

Counsel said it was somewhat difficult to determine whether breaches of either by-law were made, as the by-laws were unfortunately worded.

106. Mr. Somers, the city engineer, told us it was difficult for the staff, and possibly more difficult for outsiders, to understand. The difficulty, as we understood it, caused doubts in the minds of the staff as to whether or not the Council could withhold permits for alterations by way of cutting entrances in walls between one department and another. The difficulty is, in part at least, caused by the precise significance of the term "party wall." That difficulty is removed if adequate definition is contained in the proposed Standard Institute's Fire Prevention By-law.

107. We think the Christchurch by-law, creating doubt as to its scope, is in part at any rate responsible for the casual way in which the contractor employed to make these entrances applied for and, in some instances, failed to apply for a permit for the proposed work. In so far as permits were not obtained the execution of the work was, on one construction of the by-law, obviously a breach of the by-law. On the other hand, on another construction the breach, since a permit could not be refused, would be technical only.

Even in those cases where no permit was granted it is suggested some officers of the City Council must have noticed, from the rubble and bricks being removed, that alterations of some kind or other were taking place. Obviously the scope of the by-law, if it is to stand, should be set out in plain language.

108. There is one instance which was plainly a clear breach of a by-law. The breach was the use of soft-wood-fibre board for partitions and wall coverings. Clauses (A) and (B) of By-law 40 are as follows :—

(A) All internal walls and all partitions and ceilings which may hereafter be constructed either wholly or partially of wood, shall be covered with metal, fibrous plaster or asbestos sheets, or else with plaster laid on laths, or other substances which may be approved from time to time, and all such coverings of internal walls and partitions shall be carried down from the ceiling to the level of the floor. Dado can be seven feet high with glazed sashes above.

(B) No wood or other material capable of taking fire and burning shall be used as a lining in the construction of internal walls or partitions. Provided that, in the case of warehouses and offices, $\frac{3}{4}$ in. wooden linings may be allowed to the height of seven feet from the floor if the studs are first covered with non-inflammable material to that height.

The extent to which soft-fibre board was used in Ballantyne's building has been shown in the description of the buildings by Mr. Cornish, which we have already set out. The City Council overrode its own by-law, and granted dispensation from compliance with it, by granting permits to use this soft wood fibre board. No part of the by-law, in express terms, says that compliance with it can be dispensed with, and the City Council can hardly be excused for allowing such a departure from a provision clearly intended to minimize fire-risk. Nor again are Ballantynes or their architect in this matter entirely exempted from responsibility, considering that the use of such lining has been condemned for many years past as a feature responsible for the rapid spread of fire and the consequent danger to life and property.

109. So far as egress arrangements are concerned, there has been no suggestion there was any breach of any statute, regulation, or by-law in force in the City of Christchurch. The City Council of Christchurch, while approving of the Standards Institute Egress Code, had not adopted it, and their inaction in this matter we will deal with later.

110. It cannot be said that there was a breach of the Christchurch Fire Board Fire Escapes By-law, 1930. It seems to us likely that on inspection by the Superintendent of Fire Brigades, if such inspection had been made, a requisition might have been served on Ballantynes to provide better access to fire-escapes than was made. Inasmuch, however, as no inspection—or at any rate no requisition—was served on Ballantynes, it cannot be said that there was an actual breach of this regulation.