

# The Difficulties in Implementing the Compulsory Vaccination Regulation to Vaccine Opponents During the Reign of Abdülhamid II

## II. Abdülhamid Döneminde Aşı Karşıtlarına Zorunlu Aşı Yönetmeliğini Uygulamadaki Zorluklar

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**ABSTRACT** With the vaccination regulations published successively in 1885, 1894 and 1904 the legal framework of the compulsory small-pox vaccination was drawn. The aim of this study is to determine from the archive documents of the period the difficulty faced by the government in the application of compulsory vaccination and the official approach to the solution of vaccine opposition. Official writings between 1885-1905 in the context of resolving the opposition to vaccination were searched for in the Prime Ministry Ottoman archives. Auxiliary sources were consulted for the interpretation of the expressions. With the aim of resolving opposition to mandatory vaccination, support was requested from religious community leaders; the benefits of the vaccine was publicized through newspapers; residents of every district were encouraged to report those who are not vaccinated to the official authorities. One of the biggest problems faced was that children were not vaccinated. Some of those who did not want to be vaccinated even changed their address. The applicability of the penalties foreseen in the regulations for those who do not get vaccinated was the main subject of discussion. By 1905, opposition to vaccination seems to have continued in certain regions of İstanbul. From an ethical point of view, compulsory vaccination aimed to protect public health conflicted with the will of those who were against the vaccine. However, it was noticed during the implementation process that the penalties stipulated in the regulation for those who do not want to be vaccinated do not guarantee vaccination.

**ÖZET** II. Abdülhamid döneminde 1885, 1894 ve 1904 yıllarında birbirini takiben yayımlanan aşı yönetmelikleriyle Osmanlı Devleti'nin zorunlu çiçek aşısı uygulamasının hukuki çerçevesi çizilmiştir. Bu çalışmanın amacı, yönetmelik maddelerinin aşı karşıtlarına uygulanabilirliğini, zorunlu aşı uygulamasında devletin ne gibi zorluklarla karşılaştığını ve devletin bu sorunların çözümüne yaklaşımını dönemin arşiv belgelerinden tespit etmektir. Konuyla ilgili olarak yayın taraması yapıldıktan sonra 1885-1905 yılları arasında ilgili kurumlar arasında aşı karşıtlığının çözümlenmesi bağlamında yürütülen yazışmalar Başbakanlık Osmanlı arşivinde taranmış, tespit edilen belgeler Latin harflerine çevrilmiş, ifadelerin yorumlanması için yardımcı kaynaklara başvurulmuştur. Zorunlu aşı karşıtlığını çözmeye amacıyla dini cemaat önderlerinin aşıyı teşvik etmesi; aşının yararlarının gazeteler aracılığıyla halka duyurulması; semt sakinlerinin aşı olmayanları resmî makamlara bildirmesi öngörülmüştür. Aşı yaptırmayanlar için yönetmeliklerde öngörülen cezalar resmî yazışmalarda daima vurgulanmakla birlikte, cezaların uygulanmasındaki zorluklar belgelere yansımış, cezaların uygulanabilirliği, hatta uygulanıp uygulanmaması tartışma konusu olmuştur. Aşı karşıtlığı konusundaki Osmanlı Devleti'nin karşılaştığı en büyük sorunlardan biri çocukların aşılatılmamasıydı. 1905 yılına gelindiğinde aşı karşıtlığının İstanbul'un belirli bölge ve kesimlerinde devam ettiği anlaşılmaktadır. Aşı olmak istemeyenlerin bir kısmının adresine ulaşılammış, hatta bir bölümü aşı olmamak için adresini değiştirmiştir. Konuya etik açıdan bakıldığında, devletin halk sağlığını korumak için öngördüğü zorunlu aşı uygulamasının aşı karşıtı olanların iradesi ile çatıştığı görülmektedir. Osmanlı idaresi aşının topluma sağlayacağı yararı bireylerin rızasından üstün tutmuştur. Ancak aşı olmak istemeyenler için yönetmelikte öngörülen cezaların aşılanmayı garanti etmediği de uygulama sürecinde fark edilmiştir.

**Keywords:** Compulsory vaccination; Sultan Abdülhamid II; Ottoman medical history

**Anahtar Kelimeler:** Zorunlu aşılama; Sultan II. Abdülhamid; Osmanlı tıp tarihi

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Peer review under responsibility of Türkiye Klinikleri Journal of Medical Ethics, Law and History.

**Received:** 06 Jul 2022

**Accepted:** 30 Aug 2022

**Available online:** 12 Sep 2022

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From the beginning of the second half of the 19<sup>th</sup> century, the Ottoman State continued to increase its efforts to modernize the health system. Parallel to the great advancements in the field of microbiology in Europe, the medical institutionalization and enactment of health issues progressed rapidly during the reign of Sultan Abdülhamid II. The most noteworthy activity of the preventive healthcare was mandatory smallpox vaccination. During the reign of Sultan Abdülhamid II, at roughly ten-year intervals 3 decree-laws (*Telkîh-i Cüderi Nizamnâmesi*) regarding mandatory vaccination were enacted in 1885, 1894 and 1904, respectively holding 9, 25, 28 articles. An 18-item guideline (*talimatname*) was also published to clarify how the 1904 decree-law should be implemented. Regulations had to be applied in all provinces.<sup>1-8</sup>

Why did the Ottoman State subsequently enact the mandatory smallpox vaccination regulation of 1885 in 1894 and 1904? The last 2 decree-laws were developed versions of the first one. The reason for the recurring laws with the addition of new articles is attributed to the fact that compulsory vaccination for free could not be implemented properly.<sup>9</sup> Ottoman archive documents shed light on the problems that caused the disruptions in the implementation of compulsory vaccination within the framework of the events of the period. In this study, we will discuss how the authorized institutions of the state tried to solve the problems that were thought to cause the disruption of compulsory vaccination in the fight against vaccine opposers, within the framework of Ottoman documents.

Problems encountered in compulsory smallpox vaccination were tried to be solved by correspondence between several institutions. Civil medical issues were carried out according to the discussions with the offices of the Ministry of Internal Affairs. Since a separate Ministry of Health did not exist, public health affairs were carried out by the Civilian Medical and General-Public Health Affairs Council (*Meclis-i Tibbiye-i Mülkiye ve Sıhhiye-i Umumiye*). The council was under the administration of the Directorate of the General-Royal Military Schools (*Umum Mekâtib-i Askeriye-i Şâhâne Nezâreti*). On the other hand, the administrative office of the coun-

cil was affiliated with the Royal Medical School Directorate (*Mekteb-i Tibbiye-i Şâhâne Nezâreti*).<sup>10</sup> Ultimately, it was the municipality (*Şehremaneti*) that was responsible for the implementation of vaccination itself.

## MATERIAL AND METHODS

Documents related to the application of smallpox vaccination during the reign of Sultan Abdülhamid II. were searched from the Ottoman archives of the Prime Ministry. Documents related with vaccination opposers were classified in a chronological order. In the meantime, a literature review was conducted on the subject. It was found out that there is no publication dealing with the contents of the studied documents. Old terminologies found in the documents were defined through Ottoman dictionaries.<sup>11-13</sup> Problems in the application of smallpox vaccination discussed in the documents and related solutions were studied and interpreted.

## RESULTS

### STRUGGLE AGAINST VACCINE OPPOSITION

In line with the first vaccination decree-law of 1885, officials were assigned to apply free vaccination. However, 2 years after the law came into effect, law enforcement officers working for public health declared that, although they warned parents and encouraged unvaccinated children to be vaccinated, “parents somehow behaved thoughtlessly”. In order to ensure that children were vaccinated before it was too late, the office of Sheikh al-Islam and The Directorate of Justice, Sects and Police Affairs (*Adliye ve Mezhepler ve Zaptiye Nezareti*) were activated to recommend vaccination of children. The religious leaders of Muslims (*imams*) and the spiritual leaders of non-Muslims (The Greek and Armenian Patriarchs, the Chief Rabbinate) were asked to advice vaccine opposers to vaccinate their children.<sup>14</sup>

A year later, the Royal Medical School Directorate submitted a report summarizing the situation to the Ministry of Education. The report noted that although the officers were present to vaccinate applicants for free at the duty pharmacies and at the Royal

Medical School everyday, there were still unvaccinated children in schools.<sup>15</sup>

Two years later, in the order (*irade*) sent to the Ministry of Education, in line with the statement of the sanitary inspector (*sıhhiye müfettişi*), it was notified that teachers of some Islamic and Christian schools in *Makriköyü*, *Karagümruk* and *Samatya* districts of İstanbul were preventing vaccination. In addition to the fact that these teachers violated the rules (*ahkam-ı nizamiye*) about not admitting unvaccinated children to schools, they were also found to be responsible for putting the health of children at risk at a time when smallpox persisted, by preventing vaccination. Therefore, those teachers were to be strictly denounced and ordered not to prevent children from being vaccinated.<sup>16</sup>

More than a year later, in February 6, 1892, the Ministry of Internal Affairs sent a report to all provinces and governorates, and also to the Municipality of İstanbul and the Royal Medical School Directorate, stating that “smallpox vaccine administration was not sufficiently taken care of until then” in İstanbul (*Dersaadet*) and other provinces of the country. The statement of the Sultan’s chief physician (*Sertabib-i Hazret-i Şehriyârî*) being in this direction, the State Council Office responsible for examining laws and regulations (*Şura-yı Devlet Tanzimat Dairesi*) sent a bylaw, declaring that all male and female students in all public and private schools should be vaccinated. Also, those who applied to join the civil service, i.e. the madrasas, the military and the constabulary were also required to be vaccinated. It was claimed that carelessness about vaccination was based on the failure to fully implement the provisions of the vaccination regulations and the instructions for vaccinators.

Nearly 3 years later, in the autumn of 1895, the grand vizierate office notified the Ministry of Internal Affairs the importance and necessity of smallpox vaccination for state officials. It was stated that immunity could not be attained by any other means than vaccination. All government officials and those in government service had to be definitely vaccinated in 3 months and receive a certificate (*şehadetname*). Free vaccination was provided at the vaccination

house (*Telkîhane*) of the Royal Medical School and the duty pharmacies.

Four years later, on October 5, 1899, as it is understood from the notice sent from the Internal Affairs Ministry to the Grand Vizier’s Office (*Sadaret*), the previous edicts, notices, notifications and statements were not found satisfactory for the implementation of the vaccination decree-law as required. In this document, resolutions about how to force and punish the parents who do not let their children vaccinated were introduced and their rationales were indicated. Several questions were to be answered. Which office was to collect the fines from those who violated the provisions of the vaccination decree-law? Were the fines received from those who prevented their children from being vaccinated going to be collected by the police administration or the municipality? Were those who did not intend to pay the fine going to be arrested at the Detention House of the Courthouse (*Adliye Tevkîfhanesi*) or not? Were those who could not afford to pay the fine due to their poverty going to be imprisoned in accordance with the law? Since the vaccination decree-law was yet a new enterprise, the immediate imprisonment and detention of those who do not pay the fine would not be just and fair so it was considered important to be content with diligently collecting the fine penalty by the municipal offices. However, when the parents who broke the order by not letting their children to be vaccinated, were not punished and imprisoned and those who do not pay the penalty fine were not detained and imprisoned, then the provision regarding this matter in the decree-law would not be fulfilled. It was regarded reasonable to impose vaccination by means of a penalty on those who tried to prevent and oppose vaccination by observing “some meaningless beliefs and convictions” against the application of vaccination. Prima facie penalty for resistance to vaccination was considered to be similar to the detention and imprisonment of those who acted against orders of the municipality, thus it appeared to be appropriate as a justification of harm to gain benefit. However, only charging a fine from the parents or punishing them by imprisonment and detention would not ensure the vaccination of children. When a vaccination officer of a district visited a place where there were unvac-

inated children, the community members were to be encouraged to act as denouncers by giving a sum of the fine to those who informed about vaccine opposers. These discussions in this document clearly show how confused the administrators were on the issue. As it turns out it was difficult to collect fines from opposing parents. In fact, they were well aware that neither fines nor detention meant that children would be vaccinated.<sup>17</sup>

After 5 months, the Internal Affairs Ministry informed the İstanbul Municipality in line with the statement of the State Council's office responsible for law enforcement and security matters (*Şûrâ-yı Devlet, Mülkiye Dairesi*) that, even if parents could not be fined, it was considered "natural to vaccinate children without the consent of the opposing parents, hence it was necessary to consider and evaluate the fulfillment of the treatment accordingly."<sup>18,19</sup> Compulsory vaccination was expected to be implemented in any case without the consent of the parents.

In the notice dated January 26, 1901 sent from the Internal Affairs Ministry to the Municipality of İstanbul it's stated that: "The procedure in force and the accepted rule is that physicians have to inform about their patients who have infectious diseases to the municipal offices. Those who are disobedient are to be notified to the Royal Medical School Directorate immediately in writing so that the required legal action could be taken. The Municipality of İstanbul is to be notified to warn those who do not behave properly." Thus doctors were also open to penalty if they acted irresponsibly in the struggle against infectious diseases.<sup>20</sup>

Solutions foreseen to resolve the difficulty of mandatory vaccination did not give the desired result. Hence, a new smallpox vaccination decree-law was rearranged and published in 1904. After this date the documents related to the vaccination opposers focus on non-Muslim communities. About 6 months after the 1904 decree-law, the mayor who ran the mandatory vaccination application, wrote to the Ministry of Internal Affairs, stating that some of the people in İstanbul, especially the Greeks, hid their children and prevented them from being vaccinated. It was also claimed that parents, in households where smallpox

disease was seen, took away their small children preventing them from getting vaccinated. Appeals made to the spiritual leaders of the communities and the headman until that date had not yielded sufficient results. The municipality doctors responsible of mandatory vaccination were having a hard time at work. Preventing doctors from doing their duty would be a waste of time as the only way to prevent the spread of disease and maintain its eradication was to provide vaccination.<sup>21</sup>

One week after the municipality's notice the Ministry of Internal Affairs also stated that in the future the continuation of the disease spreading around would be attributed to the negligence of the health committees of the municipal offices.<sup>22</sup>

On October 26, 1904, the Civilian Medical and General-Public Health Affairs Council proposed the course of action for mandatory vaccination, reminding the articles of the decree-law as well as the Penal Code, just meaning "follow the law". School principals, landlords, family heads, business managers, hoteliers, tradesman's chamber, imams and headmen who knew that people under their responsibility had not been vaccinated, yet failed to report them, would be fined. Those who avoided vaccinating their children would also be punished accordingly. The state of affairs was to be notified to the Greek and Armenian Patriarchates, the Jewish Chief Rabbinate, the neighborhood imams and headmen. The relevant officers were also to be ordered and instructed.<sup>23-25</sup>

By 1905, the problem of obligatory vaccine opposition was going on. In 1905, on January 19, twenty-four people from the Greek and Jewish communities died of smallpox within 3 weeks in İstanbul's *Beyoğlu* district within the Sixth Department of the Municipality. The constant proposal of the Civilian Medical and General-Public Health Affairs Council to the Ministry of Internal Affairs was that the Patriarchate and the Chief Rabbi was to notify and recommend the necessity of vaccinating the members of the congregation who did not get themselves and their children vaccinated. The proposal was to punish those who did not get vaccinated, and the implementation of the relevant articles of the vaccination regulation was again recalled.<sup>26</sup>

About a month later, The Ministry of Internal Affairs noticed the Directorate of the Royal Military Schools about a neglected practice: “It has been understood that the responsibility of announcing this situation in the newspapers were not clearly taken. Although the benefits of the vaccine and the harm of smallpox have been unofficially mentioned, this situation needs to be officially announced in the newspapers.” In the postscript sent to the Municipality of İstanbul it was again foreseen that, “Although the vaccination continues, some of the Greek population hide their children to prevent their vaccination. Since this situation leaves the effort to repel the said disease futile, Greek and Armenian Patriarchs, Chief Rabbinate, the imams and headmen are to be notified that those who refrain from vaccinating their children will be punished in accordance with the law.”<sup>27</sup>

About a month later, the Municipality of İstanbul reported to the Ministry of Internal Affairs that vaccination had to be continued, as smallpox still existed among Jews in *Ortaköy*. On the other hand, according to the information given by the Fourth Municipal Office of İstanbul, there was neither a disease nor death in the *Beyoğlu* district as a result of the protective and sanitary measures taken. It was reported that the extent of the damage and the spread of the disease was regressing day by day, and that vaccination of people in the neighborhoods and localities within the municipality was carried out every day successfully by the assistance of the attendant doctors.<sup>28,29</sup>

According to the information provided by the Municipality of İstanbul in the autumn of 1905, the health officials of the municipal offices went from house to house and vaccinated much more people, and the deaths gradually decreased. However, it is also reported that some people had turned down the offer of vaccination on “nonsense excuses”. Despite the advice and encouragement, 1,049 people in 13 neighborhoods of İstanbul avoided getting vaccinated. More than half of those who resisted smallpox vaccination were from *Kadıköy*, and 317 of them were from the Jewish community. According to the report from the General Inspectorate of the Health Board of the Municipal Offices (*Devâir-i Belediye Heyyet-i Sıhhiye Müfettiş-i Umumiliği*), the vaccina-

tion rejecters whose residences were known, were summoned to the municipal council one by one, and fines of penalty were charged. However, the residence addresses of most of them, nearly one thousand unvaccinated people, were unknown. In addition, some of the vaccination opposers whose addresses were known had changed their place of residence. It was seriously difficult to find them and collection of fines was exhausting. Moreover, due to the fact that some of them were civil and military officers, it was not known how they would be treated if they avoided paying the penalty in cash.

The fact that a smallpox vaccination regulation was published again in 1915 during World War I indicates that the problem continued after Sultan Abdülhamid II was dethroned.<sup>30</sup>

## DISCUSSION

With the enforcement of the mandatory vaccination regulations the Ottoman authorities emphasized for years that smallpox vaccine was the only alternative to prevent the disease. However, vaccine opposition could not be completely eliminated, especially against children vaccination. Authorities envisaged that the problems created by vaccine resistance would be resolved within the framework of the regulation; however, difficulties were encountered in the implementation of the proposed solutions. When it was understood that fines and prison sentences would not provide the desired result, the religious authorities were asked to step in. It was realized over time that this attempt was also insufficient. The ban on the unvaccinated from entering government offices, schools, workplaces, and the military was also tried to be put into effect. In case the opposer was a government official or a military officer or a police, mandatory vaccination was even more impasse. Informing the public through the media was tried as a solution to the problem. In the end, it was deemed appropriate to ask residents to inform against the unvaccinated to the officials and to encourage them by paying out of fines. Some of the foreseen solutions to settle the problem of anti-vaccination, such as taking advantage of informants and exposing opponents, were practices that would strain the society. Ultimately, the main responsibility was on the doctors.

## CONCLUSION

The beneficence of vaccination was continuously emphasized in the regulations and the exchanging official letters. The Ottoman archive documents related to compulsory vaccination show that “consent” - a most important ethical principle in health practices - was ignored. The mandatory vaccination regulations enforced for the protection of public health was in conflict with the will of the vaccine opposers. The officials who had difficulties in exceeding the will of opposers were also somewhat expected to observe the necessity of being just, as it was emphasized that in some cases heavy penal sanctions would be unfair. In addition, when the benefit-harm balance was evaluated, penalties stipulated by the regulations did not mean to ensure vaccination.

Although there is no statement in the documents about the issue of “trust” to the vaccine or the state, this issue should be emphasized. The documents imply that vaccine rejection is based on some “superstition”, but it doesn’t explain what the weird thoughts were. For this, it is necessary to go down to the unofficial sources of the period and search for the background of vaccine rejection.

The conflict between the autonomy rights of the unvaccinated and protecting from harm to the soci-

ety, leads to ethical debates today as well. It is clear that it is not actually possible to implement compulsory vaccination to everyone, even to the detriment of the society. However, we must not forget that smallpox is the only contagious disease eradicated by vaccination in the world.

### Source of Finance

*During this study, no financial or spiritual support was received neither from any pharmaceutical company that has a direct connection with the research subject, nor from a company that provides or produces medical instruments and materials which may negatively affect the evaluation process of this study.*

### Conflict of Interest

*No conflicts of interest between the authors and / or family members of the scientific and medical committee members or members of the potential conflicts of interest, counseling, expertise, working conditions, share holding and similar situations in any firm.*

### Authorship Contributions

**Idea/Concept:** Hasan Hüseyin Sari, Hatice Nil Sari; **Design:** Hatice Nil Sari, Hasan Hüseyin Sari; **Control/Supervision:** Hatice Nil Sari; **Data Collection and/or Processing:** Hasan Hüseyin Sari, Hatice Nil Sari; **Analysis and/or Interpretation:** Hasan Hüseyin Sari, Hatice Nil Sari; **Literature Review:** Hasan Hüseyin Sari, Hatice Nil Sari; **Writing the Article:** Hasan Hüseyin Sari, Hatice Nil Sari; **Critical Review:** Hasan Hüseyin Sari, Hatice Nil Sari.

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