

DEAR SIR,—

Christchurch, 15th April, 1897.  
Referring to your letter to us of the 6th of March last *re* the fire on Mr. Gardiner's property at Rakaiā, Mr. Gardiner wishes us to inform you that he has obtained the evidence of two men who were travelling in the train in question, and can prove beyond all doubt that the fire was caused by the sparks falling from the railway-engine. Our client wishes to know if your department, on being satisfied with the correctness of this statement, will reconsider its decision not to entertain our client's claim for compensation.

John Burnett, Esq., Resident Engineer,  
Christchurch Railway-station.

Yours, &c.,  
LOUGHREY AND LANE.

In reply to that letter we received a communication from Mr. Burnett, saying he would be glad to interview those people, and some one afterwards interviewed them, their names being supplied to the department by Mr. Gardiner. The matter apparently rested there till Mr. Gardiner petitioned the House praying for compensation, and alleging the facts as he understood them and setting out the particulars of his damage. The next communication that Mr. Gardiner received was one advising him that you, Sir, would hold a Royal Commission. I have, unfortunately, not been able to get one of the witnesses who was on the train, but I hope that he will be here before twelve o'clock. I shall first call the two men I have, who can give the best evidence we are able to lead as to how the fire probably originated. I may say that for a few months Mr. Gardiner has had no personal communication with Mr. Mackay, the first witness I shall call.

Mr. Lane called James Ross Mackay, James Irvin, John Gardiner, and John McLean; the evidence being taken down by the reporter.

Mr. Beattie called Thomas Davidson, William Hill, and Albert Lees; and the evidence was taken down by the reporter.

The Commission visited the scene of the fire.

#### ASHBURTON.

The Commission sat at the Courthouse, Ashburton, on Wednesday, the 14th February, 1900.

*Claims by James Moore and Henry Mackle.*

Mr. W. J. Cresswell appeared for the Railway Department, and Mr. C. W. Purnell for the claimants.

It was agreed to take both cases together.

Mr. A. L. Beattie, Locomotive Engineer for the Hurunui-Bluff Section, and Mr. H. Macandrew, District Engineer, Christchurch, were also in attendance.

*Mr. Purnell:* Sir, the facts are these: A fire occurred on the 27th January, 1898, and the matter has been before the Government ever since. The two men, Moore and Mackle, are small farmers at Hinds. Their land is pretty close to the railway. On the day in question, just after the express had passed, the grass immediately alongside the railway was seen to be on fire. A nor'-wester was blowing, and my clients' land, lying to the south or south-east, soon caught, and the fire travelled over it with great rapidity. It was stopped only with great difficulty. I do not know that I shall be able to produce evidence to show that sparks were actually seen to proceed from the engine, because the persons I shall call were not near the engine at the time. Between Moore's land, which is nearest the railway, and the railway itself there is a plantation on the railway reserve. It was a young plantation. The trees were only two or three years old, and did not obstruct the view of the railway-line in any respect. Between the plantation and the actual line, also on the railway reserve, there was a strip about half a chain wide of tussock and grass. It was a dry season, and the grass was long and dry. It happened that Mr. Moore was standing at the door of his house, looking towards the railway, when the south express came along. Another person was with him. At the time of the express arriving there was no sign of fire; but immediately after the express had passed—in fact, the tail of the express had only left the plantation—smoke was seen rising between the plantation and the railway-line. The smoke rapidly increased, and flames appeared, and the fire, swept by a nor'-wester, was carried over the whole country. After hearing the evidence, I think your Worship will come to the conclusion that the fire was caused by the engine. Nothing else could have caused it. No person was about, and up to the present time I am not aware that the cause of the fire has ever been disputed. As to the damage in each case it was substantially the same. A quantity of fencing and feed was destroyed; but I cannot produce copies of the claims they made at the time, as neither of my clients kept copies of them.

Mr. Purnell called James Moore, William Fleming, Samuel Horsnall, John Studholme, David Henry Miller, Thomas Staunton, and Henry Mackle, and the evidence was taken down by the reporter.

Mr. Cresswell called John Brooker and Alexander McKee, and the evidence was taken down by the reporter.

#### CHRISTCHURCH.

The Commission sat at Christchurch on Friday, the 16th February, 1900.

Mr. Stringer appeared for the Railway Department, and Mr. B. L. Lane appeared for Mr. John Gardiner, a claimant.

Mr. A. L. Beattie, Locomotive Engineer for the Hurunui-Bluff Section, and Mr. H. Macandrew, District Engineer, Christchurch, were also in attendance.

William Lawrence Allan gave evidence as to damage done on the Acton Estate by a fire on the 2nd January, 1897; Henry Archibald gave evidence with regard to Mr. John Gardiner's claim;