Government prosecutions for medical heresy : a verbatim report of the case, "Regina versus Tebb." Dedicated to the Board of St. Pancras Guardians, London, with an introduction and appendix of illustrative matter / [William Tebb].

GOVERNMENT PROSECUTIONS

FOR

MEDICAL HERESY:

A VERBATIM REPORT OF THE CASE,

"REGINA *VERSUS* TEBB."

DEDICATED TO THE

Board of St. Pancras Guardians, London,

WITH AN

INTRODUCTION AND APPENDIX OF ILLUSTRATIVE MATTER.

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Again—"The inequality of the Law is a strong reason for doing what we can to mitigate its severity; and it is undeniably much more severe on the poor than on the rich, for it imposes fines which in the one case are trivial, but on the other crushing."

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"To punish parents for struggling to keep their children's blood inviolate, is a form of tyranny unheard of until modern times, and emphatically disgraceful, as it is impious."

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"I wish I had known some time since that the Vaccination persecution had in any case been carried so far as you describe, as I might have made use of the fact. It would have served farther to enforce the parallel between this medical popery which men think so defensible, and the religious popery which they think so indefensible."

LONDON:

EDWARD W. ALLEN, 11 AVE MARIA LANE, E.C.;

AND

WARREN HALL & CO., 88 CAMDEN ROAD, N.W.

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PRICE FOURPENCE.

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CONTENTS.

TO THE

ST. PANCRAS BOARD OF GUARDIANS.

I DEDICATE this Tract to you, in the hope that you will read, inwardly digest, and profit by it.

In so often setting the Law in motion against myself and others, you incur a grave moral responsibility, and should act upon the fullest attainable knowledge, and with the clearest understanding of what you are about.

You have admitted by your Counsel in open Court that in this matter I am actuated by purely conscientious motives, yet you have made me the victim of repeated prosecutions, not for any moral offence, but because, as the natural guardian of my child, I have dared to protect her, as I shall continue to protect her, whatever the consequences to myself, from the virulent pollution and blood-poisoning which I have here shown, and am prepared to further prove by facts and medical evidence, are consequent on vaccination.

The only plea that can be urged in your behalf, and I am willing to admit it in extenuation of the course you have taken, is, that the Law allows, though it certainly does not require it, and that you are acting in pursuance of what you believe to be the public interest.

I contend, however, that you have shown a zeal without knowledge or discretion, and that you are acting in ignorance and in

error. I desire to dissipate your delusion by dispelling these, and thus remove the solitary excuse you have to offer.

I cannot better requite with good the evil you have done me than by supplying you with that fuller information you so manifestly need. As honest men, you who have subjected me to these unrelenting prosecutions, and threatened me with their indefinite continuance, cannot, in common justice, refuse to read what I have to say, and have here said in my own defence; and if you have any better reply to offer than a summons to the Police Court, I shall give it that respectful consideration which I claim, and am entitled to claim from you for the case here presented.

THE DEFENDANT.

INTRODUCTION.

WHEN we consider how much the order and comfort of our common life are due to the law and its observance, it is not without grave reason that a good citizen places himself in an attitude of resistance to any of its requirements. It will, however, be readily conceded that Parliament is not infallible, and that if many wise laws are enacted, there are occasionally some foolish ones, and that for the repeal of the foolish, there is no course more effective than deliberate disobedience, whereby public attention is forcibly drawn to what is wrong, and the public opinion is created whereby all reforms in England are effected.

The following report of the case of REGINA *v.* TEBB, in the Marylebone Police Court, affords an instructive example of the pains and sacrifices which have to be endured by a conscientious and public-spirited citizen in struggling for the repeal of a bad law. Mr. Tebb is in delicate health, but notwithstanding is selected by the Guardians of St. Pancras for the special exhibition of their zeal for vaccination. On Thursday, 12th December, he answered to his twelfth summons for the non-vaccination of his daughter, Beatrice, the Guardians all the while knowing that, under no circumstances, would the child be vaccinated, and that therefore their procedure was simply vexatious. To meet their summons, however, Mr. Tebb left his house in defiance of his physician's orders, and maintained his case, as best he could, under extreme physical weakness. Mr. Cooke, the magistrate, was courteous, but inflexible. The law allows a parent to plead "reasonable excuse" for the non-vaccination of a child; and Mr. Tebb was prepared to show, on the highest medical testimony, that a reasonable excuse awaited every intelligent parent. He would have read from the *Nineteenth Century* the solemn judgment of

Sir Thomas Watson, the Nestor of the medical world, who says—" It is too certain that one objection, really formidable, exists to vaccination—that the operation may, in some few instances, impart to the subject of it the poison of a hateful and destructive disease, peculiar to the human species, and the fruit and Nemesis of its vices. . . . I can readily sympathise with, and even applaud, a father who, with this presumed dread or misgiving in his mind, is willing to submit to multiplied judicial penalties rather than expose his child to the risk of an infection so ghastly."*

He would also have enforced this "reasonable excuse" by the personal testimony of Dr. C. T. Pearce, who has made vaccination, in connection with small-pox, the study of a quarter of a century; by that of Dr. T. L. Nichols; of Dr. Haughton, and of others. But Mr. Cooke would not consent to listen; and the legal representative of St. Pancras was still more impatient—he wanted judgment, not argument. The policy of vaccination was pronounced out of the question; and "reasonable excuse" was held to mean no more than the existence of some ailment, which might serve as pretext to defer the operation for a few weeks. Further, Mr. Tebb was ready to adduce a series of facts in proof of vital injury and death resulting from vaccination, but these, too, were heard with impatience; and hence a proper hearing for "reasonable excuse" was not to be had on any terms. Lastly, it was pointed out, that the intention of the framers of the Compulsory Vaccination Act was not to persecute conscientious Anti-Vaccinators, but to leave them alone—at least, after the infliction of one or two fines. In the spirit of this intention, a letter of the Local Government Board to the Evesham Guardians was produced, wherein the Guardians are advised to refrain from vindictive prosecutions, thus clearly indicating that to Guardians is assigned a certain discretion in the enforce-

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* "Small-pox and Compulsory Vaccination"—article in the *Nineteenth Century*, June, 1878, p. 1006.

ment of the law. Nor alone to Guardians is this discretion committed, but likewise to Magistrates. The character of Guardians, their frequent ignorance and recklessness, well known to the Local Government Board, rendered expedient the interposition of a second check, which check is placed in the discretion of the Magistrate. Thus in a letter to Mr. Serjeant Simon, dated 4th August, 1876, which Mr. Tebb read, Mr. Sclater-Booth, Secretary to the Local Government Board, writes :—" It always has been the policy of the Local Government Board, and will continue to be my policy, to advise Local Authorities, after proceedings have been carried to a certain point, carefully to consider each case before further action is resolved on. And it must not be overlooked that, even when further proceedings have been determined on by the Local Authority, *the decision to make or withhold the order for vaccination is entirely within the discretion of the Magistrates.*" This provision, it will be seen, Mr. Cooke overlooked, and unfortunately overlooked. He believed that the St. Pancras Guardians having resolved to prosecute Mr. Tebb, he was left without choice, and was compelled to enforce the law; when, on the contrary, he might without question have followed the precedent of the Southampton Bench (cited by Mr. Tebb), and have refused to convict. Like a sensible man, he fully recognised the folly of the Guardians, but failed to see that it lay in his power to put a stop to their malicious and useless prosecution.

However, what is worst continually works for what is best, and the St. Pancras Guardians are unwittingly doing excellent service in hastening the overthrow of the vaccination superstition. This Report of the prosecution of Mr. Tebb will be widely circulated, and will we trust, give many courage to follow his example; for in no surer way can they advance the true science of hygiene. It should never be forgotten that the foul folly of vaccination was begotten in a time of dense darkness as to the laws and conditions of health and disease; that it was introduced, not after due and deliberate examination, but suddenly,

and by acclamation, and was diffused as under a universal craze; that it was supported, by a series of audacious promises, which were never verified, and which as years roll on and experience accumulates, are proved to be unmitigated illusions, and, worse than illusions, are means of positive injury to the common life. The medical profession not unfrequently attempt to evade discussion, on the plea that vaccination is a mystery reserved for experts; but true science has no mysteries: mystery has of old been the badge of quackery and imposture. At any rate, a mystery that invokes the law to poison the blood of every child born into the world is a mystery beyond endurance; and we confidently predict that ere the present century reaches its close, the vaccination mystery will be unveiled; and men will wonder with very great wonder how it ever came to pass that the human mind chanced to be stupified and overcome by so extraordinary and extravagant a delusion.

THE TRIAL.

MARYLEBONE POLICE COURT, DECEMBER 12, 1878.

BEFORE MR. COOKE.

REGINA *v.* WILLIAM TEBB.

Mr. Sampson: In this case, Sir, Mr. William Tebb, of 7 Albert Road, Regent's Park, is summoned for neglecting to have his child vaccinated.

Mr. Cooke: Is the child here?

The Defendant: I produced her in this court before, your Worship. I am told that it is not absolutely necessary to produce the child again.

Mr. Cooke: You are liable to a penalty.

The Defendant: I never knew that that was the case.

Mr. Cooke: It is so. The non-production of the child does not prevent my making an order, but you are liable to a penalty for not producing her. If I am asked to inflict a penalty you are clearly liable. But, probably, that is not the object. We will hear what the case is.

Mr. Sampson: The defendant is summoned for refusing to have his daughter, Beatrice Hewetson Tebb, born on the 8th August, 1874, vaccinated. There was an order made, and the defendant was summoned for disobedience to that order, and he was fined 20s. He was again summoned on the 7th of December, but did not appear. On the 6th of February, 1877, he was fined 30s. and 4s. costs. On the 25th of May, 1877, a case was granted for a superior court, and the order was confirmed. The defendant was then summoned for disobedience.

Mr. Cooke: What was the case about?

Mr. Sampson: I have not the case with me. The officer will tell you. Some point was raised by Mr. Tebb, or the Counsel who appeared for him. A case was granted and argued in the

superior court. I am told that the case had reference to the infliction of repeated penalties. Then the defendant was summoned for disobedience to the third order on the 31st May, and did not appear. On the 21st of June last, he was fined 20s., and 23s. costs for disobedience. This is a summons for the same purpose. I desire to state fairly, that Mr. Tebb, who is a gentleman of high respectability, refuses from conscientious scruples; he is not acting from contempt of this court. At the same time, Sir, there is the law, and the parochial authorities, the guardians, are executors of that law, and they bring the matter before you from time to time until Mr. Tebb complies with the order. I will now call my witness.

MR. WILLIAM THOMAS JONES *Called and Sworn, and Examined by Mr. Sampson.*

Q. What are you?

A. Vaccination officer of St. Pancras.

Q. Has Mr. Tebb a daughter, Beatrice Hewetson Tebb?

A. Yes.

Q. When born?

A. On the 8th of August, 1874.

Q. Have you any certificates of her having been vaccinated?

A. No.

Q. She has not been vaccinated?

A. No, not to my knowledge.

Q. Have you applied to Mr. Tebb on the subject?

A. I have seen him about it. I left him a notice on the 30th of September last.

Q. Has it been complied with?

A. No. Here is a copy of the notice.

Q. Did you serve it personally?

A. On a servant.

Cross-Examined by the Defendant.

Q. Do you know whether my child has been vaccinated or not?

A. At present I have not received a medical certificate to that effect.

Q. How many summonses have been issued in this case?

A. I cannot say how many summonses have been issued—

about three or four. I do not think that has any relevancy to this case.

Mr. Sampson: Altogether there have been twelve summonses in this case.

The Defendant (to witness): You were present in this court when I appeared before Mr. D'Eyncourt in April, 1876. Did you hear me say that I could not conscientiously have my child vaccinated?

A. I cannot say that I did.

Q. And you keep on issuing these summonses. Are you aware that the Local Government Board discourage repeated prosecutions where parties cannot conscientiously comply with the law, as in this instance?

A. I am not aware of it.

The Defendant: I will refresh your memory by reading a document published by the Local Government Board. The document, your Worship, is called "Vaccination Prosecutions." It is a copy of a letter addressed by the Local Government Board to the Guardians of the Evesham Union, on the 17th September, 1875, relative to the power of the Guardians in relation to repeated prosecutions against persons who have been more than once fined for refusing to have their children vaccinated. This document is regularly sent out by the Government to Guardians where the question is raised as to whether——

Mr. Cooke: You had better not make a speech to the witness. I shall be glad to hear you presently. Confine yourself now to questions.

The Defendant: May I read this document?

Mr. Cooke: Not yet. You may read it if you want to ask a question upon it.

The Defendant (to witness): Have you seen that document before?

A. There has been a document of that kind sent to the Guardians. I believe the Vaccination Committee have it.

The Defendant: I wish to show that the Guardians are not acting ignorantly on the subject. They know what the Local Board require, and what instructions have been issued, and they are acting from some motive that I cannot understand.

Mr. Cooke: You are making a speech. You must confine yourself to questions. You will have every liberty.

The Defendant (to witness): I believe you have recently received a reward for the energy you have displayed in your position of vaccination officer, over and above your salary?

A. Yes; but I do not see what that has to do with this case.

Q. It has something to do with the case. Will you answer the question?

The Witness: Am I to answer it?

Mr. Sampson: It is greatly to your credit.

The Witness: I have received a reward for extra services rendered during the epidemic of small-pox, for visiting cases.

The Defendant: For your zeal in initiating these repeated prosecutions of conscientious persons?

A. For visiting small-pox cases during the epidemic.

Q. When did the Guardians give instructions for these proceedings?

A. At their last committee meeting.

Q. Then they have given separate instructions to prosecute me again in this matter?

A. Yes.

The Defendant: These are all the questions I have to ask.

Mr. Sampson: That will be the case.

The Defendant: Will you allow me to address the Court, sir?

Mr. Cooke: Yes.

The Defendant: I am here before your Worship in answer to the twelfth summons in respect of the non-vaccination of my child. When I appeared for the first time, before Mr. D'Eyncourt, I stated that I could not conscientiously have my child vaccinated. I then gave cases, cited from the public journals of the day—not documents from anti-vaccinators, who are always treated with prejudice, but from the *Daily News*, the *Times*, and the *Telegraph* —showing the disaster, the mischief, and deaths which have resulted from vaccination. In one instance, I cited the case of the child of Mrs. Kleiker brought before Mr. Flowers, who sometimes sits in this court, and who said on examining the child—rendered a mass of corruption through vaccination—that he had never seen anything like it before—it was shocking. In another case that I cited, a poor woman came to the court and said that she had lost two children by vaccination, and pleaded with all the earnestness —with all the love that a mother can feel for her child—to be permitted to carry home that child free from the risk of the

pollution with which the others had been tainted, and which had resulted in their death. Not content with these instances, I referred to the Registrar-General's returns, and I showed that since vaccination had been made compulsory the number of victims to small-pox had greatly increased—that in proportion as vaccination had been more rigidly enforced, deaths had increased, and that they had more than doubled since the first Compulsory Vaccination Act was passed. I am much obliged to Mr. Sampson for the temperate manner in which he has on this occasion introduced my case, and to you, sir, for your kindness in listening to me. For several years I have been smarting under a sense of cruel injustice, the magistrate having more than once refused to listen to what I have had to say; therefore I fully appreciate, and wish to express myself strongly upon your kindness in consenting to hear my defence. Since the first hearing before Mr. D'Eyncourt, I have had no less than eleven summonses served against me; and what that means there are very few who can realise. I have had the vaccination officer intrude himself again and again into my house. He may be an honest rightminded man, striving to do his duty, but in his zeal and energy he has gone into my house again and again, insisted upon seeing my wife, annoyed her with threats of summonses unless my child was vaccinated. I have had the intrusion of the policeman; I have had publications of the cases under the head of "Police News," and more than that, in May last Mr. Sampson, acting, I suppose, under the instructions of the Guardians, deliberately asked his Worship, Mr. Mansfield, if he would grant a summons against me for misdemeanour; simply because I refused to obey the order of the court to inflict a disease upon my child, and because I recognised the rights of conscience, and would not commit what I knew to be a serious and possibly lasting injury to her tender frame. The application before the magistrate for a summons for misdemeanour was dismissed. It has been said that by my refusal to answer the summonses my case has been aggravated, and that I have treated the court with contempt. I am able to answer that charge. One summons was served upon me when I was in Rome; I could not answer that. One was served against me when I was in the Shetland Islands; I could not answer that. One was served upon me when I was in Brighton; I did not answer that. One was served against me when I was at Great

Malvern. I received that summons, and came 140 miles to stand before Mr. Newton to answer it, and to state my plea against the injustice and the wrong done to me, and sought to be done to my child. Mr. Newton would listen to no plea whatever, but told me that a thief might as reasonably object to the laws against felony as I to the law on vaccination. This last summons to which I am now appearing, was served at my house when I was staying at Brighton under medical advice; but I am here to protest against the cruelty, the tyranny, and the injustice of these repeated prosecutions which the Guardians are now, for some reason or other best known to themselves, carrying on against me. I have been trying to ascertain how it is that *I* only am made the subject of these repeated prosecutions. I have looked through the list of the Guardians to see if there was any one who might be supposed to have any personal animus against me, but I do not know a single name on the roll. The first name on the list of Guardians is Miss Collett, a most intelligent lady, interested in education and every good work, and I am certain she would not be a party to this oppression. I have made inquiries in the locality to see whether I could get any information that could elucidate the matter. Yesterday I saw a ratepayer who had formerly been a vestryman, and had lived in the Parish of St. Pancras 25 years; thinking that he might know something about it, he said,—"Well, Mr. Tebb, they know you can afford to pay not only fines but lawyers' costs, and as long as you can afford the luxury, they will issue these summonses against you." That, I think, your worship will admit, is not a satisfactory explanation. I object to this summons on the ground of its unfairness. I am made a victim. I find that other people in the parish are not prosecuted in this way. And what is the reason? There is a neighbour of mine, Dr. Collins, with five children, all born in the parish, and all unvaccinated, and no proceedings have been taken against him, though the fact that he has five children unvaccinated is well known to the Guardians. Dr. Collins was formerly a member of the Vestry, and it is just possible that one set of officials may not like to prosecute their *quondam* brother officials. That is all the explanation I can get on that head. There has been a good deal of newspaper correspondence and agitation about the matter in the borough, and the Guardians have had the opportunity of seeing how wide-spread is the opposition to their relentless persecution. Well, in consequence of the

correspondence in the papers, one of the ratepayers called upon me and said,—"I see you are constantly being brought up for not having your child vaccinated; how is this?" I said, "I do not know how it is." "Well," said he, "I am a resident in the parish, and I have two children not vaccinated; moreover," he said, "I am a vestryman. It seems that you are to be a scapegoat for the whole parish." I said, "If your children are not vaccinated, and you are not proceeded against, I do not understand it." "Well," said he, "I arranged that," and gave a twinkle with his eye. Now, I am not one who has "arranged" anything. What kind of "arrangement" that must have been I leave your Worship to imagine. If you think I ought to mention the name I have no objection, though I am not bound to do so; I can mention the name if desired, that the correctness of this official process of selection may be verified. You have been told, Sir, that not being able to obtain redress in this Court, and sometimes being refused a hearing, I appealed to the Court of Queen's Bench. The result was, as you have heard, that my appeal was dismissed with costs. Now, not knowing what to do under these perplexing circumstances, I wrote a letter to Mr. John Bright. I will not trouble you with reading my letter, which is a long one, but I am sure you will not object to hear a very short one from so eminent and enlightened a statesman as Mr. Bright in relation to my own case. It is this—

"ROCHDALE, *4th December*, 1877.

"SIR,—I think your case one of great hardship, but I fear I can do nothing to help you. These repeated penalties are, in my view, most unjust, and I wish the law were changed. I am, respectfully yours,

"JOHN BRIGHT."

Mr. Sampson: I put it to you, Sir, whether Mr. Tebb is making any answer to the case whatever.

Mr. Cooke: That is for me. In a case of this kind I am willing to allow a very large degree of latitude. I may say that Mr. Bright's opinion as a legislator is entitled to very great respect, but it can have no bearing upon the necessity which I am under of enforcing the existing law. His opinion would have the highest value if the question were mooted in the House of Commons or other places, but in a Court where I have simply to enforce the law. I can only look within the four corners of the statute.

The Defendant: I have witnesses to call who will give evidence more to the point. I will be as brief as possible. I have a letter from Mr. Gladstone that has never been published relating to the same subject.

Mr. Cooke: It is hardly worth while reading it. As I have told you, it can have no bearing on my decision. These are opinions of most eminent men, but I have simply to look at the Act of Parliament, to what the Legislature has passed into an Act. I am not sitting here to make the law, but merely to execute it.

The Defendant: I shall be able to establish my case on two points. One is, that I have a reasonable excuse to make within the meaning of the Act; and the other is, that instructions have been issued by the Local Government Board strictly applicable to my case. On those two points I shall rest my defence. You would prefer that I should not read this letter from Mr. Gladstone?

Mr. Cooke: Yes.

The Defendant: Then, sir, I will follow your suggestion in the matter. Sir Thomas Chambers, Recorder of the City of London, and the leading member for this borough, says, that "the infliction of these cumulative penalties upon parents, conscientiously objecting to vaccination, is a cruel and indefensible proceeding." I have alluded to my case before the Queen's Bench. On that occasion, the doctrine was laid down by the Lord Chief Justice, that an unvaccinated baby was a centre of contagion; and the *Telegraph*, the *Times*, and the other papers, took up that view of the case, and said that an unvaccinated baby was a perpetual nuisance; one writer compared it to a keg of strychnine; so that, according to this extraordinary doctrine, all the babies before the advent of Jenner must have been perpetual nuisances and public dangers—a statement which is a libel on the Almighty.

Mr. Cooke: My time here is very valuable, and I cannot listen to discussions as to whether vaccination is good or not. That is not within my province at all. I have simply to decide whether you have obeyed the Act of Parliament or not. If you can show a valid reason for disobeying the Act of Parliament, it will be a good answer. Whatever may be my own private views, I cannot go beyond the four corners of the Act of Parliament.

The Defendant: I can show that I have a reasonable excuse.

Mr. Cooke: I want to know if there has been a fresh notice?

Mr. Sampson: Yes.

Mr. Cooke: That has not been proved.

WILLIAM THOMAS JONES *recalled.*

Mr. Sampson: Did you give Mr. Tebb notice to produce the child?

A. No; it was a summons served on the 13th of September.

The Defendant: I will admit all that to save trouble.

[*Copy of notice produced.*]

Mr. Cooke: That was served, was it?

The Witness: Yes.

Q. And that is the foundation of this application to-day?

A. Yes.

The Defendant: I have to submit to you, sir, that I have a reasonable excuse for my child not being vaccinated. The Act provides that, if I can make a reasonable excuse, the magistrate can refuse the order. That reasonable excuse is founded upon the injury which results from the practice of vaccination. I have before me a copy of the *Echo*, of July 2nd, in which, not an anonymous correspondent, but the editor himself, gives a case of a healthy child who was vaccinated when three months old, and was thereby infected with serious disease, and the result was that the child died. The editor of the paper says—"So important was the case considered, that all the physicians in attendance at the hospital on that day, being six in number, left their patients to examine the child, and they one and all concurred that it was a vaccination case." The editor goes on to say—"It is all very well to have a compulsory vaccination law; there ought at the same time to be a Government scrutiny as to the quality of the vaccination material used. The case we have recorded shows that no child is safe under present circumstances." I have here a copy of the *Boston Guardian* of September 20th, in which there is a case of a child who was vaccinated by Dr. Maxwell, the vaccination officer, and who died a week after the vaccination. The attention of the Local Government Board was called to the matter. Dr. Maxwell said he could give no explanation; that he had used a proper lancet and proper lymph. That is another victim. I have also a copy of the *Newcastle Daily Chronicle*, of October 11th, in which there is an account of a case of "Alleged Death from Vaccination." An inquest was held on the body of Henry

Mould, aged four months. The child was vaccinated and had died. Dr. Abrath, who was present at the inquest, said that "no one could tell good from bad lymph, no microscope or chemical tests could detect it. He had himself poisoned three children by so-called healthy vaccination lymph, and this made the 121st case he had seen where children had suffered visibly from vaccination." The jury, after a long consultation, returned a verdict —"That deceased died from diarrhœa, accelerated by vaccination, duly and properly carried out under the Act."

Mr. Cooke: You had better pass to your second point. This has no bearing on the case.

The Defendant: Allow me to refer to an official document issued by the Government, headed "Vaccination Mortality." It shows that, since vaccination has been made compulsory, there has been an increase in mortality of 25,000 children per annum from inoculable diseases—diseases inoculated into the system by means of vaccination. To look at such a Return seems like reading the records of a field of battle, so fatal has been the result of this mischievous medical delusion. I will now go to the second point —the instructions issued by the Local Government Board to meet cases like mine. But before that, may I be allowed to call some witnesses?

Mr. Cooke: You must first finish your address, and then I will hear any witnesses.

The Defendant: Shall I refer to these documents?

Mr. Cooke: These are instructions issued by the Local Government Board. I am cognizant of them, and have carefully read them all several times. It is a document issued to the Guardians throughout the whole of England, which, if they do not wish to press for a second or third conviction, no doubt gives them power to hold their hands; they cannot be charged with not doing their duty, because they have a discretion invested in them as to whether they will proceed or not. But if, in their discretion (which we will hope is always used properly), they wish to proceed again, my hands are tied; and if a case is brought before me, I am called upon to deal with it. Again I say I can only look at the Act of Parliament. If you want to alter the law, you must get it altered in the House of Commons. A magistrate in a Police Court cannot alter the law.

The Defendant: I have appealed to the Court of Queen's Bench.

Mr. Cooke: And the Court of Queen's Bench, I understand, has decided against you.

The Defendant: I believe it is allowed to a defendant to show what is the intention of the Legislature, and I think I shall be able to show that. I will first read an extract from this official document, entitled "Vaccination Prosecutions," issued by the Local Government Board, with respect to repeated prosecutions. It is strictly applicable to my case, and thus runs—"It is, therefore, important, with the view of securing a proper observance of the law, that parents should be well assured that proceedings in case of non-compliance with its requirements will not be lightly discontinued. On the other hand, the Board are prepared to admit that, when in a particular case repeated prosecutions have failed in their object, it becomes necessary to carefully consider the question whether the continuance of a fruitless contest with the parent may not have a tendency to produce mischievous results, by exciting sympathy with the person prosecuted, and thus creating a more extended opposition to the law." That document Mr. Jones does not seem to know anything about. I have sent a copy to the Guardians, and have published it in the local papers, so that there is no excuse for not knowing anything about it. When the present Act was introduced into the House of Lords by Lord Walsingham, on July 14th, 1874, the noble lord said, on the second reading:—"It was in no way contemplated by this bill to encourage prosecutions to the extent of persecution, but to leave a fair discretion to be exercised in the case of conscientious objections." After that, letters were constantly sent by Guardians to the Local Government Board, and they constantly repeated these instructions. I was in the House of Commons during the vaccination debate in April last, when Mr. Gladstone and Mr. W. E. Forster and Mr. Pease brought forward evidence, and spoke strongly and urgently for a repeal of the Cumulative Penalties Act. Mr. Sclater-Booth then handed that document about, to show that the intention of the Government was not to prosecute relentlessly; and that was the answer made by the Government to Mr. Forster, Mr. Gladstone, and other members. I will now refer to a letter written to Mr. Serjeant Simon by Mr. Sclater-Booth, on the 15th of August, 1876. In a letter to myself, the Assistant Secretary of the Local Government Board says that no official copy of this letter is in existence; but they add—"You will, however, find it

on reference to a file of the *Times*, in which newspaper it appeared shortly after the date on which it was written." I did not find it in the *Times*, but this is from the *Daily News*:—"In a letter to Mr. Serjeant Simon, Mr. Sclater-Booth says—'It has always been the policy of the Local Government Board, and will continue to be my policy, to advise Local Authorities, after proceedings have been carried to a certain point, to consider each case before further action is resolved on; and it must not be overlooked that, even where proceedings have been determined on by the Local Authority, the decision to make or withhold the order is entirely within the discretion of the Magistrates.'" That, sir, I submit, is a strong case for your consideration. Would you like to see the extract?

Mr. Cooke: I quite follow you.

The Defendant: That completes my case, except calling witnesses. I find I have omitted one matter, which is very important. It is the case of the Southampton Board of Guardians, who, on 16th November, had a list brought before them of several well-known anti-vaccinators, most of whom had been mulcted in penalties and costs. "Mr. Wooldridge said, the question was whether the Board would prosecute more than once for the same offence. Mr. Purkis proposed a resolution to the effect that the officer be instructed not to prosecute a second time, but the clerk (Mr. Smith) explained that it was unnecessary to pass a motion, the Act providing that the officer should not, unless specially instructed by the Guardians, take proceedings after a person had been fined once. Mr. Purkis thereupon withdrew his motion, saying that the Local Government Board disapproved of anything like persecution by successive prosecutions of one person. The Board agreed to give the officer no instructions as to the list of cases, Dr. Hearne remarking upon the increase of small-pox during the past ten years, notwithstanding the rigid enforcement of vaccination."

DR. CHARLES THOMAS PEARCE *Called and Sworn, and Examined by the Defendant.*

Q. Are you a member of the Royal College of Surgeons of England?

A. I am.

Q. How long have you been so?

A. Twenty-eight years.

Q. Were you associated with Sir William Jenner at the University College Hospital?

A. I was five years at the bedside with him.

Q. You held office with Sir Henry Thompson and Dr. Russell Reynolds?

A. I did. We were in office together.

Q. Have you given special attention to the vaccination question?

A. I have for more than twenty-two years.

Q. Are you the author of this volume, entitled "An Essay on Vaccination?"

A. I am.

Q. Did you give evidence before the Committee of the House of Commons on Vaccination in 1871?

A. I did.

Q. I think you furnished instances in which syphilis was communicated by vaccination?

A. I called the attention of the Committee to those facts which I put in evidence.

Q. Do you know of any eminent medical authorities who have confirmed your statement before the House of Commons Committee?

A. Dr. Ballard, one of the official inspectors.

Mr. Cooke: This is not a Committee of the House of Commons, but a Magistrates' Police Court. I am not here to decide whether vaccination is right or wrong.

The Defendant: I shall show that I have a reasonable ground —that I cannot have the child vaccinated without endangering health and life.

Mr. Cooke: I have given you great license, as I am anxious to do to every person who conscientiously has a belief which is opposed to what is probably the necessity of my interference; but I cannot go into this question. Whatever my opinion may be, I cannot decide the question whether vaccination is right or wrong. I am not called upon to do so. The Legislature has said that a man shall have his child vaccinated, and I am here merely to administer the law.

The Defendant: My contention is, that I have a reasonable excuse as allowed by the Act.

Mr. Cooke: That does not mean that you are to oppose what

the Legislature has said. What it means is this: if you can show that your child is in such a state of health that vaccination would be injurious, that is a reasonable excuse for not vaccinating the child, and I should act upon it; but if you tell me that you are going to call evidence to show that vaccination in general is bad, I cannot waste the public time by having that question argued.

The Defendant: There are certain points which were not contemplated by the Legislature when the Act was passed. Sir Thomas Watson, in an article in the *Nineteenth Century*, says——

Mr. Cooke: I will not allow anything of the kind. I will keep strictly to what is the issue for me to try. I will not allow evidence to be given as to whether vaccination is good or bad. If you have evidence as to the injury that would be done personally to your child in consequence of some collateral facts, want of health or otherwise, I have no objection to hear that evidence, and act upon it; but I will not allow evidence to be given before me as to the general value or otherwise of vaccination. The Legislature has said that every man in this realm shall have his child vaccinated; and if he does not, the magistrate is to convict that person, to fine him. I am here simply as a minister of that Act. You are an intelligent man, and you must know as well as I do, that I cannot go into all this matter.

Q. Do you know this child? *(To witness.)*

A. I have seen the child.

Q. Are you prepared to say that the health of the child is such that vaccination would be injurious to it—not upon the general ground of vaccination being wrong, but that the child is in such a state of health that vaccination would be injurious?

A. The child is not afflicted with any accidental disease. A very lamentable case is quoted——

Q. That is not what I am asking. I am simply asking this, whether, without regard to your general objection to vaccination, you are able upon your oath to assert that the child is suffering from any disease, or from want of health, so that vaccination would be injurious to it?

A. No, I think not.

Mr. Cooke: I expected that answer from you. Have you any other witness? *(To the defendant.)*

The Defendant: I have two other medical witnesses who have

come here at considerable trouble; but they would only give evidence of a similar kind. But I should like to call Mr. William Young.

MR. WILLIAM YOUNG *Called and Sworn. Examined by the Defendant.*

Q. I believe you have had considerable experience in conducting or assisting at prosecutions under the Vaccination Act?

A. Yes, a great deal.

Q. Has the Local Government Board issued instructions to Boards of Guardians discouraging repeated prosecutions?

A. Yes.

Q. Have any of the Boards acted on those instructions?

A. Yes. I know that the Southampton Board declined to prosecute more than once, and prosecutions have ceased in Rugby and various other places in consequence of those instructions.

Q. Has Mr. Sclater-Booth, the President of the Local Government Board, stated in Parliament that it was not designed to prosecute conscientious objectors to vaccination?

A. I heard him state so in Parliament during the discussion of Mr. Pease's Bill.

Q. Have you any recent cases where Magistrates have refused to make an order?

A. Yes. I know that Henry Elkington, Broadwell, near Rugby, and Henry Baskott, Marton, near Rugby, were repeatedly summoned by the Rugby Board of Guardians, and fines were repeatedly imposed, but after the utterance of Mr. Sclater-Booth in the House of Commons, when the Guardians again applied for an order on both these parties, the Magistrates unanimously refused to make an order, and not only so, but they rebuked the Guardians for attempting to get the order made. They said they could not understand why, after that utterance in the House of Commons, any farther order should be sought, and they declined to grant the order, and dismissed the case with costs against the Guardians.

Mr. Sampson: I do not wish to ask the witness anything.

Mr. Cooke (to the Defendant): Is that your case?

The Defendant: I should like to make a few remarks.

Mr. Cooke: No. I will not hear any more remarks.

The Defendant: Then that is my case.

Mr. Cooke: There is no necessity for me to say more than this. When a defendant conscientiously disagrees with a certain thing that I am asked to enforce, I am anxious to grant him every license possible, and I have done so in this case very largely. The Legislature has determined that unless a child is suffering from want of health so as to make vaccination injurious—suffering from some special cause, as to which medical men know more than I do—every child shall be vaccinated. Before the Act was passed the matter was referred to a Committee of the House of Commons, before whom evidence was given by most eminent men on both sides of the question; and the result of the inquiry was that vaccination should be enforced. It would be absurd for a Police Magistrate to consider that question. There is the Act of Parliament, and I am to enforce it. You have already been summoned (it is extremely to be regretted that the Guardians should have thought it necessary to summon you), and you have resisted the summons. You have been fined and convicted of the offence named in the Act of Parliament. The case has been taken by you to the Court of Queen's Bench (a very proper course) on the question, whether after a man has been convicted, he can be convicted a second time. The Queen's Bench has decided that a party may be summoned a second time, but not for disobedience to an order made without notice. If a notice had been given, and the person has disobeyed it; if an order has been made, and he has been fined, there must be a second notice sent to the party to vaccinate as a foundation of the fresh proceedings, and that will go on for ever as long as the child is not vaccinated, until the time expires. There may be a second prosecution, but not for the same offence; it is a new offence, because there has been a new notice given, and the new notice is the foundation for the second proceedings, although it may relate to the vaccination of the same child. There the case stood until this order or recommendation was given by the Local Government Board. When I was Recorder of Southampton, I had it brought under my notice. In that document Mr. Sclater-Booth, the gentleman who signed it, recommended that the Guardians should take it into their consideration whether, after a fine, or repeated fines, had been inflicted, they should take further proceedings. I have no doubt that in a great many places the Guardians respectfully took that into consideration, and forbore to

prosecute a person after the first, second, or third time. But the very issue of that circular is a proof that the Guardians have a discretion—they may go on, or they may not; they may prosecute further, or stay their hand. But if they do prosecute, in my judgment the Magistrate has but one duty to perform. I absolutely disagree with those Magistrates who refused to convict in a clearly proved case brought before them. Although I should be glad if the Guardians did not press those prosecutions, if, in their discretion, they do press them, I am bound as a Magistrate to act upon the case as it is brought before me. Your case is completely proved—you have not had your child vaccinated. I am sorry that it is against your conscientious principles to obey the Act of Parliament; but I must make the order upon the notice which was last served.

Mr. Sampson: What costs will you give the parish?

Mr. Cooke: If I am pressed I shall give costs; but if I were the parish, I think I should abstain from asking for them.

Mr. Sampson: I am instructed to press for costs.

Mr. Cooke: Then I will make the order, and give 25s. costs.

MR. GLADSTONE'S POSITION.

MR. GLADSTONE, in common with Mr. W. E. Forster, by his energetic support of Mr. Pease's bill, has manifested his emphatic disapproval of the persecution of those who regard vaccination as either mere quackery or dangerous blood-poisoning. In a letter to Mr. James Lewis, of Ipswich, he observed:—

"I view with misgiving all new aggressions upon private liberty unless upon a clear and certain proof of necessity, and I keep my mind open upon the question whether such proof has or has not been supplied in the matter of vaccination."

On vaccination *per se* Mr. Gladstone does not presume to offer an opinion, and when Mr. Tebb appealed to him as to how he would advise him to conduct himself under the St. Pancras persecution, he replied:—

"HAWARDEN, *29th November*, 1877.

"SIR,—I have already made sufficiently known the spirit in which I should approach the discussion of a compulsory law like

that of vaccination; but I fear I cannot undertake to advise you in the difficulties under which your are placed. I have neither the professional skill nor the knowledge of the peculiar subject which I should require as the two principal elements of competency to act as a judge.—Yours faithfully,

"W. E. GLADSTONE."

DR. PEARCE'S UNHEARD EVIDENCE.

[DR. PEARCE was proceeding with the following evidence when the Magistrate interfered and prevented the Doctor from going on.]

In my evidence before the Select Committee of the House of Commons in 1871, I stated that when I was in general practice, and deemed vaccination to be the proper thing to do, I detected 20 to 24 cases in four years, in which I had unfortunately conveyed the virus of syphilis in the operation of vaccinating. My evidence as to the fact was thought to be doubtful. This was on the 7th of March, 1871.

On the 9th of May an unexpected confirmation of vaccine syphilis being possible was given to the Committee by Mr. Jonathan Hutchinson, surgeon, as follows (p. 283 of the report of the Committee):—

"Thirteen young adults were vaccinated from one child; four of them were females. The child had been lent to the surgeon who took the lymph from its arm. Of the thirteen, *eleven* had on their arms the primary sores of syphilitic contagion. *At the time the lymph was taken, the child appeared very healthy, and presented no sign of syphilitic disease; two months later the child did present unmistakeable evidence of syphilis.*"

The fact is further established and confirmed by no less an authority than Sir Thomas Watson, Bart., one of the most eminent physicians of the present day, in an article in the review entitled *The Nineteenth Century* for June last. Writing on vaccination, he says:—

"There has fallen an ugly blot. It is too certain that one objection really formidable does exist—that the operation may

impart to the subject of it the poison of a hateful and destructive disease (syphilis). On this distasteful subject I shall simply appeal to the printed testimony of Mr. Jonathan Hutchinson. . . . Such facts as he has *demonstrated*, constitute a rational excuse for objecting to compulsory vaccination. *I can readily sympathise with, and even applaud a father* who, with the presumed dread or misgiving in his mind, is willing to submit to multiplied judicial penalties, *rather than expose his child to the risk of an affection so ghastly.*"

Dr. Ballard, one of the official vaccination inspectors of the Local Government Board, in his *Essay on Vaccination* relates some unfortunate occurrences in which no fewer than 57 children were vaccino-syphilised, of whom a considerable number died. Nurses and mothers were diseased through suckling their infants, syphilis being thus conveyed through vaccination from children to mothers, and *from these to their husbands.*

In my letter to Mr. Sclater-Booth,* I presented the following figures from the Registrar-General's Returns:—There died of syphilis in the five years 1860-1865, under one year old, 4,504; of all ages, 6,425;—in the five years 1870-1874; under one year old, 7,009; of all ages, 9,271. In the first period, therefore, nearly two-thirds of the whole number *were under one year old* (the year of vaccination); while in the second period, when the number of vaccinations *had greatly increased*, no less than seven-ninths of the whole number of deaths were infants not a year old.

On the 25th of June, the wife of a brewer's workman came under my treatment for syphilis, in a deplorable state. Her infant, five months old, was vaccinated by an appointed public vaccinator. No question was asked of the mother regarding her state, or the state of the child. From the arm of that syphilitic child a quantity of lymph was taken by the vaccinator *for use at the Vaccine Station*—a child previously born, being covered with syphilitic eruption was not vaccinated. The danger is thus again confirmed on unquestionable evidence.

The incredulity expressed during my examination, on the part of those who should have been better informed, is thus shown to have been suspicious. The fact of vaccine syphilis is now established.

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* "Vital Statistics," No I.

LETTER FROM T. L. NICHOLS, M.D.

32 Fopstone Road, Earl's Court, S.W.,
London, *Dec. 17, 1878.*

Dear Mr. Tebb,—I am very sorry that the police magistrate did not see it to be his duty to listen to the testimony of your medical witnesses. The testimony they would have given would have been just what he required to guide him in using his discretion as to making an order for the vaccination of your child, because he has no right to make such an order if it would endanger, in any degree, its health or life. That was the very point at issue, and on that point he should have heard medical testimony. Now, there is not a well-informed and conscientious medical man in England who could have sworn that there was no danger in vaccination.

Had I been allowed to give my testimony, I should have sworn that there was danger, which no care could evade, of blood-poisoning, of possibly fatal erysipelas, and of the communication of syphilis. There are authentic cases of syphilitic vaccination, admitted by the highest authorities. Chambers's *Encyclopædia* gives an instance of about sixty children being infected from one child, and the disease spread to nurses, mothers, &c. In another well-known instance, eleven children were so diseased by vaccination. Coroners' inquests have been held in various parts of England on children killed by vaccination. The very surgeons who vaccinated them testified under oath that they could see no other cause of death, and that no precaution they could take would prevent it. I should have testified that I had seen cases of extensive ulceration, covering a large part of the body, and of serious skin disease covering the whole body, and lasting for several years, which I can attribute to no cause but vaccination; and that in transferring diseased matter from one person to another, there is always the danger of disease, and even of death—a danger to which no parent should be obliged to submit his child.

I cannot conceive that it was ever the intention of the Legislature to compel a parent by fines or imprisonment to subject his children to such hideous perils to health and life. It is the sacred duty of every parent to guard his children from such perils, and it is an atrocity—a horrible tyranny—to force him against his

conscience to subject them deliberately to a surgical operation which is generally a cause of disease, often serious, and sometimes fatal. In our hospitals, not even to save life, can any operation be performed without the consent of the patient. Why should this operation, so often fatal, be made compulsory by law? A British Legislature could never have intended such Herodian tyranny; and no magistrate is bound to execute a law which violates the rights of a parent, the conscience of a Christian, and the instincts of humanity.

In your case you were ready to offer testimony that the sacrifice demanded of you was dangerous to health and life. That I should have sworn; and so, I have no doubt, would every medical witness you summoned.—Very truly yours,

T. L. NICHOLS, M.D.

DR. HAUGHTON'S UNHEARD EVIDENCE.

I HAVE had my attention specially directed to the vaccination question for about fifteen years. I obtained the license of the Royal College of Surgeons of England in the year 1855, and the degree of M.D. from the University of Edinburgh in the year following. At first I was of opinion that there was a certain amount of benefit in the modern process of vaccination, but latterly I have come to consider the pretensions put forward on its behalf as mingled credulity and imposture, and have not vaccinated any one for some time in consequence. I have seen various eruptions, sores, and deformities, resulting from inoculation with bad "lymph," so-called, and have even had a case of erysipelas from using the very best that could be obtained. The person from whom I obtained it had examined all specimens forwarded to him with a microscope, and had rejected no less than eighty per cent. of the entire as unworthy of confidence. It was the fourth remove from the calf, which is considered better than the more direct inoculation from that animal, and less likely to produce inflammatory symptoms. I have heard of many cases of death and disease fairly attributable to vaccination in the course of my practice, and believe them to be recorded by intelligent and

trustworthy witnesses. I do not know of any test whereby contaminated "lymph" can be surely detected, nor any means of distinguishing the various poxes now passing under the name of "vaccination" from one another, except by their results,—when it it is too late to repair the mischief.

I believe any magistrate would be justified in regarding much of what is now called "vaccination" as a breach of the law against inoculation; as it is quite certain that diluted small-pox matter is largely used and publicly sold as "superior vaccine-lymph." A large number of eminent men in the profession have embraced the idea that vaccine "lymph" is primarily obtainable by infecting cows with small-pox; and several gentlemen have infected heifers for this purpose, and distributed the matter so obtained to the public vaccinators for use amongst the poor. I have used the "government lymph" upon myself, and was only able to produce a nasty running sore, not in the slightest degree like the genuine "Jennerian vesicle." I am not subject to sores, and ordinary wounds heal readily with me. I went over the Small-pox Hospital at Highgate with the late Dr. Marson, without having been vaccinated for at least an interval of thirty years, and saw there various cases of vaccinated persons suffering from confluent small-pox. I regard the present law as one-sided, for the poor alone are compelled to use the so-called "lymph" without any sufficient inquiry as to the antecedents of the vaccinifers on either side of the house; for it is well known to all members of my profession who are properly educated that scrofula, leprosy, and syphilis, have been thus transmitted, and may infect the blood for several generations.

I think the present law is a miserable failure, as small-pox and infant mortality have much increased during the quarter of a century in which it has been tested. And I have no confidence in the statistics which represent unvaccinated persons as now dying at a higher rate than before the introduction of vaccination. Such a result, if true, would be eminently discreditable to my profession; and I believe it is only arrived at by an illogical method of classification, which has been repeatedly exposed in the public prints. As for the spirit in which the law is carried out, I think it most lamentable that Parliament should so endow an opinion as to prevent the free discussion of the medical part of the subject in the medical journals, which generally decline to publish

anything they think likely to injure the *vested interest* of the profession. Moreover, the more influential non-medical journals are continually filled with the grossest abuse of those who wish to introduce a better method of contending with zymotic diseases than infecting every human being with what the highest surgical authority pronounces to be "a permanent morbid condition of the blood." It is further remarkable that Dr. B. W. Richardson, F.R.S., though himself an advocate for the various "vaccinations," classifies the "lymph" used with the virus of hydrophobia when he speaks of its essential pathological phenomena and the manner of its multiplication after it gets into the circulation of the living body.

VACCINATION LAW REFORM.

(From the Nonconformist, 24th Dec., 1878.)

I THINK no unprejudiced person could have heard the proceedings at the Marylebone Police Court, on Thursday, 12th Dec., in the case of Mr. William Tebb, summoned for the twelfth time for the non-vaccination of his child, and not admit with Sir Thomas Chambers, the senior member for the borough, that "the infliction of penalties upon parents who conscientiously object to vaccination is a cruel and indefensible proceeding;" and with the Right Hon. John Bright, "that the law which punishes a parent again and again for not having his child vaccinated, is monstrous, and ought to be repealed." It is clear that in this case the defendant's contumacy is not due to indifference, negligence, or ignorance, but solely to honest conviction and parental affection. He was complimented by the magistrate as an intelligent gentleman, and it was admitted by the counsel for the prosecution, that his refusal to comply with the order for vaccination arose from purely conscientious motives. He holds that vaccination would be perilous to the health and even to the life of his child. He showed by numerous citations from newspapers of recent date, that disease had been communicated, and that in some instances death had resulted from vaccination, and in farther support of his view, tendered the evidence of well known medical witnesses, but which the magistrate declined to receive, as not within his jurisdiction. Yet because Mr. Tebb will not violate his conscience and endanger, as he believes, the welfare of his child, he has been twelve times prosecuted by our Board of Guardians. The fines and incidental expenses of these prosecutions, with the Queen's Bench Appeal Case, amount to no inconsiderable sum; and had

he been a poor man unable to meet these penalties, the greater part of his time during the past three years might, for this offence, according to the ruling of the Lord Chief Justice (Tebb *v.* Jones), have been spent in prison. He may be right or wrong; I do not here argue the medical aspects of the subject, which in this Journal might be considered out of place; the medical virtue of vaccination is an open question, on which public opinion is divided, and high authorities may be quoted on either side; but when loyalty to conscience, and obedience to a high sense of parental duty are punished as a crime, when a particular medical heresy is treated as a felony, and those who cannot subscribe to and carry out in practice the creed of medical orthodoxy are classed with and subjected to the penalties of pickpockets and swindlers, an amendment of the law which creates this offence is surely urgent and imperative.

That this law might possibly be so applied as to excite indignation against it and those who put the law in motion and administer it, and evoke sympathy with its victims was foreseen; and it was hoped adequate provision was made to obviate this danger by instructions from the Local Government Board to Boards of Guardians, wherein it is recommended that, "when in a particular case repeated prosecutions have failed in their object, it becomes necessary to carefully consider the question, whether the continuance of a fruitless contest with the parent may not have a tendency to produce mischievous results, by exciting sympathy with the person prosecuted, and thus creating a more extended opposition to the law."

Experience has but too clearly shown how frail and broken a reed to lean upon is this trust in the discretion of Boards of Guardians, and how arbitrary, tyrannical, inconsistent, and with confusion worse confounded the administration of the law has proved. Thus at Southampton the Guardians have declined to institute a second prosecution against the same offenders; and, at Rugby, the Magistrates have refused to convict where a previous conviction had been registered; while, at Faringdon, Joseph Abel has, since March, 1876, been convicted twenty-five times, with heavy fines and costs; and in this parish, a former vestryman—whose name Mr. Tebb was willing to disclose in Court if requisite—told him that his child remained unvaccinated and himself unprosecuted, "because," he added with a knowing wink, "I have squared the matter;" and Dr. Collins, also in this parish, has five unvaccinated children, and openly with impunity defies the Guardians to prosecute him. Yet Mr. Tebb, who will not stoop to "square" the matter, has been prosecuted a dozen times, and, I fear, will continue to be prosecuted, notwithstanding the instructions of the Local Government Board, and the deep regret expressed by the worthy Magistrate, and his suggestion that, in this instance, "it would be wise to abstain from pressing for costs."

If these prosecutions are to go on, let them at least be taken

out of the hands of bodies so manifestly unqualified and incompetent, and transferred to a responsible public prosecutor in immediate communication with the Government, who could not be "squared," and in whose discretion greater confidence might reasonably be placed. In the judgment of many persons it would be better still to abandon altogether these vexatious, futile, mischievous prosecutions, and leave vaccination legally free, like any other medical specific. If good for anything, it can have no need to be propped on either side by the policeman and the jailor; and I would suggest to the Anti-Compulsory Vaccination League to consider whether it might not be advisable to reconstitute itself as a Vaccination Law Reform Association, with the single aim of amending or repealing the vaccination laws. This would secure the full sympathy and co-operation of many not prepared to join in a general anti-vaccination crusade.

I enclose my card, and remain yours respectfully,

A St. Pancras Ratepayer.

December 21, 1878.

REPEATED PROSECUTIONS.

(From the St. Pancras Guardian, Dec. 28, 1878.*)*

Sir,—May I respectfully ask for the insertion of a few remarks upon a case reported in your issue of Saturday week? I am not an anti-vaccinator, but am strongly opposed to any apparent attempt at petty tyranny. I, doubtless in common with other residents in the parish you represent, was both pained and ashamed on reading of the persistency with which the Guardians continue to prosecute Mr. W. Tebb, of Albert Road, Regent's Park, for the non-vaccination of his child. Mr. Tebb has been many times proceeded against, and, as is well known, has the strongest possible reasons for his non-compliance with previous orders to have his child vaccinated, believing, as he does, that the operation can only be performed at the risk of its health and life. To meet such cases the Government has wisely issued a circular advising the Guardians to cease proceedings, but our relentless and implacable officials, disregarding these instructions, seem to exercise their position as an engine of petty tyranny, thereby bringing discredit upon the parish and upon the office they hold. It is to be hoped, if the Guardians cannot be restrained, that the ratepayers will at the next election choose men who will not allow their zeal to run into persecution—a system quite unworthy of the age in which we live.—I have the honour to remain, sir, your obedient servant,

G. Ambrose Pogson.

THE VACCINATION PROSECUTION BY THE ST. PANCRAS GUARDIANS.

(From the St. Pancras Guardian, 4th January, 1879.)

We have received a number of letters, some of them of considerable length, on the subject of the recent prosecution of Mr. Wm. Tebb, by the St. Pancras Guardians, for the non-vaccination of his child, a report of which appeared in a recent issue of this journal.

Mr. Amos Booth, the assistant-secretary of the Anti-Compulsory Vaccination League, says Mr. Pogson's advice in our last issue is very good, namely, that the ratepayers at the next election opposed to this "petty tyranny" of the Guardians should elect Guardians opposed to it also. He asserts that the Magistrate has the power of refusing to grant the order, and states that the Magistrates of Rugby on two occasions have refused to grant orders in cases precisely similar to Mr. Tebb's.

Mr. J. Mansfield, of 40 Judd Street, writes expressing regret at seeing from the *St. Pancras Guardian*, that the Guardians of the parish have come to the conclusion to go on prosecuting one or two persons in the parish who have not complied with the Vaccination Act. Their conduct was the more condemnable from the fact that they had had communication from the Local Government Board not to keep on prosecuting over and over again; therefore, they were without excuse, for they were doing what no other parish in London had done—prosecuting one man twelve times for the same offence. There was no law in England that could compel Mr. Tebb to have his child vaccinated. They might as well seek again to light the fires in Smithfield. Surely the Guardians of St. Pancras did not wish to obtain a name throughout London as being the foremost to prosecute, so that persons might look back with scorn on the name of the parish. "I doubt not," he writes, "but that there are men in this age of Christian enlightenment who would again carry out the most heartless persecution for the sake of religion, if they had it in their power to do so. At the last meeting of the St. Pancras Guardians, we find the Chairman of the Vaccination Committee is disposed to pause before he goes any further, but one gives him a little advice and encouragement to this effect: 'Wherever you can find an anti-vaccinator, give him no quarter; keep on to the bitter end; show no mercy; bring him up as often as you can before the Magistrate; keep on fining him until you have broken up his home; and after this take his body and cast him into prison; pay no regard to other men's consciences. Although the Government has advised us not to turn prosecution into persecution, never mind what such men as Mr. Gladstone, Mr. Bright, Sir Thomas Chambers, and others may say. Although the whole world should condemn us, we have a law, and it must be upheld.'"

LETTER FROM WILLIAM HUME-ROTHERY.

(From the Marylebone Mercury, 4th January, 1879.)

SIR,—Mr. William Tebb, of 7 Albert Road, Regent's Park, has been summoned for the twelfth time for non-vaccination. The Anti-Compulsory Vaccination Movement is labouring to teach the three following important lessons, as necessary for the suppression of such injustice and immorality:—

I. That there should be no State-chartered doctors, their position being incompatible with civil and political liberty; but that there should be free trade in medicine, as in everything else of exchangeable value, medical men of all classes and denominations standing on equal ground before the law.

II. That the one great and only legitimate function of Parliament is to maintain equal freedom and equal justice for all citizens alike, and that whenever Parliament falls short of or transcends this plain line of duty, it necessarily does harm in place of good. By the light of this truth it may be seen that Parliament has no more right to enact a medical man than it has to enact a theological creed.

III. That Magistrates and other members of the Executive are morally and spiritually bound to administer none but just laws, *i.e.*, laws fitted to maintain equal freedom and justice between one human being and any other, and that when they stood to administer any unjust law they are themselves violators of the law of justice, and ought to be publicly exposed and condemned as such.

Any one to whose heart and intellect these lessons come home, must, if he be a sincere and earnest man, animated with a genuine public spirit, see that the Vaccination Acts are iniquitous in themselves, and have a demoralising effect upon those who obey them or enforce them. Such a man cannot fail to labour for the entire abolition of these Acts.—Yours truly,

WILLIAM HUME-ROTHERY,
President of the N.A.C.V. League.

Merton Lodge, Tivoli, Cheltenham.

OPINIONS OF THE PRESS.

THE PERSECUTIONS OF 1878.

IN the year of grace 1575, Elizabeth, of glorious and virgin memory, being Queen of Great Britain, France, and Ireland, two Dutchmen, Anabaptists, were burnt, "with roaring and crying," at Smithfield.

In 1611, in the reign of King James I., at the sentence of John

King, Bishop of London, Bartholomew Leggatt, "a pious Unitarian, for distrust of the Athanasian and Nicene creeds," was also burnt at Smithfield.

The Dutch Baptists and the English Unitarian were the last martyrs burnt on the grounds of Bartholomew Fair, under two Protestant sovereigns in the sixteenth and seventeenth centuries. Our martyrdoms in these days are neither fiery nor sanguinary; but the principle of martyrdom is always the same. Men are still punished by fines and imprisonments for refusing to do what their consciences forbid.

For example, a few days before Christmas, a poor man, unable to pay a fine, was sent to prison for fourteen days, to spend his Christmas holidays away from his wife and children, for refusing to have his youngest child vaccinated, because he believed, and rightly believed, that its life would be endangered by that operation.

Hundreds, certainly—thousands, probably—of little children have been killed by the blood poisoning of vaccination. Some die in a few days of erysipelas. Some break out in terrible ulcers. Some are covered from head to foot with skin diseases. Any contagious disease, and any hereditary disease may be conveyed from one child to another by vaccination. Diseased and diseasing matter flows to a sore. It gathers in the pustule caused by what is called vaccine virus. It may be the poison of scrofula, of syphilis, of leprosy—of any communicable disease. This is taken on the point of a lancet and placed in the arm of a healthy child. No doctor or surgeon can detect the poison; no chemical analysis or microscopic examination will show it; but there is the subtle virus all the same to do its deadly work—to disease, deform, destroy.

In the days of Henry VII., Henry VIII., Edward VI., Mary, Elizabeth, James I., Catholic and Protestant sovereigns, martyrs were burnt at the stake at Smithfield and elsewhere by Act of Parliament for not believing in the religion by law established. Henry VIII. and Cranmer burnt Catholics and Protestants, according to law, and with great impartiality—Protestants for denying the Real Presence, and Catholics for denying the King's supremacy. Later on, and long after the last martyr-fire had smouldered out in Smithfield, wizards and witches were condemned to death by the wisest judges in England—by so learned and good a man as Sir Matthew Hale, and also by the Puritans of New England.

It was the law; and Englishmen have always been a law-abiding people. The most hideous wrongs, horrors, and atrocities have always been committed by Act of Parliament.

And Magistrates and Judges now, as always, have carried out these Acts, however wrong, however cruel, however abominable they have believed them to be. It is their function to execute the law. English Judges have sent men to the stake for holding or

not holding some dogma that neither judge nor prisoner could understand, for some mere matter of opinion—just as later on they sent men, and still send men, to the gallows, for slight offences, or constructive crimes. *It is the law!*

On the 12th of December we attended with six or eight M.D.'s to visit the Marylebone Police Court, on the occasion of William Tebb, Esq., of 7 Albert Road, Regent's Park, being summoned for the twelfth time to show cause why he did not have his youngest child vaccinated according to Act of Parliament. Mr. Tebb has regularly paid his fines and costs, and appealed to the Court of Queen's Bench in one instance. He must have expended a very large sum to preserve his child from the danger of disease and death by vaccine poison or the germs of disease which may accompany it.

The Magistrate, Mr. Cooke, listened for a time to Mr. Tebb's defence, which was his conscientious belief, that by complying with the law he might injure the health or destroy the life of his child —become, in fact, *particeps criminis* with the official blood-poisoner, and accessory to the legal murder of his own offspring—not by the fires of Moloch, but by the vaccinator's lancet, armed with matter of erysipelas, syphilis, or other horrible and fatal contagion.

Mr. Tebb urged also that the Government itself did not wish to excite the opposition of the people by their repeated and persecuting prosecutions; nor could he see why he should be constantly dragged before this court, when there were vestry-men and parish officials with two to five children unvaccinated. If vaccination was a protection, his child could not be dangerous to those so protected.

Then, warned that the Magistrate's time was precious, he called his first medical witness, Dr. C. T. Pearce, a physician of position and great experience; but he was not allowed to give one word of testimony on the merits of the case, and, of course, the other more or less eminent and able physicians in attendance were not called.

Then Mr. Justice Cooke declaring that it was not his business to hear anybody's opinion of the law, or to give his own, but only his duty to execute it, in the same spirit in which English judges had always sent men to the gallows for petty thefts, or women to be burnt for having counterfeit money, or men and women to be burnt for heresy or witchcraft, made a new order that Mr. Tebb's little girl should be vaccinated, and that he should pay the costs of these proceedings.

This is what we do in the nineteenth century, and in the reign of Victoria, by the Grace of God Queen and Empress. It is only to compel a father or mother to run the risk of having the virus of some vile disease mingled with the blood of a pure and innocent child, that it may be maimed or murdered by Act of Parliament.—*From the Herald of Health.*

A LAWLESS LAW.

(From the Medium and Daybreak, 3rd January, 1879.)

THE wise men of St. Pancras who constitute the prosecuting Board of Guardians, so active in annoying Mr. Tebb, say they are bound under the law to prosecute those who refuse to vaccinate. Moreover, they think that if men were allowed to evade the compulsory vaccination laws, it would set a premium upon law breaking, and conduce to the infringement of other laws. The St. Pancras tradesmen who thus devote themselves to "upholding the laws of the country" are altogether wrong. We do not find that anti-vaccinators are the persons who "ignore the laws;" they are generally law-abiding people. It is because of their regard for law that they are anti-vaccinators. Law, and the desire to observe law, have not their basis in regard for dictatorial measures, like Vaccination Acts, which, begging the question in the face of common sense and evidence, put people under penalties for observing those laws of intellect, conscience, and care for their young with which the Creator has endowed them. The persons who bow down obsequiously to the mandates of an unjust and tyrannical measure, are the worst members of society. They by their compliance, as far as their personal influence goes, secure the continuance of a bad law; and being servile in their obedience, and therefore unprincipled adherents, they would, under another set of circumstances, become the unquestioning tools of powers and parties whose object might be made to upset law and order entirely.

The principle involved in compulsory vaccination has only to be infinitely extended to place mankind in a condition of the most abject slavery, and the Government would thereby be rendered the most execrably tyrannical that could possibly be conceived of. The basis of all law is an enlightened conscience—that light within which supersedes all conventional statutes, and enables a man to govern himself. The only well and truly governed people are the self-governed. Those who require policemen, informers, and magistrates, are non-governed and lawless. It therefore follows, conversely, that any act or system of legislation which renders necessary as an outside agency—superior in its function to human intelligence and conscience—policemen, informers, and magistrates, is in its essence contrary to law, order, and the moral well-being of the people.

All true laws are natural; and by their application to those who need the aid of the executive the wrong-doer is corrected and informed as to his conduct. But when a man submits to an arbitrary legal *dictum*, he is cut away from the anchor that is the safety of the ship, and he floats about without the rudder of conscience to direct him, or the compass of intellectual facts to determine his course.

The St. Pancras Guardians should keep within the narrow limits of being the tools of a lawless law, and leave the philosophy of the subject alone—a question which is far beyond the reach of minds so capable of doing the behests of the persecutors of medical heresy.

MR. W. TEBB, of Albert Road, Regent's Park, London, on whom a fresh order to vaccinate was made on December 12th, he having been summoned eleven times previously, stated before the Bench that "*while he was being continually prosecuted, a neighbour of his, a doctor, who had once been a vestryman, and who had five children unvaccinated,* was *not* proceeded against. *Another vestryman,* who had two unvaccinated children, and *was not prosecuted,* had told him he '*had arranged it.*'" Certainly a highly creditable state of things to the Guardians of St. Pancras! But not even the wildest Utopian visions have ever yet presented us with the spectacle of an iniquitous law justly and equitably administered. Like all other things such a law brings forth "fruit after his kind." —*From the A. C. V. Reporter, Jan. 1st, 1879.*
