

# Resistance to Compulsory Vaccination Against Smallpox in Cardiff, 1853-1907

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## Abstract

Vaccination of children against smallpox was compulsory in England and Wales from 1853 to 1898, with exemptions allowed for conscientious objection from 1898 until compulsion was ended with the passing of the National Health Service Act in 1946. Failure to comply could lead to penalties such as fines or imprisonment which were administered via the criminal justice system. This study uses Cardiff as a case study to examine the experience of compulsory vaccination and the consequences of non-compliance for parents.

Current research is dominated by studies of how antivaccination sentiment had its origins in mid Victorian protest movements and expanded into a political crusade to repeal what were perceived as draconian and illiberal Acts which paid too little regard for parental responsibility and for concerns over children's safety. Much of this research focuses on the negative impact on the poor or working classes and how the Acts were used disproportionately to systematically and unfairly criminalise them. A smaller body of research holds that the effect of anti-vaccination feeling has been overestimated, arguing that the main challenge to health officials and policy makers came from poorly conceived and executed vaccination provision itself.

This study concludes that resistance to vaccination in Cardiff was not widespread. At those times when vaccination rates were unsatisfactory, the cause was an ineffective system which allowed too many children to go unvaccinated. Although Cardiff had a residual level of unvaccinated children across the period, prosecutions were rare and punishments even rarer. The poor or working classes do not appear to have been targeted disproportionately. Local officials rarely reached for tougher enforcement as a means of increasing vaccination, even during smallpox outbreaks.

Contents

1. Introduction
2. The Extent of Resistance to Compulsory Vaccination
3. The Experience of Prosecution: Parents and Magistrates
4. Establishment Attitudes to Compulsory Vaccination
5. Conclusion
6. Appendices
7. Bibliography

List of Tables

Table 1.1: Infant Vaccination Rate (IVR) in Selected Regions, 1864-1890

Table 1.2: Unions or Parishes Taking Action to Enforce Vaccination Acts, 1864

Table 1.3: Prosecutions per 1000 Births in England and Wales, 1870-1878

Table 1.4: Summary Convictions under Vaccination Act, 1867, in England and Wales

Table 1.5: Comparison of Prosecutions in Selected Cities, 1873-1874

Table 1.6: Outcomes of Cardiff Police Court Prosecutions 1890-1895

Table 1.7: Ratio of the number of children in respect of whom Certificates of Conscientious Objection had been received in each year to the number of births in the same year

Table 1.8: Certificates of Conscientious Objection and Primary Vaccination Certificates Issued in Selected Cities, 1898-1901

Table 2.1: Reasons for Resistant Attitude to Compulsory Vaccination

I declare that this dissertation is entirely my own unaided work and that I have not submitted it, or any part of it, for a degree at The Open University or any other university or institution.

## Introduction

This dissertation examines the criminalisation, prosecution and punishment of defaulters against the Vaccination Acts of 1853 and 1867. The study asks whether there is evidence of ‘resistance’ in Cardiff and its surrounding districts to enforced healthcare in the form of the compulsory vaccination of healthy infants against smallpox. Chapter one will look for direct evidence of resistance in the form of low vaccination rates, prosecutions, or applications for certificates of conscientious objection. Chapters two and three will look for indirect evidence by examining how parents who did not have their children vaccinated were treated or talked about by the courts, local government functions, and local newspapers. In particular, the study will interrogate this evidence to confirm or refute the argument that the Acts disproportionately targeted Cardiff’s working class parents. The applicable A825 theme is Crime and Penal Policy, in particular the ways in which specific behaviours can become criminalized in one period and decriminalised in another.<sup>1</sup> This dissertation will use Cardiff as a case study in how compulsory vaccination policies were implemented and experienced in an ‘ordinary’ town that did not have an antivaccination society or league, where there are there no records of riots, of the burning of effigies of Dr Edward Jenner, or of Board of Guardians either abandoning the enforcement of the Acts and becoming part of the resistance movement.

### *Selection of Primary Sources and their Limitations*

The primary evidence used is in four forms and this study examines each in turn. The first is data that suggests resistance, such as vaccination rates, the numbers of prosecutions and punishments of parents, or claims of conscientious objection by parents. The sources for the data are parliamentary papers and the minutes of the Cardiff Vaccination Committee (a non-

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<sup>1</sup> Clive Emsley, ‘Block 4: Crime, Police and Penal Policy’, A825 MA History Part 1, 2<sup>nd</sup> edn (Milton Keynes: The Open University, 2016), 1-34 (p.8).

Poor Law function of the Board of Guardians), and the data are tabulated and discussed in chapter one. The second source is the local newspaper accounts of police court sessions where parents were prosecuted or presented claims of conscientious objection. This data is used in two ways. Firstly, to determine if the courts disproportionately prosecuted working-class parents, and to attempt to categorise the ‘types’ of defaulters based on the reasons given by the defendants. Secondly, to review the attitudes of magistrates towards the parents being prosecuted or to those making conscientious objections. The third source is the minutes or local newspaper reports of the meetings of local bodies such as the Board of Guardians or Board of Health, who had the primary responsibility of dealing with resistance when it occurred. This evidence was used to determine the responses of officials to the cases of inadequate vaccination coverage. The final source is the articles, editorials and letters published in five newspapers whose distribution included Cardiff. This coverage was analysed to see how influential bodies constructed opinions of defaulting parents, and of mandatory vaccination itself.

The quantitative data used in chapter one is limited in that full data sets from across the period are not available, and Parliamentary returns were published sporadically. Therefore, the approach taken was to build an overall picture of resistance, or lack of it, using different data sets as ‘snapshots’ in time, for example by using prosecutions per 1000 births from one period with outcomes of prosecutions from a second. A second limitation is that local newspaper accounts of police courts provide limited information on the parents and tended to only report their words when these had a ‘sensationalised’ aspect to them, such as claims of children who died after vaccination. The attitudes and reactions of magistrates tended to be reported more frequently, but particularly when the response showed a negative attitude to a parent claiming a conscientious objection. The final limitation is the editorial stances of the selected newspapers towards compulsory vaccination. All the titles used in this study were

hostile towards it even if the court reporters were not. Since this can be considered 'resistance' coming from, and amplified by, influential opinion forming institutions, it tends to skew the evidence towards an impression that opposition was significant and widespread in Cardiff, which is not supported by other sources. A summary of the political leanings of the sampled news titles is given in chapter two.

### *Methodology*

The dissertation uses a combination of quantitative and qualitative methodologies. Chapter one is a quantitative study of published national, regional and local government data. Chapter two combines a quantitative and qualitative approach using a sample of titles from the Welsh Newspapers section of the National Library of Wales website that were distributed in South Wales and selected using the keyword search "vaccination". Chapter three is a qualitative review using a sample from the keyword search "Cardiff board of guardians" and "vaccination". The reports were then cross referenced with the minutes of the Cardiff Board of Guardians. In each case samples were selected from across the period, within the limitation of the individual publication ranges.

### *Secondary Literature*

The work of historians on smallpox vaccination policy and antivaccination movements used in this study can be grouped into three categories. First, those historians who focus on the implementation of the vaccination acts and the effectiveness of compulsion in reducing smallpox mortality. These tend to argue that resistance and negative public attitudes to vaccination, though a real phenomenon, was not as widespread or influential as the rhetoric of campaigners would have us believe. Second, those historians who focus on the anti-vaccination movements and their composition, motivations and impact. Resistance for these historians is mostly a political act and can be understood as an orthodox interpretation of the



objections to state infringements of civil liberties. Third, those who focus on more radical arguments such as the widespread social grievances over state interference with matters relating to the body. These historians tend to focus on the experiences of the working classes, especially women, and argue that resistance was a central, defining feature of Victorian attitudes towards the state.

In the first category, Brunton's *The Politics of Vaccination: Practice and Policy in England, Wales, Ireland, and Scotland 1800-1874* researched the haphazard evolution of policy and the ineffectiveness of the vaccination system, arguing these were more impactful on controlling smallpox and improving vaccine uptake than parental resistance and the organised resistance movements. Brunton argues that too much emphasis has been placed on the impact of antivaccination movements on vaccination rates and on the effectiveness of the Vaccination Acts in general. Similarly, Williams focuses on the ability (or inability) of the system to cope with outbreaks, arguing that most writing on the subject is concentrated on the role of antivaccination movements.<sup>2</sup> Porter and Porter challenge the arguments that the campaigns of the anti-vaccinationists amounted to a triumph for a more responsible type of preventive care in the form of a sanitation-based model of public health over vaccination.<sup>3</sup> Chapter one incorporates these arguments in its review of the scale of resistance in Cardiff.

In the second group, Macleod and Beck in the 1960 researched the causes and impacts of antivaccination sentiment and the 'journey' towards decriminalisation in 1907. Macleod characterises the anti-vaccination movement as a late Victorian pressure group that, although made up of disparate social and regional groups, achieved real political change at the national

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<sup>2</sup> Williams, Naomi, 'The Implementation of Compulsory Health Legislation: Infant Smallpox Vaccination in England and Wales, 1840-1890', *Journal of Historical Geography*, 20 (1994), 396-412.

<sup>3</sup> Dorothy Porter and Roy Porter, 'The Politics of Prevention: Anti-Vaccinationism and Public Health in Nineteenth Century England', *Medical History*, 32 (1988), pp.235-6.

level through acts of civil disobedience.<sup>4</sup> Macleod argues that although mid Victorian society and the courts would not tolerate a parent's wilful decision to neglect a child's healthcare needs, there did seem to be toleration when it came to resisting preventive methods such as vaccination. The point of contention was that vaccination was seen as a healthcare procedure that could sicken an otherwise healthy child.<sup>5</sup> Beck identifies the main three factors that affected the attitudes of parents and that were galvanised into anti-vaccination campaigns, as constitutional, medical, and religious.<sup>6</sup>

Baldwin's *Contagion and the State in Europe, 1830-1930* is a detailed study of the chronology of how governments deployed vaccination, then compelled it and criminalised non-compliance, and then decriminalised it again. Like Beck, the book identifies 'types' of resistor, and ascribes their increasing impact on politics to the rise in political movements for social reform from the 1870s, what a medical officer called the 'anti-everything' community:<sup>7</sup>

- i. Those who objected to the notion of biological contact with lower species.
- ii. Those who doubted that compulsory vaccination would be effective.
- iii. Those who accepted vaccination's worth but resisted state compulsion.
- iv. Those who doubted the scientific validity of vaccination and believed it should only be used in epidemics.
- v. Those who argued vaccination had little worth as a primary defence against smallpox if immunity only lasted a few years

Chapter two will review news reports of prosecutions to determine which if any of these types were prevalent among Cardiff's 'resistors'.

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<sup>4</sup> Roy M. Macleod, 'Law, Medicine and Public Opinion: The Resistance to Compulsory Health Legislation, 1870-1907,' *Public Law* (Autumn, 1967), p.211.

<sup>5</sup> Roy M. Macleod, 'Medico-Legal Issues in Victorian Medical Care', *Medical History*, 10 (1966), p.48.

<sup>6</sup> Ann Beck, 'Issues in the Anti-Vaccination Movement in England', *Medical History*, 4 (1960), p.316.

<sup>7</sup> Peter Baldwin, *Contagion and the State in Europe, 1830-1930* (Cambridge: Cambridge University Press, 1999, pp.282-3.

All the historians in the second category argue that contemporaries saw compulsion and prosecution as disproportionately affecting the poorer segments of society, and that this targeting of the most vulnerable classes tended to provoke the most intense and aggressive response from the anti-vaccination movement. Fichman and Keelan argue that contemporaries saw the penal element of compulsory vaccination as a state crime against the poorest members of society.<sup>8</sup> Rowbotham argues that when Parliament increased the compulsion elements in 1867, it not only strengthened the antipathy felt towards its association with the Poor Law but also brought increasing numbers of people into contact with the criminal justice system, people who would never previously have had any involvement with the courts.<sup>9</sup> Wiener describes the concerns over how respectable people who had defaulted against 'administrative' provisions were being drawn into the criminal classes, and compares those parents whose commitment to resistance saw them face prison sentences to political prisoners in Ireland.<sup>10</sup> The use of fines rather than imprisonment in the vast majority of judgments meant that in effect parents who could afford the fines could evade vaccinating their child almost indefinitely.<sup>11</sup> Thus, the system of repeated fining was essentially a tax that the wealthy could pay to gain exemption, while the poorer classes could face prison terms.<sup>12</sup> Resistance and campaigning may have come from across the social spectrum, but their lack of financial resources meant the working classes felt the heaviest burden of resistance.<sup>13</sup>

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<sup>8</sup> Martin Fichman and Jennifer E. Keelan, 'Resister's logic: the Anti-vaccination Arguments of Alfred Russel Wallace and their Role in the Debates over Compulsory Vaccination in England, 1870–1907', *Studies in History and Philosophy of Biological and Biomedical Sciences*, 38 (2007), p.593.

<sup>9</sup> Judith Rowbotham, 'Legislating for Your Own Good: Criminalising Moral Choice. The Modern Echoes of the Victorian Vaccination Acts', *Liverpool Law Review*, 30 (2009), p.22.

<sup>10</sup> Wiener, Martin J, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990), pp.332-333.

<sup>11</sup> Rowbotham, p.23.

<sup>12</sup> Baldwin, p.349.

<sup>13</sup> Rowbotham, p.27.

The third strand of research is best represented by Nadja Burbach's *Bodily Matters: The Anti-vaccination Movement in England, 1853–1907*. Durbach argues that the notion of who controlled access to the body was central to resistance to compulsory vaccination, playing a key role in developing Victorian notions of class and gender identity.<sup>14</sup> Not only did the state become intimately involved with people's bodies through the introduction of compulsory vaccination, but it enforced that involvement, with the vaccination officers effectively acting as medical police.<sup>15</sup> Durbach argues that in using the Poor law Guardians to implement a public health policy that was ostensibly meant to benefit the working classes (whose children were most likely to suffer from smallpox), the state in fact pauperised and shamed working class parents, and the courts subsequently disciplined and punished them.<sup>16</sup>

Durbach's research seeks to place the social grievances and mistrust of state authority at the centre of the study of anti-vaccination resistance and move away from the focus on national efforts to effect political change. In particular, she argues that compulsory vaccination of children was understood by contemporaries to be an infringement of the rights of mothers. This infringement was against their biological and maternal rights, not their political rights, and featured heavily in anti-vaccination literature.<sup>17</sup> Since middle class parents were very rarely punished, or at worst were able to comfortably tolerate repeated fines, their objections to the acts tended to be based on notions of political liberty. Working class mothers on the other hand felt the burden of the penal policies much more strongly and their objections tended towards the state's coercion regarding their bodies and the bodies of their children.<sup>18</sup>

Arguing that many working-class parent's objections were based on real experiences of vaccine injured children, Durbach describes resistance as a series of localised and individual

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<sup>14</sup> Nadja Durbach, *Bodily Matters: The Anti-vaccination Movement in England, 1853–1907* (Durham and London: Duke University press, 2005), p.6.

<sup>15</sup> Durbach, p.7.

<sup>16</sup> Durbach, p.18.

<sup>17</sup> Durbach, pp.60-1.

<sup>18</sup> Durbach p.69; p.85; p.90.

efforts at evading or frustrating the law. Chapters two and three will test Durbach's argument by reviewing how local officials, courts and newspapers treated and described prosecuted parents.

## Chapter 1 The Extent of Resistance to Compulsory Vaccination

This chapter uses local and national government data to assess the scale of resistance to compulsory vaccination in Cardiff. It attempts to trace resistance to the Vaccination Acts across the period of 1853 to 1907 by examining infant vaccination rates, numbers of prosecutions and convictions, and numbers of conscientious objection certificates issued by magistrates. Throughout, comparisons are made with other regions and comparable towns and cities in England and Wales to determine whether or not Cardiff was a geographical ‘hotspot’ of resistance like some towns of the Midlands or the Northwest of England. The chapter argues that vaccination rates in Cardiff were initially low and in line with the national picture in the 1850s, but that they increased over time and became more comparable to a rural area such as Southwest England than to similar sized industrial towns and cities. It argues that prosecutions and convictions were at a low level even when vaccination rates were low, and the Acts widely ignored. Finally, the chapter argues that the levels of resistance in the form of successful claims of conscientious objection after 1898 were low both nationally and in Cardiff. The chapter acknowledges that it cannot be known how many parents were unsuccessful in their claims, and therefore the true number of parents who resisted for this reason, cannot be determined.

The conclusions of the chapter are based on the limitations of the available data on infant vaccination rates, prosecutions and convictions, and numbers of conscientious objection certificates. None of these three datasets are available for the whole time period. The chapter therefore strives to build an overall picture of resistance in Cardiff using these data as snapshots of different time points. It is structured in two sections: firstly, an overview of the lack of effectiveness of the various Acts as identified by historians, and secondly a review of the impact and effectiveness of the Acts in Cardiff.

*The Impact and Effectiveness of the Vaccination Acts: An Overview*

The starting point for this review is the implementation of the 1853 Vaccination Act which first made vaccination of infants under three months old against smallpox compulsory in England and Wales (the original Vaccination Act of 1840 provided optional vaccination free of charge). A timeline of the passing of the Vaccination Acts can be found in appendix one. A description of the vaccination procedure can be found in appendix two. Parents who failed to comply with the act ('defaulters') could be liable to prosecution, fines and even imprisonment. It seems the government leaned towards compulsion, rather than improving the existing system, after studies of European measures showed a strong correlation between compulsion and lower mortality.<sup>19</sup> Brunton challenges the orthodoxy that this Act was a turning point in the fight against smallpox and led to a long term decline in prevalence of the disease, arguing that it did not cause a significant upturn in vaccination<sup>20</sup>. Describing the Act as a 'damp squib', Brunton argues that the Act failed to add new infrastructure to the existing vaccination provision and that parents quickly came to realise that compulsion could easily be ignored. Any initial increase in uptake was therefore quickly eroded. Table 1.1 shows the infant vaccination rate (IVR) in Glamorgan, and from the Midlands and Lancashire from 1853 to 1867. IVR is measured as the number of infants vaccinated per 10000 live births. IVR does not represent the true picture of overall vaccination levels, as it obviously excludes vaccination of older children. However, as the Acts required most children to be presented for vaccination in the first three months, IVR is a reliable indicator of the degree of full compliance with the Acts. The data is limited with respect to Cardiff, as the city's IVR data is incorporated into the wider Glamorgan area. It shows that all three regions saw an upturn in IVR following the 1853 Act, although there were clearly far too many unvaccinated infants

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<sup>19</sup> Williams, p.398.

<sup>20</sup> Deborah Brunton, *The Politics of Vaccination: Practice and Policy in England, Wales, Ireland, and Scotland 1800-1874* (Rochester, N.Y: University of Rochester Press, 2008), p.39.

given that vaccination was compulsory. Some of the low uptake can be accounted for by children who could not be vaccinated due to susceptibility to adverse reactions, and to inefficiencies in the process and errors in recording of vaccination. These figures nevertheless still suggest that large numbers of Glamorgan parents, and by extension probably Cardiff parents, were defaulting and liable to prosecution. The next section shows, however, that very few were actually prosecuted, which supports Brunton's position that the enforcements of the Acts was minimal.

Table 1.1: Infant Vaccination Rate (IVR) in Selected Regions, 1864-1890<sup>21</sup>

Range	Infant Vaccinations per 1000 Births (Glamorgan)	Infant Vaccinations per 1000 Births (Midlands)	Infant Vaccinations per 1000 Births (Lancashire)
1853-54	175-299	300-424	300-424
1854-67	500-574	500-574	575-649

The decision to compel parents seems to have been debated only minimally in parliament and held little real interest in medical circles.<sup>22</sup> Some leading medical societies believed that the poor (seen as the group most likely to default) would quickly yield rather than face fines. Putting the public vaccinator in the control of the Poor Law Guardians not only put healthcare in the hands of what Brunton calls 'penny pinching' bodies but also associated vaccination with pauperism in the eyes of parents. The issues with the connection to the poor law dated as far back as the 1840s, as vaccinators were paid out of the poor law rates even though the service was provided free of charge to all parents not just to the poor.<sup>23</sup> Despite official assurances to the contrary, the poorer classes often believed that vaccination was a form of outdoor parish relief.<sup>24</sup> A crucial failure of the 1853 Act is that it did not specify who

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<sup>21</sup> Williams, p.402.

<sup>22</sup> Brunton, pp.46-7.

<sup>23</sup> Baldwin, p.253.

<sup>24</sup> Baldwin, p.259.



was to bring the prosecution against defaulters, meaning it was rarely enforced. Defaulting was a crime with no meaningful penal consequences. Table 1.2 shows that in the mid-1860s, the majority of Unions or parishes (whose Poor Law Guardians had responsibility for enforcing the Acts as a ‘non-Poor Law’ function), were unwilling or unable to take any additional action to enforce the Acts. Cardiff was among the regions taking no action. This was at a time when no region of England and Wales including Cardiff had better than 65% of infants successfully vaccinated, with some areas having considerably lower.<sup>25</sup>

Table 1.2: Unions or Parishes Taking Action to Enforce Vaccination Acts, 1864<sup>26</sup>

Took No Action to Enforce Obedience	505
Took Action to Enforce Obedience	81
Acted by Posting Bills and Notices	70
Applied Indirect Pressure	3

Similarly, and over twenty five years later, the Royal Commission into vaccination reported that 120 of 622 poor law unions were not fully enforcing the Acts, including forty six who had ceased enforcement altogether as they were waiting for the commission to report their findings.<sup>27</sup>

Inconsistently enforcing the Acts was not just a matter of ineffective penal policy. There were inadequacies in the vaccination provision itself which fostered negative public perceptions. Baldwin points to the ‘mercenary motive’ of vaccinators, and the fact they were controlled by a function with no other public health authority, as contributing factors to the forming of these negative perceptions. Also, they were not seen as true clinicians as they did not attend cases of smallpox and had no relationship with a family beyond this one procedure and the check of its success after seven days.<sup>28</sup> They might make fewer than the required four cuts

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<sup>25</sup> Williams, p.402.

<sup>26</sup> Return of Number of Unions or Parishes in England and Wales of which Guardians or Overseers have taken Measures to enforce Obedience to Vaccination Acts (1864).

<sup>27</sup> Final Report of the Royal Commission Appointed to Enquire into the Subject of Vaccination, 1896, PP. 1896, Cmd.8270, Volume 47, p.134.

<sup>28</sup> Fichman and Keelan, p.588.

during the vaccination to appease an uneasy parent, or even bribe resistant parents.<sup>29</sup> It was only after the 1867 and 1871 Vaccination Acts that the enforcement of compulsion appeared to have more strength. Now the guardians were required to employ vaccination officers whose role was to bring prosecutions of defaulting parents to the magistrates, who could in turn order a vaccination to take place, or issue fines of up to twenty shillings. Parents of unvaccinated children could in theory exist in a state of criminal default until the child was fourteen, subject to repeated prosecution at any time in a ‘cat and mouse’ game between individual and state.<sup>30</sup> Brunton however again argues that these measures were half hearted and that very few defaulters were actually fined or imprisoned, despite levels of nonvaccinated children of all ages still running as high as 10% in England and Wales by the late 1860s.

Despite the rhetoric of anti-vaccination campaigners about the oppressive nature of the Act, many defaulters who made court appearances agreed to have their child vaccinated, described as a habit of ‘indefinite unwillingness which yields to the slightest touch of the law’.<sup>31</sup> The second section of this chapter argues that this was the case in Cardiff. Echoing Brunton, Porter and Porter also question the size and reach of the various pressure groups and point out that most of the population remained vaccinated throughout the period of anti-vaccination activity and that is not possible to know how many defaulters were prosecuted out of negligence rather than actively resisting compulsory vaccination. Arguing that parents would often yield to the mildest state pressure, they point out that resistance strongholds such as Gloucester actually saw increased vaccination uptake during times of epidemic.<sup>32</sup>

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<sup>29</sup> Brunton, pp.79-80.

<sup>30</sup> Williams, p.399.

<sup>31</sup> Brunton, p.100

<sup>32</sup> Porter and Porter, pp.251-2.

The authorities in some English towns such as Leicester and Keighley seemed to have abdicated their responsibility for enforcing the Act altogether.<sup>33</sup> Even though the 1867 and 1871 Acts attempted to eliminate this problem by empowering Local Government Boards to force their Guardians and their vaccination officers to prosecute defaulters, central government allowed discretion to be used in individual cases. In areas of high resistance to the acts, Guardians were allowed to decide if they would enforce the law or not.<sup>34</sup> A national law to improve public health ultimately became a local matter. Where towns and cities had traditions of self-government and antipathy towards overreaching London governance, an imposition such as the vaccination Acts became another battle for political control between the local and national.<sup>35</sup> Just as the 1853 Act failed to raise vaccination rates because it was easily avoided, it seems that the 1867 and 1871 Acts similarly failed because they were also inconsistently enforced, and the lack of epidemics suggests parents did not share the medical authorities' sense of urgency in vaccination.

Lobbying of Parliament by movements such as the National Anti-Vaccination League led to the formation of a Royal Commission into vaccination from 1889-1896. One of its terms of reference was the provision in the previous vaccination Acts for prosecution of defaulters.<sup>36</sup>

While the majority report of the commission endorsed compulsory vaccination, there soon followed the Act of 1898 which permitted parents to avoid default by persuading two magistrates that they had a conscientious belief that vaccination would be prejudicial to the health of their child. Government effectively delegated the matter of vaccination to the magistrates, who now had to decide case by case between conscientious objection and neglect.<sup>37</sup> In 1907 Parliament, by this time featuring larger numbers of MPs opposed to

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<sup>33</sup> Brunton, p.87.

<sup>34</sup> Baldwin, pp.299-300.

<sup>35</sup> Baldwin, pp.346-7.

<sup>36</sup> First Report of the Royal Commission Appointed to Enquire into the Subject of Vaccination, 1889, PP. 1889, Cmd.5845, Volume 39.

<sup>37</sup> Porter and Porter, p.234.

mandated vaccination, voted through a bill that removed the judgment of magistrates. Parents now simply had to make a statutory declaration which had to be accepted.<sup>38</sup> As in Europe, political positions on vaccination cut across the usual tribal poles, but in general Conservatives favoured compulsion while Liberals favoured conscience clauses. Either way, in some areas of high resistance a pro-compulsion candidate had no chance of election regardless of their political leanings.<sup>39</sup>

### *The Impact and Effectiveness of the Vaccination Acts in Cardiff*

This section will examine whether the Vaccination Acts had a positive effect on raising vaccination rates nationally, regionally and in Cardiff. It will also examine whether the increased enforcement requirements of successive Acts led to changes in the prosecution and conviction of defaulting parents, again nationally, regionally and in Cardiff. The section argues that the Acts had a positive impact on Cardiff vaccination rates that was greater than in other industrial regions, but that prosecutions and convictions, while persistent across the period, were still low both nationally and in Cardiff. The section concludes that conscientious objection, a legally sanctioned form of default, was also low relative to overall vaccination rates.

It was argued in the previous section that infant vaccination in Glamorgan increased after the 1853 Act, but that overall rates were still low and comparable to the Midlands, an area considered to contain some of the areas of most resistance to compulsory vaccination, such as Leicester.<sup>40</sup> After the implementation of the 1867 Act, IVR increased in Wales to >650 per 1000 births between 1868 and 1890 whereas the midlands remained static at 500-574 and lower than in Wales. The IVR in Lancashire was also lower than in Wales at 575-649 and

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<sup>38</sup> Baldwin, pp.301-2.

<sup>39</sup> Baldwin, pp.334-5.

<sup>40</sup> Baldwin, p.294.

decreased to 500-574 after 1882.<sup>41</sup> By 1891 Cardiff's population had grown to 164,420, a size comparable with the Lancashire towns of Oldham and Bolton and growing at a faster rate than either.<sup>42</sup> Cardiff, Barry and Penarth all had new or expanded coal exporting docks by the 1880s, which probably accounts for much of the population increase, and all three came under the Cardiff Poor Law Guardians' remit for vaccination enforcement. Vaccination was nonetheless more accepted in Cardiff than in similar industrial 'boom towns' of Lancashire.

The divergence between Cardiff and manufacturing regions of England can also be seen in the prosecution rate. Table 1.3 shows the number of prosecutions per 1000 births from 1870 to 1878 for Cardiff and a selection of other regions. As might be expected based on IVR for this period, there are fewer prosecutions for Cardiff than the Midlands. In Lancashire, prosecution rates were even lower despite a lower IVR than Wales. The prosecution rate for Cardiff is in fact much closer to the Southwest of England, a predominantly rural area. The low prosecution rate also validates the arguments of Brunton and Williams that, far from being a draconian method of surveiling and punishing defaulters, prosecution in Cardiff was actually a rare outcome even when vaccination rates were far from 100%.

Table 1.3: Prosecutions per 1000 Births in England and Wales, 1870-1878<sup>43</sup>

Region	Prosecutions per 1000 Births
Cardiff	6-9
Midlands	>25
Southwest England	6-9
Lancashire	0-5

Assuming that the term prosecution means the summoning of a parent for non-compliance with the Vaccination Acts, then the next step is to assess the likelihood of a parent actually

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<sup>41</sup> Williams, p.402.

<sup>42</sup> A Vision of Britain through Time < <https://www.visionofbritain.org.uk/census/EW1891GEN/4?show=ALL>> [accessed 10<sup>th</sup> January 2024]

<sup>43</sup> Williams, p.402.

being convicted, that is, fined or imprisoned. Table 1.4 shows the convictions from 1867 to 1871 under section 29 (failing to have a child vaccinated) and section 31 (repeatedly failing to have the same child vaccinated up to the age of fourteen, the so called ‘cat and mouse’ clause). Although there was an increase in prosecutions from 1869, the conviction rates were still small considering that some regions of England had less than 60% IVR in these years. The number of parents convicted under section 31 is almost negligible.

Table 1.4: Summary Convictions under Vaccination Act, 1867, in England and Wales<sup>44</sup>

Year	Summary Convictions under Section 29	More than One Conviction for the Same Child	Summary Convictions Under Section 31	More than One Conviction for the Same Child
1868	172	0	4	0
1869	616	1	21	3
1870	631	12	40	16

Furthermore, just as Cardiff had lower prosecution rates compared to industrialised regions in England, it also had lower conviction rates. Table 1.5 compares the numbers of parents summoned and convicted in Cardiff and three English industrial cities in 1873 and 1874. In Cardiff, less than 2% of parents summoned were convicted, while in three of the four other cities the conviction rate was  $\geq 25\%$ . As with IVR, Cardiff was closer to the South of England, Southampton in this case, than to more northerly industrial areas in England. Again however, the enforcement of the Acts in terms of numbers actually summoned seems minimal across all five cities, even though several of these regions had IVRs under 65%. By 1879, only 305 parents had been fined in Wales since the implementation of the Acts and only five imprisoned, two of whom were from Cardiff.<sup>45</sup>

Table 1.5: Comparison of Prosecutions in Selected Cities, 1873-1874<sup>46</sup>

City	Summoned	Fined	Imprisoned
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<sup>44</sup> Return of Number of Summary Convictions under Vaccination Act, 1867, in England and Wales, and Scotland, 1868-70 (1871).

<sup>45</sup> Return of Number of Persons who have been imprisoned or fined for Non-compliance with Act relating to Vaccination of Children (Amended) (1881).

<sup>46</sup> Return of Number of Prosecutions in England and Wales under Vaccination Act (1867), 1870-74 (1875).

Cardiff	52	1	0
Durham	42	15	0
Northampton	28	10	0
Sheffield	12	3	0
Southampton	14	1	0

The available data on court proceedings brought by the Cardiff Board of Guardians in the 1890s (table 1.6), also shows low numbers of prosecutions and convictions. The number of summoned parents increased compared to the 1870s, but whether this stemmed from increased resistance, more determined enforcement, population increase, or a combination of all three, is difficult to determine. The annual prosecutions in the 1890s increased gradually, unexpectedly plummeted in 1895, before rising again. Other than incomplete vaccination committee minutes, one plausible explanation could be an outbreak of smallpox in the Cardiff area. As noted earlier, historians have observed that even antivaccination ‘strongholds’ saw increased vaccination uptake during times of epidemic.<sup>47</sup> The data also shows that between 22% and 40% of parents responded to a summons by getting their child vaccinated before the court date. The ‘Other’ category includes parents who were ordered to have their child vaccinated, with no conviction issued. As Brunton argued, it seems that rather than resisting the law on principle even if it meant a conviction, many parents yielded to the law at its first touch.

Table 1.6: Outcomes of Cardiff Police Court Prosecutions 1890-1895<sup>48</sup>

Year	Summoned	Vaccinated before Appearance	Fined	Other
1890	69	28	21	20
1891	67	17	29	30
1892	72	20	29	23
1893	102	38	31	33
1894	9	2	2	5
1895	63	18	24	21

<sup>47</sup> Porter and Porter, pp.251-2.

<sup>48</sup> UC66/1, Vaccination Committee Minutes book, May 1890-Aug 1898.

The third type of ‘resistance’ that can be analysed is the numbers of certificates of conscientious objection granted to parents. As this objection was allowed under the 1898 Act providing certain conditions were met, it cannot really be considered resistance in the sense of defaulting. It can perhaps be considered resistance to the notion of the state dictating medical and moral choices to parents. Durbach articulates the contemporary concern that since the 1898 Act did not remove compulsion altogether, this made conscientious objectors ‘licenced lawbreakers’.<sup>49</sup> Table 1.7 shows that in the years immediately following the 1898 Act, around 3.5%-4.5% of parents of newborns were granted certificates. At the same time, issuance of primary certificates of vaccination in England and Wales was between 72% and 76% of all registered births.<sup>50</sup>

Table 1.7: Ratio of the number of children in respect of whom Certificates of Conscientious Objection had been received in each year to the number of births in the same year<sup>51</sup>

Year	London	England and Wales (excluding London)	England and Wales
1899	1.1%	3.9%	3.5%
1900	1.0%	4.8%	4.3%
1901	1.1%	5.0%	4.4%

Table 1.8 compares the number of certificates for Conscientious Objection and for primary vaccination in Cardiff with three industrial cities that were of comparable size according to the 1881 and 1891 censuses, Sunderland, Bolton and Blackburn. The data shows that the number of accepted objections in Cardiff was minimal, with only two certificates issued per 1000 vaccination certificates. This is similar to Bolton and Sunderland, but lower than Blackburn (it was noted previously that by the 1890s Lancashire’s IVR was also falling).

<sup>49</sup> Durbach, p.176.

<sup>50</sup> Return showing in respect of each Poor Law union in England and Wales (1) the number of certificates of conscientious objection under section 2 of the Vaccination Act, 1898, received by the vaccination officers, which were dated between the 1st day of January and the 31st day of December in each of the years 1900 and 1901; and (2) the number of certificates of successful primary vaccination received by the vaccination officers during each of those years (1902).

<sup>51</sup> Poor Law Return on conscientious objection and primary vaccination certificates 1900-1901 (1902).



Again, it shows that resistance was low in Cardiff and broadly across England and Wales, but higher in localised ‘hotspots’. It is not known how many parents applied for certificates and were rejected. The number of parents resisting through objection was therefore probably higher than the certification data suggests. Chapter two examines the attitudes of Cardiff magistrates to conscientious objection and argues that many of them disagreed with it and even contravened the law in their rulings.

Table 1.8: Certificates of Conscientious Objection and Primary Vaccination Certificates Issued in Selected Cities, 1898-1901<sup>52</sup>

City	Number of Certificates of Conscientious Objection Issued	Number of Primary Vaccination Certificates Issued	Ratio of Certificates of Conscientious Objection to Primary Vaccination Certificates
Cardiff	452	22577	0.02
Sunderland	197	18887	0.01
Bolton	227	25442	0.01
Blackburn	1209	19501	0.06

### *Summary*

In the 1850s, resistance to compulsory vaccination can be seen in Glamorgan and in England in the form of IVR of less than 65%. As time passed, IVR in Wales increased while in comparable industrial regions in England it remained constant or even fell. Unions including Cardiff often took no additional action to enforce ‘obedience’ to the Acts, even in areas with low IVR. After the enforcement aspects of the 1853 Act were strengthened in 1867 and 1871 prosecutions in Cardiff increased but were still low and only a small proportion of these led to convictions. Many parents summoned either responded at the first sign of pressure by having their child vaccinated before the court hearing or did so under order by the court. Cardiff is not an outlier in this respect, as the data shows a similar lack of enforcement in similar sized cities. The number of parents applying for certificates of conscientious objection

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<sup>52</sup> Return of Number of Certificates of Conscientious Objection under Vaccination Act, 1898, in England and Wales (1899); Return for each Poor Law Union in England and Wales of Number of Certificates of Successful Primary Vaccination received by Vaccination Officers, January-June 1898 and 1899 (1899); Poor Law Return on conscientious objection and primary vaccination certificates 1900-1901 (1902).

were also low, both in Cardiff and nationally. The reasons for the residual levels of defaulting in Cardiff will be explored in the next chapter. Historians like Brunton, Willams and Baldwin argue that the Acts were ineffectively implemented. Vaccination provision was inefficient and provided by unpopular Poor Law Guardians, and the consistent lack of enforcement made the Acts easy to ignore. When it was enforced, parents' resistance was often short lived. Overall, Cardiff's vaccination coverage by the end of the period was high. Few parents officially objected on matters of conscience, and the small number who were prosecuted often yielded quickly, suggesting a softness in the levels of 'resistance'.

## Chapter 2 The Experience of Prosecution: Parents and Magistrates

This chapter will review newspaper reports of court proceedings brought against parents by the vaccination officer on behalf of the Cardiff Board of Guardians, for default against the Vaccination Acts, and of parents claiming exemption for a conscientious objection. The aim is to review the events from the perspective of two different sets of participants: the parents, and the magistrates and other officials of the court. There are three corresponding questions. First, can it be determined that working class parents were being disproportionately summoned and punished by the vaccination officers, Guardians, and magistrates. Second, can the reasons for parents' default, and their attitudes towards vaccination, be determined from court reports, and how do these reasons correlate with those given by historians of antivaccination movements. Third, how do the responses and attitudes of Cardiff magistrates towards defaulters, especially those claiming a conscientious objection, compare to the descriptions of magistrates attitudes given in sources such as Royal Commission testimony and published medical journals.

The chapter will first summarise the background of the various newspapers used as primary sources, including their limitations, and then examine the three questions in turn. The chapter will expand on the arguments made by historians on the reasons for parental resistance to vaccination that were summarised in the introduction. The chapter will argue that the arguments of Durbach in particular are not supported by the reports of defaulting Cardiff parents, nor is the evidence conclusive that working class parents were the 'targets' of enforcement. It also argues that the attitude of Cardiff magistrates closely reflected the described behaviours of magistrates nationally, particularly regarding claims of conscientious objection.

### *The Newspapers*

The local newspapers used as primary sources for this chapter are two daily publications, *South Wales Daily Wales* and *Evening Express*, and three weekly publications, *The Cardiff Times*, *South Wales Echo*, and *The Western Mail*. All five were English language titles and printed and published in Cardiff, covering local and general news from the South Wales region and nationally. After the 1852 general election Cardiff returned a Liberal MP to Westminster for the first time, and by 1876 news titles supporting liberal politics outnumbered those supporting conservative politics by twenty seven to eight<sup>53</sup>. This chapter attempts a balanced section from both political positions. *South Wales Daily News* began publication in 1872 and has been described as ‘one of the chief organs of Welsh Liberal Politics’<sup>54</sup>. *The Cardiff Times*, also a liberal title, began circulation in 1857. *Evening Express*, which began circulation in 1887, and *The Western Mail*, founded in 1869 by a wealthy conservative benefactor in the third Marquess of Bute, were supportive of conservative politics during the period under study. *South Wales Echo* began circulation in 1884. As was standard during this period, none of the articles included a journalistic byline and the ‘voice’ of the journalist can therefore seem to be the voice of the newspaper itself, thus creating an impression of editorial omnipresence when it came to official proceedings such as court hearings and meetings of local government officials, which are the basis of this chapter and the next.<sup>55</sup>

### *The Experience of the Prosecuted*

This section summarises a review of seventy newspaper reports of court proceedings against parents who were either summoned by the magistrate for defaulting against the Vaccination

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<sup>53</sup> Lisa Peters, ‘Welsh Periodicals and Newspapers’ in *The Routledge Handbook to Nineteenth-Century British Periodicals and Newspapers* ed. by Andrew King, Alexis Easley, and John Morton (Oxford and New York: Routledge, 2016), p.195.

<sup>54</sup> The National Library of Wales <https://newspapers.library.wales/browse/3496463> [accessed 03 December 2023]

<sup>55</sup> Andrew Walker, ‘The Development of the Provincial Press in England c.1780-1914: An Overview’, *Journalism Studies*, 7.3 (2006), p.382.

Acts, or who attended the hearing voluntarily to claim exemption through a Conscientious Objection. The review consists of a quantitative study of the reports to determine firstly whether the occupations of the parents can be determined, and to test the arguments by historians such as Durbach that prosecutions were mostly brought against working class parents. The second aim of the quantitative review will be to determine whether the reporting of the hearings confirms that low numbers of prosecuted parents were actually fined and imprisoned as discussed in chapter one. The second part of the section will consist of a qualitative review of the reports themselves to determine if the reasons given by the summoned parents for defaulting are reported, and how these reasons compare to the categorisation of types of resisters by historians.

Overall, the pattern of reporting across the sample shows that in the period from 1863 to 1889 the titles focused on parents who were either prosecuted for neglect or whose default was presented as a form of resistance on medical or constitutional grounds. From 1889 onwards, there is a greater focus on parents claiming exemptions on ground of conscience, even though the Act that formally permitted parents to do this was not brought in until 1898. The detailed analysis of the reports suggests that the courts did not systematically punish working class Cardiff parents. There are twenty four references to the occupation of a summoned parent from twenty of the reports. These occupations include skilled trades (cabinet maker, plumber, photographer, tailor), state employees (postman, police constable, councillor, school master) and professions (accountant, businessman, salesman). This profile is almost identical to the group who gave evidence to the Royal Commission on Vaccination as reported in the minutes of the second, third, fourth and sixth report between 1890 and 1897. The founder of the Basingstoke Anti-Vaccination League testified in 1890 that he believed most prosecutions

were against tradesmen.<sup>56</sup> In the Cardiff papers, the most frequently named occupation with three references was Reverend, and in all three cases the newspaper report also provided details of the exchanges with the magistrates. The nature of these exchanges and what they reveal about motivations for default among church officials will be explored in the next section. In the remaining fifty reports there is no reference to any occupation, even though in the majority of the reports parents were prosecuted in ‘batches’, sometimes in groups of over twenty and on one occasion as many as thirty four.<sup>57</sup> No other offence was mentioned in any of the reports, suggesting that police court sessions were periodically given over to prosecuting parents in groups for administrative reasons.

The only clear reference to what would typically be considered a working class occupation was a labourer from Barry who *Evening Express* reported was granted an exemption in 1905 when he testified that all eight of his children had suffered from vaccination and one had died.<sup>58</sup> In an area with docks at Cardiff, Barry and Penarth that were exporting huge volumes of coal from the South Wales coalfields in this period, it is very likely that a large number of navvies, coal trimmers and other manual workers associated with the docks lived in the Cardiff area. In 1863, 1871 and 1878 the Poor Law Guardians debated what action should be taken about the large number of migratory labourers (‘mechanicals’) living in Irish districts such as Grangetown, given the low rates of vaccination there.<sup>59</sup> The proportion of unvaccinated and often unregistered children in areas with migratory navvies was reported as being as high as 19% in 1886.<sup>60</sup> There are no references to these specific occupations being prosecuted in the reports from those years, even though they were singled out as problem

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<sup>56</sup> Second Report of the Royal Commission Appointed to Enquire into the Subject of Vaccination, 1890, PP. 1890, Cmd.6066, Volume 39, p.190.

<sup>57</sup> *South Wales Daily News*, 21<sup>st</sup> November 1889.

<sup>58</sup> *Evening Express*, 29<sup>th</sup> September 1905.

<sup>59</sup> *The Cardiff Times*, 5<sup>th</sup> June 1863; *The Western Mail*, 13<sup>th</sup> February 1871; 7<sup>th</sup> October 1878.

<sup>60</sup> *The Western Mail*, 22<sup>nd</sup> February 1886.

occupations by the Guardians. It is of course possible that it was parents from these occupations that made up the bulk of those who were prosecuted in batches with no details reported of their occupations. It is equally possible, given the transitory nature of these families, that the vaccination status of children whose births were not registered could not be tracked by the Guardians and it was not feasible to determine if prosecutions were warranted. From the evidence of the newspaper reports then it is difficult to validate the arguments made by historians that the courts were used to chase and punish working class parents. The reports are more reliable when it comes to the outcomes of the hearings and the severities of any punishments handed down. In the sample of seventy reports, thirty two reported at least one fine handed out, and often more. The punishments ranged from two shilling to twenty shilling fines, and one prison sentence was handed out. In conjunction with the data presented in chapter one, it is evident that the guardians and The vaccination officer prosecuted default infrequently, with the parents summoned in batches. Nonetheless the number of parents being fined in these groups, even when stating injuries of deaths in their families as the reason for their resistance, does at first seem to validate the argument that the law was used to punish parents for making the wrong decision on healthcare. In 1890 The vaccination officer brought a group of twenty three to court and almost all were fined, with the reporter citing negligence as the cause.<sup>61</sup> In June 1892 nineteen parents were summoned and eighteen of them fined.<sup>62</sup> In November 1908, the whole group were fined the maximum of twenty shillings even though by this time the law permitted simple avoidance of vaccination via the 1907 Act.<sup>63</sup> Similarly, in another session in 1908 the Cardiff Times ran a story with the headline ‘Stiff

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<sup>61</sup> *South Wales Daily News*, 25<sup>th</sup> Sep 1890.

<sup>62</sup> *Evening Express*, 15<sup>th</sup> June 1892.

<sup>63</sup> *The Cardiff Times*, 30<sup>th</sup> November 1908.

Fines for Parents' where the whole group was fined the maximum of twenty shillings for failing to comply with previous court orders.<sup>64</sup>

The impression from the sample then is that parents were fined at a regular frequency, and sometimes in large numbers and to the maximum penalty allowed. This supports the argument that Vaccination Acts were used to punish large numbers of parents. However, the overall pattern of the prosecutions is more complex, and many reports showed that magistrates were willing to use many other tools at their disposal to achieve the end result of getting more children vaccinated, not just to punish parents. Parents were often ordered to comply with the Act within fourteen days rather than being immediately punished with fines, even though these were individuals who had been tracked by the vaccination officer and identified to the Guardians as needing prosecution.<sup>65</sup> Magistrates sometimes showed empathy when parents made the case for their beliefs, such as a Quaker who made an 'eloquent' speech about his scruples barring him from obeying the law and from paying any fine.<sup>66</sup> *Evening Express* reported on five occasions that parents were exempted because of deaths or injuries sustained by family members, including the only woman mentioned in the sample who complained of having had 'no rest' with her children for years because of vaccination.<sup>67</sup> In 1889 the magistrates rejected a claim by a man that his sister had been injured by vaccination and sentenced him to seven days in prison for being unable to pay the fine.<sup>68</sup> Yet in the same hearing a man was summoned who received no punishment even though he was actively refusing to have his child vaccinated. He stated in court that he had buried two young children, and that after vaccination "blood broke out all over [the] body" of his eldest child,

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<sup>64</sup> *The Cardiff Times*, 30<sup>th</sup> May 1908.

<sup>65</sup> *South Wales Echo*, 12<sup>th</sup> October 1894; 21<sup>st</sup> June 1895; 6<sup>th</sup> November 1895.

<sup>66</sup> *Evening Express*, 15<sup>th</sup> June 1892.

<sup>67</sup> *Evening Express*, 28<sup>th</sup> April 1899; 06<sup>th</sup> March 1903; 13<sup>th</sup> January 1904; 29<sup>th</sup> September 1905; 15<sup>th</sup> December 1905

<sup>68</sup> *South Wales Daily News*, 30<sup>th</sup> July 1889.



who would never be fit enough to do manual work. His case was dismissed even though he was clearly punishable under the Act, and in fact the vaccination officer returned in October to state that he intended to summon the man again as he had investigated and found the claim that the two children had died of bronchitis to be false (the reporter had originally noted it was a “sensational claim” that had had an effect on the magistrates). On at least one occasion the defaulter was given opportunity to return with medical evidence in order to be granted exemption.<sup>69</sup> The experience of the prosecuted parents shows that in Cardiff the Acts were not wielded by magistrates as tools of an excessive penal policy.

Other than those parents who were fined for failing to comply with previous court orders, there is no evidence in the sample that the same parents were being repeatedly prosecuted and fined. This in contrast to some of the parents who testified to the Royal Commission who were prosecuted and punished an extraordinary number of times. For example, a Berkshire watchmaker was fined thirty four times over three children, a Basingstoke photographer was summoned sixty times in a fifteen year period, and a miller from Dorset was fined ten times for the same child.<sup>70</sup> It is evidence such as this that perhaps gives rise to the ‘cat and mouse theory’ of parents trying to evade a magistracy that was determined to punish them repeatedly. It is notable that many of the most heavily punished people giving testimony to the commission went on to form anti-vaccination leagues. There is no evidence of Cardiff having its own league. It is possible then that the restraint shown by Cardiff magistrates meant that the court system did not breed the vicious cycle of ‘martyrs’ who were seen by local people as being harassed unfairly by an unjust system, which in turn created more resistance. Chapter three will examine further the reluctance of officials in Cardiff to take

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<sup>69</sup> *The Cardiff Times*, 25<sup>th</sup> February 1903.

<sup>70</sup> *Second Report of the Royal Commission Appointed to Enquire into the Subject of Vaccination, 1890*, PP. 1890, Cmd.6066, Volume 39, pp. 187-210.

action which could have the adverse effect of hardening negative public attitudes to vaccination.

To examine more broadly the reasons why these Cardiff parents were defaulting, this section will use Baldwin's categorisation of five 'types' of resistor. He links the increasing impact and influence of these types of resisters to the general rise in political movements for social reform from the 1870s, what a medical officer called the 'anti-everything' community<sup>71</sup>.

These categorisations of resisters on religious, medical, and constitutional grounds are common in the historiography from Macleod in the 1960s and onwards. Table 2.1 takes these categories and matches them to the reasons given by the news reporters in the sample:

Table 2.1 Reason for Resistant Attitude to Compulsory Vaccination<sup>72</sup>

Reason	Number
Those who objected to the notion of biological contact with lower species	7
Those who doubted that compulsory vaccination would be effective	2
Those who accepted vaccination's worth but resisted state compulsion.	0
Those who doubted the scientific validity of vaccination and believed it should only be used in epidemics	2
Those who argued vaccination had little worth as a primary defence against smallpox if immunity only lasted a few years	0

There is little correlation between Baldwin's types and the Cardiff defaulters, even though by reaching the level of a court hearing they are clearly resisting whether actively or out of neglect or apathy. Again, this is in contrast to the testimony at the Royal Commission where many of the parents who appeared objected that the Acts were illiberal, even if vaccination itself was acceptable (though testifying voluntarily to express your objection on an unjust law is of course a different experience to being summoned to appear before a magistrate). The

<sup>71</sup> Baldwin, p.274.

<sup>72</sup> Baldwin, pp.282-3.

space limitations of the newspaper sources may have been a factor, with twenty six of the reports giving no reason at all, even though many of these hearings featured multiple defendants. Of the remaining thirty three reports, nineteen reported a parent's belief that vaccination would be prejudicial to the health of their child, in other words the parent made a conscientious objection. The remaining fourteen summoned parents stated in various ways that they simply believed that vaccination was dangerous, and they did not want to subject their child to the procedure. In some cases, this was based on personal experience with older children. Before 1898 most of these parents were nonetheless fined, and after 1898 the magistrates often expressed reluctance or even refused to accept conscientious objection. This will be discussed in more detail in the next section.

The only resistor category to appear in the sample in noticeable numbers were those objecting on religious or biological grounds. These reports are the closest to the testimony to the Royal Commission, and it is probable that the newspaper titles were more likely to report in detail on these cases as they can appear so outlandish to the reader. Scott argues that anti-vaccinationist women in particular believed that the process compromised physical purity by introducing diseased blood to the healthy via the arm to arm method, with the risk of syphilitic infection especially feared.<sup>73</sup> The whole concept of vaccination could be perceived as counterintuitive to a parent's understanding of health and hygiene, since rather than keeping clean from dirty and the sick from the well, vaccination deliberately mixed foreign matter into healthy bodies. Baldwin adds that some anti-vaccinationists felt vaccination mixed the blood of the whole nation, with adverse consequences for future generations, while others argued it compromised class purity by mixing the blood of the middle and working classes.<sup>74</sup> Some resisters expressed concern at their children mixing at public vaccination

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<sup>73</sup> Anne L. Scott, 'Physical Purity Feminism and State Medicine in Late Nineteenth-Century England', *Women's History Review*, 8 (1999), pp.626-632.

<sup>74</sup> Baldwin, p.289.

stations with children of lower status, and even more so that their children may receive vaccine lymph from a child of unknown purity.<sup>75</sup> Durbach even argues that this sense of bodily pollution played into contemporary fears of vampirism and vivisection.<sup>76</sup>

The liberal *The Cardiff Times* in particular reported negatively on parents objecting for non-scientific reasons such as religion, sometimes reporting that they were mocked by the magistrates or that their defence generated laughter in court. In contrast *South Wales Daily News* and the more conservative titles gave minimal to no editorial opinion at all on these hearings. In 1893 a man claimed that through fear of God he would not obey the Act, with the reporter describing the amusement created in court by his defence.<sup>77</sup> A Reverend Leach stated that vaccination was an ‘unmixed evil’, despite also saying his resistance was based on research not belief.<sup>78</sup> Two other reverends made claims that vaccination injected germs into children or “animal poison in human flesh” (this phrase being used as the story byline).<sup>79</sup> One application for conscientious objection was granted even though the parents reason was reported as vaccination tampering with God’s handiwork, which if true did not comply with the 1898 Act and should not have been granted.<sup>80</sup>

In summary, the news stories give variable levels of insight into why Cardiff’s parents chose to default or resist. Often reasons were not reported at all, and those that were reported tended to be either straightforward objections based on fear for the child’s safety or of conscience, or occasional reports of more extreme positions of religion or biology. Baldwin’s categorisations, while useful for discussing the motivations of those who were campaigning for change, feel less useful when applied to ordinary parents facing a magistrate.

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<sup>75</sup> Baldwin, p.314

<sup>76</sup> Durbach, p.114.

<sup>77</sup> *The Cardiff Times*, 25<sup>th</sup> February 1893.

<sup>78</sup> *South Wales Daily News*, 28<sup>th</sup> March 1889.

<sup>79</sup> *The Cardiff Times*, 15<sup>th</sup> July 1899; 27<sup>th</sup> April 1907.

<sup>80</sup> *Evening Express*, 22<sup>nd</sup> January 1906.

*The Attitudes of the Magistrates*

This final section will examine the attitudes of the magistrates towards the parents either brought before them by the vaccination officer or appearing voluntarily to make a claim of exemption. As discussed in chapter one, the 1898 Act allowed a parent to claim exemption from vaccinating a child by convincing two magistrates that they held a genuine belief that vaccination would harm the child - a Conscientious Objection. If the parent were to state their claim in this way, the magistrates were obliged to accept it and issue a certificate of conscientious objection. Baldwin argues that in areas of high resistance to vaccination or where magistrates did not approve of compulsion, allowances were made to encourage parents to make objections.<sup>81</sup> In other areas, magistrates would take a much more sceptical and questioning view of objecting parents, leading to denial of certificates. Rowbotham argues that Magistrates also felt more empowered to 'bully' working class objectors and deny them certificates, or at least attempt to discomfort them morally.<sup>82</sup> The stereotype that resistors were working class was reinforced by magistrates avoiding the politically awkward scenario of prosecuting their social peers or superiors.<sup>83</sup> As discussed in chapter one, Cardiff was not an area of high resistance, and this section argues that magistrates were therefore often sceptical or questioning, and do not seem to have made allowances based on objections to compulsion. On the contrary, they often ignored the claim or at least expressed reluctance to allow it, and in many cases attempted to discomfort them morally as Rowbotham argues, even if this went contrary to the meaning of the Act.

The sample of news reports contain almost no accounts of magistrates' responses to parents prior to 1898. From then on, *The Cardiff Times* and *Evening Express* in particular recounted

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<sup>81</sup> Baldwin, pp.301-2.

<sup>82</sup> Rowbotham, p.29.

<sup>83</sup> Fichman and Keelan, p.591.

the reactions of magistrates to parents attempting to claim exemption. The common types of reactions were to openly criticise the 1898 Act while regretfully granting exemption, to refuse to grant the claim outright, or to question the parent's wisdom but nonetheless grant the exemption. These attitudes were not confined to individuals and can be seen in the Cardiff, Llandaff, Penarth, and Barry courts from 1898 to 1907, with inconsistency from magistrate to magistrate. It is probable that the newspapers were keen to report on the strong opinions voiced by magistrates in public, especially when they were openly criticising the law they were meant to be enforcing. This section will focus first on these most extreme reactions.

In one of the first cases heard after the Act came into force, the Llandaff magistrate, a conservative, almost made a speech in opposition to it in what the paper reported as 'a shocking rebuff' to the claimant.<sup>84</sup> He objected to way the Act seemed to pass responsibility for it on to magistrates rather than government, stating that ministers lacked courage and should have just repealed the whole Act if they wanted nothing to do with it. As well as pointing out the impossibility of judging a man's conscience, he also argued that granting exemptions would inevitably lead to a 'scourge' that would 'overtake the country'. He concluded by arguing that the Act would simply encourage the 'cranks and faddists' to come to court which in turn fed the newspapers' habit of reporting on them. His fellow magistrate endorsed his comments, and the claim was refused. A few weeks earlier a different magistrate had countered a claimant by saying that objection 'cut two ways', in other words he had a strong belief that the of granting exemptions as per the law was a farce and would lead to tragedy, which in turn would end claims of conscientious objection.<sup>85</sup> The report does not actually state whether the claim was granted or not. Another of the early objectors was successful in his claim, but told by the magistrate that he may be bringing 'a vast amount of

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<sup>84</sup> *The Cardiff Times*, 15<sup>th</sup> October 1898.

<sup>85</sup> *The Cardiff Times*, 1<sup>st</sup> October 1898.

disease amongst other children’, and that he would be morally responsible for their ‘unfortunate condition’.<sup>86</sup> In the Barry court in 1900 the magistrate refused to issue the certificate to a plumber who was clearly reported as stating he had a conscientious belief that vaccination would be detrimental to the health of his child.<sup>87</sup> On this basis the certificate should have been granted and in fact the second magistrate overruled the first and granted the exemption.

Other reports show magistrates granting the certificate but nonetheless stating they were doing so against their better judgement. The Barry magistrate in 1898 claimed he would not sign the certificate if he was not bound to, and that the objectors themselves would end up suffering the consequences of it.<sup>88</sup> *South Wales Daily News* reported on the same hearing that the magistrate accused the applicants of taking advantage of ‘this stupid Act’.<sup>89</sup> The same magistrate in 1899 only granted the claim after conferring with the court clerk, again stating he was compelled to do so against his wishes and that objectors would suffer the consequences. *The Western Mail*, which typically reported very little detail on police courts involving vaccination, reported the Penarth magistrate in 1900 as saying he would grant the certificate as it was not in their power ‘to prevent the spread of smallpox in the country or else we would’, an objection to the Act that was more veiled than his peers but clear, nonetheless. By March 1905 opinions of the performance of magistrates had become so adverse that *The British Medical Journal* attacked them for chasing cheap popularity either by appealing antivaccination sentiment in the most resistant towns or by declining to accept any exemptions no matter what the applicant said.<sup>90</sup>

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<sup>86</sup> *Evening Express*, 8<sup>th</sup> October 1898.

<sup>87</sup> *South Wales Daily News*, 6<sup>th</sup> April 1900.

<sup>88</sup> *Evening Express*, 30<sup>th</sup> December 1898.

<sup>89</sup> *South Wales Daily News*, 31<sup>st</sup> December 1898.

<sup>90</sup> Kristin E. Kondrlik, ‘Conscientious Objection to Vaccination and the Failure to Solidify Professional Identity in Late Victorian Socio-Medical Journals’, *The Research Society for Victorian Periodicals*, 53 (2020), p.345.

Claimants could also be faced with a magistrate who, while not overtly hostile to conscientious objection and willing to grant the exemption, nonetheless sought to question their motivation, to exert moral pressure on them to change their decision, or otherwise make the experience difficult for the claimant. Some would openly state they thought claimants were acting unwisely, accuse them of having picked up their beliefs from reading newspapers, or make them swear an oath that their objection was sincere, which was not a requirement of the 1898 Act.<sup>91</sup> The newspapers often reported the sarcastic or mocking reactions of magistrates to the claimant, such as one reacting with irritation when a father said he had a conscientious belief ‘from the bottom of his soul’, to another generating laughter in court by saying he was happy to grant the certificate because the claimant did not live near him.<sup>92</sup> Perhaps the most serious misinterpretation of the Act involved magistrates requiring that exemption claimants bring proof vaccination was dangerous.<sup>93</sup> Objections to this specific behaviour became such a source of complaints by 1905 that the Home Office issued a circular of statement by the Lord Chief Justice at Birmingham Assizes the year before that under the 1898 Act, magistrates did not need to be satisfied that vaccination was in fact harmful, only that the parent held a sincere belief that it would harm a specific child.<sup>94</sup>

The Cardiff magistrates attitude towards Conscientious Objection was consistent with the attitudes of their peers across the country, not only in the patterns of behaviour they showed but also in the inconsistency between magistrates within the same districts. Many objections were granted without comment, some granted but only after the magistrate had stated his misgivings, and others refused on grounds that were contrary to the 1898 Act. The evidence does not support Rowbothan’s argument that working class parents in particular were treated

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<sup>91</sup> *Evening Express*, 17<sup>th</sup> September 1898; 27<sup>th</sup> December, 1898; *The Cardiff Times*; 31<sup>st</sup> March 1906.

<sup>92</sup> *The Cardiff Times*, 30<sup>th</sup> November, 1906; *Evening Express*, 13<sup>th</sup> January, 1904.

<sup>93</sup> *Evening Express*, 4<sup>th</sup> February 1903.

<sup>94</sup> Return of the circular letter on the subject of vaccination exemption certificates, issued by the Home Office on the 1st day of September 1904 (1905)



unfairly because the news reports in this sample do not provide sufficient information on the claimants' identities. If the magistrates were attempting to make the claimants morally uncomfortable, the examples described here do seem to show that it was borne out of a consistent concern for the safety of children, and not as an attempt to persecute a class perceived as lazy, feckless or neglectful.

### *Summary*

This chapter used Cardiff as a case study to determine who was being prosecuted for default, what was the reason for their default, and how the court subsequently treated them. The evidence is inconclusive regarding the arguments that working class parents disproportionately suffered at the hands of the courts in terms of prosecutions and punishments. Artisans, tradespersons and professionals seemed just as likely to be prosecuted as working class occupations. This correlates with the occupations of parents testifying of their court experiences to the Royal Commission and that magistrates. The evidence does not suggest that defaulters were actively resisting along constitutional grounds, or out of concern of state overreach, including concerns over who controlled access to the body. Rather, the main concerns seem to have been concern over safety, with the remainder probably defaulting simply out of apathy or neglect. The treatment of defaulters correlates with the findings in chapter one, in that parents were often not punished, were handled with empathy, and often had complied with the Act before even appearing in court. Finally, although there is evidence of magistrates handling claims of conscientious objection inconsistently and attempting to make parents feel morally uncomfortable with their choices, there is inconclusive evidence that they treated working class parents differently from other groups.

### Chapter 3 Establishment Attitudes to Compulsory Vaccination

This final chapter will examine the attitudes and reactions of Cardiff's establishment bodies and institutions to unsatisfactory vaccination uptake. Chapter one showed that vaccination coverage steadily increased in Cardiff and that prosecution, punishments and rates of conscientious objection were low. Chapter two showed that on the occasions when parents were prosecuted, or made claims of conscientious objection, the courts were just as likely to let a parent go unpunished or grant an exemption as to punish them, even when a magistrate had aired strong views about the adverse consequences of the parents' choices. This chapter will argue that local government functions often focused on non-judicial forms of intervention to increase uptake and resorted to the use of punishments infrequently, even in the early period when coverage was not satisfactory and even in the face of outbreaks. The chapter also argues that opinion makers in the form of local newspapers were uniformly hostile to the notion of compulsory vaccination regardless of their politics. The liberal titles nonetheless were nonetheless supportive of vaccination as a medical procedure and critical of parents who neglected it, whereas conservative leaning titles tended to be sceptical of vaccination itself. The first section of the chapter uses newspaper accounts and meeting minutes from bodies such as the Cardiff Poor Law Guardians and the Board of Health. The second section uses editorials, published letters and other reported sources of opinion from the same selection of newspapers as was used in chapter two.

#### *Responses of the Cardiff Poor Law Guardians and Board of Health*

The reported minutes from the period break down into two distinct phases: from the 1850s to the mid-1880s the discussions and debates centred around what action needed to be taken to improve vaccination uptake, and from the late 1880s onwards the debates centred on the ongoing disputes about compulsory vaccination emanating from government level. Attitudes

towards the defaulting parents tended to be more negative in the early period. It is noticeable that all of the five titles in the study reported the minutes of the various boards far less frequently and in less detail in the latter period. The reporting seemed to shift focus to the national debate over compulsion and conscientious objection and away from the problem of low vaccination rates, even though outbreaks still occurred in areas of Cardiff. The types of interventions debated by the boards generally fall into three categories. Firstly, the need for improvements and greater efficiencies in the provision of vaccination, including record keeping. Secondly, the use of indirect pressures on defaulting parents to encourage them to comply but stopping short of increasing prosecutions. Thirdly, the need for positive measures to encourage uptake that did not rely on the application of indirect pressure or the courts. These three types will now be examined in turn.

The earliest reports in the period from 1859 show the Board of Guardians struggling with the challenge of enforcing the Acts and matters do not seem to have greatly improved across the following decades. The papers recounted the lengthy descriptions of the complexity of the process especially in the number of notifications and hand offs of certificates required between medical staff and parents, with the lack of remuneration of some of the actors in the chain often causing it to break (especially in the rural districts).<sup>1</sup> In June of the same year there were reports of a whole school group from St Mellons being brought to a vaccination station each month for almost a year with no sign on the vaccinator.<sup>2</sup> Problems were still persistent four years later with private practitioners failing to vaccinate before the required three months or not issuing certificates.<sup>3</sup> Even after the 1867 Act, which was intended to improve the overall provision and enforcement of vaccination, there were discussions of the problem of vaccination stations only opening monthly, an incredible oversight given that

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<sup>1</sup> *The Cardiff Times*, 12<sup>th</sup> March 1859; 04<sup>th</sup> June 1859.

<sup>2</sup> *The Cardiff Times*, 18<sup>th</sup> June 1859.

<sup>3</sup> UC/2/9, Minutes of the Board of Guardians, 9<sup>th</sup> January 1869.

parents were supposed to return one week after primary vaccination for the arm to arm method to work.<sup>4</sup> This was compounded by the fact that parents who had their child vaccinated often did not want to return to the vaccinator to allow them to take material for the arm to arm method, as this caused the child additional distress, a behaviour that had troubled the program since the start. Since this second visit was a requirement for certification, these parents would show up in the statistics as defaulters, and the board agreed to publish notices to help parents in this matter.<sup>5</sup> Vaccination officers were accused in 1874 of failing to make frequent visits to parents, and in not pursuing known defaulting parents with sufficient persistence.<sup>6</sup> This issue was raised again in 1881, suggesting the problem had not been adequately resolved.<sup>7</sup> Additionally, the fact that officers were part time could make it impossible for them to track large numbers of unvaccinated children in districts with migratory populations.<sup>8</sup> The officers were even accused by the Guardians of reporting that unvaccinated children had left the area when they hadn't, and of not arranging cover when absent for long periods.<sup>9</sup> Even when the Guardians were keen to prosecute, they had insufficient resources needed to bring to court the hundreds who failed to comply with orders.<sup>10</sup> It seems clear then that the Board's first concern when it when it came to vaccination policy was not the attitudes of parents, but the dysfunctional system itself.

The second type of action debated by the official boards was the use of indirect pressure. Methods of indirect pressure were used in Europe prior to the 1853 act, including the use of the tax system to reward or penalise families based on vaccination status, the recruiting of zealous church officials to pressure families, and the use of threats of social disadvantage

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<sup>4</sup> *The Cardiff Times*, 4<sup>th</sup> October 1869.

<sup>5</sup> *The Cardiff Times*, 4<sup>th</sup> June 1859.

<sup>6</sup> UC/2/14, Minutes of the Board of Guardians, 14<sup>th</sup> February 1874.

<sup>7</sup> UC/2/18, Minutes of the Board of Guardians, 30<sup>th</sup> July 1881

<sup>8</sup> *The Western Mail*, 22<sup>nd</sup> February 1886.

<sup>9</sup> *South Wales Daily News*, 15<sup>th</sup> August 1881.

<sup>10</sup> *The Cardiff Times*, 28<sup>th</sup> August 1869.

issued by authority figures such as mayors and governors.<sup>11</sup> In Britain, educational and employment opportunities could be denied. Given that the acts had to be continually strengthened in efforts to improve uptake, it can be seen that indirect compulsion was no more effective than direct compulsion. In 1859 the medical officer urged that ‘Sergent Hibbs’ be asked to visit some of the areas with known low compliance with the 1853 Act and bring a small number of parents who had ‘neglected their duty’ before the magistrates, presumably to make an example of them and apply indirect pressure on other neglectful parents, even though the 1853 Act permitted (and presumably required) the court to prosecute all of them<sup>12</sup>. In January 1879 it was debated whether vaccination should be made a requirement for a child to enter the public school system.<sup>13</sup> Another method was to use church officials, presumably to try and make a moral case for vaccination.<sup>14</sup> In the face of an outbreak in 1884 there was a motion that parents whose cases were adjourned with a compliance order should be charged with the court costs, a form of indirect pressure through financial means, which was not carried.<sup>15</sup> Again it can be seen that the Boards’ preference was not to aggressively enforce the Act through increased prosecutions, but to take a ‘light touch’ approach to inadequate vaccination rates.

The final non-punitive method for improving vaccination uptake that the Boards employed was the use of more positive methods to improve education and awareness and to encourage greater compliance. These methods could be the use of circulars being issued to parents on the importance of vaccination.<sup>16</sup> More pointed action could be reminding parents that they may be prosecuted if they do not comply.<sup>17</sup> The medical officer argued that measures such as

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<sup>11</sup> Baldwin, pp.254-6.

<sup>12</sup> *The Cardiff Times*, 12<sup>th</sup> March 1859.

<sup>13</sup> *South Wales Daily News*, 6<sup>th</sup> January 1879.

<sup>14</sup> *The Cardiff Times*, 15<sup>th</sup> May 1863.

<sup>15</sup> *South Wales Daily News*, 19<sup>th</sup> May 1884.

<sup>16</sup> *The Cardiff Times*, 23<sup>rd</sup> January 1869; *The Western Mail*, 13<sup>th</sup> February 1871.

<sup>17</sup> UC/2/9, Minutes of the Board of Guardians, 8<sup>th</sup> May 1863.

appointing more inspectors whose role was to bring prosecutions would likely turn people against vaccination, and that persuasion was better than rigorous enforcement.<sup>18</sup> The boards tended to disagree over methods such as public placards warning of prosecutions, again feeling that would turn the public against vaccination.<sup>19</sup> In an 1863 meeting of the Board of Health, where they debated and agreed on a second motion from the Guardians to use Sergeant Hibbs to visit homes, one of the councillors argued the use of Hibbs in this capacity would ‘increase the prejudice against vaccination’.<sup>20</sup> The account of the debate suggests Hibbs was only intended to visit the Irish districts with one councillor stating these parents and the ‘lower class’ in general had a ‘strong objection to vaccination’ and would not comply with the law unless they were forced to by an officer’s intervention. The Mayor of Cardiff and another councillor took objection to this class based targeting of parents, which was illogical since many upper class parents opposed vaccination also.

The debates and disagreements over methods and approaches for dealing with insufficient vaccination coverage by the various Cardiff in many ways mirrors the debate over conscientious objection that took place in the medical profession. Kondrlik examines the reactions of the profession to the viability of conscientious objection via its leading contemporary journals, arguing that as the Victorian medical community was still trying to ‘solidify’ its place in the face of a sceptical society, there lacked a coherent voice in the journals about how best to deal with resistance.<sup>21</sup> Some practitioners aimed their fury at the anti-vaccination movement itself for its misrepresentation of data, while others attacked the government for pandering to the movement and undermining medical authority.<sup>22</sup> While agreeing on clinical solutions to the problem of public perception of the vaccine, such as

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<sup>18</sup> *The Cardiff Times*, 4<sup>th</sup> September 1869.

<sup>19</sup> *The Cardiff Times*, 15<sup>th</sup> May 1863.

<sup>20</sup> *The Cardiff Times*, 05<sup>th</sup> June 1863.

<sup>21</sup> Kondrlik, p.342.

<sup>22</sup> Kondrlik, p.345.

improved and safer practices and better quality lymph, the profession disagreed on what to do if parents nonetheless still defaulted. There was little concordance on the role of doctors in persuasion, in education, and on what information was best to disseminate to improve perceptions and uptake. There was doubt in some quarters whether uptake would really improve through reasoned discussion between medical profession and parent, and that many would simply follow their own 'non-expert' opinions.<sup>23</sup> Given this lack of unity in the professional community, it is perhaps not surprising that the lay persons of the Cardiff Board of Guardians also struggled with a consistent approach to dealing with parental resistance.

In summary, this final example (and the fact that this motion was carried) would suggest that the arguments made by Durbach and Rowbotham in particular are partially validated – that the Act was an example of state machinery targeting poorer parents. But overall, these minutes show the Cardiff boards to be reluctant to take such action. They were far more likely to focus on weaknesses in the system, or to use positive or at least indirect methods to increase vaccination uptake than to aggressively. In 1871 during an outbreak the guardians collectively agreed that their preference for persuasion over pursuit meant they were breaching the Act.<sup>24</sup> The minutes show that the board members were often torn on the vexed question of enforcement. When by the 1890s the Board of Guardians debated whether they should continue to enforce the Act given that a Royal Commission was examining the whole policy, there is no evidence that persons with known anti vaccination positions were members, or that this position was used as a test for election in the first place, as was the case in towns like Gloucester and Halifax.<sup>25</sup> The minutes show that far from being part of a state machine attempting to regulate the minds and bodies of Cardiff's parents, the board members

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<sup>23</sup> Kondrlik, p.349-54.

<sup>24</sup> *The Cardiff Times*, 11<sup>th</sup> February 1871.

<sup>25</sup> Sixth Report of the Royal Commission Appointed to Enquire into the Subject of Vaccination, PP. 1896, Cmd.7993, Volume 47, pp.21-22.

were often divided on the vexed question of enforcement and in a majority of cases resisted it.

### *Responses of Opinion Makers*

This section argues that liberal Cardiff newspapers such as *South Wales Daily News* and *The Cardiff Times* were generally favourable to vaccination as a means of controlling Smallpox and critical of parents who would not have their children vaccinated. They were, however, hostile to compulsory vaccination and consistently punished editorials and letters throughout the whole period that criticised compulsion. The conservative *Evening Express* and *Western Mail*, while also critical of compulsion, were more ambivalent towards vaccination as a medical practice and were more likely to publish material that questioned it. As seen with their reporting of the police courts and of meetings of the Board of Guardians, by the 1890s the titles tended to focus more on the politicised aspects such as the debate around conscientious objection and abolition of the compulsion element, and less on the effectiveness of vaccination as a means of actually combatting smallpox.

In the 1860s *The Cardiff Times* was often scathing of parents who failed to vaccinate their children. An editorial titled “More Victims!” described smallpox as the ‘enemy at the gate’ and the unvaccinated population ‘the material it has to fatten on’ and argued that the defences of South Wales’s towns were inadequate due to the ‘sin of omission’ when it came to parents’ duty to vaccinate their children.<sup>26</sup> In an editorial a year later titled “The Epidemics”, they again warned of the dangers of people living ‘according to their desires and not according to the rules’, including neglecting vaccination ‘because it is a bore’.<sup>27</sup> Noticeably though there were no calls for government action or enforcement to change people’s behaviours, by threat of prosecution if necessary. In fact, a year later when the 1867 Act was imminent, the same

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<sup>26</sup> *The Cardiff Times*, 22<sup>nd</sup> July 1864.

<sup>27</sup> *The Cardiff Times*, 3<sup>rd</sup> March 1865.



paper editorialised on the inequity of compulsion, arguing that the people ‘might imagine ourselves to be cattle or sheep’, and that there would be ‘an army of government inspectors haunting our hearths and bedsides’.<sup>28</sup> Perhaps most importantly it paralleled the concerns of some of the members of the Board of Guardians in saying that the Act risked ‘tending to disgust the popular mind with the idea of vaccination’. The paper had moderated its tone on compulsion somewhat by the 1880s, but still commented strongly on an accusation that an employer had been pressured into forcing an employee to cease his objection to vaccination, stating ‘we cannot too strongly condemn such a method of coercion’.<sup>29</sup>

*South Wales Daily News*, another liberal publication, also railed against compulsion, in particular the use of officious prosecutions. An editorial of 1875 made the claim that ‘to many a parent the compulsory vaccination Act is in itself an obnoxious and objectionable enactment’.<sup>30</sup> The paper did not necessarily object to the idea of a medically qualified person laying out for a parent the absolute need for them to comply with the Act, and that ‘vital interests hung upon the result’ of their compliance. What the paper believed was happening in reality was that ‘poor though respectable parents’ were being prosecuted by courts unsympathetic to the practical challenges of a working father attending the vaccination station or to the fears of mothers for the safety of their children. Three years later the paper editorialised on prosecuted parents suffering ‘gross’ injustices at the hands of magistrates who did not believe assertions that older children had been injured and spoke contemptuously to parents who they felt were simply gulled by rumours or by newspaper scare stories.<sup>31</sup> This editorial position continued through the 1880s, where the paper reported on the folly of Leicester officials attempting to use prosecutions to manage a large number of alienated

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<sup>28</sup> *The Cardiff Times*, 6<sup>th</sup> April 1866.

<sup>29</sup> *The Cardiff Times*, 15<sup>th</sup> July 1882.

<sup>30</sup> *South Wales Daily News*, 18<sup>th</sup> August 1875.

<sup>31</sup> *South Wales Daily News*, 18<sup>th</sup> December 1878.

parents.<sup>32</sup> It criticised the policy of Leicester's guardians of using mass fines and imprisonments when it had clearly turned people against vaccination and that this was illogical when there was no epidemic.<sup>33</sup> This position was reinforced when it reported favourably on the Gloucester board's decision not to bring prosecutions in 1887.<sup>34</sup> Perhaps its most overt antivaccination position came when it published the details of a petition signed by eighty one Cardiff residents that was clearly anti-vaccination on medical and constitutional grounds, including the problem of the 'despotic and tyrannical' imposition of vaccination onto conscientious objectors, adding commentary that the petitioners claimed the only recent smallpox fatality in Cardiff was of a revaccinated young man.<sup>35</sup> Two years later it published a letter praising a parliamentarian who spoke of his hostility to the way the Acts prosecuted the poor.<sup>36</sup>

The most consistent antivaccination position taken by a title in this study was the conservative leaning *Evening Express*. Its articles covered almost the whole range of objections described by historians in the introduction. In 1892 it published a letter about a rumoured policy in Cardiff of examining and revaccinating all children over seven within the school, an act that the author argued was an assault with any teacher present being an aider and abettor.<sup>37</sup> It printed a cartoon showing 'Dame Cardiff' stamping out Smallpox through the reliance on good public sanitation instead of vaccination (figure 1), suggesting that a holistic approach to prevention via public health measures was preferable to vaccination. In 1896 the paper sent out a reporter who claimed to have found only a single medical person who felt that the vaccination program would fail without compulsion.<sup>38</sup> It reported on the

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<sup>32</sup> *South Wales Daily News*, 13<sup>th</sup> November 1880.

<sup>33</sup> *South Wales Daily News*, 01<sup>st</sup> November 1884.

<sup>34</sup> *South Wales Daily News*, 17<sup>th</sup> August 1887.

<sup>35</sup> *South Wales Daily News*, 22<sup>nd</sup> March 1887.

<sup>36</sup> *South Wales Daily News*, 3<sup>rd</sup> April 1889.

<sup>37</sup> *Evening Express*, 17<sup>th</sup> May 1892.

<sup>38</sup> *Evening Express*, 17<sup>th</sup> August 1896.

national Antivaccination League wanting to launch a crusade in several European cities.<sup>39</sup>

The paper also printed editorials about the inconsistency of magistrates that was described in the previous section.<sup>40</sup>

Figure 1: Sanitation vs Vaccination



Source: *Evening Express*, 28<sup>th</sup> January 1896.

<sup>39</sup> *Evening Express*, 4<sup>th</sup> February 1899.

<sup>40</sup> *Evening Express*, 16<sup>th</sup> October 1895.

*Summary*

The first part of this chapter provides some explanatory context to the conclusions drawn in chapters one and two, namely that enforcement of the Acts through prosecution and especially convictions were low in Cardiff even when vaccination rates were unsatisfactory, and that evidence of systemic bias against working class parents was unproven. A reason for this was that the Board of Guardians seemed well aware that the biggest obstacle to higher uptake were the lack of resources and administrative problems, and that addressing that was a higher priority than pursuing defaulting parents. When it came to dealing with parents, their preference was often to use other methods at their disposal to increase uptake even in the face of outbreaks. They debated the risks of turning the public against vaccination if they used the enforced the Acts too strongly and chose alternative methods such as persuasion or indirect pressure. Their seeming inability to define and implement a consistent and effective response was matched by the lack of unity in the medical profession's response to conscientious objection.

The second part of the chapter argues that Cardiff's newspapers, as opinion makers in the locality, existed on a spectrum of antivaccination viewpoints. The liberal publications were in favour of vaccination itself and very critical of resistant parents who neglected their duty in this regard, blaming them for outbreaks. This editorial position was presumably designed to engender reader outrage at their fellow citizens, but it oversimplified the problems and causes debated by the Guardians and Board of Health. They were simultaneously hostile to the use of compulsion to enforce compliance with the Acts. Conservative titles like *Evening Express*, while they stopped short of some of the excesses of the antivaccination movement, nonetheless took editorial positions that were antivaccination. In this regard, both liberal and conservative newspapers themselves took on the role of public resisters. This level of

antivaccination sentiment is unsupported by the data used in chapter one, and their own more nuanced reporting of police courts seen in chapter two.

### Conclusion

The dissertation's aims were to use Cardiff as a case study to test the arguments of historians regarding the scale and nature of parental resistance to compulsory vaccination. The key debate that has been examined is whether the inadequate vaccine rates recorded by national and local governments were caused by problems endemic to the vaccination Acts themselves, or by widespread working class hostility which formed part of a wider mid Victorian resistance to state overreach. The overall conclusion is that the case study supports the arguments of Brunton; the challenge faced by the Board of Guardian and local health officials came from the inadequacy of the vaccination system itself, and active antivaccination feeling did not have a significant effect on vaccination rates. The arguments made by Durbach and others are convincing when applied broadly and at a national level using the rhetoric of antivaccination literature and the evidence from strongly resistant towns but feel less relevant when applied to an ordinary town. Antivaccination positions were frequently expressed by local newspapers, especially regarding compulsion, and this may have shaped opinions that influenced the political positions of its readership. These positions however were rarely expressed by the parents themselves based on the evidence in this study.

Administrative weaknesses and resource shortages were systemic in the Acts, especially in the early decades, and that this was the real challenge faced by local officials and not actively resistant parents. The Board of Guardians were consistently reluctant to use enforcement measures against defaulting parents, preferring to address weaknesses in the system or to use indirect methods to increase vaccination numbers. Their struggles to address the problems are also seen in the inconsistency of magistrates in deciding the sincerity of conscientious objections. This struggle for a consistently effective in many ways matches that of the medical profession, which found itself divided in the best way to deal with conscientious objectors. Cardiff's magistrates were equally as divided, with the police court reports

suggesting a parent's change of a successful exemption claim depended entirely on which magistrate was sitting.

This resistance was mostly passive in nature and short lived when faced with prosecution, with most parents defaulting out of apathy or neglect. Defaulting parents were in fact rarely prosecuted and often not punished at all. The enforcement elements of the Acts were not used as a blunt tool to prosecute and punish large numbers of resisters, and there is minimal evidence that the poor or vulnerable were disproportionately targeted. Artisans, tradespeople and professionals seem just as likely to have been prosecuted as those in working class occupations. There are examples of magistrates handling claims of conscientious objection inconsistently and attempting to make parents feel morally uncomfortable with their choices, but there is little evidence that they treated working class parents differently from other groups. There is also little evidence that Cardiff's parents who defaulted or made conscientious objections did so for reasons other than concern over their children's health, rather than for concerns over liberty or bodily autonomy.

Appendix 1: Timeline of the Vaccination Acts in England and Wales

Year	Notable Provision of Act
1840	Provided free vaccinations for the poor through the Poor Law Unions.
1853	Made it compulsory for most infants under three months old to be vaccinated. Negligent parents could be fined or imprisoned.
1867	Compelled Guardians to act against non-compliant parents. Action could be taken repeatedly with respect to the same child until he or she was fourteen.
1871	Made the appointment of vaccination officers compulsory.
1898	Allowed a parent to claim an exemption from the Acts based on a conscientious objection before two justices or a magistrate that vaccination would be prejudicial to the health of the child.
1907	Allowed a parent to make a written statutory conscientious objection which magistrates were obliged to accept.

Appendix 2: Smallpox Vaccination Procedure

The standard practice in England and Wales from 1840 was for a parent to take the child within three months of birth to a public vaccinator who would perform the vaccination free of charge (paid for by the Poor Law rate), usually at a vaccination station. The vaccinator would make four star shaped cuts with a lancet and smear vaccine material into the cuts. The material was taken from the vesicles or lesions from previously vaccinated infants. The parent was required to return with the child eight days later for inspection by the public vaccinator. The presence of vesicles or lesions confirmed a successful primary vaccination, and the vaccinator could take new material and continue with the procedure on the next child. This was known as the ‘arm to arm method’. Due in part to safety concerns, the practice was later changed to require the use of glycerinated calf lymph.



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Return for each Poor Law Union in England and Wales of Number of Certificates of Successful Primary Vaccination received by Vaccination Officers, January-June 1898 and 1899 (1899)

Return of Number of Certificates of Conscientious Objection under Vaccination Act, 1898, in England and Wales (1899)

Return of Number of Certificates of Conscientious Objection under Vaccination Act, 1898; Number of Certificates of Successful Primary Vaccination, 1898 and 1899 (1900)

Return showing in respect of each Poor Law union in England and Wales (1) the number of certificates of conscientious objection under section 2 of the Vaccination Act, 1898, received by the vaccination officers, which were dated between the 1st day of January and the 31st day of December in each of the years 1900 and 1901; and (2) the number of certificates of successful primary vaccination received by the vaccination officers during each of those years (1902)

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*Evening Express*

*South Wales Daily News*

*South Wales Echo*

*The Western Mail*

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