A full report of the investigation into the charges of Doctor Bowerbank in reference to the late outbreak of small-pox in Saint Andrew / taken by Mr H.F. Figueroa, reporter of the 'Colonial Standard and Jamaica Despatch'.

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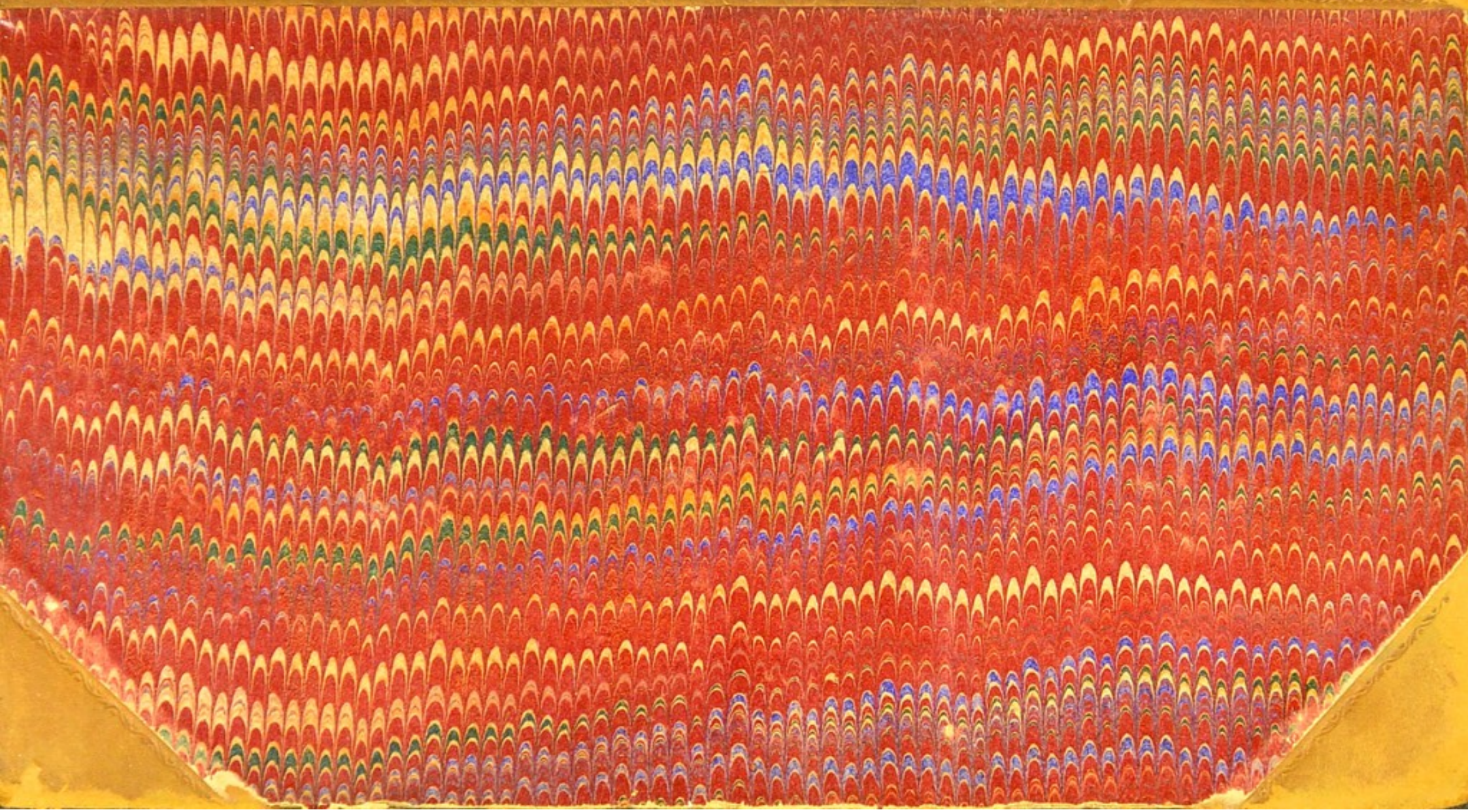
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A FULL REPORT

OF THE INVESTIGATION INTO THE CHARGES OF

DOCTOR BOWERBANK

IN REFERENCE TO THE LATE OUTBREAK OF

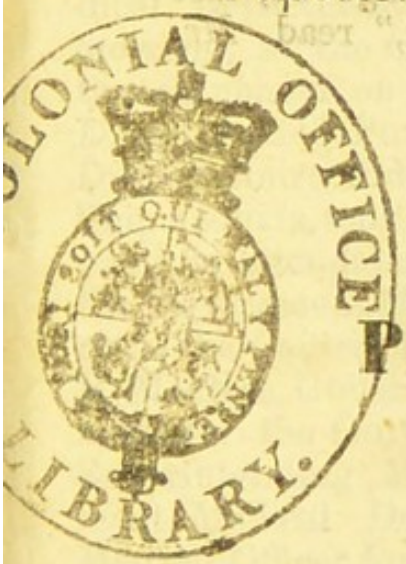
SMALL-POX

IN SAINT ANDREW,

TAKEN BY

MR. H. F. FIGUEROA,

Reporter of the "Colonial Standard and Jamaica Despatch."



PRICE—SIX SHILLINGS.

PRINTED AT THE OFFICE OF THE "COLONIAL STANDARD AND JAMAICA DESPATCH."

MDCCCLXXIII.

6533

KINGS COLLEGE LONDON

ERRATA.

In 1st Page, 7th line, 1st paragraph : for " Department was opened" etc. etc., read " Department, *opened a Court* at eleven o'clock" etc. At page 31, last paragraph: last line, for " Dr. Astwood," read *Mr. Astwood.*

946145

THE RECENT OUTBREAK OF SMALL-POX IN HALF-WAY TREE.

OFFICIAL ENQUIRY.

TUESDAY, OCTOBER 29, 1872.

Two Superintending Inspectors appointed by the Board of Health, under Law No. 6 of 1867, to enquire into certain charges preferred by Dr. LEWIS QUIER BOWERBANK, in connection with the recent outbreak of Small Pox in Halfway Tree, and the Treatment of Patients suffering from the disease, by the Government Medical Department, was opened at eleven o'clock this morning, at the Court House, Half-way Tree. The gentlemen named on the Commission, the hon Mr JUSTICE DRAKE, Acting Puisne Judge and Judge of the Kingston District Court, and Dr. W. H. CRUICE, of her Majesty's Guard Ship ABOUKIR, took their seats shortly after that hour, there being in attendance on the Commission, Mr REES, Clerk in the Government Medical Department and Acting Secretary to the Central Board of Health, Secretary, and Mr. J. R. MACNAB, Government Reporter, who was present taking notes for the Government. Dr. D. P. Ross, the Acting Superintending Medical Officer, Chief of the Government Medical Department; Dr. CARGILL, Government Medical Officer for the Half-way Tree District; Inspector NAIRNE, chief of the St Andrew Constabulary, and one or two other gentlemen, were also present.

The proceedings were opened by the Secretary who by direction of the Presiding Inspector, Mr. DRAKE, read the Resolution of the Board of Health, naming these gentlemen to conduct the enquiry.

The Presiding Inspector then declared the Court open and called on Dr. Bowerbank to proceed.

Dr. Bowerbank said he proposed reading what he had to say so as to prevent mistakes.

Dr. Bowerbank then read the following:

GENTLEMEN;—This Court having now been declared open, I most respectfully beg leave to hand in a series of statements and charges to be substantiated by myself on my own evidence and that of other witnesses, relative to the recent outbreaks of Small-Pox in the Parish of St. Andrew, and in the Half Way Tree district in particular, showing that proper measures were not taken by the Authorities for its suppression and for the treatment of the patients.

Before doing so however, with your permission I will make a few remarks as to the position in which I now stand—and to prevent mistakes, I have thought it right to commit these to writing.

It is now upwards of twelve months since Small-Pox was introduced into Kingston by a Cuban passenger from St. Jago de Cuba, who arrived in the French Steam Packet—and it is now upwards of twelve months since the disease has been located in the Parish of St. Andrew.

It so happened that since the commencement of the year my attention was especially directed to subjects affecting the Public Health, and on the 8th May, I received the following Communication:—

"(Circular).

" Colonial Secretary's Office, Jamaica.

" May 7th, 1872.

" Sir,

" Her Majesty's Government having instituted an enquiry into the causes, progress and treatment of the diseases of Leprosy and of Yaws, a series of questions has been drawn up with the view of obtaining information on these subjects from all the Medical practitioners in this Island.

" I am directed by the Governor to transmit to you herewith, copies of these questions, and to state that His Excellency will be much obliged if you will be so good as to furnish me with answers to them at your earliest convenience.

"The Governor feels assured that you will appreciate the importance of the enquiry and that he may rely on your affording as full and detailed information as your professional experience of these maladies may enable you to give.

"I am Sir,

"Your Obedient Servant

"Signed "EDW. E. RUSHWORTH.

"Col: Sec.

"To L. Q. BOWERBANK "F.R. C. P., Ed.,

"KINGSTON."

In answering these questions as to Yaws and Leprosy it appeared to me that some of the questions were intended to elicit information as to sanitary matters generally—and I therefore entered into these at some length —and on the 22nd May I forwarded my replies to the Colonial Secretary, with the following note:—

"Kingston, Jamaica,

"May 22, 1872.

"Sir,

"I have the honor to acknowledge the receipt of a circular communication from your office of the date of the 7th May enclosing a series of Questions relative to two diseases of this Island, namely, Yaws and Leprosy—issued by Her Majesty's Government, with a request that I would furnish answers to them, at my earliest convenience.

"I have now the honor of forwarding you my replies, and I would beg to observe that as certain of the Questions propounded appear intended to invite information on Medical points generally, and the Sanitary condition of the Island, beyond the mere causes, progress and treatment of the said specified diseases, I have embraced this opportunity of dwelling at some length on these subjects, the more so in consequence of the introduction of a Bill of the Government which is now before a committee of the Legislative Council, to amend the Acts regulating the Medical profession in this Island.

"In a few days I hope to be able to forward you a tabulated statement of answers to queries issued by my-

self to some of the oldest and most experienced planters and proprietors of this Island, as to certain points in the History of Yaws, and which have an important bearing on the matter under enquiry by Her Majesty's Government.

"I had hoped to have been able to include in my answers, certain results of the Census of last year, but as it appears these returns have not yet been prepared, I would respectfully suggest that when completed a copy of these should be forwarded to the Colonial Authorities, with refereace to the present enquiry.

"I have the honor to be,
"Sir
"Your Obedient Servant
"LEWIS Q. BOWERBANK".

"The Hon. E. Rushworth, D. C. L.,
"Colonial Secretary."

This letter was forwarded on the same day, and subsequently I wrote the following:—

"Kingston, June 11th 1872.

"Sir,

"I have the honor to forward you for the transmission to the Colonial Office, the enclosed tabulated answers as to the History of Yaws referred to in my communication of the 22nd ult. I beg leave also to forward the original letters from the different persons whose answers are thus tabulated.

"I have the honor to be,
"Sir,
"Your obedient servant,
"LEWIS Q. BOWERBANK."

"The Hon. E. Rushworth D. C. L.
"Colonial Secretary."

To neither of these letters did I receive any reply or acknowledgement.

Among other subjects in my replies to the Questions on Yaws and Leprosy, I expressed my opinion as to the working of the Government Medical Staff; and I stated that although I had nothing to do with it officially, still

as a member of the Medical profession I felt indignant at a report which was then abroad, that in attending persons suffering from Small-Pox, the members of the Government Medical Staff, or some of them, were said not to examine or to go near to the patients—but to stand at a distance and thus prescribe for them as best they could, and I suggested that such a report should be enquired into by the Government, and if found true should be checked as it was a scandal and disgrace to the Medical profession.

Before writing thus I had ascertained from the very best authority, that the report was not altogether unfounded—and, strange to say, the very day (May 22nd) my letter to the Colonial Secretary was sent in, I was called upon to attend a person who had been subjected to the treatment complained of by a Government Medical Officer, apparently under the impression that she was sickening from Small-Pox.

And besides this, the Acting Rector of the Parish had previously, at a meeting held in Kingston, declared that the Government Medical Officer of the Half-Way Tree district, was not performing his duty to the poor suffering from Small-Pox, and had denied his obligation to do so.

The question may here be asked why, on hearing such reports, and being a senior member of the profession, in this Island, I did not at once communicate with the Medical Officer himself of whom these things were spoken. My answer to this is, that the Medical Officer alluded to, by his own conduct towards me had put it out of my power to do so,—but I did mention the matter to the Head of his department, and subsequently when he himself spoke to me on the subject (June 22nd) I explained to him why I had not mentioned what I had heard, to him—his behaviour was unsatisfactory and defiant.

Hitherto the progress of Small-Pox had been very peculiar, and from its appearance in the Red Hill district (Padmore) it wanted an epidemic character, and seemed to linger in the place, so much so that on several occasions to different persons I expressed the opinion that Inoculation was probably being resorted to by the people as I knew had been done on previous occasions. I took all the means I could to ascertain whether this was the case—while

doing so it came to my knowledge on good authority that in spite of so called Quarantine restrictions being carried out in the infected districts *i. e.*—compulsory isolation and confinement of the infected in their own houses, and the forcible removal of those suffering from the disease from their own houses to tents or hospitals, still the practice of holding wakes over those dying in their own houses, in the same districts, was allowed and unheeded—and remembering that in the second Report of the Central Board of Health of Jamaica, of which Board I was a member, and of which report I was the writer, that in 1853 the spread of Small-Pox was traceable to a wake held over a person who had died of Small-Pox at Hyde Estate, in Trelawny, I made up my mind to address His Excellency the Governor on the subject, and having mentioned my intention to a friend, he stated that he had heard of such an occurrence over the bodies of a brother and a sister (the Armstrongs) who had died within a few minutes of each other, of Small Pox, a few days previously, and that the wake had been held in a house situated on one of the greatest thoroughfares of the island, and within four miles of Kingston, and concerning which he promised to get me written particulars.

On the 6th June, I wrote my first letter to the Colonial Secretary, and as no notice was taken of this for a fortnight, I again addressed the Government on the 21st June.

Gentlemen, you have, I suppose, perused the correspondence between the Government and myself—a portion of which at least was placed in the possession of the Central Board of Health by His Excellency Sir John Peter Grant, during the early part of July, for their consideration and Report.

It is unnecessary for me here to dwell upon that correspondence. Suffice it to say, that upwards of four months have now elapsed from the time this question was mooted.

In taking the part I have done in this matter, I felt I was only performing a duty I owed to the public, and to the profession to which I belonged, and I was actuated solely by a desire to see such grievous wrongs to those suffering from Small Pox, exposed and checked for the future, and such a monstrous scandal to the medical

profession removed by explanation, or utterly disproved. I did all I could to get the Government to institute an enquiry into the treatment of those who had suffered from Small Pox. I could not however, accept the invitation to appear before persons as Judges, who from the part they had acted were implicated in the abuses complained of, and therefore interested in ignoring or denying their existence.

The result of such partial *ex parte* enquiries has, as might be expected, terminated in attempts to deny and obscure the truth of my statements, and to ascribe and excuse any shortcomings that were too self-evident to be gainsayed, to the suddenness of the emergency or the circumstances of the case. The result has been that I myself am now virtually placed upon my own defence, and am called upon to make good, not only the truth of my original statements, but to adduce additional proof of the incorrect assertions of those who have, in private communications to the Governor, denied what they themselves stated to myself and others.

The Central Board of Health in performance of its duties under Law No. 6 of 1867, has appointed you gentlemen, as Superintending Inspectors, to inquire into the alleged ill-treatment of the sufferers of Small Pox in the Parish of St Andrew, more especially in the Half-way Tree district.

The delay which has already been allowed to take place has, in many ways, I fear, seriously interfered with the ends of justice but, gentlemen, my experience hitherto thr ough life has been " that Truth is great and will prevail"—I have always found it so; in spite therefore of all difficulties and impediments thrown in the way, I now tender you these charges, with an offer to prove them—to enable me to do so I claim to be allowed, as was the case with the Commissioners appointed to enquire into the Public Hospital and Lunatic Asylum, to call witnesses to prove each charge—and to whom I shall through your Board, put written questions—and that I shall also be the first to give evidence.

In considering these statements and charges, I take it that the enquiry will assume the character of that of a Parliamentary Committee, and will not be tied down by

or fettered with formalities and strict rules and technicalities of a Court of Law.

I would also observe *in limine*, that it is very desirable that precise notes of the proceedings should be taken down by those entrusted with the enquiry, as there is little doubt that the Records of this Court will be hereafter required, besides which as these proceedings must entail a heavy expence to the Public, it is but fair that the results should be lasting, and be made known—as a beacon for the future.

If gentlemen, you are desirous to obtain the truth, and the whole truth, of these grievous wrongs to which the people have been subjected—and this damning slur which has been cast upon the Government Medical Staff of this Island—aye and upon the Medical Profession in general, you can do so.

Your responsibilities are great, for this is a serious question involving as it does the rights—the health, and the lives of the people—your powers under the Law are great and summary. In fine gentlemen, much is entrusted to you, and much is expected of you. A fair and full hearing granted—and no useless impediments or formalities interposed—and the Truth *i. e.*, the Real Facts of the case, must be elicited, and may God defend the right and uphold the Truth.

As I have alluded to the delay which has been allowed to take place, both on the part of the Government and the Central Board, I think it but right to append to this communication my correspondence on this subject with the Central Board of Health, and in which I have protested against such delay. This protest together with the papers connected therewith are hereto annexed. And in conclusion gentlemen, as I understand doubts as to the character and veracity of an individual who will be called upon by me to give material evidence before you—have been, and are being expressed, I have only to remark—that you gentlemen have the power to test and to search the testimony of each and every witness—and if on so doing you find that any witness or person concerned in this enquiry, wilfully abstains from divulging what he knows, or wilfully perverts or falsifies facts—you have the power of punishing severely. And I trust for the sake of Justice, if necessary, you will exercise this author-

ity. In the meantime I have only to remark that I have myself carefully tested the evidence to be adduced by me—and I on my conscience believe it to be true—to be capable of confirmation by the evidence of others. I may add too, and I think properly at this stage of the proceedings that such objections come with a very bad grace from those who themselves employed this very individual in a highly responsible office—and who since the commencement of these proceedings have done their utmost to obtain his evidence in support of their side of the question:—Gentlemen this matter is beset with difficulties, and the above is one of them. It is for you gentlemen, to take care that Justice is done to all alike.

Dr. Bowerbank then handed in this document attached to which were the following:

Dr. Bowerbank to Mr. G. H. Rees, Acting for the Secretary of the Central Board of Health.

"Kingston, 16th October, 1872,

"Sir,

"I have to acknowledge the receipt of your communication C. B. of H., No 2002 of yesterday's date, in which you inform me that Mr Drake has consented to act as a Superintending Inspector under Law No. 6 1867, meaning I suppose, that he has withdrawn his resignation and again consented to act, as also that he is appointed with Dr Cruice, and that they will open the proceedings on Tuesday the 29th inst.

"In reply I have to request that you will inform the Members of the Central Board that I adhere to my opinions as expressed in the correspondence which has taken place between Mr Drake and myself, and the receipt of a copy of which you have acknowledged.

"Should Mr. Melville or any other witness quit the island before the Court is opened on the 29th inst., and the cause suffer in consequence, I maintain the fault will not be mine, but will rest on the Central Board of Health and those appointed by them under the law to enquire in a summary manner into the ill treatment of persons affected with Small Pox during the recent outbreaks of that disease in the parish of St Andrew, especially in the Half-way Tree district.

"I again most solemnly protest against the delay which has taken place on the part of the Central Board of Health, not only in not taking action on the matter when it was referred to them by the Governor upwards of three months ago (2nd July,) but in the further delay of one month which has occurred since they passed a resolution that an enquiry was necessary [16th Sept.], and in the contemplated delay of two weeks more before opening the enquiry [29th Oct.].

"Such waste of time I maintain is inexcusable, and has been, is, and will be, injurious to the ends of justice, and in that it allows and encourages the continuance of illegal and unnecessary acts towards those suffering from Small Pox, and is destructive to their health and lives, is cruel and criminal, and those alone who have the power of preventing it are answerable for it.

"I am, Sir.

"Your obedient servant,

"Lewis Q. Bowerbank.

"P. S.—I have to request that a copy of this letter may be forwarded to Mr Drake."

Mr. Rees to Dr. Bowerbank.

"Island Medical Office,

"16th October, 187[illegible]

"Central Board of Health.

"No. 2016.

"Sir,

"In acknowledging the receipt of your letter of even date, I have to state that, with a view to carrying out your request, the same shall be laid before the Central Board of Health at its next meeting.

"I have the honor to be,

"Sir,

"Your obedient servant,

"G. H. Rees,

"For the Secretary to the Central Board of Health.

"Lewis Q. Bowerbank, Esq., M. D."

Copy of Correspondence alluded to in Dr. Bowerbank's letter of the 16th Oct. as between the Central Board of Health and Dr Bowerbank:

Dr. Bowerbank to the Hon. James H. McDowell.

"Kingston, 14th October, 1872.

"The Hon. James H. McDowell,

"Chairman of Committee of the Central Board of Health to arrange as to the inquiry into the recent outbreak of Small Pox in the parish of St Andrew,

"Sir,

"It having come to my knowledge that the Hon. Mr. Drake has resigned the appointment of Superintending Inspector under Law No 6 of 1867, I have to request that the necessary steps may be taken with as little delay as possible to enable the enquiry to be held, as every hours' delay is damaging to the ends of Justice.

"Annexed I beg leave to enclose a correspondence which has passed between Mr Drake and myself by which it will be seen that another witness is likely to leave the Island.

"Trusting that the Committee will see the propriety and fairness of at once taking action in a matter so seriously affecting the health and the lives of the sufferers from Small Pox,

"I am, Sir.

"Your obdt. servt.,

"LEWIS Q. BOWERBANK."

Dr Bowerbank to the Hon. Henry Drake.

"5th October 1872.

"Dear Sir,

"Understanding from the Hon Jas. McDowell that you have been appointed to conduct the inquiry into the alleged ill-treatment of persons suffering from Small-Pox during the outbreaks of this disease in the parish of of St. Andrew, may I request to know when it is your in-

tention to enter into this inquiry, as my engagements must be made accordingly?

"I am, dear Sir,

"Yours truly,

"LEWIS Q. BOWERBANK."

The Hon. Mr. Drake to Dr. Bowerbank.

"October 5th 1872.

"Dear Sir,

"I have only received my appointment this morning and at the same time an intimation that Dr Cruice will be asked to sit with me.

"I cannot therefore name any day till that gentleman has been communicated with. I however shall be engaged on circuit in St, Thomas ye East next week, and the Kingston District Court will probably take up the greater part of the next two weeks. Monday the 28th is the day for the Spanish Town District Court at Halfway Tree, and therefore we could not get the Court House on that day, I have therefore fixed, subject to Dr Cruice's approval, Tuesday, the 29th October for the enquiry.

"If you could be kind enough to furnish me with the heads of complaint and the names of the necessary witnesses I should be much obliged.

"Yours very truly,

"H. DRAKE."

"Hon. Dr. Bowerbank."

Dr. Bowerbank to the Hon. Mr Drake.

"5th October, 1872.

"Dear Sir,

"I have to acknowledge the receipt of your note in reply to mine of this day's date.

"I deeply regret the delay which you state must take place before any inquiry can be held. It is now four months since this matter was brought to the attention of His Excellency the Governor, and upwards of three months since it was referred by His Excellency to the Central Board of Health, and nearly three weeks since the Central Board determined that an enquiry was necessary.

"The abuses complained of, are life-destroying, and some of them to this day are being practised upon the unfortunate sufferers from Small Pox; unnecessary delay therefore to say the least, is wrong—besides which, material witnesses have left the Island—and others may do so—unnecessary delay, therefore is unjust.

"The Government has for some time past been *worrying* the people who are to appear as witnesses, by holding departmental enquiries, and within the last few days a *Magisterial inquiry* connected with this subject has been held at the Court House at Half-way Tree, to which several of the witnesses have been summoned.

"Such proceedings, I maintain, after the Central Board has determined to institute an enquiry, are improper and ought not to be allowed.

"I am most unwilling to put any difficulty in the way or to be the cause of one moment's delay.

"As I have stated in my correspondence with the Colonial Secretary and with the Central Board (17 Sept) my charges are ready—but on reference to my letter to the Colonial Secretary of the date of the 23rd August it will be seen that I found it necessary to state "when an enquiry is appointed either by the Central Board or by his Excellency the Governor I shall be guided in my action by the conduct of those who conduct the enquiry."

"In writing this I anticipated that as soon as the Central Board determined that there should be an enquiry, and nominated those to conduct it, the Court would be opened and the mode of conducting the enquiry declared, then I should be at liberty to tender charges to be inquired into.

"If it is impracticable to hold the enquiry sooner than you mention, I would suggest that the Court should be formally opened and the method of conducting it declared; the charges might then be presented—and it being determined which of those should be enquired into, the list of witnesses might be furnished and the necessary summonses issued.

"In this way it would be known which charges are to be entertained and witnesses would thus be deterred from absenting themselves.

"I am,

"Dear Sir,

"Yours truly,

"LEWIS Q. BOWERBANK."

Dr. Bowerbank to the Hon. H. Drake.

"Kingston,

"5th October, 1872.

"¼ to 8 p.m.

"Dear Sir,

"On reading over the letter I sent you this afternoon it strikes me that you may perhaps misunderstand one portion of it. I therefore hasten to assure you that in complaining of the delay which has occurred in this matter, I in no way intended to attribute this to you.

"I am,

"Dear Sir,

"Yours truly,

"LEWIS Q. BOWERBANK."

The Hon. H. Drake to Dr. Bowerbauk.

"Rae Town

"October 6th

"Dear Sir,

"Thanks for your note received last night. I assure you I never for one moment supposed that you meant to blame me for a delay, which, so far as I am concerned, is unavoidable. I quite agree that the enquiry ought to take place as soon as possible but I must leave for St. Thomas early to-morrow morning and I do not yet know when I shall learn if Dr Cruice will sit with me.

"The resolution of the Central Board appoints the Inspectors "to enquire into the statements contained in the correspondence between Dr. Bowerbank and the Colonial Secretary and submitted to this Board, with re-

ference to the late outbreak of Small Pox in the Parish of St. Andrew."

"I presume, therefore, that the charges must be confined to what took place in St Andrew, but I see no objection to your forwarding such charges as you desire to be inquired into, to the Inspectors, without the formality of a preliminary meeting.

"Yours very truly,

"HENRY DRAKE."

Dr. Bowerbank to the Hon. Mr. Drake.

"Kingston,

"6th October 1872.

"Dear Sir,

"I have to acknowledge the receipt of your letter of this morning's date. It is quite evident that the Central Board of Health alone must be responsible for any failure of justice which may result from delay.

"As far as I am concerned, the scope of enquiry fixed in the Resolution of the Central Board addressed to you as Superintending Inspector, is quite satisfactory.

"The Law 6 of 1867 distinctly states that the enquiry to be instituted shall be a public one. From what has passed between the Government and myself relative to this matter, I am desirous that the requirements of the Law shall be as strictly as possible carried out. I must therefore respectfully decline to comply with your request to furnish you with lists of the charges and of the witnesses to prove them till such time as the Court shall meet and the enquiry shall be declared open.

"Trusting that this may take place at as early a period as possible,

"I am,

"Dear Sir,

Yours truly,

"LEWIS Q. BOWERBANK."

The Hon. Mr. Drake to Dr. Bowerbank.

" Kingston,

" October 6th, 1872.

" Dear Sir,

" The enquiry will of course be a public one ; but I am at a loss to see how it could be any less public if the heads of the charges and names of the witnesses are sent in to the Inspectors beforehand.

" They will be public documents and so to say records of the Court.

" My only desire was to save time and to enable the Inspectors to ascertain the precise charges and to summons the necessary witnesses without delay.

" Any loss of time which may ensue from your declining to comply with my request, will be solely chargeable to yourself.

" I am, dear sir,

" Yours very truly,

" H. Drake."

Dr. Bowerbank to the Hon. Mr. Drake.

" Kingston, 11th Sept, 1872.

" Dear Sir,

" A day or two back I had a conversation with the Revd. Mr. Melville, a material witness in the enquiry, where he mentioned that he was likely to leave the Island in the next American Packet—which I understand leaves about the 21st of this month.

" I am informed that Dr Cruice has consented to act.

" You state that it will be impracticable for you to enter into the enquiry before the 29th of this month, but I would respectfully request to know whether the Court could not be formally opened on an earlier day in order that preliminaries might be arranged, the charges presented, and the witnesses summoned for the 29th.

"It appears that Mr Melville is about to leave on account of his health, and to be detained would, I suspect, be a great disappointment; in such a case, if the Court

had met *pro forma* could not his evidence be taken by the Inspectors out of Court on the particular points which his evidence touches, and which could be submitted by myself?

"I assure you the delay that has already occurred has done much serious mischief to the cause of Justice—and every hour's delay is adding to it.

"I am,
"Dear Sir,
"Yours truly,
"LEWIS Q. BOWERBANK."

The Hon. Mr Drake to Dr. Bowerbank.

"Kingston, October 12th 1872.

"Dear Sir,

"I have a Court every day next week except Monday, and on Monday I have to sit in the Supreme Court, so that it will be impossible for me to open the enquiry as you desire.

"I have therefore, tendered my resignation to the Central Board.

"Yours very truly,
"H. DRAKE."

The Secretary of the Central Board of Health to Dr. Bowerbank.

"Island Medical Office

"October 15th, 1872.

"Central Board of Health.

"No. 2,002.

"Sir,

"I am directed by the Central Board of Health to acknowledge the receipt of your letter dated the 14th inst., addressed to the Hon. Mr McDowell.

" In reply I have to inform you that Mr. Drake consents to act as Inspector in the matter alluded to in the correspondence you therewith forwarded; and that he, associated with Dr. Cruice of H. M. S. " Aboukir," will open the proceedings on Tuesday the 29th inst.—

" I have the honor to be,
Sir,
" Your obedient servant,
" G. H. Rees."

"For the Secretary to the Central Board of Health."

Dr. Bowerbank next handed in a statement of the Charges as follows:—

CHARGE No I.

That the bodies of those dying of Small Pox were allowed to remain unburied for an undue length of time, and that wakes or assemblages of persons were permitted to be held over the dead, by which the disease was fostered and promoted.

PARTICULARS:

(a.) That the usual custom of holding wakes over the bodies of those dying of Small Pox was unheeded in the parish of St Andrew till after Dr. Bowerbank's letter of the 6th June was forwarded to the Authorities of that Parish by His Excellency the Governor, although in other Parishes in which the disease subsequently appeared, wakes were interdicted by the Magistrates without any difficulty.

(b 1.*)* That wakes were held in the Half-way Tree district previous to Dr, Bowerbank's movement, as over Geo. Hall's child, Maria Lewis, Clementina, Jemmy Tucker at Sandy Gully, Nathaniel Barclay at Waterloo Glebe Pen.

(2)—Also over the Armstrong's, brother and sister, on the 29th May.

(3)—A wake was held in the Padmore district as over Rennalls (Denny.)

(4)—Also near Temple Hall over Robinson.

(5)—Over a young man near Stirling Castle,—and near to Rose Hall.

(6)—Wakes were held in St. Thomas in the Vale, in the Above Rocks and Mount Industry Districts, as that of Clearly in the former.

CHARGE No. II.

That timely and proper measures for the isolation of patients, so as to prevent the spread of the disease, were ne-

glected, and that the isolation when imposed was enforced injudiciously, oppressively and cruelly.

PARTICULARS.

(*a*)—William Bennett was induced by threats from Dr. Ross, to leave his own house and enter the Small Pox tents, where he died.

(*b*)—The two brothers (Dennys) were carried at a late hour of the night from their residence Magotty Hall, to the Sterling Castle Hospital.

(*c.*)—That William Hall was also carried to the tents, at Half-Way Tree, contrary to his will, and after having made his will.

(*d.*)—That during a period of six weeks or nearly so, Constables were kept day and night parading up and down the Public thoroughfare in front of the so called quarantine ground, with orders to allow no one but the Doctor to pass in and out—or persons holding his order, such acts being illegal, unnecessary and oppressive.

(*e.*)—That at the same time similar orders were given with respect to Townshend Town.

(*f.*)—That in some districts in which Small Pox was prevalent, the people residing in houses in which Small Pox cases were, were watched by Constables and all communication cut off.

(*g.*)—That in spite of the Constables being so employed at the tents in the Half-Way Tree district, and in spite of the orders given, they failed in their duty. Several persons from without and from the next yard or Township having entered the quarantine ground, and the tents themselves, to visit patients, and to supply them with food, clothing &c.

(*h.*)—That a Small Pox Hospital nurse named Amelia Smith, was able to go out at night, to her own home at Gordon pastures, where the disease subsequently appeared and attacked her own child.

(*i.*)—That the Rev. Mr. Braine, the Incumbent of the parish, was told that he would not be allowed to enter the tents or the Hospital to afford spiritual aid to the members of his congregation who happened to be sick there, which was absurd and cruel, as he was then freely visiting those sick of Small Pox in the same district.

(*j.*)—That while persons were being allowed to enter clandestinely, the contractor Byndloss was reprimanded for entering a tent, and ordered not again to come within the ground; and James Marshall, one of the nurses, was discharged for standing within the quarantine ground, speaking to persons outside it, both of whom had formerly suffered from Small Pox.

(*k.*)—That persons in an advanced stage of Small Pox, were injudiciously, and improperly, and against their will, re-

moved from their own houses to tents, or Small Pox Hospitals, as was done in the cases of William Hall, and William Bennett, and the Denny's, as also with persons from Brandon Hill.

(*l.*)—That throughout the whole period that the tents were erected at Half-Way Tree, a member of the Constabulary force, was resident at Townshend Town, but the fact of his being so resident was concealed.

(*m.*)—That this member of the Constabulary force was sent on duty daily among the people, but interdicted from entering the Constabulary Station, lest he should communicate Small Pox to the members of the force.

(*n.*)—That Maria Jarvis, the mother of Bennett, used to visit him in the tents; after his death, she took the disease herself.

(*o.*)—That although so called quarantine restrictions were being imposed upon persons in St. Andrew, yet persons with Small Pox upon them were allowed to go to Kingston.

Charge No. III.

That the provision of proper and suitable appliances and other necessaries, as regards the description and selection of tents, and as regards food, clothing, bedding, and cleanliness, was neglected by those whose duty it was to see that they were provided.

Particulars.

(*a.*)—That the site selected for tents at Half-Way Tree, was improper and injudicious for the following reasons:

1. Being too near one of the greatest thoroughfares in the island.
2. Being in immediate proximity to a crowded yard, a Township containing some 32 or 33 persons—(Seven or eight of whom took the disease.)
3. Being foul with bush and to windward of a piece of land belonging to the public, used as a latrine, and in an offensive state, and overgrown with under wood.

(*b.*)—That it was unnecessary to erect the tents there at all, as land belonging to the parish was within a reasonable distance, and in a more healthy and secluded spot, which was afterwards selected as the site for the Small Pox hut.

(*c.*)—That the site selected was objectionable as being too near a school, an objection which applies with great force to the erection of a Small Pox Hospital at Stoney Hill, near the Reformatory.

(*d.*)—That the bell tents erected were unsuited for such a purpose, being too small, too hot, and imperfectly ventilated.

(*e.*)—That such tents were erected without proper levelling and draining of the ground, and without being provided with boarded flooring, which was afterwards partially and imperfectly provided by private individuals.

(*f.*)—That in the absence of privies, or earth closets, or a pit, the inmates performed the calls of nature, and threw ordure, filth and dirty water on the surface of the ground of the yard, causing the place to be a nuisance to the neighbours, and to the detriment of the health of the patients.

(*g.*)—That patients were exposed naked to the public gaze while being washed.

(*h.*)—That there was a want of all provision of the most common requirements of life, and appliances for healing the sick, such as vessels for washing purposes, commodes, chamber utensils, urinals, bed pans, and cooking utensils—also an almost total want of bed and body clothing.

(*i.*)—That there was a total want of shoes and slippers for the patients with ulcerated feet, when taken into the yard to relieve themselves.

(*j.*)—That there was an absence of all supervision and responsibility on the part of any resident person.

(*k.*)—That there was no provision made of persons to cook, to wash clothes, to assist the nurses as nurse-tenders, or labourers.

(*l.*)—That persons of no previous experience were employed to act as nurses, in spite of regular nurses being sent for, and engaged to act.

(*m.*)—That relations and so called sweethearts of patients were improperly employed as nurses, as in the case of Susan Clarke, and Sarah Francis.

(*n.*)—That a convalescent patient was improperly employed as a nurse, as in the case of Sarah Francis.

(*o.*)—That there was no division of nurses into day and night nurses.

(*p.*)—That the pay of the nurses was insufficient, they having been unprovided with any assistant to do the cooking, washing, and necessary drudgery, and in some districts their wages were irregularly paid.

(*q.*)—That in consequence of defective arrangements and inattention, the patients were at times unable to get food, when they wanted it, quarrelling took place between them and the nurses. One patient during delirium battered and wounded his head which was afterwards fly blown, and another patient was, while living, eaten by maggots.

(*r.*)—That the diet scale was imperfect and badly regulated and the provisions and necessaries supplied without system or proper supervision.

(*s.*)—That there were no competent or responsible persons to administer the medicines prescribed, such meidcine being

left to be doled out to each and every patient alike, irrespective of individual condition or complication, or stage of the malady, and being otherwise injudiciously prescribed.

(*t.*)—That the daily allowance of 1s. 6d. per head, per day, for food to all persons sick with Small Pox, or isolated with Small Pox cases, was excessive and extravagant.

(*u.*)--That the daily allowance of 3d per day for stimulants, was injudicious, and the refusal of the Superintending Medical Officer to pay for a bottle of Port Wine, ordered by the Medical attendant for a patient, was wrong.

(*v.*)—That the practice of permitting patients to bring in there own clothing was wrong, and allowing them to take out there clothing was calculated to spread the disease.

(*w.*)—That the use of wooden bedsteads was injudicious and that in spite of an order given, that after being used they should be burnt, they were permitted to remain in the yard for months, up to the 12th August ; the bed and pillow used by Hall, was lying on the ground on the 18th September.

Charge No. IV.

That the necessary medical supervision and attention was not paid to those suffering from Small Pox, and necessary measures to prevent its spread, neglected.

Particulars.

(*a.*)—In addition to the proofs of actual neglect, this is also to be inferred by the high death rates as published in the *Gazette* of the 11th July, namely, 13 out of 31, 8 out of 22, among persons in their own houses, and 5 out of 9 in the tents, and 8 out of 11 in St. Faith's District.

(*b.*)---That many sufferers in the infected districts have received no medical attendance, in spite of the establishment of a Government Medical Staff.

(*c.*)---That the children of a school at Lucky Hill, were neglected to be vaccinated although application was made, and a promise given to have them vaccinated. That the disease subsequently broke out amongst them, and one at least of the children died.

(*d.*)---That Medical Officers sent to infected districts, to vaccinate, have in the absence of other Medical aid refused to see persons suffering from Small Pox, on the plea that they had not been sent there for that purpose.

(*e.*)---That some Medical Officers have stated they would not attend Small Pox patients among the poor of their district, unless they were sent to the Small Pox Hospital or tents.

(*f.*)---That the District Medical Officer of Halfway Tree has stated that it was not his duty to attend any poor person with Small Pox, not on the pauper list, and who did not enter the Small Pox Hospital or tents.

(*g.*)---That the same Officer has refused to see persons suffering from Small Pox within his District, and in some cases if he has seen them, he has neglected them.

(*h.*)---That the same Medical Officer after attending a poor person (as he described the case) on ascertaining that she was suffering from Small Pox, refused to continue his attendance, on the plea that if he did attend a case of Small Pox, his other patients would not employ him (although at the very time he was professedly attending those sick of Small Pox in the tents); the patient being worse, and not having been seen for nearly two days, Dr. Bowerbank was called in, who after seeing the patient and the Medical Officer, declined to take the case out of his hands. The patient died the next day.

(*i.*)---That in attending Small Pox patients at their houses the same Medical Officer was in the habit of standing at the door, or in the yard outside, and prescribing for the patients, without in any way examining them, this mode of examination being also extended to persons who might be supposed to be sickening with Small Pox.

(*j.*)---That the result of such conduct, was that the people in some instances at least, would not make use of the medicines prescribed.

(*k.*)---That the same Medical Officer was accustomed not to enter the tents to examine the patients, but to remain outside, and ask the nurses how they were getting on, being satisfied with this information.

(*l.*)---That on one occasion when he entered a tent professedly to see a patient, he never examined the patient, and that when asked by the nurses to come in, and look at a patient, he refused to do so.

(*m.*)---That he has attempted to justify his conduct in this respect by stating that he received written instructions from the Head of the Medical department to that effect.

(*n.*)---That a day or two before leaving the island, the Revd. Mr. Braine, complained [about the 7th August] that persons sick with Small Pox at Swallowfield had no medical attendance.

Charge No. V.

That the treatment to which the people in the tents at Halfway Tree, and in the Small Pox Hospital at Stirling Castle, were subjected caused general dissatisfaction and resulted in those afflicted with Small Pox, refusing to enter these, and other Small Pox Hospitals.

PARTICULARS.

(*a.*)—That such was the case as regards the Small Pox Hospital at Sterling Castle, as complained of to the Head of the Medical Department on 15th April, 1872, and the case also with the Hospital at Halfway Tree.

(*b.*)—That a nurse on the death of her son in the tents denounced the Government and the District Medical Officer for imprisoning and neglecting her son.

(*c.*)—That another nurse had been heard to declare publicly that the tents were dreadful and killed the people, and that from the heat in them, and at night, the smoke of the Kerosine Lamps, the people could not breath, and the Small Pox could not "come out," and that from what went on there, she would not send a dog there.

(*d.*)—That a public Newspaper, the *Semi-Weekly Gleaner*, announced that the people were dying of neglect.

(*e.*)—That a member of the Local Board of Health of St. Catherine's, residing in the St. Thomas in the Vale District, in a letter to a Medical Officer of the Government, described "the people as dying like rotten Sheep."

(*f.*)—That in several instances persons suffering from Small Pox, refused to be removed to the tents or Hospital—in others, their friends would not allow them to be so removed, thus Miss Lodge would not suffer Armstrong to be removed; Amelia Smith, would not let her child enter the tents, nor Ellis Brown his three children; Maria Downer, Richard Campbell, Kelly, and Caleb Duany, all refused to go there, because of the neglect and cruelties prevailing there.

(*h.*)---That the Revd. Mr. Braine, distinctly stated that he himself advised the people not to enter the tents, as they were unfit for the purpose, and had been condemned as such by the Doctor, and that he also advised the people not to enter the Hospital hut---as Ministers of Religion were to be excluded.

CHARGE NO. VI.

That the Authorities appointed under Law No. 6, of 1867, to protect the Public Health against the introduction, origin and spread of infectious and contagious diseases; as also the Government Medical Staff, have failed by acts of omission and commission to perform their duties, and have thus added to the sufferings and mortality of the people during the existence of Small Pox in the Island.

PARTICULARS.

(*a.*)—That the Local Board of St. Andrew neglected to appoint Commissioners of Health and other Officers; they fail-

ed to make bye-laws and rules ; they provided no proper arrangements for the Medical and general management of persons attacked with Small Pox.

(*b.*)---That the Central Board of Health, and the Government Medical Staff, while neglecting their prescribed duties, assumed of themselves duties not appertaining to them; thus causing much inefficiency and confusion.

(*c.*)---That the Board of Health took no measures to prevent wakes; to enforce speedy burial of persons dying of Small Pox; to prevent persons afflicted with Small Pox from exposing themselves in public thoroughfares, and neglected to apply to the Legislature for the necessary powers to enable them to carry out such measures effectually.

(*d.*)---That the Central Board of Health failed in their duty, in that they did not take immediate action on the receipt of Dr. Bowerbank's letters of the 24th and 26th June, forwarded to them by the Government; they had full powers to deal with such a case by the 3rd section of the act.

(*e.*)---That the Authorities failed in their duty, in illegally and unnecessarily imposing so called Quarantine restrictions, the result being that the people were induced to hide their cases.

(*f.*)---That the Local Board of St. Andrew failed in their duty in reporting to the Governor that there had been no wakes in the District, especially after the remonstrance of Dr. Cargill, as to wakes; and in quoting evidence of the Rev. Mr. Braine, which at the time was stated to be contradictory to his previous statements.

(*g.*)---That the Government Medical Staff failed in their duty in making patient inquiries into the statements of Dr. Bowerbank, and reporting the same to His Excellency the Governor; if they enquired at all, it should have been fully and fairly into all the statements.

(*h.*)---That the use of bell-tents and the site selected for them was persisted in against the opinion and protest of the Government Medical Officer, Dr. Cargill, who was heard by my witnesses to say that he had condemned them.

(*i.*)---That no record or journal was kept of the patients admitted into the tents, or Small Pox Hospital, as to their history, treatment, &c.

(*j.*)---That owing to the want of proper statistical information, incorrect returns were published in the *Gazette* of the 27th June and 11th July, of the cases, Small Pox, actually occurring, together with the death rate. That these are faulty in many respects, and can easily be shewn to be untrustworthy and therefore mischievous.

(*k.*)---That it was wrong to entrust the Constabulary force with the duty of imposing and enforcing Quarantine restrictions, without any supervision, and making up statistical return

of Small Pox cases, deaths, &c.; that in performing these duties they seriously failed.

(*l.*)---That it was wrong in the Authorities after being warned, to allow the Rev. Mr. Braine, a paid official, to leave the country as he did for the avowed purpose of evading the enquiry.

Accompanying this was a list of witnesses numbering 105, attached to which was the following NOTE:

"In presenting this list I have made it as small as practicable. If an enquiry had been instituted three or four months back it would have been much smaller; but in consequence of the several departmental enquiries which have been held I have found it necessary to include additional witnesses to rebut the evidence of some of the witnesses that have been already examined."

The Presiding Inspector enquired whether Dr. Bowerbank had any witnesses in attendance?

Dr Bowerbank said the witnesses were told to attend but had not.

The Presiding Inspector said then they had better be subpœned according to the list. He had been laid up with fever and was therefore not very well, but the Court would take any evidence Dr Bowerbank might now have to tender, and then adjourn.

Dr Bowerbank suggested that his own evidence might be taken to-day.

The Presiding Inspector said he supposed it would be very lengthy. The only difficulty would be as to the right of cross-examination, as the charges involved a great number of persons. What he would suggest was that Dr. Bowerbank should give his evidence touching the charges generally.

Dr. Bowerbank asked as to how the Court intended to rule in reference to witnesses—were they to be permitted to be present?

Dr, Ross thought those to whom the charges referred ought to be allowed to remain in.

Dr. Cargill enquired whether the Court intended to receive as evidence from witnesses before them, statements made by absent persons?

The Presiding Inspector did not think so.

Dr. Cargill said there were some serious charges against him which it was said had been instituted by Mr. Braine. Mr. Braine was now absent from the island, but

he, Dr. Cargill, had reason to believe that that gentleman had written out this packet denying every word.

The Presiding Inspector said the Court could not receive such evidence.

Dr. Bowerbank asked whether the Court so ruled even if those statements were made in the presence of third parties prepared so to state?

The Presiding Inspector said the evidence could not be authentic unless Mr. Braine's statements were made on oath.

Dr. Bowerbank said if the Court ruled that way it would in a great measure break down the case. Mr. Braine had made these statements before the whole Diocesan Council; and then left the island. Would the Court say that evidence as to such statements was not admissible?

The Presiding Inspector said the law said statements not on oath was not evidence.

Dr. Bowerbank said surely he could mention what Mr. Braine did tell him in the presence of others?

The Presiding Inspector said he could not. Wasn't Mr. Braine coming out again?

Dr. Bowerbank said he did not know. Dr. Cargill had said Mr. Braine had written out denying his statements. He, Dr. Bowerbank, could put several of the Diocesan Council on their oath to prove that he had made them.

Dr. Ross asked whether Dr. Cargill and himself were to look upon themselves as the accused?

The Presiding Inspector said so far Dr. Bowerbank hadn't accused any body.

Dr. Bowerbank said he had put the two gentlemen down as witnesses. He begged the Court would note its refusal to receive evidence as to Mr. Braine's statements.

The Presiding Inspector having noted the matter, administered the oath to Dr. Bowerbank who read the following, as his evidence:—Small-Pox was introduced into the city of Kingston in September 1871, by the French Steam Packet from St. Jago de Cuba although at that time the Quarantine Law, No. 37 of 1869, was in force, and it was well known that Small-Pox existed in the island of Cuba and in other ports in these seas, and that the clean Bills of Health from St.

Jago de Cuba were not trustworthy, nevertheless, this vessel was allowed to enter the Harbour and her passengers to land.

Attempts made to show that Small-Pox had entered in the Island from 1864, I consider altogether futile, and I ascribe them solely to a desire to explain away the recent failure of Quarantine to effect the desired object—but if true it would only I maintain prove the inefficiency of the Government Medical Staff in not having previously drawn attention to the fact. I may mention too that on the 30th April 1871 expecting that Small-Pox would reach this Island I addressed a communication to the Colonial Secretary on the subject; in his reply No. 2,193—of the 21st April, he writes.—"I am to remark in conclusion that your observations in regard to the necessity of precautions against an epidemic of Small-Pox are receiving attention."

The first case of Small-Pox appeared a few days after the arrival of the French Steamer, in one of the passengers, a male Cuban, and was reported to the Local Board of Health of Kingston by Dr. Navarro, an unqualified Practitioner of Medicine; after some delay this person and his family were isolated or confined to the house in which they were. In this emergency most unseemly repudiation of responsibility occurred on the part of the Local Board of Health of Kingston, and after some hesitancy the Central Board took action in the matter—the man died, and the disease made its appearance in different districts of the Island—more especially in the Red Hills district of St. Andrew.

Subsequently in a Report of a Committee of the Legislative Council on the Bill to amend the Law relative to Medical Practitioners—at paragraph No.11—allusion is made to this case:

"Another petition from one hundred Cubans and others resident in Kingston, recites that there are now resident in Kingston several Medical gentlemen educated in the Royal University of Havana, and holding its Diplomas, whose attendance the petitioners much prefer to that of the registered Medical Practitioners of Jamaica which latter practitioners exclusively they are nevertheless by law forced to consult; one case in particular having recently occurred in which as is alleged, Dr. Navarro was actually

driven from the bedside of a sick Cuban whom he was attending, and superseded in his attendance by a registered practitioner"—thus in a sensational sort of way censuring the authorities for doing their duty and insisting that the sick and isolated, suffering from Small-Pox, should be attended by their own Medical Officer—a qualified Practitioner and whose certificate *alone* according to law they could receive.

Such was the introduction of Small-Pox into this Island in 1871—and it will now be proved that blunder upon blunder of omission and commission on the part of the authorities has attended and is attending its onward progress both as regards attempts to suppress it—and to treat those suffering from it. In exposing these shortcomings, my object was to deal with measures and with systems, not with persons or individuals; the action however, the Government has taken and the incomprehensible conduct of parties concerned render it necessary that the acts of certain individuals shall be exposed in order that the truth and the whole truth may be apparent.

Charge I:

That the bodies of those dying of Small Pox were allowed to remain unburied for an undue length of time, and that wakes or assemblages of persons were permitted to be held over the dead by which means the disease was fostered and promoted.

The first charge states facts of a very grave and important nature, but the regulation of which unfortunately has been overlooked by the present legislature of the island;—a reason I maintain why those charges should be the more searchingly and strictly enquired into with a view of the Central Board of Health being placed in a position to represent these great wants, and the abuse they give rise to, to the Government.

I ground this charge upon the assurance to myself of the Inspector of Constabulary for St. Andrew (13th June) that wakes did take place as usual, both in the Red Hill and Halfway Tree districts previous to the latter end of June " as he and the Constabulary had no instructions to interfere with, or to prevent them," but that since this, *i. e.* since my letter to the Governor on the subject, wakes over those dying of Small Pox have been prevented by the

Constabulary—this latter statement was made on the 25th June.

Dr. Bowerbank here mentioned that what followed was a statement made to him by the Revd. Mr. Braine as to the holding of " wakes" on Armstrong and his sister, who had died from Small Pox, on which he also grounded this charge.

The Presiding Inspector—Dr Bowerbank we decline to admit that.

Dr. Bowerbank—I beg respectfully to protest.

The Presiding Inspector—Dr. Bowerbank, for aught we know these proceedings might be likely to end in a charge of Manslaughter against somebody, so that it would be unfair to admit as evidence that which is not legally admissible.

Dr. Bowerbank—I don't wish to take advantage of a single point but it seems to me to be material. It was not my fault that this gentleman went away before being heard on oath. I wrote the Governor to stop him, so that we might have his evidence taken, but he would not. His statements were made on the 12th June and he went on the 10th of August, I, all that time, not being able to get an enquiry.

Dr. Cargill—May I ask Dr. Bowerbank if those statements refer to me ?

Dr Bowerbank—Not in the least.

Dr. Ross—The Governor had no power to stop Mr. Braine. He had no right to.

Dr. Bowerbank—I beg your pardon ; he had a perfect right to. Why he only got leave the day before.

The Presiding Inspector—He seemed to have been in a great hurry; but, Dr. Bowerbank, we can't admit as evidence that which sombody told you, not on oath.

Dr. Bowerbank said the next paragraph had reference to a statement of Dr. Cargill to himself as to his (Dr. Cargill) having pointed out in an official communication to the head of the Medical Department, the fact that wakes were being held over those dying of Small Pox, and the evils resulting therefrom.

The Presiding Inspector—That must be left out, Dr Bowerbank.

Dr. Bowerbank—Dr. Cargill told me that himself.

The Presiding Inspector—But he was not on oath. When he is examined as a witness, you can ask did he tell you so and so.

Dr. Bowerbank said he also grounded the charge on a report of Inspector Nairne——

The Presiding Inspector—I am afraid that must come out too. You had better call Mr. Nairne to prove it.

Dr. Bowerbank was about to refer to a report of the Board of Health,

The Presiding Inspector—That must come out.

Dr Bowerbank—They took hearsay evidence and reported on it.

The Presiding Inspector—But they had no business to.

Dr Bowerbank then proceeded:

Also upon the testimony of several who were present on the night of the wake at the Armstrong's house and saw with their own eyes, either preparations being made or the wake being held, and one of whom some four or five days after (before any question was raised on the subject) addressed a note to one of the officials of the parish in which he mentions by name or description some seventeen persons who he saw there. This note has been in my possession since the 7th June.

Also upon the testimony of other persons who were present at or positively do know that wakes did take place in the parish of St. Andrew and neighbouring districts over those dying of Small Pox, and who will adduce evidence of the fact.

I ground this charge also upon my own knowledge that it is the regular custom of the lower classes to hold wakes over their dead, and over those dying of Small Pox and other infectious diseases, unless prevented doing so by the authorities.

I may mention that there are " wakes" or " set-ups" of two kinds---the " wake" over the dead body or that held on the night of the death; and, the " wake" held on the ninth night after death.

In confirmation I beg to hand in notes on this subject from three gentlemen experienced in the habits and customs of the people, each of whom holds a Commission of the Peace for the parish of St. Andrew--Mr Derbyshire, Mr. Brice and Dr. Astwood.

The definition of a " wake" as given by Webster, as practised in Ireland, is applicable to the same custom as practised in Jamaica: " The sitting up of persons with a dead body usually attended with drinking."

Wakes here of both kinds are regularly held; the house, or temporary shed or booth erected, is open to all and when the house is situated on the roadside persons passing go in and thus unconscious of what has happened, run a great risk.

In 1868 when Custos of Kingston and engaged as Chairman of a Committee to revise the Ordinances of the parish of Kingston, appointed by his Excellency Sir John P. Grant, impressed with the nuisance wakes were to the community, and the imperfection of the law in repressing them during epidemics, I, at the request of the Committee, brought the subject to the attention of the Governor and the Colonial Secretary with the object of his sanctioning an ordinance on the subject, but it was objected to.

Under the IV. Victoria, chap. 32, sec. 30.: we find the following: " *And whereas* it may please Almighty God to visit this island with Small-Pox, or some other infectious disease or distemper, highly dangerous to the health of Her Majesty's subjects: *Be it enacted,* That whenever any such infectious disease or distemper shall break out, or appear within any time or place in this island, it shall, and may be lawful for the Governor, from time to time, to make such orders, rules, and regulations, as shall appear to him expedient or necessary for the preservation, as far as it may be possible, of the spreading of such infectious disease or distemper in this island, or in any district, parish, town, or part thereof, or for the relief of any person suffering under, or likely to be affected by any such disease or distemper, and for the safe and speedy interment of any persons who may die of any such disease or distemper.

" XXXI.—*And be it enacted* : That the publication of any such order, in any Newspaper printed and circulating in this island, shall be deemed and taken to be sufficient notice to all persons concerned, of all matters therein contained, and shall for all intents and purpose be taken, admitted and received as good and sufficient evi-

dence of the making and of the date and contents of any such order."

Other Sections of the Law, enact that any person wilfully breaking or disobeying order published by the Governor, shall be guilty of a misdemeanor, and be liable to a fine not exceeding five pounds sterling, nor less than one pound sterling. Penalties to be recovered in a summary manner, before two Justices of the Peace.

Strange to say, I have never known this provision of the law to be legally carried out, although on several occasions, action has been taken under it, or on account of it. Thus I have known both in Kingston, and in St. Catherine, wakes prohibited during the existence of epidemic diseases—and as Custos of Kingston, I have myself isolated cases of Small Pox—and prevented wakes being held.

This law, IV Victoria, chap. 30, was repealed by 37 of 1869, a law framed in England, and which omits any provisions of the kind.

I never had any difficulty in inducing persons to forego the holding of a wake, where I thought it advisable to interfere, and by the written testimony of Mr. McPhail, it will be observed that even *now* there is no difficulty in doing so, if the Authorities are willing to assume a responsibility, so self evidently their duty in the absence of Law to prevent it.

If the Authorities are justified in illegally isolating and confining people, or in removing them when suffering from infectious diseases from their own houses to tents or Hospitals—surely they are justified in illegally preventing the holding of wakes.

I have no hesitation in declaring that if wakes during the existence of Small-Pox, are allowed to be held—all other measures to check its spread are futile and useless, and next to inoculation itself, I know no more certain means of extending the disease, than by the holding of so called wakes over the bodies of those dying of Small-Pox.

During the early part of June last and subsequently even to the 24th of that month, the authorities of St. Andrew were under the impression that a law was in force to prevent wakes. I state this on the assurance of the then Acting Custos to myself, of the Stipendiary Justice of St.

Andrew, Mr. Bicknell, also of the Inspector of Constabulary, of the Clerk of the District Court, and of the Clerk of the Local Board of Health, the latter of whom it will be seen allows his error on the 24th June in a note addressed to myself.

From my own experience I am convinced that so serious a matter should not be left to the discretion of the Magistrates, but should be provided for by a permanent law, in which the prohibition during the existence of epidemics should extend not only to wakes or assemblages over dead bodies, but should include the assemblings of persons together in a house in which Small-Pox cases are or from which Small-Pox bodies have been just or very recently removed, as pointed out by the Revd. Mr. Scott in a note addressed to myself on this subject.

I beg here to tender the following written documents in proof of the above.

(a). Letter from Mr. Jas. Byndloss to Mr. Stephen Cooke

(b). Letter from Mr. Astwood to myself.

(c). Letter from Mr. J. R. Brice to myself.

(d). Letter from Mr. Jas. Derbyshire to myself.

(e) Letter from Mr. Walter Stewart to myself.

(f). Letter from Mr. John McPhail to myself.

(g). Letter from Revd. Mr. Scott to myself.

Charge No. II.

That timely and proper measures for the isolation of patients so as to prevent the spread of the disease, were neglected, and that the isolation when imposed was enforced injudiciously, oppressively, and cruelly.

The Second Charge also states facts the regulation of which unfortunately has been overlooked in the present Legislation of the Island—that no Law treats on these subjects, is an additional reason I maintain why they should be searchingly and strictly enquired into.

I ground this charge on information I received, very soon after the disease appeared in St. Andrew in October 1871, from the head of the Government Medical Service (Dr. Steventon), that from the paucity of Medical men, and the non-working of the Law, *i. e.* No. 6 of 1867, the Department was not made acquainted with the progress of the disease, and that for the same reason

vaccination could not be duly carried out; from the information I received from the chairman of the Central Board of Health (Dr. Campbell), much to the same effect; and to the lack of co-operation on the part of the Local Boards of Health; also from information I received from the Acting Chairman of the Board of Health of St. Andrew, (the Hon. Wm. Barclay), to the effect that he knew nothing about the matter; that there was, except in name, no Local Board of Health of St. Andrew; that other persons or departments had taken upon themselves the right of acting in the matter, and therefore he would have nothing to do with it; also on the information from the Inspector of Constabulary, (Mr. Nairne), that the Constables in the Red Hills, did all they could, but that they were insufficient in number and no person on the spot to superintend and direct them. Also on the letters of the Revd. Mr. Hyams addressed to the Governor's Private Secretary and the Head of the Government Medical Service, of the respective dates of the 5th February, 15th April, and 17th April; as also from the History of James Barclay's case, who brought the disease to the Half-Way Tree district, and who was the first treated in the tents erected there on or about the 27th March; also on the evidence of Dr. Land in communication to the authorities, that isolation was useless and mischievous, and caused the people to conceal their cases.

Also on the evidence of some of those, as the contractors, some of the nurses who had charge of the people, and that of others as relatives and friends, who in spite of orders to the contrary found their way into the so called Quarantine grounds and tents, and of neighbours who from without could see and hear what went on within.

I ground it also on my own knowledge and experience as former Chairman of the Local Board of Health of Kingston, and former Custos of Kingston, of the manner in which measures affecting the Public Health were carried out, and especially Law No. 6 of 1867.

My remarks previously made under charge one, with reference to the 4th Victoria, chap. 30, apply here with equal force—as under its provisions, isolation and removal of the sick to Small-Pox Hospitals, were included—but of course ceased with its repeal.

I maintain that when this law existed, in case of an emergency it was the duty of a Custos, or Senior Magistrate, to take action irrespective of the provision of the law being complied with, and even now in the absence of all law on the subject, I hold that the Authorities of a Parish would be justified in isolating or confining the first case or cases (rich or poor) of an epidemic or infectious disease, making its appearance in the island or even in a district—and as Custos of Kingston, I never hesitated to assume the responsibility and to enforce it too, in spite of threats and opposition. "*Salus populi suprema lex.*

But if the Authorities are unwilling to assume such a responsibility, surely it is their bounden duty to represent the matter to the Executive, in order that the necessary steps may be taken to remedy so great and urgent a want.

There can be no doubt that if there is any necessity for Quarantine restrictions, any efficiency in it, power should be given by Law to the Authorities to take the necessary measures to protect the Public Health, as much against disease making its appearance on shore, as that which appears or threatens on board a ship coming into our ports.

I maintain that if isolation of the first case or cases of any infectious disease is imposed, it should be done without delay—without hesitancy—and done as effectually as the means at our command will admit of; half measures, or mere eye service, are useless and worse than useless; they are oppressive and life destroying.

I maintain that under any circumstances, to isolate cases in a district while others in the same district are allowed to expose themselves with the disease upon them in public thoroughfares, to hold wakes over those dying of Small-Pox, is absurd, criminal and wicked.

I maintain that the idea of placing a Constable over every house in which Small-Pox is, during an outbreak, in hopes of checking the disease, is preposterous and absurd, and is in direct opposition to our knowledge of the spread of epidemic diseases.

As far as my experience goes, I believe the only true and effectual safe-guard against Small-Pox, in an island like this, is vaccination freely and faithfully carried out.

I maintain, and good authority for the opinion can be adduced, that in cases of the Exanthemata Small-Pox in particular, infection plays its part at a very early stage of the disease, in fact there is reason to believe that the disease may be communicated during the preliminary fever itself. I had occasion to point out this opinion in September and October 1871, to Drs. Steventon, Campbell, Cargill, and others.

Further, I maintain, from past experience, that whe- ever it is deemed necessary to isolate the first case of Small Pox occurring in the island or in a district, every unvaccinated person who has come in contact with it should be vaccinated and if necessary power should be given to effect this by compulsion. From past experience in this Island, I hold that in every outbreak and throughout every outbreak of Small-Pox or any other infectious disease, a place of refuge (proper tents or a hospital) should be provided for the use of the destitute, the homeless, and the transient, but beyond this the formation or establishment of Small-Pox hospitals seems doubtful and questionable. From past experience I maintain that the practice of forcibly removing persons suffering from Small-Pox, from their own houses to a tent or hospital or any other place, is injudicious and wrong for many reasons, such a practice increases the foci of the disease and thus increases the risk of extension. It centres the disease in one spot, and keeps it there. It is in many cases, especially if undertaken untimely or injudiciously, prejudicial to the individual, and, lastly, the fear of it, as also the practice of isolation induces persons to hide or conceal their sick, as has been done during the existence of Small-Pox in this Island and during the present epidemic, a fact that has been under my own, notice as also under that of other Medical Practitioners, as Drs. Ross and Land.

I maintain that to isolate imperfectly is useless and cruel, but to threaten to impose, as was done with regard to the people residing in Townshend Town, was highly reprehensible and calculated to bring Sanitary measures and all concerned with it, into contempt and ridicule ; it also must have produced an injurious influence on the minds of the Constabulary, and have convinced them that the whole was a cheat and a deception—mere eye service.

I maintain that the whole system as carried out for nearly six weeks at Half-way Tree, was unnecessary, injudicious and mischievous; and the parading of Constables on the Public road, in front of the so-called Quarantine ground, while persons could, and did, enter the ground and the tents, from other directions, was a disgrace to those who imposed and to those who pretended to enforce such silly trifling with the rights, the health, and the lives of the people.

That to exclude the Revd. Mr. Braine (as he himself assured me was the case) from entering the tents to afford spiritual aid to the sick and the dying, was unnecessary, senseless and cruel; for at the very same time, he was freely going among Small Pox patients outside.

That any attempt to make out that the fact of persons entering the Quarantine ground and the tents was unknown to the Constabulary, is absurd, when one connected with the force was residing in a house close to the gap through which many persons passed, through which both Drs. Ross and Cargill passed, when they visited Bennett for the purpose of forcing him into the tents; besides which a Constable's wife was among those who went into the tents. The Constabulary certainly showed their wisdom and love of self-preservation in excluding their confrere Wollaston from entering the station, while he was daily furnished with instructions and sent among the people to do his duty.

I beg here to tender the following written documents in proof of the above:

(*a*) Letter from Revd. Mr. Hyams to Capt Lanyon, his Excellency Sir John P. Grant's Private Secretary, of the date of the 5th Feby. 1872.

(*b*) Two letters from Revd. Mr. Hyams to Dr Ross, Acting Superintendent of the Government Medical Service, of the dates of the 15th and 17th April, 1872.

(*c*) A letter from James McKenzie, addressed to myself, of the date of the 20th August 1872.

Charge No. III.

That the provision of proper and suitable appliances and other necessaries as regards the description and situation of tents, and as regards food, clothing, bedding, and cleanliness was neglected, by those whose duty it was, to see that they were provided.

The Third Charge states facts which claim the earnest and anxious consideration of the Board as such shameful and scandalous ill treatment of the sick can only be attributed to the apathy and negligence of those whose duty it was to supply their wants, as provided for by Law No. 6 of 1867, and all of which might, and ought to have, been supplied at a few hour's notice as far as the Half-Way Tree district was concerned, considering that the disease had already been some months in the Parish, and that the place where the tents were, was only three miles from the City of Kingston on the high road, and but little more than two miles from the Public Hospital or the Government Medical Depot.

I ground this charge upon the statements and assurances made to me by the person employed as contractor or Paymaster, as also on those of some of the nurses employed, and of other persons who gained access to the tents, as also of neighbours who could see and hear from without what was being done.

I ground it also on my own inspection of the dismal, dreary spot unnecessairly selected for such a purpose, unsuited in every respect; bad, in its own surface, overgrown with bush and wood, and worse in its surroundings; bounded in front by the Public thoroughfare. on its sides by houses crowded with people, those on the left hand, containing 32 or 33 persons, 8 of whom caught the disease; next to a piece of ground belonging to the public, for years past used by the inhabitants in lieu of a latrine, its fences and embankments allowing in many places free ingress and egress not only to persons but to swine, and in hazardous proximity to a school.

I speak too from my own experience in the use of tents on similar occasions, and I hesitate not to declare that tents erected for the use of the sick without proper levelling and draining of the ground, and without boarded flooring, can not be wholesome or fit.

I know from experience that bell-tents for the reception of Small-Pox patients, are altogether unsuitable; they are inconvenient from their shape, and wanting in the proper means of ventilation—both by day and by night, in fine weather and in foul.

I maintain that to select such a site—and to use such tents, in the first instance was injudicious, but to continue them after they had been objected to by the Medical Officer in charge, was wrong and inexcusable, especially as doing so was unnecessary, at so short a distance from Kingston. On this point, I declare that on the 18th April, when conversing with Dr. Cargill, in front of his house, relative to Mrs. Stoakly's case, I asked him how many cases of Small-Pox he had in the tents, observing that the site of these appeared objectionable—(too near the public thoroughfare) and that I considered bell-tents unsuitable. He replied, yes, he had objected to both, but Dr. Ross would have it all his own way—that the tents were not suitable. Again, on the 22nd June, Dr. Cargill in speaking of Dr. Ross, repeated to me almost word for word what I have just stated, adding that he had remarked to Dr. Ross, that instead of bell-tents they should have provided Marquees or Hospital tents. Two days after, namely on the 24th, he again repeated the same. Besides this, on another occasion, the date of which I cannot at this moment remember, but I think it was prior to the 18th April, in a conversation with Dr. Cargill on the subject, I stated that I heard bell-tents were being served out for the use of Small-Pox patients, and that from what I had seen of tents, I should think them very unsuitable ; his answer was, yes he had told Dr. Ross so, but he would have it his own way. In spite of this, and of having told Mr. Braine, and others, that the tents were improper, Dr. Cargill, has, it would appear by the letter of the Colonial Secretary to myself, No. 4,752 of the date of the 3rd of August, thought proper to deny having done so, and to state that he never did condemn either the site or the tents, to Dr. Ross.

I ground this statement also on the written evidence of James McKenzie, that on the death of William Hall, on the 5th May, Dr. Cargill said to the nurse, that " no more patients must be received as the tent was not a fit place for them."

I maintain that to force William Bennett to leave his own house and to enter the tents, while Maria Downer and Richard Campbell were allowed to remain in their own houses, was, to say the least of it, inconsistent and unjustifiable.

I maintain that the want of temporary latrines, earth-closets or pits, was inexcusable; that the throwing of filth and refuse on the surface of the ground of the yard, was filthy, and disease engendering, a nuisance to those in the tents, and to the neighbours.

I maintain that the exposure of the nakedness of the people to the neighbours, when washing them outside the tents, or taking them out to perform the calls of nature, was indecent and scandalous, and drove respectable persons living opposite, from their homes.

I maintain that the want of slippers or coverings for the feet on such occasions of patients being made to walk with their ulcerated feet on the gravelly soil, beset with the stalks of bush cut down, was inhuman and cruel.

I maintain that the want of the most common necessaries of life, and the usual appliances for sickness, in the shape of cooking apparatus—proper washing utensils, commodes, bed pans, chamber pots or urinals, was inexcusible considering that the city of Kingston was only three miles distant, and the Public Hospital, and Government Medical Depot, only two miles; and that the way in which these were obtained was discreditable and likely to cause irregularities in the accounts; and that the tents were in use nearly six weeks, and that a Hospital was being constructed close to the spot.

I maintain that the want of all provision of persons to cook, to wash, or to assist the nurses, was wrong and niggardly, and was certain to lead to irregularities, and neglect of the sick.

I maintain that the want of bedding, and of clothing, bed and body, was a sad want in a disease like Small-Pox, and was altogether inexcusable, considering the supply of old clothing at the Public Hospital, and which to my knowledge on previous occasions had been made available; and to allow patients to take in their own bedding and clothing was wrong, and to allow them to take these out with them was highly reprehensible; to state that this was not done till the clothing etc., had been

disinfected &c., is absurd. Look at the means provided for so doing and who was to do it or to see that it was properly done ?

I maintain that to assert that the wooden bedsteads, beds and clothing of those dying were destroyed is negatived by the fact, at any rate, that the bed and pillow used by Wm. Hall, were lying on the ground on the 18th Sept. when I saw them myself in the presence of Berry, Jas. McKenzie, Maria Downer, Byndloss; and other persons; I also saw them both previously and subsequently, and although Dr. Cargill assured me on the 22nd June, that the bedsteads were burnt, still evidence will be adduced that this was not done till after that period.

I maintain from my own experience in this Island of the management of hospitals and nurses, that the total want of all resident supervision which existed day and night, was injudicious and wrong in the extreme and was sure to lead to gross abuses. Here too, it must be borne in mind that Dr. Cargill as engaged in extensive practice did not visit the tents every day, and Dr. Ross visited them three times, and the Sterling Castle Hospital once.

I maintain that the selection of ignorant unexperienced nurses, was injudicious and wrong, and was unnecessary as regular nurses were available, were in fact sent for and engaged. In such a case past experience tells me the best and most confidential nurses of the Public Hospital should have been sent there.

I maintain that the employment of relatives, and connections of patients as nurses, as Susan Clarke and Sarah Francis, was very injudicious, as also the employment of convalescent patients, as Sarah Francis; the non-division of nurses into day and night was injudicious and improper. These acts of omission and commission were mischievous and sure to lead to irregularities and abuses.

I maintain that if the nurses did their duty they must have been overworked during the day, and thus rendered unfit to perform their duties during the night, when no Medical man visited the tents; besides which I have no hesitation in stating that they were underpaid. 8s. a week, for such services as were imposed was a most inadequate amount, and the terms on which

Sarah Francis was engaged, namely, food and no wages, was highly improper.

I maintain that the entire system of administering the food without any responsible inspection or supervision, was wrong and inexcusable, and was sure to be attended by irregularities and waste.

I maintain that the diet scale as framed by Dr. Cargill was injudicious, and was not day by day accommod ated to the wants of the patients, the fixing the articles by price and not by quantity was unique and questionable. I have no hesitation in declaring my opinion that the quantity of food ordered was a great deal more than the great majority of patients in the acute stage of Small-Pox could or ought to consume; at the same time there is no doubt that some at least of the sick could not get food as they wished it, as, for instance, Frederick Wiseman, on the evidence of Maria Downer.

I maintain from my local experience that in feeding inmates of Public Institutions, that the allowance of 1s 6d, per day, per head, for food alone, is excessive and wasteful, and in the case of persons isolated on account of Small-Pox, is calculated, I believe, to induce them to practiee inoculation.

I maintain that the retention of 3d. a day for stimulants was injudicious, and that the provision of such should not have been left to any subordinate; if a person was brought in a late stage of the disease, such an amount would be altogether inadequate. I have no hesitation in stating that the refusal of Dr. Ross to defray the expense of a bottle of Port Wine for a patient (Patterson) suffering from Small-Pox, was wrong; it displayed a want of confidence in the discretion of the District Medical Officer. If proper Officers are appointed, the providing of stimulants both as to the quantity and quality should be left entirely to them.

I maintain that the want of a responsible person to administer the medicines was a very serious one; that the doling out of medicines by unexperienced persons to all, irrespective of age, condition, stage of the disease, was unique, unprofessional and highly injudicious and calculated to be injurious.

I maintain that the doling out a mixture of Carbolic Acid, in all stages of Small-Pox, irrespective of symptoms

&c. borders strongly upon quackery, and in my opinion the recipients, as Ellis Brown, showed his wisdom in not using such medicine.

I maintain from my experience of the management of Hospitals, and of the sick, in Epidemics, in this Island, that with such an anomalous state of matters as existed in the tents—it was no wonder that the patients were dissatisfied, that they complained, that the nurses abused them, that they were neglected, that when delirious they injured themselves, that they became fly blown, and maggot eaten, that the mortality was monstrous—5 out of 9, nay, the wonder is I think, that any lived to go out.

I beg to tender the following written documents in proof of the above:

(l.) A letter from Mr. Trueman, to myself.

(m.) A letter from Maria Downer, to myself, 20th August, 1872.

(n.) Diet Scale for James Barclay, by Dr. Cargill.

Charge IV.

That the necessary Medical Supervision, and attendance, was not paid to those suffering from Small Pox, and necessary means to prevent its spread neglected.

The fourth charge states facts that claim the most earnest and anxious consideration of the Central Board of Health, as deeply affecting the efficiency of the Government Medical Staff—and the welfare of the people, past, present, and future, as also the Public Revenue.

I maintain that the Government Medical Service is now only in process of establishment, and before it is fully perfected a very large amount of expenditure will be required. If however, it can be shewn that the members of that service, do not or will not perform the duties required of them, it becomes a serious question whether the Public should be taxed to support it.

I have no hesitation in stating from my own observation, that in appointing a Medical Officer, to a district, especially a rural one—the Government incurs a very heavy responsibility, for it is an undoubted fact that in very few such districts, can any medical man now compete with the Government Medical Officer—and under these circumstances, there can only be one professional man in the district—and if he, from any cause, fails to per-

form his duties fully and faithfully—especially during epidemics—the inhabitants of that district must suffer. It behoves then the Government to take care that those gentlemen appointed by them, understand the nature of their duties, and that they faithfully perform them. If this is not done, the Government Medical Staff, instead of being a boon and a blessing to the community, will become a curse, and instead of facilitating medical aid will render it more difficult to obtain.

I may mention that I have always been in favour of the establishment of a Government Medical Service, and when consulted by His Excellency the Governor on the subject, I expressed my opinion that it was a move in the right direction. In my humble opinion however, the scheme has not worked well; good faith has not been kept with the District Medical Officers—they have been called upon to perform duties not stipulated for—and they are not in some cases at least, fairly remunerated—they have no *locus standi*; they are Government officials, or not, to suit the whim of a moment. Yes, to-day, and no, to-morrow; and are called upon to perform duties not appertaining to professional men—and for want of dispensaries their usefulness is much contracted and limited to what it ought to be.

I ground this charge upon the assurances of the Acting Superintending Medical Officer of the Government, and the District Medical Officer of Half-way Tree. Dr. Ross allowed to me that he had heard that Dr. Cargill did not go near Small-Pox patients, that he did not attend them as a Medical man should attend his patients; Dr. Cargill, while allowing to me that he did not personally examine Small-Pox patients, emphatically denied the charge that he did not enter the tents at Half-Way Tree. "It is a d—d lie, and he would get the nurses to sign a paper that he did attend the people and he would place the person stating that he did not, in the hands of his lawyer."

I ground these charges as relates to the tents at Half-Way Tree also on the positive assurances of the Contractor, nurses, patients, and others, who were present, as also on the written testimony of Campbell—James McKenzie—Mr. Trueman; also on the evidence of patients

and their friends as regards Dr. Cargill's attendance outside of the tents.

I ground these charges also on the statement of His Excellency Sir John Peter Grant—as contained in the letter of the Colonial Secretary to myself, No. 4,752 of the date of the 3rd August, paragraph No. 16.

I ground these charges also on the letters of the Revd. Mr. Hyams already put in evidence, and the fact, that in spite of requests made that the children of the Lucky Hill School might be vaccinated, this was not done till Small-Pox broke out among them.

From my own experience I have no hesitation in stating that the mortality which is recorded as having taken place among those sick of Small-Pox was very high in the Half-Way Tree district, namely 13 of 31, or 8 out of 22, among persons in their own houses; and 5 out of 9 in the tents; and in a district in St. Thomas in the Vale 8 out of 11. Had all the cases been confluent ones, (which they were not) a mortality of one half would have been high. As far as my reading goes, the mortality, of different epidemics of Small-Pox have ranged from 15 to 44 per cent—*i. e.* taking all ages, and all forms of the disease, with the vaccinated and unvaccinated. As far as I have been able to ascertain the present epidemic does not appear to have been a very severe one, that is to say, in other districts no such mortality as 8 in 11—or 5 in 9, is recorded.

The only local statistics I am aware of with regard to the mortality of Small-Pox are those drawn up by myself, and printed by the Board of Health of England in "Papers relating to the History and Practice of Vaccination 1857"—Page 139—and which is thus quoted by Dr. Seaton in his article on vaccination, Page 501—of Reynold's System of Medicine, Volume 1—" In like manner in an epidemic in Jamaica in 1851, Drs. Bowerbank and Turner lost of 477 unprotected cases 75, but of 120 vaccinated patients only 4"—and at this time Small-Pox hospitals were used for the houseless, the destitute, and the transient. I have no hesitation in stating my opinion that a death-rate of 5 out of 9—was unknown even in the days of the so-called " hot treatment."

I ground these charges also on the evidence of the Rev. Mr. Braine, made in May last, before I moved in the

matter—in the presence of the Diocesan Council, that Dr. Cargill, as the District Medical Officer of Half-way Tree, was neglecting his duties—and was not attending persons suffering from Small-Pox, and that if he continued as he was going on, he, Mr. Braine would have to complain of him.

Dr. Cargill told myself that it was not his duty to attend poor persons attacked with Small-Pox—who were not on the pauper list, and who would not enter the tents, and, he added, that if it was declared to be his duty, he would resign the appointment.

Dr. Cargill did refuse to attend a widow lady, Mrs. Stoakley, on the plea that if he attended her, his other patients would not employ him (although at this very time, 18th April, he was professedly attending Small-Pox cases in the tents). In consequence of his refusal to attend the patient, I saw her for Dr. Cargill, but declined to relieve this gentleman from his attendance and bounden duty. On this occasion on my reading Mr. Nairne's letter to him requesting my attendance, he most indignantly denied the truth of that gentleman's statements, and pronounced them to be false and slanderous, and, on my suggestion that it was his duty to do so—he promised to obtain from him a written retraction of what he had written—but which he never did, as I was informed on the 25th June.

That to my knowledge Dr. Cargill refused to enter beyond the door of a room—in which a person (Emily Powell) with fever was lying, and who had sent for him, and who might be supposed to be about to get Small-Pox; he did this once and never returned.

That to my knowledge, Dr. Cargill refused to see a patient (Campbell) suffering from Small-Pox, and who sent for him—on the plea that he would not enter the tents, although he was in Townshend Town.

That to my knowledge persons for whose sick Dr. Cargill ordered medicines—would not administer it, because he would not see or properly examine the sick—(Ellis Brown.)

That to my knowledge Dr. Cargill though emphatically denying the fact, that he did not enter the tents or examine the sick properly, yet nevertheless asserts that if necessary he can justify such acts, *i.e.* (that he did

not) by written instructions from the Head of his Department.

From my own experience in Small-Pox epidemics, &c. I have no hesitation in stating that in severe cases, more than in any other disease—the attention and personal encouragement of the Medical attendant conduces to a successful issue—and *vice versa*. I know no condition of mortal misery in which neglect or the exhibition of personal fear on the part of a Medical attendant, is more likely to exercise a depressing and injurious effect.

I here beg to hand in the following written documents in proof of the above:

(o). The Supplement of the Gazette by Authority for 27th June.

(p). The Supplement of the Gazette by Authority for 11th July.

(q). Letter from Richd. Alex. Campbell to myself.

(r). Letter from Mr. Inspector Nairne to myself, 18th April.

(s). Letter from Mr. Trueman to myself, 9th September 1872.

(t). Letter from Mr. Trueman to myself 26th, October, 1872.

CHARGE V.

That the treatment to which the people in the Tents at Half-Way Tree, and in the Small-Pox Hospital at Stirling Castle, were subjected caused general dissatisfaction and resulted in those afflicted with Small-Pox refusing to enter them or other Small-Pox Hospitals.

The Fifth Charge deals with the results of the other charges and is well worthy the attention of the Board—the more so as persons are not wanting to deny the correctness of this statement, and who wish to attribute the fact of the people not going into the tents and Hospitals, to other causes.

It has been urged that the lower orders prefer to treat cases of Small-Pox, occurring among themselves, in their own way. In some instances this may be true—and there is no doubt that this prejudice extends not only to Small-Pox, but to many other diseases, especially Yaws, &c. To compel the people to employ regular Medical Aid would be wrong—at the same time it is certainly the duty of the Government as far as possible to remove such pre-

judices from the minds of the people, and as far as possible to place Medical Aid within their reach. It was, I understood, with this latter intention that the Government Medical Staff was established—but let it be asked *cui bono?*—If when the people send in their necessity for the Government Medical Officer, there is none provided, or if provided he refuses to attend them, or if he does attend them, he does so in such a way, that they have no confidence in him and refuse to follow his advice, and to take his medicine, of what use or advantage is it for a person to enter a Government Hospital, there to be neglected and maltreated by the nurses, and to receive no aid or proper attention from the Medical Officer? Is such treatment likely to induce the people to call in Government Medical Aid—if not, of what advantage to the public is this Government establishment?

I ground this charge on the statements of many persons, as the Contractor, nurses and others who saw and heard all that took place in the tents; as also on the letter of the Revd. Mr. Hyams, of the date of the 15th April; also on the accounts in the *Gleaner* newspaper; also on the evidence of persons who, when sick—or who having sick friends, refused to enter or to send them to the tents or the Hospital, especially that at Half-Way Tree.

I ground it too on the undoubted fact that since the establishment of the Small-Pox Hospital at the Half-way Tree district, not a single soul has entered it, although the disease has continued to linger in the district, and the sufferers are needy and have required charitable and parochial aid.

I ground it too on the fact that persons who have witnessed and experienced the terrors of the Tents, have openly, in the public thoroughfares, denounced the Government and the Government Medical Service, for imprisoning and neglecting the people.

I ground it also on the assurance to me by the Revd. Mr. Braine, the Acting Rector of the district, that he had, and would advise the people not to enter the tents, or the Hospital as they were not fit for their reception; and as regarded the tents they had been condemned by the Medical Officer—and because the authorities had determined to exclude their spiritual advisers.

KING'S COLLEGE LONDON

I beg leave to hand in the following written document in proof of the above:

Extract from the *Semi-Weekly Gleaner* of 15th June, 1872.

CHARGE VI.

That the authorities appointed under Law No. 6 of 1867, to protect the public health against the introduction, origin and spread of infectious and contagious diseases, as also the Government Medical Staff, have failed by acts of omission and commission to perform these duties and have thus added to the suffering and mortality of the people during the existence of Small-Pox in this island.

The Sixth charge deals with the "*Fons et origo mali*;" it exposes the real cause of mischief while it alleges neglect from apathy and indifference on the one hand, it alludes to injudicious zeal and interference on the other—on the part of subordinate authorities left to perform most important duties without the necessary means of doing so, without instructions what to do, and what not to do in emergencies, and in the absence of all Law on the subject.

As a Medical Practitioner in this Island during the last 36 years, and as one who has always taken much interest in everything affecting the Public Health, I have no hesitation in declaring that at all times the Public Health has been strangely neglected by the authorities in this Island, but never yet has it been more neglected than it is at present.

I grant that the Statute Books contain recent Laws affecting the Public Health which in print may look well, may induce persons at a distance to believe that attention is paid to the subject, but I assert that practically the Laws affecting the Public Health in this island are a mere dead letter, that they are not *bona fide* carried out, and that they afford little or no protection to the Public Health.

I maintain that the Public Health stands in need of further Legislation. Serious mischief at all times arises, and especially during an epidemic like the present, from the want of duly qualified Druggists to dispense good unadulterated drugs. Legislation is urgently required to suppress or to regulate the holding of wakes especially over the bodies of those dying of infectious or con-

tagious diseases—to prevent persons affected with infectious or contagious diseases from exposing themselves in public, and to enforce timely burial of the bodies of those dying from Small-Pox and other infectious diseases. Legislation is also urgently required to enable the authorities in cases of emergency, to isolate persons suffering from contagious and infectious diseases, and under certain circumstances to vaccinate by compulsion, if requisite, persons exposed to the infection of Small-Pox—and to define the use of and the treatment of persons in Small-Pox hospitals. Legislation is also requisite to define the duties and obligations of members of the Government Medical Staff, but above all a Law is required for the Registration of Births and Deaths, that great tell-tale of a country's evils and a people's wrongs, without which a decennial Census may be a lie, and a useless expense, but with it the one is the proof of the other's correctness. In its absence in this very city a monstrous death-rate of nearly if not quite 40 in the 1,000 exists year after year without any attempt to diminish it.

Existing Laws and Ordinances affecting the Public Health, I repeat exist for the most part only in name, they are not *bona fide* carried out. The present Quarantine Law No. 37 of 1869, an Act framed in England, is unsuited to this Island, and, as carried out, is incapable of effecting the object intended. The allowing infected vessels to come up alongside a wharf to coal, and the system of granting clean Bills of Health when Small-Pox is in Kingston or within a few miles of it, is inconsistent with so called Quarantine, and turns the whole affair into a farce; the placing vessels from St. Thomas under restrictions, while those from New York were permitted to enter the port without any precautions, was absurd it being well known that the one place was just as much infected as the other.

The Vaccination Acts are imperfect and do not work well, no use has been made of the experience gained in other countries. The Law regulating false weights and short measures is not carried out—to the detriment of the poor.

Many other Laws and Ordinances affecting the Public Health may be said to be totally neglected, and are not at all enforced, or attempted to be carried out. Look

at the Churchyards in the city of Kingston, overcrowded with bodies—and yet in use ; bones and other remains disturbed whenever a fresh grave is dug, causing illness to the officiating Minister. Where is the Law which insists on a supply of good and wholesome water being supplied, and on which condition a monopoly was granted? Let it be stated how many cesspools or privy pits, are cleaned during the course of the year in Kingston—and if cleaned under what Police restrictions are they so cleaned? How has the Medical Act been enforced, or the Law regulating the sale of poisons carried out? Under what regulations are common lodging houses, those sinks of iniquity and nests of disease. Or, how is the Sanitary Law of Jamaica, No. 6 of 1872, enforced? That Law which appoints a Central Board of Health to be the active and vigilant guardians of the Public Health, and a Local Board of Health to each Parish. What have these Boards done to protect the Public Health from disease? What have they done to check the present epidemic or to lighten its burden upon the people, the one in its administrative, the other in its executive, capacity?

As late Custos and Chairman of the Board of Health of Kingston, I can state, that after the passing of the Law, No. 6 of 1867, I did my best to carry out its provisions—but our attempts to do so were thwarted by the Central Board, and by the Government. The one would not take action on the rules submitted to it, and the other would not authorise the employment of paid Inspectors of Nuisances, but authorised the Constabulary to act as such, and when they proved faithless to their trust, would not remove them from the office, though requested to do so by the Board of Health. Subsequently, in September 1871, when Small-Pox made its appearance in Kingston, (after I had ceased to be Custos)—as I have previously stated, the Local Board refused to assume the performance of the duties ascribed to it by the Law, namely, the medical and general management of the affected, and took no further action in the matter, leaving the Central Board to do as they thought proper.

In St. Andrew matters were no better—here the Local Board never made any effort at all to carry out the Law. In October, Small-Pox broke out in the Red Hill District. No notice was taken of it by the Local Board

in spite of Mr. Hyams's application to the Acting Chairman—as far as they were concerned the disease was left to itself, they were indifferent to the fact, whether or not a Law to suppress wakes existed; they did nothing; they did not attempt to carry out one single provision of the Law, and when the Central Board moved in the matter—this was a fresh source of annoyance to the Local Board. What right had they to interfere, as they had sent up the Medical Officer of their district, and had now put up tents in their district, they might do the rest. So matters continued with little or no change, till my communications to the Government, were by his Excellency the Governor referred to the Local Authorities, and to the Local Board of Health of St. Andrew, then without any fair and honest enquiry, they tried to evade, to deny my statements, not on their own knowledge, though living on the spot, but on hearsay evidence. Even to this day, although the disease has continued in their parish, they have done their best to persuade the Government that no wakes ever took place over the bodies of those dying from Small-Pox.

As regards the Local Board of St. Catherine—the action they took in the St. Thomas in the Vale District, appears to have been for one of its members to have addressed the Government Officer of the parish of St. Andrew, announcing the fact that " the people were dying like rotten Sheep."

So much for the Local Boards of Health—for all the good they were, they might just as well not have existed in name even. The Law which had been in existence since 1867, was a dead letter.

The Central Board of Health as I have already stated, did not perform its appropriate functions, but nevertheless it undertook those of another department, and with the usual results in such cases, inefficiency, confusion, and dissatisfaction.

On the 2nd July, when my communications to the Government were referred by the Governor to them—no notice was taken of them for months, referrable to the facts perhaps, that the Board then consisted of only three members—two of whom were deeply implicated in the alleged abuses in St. Andrew—and the third, besides being a paid official of the Government, was also Chairman of the Kingston Board of Health, but which at that time had

been deprived of their Authority, by the Central Board, the latter having established a Small-Pox Hospital in Kingston—shut out the Medical Officer of the Local Board, and appointed their own Medical attendant—each and every act contrary to the provisions of the Law.

The Central Board took no notice of the correspondence referred to them till the 16th September, or till after three additional members had been added to it—they then came to a decision in direct opposition to that of His Excellency the Governor, namely, that an enquiry into alleged abuses was requisite, other than a departmental one—but having done so, they have now deferred any enquiry for six weeks, irrespective of a protest on my part, and contrary, I maintain, to the spirit of the Law, which evidently intended that such enquiry should be summary and prompt—as every action affecting the Public Health and the lives of the people, ought to be.

I maintain that the Central Board of Health in the absence of any enquiry, have grievously erred, after these serious matters had been brought to their notice, and with the knowledge that Small-Pox was spreading through the island, in not bringing forcibly to the attention of the Government the self-evident facts, that wakes held over the bodies of those dying of Small-Pox were calculated to increase the disease—that the practice of continuing isolation, and forcible removal of the sick from their own houses was unnecessary and mischievous, and caused the people to hide their cases, and that in the absence of Legislation on these points, action should be taken.

I maintain that it was an undue assumption of power in the members of the Medical Staff to attempt to impose or enforce Quarantine restrictions, the more so, as these were altogether illegal; it was wrong in them to give any directions on this subject to the Constabulary force, as it was not their duty. Any such order even if legal should have come through the Local Board of Health presided over by the Custos or Chief Magistrate.

I maintain that the members of the Medical Staff should be made distinctly to understand what their legitimate duties are, both during ordinary seasons and during epidemics—who they are bound to attend, and who they, may if they think proper, refuse to attend. As I have already stated, on this point a very serious responsibility

rests upon the Government and I may add on the Government Medical Officer.

I maintain that the Medical Department failed in their duty as regards promoting vaccination, as is clearly and distinctly set forth by the Revd. Mr. Hyams, in his correspondence with the head of the department, relative to the school at Lucky Hill, and where subsequently, children died, victims of such neglect.

I maintain that the members of the Medical Staff, have no right to refuse to attend any one in their district suffering from Small-Pox, but are bound to attend all claiming their attendance, and if they have more than they can get through, then it is their duty to call upon the Government for aid, and after doing so, the responsibility rests on the Government alone.

I maintain that the Government Medical Officer has no right to refuse to visit any person sick of Small-Pox at his own house, and that if he does so, and that person dies he is responsible for his death, or further, that if under a threat of refusal to attend, he compels such a person to remove to a Hospital, and that person suffers from such removal, I hold the Government Medical Officer is answerable.

I maintain that the Head of the Government Medical Department failed in instituting the enquiries he did, and in the way in which he conducted them in company with Dr. Cargill, an implicated individual.

I maintain that it was wrong in the Central Board, or in the Medical Staff, to continue the use of the bell tents where they were, after Dr. Cargill had condemned them, and that it was wrong in Dr. Cargill subsequently to deny that he had condemned them, and thus to falsify the departmental report made to the Governor.

I maintain that it it was wrong in the Medical Department not to have acted upon Dr. Cargill's remonstrance against the holding of wakes over those dying of Small-Pox, and to have represented the same to the Government.

I maintain that it was very wrong in the Government Medical Officer to keep no journal or record of the cases in the tents, but when enquiry was instituted to be obliged to consult nurses and others to be able to obtain the necessary information.

That it was very wrong in the Government to publish incorrect returns of Small-Pox in the official Gazette, and which return even when corrected or amended is still faulty and cannot be considered trustworthy.

That it was very wrong to employ the Constabulary force in the way in which they were employed, such employment being altogether unjustifiable, and it was exceedingly injudicious to commit so serious a trust to their care, and to leave the return of Small-Pox cases and the death-rate of this disease to them.

I maintain that the employment of the Constabulary at the tents was disgraceful to all concerned, and such mockery and eye service was calculated to ruin and demoralise the service, and to cause them to distrust and despise their officers and the Government.

I maintain that it was wrong in the authorities to allow the Revd. Mr. Braine to leave the Island as he did, after notice of his intention had been sent to the Government, and the fact of his having given evidence to the Local Board of Health, contradictory to his previous statements had been made known.

CORRESPONDENCE AND OTHER DOCUMENTS REFERRED TO BY DR. BOWERBANK IN HIS EVIDENCE, AND LAID BEFORE THE COMMISSION:

(A.)

Mr. James Byndloss to Mr. Stephen Cooke.

Halfway Tree.

Stephen Cooke, Esq.

Sir,

Referring to your application regarding the wake that was held up at the residence of the late Mr. Armstrong, I have to say, that there was upwards of twenty or more there to my personal knowledge, among them I noticed the following viz:—

George Hall,
Hall,
Forbes,
George Lodge,
Alexander Lodge,
Hughie,
Miss Lodge,
Miss Mears,
Miss Messam,
Miss Armstrong,
Mrs Lodge,
Mrs Armstrong,

And 2 Infants age about 6 months. An old woman with a sore leg

Miss Bryan and a young female about the age of 15, with a very bad sore foot—and from what I could gather, there was 5 of them that had also very *bad sore* legs.

The building is about 10 feet by 14, and is *wattled and plastard*, and all the worse for use, and that the inmates number 8 in all, that actually resided there. The number of persons that died there was 5 in 3 *weeks or thereabouts.*

Susan Clarke and Agnes Davis, informed me that they went there a few hours before ¼ to 8 o'clock, the hour that Armstrong and his sister died, and that they had not even water to keep the rags in use clean, and from my own personal knowledge on Monday, the 27th May last, I was told by Mrs Lodge and her daughter, that they could scarcely get water to keep the things clean that were in use, in fact she had a small Yaba, using to wash the soiled clothing instead of a tub.

You must excuse the manner in which I have forwarded this, having to attend to the calls of the shop momently.

I am, Sir,

Yours respectfully,

JAS. BYNDLOSS.

Marshall and John Marsdon, who accompanied me that day can verify the same about the water.

J. B.

(B.)

W. G. Astwood, Esquire, to Dr. Bowerbank.

Kingston, 27th August, 1872.

Sir,

In reply to your communication relative to the practice of holding wakes over dead bodies by our people, I beg to say that at Rae Town, where I live, it is the greatest nuisance that we have to endure. On the death of persons, whether they be members of their families or not, numbers of persons congregate at the house or yard where the body is, and spend the whole night in singing or rather screaming Psalms, in the most discordant manner, with intervals of drinking and other, to them, sources of amusement, which is almost always repeated nine days after. On one occasion, that I well remember, the body of a drowned man, floated to the sea shore near my premises, it was too much decayed to be allowed to be removed to any house for funeral purposes, but as it could not be carried away, or buried where it was till the next morning, a number of persons sat round it all night, and sang, and screamed as before described

and even returned nine days after to the same spot, and repeated the previous scene.

Very truly yours,

W. G. Astwood.

Dr. L. Q. Bowerbank.

(C.)

John R. Brice, Esq., to Dr. Bowerbank.

Sandy Park, August 30th, 1872.

Dear Sir,

In reply to your enquiries of the 26th instant, relative to wakes among the lower orders, it has been a custom among them, that every one that dies, whether connected with the parties or not, if they have not a cent, they go and collect money from among themselves sufficient to procure rum, sugar, bread and coffee to keep up the orgies all night until morning they go to the Parson or Magistrate for a grave and coffin declaring at the same time that the deceased had not sufficient means to procure medicine and nourishment, whilst they were alive—this custom prevails as a rule among them generally—on the ninth night they assemble and have another wake.

I have the honor to be,
Dear Sir,
Yours respectfully,

J. R. Brice.

Hon. L. Q. Bowerbank.

(D.)

James Derbyshire Esq. to Dr. Bowerbank.

Kingston, 26th August, 1872.

Dear Sir,

In reply to your note of this date, I can state from my own knowledge and information derived from those who had better opportunities of knowing than myself, that "wakes" (as defined by Webster, and other authorities) are fast dying although still observed and kept up to a small extent by two classes. First, by decent and respectable people of the tradesmen and handicraft journeymen class, with their wives, (regularly attending worship of some denomination, particularly the Baptist persuasion,) who sit up the night of the death, singing Psalms and Hymns till morning, when they quietly disperse, and again meeting on the ninth night for the like purpose; being under the conviction that the spirit again returns to earth, and i

amongst them on that occasion. The second class, consists mostly of the remnants of Africans, and their immediate descendants, with the low Creoles, who prefer African orgies to the Scriptural teaching of the Ministers of religion, who commence with bawling and drinking, and end in quarrelling and fights, but entertaining the same opinion as the first class; these are also fast diminishing.

Remaining,
My dear Sir.
Yours very truly.

JAS. DERBYSHIRE.

Dr. L. Q. Bowerbank.

(E.)

John McPhail, Esquire, to Dr. Bowerbank.

Tulloch, August 28th, 1872.

Dear Sir,

The 9th day wake is still kept up among the people here; when the Small-Pox broke out about 5 weeks ago, I gave orders to a Rural Constable to prevent any wakes being held whilst the body of any that might die of it, remained unburied, in which he succeeded, but the 9th day goes on as heretofore.

I am, yours truly,

J. MCPHAIL.

Dr. Bowerbank.

(F.)

W. L. Stewart to Dr. Bowerbank.

St. Andrew's,

24th June, 1872.

My dear Doctor,

On clearer reference I find myself mistaken, as to there being a law to prevent "wakes." Their prohibition (which I have some vague idea, was insisted on, during my Police experience) must have been by a rule of the Governor's (Mr. Eyre.)

Yours truly,
W. L. STEWART

I think you mentioned to me that you had been told by some one, that a wake had been held over the body of a man named Armstrong after death from Small-Pox. I have made enquiries, and can I am almost sure, add that the statement of your informant is incorrect.

W. L. S.

(G.)

Mr. Henry Scott to Dr. Bowerbank.

Rose Hill Manse,

Pear Tree Grove, P. O.,

23rd September, 1872.

My Dear Sir,

Your favour of the 28th ultimo, came duly to hand, and regret that I was unable to reply to it before.

Respecting the information required, I have to state that there was a case of death by Small-Pox, in the house of a man in this neighbourhood, named Trench, where the body was interred the day of the individual's death, and a "wake" was kept up in the house during the night.

This was the first death by Small-Pox that occurred here, and the only case when this was done, so far as I have been able to ascertain.

I know that in other parts of the Island necessary measures are at once taken to prohibit the people from visiting those who have the disease, and from attending their friends. Nothing of the kind has been done here, and nearly every case in this neighbourhood can be traced to the want of this precautionary means.

There have been many cases here, and *several deaths*, and it is still prevailing; a man was buried yersterday who had died from it. Nothing would give me greater pleasure than to see some steps being taken to check the progress of such a malignant disease.

I am, my dear Sir,

Yours truly,

HENRY SCOTT.

Honble. Dr. Q. Bowerbank.

(H.)

Rev. Mr. Hyams to Captain Tanyon.

Golden Spring, St. Andrew,

5th February, 1872.

Dear Sir,

I beg to bring respectfully to His Excellency's notice, the fact of the existence and prevalence of Small-Pox, in the St. Christopher's District of the Parish, and more immediately in the neighbourhoods of places in the District called "Padmore Park," and "Salisbury Plain" thickly populated localities.

The disease has been for some time past in these localities, and to my knowledge three deaths have resulted. I am informed that there is no *proper person* rendering assistance to the afflicted, that medical aid is not afforded them, and that those afflicted with the disease are in no way isolated from others. On Saturday last, I met a young female who had just recovered from a severe attack of the disease, on her way to the Kingston Market, and yet I understand that it is at this period contagion is most likely. I also met two other females coming from houses in which there were cases of Small-Pox, and I believe in one of these houses the night before, a child had died of it. I was also informed that at that time another child was lying with it in a very bad state. When I first heard of the existence of Small-Pox in these localities, and of the death of an old man from it, I communicated the matter to Mr. Barclay, Chairman of the Municipal Board, but as I have not heard of anything being done to render the afflicted people assistance, I have thought it best, respectfully to communicate these facts to His Excellency the Governor.

I am, Dear Sir,

Yours faithfully,

ABRAHAM HYAMS.

CAPT. LANYON, Governor's Secretary, Spanish Town.

(I.)

Rev. Hyams to Dr. Ross.

Golden Spring, St. Andrew,

15th April, 1872.

My Dear Sir,

I would bring to your notice one or two matters which were mentioned to me yesterday, while in the Cavaliers district of this parish.

It was mentioned to me that at a place called "Belbore," near the Cavaliers, there are two or three cases of Small-Pox, one of them being of a serious character.

It was also mentioned as a reason why the people dread the Hospital established at "Padmore," that a report prevails, that two young men, brothers, named "Denny," who were sent there from the Cavaliers neighbourhood, had died as much from neglect as from Small-Pox. It is said that these young men suffered with virulent sore throat, which was not discovered in the Hospital until it was to late to assist them; and that while suffering with Small-Pox in its worst form, they were allowed to be with their clothes sticking to their flesh. I really cannot vouch a word for these reports, but I find them believed by

the people in this quarter, and their influence having the effect in prejudicing the people's minds, and making them unwilling to report any existing case of Small-Pox, or in allowing the afflicted to be removed from their houses. While there may be no foundation of truth in these reports, I am sure you will cause them to be *properly* investigated, and if in doing so, I can in any way assist in eliciting the truth, I shall be most ready to do so.

I find too, the people generally unwilling to give their services when required, many of them alleging that on previous occasions when they gave their services, they were not remunerated. I believe this matter has been mentioned to Dr. Cotter, who I have no doubt will report it to you. I am sure you will agree with me, that the people who are employed as nurses and servants, while they should be selected from a good class of the people, should be regularly and faithfully paid for their services.

I should not have written so much to you, but for your kindness in having mentioned to me the appointment of Dr. Cotter, to this district—as also in your having impressed me, during our interview, with the interest you take in the Sanitary condition of the people.

I may also mention that I am informed that there are several cases of Small-Pox existing in the St. Thomas in the Vale district of the parish of St. Catherine, at a place called "August Town," part of "Goffe" plantation, the property of the Hon. Wm. Rennalls, and about five miles from Lawrence Tavern. I do not know the medical gentleman of the quarter, or whether there is one in the neighbourhood. I go that way to-morrow, and shall make full enquiry into the matter, and if necessary will further write to you.

I am, Dear Sir,

Yours faithfully,

ABRAHAM HYAMS.

DR. DAVID PALMER ROSS,

Acting Superintending Medical Officer, Kingston.

(J.)

Rev. Mr. Hyams to Dr. Ross.

Golden Spring, 17th April, 1872.

Dear Sir,

I was in the "Goffe" district yesterday, and heard that at one place alone called the Cottage, there were nine cases of Small-Pox. There had been a few deaths. The patients are all kept at their own dwellings, watched over by Constables, but I fear not having sufficient assistance in their houses, one

or two or more die of neglect. In the same district, at a place called "Lucky Hill," where we have a large School, there are several children and grown people, who have not been vaccinated. Could it be possible to instruct the medical gentleman to go there some day, by previous notice, and vaccinate all parties?

I am, Dear Sir,
Yours faithfully,

ABRAHAM HYAMS.

DR. ROSS, Kingston.

(K).

James McKenzie to Dr. Bowerbank.

Half-way Tree, 20th August, 1872,

Sir,

I have the pleasure, with great truth, to inform you of what I have seen from the month of April and May of this present year. I am living adjoining the Small-pox hospital, which are formed or made by pitching of tents. I see the Doctor come there no more than once or twice a day, and whenever he does come he never entered into the tents, he only ask the nurses how the pationers were getting on, and upon such inquiry from them he goes away. He generally come there every day. The deaths of each pationer are from seven to nine days different from each other. I sometimes steal my way into the tents. I remember sein William Bennett, his penis or private part was in a state of mortification. I felt greatly for him. I believe he was suffering greatly. I asked one of the nurses why don't he report to the Doctor, she said she has done so but the Doctor will not look at him or come near, but only ordered poulties, to be applied for the same. Sometime after the Doctor come, and standing outside the tent as usual, Amelia Smith said Doctor, Bennett private is very bad; he said, I am nothing to do with that, it is a question of matter. I have never seen him go inside the tents at any time; he only gain information from what the nurses tells him. I stole my way several times under tents, and on the 27th April I heard a great crying in the Small-pox hospital among the nurses; Marshall was also crying. I asked what is the matter, they said Bennett is on dying; I sliped into the tent through a gap adjoining Mrs. Townshend yard, which is the customary place I generally walk. I saw him lying on his side; he said to me James, good bye, tell my mother good bye for me, she won't see me any more, I am going to die. A while after Doctor Cargill came in and stood outside the tent door, that is to say before the door; he asked how is Bennett, at the same time peeping

into the tent looking upon him. The nurses replied Doctor, Bennett is dying he retreated himself saying poor fellow. I was under the tent; I do not believe Doctor Cargill had seem me, they generally put Constables outside to hinder persons from going under the tents; if any person or persons were found under the tent would be sent to the Station. When Doctor Ross came it was before Bennett went under the tent; it was in the month of April, he came through a gap from the Small-pox hospital which leads into Mrs. Townshend yard; he went to Maria Downer first, and then to Bennett, and stood some yards before his door, and said where is the man that has the Small-pox, bring him out to me. Bennett then came out, he would not allow him to come near; he said stand there, you must go under the tent; if you will not, when you are better, I will have you punish, for you will be infecting the people about here, Bennett said I cannot go because the tent is too hot. From what I was told that is the only time I remember seeing Dr. Ross commin there. There was a tent pitched sometime before Bennett made up his mind to go in there. Bennett is the longest survivor that lived under the tents. I heard the voice of Wm. Hall on Sunday morning, at about a quarter to eleven—half hour he died. The Doctor came in hospital yard about two o'clock; he was told Hall is dead; he went away; he said that the nurses must not allow any more person that has Small-pox to come under the tent—they must remain at home, for the tent is not a fit place for them, he said to one of the nurses. I heard these words myself—they were said on Sunday evening.

I remain, yrs. obt.,

(Signed) JAMES MCKENZIE.

To L. Q. Bowerbank, Esq., M. D.

(L.)

Rev. Geo. Trueman to Dr. Bowerbank.

To Doctor L. Q. Bowerbank, Esq.

Deare Sir,

My having been inform that you have been determine to bring before the Governor notice certain abuse that have been practis on person that have been afflicted with Small-pox in the parish of St. Andrew's this abuse is said to be on the part of the Medical Officer and the authoritys—I George Trueman, Minister of the Baptist Denomination, and Minister of Saint John Baptist Chapel, on land of Gordon Pasture in the Parish of St. Andrew, for the last eighteen years, do feel

it my duty to acquaint you of a circumstance that hapen some two months, my having been in the vestrie of the Chapel, I heard a conversation of a woman by the name of Sarah Francis in regarde of the tent that the authority had prepare for the use of Small-pox; she stated that it was a most miserable place, she would not send a dog there, and that if she had eney one with Small-pox, she wold run the risk of the law, and keep them at home. Since that it has been only a day nor two ago that I had a conversation with her, respecting the tent, and the Medical Officer, she stated that it was a most miserable place, that it was expose to the sun at a most awful rate, it was hot, and at night still more so when the lamps had been lited with the kerosine oil, so bad was the place, no place for the smoke for the lamps to pass, that it was awful, so that eney time she cough she would preceive a black stuff from her stomach. During the time she was employ has a nurse at the tent her son was attacked with Small-pox and when the Medical Officer enquire of her, if she did not intend to bring him in the tent, she reply no Sir, I will keep him at home. In regard of the conduct of the Medical Officer, he never came in the tent, but stop at the door of the tent, and make enquire how the sick was, so that he never handle them, but order what ever he like for them, the place was so bad that she had ask for her discharge, but the fact is that she took it herself.

I remain your obt. humble servt.

(Signed) GEORGE. TRUEMAN.

Deare Sir,

I have on the same day seen Elis Brown, he state that he had three children with Small-pox, but he keep them at home and that the Medical Officer came to the house. But never came in the house. But made enquiry of the stat of the sick, and gave medicin. In regard of the tent he state that it was a most miserable place, he also state that being a poor man and that having lost the mother of the children not long he had to get a person to care the children, he apply to the Revd. Braine for aid at that time he granted him three shillings, he mad a secon appeal to him he then gave him four shillings making in all seven shillings; this poor man made a third appeal to the Rev., but he was sent away stating, that he was not rich, and that he had better go to the Custos. Brown never used the medicin gave him, I had seen it.

I remain your obt. humble servt.

(Signed) GEORGE. TRUEMAN.

(M.)

Maria Downer to Dr. Bowerbank.

Half-way Tree 20th August, 1871.

Sir,

I have to inform that I was called upon on Monday by Doctor Cargill, and asked me to come to the Station on Monday to tell Dr. Ross what I know concerning the people's that was under the tent whether they were starving or not. I told him that I could not come because I knew nothing of no one but my Brother. I took in sick with fever the 10th April, he came on Friday, and on Saturday Doctor Ross and Dr. Cargill came back and from that time they had never since return, whenever he goes to the tent he always enquire how I was. My brother tooked in on the 13th of the same month. I generally send something for him to eat as he always complaining that he cannot get anything to eat from the Hospital, he generally called and asked if they had anything for him to eat, a portion of whatever nourishment that was provided for me was given to him daily.

Your obedt.

MARIA DOWNER.

(N.)

Copy of Diet Scale for James Barclay:

Milk 1 Quart, see that it is properly scalded.

½ lb. Fresh Beef to make Soup.

1½d. Corn Starch.

1½d. of Sugar.

3d. of Bread.

This amounts to 1s. 3d.

3d. a day will be stopped to procure stimulants when ordered.

J. CARGILL, M.D.

28th March, 1872.

To have 1 Pint Porter daily, till further orders.

30th March. J. C.

(O.)

EXTRACT FROM SUPPLEMENT TO THE "JAMAICA GAZETTE" OF JUNE 27, 1872:

Col. Sec. Office, 21st June, 1872.

The Governor directs that the following Statement, as to the number of Cases of Small Pox that have occurred in Jamaica, since the month of September last, with the results of those Cases, be published for general information.

By command,

EDWD. E. RUSHWORTH, Col. Sec.

DR. ROSS TO MR. RUSHWORTH.

Office of Island Medical Establishment,

12th June, 1872.

COPY—No. 1128.

Sir,

I have the honor to transmit herewith, for the information of his Excellency the Governor, a statement shewing the Number of Cases of Small Pox, that have occurred in the Island since September last, to the 31st ultimo, and the results of such Cases, as far as is known to this Department.

I have, &c.

(Signed) D. P. Ross, Acting S. M. O.

A STATEMENT, shewing the Number of Cases of Small Pox which have occurred in the Island since September, 1871, to the 31st May, 1872, and the results of such Cases as known to the Department.

Parish.	Districts.	Total No.	Recovered.	Died.	Remaining.
Kingston		19	13	3	3
St. Andrew	Red Hills	42	32	10	..
	Western	5	..	..	5
	Halfway Tree	24	7	3	14
	Eastern	29	5	9	15
St. Catherine	Eastern, Ferry	2	2	..	..
	Dawkins' Caymanas (Coolies)	3	3	..	..
	Linstead, Above Rocks ..	39	24	7	8
	St. Faith's ..	11	3	8	..
	Smoky Hole ..	1	1	..	..
	Glengoffe ..	2	..	2	..
Portland		62	52	10	..
St. Ann		2 Doubtful	2	..	..
St. James		1	1	..	..
St. Thomas	Plantain Garden River ..	5	..	..	5
St. Mary	Bellfield	1	..	..	1
	Bagnolds	1	..	..	1
		249	145	52	52

(Signed) D. P. ROSS, M.D. Acting S. M. O.

(P.)

EXTRACT FROM SUPPLEMENT TO THE "JAMAICA GAZETTE" OF JULY 11, 1872:

Col. Sec. Office, 8th July, 1872.

The Governor directs the publication, for general information, of an amended Return of the Number and Results of Cases of Small-Pox that have occurred in the Island from September, 1871, to 31st May, 1872, the former Return having been incorrect in one particular.

By command,

EDWD. E. RUSHWORTH.

Colonial Secretary.

A STATEMENT, shewing the number of Cases of Small Pox which have occurred in the Island since September, 1871, to the 31st May, 1872, and the Results of such Cases as known to the Department.

Parish.	District.	Total No.	Recovered.	Died.	Remaining.
Kingston		19	13	3	3
St. Andrew	Red Hills, and Western ..	47	32	10	5
	Half-way Tree	31	18	13	..
	Eastern	1	1	..	..
St. Catherine	Eastern—Ferry	2	2	..	..
	Dawkins' Caymanas—(Coolies)	3	3	..	..
	Linstead—Above Rocks ..	39	24	7	8
	St. Faith's ..	11	3	8	..
	Smoky Hole ..	1	1	..	..
	Glengoffe ..	2	..	2	..
Portland		62	52	10	..
St. Ann		2 Doubtful	2	..	..
St. James		1	1	..	..
St. Thomas	Plantain Garden River ..	5	..	..	5
St. Mary	Bellfield	1	..	..	1
	Bagnolds	1	..	..	1
		228	152	53	23

(Signed) G. H. REES, for the Acting S. M. O.

(Q.)

R. A. Campbell to Dr. Bowerbank.

Sir,

I was ask from the bearer of Dr. Cargill, to atend an inquiry at Half-way Three. I refuse goin untill a proper inquiry held, and I will state what I see and now about his treatment to the Small-Pox people, likewise to myself, for I had the Small-Pox, and I never see a Doctor. My House-keeper make known to the Doctor, that I was sick with the Small-Pox, and he refuse coming to see me, and I also can prof that he never go to the tents to see those that was sick in them. I can also bring several proofs to it, and all those person who was taking to the tent died for the wants of a medical attention and partly from starvation, and sum was sent, yam and Herrings. I witness no more than once or twice, muton about one pound and a half, the same pork and one negro yam, about two pounds in watth, the pation William Bennett, was almost roting before he was ded, for his private person was eating in holes, and the nurses mention it to Dr. Cargill when passing, and he sed to the nurse what I am to do with it, and he drove away. I can take my Bible oath to all this.

I am, Sir,

Your truly and Obdt. Servt.

RICHARD ALEXANDER CAMPBELL.

(R.)

Inspector Nairne to Dr. Bowerbank.

18th April, 1872.

My Dear Sir,

Mrs Stoakely who is very ill with Small-Pox and severe sore throat, has requested me to write and beg you will kindly come to see her or prescribe. Dr. Cargill was called, but is unable to continue attending, saying that his patients in general have informed him that if he attends to Small-Pox patients, they will be obliged to call in another Doctor. Under these circumstances, I must again beg that you will prescribe for her throat.

I am, My Dear Sir,

Faithfully Yours,

A. NAIRNE.

DR. BOWERBANK.

(S.)

Mr. Trueman to Dr. Bowerbank.

September 9th, 1872.

Dear Sir,

I cannot omit this opportunity of acquaint you, since my previous communication, I have A day or two, I have done my best to arrive to the truth of the charge on the part of the medical Officer, and I am inform by Elizabeth Davis, that she had three children in her house at Gordon Pasture with Small-Pox and that the Medical officer he never enter the hous. But staye out side of the yard and made enquiry of the state of the sick. But never enter to look at them—gave medicine But she never use it—All Beter from Home treatment.

I Remain Your obt.
Humble servt.

GEORGE TRUEMAN.

John Hutsin state that one day he was present at Gordon Pasture when the Medical officer came to the Hous of Elis Brown and that he stop under a tree in the yard some Distance from the House and Enquire how the sick was—this the Common Report of all Persons that I have seen.

I remain your obt.

Humble Servt.

GEORGE TRUEMAN.

(T.)

Mr. Trueman to Dr. Bowerbank

26th October, 1872.

Deare Sir,

Since writing to you another circumstance have come to my knowledge on the 6 of October. In Reference to the conduct of Doctor Cargill During the Prevalence of Small-Pox. But Business Prevented me writing you in Reference to that Circumstance my having a conversation with Fedlar Martin on the conduct of the Medical officers During Small-Pox she stated to me that one day she went to the House of Elizabeth Davis there being three persons in that house with Small Pox she went to render her aid to the Pore suffering Persons when Doctor Cargill came In the yard and tole her that she must quit or he send for A Constable to turn her away. She Reply you can do so Doctor, not Because you will

... go into see the sick that the sick must sufer for aid—Doctor left. Elizabeth Davis and Fedlar Martin lives on land of Gordon Pasture And is attach to my Church.

I Remain Your obt.
Humble servt.

GEORGE TRUEMAN.

(U.)

Extract from the "Semi Weekly Gleaner" of 15th June 1872.

We regret to learn that Small-Pox continues prevalent in the parish of St. Andrew and we have to repeat that notwithstanding the caution we gave some weeks ago, the people are dying of neglect. The Hospital that was provided by the Government at considerable expense is still unopened, while the disease is spreading in every direction without any attempt being made to isolate it. In Temple Hall district it is very bad indeed, a number of deaths having resulted within the last few weeks.

There were several parts of Dr. Bowerbank's evidence which the Inspectors refused to receive as such, on the ground that statements made by third persons not on oath, were not receivable. The Presiding Inspector however, remarked that Dr. Bowerbank would be permitted to read such parts as were considered objectionable, but that the Court would not consider it as evidence but merely as the opening address of Counsel.

Dr. Bowerbank said he considered that in proceedings of this kind the Court should be guided in the same manner as proceedings before Parliamentiary Committees. He had had a good deal to do with enquiries of this kind and such was always the method adopted—such as the Hospital Commissions, Penitentiary etc.

The Presiding Inspector said all information received, not on oath, was not evidence, and the Court could not admit anything that was in violation of this rule.

When referring to the Diet Scale Dr. Bowerbank was interrupted by Dr. Cargill, who said he never wrote it.

Dr. Bowerbank replied that it was in Dr. Cargill's hand-writing.

Dr. Cargill, after examining the paper, admitted that it was, but added that it was not the general diet scale.

Dr Bowerbank was about to refer to a statement of Mr. Braine, when, Dr. Cargill asked the Court whether that was not likely to prejudice his case?

The Presiding Inspector said the passage would be subject to the same objection. Dr. Bowerbank might read it as part of the opening address of Counsel.

Dr. Cargill asked if it were not evidence should Dr. Bowerbank be allowed to read it at all? Might it not prejudice his case?

The Presiding Inspector said not with the Court. The Court would in no way regard it.

Dr. Cargill said the statement might prejudice the public.

Dr. Bowerbank assured the Court that the statement was made before the Diocesan Council.

Dr. Ross said the whole of the evidence were mere matters of opinion. Dr. Bowerbank thought certain things should have been done; others thought differently. How then could they disprove " opinions."

Dr. Cargill said if the Court permitted Dr. Bowerbank to read that, then he begged to be allowed to say that Mr. Braine said in his Drawing Room that he never made such a statement.

Dr. Bowerbank said that was exactly the reason why he wished the Court to allow him to prove that Mr. Braine did make that statement and in the presence of the whole Diocesan Council.

Dr. Bowerbank having concluded the reading of his evidence, the same was handed to the Secretary as part of the records of the Court.

The Presiding Inspector intimated to Dr. Ross, that, if he wished now was his time to ask Dr. Bowerbank any questions he liked as to matters arising out of his evidence.

Dr. Ross—Dr. Bowerbank, are you not aware that the Government Medical Service is not as yet as complete as it should be?

Dr Bowerbank—I have stated so.

Dr Ross—That it is in its infancy? Now the first case of Small Pox that appeared in Kingston, you say

was that of a man who came from on board ship. Was it not in the island before?—No.

The first case was in a house in Tower Street?—Yes and Dr. Steventon told me that it appeared within fourteen or fifteen days after the man had landed.

Did Dr. Steventon not ask your advice and opinion in matters of quarantine, in regard to that Cuban?—He did, and contrary to his own opinion but in accordance with mine, he had all the children vaccinated.

What else did you advise?—I was communicated with as to whether I thought it would be right to remove the man and——

The Presiding Inspector—What has the treatment of that case to do with this enquiry, Dr. Ross?

Dr. Ross—I want to shew, Sir, that the action I took as to the cases here was not without precedent and that it was in conformity with the advice and opinion of Dr. Bowerbank in the Tower Street case. In that case Dr. Steventon consulted Dr. Bowerbank———

Dr. Bowerbank—I didn't say he consulted me.

Dr. Ross—What were the quarantine restrictions in the case of the Cuban?—As far as I understood Dr. Steventon, he asked me whether or not I thought he should have the man removed; I advised him not to, but I said vaccinate every one of the children, by force if necessary.

The house was isolated, was it not?—It was; at a late period it was put under a Constable.

A Constable guarded the whole place, did he not, to prevent communication?—Yes, but too late.

Food and other necessaries were deposited at the gate, were they not?—I believe so.

Was that not found to be illegal?—Decidedly, but quite justifiable I maintain, being the first case in the island.

I should feel obliged Dr. Bowerbank, if you would explain what the holding of "wakes" has to do with the Government Medical Department?—I maintain that the Government Medical Department while assuming the isolation of Small-Pox patients at the same time permitted wakes to be held over persons dying of the disease, within their knowledge.

The Presiding Inspector—Dr. Bowerbank, what I understand Dr. Ross to mean is this: how could they stop it?

Dr. Bowerbank.—By representation to the Government.

Dr. Ross.—Are you aware whether or not the Medical Department was aware that wakes were held over persons dying of the disease?—As guardians of the public health it was their duty to be.

You are not aware that it was not till but lately, I heard of it? Is there any law to prevent it?—Pon my word I don't know. Excuse me, but if the head of a Department is not aware of the Laws of his country, he is not fit to be at the head of that department.

You said you mentioned to me that you had heard that Dr. Cargill did not publicly attend and examine his Small-Pox patients. When was that, and what was my answer?—I will tell you exactly. We were talking about the Medical Bill then before the Council; about some of the profession charging too high fees, and I said, "Ross there is a member of the profession, I feel most indignant about in consequence of what I have heard; and it is to this effect, that some of the Government Medical Officers are not attending their Small-Pox patients properly." You nodded and said, "I know you mean Cargill." I said "Yes; I cannot speak to Cargill, but you had better do so." You then said, "I hope he doesn't put that on the head of the instructions I have given him" and I replied, "well Ross as head of the department, for God sake enquire into it," and you said you would see Cargill.

Was that when you spoke of Stoakley's case?—Stoakley's case was spoken of afterwards.

You have told us Dr. Bowerbank of having heard of all these irregularities and abuses—may I ask, why as a professional brother, you did not tell me of them. You must have had some reason for not doing so?—I certainly did tell you.

When, Dr. Bowerbank?—I cant fix the date; certainly five or six days before.

You offered me no advice?—I did, when as head of the department I wrote you.

The matter of hiding cases: did I ever mention to you that I had found cases of Small-Pox hidden by the people, and when did I?—Well, let me refresh my memory. I cant recollect the date but I think it was on your return from Guy's Hill. You told me they had

stated that there were no Small-Pox cases there but that on going into a house next to the School you saw a person sick and that you said "halloo what's that," and on going up found it to be a case of Small-Pox. I said "good gracious my dear fellow, I have seen that often enough." It was on a Sunday morning.

You are not aware that the Government ordered the use of tents in the Lowland Districts?—I think it was you who told me that such was the case in the Padmore district; but if any one told me to put a lot of Small-Pox cases under a tent I would tell him, "do it yourself; I won't."

How do you consider 1s 6d. per day excessive when you remember that the contractor was to get things from Kingston?—Monstrous; particularly when the things are charged by price and not by quantity. That 1s. 6d. per diem seem to be the regular standard charge payable for food by the Government and I have always objected to it; that's the amount allowed the lunatics.

What do you think should have been the sum?—Half.

If we had made it less would we not have laid ourselves open to the charge of being niggardly with the patients; now that we have made it what we thought was right, we are blamed. It is hard to please every one. Do you not think some allowance ought to be made—that there should be some difference when dealing with Small-Pox patients under tents and lunatics at the Asylum?—Decidedly; but when you are 3 miles from Kingston where you can send for things, and with those patients under the tents for three weeks, I decidedly think the arrangements should have been different.

Is a medical man a non-conductor of contagion, Dr. Bowerbank?—He may be, I believe, the means of conveying it, but I believe myself that a medical man may examine a Small Pox patient most minutely without running the slightest risk if he only but throw open the windows and wash his hands after.

No risk to the next patient he visits?—Very rarely. It has been observed by some of the most able writers on Small-Pox, that a medical man, if prudent, if he does what other people don't generally do, that is, to allow the windows to be open and to wash his hands after, he need not fear.

Do you think that the right course to adopt where the object is to secure perfect isolation?—I repeat, Sir, from my experience of thirty years, backed by that of every one in England, that it is a very rare thing indeed for a medical man paying a visit to carry the disease with him.

The Presiding Inspector.—That's not the question. You are asked Dr. Bowerbank, do you think it would be a right course to adopt when the object is to secure perfect isolation?

Dr. Bowerbank.—The precaution is, to wash your hands and see that the place is ventilated.

Dr. Ross.—But the disease might spread?—It might very remotely, but I would not hesitate for one moment to examine a patient closely, with Small-Pox. I certainly would not let a patient die from neglect.

That's not an answer, Dr. Bowerbank. Might that not cause a spread of the disease?—There is a possibility but I believe it to be highly improbable.

Then it is not wrong to use a precaution?—Every precaution, but not to treat the sick by enquiring at the door how he is.

The Presiding Inspector.—What I really want to know Dr. Bowerbank is this: Can a Small-Pox patient be properly treated without being handled; say without having his pulse felt?

Dr. Bowerbank.—I don't think he could; certainly not in anything like a severe case.

Dr. Ross.—Dr. Bowerbank, your chief informant in this matter is our contractor, Byndloss?

Dr. Bowerbank.—I don't know what you mean by "chief informant."

One of your principal witnesses, then?—Yes.

You never advised him to represent things to me?—How could I when the tents were down. On the 17th of May, I wrote you.

He never told you he had told me different stories?—No; but that they chaffed him in your office about "his friend Bowerbank." Dr. Ross, the man is here, and will give evidence. If the Court finds him speaking falsely they have power to deal with him, and I hope they will; but I tell you, I have heard what he had to say, and sifted what he has told me by the light of other evidence, and I see nothing to disbelieve.

Dr. Ross (to the Court.)—I have finished with Dr. Bowerbank.

The Presiding Inspector.—Now, Dr. Cargill.

Dr. Cargill.—If I cross-examine Dr. Bowerbank it would be a perfect waste of time, I think.

The Presiding Inspector.—As you think proper Dr. Cargill. I merely tell you if you wish to ask Dr. Bowerbank any questions, this is your opportunity.

Dr. Cargill (to Dr. Bowerbank.)—Have you attended cases of hœmorrhagic Small-Pox, and what was the mortality?—Never five out of nine yet.

Is it not a fact that patients suffering from hœmorrhagic Small-Pox always die?—How did all the cases become hœmorrhagic?

I will tell you when I am sworn. You have not answered my question?—What do you call hœmorrhagic. The worst form of Small-Pox I ever saw was the corymbose and then the mortality was not so high.

That in which the patient bleeds. We had three cases under the tents—hœmorrahagic and confluent; and in that class there is an awful mortality. Suppose the patient has it with Syphilis, Dr. Bowerbank?—Even then I think the mortality high.

But I am going to shew that there were special causes for that death-rate. I want you to tell me, whether death is not most frequent—in fact almost certain, in cases of hœmorrhagic and confluent Small-Pox, especially where the patient suffers from Syphilis?—It would be an awkward complication, but I never before heard of a mortality of five out of nine.

Suppose it appeared in a pregnant woman—would she not be likely to die? I had two who died in childbirth. Suppose you had cases of confluent hœmorrahagic Small-Pox with scrofulous ulcers, would they not die as a rule?—It would be awkward, but what I can't understand is, why those unfortunate people who went into the tents all died.

You spoke of the case of Emma Powell. In the first place she was examined by me for Pneumonia. You say I told you I had objected to bell-tents, Dr. Bowerbank, when did I tell you that?—You told me on four occasions that you had told Dr. Ross you did not like them. The first was on the 18th of April; next, when you called at my house on the 22nd and 24th of the same month.

As regards the fourth occasion I cannot recollect the date but on that occasion, you mentioned to me that there was a Small-Pox case at Woodford and I said "decidedly, Dr. Cargill my experience is that bell-tents are mischievous—bad."

You did, but I did not tell you I had objected to them, to Dr. Ross?—I will put up 4 or 5 witnessess to prove it.

Yes, that I said that after my experience of them here. Did I not tell you I had nothing to do with the site?—You told me you objected to the site to Dr. Ross.

Will you state the name of the Constable who lived near the tents in the Quarantine Ground?—Wollaston.

Did Byndloss ever tell you how badly I treated the people?—I am glad you have put that question. A gentleman, Mr. Bicknell, told me a wake had been held on one Armstrong who had died of Small-Pox, and that he knew this through Mr. Cooke, whom Byndloss had told and written to on the matter. On the 7th or 8th of June, Mr. Bicknell told Byndloss to see me and he called. I said to him "did you write this letter" and he said "yes." I examined him on that letter, which I had. I said "now tell me, was everything properly conducted at the tents" and he said, "I don't wish anything to do with it." I said "please yourself; you have given me very satisfactory replies; and you will at the proper time have to tell all you know." He replied "I don't want to say anything to implicate Dr, Cargill" and went away. After a while he came running back and said "I wish you to understand I will tell all because the people were badly treated but I don't want to implicate Dr. Cargill. I will send Marshall the nurse, to you."

Did Marshall tell you he met Byndloss and that he told him, "Marshall, you are going to Dr. Bowerbank's; if you say anything against Dr. Cargill you will perjure yourself?"—No.

Did Brown come to you?—Yes, I sent for him.

Did he tell you the same thing?—No, he never said anything of the kind.

Did Byndloss say anything against me?—Everything in your favour; even after you called him an infernal or mischievous rascal.

Did you tell him that?—Yes.

So Dr. Bowerbank you thought proper to repeat what I said in your Drawing Room?—Well that's most amusing; it is really amusing in you to say that. On the 22nd of May, you called at my house ostensibly for the purpose of speaking to me about a patient of yours I had seen for you, and you went into my Drawing Room; and after a talk, you referred to this matter. You said "What is all this about wakes, that I have been hearing; what have I to do with wakes. I know wakes took place. I I have written about wakes to the Government months before." I replied, "what I have heard is not confined to wakes; it concerns many irregularities and abuses that are really astonishing." You asked "who told you—that fellow Byndloss I suppose, he is a mischievous rascal." I said "Byndloss is your best friend; he would not tell against you." You said you would get a written paper signed by the nurses stating that all was false; and that you did enter the tents to see the sick, and I told you to do so. I saw Byndloss next day and he told me "Dr. Cargill came to me and asked me to stand by him and say he had entered the tents." I said "good gracious me, Dr. Cargill asked you to do that; why it was only yesterday he called you "a mischievous rascal." That's the whole thing Sir; and what you amusingly call repeating a conversation which passed in my Drawing Room. Is my Drawing Room to be made a place for abusing people one day to whom the next you speak in different terms, or is a person to go into my Drawing Room and there say what he will not repeat in any other room or place?

Dr. Cargill—I don't accuse you, Dr. Bowerbank of not having told the truth but of misunderstanding me.

Dr. Bowerbank—Anything you like Sir.

Dr Cargill—Do you believe that a Small Pox patient visited regularly should be touched; and that he dies because he is not touched?—Yes; if the medical man doesn't go near the patient he cannot attend that patient as he ought to.

Dr. Cargill (to the Court)—That's all I shall ask Dr. Bowerbank. His paper is a very interesting one, and if his statements could be supported by facts and not by what other people told him there might be necessity for me to put more questions to him.

The Presiding Inspector.—Very well, Dr. Cargill. Now, Mr. Nairne, do you wish to ask Dr. Bowerbank anything?

Inspector Nairne.—I acted on the written authority of my superior officer, Sir.

The Presiding Inspector.—Then you can put in the documents at the proper time.

A conversation here followed as to the day of adjournment, the Presiding Inspector stating that the week following he would have to go on Circuit in St. Thomas in the East. The list of witnesses handed in by Dr. Bowerbank contained 105 names.

Dr. Bowerbank said, he might have made it 150.

Dr. Ross said, he thought he would only call 3.

The Court then rose, to sit again at eleven o'clock on Friday.

FRIDAY, 1st NOVEMBER.

The Court met at 11 a. m. and Dr, Cargill requested and obtained permission to put some further questions by way of cross examination, to Dr. Bowerbank.

Dr. Cargill—Is not confluent Small-Pox a very fatal disease, and what is the rate of mortality?

Dr. Bowerbank—Certainly; and the highest death rate is 50 per cent.

Do you consider the corymbose form more fatal than the confluent?—Most decidedly it is.

Is not malignant Small-Pox, that is to say, the confluent form with Hœmorrhage, more fatal than the corymbose form; in fact a most deadly disease?—A confluent case of Small-Pox may assume a most malignant form by bad treatment.

Is it malignant by bad treatment—It may be so, and be fatal?—Yes.

More so than the corymbose?—Hardly any cases of corymbose get well but in my experience many hœmorrhagic do—that's my reading and personal experience.

Given nine cases of Small-Pox with three of the malignant type, and two confluent, would five deaths be an extraordinary occurrence?—The mortality of five out of nine in one spot, is the largest I know of.

That's not an answer?—I suppose I am to speak of

the nine cases under the tents. I certainly think it a most singular thing that five cases out of nine congregated together, should die.

Is it not a fact known to Medical men and others, that all epidemics are characterised by a large mortality at the commencement ?—It is a usual fact, but not invariably so, but it is only lately that Small-Pox assumed a malignant form here that I know of. All these are school-boy questions Dr. Cargill.

The Presiding Inspector.—Well, I really must beg the learned gentleman's pardon, but I am a school boy in Medicine myself, therefore, the questions are very useful to me (*laughter.*)

In taking statistics of Small-Pox, would it be fair to take the first nine cases and form an estimate ?—I never took the first nine cases. I take the Government Returns of 31 cases.

Answer the question Dr. Bowerbank ?—Certainly not; but they were not the first nine cases in your practise.

Dr. Cargill ?—They were. Is there any recognised specific treatment for Small-Pox, in the same way as Iodide of Potassium for Rheumatism and so on ?—There is not.

In your own individual experience, have you ever had malignant cases of Small-Pox to treat, and if so what was the mortality ?—I have stated the mortality in my own cases, in my evidence in chief, and that was I believe the very average one of about 16 in a 100, taking all the cases or forms of the disease together.

Doctors differ sometimes, don't they ?—They do and sometimes altogether too.

Dr. Cargill said that he had no more questions.

Dr. Bowerbank asked the Court to re-consider its expressed opinion as to the exclusion of quotations in his evidence in chief, from the Report of the Local Board of Health, because it was his intention at the proper time to call for the production before the Court of that Report. He repeated that he protested against the ruling of the Court on those points on the ground that at the Hospital Enquiry, and the Grand Commission, evidence excluded by this Court, was received. This Court he submitted was in the same position as a Parliamentary Com-

mittee and as such ought not to be guided by the strict rules of evidence. Dr. Cargill had said that he had reason to believe that by the last packet Mr. Braine had written out denying the statments attributed to him by him, Dr. Bowerbank, which were he was prepared to show, made in the presence of the Diocesan Council. The pamphlet referred to in this matter only got home a few days ago, so that he should like to know how Mr Braine could have written out in the manner Dr. Cargill had stated he had, in contradiction of what was put forward in that pamphlet as coming from him.

Dr. Cargill said he never stated that.

Dr. Bowerbank asked for a reference to the Minutes in support of what he had said. Then there was another question, he wished to put: was there any Secretary to this Court?

The Presiding Inspector—Yes; Mr. Rees.

Dr. Bowerbank said the millenium had not yet arrived when the Lion and the Lamb would lie down together. (*laughter*). What he wished to call attention to was that remarks were being made outside about the appointment to the post of Secretary to this Court appointed by the Board of Health, of a gentleman who was a Clerk in the Medical Department, and at one time Acting Secretary of the Board of Health. Personally, he had no objection to Mr. Rees, but he thought it his duty to tell the Court that people were speaking of it about town.

The Presiding Inspector said, really if they were to take notice of what occurred outside and what was said by the Newspapers, they would have much to do. Every effort had been made to secure the services of a Secretary totally unconnected with either the Board of Health or the Department; but those efforts were unsuccessful.

Dr. Ross mentioned that he had received one application, but as he did not think the person competent, he rejected him.

The Presiding Inspector, in continuation, said several very competent gentlemen, such as Mr. Dayes, had been asked to act but refused; and then it was that Mr. Rees was named.

Dr. Bowerbank said, perhaps Dr. Cargill would answer one or two questions he wished to put to him. The first was, the name of the person suffering from Small-

Pox, from whom he had said he had removed the retained placenta——

Dr. Cargill.—Cecilia Henry.

Dr. Bowerbank.—Would you give me the date?

Dr. Cargill.—Either the 15th or 16th of May, at Kitty Wade's Savanna.

Dr. Bowerbank.—My next question is, who was the patient in the tents with Small-Pox, suffering from Syphilis?

Dr. Cargill.—William Bennett.

A conversation here followed, between the Presiding Inspector, Dr. Cruice, and Dr. Bowerbank, which did not reach the other end of the table, as to the rate of mortality mentioned in Dr. Bowerbank's evidence; and the 1s 6d. per day allowed for the patients, Dr. Cruice calling Dr. Bowerbank's attention to the published statistics of the recent outbreak of Small-Pox in certain English Returns on which Dr. Bowerbank alluded to the very recent one of Trinidad—which he showed to be about 20 per cent.

The Court then requested Dr. Bowerbank to call his first witness.

James McKenzie (sworn by the Clerk of Petty Sessions, Mr Cooke, and examined by Dr. Bowerbank)—A wake was held on William Bennett on the "nine day." He died in the tents of Small-Pox. The "nine day" wake was held at a place called Caya Ground, about a mile from the tents. I heard there was a wake over Armstrong. It is usual when persons of my colour die for them to hold a wake when they die in houses. I live in Townshend town and recollect when James Barclay was there sick but can't say the time. He was the first person put in the tents and I heard he had Small-Pox. When the tents were put up, Constables were put on duty on the road to prevent persons from going into them. The Constables were on duty in front of the gate leading to the tent yard. I heard Mr Byndloss say that the Doctor was about to put the people at Townshend town in quarantine and I said if I am to be put in prison I must be paid for it. People went into the quarantine ground—into the tents. I went there myself to see Bennett. The Constables were on the road to prevent people from going through the main gate but I went through the side way. I myself wrote this letter, dated 20th August, to you. Mr

Robinson and Maria Downer went into the quarantine ground. The state of the tents was fearful. I saw them. There was no place for air to pass in. There were three tents. When I went to see Bennett he told me his penis was very bad. I saw it tied up. In fact it was in a state of mortification. I asked the nurse why she did not shew him to the Doctor (Cargill); she said she had often done so but that the doctor would not look at him. Nurse Francis said that—

The Presiding Inspector—I think we had better get that from herself.

Dr. Bowerbank—But suppose she were to deny it, who is to contradict her?

The Presiding Inspector—Then you may recall this witness.

Dr. Bowerbank—Your honors, I don't think this a Court of Law, nor I am a lawyer.

The Presiding Inspector—The Act especially says so.

Dr. Bowerbank—I think the same course ought to be pursued here as on the Hospital Enquiry and the Imperial Commission.

The Presiding Inspector—You see Dr. Bowerbank, this is giving evidence of a statement said to have been made by the Doctor to an individual and repeated by that individual behind the Doctor's back.

Dr. Bowerbank—Very well, your honor.

Examination of witness, by Dr. Bowerbank, resumed —Her name is Amelia Francis and she was one of the nurses. I read for Bennett on the 27th of April. After I had been praying for him I heard a great bawling in the tents and I went in through the gap, side of my yard. I saw Bennett and the nurse—they were all crying. I went under the tent and Bennett said to me: "James shake my hand; I am going to die; tell my mother good bye for me. She wont see me any more." For a while Dr. Cargill came in the yard and stood before the tent door. He asked the nurse how Bennett was getting on. At that time the nurse was weeping, and she said "Doctor, Bennett is on dying." The Doctor peeped in and looked at Bennett. He said "poor fellow." The Doctor did not go into the tent to see Bennett. If he had I must have seen him. He went away saying "poor fellow."

I lived in the next yard and could see the tents, and the Doctor paying his visits. I have seen the Doctor go in the yard. The Constables did not know I went in till one day Byndloss told McVicar, that I had gone into the tents. One of the nurses advised me to come out as Byndloss had gone for a Constable. When I came out the Constable, McVicar, called to me and said he wanted to speak to me, I said "I want to have nothing to say to you. I hear you want to take me up." He said "I was told by Mr. Byndloss that you gone under the tents."

The Presiding Inspector.—Dr. Bowerbank, we can't take that ; it is not evidence.

Dr. Bowerbank.—That's most important evidence your honor.

Dr. Ross.—(*To the witness.*)—He should have had you punished, that's all.

Examination by Dr. Bowerbank, resumed.—I told him Mr. Byndloss did not see me at all. I was present when Bennett was sent to the tents. Dr. Ross and Dr. Cargill came to Maria Downer's house; they walked through the gate. Bennett was in his own house there with the Small-Pox just coming out. Maria Downer had Small-Pox in the same yard, and after they left her they went to Bennett. They went to the front of Bennett's door and Dr. Ross said "where is the man that has the Small-pox; bring him out to me." Bennett came out; in coming out Dr. Ross said "stand where you are;" he would not allow Bennett to come near him. He said "you must go under the tents; because if you don't you will be infecting people about here. If you won't when you are better I will have you punished." Bennett replied "I have heard the tents are too hot and I can't go under them from what I have been told." Dr Ross went away.

Dr Ross— What datewas that?

The Witness (in reply)—Somewhere about the month of April. (To Dr. Bowerbank). Bennett's mother, Maria Jarvis, lived in Black River; she came up to see him and I saw her going through the gap. She got Smallpox and went to the country with it. Townshend town is the name of the place next to the tents and where the gaps were. Mr Byndloss took the number of persons living in

Townshend town—about 30 or 32. After the tents were put up, Bennett, Wiseman and Roden went under them. Maria Downer was the first person who took with the Small-pox there, and Bennett the first who went under the tents; then Roden; Wiseman; a little boy named James Bennett; Sarah Francis, William Bennett's concubine. Don't recollect any more. On one occasion I heard the nurse Sue Clarke, call out to Maria Downer, "Frederick (meaning Wiseman) is hungry; he wants something to eat." Maria Downer is Frederick Wiseman's sister. Maria said to Francis that she would send something for him. On another occasion I heard Sarah Francis, one of the patients who afterwards became a nurse—

Dr. Bowerbank—Your honors that's one of the chief abuses. Sarah Francis went in as a patient and when convalescent was engaged as nurse.

Examination of witness by Dr. Bowerbank, resumed —I heard her one evening making a great noise in the tents that she was starving. She said "I don't care if the Constable take me up I am going out of doors for I am hungry;" and she did go out. She went through the main road where the Constable kept guard. After a while she came in again. The Constable was not near bye. Some time after Dr. Cargill came in and one of the nurses said to Sarah Francis "when you see the Doctor here why don't you speak to him; tell him what you want." Francis spoke to the Doctor for Bennett and herself, and the Doctor said he would give them something. He ordered something for her. Patients from Townshend Town were usually taken to the tents through the gap by Mr. Byndloss—that was the shortest way. Bennett, Wiseman, and Roden were taken through the gap. As there was no other place to bathe the patients they were generally bathed in front of the tents. I have seen them being bathed naked, there, by the nurses. The last patient who was in the tents was William Hall. I heard his voice calling to the nurse as loud as I am now speaking, "Mama Sue Oh!" He died ½ an hour after or thereabouts. It was on a Sunday and Dr. Cargill some time after service, about 1½ o'clock, came to the tent yard, and the nurse told him Hall was dead. The Doctor said to Marshall, one of the nurses, "not to allow any more persons to come into the tents; if they have Small-Pox they

must remain at home for the tents was not a fit place for them; it was too hot." The patients had chamber pots. The bed on which Barclay died was burnt; can't say for the others. I saw a bed and pillow lying in the yard since the tents were taken down. Sarah Francis complained of the food. She showed me a piece of herring and piece of yam that was given to her. The herring was dry without any oil on it.

Dr. Bowerbank—Not very fit food I should say for patients with confluent and hœmorrhagic Small-Pox.

Examination resumed.—A Detective lived in Townshend Town when the tents were in the yard. The contents of the chambers used by the patients were emptied in a ditch about a foot or eight inches deep, at back of the tents. Dirty water, and that with which the patients were washed, was also thrown there. I didn't see the water thrown. The distance of the ditch from the tents was about the distance of where I now stand to the opposite side (*about* 12 *yards.*)

Cross-examined by Dr. Ross—I don't know of my own knowledge that there was a wake over the Armstrongs. I heard James Barclay had Small-pox but did not see him but saw his corpse go out at night. I don't know whether there was any quarantine at all. There were lots of gaps and yourself passed through one. I saw you walk through the gap and leave the main gate. I myself passed through the gap; Robinson and I.

Dr. Ross—Do you remember swearing on the 24th September before Mr. Cooke, that (*reading from a paper*) the Constables were too sharp to allow persons to go into the tents or any one coming out of them?

Witness?—I never said that.

Dr Bowerbank—I object to Dr Ross putting such questions, on this ground, your honors have shut out what Mr. Braine said in the presence of many persons; therefore Dr Ross cannot give evidence of what this witness said somewhere else, without producing that evidence in its entirety.

The Presiding Inspector.—It is quite competent Dr. Bowerbank, for Dr. Ross to ask the witness whether he did not give contrary evidence touching the same matter, on another inquiry. What Dr Ross asks is whether this

witness on a former occasion did or did not say certain things contrary to what he says now.

Dr. Bowerbank.—Your honors this is just what I expected and what I was sure would occur through the delay. I called on the Central Board and your honor (*addressing Mr. Drake*) for an early enquiry. I pointed out that further delay would be dangerous; and here is the result. This enquiry should have taken place four months ago; this is one of the things I have complained of. I have no hesitation in saying that during all this time the witnesses have been worried, pulled about, and tortured. They have been pulled about to give evidence on departmental enquiries, and because this man said then that the Constables were too sharp to allow people to go into the tents through the front, it is sought to be made out that he is committing perjury. I have no hesitation in saying that this man is as honest a man as ever I knew. I have seen him but twice before in my life and was quite convinced that he spoke the truth,

The Presiding Inspector.—Dr. Bowerbank, according to the rules of evidence which prevail even in cases of life and death, it is competent to ask a witness did you swear to another statement before.

Dr. Ross (to the witness)—Did you not say that you went into the tents with Robinson?

Witness.—I did.

Dr Ross.—Then how is it you swore before Mr. Cooke, "I never saw any person going into the tents or coming out?"

Witness.—I said I went in there myself, I did not mean the back; I meant through the front.

Dr. Bowerbank.—Now your honors this is too bad. The Constabulary department have instituted an enquiry to clear themselves. I protested to the Central Board against the delay, and this is the effect. The Constables were put in front, on the road, and could not see what was going on in back and at the sides. On that enquiry they did not go into what happened at back but the conduct of the Constabulary in front.

The Presiding Inspector.—Dr. Ross you must take the man's answer as he gives it. He says he spoke of the front.

Witness.—That enquiry was in regard to the conduct of the Constabulary.

Dr. Ross.—You have told us that the tents were too hot. Now Sir, what knowledge have you as to the ventilation of a tent?

Witness.—I have acquired as much knowledge as you. I mean there was not enough air.

Dr. Ross.—You told us the man's penis was in a state of mortification. What do you know about "penis?" What do you mean by "penis?"

Witness.—His private parts.

Dr. Ross.—You say it was in a state of mortification. What do you call mortification?

Witness.—Going to decay. It was rotting away, I could stay in my yard and see Dr. Cargill going into the tent yard. I saw every visit he paid. I saw him every day. I was not taken up when Byndloss reported me. You yourself made the gap a thoroughfare by passing through it. I saw you at Maria Downer's, but did not know what was in your mind. You told Bennett "where is the man with the Small-Pox, let him come to me." He was coming out to you, and you stopped him inside the house. You would not allow him to come near you. You persuaded him to go into the tents. You said if he did not go he would be punished. The gaps were never repaired by Byndloss. He threw some brambles over one. There were two gaps and over one he put some brambles. The first tent was in the yard of a man called Berry—the same yard where Barclay was; a big yard.

Dr. Bowerbank in explanation mentioned that coming from Kingston up the road, and at the corner leading to the Court House, on the right hand, was the ground where the tents were. In front and nearest the corner was Berry's house where Barclay had the Small-pox. At back of Berry's house the first tent was erected; a little further to the left, the others, and further on was Townshend town separated from the tents by an old enbankment of a penguin fence which had two gaps opening into the tent yard.

Cross-examination of witness, resumed.—Berry's house where Barclay took sick and the place where the first tent was put up for Barclay, were both in the same

yard; and that was the quarantine ground. Byndloss was the food contractor. I never talked to him at all as to his not having sent enough food; in fact he had done me enough—he nearly put me in the work-house once, therefore I had nothing to say to him. I did not mention to Dr. Cargill that the people did not get enough to eat; but the nurse told him. I did not tell you either; but I went to Dr. Bowerbank in Kingston ———

Dr. Bowerbank—I sent for him.

Cross-examination by Dr. Ross, resumed—I can't say whether or not you gave orders to starve the people; how could I tell what was in your mind? I have seen myself Byndloss carry people into the tents through the gap; can't say by whose orders. People are not generally bathed with their clothes on (*laughter*).

The Presiding Inspector—But they wouldn't bathe outside their houses, Dr. Ross.

Cross-examination by Dr. Ross, resumed—The bedstead and pillow I saw outside were belonging to the tents —to the Government. I say they were because I saw them where the tents were. I don't know who sent Sarah Francis the dry herring.

Cross-examined by Dr. Cargill—Dr Bowerbank sent for you?

Dr. Bowerbank—I sent my butler for him, Sir, in broad day-light, on horseback.

Cross-examination by Dr. Cargill, resumed—I wrote that letter because Dr. Bowerbank asked me to do so. He said I must put my statement in writing. I went to him twice. I don't remember whether in making my statement to him I made it voluntarily or he asked me questions.

Dr. Bowerbank—He did both Dr. Cargill.

Dr. Cargill (*to the witness*)—For instance, did he ask you, did you ever see Dr. Cargill go under the tents?

Dr. Bowerbank—McKenzie tell exactly what occurred.

Witness (*to Dr. Cargill*) I know I told Dr. Bowerbank that I never saw you go under the tents. Some questions were asked me. Can't say exactly if he wrote down the answers, but I saw him writing. Sarah Francis and I went together and we were both in the same

room at the same time. Maria Downer went with us. I was your coachman some months ago. You were a very good gentleman. It is painful for me to give evidence against you, but it is the truth. I never heard your patients say you neglected them; you were a very good gentleman; you treated me well but you know this is a public matter. I never got paid for going to Dr. Bowerbank. I know Kitty Wade's Savanna; and the Armstrongs and Cecilia Henry. Heard she had Small-Pox and that you attended her. Know Maria Lewis, she lived with a French boy. Saw you every time you went into the tent yard. Recollect when you discharged Marshall, the nurse; it was on a Sunday evening. It is not likely you went under the tents without my knowing it.

Re-examined by Dr. Bowerbank—I knew William Bennett very well; to my knowledge he showed me, three days before he went into the tents, his privates being swollen. I thought it was the Small Pox and advised him to bathe it with ochra water. The Small-Pox was then just coming out. I was Dr. Cargill's coachman for three or four days, but before the Small-Pox time.

To Dr. Cargill—When I was your coachman I didn't ask you to employ me if your other man didn't come back. I knew Hall; he came from near Mr. Lewis's pen. I think it was Bell whom they said had a maggot in his nose.

Thomas Harrison, Government Surveyor (in reply to questions by Dr. Bowerbank)—I never was called upon to survey the land attached to Townshend Town; but I have seen the place since the tents were down. It was in a great state of jungle—with rubbish, broken bottles and pig's dung. Its offensiveness did not prevent me from going in, but I did not go in. It was only to-day I went there and I heard the tents were put up there. I went there because I heard the land tax had not been paid. The whole place is a mass of rubbish.

To Dr. Ross—I have not the remotest idea of its condition when the tents were there. I went there recently.

To Dr. Bowerbank—I don't think it possible the bush could have grown there since—it is about 3 or 4 years growth.

To Dr. Ross—If the bush were kept there for the purpose of separating the place from the road that would be a very different thing.

The Court here took a short recess for lunch and on re-assembling,

Dr. Bowerbank called Henry John Bicknell, Police Magistrate for Kingston.

Dr. Bowerbank (to Mr. Bicknell.)—Do you recollect a conversation you had with me regarding a communication as to wakes?

The Presiding Inspector said he did not see how that could be evidence.

Dr. Bowerbank.—I feel terribly perplexed by your honors' ruling. Truth is a thing that will shine out a great deal, but I don't see how it can through the side of an iron clad. (*laughter.*) I am not accusing a single soul; I am dealing with facts. I am doing what precisely is done before Parliamentary Committees; and how can I get out those facts if your honors tie down the enquiry to the rules which prevail in a Court of Law? I beg respectfully to protest against your honors' ruling. I told the Government I would not be tied down in this way—that on this enquiry the strict rules of Law should not be observed.

The Presiding Inspector.—Dr Bowerbank, I will take a note that you proposed to examine Mr. Bicknell as to a conversation which passed between you, relative to a letter; and that we ruled that that could not be taken.

Dr. Ross.—Dr. Bowerbank has said he has accused nobody. I wish to call attention to the fact that in this Correspondence (*pointing to some papers*) I am distinctly accused by Dr. Bowerbank.

The Presiding Inspector.—The result of this enquiry must be to show that blame attaches to some one, or to exonerate some one.

Dr. Ross.—I am personally implicated according to the correspondence.

The Presiding Inspector.—There can be no doubt that Dr. Ross and Dr. Cargill stand in the position of the accused in this matter.

Dr. Bowerbank (*to Mr. Bicknell.*)—Did you ever hear Mr. Nairne state ——

The Presiding Inspector.—No, no, Dr. Bowerbank.

Dr. Bowerbank (*to Mr. Bicknell.*)—Thank you Mr. Bicknell, I shan't require your services any further. We are likely to cut it very short indeed; but I am quite prepared if the truth cannot be brought out here, that it shall be in England.

Dr. Ross.—I shall be very glad to go to England if the public pay the expence.

Dr. Bowerbank.—I don't require the public to pay mine Sir. I will pay my own as I have done before, to wit the Public Hospital matter which cost me between two and three thousand pounds; and I never even got the thanks of the Government for it.

Richard Campbell, (in reply to questions by Dr. Bowerbank.)—I am a Tailor and live in Mrs. Townshend's yard. Recollect when the first tent was put up on account of a boy named James Barclay, who had the Small-Pox. The people did not object to the tents being put up, and they were. The two Bennetts, Wiseman and Roden, from Mrs. Townshend's yard, were put in the tents. Bell and Hall were not from the same place. Constables were on guard on the road before the tents, and their beat ran as far as the Bridge; sometimes passing Taylor's pen. I heard the Saturday Dr. Ross came up that Townshend town yard was to be under Quarantine. I had Small Pox but refused to go in the tents; Dr. Cargill asked me to go in, and I refused. No Doctor whatever attended me. My housekeeper sent for Dr. Cargill to come and see me when I had the fever ———

The Presiding Inspector.—Your house-keeper will tell us that herself. Were you attended?

Witness.—I was not (*to Dr. Bowerbank.*)—Maria Downer had Small-Pox too. A Detective named Wollaston was living in Townshend Town in a Small-Pox house, and all that time he went out to perform his duties returning in the evening. He did go to the Police Station, but Sergeant Major Speck would not suffer him to come in. If he even had a message for him he made him stand at a distance. I have seen that myself. Sergeant Major Speck gave him his instructions over the fence. Constables were then walking up and down before the Quarantine ground; they were put there to prevent people going into the tents through the gap in front.

The Presiding Inspector.—We would like to inspect

the ground before the enquiry is concluded. Why it should have been fixed in a crowded neighbourhood is more than I can tell.

Dr. Ross.—That will be explained presently Sir.

Examination of witness, by Dr. Bowerbank, resumed.—I have seen people go into the tents. James McKenzie; Maria Downer; William Bennett's mother; his sister; and Hughie and his Grandmother. This letter is in my handwriting. From what I saw and heard about Barclay, I refused to go into the tents. I knew that Dr. Cargill never entered the tents, therefore, I was afraid if I went there I would have died. I preferred to stay in my own house. Dr. Cargill went in the tent yard. I never saw Barclay's treatment myself, but I speak from what I heard; it was the neglect of the Doctor in regard to the boy; whenever Dr. Cargill came he only stopped at the door of the tent, and enquire of the nurse how the boy was. The patients never got good food. Once I saw Marshall with a piece of Mutton, and once with a piece of Pork, and negro yam. I heard Sarah Francis complain that they had sent her Herrings. She said she got nothing but Herrings. I have seen the patients naked when they were being bathed outside the tents. People driving up the road or in the yards of houses near bye, could see them if they looked in; there was no bush between, because that part had been cleared out. They could see everything done there from mother Townshend's yard. The bush has grown there since the tents were taken down. I saw vermin being picked out of William Bennett's shoulder. I saw it from a distance, McKenzie told me they were vermin, and he came to me for Calomel to kill them. I swear Dr. Cargill never entered the tents; I never saw him. The nurses, "Dede" Smith, (Susan Clarke,) and Sarah Francis, told Dr. Cargill that Bennett was rotting, and he said "what I am to do with that." I heard it over my fence which is not clear a chain from the tents. When Dr. Ross came and said Bennett must go into the tents, I heard Susan Clarke say "dont go in the tent because on account of Dr. Ross ill-treatment cause my pickney fe dead." Dr. Ross had gone away then. Dr. Ross had been to Bennett's door and said "where is the man here who has the Small-Pox?" Bennett came out. In coming out and as he made the threshold, Dr.

Ross said, "stop there" and Bennett stopped. Dr. Ross said "well, I think you had better get this man into the tent;" and Bennett said "Well, Doctor, I can't go into the tent Sir, because I hear the tent is too hot." Dr. Ross said "you better go in," and, retreating himself he said "if you don't, after you get better I shall have you punished." Dr. Cargill was there then. Dirty water and other things were thrown in a little ditch back of the tents, about a foot and a half deep. The land near was used as a latrine by those in Mrs. Townshend's yard. I did not smell anything bad but there were large flies about the place at the time. I knew Bennett well; he did not have any bad disease. I was intimate with him and he did not tell me he had. I saw Dr. Ross at the tents once with Dr. Cargill. He never came again until the Constabulary investigation was going on.

Cross-examined by Dr. Cargill—I could see the first tent put up, from my house; could not see what went on inside the tents but what went on outside. I had the Small-Pox and when you came to look at me you stood some six yards off. I had it bad enough. You never told me I had mild Small-Pox, for the evening you came you said you did not know if I had Small-Pox or not. You did not say it was so mild that if Small-Pox was not about you would take it for Chicken pox. I had a lot about my body and on my face. I never told you that I would not go into the tents because I hadn't the Small-Pox bad. You said if I had not been vaccinated they would not be so small. I never walked all about. When I sent for you, you said I must come to you.

Cross-examined by Dr. Ross—I am a tailor; my house-keeper made known to Dr. Cargill I was sick. Don't know if he was bound to attend me; but he is a public Doctor you know. I am not a pauper. You are a public Doctor and are bound to receive me in the Hospital if I come there. I say you are bound. I never sent to Dr. Cargill myself but my house-keeper made known to him while he was in his buggy, and he replied he would come. She did not say, I would pay him; she did not because he is a poor Doctor. I don't know whether the Constables were put only to guard the quarantine ground. I never entered the

tents. I speak of what occurred there from what I saw from my yard. I have not sworn to what occurred in the tents but outside. The day you came through the gap a tent was up but can't say if any one was in it. I don't know what you came there for. You went to Bennett's door and asked "where is the man who has the Small-Pox here." You asked if the children running about there were vaccinated. You took up one and examined the arm. I only saw you once at Halfway Tree, during the Small-Pox time. I was not away then. Never left my house for a day. Can't say if you came on Wednesday the 27th March, Thursday the 4th April, or Saturday the 13th of April. I only saw you once. Remember your coming on Saturday the 13th of April. I did not then report these abuses to you. I am not like you, getting pay, to serve your interest. I went down to Dr. Bowerbank because my time is my own, and I do as I like with it; I am not employed by you; nor do I know whether if you knew of the abuses at the tents you would have upheld them or not. Dr. Bowerbank sent his butler for me twice. If you had sent for me I should have gone to you. I am not a tale-bearer for it was not tale-bearing in me to go Dr. Bowerbank, because he sent for me. I heard it was Byndloss who supplied the food to the people in the tents. I saw once some raw yams go in there. I have good sight and can see and hear well at the distance of a chain.

Re-examined by Dr. Bowerbank.—I repeat that McKenzie asked me for Calomel to dress Bennett's sore.

The witness McKenzie was re-called at the request of Dr. Bowerbank, and asked whether he ever went to the last witness for Calomel and for what use; when

Dr. Cargill said he would admit that to save time.

McKenzie (in reply to Dr. Bowerbank.)—I went under the tent and saw Bennett fly-blown on his shoulder—a live maggot had got in and they were getting it out with a piece of stick. This was about two days before he died. I asked the nurse whether she had any Calomel in the Hospital, and she said no, then I went and asked Campbell for some.

The Presiding Inspector.—You have said McKenzie that Byndloss once tried to put you in the workhouse.

As a matter of curiosity, I should like to know why he wanted to put you there?

McKenzie.—He tried to get me in the work-house for stealing bricks as he said, your honors, but afterwards he came back and made friends with me.

Maria Downer (examined by Dr. Bowerbank.)—I live in Townshend Town and recollect when the first tent was put up for James Barclay. Recollect when Constables were put on guard to prevent people from going into the tents. Mr. Byndloss said the Doctor intended to put the town under quarantine and the people there said they would not remain unless the country fed them. I had Small-Pox in Townshend Town after the tents were put up. Richard Campbell, James Roden, William Bennet, James Bennett and Frederick Wiseman, my brother, went into the tents. Sarah Francis had no Small-Pox to my knowledge—she went in to mind her child. She was put in for a patient but had no Small-Pox. I have seen people go into the tents; went in myself when I was a little better. Every one who went into the tents had to pass my door. I used to go in to see my brother, Mr. Silvera, Robinson, Mrs. Nathan Duncan, a Constable's wife; Maria Jarvis, Fanny Bennett, Bennet's sister; Mrs. Huey, his God-mother—all went in. My window and door opened into the tent yard and I could see what went on. I have seen Bennett brought out naked to be washed. If any one on the road looked in carefully at that time, he could be seen; we in Townshend Town saw him easily. My brother's (Frederick Wiseman) foot was very bad with the Small-Pox, and he had on a slipper, but I don't know if Bennett had. He was lead out of the tent, by the hand, and put to sit down on a bench with a small tub before him from which he was bathed. The soil was gravelly, and had stumps of trees about. Dirty water and things of that kind was thrown into a long trench at back and inside of the penguin. Sometimes when the sun was hot, there was a very offensive smell from it; and it was used by the people in Townshend Town as a latrine. I supplied Wiseman with food when he was in the tents. I wrote you this letter (*produced by Dr. Bowerbank.*) My brother complained that the food he got did not satisfy him. He said what he got was salt ——, herrings and mackerel. He brought a her-

ring with vinegar over it, and showed me. He called over the fence and said "Maria send one of the children and take this from me for the herring is too salt and I can't eat it. Send anything you have and give me," and I sent him some soup. He sent the herring in exchange on that occasion, but every day I sent him food. He carried two shirts of his own into the tents. Susan Clarke, the nurse, told me "Frederick wanted a long gown" and being sick and not able to get a new one I took a petty-coat of mine and made a gown and sent him. My grandmother washed his clothes and sent them in. I never saw him with any clothes on but those he carried in. He had a sort of bed out of soft things—cloth, that I sent him, until a rug and pillow were given him there: but that was some time after. I remember being in the tent one day and seeing a Rose water bottle with some yellow stuff come in for Bennett, and Francis said she "did not know how to give it to him; it was too late;" but she did give it. One day some medicine, a sort of red stuff smelling of Carbolic Acid, came. She said Dr. Cargill sent it. Bennett got the medicine on Saturday and the Wednesday following he died. The patients and nurses used to quarrel; so did the nurses. Sarah Francis chucked Marshall once. She had been quarreling she could not get something to eat and went out through the gap. The patients had low wooden bedsteads; and I believe one of them and a pillow are now lying near where the tents were. Hall was the last patient under the tents and I think they must have been his. The pillows were made of Oznaburgh, stuffed with straw. One day long after the tents were down I saw a great fire in Byndloss's yard and on looking saw a lot of bedsteads being burnt. Once I heard McKenzie speaking that the people were dying for want of food; and Susan Clarke had a quarrel with him. Wollaston is a Detective and he lived in Townshend town during small-pox. He went out in the mornings to do his duty and returned at nights. Dr. Cargill came on a Friday to see me when I had one or two small-pox just coming out. He asked me if I were vaccinated, and I said "yes." He told me he was not certain if they were small-pox from the way in which they came out. Next day he and Dr. Ross came there; they came in the room. I was not asked to go into the tents; but as they turned their

backs, I said, " mild or no mild, I wont go into the tents;" and I said that from what I heard of Barclay's treatment, through his mother. Whenever Dr. Cagill came to the tents he always came to the fence and asked how I was. Sometimes I held up my head and answerd him. I have seen Dr. Cargill go in the yard, but never inside the tents. Whenever he went in the yard, he enquired of the nurses how the patients were. Every time he came there, I saw him, for my room door opened thre, and I never went out of my room till I got a litle better. Maria Lewis died of Small-Pox after having ababy; she was Armstrong's sister.

Cross-examined by Dr. Ross.—I live with Wollaston, the Detective. I sent food every day for my brother; one night in particular my dinner was not enough and I had to send him some rice-pap, as I would not allow him to go to sleep without something. I sent a glas of Porter for him every day, and when I did not send Porter I sent a glass of Brandy. He told me whenever a bottle of Porter came there, it was always for Bennett, as he was more poorly than him. When you came to see me you felt my pulse.

Cross-examined by Dr. Cargill.—I had a very mild attack of Small-Pox. My room was very comfortable and I had no occasion to go into the tents

Dr. Bowerbank.—I wish to point out to your honors the absurdity in overlooking mild cases whilst those suffering from a more severe form of the disease were actually forced into the tents. I want to show you the absurdity of the kind of isolation which over-looked a mild case of small-pox but isolated a bad one. A mild case may give rise in another person to the severest form, and *vice versa*. Here we have people forced into the tents; threatened if they didn't go, that on recovery they would be punished; their relations, friends, and even Minister, prevented from seeing them whilst within a chain of those tents, other cases were allowed to remain in houses. I ask in God's name why Bennett was forced to leave his house to go into the tents whilst others who Dr. Cargill says suffered from a mild form, were allowed to remain at home?

Cross-examination resumed—I said I would not go into the tents because they were not comfortable enough;

perhaps f they had been I would have gone. It was Mr. Byndoss who forced me to let my brother go in.

Dr. Boss (*to witness*)—How many times did you go to Dr. Bowerbank?

Witness—Twice.

Dr. Boss—Why didn't you come and tell me?

Witness—Why didn't you send and call me? (*laughter.*)

Elizabeth Clarke (examined by Dr. Bowerbank)—I have never seen you before to-day. Live in Townshend Town with Campbell. Recollect Constables keeping guard on the road. People in Townshend Town were not placed under any restrictions in coming out but strangers going in had to hide. I was allowed to come out. Although we were not in quarantine yet the Constables would not allow people to come in. The quarantine was kept up for a time. I did not get 1s 6d a day from Government. I spent nine dollars and a "mack" on Campbell in 14 days. On Friday he had fever and did not go to his work. Saturday and Sunday he had fever too and I advised him to take a dose of oil. I told him he had better take the oil as I was afraid he was getting the Small-Pox. He said "you seem to wish me to get it;" (*laughter*) and I told him no, I could not wish him to have it for it was only God could give it to him. Well, I got his father to persuade him, and he took the oil. Sunday after service, I saw Dr. Cargill and asked Marshall to tell the Doctor "Campbell was very sick with fever and his head, and seems to be going to get the Small-Pox." He asked me "what you say?" and I said "tell him for me, Richard Campbell is very sick." The Doctor said "tell him if he wants me he must come out into the Street, as I am not going in to please any Richard Campbell" and he drove off. Monday morning he came. He stood up this way (*shewing*) about half a dozen yards off. Dr. Cargill, said "woman where is the man you speak of?" I said "Richard Campbell want to see you" and Richard came to the door. As he was going down Dr. Cargill said "stay where you are, and put your head out." Campbell did so. Dr. Cargill said "I can't say what it is but will tell you better to-morrow," and he turned himself and went to old Roden's room; when he came back he

said to me " woman, ask that man if he has Small-Pox he will go over to the tents." Richard Campbell said "no; he would not go there." I have seen the patients bathed naked, in the tent yard. I never smelled anything. Wollaston lived in Townshend Town. He used to go out at 9 o'clock in the morning, and return in the night at 8.

Cross-examined by Dr. Ross.—I saw you in Halfway Tree twice. Once when I saw you come through the gap; and once going to the enquiry at the Station.

To Dr. Bowerbank.—I have seen Dr. Cargill go into the tent yard, but not into the tents themselves. I mean he never did, that I saw.

Dr. Bowerbank.—I am quite willing to put the question to every one in Townshend Town, and I am sure the answer will be the same. I never saw this woman before in my life.

Dr. Ross.—All I can say is that I knew nothing about it.

The Presiding Inspector said at this hour (about half-past four p.m.) he thought there should be an adjournment for a week. He had not been well lately—in fact this was the first time he had broken down in Jamaica; and the week following he had to go on Circuit in St. Thomas.

Dr. Ross enquired whether, being an implicated party—at all events *particeps criminis*, he was bound to be examined as a witness ?

The Presiding Inspector said these were hardly criminal proceedings.

Dr. Ross desired to know the exact position in which he stood, so that he might determine what course to pursue. If he were put on the boards as a witness, might he not in his answers criminate himself ?

The Presiding Inspector said, Dr. Ross might or might not give evidence as he thought proper; but if he did, there was a rule by which he could refuse to answer any question on the ground that he might criminate himself.

Dr. Bowerbank said, Dr. Ross might answer or not, as he thought proper.

Dr. Ross said, he placed himself entirely in the hands of the Court.

The Presiding Inspector said if Dr. Ross *bona fide* entertained an opinion that he should not answer any question put, because he might criminate himself, then he certainly was not compelled to answer.

Dr. Bowerbank observed that in his paper the other day, in speaking of bell-tents, he alluded to a Book. He had now brought that Book with him. The title was "Practical Hygiene" by Dr. Parkes, and he, Dr. Bowerbank, asked particular attention to what that author, a military man, said of bell tents:

"*Home Service.*

"*The Bell Tent.*—A round tent with sides straight to 1 or 2 feet high, and then slanting to a central pole. Diameter of base, 14 feet; height, 10 feet; area of base, 154 square feet; cubic space 513 feet; weight, when dry, about 65 to 70lbs. The canvas of the new pattern is made of cotton or linen. The ropes extend about 1½ feet all around. It holds from twelve to sixteen men; and in war time, even eighteen have been in one tent. The men lie with their feet towards the pole; their heads to the canvas. With eighteen men, the men's shoulders touch. Formerly, there was no attempt at ventilation; but now, a few holes are made in the canvas near the pole. Ventilation, however, is most imperfect. Dr. Fyffe (of the Army Medical School), who has carefully examined this point, finds the holes so small, that the movement of air is almost imperceptible. There is little ventilation through the canvas, and none at all when it is wet with dew. The bell-tent is in all respects, except weight, a rude and imperfect contrivance. It becomes excessively hot; and the atmosphere in the middle of the day is most oppressive. When pitched, as usual, without any persons in it, the air in a few hours loses its freshness, and is close and unpleasant when the tent is entered."

Dr. Ross asked why then, the bell-tents were still in use in the Army?

The Court then adjourned till Monday, the 11th November, to meet at the same hour.

After the adjournment the Commissioners made a minute inspection of the grounds on which the tents were erected.

MONDAY, 11TH NOVEMBER,

The Commission met at the usual hour this morning.

Dr. Bowerbank said before their honors proceeded to resume the business he wished to say a word or two on two points. After the last meeting a number of witnesses came to him to know whether or not their expences would be paid. His answer to them was that he knew nothing about it but that he would place the question before the Bench at the next meeting.

The Presiding Inspector said so far he did not see anything in the law authorising the payment of expenses of witnesses; but they would be glad if Dr. Bowerbank could refer them to any section giving the authority.

Dr. Bowerbank thought that was a matter for the Central Board. His Excellency the Governor had stated that the Government were willing to pay any necessary expenses. It was now upwards of three months since he had asked for this enquiry during which time there had been departmental enquiries and the witnesses had been not only worried but regularly persecuted to attend those meetings. With regard to the law, in the Hospital enquiry there was no law authorising the payment of expenses to witnesses but their expenses were paid. He had to observe that a good deal of misconception seemed to prevail as to the tenure of the subpœnas issued by their honors. He had heard that professional gentlemen had given it as their opinion that the subpœnas were but for one day and that they had expired.

The Presiding Inspector said those who had been subpœned and had not attended must be subpœned again.

Dr. Bowerbank in continuation, said that during the adjournment he had sent to the Secretary a list of documents which he thought would be required. He did not know whether or not they had been furnished; but if they had, he would request that they be laid on the table to be taken up as they might be referred to by witnesses.

The Presiding Inspector thought the better way would be at present to go on, and to call for the documents when they were wanted.

Dr. Bowerbank said the next matter he wished to bring before the Board was with respect to Mr. MacNab who had stated that he was there taking notes for the Government. Now, he, Dr. Bowerbank, had great respect for Mr. MacNab and did not wish to say one word as to his ability, but it had struck him that that gentleman was quite at sea when any vernacular expression was made use of by a certain class of witnesses. As Mr. MacNab's report would be considered a trustworthy one and as it could not be so if he did not understand some of the witnesses, he, Dr. Bowerbank, had written the Government on the subject. He had received no reply but had been made to understand that his letter had been forwarded to the Commissioners. He begged most solemnly to protest against the Government making use of Mr. MacNab's report, under the circumstances he had mentioned.

Dr. Ross thought Mr. MacNab might at any time he was in doubt, ask the witness for any explanations he might desire.

The Presiding Inspector handed down the following letter which he said had just been put in his hands. With regard to Mr. MacNab all he had to say was that gentleman had attended one or two Penitentiary enquiries and his reports were very accurate:

Kingston,

4th November, 1872.

Sir,

A circumstance has occurred which I feel it to be my duty to request you to bring to the immediate notice of His Excellency the Lieut.-Governor.

It is this : at each Court held by the Superintending Inspectors under Law No. 6 of 1867, to enquire into the alleged abuses during the prevalence of Small-Pox, in the parish of St. Andrew, Mr, J. MacNab has attended as a Reporter and taken notes of the proceedings, as he states, on behalf of the Government.

I believe Mr MacNab to be a highly accomplished gentleman, and I in no way intend to impugn his honor or integrity or his ability to Report speeches &c. in general—but from what I have observed—and from what others have mentioned to me, and indeed from Mr MacNab himself—I gather that he has not been sufficiently long in the Island to have

acquired an acquaintance with the "native parlance," with the idioms and phraseology of the lower orders, in fact as Quashie would express it "Him will hab fe nyam mo affoo yam sall fish an sousoumba befo him begin ie sabe, else report to Buckra wha nagar da say when dem da shoo-shoo to-gedda."

I mention this at once as should the Government hereafter quote evidence from the Report of Mr MacNab on the subject under consideration, I shall most decidedly protest against their doing so on the plea I have above stated.

I have the honor to be Sir,
Your obedient servant,
LEWIS Q. BOWERBANK.

The Hon J. STRATON, Colonial Secretary.

Dr. Ross felt sure Dr. Bowerbank himself would render Mr. MacNab every assistance.

Dr. Bowerbank said in doing so the other day he was very much put out in examining a witness.

Dr. Ross said there was one thing he wished to bring forward. He wanted to understand what he had come there to do. He had been subpœned to give evidence in reference to the out-break of Small-pox in St. Andrew, and what he wanted to know was whether the enquiry was to extend to the whole island or confined to St. Andrew, because he had been informed that witnesses were being brought all the way from St. Mary, who could not possibly know anything in reference to St. Andrew.

The Presiding Inspector said the enquiry was confined to St. Andrew.

Dr. Bowerbank thought if their honors read their instructions they would find they were not completely tied down to St. Andrew. The instructions certainly pointed to Half-way tree in particular; but the Court could not draw a line in the matter because people went from one district into the other.

Dr. Ross—Dr. Land has been subpœned. What has he got to do with it?

Dr. Bowerbank—He is mentioned in the correspondence. The enquiry relates chiefly to St. Andrew but I maintain other districts will have to be touched upon. I would like to know if Dr. Ross objects. If the Government is afraid of the enquiry——

The Presiding Inspector—It is not quite fair to say that the Government are afraid Dr, Bowerbank.

Dr. Ross—I am not afraid. All I want sir is justice.

The Presiding Inspector read the Resolution under which the Court was constituted.

Dr. Bowerbank.—That does not say you shan't go into the adjacent districts.

The Presiding Inspector.—It says "in reference to the outbreak of Small-Pox in St. Andrew." That's our Commission.

Dr. Bowerbank.—I hope you will note Sir, that I protest.

The Presiding Inspector, (*after taking the note*) Now, who is your next witness, Dr. Bowerbank?

Dr. Bowerbank.—I think it better, and that we will get through quicker, if Dr. Cargill is called now.

The Presiding Inspector.—I don't think it quite fair to call Dr. Cargill now.

Dr. Cargill.—It may be a question Sir, whether Dr, Cargill will give evidence at all. At any rate if he does then it will be at the very end.

Dr. Ross.—I will please myself in the matter.

Dr. Bowerbank.—I will do whatever your honors think right. My reason for proposing to take Dr. Cargill and Dr. Ross now is because they have stated, or rather your honors have ruled, that they may refuse to answer any question I might put them. Now, I beg to know, as they are not to be called now, whether I can re-call any of my witnesses to rebut Dr. Cargill or Dr. Ross? What I mean is this: if I bring a witness who says he heard Dr. Cargill say so and so, your honors object hearing what Dr. Cargill said, from that witness. Now, suppose Dr. Cargill says, I never said so and so, can I bring witnesses to show that he did?

The Presiding Inspector.—I think if Dr. Cargill denies certain things you may call witnesses to contradict him.

Henrietta Manning (examined by Dr. Bowerbank.) —I think I saw you once before—went to your Surgery, at your invitation. My brother Alexander Bell had the Small-Pox. He went to the tents on Sunday, and I went in on Monday. He spoke to me; the Small-Pox he

said had not come out; he only had fever. On Tuesday and Wednesday, I went in again, and saw him quite out of his mind. On Thursday I went; he was quite delirious with his face bruised up—all cut up; as if he had fallen down or had scratched it, and I saw fly eggs on his nose. I called to nurse Marshall and said, "I wish the new Hospital was done for they would have better nurses and be better taken care of." He asked me if I thought if the Hospital was open, I was going in there to nurse him, and I said no. He said as soon as Dr. Cargill came he would ask him to give him his discharge for he was living before Small-Pox had come and he would live the same when he left. When I came out I told it to Mr. Byndloss, and he said he would see about it. From that I never went back again for they put watch-men all about. Constables were put all round. I tried to get in through mother Townshend's yard, but the nurses followed me from the rear and prevented me. My brother died on the Saturday. When I first went there I asked the Constable if he would let me in, and he said no; then I went through the back because I found I could get in that way. I heard they could not keep my brother in bed, he was so delirious. I heard he had injured his head.

The Presiding Inspector.—I see by the official Report of Trinidad, that in these climates it is almost impossible to keep the flies off.

Dr. Bowerbank.—It is quite possible among the lower classes exposed outside Sir, but I never saw it in a place called a Small-Pox Hospital. I have looked at Dr. Bakewell's Report to which your honor alludes, but he speaks of cases brought in fly-blown. Speaking of myself with an experience of 36 years, I say that where there is proper attention, I don't think such a thing possible.

Dr. Ross.—Dr. Bowerbank has given his opinion Sir; may I give mine?

The Presiding Inspector.—No, Dr. Ross. I merely called Dr. Bowerbank's attention to this Report.

Examination of witness, by Dr. Bowerbank, resumed.—The nurse would never allow me to go in; Constables and nurses stopped me. Byndloss even prevented the nurse to speak to me. I asked to see my brother after he was dead but was refused. I heard then other

persons were permitted to go in. I never went there at night, but in the day stopping there about a quarter of an hour. I took in a white shirt and a mattress for my brother and a pillow slip. I sent him a lamp and sometimes sent barley and corn-water for him. Mr. Byndloss gave him a pillow. He did not complain of want of food but said he got more than he wanted. He was 34 years old, and had been vaccinated. I had never seen Small-Pox before. He was perfectly red at first with things like water festers over him. I can't say that he was bleeding in any way, but I saw a bruise on his head. He was completely red, but the Pox had not come out.

To Dr. Cargill.—I knew he was vaccinated. After Cholera my mother got Dr. Campbell to vaccinate him, my sister and myself; that was about 21 years ago. He had never been re-vaccinated. He skin was all red. I saw a few Pox raised up on his feet and hands—festered up. I saw him Monday, Tuesday, Wednesday and Thursday. He died Saturday morning.

To Dr. Ross—His face was scratched but I can't say if he did it with his hands. Don't know if there was anything to prevent him from doing that. Byndloss told me as " I had made my mouth so fast to come out and speak what I had seen he would not allow me to go in again."

To Dr. Bowerbank—My brother had only a few pox over his arms and feet but all over his body was perfectly red.

To Dr. Cargill—He did not bleed either through his nose or mouth, or from the throat.

Mrs. Ann Nathan Duncan (examined by Dr. Bowerbank)—I have seen you in Kingston but never before spoke to you on this subject. I am the wife of a Constable. Knew William Hall; he was related to my first husband and lived in a yard adjoining me at the Cross Roads. He had Small pox; they came out on a Sunday. He was removed to the tents the Tuesday or Wednesday following. He consented to go; he did not object. At first when he took in he said he would like to remain at his house but when he got worse and found he had no one to attend to him but myself and I had a young baby —he made up his mind to go to the tents. He made his Will before he went. It was made by Mr. Silvera.

Dr. Cargill never visited Hall at his house. When he took in I went for Dr. Cargill but he was busy with a lady and not at home, and I did not see him. A cart came for Hall; Byndloss came along with it. He took Hall carefully into the cart and conveyed him to the tents. Hall took his clothing and bedding with him. I sent for Byndloss to take Hall away when I found he was ill —that was on a Sunday or Monday morning. In fact I did not know small-pox and I sent for Byndloss as he knew all about it. He came and said it was the small-pox; but I did not ask him that day to take Hall away. When I found Hall so bad between the Tuesday and the Wednesday, I sent and asked Byndloss to come and look after him as he said he would go to the tents and I did not know how to get him there. Byndloss, came with the cart a day after. I went into the tents to see Hall. I saw no Constable as, being on a Friday evening, the road was crowded. I went through mother Townshend's yard. Only went once. Hall did not tell me anything that day——

Dr. Bowerbank—That's not true.

The Presiding Inspector—It is hardly fair to say that Dr. Bowerbank.

Dr. Ross—And to your own witness too.

Dr. Bowerbank—My witness! They are not my witnesses. The greater portion of them are people I have never seen before but hearing that they could throw light on the enquiry, I gave in their names.

Examination of witness, by Dr. Bowerbank, resumed —Hall had on the clothing he had taken with him. I went to the tents but once and can't say if he got other clothing than his own. I think he was about 36 years of age. Don't know if he had been vaccinated. Don't know much about Small-Pox. The Friday I went to the tents the Small-pox seemed quite flat over the skin. When he went in they were quite fine: they seemed to run into each other. While he was at home he never bled either through his nose or mouth; nor did he pass blood.

Cross-examined by Dr. Ross—Hall made his Will because he thought he might die. He did die. He made the will from the fear of the Small-pox ; the very day the Small-pox came out it was his wish to make his Will.

Cross-examined by Dr. Cargill—I never sent for you but once. You were away attending a lady. I went for you myself. I did not return. Hall went to the tents of his own free will. The Small-pox about his body was one large mass.

To Dr. Bowerbank—I told the nurse at Dr. Cargill's house what I came about and she told me he was not at home but was busy with a lady.

To the Presiding Inspector—I told her where Hall lived.

To Dr. Cargill—Hall went to the tents the day after I went for you. I don't know much about Small-pox but people who saw him said that was the bad kind.

Elizabeth Berry (examined by Dr Bowerbank)—I live at the Glebe land ; have never met you before. I went into the tents once. Saw everybody walking through the gap and I just went in and told William Bennett how-dee. I saw no Constable on guard at all. I went in on Monday and I believe Bennett died on Friday. I did not stay much long in the tent because Bennett could not speak to me at all. I said to him " William I come tell you howdee" and he could not speak to me.

Cross-examined by Dr. Ross.—I never lived with Bennett.

Agnes Davis (examined by Dr. Bowerbank.)—I live at Halfway Tree—just at the corner here. I know Constables were on guard on the road when the tents were up. I think they were. I did not watch them Sir, but I think they were there. Heard they were put there to prevent people from going into the tents. I never went in. I never went into the tents. You ever see me come to you Sir, (*laughter*). What you bring me here for (*laughter*). I have been in Berry's yard, but not where the quarantine was.

Cross-examined by Dr. Cargill.—I went through Berry's gate, and there was no quarantine there. The tents were in the same yard, but more at back. I did not go there when James Barclay was sick. No one could because the Constables would not let them.

Dr. Bowerbank.—You seem a very unwilling witness, Davis; but I ask you again, did you never go into the tents—on your oath ?

Witness.—I tell you no, (*laughter.*) If the Constable even see any one go near there, they want to take you up.

Dr. Bowerbank.—Thank you. You have given your evidence very unwillingly.

Robert Napier (examined by Dr. Bowerbank.)—I am an Assistant Bailiff of the Kingston District Court. Never met you before on this subject. I have been in the Padmore District, where there was Small-Pox. Knew William Barclay. I went to New Castle to serve a paper and on my way down, was told he had fever. That was on a Monday, I think, and on Tuesday he was taken to the tents. I saw him at his gate sitting down on Monday. After he was taken the Constables were put on guard and they prevented people from going in. I know nothing at all about Townshend Town. The Constables paraded from the bridge towards the reservoir—that is beyond Townshend Town. Don't know if people went into the tents. I made twice to go in through the road but the Constables prevented me. After Barclay died I heard Susan Clarke, his mother and nurse, say that her child was murdered in the tents. This was said along the road, publicly, openly and loudly so that the people might hear her. I have seen Mrs. Manning near there and she told me she had been in to see her brother and that his nose had fly——

The Presiding Inspector said this was not evidence. Mrs. Manning had herself already told them what she had seen.

Examination of witness by Dr. Bowerbank, resumed —I never saw any other person go into the tents.

To the Presiding Inspector—I saw Mrs Manning outside Mr Byndloss's shop and she told me what I have said. I never saw her go near or into the tents.

Cross-examined by Dr. Ross—I myself heard Susan Clarke say that her child was murdered in the tents. She was excited, and, no doubt, grief at the death of her child made her say that; but I don't know what she meant by it.

Dr. Cargill—I may mention Sir, for the information of Mr. MacNab who does not well understand the negro tongue, that it does not follow when a negro says somebody is murdered that he means that person is really murdered; for the word is very often used by them even

in a case where a person has sustained some slight injury. It is a common thing for a negro to say when a man has received even a blow, that " them murder him."

The Presiding Inspector—That might be so, Dr. Cargill, but that can hardly be said in a case where the person spoken of is dead.

Charles Sheppard (examined by Dr. Bowerbank)—I am a tailor residing at Thompson pen, a mile from Half-way tree. Was told Constables were on guard at Half-way tree; was told Constables were on guard there. Was sick during small-pox but went to Half-way tree. Saw Constables up and down the road. Was told they prevented people going into the tents. Was not present at the Local Board of Health when they reported something. Know nothing about wakes. Was sick. Was told about wakes but know nothing of my own personal knowledge about wakes having really taken place. No person told me he had been hired for the purpose of proving that wakes were not held. Don't know Cecilia Henry and Clementina Armstrong. I was told Maria Lewis, Mrs. Armstrong's daughter, died of small-pox. A person who saw her told me. I made clothes for Alexander Bell when he was in the tents. Byndloss asked me to buy some calico to make a shirt for Bell and I rode down and bought it. When I came back he forced me to make the shirt. I told him that I did not understand it; however I would try and I took it to a female and she cut it out for me. When I had nearly finished it Mrs. Manning came up and I said "I am very glad to see you; this shirt is for your brother in law; close it up for me;" and she did so. She told me she had been into the tent to see Bell and that she found flies had blown his nose.

Cross-examined by Dr. Ross—I don't remember Byndloss telling me who ordered him to get the shirt for Bell. He got me to make two pillow cases but did not say who ordered him to get them made.

Dr. Ross (*addressing the Court.*)—Would it be out of place for me to draw the attention of the Court to Campbell's evidence where he said he could see from a distance what occurred outside the tents from where he lived in Townshend Town. Now, the Court when examining the ground the other day, was shewn by

McKenzie where he lived, and they saw there a house which intercepted the view.

Dr. Bowerbank.—I shall be very glad to re-call him.

Dr. Ross.—No; he has stated that already.

Dr. Bowerbank.—Will your honors re-call Campbell?

The Presiding Inspector.—Certainly.

Richard Campbell was then re-called, and the Presiding Inspector read from his evidence that portion of in which he stated that he saw into the tent yard, from his house.

Campbell.—I saw over the fence. I said I stood in my yard and saw what was done in the tent yard, over the fence.

Dr. Bowerbank.—Campbell, as you have been invited to come back, I will ask you a question or two more.

Campbell (in reply to questions from Dr. Bowerbank.)—I recollect when Hall died. He was the last who died in the tents. He left Frederick Wiseman there. After all the patients had come out, Wiseman left the tents in the evenings and slept in his house in Townshend Town, returning to the tents in the mornings. Susan Clarke used to wash him in the open yard. When Dr. Ross was speaking to Bennett at his house and when Bennett stood at his door, I don't recollect Dr. Ross saying anything to Dr. Cargill.

William Cargill Thompson (examined by Dr. Bowerbank.)—I was a Detective in the Constabulary, stationed at Glengoffe in St. Thomas in the Vale. Small-Pox was bad there.

The Presiding Inspector.—Dr. Bowerbank, I don't think we can go into that.

Dr. Bowerbank.—His evidence is material. He comes from St. Thomas in the Vale, to prove that the Government Returns published in the "Gazette" are wrong; and that forms part of the Correspondence.

Dr. Ross.—I admit that the Returns were wrong, but they were returns as known to the Department.

Dr. Bowerbank.—I am prepared to prove gross abuses in the whole system.

The Presiding Inspector—I think—and Dr. Cruice agrees with me, that we can't go into matters connected with St. Thomas in the Vale—it would not be in accordance with the terms of our Commission.

Dr. Bowerbank—That ruling then will apply to the evidence of two other witnesses, Coir and Thompson. Then there is Dr. Land. He is a most material witness.

Dr. Ross—I should say that Dr. Land's evidence must come tainted—vitiated, by his having been compelled to resign his appointment in the Government Medical Service, on account of this small-pox business.

Dr. Bowerbank—It does not appear to me fair, for Dr. Ross to be poisoning the minds of the Judges in this way. Nor is it fair for Dr. Ross to be making such observations behind Dr. Land's back. I am calling Dr. Land to prove certain abuses in the Government Medical Service.—

The Presiding Inspector—I don't know Dr. Bowerbank that we have anything to do with the abuses in the Government Medical Service.

Dr. Ross—Do you want me to plead guilty to everything, Dr. Bowerbank?

Dr. Bowerbank—I hope to God Dr. Ross when this enquiry is over you won't have to plead guilty—you or any one else connected with it.

The Presiding Inspector—I don't exactly know what Dr. Land is to prove.

Dr. Bowerbank—If your honors say Dr. Land can not be called I am quite willing to abide by that decision.

The Presiding Inspector—We have not said that Dr. Bowerbank. We will not decide until we hear what you propose to ask Dr. Land. You say he is to prove abuses in the Medical Service, and if those abuses have anything to do with Small-pox in St. Andrew, certainly his evidence can be taken.

Dr. Bowerbank—I maintain that any abuse in the Government Medical Service having to do with Small-pox people—considering that Small-pox was in St. Andrew—has to do with St. Andrew.

The Presiding Inspector—You can call Dr. Land and we will hear what he has to say; we will not decide until we have heard him.

James Marshall, (Saddler, examined by Dr. Bowerbank—I have met you before. I attended at your Surgery on the 17th of June having been sent to you by Mr. Byndloss. He told me that Dr. Bowerbank wanted to see me but I was not to speak anything disrespectful

of Dr. Cargill to Dr. Bowerbank. I was employed for two weeks in the tents, carrying water and doing different other things—whatever I was called on to do; can't exactly say I was a nurse. When I was finished my other work I assisted one of the nurses, and I slept there You asked me if Dr. Cargill ever came into the tents and I told you he only came to the door. You asked me if he ever felt the patients' pulse; and I told you no, he knew how the people were getting on by asking the nurses how such and such a one was; and the nurse gave him her report. Nurse Smith once called to him about Bennett—she said she wanted the Doctor to look on Bennett's parts because they were getting bad. He said to use some warm oil. He did not go in and look at Bennett I never saw him go into the tents—always at the door, but how the tents were looped up he could always see those inside. He stood the distance from where I am to you (*about three yards*). I was not engaged as a nurse but did anything and the nurses did the same. They washed clothes, cooked and attended to the people. There were two female nurses—Sue Clarke and Amelia Smith, no other. Miller used to bring water. Sarah Francis was put in to mind her child; she was not getting pay. I was there 2 weeks. I had not been accustomed to take care of sick people; but to look after horses; that's what I am accustomed to. Dr. Cargill discharged me. He came in one Sunday and told me to leave. He saw Sarah Francis talking to McKenzie in Mrs Townshend's yard over the fence and as he came in he discharged me for not doing my duty. I told him I was in the tent. He said I should have interfered with the people talking outside. The first patient who went in the tents was James Barclay. Constables were on guard outside; people were not allowed to go in but they found their way in through Mrs Townshend's yard. Mrs Manning, Silvera, Byndloss, McKenzie, went in. Parson Braine sent in McKenzie to read prayers for Bennett. Did not see him hide one day when Dr. Cargill came. I turned Mrs Manning out. I was carrying water and heard Bell talking; went in and saw Mrs Manning. I said to her "you have no business here; where you walk?" She said "through Mrs Townshend's" and I said "go out through the same place." She showed me matter from a fly on Bell's nose. It was bruised but not

very much. I think he scratched it; in fact Bell was more half-mad, than anything else. I told Dr. Cargill that Bell was not righted; he was delirious, talking stupidness. One night, I saw Bell coming outside the gap leading into the road. I turned him back. He was talking stupidness then. At that time, I, Clarke and Smith were nursing, and we had Bell, Wiseman, Roden, William and Edward Bennett in the tents, as patients. I tell you I caught Bell myself one night, going into the road. I can't tell how long that was before he died. I don't know whether it was then, being in his mad way, that he bruised his head. I think he scratched himself. Townshend Town people were not under any quarantine restrictions; no one was stopped going in there. The tents were very hot during the day, and cold at night We had a little Kerosene lamp inside. I heard Dr. Cargill say the tents were hot; nothing else. Never heard him say he had objected to the tents and the place they were pitched. He said the tents were bad, and the people were dying off very fast; they must not put any more in them. Byndloss used to come into the tents often but afterwards he said the Doctor stopped his coming in. No one lived in the tents to see that things went on all right. I was not at Townshend town when Dr. Ross and Dr. Carg ll went to Bennett. Did not follow them through the gap. William Bennett's mother came into the tents one day whilst I was there. Amelia Smith, the nurse, never, while I was there leave at nights. I never told anybody she did. Wollaston resided in Townshend town. Don't know much about him. Can't say if Dr. Cargill took down the number of people that lived in Townshend town but saw Byndloss counting them. When the first tent was put up they only chopped away the bush; it was late in the evening. I believe the rightest way would have been to level the ground and dig a trench round to carry off the water. The ground was level of itself. The first tent was put up without any levelling or drainage at all; the tents were not floored but the people brought with them boards from their own places and put them on the ground. There was a ditch back of the tents about 2 feet deep where the people used to go to relieve the calls of nature. I did not go there for that purpose but found my way some where else. Dirty water and

chambers were emptied into that ditch. During hot weather it did not smell good but not bad. Nobody at all, that I heard, complained of it. The patients were washed outside the tents. They were lead out by the hand. Some had sore feet. They went out bare-footed. The soil was soft ; not very gravelly ; there were stumps. Some patients had slippers; others had none. When they were being washed they could not be seen from the road side but from Townshend Town; they were washed naked. The nurses cooked and washed clothes. I carried water, wood, nursed—did every thing I could do for the patients. I lead them out and fed them; Fanned the flies from them. We had at the tents, one big tub and iron pan for cooking. The tub was got from nurse Clarke, it was hers. She brought it there and after the Small-Pox was over, Byndloss paid her for it. Every one brought their own chamber from their house; they were broken up after the people were dead. There were no earth-closets or portable commodoes at the tents; there was nothing in the tents but six rugs from the Government. I relieved myself on the public land. The bedsteads we had were of board, and were made by me —they were rough things. Byndloss gave me the stuff to make them. On these bedsteads, cloth was spread on which the patients lay. I was paid to make the bedsteads. After the people were done with them Mr. Byndloss said they were to be burned, and I burned them; this was long after I had ceased to be nurse; after everything was cool and done away with. I was paid 1s. 6d. by Dr. Cargill for that ; he paid me the next day; Mr. Byndloss has the date down. It was after the last death in the tents; can't say if that was in May, June, July or August. Patients took in their own beds. I mean pieces of cloth. Mr. Byndloss gave Bell his, and a pillow; also a pillow to Bennett; no one else came in without his own. Roden was the poorest and he brought his own. Bell brought his own lamp. All brought their own clothing; but Bell got a shirt from Byndloss—a calico shirt, like a night shirt. Wiseman got his clothing from his sister; they were sent over for him. The nurses washed. Don't know if clothing of patients was sent out to be washed. The six rugs were supplied by Government; when I left they were there; they were thick rugs; thick enough—worth about half a crown a piece. The nurses got 8s a week for doing all the work, night and day; it

was not proper pay, I felt it was not. I found my own food; got 8s a week and nothing more. Mr. Byndloss said the Doctor ordered food every day for the patients —sometimes fowl, fresh fish, mutton, gruel, sago, barley, sugar, yam; the yam was for the people who were getting better. Don't remember seeing salt fish. Sarah Francis used to quarrel with me about food. She said she was starving and wanted to come out. She was put in the tents with her child. Can't say if she was there as a nurse and patient. She wanted to come out, and went to the gap and I pushed her in back; there was no Constable there then to interfere.—If I were bringing water and a patient wanted something, I had to leave the water and attend to the patient. Never heard the nurses grumble. I knew William Bennett well; was at the tents when he was there. His private used to bleed; not very bad; always bleeding—dripping. It looked swollen. Can't say if at any time Bennett was fly-blown; but I heard so. I was discharged before he died. The patients always complained they had not enough to eat, and I told them when the Doctor come to speak their minds; but when he came they never said a word. They had food there till it often got spoilt next day, but some wanted fish, others mutton, others rice and butter, and that was the way they were dissatisfied; they wouldn't eat what they got. Don't know if their friends brought them food from outside. There was no person in the tents either to weigh or inspect the food when it came from the Contractor; there was no supervision. I received the food and gave it to the nurses. Whenever they gave the patients Porter, Byndloss brought a bottle, and see them drink it. The patients got stimulants only during the day when Byndloss was there. If a patient took in low during the night there would be nothing to give him, if he fainted there was only rum and camphor. Byndloss brought the medicines himself. Sometimes he came three, sometimes four, times a day. He came in the evenings before he went away. The patients did not get the medicines at regular hours, no medicine was ever given at night. When Byndloss was not there in the day, nurse Clarke gave it. Bell never got either medicine or stimulants at night. He got nourishment boiled up with Brandy but not later than in the evening; at night he got none.

The patients did not have separate medicine. I saw a bottle come in to be taken in wine glasses by the different patients. Bennett and others took from the same bottle; the nurse gave it. Don't remember seeing Dr. Cargill bringing a little bottle with him Never know Dr. Cargill to visit the tents at night—His time was from 12 to 4; he used to be there sometimes at 6. Patients were left at night without physic or food and no Doctor saw them. I never saw Dr. Cargill go inside the tents; when old Roden was ill he went to the door. When Barclay died I was not there. I don't know if people refused to go into the tents. Never heard any body say distinctly they would not go in but heard them talk about it. Sue Clarke and I never quarrelled about attending patients. Can't say what has become of the tents since they have been taken down. James Barclay was covered all over with the Small-pox,—thick; can't say if they ran into each other. I did not attend to him at all. The patient I attended to did not pass blood. While at the tents it rained once—drizzling; it ran in. The usual hour for washing the patients was at sun-rise; and before they got their food. I never lifted any of them out; they were not weak. Can't say if they were or not considering they had no nourishment or medicine during the night.

Cross-examined by Dr. Ross—I have had Small-pox It is a thing you always see flies follow—plenty of flies. I never reported any abuses either to you or Dr. Cargill. I remember your holding an investigation at the station, by order of the Government.

Dr. Ross—Tell the Judges how I conducted that investigation.

The Presiding Inspector—No; the proper way is to put the proceedings in evidence.

Dr. Ross—I have been accused of having held a "mock inquiry" (*reading from Dr Bowerbank's pamphlet*—"THE TERROR OF THE TENTS")—an "indece it hole-an l-cor-"ner mock enquiry;" and I ask this witness who was present to state how I conducted that enquiry.

The Presiding Inspector—We can't receive it.

Cross-examination by Dr. Ross, resumed—Dr. Cargill visited the patients sometimes once, sometimes twice a day; every day; don't remember if he ever missed a day.

I saw medicine come in. Saw Fish, Mutton, Yam, Barley, Arrowroot, Sago and Sugar come in; sometimes a pint of Ale; Brandy sometimes but not a constant thing. The patients were clean enough. They had their own things clean Sir. I made some rough sort of bedsteads for them—about 4. They were about a foot from the ground. Don't remember your telling Byndloss he was to get everything that was required and you would pay for it. Don't remember telling you at the investigation, that I did hear you say that; nor that I heard you say to look after the people well and spare no expense——

Dr. Bowerbank—Your honors should not that man's evidence at the station be on the table here?

The Presiding Inspector—Dr. Ross is putting the question in a general way.

Cross-examination by Dr. Ross resumed—I told you Byndloss gave a long shirt to Bell and a pillow. I said I never heard any complaints but the people talk a great deal, especially Sarah Francis, behind the doctor's back. Don't know whether Frederick Wiseman got clothing and food from his sister Maria Downer. The evacuations when thrown in the ditch were never covered over. I never told you they were. When Byndloss met me he said "Dr. Bowerbank want to see you Marshall but dont say anything against Dr. Cargill;" he said "I was to say nothing against Dr. Cargill or I would be proved as a liar." I told you that Dr. Bowerbank asked me a few questions. I never told you that "he did not ask me more because he could not get more mischief out of me."

Cross-examined by Dr. Cargill—Dr. Bowerbank sent Byndloss for me. I went. When he asked me a few words and I answered, I saw him using his pen. I knew nothing to make a voluntary statement. What I told him was in answer to questions. I never wrote a letter; I can't write. When I heard you say the tents were bad, it was after Hall died, and after I was discharged. I was outside of my gate, and you stopped and said that. You did not say that before Hall died. Before you said that you went into the yard. When I told you Bell was delirious you went up to the tent door and said I was to tie his foot. I don't remember your saying to tie them slightly with a handkerchief; dont remember what

you said I was to tie them with. You always went to the tent doors, but not inside. You saw and talked to the patients at the door. They never complained to you that they were not fed and did not get medicine. Bennett did call to you, and say his privates were very bad; he was under a tree, and you went to him and examined his privates. Sometimes when the tents were hot the patients were put under trees. So that on those occasions if you went under the tents you would have seen empty tents. The tents were small; just to hold one person ; there were two beds in each. I don't think you neglected the patients, but I don't know what any body else think. No one ever sent for you in the night. You did not tell me the stools were to be buried under the dirt in the ditch. I never complained that my wages were too small; never heard patients complain you did not attend to them; never saw you examine Wisemans's eyes.

To Dr. Bowerbank.—When the people were under the tree, Dr. Cargill never touched them, but he went nearer to them than he did when they were inside the tents; he was near enough to touch them if he wanted. I was examined at the Constabulary Station by Dr. Ross. Inspector Nairne and Dr. Cargill were present. I was not afraid; I had nothing to fear.

To Dr. Ross—Sarah Francis and Frederick Wiseman were there. Wiseman was asked by you if he had any charge against any one and he said no.

To Dr. Bowerbank—Francis and Wiseman were present whilst I gave my evidence but I was not present when they gave theirs.

To Dr. Ross—You read over their evidence to me.

The Court took 10 minutes recess for lunch, and on re-assembling, Dr. Bowerbank had called

Sarah Francis, examined by Dr. Bowerbank—I saw you once before—on the 21st of June. I went to you with McKenzie; you sent for me. I liv'd in Townshend town yard with Bennett. Recollect the first case of Small-pox there—James Barclay. Tents were put up on what was called quarantine ground and Constables were put there to guard them. I was taken with fever on Tuesday and had small-pox; went into the tents. I had fever in the tents a week and seeing my child

who was there with me getting poorly I had to get up and attend to it. There were in the tents, James and William Bennett, myself, Frederick Wiseman, Richard Campbell and William Roden. I had the Small-pox very slightly, and I remained in the tents as a nurse chiefly to nurse my sick child; got no wages and but very little allowance. First, when a patient they sent me a little pap; and while a nurse, they said they would feed me but what they gave was not worth while. Can't say how long I was a nurse but when I was in the tents I was sick only a week with fever; I remained there till the last patient was there; there were 3 tents. They said that they would allow people who lived in Townshend town yard to go in and out but that no stranger should come in. Wollaston lived in Townshend town and he went out among the people every day to do duty. No one was in the tents to see the nurses do their work. Marshall was kind of a half nurse. People used to go into the ground in spite of the Constables. Agnes Davis went in through Sue Clarke's yard. James McKenzie and William Bennett's mother came there. She got the Small-pox after the death of her son. She lived in Kingston and came one evening about after 5 o'clock. Maria Downer, Mrs. Duncan, Mrs. Manning, Robert Napier, a boy named George Skellette, all came into the tents; some walked through Sue Clarke's yard and some through Mrs. Townshend's yard. Marshall was discharged because I went to the fence telling Maria Downer that Bennett was quite poorly and I didn't think he would do well as he did not have a good attendance. The Doctor came in and went to Marshall and said he don't require his service as he didn't do his duty. The Doctor did not hear what I said to Maria for as I saw him coming I walked off. The people there relieved themselves any where in the bush. All the filth, dirty water, and chambers were emptied in the ditch; no hole was dug. It smelled bad sometimes when the sun was hot or after there was rain. The patients were washed out in the yard, and persons in Townshend town could see them. They were lead out from the tents—those who could walk. When Bennett could not walk, I had to lift him. Bennett had no slippers, but hard Boots which he could not put on. I had to cook, wash, and assist in doing everything—we had to spell it.

I attended to my own child, and Clarke and Marshall, the others. There used to be a good deal of dissatisfaction in the tents about the food, particularly about sugar. Many times I had to buy sugar for my child, for Bennett, and for myself. I had a row with Marshall about the food; I threatened to go out, and went. The rain came, and my baby and his father (Bennett) were crying on me for something to eat, and I said to Marshall "Bennett is hungry, and I dont know what to do. The rain is coming and all the place wet up. Go down to the gap and call Miller to tell Mr. Byndloss to send something soon, because they send it so late it will be no use as the fever will come on and they can't eat." Marshall said he would not go, and I said I would go myself. I went down to the gap, but did not go outside. Saw Miller and said to him "call Mr. Byndloss, Bennett and the baby crying for hungry, I don't mind myself. See what he has to send for the sick, for if they stay till late when the fever come on they can't take it." Miller said "I won't go nowhere," and I said "I don't care what they do with me this day; they may take my life, I am going out." As I went I heard Mr. Byndloss say "Constable" and I turned and went in back. When I went in Marshall cursed me and I said to him "that's the way you advise people to come into the tents and they will get all attendance but when they come you starve them." He said I was a liar and chucked me, and I went in. I never got the food till ever so late and when it came neither Bennett nor the child could take it; I think it was Beef that came. Beef came there, but not often. Mutton once; one Sunday morning 2 little chickens, and afterwards Pork and Corn Flour. Sometimes Sago. Have seen Herrings come. Everyone in the tents complained they could not get food; have heard Hall say he could not get it when he wanted it; never heard him complain it was not enough. When they sent in anything in the morning they never sent again till ever so late when the fever come on. No food came for night, except what any one put down from what came in the evening; and sometimes if you call for what you put down you would get it, but there was no lamp nor ætna. There was no means of getting a warm bath in the tents. The patients were not washed with warm water. There was an iron pot. I had one—my own. There

was only one tub but I had my own to wash my child. The tub was belonging to nurse Clarke. There were no chambers. I had my own. Patients went to the back to relieve themselves—some inside, and then it was thrown in the ditch. They used to lay on pieces of old wooden things that the Carpenter made; there were no beds but that which the people brought with them. I saw but one bed given by the Government to a patient. When the people came to the tents and found they had no bed to lie on they sent for their own. There is a bed and pillow lying on the tent ground now. It was that which I saw come in for Bell; after the death of Bell, Hall got it. Patients found there own clothing—but one man Bell, got a shirt. Bennett's mother sent him three shirts. I assisted washing the clothes. Wiseman sent his over to be washed by his sister; she lived in Townshend town ; can't say if she sent them out to be washed, she was sick at the time and got some one to do them. The people had rugs from the Government. I buried one with poor Bennett; one with Hall, and I believe one was so bad that it had to be buried in the ditch. The others Dr. Cargill got Sue Clarke to wash; they were put into store again. The nurses worked altogether; they did not spell night and day. The nurses left the tents at nights. Sue Clarke, the nurse, never slept at the tents but one night, and that was when Bennett got poorly. Sometimes all the patients slept in the tents when they could get a little rest. When I was a patient I used to stop in the tents during the day and sleep in my house at Townshend town at night. I took my child with me. So did Frederick Wiseman. Sue Clarke, slept in her own room, so that there was no one to care the patients at night. Smith was discharged then. Wiseman was washed in the yard after Hall's death. There was a great deal of dissatisfaction when the patients called the nurses for anything and could not get it. The food never came in time. Bell cut his face when walking in the night—he tumbled over the stumps. When I was with Bennett, I heard a Constable fetch Bell to the tents, one night; they said he had got out of the tents and was walking in the road. I heard a Constable say "who is here to take Bell; he has been walking about the road." No nurse slept in Bell's tent. Next morning, when I got up, I saw Bell's face and feet all

bruised up, and I said. "Mr. Bell, what's matter," and he said "I fall down on the stump." Clarke was the nurse to look after Bell. Did not see them tie his feet. I heard the Doctor say if he wont lay in his bed must tie him. I heard Bell was fly-blown; did not see it. I lived with Bennett for a long time; lived with him for seven years, up to the time he died, and had four children for him. He had no bad disease. His private parts were very bad when he died; I believe the mother of the Small-Pox was there. The Doctor ordered poultice. Bennett was fly-blown in the shoulder. One morning when I lift him into the yard, I saw he was fly-blown, and called to McKenzie to get some Calomel. He went and got it outside, and I put it on. When Bennett went into the tents he was not any way very bad—except the face; the pox ran into each other. When he had it first, and before he went into the tents, he bled from the nose. When in the tents he only bled from the sore on his private; he never passed blood. A man named Miller fetched the food to the gate and gave it to the nurses and they brought it in and cooked it. There was no one in the tents to see things were all right. The people get porter sometimes middle-day; the nurses gave it to them, but none was given at night. They get nothing at all at night; nothing from the Government. I have sent and bought Brandy and given Bennett. Very little medicine was given. I saw a bottle come for all the patients; every one had the same physic. The nurse took the bottle round from one patient to the other and each drank. It was some red stuff with a funny fainty smell—what they call Carbolic Acid. A dose of oil was given to each patient whether he wanted it or not. I tell you each one had a dose round. Sue Clarke gave Frederick Wiseman, William Bennett, and Edward Bennett, theirs. Old Roden would not take his. He was very poorly and they put down his dose till morning but in the morning he died. I tell you each one had a dose of it from a bottle—

The Presiding Inspector—Oh! This is very much like "Do-the-Boy's Hall." (*laughter.*)

Dr. Bowerbank—(*to the witness.*) You swear that a bottle of Castor Oil came in from which each patient

was compelled to take a dose; and that all but Roden took, and he died next morning?

Witness—I tell you I see it with my own eyes. A bottle come in and every one had a dose round. They put down Old Roden own for morning but by morning him dead.

Dr. Bowerbank—How much was given?

Witness—I cant say but they gave it in a cup.

Dr. Bowerbank—Did Dr. Cargill ever go into the tents?

Witness—He only come to the tent yard. He did not go in to see the people. He never come in—

Dr. Cargill—I admit that I did not but when I come to be sworn I will explain how I attended the people.

Examination, by Dr. Bowerbank resumed—I never see Dr. Cargill touch the patients under the tents or under a tree; he never went near enough to touch them. One day Bennett was outside lying under a tree and I see Dr. Cargill coming and said "Bennett, the Doctor is coming, I have a hope he will look at you;" but he just said "poor boy" and went away. The Doctor one day fetched a little phial with some green stuff which he said to give Bennett a spoon of it. When James Barclay died, Sue Clarke said they carried the child into the tents and made it die for want for she one could not attend to the child; and it die for want of attendance. She did not say this the next day after it died. I have known people refuse to go into the tents or allow their friends to go in. Bennett and I at first refused because we heard how the tent was. That was after Barclay died. I went in afterwards because I was sick with fever and I thought I would have had the Small-Pox, and my child would have had no one to attend to it. I thought we would have had better treatment from the Doctor. Wiseman refused but went afterwards. Maria Downer and Campbell refused and did not go at all. Sue Clarke did not attend to the patients till she saw my child and Bennett were getting really bad. Hall was the last who died in the tents. Wiseman remained after, but he went at nights and sleep at his house. I was in the yard when Dr. Cargill and Dr. Ross came and said "where is the man who has the Small-Pox;" and Bennett said "see

me here Sir." Dr. Cargill said "come out to me;" and Bennett said "Doctor I can't come out for I feel very bad." Dr. Cargill said "I can't come in;" he was standing back of Dr. Ross. Dr. Cargill ask him if he vaccinate and he said "when he was little." Dr. Cargill ask him "why the other day when I was at the Court House you didn't come and vaccinate;" and Bennett said "I don't know big people was to vaccinate." Dr. Cargill said "that's the way with these negroes they ought to go to the workhouse," and he began to talk high. He and Dr. Ross began to talk, but did not hear what they said. Dr. Cargill never visited the tent yard, or tents, at night. Dr. Ross came once; never saw any Doctor come with Dr. Cargill to see the patients. Dr. Ross said to Bennett "are you willing to go to the tents;" Bennett said "No;" Dr. Ross ask him why; Bennett said "which of the tent? The one Bell dead in?" He said "No; he would put up more." My child was sick after Small-Pox. He had Whooping Cough. And I ask Dr. Cargill, when he come to Townshend Town yard, for medicine. He said to me "how is the child:" I said "very well from the Small-Pox, but he have the Whooping Cough;" and he said "well, all of you go to Dr. Bowerbank about me; go to him with your child." He said "all of you carry me to Dr. Bowerbank."

Dr. Bowerbank.—When was that?

Witness.—Can't say Sir.

Dr. Bowerbank.—You know if you like; come tell me?

Witness.—No Sir.

The Presiding Inspector.—Answer the question. You are the worst witness who has given evidence as yet.

Dr. Bowerbank—There is a good deal of truth in it your honour.

The Presiding Inspector—There may be but she is varying and fencing so much.

Dr. Bowerbank intimated that he had finished the examination in chief.

Cross-examined by Dr. Ross—Bennett did not go into the tents before me. He went first and I followed him. When I got better I stayed to nurse my child and Bennett who was my sweet-heart. I never got paid for doing that; I asked for none. I never come and tell you that these wrongs were being done to us; where was

I to find you? (*laughter,*) I never told Dr. Cargill; I waited for the nurses to tell for they said they would but did not. I said once to Dr.Cargill, when Marshall told me to do it, "Doctor, we cant get anything to eat;" he said "what do you want;" I said "anything at all;" but I got nothing more after that. He told me he would send in a little hard food. He sent it. I never got anything; I got but not to satisfy me.--

The Presiding Inspector--You are giving your evidence very disgracefully. At one time you say after speaking to Dr. Cargill nothing came; then something did come; another time you say you got nothing, and then that you did but "not to satisfy you."

Cross-examination by Dr. Ross resumed--I never said anything to Dr, Cargill before his face. I had much to say behind his back. I ran back into the tent yard when Byndloss said "Constable" because I thought the Constable was going to hold me, and I did'nt want him to hold me because I know how them handle people. I did not know Byndloss was to give us all we wanted. I asked him for something because you told me so when you come to the yard. You said we would get all the care, attendance and feeding we wanted. When I went to Byndloss he said all he had had been sent in already. I did not report one single circumstance either to you or to Dr Cargill; it was not my business to do so; it was the nurses business. It was my business to tell Dr. Cargill I was starved but I did not because when I sent and got nothing I had my own money and bought. Dr Cargill did not come to the tents every day; I never saw him there twice a day. He came very often; can't say how often; he never came every other day--sometimes for two days he never came. We hear him pass the road and not come in. Sometimes the people over the next yard when they see him pass and don't come in they call to us and say he gone pass. I don't know whose fault it was that the food did not come in in time. Dont know that Byndloss was the contractor to send the food in proper time. I was in the tents the night that Bell went out. I was not sleeping; but did not prevent him from coming out because I did not hear him. He told me next morning that he fell and that was the cause of the bruise on his face. People said he was delirious; the nurses said he was but I dont think

so because he talk to me very fair. I dont know if he was delirious the morning he told me he had fallen. Can't say if Bennett was true to me. The time he was sick he had left me for 2 months and come back. I was not in a position to judge whether he had bad complaint or not. The patients did not get a cupful of Castor Oil; can't say how much they got. When you and Dr. Cargill came to my house it was he who asked " where is the man with the Small-pox" and not you. You told Bennett if he went to the tents he would get all care. I did not hear you call to Bennett; you did not open your mouth before Bennett came to the door. At the examination at the Police Station here I saw Sergeant-Major Speck in the room once. My child did not die of the Small pox. He is well. Dr. Cargill never order any medicine for Bennett. Mr. Byndloss send a little nourishment for him by Dr. Cargill's order. He sent Cornstarch, Cornmeal, Arrowroot; and some Beef-tea but very little Brandy. He got Porter and Ale too. Sometimes when the Sugar was not enough I had to send back to Mr. Byndloss for a little more. I never reported to Dr. Cargill about the Sugar; I never asked him to change me from rice to yam or cocoa. I said what they sent I could not eat. When I got well--when I had no more Small-pox, Mr Byndloss send yam, saltfish, mackerel, herring, beef; fresh fish once. We had plenty of water. The nurses did their best to keep the patients clean. I don't know if the Constables knew that Bennett sent for McKenzie to read for him, I believe Byndloss told the Constables about it. I dont suppose Dr. Cargill knew what was going on at the tents. Not one of us told him. He neglected us so far for the sickness. The sides of the tents were looped up during the day. Dr. Cargill could not see what was going on inside except he stooped down. I did not wash my baby in the half finished house; was sitting there when Dr. Cargill came.

Cross-examined by Dr. Cargill--If Dr. Bowerbank had not sent for me I would not have gone to any body to complain about these abuses. I would talk but not go and complain to any body. I did talk of how we were treated in the tents. I heard you order the castor oil for the patients all round. You said to nurse Clarke you would send some Castor oil, she must give

every body a dose. I can't tell whether the blood from Bennett's private did not come from the kidneys. When the nurse asked where it came from he said his private. I did not bring my child to you when he had the whooping cough. You came and said I must have put the child on the wet ground when it had just come out of small-pox. You said we all carry you to Dr. Bowerbank and you have a good mind to put a Lawyer on us. You said "you all go to Dr. Bowerbank with lies;" you did not say "and come to me when you are sick," because I never brought my child to you. You said you would give it some medicine and you brought it next morning.

Stephen Dale (examined by Dr. Bowerbank)—I am Beadle and Sexton to the Half-way Tree church. Was not at the funeral of Robert or Susan Armstrong. I am not quite confident I was. Dont recollect anything being said by any body about wakes. Constables were put on guard to prevent persons going into the Quarantine ground. I went there once. Some one said Bennett begged me to come and pray with him, but I did not like to go on account of the Constables. He sent again next day and I went. I went through Sue Clarke's yard. I had a word of prayer with him. The small-pox was very bad on him; I went through Clarke's yard because the Constables would have prevented my going through the front. While there I did not not see Dr. Cargill paying a visit. As Sexton I can get for the Court a list of the persons buried in the church yard having died of Small-pox.

Cross-examined by Dr Cargill—We had 3 or 4 graves dug ready as soon as people were admitted into the tents. Mr. Hoyes is the Sexton for the out-door people and on leaving Half-way Tree he asked me to attend to the duty for him. The graves were not dug for the people in the tents particularly but for Small-pox cases generally, for people dying of Small-pox had to be buried very quick.

Dr. Ross—It is stated in this Book ("The Terror of the Tents") your honors, that graves were dug so soon as people went into the tents.

Dr. Bowerbank—For those in the tents in particular, and I will prove it.

To the Court—As we heard that people with Small-pox must be buried immediately we had the graves ready.

To Dr. Cargill—You used to ask me in the mornings if I knew of any Small-pox cases. Have known Mr. Desnoes to call you to see his wife and you could not go as you were just from the Small-pox people.

To Dr. Ross—At one time I was called upon to bury two Small-pox cases; so afterwards I had the graves ready to save time.

To Dr. Cargill—I did it in the same way as the Parish coffins are kept ready made for parochial funerals. I had the graves dug to save time as the man who digs them rings the Bell and blows the Bellows. As a parishioner and the Sexton I had a good deal to do with the late epidemic of Small-pox here; and I never heard any one say you neglected them. I have been out with you to look for cases.

The Court here adjourned till eleven o'clock to-morrow (Tuesday) morning.

TUESDAY, 12TH NOVEMBER.

The Court met at 11 o'clock this morning.

Immediately after the Inspectors had taken their seats,

Dr. Bowerbank, said—I wish to put a question to your honors; and it is this: whether papers sent down by the Government to the Central Board and which have been submitted by that Board to your honors, are the property of this enquiry?

The Presiding Inspector—No papers have actually been submitted to us but we have seen some.

Dr. Ross—These papers were placed by me as Head of the Medical Department before the Central Board and I intend to keep them.

Dr. Bowerbank—In the early part of the week your honors, I applied to the Secretary for certain papers and I understand Dr. Ross will not give them to him.

Dr. Ross—They are my property, on which I base my defence.

Mr. Rees (Secretary to the Commission)—Dr. Bowerbank has specified some papers which Dr. Ross has.

Dr. Bowerbank—I want to know your honors whether or not I am entitled to certain documents.

The Presiding Inspector—What documents do you want Dr. Bowerbank?

Dr. Bowerbank—The Report of the Magisterial, enquiry, by Mr. Cooke; and the Report of the Local Board of Health.

Dr, Ross—And I refuse to give them as I have no order from the Government to do so. I am going to base my defence on them.

The Presiding Inspector—What is the objection to furnishing those documents Dr. Ross?

Dr. Ross—I have to use them in my defence. In the light of the accused I refuse to give them. When I am done with them I will pitch them on the table and then Dr. Bowerbank may do what he likes with them.

Dr. Bowerbank—Your honors I hope you won't allow any man to dictate to you. I take no man's refusal. It is for your honors to decide not for any witness to refuse.

Dr. Ross—They are documents of the Central Board and I have no authority to give them up.

The Presiding Inspector—Well, we are officers of the Central Board to a certain extent and if they refuse to put in the documents I don't see how we can force them.

Dr. Bowerbank—Have they refused your honor? See how differently some people act, The Custos of St. Andrew has written to say I might have any document I wished from the Local Board.

Dr. Ross.—The Custos of St. Andrew is not an accused party; I am.

Dr. Bowerbnnk—He is as much as you are. Your honors, Dr. Ross appears to have come here to assume the responsibility of the whole Government. It struck myself and a great many other persons, that in the appointment of a Secretary to this Court, Dr. Ross assumed a responsibility he had no right to. Who made him a Judge of the competency of the applicant whom he has told us he rejected on the ground of incompetency?

Dr. Ross—That's my business.

Dr. Bowerbank—It seems, not only to myself but to many others, to have been the business of the two gentlemen sitting here.

The Presiding Inspector—We think the papers Dr Ross, ought to be put in.

Dr. Ross—They are public documents Sir and I refuse to give them without an order from the Central Board.

The Presiding Inspector—We think they ought to be put in at a later period.

Dr. Bowerbank—At a later period Sir, and Drs Ross and Cargill are to be examined last? I wish your honors to settle the point.

The Presiding Inspector—We think they ought to be put in Dr. Bowerbank and will see that they are. If Dr Ross as an officer of the Central Board finds any difficulty in parting with them without orders, we will apply to the Board that such permission be given.

Dr. Cargill—Dr. Bowerbank has impugned my diagnosis of Bennett's case. He wishes to show by ignorant witnesses that my diagnosis was wrong; that Bennett never had syphilis. Well, *de mortuis nil nisi nihil bonum*; but Dr. Bowerbank never saw Bennett. Yesterday I heard for the first time that there is a man named Gibson who can throw light upon the point, and I hope Dr. Bowerbank will call him. I admire Dr. Bowerbank's philanthrophy, but must say I think he goes in a wrong direction when he undertakes to dispute my diagnosis without ever seeing the patient.

The Presiding Inspector.—You can call him as your witness Dr. Cargill.

Dr. Cargill.—Thank you Sir. Dr. Cruice can sympathise with me. It annoys me a good deal. ———

Dr. Bowerbank.—I make no personal appeal to the Judges, Sir.

The Presiding Inspector.—I think we had better go on.

Richard Wollaston (examined by Dr. Bowerbank)—Am a Detective of the Jamaica Constabulary, and reside in Townshend Town now and during the time of Small-Pox. Tents were pitched next door and Constables placed on guard in front. Their instructions were to prevent persons from going in. I cant say if any one did go in. My house is near the gaps which opened into the tent yards—about 15 yards. Never saw any one pass through those gaps from Townshend town—but I heard

persons did pass. I heard the person I lived with was one. At first no one was allowed to come into Townshend town, but persons living there were allowed to go out to procure what was necessary. This continued some time but was relaxed after a while—it continued a week or so. Maria Downer, Bennett, his child, Roden, Campbell and Frederick Wiseman had Small-Pox. I used to go out on duty during the day. Went to the Police Station on one or two occasions, but was ordered not to come in for fear I suppose, the men would get the Small-Pox, as I was where the Small-Pox was. I was allowed to go among the people and do duty, but not among the Constables at the Station. I never got any orders but went out. Don't recollect having had orders from the Station during that time. I got orders from the Inspector to look and see no one went in the quarantine ground. The quarantine ground was mine, and I did not oppose the tents being put there. I went there and saw the tents being put up, and being a public officer I did not oppose it. The half built house there is mine, and I offered it in place of the tents. Knowing that I should be deprived going there for some time I offered it to Dr. Cargill for the Small-Pox patients if he gave me what I had expended on it. I thought it better than the tents—that is my opinion. I never complained of the offensive condition of the quarantine ground—never said it made me sick at the stomach in the mornings. It was a little offensive, I suppose from the sick of the Small-Pox. I lived at Townshend town some time. There is a portion of land there used as a latrine. It was in the possession of Mr. Alexander; can't say it was offensive. Saw Dr. Cargill visit the quarantine ground on one or two occasions—chiefly on Sundays when I was at home.

Dr. Bowerbank.—Did you ever see Dr. Cargill go into the tents?

Dr. Cargill.—I never said, I went in Dr. Bowerbank.

Dr. Bowerbank.—Let it be distinctly understood your honors that Dr. Cargill says he never went in. It is a great concession.

Examination of witness, by Dr. Bowerank, re-

I never saw him go in. As a Detective I am supposed to know everything in the parish. I have heard people say the patients in the tents were not getting proper food. I know of no wakes in the parish.

Cross-examined by Dr. Cargill.—Small-pox has a very offensive odour; don't know if there is anything to kill that smell. You used Carbolic Acid.

Cross-examined by Dr. Ross.—As a Detective I did not report what I heard the people say about those in the tents, to you or to Dr. Cargill. I did not hear the inmates complain but the people outside. I did not report the matter to Inspector Nairne, or to any body else.

To Dr. Bowerbank.—I did not report it to Mr. Foley.

Susan Clarke (examined by Dr. Bowerbank.)—We have never met before. You sent for me, but I did not come. I live at Half-way Tree in the same yard with the Small-pox tent, and am the mother of James Barclay who was the first had the Small-pox here. Was engaged as nurse for my son in the tents two weeks. After he died I came out, but Mr. Byndloss ask me to go in back and nurse Wiseman and I went for three weeks and a half; was in the tents for five weeks and a half in all—from the time they were erected. Constables were put on guard, and my house placed under quarantine. I and Berry lived together. The tents were comfortable for me; as I could not make it any better I was content with them. In the day they were hot, there was hot weather then, they were hot part of the night too. My son was the first patient that went into the tents. They were not floored—bare ground. No trench was made round them. The ground was smooth. But two persons from outside came into the tent I was in. In the other tent when Bennett was going to die few of his friends come and see him. Cant remember their names. Mr. Silvera went to pray with him. As a nurse I was not constantly with him. I had my own patient to attend to. —Frederick Wiseman. I went about to pick bush to bathe him. I nursed Bell and Roden and washed their throats for them. Dont know Maria Jarvis. Saw McKenzie in the tents. Dont remember any one else by name; you call the name and I will tell you. Never saw Armstrong or any of his relatives go in. Never saw Dale there. Amelia Smith was a nurse and Marshall

help us. Marshall was a nurse for two weeks. He was a sort of nurse—he looked over the people. He went away being the Doctor come and see him talking with somebody over the way; he said Marshall was not doing his duty. There was no privy at the tents. Wiseman had a little tub he bring with him. He used it and I throw the contents in the bush—in a large hole back of the tents; in a ditch. It was not dug on purpose but was there before the tents were put up. Everything was thrown into that ditch, and every body went there. It did not smell bad; only the smell of the Small-pox. The patients were washed in a tub. I washed Wiseman outside, back of the tent. The tub was mine. The Government had no tubs there. All the patients were washed in that one tub and afterwards I charged Mr. Byndloss for it. The nurses cooked and washed. I cooked for Wiseman. Hall and Bell's food were got outside. The other nurse Francis, cooked for Bennett. The patients did not want much clothes; two suits were enough. I sent Wiseman's night shirt to Katey Messam his aunt over the way, in Townshend town, to be washed. She get his God-mother to wash it for I had a lame finger. The night gown was thrown over the fence to me—there was only a little bush between the two places. There were no Chambers or bed pans for the people—none at all. Every one had his own little tub. Sarah Bennett had a pot there. I cant answer you whether the nurses used tubs or where they went. I wont do anything of the kind. I knew where I went, but I wont tell you; if even you shut your eyes I won't tell you. The patients had cabins—pieces of board nail up together. I call it "cabin." Each patient had one. Barclay's own after his death was put in the gutter, but when the other patients came they brought it in back. They burnt it afterwards. The patients had rugs to lay on; no mattress or palliasse. The "cabin" and pillow there now was one Mrs. Manning sent for her brother. Hall brought in one. Three rugs were left and Dr. Cargill told me I must wash them, and put them down till he asked for them; Byndloss took them. I boiled water and washed them in a tub, and put them in the Sun to bleach. I had my own pot to cook in. I got paid for mine. I used it to boil soup and other victuals; we had no means for giv-

ing a patient a warm bath if he wanted one for nobody can take warm bath with Small-pox. I never know such a thing so I used cold water. I used bush with the cold bath, but dont remember the name of the bush. I picked it myself. They gave Bell a long shirt, but he did not wear it for a week, before he died; they gave Hall one, but none to Wiseman. I nursed Wiseman and others at night, but sometimes I went to my own house and sleep, but I leave him to another nurse, for I tired; but my patient was quite contented, for I put him to bed, and give him his nourishment, and he was quite contented and I went to my house in the same yard; but the other nurse was there. Amelia Smith never left the tents at night because she lived far. I am sure she never left the tents at night although sometimes I was not there, but was at my own house sleeping. I got 8s a-week; dont know if that was good pay or not. I was satisfied with what I got. I fed myself; but got food when I was nurse for my child. At that time I got 3s a-week and raw food. I never heard Wiseman complain he did not get enough food. I never told Maria Downer not to trust to the food Dr. Cargill give him but to send her own for him. Maria Downer used to send something—a little thing, for Wiseman but I cant call that food;—a little bit of wine; may be a slice of bread or a piece of yam. I cant call that food. I never yet see her send a basin of any thing that I could say full the boy belly (*laughter*). Whatever she did send a boy brought. I dont know that the nurses quarrelled between themselves about food. Marshall and Francis did quarrel. They had to send to town for the victuals and it did not come soon so Sarah Francis say if it did not come early she would go outside as she was hungry. When she was going out Marshall turn her back, and as she come in the Doctor came. Marshall told her why she dont complain to the Doctor but she would not speak. I dont know if Bell hurt his head. He told me his mind was not easy. He scratched his face; I saw him do it. Dont know if he hurt it before in any way; dont know if he fell. The eggs of the flies that pitch on his jaw, were there and Marshall scraped them off. I was not there when Mrs. Manning came. Was there when William Bennett was there. I heard his nurse

and sweetheart say he was fly-blown. They called me and showed it to me. It was in the evening and they dressed it with Calomel. Bennett's private was bad; cant say what was the matter but it looked very bad. Cant say if Dr. Cargill ever looked at it. I never called him to do so. Bennett's nurse must do that not me. The patients got Rice, Sago, Beef, Fowl, Cornmeal, Fish, Milk—nothing else at that time. When them call for it they get yam; them never get Herring unless they call for it. They sent rice and butter for Wiseman. When the Doctor order it they got Porter. Barclay got. They got Brandy. Sometimes Maria Downer sent a little wine and Porter sometimes, but that's not a belly full (*laughter.*) She sent a few little things there in a cheese plate. I and the other nurse cooked the food. The patients got fed in the morning, mid-day; any hour they call for it we give it. We give it at night before they go to bed, if they want it —9 or 10 o'clock; pap or tea as they required. My patients did not require anything at night. I say they didn't, after they didn't want it in the day what you think night. (*Laughter.*) The Porter and Brandy ordered by the Doctor was received by Marshall; and when we give the patients these things Marshall was there, but after he went away there was nobody to see them get it. Wiseman did not sleep in the tents after Hall died; don't know where he slept. May be he will be able to tell you better himself. He slept in his house if you want to know (*laughter,*) but not till a long while after Hall's death. Two nights after every one go away from the tents and come back in the day. At that time one of the tents fall down and one leave and the boy was ng to run away. Sarah said, "before you run way come and sleep in Townshend town, and we can come back in the morning," and they went. Can't tell if Sarah's baby went with her, But make I ask you Sir, even that them run come tell you. (*laughter*). My gracious! Why I never see anything so.

[The witness here became quite enraged and after a-while burst into tears. When she recovered, the examination was resumed.]

One nurse—Amelia Smith, gave the whole of the patients medicine. She gave Wiseman his; as often as the Doctor order it. I did not watch her. How am I to know what medicine them get—I am not the Doctor

(laughter.) Wiseman got his three times a day. It was given in a wine glass, and from a little bottle. All the patien s got the same medicine. Amelia Smith gave a dose to all of them right roun l. Only one kind of medicine was given, and oil. She gave them the oil all round too; except the old man. He would not take his—he said he was too weak, and he died 4 o'clock next morning. Every one but him got a dose of oil.

Dr. Bowerbank.—Shall I put the same question to her, whether Dr. Cargill ever entered the tents?

The Presiding Inspector.—Well, you might if you like, but Dr. Cargill has admitted he did not.

Dr. Bowerbank.—If your honors have noted that, all right.

Examination by Dr. Bowerbank, resumed.—When Barclay died I said something to my own self. It is my business what I said, *(laughter.)* Well done, *(laughter.)* But I did bring down any complaint to you Sir, *(laughter.)* What I said was said to broke my feelings. I forget what I said; I tell you I forget. I couldn't say my son was murdered because he could not be murdered as I was caring him myself in the tent. What I said, I said in my yard. But Sir, I bound in duty to say what I like in my own yard. There's a thing, *(laughter.)* I made no complaint. If I had any I would go to the Magistrate. I never said my child was murdered, for if I did I would say I murder him myself. Whoever say I said that lie; they must be drunk at the time. I had no quarrel with any one about attending Wiseman; whoever say I had know better than myself. Wiseman is no relative of mine. His mother was my friend; that's all. I do not understand what you mean when you ask me if I ever live with him. Him is a child, how could I live with him? Mr. Byndloss employ me to nurse Wiseman alone, being he was in the tent, but as others come in I attend to them too. I was outside the tent when Roden died. Late in the evening I washed his throat; saw him when he was dying. He was not found dead. I swear he was not. I gave evidence at the station. Nobody summons me to go there. Dr. Ross and Dr. Cargill send and call me and I go. Constable did not come for me. They ask me to go and tell the Doctor what I know and I went. Nobody call me sir, I went myself. Dr. Cargill sent some one to call me. I

dont know what I was called for; you must tell me and then I will answer. Dont remember who come to call me. Dr. Cargill send and call me in the same way as you, but I refuse to come to you and that is the reason why you going on so with me, (*laughter.*) What! them tell you too that Dr. Cargill come himself and call me (*laughter.*) Yes, he did then since you want to know. He said I must come and tell the truth. I wont tell you if he said I must come and prove that the people was not starving. Dr. Cargill come to my door and told me to come and tell Dr. Ross that the people not starving—

Dr. Cargill—Dr. Bowerbank you are actually making the woman say what is not true. That is not fair.

The Presiding Inspector—You put the words in her mouth Dr. Bowerbank. (*To the witness.*) Tell us what Dr. Cargill said to you?

Witness—He said I was to come to the Station; I must meet him at the station. He did not tell me what for till I got there. He did not tell me to come to the Station and say the people were not starved. I take my oath he did not. He only said to meet him and Dr. Ross at the station.

To Dr. Bowerbank—Dr. Cargill never paid any night visits to the tents.

Dr. Cargill—No, I never did.

Examination by Dr. Bowerbank, resumed—Cant say if the patients bled much in the tents. Barclay did not; he had the "pweter" (putrid) kind of Small-pox, all running into one another. I got "four bits" (1s 6d.) for my pot. I was nursing my son at home and Wollaston report it to Dr. Cargill. Dr. Cargill come and said they were so fine he did not know if they were small-pox; and he remove us and carry us to the tents. You dont business to ask me so much questions. Little while ago you ask me 'bout pot and now you ask me again. I lost a son some weeks ago. The country helped me to bury him. I did not tell Maria Downer not to trust to what Wiseman getting in the tent. I told her the rain blow into the tents she must send a board make I put to keep it out from Wiseman. He was better then. I visited the Armstrongs. I and my friends take a walk there, because I am my own mistress. I did not go there when a nurse. The Armstrongs died after the people done dead

in the tents. Rain only came one day and blew in the tents. It rained heavily when Roden died. That day the patients were washed before the rain came.

Cross-examined by Dr. Ross.—No feather beds with Mosquitto netts, or water closets, kitchen ranges, hot water apparatus, were supplied to the tents. I remember the day you came to see us at the tents. A Constable was with you. I was inside and did not notice if Mr. Byndloss and Dr. Cargill were with you. You told me I "must stop inside; not to come out and keep quiet, We will be well treated inside and whatever we want Mr. Byndloss would supply; musn't spare no expence on we at all." Five of us were in there then. You told Byndloss to send in food for us. Can't tell if you said Byndloss was told to send it cooked. For three days it came cooked and after that it came raw, for the people said they did not want it cooked, they preferred to cook it themselves. Dr. Cargill came twice a day to see my child—every morning and every evening. I consider Dr. Cargill was attentive to him. If he was not I would have reported it. I was supplied with candles, oil and sugar.

Cross-examined by Dr. Cargill.—The house I live in has no floor. Dont consider while I was a nurse in the tents, you neglected the patients; not at all. No one ever made any complaint to you. Have seen you attend Smallpox at Ford pen. You did not neglect them. When Dr Ross had the investigation at the station you did not put the words in my mouth. Dr Ross asked me every thing; and you sat down. My son died of Typhus Fever. You attended him.

Dr. Cargill—I wish to mention sir that I attended the child on the parish account because Dr. Bowerbank insinuates——

Dr. Bowerbank—I insinuate! It is impudent in you to say that sir. If you were as outspoken as I am you would do well sir. I won't stand that. What I asked her was if any one assisted her to bury the child.

Witness—Dr. Cargill never gave me money or anything else to bury my child.

To Dr. Ross—The day of the examination, Mr Brice, the Inspector and some Constables were there. Frederick Wiseman, Sarah Francis, Edward Bennett, Marshall —all were there.

To Dr. Bowerbank—Dr. Ross took us one by one ; all were not in the room at one time.

To Dr. Ross—When you examined me the others were not in the room. Those that were examined before me were there and they heard all you asked me.

Dr. Ross—I wish to explain to the Court how I conducted that inquiry. I called the witnesses one by one, and each one examined sat in the room whilst the next was taken ; so that it was not an "indecent hole—and corner enquiry."

Dr. Bowerbank—I repeat that it was.

Dr. Cargill—Why, I remember that on one occasion I attempted to speak to one of the witnesses and Dr. Ross stopped me ; he said I could only cross-examine them.

Dr. Ross—Dr. Bowerbank has said he charges nobody. In his letter to the Colonial Secretary of the 23rd August he says (*referring to* "THE TERROR OF THE TENTS" "But when the Head of the Department is implicated,") etc. so that I am distinctly mentioned.

Dr. Bowerbank.—I said the head must be implicated, I know what I write Sir, and am proving all I have written.

Prescilla Heyliger, (examined by Dr. Bowerbank.)—I lived at Townshend town when the disease first arrive. Lived in Berry's house. Was put under quarantine for 6 weeks. I got food from the public during that time. I mean to say I was put in quarantine when Barclay was put in the tent, and remained for 6 weeks, and was supported all that time by the Government. I went out one day and on coming back I was authorise by the Constables not to go in, and I asked him what he meant by stopping me from going into my own house. He told me he got orders that no one should be allowed in or out. This was the day the place was to be put under quarantine. I said no one can stop me from going into my own yard, and I sit down under a tree at the gate. When Dr. Cargill came I went to him in the yard, I asked him "Doctor how am I to make my living if I am to be placed under quarantine for 6 weeks; for I have to work to support myself." I had been told by the people, who know about quarantine, that the place would be put in quarantine for 6 weeks. People who walk about and understand quarantine told

me that. Dr. Cargill said I must remain quiet for every thing that I require I would get as long as I keep in, and quiet. After that Dr. Ross came—can't say how long after; think the next day, for when he came he stopped his buggy and asked where was the place with the Small-pox, and I said here. He came to the gate and said to me "well. I come to tell you all that live here to keep in doors, and if you take my advice you will be well supported. Do my good people dont come out, for if you do, you will be only affecting the rest of the people." Five of us at Berry's yard, besides the sick, were in quarantine; there were myself, Susana Clarke, Susana Tully, George Symonds, and a little dumb boy. We were all supported by the Government for six weeks. We kept in doors; not one went out. I was the door-keeper. Not a soul came in; no one could when there were so many Constables there. They were so severe that if you even stand up, they almost ready to take you up; the Sergeant-Major (Speck), was that cross that he use to disguise himself at night, from one corner to the other, watching the Constables did their duty well.

Cross-examined by Dr. Cargill—I knew William Bennett well; was told he had the venereal before he had the Small-pox, and I suppose there is some one in Court that gave him instructions what to do, who can prove it. When he first had the fever and pass the house Miss Clarke observed "William Bennett old complaint must be come back pon him;" and I asked "what" and she answer "bad disease."

To Dr. Bowerbank—I heard that. The support for us in Berry's yard was sent by Mr Byndloss—he sent food; in the mornings, one shilling bread, red herrings, butter, raw coffee, when required. During that time Sue Clarke was employed as a nurse in the tents; she hadn't time to eat her own food.

To Dr. Ross—I was six weeks in quarantine. The child (Barclay) come home to his mother a Sunday morning with fever. As the 6 weeks were up we let out of quarantine—after the death of Barclay; he died 2 weeks after. We were not released the same time he died; cant say how long after; I suppose about a week. I say we were in quarantine 6 weeks. We were not let out sir quite till long after.

Several questions, the object of which was to shew that quarantine was kept at Berry's house only for 3 weeks, were put, but the witness adhered to her original statement, namely, that it was 6 weeks.

Frederick Wiseman (examined by Dr. Bowerbank) —I live in Townshend town and am brother of Maria Downer. I took sick with Small-pox and went to the tents. Dr. Cargill and Mr. Byndloss came and asked me to go in and I said no; and my aunt say I must go as Sue Clarke was going to be the nurse and she was a good nurse. I did not want to go because the people were dying there. I went. The tents were hot; there was no flooring. I had everything I wanted. All I got from the Government was a rug and a pillow. I had a tub. Was washed in the yard by Sue Clarke, in the open air, naked, and people could see me. She washed me in the mornings at 6 and evenings at about 3 o'clock; was washed in a big tub. When I wanted to relieve myself I went to the ditch; walked to it; had a pair of slippers; did not use my tub for that purpose. Who could help themselves went to the ditch. I got plenty of food; never complained I did not get enough. I got food from the tents and what my sister sent. If she had not even sent me I should have had enough. I always go to the fence and ask her if she have anything to give me, but I had plenty in the tents. I asked for more although I had plenty. I eat all I got. I got fed twice a-day. My sister used to send me food every time she cooked—sometimes twice a day, so that I ate in all four times a day. My sister always sent me Porter and Ale. The Doctor did not order my sister to give it; she sent it herself. She did not send porter every day. When I went to the fence she gave it to me. Got Wine or Porter almost every day or every other day from my sister. Sue Clarke nursed me, She was very kind to me. I would do anything for her; anything she asked me. Cant recollect the day Hall died. Up to the time he died I slept in the tents; after he died I slept inside too. Bennett was the last person who died in the tents and not Hall; when the last patient died I used to sleep out of the tents and go back in the mornings—slept in Townshend town. The nurse knew I slept out. I heard Sarah Francis quarrel that she could not get food. Francis,

her child and I used to sleep in Townshend town. The Doctor did not know of it. I got a dose of oil from Sue Clarke; so did Edward Bennett; cant say for the others. I got other physic —a glass of yellow physic. Edward Bennett and I got the same, cant say for the others. They used to give it to me in the mornings when I was outside. At about 7 o'clock at night, I got pap—nothing after. Bennett and the others got at the same hour. He did not get anything after that. I got my food out in the yard, at 6 in the morning a pint of milk and a 1½d bread supplied by the Government. It was between 6 and 7, not 8 in the morning. Altogether I was very well treated in the tents and thank God I am now alive because I saw the others die. Then it was that I promised to do anything I could for Sue Clarke, whatever she tell me. One morning, after I come out, going to my work Dr Cargill told me to meet him at the station to examine me—he and Dr Ross, about the Small-pox. He asked me about the feeding.

To the Presiding Inspector—He said to me to come at the station to examine; and when I go to the Station they asked me about the feeding. Dr. Cargill told me to meet him at the Station to examine me about the feeding. He did not say anything about the feeding till I get to the Station, and at the Court House too.

Dr. Bowerbank.—Your honors that is what I complain of. This is the third time these witnesses have gone through the ordeal of being questioned and examined. It is no wonder they have become puzzled.

Cross-examined by Dr. Ross.—I could not see the road when I was being bathed. It was from mother Townshend's yard they saw us, and not from the public road. My sister never sent me a big plateful of food. Sometimes she sent toast bread and salmon, and egg—about two slices, not much. The slices were not very thick; not quite half an inch thick. The salmon was a small piece; and one egg. Got rice pap from her once—a pint pan not full. Got beef and mutton, tea, fowl, barley, fresh fish, sago, gruel, corn starch, arrowroot, and milk from the Government. Got porter once. Never got ale nor brandy from Government. The only day I get brandy was when Bennett got, and he gave me some, but none was ordered for me. My sister sent me the

long shirt. I got a wooden bedstead and rug from the Government. I never lost my head when I had the Small-pox; remember everything that occurred. Got plenty food ; had more than I could possibly eat. I used to eat off the bread in the morning and the pint of milk so that when I got the dinner I could not devour all. I used also to get nice little tit bits from my sister. I never made any complaints to you or Dr. Cargill, that I was badly used.

Cross-examined by Dr. Cargill—You never neglected me when I had the small-pox. You came twice a day. You looked at me but never put your hands on me but once ; that was when I was getting better ; I ate more when I had the small-pox than I ever did before. My sister's cooking was the same as that which we got in the tents. I heard Sarah Francis complain to you in the tents; heard Bennett say he wanted to go out. Never heard any one but Sarah Francis complain to you—that she was sick and tired of eating salt. Dont remember what you said to her. Never told you my sister sent Porter and food. Recollect when the last patient died in the tents ; it was Hall not Bennett. Recollect you said the tents were hot ; you knew it was the tents killing the people.

To the Presiding Inspector—Dr. Cargill said " the tents too hot" nothing else.

To Dr. Cargill—Before I went to the Station you told me to meet you there.

To Dr. Ross—Dr. Cargilll Mr. Nairne, and yourself, were at the Station. Sarah Francis was sitting there, she heard the questions you asked me.

To Dr. Bowerbank—Bennett complained to Dr. Cargill that his clothes were tearing and he want to go out and look for work. After hearing that the tents were too hot I did not like to stay there. I went away at nights because every body was dead.

The Court adjourned for 10 minutes.

The Court re-assembled.

Dr. Ross (*addressing the Court.*)—I find the documents for which Dr. Bowerbank applied, and which I have, are belonging to the Court, having been referred to them by the Central Board, and I now lay them on the table.

I apologise for not having found this out before. (*Hands up some papers to the Secretary.*)

Dr. Bowerbank.—I am glad you have found that out at last Dr. Ross, but I wish you had made the discovery last week. If you had I should have had time to look into them. Since I have been here, Mr. Nairne has informed me that he has instructions from Major Prenderville, that I shall have access to all documents relating to this matter, in the Constabulary office here.

Edward Jones, (examined by Dr. Bowerbank.)—Am a labourer and own a cart. That cart was pressed to remove a Small-pox patient. It was taken from me by force. I was going to town and met Mr. Byndloss. He told me he wanted the cart to go for a man who had the Small-pox. I asked him how far and he said below Dr. Cargill's, about a chain. We went and brought a man named Hall with Small-pox, to the tents. I lifted him into the cart; he took his bedding with him; he laid on it, and begged to drive very careful as he was very sore. Then he begged the other man to hold him up to sit. Mr. Byndloss was all the way very nigh with the cart, and he begged me to drive slow. He followed us from the house till we got to the tents. We went inside the tents; and as I left him I took the Cart, at the same time, off to Kingston. I charged 2s. for carrying Hall but only got 1s. 6d. The bed that went with him was left.

Dr. Bowerbank--Here is an exemplification of what I have been saying all along. Here is a man in a weak and helpless state being removed without any Medical supervision whatever, and carried in a common cart. The point is a most material one, and so material is it that the 21st section of the Law specially provides that the Board of Health shall provide "suitable litters and vehicles for removal of the sick" (*Reads Sec.* 21 *of Law* 6 *of* 1867.) Then here is a cart on its way to Kingston, pressed and immediately after carrying a small-pox patient to the tents, coming into the City.

The Presiding Inspector—I dont quite understand what the witness means by "pressed."

Dr. Bowerbank—Under the Militia Law your honour you may press a horse or cart, for service in the Queen's name.

Dr. Ross.—All this is quite new to me. I knew nothing of it.

Dr. Cargill—I quite agree with Dr. Bowerbank, but I never knew Hall was ill till I found him under the tents.

Dr. Bowerbank.—You were sent for. I say the whole machinery during Small-pox, was a mockery.

Dr. Cargill.—I had been out from morning attending a lady, and never heard a word when I came back.

Cross-examination of witness, by Dr. Ross.—My cart was pressed by Mr. Byndloss and feeling my own self, I went. He did not tell me by whose orders he pressed the cart.

Dr. Cargill.—I must say I did give Mr. Byndloss certain authority to take carts. I told him in cases of Small-pox patients being removed they were to be taken in carts, but I did not tell him to "press" carts.

Witness, to Dr. Cargill.—Mr. Byndloss said "you going to town," I said "Yes." He said "I have a man below Dr. Cargill's with Small-pox, I want you to bring him to the tents." I said "well, I am very busy but I will go." Then he went all the way down with me to the house. That's all he said to me when he pressed my cart. Hall brought the bedding and pillow to make a soft place to lay on; and when he reached the tents he was put in, bedding and all. His wife told him to carry the bedding. I was going to Kingston with my cart for some Boards for one of my neighbours. Hall could not walk; he was very sore. The Small-pox had no humor.

To Dr. Bowerbank.—At first I asked Mr. Byndloss a dollar and he said he could not; when I came back he gave me 1s. 6d.

To Dr. Ross.—I made no arrangements with Dr. Cargill.

Dr. Cargill.—No. I authorised Byndloss to get carts but cant say if I limited the price.

Richard Rennalls Plummer (examined by Dr. Bowerbank)—I reside in St. Andrew—a mile from Halfway Tree, beyond Sandy Gully. A child of mine had Small-Pox. It came to the School at Halfway-Tree opposite the quarantine ground and I have reason to believe it got the Small-Pox there.

Dr. Cargill—Dr. Bowerbank, we dismissed the School as the Small-Pox broke out.

Witness (to Dr. Bowerbank)—She came home from School with fever and during the previous two weeks she went nowhere else but to School. I detained her at home, and about three days after the Small-Pox threw out. No Doctor attended her. I did not exactly call in a Doctor. I sent and told Mr. Braine, and he said he would send Dr. Cargill but he never came; whether Mr. Braine told him or not I cant say. I had Small-Pox myself. Dr. Cargill came once on the information of Mr. Braine. He examined me by words as to age and so on. He stood outside—6 feet from the door ; he did not come into the room. He asked my age, name of place where I was, and called for a tumbler, threw something into it, told me to put that into half a pint of water and take a spoonful three times a day. He never returned to see me. Took it at 9 o'clock at night, and next morning I took another dose ; and as I did not feel well I objected taking more. Dr. Cargill never came back.

To Dr. Ross—I live a mile from Halfway-Tree. There were a couple of cases of Small-Pox near my residence before my child took it. Cant swear whether she got it from the quarantine ground or from those near my house. I only heard of two cases near me ; it was just getting about at the time.

To Dr. Cargill—Parson Braine said he would tell you I was sick. I did not exactly send for you. I had no occasion to send as Mr. Braine said he would tell you. My room is a very little one ; the bed is about 4 feet from the door and you stood at the door. I recollect your saying that you came to see if I had Small-Pox to report to the Superintending Medical Officer ; dont recollect your saying I could afford to pay. I will tell you what you said. I heard you were coming and rose up, and said "Parson Braine told me he would send you." Dont remember your saying "if you break your leg you would pay a Doctor therefore you can pay if you have Small-Pox." You asked the name of the place, and what I did to make a living. If I had fever or a broken arm I would send for a Doctor and would not be angry if he asked me to pay him. I never expected that because I had small-pox I should not pay. The medicine made me feel bad and I would not take any more It made me restless and feel worse than I ever felt before. When I took in I was working at Cashew Park and I had an

engagement with Mrs. Gordon to put in a few hundred shingles. I am not a pauper.

To Dr. Bowerbank—I continued sick with the small-pox and never came outside the gate for four months. My house was never watched by Constables. Mr. Braine asked me if I want to go to the tents and I told him no; he advise me to go but I said I would not. I am not aware that during epidemics the Government are in the habit of remunerating Medical men. I have the medicine Dr. Cargill gave me, at home.

To Dr. Cargill—I did not tell you I would keep myself from going outside and that there was no necessity to put a guard. I think Mrs. Fisher told you we were by ourselves and received no company.

To Dr. Bowerbank—If Dr. Cargill had attended me and sent in an Account I would have tried to pay it. I did not tell Dr. Cargill not to come back.

To Dr. Ross—If Dr. Cargill came on the instructions of Mr. Braine I would not have excused myself from paying him on the ground that I did not call him. I did not press him to attend me because people said that small-pox does not require much attendance from a Doctor.

George Weise (examined by Dr. Bowerbank)—Am a Carpenter living a mile from Half-way tree. My house keeper and child had small-pox. The former is now my wife. Hearing that it was advisable that Dr. Cargill and Mr. Braine should be made acquainted with Small-pox cases, I sent to a neighbouring party who had the Small-pox and who Dr. Cargill was attending to ask him to tell the Doctor there was a case of Small-pox my way. Not seeing him come for a few days I went over to ask, and the woman said Dr. Cargill said he was sick and could not attend.

The Presiding Inspector—That's not evidence.

Witness (to Dr Bowerbank.)—At any rate three weeks after Dr Cargill made his appearance when the woman had the small-pox just in a dry state. He came mid-day. I alone was in the place and seeing him coming from the gate, I went to meet him. He asked me where the woman with the Small-pox was. I told him "in here Sir," and he came in the room. She was then asleep; he called out to her two or three times, and she

made no answer, and he came out of the room immediately. I followed him and gave her age, and name, to the best of my knowledge, and he said to me, " She is very weak." I was much surprised at the expression as she was lying in bed, and I said " weak." He said "when in that stage they are generally weak, but send to my house and I will send a little medicine." Ammonia I think he said. I had no one to send as I had sent away all the people for fear of the disease; and from that day the Doctor never returned.

Dr. Cargill.—That's quite true Sir, every word.

Witness (to Dr. Bowerbank.)—Within a week or a week and half after the Doctor had made his appearance, one of my children that I had sent away took the disease, 2 miles off, at a place called Grant's pen. The person in charge of the children immediately sent her off to me. I received her and had to do the best I could for I could never see the Doctor. I had no one to send for him and as he did not return, I said it may be only a pest to him. Before I sent away the children my house-keeper took the fever and suspecting she was going to get small-pox I sent away the children—Small-pox came out some time after they were gone and seriously too. The child had her attack about a month or a month and a half after.

To Dr. Cargill—My house-keeper's name was Rouse.

To Dr. Ross—There was no small-pox where my child had it and that's the reason why they sent her back to me.

To Dr. Cargill—You asked me when you were enquiring, if I knew of any other Small-pox cases about. I cant say that my message reached you. They told me you said you were sick.

Caleb Duaney, (examined by Dr. Bowerbank.)—I live at Thompson's pen. Had Small-pox, but I cant recollect when. Dr. Cargill attended me. He came three times. He did not come in my room but in the Hall. He came to the room door. I did not refuse to go into the tents. When I was getting better some one asked me to go in but I did not; did not say why.

To Dr. Ross.—I had the Small-pox severe, but not the bad kind.

James Kelly, (examined by Dr. Bowerbank.)—Am a planter and live at Glebe Land. Had Small-pox; no Doc-

tor attended me. Parson Braine saw me. I had no bearer to send for a Doctor because my wife was not well. I beg a person who concern me to tell Mr. Dale I going to have Small-pox, and he tell the Rector (Mr. Braine.) When I getting better Mr. Byndloss wanted me to go to the tent. He said "I am not forcing you." I said "No; as I am getting better, I willing to stay in my house." I had no reason for not going.

To Dr. Ross.—I had the Small-pox thick; all on my face, hands; had sore throat with it, but through good attendance and the assistance of the Lord, I got round. Mr. Braine never gave me money to support myself, then I received Porter and Beef. I suppose I must have got them from the country; after Mr. Byndloss left he sent no more. Mr. Braine told me to send to Dale and he would send Porter and Beef every day.

To Dr. Ross.—Mr. Braine came quite close to me. He prayed quite near to me. I received some 9 bottles of Porter and Beef for 13 days.

Stephen Cooke, (examined by Dr. Bowerbank.)—I am Clerk of the Petty Sessions for St. Andrew. Was appointed, as a Magistrate, to enquire into certain charges preferred against certain Constables of the parish for neglect of duty at the quarantine ground, by Major Prenderville. He requested me to take the investigation.

Dr. Bowerbank.—Will the Secretary hand up Mr. Cooke's Report on that investigation? It is among the documents handed in by Dr. Ross.

Mr. Cooke.—This is it. I will read the "finding" (*Reads:*)

I find the Constables not Guilty of the charges preferred against them. I find that so far as the orders given to them go, they obeyed their instructions, and to the best of their ability prevented ingress to or egress from the Small-Pox Tents. But I also find that the orders given to the Constables were wholly inadequate for the purpose of securing the isolation of Small-Pox patients. The Tents were surrounded by bush which intercepted the view of the Constables, and enabled persons at their pleasure to hold easy and unintercepted communication with the patients by going through Mrs. Townshend's yard, and through the gaps, without the possibility of being seen by the Constables from where they were stationed.

I find from a personal examination which I have made of the spot, that situated as the Tents were, the only possible

way of securing perfect isolation would have been to place the Constables or Constable at the Tents themselves, but then the order of Mr. Inspector Nairne of date the 26th March 1872, to the Constables on Quarantine duty was "to be care-" ful not to come in contact with the patients or their atten-" dants but on the contrary to keep as far from the House " or Tent infected as was compatible with the duties required " of them," and to have placed a Constable in the way I have supposed would assuredly have exposed him to the risk of contagion, whether such a measure would have been proper or expedient I am not called upon to determine. I simply state the fact that situated as the Tents were it was the only measure, by means of which ingress, and egress, could have been effectually prevented and perfect isolation secured. For the reasons given I find that the Constables could not have prevented nurse Frances Smith from leaving the Tents, and going to her residence.

S. Cook, J. P.

St. Andrew, Halfway Tree, 7th October, 1872.

Mr. Cooke (in reply to Dr. Bowerbank)—I had no case of Small-pox in my house that I am aware of. One of my children shortly after she had been vaccinated by Dr. Cargill, had fever. She was teething and some eruptions threw out over the face. Dr. Cargill examined her and said from the appearance of those eruptions he believed it would turn out a case of Small-pox but he could not then decide. Some time after, I think a week or two, on going home one evening Mrs. Cooke told me, our nurse, Isabella Jayes, had been vomiting, and had fever; and that she was very anxious to go to her mother. I ordered the buggy and sent her home. One of my children about 4 years old, who was very fond of her, went with her in the buggy. I think about two days after, I saw Dr. Cargill and mentioned to him that my nurse had gone home sick; and as he was attending Mrs. Paine's child near her, I asked if he would go and see her as we were very much interested in her. At the same hour next day I think, he told me she was getting Small-pox; and some days after he told me he and Dr. Ross had gone there together; that they had persuaded her to go to the Kingston hospital, and that she went. I made daily enquiry after her and think she died there 3 weeks after, but from what cause I cannot say my of own knowledge; I can only state what I was told. She took ill some days after my child had symptoms of some disease; but I am

quite satisfied that being an imprudent girl, she took the disease from Maria Downer's yard. I am not aware of my own knowledge that persons left their houses near the quarantine ground from scenes which they witnessed there. I have inspected the quarantine ground and should not think, being in the centre of a Village, it was a proper place to have selected.

Dr. Bowerbank—Did Dr. Cargill ever tell you that whatever he had done in attending Small-Pox patients was done according to instructions from the Head of the Department?

Mr. Cook—Not all that he had done. It was told to me in my private house and I hardly like to repeat it. He said he did not think the tents were good; he thought they were bad but that there was no possible [help] for it. The conversation took place on a Sunday and after the tents had been pitched. He said there being no possibility of getting up a proper building the tents were merely temporary.

Dr. Bowerbank—Did he tell you all the blame as to the attendance of the people—if blame there was, could not be placed on him as he acted under instructions from the Head?

Mr. Cooke—He might have but I dont remember.

Dr. Bowerbank—Do you know this letter?

Mr. Cooke—It is Byndloss's handwriting and signature. It is addressed to myself and is in reference to the Armstrongs. It was delivered to me by Byndloss's own hand.

Dr. Bowerbank—Have you reason to believe the contents true?

The Presiding Inspector—We dont think you can ask that.

Mr. Cooke—Would your honors allow me to make some explanations for my own satisfaction? Armstrong was our shoemaker, and one morning Byndloss came into my office and said he was dead. I said I am sorry to hear it. Byndloss answered "so am I. He died from ½ past 8 o'clock last night and is not yet buried." Later, somewhere about 9 o'clock—I was standing at my window and saw Mr. Braine waiting for the corps. Subsequently on my way to Stony Hill with Mr. Bicknell I mentioned the circumstance to him remarking that I thought it very wrong to have kept a Small-Pox corps so very long especially as I had heard there were persons

with ulcerated legs in the place. Mr. Bicknell said "get Byndloss to put what he has told you, in writing"; and this letter is the result of that request—I handed it to Mr. Bicknell.

Dr. Bowerbank—Was it your impression about June last that there was a Law against wakes?—It was, but I was mislead by "MINOT'S DIGEST." I found afterwards that it was repealed. Before this I had told the Custos there was such a law. I relied on MINOT'S; it is a very handy book but cannot always be relied on.

Cross-examined by Dr. Cargill—When my little baby got sick you said you thought it was varioloid—modified Small-Pox following vaccination; but I dont remember your telling me you thought the nurse and baby got it together.

Cross-examined by Dr. Ross—I cannot say that my washerwoman resided in a house that was put in quarantine—her name is Maria Downer; but when Mrs Cook heard she had Small-pox she sent for the clothes. She told me yourself and Dr. Cargill had told her what to do with the clothes and that she had done it. I do not think my nurse got it from the clothes because they were taken away immediately, and were well washed and hung out in the open air to dry; but I think she got it from continually going to Halfway Tree, where I could not keep her away. I have never heard people say that "murderous wrongs were being perpetrated in the tents:" but I have heard from a gentleman not now in this island, that the patients there were neglected. It was simply mentioned in my presence by Mr. Braine. I did not report it to you because I considered he was the proper person to do so as he went among the people and saw their situation and heard what they had to say.

The Presiding Inspector.—I must say I agree with Mr Cooke that Mr. Braine was the proper person.

Mr. Cooke—Besides which I had my own duties to attend to and reporting such matters formed no part of my duty; it was Mr. Braine's. If I had heard it among the negroes about or from any irresponsible person I might have told Dr. Cargill, but when we had a Clergyman going among the people, I thought it his duty to enquire into these things and report what was wrong. (*In reply to Dr. Ross.*) I was not aware that the tents were erect-

ed till long after. I heard that some place was afterwards given up for a Hospital; but do not know that you were refused the Glebe and parish lands.

To Dr. Bowerbank—I was informed that funds had been placed in Mr. Braine's hands for distribution among the sick. My child was not kept from the rest of the children. It was not explained to me that varioloid was contagious.

To Dr Cargill—You vaccinated myself and the whole family. You gave me seven punctures. You also vaccinated the Servants. Mrs Cooke said she would like the child to be about the house ; the fact is, she said she did not believe it was small-pox.

To Dr. Bowerbank—In consequence of that all my friends forsook me (*laughter,*) but I made not the slightest difference at the house. I had six children there.

To Dr. Ross—Apart from Mr. Braine, I did not think it my duty as a Public officer to report what I heard for the benefit of the community. I went from my house to my office and back, and I thought the Clergyman who went among the people, the fittest person to do that.

To Dr. Cargill—You did not neglect my child. When I saw a Clergyman going among the people, administering nourishment and doing all a man could do to assist them, I thought he had good opportunities of hearing everything and that it became his duty if anything was wrong to report it ; not mine who never went but from my house to my office.

To Dr. Ross—Mr. Braine never told me he had made any report to you.

Joseph Saunders (examined by Dr. Bowerbank)—I am living near the Reservoir (Cross Roads.) The Armstrongs had no wake on the 29th of May. When Armstrong died I was very sick. I heard no "set up" there till 9 days after. I had the small-pox on the 19th of April. Took that day and on going home Mr. —— (*The Reporter did not catch the name*) went to seek the Doctor but he was not in ; he was at Service. He came the next day—Monday—in the morning with Mr. Braine. At that time the Small-pox was just throwing out. He came inside and saw me. He gave my wife some medicine which he said I was to take three tablespoons a day. After I had taken the medicine twice I told my wife not

to give it to me again because when I drink it it made me feel bad. Dr. Cargill came back twice but he did not come in. He merely stood outside and ask how I was getting on : He came three times in all. The first, with Mr. Braine and he came into my room ; but on the two other occasions he did not come into the house at all. The medicine sent me had no written directions on the bottle. The Doctor was in such a hurry that he would not make my wife wash a glass. Mr. Braine asked him to stop and have a word of prayer.

Cross-examined by Dr. Cargill—I sent for you when my private was sore. You came and said I must use bread poultice. When you saw me again you asked me if I had used the poultice and I said I went to Mr. Brice for a lotion which I had got and had not used the poultice. I said I had sent my wife over to Mr. Braine to get me in the hospital and he said "no". You came three times. I would not take your medicine because it was not good—When I drink it I feel like I was out of the world already *(laughter.)* I got it now. Here it is, *(laughter.)*

The witness here produced a bottle with some liquid which Dr. Cargill looked at.

Walter Gibson (examined by Dr. Bowerbank)—I have never met you before. Live in Kingston, but was much about Half-way tree—keep a blacksmiths' shop here. My shop adjoins Townshend town. Saw William Bennett one evening at 6 o'clock over the fence. He was bathing by the tent door—naked, and exposed to view. My shop was never under quarantine. Persons were never prevented from coming in. I knew William Bennett well for 8 years. When I saw him naked his features were altogether changed. Never saw his private. A few months before he took with the Small-pox he showed me his private and said " Mr. Gibson I have h—ll on me." I recommended him to use some black-wash and he gave me a 6d.! and asked as a favour that I would get it for him. I did ; and when he returned it was well. It was well sore with the edge eaten—it was pox. I ordered black-wash believing it was but I know little about it. He was living with Sarah Francis at the time.

To the Presiding Inspector—This was two or three months before he had the small-pox.

Cross-examined by Dr. Cargill— He did not complain of pains in the groin. When I examined him the head was not mortified—the foreskin was there. On pulling that back it was a little eaten underneath—it looked slimy. I had never seen the disease before.

Cross-examined by Dr. Ross—It is not within my knowledge that he afterwards applied to the Public Hospital for treatment.

Henry B. Berry (examined by Dr. Bowerbank)—I am the Bell-ringer and Grave digger here, and live with Sue Clarke close the quarantine ground. I am the owner of the land and I objected to my ground being taken for the purpose of putting up Small-Pox tents. I objected to the Sergeant Major (Speck.) He said "if the Governor lived there self he would take it." When the Small-Pox done I went to Dr. Cargill and he sent me to Dr. Ross but I have had no redress. Dr. Ross said he would pay me but I keep on walk, and walk, and walk, and as I did not get my money I did not go back again. The Sergeant Major bid me defiance to go in. When the boy (Barclay) took in they put me out. I went to my work and when I come back they would not let me in. This was after the tents were put up. Next morning after I had stopped there one night, when I went to my work and come back they would not let me in back. I was allowed to sleep all night and go to work but not to come in again. All the others were kept in quarantine. I went to Waterhouse to live and never saw Sue Clarke all that time. One evening I went to the fence and the Sergeant Major was going to take me up if I had said one word more. Sue Clarke was there till them people who was to dead, dead; and them who was to live, live (*laughter*) If I had the Small-pox may be and may be not I would have gone into the tents (*laughter.*) Cant tell how long Sue and the others were kept in quarantine. It may be more than four weeks.

Dr. Bowerbank—Perhaps Dr. Ross will furnish us with the date Quarantine was taken off the people in Berry's house? It is very important.

Dr. Ross—'Pon my word I could not tell.

Dr. Bowerbank—What! have you no record of that?

Dr. Ross—The District Medical Officer can tell.

Dr. Cargill—I think the period the people were kept in Berry's house was up to the time the Constables were removed.

Dr. Ross—I will look it up for you Dr. Bowerbank.

Inspector Nairne—Sergeant Major Speck ought to have a note of it in his diary. I will send for him.

Cross-examination of witness by Dr. Ross—Cant remember the date I first came to you about my land; it was not when Small-pox was going on. Cant remember the date. I live with Barclay's mother.

The Court then adjourned till 11 o'clock to-morrow, Wednesday morning.

Shortly after the adjournment, but before the Inspectors and other gentlemen concerned, had left the Court room, Sergeant Major Speck produced his Diary by which it appeared that quarantine was kept at Berry's house for six weeks.

WEDNESDAY, 13TH NOVEMBER.

At the time of meeting (11 o'clock) the two Inspectors were ready to proceed with the business, but were prevented doing so for nearly an hour in consequence of the absence of Dr. Ross and the Secretary.

At about a quarter after eleven it was suggested that the examination of witnesses whom Dr. Ross would not be expected to cross-examine as their evidence would not be on points affecting him, might be taken.

The Inspectors expressed their willingness to do this, especially as Dr. Cargill was present, but the absence of the Secretary with all the papers and the Inspectors' note-books prevented this for a short time, when there was another suggestion that the notes might be taken on loose paper and attached to the proceedings afterwards. This was adopted and some time after Dr. Ross came into Court, apologising for his absence by stating that he had been engaged performing an operation at the Hospital. With regard to the Secretary, Dr, Ross said he was not aware why he was not present.

The Presiding Inspector said, the Court had no right to find fault with Dr. Ross especially after the reason he

had given, but they did complain of the absence of the Secretary.

Dr. Ross produced the despatch box with the papers, and the note-books having been procured, the business proceeded.

It was stated, but not officially, that during the day a letter was received from the Secretary, to the effect that he was prevented from attending through indisposition.

Several witnesses were called who did not answer to their names.

In reply to Dr. Bowerbank as to whether the subpœnas had been sent out for them or not, in accordance with the list handed in from the first day by him, Dr. Bowerbank, Inspector Nairne exhibited a paper which he said was a list of the subpœnas he had received and which he showed had all been served in accordance with that paper; but it was afterwards discovered on reference to this list as compared with that in the possession of the Secretary, that there were several persons whose names were given in, for whom no subpœnas had been issued.

Dr. Bowerbank suggested that the Court apply to the Central Board that a diagram be made of the land on which the Tents were erected, and of the surrounding places.

The Presiding Inspector promised this should be done.

John Bennett (examined by Dr. Bowerbank)—I am a cook and the father of William and Edward Bennett. I went into the tents once; went through the main gate between 7 and 8 in the morning. I saw no Constables at all. Went in to see my son; little Edward called to me as I was passing. He said "tata, tata come and see brother; to-day he is very bad." Edward was over the fence but inside the yard. William died after. He was in a miserable state. I cant say whether he was neglected. I saw no clothing on him at all; he was naked lying on a piece of board outside the tent. From all I see and know I don't think my son was properly treated. I cant say for the food but dont think he got proper medical attendance. When I saw him there was a nurse with him. The way how I saw the Small-pox on his face was very bad—all broken in one and very dry. He could not

speak at all that day. His mother is Maria Jarvis. Never saw her go into the tents ; but she told me she had. She had Small-pox afterwards but cant say rightly if she took it from the tents.

Edward Wallen (examined by Dr. Bowerbank)—Am a labourer. Went into the quarantine ground in the pursuance of my duty; was employed to put up the tents I assisted in putting up the first and two other tents. When doing the first I levelled the ground and made it smooth as far as I could, but dug no trench round. The tents had no boarded floors and when taken down were sent to the Constabulary Station. I never heard Dr. Cargill at anytime say the tents were not fit for use. I heard him say "the tents is hot." He said that a day after one of the patients died and I had occasion to go in. I never heard him say he had told Dr. Ross they were hot or that the place they were was wrong. I went to the door of Bennett's tents when I had to take dead bodies and put them in coffins. The bodies had some stench but they did not dirty me. I changed my working clothes whenever I went home at nights. I took the bodies out in the day. I used to wash my hands when I had done.

(Dr. Ross here came into Court.)

Elizabeth Davis (examined by Dr. Bowerbank)—I live at Gordon Pastures. Had 3 children sick with Small-pox—the biggest boy had fever and fits and then Small-pox. Dr. Cargill came to the house two times, and the last time he sent a bottle of medicine ; the other time he just come into the piazza and turn back. When the boy was covered with the Small-pox the little one 5 months old and the girl 8 years, took it ; but they did not have as much as the boy. I told the child's mother to go and tell the Minister the child was sick, but when she went he turned her back. She came back and say the Minister make her look shame because he tell her she had no right to come into the yard. That was Parson Braine. The Doctor come into the house twice when the boy was sick, but I held the child for him to look at outside the piazza. He did not touch them ; only look at them. He gave a little medicine in a phial.

Cross-examined by Dr. Cargill—You come to see the boy twice ; he get better ; you give him medicine. When the children had Small-pox you vaccinated them twice.

You said if I did not allow you to do it the last time when the Small-pox throw out, you would bring me up. I said "God send the disease and what's the use you vaccinate when them have it already."

Dr. Cargill.—These were cases which I vaccinated whilst Small-pox was on the patients so that I must have touched them. I was trying an experiment and intended writing a paper on the subject for the *Lancet*.

Cross-examination by Dr. Cargill, resumed.—When you vaccinated them twice they had no Small-pox on them. I say no. You did not fight me to get the child from me to vaccinate. When you did it first it was under a tree, on the road.

Cross-examined by Dr. Ross.—I am quite sure the child had not the Small-pox, when Dr. Cargill vaccinated it.

To Dr. Cargill.—I cant read nor write. I didn't put down on paper the number of visits you paid.

Dr. Bowerbank here gave the names of several witnesses he desired to examine next but they were not in attendance not having been served.

The Presiding Inspector seeing the Rev. Mr. Trueman present suggested that he might be called.

George Trueman, Minister of the Gospel (examined by Dr. Bowerbank.)—These three letters (*handed up*) were written by me to you. You sent to me to ask me about one of my congregation by the name of James Clarke, and I told you how some others of my congregation had been treated. One Sunday morning being in my Vestry I heard a conversation between some women relative to the nature of the tents; and I found out it was one of the nurses. She stated ——

The Presiding Inspector.—Please state what you know of your own knowledge.

Dr. Bowerbank—He has been called out of his turn. I wished to have examined him after other witnesses who are not here.

The Presiding Inspector—Very well; then he can be brought up again.

Dr. Cargill (*to the witness.*)—Do you of your own knowledge know anything of this matter, irrespective of what any one told you?

Witness.—I wont answer unless the Judge says I must.

The Presiding Inspector.—I think you had better.

Witness—Of myself I do not, but what I have been told by the very nurse and my receiving a bottle with medicine from a certain party.

Dr. Cargill—How do you know I gave that medicine ?

The Presiding Inspector—You had better wait till Dr. Bowerbank is finished with him.

Dr. Bowerbank—I have done with him for the present.

The Presiding Inspector—Very well. Your next witness Dr. Bowerbank.

Dr. Bowerbank—Alexander Silvera.

Alexander Silvera (*stepping into the box and stopping the Constable who was about to administer the oath*)—Your honor, I have to state that it is against my Christian Religion to take an oath.

The Presiding Inspector—Then, I am afraid we cant hear you except on oath.

Dr. Bowerbank—I do not care to take his evidence because he has lately received an appointment as Vaccinator. I merely called him as a matter of duty.

Amelia Francis *alias* Amelia Smith (examined by Dr. Bowerbank)—Was a nurse in the tents ; Mr. Byndloss engaged me ; was a nurse for 3 weeks. The quarantine ground was guarded but in spite of that people used to come in. Saw some come in but cant remember the names of any. Justina Smith came ; McKenzie, Mrs. Manning, Mr. Byndloss, Silvera and Maria Downer once. Saw people come in through her yard.

The Presiding Inspector—Is it disputed that people went through Townshend Town into the Tents ?

Dr. Ross—I thought Sir that the quarantine was being faithfully carried out.

Dr. Cargill—I never knew that till now. I never knew that—as Dr. Bowerbank has certainly proven it has been—it was broken.

Examination resumed—I went out once, not again. I never went out at night. I never told any person that I had; if any person says I did it is false; and if any persons say they saw me out that would be false too. The

tents were not at all comf rtable. They were warm night and day. I have said that they were hot and made me feel sick, and threw out lots of heat over my body. I said that when the patients were there. The smoke from the lamp being small made it so. I never said I would not send a dog into the tents. The Sunday I left I went to Service and a class sister said I look yellow and I said it was from the heat in the tents and I was glad I took my discharge. I said if any one went there with small-pox it did more injury than good. I never told any one that the tents were bad. I said I would not send my child there. She had small-pox and I did not send her in. She took ill after I got my discharge. I asked the Doctor for my discharge; did not leave without getting it. I asked for it the Saturday evening. The Doctor asked why, and I said the tents made me feel sick—they were hot; and as Bennett dead I didn't want to stop. He sent me to Mr. Byndloss and I left. I never told Dr. Cargill my child was sick nor did he ask me to send it to the tents. Was not present when Dr. Ross ordered Bennett to go into the tents. Nurse Clarke had to find a tub and borrow a pot for the use of the patients there. I got 8s. a week. Cant say if I thought that good pay; had to work night day for it and do everything for the sick; had to cook. Bennett found his own clothing when in the tents; he had enough to be decent and comfortable. Bell had a night shirt sent in for him by Mr. Byndloss. No others got clothes from Mr. Byndloss. The patients were not provided with mattresses. Mr. Byndloss ordered some little low bedsteads for them; the Government gave some blankets—rugs; colored rugs. The patients got what the Doctor ordered. The nurses cooked it and gave it to them. Sarah Francis complained of the food; all the others were satisfied. Maria Downer sent Frederick Wiseman food once. I saw Porter sent in for him from her. We washed patients clothes. None were sent out to be washed that I know of. I think Bell had a scratch on his face from h s own hands. He was like a person delirious from the Sma l-pox. Once he got out of the yard and the Constables fetched him back; another time he made an attempt and was stopped; we kept watch the whole night

It was at night he escaped. Cant say if he was fly-blown; I heard so. Bennett was fly-blown on the side. I and his companion Sarah Francis dressed it. We put on a little Calomel. I did not tell the Doctor of it. There was no person to supervise the nurses do their duty, but we tried as much as we could to attend to the patients. They got food as they wake in the morning—tea. A little time after Mr. Byndloss send in something to make soup, and we made it as quick as possible. Sometime Bennett took food twice in the day. They had nothing to eat or drink after 3 o'clock, except they wanted a little Brandy and water. They were so sick with the Small-pox that they did not care about their food. I speak of Bennett. He never ask for anything in the nights. The latest he ever ask for anything was a little before 4. He never ask again till morning; sometimes he was in a hurry to get his tea. After he drink his tea he got what Mr. Byndloss sent in. He was very weak—very ill. He was able to walk up to the Tuesday before his death. The last morning, he was carried out. All that time he got no nourishment at night—none from 4 in the evening till 6 next morning, for he never asked for any. I slept in his tent always until the Sunday morning. The other nurses also slept in the tents. I left before Clarke. Dr. Cargill gave Mr. Byndloss an order for medicine and he sent it in. The Doctor told me how to give it. He only sent me half a bottle of Castor Oil once and we gave each patient a dose. No other medicine was given only something in a bottle that the Doctor said to check the condition of the bowels. He said to give it in a wine glass. Gave it to Bennett once, and he said it was too harsh. The oil was given to each person, the same dose. Bennett's child did not get any because his bowels were coming down and he was weak. The Doctor did not order oil for any particular person but to be given to all the patients. Besides Dr. Cargill no other Doctor ever came there. Bennett's private was very bad. The Doctor ordered to put on some meal poultice. He did not look at it. I told him of it. He asked Bennett whether it was the pipe bleeding. Bennett said no but from the Small-pox round the pipe. When Barclay died I was not there. Dont know if such a person of that name was there. I have heard

Susan Clarke say she got nourishment for the child but that there was no one there night nor day but herself. She said that because when other people were there they allowed people in but when she was there no one was allowed in. The patients were stripped stark naked when they going to bathe. William Bennett had the Small-pox so bad that there was not a place to stick a pin. No one could see them bathing except in Townshend town; we used to wash them every morning and evening, and during the day when the Small-pox smell bad, we had to sop it all over. We bathed them in cold water as the Doctor ordered not to use nothing warm. We soaked a cloth and sopped them all over with it, for the bare water alone is no use to bathe Small-pox with. We boil bath with as much bush as we could get—we used "soap-berry" and "stinking-bush." We boiled the bath in the evening and made it cool till next morning we use it. I used to wash Bennett's private as often as I could as it was bad. Always used cold water, and cornmeal poultice; the Doctor gave some white lotion to touch it with.

Cross-examined by Dr. Ross—Dr. Cargill visited the tents as often as he could—sometimes twice a day but not every day; he came every other day. The patients got arrowroot, sago and rice, beef and mutton tea, rice soup with chicken; ale, porter in pints; and brandy by the ounces, Bennett had very bad Small-pox—some were flat. When he first was admitted in the tent his nose bled a great deal; that was when he was in his house. He did not come into the tents with bleeding in the nose; his privates bled in the tents. I never heard the patients complain that they were badly treated or used, but they complained of the heat. I advised Sarah Francis to speak to the Doctor. The Doctor asked her what's the matter; why she crying and she would not speak; and I said Doctor she says the food she is getting is not strong enough and the Doctor said "what do you want; I suppose yam and cocoa?" She would not speak and I said "Yes Doctor" and Mr. Byndloss got orders to give it to her. She had but one Small-pox on her shoulder. We had a good sized tub for use in the tents found by Sue Clarke; cant say if Mr. Byndloss paid her for it afterwards. I kept the patients clean. When Bennett's mother came to see him she came in the yard and when

she saw the state Bennett was in she could not come in till a little time after. His face was swollen and disfigured from the Small-pox. I am sure Bell's face was scratched with his own hand. He appeared to be out of his mind. I do not think Frederick Wiseman would have died from starvation if he had not got food from his sister. He got food from Mr. Byndloss. Whatever he sent over was given him. The food his sister sent was as much as she could afford ; cant say if it was a belly full. Whenever she could manage it she sent as much as could keep up any body. Dr. Cargill told me what to do with the medicine ; how much to give and to what patient. Bell's nose was not fly-blown—I can't say if it was. I was in Bennett's tent and Sue Clarke was boiling some gargle when Miss Manning brought it out and said it came from Bell's nose. Gargles were used.

Cross-examined by Dr. Cargill—No one of the patients or any one else ever complained of the food in the tents. Since I gave evidence before Dr. Ross at the Station no one came to me about this matter—only Mr. Trueman. He asked me what I think of the tents and I said it was dreadful hot and throw out lots of heat about my body. He did not ask me anything about what I said before Dr. Ross. I cant say whether you neglected the people. I know whenever you come you always ask how is the patient them. Cant say that you neglected them because who that have the small-pox and is to dead must dead and who is to live must live.

To Dr. Bowerbank—I used "pyaba" gargle to the patients. I attended the investigation at the Station. Received notice by a Constable up at Gordon Pastures and I went and gave evidence.

To Mr. Inspector Nairne—I dont know the Constable's name.

To Dr. Cargill—I swear that the only gargle I used for the patients was that which I made myself. I never see you send gargle in except for Bell. We threw vinegar in the gargle but dont remember if it was you who told us to use it.

Izett W. Anderson, M.D., University of Edinburgh, (examined by Dr. Bowerbank.)—I have been in practice 13 years, 11 of which I have been your partner. I have inspected the ground used as the quarantine ground

here and have observed its position, the state of the surface, and its proximity to a place which I have been informed was in use as a latrine. In my opinion it is not a fit and proper spot for the placing of tents with Small-pox patients under them. I think it is too near the public road; that it is objectionable being not securely enclosed and grown up in bush. I saw it 10 days ago. I have very little experience of Bell tents but have read PARKE's discription of them. He condemns them entirely and considers that the only merit they possess is that they are very light. I coincide with that opinion. I have seen a person of the name of Emily Powell ——

Dr. Cargill—That's one of my private patients. I wish to have that noted.

Examination of Dr. Anderson by Dr. Bowerbank, resumed—I saw her on the 22nd of May. She was suffering from Fever.

Can you mention what she stated to you?

Dr. Cargill—That's not evidence; let her come herself.

The Presiding Inspector.—I think Dr. Anderson can state any complaint she may have made as to her health at the time.

Dr. Anderson—She had Intermittent Fever. I do not know what she had been treated for. She said Dr. Cargill had seen her but I have forgotten whether she said he had ordered any medicine. She said he had seen her a day or two before.

Dr. Bowerbank—There you see Dr. Anderson must stop. His mouth is shut because Powell is not here.

Examination resumed—Dr. Cargill told me one of Mr. Cook's children had Small-pox very mildly, after vaccination. He stated it was Small-pox.

Dr. Cargill—I state so now.

Examination resumed—I think the sum of 1s 6d per diem for the support of persons in quarantine excessive for the lower classes of the country, as some live on no more than 3s a week—that is, assuming the people are healthy. I think it unwise to lay down a fixed amount for the support of patients as in some cases the dietary may be less—in others more, in Small-pox cases for example. I think a rigid line should not be laid down

There might be a great many cases not requiring stimulants at all and others that might require a large quantity, so that I think it very unwise to deduct 3d. a day from the 1s 6d. for stimulants in every case. I dont see how this plan could have worked at all.

Dr. Cargill—I will prove by Mr. Byndloss that I gave unlimited orders they were to have what stimulants they might require.

Dr. Bowerbank—We have the Dietary in Doctor Cargill's own handwriting and it shews that 1s 6d. was fixed with 3d to be deducted for stimulants. (*To Dr. Anderson*) Small-pox is of that class of diseases which sometimes appears as an epidemic—at other times it exists but not in an epidemic form. Small-pox has been in the island for upwards of 12 months—do you consider it has been epidemic in Kingston? Can it be said to have been epidemic in any part of the island judging by the official returns as yet published?

Dr. Anderson—Small-pox sometimes exist as an epidemic and sometimes sporadically. The first case of Small-pox in the present epidemic was I believe imported in September last year. I have heard of one or two cases in Kingston.

Would you call two cases an epidemic?—No.

Is Small-pox at all times a disease prevailing in this island?—It does not at all times exist.

Is it a fact that it is often imported but does not spread?—It is a fact that it is often imported and does not spread.

Is it equally true that at uncertain periods it is imported and spreads as an epidemic?—And it is equally true that at uncertain periods it is brought into, and spreads through, the island as an epidemic.

Under these circumstances what do you consider to be the real and best safe-guards against Small-pox?—The best thing is to isolate the first case—vaccination is taken for granted.

Is it an undoubted fact that the mildest forms of the disease or even of the varoloid form may give rise in others to the severest form of the disease?—Yes.

To the community therefore the mildest form of the disease is as dangerous as the most malignant?—Quite so.

I suppose you consider that the first case or cases

arising in the island or even in a district ought to be isolated—that a Law giving this authority ought to exist?—Certainly; there should be strict isolation and a Law authorising it.

After the disease has once broken out in a district, do you think it probable to check its being epidemic, by isolation—is such a plan feasible?—If it existed throughout a considerable district it would be quite impossible to isolate all the cases.

To your knowledge is the effect of isolating cases to make people hide their cases?—I do not know from any cases coming under my own notice, but I have heard on good authority that such is the case.

Do you approve of the establishment of Small-pox Hospitals generally?—For those who are not able to secure proper medical attendance in their houses and for those who have not proper food but not as a home for the destitute.

Do you think it judicious or safe to move Small-pox patients in an advanced stage of the disease, or when so weak as not to be able to help themselves, from their own houses to so-called tents or hospitals; especially without medical supervision and direction?—It would be attended with a great risk of life.

The mortality of Small-pox before inoculation or Vaccination is said to have averaged 66 per cent. In your opinion would bad treatment have anything to do with this mortality?—Yes, certainly.

What was the old treatment of this disease as propounded by John of Gaddesden. What is the new treatment as recommended by Sydenham?—The old treatment was to shut the patient up in a room and to cover the doors, windows, and bed with cloth of scarlet colour.

The modern?—To keep the patient as cool as possible—clean; give plenty of nourishment and stimulants if necessary and medicine when requisite.

In drawing up statistics of Small-Pox must not the different forms of the disease be taken into consideration, as also the ages of the individuals and the fact of protection or not from a previous attack of the disease (casual or inoculated) or by vaccination?—Yes.

Can fair statistics be drawn up without these?—No.

Taking the amended Official Returns of the death-rate of the disease up to the 31st May——

19 cases	3 deaths	15 $\frac{15}{19}$ per cent.	
47 "	10 "	21 $\frac{13}{47}$ "	"
31 "	13 "	41 $\frac{29}{31}$ "	"
39 "	7 "	17 $\frac{37}{39}$ "	"

how would you account for so great a difference? Taking the sum total of cases reported in the island to have been 228 with 53 deaths, or a death-rate of 23 50-228 per cent, does it indicate a serious form of the disease?—Not on the whole. It would not be the sign of a serious epidemic.

Can you state the average mortality among protected or vaccinated cases?—The average mortality in all cases put together would be about 37 per cent—I mean in England.

State the average mortality among protected vaccinated cases?—It is very low; I think about 4 per cent.

Would you consider 10 or 11 deaths of vaccinated cases out of 15 or 13 deaths, to be very unusual—in say, any one of the districts named in the return?—It would be an enormous mortality.

Dr. Bowerbank here called the attention of the Court to the Return by which it appeared such a rate of mortality did exist among those returned has not "re-vacinated" etc. Dr. Bowerbank contended that the return "not re-vaccinated" was to be construed that the patients had once been "vaccinated" especially as in some cases the return was "not vaccinated" thus making a difference.

Dr. Cargill—Oh no Dr. Bowerbank. What I mean is that they never came to me to be vaccinated.

Dr. Bowerbank.—There is your Return Sir. I maintain that's the only construction.

Dr. Cruice.—Stay, Dr. Bowerbank. Here is the Doctor, let us ask him what he means. That's the best way. Now Dr. Cargill.

Dr. Cargill.—That return was never intended for the close criticism of a medical man, but sent to check the Municipal Board. I did not examine a man for marks of vaccination, and what I meant by "not re-vaccinated" was that those persons never came to me to be vaccinated. So also in those cases returned "re-vaccinated;" they came to me to be vaccinated

Dr. Cruice—Had you any evidence that they were vaccinated when you drew up that report?

Dr. Cargill—No Sir.

Dr. Bowerbank—But if you say in one case "not re-vaccinated" and in another "re-vaccinated" what's the inference?

Dr. Cargill—I quite admit there is some ambiguity. If I were writing it for the *Lancet* or a Medical man I would have been more particular.

Dr. Anderson—I wish to correct a mistake I made in my evidence awhile ago. I find that in 4896 cases in the London Hospital the mortality was little more than 6½ and not, as I have stated, 4 per cent in protected cases.

Dr. Bowerbank—Dr. Anderson, will you give us the different forms or types of the disease?

Dr. Anderson—They are, the discreet, modified, semi-confluent, and confluent; and a lot of other divisions, such as the corymbose and the siliquous Small-pox. The siliquous I have never seen but the pustules are said to be full of air not matter. I dont think any one of the present generation has ever seen it.

Is the form of the disease in a great measure dependent upon external agencies—thus, what would you expect to occur in a case treated in a very hot, ill-ventillated room or tent?—That would tend to bring out the eruption to a much greater extent and would produce the confluent or hœmorrhagic complication.

Under such circumstances would there be a tendency in a discreet case to assume a confluent form or to take on an hœmorrhagic or putrid form?—I have said so. I think it brings out the eruption more fully and I agree with you as to its tendency to assume a confluent, hœmorrhagic, or putrid form.

Are the complications and sequelœ of Small-pox numerous and serious?—Yes.

Could you make out pulmonary or abdominal complications by looking at a patient from a distance or would physical examination of the body be required?—You would have to make a physical examination.

To a person suffering from a severe attack of Small-pox especially if complicated with pulmonary or other visceral affection, do you consider washing him naked

with cold water in the early morning and evening, in the open air, would be risky and hazardous ?—I think it would be attended with danger.

Is the use of cold water in Small Pox under any circumstances and for any purpose, hazardous or likely to be prejudicial ?—Tepid water could do no harm.

Do the complications of Small-pox require treatment and for the most part the use of appropriate medicines ?—Certainly.

If at the commencement of an attack of Small-pox the patient's nose bled or she was attacked with Menorrhagia—from which she had previously suffered—would you therefore put the case down as hœmorrhagic or of the putrid type ?—Oh no. It is the commonest thing in the world.

In persons very ill in the last stage of confluent or hœmorrhagic Small-pox, do you think all nursing, feeding, physicing and stimulants can safely be left off at night or for 12, 14 or 16 hours, of the 24 ?—They require more attendance at night than the day because that is the period when——

Do you think it safe to leave patients suffering from delirium during Small-pox without a nurse at night. Would the risk and danger of so doing be increased by tying his or her feet or legs together ?—It is a very great risk I think.

Is ulceration or mortification of the private parts a not uncommon element in Small-pox ; and when this occurs does it entail unpleasant duties on the nurse or attendants ?—It does sometimes occur in cases of Small-pox but I have never met with it myself.

In very severe cases of Small-pox what is the usual fatal period ?—I think about the fifth or seventh day of eruption ; but different periods have been named, up to the eleventh day I think.

If quarantine restrictions are imposed partially as a make-believe, can it be effective—must it be oppressive and cruel ?

The Presiding Inspector—We dont require a medical gentleman to tell us that Dr. Bowerbank.

If during the enforcement of quarantine persons from without visit the sick ; if the sick had their clothes

washed outside and if they leave the hospital and sleep outside at night—can quarantine be effective ?

The Presiding Inspector—There again, Dr. Bowerbank.

Did you ever hear of sick persons suffering from Small-pox or any other disease, except perhaps, " itch," being dosed all round with the same medicine and the same dose, irrespective of age, sex, condition of the individual or the stage of the disease ?—I don't think that this is the usual method of treating patients.

Is the smell from Small-pox peculiar and *sui generis*. Can it be confounded with that of fæces, dirty water etc. ?—Very peculiar and not to be confounded in that way.

Persons suffering from Small-pox exposed in the bush or on the thoroughfares are likely to be fly-blown, but in a tent or hospital with Medical Officers in attendance and nurses paid to be present night and day, with soap and water in abundance, is fly-blow of a patient an unpardonable circumstance ?—Well, I should imagine there must be a little neglect somewhere. I have had hundreds of cases of wounds of every description and never had one fly-blown yet.

Are you acquainted with the usual condition of the residences of the lower orders of artizans, labourers etc. Do you think you would be justified when attending them for Small Pox while prescribing for them to remain in another room or in the yard outside. Could you do so satisfactorily ?—Well, they would require examination as to the state of pulse and a good many other things.

Do you think any medical man is justified in deserting a patient sick with Small-pox, and who he has been attending, on the plea that his other patients threatens to call in other Medical aid—he at the same time professedly attending other Small Pox cases ?—Well, it is not the custom with Medical men to do so.

Cross-examined by Dr. Ross—I believe you are Dr. Bowerbank's junior partner ?—Yes, for eleven years.

Did you volunteer or were you asked to give evidence ?—I was subpenaed.

Dr. Bowerbank—Yes, and he is here very reluctantly too, I assure you.

Cross-examination resumed.

Have you spoken to Dr. Bowerbank on the subject of Small Pox in St. Andrew—ever conversed with him and heard his views on the subject?—Yes.

Are not the questions you have been asked based on those views?—No.

Have you not adopted Dr. Bowerbank's views as to the treatment of Small-Pox?—No; I have been through an epidemic of Small-Pox in Edinburgh and in this country.

When?—In Kingston in '64.

And since?—Never. There has not been a single case in my practice since.

In the island generally?—That I cannot answer.

Did you not hear that in '69 there were cases on the St. John's Road near Spanish town?—No.

As to the tents. You do not think the site suitable?—No.

If none other could be obtained what was I to do?—I cant say that none other could be obtained.

Did you inspect the house in which the first Small-Pox case broke out here?—No.

When a case breaks out in a house with 4 or 5 inmates would it be right to allow the patient to remain there—that being the first case in the district?—I would vaccinate the others and isolate the case.

Would they not have got the disease?—If the others were vaccinated they might have got modified Small-Pox or possibly not at all. If the first case be in a large district I would certainly say isolate it but if the disease is prevalent I dont see the use of isolation.

Do I understand you to say you would keep the case in the house with the other people?—I can see no harm in it. If the others were vaccinated they would either get modified Small-Pox or not at all; therefore to remove all possible doubt and danger, seeing that the case had already been with the people, I would keep it there and vaccinated them.

Is bleeding at the nose or Menorrhagia the premonitory symptoms of Small-Pox or any other febrile disease?—No, I dont think so.

You talk of having had a great deal of experience in wounds. Are severe wounds necessarily loathesome?—Certainly not.

Then why do you compare a severe wound with fly-blown Small-Pox?—It depends on the definition you place on the word loathesome.

Is it an uncommon circumstance to find flies about?—There were some on my breakfast table this morning.

Is a Medical man a non-conductor of contagion?—Do you mean whether he is incapable of carrying infection?

Is he as a human being a non-conductor of contagion?—I am not very sure that I quite understand you. Do you mean conveying it from one person to another?

Yes. In a case of puerperal peritonitis, would he be? I will put it in this way ; Do you consider it necessary in securing perfect isolation, that a medical man having attended a patient, for Small-pox or scarlatina, when he leaves carry's contagion with him?—I doubt if a medical man would carry Small-pox or scarlatina about. I think not, because in a great measure he is exposed to the open air.

Suppose he went into the next house?—I doubt it. I have never been able to trace Small-pox, scarlatina or measles from one house to another in my practice.

If a medical officer touches a case might he not spread the disease by touching another person?—There is a possibility of it if there was matter adhering to his hands, but if he washed them I think not.

Do you consider a medical officer not touching a first case, a precaution?—Then the patient had better be without any medical man at all, I think. I think if he washes his hands that's all that is required.

Dr. Ross—I have finished Sir.

The Presiding Inspector—Now then Dr. Cargill.

Dr. Cargill—I don't know that I will ask anything although I dont know that this has been the first time medical men have been pitted against each other. You have had some experience that way I think, Dr. Anderson. There was a time when half of the profession was against you?

Dr. Anderson—Yes, they pitched into me and wanted to convict me of Manslaughter, but I never cared.

Would you judge of the skill of a Surgeon by the number of deaths from his unsuccessful operations?—No.

Is Tetanus after an operation for Hœmorrhoids a frequent occurrence?—It has occurred once or twice.

If you had a patient with Small-pox, bleeding from the nose, uterus, and throat, with purple spots over the body—and that patient died, would you say that was a very bad case of the putrid or hœmorrhagic type?—I should say so.

Which is the most fatal form of Small-pox?—The confluent.

More so than the hœmorrhagic?—I think so.

What's the rate of mortality in the confluent form?—A per-centage of nearly 50.

And the hœmorrhagic?—I suppose about the same but it depends on the character of the eruptions and the age of the party.

Is it not usual for a medical man when sent for to see the patient of another medical man, to inform him of it. I allude to the case of Emily Powell?—She did not send for us at all. A lady of the house where she had been employed requested us to see the girl. We went and on seeing her asked whether she had been seen by any other medical man. She said Dr. Cargill had come once; that he then stood at the door and did not come in as he appeared to be afraid of Small-pox. I dont think that it was my duty to tell you this.

Emily Powell (examined by Dr. Bowerbank)—You came to see me on the 22nd of May being sent by Mrs. Barclay. You asked me if I had been attended by Dr. Cargill and I said "yes." You asked what time; I said Sunday. You asked is he coming back; I said I do not know; he did not say. This was on Wednesday, two days after Dr. Cargill had called.

What did you tell me Dr. Cargill had told you?

The Presiding Inspector—No. Let her tell us what Dr. Cargill did tell her?

Witness—I sent for Dr. Cargill in the morning as I was ill in bed; I had fever and thought I was getting Small-pox as Small-pox was going about at the time. He came on Sunday. He asked me a few questions and

said he would send some medicine. I sent for it and he sent a bottle, two tablespoonfuls three times a day. He did not examine me. He stood about ¾ of a yard from my bedside. He did not touch me.

Cross-examined by Dr. Cargill—You told me I had fever. Dont recollect if you said if I wanted you again to send for you. You asked me if I thought I was going to get Small-pox. I said no ; I had had fever so long that if I was to get Small-pox it would have thrown out before from what I heard people say. Some months before you attended me at your Surgery. You sounded my chest with a Stethescope. You did not do so when you came to see me. You never touched me. It was told you that I had fever. If any one says they saw you inside my room I would be astonished.

Dr. Cargill—That will do. This is a disgraceful case. One of my private patients who Dr. Bowerbank has thought proper to drag here. It's disgraceful.

Dr. Bowerbank—That language is not to be used to me sir, either in a Court of justice or elsewhere.

The Presiding Inspector—Let us get on. Now, Dr. Ross.

Cross-examined by Dr. Ross—I did not get Small-pox. I had heard there were cases of Small-pox in the district and that Dr. Cargill was attending them. If Dr. Cargill had touched me and I had got the Small-pox I would not have said he gave it to me.

Dr. Bowerbank—Your honors I wish to explain how I saw this case. One afternoon I happened to have been at the house of the Acting Custos whose wife asked me to see this patient. I enquired of Mrs. Barclay "who is attending her ?" She said "Dr Cargill." I said "then I cannot go." She said "the girl wishes to see you, let me beg you will go. Dr. Cargill has been once and given her a dose of physic but has never returned." I replied "no maam, I wont go." She said "what am I to do; she wishes to see you very much." I said "Well maam in going down I will call in and see her but if Dr. Cargill is attending her, I will have nothing to do with it." Soon after Doctor Anderson and myself went. I felt her pulse and found she had been suffering from intermittent Fever. Before ordering, I said "I have come to see you at Mrs

Barclay's request; tell me is Dr Cargill attending you for if he is I will have nothing to do with the case." She said "Dr. Cargill came once; he looked at me—stood some distance off; did not touch me, but sent me some physic which has done me no good;" and she then said, laughing, " they say that Dr. Cargill treats other patients whom he suspects will get Small-pox, in the same way."

Dr. Cargill—See how very hard Dr. Bowerbank is on his professional brethren.

Dr. Bowerbank.—No man Sir is ever more willing to uphold his professional brethren, and has done more to uphold a feeling of mutual respect than I, but when I find a man false to his solemn obligations and guilty of neglect I always did and always will expose him. There are some medical men, Sir, whom I despise.

The Presiding Inspector—Oh Dr Bowerbank. This is the proper time for an adjournment, I think.

The Court was then adjourned for ten minutes.

The Court resumed.

Herbert Palmer Melville, Clerk in Holy Orders, Superintendent of the Reformatories and Government Training College.

Dr. Bowerbank.—Have you as a Clergyman, in the absence of medical assistance in a large district, attended people with Small-pox in a severe epidemic?

Mr. Melville.—I have in the island of St. Vincent.

Having seen a good deal of Small-pox, do you consider the recent outbreak a severe or as yet a fatal epidemic ?—Certainly not.

Do you think removing persons suffering from Small-pox from their houses to the tents, or so called hospitals, in an open cart, at all hours and long distances, without medical supervision, conducive to recovery ?—I think it would be exceedingly detrimental. Dr. Cotter mentioned to me that one of the fatal cases at Stony Hill Hospital, was a child who had been brought there from a long distance, in an advanced stage of the disease, it died the same night, a few hours after admission.

Do you consider the establishment of a Small-pox hospital at Stony Hill, a proper step? Is it not too near the school ?—It possibly may not be too close but not as far as it might have been, advantage-

ously. What I consider bad is the bringing of patients with Small-pox near me making as it were a new focus for the disease where we never had it before. I felt that it was not quite the thing with 300 children near; but I never reported the fact. The truth is as the Superintendent of the Reformatory I avoided the Hospital as much as I could but I have heard 8 or 10 cases were brought there.

Have you witnessed in a recent epidemic any peculiarly sudden attack of the disease apparently without any incubative stage?—I have witnessed nothing at present but in a former epidemic I have seen one or two strange cases of that kind. One refers to the town of Barouallie in St. Vincent. There a man was taken with Small-pox severely. As a matter of course his face was disfigured—the soles of his feet had come away, and he was in a dreadful state. His sister who was on the other side of the island, where the disease did not exist, having heard of his illness came to see him and I happened to have been in the room at the time when she made her appearance. She said she had come to see her brother and gave his name. He was pointed out to her. She had been exposed to no source of contagion. As she looked at him she dropped down as if she had been shot and was taken out. She had fever for a few days, say three, and then broke out with Small-pox. Mark you, I speak of Small-pox as one who had no less than 500 cases under my own treatment.

Do you think a person very ill in the last stage of confluent or hœmorrhagic Small-pox should be left without nursing, feeding or stimulants at night or for 12, 14 or 16 hours of the 24?—I certainly think they ought not. I think it would be fatal almost.

Do you think bathing Small-pox patients in the open air morning and evening in cold water hazardous?—I should think so.

In a case of delirium with Small-pox would you approve of tying the patient by the legs at night and in the absence of a nurse?—Certainly not. I have had occasion to confine them but it was in such a way that the whole body was kept quite secure.

What do you think of Bell tents?—If this question refers to the Bell tents used at Half-way Tree I must say I never saw them. Some tents are confined all round;

others have some ventilation. I think if they admit the air freely they might not be bad ; but if not, then they are bad altogether and ought to be condemned.

Dr. Bowerbank---Let me read to you what Dr Parke says of Bell tents (*reads*) :

Home Service.

The Bell Tent.—A round tent with sides straight to 1 or 2 feet hight, and then slanting to a central pole. Diameter of base, 14 feet; height, 10 feet; area of base, 154 square feet ; cubic space 513 feet; weight, when dry, about 65 to 70lbs. The canvas of the new pattern is made of cotton or linen. The ropes extend about 1½ feet all around. It holds from twelve to sixteen men; and in war time, even eighteen have been in one tent. The men lie with their feet towards the pole ; their heads to the canvas. With eighteen men, the men's shoulders touch. Formerly, there was no attempt at ventilation ; but now, a few holes are made in the canvas near the pole. Ventilation, however, is most imperfect. Dr. Fyfle (of the Army Medical School), who has carefully examined this point, finds the holes so small, that the movement of air is almost imperceptible. There is little ventilation through the canvas, and none at all when it is wet with dew. The bell-tent is in all respects, except weight, a rude and imperfect contrivance. It becomes excessively hot; and the atmosphere in the middle of the day is most oppressive. When pitched, as usual, without any persons in it, the air in a few hours loses its freshness, and is close and unpleasant when the tent is entered.

Mr. Melville—If that be the construction of the Bell tent then I think it a bad thing for the purpose. Of course I have not been diplomated although I have have had some College training but I speak from my own experience that I always thought it right to get all the air I could for my patient.

Did you ever hear Dr. Cargill say he condemned the tents and that he had done so to Dr. Ross but without avail ?—I remember having had a conversation with Dr. Cargill about the tents but I am not prepared to give the precise words that passed because I took no special note of it not contemplating this investigation. But I remember having expressed myself, with regard to the tents, in the same terms I a moment ago did here and he said that he himself thought they were not the thing. That was whilst the tents were up.

Did Dr. Cargill ever tell you he had received instructions not to go near or touch the patients in the tents ?—He did.

Dr. Cargill—Certainly ; Mr. Melville is quite right. I have the letter and if Dr. Ross permits me I will produce it.

Dr. Ross—You have my full permission.

The Presiding Inspector—You can put it in at the proper time Dr. Cargill.

Mr. Melville—He said that Dr. Ross had instructed him to use as much caution as should be used by a person coming in contact with such a patient in hospital.

Cross-examined by Dr. Ross—I distinctly remember his telling me that it was a general order and not referring to the first patient—that he was to be very cautious with every patient. He did not tell me that he was not to touch the patient but that he was to stand at the door of the tent and put such questions as to the progress of the disease as he considered necessary. He didn't use those exact words to me but I took it to be, from what he did say, that he needn't touch them if he did not like—I took it as a general order. I believe the mortality at the Stony Hill Hospital since the opening, to be small. I know this because at the Reformatory we make the coffins, and I must confess we have made only 3. Small-pox is in my quarter within the radius of 3 or 4 miles. I suppose I hear of a fresh case almost every two weeks. No longer than yesterday Dr. Cotter left the Reformatory to see a case. I have had personal experience of Bell tents; that is, I have slept under them but had no Small-pox when I did so. I have never treated small-pox under a Bell tent but my knowledge of Bell tents convinces me that they are not good for that purpose.

Cross-examined by Dr. Cargill.—If you had a patient with Small-pox, delirious, and some one to sit up with him, would you object to tying his feet with a soft handkerchief, passing it through his feet to the bed ; would it be better than fighting him to keep him down?—Anything would be better than fighting.

Just to tie his feet with a soft handkerchief—would that be brutal or wrong?—It would certainly have been better to have had another nurse. Two nurses would be better then a nurse and a handkerchief.

Dr. Bowerbank.—But if there was no nurse at all would you tie him ?---Certainly not. What I wish to say is this, that if only one nurse were allowed he might by direction of the Doctor tie his legs with a soft handkerchief and his hands too---not the legs alone. Leaving the hands and body to fling about is dangerous and irritating.

The next witness called was, Walter Stewart, Clerk of the St. Andrew Municipal Board and Clerk of the Local Board of Health.

Mr. Stewart *(on entering the witness box and before taking the oath)*—I am willing to give every information to Dr. Bowerbank or any one else here, but I wish to state that I have received no subpœna.

The Presiding Inspector—Well, as you are in the witness box may be you will give evidence without a subpœna.

Mr. Stewart—Yes, certainly, but if I am to produce papers I must have a day to look them up.

Dr. Bowerbank—I shall only require one paper.

Mr. Stewart (examined by Dr. Bowerbank)—I am Clerk of the Municipal and Local Board of Health for the parish. I have my Minute and Letter Books of the Local Board with their Report to the Governor on the late outbreak of Small-pox, here. *(Report pointed out)* This is it.

Are you aware if wakes ever took place over persons dying of Small-pox during that outbreak?—Not personally.

Is it a fact that a man called David Benjamin was employed to procure evidence that no such practise existed and that no wake was held over the Armstrongs ? —David Benjamin was my office man and he was not hired for that purpose at all. I simply ordered him to go about and get every information he could on the subject.

Did you believe until lately that there was a law to stop wakes?—I did and told you so but I afterwards found out there was not and I so wrote you.

Who drew up the Report to the Governor ?—It was drawn up before the Board met.

Was it written before ?—The Board discussed the Report and it was modified.

Was Dr. Cargill present and did he express an opinion as to wakes ?—He was present but I do not remember that he expressed any opinion. While the members were engaged in the discussion I went and attended to my other duties as Collector of Taxes.

Did you write this letter to the Governor (*letter pointed out*)?—No, this is in Mr. Barclay's handwriting and I copied it.

Report of Local Board read by the Acting Secretary (Mr. MacNab). (*For Report see Appendix.*)

Dr Bowerbank—I repudiate all that. I gave my advice to the Chairman. I condemned the Bell tents, the sort of isolation pursued and all that, not only to the Custos but to the Head of the Department.

Dr. Ross—You see you didn't come to me Doctor———

Dr. Bowerbank—Mr. Barclay wouldn't. He considered you an offensive interloper. (*To Mr Stewart*) Have the Local Board of Health of St Andrew in any way carried out these duties (*Reads from Law No 6 of* 1867) ?—I arrived in the parish in '69 and do not know what was done in '67 or '68 but I see no record of the Board having met (*referring to Minute Book*) during either of those years. I see here that the first meeting was on the 3rd of April 1872. They met again on May 17 and July 12 of the same year. (*To the Presiding Inspector.*) Will you allow me to volunteer a piece of evidence Sir ? I was walking to my office on the occasion of the first case of Small-pox here when I met Dr. Ross and he said to me that he had just received instructions to act in the matter. I said "it is the duty of the Local Board and I will go over, and see Mr. Barclay about it at once." He said "oh no I have my instructions; we cant act together. I have certain instructions and I have already acted under those instructions in St. Catherine; and intend to do it again." For that reason I did not report the case to the Chairman as I admit I was bound to do and would have done but for what Dr. Ross told me.

Dr. Bowerbank.—Not till '72 and the Law in existence since '67. Under that law, which provides for the sanitary care of the island, the Local Board of each parish does everything. It appoints Officers, looks after hos-

pitals and everything else having reference to the sanitary arrangements of the parish.

Mr. Stewart (*to Dr. Bowerbank*)—During the outbreak six gentlemen were appointed, one for each district, and each had £10 for casual poor. I paid away for this purpose £75 so far as I can remember—and this was irrespective of the Poor rates with which the Municipal Board dealt. There was not to my knowledge any fund raised among gentlemen of the parish, during Small-Pox but Mr. Braine told me Mr. Pinnock had given £5. On one occasion I recollect saying to a gentleman : "I have heard that as soon as a person goes into the tent his grave is dug."

The Presiding Inspector—I dont think any remark Mr. Stewart made is evidence.

Dr. Bowerbank—I only want to prove that I had grounds for every statement I made.

Cross examined by Dr. Ross—

Did the Government ever write to the Local Board that at the suggestion of the Acting Superintending Medical Officer, the Board should appoint house to house visitors?—Yes.

Prior to the outbreak of Small-Pox in St. Andrew, and in Half-way tree in particular, did the Local Board make any provisions to meet an emergency?—No. If you had not told me you had your own instructions I would have gone to Mr. Barclay and reported the first case right away. You see when you met me you distinctly told me you had your instructions to act and that we—the Local Board, were not to act. You told me you had met Mr. Barclay and told him what action you had taken and that you were on your way to Castleton Pen I said "I will go right away now and see Mr. Barclay and get a board" and you said you had just seen Mr. Barclay. Dont remember your saying he approved of it. Nor do I remember your mentioning having experienced some difficulty in getting a site for the tents.

Cross-examined by Dr. Cargill—I am aware that in your official capacity you wrote Mr. Barclay telling him that a case of Small-pox had broken out. I have your report in my possession. You wrote me officially offering to give all the assistance you could to the Board, like any other Government officer.

To Dr. Bowerbank—Tarrant's land is belonging to the public. On it the present Small-pox hospital is erected. I don't know who gave authority to have that hospital there.

To Dr. Ross—I am aware that instructions had been given to the Government Medical Officer to give every assistance to the Local Board. We did not appoint house to house visitors. If you ask the Chairman why not perhaps he can tell you. I know of no reason.

John Archer (examined by Dr. Bowerbank)—Am now a Groom of Mr. Sullivan's; was Mr. Braine's servant. Don't know if he was ever sent for to enter the tents. Was never told to take a message to him; never knew if he went in. Dont remember if I was asked to take a message from the tents. Mr. Byndloss never asked me to take a message to Mr. Braine. He asked me where Mr. Braine was; I said at the Church. In coming back Mr. Byndloss came to Mr. Braine. He said "Bell want to see you." Mr. Braine said "I cant go in." Mr. Byndloss said "if you see the Doctor you may go in." Mr. Braine said, "you know the place is under quarantine." I dont know if he went in. He did not then. I remember he stopped and asked the Constable if he could go in and the Constable said "no; my orders are not to allow in any person at all." The Constable refused to let him in. In fact he asked the Constable twice—once the Sergeant Major; the second evening, a Constable opposite the door, and was refused. Mr. Braine said "it is no use to go and see Bell because he would not understand what he go to see him about because he was delirious." Nobody ever mentioned to me that some one would not attend this enquiry. I never heard any one say that you were bribing the people; not you. I heard the Doctor's boy say this morning "how they are going on the same as they want the people to take false oath against Doctor Cargill."

Cross-examined by Dr. Cargill—I was Mr. Braine's coachman. Recollect driving you both with Beef and Porter for the people, in the carriage. I had the happiness of going out with you. We stopped at many houses. At Kitty Wade's Savanna, the Armstrong's house and that next to it—I saw into the house next the Armstrongs and often seen you go into Joseph or Richard Saunders'

house. Mr. Braine stopped outside sometimes whilst you go in. If any body say you refuse to go and see the poor people with Small-pox it would not be true. You did well to those outside but cant say as to those in the tents.

At the request of Dr. Bowerbank, the Acting Secretary read a letter of Mr. Braine attached to the Local Board of Health Report. (*For Letter see Appendix.*)

Dr. Bowerbank—I wish to draw attention to this : here is Mr. Braine writing on the 9th of July and he says he "believes" that the cases were seen by the Government Medical Officer.

Witness to Dr. Bowerbank—Dr. Cargill went to 3 or 4 cases at Gordon Pastures and at the Old Church pastures. He and Mr. Braine took the round of the whole district.

James Miller (examined by Dr. Bowerbank)—Am a labourer. Was employed out doors of the tents. Went in occasionally to assist in taking out dead bodies. I was only employed to carry water and food and stood outside on the road, morning and evening. Marshall received what I carried, at the entrance of the gate. I heard Dr. Cargill say the tents were hot. Did not hear him say he had told Dr. Ross so. Never put my hand to a paper and make a cross to say that I did hear Doctor Cargill say to the patients the tents were very hot but must patience the other hospital soon done.

Cross-examined by Dr. Ross—I was employed by Byndloss to go in the tents and lift the dead bodies. He told me I would get paid for it, and I got paid. Cant remember how much. I went in by his orders. Only helped with Roden and Hall.

The Court adjourned till 11 o'clock next day.

THURSDAY, 14TH NOVEMBER, 1872.

The Court met at the usual hour and the Secretary being still sick, Mr. MacNab was requested to continue in the discharge of the duties.

John McVicker (examined by Dr. Bowerbank.)---Was a Constable for five years, and left the service because I was not satisfied with it. Was in it during the quarantine here and was the first officer put in charge of

the quarantine ground by Dr. Cargill. He gave me my instructions, and they were, not to allow any one to enter except himself; that they were to come as far as the gate to receive such food as was sent, and water; to allow not one of the inmates to come out or any one from outside to go in. Afterwards the Sergeant Major (Speck) gave the divisional order signed by Inspector Nairne. Sue Clarke's place (Berry's house) was first put under quarantine and afterwards when all the tents were erected then I was put in charge of the quarantine ground by Inspector Nairne by a divisional order from the Sergeant Major. Townshend town was not under quarantine restrictions. I had no orders to that effect either from Dr. Cargill or any one else. He called me one day and said the people is into quarantine and I said " that place is not put under quarantine." He said he would report me and I said " Doctor Cargill that was not put under quarantine as no sick is in there." He threatened me another time because he saw some one or two women sitting at the door. I said to Mr. Byndloss, "the Doctor has threatened to report me Sir, but I dont know what for because Townshend town is not under quarantine." I recollect Reid and Johnson---two Constables. They went into Townshend town. Doctor Cargill saw them and reported the circumstance to me. I said " the place is not under quarantine" but Dr. Cargill went to the station and reported the men and they were to be tried for it. I say Townshend town was not under quarantine, but Dr, Cargill threatened me. During the time I was there no person to my knowledge went into the quarantine ground but there were 3 or 4 roads that lead from Townshend town into the tents and people could go through freely. There were 2 roads from Townshend town and 1 in the back and people could go in freely without being seen by the Constables. I saw Prescilla Heyliger leave Berry's House, and I threatened to take her in custody. I saw Sue Clarke, a nurse in the tents, come out at night saying that she could not remain in there for her son would die for want. She tried her utmost endeavours to come out. I saw Berry trying to get into his house but prevented him. I saw Amelia Smith come out at night, at different times; not during the day. She was also a nurse in the tents. Marshall came out over and

over and I had to threaten him. I most positively offered to reside in the tents or in Townshend town to prevent these irregularities, as I had had Small-pox myself. I said that to Inspector Nairne and to the Sergeant Major. The Inspector submitted to it but the Sergeant-Major seemed to have objected to it. My offer was not accepted. Have heard Sue Clarke say loudly, that her son was not fairly treated and that if he had had proper attendance he might have recovered. She said this in the public thoroughfare which on Fridays and Saturdays especially, is crowded. Have heard Heyliger———

The Presiding Inspector—I don't think what these people said should be taken as evidence against the defendants.

Dr. Bowerbank—Not what they said about the treatment in the tents?

The Presiding Inspector—The question is, Dr. Bowerbank, what they say here on oath.

Examination of witness by Dr. Bowerbank, resumed —I saw McKenzie going into the quarantine ground. He was in the tents preaching or praying and I had to call Mr. Byndloss to take him out. I was going to take him in custody but he left saying Mr. Braine had sent him. To my knowledge cant say if Bell was ever taken up by Constables on the road. I was removed to Harbour Head previous to Bell's illness. Cant exactly tell how long I was at the quarantine ground. People were allowed into the tents to lay out the dead and put the bodies in coffins. Different persons went in; Sergeant Major Speck; and before Marshall was a nurse he had the opportunity of going in. So had Henry Brown.

Cross examined by Dr. Ross—I did report the irregularities as regards quarantine, to Dr. Cargill. I told Dr. Cargill some time back that I was not placed particulary at the quarantine ground but had to attend to the shops as well; but that some time after Mr. Nairne told me particular to remain at the quarantine. I saw you once at the quarantine ground; not at the beginning but during the quarantine. I did not report the irregularities to you; I did not know you. It was not until you had left that on enquiry I was informed who you were. I was remove after but previous to that I did not report to you as I did not think I had the oc-

casion to do it. I did not see you the first day you came up. The fact is I did not know you were the head of the department but I knew the name.

Cross-examined by Dr. Cargill—I told you positively that there were 3 or 4 entrances from Townshend town. I told you in the presence of Mr. Byndloss, that the people went in. I told you that people were going in and that I could not prevent them because they had bye-tracts. I said "people are going into the quarantine ground because they have bye-tracts." I told you in the presence of Mr. Byndloss that Marshall had come out frequently. You told me to prevent them ; not to allow them to go in.

To Dr. Bowerbank—I reported the same thing to Sergeant Speck, my superior officer. It was my duty as a Constable to do so, and I did.

Ellis Brown, labourer, residing at Gordon Pastures.

(In reply to the Court Dr. Cargill mentioned that Gordon Pastures were a mile from the tents.)

Witness, examined by Dr. Bowerbank—I had three children sick with Small-pox ; sent for Doctor Cargill to attend them. He came. He felt them ; felt their pulses. He came sometimes twice a week—sometimes three times, and gave them medicines, which I gave. He told me to get some Sulphur which I did. I gave the medicine to the nurse and she gave it. Doctor Cargill asked me to send the children to the tents and I said "no ; it too far, better to keep them in the house." I gave no reason why I did not send them. They were too young. I did not say, a few days ago, that I did not wish or intend to say anything against Dr. Cargill.

Dr. Bowerbank—Can I call a witness to show that he did ?

The Presiding Inspector—I don't think yhu can call a witness to contradict one of your own witnesses.

Dr. Bowerbank.—I repeat, they are not my witnesses. I have merely put their names down as I heard they could give information. I only want the whole truth, Sir. This is the mischief of delay.

The Presiding Inspector—I don't think you can say that Dr. Bowerbank. You had the opportunity of publishing a pamphlet.

John Hutchinson (examined by Dr. Bowerbank)—

Am a labourer. I live at Somerset Park Pen which adjoins Bishop's Lodge, and know Ellis Brown. He had a sick child. Have been there and seen Dr. Cargill. In passing I saw him once in the house and once at the gate. I never told any one that I saw Dr. Cargill get out of his carriage, stop in the yard and order for Brown's child.

Dr. Bowerbank—I again proclaim this another instance of delay, and the evidence is contrary to the statements of Mr Trueman contained in his letter.

Fidelia Martin (examined by Dr Bowerbank)—I know Elizabeth Davis. She had a sick boy whom I helped to mind. The boy took ill and they come and wake me out of my bed and I went. He was dangerous, with fever and fits. I put his feet in warm water and put on a cataplasm. Remained till morning and then went away. When I returned before 12, he had fever. Few days after I went over and saw Dr. Cargill there in the house. The boy's sister said he was to get up and the Doctor said no, the boy is too sick. Dr. Cargill was in the house—I, in the yard. That day the Small-pox had not thrown out on the boy yet. When he did have it we went over there and the Doctor say " were you are going to?" and we said we come to see the sick, and he stopped us from going into the house. He said he dont care; he would bring a Constable to keep us out. I said " Doctor it is sickness and we come to give assistance ; if we did not been here before he might have died." That day I did not see the Doctor go into the house.

Dr. Bowerbank—Can I call a witness to contradict her ?

The Presiding Inspector—No; not for the mere purpose of contradiction.

Edward Bennett (examined by Dr. Bowerbank)---I never saw you before. Sarah Francis is no relative of mine but she lived with William Bennett. I live at Hall's yard close Mr. Lewis's pen. I had the Small-pox and went into the tents. My cousin Amelia Smith nursed me. I have been examined before by Dr. Ross. Dr. Cargill and Mr. Nairne were there. No one else but them and Sarah Francis. Frederick Wiseman come and call me. He said " come at the Court House to be examined about Small-pox by Doctor Cargill." They did not call your name. I was examined

only once. Got food from Mr. Byndloss twice a day. Was not very sick. Was in the same tent with my brother (William) who was very sick. He died. He could not help himself. Dont know if his case was a bad case of Small-pox. He got his food regular. Cant tell if he got any at night. Sue Clarke was there in the night. I know because when I wake I see her. Never saw Bennett get anything after dark. I got yam, beef, mutton, fish ; cant tell if the tents were a nice place but they were very hot. I complained to myself of the heat. Sometimes I 'blige (oblige) to raise up the side of the tent. Never told the nurse or the Doctor. Dont remember who was the last person that died in the tents. Think I came out when Hall died. I told the Doctor I wish to come out. I never went out of the tents at night and sleep in Townshend town. How you mean by if any body say I did, them lie? The only time when I sleep there was once. No one else was in the tents then. Well sir I cant tell you rightly where I sleep after Hall dead. I did not sleep in Townshend town at nights and go back to the tents in the mornings. I never complained that my clothes were torn and for that I wanted to go out. Any one say I did, tell not the truth (*laughter.*) I saw Frederick Wiseman get food from Townshend Town. McKenzie and Maria Downer came into the tents. Plenty came. Dont know if they come into the tents from the front but they come through Townshend town. Mrs. Manning come 5 o'clock in the evening. The last time I get food in the tents was just before sun down. Got none at nights. Bennett did not.

Cross-examined by Dr. Ross—You send and call me from Miss Lundie's pen. Wiseman was in the room when I was examined at the station. Marshall was not nor Amelia Francis nor Charlotte Clarke. The Sergeant Major was not there. I got Porter when in the tents but did not drink it ; I put it down on the table and if my brother call for some I gave him.

Maria Downer (re-called, examined by Dr. Bowerbank)—The contents of this letter (*handed up*) written by me to you, are true, on my oath. I was asked to attend a meeting at the Station. Dr, Cargill asked me to come and tell Dr. Ross whether the people were starving in the tents. I told him I knew nothing about

any one but my brother (Frederick Wiseman.) He then said "well, you can come about your brother and say whether he was starving or not." I said "well, I cant say whether he was or not but I know I used to send him in food as nurse Clarke told me not to depend on the food my brother get in the tents but to send in; so much so that my Aunt gave her a 3d." My brother used to come to the fence and complain, and that was the reason I sent in food for him. I had a basin in which I used to send soup; not in a little cheese plate. After Hall died my brother stayed in the tents during the day and slept in Townshend town at night. Once some one in the tents called out "Lord, the boy cramp up with the rain that wet him" and I had to send over a piece of my clothes to wrap him up. They bawled out so in the tents and Mr. Byndloss can tell you. I send the piece of clothes by Miller. That was before my brother slept at home and the same week Hall died. It was the same day that Marshall pushed Sarah Francis. When my brother left the tents at night and slept in Townshend town his feet were sore and much swollen but nowhere else. He came over because there was no one to sleep in the tent with him.

Cross-examined by Dr. Cargill—You did not tell me to say they were not starved but whether they were starving or not. You did not come and coax me to go.

Ella Smith (examined by Dr. Bowerbank)—Am Amelia Smith's sister. She was a nurse in the tents. Recollect when the tents were up. Never went there at any time. Know nothing about them. My sister Justina is here. I never went into the quarantine ground. Live at Gordon Pastures.

Justina Smith (examined by Dr. Bowerbank)—Am sister to Amelia. I never entered the tents or quarantine ground.

Matilda Dunn (examined by Dr. Bowerbank)—Am a Nurse by occupation. Was sent for by Mr. Byndloss who came to me at my house in Kingston, to nurse the patients at the Small-Pox Hospital at Half-way tree. I was engaged, with my second nurse; that is, I was told to come up and see the Doctor. Cant recollect the date. I came up and remained the whole day. Mr. Byndloss said to wait till the Doctor came. I waited but did not

see him. Came a second time from 6 in the morning till 4 in the evening, and did not see the Doctor. Mr. Byndloss told me the Doctor said he was not ready for me yet.

Cross examined by Dr. Ross—Acted as nurse at the Small-Pox Hospital in Kingston for nine months (*Produces Certificates.*) Never applied to you; did not know you.

Cross-examined by Dr. Cargill—Mr. Byndloss came for me for a nurse in the tents. I came to your house afterwards and applied as a nurse for the hospital and you told me to wait till it was opened.

Jane Atkinson (examined by Dr. Bowerbank)—I reside in Kingston and am a nurse; wash clothes when I am not so engaged. Was with Mrs. Dunn as nurse in the Small-Pox Hospital all the time she was there. Some time ago she wanted a second nurse at Half-way-tree and told me I must come with her. We came one Monday and remained till evening without seeing the Doctor. The second Monday I remained till part of the day. I left Miss Dunn waiting. I was not engaged; I never saw the Doctor.

Cross-examined by Dr. Ross—I never made application to you for employment as a nurse for any hospital under your charge.

Dr. Ross (*to the Court*)—I may mention that we keep a Patronage Book, but I never knew these two persons were in existence.

Witness to Dr. Cargill—The first Monday we waited at Mr. Byndloss's shop door.

Edward Barclay (examined by Dr. Bowerbank)—Nathaniel Barclay was my son; he died of Small-Pox and was ill 27 days. Dr. Cargill saw him at the house. He came there 3 times; Parson Braine brought him. The Doctor came the very week he took sick; dont remember the date. The first time I send for him. He came about 4 or 5 days afterwards; he saw the boy 3 times.

Dr. Cargill—The boy died the day after I saw him.

Witness (*to Dr. Cargill*)—He died about two weeks and a half after. I came and told you he was very bad and you told me "if I have to go about like that I will have to keep 20 horses." (*To Dr. Bowerbank*)—Dr. Cargill said he was not able to come except I paid him and about 3 days after the boy died. He died at

night and was buried next morning. Did not hold a "set up" over his body, except those in the house—about five of us, the family ; no strangers; cant say if a "set up" was held anywhere else in that neighbourhood. We had no reading or singing. I have heard since last June that there is a Law fining people who keep wakes. There was plenty of grumbling about it.

Dr. Bowerbank—After my letter to the Colonial Secretary, about wakes, it got abroad that there was a law which inflicted a penalty of £5 on any one holding a wake so that I can't get a single person to speak of having had a wake through fear of this fine, which really does not exist because there is no such law. Before, I could call a dozen witnesses to state that they had "wakes," but now I cant get four. Strange to say the report was set on foot by the Constabulary.

Witness to Dr. Bowerbank—Wakes generally take place when people die but cant say about those dying of Small-pox. Dont know as a fact that wakes were held over people dying of Small-pox.

Cross-examined by Dr. Cargill—When you saw my son you came with Parson Braine—the first day. It could not have been the 25th of April when the boy died that day. He did not die on the 26th but was buried on that day.

Dr. Cargill, after referring to some papers, mentioned that he found he had visited the boy (Nathaniel Barclay) on the 25th of April and that he died on the 26th.

Witness—There were three sick in the same house one after the other. William Yates took in the same day Barclay buried ; then another man called William Knight.

Henry Beckford (examined by Dr. Bowerbank)—I live on the Glebe Land. Dont know if wakes were held during Small-pox. Was at Armstrong's "nine night." Was not at the wake. Did not see the dead bodies of Armstrong and his sister. Never said I saw them or that I was at the wake. Cant say if wakes are common things.

George Augustus McWhinney (examined by Dr. Bowerbank)—I live on the Glebe land and am a labourer Knew Armstrong and his sister. Dont know when they died. Was not at a wake at Armstrongs but was there the "nine night." Was down at my yard and hearing singing I went there.

After this witness had left the box, Mr. Walter Stewart, who had been in Court, begged to correct a statement he had made in his evidence the day before. He had said that £75 had been paid the sick poor during the Small-pox. It should have been £45.

Dr. Bowerbank said the next witness would be Dr. Land.

Dr. Land.—Before I am sworn I wish to state that this is the second time I have been here, travelling a distance of 29 miles from Linstead, at much inconvenience. I also wish to state that it has been reported to me that I have been objected to as a witness here on the ground that I had been dismissed from the Government Medical Service. I have to say that I was not dismissed; that I tendered my resignation which the Governor accepted. Here stands my letter from Dr. Ross, stating that his Excellency had been pleased to accept my resignation, therefore I have not been dismissed from the Public Service.

Dr. Bowerbank mentioned that after what had fallen there from Dr Ross the other day, he thought it right to write and inform Dr. Land, and tell him to come up and defend his character like a man.

John Coates Land, M.D. (examined by Dr. Bowerbank.)—I have been in this country since the year '58 and have some experience of Small-pox and other diseases here. I also have served in the Edinburgh wards during an outbreak of Small-pox. I have been a Government Medical Officer here for 12 years.

Dr. Bowerbank.—Dr. Land, I wish to know whether in your experience wakes are held among the lower orders, and whether the practice ever prevailed in Small-pox cases?

Dr. Land—It has been so from '58 till '72. Wakes have been held over persons dying of Small-pox in the St. Faith's District, and I think I took it upon myself to write an order to the Constabulary to prevent it, although I had no authority.

Are you aware that Mr. McPhail issued a similar order?—He did at Prospect.

As a medical man do you consider vaccination has been fully carried out in this island ?—I consider it has been very much neglected. I consider that the Govern-

ment Medical districts being large it is impossible, especially during bad weather, for one man to do the work in his district. I have seen four epidemics of Small-Pox here but things were managed in those days a little easier than now.

After the disease has once broken out in a district, do you think it probable to check its being epidemic by isolation—is such a plan feasible?—At the first breaking out of the disease I approve of isolation but when it has spread to any extent isolation never can be properly carried out.

To your knowledge when did the first case of Small-Pox during the last outbreak, appear?—I heard of it first in September 1871, in my district.

Then we will start from that. From what you have seen and heard do you consider the outbreak in 1871, has been a severe one?—I consider that when it first originated, there were but a few cases; but it has been very severe from that time to the present moment. It is an epidemic. Among the cases I had in the Above Rocks district a number of children suffered. It has been a very harsh epidemic in St Faith's, but I cant say of any where else except from what I have seen in the *Gazette*.

If up to the 31st of May 1872—Small-pox having appeared in September '71—there are only 19 cases in a district would you call the outbreak a severe one?—No.

Is Small-pox one of those diseases which appear in either an epidemic or a sporadic form?—I have seen it appear in both forms but I incline to the belief that it is more likely an epidemic disease. I have known it to exist in the island since '58.

Is it a fact that it is often imported but does not spread?—I believe if imported it would spread.

Under these circumstances what do you consider to be the real and best safeguards against Small-pox?—Isolation at the first outbreak. Entire, total vaccination North, South, East and West, to prevent the spread of, and to keep out, the disease.

Have you known any other disease to be mistaken for Small-pox, as Ecthyma, Varicella etc.?—I have seen Ecthyma taken for Small-pox. I have seen cases of shingles reported as Small-pox.

Is it an undoubted fact that the mildest forms of the disease or even of the varoloid form, may give rise in others to the severest form of the disease?—I think so.

To the community therefore the mildest form of the disease is as dangerous as the most malignant?—It would be.

Do you think it is the duty of a medical attendant in case of the occurrence of varoloid disease in a large family, to inform the parents of the contagious or infectious nature of the disease?—I should think if there was a large family and a child had the disease I would recommend the removal of the others even though I vaccinated them all; it is such a dreadful disease.

Have I ever shewn you these question Dr. Land?—No.

To your knowledge is the effect of isolating cases to make people hide their cases?—Certainly. The negro will not submit to isolation, and rather than suffer isolation would hide his case. He always tells you "if God Almighty give me the disease I thankful and I take it. I satisfy to mind it."

These opinions you have given to-day—have you ever written them to the Government?—I have. I reported the matter that my district was too large for any one medical man to vaccinate. I applied for help from a lay-vaccinator, and Dr. Steventon wrote me that because I had done 153, he thought I could do all, and that therefore there was no necessity for the Government to help me. In my general opinion as a medical man, I think isolation unnecessary except carried out in the first case. I say it is most necessary at the outbreak but when the disease has become an epidemic, it is localisation.

Do you approve of the establishment of so called Small-pox hospitals generally?—No. I wouldn't allow my child to be taken out of my house to any such hospital. Speaking of St. Thomas in the Vale, the peasantry are able pecuniarily to keep their cases at home. They care their own sick, and I have had experience of five epidemics. But I think there ought to be some place of refuge for those suffering from the disease who have no one to care them.

Do you think it judicious or safe to move Small-pox patients in an advanced stage of the disease or when so weak as not to be able to help themselves, from their own houses to so-called tents or Hospitals, especially without medical supervision and direction?—I think it certainly injudicious.

What do you think would be likely to result from it? —Death from debility and exhaustion it being so terrible a disease.

The mortality of Small-pox before inoculation or vaccination is said to have averaged 66 per cent. In your opinion would bad treatment have anything to do with this mortality?—With respect to Small-pox I hold that a medical man can do very little. I believe that cleanliness, a proper observance of hygienic rules and plenty of food, and stimulants when necessary, are all that a patient require; except when there are other complications, then a medical man is useful.

Can you state the average death rate of Small-pox epidemics, occurring in different parts of the world?— I cant.

What was the old treatment of the disease as pursued by John of Gaddesden and what the modern treatment as recommended by Sydenham?—The modern treatment is I believe, such Antiphlogistics and sudorifics as would be proper. Plenty of water, good attendance, good food, and very little medicine after the eighth day.

In drawing up statistics of Small-pox must the different forms of the disease be taken into consideration as also the ages of the individuals, and the fact of protection or not from a previous attack of the disease (casual or inoculated) or from vaccination?—Well, ir true, perfect, and reliable statistics that would be necessary.

Have you seen the Official Returns to the 31st May? —I have.

And the amended returns?—I have not. (" *Gazette*" *handed up and perused by Dr. Land.)*

If you look you will find 19 cases put down in one place, and 3 deaths, which is equal to 15 per cent; next 47 cases, 10 deaths, equal to 21 per cent; next 31 cases, 13 deaths, equal to 41 per cent; and next 39 cases 7 deaths, equal to 17 per cent. Can you account in any way for the difference?—I dont think

I can answer the question as if we are dealing with pounds, shillings and pence. The only way is, that perhaps better provision was made in one district than in another; or that in one district the disease might have been more malignant than in another.

Taking the sum total of cases reported in the island to have been 228 with 53 deaths, or a death-rate of 23 50·228 per cent., does it indicate a serious form of the disease?—Rather heavy I should think. A heavy mortality.

Would you consider ten or eleven deaths of vaccinated cases out of 15 or 13 deaths to be very unusual in any one of the districts named in the return?—I should say so; very unusual, I never heard such a mortality in my life.

Will you name the usual forms or types of the disease?—Variola simplex; the malignant form; the corymbose and so on.

Is the form or type of the disease in a great measure dependent upon external agencies—thus, what would you expect to occur in a case treated in a very hot, ill-ventilated room or tent?—It would tend to confluence and increase the disease.

Are the complications and *sequelæ* of Small-pox, numerous and serious?—Yes.

Could you make out pulmonary and abdominal complications by looking at a patient from a distance; or would physical examination of the body be required?—Physical examination would be required. You might make out a pulmonary disease, or suspect it by the patient's breathing but I would not swear there was such a complication till I had made an examination.

Would you like to be treated in that way?—No, I should like the Doctor to see me every day and to examine me.

To a person suffering from a severe form of Small-pox, especially if confluent, with any pulmonary or any visceral affection, do you consider washing them naked in cold water in the early morning and evening in the open air, would be risky and hazardous?—Certainly; almost perilous.

Is the use of warm water in Small-pox under any circumstances and for any purpose hazardous or likely to be prejudicial?—I should think not if there was no

exposure of the body. Warm water has a soothing effect.

Do you think the use of common washing soap in cases of confluent Small-pox would prove sedative or irritating?—I should say irritating. Carbolic Acid Soap is the best.

Do the complications of Small-pox require treatment and for the most part the use of appropriate medicines?—Certainly, whether pulmonary or abdominal.

If at the commencement of Small-pox the patient's nose bled or she was attacked with Menorrhagia (from which she had previously suffered) would you therefore put the case down as of a Hœmorrhagic type?—No, certainly not.

In persons very ill in the last stage of confluent or hœmorrhagic Small-pox do you think all nursing, feeding, physicing and stimulants can safely be left off at night or for 12, 14 or 16 hours of the 24?—Certainly not.

What would be the result?—The result would be dissolution—death. Nourishment must be given night and day.

Do you think it safe to leave patients suffering from delirium during Small-pox without a nurse at night; would the risk or danger of so doing be increased by tying her or his feet or legs together?—Certainly. Dr. Todd tells us that a patient in delirium should not even be removed from one ward to another.

Is ulceration and mortification of the private parts a not uncommon occurrence in Small-pox; when this occurs does it entail most unpleasant duties on the part of the nurse or attendant?—Ulceration of the private parts is uncommon in Small-pox and it does entail unpleasant duties on the nurse and on the Medical man as well.

In very severe cases of Small-pox what is the usual fatal period?—I think if the patient gets over the seventh day there is a chance. For instance, I had a case in my Dispenser. He was very bad up to the seventh day. After that he got over entirely. I think if you can carry your case through over the seventh day you may have a hope.

If quarantine restrictions are imposed partially as a make-believe can it be effectual and must it be oppressive

and cruel?—Nothing partial can be effectual; it must be oppressive and cruel.

If during the enforcement of quarantine persons from without visited the sick; if the sick had their clothes washed outside and if they left the hospital and sleep outside at night, could quarantine be effectual?—Certainly not, but the quarantine laws here, especially in regard to Small-pox, are matters that puzzle me.

Did you ever hear of sick persons suffering from Small-pox or any other disease except perhaps itch, being dosed all round with the same medicine and the same dose, irrespective of age, sex, condition of the individual, stage of the disease etc?—I have not.

Is the smell arising from Small-pox peculiar and *sui generis?* Can it be confounded with fæces, dirty water, etc. ?—The smell from Small-pox is *sui generis* and cannot be confounded with fæces.

Persons suffering from Small-Pox exposed in the bush or on the thoroughfares are likely to be fly-blown, but in a tent or hospital with medical officers in attendance, and nurses paid to be present night and day, with soap and water in abundance, is fly-blow of a patient a pardonable circumstance?—Not at all; it is unpardonable.

Are flies particularly attracted towards Small-pox ?—Particularly.

You are acquainted with the usual construction of the residence of the lower orders of Artizans, labourers etc. Do you think you would be justified when attending them for Small-pox if in prescribing for them you remained in another room or in the yard outside; could you do so satifactorily?—No. I think if a medical man assumes a duty it is his bounden duty to do it. It is a disagreeable job, but we have lots of that to go through in this world.

Do you think any medical man is justified in deserting a patient sick with Small-pox and who he has been attending, on the plea that his other patients threaten to call in other medical aid, he at the time professedly attending other Small-pox cases ?—Well, that depends whether the fellow is to pay him or not (*laughter*); but I dont think he would be justified. If you undertake a duty you must stick to it.

Do you consider that a medical man paying a professional visit to a Small-pox patient and adopting the usual precaution is liable to carry the disease to others. In your experience have you known of any instance of the disease being so conveyed ? —No I have not. I think with the ordinary precaution of changing your clothes, and washing your hands you cannot. I have not done it myself.

In the first case of Small-pox occurrring in a place or village, would you consider it right to place it under isolation. What precautions would you take as regards the sick individual and the other inmates ?—In the first place I would look to get a good nurse; then I would see that everything in the shape of nourishment and plenty of water be near at hand, and turn every person out of the place except the nurse who must either have had Small-pox or been vaccinated. I dont consider it would be necessary to isolate the inmates; if you do you may as well isolate the Doctor. The patient afflicted with Small-pox should be isolated and the others turned out or else removed to another place for isolation. If the house were a good one I would not remove the patient.

Is it usual among medical men when they meet with severe illness or any unusual heavy mortality among their patients, to call in other assistance ?—Yes, certainly. One does so for one's own and for the public satisfaction.

Speaking of the Returns published in the *Gazette* Dr. Land said they were not true ; but perfectly false. When first he looked at them he exclaimed "oh ! my country." Dr. Land pointed out the portions of the Return he said were incorrect. He added also that any returns he had sent in to the Medical Department were those supplied him by the Constables and that he had mentioned the fact to the head of the department.

The examination in chief having closed, the Presiding Inspector called on Dr. Ross to cross-examine, that gentleman remarking before commencing the cross-examination, that he felt it to be a shame that Medical men were to be pitted against each other in this manner.

Cross-examined by Dr. Ross—I was the Government Medical Officer for Glengoffe when Small-pox appeared there. Have since resigned. I resigned my ap-

pointment of my own accord and was not compelled to do so. I have heard of cold water being used in Small-pox. It is perfect nonsense to ask me that ; a regular waste of words. I never heard that in Typhoid fever they have used cold water in England. Have seen fly-blown patients in a hospital ; it even occurs in amputation of the arm. It has occurred in cases under my charge. I amputated a man's leg on a Monday and the Wednesday there were fly deposits on it. It is more possible in Small-pox than in wounds. I have known a patient although well cared by his family to be fly-blown. The patient I spoke of with Small-pox as doing well is said to have been fly-blown.

Cross-examined by Dr. Cargill *(reading from a return.)*

In 75 cases of Small-Pox and 18 deaths, would that be a large mortality ?—No.

Dr. Bowerbank—I beg to say that there is no Return before the Court by which it appears there were 18 deaths in 75 cases.

Dr. Cargill—I am going to prove it.

Dr. Bowerbank—I solemnly protest, there being no Return shewing that mortality, on the table, against your asking such a question,

The Presiding Inspector—It is merely a hypothetical question.

Would it be fair to take the first few cases of Small-Pox in a district, to from a correct statistical return ?—No, because we know that epidemics gradually decrease though violent at first.

Suppose you had a patient (a female) and she bled from the nose, throat, uterus, with purple spots all over the body, terminating in five days; what type of Small-Pox would you call it ?—Either malignant or corymbose.

Is not the suppurative stage of Small-Pox dangerous ?—Always attended with great debility and when dissolution comes on.

Is it not a fact that malignant Small-Pox kills the patient by prostration ?—Not so much.

Would not secondary syphilis be a dangerous complication with Small-pox ?—Certainly, at any time.

Suppose you had 5 or 6 Small-Pox cases, all adults, would it be quackery to make up a bottle of medicine containing :

Chlorate of Potash.
Dilute Hydrochloric Acid.
and
Chloric Ether,

in suitable doses, and give each patient a dose three times a day ?—No. When I was House Surgeon at King's College Hospital, London, we had a mixture called Haustus Communis and another, Mistura Diabolica, which we gave different people, but regulating the dose.

Suppose you had a patient in tents or in hospital with Small-pox, would a dose of Castor Oil be a dangerous aperient to open the patient's bowels ?—No.

Suppose Small-pox be in St. Andrew, and was not supposed to be in Kingston, and you went to see a case in a family—a child—in St. Andrew. Would you recommend them to send the other children to Kingston ?—I would certainly ask them to remove the healthy children.

Is Carbolic Acid a dangerous medicine in Small-pox? —Not in proper doses. It is supposed to be a disinfectant, externally and internally.

Dr. Bowerbank.—Do you consider it right for Carbolic Acid to be given to all the patients right round in the same dose without regard to age, stage of the disease, or any thing else ?—Certainly not.

Do you approve of Castor Oil being given in the same way ?—No.

And to a dying man ?—No.

Who refused to take it and died a few hours after—I say no.

If that child you spoke of had varioloid and was sent to Kingston amongst other children do you think the Medical man highly culpable in not telling its parents that varioloid is catching ?—Exceedingly culpable.

Have you ever objected officially to the use of Hospitals or mud huts?—I have to the head of the department and to Colonel Mann, in official communications, as I consider them to be nests of disease—dens of contagion.

The Court adjourned for ten minutes.

The Court resumed.

Arundell Hill Cotter, M.D. (examined by Dr. Bowerbank)—I have been in practice about 7 years and am the Government Medical Officer for the western district of St. Andrew, at present. Was sent up to take charge of the Sterling Castle Small-pox hospital on the 25th March having been appointed on the 21st, that hospital having been previously under the care of Dr. Rogers. I do not know when the first case of Small-pox appeared in that district. When I took charge there were 6 patients and I admitted 2 more. I found a Prescription Book there containing prescriptions ordered for the people by Dr. Rogers, with their names and the dates of his visit. I dont think it contained any reference to the condition of the patients, but their names were entered in it. I have the book at home. I cannot say how many cases were admitted before I took charge, but I heard that two people had died before I came. I sent fortnightly returns to the head of my department ; that was in accordance with an order we got.

Dr. Bowerbank—I call on Dr. Ross to produce these returns, as also those of Dr. Cargill.

Dr. Ross—They are official documents belonging to Government and I am only their custodian. If I get orders from the Lieut-Governor to give them up I will do so.

Dr. Bowerbank—I wrote the second day of the adjournment to the Secretary stating that I required certain documents named and informing him where and whom they could be got from. I expected they would have been obtained and put on the table here, but they are not.

Dr. Ross—Until I get permission I decline to give them up.

Dr. Cargill—So far as I am concerned I hope they will be put in.

Dr. Ross—I dont know I can play fast and loose with Government documents till I get permission.

The Presiding Inspector.—We think they ought to be put in.

Dr. Ross—I will apply for permission Sir.

Examination of Dr. Cotter resumed.—The Dennys were dead before I went to Sterling Castle. I don't know

of any enquiry in regard to them having been held except one that I held for my own satisfaction. I had heard from Mr Hyams that there was a report that they had been badly treated and I called the nurses together and enquired into the matter for my own satisfaction. I told the Head of the Department of it but I do not remember his requesting me to do so. I told him I believed the charges were not true. He sent me no charges, I merely held an enquiry for my own satisfaction and the result of that enquiry was that I believed the Dennys were not ill-treated. I examined nurses Lee, Mrs. Amelia Amore, Mrs Susan Moore; Mr Spence, who lived in the hospital--the owner of the house where the hospital was. The result was that I came to the conclusion that the charges were not true and I reported that verbally to Dr. Ross. I dismissed the subject from my mind. It is quite possible Dr. Ross did ask me to have an enquiry ; at all events I considered it satisfactory. The people examined would not all of them have committed themselves by that enquiry. Certainly the charges were against some of them but there were others who could have had no object in telling a lie. I did not think it a humbugging affair. I simply did it as the report came to my ear, to see if it was true so that I could make an official report. When I went to Sterling Castle isolation was being carried on ; but the disease had been there I dont know how long, nor do I know what instructions the Constables had before I took charge; after I took charge there were no people to isolate ; they were all in hospital. When the disease has once become epidemic I dont think isolation necessary, but I believe through the aid of the two Constables the disease was stamped out. It has been fairly stamped out. Isolation has, to a certain extent, caused people to hide their cases. I know of a case where a woman carried her child into the bush, and she did so because she was under the impression that I would isolate the case or carry it to the hospital. At that time the disease was thoroughly epidemic. It happened in the Temple Hall District. I saw her next day and prescribed for the child. I came upon her unexpectedly and explained that I was not going to trouble her. I did not see her go into the bush but people told me she had gone. When I went to Sterling

Castle no person refused going into the hospital ; there were no cases to go in. There was a prejudice and a very strong one against the hospital because there was the report that the Dennys were neglected——

Dr. Bowerbank—I believe you removed that prejudice in a great measure ?

Dr. Cotter—I tried to. I never saw any of the tents erected in the District. Sterling Castle is in the Red Hills district. There have been several cases of Small-Pox in other parts of the District of which I did not hear till after recovery or death. There were only two hospitals—one at Sterling Castle; the other at Stony Hill. After giving up the Sterling Castle hospital and the patients had got well I took charge of that at Stony Hill. The disease broke out at Caselles after I had stamped it out at Red Hills. It has not returned to the Red Hill district. To my knowledge there were no cases at Cavaliers after a couple of months ago. When I left I had not stamped the disease out of the whole district. I do not know of a case now at Pinto's gap. I was sent for to see a case there and found it to be itch, if that be the case Mr. Woodrow told me of. I was kept in ignorance of three cases back of Mr. Hyams, one of which died. I knew of very few cases till Mr. Hyams told me. I asked him to let me know any cases he might hear of. I had everything I wanted at Sterling Castle with the exception of clothing, but the patients had their own. I had none of any kind and I did not apply for any because all the patients had been convalescent. I dont know whether when the Dennys were there, there was no clothing. There were sufficient nurses for the patients we had ; they were divided into day and night nurses, by orders, and got 7s or 8s a week. They did not all work night and day but by spells ; and they slept in the room with the patients. They did their duty as nurses very well. Not a patient died in my time. Some of the attendants made a complaint that they did not get paid regularly every Saturday but as soon as I got the money from Dr. Ross I gave it to them. I forwarded their complaint to Dr. Ross. They came to me in a body and said they could not get paid for what they had done—carrying he Dennys to Hospital. I made an application and got

3s for each of them. I got it about 4 weeks after they complained, and the Dennys died two days before I went there. They complained that they had made two trips I did not think 3s too much. I applied to Dr. Ross and he said 3s was enough. I considered the dietary pretty fair and I ordered whatever extra I thought the patients required ; they never complained. I once ordered two bottles of Port Wine. The patient was in a very delicate state of health and I ordered Mr, Spence to procure the Wine. It was got and some few days after on returning to the Hospital Mr. Spence shewed me a letter he had received from one of Dr. Ross's clerks stating that something else was to be substituted for Port Wine. I put a note in the Day Book saying I had ordered Wine because I considered it necessary, and I considered it necessary still. When I went to Kingston I saw Dr. Ross and he said I was to substitute Ammonia and Brandy as he did not approve of Port Wine for Small-pox. I said there is a difference of opinion between us on the subject; and then he said if I wished Wine for my patients, I ought to send for it in a proper manner. Then it was allowed afterwards, on my explanation; but I had myself to pay for the two bottles I had ordered for the woman. I was instructed by Dr. Ross, verbally, to do all I could for the people, but not unnecessarily to incur expense. I know as a medical man that to some patients Rum or Brandy may be unpleasant whilst Wine is the contrary. I do not remember whether anything else was struck out of the Sterling Castle bill. I ordered Port Wine still where I thought it better than Rum or Brandy. A gentleman of the name of McLeod of St. Thomas in the Vale, has told me that the people about that district were dying like rotten sheep from Small-pox, but whether he is a member of the Local Board of Health I dont know. This was told to me in June. I had heard it too from several others—from the Rev. Mr. Fraser. [The Court decided that this having reference to St. Thomas in the Vale, was not evidence.] There was not, to my knowledge, any resident Medical man at Sterling Castle up to the time I took charge but Dr. Rogers had been visiting it before I went. Of bedding we had sufficient. I resided at Stony Hill while attending at the Sterling Castle hospital, about seven miles

distant, I slept at Sterling Castle every time I went there and that was three times a week. I cant remember whether Gibson died at Salisbury Plain before I heard of the circumstance; I dont know the name. I never knew of the illness and death of Robertson at Temple Hall; Temple Hall is in my district. I did not hear his name. If I heard of Clarke I would have attended her. If I had acted according to Dr. Ross's orders I should have had to send 9 miles to Kingston for the Port wine; and I considered the patient would have suffered in the meantime therefore, I ordered it on my own responsibility. I did not consider it my duty to attend every one with Small-Pox not in hospital but I never refused doing so. I wrote to the department on the subject and, pending instructions from Government, went on attending them. I fixed the site of the hospital at Stony Hill; I think it the best that could be selected. I saw no objection that it was too near the Reformatory; it is a mile off. It is far from any house, close to a river and there is no track, passing another way. I have never received instructions from the department not to expose myself while attending Small-pox. People now come of their own accord to the Stony Hill hospital. Dr. Ross has my Returns but speaking from memory the admissions were 19, and deaths 3, but I lost one this morning which makes it 4. Some come from very long distances, the furthest about 12 miles, and were brought of their own accord. They bring them the third day in fever; one came later than that. A child was brought in voluntarily by its mother and died before I went to the hospital to see it but I had previously advised its being brought. It was brought about 3 miles about 3 in the afternoon; but I had advised the mother to bring it the day before as the hovel it was in was not fit for a dog. No one to my knowledge ever died in that hovel but in a house about 200 yards above a boy died on the floor, before I went there. I dont consider the disease as being of a very severe type—not in my district. I dont think 226 cases with 53 deaths a very great mortality. I saw but the tops of two tents one day as I rode bye at Half-way tree. I have been there since and do not think it a fit place to put a contagious disease. I should be sorry to select it for such a purpose. I fancy if I were called in I would rather have

attended Barclay in his house with five people in it than under the tents. I would have sent away the others in the house rather than select that spot. I have been in the Army and know the Bell tent. I got Rheumatism once under them; I think they are too hot for Small-pox.

Dr. Bowerbank.—Thank you Dr. Cotter. From your mode of answering I should have been glad to have asked you some medical questions but as I do not desire "to pit medical men against each other" I shall desist.

The Presiding Inspector.—I am sorry Dr. Bowerbank you should allow any remarks across the table to prevent you from putting the questions.

Dr. Bowerbank.—The remark was made twice, that I had brought medical men here to be "pitted against each other." I deny it. What I desired to have done was too put before the Court medical evidence as to the history and treatment of Small-pox.

The Presiding Inspector—And you had a perfect right to do it. Every day in England we have experts giving evidence, and I dont see how this can be called "pitting medical men against each other."

Dr. Cargill—I assure the Court I myself would have no objection in answering those questions.

Dr. Ross—I made the remark just at the moment but never intended it as an offence.

Dr. Bowerbank—I shall ask no more.

The Presiding Inspector—Well, we are sorry.

Cross-examined by Dr. Ross—The first time we spoke of the Port Wine you told me I had taken upon myself without official authority, to supply that wine. I dont remember your then saying "now upon your explanation I will pay the account." I paid it out of my own pocket. You said you would not sanction anything done in the wrong way. It was paid for the day I asked you for the pound for incidental expenses. I paid it from that. Remember your telling me that Mr. Hyams wrote you that the Dennys had been neglected. (*Dr. Ross here read from Mr. Hyam's letter*) and it is probable you asked me when I got up to make a full inquiry and let you know the result. We had a long talk on the subject. I said I was determined to find out whether

it was true or not. I did make a report but I have no remembrance of having had official orders from you. We spoke over the matter in your office but remember I told you I would take no instructions verbally but on paper. I verbally reported the result of my enquiry to you. It was your wish that the St. Andrew Hospital should be as central as possible, the main ends in view being that it should be sufficiently apart from other dwellings, near the water, and good supervision. I think there were several pots of Liebig's Extract of Meat when I took charge at Sterling Castle. I found plenty of wholesome medicine there. There was a Purveyor's store with a barrel, nearly full, of Arrowroot; a barrel, partly full, of Sago; a bag of Rice; 2 dozen tins of Preserved Milk. There was I think, a box of Salt fish, but nearly used out; Liebig's Extract of Meat; a barrel of Crackers, three-quarter or half full; and Tea and Coffee. Rum: no Brandy. I never saw any. You have expressed verbally, your satisfaction to me. Every case of Small-pox in the district that I knew of, was reported to you. My guiding star was my duty not Mr. Hyams (*laughter.*)

Mr. Walter Stewart (*addressing the Court.*)—May I be permitted to ask Dr. Cotter one or two questions, as Clerk of the Local Board of Health?

The Presiding Inspector—What are they?

Mr. Stewart—Whether he could have isolated those cases that he did, without the aid of the Board? Sixteen pounds were placed by the Board in Mr. Findlay's hand's which Dr. Cotter had and used and which he could not have done without.

The Presiding Inspector (*after consulting Dr. Cruice*)—We dont think it material.

Dr. Cotter (*in reply to Dr. Bowerbank*)—I applied to Dr. Ross for money for what are called incidental expences and got it more than once, but not more than a pound each time. I dont know who gave out the food and other things before I took charge at Sterling Castle, but when I got there I put a note in the Book to say that Mr. Spence should be paid to discharge that duty, so that he might serve properly. I have known in England itch taken for Small-pox, but not by a medical man. I have on several occasions myself washed a Small-pox pa-

tient. It was in a severe case, and I thought the nurse would not have been sufficiently careful.

Dr. Bowerbank.—Then Sir, you deserve the thanks of the country for it.

James Phillipps (examined by Dr. Bowerbank)—Am a Constable and was on guard at the quarantine ground in Half-way-tree. Nobody went in when I was on duty. Never was told people were going in, not even by Mr. Byndloss. He called me on one occasion and said a person was going into the tents; that he was going through Mrs. Townshend's yard. I went up directly and turned him down. He was going into Townshend town, and I prevented him.

To the Presiding Inspector—I stopped him because Mr. Byndloss told me, because he might have gone back and told the Inspector that I wouldn't do my duty.

Frederick Walker (examined by Dr. Bowerbank.)—Am a labourer. Was not in the habit of going into the quarantine ground. I was at my yard one night and heard a singing. I could not tell where it was and in the morning I saw Henry Beckford come in looking sleepy. I ask him where he was and he said he went to the Armstrong's last night at the wake.

Dr. Cotter (recalled at the request of Dr. Ross.)

Dr. Ross—When you made enquiry about the Dennys at Sterling Castle were the other patients who were there when they were, present?

Dr. Cotter—Yes and they said they never saw any abuses to the Dennys.

To the Presiding Inspector—The hospital had 2 rooms with a door between; one was used for males and the other for females.

The Court then adjourned till 10 o'clock to-morrow (Friday) morning.

FRIDAY, 15TH NOVEMBER.

The Court met at the usual hour.

Dr. Bowerbank—I wish to make a statement to the Court in regard to one of the witnesses named Rutherford, who I think is going to be a little refractory. He has been here one or two days and has not yet been called. Yesterday he told me distinctly he would not

come back to-day, and it appears he has kept his word --he is now sick.

Dr. Cargill—I may state that he sent for me at 6 this morning. I went. He had no fever and what he tells me is that he had been here two days starving, and that he felt very bad whenever he moved about. I must confess I am at a loss to give his disease a name. I sounded his heart and found nothing the matter with it. He says his nervous system has suffered from coming here and having had nothing to eat.

Dr. Bowerbank—He told me very distinctly yesterday when I said I would not take his evidence till Mr. Soutar is here, "I wont come back again."

John Rider Brice, (examined by Dr. Bowerbank)—I am a Justice of the Peace for St. Andrew and late Coroner of the parish for nearly five and twenty years. I wrote you this note (*letter handed up.*)

Dr. Bowerbank—You are well acquainted with the habits of the people ?

Mr. Brice—I ought to be.

Is it a custom with them to hold wakes ?—Yes, it is.

What do they do there ?—They sing and pray and make a great noise—a nuisance.

Do they prevail even during epidemics of infectious diseases?—I bought Sandy Park in '41 and up to '50 they continued. When Cholera raged they left off but about a year after they commenced again. When a relation dies they have a wake, and one on the ninth night. They are continued till the present day.

And I suppose they will until put down by a law?—I should think so.

You were formerly a member of the Local Board of Health?—I was in 1850, during Cholera. The Board of Health took an actlve part in those matters in those days. I remember the district of Hannah's town was assigned to Archdeacon Campbell and myself and we used to go about in our Buggies with medicine and nourishment for the people and Mr Campbell went so far as to rub the Cholera patients with the palm of his hand and he got it.

Are you acquainted with the ground on which the tents were pitched here and do you think it suitable for the purpose?—I am, and I think pitching Small-Pox tents there were very injudicious and stupid. I

consider it to be near one of the largest thoroughfares in the whole island. Look at the influx of people passing there—from St. Mary, St. George, Metcalfe, Port Antonio. The spot was too contiguous to the high-way. Why, they were almost in Townshend town, a most filthy place. During Cholera we had a hospital down here, quite isolated—at Tarrant's. That's public land; and I think would have been a far better place for the tents. The spot selected is as if it was done purposely to disseminate the disease. Look at the number of persons going to and fro about there? It appeared as if the idea was to disseminate not to isolate. I think it was highly injudicious. I am aware that Small-pox was at Swallowfield and I wrote Dr. Cargill there was a case at Grant's pen and another at Swallowfield. There was no one to see after them at Swallowfield because a man came and complained to me that Mr. Braine came once and gave a few things, and never came back. He told me this since Mr. Braine went away, and I told the man (Samuel Brown) to come to you. He had 4 or 5 cases. There were 2 cases at Brandon hill, which I wrote Dr. Cotter about and I believe he immediately got the people to be conveyed to hospital. It was known that they went in through my having recommended them. There has been a prejudice among the people down there against going into the hospital. On one occasion I told Dr. Cargill that there were cases of Small-pox about here, yet I understood there was a hospital. I asked him, have the hospital nurses and the other requirements; he said no; and I said then what is the use of people going there. I allude to the hospital since put up at Tarrant's. I cant say of my own knowledge that the people refused to go into the tents, but I have heard a rumour of their dissatisfaction of them. I generally stopped my buggy and enquired of the Constables how the people were; on one occasion Mr. Braine told me he had been refused admission into the tents to afford the people spiritual assistance.

Cross-examined by Dr. Cargill.—When I wrote you telling you of the Small-pox at Swallowfield and Grant's pen, you went immediately and attended to the patients for you stopped at my pen to see Stewart, requesting him to send——(*the Reporter did not catch the word that follow-*

ed) for the woman particularly at Swallowfield. You told me what to give at Grant's pen. You ordered milk which I supplied at my expence. You were very attentive.

To Dr. Bowerbank.—The date of that letter I do not remember, but it was after Mr. Braine went away; long after, and he left on the 10th of August.

George Henry Brown (examined by Dr. Bowerbank)—Am a shoemaker and lived during quarantine ti me, at Half-way-tree, close to the quarantine ground, opposite. As a fact I could not say that wakes took place here in the month of May last, that is to say, during that time I went bye Armstrong's house, the evening of his death. In passing the dwelling I saw people congregated in the yard and at the gate. I passed on and went on my business and on repairing to my residence not very far off, between 9 and 10 o'clock, I heard a singing. Cant say if it was a wake singing or a singing party but there was singing, but I came to the conclusion that the singing was by the people whom I had seen. My house is about 6 or 8 hundred yards, going across, from Armstrong's, that is so far as sound goes. I assisted in pitching the first tent—a Bell tent. There was only the inner covering, bottom curtain and line. The ground was not drained ; the spot of itself was level. We swept it with a broom and chopped away the bush. The spot it was pitched was cleaned, and not very clustered ; it had some bush—growing weeds, about 3 feet high. This was no distance from Berry's house—8 or 10 yards, and to windward. People could get into the tents through Townshend town as one Constable was not enough to guard it. I saw no people go in. After erecting the first tent and putting James Barclay under it, a man named Dyer came up and said the tent was not properly erected. He went in and so did I, but the patient was taken out then—and I did the requirements. From then I never returned. Susan Clarke is a noisy, troublesome character ; always saying something, so that I never pay any attention to what she says. She has always something to say whether on Small-pox subject or on village questions, therefore any person having anything else to do never pays attention to her. I came to you a Sunday morning as you had sent for me through Mr Byndloss. I believe Dr. Cargill said that the tents

were not fit and proper. I might have heard him say so but I dont give it to you as fact. I did not retain the circumstance as it did not concern me. I have no recollection that Byndloss told me "that if I said anything against Dr. Cargill I would be perjuring myself." I dont recollect if I told Dr. Cargill that Byndloss told me that. I tell you what, it is just this: Byndloss told me you wanted me on a Saturday night and I came to you on Sunday. I might have told Dr. Cargill; I am not certain about it. Yes, I told him something on returning: that you sent for me and asked me questions which did not concern me. I believe I did say to Dr. Cargill about Byndloss and perjury. I am an ex-member of the Constabulary force, and have had testimonials from Mr. Nairne, Dr. Cargill, and Mr. Brice. Dont remember when I tried to get back in the Constabulary—some time in the month of September. Dr. Cargill's testimonial is dated about the month of June.

Cross-examined by Dr. Ross—I am a Jamaican; never was a Soldier. My nearest attempt to the Military was the Constabulary. I have no experience in pitching tents. Dyer never said one word to me personally; all I heard from him was through the Sergeant-Major, and that was that the tent was not properly pitched. He did not tell me there should have been a ditch round.

Cross-examined by Dr. Cargill—I have the testimonial you gave me; but it is not here, will send it to the Judge if you want. The day I saw Dr. Bowerbank I called at your house on my way back. You did not send for me. I have not a firm recollection of what I said to you. I said "I have been to Dr. Bowerbank; he had sent for me;" and that Byndloss said to me on my way down "now Brown mind dont say anything against Dr. Cargill; if you do you will be perjuring yourself." I also told you that Dr. Bowerbank asked me if I saw you go into the tents and that I told him as I never went into the tents myself I could not tell but that people said you didn't. When you gave me the testimonial, Small-Pox had not come before the public at all. At all events it was a considerable while before Dr. Bowerbank sent for me. I dont believe in the least.

that you gave it to me for love and affection in any matter. I left the Police force on or about the 15th of February 1871—long before Small-Pox came here. You told me "Brown I am sorry you are leaving the force and if ever you want to go in again I will give you a certificate."

Kate Messam (examined by Dr. Bowerbank)—I am a Domestic Servant and live at Pelong Pen, in the employ of Mr. William Power Trench, Assistant Collector of Taxes, Half-way-tree. Pelong pen is opposite to the tents and from the house I could see the quarantine ground if I were at the gate, but not from the window. Dont know if it was a nuisance for my employers had gone to the country and left me in charge. They did not go away on purpose but Mr. Trench had special duty there. Standing at the gate I have seen Dr. Cargill and Mr. Byndloss go along into the quarantine ground, and on one occasion Dr. Cargill said to him "you had better not go any further" and Mr. Byndloss turned back. Never saw people in the quarantine ground from the gate. Am Wiseman's aunt. He went into the tents by my permission. Mr. Byndloss came and asked me if I would "allow the boy to go in." I said "No." He said "well, if you dont you will not get support for him from the Government," and I said "I did not care for so far as any manual labour went I could support him myself." Some time after I took in with fever and Mr. Byndloss came back and the boy sent to call me, and asked me whether it would not be better for him to go into the tents, and I said as I had the fever and Mr. Byndloss had promised to get a competent person to care the boy, I said "I will let him go in under that consideration." I prevented him at first because I was able to care him myself, and because if he died there I could not see him. When the boy was in the tents they sent his clothes to ask me to wash them, but as I was employed by a private family, and as Mr. Trench had given me orders to keep myself in, I could not, but his grandmother washed them. It was a very small quantity—a night shirt; and it was sent because the nurse's finger was sore and she could not wash. There was no wake over the Armstrongs on the 29th of May. His relatives "set up." I was one present as I had children for him for six years. His mother, a dis-

abled woman; his sister, brother-in-law, George Hall; and George Henry, a sort of brother-in-law too, as he lived with the other Armstrong who died with the Small-pox; Edward Forbes, a cousin; Mrs. Lodge, Armstrong's aunt, were there; no one else that I can remember. There was no singing or praying on the 29th May. When he was dying he asked to sing a hymn for him, and it was done—that was at half-past 6 o'clock. There was no singing or praying that night; cant say if there was any drinking as I do not drink myself and as I kept within doors. There was no Rum for any men; there might have been drinks for a couple of men but none was provided. In the evening before they came to take the bodies away we sung a hymn. Mr. Rutherford, as a neighbour, came in the moment Armstrong died and said he hoped no wake would be kept up and the family said "it was not expected." There was no wake over Maria Lewis. The night she died I was not there but I know there was none. I know nothing about Clementina ———. There was no wake on George Hall's child. Cant say if any of Hall's relatives or friends went there the night Hall's child died. I heard Maria Lewis had Small-pox. I had seen her a few days previous to her having it, when I went to see Mrs. Armstrong's. She did not die at Armstrong's house. One lived on the Main Road and the other in the lane at back of the Church. Rutherford did not stop. Beckford was not there on the 29th May. If he said he was he would be telling what would not be true. Did not see George Henry Brown there, nor Mr. Byndloss. Perhaps as it was Mr. Byndloss who gave you the information, he made a mistake. It was the "ninth day."

Dr. Bowerbank said his next witness would be Rutherford, and that person was called but did not answer. Mr. Simon Soutar was also called but he too did not answer.

Dr. Bowerbank then called

Alexander Nairne, Inspector of Constabulary, St. Andrew (examined by Dr. Bowerbank)—Small-pox appeared in the Red Hills district in October 1871, subsequently, in the other districts. By referring to my papers I find that in January 1872 I got a letter from Mr. Rees, of the Government Medical Department, dated 4th January 1872,

in which he says "Small-pox is reported to exist at Cooper's Hill." (*For letter see Appendix.*) We had had it in a sporadic form in October. Then on the 8th January I wrote this to the Custos and this to the Inspector-General, both of the same tenour and effect, except that in that to the Inspector General I added "I have communicated with the Chairman of the Local Board on the subject." (*For letters see Appendix.*) I beg to put them in evidence. Then follow my instructions in a communication from the Inspector-General dated 29th February (*For instructions see Appendix.*) Upon this I sent out a Divisional Order to this effect, dated 5th March: (*Reads—For Divisional Order see Appendix.*) This order I am prepared to state was carried out, so far as it could be, in its integrity. To have placed men round the tents would have been the more proper way but it would have taken 50 men to surround them in that manner. The Constables there were under the orders of the Medical officer, I never interfered with them.

Dr. Bowerbank—What instructions did you receive or issue when informed that the disease was in the Red Hills district?

Inspector Nairne—None; except that I wrote Mr. Barclay and Major Prenderville who desired me to give two men to Dr. MacMahon; and I did so, they being under Dr. MacMahon's orders for many weeks. That was on the 4th of January. The men were first at Cooper's Hill; then at Casselles; and Padmore, and Cavaliers. Ultimately, a house was rented—I suggested it—and placed under the care of Mr. Spence at Sterling Castle. Then it was that isolation commenced there, the two men being there till Dr. Cotter thought fit to dispense with their services. The house at Spence's was opened on the 26th of February (*Reads—for letter reporting opening of Hospital see Appendix.*) My order upon that was (*Reads—for Order see Appendix.*)

Were the instructions you received printed?—No Sir; written.

Not in the *Gazette*?—I did not see them.

Dr. Bowerbank—According to the law before they can be carried out by the Constabulary they should be printed in the *Gazette*.

Inspector Nairne *(in reply to Dr. Bowerbank)*—I never went either to the hospital or the tents. I had no instructions to go. I was told not to go near them; they were under the immediate orders of the Doctors. The Doctors were not resident at Sterling Castle but went up two or three times a week. Dr. MacMahon lived in Kingston, generally as he passed he gave me a hail on his way up to the district. He passed sometimes three, and sometimes twice a week. A report was published in the STANDARD of 47 cases in the District and I was called upon to ascertain the fact. This was in January, and I enquired. I got the statistics from Sergeant Barrett, at Red Hills and Sterling Castle showing 59 cases had existed, and in my reply to the Government I stated that the report in the STANDARD was perfectly correct. I have had no subsequent returns except what Dr. Cotter sent me. The date of the first case at Half-way tree was on the 26th of March. Dr. Ross on that date consulted me in reference to the putting up of the tents and I gave him Sergeant-Major Speck. There was one Constable on duty in front of the quarantine ground and a Corporal. To the best of my belief I think it certainly was not possible to maintain quarantine with that number of men; we should have had 12. Then, I could not interfere with Mrs Townshend's yard. The beat extended from Dr. Knox's shop to the corner nearly opposite Mr. Byndloss. I had no order to place any person in quarantine except in the tents. I know nothing about Berry's house and its inmates being placed in quarantine. To my knowledge one of our Dectectives lived in Townshend town. As a detective he had the privilege to live out of the Station and I believe he hired a house there. I sent out orders to him when his services were wanted. I could not isolate him, but I think the Sergeant-major requested him not to come to the Station; all the men had been vaccinated. I have 38 Constables for the whole parish. By a Return I have here dated the 31st September I find that I had 13 Constables for 46 days looking after Small-pox patients at Half-way-tree; at Red Hills, 2 for 74 days; at Casselles, 1 for 44 days; at Stony Hill, 1 for 44 days. I have no doubt that there were other cases about in people who did not go into the tents. I think I had a conversation with you that I thought the disease was spreading more by inoculation.

Are wakes held over the dead among the lower orders even during epidemics?—I know as a native of the country and one having been all over the island, that the practice among the lower orders, of holding wakes, exists not only on those dying in epidemics but from Fever and other diseases.

Have you ever as Inspector of Police been called upon to stop wakes and is there a law preventing them? —By yourself when you were Custos of Kingston and I, Inspector; but there is no law for the purpose. We then not only stopped them but we stopped the Revivalism. Sir Henry Storks told us to do it.

Have you any reason to doubt that wakes were held here over Small-pox people?—They may have been but not to my knowledge.

Did you on the 13th of June state that wakes had taken place as usual in the Red Hills and at Halfway Tree and that you had no instructions to stop them?— That's a conversation I had with you, I think. I said I thought so not that I knew it of my own knowledge. I had no instructions to stop wakes.

At my house more recently did you say that since my letter to the Government wakes over Small-pox bodies had been prevented by the Constabulary?—I recollect I was written to by the Inspector General—(*Reads*) "to make enquiry or to state of my own knowledge" whether a wake was held over the Armstrongs. I also received a communication from the then Acting Custos, Mr. Barclay, of the 1st of July in which he says (*Reads*) "it having been communicated to the Government etc. (*For letter see Appendix*) and I wrote this answer (*For answer see Appendix.*)

Did the Constables at Red Hills assist in the removal of Small-pox cases?—Yes; in the case of the Dennys they did.

Did any one ever mention to you that he had seen persons entering the quarantine ground, and advise that a Constable who had already had Small-pox, should be placed within the tents to prevent people coming in, and that one had offered to do so?—Yes but I dont recollect about residing there. Mr. Byndloss informed me on the 18th of April that he had seen persons going in and I informed the Sergeant-major of what I had heard

and ordered him to take every step to prevent it in future, which he did. You see I had got this (*Reads---For Letter see Appendix.*) On the back I put a memorandum, directing the Sergeant-Major's attention to the matter (*Reads.—For Memo see Appendix.*) The Sergeant-major wrote that there was but one entrance to the quarantine ground which was strictly guarded. (*Reads—For letter see Appendix.*) I could not have allowed any of my men to remain in because my instructions were that they were not to go in at all.

Did you believe in the efficacy of quarantine as carried out there, and do you think it prevented the spread of the disease?—Well, when the tents are in a village so thickly populated I dont think if it was an epidemic isolation would prevent the spread. I think it went about in the air and by persons that went into, and came out of, the tents.

At any time were you under the impression that a a law was in existence to put down wakes, and did you so direct your men to state?—No; but the moment I heard about the Armstrongs I gave orders to the Sergeant-major to prevent them ; and I requested Rutherford, who is a sensible man, to advise the people in the quarter not to hold them. I knew there was no law to prevent them.

Were the people deterred from holding wakes here in consequence of a report that went about after my letter to the Colonial Secretary, that there was a fine of £5?—I never heard of any.

Did you ever tell your men to say that there was such a fine?—I never told my men to spread such a report. I told my Sergeant-major to say there was a penalty, and that it was against the law.

With regard to Mrs Stoakly's case. Did you write me this letter? (*handed up.*)—It was written by Mrs. Nairne upon my dictation. (*For letter see Appendix.*) The statements made in it are true. Dr. Cargill says it is not correct. I say it is. Dr. Cargill said it was a mistake.

Did you write me this "Mrs Stoakly who is very ill with Small-pox etc?"—That's substantially true and correct. (*Reading from notes* :) On Sunday, the 14th of April Mrs Stoakly complained and at about 9 o'clock

p.m., I sent for Dr. Cargill, who came and cupped her and said she had inflammation of the spine. Monday, the 15th, Dr. Cargill called. Tuesday, the 16th, Dr. Cargill again called. Small-pox had made its appearance on Mrs Stoakly. Wednesday, the 17th, Dr. Cargill did not call. I met him just going to see Mrs Douglass who was then very ill, in consultation with Dr. Phillippo. I met Dr. Cargill at Mrs Douglass' gate and asked him to call and see Mrs Stoakly who was very much worse. He said "Well, Nairne I should be very glad to go and see her, but the majority of my patients have intimated to me that if I continue visiting Small-pox patients they will dispense with my services and send for a Town Doctor." I then requested him to send her a gargle her throat being very sore indeed, which he sent. Later the same evening Mrs Nairne wrote for Dr. Cargill, very dangerous symptoms having appeared, a note in my possession being the reply. Thursday, the 18th, Mrs Stoakly became alarmingly ill. I then requested Mrs Nairne to write Dr. Bowerbank to call which he did very promptly and pronounced Mrs Stoakly to be in a very bad state. He prescribed and sat down and wrote Dr. Cargill a letter which he took with him to leave at Dr. Cargill's residence. Dr. Cargill came to see Mrs. Stoakly between 5 and 6 p.m. and said to continue Dr. Bowerbank's medicine; Dr Bowerbank's prescription must be continued." Controller Bennett was with me and my servant Kelly, when the conversation at Mrs. Douglass' gate occurred. Dr. Cargill continued attending Mrs. Stoakly till she died next day ; he came twice after.

Did Dr. Cargill ever speak to you on the subject?—He said it was a mistake. That he was always doing me favours, (although I do not know what those favours are) and that he really thought Mrs. Stoakly was not his patient.

Was Dr. Cargill at that time attending Small-Pox in the tents?—He was.

On the 18th of April when I was at your house seeing Mrs Stoakly did you tell me that Dr. Cargill had mentioned to you that the tents were placed in an improper place and that the tents themselves were not proper ones—that they were too small and hot?—I said that Dr. Cargill said he could not get a better place but

was obliged to put them up there, and I said the breeze must have brought it to my house and poor Mrs. Stoakly caught it.

Did Dr. Cargill ever tell you he had received instructions not to expose himself in attending Small-Pox cases?—Except about Mrs. Stoakly.

Did you call on the Editor of the *Gleaner* Newspaper in reference to a paragraph that had appeared, that the people were dying of neglect from Small-Pox, in St. Andrew?—I recollect seeing Mr. Campbell and he said "Small-Pox seems to be playing havoc in St. Andrew;" and I asked for his authority but he did not answer. I said the number you have stated is not so.

Cross-examined by Dr. Ross— I remember your calling on me at my house on the morning of the 27th of March when I resided here. You called in relation to the first case of Small-Pox that appeared here—the boy Barclay. You authorised me in the absence of Dr. Cargill, to assist in getting up the tents and I sent my Sergeant-Major to be placed under your instructions. You told me you had been made to understand that you could not get any other place, but you did not state for what reason. I dont recollect if you said Mr. Braine refused to give the Glebe land. I was present at the departmental enquiry at Halfway tree; you invited me there. I did not consider that enquiry an " indecent hole and corner, mock enquiry." It was plain and straight-forward. You conducted it. Dr. Cargill was present and was silent except when cross-examining the witnesses. This was the course you pursued there: the first witness examined was ordered to take a seat whilst another came in and having been examined was also asked to be seated. I did not hear you ask one witness to put questions to the other but you read over the evidence of one to the other. You sent for Byndloss and he refused to come. I didn't know what message he sent. You did not order Sergeant-Major Speck to keep out of the room.

Cross-examined by Dr. Cargill—Mrs. Stoakly took in on Sunday, the 14th of April and died on Friday, the 19th. According to your Account for her attendance you paid her, a visit on the 14th, 12s; two on the 15th, 18s; one on the 18th, 12s, and one at night £1 4s and you

came, I believe, before she died. There was one day you did not see her and that was the 17th. Dr. Smith was at my house on Sunday, after Service, and on Monday. He spoke to Mrs. Stoakly but did not attend her. When leaving he bade her good day and wished her better. He did not say he was coming back to see me and I was not aware that he was, until he came. During the visits you paid, you did your best for Mrs. Stoakly. I saw you on the 18th, and you mentioned the subject of Dr. Bowbank's letter—that you wished to understand clearly whether Mrs. Stoakly was your patient or not; and I said "there can be no mistake she is your patient." You said you understood she was Dr. Smith's and added "now I know she is mine I will attend her to her death. Dr. Bowerbank saw her once and said she was in a bad state, but that he did not intend to come back as the case was yours. As to the conversation about the tents you did not tell me you had condemned the tents to Dr. Ross. You said, when I told you I believed the tents were blowing infection into our house, "I dont defend the site of the tents but we could get no where else."

To Dr. Ross—I referred you to the Sergeant-Major about the beds. You said not to spare any expense.

To Dr. Bowerbank—No Constables were sent to look after Small-pox near Woodford but to Mavis Bank; that was very recently. I am under the orders of Dr. Stephens in that matter there. Three Constables are there. They are stationed at Guava Ridge and one of them is at the service of the Doctor.

To Dr. Ross—They are under Dr. Stephens but there is no isolation. One of the men is at the disposal of the Government Medical Officer if he requires him. You did not apply for Constables for the Eastern District.

To Dr. Cargill—When I offered to place a Constable at your disposal you told me you did not like to use Constables to look after Small-pox patients.

The Court adjourned for 10 minutes.

The Court resumed.

David Kelly (examined by Dr. Bowerbank)—Am a Constable and Inspector Nairne's orderly. Was with him on the 17th of April when he met Dr. Cargill on the road near Mrs. Douglass' gate. I heard the Inspector

ask Dr. Cargill why he had not come back to see Mrs. Stoakly and the Doctor told the Inspector that he was attending some patients and they say if he go among Small-Pox they wont send for him; and if he continue they will send for a town Doctor. The Inspector ask the Doctor if he could not get some gargle for her as the throat was bad, and the Doctor said yes, he must send down for it. I went myself and got it.

Cross-examined by Dr. Cargill—I am quite certain those were the words you used. What I have said is what I heard you say. I dont know how Dr. Bowerbank knew that I knew of it.

James Byndloss (examined by Dr. Bowerbank)—I reside at Half-way tree and am at present a Shop-keeper; my shop is opposite the so called quarantine ground. I wrote a letter and should like to explain how that letter came from me.

Dr. Bowerbank—For the information of all present state how you came to call on me on Saturday, the 8th of June, and state what occurred, every word of it?

The Presiding Inspector—What occurred between you would not be evidence.

Mr. Byndloss—I would like to have explained it, (*in reply to Dr. Bowerbank.*) I was sent for by you on Friday, the 7th of June by Mr. Bicknell, about that letter. I wrote it at the solicitation of Mr. Cooke. (*For letters see page* 56.) I was the Contractor for supplying the Small-Pox tents. On the 27th of March Sergeant-Major Speck called and asked me if I would like to supply food, water and wood to the Small-Pox patient at Berry's yard. I said yes and the Sergeant-Major appointed me. I strove to give satisfaction but received no salary or commission but got paid for what I supplied. There was a Departmental enquiry here on the 19th of August and I was requested to attend and answer certain questions as to a charge that the people were said to have been starving in the tents. Dr. Cargill said to me "well Byndloss " it will do you as much good as myself" and I said " well, Doctor so much has been said about my carrying reports to Dr. Bowerbank that I prefer not going there." The Doctor said to me " you could not say that I did not enter the tents and that I have not treated the people

properly." I wrote a letter to the Colonial Secretary tendering my evidence and I have a copy of that letter here. It is dated the 17th August. To my knowledge, previous to the 6th of June a wake was bona-fide held over Armstrong and his sister. I was present and heard the singing up to 11 o'clock, when I left. This letter to Mr. Cook is mine; the contents are true. I was there myself. On the night of the 29th of May a little after 8, I was just closing up when George Hall, Huey, and Edward Forbes, came into my place and said " Mr. Byndloss, Armstrong and his sister are just dead." I asked " did the two die together ?," and the answer was " no; the sister died 3 or 4 minutes after." I said " it is a sad affair. Have you a coffin so as to have them interred to-night" ? He said " no ; I have been to Mr. —— but it is too late to get coffins till in the morning." Said I " then you will be setting up there to-night " and he answered " yes. I suppose we will." They went away and after I had locked up, I went up, about a ¼ after 9, and saw preparations for a wake. Forbes and his brother, Hall and Huey, they came down to a shop about a ¼ of a mile off and provided themselves with Spirits and other things. I took a walk up as far as Camperdown pen and on my way back, I think about 10 or a little after, heard them singing there. I stood at the gate and saw a good many persons, among them those I have enumerated. I saw Miss Lodge, the concubine of Armstrong ; and her mother; I saw Armstrong's mother there; his sister, Miss Moore, I think her name is; Katey Messam; George Hall and his brother, whose Christian name I dont know; Huey; Forbes and 2 other men whom I recognised as the two Lodges: and several others about the place, going to and fro from the roadside. They were singing. The man who raised the hymn was Forbes. I stood up awhile and heard it all and returned home about ½ past 11, having left them singing. I have heard of wakes over Barclay, Jemmy Tucker and others, but was never there. I heard after Mr Cook asked me to write that letter that there was a law with £5 penalty to put a stop to wakes. The first tent pitched here was on the 27th of March by George H. Brown, for a patient called James Barclay; the others were pitched on the 15th of April. On William Bennett's objecting to go into the

tent under which Barclay died, Dr. Ross directed me to have it taken down and erected in a new spot, and Bennett went in; and on Monday, the 15th of April, Dr Ross sent up two others—the three were pitched and Bennett entered on the 16th. They were struck about the 16th of June and by order of Dr Cargill were sent to Serjeant Major Speck. I cant say where the tents came from but the cartman said Dr Ross sent them. One was blown down but there was no patient under it then, They were taken down some little time after quarantine was removed. Dr Cargill gave instructions to Sergeant-Major Speck and he was very active about his duty in having Carbolic Acid thrown on them. James Barclay was the first patient brought into the tents two or three days after he had been in the house. I think that was the period but do not swear positively to that. The house in which he was, was placed under quarantine. I heard Dr. Cargill saying no person was to be allowed in there. Five persons were in it besides the patient. No one was allowed to depart from the house. Berry is a labourer and he went out one evening and on returning was deprived of going in back. The names of those in the house were, Sue Clarke, the mother of Barclay; Mrs Tully; Priscilla Heyliger and a Sambo boy named George Simons, making in all under quarantine, in the first instance, five. The allowance was 1s 6d each person, every day, for food. I was ordered to supply them to the extent of 1s 6d a day. They got it in food; sometimes Tobacco, and a little spirits too. Dr. Cargill said they could get the tobacco; they were persons who had not the Small-pox. This continued from the 27th March to the 4th or 5th of April, that day Barclay died at about 3 or ½ past 3. I sent away to call Berry, the grave-digger whilst Speck sent off to Mr. Brice, as a Magistrate, for a Coffin. When Berry came he hesitated about digging the hole. He said he was only getting 2s from Mr. Hoyes, and that he had been knocked up at that late hour and that he had just returned from a Missionary Meeting in Clarendon. I said "Dr. Cargill has told me to pay, and I dont mind what the charges are I will pay them." The body was interred about ½ past 11 to 12. We used a lot of disinfectants over the hole. The Sergeant-major stood there and saw everything done, and I remained at his request. After the

death of Hall, no fresh patients were admitted into the tents. One evening Dr. Cargill came out and said "Byndloss, the tents are d——d hot." This was after Hall died. One Constable was on guard. There was a Corporal who came to see that the man did his duty. I think in my judgment the quarantine ground was in a bad place but I couldn't object to it as I had no authority. I suggested that the Alm's house school should be suspended and have the hospital there, but Dr. Ross said it was too near the road. I said that the day the site was selected by Drs. Cargill and Ross, who called to me. Some weeks after, the school was closed, I think, owing to a conversation between Dr. Cargill and Mr. Braine. This was during quarantine. I think a Constable offered his house instead of the tents. I took down the number of people living at Townshend town and reported the same one evening a day or two after, to Drs. Ross and Cargill, which was on the 13th of April. Thirty-three persons lived there. The public land had a very strong smell and the Sergeant-Major sent over and had some disinfectants thrown on it which smouldered it for a while. There could be free communication between Townshend town and the quarantine ground. Dr. Ross requested me to pay a man to have the gaps stopped, and so I did. The intention was to use the gate between Berry's but Dr. Cargill said it would be better to open the gap by the road, and it was done. It was considered necessary afterwards, to use the gate and Dr. Cargill did this on account of the people in Berry's house complaining that they had been under quarantine for upwards of 3 weeks already. The gaps that I had closed were opened next day by the Townshend town people. I believe there was such a scarcity of wood that they burned the brambles that were placed over them. Bennett was the first man taken in Townshend town, with the Small Pox. Then, James Bennett, Sarah Francis, James Roden, Frederick Wiseman. The others who had it there and would not go into the tents, were Richard Campbell and Maria Downer, who positively refused to go into the tents and no inducement of Dr. Cargill's could persuade them. In fact I got a good roasting from Mr. Campbell for trying to persuade him; he told me I was "d————d fast" and that I

"wanted to make 1s 6d a day on him." I have seen James McKenzie in the tents with a Bible open, reading to Bennett. I went outside and said to McVicker "I suppose you allowed that man to go into the tents contrary to the orders of Dr. Cargill." He called Marshall and directed him to send him out, and he came. I saw Mary Benjamin in the tents once; Ella Smith; Justina Smith; and I heard Elizabeth ——. Mrs. Manning came once and told me she had been under, and Mrs Nathan Duncan. Mr. Silvera went over there with me to pray for Bennett by permission of Dr. Cargill. I cannot positively say that the Constables knew people went in but my belief is they knew well enough. About the 20th of April, on attempting to go into the quarantine ground with Dr. Cargill, he said "Byndloss you must go back;" we used always to go in together. Marshall told me Dr. Cargill had discharged him because he said he had neglected his duty. On the 30th Dr. Cargill had a case of Midwifery to attend and he drove pass my door. I held up my hand to stop him and he said he could not stop. He did not come down till about a ¼ after 9 o'clock at night, when I saw the carriage rolling by with a pair of lamps, as it was dark. He did not come near the tents that day. The next morning I saw him running up very early. I held up my hand and he stopped. I said "Doctor while you were away Mrs. Duncan sent up to your house to say that she was willing to have Hall removed to the tents." He said "I know; is it a case of Small-pox?" I said "I believe so as I saw him on Sunday." This was Tuesday, the 1st of May, I think. He said "oh, by all means press a cart and oblige me by going down and having him brought up at once." The man Jones whose cart I pressed had broken down there with potatoes in it. They were taken out by another cart and I pressed him. I told him the Doctor said he must go. I did not tell him to come in the Queen's name. I told him that it was a case of Small-pox and he must go. He went and assisted in putting the man, some old clothes, and a pillow, into the cart. I said to Mrs. Duncan "is this Hall's place?" She said "yes; and he has made a Will and bade us good bye." It appeared as if they did not expect to see him again. He was quite ready to go along. I entreated him very much at first

and told him it was the law, but I could not then persuade him. When the first tent was pitched the ground was in a clean state. Wollaston had leased it and had had it cleaned, but there were lots of little stumps about it. It was not drained at first but afterwards it was by the Sergeant-major. A trench was dug round it, but that was after rain had fallen. The bedsteads furnished the patients in the tents were platform beds about two feet high. They were made a shade higher than the vallance —scarcely any difference. I am no judge of tents as to whether they are comfortable or suitable. The patients complained they were very hot during the day. I certainly should not have liked to be under them. Dr. Cargill said he told Dr. Ross it was a bad site but that they could not help themselves. Dr. Ross said he would have given the man a pepper corn an acre. Dr. Cargill said he told Dr. Ross "that he thought marquees would be better than the Bell tents as the Bell tents were d——d hot." This was a little before the death of Hall. I had not gone in that day, and Dr. Cargill on coming out said to me "the tents are d——d hot; send over four ounces of Brandy for Hall." He said that before Marshall. He said "send Hall over four ounces of Brandy; the tents are d——d hot." I cant say that Dr. Cargill said he had told that to Dr. Ross and that Dr. Ross had put it down in writing. I never saw Dr. Ross more than twice at Halfway tree. One evening he went to see Bennett; and one morning driving from a Governor's Ball in Spanish Town. Was present when Drs. Ross and Cargill visited Townshend town through the gap from the quarantine ground—that was the first time that I speak of, and was on Saturday, the 13th April. Dr. Cargill held up his forefinger to me and I went. He asked me to take them and shew them the quarantine ground and we went through. Having looked at it we walked through the gap into Townshend town. This was when the two other tents were being put up. Dr. Ross went through the gap and looked at the boy at Maria Downer's and he examined the whole of the children there and suggested they should be sent away. He went into Maria Downer's room. Dr. Cargill went in after him. Dr. Ross said "Yes, Cargill it is Small-pox, but mild. Will you go to the tents?' and she said "No." He left Dr. Cargill then and went down to the gate-way of Townshend

town looking along as he went down. As he got at Bennett's house he said " where is the man with the Small-pox." He stood off and Dr. Cargill came up and was going up when he said "oh Cargill dont go so near; there is no occasion." He saw it was Small-pox. He said to Bennett "will you go into the tents," and the man said "no;" he had heard they were hot and uncomfortable, and that a man died under them. Dr Ross said "if you dont go in we will give you nothing and when you get better you will be punished." The man hesitated and said "I will go if you put up another tent" and he said he would put up another. They were turning away when Sarah Francis said she had nothing to give her child to eat and Dr. Ross said " well, Mr. Byndloss you can give them something until they go under the tents." It was late and I sent them some negro yam and a little fresh Pork. On Monday after I had been in the tents I suggested to Dr. Cargill to send away the 2 children to their family as they had no Small-pox. I had fed them for 15 days and never got a penny for it. Dr. Cargill said he could not pay me as they were not under the tents. Campbell and Downer said the tents were hot and that they would get attention and be more comfortable at their houses. James Barclay was the first in the tents and he died. Edward Bennett went in on the 15th of April; a very mild case; he recovered and came out. William Bennett, the man who walked thr ough the gap in Townshend town as he did not wish any one to lift him, went in on the 16th. He died. James Bennett, an infant, his son, went along with them, and Sarah Francis; both are alive. James's was a very severe case and I believe he had very great attention from his mother and some one else. His body (bowel) was down and when it was reported to Dr. Cargill, he said they were to put it up back again. James Roden—this man was an old soldier. He went in on the 17th in rather a debilitated state; very poor state of health. Dr. Cargill visited or rather went to the door of his room and looked at him before he ordered him in. He had the Small-pox in pimples but after a few days they went in one flat surface. Then it was that Dr. Cargill went to the door and said he could do nothing for him. Frederick Wiseman went in on the 18th; Alexander Bell on the 21st; he died

Wiseman recovered. Hall went in on the 30th or on the 1st of May; he died. Hall was in quite a helpless state when we took him in; he was about the worst. Bell volunteered to go in; he requested Dr. Cargill to put him in; he came from his house to my shop. Dr. Cargill was not there. He was afraid he would give the contagion to his two children. I certainly should not have removed him in that state. Mrs Finlayson's cart was used from time to time to carry people to the tents and it was also used otherwise. There was no latrine at the quarantine ground, in fact none at all in Townshend town where 33 persons lived. I believe a ditch was used for the purpose into which dirty water was also thrown, I saw it done once. With the filth and dirty water it was very offensive but Wollaston told me it was the stench from the Small-pox tents and that it made him sick in the mornings. He said the smell from the tents was very offensive and that it made him sick very often. There was no help but to bring in labourers from outside to put the bodies in Coffins. I met Sue Clarke outside one Saturday night and asked her where she was going. She said she could not help it as it was Saturday night and she must go and buy something. I said "surely, you did not go into the shop?" She said "No, she went to the door and got some one to go in and buy what she wanted." I saw Marshall out twice and told him he was very wrong. I told Dr. Cargill of it. Mr. Braine was interdicted from entering the tents. He entered once. He went in and prayed for Bennett. On another occasion when going in Dr. Cargill said he could not; that he had instructions to keep up isolation and it would be a bad example for the other people. I never told either James Marshall or George Henry Browne, "if they said anything against Dr. Cargill, they would be perjuring themselves." On one occasion I saw you, and after having spoken to you in regard to the letter which I wrote at Mr. Cook's request, I left, but returned almost immediately and said "I hope this is not going to affect Dr. Cargill" and you said "by no means;" that I was to call Marshall. I went to Marshall and said "Marshall, Dr. Bowerbank wishes to see you, but when you go to him you had better be cautious how you speak." I might have added, "as to Dr. Cargill," but I dont recollect. The expence to the Gov-

ernment in providing cooking apparatus for the tents was either 1s 6d. or 2s which I paid to Sue Clarke, and it was not till the last moment that she complained they had used her utensils and I mentioned it to Dr. Cargill. I cant tell you as to tubs; the accounts speak for themselves. I supplied none; the nurses did. The patients brought their own chambers. Once Armstrong went in to see Bell (I saw him coming out of Bell's tent); he had none, and Armstrong sent him a chamber, coming to me after for 2s 6d. I paid him 2s 6d for a chamber, a lamp, and one or two other little things. He said he had taken in these things and I made out a bill and got paid. No mattresses were supplied. When I had orders to get the platform beds, Dr. Cargill said he would see Dr. Ross to get some beds from the Penitentiary, but none ever came. I cant tell how much the platform beds cost—the accounts will speak for themselves. They were made by Marshall. No bed linen was supplied. A sheet was supplied to Barclay and, I think, a mat. To Bell a shirt. I have torn up my memos: from which I prepared my accounts so that I can only speak from memory. I gave Bell a shirt, after great persuasion I got Dr. Cargill to consent. He said Bell had clothes and I said "no; he has none to change." I got two pillows made; and I think I sent over a pair of drawers for Bennett. They came from a sweetheart of his but I dont know if they were supplied by the Government. The patient's clothing were washed by the nurses according to agreement. A great deal of bedclothing was put in the coffin when a patient died, by order of Dr. Cargill. The bedsteads were burnt by Marshall on the 12th of August. They were sent to the station but Sergeant-Major Speck would not have them there and they were brought to my yard. I told Dr. Cargill and he said "oh, by all means have them burnt." He paid Marshall for doing it.

Dr. Cargill—I paid 1s out of my own pocket which I would get back from Dr. Ross to-morrow if I went to the bother of making out duplicate accounts and all that sort of thing.

Dr. Ross—Certainly I would pay it ii it was all right.

Dr. Bowerbank—I should like that noted so that the people might know how their money goes. Let it be asked what was the use of burning these bedsteads in

August which ought all to have been burnt by the 5th May.

Examination of Mr. Byndloss, by Dr. Bowerbank, resumed—Hall's bed was laying on the ground long after. In my opinion it was the business of the nurses to have destroyed them. No shoes or slippers were provided for the patients. I saw Bell once walking to the rear, barefooted. I have seen the patients bathed in the yard, about 10 feet from the tents. They were bathed naked and could be seen outside and by those in Townshend Town. On one occasion Bennett was quite sore and offensive and his person rather bad, for on the surface of the skin there were lots of indentations. I told Dr Cargill that I believed Bennett had the gleet or something of that kind, as he used to drink a good deal of gin. No one was resident in the tents to superintend. McVicker offered to reside there. He offered me and I wrote Mr. Nairne saying quarantine restrictions were being improperly carried out and that it would be well to have a tent pitched for him there. The nurses' agreement was to cook and do everything. They were, Smith, Clarke and Marshall. In the case of Bennett he selected Smith; he said he would not go in except she went. In the case of Sue Clarke, Frederick Wiseman selected her or it was a compact between the family that she should go in as she was nurssng him before. They were not selected for any peculiar quality as nurses. They got 8s a week for day and night work. I was asked by Dr. Cargill if I could get two experienced nurses—they were intended for the Hospital at Tarrants, but at the time, there were patients at the tents. I spoke to two nurses that had charge of the Small-Pox hospital, in 1853—Dunn and Atkinson. They came up and sat at my shop door waiting for the Doctor but that was the day he had to attend the Midwifery case and never came there at all that day. He was away from 6 in the morning till 9 at night. I reported to him that they had been there and he said 'have them up another day." When, next they came, he came up and said "I can do nothing till Dr. Ross decides—till the hospital is opened and Dr. Ross decides." A cook was engaged for those in the tents, and she cooked the food and sent it over and got 8s. a week but they made a hubbub about it in the tents and Dr. Cargill suggested

to me to send in the food and give one of the women inside a portion of the wages to attend to her son and the other portion to a labourer to carry the things over. Sarah Francis went on the sick list and got food. When she got better she attended to her son and her sweetheart. This was known to Dr. Cargill. I cant say if there was any dissatisfaction in the tents between the patients and the nurses, but I know there was always something between Marshall and some one else; and Sue Clarke was always clamouring—complaining how her son was treated. She said that in the presence of Sergeant-Major Speck. She said "you and the Doctor put my "pickney" (child) under the tents and murder him there." She has often said that. Have heard Smith saying that Dr. Cargill did not come in to see Bennett: that his person was bad, and that I was more the Doctor than Doctor Cargill because I went and looked at the people. I heard McKenzie and others outside speak constantly as to the bad way the people were treated in the tents.

The Court then adjourned till to-morrow (Saturday.)

SATURDAY, 16TH NOVEMBER.

The Court opened at the usual hour, and the Secretary being still sick, Mr. MacNab was requested to act.

At the suggestions of the Presiding Inspector the further examination of Mr. Byndloss was postponed for another day in order to allow other witnesses living at a distance, being heard.

William Clarke (examined by Dr. Bowerbank)—I am a Planter residing at Temple Hall and know Thomas Robinson. He was a Planter. He got Small-pox; dont know if any Doctor saw him. I dont live in the same yard but am his neighbour. He died a few days after Small-pox took him; dont recollect what time of the day he died.

Dr. Bowerbank—Did you have a "set up" over him?

Witness—Well —— I——we dont——

Dr. Bowerbank—Speak out like a man Clarke. Dont be afraid. There is no fine for holding a "set up."

The Presiding Inspector—Speak up my man. There is no such fine.

Witness—Well, there was a set up over him as they did not think there was any objection to set up. I was not there but I heard the singing. The set up begin at night, from the time he died, up to the morning he was buried. People were there when they were singing. I have been to wakes myself. When we have any person dead among us black people we friends come and stay with us during the night, and sing and pray till morning; and they eat and drink too. The wake is generally held in the same house with the dead body, but sometimes they put up a booth when the congregation cant hold in the house. Some times they drink till them drunk. I had a daughter that died the same time in the Small-pox. I kept a wake over her. The family and friends came, and the neighbours. As many came as the house could hold, about 30 people ; all the people from the neighbouring place came. When we keep a wake we look upon it as compliment if people come to it. On the occasion of the set up over my daughter we sang, prayed and drank. I could not sing because the sickness was so severe that I was cast down. I had a son and daughter with it severe—my son lived. Dr. Cotter attended my daughter. He saw both of them. He came once and never again. When the Small-pox begin to break out I went for him but did not find him at home, but I left a message with his wife for him to come the following day, but he never came and the girl died, at 9 o'clock at night and was buried in the morning.

Dr. Bowerbank—We want the Government to pass a law without five minutes delay to stop wakes. Under the present Government we have had a law levying taxes passed in twelve hours—why not do the same for the public health?

Cross-examined by Dr. Cargill—They had the wake over Robinson on the night he died. Wakes are always held in the same house in which the people die and not far away.

To Dr. Bowerbank—No other people in the District held wakes then because no other people did dead. The Constables were not watching my house when my daughter and son were sick with Small-pox. I live 4 miles from the Station.

To the Presiding Inspector—My daughter died in June but I cant tell the right date.

Ebenezer Anderson (examined by Dr. Bowerbank)—I live at Mount Fraser and am a planter. There was a good deal of Small-pox in my district—the St. Christopher's. Constables were not there when it first break out; cant say when they were put there;—it was 4 or 5 months ago. I have seen persons having Small-pox send for Dr. Cotter. Before he went there, there was no Doctor at all in the district; none whatever ever come there. Dr. Ross, I believe, came vaccinating but not any other. The Constables were at a place called Belbore; cant say what they did there. Heard that they kept the people in their houses. All I had to do with it was first by visiting Clarke's daughter when she was sick. She was sick at Fraser's Mountain. I found her very ill and enquired of Clarke if no Doctor had seen her. He told me——/—

The Presiding Inspector—Stop. What he was told by Clarke is not evidence Dr. Bowerbank.

Examination by Dr. Bowerbank, resumed—She died the same night, after I left. Clarke held a wake; I heard the singing. It was over the way to me. In the morning he sent to ask me to inter the body but I was away and did not get back till 3 or 4 o'clock but they had buried her already. At the hour I went the people were just at the Burial ground. Numerous people were there—a crowd. Robinson lived at Temple Hall, near the works, and when he died they had a wake because he was not buried till 3 o'clock the next day. He died the evening before and was buried on Golden Hill land, a mile and three-quarters from his own house. There is a village there and every body had to pass through the settlement. I have heard singing frequent times and when I had enquired have heard it was over Small-pox dead. Wakes are very common amongst the people. They are terrible nuisances.

Cross-examined by Dr. Ross—Allow me to correct myself. That was the gentleman (*pointing to Dr. Mac Mahon*) who was vaccinating. There was no other place to do it but at Mr. Woodrow's house. I saw Dr. Rogers pass once in my district after the vaccination and almost at the end of Small-pox.

John Spence (examined by Dr. Bowerbank)—I have known you for many years. I reside at Sterling Castle, that is in the St. Christopher district, in the western dis-

trict of St. Andrew, or the Red Hills district. The first case of Small-pox that appeared in my district that I heard of was about November, but of myself I know of it in December as I saw one case. I think the person was old McIntosh's daughter. We had no Medical Officer there then; one was sent up at the end of December I think; Dr. MacMahon came up for the purpose of vaccinating as far as I understood, but I cant exactly say if that was before or after Small-pox broke out. The first time I heard he had been there we had no Small-pox; he generally came up two or three times a week, from the Kingston Hospital. I have known him to be up there two days at one time. There was always a Constable—sometimes two, with Dr. MacMahon. The Constable was generally sent on before to give notice to the people to bring their children. We had no Constables down our side during the Small-pox. Sterling Castle hospital was established on the 17th of February, I think. There was no resident Doctor there. Dr. MacMahon established the hospital and Dr. Rogers visited it every other day; sometimes oftener. Government medical stores and comforts were sent up on the 17th. Dr. Rogers visited two, three and sometimes four, times a week. I believe he came up from Kingston. There were Constables there then in charge of the gates. Their duty was to prevent people coming in and whilst one was doing that, the other was looking out for Small-pox cases, and bringing them into hospital. He brought cases in on one or two occasions when the people applied to him. He brought them in when the Doctor was not there, but would be next day. On those occasions people so brought were in the latest stages of the disease, very weak and ill. They were, Alexander Denny, Henry Denny and Eliza Allen. They were brought about 4 and ½ miles distance—all, I believe, coming from the same place, just on the close of the evening, arriving at Sterling Castle between 6 and 7 o'clock. Two came on the 4th of March. One riding a mule, and the other carried on a litter. These were the Dennys. Allen was brought soon in the morning in the same manner as the Dennys. I dont know how long they had been ill in their houses; one of them was well enough to ride, the elder one. I dont know if they had any stimulants on the road, but Dr. Rogers when he ordered the Constables to go for them, ordered me to

send a pint of Rum, and before he left that night he mixed some medicine himself and ordered stimulants and nourishment for them to be given as soon as they arrived; when they came he had left about ½ an hour previous; he saw them two days after, I think. I believe he examined them at their house. He who was brought on the litter was brought by a man called Fisher, and seven others. They were paid about a week or a month after. I never saw them there again for their money, but once. Dr. Rogers said he would see Dr. Ross and see that they had their money. We had nothing in the shape of bedding at Sterling Castle, but rugs. Cant say what the Dennys had on when they came in I went into the hospital to see the sick once or twice: I think on three or four occasions I went to the door with Dyer. I recollect he came there and took some of the rugs away; we had 50, and so many were no use to us. I think there were four or five patients there then. There was a little child there about 12 months old; it had no mother with it. Did not see Dyer take that child in his arms and I never said "dont do that", Dyer replying "pooh I dont care for Small-pox." Nothing of the kind ever occurred. The child died while he was there. Drs Rogers and MacMahon saw it the day before it died. Dr Rogers had been there from 11 till ½ past 4 that evening I saw the Dennys two or three times; both of them. Their faces and hands were like a piece of raw meat. I was not allowed to go into the hospital. It was not till Dr. Cotter took charge that I was allowed to go in but I must say this for Dr. Rogers, he always gave the medicines and I have seen him handle them. Allen got quite well, then she became a nurse. The nurses used to wash the clothing every morning. There was rain there then. The patients had two suits. I know that because I could see from my window that whilst one was being washed the other was on. The ordinary dress was a jumper just high enongh to cover the body down to the trousers. Cant say what the Dennys wore. They had trousers when they came in. I saw Mrs. Denny bring a suit of clothes for them. I really dont know what it was but she brought a bundle. I believe it was the duty of John Lee as the head nurse, to wash the patients; they were never washed less than twice a day; we had plenty of kettles, pots and pans supplied by Government. We

had a cedar bath 6 feet ?. If the food was bad I had to pay for it. I left the patients to judge for themselves and call on them to speak whether it was good or not but I certainly cant call the dead ones. I dont think they ever lived better before in their lives. Dr. Rogers appointed one of the nurses to cook. First we started them off at 14s a week and then reduced it to 10s. They were three nurses and they spelled each other; they were allowed spirits at first and then it was stopped. Dont know if they were allowed food but they got it. I gave them enough for all hands. I really cant tell you how many patients went in——16 went in and 2 died; the two Dennys and a child, but the child was not there 6 hours, and brought from a distance of about 2 chains. It had been starved all along as far as I could see. It died from want of food. Dr. Rogers saw it at the house and had it brought in next day; and it died a few hours after. I dont think moving had anything to do with its death; it was almost a skeleton. The people got whatever stimulants the Doctor ordered. I saw them get it; I could see through the sash. The Dennys got Rum and Brandy not Port Wine. I saw them drink it and on two occasions gave it to them myself. I saw them with shirt and trousers on then. I dont know if it is usual to put trousers on Small-pox patients. One of the Dennys was 7, the other 9 days, and all that time they wore trousers I think each day when those they had taken off were being washed they put on fresh ones. They wore Oznaburgh trousers, which they brought in with them. I speak as far as I could see. Saw them on one occasion. The two were very bad the nurse told me and I sent off at 6 o'clock for Dr Rogers and he was up next morning at ½ past 6. I did not go in to see them before I wrote for the Doctor. The patients had tea, arrowroot, sago and things of that sort at night; they sometimes had Brandy in it—sometimes, one, sometimes 2, ounces. I always gave out the stimulants myself but I wasn't going to get out of my bed at nights to see it given to them. I never said that I always saw it given but that I thought it was. I have seen it given during the day but not at nights, and I have administered it to the people 3 or 4 times myself, I wont undertake to say they got it at nights. The Dennys got stimulants in the day, half a wineglass of either Brandy or Rum in the morning and between 2

and 3 in the evening another. I gave them no more except at night when I served out the same quantity. The Doctor told me to give them stimulants but he did not say how much. It was left to me what I thought proper, but not to give it to whom I thought proper. He told me who to give it to. He told me to give 2 wine-glasses to each patient. The nurses gave the medicines. I had nothing whatever to do with that. I have left Sterling Castle for 6 or 8 hours. Then I left out what was wanted. I suppose the people got it the same as if I was there. I was away only twice, in Kingston. I was always in place and never moved out except on the two occasions I have named.

[The examination of Mr. Spence was here stopped for a while, so as to allow the examination of Controller Bennett, who had important duties to attend to in Kingston.]

William Douglas Bennett, of Her Majesty's Control Department, (examined by Dr. Bowerbank)—I recollect being with Mr. Nairne when he met Dr. Cargill on the road here, but I could not say whether it was or not the 29th May. I recollect having stated to Mr. Nairne that I was going to call on him when he advised me not to in consequence of there being a case of Small-pox at his house. I really cannot recollect what took place else, as it was no conversation in which I was particularly interested. I do not recollect Mr. Nairne asking Dr. Cargill about Mrs. Stoakly or Dr. Cargill's reply.

Examination of Mr. Spence, by Dr. Bowerbank, resumed—Kingston is 9 miles from Sterling Castle. I took a couple of hours to go down and back. Was never absent at night; nor did I visit the patients or nurses at night, but could hear them in my room. As far as I could judge I think the nurses did their duty. I was not in charge of the hospital during the first month but Dr. Cotter asked me to look after the nurses when he took charge. When Dr. Rogers took charge no one in particular superintended the nurses. Sometimes Dr. Rogers asked me to see the nurses do their duty and I did but I certainly would not be responsible that they did their duty. The patients could not leave the hospital because the doors were locked but the nurses could if they wanted as they had the keys. Cant swear that they

never went out. The Dennys died 10 days before Dr. Cotter came, but I am not quite certain. One died about the 10th or 11th and Dr. Cotter came up about the 17th —a week after at least. I was not appointed Contractor at all but you may consider me in that light if you like. I got so much a day to supply each patient and did so; no salary, no commission. Got 2s. a day for each patient for food alone and spent 2s. a day and sometimes more. I had extra stores from Government besides. It was only for the convalescents that I got the 2s a day. Sago, Arrowroot, Rice, Rum, Brandy, Condensed Milk, Extract of Beef—all these were sent up from the Hospital for those who were on spoon diet and I never got paid to feed them until they were on the convalescent list, so that all my services were gratuitous. Dr. Rogers locked up the stores and gave me the key when he left and told me I think, that I was responsible to Dr. Ross for them, but I got nothing for it. We commenced with two nurses. We had the coffins made and filled with lime into which men removed the bodies, for which they got paid. The Constables had charge then and every time they went to the grave yard they had a bottle of Carbolic Acid. The patients had nothing but mats to lay on but it was a floored house 3 feet off the ground. Dont know the names of those who brought in the Dennys but would know them if I saw them. One of the Dennys rode Nelson's mule. I believe Dr. Rogers paid him. There was not a strong prejudice against the hospital after the Dennys died. Dr. Cotter came up one night and called the nurses together and myself and Mrs. Moore and asked what we knew about it. I did not tell him that the nurses and people could go out at night without my knowledge. One night while Dr. Cotter was there they called out that they wanted something, and they got yam and mutton chops and Dr. Cotter said I was a great fool to do it. The fact is they thought they could have what they likedwhen they liked. They did not get the mutton, but the yam and it took about an hour to boil. Did not give them Bread in preference as I never kept a supply of Bread at night. They got Port Wine at the expence of the Government. An order was sent down for some but it did not come at once. Miss Patterson got Port Wine. They refused to send it up one day, but the next it came. It was not objected to by Dr. Ross. I never told any

one it had been or that I had seen a letter objecting to it. I saw Miss Patterson get the Port Wine. I used to go to bed at about 8 o'clock, and never got up during the night, but by ½ past 5 or 6 in the morning. Gave the Port Wine 2 or 3 times a day for two weeks, I think. Dr. Cotter instituted an enquiry about the Dennys; I dont know why. I believe he examined the Constables as well as the nurses. Dont know if he examined any of those who brought in the Dennys. I think all the patients had been discharged at that time, but all the nurses were there—at least, I think they were, I am not so sure; one of the nurses, John Lee, was discharged; he was not at the enquiry. I know but of one wake in my district. They had commenced it—just above my house—and I stopped it. Nelson Bean was the man's name. They intended to have kept the body the whole night. Dr. MacMahon knew the man was dead and asked me to have him buried immediately and I did it. After he left I found 20 or 30 people there—you know yourself what the negro is; that he will walk 20 miles for a wake. I stopped it and had the man buried. I got three messages from you. The people in the Red Hills side did not hide their cases but I have heard the Constables themselves say that they did at Belbore.

Cross-examined by Dr. Ross—To the best of my recollection the Dennys were brought into hospital just about dark. They were seen four or five times at the very least by Dr. Rogers in hospital and, I believe, he saw them the morning he ordered the Constables to remove them. He came there one evening about ½ past 6 and one of the Denny's was just dead. He superintended the making of the coffin and read the Burial Service over him. The Dennys were not found dead in hospital. One died about 6 or 7 days, and the other, about 9 days after admission. I remember your inspecting the hospital on the 14th of April, 1872. You came up there in not the best of temper. You interrogated the patients as to whether they had any complaints; and played with the children. Do you remember the remark you made about the " knock and 'tan up" (*laughter*)——

The Presiding Inspector—What's that?

Dr. Ross—They are a species of mats made here sir, which when rolled up, are struck on the floor and then put to stand up. They are called " knock and 'tan up"

and I remember now seeing some there and making some remark about them.

Cross-examination resumed—Do you remember too what you said about boiling "rock tone soup?" (*laughter.*) Dr. Cotter asked me to take charge of the Government stores and be remunerated for it. You inspected the stores. Patterson was convalescent when she received the Port Wine. You examined her eyes that day. Dont know if Dr. Cotter obtained your sanction previous to ordering the Port Wine. You gave me authority to purchase at Nethersoles, (*Dr. Ross reading from Account*) pannikins, tubs and other equipment for the hospital—pudding pans, knives, forks, brooms and so on. I got the whole of them. Iron-spoons, sauce-pans, white-wash. I got 6 pudding pans and plates besides for which you paid me £1 on the 19th of February. You supplied coffins too. On the 20th of March paid messenger 1s 6d for bringing Rice and Sugar; the coffins were of cedar; grave diggers; carriers of the sick; mats. You said you considered the less bedding about Small-pox patients the better, to provide rugs and mats. When the two Dennys died their mats were burned and the rugs buried with them. The mats were 1¼ inch thick. We had (*Dr. Ross reading the items*) 2 bars Soap, 50lbs. Rice, 50lbs Arrowroot, 50lbs Sago, 2 gallons Rum, 1 gallon Brandy, a barrel Crackers, 6 pots Extract of Beef, 50lbs Sugar——

The Presiding Inspector—What list are you reading from Dr. Ross?

Dr. Ross—The list of articles sent up to Sterling Castle.

Dr. Bowerbank—I dont deny you sent up those stores, but what I charge is that there was a want of supervision.

The Presiding Inspector—I dont wish to stop you, but the proper way is to put in the list.

Dr. Ross—I will do so at the proper time Sir. I merely wish the witness to justify it by saying whether I sent these things or not.

The Presiding Inspector—Then the proper way is to ask him, what did you send?

Witness (cross-examination by Dr. Ross resumed)—I checked the supplies received. There were also 10 lbs. of Tea; 20 lbs of Coffee. You rented my house for the hospital at £3 a month. Dr. Rogers saw the eldest Denny about

five times. I sent one morning an express messenger for him. The Dennys were completely raw when they came in as far as I could judge. A special nurse was employed by order of Dr. Rogers to look after the Dennys. The Clothing and white lime were put in the coffins with their bodies. We saturated the coffin with Carbolic Acid and the men that carried them. When Dr. Cotter discharged the children from Sterling Castle hospital they did not wish to go; one named McBean, another, Hollen, and another, Nelson. I saw McBean's child pass worms. He was nothing but skin and bone; that was the one that died. His name was McBean too. I heard from the nurses that the younger Denny refused to take his nourishment after the other one had died. The elder one was very clamorous for stimulants; he liked his rum and water. The nurses tried to coax the younger one to take his nourishment. I went in myself and tried to coax him. Dr. Rogers read the prayers but I dont know that he assisted to carry the man. It was simply the convalesent patients that I made agreement to feed. I gave them a cup of Coffee and rolls for breakfast—they call them here, "gill bread." Then they had Breakfast at about 10 o'clock—Beef soup with turnip and carrot. They had once or twice, turtle but would not take it—one of them, Allen would not, do what you like with her. I was obliged to give her something off my own table then. I never heard people complain that the Dennys were ill-treated. Never saw Mr. Hyams at Sterling Castle hospital in my life, therefore, anything he says cant be of his own knowledge.

Dr. Bowerbank :

Did you ever on the 16th of July say to any person at Half-way tree that the Dennys were removed to the Sterling Castle Hospital at about 9 o'clock at night, and that they died two days after, unseen by any Medical man?

Witness—I did not.

Did you ever say you saw a letter from Dr. Ross refusing to pay for the Port wine ordered for a patient by Dr. Cotter?—I did not.

Why did Dr. Ross make any allusion to "Rock-stone soup," was it by way of comparison with the soup you were giving the people?—In the same way as he said "knock an tan up," *(in reply to other questions)* Dr. Cotter

bathed the patients once or twice. I had no clock or watch to mark the time the Dennys came but could tell pretty well by the sun. They got there between 6 and 7. The stores were under lock and key and when I was away the keys were left in charge of the senior Constable. I can take a glass of grog as strong as some men but I do it out and out and not back of the door. I got up 14 to 16lbs of meat from Kingston at a time, by a messenger who was sent at 4 in the morning; but then I used to get mutton and pork on Saturdays on the spot besides eggs and fowls. My servant was generally back from Kingston by ½ past 11. I sent for turtle twice, and when I found the people did not care for it I got no more. John Lee particularly attended to the Dennys.

In reply to Dr. Bowerbank, as to subpœnaing certain witnesses on the list, the Presiding Inspector said they did not think their Commission gave them power to go into any matter touching Small-pox in Kingston, as to its introduction and how it spread through the island. With regard to its introduction they thought that had been shewn already.

Dr. Bowerbank next enquired whether he could go into the conduct of any member of the Central Board and of other Local Boards besides that of St. Andrew?

The Presiding Inspector said if it happened to prove any facts in regard to any member, yes, but it must not be forgotten that they were officers of the Central Board.

Dr. Bowerbank said he made the enquiry because he did not wish to bring up there unnecessarily, Mr. McDowell, who was a member of the Central Board, and other gentlemen, to whom he wished to give a little "touching up." (*laughter.*)

The Presiding Inspector said they did not say how far it was or was not right or desirable those subjects should form matter for further enquiry but they did not think it came within the scope of this Commission.

The Court then adjourned for 10 minutes.

The Court resumed.

Francis Denton (examined by Dr. Bowerbank)—Am a Carpenter and live at Gold Street, Kingston. Had occasion to be at the Red Hills some time ago. Was re-

turning to Kingston from Bluegate when on reaching Bear's house at about 10 o'clock at night, I heard a singing. Saw two or three persons going in and asked what was all that about and they told me a man had died there of Small-pox at about 3 o'clock. I said " I dont know that you have any right to keep a wake for I know as a rule they dont keep wakes on people who die of Small-pox." I would have gone in myself but as it was Small-pox, did not. This was in March. Bears' house is near a Coffee piece in the Red Hills and his gate is on a road that turns into a settlement. I don't know whose wake it was. I saw 4 or 5 people at the gate to one of whom—a man, I spoke. I know as a rule that wakes are constantly held ; have been to them myself.

Thomas Johnson (examined by Dr. Bowerbank.)—I live at Belmore adjoining Magotty Hall. Was pressed by a Constable on the 5th of March to carry the Dennys to Sterling Castle hospital. There were not sufficient men to carry both of them and Nelson kindly consented to give his mule to one. A Constable engaged us and he said the Doctor would pay us. The big Denny was not willing to leave his house; his name was Alexander. He said " he was not willing to go but as he was compelled he would go, as he dont believe he would get the treatment he get at home." We started away about half-past 5 o'clock, and reached up there (Sterling Castle) from 7 to after 7. It was dark and we were on a mountain road. At one part of the road it was cold; at another hot. Alexander Denny was in a weak state and much covered over with Small-pox towards his face, that I observed. He had on a black trousers, white shirt and white jacket. The other had on oznaburgh trousers, and I think two shirts—I saw them—and a jacket. The one that rode the mule was not weak; if he were he could not have ridden that distance on that difficult road. We did not require any stimulants to give them on the road; we got none. The Constable had no Rum with him and we did not stop to give the weak Denny anything. When we got to Sterling Castle hospital we took them into the room—we were all allowed to go in. We laid one of them down on a mat;we delivered him to John Lee, the male nurse; and his sister, Mrs Moore. They took charge of him.

No Doctor was there but Mr. Spence was. We never got paid for carrying the Dennys till April, and we carried them on the 5th or 6th of March. The Dennys were carried on the 5th and we carried in Eliza Allen the 6th. By we had not seen the Doctor there we made no charge but we said the road was so difficult that it was a risk of life we run. The Constables who pressed us were Baker and Bryan, and if we did not go we would punish for it. They told us when we go up the Doctor would pay us but when we go we did not see the Doctor and Mr. Spence said he left orders we must bring Eliza Allen next day. We went for her in the morning and got back before mid-day. She was covered with the disease. It was a warm day and she complained of the heat. She was very weak and sick—all over in Small-pox. We were not furnished with any nourishment, Brandy, or Rum, to give her on the way. If she did even ask for little water, there was none to give her as there is no spring on the way. If she had fainted on the road I dont know what we would have done except there was a house near. We delivered her to Mrs Amore, John Lee and Mr Spence at ½ past 12 o'clock in the day. Dr. Cotter got us 3s a man, and said he had no more to pay us, after we had gone to a deal of trouble in walking, and sending different papers to him. He employed me after and never paid me 1½d. We got the 3s in April. I went twice for my money. I never saw any Doctor there; was told the Doctor was there, but he had gone away. I saw Dr. Cotter after, and he paid me. I never saw the Dennys again after we took them in. I was not allowed to go in. I heard once he was badly off for clothes, but never took any there for him. When I say "badly off" I mean that he was getting worse from what he was in the house. He died the same month—I think, 9 or 10 days after. Did not hear any people say they would not go into the hospital through the way the Dennys were treated; but people were generally not very willing to go in. I believe if the Denny's had remained at home they would been alive to-day, for there was people who was taken in at the same time and in them house, alive now. There was only a boy in hospital when the Dennys went in.

Cross-examined by Dr. Ross—Cant say the distance of the Dennys house from the hospital. It is a tract

from Caselles to Sterling Castle—a very indifferent road till you get up to Castle James, then you have a fair road. Cant say at what hour darkness came on in March. They were brought in hospital at night. Dont recollect whether there was moonlight or not but night catch us before we reach Sterling Castle. We had no torches or lights but it is well known if a person not blind he can see the road. I heard the Dennys were not seen by the Doctor for many days after for I went back next day and there was no Doctor there. When I went next day it was when I carry Eliza Allen. A Doctor saw the Dennys before I carry them. I heard it was Dr. Rogers. He went and buried the body. Cant say what time the Doctor saw them before I carried them to Sterling Castle. My memory dont bear me correct how many days after they went in the hospital that they died. Both did not die together—the eldest first. When the other brother, Henry, died, I went up.

To Dr. Bowerbank—I never went up that side at night till I carried the Dennys, but the Constables did well know the place. We had to take as much time and care as we could with Alexander; we would have got earlier but for that. He was carried in a hammock with a bamboo on each side and on a mat, sheet and pillow in the centre; it was made at his house. The mat, sheet and pillow were all his.

To Dr. Ross—The day I carried in Allen I saw Alexander Denny but we were only allowed to leave the patient and come out again. We only told him how-dee and he shook his head, and we retreat out.

To Dr. Bowerbank—He had on the same trousers he went in with. He had on another jacket but the same black trousers and white shirt with small pleats. He was laying on a bed. Dont remember if he had anything over him. He was on a mat with a rug spread on it. It was a hot morning and I dont know if he had anything over him. The Doctor had not seen him up to that time.

George Nelson (examined by Dr. Bowerbank)—I live at St. Christopher's and am a planter, shoemaker and everything else. Was one of the men engaged to remove the Dennys. The Constables pressed me in the Queen's name; they said if I did not assist they would report me

to justice and punish me according to law. They said "in the Queen's name." The Constables were Baker and a Corporal. They did not press my mule. I said I dont able to undergo the head work but would give up my mule to take up one of the patients by he was not so ill. The two Dennys said they would not go and they were oblige to force them; but they were not threatened in my presence. They were in bed when I went in and were taken out and dressed—Alexander was already dressed when I went in. I took Paul on my mule; he had on oznaburgh trousers; a white jacket and a shirt. Alexander had on a black trousers—not broad cloth but sort of those soldier affair—Serge; and a white shirt. They put him in the hammock that we had made. There were seven of us and we start together about 3 to 4 o'clock and got to Sterling Castle hospital when it was dark—star-light not moon-light. In March it is not much cold but at Sterling Castle it was rather cold. When we got to the hospital I was the first one that entered in. I see Mr. Lee and he introduce me in the room and I alight off Paul. By this time the balance of the men come in with Alexander. John Lee took them. We did not stop on the way to give them nourishment or anything else. The Constables never produced Rum, water or anything else. I assisted to carry Allen next morning; cant tell if she was willing to go or not. The hammock was already made when I went up to the Dennys. When I go into Alexander's house he could not stand up straight for a second. I got paid some time in April but what pay I get?—only 3s, from Dr. Cotter. I heard a simple talking among the people about the Dennys but I dont listen to them. I had two cases of Smallpox in my house, in May. Dr. Cotter came and charge me 3s for medicine, and I had to send a bearer after him for it with 2s. I told the bearer not to give the money till he get the medicine *(laughter)* as they owe me for using my mule. I hear that after he got the 2s Dr. Cotter regret to take it as it wasn't enough. I told the bearer when he come back I would pay him the other 1s but he never returned back to this day. I lost one of the children, the other got over. I held no wake over the one I lost. I dont approve of wakes. I would not allow my children to go to the hospital. A child of 3 years of

age, would you (*addressing the Inspectors*) my honors, my worships, allow it to go 10 or 12 miles to a hospital? (*laughter*). One of them was 10 to 11--the one that died.

Cross-examined by Dr. Rogers—The Dennys were laying in their house. We took Paul from his house on the hill; carried him to Alexander's house and then we took Alexander. Cant say if they were on bedsteads. Allen's husband assisted us to bring her to the hospital and he asked for payment. I went there the next day to see the Doctor to know how we were to get paid. I did not see you there. Waited till 4 or ½ past 4 in the evening. The Dennys objected to go into the hospital. I would not bring my children to the hospital. I did not call in Dr. Cotter but Constable Baker told him I had two cases and he asked me 3s for medicines. The road from Casselles to Sterling Castle is very critical. It is not that to Mr. Nethersoles' house; that is a mile.

To Dr. Bowerbank—I never returned to Sterling Castle after I had taken up Allen. I did not speak to the Dennys on that occasion but they called out "good morning." The Constables were keeping guard at John Fisher's and at Sterling Castle. After Fisher assist to carry the Dennys and Allen he took with Small-pox and they could not get him out by no manner of means. By this time the Dennys had died and he would not go to the hospital—the Doctor wanted him to go but he would not. By God's help he recovered and when the Small-pox dried my child took it, and then Baker speak to Dr. Cotter and bring him to my house. After he came he told me the girl is very bad but the boy is not too bad and he charge me 2s for Medicine for the girl and 1s for the boy, and I call a bearer and sent after him with 2s. Dr. Cotter said he would send a Constable to my place but none ever came. A Constable was over Fisher's place. Fisher got better; the Doctor attended him.

Thomas Johnson (recalled at the request of Dr. Rogers, and examined by him)—I never saw you at Sterling Castle; did not see you the Tuesday when Paul died but you behaved very rudely when I asked for my

money. Your behaviour was far from that of a gentleman's: you did not speak like a decent gentleman.

To Dr. Bowerbank—Dr. Rogers said to me "who told you you are to be paid?" and I said "the Constable." He said "no such thing," that he never expect to pay me. Then he began to trace me about wearing apparel.

To Dr. Rogers—You said you dont believe I was a working man because, if so I would come in a better style of dress, but I had just come from the field and as I heard the young man had died I come to see the last of him. You did not say I ask you too much as I did not appear a working man.

To Dr. Bowerbank—I was not allowed to see Denny after he was dead.

Elizabeth Allen (examined by Dr. Bowerbank)—I am a labourer living at Castle James and knew the Dennys. Had the Small-pox myself and was taken to Sterling Castle hospital the day after the Dennys. I was not willing to go. I was very, very poorly —I was too poorly and weak, and the Constables come for me. Dr. Rogers saw me at my house before I went to the hospital. He came Saturday and said the Monday I was to send a bottle and he would send some medicine for me. I send and the bearer come back and say the Doctor say he wont send the medicine, I must come to the hospital; and they came for me Tuesday morning. The Constab say "I compel to go. If I dont go, I and my family would be into it." I started and got at the hospital about 12 o'clock in the morning—the sun was very hot. I was willing to go, the morning they come, but I objected going Monday evening as it was too late. I was not fatigued at all. I took nothing on the way; I did not get faint. We started about 3 o'clock in the morning. About 6 I mean Sir; after sunrise, for I take my tea before they came for me. I was at the Sterling Castle Hospital more than 3 weeks. Was there till I got hearty and was well cared by the nurses and Doctor. I never saw the Doctor from the Tuesday I went in till the second Tuesday after. I mean that day week. The Tuesday when I went up I did not see the Doctor. Did not see him the Wednesday; nor Thursday; nor Friday; nor Saturday; nor Sunday; nor Monday; but the Tuesday

Dr. Rogers came. When I went in I saw the Dennys—that was the day after they came in. They were laying down; did not notice how they were dressed as I was well poorly. I never saw them again as I was in the room and them in the hall. The nurses attended to me well. The Tuesday I went up I never bathe till the following Tuesday. I had on when I went up, two pieces of under-neath clothes; carried none to change but some came for me from my mother the Sunday. I say I was not washed till the Tuesday following. They dabbed my face and feet, but my body never was washed. My body was miserably bad. When I say the nurses attended me well it was when Dr Cotter came. I was so poorly that I dont remember when he came. Got food night and day. The nurse gave it to me at night. Got Brandy from the nurse. Mr. Spence never came in; he sent the Brandy by the nurse; he never come in to see me drink it. Any hour in the night I call on the nurse she got up. Got Brandy at night once, and once in the day. Never got it twice in one day; got it in the morning and in the evening but not at night again; was quite satisfied with what I got—got as much as I could eat; more than I could eat; I eat and left. My body was very sore and my clothes stick to me. I could not rest at night. Flies did not blow me. I heard from one of the nurses, Mrs. Moore, that fly blow the Dennys. I say on my oath I was not washed for a week and that I never change my clothes during that time.

Cross-examined by Dr. Ross—I was stink but no other patient complained of the stench. I was the only one in the ward. When I got a great deal better Patterson came in. Remember the day you came to Sterling Castle but dont remember if you asked me if I had any complaints to make, if I had been ill-used, or if I had anything to say against any one. You did not ask me if I had anything to say nor do I remember saying "no." Dont remember if you ask any one else. I made no complaint to you at all though I saw you there. Dr. Rogers was with you. Mr. Spence came too. You did not ask me anything at all. I dont remember anything at the hospital because I was very poorly there. When I come in I was very poorly. I was not bathed for a week after. If I did bathe I would remember. Dr. Rogers at-

tend me when I went there first. He never saw me till the Tuesday following that on which I went in; not till the second week. I dont remember half of what took place at the time, I was so poorly. I remember I got fed three times a day. Did not see a bath there till I got little better and could walk little. The Dennys came next day after me. The Doctor did not see the Dennys. He never saw them till the second Tuesday and when he come one of them dead and bury already. Cant tell if the big Denny got his nourishment. He got no Brandy. He died the Sunday evening and I come in the Tuesday before and the Doctor did not come till the next Tuesday. The other Denny died the Friday so that the Doctor never saw him either. When he come, they were just burying him———

The Presiding Inspector—I am afraid we cant pay much attention to this girl's evidence as she has contradicted herself over and over.

Witness, to Dr. Bowerbank—If Dr. Ross had asked me if I had any complaints I would have said yes. I never saw Mr. Hyams before to-day.

Elizabeth Fuller (examined by Dr. Bowerbank)—I live at Cavaliers and am a labourer; was Alexander Denny's house-keeper. The two brothers lived in separate houses. Alexander took the Small-pox in March. Dr. Rogers come there one Saturday and look at him and told me Monday he would send some medicine. I sent a person to fetch the medicine and she come back with two Constables and say the Doctor say the patient must come; and the Constables say they was not to leave them but must fetch them up. Alexander was not willing to leave; he was in the hall and as the breeze was blowing I had carried him into the room. I had to take him out of his bed and put on him a black trousers; his shirt was clean and his jacket. They took him away; I did not go with him. This was on a Monday and on Friday I went but they ordered not to let me in, so I had to go back. On Sunday as I went I got in. I beg the Constable hard, and he said "as I was living with him he would allow me in." I saw him and brother, both in one room. Him and me were living in one house but when I go in I did not know him again. I had to ask for him. (*sobbing.*) The two of them were dirty; the clothes on

their skin was black—in a shocking state. They had on the same clothing but no trousers; they were on a rug with only a sheet and pillow. Alexander's clothes were black and stiff; they had not been washed from the day I saw them. They had never been taken off. Cant tell if he saw a Doctor. His mouth was half a mouth it was so bad. One side could not open and the other but very little. He wanted to talk to me but could not; his palate eat off, must be with sore throat. I went to hear if he had anything to say to me but could scarcely stand close to him he was so stink. His brother Henry was bad too. I carried clean clothes and a sheet to leave but the state I see them in I could not leave the sheet. Henry had on the two shirts he went in with. He told Mrs. Moore that he had on two and she said that she never know he had on two shirts till the Saturday he had a bruise back of his neck and she pull the button and see them. I ask if they wash them and they said yes. Mr. Lee said they damp the Small-pox: then Mrs. Moore said Lee know nothing about Small-pox, must ask her. Alexander died that Sunday, after I went. I think they were not properly cared, but neglected. If I had another Small-pox case I would not send it to the hospital. Afterwards my baby took it and I told Dr. Cotter "if I carry my baby to the hospital it would die like its father because there was no particular nurse to care them there. I rather stop and let it die at home because the father died in a shocking state and I would not like the baby to be the same." They took me and my baby to Fisher's house and guarded us there. There was Small-pox in the house they took me to. I had to feed myself there. My sister brought food for me there. This continued very long, after Alexander died. My baby was too young and small and he died, but not from the want of care. I got no food from the Constables. My sister had to go to my little field and get things for me—she used to bring the things and turn right back. When the child died I told the Constable and I got some one to dig a hole. I was not allowed to go with the body. My brother Edward Fuller, dug the grave. There was a great talk about how the Dennys died. They said that as they died up there in that state the people would not go into the hospital.

Parson Whitfield was to send for me about this but never did. I was not examined by any one but Mr. Hyams last Sunday.

Cross-examined by Dr. Ross—I was not married to Denny but lived with him two years, and had two children for him. I live with another man since him dead. Denny's house was a ground house—not floored; and thatched; wattled in the sides and daubed with mud. I had a cabin bedstead and a mat, bed, and sheet. My bed was stuffed with grass. The way I see Alexander at the hospital I dont think the shirt was ever washed. Know when Small-pox run it stick the clothes to the skin. Cant tell if the Dennys were seen by a Doctor. Alexander went in Monday evening and died the following Sunday. Did not hear if the Dennys were found dead. Made no complaint to any respectable person about their ill-treatment. I told his mother to go to Mr. Brice (the Coroner) and I would follow but she did not. If my baby did live I would have fetched it to a Magistrate and tell him how Alexander was treated but as it is dead and he was not married to me, I did not. Mr. Hyams and me talked a few minutes last Sunday. He asked me about Alexander's death; if I ever went to see him at the hospital. I said "yes"; then he asked me in what state he was and I said he was shocking bad; that his clothes was black Paul (Henry) had on two shirts and the nurse said she did not know till she look at a bruise back of the neck. I told Mr. Hyams that and he asked me to come and say the same thing here.

To Mr. Hyams (*with the permission of the Court*)—I never saw you before that Sunday; you had to ask me then, if I were the girl called Isabella Fuller. You told me not to come here and tell a lie and that if I did I would be a wicked creature.

Isabella Denny (examined by Dr. Bowerbank)—I live at Magotty hall and had two sons—Alexander and Paul Henry Denny. Both had Small-pox. The Doctor sent for them to be taken to the hospital at Sterling Castle. Alexander was not willing to go; first the Doctor tell his sweetheart Isabella Fuller to send for medicine. I went and met the Doctor the Monday morning, at the hospital, and he say "I cant send any medicine because the road is too difficult for me to ride down there every

other day to see them; they must come to the hospital," and I said "they cant come because they cant ride." Dr. Rogers say "they must come in the Queen's name." I said "well sir, they cant ride"; and Dr. Rogers call Constable Baker and said "go and press some men to bring those people to the hospital," and the Constable come. When they come Alexander did not want to go. He was vex. He said "impossible I can go out of my warm bed. You ought to come in the morning." The Constable say "you must go;" and he said to me "if you dont agree, you will have to pay so much." Alex. did not wish to go and I tell him "my son, make up your mind," and his little sister went with him. The sister when she come back said "mauma (mama) mauma the star come out and the people could hardly see them hand." Well, the Friday following my nephew call out to me "mauma, mauma, Alex. well an poorly;" and I went to Sterling Castle, with him little brother and Isabella Fuller. The Constable say "no, he cant let me in. Dr. Rogers will quarrel if him see we in there" and from that hour I never see Alex. in my eye again. The Sunday, Isabella go and see him and she tell me she dont think him will keep up till morning. I went out the Monday, and as I get little way I hear him dead. I begin to cry and I beg Mr. Baker to let me in, make I see Paul. Him let me in. Him (Paul) was sitting down at the door so (*crouching.*) He call and speak to me but I could not hear what he said. I could not stomach him though he was my own child, he was so stink. I was oblige to use my handkerchief to fan away the flies. The same shirt Paul go into the hospital with the same shirt I go the Sunday and meet him with, a top shirt and a under shirt. Directly I go to Mr. Lee and he put on bath on the fire and wash him. Friday I was going with a trousers for him, when I heard him dead 5 o'clock in the morning, and I put my hand pon my head and run all the way and saw him before their bury him. As he died Dr. Rogers come, but I cant tell if he saw him before that. Parson Whitfield send and call me, and I told him all I tell here now.

Cross-examined by Dr. Rogers.—You did mention the Queen's name to me.

The Court then adjourned till Monday, the 9th December, to meet at the same hour.

MONDAY, 9TH DECEMBER.

The Court re-assembled at eleven o'clock to-day.

Samuel Jackson (examined by Dr. Bowerbank)—I live at Castle James, Mr. Nethersole's property. Was living with Elizabeth Allen who took Small-pox. On returning from my field I met Dr. Rogers who I heard had been to my house. I bowed and he ask me where I am from, and if I knew any thing about a Small-pox case there, and I said Yes; it was my lady. He said I was to come to Sterling Castle on Monday morning for some medicine. When I went I did not see the Doctor till about 10 o'clock. When I see him he asked where I come from; I said I come for the medicine. He told me he is not going to give no medicine, I must go and bring up Elizabeth Allen. I told him that "I cant do it; if she is to dead let her dead in my house, but I dont able to bring her up." He said I must bring her up. I tell him "well, I dont able because I make up mind not to." He said if I dont and anything do her I have to pay for it. As he told me so I said "I one cant bring her up;" and he said "I must go and get men to bring her up." I said "all the men gone to their field." He said he would send and get them and I answered "the men not going to come for you wont find them" and he said he would send two Constables to press them to go and bring her up. He sent Bryan and Baker, and when the Constables and men come they was rather too late to carry the female up for it was about 3 o'clock, and it was very far indeed to Sterling Castle. Well, the young woman could not go and they go and take my two cousins—Alexander Denny and Paul Henry Denny. When they reached Sterling Castle it was dark; I went with them. It was Candle light when we went in. Dark came on when we were about 2 miles from Sterling Castle. When we went in we deliver up the two boys to the nurse there as we did not see any Doctor; and next morning went back for Eliza Allen. Before we go they put our name down on paper, and say if we dont bring Allen we forfeit—we have to pay if we dont bring her early in the morning; if any thing do her, we have to pay. "Anything" means if them die. Well, after we reach Sterling Castle with Elizabeth Allen, and we dont see the Doctor, we give her

to the nurse and we went away. After that I went there every other day to see her, but the Constables would not let me in and I had to beg them hard, then they let me in every time and I went up every other day. I never see no Doctor when I go there. Two weeks before she came out the Doctor say I was to fetch slippers, and I come and buy them and bring them to her. After that she was there for two weeks. She went in in March and come out in the last week in May. April comes after March. Whenever I went there every other day I never see any Doctor. The Doctor left word with Mr. Spence to tell me to get the slippers. Mr. Spence said the Doctor tell him that to tell me. I went up there once and the Constable told me the boy Alexander Denny is poorly and I came down and tell his mother and she went up, but the Constables said I tell a lie, that they never said that. That was on Saturday and on Sunday the boy died. I never go in after to see Denny. When I did see him, him was laying down covered over with a rug—he was stink. He called me and I would not go to him—it was Alexander—as I could not stomach him, so I made haste and go out. I ask Eliza Allen how them attend him (her) and him say the nurse dont bathe him, only the face. I ask him if him never see the Doctor and him say not at all, and I made for answer say "if a person sick and go into a hospital it is a Doctor bounden duty to attend to him"———

The Presiding Inspector—We cant take that. Eliza Allen has told us all that herself already.

Dr. Bowerbank—Is not this confirmatory evidence sir?

The Presiding Inspector—No, she has given evidence on oath already.

Examination of witness, resumed—She was not too ill when she told me this. She was smelling bad and had on the same clothes she went in with—that was the same clothes I go there and meet her with all the time I went up, for them dont give her no more clothes besides what she carry in, which was a frock and different under clothes. She went in with the clothes she had on and one extra frock.

Dr. Bowerbank—Your honors appear to doubt what Eliza Allen said, and this not being a Court of Law I

ask that this man's evidence as to what she told him there, be taken down.

The Presiding Inspector—We will note that you tendered the evidence and that it was rejected (*note taken.*)

Witness, cross-examined by Dr. Rogers—When I meet you in the field you ask me where I from and I told you. I ask you, where you been to and you said you been to see the sick woman and I said " that's my lady;" it was about 10 in the morning, and that was the only time I saw you there. Dont know if any Doctor see the Dennys at their houses. I am sure you saw my concubine on a Saturday.

Susanna Moore (examined by Dr. Bowerbank)—I live at Burnside Delight, Stanmore District, Red Hills, and was a nurse at the Sterling Castle hospital. Mr. Spence send and call me on a Monday and say I must wait there. That time Dr. MacMahon and Dr. Rogers expect the Small-pox in the hospital. I wait and no Small-pox come so I go away. Next day I come back and I see the Doctors and they took me as a nurse. They agree was to give me 14s a week but afterwards they say they could not give more than 10s. I was to care the people when they come in. I and Mr. Lee were the first nurses there when the Dennys come in on the Monday; but there was about six other persons there before. I and Mr. Lee were to nurse the people night and day—to cook and to wash; and when they find it was so laborious Mr. Spence send and call Mrs. Amore and she come on a Saturday. At that time there were six children, the two Dennys, a young man named Joseph Patterson, his sister Annie, and Elizabeth Allen in hospital. It was then that Mrs. Amore was called in. At that time the children were getting a little better, for the Small-pox was dry. Dr. Rogers was waiting the Monday to receive the Dennys but as they did not come till night he went away and left word with Mr. Spence to receive them. I used to pick a deal of bush, boil it in the evening, then put it to cool till morning and I bathe the patients with it. Some had basins, some little tubs, some yabbas. There was no big tub but what we use was as much as to hold the bath. The patients could not get into either the little tub or yabba, but we used to damp them before the Small-pox was full; after it begin to ripe then we put

them to sit down on a bench and bathe them The Doctor sent up large lead basins; and there was some little tubs. There was a large bath tub Mr. Spence got made there, but the people never bathed in it for it was a tremendous thing; it was a weight. It was made there and was cleaned out but never used. It was a very large box and was not in the hospital. It was round the place there, and would have taken four men to lift it in. I bathed the patients right through—Elizabeth Allen, Annie Patterson, and the 6 children I was nursing. I bathed them in a pewter basin and I tear up a whole Coat (petti-coat) of mine to bathe them with. I took the rag and wet it in the water and bathe them right over. The Tuesday when Allen come in the Small-pox did not throw out good and I used to damp the Small-pox morning and evening to help them to ripe till in seven days the Small-pox begin to full up and I begin to broke them with a needle and on the eighth day she could bathe all over although all the Small-pox did not broke. After that, in the morning after I bathe her I put her to sit down on the mat. By that time her eyes begin to open by working (washing) them with the okra water and she ask for a needle, and help me to break the Small-pox herself. Then I bathe her r ght through morning and evening. Up to the seventh day I sopped her all over. We had no Government clothing. The people were bathed in cold water. I had mine Small-pox before for I had five of my children with it, after cholera, and I never used anything but cold bath. The Doctor when him come, seeing the people all bathed and that I was capable, said "nurse get on." He saw it was cold water. The people brought in their own clothes. I changed Eliza Allen's clothes after I bathed her the first day. The young man she live with come up and I told him to bring clothes for her and he bring a suit. Then she had a suit to put on and one to wash. She put on clean clothes every other day. She never complained to me of smelling bad. She did not smell bad, not a bit; she did not smell sweet because Small-pox is a thing if you just done bathe it, it raw. I had nothing to do with the Dennys after Mrs. Amore came. Before that I used to wash the big brother's throat. When he come in he was almost rotten already, for his mouth could not shut and only

have humour run out of it. When Dr. Rogers came he told him about the mouth and he mixed up something. His mouth was not fly-blown. The inside was sore. He had bad Small-pox—run all in one and cover him right over. His face was that size (*shewing*) and constant fever which never bate (abate.) He come up with a calico shirt and one of those black broad-cloth, coarse, trousers. He brought up no clothes but next day when they bring Allen I told the mother and his sweetheart. Small-pox is a thing that must keep clean and they must bring clothes. The mother said the boys were wild boys they had no clothes but she had a shirt making for him, I used to wash his throat regular and squeeze things in his nose. I went on doing that till he died. The mother bring an old shirt and an old oznaburgh trousers for him a day or two before he died. He did not wear his trousers when he was in bed. He was that bad he did not ever want to take off the trousers; we had to fight him to take them off. It was a day or two after he came in that we did this and we threw the trousers out of door, so much so that when the Doctor came he say we must throw some of the something (Carbolic Acid) upon them. The Doctor come on a Monday and we take off the trousers the Wednesday —I and Mr. Lee. The Doctor told me to throw Carbolic Acid on them. After that he had to wrap up in one of the Government blankets. He had on a shirt; Mrs. Amore and Mr. Lee took it off; it was on him the Monday, Tuesday and Wednesday. Paul came in with a brown Calico shirt, an old oznaburgh trousers, and an old undershirt. The two of them trousers were taken off the same Wednesday, in the morning. Up to then the Small-pox was not ripe, but they used to dab them. I was not tending to them; it was Mr. Lee and Mrs. Amore duty to tend to them. The night they come in I open Paul bosom to see the Small-pox and I see he had on two shirts; at that time they were clean; the Small-pox were not running. I used to go to Mr. Spence and take out the food and dress it. If the people say they want arrowroot this morning I get it and mix it with the English Milk. Each person call for what he want, for, perhaps, this one say "I dont want sago; I cant drink it" and I say "then you want a little water

rice" and he say "yes." They call for what they want and when you give it to them they dont want even to drink it; they first slabber (play) with it and then dont drink it. In the mornings they get green tea with milk and plenty of bread; sometimes 10 or 11 biscuits, and they wont eat them: they have them on the bed. Then a little while after Mr. Spence order "give them something." Eliza Allen could not keep the nourishment on her stomach and I told Dr. Rogers and he gave her a mixture to clear the stomach. They got three meals a day; at night, tea. They get for breakfast, tea or coffee and biscuits in the morning soon: sometimes they dont wake before it ready. They get first breakfast after that, about 9 o'clock, boil rice. In the evening when I going to cook the rice they say dont dry boil it; make water rice, and I do it, and all hands eat till they leave, and in the night they get tea. They get nothing with the water rice. They get for dinner, water rice about 4 to 5 o'clock. The rice boil with milk. They get meat when Dr. Ross come up. I told him they dont want no more nourishment, they can eat and he gave it. They had been there a week and a half before Dr. Ross came. Mr. Spence used to allow them meat out of his own expence. Till Dr. Ross come they got no meat, barring out what Mr. Spence gave them. Dr. Ross came about a week after Elizabeth Allen came in; the Dennys were dead before Dr. Ross came, they could not eat meat at all; they could not even drink the nourishment. They got no soup; from the time they went up there, to the time they dead they were fed on Rice, Tea and Sago. There was no meat if they wanted it; they used to get Brandy, the Doctor order Mr. Spence to give them Brandy. They got none but what Mr. Spence gave out. Mr. Spence had a large mug and he used to mix it full from morning to evening, for Alexander would not drink nothing but Brandy. He got it often; as he wanted it he called for it; more than twice a day. Mr. Spence always gave it himself, none of the nurses was allowed to give it. He mixed it at night and the nurses used to give it. Ann Patterson used to drink Brandy and afterwards the Doctor order Port Wine; she got a wine glass full twice a day; Mr. Spence bring it himself and give it to her. He was away once from Sterling Castle when he went

down to the Doctor. He went away one morning after it had rained and came back in the evening. Patterson got the Port Wine till it done. Sometimes she didn't drink it but put it on the Sofa and as Mr. Spence turn himself she give it to Allen. Allen used to rest well at nights. She took her food well. I never gave her Port Wine because she slept well. The last thing she got at night was tea and buiscuits at 7 o'clock when evening closed in. I got up early in the mornings and by the time she wake I gave her Arrowroot or Sago by 6 o'clock. When Dr. Rogers came they got Turtle, Beef, Fowl, Pork. Got Turtle often for the boy used to go down every day and bring up turtle and turnip and carrot and we make soup, they like it well. Three times a week turtle came up and the people take it and like it well. Plenty of beef used to come up—a good, big thing of beef. Mr. Spence told us to give them a plenty of meat. We used to corn some till next day we give it to them. They boy went to Kingston every day. The meat was made into soup for it never come without barley and turnip and carrot. We used to sprinkle salt on some of the meat and make it into soup next day. Mr. Spence bought fowl twice. They got Pork Chops—Allen, Patterson and the children ate it.

Cross-examined by Dr. Ross—When the people had Small-pox and fever on them I gave them rice water. They used then to get Beef tea every day, made from the little tins; and they got rice pap. They get beef tea, arrowroot, sago, green tea, barley water. They did not eat turtle then; not till you come up, and they were getting better. The Small-pox was dry up and when they complained that they were tired of the nourishment you order Mr. Spence to give them plenty of beef and mutton chops. It would not be good with Small-pox and fever on them for them to eat turtle and mutton chops.

To Dr. Bowerbank—Plenty tins of Beef came up. Mr. Spence used to call me and tell me to bring the big sauce pan and we put it in that. We used one pan (tin) a day for the eleven patients; but they wont drink it. The tin was about one third the size of this tumbler, and we mix that tin in two quarts and a pint of water. Only Patterson drank it for she said it cool her inside.

The others refused it but took the rice water and arrowroot. Dr. Rogers order Mr. Spence to give them beef tea and plenty of nourishment. I told him they would not drink the beef tea, and he said Mr. Spence must give them Brandy and Rum. Dr. Rogers came there when the Dennys were there. He saw Alexander Denny whilst he was alive. Dr. Rogers saw them first on Wednesday; he come back Friday and not again till Monday, and then Alexander was dead. Jackson did not come every other day to see Allen—once in a way and the Constable them wont let him in; but one night the Constable find it out and kick up a regular racket (noise) about it. Denny's sweetheart and mother came there. Mr. Spence has asked me about all this before—a long time now. Dr. Ross come up and asked me about the Dennys and I told him just the same as I tell you now. I told him the Dennys had on their clothes for three days without change. It is customary for a patient with Small-pox to keep on his trousers for that period so long as it is not raw.

To the Presiding Inspector—Dr. Cotter never asked me about the Dennys. They had beds. All had blankets and trash mats.

To Dr. Bowerbank—I never tell Nelson at Belbore to tell all this.

To Dr. Ross—Dr. Rogers saw the big Denny, I think twice before he died; and the little one on the same occasions and the same day he came up, he met him dead. He ordered them medicines. He mixed it up himself and I saw Mr. Spence when he gave it to them every morning and evening in a wine glass. When the children were going away they cried; they did not want to go. A little boy in particular would not go at all. When you came to Sterling Castle you asked the people if they had any complaints. Not one made a complaint. You ask how they like the nurses and they say quite well.

To Dr. Bowerbank—If one of them had made a complaint, if Allen had said she was not properly washed, no one would have quarrelled with her ; she ought to have done it. I would.

The Court adjourned for ten minutes.

The Court resumed and the Secretary (Mr. Rees)

laid on the table a diagram of the ground on which the Tents were erected and of the surrounding places, prepared by Mr. Thomas Harrison, the Government Surveyor.

Abraham Hyams (examined by Dr. Bowerbank.)

You are a Minister of Religion and as such well acquainted with the customs and habits of the people?—I have been for the past 7 years an unpaid Minister of the United Free Methodist Church.

Do you travel much about the island and have you thus great opportunities of knowing the condition of the lower orders and of the manner in which the public health is cared for?—I have been in the Ministry for something like 30 years and have travelled considerably through the country. Of the physical, moral, social and general habits of the people, I ought to know something.

From your experience do you think the present Government is much concerned as to the Sanitary condition of the island. Are the laws affecting the public health carried out earnestly and faithfully. Has Law No. 6 of 1867 been carried out at all? *(Question not allowed.)*

When did Small-pox first make its appearance in the Parish of St. Andrew and in what district. Can you name the person who first died. How did you know of it?—Either at the latter end of October or early in November '71 in the St. Christopher's district of St. Andrew, a person named ——— at —— pen.

Were any steps taken to check its spread or to treat those attacked?—I know that for some time Dr. MacMahon had been going up there for the purpose of vaccinating children and that Dr. Cargill also vaccinated in that district but, I think, not at all interfering with Small-pox cases.

Did you ever receive any communication requesting your co-operation in sending the people to be vaccinated?—I received more than one communication from the Government relative to my efforts in getting the people vaccinated. I wrote complaining that children were allowed to travel 6 miles to be vaccinated and that to bring them and return, the parents lost a day. Then His Excellency immediately took steps to have vaccinators sent up from the Public Hospital, to Lawrence,

Tavern, Mount James Chapel and Salisbury plain. Previous to that the children had been going all the way to Stony Hill to Dr. Cargill.

Did you address a letter to the Acting Custos of St. Andrew—when, and with what result?—I did, in December, and I think, I have a copy here. Yes. It is dated December 11, 1871, at Golden Spring, and I wrote (*Reads—for letter see Appendix.*) It was written to Mr. Barclay as Acting Custos when Mr. McDowell was away.

What was the result?—I got no answer; but three weeks after I saw Mr. Barclay, and spoke to him as to his not answering my letter. He said he had nothing to do with it but had sent it on to Dr. Ross, and there it ended.

Do you consider that the Local Board of Health of St. Andrew has done its duty to the public since its establishment?

The Presiding Inspector—No, no, Dr. Bowerbank. We shall be happy to hear Mr. Hyams as to any facts he may have to tell us but not opinions.

Dr. Bowerbank—There has not been a greater fact in the world, that they have not. I want Mr. Hyams to state whether such is the fact or not.

The Presiding Inspector—That is, does Mr. Hyams consider so? We could not take that.

Mr. Hyams—I dont just now believe in the existing Boards of the Parish, I am sorry to say.

The Presiding Inspector—Very well.

Dr. Bowerbank—Has law No. 6 of 1867 been carried out in St. Andrew?

Mr. Hyams—Is that the law for sanitary purposes?

The Presiding Inspector—Put it in this way, Dr. Bowerbank: do you know if any steps have been taken to put the law in operation in St. Andrew?

Mr. Hyams—I confess to you I know of no steps to carry out the law here.

Examination by Dr. Bowerbank, resumed:

Did you address a letter dated the 5th of February 1872, to Captain Lanyon and with what result?—Yes, on the 5th of February 1872, I wrote this to Captain Lanyon—Shall I read it?

The Presiding Inspector (*after consulting Dr. Cruice*) —We hardly know that this is an admissible document.

You see it is a letter addressed to the Governor's Private Secretary.

Mr. Hyams—I may explain that I so communicated with the Governor for this reason: on one occasion I wrote his Excellency through the Colonial Secretary and the reply was not forthcoming for some time. I thought at first that this little tardiness was due to the Colonial Office, and then I wrote his Excellency asking that I might be permitted to address him through Captain Lanyon when necessary, instead of through the Colonial Secretary as is usual; and I got a free reply kindly saying I could address his Excellency through the Colonial Secretary or the Private Secretary as I thought proper. I do not make the statement as a charge against the Colonial Secretary, for I had no doubt he answered me as quick as he could, but merely state it to show why I addressed that letter to Captain Lanyon.

The Presiding Inspector—I think the Colonial Secretary must sometimes have his hands full of work as many other persons have. If you will leave it to us, we will consider the question and give an opinion as to its admissibility or not.

The Inspectors retired for a short time and on coming back into Court,

The Presiding Inspector said—Dr. Cruice and myself think if there be any official answer to Mr. Hyams' letter shewing that that letter or its contents were communicated to Dr. Ross as the head of the Medical Department, the letter would be admissible in evidence (*to Mr. Hyams*) You said you had an answer.

Mr. Hyams.—Yes.

The Presiding Inspector.—Where is it ?

Mr. Hyams.—At home.

Dr. Bowerbank—Your honors, there is no doubt that Mr. Hyams sent that letter; if he got no answer it makes it all the worse.

Dr. Ross (*after looking over his papers.*)—I cant positively say whether I ever saw this letter because it is dated the 5th February and I had nothing to do with the department till the 12th.

The Presiding Inspector.—You dont known if it was ever sent to the department ?

Mr. Hyams.—I think it was. It was acted upon.

The Presiding Inspector.—Perhaps you would be good enough to forward us the answer?

Mr. Hyams.—Yes.

Dr. Ross.—I will look up and if it is in my office, will bring it up.

The Presiding Inspector.—Then the letter is admitted under the circumstances: that is, if the official answer shews it was communicated in any way to Dr. Ross. (*Letter Read—see page* 60.)

Dr. Bowerbank (*to Mr. Hyams.*)—Did you address these two letters of the 15th and 17th April, to the head of the Medical Department?

Dr. Ross (*after looking at the letter of the* 15*th.*)—I did receive that letter.

(*Letter read by the Secretary—see page* 61.)

The letter of the 17th (*see page* 62.) had reference to St. Thomas in the Vale and was declared not admissible.

The Presiding Inspector—If it has reference to St. Catherine it need not be read; you had better be sure there is nothing in it as regards St. Andrew.

Mr Hyams—It has all to do with the Goffe and Lucky Hill districts. If the line had gone but ten yards further I could tell you of 21 deaths in a little area.

Dr. Bowerbank—Are you going to exclude it for ten yards your honor?

The Presiding Inspector—Yes, Dr. Bowerbank, it has nothing to do with St. Andrew

Dr. Bowerbank—I respectfully protest against that because it involves a most important question. The Resolution says the correspondence as far it relates to St. Andrew but you are going to draw a spider's web between the two parishes. It is well known too, that the people from one parish went into the other to seek Medical aid while suffering from Small-pox—a fact alluded to in the correspondence between the Colonial Secretary and myself.

The Presiding Inspector—I cant say whether it be a spider's web or not but I know what the Commission says in reference to St. Andrew.

Dr. Bowerbank—Then sir, I, on behalf of the public of Jamaica, protest against this ruling. If the Govern-

ment choose to cover it up here, I will drag off that cover somewhere else.

Mr. Hyams---I go with you that the whole matter should be investigated but I must say I think the Commissioners very fairly and properly say they are bound to keep within the scope of their Commission which is confined to St. Andrew. Feeling the importance of the matter, I addressed a letter to the Lieut-Governor asking that the Commission should extend its enquiry to St. Thomas in the Vale and His Excellency wrote back to say he had nothing to do with it; that the Inspectors were appointed under a particular section of the Law, by the Central Board of Health, and that it was for that Board to decide, not the Government.

Dr. Bowerbank—What was the result of the letter of the 15th?

Mr. Hyams—Dr. Ross sent me no reply; but I saw him some time after.

Were any Medical officers resident in the districts of St. Andrew, where the Small-pox prevailed?—Not resident, Dr. Cotter was sent up. I heard Dr. Rogers was sent up immediately after my letter to the Governor, for Salisbury plain, and that a hospital was to be opened there. In fact, I met him in Kingston and he told me he had got an appointment up there. He had only been in the country 3 or 4 days. He told me he had heard of my name; and I thought it had a bearing on my letter.

How many visits did he pay?—I never saw him there myself and can only tell you what I heard from the people. I heard of the Dennys case and that was the first that brought before me the state of things that had prevailed in that quarter.

When and where did you first hear of the Dennys case?—At the Cavaliers Chapel. I was a very great advocate for the opening of this Hospital as I thought the people would get so much more attention there than they would have got at home; therefore I was favourable to any little stretch of authority so long as it tended to the relief of the sufferers. When I found the people excited over the carrying of their relatives or friends to the hospital, I endeavoured to point out to them that it was for their good but when I found them getting very excited in the Chapel

about the Dennys and saying that they would rather see their sick dead than go there, I wrote to Dr. Ross.

Did any enquiry take place as to the Dennys case?—I heard there was a sort of private inquiry through Dr Cotter and told him I considered it an unfair one.

Were you ever requested to give evidence ?—I was not asked to give evidence there.

Did any one allow to you that the enquiry held there was a sham, a humbug, a delusion ?—Well, I inferred all that. I think it was said; at all events it was implied.

Do you think examining the Contractor, the Constables, the nurses, in such a case would be likely to elicit the truth ?——

The Presiding Inspector—That's a question for us to form an opinion on Dr. Bowerbank.

Do you think that patients then in the hospital would be likely to disclose the truth of what they had seen ?—No and no one who knows the people will say they would. I tell you that since '65 there is the greatest difficulty possible to get them to tell any thing on the white people. They think there is always something lurking behind.

To your knowledge are wakes over the dead common among the lower orders; were they held during the prevalence of Small-pox ?—Wakes may almost be classified as one of their religious superstitions.

Can you describe a wake and what a wake may lead to ?----I can tell you of a wake which occurred not more than five weeks ago where the dead was knocked off the bed in a most shocking manner —It was in the Lawrence tavern neighbourhood. They were all drunk and chopped a man in the back, and the Constables knew not a word of it. I knew of a case years ago where a man refused to pay 3s. for attendance on his child. It died and there was a Coroner's Inquest. It was then shown that there was a bag of money in hand but that it was held more desirable to pay the taxes next day and that they considered that more important than the life of the child. That night they sent to the Minister of the Grove and got eight dollars for the funeral, with which they bought drink and had a great wake that night. Another instance took place not three weeks ago. There was a well to do man laying in bed from Monday to Friday sick, with a dog a side of him. His wife and

children were in town and would not come up; but the day he died a cart of liquor came up and they came too, for the wake. If these wakes were honestly religious gatherings, where they indulged in prayer and singing I should not regard them as such evils, but they carry on the most fearful orgies possible. In the Small-pox matter there was Robinson who died not far from my residence on the 31st of May at 2 or 3 o'clock. There we had a small shop of a hybrid character. They came and bought things for the burial and they came next day and told me they had kept up the night and did not bury their dead till next day. In the same way Clarke kept it up over his daughter, but these cases Dr. Cotter knew nothing of.

Are you aware of a young man who died of Small-pox, near Sterling Castle, after the hospital was closed and over whom there was a wake?—Yes; his brother told me of it.

The Presiding Inspector—I am afraid there is no doubt but that these wakes were being held.

Mr. Hyams—No doubt your honor, and they would so state now but fear to do so in consequence of an impression that has gone abroad that they will be punished ; so that they will not confess it now. There is that man Clarke. He was very unwilling to give evidence until I assured him he would not be punished.

Dr. Bowerbank—Do you think if wakes are allowed to be held over bodies of those dying of Small-pox, isolation or any other means can check the spread of the disease?—Most certainly not.

If wakes are allowed to be held, in your opinion is isolation etc. unnecessary and oppressive?—I think so if wakes are allowed.

From your knowledge of the country districts do you think if the disease once begins to spread it is possible to isolate each and every case?—I think not. I heard a woman say " the only good we getting from the Government is that they put Constab to prevent us from burying our dead and looking after our sick."

Have you seen people walking about the thoroughfares with Small-pox on them?—That lead to my letter. I had met a woman going into Kingston with two others. She had just come out of the Small-pox and there was another woman who said her sister's child had died of it

at home and that there was another dying, and I said "why not call Dr. MacMahon," she replied "he only come to vaccinate."

To your knowledge have isolation and the removal of people from their own houses engendered a bad feeling towards the authorities?—If they had said they would be well treated and were well treated in the hospital, I question much if it would have engendered a bad feeling, but it was their conviction that the hospital was a bad place to go to, and that therefore isolation and removal were cruel in every respect.

To your knowledge have isolation and removal caused the people to hide their cases?—They have. I have heard of cases where Dr. Cotter has passed the doors without knowing a word or being called in. There is a man here who will tell you of a woman having Small-pox for eight days without telling the Doctor.

Have you heard that Government Medical Officers had received instructions not to expose themselves in attending Small-pox patients?—No Medical gentleman has ever told me that; and I must in justice to one Medical gentleman say that if even he had those instructions he never heeded them.

The Presiding Inspector—That would not be evidence.

How many months elasped between your application for the children at Lucky Hill School to be vaccinated, and their being vaccinated?

The Presiding Inspector—Is Lucky Hill in St. Andrew?

In the meantime did Small-pox break out among them—how many died of it?

The Presiding Inspector—That's the same thing Dr. Bowerbank.

You have seen the Returns of Small-pox in the *Gazette*—do you believe them to be true?—There were two—one rather apocryphal.

To your personal knowledge are they true and faithful?—The second professes to be. The first gave us too much opportunity of checking it; the second, none. But there was this saving clause, "as far as is known to this department."

The Presiding Inspector?—I suppose it must really

be difficult to get true Returns. You see the people hid their cases.

Dr. Bowerbank—Is it usual for the Government to publish Returns if they are not trustworthy?

Mr. Hyams—The first is decidedly an incorrect Return and I fear the second is no better.

Dr. Bowerbank—I assure you they have done a great deal of mischief in England.

You stated in one of your letters that the people employed by the Government had not been regularly paid and were therefore unwilling to undertake the necessary duties. Did you allude to the carriers of the Dennys?—Yes and to some of the nurses. Dr. Cotter was exceedingly irate when first he came and found a difficulty in getting them paid. That they were not paid enough and not paid regularly led me to write what I did.

Have you heard any Government Medical Officers state that they would not attend persons suffering from Small-pox unless they were on the pauper list or entered the hospital or tents?—I have heard Dr. Cotter say he did not consider he had a right to attend people unless on the pauper list. And when Dr. Cargill was the Medical man for the Stony Hill district, that point rose between us. As for instance *(to Dr. Cargill)* there was that unfortunate man who had blood——

Dr. Cargill—You mean a man who had horses and all sorts of things and paid me £1 1s to see him—he was not in my district.

Mr. Hyams—But he couldn't have paid £1 1s each time you came.

Did any one tell you in August last that cases of Small-pox existed at Swallowfield but that no Doctor visited them?—Yes. I am Lessee of some property at Swallowfield and my head man wrote me to say there were seven cases of Small-pox in one house; and I saw the Revd. Mr. Braine who told me he had been there, had seen the people, and——

The Presiding Inspector—It has been settled we cant take Mr. Braine's conversations.

Dr Bowerbank.—Your Honors, I most solemnly protest against such ruling. A few days before Mr. Braine left the island in August, he told Mr. Hyams that Doctor Cargill had not then visited at Swallowfield.

Dr. Bowerbank *(to Mr. Hyams)*—Do you think those cases had been reported in the fortnightly returns to the head of the Medical Department; if not, why do you think they had not?

Mr. Hyams—About four or five weeks after, I met Dr. Ross and asked him if he knew of Small-pox being there. First, he wanted to know who said Small-pox was there, and next, was surprised to hear Small-pox was there. I told him no Medical man had seen the people, and Dr. Ross and I parted. Two or three days after, I heard Dr. Cargill was sent up and I attributed it to the conversation I had with Dr. Ross.

Dr. Ross—I did know of it.

The Presiding Inspector—Mr. Hyams is giving evidence, Dr. Ross.

Dr. Bowerbank—Do you know any instance in which a woman resisted a medical man seeing or prescribing for her child?—Yes. It was a woman whose child had had Small-pox but was getting better. She refused to allow Dr. Cotter to see it. A third party advised her not to allow the Doctor to see it, and the woman dreading the hospital, left her house. Dr. Cotter on hearing this sent a Constable and brought her back.

Do you know of any instance in which Port wine was ordered for a patient by a medical man and was disallowed by the head of the department?—I heard that from Dr. Cotter——

Dr. Ross—We own we refused it.

Mr. Hyams *(in continuation)*—And he then complained, at that time, that he could'nt even get the money to pay the people or look after the patients; that if he had a little money in hand he could have done better.

Do you approve of so-called Departmental enquiries; do you consider that they elicit the truth or do they rather tend to complicate matters and conceal the truth?—I do not, if I am to judge of those they have had here.

Why did you desist writing of alleged abuses to the Government?—When I found I was getting a little troublesome.

Did you hear from good authority that one at least of the Dennys was fly-blown?—Yes.

The Presiding Inspector—"Did you hear." The point is, did you ever go to the hospital Mr. Hyams?

Mr. Hyams—Never.

Dr Bowerbank—Do you think if they were fly-blown it would be difficult to get it out now from any of those who were present or concerned in the hospital?—Oh yes.

Has any one—has a member of the Local Board of St. Catherine—ever told you that the people were dying like rotten sheep?—Yes, Mr. McLeod, but in St. Andrew.

The Presiding Inspector—We cant take that.

Did you consider it your duty to tell Dr. Ross any abuse you heard spoken of in relation to the treatment of Small-pox patients, or at the Public hospital, or the Union or Cooly hospital, or in the Government Service?—Not after he had behaved that way.

To your knowledge did Small-pox cases occur in the district after the Sterling Castle hospital was closed?—Oh yes, in the neighbourhood of Salisbury plain. There are cases now that the people wont send to Stony Hill. At King Western a man died on Friday.

Have you had much experience in the treatment of Small-pox?—Yes, unfortunately. I was one of the half inch "Medical men" who in '42 was in the Gordon town district where there were no regular Medical men, and I had to attend to the whole district. It was then a much more severe epidemic than now. There was one very bad case I attended personally and the creature is now alive.

Do yo think such cases would do well treated in a hot tent without ventilation, the patient inhaling an atmosphere of his own exhalations?—Dont you see that was a strong reason why I wanted to have them in the Hospital. I thought it would, being properly ventilated, be better than the close houses of the people.

What is your experience as to the administration of food in severe cases of Small-pox. Do you think a patient could, with advantage, be 12, 14 or 16 hours without anything?—I think the Doctors would say no to that except where the patient had so bad a throat that nothing could go down.

Is fly-blow a frequent occurrence among patients nursed by their friends?—If properly nursed it would rather be a novel occurrence for me. I never saw that

in cases which I watched over, though a gentleman, high in Government position, says when he had Small-pox he had great difficulty to keep the flies away.

The Presiding Inspector—Supposing the Doctor called once a day and the nurse neglected her duty, in the interval would that be time to be fly-blown ?

Mr Hyams—I think so.

Dr. Bowerbank—Some flies are viviparous or ovo-viparous (*to Mr. Hyams*) Do you think the erection of a Small-pox hospital near Stony Hill judicious?—I got a little nervous when I heard they were coming to Stony Hill especially as they had to use the water that came to our place. But there is one thing to be said in its favour, it is now shut up and nothing came to the neighbourhood.

The Presiding Inspector—Where do you think he could have found a better site ?

Mr Hyams—That's really a hard question. The people are so scattered ; but still I thought a better spot might have been selected than the neighbourhood of the Reformatory.

Do you think vaccination as at prese t carried out, satisfactory?—I do not but I must say Dr. Cargill vaccinated a great number during his time at Stony Hill, but he had a few slips too.

Do you consider that the visits of a medical man three or four times a week to the Sterling Castle hospital could have been satisfactory ?—Oh far from it, and I was sorely disappointed when I heard that. I believe Sterling Castle is 12 miles from Kingston, although there is this extenuating circumstance—that the medical man would hardly have had a place to stay there though we have heard one slept there for two nights.

Do you think that the Contractor should be a steady, discreet person, the more so as in the absence of Medical Superiors, he was looked up to ?—Certainly and the same with the nurses. Dr Cotter came to me to recommend him a proper person as he wanted some one to put the stores under as he found things at sixes and sevens.

Cross-examined by Dr. Ross :

You have told us you are a Minister of Religion. Are you anything else?—I told you just now that my business was of a hybrid character. You see the moment I found that my secular duties interferred with my re-

ligious ones, I immediately resigned my charge into the hands of those who had committed it to mine; but I said I will continue the work for nothing, and a meeting of two hundred leading Ministers of the denomination passed a resolution expressive of their regret that I had thought it necessary to take that step but asking me to continue as I had promised.

Has there been no connection with you and any of these witnesses here?---I fully understand the drift of your question Dr. Ross, and let me assure you that I have never lent one of them not even a quattie. I tell you more. When I knew I was coming to this enquiry I went to Dr. Bowerbank's place of business—who has been my friend and medical adviser for years—and paid my account.

Dr. Bowerbank---Well, that's more than I knew of.

Have you ever made statements in this Court House, from time to time, about the end of June or July 1871 that you had advised the people to keep their children home and get Small-pox rather than be dragged to the Stony Hill Police Station to be vaccinated, or words to that effect?—I said I felt indignant that young children, babies, should be dragged 8 and 9 miles for vaccination at Stony Hill sometimes returning without having had it done, and I may have added that, having written the Government on the subject and pending a reply, I would advise the people to keep them at home even if they got Small-pox—and is not that even better ?

At that time were you aware we were short-handed of Medical men ?—I had heard you had a lot of young gentlemen sitting down at the Hospital and thought the best thing you could do was to send them out to assist.

Somewhere between March '71 and August, are you aware that Dr. Simon was at Stony Hill vaccinating ?—Really I am not.

Do you remember Dr. Smith ?---I do not remember any more than one for I was never introduced to any; but I really question whether more than one ever came, in March '71.

Do you remember Dr. Thompsett ?---That was at the latter end of the year.

From the 1st of July to the 22nd January ?—Yes

at the latter part of the year I heard of Dr. MacMahon at Salisbury plain but not at Stony Hill.

Dr. Ross cited the 4th Sept. to 15th February; the 11th to the 21st January, observing that he wished to establish the fact that some precautionary measures were taken after Dr. Bowerbank's warning before Small-pox broke out, and that Mr. Hyams, being a resident in the quarter, he wished to establish it through him *(to Mr. Hyams.)* Do you know of any case in point where Dr. Cotter refused to go to a Small-pox patient?—Only yesterday; but then you know he was doing his best.

I ask for a case?—That in which the man sent and paid. Dr. Cotter has not hesitated in saying he will not go. Indeed, I believe he wrote you on the subject and you took a month before answering so that during that time the patients might die. I quote Dr. Cotter.

Do you know the distance of the hospital from the furthest part of the village at Stony Hill?—About a ¼ of a mile. I believe Stony Hill was selected as the most central spot and most convenient to the Medical gentleman as to his residence. It is also the most convenient in getting things for the people.

Dr. Bowerbank:

Instead of removing the people by force when the disease has already began to spread, dont you think it better to leave them at their houses?—Most certainly.

Dr. Bowerbank *(addressing the Court)*—Your honors, is it fair to ask if any other witnesses have been warned by the other side? Because if any have been I should like to know their names. Reports are abroad that certain witnesses are to be called and if these reports are correct then it will be necessary for me to call others.

The Secretary went over the list of witnesses and on reaching the name of George Henderson,

Mr MacNab (Government Short-hand writer) stated he had heard that Mr. Henderson would leave in the Packet on Wednesday.

Dr. Bowerbank—Am I to understand that Mr. Henderson has been subpœned by the other side?

The Secretary—Yes.

Mr. James Byndloss *(who was seated back of Dr. Bowerbauk)*—Then I shall subpœna——

The Presiding Inspector—Stop Mr. Byndloss. You must not interfere; you have nothing to do with the matter.

Mr. Byndloss—I am not interfering your honor. I am only speaking to Dr. Bowerbank.

The Presiding Inspector—You were not. You said "then I shall subpœna"——

Dr. Bowerbank—Mr. Byndloss hearing that certain persons——

The Presiding Inspector—Dr. Bowerbank, the Court has nothing to do with Mr. Byndloss.

Dr. Bowerbank—At all events as Mr. Henderson is to be called, I have had put in my hand a list of witnesses whom I shall require, and they are the hon. Henry Westmorland, the Rev D. H. Campbell, the Rev. John Radcliffe, and Mr. William Carr.

The Presiding Inspector—Is this a joke or are you in earnest Dr Bowerbank?

Dr. Bowerbank—Never more in earnest in my life your honor. I think it has been quite well understood that your honors have ruled that I shall not go "out of the record"—out of the parish of St. Andrew. I have been kept pretty well under that ruling and I want to know whether witnesses brought by the other side are only to prove matters in connection with Small-pox in St. Andrew or not. Because if witnesses are to be brought to prove other things and the other side is to be allowed to go "out of the record" whilst I have been kept in, then I claim the right of bringing up these gentlemen----some of them from the country, to refute that evidence which will be adduced.

The Presiding Inspector----For what will these gentlemen be wanted?

Dr. Bowerbank----As far as I understand the matter there is a desire that the antecedents and character of one of the witnesses already examined, shall be put before the Court by the evidence of this gentleman. If that be so I claim the right of calling witnesses to refute that evidence, and for that reason I asked that the names of witnesses for the other side might be called over. As far as I am concerned I have made up my mind to sit here for weeks more, or so long as we can get at the truth.

The Presiding Inspector *(after being spoken to by the*

Secretary with whom Dr. Ross had been in conversation)---Dr. Bowerbank, I am told the name of Mr. Henderson has been withdrawn.

Dr. Bowerbank----Very well sir, then I withdraw the list just given in.

William Speck (examined by Dr. Bowerbank)—I am a Sergeant-Major of Constabulary and have been in the force 5 years. I have been 15 months in this division. Recollect when James Barclay took in with Small-pox at Half-way tree; think it was on the 13th March. He was put under a tent. Inspector Nairne instructed me to place two men at the entrance of the quarantine ground and not allow any one to go in. This was the next morning after the tents were put up. Barclay was in Berry's house but I got no instructions as to that house until next day when I got instructions in writing and orally. Dr. Ross instructed me that same morning when the tents were put up to try and get a Contractor for supplying the tents and to place the two men at the entrance to prevent people going in altogether; and this the two men could do so far as the gaps on the road were concerned, but not those in the sides. I was merely told to prevent the people passing through the gaps on the road. Those were Dr. Ross's instructions. Dr. Cargill gave me no instructions and I acted by those I received from Dr. Ross. He told me not to allow any person to go into Townshend town at the time Small-pox was there; this was more than a week after—to prevent strangers. Berry's house was placed under quarantine next morning after the tents were up and they were brought up the evening before. Dr. Ross told me to quarantine Berry's house. Berry I believe was living in a house on the opposite side of the way. He was not in quarantine. I never saw him enter his house. It is possible he might enter at night when my man was patrolling towards Fisher's pen. I heard a report one night that one of the patients had come out of the tents—Sarah Francis. Mr Byndloss told me; none of my Constables ever reported to me that he had taken up the patient Bell on the road. Quarantine was kept over Berry s house for 6 or 8 weeks, that is from about the 28th of March to the 11th of May and during that time the quarantine was not broken at all; it was never relaxed. The

Constable was constantly on guard and he took from one corner to another. His instructions were not to allow any person that had gone in, to come out again. The food was to be placed at the entrance. The beat did not run pass Townshend town. The Constable was there day and night. I heard persons were entering the quarantine ground. McVicker made no application to me to live in the tents so as to check these irregularities. I am not aware that he ever made such an offer. I have heard something but not to that effect. I heard Mr. Byndloss had applied to Inspector Nairne for McVicker to live in the quarantine ground not that McVicker had written making that offer. I told Wollaston not to enter our station because he was living adjoining the Small-pox tents. I used to give him his orders in the Street. He did not enter the Police Station for some time and I never sent him on duty except it was absolutely necessary. Cant say as a fact that his not being on duty was reported to the head of the Detective force. He was there for duty if I wished. Never heard Sue Clarke making loud complaints about the treatment her son received in the tents. I have been into the quarantine ground as far as from here to the opposite side (*about* 12 *yards.*) The Doctor used to go to the tents whilst I stood out at that distance. Where I stood I could not see the entrance to the tents. I have passed medicine in to Marshall, the nurse, through the gap. Can't say how often. It was for one of the individuals in the tents—Bell. His name was not on it but it was sent to give the nurse for the use of Bell. No label was on it. It was only Castor Oil, I believe. I never offered Downer a dose of oil. Did not engage Byndloss to supply the food, but I asked him if he would take it. I consider every Government officer ought to be an honest man. I took Byndloss to Dr. Ross and he appointed him. No one has ever complained of his being the Contractor. I was satisfied with the way he performed his duties because I gave instructions to the Constable to overlook the food he sent in not that I thought it would have been short but to see in what way it was passed in and also that there was the proper quantity. Previous to the 21st June did not hear of wakes on Small-pox deaths, in St. An-

drew. I heard there was one over Armstrong shortly after he died. I know nothing about it of my own personal knowledge I got instructions from my Inspector in regard to wakes because it had been said there had been a wake over Armstrong. The Inspector asked me if I had heard of it; and that if I ever heard of any others to endeavour to put an end to them if possible. It was never reported to me by our Constables that there had been wakes in the mountain districts. My instructions from Mr. Nairne were----" to endeavour to stop wakes by persuasive means"; he said nothing about law. The people were not told by me that there was a law inflicting a fine of £5; cant say if any of our Constables spread that report. Never heard of any wakes after the Armstrongs. I have been 7 years in the island, chiefly in Hanover. It is a great place for wakes generally. Wakes may have taken place here and I not been told of them. Never heard any one ask Byndloss to give evidence about wakes. He was requested to attend a meeting at the Station, by Dr. Ross. Cant say what his answer was; he did not go to my knowledge. Byndloss used to supply the Lock-up with food for two months. He ceased to do so because a sub-officer sent to me and I gave it to him. I gave it to him because I believe it was left to me and I did so.

The Presiding Inspector—Is such a practice allowed —was it known to your Inspector?

Witness—I believe he knew it. I took it away from Byndloss for no fault whatever. I was not present at the examination at the Station. Cant say if any other persons warned refused to go. No Constables were present. I dare say if the Constables were inside the quarantine ground they would have prevented the people coming in or going out with greater certainty. At the outside we have 8 men at the Station. At first I sent 2 to Sterling Castle and 2 afterwards, so that the duties of the Constables here were much increased by these being sent away—they were crippled here, for about 10 or 11 weeks. Four was the largest number away at any time; two relieved two; and 2 at the quarantine ground here. That made 6 and there were from 13 to 14 at head quarters. Berry did not object to his ground being taken for the tents; I am not quite sure that he was there; I think he

was. I think the tents were comfortable but I cant say I would like to be treated under them. The Constables sent out were never instructed either to watch Small-pox people or take them from their houses. They were placed under the orders of the Doctors. I issued 4 Rugs for the tents—none were returned. None are in store now, except they were rolled up inside the tents. I had the tents for some time but not now. I have had charge of the Small-pox hospital since opened; no one has gone in yet. It is furnished with chambers and other utensils and, with the exception of beds, is ready for patients. My orders were to exclude every one from the tents except the Doctor; was not told to exclude certain persons but every body. I excluded Mr. Braine according to instructions. People went in to bring out the dead bodies. No one gave me orders to let them in. There was no one in the tents to bring them out and as it was a matter of necessity, I allowed them in. The Constables in the country district got extra pay. Cant tell where they slept or got their meals. My instructions to them were to go there and be under the orders of the Medical Officer. I never went up to look after them; cant say if the Inspector went. They were under the supervision of the Medical Officer. A Medical gentleman used to go up two or three times a week. I think I could answer for the men without my supervision. Mr. Byndloss seemed an active officer. I know of no case of Small-pox at Cross-Road now or about a week ago. No case is in the new hospital from Cross Road or anywhere else. Cant say what has become of that case. I say I know of none. Cant say if any isolation is being kept there. My orders were to furnish the men when the Medical officer applied for them; and under the orders of the Medical officer, they have a right to maintain isolation or remove people to hospital. With the exception of Berry's no other house in the district was put under quarantine with the exception of Mrs. Clarkes' house where a Constable was instructed not to allow strangers to loiter about. He was kept there night and day. Cant say if Sulphur was burnt in the tents

The examination in chief of this witness being concluded, the Court adjourned till 11 o'clock Tuesday morning.

TUESDAY, 10TH DECEMBER

The Court met at the usual hour and proceeded with the cross-examination of Sergeant-Major Speck by Dr. Ross :

I know Mr. Dyer. He came up when the tents were being put up. He had a conversation with me relative to the tents. He said you had sent him up. I received the tents and reported to Dr Cargill that there were two instead of one, and you sent up Dyer to explain that there were not two, but that one was the covering, the other the inner portion or tent. I did not go with him to the spot. He did not tell me that you sent him up to see them properly pitched and to see that a trench was dug round but said you sent him to see about them and the ground. I remember the enquiry at the Station. It was not a private one. I came in and out of the room on several occasions but never stopped there. As I passed I saw people sitting on the window in the room during the enquiry; cant say how many as I did not observe them properly. I believe the patients and nurses were present *(paper handed up.)* This is my handwriting. No one ordered me to keep the Constables out of the room nor was I ordered to keep out. I had no motive in keeping out or for keeping the men away except that I did not wish to interrupt the Court.

James Byndloss (whose examination in chief commenced on Friday, the 15th November) resumed by Dr. Bowerbank :

I have known people refuse to enter the tents and hospital. Mrs. Lodge refused to allow Armstrong saying she did not like the treatment. On the 27th of May at the request of Dr. Ross I called at Armstrongs', and Mrs. Lodge and her mother who had the attendance of them said it was impossible for him to be taken to the hospital then and I saw it myself because he was in a bad state of health. Next I went to a man named James Kelly and he positively refused saying that there was no treatment there for him and that Parson Braine had already given him assistance and he was near recovery. I turned back and went to Caleb Duany's at Thompson's pasture and on my way got a pretty good share of abuse from Kelly's people. Two women who were at Thompson's pas-

ture were rather violent. A man seemed recovering too and they refused to allow him to go to the hospital. The two women said they "did not wish to have Dr. Cargill. I told them they needn't speak of him that way because when Small-pox was over they would require his assistance and that they might not got it then." I went to one or two other places and they refused but that was after Bell and Hall's death. Campbell and Maria Downer in Townshend town also refused. No one has been in the hospital since it has been established here. Sue Clarke is a notoriously quarrelsome character—a great nuisance at night. The only charitable construction I place on her conduct is that she is half cracked. I had to bring her up lately for abusive language and she was fined 5s and costs. I received instructions to supply food, water, wood, soap and candles to the tents from Dr. Cargill. It was the order given when I first took charge. I think it was known to Drs. Ross and Cargill that tubs, chambers and lamps used in the tents were the people's own. They complained that they had to use their own vessels and Dr. Cargill said "put it in a bill." The candles were never objected to by the people; in fact Clarke kicked up a row saying she wanted oil, and oil was sent so that it was at the pleasure of the nurses they had Kerosine oil; I supplied 6d. worth. I supplied Kerosine some times along with Candles. No item in my Account was struck out. I think once I made a mistake in my addition of 20s., and Dr. Cargill pointed it out to me. I supplied the food regularly and first did so by a Diet Scale of Dr. Cargill's which I was to follow. (*Diet Scale, see page* 66, *handed up.*) This is the one in the case of James Barclay. I had another but Dr. Cargill called on me to deliver it up to him a few weeks after you had been writing the Government——

Dr. Cargill—If Dr. Ross permits me I will give it to you Dr. Bowerbank to put in.

Dr. Ross—Yes.

Examination of witness, by Dr. Bowerbank resumed—I have a copy here (*handed up.*) My orders were to supply that daily to each patient at the rate of 1s. 6d. per day. I supplied it day by day but in some instances when the Doctor came and they had any hubbub about it I gave some things additional so that

at the long run I was out of pocket by it. Dr. Cargill said on one occasion, when Sarah Francis and Bennett said they did not want that, to give them what they wanted and so I did. Francis said she was strong enough to take yam and salt fish because she had to sit up at nights to wait on them. Once Dr. Cargill ordered 4 ozs. of Brandy for Bennett and he sent it back and said he wanted Porter and I told Dr. Cargill and he said "oh certainly give it to him." I gave meat according to that diet—marked at top "Beef tea." Some times when they complained, I gave them mutton. In fact, Dr. Cargill said Dr. Ross said if mutton was cheaper than beef to give it to them. The Diet Scale when not adhered to was not adhered to with Dr. Cargill's permission. They got Beef and mutton. I sent it uncooked; cant tell you positively the quantity. I had to receive 1s. 6d. a day for each and any little extra I sent in was not charged for. Condensed Milk, Extract of Beef, Arrowroot, Sago, were not sent up by the Government from the Public Hospital—No supplies were sent. I found the things myself for the 1s. 6d. I got all round for men, women and children. In the first instance the woman Agnes Davis cooked outside for two or three days; she had so much to do it. They got noisy inside and said the food was not enough. I reported it to Dr. Cargill and he suggested to have it done inside. I did not get instructions to give the people inside what they liked but had to apply to Dr. Cargill. Nothing went in before 8 o'clock in the mornings; that was the hour I got instructions to send in the things; I got those instructions from the Sergeant-Major and that was in the first instance when I took charge. I never was employed by Dr. Ross. He never knew me till the 13th May. I got some of the articles on the spot and some from Kingston. All articles of food were sent in at 8 in the morning so as to prevent too much intercourse; only oil or Candles were left over till evening. I delivered the daily supplies to Miller and he took them to the gate and delivered them to Marshall, a Constable being always present. The things were delivered from my shop; and after Marshall went away, they were delivered to the nurses or the boy Edward Bennett who was quite convalescent. The Diet Scale was my guide and it was read to the people when they com-

plained they did not get enough. Cant say if the people got all I sent in and at what hour. I never saw more than one iron pot in the tents; and I paid 2s for it. I supplied wood for cooking but Sue Clarke sold charcoal and on one occasion I saw her using it. I have seen a fire made up at the end of the tent rope and once when it rained they made it up just at the door. Bennett and his child were the worse of the whole and they were in one tent. I remember its raining and immediately after the vallance was put down. Rain fell twice; first on the 22nd of April when Roden died ; rain fell then at 25 minutes to 2 o'clock. The fire was near enough to the tent door to prevent the rain falling on what was being cooked or outing the fire; just between the door. The vallance was always put down at night. It was during the day and when William Bennett complained of being dreadfully hot, that they looped it up. Dont think anything like warm water was looked after at night. I went over there one night through Hall's calling out that he was sweating to death. Armstrong went with me and then it was I found Sue Clarke had come out. Armstrong came and told me some one was crying over at the tents; we went over having called out and no nurse answering. We saw Sue Clarke outside and I remonstrated with her for being there. We went into the ground and saw the tent buckled up—the vallance all down and the tent door buckled with straps Hall was inside it. There were no etnas in the tents. I never provided any, nor rum for burning at night. Wiseman and Edward Bennett sent over once or twice to say they were hungry. I said the Doctor says you are to have only six crackers; they laughed and said send over a pint of meal and I did. I have heard that some of the patients sent over to my shop and purchased things. I dare say I have sold to them but didn't know. Downer said she always sent and that Wollaston bought Ale and Porter for Wiseman but I never knew for what purpose they were bought. In the first instance Dr. Cargill gave me a Diet scale, a 1½d this and 1½d that but I gave sufficient Beef to make tea ; cant tell you how much; did not keep any account. The quantity of meat for a pint of beef tea was stated in the scale I expended 1s. 6d a day for each but not with the reservation of 3d a day

I gave stimulants sometimes extras. I got 1s 6d, and extra for whatever stimulants were used; 1s 6d was given irrespective of the state of the patient—whether convalescent, dying or dead. I gave in the things at 8 o'clock and if a man died an hour after I got paid the same for the next day. Before I sent to market I never asked if any one was dead so that even if anyone was dead I would have bought the Beef and got paid. I lived at the Cross Street here, then. I had a Diet Scale to go by and went by it. The people in Berry's house got while in quarantine, food to the extent of 1s. 6d. a day. The food was delivered at the gate by a Constable's boy called Joseph whom I employed. Sarah Francis while acting as nurse got the same amount of food. According to my knowledge I dont think the people in Berry's house would have spent more than 9d. or 1s. a day; and the fact of the matter is, Heyliger said she didn't care if it went on for 2 months more. They had even Tobacco sent them there. Dr. Cargill said if I could economize and send them Tobacco or a drink out of each 1s. 6d. to do so. I dont know who administered the stimulants that I supplied, to the patients. They were given out when ordered by the Doctor—sometimes in the morning; sometimes in the evening; he ordered what kind to send; when Brandy was ordered 4 ounces were sent for the patient it was ordered for. The stimulants were given out by me on the orders of the Doctor and if he did not come on any day I gave none. As in the case of Hall, Mrs. Duncan went in and she said he was very poorly and wanted me to send him a pint of Porter. I said " oh no, I have got no orders." He got none till the Doctor came and I sent and got it. I sent in Rum and Camphor but was never paid for it—about 6d or 1s worth of Camphor; a bottle of Rum and Camphor. I gave several other little thing that were never ordered and for which I never got paid. I did it from feelings of humanity and because I wished to assist in suppressing the disease if I could. If a person in the tents required stimulants 3d a day would not be enough to supply it; why it would not buy a pint of Porter——

Dr. Cargill—That 3d. a day only applied to Barclay and no other.

Examination of witness resumed—Barclay's diet

scale continued up to the day he died which was on the evening of either the 4th or 5th of April; he went in on the 28th of March. Porter was ordered for William Bennett though he did not want it; he would not drink it but gave it away. At a distance of 9 miles from Kingston I certainly consider 2s a day for each patient, too much considering that a large stock of hospital comforts were provided, and that there are fowls, pork and so forth on the spot. I think 1s a day in the country parts reasonable, for any old woman can buy eggs 4 for 3d. sometimes. Beef is 6d a lb; Mutton, goat, 6d. sheep 1s; Pork 7½d. on the spot at Half-way tree At that time Sugar was dear and I gave ½lb for a 1½d; Arrowroot was scarce, 1s a quart; a bottle of Porter 7½d. Brandy 4 ounces for 6d or 7½d. and 4 ounces Rum for 3d. I cant tell you the daily expenditure of each article for those in the tents because every thing was included in the 1s 6d. In that amount wood and water were included. No Journal or record was kept for the tents; no prescription book; there was no one there to keep it. A bottle of medicine went in from the Police Station. It was Carbolic Acid reduced. It was handed to me by Dr. Cargill; and on another occasion a bottle of Castor Oil. That's all the medicine I ever saw. I had a conversation with Dr. Cargill. I said "Dr. Bowerbank has been pulling your Return to pieces" and he said "it was to be amended, it was incorrect." I gave him some information one Sunday in his Dispensary of the number of deaths from Small-pox. I administered a bottle of the Acid by the wine-glass; one to Bennett and to his child and to Maria Downer, over the fence—each a wine-glass full. I understood from Dr. Cargill it was Carbolic Acid. This was a day or two after these people had gone in. In the case of the child the glass was not quite so full. I left it with them to be administered but dont know if it was or not; it was to be given once a day. I think Dr. Cargill enquired of the people in Townshend town if they were vaccinated; and I think he vaccinated one or two children there; he also enquired in the tents but I dont know the reply he got. Dr. Cargill only entered the tents in the case of Roden The nine cases in the tents were, to my knowledge, the first cases in the dis-

trict. The very first case was Barclay ; after he died, Bennett took in and sent for me. I saw it was Small-pox but told him to wait till the next day the Doctor would see him; the next day Drs. Ross and Cargill came and visited him. Bennett, his child, Downer, Campbell, Roden, Wiseman, were the first cases at Half-way tree with the exception of Mrs. Stoakly; 9 of them went under the tents. One morning I went in with Dr. Cargill and saw William Bennett walk out of his tent to a bench outside on which he sat down, to bathe his privates which were very bad. He was very bad and his feet were at any rate very tender. He was not in a fit state to be bathed outside. He did not object to it but walked the distance of from here to the door (*about* 12 *feet.*) I saw him exposed, naked, outside the tent, to be washed; and I saw Wiseman being washed there, whilst I rode pass from the road; a person walking could not have seen him. I believe Mr. Trench's family who resided nearly opposite, left on account of Small-pox being in the neighbourhood; perhaps it was from the scenes opposite, but I dont say that it was. Dr. Cargill on one occasion told me he had his family and private practice to look after and that he couldn't go too near the people; that he had instructions not to do so. It was after that I was prevented going in along with him. Cecilia Smith told me that I was Dr. Byndloss instead of Dr. Cargill. I think Dr. Cargill said Mr. Orrett said he had to attend to his children and if he went too close the Small-pox cases he would have to give up his private practice. After the tents were taken down he said to me one morning in the presence of his Coachman, " Byndloss, there is to be an investigation; I hope you will be there to state that I did go into the tents one or two mornings" ; that was before the enquiry at the Station. He said " I wish you would attend the enquiry and state exactly what you did see. It can do you no harm and if you stand by me it will be as much to your interest as mine ;" that was the sum and substance of what he said. Dr. Ross told him in my presence not to go too near ; that was in the case of Bennett. Dr. Cargill told me he had such instructions. One day on the road he told me that the whole of it would come on him; " he was going to get the worst of

it, but that Dr. Ross ought to have the blame." This was in the presence of his Coachman. I only saw Dr. Ross visit the quarantine ground twice; never saw him visit any one in the tents. Dr. Cargill came there once a day; sometimes he came twice. He had the Woolford Station whilst he had the tents and some days when he came down in the evening he came to the tents. He never visited at night to my knowledge. His visit lasted as a rule 5 or 6 minutes at the outside. When he did not visit, no other Doctor did so for him. He never brought any other medical man there for consultation. In the case of the man at Grant's pen he said he would not go up if not paid. I read the remarks in the *Gleaner*. Dr. Ross asked me if Dr. Bowerbank had written the article ———

The Presiding Inspector intimated that the Court would not take the latter part of the evidence.

Examination resumed—Mr. Soutar told me Rutherford gave him the information and that he wrote it on that information ———

The Presiding Inspector also intimated this would not be taken.

Dr. Bowerbank—I again respectfully protest against such ruling.

Examination resumed—Dr. Cargill told me that Mr. Braine had stirred up all this and that if a shilling-stamp could find him he would send after him. I told Dr. Cargill "I was tired of this annoyance and of being dragged into the enquiry. I had a mind to call on the Governor"; he said "the Governor is a very equitable man and will be glad to hear all you have to say." I was asked to attend at the Station. Dougall, the Constable called me and I told him "I want to have no connection with Dr. Ross." Spence told me the cause of death of the Dennys; it was that they were brought into hospital at a very late hour of the night and that one died before or by the next morning. This was told me in the presence of James Clarke. Spence said they were brought about 9 o'clock at night or a little before 9; that they came in in a very bad state. He told me that in the presence of Clarke who was then acting as a Constable, on an evening, they were all coming up from Kingston and he stopped with me. He said he was

waiting for Dr. Cotter who had been stopped by Dr. Cargill under the gynep tree. I dont recollect at this moment that Spence told me the Doctor had not seen the Dennys. He told me that the woman Patterson was very poorly and that Dr. Cotter ordered Port Wine, that Dr. Ross had written to say to give her Rum instead which caused Dr. Cotter to get quite angry.

The Presiding Inspector—That has all been admitted I think.

Dr. Ross—Yes sir.

Examination resumed—Dr. Cargill told me he had written to the Governor in regard to the charges preferred against him by you—

Dr. Cargill—The fact is I didn't write although I said I was going to.

Examination resumed—I must certainly tell you I have been so bothered and harassed that I have no confidence at all in Departmental enquiries; I never believed in them. The Armstrongs were in a very miserable state for want of water. They resided 6 or 8 minutes walk from the Reservoir. I think 5 of the family died of Small-pox but I deal specially with Armstrong and his sister because I saw them with my own eyes. They were in very bad circumstances but I doubt if they either applied for or got Parish relief. I heard of a case of Small-pox at Swallowfield and told Dr. Cargill of it—It was at a place called Cashew Lane; and was during your correspondence and after the tents were down. I found the case convalescent and on telling Dr. Cargill of it he said "then I dont think there is any use of my going;" and I said "I dont think so; but I shant prevent you." I think quarantine at Berry's house lasted 12 days; it was then taken off and then resumed. At any rate Speck had instructions to release them on Friday and on Monday he did so. On Tuesday when Bennett was brought up, then the quarantine there was resumed. Understand me, I speak of the tents not Berry's house. Quarantine was taken off the tents after Barclay died because there was no one in them, and put back when Bennett went in. Quarantine was kept at Berry's house and the tents for two weeks; then Barclay died, the tent was removed and put back on another spot and Bennett went in. In William Bennett's

tent there were four, himself, Sarah Francis, James Bennett and Edward Bennett. That tent had been re-erected for Bennett. He had been sick from Wednesday, but was not removed to the tents till Saturday when Drs. Ross and Cargill examined him. When Bennett stood at the door of his house speaking to the Doctors the Small-pox was full; when he went into the tents they began to be flat and ran into each other. James Barclay entered the tents on the 27th of March and died on the 4th of April. Edward Bennett entered on the 15th of April and was discharged on the 3rd of May. William Bennett on the 16th of April and died on the 1st of May. James Bennett went in along with William and he was discharged. This was a bad case, but he had strict attention from the mother. Sarah Francis entered the same day and she was discharged. James Roden entered the 17th April and died the 22nd. Frederick Wiseman on the 18th of April, and was discharged. Alexander Bell the 21st of April as he had two children in the same house and rather than suffer them to catch the disease, said he would go into the tents, he died on the 27th of April. Willam Hall entered on the 30th of April and died 5th of May. Roden died very early the morning; I came up at 5 o'clock and heard he was dead. Two days after they had a row among them over there and Sarah Francis said Roden was found dead. No notice of deaths in the tents was ever given the Coroner or any Magistrate. The custom was to send and tell Speck, and then I got a coffin. I think at nights the tents being closed must have been more confining. I think they were too hot during the day, and that a larger number was required so that the people could have a change from one place to another. From what I saw I don't think there was a full complement of nurses, and I dont think the people were properly nursed. In the case of Bennett, he said he would not go in except Francis went with him. I suggested to Dr. Cargill and Mr. Braine to suspend the School near the tents. It was afterwards closed; after Plummer's child took sick. I have had Small-pox myself and seen a good deal of it. My father died of confluent Small-pox; seven of us had it in one house. So much care was exercised with us

that it was impossible we could have been fly-blown; but it is a very filthy and loathsome disease. I did not tell Dr. Ross when the tents were up that all was going on well there. I never went to his office twice a week. I never was asked.

The Court adjourned for ten minutes.

The Court resumed.

Mr. Byndloss, cross-examined by Dr. Ross—My shop here is on the opposite side of the road to the tents. I did not volunteer to you in presence of Dr. Cargill to supply the patients in the tents. I was asked by Sergeant-Major Speck to undertake the supplies but never came to you for the appointment in consequence of Dr. Cargill speaking to you; nor do I know that Dr. Cargill recommended me to you. I never saw you in the case of Barclay; never saw you the morning of the 27th of March, You told me on the 13th of April, the Saturday you came to examine Bennett to provide the people with food, water and wood. Dr. Cargill did not then recommend me as an honest, trustworthy man. You did not ask me in Dr. Cargill's presence to report all irregularities in the tents; nor did you tell me if I assisted in stamping out the disease you would recommend me for promotion to the Government. I came to your office for the payment of my Accounts it may have been five times. We had no conversations. You interrogated me one day. You never asked me if they were any complaints or if any thing was going on wrong at Halfway tree and I never said in answer to you that things were going on wrong and that quarantine was not rigidly enforced. I might have said something to you in answer to your question———

Dr. Ross--Did you ever state in my office that Dr. Cargill was working hard and very satisfactorily and that the people were well supplied with food?

Mr. Byndloss—Most certainly the people were supplied with food. I might have said Dr. Cargill had plenty of work to do.

When you came there did you ever state that Dr. Cargill was working very hard among the Small-pox people?—I dont recollect but I dont think Dr. Cargill was lazy at any rate.

And that everything was going on satisfactorily at Halfway tree ?—I dont recollect that either.

And that the people were well supplied with food ? —Oh the people were well supplied.

Do you remember coming to my office on the 3rd of July ?—I dont remember the date.

And informing me that Dr. Bowerbank had sent for you and that you refused to go as he was getting up mischievous reports about Small-pox at Halfway tree and that you wished not to have any thing to do with it ?—Most certainly not, because it was not till the 6th of July that Dr. Bowerbank sent for me through Mr. Bicknell.

Upon which I asked you if you thought Dr. Bowerbank wrote that paragraph in the *Gleaner* ?—I told you Dr. Bowerbank did not write it but that I had told Dr. Cargill that Rutherford and Silvera knew about it.

How did Dr. Bowerbank come to know of it ?—That's not my business.

At another visit you paid me did you not say Dr. Cargill was working well and that you would speak for him when the time came?—I never had any thing to say to you about Dr. Cargill's not working or working.

Another day in my office did you not tell me Dr. Bowerbank had sent for and questioned you; that he asked you to bring to his house all the persons and patients connected with isolation at Half-way tree ?—Most certainly not.

Did I not, on the occasion I saw you here, ask you if you knew of any better site for the tents than that I had selected ?—Yes, and I told you the Alm's house—it was on the 13th of April: and you said it was far too near the road; that Mr. Barclay had said so. I said why dont you get Waterloo penn and you said it was just as bad there.

Do you recollect Dr. Cargill saying Mr. Braine and the Parish authorities would not give us the Glebe or the Parish Land ?—No; but there was a talk about the site. You said there was no help for it.

What caused me to say that ?—I cant tell but there must have been something.

Upon whose authority did you purchase the pots and tubs and so forth ?—I have said already that I told Dr. Cargill and he said put them in the accounts.

Did I agree with you to send in the food cooked?—No.

How many accounts have I paid you?—I cant say positively.

Would you be surprised if they were ten?—You paid whatever I sent in for.

How much did I pay you in all?—I cant tell you because I kept no books. I keep the place for Messrs. Wray and Nephew and merely made memos, which I tore up as I got paid.

Did I pay you £34 19s 2d?—I cant tell you that. I know my first bill was something like £7 13 or £7 12s 9d; another £5; another £8 and the last I ever received was 5s.

Dr. Ross then put in the Accounts.

On the 13th April did you get £6 9s?—I might have.

In a letter to the Colonial Secretary you spoke of gross abuses. Why did you not come and tell me of those abuses at the time?—I dont recollect saying "gross abuses." I said I refused to attend a departmental enquiry because those charged were the conductors of it; and before a man who had written the Government charging me with deceit and faleshood.

How did you hear that I had written the Government charging you with deceit and falsehood? Who said I had?—Mr. Dyer and he told me Mr. Rees told him, and he volunteered to give evidence for Dr. Bowerbank. He said Mr. Rees said "As for the people in the tents let them die and be buried and be d——d." This was a little afterMr. Dyer had undergone an examination in reference to some medicines.

Dr. Ross—Mr. Dyer copied the draft of that letter your honor.

Mr. Byndloss—And he told me you called me a rascal.

Dr. Ross—Yes, but I thought the expression too strong and struck it out.

Mr. Byndloss *(in reply to Dr. Ross.)*—Dyer had just been discharged by the Police Court and was not your Clerk then. I told him "Dyer, I have no time to attend to that; if you want go and see Dr. Bowerbank yourself."

Dr. Ross—Do you remember coming to my office

after that 3rd of July and threatening me and using words to this effect; "that your day would come when you would injure me:" and when you told me that "you had been employed by Dr. Bowerbank in the last Public Hospital Commission, and that you would watch me when I went back there for the purpose of getting me into trouble"?—

Dr. Bowerbank—That's the greatest falsehood ever uttered——

The Presiding Inspector.—No, no Dr. Bowerbank.

Dr. Bowerbank—I repeat it if it is said I employed him on any such occasion.

Mr. Byndloss (*in reply to Dr. Ross*)—I never said those words and if your honors will allow me I will explain what I did say. I never was employed by Dr. Bowerbank on the Hospital Commission.

Dr. Ross—Answer my questions. Did you ever stop Dr. Cargill's buggy and say, before his coachman, words to the following effect: "that Dr. Ross had written to the Government against you and you would follow him to the last to his grave and if you could get him aside you would beat him"?—No.

Why did you supply some patients with sheets, pans, and drawers and not others?—By orders from Dr. Cargill. I never had any general authority from you. In fact, Dr. Cargill refused at first to give Bell the shirt until I said he was in bad circumstances and had none.

Did I ever tell you that I had no equipment ready for the patients in the tents but that any person using their own I would pay for them at the end of the quarter?—I never had any conversation with you on the subject

Then you deny I employed you?—Most certainly. Speck did and you confirmed the appointment by ordering me to feed Bennett's family.

Who paid you?—The Government.

Whose servant am I?—That of the Government. You paid me as the servant of the Government.

Were you employed by any other people?—Yes.

By Mr. Henderson?—You had better not touch that cess-pool. If I answer you it must be by Mr. Westmorland, Mr. Radcliffe, and Archdeacon Campbell.

The Presiding Inspector—If the object of any future questions be to shew that the witness has been guilty of

felony, it will be my duty to tell him that he is not bound to answer them.

Dr. Ross—No sir: it was put in a general way, *(to Mr. Byndloss)*—Did Mr. Hazlewood put a notice in the papers in regard to you?

Mr. Byndloss—I tell you you had better not——

Dr. Bowerbank—Your honors when I withdrew my list of witnesses it was on the understanding that Mr. Henderson's name had been withdrawn. I have no fear if he be brought here, but I ask if we are "keeping within the record" in allowing this line of examination? If Mr. Byndloss be guilty of perjury and the Court so finds at any time, I say you have the power, exercise it and send him to the Penitentiary, but do not allow this on the part of Dr. Ross when the names of gentlemen that can rebut all that, have been withdrawn on the understanding that we are to "keep to the record."

The Presiding Inspector.—If the object of these questions be to impeach the credibility of the witness Dr. Ross has a right to put them.

Dr. Bowerbank—If so, then Mr Byndloss has a right if he can to disprove the same.

Dr. Ross.—I will desist Sir *(to Mr. Byndloss.)*—Did you ever tell me that a public latrine was near the site of the tents?—No; I had no occasion. You should have seen for yourself. I am not belonging to the Board of Health.

Did you ever report to me that the Townshend town people broke the gaps after you had been paid for mending them?—No.

Did you ever report to me that Benjamin and others had gone into the tents?—I had no occasion to.

You stated in evidence that it was the law that Bell should be removed?—I dont recollect saying any such thing.

Do you recollect ever having received instructions about the bedsteads?—To make low flat beds two feet something from the ground, so as to bring them a little below the vallance of the tent.

Are you sure it was not a foot?—I had no particular orders as to the height.

Did you ever report to me that the patients said the tents were hot?—No.

The Presiding Inspector.—Did you ever report any thing at all about the tents? That's the shortest way Dr. Ross.

Mr. Byndloss.—No.

You also said you fed two children and was never paid. Whose fault is that?—Not yours. I never sent in any account.

Did I not tell you afterwards if you did I would pay you. I would pay them now?—You did.

You say you supplied food to Barclay from the 27th March. Who gave you that authority?—I got that order through Sergeant Speck.

You are quite sure you did not see me that morning?—I might have but dont remember.

You did not see me standing at the gate of Berry's house?—No, I am quite positive.

Did you ever report to Dr. Cargill about the dirty water and that smell which Wollaston and yourself considered so offensive?—I dont know it was essential for me to have done it at the time since Dr. Cargill could smell for himself.

Did you rebuke Armstrong for going into the tents?—No; he went in to see what was wrong in them.

Did you charge and get paid for soap, in your accounts?—I did but did not know they were washed with soap until this enquiry commenced.

Did you ever see Dyer up here about the tents?—No, but I heard he came to re-erect the first tent.

Are you aware he is an old Soldier and was attached to the Army Hospital Corps?—Yes and that he is very respectably connected in England; one of his brothers is a Clerk in a Bank.

Are you aware who sent him up?—I cant say but I believe you did.

Do you know if the nurses at the tents were expected to spell each other?—They never had any instructions of that kind to my knowledge.

Were the tents empty or not when the Hospital at Tarrant's was ready for occupation?—Empty.

You knew that Clarke complained Dr. Cargill ill-used her son?—She complained of him and of Speck and of the Government.

Did you report it to him?—No.

Was not that Diet Scale prepared for you, when Dr. Cargill ordered Arrowroot?—Certainly or what's the use of a diet scale.

Was it intended for the convalescent as well as the sick patients?—Those sick got it and when they got better there was a change.

Who ordered you to employ Clarke after the death of her son?—Wiseman refused to go in unless she went and I suggested her employment to Dr. Cargill and he sanctioned it.

You took a note about Roden—as to the time he died and it being said he was found dead. Did you report it to Dr. Cargill?—No.

You say you did not send in the food cooked. How is it you charged 9s a week for a woman to cook for and carry water to the tents?—No; I dont think that is in the Accounts.

"7th to" *(reading from a paper)* "15th April—to "cash paid female servant to cook for the week; and "carry water over the way—9s?"—You had three nurses and they took it by turns to cook.

The Presiding Inspector—Dr. Ross speaks of one female servant mentioned there.

Mr. Byndloss—That was during quarantine at Berry's house; Sue Clarke was paid the wages. The things were sent in to her and she got 8s. and 1s. for a boy.

Then when did Barclay die?—On the 4th.

Well here in another account you charge (*reads*) "for cooking—Agnes Davis—and for carrying water for Barclay." Here it is "to Cash paid for Agnes Davis for cooking food and carrying water—8s."; that was the 15th March. But the documents are here and speak for themselves. There is some remark about Brandy being supplied by 4 ounces. Here is an item for Brandy 4s 6d?—That was sent in from time to time. The charge is all together there.

You say you had no authority to purchase anything. Can you explain this, how is it you say here (*reading.*) "This patient desired his own bedding so I had no "necessity to supply it"—Therefore you must have had an order to supply bedding?—I had an order to supply platform beds, not bedding. The man brought in his

own bed so I did not charge for a bed for him as I did not supply it.

Did Dr. Cargill ever order you to supply Rum and Camphor?—No; I did it of my own free-will and never got paid for it.

How were the extra three-pences to be covered when there were extras in the account?—I told you before that Dr. Cargill occasionally ordered extra four ounces of Brandy or something else for the people.

There was one patient buried at midnight?—Yes, Barclay at 12 o'clock. He died at 4 and I had instructions from Dr. Cargill to bury him as quick as possible.

You have no further charges against the Government?—Except for sponge and so on.

Dr. Bowerbank—You say that not being much of a business man you did not keep accounts?—Yes.

Is it usual after paying accounts duly audited to analyse them eight months after?—No.

Dr. Bowerbank (*to the court*)—That closes my list of witnesses; with the exception of a few others: I should have been glad to have got Samuel Brown but as I cant I suppose I must do without him.

The Presiding Inspector—There are two witnesses whom if either side do not call the court will—they are Lee and Amore.

Dr. Bowerbank—I suspect they are unwilling to come. They were on the list I gave in and I should have been very glad to have examined them.

[It was here mentioned that Mrs. Amore had expressed her willingness to come provided an omnibus was sent for her, as she had just recovered from a fit of illness; and the Inspectors made an order accordingly.]

In reply to the Court,

Dr. Ross called

Robert Rogers (examined by Dr. Ross)—I arrived in Jamaica on the 5th of February 1872, and remember when the Sterling Castle hospital was opened; it was on the 15th of the same month, by Dr. MacMahon and myself. A general lot of supplies for the patients were sent up—I speak of medicines and comforts. This is a list (*paper handed up*) of the goods sent up. (*Both lists put in by Dr. Ross.*) You mentioned to me that anything I required to tell you and you would send it up; and you and I had se-

veral conversations at your office and house in regard to the patients. Every time in fact I came down from the hospital I called. You told me if any one came in with his own clothes and got them destroyed you would pay for them. To meet the emergency I consider you did the best you could. I remember getting a letter from you on the 24th of February. (*Letter handed up.*) This is it, and this (*handed up*) from me to you, (*Both read.*) I paid 17 visits to the Sterling Castle Hospital altogether and kept no journal while I was there. The Prescriptions and dates are in my hand writing (*looking at a Book.*) I went to Sterling Castle Hospital three times, sometimes four times, a week. On returning from my visits to Salisbury Plain I would call in and see the patients. This was generally on Saturday having been there the day before. I remember Alexander and Henry Denny; they were admitted in hospital. They lived in Casselles Valley and it was by the merest chance I found out they had been ill. It took me at least an hour to get there. When I went they did all they could to conceal the cases, but I examined them and said I would prescribe for them. On second consideration I thought it better for them to be brought to the hospital. I had desired them to send a messenger there for some medicines and when the messenger came I said I had changed my determination —that they must be brought to the hospital. It was the 8th of March I saw them. Casselles Valley borders on Maggotty Hall. I saw the Dennys in their houses laying on mats in a miserable condition—it was a little hut full of smoke; very unhealthy; earth ground on which there were mats; nothing was over them; there was no ventilation whatever; but one door and not a window; thatched roof; I had to stoop to get in through the door. I saw them on Saturday morning and had them removed. I was not at the hospital when they arrived but I prescribed for them and left directions with Mr. Spence; that was on Saturday evening, the 9th of March, but they were not brought in till the Monday morning; they should have been on Sunday. I had waited till late Saturday night and expected them in then. I saw one twice; the other three times. That Saturday night I left the hospital at

past 7. Saw them the following Tuesday but they had commenced their medicine on Monday which I did not repeat as they had sufficient. I remained at the hospital till 4 that day, Ordered them nourishment. It is marked down here (*looking at a book*) a pint Beef tea daily to each. That order was made on the Saturday. I went up again on Friday as a special messenger was sent for me on Thursday evening. I believe you met the messenger. I heard that one of the Dennys had died and been buried early that morning; that was the eldest. I saw the other one that day. His throat was fomented and he was to go on with the nourishment. I told Mr. Spence to give the men each an ounce of Brandy three times a day. The young Denny was crying when I saw him and fretting very much at the loss of his brother. He died the Monday following. I went up there and heard he had died that morning. I remained there as I saw a crowd outside and thought there might be some trouble. I read the prayers over him to satisfy the people and keep them away. I have tasted the Beef Tea the patients got at Sterling Castle. It was very good. Both Dennys had confluent Small-pox. The younger one had a very bad attack of Gonnorrhœa, which lowered the system very much. They were ordered to be kept clean and I prescribed a gargle. I heard it said in evidence here, that they had their trousers on, I deny it. It's a lie. They had a rug and sheet over them. Whoever says they had their trousers on does not speak the truth; it's not true; it's a falsehood. They were kept very clean. There was a little difficulty in getting a nurse but I got one with Mr. Spence's assistance. They were paid as high as any nurses in England or Ireland. They were the best I could get and were very attentive. I was instructed to employ as nurses people who had had or had seen Small-pox. I had seen cases in which Lee had attended before he came at the hospital. I have seen my share of Small-pox as a young man; a little in Ireland, England and America and a little aboard a Royal Mail Steamer. The bodies of the Dennys were kept about 6 hours; perhaps not so long. I saw that of the younger Denny put in the coffin myself. It is absurd for any one to have it on their mind that I never saw them. Why I nearly lost

my life in coming up the valley. I never heard any one say they were found dead. I dont believe a word of it, I have heard it here—all lies. They did not die soon after admission. I remember your inspecting the hospital with me, I made an entry in the book; here it is. You interrogated the patients and asked if they had any complaints. I gave up charge on the 19th of March to Dr. Cotter. Before that I had brought him over the district. We were pretty well off for water; had a well and two or three tanks there. I drank the water there myself once; it was very good. There was rain up there some times; one tank had water; there was no scarcity. I wrote you several letters applying for stores and got everything I asked for—Extract of Meat, Brandy, Rum, Rice, Arrowroot. I vaccinated whenever I went up.

The Court adjourned till 11 o'clock Wednesday morning.

WEDNESDAY, 11TH DECEMBER

The Court met at the usual hour this morning.

By direction of the Court Dr. Rogers pointed out the Prescriptions, as they appeared in the Book, he had ordered for the Dennys.

Dr. Rogers (*to the Court*) I told Constable Baker on Saturday to go to Casselles Valley and bring the Dennys to hospital. This was at 4 o'clock in the evening, and I expected they would have been brought in that night. The distance was about 4¼ miles, a quarter of a mile of which would not be good. I cant say how it was they were not brought in that night. I gave no instructions that stimulants should be sent with them because they would not have got it; I think the men would have drank it. I dont consider they wanted stimulants at all when I saw them. They could have had as much water as they wanted on the way and there were many houses on the way——

The Presiding Inspector—Did you think the Queen's servant's, the Constables, would have stolen the stimulants?

Dr. Rogers—Well, I dont know. I was told the Dennys were four days ill; the woman Eliza Allen

the same. The eruptions were well marked especially in the face.

To Dr. Ross—While the patients were sick they got beef tea, arrowroot and other comforts from the Government stores in hospital but when they became convalescent they were fed by Mr. Spence.

Cross-examined by Dr. Bowerbank :

How long have you been in practice, what are your qualifications and the dates of them ?—I have been two years in practice and am a Licentiate of the Royal College of Ireland in Medicine and Surgery ; and Licentiate of the Royal College of Physicians and Midwifery in Ireland. I had two separate examinations and the date of my Diplomas to practice is 1867 or '68—my medical one in '69 and the other in '71.

How long have you been attached to the Government Medical service ?—Since the 5th of February 1872.

You state that a long list of medicines was sent up to the Sterling Castle hospital. Are medicines of much use in the absence of a medical man to prescribe and dispense them ?—In this country there are unfortunately a great many people who take upon themselves to prescribe that have no right to. In this case I prescribed myself and left the medicines with another person.

When you were sent up to take charge of Sterling Castle hospital did you get any instructions written or oral as to protecting yourself from the contagion or infection of Small-pox?—Yes, I was told by Dr. Ross on many occasions not to come into town without disinfecting my clothes, which I adhered to. I got instructions to attend the patients in hospital or any person on my way.

Have you mentioned to any one that instructions had been issued that the medical officers should not go within so many feet of Small-pox patients ?—That's all bosh. I didnt pay any attention to it. I had no such instructions from Dr. Ross. I was told not to lean over the patient but I had to do it ; I had to lean over the chest to examine for Pneumonia. I had just come to the island.

Do you think there is any thing peculiar in the climate here in examining a patient? Would you do it in Ireland ?—I would and have done it. Here the patients are not so cleanly. I must stand up for the old country

you know. When I first came I had to ride up in the hot sun and I know I would not be considered to have to go through as much slavery at home as I did out here. I dont know there should be any difference in attendance here than elsewhere.

How long were you in charge of the Sterling Castle Hospital?—About 17 days; from the 18th February to the 19th March.

You state during this period you paid 17 visits?—I used to go up 3 or 4 times a week.

Can you give the dates of those 17 visits?—I could. I was there 3 or 4 times a day; sometimes on returning from vaccinating.

Can you call those visits?—Certainly.

Not visits from Kingston?—No. I went up twice a week from Kingston and remained sometimes two days in the locality.

How many visits did you pay from Kingston?—I went ten times.

Who engaged Mr. Spence to look after the Hospital?—I did.

Was he paid or in any way remunerated for his services?—I dont believe he was. He offered his services to me and I accepted them.

Had you had any previous acquaintance with Mr. Spence?—No, but I knew some people who knew him.

Then you knew nothing of Mr. Spence's antecedents?—I may have if I went to the trouble to find out.

As a new comer are you able to understand the people and could they understand you?—Even now is this the case?—I think they do very well.

Even during this Court?----I think they did.

You mentioned during this enquiry on several occasions that they did not tell the truth, are you sure you understand what they meant?---Yes, that they told lies and it is a great shame that any sensible man should believe them. I was at the Public Hospital with Dr. Ross and I fancy he understands about the nigger language.

Who engaged the different nurses?—I and Mr. Spence; he assisted me. We had 3 nurses but not all along.

How many were they?—Two at first till the Dennys came there, when we got another.

What was their pay and what their duties?---I think I allowed them 16s a week each. They were to pay attention to the patients ; to keep them clean and see that they got what nourishment and other things that were ordered.

You stated they were better paid than in other counties. What is the usual pay of a nurse in Great Britain? ---Assistant nurses there get 7s. a week---a head nurse 15s. and they are fed. They get ½lb a bread, 12 ounces meat, ¼ of an ounce of tea and a drink of beer.

Did you give the necessary instructions as to nursing the people, changing their clothes, washing them and feeding them, and administering medicines ?----I did.

Then you considered yourself responsible?----I did.

Were those instructions faithfully carried out and to your satisfaction ?----I put very little confidence in nurses in Jamaica but I think they did their best; when I was there I saw them carrying out my instructions but I dont know how they acted when I was away.

Had you day and night nurses ?----I think they took half the night each. I told them not to weaken themselves by setting up.

You have told us that there was no supplies of clothing provided by the Government ?---No sir I did not ; they had rugs.

Would the old cast of clothing of the Public Hospipital have been sufficient?—I dont know about the clothing they have there; perhaps they had none to spare.

Did you ever see the people bathed ?—Yes, some children. I used to assist myself; and dressed their toes with the jiggers.

When and where was this done and what composed the bath ?—Between ½ past 8 and 9 in a half dozen small tubs; ordinary tubs for the bed-chamber, the size of a foot-bath.

Was a bath made at Sterling Castle for the Government ?—There was a large bath made by my orders.

Did you ever see it used ?—I cant swear I saw it used but am certain it was for I saw water in it. I dont know whether they ever got into it or not.

Had you any means of obtaining warm water on any

emergency ?—Certainly we had. The big bath was kept at one side of the hospital where the Dennys were; not in the ward, but under the same roof. I told the nurses always to give them tepid baths.

The mornings and evenings up there are cold and chilly. Was cold water ever used at these times to bathe the people ?—The mornings and evenings up there are not cold and chilly but very pleasant.

How often were the rags changed or washed ?---I cant say how often but at any rate we had plenty of them.

Was there a proper supply of old linen. How often did the people have their clothes changed?----My instructions were always to keep the clothing clean and always to change them when soiled. I never saw any soiled clothes on them. We were very well supplied with plenty of lint.

In the absence of a supply of old linen, how were the people dried after bathing ?----We had a lot of lint and I certainly would use that if I had nothing else, but I consider the nurses looked after that. The people brought in their own clothing. I think there were towels got. I saw some there. The people had their clothes changed whenever they required it. When one shirt was taken off the other was washed.

Can you state of your own knowledge what the people got for breakfast, for dinner, for tea, daily ?----When very ill they got arrowroot, a cup of tea and Biscuits for breakfast. If they did not like that they had condensed Milk, arrowroot and rice. They were hard to please; not used to such good food as they got up there. They wanted a lump of yam and not getting that they were not satisfied.

At what period do you consider the disease most serious?—I consider a Small-pox patient generally gets worse the eight or ninth day, sometimes about the fourteenth he gets Diarrhœa.

What would you give him then ?—Arrowroot and so on. Tea or Coffee for breakfast; some got butter on their Biscuits. They got arrowroot, rice and milk for dinner. Coffee or any thing they liked for supper.

Were you ever there at night ?—I dont think I was ever there after a quarter after seven.

How much Beef tea did each person get daily·

When was this served out?—A pint. There were eleven patients so that eleven pints would be five quarts and a half and two ounce tins of Liebig's Extract of meat was given each day, used in two quarts and a half of water, and I consider that quite strong enough for Small-pox patients. All were not getting beef tea at the same time; they did not like it. I tasted it and it was very good.

You state it was very good. Did the people like it. Was the diet scale adhered to in giving the people food? —Some took it ; there are some alive still that took it.

Was the diet scale adhered to, in giving the people food?—Yes.

What was the daily allowance of money per head for food?—There was no money allowed for any food when the patient was really ill but when convalescent 1s. 6d. or 2s. a head was given.

Was this independent of the hospital stores?—Yes. They did not get arrowroot etc when they got the money allowance, but I had handed them over then to Dr. Cotter.

Did you audit the accounts and attest their correctness?—I did. I looked over the accounts and Dr. Ross corrected them. I did not know the prices of certain things here.

Who gave out the stimulants, and who administered them?—After I left, Mr. Spence had charge of the stores and he gave out the stimulants. I gave it to them once or twice myself when I was there.

Who was responsible for this at night?—I considered him the proper person in my absence, having offered to do it. He was not expected to get up at night; the nurses were responsible for that work at night.

Who saw that the nurses attended to their duties at night?—I fancy Mr. Spence did. I didn't for one; I am certain he must have.

Do you know his habits?—I do not, but I am certain if anything went astray he would have told me.

Have you had much to do with the management financial and otherwise of Public Hospitals?—I have for years. I lived in one for years; in Mercer's hospital, Dublin.

When did Dr. Ross visit the Sterling Castle hospital?—The 4th of April.

Up to his doing so was meat beyond the Beef tea, ever served out to the people?—There was no meat served out in my time. The children had sore toes and other things, and were kept on tea, pap and rice all the time.

In what form was the Pork, Turtle, Fowl and so forth served out to the people?—I know nothing about it. I was not there then.

Do you approve of the establishment of Small-pox Hospitals generally?—That's not a question for me at all; that's for the Government.

Isn't a Small-pox hospital a great centre of disease?—You must chose the lesser of the two evils.

Do you approve of the isolation of Small-pox in a district months after the disease has appeared in such district?—It all depends upon what kind of a district it is.

Yours——that wide-spreading one?—The disease was there for many years.

Will you state on your oath it was there for years?—Yes. I heard it, but dont take it down.

Then why did you say it existed in that district for years?—I heard so, and I certainly think in a country like this the people could hide Small-pox for years.

Can Small-pox be mistaken for any other disease?—I didn't come here to answer that.

Do you think it advisable to move persons in an advanced stage of Small-pox. Do you think this can be safely entrusted to ignorant and irresponsible persons?—People in Jamaica dont consider themselves ignorant.

How many cases of Small-pox did you attend at Sterling Castle Hospital?—About eleven.

How many died?—Two. I attended no cases of Small-pox out side, but saw one or two with another medical man.

Have you known any instance of a patient dying soon after being taken to the hospital, unseen by any medical man?—I have not.

In what parish does Mr. Whitfield live?—Bordering on St. Catherine and St. Andrew. About 16 miles from town. I vaccinated in St. Catherine.

Do you think it right or humane to separate young infants from their mothers when suffering from Small-pox?—No, and I have never done it. The youngest child in the hospital was 3 years old in my time. I never knew either of the Dennys had a child. I did not give orders to separate it from its mother. I never sent a Constable to take Isabella Fuller.

Were any Constables placed under your directions and by whom?—Constables were under my directions. I saw a letter they had.

What instructions did you give them as to Sterling Castle Hospital?—I told them to allow no person in the hospital; to go round certain parts of the districts and find out Small-pox cases for the hospital.

Did those Constables at any time keep watch over people suffering from Small-pox in their own houses?—They did.

Did you instruct them to threaten persons who were unwilling to leave their houses?—I did not.

Or to press people to carry patients to the hospital?—No.

Or to compel people to go in to the hospital when they did not wish to do so?—No.

Did the Dennys object to be removed to the hospital?—They did not, but seemed to be more comfortable there.

Did you authorise any Constable to remove patients suffering with Small-pox from one house to another and there to keep them?—No.

Did you ever report to the head of your department that the people were hiding their cases?—I told Dr. Ross it was very hard to find out the cases and that it was by the merest chance I got to them. You know the negro well; they hide anything.

What do you think was the cause?—The only reason I can assign is that they didnt wish to have their friends taken away from them.

You stated that you saw the two Dennys at their houses and that they were ill and miserable?—I saw the two Dennys at their houses on Saturday, but I did not say yesterday they were ill and miserable.

The Presiding Inspector read from his notes of Dr. Rogers' examination where he stated: "I saw the

" Dennys in their houses laying on mats in a miserable " condition."

On what day of the disease was this? You said you prescribed for them ? Did they get the medicines ?—I was told it was the fourth day but I thought it the fifth. I did but on second consideration, I said it was better to remove them to the hospital because they were miserably poor. I ordered milk and water and one woman said she had not got it.

Can you state at what hour they arrived at the hospital on Monday night ?—I cant say but was told they came in the evening.

Taking your opinion then, that would be the seventh day of the disease ?—Yes.

At that time was it not cold and chilly ?—In the evenings it is very pleasant there. These people dont mind cold you know.

Was the disease not confluent then ?—No.

Would not physical agencies as exposure to cold tend to change a discreet case into a severe one ?—Yes.

Such as exposure in the night ?—Yes.

Did you take care that proper stimulants by the way were provided in case of necessity ?—They did not require stimulants in the way.

Do you think the best time to remove a patient with Small-pox, in a mountain district is from 3 to 8 o'clock in the evening?—The way they went along was pleasant.

Do you think in cases of confluent Small-pox, it is satisfactory to see a patient only twice a week ?—I obeyed the orders of Dr. Ross.

How often did you see Alexander Denny at the Sterling Castle Hospital ?—Twice. On Tuesday and Friday. One was dead and buried after I had seen him once. Alexander it was.

Dr. Bowerbank.—Then you saw him on the Tuesday; that is once ?—Yes.

How often did you see Paul Henry Denny alive at the hospital ?—Three times—Tuesday, Friday, and the third time I saw him dead.

Dr. Bowerbank.—Doctors cannot do much for dead patients ?—He died early in the morning before I got up.

What caused the people to collect after the death of the second Denny ?—Dr. Ross gave me instructions to

keep away the people from the dead bodies and I thought they would surround the coffin, cry over it, or fall on it, so I went and read the prayers.

Was it by your orders that Dennys friends were at times refused, and at others admitted into the hospital?—My instructions were that no one should enter the hospital, but I gave permission to allow Dennys' family, their mother—to see them once. I had the privilege.

As far as your experience goes does the climate in any way affect vaccination in this island?—I believe it does the lymph.

Have you observed peculiarities in vaccinating the darker races?—I have perceived peculiarites in the darker classes—the skin is thick and I dont like to take the lymph off because they are very dirty. I am talking of the poorer population. Sometimes it, the vesicle, inclines to slough and I have observed this on the 10th day when it was not taken away at all.

What was the result of your vaccination?—Nearly all were successful. I did not vaccinate more than 20 or 30—16 or 18 succeeded.

Were you instructed to use Bryce's test?—No.

How would you define a case of Hœmorrhagic Small-pox?—I am not supposed to answer that. You are slurring the College I got my Diploma from. I value my diploma as much as you do yours.

Dr. Bowerbank.—You are mistaken. I am doing no such thing, I am merely asking the question for the information of the Presiding Judge.

Dr. Rogers.—I never saw one in this country.

Would you consider a case as hœmorrhagic because at the early part of the disease, hœmorrhage took place from the nose or any other outlet of the body?—Oh, excuse me. I did not quite understand you at the time. I saw one case; Dr. Ross saw it too. I think it generally occurs in females. The case I saw was in one about 22. There was the ordinary eruptions—the spots small and dark, and the patient had hœmorrhage from the vagina and nose.

Suppose a person at the commencement of the disease bled from the nose or had Menorrhagia, would you consider it a Hœmorrhagic case?—I think so.

Is it not a very common occurrence in febrile affections?—It is not common.

Would you consider it wrong to try and check this Menorrhagia?----Certainly, at any time.

Even in any other acute disease? Say in Yellow fever or in Typhoid fever?---I would certainly. I know nothing of Yellow fever, and Typhoid fever occurring here is very different from what it is in Ireland and England.

Dr. Bowerbank.—I am sorry to differ with you in opinion. I know no difference in the type of Typhoid fever. I believe it to be purely the same disease here and there.

Dr. Rogers.—There have been great changes since you studied.

Dr. Bowerbank.—So there have Sir, but I do my best to keep up my knowledge—and I think I do, and ought to, know something of the diseases of this island.

Or Bleeding from the nose?----Certainly.

Then you would let the patient die from hœmorrhage without attempting to check it?----No. I would stimulate the patient and at the same time support his strength. I would try the ordinary remedies to relieve him.

Does the form or type of the disease (Small-pox) in a great measure depend on physical agencies, and upon treatment?----I think so.

Do you think treating a Small-pox case in a close hot confined tent or room, would influence the form of the disease?—Yes.

As far as you have seen the outbreak of Small-pox in this island would you consider it has as yet assumed a severe epidemic character?----No it hasn't.

In the districts in which you were did the people hold Wakes?----I never saw one here. I saw a crowd about a house one day and asked----this was when the hospital was just opened----what was the matter. I was told they had collected to bury their dead. I think it was a Small-pox case; if it was I did not think it my business to see to it. I had only just gone there; the first or second day.

Can you state how long before you went there, Small-pox existed?----I have heard for years.

You stated that the Dennys never had their trousers on while in the hospital?----I never saw them with any.

Are you prepared to prove this was so, when you were not present?----Certainly they had on trousers but they were taken off when they went there. I saw it with my own eyes: they wern't on when I was there.

You have stated that they were covered up with a rug, did you take this off?—No.

Do you consider the people who carried the Dennys and Elizabeth Allen were fairly remunerated?----They should not have been remunerated at all, I think. Why, it was a God-send for them to have been taken out of those huts for they had nothing to eat. One man came to me and asked for pay ; I said I had no orders but would ask Dr. Ross. He said 2s or a dollar each but I never gave it to them. When they came up to the Hospital they got to eat and drink.

You have said that as a young man you have seen your share of the disease. (Small-pox.) Do you consider that Small-pox patients require to be carefully watched and attended to and to be physically examined. Are the complications and sequelœ of Small-pox numerous and dangerous?----Yes.

Of all diseases does Small-pox require good and careful nursing as regards cleanliness, feeding etc.?---Certainly it does.

Do you consider fly-blow of Small-pox patients positively unpardonable, or a pardonable offence on the part of good nurses in a so-called Hospital?----It is not unpardonable but I never saw it in this country.

Was one or both the Dennys fly-blown?---I never heard they were. I am sure they were not.

Did you not hear that one was, from Mrs. Amore?---No.

Dr. Bowerbank.—Here again is the result of the delay. Mrs. Amore has not been brought here.

The Presiding Inspector.—Will you tell us what you mean Dr. Bowerbank ?

Dr. Bowerbank.—I say Sir, that many of the witnesses from different parts, have been tampered with. I say it before God and man——

Dr. Ross.—I protest——

Dr. Bowerbank.—I say Sir, that I believe Spence told that woman (Susan Moore) who has told us that he spoke to her about the matter before she came here, what to say. I say it fearlessly Sir, I believe witnesses have been tampered with. Let them bring a prosecution against me I dont fear it. I have been threatened with lots of actions already, but that hasn't frightened me. I fear neither man nor God. If I move in an enquiry of this kind nothing shall intimidate me. *Fiat Justitia ! Valeat Veritas !*

The Presiding Inspector.—You dont fear neither man nor God? I am very sorry to hear that Dr. Bowerbank.——

Dr. Bowerbank—Thank you sir for correcting me in making use of such an impious speech. I meant to say neither man nor devil.

The Presiding Inspector.—You have thrown an imputation on the witnesses that the Inspectors can hardly allow.

Dr. Bowerbank.—I repeat that some of the witnesses have been tampered with as Ellis Davis and others who will not now repeat what they stated before to Mr. Trueman and others.

Dr. Cargill----I hope Dr. Bowerbank absolves me from any such participation, and I hope he now sees how easy it is for a person to make a *lapsus linguæ* as he himself just now did. Perhaps he can now make allowance for my mistakes.

Dr. Bowerbank—I will deal with you by and bye Dr. Cargill. I have been threatened with Legal Actions, let them come. (*to Dr. Rogers.*) You have stated that all that was said here about the Dennys at the Sterling Castle hospital was a lie ?—Certainly it is, and I am surprised that an educated man like you should believe a word of it ; that's more.

Do you think a sweeping assertion of that kind on your part with your limited experience of the people and the very limited opportunities you had of judging of the real conditions of matters, as regards the Dennys, is prudent and discreet and likely to add weight to your evidence ?

The Presiding Inspector—That's a question for the Inspectors.

Dr. Rogers—I was several times at Sterling Castle and that gave me quite enough opportunities of observing the people.

Is it not possible that the patients might have been prepared for your reception. Might they not have received an additional cleaning etc?—They knew the mornings I went up but not when I would return on Saturday evenings, for at times I have gone home another way.

To Dr. Ross—Some of the children were convalescent in my time; one was taken in nearly well. I told Spence to get anything he liked, or that the children liked and he got Salt fish and yam. Here I see in this Account (*looking at paper*) "31st March '72, 8 lbs Salt-fish at 6d." March 4th, 3 Towels;" iron spoons; sauce-pans, brush, tin Kerosine lamps, knives, etc. I certified this account because I saw the Articles.

Henry de Cloudesley Mitchell (examined by Dr. Ross) —I am Clerk in the Medical Office and know Mr. Byndloss. Saw him at your office half a dozen times or more. He came on public and private matters—to receive money for his accounts and on other occasions. On each occasion that he attended the District Court he came into the office. I have heard you ask Mr. Byndloss how the Small-pox patients at the tents were getting on; and whether they got all that was ordered for them—to spare no expense; and he told you there were no complaints and that Dr. Cargill was working hard among the patients. He said Dr. Cargill was very energetic; he never spoke any thing against him. He said that Dr. Cargill had charged him with having spoken against him to Dr. Bowerbank; that it was untrue; that he had afterwards satisfied Dr. Cargill it was so, and that Dr. Cargill had made an apology to him for having charged him with having told anything to Dr. Bowerbank. I do not remember hearing him on one occasion say he would speak for Dr. Cargill when the time came. He said Dr. Bowerbank had sent for him—these conversations took place nearly every time he came to the office so that I cant fix any particular day with reference to any particular part of them —he refused to go as he didn't want to be mixed up in any enquiry; that he was sent for a second time and went. He said Dr. Bowerbank could get nothing out of him.

I remember his coming into the office after you had written a report to the Government. He came in a rather angry way and asked where you were; he was very much annoyed. I said "the Doctor is inside his private office;" and he replied "I have heard he has written against me to the Government." He said "I tell him what it is if he makes his fun with me I'll pull the guts out of him as I would out of a duck." Then he went in to you. If I remember rightly I told you Mr. Byndloss wished you and you said "shew him in." I did not hear any more but this; did not hear him say now that they had given him cause to speak he would speak. What I have mentioned is about all I heard him say about injuring you. I heard you tell him he was to supply all that was ordered for the sick patients; to do his best to assist you in stamping out the disease in the district and that he was to report anything he heard, to you. Dont remember your saying if he did you would recommend him to the Government. I did not hear any conversation between you about a paragraph in the *Gleaner*. I know Dyer. He was the Storekeeper in the Medical Department and was so at the time you wrote about Mr. Byndloss. He was ordered up into the office at that time. I believe the rough draft of the letter was yours and that he made a fair copy of it, for on examining it with Delfosse Dyer came to some name you had used and he laughed and said "that's rich." I remember Mr. Byndloss coming to the office on the 3rd of August and saying in reply to you that there were no complaints.

To Dr. Bowerbank—If I were told I had been called a "rascal" I should feel rather excited, and would go in an excited way to the party whom I had heard had said that, but I dont think I would have used the expressions Mr. Byndloss did. Mr. Byndloss was responsible as Contractor but not for the conduct of the tents. He was not a nurse, but a Contractor. I shouldn't say as Contractor he was responsible to the Government for what went on in the tents. He said he felt rather annoyed about Dr. Cargill.

Dr. Bowerbank—And if he said that, he told God's truth.

The Presiding Inspector—He said lots of things of him afterwards at any rate.

Witness (*to Dr. Bowerbank*)—Abuses in Jamaica generally come out when two men quarrel.

To Dr. Ross—You asked Mr. Byndloss to report any irregularities that came under his notice, at which he seemed perfectly satisfied. Dyer came down one morning after one of the tents had been been up and reported that it was stupidly put up and you instructed him, being an old Soldier, to have it properly fixed.

Frederick Scudder (examined by Dr. Ross)—Am Dr. Cargill's Coachman and know Mr. Byndloss. Remember his stopping the buggy one day we were driving up and he was going to town. Dr. Cargill stoped him by the Bridge and told him the enquiry was going to come on at the Station and he hoped he would be there. He said no; he dont able to come there. Dr. Cargill ask him why, and he said he dont like to meet a man like Dr. Ross because he done him an injury. Dr. Cargill ask what injury, and he said that Dr. Ross wrote against him to the Government. Dr. Cargill said he dont believe Dr. Ross would do such thing; he said oh, yes; and if he could catch Dr. Ross any where he would kick Dr. Ross; he said kick and beat Dr. Ross, and Dr. Cargill laughed. He said he would not go to that enquiry but when this enquiry come on he would be present and he would try his endeavours to injure Dr. Ross. Another day he stop the buggy before the shop and said "You know what Dr. Bowerbank has done;" Dr. Cargill said "no;" he said "Dr. Bowerbank send every day upon a horse to fetch down the people to him to tell him about the tents;" and that Dr. Bowerbank have called him but cant get nothing out of him and that whatever he said he would be able to stand by because he have shoulder enough to bear it; and that he told Marshall not to say anything against Dr. Cargill because Dr. Cargill had done everything fair; that the only person he is going to injure is Dr. Ross.

To Dr. Bowerbank.—I dont know if I ever accused you of bribery. I never said so; who say I did, lie. I can prove that. Have been with Dr. Cargill 12 months. Recollect April last; recollect driving Dr. Cargill to Mrs. Douglas's pen and meeting Mr. Nairne, with Mr Ben-

nett. We met Mr. Nairne several times; dont recollect Mr. Nairne then speaking to Dr. Cargill.

Dr. Cargill.—He could not have heard what passed because I got out of the buggy.

Dr. Bowerbank.—If Dr. Cargill says that to the witness then I may as well stop.

The Presiding Inspector.—Did you hear the Inspector say anything about a sick lady to Dr. Cargill?

Witness.—No Sir.

The Court adjourned for ten minutes.

The Court resumed.

Lewis Delfosse (examined by Dr. Ross.)—Am Clerk in the Island Medical Office and know Mr. Byndloss. Have seen him at the office several times; on seven or eight occasions; sometimes to draw his pay. I have heard you ask him if the Small-pox patients at Halfway Tree were getting on well and he replied that they were, and that Dr. Cargill was working hard; that they were well supplied with every thing, and had no complaints. You asked him on several occasions to report any irregularities, that might come to his notice and he said he would but that there were none at present. I cant remember your asking him about quarantine; but on one occasion he came, he said that Dr. Bowerbank had sent for him, and that he refused to go because he did not like to mix up himself in any enquiry with Dr. Bowerbank. Another time after, he said he had gone but had not told Dr. Bowerbank anything against any body. He said that Dr. Cargill had charged him with having spoken to Dr. Bowerbank against him but that he had satisfied Dr. Cargill after, that he had not done so. I dont remember his saying he would support Dr. Cargill when the time came. One day he came to the office in a very great pucker and asked for you. We said you were inside. Then he said he had heard you had written to the Government, and that you had better mind how you were acting for his time would come to speak. and you would give him cause to speak. He also remarked that he would pull the guts out of you like he would out of a duck. I dont remember anything else. You told him to get every thing that was necessary. I know Dyer; he was medical storekeeper. Remember one

morning he complained that the tents were not pitched properly, and, he being an old soldier, and understanding it, you sent him up. He copied your letter about Mr. Byndloss to the Government.

To Dr. Bowerbank—I would be excited if called a "rascal." It may have been a silly remark about pulling out guts; many of these conversations took place whilst the tents were up. Mr. Byndloss was only the Contractor. I think if he knew of irregularities there he should not have said there were none.

Dr. Bowerbank—The tents were not used after the middle of May, and I never saw Mr. Byndloss till after the 6th June.

To Dr. Ross—The Department derived its information in regard to Small-pox cases from the Fortnightly Returns of the Medical Officers.

To Dr. Bowerbank—I cant say that any medical officer reported that he had merely forwarded Returns he got from Constables.

John James MacMahon (examined by Dr. Ross)—I was supernumerary medical officer at the Public Hospital for six months. Arrived in the Island on the 4th September 1871 and left on the 1st March for Port Antonio. Was employed vaccinating in the Red Hills.

Dr. Ross here put in several letters identified by Dr. MacMahon, between the latter gentleman and the Department, in reference to his duties in vaccinating, and in one of which Dr. MacMahon reported that his services were almost nullified in consequence of children vaccinated not returning; the then Head of the Department (Dr. Steventon) repeating instructions to continue his work, and advising him to apply to the Clergy in the district to try and secure if possible the attendance of the children. The last of these letters was dated the 10th January 1872.

Dr. MacMahon (examination by Dr. Ross resumed)—I was asked if I had any objection to vaccinate in the district and I said I had not. I went to Maggotty Hall, St. Christopher's and all about in the Red Hills. I vaccinated 450 successful cases and 100 unsuccessful; that is to say they did not return. I continued in the district up to Christmas. On the 25th December I went up but found no children and then I reported that no children

had returned and that I awaited further instructions. I got instructions to continue and did so for some time. There was a report of the existence of Small-pox in the Red Hills. The first report was a letter from Mr. Anderson reporting it to the Custos and the Custos's letter shewing that there were 13 cases; and that one died. That was the first intimation to the medical office of the existence of Small-pox in the Red Hills. (*Letter from Mr. Barclay to Dr. Steventon read.*)

Dr. Bowerbank called attention to the fact that the letter was not signed as Chairman of the Local Board of Health.

Dr. MacMahon (*examination resumed*)—I got a letter from Dr. Steventon dated the 4th January signed by Mr. Rees. (*Letter read, ordering Dr. MacMahon to proceed to the place Small-pox was reported to have existed, calling at Half way tree for two Constables who would accompany him.*) This is my reply dated the 6th of January. (*Letter read reporting that acccording to instructions he had gone to Cooper's Hill where he found Small-pox cases; six were suffering from the disease, and seven convalescent. A report had reached him that there were numerous cases in St Christopher's, and the Padmore district. While at Coopers' Hill he vaccinated six children.*) After that I was sent up to Cooper's Hill to try and get a house suitable for a Hospital and to make all temporary arrangements I could until I got one. I got a house from Mr. Spence; he was just then repairing it to reside in himself, but made the necessary alterations. This was on the 6th of January. A great deal of my instructions was verbal. (*Instructions handed up.*) I went up the day after, the 7th; I took Spence's house and it was not long after, on the 12th of February,—you took charge of the Department ; then all the arrangements were made. Prior to that we had Rugs and medical comforts sent up. That could not have been before the 12th of February if it was in your time. About the 17th of February the hospital was opened for I visited it with Dr. Rogers.

Cross-examined by Dr. Bowerbank—I am a member of the Royal College of Surgeons, London, and of the Apothecaries Company, of the date I think, of 1864.

To the Presiding Inspector—I took Mr. Spence's house I think on the 9th of January, but it was not de-

cided for some time. There were not patients there then; there were none sick at the time.

Cross-examination by Dr. Bowerbank resumed—I have been in the Government Medical Service since June 1871 ; Was vaccinating in the Red Hills, months before Small-pox was officially reported there to the Medical office. If I am to believe what the people told me Small-pox was always existing there from year to year When I was sent up to attend Small-pox there I got no instructions because I do not think any were necessary. I was told to take care of myself, but I was not told to stand six feet from the patient. If I had been so told I should not have obeyed as I am not afraid of Small-pox, and I consider it necessary to examine Small-pox patients. I took the house from Spence and engaged him so far in this way: that there was to be a Superintendent over the existing state of things and that he would be appointed. I recommended him to Dr. Ross because I considered him the best man I could get. I knew something about him—that he had had Small-pox himself; that he was a kind sort of a man and a very good fellow to look after Small-pox patients. I told the Constables to try and prevent intercourse between the people and those infected; not to use violence but to persuade them. I did not tell them to prevent people burying their dead but to prevent undue connection. I did not tell them to use threats. The people tried to hide one or two cases ; they didnt resist isolation. The only cases I isolated were two or three; one adult and in the last stage of confluent Small-Pox, and he died the same night. They did not want to have their children vaccinated; they said they were not afraid of Small-pox. Wakes are usual things in Jamaica, we have them down in Kingston. I think I mentioned the fact to Dr. Steventon. I dont know if it was a wake, but I saw a concourse of persons assembled to see the dead. I reported it to Dr. Steventon and gave instructions to the Constable to try and prevent them. Brown was the man. I think wakes ought to be prevented. There were no Small-pox cases in my district walk-

ing about, but I have seen them walking about in London with the eruption.

George Herman Rees (examined by Dr. Ross.)—I am Principal Clerk in the Medical Office. Was there when the Small-pox Returns were prepared for the Government. They were prepared from the Fortnightly Returns and Reports received from the Government Medical Officers. We had no other means of deriving the information. I think you sent Dyer to see if the Tents were properly pitched. I have seen Mr. Byndloss——

The Presiding Inspector—Dr. Ross, perhaps as Mr. Rees is officially connected with the enquiry you had better not ask him any more.

Dr. Ross—Very well sir.

In reply to Dr. Bowerbank, Mr. Rees said that the first Return was inaccurate and that he did not see it until it appeared in the *Gazette*. The second he had prepared and could speak for. The department received no notice of more than two cases in Glengoffe——

The Presiding Inspector—No, Dr. Bowerbank.

Dr. Bowerbank—It is a general Return and I contend I have a right to cross-examine upon it. Why it's Dr. Ross himself who has touched upon it by bringing forward Mr. Rees. Your honor may stop me if you like, but I say the Return is as false as false can be. I say the Department had Mr. Hyam's letter and that shews more than two cases—more than six deaths.

Dr. Ross—All Mr. Hyam's letter was "I hear this" and "I hear that"; and I am not bound to accept information from Mr. Hyams but from the Medical Officers.

Dr. Bowerbank—Mr. Hyams has written a letter which he requested me to hand your honors as forming part of his evidence. (*Letter handed up.*)

The Presiding Inspector—(*after perusing the paper with Dr. Cruice*)—It seems to contain nothing more than what he stated in his evidence yesterday.

Dr. Bowerbank—I have complied with Mr Hyams' request.

Mr. Rees in reply to Dr. Bowerbank added that the amended Return for Halfway Tree district published, had been obtained from Dr. Cargill's Returns.

To this Dr. Cargill replied that he had made no such return, and knew nothing about it.

Dr. Ross—Your honors, that closes my defence. May I withdraw?

The Presiding Inspector—Certainly.

[Dr. Ross here withdrew]

Dr. Cargill called——

William Rutherford (examined by Dr. Cargill)—I live in St. Andrew—above the Reservoir, near the Armstrongs' house—and near Kitty Wade's Savanna, in the Lane where the people had Small-pox. I used to accompany you when you visited in my neighbourhood. I remember when a man named Saunders got Small-pox and his wife came to me on a Sunday morning stating that her husband had it, if I would take a look at him. I said certainly and went in and saw the man labouring under the Small-pox very severe—thrown out very thick. I asked the woman "have you seen the Doctor or sent for one" and she said "no"; I asked why; she said she have no one to go. I said I would and on reaching Half-way tree I heard you had gone down the road. Well, I found you and mentioned it to you and you said "I will try and be there early on Monday morning." You came between 8 and 9. You stopped at my place and asked me to show you where the man lived. I went with you and you went in. I dont recollect the date of the month. After looking at the man you said "as I am returning send after me and I will send some medicine." You examined him; went up to his bedside. Next day I went in and saw the man and was told she had given the medicine sent by the Doctor. I said to him "I advise you not to keep on your clothes because you should be cool." He said yes. Since then, you always visited in the neighhood and I generally went along with you. I recollect the woman Clementina something; who lived with a French boy and had Small-pox, she was pregnant and you visited her. She had a dead child prematurely. I was told the after-birth did not come away; was not there when you removed it. Recollect Maria Lewis. She was also pregnant and gave birth to a seven months child. I was there the morning you christened it. You stated you could not get a Clergyman to go there. You touched the child and went into the mother's room; I

was there when you went in and manipulated the abdomen of the woman.

Cross-examined by Dr. Bowerbank—I was subpœnaed and attended here about five days but unfortunately on the Thursday I fell sick and I could not come back but had to send for Dr. Cargill. The evening before I believe I said to you "Doctor I dont understand coming here every day to be made a tool of" and you said you were not making a tool of me. I told you day after day I had been coming here keeping my stomach empty. I heard Mr. Byndloss say "it is necessary before you examine Rutherford to have Mr. Soutar." I then said I would not attend. I said "if other parties had time to remain in Court I hadn't for I was a poor man with a family." On returning home I took sick with a severe heaviness on the chest. The fact is I had come here from morning and not bringing money with me, and as I am a party that dont like to infringe on my friends, I had nothing to eat. I am certain I was sick from emptiness of the chest. The Judge sent for me. I could not come. Dont know that Mr. Soutar has left the island. I had no conversation with him in May nor did I give him any information that people were suffering with Small-pox fearfully in my neighbourhood; I never induced him to write a paragraph to that effect. I would be very glad if he were here. If he said I had I should say either he or I was tipsy. I recollect Saunders. Dr. Cargill saw him repeatedly.

Rebecca Wilson (examined by Dr. Cargill)—I recollect Clementina Henry; she had Small-pox and was pregnant. Was one of her nurses. She had a premature confinement of a dead child, on a Thursday evening at 10 o'clock. The placenta did not come away, and you were sent for at about ½ past 4 in the morning. You sent some medicine first and said you would come about 7 and came at that hour. You went into the room and removed the placenta. The child was only six months. You took it up and showed me the place to bury it. She died the Saturday following at 4 in the evening.

Dr. Cargill—It was one of those rapid cases. The woman was fearfully diseased, she had had syphilis.

Cross-examined by Dr. Bowerbank—They sent for

Dr. Cargill the Tuesday morning at 4 o'clock. They sent to tell him the patient was well and poorly; did not say what was the matter. Mr. Dale carried the message to the Doctor; had asked me what was the matter and I told him. The Doctor did not come till 7.

Dr. Bowerbank—Here you have the Parish Doctor sent for at 4 to remove a retained placenta and not going till 7——

Dr. Cargill—I put my hand on her and removed the placenta at all events.

Dr. Bowerbank—You did sir. It is an act that ought to be recorded in gold.

Dr. Cargill—I was sent for at broad daylight.

Charlotte Clarke (examined by Dr. Cargill)—I had Small-pox. It was a second attack and when you said it was Small-pox I contradicted you. You attended me. You came almost every day. You touched me the first day—looked at my tongue ; and when the disease came out you saw it was sufficient and did not touch me again. You paid the greatest attention to me. You did not at all neglect me. I was with Mrs. Stoakely when she was ill; that's where I got the Small-pox. Dont remember Dr. Bowerbank visiting her but you did repeatedly to the end. I went there mid-day on Tuesday and she died Friday. I have seen many before with Small-pox; hers was the worst kind. It was the putrid Small-pox and I told you so. She had large blue marks about her body and I saw it was a fatal case from the next day after I been there.

Cross-examined by Dr. Bowerbank—I went to Mrs' Stoakely's after 12 or 1 o'clock on the Tuesday. Inspector Nairne came up to my door and asked me to go. Dr. Cargill had left before I went and when I was there he came;he came twice that day; three times on Wednesday, he came at half past nine, was back again during the day and in the evening later he came back again. On Thursday he saw her three times—at 9 in the morning, about 1, and at 3. On Friday I think she had 4 visits because he was very anxious about her ; he was there to the last. I am sure he saw her all these times. I never saw you there on Thursday at about ½ past 1. Didnt know you were there. As I stand here I saw Dr. Cargill there the different times I have said. Mrs.

Stoakely had putrid Small-pox because she had no passage to drink by, or to speak, and had spots ; that was on Tuesday. The spots were all over her body ; they came out Thursday morning. They were dark but not bleeding ; they were black. She passed a great deal of blood by the bowels and other parts of the body—a good deal. That began on Wednesday. It was a change of life. She also bled a little from the nose.

Dr. Cargill—Those are all the witnesses I shall call. Before entering into my defence with reference to my conduct as a Government Medical Officer, I desire now, on oath, to make a separate statement relative to my attendance on Mrs. Stoakely and Miss Powell. These cases gentlemen, ought never by Dr. Bowerbank, to have been brought before this Commission inasmuch as they do not, and cannot, in any way affect the question before the Court; but as they have formed a part of the charges against me and if allowed to go uncontradicted are likely to affect my professional position, I claim to be heard in explanation. In the " Terror of the Tents," a pamphlet which Dr. Bowerbank has taken much pains to circulate, I am mentioned as having *deserted* Mrs. Stoakely. In all Dr. Bowerbank's accusations he has taken facts whereon to fabricate. " *Atque ita mentitur sic veris falsa remiscet,*" or, as Tennyson says, refering to these half truths:

' And the Parson made it his text that week, and he said likewise.
That a lie which is half a truth, is ever the blackest of lies,
That a lie which is all a lie may be met and fought with outright
But a lie which is part of a truth, is a harder matter to fight.'

I, however, hope to show how wickedly I have been wronged, and I most respectfully urge on you gentlemen to take special notice of these cases, irrespective of my conduct in the so-called quarantine treatment of patients under my care as Government Medical Officer.

The Presiding Inspector—I must say the Inspectors are very much astonished that those cases should have been brought here—both of them.

Dr. Cargill—They are a separate matter altogether and when I am on my oath I will have something to say about them. With regard to Powell that

will not take me ten minutes to explain. I can do so now if you wish ——

Dr. Bowerbank—I protest against that.

The Presiding Inspector—I think you had better wait Dr. Cargill and allow it to form part of your evidence

Dr. Bowerbank—Your honors have expressed your surprise but when you have heard the whole truth it will be different. I shall ask Dr. Cargill whether he ever told me Mrs. Stoakely was a pauper? This a very serious case. I have got a story to tell in regard to it and a very serious one too. I had kept it quiet from the 19th of April to the 24th of June and it was nothing but my conversation with Dr. Cargill which induced me to bring that case forward. I shall ask Dr. Cargill this question——

The Presiding Inspector—Perhaps you had better wait till you are cross-examining.

Inspector Nairne—Before your honors resume I beg leave respectfully to put in these documents *(handing up a large bundle of papers.)* The papers I have already laid before the Court will not be complete without these. They have reference to the whole affair and are reports and letters in reference to Maggotty Hall and those places.

The Presiding Inspector—I dont know what they have to do with the case. Perhaps you had better hand them to Dr. Bowerbank.

Dr. Bowerbank—I tell you candidly I have only looked at the Report of the Local Board of St. Andrew. I consider the rest as mere rubbish.

Dr. Cargill—Perhaps the Court will allow me to ask Mr. Nairne a question. Do you keep a journal?

Mr. Nairne—I do, and I copied the entries from it in regard to Mrs. Stoakely.

The Presiding Inspector—Perhaps Mr Nairne had better bring it with him.

Mr Nairne—I will sir.

The Court then adjourned till 11 o'clock Thursday.

THURSDAY, 12TH DECEMBER.

The Court met at the usual hour this morning, and proceeded to take the evidence of Mrs. Amelia Amore, who was examined by Dr. Bowerbank :

I was engaged as a Nurse for the Sterling Castle Hospital two weeks after the others. There were two males, one female and three children sick there then. The children came in after the men, and the men were named Denny. Miss Patterson was the female and she came in after. The other nurses were Mrs Moore and Mr. Lee. The Dennys were in the hospital two weeks before I went there. I went on a Saturday night and Mr. Spence said I was to assist. Lee gave me a small little tub to put in the bath to foment the face, feet and hands of the big Denny—Alexander. He died the Monday following and I went there Saturday night. I never touch his body to wash him that Saturday night. On Sunday I ask Lee if he have no bath to bathe the man and he said I must take the tub and bathe his face and feet as I did yesterday. Saturday night I did not touch the body—only the face, feet and hands, and Sunday I do the same. Mr. Lee said to me take the little tub and wash the man's face, dont bother with any where else and I went to do it but after I find the man very offensive—he died the same day—I take it upon myself as I find the man stink, to lift up the body and I see he have on an Oznaburgh shirt. I turn it up and he was stripped from the shoulder—his flesh stick to the shirt ; the back was raw. I dont know whether his name was Paul or Alexander. The two Dennys were there when I went in ; one here (*pointing*) and the other there. The one that died last had on a Oznaburgh trousers. He had it on all times. I never took it off. His brother died on the Monday and he keep on cry and bawl. That Monday he was quite ill. Tuesday night he toss about and haul and pull himself and I talk to him and coax him. I said to him "my son, lay in your bed and comfort yourself ; if you remain in your bed like a good boy I will send for your mother to bring a cart and take you." I said to him again, "if I say a little prayers for you, you will sleep" and he said "yes grand mother" and I kneel down side of him and prayed as much as I could. He lay down and cry "Lord, lord, lord" and for a good bit after I did not hear him and I get up and take the light and I find he was dead; then I call out to Mr. Lee, and I said "Mr. Lee, Mr. Lee, the man dead." I

washed Eliza Allen's clothes but I cant give you much account about her as I did not tend (attend) to her. I tend to the Dennys and the children. I wash them every other day and them shirt. If I wash them Monday I did not wash them again Tuesday but on Wednesday. I gave them the food. First in the mornings at six o'clock, they get a large pan with Sago and English Milk, right round. Second, about 8 o'clock or 9 in the morning, after that, they get white biscuit and a large thing of Arrowroot. When it come on for Dinner time, exactly at 2 o'clock, they get some times, Mutton, Beef, Pork, a little Fowl Soup. as cording (according) as them mind give them. One might ask for a little rice pap and he get it. Before they go to bed they get a pan of Green Tea with English Milk and each get eight biscuits —this was at 6 o'clock in the evening. When I first went up they did not get meat. Then they got Rice pap very thick, with English Milk, right round; and Beef tea make out of a little jug put into hot water, and we give them a wine glass of it—a little white jug of it into about a quart and a pint ; every person right round got. The children got the same wine-glass full; they all got it twice a day. They like it well and drink t. The two men drunk it up to the day they couldn't swallow. I sat up with them at nights; I never slept. I used to ask them "you want anything my son; little water"? Some times they say "no; my stomach full". "No little tea" I say, "could you drink a little tea"? and if they say yes I satisfy to come out to hot it. They drank Beef tea at nights. They took plenty of Rum which Mr. Spence gave them twice a day. Each patient got a measure in a wine-glass, up to the mark. All got Rum; the children got it weak. They did not get Rum at nights. The one Mr. Spence gave Rum to at night was the boy who get better and came in last. I got Rum too, and two dollars and a half a week, and I did a good deal for it. I got no food ; found myself. Mr. Spence measure the Rum himself and see the people drink it. The people were not well off for clothing. The Government gave them none. They had only what they had on. The females' clothes change because she had two suits ; the males—the first one, the one that dead first, (Alexander Denny) had no

clothes but what he had on, the Oznaburgh shirt He was fly-blown and Mr. Lee witness it. He dig them out himself from his hand and thigh and foot. They were maggots, something like a worm. It was the big one (Alexander) that had them. I did not see the two of them when they come into the hospital so I cant tell if them come in so. Dr. Cotter was there when the Dennys were there. I dont know Dr. Rogers; saw Dr. Ross there. Dr. Cotter was there before the Dennys dead. Dr. Cotter had a beard —whiskers.

Several questions were put to the witness as to the Medical gentleman in charge of the Sterling Castle hospital when the Dennys died, and to each she answered Dr. Cotter, the fact as established by the evidence being that the medical gentleman in charge of the Hospital when the Dennys were received as patients and after their deaths, was Dr. Rogers.

The Presiding Inspector—This old woman beats me. I dont say she is not speaking the truth but her statement as to the Dennys and Dr. Cotter is an awful muddle.

Witness (*to Dr. Bowerbank*)—Mr. Spence buried the Dennys but I did not go to the burial ground. I bathed the people with different bush and used fine pieces of old rag of which I had a plenty because I carry up a whole coat (petticoat) with me, and as they give me no rag I had to use it. Before I bathed the patients I get a clean shirt for those that had it and then I wash the one they take off, next morning. We had rain there but it did not disturb us; plenty of sun. The Monday after the big one (Alexander Denny) dead and I did see how him stand I examine the other one (Paul Henry.) When I pull the two first buttons of him striped Holland Shirt I see he had on an under-shirt; I fasten the buttons and went to Mr. Lee and say "I see this man have on two shirts and Small-pox is a thing should keep cool." Mr. Lee said to me "my goodness, this man has been here two weeks and I never know he had on two shirts." No one has ever asked me about these matters before. Mr. Lee own self told Denny mother "well, I never knew your son have on a under-shirt; if it wasnt for Mrs. Amore I would not know."

The Presiding Inspector—Dr. Bowerbank I dont think this old woman is lying but she has said some most extraordinary things. It is quite clear that the Dennys were not a fortnight in hospital and that Dr. Cotter never saw them. What do you think of it?

Dr. Bowerbank—Your honor I am not a Lawyer but it does seem to me that her evidence carries truth upon the face of it; she has certainly made mistakes as to dates and names, but she is quite correct as to facts.

Examination resumed.—The people got Turtle once; I stewed it, they liked it stewed. Mr. Spence sent down for Beef; it came up very well. Sometimes he sent 8, 9 or 10 o'clock. First time he gave them steak; the second day stew. We used to keep beef from one day to another. It was hung up having been floured, and had vinegar sprinkled over it the night before. The brown miss (Patterson) got Port Wine; she must have liked it because she drank it. Mr. Spence scarcely went away from Sterling Castle. He went to Kingston he said to receive money. When he was away no Wine or Brandy was ever given out but next day when he come who is to get Wine or Brandy get. He scarcely went away. John Lee gave the medicine. He go round about 7 o'clock and he come back again between 8 and 9. He bring a bottle with him with something white in it like water. He gave it right round, big and little—a wine glass full right round twice every day. When the patients' bowels confine Mr. Spence make them take Salt physic (Epsom Salts). I used to see Dr. Cotter there—not often; sometimes not for a whole day; Saturday, Sunday, Monday. Dr. Cotter slept there at night. I dont recollect Dr. Rogers.

The Presiding Inspector.—Well, Dr. Bowerbank really this witness beats me. I dont know what to say about it. Let me see what I can do. Now old woman listen to me—what time did Dr. Cotter come to the hospital, before or after the Dennys' died?

Witness.—Before, Sir.

The Presiding Inspector.—How long before?

Witness.—He was there the Sunday and one of the Dennys dead Monday.

The Presiding Inspector.—Are you sure it was Dr. Cotter?

Witness.—Yes Sir, when he come he always ask how is the patient. Before Denny dead he only come in and ask how is he.

The Presiding Inspector.—Well, Dr. Bowerbank, I give it up. It is quite clear she makes some awful mistakes. I dont say the old woman is lying but really——

Dr. Bowerbank.—Whatever may be her mistakes as to dates and names, she is fully correct as to facts. I will try again. (*To witness.*) Did you ever see any one come there to the Dennys' ?

Witness.—Yes Sir, their mother.

Dr. Bowerbank.—There your are Sir. You see she is correct. (*to witness.*) Any one else ?

Witness.—Several others but I dont know their names.

You ever see any one else come to see any body else there ?—Yes Sir, Elizabeth Allen's sweetheart. He came often and could not get in, but afterwards he did.

Dr. Bowerbank.—There again Sir. Any one else ?

Witness.—Yes, some people who say them fetch in the two boys and them come for them money.

The Constables called John Lee, in the usual manner, but he did not answer to his name.

Dr. Bowerbank.—I hear he cant come because there is a warrant out against him.

The Presiding Inspector (*laughing.*)—I hope Mr. Spence has not sent it out.

Dr. Bowerbank.—I am informed he has.

The Presiding Inspector.—Perhaps Mr. Byndloss told you.

Mr. Byndloss.—I did your honor. Mr. Spence told me he had sent a warrant out against him and I saw him here up to the day Mr. Spence came. There is a man here named Forbes who may be able to tell you something about it.

The Sergeant in attendance on the Court—I remember seeing a warrant at Stony Hill, your honor, but it was marked " compromised."

Dr. Bowerbank—There appears to me to be something wrong in this matter. There may possibly be something wrong in the minds of the Court in regard to Mr. Byndloss especially in reference to Dr. Cargill. Now

I wish to repeat that Mr. Byndloss was far from willing to tell me anything against Dr. Cargill.——

The Presiding Inspector—Dr. Bowerbank, the Inspectors think Mr. Byndloss's evidence so far as it has gone, fair enough, but he has a bias.

Jasper Cargill, M. D. (*sworn*)—I have been in practice eleven years, seven of which I spent in St. Thomas in the Vale and four in St. Andrew as a Government Medical Officer; the first seven as Parochial Medical Officer under the old system. On the 14th of May I was called to see Miss Powell, Mrs. McDowell's maid, residing at her pen in this parish. I visited her and as far as I recollect her sister was in the room with her. She was half dressed laying on her bed. I examined her and fo nd she suffered from Intermmittent Fever. I am not certain whether I sounded her with a Stethescope or not but I certainly felt her pulse and looked at her tongue. The reason why I imagine I might have sounded her is because she had c me to my Surgery before and I found she had a chest disease——

Dr. Bowerbank.—At the commencement of this enquiry you stated that she was suffering from Pneumonia.

Dr. Cargill.—I never said so.

Dr. Bowerbank.—I maintain you did. Your Honors will you refer to your notes?

Dr. Cruice—If Dr. Cargill did say so, he was not then on his oath.

Dr. Bowerbank.—Your Honors is that your ruling? That what a gentleman states in this room, is not to be taken into consideration because when he said it he was not on his oath.—Is such your ruling?

Dr. Cargill (resumed).—I cant state how long I was in the room but she distinctly said that she had had Small-pox. I asked her questions and otherwise satisfied myself before I left the room that her symptoms were not those of that disease. I never had any idea she was going to have Small-pox. On leaving the room I said "I will have a bottle of medicine ready when you send for it; and if you feel worse send for me and I will come and see you;" she sent for the medicine which as far as I can remember was a Quinine mixture, and she never sent back for me—and that was the end of Miss Powell's case. I never thought any thing more of it until it was brought

into this matter. I concluded that the fever had passed off as she had not sent for me again. Now, about Mrs. Stoakely's case. On Tuesday, the 14th of April, at a little after 9 o'clock I think it was, at night, young Mr. Nairne drove to my house and said his father requested I would come to see Mrs. Stoakely as a favour to him. I got in his buggy and drove to Mr. Nairne's where I found Mrs. Stoakely vomiting, with lumbar pains, and all the symptoms of Small-pox. I told Mr. Nairne that I wasn't quite certain but that it looked very much like it.——

Dr. Bowerbank—I am sorry Mr. Nairne is not here. He was requested to bring his Diary and I dont think it right to go on without him.

The Presiding Inspector—Very well then, we will wait.

A short time after Mr. Nairne came into Court and the evidence was resumed.

Dr. Cargill—I dry cupped Mrs. Stoakely. I saw her on Sunday, the 14th of April; Dr. Smith was not there when I called. I ordered warm flannels to the spine, gave her a sedative and tried to check the vomiting. I was there I dare say fully an hour and a half with her. On the 15th I saw her twice; the symptoms were all aggravated and on the 16th I saw her in the morning and was then perfectly certain she was going to get Small-pox. The same day in the afternoon—and I recollect this because the Bishop was at my house—we were all in the Drawing Room when Staff Surgeon Smith called. He went aside and said " thank you Cargill for seeing Mrs. Stoakely. I have seen her. She has got very severe symptoms in the back, but I dont agree with you in saying it is Small-pox; I am not certain about that." He went away. I think it has been explained before, that Mrs Stoakely was widow of an officer of the Army; that she resided at Camp at one time, and then at Mr Nairne's and that Dr Smith was a Staff Surgeon at Camp; that she lived between Mr Nairne's house and Camp, backwards and forwards.——

Dr. Ross.—She used to stay in Camp.

Mr. Nairne.—After the death of her husband she never resided at Camp, now some years back.

Dr. Cargill.—At all events the impression left on my

mind was that Dr. Smith was the medical man who attended Mrs Stoakely and that he had a right to attend her then, he having told me he had seen her. I beg also to state that I consider that in Mrs. Stoakely's case my attendance was gratuitous as I did not intend to charge for it.

Mr. Nairne—I never expected that. You sent in your bill and were paid.

Dr. Cargill.—I dont know what Mr Nairne thought of it, but I consider after what I had heard from Doctor Smith, that I had but seen her for him. Well, that was Tuesday, the 16th. On Wednesday, the 17th I did not see Mrs Stoakely, thinking that Dr. Smith ought to go. I think it was that evening I met Mr Nairne at Mrs Douglass' gate. Either Mrs. Nairne or Miss Thompson was in the buggy with him. Mr Nairne stopped me and I got out of my buggy and went to him. He said Mrs. Stoakely was worse, that her throat was bad, and asked why I did not come to see her. I told Mr. Nairne that I considered Dr. Smith was her Medical attendant; and I further stated that I wished to excuse myself from attending Mrs. Stoakely gratuitously. I did it in as delicate a manner as I possibly could, and added, my practice was likely to suffer by visiting Small-pox patients in St. Andrew inasmuch as a great many patients had told me that I was as good as a walking pest-house. And that was the fact Sir—wherever I went I was told "oh take off your coat;" "dont come near me" and that sort of thing; there was a regular panic. Why, one Sunday a woman was actually turned out of the Church here because it was known she had come from a Small-pox yard. I had to resort to all sorts of subterfuges, and had to assure them that I was not touching Small-pox patients unnecessarily. I had a lady who I was attending in her confinement; my own wife was expecting—and I had to be very cautious and careful. On the 18th of April, Thursday, on returning from Kingston where I had been performing a surgical operation, my wife showed me a letter from Mrs. Nairne requesting me to see Mrs. Stoakely. I said "so soon as I have had a glass of wine and a biscuit I will go" and in the meantime Dr. Bowerbank drove up. He came in in a kind manner with a letter in his hand which he said he intended leaving if I were not at home. He informed

me he had been sent for to see Mrs Stoakely and that it had been represented to him that I had not seen her the day before. He told me she was in a very bad way—she was suffering from Menorrhagia and he had a written Prescription which contained I think Ergot of Rye, Gallic Acid, and Sulphuric Acid.——

Dr. Bowerbank.—And Cannabis Indica.

Dr. Cargill.—However, I made up the Prescription and took it with me, for I always had a very high respect for Dr. Bowerbank as a Physician and always followed his advice whenever we met. I took it to Mr. Nairne's who I met in the piazza. I accused him of having, not wilfully, mis-stated facts. I said " I shall put Dr. Smith aside in this matter and we shall first ascertain whether this is his patient or not." Mr. Nairne said " I always intended it as such. She is your patient;" I said " if she is my patient then I will take care of her to the end." I went into the room, called for a tea spoon, and examined her throat most carefully—I was as close to her as I am to this book; felt her pulse, lifted up her eyelids, and I at once saw she was going to die—that she had what I call malignant Small-pox. Dr. Bowerbank might differ with me in the diagnosis but that's my opinion. I saw Mrs. Stoakely again that night, and gave her Dr. Bowerbank's medicine and saw her next day, this was Thursday; and Friday I saw her again. She was then dying. There were large purple spots on her body; the larynx was affected; whenever she put her handkerchief to her mouth and removed it, there was blood. The Small-pox had scarcely come out before she was death struck and I think I then told the family there was not the slightest hope. I had the room fumigated, ordered away every one but those attending to her and did everything I could for her. When I returned to pay a second visit I was told she was dead, as I fully expected to hear. That's Mrs. Stoakely case. In the meantime the Colonel had put Camp into a sort of quarantine. I was only allowed at Camp then as I had visited there very often in consultations. Dr. Smith told me he did not think he could see any patient outside. This was after. I dont think he would have been allowed to come to Half way tree because Mr. Nicholson was prevented going to Church. On sending in my bill for attending Mrs Stoakely,

to Mr. Nairne, he paid it with many thanks. These are the circumstances of the two cases and I say I dont think I should submit to having my private cases brought here. I dont know that Dr. Bowerbank has a right to interfere with them. I have made my explanations and I hope the Court is satisfied. If it be, then I say I dont think I should be called upon to say anything more about them.

Dr. Bowerbank—Your honors, this is quite a serious matter. Yesterday, Dr. Cargill, after having brought witnesses to put a regular smasher on my charges as to Small-pox cases as a Government Medical Officer, made a statement in which he paid me some very high compliments by quotations from Horace and from Tennyson. Since then I have been thinking too whether I could'nt find one or two lines suitable to Dr. Cargill, and the circumstances connected with the two cases which he says never should have been brought here. There is a little quotation which I think serves the matter admirably, and it is this

> Oh what a tangled web we weave
> When first we practice to deceive.

I think that meets Tennyson very well as regards Dr. Cargill. With regard to the two so-called "private cases" Dr. Cargill has told you his story and I promised that in time I would tell you mine ; but the Court has expressed an opinion without hearing me, and in that opinion virtually censured me. Your honors have been appointed by the Central Board of Health to investigate certain charges in regard to Small-pox and I respectfully maintain that in expressing that opinion without hearing me, your honors acted prematurely. But whether or not the case has been prejudged, I maintain that Mrs Stoakely and Emily Powell's cannot be considered exceptional cases. Dr Cargill has told his story. I differ from him *in toto* and it has now become my duty to make my statement. I am still on my oath. I have already stated how I came to see Emily Powell with Dr. Anderson, how I was requested to see her by Mrs. Barclay, the Custos's wife, because Dr. Cargill had not returned to see her from Sunday till Wednesday; how Emily Powell stated that Dr. Cargill had never gone near her ; had never touched her, and how she feared she was getting Small-pox. I repeat

when I saw her, she could not be considered as Dr. Cargill's patient, for he had left her. With regard to Mrs. Stoakely, I repeat, when very much engaged I got a note from Mr. Nairne stating that Mrs. Stoakely was very ill with Small-pox ; that Dr. Cargill who had been attending her, on finding out that it was Small-pox she was suffering from, had refused to continue his attendance, and begging me to prescribe for her, or to come up and see her. I went up to Dr. Cargill's house but he was out. I therefore drove on to Mr. Nairne's and as I went in I met Mr. Nairne and said to him "Nairne what cock and a bull story is this about Dr. Cargill refusing to attend Mrs. Stoakely because she has Small-pox"—he replied "it is a fact, he has refused to come back and see her. He did so in the presence of other persons on the plea that if he attended Small-pox cases, his other patients would call in other Medical attendants"—I said "how could this be when he is attending the Small-pox cases in the tents"—I told Mr. Nairne I would, being there, see Mrs. Stoakely for Dr. Cargill, but that I would not return, as Dr. Cargill was bound to attend her. After seeing Mrs. Stoakely, who I found very ill suffering from her throat, I wrote a letter to Dr. Cargill and also a prescription for Mrs. Stoakely, both of which I took with me to Dr. Cargill's house—he was in and I gave them both to him. As I went in he said "what is all this about Mrs. Stoakely." I then read him the letter I had written to him—he asked what did Mr. Nairne say? I read him Mr Nairne's note to myself—He exclaimed "he is a liar—he has slandered me, it is a damnable libel—He shall contradict it. I will go there at once, and make him do so." I replied "do and make him do so in writing, and shew it to me." I never heard anything more about it till late in June, when Mr. Nairne told me that Dr. Cargill had never said a word about it to him. Dr. Cargill I swear told me that Mrs. Stoakely was a pauper——

Dr. Cargill---You mistook me Dr. Bowerbank; I said that Dr. Smith was Mrs. Stoakely's Medical attendant.

Dr. Bowerbank----I did not mistake you. You said she was a pauper, and that Dr. Smith ought to attend her. And now sir I do not wish to injure Dr. Smith, therefore I will not repeat the damaging and offensive statements Dr. Cargill

made relative to that gentleman not attending her, further than this, that on the 22nd and 24th June, Dr. Cargill reported to me that Mrs. Stoakely was a pauper, and even told me that Mr. Nairne had told him that Mrs. Stoakely was a patient of mine. This I told him was nonsense; that I had years before attended Mrs. Stoakely, but I did not see what that had to do with it. I repeat, Dr. Cargill as the Government Medical Officer of the District, was bound to attend every one suffering from Smallpox who sent for him within his district, and assert that Dr. Cargill distinctly told me Mrs Stoakely was a pauper. Now, your honors have heard my statement, and you have heard Dr. Cargill's, and you have expressed an opinion without hearing me—but now that you have heard both, you can accept which ever you please.

Dr. Cargill.—My statement referred not to Dr. Bowerbank's veracity but to the evidence he brought here.

The Presiding Inspector.—I have consulted with my learned brother and he thinks with me as the two cases have been mixed up with the others, Dr. Bowerbank should cross-examine upon them in the same way as the others.

Dr. Cargill—I never supposed Dr. Bowerbank would have brought such a charge.

Dr. Bowerbank.—I am surprised at Dr. Cargill's opinion; his memory ought to take him back ten or eleven years I think; and then he would feel no surprise at any act of mine. The first day we met here I said, and these gentlemen will bear me out, that I never yet failed in bringing out the truth for " it is great and will prevail," and that I hoped not to in this case. I repeat that now, and I may add this, that if it does'nt come out here, I am determined it shall somewhere else. Then, there is another matter I want to have explained. I wrote the Secretary shortly after the first adjournment for certain documents and information I should require, and it was not till a long time after that some of those documents were put before your honors, their custodian Dr. Ross at one time alleging that he wanted them for his defence and that he would not give them up till he had finished his defence, when he would "pitch them on the table;" and at another, that he had found he had a right to lay such of them on the table as were referred to the

Inspectors, and then they were put down here. Now, at every Commission I have had to do with, and in all Committee enquiries, which I maintain this is, and nothing more—all documents connected with the enquiry or to be used before the enquiry are laid on the table when required. That has not been the case here. Some of these documents, in fact the greater portion of them, I look at as rubbish. They were put in at a time that I could hardly have availed myself of them, and the only one I have looked at is the Report of the Local Board which is a very valuable document indeed.

The Presiding Inspector.—What papers are they you required Dr. Bowerbank?

Dr. Bowerbank.—The Fortnightly Returns among others. May I request that my letter written after the first adjournment will appear on the Minutes of the Court?

Dr. Ross.—(*reading from the letter.*)—"Dr. Bowerbank's letter of the 3rd April." Here it is. "Date of the first case of Small-pox in Kingston." I cant tell that because I was not head of the Department then.

The Presiding Inspector *(laughing.)*—But you know Dr. Ross, "the King is dead; long live the King."

Dr. Ross.—Yes, but I have not found it. "Date of the first case in the Padmore District." That Dr. MacMahon gave yesterday, "A brief statement of the means applied" etc. I have not got the document. Then "copy of communications to Dr. Steventon in regard to wakes." I have searched the office and cant find any, "Copy of a communication from Dr. Cargill to Dr. Steventon"—I I cant find that too. "Dates of visits and date of Dr. Cotter's appointment"—that has been given over and over again. "Date of first case of Small-pox at Woodford"—Dr Cargill will give it. "At Half-way tree"—every one knows. Those are all. And now Sir, I beg to hand in all the papers as it turns out after mature consideration I have determined not to give evidence. The only written instructions I ever gave, were to Dr. Cargill and he has them here to read when he likes.

Dr. Bowerbank—I really think this very irregular and unfair. Did I not understand Dr. Ross on more than one occasion to claim to be examined last? So convinced was I of it that I wrote out a string of questions which I intended putting to him; and now he comes here

and tells your honors that he doesn't intend to give evidence at all. I repeat I am no lawyer, but it seems to me that I should have the opportunity of cross-examining Dr Ross in the same way as he cross-examined myself and the witnesses called by me.

D . Ross—I shall give in the papers. (*Putting down a number of written documents.*)

Dr. Bowerbank—Dr. Ross should be sworn and then he might decline to answer every question if he likes.

The Presiding Inspector—As I understand him he wont be examined and merely puts in the papers.

Dr. Bowerbank—Then let him put them in in the proper manner. The whole of them so far as I am concerned may be withdrawn, they are too late; I dont want them now. There is some information requisite to be obtained and which can only be obtained through Dr. Ross. He now refuses to give that information. In consequence of Mr. Rees, the head Clerk of the Medical Department, and Acting Secretary of the Central Board of Health—being the Secretary of this Court , I am unable to take his evidence. I might call Mr. Dyer—but I object to do so, in consequence of what has recently occurred in the Police Court. Thus then I am prevented obtaining necessary information to prove my statements. But your Honors I hesitate not to say that I have already prove every charge I have made, which you would allow me to prove. If Dr. Ross refuses to give evidence, it is his fault not mine. He is answerable to the Government for it.

Dr. Ross—I refuse to give evidence sir.

The Presiding Inspector—Have you got 40s about you Dr. Ross ? (*laughter.*)

Dr. Ross—As a party accused, with all respect to the Judges, I refuse to give evidence. I think I am placed in quite a different position to the other witnesses. This is an enquiry into my acts, and therefore I may certainly refuse to give evidence.

Dr. Cargill—As far as I am concerned I will give Dr. Bowerbank every information possible except as to my private patients.

Dr. Ross—Will you allow me to retire sir ?

The Presiding Inspector—Certainly Dr. Ross, we will hope to see you in your place to-morrow after you have re-considered the matter.

Dr. Cargill then read and put in several documents —a letter of the 26th March 1872 from himself to Dr. Ross, reporting the case of Barclay, at Halfway tree; also Dr. Ross's reply; also a copy of his, Dr. Cargill's, report in regard to the holding of wakes, made to Dr. Stevenson, and which he said was written to the Custos of St. Thomas in the Vale, the hon Mr. Rennalls, and was merely his opinion as to wakes; also a Return of all cases of Small-pox from the 26th March to the 1st of June in his medical district and as far as known to him, and their result, from Barclay's case including three private cases, shewing 75 cases, 18 deaths and 57 recoveries. The Return included Halfway tree and Woodford, at which latter place Dr. Cargill was acting at the time, and where a few mild cases in vaccinated children, appeared.

The Secretary of the Commission here pointed out to Dr. Cargill that the Small-pox Return should have been to the end of October instead of 1st of June ; to which Dr. Cargill assented observing that the latter date must have been a clerical error.

Dr. Bowerbank said this Return when compared with the Fortnightly Returns of Dr. Cargill from the 26th March to the 31st May, *i. e.*—the official Return in the "Gazette," would indeed be a valuable document especially if he had seen it a few days before.

Dr. Cargill next put in the Rain-fall taken at 9 o'clock in the mornings, including the time the tents were up, at his Residence Monaltree Pen, half a mile from Half-way tree.

Dr Cargill—I think gentlemen the rest of my evidence ad better be given by a sort of examination and I will swer very willingly such questions as I can. I must first ell you I kept no book or journal while I attended at the tents. The Government Medical Officers are very much crippled at present in consequence of the department not having yet been perfected. I am my own dispenser to a certain extent, so that after visiting patients, ordering for them and then preparing the prescriptions, one hardly has time to do any thing else. I have a Prescription Book in which some times I write a few notes but at others I do not as I haven't got the time, so that my book does not furnish that check that it ought to. Why it was only last night that I ordered Iodide of Potassium for a patient and have not as yet entered it.

It is not very regular, but it is not my fault; the system is not perfect as yet. In this way there are medicines I ordered for the tents that were not put down but there are some of the prescriptions now in existence. I did not understand the tents as a hospital but merely a temporary arrangement. I dare say some things did get in a mess there but we did every thing for the best. I beg also to commence by stating that I dont profess having had any experience in Small-pox. I believe a hundred cases are the most I have ever seen in my life—twenty in Linstead I think, and seventy five here. I wish to say I am willing to answer any questions put to me; I have no desire to screen myself. So far as vaccination is concerned, in Linstead I vaccinated 6,000, and that is I think as much as any other Medical man has done. I got a letter of thanks from the Government and from the Privy Council. From May to August 1871, I vaccinated 3,379 in St. Andrew; results—1747 successful, certified; 288 unsuccessful, and 1,344 never returned for inspection. Mr. Rees has all my Returns with the names. In the November quarter of the same year I vaccinated 194; results—successful, 142; unsuccessful 8; never returned 44. Then up to the end of January, 108; results—successful 71; unsuccessful 11; never returned 26. Up to April 1872, 418; results—successful 271; unsuccessful 53; never returned 74. Up to July of the same year, 176; results—successful 74; unsuccessful 3; never returned 99, making a Grand Total of 4,275 persons vaccinated, of which there were 2,305 successful, 363 unsuccessful cases, and 1,607 not returned for inspection. But I have reason to believe that two-thirds of those not returning were successful as many of them told the others it was either too much trouble, or what was the good of returning. I believe myself we would have had a fearful epidemic here but for that vaccination. There was Townshend town for instance. I visited and vaccinated the children running about the yard there and not one ever got Small-pox. I believe isolation is nothing compared with vaccination, and I believe I am right in saying that I did my duty, and Dr. Steventon told me so. I got out lymph from England which I gave to the medical gentlemen round the island, even to the medical gentlemen at Port Royal.

The Court adjourned for ten minutes.

The Court resumed.

Dr. Bowerbank—Before proceeding with the cross-examination of Dr. Cargill, I am bound in justice to Mr. Byndloss and for the satisfaction of all persons concerned, to state that during the adjournment I ascertained that Mr. Byndloss's statement as to the warrant against Lee is perfectly correct and that no compromise has been effected as stated by the Sergeant. These facts can be ascertained from Mr. Cook who I believe now holds a copy of the warrant on a charge of felony at the instance of Mr. Spence.

The Presiding Inspector—We should be very sorry to doubt Mr. Byndloss's word, Dr. Bowerbank.

Dr. Bowerbank—I am glad to hear it Sir.

Mr. Cook—The warrant is dated the 29th of May, and the charge is for stealing yam heads, the property of Spence. I find that there was some report that Lee had left the island but I see he has not.——

The Presiding Inspector—Were they growing ?

Mr. Cook—Yes.

The Presiding Inspector—That's not a felony, is it ?

Mr. Cook—Yes. The Law says he may be imprisoned for six calendar months, so that there could not have been any compromise without the consent of the Magistrate.

The Presiding Inspector—It is quite clear, from the 29th of May that it is put in force now for a particular purpose, which might be inferred.

Dr. Bowerbank (*to Dr. Cargill*)—You were the Government Medical Officer for the Halfway tree and Eastern districts of St. Andrew in March last ?

Dr. Cargill—I was.

Are you now a Government Medical Officer ?—I am and have been 4 years in January. I cant tell the date exactly because I havn't got my papers with me.

How long have you held such appointments ?—After the tents were over I had nothing to do with the eastern district. I was always for the central district of Halfway tree. When I was first appointed I had a portion of St. Andrew within certain limits, and then the Government divided it in three. In March I was Medical Officer for two of the three with certain restrictions in

regard to the third for I told Dr. Ross I couldnt attend the whole district and he said I might go out at stated periods in the week to see patients when called. It was almost an impossible arrangement but they did the best they could as they had no other man to put there.

Do you hold any appointment under the Local Board of Health?—I dont think I do; at least I am not aware. I am a Government Medical Officer, that's all.

Will you say under what law?—'Pon my word I cant.

Dr. Bowerbank.—Under no law.

In June last we had a conversation as to certain reports abroad as to the treatment of Small-pox patients etc., in the parish of St. Andrew?—In June last was it? Well, I was in your Drawing Room and we had a conversation about some report in regard to Small-pox patients in St. Andrew.

Part of that conversation occurred in my Drawing Room where I found you seated, on the 22nd. of June—we were alone in the room?—Yes.

You called ostensibly for the purpose of speaking to me relative to a patient of yours I had seen for you in your absence?—I admit I called ostensibly for I called specially in regard to that matter.

In the course of conversation you asked me what was all this to do about wakes, observing at the same time you had written the Government about wakes?—All that is true but I think you have mixed it up in a most incongruous manner. You did speak of wakes and I joined you, but I could not have told you I had written the Government about wakes for if I had I would have told a lie which you could have contradicted the next day. There is no doubt Dr. Bowerbank, but that you honestly misunderstood me.

Dr. Bowerbank—There was no mistake. You told me you had written some months before, or how should I have known that you had ever done so?

Did I then tell you that the to do was more than about wakes; that there were serious charges of neglect against you in your attendance on Small-pox patients?—You did.

Did I give you my reasons for not having previously spoken to you upon the subject?—You did.

Did you state to me that any report abroad that you had neglected the sick of Small-pox was a d—d lie, and if you knew who was moving in the matter you would put him into the hands of your Lawyer?—Yes, but I am not in the habit of swearing.

Did you on my telling you that it was reported that you never entered the tents to examine or look at the people, state that it was a d—d lie; that you had done so and that you would bring me a paper to that effect signed by the nurses?—Yes, but when I went away and thought calmly over the matter, I found that I would have been a very great fool to have done anything of the sort.

Did you ever bring me such a paper, or after the 24th did you ever say one word to me on the subject?—No, because I re-considered the matter and made up my mind not to do it. I was in a great rage when I saw you. I dont remember whether I spoke to you on the subject after.

Did you call on me again on the 24th of June; did you then see me in my Drawing Room; did you that day repeat to me what you had said on the 22nd?—Yes, I saw you in your writing room and asked your advice whether I should get this document and you answered Yes, if I could. However, I went home and chewed the cud over it and thought it was bad advice.

Dr. Bowerbank—Just so Dr. Cargill, if you could.

The Presiding Inspector—That certainly appears to us strange advice to give Dr. Bowerbank.

Do you really consider that anything said in the Drawing Room of a professional man in a conversation on business matters, during a morning call, must be considered sacred and must not be repeated?—I do when it refers to a third party.

The Presiding Inspector.—We do Dr. Bowerbank, and have a very strong opinion on it too. I should be most sorry to repeat conversations of that kind from my Drawing Room.

Dr. Bowerbank.—I thank your honor, but I hardly require any one in Jamaica to teach me etiquette, and I disagree with your view of it. (*To Doctor Cargill.*) Do you think, such being your opinion, a person calling upon another on business matters is justified in going into the Drawing Room? Should he not announce that he has come on business?—

The day I called I came as a professional gentleman and was shewn into your Drawing Room by your servant, a place where my servants shew any gentleman calling on me.

Do you really think that two persons coming together in a Drawing Room is a bar to any allusion being made to what took place between them there?—I think so unless the person stops the conversation and says I think it right to tell you that I shall feel myself at liberty to repeat what you are going to say.

Constructed as the houses are in this island would it be possible for a person to impose the ban of privacy (if generally acknowledged) in almost all interviews with another person entering the house?—Is it a fact that in the great majority of cases the drawing room is the first, nay the only room in which a stranger is admitted?

The Presiding Inspector.—I must say, I am much surprised that two professional gentlemen meeting in a Drawing Room and holding a conversation, one of them should have thought proper to repeat even a portion of that conversation to such a person for instance, as Mr. Byndloss; and with that opinion I believe my learned brother agrees.

Dr. Bowerbank—I do not subscribe to such maudlin, miserable feelings; if a man comes into my drawing room to say what he dare not say out of it, he had better keep away. I certainly was surprised to hear that Dr. Cargill had gone to Mr. Byndloss after what he told me, and I told Mr. Byndloss so. I am Fellow of a College and they can deprive me of my diploma if I act wrong. I repeat I dont ask any man in Jamaica to teach me professional etiquette.

The Presiding Inspector—There are other Fellows too, Dr. Bowerbank. You have challenged the opinion of the Court by putting these questions. I have given mine and Dr. Cruice is with me. Dr. Cargill although one of the defendants, is under our protection.

Dr. Bowerbank—I require no man to take me under his. (*to Dr. Cargill,*) On the first day of the enquiry on my reading my statement in support of my charges did you declare them to be interesting but unsupported by facts? Do you still maintain this?——

The Presiding Inspector—That's a question for the Judges and no one can answer it for them.

Dr. Bowerbank—Dr. Cargill did say so.

Did you state that to cross-examine me would be waste of time? what do you mean?—I stated it and I meant what I said.

During this enquiry have you called in question the veracity of any witness who stated that you did not enter the tents or who spoke to facts in support of my statements?—No.

You now allow that you did not enter the tents to examine the Small-pox patients and that you didn't personally examine them when suffering from Small-pox? How then do you justify your previous conduct in asserting that you did and offering to prove that you did?---There was only one time I might have said to have entered the tents. It was in the case of Hall, and on coming out I said it was d——d hot.

How then do you justify your conduct in asserting that you did, and then that you didn't?—Well, if I did make use of the words "entering the tents" I meant to attend to the people. If I had thought every word of mine would have been noted I should have weighed them before uttering them. If I thought it would have come to this I would have been more careful.

Dr. Bowerbank—You surprise me Dr. Cargill at expressing your surprise at my noting down what you say, after all that has occurred between us, previously.

On the 22nd of June did you say you heard that wakes had taken place in Halfway tree district; did you name two occurrences—the Armstrongs, and one near Constant Spring?—Yes, I said I had heard of it.

Did you on the 24th of June tell me you found you were mistaken about a wake being held over the Armstrongs and that you had found no such wake had been held?—Oh no. What I said was, that on making enquiry I had received information which made me believe there was no wake over them. I did not mean that I had made a public enquiry. Mr. Stewart was the person I came too.

Have the kindness to explain what you consider constitutes a wake?---Well, I have never been to a wake so that I cant describe one from my own knowledge.

Can you from Webster? (*no answer.*)

If ten people meet and sing at night, the body being in the house, is that one? (*no answer.*)

If they did so over persons dying of Small-pox would it answer the same purpose with regard to contagion ? *(no answer.)*

Do you think if the dead were laid out in state, and even ten people went and came, and sang and drank, that would be a wake ?—I have said of my own knowledge I dont know what constitutes a wake.

Do you think that such assemblages of persons during the existence of Small-pox are calculated to increase the spread of the disease ?—There is not the slightest doubt in the world about it.

Can you produce a copy of your communication made to the Government some time back on the subject of wakes ?—I have done so already.

Dr. Bowerbank.—I trust your honors that communication will be placed in evidence, as I consider it a most valuable document. I quite agree with the opinion therein expressed by Dr. Cargill.

When was the Government Medical Service established ?—In January '69 or '70. I really dont know when I got my appointment ; it was 4 years ago.

Was it so long as that ?—Yes.

After my letter of the 6th June was sent to you by the Government, had you any communication with Dr. Ross on the subject and did you then tell him that wakes had occurred to your knowledge ?—I never got any.

During the recent outbreak of Small-pox, hearing that wakes occurred in your district, and being so well aware of the evils resulting from them, did you report this fact to the Head of your department either before or after hearing that I had moved in the matter ?—No.

You were present at the meeting of the Local Board of Health of St. Andrew when they met to consider my letter to the Governor relative to the holding of wakes. Why did you not then state at any rate, what Mr. Evelyn had mentioned to you, as also the result of your personal experience of wakes ?—Because I wasn't asked to do it. I had invited myself to the meeting.

Do you agree with the Local Board of Health that if ten people were present sitting up over the dead bodies of Armstrong and his sister, and that there was singing and praying, that this did not constitute a wake to all intents and purposes ?—Now, I am not aware that was the opinion of the Board. If you call on me to con-

demn any opinion of the Board of Health I certainly shant. I was not in the room the whole of the meeting.

Can you reconcile the inconsistency of reticence on such a subject when taking an active part in imposing and enforcing so-called quarantine restrictions?—I think as the matter was then in the hands of the Board of Health it would have been quite superfluous for me to have moved in it again.

Do you conscientiously believe that enforcing isolation and segregation of some Small-pox patients in a district where wakes over those dying of Small-pox are held is likely to check the disease?—No, I dont think so.

Were you at this time aware that there was no law whatever, direct or indirect, against wakes?—No, I know nothing about law.

If the former why did you not urge the authorities to enforce it; if the latter why did you not urge them to represent the evil to the Legislature then in session, in order that a remedy might be provided?—Because I did not consider it my duty as a Government Medical Officer to do so.

In your opinion would the authorities of St. Andrew, in the absence of all law, have erred in using their best efforts to prevent wakes as was similarly done in the Linstead district of St. Thomas in the Vale and subsequently on the 21st June, in the Halfway tree district?—That's a deep subject to go into. Its a question for the Attorney General. I think the authorities would have done all they could to prevent it.

Has quarantine over and over again failed both here and all over the world to keep out Small-pox?—From what I have read I think it has, but I know nothing about it of my own personal knowledge.

What constitutes an epidemic. Not the mere presence of the disease itself?—When the disease becomes in the air and people get it without actual contagion.

Can quarantine restrictions in your opinion, influence the other essential, the so called "second blade of the shears of Fate?"—No, not when you have the germs of the disease about in that way.

Have you studied the history of quarantine in general and of this island in particular?—No.

Has Jamaica had its full share of epidemic diseases when they have existed elsewhere, in spite of quarantine? —Of Cholera I believe, and the past history of Jamaica shows it.

Have you read the Report of the Quarantine Officers as published in the Appendix of the First Report of the Central Board of Health published in Jamaica in 1851, or the report of Dr. Downer to the House of Assembly on quarantine at Port Royal from 1854 to 1863, as published in the twenty-eight Appendix of the Volume of Votes of Assembly 1863-64?—No; I am ashamed to say I have not.

Do you think the present quarantine law No. 37 of 1869, adapted to the wants of the island; if faithfully and fully carried out at the different ports of this Island and Kingston in particular, do you think it could be effective? —I have not read that law so I cant tell.

Of course you are aware how quarantine is carried out in the port of Kingston and how it is not carried out in the various outports of the island. The Law so carried out, do you believe in its efficiency to keep out disease and to prevent the occurrence of epidemics?—Certainly not.

Do you think that a partial or modified quarantine can be effective?---Oh no; it cant be.

To be effective must quarantine be carried out in its integrity, and if so would it not soon destroy the commerce and prosperity of an island like Jamaica?---Certainly. I suppose it would to a certain extent destroy commerce; but it is a question I am not well up in.

If quarantine is necessary towards our ports do you think it as requisite on shore?---During the first few cases I think it right it should be tried.

If there is a law regulating the one should there be a law for the other?---Of course.

Are you of opinion that Small-pox has never been out of this island since 1852, or for years past?---I think it has. I have had calls to see cases of Small-pox in the bush and have found them to be skin diseases of different sorts.

Does this show the great necessity which exists for a Registration of Births and Deaths?—I think the necessity does exist for such a law.

Are you aware that over and over again Small-pox has been imported into the island and has not become epidemic —has never extended itself beyond a very limited circle of cases?—Yes, I recollect a case brought down to Barnett's house and it did not go any further, and that was from careful segregation.

Is this remark to your knowledge true of other diseases, as Scarlet Fever etc? —That's more infectious than Small-pox.

Can you state how many epidemics of Scarlet Fever have occurred in this island during the present century?—I cannot.

Used Small-pox in the times of Slavery to be frequent in this island ; and owing to what cause ?—Inoculation.

Are there reasons now in existence why Small-pox should be more frequently introduced into the island ?—I suppose the commerce is greater.

Dr. Bowerbank.—Or perhaps the increased one of steam.

Are you aware of any instances in which diseases have been evidently imported into this island and which have not spread, such as Small-pox, Measles, Cholera Maligna, Beri-beri?—No; I cant call any to my recollection except the case I spoke of.

What is your opinion as to the susceptibility of the dark races to Small-pox contagion or infection ?—More so than the white.

Can you quote the opinions of any authors on the subject to the contrary or of any of the writers on the diseases of the island?—I think Dancer mentioned it and Atkins in his Practice of Physic.

Dr Bowerbank—I think you will find that Williamson does, as also Thompson, that is to say, the increased insusceptibility.

Can you state what has been the average death rate of the recent outbreak of Small-pox in Trinidad?—No

The Presiding Inspector.—I think some kind friend has furnished me with a report. It is something like 19 decimal 8.

Dr. Bowerbank.—19-8 per cent; out of 12,351 there were 2,449 deaths, between the 3rd November 1871, and 7th September 1872.

Do you consider that the outbreak of Small-pox in this island from September 1871 to 31st May 1872;

amounting as stated in the *Gazette*, of 249 cases, 52 deaths, in different districts in this island, can be considered as an epidemic or as a severe one?—No; not a severe one. Certainly not.

As regards Small-pox, what appears to you to be the best and only safeguard against it in a country like Jamaica?—Vaccination.

On shore, what appears to be the best and most effective protection of a community against disease and the best antidote for it?—Prevention is better than everything. A good Sanitary Law.

Supposing vaccination were made general and compulsory, would you consider quarantine restrictions necessary?——

The Presiding Inspector.—I think we are going out of the parish of St. Andrew.

Dr. Bowerbank.—I again protest your honor.

Have the vaccination laws been carried out in this district to your satisfaction?—As far as I am concerned they have.

Do you approve of the existing law on this subject?—I am not a good authority.

According to your experience is vaccination or the progress of the vaccine vesicle much modified in the darker classes?—I think so. You dont find that nice little pox you have in the white skin.

Do you think it right to entrust public vaccination to non-professional persons?—Not when you can get a professional man; but I dont see why any honest man with a knowledge of his work, could not do it. I know two Clergymen who can vaccinate as well as any professional one.

Have you ever employed or been directed to employ, by the Head of the Department, to test your vaccination, Bryce's test?—I have without being directed.

Can you state the average mortality of persons protected by vaccination in Small-pox epidemics?—I dont think I can, but the per centage of deaths I can.

In your opinion ought vaccination and re-vaccination under certain circumstances to be made compulsary?—Yes.

Do you believe that inoculation is ever carried out in this island?—I dont know as to now, but it was ten years ago, in Linstead.

Do you approve of isolating the first cases of Small-pox appearing in the island or even in a district?—Yes.

In your opinion ought there to be a Law authorising the Local authorities to do so?—Yes; but at least to a certain extent not to interfere with the rights of the person. It is a difficult question and one that I dont care about answering without having first thought over it.

In your opinion if there was no law on the subject in consequence of any omission, or if there was any doubt on the subject, were the authorities bound *pro bono publico* to assume the responsibility and to isolate such cases on the principle *salus populi suprema lex*?—I cant answer any question giving an opinion on the Government.

Do you think it right, if isolation of the first cases of Small-pox which occur in a district, is neglected, or being tried, fail to check the spread of the disease, to continue to isolate and confine persons?—I would rather not give an opinion.

In your opinion ought the power to isolate cases of Small-pox to be vested in some local authority?—Well, it certainly couldn't be vested in any body else.

In such cases do you consider that the power should be absolute and undivided and local?—No. I think there should be a head to every thing and that the Local Boards should be managed by a Central Board.

By whose authority did you enforce quarantine at Half-way tree, that is on Berry's house and the quarantine ground, or direct persons to be prevented entering Townshend town, or threatened to arrest Fidelia Martin at Gordon Pastures, or direct Plummer not to leave his house or let any one in?—I never threatenend to arrest Fidelia Martin to begin with. Plummer, from general instructions from the Department. I told a woman if she did not attend with her child to have it vaccinated, I would bring her up and like a sensible woman she listened to what I said.

Do you think it was sufficient to tell Plummer that he must not let any one enter his house?—His answer showed me it was quite useless to do more.

Under such circumstances how could he procure the necessaries of life?—I did not tell him he should starve to death.

You will allow that partial measures must prove useless, oppressive, and cruel, especially if entrusted to ignorant and irresponsible persons?—Possibly. Undoubtedly it must be so.

Do you think there was any use in keeping the tents under quarantine when adjoining houses with Small-pox cases in them were not placed under any restrictions whatever?—I cant answer that question it reflects too much on the Medical Department.

Did you represent that anomalous state of matters to the Head of your Department?—The Head of my Department knew as much as I did.

Did it not seem truly absurd to keep the tents under quarantine restrictions as also Berry's house while Townshend town was not so restricted and the greater part of the inmates of the tents were from Townshend town, and the Constables paraded up and down there each night and day for six weeks?—When you look at the thing by present experience you may be able to ridicule it but at the time we did not see all these absurdities.

Did it strike you as absurd to continue to keep the inmates of Berry's house under quarantine from the 27th March to the 11th May at an expence of 1s. 6d. a day each, while those in Townshend town were free—the tents being between them?—I cant answer that question.

In isolating the inmates of Berry's house on account of James Barclay having Small-pox, do you think it would have been better to have had this lad and his mother retained in the house, and to have placed the rest outside vaccinating o re-vaccinating them if requisite?—I think myself I would rather have treated them in their houses than under Bell tents.

In such a case would it not be right to have the power to vaccinate or re-vaccinate any persons exposed to the infection and placed under observation?—We had that power but not to re-vaccinate.

Dr. Bowerbank.—Under what law—I know of none which authorises vaccination of a person off hand; the Island laws certainly do not.

In isolating the inmates of Berry's house was it by your advice, that Berry after having been for hours with James Barclay, was excluded quarantime restrictions and was ordered out of his own house and kept

out for weeks, because he was the grave digger, and for which he received no compensation or allowance?—I did not know that Berry lived in the house or had any thing to do with it till the whole thing was over when he came with some claim for compensation for his house.

Do you approve of the establishment of so called Small-pox hospitals or the tents or mud-huts for the reception of the people generally—are Small-pox hospitals generally approved of else where?—No. A Small-pox hospital should be kept only for those who, having the disease, are destitute; for general use I think they are bad things.

Does it appear to you a matter of great consequence to keep the first cases of Small-pox on the same spot and there to treat them?—That would depend very much on the circumstances. It would better be kept on the same spot.

Do you approve of the removal of persons suffering from Small-pox from their own houses to so called Small-pox tents or hospitals?—I dont approve of hospitals or tents for that purpose at all, but if you put a patient under them they must be removed.

Do you think that such removal should be enforced against the will of a sick person or by means of threats after the disease has broken out in the district?—No, certainly not.

State any instructions general or special, written or oral, you received as to the isolation of persons with Small-pox or the removal of the same from their own houses?—My letter has already been given in, but I had no instructions because none went against their will.

If done at all, should it not be done under Medical Supervision, the patient being first seen by a Medical man, proper means provided and directions given, and the patient subsequently visited by a Medical attendant?—If possible.

Should so responsible an undertaking be left to ignorant and irresponsible persons?—No, certainly not.

In inducing persons to submit to removal for their own good and that of the public, do you think it justifiable to deceive them by means of threats or calling upon them to go in the name of the Queen, etc?—(*No answer.*)

If done injudiciously or without proper care in the later stages of Small-pox, is mischief likely to accrue to

the individual?—Certainly not during maturation. It depends on how far you are taking him, and what you are taking him in. I think it requires care and supervision.

According to your experience in this island, does isolation and the practice of removing persons from their own houses to Small-pox hospitals or tents tend to make the people hide or conceal their cases?—Yes, I think so.

Did you ever report this fact to the Head of the Medical Department?—I have mentioned it openly in conversation.

Why did you order Hall to be removed without first seeing him especially as he had been ill some days and is stated to have been very weak and helpless when removed or taken to the tents?—I didn't order Hall to be removed. When Mrs. Duncan sent to me about Hall, I was absent from home attending a lady in her confinement and on returning never heard a word about it, for you know what servants are here, Dr. Bowerbank. Next morning whilst returning to see the lady, Mr. Byndloss gave me the information; he said the man was willing to come to the tents and I told him to get a cart and bring him. Then he was in the second stage of Small-pox—the invasion had come on.

In erecting the tents was the surrounding ground to any extent cleared, was the ground within and round the tents levelled and drained; and the tents floored with boards?—Oh yes. The ground was quite level and there was a very good drain round the ridge. I knew nothing about tents then; indeed I dont think I had ever seen a Bell tent before. The first one was put up very clumsily.

Do you think Bell tents suitable for the treatment of Small-pox patients—were they hot etc. etc.?—No; I dont think so now.

Do you think a Bell tent with the vallance down at nights, sulphur burnt in it, or a fire lighted at the door, suitable for the treatment of Small-pox patients?—I am not an authority with regard to tents.

Did you on the 18th April in front of your house, on my speaking to you about the tents appearing to me to be in an objectionable situation, and Bell tents being unsuitable for the purpose, tell me you had told Dr. Ross so, but that he would have his own way?—No, certainly not, I did say that I had nothing to do with the site of the

tents because I knew nothing about Bell tents; and I might have said Dr. Ross had his own way in putting them up because he went there in my absence, but I never told you I had told Dr. Ross that I disapproved of Bell tents or that I objected to the site, but that he would have his own way. I repeat I knew nothing about tents therefore how could I state such a thing.

Dr Bowerbank—I maintain on my oath you did. Not only to myself on more than one occasion, but to others as I can prove in spite of denial.

On the 22nd of June at my house, did you repeat the same adding that you had told Dr. Ross that instead of Bell tents, Marquees should have been provided ?—No. What I said was that my experience shewed me that Bell tents were not the proper things and that I thought Marquees were better.

Did you repeat this again on the 24th June when at my house ?—No, I never told any one so for if I did I would have been telling an untruth.

Did you just at the time of the occurrence of a caseof Small-pox at Woodford make use of almost precisely the same words to me, as I have just quoted, namely, that you had objected to the tents but that Dr. Ross would have his own way ?—Oh no, because the man was not put in any tent,

Dr. Bowerbank.—That may be, but it was just at that time that you mentioned to me about Bell tents being used by Dr. Ross's orders.

Did you on the death of Hall state to any one that no more patients were to be received into the tents as they were unsuited for the purpose ?—Yes, and no more were received.

You have denied ever having told Dr. Ross that you objected to the tents themselves and to their site. If you did object to them; or thought them unsuitable for the purpose, as the medical officer in charge was it your bounden duty to inform Dr. Ross ?—If I had objected at the beginning it would have been. Dr Ross voluntarily told me he didn't intend to put any more patients under them.

In spite of saying the tents were not suitable for Small-pox patients did you keep Frederick Wiseman there after Hall died ?—I was obliged to do that because he was in the contagious stage but was getting better.

To your knowledge have Bell tents since the 11th of May been issued for the use of Small-pox patients elsewhere?—I have heard so. I was told to send my Bell tents to Kingston.

Did you tell the Rector of the parish that he could not enter the tents or the Small-pox hospital although he was going among the Small-pox patients outside, and on one occasion took you with him?—Yes, I had my special instructions from Dr. Ross to tell him so.

To your knowledge was this gentleman refused admission to the tents when he wished to go and pray with a dying man?—I heard that afterwards.

Were you aware that persons were, in spite of orders to the contrary, going into the quarantine ground and tents and that they did so through the gaps between the quarantine ground and Townshend town, and through which you yourself had passed with Dr. Ross?—Afterwards; not at the time. When I heard it, it was too late to remedy it.

When you discharged Marshall and ordered Byndloss not to enter the tents or the grounds again, were you *bona fide* under the impression that the quarantine restrictions were being rigidly enforced although cases from the next yard were brought in?—I was under the impression we were doing all we could to enforce quarantine and as I had an instance of Marshall's neglect I discharged him. Mr. Byndloss would go with me, but Dr. Ross said no and I stopped him.

Were you aware that any one hearing of the irregularities then taking place had offered to reside within the ground?—No; not till afterwards. No offer was ever made to me.

Were you aware that during the whole time the tents were erected, a member of the Detective force was residing in Townshend town and in the house of a Small-pox patient?—Oh yes. I knew that very well—Wollaston.

Did you represent this circumstance to the Head of your department?—No; I had no business with him.

Did the patients and nurses complain to you that the tents were too hot etc.; did William Bennett; did nurse Amelia Smith?—No.

Were you aware of the absence of all Privy accommodation for the use of Patients and attendants?—I

knew there was no built privy but gave directions to throw the contents of all pots and so forth in a hole and cover it up.

Were you aware there was no pit or receptacle for dirty water or that these filth, were thrown on the surface of the ground ?----For the contents of pots the ditch was the only place.

Could the smell have been anything but offensive ; and must it have been deliterious to the sick and a nuisance to the neighbours ?—I dont think it was a nuisance at nights. I never smelled any but the odour of Small-pox.

Would there have been difficulty in providing earth closets, chamber pots, urinals, from the medical depot ?---Well, there were no earth closets ready made, because I had to get them made for the Hospital.

Was it reputable for the Government to allow the nurses and patients to bring in their own washing tubs, and cooking pots—there were only one of each--also their own chamber pots and tubs, and then to pay them for the use of them ?--Oh no, I shant answer that.

Were you as the Medical Officer in charge of the tents aware of the total want of all washing and cooking apparatus?—Certainly not. I believed they were sufficient at the time.

Was the use of close confined, ill-ventilated tents calculated to increase the offensive smell of the Small-pox patients?—I object to Bell tents generally on that account.

Were you aware of the want of all supply of bedding and clothing for the use of the inmates of the tents?—They had sufficient clothing and bedding so far as I saw.

Do you know how they got them ?—I did not. I dont care how they got it, but it was there.

Were they paupers ?—They were not and would have objected to be called so.

Then you approve of the system of carrying people to the tents and not providing for their comfort there ? —I dont know whether you would have done better had you been a Government Medical Officer.

Dr. Bowerbank.—Would I. I tell you Sir, I would rather starve than have done that. When I first heard of these tents and their terrors I exclaimed "God save the poor people!" Did you receive any general or

special instructions from the Head of your Department as to supplying the people in the tents with necessaries etc?

Dr. Cargill.—Yes.

Were you aware of the total absence of all provision of persons to cook, wash etc. in the tents?—I deny that there was a total absence of such. That's a matter for the Commission to decide.

Were you aware that whenever a person died, labourers from without were brought in to attend to the body and remove it for burial?—Certainly. If we had not they would have remained there up to this day.

You stated to me on the 24th of June, that the wooden bedsteads, clothes etc. used by the inmates were burnt, destroyed or buried with them, when they died or went out?—Yes; and so I thought till Mr. Byndloss told me one was not, and I said "let it be burnt at once." I think it was one of the bedsteads. I had given orders to have them all burnt as the Small-pox was over. Perhaps I ought to have seen it done; that's the mistake.

What was the date of this?—I do not remember.

Why did you give orders on the 12th of August, and employ and pay James Marshall to burn these bedsteads?—Because it was the proper thing.

Considering these bedsteads had been used previous to the 5th May, and had been allowed to remain till the 12th August—was there much use in having them burnt there. Why did you not include this in your account against the Public?—I had forgotten all about it. I gave a shilling out of my own pocket, and to get it back I would have had to prepare a lot of duplicates, and rather than go to all this trouble for a shilling I preferred to lose it.

Are you aware that at this moment a mattress or palliasse and pillow are lying on the quarantine ground and which is stated to have been that used by Hall?—I was not aware of it till I heard it in this Court House. I had given orders to the nurses to have all that done and Mr. Byndloss undertook to give me every assistance he could in the world and I depended on him—although, I believe he did to a certain extent.

Considering the means at hand to wash and disinfect the rugs, and the people you had to do it, and the absence of all supervision, do you think it was judicious to return any of the rugs used, into store?—I think if

properly washed and disinfected they might be all returned. One pot might boil a dozen rugs.

Dr. Bowerbank—There was only one pot for all purposes—washing and cooking.

Do I understand you to say that the odour of Small-pox is attractive to flies; that where Small-pox is, there flies must be, and where flies are fly-blow must take place?—Oh no, I never said that. I say now that the smell of Small-pox or any other bad odour attracts flies, I will tell you something you will be astonished at. I was in the Hospital at Linstead seven years. During that time I recollect amputating an arm above the shoulder I placed the usual straps over the stump. The patient was most carefully attended to. The dressing regularly changed and every thing done that was necessary in a case like that, but you can judge of my horror one morning on removing the bandages, at finding one mass of maggots, but I dont know how they got there.

Have you had Small-pox patients in private practice fly-blown. If a patient be very ill with Small-pox and is left all night alone by himself is it any wonder that he becomes fly-blown?—I have only had 4 private Small-pox. cases in all my life.

Do you think then fly-blow of a patient in a so called Small-pox hospital or tent, a pardonable offence?—I must think so after the experience I have mentioned,

Did you know that Bennett and Bell while inmates of the tents were fly-blown?—No.

Were you aware how the people were washed and where this was done to all, even to those in the worst stage; that they were taken outside naked into the open air in the early morning and evening and there washed with common yellow soap and cold water exposed to the view of the neighbours?—My orders were not that they were to be washed with cold water outside. They were to be sponged with soft rags in their beds with tepid water and one of the nurses told me she used to make baths to which I did not object.

Were you aware that the chief nurse looked upon any thing but cold water as dangerous in Small-pox?—No.

Were you aware that for the purposes of bathing the patients were washed outside morning and evening?—

No; and if the nurse took it upon herself to do that it was certainly against my instructions.

Did you appoint the Contractor or Paymaster?—Mr. Byndloss? I suppose I did. Speck did it with my sanction.

Did you find Mr. Byndloss faithful and efficient?—If I did not I would not have certified his accounts. I found him a very intelligent useful man possessing an amount of information far above a person in his station of life. He came forward to assist me and was very active.

Who made the requisitions for the necessary requisites?—No written ones were made.

Did you audit or attest the Accounts of Mr. Byndloss?—Yes. There was a clerical error in one which he altered.

Do you think it unusual to analyse accounts months after they have been audited and paid?—It is unusual.

Whose duty was it to take care that the patients were properly nursed, clothed, fed and cared for?—No doubt mine as well as the nurses.

Were you aware that there was an absence of shoes or slippers for the people when taken out to relieve themselves, or for the purpose of washing?—I should imagine when a person is going to relieve himself he would get on a chamber; and convalescent patients ought to have been washed a few yards from their beds.

Is it usual when people are weak and dying of Smallpox to make them go out into the yard to relieve themselves or to take them out for the purpose of washing?—No; certainly not, and I didn't know that was done.

You have heard the evidence advanced, do you now believe that your instructions were carried out?—No I dont, and I am very much astonished and grieved.

In your own matters do you find it sufficient to order a thing to be done, or do you find it necessary to see that it is done?—I am afraid in that case we would have enough to see to.

If a person assumes a responsibility is he bound to fulfil it, or to take care that the duties or obligations belonging thereto are fulfiled?—Yes he is.

Who appointed the nurses? Is this not generally done by the Medical Officer in charge?—The first was a matter of compulsion. When Barclay got ill his mother

who had had Small-pox, said she would go in and nurse him, and that was how she got in. Then the other, Amelia Francis, or Francis Smith, she applied, and as she lived there and professed to know about Small-pox and said she was a wonderful nurse, I appointed her.

With the exception of James Marshall, did they give you satisfaction?—During the time they did, I went to the tents daily and not a single patient complained; and it stands to reason that they would have complained if they had been ill-treated.

Why did you discharge Marshall?—One Sunday I was going to see Mr. Cooke and found one of the patients—Sarah Francis—who was better at the time, at the fence that divides the tents from Townshend town. She was conversing with a great many persons then going to Church. Marshall saw it; and when I accosted him he turned and said he had not. I said "I saw it and I discharge you." But Marshall would have gone whether or not in a few weeks but I thought that a good opportunity to make an example of him.

Did you fix the payment of the nurses at 8s per week; did you consider that pay sufficient to ensure proper care and attention?—The nurses considered it sufficient.

Did you make the necessary arrangements as to day and night nurses; did you issue instructions on this point?—No, they were all day and night nurses, to do what was requisite.

Did you ever visit at night to see that the nurses were at their posts?—No, I never had any night calls and did not suspect they did not do their duty.

Did you ever receive instructions to prepare a Diet Scale?—I gave Byndloss a diet scale when Barclay went into the Tent. I afterwards got Diet Scale from Dr Ross which I have handed in.

Do you think 1s 6d or 2s a day for food alone, an extravagant amount to be paid to persons under observation for Small-pox?—I think it was very liberal.

Is it far more than sufficient?—If so all the better as they would have no cause to complain.

Do you think it a good plan to authorise the Contractor to spend 1s 6d or 2s a day per head for food

alone , for each person sick of Small-pox irrespective of the stage of the disease and of the patients age, sex etc. ? —It appears to be the rule.

Do you approve of the plan of stopping 3d a day out of the allowance of the sick for stimulants ?—I was there every day except on very few occasions. I believe stimulants to be very good but I dont think they turn the scale of life in that way. They had stimulants at night I think.

Were you aware that when you were absent for the day, no stimulants whatsoever were supplied ?—No.

Did you direct that all the food given to the patients as also all stimulants should be given between the hours of 6 or 7 a.m., and 4, 6 or 7 p.m., and that none should be given in the night ? You have heard the evidence of the nurses and the inmates of the tents in this respect. Was this in accordance with your instructions ?—I do not approve of their not getting any thing at night and have heard that evidence with great surprise. They had general orders as to the food during the day and night, and one of the nurses told me she gave them tea.

Do you consider the attendant medical officer should order for a patient what he conscientiously believes to be needed, irrespective of expence. Ought he to be tied down ?—Yes.

In your opinion should a dietary be daily accommodated to the wants of the patients by the Medical attendant alone ?—Yes, I think so. I think in Small-pox you should change it at the different stages.

Did you keep a Prescription Book at the tents ?—No.

Who administered the Medicines ordered ?—The nurses I suppose; they had orders to.

Were the bottles of Medicines labelled ?—Yes; except some Castor Oil, which I think was not labelled; but they never read labels on a bottle.

You have heard the evidence of the nurses as to the manner in which the medicines were administered. Were they so administered according to your directions ?—As as far as the evidence goes I think there has been a total forgetfulness as to that.

Do you think it correct for persons suffering from Small-pox to be dosed all round, irrespective of age, sex, condition of the individual, or the stage of the disease ?—Now, you come to another question, and that is whether people suffering from the same disease should have the same medicine. There were no complications and where they occurred the medicines did vary. Why, there is a new Russian remedy for Small-pox called Xylol, and that may be given all round where there are no complications.

How would you ascertain the presence of complications ?—By examining them.

Do you think tying the legs, or the feet or hands, of a delirious patient, likely to calm him ; do you think such a measure, in the absence of nurses, safe ?—Not if he is deserted by the nurse. It was not till I came to this Court house that I heard his nurse had left him or that he got into the road. On visiting the tents I was told the man Bell was delirious and wanted to go out, but not that he had gone ; and I said if he struggles take a soft handkerchief and pass it round his ankles so as to keep him quiet.

Did Mr. Braine threaten to report you for not attending the people with Small-pox ?—Certainly not. His conversation was perfectly different.

Afterwards, in July, did Mr. Braine in writing the Local Board of Health express his belief that you were attending the people ?—I dont know.

In an epidemic can you expect the poor to be always sending to call the Doctor, especially if he does not respond to the call ?—It was not an epidemic. In one I suppose not.

Why did you not see Hall before you ordered Byndloss to remove him ?—Because I thought he must be removed before I could got there.

Why did you not return to see Weiss's wife after saying she was very weak and finding that they did not send for the Ammonia mixture you promised to order ?—In her case you have not got at the truth yet. She had got well of the Small-pox and was only suffering from debility, her husband was able to pay and if he did not choose to send for the medicine he has no reason to complain.

Does she appear in the Fortnightly Returns as a patient?—Yes.

We come now to the case of Powell?—Before you begin I wish to tell you that that was one of my private patients and that I shant answer.

Dr. Bowerbank.—What do your honors rule?

The Presiding Inspector.—I presume Dr. Cargill knows the etiquette of the profession, Dr. Bowerbank. You may put the questions and he may refuse to answer if he likes.

Dr. Bowerbank.—I don't care whether he does or not, but I think it right to mention that he has made some terrible mistakes as to dates. If you will refer to your notes you will find he has stated here that Emily Powell suffered from Pneumonia and that he saw her on the 14th of May.

Dr. Cargill.—The 19th of May it should have been. I have got it in my book here.

Dr. Bowerbank.—I saw her on the 22nd. Dr. Cargill has said she suffered from Pneumonia. I request your Honors to refer to your notes.

The Presiding Inspector—It was not sworn to by Dr Cargill, and I could not have taken it down. I cant take down every idle word that passes round the table.

Dr. Cruice.—Can you tell us what the Law is as to attending the Poor? That's a question we must settle first.

Dr. Bowerbank.—There is no law regulating the Government Medical Service.

Dr. Cargill.—All paupers on the roll Sir.

Dr. Cruice.---Were either of these, Mrs Stoakely or Emily Powell---on the roll?

Dr. Cargill.--No Sir.

Dr. Bowerbank.—Or Rouse or Plummer?—Yes.

The Presiding Inspector.—I raised the question myself when in the country, as Coroner. A District Govvernment Medical Officer refused to see a person who died and on whom there was an Inquest. The Jury found a strong verdict condemning him and I sent it up. Dr. Steventon wrote a letter snubbing me and I got no reply from the Government.

Dr. Bowerbank.—That is not the question—a Government Medical Officer monopolises the entire practice

in a district, and during an epidemic is bound to attend every one who sends for him.

Dr. Cargill—I also attend the casual poor, and I see a good deal of them I assure you. I hold in my hand Sir, an Address presented to me from St. Thomas in the Vale when I was leaving, in which it is stated that I never allowed any one to suffer for want of my assistance. I merely state this to show that I could not have deserted these people as I am charged. If Miss Powell had sent back for me I should have been glad to go. She had paid me before, and I could have had n o reason not to have gone if she had sent for me.

Dr. Bowerbank.—She did not send, because she considered she was deserted ; so did the wife of the Custos. You did not see her from Sunday till Wednes lay. What I wished to have settled is this: is a gentleman to make a statement at this table and then to be allowed to contradict it because he was not on his oath?

Dr. Cargill—If I stated she had Pneumonia I made a mistake.

Dr. Bowerbank.—You appear to be always doing that.

The Presiding Inspector (*addressing Dr. Cargill, after having consulted Dr. Cruice*)—Do you refuse to answer in regard to Powell's case?

Dr. Cargill—I do sir.

The Presiding Inspector—Dr. Cruice, who knows more of these matters than I do, thinks that Dr. Cargill has a right to refuse answering the questions, Dr Bowerbank.

Dr. Bowerbank—Then I must respectfully protest against such ruling Sir. (*To Dr. Cargill.*) Under the Government monopoly do you consider that in an epidemic of Small-pox you have any right to refuse to see any person suffering from Small-pox in the district, who sends for you?—No; and I never have. I have yet to learn when I have ever done so.

Dr. Bowerbank.—Campbell and others. No w comes Mrs. Stoakely case?——

Dr. Cargill.---I refuse to answer.

Dr. Bowerbank.—Your honors, as a medical man of thirty six years standing who has seen a good deal of Small-

pox and who trusts he knows his duty and the observance of professional etiquette, I protest against this ruling and I repeat most distinctly that Dr. Cargill has in both these so called private cases made statements incorrect in many respects. I stand here and state distinctly and emphatically that Mrs Stoakely died of Laryngitis whilst also suffering from varioloid disease. I repeat my statement that at about one o'clock on Thursday the 18th April, whilst in Kingston reading my letters received by post, one was handed me from Mr. Nairne requesting me either to come and see, or to prescribe for Mrs. Stoakely, who was suffering from Small-pox and whom Dr. Cargill had attended but had suddenly refused to see any more on the plea that he could not continue his attendance because she had Small-pox. At very great inconvenience, I got into my carriage determining not to see Mrs. Stoakely but to call on Dr. Cargill. I went to his house; he was out. I said to myself "as I am in the quarter I may as well see Mrs. Stoakely for Dr. Cargill as Nairne has written me, she is so very ill." I went. As I got on the steps I met Mr. Nairne to whom I said " what cock and a bull story is this you have sent me? You must have made a mistake; surely Dr. Cargill could not have refused to return to see Mrs. Stoakely because she has Small-pox?" He replied ' it is no cock and a bull story at all nor is there any mistake. Dr. Cargill himself this morning told me in the presence of Mr. Bennett and others that he could not attend Mrs. Stoakely as she had Small-pox, for if he did his private patients would send for a town Doctor". I said " I cant understand how he has done that when he is now attending Small-pox cases in the tents. But Mr. Nairne, I will go in and see Mrs. Stoakely for Dr. Cargill, but I shant come back." I saw her. She was a person of about 50 years of age, and I was told that in February previous she had suffered from profuse Menorrhagia, I enquired if she had been vaccinated and examined her. I found she breathed with great difficulty. The pocks were coming out but not much—certainly not 50 in number; I saw it was a case of Laryngitis with varioloid disease; there was lividity round each pock and they were in a papular stage. I examined her larynx, and throat and saw one or two spots on the fauces; I asked what was being done; they said nothing I said " no;" and the reply was " Dr. Cargill has sent a

Gargle which we are using." I asked "is the flooding still going on ?" and was told "yes, but not as much as it had been." I said I would order for her; and went out to do so, telling Mr. Nairne that I thought her very bad ; and that I would not come back as I thought it was Dr. Cargill's duty to attend her. I sat down at Mr. Nairne's table and ordered for Mrs. Stoakely. I directed them to apply warm poultices to the throat and that she should inhale warm applications. I ordered Greenhalgh's mixture— a little Sulphuric Acid, Tannin—Ergot of Rye and so on. I then wrote a letter to Dr. Cargill a copy of which I kept but have lost. However, as far as I can recollect it was to this effect (*Reads;*)---"My dear Cargill--- "I was startled to receive Mr. Nairne's letter, in which he "states that you had refused to continue attending Mrs. "Stoakely because she had Small-pox, on this plea "that if you did, your other patients would send for other "doctor ; such a report is enough to ruin you. I have "seen Mrs. Stoakely, but will not return. She is I think "dangerously ill---you had better return and see her, as "you are bound to do;" and if I recollect right I added, "She may require an operation". I read this letter to Mr. Nairne and said "I will stop at Dr. Cargill's; if he is in the Prescription must be made up there; if not, then send it to my surgery. If he is out I will leave the letter". I drove to Dr. Cargill's house and hearing he was at home, went in. He said "I suppose you are from Mrs. Stoakely?" I said "yes? I have written you a letter which like the Irishman I have brought myself, intending to leave it if you were out." He said why what is all this, I then read my letter to him. He replied "but what did Nairne write"---I said "here is his letter"---taking it out of my pocket, I read to him. (*For letter see page* 71). He said "it's a d——d lie; Mr. Nairne is a liar, he has slandered me---he is a libeller." I said if the statements of Mr. Nairne in that letter are untrue, make him write you one contradicting them and show it to me, and he said "I will, I will go there at once. "I will get my Buggy ready and go at once." I said do, and alluding to Mrs. Stoakely I added, she has regular Laryngitis and you may require to open the wind pipe." He said "what do that in a Small-pox patient ?" and I replied "of course; give her her chance". On the 22nd of

June---but first of all, while at his house, he said to me "she is not my patient,she is a pauper,that is she is the widow of an Officer and she is Smith's patient---that fellow Smith," so and so and so and so, using expressions in regard to Dr. Smith that I shant injure him by repeating here. I said "my good fellow you are answerable for her". "I cant do it he said; I am only bound to attend paupers and the Constabulary". I said "Cargill, you have had little to do in this outbreak for, at any rate, it is far from an epidemic. I advise you to work till you can work no longer, to work until you tumble down over your patient rather than have it said you were guilty of neglect." He said "rather than do that I will resign". Well, on the 22nd of June, he told me with regard to Mrs. Stoakely, "She was Smith's patient. She was a pauper, I cant do his work as I have enough of my own; they are always bothering me in Camp". After a little while he said to me, "In fact Nairne said Mrs. Stoakely was your patient"; I said "what?" He said "Yes, and that was the reason why he sent for you". I replied "that's all nonsense", and he said "to tell you the truth I cant stand it any longer, Nairne is always sending for me to attend a pack of paupers in his house". Now Sir, that's my statement in regard to Mrs. Stoakely. I have made it being still on my oath; and I maintain that Dr. Cargill upon his own statement to me, shewed Mrs. Stoakely's case was not a private case; I maintain that as Government Medical Officer he was bound to attend every case of Small-pox he was called to see in his district. *(To Dr. Cargill.)* Now, Dr. Cargill, you have stated that Mrs. Nairne wrote you——

Dr. Cargill—I wont answer. I consider it impertinent to interfere with my private cases. I shall answer nothing with regard to Mrs. Stoakely.

Dr. Bowerbank—You do, do you. Then I ask that a note be taken that you refuse and that I protest against your honor's ruling. Dr. Cargill says he gave my medicine; did he state that the Menorrhagia was nothing? The nurses told me he said that.

Dr. Cargill—Certainly not.

Dr. Bowerbank—He stated yesterday that he did not go to see Mrs. Stoakely on the 17th, because he then believed Dr. Smith had charge of the case. Here is a letter

he wrote Mrs. Nairne on that day (17th) when he supposed Dr. Smith was in attendance.

Dr. Cargill—Read it out Sir.

(*Letter handed to the Presiding Inspector and read as follows:—*

"Dear Mrs. Nairne,

" Small-pox almost always brings on the Uterine flow. Nothing can be done to stop this; indeed it would be wrong to do so. I have sent the gargle which she must use.

Your very truly,

J. CARGILL

17th April 1872."

Dr. Bowerbank—Your honors, Dr. Cargill said here that on Tuesday he told Dr. Smith he handed over the case to him; yet here he is the next day prescribing for her.

Dr. Cruice—He did not say he told Dr. Smith he handed over the case to him. What he said was that he did not return because having been spoken to by Dr. Smith, he believed he had nothing more to do with it.

Dr. Bowerbank.—Then Dr. Cargill knowing Mrs. Stoakley to be very ill of Hœmorrhagic Small-pox, left her from the Tuesday to Thursday afternoon, on the supposition that she was Dr. Smith's patient—although on the Wednesday Mrs. Nairne called upon him to prescribe for her. I leave it now in the hands of the Judges. Dr. Cargill tells you he has seen but little of Small-pox in his life. I have a good deal during 36 years practice; and I swear that woman (Mrs. Stoakely) never died of Hœmorrhagic Small-pox. I swear she had a varioloid form (Horn Pox) and I swear she died of Laryngitis, or its result, Ædema Glottidis. I said that to Dr. Cargill after I told him to go and see her, according to my account of that interview, and I repeat it now. I say also that on that occasion he did not go till 4 or 5 o'clock in the evening.

Dr. Cargill—I did.

Dr. Bowerbank—I can prove you did not; and that when you did go, you never said a word to Mr. Nairne about his being a liar nor did you ask for the letter which Mr. Nairne had written me.

Mr. Nairne—Your honors, I would like to be sworn, to make a statement. Dr. Cargill has ascribed to me an epithet that no man in my life ever before did,

and one that I will not stand. I never knew of it until now it has come out through Dr. Bowerbank's relating the conversation Dr. Cargill had with him in reference to me and Dr. Cargill's unwarranted attack on my veracity.

Dr. Bowerbank—Mr. Nairne told me after, that Dr. Cargill came back to see Mrs. Stoakely very quietly and never said a word about his slandering him or having told lies about him.

The Presiding Inspector—I should be very sorry—I say to repeat such a thing is michievous—tis mischief making.

Dr. Bowerbank—It's a serious matter and one that ought to be enquired into. Mrs. Stoakely's life was sacrificed. Its God's truth Sir and must be told. I'll have nothing to do with such miserable work. I am no mischief maker, but if a man tells me a thing of another let him stand by it ; its a matter of life and death.

Dr. Cruice—It is a question of a difference of professional opinion, Dr Bowerbank.

Dr. Bowerbank—If you choose to rule it so Sir.

Dr. Cargill—If I did make a professional mistake, I dont think I am the first medical man who has done that; and Dr. Bowerbank knows it.

Dr. Bowerbank—A mistake! Say what you like, this woman died choked and an operation might have saved her life.

The Presiding Inspector—It is time to adjourn, Dr Bowerbank.

As the Court closed Dr. Cargill handed in a bundle of papers to the Secretary, observing, I suppose you had better take charge of these.

Dr. Bowerbank *(to the Secretary.)* What are those?—The Fortnightly Returns handed in this morning by Dr. Ross.

The Court was then adjourned till Friday, at the usual hour.

FRIDAY, 13TH DECEMBER

On the Inspectors resuming their seats this morning Dr. Bowerbank observed that he was very sory to be always troubling the Court ; but he could not help ir-

regularities occurring. That he had again to complain to them that the documents called for had not been duly placed on the table; that yesterday Dr Ross after refusing to give any evidence, had " pitched down several documents on the table," which he Dr. Bowerbank had called for, weeks before; that among these were Dr. Cargill's Fortnightly Returns ; which as soon as put down on the table by Dr. Ross, had been appropriated by Dr. Cargill and retained by him till the Court adjourned yesterday afternoon; that he, Dr. Bowerbank, had come early this morning, in hopes of getting them from the Secretary, in order to look through them, before the Court met ; but that he had just a little before succeded in getting them from the Secretary. That he feared that these important documents would prove of little use to him. He had however requested Mr. Byndloss to make extracts from them as to the Small-pox cases, and if he (Mr. Byndloss) succeeded in doing so before the Court concluded—(which as Dr. Ross refused to give evidence, he supposed would be to-day)—then he (Dr. Bowerbank) would communicate the result of these searches to the Inspectors.

The Presiding Inspector.—(*Looking round the room.*) Surely Mr. Rees you have not allowed any of the documents of this Court to be taken out of your sight by any one ?

Dr Bowerbank.—Your Honor, Mr. Byndloss has just taken them into the next room by Mr. Cook's permission.

The Presiding Inspector—Mr Rees go and take them away from Mr. Byndloss and dont again allow any of the documents out of your keeping.

Mr. Rees left the room ; and immediately after returned with the Fortnightly Returns in his hand, followed by Mr. Byndloss.

Mr. Byndloss having taken his seat at the table, Dr. Bowerbank requested that the Fortnightly Returns might again be given to him for the purpose of making extracts of the Small-pox cases from them. This was done and Dr. Bowerbank proceeded to address the Inspectors—stating that he did complain of labouring under a great disadvantage in not having had an opportunity of perusing the documents called for.

The Presiding Inspector—Oh Dr Bowerbank, if you desire it the Inspectors will adjourn to-day and meet

again before closing the Court to receive any evidence you may have to give as to these documents.

Dr. Bowerbank.—Your Honors, we are all anxious to conclude and I do not think it is worth while to prolong the sitting of this Court.—(Here Dr. Cargill who had been looking over Mr. Byndloss, came round to Dr. Bowerbank and said to him—" I do not think Mr. Byndloss is doing what you wished him to do---he is copying the Fortnightly Returns in extens ." Dr. Bowerbank after looking at the paper. Mr. Byndloss was drawing up said : Never mind Mr. Byndloss. It cannot be done now, but your honors I will myself remain here after the proceedings are closed and I will analyse the Retu n ; if I sit here till 12 o'clock to-night or till to-morrow morning I will do it, but only unfortunately the Secretary will have to stay with me, and when I have done then I will let you know the result

Before proceeding to the business Dr. Bowerbank said—I beg to inform you that Mr. Nairne and Mr. Stewart have both signified to me their desire to have an opportunity afforded them during the sitting of to-day, of contradicting certain statements made by Dr. Cargill yesterday affecting them.

The Presiding Inspector.---Are they present ?

Dr. Bowerbank—No they have not yet arrived.

Cross-examination of Dr. Cargill by Dr. Bowerbank resumed:

Did you forward to the Medical Department the Reports published in the *Gazette* of the 27th June as those of Halfway tree, and the Eastern District of St. Andrew ?—I never read the report in the *Gazette* and I never forwarded any special report; nothing but the Fortnightly Returns.

Are these original Fortnightly Returns those you sent in to the Head of the Medical Department ?—I dont know, for I have never seen them and could not tell without comparing them with my Returns. (*after looking at the Gazette*) Well I could not even say now because there are no dates to this Return.

Dr. Bowerbank—Oh yes—the Return is headed as from September 1871, to 31st May 1872, but you have stated you kept no originals or copies of these Returns.

When did you send in such Return ?—I have said I did not.

Did you not send in Fortnightly Returns?—Yes I did.

Did you include any private patients in your Fortnightly Returns?—I had not but three and they may be there under the specific head of "remarks." I dont think I put Mrs. Stoakely's case there though.

Dr. Ross—These Fortnightly Returns are, I may explain, merely to shew what is done by a Government Medical Officer in his district during the fortnight.

Dr. Bowerbank—Exactly ; and I maintain that the names appearing in that Return are to be taken as the names of persons attended by the Government Medical Officer as Government Medical Officer.

The Secretary to the Commission *(after looking through the Fortnightly Returns)*—Mrs. Stoakely's name does not appear in any of these, but it does in the Return put in by Dr. Cargill yesterday.

Dr. Bowerbank—It is in the Board of Health Return.

Dr. Cargill—No, I dont think I named her there *(after looking.)* Yes, I did. You are right. I did it merely to show the Board what cases of Small-pox there were.

Dr Bowerbank—Precisely so. I maintain that being a Public Return, furnished a Public body, by a Public Medical Officer, it is to be taken as a Return embracing all cases attended by him on the public behalf. The thing is as plain as it can be ; yet your honors have ruled it is a private case. *(to Dr. Cargill.)* Are the amended Returns for Halfway tree and the Eastern District of St. Andrew as published in the *Gazette* of 11th July, correct?—I dont know.

Do you deny having sent in such a Return?—I dont deny anything of the sort. They are made from the Fortnightly Returns and if so must be correct.

Then the Return in the last amended *Gazette* up to the 31st May, must be correct—*(No answer).*

You have stated that you did not consider that the present attack of Small-pox amounts to an epidemic?—I think great credit is due to the Medical Department that it has not been an epidemic.

That's not an answer?—I answer for my own district and give no opinion for any other. My private opinion is that it was not an epidemic; but I beg leave to say my answer only refers to St. Andrew.

You have properly observed that the greatest mortality of an epidemic generally occurs at its commencement. Is this always the case ; was it so in 1864 ?---I believe there are exceptions to that as to every other rule. I only saw 20 patients in the epidemic of '64.

As you do not consider the present outbreak to have assumed an epidemic form, how do you account for the great mortality which occurred in the tents---5 out of 9, between the 9th April and the 5th May ?---I believe that those patients' deaths had a good deal to do with other diseases ; and I believe those who died were not favourable subjects at all.

And how do you account also for the greater part of the entire mortality, 13 out of 31, as stated in the amended Returns, having occurred before the 31st May ?---In the case of the two Armstrongs, they were scrofulous people with ulcers ; one woman had a premature delivery with Syphilis ; one aborted, and one or two were unvaccinated people. I dont know that this is remarkable, because it is so in all epidemics.

And how do you account for so large a mortality in the tents while among the same class outside the mortality was only 8 in 22?---I have just explained that those in the tents were unfavourable subjects.

More so than those of the same class who were not taken into the tents?—Yes.

In your Report in July to the Local Board of Health of St. Andrew, the total is put down at 55, of which 15 are said to have died and two to remain under treatment?—If it is so it is correct.

You state this to be a per centage of 27:5 ?—Yes.

Do you consider this a high mortality considering the disease was not epidemic ?—I dont.

You state the average mortality of epidemic Smallpox to be 40 per cent ?—Yes.

In drawing up a Report such as the one presented is it not usual to append names and ages together with the dates of the persons' so attacked and dates of recovery or otherwise ?—It may be usual, and if I didn't do it, it was unusual; that's all.

Among the 15 deaths you state 9 were vaccinated and on evidence it appears that 2 more (Mrs Stoakely and Bell) were, making 11 ?—I think if you refer to that

Return you will find I did not state they were vaccinated.

Dr. Bowerbank—Here are the Returns (*reading*) "Barclay, not re-vaccinated"—

Dr. Cargill—I have already explained Dr. Bowerbank, and Dr. Cruice understands me, that I never intended it to be viewed in that light. What I meant was that I did not "re-vaccinate" that person altho' I couldn't say if he was vaccinated or not. It might be clumsily put, but that was my meaning.

Dr. Bowerbank (*reading*)—"Bennett, not re-vaccinated; Roden, not re-vaccinated; Tucker, not re-vaccinated; Nathaniel Barclay, not re-vaccinated; William Hall, not re-vaccinated; Charles Wright, un-vaccinated; Beatrice Hall, un-vaccinated; Cecilia Henry, not re-vaccinated; the Armstrongs, not re-vaccintaed."—Why the thing is as plain as possible. Your honors must observe the distinction, "not re-vaccinated" and "un-vaccinated." Dr. Cargill may now explain it in any way he likes and your honors accept his explanation if you chose, but here we have the distinctions between "un-vaccinated" and "not re-vaccinated" cases. Any man reading these returns could arrive at no other conclusion than that I have placed on them, namely, that the "un-vaccinated" were those never vaccinated; and the "not re-vaccinated" those vaccinated on a previous occasion but not "re-vaccinated" by Dr. Cargill or any one else. Now, Dr. Cargill let me ask you, are not 11 deaths of "vaccinated" persons out of 15 deaths in an outbreak not epidemic, very large and hitherto unheard of?

Dr Cargill—I wont answer that question because it bears upon false grounds.

What do you mean by saying that this Report was not drawn up for the inspection of Medical men; that if you had been preparing it for the *Lancet* it would have been different?—I refuse to answer that question

In the Government Medical Service is it usual to draw up different reports for different Boards or authorities?—Certainly; if a Government Medical Officer were asked, say by the Custos of his parish, to draw up a report on any subject appertaining to his department he might do so out of courtesy.

Would he vary his report—Do you consider that the type or form of the disease is influenced by external agen-

cies—by treatment?—There is no doubt if you starve a person you put him in a bad way for recovery.

If you kept him in a Bell tent, with 3 or 4 others, at night, with a vallance down, in a tropical climate, affording say total cubic space 513 feet, would that suffice?—I wont answer that question.

In a tent that was "d——d hot," for example?---Nor that either.

In former days to what cause would you attribute the enormous mortality of Small-pox which used to occur, at nearly 70 per cent?—To imperfect vaccination.

Dr. Bower bank---But vaccination and inoculation were perfectly unknown then. Is it generally put down by authors to bad treatment?---Yes.

Does Small-pox of all diseases require good nursing and cleanliness?---Oh yes.

Do you consider that a discreet case of Small-pox may by improper treatment become confluent or hœmorrhagic or malignant?—I think if you were to starve a discreet case, or neglect it, the pustules would be likely to become gangrenous.

Do you think 4 or 5 persons with Small-pox in one tent closed round in this hot climate at night, likely to make the disease worse?---It would be very close work I think.

What effect do you think would a fire lighted at that tent door during rain have on the inmates?---Make it hotter.

Under such circumstances would the cases be likely to assume an aggravated type?---Yes.

Under such circumstances are the pocks apt to become suppressed or flattened?---They say heat drives out the disease you know. I can't tell that they would become flattened. I have never observed it.

What is the usual fatal day or period of Small-pox?---First of all you have four stages of Small-pox. First, the incubative stage from ten to fifteen days and during that period the patient doesn't generally die: then the febrile, four days, which in children is accompanied with convulsions and they die then. I have seen one or two cases with convulsions in adults———

I think you stated just now that the incubative stage was from 10 to 16 days. What is the period of quarantine?—Fourteen days.

Then according to that quarantine is absurd?—I think it should be 3 weeks but I didn't invent quarantine you know.

You stated that the initiatory fever lasted 3 to 4 days. Is that usual?—Yes. I think you will find that in Dr. Aitkin's work.

[A conversation here took place in which Dr. Bowerbank held, from experience, and on the authority of several writers on the subject, that the initiatory fever lasted as a rule till the eruption made its appearance—which in Small-pox Dr. Bowerbank stated was at the end of the second day, or rather on the third day—whereas, in Measles this occurred on the fourth day; whilst Dr. Cruice sided with the opinion expressed by Dr. Cargill, and read from Copland's Dictionary. Upon which Dr. Bowerbank observed, that Dr. Copland though a most learned and trustworthy writer, was not the authority acted on in regulating Quarantine, and stated he would adduce proofs of what he maintained.]

How would you define an Hœmorrhagic case of Small-pox?—Where you have Hœmorrhage from one or more places and black spots in the centre of the pustules.

In cases of severe Epistaxis or Menorrhagia occurring in a Small-pox patient during the early stage would this constitute an Hœmorrhagic case or would it be wrong to check it?—Well, here you are again coming into Medical treatment. I think at the beginning of all diseases especially a congestive one sometimes a little Hœmorrhage does good.

If it were excessive?—I suppose I would check it if I could, but dont think you should with Small-pox.

Did you ever write a letter stating that it was wrong to stop the uterine flow in Small-pox?—Yes, but not to a Medical man.

Dr. Bowerbank—I have handed in a letter in which Dr. Cargill wrote "Small-pox always brings on the uterine flow. Nothing can be done to stop this. Indeed it would be wrong to do so;" and he has said here he gave Mrs. Stoakely my medicine. I wish to ask him

now, how came he to give her my medicine if that were his opinion?—I refuse to answer that question.

I repeat the question. Believing that injury might accrue from attempting to check Menorrhagia in Small-pox, how came you to give the medicine I had ordered for Mrs. Stoakely, or why did you not express to me your disapproval of the medicine ordered when I gave you the prescription?—I wont answer.

The Presiding Inspector.—I think it right that Dr. Cargill ought to be told the Court does not call on him to answer these questions.

Dr. Bowerbank.—And I think it right to repeat my most solemn protest against this ruling. The enquiry is into the treatment of Small-pox cases in St. Andrews—especially in the Halfway Tree District, (*to Dr. Cargill.*) Is it a fact that the mildest form of the disease may give rise in others to the most serious and severe?

Dr. Cargill.—Who are you trying to teach by that childish question, Dr. Bowerbank?

Dr. Bowerbank.—I could teach you believe me, Knowing this can you justify your conduct as to Mr. Cooke's child?—That's a piece of impertinence to put that question.

The Presiding Inspector—The better way Dr. Cargill, would be simply to refuse to answer.

Dr. Bowerbank.—Let him answer in any terms he likes your honor, I assure you it doesn't annoy me. One thing is quite certain and that is if the intention be to deter me from putting the questions, it will be a miserable failure. Now, Sir; you have stated that you did not attend Campbell when sick of Small-pox because his case was not worth attending. Do you repeat this?—I wont answer.

You have stated your reasons for not entering the tents. Would the same feeling actuate you in not entering a close confined room?—With regard to not entering the tents I beg to state that I shall have something to say about it presently.

Would your patients draw any line of distinction between them?—I wont answer.

You allow that Pneumonia must be detected by physical examination of the patient. Is this affection a com-

mon and fatal complication of Small-pox ?—I wont answer the question.

You stated that some of those in the tents suffered from it. How did you ascertain this ?—I satisfied myself but I wont you. I was guided by my own diagnosis.

You are, if I mistake not, a great advocate or believer in contagion or infection ?—I wont answer that.

Do you believe that the common house-fly by contact can communicate Yaws from the diseased to the healthy—or that a healthy person drinking out of the same glass as a diseased person can communicate the disease ?—I wont answer that question.

Do you believe that four months after a person who died of Yellow Fever—and in whom decomposition was very far advanced, could impart the disease to others, if exhumed?

The Presiding Inspector.—Has this anything to do with Small-pox in Halfway Tree, Dr. Bowerbank ?

Dr. Bowerbank.—It has a great deal to do with him as a Government Medical Officer and has an important bearing on the case. *(Question repeated.)*

Dr. Cargill.—I believe if you were to dig up a dead body after it had been buried and putrefaction commenced, it would taint the neighbourhood.

Did you ever create a "panic" on such an occasion?—No, and whoever says so tells a story.

What did the Head of the Medical Department tell you on this occasion ?—I wont tell you what the Head of the Medical Department told me because I dont repeat conversations.

Dr. Bowerbank.—I repeat conversations and I will tell you what he told me. He told me that he told you to go and mind your own business.

Dr. Cargill.—And I deny it. I never knew Dr. Steventon to be offensive to me since I knew him.

As a Government Medical Officer you are always ready and willing to consult with other medical men on cases under your charge ?—I refuse to answer that question.

The Presiding Inspector.—Why not say yes or no, Dr. Cargill.

Dr. Bowerbank.—It does all the same your honor, I have nothing to conceal.

Dr. Cargill.—Nor have I.

Dr. Bowerbank.—You had frequent consultations at the Reformatories when a so called epidemic disease prevailed there?—No, I had nothing of the sort. I got medical gentlemen to give Chloroform for me in some operations.

Can you state how many legs and toes were amputated in consequence?—A great number but I forget now.

Dr. Bowerbank.—You told me seven legs came off and at least seventy toes.

The Presiding Inspector.—How many Dr. Bowerbank?

Dr. Bowerbank.—Stop a bit Sir, I will tell you a most amusing story directly.

The Presiding Inspector.—Very well, let us go on.

What was the nature of that affection?—I shant tell you.

Did you ever state that it was a parasitical affection, in fact, caused by Chigoes?—I wont tell you.

Dr. Bowerbank.—You did to me, in the presence of another gentleman and to others to. Has a full and correct account of this terrible affection ever appeared in the *Gazette*?—I shant answer.

Dr. Bowerbank.—Then I shall for you. Some time ago your honors Dr. Cargill stated that the boys and girls at the Reformatories were suffering from an affection of the toes. The disease increased and in course of time lots of poor fellows lost toes and legs, which were taken off by Dr. Cargill, who told myself and other gentlemen that it was a terrible epidemic in the form of "malignant Onychia." He told me that no less than seven legs and at least 70 toes had been taken off, in consequence of this terrible affection. Well, the thing seemed so strange that consultations were held, and after a time Dr. Cargill declared that it was nothing but Chigoes.

The Presiding Inspector.—But that has nothing to do with Small-pox in St. Andrew?

Dr. Bowerbank.—It has to do with the conduct of the Government medical Officer for St. Andrew who now denies that he ever said it was chigoes. Besides I want to prove that Dr. Cargill had frequent consultations on the occasion; he told me so himself. If I can prove that

he held consultations during the prevalence of what he called a terrible epidemic, and that he did not in the Small-pox cases in the tents, where there was such a frightful mortality in patients with other complications, as he says,—I say if I can shew this, I am entitled to put the question. What I shall next ask Dr. Cargill is—Had you any consultations over the cases of Small-pox in the tents?

Dr. Cargill—No.

Is it not usual when severe cases occur to intimate the same to the Head of the Department and to request his personal attendance and advice?—No; not usual.

Considering that you had not in your entire professional career attended 100 cases of Small-pox, would it have been well to have obtained professional assistance?---I had'nt, first of all, any authority to pay for it; and secondly, I was not going to pay it out of my own pocket.

In this respect do you not enjoy greater facilities in your district than any other Government medical officer in the island, being near Camp, the Public Hospital and Kingston?---I suppose I could command the attendance of more medical men than those in the country.

How far do you live from Camp, and from the Public Hospital?—A couple of miles from Camp and a mile and a half from the Public Hospital.

In your opinion could any medical man satisfactorily attend the Small-pox cases which have already existed in the eastern district of St. Andrew?---No, I dont think so. I dont think if an epidemic occurred six medical men could do it.

Can you account for the great difference of mortality in the different returns published in the *Gazette* of July 11th, amounting as they do to 15, 16, 17 and 21 per cent and in your district to 41?---I should be very clever if I could. It would be an impossibility.

Is it impossible to form any idea?—I think so.

Why did you not, seeing the excessive mortality in the tents, request a consultation with Dr. Ross at any rate?---Because it is not usual to call in the Superintending Medical Officer to consult with you.

You have stated that you dont believe Dr. Smith would have been allowed to attend Mrs. Stoakely?---I am not going to answer that question.

When did you arrive at this opinion ?---I will not answer.

If it was Dr. Smith's duty to attend Mrs. Stoakely as the widow of an Officer, could the authorities have interfered with his attending her ?---You had better go and ask them.

When that silly, disingenuous and false paragraph was read at the Local Board about " if Dr. Bowerbank instead of finding fault with what had been done had offered some practical suggestions to the Board as to what had been done etc," did you state that he, to your knowledge had objected to the tents and to isolating cases ?—No. I perfectly agreed with the opinion and stated nothing. It would be a vast piece of impertinence for me to stand before this Commission and call Mr. Barclay's document a silly one, and you shant entrap me into such folly.

Did you agree with the Local Board of Health that future enquiry into the treatment of Small-pox patients " would only create excitement that would do more harm than good ?"—I had nothing to do with it I tell you. I did not attend as Government Mdical Officer but merely went there without being invited. I was a trespasser, if you like to put it that way.

But you were Government Medical Officer whose duty it is to advise the Government on all occasions affecting the Public Health. Have you at any time ridiculed Dr. Ross' instructions, about washing you hands etc.?—I might have made the remark that it was a queer thing to make Beef tea with Mutton ; and washing the face with Condy's fluid. But I am sure he will forgive me if I did.

Did you receive oral instructions not to expose yourself ?—Dr. Ross and myself fully understood each other as to that letter. It wasn't because I was afraid of getting Small-pox that I did not go into the tents, and I dont believe any one here thinks so. Why, Mr. Barclay will tell you I put a man with Small pox in a cart with my own hands, from his pen. What Dr. Ross said was this ; " as we are stamping out the disease you must be careful in attending the people," and so I was, and I maintain now that no one in the tents suffered by my not touching him.

Did you receive any instructions oral or written as to the food to be provided for the people?—Dr. Ross told me to give them all I thought they wanted.

Did you ever mention the contrary to any one?—No.

When did the first case of Small-pox occur at Swallowfield. When did you visit it?—I would have to look at the Return first. The day Mr. Braine told me he had heard there was a case at Swallowfield I said I would go and ascertain. I got into my buggy and drove there, the question being then in dispute whether it was in my district or Cotter's. When I got to Swallowfield I could get no information about this Small-pox case. I was there fully an hour driving about in the sun, and I came back here and told Mr. Braine, and Mr. Cooke said to Mr. Braine "he thought the people were inventing cases for the purpose of getting money out of him". Then, after that, Mr. Brice sent and told me.

Did not Byndloss tell you there were several cases at Cashew Lane, before Mr. Braine left the Island. Have you ever stated to any one that it was very foolish in Mr. Braine to run away from the enquiry?—I am not going to state whether I did or not; and if you do that for the purpose of making Mr. Braine and I quarrel, you will fail.

Have you ever stated that if Mr. Braine returns to Jamaica you would not enter his Church?— I am not going to answer that question either.

You think stimulants in Small-pox of secondary consequence. Why then did you order Porter for William Bennett when he did not take it?—First of all did I ever tell you that I thought stimulants of secondary consequence? I recollect a case of Typhoid fever where the patient was kept drunk all the time.

Does the Return of cases of Small-pox up to the 31st October consisting of 75 cases and 18 deaths, state the dates of attendance?—No.

You have stated that Mr. Walter Stewart informed you there had been no wake over the Armstrongs; is this correct?—He informed me that from enquires made for him he believed there was none.

Since this enquiry begun have you told Mr. Byndloss that his evidence was very truthful. Why did you

tell him so?—Mr. Byndloss came to me and asked me whether he had told any lies about me and I told him I didn't think he had.

The Presiding Inspector—I think Mr. Byndloss gave his evidence very fairly, subject to a certain bias.

Dr. Bowerbank—I am glad to hear it. He has been called my chief informer, my chief witness, and all that sort of thing; I deny it *in toto*, and I maintain that, so far as the Court would allow me, I have proven every one of my charges; and I only took Mr. Byndloss's evidence as a clincher. My next question is, can you state why a case of Small-pox has recently been removed from a house in St. Andrew to the Small-pox hospital in Kingston?——

Dr. Cargill—Perhaps Dr. Ross can tell. I heard in Kingston that Mr. Burke's cook's daughter had Small-pox and I went and saw her. I wrote and told Dr. Ross of it and he pursuaded her to go to the Hospital in Kingston.

Is the Small-pox Hospital of St. Andrew still empty?—Yes, and I am still the Government Medical Officer for St. Andrew.

To your knowledge is there a supply of vaccine lymph in the island?—I have only one tube and I am afraid it is bad.

Were you at any time requested to visit the Red Hills district to report as to Small-pox cases; when and by whom?—No, it was not my district. I once went up in Dr. Steventon's time to Mr. Derbyshire's Mountain without being sent and Dr. Steventon thanked me for it. It turned out to be chicken pox.

You have stated that I advised you to ask the nurses to sign a paper to the effect that you attended the people in the tents. Will you swear to this?—I swear to it in this way: I asked you whether you thought I should do it and you said yes.

Did I, on your asking me, if you should do so, after my telling you that Marshall and Sarah Francis had both told me that you had not entered the tents, say "yes, if you can get them to do it?"—Yes, before leaving your house.

Dr. Bowerbank—And I assure your Honors, in spite of the opinion you have thought proper to pronounce, that it was the most ironical speech I ever made in my life.

That very evening did you see Mr. Byndloss and did you see any of the nurses ?—I saw Byndloss but I dont recollect that I did the nurses.

Will you swear you saw none of the nurses that very evening ?—No, I will not swear.

That was the time you asked Byndloss to stand by you and say you did enter the tents. Did you select the spot for the tents at Halfway tree ?—Dr. Ross selected it *(to the Inspectors.)* But I must state this for Dr. Ross, that he did ask me if I knew of, or could get any other place, and I told him of the old muster ground but that was between Mr. McDougall's and the School and Mr. Braine had told me that we could not get the Glebe land.

Why was not Tarrant's land selected for the tents?—There are the houses around, and those at Ellesmere would have complained.

Dr. Bowerbank—It has been used before for cholera purposes and I think Small-pox too.

Dr. Bowerbank (*to Dr. Cargill.*)—Were you aware that the Constables stationed in front could not prevent persons from entering the quarantine ground at the sides ?

Dr. Cargill—That question speaks for itself. How could the Constables do it ? But, at the same time, I did not know it.

When and why was the School closed'?—Mr. Braine and I had a conversation on the subject. He said "dont you think it would be better to close up the School," and I said "I think so and that we had better vaccinate the boys." That was when Barclay was in the tents.

And after Plummer's child had been attacked ?—I believe so

You state that Weiss's sweetheart (Rouse) was very weak. How do you judge of a persons' condition who you never saw before and who was asleep when you visited her, and whom you did not touch. Was she suffering from Pneumonia?—Because when I went into the room she was fast asleep and her husband told me all her symptoms. He begged that I would not wake her.

You have stated that Mr. Nairne asked you as a favour to see Mrs. Stoakely?—I wont answer any questions about Mrs. Stoakely or Mr. Nairne.

You have also stated that Mrs. Stoakely was a patient of Dr. Smith's?—I wont answer.

You urged that as a reason for having neglected to see this unfortunate lady during the whole of Wednesday and Thursday up to 3 o'clock or later?

The Presiding Inspector.—Really Dr. Bowerbank, this is going to far. Dr. Cruice is of opinion, and I agree with him, that Dr. Cargill's private cases should not have been brought here; and that we have no right to enquire into them. You have objected to our ruling over and over again, and yet you continue putting questions in reference to the subject. The Inspectors are most willing to hear everything you can bring forward in support of your charges but really cannot allow you to continue like this.

Dr. Bowerbank.—Your honors, I still maintain that Mrs. Stoakely's was not a private case, and is within the scope of the Commission. The Court is now in full possession of the facts of that case, and all I am doing is to put my questions, so that each question which Dr. Cargill refuses to reply, may be noted. Then there is his letter to Mrs. Nairne. I put that in yesterday.

The Presiding Inspector.—That letter has not been received in evidence. It was merely read.

Dr. Bowerbank.—Very well Sir; but I will publish it (*handing a copy to the Reporter.*)

The Presiding Inspector.—You can do as you like, Dr. Bowerbank. I see a gentleman here taking notes of everything whether it be in evidence or not. Of course I do not pretend in any way to interfere with him as he has a perfect right to do as he pleases; but I merely make the remark.

Dr. Bowerbank (*to Dr. Cargill.*)—You have expressed great surprise at my noting down what you said to me in June last. Are you really surprised at my doing so after all that has passed between us during the last 10 years or so?—I shant answer.

Just as well Sir that you do not. Did Dr. Ross in examining you as to your treatment of Small-pox patients, by the Governor's desire, put down carefully all you said?—I believe he did.

Did Dr Steventon ever give you any instructions oral or written not to expose yourself to the contagion or in-

fection of Small-pox?—No, he did not. I saw but one case, out of my district at the Ferry.

Do you consider that Dr. Ross's instructions extended only to the first case or two in the district?—I consider first of all, it extended to the cases in the tents and to all other cases, but that it was not intended I should neglect them.

Dr. Ross has stated that Dr. Land was bound to resign his appointment?—I wont answer.

The Presiding Inspector.—We wont go into that.

Was your resignation of the Eastern District of St. Andrew optional or conditional?—Well, the Governor divided the parish into four districts and gave me the option to have either I liked.

Did you attend the two Armstrongs—brother and sister?—I did. They were in the most miserable house in the district. You had hardly any room to go round the bed when you went into the room.

In such a case would a good Hospital tent have been a blessing to them, or even a temporary shed or booth?—I believe a Bell tent would have been. But I could not remove them as I wasn't called in the early stage to see them

[It may here be mentioned that during the discussion as to the primary fever of Small-pox—Mr. MacNab quoted from his notes, on which the Presiding Inspector observed :

Dr. Bowerbank during the proceedings a letter of yours was produced, in which you have called in question the ability of Mr. MacNab to report correctly. I have to inform you that I have compared Dr Cruice's notes and my notes with those of Mr. MacNab, and we have been struck with their correctness.

Dr. Bowerbank observed that it had been his duty to point out the fact to the Government not of Mr. MacNab's inability to report correctly—but of his unacquaintance with negro idioms and phraseology, and that he should still protest against it.

The Presiding Inspector—What, whether he is right or wrong?

Dr. Bowerbank—I would hardly be so absurd. But we shall see when the time comes.

The Presiding Inspector— I can assure you that on the occasion of a recent enquiry at the Penitentiary, at

which Mr. MacNab acted as Reporter, I was very much surprised at the correct and efficient manner in which he performed it.

Dr. Bowerbank—Exactly so Sir, but there are persons who doubt the correctness of that Report,—the more so, as the party most interested was refused by the Government a copy or sight of the notes or evidence, on which such Report was founded.]

Dr. Bowerbank—I have done with Dr. Cargill. And now your honors, as to the point I mentioned this morning in regard to Mr. Nairne and Mr. Stewart. After the adjournment yesterday Mr. Nairne called upon me and was very indignant at the statements of Dr. Cargill which he states are all together false—he has requested to give further evidence on the subject, and should your Honors object he has written me a letter emphatically denying Dr. Cargill's statement in regard to Mrs. Stoakely, in most material points, and I wish to know whether the Court will receive that letter in evidence?

The Presiding Inspectors—No. The Inspectors have already decided that Mrs. Stoakely's case being a private one does not come within the scope of this enquiry, therefore, nothing relating to Mrs. Stoakely can be received as part of the proceedings.

Dr Bowerbank—Then I find it necessary again most solemnly to protest against this ruling. The Inspectors have before them Dr. Cargill's and my statement as to Mrs Stoakely. Mr Nairne for reasons known to the Court, wishes for an opportunity to contradict Dr. Cargill's statement, and I understand your honors to deny him that. I say Mr. Nairne is entitled to be heard and that your honors have no right to refuse to hear him seeing that what he has to say is in direct contradiction of Dr. Cargill's statement. If your Honors refuse to receive Mr. Nairne's letter, I shall take care that the Governor is made acquainted with it.

The Presiding Inspector—I must say Dr. Bowerbank, I think Mr. Nairne has been dragged into this matter.

Dr. Cargill—I may state Sir that as soon as I got away from here yesterday evening I met Mr. Nairne and explained the whole matter to him and that he was perfectly satisfied. I told Mr. Nairne I would say in

open Court that I dont believe him to be a liar, and I now do so.

Dr. Bowerbank.---This statement of Dr. Cargill's differs very much indeed from Mr. Nairne's own statement of what took place between Dr. Cargill and himself yesterday afternoon. Here is Mr. Nairne's letter and in it you will find he is not satisfied. Here is Mr. Nairne himself, ask him and he will tell you he wishes to make a statement in regard to you on oath.

The Presiding Inspector—I think if Dr. Cargill withdraws in open Court, what he has said of Mr. Nairne, Mr. Nairne can hardly want more. Dr. Cargill now seems convinced with regard to Dr. Smith and as far as I understand him, he is willing to withdraw any expressions he may have used, offensive to Mr. Nairne.

Dr. Bowerbank—What I maintain is this: that the Inspectors have a right to hear Mr. Nairne.

The Presiding Inspector—I should be sorry that an enquiry of this kind should be turned into a personal matter, and I hope it will not. Mr. Nairne, wont you accept Dr. Cargill's explanation and drop the matter?

Mr. Nairne—Your honor, I should like my letter read as I feel excessively pained at Dr. Cargill's attack on my veracity. It is the first time in my life any man has done that and I am not willing to allow it to pass without reply.

Dr. Cargill—This is all Dr. Bowerbank's doings Sir.

Dr. Bowerbank—Is it? I tell you Sir, I scorn a man who dares not repeat to another's face what he says behind his back, or excuses himself in such a miserable way. My doing is it? Then I am proud of it Sir.

The Presiding Inspector—I am very sorry you are proud of making mischief Dr. Bowerbank.

Dr. Bowerbank—I am not making mischief but am speaking God's truth in a matter seriously affecting life.

The Presiding Inspector—Mr. Nairne, Dr. Cargill is sorry at what has occurred and I convey his sentiments to you.

Dr. Bowerbank—I hope a note will be taken that your honor has asked Mr. Nairne to reconcile matters by which a witness is stopped coming before the Court and telling the truth. In my letter to the Colonial Se-

cretary of the 26th of June. I wrote "There appears "to have been a very general belief that the Medical "Officer of the district had expressed his intention "not to attend any Small-pox patients who he was "not bound by his appointment to attend, on the plea "if he did so, his other patients would not employ him. "Inspector Nairne, Mr. Bennett, Mr. W. Stewart, "and Mr. Byndloss can speak as to this point; and I "am compelled, most reluctantly, from what Mr. Nairne "has mentioned to me (25th June) to add, myself can "prove."

The Presiding Inspector---You called Mr. Bennett you know, and it turned out he knew nothing about it.

Dr. Bowerbank---Mr. Bennett was *non mi recordo*; but I have proved it and so as Mr. Nairne and Mr. Nairne's orderly.

(To Mr. Nairne)—Did Mr. Braine ever tell you some of the men at Armstrong's wake were drunk ?---He did.

Mr. W. L. Stewart (Clerk of the Local Board of Health of St. Andrew, addressing the Presiding Inspector)---I was not present yesterday Sir, but I have heard Dr. Cargill has said I told him there was no wake over the Armstrongs. If he has, it is not correct.

The Presiding Inspector---I think what Dr. Cargill said was, that he asked you as to the wake over the Armstrongs and that you said from enquiry you had made there was none.

Mr. Stewart---Dr. Cargill and I were in conversation and I remarked to him "it's a most extraordinary thing, some say there was a wake over the Armstrongs, and I hold a document saying there was not"; and I added laughingly, that I didnt know who to believe. (*in reply to Dr Bowerbank*) I told you yesterday I had been told Dr Cargill said I told him there was no wake, and if he had done so, he was wrong. On one occasion, the morning after the Armstrong's died, I saw the coffins pass my office downstairs; and I came up here into Mr. Cook's Office and remarked that there was an awful stench about the place. It made me perfectly sick, and caused all the clerks to run out of my office.

The Presiding Inspector (*to Mr. Stewart.*)---You told us in your former examination here, that the Local

Board of Health of St. Andrew had three meetings. Did they do any thing in regard to Small-pox here ?

Mr. Stewart---I will read the Minutes. (*Reads.*)

Dr. Bowerbank---Your honors, the time has now come when I must call on Dr. Ross to present himself to be sworn and give evidence, according to his subpœna.

Dr. Ross---And I decline to give any evidence although I shall be most happy to afford the Court any information it may require.

Dr. Bowerbank---I ask the Inspectors to settle the question whether or not Dr. Ross can refuse to give evidence. I tell your honors that a great deal of necessary information cannot be ascertained unless Dr. Ross or the chief Clerk of his department, Mr. Rees, who is also the Acting Secretary of the Central Board of Health, and Secretary to this Commission, be called. If Dr. Ross refuses to give evidence, the Inspectors will be deprived of information which I say they ought to have. I cant call Mr. Rees on account of his connection with this Commission; and, with Dr. Ross refusing, I shall be unable to adduce further proof, although I repeat, I have already proved every charge I have brought, so far as the Court would allow me. At any rate, I call formally on Dr. Ross to give evidence and if he still persists in his refusal, I must ask your honors to deal with him as you would with any other witness so that something might appear on the Minutes of this Commission to show how my proof has been crippled. If Dr. Ross still refuses it matters little to me, although I fancy it will a great deal to the Government.

Dr. Ross.—I claim the right of an accused party. You have accused me as Head of the Department, and as such I refuse to give evidence.

Dr. Bowerbank.---I accuse the system Sir, and I have told you that more than once since we have met here. This is no personal matter; I regard it as a solemn duty and however disagreable it may be to me, I will do that duty. I certainly think the Head of the Department has erred fearfully, and I regret it. In dealing with this matter, I am not dealing with Dr. Ross but with the Head of the Department, and I repeat I will not flinch. You have questioned, you have bullied, my so called witnesses; you have questioned and cross-questioned myself, but

now you refuse to go through the ordeal yourself. I now call on Dr. Ross to give evidence and if he refuses, I call on the Court to exercise its authority.

The Presiding Inspector.---We can only fine him 40s.

Dr. Bowerbank.---Your honors have certain powers and I call upon you to exercise them whatever they may be.

Dr, Ross.---I have obeyed your honors subpœna by my attendance here every day. I see nothing in the Law that an accused should dammify himself.

The Presiding Inspector—Dr. Ross surely you do not mean that.

Dr. Bowerbank.---I shall put the first question to Dr. Ross. Are you a Medical Practitioner——

Dr. Ross.—I refuse to give evidence.

The Presiding Inspector.—Dr. Cruice thinks, and I think with him, that Dr. Ross should give Dr. Bowerbank an opportunity of examining him.

Dr. Ross---I am not well enough sir.

Dr. Bowerbank---If Dr. Ross is sick, that's another thing. In that case I beg your honors will remit the fine.

The Presiding Inspector---I hadn't said anything about fine yet, Dr. Bowerbank.

Dr. Bowerbank---I thought I had asked the Court to exercise its authority.

Dr. Ross---If your honors insist I shall be forced to pay the fine; but I would prefer not to.

The Presiding Inspector---Yes, but it would be perfect nonsense to fine a gentleman like you 40s, Dr. Ross.

Dr. Bowerbank---If Dr. Ross puts it on the plea of ill-health, sir, I cant insist. But I must say my proof is crippled——

The Presiding Inspector—I agree with you Dr. Bowerbank, but I dont know what else we could do. Are there any questions you would like to put to Dr. Ross in writing?

Dr, Bowerbank—Any partial examination of Dr. Ross would not do. It would be a very long one. I have here some 400 questions written out.

The Presiding Inspector—Well, things must go as they stand then. Dr. Ross refuses to give evidence, and adds that he is not well. The Inspectors have the power to fine him 40s. nothing more.

Dr. Ross—I will take the oath and decline to answer.

The Presiding Inspector—It comes to the same thing. There is one point on which perhaps you will not decline to furnish some information to the Court, and that is, why was Dr. Rogers sent to the Sterling Castle only twice a week?

Dr. Ross—Because he had other things to do Sir, and we were short handed at the Hospital, where each new member of the Government Medical Service remains for six months after his arrival in order to gain a knowledge of tropical diseases.

The Presiding Inspector—Thank you. Does any body wish to produce any further evidence before this Court? (*after a pause, and no one replying.*) We should like to have seen John Lee but he is "in the clouds" and not forthcoming. Well, I suppose this enquiry, for present purposes, may be declared closed?

Dr. Bowerbank.---Your Honors, I should very much have liked to have examined Samuel Brown, but he is not forthcoming.

The Presiding Inspector.---Every effort has been made to find him; a wrong man even was brought up in his place.

Dr. Bowerbank---I am afraid I shall have to keep your Secretary here till a very late hour as I wish to go through and analyse these Fortnightly Returns.

The Presiding Inspector---Very well. You can communicate the results to us.

[At the request of the Presiding Inspector, Mr. Cook, the Clerk of Petty Sessions for St. Andrew was called from his office into the Court Room.]

The Presiding Inspector---Mr. Cook, the Enquiry having arrived at its termination I wish, with my learned brother's concurrence, to thank you for the courtesy and attention we have received from you, the time we have sat in here. We are also obliged to Inspector Nairne for his personal attendance as well as that of his Constables, and for the careful and efficient manner in which they have performed their duty.

The Secretary then at 3 minutes to 1 p. m. closed the Enquiry in the following words:—"This enquiry is concluded."

APPENDIX.*

The Clerk of the Local Board of Health St. Andrew, to the Colonial Secretary.

Local Board of Health Office,
St Andrew, 12th July, 1872.

SIR,

I have to acknowledge the receipt of your letter of the 21st ultimo forwarding copy of a letter from Dr. Bowerbank which I have laid before a meeting of the Local Board of Health for this parish held this day.

I am desired by the members of the Board to say that they have carefully gone over the several allegations made by Dr. Bowerbank in his letter but the only two the Board think it their province to notice are "a wake" said to have been held on the bodies of the "Armstrongs," and the manner in which the outbreak of Small-Pox has been met.

With regard to the first, the Board are of opinion, from such evidence as they have been able to procure; that there was "no wake"—That an assemblege of relatives and connections in the house after death may have been but this the Board apprehend cannot be viewed as a wake and cannot be prevented by any Law.

In reference to the latter, the Board have reason to believe that everything was done that could be, on an emergency of the kind, and think, if Dr. Bowerbank instead of finding fault with what had been done had offered some practical suggestions to the Board as to what should have been done, they would have met with that consideration which coming from a Medical man of his experience they would be entitled to.

The Board have already expressed their opinion that they think all Sanitary Rules should emanate from the Central Board of Health under the sanction of His Excellency the Governor, and the Board are of opinon that if a Rule was made under 4th Vic. chap, 32 or the Small-Pox Act making it compulsary on the Government Medical Officers and others to give notice to the Constabulary of the death of any patient from this disease for them to see that interment took place within six

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* It was earnestly desired that ALL the other documents in connection with this investigation should have been included in this pamphlet, but it having already reached over 400 pages and those documents not having been received at date—19th February 1873—and as further delay is likely to lessen public interest in the Report, it has been thought advisable to go to Press without those documents.—THE REPORTER.

hours after death and make any assemblage or "wakes" over the body a misdemeanor, that it would soon put an end to all such "wakes."

I am directed to forward the accompanying Reports from the Government Medical Officers and the Rector of the Parish, which, if they do not show that the disease has disappeared, show that it is decreasing.

I also forward a Report from the Inspector of Constabulary on the wake said to have been held on the bodies of the Armstrongs.

The Board are further of opinion that there is no call for any Special Enquiry into the manner in which the outbreak of Small Pox has been met in the parish as it would only create an excitement that would do more mischief than good.

I have, etc., etc.,

(Signed) W. A. STEWART,

Clerk Local Board Health, St. Andrew.

The Revd. G. T. Braine, Rector, to W. A. Stewart, Clerk Local Board of Health, St. Andrew.

The Rectory, St. Andrew,

9th July, 1872.

SIR,

I have received your note asking for information in connection with the existence of Small-Pox in the Parish.

I have to inform you—

1 —That there have been many cases of Small-Pox in and near Half-way-Tree and that several of them have been fatal.

2 —I have done my best in nearly all the cases to see that the sufferers have not been without nourishment and attention. I believe the cases have been seen by the Government Medical Officer.

3 —There are to the best of my knowledge but very few cases now in this neighborhood and they are progressing favorably.

4 —I have received £15 from the Acting Custos which has been expended in affording pecuniary assistance as well as providing nourishment, chiefly Beef and Porter.

I will send in a statement of the expenditure. I do not know of any wakes having been held. I do however think that the burial of the Armstrongs was unnecessarily delayed and that persons did set up with the deceased.

I have the honor, etc., etc., etc.,

(Signed) G. T. BRAINE.

Mr. Rees to Inspector Nairne.

Office of Island Medical Establishment,

4th January, 1872,

No. 15

Sir,

As Small-Pox is reported to exist at Cooper's Hill, in the Red Hills District of St. Andrew, I am desired by Dr. Steventon to request that you will furnish Dr. McMahon, the Medical Officer who proceeds there to-morrow morning to ascertain the facts, with a Constabulary guard of about two men for the purpose, if Small-Pox really exists there—of preventing communicatson with infected person.

Dr McMahon will call on you to-morrow morning for the men, who should proceed with him.

I am, Sir,
Your obdt sevt,
George Rees,
Principal Clerk.

Inspector Nairne, St. Andrew.

Mr. Nairne to Mr. Barclay.

Constabulary Office, Half-way-Tree,

8th January, 1872

No 14.

Sir,

I beg leave to report for your information that seven cases of Small-Pox are under treatment of Dr. McMahon in the Red Hills District of this Parish.

To prevent communication or contact with the infected persons, I would suggest that a house be erected as an Hospital; in which the patients may be placed, and a competent individual employed to take care of them,

I have the honor, to be, Sir,
Your obedient servant,
(Signed) A. Nairne.
Inspector.

W. A. Barclay, Esq., Chairman of Municipal Board St. Andrew.

Note—The letter to the Inspector-General is in the same terms with this addition "I have communicated with the Chairman of the Municipal Board."—The Reporter.

The Inspector-General to Mr. Nairne and all Inspectors.

No. 212.

Head-Quarter, Constabulary Office,

29th February, 1872.

(Circular).

SIR,

In compliance with instructions received from His Excellency the Governor I have to direct that you will render every assistance in your power to the Government Medical Officers in your parish in isolating case or houses should an outbreak of Small-Pox occur in any quarter of your District. There must be no demur or delay on your part in complying with the above directions in full extent of your ability, and you must carefully instruct your Sub-Officers and men, when proceeding on this important duty, to perform the same with the utmost attention, assiduity and good judgment, as much will depend on the strictness with which the Isolation is maintained by the Police.

It will not, under any circumstances, be necessary for the Police to come in contact with the patients or their attendants —they must on the contrary, keep as far distant from the case or house infected as will be compatible with the strictest surveillance of the case.

They must be most careful that no intercourse takes place between the attendants and the other members of the community, and that all articles of food etc., brought for the use of the patients or attendants are placed at a fixed spot, sufficiently convenient, but not too close to the infected house, tent &c, (to be afterwards removed by an attendant) thus preventing any contact between the attendants and the messengers.

In a word, the greatest possible diligence and precautions must be exercised by the Police to prevent the spreading of this loathsome disease among the people.

Two Constables at least to be always detailed for this duty, and to remain until relieved at the instance of the Medical Authorities.

I am, etc., etc.,

Signed) J. H. PRENDERVILLE,

Major, Inspector-General.

Divisional Order of Inspector Nairne:

Constabulary Office, Half-way-Tree;

26th March, 1872:

D.O. No 15

Par. 2—The Constables on Quarantine duties must be careful not to come in contact with the patients or their attendants, but on the contrary, will keep as far from the house, or tent so infected, as will be compatible with the duties required of them.

Par. 3—No conversation whatever must be allowed to take place between the parties isolated and the messengers, or other persons bringing food, water, or other articles for must the patients or attendants. Such articles to be first inspected by the Constable, who will see it conveyed to the entrance of the ground and placed in a tray, pan, bucket, or other article placed there for this purpose. The Constable will then warn the attendants, and retire ; on no account whatever must the slightest article, not even a letter or note be allowed to be passed out from the quarantine ground.

(Signed) A. NAIRNE, Inspector.

Extract from a letter of Dr. Cargill to the Custos of St. Thomas in the Vale and forwarded to the Medical Department.

WAKING THE DEAD.

This barbarous custom is carried on to a surprising extent and is one that cannot be too strongly condemned. The great evils that arise from Wakes are the dissemination of contagious and infectious diseases. During the last epidemic of Small-pox, Wakes to my knowledge were held on persons who had died of this loathsome disease. At these midnight orgies persons come from all quarters, even young children are brought. The body is laid out in state, and the people occupy their time in eating, drinking and singing hymns. The negroes do not believe in infection nor contagion. They are fatalists in their ideas on these subjects. Infectious diseases are beyond doubt in many instances carried to great distances from houses at which wakes have been held. Waking the Dead is a relict of barbarity that should be unquestionably abolished.

CORRESPONDENCE.

To Mr. H. F. Figueroa, *Reporter of the Colonial Standard and Jamaica Despatch.*

Sir,

As you are publishing a Report of the Inquiry taken before the Superintending Inspectors under Law No 6 of 1867, I think it right to forward you the accompanying correspondence which took place subsequently to the Inquiry held at Half-way Tree.

I was sorry to hear from you this morning that you are unable to publish the documentary evidence in extenso with the exception of the Report of the Local Board of Health of St. Andrew ; I have myself seen none of it. Had the documents been produced when I called for them, it would have been more satisfactory as then they might have been made use of---as it is they have been of little or no use except perhaps to the Inspectors.

I am,

Sir,

Your obedient servant,

Lewis Q. Bowerbank.

Kingston,
17th February, 1872.

Copy of a letter from Dr. Bowerbank to the Superintending Inspectors.

Kingston 16th Decr., 1872.

To the hon. Henry Drake and Dr. Cruice, Superintending Inspectors under Law No. 6 of 1867.

Gentlemen,

On Friday last, if I am correct, Dr. Cargill stated on your questioning Dr Ross as to the site of the tents, that Tarrants Ground would have been objectionable as it was surrounded with houses and that persons residing at Ellesmere pen would have complained.

On more than one occasion during the sitting of the inquiry I urged the necessity of the Inspectors visiting this spot —it is at the back of the Church where the present Small pox Hospital is erected.

As regards the question as to the primary fever of Small-pox, I stated to Dr. Cruice that I would bring authorities to

prove that the rash of Small-pox made its appearance for the most part at the end of 48 hours or during the third day. In support of my statement, which I have over and over again confirmed by my own observation I beg leave respectfully to submit the following authorities as being the most recent:

"*Stage of Primary Fever.*" "The ordinary course is this —after twelve days freedom from illness, there is severe indisposition for forty eight hours, and then the eruption of Small-pox begins to appear. This is almost an invariable course still it is not invariable.—Article Small-pox by J. F. Marson in Reynolds' System of Medicine, vol 1, p 435,

"The period of latency or incubation lasts twelve days, during which there are no symptoms of indisposition. Then the disease commences with shivering, fever, headache, vomiting, and with well marked muscular pains in the back. The symptoms are succeeded at the end of forty-eight hours or the beginning of the third day by an eruption of small red pimples."

"The peculiar eruption of pimples or papulæ always begins to shew itself on the commencement of the third day of the fever."—Dr Tanner's Practice of Medicine vol 1, p. 273.

"The peculiar eruption almost always begins to show itself on the third day of the fever."—Sir Thomas Watson's Lectures on the Principles and Practice of Physic, vol. 11, p. 927.

"The period of eruption makes its appearance on the third day after the first appearance of constitutional disturbance."—Manual of Skin Diseases by Dr Tilbury Fox, p 49.

"In distinct Small-pox the period of invasion is usually three complete days; rarely three days and a half, more rare- four days; and almost never only two days."—Dr. Trousseaux on Clerrical medicine vol 11, p 52.

"At the end of forty-eight hours from the first commencement of rigors, but sometime earlier, and sometimes as late as the fourth day the eruption makes its appearance."—Dr. Hooper's Vade Mecuum by Dr. Guy chapter on Ariodla.

"Forty-eight hours elapse from the rigors to the first appearance of eruption. Generally however the eruption appears on the 3rd or 4th day of the fever."—Dr Copland Medical Dictionary, vol 4 p 211 p 17 c.

"The second stage comprises the primary fever which commences with the disease and terminates with the appearance of the eruption."

"*Discreet Small-pox.*" On the fourth day inclusive from the first attack of the primary fever—sometimes sooner, and but seldom later the eruption appears and the third stage commences.

"*Confluent Small-pox*" The eruption appearing more generally on the third day or even earlier,"—Dr Aitkin, the Science and Practice of Medicine vol 1 chapter Small-pox.

" The fever of variola is of the remittent type, preceding the eruption for two days, subsiding as soon as the eruption is developed, and retiring when the eruption has reached its height, namely on the 8th or 9th day.—Erasmus Wilson on Diseases of the Skin, p 458.

I might extend these quotations but it appears unnecessary.

I am sorry I cannot now make any remarks as to the returns of Small-pox, sent into the Medical Department or presented to your honors by Dr Cargill, as the Secretary has not yet been able to forward them to me for that purpose—so soon as I receive them I will communicate with your honors.

I am, gentlemen,
Your most obedient servant,
LEWIS Q, BOWERBANK.

Kingston,

23rd December, 1873,

The hon Henry Drake and Dr Cruice, Superintending Inspectors under Law No 6 of 1867,

Gentlemen,

On the 16th inst I had the honor of addressing you relative to certain points connected with the enquiry into the treatment of persons suffering from Small-pox in the parish of Saint Andrews. I thus concluded that communication :

" I am sorry I cannot now make any remarks as to the " returns of Small-pox sent into the Medical Department or " presented to your honors by Dr Cargill as the Secretary has " not yet been able to forward them to me for that purpose, so soon as I receive them I will communicate with your Honors." I need hardly remind your Honors that I have received no acknowledgment of my letter above referred to.

Your Honors will recollect that on Thursday (12th inst) the day before the Enquiry closed, Dr. Ross stated that it was not his intention to answer any questions put to him by me—and therefore he would place on the table such documents as I had called for (weeks previously) and for the production of which I had made more than one application to your Honors.

Among those papers were the Fortnightly Returns of Dr. Cargill, and here let me remind your Honors that in producing these not one word was stated by Dr. Ross that they were imperfect and therefore next to useless.

These documents were taken possession of by Dr. Cargill and remained with him till the Court adjourned on Thursday

afternnon, and yet no mention of their being imperfect was made by him to the Court.

On no occasion during the sitting of the Court did the Secretary of the Enquiry say one word about any of these returns being missing. Knowing well the importance of these Fortnightly Returns to prove some of my charges, I especially requested that they might be produced and that they migh t be placed in evidence, and I most certainly was under the impression that this had been done.

The next morning, Friday, before the opening of the Court, I requested the Secretary to allow me the use of these Fortnightly Returns, which he did, and I requested Mr Byndloss to make extracts from them as to the Small-pox cases in order that I might bring certain facts to your Honors' attention during the sitting of the Ceurt.

On the opening of the Court on Friday I drew the attention of your Honors to the disadvantage I laboured under in not having previously had an opportunity of perusin those Fortnightly Returns, and on your Honors hearing that hearing that Mr. Byndloss was then engaged taking extract from them, you ordered the Secretary to take them from him, and not to allow them to be removed out of his (the Secretary's) sight.

I was thus prevented from obtaining most important information, as the Enquiry terminated abruptly in consequence of Dr Ross adhering to his determination not to submit to any evamination by me.

On my pointing out the disadvantage I laboured under, your honors offered to adjourn the Court, but I stated that I did not think teat would be requisite as I would remain and analyse the Fortnightly Returns, and would make known the result to your Honors.

Soon after on leaving the Court House where I was engaged making extracts from the Fortnightly Returns your honor (Judge Drake) informed me that the Secretary would furnish me with any documents in his possession which I might require.

Several of the Fortnightly returns were then on the table —and from the four following—namely :

24th March to 6th April,
7th April to 20th April,
21st April to 4th May,
5th May to 18th May.

I took notes as to the Small Pox cases, but was then compelled to desist as some as subsequent returns were wanting— I mentioned this to the Secretary, who replied he knew it, and supposed the missing returns were in the Office of the Medical Department. I told him I required them, and requested him to let me have them at his earliest convenience,

together with the Report of the Local Board of Health of St. Andrews and Dr. Cargill's return of cases of Small Pox presented to your Honors.

Not hearing from the Secretary I wrote to him the next day (Saturday 14th) when I received from him the following reply :

"I forward herewith Dr. Cargill's Fortnightly Returns to "2nd November. The Returns for the 1st, 15th, and 29th of "June cannot at present be found in the Island Medical Office "but as soon as they are forthcoming you shall be furnished "with them."

On Monday 16th, I again wrote to him pointing out that I wished all the Fortnightly Returns in his possession, as also the other documents mentioned by me to him on Friday.

On the 19th inst., I received the following from him :

"In acknowledging the receipt of your letter of the 16th "inst., I have to acquaint you that having laid the same be-"fore the Superintending Inspectors I am directed by these "Gentlemen to say that you are at liberty to have access to "any papers that have been placed in evidence before them, "but if you desire to obtain copies of any of these documents "you should send some person to my office to copy them.

"The Fortnightly returns you require are not yet found "and I may mention that they were not put in as evidence, "therefore the Superintending Inspectors are unable to "authorise their delivery to you."

I must confess I was astounded on reading the above and on Saturday 21st, I called upon Mr. Rees at his Office (*i.e.*, the office of Dr. Ross) to know whether his statement as contained in his note was really correct, that the Fortnightly returns of Dr. Cargill had not been put in as evidence. This he repeated on the authority of the Superintending Inspectors. If such is the case Gentlemen, I must solemnly protest against this omission, and most assuredly an explanation should be given how some of them were missing and this fact was never made known.

These Returns are of the greatest importance to the enquiry and I repeat that when your Honors closed the Court I was fully under the belief that they were in evidence, or I certainly would have pressed their being so.

As an instance of the importance of these documents. I will remind your Honors, that Mr. Hyams in his evidence stated that Mr. Braine a few days before he left the Island on the 10th August mentioned to him, that several cases of Small-pox and some deaths had occurred at Swallowfield and that Dr. Cargill had not attended, a statement confirmed by the evidence of Mr. Byndloss and I think Mr. Brice, but denied by Dr. Cargill. The Fourthnightly returns settled this point as the *one*, and I think only, visit paid there by Dr

Cargill was on the 4th September to see Elizabeth Dixon who died the next day.

This evidence is the more important as a very material witness Saml. Brown who could have proved this was never brought into court in spite or my reported request that he might appear.

I may observe in other respects these Returns speak for themselves and confirm or refute evdence given. I would beg to observe that I have had no opportunity of perusing the Return of Small-pox cases, put in by Dr. Cargill, much less of compairing it with the Forthnightly returns.

Should your Honors consider it necessary to re-open the Court, which I believe under the circumstances of the case is quite legitimate and usual, I shall be happy to attend for the purpose of requesting that the fortnightly returns be duly received on evidence and the absence of any of them be publicly accounted for.

Your Honors having on two occasions (12th and 13th December) refused to allow Mr. Nairne to give further evidence to rebut Dr. Cargill's statement that Mrs Stoakley was a patient of Dr Smith, &c. and having also refsued to allow me to put in evidence a letter from Mr. Nairne to myself on this subject (a letter too which I have since observed is an official one) I feel it my duty berore making use of this letter to forward a copy of it to your Honors reminding you at the same time that when it was written Mr. Nairne had already been sworn and that subsequently he appeared and gave evidence as to Mr Braine having told him that drunken persons from Armstrong's wake were present at the funeral:

Copy of letter from Inspector Nairne to Dr. Bowerbank.

No. 523.

Constabulary Office,

Half-way-Tree,

St. Andrews, 13th Dec 1872

Dear Sir,

Their Honors having stated yesterday afternoon that they were not disposed to hear my statement in rebutter to the ungrateful and disrespectful language mentioned to you by Dr Cargill in reference to me in the late Mrs Stoakey's case.

I beg to state in reply to Dr. Cargill's assertions—1st I deny most emphatically that Mrs. Stoakey was a patient of Dr. Smith's of the 1st West India Regiment. On Sunday the 14th April 1872 Mrs Stoakley was suffering from most acute pain in the head and spine and incessant vomiting. I sent my

son for Dr. Cargill, he came about the hour of 8 o'clock p. m. and remained with her till 9 p.m. Monday the 15th he came about 4 o'clock, also her friend Dr. Smith and some other folk from Camp. On Wednesday the 17th Dr. Cargill deserted her. On Thursday the 18th Dr. Bowerbank came and prescribed for the unfortunate Lady, and through his influence Dr. Cargill resumed his visits and attended her until the 19th when she died at 3. 30, p.m. I cannot conceive how Dr. Cargill could reasonably have concluded that Mrs. Stoakley was a patient of Dr, Smith. It is a subterfuge.

2nd—Mrs Stoakely was no pauper though she was thus styled by Dr Cargill. She was a pensioner at £50 per annum and resided with my family about six years previous to her death, I know of no paupers resident in my home; my grandchildren when ailing are taken to Dr Bowerbank by their nurse and he prescribes for them.

I am under no obligation to Dr Cargill for any favors. The Government desires him to be my medical man and he attends me when necessary, and that is very seldom; when I am very ill I send for Dr Bowerbank in order to obtain a consultation

3rd—I really am not disposed to bring Dr Cargill to account for the ungentlemanly and offensive language he cowardly used towards me to Dr. Bowerbank.

My character and integrity are known in this colony and at the Colonial Office and elsewhere in England—and therefore I can surely treat Dr Cargill's assertions with impunity.

I have the honor to be Sir,

Your Obedient Servant.

ALEX. NAIRNE, Inspector.

The Honble. Dr. Bowerbank.

On this subject I again repeat to your honors that neither Mrs. Stoakely nor Emily Powell could be considered as private patients of Dr. Cargill's, for the reasons giving by me in my evidence, and I maintain that the evidence of Mr. Nairne in contradiction of Dr. Cargill's statements ought to have been taken.

I have the honor to be, Gentlemen,

Your Obedient Servant.

LEWIS Q. BOWERBANK.

Mr. Drake to Dr. Bowerbank.

Kingston, December 31st, 1872.

Sir,—I have to-day received your letter of the 23rd December which was returned to the Post Office from the District Court Office, in consequence of the postage not having been paid.

I will forward it to Dr. Cruice, and have the honor to be, sir,

Your obedient servant,

HENRY DRAKE.

Mr. Drake and Dr. Cruice to Dr. Bowerbank.

Kingston, January 14, 1873.

Sir,

We have the honor to acknowledge the receipt of your letter of the 23rd Decr., and to express our regret that from unavoidable causes our answer has been delayed so long.

We were as much surprised as yourself to learn that the Fortnightly Returns, were imperfect, as it was never suggested in Court that any of them were missing, and we will do everything in our power to have the missing documents supplied. We quite agree with you that in this case you have good cause of complain. With reference to the witness Samuel Brown, we must remind you that every effort was made, without success, to find him.

We certainly do not think that the letter from Mr. Nairne to yourself is admissible.

Before concluding this letter we beg to remind you that the Returns were not taken from Mr. Byndloss, but that he was merely requested to bring them into Court where he continued to make his extracts from them.

We have the honour to be,

Sir,

Your Obedient Servants,

HENRY DRAKE.

W. H. CRUICE.

Superintending Inspectors.

Dr. Bowerbank to Mr. Drake and Dr. Cruice.

The Honble. Henry Drake, and Dr. Cruice, R.N.

Gentlemen,—I have the honor to acknowledge the reeeipt of your communication of yesterday's date.

With reference to the concluding paragraph, I would beg leave to observe that to the best of my recollection on Friday morning, the 13th December last, on my stating that Mr. Byndloss was then engaged making extracts from the Fortnightly Returns for me, the Presiding Inspector asked the Secretary, Mr. Rees, how he could allow the papers of the Court out of his keeping—and directed him to take them away from Mr. Byndloss. On which Mr. Rees went into the next room and came back with the Returns in his hand followed by Mr. Byndloss. On Mr. Byndloss, taking his seat at the table next to me, Mr. Rees put down the Returns on the table before him—and while I was addressing your honors, Dr. Cargill pointed out to me that Mr. Byndloss instead of making extracts of Small-pox cases from the Fortnightly Returns, had begun to copy them in extenso. On this I observed to Mr. Byndloss that that was not what I wanted, but that I could not now attend to him—and that therefore he had better leave the matter over till the enquiry was finished I would remain and do it myself.

I very much doubt whether Mr. Byndloss or any one else could have made extracts from the Fortnightly Returns while seated at the table and pending the enquiry.

I would respectfully observe that in your communication you do not inform me whether or not these Fortnightly Returns of Dr. Cargill to the Medical Department were received in evidence as placed on the table by Dr. Ross on Thursday afternoon, or, if not so received, whether you are of opinion that it will be necessary to re-open the Court for the purpose of receiving those at any rate which have been produced by Dr. Ross.

I would again draw your attention to the fact that these Fortnightly Returns as handed to me by the Secretary afford most conclusive evidence as to the medical attendance on Small-pox cases at Swallowfield, and that while it confirms the evidence of three of the witnesses—disproves that of others.

I have the honor, to be,

Gentlemen your Obedient Servant.

L. Q. Bowerbank.

Mr. Drake to Dr. Bowerbank.

Kingston, January 15th, 1873.

Sir,—I have the honor to ackowledge the receipt of your letter of to-day's date, and to state that such of Dr. Cargill's Fortnightly Returns as were produced in Court are clearly in evidence.

As to the missing ones we will receive them whenever they are found, and I do not think it will be necessary to re-open the Court on that account.

I have the honour to be
Sir,
Your obedient servant,
HENRY DRAKE,
Superintending Inspector.

Dr. Bowerbank to Mr. H. Figueroa.

MR. H. F. FIGUEROA, Reporter of the Colonial Standard and Jamaica Despatch.

Sir,—As you state the Report of the proceedings must appear to-morrow I suppose there is no help for it —I regret much you have not been able to procure my letter to the Government of the 3rd April 1871 warning them of the approach of Small-pox—also Dr. Ross's instructions to Dr. Cargill as to the precaution he was to take when attending Small-pox cases, and the very unique directions—that if Goat *Mutton* was cheaper, to use that in making *beef tea* for the sick.

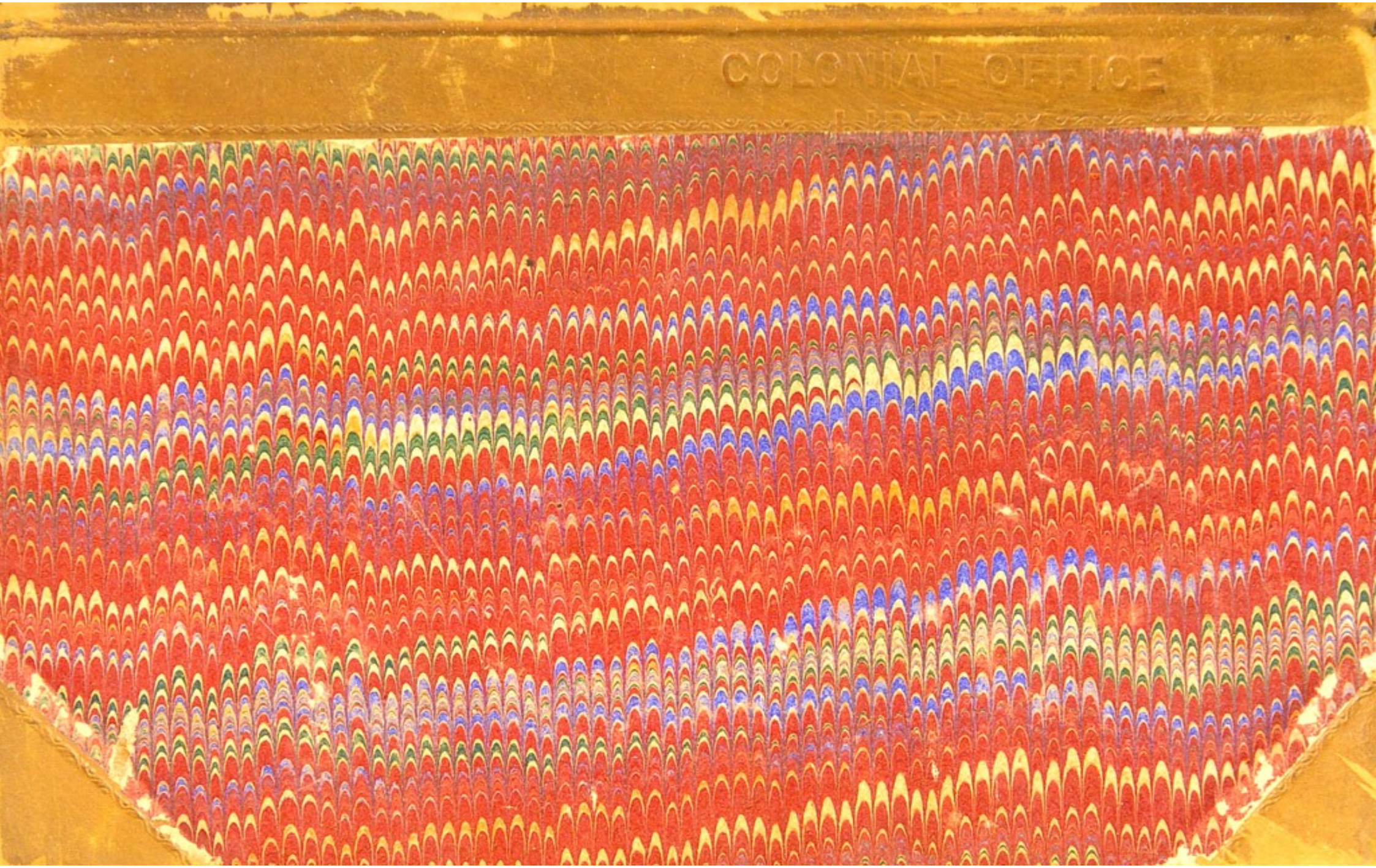
I am sorry to hear that the Fortnightly Returns are not forthcoming.

In conclusion, I will only observe that I have had a good deal to do with enquiries, drawing up of Reports etc—but I never yet knew documents received in evidence to be difficult of access—In fact delay has been the characteristic of the whole matter since I wrote to the Colonial Secretary on the 6th June up to the present day, and the result is Small-pox is quietly stalking thro' the land.

I am
Sir,
Your obedient
LEWIS Q. BOWERBANK.

19*th Feb.* 1873.

KINGS COLLEGE LONDON


COLONIAL OFFICE