

21. You ought to be able to give an idea as to whether the engines throw sparks or not?—I could not say; but I have known tussocks set fire to, but did not know what set them on fire. I believe it to be the engine, but could not say it was.

22. Did you ever notice the engine throw sparks out?—No; you cannot notice it throwing sparks in the day time.

23. *Mr. McCredie.*] The sparks that landed at your feet on this occasion: did they set fire to anything at all?—That was the question. The place was afire.

24. But did they set fire to anything?—I could not swear they did, but the sawdust was set fire to.

25. *Mr. Poynton.*] You think they were sufficient to set fire to the sawdust?—They were sufficient to set fire to anything.

26. *Mr. McCredie.*] Have you any idea of the value of the building?—I know what it would cost me to put up one like it.

27. Supposing you were to go to Williams's house, what would you like to give him for it?—It would be worth about £50 or £60.

# RAKAIA.

MONDAY, 12TH FEBRUARY, 1900.

JAMES ROSS MACKAY, sworn.

1. *Mr. Lane.*] You are a barber residing at Ashburton?—Yes.

2. Where you have been for some years?—Nine years.

3. You were travelling in the express train from Christchurch to Ashburton on the 2nd January, 1897?—Yes.

4. Do you remember the occasion distinctly?—Yes, perfectly well.

5. It was a long train?—Yes, a very long one.

6. How many engines?—Two engines that I could see.

7. As the train left the Rakaia Station, where were you?—I was sitting on the platform of the carriage, with my feet on the step.

8. On which side of the platform were you?—I was on the sea side, looking towards the left of the train going home—going towards Ashburton.

9. Down the train, as it were?—Yes.

10. Was your carriage some distance from the engine?—It was a good distance; I dare say it was six or seven carriages away.

11. Now, tell his Worship distinctly what you noticed with reference to the engine?—While the train was getting away there was heavy black smoke coming from the engine and a good many sparks falling from the smoke, and by the time my carriage got up to where the engine had been when I saw the sparks there was a patch of grass burning on the ground. I called the attention of another man—one Mr. Leitch—to it. He was on the platform of the carriage in front of me. I said "Hullo, there's a fire"; and shortly after the train had passed I got up to light my pipe, out of the wind, when I saw the fire going through the fence. I said, "It's going through the fence," and then I saw no more.

12. Where did you first see the fire?—Between the line and the fence. It was a good many feet from the side of the line, and was burning in a streaky patch.

13. How large was the patch?—About the size of a washand basin.

14. In what direction was the wind blowing?—There was a heavy wind blowing across the line towards the sea.

15. Would that be a north-west wind?—I could not tell what way it would be.

16. Did you see anybody on the line?—Nobody, except the people in the carriage.

17. But there was no one in the field or on the line who might have started the fire?—No, no one that I saw.

18. And the last you saw of the fire was that it was going through the fence?—Yes.

19. Do you know Mr. Gardiner?—No; I never saw him till four months ago.

20. He never approached you about this matter?—No.

21. You were interviewed by some one in April or May, 1897?—I could not say when it was, but I remember that a gentleman came to see me about it.

22. And you gave him the statement you have given us to-day?—Yes, just the same statement as I have given you now.

23. *Mr. Beattie.*] Will you tell his Worship what sort of a day it was—sunny, or clear, or dull?—As far as I remember, the sun was shining.

24. And do you wish his Worship to understand that on a bright sunny day you could see a red-hot ember falling to the ground?—I said that I saw sparks falling from the smoke.

25. *Mr. Poynton.*] You say you saw sparks falling?—Yes; but I did not see them fall on to the ground.

26. *Mr. Beattie.*] You said, too, that the fire was about the size of a wash-hand basin?—Yes, by the time my carriage got up to it.

27. And it was, approximately, half way between the line and fence?—Yes, just where it would blow over to.

28. You also said it was a heavy wind?—Yes, a wind that was blowing across the line.

29. Does it not strike you that a spark, necessarily a small one, would be carried by that wind considerably further away from the train than you say?—I could not say. I saw the sparks falling from the smoke, but where they landed I do not exactly know.