

# LEICESTER AND THE ANTI-VACCINATION MOVEMENT 1853-1889

by

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During the nineteenth century and especially after an Act of 1853 made it compulsory for all infants over four months old in England and Wales to be vaccinated, opposition to the practice of vaccination increased steadily. A further tightening up of compulsory measures was made after the smallpox epidemic of 1871, as a result of which a Select Committee was appointed by the government. The report of this committee confirmed the principle of compulsion amongst other recommendations, and these were embodied in new legislation by an Act of 1871, which made the law so stringent that, between 1871-76, only four of the local Boards of Guardians proved obdurate. Leicester is taken in this article as an example of a town where the opposition to vaccination was particularly marked and where, due to the agitation caused, the various anti-vaccination forces had their greatest success in bringing about a change in the 1871 Act.

From the turn of the nineteenth century, Leicester, like many other towns, experienced a great increase in population.<sup>1</sup> Existing housing and sanitary arrangements, especially drainage, soon proved inadequate. Leicester had for long an unenviable reputation as a town where typhus and contagious fevers were rampant.<sup>2</sup> In 1842, Edwin Chadwick's *Report on the Sanitary condition of the Labouring Population of Great Britain* appeared. This did much to focus attention on the whole question of sanitary hygiene and the public health. Leicester was one of the towns visited by Chadwick in his search for data. The result of his investigations was published in the Summary to the report,<sup>3</sup> where the various sanitary evils of the town were fully exposed. This led to agitation from Doctor Shaw and Doctor Macauley, from influential members of the council such as Joseph Whetstone and Thomas Stokes, as well as from the local newspaper, the *Leicester Chronicle*. All urged a thorough investigation with a view to remedying the blatant neglect of proper sanitation.<sup>4</sup>

The result was the formation of a Sanitary Committee, a consequence of whose investigations was that the Royal Commission appointed in 1844 by Sir Robert Peel's government to enquire into the health of towns, showed that out of fifty towns investigated, in only three (Liverpool, Manchester and Bristol) was the death rate higher than in Leicester.<sup>5</sup> The Leicester Sanitary Committee also published its own report which painted just as grim a picture of the insanitary state of the town.<sup>6</sup> Armed with such ammuni-

tion, Whetstone, a leading member of a political union of radicals who were attempting to reform the Corporation, urged the town council to remedy the drainage and the water supply.

Chadwick, in addition to his other recommendations, had also urged that salaried medical officers should be appointed to advise local authorities on public health matters. Leicester, like other provincial towns, already had set up a local Board of Health in 1831, the result of advice from the Central Board of Health established in London in the same year to combat the cholera epidemic. Composed of local magistrates this Board did achieve some sanitary reforms, but once the immediate danger was over the Board simply ceased to function and disappeared. After Chadwick's report Leicester was amongst the towns to implement his recommendation by appointing John Buck as its first salaried Medical Officer of Health.<sup>7</sup> Further, as a result of efforts from the Local Board of Health many previous sanitary evils were also remedied, though as far as other practical measures went, only in 1851 did work commence on improving the drainage system of the town, a consequence of the Leicester Sewerage Act.<sup>8</sup>

By the last two decades of the nineteenth century the general level improved. As far as combatting the cases of smallpox, which arose from time to time, the main means employed in Leicester, as elsewhere, were vaccination, isolation and limewashing where the infected had been dwelling. In all this the Medical Officer of Health was involved. Between the years 1859-1861 there were only six deaths from smallpox and all were dealt with by the Medical Officer of Health, John Moore.<sup>9</sup> The numbers between 1864 and 1868, rose to 120 though the new Medical Officer of Health, J. Wyatt Crane, argued that this would have been very much worse but for the efficiency of vaccination.<sup>10</sup> In 1871-1872 a smallpox epidemic swept the country, and though on the admission of Dr. Crane vaccination had been "sedulously attended to",<sup>11</sup> he had to admit in his 1872 report,<sup>12</sup> that there had been 314 deaths since the epidemic.

As a result of the apparent failure of vaccination to afford protection against smallpox, apathy towards the practice increased, and the mood soon gave way to active hostility, especially after the Act of 1871 confirmed the principle of compulsion. The whole vaccination question became the issue of the day becoming a favourite topic at debates. In Leicester the number of prosecutions grew from 2 in 1869 to 1,154 in 1881 as parents deliberately flouted the provisions of the 1871 Act. Even before this the *Leicester Chronicle and Leicestershire Mercury United* reported on 7 November 1868 that:

"A letter was read from Mr. Maskell, Vaccination Inspector, pointing out that certain persons stupidly refused to have their children vaccinated, and asking authority to serve the parents with a copy of the printed notice, and, if that was not complied with, to take proceedings under the Act. The Board agreed that the course suggested should be adopted".<sup>13</sup>

A result of the Guardian's decision was that over the next few years proceedings were taken against those who defied the law as embodied in the

Vaccination Acts of 1853 and 1871. Thus, once the Vaccinating Officer began to take out proceedings against defaulting parents, the numbers who were sent to prison for defying the vaccination Acts resulted in a total of 61 imprisonments between 1869-1884. In many cases the magistrate's decision allowed the alternative of a fine, but in most cases the parents deliberately allowed themselves to be sent to gaol.<sup>14</sup>

Because of the reluctance of many parents in Leicester to submit their children to vaccination, and the fact that neither compulsion nor prison was proving effective, an alternative method of preventing smallpox spreading, gradually came to compete with vaccination. This method which came to be practiced by the Local Board of Health in Leicester from 1877 onwards, adopted the practice of quarantine and isolation in cases where an outbreak of an epidemic disease was suspected.<sup>15</sup> This was neither a new nor a revolutionary approach. At the turn of the century a Chester physician, John Haygarth (1740-1827), had been amongst the first to recognise the importance of cleanliness, fresh air and isolation in the control and treatment of infectious diseases of a febrile nature.<sup>16</sup> Much later, in 1868, Sir James Simpson supported the practice of isolation as a supplement to vaccination.<sup>17</sup>

The "Leicester Method", as this alternative to compulsory vaccination came to be known, was first mentioned by Dr. W. Johnson, the Assistant Medical Officer of Health, who in a report for 1877 said that smallpox in its most malignant form once again had appeared in Leicester, after an absence of more than four years. The low rate of mortality, only six deaths, was attributed, by Dr. Johnson to the sanitary inspector's prompt use of isolation and notification. Because of the favourable results attendant upon these measures Dr. Johnson urged that Leicester should get authority from Parliament for compulsory isolation, as had Huddersfield and Bolton.<sup>18</sup> The whole business of quarantine was as a result made compulsory in Leicester by a Local Act passed on 13 September 1879.<sup>19</sup>

#### Leicester Corporation Act 1879

In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any one or more of the following diseases—namely, Smallpox, infectious Cholera . . . , the following provisions shall have effect (that is to say):

*Sub-Section 1.* If any such inmate be suffering from any such disease as aforesaid, the occupier or person having the management or control of such building, or (if such occupier or person be prevented by reason of such disease) the person in charge of such inmate shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the Corporation at the Town Hall of the existence in such inmate of such disease.

*Sub-Section 4.* Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up, sign and send to the Corporation at the Town Hall, a certificate or declaration, stating

according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the situation of such building, and the name of such person or occupier, and the nature of the disease from which such inmate is suffering.

And any person who shall wilfully offend against this enactment shall, for every such offence, be liable for a penalty not exceeding ten pounds.

Once the Leicester Corporation Act was passed, these alternative measures to compulsory vaccination were increasingly adopted in Leicester as a substitute for infantile vaccination, indeed Leicester was the only town openly to substitute the measures described below in place of infant vaccination.<sup>20</sup> Because of this, these measures became known as the "Leicester Method" and involved the following:

1. Prompt notification
2. The isolation and segregation of smallpox cases in hospital
3. Quarantine of all persons found to have been in contact with the patient
4. The vigilant inspection and supervision of all contacts during the incubation period of fourteen (now extended to sixteen) days
5. Cleansing and disinfection of clothes, bedding and dwellings
6. The burning of clothes, bedding, etc., when necessary.<sup>21</sup>

In spite of this, prosecutions still took place against those who refused to obey the compulsory Acts regarding infant vaccination. Compulsory vaccination became, as a result, a key political issue. The Leicester Anti-vaccination League had been formed in 1869. J. T. Biggs, who was to be a notable figure in the Leicester Anti-vaccination movement became its Secretary in 1870. Biggs (1847-1929) practiced as a Sanitary and Waterworks Engineer and was an active member of the Leicester Board of Guardians. As a result of his opposition to the question of compulsory vaccination and his considerable organising ability he was instrumental in directing much of the anti-vaccination opposition emanating from Leicester. It was only because of the strenuous efforts of Biggs that the Leicester Anti-vaccination League came to have an influence out of all proportion to its size. Also, as a Guardian he was in a position to use his influence to the utmost against compulsion. The partisan attitude engendered by 1882 towards the whole question of compulsory vaccination had considerable influence for those seeking election to public office. The Municipal election of the same year was one of the first to be affected by attempts to influence the election of those sympathetic to the anti-vaccination cause. Some idea of the efforts in this direction can be gathered from posters placarded over the constituency of East St. Mary's Ward during these 1882 elections.

#### East St. Mary's Ward Municipal Election, 1882

*The impending contest in the above ward will no doubt be very close, but if principle guides the action of anti-vaccinators instead of party, the result is not doubtful.*

In October, 1876, Mr Hughes, the candidate, speaking at a Liberal Meeting, acknowledged that he had suffered severely from smallpox although he had been vaccinated. He said:—

“But if a gentleman like Mr. P. A. Taylor had sat day after day on a commission concerning the subject and could not come to a certain conclusion upon it, he did not see how he could.” Mr. Taylor says, in the “Monthly Review”, “That after examining the evidence upon which faith in vaccination was based, much to his own surprise he was led gradually to the conviction that the cherished system of vaccination was a mere delusion—a baseless superstition; that it afforded no protection from smallpox etc., etc.” He goes on to say:— “So believing, I should have been a coward to conceal my opinion, but, far beyond this, I felt a special duty to atone for the mistake I had made in signing a report favourable to vaccination” (as a member of the Select Committee of 1871).

Mr. Hughes told the same meeting that compulsion was hard to bear, and said:— “If a small fine were imposed they would soon find out who suffered most from smallpox.” On 27th October, 1879, Dr. Lankester said he would not pledge himself and Mr. Walker declined to pledge himself to oppose compulsory vaccination. Now, in 1882, when Dr. Lankester and Mr. Walker know the anti-vaccinators can unseat them, they moderate their language, and, apparently to catch a few votes, Dr. Lankester says he would support the repeal of the Compulsory Vaccination Acts . . .

If ever there was a time when Liberal Anti-Vaccinators should lay aside party for principle it is now, when, if they do not vote for the Conservative candidates, who are pledged against compulsion, they have the opportunity to abstain from supporting a vaccinating doctor and his colleague, whose alteration of opinion on this question is only dictated by a fear of losing votes.”

*An Anti-Vaccinator.*<sup>22</sup>

So completely indeed did the Anti-Vaccinators in Leicester press their opposition that the numbers of those who submitted to vaccination continued to fall steadily. By 1884 the situation became so bad that the *Leicester Daily Mercury* carried the following account:

“In connection with this subject of smallpox, it is interesting to turn to the statistics presented to the Board of Guardians, by the Clerk, on Tuesday evening. They conclusively prove that of late years the Administration of the Vaccination Acts in this town has absolutely broken down. It is indeed a remarkable fact that whereas in 1873 of 4,446 children born 3,730 were successfully vaccinated; in 1883, when the number born was 4,819, only 1,732 came successfully through the operation. Moreover, in 1874 only seven remained unvaccinated, whilst last year the number was no fewer than 1,906. It may be that under the pressure of the law some of these 1,906 may submit their children to the operation, but this does not materially affect the question, for it

is safe to presume that all who have faith in vaccination act up to it without waiting for the authorities to jog their memories.

If any further information were required to show the large amount of antipathy felt against the law in Leicester it would be found in the fact that all the parents of children born since July 1st, 1883, and unvaccinated, have yet to be summoned. The vaccination officer has been busy prosecuting for months, and yet all this work remains to be done. The number in arrear from July 1st to December 31st amounts to over 1,100 and it may fairly be assumed that even more cases will have to be dealt with from January 1st this year to the present time".<sup>23</sup>

In addition to the efforts of the Leicester Anti-Vaccination League, the London Society for the Abolition of Compulsory Vaccination did much to organise and publicise action against compulsory vaccination in Leicester by means of letters in Leicester newspapers, a favourite airing ground for propaganda against vaccination in general and compulsion in particular.<sup>24</sup>

Above all this, it is significant that Mr. P. A. Taylor, a Member of Parliament for Leicester since 1862, had originally been a member of the Select Committee on Vaccination in 1871, signing the report in favour of retaining compulsion, but by 1879 he had so completely changed his views that he did his utmost to try and change the law regarding compulsion. Since Taylor also became the President of the London Society for the Abolition of Compulsory Vaccination, he was ideally suited to represent the whole anti-vaccinist policy.

On 21 October 1884<sup>25</sup> the Leicester Board of Guardians drafted a memorandum to the Local Government Board in London requesting modification in the existing prosecution machinery especially since the "Leicester Method" was proving so successful in preventing the spread of any cases of imported smallpox. Under the circumstances, the Local Government Board did nothing to satisfy the Leicester Board of Guardians. Considering the state of the opposition, inflamed further by the prosecutions, it is not surprising that this culminated in a massive popular demonstration on 23 March 1885.

This demonstration was carried out under the auspices of the Leicester Anti-Vaccination League<sup>26</sup> and one of the main organisers was its Secretary J. T. Biggs. This was not a purely local affair, since other local Anti-Vaccination Leagues co-operated by sending delegates from over fifty towns in England, Wales and Northern Ireland. The first phase of the demonstration consisted of a procession with flags and banners, from the Leicester Temperance Hall towards the Market Place where the throng was addressed by various speakers who developed the theme of the futility and injustice of vaccination. The final phase, in the evening, was held in the Temperance Hall, when once again the whole practice of vaccination was condemned by all the speakers.<sup>27</sup> The effect of the demonstration can be gauged by the following extract of an account of it in *The Times* of 24 March 1885:

“The widespread opposition to the enforcement of the compulsory clauses of the Vaccination Acts which exists in Leicester culminated yesterday in a great demonstration, which was carried out very successfully. The position which the inhabitants of the town have assumed with regard to this question is due to a variety of causes. At the present moment there are over 5,000 persons being summoned for refusing to comply with the law. The total number of summonses issued in the year 1884 only reached seven, or a little over one summons in every two months, while at the present moment forty-five summonses are being heard and disposed of every week . . . The last decade has witnessed an extraordinary decrease in vaccination, but nevertheless, the town has enjoyed an almost entire immunity from smallpox, there never having been more than two or three cases in the town at one time. Under such a system the Corporation have expressed their opinion that vaccination is unnecessary, as they claim to deal with the disease in a more direct and much more efficacious manner. This, and a widespread belief that death and disease have resulted from the operation of vaccination, may be said to be the foundation upon which the existing opposition to the Act rests”.<sup>28</sup>

In Leicester as a result of the demonstration, at the next triennial election of the Guardians, in 1886, the majority of those returned were all firm opponents of compulsory vaccination. This new Board sent up a number of petitions and carried out a lengthy correspondence with the Local Government Board, but up to 1889 none of their attempts were successful in producing any change in the law.

Earlier, P. A. Taylor, as a Member of Parliament for Leicester, had attempted to move a resolution in the House of Commons on 19 June 1883, against compulsory vaccination; unfortunately for the Leicester anti-vaccinists, the opposition was led by Sir Lyon Playfair and Sir Charles Dilke and they defeated the motion.<sup>29</sup> In 1884, Taylor retired from Parliament and his place as Member of Parliament for Leicester was taken by J. A. Picton. If it appeared to the pro-vaccinists, principally represented by Sir Charles Dilke and Sir Lyon Playfair, that they now had little to fear from sustained opposition from Leicester, they were mistaken. Under pressure from the Leicester Board of Guardians, principally through Biggs, Picton was urged in 1889 to move a resolution for a Royal Commission to enquire into the workings of the vaccination Acts.<sup>30</sup>

This motion was carried and in the same year, a Royal Commission was set up. Leicester, as one of the principal centres of vaccination opposition, sent many witnesses including the Mayor, ex-Mayors, Magistrates, Aldermen, Councillors and Guardians. The Leicester Anti-vaccination League was vigorously represented by J. T. Biggs, who was not only the principal witness against compulsory vaccination, but also prepared the evidence of more than forty witnesses. Biggs himself answered more than three-hundred questions during the enquiry.<sup>30</sup> In its final report<sup>31</sup> the Commission, amongst other things, recommended a moderation in compulsion.

This may at first sight appear to have heralded the ending of compulsory vaccination, but it did not go far enough for the Anti-Vaccinists. On the recommendations of the Royal Commission, an Act called the Vaccination Act (61 and 62 Victoria Chapter 49) was passed, specifically allowing parents an escape clause from compulsory child vaccination. The Anti-Vaccinists were still not satisfied. From their own point of view this was justified, both because of the way in which the final report was issued, and the fact that no specific recommendation was made to abolish vaccination. As far as the first issue is concerned, the report was issued in two parts, a majority report and a minority report. The majority report, in spite of considering the evidence brought to its notice, did not feel that a sufficiently strong case had been made which seriously threw doubt on the whole practice of vaccination.<sup>32</sup> The minority report, whose principal signatories were Dr. (later Sir) William Collins, and Mr. J. Picton, could not echo the sentiments expressed by the majority. The majority report was the one the government took into consideration and so under the circumstances no change occurred, except for the insertion of a conscience clause, which allowed parents an opportunity to obtain permission to prevent compulsory vaccination, by applying within four months of the birth of a child for a certificate of exemption from two justices or a stipendiary magistrate.

The Leicester Guardians, as expected, were foremost amongst those who, ignoring the small loophole which the law allowed, went much further, and not only failed to prosecute those who did not make use of the conscience clause, but when Mr. W. H. Maskell, the vaccinating officer retired in 1889, they made no attempt to appoint someone to take his place. In spite of warnings from the Local Government Board in London, they remained obdurate. The Local Government Board retaliated by issuing a writ of *mandamus* ordering the Leicester Guardians to appoint a new Vaccinating Officer who would enforce the law as it was embodied in the 1898 Act. The Leicester Guardians resisted since they felt that a new Vaccinating Officer was unnecessary and also might rekindle the flame of active hostility should he attempt to enforce any form of compulsion. In spite of their stand the Guardians lost their action and so a new Vaccination Officer was eventually appointed.<sup>33</sup>

The importance of Leicester as a focus for organised resistance to compulsory state vaccination should now be clear. Because of the strenuous efforts of its Local Anti-Vaccination League as well as the individual opposition of some of its influential citizens, notably J. T. Biggs, it forced the government to look anew at the whole question of state enforcement embodied in the vaccination Acts of 1853 and 1871. Further because of the great national demonstration carried out in Leicester in 1885, widely reported in the newspapers, the whole issue of compulsory state vaccination was brought to the attention of the whole country. Lastly, since the Member of Parliament for Leicester up to 1884 was himself a convinced Anti-Vaccinist and was also the President of the influential London Society for the Abolition of Compulsory Vaccination, the question of ending state enforcement was brought up at every suitable opportunity. Other Boards of

Guardians were, of course, also opposed to compulsory state vaccination, but none maintained such a consistent and uncompromising attitude as did those of Leicester, especially after 1891. This was the year the Board of Leicester presented a memorial to the Local Government Board making it quite clear just how futile the whole attempt at compulsory enforcement was proving. Though the law abolishing compulsion was only dropped after the National Health Service Act of 5 July 1948, the great opposition from Leicester did secure an amendment in the law as it stood prior to 1889.

## NOTES

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