

part, because there was a body of straw to keep the fire going, while in the lighter part of the crop the people could smother it and put it out.

162. Was it also sown in grass?—Yes; clover and English grass was laid down with the crop.

163. Had it come up?—Yes.

164. Good strike?—Yes.

165. Was that destroyed?—Yes, it was burnt clean out—it was useless. Any young crop is destroyed by fire at that time of the year.

166. What would you estimate the loss of the young grass at?—I should reckon that without labour the man would hardly replace the grass at 8s., that is, between grass-seed and clover. I know the way he lays down his ground; he puts in plenty of both.

167. What would be the labour per acre?—The labour of sowing, harrowing, and rolling would cost 3s. 6d. or 4s. extra.

168. You also saw the damage the sheep sustained?—Yes.

169. They were pretty well all killed by the fire?—Yes.

170. Did you see any that came out?—Yes.

171. What were they like?—They were all shrivelled up; they could not eat or walk.

172. And those that came out died shortly afterwards?—All except a few.

173. Did you buy any of them?—Yes, I bought some at the sale. I paid 7s. 1d. for them.

174. I suppose, as a sheepfarmer, you can say that sheep that went through what those sheep went through would be damaged by hunting and driving about?—They were not hunted about. Sheep will not run from fire; they stand and get burnt.

175. What would you consider the sheep were worth—more than 7s. 1d.?—They would be worth 11s. 6d. fully.

176. Those are fair estimates, you think, of the stock and produce and fencing that Mr. Gardiner had destroyed by the fire?—Yes. I think, too, that a larger area of the oat-crop was destroyed than is shown in the plan. There was a strip along the fence that is not shown, and the fire was running in forked branches through the crop.

177. Where did it cross into the Acton Estate?—At the bottom of Mr. Gardiner's land, through the oat-crop.

177A. How did it get into Acton?—It came down the fence.

[At Mr. Lane's request Mr. Beattie allowed the statement of T. T. Leitch to be put in, without calling Mr. Leitch as a witness. The statement was: "I am a sailmaker, residing at Ashburton. I was a passenger by the south express on the 2nd January. After leaving Rakaia I was sitting on the platform of the carriage, on the east side. I saw a little round patch of fire close to the line, perhaps a chain away. It seemed to have just started. It was just the ordinary grass burning. Just before I noticed very black smoke coming from the engine. It was a heavy train. I was somewhere about the middle. There was a man named Mackay in the next carriage to me. I do not remember any conversation between Mackay and myself at the time.—T. T. LEITCH."]

THOMAS DAVIDSON, sworn.

178. *Mr. Beattie.*] You are an engine-driver?—Yes.

179. How long have you been on the New Zealand railways?—Close on twenty-three years.

180. And practically all that time on an engine?—All that time on an engine.

181. Have you driven through the Canterbury District for many years?—For nine years.

182. Do you recollect the 2nd January, 1897?—I do.

183. This sheet I produce to you is your driver's sheet for that day?—Yes.

184. What engine were you running?—Compound 27.

185. Was that engine in good order?—In perfect order.

186. What was the condition of the fire-arrester and the smoke-box?—In good order.

187. It is said that either your engine or another threw sparks when leaving Rakaia that day: Will you tell his Worship if it was even remotely possible for your engine to have thrown sparks?—It was almost impossible for mine to have thrown sparks.

188. *Mr. Poynton.*] Why?—Because the exhaust had to go through another cylinder before it escaped into the atmosphere. That caused a very light blast from the fire.

189. *Mr. Beattie.*] What was the weight of the train?—About fourteen total.

190. A second engine was assisting?—Yes, from Christchurch to Timaru.

191. Did you take that same train on?—Yes, from Timaru to Oamaru with my own engine only.

192. Was that train of such a weight as to render it likely that any engine would have thrown sparks?—The train that day did not require the engine to be worked in such a way as to cause sparks to come out. I did not need to work the engine full out, and therefore there were no sparks.

193. In other words, the train was a comparatively light one?—Yes, it was light for two engines.

194. Now, with your experience, could you distinguish a spark on a bright sunny day?—No, it is impossible.

195. And when an engine is emitting black smoke there is little likelihood of sparks being emitted?—That is so, because there is no blast in the fire to consume that smoke.

196. It is the least dangerous time when black smoke is being emitted?—Yes, that is so; it is the least likely time for sparks to come from the stack.

197. What sort of day was it?—It was blowing a nor'-wester.

198. Which would be square across the train?—Yes, blowing towards the sea.