

132/1902 NEW

642/1902 OLD

No. 132/1902

FILE CHECKED FOR MPV
SEE BACK COVER
DOSSIER VÉRIFIÉ POUR DSOU
VOIR ENDOSS À LA CRANDE

Department of Justice
RECORDS

JAN/27/1970

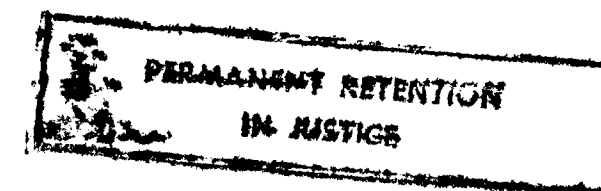
Title VACCINATION.

SUBJECT: CASE OF PASSENGER WHO BEING FORCIBLY VACCINATED RUBS THE
VACCINE FROM HIS ARM.

From AGRICULTURE
JULY 23/1902
642/1902

Agent _____

Cross Reference _____



BRING FORWARD

[illegible]

IMPORTANT PLEASE NOTE

IT IS IMPORTANT THAT ALL REPLIES TO
CORRESPONDENCE SHOULD BEAR THE FILE NUMBER.

TRANSFERS OF FILES FROM ONE OFFICER TO ANOTHER
SHOULD BE MADE THROUGH RECORDS.

IF FOR SPECIAL REASONS, A FILE IS HANDED
PERSONALLY TO ANOTHER OFFICER, RECORDS
MUST BE INFORMED. (PASS SLIPS)

PLEASE DO NOT KEEP FILES LONGER THAN
ABSOLUTELY NECESSARY.

THE OFFICER TO WHOM A FILE IS CHARGED IS HELD
RESPONSIBLE FOR ITS SAFETY UNTIL IT IS RETURNED
TO RECORDS BRANCH.

MPV / DSUU ON FILE / SUR DOSSIER
YES/ OUI () NO/ NON ☒

ABTRACTOR / REDACTEUR D.S.B.

DATE 8 JAN '85

No. 132/19022

642/02

Aug 19 2

Sir,

13 inst re
enquiries made by Mr. Bachworth
of Ymir B.C. Would you kindly
send me the quarantine regulations
that accompanied your letter of
23 July.

Sir,

E. H. Newcombe

The Deputy Minister
Department of
Agriculture

No. 642

1902

No. 642

Department of Justice.
CANADA.

From Dept Agriculture

Address

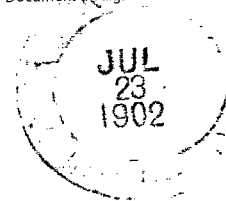
Date July 23/24 1902

SUBJECT.

the case of passenger who being forcibly vaccinated
rubs the vaccine from his arm.

ACTION.

DATE.		L B.	Page.
July 31	Ans & papers recd	131	599
13/14	referred again		
19	L to ag		647
20/21	L from do		
27/28	Ans & papers recd.		681



DEPUTY MINISTER'S OFFICE,

OTTAWA, July 23rd, 1902,

Sir,

I have the honour to enclose, herewith, a letter received from Mr. A. B. Buckworth, of Ymir, B.C.

To enable me to reply to it will you kindly let me have an opinion on the points he raises. I enclose, for your information, a copy of the letter of instructions given to temporary Dominion Quarantine Officers on appointment.

I have the honour to be,

Enclo.

Sir,

Your obedient servant,

Geo. F. Halloran

Deputy Minister of Agriculture.

The Deputy Minister of Justice,

Ottawa, Ont.

642 - 02

G

31st July 1902.

Sir,

I have the honour to acknowledge your letter of the 23rd instant submitting a letter from Mr A.B. Buckworth of Ymir B.C. in which he asks if a quarantine officer of the British Columbia staff vaccinates a person and gives him a protection card, which card is taken up at the boundary line by the assistant quarantine officer, and immediately after the person is vaccinated, and the doctor who has performed the act leaves the railroad car, the person who has just been vaccinated takes the bandage off his arm and rubs out the vaccine virus, in the presence of the Assistant quarantine officer, has the assistant officer a right, as soon as the train reaches British territory, to insist upon the person leaving the train, and if he refuses, has the assistant the right to call upon the conductor to assist him in ejecting him from the train, so as to prevent him entering British territory, and in case the conductor is an alien, does it prevent him from assisting, or if called upon, is it compulsory for him to act ?

I have examined the quarantine Act and the regulations which you submit with your letter, and I can only find that under Section 2 of the quarantine Act the Governor in Council may from time to time make ^{such} regulations as he thinks proper for enforcing compliance with the requirements of the Act..... and concerning the arrival at or departure from any place in Canada of any persons, goods or things conveyed by land - and for ensuring the due performance of quarantine by and in respect of such persons, goods and things at or in the neighbourhood of any place in Canada to which he thinks it right for the preservation of the public health that such regulation

The Deputy Minister
of Agriculture.

should 000008

should apply - and for the thorough cleansing and disinfection of such persons goods and things so as to prevent as far as possible the introduction into or dissemination of disease in Canada. This clause of the Act does not therefore apparently contemplate any regulation making vaccination compulsory, and I cannot find anything in the regulations that you submit that pretends to make vaccination compulsory. The regulations appear to have been designed with a view to the quarantining of vessels and passengers arriving therein. The only paragraphs that I can find applicable to passengers arriving at inland places are pars 47 ~~and~~ 51 inclusive, and these clauses only deal with cases where the disease is suspected to be or is actually present in the car or carriage which I do not understand was the case in the present instance. I presume there must be some further regulations applicable to the case under consideration, and I would be obliged if you would let me see them before I attempt to answer the questions submitted by Mr Buckworth. In the meantime I return all the papers.

Enc

I am

Your obedt servant

Acting D.L.J.

642 - 02

G

31st July 1902.

Sir,

I have the honour to acknowledge your letter of the 23rd instant submitting a letter from Mr A.B. Buckworth of Ymir B.C. in which he asks if a quarantine officer of the British Columbia staff vaccinates a person and gives him a protection card, which card is taken up at the boundary line by the assistant quarantine officer, and immediately after the person is vaccinated, and the doctor who has performed the act leaves the railroad car, the person who has just been vaccinated takes the bandage off his arm and rubs out the vaccine virus, in the presence of the Assistant Quarantine officer, has the assistant officer a right, as soon as the train reaches British territory, to insist upon the person leaving the train, and if he refuses, has the assistant the right to call upon the conductor to assist him in ejecting him from the train, so as to prevent him entering British territory, and in case the conductor is an alien, does it prevent him from assisting, or if called upon, is it compulsory for him to act?

I have examined the Quarantine Act and the regulations which you submit with your letter, and I can only find that under Section 2 of the Quarantine Act the Governor in Council may from time to time make ^{such} regulations as he thinks proper for enforcing compliance with the requirements of the Act..... and concerning the arrival at or departure from any place in Canada of any persons, goods or things conveyed by land - and for ensuring the due performance of quarantine by and in respect of such persons, goods and things at or in the neighbourhood of any place in Canada to which he thinks it right for the preservation of the public health that such regulation

The Deputy Minister
of Agriculture.

should

000010

should apply - and for the thorough cleansing and disinfection of such persons goods and things so as to prevent as far as possible the introduction into or dissemination of disease in Canada. This clause of the Act does not therefore apparently contemplate any regulation making vaccination compulsory, and I cannot find anything in the regulations that you submit that pretends to make vaccination compulsory. The regulations appear to have been designed with a view to the quarantining of vessels and passengers arriving therein. The only paragraphs that I can find applicable to passengers arriving at inland places are pars 47 and 51 inclusive, and these clauses only deal with cases where the disease is suspected to be or is actually present in the car or carriage which I do not understand was the case in the present instance. I presume there must be some further regulations applicable to the case under consideration, and I would be obliged if you would let me see them before I attempt to answer the questions submitted by Mr Buckworth. In the meantime I return all the papers.

Enc

I am

Your obedt servant

Acting D.H.J.



AUG
16
1902

DEPUTY MINISTER'S OFFICE,

OTTAWA, Aug. 13th, 1902.

Sir,

I have the honour to acknowledge the receipt of your letter, dated the 31st ultimo, in re the inquiries made by Mr. A. B. Buckworth, of Ymir, B.C., and returning all the papers in the matter.

I note your general remarks, and in reply to your request for any further regulations that we may have applicable to the case I may say that we have none.

The papers are again referred to you herewith.

I have the honour to be,

Sir,

Enclo.

Your obedient servant,

Geo. F. Halloran

Deputy Minister of Agriculture.

A. Power Esq. K.C.
Acting Deputy Minister of Justice,
Ottawa, Ont.



AUG
21
1902

DEPUTY MINISTER'S OFFICE,

OTTAWA, Aug. 20th, 1902.

Sir,

In compliance with the request contained in your letter, dated the 19th instant, I have the honour to enclose, herewith, a copy of the Quarantine Regulations.

I have the honour to be,

Sir,

Your obedient servant,

Enclo.

Geo. F. Halliday

Deputy Minister of Agriculture.

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

642 - 02

G

27th Aug 1902.

Sir,

I have the honour to acknowledge your letter of the 13th instant respecting enquiries made by A.B.Duckworth of Ymar B.C. After a further examination of the Act and the regulations which you submit, I do not find that there is anything authorizing the compulsory vaccination of persons coming into Canada, nor can I find anything to warrant the quarantine officers in preventing any person who refuses to be vaccinated from coming into Canada. I return all the papers.

Enc

I am

Your obedt servant

D.M.J.

The Deputy Minister of Agriculture
Ottawa.

642 - 02

G

27th Aug 1902.

Sir,

I have the honour to acknowledge your letter of the 12th instant respecting enquiries made by A.B. Duckworth of Ymar B.C. After a further examination of the Act and the regulations which you submit, I do not find that there is anything authorizing the compulsory vaccination of persons coming into Canada, nor can I find anything to warrant the quarantine officers in preventing any person who refuses to be vaccinated from coming into Canada. I return all the papers.

Enc

I am

Your obedt servant

D.M.J.

The Deputy Minister of Agriculture
Ottawa.