

Mr. Ken Ballantyne, however, was in the credit and accountancy rooms for at least some seventeen minutes, and there was no explanation of what he was actually doing for that period, but the length of time he was there lends credence to the evidence that some time was spent in putting records and equipment away before he ordered evacuation. If, after visiting the fire-escape, he allowed five or six minutes to lapse before insisting upon evacuation, that would indicate grave failure to recognize his obligation to his employees. The time that he arrived at the credit office—namely, at the latest, 3.53—can be ascertained from his own evidence.

Mr. Cleary submitted that, on the evidence as a whole, he was not in the credit office for more than three minutes or so before the breakout, but even were that so, if the stairway was clear of smoke when he arrived, the employees could have got out if they had been bundled out post-haste immediately after he had arrived and seen the smoke filling up the fire-escape alleyway.

It is true that the auditor, Mr. Mawson Stewart, and his assistant auditor, Mr. Mawson Stewart, junior, were in that area. They apparently had no idea of the danger in which they stood, but they were in a separate office outside the credit room.

That Mr. Ken Ballantyne himself, after arrival, ordered the putting away of books and bins is open to doubt. Mr. Hudson was there before him, and one can assume, since his evidence was not available owing to his death, that he had not recognized the rapidly approaching danger, or that smoke could rise so rapidly and cut off the means of egress.

69. Mr. Thomas, who appeared for the accident underwriters, in speaking of the girls in the millinery department who would have been saved if they had followed Mrs. Crew, said they were part authors of their own misfortune in that they had the opportunity to save themselves, and had it shown to them by Mrs. Crew.

No such charge was advanced in respect of the girls in the credit room.

In our opinion, the girls in the millinery room cannot be deemed part authors of the disaster that overcame them because, under the circumstances, the girls, untrained and untaught as to means of egress and alternative means, were not in a position to come to a decision as to the seriousness of the fire; as to whether they were safe where they were, or not; as to whether they should go, or stay. We are of the opinion that they were entitled to expect control and definite leadership, and that the mere giving of a direction in such hurried circumstances, which may not have even been heard by all, and which did not in terms advise them that unless they moved with the greatest possible speed they would lose their lives, was not sufficient. In our opinion, the blame for non-action on their part cannot be imputed to them, nor can they be in any sense described as part authors of their own loss of life because of failure to save themselves.

70. Next we take Mr. Roger Ballantyne's evidence. Mr. Roger Ballantyne was the assistant manager of the firm and, as such, was concerned with the supervision of the staff.

At a very early stage in the fire he was at the entrance to Congreve's basement and unsuccessfully attempted to enter that basement. This attempt was made within a very short time after smoke was first observed coming from the basement about 3.35. After the first abortive efforts to reach the fire he realized the brigade must immediately be called.

A call to the telephone-operator, who was situated on the third floor, was put through. It is not thought the call to her was put through before 3.38. The telephone-operator either could not, or did not, get through to the brigade, probably waiting till she had communicated with Mr. Ronald Ballantyne, and then being prevented by smoke from using the telephone. Mr. Roger Ballantyne could not have known of this