

tired of the whole thing. He is most anxious to get money to clear out, after leaving sufficient to pay his debts." I (Mr. Fitzgerald) said, "I will not give you anything at all. I have never paid any blackmail in my life." Mr. Lambert asked me if he might speak to my solicitor. I then wrote a note to Mr. Izard. The same evening Mr. Izard and I had a talk on the subject, and on consideration a sum of £60 was handed to Lambert to obtain a legal discontinuance of the action.

*The Chairman* : Read the legal discontinuance.

*Mr. Fitzgerald* : We have not got it.

*Mr. Izard* : What happened appears to be this : A document was drawn up between Walter Roberts and Olive Roberts, his daughter, wherein they purport to assign the cause of action to the Mercantile Association, the association of which Lambert was the representative. We have a letter from Mr. Lambert detailing the whole circumstances. Messrs. Skerrett and Wylie obtained a discontinuance, and they understood that Mr. Young, who was acting as solicitor for Roberts, was thoroughly satisfied. Roberts received this £60, and he laid it out for his own purposes. Then it was that Roberts was removed as guardian *ad litem*, and the infant mother appointed.

74. *The Chairman*.] Who prepared that agreement?—Messrs. Skerrett and Wylie.

*Mr. Izard* : Of course, there was a difficulty as to whether a guardian *ad litem* could discontinue. A guardian *ad litem* is an officer of the Court appointed for the purpose of carrying on a suit, and it is a moot question as to whether or not a guardian *ad litem* can, without the consent of the Court, execute a sufficient discontinuance, but Mr. Fitzgerald felt that if the Robertses were satisfied no one else would apply to continue the suit.

75. *The Chairman*.] Messrs. Skerrett and Wylie were acting for Roberts up to this time?—No; they were acting for Lambert.

76. Why did not they go to Young and pay him the money?

*Mr. Izard* : Mr. Fitzgerald understood that Mr. Lambert got a commission out of it.

77. *Mr. Crowther*.] Did this discontinuance go through the Court?

*Mr. Izard* : No, it was never filed.

78. *The Chairman*.] Why was his money paid over?

*Mr. Izard* : It was given to Mr. Lambert, who was purporting to act as Mr. Fitzgerald's friend.

78A. *Mr. Crowther*.] Did you say he paid this money after telling Mr. Lambert to go —?

*Mr. Izard* : Mr. Fitzgerald had been very much worried about it, and he had been discussing it with other people besides myself, and they had persuaded him to do it. My view was that it was a very dangerous thing to do; but if Mr. Fitzgerald was worried about it, if it would have the effect of stopping the publicity of this beastliness and save Mr. Fitzgerald the liability it was plain he must incur, then it was worth while to risk it.

78B. *The Chairman*.] The way in which Mr. Izard put it to you influenced you, Mr. Fitzgerald?—Yes.

79. *Mr. Izard*.] And you also had some conversation, had you not, with the Inspector of Vaccination, and he made a recommendation to you?—Yes; I received a letter from him, which I will read. [Extract read, "E."] He is the gentleman who examines my vouchers for vaccination-fees. I wrote to Skerrett and Wylie a few days ago, asking them if they would be good enough to complete the papers in my possession—to hand me the discontinuance. They said they had destroyed it.

*Mr. Izard* : Here is their bill of costs : "Attending Mr. Lambert," &c., totalling £2 2s. [Bill produced, and marked "F."]

*Mr. Fitzgerald* : I should like you to call Mr. Lambert.

80. *The Chairman*.] Very well, I will have him rung up. Mr. Fitzgerald, can you assign any reason for what you consider the persecution to which you have been put?—Well, sir, I will sum it up in this way : that people come to me and get their children vaccinated that do not go to the doctors. It suits me to sit in my room from 9.30 in the morning till 12, and to sit there for two or three hours in the afternoon. I am very fond of the work, and I like it, and that is where the jealousy comes in.

81. What of Dr. Ewart?—I do not think that Dr. Ewart is the person; I think that the one who has made all the mischief is another man.

82. How many vaccinators are there in Wellington outside the doctors?—Mr. Brittain and myself are the only two outside the medical circle.

[Mr. Izard then read the names of the Public Vaccinators, "G."]

83. *Mr. Crowther*.] That is about half a dozen altogether. Then, it is not Mr. Brittain, the chemist, who has done it?—No.

*Mr. Izard* : It was given in evidence that they had sat in solemn conclave—

*The Chairman* : The doctors?

*Mr. Fitzgerald* : Yes; Dr. Mackenzie's evidence states that they sat in solemn conclave to see how they could get rid of me.

*The Chairman* : Let us see that evidence. [The evidence of Dr. Mackenzie bearing upon this point read by Mr. Izard, and marked "H."]

84. *The Chairman*.] Now there is the statement of claim. Is there anything else?—I do not think there is.

85. Well, read us the statement of claim. [Mr. Izard then read the statement of claim, and also the statement of defence, marked "I" and "J."]

*The Chairman* : Then the verdict?

*Mr. Izard* : The verdict was for the defendant, and I may state that the foreman of the jury said that it was unanimous. The Judge certified for second counsel and for five extra days.

*The Chairman* : And the plaintiff, by her guardians, has not a shilling?

*Mr. Izard* : No, sir. No doubt the £60 went to assist the lawsuit, but that is a matter of inference. I must now refer to the expenses.