

14/1900 NEW

92/1900 OLD

No. 14/1900

No. 14/1900

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Department of Justice RECORDS

DECEMBER 12, 1969

Title ATTORNEY GENERAL - P.E.I.

SUBJECT: REQUEST OF A.G. OF PRINCE EDWARD ISLAND THAT QUARANTINE
OFFICERS BE APPOINTED TO PREVENT SMALLPOX FROM REACHING THE
ISLAND

From AGRICULTURE

JAN. 31/1900

92/1900

Agent

Cross Reference

PERMANENT RETENTION
IN JUSTICE

IMPORTANT

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No. 92

1900

No. 92

Department of Justice.
CANADA.

From *Dept Agriculture*

Address

Date *Jan 31 Feb 1* 190

SUBJECT.

*Request of Atty Gen of P.E.I. that quarantined
 officers be appointed to prevent small pox from
 reaching the Island*

ACTION.

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Ottawa, January 31st, 1900.

Sir,

I have the honour to enclose herewith copies of correspondence between the Honourable Mr. Mackinnon, Attorney General, Prince Edward Island, and this Department.

Mr. Mackinnon, as you will see, calls upon the Dominion Government to appoint quarantine officers to protect Prince Edward Island from the possible introduction of smallpox from or through the neighbouring provinces.

The general principle which has guided this Department of late years has been that to the Federal Government belongs the responsibility of preventing infectious diseases entering the Dominion from without, but inland sanitation, including interprovincial quarantine, belongs to the provinces. And this principle governed us in framing the Quarantine Regulations as in sections 6 to 9. But while the usage is clear the authority for it is not. Quarantine is apparently vested solely in the Dominion Government, but quarantine may be international, interprovincial, intermunicipal, and there is the quarantine of the dwelling and of the individual. My difficulty is to find what to quote, if our usage be correct, in answer to Mr. Mackinnon's challenge of our position in the matter of interprovincial quarantine. I will therefore be obliged if you will kindly advise me, for the information of my Minister, as to our jurisdiction and responsibility in this matter.

The Acts you have, of course, before you, but I



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enclose you a copy of our Quarantine Regulations in case you have not one at hand and should desire to refer to them.

Enclo.

I have the honour to be,

Sir,

Your obedient servant,

J. Montzambert M.D.

Director General of Public Health.

E. L. Newcombe Esq. Q.C., &c. &c.

Deputy Minister of Justice,

Ottawa, Ont.

DOMINION OF CANADA

QUARANTINE REGULATIONS

BY ORDER IN COUNCIL DATED 18TH AUGUST 1898, IN VIRTUE OF
CHAPTER 68, REVISED STATUTES, INTITULED : " AN
ACT RESPECTING QUARANTINE."

(REVISED AND AMENDED EDITION)



OTTAWA
GOVERNMENT PRINTING BUREAU
1898

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1898

CANADIAN QUARANTINE REGULATIONS.

The whole of the Quarantine Service of Canada is under the administration of the Minister of Agriculture.

There is a medical officer as General Superintendent of Canadian Quarantines.

On the Pacific coast there is a Medical Superintendent of Quarantines for British Columbia.

Each Quarantine Station is in the immediate charge of a specially appointed medical quarantine officer.

At each unorganized maritime or inland quarantine station, the local Collector of Customs is the quarantine officer for the purposes of these regulations.

THE QUARANTINE STATIONS.

The Quarantine stations of Canada are :—

I. On the Atlantic coast :—

(a.) Grosse Isle, in the River St. Lawrence, with Rimouski, the Louise Embankment and the Grand Trunk Wharf at Lévis, as sub-stations, province of Quebec ;

(b.) Halifax, the Harbour and Lawlor's Island, in the province of Nova Scotia ;

(c.) St. John, the harbour and Partridge Island, in the province of New Brunswick ;

- (d.) Sydney, Cape Breton, in the province of Nova Scotia ;
(e.) Chatham, in the province of New Brunswick ;
(f.) Charlottetown, in the province of Prince Edward Island ;
2. On the Pacific coast :—
(a.) William Head, including Albert Head, in the Strait of Fuca, province of British Columbia, and also including as a sub-station the port of Victoria ; and,
(b.) Vancouver ;
3. Every other port, on both coasts, each such port being designated an Unorganized Maritime Quarantine Station ;
4. And every inland Customs port on the Canadian frontier, between the Pacific and Atlantic oceans, each such port being designated an Unorganized Inland Quarantine Station.
5. Every quarantine officer at a Quarantine Station in Canada, and every customs collector in his quality of quarantine officer, shall for the purpose of these regulations be a justice of the peace in virtue of the provisions of Sec. 5 of the Act respecting Quarantine, Chap. 68, Revised Statutes.

GENERAL PROVISIONS.

6. Every vessel arriving from any port outside of Canada at any organized Quarantine Station shall be inspected by a duly appointed quarantine officer, at the place duly appointed for such inspection, and shall not be allowed to make customs entry at any port in Canada until it has received a clean bill of health.
- (a.) If a vessel from an infected port bound for a port in Canada, which is an unorganized Quarantine Station, has first to pass an organized Quarantine Station, it shall be held to call at such station before proceeding to its destination.
7. No person who shall be on board any vessel arriving from any port outside Canada at any organized quarantine station or who shall have gone on board any such vessel after such arrival and before such vessel has been inspected by a duly appointed quarantine officer, shall leave such vessel without the permission of such officer until such vessel shall have been declared by such officer free from infectious disease. Any person violating this Regulation shall be liable to a penalty not exceeding \$400.00 and imprisonment for 6 months.

8. Every vessel from any port outside of Canada requiring quarantine inspection shall, on arrival at any port in Canada, display a yellow flag at the fore, for a distinctive quarantine signal, in order to inform the quarantine officer that his services are required, and any vessel arriving by night shall display a red light at the fore for such signal.

9. Coasting vessels from Newfoundland and from ports in the United States contiguous to Canada and free from infectious disease may, from time to time, be excepted from these regulations by order of the Minister of Agriculture.

10. Any of Her Majesty's ships of war or any transport having the Queen's troops on board, accompanied by a medical officer, and in a healthy state, is exempt from quarantine inspection and detention.

QUARANTINE DETENTION,

11. Every quarantine officer shall satisfy himself as to the presence or absence of infectious disease by the personal inspection of those on board or by the sworn statement of the captain or surgeon, in the form hereto appended, or by both.

12. Every vessel with infectious disease on board, or coming from an infected port or country, shall be liable to be detained at a quarantine station for disinfection, together with its passengers, crew and pilot, passengers' luggage and cargo ;

(a.) A vessel may be detained at quarantine for disinfection during the time necessary for that purpose ;

(b.) The time during which a vessel may be detained for quarantine of observation is the accepted period of the incubation of the disease quarantined against from the ascertained date of last possible exposure.

13. Any vessel so detained by order of the quarantine officer shall forthwith be anchored or moored in such position as the quarantine officer shall direct.

14. And whilst such ship is so detained no person shall leave the same, nor shall communication be allowed with such vessel, without permission from the quarantine officer.

15. The quarantine officer detaining any ship as aforesaid shall immediately notify the Minister of Agriculture, stating the cause of such detention.

16. Within the meaning of these regulations an infected port or country is a port or country where Asiatic cholera or other epidemic disease has been communicated to one or more persons through the medium of an infected person, personal effects or otherwise. A port or country is not considered infected when a single case or a small number of cases has been imported, and the disease has not been communicated from such cases.

HOURS OF INSPECTION—PUTTING BACK—COSTS.

17. Every vessel may be inspected during any hour of the twenty-four ;

(a.) With the exception that in times of epidemic the Minister of Agriculture may direct that inspection shall only take place during the hours of daylight.

(b.) All quarantine inspections, except those under section 46 (a), shall be made without any charge against the vessel.

18. Any vessel shall have the option before breaking bulk to put to sea in preference to being quarantined, as provided by section 9 of the Act intituled "An Act respecting Quarantine," chap. 68, Revised Statutes.

19. All costs incurred in the maintenance of healthy persons, who may have been exposed to infection, detained for quarantine of observation are to be at the charge of the vessel ;

(a.) And the master of a vessel shall make arrangements with the quarantine officer for the landing of the necessary provisions and attendance of stewards for serving them in cases where passengers are landed ;

(b.) Persons actually sick will be treated and taken care of in the quarantine hospitals, at the charge of the Government ;

(c.) In the event of a vessel being allowed to proceed, leaving its passengers in quarantine, the subsequent transfer of such passengers from quarantine to the port of destination shall be at the charge of the vessel.

□(d.) The appliances, materials and labour for disinfection are supplied by the Government without charge to the vessel.

QUARANTINABLE DISEASES.

20. The graver quarantinable diseases are : Asiatic cholera, small-pox, typhus fever, yellow fever and the plague. The minor : scarlet fever, enteric fever (typhoid), diphtheria, measles and chicken-pox ;

(a.) In addition to the above recital, it is the duty of every quarantine officer to satisfy himself as to the presence or absence of any other contagious or infectious disease ;

(b.) With respect to leprosy it is the duty of every quarantine officer, particularly on the Pacific coast, to satisfy himself as to the fact of the presence or absence of such disease among the passengers ; and in the event of any case of such disease being found, the person affected shall not be allowed to land, but must be taken back by the vessel to the place whence he or she came.

PILOTS FURNISH REGULATIONS.

21. It shall be the duty of every pilot to furnish the master of every vessel arriving at any port of Canada with a copy of these Regulations, under the penalty hereinafter prescribed.

RELATING TO VACCINATION.

22. Every passenger shall be required to furnish evidence, to the satisfaction of a quarantine officer, of having been vaccinated, or having had the small-pox.

23. The production of a certificate by a ship's surgeon, called " a protection card," and his testimony under oath verifying the truth of such certificate, may be taken by a quarantine officer as evidence of such vaccination and protection. Such

quarantine officer shall, however, from time to time, make personal examination of holders of such certificates to satisfy himself of the manner in which they have been issued.

24. Any person not having shown satisfactory evidence of having been vaccinated, or of having had small-pox, shall be vaccinated by a quarantine officer; or in the event of refusal shall be landed at the quarantine station, subject to detention for observation, and the expense of the maintenance of such person during such detention shall be a charge against the vessel;

(a.) A vessel arriving at any quarantine station in Canada will be less liable to detention if the vaccination of all steerage passengers not showing proof of vaccination within seven years is insisted on before embarkation. The ship's surgeon should satisfy himself of such fact in the case of every passenger early during the voyage or at the time of embarkation if possible, in order to be able to answer the questions put to him by the quarantine officer.

25. In the event of small-pox having occurred on any vessel, every person on board not showing satisfactory evidence of having been vaccinated within seven previous years, or of having had the small-pox within that period, shall be vaccinated by or under the supervision of the quarantine officer; or in the event of refusal, shall be landed at the quarantine station, subject to detention for observation, and the expense of maintenance of such person or persons during such detention shall be a charge against the vessel.

EXAMINATION.

26. The quarantine officer shall examine the surgeon or any officer of any vessel, under oath, touching the state of health of such vessel and of every person on board, in the form of the questions appended to these regulations.

ISOLATION.

27. Every vessel provided with an isolated hospital for men, and another for women, on the upper deck, ventilated from

above and not by the door only, may, if the quarantine officer is furnished with satisfactory evidence that such hospital accommodation has been promptly and intelligently made use of, be allowed to proceed after the landing of the sick and the disinfection of such hospital as has been used; any vessel, however, arriving with any infectious disease, without having such special isolated and ventilated hospital accommodation, or if having it, without satisfactory evidence that it has been promptly and intelligently made use of, shall be liable to be detained for disinfection at a quarantine station.

MAILS AT RIMOUSKI.

28. In the case of a vessel carrying Her Majesty's Mails and arriving by the St. Lawrence, clearance certificate shall be from a quarantine officer at Rimouski or Grosse Isle, and in the case of every other vessel from Grosse Isle only, unless special permission to the contrary be obtained from the Minister of Agriculture;

(a.) With the exception that during a time of cholera or other epidemic, the permission to a mail steamer from an infected port or country to land passengers at Rimouski may be suspended by direction of the Minister of Agriculture;

(b.) And, in such conditions, the mails only to be landed at Rimouski, and the vessel to proceed to Grosse Isle for inspection;

(c.) In the event of cholera having occurred on board of such vessel during the voyage, the outer bags containing the mail matter to be left on board the steamship for disinfection at Grosse Isle.

DISINFECTION OF LUGGAGE.

29. During a time of cholera or other epidemic, the luggage of immigrants or passengers by every vessel arriving at any port in Canada, whether from an infected or healthy port or country, may by direction of the Minister of Agriculture be disinfected in each case.

(a.) When this disinfection is carried out at a sub-station, subsequent to the inspection and clearance at the main station, the clearance granted by the quarantine officer shall be conditional on the landing of immigrants and their luggage for disinfection.

(b.) The supervising officer of such disinfection to count the immigrants as they land, and if he finds the number tallies with that marked on the clearance of the quarantine officer and has satisfactory evidence that all their luggage has been landed with them, he shall punch the clearance at the place marked for that purpose, which shall then become valid for Customs entry.

PASSENGER'S CERTIFICATES.

30. Every maritime quarantine officer shall punch each immigrant's "International passenger certificate" where such are in use, in such manner as to convey to inland health officers the result of the quarantine inspection, as provided by such card or certificate.

(a.) Every maritime quarantine officer shall punch the schedule list of immigrants by destination, Province (or State if destined for the United States) where such is in use, which shall be furnished by the ship's surgeon on forms supplied by the Government, and shall forward such lists forthwith to the Secretary of the Board of Health in the Province or State to which such immigrants are destined.

STEAM TUGS.

31. Any steam tug or other vessel which shall have towed or otherwise communicated with any vessel of the class of vessels subject to quarantine or quarantine inspection shall thereby be held to the same regulations and requirements as apply to the vessel communicated with ;

(a.) If the communication between the vessel and the steam tug is confined to attachment of a rope, afterwards loosed, the quarantine officer may decide to release such tug from quarantine detention.

RAGS.

*32. Rags coming from a port or country in which infectious disease prevails, may be prohibited, and the name of any port or country so infected shall, from time to time, be published in the *Canada Gazette* :

(a.) Rags arriving from prohibited ports at a quarantine station shall be liable to be burnt or otherwise treated on the order of the Minister of Agriculture based on a report of the quarantine officer.

NEW MERCHANDISE.

33. New merchandise in general may be accepted without question.

IN TIMES OF EPIDEMICS.

34. Passengers during a period of epidemic disease should be notified by steamship agents to dispense as far as possible with luggage that may be injured by wetting, in case of having to undergo disinfection—such as fabrics, of which the dyes are likely to run,—as the owners will be compelled to assume all risks of injury.

35. Vessels during a period of epidemic disease should dispense as far as possible with woollen hangings, curtains, carpets and upholstering, substituting non-absorbing coverings.

36. Every vessel carrying cargo, and liable to be disinfected, should have provided a plain frame shaft allowing a clear inside space of 12 inches each way, placed in the main hatch, in a sailing vessel ; and one in each hatch of a steamship, divided by bulkheads. The frame work in this shaft to be set before loading and to extend from the hatchway to the bottom of the vessel. This simple arrangement would receive the fumigating pipe and avoid shifting cargo.

PASSENGERS.

37. Passengers, for the purpose of these regulations are divided into two classes, cabin and steerage. Steerage pas-

sengers are those occupying compartments other than those of first and second cabin.

METHODS OF DISINFECTION.

38. The methods of disinfection at the Quarantine Stations of Canada shall be as follow :—

(a.) Exposure to steam not less than 30 minutes, steam to be of the temperature of not less than 100° Centigrade (212° Fahrenheit) nor greater than 115° Centigrade (239° Fahrenheit) ;

(b.) Articles that would be destroyed by the above method, to be disinfected by thoroughly wetting with a solution of mercuric chloride, of one part to one thousand, or approximately one drachm to one gallon, wine measure, applied by means of a brush, or by drenching, or by immersion, or ;

(c.) Where sulphur dioxide is used, it is to be provided by burning not less than 3 pounds of rolled sulphur per 1000 cubic feet of space or if it is used in liquid form in the same proportionate strength, and the period of exposure to be not less than 6 hours, or ;

(d.) Where formaldehyde gas is used, it is to be employed of not less than 2 per cent per volume strength, the time of exposure to be not less than twelve hours. The gas may be generated by one of the following methods ;

(1) From methyl (wood) alcohol by means of special lamps, using not less than 600 grams (750 cubic centimeters, 1½ pints) of methyl alcohol for each 25.5 cubic meters (1000 cubic feet) of space, the time of exposure to be not less than twelve hours.

Lamps used for generating formaldehyde gas from methyl alcohol should change not less than 1 liter (1.0 quarts) of the alcohol within an hour.

(2.) From an aqueous solution, containing 40 per cent of the gas, known under the names of formalin, formol or formalose. The gas is best evolved from these solutions by the addition of from 10 to 30 per cent of a neutral salt, preferably calcium chloride or sodium nitrate, and heating the mixture in a special boiler. One liter of a 40 per cent solution of formaldehyde

gas will evolve about 1,425 liters (50·1 cubic feet) of the gas at 20° C. (68° F.) and will be sufficient for 71 cubic meters (2,505·5 cubic feet) of space.

After the disinfection of apartments (steerage, cabin and forecastle) by formaldehyde gas, the latter should be neutralized by ammonia gas, evolved from water of ammonia by heat, or by evaporation from water of ammonia sprinkled upon the floor.

NOTE.—The quantity of water of ammonia required for neutralisation after each of the above named methods is as follows ;—
After method (1) 1 liter (1·01 quarts) of water of ammonia for each 1,000 cubic centimeters (1·01 quarts) of wood alcohol used ;
after method (2) 1¼ liters (1·26 quarts) of water of ammonia for each liter (1·01 quarts) of formalin ;
after method (3), 1 liter of water of ammonia for each 150 grams (5 ounces) of trioxymethylene.

Formaldehyde may also be employed in the ordinary steam disinfection chamber, where this is provided with a vacuum apparatus and special apparatus for generating and applying the gas. The gas should be applied in a dry state in not less than 20 per cent per volume strength, the time of exposure to be not less than one hour. Clothing, bedding, &c., thus disinfected, should be exposed *in situ* to an equal amount of ammonia gas generated by the special apparatus attached to the chamber, using 1 liter of water of ammonia to each liter of formalin ; or compressed ammonia gas may be used.

NOTE.—The special apparatus must consist of a generator, constructed of copper, for evolving formaldehyde gas from its solutions, and a similar one of iron for evolving ammonia gas from neutralization.

39. The disinfection of iron vessels shall be as follows, as may be required :—

(a.) *Holds.*—After mechanical cleansing, the hold to be thoroughly washed with an acid solution of mercuric chloride, 1 to 800 (mercuric chloride 1 part, hydrochloric acid 2 parts, water 800 parts), applied to all surfaces by means of a hose. If danger is apprehended from the poisonous effects of the mercury deposited on the surfaces, they can be subsequently

washed down with clean water. Fumigation by sulphur dioxide or by formaldehyde may also be employed ;

(b.) *Steerage*.—The same treatment should be given the steerage as the hold, but when there is a steam pipe provided for each compartment (for the prevention of fire), steam disinfection of the steerage should be practised. The temperature in all parts of each compartment to be not less than 100° C. (212° Fahr.) ;

(c.) *The forecastle or apartment for crew*.—After mechanical cleansing the application of mercuric chloride in the manner hereinbefore prescribed, or sulphur dioxide or formaldehyde, or steam disinfection, if facilities are provided for the same, should be employed ;

(d.) *Officer's quarters, cabin, state rooms, &c.*—Each compartment to receive the same treatment, under the same conditions as hereinbefore specified, it being borne in mind that the decorative metal work in cabins, saloons, &c., would be injured by the use of the mercuric chloride solution, and therefore in such cases other forms of disinfection are to be used as determined by the quarantine officer.

40. The disinfection of wooden vessels shall be as follows, as may be required :—

(a.) Fumigation by sulphur dioxide made by burning not less than 3 pounds of rolled sulphur to each 1000 cubic feet of space ; or by the use of liquid sulphur dioxide in the same proportionate strength ; and the period of exposure to be not less than 24 hours.

(b.) Or fumigation by formaldehyde as above detailed.

(c.) Washing or flushing with acid solution of mercuric chloride (1 to 800). Cabins, forecastle and other apartments to be thoroughly washed with mercuric solution.

41. In all classes of vessels, all clothing, bedding, curtains, &c., to be subjected to steam for 30 minutes at from 100° C. (212° Fahr.) to 115° C. (239° Fahr.)

42. In all classes of vessels, the bilges to be first flushed with sea or river water, pumped out, and then treated with acid

solution of mercuric chloride in large quantity, and allowed to remain in long contact.

UNORGANIZED MARITIME QUARANTINE STATIONS.

43. At every port at which there is no regular quarantine station, the Collector of Customs shall be the quarantine officer for the purposes of these Regulations ; and in the event of disease, such collector may for the purposes of these regulations call in the services of a medical man, who shall, while so acting, be held to be a quarantine officer ; and every such port shall be designated an Unorganized Maritime Quarantine Station.

44. Every vessel arriving at an unorganized Maritime Quarantine Station from an infected port, or on board of which any death from infectious disease or outbreak of infectious disease has occurred during the voyage, shall remain outside until it receives permission to enter from the quarantine officer.

45. All the Regulations applicable to regularly organized Maritime Quarantine Stations shall also apply to every unorganized Maritime Quarantine Station in so far as circumstances will admit, and particularly the provisions in relation to inspection, anchoring or mooring, disinfecting, customs clearance, putting back to sea before breaking bulk, questions to ship's surgeon or officers, and penalties.

46. Any collector or sub-collector of customs in his quality of quarantine officer at any unorganized Maritime Quarantine Station in Canada, if he is informed of or has reason to suspect the presence of any of the graver quarantinable diseases recited in section 20 of these regulations, shall order a medical inspection to be made of the vessel bringing such disease ;

(a.) In the event of a vessel arriving at an unorganized Maritime Quarantine Station with quarantinable disease on board, the master shall pay a fee of \$4 for each medical inspection ordered by the quarantine officer, and such fee or fees must be paid before customs clearance is granted.

(b.) If no disease is found on board a vessel arriving at an unorganized Maritime Quarantine Station and ordered to be inspected by the quarantine officer, the cost of such inspection shall not be a charge against the vessel, but will be defrayed by the Government.

(c.) If the disease found on board a vessel, or the history, conditions, or circumstances of a vessel be such as may seem to the collector or sub-collector of customs to be beyond the capabilities for isolation or disinfection existing at an unorganized Maritime Quarantine Station, he shall at once report the same to the Minister of Agriculture, who may, at his discretion, order that the vessel proceed to an organized Quarantine Station for quarantine clearance, before being allowed to make customs entry. And in such case the expense of the transfer of the vessel to the organized Maritime Quarantine Station shall be a charge against the vessel.

UNORGANIZED INLAND QUARANTINE STATIONS.

47. Every inland port on the frontier of Canada between the Atlantic and the Pacific Oceans, at which there is a collector or a sub-collector of customs, shall for the purpose of these regulations, be constituted an unorganized inland quarantine station.

48. Every collector or sub-collector of customs at every such inland frontier port shall be the quarantine officer.

49. Any collector or sub-collector of customs in his quality of quarantine officer at any unorganized inland quarantine station in Canada, if he is informed of or has reason to suspect the presence of any of the graver quarantinable diseases recited in section 20 of these regulations shall, in time of cholera or other epidemic disease, order a medical inspection to be made of the car, carriage, vehicle, boat or thing bringing such disease ;

(a.) And such quarantine officer is empowered to detain such car, carriage, vehicle, boat or thing, until such medical inspection shall have been made to his satisfaction ;

(b.) A medical man making such inspection by order of the quarantine officer shall, while engaged in such service, be the quarantine medical officer.

50. The fee payable to such quarantine medical officer for each such inspection shall not exceed the sum of \$4, and in the event of any quarantinable disease being found, such fee shall be payable by the company or owner of the car, carriage, vehicle, boat or thing, bringing such disease.

51. The customs collector or sub-collector in his quality of quarantine officer shall, on the report of the quarantine medical officer, in a time of epidemic disease, in the event of any of the graver quarantinable diseases being found, cause the detention of the car, carriage, vehicle, boat or thing, bringing any person ill with such infectious disease until the requirements of these Regulations are in his judgment satisfied ;

(a.) Any such person shall not be allowed to enter Canada until in the opinion of the quarantine medical officer he or she can safely do so ;

(b.) Any car, carriage, vehicle, boat or thing, bringing such person to the frontier shall have the option of returning as an alternative to quarantine detention ; or

(c.) The customs collector or sub-collector in his quality of quarantine officer shall in his discretion, on the report of the quarantine medical officer, cause the removal and isolation of such person in any car or boat, set apart for the purpose, or in any suitable building sufficiently separated from other buildings to prevent contact or infection ;

(d.) And such quarantine officer may cause the disinfection of the car, carriage, vehicle, boat or thing bringing such person, by means of sulphurous fumes, or any other mode of disinfection prescribed in these regulations adapted to the circumstances of the particular case.

52. In the event of cholera or other epidemic disease prevailing in any part of the United States through which a railway crossing the frontier of Canada runs, the Governor in Council may, on an order published in the *Canada Gazette* or

in an extra of the *Canada Gazette*, made on a report of the Minister of Agriculture, and where there may not happen to be at that point of the frontier any adequate quarantine arrangements and apparatus to cope with an inroad of such epidemic disease, direct the complete cessation of passenger traffic at such point ; or such restriction thereof as may, in the circumstances, be deemed advisable.

QUARANTINE OFFICERS GIVE ALL NECESSARY ORDERS—PROHIBITED FROM RECEIVING FEES OR GRATUITIES.

53. Every quarantine officer is empowered to give any necessary order, or do any necessary act, to enforce these regulations, and it is his duty to report immediately to the Minister of Agriculture any breach or attempted breach of them.

(a.) No quarantine officer nor other person employed in the quarantine service of Canada shall directly or indirectly receive or take any fee or private gratuity or reward for any service rendered to any company, or owner, master, or crew, passenger, or other person at or detained in any quarantine, maritime or inland.

(b.) Every person to whom the knowledge of any breach of these regulations may come should forthwith report the same to the Minister of Agriculture.

Penalties for customs officers, pilots, masters, surgeons and officers of vessels, etc.

54. Every pilot shall be furnished with printed copies of these regulations, one of which it shall be his duty to hand to the master of every vessel coming from a port outside of Canada, immediately on boarding such vessel, under a penalty of \$50.

55. Every collector of customs or customs officer shall be liable to a penalty \$400, and imprisonment for six months, for allowing customs entry of any vessel in the absence of production of a Quarantine Clearance, in accordance with the requirements of these regulations.

56. Every master of a vessel, pilot, or other person, shall be liable to a penalty of \$400 and imprisonment for 6 months, for any contravention of any of the foregoing regulations. The vessel shall be held liable for any pecuniary penalty imposed on the master.

57. Every ship's surgeon or other officer not answering with exact truth any of the questions contained in the form hereunto appended shall be liable to a penalty of \$400 and imprisonment for 6 months.

58. Every breach of sub-section (a) of section 53 of these regulations shall be held to be a malfeasance of office, an offence punishable with dismissal, fine or imprisonment.

*Questions to be answered under oath to quarantine officers by
masters, surgeons or officers of vessels.*

Date

1

1. What is your vessel's name and your name ?
2. From what port and at what date did your vessel sail ?
3. What is your cargo and whence taken on board ?
4. Are there any rags in such cargo ?
5. Has your vessel touched at any place or places on her voyage ?
6. Was such place or places, or any of them, to your knowledge, infected with cholera, small-pox, plague or any pestilential fever or disease ?

7. How many persons were on board when the vessel sailed?
Cabin passengers ; intermediate ; steerage ;
cattlemen ; crew . Total .

8. State whether any person on board during the voyage has been, or is now, ill with any of the diseases above referred to, and if so, how many?

9. Has any person died on board during the present voyage, and if so, state all particulars?

10. Has each of the steerage passengers on board been vaccinated or had the small-pox?

11. Did the vaccination of steerage passengers take place at time of, or before, embarking?

12. How many have you vaccinated on your present voyage?

13. (*Question to be asked, in the event of small-pox having occurred during the voyage, of ship's surgeon, if such is on board—* Have you personally during the present voyage, examined each one of the passengers and crew for proof of vaccination within seven years, or of having had the small-pox in that period?)

14. Did you or any of the crew or passengers, within your knowledge, land at any place or places within Canada during the present voyage?

15. Is there any person on board lunatic, idiotic, deaf and dumb, blind or infirm, and if so, is such person accompanied by relatives or guardians?

16. Have you an isolated hospital for men, and another for women, ventilated from above and not from the alley-way?

17. Were such hospitals, or one of them, immediately made use of on the occurrence of disease?

18. Are there any other facts which, in your opinion, should be communicated ?

(Signature)

Master.

(Signature)

Surgeon.

I,

Master,

Surgeon,

(*here state whether ship's master, or occupying another position on board*)
do solemnly and sincerely swear to the exactness and truth of the answers to the above questions signed by me.
So HELP ME GOD.

Master.

Surgeon.

SWORN before me at

this day of

I

.....
Quarantine Officer and Justice of the Peace, authorized by order in Council in virtue of Chap. 68, Revised Statutes, intituled "An Act respecting Quarantine."

Attorney General.
Prince Edward Island.

Charlottetown, P.E.I.

Jan. 26th, 1900.

Hon. Sidney Fisher,
Minister of Agriculture,
Ottawa, Ont.

Dear Sir,

I wired you that Quarantine Doctors should be appointed at Cape Traverse and at Georgetown, our winter port, and have reply that "understanding of Department is Inter-Provincial Quarantine comes under jurisdiction of the Provinces not the Dominion Government." Under our Terms of Union the Dominion Government is bound to assume and defray all the charges for Quarantine services, that is clear (see sub-section 11 section 91, "British North America Act, 1867", and Terms of Union P. E. Island section 7 sub-section G).

*See 865
1873 p 287*

If we ask for a subsidy for a steamer from the Dominion Government, or any other Public Work, our strongest argument is that it is Inter-Provincial. Without this argument, we could secure no subsidy, for an inter-provincial Public Work. With regard to Quarantine, under the British North America Act, it is not restricted to international Quarantine, but the term is used generally and there is no provision for the Provincial Government to attend to this matter, under section 92 of the B.N.A. expressly at any rate. In the practical carrying out of the Quarantine, the Officer of the Dominion Government can go on board the Steamer "Minto", as she arrives in Port, and have an inspection of the passengers and compel vaccination; whereas our Officer would, I think, scarcely be justified in going on board the steamer to perform any such services; and so far as we are concerned, the persons who come here bringing this disease in their clothing or otherwise, may be other than Canadians, who may be travelling through New Brunswick, and thus come in contact with the

-2-

from the disease. I think if you would give this matter careful attention, you would see that at the Port of Georgetown at least, there should be a Dominion Quarantine Officer appointed for this purpose.

In the meantime, I have communicated with Dr. Robertson of Montague, and Dr. Dougherty of Cape Traverse, the gentlemen named to you in my telegram; and have directed them to attend to this matter at once, lest the disease should be carried to this Province. On the arrival of the "Minto" at Georgetown, the passengers go immediately on board the train, a Dominion Carrier, and it will be very difficult for us to enforce this Quarantine; whereas, it seems to me, that Quarantine is a subject for your legislation. You legislated upon it, and have the means of carrying out the law. Will you kindly give this matter your consideration, and advise me what you will do.

Yours faithfully,

(Sgd) D. A. Mackinnon,

Attorney General.

for the purpose brought to your attention by the Attorney General. The Governor in Council has power, however, to make the necessary provisions by regulation.

With regard to the view expressed by the Attorney General that the Dominion Government is bound to assume and defray all the charges for quarantine services, I beg to state that it is true that the terms of union so provide; but it is true also that to Parliament is given the exclusive jurisdiction to legislate respecting quarantine, and it is clear that it is only *as that word is to be defined in the purpose of section 91 of the B.N.A. Act* the expenses of such quarantine as is provided for under the laws enacted by Parliament that the Dominion is bound to defray.

In this connection I beg to point out that the Provincial Health Act of 1886 (49 V.ch.4) contained provisions which if constitutional would have enabled the local authorities to deal with the situation reported, but these were thought by the then Minister of Justice to be unconstitutional as dealing with the subject of quarantine, and on the attention of the Government of the Island being drawn to this view of the provisions they were repealed in the following session. In view of recent decisions by the Judicial Committee of the Privy Council there is *no room for doubt as to whether* ~~some room for doubt as to whether~~ the same view would now be taken as to the validity of such enactments by a Provincial Legislature, but the fact remains that the sections referred to having been repealed there is no law under which the Provincial Government or other local authorities can take any action which may be necessary.

I have the honour to be
Your obedient servant

D.M.J.

Document communiqué en vertu de la Loi sur l'accès à l'information

92 - 00.

F

3rd Feb 1900.

Sir,

I have the honour to acknowledge the receipt of your letter of the 31st ulto, and enclosures, relating to the request of the Attorney General of Prince Edward Island to appoint quarantine officers to protect Prince Edward Island from the possible introduction of smallpox from or through the neighbouring provinces.

You ask me to advise you as to the jurisdiction and responsibility of the Government of the Dominion in the matter.

In reply I beg to state that there is no doubt, in my opinion, as to the jurisdiction of Parliament under Sec 91 Par 11 of the B.N.A. Act 1867 to make laws applicable to the circumstances reported by the Attorney General, although the quarantine involved is intprovincial only, or that the Quarantine Act is wide enough in its terms to enable the Governor in Council to make regulations to meet these circumstances. The Act itself, however, is inoperative to that end since it delegates to the Governor in Council the power of making such regulations as he may think proper for quarantine purposes as defined in Secs 2, 4 and 5 of the Act, and practically the only office of the other provisions of the Act is to give effect to such regulations as are made. As you point out the regulations so far made by the Governor in Council apply only to vessels arriving from points outside of Canada, and there is therefore no law authorising the appointment of quarantine officers or the enforcement of quarantine

The Director General of Public Health
Department of Agriculture
Ottawa.

for the purpose brought to your attention by the Attorney General. The Governor in Council has power, however, to make the necessary provisions by regulation.

With regard to the view expressed by the Attorney General that the Dominion Government is bound to assume and defray all charges for quarantine services, I beg to state that it is true that the terms of Union so provide; but it is true also that to Parliament is given the exclusive jurisdiction to legislate respecting quarantine, as that word is to be defined for the purpose of Section 91 of the B.N.A. Act, and it is clear that it is only the expenses of such quarantine as is provided for under the laws enacted by Parliament that the Dominion is bound to defray.

In this connection I beg to point out that the Provincial Health Act of 1886 (49 V. ch 4) contained provisions which if constitutional would have enabled the local authorities to deal with the situation reported, but these were thought by the then Minister of Justice to be unconstitutional as dealing with the subject of quarantine, and on the attention of the Government of the Island being drawn to this view of the provisions they were repealed in the following session. In view of recent decisions by the Judicial Committee of the Privy Council the Minister does not consider that the same view would now be taken as to the validity of such enactments by a Provincial Legislature, but the fact remains that the sections referred to having been repealed there is no law under which the Provincial Government or other local authorities can take any action which may be necessary.

I have the honour to be
Your obedt. servant.

92 - CC.

F

3rd Feb 1900.

Sir,

I have the honour to acknowledge the receipt of your letter of the 31st ulto, and enclosures, relating to the request of the Attorney General of Prince Edward Island to appoint quarantine officers to protect Prince Edward Island from the possible introduction of smallpox from or through the neighbouring provinces.

You ask me to advise you as to the jurisdiction and responsibility of the Government of the Dominion in the matter.

In reply I beg to state that there is no doubt, in my opinion, as to the jurisdiction of Parliament under Sec 91 Par 11 of the B.N.A. Act 1867 to make laws applicable to the circumstances reported by the Attorney General, although the quarantine involved is intropvincial only, or that the Quarantine Act is wide enough in its terms to enable the Governor in Council to make regulations to meet these circumstances. The Act itself, however, is inoperative to that end since it delegates to the Governor in Council the power of making such regulations as he may think proper for quarantine purposes as defined in Secs 2, 4 and 5 of the Act, and practically the only office of the other provisions of the Act is to give effect to such regulations as are made. As you point out the regulations so far made by the Governor in Council apply only to vessels arriving from points outside of Canada, and there is therefore no law authorising the appointment of quarantine officers or the enforcement of quarantine

The Director General of Public Health
Department of Agriculture
Ottawa.

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for the purpose brought to your attention by the Attorney General. The Governor in Council has power, however, to make the necessary provisions by regulation.

With regard to the view expressed by the Attorney General that the Dominion Government is bound to assume and defray all charges for quarantine services, I beg to state that it is true that the terms of Union so provide; but it is true also that to Parliament is given the exclusive jurisdiction to legislate respecting quarantine, as that word is to be defined for the purpose of Section 91 of the B.N.A. Act, and it is clear that it is only the expenses of such quarantine as is provided for under the laws enacted by Parliament that the Dominion is bound to defray.

In this connection I beg to point out that the Provincial Health Act of 1886 (49 V. ch 4) contained provisions which if constitutional would have enabled the local authorities to deal with the situation reported, but these were thought by the then Minister of Justice to be unconstitutional as dealing with the subject of quarantine, and on the attention of the Government of the Island being drawn to this view of the provisions they were repealed in the following session. In view of recent decisions by the Judicial Committee of the Privy Council the Minister does not consider that the same view would now be taken as to the validity of such enactments by a Provincial Legislature, but the fact remains that the sections referred to having been repealed there is no law under which the Provincial Government or other local authorities can take any action which may be necessary.

I have the honour to be
Your obedient servant



Ottawa, February 8th, 1900.

Sir,

I have the honour to refer to your letter dated 3rd instant and the correspondence which had been previously submitted to you in asking for your opinion, contained in said letter, as to the jurisdiction and responsibility of the Government of the Dominion in the matter of interprovincial quarantine.

I have now the honour to submit draft of a proposed Memo. to Council to confer upon the Dominion Government the power necessary to exercise this jurisdiction in accordance with the requirements of the Act. May I ask you kindly to look over the proposed regulations to see if they will answer the purpose in view, and if not, to amend them as may seem to you necessary.

Enclo.

I have the honour to be,

Sir,

Your obedient servant,

Director General of Public Health.

E. L. Newcombe Esq. Q.C.&c.
Deputy Minister of Justice,
Ottawa, Ont.

F

15th February, 1900.

Sir,

I have the honour to acknowledge receipt of your letter of the 8th inst, with reference to the question of quarantine raised by the Attorney General of Prince Edward Island.

I think your draft of the proposed regulations is all right so far as it goes, but it appears to me that there ought to be some provision requiring vessels to submit to be inspected and defining the duties of quarantine officers at inter-provincial stations. It is more than doubtful whether the Minister of Agriculture would have power to make such provisions under your proposed section No 52 1/2, and so far as I have observed the existing regulations do not seem to apply to the circumstances of an inter-provincial quarantine station. I would suggest for the consideration of the Minister of Agriculture whether it might not be better to make a special regulation dealing with the case in hand, rather than a general one such as ^{is} contemplated by the draft Report to Council. Some of the provinces have ^a statutory provisions, enabling the Provincial authorities to take measures for the prevention of the introduction of disease from places outside the province, and it is a question of policy whether the Dominion should undertake the administration of such ~~measures~~ ^{matters} except in a case like the present where no provision is made by the Provincial law.

I have the honour to be
F. Montizambert Esq, M.D. Your obedient servant
Director General of Public Health,
Department of Agriculture,
Ottawa.

D.M.J.

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F

15th February, 1900.

Sir,

I have the honour to acknowledge receipt of your letter of the 8th inst, with reference to the question of quarantine raised by the Attorney General of Prince Edward Island.

I think your draft of the proposed regulations is all right so far as it goes, but it appears to me that there ought to be some provision requiring vessels to submit to be inspected and defining the duties of quarantine officers at interprovincial stations. It is more than doubtful whether the Minister of Agriculture would have power to make such provisions under your proposed section No 52 1/2, and so far as I have observed the existing regulations do not seem to apply to the circumstances of an interprovincial quarantine station. I would suggest for the consideration of the Minister of Agriculture whether it might not be better to make a special regulation dealing with the case in hand, rather than a general one such as ^{is} contemplated by the draft Report to Council. Some of the provinces have statutory provisions enabling the Provincial authorities to take measures for the prevention of the introduction of disease from places outside the province, and it is a question of policy whether the Dominion should undertake the administration of such ^{Matters} ~~measures~~ except in a case like the present where no provision is made by the Provincial law.

I have the honour to be
F. Montizambert Esq, M.D. Your obedient servant
Director General of Public Health,
Department of Agriculture,
Ottawa.

D.M.J.

000039



Ottawa, February 14th 1900.

Sir,

I have the honour to acknowledge receipt of your letter dated 13th instant, with reference to the question of international quarantine raised by the Attorney General of Prince Edward Island.

You suggest for the consideration of the Minister of Agriculture whether it might not be better to make a special regulation dealing with the case in hand rather than a general one such as was contemplated by the Report-to-Council I previously submitted to you.

In pursuance of this suggestion I now beg leave to submit an amended draft Report-to-Council, and I would be grateful if you will let me know whether you think it will meet the case.

In your letter you state that some provinces have statutory provisions enabling the provincial authorities to take measures for the prevention of the introduction of disease from places outside the province. Would you kindly inform me which of the provinces have such provisions, and whether in your opinion these provisions include authority to take measures for the prevention of the introduction of disease from the United States as well as from other provinces.

Our Regulations, as at present framed, Sections 4 and 47 to 52 inclusive, assume the responsibility of and jurisdiction in matters of quarantine on the frontier between Canada and the United States to belong to the Dominion Government. It would seem that such a question as that of an international quarantine should be a matter for the Dominion Government to impose after due notification through the Secretary of State



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to the Government at Washington, And if, as the wording of your letter would seem to indicate, any province has power to impose such an international quarantine, it is desirable that this Department should thoroughly understand its position in the matter.

Enclo.

I have the honour to be,

Sir,

Your obedient servant,

J. Montizambert

Director General of Public Health.

E. L. Newcombe Esq. Q. C. &c.

Deputy Minister of Justice,

Ottawa, Ont.

(Draft)

To His Excellency The Governor General

In Council:

The Undersigned has the honour to report upon a reference by him to the Minister of Justice of correspondence received from the Attorney General of Prince Edward Island (copy annexed), on the subject of the jurisdiction in connection with Interprovincial Quarantine, he received an opinion of which a copy is attached hereto.

In the circumstances he has the honour to recommend that under the provisions of Section 2 of Chap.68, R.S.C., intituled "An Act Respecting Quarantine", the Quarantine Regulations as approved and amended by Your Excellency on the 18th August 1898 and the 4th April 1899 respectively, be further amended by adding the following:

To Section 9

Sub-sec. a. Vessels arriving at any port in the Province of Prince Edward Island from any port in any other Province of the Dominion of Canada may from time to time be included in these regulations by order of the Minister of Agriculture.

The Undersigned further recommends that the above amendments to the regulations, if approved, in accordance with the provisions of Section 2 of the above recited Act, be published twice by Proclamation in the Canada Gazette.

The whole respectfully submitted:

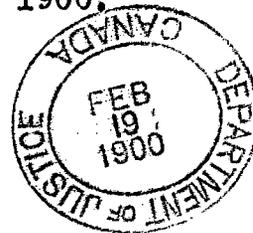
Minister of Agriculture

Department of Agriculture,

Ottawa, February 1900.



Ottawa, February 19th, 1900.



Sir,

Referring to the question of the responsibility of the Dominion in matters of Interprovincial Quarantine, as to which this Department is now awaiting your opinion, I have the honour to submit the following copy of a telegram just received from Dr. H. Rindress, of North Sydney:-

"There is an epidemic of smallpox at Moncton and other towns along I. C. R. Municipal authorities have asked me if your Department have any regulations with regard to inspecting passengers by rail who are liable to convey the disease. "

I have the honour to be,

Sir,

Your obedient servant,

A handwritten signature in cursive script, reading 'J. Montzambert M.D.'.

Director General of Public Health.

E. L. Newcombe Esq. Q.C.&c.

Deputy Minister of Justice,

Ottawa, Ont.

F.

92/1900.

19th February

900.

S i r;

I have the honour to acknowledge the receipt of your letter of the 14th instant, referring to the question of quarantine raised by the Attorney General of Prince Edward Island.

I think there should be added at the end of the proposed subsection a. of section 9 of the Regulations the following words, or words to the like effect:—"in which case these regulations shall apply to such vessels and their passengers and cargo, so far as the same are applicable thereto, in like manner as if such vessels had arrived from a port outside of Canada".

With regard to your observations as to provincial legislation, I beg to refer you to the Public Health Act of Ontario, Revised Statutes, chapter 248, section 13, subsec. 4, and to the Health Act of British Columbia, Revised Statutes, chapter 91(d). These provisions are wide enough in their terms to enable the local authorities to make regulations for the prevention of the introduction of disease from the United States as well as from the other provinces, provided such regulations would be intra vires of the provincial legislatures. It is not, I think, of any great importance to consider what the powers of the provinces in this respect are, or would be if the Dominion had not taken action. Parliament and the Dominion Executive have, as a matter of fact occupied the entire field by their legislation and regulations, *so far as quarantine* ~~and as you point out, is~~

F. Montizambert, Esq., M.D.,
Director General of Public Health,
O T T A W A.

against places outside of Canada is concerned, and as you point out it seems proper that international quarantine should be a matter subject to Dominion control.

Others of the Provinces may have legislation similar to that of Ontario and British Columbia. I have not made an exhaustive search.

Since the above was dictated I have received your letter of today's date with respect to a telegram received by you from Dr Rindress of North Sydney, and I beg to inform you that in Nova Scotia there is provincial legislation (Acts of 1888, chapter 9) similar to that of Ontario and British Columbia, under which the authorities of the Province can take action to prevent the introduction of smallpox into the Province.

I have the honour to be,

S i r,

Your obedient servant,

Deputy Minister of Justice.

F.

93/1900.

19th February

900.

S i r :

I have the honour to acknowledge the receipt of your letter of the 14th instant, referring to the question of quarantine raised by the Attorney General of Prince Edward Island.

I think there should be added at the end of the proposed subsection a. of section 9 of the Regulations the following words, or words to the like effect:—"in which case these regulations shall apply to such vessels and their passengers and cargo, so far as the same are applicable thereto, in like manner as if such vessels had arrived from a port outside of Canada".

With regard to your observations as to provincial legislation, I beg to refer you to the Public Health Act of Ontario, Revised Statutes, chapter 248, section 12, subsec. 4, and to the Health Act of British Columbia, Revised Statutes, chapter 91(4). These provisions are wide enough in their terms to enable the local authorities to make regulations for the prevention of the introduction of disease from the United States as well as from the other provinces, provided such regulations would be intra vires of the provincial legislature. It is not, I think, of any great importance to consider what the powers of the provinces in this respect are, or would be if the Dominion had not taken action. Parliament and the Dominion Executive have, as a matter of fact occupied the entire field by their legislation and regulations, and as you point out, it

F. Montizambert, Esq., M.P.,
Director General of Public Health,
O T T A W A.

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against places outside of Canada is concerned, and as you point out it seems proper that international quarantine should be a matter subject to Dominion control.

Others of the Provinces may have legislation similar to that of Ontario and British Columbia. I have not made an exhaustive search.

Since the above was dictated I have received your letter of today's date with respect to a telegram received by you from Dr Hindess of North Sydney, and I beg to inform you that in Nova Scotia there is provincial legislation (Acts of 1886, chapter 9) similar to that of Ontario and British Columbia, under which the authorities of the Province can take action to prevent the introduction of smallpox into the Province.

I have the honour to be,

S i r,

Your obedient servant,

Deputy Minister of Justice.



Ottawa, February 22nd, 1900.

Sir,

I have the honour to acknowledge receipt this day of your letter dated 19th instant, referring to questions of quarantine, interprovincial and international.

The words you advise shall be added to the proposed sub-section a. of section 9 of the Regulations in submitting to the Minister the draft Order-in-Council relating to Prince Edward Island.

In replying to my more general question as to the responsibility of the Federal and Provincial Governments, respectively, you say:

"With regard to your observations as to provincial legislation, I beg to refer you to the Public Health Act of Ontario, Revised Statutes, chapter 248, section 12, subsec.4, and to the Health Act of British Columbia, Revised Statutes, chapter 91, (d). These provisions are wide enough in their terms to enable the local authorities to make regulations for the prevention of the introduction of disease from the United States (as well as from the other provinces) provided such regulations would be intra vires of the provincial legislatures. It is not, I think, of any great importance to consider what the powers of the provinces in this respect are, or would be if the Dominion had not taken action. Parliament and the Dominion Executive have, as a matter of fact occupied the entire field by their legislation and regulations so far as quarantine against places outside of Canada is concerned, and as you point out, it seems proper that international quarantine should be a matter subject to Dominion control."

But, as a matter of fact, British Columbia has recently established a quarantine on her southern frontier on account of smallpox in the neighbouring States, and is now inspecting the passengers and disinfecting the mails arriving from the United States, and this without any reference whatever to this Government.



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This seems to me to be a very grave matter. Such action taken locally by one province may at any time lead to reprisals by the United States all along the frontier, thus involving provinces that have not provoked them, and leading to serious general interruptions to trade and commerce, travel and traffic, with possible even larger international complications.

I have to ask you, therefore, what action, if any, can and should this Government take with regard to this present quarantine now being actively enforced by British Columbia against the United States.

I have the honour to be,

Sir,

Your obedient servant,

A handwritten signature in cursive script, reading 'J. Montzember H.D.'.

Director General of public Health.

E. L. Newcombe Esq. Q.C. &c.

Deputy Minister of Justice,

Ottawa, Ont.

F.

92/1900.

26th February

900.

S i r;

I have the honour to acknowledge receipt of your letter of the 23rd instant, further referring to the questions raised by recent correspondence with the Attorney General of Prince Edward Island on the subject of interprovincial quarantine.

With regard to the action taken by British Columbia to prevent the introduction of smallpox into that Province from the neighbouring States, I have the honour to state that without more precise information as to the measures adopted it is not possible for me to form an opinion as to whether or not they are ultra vires. It may probably be safely assumed that the legality of them or some of them is at least open to question and there can be no doubt that the enforcing of such measures by one province involves the danger of reprisals such as you indicate, and it appears to me that the best course for the Government of Canada to take in the circumstances would be to enter into correspondence with the Government of the Province, pointing out the doubt which exists as to the validity of its proceedings; and the mischiefs likely to arise from the enforcing of such measures on the part of a Province, and, if considered advisable, stating what action having the same end in view this Government is prepared to take if the authorities of the Province abandon their present attitude.

I have the honour to be,

S i r,

Your obedient servant,

F. Montizambert, Esq., M.D.,
The Director General
of Public Health,
Agriculture Department,
O T T A W A.

Deputy Minister of Justice.

F.

92/1900.

26th February

900.

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I have the honour to acknowledge receipt of your letter of the 22nd instant, further referring to the questions raised by recent correspondence with the Attorney General of Prince Edward Island on the subject of interprovincial quarantine.

With regard to the action taken by British Columbia to prevent the introduction of smallpox into that Province from the neighbouring States, I have the honour to state that without more precise information as to the measures adopted it is not possible for me to form an opinion as to whether or not they are ultra vires. It may probably be safely assumed that the legality of them or some of them is at least open to question and there can be no doubt that the enforcing of such measures by one province involves the danger of reprisals such as you indicate, and it appears to me that the best course for the Government of Canada to take in the circumstances would be to enter into correspondence with the Government of the Province, pointing out the doubt which exists as to the validity of its proceedings; and the mischiefs likely to arise from the enforcing of such measures on the part of a Province, and, if considered advisable, stating what action having the same end in view this Government is prepared to take if the authorities of the Province abandon their present attitude.

I have the honour to be,

S i r,

Your obedient servant,

F. Montizambert, Esq., M.D.,
The Director General
of Public Health,
Agriculture Department,
O T T A W A.

Deputy Minister of Justice.



92/100



Ottawa, February 27th, 1900.

Sir,

Referring to the question of the responsibility of the Dominion Government in matters of quarantine as to which this Department is now awaiting your opinion, I have the honour to submit the following copy of a telegram just sent over to us from the Commissioner of Customs:-

"Commissioner of Customs, Winnipeg, Feby. 26th, 1900
Ottawa,
"Smallpox reported at Bathgate, North Dakota. Please advise
"Department of Agriculture.
G. H. Young."

You will see from this that smallpox is still spreading and the question of quarantine action by the Dominion Government is one that must be very speedily settled. The Minister would be grateful if you will let us have a full explanation of our responsibility with regard to future action on our own part, and as to what steps are to be taken with regard to the now existing action of British Columbia, at your earliest possible convenience.

I have the honour to be,
Sir,

Your obedient servant,

J. McQuinn

E. L. Newcombe, Esq. Q.C., Director General of Public Health.
Deputy Minister of Justice,
Ottawa, Ont.

92/100



Ottawa, February 27th, 1900.

E. L. Newcombe Esq. Q.C., &c.
Deputy Minister of Justice,
Ottawa, Ont.

Sir,

I have the honour to acknowledge receipt of your letter of yesterday's date in answer to mine of the 22nd instant, further referring to the questions raised by recent correspondence with the Attorney General of Prince Edward Island on the subject of interprovincial quarantine.

With regard to the action taken by British Columbia to prevent the introduction of smallpox into that Province from the neighbouring States, you state that it may probably be safely assumed that the legality of the measures taken by that Province, or some of them, is at least open to question, and that there can be no doubt that the enforcing of such measures by one province involves the danger of reprisals such as I indicated, and that it appears to you that the best course for the Government of Canada to take in the circumstances would be to enter into correspondence with the Government of the Province, pointing out the doubt which exists as to the validity of its proceedings and the mischiefs likely to arise from the enforcing of such measures on the part of a Province, and, if considered advisable, stating what action having the same end in view this Government is prepared to take if the authorities of the Province abandon their present attitude.

This opinion of yours with the correspondence which has led up to it will be laid before the Minister of Agriculture as soon as possible after his return.

I have the honour to be,

Sir,

Your obedient servant,

J. Montizambert M.D.

Director General of Public Health.