon the prospects of the high prices that obtained during the close of the war and the big crop that was made in 1917, that this movement started and at that time why things looked mighty good, but when the noncotton zone came on and was a very favorable year for raising cotton, 1918, why it discouraged and demoralized our country very much.

Q. Didn't they use to raise, had a good deal of truck farming about Alvin and raised strawberries?

A. Well they did that, too. Back in former years, they raised strawberries, but the commission men made it unprofitable for them and they gradually dropped that and then there was one other thing, to be entirely fair about it, when we had a dry year, it is unfavorable for strawberries. When we have our wet years or rather medium years is the best years for strawberries. Well, just on the heels of being thoroughly robbed by the commission men we happened to have a dry year and

that nearly flattened out the business so far as strawberries is concerned.

Q. Well, are there any other crops that are raised generally there?

A. You mean raise most anything there?

Q. Melons, cantaloupes?

A. Yes, you can raise all those things. We are a long ways from real markets; Houston and Galveston can be glutted in a day, can be glutted with a few wagon loads or truck loads and we probably have no market short of Kansas City and Omaha and places like that and it is a long way to ship and the difficulty in organizing and putting that on foot, seems to have been so far beyond the organizing ability of the men that were engaged in it.

Q. Isn't the prospect of a good market much better now than it was then, since everything has gone up, can't the people sell everything down there now?

A. Well, that is not true down there locally, no, sir.

Q. Well, when did you begin to change from truck farming and other crops to cotton, when did you begin raising cotton?

A. Well, if I told the whole story I could probably do it in about ten minutes and perhaps you can get at it pretty well by that. Now, when I came to that country in 1889, they had the idea of growing pears and from 1889 to 1896 everybody was engaged in getting out orchards and in raising pears. There was a blight came along and destroyed the pear orchards and that left everybody afloat to do something else and for the next two or three years after that they did trucking and practically got into strawberries and the strawberry business became quite an item for a good many years. The 1900 storm came along and that upset conditions and a great many people moved out, houses in the vicinity were built very flimsy and they were practically destroyed. Well, we got together there and by degrees worked out through the strawberries and through the truck a pretty good business. So then, from 1896 to 1906, this condition continued. Then in about 1906, the orange came into prominence and along during these years too, they had a good many cape jassamines and things of that sort. Well, now the orange business had been started by my father and my brother down there about 1896 or 1897, at the time that the pear boom went to pieces, they started at that, but the main portion of the people did not pay any attention to that at all. In 1899, they had a bad frost that froze the orchards, but my father wasn't discouraged and started again and in 1906, he began to ship oranges in considerable quantities and then it was that the people all went into the orange proposition and the people—and the country became an orange country for a time there in the propagation of the orchards or in the raising of the fruit and selling it. Now, that condition continued until 1911, when we had two bad freezes the same winter, which destroyed most of the orchards. Then following that, and it has always been my belief, had a lot to do with, there was something, some kind of a growth that has since been named citrus canker that developed in those orchards that were left and the citrus canker was finally the result of those orchards all being destroyed with the exception of two or three. Now, then that condition continued along from 1911 until about the opening of the war. Then our boys were all called off to the war and labor conditions became such that we were unable to continue in hardly anything. Then the 1915 storm came on while this condition still continued. Well, the people pulled themselves together again and concluded that they would go into the cotton business. Mr. Long, over there, was mainly instrumental in bringing that to the fore. He went all over the county and had meetings and called the people together and showed them a course that they might take. In other words, they needed someone to lead out. People were all adrift without knowing what to do or where to do. Then it was that they got busy and commenced planting cotton, ploughing up the fields and putting in cotton, in 1916, I think it was. I think that was the first year, they did not raise much that year, because a great many people left there after the 1915 storm, things were all in bad shape and it took quite a while to recuperate and get so we could do anything. Then in 1917 we came along with a pretty good crop, everything that was into cotton did splen-

did. We had a lot of cotton that year that made a bale an acre, but it was a reasonably dry year. They did not do as well in 1918. Any year that is dry we make lots of cotton as far as the land is concerned, climatic conditions may be bad but it perhaps will grow. I have seen as good cotton right there as I have seen around Dallas or anywhere else in the State. So the people come into the cotton business and they made money out of it that way. Then the boys began to come home and breaking up land and getting ready to put in a crop in 1918. Then the quarantine came along and—

Q. (Interrupting.) They accepted the quarantine?

A. They accepted it, as I recollect, with the exception of two or three people. The quarantine generally was accepted all over the country, no contention or question raised about it.

Q. The quarantine was declared off in 1919?

A. That is true, but we had a very rainy year and couldn't raise any cotton in 1919.

Q. Did you attempt to raise any cotton in 1919?

A. There was some cotton attempted to be raised but it amounted to nothing.

Q. It amounted to a failure?

A. Yes, sir, it was a failure.

Q. The cotton farms, or the farms in that country was—are they small farms cultivated by the owners, or are they tenant farms?

A. The farms close around town are generally small farms operated by the owners and then there are some farms around here and there that are operated on the tenant plan that are larger.

Q. Do you suppose, what do you suppose the proportion of the farms, that are worked by tenants, what proportion by the owners?

A. Well, I would think there would be a proportion of one-third by tenants and two-thirds by the actual owners.

Q. Well, you had regulation last year, you can't say what that would have cost when they didn't have the cotton there—were there any fields condemned under the law, inspected and condemned and destroyed?

A. Yes, I think there were. There are other witnesses, however, that can testify precisely about those matters, Senator, and I was not up against those matters directly so as to have minute information but I know it is a fact that was done.

Q. You don't know of your own knowledge what proportion of the farms that were found infested are those that were actually cultivated?

A. Now, to get to a definition of that word infestation, I don't know.

Q. I mean by the Board, that was investigated and condemned, how many of those farms were found infested and were condemned.

A. I think there were forty or fifty.

Q. That were condemned?

A. I think so, I think something like that, or at least that many that they found the worms in or claimed to have found them?

Q. In what territory?

A. Well, that extends not only in the Alvin territory, but practically over to the Trinity Bay section and over to the Brazos.

Q. What proportion of that was found to be infested to the whole number of farms, what proportion of the cotton fields or cotton farms was found infested in 1919?

A. It is not many, but I don't believe I am competent to answer that question, Senator.

Q. What proportion of the farms in the Alvin district planted cotton, I believe you said—what did you say?

A. About half.

Q. About half?

A. Yes, sir, something like that. That is, I mean cultivated acreage there was about half of it in cotton in 1917 and would have been a great deal larger percentage in 1918 had they been allowed to plant it.

Q. How many acres would that amount to?

A. Well, at the present time from what I gleaned around, I think there's somewhere about seven or eight thousand acres of cotton around there this year.

Q. In that district?

A. Yes, sir.

Q. (By Gen. Wolters.) You mean in the Alvin district?

A. Yes, sir.

Q. Not in the whole zone?

A. No, sir. I am just repeating theanswer I made a while ago, General, that it covered territory that comes to our gin and our bank.

Q. That is in Brazoria County?

A. And part of Galveston County,

part of Galveston and part of Brazoria. We are here in the line you know.

Q. (By Senator Rector.) I believe you were asked a question as to what you thought the damage would be, if you had to plough those seven thousand acres. Now, would you take into consideration, you would have to take into cousideration both the landlord and the tenant, wouldn't you?

A. Yes, I think so.

Q. The tenant has that land leased for the present year.

A. Yes.

Q. Well then, what do you think would be a means of getting at the damage to that tenant if he has ploughed up the land, could he get other work or is there anything else he could do or anything else he could plant on this land after this time?

A. A loss to the tenant, I think would be nearly 100 per cent. practically, for this reason: you take the average tenant, he is not a very capable man along general business lines and when he is deprived of a chance to farm, the only thing that he knows in the world, why he is put out as the poorest paid labor there is, indeed if there is plenty to do, and if there is not plenty to do he is without anything to do whatever until the coming crop year.

Q. What could the renters do with the land that was in the hands of this tenant, what could he do after the crop was ploughed up, would he have any way of utilizing that land?

A. Very little indeed. You see, it is like this: our people down there depend upon these folks to take care of the land. Now if they get what little money was coming to them, they would probably go somewhere else where they could do better. I am sure that is what they would do. That is the way they talked to me. I have talked to hundreds of them in the past few weeks. They come into my office and ask a lot of advice about it, sometimes they take it and sometimes they don't.

Q. These conditions around Alvin, are there similar conditions west of the Brazos and along the bottom land, or do you know about the conditions?

A. Well, on the east side of the river the conditions so far as the quarantine zone go, are pretty much the same, but on the west side of the Brazos I think different conditions obtain.

Q. Does the quarantine cover that west of the river?

A. I don't think so. My understanding is it just goes to the Brazos.

Senator Dayton: I would like to ask this witness one or two questions.

The Chair: Senator Dayton.

Q. (By Senator Dayton.) What is the average yield of cotton per acre in your community, please sir?

A. I don't know. I have not seen the records on that, Senator.

Q. Well, you know pretty well in a general way?

A That will allow me to answer a question that I have not answered if you want to know, perhaps. I will state this, that we have about one dry year in five, one wet year in five and then three years that are just normal, ordinary years. Now then, in a dry year, we raise a bale to an acre and in a wet year, nothing. And then in the other three years we raise about a half a bale to an acre.

Q. What is the average rental value of the land, of cotton land per acre?

A. It is practically without rental value the way we are situated.

Q. Well under ordinary circumstances?

A. Under ordinary circumstances it will be about three to five dollars per acre.

The Chair: Anyone else desire to ask a question? If anyone else desires to ask a question let that question be asked and let's excuse this witness.

Q. (By Mr. Moon.) On that rental value, do you mean that you, if you own a piece of land and you rent it to one of your neighbors that he only pays from three to five dollars on it, on cotton?

A. I have not rented any that way.

Q. For instance your testimony just a minute ago was that some years you made a bale of cotton to the acre and some years practically none and other years half a bale. Now in view of the fact that if a bale of cotton is worth something over $200.00, do you figure that from three to five dollars an acre is the rent value of that cotton land?

A. Here's the proposition: I don't rent any land that way. I rent my land all on the basis of a share of the crop and especially since prices went up. Now, I might have rented

on a money basis in 1914 and 1913, but from 1917, from then on, I have been wanting to rent everything that I rented at all, on a share of the crop. Now here's the trouble, just the things that I have explained to you that has kept us, our country in a continual turmoil, so that we have not settled down to any particular line and kept it up year in and year out, like you have in north Texas. It seems to me like we have not had a fair chance. I don't know whether we are going to get a fair chance. That is what we are up here for now, to see if we can get in there and make some money out of our land and our crop.

Q. (By Senator Davidson.) Mr. Stockwell, the rental value of three to five dollars an acre as you stated a while ago was the value that which your land would rent, doesn't at all represent the earning value of the land around that country, does it? It has a greater earning value than that, under operating conditions I will term it?

A. Very much greater under operating conditions, yes, sir. Yes, sir. but the trouble is, we haven't been organized and haven't had the labor and conditions that would bring out the most that was in the land to us. It would be impossible to rent the land. Therefore, a man could come along and get land at his own figure. There is no competition.

Q. What I ask you was, I want to get at, what the farmers get out of that land whether they rented it for so much cash or whether they got part of the crop, I wanted to know what the farmers got out of it?

A. If they rented it on a share basis, they got one third of the cotton and one fourth of the corn.

Q. What is that worth in an average year?

A. An average year—an average bale of cotton in an average year would be one hundred dollars and three-fourths of that would be seventy-five dollars.

Senator Dayton: That is what I wanted to get at.

Senator Davidson: Yes, sir, I don't think he intends to convey that impression.

Q. (By Senator Davidson) Is it a fact, Mr. Stockwell, that the land in that country around Alvin, with which I am myself familiar, that the people of that country would be willing to say that they would be compensated for the use of those lands by paying them three to five dollars an acre?

A. No, indeed, they wouldn't.

Q. It has a greater value than that entirely?

A. The idea is this, so far as that part of it is concerned, as I understood his question, he wanted to know what was actually being done, not what the people would be satisfied with, nor what would be the rent of the land under favorable conditions, but what was the actual facts on the ground now. That is what I was trying to answer then.

Q. Isn't it a fact that those lands have been worth as much as two or three hundred dollars an acre in that vicinity at times?

A. Yes, sir, I sold a piece of land there at a $1000.00 an acre once.

Q. Well, isn't it a fact then that the earning value is more than twenty-five dollars an acre in those years?

A. Yes, sir, this man thought he would get his money back in one year.

Q. (By Mr. Smith) If I understand it, you sold cotton land for $100.00 an acre?

A. No.

Q. That was—

A. (Interrupting) I sold land, however, that would grow cotton, at $1000.00 an acre.

Q. What gave it the $1000.00 value?

A. Oranges.

Q. So you would not say then that cotton land was worth $1000.00 an acre?

A. Yes, sir.

Q. (By Senator Davidson) The Horticultural Board cut your oranges down?

A. Well, they didn't cut my oranges down, sir.

Q. (By Mr. Jackson) Isn't it a fact that nearly all the cotton land, land that is actually grown to cotton, that is almost universally rented at a crop rental?

A. I don't know anything to the contrary as a matter of fact, judge.

The Chair: The witness is excused.

(Motion by Mr. Raiden that the committee recess until two o'clock this afternoon was seconded and carried.)

FRIDAY, MAY 28th, 1920.

AFTERNOON SESSION

Mr. Pickett: The Attorney General has called my attention to the fact that probably I had been incorrect in using some of the words of Mr. Marlatt, with reference to what was the attitude of the Federal Department with reference to the comparison between the boll weevil and the pink bollworm. It is probable that I did say, the record will show, that I understood Dr. Marlatt to say that Governor Culberson was advised by the opinion of the department, which was communicated to him, that if the methods advised for the use of fighting the boll weevil were not followed, that we would suffer the results which we did suffer. The statement should have been that it was probable or possible that we would suffer if we did not profit by the lesson of the weevil. The statement I had in mind being the statement contained in Mr. Meredith's letter, at the conclusion of the paragraph on page thirteen, where we find this statement:

"The lesson on the boll weevil should not be lost on Texas and this country. Failure to profit by that lesson would surely bring upon the cotton industry of this nation a calamity which could not be measured." I cannot understand that to be anything else other than that if we fail to comply with their suggestions in this matter we will have a calamity in Texas. I make that statement in view of the fact that I represent the district from where this particular infestation is said to be found.

J. F. Richardson, called by the Farmers' Committee, being duly sworn testified as follows:

Q. (Examination by Mr. Pickett) What is your name?

A. J. F. Richardson.

Q. You live in Liberty County?

A. Yes, sir.

Q. Present County Commissioner?

A. Yes, sir.

Q. And have been for seven or eght years past?

A. Yes, sir.

Q. You are a merchant also?

A. Yes, sir.

Q. If you are engaged in farming, how long have you been so engaged?

A. Twenty-one years.

Q. Reared in that county?

A. Born and raised there.

Q. In 1917, were crop conditions good there that year, especially with reference to cotton?

A. Fairly good in 1917.

Q. In 1918, after the State quarantine, or noncotton zone quarantine was fastened on us, in the main did the people abide by that regulation?

A. Yes, sir.

Q. Did you?

A. No, sir.

Q. How many acres did you plant that year?

A. I planted I think twelve.

Q. How many bales did you get?

A. Five off of seven acres, and two big bales off of the other.

Q. Seven bales off of the twelve acres?

A. Did you personally observe quite a good deal of the clean up, so called, of the volunteer cotton done under the Government supervision in 1918, when they were pulling up the volunteer cotton?

A. Yes, sir.

Q. Was any of that clean up carried on in the immediate vicinity of your farm?

A. Yes, sir, on adjoining farms.

Q. To give a concrete illustration, the Fred Hill farm, how many acres?

A. 88 acres.

Q. Did you see the Government agents in there pulling up cotton?

A. Yes, sir.

Q. Were there a few or were there dozens of them?

A. They had a lot of them.

Q. About twenty-five or fifty?

A. Yes, sir.

Q. After the work was completed, did you have occasion to pass that farm frequently during the cotton season of 1918?

A. Yes, sir, I guess I passed by it three or four times a week.

Q. Well, having opportunity to discover the condition of the Fred Hill farm, state whether or not volunteer cotton continued to grow there?

A. It continued to grow.

Q. Was that scattered, or just general over that 88 acre farm?

A. Scattered around.

Q. You could see it from the road?

A. Yes, sir.

Q. Was that farm ever cleaned up any more that year?
A. No, sir.
Q. Did the Government agents go back there any more?
A. No, sir.
Q. Was that farm ever cleaned up?
A. Yes, sir.
Q. How was that volunteer cotton removed?
A. Mr. Hill pulled his peanuts and they plowed the cotton under.
Q. When the Government first resorted to a clean up of the farms in the noncotton zone in 1918, what was the method as to pulling all the stalks, or was it later by picking all the bolls?
A. They first pulled all of the stalks, and that cost so much money they decided to just pull all of the bolls.
Q. What name do those local boys call that?
A. They call them the hux.
Q. Was it your information in talking with a number of the cotton men returning next season—?
A. Their contention was that the hux was all that was required.
Q. Was their contention that that was sufficient clean up, that they could cut it down and that would end its growth?
A. Yes, sir.
Q. And that they could leave it?
A. Yes, sir.
Q. For the purpose of informing some of the committee, did you go to an old farm this year and get some stalks?
A. Yes, sir, I got some stalks.
Q. Where did you get them?
A. I got them from where they had taken the hux off.
Q. And the stubble was there?
A. Yes, sir.
Q. Was it growing?
A. Yes, sir.
Q. Are these the stalks you got?
A. Yes, sir.
Q. And this other cotton here represents the stage of the growth on whose farm?
A. On Mr. Bell's farm.
Q. Mr. Bell is from Red River County?
A. Yes, sir.
Q. And he is a very desirable addition to our county?
A. Yes, sir.
Q. How many acres has he bought?
A. I think 300 acres.
Q. How many acres of cotton has he at that stage of growth?
A. About seventy-five.
Q. Has he any more planted?
A. On his farm?
Q. Yes.
A. No, sir.
Q. With reference to this clean up by the Federal Department and State Department in last year and 1918, are you familar with that situation?
A. I am familiar wth 1918, we cleaned them up that year ourselves.
Q. Farmers that followed the law, they had the clean up themselves, but those that didn't follow the law, who cleaned up for them?
A. The Government.
Q. Last year, 1919, the crops where cotton was planted, it being in a regulated zone, who cleaned that up?
A. The Government.
Q. From your experience of twenty-one years of farming conditions, knowing what a clean-up is, was that territory completely cleaned up, or was it incomplete?
A. It was incomplete.
Q. Why?
A. Because there is only one way to clean up, and that is to pull the stalks up. If you leave the roots in the ground it is not sufficient.
Q. With reference to the bolls on the ground, did they leave them?
A. Well, they cleaned it up pretty well in some places, others they didn't.
Q. How did they leave it?
A. They had some men that couldn't even read and write that were bosses of the gang.
Q. Do you know that Moseley negro?
A. Yes, sir.
Q. Can he read and write?
A. No, sir.
Q. How many men did he have under him?
A. Forty or fifty.
Q. Who was responsible for the cleaning work done by that bunch of men, and who went around to see that it was thoroughly cleaned up?
A. Moseley.
Q. Was he responsible for that gang?
A. Yes, sir.
Q. How were the other gangs handled?

A. They were all handled by a straw-boss, as they call it.

Q. What per cent of the cotton did they clean up?

A. I don't know.

Q. After these government agents with forces of anywhere from twenty-five to one hundred men would clean up a farm, what evidence of trash and cotton plants and bolls would you see there?

A. They pulled those stalks up when they first started, and then they would burn them, and they wouldn't have anybody around there after the stalks were burned, and the fire would burn down and leave pieces of stalk that long (indicating), and there would be pieces of cotton and bolls laying on the ground. You can see those places there now.

Q. They would set it afire and go off and leave it?

A. Yes, sir.

Q. Do you say that was general all over the country?

A. Yes, sir.

Q. You as County Commissioner and being under the odium of a violator of the law, you observed that?

A. Yes, sir.

Q. And you watched all of that very carefully, because you wanted all the evidence you could get against them?

A. Yes, sir.

Q. Is there any such thing as wild cotton in Liberty County?

A. Yes, sir.

Q. Is it similar to the cultivated cotton?

A. Yes, sir, except that when it blooms the bloom is white and turns to a lilac color.

Q. Has wild cotton a boll?

A. Yes, sir.

Q. Does it have a seed?

A. Yes, sir.

Q. Well, how about the fiber?

A. It doesn't have any fiber, only there is a kind of stringy substance in the boll.

Q. Have you talked to Dr. Hunter as to whether or not this was a hibiscus plant upon which this pink bollworm might feed?

A. Yes, sir.

Q. What did he say about that?

A. He said he would like to have some of it in bloom.

Q. How soon can you furnish him some of that in bloom?

A. I think in June.

Q. Is that just a phenomenon in that country or is it general?

A. It is general, but you don't find it only around the marshes.

Q. Has the government tried to clean that up?

A. No, sir.

Q. Does that cover a space as large as this room, or does it cover acres?

A. I have three hundred acres of it on my farm.

Q. Has the government ever endeavored to clean that out?

A. No, sir.

Q. Has Chambers County a good deal of that kind of land?

A. Yes, sir, because about half of that county is water to start with.

Q. And right in the neck of that is Smith's Point?

A. Yes, sir.

Q. Have you been there?

A. Yes, sir.

Q. This wild cotton is within what distance of many of the cotton fields that were planted last year in Liberty County?

A. The closest place to some of this marsh is Mr. John Anderson's place, something like a half a mile from that field.

Q. They found a worm in this field in 1917?

A. Yes, sir.

Q. He is here?

A. Yes, sir.

Q. Now, with reference to what you as a merchant and farmer and man generally posted, and fairly representative of the community where you live, should an extreme penalty of a noncotton zone be put on say for this year, and our cotton destroyed and for the next three or four years the planting prevented, have you any mature plans you would suggest as a measurably fair system of compensation?

A. That would be hard to arrive at.

Q. Well, in a brief way, it might be a real suggestion.

A. What might satisfy me, might not satisfy my neighbor.

Q. What would you be satisfied with, if you had to swallow it?

A. I think the fair and just way would be to compensate a farmer for each and every year separately. You have no way of knowing what this farmer will raise one year with the other, you cannot fit it.

Q. You want pay for the particu-

lar season that the quarantine operated in?

A. Yes, sir.

Q. On what basis, rental basis or a probable production basis, less the expense of harvesting and marketing?

A. A great deal of the farming in our country is done by tenants on the third and fourth and on the halves, and the farmers themselves would be hard to settle with, you would have to settle with him. You would have to settle with the landowner and then the tenant, it is a very hard proposition to figure out.

Q. Do you think a rental arrangement or a per cent. of what—first, a percentage basis, if your land is worth fifty dollars per acre, say six or ten per cent, would that be a just compensation?

A. I should not think it would be, considering it all.

Q. Well, a rental of five or ten dollars an acre, and in considering the incident damage, of lessening of the value of the land and driving away tenants, would a five or eight dollar an acre rent be a fair and just compensation?

A. No, sir. I think it is not, because we rent land for pastures. You can put a cow on there and she will have a calf, and you can sell that calf for fifty dollars.

Q. You wouldn't rent your land for that?

A. No, sir, I would rather buy a cow and put on it.

Cross Examination.

Q. (By Mr. Bryant.) You didn't obey the law in 1918?

A. No, sir. I tried to obey it but couldn't.

Q. Why?

A. I spent four or five days with the Attorney General, spent about the same amount of time with the Department of Agriculture and also Dr. Hunter, and I tried to satisfy him so I could raise cotton without being an outlaw.

Q. And they passed a law prohibiting the growing of cotton in that zone, and you raised it anyway?

A. Yes, sir.

Q. Suppose they passed a law at this session of the Legislature, establishing a noncotton zone there for next year, would you obey that law, provided you were compensated?

A. If you had a law I would, you didn't have any law when they put that on us before.

Q. I am asking you if they pass a law prohibiting you from growing cotton in that zone next year, and providing a reasonable compensation to you for depriving you of that privilege?

A. If they pay a reasonable compensation, I would, I am speaking for myself now.

Q. Do you believe the pink bollworm exists in that community?

A. No, sir, I don't think so myself, and I don't think any of my neighbors do.

Q. Suppose the Legislature should decide that he is there, then what is your opinion as to the establishment of a noncotton zone, or the establishment of a regulated zone?

A. We have got a mighty good regulated zone, at least, we are trying to obey it as well as we can, and so far we have done very well.

Q. You have planted cotton this year?

A. Yes, sir, you mean last year?

Q. Well, this year, 1920.

A. Yes, sir.

Q. About how much cotton is usually planted in Liberty County each year?

A. Well, I don't know, I couldn't answer that, I would not undertake to answer that, because Liberty County is very large, and some portions of the county on the north end where they have no quarantine on this pest at all, and there is going to be an immense crop raised this year. I was up there a few days ago.

Q. Is the crop bigger this year than it was last year?

A. Yes, sir, taking the county as a whole, I reckon it is three times as large.

Q. Have you any explanation as to why they planted more cotton this year than last?

A. Yes, sir.

Q. What was it?

A. The price.

Q. All other crops do well in Liberty County besides cotton, don't they, Mr. Richardson?

A. We have a county in which practically most anything will grow, except the high land. The high land is used for high land crops, and the low land for low land crops.

Q. What is the principal crop in Liberty County?

A. I expect the greatest money crop we have is rice.

Q. What other crops are grown there?

A. Well, we have sugar cane, and we grow corn, we cannot grow any grain there, it takes the rust.

Q. Where you grow cotton, can you grow cane and corn there?

A. On the high land we grow cane and cotton.

Q. In other words, if you quit planting cotton entirely, you could grow other crops on this land, perhaps not as much money to be made, but other crops would do well on the cotton land.

A. We can grow it, but we would lose our labor. Practically all of our labor is negroes, negroes are like mules, you have got to handle them just right.

Q. I take it most of these negroes are educated?

A. No, not what you would call educated.

Q. You seem to be of the opinion that a negro couldn't clean up a cotton field, if he couldn't read and write, and therefore they would go to town.

A. They have nearly all gone.

Q. Don't it take negro labor to raise sugar cane and corn and rice?

A. Yes, sir.

Q. If you were to put all of this land in corn wouldn't you have to have those negroes?

A. You couldn't grow those crops and use all that labor. You take a negro, what is he going to do with a crop that is put in on the 15th of March and gathered on the 15th of August, what are you going to do with him the rest of the time?

Q. What is the average production in Liberty County?

A. We have two or three different grades of land, altogether different kinds of land, and it all depends on the land. If it is good black land, you can produce from three-quarters to a bale of cotton per acre.

Q. You made seven bales off of twelve acres in 1917? Did you ever make that much cotton before or since that time?

A. I have made a bale of cotton to the acre many times.

Q. Most of the farms are small, aren't they?

A. I guess the largest farm we have in our county in corn and cotton is five or six hundred acres.

Q. The average farmer has just a few acres in cotton?

A. Yes, sir.

Q. How many acres will you say the average farm is?

A. It altogether depends on how many a man has in his family to help him make the crop; you take one man and he cannot work as much as a man that has four of five half-grown boys, but the average size of the farm I suppose if you take a darkey and go out to work a crop, it would average about twenty-five or thirty acres, that is about all you can expect to attend to with one negro and a mule.

Q. A great many cattle are raised in Liberty County?

A. Well, there are not as many there as there used to be, there have been lots raised there.

Q. You say the government didn't do a good job of cleaning up the cotton fields?

A. Not in my opinion, I don't think they have ever cleaned it. I think the best cleaning was in 1918 when we had to clean it in order to get our money back.

Q. That is when the farmers cleaned it under the noncotton zone?

A. Yes, sir.

Q. In case they establish a regulated zone requiring the fields to be cleaned, don't you think the farmers would be the proper ones to do it, and not leave it to the government?

A. I think they ought to have been the ones to have the refusal of it. They tried to get the refusal of it at first, and the government wouldn't do it.

Q. Then it is best to let the farmers clean the fields?

A. I would rather clean my field rather than have somebody come and tell me what I had to do and what I couldn't do.

Q. What is your idea of what it would cost to clean these cotton fields after the crop had been harvested, how much per acre?

A. It all together depends on the quality of the land and the rankness of the stalk, and the quality of the labor.

Q. Take the average cotton field, and the average class of labor, and the average conditions, what do you think an acre of cotton could be cleaned as it ought to be cleaned up?

A. I could give you what it cost me to clean my field of cotton.

Q. That is the information I want?

A. The year they got me to clean mine, that is when it was taken up with the department by Mr. Bonner, the Federal man, I had seven acres, and it was worked on the halves. I gave the negro fourteen dollars to clean up the seven acres, that was my half, and he cleaned it with a cane knife. Now, as to the labor, that is fifty per cent higher than it was then.

I allowed him one dollar and seventy-five cents then, and we cannot get labor for less than three or three and one-half now.

Q. At that rate it would be four dollars an acre?

A. I didn't figure it.

Q. Well, your half of the dollar and seventy-five cents?

A. Yes, sir.

Q. Now if that was doubled it would be eight dollars?

A. Well, I cleaned it up awful good, and I thought it had to be cleaned up good to get my money back.

Q. That is the way it ought to be done?

A. Yes, sir, that is what I think, if you are going to destroy it, you ought to do it well.

Q. Was your field cleaned of the weeds?

A. No, sir, nothing was taken up except the cotton stalks and the locks of cotton on the ground.

Q. You took up the stalks and the locks of cotton, but the weeds were left untouched?

A. I can tell you how to clean that up, if a man has a bunch of sheep, and turns them in there, you couldn't find a lock of cotton in there in a little while.

Q. Do you raise a good many sheep down there?

A. No, sir, you cannot raise them there, you can raise them only on high land.

Q. Do you think your field of cotton is a fair example, and this price would be a fair example of what it would cost to clean up the average field in your county?

A. That puts me back to where I told you a while ago a great deal depends on the size of the stalk you have to cut, and the price of labor.

Q. Was your cotton unusually large or small?

A. No, sir, there is a little that grows larger than mine. You take a stalk that large (indicating) you have to take two licks with a cane knife to cut it in two.

Q. Your cotton was average in size?

A. Yes, sir, I reckon it was average?

Q. I want to ask you a few questions that have been submitted to me. If this Legislature establishes a non-cotton zone as I have heretofore suggested with compensation to you for the destruction of your cotton, or if they establish a regulated zone, if a provision of the law that in the fall of the year when the inspectors come and inspect your field, and find it infested and the law provides for its destruction, with compensation to you, I want to ask you, keeping that statement in mind, these questions: Are you willing to accept for your own farm the regulated zone plan with provision for prompt destruction of your cotton with fair compensation, should it be found to be infested?

A. Speaking for myself?

Q. Yes, sir?

A. I would accept it.

Q. Would you obey absolutely all the regulations of the State governing the production, harvesting and disposition of your crop, and clean up all of your cotton fields?

A. I did it in 1918, I did exactly what they wanted done, and would do it again.

Q. Would you do everything in your power to help rather than to block the early finding of infestation and prompt destruction of your cotton when it was found infested?

A. I would not block the proposition at all. I believe in obeying the law when you have one, and I believe in working in the traces with the other fellow always. But I don't want the horses to balk.

Q. Would you be willing and would you give every facility to have your cotton examined during every week during the season by the State and Federal men?

A. If I am there.

Q. Would you instruct your tenants to accompany these gentlemen?

A. No, sir, I would not let my tenants do anything, my tenants would not be known in the deal.

Q. In other words, you would not want an inspector in your field without you being there?

A. No, sir, because they went out there and tried to run my tenants off, and did run two of them off, by telling them they were coming out there the next week and plow their cotton up.

Q. The finding of one worm in a field means the presence in the field of the parent moth, and probably several hundred worms, upon such finding by State or Federal men, would you be willing to have your cotton immediately destroyed upon the basis of compensation without court proceedings?

A. Yes, sir. I would like to have two worms, I would like to get one of those little worms myself.

Q. You want one for a pet?

A. Yes, sir.

Q. But if one worm was found, is what I am after?

A. If I was with them and we put him under the miscroscope, and I was satisfied, they could have it.

Q. I don't know what it would take to satisfy you?

A. Well, I am not hard to satisfy. I am reasonable, I believe Dr. Hunter will tell you that I am reasonable.

Q. You would have to be satisfied that it was a pink bollworm?

A. Yes, sir.

Q. What would it take to convince you?

A. Put him under the microscope, and show me the little rascal, and if he is there, you can have it. I am fair, if I have the yellow fever and was walking down the street and you and another man come along, I wouldn't be there, I don't want to give anything to my neighbors.

Q. How many gins in Liberty County?

A. I don't know whether they have one in Cleveland, if they have, we have about five or six.

Q. You have answered these questions with reference to your satisfaction and intentions to obey the law, whatever it is, provided you are treated right, paid compensation, do you think that expresses, that is calling for an opinion, but do you think that your attitude on this matter expresses the opinion of your neighbors and other citizens in Liberty County?

A. Well, you know it is a mighty hard matter for a man to answer for anybody, but I believe the bulk of my people, I don't say all of them, we are not unlawabiding, we want to obey the law, but we hate to have a big stick over us. We just cannot see that big stick over us. I believe the bulk of my people is reasonable to do anything reasonable and fair and equitable. They feel a little sore by having this cotton destroyed, they feel terribly sore because we have a man that absolutely owes money. He owes notes for cotton that was burned up and the State hasn't paid him for it. Every man that came down to burn it up, I asked him who sent him. They said Mr. Davis. I said "are you acting under his authority?" He says: "Are you a law-abiding citizen?" And I says I was, and he said: "Well, we come down here to burn your cotton." I says you can't burn it except under one condition. You go to the telegraph office and telegraph the State Treasurer and get the information that the money is there for me, and then you can burn my cotton, and if it is not, you cannot burn it. He said: "You know it is not there." And I said: "That is the reason you are not going to burn my cotton."

Q. Well, that is something that will have to be eliminated.

A. Yes, sir. They want pay for it, their cotton has been burned.

Q. You didn't file a claim?

A. No, sir. My cotton is stored in the warehouse yet. I hauled it to the gin, but I didn't get it ginned, that is the rent cotton. I shipped the rest of it.

Q. Where did you sell your cotton?

A. In 1918 we had to ship our cotton to W. H. Ward & Company in Houston, that is where we had to sell all of our cotton.

Q. In 1919, where did you ship it?

A. W. D. Cleveland & Company.

Q. Could you ship your cotton to any other place, company, to Ward & Company in Houston?

A. No, sir, we made arrangement with W. H. Ward & Company in 1918 to ship our cotton, and he was to hold out twenty dollars a bale for every bale shipped, but I got a check for mine and they didn't hold out anything.

Re-Direct Examination.

Q. (Examination by Mr. Pickett) Was that worm ever found on your farm in 1918?

A. No, sir, there has never been any in my farm.

Q. Where did you get the seed you planted in 1919?

A. I got them—they came from Lockhart.

Q. Part of the regulation was that you had to plant certain seed?

A. Yes, sir, in 1918 I got the seed that came from Lockhart, they were Mebane seed and very fine.

Q. You said that you learned the Government agents ran off your tenant by telling them they were going to plow up the cotton?

A. Yes, sir.

Q. What year was that?

A. 1918.

Q. Did you get them back?

A. No, sir, they moved away and wouldn't plant cotton.

Q. (By Senator Dayton) What affect on the price did this selling of the cotton to Ward & Company have, did you get as much selling it there as you would have by selling it on the open market?

A. I could not answer that question. I think my cotton brought twenty-six cents, I couldn't tell whether I could have gotten more upon the open market. I didn't have an opportunity to compare the prices.

Q. (By Mr. Brown) Mr. Richardson, I would like to ask you if you know anything about the banking business in Liberty County?

A. I have a small knowledge of the banking business.

Q. I want to know if it is possible for farmers to get credit on other crops than cotton? I mean a corn crop, for financing them through the year?

A. I don't believe a farmer can borrow money at the bank on corn and things like that.

Q. You don't think they could be financed?

A. No, sir, because it is not a stable proposition. We tried to raise peanuts in 1918, and the farmers tried to borrow money, and they couldn't.

Q. It is almost impossible for a farmer to get financing on anything except rice?

A. That is all we bank on.

Q. How do you generally rent your land, on a third and a half?

A. The half and the third and fourth.

Q. I thought it was on the halves, because I noted you wanted half of the worms.

The Chair: Is there any other member of the commitee who wants to ask a question? If not we will let the witness be excused.

A. I. Moore, called as a witness in behalf of the Farmers Committee, being duly sworn, testified as follows:

Q. (By Mr. Pickett) State your name.

A. A. I. Moore.

Q. Where do you live?

A. Liberty County.

Q. How long have you lived there?

A. Since the fall of 1889, about twenty years.

Q. At that time you were how old?

A. When I came to the county?

Q. Yes.

A. Twenty-one.

Q. Where had you lived before that?

A. Louisiana.

Q. How have you made your living, except by farming, since you became big enough to work?

A. In no other way.

Q. Farming all the time?

A. Yes, sir.

Q. How many in your family?

A. Seven.

Q. Do you own a farm?

A. Yes, sir.

Q. How many acres have you in your farm now?

A. 100 acres.

Q. Did you plant cotton in 1917?

A. Yes, sir.

Q. Was that a pretty fair year?

A. Yes, sir, I suppose it was a little above the average, not much above the average.

Q. You were prepared to plant how many acres in 1918?

A. 150 acres.

Q. How much of that had you plowed and had in condition, or nearly in condition for the seeds?

A. Eighty acres.

Q. Were you an outlaw or a patriot that year?

A. I obeyed the law.

Q. That is the way they divided the two classes?

A. Yes, sir, I believe so.

Q. You obeyed the law after you had gone to that extent in the preparation for your crop?

A. Yes, sir, when that quarantine was put on, I had sixteen negroes clearing land, costing me thirty-two dollars a day, ten head of mules to plant that cotton, and I could have made one hundred and fifty bales of cotton as sure as there is a God in heaven, but I obeyed the law and was ruined.

Q. What became of those mules?

A. I sold them.

Q. How did you make your living?

A. After that quarantine came up, I decided to obey the law. You remember I asked you, and got your advice, at first you didn't think they would have to quarantine, but afterwards you thought it would be better to obey the law. There was two fellows sent from this capitol to Liberty County, they came up there and told us to plant peanuts and Irish potatoes.

Q. Were those just volunteer missionaries, or Government agents?

A. I don't know; they said they came from Austin.

Q. Who did they purport to represent?

A. I understood them to be representing the Government.

Q. They advised you about substitute crops?

A. Yes, sir.

Q. What did they tell you and how did you try to follow their advice?

A. I tried to follow it to the letter of the law, about what they advised me to do, and I paid three dollars and a half for seed Irish potatoes, and I produced a good crop, and God bless your soul, sixty cents was every durn cent I got out of it. I have been insulted and ruined and run over by the bunch, and I tell you I cannot hardly stand it.

Q. How did you come out on your corn crop that year, 1918?

A. I raised twenty-seven hundred bushels of corn, and I made $240.00 in money above what it cost me to produce it.

Q. In other words, your profit was $240.00?

A. Yes, sir.

Q. Was there any bollworm found on the place you had prepared in 1918 for cotton?

A. No, sir.

Q. Was there any found there last year?

A. None reported to me.

Q. So far as you know, did anybody, either Government agent, or other person, ever see a worm that was found on your farm last year?

A. No, sir.

Q. In 1917, when the claim was first made that they found this pest, and the clean-up started, and was carried out through 1918, both as to cleaning up the cotton fields and the volunteer plants, were you in a position to observe the method by which that work was carried on?

A. Yes, sir.

Q. As a farmer with years of experience you have had, and in a position to actually observe what was being done in that respect, was there a complete or incomplete clean-up made?

A. Incomplete, very muchly so.

Q. In saying it was incomplete, upon one or more fields, did you notice easily the refuse or bolls or any number of little loose bits of cotton left on the ground after this clean-up gang left?

A. Yes, sir, I plowed under an acre and a half of it.

Q. What was the condition of the ground after their so-called clean-up work was ended? What was left there, if anything.

A. All the cotton that grew the year before.

Q. Had they been over it?

A. No, sir, not that part.

Q. Well, in that you had cleaned up, did you observe it?

A. Yes, sir.

Q. What could you say on that line with reference to the ground that hadn't been cleaned up?

A. Bolls and cotton and ends of cotton stalks.

Q. Were you aware of the claim by the department that it had effective clean-up methods to prevent the spread of this pest?

A. Yes, sir.

Q. And knowing that, was your attention attracted to the condition of the farm after they left?

A. Yes, sir.

Q. Did you observe that to be the condition in one or two conditions, or was it the rule instead of the exception?

A. The fields that came under my observation, and every field where I live on the west side of the river and on the east line of the county, I noticed closely, and not a single acre was cleaned up thoroughly.

Q. In 1919, you planted a small acreage at your home place west of the river?

A. Yes, sir.

Q. How many acres?

A. About four.

Q. State if you endeavored to be fairly accurate by stepping it?

A. Yes, sir. It lacked something like about a thousand yards of being four acres.

Q. How did the rains affect that?

A. It practically ruined it. It grew a good crop, and I would have gathered three bales of cotton off of that three acres but for the rains in the fall.

Q. Was it separate from you main crop?

A. Yes, sir.

Q. Your main crop consisted of how many acres last lear?

A. 150.

Q. Was that cleaned up by the

Government experts last year, that four acres?

A. Yes, sir.

Q. Was that left in the condition you have mentioned?

A. Well, it was cleaned up better than the other land. This 150 acres didn't produce anyhting, the rains killed it. I planted it three times. There may have been a few bolls on the high limit of the field, but it didn't amount to anything.

Q. That four acres was cleaned up and was about ready for picking when the fall rains came?

A. Yes, sir.

Q. When did they clean that?

A. I think they cleaned it on the 30th of January, and the 31st they pulled the stalks.

Q. On the 30th of January this year, they started to work?

A. Yes, sir.

Q. How many men worked that day?

A. There were twenty-two men working that day.

Q. How did those men get out to that field?

A. They came in four automobiles.

Q. Did they work the next day?

A. Yes, sir.

Q. How many men?

A. Sixty-three.

Q. Did you count them?

A. Yes, sir.

Q. How did they come out there?

A. They came in automobiles and wagons.

Q. Did you talk to the foreman as to the expense of that transportation of that one day?

A. Yes, sir.

Q. What was it?

A. $110.00.

Q. Do you know what the agent in charge is paid per day for the week?

A. Three dollars and a half a day.

Q. And how much do they get for a Ford car?

A. Ten dollars.

Q. How much for the driver?

A. Three and a half.

Q. Roughly calcuated that cost this government—?

A. Four hundred and seventy-eight dollars and eighty-two cents for less than four acres, and remember, I had three-quarters of an acre of this land pulled and piled in a half a day, and I did it in a half a day with these hands.

Q. Did they come back a third day to pile the stalks?

A. Yes, sir.

Q. How many men?

A. Five great big robust fellows.

Q. How long did they remain on your place to burn those stalks?

A. An entire day.

Q. How long would it have taken an intelligent twelve year old boy to do that?

A. He could have done it in a half a day, and an ordinary man could have done it in thirty minutes.

Q. Did those men walk out there, or did they come in a car?

A. They came in a car, it cost $27.50 to burn the stalks.

Q. In addition to losing the tenants, have you had any personal experience as to how it dissolves the family itself?

A. I have a son now in the army who left home. I would like to state how I existed prior to this time. When I married, and come to this place, I had a wife and five dollars between me and starvation, but I was raised a man that knew how to work and he taught me to work. I bought a home in the Trinity River bottom covered with timber, and I cut the timber off of that land, and cleared it while you others were asleep, and I plowed it and cultivated it and worked it myself. I raised all I consumed on my farm and what cotton I raised was a surplus, until I got on easy street, I wasn't forced to work. I was rated at twelve thousand dollars when this war board examined me in 1917. I cultivated my own land and rented twenty acres more from Mr. Stone; on that twenty acres I harvested twenty-two bales of cotton. I made forty-one or two bales of cotton the next year. I put in another 100 acres of land and I rented another sixty acres, and I intended to raise a big crop. I sent to Georgia and paid six dollars a bushel for my seed. I got the best I could find. Before I went to this expense, there was a meeting in Houston, and they asured us that the quarantine would not come above the Southern Pacific Railroad.

Q. That meeting was held in January about the 30th?

A. Yes, sir.

Q. Is it not a fact that you and other gentlemen went there to see Dr. Hunter and Mr. Scholl, and they

assured you that the quarantine would not go north of the Southern Pacific?

A. Yes, sir.

Q. And that would have put you outside of the quarantine?

A. Yes, sir.

Q. Then was it after that time you bought your seed?

A. Yes, sir, and I had everything fixed up. There was a man who came to our house, a representative of this Horticultural Board. That was after I had gone to this expense, bought these mules, and cotton seed, and everything, and he said they would let me sell my cotton seed and give me seven dollars, and gentlemen, after he said that he refused me that, and said if I refused to sell them that there was a bunch of men guarded by soldiers coming behind burning seed, that they had already burned a lot of seed in Harris County. At that time I was a little uneasy about the pink bollworm, I didn't want to do anything that would throw a damper over my neighbor, and I didn't want to harm anybody, I would rather suffer this financial reversal than to be an obstruction to the safety of the surrounding country, and I let them have my seed. My neighbors kept their seed, and they never burned a durn one of them. Mr. Stone, who lives next to me, planted forty acres of cotton and shipped thirty-one bales of cotton. Mr. Finney planted six acres of cotton, and he shipped nine bales, and Mr. Finney shipped 225 bales off of 185 acres of cotton. I was around there and saw this same government man that told me that I would have to sell my seed, assisting this neighbor of mine. One day when I was passing near where they were loading five bales of cotton, I saw my neighbor reach over and hunch this man, and he says: "I guess Moore wishes he hadn't obeyed the law now." My son is in the army now, because he had to leave home. Your remedy ruins the patient and leaves the germ. In 1918 I had two doctors and a nurse with my wife for nine weeks. Last year the rains ruined me, and when I see I had a fortune honestly earned, it hurts me. My son could see these conditions, and could see this old man being pressed back to the wall, and he left home, and it is vacant today, and the State of Texas and the Horticultural Board is responsible, and Hunter is directly responsible.

Q. After you got the information that the quarantine would not go north of the T. & N. O. how long before you got the information that it would go north?

A. I was ready to plant.

Q. And that week you were informed that one dead worm was found north of Liberty on the E. C. Christensen plantation, eighteen miles north of Liberty?

A. Yes, sir.

Q. And another worm was found twelve miles south of Liberty?

A. Yes, sir.

Q. And all the territory in between was quarantined?

A. Yes, sir.

Q. In 1917 you raised 22 bales on twenty acres?

A. Yes, sir.

Q. And you gave part of that to Mr. Stone as rental?

A. Yes, sir.

Q. You referred to a government agent intimidating you to the extent of telling you that a government army was behind him burning the cotton?

A. No, the cotton seed.

Q. And he said he would burn your seed if you did not agree to sell them, and that didn't happen to your neighbor?

A. No, sir.

Q. And afterwards you saw that same government agent that was telling you, helping this neighbor who didn't sell his seed to sell his cotton?

A. Yes, sir.

Q. Can you give the name of that government agent, or is he here?

A. No, sir, he isn't here, but he lives in Houston, I would know him if I saw him. He is a kind of big-eyed fellow. I saw a man shake a finger in his face and tell him that the most burr-headed negro in Liberty County was more honorable than he was.

Q. This rental business you had with Stone was on a share?

A. Yes, sir, I gave him one-third of the corn and one-fourth of the cotton. Sometimes there may be an arrangement made for money rent, but you wouldn't hardly get men except for the third and fourth.

Q. It is usually a non-resident that wants money rent?

A. Yes, sir.

Q. But the home man ordinarily, and the merchant or lawyer or banker who owns lands, does he take money rent?

A. No, sir, you have got to plant

it in cotton on the fourths, most of it.

Q. As you know the land in that county, and the adaptibility to cotton and the present prices, and the present situation with reference to cotton, if such a thing should occur as the fastening of the non-cotton zone on that county and other counties like it, for 1920, 1921 and 1922, would you consider it as fair in the smallest degree to pay money rental by the State to the landowner, and let it go at that?

A. Why, of course not.

Q. Have you thought over it any, enough to state to this committee what you would consider as a measurably fair and just compensation for preventing you from planting cotton or destroying the cotton, there this year?

A. Being acquainted with the different characters of land, that would have to be taken into consideration. We have a gray land that will produce cotton to a profit, though we can grow corn and sweet potatoes and sugar cane on it, it will produce those things to a better advantage than it will cotton, but the larger land is a deep black land, a stiff land, and it won't produce potatoes and peanuts, it will produce pretty good corn but not in paying quantities, as it does cotton. It is a fine cotton land, just as fine as there is in the State. The year they put it out that the worms would pull up the stalk and spit in the hole we made more than a bale to the acre. That year, 1917, I paid Mr. Stone one-fourth of the cotton off of forty acres of land, and I paid him $813.13. Now then there is that gray land that won't produce like that.

Q. Then as applied to the particular crop that you are kept from planting, whether on the poor land, or the good land, what basis would you consider proper to calculate on when you go to arrive at the amount of money that you would be entitled to if you had made the crop?

A. It would be the man's ability to do the work and the character of the land.

Q. You feel it ought to be somewhere near his proper profits? Or reasonably certain profits, what they would have been if he hadn't had this inhibition on him?

A. Yes, sir.

Q. Was there a worm found on Finney's place?

A. No, sir, I don't think so.

Q. It is generally published on whose farm it was found?

A. Yes, sir.

Q. You never found any on Stone's land which you cultivated?

A. No, sir.

Cross Examination.

Q. (By Mr. Bryant.) You talk about the government agent preventing you from planting cotton and later on you saw him assisting a man who did grow cotton, assisting him in marketing his cotton?

A. Yes, sir.

Q. Does Mr. Albritton live in your county?

A. I don't know.

Q. Don't you know that the officers tried to restrain these men from planting cotton, and it got into the courts, and finally it came to Austin, and by the time it got here and before they could get a decision, that cotton matured, and after it matured an agreemnt was entered into by and between all of these men in your county who had planted cotton, which was determined outlaw cotton, that they made an agreement with the Department of Agriculture whereby that cotton was harvested and marketed by them?

A. I know they got shed of their cotton, I couldn't tell you anything about the arrangement that was made. They made some kind of an agreement and sold the cotton.

Mr. Pickett: I am willing for Mr. Chapman to state the agreement for you if it would help. This man was not a party and don't know anything about that.

The Witness: I was doing my best to make a living at that time, I don't know anything about that.

Q. (By Mr. Bryant.) Well, that was a fact. All of these outlaw cotton men were in that.

A. I know there were men down there hunting volunteer cotton in the cornfields, with cotton growing in a field, with nothing between the corn and the cotton but a turnrow; twenty-five or thirty acres of as fine cotton as it could be.

Q. It looks like the government plan of clean up in these fields is not a success?

A. They claim it was.

Q. It is very expensive for the government to clean these fields?

A. I reckon it is from the way they cleaned mine. Will you let me tell you how it happened that I kept account of it?

Q. No, you just answer my questions. I don't want you to get started, I am afraid I couldn't stop you. If they cleaned all the fields like they did yours, it would bankrupt the country for it to clean them?

A. It looks like it to me.

Q. If the fields are to be cleaned, don't you think it would be better for the farmers to clean them?

A. Yes, sir, I believe the farmers can cooperate along that line, if we had a restricted zone, I believe if the government sent men in there, that would come and treat us like we were citizens of the State and nation, I believe when these worms were found that with a fair compensation that those farmers would take his hands or his children and destroy the cotton at actual cost, I know I would, and be glad to do it.

Q. You pulled up three-quarters of an acre?

A. Yes, sir, in less than a day, I want to make this statement, I pulled this up while there were green leaves on it. It was the first of December; we had a very late winter, it was green a heap longer than I have seen it, and it would be easier pulled when I pulled it in December than when they pulled it in January, after we had had a freeze.

Q. It doesn't freeze down there until about November or December?

A. We generally have our first freeze about the 15th of November, but we didn't have it this last year.

Q. When do you generally have your first killing frost?

A. About the first of November.

Q. Is the cotton gathered by the 15th of November in your section?

A. Practically every bit, taking it as a general rule.

Q. What time do you begin picking cotton in Liberty County?

A. Cotton that is planted early, they start picking in September.

Q. Then you get through picking about the first of November?

A. Yes, sir, ordinarily by the middle of November there is hardly anything there to pick, as an average, unless it is some fellow that drags around and don't try to gather it.

Q. Then as soon as a crop is gathered, it would not be so much trouble to immedately destroy the stalk as to wait until January or February?

A. Yes, sir, the burrs would not fall off as bad, and there wouldn't be so many on the ground. That is what I call them, cotton burrs, but I don't know what they call them.

Q. You could pull an acre of those stalks by yourself in a day?

A. Yes, sir.

Q. Don't you have to go along and pick the cotton off of the ground?

A. No, sir, I would take a broom and sweep that, I wouldn't do like they did.

Q. How long would it take you to clean up an acre of average cotton like you grow?

A. I never cleaned up any but I believe I could clean it thoroughly in two days.

Q. With labor at three and a half or four dollars a day, that would be about eight dollars an acre?

A. Yes, sir, that is about what it should cost. You understand my four acres didn't have anything in the way. There wasn't a sprig of grass or any weeds. It was new land, and high black land, and I had worked it good and kept it clean, and there was nothing for them to clean up.

Q. How many hours do these Government men work a day, about eight hours?

A. They all stay in Dayton, and they leave there at seven o'clock, and about nine o'clock they would get to my place, and they would leave my place in order to get back to Dayton by five o'clock. They put in the day but they put it in on the road and sitting around.

Q. A farmer has to work more than that?

A. Yes, sir.

Q. Are you willing to accept for your own farm the regulated zone plan with provision for prompt destruction of your cotton with fair compensation should it be found to be infested?

A. Yes, sir, but I want to be along when he goes in and I want to see that worm myself.

Q. Would obey absolutely all the regulations of the State governing the production, harvesting, and disposition of your crop and clean up of your cotton fields?

A. I don't know that I could answer that. I don't know how strenuous it would be, it could be

where a man couldn't possibly obey it, if they were in the bounds of reason I would.

Q. Of course, if they are unreasonable, you wouldn't?

A. Yes, sir.

Q. I want to know if you are ready to cooperate in enforcing the law?

A. Yes, sir.

Q. Would you do everything in your power to help rather than to block the early finding of infestation and the prompt destruction of your cotton when it was found infested?

A. Yes, sir.

Q. Would you give every facility to have your cotton examined every week or oftener by State and Federal men?

A. Yes, sir, provided I was with them.

Q. The finding of one worm means the presence in the field of the parent moth, and probably several hundred other worms. On such finding in your cotton by State and Federal men, would you be willing to have your cotton immediately destroyed on the basis of compensation without court proceedings?

A. Yes, sir, if I saw him come out of the boll, I wouldn't take any man's word.

Q. Well, suppose they make a provision in the law that before this man could go in your field they should give you notice?

A. That would be all right.

Q. And they come down to your house and say, Mr Moore we want to go into your fields to see whether there are any pink bollworms in there?

A. You bet your life I would go with them.

Q. With that propositon?

A. Yes, sir.

Q. That's the proposition. How many acres have you got in cotton this year?

A. About forty acres. I haven't measured up, just approximately, it might be thirty-five. Me and another Negro, we are cultivating eighty-five acres.

Q. (By Mr. Pickett) Mr. Moore, you made some reference to the carrying of these men to and from their work that is done in these automobiles that the Government provides?

A. Yes, sir.

Q. And that their time starts when they gather at Liberty or Dayton to step in the car?

A. Yes, sir.

Q. And they leave the real work in the field in the sunshine and fresh air in order to get back into Dayton by the time an eight hour expires?

A. Yes, they left my place about two thirty, not later than three.

Q. And that includes these workmen composed not only of negroes both men and women?

A. Oh, yes.

Q. But in the volunteer cotton pulling proposition, the bulk of them were boys, lots of them as young as nine or ten years, weren't they?

A. Yes.

Q. And they got how much?

A. Well, I am not prepared to say.

Q. Well, that is all right, if you don't know, don't say. We can prove by others what they got.

The Chair: Counsel, I suppose is through now. Any member of the committee desire to ask a question?

Mr. Brown of Liberty: Mr. Chairman.

The Chair: Mr. Brown.

Q. (By Mr. Brown of Liberty) Did you offer to clean up your land for those people there instead of having them clean it up?

A. Yes, sir, I did not speak, Mr. Brown, directly to Mr. Hunter or any Federal man, but I spoke to a man who had charge of a bunch and said to him that I would be glad to clean up mine at what it was costing to clean up the other fields and he said that he would speak to Mr. Barnes and he told me, this was Robby Lacour, he told me he spoke to Mr. Barnes and Mr. Barnes said it would incur some extra bookkeeping and some devilment, and if I wanted to work, he would rather I just go out there when they come to my place and work as a day laborer.

Q. How much, Mr. Moore, would you have been willing to have cleaned that field for?

A. Well, at that time, I had my mind prepared to offer to clean it up under their direction for $25 per acre. In other words, I thought at that time I had four acres and I was going to offer to do it for $100, and the reason why I kept this now, kept this statement, Mr. Hunter, Dr. Hunter some of them call him, I have never seen him, he maybe and probably he is, he told Mr. Richardson that I applied to one of his men

for a job to clean up my cotton stalks, and they told him it was out of the question, they couldn't carry the bookkeeping and one devilment or the other, but I could have a job with them.

Q. Well, who—

A. (Interrupting) Wait, let me get done. He told Mr. Richardson now as a joke on me, he said the morning that these men came to clean up my field that I got up bright and early and was ready but they hadn't shown up and I went down to the barn to feed my horse. He said I was down there whistling around a little while, and when I came back the bunch had been to my house and cleaned up my field and gone. Well, I says, Mr. Hunter, when they do come, I will see, and I kept an absolute tabulated report and that is the reason why I know what it cost.

Q. Mr. Moore, can you tell me how far it was to your place to where they claim to have found any pink bollworms this year?

A. No, sir, I can't. I would have to guess, Mr. Brown. I guess it would be about 7 miles.

Mr. Pickett: We'll prove that up by a sketch, Mr. Brown, as to our county.

Mr. Brown: All right, I just wanted to bring the idea out that they were cleaning fields so far away from the pink bollworms, where it was found and the other fields where they didn't find them.

The Witness: They left an acre of cotton stalks that I plowed under, that they didn't touch at all, in a field that I am working now; they left that acre.

The Chair: Any other member of the committee want to ask the gentleman a question?

Mr. Raiden: In your judgment as a farmer, couldn't you cut those stalks with a steel cutter and plow them under the ground the first of ....., it would have been just as effective a clean-up as under Government supervision?

A. Why, if that bug would live twenty-seven days under ice, he would live under the ground, but I believe he would rot. I believe that you could brush stuff up with a steel cutter as any practical farmer would do and we would get shut of Mr. Pink Bollworm.

Q. (By Mr. Pickett) These four acres are on what league of land in Liberty County?

A. It is on the Raisin Green.

Q. This man Barnes that you said reported it would entail so much extra bookkeeping if he allowed you to clean that four acres is in charge of the Federal office at Liberty?

A. He is in the office.

Q. Well, I say it is a sub-department, he has been there about two years?

A. Yes.

Q. And there is always a number of assistants there?

A. Understand, Mr. Barnes didn't make that to me.

Q. I am just identifying Mr. Barnes. He is a man apparently about fifty years old, he is not a heedless youth?

A. Oh, no.

(Witness excused.)

John Anderson, a witness for the Farmers Committee, was sworn and testified as follows:

Direct Examination.

Questions by Mr. Pickett.

Q. Your name is Mr. John Anderson?

A. Yes, sir.

Q. You live at Moss Bluff, in Liberty County?

A. Yes, sir.

Q. How old are you, Mr. Anderson?

A. Sixty-four years.

Q. Lived there how long?

A. I was born and raised there.

Q. Born and raised there?

A. Yes, sir.

Q. You are a farmer?

A. Sort of a one.

Q. How long have you been such a farmer?

A. I have been farming a little, Mr. Pickett, and raising a few sheep, hogs and cattle ever since I was sixteen years old, for myself.

Q. You planted cotton in 1917?

A. Yes, sir.

Q. Prior to that time you had never heard of the pink bollworm?

A. No, sir.

Q. In the winter of 1917, the report came in some, didn't it, that a worm had been found on your farm?

A. In the winter, about December I think it was, the fellow who had been cleaning up fields below, came to my field and I was away from home and told my wife they wanted to hunt pink bollworms and she let them go in the fields and I come during the day, there

were three of them and I went out to the field where they were, they were probably forty or fifty yards apart and all of them busy when they saw me coming, they were standing picking, working at the cotton. I just walked up, I said, "What luck are you gentlemen having?" The first one I got too, he said, "Well," he said, "we got two." I said, "Where are they?" He said, "That man over there got them." I just walked over to the next one, I did not know any of them, I did not tell them who I was. I said "What luck did you gentlemen have?" He said, "Well, they got two." I said, "Where are they?" He run his hand in his pocket and pulled out a little bottle about an inch and a half long and it had a little worm in it. I took the bottle and rolled it over, and I told him, "I can't see those worms, wait until I go back to the house and get my specs." No, I have got my glass here. He stuck it over my eye and I looked at it. "Well," I said, "I have seen worms like that ever since I was about sixteen or seventeen years old." He said, "That is a scavenger worm, this is not the pink bollworm, these are pink bollworms." I said, "Where did you get them?" He said, "I got them right here." I was particular and asked him about that because two men cultivate the cotton. He said they found those worms there. Part of the seed come from the seed house in Houston and the other part was the seed raised right there by one of my neighbors. Well, I took it for granted it was so and went back to the house and told my wife they had found two and they didn't know what they were going to do about it, couldn't do anything I supposed. So I got on my horse and went down to a neighbor who lived about a mile and a half or probably two miles and told him about it.

Q. (Interrupting) You needn't relate that, I don't remember that it was vital. Did they show you the bolls that those worms came out of?

A. No.

Q. In pointing out the place of ground on which it was found was that on the ground that was planted, which was it on, the Houston seed or the native seed?

A. The Houston seed.

Q. Well, now, the next year, 1918, did you plant cotton there?

A. No, sir.

Q. In 1919, did you plant cotton there?

A. No, sir, planted right adjoining there, next to it.

Q. During 1918 did you observe the quarantine law?

A. Yes, sir.

Q. You complied with it and did not plant?

A. No, sir.

Q. Did they pull up the volunteer stalks or growth of cotton on this farm of yours whereon the pink bollworm was supposed to have been found in 1917?

A. They come there in the summer, probably July, and they were pulling up volunteer cotton and my boy, a little boy, was working with them and he come home one night and said "Papa, them men is going to be here tomorrow to pull up that cotton in your field." Well, I had planted peas in my corn, the peas were about waist high, I did not want them torn up, the pea vines; well, I said, I will be here when they come. So I waited until about nine or ten o'clock and they come and told me they come there to pull up the volunteer cotton. Well, I said, "You can't take your men in there." I said, "If you gentlmen want to go in there and look and be particular, you can go, but don't take any of the hands in there at all." Well, all right, they wouldn't. They come on in the house and got a drink of water and went in the field and when this fellow said, "Is there any volunteer cotton in there?" I said, "Yes, there's volunteer cotton in there, if you go and look you will find it." So they went and were gone probably two or three hours, left the hands all sitting out there under a tree. They come back and one of them had, I don't know, three or four sprigs, something like that in his hand. I said, "That's all you found?" "Yes," he said. I never said anything else to them and they left and then I knew where there was a stalk growing in about thirty steps of where they told me they found those bollworms.

Q. Wait, let's get that straight. In 1918, there was a stalk growing within about thirty steps of where they found the two worms in 1917?

A. Yes, sir.

Q. Did that stalk continue to grow?

A. Yes, sir.

Q. Did you watch it all during the season?

A. Yes, sir.

Q. Did you pull the bolls and examine the seeds all during that year?

A. Yes, sir.

Q. Any worms on it?

A. No, sir.

Q. Any worms found on your farm that year?

A. No, sir.

Q. Any worms found in that farm last year?

A. No, sir.

Q. Did you plant it in cotton last year? Where did you get the seed last year?

A. I got the seed from Mr. Bracewell and he got them from Schulenburg.

Q. You observed the methods of cleaning up your field in that community generally?

A. How's that?

Q. You noticed right well how they cleaned up that farm in that vicinity?

A. Yes, sir.

Q. In your opinion as a farmer, from the experience you have had, was that cleaned up territory or was it left trashy and incomplete?

A. My part of it, my field was left very trashy.

Q. In what year do you mean?

A. 1919.

Q. In saying it was trashy, what part of the cotton stalks—were parts of the cotton stalks or any bolls there at all?

A. Well, let me explain it to you now. In 1917, this Government man said they would come and cut the stalks down. They had a bunch of negroes in there with grubbing hoes, chopping them off. They left some of that stubble that height (indicating). That is how come that cotton to start out in 1918, and in 1919, they come and pulled the stalks up and there was a good deal of cockle burs, it was a rainy year last year and I told them, "You can pull up them cockle burs if you are going to clean up the land, pull it all up." "No, we are not going to pull anything up but the cotton." If they pulled up a stalk and it broke, they didn't pull that up, especially where there were any cockle burs. That was all left. If any lint cotton caught on the cockle burs, that was all left and the bolls that was dampened by the rain, and these gentlemen have all seen that I reckon, that live in a rainy country, the bolls will all come open and this last February, I picked up two and examined them and cut them open and cut the seed open and examined them good. Every lock was in the boll, all five locks were there.

Q. Was that generally the condition throughout your farm?

A. That was in my farm.

Q. That incomplete condition: did you notice any other farms?

A. I noticed old Susan McMary's place, an old negro who lives right next to me; it was in the same condition.

Q. With reference to this volunteer stalk, you say some of those volunteers came up from the old stubble of the 1917 stalks?

A. They all come from the stubble, just sprouted up from the stubble.

Q. You say, you noticed particularly right where the infestation of the prior year was declared to be, one particular stalk that you watched for the purpose of experimenting with yourself?

A. That's the one I left there and I noticed it myself.

Q. To see if it became infested?

A. Yes, sir.

Q. In addition to that one stalk was there any other volunteer stalks scattered around over your field?

A. Yes, sir.

Q. Did they ever come back and pick them up, too?

A. No, the stubble, the seed was raised there and I got the stalk right where they claimed that they found the pink bollworm.

Q. And you planted that again in 1919?

A. Yes, sir.

Q. And there was no worm there then?

A. No, that is what they said.

Q. Well, they examined it, didn't they, last year?

A. Yes, sir.

Q. (By Mr. Bryant.) These government men don't make very good hands to clean up the fields?

A. The Government themselves, yes, might have been all right, but they hired boys. I had a grandson, nine years old, that worked with them last year, and then my youngest son was thirteen years old, has worked with them in 1917, and they had some little negroes that were younger than he was and they had men that were all ages, older men wanting to work with those young ones.

Q. What did they pay these boys?

A. They paid my boy $2.00. They told me that they would pay $3.50,

for all boys over fourteen. All under fourteen they paid $2.00, and mine wasn't fourteen and neither was my grandson, and they paid them $2.00.

Q. Well, don't you believe the farmers could clean up that land more economically than the Government could do it? That they would do it, clean up better?

A. Yes, sir.

Q. And cheaper?

A. Yes, sir.

Q. Now, Mr. Anderson, are you willing to accept for your own farm, the regulated zone plan, with provision for prompt destruction of your cotton with fair compensation should it be found to be infested?

A. If I have a guarantee with it before they ever ploughted up a foot of it, that I would get my money, and get a fair price, I am willing to do it. The State is owing me now for some cotton.

Q. Well, of course, that is a question that is based upon the question of fair compensation?

A. Yes, sir.

Q. That is the proposition. Would you obey absolutely all the regulations of the State Government governing the production, harvesting and disposition of your crop and clean up of your cotton field?

A. I did do it.

Q. Would you do it again, if the law is so amended as to allow you compensation for this?

A. And treat me right, give me justice, I am willing to do it, I am willing for anything that is fair and right for myself and my country.

Q. Would you do everything in your power to help rather than to block early finding of infestation and prompt destruction of your cotton when it was found?

A. Yes, sir, if I find what I thought was infestation of my cotton myself, I would take it to the Federal Government just as quick as I could get it there, or send it there. I have always been willing to do that.

Q. Would you be willing and would you give every facility to have your cotton examined every week or oftener during the season by State or Federal men?

A. Well, I don't think it would be necessary, Judge, to do that every week.

Q. Well, suppose they thought it was necessary? Would you object to them?

A. If they didn't examine my cotton, run over it and break it down, I wouldn't mind it.

Q. Well, if the State would pay you for that damage done for that?

A. Well, if they pay for the damage, I suppose it would be all right.

Q. Now, the finding of one worm means the presence in the field of the parent moth and probably several hundred other worms. On such finding in your cotton by State or Federal men, would you be willing to have your cotton immediately destroyed, on the basis of compensation without court proceedings?

A. I answered that question, I think, once. If I got a fair price, a fair estimate of my cotton and knew or had a guarantee that I would have no trouble to get my money and get it right straight, I would not mind it.

Q. Suppose we would pay you in advance?

A. Well, that would be all right.

Q. Did you raise any cotton in 1918?

A. Sir?

Q. Did you raise any cotton in 1918?

A. No, sir, nothing only them stalks that came up, sprouted out there from that volunteer cotton. I would like to go further and say one thing. When I spoke about Mr. Bracewell, I went to his place the same day or the next day and told them about it. "Why, hell," he said, "they had those two worms here and had them here in my field."

Q. You say the State owes you some money now?

A. They burned up an estimate of 200 pounds of cotton that was on the stalks last year.

Q. How much did you value that?

A. Valued it as $15.00 a hundred.

Q. $15.00 a hundred?

A. $15.00 a hundred.

Q. What is your idea of the proposition on which the State should settle with you if they come out and destroy your cotton at maturity if found infested?

A. Sir?

Q. Suppose the State authorities come out to your place in September or October before any of your cotton has been harvested and find it infested and destroy that cotton, what

is your idea of a fair compensation for that cotton?

A. Well, I would think that to get three farmers that understood raising cotton and let them judge of what there was in the field, estimate it and see how much it would make and how much it would yield and then that price, what, what they think it would be worth, deducting ginning and the picking, on the market. Say, for instance, if they would estimate it at two bales or three bales, to then deduct the price of the ginning and the picking, bagging and ties and so on and give me what was left. That would be fair. If you come down to fair things, you ought to look at both sides. You don't want to look at one side and not at the other. In 1917, I had a few farmers farming there. I don't farm and haven't for seven years, they had eight acres of cotton and they got part of it baled. In 1919, I had one of my sons-in-law living there with me and that boy of mine, that they speak of, they cultivated about six or seven acres and about half of that went under water. It was just continually rained out and if they would have picked what was on the stalks and what opened after the stalk was dead, they would have got two bales, they got two bales and something over 900 in seed. They estimated two hundred pounds upon the stalks and they were all green stalks, green bolls on there that was not pulled. There must have been about four or five hundred pounds, but I didn't count that.

Mr. Bryant: That is all I want to ask you.

The Chair: Any of the other counsel desire to ask questions. If not, any member of the committee desire to ask questions?

Mr. Raiden: Mr. Chairman, I would like to ask the gentleman a question.

The Chair: Mr. Raiden.

Q. (By Mr. Raiden.) Mr. Anderson, do you think that in the event the Legislature passes a law creating a noncotton zone that you ought to have as much for your land as if you had grown cotton although you were just deprived of the cotton, yet you were not forced to cultivate the land and pay out the expense?

A. I can't hardly answer that question. How was it, say it over again.

Q. Do you think that if the Legislature passes a law creating a noncotton zone, that you ought to be paid as much for the reason that you are deprived of the right to grow cotton as you were had you grown the crop?

A. I did not say that. I said that if I ploughed or cut up my cotton that I ought to have a fair price for it, and I still say so.

Q. I could not understand you.

A. I claim I answered this question this way: that if they made away with my cotton I wanted a fair estimate and a fair price and be sure that I would get my money; not like I am this time.

Q. (By Mr. Pickett.) Mr. Raiden has asked me to submit the question. Mr. Raiden asked you that if you are kept from planting cotton at all, say next year, it is too late this year to do that, but if you are kept from planting cotton next year, do you think you ought to be paid the full value of what your probable yield would have been less these expenses you mention or should you get paid on a less or at a less basis, in your best judgment?

A. Well, there's a lot of ifs and ands in that question Mr. Pickett. That is a different proposition. It seems to me that,—suppose we had a wet year or a dry year, maybe I would take a notion that I did not want to plant as much cotton or something like that, it would be a hard question to answer. I can't answer that question. I would rather not do it because I might answer it wrong and the way that I did not mean it.

Q. (By Mr. Raiden) If the State prohibits you from growing cotton and allows you to grow a substitute crop, do you think it would be fair for you to grow a substitute crop and sell it and the State reimburse you for the difference of the substitute crop and what you might grow in cotton?

A. Well, that would be fair enough, but the State isn't liable to do that.

The Chair: Is that all, Mr. Raiden? Any other member of the Committee desire to ask questions?

Q. (By Mr. Bryant) How much cotton did you say you had planted in 1918?

A. 1918, I didn't have any, not a stalk planted.

Q. How much in 1919?

A. I had, I would say between, probably seven acres, around there.

Q. About seven? How much in 1920?

A. 1920, I have got about ten acres now. I would have planted cotton in 1917, but my farmer quit me because he could not plant cotton.

The Chair: Any other questions. If no one else desires to ask questions, the witness is excused.

J. B. Stone, a witness for the Farmers Committee, was sworn and testified as follows:

Direct Examination.
Questions by Mr. Pickett.

Q. Your name is J. B. Stone?
A. Yes.
Q. Live in Liberty County?
A. Yes, sir.
Q. Farmer?
A. Yes, sir.
Q. Came there from Victoria County?
A. Yes, sir.
Q. How long ago?
A. About nine years ago.
Q. You had how many years experience in planting cotton, Mr. Stone?
A. Oh, all my life.
Q. How old are you?
A. Sixty years old.
Q. You bought about four or five years ago heavily timbered land amounting to how many acres?
A. Six years ago, eighty-five acres.
Q. Did you clear any of that right away?
A. Cleared it just as fast as I could.
Q. Was it lightly timbered or heavily timbered, big oak timber, big open stock?
A. It was, part of it, very heavy, large oak timber. The other was rattan, thick, until you could only just cut it down with a hacking knife before any of it would fall.
Q. Well, what was the first year you planted any of that in cotton?
A. That has been six years ago, Mr. Pickett.
Q. You are a man of family?
A. Yes, sir.
Q. Six or seven children. Making your living farming exclusively?
A. Sure.
Q. And six or seven years ago you planted this particular farm first?
A. Yes, sir.
Q. Did you have it in cotton in 1917?
A. 1917, yes, sir.
Q. Do pretty well that year?
A. Yes, sir.
Q. Did you have some rented that year?
A. Yes, sir.
Q. On a money basis or thirds and fourths?
A. Third and fourth, rented to A. R. Moore.
Q. He was one of your tenants?
A. Yes, sir.
Q. You cultivated some yourself?
A. Yes, sir.
Q. And your son Ralph cultivated some?
A. No, sir.
Q. Well, was he at home with you?
A. No, sir.
Q. 1917?
A. No, sir.
Q. Any of your boys cultivate some part of your crop?
A. No, sir, I hired some hands.
Q. Planted it all that year?
A. Yes, sir.
Q. 1918, which class were you in, outlaw or patriot?
A. Why—
Q. (Interrupting) That is just for the classification?
A. I planted and they said it was against the law, somebody said it was not, I went and got advice and they said it was not against the law and I went and planted it, had good nice corn and cotton and I went and ploughed that up and put it in cotton.
Q. How much did you put in cotton that year?
A. I put thirty-five acres. No. Yes, thirty-five acres.
Q. Thirty-five acres. How many bales did you sell and get real money for that fall?
A. Thirty-one.
Q. Off of that thirty-five acres?
A. Off of that thirty-five acres.
Q. Any pink bollworms bother you that year?
A. I don't think they did, sir.
Q. Any found on your farm in 1917?
A. I never heard of any.
Q. Any found on there in 1919?
A. I never heard of any and they said they did not find any. I told them if you find them I want you to show them to me before you take them out of the boll.
Q. How far is this farm of yours from the E. G. Christian farm, on which they said they found one dead worm in the winter of 1919?
A. Nine or ten miles.
Q. A heavily timbered barrier all the way between your farm and his?
A. Yes, sir.
Q. Finley is about in your neighborhood?
A. Yes, sir.
Q. He is another man classed as outlaw?
A. Yes, sir.
Q. The same barrier exists between

him and Christian as between you and Christian?

A. Yes, sir.

Q. Notwithstanding that, they put the quarantine on and that was above there and further away, didn't they?

A. Yes, sir, way above that seven or eight miles above Clinton.

Q. Was your farm cleaned up last year?

A. I cleaned it up last year.

Q. You cleaned it up?

A. Yes, sir.

Q. Was it cleaned up in 1918?

A. Yes, sir, you see I went to work, my farm, you know, I had my land all turned in, cut it with the steel cutter and turned them under. They said they couldn't grub them out.

Q. They accepted that as satisfactory?

A. Sure.

Q. You have had considerable experience as a cotton farmer, know the business and have been in the business and know what the general conditions are now?

A. Yes, sir.

Q. It is now we are concerned with. It is your judgment from the standpoint of a farmer that makes a living that way, and makes it nearly, if not entirely, out of cotton, what would you consider as a fair basis of compensation for a crop that might be ploughed up?

A. On my land?

Q. Yes, sir, if it were put in a regulated zone and prevented and pending the growing of this cotton they say a worm is found in it?

A. This crop that I have already planted?

Q. Yes.

A. $100.00 an acre.

Q. That is based upon the proposition that you can really clear that much?

A. That much an acre, yes. My land has not failed to make less than a bale. They have got all the work to do and my team won't cost me but a little more, and I would get over $100.00.

Q. Do you mean to let that be controlled by the conditions of the season as they happen to develop?

A. Why, sure.

Q. You would not want $100.00 an acre if a rainy season came on and the cotton yield would look like it would be no more than 1919?

A. Why, sure not.

Q. You mean to let it be determined by the actual conditions with reference to this crop in the growing?

A. Yes, sir.

Q. Have you given any thought as to what you ought to be paid, in the event they, next year and the year following pass a law which prohibits you from planting cotton at all? Of course, you can plant something else?

A. I understand, yes sir. Well, you see it is like this, if I was prohibited from growing cotton, I couldn't get a hand on my place hardly to work corn. I would just have to hire a man just absolutely, pay him four or five dollars a day to come there and plough it.

Q. Do you think it would be difficult for a man situated as you are to suggest the details that would form the basis of compensation if you could not plant at all?

A. I don't think that less than $25.00 an acre would be fair to start in at all. A man ought to have that much and that would not be enough.

Q. Is your land, the only forty-three acres in the immediate vicinity or anywhere in the county that is as good as that?

A. Why, no, sir, I guess there is as good land as I have.

Q. That kind of heavy black land like yours extends for say, what distance up and down that same Trinity Valley section; that doesn't overflow, does it?

A. No, sir.

Q. That is what you call the first bottom?

A. Yes, sir. It is high, dry land.

Q. That extends up the river from where you are about eight miles from Liberty up to what point?

A. Well, the Christian farm, sometimes, I think some of it overflows. There are lands all through in there.

Q. What scope of territory does that good black land cover, just a rough approximation in miles?

A. You mean land that is in cultivation?

Q. No, no, that is suitable for cotton raising?

A. Oh, yes, well, it starts down there at Wood Springs Branch.

Q. And runs about how far in miles?

A. It goes then above me four or five miles. That would be about eight miles.

Q. About eight miles?

A. Yes, sir, something near that, something like eight miles.

Cross Examination.

Questions by Mr. Bryant.

Q. You think you ought to be paid $25.00 an acre damage, if you are not permitted to grow cotton notwithstanding you grow corn or other stuff on that land?

A. Yes, sir. If it was left to me I would plant it in cotton, that is unless the pink bollworm was existing. Now, just to illustrate, I would rather plant it in cotton than to take $50.00 an acre, to show you I am right.

Q. (By Mr. Pickett) And take your chances?

A. Yes, sir.

Q. (By Mr. Bryant) What is your land worth?

A. It is worth as much as any good land.

Q. Well, what is land like yours selling for in that community?

A. Well, it aint selling because you see the people down there, they have got all demoralized, you know, this year.

Q. What are you rendering it for for taxes?

A. I rent it on the half—

Q. (Interrupting) No, no, what do you render it for for taxes?

A. I just tell them to take it like they do the other land.

Q. Well, how much is that?

A. $10.00 for the cultivated land, $5.00 for the other.

Q. Mr. Stone, I will ask you these questions—

Gen. Wolters: (Interrupting) Wait a minute. I simply want to submit, Mr. Chairman, that the valuation of land on rendition for taxation is hardly a fair way to arrive at the valuaton of land.

Mr. Bryant: That is the only way he knew.

Gen. Wolters: We all know that none of us render our land at full value in this State.

The Chair: Well, do you protest the question?

Gen. Wolters: I simply want to invite attention to it.

Mr. Bryant: They have covered every possible avenue that I can imagine of to try to get this committee prejudiced against the State Department of Agriculture and the Federal Board of Horticulture and I have let it go and now I want to ask a legitimate question.

Gen. Wolters: I want to except to the remark of counsel that we are trying to prejudice you against the Horticultural Board. I submit, Mr. Chairman, that humble citizens that we may be, our public servants are not above our throwing the light of truth on their conduct and their actions. I am in this fight solely because I have heard a hundred stories coming from men like this and more in that section and I think that this legislative committee is the one that ought to hear it. I wish that Mr. Meredith was here so he could hear it. I hoped he would be.

Mr. Pickett: Now, it is a solemn duty and derelict to the last degree would I be if I did not in briefest speech resent, and only courteously I mean, the gentleman's interpretation of our purpose. I have not only heard it from the mouths of men like these but I have known of children going without Christmas presents that they planned on because of the deprivation and the injustice that was inflicted on them in my community last winter and I am like Gen. Wolters, I am here as a volunteer responding to what I feel is no less a sentiment of humanity and situation that demands of us the same sort of action when a call comes in peace time as well as in war, to help as far as I can without any hope of compensation and certainly without any actual compensation having been tendered or in any remotest manner suggested to help as far as I can, men that have so far been without protection that they deserved as citizens of this State and not one act of ours here deserves to have it said of us, that our purpose was to prejudice this committee against any department of our Government, but if our department's conduct has been in its transactions against our humble citizens, then if that creates a prejudice, I for one would welcome it as the best sort of publicity that this committee could gain, not only for this immediate hearing but for the general trend of governmental functions that tend to suggest extremes both in the haughtiness of the authority and the extravagance of the expenditures that are necessary to exercise such functions.

Mr. Bryant: The gentleman got

his speech here and I will proceed to ask the question.

(Further remarks omitted.)

Q. (By Mr. Bryant) Are you willing to accept for your own farm the regulated zone plan with provision for prompt destruction of your cotton with fair compensation should it be found to be infested?

A. Yes, sir.

Q. Would you obey absolutely all the regulations of the State governing the production, harvesting and disposition of your property and the clean-up of your cotton fields?

A. That is a mighty long word. You have to—

Q. (Interrupting) Well, you have got a regulated zone down there now, Mr. Stone. This Legislature is trying to determine what is the best thing for your section of the State, for the people of Texas and the cotton growing States of the South. Now, they have some who planted cotton in violation of the plain provisions of the law, and some did not. You planted cotton upon the advice of counsel during 1918 when there was a noncotton zone established down there. Now then, this committee would like to know in the event that a noncotton zone is established for next year what your attitude would be towards it, or what your attitude towards a regulated zone and for that reason, I put to each of you witnesses identically the same question.

A. Yes, sir.

Q. Now then, I will read that question to you slowly: would you obey absolutely all the regulations of the State governing the production, harvesting and disposition of your crop and the clean-up of your cotton fields?

A. Would I submit to all this? We do now.

Q. They want to know, in other words, if you will obey the law as it is laid down?

A. Yes, sir.

Q. In the law?

A. Yes, sir, I would obey the law.

Q. With reference to these matters?

A. Sure.

Q. Would you do anything in your power to help, rather than to block the early finding of infestation and the prompt destruction of your cotton when so found infested?

A. Certainly.

Q. Would you be willing and would you give every facility to have your cotton examined every week or oftener during the week by State or Federal men?

A. Well, I won't object to that, if you will—there's some men that I am afraid to let get in my field.

Q. Well, if you go with them or your neighbors go with them?

A. That is all right. I would rather they bring a change of clothes or see in their pockets or up their sleeves, now that's the fact. I am honest to God about that.

Q. Well, you will cooperate with them?

A. Certainly, but that's what I think, going so much, come here and come back the next week and see how he is getting along.

Q. I understand you have got your doubts about the existence of the pink bollworm and you don't want a man to go down in your field?

A. Yes, sir, I am ready, I tell them—

Q. (Interrupting) Wait until I get through,—you don't want any man to go down in the field by himself, two or three Federal men or State men and come back and say they found a bollworm; you want to go along with them and if the bollworm is down there you want to see it in the boll?

A. That's the fact.

Q. And you will assist them in determining whether or not your field is infested?

A. Yes, sir.

Q. That is all I want.

A. That is fair enough.

Q. Now the finding of one worm means the presence in the field of the parent moth and probably several hundred other worms. On such finding in your cotton by State or Federal men, would you be willing to have your cotton immediately destroyed on the basis of compensaton without court proceedings?

A. Why, sure

Gen. Wolters: (Interrupting) I have not heretofore objected because I did not want to take up the time, but I object to that as not a fair question. The hypothetical question should contain all phases of the fact; that question assumes that the presence of one pink bollworm means two hundred moths and each moth spreading a number of additional

worms. That question ought to be framed at least, "alleged or contended" by the so-called experts. I submit it has not been an established fact, either in this record or anywhere else that it would do that, and I don't think the record—

Mr. Bryant: (Interrupting) Well, I will preface that by saying "if by".

Gen. Wolters: If they do it.

Q. If the finding of one worm means the presence in the field of the parent moth and probably several hundred other worms, on such finding in your cotton by State or Federal men would you be willing to have your cotton immediately destroyed on the basis of compensation without court proceedings?

A. Why sure, no court proceedings. The compensation would come and I would tell them there's the cotton, do as you please with it.

Mr. Bryant: That's all we want to know.

The Chair: That is all. Any member of the committee that desires to ask the gentleman a question?

Mr. Raiden: Mr. Chairman, I would like to ask the gentleman a question.

The Chair: All right.

Q. (By Mr. Raiden) How much land have you in cultivation?

A. Well, I have got that first eighty-five acres that I bought all clear.

Q. Yes, sir.

A. But I have got two houses on it, a barn and outbuildings, you know.

Q. Now, what proprotion of this land do you work in cotton? Or would work in cotton were you not restricted by the State or Federal Government?

A. It is every bit in cotton this year with the exception of about two or three acres and I had to beg them to plant that in corn to get a few roasting ears.

Q. Isn't that an unusually large acreage that you planted, taking the amount of land that you have usually had in cultivation into consideration?

A. No, sir, I considered getting it into cultivation. I knew if I could get my land cleared, I could get on what is called "easy street" by working it in cotton.

Q. Then in case we would declare what is called a noncotton zone and you would be paid by the State for your damages, would you want pay for your entire crop?

A. Well, I could not rent it without it, without I had it in cotton. And I would just have to hire hands or let it lay out.

Dr. Neal: Mr. Chairman.

The Chair: Dr. Neal.

Q. (By Dr. Neal) I want to ask the witness if he understands by the questions propounded by the distinguished Attorney General that he did say that in the event that the experts would find one worm in your field you would be willing to have your crop destroyed on that evidence of one worm?

A. If they would compensate me, pay me the money for what it is worth.

Mr. Pickett: Doctor, if the law provides that?

Mr. Bryant: That was the question.

Mr. Pickett: I explained to the doctor.

The Chair: Any other questions? If not, the witness is excused.

Dr. J. A. Lovett, a witness for the Farmers Committee, was sworn and testified as follows:

Direct Examination.

Questions by Mr. Pickett.

Q. Your name is Dr. J. A. Lovett?

A. Yes, sir.

Q. What is your age?

A. I am 68.

Q. You spent part of your life in Louisiana and the rest in Texas?

A. Yes, sir.

Q. How long in Hillsboro and in that neighborhood, about?

A. Several years.

Q. How long have you lived in Liberty County?

A. Twenty-two or three years.

Q. Besides being an active practitioner and doctor, have you a farm?

A. Yes, sir.

Q. Where is that farm?

A. I have two farms, one west of the river and one east of the river, isn't it?

Q. How's that?

A. I say I have two farms, one on the west side of the river in the Trinity bottom and one east of Liberty, both in Liberty County, though.

Q. How many acres in your Trinity bottom farm?

A. 350 acres.

Q. You planted some cotton there in 1918?

A. Yes, sir.

Q. How many acres?

A. I think 35 acres.

Q. How many bales did you raise from that?

A. Twenty-five.

Q. Was your crop cleaned up that year?

A. No, sir.

Q. Was the Norman farm just across the wire fence cleaned up?

A. Yes, sir.

Q. Who cleaned that up.

A. The Government, I guess.

Q. Well, you saw the crews, did you, doctor?

A. Yes, sir.

Q. Was it the same crews that were recognized as the Government crews that cleaned up the farms in that vicinity?

A. Yes, sir.

Q. What was on that farm?

A. Nothing—

Q. (Interrupting) It was on the road from Dayton to Liberty, there was virgin timber along there?

A. Yes, sir.

Q. Big, bulky, heavy timber and undergrowth?

A. Well, trees, yes, sir.

Q. What did the Federal Government clean that up for in the fall of 1918?

A. Well, I don't know.

Q. How long did they spend in there?

A. I couldn't tell you that.

Q. About how many occasions did you see them in there?

A. I saw them there on several days.

Q. Did you ask them to go over into your farm and clean it up?

A. No, sir, I didn't ask them that.

Q. Did they clean your farm in 1919?

A. Yes, sir.

Q. How long have you had actual experience, doctor, in the immediate personal charge of the farming carried on on your land, how many years you devoted yourself to that line of endeavor?

A. Why, I farmed about 15 years.

Q. Well, was your farm last year cleaned up well or poorly?

A. Well, not cleaned up closely.

Q. Was any part of the stalks and bolls left on there?

A. Yes, sir, it was a very wet year, some of the land was low and muddy and they didn't clean that.

Q. Did you clean that or the Government?

A. The Government cleaned that.

Q. Did you have occasion in going about over the county or a big part of it on your calls as a physician to observe other farms wherein this clean-up gang worked?

A. Yes, sir.

Q. State whether or not you observed parts of stalks and the growth thereon and were you close enough at times to observe whether or not bolls or not were left, that is, the hulls?

A. Well, I don't know. I saw some fields that weren't cleaned up at all, and I asked the negroes about them and they said we overlooked them, or something.

Q. About how frequent would you see a farm that wouldn't be touched at all?

A. Well, pretty often. That existed in 1918 as well as—

Q. (Interrupting) In 1919?

A. In 1918 there wasn't much cotton planted, you know.

Q. I mean, to the extent that some of the farms were planted though?

A. Yes, sir, certainly did. I don't think they cleaned up mine at all that year; I know they didn't.

Q. In 1919, there was quite a good deal planted but practically nothing raised on account of the excessive—

A. (Interrupting) Well, I think I had about 40 acres planted and raised about 9 or 10 bales in 1919.

Q. In 1919?

A. Yes, sir.

Q. Well, say, would it be just a scattered or an isolated instance here and there that you would find a crop in 1918 that they hadn't touched, or did you see quite a number of farms in Liberty County that they hadn't cleaned up at all?

A. A good many of them.

Q. A good many of them?

A. Yes, sir.

Q. Do you know that they were in seeing distance of Mr. Barnes and his assistant inspectors that live in Liberty, now, Mr. Barnes, the Government inspector in charge?

A. Yes, sir.

Q. Been there abut two or three years, hasn't he?

A. Yes, sir.

Q. Some four or five men stay there most of the time?

A. Yes, sir.

Q. Then personnel changes, but wouldn't they have about that many in that office?

A. Yes, sir.

Q. I say, were these farms where these men could have seen them and found them easily and sent the clean up gangs in there?

A. Oh, yes, sir.

Q. Did they do it?

A. No, sir.

Cross Examination.

Questions by Mr. Bryant:

Q. Doctor, did they clean up your place?

A. In 1919, yes, sir, part of it.

Q. Did they clean it up good?

A. No, sir. It was wet, low and muddy, and the hands said they couldn't work in that bottom in there because it was wet.

Q. Yes; from your observation in cleaning up these farms, doctor, which do you think can do the best or the cheapest, the Government or the individual farmers?

A. The individual farmers, decidedly, I think. I tell you what I think, I think you can get to the pink bollworm in the fall of the year,—

Q. (Interrupting) Speak louder, please, doctor.

A. (Continuing) I say, I think you can go in the fall of the year, before you pick your cotton, go over it with a middle buster and pull it up while these things are still green, shatter the stalk, and then take a rake and rake it up and burn it, or turn your cattle in there. I turned mine in. If you do that in time,—of course, if it is too dry, they will fall off.

Q. Well, now, doctor, in the event they pass a law providing for compensation for the farmer if his cotton is destroyed and they find pink bollworms in your cotton planted now, and along in the fall, about the time it matures they find the pink bollworm, and they destroy it, what do you think is a fair basis of compensation to you for that cotton they destroy?

A. Well, that depends on how much there is at that time of the year.

Q. Just a little louder.

A. I say, I don't know how much, it depends on how much you made per acre. You mean an average for the whole crop?

Q. I am just asking you for your opinion. This Committee wants to get the opinion of you gentlemen down there and the farmers upon what basis you think you ought to be paid when they destroy your growing cotton?

A. Per acre, you mean?

Q. Yes, sir, per acre.

A. Well, it would be about at least a half a bale to the acre, anyhow.

Q. Well, suppose you find that your cotton would have made a half a bale to the acre, then you think you ought to deduct the cost of picking and the cost of ginning and marketing and pay you then at the market price?

A. Well, now, this comes up along that line, my land is all worked on the halves, my half would come first; that would be the hands losing that, because they are the ones that make it and gather it, and I have already had my mules and my expense, the feed and my expense are all ended at that time, and of course, I would not expect to lose my half of it; it would come to me without any further expense. The expense, if you are going to take that out, would come from the laborers that made the crop.

Q. Well, in that case, they divide it equally between you, whatever the compensation?

A. We don't divide the expense. You see, they are to gather this crop—

Gen. Wolters: (Interrupting) That is a new point and I want the Committee to hear it.

A. (Continuing) I say, when the crop is made on halves, for instance, I have already had my mules and feed and tools and everything and my expense is closed then, but the hands has got to gather and take to the gin. If that deduction comes out, it wouldn't come out of the farmer's half of it, the owner of the land, you see; that's the point I want to make.

Q. Now, have you given the question any thought as to what you believe in your opinion is a fair basis of settlement for damage done to you by not permitting you to grow cotton?

A. No, sir, I haven't thought

about that. I did talk to Dr. Hunter about it, too, he and I talked a little. I suggested at one time to him that I thought if we would save a certain per cent. of that crop and suppose that to be any amount, and they would pay us so much an acre for the land.

Q. What do you think would be a fair rental value?

A. Well, I consider $10.00 an acre.

Q. Well, suppose you plant there probably on that land and make a corn crop?

A. Well, if the Government paid me for that land and I planted there a corn crop, I would owe them rent for it, I would just owe them rent for that land.

Q. Then you would owe the Government?

A. It would be their land. If I worked it, I would owe them the rent, whatever I made, if I planted it in corn, the third or fourth, or whatever part would come, or if I made a money deal with them, it would be the same.

Q. (By Mr. Bryant) You would owe the Government?

A. It would be their land and if I worked it, I would owe them the rent. If I worked it in corn or whatever I made, it would be theirs.

Q. Do you think a fair cash rental value would be the best method for the State to settle with the farmers for not permitting them to grow cotton?

A. Yes, sir. It occurred to me when I was talking to Dr. Hunter that it would cause less confusion.

Q. It is the practical method?

A. Yes, sir, that is my idea, I may be wrong.

Q. Are you willing to accpet for your farm the regulated zone plan with provision for destruction of your cotton, should it be found infested?

A. Yes, sir.

Q. Would you obey absolutely the regulation of the Government with reference to the production, harvesting and disposition of your crop and clean-up of your field?

A. If they don't make the requirements too hard. If they will let me clean it up like I want to.

Q. Well, this Committee wants to know if you would obey the law with reference to clean-up and destruction?

A. Yes, sir.

Q. Would you do all in your power to aid rather than to block the finding of early infestation and the prompt destruction of your cotton when found?

A. Yes, sir.

Q. Would you give every facility to have your cotton examined every week by State or Federal men?

A. Yes, sir.

Q. If the finding of one worm in your field means the presence of a parent moth and possibly several hundred other worms, would you be willng to have your cotton destroyed immediately without court proceedings?

A. I don't know about one worm; it seems to me that where they find one worm where they have so much trouble telling what it is, I would like to know that it came out of my field.

Q. The supposition is that if there is one worm there that the parent moth has been there in the spring?

A. Yes, sir.

Q. And laid many eggs?

A. Yes, sir.

Q. And they want to know if upon the finding of one worm you would admit that an infestation of your farm existed and be willing to the destruction of your cotton on a fair compensation?

A. Could I have an entomologist to look at that worm?

Q. Yes, sir.

A. Yes, sir, if I was convinced I would obey the law.

Q. For instance they come to your farm and go out in the field with you and find a worm and they say here is a pink bollworm, perhaps it will be in the presence of two of three citizens of your county, and two or three entomologists, and they convince you that it is a pink bollworm?

A. Yes, sir.

Q. Then you would not require any other proof as to the worms in your field, and would permit the cotton to be destroyed without court proceedings?

A. Yes, sir. Now, could I if I wanted to, at my own expense hire another entomologist to come there?

Q. Yes.

Re-direct Examination.

Q. (By General Wolters) If there are only six men in the world who can absolutely and positively determine what a pink bollworm is, and none of them live in Texas, it would be pretty hard for you to get that worm identified.

A. Yes, sir, but if I could.

Q. (By Mr. Pickett) You said that ten dollars an acre cash rental would be a fair basis, you mean that to yourself, who owns your land?

A. Yes, sir.

Q. But to a man like Mr. Stone, and farmers similarly situated, would that be fair for them?

A. No, sir, I was thinking from my own standpoint. It would be worth more than that to me, but I would accept that.

Q. You made some statement to me about the seasons in Mexico, do you know anything about that?

A. Well, in some parts of Texas, we get cotton earlier further south of us and I imagine in Mexico they would harvest it earlier.

Q. You don't know personally about the climatic conditions there?

A. You go up on the mountains in the tropical country, and you have a mild climate, and if you go down into the valley you have a tropical climate.

D. Humber called as a witness by the Farmers' Committee, being duly sworn, testified as follows:

Q. (By Mr. Pickett) Your name is what?

A. D. Humber.

Q. You live at Moss Bluff in Liberty County?

A. Yes, sir.

Q. You are how old?

A. Twenty-five.

Q. Are you a farmer?

A. Yes, sir.

Q. How long have you had actual experience as a farmer?

A. About ten years.

Q. You own some land in that vicinity?

A. Yes, sir.

Q. How many acres?

A. About 58.

Q. Did you observe how the Government cleaned up these farms in that neighborhood in 1918 and 1919, whether it was thorough or did they leave anything on the ground?

A. They left a little trash and a few bolls.

Q. Mr. Moss, a tenant farmer, farmed a small patch for you in 1919?

A. Yes, sir.

Q. Did the Government gang work on that place last winter?

A. Yes, sir.

Q. When did they go in there first?

A. The first week after Christmas.

Q. You own that farm?

A. Yes, sir.

Q. And Moss planted it as tenant?

A. Yes, sir.

Q. Did you object to the Government agents touching the property you owned?

A. Yes, sir.

Q. But the tenant agreed that they might clean up his part?

A. Yes, sir.

Q. Thereafter they proceeded to pull the stalks in what manner?

A. Pulled three rows and left one.

Q. Over what space?

A. Forty acres.

Q. You remember the meeting they had at Liberty after that?

A. Yes, sir.

Q. After that spectacle that ridiculed, that occurred in the presence of Dr. Hunter, they let you pull the other row?

A. Yes, sir.

Cross Examination.

Questions by Mr. Bryant.

Q. From your observation of the cleaning of the fields by the State and Federal officials, don't you think it would be more proper, and more economical for the clean up work to be done by the farmers themselves?

A. I don't know.

Q. Did you plant cotton in 1918?

A. I did not.

Q. This fourth row they left in your field was on land rented by you to a tenant?

A. It was on my land, and the other fellow was working it.

Q. And the fourth row they left was supposed to represent your interest in the crop?

A. Yes, sir.

Q. Are you willing to accept for your own farm the regulated zone plan with fair compensation, if it is shown to be infested?

A. If you will show me the worms, I will.

Q. Would you obey absolutely all the regulations and rules of the State governing the production, harvesting and disposition of your crop and the clean up of your cotton fields if a regulated zone is established?

A. If they will pay me for my cotton I will.

Q. Of course it is based upon the proposition that you receive compensation for your cotton if it is destroyed, and if it is not destroyed, then it is not necessary according to the Federal and State Department that your field be cleaned up. What I want to know is if you are permitted to grow cotton under a regulated zone, if you will obey all of the regulations of the State governing the production, harvesting and disposition of your crop and the clean up of your cotton fields. That might be without compensation, but if they destroy your crop, they will compensate you for that. They want to know if you will obey the rule of the law laid down?

A. If they will do what they promise, I will, but they haven't done that.

Q. What do you mean by that?

A. They promised to pay us for the cotton they burned up, and they haven't.

Q. That depends on whether the State pays for your cotton they destroy. Did they destroy some of your cotton in 1919?

A. Yes, sir, they destroyed some in the fields.

Q. You would not want to obey the law if they wouldn't pay you for this cotton?

A. Well, if I had to, I would.

Q. Would you do anything in your power to help rather than to block the early finding of infestation and the prompt destruction of your cotton when infestation is found? In other words, they come down and say we want to look for worms in your field, would you be willing to go out in the field and give them every consideration and help them?

A. They could look at it for themselves, I wouldn't know anything about it.

Q. Would you do anything to keep them from going?

A. I would rather they wouldn't go.

Q. Would you be willing, and give every facility to have your cotton examined every week by Federal men?

A. I think that is a little too often.

Q. If the finding of one worm means the presence in the field of the parent moth and probably several hundred worms, and after such finding in your field by State and Federal men, would you be willing to have your cotton destroyed without the necessity of a court proceeding?

A. Not on one worm.

Mr. Pickett: For the present, Mr. Chairman, Liberty County does not care to call any other witnesses.

Gen. Wolters: Mr. Chairman, we have some witnesses, whom we desire to offer. Call Mr. A. G. Graham.

A. G. Graham, called by the Farmers Committee, being duly sworn, testified as follows:

Q. (By Gen. Wolters) What is your name?

A. A. G. Graham.

Q. Where do you live?

A. House, Texas.

Q. What county is that in?

A. Fort Bend.

Q. Do you own a farm?

A. Yes, sir.

Q. How many acres?

A. Seven hundred.

Q. How many in cultivation?

A. Four hundred, that is approximately.

Q. Did you raise a crop on that farm in 1917?

A. Yes, sir.

Q. How many bales of cotton did you make?

A. 181.

Q. How many acres did you have in?

A. 220 acres.

Q. Did you raise a crop in 1918?

A. Yes, sir.

Q. How many acres did you have in then?

A. Four hundred.

Q. How many bales did you make?

A. None.

Q. I am talking about 1918.

A. I am talking about 1918, I raised a crop, but not of cotton.

Q. Why didn't you plant cotton in 1918?

A. Because Dr. Hunter promised me if I would refrain from planting cotton, that we would be released from a quarantine of three years,

which was imposed on us at that time.

Q. Did you grow any cotton in 1919?

A. Yes, sir.

Q. That was the wet year?

A. Yes, sir.

Q. How many bales did you make?

A. 61.

Q. Has there ever been any pink bollworms found on your farm?

A. No, sir.

Q. Did they clean up your farm in 1919?

A. No, sir, they cleaned it in 1918.

Q. Did the Government men clean it?

A. Yes, sir.

Q. Did you observe the method of cleaning it?

A. Yes, sir.

Q. Had there been any cotton grown on it that year?

A. None, only volunteer cotton.

Q. Did they clean it at the beginning of 1918?

A. Yes, they cleaned it twice in 1918, first probably in June and the next time in September, I think.

Q. What was their method of cleaning it?

A. Each workman would take a row. He would go up and down the row and pull out or chop off the volunteer cotton between the rows.

Q. Did you clean it in 1919?

A. No, sir, just 1918.

Q. What would you regard as an experienced farmer on rather a large scale, as a fair basis in arriving at compensation in the event that the Legislature should pass a regulatory law by which your cotton would be destroyed in the event your particular field was found infested with pink bollworms?

A. I can conceive of only one method that would be just and satisfactory, that would be by arbitration, by having disinterested parties to value the crop.

Q. How would you determine the value of the crop, say in July?

A. Well, it would all be guesswork, unless the crop was matured, and then it would be a reasonable opportunity for an estimate.

Q. In June your cotton would not be matured?

A. No, sir.

Q. How would you arrive at it then?

A. Why would we attempt that when the pink bollworm is not found until September or October?

Q. Let us assume they find a pink bollworm in June.

A. That is going a little further than I would care to go.

Q. I would like to have your idea, if you have thought about it at all.

A. Well, Gen. Wolters, this compensation is beyond me. I have pondered the subject quite frequently and continuously for a long time, and I confess the more I think about it, the bigger the subject gets until it has gotten me bewildered.

Q. How many acres have you in cotton this year?

A. 175.

Q. Do you know how many bales of cotton were raised in Fort Bend County in 1918?

A. I don't know.

Q. Fort Bend is a cotton county, is it not?

A. Yes, sir.

Cross Examination.

Q. (By Mr. Bryant.) How many acres did you have in cotton last year?

A. 185 or 190.

Q. You made 81 bales?

A. No, sir, 61.

Q. What other crops do you grow successfully on your land?

A. Principally corn and a little sugar cane.

Q. If you were prohibited from growing cotton, you can grow corn and sugar cane successfully?

A. Yes, sir.

Q. From your observation you have made as to the clean up method, used by the Federal agents, don't you think that the farmers can do it better and cheaper?

A. Yes, sir.

Q. Did you plant in cotton in 1918?

A. No, sir.

Q. Now, I will ask you these questions: Are you willing to accept for your own farm the regulated zone plan with provision for prompt destruction of your property with fair compensation when it is found to be infested?

A. Yes, sir, if compensation be determined as I mentioned it, or some better rule.

Q. Well, that is the question that the Legislature will have to adopt.

A. I would have to know that before I could answer.

Q. Well, I assume some fair rule, if it is not fair, you are not bound by this question.

A. Who is to be judge of whether it is fair?

Q. I presume you would be.

A. Yes, sir, I would.

Q. If you are not satisfied you would have the right to go into court. Would you obey absolutely the rules of the State in regard to the production, harvesting and dispositon of your cotton, and the destruction of your cotton if found infested?

A. I would if I had to, if they were reasonable I suppose they would anyhow, but I would resist it as far as possible.

Q. Would you do everything in your power to aid in the early finding of infestation?

A. I would, if supervised by the State, but not by the Federal authorities.

Q. Would you be willing to give every facility to have your cotton examined every week or oftener by State men.

A. I would not.

Q. If the finding of one worm in your field means the presence of the parent moth and probably several hundred worms, on such finding by such State or Federal men, would you be willing to have your cotton destroyed, on a basis of compensation, without the necessity of a court proceeding?

A. It would depend on how that compensation is arrived at again.

Re-Direct Examination.

Q. (By Gen. Wolters) Suppose that compensation was arrived at by a board of appraisers appointed by the county judge of Fort Bend County, on the basis that if your crop is matured, deducting the expense of gathering, ginning and marketing, and thus arrive at the value, would that be satisfactory to you and the farmers in that neighborhood?

A. It would be satisfactory to me, I would not answer for the others.

Q. You were asked something about growing sugar cane, are you familiar with the growing of cane?

A. I have always cultivated cane for the last eight years, since I have been in this country.

Q. Is that an expensive crop to cultivate?

A. Not specially to cultivate, but to plant, it is.

Q. What, with reference to procuring labor to handle cane, when it is on a large scale, at the harvest time?

A. We have quit planting cane on that account. This used to be a sugar plantation, but one of the principal reasons is on account of the labor, being unable to get the enormous amount of labor to handle the crops.

Q. Isn't it a fact that Mr. Eldridge and other sugar cane growers in that valley have quit raising cane because of that reason?

A. Yes, sir, I judge for that reason. It has passed out, they are raising cotton, it pays better.

Q. There's nobody in that valley raising sugar cane extensively, except the State of Texas by the prisoners?

A. That is all.

Re-Cross Examination.

Q. (Mr. Bryant) Suppose you were prohibited next year by law from planting cotton, what is your idea as to the correct method of determining the amount of damages the State should pay you for not permitting you to grow cotton?

A. The only way would be the way Gen. Wolters suggested.

Q. You don't raise any cotton at all, you put it in sugar cane or corn, and simply paying you for not permitting you to raise cotton, what do you think would be the basis to arrive at your damages?

A. It would be the same as if you had just wiped my farm off of the face of the earth. I would have the taxes to pay, I would have my mules to feed. It would be just about all the old lady and I could attend to.

Q. Couldn't you use the mules?

A. I could drive them to the pasture and back.

Q. Use them in raising corn and cane?

A. You understand my labor is gone, as soon as you deprive me of raising cotton and all the labor I would get performed would be simply what my wife and I could do.

Q. Don't you think that a cash rental of so much per acre would be fair?

A. If it was enough it would be satisfactory.

Q. What do you think would be a cash rental?

A. I don't know.

Re-Direct Examination.

Q. (Gen. Wolters) I want to ask you some questions about cane. It would be very expensive to begin the culture of cane by reason of the high cost of the seeding?

A. In my own instance, if I wanted to place my farm in cane, it would be extremely expensive to ship the seed cane in.

Q. Where from?

A. I presume I might be able to buy it from the State at the Ramsey Farm.

Q. How long would it be before you would get a yield on the crop?

A. If you planted it this fall, I would get a yield next fall.

Q. Next fall when it matures, how long would you have to harvest that crop?

A. It would depend on when it froze.

Q. Well, take the average years, we have usually a killing frost along about the middle of November?

A. Yes, sir.

Q. When does the cane normally mature?

A. From the 1st to the 10th of October.

Q. So the harvest has got to be rushed through, and put in the windrow within a few weeks time?

A. If you windrow it, that makes it much more expensive, if you lay it down and then pick it up, it makes it much more expensive.

Q. If it came a freeze, you would lose the crop?

A. In 1913, it was entirely frozen in the windrow, and the man had to remove it at once.

Q. What State farms are located in Brazoria County?

A. I think the Imperial and the Harlem Farms.

Q. The Harlem, Imperial, where is the Blue Ridge Farm?

A. Yes, sir, that is right.

Q. Where is the Ramsey farm?

A. It is in Brazoria County.

Q. Now, a twenty-five mile zone, would it take in any State farms?

A. Yes, sir.

Q. Which one of these farms do they raise cane on?

A. The Ramsey farm.

Q. Do they raise cane on any of the Fort Bend County farms?

A. Very little, possibly a little on the Harlem farm, I am not sure.

Q. (By Mr. Jackson.) You say you didn't raise cotton in 1918, can you state the result?

A. Yes, sir.

Q. Now, estimating the probable value of that crop for that year, how much do you estimate that you lost as between the value of the crop you could have raised, and the value of the crop you did raise, what is your estimate?

A. I am reluctant to answer that question, for the reason that it would seem that it would be untrue, but the only way I could estimate, most of these gentlemen, or a good many of them are farmers, or near farmers, and might appreciate the matter of the figures I would give in giving an estimate; that would be the crop of 1917. I raised 181 bales of cotton, as I previously stated. I have gotten sixty-five acres more, the price of cotton had advanced, and made it more attractive, and I had sixty-five acres more. I had my ground broken up and the planters in the field before the quarantine was placed. I procured the seed from North Texas, at Segoville; above me three miles was the quarantine line, and five miles below me was the other line, and on the other side of me, not one but numerous men produced a bale, or better than a bale, of cotton, to the acre, and I see no reason why I could not have produced 250 bales of cotton if I had been permitted to grow it. But in the place of that, it being late before I finally gave up the purpose to plant cotton, and the preparation having been for cotton and not for corn, my corn crop which I planted was not a success, or not as successful as it would have been, and in the place of raising 250 bales of cotton, I raised 7,500 bushels of corn, which was worth seventy-five hundred dollars, I assume. Suppose it had cost me seventy-five hundred dollars more to pick and gather that cotton crop, had I raised it, and paid that for extra labor, as between the corn and cotton, that would have brought it up to fifteen thousand dollars. And subtract that from 250 bales of cotton at the market price that year and you will have about what my loss was.

Q. Have you computed it?

A. Well, 250 bales of cotton at two hundred dollars a bale, would have been fifty thousand dollars, and figure fifteen thousand dollars from that, and you can see how much it cost me to be patriotic.

Q. (By Senator Davidson.) If you are prohibited from planting cotton one year on your farm, would that decrease the value of your farm?

A. I don't know, it has been decreased so much nobody wants it now.

Q. Assuming that you hadn't been placed in that position?

A. I made an offer to my friend, Dr. Hunter, of the commission if he would sell my land in 1919, with the three years' quarantine on it, of a fifty per cent depreciation.

Q. That is assuming that you had a three years' quarantine?

A. Yes, sir.

Q. You said a moment ago that you would be fairly compensated for the failure to grow your crop if it was arrived at by some fair board.

A. I would be willing to take the judgment of my fellow citizens on that.

Q. Is it or not a fact that the decrease in the value of your land would be a very great consideration to you in arriving at the value of your loss?

A. Yes, sir.

Q. (By Gen. Wolters) Was the quarantine ever imposed on one of the State farms?

A. No, sir,—well, now, I don't know just when the Basset Blakeley farm was bought.

Q. Was the Blue Ridge farm ever quarantined?

A. No, sir, it is out of it, the farm is between my place and Sandy Point. I don't know just when that farm was purchased.

Q. Is that the Darrington farm?

A. Yes, sir. In 1918 they were in the old zone three, but I don't know whether the State had bought it at that time.

Q. Is that still in the regulated zone?

A. Yes, sir, it would run through them the same as it does my plantation.

Q. (Senator Davidson) What was that fifty per cent depreciation in dollars?

A. The statement I made to Dr. Hunter in 1917, sometime from September to December, I could have sold this plantation for one hundred thousand dollars, the seven hundred acres, and I told him if he would bring me a buyer for it at the beginning of 1918 for fifty thousand dollars I would give him two thousand dollars commission.

Q. By that you mean to say that you lost in value of your land fifty thousand dollars?

A. I consider it so, yes, sir.

Q. (By Mr. Moon) Mr. Graham, about what per cent of the land do you farmers plant in coton, your tillable land, what part do you plant in cotton?

A. We plant all we can get labor to plant when cotton is worth forty cents a pound.

Q. (By Senator Rector) Where is your market for cotton, where do you sell your cotton as a rule?

A. In Houston.

Q. Is that cotton shipped by rail to other States, or is it shipped through Galveston?

A. I never know what becomes of it, I consign it to a cotton broker in Houston and he does the rest.

Q. You think a quarantine by the Federal Government against shippng into other States would affect the sale of cotton?

A. None whatever.

Q. You would get just as much for it?

A. Yes, sir, if we ever get peace with Germany.

Q. What about the seed raised on your farm?

A. I have always marketed my seed in Houston at the Houston Oil Mill, and I see no reason, unless there would be some quarantine against hulls, that might make a difference.

Q. There is no quarantine against the oil?

A. No, sir, and I think there is none against the cake in certain conditions.

Q. If the Federal Government would declare this quarantine, you don't think it would affect your market?

A. I don't fear a Federal quarantine in so far as affecting the price of cotton.

Q. (By Mr. Moon) I want to make myself a little more explicit. The time has come to get up a final statement of this crop down there; in case of a noncotton zone, now what we want to get at is this: Do the farmers plant ninety per cent of their land in cotton, or seventy-five per cent in cotton?

A. That is a question; when cotton is at the price it is at the present, it is simply a question of how much labor you can get. We house our own labor. Their homes are on the plantation, we endeavor to fill

our houses with farm laborers, croppers, as we call them. If we can get our houses filled, that is a normal condition, and if cotton should rise in price of course the desire would be to plant less corn and more cotton.

Q. Under normal conditions and present prevailing prices, what do you plant?

A. What per cent?

Q. Yes, sir.

A. It will run about seventy-five per cent.

Q. Under normal conditions you people plant about seventy-five per cent of your land in cotton?

A. That is an average.

Q. (By Gen. Wolters) I don't know whether you can tell us or not, but do you know how many acres were planted in Fort Bend County, in the present regulated zone?

A. I can tell very closely I think, by figuring it.

Q. Well, approximately, if you don't know I will ask somebody else?

A. Dr. Hunter could tell you, because he has just surveyed it.

Mr. Pickett: Mr. Chairman, I desire to ask Dr. Lovett a question from where he sits.

The Chair: Very well, you may do so.

Mr. Pickett: Dr. Lovett, how many acres have you planted in cotton this year?

A. 160 acres.

Senator Dayton: In view of the statement of Dr. Marlatt this morning that some of his testimony was not correct, it seems to me like the best way to correct that is to let him come back and make the corrections and furnish them to us inasmuch as the other has been printed.

The Chair: The testimony has not been printed yet. All the testimony has been gone over and corrected by Dr. Marlatt, and the proposition is this, that it seems to be the sense of those who have conducted this investigation at this place to accept under the conditions that exist that to get this properly before the committee, that Dr. Marlatt should have come before the committee and made such corrections instead of letting this transcript go on to the press as quick as possible; let the reporters make a new transcript and have it agreed then that if he wants to make a correction let him make it at a later date.

Gen. Wolters: I have just been advised of what I regard as a very grave thing. I understand the witness approached the reporter and undertook to correct the transcript, and insists that that be his testimony in the record. I should most strenuously object to this proceeding. I think if the witness wants to correct his testimony, the proper place is to come back to the witness stand, so we can subject him to the cross examination.

Senator Dayton: My motion was to let him come back to the stand.

The Chair: I want to do what is just in this matter. Dr. Marlatt made the statement that probably he would engage in a half dozen investigations in Washington during the year, and it seems to be the custom there after the testimony is taken they submit the record to him and he makes such changes as he wants to, and then it goes back.

Senator Gibson. You mean put him back on the witness stand and examine him again?

The Chair: No, sir. What we are after is information and not so much as the alteration of his evidence. This is not like it would be in a criminal case or something like that. The motion made is that the reporters send the evidence to the printers as taken from Dr. Marlatt when he was on the stand. All in favor of that motion say "Aye."

(Motion Carried)

Mr. Veatch: Mr. Chairman.

The Chair: Mr. Veatch is recognized.

Mr. Veatch: I make a motion that we recess until nine-thirty tomorrow morning.

Gen. Wolters: Mr. Chairman and Gentlemen of the Committee, I would like to make this statement; the Attorney General in my presence on yesterday discussed a tentative bill as we had been instructed to do by the sub-committee the evening before. Last evening the bill was gone over by the committee and some suggestions naturally arose for discussion. This forenoon we corrected the bill and the stenographers re-wrote it and I delivered a copy to Dr. Marlatt, and he was to look into it

and give us his opinion about it as he understood it. I don't know when he will be ready to do that, so I think we had better wait for the meeting until in the morning.

The Chair: I have a letter from Dr. Marlatt sent to me just now, and I will read that to you, his letter is as follows:

"The Federal Horticultural Board has received and read a draft of a bill prepared by a sub-committee of the joint committee appointed to consider pink bollworm legislation. The provisions of this draft do not furnish a satisfactory basis for discussion. It is suggested from the standpoint of this department that the Tillotson bill recently introduced furnishes suitable basis for discussion. It is respectfully suggested that this bill be made the subject of the joint discussion contemplated in the appointment of the sub-committee.

"Very respectfully,
"C. L. MARLATT."

Gen. Wolters: That is a matter for the Legislative Committee to consider. I would be untrue to the faith imposed in me if I assented to the suggestions in that letter. So far as we are concerned, it would be absolutely useless for us to consider the Tillotson Bill with Dr. Marlatt, it would be a useless consumption of time. We have nothing to do with that but we are ready to follow the instruction of this committee.

The Chair: Well, shall this sub-committee go ahead tonight and have another meeting?

Gen. Wolters: Yes, sir, I think so. The committee will meet at eight o'clock at the Attorney General's office.

The Chair: If there is nothing further we will consider the motion to recess until in the morning at nine-thirty.

(The committee recessed to convene at nine-thirty a. m., Saturday, May 29th.)

SATURDAY, MAY 29TH, 1920.
MORNING SESSION.

General Wolters: Mr. Chairman, we will have two more witnesses to offer this morning. The first witness I shall offer is Mr. Kilpatrick from the Big Bend country, and I am placing him on the stand at the request of Mr. Mead, an attorney who was here representing the people from that section, but he was called away, and he asked me to place Mr. Kilpatrick on the stand.

Mr. Moon: I want to make a motion in regard to Dr. Marlatt's letter to this committee.

The Chair: State your motion.

Mr. Moon: I make a motion that Dr. Marlatt's letter to the Chairman of this Committee be made a part of the record.

Senator Gibson: That letter will be made a part of the Chair's report.

The Chair: That will be in my report this morning, but it was read into the record yesterday afternoon.

Mr. Moon: That covers the motion alright. Now, I want to make another motion and I will state it and then get your ruling. We want the manuscript of Dr. Marlatt's corrected testimony as a part of the record.

The Chair: We ordered the testimony of Dr. Marlatt printed as first taken. This morning I sent a request to the Department of Agriculture, or rather a notice in regard to the taking of testimony and notified Dr. Marlatt and the State Department that if they desired to make any further statements before the committee they were invited to do so.

Mr. Moon: That meets the proposition from one angle, but I wanted to see exactly what correction Dr. Marlatt would make of his testimony.

The Chair: Give me time to pass on that, we can attend to that later on. We will now have Mr. Kilpatrick on the stand.

J. J. Kilpatrick called as a witness by the Farmers' Committee, being duly sworn, testified as follows:

Q. (By General Wolters) What is you name?

A. J. J. Kilpatrick.

Q. Where do you live?

A. Candeleria, Presidio County, Texas.

Q. Is that in what is known as the Big Bend country?

A. I live in the upper Big Bend.

Q. What is your business?

A. Farmer and stockman.

Q. Have you undertaken to raise any cotton in that section?

A. Yes, sir, it is a fine cotton country.

Q. When did you begin the raising of cotton?

A. Twelve years ago.

Q. How many acres do you own?

A. I own about seven or eight hundred acres in that valley.

Q. Have you a farm near there?

A. We have a place at Pelaris, we don't own that, we rent it.

Q. When did you plant that farm to cotton?

A. Last year.

Q. 1919?

A. Yes, sir.

Q. What kind of crops had grown upon that land before that time?

A. There had never been a stalk of cotton grown within forty miles of that place on either side of the river.

Q. Where did you get the seed you planted?

A. Terrell, Texas, three thousand pounds of Lone Star seed, and we got two thousand pounds from San Antonio.

Q. You got that from Hilljer Brothers?

A. Yes, sir.

Q. Where was that cotton seed shipped to?

A. It was shipped to Valentine, Texas.

Q. How far is that from Pelaris?

A. We went in a car one time and it was about fifty miles, but the way a crow flies it is about thirty miles. We have to go around in a car, but there is a road you can travel horseback over the mountains.

Q. How did you transport that cotton seed from Valentine to Pelaris?

A. It was brought down in a wagon owned by a Mexican and stored in a school house, ten miles from the ranch house, where not a cotton seed had ever been placed.

Q. Did you plant the Lone Star seed which you got from Terrell in one cut?

A. Yes, sir. I instructed my hands to plant as far as that seed would go because it was very fine seed.

Q. Where did you plant the San Antonio seed that you got from Hilljer Brothers, how far from the other cut?

A. Something like half a mile.

Q. Did any inspector visit your field in 1919?

A. Yes, sir, about the middle of July, 1919, two inspectors came up there.

Q. Was the cotton matured at that time?

A. Yes, sir, it had bolls on it.

Q. Did they claim to find the pink bollworm?

A. Yes, sir, they distinctly said they did.

Q. In which cut did they find it or claim to find it?

A. They found it in that same cut afterwards, but this cotton was small and they said they hadn't looked thoroughly and they came back again.

Q. When did they come back?

A. In November or December.

Q. And then?

A. They made a thorough investigation and found a worm.

Q. What cut did they claim they found that in?

A. In the cut where the seed from Terrell was planted.

Q. In transporting that seed, the Terrell seed, from Valentine, state whether or not if any of it was spilled along the road, especially in the mountains?

A. In transporting the Terrell seed from the stone school house to Pelaris, a wagon turned over on the mountain side seven miles from Pelaris, and three miles from the river, and at first the volunteer cotton came up there.

Q. Did the inspectors claim they found a worm in that?

A. Yes, sir, after they learned of that, they went down and inspected the cotton and found a worm.

Q. Now, with reference to the San Antonio seed, how was that shipped, as to whether in sacks or otherwise?

A. Several sacks of the San Antonio seed were taken in the car, we have a large car, and it was taken around the route we had to take from Valentine to Pelaris. The rest of that seed was hauled by the mail hack, and part of it was placed in this same school house, an old stone school house. The Mexican mail driver didn't bring all of it, and the rest of it was brought to our ranch and fed to the cows.

Q. How far was that from Pelaris?

A. The map the entomologists hung up had a line drawn from Candeleria to Pelaris and around that way, and one line on that map said it was forty miles.

Q. Was the seed on your place at Pelaris ever at Candeleria?

A. No, sir.

Q. How far was it from Candeleria when it was nearest to that place?

A. Ten miles.

Q. Were there any worms found in the cotton grown from the cotton seed from San Antonio?

A. The inspection was not made of that.

Cross Examination.

Q. (By Mr. Bryant.) Why didn't they inspect that field?

A. I don't know, they simply announced the discovery of the worm in the most convenient field, and I supposed they presumed it was in the whole patch.

Q. You planted the seed from Terrell and the seed from San Antonio in the same field?

A. Yes, sir, practically the same farm.

Q. When you got the seed from San Antonio, you planted that in the same field with the Terrell seed?

A. Yes, sir, practically.

Q. The worm was found in the Terrell seed?

A. Yes, sir.

Q. How far was that place in your field where they found the worm from the planting of the San Antonio seed?

A. I couldn't say, perhaps a half a mile.

Q. It is that far across the field?

A. Yes, sir. The Terrell seed on the mountain side where the wagon turned over came up and they found a worm there. This Mexican had hauled all of those seed.

Q. Had he been working for you?

A. No, sir. He was hauling coal for the Caporte Nitrate Company; he had never hauled a seed until he hauled it to that stone house, because we had trouble in getting the seed hauled, and about that time the Capórte people closed down, and that it how he came to us. He came directly from hauling coal and began hauling our seed. His wagon hadn't ever been to Candeleria, he didn't live there. That was in 1919. We thought we could plant at Pelaris, we planted there before the Governor issued that proclamation.

Q. What did they do with your cotton?

A. They destroyed it.

Q. Have you filed your claim?

A. Yes, sir, it has been filed and I understand approved.

Q. Mr. Kilpatrick, what is your idea of compensation when cotton is destroyed?

A. Well, I could only give my opinion in regard to the situation at Candeleria. From Marfa to Candeleria it is fifty-five miles, that is the way our car registers going over, but coming back it was eighty miles.

Q. It is further going back than it is coming?

A. Yes sir. Also, we can only dispose of a small amount of cotton seed in that neighborhood and a small amount of wheat.

Q. How many acres did they destroy?

A. Something like a hundred.

Q. How much was your claim?

A. I think about $4500.00, and there is another man that had a claim of five hundred dollars.

Q. How did you arrive at the amount?

A. Well, a commission was appointed, but I wasn't present. I understand that was the amount awarded by them, but it cost us nearly that much to make that cotton.

Q. You didn't file any claim except the commission award?

A. Except what the commission awarded on the cotton. According to the law as I understand it I didn't have anything to do with it, that commission did it. The commission was appointed by the county judge.

Q. Have you any fixed opinion as to how the commission should arrive at the amount of these claims?

A. No, sir, I don't know, because I wasn't present and didn't discuss it.

Q. Have you any opinion as to how it should be arrived it?

A. Well, I suppose they would take about the amount of cotton and what it would make and the value of it and what it cost.

Q. To produce it?

A. You see, our cotton was matured, they had picked about ten or fifteen bales and that was burned up. Cotton was worth about forty cents a pound, and the main patch we hadn't touched, that was destroyed. It was a beautiful white field of cotton, and I hated to see it destroyed, and I believe it could have been stored for two or three years

and not destroyed, and have saved seven thousand dollars. It is an out of the way place and you can hardly get there in a balloon.

Re-Direct Examination.

Q. (By Gen. Wolters.) I understood you to say they found a worm?

A. What?

Q. How many worms did they report?

A. I understood they found one worm in the volunteer cotton on the mountain side, but the Mexicans told me there were a number of worms in that field, I don't know how many pink bollworms, but those fellows announced that it was infested and it was.

Q. Who announced the heavy infestation?

A. I don't know.

Q. Have you examined their report?

A. No, sir, I don't know what it was, I thought it was a slight infestation.

Q. In order that the committee may have the benefit of it, if they desire it, the other day, a witness on the stand, a former employe of the State Department, not by what he said, but by what he didn't say, may have left the impression that your standing as a citizen might be doubtful. I want you to state to the committee the names of gentlemen who are in Austin whom the committee might call on if it wants to see as to your standing.

A. Call on the superintendent of schools here.

Q. Anybody else? Who is that?

A. I have been knowing him a long time, if you will call his name I can tell you.

Q. McCallum?

A. Yes, sir, I also know old Judge Fullmore.

Q. Fullmore is dead.

A. I also know John Shelton.

Q. Anybody in the capitol?

A. Yes, I know Harris.

Q. Who is he?

A. He is in the Educational Department. I also know Morris well.

Q. Do you know Senator Dudley?

A. Also Senator Dudley.

Q. Do you know Senator Weinert?

A. I lived at Seguin and taught school there, and Judge Weinert was on the schol board at that time.

Q. You invite the committee to see these men?

A. Yes, sir. And also see Superintendent Horn, he knows me well in Houston. Also Dr. Reed and Cleveland Brothers.

Re-Cross Examination.

Q. (By Mr. Bryant.) Did you examine your field to see if there were any worms there?

A. The Pelaris field?

Q. Yes.

A. No, sir, I examined my own field and found a worm.

Q. Was it a pink bollworm?

A. It is not the pink bollworm, but it is a worm of a whitish color.

Q. Were there many?

A. No, sir, our fields were slightly infested, that was along the road.

Q. That was at Candeleria?

A. Yes, sir, and they are all dead in January.

Q. But where the inspectors found these pink bollworms was forty miles from Candeleria?

A. Yes, sir, up the river.

Q. Did you look in that field?

A. No, sir, I didn't go there, I would have had to go horseback or go around one hundred miles.

Q. (By Mr. Moon.) That seed that was spilled on the mountain side where the inspectors found the infestation how far was it from any cotton?

A. The nearest cotton was ten miles at Pelaris. I think I ought to be allowed to make a statement how they got out an insinuation of Dr. Scholl about my not being a good citizen.

Senator Gibson: I don't believe anybody got that impression from the gentleman who was on the stand. He said he wasn't very well acquainted with this gentleman and didn't know him. That is the way I understood it.

General Wolters: I just meant to present the matter thinking possibly that that impression had been made. I know Mr. Kilpatrick and I suppose all men do who have had any service on the border, but I thought maybe someone might get the impression that Mr. Scholl was leaving the impression that Mr. Kilpatrick was probably an undesirable citizen.

The Chair: I was just speaking to Mr. Owen about the matter and I don't remember anything that I

would interpret as a reflection upon the gentleman.

Senator Dayton. We all understand this thing. I know Mr. Kilpatrick. I was down with him with the State board. He was perfectly willing for us to inspect his gin. I don't think Mr. Scholl or anybody else would leave the impression that Mr. Kilpatrick is not a desirable citizen.

H. W. Barkuloo, a witness called by the Farmers Committee, being duly sworn, testified as follows:

Q. (By Gen. Wolters.) Where do you live?

A. Cedar Bayou, Harris County.

Q. How long have you resided there?

A. Twenty-five years.

Q. What is your business?

A. Farmer.

Q. Are you connected with the cotton growers association?

A. I am the secretary.

Q. Of that of Harris County only, or of several counties?

A. The infested area.

Q. You are also on the Citizens Committee here?

A. Yes, sir.

Q. There are certain facts, which you think ought to be presented to the Committee, you are an intelligent man, thoroughly conversant with the situation; I am not calling for a lengthy statement or a lecture, but simply such facts as you have in mind.

A. A few facts, gentlemen. which I think ought to be stated, and as the General has indicated, I will try and not repeat what I know has been put in the record, but these other facts I think ought to go into the record, not because I believe you need it in your minds now, but for future eivdence if we need that. The general situation and the necessity for raisng cotton, all of that has been gone over and don't need to be threshed out. A word or two about the reason for not growing cotton previous to 1916 in that district, I think ought to be mentioned; the reason we didn't grow cotton before that was because of the price, it was so low we couldn't afford to raise it. We planted cotton twenty-five years ago, and it grew all right, but the reason I didn't continue to raise it was because of the market price, it was so low it didn't pay me. I have observed cotton there and cotton will average as much there as it will average in Texas, take it one year with the other. When the cotton was so low in price I will say in regard to my farming operations, which is about an average, I put up wild hay and shipped it to Houston by boat and so made my living; that was when cotton was so low and the crops not being sufficient to make a support for myself and family. In the matter of cooperation in 1918 with the department, we did cooperate with the department with the exception of possibly two small areas, the department will bear me out in that; and we got out all the volunteer cotton and kept it free from cotton in 1918. In regard to the infestation over the whole territory, 125 by 75 miles in 1918, no pink bollworms were found; in 1919 pink bollworms were found all over that territory, but the point I want to express is that they were not found in 1919 outside of the territory where in 1917 seed was mixed from the seed from the territory outside. Mr. Dancy in Houston ginned the cotton, I took two bales there right after his gin was found infested, that is last fall, and seed from that gin were mixed with seed from fields outside and the infestation for 1919 was not beyond the territory that could have reasonably mixed with this other seed. So I say, as I see it, there is no territory which might have been infested previous to that time. I mention this to show the improbability of the infestation spreading rapidly. About the clean-up work, I want to emphasize that; the clean-up work has done but little good. That is a statement you haven't probably in mind, but I think if you will investigate the facts you will find I am right. There is a place not more than a mile from my place, where it was found infested in 1919, and there was no clean-up work done in ten miles of that field. I know this, and there are other fields similarly situated if I wanted to mention them, but I won't take the time. We took the cotton out of there in 1918, in 1919 there was no infestation found near this field. There was one infestation found in Chambers County, about four or five miles from that field, across the Bayou and across timber protection and no

reasonable connection with it and this infestation there by my place. The point I want to make is, there was no infestation where there was no clean-up work and where the worm had a chance to work for three or four years, as a specific point, I will name Smiths Point; there is a man here who will corroborate this, I am satisfied; they cleaned up Smiths Point in the most infested point they had surely in 1917, in 1918 they kept out all the cotton, in 1919 they planted cotton there, probably three-fourths of the ground was new ground that had never been planted before and they found worms in every field that was planted; I see the man back there, he knows about that, if I am wrong I want to be corrected. I make the point that this clean-up work does but very little good, and the other point associated with that is, we are not exterminating the worm by regulated zones. We are not expecting that unless it is a slight infestation, and the simple fact that we are getting a few more worms on a fifty-acre field after it was cleaned up than would be if it wasn't cleaned up wouldn't justify so much work, and the fact that there has been no noticeable damage in all of this territory; there are fields where worms have had an ample opportunity to do damage. It is almost positively proven that the worms do live in native plants, the department men claim they live in it.

Q. That is a matter of record already gone into.

A. Well, I don't want to repeat what has been proven. There is one more thing I believe I ought to mention; Dr. Marlatt said day before yesterday that we might have a hurricane like the one we had in 1915 and blow these worms a hundred or two or three hundred miles inland. There was a man in Washington on the second day of April at that meeting there, from Georgia, I think, and he asked Dr. Marlatt if a hurricane wouldn't blow these worms a hundred miles inland, and Dr. Marlatt said he didn't know. I tried to get the floor to ask him. I want to say that it is a physical impossibility in a hurricane like we had in 1900 and 1915, it is a physical impossibility for these worms and moths to go a hundred miles or one mile, or a quarter of a mile. The storm comes with a deluge of water that looks like it does on the beach and the combers coming on with those whitecaps; it looks like a giant fighting, only on a wide scale.

Q. The hurricane comes driving in a sort of rotary system?

A. Yes, sir, and a hundred miles wide.

Q. And with it there is a hard beating rain that will scour the face of a man.

A. Yes, sir, you cannot hardly stand it.

Q. And the rain drives so hard that it will burst a man's face and tear it up?

A. Yes, sir, and blow the clothes from his body.

Q. And any insect or light thing would be forced and be driven and beat into the ground?

A. Yes, sir. I think in the north people who are used to cyclones think of the hurricane as having a vacuum at the center like a cyclone, when it will suck things up and carry them for miles and miles, and that is the reason they think the moth could be carried.

Q. The hurricane is not like a cyclone?

A. No, sir, it has the same notion to some extent, except it is a hundred miles wide with a dead center, but it doesn't lift things up. I have seen cyclones in the north with the vacuum in the center, and it would strike a house and the walls would be blown out instead of in.

Cross Examination.

Q. (By Mr. Bryant.) A light wind would be more likely to carry the moth than a great storm like you have described?

A. It would very much more; a moth might carry along in a light wind, suspended in the air, but it would be impossible in one of those storms.

Q. You heard Dr. Hunter testify?

A. No, sir.

Q. You don't know that that was his testimony?

A. I don't know.

Q. Did you hear Dr. Marlatt testify?

A. Yes, sir.

Q. Don't you know that he testified that a light wind would likely

scatter the moth more than a strong wind?

A. Your recollection is that he said that Dr. Hunter testified that the day before. I heard Dr. Mrlatt say we might have a hurricane and carry these moths two or three hundred miles inland?

Q. Well, that might be true, if you had a strong wind of the magnitude described, accompanied with no rain?

A. He was speaking of a hurricane as of 1915.

Q. I am talking about a different state of facts, a strong wind, unaccompanied with rain might carry the moth further than a hurricane?

A. Yes, sir, but in a hurricane, he absolutely could not live.

Q. Where do you live?

A. Cedar Bayou, thirty miles east of Houston, in Harris County.

Q. Did you raise cotton in 1917?

A. No, sir.

Q. Were your fields found infested in 1917?

A. I never have been infested.

Q. You didn't raise cotton in 1918?

A. No, sir, I cooperated with the department.

Q. In 1919 you did raise cotton?

A. I did, and I cooperated with the Department, and our people at Cedar Bayou and the Crosby people cooperated fully with the Department in 1918, upon the promise of Dr. Hunter that if we rendered satisfactory cooperation he would recommend that we be allowed to raise cotton in 1919.

Q. You did raise cotton in 1919?

A. We had our opportunity but the weather conditions were such that we made a failure.

Q. Is there much cotton raised in that community?

A. Yes, sir, cotton is the principal crop.

Q. And in the Crosby community?

A. Yes, sir.

Q. What else do you grow there?

A. Corn is our next staple crop. An average yield of corn would be not over fifteen bushels, we can raise peanuts, but as brought out on the stand yesterday, they are not a profitable crop. The velvet bean and castor oil beans, which the Department told us we could raise and make more money than we could with cotton, I had myself tested those things out before then, and I knew it wasn't true. Our experience didn't amount to anything, however; I think they have given that all up.

Q. How much is your average yield in cotton?

A. On my place I have gathered a half bale to the acre, that I consider very good; I get more sometimes and less sometimes.

Q. Have you an opinion as to what basis the State should make the settlement with the farmer for destroying his cotton when it is found infested?

A. If it is growing?

Q. Yes. I understand the worm is usually found in September or October. At that time your cotton is virtually all open?

A. If the cotton is still in the field unpicked, the value would depend on the market, less the cost of picking and ginning, I think that would be a fair compensation.

Q. What is your idea of compensation for not being permitted to grow cotton where you plant in something else?

A. If I would give my opinion, I think I would say that the value between that and the value of the cotton, should be ascertained on any method that the commission should fix; and fix the value of the cotton that would have been grown on that, and then deduct the average value of the corn raised within the quarantined district for that same year and take the value of the corn from the value of the cotton with proper allowance made for the extra expense of ginning and picking cotton, then after deducting that, you would have to allow for the gathering of the corn. The idea is to allow the farmer the difference between what he can get for corn and what he would have gotten for cotton. My idea in taking the corn is because if you undertake to get at the value of the individual farmer's crop, you would have an endless job. Corn is the next money crop and it would be easily gotten at. I would say take the value of the corn he might have raised on that ground away from the value of the cotton he might have raised but for the quarantine.

Q. What is your idea as to whether or not the people in your community would observe the law if they were prohibited from grow-

ing cotton for a certain number of years, say two or three?

A. I take it you mean with just compensation?

Q. Yes, sir.

A. I think our people will stand pat on our resolution passed on April 1st, in the auditorium in Houston, which we took to Washington, that we would accept a non-cotton zone if the Legislature put it on us with full compensation, but we did not think it was best or wise. I think they will stand pat on that, alright.

Q. And they would assist the department in carrying out its program of extermination?

A. In any reasonable way. There is one thing the Department and the Legislature must consider, if we are deprived of raising cotton, we will lose the rent folks, that was brought out, but I wanted to unequivocably endorse that. I have two men on my place, the probabilities are that if they cannot raise cotton next year they will move, and I cannot work the land, and I will lose that much. If they can plant the whole of the farm in cotton they will stay, but if they have to raise something else, they will make another arrangement. If you people do that, there ought to be some arrangement made by which the land owner can receive the rental that he will get from his land. If you can say to your renter that he cannot raise cotton, but that he can raise whatever he can, and he will get as much as if he had raised cotton, then we can keep our renters.

Senator Gibson: I would like to ask one question, Mr. Chairman.

The Chair: Very well, Senator Gibson.

Senator Gibson: Has this resolution been read into the record? I didn't understand the substance of that resolution, I just want to know if it has been read into the record; that is the resolution passed by the Houston meeting.

The Chair: No, sir, Senator Gibson, it has not been read into the record.

Mr. Bryant: Well, I will have it read into the record right away.

Gen. Wolters: The witness refers to a resolution passed at a meeting of farmers April 1st, 1920, which resolution was taken to Washington. I don't think there were any entomologists present, it was an expression of the citizens.

Mr. Bryant: I understand that it was signed by a number of men from these counties, and I think Dr. Hunter signed it, and Mr. Nichols signed it, and I think Mr. Barkuloo.

The Witness: I am a member of that commission, I can tell you about it. I was appointed by the county judge of Harris County at both of those commission meetings, and this resolution which was signed by Dr. Hunter and the other representatives was the recommendation of the commission, one member appointed by the Governor, one by the Commissioner of Agriculture, one from A. and M. College, one from the Federal Department, and myself for Harris County. That recommendation was signed by all of us, but this one I signed was in the mass meeting, and which we took to Washington to try to get our Texas men lined up. We tried to get them together at Houston but they were not there, and we went to Washington and took this resolution and we did get them lined up to a man I think. I stand on that resolution now.

Senator Gibson: That was a meeting of the association of which you were secretary?

The Witness: The association was there, but the resolution was passed by the mass meeting including the association.

Senator Gibson: That was under the auspices of that meeting of which you are a secretary?

The Witness: We were working in conjunction with the Farmers Protective Association; I am secretary of the Cotton Growers Association, and this meeting was the result of the Farmers Protective Association. It was a meeting of the people to try to get together with the representatives from central and north Texas in order to prevent what you are called here to do.

Q. (By Mr. Bryant) What kind of a meeting was this where you signed the recommendation to the Government which you signed and which Mr. Nichols signed and Dr. Hunter and the representative from A. and M. College?

A. That was the meeting of the commission appointed to recommend what should be done for the next year.

Q. How is that recommendation,

didn't you recommend a noncotton zone?

A. Yes, sir, with full compensation.

Q. You put in a suggestion there that whatever bill is passed by this Legislature, provision should be made to take care of the tenants' interests in the crop; don't you think it could carry provision to take care of the banker and the merchant who have a mortgage on that crop, either of the landlord or tenant?

A. I do, I think it ought to take care of every interest. And if you want to know my private honest opinion, I think the whole thing ought to be wiped off and only the safeguarding of the spread of the pest to other parts of the State. My honest conviction is that we have had no pest, and I don't think we ever will have. My property is there, my children are living around me on farms. I am depending on my land for the rest of my days, my wife and I, on the income from the farm, and if that worm ever spreads it will hit me as hard as anybody.

Q. You don't think there should be either a noncotton zone or a regulated zone?

A. No, sir.

Q. You don't think the present law ought to be repealed?

A. I don't think there is a particle of danger. There might be an inspected zone to prevent the spread. I may be wrong, and if I am we still have got it where we can control it, because the last three years have shown it don't spread to amount to anything.

Q. We cannot control the scattering of the seed without some kind of a regulatory measure?

A. I would have that only as a safeguard.

Q. Then you are in favor of some kind of regulation?

Mr. Pickett: As I have possession of the document which was first adopted, I feel like I am duty bound to give it to you as soon as I have found it. It was adopted at Houston on March 24th at the first meeting, and then at the adjourned meeting on April 1st, and that expresses the attitude of the people of South Texas. This is the resolution Mr. Barkuloo referred to; it was adopted at the two meetings, the second meeting passed practically the same resolution.

Q. (By Mr. Bryant) For the benefit of the committee, they want to understand about this. The Cotton Growers Protective Association met at Houston on March 24th, 1920, and adopted certain resolutions, in which you say among other things that the importance of the situation is exaggerated. This instrument is signed by yourself, Mr. Nichols, Judge Pickett, Mr. Minson, and others.

A. I might say right there the committee that signed the resolution was the committee appointed by the meeting.

Q. Representing the Cotton Growers Asociation?

A. Yes, sir.

Q. Now, later, on April 1st, the pink bollworm commission met?

A. They met on March 31st, and this mass meeting had been called for the 31st, and they adjourned their executive session until after the mass meeting and they were in the room listening at the meeting.

Q. On April 1st, you met with the pink bollworm commission as a representative of Harris County?

A. Yes, sir.

Q. And Mr. Nichols was there from Brazoria County?

A. Yes, sir. And Mr. Minson was there from Galveston County.

Q. At that time you made a recommendation to the Government in which you recommended a noncotton zone. Now, explain to the committee why you changed your attitlde as expressed in this resolution and in the recommendation to the Governor.

A. I am glad you asked the question. We made that recommendation for a noncotton zone not because we thought it was necessary, not because we changed our mind as to a regulated zone, but because the Federal Department through Secretary Meredith was holding a club over Texas, and saying if you don't put a noncotton zone on down there we will quarantine the whole State of Texas. We thought it was unjust and there was no reason for it, but it was a fact and the people of Texas were scared, so in order to keep it off we recommended a noncotton zone with full compensation.

Mr. Pickett: I voted there, and it is on record, that I voted against that, and my signature bears that out?

A. I stand corrected, I think Mr. Pickett didn't sign that recommendation, however, I will say that he had

his reasons for that of course. I think it was unanimous with the rest of us, aud under the circumstances it was not objected to by Mr. Pickett, and he didn't sign it because he had his reasons. All of the Department men were unanimous and the suggestion was made by the chairman of the board, who was from the office of the Secretary of Agriculture; but the statement was made very definitely that the change was not because of the new infestation which had been found, but because of keeping off this Federal quarantine, and as Dr. Marlatt has made the statement since he has been here that he didn't recommend the noncotton zone being put on because of the new infestation that was found. He refused to concur in the first recommendation, he made the statement positively that he didn't require the noncotton zone because of this additional infestation, and the reason we signed that recommendation was not because we thought it was necessary, but because we thought the people of Texas wanted it, and we felt that we were but a small minority and if the people of Texas wanted it and were willing to raise the compensation we thought as loyal citizens we ought to accept it, and I think we did the right thing, but I didn't think for a moment that we needed it. Further, if there is a tax raised to pay us for that cotton we have to pay our share of it. I see a tendency shown by some to say that we want it, that those fellows want it because they think they can sit down and have the money poured into their laps, but we don't want anything of the kind; they expect to put the land in something. There is another thing that ought to be mentioned, the oil mills and the ginners, where are they coming in if there is a noncotton zone? And the bankers and merchants; there is a related interest between those men and the farmer that ought to be taken into consideration.

Re-Direct Examination.

Q. (By General Wolters.) Will you identify that paper as the resolution you referred to?

A. Yes, sir, that is it.

Q. Now, that mass meeting was not alone composed of the members of the Cotton Growers Protective Association?

A. No, sir.

Q. Was it composed of citizens from the various counties in the infested area and other organizations?

A. Yes, sir, and of Houston business men and Houston interests.

General Wolters: In this connection I desire to introduce this resolution, which has just been identified. I will read this into the record, the resolution being as follows:

Cotton Growers' Protective Association.

Report of Committee.

Unanimously adopted at Houston on March 24, 1920, as expressing the position of the farmers and business men of South Texas.

Resolutions Adopted.

A committee named to draft resolutions expressive of the body reported the following resolutions, which were adopted:

We, the undersigned committee, appointed to report resolutions reflecting the views of a conference of cotton farmers and others represented and interested in this meeting, called for the purpose of considering and dealing with the subject of the proper steps to be taken by the State and Federal Governments, in the matter of the best method and procedure in handling the danger and menace to the cotton industry on account of the alleged presence of the pink bollworm in the nine counties in Southeast Texas represented here, and having in mind especially the letter of Hon. E. T. Meredith, Secretary of Agriculture, to the Governor of Texas, of date March 10, 1920, beg leave to report:

1. The cotton farmers in the territory said to be infested by the pink bollworm are loyal and patriotic citizens, ready to co-operate with the State and Federal authorities in any and all intelligent ways to eliminate the danger; that the farmers generally throughout the district have pursued this course since 1917, and to the extent of cheerfully conforming to noncotton zones in 1918, with the result of sustaining, without complaint, large financial sacrifices incident to loss of the largest cotton yield in this section with the highest price ever paid for cotton up to that time.

2. That if necessary to protect

Texas from a national quarantine against the free movement of cotton and cotton seed products of the entire State, we will continue to bear the burden of a noncotton zone in the infected territories, subject to just compensation for actual loss resulting from such course, but we earnestly represent and affirm:

Menace Exaggerated.

3. The alleged menace is largely exaggerated and does not in fact exist to such extent and with that degree of certainty, even from the standpoint of the expert entomologists, as to justify such radical steps as are suggested by the Secretary of Agriculture.

4. In view of the fact reflected we feel and recommend to the Honorable Secretary of Agriculture, and the boards to which this subject may be referred, that the situation does not justify the radical action threatened, and that the cotton farmers in the alleged infested zones should be allowed to plant, cultivate, gather and market their cotton crops under the capable and diligent supervision, surveillance, and direction of the State and Federal agricultural departments, feeling that by this method the balance of the State of Texas and the cotton growing section of the United States would be more amply protected than if the entire State should be put under a general Federal quarantine, and thus relieve the cotton farmers of the infested area of the continued hardships and financial burden which would result from an arbitrary radical cotton zone in the infested counties. In view of the fact that much cotton was grown in diversified areas in the year 1918, carefully and diligently inspected in the field and at the gins, without any trace of the pink bollworm being found, we think that it would be an unjust hardship to apply the proposed radical cotton zone. And, on the other hand, should it develop at any time, from planting to marketing that the pink bollworm is in evidence in any part of the territory, all such crops should be immediately destroyed and every possible precaution taken to protect the cotton growing sections of this country from the possible menace of this pest, but with proper provision for just compensation.

Unjustified Apprehension.

5. We feel that for lack of knowledge of the real facts supported even by the reports of expert entomologists, that an unnecessary and unjustified apprehension and fear of danger has spread broadcast over the country, and that if all the facts in connection with this subject are impartially and intelligently considered that the conclusion will be reached that the situation does not call for or justify the radical steps now proposed by the Federal Government, and that the threat of quarantine by other states and by the Federal Government has grown out of a lack of accurate information and an exaggeration of any real danger or menace.

Respectfully submited,

W. H. Nichols, C. S. E. Holland, E. B. Pickett, Jr., H. W. Barkuloo, A. G. Graham, W J. Meininger, J. W. Canada, C. W. Minson, Lon C. Brady.

SATURDAY, MAY 29, 1920.
AFTERNOON SESSION.

The Chair: Let the Committee come to order, gentlemen, I believe we are ready to proceed. Whom will you have for your first witness?

Gen. Wolters: Call Mr. Reedland.

O. A. Reedland, called by the Farmers' Committee, being duly sworn, testified as follows:

Q. (By Gen. Wolters) Where do you live?

A. Crosby, Texas.

Q. What is your business?

A. Merchant.

Q. Did you purchase cotton from the farmers in the Crosby section during the year 1917?

A. Yes, sir.

Q. How much money did you pay to the farmers of the Crosby vicinity during the year 1917 for cotton, the aggregate?

A. About $700,000.00.

Q. In 1918 they raised no cotton at Crosby?

A. No, sir.

Q. Did you purchase their corn that was raised as a substitute?

A. Yes, sir.

Q. How much did you pay out in money, in round figures, to the farmers of that Crosby vicinity, for their corn, the same farmers whose cotton you bought in 1917?

A. Between two hundred and—two hundred and twenty-five thousand dollars.

Q. How many gins are there at Crosby?

A. Two.

Q. If a noncotton zone is established these gins would be idle?

A. It depends on how far the zone would go. The line is about two miles and a half west of the gins, and there would only be a little cotton ginned; it depends on where the line goes.

Q. There wouldn't be enough cotton for two gins?

A. No, sir.

Cross Examination.

Q. (By Mr. Bryant) Did you buy all of the cotton there?

A. I bought thirty-three hundred bales out of the 4500 produced.

Q. Did you buy all of the corn raised there?

A. I bought two hundred and twenty-five cars, and I think there were about 300 cars shipped out.

Re-direct Examination.

Q. (By Gen. Wolters) So you bought all but seventy-five cars.

A. Yes, sir.

Q. If that was a noncotton zone free cotton would not be permitted to be brought to those gins?

A. It was in 1918.

Q. When they had the noncotton zone?

A. Yes, sir.

Q. Was that brought in under a permit, do you know?

A. Yes, sir, that was my understanding.

Q. (By Senator Raiden) I was wondering how it happened you bought so much cotton, was there competitive buyers in the town?

A. There are only three stores in town, and there were only two of us buying cotton, and there were no regular cotton buyers there.

H. H. Ford, called as a witness by the Farmer's Committee, being duly sworn, testified as follows:

Q. (By Gen. Wolters) What is your name?

A. H. H. Ford.

Q. Where do you live?

A. Alvin, Texas.

Q. Do you own a gin there?

A. I have an interest in one.

Q. How much is the investment involved?

A. About $15,000.00.

Q. When did you build that gin?

A. 1919.

Q. If a noncotton zone was put on in that territory would that gin be able to gin any cotton?

A. No, sir.

Q. Are there any other gins there, that is in that country?

A. Yes, sir, there is only one in this particular territory. The other gin is in the western end of the county.

Q. Is there another in the zone?

A. No, sir.

R. R. Dancy, called as a witness by the Farmers' Committee, being duly sworn, testified as follows:

Q. (By Gen. Wolters) What is your name?

A. R. R. Dancy.

Q. Where do you live?

A. In Houston.

Q. You are a ginner?

A. Yes, sir.

Q. You own the only gin in Houston?

A. Yes, sir.

Q. Where did you get your ginning from, the cotton that is brought to your gin?

A. It comes from that entire section, cotton from every section of the supposed infested area, my gin has been made the center by the experts or government authorities. It has been shipped in there under the government regulations all the way from the border of Mexico, Marfa and down to Beaumont and Orange.

Q. You mean they have shipped cotton from Marfa in the infested territory to your gin?

A. Yes, sir, in sacks.

Q. Did they ship any from the Pecos district?

A. Yes, sir.

Q. Shipped it through the center of the State to Houston to your gin to be ginned?

A. Yes, sir.

Q. If a noncotton zone is put on in this nine counties would that have any effect on your gin?

A. It would destroy my business.

C. A. Gustison, Jr., called as a witness by the Farmers' Committee, being duly sworn, testified as follows:

Q. (By Gen. Wolters.) Where do you live?
A. Crosby.
Q. What is your business?
A. Gin and lumber business.
Q. How much have you invested in that gin?
A. About ten thousand dollars.
Q. Is there another gin at Crosby?
A. Yes, sir.
Q. What is the investment there?
A. About twenty thousand dollars.
Q. If there is a noncotton zone put on in that territory, what will be the effect upon you and your competitor?
A. There would be a total loss.

Gen. Wolters: Now we have other witnesses here from various sections of that district that would all be in line with this testimony, varying in details only as to the witnesses you heard on yesterday from Liberty County and other sections. There is one witness here from Harris County and members of the Committee have asked that we put him on, but aside from him we have no other witnesses, and I am putting this witness on at the request of members of the Committee that know him. Mr. Jackson is more familiar with the matter, and he will examine the witness. Call Mr. J. C. Albritton.

J. C. Albritton, a witness called for the Farmers' Committee, being duly sworn, testified as follows:

Q. (By Mr. Jackson.) What is your name?
A. J. C. Albritton.
Q. You live in Harris County?
A. Yes, sir.
Q. What point?
A. At Webster in the south part.
Q. Are you the man that was put in jail for refusing to plow up your cotton in 1918?
A. One of them, yes.
Q. Who was the other one?
A. My son.
Q. Mr. Albritton, what is your business?
A. I am a farmer.
Q. How long have you been a farmer?
A. I came to Texas as a boy about 1875, and I have been a farmer since.
Q. Have you been engaged in cotton farming since this time?
A. Up until this time?
Q. Yes?
A. Not all of the time, there have been some years that I didn't grow any cotton while I lived in the city of Corsicana.
Q. Have you farmed cotton in other localities than Harris County?
A. Yes, sir, in three other counties in Texas.
Q. Name the counties?
A. Navarro, Ellis and Scurry.
Q. Have you raised cotton in other states besides this state?
A. In Alabama and Arkansas.
Q. Are you familiar with the climatic and conditions of the soil in Harris County and your vicinity?
A. I think so, yes.
Q. Will you state the adaptability of that territory down there for cotton raising, as compared with other parts of the State?
A. My experience as a cotton farmer for a lifetime is that the southern part of Harris County, the black land portion, is the best cotton producing county I have lived in.
Q. Did you plant cotton at Webster in Harris County in 1917?
A. Yes, sir.
Q. Will you please state to the Committee how much you put in that year and where you got the seed?
A. I had three pieces of cotton that year. They were not large. In fact, we never grew a large acreage of cotton at my place, we had probably a normal acreage in 1917. The seed in two pieces came from Bee County, and was of the Mebane variety. They had been grown at Webster in 1916. This piece of land at the house consisted of about three acres; it had been in strawberries and truck and other things like that for several years and it was very fertile. The Government had been sending out little sacks of seed, about four or five pounds in a sack, and a number of my neighbors received them, and I got a sack and I decided I would plant them and give them a good opportunity, and I planted those seed on the land at the house, and we gathered a bale of cotton to the acre off of the piece of land at the house.
Q. State whether or not a pink bollworm was claimed to have been found in that field in 1917?
A. Mr. Jackson, I testified in a certain case that I had learned at that trial that they claimed to have found a pink bollworm in my field in the winter preceding that trial, that it was my information that they had claimed to have found a pink bollworm on my land.

Q. That was the report?

A. Yes, sir.

Q. And that seed came from Washington?

A. Yes, sir, well, the Government sent it out, I didn't know where it came from.

Q. And you raised a bale of cotton to the acre?

A. Yes, sir.

Q. Did you plant any cotton in 1918?

A. Yes, sir.

Q. You were then one of the outlaws?

A. Well, yes.

Q. That is the way it is referred to?

A. Yes, sir.

Q. Did you cultivate, produce and market that cotton that year?

A. Yes, sir.

Q. Did you raise a good crop?

A. I raised fifteen bales and a remnant off of 19½ acres.

Q. Was there any pink bollworms found in your field, or claimed to have been found, in 1918?

A. Not that I have heard of.

Q. Was there any claim made to that effect?

A. No, sir, not that I heard of.

Q. Was there an invitation to the department to come and examine the field?

A. When I was at home, yes.

Q. Will you state whether or not you were demanded to destroy that cotton?

A. I was.

Q. Did you do it?

A. I did not.

Q. What was the result?

A. That I produced a very fine crop, and I sold it on permit by agreement, both County and State.

Q. What was the result of your refusal to the demand of the department to destroy your cotton, what action in court?

A. I was adjudged guilty of contempt and sentenced to jail.

Q. Isn't it a fact that the scouts and experts undertook to compel you to plow up your cotton?

A. As a matter of fact, if it is permissible, I planted cotton because of the fact of the demeanor and method that was undertaken, to be followed in our county by the entomologist. I will give the name of one special one, he is a nice man, if you would like to have it; I told him that we were entitled to some tangible evidence that we were infested and were a pest to the country, before we could be asked to destroy our property.

Q. Following the demand to destroy your cotton you refused?

A. Yes, sir.

Q. What action was brought against you in the court—

A. The court undertook—

Q. Did they get out mandamus proceedings against you?

A. Yes, sir.

Q. To force you?

A. Yes, sir.

Q. Will you state something as to that trial, its duration?

A. About ten days, and during that trial through my counsel, I requested the Court to send the entomologists down into my field and make an investigation to ascertain whether pink bollworms did exist in that farm, and their reply was that it would be impossible to find them at that time, that it was too early for them.

Q. I will ask you if at that time a large per cent of those bolls were fully matured?

A. I stated on the stand that about fifty per cent of them were grown at that time.

Q. They said it was too early to find them?

A. Yes, sir.

Q. At this trial was the first time that you learned or were informed that a pink bollworm had been found in your field in 1917?

A. Absolutely.

Q. Well, you were asked to plow it up in 1918?

A. Yes, sir.

Q. What was the decision of the Court?

A. They fastened that injunction on us permanently, and ordered that we destroy that crop without compensation and at our own expense.

Q. Did you destroy that crop?

A. I did not.

Q. What was the result?

A. They called me before court to show cause why I should not be adjudged guilty of contempt, and I was adjudged guilty of contempt and sentenced to jail.

Q. Did you destroy your cotton?

A. I did not.

Q. What happened?

A. I was put in jail.

Q. How long did you stay?

A. About twenty-three hours.

Q. How were you released?

A. Counsel came to Austin before the Court of Criminal Appeals and

procured a writ of habeas corpus and got me out on bond.

Q. Has there ever been a hearing of that?

A. No, sir.

Q. Are you still under bond?

A. I understand I am. I wish to say that the agreement that was made between the Department and myself, together with other cotton farmers, that as a part of that agreement they would withdraw that case.

Q. They have doubtless overlooked that. Were you ever in jail before that time?

A. I was never inside of a jailhouse before.

Q. Then do we understand that this was a test case to test your rights as a citizen?

A. It was.

Q. Are you familiar with the manner of the clean up of 1918 and 1919?

A. Yes, sir, in my community.

Q. Do you consider the so-called clean-up of the cotton fields was complete and effective?

A. I do not. Some fields weren't entered at all, I know one instance.

Q. Whose field was that?

A. A Japanese by the name of I. Onico.

Q. How many acres?

A. About thirty.

Q. How much did he make?

A. Well, he said he planted and picked, that is the way he expressed it, and made more than I did.

Q. What other examples of improper clean up do you know of?

A. The land I and my son had in cotton was not cleaned up, not what I would consider a first class clean up, there was very little effort made to clean up my field.

Q. Was it a fact that bolls and pieces of stalks and trash were left in the field?

A. We plowed the cotton before any legal action was taken, we were preparing the land for the next year, and part of the land had already been plowed and that was never molested. As I understand there was a partial effort made to clean up the other field.

Q. In view of the fact that it is in evidence before the committee that as a result of that clean up and the expenditures of money the infestation has been greatly reduced, would you consider that if there had been a complete clean up that there would have been little or no danger of the infestation continuing, granting that it did exist?

A. I think there would have been almost a complete destruction of the worm; I think if it had been cleaned up as I did my field in 1918.

Q. What is your idea of compensation in case a noncotton zone is established?

A. My judgment is that most practical farmers have a very good idea about the expense necessary to produce a cotton crop in a fairly good manner. We know the price of picking. My judgment is that if they were going to prohibit the farmers from growing cotton that they should pay the difference between the cost of production, gathering and marketing and the value of the cotton.

Q. Was there cotton planted in your neighborhood in 1919?

A. Yes, sir.

Q. Has there been any worms found there in 1919?

A. Not reported.

Q. In the field in which the pink bollworm is alleged to have been found in 1917, was there cotton planted in that field in previous years?

A. No, sir, never was.

Q. That was virgin soil so far as cotton was concerned?

A. Yes, sir.

Q. The seed came from the Federal Government?

A. Yes, sir.

Q. How near was the nearest field to that planted in cotton?

A. I should say five hundred yards and probably a road between and also a creek between them.

Q. We didn't finish your idea as to compensation in case you are not permitted to plant cotton, what is your idea of a method of arriving at compensation to a cotton farmer?

A. I don't see how there would be but one method, that would be anything like correct. I am inclined to be fair and the proposition in my mind is that there are some of the farmers that are farmers and there are other farmers. If Mr. Jones lives in the quarantine district, and is a fairly practical farmer, and Mr. Smith lives outside of the quarantine, and the character of their land is about the same, I think the settlement should be made on the basis of the

crop of the farmer on the outside that was permitted to raise cotton.

Q. How about substitute crops? I don't mean feed crops, but a money crop; what are the substitute crops in your locality?

A. My experience has been that other crops as money crops don't pay. Now you take corn for instance; I will say that we have a multitude of pests besides cotton pests; there is a weevil that gets into our corn before it matures and we cannot sell it for anything like a fair value. I can grow fairly good corn, I have better success than others I know, but it is not in a condition that it is marketable; it is destroyed by virtue of the weevil that gets into it in the early stages before it is taken out of the crib. I grew a little better than twenty bushels of peanuts to the acre in 1918; but as a matter of fact owing to the condition of the soil my experience was that the tops which are usually used for hay, due to the heavy fogs and dews they will turn black and you cannot cure them; and there are so many clods of dirt with the peanuts that they are not worth the money, and peanuts is a right expensive crop to make.

Q. Is there considerable cotton raised in your country?

A. Not very much, no, sir.

Q. Was it an increasing industry?

A. It was increasing until we were restrained.

Cross Examination.

Q. (By Mr. Bryant.) This injunction proceeding you have been testifying about was brought by you to test the validity of the law?

A. Partly so.

Q. That was the object of it, to test the validity of the law?

A. Not wholly so, no, sir.

Re-Direct Examination.

Q. (By Mr. Jackson.) Did you bring that injunction, or was it brought against you?

A. No, sir, I didn't bring it.

Q. Who prosecuted and pushed that injunction proceeding?

A. I understood it was through the Department of Agriculture.

Q. Federal or State?

A. Specifically by the State; we thought it was the Federal Department.

Q. You mean,—what made you think that?

A. Because as a matter of fact every time we undertook to get any advice we went to the Federal Department to find out anything with reference to the work or anything.

Cross Examination.

Q. (By Mr. Bryant.) It was a State law which you were alleged to have violated by planting cotton in 1918 in a zone that was alleged to be a noncotton zone?

A. Yes, sir.

Q. (By Mr. Moon.) Who were the witnesses in that case?

A. The entomologists, some of the State officers and the State of Texas and the United States.

Q. Any of them come from Egypt?

A. I couldn't say that any of the witnesses came from Egypt.

Q. Were there any Federal witnesses?

A. Yes, sir.

Q. As a matter of fact didn't Dr. Hunter testify?

A. Yes, sir.

Q. (By Mr. Jackson.) Isn't it a fact that the principal prosecution came from the Federal authorities and their witnesses?

A. Yes, sir.

General Wolters: It is agreed by the Assistant Attorney General that the plant now exhibited to the Committee is what is called wild cotton in common parlance, I don't know its technical name, and that it grows freely throughout the southeastern part of Texas, and this particular plant exhibited here came from Chambers County. Mr. Chairman, we have no further witnesses at this time.

Mr. Moon: I would like to make this request; there is a witness here that I understand will swear that in 1918 there was a noncotton zone, and yet during that noncotton zone there was raised more cotton, more bales, than was raised the year before or the year after. The reason I want this testimony is because the Horticultural Board, or the authorities will say they established a noncotton zone; and if my memory serves me right, that there was a considerable decrease of infestation, because of that noncotton zone. Now, the point I want to make is

this; did we have a noncotton zone in theory only, and did we have a decrease in infestation in theory only, and was there raised in that noncotton zone as much cotton, bales of cotton, during the year of the noncotton zone as there was the year before or the year after.

The Chair: It seems to me like that if that question had been put to the representative, that is counsel for the Committee, it would have been better than to put the question to me. It seems to me like a consultation with counsel for the Committee or the other side would be best, and they think this testimony is material I have no objection to developing such testimony. I am bound to admit that as to a question of parliamentary procedure it should come from the counsel.

General Wolters: I am not familiar with such a witness. I think the record will disclose that in these counties in which the zone existed there was more cotton raised in 1918 than there was in any previous year, possibly for twenty years, because of the climatic conditions, but I think that there was more cotton raised in that zone, because the record shows there were only seventeen or eighteen hundred acres planted in the zone that year, but nevertheless, in the counties where the noncotton zone partly existed there was more cotton raised in 1918, according to the record presented by Dr. Hunter, than there was in previous years for twenty years back.

The Chair: If that be true, it seems to me like that if such evidence was in existence, counsel certainly would have had that witness on the stand, and unless they make the request, I hope you will not persist in putting him on the stand.

General Wolters: We have no objection to putting him on, if there is such a witness, but my attention has not been called to him.

Mr. Byant: We have no objection. I think everything Mr. Moon wants to prove, excepting the conclusion he wants to draw, has been proved repeatedly by these witnesses. As to the number of acreage and everything; I don't care anything about it, it has been proven.

The Chair: Well, if you desire to call the witness we can call him.

General Wolters: The facts the witness could testify to are the same as Dr. Hunter testified to the other day, as to the number of bales raised in the district and not in the regulated zone. Dr. Hunter undertook to make a statement as to the percentage in the zone, and in doing that he gave the number of bales ginned each year, and so far as I have been able to find he gave them approximately correct. It discloses that Fort Bend County in 1918 raised 61,266 bales of cotton, Harris County 3239, and so on, showing an increase in that year over the other years.

Senator Davidson: If counsel are through with this evidence I would like to make a motion.

Mr. Bryant: I want to put on three or four witnesses, but it won't take very long.

Senator Davidson: If this motion will interfere with your witnesses I will not make it now.

Senator Gibson: I assume that it would, Senator Davidson.

Mr. Bryant: Call Mr. Montgomery.

J. H. Montgomery, called as a witness by the Department of Agriculture, being duly sworn, testified as follows:

Q. (By Mr. Bryant:) State your name.

A. J. H. Montgomery.

Q. Where do you live?

A. Gainesville, Florida.

Q. Do you hold any official position under the State Government of Florida?

A. Plant Quarantine Inspector.

Q. What is your profession or avocation?

A. I am a chief inspection officer, administering the special quarantine laws of the State of Florida.

Q. Are you an entomologist?

A. I am not technically termed an entomologist, no.

Q. Has the State of Florida taken any action against the State of Texas because of the alleged appearance in Texas of the alleged pink bollworm?

A. There is a quarantine in effect against the importation of cotton material that might be regarded as dangerous of infestation from Texas.

Q. How long have you been in this work in Florida?

A. Five years.

Q. Explain to this Committee what the quarantine that you have

established in Florida really means as to the protection you have against the importation of cotton and its seed products into Florida?

A. Perhaps that could be best explained by reading the rule itself, it is a very short rule; this rule is known as rule 45-a of the State Plant Board of Florida, and it reads as follows: "Rule 45-a. In order to prevent the introduction of the pink bollworm (pectinophora gossypiella Saunders) the importation into the State of Florida from all foreign countries, from the States of Louisiana and Texas, and from all states in which the pink bollworm may hereafter be found to exist, of cotton lint, linters, waste, sweepings and samples, and of seed cotton, cotton seed, cotton seed hulls, cotton ginning and milling machinery, cotton bagging and all things or materials which have been used in connection with growing, harvesting, baling and manufacturing cotton lint or cotton seed is hereby prohibited."

Q. Is that against the entire State or just against this portion that is alleged to be infected?

A. Against the entire State.

Q. Florida raises a great deal of citrus fruit, doesn't it?

A. Yes, sir, approximately ten million boxes during the year.

Q. Are you familiar with the standard methods of eradicating citrus canker?

A. Yes, sir.

Q. What methods do you use in Florida and have used for a number of years to eradicate the citrus canker?

A. But one.

Q. What is that?

A. Absolute destruction of all infected trees.

Q. Has that eradicated the pest?

A. We have every reason to believe that we have reached the point where we can look forward to the successful work.

Q. What is the effect of the citrus canker?

A. It will seriously injure the trees, will materially cut down the crop and in our opinion, as a result of our observations, the trees are likely to die as a result of it.

Q. Did you attend the meeting of the Southern States Entomologists at Vicksburg, in the early part of this year?

A. Yes, sir, in March.

Q. What action was taken at that meeting with reference to the pink bollworm?

A. That meeting was very largely attended, I imagine there were some fifty or sixty State Entomologists and quarantine officials present, and a very great portion of the time was taken up in the discussion of the pink bollworm situation, which appeared to be particularly acute at that time by reason of the recent discovery of the pest in Louisiana and Texas, which hadn't heretofore been known of, as a result of that extensive discovery a resolution was presented and unanimously adopted by the State officers present; there were about fifty or sixty officials present from the cotton states; practically every state was represented, with the possible exception of one or two.

Q. What was that resolution?

A. I have a copy of it.

Q. You might read that, if it is not too long?

A. All right, I will read it.

"RESOLUTION CONCERNING THE PINK BOLLWORM SITUATION, ADOPTED BY THE ASSOCIATION OF COTTON STATES ENTOMOLOGISTS AT VICKSBURG, MISS., MARCH 3, 1920.

"Whereas, the recurrence of the pink bollworm of cotton in the previously infested area in southeastern Texas, the discovery of the insect at points outside the previously infested area and the discovery of the serious infestations in southwestern Louisiana, from which latter area large shipments of cotton seed have been made to other portions of the states of Louisiana and Texas, create a critical situation menacing the future of the whole cotton industry of the United States.

Whereas, the situation so created is one of emergency calling not for the continuation of the present eradication work, but also for prompt and drastic measures to prevent the further dissemination of the pest, now therefore.

Be it resolved, by the various entomologists, quarantine officials and other agricultural agents assembled at this meeting of the Association of Cotton States Entomologists at Vicksburg, Mississippi, this third day of March, 1920, that in order to prevent the further spread of the pink bollworm the Federal Horticultural

Board should impose a quarantine against the movement from the states of Texas and Louisiana into other states of all materials and things which are, or would be likely to carry and distribute infestation, and this Association respectfully, but nevertheless earnestly and forcefully, urges the Federal Horticultural Board to take such action without unnecessary delay, and,

Be it resolved, that those in attendance at this meeting as individuals and officials pledge to the Federal Horticultural Board and the State authorities of our wholehearted and unstinted support in the efforts now being made to eradicate the pink bollworm, and,

Be it further resolved, that it is the unanimous opinion of those assembled that the authorities of the several states in the cotton belt should immediately and forthwith impose quarantines, effective at once, against the movement into these states from the states of Texas and Louisiana of all things and materials which are likely to introduce the pink bollworm."

Q. How many states have already quarantined against Texas as Florida has done, or established similar quarantines?

A. According to our information there are seven states which have quarantines.

Q. What are they?

A. Florida, Mississippi, Arkansas, Louisiana, California, Arizona, South Carolina and I believe the quarantine previously in effect in North Carolina was deemed sufficient to cover the present situation and no new quarantine was imposed. Alabama has not quarantined, but has held the matter in abeyance.

Q. Under your quarantine law, suppose a shipment of cotton seed hulls should be made from Texas to Florida, how are you going to keep them from entering your state?

A. There are two means at our disposal; one is the cooperation of the transporting company into and out of the state, and we have our quarantine agents stationed at the points where interstate shipments occur.

Q. Since you established your quarantine has any cotton seed hulls or anything like that been shipped into your state?

A. Yes, sir.

Q. Was it delivered?

A. No, sir.

Q. What did you do with it?

A. Intercepted it, prohibited further delivery or transportation inside of the state except for the removal therefrom.

Q. None of it was delivered?

A. None that we know of.

Q. Your quarantine against Texas is effective, as much so as you can make it?

A. Yes, sir.

Cross Examination.

Q. (By General Wolters:) Is the State Quarantine Officer of Florida supposed to be familiar with the law relating to a quarantine as affecting interstate shipments of commerce?

A. He is supposed to have some familiarity with it.

Q. You are familiar with the decision of the Supreme Court in the case of Houston vs. Missouri?

A. No, sir.

Q. In which the State of Missouri, by its Legislature, passed a law which during the months from March to September, no cattle shall be shipped from any point in Texas into Missouri, and the Supreme Court held that it was not within the power of the State, and cattle sought to be quarantined out not being shown to be inflicted with any disease?

A. No, sir.

Q. Are you familiar with the decision of the Supreme Court in an Idaho case, in which the quarantine authorities sought to keep sheep from being brought into Idaho from adjoining states to be permitted to graze upon the public domain on account of the scab, in which the Supreme Court held that such quarantine could not be maintained without showing that the particular sheep that were sought to be quarantined were infected?

A. I haven't taken a course in law as I don't follow the business.

Q. In other words, you don't know that the quarantine you are undertaking to maintain against the State of Texas and against its products not coming from or originating from an infested area is in absolute violation of the law of the United States, and you are violating that law?

A. I have no information on that subject.

Q. I think the Attorney General will in time convince you?

A. Well, we have an Attorney General.

Q. Have you an opinion from your Attorney General that the State of Florida can maintain a quarantine against cotton seed that do not come from the areas infested with the pink bollworm?

A. That question has not arisen, we have the quarantine on.

Q. At that convention you are talking about, were any of the members of the Horticultural Board there?

A. I think, in fact, I am positive Dr. Hunter was present.

Q. Did he make a speech?

A. Dr. Hunter participated in the discussion and answered some questions that were propounded to him.

Q. Who wrote the resolution you have read?

A. A committee named by the association.

Q. Who served on that committee, do you recall?

A. I think that committee was composed of the Plant Commissioner of Florida, Chief Entomologist of the State of Alabama, and the Crop Pest Commissioner of South Carolina.

Q. With reference to the citrus canker. Will canker actually kill the trees?

A. I have seen trees that were killed by the canker.

Q. You have seen trees killed by other cases, too?

A. Yes, sir.

Q. Does it mean the death of the tree?

A. We never allow our trees to go so far as to become so badly diseased as to be killed. We are eradicating the canker in Florida.

Q. You kill the trees?

A. Yes, sir, by burning.

Q. Do you kill the entire orchard?

A. It is not necessary.

Q. Do you in every instance, when you find a tree, or a per cent of the trees, infested with canker in your orchards destroy the entire orchard in which the trees were found?

A. No, sir.

Q. If that was done in Texas it was not done in Florida?

A. I don't know anything about what was done in Texas.

Q. This convention, was there a Texas representative there?

A. I think Texas was represented.

Q. Who was there?

A. I think there was an entomologist there from Texas A. & M., and I think the State Entomologist was there.

Q. What was his name?

A. McDonald, and I think Mr. Scholl was there also, I couldn't be sure about that.

Q. Does citrus canker occur on trifolatta?

A. It is regarded as a very hardy and very resistant type of citrus and I am unable to say whether the canker destroys it.

Q. Do you destroy them for safety?

A. Yes, sir, when it is infected.

Q. Did you ever have any cape jassamines in Florida?

A. Yes, sir.

Q. When the white fly infested it did you destroy it?

A. The white fly has been in Florida for many years.

Q. You never cleaned up the jassimine on account of the white fly?

A. I don't recall that we did.

Q. There isn't any cotton shipped from Texas to Florida, is there?

A. Not that I know of; there may be some that comes in indirectly for export, and there has been some waste cotton coming in for the purpose of manufacturing mattresses.

Q. Texas, with an area of one-fourteenth of the United States, stretching from Orange, which is in the infested area, to El Paso, 800 miles on the western boundary, and say 700 miles from the western boundary to the northeastern, to Texarkana, and approximately 800 miles from the northern area at Dalhart to southern area, and within that enormous area only a little corner, a portion of nine counties in Southeast Texas, producing according to Dr. Hunter during five years an average of 7300 bales of cotton. being infested with pink bollworms, as claimed by the experts; Texas producing in the aggregate four million bales of cotton, do you propose to stand here as a State officer and say that you intend to maintain a quarantine against all of our four million bales of cotton because of the infestation of that small area, which Texas has quarantined and from which the State of Texas permits no seed to be shipped except to designated mills and such seed crushed under supervision of its Agricultural Department, and the hulls not shipped until they have been fumigated by approved methods of the Horticultural Board, and its lint cotton not shipped anywhere except

through the ports of Houston, Galveston and Texas City to foreign ports, that still you propose to keep a quarantine against all the other Texas cotton?

A. That is a lengthy question, I might have lost track of some of it, but I think I have the idea.

Q. Yes, I think so?

A. The existence of that area in southeast Texas which has been reported infested is but one of the reasons why Florida has imposed and maintains a quarantine against Texas.

Q. What are the other reasons?

A The information that large shipments of cotton seed have been made in various parts from infested areas is known. Also that under the existing conditions the laws of Texas appear to us to be inadequate to handle the situation, thereafter the record of infestation existing elsewhere in the State of Texas rather than southeast Texas alone, and also the possibility of there being a further spread of the infestation from the present infestation, and possible unknown infested areas.

Q Then, if I understand you, if we were to go back home and plow up the cotton in southeast Texas and not plant any more until the crack of doom that wouldn't affect your quarantine, because you would still be afraid of the cotton seed that have been permitted to be shipped into the state from infested territory in Louisiana and Mexico?

A Until such time as adequate inspection had determined whether or not infestation existed in these various other areas.

Q Such inspections couldn't be effectively made until September or October, according to the testimony in the record here, so you would maintain that quarantine until the time that inspection could be properly and effectively made?

A. That would be one of the things that would influence us in the modification or the repeal of the quarantine.

Re-Direct Examination.

Q. (By Mr. Bryant): In destroying the canker do you just destroy the trees you find infested?

A. Not all the time, at times we destroy other trees adjoining.

Q. (By Mr. Jackson): You say that the trifolatta is a hardy plant, do you know of that plant being actually destroyed and killed by canker?

A. No sir.

Q. (By General Walters): Did you quarantine against Texas in 1917?

A. Yes, sir.

Q. Other states did, too?

A. I am unable to say.

Q. You maintained it all during the season?

A. Yes, sir.

Q. Down here in Texas we never found it out?

A. That was not because you were not officially notified.

Q. (By Mr. McFarlane): I want to ask you if you people in Florida in destroying your citrus trees follow the directions of the Horticultural Board?

Q. The work in Florida is conducted in connection with the Bureau of Plant Industry.

Q Do you cut down your orchards and let them remain where they fall?

A. No, sir.

Q. And you do not destroy your orchards?

A. No, sir.

Q. You don't kill your orchards under the direction of the Horticultural Board?

A. We don't always kill our orchards; we clean up the individual tree, roots, trees and branches and they are dstroyed by burning with a flaming oil spray.

Q. That is done under your State Department?

A. We are operating in cooperation with the Federal Bureau of Plant Industry. The United States has made a large appropriation, which has been met by the State of Florida, dollar for dollar, and we work in conjunction with the Bureau of Plant Industry.

Mr. Parsley: May I ask the gentleman a question?

The Chair: Yes, sir, Mr. Parsley.

Q. (By Mr. Parsley.) In answer to Gen. Wolters' question as to what your state would do in the event South Texas was cleaned up, if I understand your answer, you said in that particular case that if certain inspections and under certain supervisions that when in the judgment of your state it was cleaned up you would raise the quarantine?

A. I am afraid you didn't get it exactly. I said the condition which

exists in the State of Texas at this time is but one of the considerations influencing the Florida Plant Board in imposing the quarantine.

Q. I am just asking for information as a member of the Committee. The question I would like to ask is this: If they have control would it not be the same thing virtually for your State to exercise the same authority in making these investigations and determining whether or not there was any danger, and then raise your quarantine, without destroying the cotton in East Texas, or in any other part of the State, that is if the same conditions existed?

A. I think I can possibly answer that question by saying that Florida is quite a distance from Texas, and it is rather difficult for us to make any personal or repeated investigations as to the conditions in Texas. We are prepared in this instance to accept and give due consideration to the opinions of the Texas authorities and the Federal authorities, and the views expressed by the Texas and Federal authorities, we are prepared to give due consideration to that when the question arises of modifying the quarantine.

Q. So your quarantine is raised principally on the advice of the State Horticultural Board?

A. We would give very great weight to the opinions expressed by the Texas Entomologists and the Federal Horticultural Board.

Q. (By Mr. Bryant.) He asked you if your quarantine was established on the recommendation of State Horticultural Board or the Department at Washington?

A. On neither one, knowing what the pink bollworm would do and feeling that we owe a duty to the people of Florida and the whole cotton industry, we imposed that quarantine for the protection not only of our small interests in Florida but the whole United States and to prevent an economic disaster in the United States.

Hunter H. Kimbell, called as a witness by the State Department of Agriculture, being duly sworn, testified as follows:

Q. (By Mr. Bryant.) Where do you live?

A. My home is in Mississippi.

Q. Do you hold any official position with the state government of Mississippi at this time?

A. I do. At the present time I am Chief Inspector of the State Plant Board of Mississippi, and I am officially in charge of the quarantine work that has followed a special appropriation given by the Mississippi Legislature to enforce the pink bollworm quarantine.

Q. Is your state quarantined against Texas on account of the pink bollworm?

A. Yes, sir.

Q. And has made an appropriation to enforce that quarantine?

A. An appropriation of $50,000.-00 to be spent this year, and one hundred thousand dollars next year.

Q. Are you an entomologist?

A. I have had some entomological training, I do not consider myself an expert entomologist.

Q. Do you raise citrus fruit in Mississippi?

A. The citrus industry in Mississippi is not one of importance, but we do raise considerable crops of citrus crops on the coast.

Q. Do you know what they do with the citrus canker, towards the extermination of it?

A. The plan that is followed by the State Plant Board is cooperation with the Bureau of Plant Industry, using the same plan as given by Dr. Montgomery from Florida.

Q. What is the effect of your quarantine against Texas on account of this pink bollworm? What is the nature of your quarantine?

A. Would you like to have me read into the record a copy of our quarantine?

Q. Yes, sir.

A. This quarantine was enacted by the State Plant Board of Mississippi on March 17, 1920, entitled "Circular No. 4," and is as follows:

"Rule 46-a.—In order the prevent the introduction of the pink bollworm (pectinophora gossypiella, Saunders), the importation into the State of Mississippi from all foreign countries, from the State of Louisiana and Texas and from all states in which the pink bollworm may hereafter be found to exist, of cotton lint, linters, waste, sweepings and samples; and of seed cotton, cotton seed, cotton seed hulls, cotton ginning and milling machinery, cotton bagging and all things or materials which have been used in connection

with growing, harvesting, baling or manufacturing cotton lint or cotton seed is hereby prohibited."

With reference to the other states I might say that we have certain regulatory measures on certain articles coming from other states that might come in on re-consignment; we have to know that it don't come from Texas.

Q. In other words you are taking every possible measure to see that the pink bollworm does not get in there from Texas and Louisiana?

A. Yes, sir; that appropriation was made by the Legislature this year.

Cross Examination.

Q. (By General Wolters.) You have two years appropriation to spend over there, haven't you?

A. The fact is we have.

Q. Where did you get the language in that proclamation or promulgation of the quarantine?

A. It happens that I cannot advise you sir, as to that, because of the fact that this quarantine was not promulgated by me, but by the State Plant Board.

Q. There is almost the identical language in that as in the quarantine of Florida?

A. I don't know whether it is or not; the first time I ever heard the Florida proclamation read was today, it is very similar.

Q. Your quarantine against our cotton prohibits cotton from all sections of Texas?

A. Is that a question?

Q. Yes, sir.

A. It does.

Q. Regardless of whether it comes from the southeast infested territory or not?

A. We do.

Q. Do you know or have you information of infestation in other sections of the state?

A. We know of the regulated zones that are at present in force in the State of Texas. Our quarantine acts as regards the entire state. This is the action of the State Plant Board, please understand me, I don't represent the opinion of the entire Board. It was based largely upon their information as to the distribution of seed from the present non-infested areas of Texas.

Q. If it was shown, I presume you cannot answer except by opinion since you are not a representative there, but if it was made known to the responsible authorities that under the regulated zone in southeast Texas no lint cotton is permitted to be shipped out of the zone except through the port of Houston, Galveston and Texas City, which are free ports, and that no cotton seed was permitted to be shipped out of the infested district except to designated mills in Houston where it is crushed under supervision of the Agricultural Department of the State and Federal authorities, and that the hulls before they are shipped from such oil mill are disinfected under the State and Federal directions and by methods prescribed and approved by them, what effect would that have on your action in the premises?

A. The establishment of the fact that no infestation has occurred from shipments of seed that have moved from areas previously thought to be free of infestation but recently found to be infested would have a considerable weight and bearing upon the fact of the action of the Plant Board in any modification of its quarantine.

Q. The fact that inspections have been made around oil mills in Texas to which shipments from the infested territory in Louisiana and Mexico have been traced and no infestation found during the succeeding years and up to date, would that have any effect?

A. You state the fact that those inspections have not been made?

Q. Have been made?

A. Have been made?

Q. Yes.

A. I would call your attention, sir, to the fact that some of these seed, according to our information, moved during the season of 1919. In that event it would have been a physical impossibility for that inspection to have been made.

Q. All right, that is interesting. We are getting something new. We were informed by Dr. Hunter that the reason the original promulgation in Circular, Department of Agriculture of the United States Bulletin of date of April 10, 1920, directing the State of Texas to put ten-mile zones around oil mills to which seed has been shipped from the infested territories of Louisiana have been receded from and mere observation posts will be established because it was found that such seed was shipped too long ago to probably now result in any infestation, none having been found up to

this time. Now then, where do you get your information that seeds were shipped from the infested territory of Louisiana in 1919?

A. That information, as I recall it, was transmitted to the office of the State Plant Board at Agricultural College, Mississippi, in the form of data that was collected by the Federal Horticultural Board in its tracings of those seed that had moved from infested areas.

Q. Then if Dr. Hunter has told us here under oath that there had been no shipments since 1918, he hasn't given us the facts according to the data that you got from the Horticultural Board or made a mistake in his data, is that not true?

A. Well, sir, I will say this. I have been present, I was present during the most of the time that Dr. Hunter testified on the stand, I have been here since last Monday afternoon. If Dr. Hunter made the statement that you quote him as making, I didn't hear it. I am not questioning the fact that he did because you say he did, but I will say that I did not hear him say that.

Q. Did you hear him say that any shipments were made in 1919?

A. If I heard him say such thing, it has slipped my memory entirely.

Q. Don't you recall that he said the reason the 10-mile zone would not be insisted upon and the Governor had been wired to before the Legislature convened on May 14th or thereabouts that the only thing that would be required would be observation posts around these oil mills because the shipments had been too long ago?

A. I recall the observation post point, general, but I don't recall the many words that you clothe the question with.

Q. Well, I am simply clothing that in order to try to get to you the idea?

A. I am unable to get your idea.

Q. Because your statement that you have information and got it from data from the Horticultural Board that such shipments were made in 1919 is entirely new in this record, the first that we ever heard of it from any witness on that stand, or any report submitted to us, and it is very interesting, if correct. And didn't Dr. Hunter also say that another reason why the observation posts were now applied instead of a zone was because the seed were too few or not enough to warrant the zone, shipped to these mills?

A. As I remember Dr. Hunter's testimony it was to the effect that the seed were comparatively few, comparing the number of cars that came over from Louisiana to the number of cars that came from Mexico.

Q. Yes, that is correct?

A. Yes, sir.

Q. Now then, let's understand each other?

A. I am perfectly willing.

Q. If it develops that there was no infestation outside of the Southeast Texas Zone, then your State would readily modify its quarantine against this State, would it not?

A. The future action of the State of Mississippi in my opinion as regards the modification of the existing quarantine regulation will depend entirely upon the action of the State authorities toward controlling or eradicating the pest that you now have within your boundaries.

Q. Well, let's understand it, how do you get your information that we have the pest here anywhere in the State?

A. That information is based upon the reports that are accepted generally by the State Entomologists all over the South and that have been made by your State Department and by the Federal Department.

Q. And that shows an infestation in Southeast Texas?

A. It does, sir.

Q. With reference to the citrus canker, I don't understand that in your State you kill the entire orchard if you find citrus canker in one or more trees or plants, whatever you call them, do you?

A. That would be a matter of record. I, according to my knowledge of the case, I cannot say that we have destroyed an entire orchard. According to my recollection of the records, we have destroyed the entire stock of a nursery that was generally infected.

Q. But not where there is one to three, or say five per cent, even, or ten per cent, of the trees of an orchard infected?

A. The practice in that case, as I understand it, has been to take up the infected trees.

Q. Yes, sir.

A. And burn them and also with the consent of the owner of the principal trees that were immediately adjacent to those that were infected.

Q. And that is in accordance with the Horticultural Board's method in your State?

A. We are cooperating in that work with the Bureau of Plant Industry, which so far as I know has no con-

nection with the Federal Horticultural Board.

Q. Well, the Agricultural Department, however, is it not?

A. That is the Bureau of the United States Department of Agriculture.

Q. Well, that is what I am trying to get at.

A. Yes, sir.

Cross Examination.

Q. (By Mr. Bryant): Now, it is your duty as an official to enforce the quarantine, but you don't make the quarantine, that is made by a Board?

A. The quarantine is made by the State Plant Board. The members of that Board are the Commissioner of Agriculture, the State Entomologist, and the Director of the Experimental Station of Mississippi.

Q. And it is your duty to enforce that quarantine?

A. That is my duty.

Q. Now, Gen. Wolters asked you about Doctor Hunter's testimony. Of course, the record is the proper thing to show, the proper method to show what Doctor Hunter testified to. You remember Dr. Hunter testified that seed had been shipped from the infested area in Louisiana into Texas during the Fall of 1919?

A. Do I remember that Dr. Hunter testified to that effect?

Q. Yes, sir.

A. I have a very faint recollection of the enormous amount of testimony that has been offered here before you gentlemen. I couldn't say to save my life whether or not Dr. Hunter had testified in that manner or in a manner contrary to that.

Q. Now then, you stated a while ago that one of the reasons for your quarantine was that you had the information that your 1919 seed had been shipped from the zone where infestation had appeared or the region, over various parts of Texas.

A. And Louisiana.

Q. And Louisiana?

A. Yes, sir.

Q. Now, was it your understanding that these seed had been shipped out of the infested area in Texas or out over Texas from the infested area of Louisiana?

A. From the infested area of Louisiana, if I didn't make that point clear before. Gentlemen, that information came to me incidental to my duties. This quarantine was pronounced by the State Plant Board and all the information that I can pick up relative to the quarantine outside of the enforcement of the quarantine, I make it a point to do, and to satisfy you thoroughly on that question it would be necessary, of course, for me to present you with this data. That is impossible for me to do. I am telling you what I remember of the case, that shipments of seed had gone from Louisiana to parts of Texas and other parts of Louisiana and according to my recollection during the year 1919.

Mr. Bryant: That is all.

Q. (By Gen Wolters.) You don't stop interstate shipments that come through Louisiana of cotton seed from Texas, or cotton products.

A. No, sir, we do not. The amended Plant Act of 1920 has a section therein that vests the Plant Board with the authority to prohibit the movement of such products throughout the State. The validity of that section will, of course, have to be proven at some later date.

Gen. Wolters: That is all.

Mr. Bryant: That is all.

The Chair: All right, the witness will stand aside.

Q. (By Gen. Wolters.) I will ask you a question. Did you have a quarantine on in 1917 in Mississippi?

A. We did not, sir. The Pink Bollworm Conference that was held at Jackson, Mississippi, in January, 1918, as I recall it, either during the session of the Legislature or pretty close to that time, came very nearly resulting in a quarantine. However, quarantine action was withheld because of the information that the State authorities had relative to the —what at that time were considered excellent steps that were being taken by Texas to prevent the further spread of the pest.

(Witness excused.)

Dr. Charles L. Marlatt, a witness for the Department of Agriculture, was recalled, and testified as follows:

Direct Examination.

Questions by Mr. Bryant.

Q. Dr. Marlatt, there has been considerable said before the committee with reference to your desire to change your testimony as furnished you by the transcript of the stenographer. We want you to make a statement with reference to that matter, if you desire.

A. Well, gentlemen, I regret exceedingly that any act of mine should

have been considered improper, and my best explanation is that that is not an apology for the benefit of some gentlemen who said I come to apologize even in fact, this is simply an explanation. If an apology is necessary, I will make that later.

This came to me unsolicited, this manuscript, in fact, I had retired and my telephone rang. I had just retired and I heard the telephone and some person asked me if I could help get the names right, that I had used in my testimony, some names that were unfamiliar to him. I said I would. He attempted to give them to me over the wire.

Q. Who was that, doctor?

A. That was the gentleman here.

Q. The stenographer?

A. I think this is the gentleman. I paid no special attention, but I think this was the man. I wish to assure him that in my judgment he is a very good man. I said, "Where are you?" He said "I am down in the lobby." And I said "Well, bring it up and I will show it to you." He came up to my room and I gave him these scientific names, micro lepidoctera. I will help you spell it again, m-i-c-r-o l-e-p-i-d-o-c-t-e-r-a; and certain towns in Mexico, and in looking at the manuscript I noticed several errors in it and things that were not said as I would have said them, and I asked him about it and he said I was back here and spoke rapidly, which I admit, and that he was behind the desk and he couldn't always get what I said. Well, I said, have you any objection to my taking the manuscript and correcting it for you? "Well," he said, "not very much, but I have got to have it in by seven o'clock in the morning." I said "Very well, if that is the case I will do it tonight." So I rehabilitated myself and sat down with that manuscript, he left it in my hands for the purpose, and worked on a couple of hours on it. It was an awful mess of it and at seven or eight in the morning, he called for it, and I turned it over to him and he was somewhat aghast at the number of changes that I made. I said, "Well, this is perfectly proper proceeding so far as I know. I come before similar investigating committees of the House and the Senate in Washington, and have done so for 25 years, and not only do they want me to correct the manuscript but they send it to me by special messenger, the manuscript taken down as this is, by the special committee stenographers, they send it to me and ask me to correct it for this purpose, that they don't want what the stenographer thinks I said or what he was able to get, and they wanted to get what I did say and probably did say or intend to say, and I took it for granted that this committee and your Governor and your Legislature, at least your Governor had wanted us to come down here and give this committee what we actually thought, not what somebody should interpret what we thought. You understand, we are not here at our motion, we come here at three or four telegraphic invitations and urgings from the Governor of the State, or I wouldn't be here. I took it for granted that your committee wanted that same sort of information and in entire innocence and in accord with the custom of 25 years before the Congress of these United States, I did exactly what I do three or four times a year in Washington. Now, gentlemen, having made this explanation, I wish to say that I am perfectly willing that you shall publish that thing if you want it the way the stenographer thought I said it. If you want it the way I wanted to say it, why you have got it in that amended manuscript. There was only one correction in that manuscript that was material. I cut out a whole lot of bad grammar, or redundant words, like beginning a great many sentences with "Well"; I don't believe I did it but it was there, perhaps I did, and a lot of redundancy of that sort. I changed about a phrase to put it in the right place, just as we all would. There was only one material correction. The stenographer had made me say that I believed that a regulated zone would exterminate the pink bollworm. It is not necessary for me to say that I put a "not" in there, which made it absolutely the reverse of the meaning which he had it, but I think the gentleman here knows I have said it with a "not" in it every time, a regulated zone will not in my judgment exterminate the pink bollworm. That was the only material correction that I made. Now, gentlemen, I leave that in your hands. You can publish it either way. It very likely is a "dead cat," and you can put the ribbon on it if you want to.

Q. Your corrections were grammatical and did not change the sense of the statement?

A. Except in that one instance.

Q. This manuscript that you gave me was with reference to the conference with Secretary Meredith regarding action to be taken to meet the emergency caused by the pink bollworm infestation in Texas and Louisiana at the office of the Secretary of Agriculture on April 7, 1920, at Washington, where did you get that manuscript?

A. That, sir, is the original manuscript handed in or made by the stenographer who was present in the room. The few corrections which you see on it there were made by,—I don't know, partly by the stenographer himself and partly by others, some of them by myself. Simply because I brought it down here it has not been corrected by the stenographer, it being in readiness only as I left and the Governor of Texas had asked me particularly to bring to him a complete record.

Q. Have you delivered that to him?

A. I have not because it is still incomplete. This is an after conference, the complete record is a huge manuscript, which I got a consignment of today and probably Monday will get the last pages and I propose then to turn the copy over to the Governor for the consideration of anyone who he is willing to show it to.

Q. Have you read this manuscript?

A. Yes, I think I have read every word of it.

Q. Is that substantially correct as to what was said and done in what has been referred to here as a "star chamber" proceeding after the two-day hearing in Washington?

A. The stenographer is the best one in the Department of Agriculture, Secretary Houston always calls for him because he says he gets what I say better than any other man, who has ever reported me, and he is the best man we have had in the Department of Agriculture during the time of my twenty-five years or more experience, and I think he gets the reports more accurately than any stenographer that I have ever spoken before.

Q. That is all.

A. That is partly, of course because he understands us, but he is an extraordinarily good man in that work.

Gen. Wolters: We have no questions, doctor.

(Witness excused)

Mr. Bryant: Now, Mr. Chairman, it is really immaterial to me whether you put this in the record or not, but I am going to offer it for the reason that it seems to be at least insinuated that they had a star chamber proceeding up there and something perhaps was done behind doors which the general public was not entitled to hear, and for whatever it is worth, I tender it as evidence, or not as evidence, but to put in the record to keep the record straight.

Gen. Wolters: Now, Mr. Chairman, I am not disposed to be technical in any objections, but here's a manuscript with all through it interlineations in lead pencil, not certified to, not sworn to by anybody, containing conversations or speeches between certain gentlemen who met in the Secretary of Agriculture's office, I suppose, in Washington. It affords us no opportunity to examine those gentlemen with reference to many of their statements, it does not afford the committee an opportunity to ask questions as to statements contained therein, and we don't think that it ought to be put in this record. The manuscript, first page, second page, third page, fourth page, fifth page, has interlineations in pencil, pencil writing, the eleventh page has interlineations, the fourteenth page has interlineations in writing—

Mr. Bryant: (Interrupting) One or two words to the page.

Gen. Wolters: (Continuing) Sometimes, sometimes entire lines, the first five pages quite a good deal of it, and on page 19 there is an interlineation, I am not calling attention to where there's just a word, clearly a typographical error corrected; understand this was made by the most expert stenographer in the Department of Agriculture; page 27 has many—the Chairman can see, some lines struck through something else and words and lines and sentences written in in lead pencil, page 29, Dr. Hunter's statement, has one, two, three, four, five, and a portion of the sixth line entirely stricken out by pencil; page 34 has interlineations, page 42 has interlineations in

pencil; page 46 has interlineations; page 47, page 52, page 53 has a sentence stricken out.

Mr. Bryant: May I say this to you gentlemen, that I was told by Dr. Marlatt that that is merely to make good grammar in custom with the usages up there and so far as that is concerned they are willing to have it printed in the record as originally brought, without any erasures. There are no erasures there, they are all interlineations or the pencil mark drawn through them.

Gen. Wolters: I am objecting to it because it is not testimony sworn to or an accredited public document, Mr. Chairman. I ordinarily wouldn't care anything about it. I ordinarily wouldn't care anything about it. it is a conference in which the Governor and Representative Buchanan and Walton Peteet and other gentlemen participated, Dr. Hunter and Dr. Marlatt; portions of it are very interesting, I don't know that any of it is particularly enlightening. I don't think there was any question raised of "star chamber" proceedings. The only question raised was why Dr. Marlatt invited these gentlemen and didn't invite any citizens from the infested district directly interested and affected in the matter; that was the question asked Dr. Marlatt. He made an explanation about it at the time.

Mr. Bryant: We just offer it, Mr. Chairman, for the information of the committee as to what it is worth. it is wholly immaterial but at the beginning of this trial there seemed to be a matter of considerable interest as to what happened in that meeting on the third day and if they want to know, as near as can be given, there's the complete record; if the committee wants it to go in the record, it is all right; if they don't want it to go in the record, it is immaterial; except we have given the committee the opportunity to know what every word was that was said and what was done in that informal meeting held in the Secretary of Agriculture's office.

The Chair: I will state that it is not material that that should be acted upon just at this time and I will not make a ruling on it at the present time. I will make a ruling later. If it was necessary at this time I would go ahead and do it, but I would rather not do it just at this time.

Mr. Bryant: Now, Mr. Chairman, that is about all the evidence that the Commissioner of Agriculture for this State and so far as I know that of the Horticultural Board. Dr. Marlatt, is there any witnesses that you want to introduce?

Dr. Marlatt: We are not producing witnesses. If we did, you would have an equal number. We hope that when the decision is made it will be made on the words that's put in the record and not on words that were put in our mouths by various attorneys. I have sat here and listened to words repeated, words which I have never said and words which the record will not disclose. Dr. Hunter's also.

Gen. Wolters: I don't know, but the stenographer merely asked me if he would be afforded an opportunity to take the stand with reference to something that Dr. Marlatt said in his last statement and while it is of no interest, of course, to us, we think that the stenographer should be afforded an opportunity as the reporter for the committee to state his side of this conversation with reference to the corrections made, but that is a matter for the committee to determine, of course. We are not offering the stenographer.

The Chair: If Mr. Triay desires to make a statement, I think it would be perfectly right for him to make a statement.

Mr. Bryant: Now, Mr. Davis is here, the Commissioner of Agriculture, and Mr. McDonald, the Chief Entomologist; and I, myself, know of no good reason why they should take the stand to merely state their position on this question unless the committee wants them to. They are both here and ready and anxious and willing to take the stand if the committee or any member of the committee wishes them to do so, but I leave that entirely with your committee.

The Chair: I feel like the committee is depending largely upon the Attorney General to conduct the investigation for it, but it seems that Mr. Bryant, it is immaterial with him about this witness, but if there is any member of the committee desires to call one of these men to the stand, why it will be all right.

Mr. Bryant: Mr. Scholl was on the stand as a representative of that department. It will be merely the

same thing over and over, as it was with this gentleman's witnesses.

The Chair: I suppose his testimony is satisfactory, and whatever you do with regard to the matter will be all right.

Senator Rector: In behalf of the committee I want to make a suggestion, the committee and the Legislature, as I understand it, have an alternative proposition before them; one proposition we are considering as to whether we will continue to have a regulated district as it now exists with some additions, perhaps, or whether we will convert that into a noncotton raising district, and the opinion that the committee might come to or the Legislature, they might decide that a regulated district was best, better than to have a noncotton raising district, but there's another element that enters into this, and that is, that the Secretary of Agriculture proposes to quarantine the State unless we adopt one of these alternatives and that might be an inducement to the Legislature to adopt the other alternative in order to avoid the quarantine. I think, in that view of the matter, the Legislature would probably want to know just what a quarantine would probably cost the State of Texas and cotton interests and in order to determine that they would also want to know what a noncotton raising district, to pay for the loss to the owners in that district, what that expense would probably be, and that if they determine that the State of Texas would lose, it would cost them more to have a quarantine than it would to pay for the noncotton district, they might determine as a matter of economy that was the best way to proceed. Therefore, we want all the information we can get in regard to what a quarantine will cost the State and also as to what a noncotton raising district will cost the people of the State if they have to pay for it and in view of that fact I think we would like to hear from the Secretary of Agriculture, Mr. Davis, who has been in charge of the cotton raising and growing of cotton in Texas and perhaps better posted on these subjects than any other man, and also as to the relative amount of cotton raised in this district and the entire amount raised over the State and we would better be enabled to understand the economic features of the question, and I think for the benefit of this committee and also for the purpose of getting the information before the Legislature that we should introduce him and take his testimony on these points and I don't want to insist on anything; if the committee wants it why I suggest that we have his testimony.

Mr. Bryant: He is perfectly willing to take the stand.

Gen. Wolters: With reference, Mr. Chairman, to the amount of cotton raised in the infested district, I have given attention to that matter and it is just impossible to get any degree of accuracy, Senator, with reference thereto. These counties are widely scattered. It is possible it could have been done by careful surveying, but, of course, we have not the means to do that, to send men in each county to do that nor the time, when this matter came to an issue with us. I think that the percentage of estimate given by Dr. Hunter the other day is entirely too low. It is based on five years, which included years in which the cotton crop in all the counties, three of which were very poor cotton years. The per cent which he puts on it, I assume, is an estimate probably based upon his best judgment, but an estimate after all and we have no way of figuring anywhere approximately as to the estimate on the percentage of the different counties, but it appears to us very low.

Mr. Bryant: The question is, does the committee want Mr. Davis to testify?

Gen. Wolters: I want to explain why we haven't offered anything along that line, because we don't know how to reach it.

The Chair: That is a question entirely with the committee. If the committee so desires or desires expert testimony along these lines as suggested by Senator Rector, why we can put Mr. Davis on the stand if it is your desire, if a member of the committee wants to make a motion to that effect.

Mr. Newton: I don't thing there is a man in Texas that could offhand make an estimate along these lines suggested and as a member of this committee, I don't care one cent about this, because that is a matter that the Legislature could take under consideration. I don't think we could estimate what it would prob-

ably cost under either of the propositions the Senator suggested, I think it would just be useless.

Senator Dayton: I desire to state to the Committee that I know that Mr. Davis has been in charge of this business all along under the appropriations of the bills of the Legislature. I know he has the data compiled and he could give you the information as to what it is going to cost in a noncotton zone, in a regulated zone, and it is the very meat of what we want to find out, what it is going to cost the people of Texas, a man that has been at it for two or three years here.

Mr. Moon: A point of information, Mr. Chairman. Will the gentleman qualify as an expert along those lines? If he does, I am ready to hear him, but if it is just guess, I am not.

Senator Rector. If the Chairman please, it is not supposed that Mr. Davis can do more than state facts from which the Committee might make conclusions that would be more accurate than what they might make without the information.

The Chair: Now, we can get at this. If the Committee wants this testimony, will not some of you make a motion and we will put that motion to the Committee and we can—Senator Dayton.

Senator Dayton: I make a motion that Mr. Davis be put on the stand and give the testimony that we want here.

Senator Rector: I second the motion. Mr. Chairman.

The Chair: The Stenographer desires to make a statement in regard to the changes of the transcript; you can just make a voluntary statement.

C. R. Triay, being duly sworn, testified as follows:

As I understood Dr. Marlatt, his statement was not exactly what happened. I went to the Driskill Hotel, where I understood he was stopping, and called him over the telephone and told him that I wished to get those few technical words and the names of some Mexican towns. He undertook to give them to me over the telephone and I couldn't understand very well, but I did the best I could. Then he asked me would there be any chance for him to read over the record, or words to that effect. I don't know that I quite give his exact words, but that was the purport. I told him that I did not object, that I had dictated the testimony to the dictaphone, and my operator had transcribed it, and I hadn't had a chance to read it over for corrections, and he probably would find some errors. I asked him should I leave it down stairs or bring it to his room, he said he would like to look at it, I told him I didn't have any objection. I didn't mind him looking at it, because he was sitting here back of the stand and I was down there, and there probably were some errors in it. I asked him should I leave it downstairs or bring it up to his room, he said bring it to his room. I think the balance he stated accurately.

Dr. Marlatt: (Interrupting) I accept the statement of the stenographer, it is so close to mine there isn't any difference.

Mr. Triay: The only difference was that I didn't want it to appear that I went to Dr. Marlatt with any improper purpose in mind.

Mr. Bryant: Nobody thought that, I am sure.

Senator Raiden: Nobody thought you had that in mind.

Mr. Bryant: Mr. Chairman, two or three days ago Senator Bledsoe asked that a copy of the claims that had been filed with the Legislature asking for payment for cotton destroyed in the counties affected by the noncotton zone of 1919 be put into this record. I have here a copy of that furnished by the Department of Agriculture, we desire that to go into the record.

The Chair: What is the pleasure of the Committee with reference to that report.

Mr. Moon: We desire it to go into the record.

The Chair: Very well, the stenographer will copy that into the record.

(The report above referred to is as follows:)

COTTON APPRAISED AND DESTROYED ON ACCOUNT OF PINK BOLLWORM.

Arranged Alphabetically by Counties.

*See footnote each county.

CHAMBERS COUNTY.

Owner and Location.	Acreage.	Amount Appraised for. Lbs.	Amount Appraised for. Value.	Amount Destroyed. Lbs.	Amount Destroyed. Value.	Balance Due by State.
Walter Heiman, Smith Point, Texas	4	-----	--------	-----	--------	$ 57.00
John Davis, Smith Point, Texas	4	-----	--------	-----	--------	360.00
C. N. Nelson, Smith Point, Texas	6	-----	--------	-----	--------	1092.00
Martin Fannette, Smith Point, Texas	10	-----	--------	-----	--------	756.00
W. L. Moody, Smith Point, Texas	14	-----	--------	-----	--------	33.60
W. C. Cockrell, Eagle, Texas	8	800	$ 96.00	800	$ 96.00	96.00
H. G. Measles, Eagle, Texas	3	1255	180.00	1255	180.00	180.00
G. B. Raymer, Eagle, Texas	7	700	92.00	700	92.00	92.00
L. G. Hardung, Eagle, Texas	¼	156	18.00	156	18.00	18.00
Jack Stanley, Eagle, Texas	1	100	12.00	100	12.00	12.00
George Lewis, Eagle, Texas	2	40	4.80	40	4.80	4.80
Manuel Rivers, Eagle, Texas	1	60	7.20	60	7.20	7.20
E. M. Jones, Eagle, Texas	7	2460	305.20	2460	305.20	305.20
J. O. Wilson, Eagle, Texas	4	700	84.00	700	84.00	84.00
*O. M. McMurry, Eagle, Texas	2	50	6.00	-----	--------	6.00
J. L. Fesler, Eagle, Texas	2	180	21.50	180	21.50	21.50
S. T. Cochran, Eagle, Texas	2	400	48.00	400	48.00	48.00
Johnnie Moore, Anahuac, Texas	----	830	96.80	-----	--------	96.80
Dennis Cochran, Eagle, Texas	----	160	19.20	-----	--------	19.20
W. W. Collins, Wallisville, Texas	35	15685	2,509.76	10336	1,653.76	1,653.76
Oscar Davis, Wallisville, Texas	1	100	12.00	100	12.00	12.00
Hattie Sims, Wallisville, Texas	4	1130	146.00	667	86.71	86.71
J. R. Raymond, Wallisville, Texas	2	300	36.00	98	11.76	11.76
A. Berry, Wallisville, Texas	4	1400	182.00	144	18.72	18.72
J. M. Branch, Wallisville, Texas	5	1100	132.00	547	65.64	65.64
H. Cunningham, Wallisville, Texas	1	50	6.00	50	6.00	6.00
John Douglas, Wallisville, Texas	2	300	36.00	300	36.00	36.00
Dug Bradford, Wallisville, Texas	4	800	96.00	299	35.88	35.88
Henry Meeks, Wallisville, Texas	15	3755	563.25	3755	563.25	563.25
Mrs. M. J. Silvia, Wallisville, Texas	4	300	45.00	300	45.00	45.00
Dan Wiggins, Wallisville, Texas	12	2330	349.00	1165	173.58	173.58
Ben S. Wilson, Hankamer, Texas	3	865	129.75	865	129.75	129.75
J. H. Gatlin, Hankamer, Texas	2	250	37.50	250	37.50	37.50
J. S. Abshier, Hankamer, Texas	4	350	52.50	350	52.50	52.50
J. J. Hankamer, Hankamer, Texas	4	600	90.00	600	90.00	90.00
A. E. Lee, Hankamer, Texas	6	1800	270.00	1800	270.00	270.00
W. A. Carter, Wallisville, Texas	3	200	30.00	200	30.00	30.00
Ed Amick, Wallisville, Texas	4	300	45.00	300	45.00	45.00
Dr. A. Owens, Eagle, Texas	2	80	9.60	80	9.60	9.60
Fate Lewis, Eagle, Texas	3	400	48.00	400	48.00	48.00
Total	197	-----	--------	-----	--------	$6,709.95

*Field plowed. Not entitled to compensation.

GALVESTON COUNTY.

C. J. Blume, San Leon, Texas	8	-----	--------	-----	--------	$ 238.00
R. S. Hensley, Dickinson, Texas	3½	-----	--------	-----	--------	25.00
Total	11	-----	--------	-----	--------	$ 263.00

HARDIN COUNTY.

Dewey Cook, Silsbee, Texas	3	-----	--------	-----	--------	$ 22.00
Nora Phillips, Silsbee, Texas	3	-----	--------	-----	--------	36.92
E. K. Ward, Silsbee, Texas	5	-----	--------	-----	--------	235.10
W. K. Gore, Silsbee, Texas	2	-----	--------	-----	--------	14.92
R. W. Perkins, Silsbee, Texas	9	-----	--------	-----	--------	146.54
O. W. Holmes, Silsbee, Texas	14	-----	--------	-----	--------	295.86
L. G. Ferguson, Silsbee, Texas	3	-----	--------	-----	--------	58.92
Sam Lakey, Silsbee, Texas	8	-----	--------	-----	--------	161.48
J. C. Caraway, Silsbee, Texas	7	-----	--------	-----	--------	293.46
Mrs. L. Taylor, Silsbee, Texas	14	-----	--------	-----	--------	32.10
Walter King, Silsbee, Texas	4	-----	--------	-----	--------	104.92
*Jim Allums, Kountze, Texas	----	-----	--------	-----	--------	58.92
A. J. Blythe, Fletcher, Texas	1	-----	--------	-----	--------	22.00
C. B. Caraway, Silsbee, Texas	----	-----	--------	-----	--------	220.00
John Knupple, Silsbee, Texas	2	-----	--------	-----	--------	44.00
Mrs. W. W. Cunningham, Silsbee, Texas	3	-----	--------	-----	--------	44.00

HARDIN COUNTY—Continued.

Owner and Location.	Acreage.	Amount Appraised for. Lbs.	Amount Appraised for. Value.	Amount Destroyed. Lbs.	Amount Destroyed. Value.	Balance Due by State.
C. B. Gore, Silsbee, Texas	4	----	--------	----	--------	44.00
H. Hollyfields, Fred, Texas	7	----	--------	----	--------	58.92
D. Wright, Fred, Texas	3	----	--------	----	--------	29.46
E. E. Crawford, Fred, Texas	9	----	--------	----	--------	14.95
A. Watts, Fred, Texas	5	----	--------	----	--------	117.46
*T. Watts, Fred, Texas	----	----	--------	----	--------	14.52
H. Whitaker, Fred, Texas	8	----	--------	----	--------	102.92
Isaac Ard, Fred, Texas	16	----	--------	----	--------	562.08
R. Richardson, Kountze, Texas	3	----	--------	----	--------	44.00
McDonald (On the Reeves' place), Kountze, Texas	----	----	--------	----	--------	4.00
*John Sims, Kountze, Texas	----	----	--------	----	--------	14.92
W. W. McInnis, Fred, Texas	15	----	--------	----	--------	254.92
W. N. Carnley, Fletcher, Texas	5	----	--------	----	--------	44.00
P. McDonald, Silsbee, Texas	5	----	--------	----	--------	11.96
Mrs. Julia Drake, Silsbee, Texas	2	----	--------	----	--------	14.92
R. O. Smart, Silsbee, Texas	6	----	--------	----	--------	16.96
J. N. Collier, Silsbee, Texas	(Purchased)		$1,504.00	(Sold 1 bale)		1312.00
Total	161	----	--------	----	--------	$4,453.11

JEFFERSON COUNTY.

						¼
A. Goodwin, Beaumont, Texas	15	----	--------	----	--------	$ 269.00
Arthur Pierrett, China, Texas	1	----	--------	----	--------	27.00
*A. Lajenne, China, Texas	6	----	--------	----	--------	200.00
A. Foux, China, Texas	4	----	--------	----	--------	160.00
Edmund Lajenne, China, Texas	8	----	--------	----	--------	195.00
H. Mitchell, China, Texas	⅛	----	--------	----	--------	50.00
J. R. Lusk, China, Texas	4	----	--------	----	--------	20.00
F. Guidrey, China, Texas	6	----	--------	----	--------	14.00
J. A. LeGere and J. Lewis, China, Texas	12	----	--------	----	--------	250.00
Felix Matte, China, Texas	20	----	--------	----	--------	160.00
Huff & Dorrett, Grayburg, Texas	35	----	--------	----	--------	195.00
C. J. Cummings, China, Texas	3½	----	--------	----	--------	120.00
J. Manuel, China, Texas	7	----	--------	----	--------	350.00
Emelie Borque, China, Texas	8	----	--------	----	--------	90.00
A. Mathern, China, Texas	4	65	$ 6.50	65	$ 6.50	6.50
Alcid Guidrey, China, Texas	8	----	--------	----	--------	70.00
G. W. Richardson, Beaumont, Texas	⅛	----	--------	----	--------	7.50
J. S. Clubb, Cheek, Texas	6	----	--------	----	--------	100.00
Ilke Broussard, Beaumont, Texas	4	----	--------	----	--------	75.00
G. J. Heinman, Cheek, Texas	4	----	--------	----	--------	160.00
E. W. Boyt, Cheek, Texas	40	----	--------	----	--------	810.00
†Morris Arcenaux, Cheek, Texas	40	----	580.00	----	580.00	225.00
Albert Thomas, Beaumont, Texas	----	480	48.00	480	48.00	48.00
Allen Boutin, Beaumont, Texas	10	----	--------	----	--------	90.00
L. D. Fontenot, Cheek, Texas	5	----	--------	----	--------	40.00
Frank Martinez, Fannett, Texas	5	----	--------	----	--------	35.00
A. L. Boutin, LaBelle, Texas	10	----	--------	----	--------	150.00
R. C. Guidrey, Beaumont, Texas	⅛	----	--------	----	--------	5.00
*Lon Waters, Beaumont, Texas	1	----	--------	----	--------	45.00
B. Matthews, Beaumont, Texas	⅛	----	--------	----	--------	5.00
A. J. Jaurice, China, Texas	12	----	--------	----	--------	7.50
T. E. Dragle, China, Texas	2½	----	--------	----	--------	12.00
W. T. Tindell, China, Texas	50	----	--------	----	--------	103.00
Henry J. Hannah, Nome, Texas	6	----	--------	----	--------	109.00
A. J. Maubaules, Nome, Texas	40	----	--------	----	--------	184.00
Mary Williams, Nome, Texas	14	----	--------	----	--------	150.00
Sam Johns, Nome, Texas	16	----	--------	----	--------	150.00
J. W. Hargraves, Fannette, Texas	6	----	--------	----	--------	150.00
Perry Broussard, Hampshire, Texas	⅛	----	--------	----	--------	5.00
J. H. Peterson, Nederland, Texas	6	----	--------	----	--------	50.00
Henry Rey, Nederland, Texas	3	----	--------	----	--------	42.00
‡R. Chote, Nederland, Texas	3	----	--------	----	--------	54.00
A. J. Rey, Nederland, Texas	6	----	--------	----	--------	400.00
Robert Gleason, Nederland, Texas	⅛	----	--------	----	--------	5.00
Ed Franklin, Nederland, Texas	4½	----	--------	----	--------	122.50
A. Nunez, Nederland, Texas	8	----	--------	----	--------	97.00
F. A. Crain, Nederland, Texas	⅛	----	--------	----	--------	5.00
T. C. Lambert, Port Neches, Texas	4	----	--------	----	--------	54.00
W. Gentz, Port Neches, Texas	4	----	--------	----	--------	96.50
C. C. Smith, Port Neches, Texas	8	----	--------	----	--------	139.00
Lewis Simmons, Port Neches, Texas	6	----	--------	----	--------	235.00
Walter Beaumont, Port Arthur, Texas	⅛	----	--------	----	--------	5.00
Irwin Smith, Port Arthur, Texas	7	----	--------	----	--------	205.00
J. A. Smith, Port Arthur, Texas	15	----	--------	----	--------	250.00
Paul Templey, Port Arthur, Texas	13	----	--------	----	--------	334.00
W. O. Fawver, El Vista, Texas	4½	----	--------	----	--------	230.00
Wm. Smith, El Vista, Texas	3	----	--------	----	--------	100.00

JEFFERSON COUNTY—Continued.

Owner and Location.	Acreage.	Amount Appraised for. Lbs.	Amount Appraised for. Value.	Amount Destroyed. Lbs.	Amount Destroyed. Value.	Balance Due by State.
P. A. Bessie, El Vista, Texas	3	-----	--------	-----	--------	100.00
S. J. Stafford, El Vista, Texas	2	-----	--------	-----	--------	66.00
Chas. Jones, El Vista, Texas	½	-----	--------	-----	--------	16.50
G. L. Nicholson, El Vista, Texas	½	-----	--------	-----	--------	16.50
James Broussard, El Vista, Texas	2	-----	--------	-----	--------	66.00
E. Roy, El Vista, Texas	½	-----	--------	-----	--------	16.50
A. B. Sweeney, El Vista, Texas	3	-----	--------	-----	--------	100.00
F. Green, El Vista, Texas	½	-----	--------	-----	--------	16.50
D. A. Bertrand, El Vista, Texas	⅛	-----	--------	-----	--------	5.00
George Smith, El Vista, Texas	⅛	-----	--------	-----	--------	5.00
B. B. Hebert, Beaumont, Texas	11½	-----	--------	-----	--------	115.00
Albert Thomas, Beaumont, Texas	6	-----	--------	-----	--------	67.00
R. White, Beaumont, Texas	7	-----	--------	-----	--------	81.00
L. Waters, Beaumont, Texas	5	-----	--------	-----	--------	35.00
Ed Echford, Nome, Texas	3	-----	--------	-----	--------	100.00
T. J. Hill, Nome, Texas	----	-----	--------	-----	--------	5.00
Ed Nolte, Nome, Texas	5	-----	--------	-----	--------	90.00
S. Turrichi, Nome, Texas	60	12900	$1935.00	2545	$ 381.75	381.75
T. D. Freddie, Nome, Texas	5	-----	--------	-----	--------	43.50
S. S. Calder, Nome, Texas	20	6550	982.50	1900	285.00	285.00
§J. W. Chandler, Nome, Texas	----	-----	--------	-----	--------	--------
Total	646	-----	--------	-----	--------	$8,888.25

*Care H. J. David, Church Point, La.
†The $335.00 difference bought by the S. P. Morgan Co., Nome, Texas.
‡Esther, La.
§Purchased 670 lbs., $100.50, Nome. (Shipped.)

LIBERTY COUNTY.

A. J. LaCour, Moss Bluff, Texas	17	-----	--------	-----	--------	$ 215.10
*J. G. LaCour, Moss Bluff, Texas	126	-----	$1258.50	-----	--------	1191.00
L. B. LaFour, Moss Bluff, Texas	10	-----	--------	-----	--------	345.00
B. H. Willis, Felicia, Texas	200	-----	--------	-----	--------	995.20
J. D. Haywood, Moss Bluff, Texas	15	-----	--------	-----	--------	242.80
Walker Kimball, Moss Bluff, Texas	3	-----	--------	-----	--------	30.00
Rug Caters, Moss Bluff, Texas	1	-----	--------	-----	--------	30.00
Dick Richardson, Moss Bluff, Texas	6	-----	--------	-----	--------	22.50
Dave Moseley, Moss Bluff, Texas	2	-----	--------	-----	--------	7.50
J. J. Anderson, Moss Bluff, Texas	13	800	120.00	100	15.00	15.00
Susana McNair, Moss Bluff, Texas	4	-----	--------	-----	--------	67.50
Dave Sanders, Moss Bluff, Texas	3	-----	--------	-----	--------	75.00
Howard Smith, Moss Bluff, Texas	8	-----	--------	-----	--------	315.00
Robert Moseley, Moss Bluff, Texas	8	-----	--------	-----	--------	135.00
O. S. Davis, Moss Bluff, Texas	3	-----	--------	-----	--------	15.00
S. S. Sherman, Moss Bluff, Texas	7	930	139.50	200	30.00	30.00
W. T. Wakefield, Moss Bluff, Texas	4	-----	--------	-----	--------	90.00
John Gillard, Moss Bluff, Texas	4	200	30.00	111	16.65	16.65
V. R. McManus, Moss Bluff, Texas	12	2000	300.00	1850	277.50	277.50
Zene Williams, Moss Bluff, Texas	5	672	100.80	72	10.80	10.80
J. J. Bracewell, Moss Bluff, Texas	50	1329	199.35	600	90.00	90.00
W. L. Swinney, Moss Bluff, Texas	35	3835	575.25	510	76.50	76.50
J. M. Moss, Moss Bluff, Texas	6	200	30.00	125	18.75	18.75
D. Umber (Humber), Moss Bluff, Texas	14	1950	292.25	550	82.50	82.50
Bob Moseley, Moss Bluff, Texas	4	30	4.50	30	4.50	4.50
Shaddy Gants, Moss Bluff, Texas	3	-----	--------	-----	--------	22.50
Mose McGee, Moss Bluff, Texas	10	-----	--------	-----	--------	132.60
E. L. Duncan, Moss Bluff, Texas	20	-----	--------	-----	--------	236.55
J. G. LaCour, Liberty, Texas	40	-----	--------	-----	--------	75.00
Dave Tevis, Liberty, Texas	5	-----	--------	-----	--------	90.00
Clay Tevis, Liberty, Texas	5	-----	--------	-----	--------	45.00
Cliff Tevis, Liberty, Texas	5	-----	--------	-----	--------	45.00
Henderson Paul, Liberty, Texas	5	-----	--------	-----	--------	49.50
W. T. Norman, Liberty, Texas	30	-----	--------	-----	--------	450.00
R. L. Chambliss, Liberty, Texas	40	-----	--------	-----	--------	24.30
J. A. Lovett, Liberty, Texas	10	300	45.00	Nome (Shipped)		--------
Boots Freeman, Liberty, Texas	6	-----	--------	-----	--------	30.00
C. R. Partlow, Liberty, Texas	22	-----	--------	-----	--------	75.00
W. J. Zickefoose, Liberty, Texas	40	-----	--------	-----	--------	75.00
G. M. Harris, Liberty, Texas	10	-----	--------	-----	--------	91.80
F. M. Stevens, Liberty, Texas	10	-----	--------	-----	--------	75.00
J. T. Hasting, Devers, Texas	8½	-----	--------	-----	--------	195.00
D. M. O'Brien, Liberty, Texas	5	-----	--------	-----	--------	--------
S. W. Weatherford, Devers, Texas	5	-----	--------	-----	--------	120.00
J. A. Lovett, Liberty, Texas	12	-----	--------	-----	--------	292.50
P. C. DeBlanc, Liberty, Texas	7	-----	--------	-----	--------	67.50
Bob Edwards, Liberty, Texas	7	-----	--------	-----	--------	22.50
Emory Duncan, Liberty, Texas	12	-----	--------	-----	--------	7.50

LIBERTY COUNTY—Continued.

Owner and Location.	Acreage.	Amount Appraised for. Lbs.	Amount Appraised for. Value.	Amount Destroyed. Lbs.	Amount Destroyed. Value.	Balance Due by State.
W. M. Smith, Liberty, Texas	20	5400	810.00	4180	627.00	627.00
Marshall Jankins, Liberty, Texas	12	-----	--------	-----	--------	165.00
Total	958	-----	--------	-----	--------	$7,491.65

*The $67.50 difference due S. S. Kurby, Liberty, Texas. (His share as tenant.)

PRESIDIO COUNTY. ¼

J. J. Kilpatrick, Pilares, Texas	100	-----	--------	-----	--------	$4,500.00
Lem Purvis, Pilares, Texas	10	-----	--------	-----	--------	450.00
Total	110	-----	--------	-----	--------	$ 4,950.00
Grand Total	2,083	-----	--------	-----	--------	$32,755.96

MONDAY, MAY 31, 1920.

MORNING SESSION.

The Chair: The other day Mr. Bryant desired to introduce the stenographic report had in Washington between Governor Hobby, Secretary Meredith, Congressman Buchanan, and others, and at that time I didn't think it should go into the record, but since thinking over the matter, and having advised about the matter, I think it should go into the record.

Gen. Wolters: Mr. Chairman, we have no objection if it goes in as it was originally written, but there are certain corrections and interlineations that have been made, and I don't think those should go in. For instance, in one of Dr. Hunter's statements five whole lines and a portion of the sixth line has been stricken out with a pencil. I do not think this matter should go in as corrected. If it is admitted as it was originally written we shall not object.

Mr. Moon: Mr. Chairman.

The Chair: Mr. Moon.

Mr. Moon: I move that the report of that conversation or meeting be put into the record as it was originally written by the stenographer.

(Motion duly seconded and carried.)

The Chair: Very well, the stenographer will incorporate the report of that meeting in the record as it was originally written, and not as it has been corrected.

(This report follows:)

Conference with Secretary Meredith regarding action to be taken to meet the emergency caused by the Pink Bollworm infestation in Texas and Louisiana.

April 7, 1920—4:15 p. m.
Washington, D. C.

PRESENT.

Marlatt, C. L., Chairman of Board.
Orton, W. A.
Sudworth, Geo. B.
Hunter, W. D.
Kellerman, Earl F.
Althouse, R. A., Secretary of Board.

Buchanan, J. P., U. S. House of Representatives.
Culbertson, J. J., Texas Cottonseed Crushers Association.
Hobby, W. P., Governor of Texas.
Orr, J. T.
Ousley, Clarence.
Perry, E. G., Texas Cotton Association.
Peteet, Walton, Chamber of Commerce.
Steele, W. M., American Cotton Association, Louisiana Division.
Walton, T. O., State College.

The Chairman: Mr. Secretary we have been discussing this matter for a moment or two in our office. We have presented the Department's point of view and I think these gentlemen are beginning to realize that that point of view is the only proper one to hold.

The Secretary: I am anxious to say a word to the people of Texas, particularly to the Governor and to the Chamber of Commerce representing the business interests and to cotton growers and to all. It is only along the lines that I spoke yesterday, in a word, to the effect that the Department wants to do the right thing. That is all we're exercised about, doing the thing that will result ultimately to the greatest advantage of all interests. I have a very great fear in my own mind that if you do not at this immediate stage control this pink bollworm that

the damage may be almost beyond present comprehension. As was stated yesterday by one of the gentlemen, the damage in Mexico was 20%, but why should we worry about that. I cannot get that attitude. 20% of $2,000,000,000 means $400,000,000. If you take $400,000,000 out of your cotton crop it must necessarily be a very large portion of your profit, meaning that cotton cannot be raised profitably. That such a calamity should come to the cotton industry of Texas and the South is certainly not to be thought of. Now, it is possible, and some urge, that no such calamity will come, that this insect cannot live farther North than you find it now. Other insects have gradually, from year to year, acclimated themselves to more temperate climates. It was not thought that the cabbage insect would spread at all. It is now found all the way to Canada. Granted that it might be determined a year from now or two years or five years that this insect cannot live farther North, it does not seem that the cotton people themselves, such as commercial, wholesale, manufacturing, banking, insurance or any interests of the South can possibly afford for the comparatively small amount of money today to risk what would be determined to be the damage in the event it was found that our hopes were falsely based, that this insect does scatter, does go North and does get beyond control. In other words, the money spent now, if it is only a matter of insurance, is the cheapest kind of insurance. I realize the situation so far as Texas is concerned. I would be disposed personally, if it were possible, to say: "Let us put a five-mile or ten-mile zone around those counties. Let them go ahead and grow their cotton. Then if they find they have lost 25% of it or any other percentage and that it is not practicable to grow cotton under those conditions they would then cease to plant cotton." That would be perfectly fine and the easier way out of it. However, your automobiles would scatter the seed. People carrying bundles would scatter seed. A wind might come up and carry them off for not only ten miles but fifty miles or some other distance. It would then be beyond bounds. Then the damage is done. I do not say this, of course, with as full a comprehension of all the circumstances as men in Texas or men on the Horticultural Board, but to feel that I might because of a lack of the greatest care and the disregard of such responsibility as has been placed upon me to protect such an industry as the cotton industry—vital to every industry and person in the United States, to think that any lack of the very best attention and policy and practice that I could bring to bear upon it would result ultimately in a harm such as might come to cotton from this thing, would make me wish I had never been Secretary of Agriculture—that is, if I thought I was directly or indirectly responsible for this thing getting away. I cannot help but feel, gentlemen, that the thing to do is to control it and control it now. It seems to me that the noncotton zone is agreed to be the best control, that the regulated zone might possibly answer but there is that hazard and that question and nobody is ready to put up a bond in the case of a regulated zone. So it seems to me that your interests and the interests of the South and the interests of the country require us to do the sure thing and meet the situation. That would involve payment for the crop to farmers who are prevented from raising cotton, whether it is to be by State or National funds or popular subscription or any other way. I would contribute personally if it had to be done, and cheerfully. Not enough to amount to anything, but along with others to meet the situation. I would feel that living in Iowa, not as Secretary, but as an individual, that I have an interest in the situation. Any plan to take care of it that meets the situation, I am for. It is not a question, "The Government must do this" or the "State must do this" or "A personal subscription must do this." I do feel positive that you gentlemen ought not to go home without an understanding that my attitude, if the matter will finally come to me, is that this thing ought to be controlled and that the most vigorous methods should be adopted. The question of how to meet the cost is the problem to apply yourself to.

Representative Buchanan: I am fully in accord with you on the noncotton zone. You mention something about the possibility of this pink bollworm being carried by the wind. That reminds me that in the year 1899 the boll weevil was carried 200 miles by a Galveston storm. Those storms came from the coast and came up into the State.

The Secretary: If a tornado in this country will pick up coal stoves, corn cribs, horses and cattle and transport

them 50 and 75 miles or any distance from a few hundred yards up to miles, certainly it would carry the pink bollworm.

The Chairman: That is a sufficient answer to the plan of maintaining a pest spot in the small portion of Texas in which the thing can be spread by its own means and other means.

The Secretary: It might not do it. I will go as far as to say that you might put a ten-mile zone around there and it might never get out. We would then say that a ten-mile zone was effective. If it did get out you might say "If we had just had a Secretary of Agriculture that had had any brains at the time, that would not have happened."

Representative Buchanan: We must remember that a ten-mile zone around the infested area would cover as much territory as would be included in the infested area itself. The ten miles would take in Fort Bend County which contains at least 50,000 or 60,000 acres of the most fertile and best land in that County.

Dr. Hunter: The largest estimate that has been made of cotton lands in the infested territory is only 50,000 acres, and that is undoubtedly excessive. I think in this ten-mile zone around the infested territory there would be twice as much cotton land as in the whole infested area.

Mr. Peteet: I stayed up as late as eleven o'clock last night discussing this matter and studying the whole situation. I will still hold out that we could accomplish the things we wanted to accomplish, that is, the eradication of this pest, by a noncotton zone, but facts are stubborn some times, and this affair is comparable to the situation that the Allies were confronted with when they came to make peace with Germany. They wanted a peace so nearly as possible to impose punishment upon a nation that deserved it, but the terms of that peace were limited by the ability of Germany to comply with them. That consideration was in the minds of the Allies when they made the peace. It would have been bootless to have made a peace which Germany could not have complied with. Now, we are very much in that attitude, I regret to say, in Texas. We have a district down there where are some 1500 farmers who have planted cotton. Before that can be uprooted the Legislature must be assembled and some new legislation enacted. You have got to bear in mind the state of mind of the people in that district. They are just ordinary people, some foolish, some wise, narrow, very stubborn, and some very ignorant and otherwise. They have gotten themselves into a state of mind down there in which they believe that whatever is done will be done to satisfy other people and not to protect themselves because they have been misled into feeling that they are themselves in no danger. I think they are wrong, but that is their feeling. They abandoned growing cotton in 1918 practically by voluntary action with the expectation of compensation. Unfortunately we had a law authorizing compensation but the Appropriations Committee did not appropriate any money. Their claims matured in the regular and proper way, according to law, and have remained unpaid until this day, so that they feel now that whatever they are called upon to do is being done for someone else rather than themselves. They have been encouraged in that belief. Before we left home they had that idea and since they came here they have been encouraged in that belief by many friends in Washington, some, in Congress, that they have a moral right to grow cotton this year. Much of the discussion before the Board has rather settled that view in their minds, that they have a moral right. Now, all of that is a result, Mr. Secretary, of the facts, unfortunately again, that Texas has not been awake to the peril of this pest. You see we have, Mr. Secretary, the problem that every other State has, and then one that other States do not have, that is, the problem arising out of our geography. Only those who have had to do with public opinion in Texas and with trying to unify the State toward any definite policy realize that that problem is very serious. Until four weeks ago very much less than 5%—yes 2%—of the whole people of Texas were awake on this question. Whose fault that is, is beyond the question. They were asleep and the Governor and the Quarantine Board—I think Dr. Hunter will bear me out—have battled down there in this little district without any support in the State and they have had to contend with this element. Now that explains the reason why the Texas Legislature and the Governor of Texas have not taken the prompt action that one at a distance might think they should have taken. They had no public opinion behind them. Within three weeks the entire State

has been aroused, the business men as well as the farmers, and just at the time that they become aroused, we came to Washington to attend this hearing.

The Secretary: What is their attitude now since they understand it? What percentage is in favor of noncotton zones?

Mr. Peteet: I think I can summarize the attitude by saying they are more afraid of a quarantine that they are of the pink bollworm. I will be perfectly frank with what I say. I hope you people will correct me if I am wrong. I think the people in the remote corners are more afraid of a noncotton zone than they are of the pink bollworm itself, because one is immediate and the other is remote. That is natural. We fear those dangers which are immediate and temporize with those that are remote. I believe, however, that the public opinion of the State could be mobilized behind a noncotton zone, but, Mr. Secretary, here comes, then, this practical question which caused me after eleven o'clock last night to give my personal support to the proposal that was submitted this morning.

The Secretary: What is that?

Mr. Peteet: That is that the infested area declare a regulated zone for 1920 with a strip of noncotton area around it.

The Secretary: How many more acres are there in the infested area than in the 10 mile strip which would surround it?

Mr. Peteet: No one knows exactly. It is variously estimated from 500 to 2,000.

The Secretary: 500 to 2,000?

Mr. Peteet: It passes through a section of country not very densely populated.

Representative Buchanan: On looking at the map you will find 65,000 acres in Fort Bend County alone.

Mr. Peteet: The Director of Extension who lives in that section and who is more familiar with it than I am, says that the district won't take in a very large area if the lines were properly drawn.

The Secretary: How can you meander the infested district?

Mr. Peteet: I mean around the district.

Mr. Secretary: Then you will include somebody in the district not infested now?

Mr. Peteet: There is no infestation in the ten-mile strip now, no, sir.

The Secretary: But you will have a riot if you try to put people inside that ten-mile zone by meandering.

Mr. Peteet: With respect to that phase we thought like this. There again we are dealing with the human equation. The people within the infested district are more or less disturbed mentally and are not normal in their reaction.

The Secretary: I do not think that is open to argument. All that you can say is discounted by your statement that the people in this district are wrong and that the pink bollworm will hurt them.

Mr. Peteet: Yes, sir.

The Secretary: Then we want to protect them and the rest of the State against this hurtful thing.

Mr. Peteet: I am still free to say that I am still convinced that the compromise proposal will reach the needs quicker. I agree that those people are wrong, but, Mr. Secretary, let me make this point clear, then I won't detain you people any longer. Before we can make a noncotton zone effective the Texas Legislature must be assembled and they must enact some additional legislation and make provision for compensation. That is agreed, that that must be done. Assume that that is done in 30 days. Then if the measure obtains the two-thirds vote necessary it will go into immediate effect. If there is opposition it will be 90 days before it can be settled. It would provoke a riot to destroy cotton unless you were ready immediately to pay for it. There are some counties in the district, Liberty particularly, where the spirit of protest is so strong that the entire bar has offered its services to the farmers to tie up this new legislation in the courts, and we know that you can always find some district judges who will grant a temporary injunction and it takes time to dissolve that injunction. In the meanwhile this cotton will be growing. The point I am making is this, that if a noncotton zone is declared now or as soon as it can be done a considerable area of cotton will be matured in spite of all that can be done, taking a most favorable view of the situation, so that August will come with matured cotton in the noncotton zone.

The Secretary: That is presup-

posing that your legislature does not recognize the service that it owes to the State of Texas and to the Nation.

Mr. Peteet: No, sir, it presupposes that they will do that.

The Secretary: You say it will take 90 days?

Mr. Peteet: Assuming that they make the appropriations immediately available, there will be 30, 40 or 60 days litigation. We know that is coming because notice has been served upon us.

The Secretary: Then I would run them out of the State.

The Chairman: There will be money coming to those men, won't that have a large influence on them?

Mr. Peteet: I think, Dr. Marlatt, that a large number of farmers would consent, would plow up all their crops, but it will act in practice this way. Mr. Extremist will obtain an injunction and then pending the settlement of an injunction even the liberal minded people will await its outcome. I say it with as much regret as the Secretary or Dr. Marlatt, that a proclamation of a noncotton zone following a procedure that moves as smoothly and rapidly as we can expect it to do will bring us to August with matured cotton in the noncotton zone, and then the fight will just go on and they will have to be worn out. Of course I realize that the importance of the power of the Government, both State and Federal, brought to bear on that small district will ultimately wear them out, but adapting ourselves to the inexorable circumstances today present, I would recommend that that particular infested area be made a regulated zone this year with a protected strip around it and with the understanding that if the bollworm is found within any district this year that it shall be immediately destroyed, and if it appears in sufficient numbers in the judgment of the State and Federal Board to warrant it, that the entire areas or such portions as may be thought proper will be made a noncotton zone in 1921 and continued as such thereafter until the pest is eradicated. The difference also is merely one of time. By declaring a noncotton zone now we would put it in force on paper, but we would have matured the cotton. We would have the cotton growing with the worm in it. I say that regretfully, Mr. Secretary, but I think these other people — Dr. Hunter who knows the temper of the people down there—will bear us out that that is a very certain probability and so it is just a choice which we are forced to make. I wish it were otherwise.

The Secretary: Then what happens if due to some unforeseen storm or to the movement of automobiles or other vehicles you have it scattered all over Texas?

Mr. Peteet: I am not able to answer that. I wish I could.

Representative Buchanan: I would like shortly to reply to the Representative of the Texas Chamber of Commerce. It seems remarkable that a member of Congress from Texas should find himself in such a marked conflict with a Representative of the Texas Chamber of Commerce who supports and has the interests of Texas, the South, and the Nation at heart. I do not believe that the Texas Chamber of Commerce would endorse the stand of temporizing with this supposed greatest cotton scourge in the world. I want to recite for his benefiit what I stated when he was not here. When the Mexican boll weevil came to Texas from Mexico it moved up from the border about one county a year. It was in small numbers the first two or three years, doing but little harm. In the year 1899 I had 3,000 acres in cultivation. The Galveston storm came on and it carried that boll weevil for 200 miles.

Mr. Peteet: I am familiar with that.

Representative Buchanan: Then, do you wish to take the chance of this bollworm multiplying down there this year and the chances of another storm scattering it all over Texas? I, for one, am not willing to take that chance. Secondly, he says to estabilsh a ten-mile band around these counties, not in the infested area, but north of the infested area. That would include Hardin County. There is more cotton raised in Hardin County than in your entire district. It is manifestly unjust to condemn the planting of cotton in an area that is not infested and let those that are infested plant and raise cotton. I will undertake to tell him that if he puts a ten-mile strip around that county it will include more cotton actually planted there than in the entire county below it.

That was spoken of by one of the representatives of the infested area the other night, but he had not looked at the map. I live in Washington County. I go down there when Congress is not in session and hunt and I know that area is most intensely cultivated in cotton and land is sky high.

Let us go on with this argument. He says that if you establish immediately noncotton zones that the spirit of dissent or disloyalty to law and order is so rampant in that district that you could not enforce it. If the law-abiding people of the State can not maintain and execute the law they had better surrender the Government. I will tell him this, that the same spirit will be present next year if the pink bollworm reappears and you have got that fight to make whenever you undertake a noncotton zone. It will be just the same in 1921. Those dissatisfied, disgruntled and malignant citizens who will fight it now will also fight it a year from now. You will be merely postponing the fight a year or two.

Mr. Peteet: If your argument was addressed to your colleagues in Congress we might have this in better shape.

Representative Buchanan: My colleagues in Congress, every one of them, signed the letter and telegram to Governor Hobby over a month ago.

The Chairman: I think that was on the 18th or 19th of February.

Representative Buchanan: Every one of them signed, including two Senators, asking the Governor to make provisions to compensate the farmers for crops condemned in order that this Department might carry out the only plan in which we had any hope of a cotton free zone. Every one of them signed. Now then, we came up here. Some of these representatives from the infested area go and get Mr. Gossett, a very prominent constituent in Mr. Young's district, and Mr. Young flops to give them one more chance. He admits that a cotton-free zone is the only effective remedy. He will tell you that now, but he says that in view of the fact that the pink bollworm commission of Texas, over which Mr. Hunter presided, told those farmers they could go ahead and plant cotton under strict regulation several months ago, that their equities were such that they ought to be permitted to plant cotton this year, but that if in 1921 it should come out you should enforce the noncotton zone—in other words temporizing with it. He said yesterday that he lived 250 miles from there, that all his interest was in a cotton farm and that he was willing to risk it. But he has got no right to risk it for the other citizens of Texas. If he wants to risk his own fortune, let him do it, but not the fortune of others. As a member of this Congress he has no right to risk temporizing with a destructive pest which would affect the cotton interests of the South and of the Nation. There is only one course to pursue and that the Secretary has indicated to Congress. I want to differ with my friend again. I do not believe when the Legislature convenes that makes the appropriation that you will have any material trouble in enforcing the cotton-free zone. We have been with those people of the infested area off and on. I met with them over in the Washington Hotel. You were there (addressing Mr. Peteet) and heard what I said right straight out. From the temper that I have got they think they have been done wrong. They say they refrained from planting cotton in 1918, expecting to get pay for it. No appropriation was made by the Texas Legislature and they did not get it, and they never will. During my speech at that conference Mr. Nichols said: "I have not gotten my money and never will." That is what made them mad. They wanted compensation. They do not believe they are going to get it. Just as soon as they find that they are going to get it they will submit to the law. They are law-abiding citizens. There might be here and there some extremists, but you would have that same trouble in 1921 or '22 or '23 or whenever you might start.

The Secretary: I have your idea. I am anxious to hear more from some of the other gentlemen, particularly the Governor and individuals from the infested districts. Is there anyone from the infested district?

Governor Hobby: I would like to make a statement. If you do not object I would prefer to make it sitting down. I am anxious to make it for several reasons and to have it go into the record. In the first place, I would regret very much to have any misunderstanding between the head

of this Department and myself, because I know that your purpose is in the interests of public good and that they are honest purposes and have good motives and I try to be guided by the same in my official duties. For that reason I would just like to go back for a very few minutes with respect to events that have led up to this occurrence and this meeting in Washington; I do not like for the idea to be in the minds of you or any of the agents of this Department, Dr. Marlatt or any of the others, that there has been any dereliction on the part of the State officials of Texas, especially on my part, in meeting this situation and dealing with it. I heard Congressman Young say this morning that it was even in the minds of the Board about the time of the holidays that the situation had been mastered and that the trouble was over with, mostly. However, the first I knew of any great danger or of a situation calling for drastic action was when I received a letter dated February 7th, which got to me about the 14th, about the action of the Commission not being satisfactory, the Texas Commission. So far as I was concerned I presumed it was satisfactory. Our Texas law does not charge me with the burden of administering that law. It places it upon the Secretary of Agriculture of the State and creates this commission to determine the area of infestation. This Commission is composed of five persons. I appoint one. After they make their report and after the Secretary of Agriculture of the State determines what is the course to pursue and makes such modifications as he may make in the report of this commission, then I issue a proclamation putting it into effect, which is merely a perfunctory matter. When those letters came they were referred by me to the Commissioner of Agriculture and in two or three weeks I received further communications including your letter, pointing out the danger that appeared of the possibility of a quarantine, and then I have been working as hard as ever I could ever since that time. I did not believe in calling the Legislature into session at that time. In fact 30 days' notice must be given and it could not have been called into session in time to avert the planting of the cotton. Therefore, what I mean to say is that no time has been lost.

It took a certain length of time for the commercial interests of Texas to become aroused and interested in the matter and you need all those things to convene a special session of the Legislature. Without any educational work behind it, without an understanding on the part of the general citizenship, you know it is not calculated to accomplish much on any subject. You have to have a general understanding of what is to be done to back that up. We had all those people coming to Austin. We went over the situation and then I discussed it later with Dr. Hunter. Then I decided to follow the plan of Louisiana and ask for pledges. These pledges have been given and the Attorney General had said that we could establish these zones under the existing law. He advised me, as the State's legal adviser, that these zones can be established now and cotton planting forbidden. I have these pledges of the members of the Legislature and there won't be any question, in my judgment, unless there should be a quarantine put on, the whole State, and everybody got mad about it. But in the spirit of cooperation there would not be any objection. Not only two-thirds but nine-tenths will vote for the legislation and make it effective at once. I cannot guarantee it or sign a promissory note, but I think it would be accepted, judging by the tenor of the letters I have received and that that will be the result. I can convene the Legislature next month and submit the matter to them. To have worked it out any earlier would probably have confused the situation more because the public mind is naturally against quarantining. To call together a special session of the Legislature at an earlier period would have caused fear and trembling in the equilibrium of the State. I think it will now come about in very good order as a result of what had taken place in the meantime, and the public mind is aroused on the situation. I think it will be dealt with more effectively than it would have been at an earlier time.

The question is as to whether it is better to let this crop go ahead and be raised and not try to destroy it or to put the noncotton zone into effect now. I will do whatever the Department thinks best.

The Secretary: Here is my feeling

just as honestly as a man knows how to arrive at a position which he should take, that there should be noncotton zones, that the chance is the other way. I would be only too glad to advise another course if it were safe. I do not want to inject myself into the Texas situation, but if you said, "Here, Meredith, I would like to have you collaborate with me on a letter that you as Secretary of Agriculture will write to give to Texas the reason why you think this is so vital," I would be glad to help you in writing such a letter to help you call together the Legislature of Texas, and I would be glad to give it all the publicity and take all the responsibility because I feel that I am under an obligation to protect the cotton industry of this country as one of my duties as Secretary of Agriculture. Again saying that I do not want to inject myself into the situation, I will come down, regardless of any other engagement, and come before your State Legislature and make a talk to them and say to them that I insisted on this, feeling it was a necessary protection for Texas and for the South. I would tell them that I want them to make an appropriation as an insurance if nothing else, collecting it any way that they want to. If there is anything further that I can do I will be glad to do it. I do not know what more any man could do.

Governor Hobby: That makes me all the more anxious, because I want you to come down there.

The Secretary: So far as I am concerned, I will do anything I can to meet the situation as affectively as possible. We all agree that you are taking a chance if you do not enforce a noncotton zone. Growing cotton there might never harm us and yet none of us want to take a chance. If there is anything I can do to avoid taking that chance and to help you to be on the safe side I will sleep better, feel happier, and be better satisfied with the part I have taken.

Governor Hobby: Certainly a man could not take a more liberal and more just view of it and show a better spirit than you have just indicated, and I want to thank you.

The Secretary: Understand me, I am not soliciting an invitation to Texas or a trip down there, because I am loaded up just as much as I can stand, but if it will be helpful I will be glad to forego other engagements.

Governor Hobby: It will be helpful.

The Secretary: And if it is desirable from your standpoint I will do anything I can.

Mr. Hinds: Mr. Secretary, I am President of the Association of Cotton Belt Entomologists. It happened at the meeting this morning that the meeting closed in a way with a statement with regard to the attitude of the entomologists of the other cotton-growing States. Some ten States are concerned outside of Louisiana and Texas. We have had frequent conferences, have considered it for more than two years past, and the imposition of quarantines have undoubtedly been the most effective factors in awakening Texas to the situation. As the representative of the Chamber of Commerce said, they are more afraid of a quarantine than they are of the pink bollworm. As a measure of extermination, the entomologists and business men of all these States agree that a noncotton zone is the only means of extermination and that steps should be taken right now. The postponement of this noncotton zone to another year simply guarantees the continuation and increases the pest in the infested area. Under that condition all the States would feel it necessary to maintain their State quarantines. If the Texas authorities want to obviate any State quarantines it may be done by establishing a noncotton zone in the area infested at the present time. This proposition of placing a quarantine outside of the infested territory does not affect us.

The Secretary: In effect they would have a quarantine anyway, even though no Federal quarantine were placed.

Mr. Hinds: Six states have put their quarantines on already. The remaining states are awaiting the results of this conference, will be absolutely forced to do so and it will come nearer being state wide if this infested area is allowed to remain a pest spot. We have interests to protect. Our judgment is that the only way is to establish these noncotton zones covering all the infested area as it is now known and to continue that for three years, with regulated zones surrounding the noncotton zones and any suspicious areas. If that could be done I believe the State quarantines could be most quickly and largely modified. I say this because many of the gentlemen from Texas left the meeting this morning before the statement was presented. I want to be perfectly fair as

to the attitude of the other States. I, in a way, speak for the entomologists for the cotton states. The states must maintain their quarantines unless Texas takes the necessary action. I do not want to see it any more than the people from Texas.

The Secretary: Doesn't it appeal to you, sir, (addressing Mr. Peteet) inasmuch as you do say that the quarantine is the thing that you most wish to avoid now, that the only way to avoid a quarantine regardless of the action of the Department of Agriculture, is to establish noncotton zones because of the action of the other States? Don't you see that even if we would approve the regulated zone that you would still be subject to State quarantines?

Mr. Peteet: Mr. Secretary, I want to be perfectly frank. We want to avert the quarantine, of course, not only for the immediate present, but for all time. To be perfectly frank, I have become convinced myself, reluctantly, that if we declare the noncotton zone now and take all the steps that can be taken, in spite of all that the Governor and all the public agencies in the State can do, that August will find us with mature cotton in this area, and then the gentlemen from Alabama and your Board here will say that in spite of all that was done by Texas—and we will try to do our best—you will say that we have got cotton growing in the infested area, and you will put the quarantine on us. We are therefore only averting the quarantine from now until such time as our failure to clean-up completely arrives. I would like to put on the noncotton zone and be able to assure you that we would make it effective. I think I can assure you that we will do everything humanly possible to make it effective. I fear that after we have done all that the Government can do and the public agencies in the State that we will then find ourselves unable to accomplish what we aimed for. I just had a conference aside with the Governor a moment ago, and we agreed to this, that we would lay those facts before you. This is the time to put all the cards on the table. If this Board says that a noncotton zone is the thing the Governor will go back to the State and tell them that such is the case. You must understand that I am not speaking simply my own opinion. I am joined in this by the judgment of the Director of Extension who is probably in more immediate contact with local conditions than any other man. He knows personally perhaps more men than any man in Washington or in the State of Texas. I have consulted the various interests and I have yielded to them my personal views in accepting this compromise proposal. My view was for a noncotton zone. Those gentlemen, in my judgment to them, and they are the ones, Mr. Secretary, that have caused me to yield my judgment, and that compromise this morning originated with those gentlemen and I reluctantly assented to it, having been convinced by them—they having a knowledge of existing facts from which we must not turn our faces—that it is their deliberate judgment that the proclamation of noncotton zone and the offer of compensating and the doing of everything that can be done by public agencies will not prevent the growing of cotton in that area this year. That is to say, that in spite of all that can be done there will be matured cotton in that area, and then we will have, I fear, both the Federal and State quarantines, and we will only have deferred them. We submit this view again as our statement representing our deliberate opinion that when all has been done that can be done we will not be able to give you a complete cotton-free zone. I submit that to you gentlemen, and I am sure it is the opinion of my associates on this committee, and I know it is the opinion of Governor Hobby, because he had just expressed it.

The Secretary: Suppose that you say is all true and that later on it is found necessary to put on a quarantine which you want to avoid, by what logic do you feel that there is more chance after we have done our best, as you stated, with noncotton zones to have a quarantine then than there would be by going ahead and raising cotton in this section. Are not you more likely to have this quarantine you speak of later without your noncotton zone? Granted that there might be a situation where we would not be able to prevent entirely the growth of cotton, necessitating a quarantine, are you not immeasurably more likely to have that quarantine if you do not have your cotton-free zone?

Mr. Peteet: Of course, Mr. Secretary, I appreciate the force of that view, that is to say, as I understand it, that if we have a regulated zone that the situation may arise which will call for a quarantine justified in the opinion of your Board.

The Secretary: Don't you know

you will have infested cotton? You know cotton is going to be grown there.

Mr. Peteet: Of course, my position was this, that if the Board assented to a regulated zone such as has been proposed that that would carry with it, of course, no action in imposing a quarantine.

The Secretary: We could not agree to that.

Mr. Peteet: May I suggest this alternative? If we agree here that we will declare a noncotton zone, feeling that we had the assurance or could rely on the good intentions of the Federal Horticulture Board when we have done all that is humanly possible for the Governor and the public agencies of the State to do, in spite of all of which—and we are just now speaking among ourselves, we had some cotton maturing in the zone, having exhausted our resources to control the disposition of it—

The Chairman: It will be a small amount. You can control that under your regulated system just the same. It simply means you will have to control a much smaller amount. I would like to have Dr. Hunter repeat to us the attitude of the farmer. As I understand Dr. Hunter, there are many farmers who realize that the season for planting is passed. I understand that the area is only 50% planted. I doubt if Mr. Walton or anyone else knows the farmers in that section as well as Dr. Hunter. Dr. Hunter has been up and down there for three years and knows them by name. I think he can answer for the attitude of the farmer.

Mr. Peteet: May I ask what the attitude of the Board in the matter of a quarantine would be if we declare a noncotton zone and do all we can to make it effective but fail of absolute protection, will the Board be inclined to look rather leniently at the situation or will the Board say: "Now, since you have failed of complete success we must apply a Federal quarantine." A Federal quarantine against Texas, such as you have at the border with respect to Mexico, would be a disaster.

The Secretary: I do not know how far this comes up to me.

The Chairman: Absolutely.

The Secretary: We are going to do all we can to sufficiently protect the cotton crop of this country. It will be imposed at any time and anywhere it is necessary, whether against Texas, Louisiana or any other State. In other words, we will do all we can and then when you people still say regardless of that that here is a menace to all the rest of the country, admitting it, the facts having established it, then certainly we must protect the rest of the country, much as we would regret the necessity of such action, and we would do just what you ask us to do in the case of Mexico, after they have done all they can and cannot get rid of it. Suppose Mexico came to you with tears in her eyes and said: "We have put in noncotton zones, gone to the extent of our resources and have done everything possible, please do not put a quarantine on Mexico." You would say to me: "Mr. Secretary, do not pay any attention to them." If we did not take the necessary action we would not be living up to our responsibility. We have an appropriation for this and we will go just as far as we can. If we meet the situation there will be no one so happy as we, not even Texas. If we do not meet it and a quarantine is still necessary there is no bargain or compromise that can be made now to get rid of that quarantine. That is what you want me to say?

Mr. Peteet: Yes, sir. It is because of the knowledge on the part of some of us that that situation would arise that this compromise measure has been offered in the hope that we could win the approval of the Board to it.

The Secretary: Certainly that situation would arise more surely under the compromise than under more vigorous measures.

Mr. Peteet: Because we very much fear that even in spite of the utmost that we can do we will not be able to destroy all growing cotton in that zone this year, and that when that failure becomes apparent we will have a quarantine, and it is largely to avert that, we suggest the alternative, to have approved this meausre of a regulated zone for a time.

The Chairman: I think I can say, Mr. Secretary, in response to the point which Mr. Peteet has raised, that if the State declares a noncotton zone and it is enforced by the law-abiding citizens of that district, the few citizens who will resist will represent, as Mr. Buchanan has said, a small fraction. There will be a little cotton grown but cooperative action between the State and Federal Governments can take care of the situation until the courts settle it.

If we can control it without a State-wide quarantine we will do it.

* * * formality bringing in one witness at a time, the others in the meantime being kept separate and locked up as if they were criminals.

Mr. Walton: I misunderstood you.

Dr. Hunter: What Mr. Marlatt alludes to was the procedure in the 15th District Court in Houston when the validity of the law was questioned.

Mr. Walton: That is the point I am asking about and how long it was in court.

Dr. Hunter: It was in court about two weeks. It took the judge about three minutes to deliver his opinion when the evidence was in.

Mr. Walton: You may be able to get another decision in that length of time. I want to say this, Mr. Secretary, and to my good friends in Congress, there is no one more anxious about this situation than I am. I represent the college and I represent this department. I am seriously in earnest about it. If I was convinced that a noncotton zone could be established and be made effective this year I would join you most heartily and say that that is a thing that ought to and should be done at once. I am just as firm in the opinion, however, that the other thing is going to happen and that you are going to have cotton maturing in August, notwithstanding the proclamation of a noncotton zone. I hope I am wrong.

The Secretary: You will have more cotton of that kind under the regulated zone than you will under the noncotton zone.

Mr. Walton: I have some doubts about that for this reason, Mr. Secretary. The state of mind on the part of the 1,500 farmers or whatever number it may be, is that they have suffered a very great injustice at the hands of the State of Texas in failing to provide compensation for them, and this thing will happen when your law is passed regardless of whether it is an appropriation to compensate the farmers. It will be tried out in court. We have already been served notice. There is no question in the world about that and it is going to be fought to the bitter end. You have a different state of mind now than when this thing first started a few years ago. At that time most of those citizens cooperated. There were a few that grew outlaw cotton. I had no sympathy with their attitude and I have not yet. Neither have I sympathy with the unreasonable attitude that some of our people are showing at this time, but I think we have a condition to deal with rather than a theory. That is the way it impresses me. I think this compromise suggestion originated through Mr. Buchanan and this compromise was arrived at in the hope that it was the best way to ultimately reach the thing you are trying to reach. You have not had public sentiment mobilized behind your officers in that district until very recently. In fact when Col. Ousley was in the State recently we had a conference with Dr. Hunter. We were rather assured that the pink bollworm had been exterminated. Now, if the cotton is to be grown in that district this year, in spite of all the Governor can do and all that the Federal Government can do, it is going to mature. You are going to further aggravate the local condition by antagonizing the farmer and you will not get cooperation in 1921. If it is worked out as has been suggested I know that you will have the combined influence of every good citizen in the State of Texas. That will absolutely force the people if they do not do it willingly. I regret that I cannot agree with the judgment expressed by some that the best way to handle it is to declare a noncotton zone now.

The Chairman: You made one statement that is very significant. You said the signing of this petition was a subterfuge to plant cotton this year. Are not we going to have this same difficulty in 1921, the same subterfuge?

Mr. Walton: I think you are entirely correct so far as some of the citizens are concerned, but you must remember this that you will have the State of Texas as a whole back of your program in 1921 rather than just a disconnected part of it as you have now.

Representative Buchanan: Didn't they refuse to agree to that the other night at the Washington Hotel?

Mr. Walton: I do not know what happened then, but I know what happened since that time. Take our good friend Gossett. Judge Gossett would at this time, in my judgment

—perhaps I should not say it in this presence—I think that Judge Gossett would use his influence at this time against a noncotton zone.

Representative Buchanan: He is an attorney representing these people?

Mr. Walton: Yes, but he says if these people refuse to yield to reason on this point then he is with you in 1921.

Representative Buchanan: But he does not live in that district.

The Secretary: Then, what would your plan be if the thing got out of bounds?

Mr. Walton: Of course, if it gets out of bounds you are just up against the situation. There is no question about that at all, sir. I hope I made my position clear in that respect. Mr. Secretary. I am just as firmly convinced as could be that the suggestion that has been made will come nearer keeping it in bounds than the other. I do not think that is the best way to handle it any more than the board does, but I think it is the way to choose between two very serious situations. I think one will solve it better than the other.

The Secretary: This is a small section of Texas. It seems to me that if the people from the rest of the State were thoroughly aroused as to the present necessity that they would heartily endorse a noncotton zone at the present time rather than to support a regulated zone with 100% cotton.

Mr. Walton: What are we going to do if this law or appropriation is tried out in the courts? Those people are not going to destroy their crops until the court of last resort has passed on this quetion.

The Secretary: Why should we have difficulty in that way when a bill is passed providing compensation and the State and Federal agents can go down and see these planters and say: "Here, what you are fighting for is compensation. Here is a settlement which we are willing to make. What have you got to fight for, when we are willing to settle with you" There would then be no need to go into court.

Mr. Walton: So long as the thing is in court it is not available. That is my opinion.

Representative Buchanan: It will be available when it is made.

Mr. Walton: But when the courts issue an injunction against the State, it will be held up.

Representative Buchanan: I suggest that Governor Hobby take it up with the Attorney General of the State of Texas. I am of the opinion that in such a case an injunction would not be in order and that the only issue would be the question of damages exactly as in the case where the land is condemned for public purposes. There is such a provision in connection with the State laws of the condemnation of land. It may be that you could have a similar provision in the law which will be passed in this connection. Then the only thing to come up will be the amount of damages. I suggest that Governor Hobby take that up with the Attorney General to ascertain his opinion on the matter.

Mr. Walton: I want you to understand that whatever conclusions the Governor reaches and this Board that the whole college will stand behind you in your program. Furthermore, I want to say that I am expressing to you simply my personal opinion as to which would seem the proper course.

The Secretary: You feel that the noncotton zone, if it could be effective, would be the better plan, rather than the regulated zone?

Mr. Walton: I do, sir. There is no question about that. I am presenting my point of view. I believe it is a physical impossibility.

Col. Ousley: I will only occupy time to tell the difficulties I see and I will be very brief. We will call a session of the Legislature. We will provide for compensation. The agents of this Board and of this Commission will come to me as a farmer in Liberty County. They will say, "Plow up your cotton." What am I going to get? We will determine that when the Texas cotton is grown and from what the average in this region is. We will determine what it costs other farmers to grow cotton and deduct that from the average market price.

Representative Buchanan: I think it would be the rental of the land that would govern that.

The Secretary: What compensation would you fix? Is it not possible to give them the profit that they made from their land last year?

Col. Ousley: No. Because last year was a disastrous year.

The Secretary: Take some other year, then, based on a certain price per bale.

Col. Ousley: I think perhaps the Legislature will take the other view and provide that compensation shall be based on the average of so much an acre determined at the end of the season.

Representative Buchanan: Every community in Texas has a regular rental value, $5, $6, $7 or $8 an acre.

Col. Ousley: What about the man who is a tenant farmer? I am paying rent.

Representative Buchanan: He will have to be taken care of, all expenses paid and his prospective income.

Col. Ousley: Would you pay him in advance?

Representative Buchanan: That could be estimated like any other damage suit. There is no accurate measure of value. It is like injury to your feelings where there is no definite measure of value.

Col. Ousley: I do not see why you should not wait until the end of the cotton season. Every tenant farmer expects to make a bale of cotton to the acre. I would be unwilling as a citizen of the State to recommend that he be paid in advance 40 cents a pound. so much depends upon foreign conditions. I am just pointing out the difficulties we will have with settling with them now. I expressed to the Board this morning my opinion that the thing to determine is whether at the end of the cotton season of 1920 they would have accomplished more by strict regulation of a noncotton zone, taking all these circumstances into consideration that they are sure to have some cotton in the noncotton zone. I asked them to consider that in their final deliberation.

The Secretary: I appreciate the difficulties of negotiating with these farmers. It seems to me the Legislature should give this matter as much attention as possible by basing its estimates on a past average, whatever would be considered a reasonable estimate, with the understanding that they would get more, based on the price of cotton in the future if the price increases. Now, there is a difficulty there but that difficulty is not to be compared with the difficulty of getting rid of the pink bollworm as he scatters all over the South. The chances of infesting the rest of the South are very much greater with a large production of cotton than with a small production.

Col. Ousley: Undoubtedly.

The Secretary: With a noncotton zone you have one problem and that is settlement. That problem is nowhere near as great as getting rid of the pink bollworm. You have the problem of infestation which is not so great in the noncotton zone as in the regulated zone. So the thing to do, it seems to me, is to apply ourselves to the problem that may be a little hard now to make the future secure as opposed to getting by easily now and thus hazard the future which would be disastrous not only to those farmers, but to the South.

Col. Ousley: Your predecessor, Mr. Houston, used to make a wise remark in problems of this nature. He said that the difficulty of a task is no reason for refusing to undertake it. I agree with that sentiment. I am not arguing with the method recommended by the department. I am merely pointing out the wisdom of one of two methods and I shall be entirely content with the decision of the Board. Let me follow a little further, however, as to the difficulties and let me say as to the State quarantine and Federal quarantine, while the quarantines by the States will be a very great inconvenience to Texas and I shall not complain about it if they quarantine, in their haste to make quarantines they may anticipate perhaps that the bollworm is already in other states. We have had no such scouting in other states. We have just discovered it in Louisiana after two years. It may be in Alabama, Oklahoma and Mississippi. Further scouting may reveal it. But the State quarantines are not the things to fear as much as the Federal quarantine for the reason that we have very little traffic with the cotton states. The great volume of our commerce is north and south and to stop that would be a very great calamity to us as a State. We have to do business with New York State.

Now, there is another point I would want you to remember. The first clean-up you had was very efficient. You had another thorough clean-up this year. There is not much bollworm there.

Mr. Chairman: That is it, we have

gotten to the point where we can see extermination in sight.

Colonel Ousley: There is not much infestation there. Consequently you are not very greatly increasing the hazard if you continue your scouting next year. Now you could not find any in 1918 after your clean-up. Now, you will find very few in 1920 and if you find one, you can eradicate it. Then the danger to the cotton industry of a regulated zone is negligible. I am not asking you to do this, but I am just suggesting an alternative, suggesting the actual danger to the cotton industry with a zone that has already been thoroughly cleaned and that zone growing cotton again.

The Chairman: There is this one point that I think you ought to catch in this connection, Colonel Ousley. We must consider this same thing again next year.

Colonel Ousley: I agree with you, doctor.

The Chairman: We have got to start some time.

Colonel Ousley: I agree with you.

The Chairman: There is no time like the present. Mr. Walton advises that this agreement was a subterfuge. Next year we will have the same difficulty.

Colonel Ousley: I think you will have difficulty at any time.

Governor Hobby: You will certainly have a better law next year.

Colonel Ousley: As I said to the Board this morning, Mr. Secretary, the evidence brought here to this meeting has only shaken my confidence in the wisdom of now establishing a noncotton zone under all circumstances. The question is whether at the end of the cotton season of 1920 we would not be in as good a position or better with a fully satisfied people than we would be with a dissatisfied people and some outlaw cotton in spite of all that could be done. If the Board feels that a noncotton zone is the better way, then I am willing to take my share of the burden, with the Secretary, with the Governor and these citizens, to put it into effect.

The Secretary: What do you do when you plow up this cotton, do you pay the farmer for the cotton field under the regulated zone?

Colonel Ousley: Yes, but that would require an act of Legislature.

Representative Buchanan: There is no appropriation at the present time.

Governor Hobby: We have no appropriation now.

Representative Buchanan: Pay him the average expenses of cultivation?

Governor Hobby: In any event we will have to call an extra session.

Colonel Ousley: I think we will go to court on your plant quarantine act. I never allow myself to be influenced by a thing of that kind. If we have to go to court we have got to go, that is all. I am not afraid of court procedure, that is, I am not going to be deterred by these difficulties. I simply wanted to present these practical difficulties, not because they are to deter us, because as Secretary Houston said, the difficulty of a task is no reason for refusing to undertake it. However, those difficulties are to be weighed in determining which course to follow and when once determined we, in Texas, will do our utmost. But as I said to the Board this morning, the Board ought to try to make it possible for Texas to do what it is required to do. In the event there is an honest-to-God effort and there is some outlaw cotton, then the Board ought to be a long time in declaring a quarantine against the whole State when there are only seven counties involved and when cotton is grown in other parts of Texas further removed from points of infestation than my friend from Alabama.

The Secretary: If your cotton can be grown in a regulated zone found to be infested, why could not the State handle the outlaw cotton in the noncotton zone? Why can't you go in and say, plow it up?

Colonel Ousley: If it is a regulated zone the whole thing comes under constant observation.

The Secretary: How about a noncotton zone?

Colonel Ousley: The man in that case is an outlaw. He knows it and he is going to hide his cotton and hide his seed. He is going to haul it out at night. You are dealing in one case with a law-breaker and in the other case you are regulating a citizen who is engaged in a legitimate business.

The Secretary: But you do not get rid of your out-law farmer under your regulated plan. He is still an outlaw.

Colonel Ousley: Well, I take it that in the case of a regulated zone he is more apt to be a good citizen than under a noncotton zone.

The Secretary: You are taking a chance.

Colonel Ousley: In that case you have the assistance of every neighbor around you helping you.

The Secretary: Wouldn't you in a noncotton zone if you had some outlaw neighbor there?

Colonel Ousley: I do not know whether you would or not.

The Secretary: If he entered into a contract to take compensation for this crop, I should think each farmer would help you with respect to outlaws.

Colonel Ousley: I think he is going to he helpful.

Mr. Orr: I do not care to say anything else. I could not say anything more clearly to express my views than Mr. Ousley.

Mr. Culbertson: I think Mr. Peteet has covered the points that I might wish to touch on. In extenuation of the position I have taken in presenting this compromise or temporary expedient and in defense of these gentlemen that presented this paper, I was in the same attitude as Mr. Peteet when I came to Washington, believing full well and having in mind the full confidence that the Board here could handle this situation and believing that the proper way was to adopt the noncotton zone, and when the Chairman indicated that he had received from Texas many communications to the effect that there are many citizens there that really wanted the noncotton zone, were I in the State of Texas and asked for my opinion I would unhesitatingly and unqualifyingly send in the same kind of a message, that is to say, that the noncotton zone proposition was the effective on, but being in Washington and hearing what the situation was and is in the infested districts, and knowing the trouble that probably would attend the application of a rigid noncotton zone, it occurred to me that in joining with these gentlemen that we have presented something that is a temporary expedient, which would ultimately carry out the wishes and desires of the Board. I grant you and I believe that a noncotton zone properly applied, as it would be applied by the Federal Government, would unquestionably work itself out. The only thought in my mind after reaching here was whether or not that could be applied effectively, considering the conditions that exist in the infested district. We are afraid of your State quarantines, that is to say, we believe it would affect, to some extent, to a great extent, the industry I represent. Something has been said about cotton seed being a carrier which it undoubtedly is and probably the chief agency for the spread of the pest. At the same time I want to say that the mills of Texas are amply able to take care of any cotton seed that might be raised in that State if a quarantine was put on against shipments from there to outside the State. The fear that we have, as I presented it this morning, was that the restrictions that might be placed on shipments of seed, if the products of cotton seed were to be placed under the same ban, then we would have great difficulty in disposing of these products, but I have some hope from what has been said by the Chairman of the Board, that if a governmental quarantine is placed on the State of Texas that it would not affect all the cotton seed products and that cotton seed products can be shipped by the State of Texas, as I understand it, to those States that are noncotton growing States. If that be so, really so far as our industry is concerned we are not prevented from buying cotton seed from out of the State but those out of the State are prevented from buying cotton seed from the State of Texas. To take a selfish view of it, the average mill would be benefitted but taking a broad and comprehensive view of the situation we have only one aim and one purpose, and that is to serve, of course, primarily the interests of the State and its citizenship and its business, and if in the judgment of the Board it is necessary to place restrictions we will do our best to cooperate with it.

The Secretary: As I understand it, we are unanimously agreed that the only way to get rid of the pink bollworm is by the noncotton zone. As long as a regulated zone is with us the pink bollworm will also be with us.

Colonel Ousley: The only difference is the time when it is to be put into effect.

The Secretary: Then the question is whether to have this noncotton zone put into effect this year or next year.

Colonel Ousley: That is the question, Mr. Secretary.

The Secretary: It is also agreed that there will be difficulty this year and also next year.

Colonel Ousley: Yes, sir.

The Secretary: And that if you do not have a noncotton zone this year it is unanimously agreed that you will take the chance of the pest getting out of bounds to a greater degree than if you did have a noncotton zone.

Colonel Ousley: I cannot quite agree with you there because I think the clean-up already effected gives us a great deal of assurance.

The Chairman: It only takes one female moth with seven hundred eggs in her belly to carry that near 200 miles. You do not have to have a million moths.

Mr. Peteet: He can fly out of outlaw cotton just as well.

The Chairman: But in a case of outlaw you will not have as many chances.

The Secretary: The chances are ten to one against us.

Mr. Walton: You are not going to have a 10 per cent cotton zone. You are going to have cotton maturing in the fields in August. That is why the compromise was offered.

Colonel Ousley: I doubt whether you will have 90 per cent outlaw cotton.

Mr. Walton: It will not be outlaw cotton until the law is determined. That is the decision that the farmers take.

The Secretary: But this department, the Governor, the Legislature and the State college will at least have made the right effort to have reduced that cotton to the smallest percentage possible, whether it is 90%, 80%, or 10%, rather than to permit a 100% growth under the regulated system. We will at least have done the most effective thing, reducing the acreage to the smallest amount possible, and if we do not get the cooperation of the people in the district we will at least have taken the required effort for effective control.

Mr. Walton: Personally, I do not think so, Mr. Secretary.

The Secretary: You are going to have more cotton under a regulated zone than under a noncotton zone.

Mr. Walton: Frankly, I do not think so.

The Secretary: Then I do not know the diffierence between the two.

Mr. Walton: The point is that you cannot get an effective noncotton zone.

The Secretary: They must be queer people if the Governor of the State of Texas and the agents of the State, the good citizens of the State, the chamber of commerce, and the business associations, after the passage of a law providing compensation, cannot convince them that they are going to pay on the average yield for the last five years with the understanding that they will be given an additional amount to make up the increase in price of the present year, whatever such price might be at the time of harvest. With all that moral suasion, if you cannot reduce the acreage you are not very good talkers. I think I could do it single handed and alone.

Col. Ousley: It is only fair to get the whole view. The Legislature of Texas, when it gets together, may be as red-headed as anybody. They may say all right and then stipulate fair compensation will be paid only on provision that they do not ship the cotton at all. They may take that view. I do not agree with Mr. Walton that we will have substantially the same cotton whether we have a noncotton zone or a regulated zone. I think it will be greatly reduced I think the majority of the planters will accept compensation even though they do not regard it as adequate. I think we are going to have dissatisfied people. Cotton is the most peculiar thing in the world. The psychology of growing and selling cotton is almost a mania. I have frequently said that I do not know whether cotton is a plant or a mental disease. You could not buy Nichols' crop today for less than a bale to the acre or less than 40c a pound. Isn't that true of cotton growers? They know they are going to make a bale to the acre and they know they are going to get 40c a pound. It is that condition you have got to deal with.

The Chairman: I think we are maligning those poor farmers somewhat. They got together in convention in Houston last week and unanimously agreed to accept a non-

cotton zone. These are the very men we are saying are outlaws and all that sort of thing. They said of two dangers the Department of Agriculture was the worst, and they would accept a noncotton zone. Those are the farmers. I am sorry they are not here to oppose those men who state that the farmers will rebel against a noncotton zone.

Dr. Hunter: Yes, sir.

Governor Hobby: Mr. Barkuloo and Mr. Brown.

The Chair: All those men.

Mr. Perry: I am the only one of the committee that signed that recommendation for the compromise that has not been heard. I came here with the impression that the noncotton zone was the only effective method of handling the situation. I thought, when I signed this, that the noncotton zone was the most effective way, but after having heard the arguments on both sides for two days, I came to the conclusion and decided to sign the compromise petition for these reasons: First, that it was brought out in this hearing that the farmers in this section had planted this 1920 crop with the consent of the State board and the acquiescence of the Horticultural board or a member of it in Texas; second, that I came to the conclusion from the evidence brought out here that there was going to be cotton maturing in this section anyway; and third, because of the fact that I was told and anticipated that a noncotton zone of 10 miles would be put around this section, which woud not involve more than 3,000 acres of cotton. Then I decided, if that were the case and they were going to plant it anyway, and believing that the danger of spread was at the minimum, that the compromise plan was the practical way to handle it. Since signing this petition I have learned that the 10 mile zone which is to surround the infested area would include more land than the infested area itself, and therefore, I believe that the 10 mile zone would not be practicable. In addition to that you would have to destroy cotton in an area that has not been infested which would destroy the value of their land. I am now convinced that I signed a petition that is not practical and I just want to say for the Texas Cotton Association, which handles about 80% of the cotton handled in Texas and Oklahoma, that I believe that they will back up this Board and the State authorities and the Governor in any decision they may come to. For that reason I want to explain why I signed it. I believed at that time it was a practical compromise.

Governor Hobby: Now, Mr. Secretary, I expect it is getting late and we do not want to detain you and the members of the Board longer. I want to say that I do not know anything except about political bugs that fly around your bonnet, and I have no practical knowledge and experience with respect to this bollworm. I think your view and mine would be the same with respect to any decision which is reached because it will be necessary to have a special session of the Legislature and I want your help to come before that body to explain it, and I will be glad to stand by whatever this Department in its wisdom says should be done.

The Secretary: I would be glad to do it. I wish to thank you gentlemen for coming over.

Adjourned at 6:27.

The Chair: Dr. Marlatt stated to me that he wanted to make a statement before the Committee, and I told him he could do so. The reason I made the suggestion is because I, as Chairman of this Committee, do not want to show a spirit of aloofness on the part of this Committee to get information from any source from which we can get it, especially when that information comes from the authorities not only of this State but from the Federal Government. We must show those people some consideration, and I believe the Committee will agree with me.

Senator Gibson: I move that Dr. Marlatt be requested to make any statement he desires.

The Chair: Gentlemen, you have heard the motion of Senator Gibson, all in favor of that motion make it known by saying "Aye."

(Motion carried.)

Dr. Marlatt: In view of your courtesy, which has been unfailing throughout this hearing, I will try to be very brief. I don't think it is necessary to say that the Department of Agriculture has not forced itself on this committee or the Legislature of Texas. We are here at the earnest invitation of your Governor. I have

in my hand the last telegram, or a copy of the last telegram, which was forwarded to me from Washington, from the Secretary's office. This telegram was one of a series of telegrams and letters, urging that the Secretary and his representatives be here. This telegram reads: "The joint Agriculture Committee of the House and Senate of the Texas Legislature has requested me to invite you to send a representative of the Department of Agriculture to be here and attend the hearings of the Committee in its investigation in regard to the pink bollworm situation, which it has been authorized to fully investigate by the Legislature. It is the desire of the Legislature that you read your letter to the Legislature, and appear before it for the Department of Agriculture, and appear before it next Thursday. The Committee of Agriculture would be pleased to have Dr. Marlatt remain throughout the hearing or have some representative of your department here."

That was the last statement; we are here on invitation. Our purpose therefore in coming here was simply to give you information, all the information which was in the possession of the Federal Department, at least all the information we were asked to give. We have no other purpose, we are not going to try to force any legislation except insofar as the information we can give affects your action. I shall feel just as pleasant toward you after whatever action you take. There is one other personal matter I want to mention, and that is with reference to the representatives of the Department of Agriculture, particularly Dr. Hunter and myself as expert witnesses. The invitation of the Governor did not indicate that we were to appear in that capacity. We haven't taken that opportunity to put ourselves on a different basis from other witnesses; we haven't come with a group of attorneys to present the Department's case. We have never wanted to attempt the other course, and would not have done it unless it was necessary. We have come at the invitation, have been put on the stand and have been sworn as other witnesses, and we have not made any attempt to have ourselves different. The attorney for the State wasn't our representative, he was the representative of both sides in the matter; he told us that he was the representative of the Department of Agriculture. Now sitting here and listening to the testimony we have been very much interested and instructed; but I want to say this, that when you come to make up your decision we beg of you, as the only means we have of getting a fair construction, that you take the printed testimony of what we said, Dr. Hunter's and mine. I am perfectly willing to accept the stenographer's report of it where it was not corrected by me, and not take the memory, however good it may be, of the attorneys here, who had been present and who may appear before you. I have sat here and listened at our statements absolutely changed in their statements to the Committee, and in that changed form have been made the subject of harangue, and which we couldn't answer. I will give you an illustration. The Secretary of Agriculture in his letter which was read before the two houses, made reference to the boll weevil and its entry into Texas twenty-five years ago and the activities of the Department in an endeavor to get the Legislature to enact some law which would lead to its destruction. One of the attorneys got up, he is not here this morning, he got before this Committee and said that Dr. Marlatt had read that letter and said if the State of Texas had followed the advice of the Department the boll weevil would have been destroyed and wiped out. I didn't say that; I merely said that the thing was mentioned to the Governor in time to have done something, but no action was taken. That amounted to a misrepresentation which was made the subject of a harangue by that gentleman, and we couldn't answer it. Just the other day the gentleman who is present, General Wolters, for whom I have the greatest respect, but I don't think his memory is better than anybody else's, in the course of the testimony of the young man from Mississippi, who stated that he understood there had been cotton seed shipped into Texas from Louisiana in 1919, and the gentleman here said positively that Dr. Hunter said no cotton seed came from Louisiana in 1919, and that was made the subject of an elaborate cross examination and the witness became confused and said he didn't know what Dr. Hunter said; the testimony of Dr. Hunter will show that he said there was a lot of cotton seed that came into Texas from Louisiana in 1919, he said some forty carloads came in, that the majority went to Houston where it could do no damage, and

some somewhere else, but the investigations had been made and the seed were promptly crushed, that the Department was willing to accept the quick crushing and was willing to take a ten-mile zone around those mills. That is vastly different from the statement made by General Wolters. I make those two illustrations of the distortion of the testimony and will not mention others, and I insist that you take the testimony as it was written and not their statements of it. Take the testimony as it is written and I believe it is right.

I have said, and I am glad to repeat it, that the representatives of the Department of Agriculture have received uniform courtesy from the members of this Committee, from the Legislature of the State of Texas, and from other officers of the State, and we go away with pleasant feelings towards you; whether you agree with us doesn't affect that situation; we know you will do what you think is right, and we will respect you all the more because you do do what you think is right, whether you agree with us is immaterial. I wish this statement to go into the record as recognizing this uniform courtesy.

I have addressed to you a statement which I drew up yesterday, a copy of which I have also submitted to the Governor, and I propose to submit identical copies to the Speaker of the House and the presiding officer of the Senate; this letter is addressed to you, Mr. Chairman, and I will now read it.

"Austin Texas, May 29, 1920.

Hon. R. L. McDowra, Chairman, Joint Committee on Pink Bollworm Investigation, Capitol.

Sir: The presentation of two types of bills dealing with the pink bollworm problem in Texas based upon two prevailing divergent views, makes it possible at this time to state the Federal Department's position definitely and finally. The Department feels that the Legislature is entitled to this information.

Federal work in Texas must be made possible or the work will be forced out of the State. The three needs essential to the continuance of Federal aid follows:

First: Authority to make inspections of all plants, fields, premises and other factors related to cotton, or possible of harboring or carrying the pink bollworm, without any restrictions that will prevent immediate inspections.

Second: Provision for prompt destruction, disinfection or otherwise adequately safeguarding of infested fields, materials or premises, etc. Such safeguards as enumerated are to come first and reimbursement to follow, as the Department is advised is provided for in the case of farcy or glanders.

Third: Maintenance of existing provision for and status of regulated zones. The removal of the five-mile limitation is strongly urged. (I add—but not insisted upon.)

Noncotton zones are not a condition of Federal aid in the control work in this or other states. Your decision on that feature is simply one of policy, namely, whether you wish to accept the pink bollworm as an increasing factor limiting cotton production; or whether you wish to take the present and rapidly passing opportunity to very possibly rid your state of this pest. Whichever decision you make the Federal work will go on if wanted and made possible.

The failure to stamp out the pest or to take steps believed to be adequate to that end will undoubtedly result in the continuance of the State quarantines, and will make necessary Federal quarantine action.

With respect to the three conditions stated, inspection must be broad enough to cover all needs and must be immediate, and untrammeled or it is valueless. Made after a period of a month or two it would mean opportunity for the emergence of one or more new generations of the pest, enormously increasing its numbers. Some two hundred moths are the increase of one moth, and, reckoning one-half of these as females, gives a possibility of 20,000 at the end of the second month, when under the substitute bill legal destruction of the cotton might be reached. In the meantime the pest could easily and almost certainly would spread to other fields.

What has just been said indicating the need for prompt action in making inspections applies with greater force to the destruction or safeguarding of cotton and cotton products infested with the pest, because here the infestation is an established fact. Make the reimbursement as certain and prompt as you can but destroy the pest first. You cannot quarantine or isolate it as you can glanders.

Very respectfully,

C. L. MARLATT, Chairman.

Dr. Marlatt: Attached to this letter is an estimate which I submit for your information, which I have drawn from the draft of the bill drawn by General Wolters, which indicates the amount of time which would be needed to carry out the different spaces of time which the bill provides for and makes conditional as to the destruction of cotton. This would make the destruction of a field eighty-two days after the need of destruction was brought to the Commissioner of Agriculture; the award of damages could not be made under fifty-two days, and the destruction cannot be made until damages have been paid. If there is an action in court the shortest time in which it can be had is 127 days from the day of reporting of the insect, that means that the Department of Agriculture cannot work in Texas. It cannot wait 127 days to do work which ought to be done in five or ten days. We cannot wait until the insect has ample time to work and spread over the entire county.

General Wolters: May I ask you a question, doctor?

Dr. Marlatt: Yes, sir.

General Wolters: I assume that you are taking into consideration that any measure to be enforcible must be drawn with due regard to the general laws with reference to the rights of the citizen.

Dr. Marlatt: It should not be necessarily so drawn; there are many laws which are enacted to effect a particular purpose which could be used in the courts; there are such laws I know.

General Wolters: If the time fixed was such that it could not be enforced in the courts there would probably be a contest and if it was held invalid then we would have no law.

Dr. Marlatt: I don't believe it is worth while to go into discussion of the matter. All we do ask for is that you enact such a law as you do in the case of farcy or glanders, and if you will give us that power that is all we ask. That permits immediate destruction of the particular animal.

General Wolters: I think you are in error as to the time required; you are probably not familiar with our procedure.

The exhibit attached to Dr. Marlatt's letter is as follows:

Exhibit.

Estimate of time necessary under substitute bill to reach inspection and destruction of growing cotton.

Successive steps.	Days required or estimated.
Presenting need of inspection to Commissioner of Agriculture and issuance of notice to County Judge	2
Legal notice	10
Legal notice to owner, 5 days, included in notice to county	..
Appointment and fixing compensation by County Judge of 12 citizens to go with the inspectors, 6, necessary for any existing infested county, with time for replacement of citizens who cannot serve	10
(Inspection now possible in 22 days.)	
Inspection of fields	7
Sworn report of inspectors and citizens to Commissioner of Agriculture	2
Report of Commissioner to Governor	1
Appointment of commission by Governor, including correspondence with Federal authoritives at Washington and possible rejection of Federal Commissioner	10-20
Fixing time and place of meeting and notification thereof	5
Commission "shall go on the grounds and all territory adjacent thereto"	5
Notice required prior to above.	5
Advertisement for public hearing with witnesses and stenographic report	5
Report of findings of Governor and issuance of order for destruction of cotton and determination of value by Commissioner of Agriculture, Governor and owner	5
Payment of value of crop if award is accepted without contest	5
(This is the shortest time to actually destroy crop, 82 days).	
If owner contests award then:	
Time authorized for restraining order	5
Notification of County Judge and appointment of appraisment board	5
Required notice of appointment to Commissioner of Agriculture and owner	5

(In case of nonresident owner 40 days).
Filing of decision with County Judge and docketing case.... 5
Ten days allowed to file objections 10
Postponement to regular or special term of court (20 to 60 days) 30
Payment of damages..... 5
This is the shortest period when destruction of property may begin under court action. Court delays and notice to nonresident owners not considered 127

This exhibit indicates the probable minimum time required to reach final action as follows:

1. Award damages, accepted without contest, 82 days.
2. With contest and court action, 127 days.

Time required to place inspectors in field, 22 days.

Senator Woods: I move that we express our appreciation of the fact that Dr. Marlatt is here as a Federal officer on a friendly mission for the Federal Government at the express invitation of the Governor and the Legislature and of this Committee, and at the suggestion of Gen. Wolters and at the request of other gentlemen here, and we appreciate the information he has given and the attitude he has taken, and the expressions of friendship and interest in Texas, and we hope the future may develop the fact that his presence has been of material assistance. And we hope that the friendly relations will continue and jointly we may work out some scheme that will clarify this situation. And also this is on behalf of Gen. Wolters, who joins in this request for himself and the citizens of the infested districts which he represents.

The Chair: Gentlemen, you have heard the motion.

Mr. Biggers: I desire to amend that motion to inculde Dr. Hunter.

Senator Woods: I accept that amendment.

Senator Gibson: I second the motion.

The Chair: All in favor of that motion will let it be known by saying "Aye".

(Motion carried).

General Wolters addressed the Committee, and the Committee then went into executive session to consider the proposed bill.

EXHIBIT NO. 1.

Missouri City, Texas, May 22, 1920.

The following is an itemized statement of all cotton seed shipped from the Blue Ridge State Farm in the year of 1918, showing the destination of same:

Date.	Name and Address.	Car. No.	Initial.
Aug. 21, 1918	Industrial Cotton Oil Co., Houston, Texas	311005	Grd. Trunk Line
Aug. 21, 1918	Industrial Cotton Oil Co., Houston, Texas	558262	Penn.
Aug. 23, 1918	Industrial Cotton Oil Co., Houston, Texas	6826	I. N. M. St. L.
Aug. 24, 1918	Industrial Cotton Oil Co., Houston, Texas	84256	S. P.
Aug. 24, 1918	Industrial Cotton Oil Co., Houston, Texas	38585	I. E.
Aug. 29, 1918	Industrial Cotton Oil Co., Houston, Texas	41346	N. P.
Aug. 30, 1918	Industrial Cotton Oil Co., Houston, Texas	63620	Penn.
Sept. 2, 1918	Victoria Cotton Oil Co. (Don't know address)	25258	Penn.
Sept. 2, 1918	Victoria Cotton Oil Co. (Don't know address)	36099	M. O. P.
Sept. 3, 1918	Victoria Cotton Oil Co. (Don't know address)	123898	G. N.
Sept. 5, 1918	Board of Prison Comm., Ballinger, Texas	3979	I. & G. N.
Sept. 5, 1918	Board of Prison Comm., Ballinger, Texas	(Unknown)	(Unknown)
Sept. 5, 1918	Board of Prison Comm., Ballinger, Texas	(Unknown)	(Unknown)
Sept. 6, 1918	Industrial Cotton Oil Co., Houston, Texas	21700	M. C. R. R.
Sept. 7, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	85791	L. V.
Sept. 10, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	86149	B. O.
Sept. 10, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	3236	I. & G. N.
Sept. 13, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	16946	M. & St. L.
Sept. 17, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	22912	M. O. P.
Sept. 17, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	7931	L. E. & W.
Sept. 17, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	165	O. P. S.
Sept. 20, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	26156	M. O. P.
Oct. 3, 1918	Trinity Cotton Oil Co., Dallas, Texas	19672	M. P.
Nov. 5, 1918	Industrial Cotton Oil Co., Houston, Texas	36820	A. C. L.
Nov. 8, 1918	Industrial Cotton Oil Co., Houston, Texas	94171	B. O. F.
Nov. 8, 1918	Industrial Cotton Oil Co., Houston, Texas	20704,	A. T. & S. F.
Nov. 11, 1918	Industrial Cotton Oil Co., Houston, Texas	127451	G. N.
Nov. 18, 1918	Industrial Cotton Oil Co., Houston, Texas	73756	C. M. St. P.
Nov. 20, 1918	Industrial Cotton Oil Co., Houston, Texas	17149	I. C.

Dec. 2, 1918	Industrial Cotton Oil Co., Houston, Texas	9075	A. T. & S. F.
Dec. 5, 1918	Brazos Valley Cotton Oil Co. (Address unknown)	12546	N. E. & St. L.
Dec. 9, 1918	Industrial Cotton Oil Co., Houston, Texas	45245	C. B. & Q.
Dec. 12, 1918	Industrial Cotton Oil Co., Houston, Texas	60044	I. & G. N.
Dec. 18, 1918	Industrial Cotton Oil Co., Houston, Texas	12581	S. L. & S. F.
Dec. 18, 1918	Industrial Cotton Oil Co., Houston, Texas	67685	L. S. M. S.
Dec. 28, 1918	Industrial Cotton Oil Co., Houston, Texas	74985	M. K. & T.
Jan. 22, 1919	South Texas Cotton Oil Co., Houston, Texas	26191	R. I.

R. E. SMITH, Sergeant.

STATE OF TEXAS,
FORT BEND COUNTY.

Before me, the undersigned authority, on this day personally appeared R. E. Smith, known to me to be a credible person and by me being duly sworn on oath did say that the above exhibit as to shipments of cotton seed from the Blue Ridge State Farm are true and correct as to the best of his knowledge and belief.

Subscribed and sworn to before me this the 22nd day of May, A. D. 1920.

Em. R. ROBINSON,
(Seal) Notary Public in and for Ft. Bend County, Texas.

EXHIBIIT NO. 2.

COTTON PRODUCTION (500 LB. BALES) IN COUNTIES OF SOUTH EAST TEXAS.

(From published reports of United States Census Bureau.)

Note:—The following shows the area of each county which is tentatively being considered for inclusion in the noncotton zone.

Chambers	100 per cent	Liberty	100 per cent	Hardin	33 per cent
Jefferson	100 per cent	Brazoria	25 per cent	Jasper	2 per cent
Galveston	100 per cent	Fort Bend	5 per cent	Newton	2 per cent
Orange	100 per cent	Harris	16 per cent		

Year	Harris Total	in zone 16%	Liberty	Brazoria Total	in zone 25%	Ft. Bend Total	in zone 5%	Jasper Total	in zone 2%	Newton Total	in zone 2%
1918	7,746	1,239.36	3,062	13,007	3,261.75	61,266	3,063.30	1,847	36.84	204	4.08
1917	11,028	1,764.48	3,841	15,866	3,966.50	47,432	2,371.60	1,120	22.40	445	8.90
1916	6,489	1,038.24	1,678	5,372	1,343.00	34,165	1,708.25	1,015	20.30	367	7.34
1915	3,239	518.24	1,316	2,456	614.00	13,224	661.20	785	15.70	318	6.36
1914	5,225	836.16	2,395	5,043	1,260.75	19,923	996.15	1,547	30.94	559	11.18
1913	6,700	1,072.00	2,731	8,947	2,236.75	35,038	1,751.90	1,190	23.80	541	10.82
1912	4,307	689.12	1,811	8,454	2,113.50	34,240	1,712.00	820	14.56	360	7.20
1911	4,719	755.04	1,818	6,016	1,504.00	25,302	1,265.10	387	7.74	397	9.94
1910	3,349	535.84	950	3,826	956.50	23,993	1,199.65	274	5.48	267	5.34
1909	2,532	405.12	567	443	110.75	7,454	372.70	329	6.58	325	6.50
1908	4,499	719.84	882	3,602	900.50	16,758	837.90	833	16.66	590	11.80
1907	3,933	629.28	1,167	3,756	939.00	16,858	842.90	607	12.14	357	7.14
1906	5,834	933.44	2,145	2,855	713.75	29,967	1,498.35	960	19.20	554	11.08
1905	4,402	704.52	967	3,085	771.25	18,061	903.05	408	8.16	341	6.82
1904	4,592	734.72	695	2,849	712.25	15,462	773.10	955	19.10	1,296	25.92
1903	2,970	475.20	263	1,773	443.25	10,360	518.00	2,210	44.36	1,715	34.30
1902	3,604	576.64	678	2,124	531.50	10,949	547.45	3,167	63.34	2,119	42.38
1901	4,063	650.08	2,125	1,535	303.75	9,857	492.85	2,910	52.20	1,267	26.06
1900	2,118	330.80	2,179	1,314	328.50	3,099	154.96	2,412	49.24	1,503	30.06
1899	5,859	937.44	3,376	6,888	1,722.00	8,256	412.80	1,822	36.44	1,318	26.26

Hardin, Galveston, Jefferson and Chambers Counties. No Cotton Ginned.
Totals for Proposed Zone.

1918—10,655, 1917—11,972, 1916— 5,794, 1915— 3,130, 1914— 5,288, 1913— 7,823, 1912— 6,348, 1911— 5,356, 1910— 3,650, 1909— 1,467, 1908— 3,365, 1907— 3,596, 1906— 5,319, 1905— 3,369, 1904— 3,158, 1903— 1,777, 1902— 2,437, 1901— 3,732, 1900— 3,077, 1899— 6,509.

Average for zone: 1914-18—7,367 bales.