

5. That in the month of January last your petitioner was informed that the child Olive had been taken to the Wellington Hospital, and that the doctor in charge had reported that she was suffering from vaccinal syphilis—that is to say, syphilis contracted during the operation of vaccination—and your petitioner received a letter from a solicitor claiming damages for negligence.

6. That your petitioner then employed three medical men, one of whom was Dr. Cleghorn, of Blenheim, one of the most skilful surgeons in New Zealand, to inspect the child Olive, her parents, sister, and surroundings, with a view of reporting to your petitioner as to her condition.

7. That the said medical men made a most careful and exhaustive examination and inquiry, and jointly reported to your petitioner that the said child Olive was not suffering from vaccinal syphilis.

8. That the said medical men consulted the doctor of the Hospital in reference to the child Olive, as they desired, for the purpose of forming their opinion, to know the dates of the appearance of certain alleged symptoms and the treatment the child had undergone. They were unable to obtain any reliable information, as the doctor of the Hospital had not taken any notes whatever, and knew nothing whatever of the child's parents or their surroundings.

9. The said medical men informed the doctor of the Hospital that, in their opinion, the child Olive was not suffering from vaccinal syphilis.

10. On receiving the report of the said medical men your petitioner, as in duty bound, informed the solicitor who was acting for the parents of the child Olive that he would resist any claim that might be made against him.

11. That in the month of March last your petitioner was served with a writ, issued out of the Supreme Court on behalf of the child Olive by Walter Roberts, her father and guardian *ad litem*, claiming a sum of £600 from your petitioner as damages for infecting her with syphilis in the operation of vaccination.

12. That the said Walter Roberts is a casual wharf-labourer, and was at the time the writ was issued, and still is, as your petitioner believes, without any means whatever other than his wages.

13. Your petitioner, suffering great mental worry from the strain placed upon him, and being advised that the result of the action even if favourable to your petitioner would be likely to cause a feeling of antagonism to vaccination, and knowing that he must necessarily be put to very heavy costs, was induced to pay to the said Walter Roberts the sum of £60. Although the said Walter Roberts accepted the said sum of £60 he proceeded with the said action, on the ground that he had no right to settle the action, he being only a guardian *ad litem*.

14. That shortly before the action arising on the said writ came on for trial the said Walter Roberts was removed from his office of guardian *ad litem* of the said child Olive, and his wife, Lizzie Roberts, was appointed in his stead.

15. That during the hearing of the said action the said Lizzie Roberts admitted that she was under the age of twenty-one years, and consequently could not be made in any way liable for costs.

16. That the trial of the said action lasted six days, and, although no evidence was offered on your petitioner's behalf, the jury before whom the action was tried gave an unanimous verdict in your petitioner's favour.

17. That on the day after the action was determined an order was made revoking the appointment of the said Lizzie Roberts as guardian *ad litem* as aforesaid.

18. That it transpired in the course of the action that the whole of the medical men in Wellington were opposed to any persons, not duly qualified medical men, being allowed to vaccinate, and that several of such medical men had a special objection to your petitioner holding the office of Public Vaccinator.

19. That your petitioner has been put to very heavy costs and charges in defending the said action both for legal expenses and medical witnesses, your petitioner being obliged to subpoena medical men from a distance, as the majority of the medical men in Wellington declined to assist him.

20. The following is a list of the costs and charges your petitioner has incurred:—

	£	s.	d.
Legal expenses	460	13	0
Medical experts, and witnesses, shorthand-writers, and sundries	274	14	11
	£735	7	11

21. That, as your petitioner is a public officer, and in vaccinating the child Olive was performing a public duty, your petitioner has been advised to address this petition to you.

Wherefore your petitioner prays that this honourable House will place such a sum upon the estimates as will defray the costs and charges which your petitioner has incurred as aforesaid. And your petitioner will, as in duty bound, ever pray.

WM. C. FITZGERALD.

Dated at Wellington, this 9th day of August, 1898.