

MINUTES OF EVIDENCE.

TUESDAY, 13TH SEPTEMBER, 1898. (Mr. JOYCE, Chairman.)

The Chairman : Have you seen the petition, Dr. Ewart?

Dr. Ewart : No, I have not.

The Chairman : Then please read the petition.

Mr. Izard : I had on the last morning referred to the number of vaccinations which Mr. Fitzgerald performed, and I have Mr. D. T. Stuart's summary of the position. [Document put in, marked "A."] The child in question was vaccinated on the 4th October, and went to Mr. Fitzgerald for inspection on the 11th October. The doctors' examination of the child on behalf of Mr. Fitzgerald—

The Chairman : What are their names?

Mr. Izard : Drs. Cleghorn, Faulke, and Fyffe; and the examination took place on the 17th February. On the 24th February, and before the writ in the action was issued, Mr. Fitzgerald wrote to the Colonial Secretary. I do not think we have that letter before us.

The Chairman : No.

Mr. Izard : What we have was the reply of the department to Mr. Fitzgerald, dated the 24th February, 1898. [Letter read, marked "B."] On this date, although the writ was not actually issued, an application was before the Court for the appointment of a guardian *ad litem*. So that at that time what Mr. Fitzgerald had done was this: He had received a letter from the solicitor who was acting for the parents of the child, and, with a view of ascertaining if there was anything in the charge, he did what any prudent man would have done—he got medical men to inspect the child, its parents, and surroundings, with the object of advising upon the course he should take. The three medical men called in having reported to him that the case was not syphilis, I take it he was doing his duty in defending the charge. The trial took place on the 27th July, and lasted until the 3rd August. That was really six sitting-days, there being the Saturday and Sunday intervening. Then, sir, we did something more than that: we had all the other children examined who were vaccinated or inspected by Mr. Fitzgerald on the 4th October, the day on which this child, Olive, was vaccinated, and I have the report of the doctors who examined them, and they state that they found these children in perfect health; the parents in every case stating that the children had enjoyed good health both before and after vaccination. The mothers also expressed their satisfaction with the vaccination.

The Chairman : What number?

Mr. Izard : There were thirteen vaccinated or inspected on the same day.

The Chairman : And from the same tube?

Mr. Fitzgerald : From the same set of tubes which I had obtained from the Government distributor. [Certificate put in.]

Mr. Izard : Then, sir, to come back to the position of the parents. I detailed that to you on the last occasion.

The Chairman : You had better recapitulate it.

Mr. Izard : The position was this, sir. The father is engaged as a lumper on the wharf, and he was appointed next friend to the infant, and he commenced the action. The action was carried on for a considerable time in his name as next friend. Then there came the incident of the £60 to which I referred last time. After that the mother was appointed the guardian *ad litem*, and it transpired at the trial that the mother herself was an infant, so the father was again reinstated as guardian of the child. It is apparent and perfectly plain that the father had no means whatever, and the mother, being an infant, cannot have any available assets to meet the costs. There is another fact that has to be taken into consideration: the mother admitted that she had lived an immoral life. She admitted that she had a child born before she was married, and that she lived with her husband before marriage; and from the evidence given at the trial the house was proved to be as low as a house could be. I might state that there was a child taken from the house to the Hospital, and she was suffering from abortion, peritonitis, and syphilis. Was that so, Dr. Ewart?

Dr. Ewart : Yes.

Mr. Izard : She was brought out of this very house—

The Chairman : When the child was there?

Mr. Izard : Yes. But there is no evidence to show that the woman was in the house during the vaccination period. But I am only calling the Committee's attention to the class of people that Mr. Fitzgerald, as a Public Vaccinator, had to contend with. I do not wish to go further into anything than is absolutely necessary.

The Chairman : But you are quite prepared to go into anything that is suggested? You do not want to keep anything back?

Mr. Izard : No, sir. I should now, I think, go back to the month of October. The child was vaccinated on the 4th, and went back for inspection on the 11th. The mother herself brought another child after the 11th to be vaccinated, but made no complaint as to the child in question. The child Olive was subsequently sent to the Hospital, and was treated as an out-patient. I understand that Dr. Martin also saw the child at some period, but I do not think he saw it until well up to January. Then our doctors saw it, and we decided to contest the action, having previously asked the Government to defend the action on the ground that Mr. Fitzgerald was a Public Vaccinator. I think that is all I need say at the present time.