

34. Counsel for the Crown, in opening, said that the contradictory statements made by this witness had been examined and that, though they reflected adversely on Smith's reliability as a witness, there was no evidence sufficient to set aside an alibi that was supported by the evidence of Mr. Sutherland, whose independence and reliability have not been questioned.

There was no evidence that the witness had, at any time, been smoking in the basement or in any other part of Ballantynes save the staff tea-room, and, without any such evidence, the Crown had no ground to base a charge that carelessness on the part of Smith was responsible for the fire. In our view, we must accept that conclusion.

35. The theory that the fire originated through defects in the main electricity supply cable, or alleged defects in the installation of the electric equipment supplying current to Ballantynes, has been canvassed at great length by those versed in the supply and installation of electricity, namely :—

Mr. S. M. Nichol, Chartered Electrical Engineer and a Member of the Institute of Electrical Engineers ; Testing Engineer, State Hydro-electric Department.

Mr. E. E. James, Associate Member of the Institute of Electrical Engineers, Electrical Engineer, State Hydro-electric Department.

Mr. J. C. Forsyth, B.Sc. Engineering (Glasgow) ; Associate Member of the Royal Technical College, Glasgow ; Member of the Electrical Institute of Engineers, London ; Member of the New Zealand Institute of Engineers ; Chief Electrical Engineer of the Christchurch City Council.

Mr. J. R. Templin, Registered Engineer ; Fellow of American Institute of Electrical Engineers ; Associate Member of the Institution of Electrical Engineers, London ; Member of New Zealand Institution of Engineers ; Consulting Engineer.

Mr. E. T. Salvesen, Electrician, Christchurch.

Mr. B. R. M. Homersham, Associate Member of the Institute of Electrical Engineers, London ; Associate of the Institute of Mechanical Engineers, London ; Electrical Engineer, Christchurch.

Their reports, which are available, disclose that unquestionably there were defects in the installation.

36. Counsel for the Crown enumerated the defects as follows :—

- (1) No oil-circuit breaker at point of entry.
- (2) Joints in the V.I.R. conductors.
- (3) Roughness of the bell-mouth.
- (4) Inadequate clearance behind the fuse panel.
- (5) Failure to fill cable end box with bitumen or other sealing compound.
- (6) Defective or inadequate bonding and earthing of the cable.

37. It has been found on many occasions that, where buildings have been practically totally destroyed by fire, and inquiry has been made into the cause, it is very difficult to ascertain the truth of allegations that have been made in regard to faulty installations of electric power. Statistics quoted from overseas publications show that relatively few fires have been shown to have originated from, or to be due to, electrical faults. This case presents the same difficulty as always occurs when a building is totally destroyed by fire.