

99/1901 NEW

447/1901 OLDS

No. 99/1901

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Department of Justice

RECORDS Jan. 9, 1970

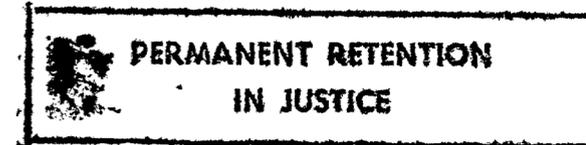
Title Vaccination.

SUBJECT: Legality of ejection of a passenger
from a train who refuses to be
vaccinated before crossing the frontier.

From Agriculture
May 9/1901
447/1901

Agent

Cross Reference



IMPORTANT
PLEASE NOTE

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

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DATE: 27 DEC 1984

No. 99/1901



OFFICE OF THE
DIRECTOR GENERAL OF PUBLIC HEALTH,
OTTAWA.

MAY 10 1901

Ottawa, May 9th, 1901.

Sir,

I beg leave to enclose herewith copy of an extract from a letter just received from Mr. P. L. Naismith, Manager of the Alberta Railway and Coal Company,

I may say that the power of the medical inspector on the frontier to cause the ejection of a passenger from the train who refuses to be vaccinated before crossing the frontier has been assumed by our officers in quarantining against the United States and by the United States officials in quarantining against Canada, but as Mr. Naismith now raises the question of the legality of such action I beg leave to submit the matter to you for an authoritative opinion upon the subject the purport of which I may communicate to him.

I am, Sir,

Your obedient servant,

J. Montezambert M.D.

Director General of Public Health.

Encl.

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

Deputy Minister of Justice,

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Copy of extract from a letter, dated 4th May, 1901,
from P. L. Naismith Esq., Manager, The Alberta Ry & Coal
Co., Lethbridge.

"There is one point which has been somewhat doubtful to us, and I would be obliged if you could put us straight on the matter. There has only been one case come up, but the question is liable to come up at any time, and that is, in the case of a party coming into Canada who refuses to be vaccinated, I would like to know if, on instructions from the Medical man, our conductor would be protected by the Government in ejecting a passenger from the train, who held a ticket through to Lethbridge, but who refused to be vaccinated before crossing the frontier. If you can set our minds clear on this point it would be appreciated."

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447/1901.

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S i r;

Referring to your letter of the 9th instant, and the enclosed copy of a letter from Mr P. L. Haismith, Manager of the Alberta Railway and Coal Company, in which the question is raised as to the right of your officers in quarantining against the United States to eject passengers from a train who refuse to be vaccinated before crossing the frontier, I have the honour to state that if the circumstances are such as are contemplated in section 52 of the Quarantine Regulations, I think it would be competent for the Governor in Council to provide by an order made under that section for the vaccination of persons crossing the frontier at such a point as is indicated in the section, and for the ejection from the train of any of them who refuse to submit to vaccination.

In the absence of such an order I am not aware of any authority for such action by your officers.

I have the honour to be,

S i r,

Your obedient servant,

The Director General

of Public Health,

Department of Agriculture,

O T T A W A.

Deputy Minister of Justice.

F.
447/1901.

22nd M a y 1901.

S i R;

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