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ÉIRE

# REPORT

OF THE

## Tribunal of Inquiry into the Fire

AT

ST. JOSEPH'S ORPHANAGE,  
MAIN STREET, CAVAN

DUBLIN:

PUBLISHED BY THE STATIONERY OFFICE

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(P. 6144.)



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## ORDER OF APPOINTMENT.

### DEPARTMENT OF LOCAL GOVERNMENT AND PUBLIC HEALTH.

WHEREAS a resolution in the following terms was passed by Dáil Eireann on the third day of March, 1943, and by Seanad Eireann on the tenth day of March, 1943 :—

“ That it is expedient that a tribunal be established for inquiring into the following definite matters of urgent public importance, that is to say :—

the cause of the fire which occurred during the night of Tuesday, the 23rd February, 1943, at St. Joseph's Orphanage, Main Street, Cavan, and the circumstances in which loss of life was occasioned by the said fire, and to make such recommendations in relation thereto as the tribunal may think proper.”

NOW THEREFORE, the Minister for Local Government and Public Health, in pursuance of the said recited resolution and in exercise of every power in this behalf enabling him, hereby orders as follows :—

1. A tribunal is hereby appointed to inquire into, report to, and make recommendations to the Minister for Local Government and Public Health upon the following matters, that is to say :—

the cause of the fire which occurred during the night of Tuesday, the 23rd February, 1943, at St. Joseph's Orphanage, Main Street, Cavan, and the circumstances in which loss of life was occasioned by the said fire, and to make such recommendations in relation thereto as the tribunal may think proper.

2. (1) The following persons are hereby nominated to be members of the tribunal appointed by this Order, that is to say :—

Joseph A. McCarthy, Esq., S.C.,  
James J. Comerford, B.E., M.Sc., M.I.C.E.,  
Mrs. Mary E. Hackett.

(2) The said Joseph A. McCarthy is hereby nominated to be Chairman of the said tribunal.

(3) Brian O Nualláin, an official of the Department of Local Government and Public Health, is hereby nominated to be Secretary of the said tribunal.

3. The Tribunals of Inquiry (Evidence) Act, 1921 (as adapted by or under subsequent enactments), shall apply to the tribunal appointed by this Order.

GIVEN under the Official Seal of the Minister for  
Local Government and Public Health this 25th  
day of March, One Thousand Nine Hundred  
and Forty-three.



L.S.

(Signed) SEÁN MACENTEE,  
Minister for Local Government and Public Health.

# REPORT

OF THE

## Tribunal Of Inquiry Into The Fire

AT

**ST. JOSEPH'S ORPHANAGE, MAIN STREET, CAVAN.**

*To the Minister for Local Government and Public Health :*

1. We, the undersigned, Joseph A. McCarthy, S.C.; James J. Comerford, and Mary E. Hackett, nominated by Order dated the 25th day of March, 1943, to be members of a Tribunal to inquire into the matters of urgent public importance set out in the Order of Appointment, beg to report as follows :

### PRELIMINARY.

2. Notices were published in the Dublin morning newspapers on the 31st March, 1943, and in *The Anglo-Celt* on the 3rd April, 1943, giving public notice of the first public sitting of the Tribunal and requesting all persons interested to be in attendance in person or to be represented by their Counsel or Solicitor. A copy of this notice is attached (Appendix A).

3. We began our sittings at the Courthouse, Cavan, on the 7th April, 1943. We heard evidence on the 7th, 8th, 9th, 10th, 12th, 13th, 14th and 15th April. We sat in Dublin, at the Offices of the Dublin County Council, on the 22nd, 23rd and 27th April. We inspected the Orphanage premises and surroundings on the 9th, 10th, 13th and 14th April. The sittings on the 10th April were in a classroom in a portion of the Orphanage which was not destroyed. Throughout our sittings we got complete co-operation and assistance from all the parties interested. A large volume of evidence was taken, and was freely and voluntarily given by the witnesses examined.

4. The following is a list of the interests represented during the whole or part of the proceedings, and the persons by whom they were represented:—

*Persons or bodies interested.*

ATTORNEY-GENERAL

MOTHER ABBESS AND  
POOR CLARE NUNS

*By whom represented.*

Mr. R. McLoughlin, S.C., and  
Mr. J. S. McGivern, instructed  
by Mr. E. J. Duffy, State  
Solicitor.

Mr. P. J. Roe, S.C., and Mr. B.  
Walsh, instructed by Mr. P. N.  
Smith, Solicitor.



CAVAN URBAN DISTRICT  
COUNCIL

Mr. R. McGonigal, S.C., and  
Mr. W. F. Finlay, instructed by  
Mr. A. McCabe, Solicitor.

ELECTRICITY SUPPLY  
BOARD

Mr. J. A. Costello, S.C., and  
Mr. T. F. Higgins, instructed  
by Mr. G. Smith, Solicitor,  
representing Messrs. A. Cox  
and Co., Solicitors.

GENERAL SOLICITOR FOR  
WARDS OF COURT

Mr. L. J. Gillic, Solicitor.

Next- of-kin	{	M. CARROLL, Clonkeefy, Co. Cavan.	Mr. P. Cusack, Solicitor.
		MRS. CASSIDY, 6 Hammond Drive, Belfast.	Mr. T. J. Fitzpatrick, Solicitor.
		THOMAS LYNCH, Lakeview Terrace, Cavan.	Mr. T. J. Fitzpatrick, Solicitor.

5. A list of the 64 witnesses examined before the Tribunal is given in Appendix B.

6. A list of the documents and maps handed in and put in evidence is set out in Appendix C.

7. A verbatim report was taken of the evidence and a copy of the report is attached.

**GENERAL.**

8. The Orphanage premises are situated in Main Street, Cavan. It is managed and controlled by the Sisters of St. Joseph's Abbey of Poor Clares as an Industrial School for Catholic girls sent under the provisions of the Children Act, 1908; the School Attendance Act, 1926; the Children Act, 1929, and the Children Act, 1941. A number of the Sisters were specifically assigned to the task of management by the Mother Abbess, and were under the immediate control of one Sister specially nominated by the Mother Abbess as Supervising Sister to discharge all the duties of Manager. The Mother Abbess is officially the Manager of the Orphanage. A National School, which is attended by pupils from the Orphanage and town, is attached to the convent. The rules of the Order provide full liberty for the Nuns to do the work of the Orphanage and teach in the school.

9. The Orphanage was certified as an Industrial School on the 1st October, 1869, a year after the first Industrial School Act of 1868, and has continued as such ever since. It was recertified under the Children Act, 1908, and again on the 25th June, 1912,

with accommodation for 120 children. It was again recertified with approved rules and regulations on the 3rd February, 1933, when new Rules and Regulations were adopted by the Manager and approved by the Minister for Education. No separate form of certificate appears to exist, and we were informed by the officer of the Industrial Schools Branch of the Department of Education that the ratification by the Minister of the Rules and Regulations adopted by the Manager is in fact the Certificate. The issue of this Certificate implies that the premises are, within Section 45 of the Children Act, 1908, fit for the reception of children to be sent there under that Act. The only rule relevant to any matter we had to consider is Rule 14, in which Fire Drill is directed and made compulsory under the heading of Recreation. It sets out that "Fire Drill shall be held once at the least in every three months, and each alternate drill shall take place at night after the children have retired to the dormitories". This Fire Drill was directed by the Supervising Sister, Sister Mary Clare. The general instructions were given by Sisters and some lay teachers.

### **LAY-OUT AND STRUCTURE.**

10. The Orphanage premises formed portion of the entire premises occupied by the Community. They are in reality structurally separate, but connected with the Convent premises by communicating doors. They abut on to the public street. They consisted of courtyard entrance, with reception and store rooms adjoining in front; laundry, refectory and kitchen on ground floor; class-rooms, dormitories, infirmary, bath-rooms, lavatories, and other accommodation on the 1st and 2nd floors. So far as we could judge from inspection, the entire premises appeared to us to have been structurally sound, hygienic, well lighted and ventilated, and the building appeared eminently suitable in those respects for the purposes for which it was used.

11. The lay-out of the premises was as shown on maps and photographs to be found in Appendix C; we refer in particular to the drawings prepared by Garda Quinlan, which were of considerable assistance to us. We incorporate in this Report a small scale plan of the portions of the premises strictly relevant to our findings.

12. The Orphanage was entered by a large door or gateway opening into a wide covered passage called a courtyard. To the right of the courtyard was a series of reception rooms and stores. To the rear was a hall containing a wooden staircase leading to the first and second floors of the Orphanage. To the rear of this staircase was the laundry. Behind, to the rear of the reception room and stores, were the refectory and demonstration kitchen. These apartments were separated from the front portion by another staircase and hall leading to the Convent. The first floor in front consisted of class-rooms and bathrooms, and at the rear a

class-room (over the laundry), and Our Lady's Dormitory (over the refectory). The second floor in front consisted of class-room and infirmary. At the rear were Saint Clare's Dormitory (over the class-room already mentioned), and the Sacred Heart Dormitory (over Our Lady's Dormitory). The premises on the north were bounded by Mr. T. Sullivan's yard, and the windows of the first and second floors looked out on it. There were no windows at ground floor level on the north side of the buildings. There was a basement divided into two portions. The larger part was underneath the front of the building facing the street and was not concerned in the outbreak. The smaller part was separate and contained a continuation of the internal stairs adjoining the laundry. On a small landing at basement level was located the boiler and stove which heated drying horses which were in the laundry.

13. An emergency external iron staircase began in the courtyard and when it reached near first floor level emerged into an open space between the premises fronting the street and the portion of the building containing the laundry and the rooms over it; after turning, it continued to the second floor where a door from it led, via a class-room, to an external iron landing outside the doors of the two dormitories, Saint Clare's and Sacred Heart. This emergency staircase was also used as an entrance to the front class-rooms. The fact that the staircase served a dual purpose reduced its effectiveness as a fire escape. It was agreed by Mr. Byrne, Architect, examined on behalf of the Community, that it would have been better erected elsewhere as a complete external staircase for emergency purposes only. This staircase was erected prior to the issue of the last Certificate. Since no exception was taken to this staircase in reports made subsequently by inspectors of the Department of Education, we feel that it would be unjust to blame the Management for any unfitness the staircase may have had as a means of escape in an emergency, notwithstanding the fact that we could not describe it as conforming with modern requirements or as providing a separate exit from each dormitory.

### OCCUPATION AND USE.

14. As already pointed out the internal staircase at the Orphanage began in the hall to the rear of the courtyard and between rear wall of courtyard and front internal wall of laundry. It began immediately outside the laundry door. Some of the timbers of it went into the wall in which the flues from the laundry fires were. The laundry contained immediately inside the door an enclosed timber structure called a clothes drier. The supports for the roof of the drier and the joists supporting the first floor issued from the chimney breast and the wall of which the breast was a part. It was about 40 years old and was heated by the pipes fed from the small basement boiler. The laundry

contained two further stoves, an electric iron and a washing machine. It and the entire premises were lit by electric light controlled by a main switch situate with other controlling switches in the courtyard. All switches were turned off at night. Electric light was not available to the occupants of the dormitories after 9.30 p.m., until these main switches were turned on.

15. The refectory adjoining the courtyard was used for the Orphanage meals and was divided from the demonstration kitchen by a glass and wooden partition on the kitchen side of which were fixed five patent fire extinguishers. The upper rooms were heated by electric radiators when heat was required. There were no fires in any of the other rooms.

16. The dormitories were not occupied at night by any of the Sisters. One Sister's cell adjoined the infirmary. At night the other dormitories were under control of lay teachers. Miss O'Reilly had the task of supervising the St. Clare and Sacred Heart Dormitories. In each dormitory there were other employees, grouped by the Community as adults, who were expected to assist at night. Some of these adults had ceased to be within the statutes governing maintenance in the Orphanage, but as they were voluntarily there as helpers, nothing turns on their position. Our Lady's Dormitory on the first floor was under the control of Miss Harrington, a lay teacher.

17. The class-rooms, laundry and refectory were all locked at night. The dormitory doors were kept unlocked. The doors into the class-room from the emergency stairs were locked. The door to the emergency stairs from the landing outside the dormitories on the second floor was locked but could be opened by withdrawing the up-and-down bolts inside. This was a double door which opened inwards.

### **FIRE PRECAUTIONS.**

18. The emergency staircase and the fire extinguishers and Rule 14 of the 1933 Regulations have been referred to. In addition to these the Department of Education from time to time gave further advice in respect of Fire Drill. A circular letter was issued on the 8th March, 1933, explanatory of Fire Drill. A further circular was issued on the 2nd October, 1934. A third on the 12th March, 1935; a fourth on the 21st April, 1938, and on the 9th October, 1941, a special article on fire-fighting under air-raid conditions was issued. These communications were purely advisory and were only intended as such. Rule 14 was the only mandatory Rule on the subject. We are satisfied that the duties prescribed by that Rule and the circular explanatory of it were carried out, but we are not satisfied that this was an effective way of dealing with such matters and we refer to the subject under the heading "Department of Education".

19. We are not concerned with any matters in the working of the Orphanage other than those mentioned above. In view of the comments and recommendations made by us in this Report, we feel bound to say that, having heard the evidence of a number of the children trained and being trained in the institution, the relationship between them and the Sisters seemed exceedingly happy, and that their demeanour and conduct in the matters where we had the opportunity of judging reflected credit on the Sisters in charge.

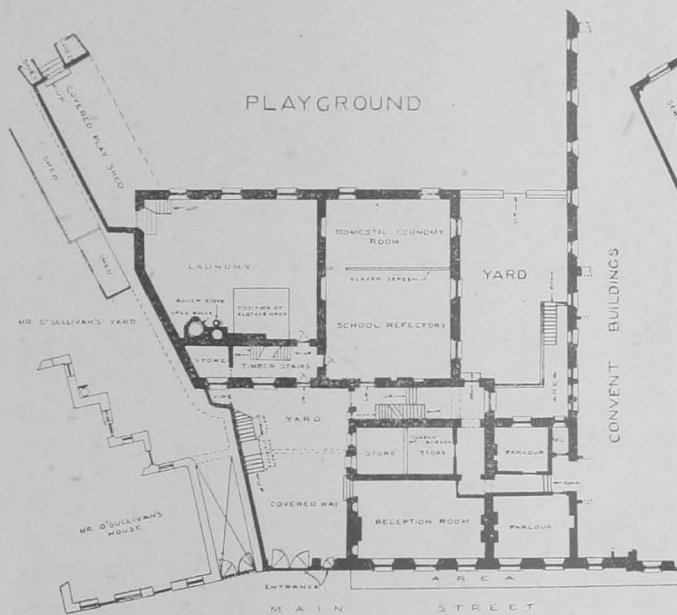
### CAUSE OF THE FIRE.

20. The evidence and our own examination of the premises reveal five possible causes of the fire :

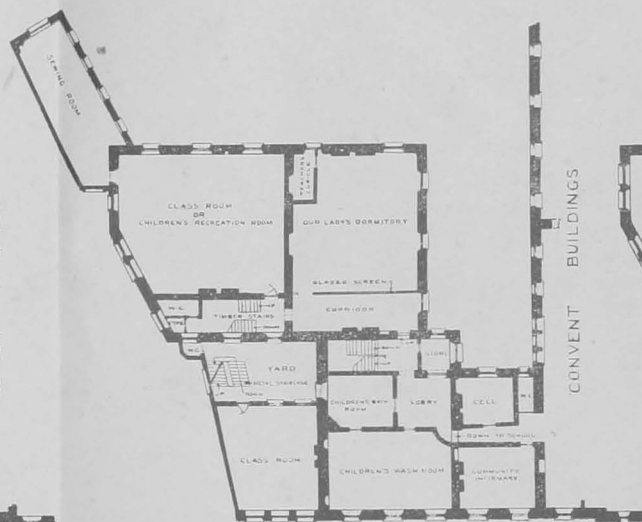
- (a) A defective or leaking flue in the chimney breast of the laundry.
- (b) Heating of clothes drier causing combustion from continuous application of heat.
- (c) Electrical defect.
- (d) Carelessness in respect of the ironing machine or irons.
- (e) Carelessness in respect of the manner and space in which fuel was stored in the laundry.

21. We are satisfied that the fire was first seen in the timbers of the clothes drier. We are of opinion that it began there. We are unable to specify the particular portion of it. We are unable to eliminate completely any of the above causes. We are, however, very strongly of opinion that the bulk of the physical facts and the evidence point to the cause as being a leaking flue setting fire to the timbers of the clothes drier. It was established in evidence that the use of turf in fire places designed for coal has increased the risk of flue fires. One of the flues carrying turf smoke was the flue from the boiler in use on the night of the 23rd February and previously. We think it very probable that in this or an adjoining flue there was a leak through the masonry and brickwork which would have caused the timber to become overheated to the point of ignition. The external appearance of the chimney breast gave no indication of such defects, but on removing the external bricks, evidence of a leak (though not necessarily a leak causing the fire) was apparent. Such a leak or leaks could not be reasonably anticipated in the circumstances by anybody without special knowledge and experience of building construction, and of the inflammable nature of deposits caused by turf fires. The Department of Education, in its circular letter of 12th March, 1935, drew attention of Managers of Industrial Schools to the matter generally, and impressed on them the necessity for taking every precaution, and suggested as a suitable measure that the services of a competent authority such as the chief of a fire brigade or engineering expert should be obtained to inspect sources of danger such as kitchens, flues, boilers, electric wires, etc. In the present case no such examination appears to have been made, and

POOR CLARE ORPHANAGE, CAVAN



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN







the failure to do so could not be excused on the grounds of the general or advisory character of the circular. We are of opinion, however, that anybody acting on that circular could not discover any defect such as we discovered without removing a considerable quantity of masonry and fully opening the chimney breast. The danger of flue deposits caused by turf fires did not then exist.

### **COURSE OF THE FIRE.**

22. The indications that the fire started in the laundry are supported by the course it took subsequently. It followed the natural course. The staircase outside the laundry leading to the 1st and 2nd floors formed a well which acted as a flue. The discovery of the fire in the laundry, and the fact that the laundry door was left open subsequently, enabled the flames to reach the staircase. The flames enveloped the entire staircase and adjoining landing, and finally cut off the exits. We are of opinion that the course of events was as follows: smoke emerging from the laundry and through minor opes in the back of the chimney breast went up the staircase; the flames were delayed by the action of volunteers who came into the premises and used the fire extinguishers; the flames evidently caught the staircase, completely destroyed the laundry, class-room, and Saint Clare's Dormitory over it, and damaged the refectory and Our Lady's Dormitory. The Sacred Heart Dormitory was also completely destroyed.

### **CIRCUMSTANCES IN WHICH LOSS OF LIFE WAS OCCASIONED.**

23. The fire was first discovered inside the Orphanage by children in the Sacred Heart Dormitory who were awakened by smoke. As will be seen from the drawings the door of this dormitory was directly at the head of the stairs and facing it. It was open during the night. It was thus the first room upstairs into which an appreciable quantity of smoke penetrated. For clarity, the relevant stage of the fire may be divided into three phases:—

- (1) The first phase when smoke was discovered in the Sacred Heart Dormitory and a period of time following it.
- (2) The second phase when voluntary helpers secured entrance into the Orphanage.
- (3) The third phase when the efforts to rescue the children from the inside were abandoned by these helpers and were directed to rescue work from Sullivan's Yard adjoining.

24. On the night of 23rd February the children had all retired at 9.45 p.m., with the exception of a few helpers who retired at 10.30 p.m., when the lights were switched off at the main switch.

25. As already pointed out, the lay teacher, Miss O'Reilly, slept in the Sacred Heart Dormitory. It was occupied by 21 persons:



2 adults, 8 children classed as adults between 16 and 18; 6 children from 15 to 16; and 5 children between 14 and 15.

26. Saint Clare's Dormitory was occupied by 32 persons: 3 children between 5 and 6 years; 2 between 6 and 7; 3 between 7 and 8; 6 between 8 and 9; 5 between 9 and 10; 6 between 11 and 12; 1 of 12; 2 between 13 and 14; 1 each of 14, 15 and 16 and 17. The latter two helped to manage the dormitories. Our Lady's Dormitory was occupied by 22 persons, all of whom escaped. The children were of ages ranging from 9 to 18. They were in charge of Miss Harrington, the teacher, who slept in the dormitory. The class-room was unoccupied. The infirmary was occupied by two adults and 12 children of whom 10 were under 5. Sister Mary Clare, the Supervising Sister, slept in the first cell adjoining in the Convent and Sister Mary Dymphna in a cell at the end of the Convent remote from the Orphanage. Sister Mary Felix slept in a special cell in the infirmary. The infirmary was on the same floor as the Sacred Heart and St. Clare's Dormitories, but as may be seen from the plan, there was no inter-communication at this level. All had retired at 9.30 p.m. and the keys of the doors into the street were taken to the cell occupied by the Mother Abbess. The keys of the laundry were with Sister Dymphna.

#### *The First Phase.*

27. As already stated, immediately after 2 a.m. on the 24th of February, children in the Sacred Heart Dormitory were awakened by smoke. It was then more alarming than dangerous and was not a serious inconvenience to anybody. One of these children called Miss O'Reilly, who gave instructions to have Sister Felix called; the children proceeded to Sister Felix's cell, followed by Miss O'Reilly. They had to descend to the first floor. At about the same time Miss Harrington, in Our Lady's Dormitory, was awakened by the noise overhead, and soon after that one of the girls from the Sacred Heart Dormitory entered Our Lady's Dormitory. Miss Harrington got the children out of Our Lady's Dormitory. Miss O'Reilly returned to St. Clare's Dormitory by the wooden internal stairs, subsequently burned, and on finding that dormitory comparatively free of smoke, directed the children of the Sacred Heart Dormitory into it. As already pointed out, these dormitories adjoin.

28. We are satisfied that at this stage it would have been quite possible for Miss O'Reilly and the adults in St. Clare's Dormitory to have the children of both dormitories brought to safety either down the wooden staircase or through the emergency door exit. Unfortunately, Miss O'Reilly, in the excitement of the moment and in a state of fright, failed to do this. As will be seen in the second phase one child actually came up the stairs *after* Miss O'Reilly had gone down the stairs the second time; this child

wakened the last child in the Sacred Heart Dormitory, who went down the stairs herself, while the child who had come up went out the emergency exit on to the iron stairs. We are of opinion that Miss O'Reilly committed a grave and critical error of judgment, and that this would not have happened had she been a person of calmer character, better training, more initiative or of a fuller sense of responsibilities in such a situation. We are satisfied, however, that Miss O'Reilly's failure was not due to indifference or conscious neglect of duty. The circumstances were such as may have frightened a very timid person. She lost her head. She never had the advantage of the training described in Rule 14 of the Regulations and had not been asked to take part in the drills. It is possible that if the lights had been available at the time she was first roused, her feeling of alarm would have been much diminished.

### *The Second Phase.*

29. During the time in which these events were taking place, estimated by us as 6 minutes, residents in the town had noticed smoke issuing from the premises. They went to the courtyard door. As the switch operating the electrical circuits was off, the bell did not ring. At the end of the 6 minutes, the lights had been turned on, the bell rang and the door was opened. Voluntary helpers went in, and their efforts begin the second phase. Two Sisters at least had arrived in the courtyard at this time. The refectory door was broken open and the laundry door was found to be open when the people from outside reached it. It had been opened by the keys given by Sister Dymphna to one of the children. Sister Dymphna followed and entered the laundry herself. In the circumstances the keys were obtained without undue delay, but we are of opinion that it would have been advisable to have kept them at a place more readily accessible. The fire extinguishers were obtained, together with additional extinguishers from a nearby house, and were used on the clothes drier. Some of the volunteers ran up the iron stairway, were delayed for a few moments by a closed class-room door, and within a short time reached the emergency exit from the external iron landing outside Saint Clare's and Sacred Heart Dormitories. The girl who had admitted these helpers to the premises originally had gone up the internal wooden staircase and opened the door leading on to this external iron staircase landing. These helpers were then separated from St. Clare's Dormitory merely by the width of the internal landing, i.e., 7 feet 6 inches. They did not proceed on to the internal landing. They had, however, no knowledge of the internal structure. They were repelled by heavy smoke at the double door already referred to, and knowing nothing of how to deal with smoke, they returned down the iron stairs. They were genuinely satisfied that conditions inside were such that it was impossible to do effective rescue work from that door. We are satisfied that conditions existing at that time had not made rescue work impossible from that door.

One child who who had remained in the Sacred Heart Dormitory after the others left went down the wooden *inside* stairs guarding her face, while two who had come up the wooden staircase went down the emergency staircase *after* these volunteers felt foiled in their effort, one being the girl who had come up the wooden staircase and opened the emergency door. About the same time and after it some of the elder children then in St. Clare's made efforts to leave the dormitory but were likewise deterred by the smoke. The efforts thus made on both sides of the landing were unsuccessful. We are satisfied that if the adult children inside and the voluntary workers outside had any elementary training in fire-fighting, or any knowledge of how to move in smoke, more than ample time existed for the rescue of all the children: we are equally satisfied that if the men attempting rescue had thought that there was any possibility of getting the children out by the iron stairs, they would have spared no effort. They were, however, in ignorance of the internal lay-out of the building and were handicapped by their lack of knowledge of elementary fire-fighting. Sister Clare was deterred by Miss Harrington from going up the wooden stairs and when she subsequently went up the iron stairs, she met the volunteers returning. They told her they were going to get the children out by Sullivan's yard. None of the voluntary workers remembered this incident but in view of the fact that they did go directly to Sullivan's yard, we accept the Sister's recollection on the point and we are satisfied that during that time she and the other Sisters did not consciously or willingly fail in any duty. We cannot accurately determine the time occupied by this phase of the fire but from all the evidence we estimate the time occupied by the second phase as ten minutes. Some of the witnesses said it was more. Some said less. It is clear to us that under efficient leadership, all the children could have been evacuated with safety up to the end of this phase.

### *The Third Phase.*

30. At this time we estimate about 16 minutes had elapsed since the discovery of the fire. At the end of this period the voluntary workers left the school and went into Sullivan's yard to attempt rescue by putting ladders to the dormitory windows overlooking Sullivan's yard. On arrival there they saw a number of children at the windows. These were in the main elder children from both dormitories. The children shouted and gave warnings of their danger and a number of men went to get the Council ladders. One helper got blankets, and at this stage an employee of the Urban Council was seen fixing a hose to the standpipe to turn water on the fire. We have no reliable estimate of the time taken before the Council's employee arrived after the discovery of the fire but we estimate the period as not less than 15 minutes and not more than 20. We estimate that the hose arrived at the Orphanage approximately 10 minutes after the fire was notified, and we are satisfied that in the circumstances this interval was

not unreasonable. It should be noted, however, that the interval would have been much longer but for the fact that by good fortune a motor car was available for calling the Council's employees. The Council's ladders were not, for reasons set out hereunder, obtained immediately. From the time the fire was notified to the Council's employee, at least 18 to 20 minutes elapsed before ladders located only two hundred and fifty yards away were made available. When the ladders were brought, no person present knew how to extend them, and eventually about half an hour after the discovery of the fire the Electricity Supply Board ladders were made available, a very short time after the Council's ladders had arrived. Nine children escaped through Sullivan's yard, of whom 5 appear to have come down the Electricity Supply Board's ladder, 1 down a short ladder held on the roof of a shed; 3 appear to have jumped before the arrival of the ladders. Three children from the Sacred Heart Dormitory escaped through the windows of St. Clare's Dormitory. The other children who escaped through the windows were the children of St. Clare's Dormitory. The time lost in getting the Council's ladders was very valuable. The estimates of this interval vary considerably—from 7 minutes to 15 minutes. We are of opinion it was not less than 10 minutes. We are satisfied that if the Council's ladders were available and properly utilised at the same time as the Council's hose, considerably more children would have been saved. After a time, estimated to be 5 minutes, when all the rescue work considered practicable in the circumstances had been done, the floor of St. Clare's Dormitory took fire. Soon afterwards the roof collapsed. Thirty-five children and one elderly inmate lost their lives when this happened, somewhat more than half an hour after the fire was first discovered. We feel that all those who did not escape became suffocated during the delay, and we think that a number of the young children were dead and the remainder had lost consciousness due to the heavy smoke fumes before the flames actually reached them.

### THE URBAN COUNCIL.

31. After the enactment of the Fire Brigades Act, 1940, the Urban Council on the initiative of the Town Surveyor took steps to implement its provisions. A number of hydrants were added to those existing. The Surveyor recommended the purchase of a trailer pump and the formation of a Fire Brigade, and steps were taken to do so but the Council's plans did not take definite form owing to the failure to obtain a trailer pump. The failure was entirely due to circumstances arising from the war emergency and outside the control of the parties interested. The arrangements for training a Brigade were tentative and incomplete. No suitable individual had been appointed to take charge. No satisfactory arrangements were made for a quick turn-out of the existing equipment at a fire. The existing ladders were in one place, the hose in another, and it was not part of any scheme

that a particular person should be detailed to get the ladders to a fire. These ladders were not of the type most suitable for fire service work. The Council realised this. It was endeavouring to procure a suitable ladder as portion of the trailer pump equipment, but made no effort to procure such a ladder independently. We are satisfied that if the Council had done so, a ladder could have been purchased and the Council employees and others trained in its use. As previously pointed out the ladders, such as they were, would have been effective if they had been stored with the existing equipment, brought to the fire with it and properly used. We do not wish to suggest that the Council was in any way avoiding its duty, but it did not give this aspect of the matter all the consideration it could have given it, even in the circumstances existing. It is unfortunate that the members of the Council and its advisers did not give fuller consideration to the rescue aspects; we are satisfied that if they had done so, it would have been possible to make a proper and timely effort to save the lives of the children. The Council on fuller consideration would not have accepted arrangements which entailed the avoidable confusion and delay that did occur and which did not deal in a more explicit manner with mobilisation arrangements and duties of personnel.

### **THE DEPARTMENT OF EDUCATION.**

32. The position of the Department of Education in relation to the Orphanage in the matters under reference is not satisfactory. The Department has power under the Children Act, 1908, Section 45, "on the application of the Managers of any Reformatory or Industrial Schools" to direct a general inspection of Reformatory and Industrial Schools—(1) to examine into the conditions and regulations of the school and its fitness for reception of children; and (2) to certify that school is fit for reception of children under the Act. No provision is made by the Department for examining premises as to the means of escape in case of fire such as is provided for in the Factory and Workshops Acts. The Chief Inspector informed us that if an Inspector had any doubt as to the suitability of premises, the advice of the Board of Works would be sought. He further informed us that an inspection was made after the emergency iron staircase in the Orphanage was erected, but that in fact this fire escape was not inspected. He stated that no inquiries are made as to fire risk save to see that a fire escape and fire extinguishers are in position, and that this duty is left to the Medical Inspector. The only test made as to the carrying out of fire drill is to examine the School Diary to see if there is an entry certifying that it has been carried out. In this case Sister Mary Clare gave evidence that she told the Medical Inspector how it was carried out and that the Inspector approved. The Medical Inspector stated in evidence that she was aware of the fire drill methods and pointed out that she had no technical knowledge. Notwithstanding this, however, she stated that she approved of the

drill. According to the evidence, there is no official in the Department to act as an adviser on these matters. The certificate given by the Minister for Education is stated to have regard only to accommodation and the general suitability of the arrangements as to diet, clothing, education and individual training, health, hygiene, and the like. We have already expressed the opinion that a certificate implies the premises are fit within Section 45 of the Children Act, 1908, and we are definitely of opinion that the Department could not subsequently repudiate its certificate because of a deficient fire escape if the said fire escape had been already in existence at the time of the certificate.

33. Although the Department could, under Section 47 of the Children Act, 1908, withdraw its certificate, it did not have power until the enactment of the Children Act, 1941, to make rules mandatory on the Manager without his consent. We are of opinion that the Department should now deal by strict regulation with the matters so far dealt with by advisory circular, that it should be in a position to ensure that a Fire Drill is carried out in a prescribed manner and that any other directions given on that subject are obeyed and that the teaching given to the children under this heading is effective and that persons in charge should themselves be competent in elementary fire-fighting. We are further of the opinion that Fire Drill should be of a more stringent and definite character, not merely a matter of routine, and that there should be such proper tests as persons experienced in such matters may advise.

34. By Section 7 of the Fire Brigades Act, 1940, a Sanitary Authority may serve on the owners of a "potentially dangerous building" a notice requiring them to refrain from using it for a specific purpose or refrain from using it unless specified precautions are taken. Certain penalties are provided and there is a right of appeal. In our view this section is not suitable for application to State-aided institutions such as Orphanages. The appropriate Government Department should be in a position to decide fully the fitness in every aspect of any State-aided Institution or any Institution in which persons are trained or maintained, wholly or in part, by the State, or to which persons are transferred through direct or indirect intervention by the State. It seems to us anomalous that a Minister of State should be entitled to make rules and regulations for such an institution and that Sanitary Authorities should be the judges in respect of fire precautions.

### SUMMARY OF FINDINGS.

35. We find:

- (1) that the fire started in the laundry between 9.30 p.m. on the 23rd February, 1943, and 2 a.m. on the 24th idem;
- (2) that in all probability it was caused by a defective flue which could not have been discovered or anticipated by reasonable care;



- (3) that the loss of life was caused by combination of circumstances, namely,
- (a) fright or panic resulting in faulty directions being given;
  - (b) want of training in fire-fighting, including rapid evacuation of personnel and movement in smoke-laden atmosphere;
  - (c) lack of proper leadership and control of operations;
  - (d) want of knowledge of the lay-out of the premises on the part of persons from outside;
  - (e) inadequate rescue and fire-fighting service at the proper time;
  - (f) the absence of light at a critical period.

NOTE.—While we are satisfied that more efficient and safer permanent means of escape could and should have been made available, we are not justified in finding that the absence of these contributed materially to the loss of life in the circumstances of this fire. If the existing means of escape were availed of properly under efficient leadership, no life need have been lost. Moreover, we feel bound to say that a communicating door between the dormitories on the second floor and one between the Sacred Heart Dormitory and the Infirmary landing adjoining would have provided a simple and safe alternative means of escape. (See plan.)

### RECOMMENDATIONS.

36. We recommend

- I. (a) that an early Fire Survey should be made of all premises wholly or partly State-aided, or in respect of which a Department of State has any responsibility, or for which a Department of State has power to make rules or regulations in respect of the maintenance of inmates;
- (b) that for the purpose of this Survey a definite standard to which all such Institutions should conform be laid down in the form of rules and regulations. These should include a regulation providing that all dormitories should have at least two separate and independent exits and that all emergency exits should open outwards; a regulation requiring that light should be available for use at all times; a regulation prescribing the minimum provision of first-aid fire-fighting equipment; and a regulation providing that all living and sleeping accommodation should be arranged so as to reduce the fire hazard to the minimum;

- (c) that State Aid or the issue of a Certificate of Fitness should be conditional on compliance with these rules or regulations;
- (d) that the Department of Education should have a veto over the appointment of any teacher in an institution where such person is proposed to be given charge of children at night;
- (e) that a new scheme of drills for evacuation of personnel and elementary fire-fighting duties should be drawn up by way of regulation and that such scheme be uniform, that the exercises under it be subject to inspection, that provision should be included for surprise fire drill and drill in the dark in addition to routine drills, and that both students and staff should be trained. The scheme of drills should be prepared by a recognised expert.

### 37. We recommend

- II. That a general scheme for fire-fighting and for the protection and rescue of persons and property from injury caused by fire be set up on a basis to be decided as the result of further investigation.

38. It is not possible for this Tribunal to deal to any full extent with any scheme, as the evidence given in connection with one particular fire could not be regarded as sufficiently comprehensive to enable any such scheme to be drafted. The facts which emerge from this investigation are, that the Fire Brigades Act, 1940, as at present in force, can only be regarded as a starting point in solving the problem it addresses. It is clear from the evidence that it is impossible, owing to financial and other reasons, for a small centre of population of itself, acting as a Sanitary Authority, to provide an efficient Service. Provision is made in the Act for a number of Sanitary Authorities, if necessary, to coalesce, but this provision does not appear to have been availed of, and the conflicting interests of various Authorities probably need a more specific type of legislation to reconcile them. Any such scheme could only be determined in accordance with the extent of the fire hazard, fire incidence and occurrence over a period in a specific area, but with a view to reduction in capital and other costs, the requirements should be calculated on the largest possible working area. We advise as a preliminary that each Sanitary Authority should be called upon to prepare a census of fires in its area and to prepare a survey of fire hazard for the same area.

39. The basis of organisation in any such area—where a whole-time fire service is not already available—should be a mobile fire appliance with whole-time officers and crew, located in the major centre of population in the area, this organisation consisting of the cadre or nucleus around which the whole area organisation is to be built. A standard appliance with an Officer, who would act as Fire



Officer for the entire Area, a Deputy and an effective Crew would, allowing for reliefs and a reasonable system of duty and including provision for interest and sinking fund on the capital expenditure involved, cost approximately £4,000 per annum. The type of appliance visualized would have an effective radial range of fifteen miles around the centre where it is located.

40. Subsidiary to this, there should exist in lesser centres of population a Service on a "retained" basis, consisting of Trailer Pumps and Crews, with special provision for towing the vehicles, etc., each of which would have an effective radial range of ten miles. These, on the same basis, would cost approximately £350 per annum each. The centre above mentioned could control at least six such "retained" organizations, and a purely diagrammatic lay-out for a theoretical scheme covering an area of sixty to seventy miles diameter is shown on the sketch attached.

41. Apart from each Sub-Area dealing reasonably effectively with fires within the ranges stated, collective mobilization in the Area itself would enable much larger fires to be dealt with.

42. We are also of opinion that the operation of Section 7 of the Fire Brigades Act presents some considerable practical difficulties. Specific standards for buildings should be set up. We feel also that the possible variations in the decisions of District Justices on appeals, as provided for in the Act, could make the statute unworkable and lead to chaos.

43. Major Comerford has prepared for us an estimate of the minimum cost of any such effective fire-fighting service as that outlined; we append a summary of the estimate, together with the diagrammatic lay-out.

44. We would like to pay a tribute to all those who, from the moment of discovery of the fire by them, were unsparing, unselfish and courageous in their efforts. They all deserve commendation.

45. In conclusion, we wish to express our appreciation of the assiduous care and attention given to all matters within our scope by Mr. Brian Ó Nualláin; without his unceasing help it would have been difficult for us to discharge our task.

JOSEPH A. McCARTHY,

*Chairman.*

MARY E. HACKETT,

JAMES J. COMERFORD.

B. Ó NUALLÁIN,

*Secretary.*

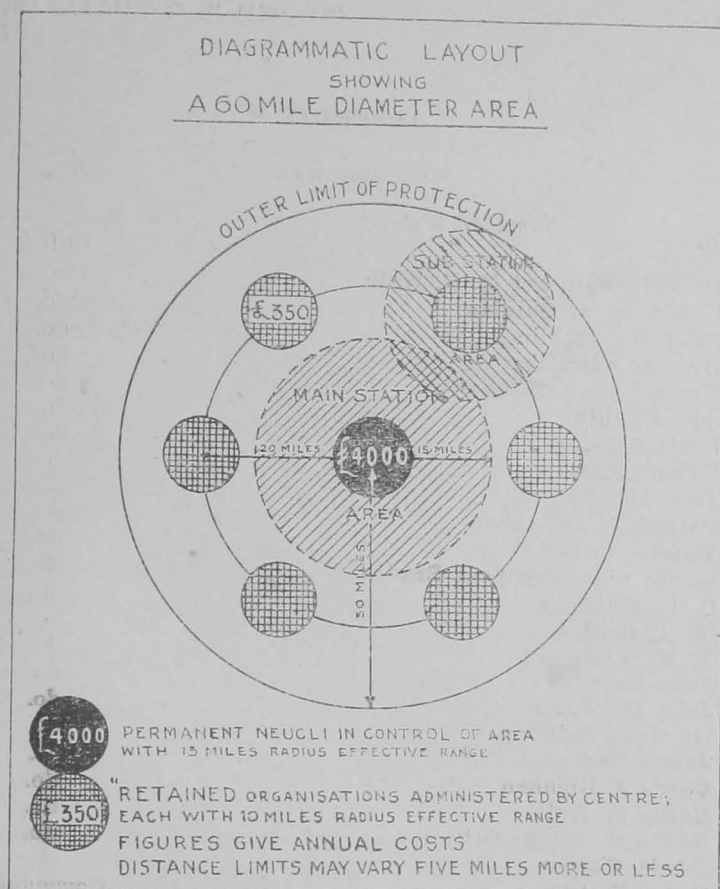
#### ESTIMATE OF COST.

##### 1. Mobile Appliance, Equipment and Personnel for Area Centre.

(a) Capital costs, including provision for fire station building and equipment	... ..	£17,000
(b) Annual costs, including interest and depreciation on capital, salaries, wages and allowances, building and plant maintenance, insurance, etc., etc.	... ..	£4,000

2. Trailer Pump Equipment and Personnel for Sub-Centre.					
(a) Capital Costs as above	...	...	...	...	£800
(b) Annual Costs	"	"	...	...	£350

DIAGRAM REFERRED TO AT PARAGRAPH 40.



## APPENDIX A.

### TRIBUNAL OF INQUIRY INTO THE FIRE AT ST. JOSEPH'S ORPHANAGE, CAVAN.

#### NOTICE OF FIRST PUBLIC SITTING.

Notice is hereby given that the Tribunal appointed by the Minister for Local Government and Public Health by Order dated the 25th day of March, 1943, to enquire into the following matters, that is to say :—

"the cause of the fire which occurred during the night of Tuesday, the 23rd February, 1943, at Saint Joseph's Orphanage, Cavan, and the circumstances in which loss of life was occasioned by the said fire,"

will hold its first public sitting in the Courthouse, Cavan, on Wednesday, the 7th April, 1943, at 12 noon.

All persons interested are requested to be in attendance at the above time and place in person or be represented by their Counsel or Solicitor.

By Order of the Tribunal.

(Signed) B. Ó NUALLAIN,

*Rúnaí.*

## APPENDIX B.

### WITNESSES EXAMINED.

<i>Name of Witness.</i>	<i>On behalf of whom called.</i>
Detective-Sergeant M. P. Wall	State.
Gárda W. J. Quinlan	do.
John McLoughlin	do.
Dr. Anna McCabe	do.
Kevin Lee	do.
Susan Reilly	do.
Louis Blessing	do.
Eugene Smith	do.
John McKiernan	do.
Patrick J. Monaghan	do.
Thomas Kenny	do.
Gárda Superintendent Bradley	do.
C. F. Walsh	do.
M. J. Rogers	do.
V. N. O'Gorman	do.
John Kennedy	do.
John MacNally	do.
Dr. John Sullivan	do.
James Meehan	do.
Gárda J. Brennan	do.
Gárda J. Wall	do.
Gárda P. Fitzpatrick	do.
Gárda Marnan	do.
Sister M. Clare	Community.
Sister M. Felix	do.
Sister M. Dymphna	do.
Sister M. Anthony	do.
Sister M. Agnes	do.
Sister M. Stanislaus	do.
Sister M. Patricia	do.
Mother Abbess	do.
Mary Caffrey	do.
Una Smith	do.
Augustus Brady	do.
Bridget Sheridan	do.
Mary Kate Duffy	do.
Kathleen Morgan	do.
Veronica MacManus	do.
Pauline Doyle	do.

<i>Name of Witness.</i>	<i>On behalf of whom called.</i>
Clare Shannon	Community.
Margaret Harrington	do.
Bridget O'Reilly	do.
Clare Keating	do.
Kathleen Graham	do.
Eithne MacCarthy	do.
Teresa Brady	do.
Annie Hyland	do.
Ellen Lonergan	do.
Owen Monaghan	do.
Hugh MacGuirk	do.
Ralph Byrne, Architect	do.
M. A. Veale	Cavan Urban District Council and County Council.
James Fitzpatrick	Cavan Urban District Council.
John Greene	do.
Thomas Smith (Weighmaster, U.D.C.)	do.
Joseph Cullivan	do.
Patrick Cullen, Junr.	do.
P. Gaffney, B.E.	do.
Miss L. MacDonald	do.
James Dawson	Cavan County Council.
Michael Brennan, B.E.	do.
Matthew Hand	Electricity Supply Board.
Thomas Smith (electrician)	do.
D. Hussey	do.

### APPENDIX C.

<i>Documents and objects put in evidence.</i>	<i>By whom put in.</i>
1. O.S. map of Cavan town showing location of public buildings, water mains and the homes of members of fire brigade.	Cavan Urban District Council.
2. O.S. map of Cavan town showing location of public buildings, fire-fighting equipment, fire-plugs and waterworks system generally.	do.
3. Copies of all Minutes of Cavan U.D.C. in reference to fire-fighting apparatus and the arrangements of fire brigade.	do.
4. Copy of letter from Clerk of Urban District Council inviting certain persons to act on a proposed brigade, together with their original replies accepting.	do.
5. Copy of correspondence regarding acquisition of fire-fighting equipment by the Urban Council.	do.

<i>Documents and objects put in evidence.</i>	<i>By whom put in.</i>
6. Copy of report as to formation of fire brigade and acquisition of equipment, made by Mr. P. Gaffney, Town Surveyor, to the Council.	Cavan Urban District Council.
7. Copy of statement indicating call-up arrangements for fire brigade.	do.
8. Memorandum, with map, explaining proposed fire-fighting service for the county.	County Manager.
9. Notes on measures taken to provide additional fire-fighting equipment for non-urban towns in the county provided with waterworks.	do.
10. Copy of correspondence between County Council and Departments of Defence and Local Government and Public Health.	do.
11. Detailed plans of all floors of Orphanage and Convent buildings prepared by Mr. Ralph Byrne, Architect.	Community.
12. List of names of children and adults in each dormitory.	do.
13. Small cardboard model of Orphanage prepared by Mr. Ralph Byrne, Architect.	do.
14. Plans prepared by Garda Quinlan.	State.
15. Copy of rules adopted by the authorities of the Orphanage.	do.
16. Copy of article on fire precautions circulated to all Schools by Department of Education.	do.
17. Copy of Rules and Regulations adapted by the school.	do.
18. Copy of inspector's report on the school, 1935.	do.
19. Original of Department's Questionnaire as to observance of rules, completed by school authorities, 1940-41.	do.
20. Original of Department's Questionnaire as to observance of rules, completed by school authorities, 1941-42.	do.
21. Original of reply to query thereon by Department.	do.
22. Copy of Agreement between the Cavan Electric Lighting and Power Co., Ltd., and Electricity Supply Board.	Electricity Supply Board.
23. Photostat copies of dockets relating to electrical work in Orphanage.	do.
24. Sample of piping salvaged from Orphanage wiring system.	do.
25. Album of photographs of Orphanage premises taken by Detective Sergeant Wall.	State.

