

30. You could not say, then, where the sparks landed?—No, but it was between the line and the fence.

31. But you saw none actually touch the ground?—No; the fire was burning by the time we got up to where the engine had been when I saw the sparks coming from it.

32. And you were six or seven cars back from the engines?—Yes. I would not be sure of a carriage as to the distance, but I know I was a fair distance back from the engines.

33. *Mr. Lane.*] Was the smoke in which you saw the sparks travelling in such a direction that you think the sparks might have fallen where you saw the fire?—Yes. Seeing the way the wind was taking the smoke the sparks would fall where I saw the fire.

34. *Mr. Macandrew.*] In a statement made to Mr. Burnett you said that you saw an ember fall, did you not?—Well, I suppose an ember is a spark. I saw the sparks falling from the smoke. I could not say whether it was an ember or a bit of burning wood, but at any rate it was fire falling from the black smoke.

35. Can you say where it fell—inside the fence or outside?—It was not falling inside the fence, but it was falling between the line and the fence. The exact spot I could not say.

36. *Mr. Lane.*] Did Mr. Burnett read over to you what you said to him when he saw you?—No.

37. And you signed nothing?—No.

38. He asked some questions, and you told him what you have told us here to-day?—That is so. I did not know the man.

39. *Mr. Poynton.*] Were there any smoking-carriages ahead of you on that train?—I could not say. I got to the station just in time to catch the train.

40. *Mr. Macandrew.*] I have a copy here of the original statement you made to Mr. Burnett. Do you recognise your signature to it?—Yes, that is my signature.

41. And that is the statement you made to Mr. Burnett?—Yes; and that is my signature.

JAMES IRVIN, SWORN.

42. *Mr. Lane.*] You are a labourer?—Yes.

43. Residing in this district?—Yes.

44. Do you remember the day of what we might call Gardiner's fire?—Very well.

45. Do you remember seeing the express train that morning?—Yes.

46. Where were you?—At the Methven crossing.

47. What were you doing there?—I was waiting with my horse and trap for the train to pass. I had come from Methven.

48. Can you give us any idea of how far that is from Mr. Gardiner's—from where we think the fire started?—I should think about a chain and a half or 2 chains.

49. How far were you from the crossing of the railway when the train passed you?—About 2 chains.

50. You stopped back 2 chains to allow the train to pass you?—Yes, and I then walked my horse across.

51. And what way did you come?—To Rakaia.

52. Did you notice any fire on the line?—Yes, after I crossed the line. I looked towards the train going away, and I saw a small fire starting just off the line on the edge of the grass.

53. It was a small fire burning in the grass between the line and the hedge?—Yes.

54. On the sea side of the line?—Yes.

55. Did you notice the fire any time?—I looked back once or twice and saw that the fire was spreading rapidly. It was small when I saw it at first, but when I got to the turning it had a hold of a chain.

56. Was it a windy day?—On the 1st January a nor'-wester was blowing, and on the 2nd the same, and it had been very dry weather.

57. It was the second year of the drought?—Yes.

58. From where the fire was when you saw it, would the wind take it in the direction in which the fire afterwards travelled?—Yes. I was there in the afternoon and saw where it had gone.

59. From what you saw that afternoon and in the morning you think then it was the fire you saw burning on the line that travelled over Gardiner's property?—Certainly.

60. And I suppose you saw the ground it had gone over and the fences and the sheep it had burnt?—Yes, and I had no doubt the fire was caused by the engine, because there was no one about—platelayers or any one else.

61. *Mr. Beattie.*] You are an old resident of the district, Mr. Irvin?—I have been here a few years.

62. Do you recollect that a short time after this fire, another fire occurred in the district?—Yes, there was a fire.

63. Can you tell his Worship how that fire was believed to have originated?—I could not.

64. Did you hear at the time or about the time that it was said to have been caused by a cow treading on a box of matches?—I never heard that.

65. At any rate, that fire was not near the railway?—I could not say where it started.

66. And you do not recollect what was alleged as the cause of the fire?—I do not know anything about it; I was away at the time.

67. Which way were you driving on the day you saw the fire on the railway-line?—I was coming from Methven. I was going towards the sea.

68. Did you see any sparks coming from the engine?—I did not.

69. When you first saw the fire, how large was it?—From the distance I saw it, it was about a couple of yards long, running towards the fence.