

The volume of smoke, however, coming from the cellar and escaping into the open air, upper floors, and adjoining parts of the premises should have warned executive officers within two or three minutes after the arrival of the fire brigade that the fire was serious and the need for evacuation urgent.

62. In the case of premises as large as those of Ballantyne's, involving the employment of some 458 employees, of whom over 300 were women, it seems clear the provision of a number of fire-extinguishers should not be the only measure taken to prevent and stop the spread of fire. The responsibility for this condition of affairs rests on the controllers and managers of the business. The inevitable result was that, when fire did break out and showed signs of developing into a major fire, the executive officers found themselves not only without adequate equipment to deal with it, but with lack of devices to warn their employees of the existence of fire, or a plan to evacuate them from the building when it became necessary.

Nevertheless, these responsible men had to meet the difficult situation which arose from their lack of foresight, and take all possible steps under those difficult circumstances to ensure the safety of their employees, and the question remains as to whether, though totally unprepared as they were for the crisis which arose, they did take such active steps and give such directions as were required to ensure the safety of all their employees. The answer to this question must be sought by consideration of the activities of the three Ballantynes and Mr. Novell.

63. Mr. Kenneth Ballantyne, a joint managing director of the company, said that, when he opened the door from the credit room leading to the fire-escape and saw the smoke and heat in the alleyway down which the fire-escape ran, he realized the urgency for evacuation on the top floors. He said he heard the call which was effective to the fire brigade being put through. This was at 3.46; he was then at the inquiry desk on the ground floor. Putting the discovery of the fire at 3.35, which in our view of the evidence is the latest time at which it can be put, he was at the inquiry desk eleven minutes after the discovery of the fire.

At the same time he learned that the telephone-operator, Miss Hamilton, was possibly in peril. He attempted to communicate with her by telephone. Failing to do so, he went up the main staircase to find out where she was. On the way up he met Mrs. Crew, who was in charge of the millinery workroom, and she informed him she feared her girls in that room were in peril.

Making allowance for the time spent in his effort to communicate with Miss Hamilton by telephone and in talking to Mrs. Crew, he must have arrived at the credit room at the latest at 3.53, and on opening the door to the fire-escape realized, as he said, the gravity of the situation. From that point there was a sharp conflict of evidence. Mr. Ken Ballantyne said immediately—within ten or fifteen seconds—he told the girls in the credit office to make their way down the tailoring stairs by which he had come up.

Miss Kennedy and Mrs. Nash, who were on the credit-office staff and escaped by jumping from the windows, said that he was there for five to six minutes, while the staff, acting on instructions which were believed to have been given by Mr. Hudson, the officer in charge of the credit and accountancy sections (Mr. Hudson was one of those who lost his life), were engaged putting bins and records in the strong-room, and that it was only after that lapse of time that any attempt was made to evacuate the staff from the credit office. In answer to this Mr. Ballantyne said that possibly the staff did not hear his order to evacuate. When he gave the order the staff, he said, left before him and went in the direction of the tailoring stairs, and he had no sooner passed through to the accountancy office when they returned to say that the stairs were impassable because of smoke. That would be, according to him, no more than two and a half minutes from when he had come up these stairs. On investigation he found the stairs, as described, and then realized that the only means of escape was by the windows.