

ORDER OF REFERENCE (1)

The Cause and Origin of the Fire

Coming now directly to the exact questions we are directed to inquire into and report upon, the first is the cause and origin of the fire.

30. On the evidence it is conclusive, in our opinion, that the fire started in the basement of Congreve's building.

31. Two main theories have been advanced as to the cause :—

One, that some match or burning cigarette was carelessly thrown down and set fire to some of the material in the basement (a description has already been given of the placement and nature of the materials in the basement. The materials which, if loosely laid out, would be inflammable were in rolls or bolts and, consequently, not readily inflammable).

The other theory was that the electric cable, which ran from the first floor into and through the basement, was in some way the cause of the fire.

32. In regard to the first theory, attention has to be paid to the movements of the one employee regularly employed in the basement, Keith Owen Smith. Like most large establishments of a similar nature to Ballantynes, there were many departments, some directly concerned with the selling of goods; others concerned with the fitting of clothes, manufacturing, hairdressing, &c. Tea-rooms were set aside for the employees of the firm and the public to take afternoon tea.

33. The evidence of Mr. Smith was to the effect that at or about 3.25 p.m. on the day of the fire he was called by another employee and told that the man with whom he usually went to tea at 3.30 p.m. had requested him to say that his friend was ready to go to tea. After the short time necessary to put on his coat and attend to his personal appearance, he proceeded up the stairs out of the basement, joined his friend, and proceeded to the cafeteria with him.

Immediately prior to leaving the basement for tea he had been working in the eastern end, and he said that there was no sign of burning, or smoke, at the time of his leaving. He further stated that he had never smoked or lit a match in the basement.

The time allowed for afternoon tea was eight minutes, and on the day in question he estimated he would have been in the cafeteria for eight to ten minutes. He said that, after he finished his tea, he proceeded to the soft-furnishing department on the ground floor of Goodman's, and informed his superior (Mr. Irvine) that he was "Going out to the back," meaning by this, that he was going to the conveniences. This was untrue; his real intention, he said, being to visit the premises of a Mr. Sutherland, who had a shop in the next block to Ballantynes, and there to have a smoke and discuss some matter of private business with the principal.

This evidence contradicts his first statement and, indeed, previous statements made to insurance adjusters and police. Unless corroborated, his evidence at the hearing might well be rejected. But Mr. Sutherland, whose shop he went to, has given evidence that Smith came to see him on that afternoon, and thought the time of the visit would be shortly before 3.30 p.m., and other evidence confirmed Mr. Smith's story that, at the time he went to tea, no smoke was seen coming from the cellar.

Mr. Smith went on to say that, by the time he returned to Ballantynes, the fire had been discovered, and he paid no visit to the basement. It was most unfortunate that the witness (Smith) was absent from his post at a time which, in all probability, would have led to an earlier discovery of the fire.